CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTIETH CONGRESS, FIRST SESSION.

VOLUME XIX.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1888.

VOLUME XIX, PART VII.

CONGRESSIONAL RECORD.

FIFTIETH CONGRESS, FIRST SESSION.

to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

The amendment was agreed to.

The next amendment was, in section 6, line 23, after the word "investigation," to insert "upon official business;" and in line 26, after the word "commission," to strike out "and the Secretary of the Interior;" so as to read:

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission.

Mr. COCKRELL. I should like to have the Senator explain why it is taken away from the Interior Department.

Mr. CULLOM. The only reason is because the Secretary of the Interior as well as the commission agree that it is only an incumbrance to the Secretary of the Interior to be imposing such duties on him. It is impossible for him to know very much about the matter, and it is a duty that is troublesome to the commission to procure what seems to be an unnecessary indorsement; and finally, it is only superfluous work on the part of the Secretary of the Interior, and they both desire that this change should be made in the law.

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 7, line 4, after the word "report," to strike out "to the Secretary of the Interior;" so as to read:

SEC. 7. That section 21 of said act is hereby amended so as to read as follows: "SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report."

The amendment was agreed to.

The next amendment was, in section 7, line 5, after the word "be," to strike out "by him;" so as to read:

Which shall be transmitted to Congress.

Mr. TELLER. I should like to inquire to whom the report is made?

Mr. CULLOM. If the Senator will look a line or two below he will find it is to be submitted to Congress.

Mr. TELLER. It seems to be the purpose of this bill to make this commission an independent Department of the Government. It does not seem to me that that is a good idea. It appears to me that they should be under the general supervision of some particular Department of the Government. We ought not to multiply these quasi Departments in this way. I do not think the objection that supervision is an annoyance to the Secretary of the Interior or anything of that kind is sufficient. I do not think a body of this kind should make its report to Congress. I think the report should be made to some Department of the Government, and by it be transmitted to Congress. But I shall not make any particular objection on that ground. I will only say in a general way that to be multiplying the small Departments or bodies which are not Departments, and have no real standing as such, is a great mistake, in my judgment. We have a number of such things now, but that is no reason why we should have more of them.

Mr. CULLOM. This is a matter of no very great consequence, so far as I know, but I do know that this commission is probably about as responsible, and about as likely to be honest and square in its dealings as any Department of the Government; and as the Senator from Connecticut [Mr. PLATT] suggests to me, we have some organizations now existing that are independent of any Department.

It is true that it is necessary that the commission, as the law now stands, should deal with the Secretary of the Interior, who knows nothing about the business of the commission, and who can not know very much about it in any event without giving his close attention to it; and to require that is simply an embarrassment which it seems to me might as well be avoided. The Secretary of the Interior, as well as the commission, felt the same way, and for that reason we embodied this provision in the bill as it stands. Certainly this commission, made up as it is and as it always will be, I trust, of able and honest men, is just as likely to do right, and we are more likely to get the reports from the commission promptly than we should be if they went through other hands.

Mr. TELLER. It is no criticism on this commission to require its report to be submitted to the head of a Department. It is no answer for the Senator from Connecticut or anybody else to say that the Commissioner of Patents reports to Congress or the Comptroller of the Currency. Those were things that grew up originally. The Commissioner of Patents reported to Congress before there was a Secretary of the Interior, and before he was ever in that Department. It is one of those things which have never been put in harmony with the general character of the Executive Departments of the Government. There is no reason why a subordinate body like a commission for this purpose should be reporting to Congress. The Secretary of the Interior does not report to Congress. He reports to the President. The Secretary of the Treasury, it is true, reports to Congress. That is an old practice which began early; but in regard to all bodies lately created their reports have been required to be made to some established head of Department.

I do not think it is of very much consequence one way or the other, but it is certainly no reflection upon the commission to say that they ought to report to some head of a Department. Of course it is in the power of Congress to make a Department out of this body, and I suppose to make all these commissioners members of the Cabinet if it wants them there, but it is a comparatively insignificant body. Without any reflection upon its members, I will say that their conduct heretofore has not been such, in my judgment, as entitles them to any extraordinary claim upon the American people. I do not think that there is a general feeling in the country that they have shown themselves absolutely above question. I do not think they have shown that they have mastered the difficulties presented to them in the law of last year in such a way as to always acquit them of criticism, and I suppose nobody presumed they would when they were appointed, and nobody supposed that the appointees would when the offices were created.

Mr. CULLOM. As far as the commission are concerned, I suppose that everybody knows that any body of men taking charge of the great work that was intrusted to the commission by this law would be criticised by somebody, and probably very severely, for any action taken in the premises. My own judgment is that the commission has done as well if not better than the people of this country expected. My own judgment is that they have done eminently well. But whether that be true or not, so far as these amendments are concerned which are now under consideration they are made simply for the purpose of securing prompt transaction of business and not suggested on the part of the commission with any disposition to arrogate to themselves any special power, but simply that they may be able, with the consent of the Secretary of the Interior, to go on with their work without being delayed, as they occasionally have been, in procuring what was necessary to carry on the business of the commission. I hope that the members of the Senate will allow the bill to stand as it is in these respects.

Mr. GORMAN. I agree generally with the chairman of the committee, but I think there are some features of the bill that require examination. The provision is that the commission shall report directly to Congress. As they have discretion in the use of the appropriation made, I think they should report to Congress the names of persons employed and the compensation they deem proper to allow. I would suggest to add at the end of line 13 of section 7 the further proviso "and they shall report to Congress the names and compensation of the persons employed by said commission."

We have a Fish Commission for which a lump sum is voted every year; and we authorize them to employ such persons as they think proper, and at such compensation as they choose. It is impossible at this time and at this early stage to determine with accuracy the number of persons that ought to be employed by the Interstate Commerce Commission, and their compensation; and I therefore trust the chairman of the committee will permit an amendment at the end of line 13, which shall require a report of the names and compensation of the persons employed by the commission.

Mr. CULLOM. I have no earthly objection to that. I think it is well enough that it should be done.

Mr. GORMAN. I send up the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 7, on page 15, after line 13, it is proposed to insert:

And the names and compensation of persons employed by said commission.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment reported by the Committee on Interstate Commerce in section 7, line 5, after the word "be," to strike out "by him."

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 7, line 7, after the word "reports," to strike out "issued from the Interior Department" and insert "transmitted to Congress;" so as to read:

SEC. 7. That section 21 of said act is hereby amended so as to read as follows: "SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress."

The amendment was agreed to.

The next amendment was, in section 8, line 3, after the word "shall," to strike out "apply to" and insert "prevent;" in line 7, after the word "thereat," to insert:

Or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation.

And after the word "religion," at the end of line 12, to insert "or to municipal governments for the transportation of indigent persons;" so as to make the section read:

SEC. 8. That section 22 of said act is hereby amended so as to read as follows: "SEC. 22. That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common

carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act."

The amendment was agreed to.

Mr. STEWART. I have an amendment which I shall present as a member of the Committee on Military Affairs. On page 16, section 8, line 24, after the word "persons," I move to insert:

Nor to prevent any railroad company from making any arrangement it shall deem proper with the Board of Managers of the National Homes for Disabled Volunteer Soldiers, for the transportation of soldiers and other persons traveling to and from such homes.

Mr. PLATT. I should like to have the last portion of that amendment read once more.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the amendment.

Mr. PLATT. Why should "other persons" be included in the benefit of that provision?

Mr. REAGAN. I hope the Senator will strike out the words "and other persons."

Mr. STEWART. Yes; let them be stricken out.

The PRESIDENT *pro tempore*. The amendment will be so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. CULLOM. The committee, after reporting the amendments which have been passed upon by the Senate, instruct me to offer the following additional amendment, to come in after the close of the section just disposed of.

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. CULLOM. The amendment comes in as section 5 of the bill.

The CHIEF CLERK. It is proposed to insert the following as section 5.

SEC. 5. That section 16 of said act is hereby amended so as to read as follows:

"SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse or neglect to obey or perform, any lawful order or requirement of the commission created by this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be lawful for the commission or for any company or person interested in such order or requirement, to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of $500 for every day, after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court, to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such be paid out of the appropriation for the expenses of the courts of the United States. If the matters involved in any such order or requirement of said commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said commission as provided in the fifteenth section of this act, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid. At the trial the findings of fact of said commissioners as set forth in its report shall be *prima facie* evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon. If the subject in dispute shall be of the value of $2,000 or more, either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court. If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session."

OHIO VALLEY CENTENNIAL EXPOSITION.

Mr. SHERMAN. I now ask that the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888, be considered. The authorities at the other end of the Avenue think it necessary to modify the language of the amendment proposed by my colleague [Mr. PAYNE].

The PRESIDENT *pro tempore*. If there be no objection the vote by which the joint resolution was passed will be reconsidered, as also the vote by which it was ordered to a third reading. The Senator from Ohio proposes an amendment, which will be stated.

Mr. SHERMAN. In lieu of the amendment offered by my colleague I move to insert that which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the joint resolution, in lieu of the amendment heretofore adopted, the following:

Nor shall anything in said act be so construed as to prevent the purchase of suitable materials, and the employment of proper persons to complete or modify series of objects and classes of specimens when in the judgment of the head of any Department such purchase or employment, or both, is necessary in the proper preparation and conduct of an exhibit, nor to authorize the removal from their places of deposit in Washington of any original paper or document or laws or ordinances whatever.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the act (S. 1919) granting a pension to John FOX.

The message also announced that the following bills were presented to the President June 25, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 1967) granting a pension to Sarah J. Tompkins;

An act (S. 1744) granting a pension to William M. Davis;

An act (S. 175) granting a pension to Eleanor S. Lawson; and

An act (S. 1687) to restore J. Rock Williamson to the pension-roll.

THE INTERSTATE-COMMERCE LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. STEWART. Since I offered an amendment a moment ago, the chairman of the Committee on Military Affairs has come into the Senate and has furnished me with the amendment which was agreed upon in the Military Committee, and I would ask unanimous consent to withdraw my amendment and substitute in lieu of it the amendment of the committee.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 16, line 14, after the word "persons," it is proposed to insert:

Or to inmates of the National Homes for Disabled Volunteer Soldiers under arrangements with the board of managers of said homes.

The PRESIDENT *pro tempore*. The language just read will be substituted in place of that which was announced as agreed to on the motion of the Senator from Nevada [Mr. STEWART] heretofore, if there be no objection. The question recurs on the amendment proposed by the Senator from Illinois [Mr. CULLOM] as section 5.

The motion was agreed to.

Mr. CULLOM. That concludes all the amendments of the committee.

Mr. WILSON, of Iowa. I desire to call the attention of the chairman of the committee to the provisions of the amendment in reference to soldiers' homes. It seems to me that the language employed will not include both national homes and State homes. If there is any doubt about that, it should be made definite. Therefore I would suggest that it would be well to have it read "inmates of national or State homes."

Mr. CULLOM. As far as the Committee on Interstate Commerce is concerned, that committee has been disposed to allow liberal language to be used with reference to the application of the law to accommodations to soldiers, whether in homes or otherwise; but I am perfectly willing, so far as I am concerned, to have the amendment extend to inmates, not only of national homes, but of State homes as well.

Mr. HAWLEY. I suggest to the Senator from Iowa that it is hardly necessary to extend it to occupants of State homes, because we do not interfere with arrangements a railroad company may make within a State.

Mr. PADDOCK. That is frequently done.

Mr. HAWLEY. Certainly the Military Committee did not think it necessary. The Senator can wait a few moments until we look further into the matter.

Mr. CULLOM. I have no objection to the insertion of the words "or State" between the words "national" and "homes."

Mr. HAWLEY. It refers to the Board of Managers of the National Homes for Disabled Volunteer Soldiers.

Mr. CULLOM. We have a home for disabled soldiers in our State, owned and controlled by the State, with a board of managers appointed by the governor.

Mr. HAWLEY. But the national board can not arrange for that. You want to adjust the language for that.

Mr. CULLOM. I think the words "or State" will cover the case, if inserted between the words "national" and "homes."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. The amendment now reads:

Or to inmates of the National Homes for Disabled Volunteer Soldiers under arrangements of the board of managers of said homes.

It is proposed to amend the amendment so as to read:

Or to inmates of the National or State Homes for Disabled Volunteer Soldiers under arrangements of the boards of managers of said homes.

Mr. HAWLEY. That, perhaps, will do.

The PRESIDENT *pro tempore*. The amendment will stand as last reported, if there be no objection. The Chair hears none.

Mr. REAGAN. I offer an amendment, to come in as an additional section to the bill as section 9.

The amendment was read, as follows:

That the circuit and district courts of the United States shall have jurisdiction, upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier of any of the provisions of the act to which this is a supplement, and all acts amendatory thereof, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ, upon such terms and in such manner as shall seem just and proper to the court in order to prevent any undue discrimination against the relator or any violation of the provisions of the act to which this is a supplement: *Provided*, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact by a jury: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement.

Mr. HISCOCK. I would suggest to the Senator from Texas whether it is desirable that lines 14, 15, 16, and 17 of his amendment, to the word "*Provided*," should be inserted? Would not the amendment be more perfect with these lines left out?

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from Texas accept the amendment proposed by the Senator from New York?

Mr. REAGAN. One moment. I am afraid the amendment would not be apt for the purpose in view with these lines omitted. The object of the amendment is where parties offer goods to be shipped to require the corporations to forward their merchandise in its proper turn and at reasonable rates of freight and on the same conditions as freight is forwarded for other persons.

As the law now stands, a transportation company may discriminate against persons or firms, delay their freight to the great injury of the shipper, subject only to a civil suit, and may continue the delay pending the civil suit. The object of this amendment is to have the goods go forward, and issue a mandamus, where the facts warrant it, to compel the moving of the freight.

Mr. HISCOCK. If the Senator will allow me a moment, I will state to him the objection to that provision.

This amendment provides for the issuing of a peremptory writ of mandamus, not the ordinary writ, but the final writ, "upon such terms and in such manner as shall seem just and proper to the court, in order to prevent any undue discrimination against the relator or any violation of the provisions of the act to which this is a supplement."

It seems to me that practically those lines place the whole matter in the hands of the court to fix the terms on which the transportation shall be had, and without any remedy to the party who is aggrieved. "Upon such terms and in such manner as shall seem just and proper to the court," is the language; and the terms upon which the freight shall be carried are to be determined by the judgment of the court. It seems to me that the Senator does not care to go to that extent of addressing the matter to the conscience of the court as to the terms on which freight shall be carried.

The proviso in the amendment, of course, is proper enough. I make no objection to that, although I did make objection to it in the committee.

Provided, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact by a jury.

It seems to me the amendment would be as perfect as the Senator would care to have it if he would leave out that discretionary power which, for aught I know, would take the place of the law itself. Leave out the judgment of a single judge as to the terms and conditions upon which the freight shall be carried.

Mr. REAGAN. In order to guard against any injury resulting from the first part of the amendment to a transportation company, the proviso was inserted which has just been read by the Senator from New York:

That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact by a jury.

The object, as I stated, of the amendment is to enable the court by mandamus to compel the transportation company to move the freight of all shippers, so as not to discriminate against any shipper, so as not to delay the freight of any one. The words objected to by the Senator from New York, he seems to think, would give the courts too much discretion. They are:

Upon such terms and in such manner as shall seem just and proper to the court, in order to prevent any undue discrimination against the relator, or any violation of the provisions of the act to which this is a supplement.

When the court is petitioned for a writ of mandamus the ground of complaint is to be stated, and it may be any one of several grounds. It may be alleged that the goods were not shipped in time; there may be a refusal to ship in proper cars; it may be some other impediment to the rights of the shipper; and the object of these words is to allow the court in its judgment to meet the exigencies of the case—the precise facts of the particular case. I do not think the provision has any other meaning than simply to enable the court to give such directions under the law as will meet substantially the complaint made, and I apprehend that there can be no injury worked to any one by that; and the subsequent proviso protects completely the transportation company against any injury, because if a question of fact arises as to rates the freight owner must give security for any damages, or he may deposit the money. So the transportation company is protected against injury by the order of the court requiring the security—either personal security or the deposit of money.

I would be glad if the Senator would allow the amendment to go through in the form in which it is. It will be one of the most valuable of all the processes for obtaining justice for shippers, preventing discriminations, and preventing transportation companies from practicing such discriminations as may injure a shipper, and preventing injuries which may occur to him until the time he may recover in a civil suit by delaying his shipment if they choose to delay it. It seems to me a wholesome and necessary provision which ought to be made.

Mr. TELLER. I sympathize with the purpose of the amendment and am disposed to vote for it as it stands, although I would prefer it with the words on page 2 stricken out, as suggested by the Senator from New York. It seems to me that the purpose of the amendment is to prevent undue favoritism on the part of the railway companies.

Mr. REAGAN. In order to meet the exigencies of action I will consent to the striking out of the words suggested by the Senator from New York.

Mr. TELLER. Then I have nothing further to say about it except that I think it is in the interest of the shipper that those words should go out.

The PRESIDING OFFICER. What is the modification of the amendment?

Mr. HISCOCK. To strike out lines 14, 15, and 16 and down to the word "*Provided*," in line 17.

Mr. REAGAN. I accept that modification.

The PRESIDING OFFICER. The Senator from New York suggests an amendment to the amendment of the Senator from Texas, which will be read.

Mr. CULLOM. The Senator from Texas consents to the modification.

The PRESIDING OFFICER. It will be read to the Senate.

The SECRETARY. After the word "writ," at the end of line 13 of the amendment, it is proposed to strike out:

Upon such terms and in such manner as shall seem just and proper to the court, in order to prevent any undue discrimination against the relator, or any violation of the provisions of the act to which this is a supplement.

The PRESIDING OFFICER. The Senator from Texas accepts the

modification, and the amendment will be so modified. The question is on the amendment as modified.

Mr. TELLER. I suggest to the Senator to strike out the words "by a jury," in line 24. The questions of fact may be determined by the court by agreement very likely, but if it is not done by agreement, of course it will be by a jury.

Mr. REAGAN. Any controversy about an amount over $20 would have to be settled by a jury.

Mr. TELLER. Unless by agreement.

Mr. REAGAN. Say "determination of the question of fact by a jury unless a jury be waived."

Mr. TELLER. Say "by the court or a jury." I would not confine it to a jury, and say that under all circumstances a jury must pass upon these questions. I think if the word "jury" is out, it is left then under the general law that it must be determined by a jury unless the parties waive a jury, which they can do.

Mr. REAGAN. I have no objection to the suggestion.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment, in line 24, after the word "fact," to strike out "by a jury."

Mr. TELLER. My suggestion to the Senator is that if we leave it simply to be a determination of the question of fact, it will be determined by a jury unless the parties agree otherwise.

Mr. REAGAN. Then suppose the amendment read "unless the parties agree to waive it."

Mr. TELLER. That is not necessary if you strike out "by a jury." The general practice would require it to be decided first by a jury unless the parties agreed that the court might decide.

Mr. REAGAN. Very well.

The PRESIDING OFFICER. The Senator from Texas accepts the amendment proposed.

Mr. REAGAN. Yes, I consent to strike out the words "by a jury," in line 24.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas as amended.

The amendment as amended was agreed to.

Mr. REAGAN. I had intended to present an amendment, and gave notice that I would do it, extending the provisions of the law to this effect:

> The provisions of this act shall apply to all persons, corporations, or companies engaged in the express business, in so far as they are engaged in such transportations of freight as is herein defined and regulated; and it shall also apply to the relations of the carriers hereinbefore mentioned with sleeping-car companies, drawing-room-car companies, palace-car companies, stock-car companies, tank-car companies, and any companies, associations, or persons furnishing for use upon railroads, cars or other instrumentalities for the transportation of persons or property.

I believe this is necessary. The committee did not agree to it, and as I deem the provisions already consented to by the Senate as valuable and important, and that they will not be contested, while to add other provisions might delay the passage of the bill, I will not for the present press this amendment, though the purpose of it was recommended by the commission. Afterwards, I think, however, they qualified their recommendation on that subject. I believe the subject is one that ought to be acted on. I simply refrain from offering it in order to facilitate the passage of the bill through the Senate in time to secure action in the other House.

I will also say that I had intended to offer an amendment to——

The PRESIDING OFFICER. The Senator will suspend until the Chair lays before the Senate the unfinished business. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. CULLOM. I hope that will be laid aside informally.

The PRESIDING OFFICER. The Senator from Illinois asks that the unfinished business be laid aside informally. Is there objection? The Chair hears none. The interstate-commerce bill continues before the Senate.

Mr. REAGAN. I had intended to introduce an amendment to the fourth section of the act of February of last year, but it was a subject very much controverted in both the House and Senate at that time, and the decision of the Senate was in favor of the present form of the fourth section. The construction which the proviso has received at the hands of the commission, it seems to me, was a strained construction and an unjust construction. It has seemed to me that the effect of the decision of the commission was to make the proviso the law and to completely ignore the existence of the body of the section, the main purpose of the act. Whether I am wrong or they are wrong on that subject it is not necessary to investigate now.

I simply desire to say that I intended introducing an amendment to that section, but as it would lead certainly to controversy and with not a very good prospect of success, I do not intend to embarrass the chance the bill now has of being passed, and I shall waive it until another session of Congress.

Mr. TELLER. I regard the amendments contained in this bill as of considerable value for the purpose of carrying out the original intention of the law of last year, and I have no desire to antagonize anything contained in the bill. I only want to say a word or two on the general subject.

I regret that the committee did not make some change in section 4 of the law, especially as to the proviso which provides:

> That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

I am not one of those who contend that a railroad company should regulate its freight by the exact distance it is carried—that is, I do not pretend if a road is 200 miles long that it should carry freight to the center of the line for exactly one-half what it charges to carry it to the end of the road—but I do say under this provision of the law many abuses which had grown up before the passage of the act, and of which the people justly and rightly complained, have been continued, and, in my judgment, they will always be continued under this proviso until it is repealed or amended or modified in some manner.

It is very easy for the railroad companies to declare that the circumstances are so different that they can not comply with the first part of the section, and I think the Interstate Commerce Commission, endeavoring undoubtedly to do what they have believed to be proper, with an ardent desire, I have no doubt, to carry out the purpose and intention of the law, have been led into making, as was suggested a moment ago by the Senator from Texas, this the principal part of the law. They have given an importance to this proviso to the fourth section that never could have been intended by the framers of the bill, and certainly was not intended by Congress when the bill became a law.

As I said, the abuses that had grown up before have been continued, and, I may add, I think without exaggeration, that in many cases they have become exceedingly increased. There has been an aggravation of the former abuses. I can only say, by way of illustration, that under this act until very recently goods have been carried from the Pacific coast to Kansas City for considerably less than one-half what they had been carried to the interior of the continent over about one-half of the distance. Goods were carried from Pacific coast points to Kansas City, in the Missouri Valley, for $1.05 a hundred, and the same goods under like circumstances entirely were charged to the city of Denver, 600 miles nearer the Pacific coast, $2.65 a hundred. It was possible for a dealer in Kansas City to buy his goods from the Pacific coast and transfer them through the city of Denver to Kansas City and reship them to a point 100 miles west of the city of Denver, and deliver them to dealers there, having paid less freight for the shipment to Kansas City and the shipment back than a citizen of Denver had paid for the shipment to that city. Cities 300 miles west of Denver paid more for goods from the Pacific coast under this provision for a long time than cities in the valley of the Missouri 900 miles east of those points.

Recently the commission have decided that these were extortionate rates, and that there must be some modification; but what will be the modification? How much will they allow them to carry for $2 to Denver when they carry for $1.05 to Kansas City? Will the commission say that is fair? The dealers, as it is now, are left largely at the mercy of the commission. It can not be contended by anybody that they ought to be allowed to carry goods to Kansas City, 600 miles east of Denver, for less money than they carry the same goods to Denver. At least the people of Denver have a right to have their goods as cheap from the Pacific coast as Kansas City or any other city in the Missouri Valley. I do not say that the commission will not insist that that shall be done, for I do not know what the commission has determined to do in that particular; but I do say that a law is a defective law that leaves it for any body of men to say that such a proceeding may take place; and it is in the interest of the railroad companies and everybody connected with commerce and trade that this should cease.

It was enough when we said that common carriers might charge as much for the short distance as they did for the long, without giving permission under certain circumstances that they might charge less for a long distance, and in my judgment there ought to be no proviso of this kind in the bill.

I should insist upon amending this bill so as to strike out the proviso to section 4 if I did not fear that the very desirable things in these amendments might thereby be defeated. I propose therefore not to make the motion, but to allow these amendments to become a part and parcel of the law, and to give notice to the railroad companies and to everybody connected with this subject that when that is done I will join with a number of others who I know are of the same mind to declare either that the railroads voluntarily must discontinue these outrageous proceedings or the strong hand of the law shall compel them under fear of their officials going within the doors of the penitentiary, where they ought to be if they continue them.

For the reason I have suggested, that this might create an antagonism that would prevent these beneficial amendments from becoming a law, I do not propose now to move the amendment, although I regret that the committee have not seen fit to put it in and meet this issue squarely so that the question might have been determined in this country whether the railroad companies are or are not greater than the people, whether

there is or whether there is not power in Congress to compel the interstate commerce of this country to be conducted upon principles of justice and equity and fair dealing. That question will be presented to Congress, and we might as well have met it now as at any other time; but I propose when it is met if possible to have the approval, the sanction, and the support of a committee of this body.

Mr. CULLOM. Mr. President, I agree in large measure with what the Senator from Colorado has said with reference especially to the enforcement of the law, and I desire to say for his information that many hundreds of the railroad companies of the country since the interstate-commerce act was passed have complied literally with the fourth section of the act, according to the reports by them and by the Interstate Commerce Commission.

I desire to say further that the Committee on Interstate Commerce had the subject under consideration for a good while, and discussed the very point which the Senator has been speaking of; and the judgment of the committee was that as this law, which is a new one, only a little over a year old, and the commission under it has hardly had time to test it and enforce submission to it by the corporations of the country, it would be better to pass over the question of amending the fourth section of the act until the following session, so that the commission may have further time to investigate and report to the Congress of the United States before Congress takes any action upon it.

I think that was a reasonable course on the part of the committee. The members of the committee understand fully that there are violations of that section of the law, and I think the commission understand that, and the commission are at work with a view to enforce the fourth section of the law everywhere in this country. But the Senator must know, as everybody knows, that it takes time to put in operation and enforce a law like this, which is new upon our statute-book, and I think it is the part of wisdom that Congress should go no faster than the experience under the statute as it stands clearly justifies in the interest of fair dealing and the best interests of the commerce of the country.

I shall not take up the time of the Senate in discussing the matter at this time, as nobody feels that it is best to amend the fourth section at this session. We want the commission to have more time, also in view of the importance of the amendments which the Senate has already agreed to becoming a law before this session shall close. We do not desire as a committee to incorporate in the bill doubtful amendments which may defeat any legislation on the subject.

After these remarks I desire to call the attention of the Secretary to the numbering of the sections. The amendment to section 16 should come in before the amendment to section 17 of the bill.

The PRESIDING OFFICER. That has already been done.

Mr. CULLOM. Now, I hope the bill will pass.

Mr. GEORGE. Mr. President, I desire to call the attention of the Senator from Illinois to some amendments which have been recommended by various citizens of the United States. I have in my hand one of the petitions sent here, asking for an amendment in these words:

Provided, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper; that it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper.

I desire to ask the Senator whether in the bill which his committee has reported there is any provision to remedy the evil pointed out in the petition which I have read? I understand that large corporations evade the force and effect of the interstate-commerce act, or that part of it which secures equality of rights and privileges and equality of rates, by owning their own cars, by owning oil-cans, or something of that kind, which enables them to evade the stringent provisions of the interstate-commerce law, attempting to secure equality of rates and of rights to all the people of this country. I say that I understand certain of these large corporations have evaded the law in the way which is pointed out in this amendment. If I can get the attention of the Senator from Illinois, I should like to ask him what provision has been made to cure that evil, or whether the committee regard it as incurable, or as something that ought not to be cured?

Mr. CULLOM. As the Senator asks me the question whether the committee has done anything to interfere with persons owning their own cars, I answer that it has not, and my judgment is that it can not afford to do so. For instance, take the dressed-beef shippers that we all know something about. When that business began to grow, and up to this time in fact, the railroad companies of the country failed to provide, did not and perhaps could not provide, the necessary cars for the transportation of dressed beef in such manner as it ought to be transported from one section of the country to another. So some of the parties engaged in the dressed-beef transportation business provided their own cars, and they are being used to-day, very many of them; but the railroads are beginning to furnish cars as rapidly as they feel able to do so. But a portion of the cars in which that article is transported are owned by the parties engaged in the business themselves, and some arrangement between the shipper and the railroad company is agreed upon by which the transportation is paid for.

I do not see myself that the Congress of the United States can undertake to provide that a man shall not furnish his own car, or that the railroad company shall furnish all the cars, because in some instances they could not do it without great embarrassment to themselves.

But there is nothing in the bill that permits in any way any advantage to be taken by the party owning the car over other persons who do not own cars. In other words, it is within the purview of the law and within the power of the commission to see to it that every question involved in the ownership and the transportation of the car where it is owned by the shipper shall be considered, and the party owning the car, taking all the facts into consideration, shall have no undue advantage over the person who does not own a car.

I think that is probably a sufficient answer to the question of the Senator from Mississippi.

Mr. REAGAN. The amendment which I intended offering and did not offer meets the question suggested by the Senator from Mississippi. The act of February 4, 1887, which we now propose to amend, reads, in section 1:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia.

The second paragraph of that section reads as follows:

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

When we had enumerated everything that was necessary in the original clause we inserted "shall include all instrumentalities of shipment or carriage." It seems that the commission concluded that a company other than a railroad company owning its own cars and transporting its own property is not technically a common carrier, and therefore not within the provisions of the law defining common carriers. It was not the object of the law to define common carriers. The object of the law was to regulate commerce between the States, and the transportation of that commerce, and we included a full definition of the railroad and its means of transportation as generally known, and then to cover every possible mode of conveyance of property on a railroad we added:

And the term "transportation" shall include all instrumentalities of shipment or carriage.

It seems to me that if the commission had been very anxious to protect the people they would have concluded that a car which did not belong to the railroad company was nevertheless their means of transportation under that law.

Mr. GEORGE. Let me state what I understand to be the operations of the interstate-commerce law and the intention of Congress in its enactment; and I can best illustrate by propounding this question to the Senator from Texas: Is he not aware that under the interstate-commerce law men of large capital doing a large business, able to own their own cars and ship their manufactures or their own produce, do in fact by the mere owning of their cars secure an advantage in transportation which is driving out from business all small men?

Mr. REAGAN. I do understand the affirmative of the proposition the Senator from Mississippi presents. I do understand that the Standard Oil Company, for instance, owning its own cars and tanks and shipping its own oil, is held not to be a common carrier and is not brought within the provisions of this law, and they drive other manufacturers of oil out of the market. That ought to have been met. It is not a defect in the law, in my opinion. The law is not defective, but the construction of the law ought to be met at this time by an amendment that would have told the commission, "We do not mean that the purposes of this law shall be avoided in that way."

Mr. GEORGE. If the commission that operates that law construe it so as to give these men an advantage, is it not the plain duty of the Senate and of Congress to make the law so plain that they can not evade it or misconstrue it?

Mr. REAGAN. I sympathize with that view myself.

Mr. CULLOM. It seems to me that the Senator from Mississippi is mistaken as to the construction put upon the law by the commission. My recollection is that the commission have decided a case involving the question between a man by the name of Rice and the Standard Oil Company, in which they have decided that the Standard Oil Company should not do what they were attempting to do on account of their having their tanks and Mr. Rice not being able to own them, but the oil should be carried at the same rate by the transportation company in tanks as it was carried in barrels, which was the only thing that the individual, Mr. Rice, was able to provide. So I think there is a misunderstanding of the construction of the statute by the commission; but I am free to say that I do not believe that the commission has been as vigorous in enforcing the law as between parties not able to own cars and those who do own them as they ought to have been. Still I do not think there is any defect in the statute that will justify a corporation or party that is able to build its own cars or its own means of transportation being discriminated in favor of as against a poor man

who is not able to provide his own cars or his own means of transportation.

Mr. GEORGE. What does the Senator say?

Mr. CULLOM. I say that I do not think the law justifies any such position as that indicated by the Senator from Texas, that because a person or a corporation owns a car, it, therefore, is not subject to being controlled just the same as though the car belonged to the railroad company itself. I think the Senator will find upon reading the most recent decisions of the commission that they are holding the parties who own their means of transportation to account just as though they did not own them.

Mr. REAGAN. I did not give that as my construction, but I gave it as what I understood to be the construction of the commission and as against the terms of the law.

Mr. CULLOM. That is exactly where I differ with the Senator from Texas. I think if the Senator will read the most recent decisions of the commission he will find that the commission are holding to account a corporation or company that owns its cars just exactly as they do the party who does not own them.

Mr. REAGAN. I am glad to hear that.

Mr. GEORGE. I want to ask a question, because I want to get at the facts if I can. Does the Senator from Illinois mean to say that the commission in its recent decisions as to companies engaged in interstate commerce and carrying products and merchandise on cars owned by the shipper, has forced that shipper to pay the same price for goods consigned in cars owned by him as the railroad charges other people?

Mr. CULLOM. This is what I say. A recent case has been decided between a man by the name of Rice and the Standard Oil Company. The Standard Oil Company owns its tanks; whether it owns the trucks on which the tanks are placed I am unable to say; but it owns its tanks in which it puts the oil and in which it carries vast quantities of it, while Mr. Rice is not able to own a car or anything above the size of a barrel. Mr. Rice made a case against the Standard Oil Company or against the railroad company which involved the question, and, as I understand, the commission has decided that the railroad company was not justified in charging the amount that it did, differing largely from the freight that it charged Mr. Rice, who had his oil in barrels, and the commission held the railroad to account, and ordered that a change of charge should be made by the railroad company.

Mr. GEORGE. Did the commission hold that the railroad company should charge Mr. Rice only the same price per gallon——

Mr. CULLOM. Per 100 pounds.

Mr. GEORGE. Or per 100 pounds when shipped in barrels that it charged the Standard Oil Company when shipped in tanks?

Mr. CULLOM. That is exactly what I understand the commission has decided, that they should be allowed to charge per hundred pounds for carrying the oil, whether in tanks or barrels.

Mr. GEORGE. I am glad to hear it. Does the commission require the railroad companies to charge men shipping in their own cars the same amount per pound or per 100 pounds or any other unit, as it charges people who do not own cars?

Mr. CULLOM. I am not able to answer that question, because I do not recall any case which has come before the commission involving the question on just that point.

Mr. REAGAN. I am glad the construction of the statute is such as the Senator from Illinois has stated, but in the earlier decisions, especially the one I had reference to when I spoke, it was held that they could not deal with persons who shipped in their own cars, because they were not common carriers; they carried only for themselves; and it seems that the commission took them out of the operation of the law because they were not technically common carriers in the face of the provision which made all instrumentalities of commerce subject to the law.

The courts held, and I understand the commission followed them, as, of course, they would be likely to follow them, that the sleeping-car companies are not common carriers, that they are not part of the railroad system, that they are not part of the railroad transportation, and they manage somehow or other that there is no power over them. A gentleman from Baltimore made an ingenious statement, in which he said that such a company was not a person, was not a corporation, and he went on to define that it was not anything that the law could touch, and yet it was engaged in transportation. To the plain mind, to the unsophisticated mind, to the mind unbiased by interest, it looks pretty hard to make a distinction to reach the point that express companies and sleeping-car companies are not subject to be controlled by such a law as this, a law which embraces all instrumentalities of transportation. It does not say they shall belong to a railroad company, to any railroad corporation, to any company or any individual, but it embraces all instrumentalities of shipping.

My judgment is—and I speak it with respect, because I think the commission is composed of honest and able men—that it is simply an excess of conservatism that prevents them from being just, or a lack of that courage which is necessary to meet a great question like this. If they had been willing to execute the law in its spirit with reference to the evils the country was suffering under, and had enforced the fourth section of the law and the clause of the first section which I have read, the railroads at once would have conformed to their requirements, the country would have been quieted, and the commission would have been saved a vast amount of labor that has been imposed on them by what seems to me their vacillating course.

It is right that the representatives of the States and the people should speak and let them know that a plain law should be plainly enforced when it affects great interests like those affected by this law, and when they go off to say that because these people are not common carriers, as they did in the earlier decisions—that is, the express companies and the sleeping-car companies—when they do that in the face of this first section I have read, including every instrumentality of transportation, I think their attention ought to be called to it in the strongest possible way.

Mr. CULLOM. Mr. President, one word further.

I have no controversy with the Senator in calling the attention of the commission to their duties. I want to say that when the original act was prepared I supposed that I had in the bill sleeping-car companies, express-car companies, and every other kind of cars or means of transportation that anybody used upon railroads. I am perfectly willing that Senators shall express their views and condemnation, if they choose, of the judgment or action of the Interstate Commerce Commission in not giving the law as we passed it a more liberal construction as to its meaning. I am inclined to think that they have not given the law as broad a construction as they were justified in doing by the language, but I must say again that the act has been in force but a little over a year, and it is certainly but fair that those gentlemen shall have time enough to do what they can under it; and it will be wise on our part that we should go a little slowly in making amendments until they, the commission, have had ample opportunity of enforcing the law as it exists already.

Mr. WILSON, of Iowa. Mr. President, the bill now before the Senate contains many provisions which, in my opinion, will effect a reform in the existing law regulating commerce, and therefore I have no disposition to obstruct the speedy passage of the bill. There are some amendments which, I think, should be made to the law that are not embraced within the provisions of the present measure.

On the 12th day of December last I introduced a bill to amend the second and fourth sections of the act to regulate commerce. The amendment to the second section was to strike out of the existing law the qualifying terms "under substantially similar circumstances and conditions." The amendment to the fourth section was to strike out the same words, and also to repeal the proviso under which so much mischief has been practiced. That bill was considered by the Committee on Interstate Commerce and was reported adversely to the Senate. At my request it was placed upon the Calendar, and it is there now.

I wish to say in advance, in order that the railroad companies and the Interstate Commerce Commission may all understand it, that unless there are corrections made by both the commission and the railroad companies in respect of the abuses which have grown up under those provisions of the present law, I shall certainly do all that may be in my power to induce the Senate to pass that bill at the next session.

I do not now wish to interfere with the progress of this bill, but all over this country instances have sprung up like unto those the Senator from Colorado has referred to, and all manner of abuses in the administration of our transportation system have been practiced and hidden behind those words in the second section, "under substantially similar circumstances and conditions."

Mr. GEORGE. That clause is a Trojan horse.

Mr. WILSON, of Iowa. I am quite content to believe that the Commission has been doing the best it could, and feeling its way toward better results; but it must travel faster than it has yet gone, and it must present fruits of action between this and the next session of Congress, or I shall endeavor to have the amendments made that are incorporated in the bill which I introduced; and I believe that as these developments go on, and the people come to understand them, unless the commission puts an end to them, Congress will do it.

I only wish to say this, sir, in the way of justifying myself in not now urging those amendments: it is an independent bill on the Calendar. I am willing to let the commission have a little longer trial; but if they will not do better then we must compel them by law, by taking away the clauses under which they have manufactured, perhaps not intentionally, subterfuges which have gone largely to the protection of the railroad companies in the practice of abuses in the matter of transportation.

Mr. GEORGE. Mr. President, I am very much gratified to hear what has fallen from the lips of the Senator from Iowa. I thought when we undertook by Congressional action to manage the railroad corporations of the United States so as to have fair, just, and equal service by those companies to all the people of the United States we were undertaking a rather big job. I find, sir, that it was a big job. I am not disheartened, however.

I think when we recognize what I regard to be the fundamental idea upon which this legislation is based, and without which there is no justification or excuse for interfering at all, when we recognize that

idea as a just and true idea which is to be incorporated into the legislation of this country and enforced at all hazards and at whatever expense, then we will begin to see daylight.

That idea is this, that common carriers are mere public instrumentalities subject to regulation and control by public law; that they are mere servants of the public; and that in the service they render they must render exact and equal justice to all men who may have occasion for their services. In this is embraced the further idea (and without this additional subsidiary idea the whole scheme is worthless) that in performing this service there shall be no discrimination, no alleviation of burdens, no reduction of rates on account of the largeness of the shipment as against a small shipment, so that in fact and in truth the common, ordinary people of this country, the men upon whom this country depends for its progress in peace and its defense in war, shall have upon one of their own public intrumentalities an equal and fair service with all others.

Mr. President, there is one idea which can not be too much impressed upon the American statesman, and that is that by modern economic methods arising out of our civilization, out of the progress of industry and of the arts, it almost necessarily comes that the larger the establishment the cheaper the production, so that the tendency now is that establishments are growing larger and larger on account of cheapness, and all small establishments, all small men, are being driven from the position of independent workers to that of mere servants and wage-receivers from the larger establishment.

Senators may think, if they have not reflected upon it, that this is an imaginary scare, but I tell you that the philosophic statesman, the man who will look over this country and over civilized Europe will see the truth of what I have announced, that everything now tends to make large enterprises successful and to crush out little men and little enterprises.

So far as that tendency is natural probably we can not obviate it, but when we come to deal with a public question confessedly within our jurisdiction it behooves us, sir, it is demanded of us by the highest consideration, not only of patriotism, but of philanthropy, of love for our fellow-man, that we shall do nothing, and that we shall omit to do nothing, which shall have a tendency to prevent the full operation of this economic law.

So you may have your interstate-commerce laws, you may prevent by the operation of those laws any discrimination between two millionaires shipping equally a large amount of goods; but if you stop there you have only protected men who are able to live without your protection. If you do not go a step further and say that the small shipper, the man of small enterprise, of small capital, shall have service pro rata per barrel, per hundred pounds, at the same rate exactly that the large establishments get it, you have failed to do your duty.

So, Mr. President, I shall offer to this bill the amendment to which I called the attention of the Senator from Illinois a few moments ago. It will not go to its full extent, I know. We had a proposition once before the Senate on that subject, introduced by my friend from North Carolina [Mr. VANCE], advocated by him in an able speech, and supported by me in a much less able one, and that proposition in the American Senate, representing democratic America, representing probably fifty-five millions of poor men to four or five millions of rich men, received the enormous vote of four in the Senate. I had then as full confidence as I had in the justice of Almighty God that a discrimination so unjust against the laboring and toiling men and women of America could not live long.

I do not go to that extent this morning; but I shall offer the amendment which I find in a petition sent to me from Mississippi, and will see if we have made any progress in the last year in favor of protecting small men and small enterprises in America against the overwhelming advantages which larger capital and larger enterprises have.

Mr. CULLOM. I should like to hear the amendment read. I did not know the Senator had offered one.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Mississippi will be read.

The SECRETARY. It is proposed to add at the end of section 3 of the original act the following proviso:

Provided, That it shall be unlawful for any common carrier subject to the provisions of this act to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper, unless the said common carrier shall charge for the transportation of said goods, wares, and merchandise so carried the same price exactly as would have been charged if the same had been shipped in cars belonging to said carrier: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper.

Mr. CULLOM. The Senator from Mississippi makes a very vigorous speech in favor of the rights of the people. In nothing that he has said does he differ from the law as it exists now. In other words, the act which Congress passed a year ago or more provides against extortion, against unjust discrimination in every form; and I assert that there is no principle the Senator has enunciated that is not already incorporated in the interstate-commerce act, which the Senator voted for.

Mr. GEORGE. Is it enforced that way?

Mr. CULLOM. Whether it is enforced I am not prepared to say absolutely. I want the Senator to answer me whether Congress in any way can enforce a law after it has been passed?

Mr. GEORGE. No, sir; but we may do this: If a law be doubtful and we find that its just meaning, its just sense, is evaded, we can make it so plain that nobody dare evade it afterwards.

Mr. CULLOM. The law is already so plain that any man who reads it may understand what it means. While it is the duty of Congress to enact laws, and to enact just laws protecting the rights of the people of this country, it is the duty of the Administration of this country to enforce the laws exactly as they are written upon the statute-book. If the Congress of the United States is to sit here and undertake to amend every time that it sees that a law is violated, it is plain that we could do nothing else, and we should sit here from one year's end to another.

I say, Mr. President, that there is nothing in the interstate-commerce act which justifies any unjust discrimination between the small shipper and the large one; on the contrary, it forbids it.

Mr. GEORGE. Will the Senator say "any discrimination?"

Mr. CULLOM. I say any discrimination that is unjust.

Mr. GEORGE. Oh, yes.

Mr. CULLOM. The Senator knows just as well as any other man that there are circumstances under which discriminations must be made in the interest of the business and the commerce of this country.

Mr. GEORGE. There are no circumstances which can rightfully exist under the sun which will justify a discrimination between a large shipper and a small shipper merely because one is large and the other is small.

Mr. CULLOM. I entirely agree with the Senator from Mississippi in that proposition; and yet when he says there is no instance in which discrimination ought to be made, the Senator admits that he does not know anything about the subject. If there is any fault anywhere it is in the enforcement of the act which is upon the statute-book to day. We legislated as plain as language could be written against extortion from anybody. We legislated as plain as any language could be written against unjust discrimination between places or between individuals.

Mr. PUGH. The Senator will allow me to state that there is not any jurisdiction in the commission to execute the law except in cases made before it by parties who complain before it that it has been violated. I desire to state further that there has not been a single case of complaint made of a violation of the interstate-commerce law in the particular stated by the Senator from Mississippi. There has not been a single case made by parties before the commission that has not been fully investigated, and fairly and correctly decided according to the interstate-commerce law.

In every instance where I have read the decision, I defy the power of any lawyer in the Senate who is opposed to this whole legislation to undertake to show that the decisions of the commission have not been in every case in strict accordance with the law, and in execution of the law. The railroads have submitted to the decisions, and the shippers have submitted to the decisions. In the case made by Rice in reference to the shipment of oil the decision of the commission was a most elaborate one. The case was thoroughly investigated; it was thoroughly argued by lawyers on both sides; and every aspect of the question was fully considered.

If gentlemen who complain of the non-execution of the law have not read the decisions of the commission, I should like to understand how they are prepared to criticise them. Gentlemen come here and talk about the non-execution of the law. There is no power to execute it except where there has been a complaint made, and in that case the commission have the power to examine. Only in that case have they the power to examine. Wherever there has been a case made they have examined, thoroughly examined, and correctly decided the law and executed it.

Mr. CULLOM. I desire to ask my honorable friend from Alabama whether it is not his judgment that the law as it stands upon the statute-book provides against extortion in any case and against unjust discrimination in any case?

Mr. PUGH. There is no doubt of it, and it is executed in every case made before the commission. If gentlemen can find any decision where it has not been executed, or any decision where there has been any relaxation of the law, or any hesitation to execute it to the full extent and meaning of the remedy provided, I should like to have it pointed out and the case specified. It can not be done, sir.

Mr. GEORGE. Mr. President, we are getting up a little breeze here this morning.

Mr. CULLOM. Does the Senator desire to occupy the floor?

Mr. GEORGE. I do.

Mr. CULLOM. I have the floor.

Mr. GEORGE. I beg pardon; I thought the Senator had resigned it.

Mr. CULLOM. Not just yet. I will yield to the Senator for a remark or an interrogatory, if he desires.

Mr. GEORGE. I beg the Senator's pardon. I had no idea of trenching on holy ground.

Mr. CULLOM. Not at all. I have no objection to the Senator taking the floor, but I should like to be asked about it first.

Mr. GEORGE. I did not know the Senator was on the floor.

Mr. CULLOM. It is very easy to talk about the railroads of the country violating law, and about the abuses upon the people, and all that sort of thing, but I desire to remind Senators that since the interstate-commerce act has been in force, in thousands of instances abuses which theretofore existed have been cured. I desire to remind Senators, taking the fourth section of the act, that I think three hundred, and I am not sure but five hundred railroads report an absolute compliance with the fourth section of the act.

Senators may stand upon this floor and undertake to make the country believe that they especially are the people's defenders. I have no objection so far as I am concerned; my whole purpose and object and labor have been to protect the people of this country from abuses on the part of the railroad corporations of the country. If the Senator himself can say that he has done as much, then I am willing for him to criticise the action of Congress, or of those who are more especially responsible for the legislation upon this subject.

I am ready to amend the bill wherever it is necessary to do so in the interest of protecting the people's rights against the corporations of the country, having due regard to the rights of railroads as well; but let me say to Senators that there was a great step taken within the last year or two when we passed the act regulating the commerce of this country, placing the railroad corporations of the country subordinate to law and subordinate to the control of the Government of the United States.

I am ready, as I said, to vote for and advocate any reasonable measure in the interest of protecting the rights of the people where it seems to be necessary; but here is a law upon the statute-book which prevents unjust discrimination, which prevents extortion in all cases, whether the man is rich or whether he is poor, and it is our duty to consider well any amendment we make to it.

Let me say to Senators that many times within the last year have I been assailed by communications because the law as it is now upon the statute-book would not allow the great corporations or moneyed manufacturing concerns to get an advantage over the little one that happened to be poor; and I answered them that the very object of the statute was to protect every individual, whether he was rich or whether he was poor, whether he did a small business or whether he did a large one.

That was the object of the statute, and it has accomplished great work in bringing about the results which it had in view, in protecting the small manufacturer and dealer as against the power of the men of large means in getting advantages in transportation. Before this law was enacted a man or set of men carrying on a large business would trample out competitors by secret rebates, by drawbacks, and by every other subterfuge which could be used to their advantage against the small operator who did not have the opportunities that they had. The law came into force, and it rectified and cured those evils in a large degree.

I do not say that they are all cured, and I submit in all candor whether it is to be expected by reasonable men that all the evils connected with transportation should be cured within the period of a year or fourteen months. I say the law has been operating well. We have introduced, and the Senate has passed in Committee of the Whole, amendments curing some of the evils, putting up some of the gaps where we saw that the law ought to be strengthened a little. We provide in these amendments that the agent of the corporation who, with his eyes open, violates the plain letter of the law shall not only be subject to a fine of $5,000, but that he shall be subject, in the discretion of the court, to be sent to the penitentiary as well. We provide against the subterfuge of underbilling that was adopted by collusion between railroads and the large shippers of grain and other articles. We make it a penitentiary offense to violate the law in that respect and in every other, except on the pure naked question whether it was right to charge this amount or that involving the question of reasonableness, about which honest men may differ.

I am anxious that these amendments shall be passed by the Senate without delay. I know that there are other things, perhaps, that ought to be taken into consideration, and doubtless they will be by the time another session of Congress comes around; but let me remind Senators that the English Government has been legislating upon this subject for years and years, and has passed hundreds and hundreds of acts trying to perfect their system of regulation in the British Government. We have just taken hold of the subject, and I am proud to say that the American nation is abreast of the English Government in legislation upon this subject, if we are not in advance of her.

Let us not undertake to do everything at once. Let us not be so rash in declaring that we in the interest of the great body of the people will do something, and then do that which will injure the great body of the people. I want to go just as fast as certainty and wisdom will justify us in the interest of the people, but I am not willing to rush headlong into legislation that will cripple the commerce of the country, that will close up the markets against the commerce which comes from the far West or from the South; but let us go step by step, taking only those steps which we are sure we are right in taking, and give a little time to perfect legislation upon the subject.

Mr. GEORGE. Mr. President, I shall not enter into competition or rivalry with the Senator from Illinois——

Mr. PLATT. Will the Senator from Mississippi allow me to ask him a question before he proceeds?

Mr. GEORGE. Certainly.

Mr. PLATT. Does the Senator know, and is he able to state here in the Senate, that any railroad company charges less to persons who furnish their own cars than it does when the shipments are made in the cars of the company? I ask because we ought not to act without knowledge.

Mr. GEORGE. I tried to get that information from the Senator from Illinois. I do not know exactly how he answered it.

Mr. PLATT. Then why should we act in a matter of this sort without any knowledge whatever. There is no necessity for it.

Mr. GEORGE. I did not get a very satisfactory answer from the Senator from Illinois.

As I was going on to remark, I shall not enter into any competition or rivalry with the Senator from Illinois as to the love of the dear people of this country. I am willing to acknowledge that so far as I am concerned he is wholly devoted, waking and sleeping, eating and drinking, night and day, in cold and in heat, in storm and in sunshine, to the dear interests of the great people of this country. I can not dispute that; and if it is any consolation to him to have me acknowledge it on the floor of the Senate, I do acknowledge it most thoroughly.

But, Mr. President, this is not a matter to be disposed of by exhortation. It is not a matter to be disposed of by impassioned appeals to one's own rectitude or his love for his fellow-men, or anything of that sort. It is a pure business proposition, whether a man who ships 10 barrels of flour upon a railroad train shall be charged $1 a barrel for that flour on 10 barrels, $10 for the lot, and a man who ships a car-load of 80 barrels shall get his car-load for 60 or 80 cents a barrel. That is the proposition, and I aver here, notwithstanding the statements made upon this floor, that under the operation of the interstate-commerce law as it now is, the habitual practice is to charge more per barrel or per package on a small shipment than when the shipment is made by the car-load; and I defy any Senator here to deny it.

Mr. MCPHERSON. Will the Senator permit me to ask him a single question?

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. GEORGE. Oh, yes.

Mr. MCPHERSON. Does the Senator pretend to say or to argue that in the case of a railroad company receiving a car-load of flour from Mississippi and delivering it, say, at the port of New York, by reason of a contract entered into at a given rate, it would be fair to exact of that same company the transportation of 10 barrels of flour over the same route at the same price as a car-load, requiring the railroad company to send a car throughout the length of the entire line, gathering up pieces of freight at different stations along the road? Does he pretend to tell the Senate that the 10 barrels of flour shipped from the same point should be brought to New York at precisely the same rate per barrel at which the car-load should be brought?

Mr. GEORGE. That is precisely what I mean to say, but I will put it a little different from the way the Senator does. He seems to understand very well the operation of the railroad companies. Let me put it to him in a different way. A car-load of flour I understand is eighty barrels. A man at St. Louis buys eighty barrels of flour and puts it in as a car-load. It is delivered at a railroad station in Mississippi, say, at a dollar a barrel. Eight men buy ten barrels apiece in the city of St. Louis, and for those eighty barrels, belonging to those ten men and put in a car, when it is transported into Mississippi they are charged a dollar and a half, or some greater sum than $1. That is precisely what I mean to put down, if I can. I mean to say that on public instrumentalities men doing service for the public under public law shall not dare to charge one man for a pound or for any other measure of traffic more than a man who ships more is charged.

There seems to be a little difference between the Senator from Illinois [Mr. CULLOM] and the Senator from Alabama [Mr. PUGH]. The Senator from Alabama gets up in some excitement and with some emphasis declares that the law as it now stands is fully, completely, impartially administered. I have not assailed that. The Senator from Illinois, when pressed as to the wrongs done now, complains that the fault is in the administration of the law and not in the law itself. I leave these two learned doctors on the subject to settle that difference between themselves, and to ascertain whether the Senator from Alabama is right in saying that the law has been fully and fairly and strictly enforced, or whether the Senator from Illinois is right in saying that the law is perfect and the administration is wrong. That is a question I do not propose to settle.

But it is a fair object of legislation to remove a doubt in the construction of a statute. It is one of the most beneficent ends of legislation. The Senator from Illinois knows, as every Senator on this floor knows who has paid any attention to the business, that small shippers do pay more per package than the men who are able to ship by the car-load.

I desire to make a remark or two as to the amendment which I have offered. I could not exactly understand the answer of the Senator from Illinois as to what was done when a man or a firm or a corporation used his own cars in shipping his own goods as compared with the man who did not own cars. I desire to know, and I ask the Senator again, if in the shipment of beef the railroad company charges the man who ships beef in his own cars the exact price per pound or per hundred pounds that it charges a man who ships in cars belonging to the railroad company?

Mr. CULLOM. I stated to the Senator that I did not know the exact facts in that case; but taking a dressed-beef car, for instance, made for the purpose of transporting dressed beef, my impression is that such a car costs from $20,000 to $25,000. I am not sure I am right in that, but it costs a pretty large sum. The Senator must know, I think, or must admit, that if a man engaged in shipping dressed beef furnishes a car costing such a price and asks the railroad to haul it, the shipper must get a less rate per pound as freight on the beef in that car than he would get if the railroad furnished the car and transported its own car with the beef in it.

Mr. GEORGE. Exactly; and when you allow them to make a difference who can prevent such difference as to destroy the small shipper, the man who has not got his car? I ask the Senator, who does not know that the shipment of dressed beef to-day is in the hands of a few large firms, everybody else being excluded?

Mr. CULLOM. Let me make one further remark.

Mr. GEORGE. Who does not know the sad fact that whilst beef brings less to the raiser, the producer, to-day than ever before, it is as high if not higher than ever before to the consumer, so that somewhere between the man who raises the beef and the man who consumes the beef there are arrangements, there are charges, which equally rob the producer and the consumer?

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. GEORGE. Certainly.

Mr. CULLOM. I wish to say, in the first place, that there is an established arrangement, I understand, between railroads as to the transportation by one railroad of the cars of another; they charge so much for a car. Of course all the time almost every road, in every train it runs from one side of the country to the other, is carrying cars belonging to other roads. Here is an individual or a firm that is shipping beef from Chicago to New York or Boston or to Louisiana, and they ship some of it in their own cars. They are charged exactly the same rate that the railroad charges other people or other railroads for hauling their cars, taking into account weight and all the facts.

Again, the dressed-beef firm has not cars enough and it asks the railroad company to furnish them. As a matter of fact, so far as the firm that I know about is concerned, they are asking daily almost that the railroads shall furnish the cars and relieve them from the necessity of doing it. The railroads are not inclined to do it as fast as the firms or the shippers want them to do it; and where they do not do it there is a regularly established arrangement for the transportation of the car or a given number of pounds in it. Where they do do it they charge just the same to one shipper as they do to another, under the same circumstances, doing a like or the same business.

Mr. DAWES. I should like to ask either the Senator from Illinois or the Senator from Mississippi, who have undertaken this debate, if they will state to the country whether there is anything in the law or anything in the rulings of the commission or anything in the practice by which a distinction is made between the dressed-beef cars of one owner and those of another owner?

Mr. CULLOM. The law does not allow any such thing, and I have no information that any such thing is practiced.

Mr. McPHERSON. I can give the Senator the information in a single moment.

Mr. DAWES. If there is no distinction between the dressed-beef cars of one owner and the dressed-beef cars of another owner, what advantage can there possibly be to a large owner over a small owner?

Mr. McPHERSON. There can not be any.

Mr. REAGAN. I will say that I do not know what the facts now are, but it has not been long since the Cattle Eveners' Association had an advantage of $20 on a car by a drawback of that amount in their favor.

Mr. DAWES. That must be a gross violation of the statute.

Mr. REAGAN. Certainly it was a gross violation.

Mr. DAWES. I am quite with the Senator, if he will make good such a complaint as that, to see to it whether it lies at the door of the commission or at the door of Congress.

Mr. McPHERSON. Will the Senator from Texas please repeat the statement he made? I failed to hear it.

Mr. REAGAN. I made the statement that I did not know what the facts are now, but that it had not been a great while since the Cattle Eveners' Association got a drawback of $20 per car upon cattle transported to the East from Chicago.

Mr. McPHERSON. I thought the Senator said they got $20 for the use of the car.

Mr. REAGAN. They got a drawback, an advantage of $20.

Mr. McPHERSON. I should like to say to the Senator from Texas——

Mr. REAGAN. I do not wish to give way at this time. I propose an amendment to the amendment offered by the Senator from Mississippi, which I will ask the Secretary to read in its proper connection.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Texas to the amendment of the Senator from Mississippi will be read.

The SECRETARY. It is proposed to add to the amendment—

After making reasonable deductions for the use of such car.

Mr. REAGAN. I desire to make a statement in connection with what has been said. The commission has held in more than one case that a large shipper should not be charged less than a small shipper; for instance, that a man having ten car-loads of freight shall not be charged less per car than one having a single car. The commission has held that, and rightly held it, and it is in conformity with the judgment of Mr. Fink and some of the best railroad managers of the country.

There is a difference between shipping by the car-load and in small packages that we can not well overlook in considering this case. Shipping by the car-load may be, and generally ought to be, somewhat cheaper than shipping in small packages less than a car-load, and so far as any argument would ignore that distinction I think it is erroneous.

The amendment which I propose is that when persons ship in cars of their own they shall pay the same rate of transportation as if they shipped in the cars of the railroad company, deducting the reasonable cost of the car. That gives a fair rule.

There has grown up in the country the practice of shippers owning their own cars. Some transporting companies own their own cars. It would hardly be just, since that has been allowed to be the case, to say that a law shall be passed which would compel them to lose the use of their cars, or to sell them at less than their value. But we can avoid that injustice by saying that when they ship in their own cars they shall pay as much as others do, less the value of the use of their cars. That makes it equitable, it makes it right; and with that modification I will vote for the amendment offered by the Senator from Mississippi.

The question was asked with some degree of confidence of the Senator from Mississippi whether he could point to any case in which some shippers were charged less than others. I separate the question of the transportation of ordinary freights from the question of transportation in the cars of individuals. Whether it is true or not, the commission in its report to the Secretary of the Interior recommended that legislation was necessary in order to enable them to control that very kind of cases; so that they thought it necessary. I suppose if that fact had been known to the Senator from Mississippi it would have been an ample answer to the interrogatory so confidently propounded to him. The commission believed it was necessary, but from some cause we have not so far incorporated the necessary legislation.

While the amendment offered by the Senator from Mississippi reaches but to a single branch of the subject, and does not reach sleeping-cars and some others that I mentioned awhile ago, it does mention the kind in which one of the greatest abuses exists; that is, the cases in which individuals use their own cars to ship their own products and thus get an advantage over those who are unable to own cars and ship their products themselves.

The able argument of the Senator from Mississippi, showing the danger of such legislation as will enable the large corporations and men to absorb and destroy the smaller ones, can be met, without doing injustice to anybody, by saying, as I propose by my amendment to say, that they shall pay the same price for the transportation of their products as people who ship in the cars of the railroad company, less the value of the use of the cars that carry their freight.

Mr. McPHERSON. Mr. President, I wish to say a single word respecting the amendment offered by the Senator from Mississippi [Mr. GEORGE]. There is not a single line of railroad in the United States to-day of any prominence or any importance that does not belong to an association of railroads which have a fixed rule with respect to the transfer of cars from one line of railroad to another. For instance, the cars owned upon one line of road and running in conjunction with and forming a continued line, say from the extreme West to the seaboard, allow the line of road that owns the car a certain amount of mileage per mile when it reaches the junction road or the road which forms the connecting link. The rule is three-quarters of a cent a mile for the use of a car.

If any individual wished to build cars and put them upon the line of railroad or upon any of these roads, under the general arrangements which have been made by the railroads with one another, that individual would be entitled to three-quarters of a cent per mile for the use of his car.

There are certain railroad lines in this country that scarcely own a single car. I can name you one. One of the great trunk lines of road, which transports perhaps as much freight from the West to the East as any single line, does not own to-day scarcely a single freight car upon its line. It does pay the owner of the car, whether it belongs to a rolling-stock company—I mean by that, construction companies that build cars to lease to railroads—or whether it belongs to an individual

who has built a certain peculiar kind of car for his own peculiar business, like the dressed-beef business, to which the Senator from Massachusetts referred, which requires a peculiar sort of car, a peculiarly constructed car, capable of being refrigerated; and, as a matter of course, all the cars are not capable of refrigeration.

Hence, as I say, there is a regular rule, there is a law which governs all railroads and which as between railroad companies is just as rigid as the interstate-commerce law itself. There is also a rule governing what shall be the amount of loss that the owner of the car or the railroad company running the car shall stand in case of a wreck or a collision. It has been worked down to a nicety, until there is a regular master mechanic's law governing the question of repairs. There is an absolute inflexible rule governing the amount of compensation.

Now, we will get down to the dressed-beef car of which the Senator from Massachusetts [Mr. DAWES] speaks. There are four or five companies transporting dressed beef from the extreme West to the seaboard. I understand they go West as far as Kansas City. Certainly in Chicago there are great slaughterers of live-stock who own these cars themselves, and if they did not own the cars they would not be transporting any dressed beef eastward, for the railroad companies would not build the cars for them. Railroad companies never make experiments in cars, and just so long as it is an experiment the public must do it, but they never refuse to run experiment cars at regular rates.

The railroad companies receive those cars on their line with a car-load of freight just exactly as they would receive their own cars or if the freight were placed within their own cars. They transport the car to New York over their line for a certain fixed sum, which is an advertised rate, as the interstate-commerce law requires, but they do not own the car.

Now, what do they do? They turn around and pay to the owner of the car filled with his own freight three-fourths of a cent per ton per mile for the use of it, and no more. So it practically makes not one particle of difference whether the railroad company owns the car or the individual owns it, for there is a fixed rule between the railroads governing that matter, and it is a just one. Some railroads think they can not afford to own the cars, and they hire all their rolling-stock.

We will suppose that the Senator from Mississippi desires to transport dressed beef, as he has made that the subject of his debate, from the city of Chicago to New York. He goes to the different railroad companies, seven or eight of them, leading out of Chicago, and he desires them to furnish appliances to transport his dressed beef. "Oh, no," they say; "we have cattle-cars, an abundance of them, for transporting live cattle from Chicago to New York, and why should we build you a peculiar kind of car, that is unfit for any other purpose on earth, to enable you to try an experiment, to know whether you can get dressed beef between Chicago and New York or not without spoiling? We will make no experiment; we have the appliances under which you can reach the city of New York with your car-load of cattle, and you may ship them in our cars or you may provide your own; and if you will provide your own car I will pay you the same mileage on your car exactly that I pay the owner of the live-stock car. We hire all our cars. We hire the live-stock car that transports the car-load of live cattle. We hire the dressed-beef car from the owner of that car, and we pay exactly the same mileage upon the dressed-beef car that we pay upon the live-stock car."

Now, what injury is done? Who is hurt by it? The railroad company prefer to do that to building their own cars, and every line of railroad in this country from the Gulf of Mexico to the St. Lawrence River or Lake Ontario is governed by the same rule as to mileage.

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. MCPHERSON. Yes, sir.

Mr. DAWES. Does the Senator dispute the statement of the Senator from Texas [Mr. REAGAN], as a matter of fact, that by some trick or some mystery, not known to the ordinary mind, there comes out a result that some particular corporation or ownership gets an advantage in some mysterious way, which amounts to what he says?

Mr. MCPHERSON. I will answer the Senator, because I think that that matter was very well ventilated before the Senate at the time the original act was passed. There was a period or time from 1875 to 1880 when the railroad companies——

Mr. DAWES. I do not speak of anything beyond the interstate-commerce law.

Mr. MCPHERSON. Oh, that was long before the interstate-commerce law; I have never heard of anything of that kind since. Of course the railroad companies were anxious to get business.

They did establish, as I have heard stated here upon the floor of the Senate, a pool, by which they agreed to pool their earnings, and they agreed to give, as the Senator from Texas said, a certain compensation to a certain set of men called eveners, who would see to it that every line of railroad got its full portion of business at a given maintained rate.

Mr. DAWES. The important question is, whether that is possible now?

Mr. MCPHERSON. Not at all. Under the interstate-commerce law that would be subject to high fine and to imprisonment. Therefore it is all nonsense and perfectly absurd to talk about what took place ten or fifteen years ago as an argument at the present time.

Now, the Senator from Mississippi proposes by an amendment he offers to the bill that every line of railroad shall own the cars, whether they wish to do it or not, or whether it would be profitable or not.

In other words, if you want to establish the biggest monopoly in the world adopt the amendment the Senator from Mississippi proposes, for no line of railroad except one worth enough to own its railroad and its cars and to try all kinds of experiments could enter into it—indiscriminate car building—and then as a matter of course if successful they would get a monopoly of the business.

In respect to the statement made by the Senator from Mississippi before he took his seat, I wish to ask him a simple question. Does the Senator from Mississippi himself believe the statement that he made at that particular time as to its result? He stated that there were dressed-beef operators in Chicago who are controlling the market; that while beef to-day was worth less to the producer than ever before, there was no reduction in the price to the consumer.

Let us follow that out to its natural and logical conclusion and see where the Senator lands. Formerly in any State of the Union, anywhere within reach of a line of railroad a man could take a single car-load of beef, drive them to a station, load them upon a car belonging to the railroad company itself, or one that they will hire, and transport it to the consumer in any market in the United States, and that can be done at the same rate under the interstate-commerce law that a man can have who transports a thousand cars.

Now, what perfect nonsense it is to say that that producer of the single car-load of beef, when the consumer is paying just as much as he ever was, would be compelled to submit to such a reduction as that. Supply and demand regulate the market everywhere. When a man is enabled to reach a market with the product of his own farm and reaches the consumer with his product, what a perfect absurdity it is to say that beef is lower in the country to the producer than it ever was. And yet he says higher to the consumer. Why, I ask, shall beef be low in the hands of the producer and very high to the consumer, with all the avenues of transportation open to the farmer, with cheap rates, as cheap to the farmer as to anybody? If the fact which the Senator states as a fact did exist, it would not be creditable to the farmers' intelligence, but the fact does not exist. Beef is alike cheap to the producer and consumer.

Mr. President, as I was saying before, to add to the bill the amendment which the Senator from Mississippi proposes would simply be to defeat this proposed act. It would help to build up a monopoly in the hands of a single rich railroad, while the poorer lines of railroad would not get the business because they could not build the cars necessary to do it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. REAGAN. I propose to modify that amendment.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi accept the modification made by the Senator from Texas?

Mr. GEORGE. Yes, sir; I do.

Mr. MCPHERSON. Let it be read.

The PRESIDENT *pro tempore*. The Secretary will report the amendment of the Senator from Mississippi, with the modification offered by the Senator from Texas.

The SECRETARY. It is proposed to add to the end of section 3 of the act to regulate commerce, approved February 4, 1887, the following proviso:

Provided, That it shall be unlawful for any common carrier subject to the provisions of this act to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper, or to charge persons shipping in their own cars less than is charged for like service in the cars of the railroad company after deducting a reasonable compensation for the use of the cars of such shipper.

Mr. REAGAN. I thought the amendment I offered would obviate the difficulty in the language there. I did not understand it. I see it does not. According to the amendment there would still be a prohibition against shipments in a car other than the company's car. I think that should be modified.

Mr. MCPHERSON. I see from the reading of the amendment that the first paragraph of the amendment makes it unlawful and a misdemeanor for any line of railroad to contract to receive or to take the cars of any shipper, or any company, or any person, or any manufacturer who has cars to furnish, or who leases cars. Then it ends there and a new paragraph begins, and it is provided that the shipper himself shall not contract with the railroad company except upon certain other conditions.

Mr. DAWES. It results in this, that every car has got to change ownership as it passes from one road to another or else the freight has got to be reshipped.

Mr. MCPHERSON. They would have to break bulk.

The PRESIDENT *pro tempore*. The amendment as it now stands is the amendment of the Senator from Mississippi.

Mr. GEORGE. Yes, sir; and I withdraw that amendment.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent to withdraw the amendment.

Mr. GEORGE. With a view of allowing the Senator from Texas to offer his proposition.

Mr. REAGAN. I can not offer that amendment to the Senate, because I have already in conversation agreed to another amendment of the committee that will obviate the necessity for it at present.

Mr. GEORGE. Then I will offer it.

Mr. CULLOM. Let me appeal to the Senator from Mississippi. The Committee on Interstate Commerce discussed the amendment which the Senator now holds in his hand over and over again for a number of days, and concluded that it was almost impracticable to embody that sort of provision in the bill and make it operate as part of the system. My purpose is between now and the next session to get up an amendment, if I can, which will meet the case.

I offered substantially that amendment myself. After investigation, however, I made up my mind that it was not best to put it on this bill; but in the future it is my purpose, and I think it is the purpose of the committee, to investigate all the matters involved in that amendment, with a view of ascertaining whether or not we can not at a future session provide proper legislation covering all the ground that is in the amendment which the Senator has.

Mr. GEORGE. Has the Senator also considered this question?

Mr. CULLOM. Certainly. If there is any provision necessary I will certainly look into it.

Mr. BLAIR. The discussion indicates how absolutely impossible it is that the inequalities, the difficulties, the burdens, and the oppressions which exist under our transportation system shall be removed until such time as the transportation as a unit is taken control of by the people as a whole. I do not believe myself that it is possible by the operation of the interstate-commerce law or by any system of legislation to embody the remedy which is sought by the amendment of the Senator from Mississippi; but when the transportation, that great element in the cost of production to the consumer, is furnished to the community at large in such a way that every producer of things transported stands exactly on an equality with every other producer, then these difficulties will be removed; but this progress implies a transfer of the ownership, or at least a transfer of the function of transportation from individuals and from corporations to the people as a whole. That is a tremendous step in the direction of socialism. Whether the people are prepared to take that step now or are to take that step in the future, is a question which we shall be obliged to consider if we inquire what legislation will result in the removal of those inequalities, those hardships which result from the attrition of large accumulations of capital with small capital, men of large means with men of small means.

Mr. President, there is another difficulty in this matter. The transportation system of the country as it is now managed is done by corporations, the creatures of the Government, artificial persons created by the act of law, and these corporations have been invested with certain functions. We give them these functions as an entirety, and they are the transporters, the common carriers. What do we find these common carriers doing? Without the consent of Congress, without the consent of the States which gave them existence, they transfer these corporate functions to individuals and to partnerships, and thus, without the authority of law, the common carrier bargains away a portion of the functions he has agreed to perform from time to time and which he engaged to transact by virtue of the corporate powers intrusted to him. Thus it is that these parties construct for themselves the cars for the accommodation of their business between particular points. They do this as individuals for their own interest and in their own interest, and thus they come to control that transportation in which they are interested; and in order to get the business at all it is a necessary consequence that the corporation which is created by law and which is charged by law with the important public function of transportation, makes the best terms it can with this private individual or private party, so that that individual gets a percentage; and so the road-bed is given up to the owners of this rolling-stock at whatever rate the owner of the rolling-stock chooses to give, and it is at such a rate as that, on the whole, the cost of transportation falls more heavily on the private individual, the small capitalist, the small transactor of the same species of business, than it does upon the man or the corporation or the partnership which is in the possession of the rolling-stock for its own accommodation and so is able to compel the public at large to yield to it the performance of a part of the corporate function that by law has been given to the common carrier and which he has promised to perform so as to give to everybody, high and low, rich and poor, an equality of rights.

I look upon this as a violation of the chartered obligations of the railroad companies. I do not consider that a railroad company has any right whatever as a creature of law thus to farm out its functions, to give to this man the privilege of constructing and operating its rolling-stock, to the other man some other privilege, and so all the way round. If it may give to one individual the right to construct rolling-stock, that in which he is interested, it may farm to another man another privilege, and thus liberate itself entirely, and in this day of competition work out to the community at large the most diverse and glaring instances of injustice which can be imagined.

There is no other way, I believe, for us to do but to deal with the corporations directly, and compel them to perform their own work and to stand upon their contracts with individuals without farming out any portions of their plant, by which they yield the control of their business to those who are able to have it done on their own terms.

I only make these suggestions as the subject is passing away from the Senate, but whenever it comes up for action it is an important one to be considered.

Mr. MCPHERSON. I should like to ask a question of the Senator from Illinois [Mr. CULLOM], who has charge of the bill, as I have not been present during all the period of its consideration. I find these words commencing at the bottom of page 5:

> It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the commission in force at the time.

I should like to ask the Senator from Illinois why the committee have incorporated a new principle into the interstate-commerce law? In the interstate-commerce law we did make it unlawful to charge a greater compensation for carriage over a certain length of road. There is a schedule rate, and the companies are to advertise their rates in some public place where all can see them. The interstate-commerce law in the past as it has been enforced required that there should be no excess of charge over that advertised rate. Now it is proposed here to fix the rate absolutely; it shall not be "greater or less" than the advertised rate. I should like to know why that provision is inserted?

Mr. CULLOM. I can answer the Senator very easily. The law as it stands as to rates upon any railroad provides that it shall not change its rates without notice as to an advance. Now we amend the law and provide that there shall be three days' notice before a reduction shall be had. The law as it stands already on the statute-book reads as follows:

> And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation.

That is the language of the law as it is now, and the amendment only provides that joint rates shall not be changed without notice. The present law is a little indefinite as to whether they were required to be made public. The same language is used and applied to joint rates.

Mr. MCPHERSON. The interstate-commerce law was passed to prevent extortion in rates, to require that all should have equal rates. In other words, it was passed in order that there might be no discrimination as between individuals. The rates are advertised, and each and every individual, whether he is a shipper of a car-load of freight or a shipper of 100 car-loads of freight, pays exactly the same rate for transportation. Now, it is proposed here to establish an arbitrary rule. Instead of preventing extortion above that rate or exceeding the rate, you now say they shall not go below it. In other words, you are now legislating in this way to benefit the railroads a thousand times more than individual shippers.

Mr. CULLOM. The law provides that the railroads shall publish their rates, exactly what they charge. Then it provides that the railroads shall not change their rates until they have given notice. Now, the proposed law simply says that they shall neither charge more nor less until they have given notice that they desire to change the rates. That is all there is of it. There may be as much unjust discrimination in some cases by reducing rates as by raising them.

Mr. MCPHERSON. No; there is a very wide difference.

Mr. REAGAN. The language of this bill is the same as the language of the interstate-commerce law; that is, under the law the transportation companies are only required to publish their rates on their own particular lines. There was no regulation for publishing the rates where their lines were prolonged in connection with other companies so as to make through rates. Now, it is provided in this bill that when they make those rates the commission may require them to publish the rates, and when published they shall not charge more or less than their published rates. This covers a longer haul than the other did.

Mr. MCPHERSON. That becomes a portion of the rates of the road itself, a part of the new line of road.

Mr. REAGAN. Yes, where there is a prolongation by different companies, where different companies agree to a certain through rate.

Mr. MCPHERSON. I know of no reason why it is necessary in a case of that kind. I can see very good reason why it should not be in the law, unless we have found it necessary to hold all the parts of a long line of railroad together by some provision of that kind. I can see no reason why it is necessary, and I do not see any part of this bill that deals with that question as to transportation through Canada.

Mr. CULLOM. There is nothing in this bill about transportation through Canada. The object is to prevent unjust discrimination. In other words, a railroad publishes its rates. You go to the railroad agent and say, "I want to ship to a given point at a particular date,"

and unless these words are placed in the law they would be at liberty to give you a less rate; but they are not permitted to do so under this bill until the change of rate is advertised, so as to give every one a chance to know it.

Mr. McPHERSON. Under the interstate-commerce law, if they gave a less rate to Mr. A, they would be obliged to give a similar rate to Mr. B, and they would be obliged to do it at once. The result is that every shipper over that line of road will be entitled to the reduction of rates. In other words, this is altogether in the interest of the shipper.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. McPHERSON. Yes, sir.

Mr. EDMUNDS. I wish to ask him if, the rate being established and published, he goes to the Pennsylvania Railroad Company at Jersey City and says: "I wish to ship twenty-five car-loads of flour to Washington; your published rate is 10 cents a barrel, I will give you 5," and they say, "done," and it is done—I ask whether they have violated the law in doing that?

Mr. McPHERSON. Not at all, if they give the rate of 5 cents to every man who ships on that given day.

Mr. EDMUNDS. Have they violated the law in doing that thing?

Mr. McPHERSON. I think not.

Mr. EDMUNDS. Suppose I go to them in the afternoon, my friend having gone in the morning, and say: "I wish to ship ten car-loads of flour to Washington; your published rate is 10 cents a barrel; I want to give you 5" and they say, "No, you must pay our published rate," and I pay it. Under the present law, what would they violate?

Mr. McPHERSON. They would be subject to fine and imprisonment.

Mr. EDMUNDS. How?

Mr. McPHERSON. By that discrimination.

Mr. EDMUNDS. They have not made any discrimination in this to the public. They gave you a favor. They do not choose to favor me. They have held out only the published rate. I stand by the published rate. They may carry for you for nothing if they choose under the present law. The provision in this amendment now proposed is to meet that kind of favoritism, which in some way or other is practiced by some of the corporations. I refer to that particular one only for illustration, knowing nothing about it. Unless they are held up as well as down to their published rates to all persons while those rates are in force, there will be a continued favoritism that plunders one man for the benefit of another.

Mr. McPHERSON. I remember hearing this statement or one something like it on the floor of the Senate when the original interstate-commerce law was passed, that if public men were trying to devise some method by which railroads could be benefited more than another, a better way could not be devised than the interstate-commerce law. It has been in operation for over a year, and during that time the railroad companies have received about 16 per cent. more for the transportation of freight and merchandise than they did under the old policy, and the difference the people have paid.

Mr. REAGAN. By making high charges for the purpose of making the law odious.

Mr. McPHERSON. The cost of transportation in this country for the amount of freight carried has been 15 or 16 per cent. more under the interstate-commerce law than it was for two or three years preceding its passage. What benefit have the public got? They have this benefit, they have this satisfaction, and only this, that we have the railroads now under Congressional control. In other words, we have the railroad system of this country in a condition where the railroads have recognized Congressional power and the right of Congress to legislate in respect to them, but the public are paying for it all the time. Since the passage of the interstate-commerce law the railroads have increased their receipts, and some which were unable to pay expenses prior to its passage have been able to pay dividends out of the same patronage they had before.

Mr. TELLER. What does the Senator think of the bill to compel the railroads to deal more equitably, having destroyed all favoritism that existed by which they gave one shipper a low rate and another shipper a high rate?

Mr. McPHERSON. I think to-day there is as much discrimination in rates as there ever was before.

Mr. CULLOM. The records do not show it.

Mr. TELLER. If the Senator from New Jersey is correct, the railroads are violating the provisions of the law.

Mr. McPHERSON. I do not make answer as to that; but I think there is really as much discrimination as ever.

Mr. TELLER. That is in violation of the statute.

Mr. McPHERSON. You are now legislating, you are amending the existing interstate-commerce law in such a way that it seems to me to be perfectly absurd to leave that clause in the interstate-commerce law which prohibits pooling. Here you make an arbitrary rule that the railroad companies shall fix a rate, and where they have fixed the rate and it is advertised they can not charge a lower rate even if all the conditions were such as to justify them in doing it. As it is to-day, a railroad company may lower its rates, may reduce them 50 per cent. on a given day, but that reduction, in order to conform to the law, must be for all shippers over its line on that given day, or until some new advertisement is made and a new schedule of rates is published. For instance, grain, provisions, or anything of that kind might be sent from Chicago, not at the advertised rate, but at a lower rate, if a foreign market could be found for it; but if the railroad company wished to accommodate that shipper by reducing the rate 50 per cent. from the advertised rate and was not willing to make the same rate to every shipper of the same kind of goods under exactly the same condition, that could not be done. I claim there would be no violation of the law in it now.

Mr. CULLOM. The Committee on Interstate Commerce investigated pretty thoroughly the question of giving notice before reducing rates, and we had information before us from very many shippers in different parts of the country, some of them desiring five days' notice, some of them ten, some of them even as high as thirty, but others were a little in doubt whether any notice at all was best, and the committee thought that, in view of the uncertainty and doubt as to the exact time, we should fix it at three days' notice before a reduction should be made, and ascertain by experience after that what the operation of it would be, and whether it would be beneficial or not, or whether a longer time should be required than the three days. But we thought it unsafe to make it longer than three days as a beginning and as, I may say, an experiment on the question of time of notice given of a reduction.

I can not see that any possible wrong can come from giving that brief notice before a reduction shall be made, and certainly some notice ought to be required or an announcement be required when a reduction is made so that everybody can get the benefit of it alike, and we thought it was best in the interest of the shippers—not the railroads, but in the interest of the shippers, some of them asking as high as thirty days—that a brief time should be given before a reduction should be made.

Mr. McPHERSON. Does the Senator pretend to say that under this provision as to the days, rates can be advanced on the same notice?

Mr. CULLOM. Before an advance can be made there must be ten days' notice.

Mr. McPHERSON. I understand that, but if the other matter of reduction is left where the interstate-commerce law left it, so that a railroad company to-day may give to the public the benefit of a reduction at once without asking of anybody the privilege of doing it, and be compelled to give the reduction it proposed to give to all shippers at the same time, then your bill is a grave censure of the law.

Mr. CULLOM. All I have to say is that the great majority of those who were heard on the subject, business men and shippers, favored a notice before a reduction of rates.

Mr. GORMAN. I concur very much with what the Senator from Massachusetts [Mr. DAWES] said. I admit that so far as concerns the operations of the railroads, from the day the interstate-commerce law went into effect, owing to the course of the Interstate-Commerce Commission, there has been less charged upon through rates than was ever charged in five years preceding except in the cases where they were warring with each other; and notwithstanding that, the aggregate receipts, by reason of the large increase of the volume of business known as through business, have exceeded the receipts during the years prior to the passage of the act.

I desire to make the further statement that there is not a commercial community along the seaboard or in the interior where it has not been demonstrated and recognized by everybody to be the fact that there is no longer a hundredth part of the discrimination between firms and individuals that there was prior to the passage of this law.

Mr. DAWES. What has been the effect on local trade?

Mr. GORMAN. In the matter of local trade there has been greater uniformity than formerly.

Mr. CULLOM. And great reductions in rates.

Mr. GORMAN. Yes, sir; reductions have been made. There has been a readjustment of rates which has produced contentment with the present condition of affairs in comparison to what it was prior to the passage of the law, and I venture the assertion, though I have not the statistics before me, that there are 50 per cent. fewer suits against railroad companies because of discrimination since the passage of the interstate-commerce act than there were prior to it.

Mr. DAWES. What has been the effect on the aggregate earnings of the companies?

Mr. GORMAN. While the receipts of the railroad companies have been increased very largely, it is not because of increased rates, but because of the increased volume of business.

Mr. DAWES. Then I understand the Senator from Maryland to say that while the through rates as a whole have been in the aggregate less, and while the local rates have produced greater content and satisfaction, still, on the whole, the earnings of railroads have not suffered under this law.

Mr. GORMAN. The business is increasing every year as the population increases and manufactures and products increase. Those things swell the gross receipts of railroads.

In regard to the interstate-commerce law, the same effect has been had in the United States at large that was had in the State of New York when the State law was passed there. The railroads have not been crippled; they have carried on their business with greater satisfaction; the public have been content, and overcharges which formerly existed have not been made.

Mr. MCPHERSON. I know that the Senator from Maryland is qualified to testify in this matter. I have stated that the public have paid 15 cents more per ton for the average transportation from the West to the East—I speak now of the great trunk lines and the great receiving points—than they had paid in the two years preceding the passage of the law. I understand the Senator to say that the railroads never charged less than now, except in times when they were fighting each other. In other words, the earnings have not been more than they were in olden times, except when the roads were in battle. I never saw the time before the passage of the interstate-commerce bill, I fail to recall the year, in which the roads were not in battle. They were in a fight always; they were in competition always, the most active competition for business, and the rates were made lower by reason of it. But I stated that the public have paid more for transportation under the interstate-commerce law than they did before the passage of the law. That was my statement.

I move to strike out the words I have referred to on the fifth page and wherever else they appear. I have not had time to find all the places where they occur in the bill.

The PRESIDENT *pro tempore*. Will the Senator indicate the words proposed to be stricken out?

Mr. MCPHERSON. The words "or less" in line 116, where the bill reads:

It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith.

I move to strike out the words "or less."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, on page 6, line 116, after the word "greater," it is proposed to strike out "or less."

The PRESIDENT *pro tempore*. This amendment having been adopted in Committee of the Whole is not subject to amendment at this stage of the bill. The Senator can move to amend it in the Senate. If there be no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. MCPHERSON. If the amendment I moved is in order now I move it.

The PRESIDENT *pro tempore*. The Chair will first put the question on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question recurs on the reserved amendment indicated by the Senator from New Jersey; which will be stated.

The CHIEF CLERK. In section 1, on page 6, line 116, after the word "greater," it is proposed to strike out the words "or less."

The PRESIDENT *pro tempore*. The question is on this amendment of the Senator from New Jersey to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River, at or near Natchez, Miss.; and

Joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin.

SALE OF FORT OMAHA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 671) to provide for the sale of the site at Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon; which was on page 2, line 1, after the word "Attorney-General," to insert:

And provided further, That not more than one-third of said sum shall be expended in the purchase of a site; and the whole expenditure for site and improvement shall not exceed the sum of $200,000.

Mr. MANDERSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

FORFEITURE OF UNEARNED RAILROAD LANDS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was to strike out all after the enacting clause and insert a substitute.

Mr. PLUMB. I move that the Senate non-concur in the amendment of the House and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. DOLPH, and Mr. WALTHALL were appointed.

LANDS IN DENVER.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

Resolved, That the Clerk be directed to prepare a duplicate engrossed copy of the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, and deliver the same to the Senate, and request that body to furnish the House with a duplicate copy of the amendments of the Senate to said bill, and indorse on the duplicate engrossed bill and amendments the action had in the Senate thereon, and return the same to the House; the original bill and amendments having been lost.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1818) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes, reported it with amendments.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3219) to increase the pension of Keyes P. Cool, reported it with an amendment, and submitted a report thereon.

VETOED PENSION BILLS.

Mr. HAWLEY. The Committee on Printing, to whom was referred the motion of the Senator from Nebraska [Mr. MANDERSON] to print 5,000 additional copies of Senate Report No. 1667, being the report of the majority of the Committee on Pensions on vetoed pension bills, have directed me to report in favor of printing the same, including the views of the minority, and, as amended, they recommend its adoption. The cost will be $60 only.

The PRESIDENT *pro tempore*. The motion provides for the printing of the report of the majority of the Committee on Pensions on the veto messages.

Mr. COCKRELL. Let the resolution be printed and lie over.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. HAWLEY. The motion as referred to the committee is the barest informal memorandum. I can put it in the form of a resolution. It is simply that 5,000 copies of Report No. 1667 be printed for the use of the Senate. The amendment includes the minority report.

The PRESIDENT *pro tempore*. Does the Senator from Missouri desire to have the report lie over?

Mr. COCKRELL. Yes, sir.

BILL INTRODUCED.

Mr. MCPHERSON introduced a bill (S. 3295) to amend section 563 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. COLQUITT submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MCPHERSON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Samuel W. Ravenel and others, citizens of Boonville, Mo., have permission to withdraw from the files of the Senate a petition presented to the Senate March 9, 1886, praying for the passage of a bill prohibiting Chinese immigration, under the rules of the Senate.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BERRY. I ask unanimous consent to proceed to the consideration of Order of Business 1729.

Mr. BLAIR. Before that is taken up, I give notice that to-morrow morning I shall ask the Senate to proceed to the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

SEACOAST DEFENSES.

Mr. STEWART. I must insist on the regular order. It has been laid over from time to time.

The PRESIDENT *pro tempore*. The regular order is the bill (S. 62) to provide for fortifications and other seacoast defenses.

ARKANSAS RIVER BRIDGE AT CUMMINGS' LANDING.

Mr. BERRY. I appeal to the Senator from Nevada [Mr. STEWART] to let the regular order be informally laid aside that I may call up the bill I have mentioned. It is important it should be passed at once. It will cause no debate whatever.

Mr. DOLPH. I want consideration of the regular order. I do not propose to discuss it, but I want to get a vote on it. If it is up I will yield to the Senator informally.

The PRESIDENT *pro tempore*. The regular order is before the Senate. The bill referred to by the Senator from Arkansas will be stated by title, if there be no objection.

Mr. BERRY. It is Order of Business 1729.

The CHIEF CLERK. Order of Business 1729, being the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings' Landing, Lincoln County, Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 4, after the word "shall," to strike out "not to be less than 160 feet in the clear" and insert "be of such width as the Secretary of War shall prescribe;" in line 8, after the word "spans," to strike out "be not less than 10 feet above" and insert "shall be of such height above;" and in line 11, after the word "bridge," to insert "as may be directed by the Secretary of War in the interests of navigation;" so as to read:

SEC. 3. That the said bridge shall be constructed with a draw or pivot-span, which shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot-pier shall be of such width as the Secretary of War shall prescribe, and, as nearly as practicable, both of said openings shall be accessible at all stages of water; that the spans shall be of such height above extreme high-water mark, as understood at the point of location, to the lowest point of the superstructure of said bridge as may be directed by the Secretary of War in the interests of navigation; that the piers and draw-rests of said bridge shall be built parallel with the current at that stage of the river which is most important for navigation, and the bridge itself at right angles thereto; and that no riprap or other outside protection for imperfect foundations be permitted to approach nearer than 4 feet to the surface of the water at its extreme low stage, or otherwise to encroach upon the channel-ways provided for in this act.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the words "whenever the," to strike out "Congress" and insert "Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR KANSAS CITY.

Mr. COCKRELL. I move to proceed to the consideration of executive business.

Mr. VEST. I ask my colleague to withdraw the motion for a moment.

Mr. COCKRELL. I withdraw the motion for my colleague.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city, to report it without amendment; and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIENS OF JUDGMENTS AND DECREES.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

Mr. WILSON, of Iowa. I ask the Senator to yield to me a moment.

Mr. DAWES. I withdraw the motion.

Mr. WILSON, of Iowa. I ask for the consideration of Calendar No. 1180, being House bill 8180. It will take but a minute. I ask unanimous consent that the Senate proceed to its consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States.

The PRESIDENT *pro tempore*. The bill has heretofore been read at length and the amendments of the Committee on the Judiciary have been agreed to.

Mr. WILSON, of Iowa. I desire to submit two amendments. I move to insert, in line 12, after the word "county," the words "or parish in the State of Louisiana;" so as to read:

Provided, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county or parish in the State of Louisiana, before a lien shall attach, etc.

The amendment was agreed to.

Mr. WILSON, of Iowa. I also, by instruction of the Committee on the Judiciary, offer the following amendment as an additional section to the bill:

SEC. 3. Nothing herein contained shall be construed to require the docketing of the judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county or parish in the State of Louisiana in which the judgment or decree is entered, in order that such judgment or decree may be a lien on any property within such county.

Mr. CALL. I ask the Senator from Iowa to explain that.

Mr. WILSON, of Iowa. The province of that amendment is to provide against the necessity of having these transcripts of judgments and decrees rendered in the United States courts, filed in the local offices of the State within the same county where the judgment or decree has been rendered. There can be no propriety in requiring that to be done, because it would be merely going to the expense of having two places instead of one in such county; that is to say, for instance, in the city and county of New York, if this amendment shall be adopted, it will not be necessary to take transcripts of judgments and decrees in the United States courts in that city and county and file them in the county office in order to constitute a lien; but in all other counties, where the United States courts are not located, and the States have made provision for the filing of those transcripts, then this bill will have effect.

Mr. CALL. What is the meaning of the provision as to Louisiana?

Mr. WILSON, of Iowa. That is merely for the purpose of designating parishes there in addition to counties in other States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate insist on its amendments and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WILSON of Iowa, Mr. EVARTS, and Mr. GEORGE were appointed.

EXECUTIVE SESSION.

Mr. DAWES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, July 10, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 9, 1888.

UNITED STATES JUDGE.

John H. Keatley, of Iowa, to be United States judge for the district of Alaska, *vice* Lafayette Dawson, resigned.

ASSOCIATE JUSTICES.

Roderick Rose, of Dakota Territory, to be associate justice of the supreme court of the Territory of Dakota, *vice* W. H. Francis, whose term has expired.

Hugh W. Weir, of Pennsylvania, to be chief-justice of the supreme court of the Territory of Idaho, *vice* J. B. Hays, deceased.

Charles H. Berry, of Minnesota, to be associate justice of the supreme court of the Territory of Idaho, *vice* Case Broderick, whose term has expired.

Elliott Sandford, of New York, to be chief-justice of the supreme court of the Territory of Utah, *vice* C. S. Zane, whose term has expired.

John W. Judd, of Tennessee, to be associate justice of the supreme court of the Territory of Utah, as provided for by the act of Congress approved June 25, 1888.

COLLECTORS OF CUSTOMS.

Henry M. Barlow, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware, to succeed Henry F. Pickels, whose term of service has expired.

James E. Otis, of New Jersey, to be collector of customs for the district of Little Egg Harbor, in the State of New Jersey, to succeed George W. Mathis, whose term of service will expire by limitation on July 6, 1888.

REVENUE SERVICE.

First Lieut. Washington C. Coulson, of Indiana, to be a captain in the revenue service of the United States, in the place of Capt. James M. Selden, deceased.

Second Lieut. James B. Butt, of Pennsylvania, to be a first lieutenant in the revenue service of the United States, in the place of First Lieut. Washington C. Coulson, to be promoted.

Andrew J. Henderson, of the District of Columbia, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. Edward F. Kimball, resigned.

Godfrey L. Carden, of Illinois, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. Howard M. Broadbent, promoted.

William V. E. Jacobs, of Maryland, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. William E. Reynolds, promoted.

Staley M. Landrey, of Indiana, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. William E. W. Hall, resigned.

Frank L. Smith, of Massachusetts, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. Charles A. Barnes, resigned.

Preston H. Uberroth, of Pennsylvania, to be a third lieutenant in the revenue service of the United States, in the place of Third Lieut. Daniel P. Foley, promoted.

Eugene Vallat, jr., to be second assistant engineer in the revenue service of the United States, in the place of Second Assistant Engineer Frank W. Waterman, resigned.

POSTMASTERS.

William A. Hall, to be postmaster at Phœnix, in the county of Maricopa and Territory of Arizona, in the place of George E. Mowry, whose commission expired June 16, 1888.

Hugh A. Clark, to be postmaster at San Jacinto, in the county of San Diego and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

John Field, to be postmaster at Cloverdale, in the county of Sonoma and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Margaret A. Finn, to be postmaster at Santa Monica, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Josiah B. Moores, to be postmaster at Ontario, in the county of San Bernardino and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Robert J. Pauli, to be postmaster at Sonoma, in the county of Sonoma and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

William L. Smith, to be postmaster at Selma, in the county of Fresno and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Charles E. Flanery, to be postmaster at Akron, in the county of Washington and State of Colorado, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Joseph M. Graham, to be postmaster at Buena Vista, in the county of Chaffee and State of Colorado, in the place of Carlos B. Wilson, whose commission expired July 1, 1888.

Alonzo C. Allen, to be postmaster at Suffield, in the county of Hartford and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Frank P. Smith, to be postmaster at Faulkton, in the county of Faulk and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

William Marshall, to be postmaster at Farmington, in the county of Fulton and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Drake H. Vancil, to be postmaster at Cobden, in the county of Union and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

William Swint, to be postmaster at Boonville, in the county of Warrick and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

James R. Williams, to be postmaster at Danville, in the county of Hendricks and State of Indiana, in the place of Archibald P. Pounds, deceased.

Patrick H. Wilson, to be postmaster at Worthington, in the county of Greene and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Martin Cooper, to be postmaster at Forest City, in the county of Winnebago and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

David C. Clark, to be postmaster at Phillipsburgh, in the county of Phillips and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Ira Steinberger, to be postmaster at Erie, in the county of Neosho and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Caspar Horwickholst, to be postmaster at Hays City, in the county of Ellis and State of Kansas, in the place of Joseph E. Wilson, removed.

William D. Kelly, to be postmaster at Ellis, in the county of Ellis and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Thomas Madigan, to be postmaster at Wallace, in the county of Wallace and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Frank F. Stevens, to be postmaster at Richfield, in the county of Morton and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Miss Lucy Hocker, to be postmaster at Eminence, in the county of Henry and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Samuel J. Robinson, to be postmaster at Towson, in the county of Baltimore and State of Maryland, in the place of Sarah Feast, whose commission expired June 28, 1888.

John Duane, to be postmaster at West Medford, in the county of Middlesex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1888.

Charles H. Loud, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Cornelius Cronin, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Eugene R. Savage, to be postmaster at Mancelona, in the county of Antrim and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Otto A. Kohler, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Charles W. Main, to be postmaster at Tracy, in the county of Lyon and State of Minnesota, in the place of Ernst O. Brauns, whose commission expired July 2, 1888.

Horace Picket, to be postmaster at Fergus Falls, in the county of Otter Tail and State of Minnesota, in the place of George L. Nichols, whose commission expired May 29, 1888.

Alexander Elson, to be postmaster at Unionville, in the county of Putnam and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Frank W. Sprague, to be postmaster at Rushville, in the county of Sheridan and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

David H. Applegate, to be postmaster at Red Bank, in the county of Monmouth and State of New Jersey, in the place of William Applegate, whose commission expired June 16, 1888.

Catherine W. Baker, to be postmaster at Millington, in the county of Morris and State of New Jersey, in the place of James A. Baker, whose commission expired April 8, 1888.

William B. Carpenter, to be postmaster at Flushing, in the county of Queens and State of New York, in the place of Andrew W. Smith, resigned.

James S. Logan, to be postmaster at Port Chester, in the county of Westchester and State of New York, in the place of Charles H. Palmer, whose commission expired July 5, 1888.

Walter E. Northrup, to be postmaster at Oneida, in the county of Madison and State of New York, in the place of Watson A. Stone, deceased.

Martin Walrath, jr., to be postmaster at St. Johnsville, in the

county of Montgomery and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Theodore W. Miller, to be postmaster at London, in the county of Madison and State of Ohio, in the place of Katharine W. Hanson, whose commission expired June 28, 1888.

William W. Montgomery, to be postmaster at Port Clinton, in the county of Ottawa and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Wesley A. Savage, to be postmaster at Paulding, in the county of Paulding and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

James Stratton, to be postmaster at Auburndale, in the county of Lucas and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Francis G. Andrews, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania, in the place of Samuel H. Smith, removed.

Isaac F. Bomberger, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, in the place of Mrs. Sarah A. Christ, whose commission expired July 4, 1888.

Robert I. Fleming, to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania, in the place of William W. Rankin, deceased.

William B. Jack, to be postmaster at Leechburgh, in the county of Armstrong and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Peter A. Rattigan, to be postmaster at Barnhart's Mills, in the county of Butler and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

James G. Peck, to be postmaster at East Providence, in the county of Providence and State of Rhode Island, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Charles R. Haynie, to be postmaster at Bastrop, in the county of Bastrop and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Henry Mertz, to be postmaster at Uvalde, in the county of Uvalde and State of Texas, in the place of Nathan L. Stratton, whose commission expired June 12, 1888.

Levin Perry, to be postmaster at Jefferson, in the county of Marion and State of Texas, in the place of Ernestine Sterne, whose commission expired June 26, 1888.

James H. Rodeffer, to be postmaster at Woodstock, in the county of Shenandoah and State of Virginia, in the place of Daniel Lichliter, whose commission expired May 21, 1888.

William C. Weaver, to be postmaster at Front Royal, in the county of Warren and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Benjamin S. Thompson, to be postmaster at Hinton, in the county of Summers and State of West Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Charles F. Kalk, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

John R. Mathews, to be postmaster at Menomonee, in the county of Dunn and State of Wisconsin, in the place of Edward L. Everts, whose commission expired July 4, 1888.

Fredrick Swain, to be postmaster at Washburn, in the county of Bayfield and State of Wisconsin, the appointment of a postmaster for said office having, by law, become vested in the President on and after July 1, 1888.

Leopold L. Daus, to be postmaster at Rock Springs, in the county of Sweetwater and Territory of Wyoming, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

Edwin S. Hallock, to be postmaster at Evanston, in the county of Uinta and Territory of Wyoming, in the place of Alanza A. Bailey, whose commission expired July 5, 1888.

ASSISTANT SURGEON IN THE NAVY.

Albert Montgomery Dupuy McCormick, a resident of Virginia, to be an assistant surgeon in the Navy, to fill an existing vacancy.

CORPS OF ENGINEERS.

Col. Thomas L. Casey, to be Chief of Engineers with the rank of brigadier-general, July 6, 1888, *vice* Duane, retired from active service.

ORDNANCE DEPARTMENT.

First Lieut. Orin B. Mitcham, to be captain, June 17, 1888.

MEDICAL DEPARTMENT.

Charles F. Mason, of Virginia (late assistant surgeon), to be assistant surgeon with the rank of first lieutenant, July 2, 1888, *vice* Anderson, resigned.

TO BE SECOND LIEUTENANTS.

Class rank.

First Regiment of Cavalry.

20. Cadet John D. L. Hartman, *vice* Foltz, promoted.

Second Regiment of Cavalry.

9. Cadet John S. Winn, *vice* Rucker, promoted.

Third Regiment of Cavalry.

14. Cadet Charles A. Hedekin, *vice* Isham, resigned.

Fourth Regiment of Cavalry.

21. Cadet Clough Overton, *vice* Benson, promoted.

Fifth Regiment of Cavalry.

13. Cadet Solomon P. Vestal, *vice* Hunter, transferred to the Fourth Artillery.
18. Cadet Claiborne L. Foster, *vice* Waite, promoted.

Tenth Regiment of Cavalry.

15. Cadet Francis J. Koester, *vice* Trippe, promoted.

First Regiment of Artillery.

4. Cadet George W. Burr, *vice* Bailey, promoted.
6. Cadet John L. Hayden.

Fourth Regiment of Artillery.

7. Cadet Charles D. Palmer, *vice* Townsley, promoted.

Fifth Regiment of Artillery.

5. Cadet Charles C. Gallup, *vice* Carbaugh, promoted.

Second Regiment of Infantry.

24. Cadet Edward R. Chrisman, *vice* Mallory, promoted.

Ninth Regiment of Infantry.

19. Cadet Charles W. Fenton, *vice* Wassell, resigned.

Tenth Regiment of Infantry.

35. Cadet William H. Wilhelm, *vice* Stottler, promoted.

Eleventh Regiment of Infantry.

17. Cadet Charles P. Russ, *vice* Clayton, resigned.

Thirteenth Regiment of Infantry.

16. Cadet John S. Grisard, *vice* Buck, promoted.
31. Cadet Peter C. Harris, *vice* Dade, transferred to the Tenth Cavalry.

Fifteenth Regiment of Infantry.

30. Cadet Edward Anderson, *vice* May, promoted.

Nineteenth Regiment of Infantry.

34. Cadet William T. Wilder, *vice* French, promoted.

Twentieth Regiment of Infantry.

33. Cadet William H. Hart, *vice* Waters, resigned.

Twenty-first Regiment of Infantry.

12. Cadet James W. McAndrew, *vice* Brook, promoted.
32. Cadet Munroe McFarland, to fill a vacancy to be created by the appointment of a regimental adjutant.

Twenty-fourth Regiment of Infantry.

36. Cadet Charles V. Donalson, *vice* Hovey, promoted.

Twenty-fifth Regiment of Infantry.

37. Cadet George E. Stockle, *vice* Webb, promoted.

TO BE ADDITIONAL SECOND LIEUTENANTS.

Attached to the Corps of Engineers.

1. Cadet Henry Jervey.
2. Cadet Charles H. McKinstry.
3. Cadet William V. Judson.

Attached to the Cavalry Arm.

22. Cadet William J. D. Horne, to the Ninth Cavalry.
23. Cadet Robert L. Howze, to the Fifth Cavalry.
25. Cadet Guy H. Preston, to the First Cavalry.
26. Cadet Edwin M. Suplee to the Second Cavalry.
27. Cadet Andrew G. C. Quay to the Eighth Cavalry.
28. Cadet John P. Ryan to the Third Cavalry.

Attached to the Artillery Arm.

8. Cadet William S. Pierce to the First Artillery.
10. Cadet Peyton C. March to the Third Artillery.
11. Cadet Eugene T. Wilson to the Fifth Artillery.

Class rank.

Attached to the Infantry Arm.

29. Cadet William R. Sample to the Fourteenth Infantry.
38. Cadet William R. Dashiell to the Eighth Infantry.
39. Cadet Eli A. Helmick to the Eleventh Infantry.
40. Cadet Alexander W. Perry to the First Infantry.
41. Cadet William T. Littebrant to the Nineteenth Infantry.
42. Cadet Charles G. French to the Twentieth Infantry.
43. Cadet Capers D. Vance to the Twenty-first Infantry.
44. Cadet Matthew C. Butler, jr., to the Fourteenth Infantry.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 9, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRISP, indefinitely, on account of sickness in his family.

To Mr. ROWLAND, for one day, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 1387) for the relief of certain volunteer soldiers;

A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;

A bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812;

A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.;

Joint resolution (H. Res. 191) relating to the pages of the House of Representatives; and

Joint resolution (H. Res. 193) directing the Clerk of the House of Representatives to amend the enrollment of the bill (H. R. 9397) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

ORDER OF BUSINESS.

Mr. CONGER. I ask unanimous consent to discharge the Committee of the Whole—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and resolutions.

CONTRACT LABOR.

Mr. FORD. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is alleged that the present immigration to the United States is excessive, artificial, and injurious, and is encouraged to satisfy private greed;

Whereas it is charged by prominent journals that the law prohibiting the importation of contract labor is being extensively evaded, owing to a lack of machinery to enforce the provisions of said law;

Whereas it is claimed that the present indiscriminate immigration is not voluntary or natural, but is promoted and stimulated by transportation companies, and by so-called bankers and *padroni* in America, and that such immigration is having the effect of decreasing the wages of the workingmen in the United States: Therefore,

Be it resolved, That the Speaker shall appoint a select committee of five, which committee is hereby authorized and directed to investigate the subject-matter herein referred to, and report their conclusions thereon to the House at the earliest practicable moment, by bill or otherwise. Such investigation shall be conducted at such times and places as the said committee may deem proper, and may be continued after the adjournment of the present session of Congress if necessary. Said committee is hereby authorized to send for and examine persons, books, and papers, and administer oaths to witnesses, and to employ a messenger and stenographer, and the expenses of said investigation shall be paid out of the contingent fund of the House.

Mr. FORD. I ask that the resolution be referred to the Committee on Military Affairs.

Mr. BUCHANAN. I would like to inquire how it becomes pertinent to that committee.

The SPEAKER put the question, and was in doubt as to the result.

A division was called for.

The House divided; and there were—ayes 56, noes 47.

So the motion to refer the resolution to the Committee on Military Affairs was agreed to.

SUGAR AND OIL TRUSTS.

Mr. ADAMS. I offer a resolution which I send to the Clerk's desk and desire to have read.

The Clerk read as follows:

Whereas on January 25, 1888, a resolution was adopted by the House reciting that certain individuals and corporations had combined to increase the price of some of the necessaries of life, thereby injuriously affecting commerce between the States and impairing the revenues of the United States derived from its duties on imports, and requiring the Committee on Manufactures to investigate the matter and report the result of such investigation to the House with such recommendations as the said committee might agree upon; and

Whereas the purpose of said resolution was, among other things, to obtain information in regard to the so-called sugar trust and enable the House intelligently to consider a revision of the tariff duties on sugar, and also to obtain information in regard to the so-called Standard Oil trust and enable the House to consider whether legislation in regard thereto ought to be had during the present session of Congress; and

Whereas the broad scope of the resolution as adopted by the House renders it impracticable for the Committee on Manufactures to make during the present session a final report with recommendations covering all the subject-matters embraced within the terms of said resolution: Therefore,

Resolved, That the Committee on Manufactures be directed to report immediately to the House, with or without recommendation, all the evidence heretofore taken by said committee relating to the so-called sugar trust; and that said committee be also directed immediately to make a separate report to the House, with or without recommendation, of all the evidence heretofore taken by said committee relating to the so-called Standard Oil trust.

Mr. ADAMS. I do not care whether the resolution goes to the Committee on Rules or to the Committee on Manufactures, to which it relates.

The SPEAKER. The resolution will be referred to the Committee on Rules.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. HIRES introduced a bill (H. R. 10754) to amend an act entitled "An act for the erection of a public building at Camden, N. J.;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL CEMETERY ROAD, VICKSBURG.

Mr. CATCHINGS introduced a bill (H. R. 10755) to provide for the repair of the road built by the Government from Vicksburg, Miss., to the national cemetery adjacent thereto; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIFE-SAVING STATION, LAKE ONTARIO.

Mr. NUTTING introduced a bill (H. R. 10756) to establish a life-saving station on the coast of Lake Ontario, in the county of Oswego; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BLAIR EDUCATIONAL BILL.

Mr. THOMAS H. B. BROWNE submitted the following resolution; which was referred to the Committee on Rules:

Whereas the people of the United States have largely petitioned Congress for the passage of a bill to aid in the establishment and temporary support of common schools; and

Whereas many of the States, through their legislative assemblies, have urged the necessity of such aid, notably that of the State of Virginia, in a joint resolution, as follows:

Resolved (*the House of Delegates concurring*), That the Senators from Virginia be instructed, and the members of the House of Representatives from Virginia be requested, to vote for a federal aid to public free schools, and to support the measure commonly known as the Blair bill, or some other better measure; and

Whereas the Senate, during the early part of the present session of Congress, passed Senate bill 371, being a bill to aid in the establishment and temporary support of common schools; and

Whereas said bill has been before the Committee on Education for several months; and

Whereas the majority of said committee have failed to report said bill and have the same placed on the Calendar of the House for its action; and

Whereas the majority of the committee have refused to meet to consider said bill and have on various occasions left the committee-room for the purpose of breaking a quorum, so as to prevent the consideration of said bill; and

Whereas the Republicans in caucus have asked unanimously that said bill be reported and placed on the Calendar of the House; and

Whereas it is contrary to the spirit of the Constitution and subversive of free government to suppress the will of the people:

Resolved, That the Committee on Education are hereby relieved from the further consideration of said bill, and that Tuesday, the 17th day of July, be set apart for the consideration of said bill, that it shall have precedence of all other business until disposed of, and that no dilatory motions shall be entertained during the consideration of said bill.

PERSONAL EXPLANATION.

Mr. OUTHWAITE. Mr. Speaker, I rise to a personal explanation. I notice in the RECORD of July 7, that my colleague [Mr. GROSVENOR], speaking of his pair upon the land-forfeiture bill, used the following language:

I am announced as being paired with my colleague [Mr. OUTHWAITE]. I understand that if he were present he would vote "no;" I therefore uphold the pair and would have voted in the affirmative.

I do not know whence the gentleman received his understanding. If he were present this morning I should have inquired of him, but he is not present. I should have voted "yea" upon all occasions on that bill. I have supported the bill as earnestly as I possibly could, and, as it was distinctively a Democratic measure, I can not conceive how the gentleman should have supposed that I would have voted "no."

ORDER OF BUSINESS.

Mr. BLAND. Mr. Speaker, I desire to introduce a bill.

Mr. LAWLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. LAWLER. At the end of the roll-call I wish to ask unanimous consent to have a petition printed.

The SPEAKER. The regular order has been demanded by several gentlemen, and the Chair is executing the regular order. The gentle-

man from Missouri [Mr. BLAND] is recognized to introduce a bill under the call.

STANDARD OF LENGTH, ETC.

Mr. BLAND introduced a bill (H. R. 10757) to establish public standards of length and standard directions for ascertaining the variations of the compass; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CAPITOL, NORTH O AND SOUTH WASHINGTON RAILWAY COMPANY.

Mr. BREWER (by request) introduced a bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PENSIONS OF SURVIVORS OF WAR OF 1812.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 10759) to increase the pensions of the survivors of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AMENDMENT OF POSTAL APPROPRIATION ACT.

Mr. PETERS introduced a bill (H. R. 10760) to amend section 215, chapter 456, of "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1875, and for other purposes;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. MILLS. I call for the regular order.

COL. JOHN GEORGE RYAN.

Mr. LAWLER. I hold in my hand a petition making a claim against the Government for damages for the false imprisonment of Col. John George Ryan, who was claimed to be John Surratt, concerned in the conspiracy against the life of Abraham Lincoln. This is a very important matter, damages being claimed to the amount of $100,000. I do not ask that the petition with the accompanying affidavits be read, but I desire that it be published in the RECORD.

The SPEAKER. The regular order has been demanded, and unless that demand be withdrawn the Chair can not entertain the gentleman's request. Does the gentleman from Texas withdraw his demand?

Mr. MILLS. Yes, sir.

The SPEAKER. The gentleman from Illinois [Mr. LAWLER] asks to have this petition printed in the RECORD.

Mr. HOLMAN. Without the names?

Mr. LAWLER. There is only one name.

The SPEAKER. Is there objection?

Mr. STEELE. What is the petition?

The SPEAKER. The gentleman from Illinois states that it is a petition of a certain gentleman who claims that he was falsely arrested and imprisoned by the Government upon the allegation that he was John Surratt, and who asks damages to the amount of $100,000.

Mr. STEELE. I think the petition had better go to the proper committee. I object.

Mr. LAWLER. What objection can the gentleman have to printing the petition in the RECORD?

Mr. STEELE. It is not necessary to lumber up the RECORD with matters which are not pertinent.

ORDER OF BUSINESS.

The SPEAKER. This day, being the second Monday of the month, is set apart for the consideration of business of the Committee on the District of Columbia, if claimed by that committee. If not, the ordinary business of the House will proceed.

Mr. HEMPHILL. I move that the House resolve itself into Committee of the Whole for the purpose of taking up House bill No. 8272.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia.

The question being taken on the motion of Mr. HEMPHILL, it was not agreed to; there being—ayes 15, noes 63.

Mr. MILLS. I now rise for the purpose of moving that the House go into Committee of the Whole, but I will yield a moment to the gentleman from California [Mr. BIGGS].

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] desires to call up another bill.

Mr. HEMPHILL. I think it fair to the House to state that we are prepared to go on with District business, if the House will sustain us, and are anxious to do so. But it is not necessary to consume time in making repeated motions. I will therefore submit only one other motion, with the view of testing the sense of the House as to whether we shall be permitted to go on with District business to-day. I therefore move that the House resolve itself into Committee of the Whole for the purpose of taking up the bill (H. R. 9581) to incorporate the Georgetown Barge, Dock, Elevator and Railway Company.

Mr. MILLS. I hope that motion will be voted down.

The question being taken, the motion of Mr. HEMPHILL was not agreed to; there being—ayes 7, noes 76.

Mr. HEMPHILL. In consideration of the action just taken by the House, indicating its desire to consider the bill which the gentleman from Texas has designated, I will not further urge at this time the business of the District of Columbia Committee, as there is an evident majority against its consideration to-day. But I would like to say that when we get through with the tariff bill I will, throwing myself upon the mercy and kindness of the House, appeal to it to give us additional time for the consideration of our District measures.

Mr. MILLS. I yield a moment to the gentleman from California [Mr. BIGGS].

Mr BIGGS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill which I send to the desk, and that it be put on its passage.

Mr. BUCHANAN. After our experience of the last two days, I call for the regular order.

Mr. BIGGS. I hope the gentleman will not object; it is a bill that he has agreed to.

Mr. BUCHANAN. I will object until these things are made less one-sided.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the tariff bill. Before that question is put, I ask consent that we close debate on the pending paragraph of the bill at 1 o'clock to-day.

Mr. RYAN. And all amendments?

Mr. MILLS. And all amendments. After that you can vote as much as you please.

Mr. CANNON. So far as concerns the amendment I have offered, and so far as concerns myself in connection with it, I will say, speaking for myself, that I am ready to consent that the debate be closed at any time. But so far as concerns closing debate on amendments which are to follow, several of which, of great importance I understand, are to be offered in good faith, I can not, for one, assent to closing debate in any time short of two days. Perhaps the subject may not take us so long as that, but a number of gentlemen want to offer amendments in good faith and want an opportunity to discuss them.

Mr. MILLS. It seems to me we ought to come to some agreement to limit debate and finish this whole paragraph to-day.

Mr. REED. I do not believe there will be any discussion beyond what is necessary, and I think the gentleman had better let it run on for a while.

Mr. MILLS. Very well. Then I move that the House resolve itself into Committee of the Whole, and let the debate drift.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the tariff bill. The question is on the motion of the gentleman from Illinois to strike out and insert what has been read.

[Mr. WILKINSON withholds his remarks for revision. See APPENDIX.]

Mr. CONGER. Mr. Chairman, I believe I owe the House no apology for occupying a few moments this morning, this being the first time I have intruded myself into the discussion of this question. I learned very early in the course of this debate that discussion on this question was of very little use to us here. I comprehended long since the star chamber proceedings of the Committee on Ways and Means. I learned that no discussion, no appeals, no protests from this side of the House would avail to change one paragraph, sentence, line, or word of this bill. The unalterable fiat had gone forth that their dark-lantern bill must pass just as it came from the committee, with possibly a few exceptions agreed to in caucus, where a pot of glue or a wooden screw might serve to mend the broken fences of some Democratic Congressman in a very close district. [Laughter.]

I do not intend now to enter into a discussion of its merits. Over three hundred hours of continuous debate here have failed to convert one single member of this House. What, then, is the use of talking? I am not especially charmed with the sound of my own voice. Nor is it necessary to inform my constituents how I stand on this question; I have frequently declared to them my position. They understand that I am an American; that I am a protectionist from the crown of my head to the soles of my feet, and that consequently I am a Republican, and that I stand upon the platform of the Republican party.

Gentlemen on the other side of this House who were so terribly elated by our friendly dialogue here last Saturday need not worry themselves about our family affairs. I desire to say to them that we are not afraid to discuss this question among ourselves. We may differ as to the ways and means which should be used in correcting the irregularities and inequalities of the tariff while preserving the protective principle, yet, Mr. Chairman, as to the principle and its results we are one. The venerable gentleman from Pennsylvania [Mr. KELLEY] may not travel in the exact line with his more conservative brother, the gentleman from Illinois [Mr. CANNON], and my friend from California [Mr. MCKENNA] and the gentleman from Kansas [Mr. PETERS] may differ slightly with my colleagues from Iowa and myself. And some of us may even be in favor of free lumber, free salt, free rice, and free sugar, and be op-

posed to bounties, yet we may all stand solidly together upon the national Republican platform, and we all do stand uncompromisingly in favor of the prosperity and growth of all our country, and of the elevation, the advancement, the peace, and happiness of all our people. Oh, gentlemen on the other side, you need not trouble yourselves about the Republican platform. We will take care of that. And right here I desire to have the Clerk read, for your information, an epitome of that platform, so that you may be more fully conversant with it than you seem to be now.

The Clerk read as follows:

Condensed into the form of a short creed, the Republican platform is something like this:

We believe in a free ballot and in having every vote counted;
We believe in protection for protection's sake, and we are not ashamed of it;
We believe in abolishing internal taxes created for war purposes;
We believe in the direct protection of American labor against cheap foreign labor;
We believe in free internal competition;
We believe in railroad regulation;
We believe in homesteads and good homestead titles for citizens;
We believe in home rule for big and intelligent Territories;
We believe in a double monetary standard;
We believe in the utmost facilities for education, as worth all they can cost;
We believe in a big merchant marine and in American ship-yards;
We believe in a good navy, good coast defenses, and good water routes for commerce;
We believe in making other nations respect our rights and pay for all they get from us;
We believe in protecting American citizens against foreign interference, not only at home, but in any part of the world;
We believe in civil service reform more than ever; and
We believe that nothing is too good for the soldiers who risked their lives to save the country, and saved it.—*New York Press.*

Mr. CONGER. Those are the principles on which the Republican party stands. Those are the principles which the manufacturers of this country indorse; those are the principles which the farmers of this country indorse; those are the principles which the miners of this country indorse; those are the principles which the wage-earners everywhere indorse; and which will receive on the 6th of November next so universal an indorsement that they will thenceforward be recognized not only as the creed of the Republican party but the creed of the nation. [Applause on the Republican side.]

Mr. WHITE, of Indiana, addressed the Chair.

Mr. MILLS. I now ask unanimous consent that a vote be taken on the amendment of the gentleman from Illinois [Mr. CANNON]. We can then go on and talk upon some other proposition. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Indiana. I would like to speak for five minutes.

Mr. MILLS. I move that the committee rise.

Mr. BAYNE. The gentleman wants only five minutes.

Mr. MILLS. Then I will withdraw my motion.

Mr. FULLER. Mr. Chairman, I ask to have read the following amendment, to be presented at the proper time:

Strike out line 329 down to and including the word "gallon," in line 355, and insert the following: "All sugars and molasses shall, on and after January 1, 1889, be admitted free of duty."

Mr. Chairman, in the levying of impost duties I believe they should be so adjusted as to develop our industries. This has become the settled policy of this country and I do not believe any considerable portion of our people desire to change it. But when it has been demonstrated by means of a high protective tariff after years of trial that the industry is not susceptible of development in this country so as to meet the wants of the people, then I believe we should place the article on the free-list. Hence I have offered the amendment which has just been read.

Sugar, one of the great necessities of life, as made from sugar-cane proper, can only be produced in a limited area of the United States. It matters not to what extent we foster this industry by a tariff, we can not extend or materially develop it. The amount of the annual production is less than $20,000,000. A fraction over one-tenth of the amount consumed is produced in this country. Our people pay a yearly tax of over $56,000,000 on this one article alone. We do not produce to-day near as much sugar as we did before the war. In 1861–'62 we produced 539,830,500 pounds of sugar; in 1885–'86 the production was 302,754,486 pounds. While our home consumption is increasing at the rate of 10 per cent., our home product is decreasing.

During the past ten years we have paid out over $455,000,000 in duties on sugar. It is estimated that the ordinary-sized family pays not less than $5 in duties on the amount of sugar consumed in a year. Eighty-two per cent. ad valorem is the protection given sugar under the present law. This protection has not increased production, but has enhanced the price. Now, after years of a high protective tariff of 2 cents a pound on sugar and the production decreasing and equal to-day to only one-tenth of our consumption, is it the part of wisdom, I ask, or of statesmanship to longer continue the duty? Our Democratic friends need not longer talk about consistency, for it is not found in a bill containing such a hardship on the people. While this bill may have some merit, yet it will not meet with favor by the people of this country when it contains such a manifest injustice.

But Louisiana must be kept in the Democratic column, even if it compels our Democratic friends to support a measure which is neither "fish or fowl," neither protection or free trade—a bill illogical and built on no connected plan, the chief characteristic of which is its extreme sectionalism.

We hear just now of wonderful experiments in the obtaining of a large percentage of sugar from sorghum cane. If it should prove to be true as stated, Illinois, Iowa, Missouri, Kansas, and Nebraska can produce sugar for the world, for we can raise sorghum cane as certain as Indian corn. I would make liberal appropriations to continue these experiments, not only in Southeastern Kansas but in Iowa, Illinois, and other States, and if it proves to be a success, as claimed and hoped, it will be a very easy matter to renew the tariff on sugar and assist in developing this new industry.

Some of our friends advocate a bounty. The giving of direct bounties or subsidies it seems to me is contrary to the spirit of our form of government. It is in the nature of class legislation, which I can not favor. [Applause.]

Mr. WHITE, of Indiana. Mr. Chairman, when this question was first brought forward in the House I was not present, and thinking it was a proposition for free sugar, and that the result would be to strike down one of the industrial interests of the South, I felt like opposing it. I believe that the industries of this country, North, South, East, and West, no matter were they are located, deserve to receive the support of every man on this floor. But as the debate progressed, I ascertained that it was proposed to make sugar free, and that it was also proposed to pay a bounty to those who are engaged in the production of sugar in this country. I decided in my own mind, after reflection, that the proposition was a wise one, and that it was a proper one to receive the approval of the House.

Any gentleman on either side who differs in regard to that matter, and who opposes the adoption of such an amendment, would do well to carefully consider just what the result will be. When they go before their constituents in any district, North or South, East or West, and say they have voted against such an amendment, they will find it difficult to convince them that they have acted in behalf of their best interests.

Now, how is this bounty to affect the people of the country? It is a question whether they are to pay six millions of dollars, or sixty millions of dollars.

According to the committee which formulated this bill, this is one of the clauses which they ought to have stricken out, instead of asking for it the support of the House. If they had done that they would have acted in accordance with the recommendation of the President of the United States, and in favor of the people taxed upon the necessaries of life.

Let me ask any gentleman upon this floor the question whether he does not consider sugar as one of the necessaries of life. If there is any one here who does not think so, let him ask his constituents, and he will find that they are of an entirely different opinion, and he will find that they will say universally that it is a necessary of life, and that it is not only a necessary of life but that it is one of the prime necessaries of life. Like flour in the house, they can not do without it.

If the amendment making sugar free should pass the House and become a law, what will be the result? The poor man who goes to the store to buy a dollar's worth of sugar—5-cent sugar, for that is the standard quality in this country—gets 20 pounds for a dollar. If the amendment should pass and become a law the result would be that instead of 20 pounds he would get 32 pounds. Now, how are you going to explain to your people that you have looked after their interest when you defraud every workingman out of twelve pounds of sugar in every dollar's worth? If adopted, your constituents will get twelve pounds more for a dollar than they now get, and if it is not adopted they will get only 20 pounds instead of 32 pounds.

Now, our people do not complain that sugar is too high. They are not complaining of any commodity in this country as being too high. All they complain of is that at times they are out of employment, and at other times when they are employed they do not get sufficient wages. From whom, then, does the complaint come? It comes mainly from the rich people. It comes from those who brought about the abolition of the income tax. They are always complaining. Governor St. John explained that in his speech which I read this morning in the Sun. I have a suit of clothes for which I paid $75. In Canada I could have purchased a similar suit of clothes for $20. By buying that suit here I had to pay $50 more. He does not stop to inquire how in the long run the encouragement of each industry reduces prices generally while at the same time all our industrial interests are sustained and encouraged; but those are the men who are always complaining of high prices, the men who are best able to pay them.

It is just that kind of people who are too nice to use the domestic production, but who can afford to pay for the foreign imports, and they ought to have the privilege of paying that duty. But does your workingman buy the imported article? He is glad to be able to buy the home product, and does not seek to get the imported article. He is very well satisfied with the domestic goods. He is the one, therefore, that you ought to think of in the consideration of your tariff. With the rich classes everything they get must come from Europe. [Applause.]

Mr. MILLS. I hope now we will have a vote on this question.

Mr. CANNON. So far as I am concerned, I am ready for a vote on my amendment, but I would like first to be permitted to occupy five minutes.

Mr. MILLS. Very well, with that understanding.

The CHAIRMAN. It is understood that at the expiration of the five minutes to be occupied by the gentleman from Illinois the vote will be taken.

Mr. DOCKERY. That is the agreement.

Mr. CANNON. I want to say in that five minutes, in reply to the gentlemen—first in reply to the gentleman from Louisiana [Mr. WILKINSON]. I hold in my hands a statement taken from the official report made to and adopted by an international convention between Great Britain, France, and Germany in 1879 touching sugar, from which it appears that in many thousands of actual practical experiments in France in refining raw sugars there was practically no loss of saccharine matter. In the high grades of sugar the loss was less than 1 per cent., and since that time the business of refining sugar has been improved.

A word in reply to the gentleman from Kentucky [Mr. BRECKINRIDGE], who made that wonderful statement.

Mr. WILKINSON. I would like to have the opportunity of stating to the gentleman——

Mr. CANNON. I can not yield.

Mr. WILKINSON. I yielded to the gentleman's interruptions several times in the course of my remarks, and hope he will allow me to make a single statement.

Mr. CANNON. I hope this interruption is not to be taken out of my time. I would cheerfully yield to the gentleman if I had ten or fifteen minutes.

A word; I say in reply to the gentleman from Kentucky, who always, when he talks in his sincerity and magnificence and smoothness, makes me feel like I wanted to say, "now let us pray, brethren" [laughter]—in reply to him and his statement wherein he stated that the labor in the refinery must be protected, and that we can not cut down any lower and have anything left for decrease upon other articles than sugar, and for that reason did not cut but 20 per cent, why, my friend, you can let raw sugar come in just as provided in the Mills bill—and none other is or will be imported—and then if you go to the higher grades above No. 13, all of which pass through the refineries and none of which are imported, and decrease the amount of the duty upon those higher grades one-half, you will just cut off $14,000,000 from the profits of the refiners and leave them $14,000,000 still, and I say again, you will not affect the revenues of the Government one cent. The gentleman knows that. I believe he is on the Committee on Manufactures. I think the Committee on Ways and Means know it. I think they knew it when they first drew their bill, and first called the attention of the country and the House to it and boasted of this reform they were going to make. But, Mr. Chairman, when the bill was reported and the refiners protested, the refiners and the trusts were left in the Mills bill, and they struck out the reform they put in when it was first drawn up and reported to the committee. Why did you do it? I asked that question before and I ask it now, and nobody has so far answered it. Again I repeat the inquiry, why did you do it?

Now a word in regard to my own amendment. I think that amendment ought to be adopted. I suppose it will not be. I apprehend that you are not going to sacrifice the St. Louis platform in this particular by adopting my amendment. True you have been making some little inroads upon the platform by adopting some amendments, four or five small changes, perhaps unimportant ones, the wood-screws of Connecticut, for instance, to satisfy some people on the other side; but I suppose you will not do it here, first, because it would not suit Louisiana men, and second, it would not suit the sugar trust.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON], which will again be read.

The Clerk read the amendment, as follows:

Strike out lines 329 to 361, inclusive, of section 2, and insert as follows:

"All sugars not above No. 16 Dutch standard in color, all tank bottoms, sirups of cane juice or beet juice, melada, concentrated melada, concrete and concentrated molasses, and all molasses testing not above fifty-six degrees by the polariscope not otherwise specially enumerated or provided for in this act shall be exempt from duty: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty at the rates provided by law at the date of the passage of this act.

"All sugars above No. 16 Dutch standard in color, three-tenths of 1 cent per pound.

"Molasses testing above fifty-six degrees by the polariscope, 1½ cents per gallon.

"Maple sugar, 2 cents per pound of crystallizable sugar contained therein as ascertained by the polariscope.

"Maple sirup or molasses, 4 cents per gallon.

"Glucose or grape sugar, 1 cent per pound.

"Sugar candy, not colored, 5 cents per pound. All other confectionery not specially enumerated or provided for, made wholly or in part of sugar, and on sugars after being refined when tinctured, colored, or in any other way adulterated, and on all chocolate confectionery, 10 cents per pound: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act: *Provided further*, That for the encouragement of the production of sugar and molasses there shall be paid a bounty to the producers thereof in the United States, when made from beets, sorghum, imphee, or other sugar-cane raised in the United States, as follows:

"On sugar, 2 cents for each pound of crystallizable sugar contained therein, as ascertained by the polariscope. On molasses testing above fifty-six degrees by the polariscope, 6 cents per gallon; testing not above fifty-six degrees by the polariscope, 4 cents per gallon; and the bounties provided for in this act shall be paid out of any moneys in the Treasury not otherwise appropriated, under such regulations as the Secretary of the Treasury shall prescribe."

Tellers were demanded and ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Illinois [Mr. CANNON] and the gentleman from Texas [Mr. MILLS] as tellers.

Mr. HOLMES. Mr. Chairman, I desire to make a parliamentary inquiry; whether this amendment is not susceptible of division?

The CHAIRMAN. It is a motion to strike out and insert, and is not susceptible of division.

The committee divided; and there were—ayes 37, noes 108.

So the amendment was rejected.

Mr. TOWNSHEND. I ask unanimous consent that we may have a yea-and-nay vote on this amendment in the House.

The CHAIRMAN. The committee can not make an arrangement of that kind that the House will recognize.

Mr. DINGLEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend in lines 336 and 337 by striking out "1.15 cents" and inserting "seventy one-hundredths of a cent."

In line 339 strike out "thirty-two one-thousandths" and insert instead "two one-hundredths."

Mr. DINGLEY. I desire to occupy a little more than five minutes, and in order that I may not be interrupted I ask unanimous consent to speak fifteen minutes if I need the time. I probably shall not require so much time.

There was no objection.

Mr. DINGLEY. Mr. Chairman, the amendment which I have offered proposes to reduce the duty on sugar from the present enormous rate of 82 per cent. to 41 per cent. or one-half; in other words, to reduce the present specific rate of 1.40 cents per pound for raw sugar polarizing 75 degrees, to seventy one-hundredth cents per pound, and the present rate of four one-hundredth cents per pound for each additional degree to two one-hundredth cents per pound.

The amendment which I propose is in harmony with the protective lists of the present tariff, and treats sugar, from the protective standpoint, as an article which may be produced in this country to the extent of our wants, notwithstanding the fact that we now produce less sugar in the United States than we did before the war raises a serious doubt as to our ability to overcome climatic disadvantages. I am willing, however, for the present to continue a policy based on the belief that we can develop the production of sugar to the extent of our wants.

We are frequently told by gentlemen upon the other side that the average duty imposed on imports on the dutiable lists of the present tariff is 47 per cent., and that the Mills bill proposes to reduce that average only 7 per cent., leaving still an average of 40 per cent.

Every gentleman who stops to consider the subject appreciates the fact that a comparison of two tariffs by their dutiable lists alone without regard to their free-lists, for the purpose of showing the average imposed by each, is misleading and worthless. No comparison that is just or instructive can be made except by taking both the free and dutiable lists and estimating the average duties of the two united, for it is only by doing this that any tariff obtains proper allowance for transfers from the dutiable to the free list.

Estimated on this proper basis the average duty on all imports under the tariff of 1824 was 47 per cent.; under the tariff of 1846, 26 per cent., and under the tariff of 1883, for the fiscal year ending June 30, 1834, it was 28½ per cent., and for the fiscal year ending June 30, 1887, in consequence of the reduction in the invoiced value of goods on which specific duties were imposed—which reduction increased the ad valorem equivalent—it was 32 per cent.

Under the tariff of 1824 the average duty on dutiable goods was 51 per cent.; under the tariff of 1846 it was 27 per cent.; under the tariff of 1872 it was 43½ per cent.; and under the first year of the tariff of 1883 it was 41½ per cent.

What is it that has increased the average duty on imported articles on the free-list of the tariff of 1883 from 41½ per cent. for the fiscal year ending June 30, 1884, to 47 per cent. for the year ending June 30, 1887, without any change in the law? It is the decline of value of imported articles on which a specific duty is fixed; and the article which has had the most influence in increasing the average duty is sugar, which, for the fiscal year ending June 30, 1884, paid a duty of only 50 per cent., but for the fiscal year ending June 30, 1887, paid a duty of 82 per cent.

In other words, if sugar in the last fiscal year had borne a duty of 50 per cent. the average duty of the dutiable lists of the present tariff in the last year would have been only 42 per cent. instead of 47; and if sugar had borne a duty of 41 per cent., as proposed by my amendment, the average duty of the dutiable lists of the present tariff would have been only 40½ per cent. instead of 47.

In other words, it is the increase of the ad valorem duty on sugar from the 50 per cent. contemplated by the tariff of 1883 to 82 per cent. that has raised the average duty of the dutiable lists from 41½ per cent. in 1884 to 47 per cent. in 1887. And now gentlemen who are animadverting on the average duty of 47 per cent.—made so large by the enormous duty on sugar—are supporting a bill which imposes a duty equivalent to an ad valorem duty of 68 per cent. on sugar, against an ad valorem of 50 per cent. as contemplated by the tariff of 1883, and are claiming that they have largely reduced the duty on sugar, when, as a matter of fact, the ad valorem equivalent of the specific duty which they propose on sugar—and our friends on the other side always insist on comparing ad valorem equivalents—is 18 per cent. more than the ad valorem equivalent for the first year under the tariff of 1883.

Mr. Chairman, as I have already intimated, if my amendment should be adopted, the average ad valorem duty of the protected lists of the present tariff would be 40½ per cent., and sugar would have 41 per cent., and that, too, specific, which is equivalent to 10 per cent. more than a duty of 40 per cent. ad valorem on most manufactured goods where undervaluations are the rule.

Sugar with that reduction would have more than the average duty on the protected manufactured products, notwithstanding it is a cruder article than advanced manufactures. The average duty on iron in the present tariff is 40½ per cent., on cottons 37½ per cent., and on woolen goods (excluding the compensatory duty for wool) 38 per cent., and an ad valorem duty, too, which in fact is not more than 32 per cent. specific. Therefore my amendment deals with sugar on the principle of protection and gives that industry the average protection given manufacturing industries, notwithstanding it is not yet clear that it can be produced in this country to the extent of our wants, ay gives sugar more protection than it gives on the average to manufactured products.

In 1853–'54 Louisiana produced 368,129,000 pounds of sugar, and the remaining Southern States, 18,173,000 pounds, total, 386,302,000 pounds. In 1861–'62 the total product of sugar in these States was 539,830,000 pounds. But in no year since the war has the total annual product exceeded 320,000,000 pounds.

In 1886 this country consumed 1,389,125 tons of sugar, or 53.3 pounds per inhabitant. And of this consumption 1,235,213 tons, or nearly 90 per cent., were imported, and 153,912 tons, or 10 per cent., produced in this country. Certainly it would seem from our experience thus far as if our climatic disadvantages are such that we can not successfully produce sugar here to the extent of our wants. If not, then sugar would not properly be an article to come within the policy of protection, which applies only to articles whose production can be developed to the extent of our wants. But in view of the alleged success during the past year of experiments for the manufacture of sugar from beets in California, and from sorghum in Kansas, I am willing to treat the sugar industry as one which within a reasonable period can be developed to produce sufficient to supply the wants of our country, and to give it the same protection as manufacturing industries.

It should be borne in mind that the tariff of 1846 imposed a duty of only 30 per cent. on sugar, and that of 1857 only 24 per cent., both only the average of the protection lists. My amendment proposes to give sugar 41 per cent.

If greater protection than this is required to make the sugar industry a success, greater than has been required to establish other industries of a more advanced character, the States in which such industries are to be carried on will undoubtedly hasten to temporarily aid when satisfied that sugar can be made here to the extent of our wants without climatic disadvantages.

Mr. Chairman, I can not consent by my vote to retain a duty of 68 per cent. on so indispensable an article of food as sugar, as is proposed by the Mills bill. I trust that the gentleman from Tennessee [Mr. McMILLIN], who assured the House that the Mills bill was a bill to reduce the cost of the food of the people, will listen. If the duty is so fixed as a protective policy, I must object to it as entirely unnecessary and indefensible to protect an industry which has existed in this country for half a century.

If it is maintained as a revenue duty, as the gentleman from Kentucky [Mr. BRECKINRIDGE] intimated a few days ago, I object to it as unjust, in that it is a duty on a necessary article of food, consumed by the poor man to nearly the same extent as the rich man; an article produced to so small an extent in this country that home competition can not fix the price (as it does in the case of manufactured goods which can be made here to the extent of our wants), but the price is inevitably the foreign cost with the duty added.

In the case of sugar, therefore, we have an article where no one denies that the duty is a tax which increases the burden of the consumer to the extent of the rate, where the commodity is a necessary article of food; where after forty years' trial and with the highest encouragement ever given an industry we are unable to supply only one-tenth of our wants, an article where every reduction of the duty will certainly reduce the revenue which the majority profess to seek to reduce; and yet it is this article which the Democratic majority insist on maintaining at the high rate of 68 per cent.

And while seeking to retain this high rate of duty on so necessary an article of food as sugar, the same Democratic majority place on the free-list the products of the lumber-manufacturing industry, of the grain-bag manufacturing industry, of the brick-making industry, of the rough building-stone industry, and in the original bill as indorsed at St. Louis the lime and wood-pulp industries, and such products of the farm as wool, pease, beans, vegetables, cucumbers, tomatoes, milk, meats, and poultry; and seriously reduce the duty on manufactured articles, articles such as we can produce in this country to the extent of our wants, and on which for that reason the import duty is not a tax which increases the burden of our people, but a benefit to all classes.

Gentlemen on the Democratic side protest that their great object is to reduce our excessive revenue. If so, why do they reduce the duty on sugar so little, when by making the reduction one-half they can surely cut off $28,000,000 in revenue on one article, and still leave as high a duty as the average of the protected lists, and when every cent of reduction of duty will surely reduce the cost of a necessary article of food? Why, instead of doing this, do they select articles heretofore insufficiently protected, where the reduction of the duty will increase the revenue, and injure rather than benefit the people?

Mr. HENDERSON, of Iowa. Do I understand the gentleman to say that his amendment cuts down the present duty on sugar one-half and provides for no bounty?

Mr. DINGLEY. Yes, it cuts down the duty one-half. The duty now is 82 per cent. ad valorem, and I propose to make the duty a specific equivalent of 41 cents, without any bounty.

Mr. HENDERSON, of Iowa. And still the duty will be above the average duty on protected articles?

Mr. DINGLEY. It will. If sugar bore an ad valorem duty of only 41 per cent., the average duty of the dutiable lists under the existing tariff would have been only 40½ per cent. last year.

Mr. HENDERSON, of Iowa. That is a dose which even the free-trade Democracy ought to jump at.

Mr. GEAR. I would like to ask the gentleman a question. Under the Mills bill, as I understand, sugar is left at a duty of 68 per cent.?

Mr. DINGLEY. Sixty-eight per cent.

Mr. GEAR. And the gentleman proposes to cut the duty in two?

Mr. DINGLEY. I propose to cut the original 82 per cent. duty in two, making the rate 41 per cent., being 27 per cent. lower than the rate proposed in the Mills bill.

Mr. MACDONALD. Will the gentleman from Maine indicate how many votes this bill would receive on the other side if his amendment were adopted?

Mr. DINGLEY. I do not know that that makes any difference.

Mr. MACDONALD. It makes a difference to me.

Mr. DINGLEY. We are now considering the question of sugar; and if the object is to reduce the revenue and reduce the burdens of the people, here is an opportunity to do so.

Mr. MACDONALD. I expect to vote for this bill, because I can not get anything better; but I do not propose to vote for any amendment of the opposition unless it will secure votes for the bill, instead of weakening it on our side.

[Here the hammer fell.]

Mr. WHEELER. Mr. Chairman, I have been somewhat surprised at the character of the debate which has taken place during the last few days, and which has been continued this morning. The statements expressed by the gentlemen on the other side of the House are so strangely opposed to the declarations set forth in their platform of principles that they would lead one to believe that those pledges have been either forgotten or abandoned; and it adds to our surprise to see them, while in such an embarrassing perplexity, venture to charge others with lack of consistency and fealty to party promises. The leading feature of the Chicago Republican platform, the rule of action by which the party proposes to be guided, is expressed in the demand for—

such a revision of the tariff laws as will tend to check imports of articles such as are produced by our people, the production of which gives employment to our labor.

Mr. Worcester defines the word "check"—

To stop, to repress, to restrain.

Mr. Webster—

To make a stop, to pause.

Now, if this demand of the Republican platform means anything it must be that a product like sugar, coming as it does clearly within the class of articles which the Republican party pledged itself to protect by revising the tariff so as to check and stop its importation from foreign countries, should be subjected to a high if not prohibitory tariff duty.

Last year we imported sugar to the value of $68,897,102.27, and the duties collected on this importation were $56,515,601.67.

Personally and as a friend of the people I am strongly in favor of reducing the tax on sugar, and the bill we are considering makes a reduction of $11,292,087.94, a larger amount than is remitted upon any article except those on the woolen schedule. The tariff tax on sugar as fixed by a Republican Congress was 82 per cent., while the bill now before us fixes it at 65 per cent. The same Republican gentlemen who voted for the bill of March 3, 1883, and fixed the duty on sugar at 82

per cent., which is the existing law, now vote for amendments to either remove the duty altogether or make it only nominal. I wish those gentlemen would explain how they reconcile such a course with their party pledges. Sugar is an article—

such as is produced by our people, and the production of which gives employment to our labor.

The laborers who are given employment in Louisiana and Florida are colored men. The labor employed in Kansas, California, and other States are our good white farmers, and I would like to ask how our Republican friends reconcile their votes for free sugar with the pledges of their party to those citizens who labor in the production of that article. Sugar is a product of our agricultural industries, and to show how little consideration that industry has received from the Republican party I beg to call the attention of the House to the depressed condition of our farmers as compared with other, and especially with our manufacturing industries.

The census of 1880 shows that the value of the farms in the United States was $10,197,096,776. There were employed on these farms 7,670,493 persons, and the total product of the farms and orchards—including what was consumed by the farmers themselves—amounted to $2,264,278,718.

We see from this that the gross product in our agricultural industries was about 22 per cent. on the capital invested, and the annual value of the product per capita was about $300.

This computation does not take into the account the amount of the capital invested in, or the wear and tear of, farming implements, the cost of seeds and fertilizers, the amount of capital invested in work-stock, nor the cost of their subsistence. Were these items included the profits of farming would probably be reduced one-half of the amount I have indicated; but to be liberal, we will say they would reduce my estimate one-third—$200 per capita, instead of $300.

From the same census we learn that the amount of capital invested in manufacturing industries was $2,790,223,506; the number of hands employed was 2,738,930, and the total value of the product was $5,369,667,706. The value of the product in the manufacturing industries is thus shown to have been about 200 per cent. on the capital invested, nine times greater than the per cent. of gross product realized in agriculture. The value of the product was about $2,000 for each person engaged in manufacturing, or seven times as much as the product per capita realized in farming.

But I should deduct the value of the materials used in manufacturing. Let us see what will be the result. The value of the materials used by these 253,840 manufacturing establishments was $3,394,340,029, leaving an excess of product over the materials used of $1,975,327,677, or about 70 per cent. on the capital invested—more than three times the per cent. gained in farming—and the annual amount produced per capita, less the cost of materials, was about $720, just three and three-fifths times the per capita of the product by farming.

As these statistics are highly instructive and very important, as well as interesting, I have prepared a table which will show at a glance the marked difference between the condition of an industry which for twenty-five years has borne all the burdens and received none of the benefits of legislation as contrasted with industries which have been developed by partial laws into powerful monopolies.

Table showing the comparative results of our agricultural and manufacturing industries.

FARMING INDUSTRIES.

Amount of capital invested, exclusive of implements, cost of seeds and fertilizers, work-stock, or cost of their subsistence	$10,197,096,776
Number of persons employed	7,670,493
Value of gross product, including consumption by farmers	$2,264,278,718
Value of product for each person engaged in farming, about	$300
Per cent. of product on capital invested	22
Product of each person after deducting cost of seeds, fertilizers, feed of work-stock, etc.	$200
Per cent. of product on capital invested	14⅓

MANUFACTURING INDUSTRIES.

Amount of capital invested	$2,790,223,506
Number of persons employed	2,738,930
Value of gross product	$5,369,667,706
Value of product for each person	$2,000
Per cent. of product on capital invested	200
Value of materials used	$3,394,340,029
Product after deducting materials used	$1,975,327,677
Product of each person after deducting value of materials used	$720
Per cent. of product on capital invested	70

We therefore see that after deducting the cost of the materials used in the manufacturing industries, and deducting the cost of seeds, fertilizers, feed of work-stock, etc., used in agricultural industries, the value of the product of one person in manufacturing industries is three and three-fifths times as much as the value of the product of each person engaged in farming. We also see that for every $100 capital invested in manufacturing a product is realized of $70, while for every $100 capital invested in farming there is realized a product of only $14.

From this comparison of the relative prosperity of our agricultural and manufacturing industries it is undeniably evident that, even so far back as 1880, the Republican tariff tax had so militated against the interests of the farmers that one man engaged in agriculture could produce only about one-fourth of the amount in value which one man could produce in manufactures, and that a given amount of capital invested in farming industries produced only one-fifth as much value of product as the same amount produced in manufacturing industries.

I think I have a right, Mr. Chairman, I think I may say it is my solemn duty, to appeal to the Republican party to halt in their mercilessly destructive legislation against the interests of the farmers of the United States. Lamentable as was the picture in 1880, it is more deplorable to-day. Palaces and untold wealth concentrated in the hands of the highly-favored few, while a leaky roof and a mortgaged home is all that is left to the once proud, independent, and happy American farmer.

As evidence of the fact that this statement is no exaggerated picture of the pitiable extremity to which Republican legislation has reduced the farmers of the country, I beg to remind the House that it has been repeatedly asserted on this floor that the farms of the great West are almost buried in mortgages, held by the manufacturing capitalists of the East. I have no personal knowledge of the accuracy of these assertions, but I will give as my authority in one instance an article from the Missouri Republican, one of the leading papers of the United States. It says:

WHO OWNS THE WEST?

All the advocates of high protective tariff have one refrain to their songs, speeches, magazine essays, and sermons—the vast wealth of the country. "We are the richest country on the globe," they assert, "and the protective tariff has made us so;" and then they present us with a bewildering array of figures towering up into the billions to show how prosperous the land has been under the protective policy of the last twenty-six years. In 1862 we had only 32,000 miles of railroad; now we have 150,000. In 1860 we had only $200,000,000 deposits in savings-banks; now we have $1,100,000,000. In 1860 we had 2,044,000 farms; in 1880 the number had increased to 4,008,000, and at the present time it can not be less than 5,000,000. All this they tell us has been brought about by the protective policy—as if the industry, enterprise, and patient hard work of the people had nothing to do with the matter.

It may be admitted that the country is rich, and growing more rapidly in wealth than any other country on the globe. But the people have made it so, not the tariff. It has thrived in spite of protection. That policy has drawn enormous wealth from the twenty-nine agricultural States and concentrated it in the nine favored industrial States; and it is in the latter the affluence that excites the admiration of the high-tariff advocates is most conspicuously illustrated.

But, they tell us, the agricultural States have grown rich, too. They also have prospered under protection. See how farms have multiplied in the West and Northwest, and see how railroads have been built in Illinois, Michigan, and Wisconsin, and the States and Territories west of the Mississippi, even to the Pacific, and how this vast region has been subdued to settlement.

All true. But who owns these farms and railroads in the Western States? In one word, who owns the West? The people of the West, it might be answered. But the answer would not be true, as a few indisputable figures will sufficiently prove.

First, as to farms. In 1880 there were 138,500 farms in Kansas, 256,000 in Illinois, 194,000 in Indiana, 247,000 in Ohio, 185,300 in Iowa, 154,000 in Michigan, and 134,300 in Wisconsin—making a total of 1,309,100 in the seven States named. Recent statistics collected by Granger associations and printed in farm journals make the following exhibit of farm mortgages in these same States:

Kansas	$235,000,000
Illinois	1,000,000,000
Indiana	635,000,000
Ohio	1,227,000,000
Iowa	567,000,000
Michigan	500,000,000
Wisconsin	357,000,000
Total	4,521,000,000

These figures are so startling in their enormity as to seem incredible. We do not vouch for their accuracy. They present the 1,309,100 farms in seven Western States as encumbered with an aggregate of four and a half billion mortgage indebtedness, or an average of over $3,400 for each. The assessed valuation of property in these States in 1885 was as follows:

Kansas	$275,500,000
Illinois	797,000,000
Indiana	793,000,000
Iowa	625,000,000
Michigan	850,000,000
Wisconsin	496,000,000
Ohio	1,671,000,000
Total	5,507,500,000

It will be seen that the reported mortgage debts cover about four-fifths the assessed value of the farms; and the bulk of these mortgages are held in the Eastern industrial States.

Next, as to railroads. In the seven Western States named there were, in 1885, 37,000 miles of railroad, with a stock and bond account and net earnings as follows:

States.	Stocks and bonds.	Net earnings.
	$	$
Kansas	$195,700,000	$9,440,000
Illinois	740,000,000	16,000,000
Indiana	320,000,000	5,700,000
Iowa	105,000,000	2,180,000
Michigan	214,000,000	5,000,000
Wisconsin	236,000,000	6,900,000
Ohio	767,000,000	12,300,000
Total	2,537,700,000	57,520,000

These 37,000 miles of railroads, having a nominal value of $2,537,700,000 (over two and a half billion dollars) and yielding annual net earnings of $57,520,000, are put down in the statistics of the day as part of the property of the States in which they lie. But it is a notorious fact that only a very small fraction of their values is owned in these States. The last report of the Iowa railroad commissioners

states that only one out of forty stockholders in Iowa roads lives in the State, and only one-seventieth of the capital stock is held in the State. In Illinois a similar condition of things prevails. The official report of the railroad commissioners does not state what proportion of the aggregate capital stock of the Illinois roads is held in Illinois, but the location of the capital stock of the leading roads will assist us in forming an estimate. The Illinois Central has $29,000,000 capital stock, only $685,000, or less than 3 per cent., of which is owned in Illinois. Of the Chicago, Rock Island and Pacific, about 5 per cent. of the capital stock is owned in Illinois; of the Ohio and Mississippi stock, only one-half of 1 per cent.; of the St. Louis, Alton and Terre Haute, less than one-half of 1 per cent. Taking these figures as a guide we may safely estimate that of the 19,000 miles of railway in Illinois, valued in stock and bonds at $740,000,000, the people of Illinois own 5 per cent.; the other 95 per cent. is owned in the rich industrial States of the East.

As Illinois is called the most prosperous and one of the richest agricultural States of the West, it may be inferred that the other States are in no better condition than it in the matter of railroad ownership, and therefore it may be broadly asserted that practically all the railroads of the seven States named, valued at $2,537,700,000 (two and a half billion dollars and over), are owned in the industrial States. The industrial States are therefore drawing a pretty round sum of money for one thing and another from the seven Western States named every year. The items may be stated as follows:

In protective taxes	$150,000,000
In interest on mortgages	270,000,000
In railroad net earnings	57,000,000
Total	477,000,000

The Western States are, in fact, being bled to death. Western farmers are actually becoming poorer and poorer every year. As a body they do not make a living, and the convincing proof of this fact is that their farms are fast passing under mortgage to the money-lending manufacturing States of the East. Twenty-five years ago these mortgages were few in number and small in amount; now they number millions and cover an aggregate value of thousands of millions, and all bear 6 to 8 per cent. interest.

The West does not own itself. It is owned by the industrial States. Twenty-six years of the malign, sectional, and oppressive policy of high tariff has done the work and done it effectually. The industrial States of the East, enriched beyond estimate by the annual tribute of $600,000,000 exacted for a quarter of a century from the other States under the false pretense of building up home manufactures, own all Western railroads, telegraph lines, and bridges, and hold mortgages on nearly all farms, their cities, and towns.

This condition of the farmers of the West results directly from the legislation of the Republican party, and, it seems to me, gentlemen on the other side of the House would feel it to be their duty to aid in finding a remedy for so glaring an evil. And yet we see them now resisting, by every resource at their command, the accomplishment of this object.

The Republican platform recently promulgated at Chicago declares that the party will—

favor the entire repeal of the internal taxes rather than the surrender of any part of our protective system.

Two years ago all the gentlemen were clamorous for the protection of the farmers by the oleomargarine bill. This year they go to Chicago and, by their platform, demand a repeal of that law rather than any part of their tariff for protection.

Not satisfied with this attack on the farmer, the gentleman from Iowa [Mr. HENDERSON], the gentleman from Pennsylvania [Mr. BAYNE], the gentleman from Iowa [Mr. FULLER], the gentleman from Illinois [Mr. CANNON], and many other Republican gentlemen, insist upon the entire repeal of the tariff on sugar, a tax which has existed since the first tariff tax levied by the Government under the Constitution, and even anterior to that, to the tariff exacted during the period of the Confederation. Now, why are the gentlemen so hostile to the interests of the farmers?

Do they imagine they can elect anybody to any office against the votes of our honest farmers?

Do they imagine that this kind of Republican legislation will draw any votes to their party?

I can not think it is because they are really hostile to our agricultural interests; but I believe the country is rapidly coming to the conclusion that the Republican party is dominated and controlled by the great monopolies of the Northeast, and that the interests of the great mass of the people have, with that party, been subordinated and made a secondary consideration.

It was not always thus. Let us recall some of the utterances of these distinguished Republicans in the last Congress.

I read from volume 79, page 4895, of the CONGRESSIONAL RECORD, May 25, 1886, that the gentleman from Illinois [Mr. CANNON], speaking on the oleomargarine bill, said:

The agriculturists, who constitute the great foundation of industry—nearly one-half of our whole population—have for nearly a century submitted to taxation which tended to give a diversity of industries, and have rarely asked for taxation which would tend to benefit them directly. * * * It is objected that the proposed tax is too high, and that we do not need the revenue.

Mr. Chairman, in reply I call attention that the proposed tax is not so great as that upon the product of corn when it is made into whisky, or upon tobacco, or upon many articles imported to this country. * * * If gentlemen think we are getting too much revenue, it is perfectly competent to reduce internal taxation upon other articles, or to remove taxes, in whole or in part, upon some of the articles we import.

The gentleman from Iowa [Mr. FULLER], who has just struck his blow at the farmers, two years ago was equally earnest in his advocacy of the oleomargarine bill.

On page 4904 of the same volume of the RECORD I read that the gentleman from Iowa [Mr. HENDERSON] said, replying to the gentleman from Pennsylvania [Mr. KELLEY]:

No man respects the gentleman more than I do and have done for years, but I regret that the trembling hand of age is now being laid upon the very foundation industry that gives life and vitality to the Republic. He would defend a few glutted money corporations and capitalists and strike down the purest industry that gives safety and business prosperity to the nation—the great farming industry. * * * I serve notice on Pennsylvania here and now that if there is to be no interest protected in this Chamber but iron, and if the farmers of this land and the great, glorious West are to be sacrificed to protect your iron industry, you will get your "eye-teeth" cut before many Congresses come and go. [Applause.] * * * The farmer does not often come into our presence demanding protection, but he is here now, and in earnest. In whatever way we strengthen him we add prosperity to every business pursuit in the land. Each owner of the soil is a stockholder in the Republic. As you strengthen, enrich, and protect that element you do add blessings to all the people.

On page 4966, same volume, CONGRESSIONAL RECORD, May 26, I read that the gentleman from Pennsylvania [Mr. BAYNE] said:

Now, sir, I believe it to be a high duty to protect the agricultural industries from unfair rivals from within or from without. * * * Besides, are not the dairymen, the farmers, working people? They compose upward of 60 per cent. of our working people, and no people work harder.

On page 4969, May 26, I read that the gentleman from Iowa [Mr. HENDERSON], in further reply to the gentleman from Pennsylvania [Mr. KELLEY], said:

The gentleman assumes here to speak for the people whom I represent, and who have placed me here as the guardian of their interests. I thank him for his kind co-operation; but the farmers of Iowa reject the proffered aid. * * * So far as I have made the utterance that the Western country demands and will have protection—by argument if need be, but by war if necessary—I retract not a word. On that ground I stand, and will stand. I insist that tariff legislation is not the only medium by which the rights of the people can be protected.

It seems that two years ago this gentleman was determined to have war unless the farmers' rights were protected.

But now he and they go to Chicago and fling their banner to the breeze, with the inspiring rallying cry to the hosts of protection that rather than have one iota of protection taken off of iron or other imports, they would repeal the whole internal-revenue taxation, oleomargarine and all.

How will the dairymen of the country receive this astounding declaration?

In the same spirit of disregard for the interests of the farmers the Republican members of this House, with a few exceptions, have vehemently opposed the effort of the Democratic party to abolish or even reduce the tax on lumber, so as to enable the farmer to build himself a neat cottage and purchase more cheaply the lumber for his fences, wagons, and farming implements.

When the proposition to tax lumber was first brought before Congress twenty years since, a most distinguished member of the Republican party—he is its dictator and idolized leader to-day—denounced the project in unmeasured terms.

I read from the Congressional Globe, Fortieth Congress, second session, page 3049, June 10, 1868:

Mr. BLAINE. I move to amend the amendment by striking out the last word. I desire to discuss briefly the amendment which the chairman of the Committee on Ways and Means so vigorously opposes. And in the first place, let me say that during the entire war, when we were seeking everything on the earth, and in the skies, and in the waters under the earth, out of which taxation could be wrung, it never entered into the conception of Congress to tax breadstuffs—never. During the most pressing exigencies of the terrible contest in which we were engaged, neither breadstuffs nor lumber ever became the subject of one penny of taxation. What was the reason of this? Let me tell my friend from Ohio that it was not because of the influence of the rich grain-dealers at Chicago or Toledo or Milwaukee. It was because, if anything be universal, breadstuffs are universal; for they constitute literally "the staff of life."

If you impose on them a tax ever so small in amount it will be made a pretext by the very speculators of whom gentlemen talk for adding an appreciable amount to the cost of a barrel of flour. I do beseech this House not to sanction the principle of subjecting such an article to taxation for the sake of the paltry amount that is to be gained from this source.

Mr. WELKER. Does the gentleman expect to secure an exemption for lumber by advocating an exemption for breadstuffs? [Laughter.]

Mr. BLAINE. I am referring to breadstuffs because it illustrates a principle. I beseech this House not to sanction a tax on breadstuffs which will simply build up a mountain of prejudice for the sake of a mole-hill of revenue.

It will be observed from this last remark that, while speaking of breadstuffs, Mr. Blaine's real purpose was to oppose the tax which was then sought to be imposed on lumber. And it is very remarkable that his most devoted followers should now strenuously oppose Democrats in their efforts to enact tax laws which, twenty years ago, Mr. Blaine insisted was wise and necessary legislation. To show how earnest he was in his advocacy of free lumber, I will continue to read from Mr. Blaine's remarks on that occasion:

But, sir, I have said enough on that point. Now, as to the article of lumber. I again remind the House that there has never been a tax upon this article. The gentleman from Ohio may talk of this question as he pleases, but I say that wherever the Western frontiersman undertakes to make for himself a home, to till the soil, to carry on the business of life, he needs lumber for his cabin; he needs lumber for his fence; he needs lumber for his wagon or cart; he needs lumber for his plow; he needs lumber for almost every purpose in his daily life.

Mr. PAINE. Does he not need clothing also?

Mr. BLAINE. I ask the chairman of the Committee on Ways and Means to tell me why it is that these articles have never been taxed heretofore?

Mr. HOOPER, of Massachusetts. Does the gentleman mean to say they have never been taxed?

Mr. BLAINE. I do.

Mr. HOOPER, of Massachusetts. Were not the manufactures of wood taxed? Is not lumber wood?

Mr. BLAINE. Not at all; and I am surprised that a gentleman who lives so near Maine as the gentleman from Massachusetts should be so ignorant of what lumber is.

Mr. HOOPER, of Massachusetts. Will my friend allow me to ask whether the tax was not upon lumber, manufactured or unmanufactured?

Mr. BLAINE. I am not answerable for the singular verbiage incorporated in the act of March, which excepted the manufacture of lumber and breadstuffs.

The difference between manufactured and unmanufactured lumber is known to everybody, or ought to be known to everybody who attempts to draw the act. Boards, joists, work that comes from the saw-mill (for I use the generic phrase), is lumber. Where it goes through the planing-mill for finer purposes it is not classed as lumber, or if classed at all, as in the reciprocity treaty, it is called manufactured lumber, not unmanufactured lumber. The planing-mill is distinct from the saw-mill.

So we see that, at the threshold of the pending campaign, the Republican party is divided, not on sugar alone, but its members are at variance with the views of its most prominent leader upon the important question of the propriety of a tax on lumber.

Mr. Chairman, I have done. My sole object in addressing the House to-day was to make one more appeal for the farmer. The figures I have given can not be disputed. They show that, weighted as he is in the struggle for life and fortune by the calamitous effects of Republican legislation, he can not, under existing laws, hope for more than one-fifth of the prosperity which rewards the efforts of his more fortunate brother who is engaged in avocations which for twenty-seven years have enjoyed the fostering care and special favor of the party by whose laws the country has been ruled during all that period.

[Here the hammer fell.]

Mr. GEAR. I ask unanimous consent that the gentleman from Alabama [Mr. WHEELER] be allowed to proceed.

The CHAIRMAN. For how long?

Mr. RYAN. Until he concludes his remarks.

Mr. WHEELER. I do not ask more than five minutes additional.

Mr. STRUBLE. I must object to an indefinite extension.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Alabama for five minutes?

Mr. BLAND. I object to all extensions; let us have a vote.

Mr. WHEELER. I ask but two minutes more.

Mr. BLAND. It is too hot to continue these discussions indefinitely.

Mr. MILLS. I ask for a vote on the pending proposition.

Mr. BAYNE. I want to make a remark before the vote is taken.

Mr. GEAR. If I can obtain the floor, I will yield to the gentleman from Alabama [Mr. WHEELER].

Mr. BLAND. I object.

Mr. HOOKER addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman from Mississipi [Mr. HOOKER] rise?

Mr. HOOKER. For the purpose of taking the floor and yielding it to the gentleman from Alabama.

Mr. BLAND. I object to that.

Mr. HOOKER. If the Chair recognizes me, I have a right to yield my time to any gentleman I may designate.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may be recognized for five minutes, and may yield his time to the gentleman from Alabama [Mr. WHEELER].

Mr. BLAND. I object. Let us wait for cooler weather before indulging further in this speech-making. I call for a vote.

Mr. HOOKER. I rise to a parliamentary inquiry. I wish to know what is the question before the House—whether we are not discussing it under the five-minute rule, and whether each member is not entitled to speak for five minutes if he wishes to do so?

The CHAIRMAN. He is not. The Clerk will read the rule.

The Clerk read as follows, from clause 5, Rule XXIII:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. MILLS. I hope we will now have a vote. I move that the committee rise for the purpose of limiting debate.

Mr. BAYNE. I demand a division.

The committee divided; and there were—ayes 66, noes 48.

So the motion was agreed to.

The committee accordingly rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the tariff bill; and pending that motion I move that all debate on the pending paragraph and amendments thereto be limited to fifteen minutes; that is, to 2 o'clock.

Mr. DINGLEY. Nothing will be offered but substantial amendments, and I hope gentlemen will not limit the debate upon the paragraph.

Mr. BAYNE. I want five minutes, and that is all I want, and then I am done with sugar.

Mr. MILLS. What do gentlemen suggest on the other side?

Mr. REED. Limit the debate to the pending amendments. There are some matters of classification, and it is difficult to say now to what extent the debate should be limited upon them.

Mr. MILLS. Very well; then I will move that the debate on the pending amendments be limited to ten minutes.

The motion was agreed to.

The question recurred on the motion that the House resolve itself into Committee of the Whole on the state of the Union, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. Debate on the pending amendments has been limited by order of the House to ten minutes.

Mr. BAYNE. Mr. Chairman, I trust the proposition of the gentleman from Maine [Mr. DINGLEY] will be acceptable to every Republican on this floor, without exception, and I hope it will be acceptable to every Democrat on this floor. The proposition of the gentleman from Maine [Mr. DINGLEY] is to reduce the duty on sugar to an equivalent to 41 per cent.—a high rate of duty on a necessary of life. The present law places the duty on sugar at 82 per cent. ad valorem. That is to say, the specific duty is equivalent to that. The Mills bill proposes to retain the specific duty, but to reduce it to 68 per cent. ad valorem, putting on this necessary of life a high rate of duty. The amendment of the gentleman from Maine proposes to place the duty on sugar at the equivalent of 41 per cent. ad valorem, which is a high rate of duty on a necessary of life. The amendment of the gentleman from Maine, on the basis of last year's importation, will reduce the revenue $29,000,000 on a necessary of life.

With unction and with earnestness and with zeal free salt was advocated on that side of the House. If the whole duty on salt were paid by the consumer it would amount to 1 cent. upon each man, woman, and child. If the amendment of the gentleman from Maine be adopted, it will amount to 50 cents on each man, woman, and child, which is a tax to that extent.

Gentlemen who have declaimed so much in favor of reducing the duties on the necessaries of life are confronted now with a proposition. They are confronted, to use the language of the President, by a "condition." [Laughter.] They have the opportunity now by voting for this amendment to reduce the duty on that necessary of life to 41 per cent. ad valorem. Will you do it? You might as well do it, because you will be confronted with that condition until you put yourselves on record by a yea-and-nay vote for or against that proposition. And if you go to the country this fall voting against that proposition to reduce the duty to 41 per cent. ad valorem and attempt to keep the duty up to 82 per cent. ad valorem, the country will draw the proper inference and arrive at the conclusion that the gentlemen who have so strongly advocated reduction of taxes—for this is a tax—on the necessaries of life did not mean what they said, but that they meant to protect a Louisianian industry and sugar refineries, and that they had not the courage or the will to strike down the sugar trusts.

I have heard declamation on that side of the House against trusts. I have heard declamation against a high tax on the necessaries of life. You are confronted now with the opportunity of striking down trusts and confronted with the opportunity to-day of reducing the tax on a necessary of life. Will you do it? We shall see when the voters pass between the tellers on this proposition.

[Here the hammer fell.]

Mr. KELLEY. I desire to ask leave to have printed in the RECORD an article on "Our sugar industry—shall it be protected?" from a pamphlet recently issued by Henry A. Brown, ex-Treasury agent. I do not ask to have it read, but that it shall be printed in the RECORD.

The CHAIRMAN. The Chair hears no objection, and that will be done.

Mr. KELLEY. In the course of the debate on Saturday I said if the duties on sugar were extraordinary or inordinate, graduate them; but I shall now be found passing through the tellers in favor of specific duties equivalent to 41 per cent. and a fraction ad valorem. [Applause.]

The article referred to is as follows:

OUR SUGAR INDUSTRY—SHALL IT BE PROTECTED?

With fivefold sources of sugar production in this country—cane, beet, sorghum, maple, and corn—and climate suitable to each, it is absurd to pretend that sugar producing should be left to tropical climes. Germany, France, Belgium, Holland, Austria, and Russia are not tropical climes, yet their sugar products flood the markets and rule the prices of sugar in London and New York.

France pays 2 cents per pound bounty on sugar exports, and virtually prohibits imports of sugar. Germany pays bounty on exports of sugar from 32 cents to about 63 cents per 100 pounds, according to grades, and virtually prohibits the importation of sugar. Germany and France alone produce enough beet sugar to supply the annual consumption of imported sugars in the United States.

Duties are levied as follows on sugars imported into European beet-sugar countries, which, having gained control of the sugar trade in England through her short-sighted abolition of sugar duty, now clamor for abolition of sugar duties in the United States for the same purpose:

	Cents.
France:	
On brown sugar, ninety-eight degrees and under.....per pound...	4.38
On brown, above ninety-eight degrees, and on refined.....do.....	5.47
Germany:	
On all raw sugars.....do.....	2.59
On all refined sugars.....do.....	3.25
Austria, etc.:	
On all sugar under No. 19 Dutch standard.....do.....	3.27
On No. 19 Dutch standard and over, and on refined.....do.....	4.36

	Cents.
Italy:	
On all sugars No. 20 Dutch standard or less ..... per pound...	4.65
On all sugars above No. 20 Dutch standard..... do.....	5.81
Netherlands:	
On raw sugar ninety-nine degrees, and on refined ..... do.....	4.91
On melada and on grape sugar..... do.....	3.27
Belgium:	
On class 4, under No. 7 Dutch standard..... do.....	3.00
On class 3, Nos. 7 to 10 Dutch standard, exclusive..... do.....	3.59
On class 2, Nos. 10 to 15 Dutch standard, exclusive..... do.....	3.95
On class 1, Nos. 15 to 18 Dutch standard, inclusive..... do.....	4.22
On refined over No. 18 Dutch standard and loaves..... do.....	4.49
On refined crystallized..... do.....	4.80
Spain: On sugar..... do.....	5.20
Denmark: On all sugar..... do.....	3.80

Duties are levied on sugars in all other sugar-producing countries (see C. R., 73½, 1887), ranging from about 2 cents to 7 cents per pound.

The average duty on dutiable sugars imported into the United States in 1887 was 2.03 cents per pound, or less than one-half the average duty levied on sugar in the countries above named, which was 4.17 cents per pound.

Consul L. G. Reed, at Barbadoes, the largest sugar producer of the West Indies (C. R. 86, November, 1887) says: "Male laborers on sugar estates are paid 20 cents per diem; females, 15 cents; children, 8 to 10 cents, with the addition of a little molasses every Saturday."

The prices paid for labor in Germany average for men 1.75 mark to 2 marks, or 40 to 48 cents per day without board; for women, 1.1 mark, or 27 cents a day. The price paid for labor in France averages 1.75 francs to 2 francs, or 35 to 50 cents a day for men, and 1 franc, or 20 cents per day for women; as compared with prices of labor in this country these facts tell the labor story, without referring to the still worse paid labor in China, India and other countries.

The above are average examples of wages paid laborers on sugar estates in most foreign-producing countries; while countries that pay a trifle more for labor, levy prohibitory duty on sugars, and the sugar industry of this country must compete with those countries or be wiped out. American sugar industries are entitled to, and require, national protection quite as much as the beet-sugar industries of Europe, or our own cotton, iron and wool-manufacturing industries.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I am glad to hear the gentleman from Pennsylvania [Mr. BAYNE] admit that the duty on sugar is a tax. Is this the only tax in the tariff? I am very glad, also, to hear the gentleman admit that 41 per cent. is a sufficiently protective tax upon this necessary of life, even though its raw material is to be taxed. I would like for the gentleman, however, to reconcile that statement with the position held by himself and held by his associates on that side of the House, that while 41 per cent. on refined sugar is sufficient, even with a high tax on raw sugars, yet the proposed 40 per cent. duty on woolens with raw wool free is an insufficient tax. Here is also a necessary of life and a protected industry. How is it, further, that 45 per cent. on steel rails is inadequate as alleged for the maintenance of that industry.

Mr. DINGLEY. Will the gentleman pardon me——

Mr. BRECKINRIDGE, of Arkansas. I really have not the time to yield to the gentleman.

Mr. DINGLEY. I only wanted to say that that is 40 per cent. ad valorem, while the 41 per cent. on sugar is specific. Now, if you will give us on woolens 38 per cent. specific there will be no difficulty in the way.

Mr. BRECKINRIDGE, of Arkansas. I will be very glad to have the gentleman from Maine elaborate the position he occupies at any other time, but in the few minutes allotted to me I must decline to yield to him. I hope he may take an opportunity to reconcile the difference which exists on that side in reference to their attitude upon these two items of this bill. Steel rails, at least, are specific, and the protective part of the tariff on woolens has not been and is not specific nor so high as proposed in this bill.

Now, sir, the gentleman has spoken of the sugar trust. The refining of sugar, Mr. Chairman, and the production of raw or low-grade sugars—that production which is engaged in by the sorghum producers of the West, by the beet-growers of the West, and cane-growers of the South—are two entirely different and distinct pursuits. The refining of sugar is done mainly in the East. The chief seats of this industry are found in Philadelphia, in New York, and in Boston.

Now, Mr. Chairman, we find—I have figured a little hastily for the purpose of getting at the margins which have been considered necessary heretofore in regard to this industry—that the margin allowed for refining previous to the adoption of the present law, taking the average of sugars below No. 13, was 1.66 cents a pound as between raw sugars and refined sugars. That was then considered necessary by gentlemen upon the other side of the House. We know that the margin that you maintain between the raw sugars and the refined sugars is independent of the question of revenue and of the original question of the tax. It is one of those business matters that has to be settled in a business way whatever may be the tax you agree upon to start with. But, sir, when gentlemen of the other political party revised the tariff in 1883 they did not consider that even 1.66 cents a pound was an adequate margin, so they made it 1.68 cents and a fraction over.

Now, gentlemen, at that time when, as now, you were not dealing with an insufficiency of revenue, when in fact you were confronted by a redundancy of revenue, you deliberately established this as a business-like and proper margin between raw and unrefined sugars, your members on the Ways and Means Committee, and many of you here on the floor, have said that we were destroying this industry. You said at Chicago you would not surrender "any part" of these rates. You are in trouble. You are trying to unload. You now say we favor a trust. Let us see. If, now, we reduce the raw sugars 20 points and the higher grades or refined sugars 20 points, we should leave the margin for the maintenance of the industry at precisely the same figure at which it now stands—that is to say, 1.68½ cents per pound.

But, sir, what have we done? We have made the margin, not 1.68½, but 1.38⅝ of a cent. We have lowered the margin to the extent of $11,000,000 of the possible profits to the refineries of this country, and we consider that a very pronounced step towards breaking up the abuses under the trusts. I think gentlemen on the other side of the House should draw a distinction between what is necessary to stop the abuses of the trust, and what may be necessary for the maintenance of the industry itself. To escape a general reform of the many abuses of the tariff you are now willing to actually kill a selected industry. We want reform, not death. Reform will give life, joy, and increased prosperity to the masses everywhere. Where are your reproaches now? Who now is reckless and desperate?

[Here the hammer fell.]

Mr. MILLS. I ask that we have a vote on the pending amendment.

ENROLLED BILLS SIGNED.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.; and

Joint resolution (S. R. 93) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. 7883) granting a pension to Susan L. Watson;

An act (H. R. 6949) granting a pension to Emeline C. Young;

An act (H. R. 9284) granting a pension to Webster C. Webb;

An act (H. R. 9224) granting a pension to Belle M. Baker;

An act (H. R. 4831) granting a pension to Delilah Vandevender;

An act (H. R. 5114) granting a pension to Franklin Long;

An act (H. R. 5574) granting a pension to Benjamin F. Byers;

An act (H. R. 813) granting a pension to Mrs. Lovina J. Reeves;

An act (H. R. 888) granting a pension to John Magher;

An act (H. R. 469) granting a pension to Maria A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

An act (H. R. 885) to amend chapter 253 of the acts of the second session, Forty-fifth Congress, passed June 15, 1878, granting a pension to John Langland;

An act (H. R. 8510) for the relief of Mary Command;

An act (H. R. 8299) for the relief of William M. Dayton;

An act (H. R. 3125) for the relief of Susan Jones;

An act (H. R. 3568) for the relief of B. S. Van Buren;

An act (H. R. 4770) for the relief of Franklin White;

An act (H. R. 7693) granting an increase of pension to Peter C. Cheeks; and

An act (H. R. 9347) granting an increase of pension to William H. H. Buck.

THE TARIFF.

The Committee of the Whole resumed its session.

Mr. MILLS. I ask a vote on the pending amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Maine which has been read.

The question being taken, there were on a division—ayes 79, noes 97.

Mr. DINGLEY. I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 86, noes 105.

So the amendment was rejected.

Mr. WEBER. I now offer the amendment notice of which I gave on Saturday.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out lines 329 to 346, inclusive, and insert the following:

"All sugars not above No. 16 Dutch standard in color shall pay duty on their polariscopic test as follows, namely:

"All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of 1.15 cents per pound, and for every additional degree or fraction of a degree not above ninety degrees shown by the polariscopic test they shall pay thirty-two thousandths of a cent per pound additional.

"All sugars not above No. 16 Dutch standard in color, testing by the polariscope above ninety degrees and not above ninety-one degrees, shall pay a duty of 1.90 cents per pound, and for every additional degree or fraction of a degree not above ninety-seven degrees shown by the polariscopic test they shall pay five-hundredths of a cent per pound additional.

"All sugars testing by the polariscope above ninety-seven degrees shall be classified with sugars above No. 16 Dutch standard in color.

"All sugars above No. 16 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely."

Mr. WEBER. Mr. Chairman, as this is a subject of considerable importance, I desire to ask consent that I may proceed without the limit required by the rules.

Mr. KELLEY. I move the gentleman have time to explain his amendment.

Mr. MILLS. How much time does the gentleman want?

Mr. WEBER. I think about thirty minutes.

Mr. MILLS. I hope we shall get through with this schedule to-day.

Mr. WEBER. If the gentleman will allow me, I believe the abuses that have been spoken of by the gentleman from Illinois can be corrected by a proper classification of the sugar schedule; and I do not believe gentlemen on the other side will care to put obstacles in the way of preventing the undoubted fradulent importation of sugar.

Mr. MILLS. I am willing to give the gentleman fifteen minutes, if he will accept that.

Mr. CANNON. I hope he will be allowed to proceed thirty minutes.

Mr. MILLS. I will give him fifteen minutes.

Mr. REED. This is an important matter.

Mr. MILLIKEN. The gentleman from Louisiana [Mr. WILKINSON] was allowed to proceed almost *ad libitum*.

Mr. MILLS. I withdraw my objection.

Mr. O'NEALL, of Indiana. I renew the objection.

The CHAIRMAN. Is the objection insisted upon.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Indiana will withdraw his objection.

Mr. O'NEALL, of Indiana. At the earnest request of my friends I withdraw the objection.

The CHAIRMAN. It is now suggested that the gentleman be allowed to proceed for twenty-five minutes. Is there further objection?

There was no further objection.

Mr. WEBER. The amendment proposed by me is in the nature of a reclassification of the sugar schedule, and is not designed to interfere with the rates proposed by the committee. It is assumed, at least I assume, that the majority of this House purpose standing by the Committee on Ways and Means as to rates, and the reclassification proposed is substantially upon the rates prescribed by the bill of the committee. The amendment is in the interest of the sugar producers as well as of the consumers of this country, and is not inimical to the interests of the refiner so far as the refining interests, pure and simple, are concerned; but the amendment does aim to strike, and I believe it will effectively strike, at the viciousness of the system which is the outgrowth of the existing law, and will result in stamping out practices that have been indulged in by some of the sugar refiners and importers whose trade operations were monopolistic long before they were combined in a sugar trust.

The object of the sugar duty, Mr. Chairman, no matter what it may have been in the days gone by, whether for revenue or for protection, or for both combined, is primarily the protection of the sugar-growers of this country. How far this object falls short in the bill of the committee and in what degree it fails, a careful examination of the existing law and the practical working of the system under the law will reveal. The proposition of the committee is but a horizontal reduction of that fraud-inviting and fraud-resulting system. The committee—and when I say the committee I mean the Democratic majority of the committee, for that seems to have been the committee—the committee seems to have started out with good intentions. The original bill brought into this House fixed the color-line requiring the polariscopic test at No. 16 Dutch standard or under, and repealed that provision of existing law requiring the payment of a drawback on exported refined sugar supposed to equal only the amount of the duty originally collected, less 1 per cent. retained by the Government.

The amended bill, as reported by Mr. MILLS, drops the color line to No. 13, and restores the provision paying drawbacks. This amended bill, this sudden change of front on the part of the committee—always dangerous in the face of the enemy, so the military authorities tell us—this overthrow of sensible intention in the direction of true reform, point suspiciously to the fine Italian hand of the sugar trust. The instrument used to carry out their purposes being the Committee on Ways and Means of this House; their reliance for success being the complication of the subject and the general lack of understanding of its practical working.

I do not charge that this committee was consciously influenced by the agents of the sugar trust; but, sir, the history of the sugar frauds upon the revenues of our Government and the sudden conversion of the Ways and Means Committee, as is evidenced by the schedule as it now exists in the bill compared with the schedule as it originally came to the House, seemingly indicates that the controlling sources of information upon which their amended action was based were the agents of the sugar trust.

Before the existing schedule went into effect in 1883 sugar duties were levied according to the Dutch standard of color alone. Up to that time nine-tenths of the sugar coming into this country came in as of No. 10 Dutch standard, or under.

When JOHN SHERMAN was Secretary of the Treasury he became satisfied that millions of pounds of high-grade sugars came into this country colored to resemble lower grades in order to escape the greater duties imposed upon the higher-colored sugars. He ordered the application of the polariscopic test, in order to ascertain their true saccharine quality upon which to rate the duties. The action of Secretary Sherman was resisted. The power of the courts was invoked; and in the case of Collector Merritt *vs.* Welsh the courts held that the application of the polariscope test required by Secretary Sherman to detect the true quality of these sugars was beyond the letter and spirit of the law. From that time until revived in 1883 the polariscope was relegated to the rear. But during that polariscopic period of two or three years the increase of the sugar revenues are estimated to be nearly $5,000,000.

This decision of the Supreme Court of the United States referred to was rendered late in 1881, and in the tariff revision of 1883 the defects of the old system were sought to be remedied. The remedy was in the right direction, but it did not go far enough. The polariscope test was properly required, but only as to sugars grading No. 13 Dutch standard in color or under. Up to that time substantially all the sugars imported came in as of No. 13 in color or under. With such light as that Congress fixed the polariscopic test to apply to the sugar such as had up to that time been imported.

Now, I invite the attention of the committee to a study of some official statistics bearing, I think, most effectively upon this feature of the case.

In 1879 there came into this country of imported sugar 1,598,000,000 pounds, of which 1,597,000,000 pounds came in as of No. 13 or under. In 1880 there came in 1,592,000,000 pounds, of which 1,589,000,000 pounds came in as of No. 13 or under. In 1881 there came in 1,869,000,000 pounds, of which 1,867,000,000 pounds came in as of No. 13 or under. In 1882 there came in 1,913,000,000 pounds, of which 1,911,000,000 pounds came in as of No. 13 or under. I skip the year 1883 for the reason that in the middle of that year the polariscope appeared legally on the scene and was applied to all sugars of No. 13 Dutch standard and under commencing with a duty of 1.40 cents per pound for sugars testing not above 75 per cent. saccharine strength and adding four-hundredths of a cent per pound for each additional degree.

In 1884 there was imported 2,437,000,000 pounds, of which there came in claiming to be No. 13, but testing over ninety-one degrees, 288,000,000 pounds.

Now, the normal or natural color, as it used to be when color determined the quality, and upon which our tariff rates are founded, of sugars testing ninety-one degrees saccharine strength is No. 13 Dutch standard in color, and up to the date of the legal polariscope, in 1883, the highest number of pounds imported of sugars above No. 13 was 3,000,000 pounds; but as soon as the polariscope test was applied and the application of it limited to No. 13 the amount over No. 13, as determined by the color test, grew from 3,000,000 pounds to 288,000,000 pounds, testing by the polariscope ninety-one degrees, and therefore properly belonging to a color grade above No. 13, and subject to a duty under the law of 2.75 instead of 2.04 cents per pound. That was in 1884, and in 1885 the amount of increase had grown to 512,000,000 pounds.

In 1886 the increase in the imports of sugar over No. 13 was 826,000,000 pounds, and in 1887 the increase of imported sugar claiming to be No. 13, and appearing in color to be No. 13, but testing ninety-one degrees or over, and by that test shown to properly belong to the color class above No. 13, was 1,389,000,000 pounds, nearly one-half of the entire amount of sugars imported into the United States, paying 2.04 cents per pound for ninety-one degrees test because they were classed with No. 13 in color, when they should have paid, according to the color class above, to which their polariscope test consigns them, and which would have required at least 2.75 cents per pound. Now, either the sugar-planters of this country were deprived of the benefit of the protection involved between 2.04 (which would be the amount on No. 13 sugar testing ninety-one degrees) and 2.75, which would be the duty under existing law if they were above 13 in color—either, I say, the planters of this country were deprived of the benefit of that protection—or this vast sum remained in the pockets of the sugar trust.

But this is not all. There is more iniquity in that provision of the bill relating to drawbacks upon exported refined sugars, which the committee intended originally to repeal, but which for some reason as yet unexplained, but as to which, although explanation has been repeatedly invited, particularly by my friend from Illinois [Mr. CANNON], the committee have maintained a most discreet and commendable silence.

We may well look with suspicion upon the business of exporting refined sugars from this country to England upon the basis of drawbacks which shall equal only the amount of duty originally paid upon the importation of raw sugars. When we recall the facts that both countries go to the same sources of supply for the raw material; that the United States certainly has no advantage in respect of cost of capital employed to run the business of sugar refining, and no advantage in respect of cost of plant; that we stop the raw material half way, we may say, at our ports, unload it, cart it to the refineries, refine it with higher-priced labor, recart it to the wharves, reship it, retaining 1 per cent. of the duty originally col-

lected, and that we ship it to the country which buys the raw material at the same sources of supply that we do, and undersell the sugar refiners of that country in their own market, certainly such a state of facts forces us irresistibly to the conclusion that there is something wrong somewhere. Even the very gauzy theory which I have heard announced so often upon the floor of this House during the tariff discussion, which has been so copiously dealt out to the wage-workers of this country to lull them into acquiescence to take this strong free-trade draught, and which I presume will be repeated from every Democratic stump in the country from now until election, the theory that our labor is so much more productive because it is so much more skillful than the labor of other countries—even that theory as applied to sugar refining vanishes in the face of the fact that the labor cost of refining sugar is less than one-fifth of a cent per pound.

Now I want to give the committee a few figures with reference to the sugar drawbacks, and I regret that my friend from Louisiana [Mr. WILKINSON] is not in his seat, in order that I might, with the official statistics, correct the statement he made this morning that since the reduction of drawbacks on the first grade of sugar, exports of refined sugar had almost entirely ceased.

In 1883 we paid as drawbacks on refined sugars exported $884,856.48. In 1884, after the system under the new tariff, which limited the polariscope test to No. 13 sugars, had fairly come into operation, we paid $1,579,680.61—nearly double the payment of the preceding year. In 1885—and I desire the gentleman from Louisiana to notice that there is no falling off—the amount leaped up to $6,695,892.52. In 1886 we paid $5,638,807.53, and in 1887 $5,466,501.79. I venture to say, Mr. Chairman, that in the last three years, because of fraudulent importations, $1,000,000 per annum was paid as drawbacks by the Government more than had been originally collected as duties. It is certainly a little singular that as the fraudulent importations grow the volume of exported refined sugar swells.

The fact is, Mr. Chairman, you can not honestly refine sugar in this country and export it to England simply upon the basis of the duty originally collected, for the conditions are clearly against any such thing. The sugar comes in originally at a lower rate than it should pay according to law, and it goes out upon the basis of color at the rate which it is presumed to have paid in the first instance and ought to have paid, but which it did not pay. When you get this business of exporting refined sugar down to an honest basis, assuming that the elements of labor cost and capital remain the same as now, you will have stopped the business of exporting refined sugars.

Mr. Chairman, the people want relief from this burden of sugar taxation. I do not believe that they desire this relief solely because of the amount of tax which they pay, but because many of them believe that the true principle of protection, namely, the protection of our labor against the cheaper labor of foreign countries, is not involved, and that the sugar tariff is a barrier against nature, against climatic influences, against the decrees of the Almighty.

The distinguished gentleman from Arkansas [Mr. BRECKINRIDGE], whom I am glad to see before me, apparently interested in my remarks, stated a few days ago with some earnestness and with that eloquence which usually characterizes his utterances, but as I thought in a spirit of boastful pride, that the free labor of the South to-day is cheaper than the slave labor of *ante-bellum* days. When the gentleman made that declaration I thought that even this principle of protection, so far as it means the protection of our labor against the cheaper labor of foreign countries, might be considered in this case to have failed. Mr. Chairman, the people do not object to this tax solely on account of its amount. They object also because they believe that a certain percentage of the tax which they pay (and which in my judgment is wholly a tax, because the home production being so insignificant in comparison with the total consumption does not at all affect the prices) does not appear in the Treasury of the United States, but remains in the pockets of the sugar refiners.

But, sir, knowing how completely that side of the House is wedded to the free-trade heresies of Democracy; having witnessed during the past few weeks with considerable admiration the grand discipline that has prevailed over there, whether brought about by the crack of the party lash, by coaxing, or by holding up the subtle influences, insinuatingly and opportunely put forward, of a well directed veto message; having noticed at least a strengthening of your lines at every weak point by sweetening our Louisiana friends with sugar, capturing Kentucky, perhaps, with whisky, wheedling South Carolina with paddy rice, screwing the courage of Connecticut up to the sticking point with wood-screws, and attaching one end of Chicago to the procession with good American stick-tight glue [laughter], I am ready to acknowledge that the two "wings of Democracy" flap loving and harmoniously together; and I am forced to admit that you on that side can not properly be charged with being infidels, for you certainly have taken good care of your own household.

But knowing also, Mr. Chairman, that gentlemen on the other side will act entirely in accord with the dictates of the Committee on Ways and Means, and recognizing the wisdom of bowing to the inevitable, I make no useless struggle for a reduction of duties; but I do plead for a reclassification of the schedule in order that there may be lifted from the shoulders of our people that portion of the burden founded in fraud and resulting in fraud, and for the purpose of showing that I am not entirely in error when I say that the people of this country demand relief from the burden of the sugar tax, I will read a brief extract from good Democratic authority, the loyalty and fealty of which I believe has not yet been questioned, and I presume will not be by any gentleman on the other side of the House. The New York World of July 3 says:

It is desirable to take the tax off sugar, since it is an article of universal consumption and the Government does not need the revenue. But there is a wide misapprehension as to the nature of the tax. The duty has much more of a revenue character than protective. Thorough free-traders prefer to have the tax continued, since five times or thereabouts as much sugar is imported as is produced in the country. And this has been so long the case that the protective idea with respect to it is practically demonstrated to be a failure. It is not profitable to raise sugar in the United States, and it is high time that poor people had ceased to be taxed to sustain the vain attempt.

As to the amendment I have offered, it is upon the basis of the rates submitted in the bill proposed by the committee. It begins at No. 13 Dutch standard in color, testing seventy-five degrees, with a duty of 1.15 cents per pound, as provided by the committee's bill, and thirty-two one-thousandths of a cent per pound for every additional degree or fraction of a degree up to and including ninety degrees.

Up to this point I am with the committee bill exactly. The variation from the committee's schedule, it may be said, begins here, for it requires all sugars not above 16 Dutch standard in color, testing by the polariscope above ninety and not above ninety-one degrees, shall pay a duty of 1.90 cents per pound, and for all additional degrees up to and including ninety-seven degrees of polariscopic test they shall pay five one-hundredths of a cent additional. In other words, as sugars increase in richness, as demonstrated by the polariscope, the duty increases.

But it will be observed that the last degree of sugar, testing ninety-seven, pays 2.20 cents per pound, precisely the amount provided in the committee's bill for sugars above 13 and not above 16. Sugars testing by polariscope above ninety-seven degrees shall be classified with sugar above No. 16 Dutch standard in color. From this point the exact text of the bill is resumed. [Applause.]

Pass that amendment and it will stop the refiners who indulge in these fraudulent practices. It will not injure Louisiana producers of sugar, but it will give them all the protection involved in the schedule, and will protect the consumers by just the amount between honest and fraudulent importations, and which now remains in the pockets of the sugar refiners of the country. [Applause.]

I reserve whatever time I have remaining.

Mr. ADAMS. I move to strike out the last word.

Mr. BRECKINRIDGE, of Arkansas. I believe I have been recognized, and I will yield only for a vote.

Mr. ADAMS. I move to strike out the last word for the purpose of submitting some remarks.

Mr. BRECKINRIDGE, of Arkansas. In that case I will continue to occupy the floor for the purpose of answering one or two points made by the gentleman from New York [Mr. WEBER] in the remarks which he has just submitted.

In regard to the matter of the amount of duty paid on the raw sugar which has entered into the refined sugar, that is certified to the proper officials under Treasury regulations by the refiners. The Secretary of the Treasury has always had and now has the power to fix a limit beyond which these estimates shall not be paid. Under past Secretaries our export trade in refined sugar, based on the idea that refiners did not make false certification, has been very great. I am not prepared in this matter to impeach anybody's integrity, and so far as I know nobody can do it successfully. Secretary Folger was an able, painstaking, honest man. On the 9th of June, 1883, he issued the following order:

TREASURY DEPARTMENT, *Washington, D. C., June 9, 1883.*

To collectors of customs and others:

Until the 1st day of September, 1883, on the exportation of sugar and sirup, refined wholly from imported sugars, tank-bottoms, sirups of cane-juice, melada, concentrated melada, or concrete and concentrated molasses, upon which duties shall be paid at the rates prescribed by the tariff of March 3, 1883, drawback will be allowed at the following rates:

1. On refined loaf, cut-loaf, crushed, granulated, and powdered sugar, stove-dried or dried by other equally effective processes, 2.82 cents per pound.

2. On refined white coffee sugar, undried, and above No. 20, Dutch standard in color, 2.28 cents per pound.

3. On all grades of refined coffee sugar, No. 20, Dutch standard, and below, in color, 1.84 cents per pound.

4. On sirup resulting entirely from the refining of the above-enumerated imported materials, 4 cents per gallon.

The allowance on sugars will be subject to the deduction of 1 per cent., and the allowance on sirup to the deduction of 10 per cent., as prescribed by law.

CHAS. J. FOLGER, *Secretary.*

He next issued this circular:

TREASURY DEPARTMENT, *Washington, D. C., October 3, 1883.*

To collectors of customs and others:

The provisional rates of drawback specified in the Department's circular of June 9, 1883, No. 77, will continue in force until January 1, 1884, unless sooner revoked.

CHAS. J. FOLGER, *Secretary.*

Then on February 7, 1884, he issued this circular:

TREASURY DEPARTMENT, *Washington, D. C., February 7, 1884.*

To collectors of customs and others:

The following rates of drawback on sugar and its products, established provisionally by the circular of June 9, 1883, are hereby declared to be permanent:

1. On refined loaf, cut-loaf, crushed, granulated, and powdered sugar, stove-dried, or dried by other equally effective process, 2.82 cents per pound.

2. On refined white coffee sugar, undried, and above No. 20, Dutch standard in color, 2.28 cents per pound.

3. On all grades of refined coffee sugar, No. 20, Dutch standard, and below, in color, 1.84 cents per pound.

4. On sirup resulting entirely from the refining of the above-enumerated imported materials, 4 cents per gallon.

The allowance on sugars will be subject to the deduction of 1 per cent., and the allowance on sirup to the deduction of 10 per cent., as prescribed by law.

CHAS. J. FOLGER, *Secretary.*

Then on July 23, 1884, Acting Secretary Coon issued this order:

TREASURY DEPARTMENT, *Washington, D. C., July 23, 1884.*

To collectors of customs and others:

On the exportation of sugar refined from imported molasses, upon which the duty of 4 cents per gallon, prescribed by the tariff of March 3, 1883, has been paid, a drawback will be allowed at the rate of fifty-five hundredths of a cent per pound, less the legal retention of 1 per cent.

CHAS. E. COON, *Acting Secretary.*

Exports continued large and complaints of fraud were freely made, as now. On September 28 Acting Secretary Fairchild issued this order:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 28, 1886.

To collectors of customs and others:

On all refined loaf, cut-loaf, crushed, granulated, and powdered sugar, stove-dried or dried by other equally effective process, exported on and after November 1, 1886, drawback will be allowed at the rate of 2.60 cents per pound, less the legal retention of 1 per cent.

The above rate is provisionally established in lieu of the existing rate of 2.82 cents per pound, pending an inquiry as to what further reduction may be necessary.

C. S. FAIRCHILD, *Acting Secretary.*

The principal exports were of granulated sugar. On the 3d of February, 1888, Secretary Fairchild issued this order:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 3, 1888.

To collectors of customs and others:

The rate of drawback provisionally established by the circular of September 28, 1886 (Synopsis 7780), on all refined loaf, cut-loaf, crushed, granulated, and powdered sugar, stove-dried or dried by other equally effective process, namely, 2.60 cents per pound, less the legal retention of 1 per cent., is hereby declared to be permanent.

C. S. FAIRCHILD, *Secretary.*

You see Secretary Fairchild, first acting for Secretary Manning, and since acting for himself, has cut down Secretary Folger's allowance on granulated sugar.

Mr. DINGLEY. From 2.82 to 2.60.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Maine is correct.

Mr. WEBER. They were reduced by Mr. Fairchild.

Mr. BRECKINRIDGE, of Arkansas. Further on.

Mr. WEBER. That was the first reduction.

Mr. BRECKINRIDGE, of Arkansas. But first under Mr. Manning's administration.

Now as to exports. Honest exports we do not wish to stop. It gives work for our people. During the fiscal year of 1887 the exports of refined sugar were something over $11,000,000, if I remember correctly.

Mr. WEBER. Are you speaking of sugar?

Mr. BRECKINRIDGE, of Arkansas. Yes, of refined sugar. I think it was something over $11,000,000.

Mr. WEBER. That is incorrect.

Mr. BRECKINRIDGE, of Arkansas. No, I think it is not; but on the contrary that it is accurate. But during the fiscal year just closed this export trade has been very small. It has not been more than one-fourth or one-fifth what it was before. If you say there was fraud, I say this is evidence of better things now. I expect the Secretary has got it about right. I remember the statements of refiners with whom I have talked in relation to this matter. They have complained of what they consider the insufficiency of the present amount of drawbacks paid by the Treasury Department, and they have stated that under the restrictions of the Treasury Department the amount of the export of refined sugar has diminished until it has become merely nominal. I have not the exact data, but they complain bitterly.

Mr. WEBER. Here are all of the official statistics which the gentleman can use if he desires to do so.

Mr. BRECKINRIDGE, of Arkansas. I do not contradict the official statistics.

Mr. WEBER. Let me read, then. I do not think the gentleman heard me when I stated the facts derived from the official statistics.

Mr. BRECKINRIDGE, of Arkansas. Perhaps, if I had heard what the gentleman said, I would not be making any remarks now. I listened to the gentleman, but could not fully hear him.

Mr. WEBER. I have them here and will read them if you will allow me.

Mr. BRECKINRIDGE, of Arkansas. It is not necessary now.

Now, Mr. Chairman, that question of fraudulent drawbacks on exports is a question which rests at present where it has always rested—with the Treasury Department; and while I do not mean to contend against official figures, yet I have stated with some degree of confidence what I have and remember and what has been communicated to me by refiners and others who are perfectly acquainted with the subject.

It is clear to me that this matter is at least in safe condition at this time as respects frauds. It is a matter we always have had to leave with the Department, and I see no better way now. There may be a better way, but it is not proven. We had better reject these experiments, and not forget that we are doing better than we have done.

[Here the hammer fell.]

Mr. WEBER. I ask unanimous consent that the gentleman from Arkansas be permitted to occupy further time.

Mr. BRECKINRIDGE, of Arkansas. No; while I thank the gentleman, yet I will not occupy the time of the committee now, though possibly I may take occasion later on to discuss certain other points in connection with the pending amendment.

Mr. ADAMS. I move to strike out the last word. The amendment proposed by the gentleman from New York, changing the classification of sugars under the tariff laws, involves more technical knowledge of the subject than all of us perhaps have conveniently at hand. But there is one fact in regard to imported sugars and the tariff duty upon them which almost every well-informed person in this country knows. Sugars between No. 13 and No. 16 Dutch standard, as they are now produced abroad under modern processes of manufacture, are fit, or measurably fit, for consumption by the people of this country without being put through the refineries. I ought to say rather that they would be fit for consumption without refining, if they were not artificially colored to take advantage of our tariff laws. They are, or rather would be, pure enough, clean enough, and light-colored enough to suit the taste of a large proportion of the people of the United States.

But it so happens that the classification of our sugar tariff imposes a higher duty upon sugars lighter in color than No. 13 Dutch standard. Hence the foreign producer has a strong motive to darken the color of his sugar in order to take advantage of the lower duty. He changes the color of his sugar by artificial means before it passes through the custom-house. The result is that after it has passed the custom-house it is forced to go through the refineries in order to get rid of the artificial coloring instead of going directly, as it otherwise would, to the breakfast table of the American consumer. Hence the existing sugar tariff, as well as the Mills bill, for the Mills bill perpetuates the abuse, compels the American consumer to pay a tribute of about a cent a pound to the sugar-refining trust on a large portion of the sugar which he uses. This is the evil which the amendment of the gentleman from New York proposes to cure.

The Committee on Ways and Means also proposed to correct this evil when they made the first draught of their bill for the use of the committee. My colleague [Mr. CANNON] has already called attention to the amazing change of front executed by the Committee on Ways and Means between the time when they printed the first draught of their bill and the time when they submitted the bill for the consideration of the House.

The gentleman from New York has just now declared that he thought the "fine Italian hand" of the sugar trust might be discerned in this amazing change in the text of the bill. He is not far out of the way. The members of the Committee on Manufactures as well as the members of the Committee on Ways and Means would probably admit that the change was due to evidence given by New York sugar refiners before the Committee on Manufactures when that committee was investigating the sugar trust under a resolution of my colleague [Mr. MASON] which passed the House January 25. Three members of the Committee on Manufactures are also majority members of the Ways and Means. They must have begun their investigation in February. The pending bill was reported early in April.

I regret very much, Mr. Chairman, that the resolution of my colleague [Mr. MASON] was not confined to its original scope of an investigation of the sugar trust. If it had been, we should perhaps have had a report from the committee long ago. It would have been of some benefit to us in the consideration of the provisions of the pending bill relating to the sugar duties. That was undoubtedly the intention of my colleague in introducing it. The scope of that resolution was so broadened by the House that it covered not only the sugar trust, but the Standard Oil trust, and all the other trusts of which we have heard so much during the discussion of the pending bill. I am glad to have all these trusts investigated, but I wish the committee had seen fit to make at least a partial report of the evidence taken, so that we could have had some benefit at this session from their investigations.

It seems to me it would have been only fair for the gentlemen on the Committee on Manufactures who are also members of the Committee on Ways and Means to see to it that at least a partial report was made, including all of the testimony taken in relation to the sugar trust. It is not enough, in my estimation, that in a practical matter, a matter of grave importance of this kind, the facts should be familiar to but three or four gentlemen, however eminent and able they may be. If we in this House are called upon to vote for or against a proposed re-

vision of the tariff laws, we ought to be placed in possession of all the information that is accessible to that committee or any other committee of the House. Therefore I say I regret very much the report was not made months ago.

I introduced a resolution this morning on the call of States calling for an immediate report from that committee of the evidence taken in regard to the sugar trust, and also the evidence in regard to the Standard Oil trust. That, also, is an important matter. The resolution of my colleague [Mr. MASON] was introduced with reference to legislation to be had during the present session of Congress; and yet by the slow method in which the work of that committee has dragged itself along we are not likely to get any practical benefit from it this summer or even next winter.

Mr. BUCHANAN. Will the gentleman allow me?

Mr. ADAMS. Certainly.

Mr. BUCHANAN. I think I reveal no committee secrets when I state that the evidence taken by the committee on these two points has been concluded months since, and that it could have been presented to the House whenever it chose to call for it.

Mr. ADAMS. On what points?

Mr. BUCHANAN. On the Standard Oil trust and the sugar trust.

Mr. ADAMS. Well, perhaps it is my fault that I was not aware of that fact. Theoretically every one of us may be supposed to know what goes on in every committee, but practically we do not.

Mr. BUCHANAN. And I see no objection to the House ordering that testimony to be printed at once.

Mr. DINGLEY. I have a copy of the evidence on the sugar trust in my hand.

Mr. ADAMS. It ought to be in the hands of every member; and the evidence on the Standard Oil trust also.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. MILLS. Is there anything pending before the committee?

The CHAIRMAN. There is an amendment to strike out and insert.

Mr. HOUK. I move to strike out the last word.

Mr. Chairman, I want to ask unanimous consent that I may be permitted to proceed not to exceed fifteen minutes. I do not think I will occupy ten.

Mr. MILLS. I am bound to object. We must get on with this bill.

Mr. HOUK. Then I will modify my request and ask for ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee that he be allowed ten minutes?

There was no objection.

Mr. HOUK. Mr. Chairman, I am a protectionist because I believe it protects, and were I on the Ways and Means Committee and charged with preparing a bill looking to the permanency of the protective system I would place everything on the free-list which was not produced in this country, or which we do not have the means of producing in the early future in sufficient quantities to supply in a great degree the demands of the people. Everything which we can not produce should go on the free-list, because to place a duty on such articles comes within the reasoning of the free-traders, that the amount of the duty is added to the price.

The protective theory, as I understand it, is that protection should be extended to all the industries of this country when they can produce the article in sufficient quantities to supply the demand and meet the wants of consumers. This brings about competition, and the merest tyro knows that competition reduces prices. All human experience proves this to be a practical truth. It is true in every branch of trade that a sufficient supply and competition in the trade lessens prices and cheapens the article to the consumer.

If I had been called upon to vote on the question of reducing or destroying the duty on sugar at the commencement of this session, being somewhat illy informed on the subject up to that time, I should, following my natural inclinations to maintain the protective policy of this country as the great American policy to develop and build up, have voted to maintain the tariff duty as it stands to-day. But, as I now understand it, we produce in this country less than one-ninth of the sugar necessary to supply the consumption of the American people. That fact presenting itself, uncontradicted so far as I know, without any great assurance that this production can be increased commensurate with the demand and sufficient to supply the American market, I hold that as a true protectionist it is not the policy of the Republican party to keep anything on the protected list which is not produced in such quantities in this country as to create competition in the American market and thereby reduce the price. Therefore, Mr. Chairman, for one Republican in the interest of protection, that we may not extend it to those industries which are of such small importance as to be insufficient to supply our home market and home consumption, I say I am inclined when the proper time comes to vote to put sugar upon the free-list, and shall do so unless the production shall have greatly increased in the mean time.

But I apprehend, Mr. Chairman, it makes but little difference how we vote in this committee. The decree has gone forth from the caucus, which seems to be as unalterable as the laws of the Medes and Persians, that this bill from the Ways and Means Committee is not to be marred, not to be changed in letter or line except for the purpose of accommodating some Democratic member in a district where to leave the article on the free-list would endanger his re-election. We have seen a good deal to confirm the idea that the Democracy regard the tariff as "a local issue."

I did not vote for the amendment of the gentleman from Illinois for the reason that I, as a true protectionist, fear the result of the policy of inaugurating the bounty system by the sanction of the Republican party. I fear the result of the friends of protection inaugurating the policy of a bounty in lieu of a protective tariff. Where would it lead us to? If you strike down the tariff on sugar and substitute a bounty, why not strike down on iron, on iron ore, on woolen goods, on cotton goods, on every conceivable fabric that is now manufactured abroad and imported into this country, and give the manufacturer a bounty? I apprehend, if we shall establish this precedent of giving a bounty for the production of sugar, that we will open the gate, the entering wedge will be started, and it will finally be driven through all of our American industries, and our free-trade friends will from time to time come forward, placing this precedent in our presence, and, appealing to our past action, make war on every industry now built up and in a state of prosperity in this country by proposing to take the duty off and give a bounty.

Now, Mr. Chairman, as I understand the authors of this bill, the primary object of it is for the purpose of reducing the surplus in the Treasury. Where is there an intelligent man who has studied this question and believes a reduction of duty on foreign goods and foreign importations will reduce the surplus? Does not all experience go to show that whenever the duties on foreign productions imported into this country are reduced the revenues are increased instead of diminished? Was not that so with sugar? Therefore I appeal to gentlemen on this side, and I appeal to gentlemen on the other side to let us meet this issue fairly and squarely. Talk of no bounties. Do one of two things: either place a duty on sugar or put it on the free-list.

Away with your bounties. I want nothing to do with them, nor do I believe the American people will sustain the bounty policy. I do not believe the American mind is in a humor to encourage bounties on this, that, or the other enterprise. Therefore I shall vote to oppose bounties to any enterprise, for the production of sugar or any other manufactured article. Let the protective system stand, and be applied to every industry worthy of encouragement for the benefit of the American laborer, farmer, tradesman, and manufacturer; but let us not reverse the American policy and drift off after new and strange doctrines summed up in the word "bounty."

The American policy has been to foster manufactures, increase the wages of labor, create a home market, and build up the country by a protective tariff. This Government has never committed itself to the policy of bounty-giving and has not granted bounties in more than one or two instances. These were the exception; a protective tariff has been the rule. Let us adhere to it as a trade regulation in all proper cases and whenever the circumstances and conditions surrounding any industry justify governmental aid in the interest of the people.

But now, keeping in mind the primary object you have in view in this bill, if you desire to reduce the surplus there are but two ways to do it. One way is, instead of reducing duties, to put the article on the free-list absolutely and stop any revenue from that source. The other way, the most practical way, is to repeal the tax on tobacco and on spirits used in the arts. If you please, I will go further and vote to wipe out the entire internal-revenue system from the pages of the statute-books of the United States.

Mr. CHEADLE. Except the tax on oleomargarine?

Mr. HOUK. Except the tax on oleomargarine, and we will collect that in another way. The war taxes are the taxes collected through the internal-revenue system, except the little tax on oleomargarine. Let the war taxes be wiped out and the protective system stand.

If we desire to reduce the surplus in the Treasury, let us repeal the internal-revenue system, repeal the tax on tobacco at any rate. Every Democrat who made a speech in Tennessee for ten years up to the election of Cleveland, so far as my knowledge goes, made war on the entire internal-revenue system from A to izzard. And I have heard and answered many of them by apologizing for the law and condemning the methods of its execution.

I would like to hear from our Democratic friends from my State. I would like to know how they stand on this question. I would like to have them tell me and tell this House, and through this House tell their constituents, whether they are for the repeal of the tobacco tax, or the modification or repeal of the internal-revenue system, or whether they are against it; because I tell the gentlemen their constituents will talk to them about it this fall. There will be music on this subject in many parts of Tennessee between this time and the election in November, and I am curious to know how our Tennessee Democrats are going to follow the tune.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Let us have a vote on this amendment.

Mr. HOUK. I want to call attention to just one other thing.

Mr. WILLIAMS. I ask that the time of the gentleman be extended five minutes.

Mr. HOUK. I do not ask five minutes. Give me two minutes.

Another way to aid in reducing the surplus is to do our duty here, bring the Blair bill out of the Committee on Education and have a vote upon it. That will aid in reducing the surplus and will give the bread of life to the ignorant children of the South and all other parts of the country. [Applause on the Republican side.]

Again, I have seen it charged in the newspapers that our candidate for the Presidency voted against the Blair bill.

I have here the CONGRESSIONAL RECORD of the Forty-eighth Congress, first session, and on page 2724 I find that when the question was taken on the passage of that bill it was passed by a vote of 33 yeas to 11 nays, and among those voting in the affirmative is the name of Senator Harrison. Again, by referring to page 2105 of the CONGRESSIONAL RECORD, Forty-ninth Congress, first session, I find that on the 5th of March, 1886, that bill being under consideration, Senator Harrison rose and said:

I am paired upon this question with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote yea. I understand he would vote nay.

That is his record upon that question, and now I ask the Democrats to quit lying about it. [Laughter.]

Not only did our Presidential candidate vote for the Blair bill, but the Republican platform adopted at Chicago, on which he stands, explicitly declares in favor of both State and national aid to the cause of free education.

I had the honor to be a member of the committee on resolutions and platform, and I am proud to have had the honor and privilege of aiding in making a national platform, declaring against free trade, in favor of an American policy, and the education of the people. [Applause on the Republican side.]

Mr. McCOMAS. Mr. Chairman, I desire to ask a question of the majority of the Committee on Ways and Means for information. I desire to ask the gentlemen of the majority of the committee (and I see three of them present), whether or not on the 26th of March last, Mr. Havemeyer, of New York, did not have a hearing by the majority of the committee, or by four members of the majority, with respect to sugar? I know that on the 12th of March there was a hearing and an examination of Mr. Havemeyer before the Committee on Manufactures, but I want to know now whether, on the 23d of March, the day of the adjournment of this House by reason of the decease of the lamented Chief-Justice of the United States, the members of the majority of the Committee on Ways and Means did not, individually or collectively, some of them, give a hearing to Mr. Havemeyer on this subject?

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I do not believe that anybody ever came to Washington to confer with the Democratic members of the Committee on Ways and Means but what he had ample opportunity to talk over the business he came here about.

Mr. McCOMAS. Does that include Mr. Havemeyer?

Mr. BRECKINRIDGE, of Arkansas. As regards this particular case, I do not remember dates, but I remember that Mr. Havemeyer talked with me and perhaps a little with some of the other Democratic members of the Ways and Means Committee about the sugar-refining business. It was when he was here summoned as a witness before the Committee on Manufactures.

Mr. McCOMAS. That was on the 12th of March.

Mr. BRECKINRIDGE, of Arkansas. Very well, then, I would say that it was on the 12th. I am speaking now from memory, and I will say that at my request, having developed before the Committee on Manufactures an interesting line of investigation, precisely what the Committee on Ways and Means were engaged upon, I asked him to wait after he was done with the Committee on Manufactures and go with me to the Ways and Means Committee room, as I wanted him to talk there with one or two gentlemen of the committee. It related to some matters of a technical character that I for one wanted information about. That, I suppose, is what the gentleman from Maryland refers to.

Mr. McCOMAS. Now, does the gentleman from Arkansas recall the fact that on the day of our adjournment here on account of the decease of the Chief-Justice Mr. Havemeyer did have a hearing before the Committee on Ways and Means or some of its members?

Mr. BRECKINRIDGE, of Arkansas. I have no recollection of it.

Mr. McCOMAS. Anyhow, you admit that he did have a hearing before the majority on some other day upon your invitation?

Mr. BRECKINRIDGE, of Arkansas. I do not mean to deny it, the facts, as stated, at all. My only recollection on the subject is what I have given you. But suppose he did. Suppose he had come to me or I had met him on the day you say, I would have listened to him with great pleasure.

Mr. McCOMAS. Yes; you would deny a hearing to the miner and the manufacturer and the laboring man, while you would give it to Mr. Havemeyer, the leader of the sugar trust.

Mr. BRECKINRIDGE, of Arkansas. That is all stuff.

Mr. MILLS. We never denied anybody.

Mr. McCOMAS. You did not deny him.

Mr. MILLS. We never denied anybody. We would not deny you, and the statement is false.

Mr. McCOMAS. You gave him a hearing.

Mr. MILLS. We did not deny anybody.

Mr. McCOMAS. I have the floor.

Mr. MILLS. You have not got the floor. I yielded to you two minutes out of courtesy for a question. You have not got any time.

Mr. McCOMAS. I was recognized by the Chair for five minutes. This is my time.

The CHAIRMAN. The five minutes have expired.

Mr. McCOMAS. My five minutes are hardly out yet, Mr. Chairman. I want just a minute more to say this. What I am talking about here is not the motives of men but the conduct of committees.

Mr. MILLS. Oh, never mind the conduct of the committee.

Mr. McCOMAS. And I have the information that at the time I have indicated the majority of the Committee on Ways and Means, or some of them, gave a hearing to the head of the sugar trust, Mr. Havemeyer, and then on the 2d of April following this bill came in, and they had struck out "16" and put in "13" Dutch standard. When the laborers of the country could not be heard, and the manufacturers of the country could not be heard, the leaders of the trusts were heard, and in obedience to their arguments and their persuasions you came here, gentlemen, and obeyed their dictates by leaving your good position and taking your worse position in behalf of the refiners' trust and of the frauds committed upon the sugar consumers of this country.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I think the statement of the gentleman ought not to go upon the record without a denial of its truth. There was no hearing given by the majority of the Ways and Means Committee to Mr. Havemeyer in the sense in which the word "hearing" has been used upon this floor.

Mr. McCOMAS. Did you not give Mr. Havemeyer a hearing upon this subject?

Mr. BRECKINRIDGE, of Kentucky. I did not; nor was I present at that time.

Mr. MILLS. Nor was I.

Mr. McCOMAS. Your colleague on the committee [Mr. BRECKINRIDGE, of Arkansas] has said so.

Mr. BRECKINRIDGE, of Kentucky. Not in the sense of a hearing before the committee.

Mr. McCOMAS. He said so.

Mr. BRECKINRIDGE, of Kentucky. He did not; that is exactly the question I am raising on the gentleman from Maryland.

Mr. CANNON. What did he say?

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Illinois, who is filching time which does not belong to him, will not interfere he will find out. What the gentleman from Arkansas said was that he invited Mr. Havemeyer to the room of the Committee on Ways and Means to give those gentlemen who were then present the information which had been given to him; he did not say that he invited Mr. Havemeyer to a formal meeting of the committee.

Mr. McCOMAS. Not formal—informal.

Mr. BRECKINRIDGE, of Arkansas. I have not said any such thing.

Mr. BRECKINRIDGE, of Kentucky. Nor were some of us present. But this is the fact which the gentleman has disingenuously distorted. No human being came to any member of the majority of the Ways and Means Committee and asked to have a conversation with him when it was not courteously accorded.

Mr. McCOMAS. Did Mr. Havemeyer——

Mr. BRECKINRIDGE, of Kentucky. One moment. When the gentleman says, in antithesis, that we gave a hearing to the "chief of the sugar trust" and refused it to others he is intentionally disingenuous.

Mr. McCOMAS. Let me ask the gentleman this question. If he wants to be fair and frank, does he deny specifically that Mr. Havemeyer on March 12 or 23, individually conferred, informally if you please, on this subject with a number of gentlemen of that committee?

Mr. BRECKINRIDGE, of Kentucky. I do not deny it.

Mr. McCOMAS. Ah, that is my point.

Mr. BRECKINRIDGE, of Kentucky. I do not deny it. [Applause on the Republican side.] And the gentlemen who applaud, applaud a disingenuous statement.

Mr. McCOMAS. My statement is as fair as yours. My assertion was that members of that committee, men who happen to be on that committee, a number of the gentlemen in the majority on the committee, had, informally or formally, I care not which, given time and had conversations on this question with this gentleman at the head of the sugar "trust," and within a few days thereafter reported this bill making the change from 16 to 13, Dutch standard.

Mr. BRECKINRIDGE, of Kentucky. Indubitably, if Mr. Havemeyer asked an audience, he got it.

Mr. McCOMAS. That was my point.

Mr. BRECKINRIDGE, of Kentucky. No, it was not; you have dodged.

Mr. McCOMAS. You have dodged.

Mr. BRECKINRIDGE, of Kentucky. Your point was that we had given it to that gentleman and had refused it to others.

Mr. McCOMAS. My point is that you heard him.

Mr. WILSON, of West Virginia. And we heard every one else who applied in the same way; therefore your point is not a fair one.

Mr. McCOMAS. But you did hear him.

Mr. WILSON, of West Virginia. I did not hear him. I remember nothing of the kind.

Mr. McCOMAS. Other gentlemen of the committee did hear him.

Mr. WILSON, of West Virginia. There was not a time when any gentleman could not be heard in the same way.

Mr. BRECKINRILGE, of Kentucky. The only point I desired to put on record was a denial of the double charge that certain persons were heard, while there was a refusal to hear others. That was the disingenuous and unfair statement which I desire to contradict.

Mr. REED. Yet it is a notorious fact that hearings were refused in all cases.

Mr. BRECKINRIDGE, of Kentucky. It is not a fact that a hearing was ever refused to a gentleman who came to the majority of the committee and asked for a hearing. While formal hearings by the committee sitting as a committee were refused, yet it is not true, and the gentleman is not authorized in saying it is true, that we refused hearings to certain gentlemen and in the same sense accorded hearings to others.

Mr. McCOMAS. I think I am entitled to a minute on this subject. I want to say that the gentleman from Kentucky, by what he has said, has admitted all that I have charged.

Mr. DOCKERY and others. No, he has not.

Mr. BRECKINRIDGE, of Kentucky. The record will show.

Mr. McCOMAS. With respect to Mr. Havemeyer, the gentleman from Arkansas [Mr. BRECKINRIDGE] has said that at his request Mr. Havemeyer talked with certain members of that committee. I understand the gentleman from Kentucky now to say that he did talk with certain members of that committee.

Mr. BRECKINRIDGE, of Kentucky. No, I did not. I said I did not know, and therefore I did not contradict it. I was not present.

Mr. McCOMAS. Did he talk with you?

Mr. BRECKINRIDGE, of Kentucky. I have no recollection of ever having talked with Mr. Havemeyer about sugar. I talked to Mr. John Parsons in the presence of Mr. Havemeyer in a humorous way about the testimony——

[Cries of "Ah!" "Ah!" on the Republican side.]

Mr. BRECKINRIDGE, of Kentucky. Let me get through. The gentleman, judging of me by himself, may think it was improper. I had known Mr. John Parsons; he was in the committee-room; we renewed our acquaintance, and had a humorous conversation about the gentleman being before the Committee on Manufactures, and I was introduced to three or four gentlemen, including one or possibly two of the Messrs. Havemeyer; but there was no conversation between us either about the sugar schedule or the testimony before the Committee on Manufactures.

Mr. McCOMAS. I understand that Mr. Parsons is the counsel of the sugar trust; I am told so, and that Mr. Havemeyer, the head of the trust, is his client. As I now understand, Mr. Havemeyer had various conversations with certain members of that committee——

Mr. BRECKINRIDGE, of Kentucky. Who told you that he had "various conversations?"

Mr. McCOMAS. Well, say one—say two.

Mr. BRECKINRIDGE, of Kentucky. Why can you not be accurate in a single statement? Why can you not stick to accuracy?

Mr. McCOMAS. I now repeat what I have said. The first branch of it is—and I appeal for confirmation to every member on this side—that when hearings were asked for on behalf of the laboring interests by laboring men of various crafts in this country, they were turned from your door. That is one part of my proposition, and have I not proved it by all the members on this side of the House?

Now, the second one is this: That this man, Mr. Havemeyer, came here and the gentleman from Arkansas [Mr. BRECKINRIDGE] said that he had conversations with certain gentlemen on the committee; that there were certain gentlemen there. When you turn to the record you will find that the gentleman said with some members of the committee. I do not say anything I can not prove. I can prove by admissions of the gentleman from Arkansas that these men had conversations with these men on this committee.

Mr. BRECKINRIDGE, of Kentucky. As to Mr. Parsons, I had no conversation with him on the subject of the sugar schedule. I had humorous conversation about his being here before the committee.

Mr. McCOMAS. Humorous conversations!

Mr. BRECKINRIDGE, of Kentucky. The gentleman manufactures his facts to fit the occasion.

Mr. McCOMAS. The gentleman is intentionally disingenuous as to the committee.

Mr. BRECKINRIDGE, of Kentucky. The gentleman, I repeat, attempts to put on record in juxtaposition the statement that we gave a hearing to some with the other statement that we refused a hearing to others, using the words in both cases in the same sense. I say we gave to all gentlemen who came before the members of that committee a courteous hearing. I say we denied no one, but treated impartially all of those who came there asking for an informal hearing. That is true, and anything contradictory of it is false.

Mr. McCOMAS. Let us poll the committee.

Mr. HOLMES. There was no hearing formally or informally on the part of the Committee on Ways and Means, and I ask the gentleman to answer that question——

Mr. BRECKINRIDGE, of Kentucky. What is it?

Mr. HOLMES. You gave no notice—that is the majority of the Committee on Ways and Means gave no notice they would hear parties formally or informally.

Mr. BRECKINRIDGE, of Kentucky. So far as I am concerned I gave notice myself to gentlemen who are experts in these matters, who were coming to Washington, that I would be glad to get all the information from them I could. So far as I know no public notice was given by the committee, that is by the majority of the Ways and Means Committee. Does that answer the gentleman's question?

Mr. McCOMAS. You had no hearing, then, before that committee? Were not parties introduced before that committee?

Mr. BRECKINRIDGE, of Kentucky. Yes; parties were informally before that committee. I deny the right of any gentleman to ask for a private conversation. It is a discourteous and improper thing to do. Having said that much, I answer so far as I am concerned there were gentlemen in various avocations I heard of, and I told them I would be glad to have conversations with them, and as to other gentlemen I went further and said I would be glad if they would meet my colleagues who were seeking information from those who knew it. I was doing the best I could to get all the information before the committee I could.

Mr. HOLMES. That is, the majority of the committee granted a hearing to the capitalists of the country and the leaders of the trusts; that they have been heard, but a hearing was denied to everybody else. [Hissing and cries of dissent from the Democratic side.] The leaders of the sugar trust were invited before that committee and granted a hearing, whilst a hearing was refused to all others. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Kentucky. I have not said a word about trusts. I do not know who the gentleman refers to as capitalists.

Mr. HOLMES. That will be all explained to the country. Now, I ask the gentleman whether the laboring men ever had a hearing before that Committee on Ways and Means, formally or informally?

Mr. ROGERS. We will discuss this question before the country. [Cries of "Vote!"]

Mr. HOLMES. I say a hearing was granted to those capitalists and leaders of the sugar trust, but that no hearing of any sort was granted to the laboring men of the country. [Cries of "Vote!"]

Mr. BRECKINRIDGE, of Arkansas. Oh, you are demagoging, my friend; all of you are.

The question recurred on Mr. WEBER's amendment.

Mr. WEBER. I call for a division.

The committee divided; and there were—ayes 78, noes 97.

Mr. WEBER. I call for tellers.

Tellers were ordered; and Mr. WEBER and Mr. MILLS were appointed.

The committee divided; and the tellers reported—ayes 65, noes 86.

So the amendment was rejected.

Mr. MILLS. I offer the amendment I send to the desk.

The amendment was read, as follows:

In line 353 strike out the word "four" and insert "two and three-quarters;" so that it will read, "molasses testing not above fifty-six degrees by the polariscope shall pay a duty of 2¾ cents per gallon."

Mr. O'NEILL, of Pennsylvania. I would like to ask the chairman of the Committee on Ways and Means why he could not reduce it to 2 cents a gallon instead of 2¾ cents?

Mr. MILLS. Because it will make an improper proportion between that and the other provisions relating to sugar.

Mr. O'NEILL, of Pennsylvania. I am informed by those interested in boiling molasses that the duty on molasses should be, under the provisions of what the committee have fixed on sugar in this bill, 2 cents a gallon. They have not been able to make any profit for the last two or three years under the present duty; and when the committee are reducing the duty on sugar they think that the duty on molasses, to make it right, so that they can boil that article with a profit to themselves, should be put at 2 cents a gallon. They have made calculations which bring out that result as the proper amount of the duty, and a proper relation between the duty on molasses and sugar; and I ask the chairman of the committee why he can not get it down to 2 cents a gallon at once?

Mr. RANDALL rose.

Mr. MILLS. I will answer by saying——

Does the gentleman from Pennsylvania desire to be heard?

Mr. RANDALL. I only wanted to say that the exact relation which molasses that is boiled and sugar produced from it has to the rate of duty fixed in the bill of the Committee on Ways and Means is 2½ cents; and that 2½ cents is the proper rate of duty.

Mr. O'NEILL, of Pennsylvania. Why will not the chairman of the committee agree to fix it at 2½ cents instead of 2¾ cents, so that those who boil molasses may have some of the advantage which is necessary to enable them to carry on their business under the operations of this law? And I think if that rate was fixed it would be satisfactory to all concerned.

Mr. MILLS. At the reduction of from 4 to 2¾ cents we have made a larger reduction on molasses than upon sugar. If the relation between sugar and molasses is correct according to the existing law, then we have given the molasses people a very large advantage over the sugar people.

Mr. RANDALL. If you would put them exactly on the basis of a 20 per cent. reduction you would fix the duty at 2½ cents, for that is the exact equivalent, if I am not mistaken in the calculation.

Mr. MILLS. But this is more than that. It is even as much as 30 per cent.

Mr. O'NEILL, of Pennsylvania. The chairman of the Committee on Ways and Means fixes the amount at 2¾, and we would be satisfied with 2½; and I think this sum, if the committee will not agree to reduce it to 2 cents, ought to be adopted. I hope it will.

Mr. RANDALL. The 2½, as I understand it, is the exact relation which that molasses would bear to the reduction made in this bill on sugars. I have been advised by some of the Louisiana members here that they desired it 2¾, but I do not think that is a proper relation. The fact is, the molasses that comes into this country to be boiled does not come in competition nor in the same period of the year with the Louisiana molasses.

Mr. O'NEILL, of Pennsylvania. I would state in reply that the molasses-boilers would be satisfied, I believe, with 2½, if they are unable to get it fixed at a lower rate. Still, I hope the chairman of the Committee on Ways and Means will agree to make it 2 cents. I have spoken with one or two of the Louisiana members myself, and I know they will take 2¾ cents if they can not get the rate lowered.

Mr. MILLS. When this bill comes back from the Senate there may be some matters in conference to be decided. After a full examination of the matter if it be then necessary these changes can be made.

Mr. MASON. Are you sure it will ever get there?

Mr. RANDALL. I move to amend the amendment of the gentleman from Texas by making it 2½ cents.

The amendment was rejected.

The question recurring on the amendment of Mr. MILLS, it was adopted.

The CHAIRMAN. There is an amendment pending, proposed by the gentleman from Iowa [Mr. FULLER], which the Clerk will now read.

The amendment was read, as follows:

Strike out line 329 down to and including the word "gallon," in line 355, and insert the following:

"All sugar and molasses shall, on and after January 1, 1889, be admitted free of duty."

The amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with amendments in which concurrence was requested, the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888.

It further announced that the Senate requested the return of its resolution agreeing to the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs.

It further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan, in the Territory of New Mexico."

THE TARIFF.

The Committee of the Whole resumed its session.

Mr. CANNON. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out lines 329 to 351, inclusive, and insert:

"All sugars not above No. 16 Dutch standard in color shall pay on their polariscopic test as follows, namely:

"All sugars not above No. 16 Dutch standard in color, all tank-bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of 1.15 cents per pound, and for every additional degree or fraction of a degree shown by the polariscopic test they shall pay three hundredths of a cent per pound additional.

"All sugar above No. 16 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely:

"All sugar above No. 16 and not above No. 20 Dutch standard, 2.20 cents per pound.

"All sugar above No. 20 Dutch standard, 2.50 cents per pound.

"Molasses testing not above fifty-six degrees by the polariscope shall pay a duty of 4 cents per gallon; molasses testing above fifty-six degrees shall pay a duty of 6 cents per gallon.

"*Provided*, That if any export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act: *And provided further*, That no drawback of duty shall be allowed or paid on any sugar exported from the United States."

Mr. CANNON. I desire to add to that amendment the following words, which I will give to the Clerk:

Sugar-candy, not colored, 5 cents a pound; all other confectionery 40 per cent. ad valorem.

Now, Mr. Chairman, I desire to state very briefly what this amendment is. It is precisely the provision that was first reported by the majority, the Democratic members of the Ways and Means Committee to the full Ways and Means Committee on the 1st day of March last. I then read an account in the Courier-Journal and in papers throughout the country of interviews with gentlemen on that committee, and the comments and dispatches sent off by the Associated Press. I read them with great pleasure, because they stated, and stated truly, that under the provisions which are embodied in the amendment one-half of the sugar that the common people of this country use would go into consumption without passing through the refineries.

It is also true that they would have gone into consumption at over a cent a pound less than they would go into consumption under the provision as the bill stands to-day. Judge of my sorrow, surprise, and indignation when the Ways and Means Committee reported that bill and I found they had changed it so as to drive the poor man's sugar through the refinery by artificial means and subject it to the extortion of the sugar trust. I wondered why it was. It has been partially explained this morning. The gentleman from Maryland asked if Mr. Havemeyer was before that committee. The answer was, "Oh, no; but before members of the committee." Who is Havemeyer? The greatest sugar refiner in this country, at the head of the trust, the organizer; the man whose iron hand crushes out every refiner who does not come into the trust; the man who levies a toll on 60,000,000 people to the extent of $30,000,000 annually; the man who stands eminent and prominent in the Democratic party fighting its battles.

He is the rich man, the Crœsus of New York, if you please, to whom many Democrats look with hope for relief in his earnest and efficient advocacy of the re-election of Grover Cleveland, as he advocated the election of Grover Cleveland. There is the cat in the meal; there is the nigger in the wood-pile. I have called attention to it time and time again and asked for an explanation, and have had to speak right out in meeting. Take the bill as it was originally reported, take the bill as it stands to-day, take Havemeyer's presence, take the monopoly that still grinds upon the people by virtue of the Mills bill as you have changed it back, in connection with your interviews as they were first reported, and it is so plain that a wayfaring man may run as he reads.

Now, I do not expect you to correct it. A correction of your bill would break up the sugar trust and lose you its effective support this fall. You have agreed upon it in caucus. I simply wanted to call attention to it, and from you to appeal to the people who pay the tax on sugar every year of a dollar and fifty cents, man, woman, and child, throughout the country, by virtue of these provisions. We will try the case before the great jury next fall. [Cries of "Vote!"]

Mr. REED. I hope the chairman of the Ways and Means Committee will explain to us why he made the change in the bill.

Mr. MILLS. Will the gentleman be kind enough to explain why in the Committee on Ways and Means in former Congresses when a bill reducing the duties on sugar was presented you stood then by this same man whom you say is at the head of the sugar trust?

Mr. CANNON. Do two wrongs make a right?

Mr. MILLS. It is not your time yet. I want to know, when you were in power on the Ways and Means Committee, why it was that you stood by Mr. Havemeyer and by all the other sugar trusts and all the other trusts in this country, and then refused to accord us consideration of the measure in the House? You now parade yourself before the country as super-honest, super-decent, and super-patriotic——

Mr. REED. Super-heated.

Mr. MILLS. And yet you knelt by the side of the leaders of these monopolies and recited your prayers year after year and day after day, never finding fault with them until we got a Democratic majority in this House that came here honestly to reduce taxation on the people; and when we propose to smite some of your idols, you raise the cry of Havemeyer and the sugar trust. Let me tell you, and don't you forget it, we are going to give you an opportunity to vote on these trusts before you get away from here, and every one of you will vote on the side of the trusts, too.

Mr. REED. Mr. Chairman——

Mr. GAY. Mr. Chairman, I desire to have the privilege of saying, before the committee votes upon this proposition——

Mr. REED. Mr. Chairman, I should like to be recognized before the sound of the voice of the gentleman from Texas [Mr. MILLS] has died away.

The CHAIRMAN. The Chair will now recognize the gentleman from Maine, and will recognize the gentleman from Louisiana later.

Mr. GAY. Very well.

Mr. REED. It does seem strange to me that the chairman of the Committee on Ways and Means, whenever asked for an explanation of the features of his bill, finds it necessary to fly into a passion, finds it necessary to go off into a defense of his own virtue. I should suppose that such a defense was necessary, and yet after all he might occasionally omit it and once in a while give us an explanation of the reasons

which have governed him and the committee; but from the inception of this tariff bill down to the present time the committee have kept utterly secret the reasons which have influenced them in framing the various provisions of this bill. Time after time in committee, time after time in the House, we have asked them for their reasons, we have asked what induced them to make these changes in the tariff, and what induced them to make changes in their own bill, but they have seen fit always to refuse to answer.

There are persons uncharitable enough to suppose that that may arise from ignorance, but the debate to-day shows that in some cases it arises from other reasons. It would be betraying the secrets of those private interviews which have been had with favored manufacturers by gentlemen on the other side. It would expose the secrets of the political origin and political character of the amendments which they are endeavoring to make to the tariff. Here is a direct charge made against them that after an interview with Mr. Havemeyer they had this sugar schedule changed—changed, it is charged, in the interest of one of those "trusts" which they denounce so much, and the most prominent one before the country to-day. Instead of rising to explain the reasons, the sound reasons, unconnected with personal influence that induced the committee to make this change, the chairman springs to his feet for the purpose of indulging in general declarations as to how good he is and how bad we are.

Why, Mr. Chairman, is this the way—and I appeal to the gentleman from New York [Mr. COX] upon this point—is this the way to conduct a business transaction? Has business entirely vanished from this proceeding? Are we to be vouchsafed no business reasons for a change made under circumstances so suspicious? Do they desire to go before the country in dead silence upon this bill, or do they desire to go to the country with only some remarks as to the goodness of the chairman of the Committee on Ways and Means?

Is that the reason why this change was made in the sugar schedule, because the chairman of the Committee on Ways and Means thinks he is better than our side? Is that good sound business reasoning? Are intelligent men to be contented with that? It looks as if the kind of intelligent men that adorn the other side of the House were contented with precisely that thing. It looks as if they were not going to vouchsafe to the country any statement of the reasons upon which this bill is founded, and it seems from the whole tenor of the discussion to-day that this bill has been made up in the interest of a few favored people for the purpose of effectuating the success of certain particular Democrats. Now, that is not a business reason, that is not a business way in which to control the affairs of this country, and I believe if it can ever be squarely brought before the people they will stamp it with their most signal disapproval. [Applause on the Republican side and cries of "Vote!" on the Democratic side.]

[Mr. GAY withholds his remarks for revision. See APPENDIX.]

Mr. MILLS. I want to say, Mr. Chairman, in regard to the preparation of this schedule, that it was made, so far as I know, without Mr. Havemeyer's knowledge and without his advice. It was made precisely upon the old line of the Republican tariff of 1883, so far as the classification is concerned; and we have gone back to that. I think our first preparation of the bill was on that line, and we afterward changed it; I believe it was at my suggestion it was changed. It was the representatives from Louisiana who came before us and remonstrated against it. I never had a word from Mr. Havemeyer on this subject—had no counsel with him; do not know what his views were on that subject. If he had any he never told them to me. He may have talked to other gentlemen, and doubtless did. But we went back to this schedule because our friends remonstrated against it and claimed it would inflict great injury upon them and their interests. So far as Mr. Havemeyer's Democracy is concerned, I know nothing about it.

Mr. REED. Did I understand the gentleman to say "our friends?"

Mr. MILLS. I speak of you all as "friends;" I often do that; it is entirely parliamentary. But I will withdraw it if you so desire. [Laughter.]

Now, I want to finish what I was about to say. All I know of Mr. Havemeyer's politics is that I have heard he contributed a large sum to the election of General Garfield.

Mr. CANNON. I have heard he contributed a large sum to the election of Cleveland and has promised to contribute a large sum to his re-election.

Mr. MCMILLIN. Will the gentleman from Illinois [Mr. CANNON] kindly tell to whom the second promise he mentions was made?

Mr. CANNON. The gentleman from Texas [Mr. MILLS] stated what he heard. In reply to that I have stated what I have heard. My hearing is as good as his.

Mr. MILLIKEN. Mr. Chairman, in view of the fact that our friends on the other side have just voted to place a duty of 68 per cent. on sugar, and seem to stand by their schedule on that subject, I desire the Clerk to read an extract from the Democratic platform which is pertinent to this question.

The Clerk read as follows:

It is repugnant to the creed of Democracy that by such taxation the cost of the necessaries of life should be unjustifiably increased to all our people. Judged by Democratic principles, the interests of the people are betrayed when, by unnecessary taxation, trusts and combinations are permitted to exist which, while unduly enriching the few that combine, rob the body of our citizens by depriving them of the benefits of natural competition.

Mr. MILLIKEN. I ask attention to the paragraph just read, because our friends on the other side during the whole debate on this subject have seemed to be oversensitive upon the matter of "trusts." Hence, I have caused to be read the proposition in their platform on this subject, in order to show how much difference it makes whether this matter of "trusts" touches them or somebody else.

When we protested against placing lumber on the free-list, because a great industry in Maine and other Northern States, obliged to compete with the lumber product of Canada, would thereby be destroyed, gentlemen cried out frantically against the lumber trust. They were asked to tell us where such a trust existed, or to produce some evidence that it existed at all, but failed to do so, and at last their claims of the existence of a lumber trust dwindled down to the statement of a supposed trust by the gentleman from Iowa [Mr. WEAVER].

And no proposition has been more definitely made and persistently repeated and reiterated than that these trusts were created and supported by the tariff upon the articles involved in the different trusts. It was in vain that we pointed them to the Standard Oil trust, where there is no duty to operate, that great monopoly which is said to have demoralized the Democracy of one State at least and to have been efficient in producing political results not in conformity with the free will of the people. It was in vain that we held up the fact that trusts existed in other countries than our own and without the influence of a tariff. Always when we sought to protect any industry marked for destruction in the Mills bill a trust was imagined and paraded as a scare-crow to frighten gentlemen into the free-trade ranks.

But here is an industry where a real, indisputable trust exists. A trust that within a few months has arbitrarily raised the price of sugar 1 cent per pound, levying this tax upon every one of 60,000,000 people, to all of whom that article of food is a necessity, levying it not for revenue purposes, not to encourage increased production and competition and a consequent reduction of prices, but to decrease production and fill the pockets of the members of that trust, then the abhorrence of trusts on the part of our Democratic friends disappears, and they stand here and vote for a duty of 68 per cent. on this necessary article of food, and this a specific duty which no undervaluation can reduce.

What has become of the loudly-protested anxiety of gentlemen on the other side for the dear people whom they pretend so much to love? For the consumer for whom they express so much desire to furnish cheap food?

Why, Mr. Chairman, if there is a duty upon any article that oppresses the people it is the duty upon sugar. All the people use it. As I have before had occasion to say, it is the largest food charge in nearly every family in the land, and yet to protect one-tenth of the quantity of sugar necessary to supply the demands of our own people, and without any reasonable hope of increasing the product, this bill provides that we shall pay a tariff of 68 per cent. upon ten times as much sugar as we produce. This is simply outrageous when compared with the way in which the Mills bill deals with great Northern industries that are sufficient in capacity to meet the wants of our people, and which by competition have caused a reduction of prices of more than 30 per cent. in the last twenty years.

In the course of the debate this morning the gentleman from Louisiana [Mr. WILKINSON] criticised me because in comparing the duty upon sugar with the duty upon some products of my own State I had raised, as he said, a sectional question.

Why, gentlemen, you raise the sectional question yourselves in the bill which you have submitted to this House—make a distinction between the sections of the country in treating one section to free trade and low duties and the other to high duties. I simply stated the fact. That fact came out most clearly in the discussion of the amendment of my colleague from Maine [Mr. DINGLEY] this afternoon. When he proposed to reduce the duty on sugar to 41 per cent.—a duty equal to the average duty upon all articles in the dutiable list—how readily our friends on the other side voted that proposition down and insisted on 68 per cent.

If you look at the schedule you will find that while the duties on Northern productions are to-day not more than an average of 27 per cent., the duty on Southern productions, including the high duties upon sugar and rice, is more than 75 per cent. Still, when we ask for something like a fair equalization of duties, you say we are raising a sectional question.

Ah, gentlemen, you like to put the State of Maine on the free-list. It seems good to you to put the industries, great and small, of many of the Northern Republican States there, or reduce them to the lowest limit, but when we propose to give you even a homeopathic dose of your own medicine it seems to freeze the very marrow in your bones. [Laughter and applause.]

The question recurred on Mr. CANNON'S amendment.

The committee divided; and there were—ayes 81, noes 85.

Mr. BREWER. Mr. Chairman, I am paired with Mr. HEARD. Were he present, I would vote "ay."

Mr. ALLEN, of Michigan. I am paired with Mr. RICHARDSON. Were he present, I would vote "ay."

Mr. GEAR demanded tellers.

Tellers were ordered; and Messrs. MILLS and CANNON were appointed.

The committee again divided; and the tellers reported—ayes 65, noes 84.

So the amendment was rejected.

Mr. BUCHANAN. Mr. Chairman, a little study of this sugar schedule is instructive. The average rate at which sugars are put in this bill, from raw to refined, is 65.64 per cent. The great bulk of the sugar imported is below No. 13 Dutch standard of color, ninety-five degrees polariscope test. The amount of that grade imported the past year was 1,112,543,601 pounds, and that grade is put in this bill at 67.10 per cent. The anvils made in my city are put at a rate equivalent to 23.69 per cent.; chains, 35 per cent.; oil-cloths, 25 per cent.; crockery an average of 40 per cent. While I would protect every American industry that needs protection, I think that protection should bear at least some semblance of equality. From the time the ore is dug from the mine until the chain is polished and ready for shipment it takes quite as much labor and requires quite as much capital to produce the chain as it does to produce sugar.

Rice is put (cleaned) at 100.47 per cent., while rubber goods are put at 15 per cent. I need not enlarge. You cut down the protection to the American workman, but you leave the sugar and rice he consumes at a rate proportionately far too high.

Much has been said to-day about the sugar trust. A word as to that. It is perhaps the most thoroughly organized and iron-clad affair in this or any country. I have here a copy of the deed signed by the parties to the trust. It is dated August 16, 1887, and is signed by the representatives of sixteen refineries. The shares are not to exceed $50,000,000 of value in all. It provides that the ownership of each refinery shall, if not already so, become an incorporation. Then the individual holders of these shares are to exchange them for trust certificates at a rate to be ascertained by an appraisement of the value of each refinery.

These certificates of the trust are to be issued by a central board of trustees named in the deed. This has been done. The holders of the stock of each refinery have surrendered their shares, and have received in lieu thereof their pro rata of trust certificates. This is a very neat operation. Their property has gone beyond their control, and they can not withdraw if they would. The trustees holding the stock vote it at the stockholders' elections, and can elect any board of directors they please to, and the stockholder must stand by helpless and see his property managed by a board of directors he may know nothing about. The net profits of each refinery are paid in to this central board of trustees, who from time to time divide them among the individual refineries. It will be seen that it is a perfect machine, and the testimony taken before the committee I have the honor of being a member of shows that it has been worked with all the regularity and remorselessness of a machine. The fact, however, which was abundantly proven, and which is of immediate interest to the whole country, is that since the formation of this trust sugars have been advanced to the consumer at least one cent per pound.

The Clerk proceeded to read the bill.

Mr. CANNON. We have not passed from the sugar schedule yet.

The CHAIRMAN *pro tempore*. No amendment has been offered.

Mr. WEBER. I move, after line 359, to insert:

And provided further, That no drawback of duty shall be allowed or paid on any sugar exported from the United States.

Now, Mr. Chairman, this is the last charge upon the sugar trust of this country. The gentlemen of the other side are here afforded the last opportunity of purging themselves of the suspicion, which will grow into a certainty if they refuse this proposition, that their proposed legislation is in the interest of the sugar combine.

In explanation of this amendment I beg to say that I found this provision in its exact language in the original bill, and as it does not appear in the amended bill, I conclude that its omission is an oversight or a clerical error. Therefore I desire to offer it now.

The explanation of the gentleman from Louisiana as to the suspicious change from the original good intent is that it was on the request of the Louisiana delegation that the rates and color line were changed. I hope the gentlemen on the other side will give us a reason for this, the other change. They have not so far given us any reason for the change from the original bill to the amended bill. By skillful cross-examination we have discovered that after the first bill came into the House Mr. Havemeyer appeared on the scene, and that forthwith the changed bill came into this House. I charge that the amended bill is in the interest of the sugar trust of this country.

I hope this amendment will do away with the other end of the line which permits frauds on the revenues of the Government. I maintained a few moments ago, and I hope demonstrated it, that it is impossible for sugar to be exported on a drawback equal in amount only to the duty paid. The facts and figures are against it. As the importation of fraudulent sugars increases the exportation of refined sugars swells accordingly.

Now, I desire to occupy no further time of the committee, but simply ask a question to which I would like to have a response from gentlemen on the other side of the House—why they have changed fronts so materially in this regard?

[Here the hammer fell.]

Mr. SPINOLA. Mr. Chairman, my colleague from New York [Mr. WEBER] has just made a direct charge against this side of the House in regard to the sugar trust and Mr. Havemeyer. Two distinguished leaders on that side, gentlemen recognized as leaders, and whose ability and long experience on this floor entitle them to be classified as such, have undertaken to present their views but have clearly forgotten facts bearing on the question they sought to discuss in connection with Mr. Havemeyer and his direct interest in the sugar refineries of this country.

I wish to say to the members of this House, and through them to the people of the United States, that the Democratic party in the city of New York, of which I am an humble member, through the instrumentality of Tammany Hall, the oldest political organization in this country, have taken strong ground against that sugar trust. They have called public attention to it and to other trusts as well; and have employed counsel to appear before the attorney-general of the State of New York and present the case there as one in violation of the criminal laws of that State; and the attorney-general of the State of New York, a Democrat, has within the last two weeks taken the necessary legal steps to dissolve the sugar trust as well as the sugar companies which have united and joined in this enterprise.

Now, so much for the attitude of the Democrats with reference to trusts. I speak, I repeat, for the oldest Democratic organization in America. We have stood there, Mr. Chairman, like a wall of iron against the encroachments of trusts and will continue to stand there until we abolish and destroy them; and gentlemen on that side of the House can come to their rescue when the time offers for them to do so. [Applause on the Democratic side.]

Mr. MILLS. I ask for a vote.

Mr. HOPKINS, of New York. I want to ask my colleague a question.

The CHAIRMAN. Debate on the amendment is exhausted, and the question is on agreeing to the amendment of the gentleman from New York [Mr. WEBER].

The amendment was rejected.

Mr. CANNON. I desire now that the amendment which I sent up some time ago may be read.

The amendment of Mr. CANNON was read, as follows:

Strike out lines 329 to 351 inclusive, and insert the following:

"All sugars not above No. 16 Dutch standard in color shall pay duty on their polariscopic test as follows, namely:

"All sugars not above No. 16 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of 1.15 cents per pound, and for every additional degree or fraction of a degree shown by the polariscopic test they shall pay thirty-two thousandths of a cent per pound additional.

"All sugars above No. 16 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely:

"All sugars above No. 16 and not above No. 18 Dutch standard, 1.70 cents per pound.

"All sugar above No. 16 and not above No. 20 Dutch standard, 1.90 cents per pound.

"All sugars above No. 20 Dutch standard, 2.30 cents per pound."

Mr. CANNON. Now, Mr. Chairman, I do not desire to debate this question, but if I can have order I merely want to say a few words by way of explanation of the amendment, and what it will accomplish if adopted. It does not change the committee's bill on all sugars that are imported into this country below No. 13 Dutch standard, but it does change the bill with reference to the provision relating to sugars above No. 13 by lowering the rate of that class of sugars one-half a cent a pound; so that if adopted, there being no sugars imported into this country above No. 13, it will give to the people of the country the sugar, which we force through the refineries, cheaper by just one-half a cent a pound, and will give the refiners less protection by this half a cent a pound, and you leave the refiners with a profit of four and three-tenths mills per pound. It will break in on the trust, and largely break it up.

And now I want to call the attention of my venerable friend from Tammany Hall [laughter], who says that they are trying to break up the trusts in New York—I refer to the gentleman from New York [Mr. SPINOLA]—that they are going to break up these trusts by prosecuting them under the criminal laws. I always understood, Mr. Chairman, that it was better to lock the stable door before the horse was stolen than to try to catch and punish the thief after the horse was gone. My provision will take the foundation from under your Havemeyers and the other Tammany people who are in this trust [laughter] and break it up, and then there will not be any need in your trying to bring the criminal laws of the State to bear upon them and send them to the penitentiary.

Mr. HOPKINS, of New York. I wanted to ask my colleague a question while he was addressing the committee.

Mr. SPINOLA. What is it?

Mr. HOPKINS, of New York. I want to ask my colleague if the honorable President of the United States did not himself sign the Elevated Railroad trust of New York. Will the gentleman from Tammany Hall answer that?

Mr. SPINOLA. The "gentleman from Tammany Hall" will take great pleasure in answering the gentleman's question by simply informing him that no such trust has ever existed in New York as the one he mentions.

Mr. HOPKINS, of New York. Yes, sir; the Elevated trust.

Mr. SPINOLA. There is no such trust known as the Elevated Railroad trust.

Mr. HOPKINS, of New York. The President signed it and allowed this trust to get a foothold there in that city.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was rejected.

Mr. WEBER. I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Add after line 359 the following:

"*Provided*, All drawbacks on sugar shall be paid in accordance with the polariscopic test, as herein provided."

Mr. WEBER. I desire only to say that this is the last assault on the sugar trust. It affords an opportunity to the gentlemen on the other side to purge themselves of the suspicion, which should they vote this down will become a certainty, that they are acting as is most desired by the sugar trust. This simply provides that sugar going out of the country shall be tested precisely the same as sugar coming into the country, because substantially all the sugar coming into this country comes in under No. 13 and in accordance with the polariscopic test.

Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. WEBER. If the gentleman is going to answer, I will reserve my time.

Mr. BRECKINRIDGE, of Kentucky. I do not care about the gentleman's time. I have plenty of time of my own. I have nothing to say about the identification of the Democratic party with trusts. There will be abundant time for the discussion of that matter hereafter on the stump. But the question of a drawback is a very important question as to a great many of the articles on which it is given. There are some forty or fifty articles on which when exported drawbacks are allowed; allowed as to the whole amount of duty in certain cases, as to 90 per cent. in certain cases, and as to 99 per cent. duty in certain other cases. I hold the list in my hand. The gentleman from New York [Mr. WEBER] might indicate a much more conspicuous devotion to the interest of the tax-payer and consumer of America if he would draught an article which would abolish all the drawback rates and put the tax-payer of America upon the same footing with the consumer abroad under this advantage.

But it was, in the judgment of those who have gone before us, a wise thing as to certain articles to allow a drawback on those imports which are afterward exported upon which there was an import duty when imported. I do not see any reason why an exception should be made in sugar. I thought at one time that there might be such an exception, but I studied the whole question in its relation to all the industries and it seemed that a step of that sort as to this article, leaving out all others, was one that we were not prepared to take. This is a question that does not relate to the sugar industry alone, but to all others.

Mr. BAYNE. Will the gentleman yield for a question?

Mr. BRECKINRIDGE, of Kentucky. Oh, certainly.

Mr. BAYNE. As I understand it, the sugar that goes out gets a larger drawback than the duty paid when it came in under this system; and as I understand it, that principle does not apply to any other drawback.

Mr. BRECKINRIDGE, of Kentucky. The gentleman has shown in this long and protracted debate, in which he has taken quite a conspicuous part, a very great familiarity with all these matters; and he is no doubt aware that this is fixed by the executive department of the Government; that it is fixed upon the basis of the waste of the sugar in the process of refining, whether accurate or not I do not know, but it has been fixed by the various Secretaries of the Treasury under former administrations and reduced under the present Administration. It was fixed for the purpose of giving to the sugar exporter who has been the sugar importer the duty which he paid. It was larger per pound because a pound of refined sugar was richer in saccharine matter than a pound of raw sugar which had been imported, and it was to provide for waste that the additional amount was given. Whether it was accurate or not is a question with which I am unfamiliar. It is purely an administrative question and has been decided by this Administration to be inaccurate heretofore, because it has reduced the amount of the drawback.

Mr. CANNON. Right here allow me to state that I inquired at the Treasury Department touching this matter and was informed, not only by the Treasury agents, but by the Assistant Secretary, who had this matter in charge, that sugar refiners refused absolutely to state the cost of refining or the amount of waste.

Mr. BRECKINRIDGE, of Kentucky. That, however, is a question of administration. It is not a matter of statute. The question I desire to submit is a mere business suggestion in answer to the amendment of the gentleman from New York [Mr. WEBER], and not in response to the political speech made by the gentleman from New York, that the question of drawback was one of much larger scope than its mere relation to sugar, and that the precedent that would be established by repealing the drawback on sugar was one that ought not to be taken until Congress is ready to go further in that matter.

Mr. CANNON. I had no desire or intention to make a political speech.

Mr. BRECKINRIDGE, of Kentucky. I did not charge you with it. I said the gentleman from New York. The gentleman from Illinois never makes political speeches on the tariff. [Laughter on the Democratic side.]

Mr. CANNON. I want to say that the amendment of the gentleman from New York would accomplish, as I understand it——

Mr. BRECKINRIDGE, of Kentucky. It is suggested that my statement was too broad; that I should have said the gentleman from Illinois only makes political speeches in answer to Judge KELLEY and his Republican colleagues. I accept the amendment.

Mr. CANNON. Now, when the gentleman has got through with his political speech, will he allow me to ask a business question, whether he does not think that this amendment, which provides for finding the saccharine strength, where the sugar is exported, in each cargo of sugar, should prevail?

Mr. BRECKINRIDGE, of Kentucky. Under existing law the officers of the Treasury Department have authority to use the polariscope to test the saccharine strength of sugar. That is the law to-day.

Mr. CANNON. How would it do to make it mandatory?

Mr. MILLS. But it can be of no service to you on this, because the Secretary of the Treasury has to make an estimate and they have been doing it under all the administrations. The estimate is made, not by the Secretary, but by the officers under him, to find out as nearly as they can what amount of sugar pays duty on coming in, and then after it is refined, what the wastage is; and they deduct that and make the rebate accordingly. It is a matter of estimate by the experts of the Treasury Department, and the polariscope has nothing to do with it. The polariscope is used when the sugar comes in to test its saccharine strength.

Mr. BAYNE. I am told there is no loss of saccharine strength by refining.

Mr. MILLS. That is a question for the Treasury experts.

Mr. BAYNE. But they pay a drawback of about two and a half.

Mr. MILLS. Well, I can inform my friend that under former administrations they were paying too much drawback; but they could not help it. It was a question of estimate, and when the Treasury Department found that they were paying back more than was proper they lowered the rebate. I know that this administration has lowered it.

Mr. McMILLIN. The first reduction under this administration was from 2.82 to 2.60; and then, if my memory serves me correctly, it was reduced to 2.40, until now it is below what is actually paid by the refiners. As to this second reduction, however, I may be in error. That is the present status of the question, and the rebate is paid under the act of 1883.

Mr. MILLS. I hope our friends on the other side will now let us dispose of this sugar schedule.

Mr. WEBER. Mr. Chairman, I desire to say to the gentleman from Tennessee [Mr. McMILLIN] that the reduction of drawbacks on exported sugar under this Administration has been, I think, from 2.82 to 2.60 per pound, where it now rests.

Mr. McMILLIN. It is 2.60 on the highest grade.

Mr. WEBER. The only reduction made since the law of 1883 went into effect has been on the highest grade.

Mr. McMILLIN. The gentleman does not deny that the present Administration has reduced the amount of rebate paid.

Mr. WEBER. I do not deny it, and when I was accused of interjecting politics into this sugar question it seemed to me that the interjection of politics was on the other side by the gentleman from West Virginia, and others, who called attention to the reductions made under this Administration.

Mr. McMILLIN. I may not be strictly accurate as to the figures, but the fact remains that there has been a reduction made under the present Administration.

Mr. WEBER. The new tariff went into effect in 1883. The readjustment of duties necessitated a reduction of drawback rates. In 1884 the amount of drawbacks paid on sugars exported reached about $1,579,000, a figure which it had several times before reached. That was under a Republican Administration. In 1885, however, it suspiciously jumped up to six millions five or six hundred thousand dollars, and it took the Democratic Administration sixteen months before they came to the conclusion that there was something wrong about it, and then reduced the rates on the highest grade from 2.82 to 2.60 per pound.

Mr. McADOO. The trouble was that there were too many Republicans still in office. They were not turned out rapidly enough. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. How much does the gentleman say was exported last year?

Mr. WEBER. I am not speaking about the amount of pounds. I am speaking of the drawbacks in dollars. The gentleman from Ar-

kansas [Mr. BRECKINRIDGE] and I differed as to amounts awhile ago, arising from the fact that he referred to the value of the sugars while I referred to the drawbacks.

The question was taken on the amendment of Mr. WEBER, and it was rejected—ayes 52, noes 79.

The Clerk read as follows:

All tobacco in leaf, unmanufactured and not stemmed, 35 cents per pound.

Mr. MILLS. Some gentlemen have asked that the paragraph just read be passed over informally; and I accordingly make that request.

Mr. BOUTELLE. That is what I was about to ask.

The CHAIRMAN. If there be no objection, the paragraph just read by the Clerk will be passed over for the present, with leave to recur to it hereafter. The Chair hears no objection.

The Clerk read as follows:

Potato or corn starch, rice starch, and other starch, 1 cent per pound.

Mr. NUTTING. Mr. Chairman, I move to strike out the paragraph just read. The manufacture of starch in the United States is an important industry. I do not believe there is any good reason for reducing the tariff on starch; and there are several good reasons why it should not be reduced. The present duty upon corn starch is 2 cents a pound; this bill, as now presented to us, proposes to reduce that duty to 1 cent a pound. There can be but two reasons given by the majority of the committee in favor of this reduction: First, that it will help to reduce the surplus revenue; second, that it will give consumers cheaper starch; and, third, possibly assist in giving us the markets of the world. We will examine these grounds and see what foundation there is for them or any of them.

Mr. Chairman, in the last year starch manufactured in the United States amounted in value to about $15,000,000. The capital invested in the United States in this business is about $10,000,000, and four or five States are interested in it. The amount of money paid during the last year to laborers in this branch of industry was about $2,000,000. The number of acres of land which it takes to raise the corn that is made into starch in the United States is 480,000—very nearly half a million acres. If you reduce the duty upon starch 1 cent a pound it will be necessary to reduce the wages of the men in order that the manufacturing establishments in the United States may keep in operation. You are not going to get the markets of the world, because Canada and some thirteen other countries which manufacture starch have a duty upon the article which is more than the duty we place upon it in the United States. So that by this reduction of duty you not only strike a blow at the starch industry of the United States, but you really assist those outside this country who are engaged in the manufacture.

This industry is carried on in at least five States, New York, Ohio, Indiana, Illinois, and Iowa. There is plant enough now in existence and in process of construction in this country to supply the wants of the entire population of the United States.

You must remember, also, that the immense outlay of capital in this business has been ventured upon the faith that the Government would not change the rate of duty.

It can not be said that the price of corn starch has been kept up by the tariff, because we find that in 1865 the export price of starch was 9.8 cents per pound; and in 1875, ten years afterward, the export price was 5.7 cents per pound, a reduction of nearly one-half. In 1885, ten years later, the export price was 4 cents a pound (I am taking the average); and in 1887, the last year, the average export price was less than 3 cents a pound. So that during all this time, while we had a tariff of 2 cents a pound on starch, the price to the consumer steadily decreased. In my home city, Oswego, we have probably the largest establishment for making corn starch in the world. The output from this one establishment last year was nearly or quite 20,000,000 pounds. Think of it, 20,000,000 pounds, or nearly one thousand car-loads.

The average amount of money which the American family pays for starch during the course of a year is less than 25 cents, and there is no burden on the people by the duty on starch. The amount received upon importations of starch into this country is less than $7,000. So that, by reducing this duty, you are not going to do anything considerable in the way of a reduction of the surplus. Nor would you reduce the price of starch. I believe the majority of the Committee on Ways and Means only claim that by this reduction upon starch the surplus will be reduced to the extent of about $3,000.

The farmer is interested in this question. It is a fact which every man on this floor, before he votes on this question, should know, that last year we exported but a little more than 40,000,000 bushels of corn; and there should go beside that this other fact, that last year there were used in the manufacture of starch in the United States almost 13,000,000 bushels of corn.

In this one industry almost one-third as much corn is used as we sold in the "markets of the world."

There can be but little profit in corn starch at from 2½ to 4 cents per pound. You should not strike this industry. Let it alone. It gives nearly fifteen thousand farmers steady employment to raise the corn necessary to keep the twenty-four corn-starch factories in this country running. These fifteen thousand farmers, because of these starch factories, have a steady home market each year for 13,000,000 bushels of corn. Not only this, but these fifteen thousand farmers have families. Not less than forty thousand people are interested in raising the corn used in making starch, if you count four or five to each farmer's family. Then, too, there are four or five thousand laborers who find steady employment in these factories at good wages. There are nearly six hundred people employed in the one factory in my city, where there is more corn starch made probably than in any other one factory in the world.

The present duty of 2 cents is not prohibitory, as the following figures will show:

Pounds of starch imported into this country in—	
1884	1,629,221
1885	614,879
1886	414,421
1887	311,856

Reduce the tariff to 1 cent a pound as this bill proposes and you put the factories that make corn starch in this country in competition with cheap foreign labor; not cheap foreign labor in the manufacture of corn starch, but cheap foreign labor in the manufacture of potato starch. You have potatoes on the free-list now; that strikes at our farmers. Now you propose to reduce the tariff on starch so that foreign nations can make their potatoes into starch and send it here and sell it cheaper than corn starch can be made. This will ruin the manufacture of corn starch in this country. The farmer will lose his market for 13,000,000 bushels of corn. He will lose his home market. This will destroy the opportunity of four thousand laborers who now find remunerative labor in this business; this will cause the ten millions of capital invested in corn-starch manufacture in this country to be destroyed. You do not open the markets of the world by this blow at starch-making, but you open your own markets to the world.

I have shown this tariff on starch is not added to the cost of starch to the consumer, for starch has steadily decreased in cost to the consumer until it is now less than 4 cents per pound on an average, when twenty years ago it was more than twice that in cost to the consumer. Competition between manufacturers in this country has reduced the price. Let the majority of the Ways and Means Committee show one petition asking for a reduction of tariff on corn starch. There has been no request to that end.

This reduction will not reduce the surplus, for you will find that the 1 cent per pound tariff which this bill leaves will bring more revenue than the 2 cents has brought. The importations will increase enough to more than make up the difference.

No, Mr. Chairman, let this industry alone. Let the farmer's interest in it alone. Let the laborer's interest in it alone. Do not destroy the capital, but be wise enough to protect and foster all these in leaving the tariff at 2 cents per pound.

If you should succeed and make law of this provision as to starch, and destroy starch-making in this country, then you would place the people of this country in the hands of foreign starch-makers, and up would go the price.

No, Mr. Chairman, let the American people be supplied by our own starch-makers.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, this item of the pending tariff bill is one which affords our friends on both sides of the House an opportunity to attest the sincerity of the protestations they have made, that they seek to promote the interests of the farmer. This article of potato starch is one in which the farming interests in certain sections of our country are directly concerned to a very important degree. In Maine, New Hampshire, Vermont, and New York, where the largest portion of our potato starch is manufactured, the starch factories furnish the principal home market for the farmer's potatoes. In a large portion of the agricultural regions of those States the starch factories form one of the essential sources of reliance for the farmer.

In the northern part of my State—the most fertile region of Maine—the potato-starch industry is a most important factor with regard to the interests of the farmer. During some years past the starch factories of this country have probably consumed annually something like 3,000,000 or 4,000,000 bushels of potatoes; and the production of starch has been 25,000,000 or 30,000,000 pounds. The starch factories are located in the immediate vicinity of the potato fields. The farmer digs his potatoes and sells them almost at his very door. During a number of years past the farmers in Aroostook County, Maine, where this industry is very largely carried on, have been enabled to sell their potatoes without assortment, large and small, just as taken from the field, at prices varying from 25 to 30 cents a bushel, to the starch factories. Without these factories those farmers would have no market for that class of their potato product that is not adapted for table use.

By reducing the duty 50 per cent., as proposed in this bill, you will simply permit the potatoes raised in the British provinces to come across the line and compete ruinously with the product of the farmers of my State and of the other States bordering on Canada which are interested in this business.

In that portion of my own district to which I have alluded there are some forty of these starch factories scattered through the potato region, producing thousands of tons of starch annually and providing the farm-

ers with a reliable cash market at home for hundreds of thousands of bushels of potatoes.

In a recent interview on the subject, Mr. Alba Holmes, one of the leading starch manufacturers of Aroostook County, Maine, stated emphatically that the removal of the duty on starch would close every factory in that county. The reduction of the duty to 1 cent per pound would probably be quite as disastrous. Mr. Holmes said:

The average price of starch for some time past has been 4 cents per pound. Owing to the prices we pay for potatoes and labor, there is only a very small margin for profit. In fact we could not continue the business and sell at a less price. We find formidable competitors in Germany and Holland, who, owing to their starvation labor prices and the low prices paid for potatoes, are enabled to export large quantities of starch, pay a duty of 2 cents per pound, and sell for 4 cents and make a profit. Take off the duty and we could not, nor would we try to compete with them. I shall close my factories that moment the duty is taken off.

Take the matter of dextrine or burnt starch. It was formerly manufactured in Providence, R. I., and in New York, the two factories using about 1,400 tons of starch annually. At that time it was protected by a fair duty and the business flourished. The duty was unjustly reduced to 1 cent per pound. We say unjustly, because it takes 1½ pounds of starch to make a pound of dextrine, and at the present rate of duty on starch it should now be 3 cents instead of one. The result was what might have been expected, the American manufacturers of dextrine were driven to the wall, and to-day there is not a pound manufactured in the United States.

Hon. Thomas H. Phair, State senator from the same county, and the owner of seven starch factories, declares that without the protective tariff not a pound of starch could be made in Aroostook until the farmers should be ready to furnish potatoes for 10 cents a bushel. He says:

Last year Canadian factories paid from 10 to 13 cents a bushel for their potatoes, while the factories on the American side paid from 25 to 30 cents. Take off the duty and our farmers must sell their potatoes for 2 or 3 cents a bushel less than the province farmers, on account of difference of freight, or not sell any.

A few days ago, while in Boston, I met a Prince Edward's Island man who had several tons of starch to sell, and he sold it for 4½ cents, less the duty of 2 cents and 2½ per cent. commission—that is, he sold for 2½ cents, less the 2½ per cent. commission, and paid the freight, $2.50 a ton. At the prices paid for potatoes last year by our factories the cost of starch here was about 4½ cents a pound. While the Prince Edward man paid $2.50 a ton for transportation we have to pay $7.50.

Not only must the free-trade policy, if adopted by the people, shut up every starch factory in Aroostook, but it must absolutely stop shipments of potatoes, unless our farmers are ready and willing to produce them for less price than the province farmers now realize.

Hon. C. F. A. Johnson, a pioneer in this industry, and one of the most highly-respected citizens of his section, stated before the Committee on Ways and Means a few years ago, when this interest was similarly threatened, that the interests of more than ten thousand farmers were involved. He said:

Protection to the starch-maker is protection of the utmost importance to the farmer. It really means to him home comforts, the education of his children, and the support in his community of religious and charitable institutions, with all that those advantages imply.

If any gentleman of this committee has ever had the good fortune to be a planter and hoer and digger of potatoes he will readily assent to the proposition that 25 cents per bushel is as low as he or any other man ought to do it. At this price, which is the usual one paid by starch-makers, starch costs from 3½ to 4½ cents per pound, to which must be added from one-half to five-eighths of a cent per pound for transportation, storage, and commission. This brings up the cost when it is sold to 4½ to 4⅞ cents per pound. This variation in cost is explained chiefly by variation in quality of potatoes in different years. I have known years when they yielded but 6 pounds per bushel.

There is in the communities in which these mills are located in my own State (Maine) a large amount of capital invested; the business is one involving large risks; my own firm lost in this business in 1881 over $12,000.

The present tariff of 2 cents per pound is as small as we can possibly work under. A reduction would demolish the industry in the United States. The farmers of the neighboring maritime provinces (contentedly or otherwise) produce potatoes at much less price than ours can, and the Canadian starch-makers have a very material advantage over us in the matter of transportation.

We can not take a pound of starch to their country without paying their government a duty of 2 cents. Why should not American citizens have the advantage of their own markets?

Last year the starch factories in the province of New Brunswick paid from 10 to 13 cents a bushel for their potatoes right across the St. John River at the very time when the farmers of my State were receiving 25 and 30 cents for every bushel they could lay down at the starch factory. If you agree to this proposed reduction of one-half of the present duty, making it but 1 cent per pound, the result is to be the destruction of this industry on the American side of the line. You are going to take away from the farmers of New England, New York, and the other States interested this chief market for the sale of one of their important products; and you are going to do this, very strangely, as it seems to me, directly in the face of the fact that the Canadian tariff to-day puts a duty of 2 cents upon every pound of starch that goes from the United States to the British provinces.

Our present duty on starch is in no sense a burden upon the American people. The additional cost that is imparted to a yard of cloth by reason of the starch used in its manufacture is infinitesimal, and this potato starch is used almost entirely for the purpose of starching yarns and fabrics of cotton cloth and cloth for prints. Yet by this legislation cutting down the duty one-half you propose to say to the farmers of Maine, of New York, New Hampshire, Vermont, and elsewhere, who who have been engaged in raising potatoes upon land better adapted for that than for other purposes, "The American Congress has decreed that you shall sell no more of your potatoes at the prices they now bring, but you must raise and sell them to compete with the low prices of the Canadian farmers."

Everybody knows that in Canada labor is cheaper, land is cheaper, and that the people live in a less comfortable way than we are willing that our American farmers should live; so that the competition involved in the proposed reduction of duty, so far as the potato industry is concerned, would be to our farmers simply destructive.

I can not see why we are called upon to show to Canada a liberality which Canada refuses to show to us. I can not see why we are called upon to allow the products of the starch factories of Canada to come over into the United States at one-half the duty which the Canadian Government exacts from the American manufacturer if he tries to sell starch in the British provinces. There is no logic in this; there is no patriotism in it; there is no common sense in it; there is no justice in it to our farmers. On the contrary, so far as my section of the country is concerned, it is one of the most direct and serious blows that this Mills bill proposes to strike at the agricultural interests.

Mr. Chairman, this reduction of the tariff on potato-starch and the failure to put the rate on dextrine and similar starch products at a rate that will protect the American producer form part of what seems a systematic assault upon all the leading industries of my State, as evidence of which I have compiled from the figures published by the Ways and Means Committee the following comparative statement:

THE DEMOCRATIC ASSAULT UPON MAINE'S INDUSTRIES—HOW THE MILLS BILL STRIKES AT NEW ENGLAND LUMBERING, MANUFACTURING, AND FARMING INTERESTS FOR THE BENEFIT OF EUROPE AND CANADA—FACTS THAT SPEAK LOUDER THAN WORDS.

The following table shows exactly how the Democratic Mills tariff-reduction bill proposes to strike down the protective duties that under Republican laws have stimulated American industries, increased the wages of American labor, furnished a profitable home market for our farmers, and given to American workingmen the most comfortable and happy homes in the world. Although a few items cited below have been dropped out of this bill since it was reported, the following list represents the changes of the existing tariff proposed by the Mills bill as it was indorsed by the Democratic national convention at St. Louis and the Democratic State convention of Maine:

	Protective duties under the Republican tariff.	Proposed rates under the Democratic Mills tariff.
Timber:		
Hewn and sawed and timber used for spars and in building wharves.	20 per cent. ad valorem.	Free-list.
Squared or sided	1 cent per cubic foot	Do.
Wood, unmanufactured	20 per cent. ad valorem.	Do.
Sawed boards, planks, and deals, and all other articles of sawed lumber.	$1 and $2 per 1,000 feet	Do.
Hubs, for wheels, posts, last-blocks, wagon-blocks, car-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough, hewn, or sawed only.	20 per cent. ad valorem.	Do.
Staves of wood	10 per cent. ad valorem	Do.
Pickets and palings	20 per cent. ad valorem	Do.
Laths	15 cents per 1,000	Do.
Shingles	35 cents per 1,000	Do.
Clapboards, pine or spruce	$1.50 to $2 per 1,000	Do.
Fish-glue, or isinglass	25 per cent. ad valorem	Do.
Soap, hard and soft	20 per cent. ad valorem	Do.
Hemlock extract, for tanning.	do	Do.
Barytes	10 per cent. ad valorem	Do.
All earths or clays, unwrought or unmanufactured.	$1.50 per ton	Do.
China, clay, or kaolin	$3 per ton	Do.
Brick	20 per cent. ad valorem	Do.
Vegetables, fresh or in brine (cucumbers, pickles, cabbages, turnips, carrots, beets, tomatoes, squashes, pumpkins, etc.)	10 per cent. ad valorem	Do.
Meats, game, and poultry	do	Do.
Milk, fresh	do	Do.
Egg yolks	do	Do.
Beans, pease, and split pease.	10 and 20 per cent. ad valorem.	Do.
Pulp, for paper-makers' use	10 per cent. ad valorem.	Do.
Bristles	15 cents per pound	Do.
Bulbs and bulbous roots, not medicinal.	20 per cent. ad valorem.	Do.
Feathers of all kinds	25 per cent. ad valorem.	Do.
Grease	10 per cent. ad valorem.	Do.
Lime	do	Do.
Garden seeds	20 per cent. ad valorem.	Do.
Marble of all kinds	65 cents per cubic foot	Do.
Plaster of Paris, ground or calcined.	20 per cent. ad valorem.	Do.
Granite, freestone, sandstone, and all building or monumental stone unmanufactured.	$1 per ton	Do.
Tallow	1 cent per pound	Do.
Wools: Clothing wools of various grades.	12 and 10 cents per pound	Do.
Slate, and manufactures of slate.	30 per cent. ad valorem.	20 per cent. ad valorem

	Protective duties under the Republican tariff.	Proposed rates under the Democratic Mills tariff.
Anvils, anchors, or parts thereof; mill-irons and mill-cranks of wrought-iron, and wrought-iron for ships, and forgings of iron and steel for vessels, steam-engines, and locomotives, or parts thereof, weighing each 25 pounds or more.	2 cents per pound	1½ cents per pound.
Saws	40 per cent. ad valorem.	30 per cent. ad valorem
Cabinet and house furniture, finished.	35 per cent. ad valorem.	Do.
Lumber:		
Boards, planks, deals, and other sawed lumber of hemlock, white-wood, sycamore, and basswood:		
Planed or finished on one side.	$1.50 per 1,000 feet	50 cents per 1,000 feet.
Planed or finished on two sides.	$2 per 1,000 feet	$1 per 1,000 feet.
Planed on two sides, tongued and grooved.	$2.50 per 1,000 feet	$1.50 per 1,000 feet.
All other articles of sawed lumber not elsewhere specified:		
Planed or finished on one side.	$2.50 per 1,000 feet	50 cents per 1,000 feet.
Planed or finished on two sides.	$3 per 1,000 feet	$1 per 1,000 feet.
Planed one side, tongued and grooved.	do	Do.
Planed on two sides, tongued and grooved.	$3.50 per 1,000 feet	$1.50 per 1,000 feet.
All other manufactures of wood.	35 per cent. ad valorem.	30 per cent. ad valorem.
Potato starch	2 cents per pound	1 cent per pound.
Oil-cloths for floors	40 per cent. ad valorem.	25 per cent. ad valorem.
Woolen rags, shoddy, etc	10 cents per pound	Free-list.
Printing paper, unsized, for books and newspapers.	15 per cent. ad valorem.	12 per cent. ad valorem.
Sized or glued for printing	20 per cent. ad valorem.	15 per cent. ad valorem.
Paper boxes	35 per cent. ad valorem.	25 per cent. ad valorem.
Brushes of all kinds	30 per cent. ad valorem.	20 per cent. ad valorem.
Card clothing for factories	25 to 45 cents per square foot.	15 to 25 cents per square foot.
Carriages and parts of	35 per cent. ad valorem.	30 per cent. ad valorem.
Friction matches	do	25 per cent. ad valorem.
Inks and ink powders	30 per cent. ad valorem.	20 per cent. ad valorem.
Marble, sawed, dressed, and tiles.	$1.10 per cubic foot	65 cents per cubic foot.
Marble manufactures	50 per cent. ad valorem.	30 per cent. ad valorem.

COTTON AND WOOLEN MANUFACTURES.

Cotton goods.—Under the existing tariff all cotton manufactures are protected by a specific duty equivalent to about 40 per cent. on the average—the common grades less, and the fine grades more.

The Mills bill abolishes all specific duties and substitutes a sweeping ad valorem duty of 40 per cent. for all kinds of goods. As the ad valorem duties invite fraudulent undervaluations, which practically reduce duties 8 to 10 per cent., the practical effect of such a change in the tariff would be to reduce the protection on fine goods so as to prevent their manufacture in this country.

Woolen goods.—The present tariff imposes a duty of about 35 cents per pound (as an equivalent for the duty on wool, of which the wool-grower receives the benefit), and 35 per cent. ad valorem on coarse and 40 per cent. ad valorem on fine goods. As the pound duty is intended to be made a little more than the average duty on the wool, to guard against errors, that is also a slight protection to those engaged in woolen manufacturing.

The Mills bill abolishes the pound duty (because of free wool) and imposes an ad valorem duty of 35 per cent., and 40 per cent. on imported woolens. The farmer loses the advantage of the duty on wool, and the manufacturer is left with nothing but the ad valorem duty on imported woolens, the effect of which must be to increase importations and thus injure the home manufacturers.

[Here the hammer fell.]

Mr. MILLS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

WILLIAM H. TABBARRAH.

Mr. MOFFITT. I ask, by unanimous consent, to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 948) for the relief of William H. Tabbarrah, and that the same be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to correct the record of William H. Tabbarrah, late a private in Company F, Ninety-sixth Regiment New York Volunteers, so that the same shall show him to have been discharged for gunshot wound of right thigh received in action, instead of the record now made.

The amendment reported by the committee was to strike out "private" and in lieu thereof to insert "sergeant."

Mr. BRECKINRIDGE, of Kentucky. Let the report of the committee be read.

The report of the committee (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) for the relief of William H. Tabbarrah, beg leave to report:

The records of the War Department show that William H. Tabbarrah, late sergeant of Company F, Ninety-sixth Regiment New York Volunteers, was discharged February 27, 1863, at convalescent camp, Alexandria, Va., on surgeon's certificate of disability, by reason of tuberculosis contracted after enlistment. (See record hereto annexed.)

The evidence before the committee shows that the discharge of the said Tabbarrah for the cause stated was erroneous; that he was not disabled by reason of tuberculosis at the time of his discharge, but was disabled by reason of wounds received in the service, and that the cause assigned for his discharge should have been on account of gunshot wound. (See affidavits hereto annexed.)

The committee recommend that the bill pass with the following amendment: Strike out, in line 4 of the bill, where the same occurs, the word "private" and insert in lieu thereof the word "sergeant."

WAR DEPARTMENT, *Washington City, April 20, 1888.*

SIR: In reply to your request of the 15th ultimo for information upon House bill 948, Fiftieth Congress, first session, to provide for correction of the record of William H. Tabbarrah, late of Company F, Ninety-sixth New York Volunteers, so as to show him discharged for wound, I have the honor to inclose a report of the 18th instant from the Adjutant-General, which, it is believed, furnishes the information requested.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 18, 1888.

SIR: I have the honor to return House bill 948, Fiftieth Congress, first session, authorizing the Secretary of War to correct the record of William H. Tabbarrah, late a private in Company F, Ninety-sixth Regiment New York Volunteers, to show him to have been discharged by reason of gunshot wound of right thigh, received in action, instead of the record now made, transmitted by the chairman of the House Committee on Military Affairs, and, in compliance with instructions, to report as follows:

The records of this office show that Sergeant William H. Tabbarrah, Company F, Ninety-sixth New York Volunteers, was enrolled October 25, 1861, mustered in November 15, 1861, and present for duty to April 30, 1862. On roll for June, 1862, he is reported absent in hospital at Annapolis, Md., wounded at the battle of Fair Oaks, May 31, 1862. On June 3, 1862, he was admitted to the general hospital at Annapolis, Md., with gunshot wound, location not stated, and was treated until December 18, 1862, when he was returned to duty and sent to his regiment. While *en route* to his regiment he was examined by the medical board at Convalescent Camp, near Alexandria, Va., February 14, 1863, and discharged February 27, 1863, at said camp on surgeon's certificate of disability by reason of tuberculosis contracted since enlistment.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The SECRETARY OF WAR.

To the Adjutant-General of the United States Army, etc.:

CLINTON COUNTY, *New York, ss.:*

William H. Tabbarah, being duly sworn, says that he resides at Plattsburgh, N. Y., and was a sergeant in Company F, Ninety-sixth New York Volunteers, in the late war, and now draws a pension for gunshot wound of right thigh, by pension certificate No. 13583, which wound was received at the battle of Fair Oaks, May 31, 1862.

Deponent further states that he has made application for a bounty by reason of being discharged for wounds; and the same has been denied upon the ground that the record shows that deponent was discharged for difficulty of the lungs, when, in fact, deponent has never had difficulty of the lungs at all, and was discharged solely on account of said wound and for no other cause whatever, to defendant's knowledge; and deponent respectfully asks that upon the evidence on file upon his application for pension, and in other records contained, and that herewith submitted, said records be corrected and made to show that he was discharged for gunshot wound, as he in fact was.

WILLIAM H. TABBARAH.

Sworn to and subscribed before me this 15th day of January, 1883.

F. F. HATHAWAY,
Notary Public.

STATE OF NEW YORK *Clinton County, ss:*

James M. Fulton, being duly sworn, says that his residence and post-office is Beekmantown, Clinton County, New York, and has resided there and been a practicing physician and surgeon in said county for forty-three years last past; that his age is now sixty-nine years. Deponent further says that he is and has been for about twenty-seven years last past well acquainted with William H. Tabbarrah, and knew him well, both before his enlistment in the Ninety-sixth Regiment of New York Volunteers and after his discharge and return home from said service, and since said Tabbarrah's discharge deponent has been his family physician until said Tabbarrah removed from Beekmantown aforesaid to Plattsburgh, upon his appointment as keeper of the light-house upon Cumberland Head, in said town, upon the west shore of Lake Champlain, which position said Tabbarrah still holds. Deponent further says that shortly after said William H. Tabbarrah's discharge, in the spring of 1863, deponent saw him and knows that said Tabbarrah was badly wounded in his right thigh, and deponent aided in dressing said wound and in searching for the ball, and deponent knows that said wound has made said Tabbarrah a cripple ever since.

Deponent further says that in all his attendance upon said Tabbarrah deponent has not known him to have any difficulty of the lungs nor disease of the lungs of any kind, more than perhaps a cold or some little ailment of that sort, and deponent knows that when said Tabbarrah returned from the war he had no lung trouble whatever. Deponent further says that he has no interest in said Tabbarrah's matters, either pension, bounty, or otherwise; and further saith not.

J. M. FULTON, M. D.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good standing in his profession, and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

STATE OF NEW YORK, *Clinton County, ss:*

Romeo Hyde, of Beekmantown, in said county, being duly sworn, says that his age is thirty-nine years; that he is well acquainted with William H. Tabbarrah, who was formerly a sergeant in Company F of the Ninety-sixth Regiment New York Volunteers, of which deponent was also a member in the late war, and deponent knew him well while in said regiment. Deponent further says that he saw said Tabbarrah within a very few days after the battle of Fair Oaks, in May, 1862. Deponent saw him one of the first days in June at Whitehouse Landing upon a stretcher badly wounded, and deponent knows that at that time and all through said service, so far as deponent knew at the time and since, said Tabbarrah has had no difficulty of the lungs, but his trouble has always been since the war his said wound.

Deponent further says that he is himself now a regular practicing physician in said town of Beekmantown, and has been for about fourteen years last past, and has often seen said Tabbarrah in those years, as said Tabbarrah married his wife from a family residing in the same village with deponent, and deponent has never known or heard that said Tabbarrah had any lung difficulty, but has no doubt whatever but what his discharge from the service was wholly on account of said gunshot wound, from which he ever since has been and still is badly crippled and disabled; and further deponent has no interest whatever in said matter.

ROMEO HYDE.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good and regular standing in his profession, and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

Mr. MOFFITT's motion was agreed to, and the bill was taken up and the amendment of the committee agreed to; and then the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOFFITT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY BILL.

Mr. PEEL. I ask by unanimous consent that the House take a recess at 5 o'clock to-morrow evening until 8 o'clock; the evening session to be devoted to the consideration of bills granting right of way through Indian reservations, reported from the Committee on Indian Affairs, to which there is no objection.

There was no objection, and it was ordered accordingly.

EVANSVILLE MARINE HOSPITAL.

Mr. HOVEY. I ask, by unanimous consent, to take up the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.

Mr. BRECKINRIDGE, of Kentucky. I move the House do now adjourn.

Mr. BLAND. I ask for a division.

The House divided; and there were—ayes 27, noes 64.

Mr. BLAND demanded tellers.

Tellers were not ordered.

So the motion was disagreed to.

Mr. HOVEY. Not another bill shall pass by consent.

Mr. BLAND. I move the House take a recess until 5 o'clock, and on that motion I ask for a division.

The House divided; and there were—ayes 6, noes 59.

So the motion was disagreed to.

Mr. BLAND. I move that the House do now adjourn, and on that motion I ask for a division.

The House divided; and there were—ayes 22, noes 28.

Mr. BLAND demanded tellers.

Tellers were not ordered.

So the motion was disagreed to.

Mr. BLAND. I move the House take a recess until 6 o'clock.

The hour of 5 o'clock having arrived, the Speaker *pro tempore* declared the House adjourned until to-morrow at 11 o'clock a. m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CLARDY: A bill (H. R. 10761) correcting the rank of Gustav Dachsel, and granting a pension to his widow in accordance with that rank—to the Committee on Invalid Pensions.

By Mr. CROUSE: A bill (H. R. 10762) for the relief of William Q. Lawrence—to the Committee on War Claims.

By Mr. DARLINGTON: A bill (H. R. 10763) granting a pension to George W. Wilson—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 10764) granting a pension to L. S. Casey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10765) for the relief of W. H. Cowherd—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 10766) granting right of way to the Cedar Rapids, Iowa Falls and Northwestern Railway Company—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 10767) granting a pension to William J. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10768) granting a pension to James M. Duggan—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10769) granting a pension to John M. Krunk—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10770) for the relief of Simeon H. King's executrix—to the Committee on War Claims.

Also, a bill (H. R. 10771) granting a pension to John Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10772) granting a pension to Eliza A. Carson—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 10773) for the benefit of the Danville, Lancaster and Nicholasville Turnpike Road Company—to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 10774) for the relief Honora O'Daley—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 10775) granting a pension to Ann Vigo—to the Committee on Invalid Pensions.

By Mr. McRAE (by request): A bill (H. R. 10776) for the relief of Elisha Casey—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 10777) for the relief of Cæsar Snell—to the Committee on War Claims.

Also, a bill (H. R. 10778) for the relief of Nelson Cowan—to the Committee on War Claims.

By Mr. E. J. TURNER: A bill (H. R. 10779) granting a pension to William M. Brown—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: A bill (H. R. 10780) for the relief of Benjamine E. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10781) for the relief of John Donahue—to the Committee on Private Land Claims.

By Mr. WILLIAMS: A bill (H. R. 10782) granting a pension to William H. Hood—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of John F. Green, of Yazoo County, and of Martha W. Lindley, of Lauderdale County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BIGGS: Resolution of the Chamber of Commerce of San Diego, Cal., and of the Board of Trade of Los Angeles, Cal., for the passage of the bill to incorporate the Maritime Canal Company of Nicaragua—to the Committee on Commerce.

By Mr. DUNN: Petition of James E. Wilmans, of Riley Kinman, and of James S. Smith, of Jackson County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Petition of 130 citizens of Jefferson County, Iowa, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HOOKER: Petition of citizens of Port Gibson, Miss., for abolishing boxes in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUK: Petition of Harriet Ballard, of Alfred McConnell, and of Joseph Line, administrator of Wiley Line, deceased, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LAWLER: Petition of John George Ryan, of Chicago, Ill., for relief—to the Committee on War Claims.

By Mr. McCLAMMY: Petition of J. W. Winslow and 26 others, citizens of the Third district of North Carolina, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McRAE: Petition of F. M. Halthoff, heir of Francis Halthoff, of Ashley County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of John N. Berrong, of John L. Moss, of C. A. Humphreys, of Susan Lowry, and of Elisha Kimbrough, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. REED: Resolutions of the General Conference of the Congregational Churches of Maine, for repeal of internal-revenue laws, and prohibiting exportation and importation of liquors—to the Committee on Ways and Means.

Also, petition of citizens of Navana, Tex., in favor of the schedule of duties adopted by the wool-growers and manufacturers—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of Cassar Snell and of Nelson Cowan, of Murfreesborough, Tenn., for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SAWYER: Petition for repeal of law preventing the payment of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: Petition of W. A. Rooth and 42 others, citizens of St. Clair County, Missouri, in favor of certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. G. M. THOMAS: Petition of John Darnell for relief—to the Committee on Invalid Pensions.

By Mr. WILLIAM WHITING: Petition of Rev. P. F. Barnard and 25 others citizens of the Eleventh district of Massachusetts, for prohibition in the District of Columbia—to the Select Committee on Alcoholic Liquor Traffic.

By Mr. WILLIAMS: Petition of William H. Hood, for a special-act pension—to the Committee on Invalid Pensions.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. GUENTHER: Of citizens of Waupaca County, Wisconsin.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CUTCHEON: Of 127 citizens of Manistee and Osceola Counties, and of 149 citizens of Mason and Wexford Counties, Michigan.

By Mr. E. B. TAYLOR: Of 185 citizens of Ashtabula and Trumbull Counties, Ohio.

SENATE.

TUESDAY, *July* 10, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of George F. Calvert, of Port Orange, Fla., alleging fraud on the part of United States officials in the contested-homestead case of A. Force *vs.* E. H. Jones, and praying for investigation thereof; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Orange County, North Carolina, praying for the adoption of certain amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a petition of the Board of Trade of Winona, Minn., praying for the passage of the House bill authorizing the Winona and Southwestern Railroad to construct a bridge across the Mississippi River at Winona, Minn.; which was referred to the Committee on Commerce.

Mr. SABIN presented a memorial of the St. Paul (Minn.) Chamber of Commerce, remonstrating against the construction of bridges over the Detroit River; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Redwood, Minn., praying for legislation protecting wool and woolen-manufacturing interests; which was referred to the Committee on Finance.

Mr. PAYNE presented two petitions, signed by 95 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PLUMB presented the memorial of John Cowdon in regard to the improvement of the Mississippi River and tributaries since 1830, and favoring the adoption of the Lake Borgne outlet improvement system; which was referred to the Committee on Improvement of the Mississippi River.

Mr. SHERMAN presented a petition of 63 ex-Union soldiers and sailors, citizens of Westerville, Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of H. P. Wheeler and 124 other citizens of Hillsdale County, Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 3165) granting an increase of pension to Isaac M. Fletcher;
A bill (S. 3164) granting an increase of pension to Henry Potter; and
A bill (S. 3014) granting a pension to Joseph Zerbach.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 9910) increasing the pension of William J. Headly;
A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (S. 3166) granting a pension to William F. Pike;
A bill (S. 3197) granting a pension to Abbie L. Ham;
A bill (S. 3198) granting a pension to Mary Murphy;
A bill (S. 3150) granting a pension to William Schaffer;
A bill (S. 3230) granting a pension to Martha J. Cole; and
A bill (S. 3189) granting a pension to William T. Hutton.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 3171) granting a pension to Andrew Hopper, submitted an adverse report theron, which was agreed to; and the bill was postponed indefinitely.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3138) granting a pension to George Wylie;
A bill (S. 3102) granting a pension to James Smith; and
A bill (S. 2704) granting a pension to James Hope Arthur.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3221) granting a pension to Isaac N. Hawkins, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3137) granting a pension to Ruth Ames;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;
A bill (S. 3157) granting a pension to Joseph S. Wilson; and
A bill (S. 3158) granting a pension to Nancy L. Huffman.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon, which were agreed to; and the committee were discharged from their further consideration:

The petition of Alfred E. Gathercole, praying to be allowed a pension; and

The petition of Matilda Gillespie, as guardian of the minor children of John Burchill, praying that they be allowed a pension.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3063) for the relief of Levinia Robinson;
A bill (S. 3161) granting a pension to Henry Ann Stuart;
A bill (S. 6) granting a pension to Mrs. Emeline P. Trask;
A bill (S. 3070) for the relief of John Anthony Orleman and Mary Albina Wilhelmina Orleman;
A bill (S. 3160) granting a pension to Nelson Beebe, of Oregon;
A bill (S. 951) for the relief of Elvira E. Baxter;
A bill (S. 1309) granting a pension to Hiram Bateman;
A bill (S. 3043) granting a pension to Samuel G. Whitley;
A bill (S. 3041) granting a pension to George Slack;
A bill (S. 3024) granting a pension to Lewis H. Linville;
A bill (S. 3049) granting a pension to Christian Wanzel; and
A bill (S. 3061) for the relief of Emma McCollum.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9595) granting a pension to David A. Yeaw;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 7624) for the relief of Coburn D. Outten; and
A bill (H. R. 8953) granting a pension to Eliza Mathews.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1766) granting a pension to Stephen Butler, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 602) for the relief of James Millinger, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 4069) granting an increase of pension to Elnathan Meade, reported it without amendment, and submitted a report thereon.

HANNAH BABB HUTCHINS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1540) granting a pension to Hannah Babb Hutchins, which was, in line 6, after the word "pension," to strike out "during life;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah Babb Hutchins, a volunteer nurse in the war of the rebellion, and pay her a pension of $25 per month, in lieu of the one now received by her.

Mr. DAVIS. I move that the Senate concur in the amendment.

The motion was agreed to.

EMILY J. STANNARD.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2657) granting an increase of pension to Emily J. Stannard, which was, in line 5, after the words "rate of," to strike out "one hundred" and insert "seventy-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Stannard, widow of the late George J. Stannard, brevet major-general of volunteers, and to pay her a pension at the rate of $75 per month, from and after the passage of this act, instead of the pension she is now receiving.

Mr. TURPIE. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. BLAIR, Mr. DAVIS, and Mr. TURPIE were appointed.

RETURN OF A BILL.

Mr. DAVIS. I move that the House of Representatives be requested to return the bill (S. 1427) granting an increase of pension to Elnathan Meade.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PADDOCK introduced a bill (S. 3296) granting a pension to Mrs. A. J. Horton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 3297) for the relief of Sterling H. Tucker and others; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PASCO introduced a bill (S. 3298) for the relief of Salvador Costa; which was read twice by its title, and referred to the Committee on Claims.

Mr. TURPIE (by request) introduced a bill (S. 3299) to authorize and empower the Secretary of the Navy to contract for certain guns and ammunition therefor; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 3300) in relation to registry-letter envelopes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. STOCKBRIDGE (by request) introduced a bill (S. 3301) granting a pension to Richard J. Nichol; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 3302) for the relief of Louisa Kearney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888; which was read the first time by its title.

Mr. VEST. I propose that this bill be referred to the Committee on Post-Offices and Post Roads, but I want to call the attention of that committee, and especially of my friend from Delaware [Mr. SAULSBURY], who reported the bill to which this is amendatory, to a singular state of case that has arisen in regard to one of the provisions of the bill which we have already passed.

On June 18, 1888, we passed an act amendatory of the act in regard to postal crimes, and one of the provisions of that bill is as follows:

And all matter otherwise mailable by law upon the envelope or outside cover or wrapper of which, or postal card, upon which indecent, lewd, lascivious, obscene, libelous, scurrilous, or threatening delineations, epithets, terms, or language, or reflecting injuriously upon the character or conduct of another, may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier.

The object of that amendment, which was at the instance of the Postmaster-General and which I had the honor to offer, was to do away with a species of blackmailing which has been used throughout the country. I say "throughout the country," but especially in two cities. I hold in my hand a specimen of one of these envelopes which is used in the collection of debts and which comes from Chicago. It has upon it in very large letters "Collecting bad debts," and in addition it has upon it these words:

If it is necessary to send another notice it will come in an envelope like this.

The one from Kansas City, which I also hold in my hand, is from another collection agency and has the same words upon it, "Bad Debt," in large letters. In another portion it says:

If no attention is paid to the inclosed notice, this envelope will come next.

As a matter of course a business man to whom one of these envelopes may be sent in the open mail would find himself advertised by means of this envelope in the community where he did business as a defaulter in the payment of his honest debts; in other words, that his debts were bad debts; and the clause of the statute which I have read was enacted for the purpose of doing away with this species of blackmailing, if nothing else.

Now in order to avoid that, with an ingenuity worthy of a much better cause, the persons engaged in this business have caused envelopes to be made, transparent envelopes, and on the inside the letter matter put in these envelopes are found the same words contained on the outside of the present envelopes, and that is done for the purpose of evading the law which we passed some three weeks ago, which punished the placing of this matter on the outside of an envelope.

The bill which I have offered is intended to meet the case as made now by these same parties, and to punish them for using the mails in this way; in other words, to make this matter punishable when it is contained not upon the outside envelope as the law now is, but upon any portion of it.

I hope my friend from Delaware will report the bill as soon as possible.

The bill was read the second time by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON introduced a joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on commerce and navigation for the year ending June 30, 1887, entitled "Annual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected;" which was read twice by its title, and referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 948) for the relief of William H. Tabarrah; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the resolution of the Senate agreeing to the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs.

The message further announced that the House had agreed to the first amendment of the Senate to the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888; that it had agreed to the second amendment of the Senate to the resolution with amendments, in which it requested the concurrence of the Senate, and that it also requested the concurrence of the Senate in an amendment to the title of the resolution.

AMENDMENTS TO BILLS.

Mr. EVARTS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. PALMER, it was

Ordered, That leave be granted to withdraw from the files the papers accompanying the bill (S. 1445) for the relief of Emma H. Fish, adversely reported.

Ordered, That leave be granted to withdraw from the files the papers accompanying the bill (S. 1075) for the relief of Elwin A. Scutt, adversely reported.

PREVENTION OF COMPETITION.

Mr. SHERMAN. I submit a resolution for which I ask present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be directed to inquire into and report, in connection with any bill raising or reducing revenue that may be referred to it, such measures as it may deem expedient to set aside, control, restrain, or prohibit all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, made with a view, or which tend to prevent free and full competition in the production, manufacture, or sale of articles of domestic growth or production, or of the sale of articles imported into the United States, or which, against public policy, are designed or tend to foster monopoly or to artificially advance the cost to the consumer of necessary articles of human life, with such penalties and provisions, and as to corporations, with such forfeitures, as will tend to preserve freedom of trade and production, the natural competition of increasing production, the lowering of prices by such competition, and the full benefit designed by and hitherto conferred by the policy of the Government to protect and encourage American industries by levying duties on imported goods.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. COCKRELL. I did not hear the first part of it.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the first clause of the resolution.

The resolution was considered by unanimous consent, and agreed to.

THE FISHERIES TREATY.

Mr. DOLPH. I observe that the Senator from Mississippi [Mr. GEORGE] has given notice that to-morrow morning, after the morning business is disposed of, he will address the Senate on the treaty between the United States and Great Britain. I give notice that at the conclusion of the Senator's remarks to-morrow, if there is time, and if not, then on Thursday, after the morning business, I shall ask the indulgence of the Senate to submit some remarks upon the treaty myself.

MINOR CHILDREN OF LEVI M. HUNTER.

Mr. SAWYER. I move that the bill (S. 2932) granting a pension to the minor children of Levi M. Hunter be recommitted to the Committed on Pensions.

The motion was agreed to.

THE INTERSTATE-COMMERCE LAW.

Mr. CULLOM. I neglected yesterday, after the passage of the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, to move that the bill as passed by the Senate be printed. I now make that motion.

The motion was agreed to.

PACIFIC RAILROADS.

Mr. CULLOM. While on the floor I desire to give notice that to-

morrow, or as soon thereafter as an opportunity presents, I shall call up for consideration the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act.

THE FISHERIES TREATY.

Mr. STEWART. If there be no further morning business, I move that the Senate proceed to the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. HOAR. The Senator will remember that this time, by special order, was assigned for the consideration of the fisheries treaty. I gave way to the Senator from Maine [Mr. FRYE] the other day for the consideration of the river and harbor bill. He said it would not take half an hour to complete it, but it took the whole day.

Mr. STEWART. Under the circumstances I will not ask the Senator to give way now.

Mr. HOAR. I move that the Senate proceed now to the consideration of the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate now proceed to the consideration of the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The Secretary will report the treaty by its title.

The SECRETARY. Treaty (Ex. M.) between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

The PRESIDENT *pro tempore*. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Chair hears no objection.

Mr. BLAIR. The Senator will allow me a word before he proceeds. I gave notice last evening that this morning, at the close of the routine business, I would move to take up the Senate bill touching the arrears due to those who worked over eight hours a day under the eight-hour law. In accordance with the custom of the Senate, I gave way to the Senator from Massachusetts, as he desires now to proceed. I am informed that notice has been given by two Senators that they wish to speak to-morrow upon the treaty in the same way, and therefore to-morrow will likely be occupied. I hope to be able to ask the attention of the Senate to this bill at the close of the speech of the Senator from Massachusetts to-day.

Mr. HOAR. Mr. President, I make no apology for entering early upon this discussion. This is the oldest question in our foreign relations. The question of the rights of her fishermen has mingled with the history of Massachusetts from the beginning, as their skill and courage have been from the beginning a chief part of her glory and pride. One of the half dozen most famous passages in English prose is that where, more than a hundred years ago, the greatest of English orators, in his last appeal to save England from the madness of her tyranny, paid his eloquent homage to these husbandmen of the sea. It will never become stale or commonplace to American ears. It is often quoted, but we may well repeat it, since the wit of man can not mend it.

Mr. Edmund Burke said:

> As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought these acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts and look at the manner in which the people of New England have of late carried on the whale fisheries. While we follow them among the tumbling mountains of ice and behold them penetrating into the frozen recesses of Hudson's Bay and Davis Straits, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes and engaged under the frozen circle of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries; no climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people—a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things, when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection: when I reflect upon the effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

The war of the Revolution, of course, interrupted for a time the fisheries of the American colonies. But the fishermen were not idle. They manned the little navy whose exploits have never yet received from history its due meed of praise. They furnished the ships' companies of Manly and Tucker and Biddle and Abraham Whipple. They helped Paul Jones to strike terror into St. George's Channel. In 1776, the very first year of the Revolutionary war, American privateers captured three hundred and forty-two British vessels. The fisheries came up again after the war. Mr. Jefferson, the first Secretary of State, commended them to the favor of the nation in an elaborate and admirable report. He says that before the war four thousand men and 28,000 tons of shipping were annually employed by Massachusetts in the cod fishery alone, and four thousand men and 24,000 tons of shipping in the whale fishery alone. He shows how the energy of the New England fishermen, aided by their local advantage, had before the war driven France and Spain and Portugal from the northern fisheries, and their rivalry was pressing hard on England herself. After the Revolution, when our fisheries began to revive, England endeavored to allure our fishermen into her dominion by a high system of bounties and an absolute prohibition of foreign fish in her markets. She issued an invitation, re-enforced by high bounties to our fishermen, under the general description of "foreigners who had been employed in the whale fishery," to pass over with their families and vessels to the British dominions, either in America or in Europe.

France took the alarm. "She saw," as Mr. Jefferson says, "the danger of letting four or five thousand seamen, of the best in the world, be transferred to the marine strength of another nation and carry over with them an art which they possessed almost exclusively." Lafayette, the illustrious citizen both of France and America, wrote a letter to dissuade our fishermen from accepting the British proposal, and promised that France would do better for them. The French ministry gave a counter-invitation and offered a bounty of fifty livres, near $10, a ton on every fishing vessel they would equip.

I have not time to narrate the detail of the contest between England and France for the transfer of our fishermen. We had to contend against bounties in France and England and prohibitory duties in England, for the life of a calling which Mr. Jefferson declares was "too poor a business to be left to itself, even with the nation most advantageously situated." All Senators are familiar with the policy of bounties and duties, at times separate, at times combined, with which we maintained and cherished our fishing industries.

I have seen with deep regret that the President of the United States, or some person upon whose advice he has acted, seems to think that this object, which the far-sighted policy of Great Britain and France thought so desirable for them, of transferring foreign fishermen from their own country to ours, is undesirable. He has hastened to put himself on record by a letter to the collector of Boston, signed with his own name, as intending to use all the powers vested in him by law, even under the most strained construction, to prevent the employment under the American flag of fishermen of foreign origin. I do not think many precedents can be found of instructions given by the Departments to their subordinates under the signature of the President. I am sure no example can be found in our history, and I think none is likely to occur again, of an Executive straining his powers and departing from the propriety of his station to prevent an accession of skilled seamen to America like that which England and France so eagerly strove to gain at the close of the last century. They look at the thing very differently across the border. When Vice-Admiral Wellesley was in command of the North American fleet, he considered it his duty to call the special attention of the secretary of the admiralty to their danger, from the fact that colonial fishermen in considerable numbers man American vessels. Sir John A. Macdonald declared that—

> The Canadian Government view with very serious concern the effect upon our maritime population of such dependence upon American employers. It creates sympathy with foreign sentiments and institutions, and affords opportunities for instilling into the minds of our people ideas and expectations altogether inimical to British connection.

These men, Mr. President, come here to abide. They are not peons or coolies. They are not the property of anybody. They are in the way of nobody. They are not imported to bring down or to keep down the wages of other laborers. On the contrary, they enable the calling in which they find employment to be more widely extended, and to afford occupation for many others, who might not get it without them. The President's shaft is aimed at the wrong mark. Among the best and most valued citizens on the Massachusetts coast, in Gloucester, in Marblehead, in Provincetown, are to be found many of these brave and skillful mariners, whom our policy in regard to our fisheries has attracted from the British provinces to take their lot under the American flag.

There are three sources of information later than the United States census of 1880 from which we can discover the number and the nationality of our fishermen. Massachusetts took a census in 1885 in which these numbers appear in the schedule of population and also in a special report on her fisheries. The United States Fishery Commission have gathered the statistics for 1886.

The Massachusetts fishery report gives 14,676 fishermen engaged in the fishing vessels of Massachusetts. Of these, 11,743 were residents of Massachusetts; 2,933 were non-residents of Massachusetts; and of these non-residents 998 were Americans. Of the whole 14,676 there were 12,741 either having their homes in Massachusetts or American residents in other States.

On the other hand the table of population shows a total of 7,980 fishermen, of whom 5,433 are native or naturalized Americans. Of the aliens 138 are Irishmen. But 1,158 are natives of England or her dependencies other than Ireland.

Professor Baird estimates the number of persons employed in our fisheries in 1880 as 131,426. Of these 101,684 were Americans. The value of the fisheries of the sea, the great rivers, and great lakes was over $43,000,000. The fisheries of New England engaged 37,043 men. The South Atlantic States engaged 52,418 men; the Middle States, 14,981 men; the Pacific States and Territories, 16,803. (See Appendix D.)

I insert the table (A) at the close of my remarks. I insert also (B) a letter from the Commissioner of Fisheries with his estimate for 1886, and (C) a table from the census of 1880. From these it will seem probable that the truth is somewhere between the Massachusetts population and fisheries census. The proportion of American fishermen to foreigners, as it appears in each of them, is sufficient for my purpose. It is safe to say that a large proportion of those not as yet naturalized will be naturalized. They have little attachment left for the British flag. President Cleveland need be under no apprehension. They are, as Sir John A. Macdonald has found out, "in full sympathy with American sentiments and institutions," and have "ideas and expectations altogether inimical to British connection."

As we look back upon the war of 1812, there are some things which the people of New England may well wish had been otherwise. But if there were anything of disloyalty there, it all evaporated in words. A few disloyal phrases of a convention at Hartford, a little grumbling of a governor, what are they to the blaze of resplendent glory that rises from the deeds of her seamen? The men who censure the reluctance of the Federalists of that day to resent the provocation we had received from England do not always make sufficient allowance for the equal insult we were receiving from France. The party who opposed the war with England were eager enough to take arms against France. They were filled with a morbid horror of the power of Napoleon. But it was a horror into which no element of cowardice entered. They thought that in overcoming England we would overcome the last barrier against his universal empire, and that in attacking England we ranged ourselves on the side of universal tyranny against the last hope of constitutional liberty.

We can now see that they were wrong. The American people were inspired by a surer instinct than that of the Federal leaders. The final judgment of history must be that the war of 1812 was a righteous and glorious war. We were compelled to it by the impudent British pretension to search American vessels on the high seas, and take from them every man whom a midshipman should suspect, or pretend to suspect, of being a British subject. We had scarcely a friend anywhere. The haughty nations of Europe sat at their gates, scowling at the little Republic, as the five Norman champions in Scott's immortal story sat at the doors of their tents on the field of Ashby de la Zouche. The little country, not thirty years old, hurled her mortal defiance at the proudest and strongest of them all, as the young Saxon knight struck the shield of Brian de Bois Guilbert with the sharp end of his spear. We began the war after England had crushed the navy of every other power that had contended with her by sea—Holland, Spain, Denmark, France. England never had a naval war in which she was met, ship to ship, with a superiority in discipline, in gunnery, in seamanship, and in success as by us in the war of 1812. This is fully admitted by Maj. Gen. Sir Howard Douglas in his treatise on naval gunnery, the standard English authority, published with the approbation of the Lords Commissioners of the Admiralty. This book was originally published in 1820, five years after the war ended. I have here the fifth edition, the last before the substitution of steam-vessels and iron-clads for the old wooden ships. He says:

> The fleets of Europe had been swept from the face of the ocean by the gallant achievements of the British marine.

He goes on to say:

> We entered in 1812, with too great confidence, into a war with a marine much more expert than our European enemies.

He then proceeds to draw his instruction for the conduct of naval engagements almost wholly from the sea fights with the Americans in the war of 1812. Look at his index:

> Action, Naval: Between the Chesapeake and the Shannon; between the Avon and the Wasp; between the Frolic and the Wasp; between the Guerriere and the Constitution; between the Hornet and the Peacock; between the Java and the Constitution; between the Macedonia and the United States; between the Phœbe and the Essex; between the President and the Belvidere.

Here are nine naval engagements, the only ones selected by the English author for the instruction of his countrymen. All of them were combats between British and American ships. In all but two of them the Americans were victorious. In one of these, two British ships attacked the American in a neutral port, when she was disabled, and at anchor, one of her top-masts having been carried away in a storm.

It is true we made peace without a formal relinquishment by Great Britain of the obnoxious pretension. But it is also true that it was never heard of again.

The nation issued from the war—

said John Quincy Adams—

> with all its rights and liberties unimpaired, preserved as well from the artifices of diplomacy as from the force of preponderating power upon their element, the seas.

The Duke of Wellington has given a testimony still more authoritative and decisive. I have not seen it cited by American historians. After the downfall of Napoleon the duke was urged by the Cabinet to take command in America. He replies in a letter to Lord Liverpool of November 9, 1814. He says:

> I do not promise to myself much success there. If we can not obtain a naval supremacy on the lakes, I shall go only to sign a peace which might as well be signed now. You have no right, from the state of the war, to demand any concession of territory from America.

In her contributions, sacrifices, and achievements in this war, Massachusetts may well challenge comparison with any other American State. She raised fourteen thousand men in 1814. She paid $2,000,000 for bounties. One of her fishing towns, Marblehead, had more than eight hundred men in Dartmoor prison when the war ended. She furnished during those three years more men than any other State. The New England States, which opposed the war, sent more men into the field than the Southern States, which brought on the contest.

> You recollect how sailors' rights were won,
> Yard locked in yard, hot gun lip kissing gun.

No man ever attributed want of patriotism to John Quincy Adams. Hear what he says of the fishermen:

> Where were they during the war? They were upon the ocean and upon the lakes, fighting the battles of their country. Turn back to the records of your Revolution; ask Samuel Tucker, himself one of the number, a living example of the character common to them all, what were the fishermen of New England in the tug of war for independence. Appeal to the heroes of all our naval wars; ask the vanquishers of Algiers and Tripoli; ask the redeemers of your citizens from the chains of servitude, and of your nation from the humiliation of annual tribute to the barbarians of Africa; call on the champions of our last struggles with Britain; ask Hull and Bainbridge; ask Stewart, Porter, and MacDonough what proportion of New England fishermen were the companions of their victories and sealed the proudest of our triumphs with their blood.

We all know how much of the supply of American seamen, to whom all this was due, came from the American merchant marine. But these fisheries were the cradle of Navy and merchant service alike. I could call a hundred witnesses. Let me cite but one.

Admiral Luce, in his excellent address before the United States Naval Institute at Annapolis in 1874, says:

> I will yield to no one in my high appreciation of a true American seaman. When found, as he still may be in our service, though in a deplorably small minority, he was one to be proud of and to respect; prompt and fearless, fertile in resources, patient, even cheerful under adversity, of wonderful endurance, intelligent and self-reliant, and withal of unflinching, uncompromising fidelity to his flag. Take him all in all, I maintain that your "true Yankee sailor" has not his equal in the world. * * * It is related on good authority that when the Constitution returned from Holland, after transporting the specie required to pay the last installment of our national debt to that country in 1812, the term of service of her crew had expired, and a few days after her arrival they were discharged. Commodore Hull immediately manned his ship by drawing on the fishermen of the New England coast, and the merchant seamen of Salem, Newburyport, Boston, and vicinity. The response was prompt, and it is alleged that when the Constitution soon after captured the Guerriere, of her four hundred and fifty seamen, only sixty had ever served on board of a man-of-war.

Whatever changes may be made by new methods of intercourse in the relations of nations with each other, it is still true, and will still be true, as when Mr. Webster said it in 1824, that—

> High rank among the nations results more than from anything else from that military power which we can cause to be water-borne, and from that extent of commerce which we are able to maintain throughout the world.

It will also still be true, that if America is to have ships of war, or is ever again to take her former rank in peaceful ocean commerce, she must look to her hardy and adventurous fishermen for a large share of the supply of her seamen.

No Senator who has to deal with this immense interest will venture rashly to disregard the authority of the present head of our Navy. I have lately received this letter from Admiral Porter:

> OFFICE OF THE ADMIRAL, *Washington, D. C., May 4, 1888.*
>
> MY DEAR SIR: I have the honor to acknowledge the receipt of your communication of May 4 asking my opinion of the value of our fisheries as a nursery for seamen for the present Navy, which is to be built of iron and propelled by steam.
>
> I beg leave to say that all our fisheries at the present moment are more valuable as nurseries for naval seamen than they ever were before, for our commercial marine has been almost obliterated from the ocean.
>
> In our last war with Great Britain our Navy was largely recruited from Massachusetts fishermen, who made the finest men-of-war's men in the world, which was illustrated by their skill in seamanship and gunnery, which gave us such great success over our opponents.
>
> They not only furnished seamen to the Navy, but manned that immense fleet of privateers that swarmed the ocean, paralyzed the British commerce, and caused a large section of the British people, led by that great political writer, William Cobbett, to demand of the Government that peace should be secured on any terms.
>
> Notwithstanding the overwhelming naval power of Great Britain during the war, with heavy squadrons in every sea, we were indebted to the New England seamen and the brave officers who led them for a success unparalleled in history.
>
> If we had a war to-morrow we must depend almost altogether upon the fishermen of New England to man our naval vessels.
>
> To show the importance of having trained seamen in time of war, I will mention the fact that the regiment of Marblehead fishermen under John Glover

were employed to carry Washington's forces across the Delaware when he surprised and captured the Hessians. Without the aid of the fishermen it is doubtful if Washington would have undertaken the perilous enterprise, for the fishermen were the only ones who considered the project feasible.

The ships that will hereafter be built for the Navy will require as good and hardy sailors as have ever been required before, and it is to be regretted that we can not obtain the services of the fishermen in time of peace. Their present calling is more lucrative than any employment they can obtain in the Navy, and there are no sufficient inducements held out to them to enlist in the Government service.

In time of war with a maritime power the occupation of these fishermen would be gone, and they would flock to enlist in the Navy, as they did in the civil war, when the Confederate privateers made their appearance off our coast. The vessels of our Navy may be said at the present time to be manned almost entirely by foreigners who have entered the service not from devotion to the flag. In case war should be suddenly declared against us our ships abroad would be obliged to return home, discharge their crews, and ship American seamen. In a late inspection of the United States ship Trenton the board of inspection reported to me as follows: "The crew is a fair one, considering their want of knowledge of the English language"—a pretty severe commentary on the class of seamen we enlist in the Navy. It is very desirable that we should adopt some system by which we could obtain enough bona fide American seamen to leaven the crowd of foreigners now on board a United States vessel of war. The crews of our ships of war are generally made up of men from all parts of the world, largely from the Scandinavian race, who do not care what flag they serve under. There are the descendants of the Huns, Goths, and other barbarians who once overran Europe. They enlist in our Navy softened in character, but still free lances as of old. They serve for money, with no sentiment for flag or nationality, and possibly if it came to an action with a ship of their own or a neighboring nation, they would haul down the American flag and hoist that of their own country.

The same qualities required for the seamen of fifty years ago are required for the seamen of vessels of war to-day. The better the seaman the more easily he will learn the improvements in gunnery and seamanship, and the best seamen in the world are those who come from the New England fisheries. They are the strongest, hardiest class of men I know of. They are exposed to all weathers and bear the severest tempests. They are seamen all over, and I will merely add that in 1812 the old Constitution, whose career is familiar to every American, was manned almost altogether by Massachusetts fishermen.

As to any extra science being required to man our present and projected ships of war, I would remark that the management of a ship is easier than it used to be, but we require the same good seamanship we had in days gone by. With a steam-capstan and steam-winch twenty men can get a large vessel under way. An officer on deck, a man at the wheel, and one at the lead, with the above number on deck for general purposes, and the ship can go to sea with the rest of the crew in their hammocks. But when the machinery is disabled and the ship must rely on her ponderous yards and sails, we want every man to understand English and be a seaman from the crown of his head to the sole of his foot. The modern guns, it is true, are larger than of old, the machinery to work them is a little more intricate, but a week's good drilling would teach native-born seamen all that is essential, and a ship of war at the end of that period would be ready for inspection by the board of inspection. When the board of inspection finish their examination of a ship, she must go to sea ready to meet any enemy of equal force, so that what happened previous to 1812, when the Chesapeake was disgraced by the British ship Leopard, can never again occur as long as the board of inspection exists.

If we can in a week drill a mongrel crew so that every man knows his various stations on shipboard, how much easier would it be for us to do the same thing with a crew of New England fishermen, hardy and active in their persons and intelligent beyond any set of foreign seamen.

The question of protection to the New England fisheries and their seamen does not admit of argument, and in my zeal on the subject I may have gone out of my way to prove to you that which you know already.

I inclose you some statistics which, if you have not already got them, will give you the status of our fisheries throughout the United States.

If there is anything bearing on this subject you would like me to hunt up, please let me know, and I will endeavor to obtain it.

The statistics I inclose show at a glance the immense money value of our fisheries and their importance to the country. If it had not been for the fisheries, New England would never have been settled, for on the first landing on those stormy shores it is likely the emigrants would have been forced to go elsewhere but for the quantities of fish, a most fortunate circumstance for the Union, to which New England has added so many true and loyal States.

I have the honor to be, very respectfully, your obedient servant,

DAVID D. PORTER, *Admiral.*

Hon. GEORGE F. HOAR,
United States Senate.

The statistics which were inclosed with the above letter will be found in the appendix to these remarks (D).

Nearly every important maritime power of ancient or modern times has owed the foundation of its commercial prosperity and its naval strength to its fisheries. When these flourished, its strength increased. When these went to decay, the power of the nation had departed. Professor Huxley tells us that Sidon signifies "a fishing place." Tyre was settled by a colony of fishermen from Sidon. The power of Carthage was built up by the fisheries. Venice was founded by fugitives from the north, who betook themselves to the avocation of fishermen. Genoa, the birthplace of Columbus, laid the foundation of her strength by usurping the fisheries of the Bosphorus. The first wharf in London was built for the accommodation of fishermen. Amsterdam was originally a village of herring catchers. It was an ancient proverb—

Amsterdam is founded on herring bones, and Dutchmen's bodies are full of pickled herrings.

The naval greatness of England came from the same source. The ancient rule of the church which forbade the eating of meat on Friday is said to have been due to a politic purpose to encourage fisheries. In 1563 the British Parliament, to encourage the building up of a naval marine, passed an act extending this prohibition to two more days of the week. The act declares that—

As well for the maintenance of shipping, the increase of fishermen and marines, and the repairing of port towns, as for the sparing of the flesh victual of the realm, it shall not be lawful to eat meat on Wednesdays and Saturdays unless under a forfeiture of £3 for each offense,

Edmund Winslow, the governor of Plymouth, has recorded that when King James asked the envoy of the pilgrims who went over from Leyden to England to tell him of the place they had fixed upon "what profits might arise in that region," the answer was "fishing."

The fishermen are the only portion of a nation that maintain unimpaired their fighting quality during a long peace. Armies become enervated on a peace establishment. But the daily life of the fisherman is a constant discipline in fearlessness, endurance, and activity. Our fishermen are all we have left on the sea as a resource for a sudden occasion.

If anything further were wanting to show the importance of this occupation to national defense and to national wealth it would be found in British and Canadian testimony. Our free-trade friends talk about the duties on fish. They tell us of the hardship of a tax on so cheap and wholesome a food. Mr. President, we pay $600,000 a year for West Point and Annapolis. Canada exported from the produce of her fisheries in 1887 a value of $6,843,388. Of this we took nearly a million and a half. Every dollar of that was a payment to our great rival, to our only possible enemy, towards the support of a naval school to which Annapolis or Greenwich is quite unimportant.

The desire of Canada and Great Britain to contract within the least possible limits the fishing ground to which America shall have access, and to possess themselves without obstruction of the calling which brings to the great American market its supply of fish for food and fish-oils, has a vastly larger purpose than a mere struggle for a profitable industry, important as that may be.

England possesses to-day the great steam fleet of the world. She has, subject to the authority of her Queen, or under her political or commercial control, three hundred and fifty millions of people, a third of the population of the world. She controls the commercial dealings of the inhabitants of 12,495,000 square miles of territory, an area four times as great as that of the Roman empire. She has taken possession of all the great routes of commerce. She steps from island to continent, and from continent to island, from fortress to naval station, and from naval station to fortress. Let me repeat a few sentences which I uttered here last year:

England has not only laid her hands on these enormous countries and the men who inhabit them, but the way she has got control of the great highways, the great roads of commerce, is more wonderful still.

There are four great roads by which the commerce of the world must travel from nation to nation. There are two old roads and two new roads. The old roads are down through the South Atlantic. One turns eastward by the Cape of Good Hope into the Indian Ocean. One turns westward to the Pacific around Cape Horn. The two meet at least at Cathay or farthest Ind, girdling the globe with their mighty and beneficent chain. At every station, at every step, on both, is the power of England planted.

Half way down the coast of the eastern hemisphere, where Africa juts out into the Atlantic, are the English West African settlements and her colonies of Sierra Leone and the Gold Coast. Just below the equator is Ascension Island, an English colony. Five degrees of latitude further we come to St. Helena, an English fortress, where the great foe of England died a prisoner and an exile. The cape itself, a cape of "good hope" to no commerce but hers, with its excellent harbors of Cape Town and Natal, is one of her most prosperous colonies. Thence, by successive steps, Mauritius, Seychelles, Chagos, Maldive, Ceylon, all British possessions, India is reached. Every other power must pay tribute to her in peace, and must run the gauntlet of her fortresses and naval stations in war.

Would you go westward through the Straits of Magellan or past the stormy Cape Horn? Powers in closest friendship with her hold the continent from the southern line of Brazil, while her own Falkland Islands command and menace the entrance to the strait and the passage round the Cape.

But England has not contented herself with the ancient ways. Her commerce is guarded by a far different statesmanship from that which denies appropriations to build a navy, or to pay for carrying mails on its own vessels, or defend its coasts; far different from that which bullies Mexico and cringes before Canada. She already occupies the highways of the future. Commerce hereafter is to seek direct paths though continents must be severed. Here again are two roads, eastward and westward. One through the Mediterranean Sea already cuts Asia and Africa in twain and passes out through the Red Sea to the Indian Ocean. The other, not yet open, is to divide our own continent at Nicaragua or Panama, or to cross it at Tehuantepec.

Whoever shall follow either pathway, except Tehuantepec, must do so at the mercy of England. She holds Gibraltar, the impregnable gateway of the Mediterranean. Half way from Gibraltar to Egypt is her mighty naval station of Malta, which commands both shores of the Mediterranean. Hugging the Asiatic coast is Cypress, her new possession, whose purchase was almost the last act of Lord Beaconsfield. Suez itself she has taken from the improvident hands of France, while at the narrow entrance and exit of the Red Sea she holds Aden and Perim, and beyond, on the way to India, the Island of Socotra. She commands the great eastern pathway of commerce from Europe to India and China almost as absolutely as the river Thames.

Turning to the westward route, our position on the Gulf of Mexico will secure to our three Southern ports convenient access to the canal

wherever it may be. But all other commerce must pass the line of sentinels which the foresight of England has already armed and stationed at the entrance to the Gulf. The Bermudas, the Bahamas, the Leeward and Windward Islands, Jamaica, and Trinidad form a complete blockade, while British Honduras lies close to the eastern mouth of the proposed canal of Nicaragua.

Of the forty chief West Indian Islands European powers own all but one, the seat of the black Republic of Hayti and St. Domingo. England herself owns thirteen beside the Bahamas and the Bermudas.

If we ever have a contest with her for a canal at Nicaragua or Panama, her island of Jamaica stands guard at the entrance of the Caribbean Sea and the Bay of Honduras.

She is now adding to all this the land route across Canada. She is adding this last and strongest link to the chain which is to bind China and Japan to her chariot, girdling the globe anew in the northern latitude where the degrees of longitude and the circles become smaller. She is building a strong fortification at Esquimalt, where Vancouver Island, which the weakness of President Polk surrendered to her, thrusts itself into our territory, while the guns of Halifax threaten us on the east.

At the same time Canada, aided by British wealth, is developing her railroad system with wonderful liberality and wisdom, so that the blood of commerce, even that which comes from our own veins, may feed her mighty arteries.

Here are a few of the enterprises she is just undertaking or accomplishing, either as a government or by corporations under her control. Remember that all this is in addition to her great interoceanic system of communication which the Senator from Maine so well described the other day.

First. An important line of railroad constructed last year, called the Duluth, South Shore and Atlantic, extending from the Gogebic iron range of Lake Superior to the Sault Ste. Marie, has, according to recent advices, been purchased by the Canadian Pacific Railway. It will no doubt become an important feeder to that railway.

Second. A Canadian company has recently completed a bridge across the Sault Ste. Marie.

Third. The Canadian government within the last thirty days has definitely decided upon and arrangements are made for building a ship-canal between Lake Superior and Lake Michigan, on the Canadian side of the strait, and in opposition to the canal at that point on the American side, built and owned by the Government of the United States.

Fourth. A well-defined project exists for building a combined ship canal and ship-railway from Georgian Bay, leading down from Lake Huron to Lake Ontario, near Toronto. The total distance is about 100 miles, of which 40 miles will be a dredged canal at lake level and 60 miles by a ship-railway. The object of this route is to avoid the tortuous and expensive navigation through the St. Clair flats, Lake Erie, and the Welland Canal. It will shorten the distance from the Sault Ste. Marie to Toronto 220 miles.

Fifth. The Canadian Government is engaged in improving the St. Lawrence system from Lake Erie to Montreal, the total cost of which completed will be about $50,000,000. Below Montreal it has deepened the St. Lawrence River to 25 feet depth, and is continuing the improvement with the intention of deepening it to 27½ and then to 30 feet. It has expended on this work probably over $3,000,000.

Sixth. The Dominion Government has subsidized, or rather guaranteed, 5 per cent. interest on the cost of construction of the Chignecto ship-railway to be built across the isthmus between Nova Scotia and New Brunswick. The cost of this work is estimated to be over $4,000,000. There is no doubt that with the successful completion and operation of this ship-railway, the Georgian Bay ship-railway will be at once commenced under the auspices and with the assistance of the Dominion Government.

Let me have permission to read here a few sentences from an able pamphlet by Mr. Bourinot, the accomplished clerk of the Canadian House of Commons. They contain also the weighty opinion of the Marquis of Lansdowne, late governor-general.

In any plan of imperial defense Canada must henceforth perform an important part. On her Atlantic and Pacific coasts are the finest harbors of the world and enormous deposits of bituminous coal available for steam purposes. Halifax is a strongly fortified port with a large dock-yard; and at Louisburg—now desolate, but once a famous fortress of the French—could well be established another important station for a naval squadron. Both at these places and in British Columbia can be formed those coaling stations which, as Captain Colomb has pointed out, are essential as strategical positions. The present governor-general of Canada, in a recent speech, referred to the important works that fare now in course of construction on the Pacific coast for purposes of defense. "You have here Esquimalt," he said, "a naval station likely to become one of the greatest and most important strongholds of the empire. You have a coal supply sufficient for all the navies of the world. You have a line of railway which is ready to bring that coal up to the harbor of Esquimalt. You will shortly have a graving-dock capable of accommodating all but one or two of Her Majesty's largest ships. You have in short all the conditions requisite for what I believe is spoken of as a *place d'armes;* but until now that *place d'armes* has been inaccessible except by sea. We shall henceforth be able to bring supplies, stores, and material of war by an alternative route, direct, expeditious, and lying for more than half its way over British territory."

An astute statesman, the Marquis of Lansdowne, fully appreciates the imperial importance of the Canadian Pacific Railway as a means of keeping open the communications between England and her dependencies in the east, and of strengthening the defenses of the empire at large. Possessing, as she does, the great steam-fleet of the world, and the power of increasing it to still larger proportions, she can always maintain a steady and secure communication with China, Japan, Australia, and even with India, and all other countries in which she has important interests at stake. From her depots at Halifax, or other places on the Atlantic coast of the Dominion, she can in four days reach the shores of the Pacific and supply a fleet ordered to protect her interests in the east, should they ever be threatened by Russia or any other power. The fishermen and sailors of the Dominion must prove an element of great strength in the maintenance of the line of communication with England and those countries with which she is politically or commercially identified. They can man the vessels necessary to protects our ports, and otherwise assist in the naval defenses of the empire. A thousand stalwart fishermen from Nova Scotia would aid materially in the defense of British Columbia or any other section of Canada.

Looking, then, at the maritime industries of Canada, from an imperial as well as a purely commercial standpoint, we can not fail to see how intimately connected they are with the security of the empire. We all know that no country can be truly great that has not a seaboard and does not follow maritime pursuits. Spain sank low in the scale of nations as her maritime power declined with the loss of her great colonies. The prosperity of Italy has increased with the growth of her commerce and shipping, and she need no longer lament the palmy days of Genoa and Venice. We all know why St. Petersburg was built on a marsh, and the history of this century is replete with the evidence of the desire of Russia to establish herself within the Golden Horn. France has fed her navy from the hardy Bretons and Normans who have served a rude apprenticeship on the banks Newfoundland. Canada, as yet with a populatipn of about five million souls, already possesses a marine greater than that of Russia, Germany, Italy, or France. Prosperous as may be hereafter her commerce in manufactures or in agricultural products, it is on her rich fisheries must always rest in a large measure her maritime greatness.

To maintain the communications with the East through Canada, to keep open this imperial highway at both extremities, the sixty thousand fishermen of the Dominion must form an almost indispensable element of greatest strength. They will issue out from Halifax at one extremity of the great continental line, and from Vancouvers Island at the other, forming, in time of war, a perpetual menace to our commerce and to our coasts.

This is no controversy as to the profit of a few thousand men in their business. They could doubtless find profitable employment elsewhere. It is a struggle on the part of Great Britain and Canada to increase their naval strength and diminish ours; to increase the numbers of a naval school whose graduates will be a constant threat to our commerce in time of war, both on the Atlantic and the Pacific.

Now, Mr. President, it was to adjust the relations between these two nations in regard to this great interest, so vital to the strength and so important to the welfare of both, that the Administration solicited the negotiation which has resulted in the present treaty. It has but one avowed object. That is to promote the convenience and define the rights of American fishermen and protect them against unfriendly interference as they pursue their calling. Yet, is it not a little remarkable that there is not to be found throughout the length and breadth of the land, so far as I can hear, a single fisherman who does not deem its provisions an outrage? So far as the expressions of their opinions come to me and to my colleague in our correspondence; so far as we hear from public meetings from the towns where the men interested in the fisheries dwell; so far as we can learn from our colleagues who represent those districts in the other House; so far as the associations of fishermen have taken action; so far as we get the utterance of the press or the conclusions of men who have had to deal officially or under important responsibility with the matter heretofore, there is one concurrent expression of concern, alarm, disapproval, indignation.

Here is the action of the city council of Gloucester, now the chief fishing port of the country. There is no distinction of party in that city on this question. (See Appendix E.)

Here are the preamble and resolutions of the Gloucester Mariners' Association, signed by 144 masters of vessels. You can see something of the political feeling of some of these men from the names they give their vessels. Here is the schooner Senator Morgan, and the schooner Senator Saulsbury, side by side, with the schooner John G. Whittier and the schooner George F. Edmunds. (See Appendix F.)

The New York Board of Trade and Transportation express the views of business men of that city in opposition to negotiation on this subject. (See Appendix G.)

The Secretary of State thinks—

There is not a just and reasonable complaint on the part of our American fishermen for which this treaty does not provide a remedy and promise a safeguard in the future.

How does it happen that no single American fisherman has found it out? Why, Mr. Bayard, when he wrote that letter to his Boston supporters, must have singularly forgotten that he had adjourned the question of remedy for every one of the complaints which he had over and over again in his diplomatic correspondence declared to be just and reasonable to a remote and uncertain future. Here, Mr. President, is the resolution of the Gloucester Board of Trade. (See Appendix H.)

Here are the resolutions of the American Fishery Union. (See Appendix I.)

I leave to Senators from other States to make known the sentiments of their own constituents.

I have seen somewhere the charge that the opposition to this treaty had its origin in the prejudice of party. Never was a calumny more unfounded. The earliest and most earnest voices of remonstrance have come from those eminent Democrats who have had occasion to study this question in times past. Mr. Charles Levi Woodbury, who bears a

name that has been a synonym for pure and undiluted Democracy for generations; Mr. Richard S. Spofford, the last Democratic candidate for Congress in the Gloucester district; Mr. Trescott, counsel for the United States at Halifax, in 1878, the most accomplished American writer on our diplomatic history—the American feeling of these men broke away from their Democracy—or rather, they found no inconsistency between patriotism and Democracy as they had learned it.

Mr. President, the whole Democratic party had fully committed itself to another and very different policy of dealing with this subject. It will be remembered that the President, in his message of December, 1885, made this recommendation:

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the information given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coast of the United States and British North America.

April 18, 1886, the Senate passed this resolution as a response to the President's recommendation:

Resolved, That in the opinion of the Senate the appointment of a commission in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

This was adopted by a vote of 38 to 10, every Republican Senator who voted or was present being in the affirmative and the following Democrats: BROWN, BUTLER, FAIR, GORMAN, HARRIS, MCPHERSON, MAXEY, MORGAN, PAYNE.

But this is not all. The President recalled the subject to the attention of Congress in his next annual message, in which he declared that the recommendation of his last message had been "met by an adverse vote in the Senate." Congress thereupon passed the statute of March 3, 1887, entitled "An act authorizing the President of the United States to protect and defend the rights of American fishing vessels," etc. This passed the Senate by an unanimous vote on the yeas and nays, save one. The Democratic House proposed a still more stringent measure of redress, desiring to cut off intercourse with Canada by land as well as by sea. The report of their Committee on Foreign Affairs, as well as the letter of Secretary Manning, which is appended to it, denounces the conduct of Canada as "inhuman," "in violation of treaty obligation," and "uncivilized." The debate showed that Democratic Senators vied with Republican Senators in their expressions of indignation. The Senator from Delaware interposed in the speech of the Senator from Maine a reminder that the Secretary of State had gone as far as that Senator himself in expressions of indignation at the outrages inflicted on our shipping. The declarations of the Secretary of State in his correspondence with our minister at St. James, and the British minister here, the able letters of Mr. Phelps, the doctrines laid down by Mr. Wharton, the present Solicitor of the State Department, in his Digest of International Law; the admirable letter of Secretary Manning to the House of Representatives; the utterances of Democratic Senators, notably the Senator from Alabama, on this floor, are all in contradiction of the principles and the policy of this treaty. If, for this first time in nearly seventy years, party lines have been drawn in our foreign relations, it is done now, at the bidding of the Administration by a total and instant change of front on the part of its supporters.

These votes and this action are a censure in advance of the whole policy of the present negotiation. They announce the policy of the Democratic party in tones that can not be mistaken. A series of insults to the American flag, a policy of persistent unfriendliness, the refusal of the common international hospitalities had been inaugurated for the purpose of compelling a change in our domestic legislation. It was that for which Congress, without distinction of party and with the nearly unanimous approval of the people without distinction of party, placed in the hands of the President a simple, direct, peaceful, but ample and most effectual means of redress. The Administration in this negotiation has disregarded the authorized expression of the will of the American people, if there can be such authorized expression. We placed in the hands of the President a simple means for a simple purpose. Instead of using that means, the whole American complaint is postponed to a remote and most uncertain future. Neither apology nor compensation, neither indemnity for the past nor security for time to come is proposed. Instead, we have this most extraordinary treaty.

Before calling attention to its terms I wish to make one other observation. That is, that the Administration seems to have consulted nobody. I can not learn that in the progress of this negotiation any representative of the interests to be affected has been admitted to its confidence. When the Washington treaty of 1871 was in progress the Senate was kept in session far into May. Its members on both sides were constantly consulted and kept advised either by the commissioners or the President. When the Ashburton treaty was negotiated, Massachusetts and Maine, the States chiefly interested in the boundaries in dispute, were invited to appoint commissioners, who were constantly in attendance. During this whole negotiation, as during that which preceded the Halifax award and that which preceded the Geneva award, the leading statesmen of Canada were constantly consulted by the representatives of Great Britain. Arbitrators proposed by us were rejected in deference to Canada's objection. One of the British commissioners is understood to have repaired to Canada during the discussion, which was intermitted for that purpose. Yet neither my colleague nor myself, neither of the distinguished Senators from Maine, no representative of a fishing district in the other House, no member of this body, the constitutional adviser of the President and the constitutional depositary with him of the treaty-making power, is admitted or consulted in this important matter until the concessions to Canada are all made and the President and Secretary come before the public with their declaration that we have got all by this treaty that we are justly and equitably entitled to demand.

Great Britain and Canada were represented on their part by trained diplomatists. The British minister at Washington, like his predecessors, makes diplomacy the business of his life, and, as is well known, occupies a very high place in that profession. The Canadian representative, Sir Charles Tupper, has made the fishery interests of Canada the study of a lifetime. Our commission, on the other hand, worthy and able as are the gentlemen who composed it, was improvised for the occasion. Neither of them probably had any considerable knowledge of the matter in question until his official relation to it began. I do not complain of this. It is unfortunately the habit of the United States in the conduct of our foreign intercourse. But it rendered the refusal of the Administration to avail itself of the usual means of information and advice specially unhappy in its results.

Mr. PAYNE. If the Senator from Massachusetts will permit me, I should like to ask him, what is his opinion of President Angell, who was upon the commission?

Mr. HOAR. I do not think it is quite proper for the Senator to ask my opinion as to President Angell, but I am very happy to state it. I do not think, however, it is right to ask my opinion. The Senator might ask my opinion of some gentleman whom I do not respect. I respect President Angell very highly, but I am not aware that President Angell—to use the graphic expression of another person—ever saw a mackerel until it came from the gridiron. A gentleman of Michigan——

Mr. PAYNE. He was born in New England.

Mr. HOAR. Suppose he was——

Mr. PAYNE. A native of Rhode Island.

Mr. HOAR. Suppose he is a native of Rhode Island; there are natives of Rhode Island by the hundreds and thousands who have no knowledge of the laws and rights of fisheries. Why did he not consult with gentlemen from Rhode Island who represent that interest? Why did he not consult some representative of the fishing interests in the other House? Why did he not consult some leading representative of the fishing interests in this body?

Mr. PAYNE. Associated with the commission on our part was one of the leading lawyers in the country, Mr. Putnam.

Mr. HOAR. An eminent lawyer, my personal friend, whom I highly value and esteem; but it shows the utter boy's play and utter ignorance of the importance of the rights that are at stake when one of the Senators of the United States, a Democratic member of the Committee on Foreign Relations of this body, when the criticisms are made that when the fishing rights have been surrendered without consulting the men who knew anything about them, gets up and asks me what is my opinion of President Angell.

Mr. PAYNE. I think, if the Senator will permit me, that he has made a very uncharitable and irrational charge upon this commission.

Mr. HOAR. I am making no charge upon the commission.

Mr. PAYNE. Excuse me until I finish my statement. I think it is very uncharitable to make the remark that the commission knew nothing about the question; that President Angell knew nothing about the matter. The idea that a man born in New England, educated in New England, brought up in New England, knows nothing about this matter is very singular.

Mr. HOAR. What I stated was that I was not aware that President Angell ever saw a mackerel until it came from the gridiron.

Mr. PAYNE. I know Mr. Angell to be pre-eminent in science, one of the most distinguished men in the United States, the head of the University of the State of Michigan.

Mr. HOAR. President Angell is all that and a great deal more, but I have never heard that either of the three American commissioners, the Secretary of State, the honored head of the University of Michigan, or the honored leader of the Portland bar had had occasion to inform himself thoroughly in regard to the practical rights and interests of the vocation of the American fishermen.

Mr. PAYNE. One moment more.

The PRESIDENT *pro tempore*. Does the Senator yield further?

Mr. HOAR. I am willing to yield for a correction of a statement.

Mr. PAYNE. I wish to correct the statement the Senator made, that neither one of the gentlemen associated with the Secretary of State had any knowledge of the fisheries question. He overlooked the very prominent fact that Mr. Putnam, who is certainly one of the most eminent lawyers in New England, had been the attorney in the Do-

minion courts of these very fishermen in defending their rights; and to say that he knew nothing about the mackerel question is unfair.

Mr. HOAR. Mr. Putnam, it is true, had been employed to defend some criminal cases in the Dominion courts. He was a very competent person. I wonder what would have been thought of Mr. Putnam when he was acting as attorney in defending those cases if he had undertaken to try them without consulting his clients, to get some of his clients' knowledge of the law and the facts.

Mr. PAYNE. I take it that somebody in New England——

Mr. HOAR. I do not yield any further. I take it that when these three men were undertaking to deal with the trained diplomatists of Great Britain and with Sir Charles Tupper, the old minister of fisheries in the Dominion, who had made this subject the study of his lifetime, it was a very indiscreet thing indeed, however eminent in science or in law or in Delaware politics they were, not to avail themselves of the advice, of the assistance, and the suggestions of the representatives of the fishing interests in this body and in the other House.

Mr. GRAY. I do not want to interrupt the Senator if he objects to an interruption; but will the Senator from Massachusetts undertake to say that the negotiators on the American side of this treaty, Mr. Putnam and Mr. Angell, to say nothing of the Secretary of State, were inferior in equipment for the duties that were imposed upon them to Mr. Chamberlain or Sir Lionel Sackville West; that there was anything in the occupations, history, or previous studies of those gentlemen that made them at all inferior in equipment for negotiation to either of the gentlemen whom I have named, one of them certainly not a practical diplomatist, and the other not so eminent that any fair American lawyer should fear to come in competition with him?

Mr. HOAR. I think that the training of a New England lawyer in a commercial city, and the training of a man as professor in a university in the West, and the training of an able and honorable United States Senator from Delaware, however honorable those positions and functions in life may be, did not fit them to cope on terms of equality, either in diplomacy or in special knowledge, with the men whom Great Britain sent on the other side, and I think that the result of that diplomatic attempt on the part of those gentlemen will abundantly satisfy the Senate of that fact.

Mr. GRAY. What special training had Mr. Chamberlain, or what special training had Sir Lionel Sackville West, which rendered them superior to the American negotiators?

Mr. HOAR. I suppose it had been the business of Mr. West to study the question for the last ten years.

Mr. GRAY. And what better selection could have been made in this country, where we have no trained school of diplomatists, than was made?

Mr. HOAR. I would suggest that Mr. WILLIAM P. FRYE, of Maine; Mr. W. H. Trescott; General WILLIAM COGSWELL, of Salem, Mass.; Mr. Fitz J. Babson, of Gloucester, or Mr. Charles Levi Woodbury would have saved us from the disgrace and humiliation of this treaty.

One other matter I ought to advert to. The Committee on Foreign Relations very properly calls attention to the refusal by the President, under the advice of the Secretary of State, to communicate to the Senate confidentially the course of the negotiations and discussions, and the various propositions and arguments arising in the negotiation. The committee deems the refusal contrary to the constitutional relation between the President and the Senate, and the reverse of the continuous practice in such matters from the beginning of the Government until this time. The Secretary of State alleges as the reason for the refusal—

That the negotiation is intrusted to the discretion of the Executive, and that it could not hopefully be entered on without the guaranty of mutual confidence between the agents.

He implies that his refusal is due to some confidential obligation to the British side of the conference. But Sir Charles Tupper, on the other hand, in his speech of May 10, expresses his—

great surprise that the protocols as published did not give all the proposals made, and the counter-proposals and the replies on both sides.

So it is clear, Mr. President, that this concealment from the Senate of what took place there as preliminary to the treaty is solely of Mr. Bayard's own seeking, and is contrary to the expectation and to the desire of the British commissioners. The suggestion of the confidential character of this communication, and that it is essential in order that such proceedings might be hopefully entered upon, finds no support in the understanding of the other side. Something took place there which Sir Charles Tupper desired and expected to make known to Canada, and which the Administration desires and expects to conceal, not only from the American people, but from the Senate, to whom the Constitution commits the duty of advising in regard to the transaction.

Now, Mr. President, what was the present occasion for a revision of our international relations with Canada? We had, it is true, long-standing differences, growing out of conflicting claims under the treaty of 1818 and in regard to our rights before that treaty. But these claims were not the subject of the present disturbance. The wrongs with which this treaty does not deal are the wrongs which had so excited public indignation. The recent and present subject of American complaint is the attempt on the part of Canada to compel a change in our customs laws, a purely domestic concern, for her benefit, by vexatious and inhospitable treatment of our vessels, in violation of the plain laws of international courtesy. To that complaint it was the duty of the Administration to have addressed itself. The grievances recently suffered by the American vessels whose names have been furnished us by the President in his communications have, I believe, in no instance grown out of their having fished in the territory disputed under the treaty of 1818. There have been but two American vessels seized for fishing outside the 3-mile line since the treaty of 1818. One was the Washington in 1843, seized in the Bay of Fundy, and decided by the umpire to whom the two nations submitted the case to be within our rights under that treaty. The other was the case of the Argus. The Administration have passed by the American grievance, have got neither indemnity for the past nor security for time to come, have done all that was in their power to do to put future redress out of our reach. They have entered upon a negotiation in regard to matters not instantly pressing, and in dealing with those have yielded nearly all that was of value in the American claim, what clearly belonged to us, and what we had always enjoyed as matter of right, without any adequate or important equivalent.

The law of March 3, 1887, passed with but one dissenting voice in each House, gives the President authority to prohibit the entrance to our ports of the vessels of any foreign power or any port, district, or dependency thereof, or any class of such vessels, when he shall be satisfied that our vessels are unjustly vexed or harassed there. But how must he be hampered and restrained in the exercise of that discretion by his own public utterances, and those of the Secretary of State made since this treaty was proposed, and by the concessions implied in the instrument itself.

We claim that the refusal to fishing vessels of the ordinary rights of hospitality and commercial privileges is a violation of the law and usages of nations as established in modern times, justifying, not war, but a like refusal in our discretion to any vessel from the offending port or district. Now, here we have a treaty stipulating for certain restricted and conditional privileges to our fishing vessels, therefore clearly recognizing the propriety of withholding them in all other cases. How can the President and Secretary ever hereafter put in force the provisions of the statute of March 3, 1887 in retaliation for conduct whose propriety they have themselves so admitted? The rights of common humanity to our vessels in distress have been withheld in many flagrant instances. This is a grievance for which the cessation of the intercourse in respect to which the complaint arises furnishes abundant remedy. The treaty provides for removal of this grievance to a limited extent and on strict conditions. The President can hardly hereafter make the continuance of these grievances a ground of complaint in the cases he has not provided for.

But the important question is the substance of the treaty itself. If I am right—and if I am wrong the ablest statesmen of America in every generation have been wrong—if I am right this is no mere question of the investment of a few hundred thousand dollars and the employment of a few thousand men; these may be transferred to equal profit elsewhere. It is a question of the strength of the right arm of this nation. It is a question of its power to ward off or to return a blow in any future war. It is a question of that naval strength without which our commerce and our coast cities are alike to be at the mercy of any enemy who may attack them. It enters largely into the question whether as a maritime power we are to be equal, not to Great Britain, but even to Canada. It is a question, not of the price of fish, but of the limits and the efficiency of the American naval school.

The pending negotiation has to do with a good many separate questions. They relate to four principal subjects of difference:

The extent of territory in which the United States possess rights of fishery, including shore rights;

The treatment due to our vessels on the coasts and in the ports of the British North American dependencies;

The claim for indemnity for past grievances in the treatment of our fishermen;

The abandonment of our established protective policy for the benefit of British fishermen.

In regard to each of these, the Secretary of State seems to have dealt with the subject, I will not say in total ignorance, but in total disregard of the American position and the American rights. He says, in his letter to gentlemen in Boston, that "the sole and difficult question to which the treaty relates is that of the fishery rights of one nation in the jurisdictional waters of another." This is the statement of the American case from the British point of view. Mr. Bayard's letter and the utterances of a few other supporters of the treaty are the first and only statements of this character ever heard on this side of the Atlantic south of the Canadian border since the continent was settled. We have always held, and there is abundant British authority to support our claim, that we were joint owners of a great ocean fishery which our fathers had helped to conquer and to acquire, and which had been granted to Massachusetts by her charter, a property where the fishery was the principal and the shore right the accessory, and that at the Revolution we made a partition of that property; that we did not gain or acquire that right by the treaty of 1783, but simply retained it and had it acknowledged, and that it rests to-day on the same foundation as our title to our independence, or our title to the soil of the State of

Maine. The jurisdiction of shore or adjacent waters had nothing to do with it. If I were to undertake to support this view by marshaling all the American authorities, I must speak a week; I must cite every American historian, every American writer on public law, every American diplomatist who has dealt with the subject from John Adams down to Mr. Wharton, the present accomplished law adviser of the Department of State.

The Continental Congress, as early as 1778, declared the ultimatum on which peace should be made with England—

1. Independence;
2. The recognition of our claim to the fisheries;
3. Free navigation of the Mississippi.

They enforced this by the further agreement that every stipulation respecting the fisheries must receive the assent of every State.

John Adams has left it on record that when he went abroad as our representative in 1778, and again when the treaty of 1783 was negotiated, his knowledge of the fisheries and his sense of their importance were what induced him to take the mission. He calls them—

That great source of wealth, that great nursery of seamen, that great means of power.

He declared that unless our claims were fully recognized the States would carry on the war alone. He said:

His country had ordered him to make no peace without clear acknowledgment of the right to the fishery, and by that declaration he would stand.

His letters to William Cranch, to James Lloyd, to Richard Rush, to William Tudor, and William Thomas set forth the whole grounds of our rights as an original part of our national empire. This right was completely acknowledged by the highest English authorities. When the British Parliament passed the act of March, 1775—

To restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire and the colonies of Connecticut and Rhode Island and Providence Plantations; and to prohibit such colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned—

sixteen peers, among them Lord Camden and Lord Rockingham, protested. Among their reasons they said:

Because the people of New England, besides the natural claim of mankind to the gifts of Providence on their coast, are specially entitled to the fishery by their charters, which have never been declared forfeited.

In the debate on the articles of peace in the House of Lords, Lord Loughborough, the ablest lawyer of his party, said:

The fishery on the shores retained by Britain is in the next article not ceded, but recognized as a right inherent in the Americans, which though no longer British subjects, they are to continue to enjoy unmolested.

This was denied nowhere in the debate.

John Adams took greater satisfaction in his achievement securing our fisheries in the treaty of 1783 than in any other of the great acts of his life. After the treaty of 1783 he had a seal struck with the figures of the pine tree, the deer, and the fish, emblems of the territory and the fisheries secured in 1783. He had it engraved anew in 1815 with the motto, "*Piscemur, venemur, ut olim.*" I have here an impression taken from the original seal of 1815. This letter from John Quincy Adams tells its story:

QUINCY, *September* 3, 1836.

MY DEAR SON: On this day, the anniversary of the definitive treaty of peace of 1783, whereby the independence of the United States of America was recognized, and the anniversary of your own marriage, I give you a seal, the impression upon which was a device of my father, to commemorate the successful assertion of two great interests in the negotiation for the peace, the liberty of the fisheries, and the boundary securing the acquisition of the western lands. The deer, the pine tree, and the fish are the emblems representing those interests.

The seal which my father had engraved in 1783 was without the motto. He gave it in his lifetime to your deceased brother John, to whose family it belongs. That which I now give to you I had engraved by his direction at London in 1815, shortly after the conclusion of the treaty of peace at Ghent, on the 24th of December, 1814, at the negotiation of which the same interests, the fisheries, and the boundary had been deeply involved. The motto, *Piscemur, venemur, ut olim*, is from Horace.

I request you, should the blessing of Heaven preserve the life of your son Charles Francis, and make him worthy of your approbation, to give it at your own time to him as a token of remembrance of my father, who gave it to me, and of yours.

JOHN QUINCY ADAMS.

My son, CHARLES FRANCIS ADAMS.

The negotiations of 1815 and 1818 were under the control of as dauntless and uncompromising a spirit, and one quite as alive to the value of the fisheries and the dishonor of abandoning them as that of John Adams himself. If John Quincy Adams, the senior envoy at Ghent, and the Secretary of State in 1818, had consented to a treaty bearing the construction which is now claimed he never could have gone home to face his father. When the war of 1812 ended, Great Britain set up the preposterous claim that the war had abrogated all treaties, and that with the treaty of 1783 our rights in the fisheries were gone. There was alarm in New England; but it was quieted by the knowledge that John Quincy Adams was one of our representatives. It was well said at that time that, as

John Adams saved the fisheries once, his son would a second time.

When some one expressed a fear that the other commissioners would not stand by his son, the old man wrote in 1814, that—

Bayard, Russell, Clay, or even Gallatin would cede the fee-simple of the United States as soon as they would cede the fisheries.

When England made the claim at Ghent that the war had abrogated the treaty of 1783, and that our fishery rights both at sea and on shore came from that treaty and had fallen with it, our commissioners answered that our right to the fisheries stood on the same foundation as our right to our independence or to our territory, and that this right was not affected by the war, and that they were instructed not to bring the same into discussion. Mr. Adams, in his letters in reply to Jonathan Russell, shows that this claim is not only supported by Vattel, but is established by abundant British authorities. One of the British commissioners has left on record his opinion that the failure by Great Britain to reject this claim in the treaty amounts to an assent to it. Mr. Adams distinctly declares that our right was not the creation of the treaty of 1783.

It was the possessory use of the right at any time theretofore as British subjects, and the acknowledgment by Great Britain of its continuance in the people of the United States after the treaty of separation.

The letter of instruction to our commissioners at Ghent says:

Information has been received that it is probable that a demand will be made to surrender our right to the fisheries. Should it be made, you will, of course, treat it as it deserves. If insisted on your negotiations will cease.

Our commissioners notified those of Great Britain that they were not authorized to discuss these rights. The treaty was concluded without mentioning them. Mr. Adams declared four years after the convention of 1818:

Our doctrine was sound in itself, and maintainable on the most enlarged, humane, and generous principles of international law. * * * Since that the principle asserted by the American plenipotentiaries at Ghent has been still asserted and maintained through the long and arduous negotiation with Great Britain, and has passed the ordeal of minds of no inferior ability. It has terminated in a new and satisfactory arrangement of the great interest connected with it, and in the substantial admission of the principle asserted by the American plenipotentiaries. * * * This principle is yet important to great interests and to the future welfare of the country.

He states in a terse and weighty sentence the whole controversy:

They considered it a British grant; we considered it a British acknowledgment.

Mr. President, it is obvious that if the war of 1812 abrogated our fishery rights a new war will abrogate the treaty of 1846 and give us Vancouver's Island and fifty-four forty.

We were only insisting upon a doctrine many times asserted by eminent British authorities, and by the great continental writers on the law of nations. Vattel says:

Although a nation may appropriate to itself a fishery upon its own coast and within its own jurisdiction, yet if it has once acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it; it has left that fishery in its primitive freedom, at least with respect to those who have been in possession of it.

He cites the herring fishery on the coast of England as being common to them with other nations, because they had not appropriated it to themselves from the beginning.

It is clear, then, Mr. President, that we had and have everything that was assigned to us in the partition of 1783, everything that England then acknowledged to be ours that we did not renounce in 1818.

That treaty leaves the deep-sea and bank fisheries untouched, as not capable of being questioned. It then expressly affirms the right of the United States to take fish on the whole western coast of Newfoundland and on the southern coast as far eastward as the Rameau Islands; also on the coast of Labrador from Mount Joli northward indefinitely; also on the Magdalen Islands; also to dry and cure fish on the unsettled portions of said coast. We had before no right to dry and cure fish in Newfoundland; but we had the right to take fish on the whole shores of the British possessions in North America. We renounced in 1818 the right to take fish on the coast of Nova Scotia and on the eastern shore of Newfoundland and the shore at the mouth of the St. Lawrence westward from Mount Joli, and gained the shore rights on a considerable strip of Newfoundland. There is, as far as I know, no claim anywhere that the right to dry fish on these shores or to take them within 3 marine miles, renounced in 1818, was of any considerable importance. But the treaty of 1818 is censured for two reasons:

First, because in the clause in which the United States "renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America, not included within the above-mentioned limits," the use of the words "bays" has left it open for England to claim that we are excluded from all territory within 3 miles from any body of water included between headlands, whatever may be its size.

Second, that in enumerating certain privileges to be thenceforth enjoyed by our fishermen, it impliedly renounced all others.

A small part of this criticism is well founded. The use of the general term "bays," taken literally and without regard to the subject-matter of the negotiation, would have excluded us from substantially all the shore fisheries, even those conceded to us by the other express language of the treaty. It would shut us out from the whole Gulf of St. Lawrence itself. That is certainly a bay. It is not a "bay" included within the above-mentioned limits; but the above-mentioned limits, nearly all of them, are included within it. If you except Labrador, north of the Straits of Belle Isle, there is not a league of the territory within which our shore rights are reserved which is not within the Gulf of St. Lawrence, which all, I believe, was formerly included in the name Baie des Chaleurs. This is all Mr. Webster and Mr. Everett have con-

ceded. All their criticism on the treaty of 1818 was uttered before the award of 1853. The language of the treaty gave Great Britain a pretext for raising a difficulty. But, as I shall presently show, it is a pretext which she never herself has seriously undertaken to enforce, and which, but for the defenders of this treaty, never would have had a place of dignity in this discussion.

The other criticism upon the treaty of 1818 is absolutely without force. Senators talk as if the negotiators of the treaty of 1818 had, in some way, renounced or abandoned or failed to obtain a provision for suitable hospitalities for our fishermen in Canadian ports, and this has made all the trouble. This is another mistake. Prior to 1818 no American vessel, whether employed in fishing or commerce, had the right to enter a British-American port for any purpose whatever. They could fish on the fishing-grounds where the inhabitants of both countries used to fish. They could go on the shore to dry fish. But they could not enter a harbor, unless it were a place used for fishing. They could buy nothing or sell nothing. They could not refit or ship a crew or go into the interior or go home by land. Now everything stipulated in their behalf in the treaty of 1818 was a clear gain. It favored the fisherman so far above all vessels whatever. It enabled him to get his bearings and shelter and water and fuel. The policy of England, which to all other commerce was as ferocious as that of the cannibal of the south seas, relaxed toward the fishermen almost to the dim and faint courtesy of her savage Highlander.

"Stranger, what dost thou require?"
"Rest, and a guide, and food, and fire."

The treaty of 1818 was a Democratic measure. The commissioners were Albert Gallatin, Jefferson's Secretary of the Treasury, and Richard Rush, the friend, disciple, and eulogist of Calhoun. The President was James Monroe. The Secretary was John Quincy Adams, who had been with Gallatin at Ghent. He was little likely to surrender any right of a New England fisherman. If you had dissected his brave and stout heart you would have found fisheries written on it.

John Quincy Adams sounded a clarion of triumph when the treaty of 1818 was concluded. The great object of his father's life, save independence, the object without which his father believed that independence itself could not be maintained—the great object of his own public service, until those later days when he stood almost alone for the right of petition against a hostile House of Representatives, had been secured.

The British pretension that the war had destroyed our fishing rights had been abandoned. Important privileges had been gained for the fishermen which were allowed to no other persons whatever. Shore rights on part of the continent had been abandoned, but others on the island of Newfoundland had been secured in their stead.

We have gained by the convention of 1818—

he says—

an adjustment of the contest preserving our whole principle. The convention restricts the liberties in some small degree, but it enlarges them propably in a degree not less useful. It has secured the whole coast fishery of every part of the British dominions, except within 3 marine miles of the shores, with the liberty of using all the harbors for shelter, for repairing damages, and for obtaining wood and water. It has secured the whole participation in the Labrador fisheries; the most important part of the whole, and of which it was at Ghent peculiarly the intention of the British Government at all events to deprive us. * * * The convention has also secured to us the right of drying and curing the fish on a part of the island of Newfoundland, which had not been enjoyed under the treaty of 1783; it has narrowed down the pretensions of exclusive territorial jurisdiction with reference to those fisheries to 3 marine miles from the shores. Upon the whole, I consider this interest as secured by the convention of 1818 in a manner as advantageous as it had been by the treaty of 1783.—*Adams to Russell*, page 241.

You see, therefore, Mr. President, that the second criticism of the treaty of 1818 wholly disappears. Fishermen who brave the perils of the seas to supply food for mankind are the favorites of public law everywhere. It is a strange argument that because in 1818 the diplomacy of America gained for her fishermen an advantage by which they were excepted from Great Britain's tyrannous and barbarous policy of non-intercourse with her colonies, they should have no part in the humane and liberal policies of later times.

The first criticism on the treaty of 1818, if you deal only with the words and phrases of a single clause, has a little more foundation. But it disappears when you look at the whole instrument. The purpose of the clause was to move back the line of the fisheries 3 miles. When they spoke of drying and curing fish "in the bays, creeks, or harbors" they were using differing phrases to describe the little inlets of the shore. The Gulf of St. Lawrence, then all included in common parlance in the name "The Bay of Chaleurs," was not included in the limits where the privilege of drying fish was admitted, but itself included within its own limits all those parts of the coast excepting only that part of Labrador north of the Straits of Belle Isle. The treaty expressly admits us to the Magdalen Islands, to the coast of Labrador east of Mount Joli, and to the south and west coast of Newfoundland. The British pretension would involve the absurdity that we may, under the treaty, take and dry fish on those coasts, but can not do it in the waters which surround them.

Further, the treaty speaks of the unsettled bays, harbors, and creeks, showing that it was a description of a shore line that it was making.

Further, it reserves the right to enter the bays, harbors, etc., where we are excluded from fishing, for purposes of shelter. How absurd to suppose that they were thinking of the Bay of Fundy, of the Bay of Chaleurs, of the Gulf of St. Lawrence, when they spoke of an entry for the purpose of shelter. A ship outside of one of these in a storm would of course keep the open sea.

But the historic evidence is equally decisive. Mr. Rush has left on record his testimony that this clause of renunciation was drawn by him and inserted at the request of the American commissioners, in order that the whole transaction might appear as an assertion of the original American rights as acknowledged in 1783, which could only be lost or limited by express release. The British plenipotentiaries did not desire it. Mr. Rush declares that neither he nor Mr. Gallatin would have signed the treaty if it excluded us from any waters but those within 3 miles of the coast. Mr. Adams had had prepared most carefully a statement of our fisheries for the use of the negotiators of 1815 from competent merchants engaged in the business. He also had a letter from James Lloyd, then Senator from Massachusetts, and one of the most accomplished statesmen of that day. Mr. Lloyd's letter is a most admirable and valuable summary of the history and condition of the fishing interests of Massachusetts, which then included Maine. Whatever may be the case now, these bays were then, as they may be again, the most valuable part of our fishing grounds. Mr. Lloyd says:

The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleurs, and the Gulf of St. Lawrence, the Straits of Belle Isle, and the coast of Labrador appear to have been designed by the God of nature as the great ovarium of fish—the inexhaustible repository of this species of food, not only for the supply of the American but of the European continent. At the proper season, to catch them in endless abundance, little more of effort is needed than to bait the hook and pull the line, and occasionally even this is not necessary. In clear weather, near the shores, myriads are visible, and the strand is at times almost literally paved with them.

He further says—

That on a Sunday the New England fishermen swarmed like flies upon the shore.

He says—

The provincials, in 1807 or 1808, stationed a watchman near the Straits of Canso to count the number of American vessels which passed those straits on this employment, who returned 938 as the number actually ascertained by him to have passed, and doubtless many others, during the night, or in a storm, or thick weather, escaped his observation.

For twenty-five years, as Mr. Rush declares—and he was minister to England for seven—as Mr. Marcy, the Secretary of State, declares, and as Mr. Stevenson, our minister to England, declared in a letter to the English secretary for foreign affairs, without denial, no serious claim was made that we had no right in the great bays more than 6 miles wide. We have exercised that right from that day to this. In 1843, at the instigation of the colonial authorities, Great Britain seized two of our fishing vessels, one, the Washington, for fishing in the Bay of Fundy, the other, the Argus, for fishing on St. Anne's Bank, on the northern coast of Cape Breton. Both vessels were in a large bay more than 6 miles wide; both were more than 3 miles from the shore, and both were in waters whose shores on both sides were in British jurisdiction. It is true, one of the outer headlands of the Bay of Fundy is in Maine, if you treat the coast on the mainland as forming the headland, and not the British island of St. Menan, which lies just off that coast. But the Bay of Fundy borders on Maine but for a few miles, on the most liberal estimate. The ship was far in the bay, 10 miles from Annapolis, where the shores were British on both sides, and had been for more than 60 miles inward from the open sea. These cases were submitted to arbitration in 1853. The British Government in the mean time had ordered that no further seizures should be made in waters more than 3 miles from the shore. The case was referred by the two Governments to arbitration. The umpire decided in favor of the American claim. This is his language:

The question turns, so far as relates to the treaty stipulations, on the meaning given to the word "bays" in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and bays of Newfoundland, but they had that right on the shores, coasts, bays, harbors, and creeks of Nova Scotia, and as they must land to cure fish on the shores, bays, and creeks, they were evidently admitted to the shores of the bays, etc. By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, etc., of Newfoundland. But the Americans relinquished that right and the right to fish within 3 miles of the coasts, bays, etc., of Nova Scotia. Taking it for granted that the framers of the treaty intended that the word "bay" or "bays" should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing 10 miles from the shore, violated no stipulation of the treaty.

It was urged on behalf of the British Government that by "coasts," "bays," etc., is understood an imaginary line drawn along the coast from headland to headland and that the jurisdiction of Her Majesty extends 3 marine miles outside of this line, thus closing all the bays on the coast or shore, and that great body of water called the Bay of Fundy, against Americans and others, making the latter a British bay. This doctrine of the headlands is new and has received a proper limit in the convention between France and Great Britain of 2d August, 1839, in which "it is agreed that the distance of 3 miles, fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays the mouths of which do not exceed 10 miles in width, be measured from a straight line drawn from headland to headland."

The Bay of Fundy is from 65 to 75 miles wide, and 130 to 140 miles long; it has several bays on its coast; thus the word "bay," as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situated in the Atlantic Ocean. The conclusion is, therefore, in my

mind, irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

The owners of the Washington, or their legal representatives are, therefore, entitled to compensation; and are hereby awarded, not the amount of their claim (which is excessive), but the sum of $3,000, due on the 15th of January, 1855.

I am amazed that so good a lawyer as the Senator from Delaware should have worked himself into the belief that this does not decide the whole question. Mr. Bates gives his decision, and puts it exclusively on the ground that bays in 1818 mean the same thing as in 1783, a description of the shore line, and that a vessel "ten miles from shore violates no stipulation of the treaty." This is stated by him as the ground of his decision. It settled not only the Bay of Fundy, but the whole contention between the two Governments. Then he goes on to speak of some special arguments of Great Britain; first, the headland theory. He rejects that as new, and having a proper limit in the convention lately made with France. He adds that the Bay of Fundy has one of its headlands American, and is not a bay within the meaning of the word as used in the treaties of 1783 and 1818. Now, it will be seen that although the fact is mentioned that one of the outer headlands of the Bay of Fundy is in the United States, the decision is not put on that ground, but expressly on the ground that the Bay of Fundy is not a bay within the meaning of the treaty, that "bay, creek, harbor, and coast," where we were to dry fish by the treaty of 1783, meant the shore line, and that the words had the same meaning in 1818, and that a vessel 10 miles from the shore is not within the treaty at all.

The same decision is made in the case of the Argus. No opinion was there given, because the principle of the opinion in the case of the Washington covered it.

Mr. GRAY. Mr. President, if the Senator from Massachusetts will allow me—I do not intend to interject in his speech any portion of the debate we had some time ago on the occasion of my discussion of this point—but I am quite willing, as long as he has recited the whole of the opinion of Mr. Bates, that it should be submitted to the Senate for its judgment as to the ground upon which that decision was made. Notwithstanding the Senator's exegesis and at the risk of his questioning my ability as a lawyer, I yet can not see why a careful reading of that opinion will not justify the conclusion to which I came originally with my study of that question, that the ground upon which that opinion is based is that the Bay of Fundy, so called, is not a bay at all within the meaning of the treaty of 1818, and that the language of the umpire, Mr. Bates, in connecting that opinion with that illative conjunction "therefore," fully justifies the conclusion at which I have arrived.

But if the Senator will pardon me, while I am on my feet I wish to correct what is of course not an intentional mistake in the statement of the case of the Argus. He speaks of the Argus as having been seized in the Bay of St. Anne. I call his attention to the evidence in the case of the captain and crew, that she was seized not within the Bay of St. Anne but upon St. Anne's Bank, which is quite another situation and far outside of the limits of these waters which are properly called the Bay of St. Anne.

Mr. HOAR. I had intended to make that correction myself, but inadvertently as I passed it I said "St. Anne's Bay." It is unimportant however, as affects the principle. St. Anne's Bank is within a line from headland to headland, but it is outside of the body of what I spoke of, which has been named St. Anne's Bay; so that the giving us damages for that was a rejection simply of the British headland theory.

We have it then settled by the history of the original transaction, settled by subsequent practice, settled by a fair construction of the whole language of the treaty, and especially settled by a solemn adjudication binding upon both nations, that the treaty of 1818 only withdrew our fishery rights 3 miles from the shore.

Now, Mr. President, the difficulties of the last three years have nothing to do with the question of the true limits of our fishing-ground. They relate solely to an inhospitable and vexatious abuse of our vessels for the purpose of compelling us to alter our domestic arrangements as to duties on imports.

Now, what an unwise, blundering, timid, un-American diplomacy is that which, when one hundred and fifty American ships cry out to their Government for redress of vexatious treatment in British harbors, for denial of ordinary hospitalities, for oppressive use of legal authority, to turn wholly away from their injury and suffer Great Britain to discuss over again the interpretation of the treaty of 1818 as to fishing limits, and take down from her walls the rusty, disused weapons of seventy years ago and brandish them again in our faces! What statesmanship, what patriotism is it for President and Secretary and Democratic Senators to set themselves with one voice to arguing the British case!

They tell us we ought to negotiate. We have negotiated, and are content with the results. They tell us we ought to arbitrate. We have arbitrated, and have two judgments in our favor. What treaty is likely to be better for us than the treaty of 1818. What arbitration more likely to result in our favor than the arbitrament of 1853? The spirit which caused the attack on our fishing vessels at Fortune Bay the first time we attempted to exercise there our rights after the Halifax award, the spirit which has dealt with these one hundred and fifteen cases of American vessels seeking hospitality, will never be altered until our markets are given up to Canadian fishermen and our own fishermen are driven from their trade. That spirit will find as many opportunities for its exercise under the new treaty as under the old.

Our complaint of Mr. Cleveland is not that he negotiated, but that he refused to negotiate in regard to the American grievance. That he puts off to a more convenient season. He negotiates where we need no negotiation, and leaves our condition worse than he finds it. Our demand for redress, which is a fit subject for negotiation, the gravity of which he has again and again admitted, he wholly ignores or postpones. He has done the things he ought not to have done and has left undone the things he ought to have done.

In the year 1886, according to the information laid before us by the Executive, 700 American fishing vessels, and in 1887, 1,362 American fishing vessels were boarded and called to account by British officials in British-American waters or ports. According to the minority of the Committee on Foreign Relations, nearly 400 vessels have been involved in seizures or other interferences. More than 150 of these have complained to our Government. One hundred and fifteen of them have been the subject of diplomatic complaint to Great Britain on the part of our Executive. These were no light or frivolous complaints. The Secretary of State in his diplomatic correspondence with England, where, if anywhere, the language of caution and moderation is appropriate, denounces the acts of the British authorities as "outrageous," as "brutal," "inhospitable," "inhuman." The President indorses the action of the Secretary and desires to have the evidence taken and preserved *in perpetuam rei memoriam*, that demand for redress may be enforced against England. Secretary Manning declares that:

> The Dominion of Canada brutally excludes American fishermen from Canadian ports—

and says that he—

> hopes there never will be such passionate spite displayed by the officers of this Government as has during the last summer been exhibited in the Dominion of Canada toward well-meaning American fishermen.

These are not sentimental grievances. Voyages broken up, vessels condemned on frivolous pretexts, the common decencies of hospitality denied, refusal even to replace the food that had been given to their own perishing seamen; a Canadian she-wolf would have had more gratitude to the man who had succored her young; the American flag hauled down from an American mast head by a Canadian officer. Why, in the old days here would have been matter for a hundred wars.

Mr. Bayard promised the owners of the David J. Adams, in his letter of June 30, 1886, that—

> Reparation for all losses unlawfully caused by foreign authority will be the subject of international presentation and demand.

And now we are quietly told, in the corner of a report, that these claims have not been considered, as some demands are made against us for interfering with seal fisheries in the North Pacific, and both subjects are adjourned to a future time. It is not too much to say that, while this Administration shall exist there will neither be redress nor hope nor expectation of redress for any outrage committed by Great Britain upon an American anywhere.

For the insult to our flag we get no apology from Great Britain. We are informed by the British minister that the Canadian Government regrets it. But we have no diplomatic or international relations with Canada. She is to us but a bureau or department. The act should either be disavowed and punished by Great Britain, or Great Britain must be held responsible.

We get no indemnity for the past. Is there any security for the future?

There is nothing in the instrument very difficult of comprehension. There are nominally sixteen articles in it. There are really but five that are absolute. There is one other that takes effect if we repeal our duty on fish.

First. It provides new limits for our right of fishing near Canadian shores. The first nine articles deal with this one subject.

Second. It provides in two articles for the treatment of American fishing vessels entering Canadian harbors for shelter, repairs, wood, or water.

Third. It gives to "fishing vessels of Canada and Newfoundland on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States vessels in the aforesaid waters of Canada and Newfoundland."

Fourth. It agrees that every United States fishing vessel shall conspicuously exhibit its number on each bow.

Fifth. It provides for the trial and punishment of the United States vessels unlawfully fishing or preparing to fish, or otherwise violating the laws of Great Britain, Canada, or Newfoundland "relating to the right of fishery in such waters, bays, creeks, or harbors."

Sixth. It provides that when we admit their fish-oil, whale-oil, seal-oil, and fish of all kinds free of duty, we may enter their ports, etc., to purchase provisions and supplies, to ship crews, and transship cargoes.

As to each of these matters the treaty leaves us worse than it found us.

It does not afford redress of grievances.

It does not provide against the recurrence of causes of complaint in future.

It concedes valuable rights which ought not to be surrendered.

It gains no valuable rights which we do not now possess.

It negotiates in regard to matters which, under the special circumstances, should not be the subject of negotiation.

It fails to negotiate and bring into settlement matters which peremptorily demand settlement.

It gets much less than it is worth for what it proposes to give, and much less than Canada had already shown her willingness to pay.

It leaves us in much worse attitude for future negotiation.

It shows an utter want of appreciation for the national value of our fisheries and the respects in which they are important. It shows an utter insensibility to the national honor, dignity, and character.

The whole tone and temper of the negotiation is feeble, spiritless, ignoble, and timid.

I have already spoken of the failure of the Executive to obtain or even to demand redress of grievances and insults. The President and Secretary had committed themselves; they had in their diplomatic correspondence committed the nation to the assertion that our fishermen and the nation itself had been outraged by these proceedings. Both Houses of Congress had united in an expression to the same effect. This does not rest on American authority alone. Mr. Davies, of Prince Edward Island, I believe an eminent, I know a very able member of the Canadian Parliament, who followed Sir Charles Tupper in the recent debate, and who will not be charged with not taking the side of Canada to the extreme, said in that debate:

They were not satisfied with putting a construction upon the treaty and then carrying out that construction in a firm and reasonable way, but they were determined that the customs laws of this country should be dragged in to harass, to irritate, to worry, and drive to desperation the American fishermen, as it did drive them to desperation.

Now, what occasion was there to reopen the old dispute as to the meaning of the word "bays" in the treaty of 1818? That had nothing to do with the vexations to which our vessels were subjected. We had, as has been seen, two judgments which settled the question in our favor. The matter was substantially at rest. There had been a little Canadian talk on the subject, but Great Britain had given it up. This is thoroughly admitted by both sides in the colloquy lately had in the Parliament of Canada between Sir Charles Tupper and the Hon. Peter Mitchell, lately minister of marine and fisheries, under Sir John Macdonald, and the highest authority in Canada on this subject, unless we except Sir Charles Tupper himself.

Sir CHARLES TUPPER. I can only say that nobody knows better than my honorable friend that Great Britain induced him to recall his regulations and instructions, after he had issued them, and restricted his jurisdiction to within 3 miles of the shore.

Mr. MITCHELL. And why? Because Great Britain could control the government of this country, and I had to do it; that is why.

* * * * * * *

Sir CHARLES TUPPER. There was also a dispatch from Lord Granville. Now, under the pressure of this, as my honorable friend has stated, he changed his instructions in reference to the 10 miles and put in 6 miles, and forbade his officers to interfere with the American fishermen, not as in the first instructions he gave, if they were within 3 miles of the mouth of the bay, but only if they were within 3 miles of the shore, and he says:

"Until further instructed, therefore, you will not interfere with any American fisherman unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek, which, though in parts more than 6 miles wide is less than 6 geographical miles in width at its mouth. In the case of any other bay, as Baie des Chaleurs, for example"—

The very bay he excluded them from was more than 10 miles wide—

"you will not interfere with any United States fishing vessel, or boat, or any American fishermen, unless they are found within 3 miles of the shore."

Mr. MITCHELL. Under positive instructions from England, against my representations and everything else.

Sir CHARLES TUPPER. I think I have satisfied my honorable friend that, as far as Her Majesty's Government were concerned, while they maintained the abstract right under the treaty, they were unwilling to raise the question of bays, and the result is, as my honorable friend knows, that for the last thirty-four years, certainly since 1854—and I will not go further back than 1854—there has been no practical interference with American fishing vessels unless they were within 3 miles of the shore, in bays or elsewhere.

See how completely these gentlemen both admit the practical refusal of Great Britain for the last forty years to countenance this absurd claim. Now, what did you want to open it for?

But in one respect these gentlemen are wrong. They are wrong in stating that Great Britain maintained a different view for the first forty years. I have shown from the evidence of Mr. Rush that this construction of that treaty was never heard of for the first twenty-five years, from 1818 to 1843, when the Washington was seized.

Now, our Administration begin this treaty by nine articles, in which they give up substantially this entire contention. There are, it is true, some trends or bends of the coast from which the preposterous headland theory, which Mr. Bates, the umpire, says was never before heard of, might exclude us. But I do not now recall a single body of water which appears on the map to have the name of a bay, except the Bay of Fundy and St. George's Bay, to which we are hereafter to have admission if the treaty be ratified. Even St. Anne's Bay the treaty shuts against us.

Can the Senator think of any single body of water except the Bay of Fundy and the St. George's Bay, in which we have admission, which bears the name of "bay?"

Mr. GRAY. I can point you out some that have no geographical name.

Mr. HOAR. You do not recall the name?

Mr. GRAY. I think I can point you out some.

Mr. HOAR. It is said that the delimited waters have little value as fishing grounds. A report of the Committee on Foreign Relations made January 19, 1887, is cited, which expresses the opinion that the right to take fish within 3 miles of the shore is of no practical value to American fishermen; that purse-seines can not be safely or profitably used near the shore; that the schools of mackerel are almost always found more than 3 miles from land, either in great bays and gulfs or out at sea. Suppose this all to be true to-day, it does not follow that our rights are of no value. The committee are speaking only of the present use of a right to go within 3 miles of land. They expressly except great bays and gulfs. But the habit of these fish to resort to particular localities, which has changed once, may change again. Mr. Lloyd, in his letter of 1815, says:

The shores, creeks, and outlets of the Bay of Fundy, the Bay of Chaleur, the Gulf of St. Lawrence, and the straits of Belle Isle are the great ovariam of fish. In clear weather, near the shores, myriads are visible, and the strand is almost literally paved with them.

This fish, which have changed their places of resort before, may change again. Artificial propagation, which depends for its importance on the unerring habit of the fish to return to the place where it was hatched, may stock these shores and inlets anew with a supply as abundant as of old. Whatever the committee may have said, or whatever fishermen may have said, as to the present value of these bays and inlets under the conditions now existing, or for a few years past or to come, neither the highest American nor the highest Canadian authorities believe the rights we yield by this treaty to be of small importance. President Arthur, in his message of December, 1883, says:

I suggest that Congress create a commission to consider the general question of our rights in the fisheries, and the means of opening to our citizens, under just and enduring conditions, *the richly-stocked fishing waters of British North America.*

When the President wrote these words we had everything beyond dispute except what Great Britain claims we renounced by the treaty of 1818.

Now, what thinks Canada? Sir Charles Tupper, in his speech in which he reports the proceedings of the negotiators, says:

There was one subject on which I was glad to find that the American plenipotentiaries and myself were entirely as one. They expressed no wish to acquire the right to fish in the jurisdictional waters of Canada. With that expression of opinion on their part I heartily concurred. I believe, sir, it would have been difficult to obtain any possible treaty *that would repay Canada for having her inestimable fishing grounds thrown open again to United States fishermen.*

Mr. Davies answers him:

I agree that the inshore fisheries of Canada are the most valuable possession she has to-day.

Note this remarkable assertion. Mr. Bayard writes to Boston that—

The sole and difficult question was of the fishery rights of one country in the jurisdictional waters of another.

Yet Mr. Bayard, according to Sir Charles Tupper, did not express the slightest wish to have that question decided in our favor.

No, Mr. President, the surrender of these ancient fishing rights, which the valor of our fathers won for us and the diplomacy of our fathers secured for us, can not be palliated by the feeble excuse that they are of little worth. Great Britain makes no contention for trifles. These many thousand square miles of fishing ground have been, are, and will hereafter be of vast importance both to our fisheries and to our naval school, as none know better than the astute men who represented Great Britain and Canada.

Note the remarkable assertion of Sir Charles Tupper in this statement, made on his responsibility in the Canadian Parliament, that they were not even asked by the American commissioners to treat with us on the subject which Mr. Bayard declared was the sole and difficult question which existed between the two Governments, and the American rights were all surrendered.

Nor can this surrender be justified on the ground that it renounces any cause of contention or makes it easier for the fisherman to know whether he is within the prohibited limits. The present limit is 3 miles from the shore. That can be judged easily by a practiced eye. The judgment is aided by a thousand landmarks and seamarks. But under the treaty, with the exception of six of the twelve bays that are named, the line of exclusion is 3 miles seaward from an imaginary line drawn across the water where the bay is 10 miles wide. Who can tell, in the night, in the fog, in the storm, when he is 3 miles from an imaginary line drawn 10 miles through the water? Do not you think the fishermen will get over the line sometimes, even innocently, when they are after a school of mackerel? If you get over the line and are caught fishing or preparing to fish, your vessel, appurtenances, cargo, and supplies are gone.

Mr. GRAY. The line of exclusion of which the Senator speaks is to exclude American fishing vessels from fishing within——

Mr. HOAR. Or preparing to fish.

Mr. GRAY. Or preparing to fish. I do not know that the Senator's eloquent phrase in regard to vessels being unable to discern that line at midnight or in a storm is very applicable. I do not know that a vessel can undertake to fish at midnight or in a storm or is very particular about the line where it may be. The line, as I understand it,

is to mark the limit of the right of fishing or preparing to fish. I am speaking of the Senator's language about midnight and the storm.

Mr. HOAR. Did the Senator ever hear of a fog?

Mr. GRAY. Oh, yes, and have seen them.

Mr. HOAR. Does the Senator suppose that anybody would fish in a fog?

Mr. GRAY. But take the case the Senator mentioned.

Mr. HOAR. Take the case of a storm at night and the line then being seen.

Take this stipulation in connection with the provision of the Canadian law, which I shall speak of again, and which now stands, and is hereafter to stand, in spite of this treaty: Revised Statutes of Canada, chapter 94, section 10, of fishing by foreign vessels:

If a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person who seized was or was not authorized to seize under this act, oral evidence may be taken, and the burden of proving the illegality of the seizure shall lie upon the owner or claimant.

Now look at section 15:

If, on any information or suit brought to trial under this act, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seizure under this act and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized, or its value, shall not recover more than 4 cents damages, and shall not recover any costs, and the defendant shall not be fined more than 20 cents.

The voyage may be broken up; the fisherman may be absolutely innocent; the cargo may be spoiled; the ship may be lost while in charge of the men who seized it; yet if, on this oral testimony, the man who made the seizure, on his complaint, can get a judge to certify that he was misled by somebody else, or by mistake of fact or place, so that he had probable cause, no suit whatever will lie against him; and if the suit be first brought against him by the owner, there shall be no costs, and 4 cents damages. The testimony is to be oral. Senators know something of the evidence in admiralty suits even at their best. I am afraid Captain Quigley, of the Canadian schooner Terror, will find little difficulty in persuading his sailors to think and to testify that every American vessel he shall board hereafter is within the prohibited line.

Edward Everett told me that he was once sitting at midnight on the deck of the Scotia as she passed Cape Race, on a stormy and dark night. He asked Captain Judkins how near he supposed himself to be to Cape Race. The captain answered, "Within 5 or 6 miles." A little while afterwards Mr. Everett asked him how near he could tell his actual position with certainty. The captain answered, "Within 8 or 10 miles."

Another section provides that three-quarters of what the vessel and cargo sell for, which is fishing or preparing to fish within the limits, may be distributed among the sailors. Oral evidence may be taken. The sailors on board the Canadian vessel which makes the seizure are bribed, if I may use so gross a term, by three-quarters of the value of the thing seized, and the burden of proof is put upon the owner of the vessel which has been seized, and that is a thing which does not seem to have entered Mr. Bayard's head.

Now, Mr. President, everybody is familiar with the evidence which is got in admiralty causes from sailors——

Mr. GRAY. I only want to say, if the Senator from Massachusetts will indulge me—and I do not wish to interrupt him unnecessarily—that the provision of the Canadian law which places the burden of proof upon the vessel seized to disprove her contravention of that provision, harsh as it seems, and undoubtedly is, is the counterpart of the laws of the United States in regard to customs seizures, and the laws of the United States are quite as rigorous, and they place in so many words the burden of proof upon the vessel seized to disprove the contravention of customs regulations or laws. But however that may be, I call the attention of the Senator from Massachusetts to the clause in the treaty which, for the first time in our diplomacy, undertakes by treaty stipulation to limit the scope of the municipal law of another country in its effects and operations upon our fishermen.

Mr. HOAR. We differ altogether in our point of view. I utterly deny that the customs laws throughout this country contain any provisions which are like that; but the Senator from Delaware, if he will give me his attention for one moment, I think will see the very great difference between the two cases.

We have the right to impose on vessels that import merchandise into this country the obligation of showing that when they come in they are in compliance with our law. They are within our jurisdiction, and, reasonable or unreasonable, they have no cause of complaint. But here is the fisherman of the United States exercising his right on the high seas, or his right where he is as much within the exercise of his own property as the Canadian is in his own dwelling. And now to say that a little Canadian vessel may seize an American who is in the exercise of his own public right, secured to him by the law of nations and by special treaty, a right which he got for Great Britain in the first place, and that she shall hold over his head the obligation to have his vessel confiscated—and there is another provision of that law which provides that if the judge says there is probable cause for the seizure there shall be only 4 cents damages and 20 cents costs for the recovery—to say that that should be done when a Canadian court, on the evidence of a lot of sailors who are to have three-quarters of the thing in dispute as a bribe, shall certify that there was probable cause for seizure! I can not believe that, upon reflection, my honorable and patriotic friend from Delaware will stand here and advocate or justify such a condition of things.

Mr. GRAY. I did not attempt, if the Senator will allow me, to advocate or justify anything. I merely wanted to point out the fact that barbarous as it may seem—and I think a great deal about our custom-laws is barbarous——

Mr. HOAR. This is no customs law.

Mr. GRAY. I know it is not; but it is a law which does undertake to place upon the vessel seized just that barbarous and unnatural rule that the party seized shall have the burden placed upon him to disprove the allegation.

Mr. HOAR. Does not my honorable friend see that we are talking about the condition of an American fisherman, prosecuting his fishing right on the high seas? Suppose a little Canadian fellow comes along and takes a vessel worth $20,000 or $30,000 and says, "You were not on the high seas, but you were a rod over 3 miles from this 10-mile line drawn from headland to headland. I take you into Canada." And there those sailors are to have three-quarters of that sum distributed among them. To claim that the man was a few rods one way or the other from this line, what has that to do with the American customs laws?

Mr. GRAY. Nothing, except that it is a mode of enforcing the law.

Mr. HOAR. A man coming to an American port submits himself to American authority and American jurisdiction and American law.

I would not speak with disrespect of the Canadian courts. I have known personally some of their jurists. There are others who stand in high and deserved repute among the great lights of jurisprudence. But I do not know what local tribunals may be charged with the administration and interpretation of this law. Our Canadian friends will pardon me if I must, in this instance, judge of their jurisprudence by their legislation. The Canadian judge must be expected to interpret their laws in the spirit which inspired them, and to carry out the purpose for which they were confessedly enacted. That purpose was, as Mr. Davies declared in the Parliament of Canada, "that the customs laws of this country shall be dragged in to harass, to irritate, to worry, and drive to desperation the American fishermen, as it did drive them to desperation." That Mr. Davies is high authority will appear from a sketch of his career, which I take from Appleton's Biographical Dictionary and append to these remarks. (See Appendix J.)

Mr. GRAY. Will the Senator allow me to read, while I have the book in my hand, five lines from our Revised Statutes, which support the assertion I have made.

Mr. HOAR. Yes, sir.

Mr. GRAY. I read from section 909 of the Revised Statutes, which says:

In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

Mr. HOAR. That is, the burden of proving the property.

Mr. GRAY. But putting the burden of proof on the "claimant" the Senator of course knows is quite technical.

Mr. HOAR. I can not understand how a lawyer of such eminence as my honorable friend, of the patriotic purpose and candor which we know he possesses, should in the zeal of his defense of this extraordinary performance satisfy himself that there is any resemblance between a United States statute, which says that where a man claims property the burden of proof shall be on him, and a statute which says that when property in my possession is seized—it may be on the high seas—the burden of proof is put upon me to prove that that seizure was illegal. I can not see, myself, any possible resemblance between the two.

Mr. GRAY. If the Senator will pardon me, it is not very relevant, but at the same time it is a question of accuracy. This provision of the Revised Statutes does just that thing, and where there is a seizure made and there is a claimant (which is a technical word for a man who is a defendant in a proceeding *in rem*), the burden of proof is on him as to everything that is charged, not only as to the ownership of the property, but as to the infraction of the customs laws.

Mr. HOAR. Does the Senator mean to say that if I could seize a British vessel in the port of New York I could hold on to that vessel?

Mr. GRAY. So far as the charge made was for the infraction of the laws as to customs duties.

Mr. HOAR. I am constrained to say that I do not believe it.

Mr. GRAY. The statute says so. I do not say so.

Mr. HOAR. I do not believe the statute meant any such thing. If it did, there is no possible resemblance between seizing the vessel of another nation when it is in its own right, in its own place, and a vessel going into the port of another country and submitting it——

Mr. GRAY. It is a barbarous rule of evidence, but it is the rule.

Mr. HOAR. There is no possible resemblance between the two cases.

These first nine articles of the treaty, then, instead of surrendering a thing of no value in the interest of peace, surrender what is of great value

in the interest of discord. The purpose of Canada to drive our fishermen from the sea and to compel us to open our markets to support theirs, will remain unchanged, or will be stimulated to new efforts by this achievement. A hundred seizures, a hundred vexations, a hundred quarrels will arise where one has arisen before. If dishonor to our flag, if vexation, brutality, inhospitality, outrage, have produced for her this harvest, what motive will she have for other conduct hereafter? She has tried already, to her entire satisfaction, what virtue there is in stones. She will not be likely to resort to words or grass hereafter.

Within the past three weeks the news comes of the American ship Bridgewater, a vessel of 1,557 tons, which put into Shelburne, Nova Scotia, in distress for repairs, having encountered a heavy gale. She had sailed from St. John, New Brunswick, for Liverpool with a cargo of deals. The owners of the cargo, foreseeing a long detention, transferred it to another ship. The owner of the vessel offered it at auction to see if he could sell it, but got no bids. On this the Canadian customs officer seized it as an importation, demanded 25 per cent. duty, and held it for eighty-one days. The Government then decided that the seizure was illegal. The collector then proposed to release the ship on condition that the owner would withdraw his protest, and release the officer who made the seizure and the Government from all claim for damages. This the owner indignantly refused. The ship was then released without condition. The minister of justice gave the opinion that the owner had no claim against the seizing officer, and the Government refused to entertain his demand for redress. The owner lost his charter-party and his voyage, and thinks he was damaged full $20,000.

134 MACON STREET, BROOKLYN, *June* 5, 1888.

DEAR SIR: I thank you for your valued favor of yesterday's date.

When Mr. Rowell, the minister of customs of Canada, handed me his letter, which you have in print, declining to entertain my claim for compensation, I remarked, after carefully reading it, "It is unfortunate you confess to the violation of law, but deny the redress. The matter will now go to the State Department, it being a governmental rather than a personal matter." Mr. Rowell replied, with a smile, "You will get nothing there. Of all the claims which have been lodged there against the government, we have not been called upon to pay one; we simply heard nothing more about them." At the time I thought both this and his letter were intended to favor me with a compromise, the deputy minister of justice having, a moment before, in the ante-room, put me in a position to make such offer.

I can not see how Mr. Bayard can be indifferent to this. Not to ask for an explanation and remedy for the pecuniary injury would simply be a confession that in treaty laws, in which our Government are a party to, we have no rights which even dependencies are bound to respect. The State Department must have received the papers Friday morning, but as yet I am without acknowledgment.

Very truly, yours,

JOHN H. ALLEN.

Hon. WILLIAM COGSWELL,
House of Representatives, Washington, D. C.

Mr. GRAY. What is the date of the letter?

Mr. HOAR. June 5, 1888.

Mr. GRAY. What connection has that with the State Department?

Mr. HOAR. The purpose of reading this letter is not to comment on the failure of the State Department to do something about this.

Mr. GRAY. It does not allege it.

Mr. HOAR. No, it does not allege it. It is to call the attention of the Senate to the fact that the Canadian minister of customs smiled in the face of the injured citizen and told him that they never heard anything more from the American administration about these claims which the American administration over and over again had denounced as outrageous and brutal and inhuman.

When Mr. Seward made a speech from a balcony in 1866 and asked his audience what he should say to the Emperor of France, a voice in the crowd cried out, "Tell him to get out of Mexico!" The Emperor got out of Mexico pretty rapidly when Mr. Seward gave him the intimation. When General Grant asked his countrymen who had suffered from the Alabama to leave their bill for collection with him, England sent her commissioners here with an apology and paid the bill. When Mr. Adams was told by Earl Russell that the law officers of the Crown found no law to prevent the going out of the rams, Mr. Adams quietly answered, "It is superfluous to observe to your lordship that this is war." The rams were stopped in an hour. When Salisbury, the present prime minister, was told by Mr. Evarts that the Fortune Bay affair would be treated as abrogation of the treaty, he reversed the decision and paid the bill. There was Republican diplomacy. The weakest Canadian official laughs in the face of an American complainant when he thinks of Grover Cleveland and Mr. Bayard.

The Senator from Alabama told us the other day how he thought the South would look at this business. He said, if I correctly understood him, that the masters of these fishing vessels were holders and importers of slaves. He said the fishermen were a small per cent. of the population of the country. He said, too, as I understood him, that if the issue were presented to the people of the South whether we should have free fish or a war with England, they would prefer free fish. He now says, in reply to the Senator from Maine, that what he said was this:

I admonished that side of the Chamber, and I respectfully do it again, that if you present to the people of the United States going to war with Great Britain against the question of letting in fish free of duty, you have a dangerous issue before you; that is all.

What an utterance is that! American vessels by the hundred seized, insulted, harassed, vexed, dishonored. The American flag hauled down from an American masthead. American mariners in foreign ports subjected to treatment which our Democratic Secretary declares is "outrageous," "brutal," "inhuman," "inhospitable." All this is done to bully us to put fish on our free-list, that the fishery marine and the naval strength of our rival may grow, and our fishing marine and naval nursery may dwindle and decay. And when the Senate of the United States is considering what to do about it the Senator from Alabama tells us these sailors of ours are few in number, and that "a question between putting fish on the free-list and war with Great Britain is a very dangerous issue." Are we China, that opium is to be forced into our markets at the point of British bayonets or the mouth of British cannon?

The solid South is represented in this body by 34 votes. They are all Democrats save one. His seat is soon to be filled by a Democratic successor. Of that 34, 29 have inserted in the official catalogue of the Senate as their title to honorable remembrance, a statement of distinguished service in an attempt to destroy their country and bring its proud flag in dishonor to the dust. They are fond of telling us that all that is changed now. They say that if the country shall ever be in peril again, if the flag shall be menaced anew, whether it be foreign levy or domestic malice, it shall find no readier or braver defenders than among the men who stood in arms against it. I, for one, have never questioned their sincerity. I do not question it now.

I know, as the people of the North know, that there was courage in the stout hearts which maintained that conflict for those four long years. I do not believe that the men of the noble Southern stock, who displayed, even when in the wrong, the courage, the affection for home and State, the aptness for command, the constancy, the capacity for great affection and generous emotion, the readiness to encounter poverty and death and exile, which won the admiration of mankind, when the flag of the country which has forgiven them and restored them and trusted them is insulted and dishonored, will be quite content to take their tone from the Secretary of State or the Senator from Alabama.

There is no occasion for a note of war. Firmness and strength and calmness and dignity and understanding and maintaining our own just rights are much more likely to keep peace than the supplicating and yielding diplomacy of the present Administration.

But the President expresses his peculiar satisfaction with the ninth article.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by the fishing vessels of the United States.

He says:

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed.

The treaty does not say that. It says:

Nothing in this treaty shall interrupt or affect the free navigation by fishing vessels.

If there be any implication, it is that other vessels can not go there, if Canada objects. But this is an ancient way from the open sea to the Gulf of St. Lawrence, where our right is as unquestioned as it is to the Gulf of Mexico. Who ever denied it? Sir Charles Tupper utterly repudiates the President's notion. He says that was nothing new.

We provided simply that nothing in this treaty should interrupt the free navigation of the Straits of Canso, as previously enjoyed by fishing vessels, to which we confined it.

This was put in by the Canadians themselves, because they had delimited Chedabucto Bay. I suppose President Cleveland's next move will be to surrender our right to visit two-thirds of the Mediterranean, and then claim great credit that he has saved the right to go through the Straits of Gibraltar.

But the tenth and eleventh articles, which stipulate what United States fishing vessels may or may not do in the ports, bays, and harbors of Canada and Newfoundland are those on which Mr. Cleveland specially plumes himself.

I will append these articles to my remarks. [See Appendix K.] They provide that our fishing vessels when they enter bays or harbors where they can not go to fish, shall conform to harbor regulations common to them and those of Canada;

That they need not report, enter, or clear when they go in for shelter or repairs, except when they stay more than twenty-four hours or communicate with the shore;

They shall not be liable for compulsory pilotage;

Nor, when they are there for either of the four permitted objects, for harbor or like dues;

When they go in under stress of weather they may transship, reload, or sell their fish, subject to duty, when this is necessary as incident to repairs, and may replenish lost or damaged supplies and provisions;

In case of death or sickness shall have needful facilities;

May have license to buy provisions and supplies for their homeward voyage;

And may be accorded on all occasions such facilities for casual or needful provisions and supplies as are ordinarily granted to trading vessels.

Now, unless I am mistaken, every one of these things is and has been for nearly sixty years granted to Canadian fishing vessels in Massachusetts and Maine in recognition of the obligations of common decency, or international courtesy.

This is the first treaty in our history, unless made with some half-savage chief, or in regard to ports closed to general commerce, where there has been an attempt to stipulate for the civilities of life. It is a treaty which, for the first time, recognizes the doctrine that fishermen are to be dealt with as an inferior and less favored class, to whom may be rightfully and properly denied, with our consent, the courtesies and privileges extended to all other commerce.

The treaty of 1818 limited, it is true, the rights of our fishermen in British North America to shelter, repair, wood and water. But that was an exception in their favor. That was an assertion of the doctrine of international law, that fishermen, who provide food for mankind, are the favorites of that law. Some writers, some treaties, I think, declare that they shall not be disturbed in their occupation even in war. Yet now, because, in the day of our weakness, when every American port in British dominions was hermetically sealed against all our ships, the diplomacy of John Quincy Adams and Albert Gallatin gained for our fishermen privileges denied to all others, the present Administration submits to put them in a situation of marked inferiority to all others. I confess I do not think it quite consistent with a proper self-respect to be negotiating with my neighbor just how far he shall and how far he shall not behave to me like a gentleman.

The objection to these articles is not merely the trifling nature of the concessions they gain, but it is their clear implication that we have no ground of rational complaint if the things they do not concede shall hereafter be denied to us. The vessel of commerce, under the modern law of nations, is welcomed and made at home. It is subjected to no other restriction than that of making proof of its character and friendly purpose, a reasonable contribution to port expenses, and compliance with the customs laws of the country where it finds hospitality. It comes and goes at its pleasure. It is a grossly unfriendly act to deny it hospitality, freedom of intercourse, protection, equal access to the courts if any man do it a wrong, fair, prompt, equal, impartial trial if it be charged with doing a wrong to any man.

I refuse my assent to this treaty, if for no other reason, because it declares and implies that the Massachusetts fisherman, with the full consent of his own Government, is hereafter to be exempt from this humane and beneficent principle. Whatever of the decencies of life are for him or for the flag which floats over him do not come as of right and in honor. They are to be doled out and measured out and begged for, and bargained for, and paid for. I have been told that it is an offense among the dwellers in the mountain regions of the South if the host does not invite the guest to take the whisky bottle into his own hand. "He allowanced me, sir," was the description I once heard of that kind of hospitality. Yet, the American mariner is hereafter to get cold water and shelter on such terms only at the will of petty Canadian officials.

Mr. Bayard says if we will look at complaints which we have heard from our fishermen we shall find that none of them can happen again under this treaty. I am amazed that he can say so. I shall speak of that presently. But one of the causes of complaint is that when our fishermen go in for shelter the Canadian officials do not leave it to their discretion to say when the storm is over, and they can safely depart, but order them off into the storm frequently before it is over. The skipper of the fishing vessel is apt to be tolerably weatherwise. He knows the signs off Labrador, or in the Gulf of St. Lawrence, or in the Bay of Fundy quite as well as a lieutenant on any British cruiser or any petty port official. He is in hurry enough to get back to his fishing; but he is not permitted to be the judge, when he gets in for shelter in a storm, how long the safety of his vessel requires him to stay. This is one of the most frequent causes of trouble, and is left wholly without remedy in the treaty.

I have a letter from the Hon. James Gifford, known personally to me as a highly respectable citizen of Provincetown, Mass., and late collector of that port, in which he says:

> The other matter against which there is indignant protest, namely, the ordering American fishing vessels to sea by officers of Dominion cruisers is in derogation of the dignity, rights, and interests of master, crew, owners, and the country they represent. Captains knowing better than any other persons can know the condition of their vessel, sails, spars, and rigging, and as well able to judge of the weather as are others, esteem themselves the best judges of when to go to sea, and regard this interference by foreign officers as a gross indignity to themselves and to the flag under which they sail. In no other country is this outrage perpetrated upon captains of American vessels. This arbitrary interference with the perogatives, responsibilities, and duties of our masters, is not only keenly felt, but their vessels and crews are thereby exposed to serious peril and disaster. The following incident illustrates this fact:
>
> Capt. Samuel T. Hatch, of this place, master of the schooner Stowell Sherman, in August, 1886, while fishing off the north coast of Prince Edward Island, in company with forty-five other American fishermen, was compelled by a northeast blow to seek shelter in the small, narrow harbor of Cascumpeque. This harbor is also barred by a dangerous shoal across its mouth that takes up vessels, especially those of considerable draught, and particularly when the sea is running high. After lying there twenty-four hours, the commander of the cruiser Howlett entered the harbor and ordered the entire fleet off at once. Although the water had somewhat moderated and the wind had changed, the weather continued too rough to fish, and the easterly gale of the previous days caused the sea still to break on the bar at the entrance to the harbor, thus rendering it very hazardous for vessels to attempt the passage out. The commander of the Howlett was respectfully requested to delay the execution of his order, which he peremptorily refused to do.
>
> Captain Graham, of the schooner A. R. Crittenden, of Gloucester, remonstrated protesting that he was in charge of a valuable vessel and cargo and for which he was responsible; that there was great danger of stranding his vessel should he then try to go out, and, if permitted to remain, he would sail as soon as the weather would safely permit. To this the Dominion officer replied that he did not care how valuable his vessel and cargo were, he should leave the harbor immediately. The entire fleet thereupon hove their cables and hoisted sail, preparatory to getting under way. Schooner Fanny Sperling, being the first to make the trial to leave port, was soon stranded.
>
> The commander of the Howlett, alarmed at the result of his order, went to her assistance, called upon the crews of the other American fishermen for aid, and revoked his order to sail. But for the timely aid thus rendered by the combined crews of the fleet the Fanny Sperling would have become a total wreck—a fate that would probably have been shared by many of her companions had not the insolent order of the Dominion officer been canceled. To subject the safety of the vessels and crews of our fishermen to the caprice and insolence of petty Dominion officers is a grievance that ought not longer to be tolerated by or without a treaty. Yet I do not see in the pending treaty any modification even of this domineering assumption of despotic authority over our fishermen. Hence, if there were no other reason, I should be opposed to its ratification.
>
> Very respectfully,
>
> JAMES GIFFORD.

This is not a solitary instance. In the Secretary of State's list of American vessels seized, retained, or warned off from Canadian ports during 1886 there are sixteen vessels in a single year warned off when in port for shelter. Professor Baird's additional list contains a considerable additional number. (See Appendix L.)

I may as well complete what I have to say here of Mr. Secretary Bayard's singular delusion, that if you take the grievances complained of, one by one, you will find the treaty provides against their recurrence. Here is another most irritating annoyance which has escaped his attention, for which he has secured for us no remedy whatever.

> PROVINCETOWN, MASS., *May* 21, 1888.
>
> DEAR SIR: Representative R. T. DAVIS, having informed me of your intention to address the Senate on the merits of the fisheries treaty, I venture to call your attention to two matters of importance involved, which I have not seen elsewhere discussed.
>
> One is the seizure and fine of vessels for the landing of one or more of their crews prior to reporting the vessel at the custom-house, and the other is the ordering our fishing vessels to sea, regardless of the judgment of the master as to the unsuitableness of the weather or condition of the vessel.
>
> As to the former, provision is made in the treaty, under article 10, for continuance of this unwarrantable and annoying practice. This article provides that "vessels remaining more than twenty-four hours * * * or communicating with the shore," etc., must report at the custom-house, thereby furnishing a basis for perpetuating the seizures and fines complained of.
>
> Its adoption by the Senate would be an indorsement not only of the mulcting our vessels in the sum of $200, but also of imposing a restriction elsewhere unknown in our commercial relations. The mere landing of a vessel's crew, they taking no goods nor effects from the vessel, is not even in Canada made an offense, except when done by American fishermen; this prohibition to land prior to reporting is not applied to Dominion fishing, coasting, nor merchant vessels, as you will perceive by inclosed affidavit of Capt. John Newman, an intelligent and truthful gentleman. His statement can be verified by any number of American masters who frequented Dominion ports prior to 1885. Crews from foreign countries having been certified by local health officers as exempt from contagious diseases are free to land at any port in the United States where they may happen to enter. I am informed that this is the practice at Liverpool, England, and at all other foreign ports.
>
> Schooners Pearl Nelson, of Provincetown, and Everett Steele, of Gloucester, were seized and fined $200 each, under circumstances that exhibit the wantonness and arbitrary nature of the transactions, as may be seen on pages 52 and 55 of Executive Document No. 19, December 8, 1886. The authorities at Ottawa attempted to justify these seizures by citing the provisions of sections 25 and 180, 46 Victoria, chapter 12, quoted in said Executive Document No. 19.
>
> I think, however, you will agree with me that there is not a sentence or word, even by implication, in either of these citations that makes the landing of a vessel's crew prior to reporting a violation of law. The continuance of seizures, therefore, of our vessels on the pretext indicated ought not to be assented to.
>
> Very respectfully,
>
> JAMES GIFFORD.
>
> Personally appeared before me, James Gifford, a notary public, at the port of Provincetown, in the State of Massachusetts, this 12th day of March, 1887, John Newman, of Shediac, in the Province of New Brunswick, Dominion of Canada, who, being by me duly sworn, deposes and says that he has been master of vessels belonging to ports in said Dominion for ten years last past; that during that period he has frequently reported and entered the vessels under his command at numerous customs-houses in such ports, but that in no instance has he been required by a customs officer therein to make report or entry of his vessel and cargo prior to allowing his crew to land; that it has been his invariable practice for his crews to land at any port in the Dominion of Canada on arrival of his vessel, without question of any customs officer as to whether or not he had previously reported to the customs office; that the last port at which he thus permitted his crew to land was at Richibucto, New Brunswick; that during the period named he never heard from a customs officer, or other person in the aforesaid Dominion, he had violated any revenue law or customs regulation by so doing.
>
> JOHN NEWMAN.
>
> [SEAL.] JAMES GIFFORD,
> *Notary Public.*

The causes of grievance in these cases may be classified, as follows:

1. Indignity suffered by detention and search and by being warned off.
2. The ordering of vessels out of harbors when Canadian officials deem there is no necessity for shelter.
3. Onerous customs laws and the exaction of fees and dues.
4. Refusal to sell necessary provisions and supplies.
5. Unjust local laws regulating seizures and trials.

These causes are not removed by the treaty. On the contrary the following causes for dissatisfaction on the part of the American fishermen, and opportunities for unreasonable conduct on the part of the Canadian authorities would still exist under the pending treaty.

1. Canadians could search all American vessels within the 3-mile limit; could question the masters on oath; could seize their vessels on a mere pretext, and could put them to the proof of the illegality of the seizure.

2. The Canadians could order away vessels that had taken refuge in their ports whenever they cared to do so.

3. The right to unload and transship is incident only to repairs.

4. The only exemption given from burdensome harbor and customs laws is in case of shelter, or repairs, or the purchase of wood or water in a place not a port of entry.

5. Provisions can be purchased only for the homeward voyage.

6. Only by free fish can Americans purchase commercial privileges.

7. All the injustice of the fishing laws remains. The burden of proof is still on the defendant, and he is denied his remedy for illegal seizures.

Mr. Putnam says in his defense of the treaty that—

The words "preparing to fish," in statute 38 George III, have been the cause of many troubles, and are susceptible of a variety of constructions.

But they are now introduced into the treaty itself, which consents that our vessels may be condemned, the penalty not to exceed the forfeiture of the entire ship and its contents, for preparing to fish.

Mr. GRAY. "Preparing to fish therein."

Mr. HOAR. Yes; "preparing to fish therein." I hope the Senator will not interrupt me at this point. What I say is that the words of the Canadian statute and the words of the treaty are identical, and I am talking about Mr. Bayard's claim, that none of the prior difficulties will be heard of again if this treaty takes effect, and Mr. Putnam says that the words "preparing to fish" have been the cause of many troubles, and are susceptible of a variety of constructions.

Mr. GRAY. The Senator will allow me to suggest to him that even though the Canadian statute undertakes to punish by forfeiture of the vessel the preparing to fish by an American vessel in Canadian waters, whether that fishing for which they are preparing is within the inhibited territory or without it, the treaty confines the right of punishing for preparing to fish within, not preparing to fish without.

Mr. HOAR. I do not so understand it.

Mr. GRAY. That is a very important point.

Mr. HOAR. The word "therein" may as well be claimed to qualify the words "preparing to fish" as to qualify the word "fish." But I do not want to dwell on that. That is not my point.

Mr. GRAY. It only shows that there is an important difference.

Mr. HOAR. I am talking about the question whether this treaty will remove the cause of trouble, and I say that your treaty which introduces this language is just as liable to cause the troubles which my honorable friend now suggests arose under the old Canadian statute.

Mr. GRAY. How can it, may I ask the Senator from Massachusetts, when the old difficulty was that an American fishing vessel that went within the 3-mile limit and was charged with preparing to fish within that limit in waters outside of it was within the purview of the Canadian law, while under this treaty it is expressly stipulated that the only offense for which the vessel can be seized is preparing within any Canadian waters to fish therein?

Mr. HOAR. The treaty does not say so. The treaty says the entire vessel and its contents may be condemned if found fishing or preparing to fish therein, and Canada will claim unquestionably, no matter where you are going to fish, if you are preparing to fish you are violating her law.

Mr. GRAY. That is a very flat contradiction. I only refer to the language of the treaty.

Mr. HOAR. I do not wish to be at all discourteous to the Senator, but I think the Senator misunderstands the treaty.

Mr. GRAY. That may be.

Mr. HOAR. If the Senator and I differ, Canada and the United States may well differ, and if Canada and the United States differ, you have not got rid of your trouble.

These words not only bind our Government to permit their citizens to be searched or punished for no offense, but only when the Canadian authorities shall think they are preparing to commit one; but they flatly contradict Mr. Bayard's allegation that the recurrence of past causes of trouble is prevented for the future.

Mr. Putnam goes on to say that there were four subjects of dispute between 1856 and 1884:

1. Great bays.

2. The headland theory.

3. Whether the provincial officers would drive out our vessels from provincial bays and harbors when, in the judgment of the authorities, they did not in fact need shelter or repairs.

4. The vexatious legislation which denies our citizens remedy in the case of transgression and the like.

I have shown that under the treaty there will be more occasion for trouble than before. The third cause of trouble the treaty does not touch. The fourth I shall show in a moment it helps very slightly.

Mr. GRAY. Will the Senator from Massachusetts allow me?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. HOAR. Certainly.

Mr. GRAY. Let me call the Senators attention to the language of Article XIV of the treaty? I understood the Senator from Colorado [Mr. TELLER] to say in his seat that there was no such language in the treaty. In stipulating what acts may be punished by the Canadian law, Article XIV says:

And for preparing in such waters—

That is in Canadian waters—

to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing.

That is the language in Article XIV of this treaty, and I submit to the Senator and to the Senate that it does not seem susceptible of any other construction than that which I have given it.

Mr. HOAR. Mr. President, I think the Senator from Delaware is right as to the words "and for preparing in such waters to unlawfully fish therein;" but my point must remain, however, that the offense of preparation to fish is still left subject to the question of what is preparation to fish.

I do not find in these two articles or anywhere in the treaty any justification for the President's claim that "it is framed in a spirit of liberal equity and reciprocal benefits," or that "it will be satisfactory to those of our fishermen engaged in the deep-sea fisheries," or that it gives the "privilege on all occasions of purchasing such casual and needful provisions and supplies as are ordinarily granted to trading vessels."

On the contrary, this instrument adopts and recognizes to the fullest extent the pretension that the rights of our fishing vessels are measured by the convention of 1818, unaffected by the subsequent changes in the customs of nations or the commercial arrangements of 1830. It declares and admits in substance that because they were favorites of the law of nations then they are under its ban now; because they were better off than all other men then, the only Americans not outlawed in British ports on this continent, they are to be worse off than all mankind now.

There is nothing in this instrument which permits an American fisherman to go into a Canadian port, harbor, or bay for any purpose not set forth in the treaty of 1818.

Provided, however—

Says that treaty—

that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

That treaty, reaffirmed in this one by a hundred implications, opens the only narrow and inhospitable doorway by which the American fisherman can get in. If he has gone in for shelter, under stress of weather or other casualty, he can then and then only—

Unload, reload, transship, or sell his fish, subject to customs regulation, if it be necessary as an incident to repairs, and may replenish outfits, provisions, or supplies damaged or lost by disaster.

It is then only that he can get facilities in case of death or sickness, and then only that he can get supplies for his homeward voyage.

They talk about the matter of compulsory pilotage and harbor dues. Massachusetts and Maine do not require Canadian fishing vessels to take a pilot. Their skippers know the coast as well as any pilot. They have no passengers. Their cargo is their own property. Canada can only maintain the requirement of compulsory pilotage for purposes of vexation and not for purposes of public security. She does not require it of her own fishermen. The dollar-and-a-half harbor due is unimportant except as a vexation. Sir Charles Tupper very frankly says in his speech as to this concession:

The fact is that although there appears to be a considerable concession in that, it does not amount to much.

He had just said substantially the same thing as to pilotage:

That the play was not worth the candle.

He says also in regard to the concessions of Article XI, on which the President lays such stress, that the transshipment concession was a wise and judicious concession to make. He asks what would be thought of Canada if she denied it. He says that—

In making it we were only acting from the dictates of humanity and from a due regard to the credit and reputation of our country all over the world.

He also clearly implies that he deems the President's notion that the privileges of deep-sea fishermen are extended by the last clause of Article XI altogether wrong, and that it applies only to vessels coming in under stress of weather and for the homeward voyage. This is also affirmed by the representatives of the government in the debates in the Canadian senate. Indeed Article XV shows that until fish is made free in the United States her vessels can enter only for the purposes specified in the treaty of 1818.

As the delimitation articles absolutely surrender what was decided in our favor in the cases of the Washington and the Argus, so Article X and Article XIV surrender what was conceded in the Fortune Bay matter to the spirited diplomacy of Mr. Evarts. Article X says our fishermen "shall conform to harbor regulations common to them and the fishing vessels of Canada." Article XIV says: "For any other violation of the laws of Great Britain, Canada, or Newfoundland, relating to the right of fishery in such bays, creeks, or harbors, penalties shall be fixed by the court."

They tried once before to subject us to their Sunday laws and their laws fixing a close season and their laws regulating the size of nets. This was under the treaty of 1871. Mr. Evarts remonstrated. Lord Salisbury asserted their right to compel us to submit to their laws, and said the law officers of the Crown had no doubt about it. Mr. Evarts told them he should treat it as an abrogation of the treaty, and President Hayes sent a message to Congress advising the restoration of the duty on fish. Great Britain instantly yielded and paid $80,000 damages. Now you would throw away all this without the slightest equivalent. Hereafter, under your brilliant diplomacy, Great Britain and Canada and Newfoundland are to make the laws under which we are to exercise our treaty rights.

Mr. GRAY. With the Senator's indulgence, I want to call his attention to a fact that appears in the correspondence, which I can not lay my hands upon now, in regard to the Fortune Bay outrage, so-called, that Great Britain did not yield the principle for which she contended, but consented to pay an indemnity, because, whatever might be her right to impose those laws upon American fishermen, she conceded that they could not be enforced by a mob.

Mr. HOAR. That was a distinction without a difference. Great Britain agreed for a consideration that we might go into her bays to catch fish. We went there to catch fish, and we violated, as she said, her Sunday law, the law about the close season, and the law about the size of the nets. Mr. Evarts remonstrated, and Lord Salisbury replied that he had consulted the law officers of the Crown, and he and they were of opinion that England had granted us the right to fish subject to the right which her dependencies had—the right to make their laws to govern and regulate its exercise.

Thereupon Mr. Evarts spoke with some indignation of the doctrine that they could take away by legislation what they had given us by treaty. Then Lord Salisbury said that while that might not be true of future legislation, at least of the past legislation which existed at the time of the treaty it must be true. Thereupon Mr. Evarts observed that if they had sold us a valuable fishery right without notifying us that it was under mortgage or other lien or incumbrance, it was an unusual transaction. Lord Salisbury replied in substance that he did not desire to hear anything more about the subject. Then Mr. Evarts recommended President Hayes to send a message to Congress inviting the revocation of the treaty and treating the English contention as a rejection of the treaty. Then Sir Edward Thornton came to Mr. Evarts in a day after the thing was done and wanted to know why he did not give notice of this step. Mr. Evarts said he did not consider himself bound to do it, and Sir Edward Thornton then inquired of Mr. Evarts if he was willing further to treat it as an open question, England having said she would not. Mr. Evarts said certainly. Thereupon England came in and paid $80,000 damages, and we have not heard of that English pretension from that day to this.

Mr. GRAY. Upon the ground I have stated.

Mr. HOAR. If the Senator thinks that is the ground to be got out of it, all right, that is the story.

I will not dwell upon Article XII, which, literally construed, gives to Canada and Newfoundland the same ownership in common in the waters of our whole Atlantic coast which the valor of our fathers acquired, and which were acknowledged in 1783 and in 1818 in the waters of Canada and Newfoundland so far as they are reserved or secured by this treaty. The British argument is much stronger, in my judgment, for this construction of Article XII than for the claims to which Mr. Bayard and his associates have so tamely submitted.

Nor will I dwell on the thirteenth article, regarded by our fishermen as so obnoxious and degrading. It requires every fishing vessel of the United States, whether she means to go near Canada or not, to wear a number conspicuously exhibited on each bow, a requirement not applied to England's own fishermen, strongly suggestive of tickets of leave and prison regulations.

The fourteenth article is equally remarkable for what it declares Canada shall not do hereafter, and for what it impliedly consents Canada may hereafter continue to do. Nobody, I suppose, expects that until we grant free fish, and free trade to Canadian products, there will be any change in the spirit, temper, policy, or purpose of Canada. What we have to complain of is that Canada has so framed her customs laws and her fishing laws as to subject our vessels to a series of seizures, confiscations, penalties, interruptions, and outrages. This malice she has deliberately enacted into law. Any of twenty officials, some of them of the pettiest order, may seize an American ship and cargo. The burden is put upon the owner of the vessel to show that the seizure was illegal. If the local judge shall certify there was probable cause for the seizure, we get no costs, and only 4 cents damages. This is the existing Canadian law, untouched, unrepealed, unaffected by this treaty.

Extracts from the Canadian statute respecting fishing by foreign vessels are given in the appendix to these remarks (M).

It will be seen that by these laws any petty customs or naval officer or justice of the peace may seize an American ship and cargo, although that ship may be in the exercise of its rights and outside the 3-mile line; may take it to any port in Canada; may put it on trial wherever he please to detain it; may compel it to prove its innocence; shall be exempted from paying either damages or costs, if the court certify there was probable cause for seizure; may convict it or establish probable cause on the evidence of the Canadian sailors, who may receive three-fourths of the sum for which the ship and cargo are sold, if condemned; and that the suit by the owner can only be brought one month after notice left at the last and usual place of abode of the captor, which may be in Great Britain; and can not be brought at all more than three months after the seizure; so that there are only two months in all within which such suit may be brought, even if the owner die, or be sick, or insane, or be at a distance.

You have full knowledge of these things. You have complained of them. You have declared that they were put by Canada on her statute-book to harass your fishermen and drive them to madness. You have denounced them as an outrage. And now, when you make your treaty, you put in it a few of the commonplaces of common right, and leave these outrages to continue. Worse than this. You declare that this treaty contains all that you can reasonably ask. You not only leave this Canadian legislation on her statute-book, but the President and his Secretary indorse it, and estop us, so far as they can, from ever complaining of it again. You have contented yourself with so much. As to the rest, you must forever after hold your peace. This is what you call conciliation.

> Conciliate? It jest means be kicked,
> No metter how they phrase an' tone it;
> It means thet we're to set down licked,
> Thet we're poor shotes an' glad to own it.

They have put into Article XIV a few stipulations for those common decencies of a fair trial, to which all mankind are entitled as of common right. But they accompany even these with the provision that the penalty for unlawfully fishing, however innocent or accidental, however the skipper may have mistaken his position, or however doubtful or conflicting the evidence, may extend to the forfeiture of the vessel and everything on board. The penalty for preparing to fish may be fixed by the court and shall be no greater than for fishing. The judgment of forfeiture (no lesser judgment) shall be reviewed by the governor-general. But if he approve the finding, it is quite doubtful if there be power vested in him to lessen the penalty. The unrepealed Canadian statute still makes the forfeiture for unlawful fishing absolute in all cases. But the second clause of Article XIV provides—

That the proceedings shall be summary and inexpensive as practicable;

The trial shall be at the place of detention (not the place of seizure or near it);

Security for costs shall not be required except when bail is offered. (They will have in their possession the whole ship and cargo);

Reasonable bail shall be accepted;

There shall be proper appeals;

These shall be available to the defense only. (That is, the defendant shall not be twice put in jeopardy).

I should like to ask Senators on the other side if there be one of these provisions, which to deny to a foreign sailor in her ports, without a treaty, in this close of the nineteenth century, would not make Canada a stench in the nostrils of mankind.

There is not one of them that has been denied in a United States court since the country was settled. If the least of these privileges were denied to a British ship-owner in the courts of Boston we should hear from the British foreign office; or rather, we should not wait to hear from the British foreign office; we should remedy the grievance under the prompt and eager stimulant of our own public opinion.

It is quite significant that the British plenipotentiaries did not ask us to put into the treaty any stipulation that we would give them the like justice in our courts. Nobody ever dreamed that it was possible for the United States to refuse to a foreigner in our ports as inexpensive a trial as practicable, a trial in the vicinage, exemption from security for costs when we hold his property, reasonable bail, and proper appeals. Every Senator on the other side of the Chamber would deem it a national insult to ask us for a promise in a treaty to observe the common decencies of judicial proceedings.

Mr. President, as I was saying just now, if we were to treat ten British ships in Boston as they have treated a hundred in Canada, we should hear an expression of anger from Downing street to which that which followed the seizure of Mason and Slidell would be tame. John Bull would not have much to say about postponement to some future time of a demand for redress. How long do you think he would submit to the law which gave 4 cents costs and 20 cents fine as the remedy for the illegal seizure of a vessel and cargo and put the burden of proof on the party whose vessel was taken from him to show that the seizure was illegal?

Hear what Chief-Justice Cockburn in his work on Nationality lays down as the law of nations, recognized in Great Britain:

> In respect of personal rights, the alien, so long as he remains on British soil, is in the same position as the Queen's subjects. The courts of this country are open to him as against foreigners in respect of wrongs for causes of action arising within the jurisdiction, and in respect of breach of contract for causes of action arising, either in this country or abroad, as against the British subjects, in respect of any cause of action wheresoever arising.—*Cockburn on Nationality*, page 149.

This matter was well summed up almost thirty years ago by a very

wise young writer on international law, one Hosea Biglow. I wish he had a single spark of his ancient spirit now:

Ef I turned mad dogs loose, John,
On your front parlor stairs,
Would it jest meet your views, John,
To wait an' sue their heirs?
Ole Uncle S., sez he, "I guess,
I on'y guess," sez he,
"Thet ef Vattel on his toes fell
'Twould kind of rile J. B.,
As well as you and me."

Who made the law thet hurts, John,
Heads I win, ditto tails?
"J. B." was on his shirts, John,
Unless my memory fails.
Ole Uncle S., says he, "I guess,
(I am good at that)," sez he,
"That sauce for goose ain't jest the juice
For ganders with J. B.,
No more then you and me."

When your rights was our wrongs, John,
You didn't stop for fuss,
Britanny's trident prongs, John,
Was good 'nough law for us.
Ole Uncle S., sez he, "I guess,
Though phizic 's good," sez he,
"It doesn't foller that he can swaller
Prescriptions signed J. B.
Put up by you and me."

We own the ocean, tu, John;
You mustn't take it hard
Ef we can't think with you, John,
It 's jest your own back yard.
Ole Uncle S., sez he, "I guess,
Ef that's his claim," sez he,
"The fencin' stuff 'll cost enough
To bust up friend J. B.,
As well as you and me."

I have not time to go into the detail of the Canadian customs laws. They will be found in Senate Document No. 113, pages 348, 401.

The fifteenth article is to take effect when we remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds. We are to have in exchange for that concession licenses to enter the Atlantic ports, bays, and harbors of Canada and Newfoundland—

To buy provisions, bait, ice, seines, lines, supplies, and outfits.

To transship catch.

To ship crews.

Mr. President, it is difficult to overstate the absurdity of this provision, even if it were not a humiliation to be called on to make a conditional bargain at all, under the circumstances.

We are to remit the duties on those articles to all British subjects. It is no matter where they are caught. It is enough if British subjects bring them in, and they are the produce of fisheries carried on by the fishermen of Canada, Newfoundland, and Labrador. Our duties on fish brought from Canada and Newfoundland alone in the year ending June 30, 1886, were $297,028.05. All our duties on fish for the same year were $502,287.54; in 1887 they were $611,937.69. This change in our law will of course extend to all mankind, for British subjects will import all our fish that we do not take ourselves, if it applies only to them.

Now, this $600,000 worth of duties we give up for what Canada in the three years after the duty of 1854 was abrogated sold to us, together with the right to fish everywhere in her waters for 50 cents a ton the first year, $1 the second, and $2 the third. The last year our fishermen would not take the licenses. Our fishery tonnage in 1886 was 70,437 tons. At $1 a ton she would have sold to us all these rights and full fishing rights also for $70,000. We now give up the $600,000 merely for the privilege to buy bait and supplies.

But further. The treaty of 1871 gave us the full right to take fish everywhere and to land and dry fish everywhere in Quebec, Nova Scotia, Prince Edward Island, the Magdalen Islands, and all adjacent islands. In return we gave them the right to admit duty free fish-oil and fish (not whale-oil) being the produce of the Dominion of Canada and Prince Edward Island.

Now they are to have the right to bring in the produce of fisheries carried on by them, wheresoever they may be. We get in exchange only the right to buy supplies and bait, transship cargoes, and ship crews.

It is true that we paid under the treaty of 1871 a large sum of money for the privilege. My friend from Maine has spoken of the selection of our commissioner. Mr. Kellogg had been a man of great ability, who had filled conspicuous public stations. It is said, and it may be true, that his mental vigor had become impaired by advanced age, or some other disorder, without the knowledge of those who appointed or recommended him. But there is nothing in the history of the transaction which tends to show that anything the American commissioner did, or failed to do, had or could have had any effect on the result. The mistake was in consenting to the selection of Mr. Delfosse as umpire. He was the representative of Belgium, a power which England erected and which depended on England for its continued existence. His sovereign was the son of the brother of Queen Victoria's mother and of Prince Albert's father, and was himself brother of Carlotta, wife of Maximilian, whom we had lately compelled France to abandon to his fate.

Mr. DAWES. Will my colleague allow me a word?

Mr. HOAR. Certainly.

Mr. DAWES. There was no mistake in consenting to the selection of Mr. Delfosse, for this Government did not consent to it. The provision of the treaty of 1871 was that the two powers should have so many days, mentioned in the treaty, to agree upon an umpire. The British Government neglected, if they did not refuse, to meet the Government of the United States to make that selection. Upon frequent call on the part of the Government of the United States upon the representative of the British Government to fulfill that provision of the treaty of 1871, they utterly neglected it until the time for agreeing upon the umpire had passed, and under the stipulations of the treaty it was left to a foreign power to select Mr. Delfosse.

The statement which I have made here I had from the highest authority. No higher authority at the time existed than that which made the statement, and it was made at the time of the selection of Mr. Kellogg. It was made in my own hearing and in the hearing of my then colleague.

Mr. HOAR. Mr. Delfosse's own fortune in public life depended on his sovereign's favor. We had already notified Great Britain that the Belgian minister would probably deem himself disqualified by reason of the peculiar political connection of his government with that of Great Britain. Earl de Grey, chairman of the British commissioners in negotiating the treaty, had notified us, when suggesting the reference of the fishery dispute to some government, "I do not name Belgium, because Great Britain has treaty arrangements with them that might be supposed to incapacitate them."

Our mistake was not in the nomination of Mr. Kellogg. It was in going on with the arbitration when Great Britain refused to propose any other name but that of Delfosse.

But after the money had been paid we endeavored to induce Great Britain to give up the bargain and keep the money. Canada absolutely refused. Sir Charles Tupper said that "after that treaty had been in operation for ten years there was not a single public man in Canada but was ready to do everything possible to maintain and to continue that very treaty." Now, what wretched diplomacy is this, when Canada had shown her eagerness to give us the whole freedom of her sea-fishing waters, clear to the land, and the right to use her shores for drying fish, etc., as provided in the treaty of 1871, when she could receive in exchange nothing but our market for fish and fish-oil (not whale-oil nor seal-oil), being the products of Canada and Prince Edward Island, to make a bargain by which giving them the right to bring in free the produce of fisheries carried on by them anywhere in the world, and add to it whale-oil and seal-oil, and getting nothing in return but these rights to buy bait and supplies, to transship cargoes and crews.

It is true Sir Charles Tupper says it is impossible to overestimate the advantages of enjoying the fisheries that are contained in the jurisdictional waters of Canada. But rich as are those advantages, they are almost worthless without the American market. The slightest reference to the history of these interests, the slightest recollection of the conduct of Canada in the past, the slightest zeal and care for the interest of these American citizens, would have got for us much better terms if we were to adopt the policy of the fifteenth article. As I have already said, Mr. Evarts brought Great Britain instantly to recede from the position colonial government, foreign office, prime minister, cabinet, law officers of the Crown had taken, by proposing to abrogate the treaty.

But, Mr. President, I should fail to do justice to my own conviction if I did not say that I hold it ignominious to undertake to make terms for a change in our tariff laws in the face of the behavior of Canada to our fishermen, which the Administration knows was adopted to coerce us to that very action.

Mr. President, the whole of this treaty recognizes what we strenuously deny—the fitness of maintaining a discrimination against fishermen. It turns their ancient privilege and exceptional honor into a badge of disgrace. It constantly affirms a dominion on the part of Canada over the fishing-grounds which from the beginning have been our joint property. It establishes throughout a relation of control. License, license, license is the stipulation at every step. What we claim as a right they compel us to accept and hold only under their license. Instead of a full, frank, free recognition of general commercial rights, everything we are to have is a privilege, constantly to be the subject of difference and quarrel until the demands of Canada are fully yielded.

You will scarcely find a claim of the American opponents of this treaty that is not supported by the speeches of its friends in the Canadian Parliament. Sir Charles Tupper begins by appealing to that body not to press him unduly to show the great advantage of the treaty to Canada until the Senate has acted. The particulars in which he has specially outwitted Mr. Bayard he keeps for the present in his own breast. But he admits in express terms that the inshore fishery rights of Canada are of great value; that our markets are of greater value still; that Great Britain had in practice abandoned the claim to exclude us from great bays and headlands; that he was not compelled by Great Britain to yield any claim of Canada, but was wholly responsible for the treaty himself; that the provision in regard to the Straits of Canso

is nothing new; that the subjecting fishing vessels which did not stay twenty-four hours to report was not enforced against Canadian vessels there or in the United States; that it ought to be abandoned in the interests of good neighborhood; that in the matter of compulsory pilotage the play was not worth the candle; that Canadian fishermen were already exempt from it; that in allowing us to transship cargoes they were only doing what was required by due regard for the credit and reputation of their own country all over the world; that the license to buy casual and needful supplies was a thing demanded in the interests of good neighborhood; that he has left the penalty for unlawfully fishing where he found it.

He further adds that—

The President and the Democratic party from end to end of the United States declare this treaty a fair settlement. * * * We occupy the vantage ground of having these men, out of their own mouths, declare that nothing has been wanting on the part of the Government of Her Majesty to place this question on a fair and equitable basis.

He says they have accomplished this without injuring Canadian interests to any extent whatever; and further, that this admission is worth all their trouble, even if the treaty be rejected.

My friend from Delaware did not like it the other day when I spoke of his arguing the British side of the question; but I do not see how he can help admitting that the British side of the question is stated much more strongly on the other side of this Chamber than it is by Sir Charles Tupper.

In addition to all this, Mr. Davies admits what Sir Charles does not, that the Canadian fisheries laws have been administered with the purpose of vexing, harassing, and irritating fishermen of the United States, and they have accomplished their purpose.

Sir Charles Tupper goes on to declare his confidence that the great Democratic party will remain in the majority, and what he expects from that party, whose prospect of a continued hold of power he contemplates with so much satisfaction, and his especial delight in the Mills bill.

He makes one statement to which I hope and believe even some gentlemen on the other side will not listen without indignation. That there may be no mistake, I will quote it in his own words:

Mr. Bayard told us, the American plenipotentiaries told us, that there was but one way of obtaining what we wished. "You want greater freedom of commercial intercourse. You want relaxation in our tariff arrangements with respect to natural products, in which you are so rich and abundant. There is but one way to obtain it. Let us by common concession be able to meet on common ground and remove this irritating cause of difficulty out of the way, and you will find that the policy of this Government, the policy of the President and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose, and will accomplish steadily that which you would desire in the only way by which it can ever be attained." These were not empty words. Those were the sober utterances of distinguished statesmen, who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said. What has happened already? Already we have action by the financial exponent of the Administration; I mean Mr. MILLS. The ink is scarcely dry upon this treaty before he, as the representative of the Government and chairman of the Committee of Ways and Means, brings forward a measure to do what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,900,000 of duty was paid.—*Canadian Commons Debates*, April 10, 1888, pages 728, 729.

Mr. President, this is not my charge. This is the British envoy reporting to his principal. These words were not spoken in a corner. They were spoken in the Canadian Parliament. They have long since met the eye of Mr. Bayard and of President Cleveland. Sir Charles Tupper doubtless sent them to the President and the Secretary of State, as he did to the members of the Senate. They have gone uncontradicted to this moment. The Secretary has declined to make known even to us, who share the treaty-making power with the President, the preliminary discussions which led to the treaty, on the ground of the confidence due to the British negotiator, a proceeding at which the British negotiator expresses his surprise. Here we have him, according to Sir Charles Tupper, not as the Senator from Delaware said, "leaving party division at the shore's line," telling England, not what is the policy of the American people without distinction of party, not what is the policy of the President and Senate, who are the treaty-making power under our Constitution, but what is the policy of the President and House of Representatives, and what is the policy of the great Democratic party.

Tell us that we are endeavoring to make a party issue on this treaty, when we adhere to the policy that both Houses unanimously and without distinction of party declared a little more than twelve months ago! For the first time, with but a single exception, has a Secretary made such an utterance. For the first time in American history has an administration sought to curry favor with Great Britain on party grounds. For the first time has an American diplomatist told her what she had to expect from a party. It is the author of that utterance who deprecates "the suggestions of partisanship."

I said there was one exception. I said that such a statement was unknown in our diplomatic intercourse with but a single exception. That exception falls far short of the present example. Mr. Van Buren, when Secretary of State, had given the following instructions to Mr. McLane, the minister to Great Britain, for this Government in the negotiation for the opening of British colonial courts to our commerce:

The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which cause the interruption of the trade in question, have been exclusively abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal upon those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. * * * You can not press this view of the subject too earnestly upon the consideration of the British minister. It has bearings and relations that reach beyond the immediate question under consideration.

All Mr. Van Buren had done was to call attention to the fact that the former attitude of this country had been taken under another administration; that the part taken by the present administration had been different, and that their views had been submitted to the people; that the old claims had been abandoned and not revived. He suggested no distinction between the opinions of the House of Representatives and the Senate. He made no promise as to the future conduct of a party as to domestic questions in which Great Britain had an interest. His utterances were in his instructions to our own minister, not in diplomatic intercourse with an envoy of Great Britain.

For this his nomination as minister to Great Britain was rejected. Mr. Calhoun, then Vice-President, gave his casting vote for the rejection.

Hear what Delaware had then to say on this matter. Mr. Clayton said:

"He was directed to speak with confidence of the respective parts taken by those to whom the administration of this Government is now committed," to lay before Europe the state of parties in this country, and to degrade and disgrace all the former administrations of our Government, during which this right had been insisted upon, by entirely and unconditionally withdrawing all our claims for justice on that country. He was told, in substance, to press upon England the state of our domestic and party differences at home, and he was admonished that this subject had bearings and relations which reached beyond the immediate question under consideration. * * * Let us say to the British Government this day by our vote that we never consented to the disgrace which has befallen us, and that we prefer to recall the minister who has dishonored us, to all the pretended benefits of this miserable negotiation. On this ground alone I will this day condemn this appointment so far as my vote will go to affect it.

Mr. Webster said:

I think those instructions derogatory in a high degree to the character and honor of the country. I think they show a manifest disposition, in the writer of them, to establish a distinction between his country and his party; to place that party above the country; to make interest at a foreign port for that party, rather than for the country; to persuade the English ministry and the English monarch that they had an interest in maintaining in the United States the ascendency of the party to which the writer belongs. Thinking thus of the purpose and object of these instructions, I can not be of opinion that their author was a proper representative of the United States at that court. Therefore it is that I propose to vote against his nomination.

It is the first time, I believe, in modern diplomacy, it is certainly the first time in our history, in which a minister to a foreign court has sought to make favor for one party at home against the other, or has stooped from being the representative of the whole country to being the representative of a party. And as this is the first instance in our history of any such transaction, so I intend to do all in my power to make it the last. For one, I set my mark of disapprobation upon it; I contribute my voice and my vote to make it a negative example, to be shunned and avoided by all future ministers of the United States.

If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister and repeated once and again to urge these mere party considerations on the foreign government, to what extent is it probable the writer himself will be disposed towards them in its one thousand opportunities of informal intercourse with the agents of that government?

Mr. GRAY. Do I understand the Senator from Massachusetts to say that Mr. Bayard in a deliberate and formal communication to the British Government introduced any allusion to parties in this country?

Mr. HOAR. I undertake to say what Sir Charles Tupper said in a speech which has been published.

Mr. GRAY. I understood the Senator just now to say that in a deliberate and formal communication Mr. Bayard had done so.

Mr. HOAR. The Senator misunderstood me. I was reading from Mr. Webster.

Mr. GRAY. I am glad to hear the Senator say so.

Mr. HOAR. I am going to repeat what I said. The Senator can not have understood me.

Sir Charles Tupper says that Mr. Bayard told him in substance (I am not now giving the words, which, however, will be printed as they were uttered by Sir Charles Tupper) that if he would make this treaty, the President and the House of Representatives and the great Democratic party would do what Great Britain wanted, and what Canada wanted, in regard to our customs laws in that particular. Then I read from Mr. Webster. That was in one of the informal opportunities of official intercourse which our Secretary of State had with Sir Charles Tupper.

Mr. Webster said that when Mr. Van Buren, as Secretary of State, in a formal letter to our minister in England, had permitted such a thing to be said, it was not only bad in itself, but that we might expect in the thousand and one opportunities of informal intercourse he would go on to do exactly what Sir Charles Tupper says Mr. Bayard has done.

Mr. GRAY. I misunderstood the Senator from Massachusetts, but I wish to say that there is not a particle of evidence which the Senator has produced here showing that Mr. Bayard ever used the language which he has just quoted.

Mr. HOAR. Sir Charles Tupper said it, and it is uncontradicted. Does the Senator believe that the Canadian minister of state, in reporting to that government what took place on that occasion, made a misstatement, or if he did that it would have gone two or three months, fully known to all mankind, without contradiction? I have the debates here, sent me by Sir Charles Tupper himself.

Mr. GRAY. It will be printed, and we shall look at it.

Mr. HOAR. It is all printed, and you can look at it.

But the Senator from Alabama threatens us with foreign war. He says we object to all negotiations and that "we propose to open the door to a new plan of redress which it may be impossible to close until war has filled our land with slaughter." Why, Mr. President, if it were not for my respect for the Senator from Alabama, I should say that this is supremely silly. The whole matter is simple enough. The people of the United States will not be misled. What we propose to say to Great Britain is just this: We do not agree that because we made our fishermen an especially privileged class in 1818, when you would admit no other vessel at all, we are now bound to except them from the advantage of the decencies of hospitable intercourse as they exist in 1888. But if you think otherwise, so be it. You may write the law yourself; but the rule, whatever it is, must apply alike to both parties. If our fishing vessels with their cargoes can only enter your ports for the four purposes mentioned in the convention of 1818, yours shall only enter ours for the same purposes.

Let the same rule apply to both. If the American fishing vessel in distress, or not in distress, can not enter Canadian ports to buy, then the Canadian fishing vessel shall not come into our ports to sell. If we can not unload our cargo of fish there to send it anywhere in the United States to be there sold, you shall not unload your cargo of fish here to send it anywhere in the United States to be there sold. If our ship can not stay twenty-four hours in Halifax your ship shall not stay twenty-four hours in Boston. What is sauce for the cod-fish is sauce for the mackerel. Make your own rule. Write your own law. Take your own medicine. Put up your own prescription. Sir Charles Tupper says Great Britain did not renounce any rights for her fishing vessels in 1818. That is true. But it is also true that she did not get any rights for her fishing vessels in 1818. Her rights depend on our statute of 1830 and President Jackson's proclamation. Our rights beyond the treaty of 1818 stand on the British order in council.

If that order in council can be recalled at her pleasure, our statute and proclamation can be repealed at ours. If her order in council of 1830 did not mean fishing vessels, or can be now so construed or modified as to not mean them, our statute and proclamation did not mean fishing vessels, or may be so construed or modified as not to mean them. The Senator from Alabama misconceives the spirit of the American people if he expects them to submit to other terms than an equal right and an equal privilege for both sides. He undervalues the intelligence of the American people if he thinks he can frighten them with the idea that Great Britain will fight or will engage in a warfare of commercial restrictions in such a quarrel.

But the Senator says Congress, in the statute of March 3, 1887, put upon the President a discretion it shrank from exercising itself. If it meant retaliation it should have said retaliation. Instead of that, it put upon the President the grave responsibility of doing an act of commercial unfriendliness of his own motion. It is no such thing. Whenever he is satisfied that our fishing vessels are deprived of their rights, or are unjustly vexed or harassed in Canadian waters, the statute declares "it shall be the duty of the President, in his discretion, to deny the vessels of the British Dominion or their fish entrance," etc., with proper exceptions of vessels in distress. He is to make proclamation.

The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the privileges of this act.

The discretion vested in him is only as to the extent he shall go. That was clearly indispensable. If he had excluded fish only, and had no power to go further, Canada might in return exclude some other products of ours which she could get elsewhere as conveniently. We had to arm him with discretion to this extent; and also that he should not be compelled to go further than the exigencies required. But it is expressly made his duty to proceed to exercise his discretion under the act, and to take whatever of the steps therein pointed out are necessary to accomplish its purpose.

No, Mr. President, the attempt to becloud this question will not avail. We had a very simple complaint. It was the use of Canadian fishing laws and customs laws to harass our fishermen in British ports and waters, to compel us to let in their fish to our market free of duty. We gave the President a very simple remedy. It was to apply the same rule to the fishermen of both countries. Congress unanimously thought that was all that was needed, and the President signed the bill. But it seems to have occurred to the Secretary of State that his favorite Democratic doctrine of free trade could get some advantage from this business. He invited the British commissioners to come over here, and led them to expect they were to discuss the matter of adjusting commercial relations by treaty. That was found impracticable.

Sir Charles Tupper has declared the astonishment he felt when he found the representatives of the United States unwilling to take up the subject. He appeals to his own people to decide whether Mr. Bayard's letters and conversation had not fairly led him to that expectation. The Secretary then puts off all the complaints of his American fellow-citizens to a remote future. He permits Great Britain to revive an old exploded pretension, settled by a just interpretation of the treaty of 1818, settled by the history of that treaty, settled by solemn adjudication, settled by long practice, settled by Great Britain's refusal to maintain the absurd pretension of Canada. He leaves the obnoxious Canadian statutes unrepealed, the obnoxious Canadian practices to be resumed at her pleasure. He gets a promise from Canada to observe a few of the common decencies of behavior and of trial, which she confesses she could not refuse with any regard to her own credit, and a promise to let us buy supplies and transship cargoes and crews whenever we admit her to our magnificent market without the fishing rights which she has so gladly and eagerly given for it heretofore.

He admits that Canada has done everything we can reasonably ask, although our vessels are still to be seized by petty officials, the burden still to be put upon our fishermen of proving their innocence, and neither damages or cost are to be recovered for the detention of vessels, the seizure of cargoes, and the breaking up of voyages. He assures Great Britain that the objects and purposes of the great Democratic party, of President and House, are in harmony with hers, and establishes the claim of that party to her future sympathy and support. He induces his Democratic followers to reverse their own policy and to eat the bravest words they ever spoke. This is the cup President Cleveland submits to us. Mr. Bayard expressed in his Boston letter the desire that this matter might be discussed publicly in the Senate. The President in his message advised that we should make public "the exact substance of the proposed adjustment in place of the exaggerated and imaginary statements which would otherwise reach the people." I do not think either then expected to be taken at his word.

No, Mr. President, this treaty is not the road to honor, to safety, or to peace. It is not the road to the respect of Great Britain, or even of Canada. Where it removes one cause of discord it will produce ten. Quiet, firmness, adherence to treaties, submission to the judgments of duly constituted international tribunals, the same rule for both sides, will give us security. We can never have commercial reciprocity till reciprocity of justice and courtesy are first established.

The Americans are not a quarrelsome people. When we remember whose children we are, we have always shown a surprising readiness to yield our just rights for the sake of peace. We have little left to us even of that rash humor which our mother gave us. But we can never live in peace with Canada if we allow her to think that the methods she has taken for the last three years are the ways to gain concessions from us. We can never live in peace with England if we permit her, without prompt and instant protest, to try once more the experiments on our forbearance which preceded the Revolution, which preceded the war of 1812, which accompanied the war of the rebellion. The rejection of this treaty is in the interest of a true, thorough, and lasting peace. We have every motive of kindred, of friendship, and of commercial interest to live in amity with the mother country, and with the young power which is rising on our northern boundary, whose frontier for more than fifty degrees of longitude marches side by side with our own.

We look with no contempt or dislike upon Canada. We are glad to see the spirit of her young nationality stirring in her veins. We behold with admiration the growth of her magnificent railroad system, and the courage and enterprise with which her statesmen are adding these new links to the chain with which England, like a mighty snake, is winding her coils about the globe. Sir Charles Tupper and Sir John Macdonald may well give lessons to both sides of this Chamber. She is not afraid to create or to control the great railroads that are essential to her commercial prosperity. She does not send away her famous engineers, when they place their genius at her command, humbled and baffled from her legislative chamber, to die in sorrow and disappointment. She is not afraid to build a ship-railway or even to create a navy. But when she asks us to abandon our fishermen to her tender mercies, to build up a naval school for her by giving her fishermen our market, she asks what it is neither fitting for us to yield nor for her to receive.

The American, who reads with pride the civic and military history of his country, can feel the same satisfaction when he comes to the chapter which tells of her diplomacy. In the day of our infancy Franklin, and Adams, and Jay encountered the trained diplomatists of England and the continent, not merely as equals but as masters. The direct, open, sincere, straightforward, untiring energy of brave and honest old John Adams, "whose armor was his honest thought, and simple truth his utmost skill," alone made possible the treaty with Holland. The consummate sagacity and personal influence of Franklin gave us the French alliance. The courage of Adams, the wisdom of Franklin, the austere virtue and steadfast firmness of Jay united in 1783 to save for us, alike from the power of our great antagonist and the wiles of jealous and suspicious allies, everything that was essential to greatness and glory by land and by sea. Later, the foresight and fear-

lessness of Jefferson gained for us the great Louisiana empire. Monroe and his minister of state won for us the Floridas.

At the close of the war of 1812 John Quincy Adams, and Gallatin, and Clay, and the elder Bayard met the representatives of a power that had one-half of the world for her allies and the other half at her feet. England had just overthrown Napoleon on land, and swept the navies of Europe from the face of the sea. Yet we came from the contest of war, and of diplomacy, with every right and liberty unimpaired. our honor without a stain, with added glory to our flag, and the pretension for which England had gone to war with us never to be heard of again.

We had another war within our own recent memory. Our foes were of our own household. Our ancient enemy and our ancient ally sat at their gates, gazing across the Atlantic, to see if they could discover any pretext for throwing their weight into the scale of rebellion. England gave us provocation enough. You remember the sublime patience with which Abraham Lincoln waited until the hour of our strength came. It was the fortune of another Adams to address to Earl Russell one quiet sentence, perhaps the most eloquent that ever came from an American pen—

It is superfluous to observe to your lordship that this is war.

Foreign office and law officer reversed their decisions in an hour and the rams were stopped. You know how the French Emperor, victor of Sebastopol and Solferino, in the height of his military strength, hurried out of Mexico at a word uttered by Mr. Seward. You remember the time when General Grant gave notice that any American citizen who had a claim against Great Britain should bring the evidence to him. That haughty power sent over her commissioners to apologize for her wrong, and was held as a defendant to make compensation. You remember how the diplomacy of the same great administration induced nearly every first-class power in Europe to renounce the old doctrine of perpetual allegiance and let our adopted citizens alone.

Those were days when the American citizen, native and adopted, held up his head in the pride of his citizenship. Those were days when our ten thousand million of wealth was becoming fifty thousand; better still, when slaves were changing into freemen, and freemen into citizens. Those were days when the flag, beautiful as a flower to those who loved it, terrible as a meteor to those who hated it, floated everywhere in peaceful seas, and was honored everywhere in friendly ports. No petty British officer hauled it down from an American masthead. No Canadian minister of justice laughed in the face of an injured American citizen when Grant was in the White House.

I confess that, much meditating on these things, I take little satisfaction when I think of Grover Cleveland. I do not like the policy which everywhere robs American citizenship of its glory. I do not like the methods of fraud and crime which have destroyed popular elections in so many Democratic States. I would have the box where the American freeman casts his ballot sacred as a sacramental vessel. I do not like this conspiracy between the old slave-holder and the English manufacturer, to strike down the wages of the American workman and the comfort of the American workman's home. I do not like your refusal to maintain the American Navy and to fortify and defend the American coast. And I like no better the present treaty. It leaves the American sailor to be bullied and insulted without redress, and abandons the American right to the fisheries, older than the nation itself which the valor of our fathers won for us and the wisdom of our fathers preserved for us.

APPENDIX—A.

Table showing number of persons engaged in the fisheries from Massachusetts and their place of birth.

[Massachusetts State Census of 1885. Taken from population schedules.]

Place of birth of foreign-born.	Foreign-born males.			Total.
	Aliens.	Naturalized voters.	Not voters.*	
Ireland	138	186	179	503
Canada (English)	2	1	5	8
Canada (French)	12	4	2	18
England	41	46	1	88
Scotland	16	12	2	30
Nova Scotia	950	210	149	1,309
Prince Edward Island	118	35	7	160
New Brunswick	19	12		31
Germany	44	14	2	60
Sweden	221	53	18	292
Portugal†	167	52	28	247
Western Islands†	409	51	41	501
Other countries	403	165	28	596
Total foreign-born	2,540	841	462	3,843
Total native-born				4,130
Total males				7,973
Total females				7
Total persons				7,980

*Reliable polls only or those having no political condition (not including aliens).

†"Portugal" includes dependencies other than "Western Islands."

B.

Letter from Professor J. W. Collins, Assistant United States Fish Commissioner, transmitting statistics in regard to the fisheries of Massachusetts.

WASHINGTON, D. C., *May* 24, 1888.

SIR: In compliance with the instructions contained in your letter of this date (inclosing a letter from Hon. GEORGE F. HOAR) I have the honor to submit the inclosed table showing by customs districts and by totals the number and nationality of men on vessels employed in the cod, mackerel, halibut, herring, and other food-fish fisheries, from the State of Massachusetts, during the year 1886. This table has been compiled from data obtained under the direction of Mr. R. Edward Earll, my predecessor in charge of the division of fisheries. The facts have been chiefly collected by experts of the Fish Commission, but to some extent have been supplied by the masters and owners of the fishing vessels.

There are not available in this office any statistics of the number of men employed in the boat fisheries of 1886, but these have been approximated from the returns obtained by the census of 1880, since which time there has probably been comparatively little change.

The number of men employed in the whale fishery has been estimated on the basis of the average crews of vessels in 1880. At that time the vessels averaged a fraction over twenty-four men each, and as there were ninety-six vessels employed in the whale fisheries from Massachusetts in 1886, it would give us an approximate number of men engaged in that fishery, the last-mentioned year, of 2,304. It has also been necessary to make an approximation of the number of people employed in the preparation of fishery products in Massachusetts, and I believe it safe to assume that these figures are not very much different from the actual facts at the present time.

These statistics for the vessel fisheries have been gathered with much care, as previously stated, by experts thoroughly familiar with the fisheries, and they are, therefore, believed to be exceptionally accurate and valuable.

I hope the table may meet the requirements of Senator HOAR.

Yours, very respectfully,

J. W. COLLINS,
Assistant United States Fish Commissioner,
In Charge of Division Fisheries.

Hon. MARSHALL MCDONALD,
United States Commissioner of Fish and Fisheries,
Washington, D. C.

Comparative statement of the statistics of the fisheries of Massachusetts, compiled from the census returns published in the reports of the "Fisheries Industries of the United States" by the United States Fish Commission in 1880, and the "Fisheries of Massachusetts, census of 1885," prepared under the direction of Col. Carroll D. Wright.

1880. UNITED STATES FISH COMMISSION REPORT.			1885. THE FISHERIES OF MASSACHUSETTS.		
Capital invested:					
Vessels and boats		$6,681,980			
Nets and traps		369,870			
		7,051,850	Capital invested:		
Real estate, buildings, machinery, and cash		7,282,600	Working capital, apparatus, salt, and ice		$8,660,581
Products:			Products:		
Food-fish		$4,992.541	Food-fish		$4,566,679
Shell-fish		649,013	Shell-fish		359,257
Whale fishery		2,080,337	Whale fishery		1,270,543
Fertilizer, etc		120,659	Fish products		230,139
Miscellaneous		299,200	Miscellaneous		36,074
Total		8,141,750	Total		6,462,692
Vessels and tonnage:					
Food fishery	799	42,118.00			
Menhaden fishery	35	1,269.70			
Oyster fishery	6	557.54	Vessels and tonnage:		
Whale fishery	161	36,786.51	Schooners	736	47,767.28
Seal fishery	1	84.65	Sloops	55	352.22
Squid fishery	5	264.00	Steamers	3	159.03
			Whale fishery	72	19,932.96
Total	1,007	81,080.49	Total	866	68,211.49
Small boats:					
In vessel fishery		3,822			
In shore fishery		2,927	Small boats:		
Total		6,749	Dories, seine-boats, shore-boats, etc		5,308
Persons employed:					
Vessel fishermen		8,646			
Boat fishermen		4,528	Persons employed:		
Whale fishermen		3,991	Resident fishermen		11,743
			Non-resident fishermen		2,933
Total		17,165	Shore hands		759
Shore hands		2,952			
Total		20,117	Total		15,435

There has been considerable decrease in the number of vessels and men employed in the whale fishery from New England since 1880, chiefly due to the fact that the vessels have been transferred from New England whaling ports to San Francisco. In 1886 there were only ninety-six vessels employed in the whale fishery from Massachusetts against one hundred and sixty-one in 1880, and the decrease in the number of men would be approximately 1,800. This number subtracted from the 17,165 employed in the fisheries of Massachusetts, according to the census of 1880, would leave 15,765, as against 14,676 reported by the census of Massachusetts in 1885. It seems, therefore, that these statistical statements corroborate each other, and that there was a probable decrease of about one thousand employed in the State between 1880 and 1885.

The hands employed ashore in preparing boneless fish, fish-glue, etc., all of which were included in the report of 1880, are not taken into account in the State census, where they come under the head of "Manufactures."

Table showing by customs districts the numbers and nationality of men on vessels employed in the cod, mackerel, halibut, herring, and other food-fish fisheries from Massachusetts during the year 1886.

Customs districts.	Total number of men on vessels.	Number of American subjects.	Number of British provincials.	Number of other foreigners.	Percentage of American subjects.	Percentage of British provincials.	Percentage of other foreigners.
Newburyport	53	49	4	.....	92	8	.....
Gloucester	5,193	3,365	1,102	726	65	21	14
Salem and Beverly	137	111	26	.....	81	19	.....
Marblehead	255	251	2	2	98	1	1
Boston	756	567	106	83	75	14	11
Plymouth	54	51	3	.....	95	5	.....
Barnstable	2,413	940	604	869	39	25	36
Nantucket	14	14	.....	.....	100	.....	.....
Edgartown	25	25	.....	.....	100	.....	.....
New Bedford	89	64	.....	25	72	.....	28
Total	8,989	5,437	1,847	1,705	60.4	20.5	19.1

NOTE.—In addition to the above there were twenty-five American subjects and one foreigner employed on vessels engaged exclusively in the lobster and menhaden fisheries.

These figures do not include men fishing in boats and vessels under 5 tons burden, nor men fishing on vessels employed in the whale fishery. Approximate figures for these fisheries show 4,528 men in the boat fishery and 2,304 men in the whale fishery.

No account is here taken of curers, packers, fitters, and factory hands, the approximate number of whom is 2,952.

C.

Table showing number of fishermen and oystermen in New England and their place of birth.

[From the United States Census of 1880.]

Number of fishermen and oystermen in Massachusetts	6,103
Number of fishermen and oystermen in Maine	4,244
Number of fishermen and oystermen in New Hampshire	226
Total in Maine, New Hampshire, and Massachusetts	10,573
Number of fishermen and oystermen in Rhode Island	879
Number of fishermen and oystermen in Connecticut	1,260
Total in New England (Vermont excluded)	12,712

DETAIL SHOWING NATIVITY.

States.	United States.	Ireland.	Germany.	Great Britain.	Sweden and Norway.	Canada.	Miscellaneous.
Maine	4,017	12	8	24	1	162	20
Massachusetts	3,529	492	35	129	237	1,271	410
New Hampshire	207	.....	.....	1	4	9	5
Total	7,753	504	43	154	242	1,442	435
Rhode Island	823	18	5	18	3	12	12
Connecticut	1,198	15	8	12	5	2	20
Total	9,774	537	56	184	250	1,456	467

D.

Extract from the report of Professor Spencer F. Baird, Commissioner of Fisheries, for 1884.

After giving a list of his authorities (Census Report for 1880) Professor Baird continues as follows:

"The general results of the investigation, from the statistician's standpoint, may be briefly summarized as follows:

"In 1880 the number of persons employed in the fishery industries of the United States was 131,426, of whom 101,684 were fishermen and the remainder were shoremen. The fishing fleet consisted of 6,605 vessels (with a tonnage of 208,297.82) and 44,804 boats, and the total amount of capital invested was $37,955,349, distributed as follows: Vessels, $9,357,282; boats, $2,465,393; minor apparatus and outfits, $8,145,261; other capital, including shore property, $17,987,413.

"The value of the fisheries of the sea, the great rivers, and the great lakes was placed at $43,046,053, and that of those in minor inland waters at $1,500,000, in all, $44,546,053. These values were estimated upon the basis of the prices of the products received by the producers, and if average wholesale prices had been considered the value would have been much greater. In 1832 the yield of the fisheries was much greater than in 1880, and prices, both at first hand and at wholesale, were higher, so that a fair estimate at wholesale market rates would place their value at the present time rather above than below $100,000,000.

"The fisheries of the New England States are the most important. They engage 37,043 men, 2,066 vessels, 14,787 boats, and yield products to the value of $14,270,363. In this district the principal fishing points in order of importance are: Gloucester, New Bedford, the center of the whale fishery, Eastport, Boston, Provincetown, and Portland.

"Next to New England in importance are the South Atlantic States, employing 52,418 men, 3,014 vessels (the majority of which are small, and engaged in shore and bay fisheries), 13,331 boats, and returning products to the value of $9,602,737.

"Next are the Middle States, employing in the coast fisheries 14,981 men, 1,210 vessels, 8,293 boats, with products to the amount of $8,676,579.

"Next are the Pacific States and Territories with 16,803 men, 56 vessels, 5,547 boats, and products to the amount of $7,434,750. The fisheries of the Great Lakes employ 5,050 men, 62 vessels, and 1,594 boats, with products to the amount of $1,784,050. The Gulf States employ 5,131 men, 197 vessels, and 1,252 boats, yielding products to the value of $545,584."

E.

[Resolutions of the city of Gloucester.]

CITY OF GLOUCESTER.

IN COMMON COUNCIL, *February* 28, 1888.

Resolved, That the city council of Gloucester earnestly protest against the adoption of the so-called Fishery Treaty, which is now before the United States Senate for ratification, believing that its adoption will be a great injury to the fishing interests of the country.

Resolved, That the Senators and Members of Congress representing the State of Massachusetts be requested to use all their influence to prevent the adoption of this treaty, to the end that the fishing industry of the country may not be sacrificed.

Resolved, That a copy of these resolutions be sent to United States Senators HOAR and DAWES, also to each Massachusetts member of the House of Representatives, and that his honor, Mayor Robinson, be requested to transmit the same at once.

Adopted. Sent up for concurrence.

A. F. STICKNEY, *Clerk.*

IN BOARD OF ALDERMEN, *March* 8, 1888.

Adopted in concurrence.

JOHN J. SOMES, *Clerk.*

Approved March 12, 1888.

DAVID I. ROBINSON, *Mayor.*

A true copy, attest:

JOHN J. SOMES, *City Clerk.*

F.

Preamble and resolutions adopted at a meeting of the Gloucester Master Mariners' Association, at Gloucester, Mass., Friday evening, April 13, 1888; Henry B. Thomas, president; William M. Gaffney, secretary.

Whereas in every treaty between Great Britain and the United States since 1783, the rights of American fishermen have been sacrificed: and

Whereas the present treaty now under consideration by the Senate of the United States is a still further surrender of our rights upon the high seas, in the proposed act of delimitation by which the headland theory of Great Britain is established, and jurisdiction is assumed over waters which are the property of all nations; and

Whereas by the terms of this treaty the common offices of humanity, acknowledged, practiced, and obeyed by all civilized nations, have been claimed as concessions and made a matter of bargain and sale; and

Whereas the ambiguous language of this treaty makes many of its provisions uncertain, resting their interpretations solely upon Canadian local law; and

Whereas no indemnity for past wrongs and outrages are provided, and no recognition of the rights conferred on American vessels in Canadian ports, by mutual legislation, is made, but, on the contrary, every such right is denied and the barbarous acts of Canada is justified and allowed; and

Whereas both treaty and protocol are but the initiatory steps towards the complete surrender of the markets of the United States, by which the fisheries of Canada will be developed and enlarged and those of the United States depleted and destroyed: Therefore,

Resolved, That this association, composed of the masters of American fishing-vessels, who know by contact and experience the full significance of Canadian diplomacy, cordially unite with their brethren of other associations in the following declarations:

That in common with the other producing industries of the country, we ask of the General Government neither subsidy nor bounty, but simply equal protection.

That we have neither asked nor sought the intervention of any commission, mixed or otherwise, to define our just rights upon the high seas or in foreign ports, but have appealed to our own Government to maintain the integrity and just interpretation of treaties and legislation, under which our business rights as American citizens are affected.

That we neither use nor desire to use Canadian waters for practical fishing, but simply ask that our commercial rights therein shall be defined by our own Government, and when so defined, maintained.

That the American ocean fisheries are not dependent upon any favor or privilege, to be granted by Canada, but on the contrary the natural resources of our own country and the high seas afford everything necessary for the prosecution of our business.

That we will cheerfully conform to whatever construction our own Government shall place upon existing treaties and legislation, and desire no new treaty that shall dictate our national legislation or destroy the small remnant of protection we now have.

Resolved, That we appeal to the honorable Senate of the United States, which has by a most eminent commission thoroughly investigated the subject of our fishery relations with Canada, and whose report has passed through the legislation of both Houses of Congress, been unanimously approved, to sustain the honor and dignity of the Government of the United States, by maintaining the integrity of their action, and the rights of our citizens, by refusing to approve the treaty, or consent to so complete a surrender of our rights as a nation.

Resolved, That as the entire fishing interest of the United States has not been allowed any representation whatever by the negotiators of this treaty, while the commission of the Senate visited every location and obtained sworn testimony from the operative fishermen of the country, the reason for the difference in results is clearly apparent.

Resolved, That we respectfully ask for prompt and immediate action upon this treaty, by the honorable Senate, in order that our national honor may be vindicated, and the rights of our citizens assured, in every foreign port and upon the high seas.

Capt. Henry B. Thomas, schooner M. H. Thomas; Capt. Joseph Smith, schooner Lizzie M. Center; Capt. George A. Johnson, schooner Augusta H. Johnson; Capt. John Chisholm, schooner Harry G. French; Capt. Nathaniel P. Smith, schooner Margie Smith; Capt. John P. Aiken, schooner Bartie Pierce; Capt. Thomas H. White, schooner Rapid Transit; Capt. William Mailman, schooner Alabama; Capt. Joseph E. Graham, schooner Senator Morgan; Capt. John McInnis, schooner Willie M. Stevens; Capt. John A. McKinnon, schooner Mayflower; Capt. Geo. H. Martin, schooner Ethel Maud; Capt. Pius McDonald, schooner Edith S. Walen; Capt. John Geary, schooner Della F. Tarr; Capt. William B. McDonald, schooner Blue Jacket; Capt. Alexander McEachern, schooner Mascot; Capt. Sylvanus McPhee, schooner Canopus; Capt. Joseph I. Tupper, schooner Jennie Seaverns; Capt. Solomon A. Rowe, schooner Wm. H. Foye; Capt. Geo. W. Dixon, schooner Henry W. Longfellow; Capt. Manuel Silva, schooner J. W. Collins; Capt. William F. Harris, schooner Col. J. H. French; Capt. Edward Morris, schooner Abbie F. Morris; Capt. Colin Chisholm, schooner John W. Camp-

bell; Capt. John Collins, schooner Annie M. Jordan; Capt. Angus McKay, schooner New England; Capt. H. M. Seelye, schooner Argonaut; Capt. John S. McQuin, schooner Druid; Capt. Alexander McNeil, schooner M. A. Baston; Capt. John McKinnon, schooner Starry Flag; Capt. Sidney Smith, schooner Fred. P. Frye; Capt. N. A. McKinney, schooner Shiloh; Capt. Robert Smith, schooner Volunteer; Capt. Joseph L. Swim, schooner Edith Rowe; Capt. Levi N. McLean, schooner Herald of the Morning; Capt. R. I. Cunningham, schooner Enola C.; Capt. Charles Lee, schooner Orient; Capt. James McShara, schooner Alert; Capt. Jesse Lewis, schooner Lizzie W. Hannum; Capt. James Fiers, schooner Zenobia; Capt. Colin McIntosh, schooner Nellie G. Thurston; Capt. James Cromwell, schooner Hattie Evelyn; Capt. James Simpson, schooner Ralph E. Eaton; Capt. James L. Anderson, schooner Wm. H. Jordan; Capt. Joseph M. Bearse, schooner Star of the East; Capt. Robert Porper, schooner Gladstone; Capt. William P. Gray, schooner Leona; Capt. Charles Martin, schooner John S. McQuin; Capt. Charles J. Lawson, schooner Herman Babson; Capt. John Marshall, schooner Landseer; Capt. Sewall W. Smith, schooner Rattler; Capt. B. A. Williams, schooner G. P. Whitman; Capt. Russell D. Terry, schooner Ada R. Terry; Capt M. B. Murray, schooner M. M. Murray; Capt. Frank Veator, schooner Alice; Capt. Daniel McIntyre, schooner Gertie Evelyn; Capt. Harry Gardner, schooner Samuel V. Colby; Capt. William Goold, shooner F. W. Homans; Capt. Jed. Warren, schooner Alice C. Jordan; Capt. William Dempsey, schooner Mattie F. Dyer; Capt. Owen A. Whitten, schooner Carrie W. Babson; Capt. William Herrick, schooner George F. Keene; Capt. John W. McFarland, schooner Emma W. Brown; Capt. William H. Greenleaf, schooner Porter S. Roberts; Capt. John Dowdell, schooner Matthew Keany; Capt. F. B. Vautier, schooner Thetis; Capt. John Campbell, schooner Grace L. Fears; Capt. William H. Collins, schooner Lucy E. Friend; Capt. John A. Griffin, schooner Lizzie Griffin; Capt. William N. Wells, schooner Bessie N. Wells; Capt. Thomas Bohlin, schooner John G. Whittier, Capt. Thomas Jones, schooner Alice S. Hawkes; Capt. William T. Lee, schooner Sarah E. Lee; Capt. Henry F. Brown, schooner Edith Conley; Capt. Amos N. Rackliffe, schooner Frank A. Rackliffe; Capt. Stephen B. Cole, schooner Lelia Norwood; Capt. Nathaniel Greenleaf, schooner Lizeie J. Greenleaf; Capt. O. B. Fitch, schooner Davy Crockett; Capt. Harlan Eaton, schooner Electa A. Eaton; Capt. Wilson Cahoon, schooner Flora Dilloway; Capt. Frank H. Hall, schooner Fannie Bell; Capt. Wm. H. Thomas, schooner Mystic; Capt. Edward Stapleton, schooner Champion; Capt. Daniel McKinnon, schooner Minnesota; Capt. John A. McDonald, schooner W. W. Rice; Capt. Thomas Lewis, schooner Winged Arrow; Capt. Peter McAuley, schooner A. E. Whyland; Capt. Thomas Goodwin, schooner Lottie P. Morton; Capt. Oliver Collins, schooner Robert J. Edwards; Capt. Pius McPhee, schooner David A. Story; Capt. D. S. Nickerson, schooner William H. Wellington; Capt. Hanson Joyce, steamer Novelty; Capt. Edward W. Hall, schooner Martha A. Bradley; Capt. D. E. Collins, schooner Grampus; Capt. William Grant, schooner David Low; Capt. Seth S. Nickerson, schooner Sarah P. Ayer; Capt. John E. Sigsworth, schooner Anne and Mary; Capt. Maurice Whalen, schooner Fannie W. Freeman; Capt. Frank Wright, schooner Magnolia; Capt. Otto Johnson, schooner Loring B. Haskell: Capt. Osborne Maguire; Capt. Albert Heurdickson, schooner Brunhilde; Capt. T. F. Hodgdon, schooner Ralph F. Hodgdon; Capt. James A. McKinnon, schooner Ada M. Hall; Capt. Charles Nute, schooner Fernwood; Capt. John Dago, schooner Concord; Capt. Jerome B. McDonald, scooner Monitor; Capt. Angus Campbell, schooner Augusta E. Herrick; Capt. Andrew McKenzie, schooner Senator Saulsbury; Capt. George M. McClain, schooner Henry Dennis; Capt. Charles Harty, schooner I. J. Merritt, jr.; Capt. Loring B. Nauss, schooner Belle A. Nauss; Capt. Frank Carroll, schooner Warren J. Crosby; Capt. Augustus Hall, schooner Anna B. Cannon; Capt. Alexander Trench, schooner Marion Grimes; Capt. Frank Foster, schooner Frank Foster; Capt. Edward Trevoy, schooner Edward Trevoy; Capt. Joseph Ryan, schooner A. D. Story; Capt. William Maguire, schooner John W. Bray; Capt. Thomas Parris, schooner Governor Butler; Capt. John A. Vibert, schooner Spencer F. Baird; Capt. Cornelius Thorburne, schooner John S. Presson; Capt. Wm. Gibbs, schooner Oceanus; Capt. John Cousens, schooner Barracouta; Capt. L. G. Hodgdon, schooner William H. Cross; Capt. Charles Benson, schooner Eliza R.; Capt. Alex. Haines, schooner Julia Whalen; Capt. Peter Roberts, schooner Vesta; Capt. John Q. Getchell, schooner Vinnie M. Getchell; Capt. John Tavener, schooner Mattie Winship; Capt. Zenas Brown, schooner Morrill Boy; Capt. Thomas Thompson, schooner Edward Everett; Capt. John Coney, schooner Lizzie; Capt. A. J. Burnham, schooner Robin Hood; Capt. Edward Cosgrove, schooner Alert; Capt. Willard G. Pool, schooner George F. Edmunds; Capt. William Kiff, schooner Fleetwing; Capt. B. F. Payson, schooner S. F. Maker; Capt. Charles Burchart, schooner William M. Gaffney; Capt. Edward Groves, schooner Edward P. Boynton; Capt. Colin Chisholm, schooner J. W. Campbell; Capt. Charles Smith, schooner Finance; Capt. John McDonald, schooner Farmer R. Walker; Capt. John McDonnell, schooner Scud.

G.

Resolutions adopted by the New York Board of Trade and Transportation, at the monthly meeting, March 14, 1888.

THE FISHERY TREATY.

Whereas Canada, under a forced interpretation of the treaty of 1818, (which was superceded by those of 1830 and 1871,) has sought by unjust seizures of American fishing vessels to compel the United States to admit salt fish free of duty; and

Whereas the United States Commissioners appointed to negotiate a just and equitable treaty for the settlement of the fisheries question have reported a form of treaty which is unjust and inequitable, inasmuch as it denies to Americans (unless purchased by making fish free of duty) the same rights which we concede to the Canadians, namely, the purchase of supplies, the shipment of merchandise in bond from one country to another, the shelter in port for a longer period than twenty-four hours, and fishing in waters more than 3 miles from shore if within imaginary lines drawn from headland to headland; and

Whereas the justice of all these claims of American fishermen was conceded by our Department of State, as is shown by its correspondence, but they were waived by the American commissioners, apparently with an entire disregard of the rights and interests of American fishermen; and

Whereas Canadian fishermen enjoy advantages in bounties, special exemption from taxation, and lower prices for labor and materials which are not enjoyed by American fishermen, and which would speedily crush our American fishing industry if the protecting barrier of the duty was removed, an illustration of which is seen in the effect of the treaty of Washington, under which the Canadian fishing fleet increased in twelve years from four hundred vessels to eleven hundred, while ours decreased in the same time 30 per cent.:

Resolved, That as long as any industry is thus protected in the United States the duty on fish should be continued, and when removed the persons engaged in this hazardous industry should be granted a bounty which will in some degree encourage them to continue same.

Resolved, That the importance of the sea fisheries to our country can not be measured by the capital employed, for they constitute a nursery for our commercial marine and our Navy, the usefulness of which has been demonstrated in every emergency when we have been called upon to maintain the rights and honor of our flag on the high seas.

Resolved, That while we have every desire to cultivate friendly relations with our neighbors and to encourage the present Administration in efforts to that end, we would be false to our duties as American citizens and business men if we failed to protest against the ratification of a treaty so unjust and inequitable and which sacrifices nearly every right for which our Government has been contending.

Resolved, That this question should not be considered from an administration or anti-administration, a free-trade or protection point of view, but from a national and business standpoint, and we feel confident that if this treaty is thus considered it will not receive the approval of the Senate, the co-ordinate branch of the treaty-making power.

Resolved, That if the Canadian Government should persist in unjust treatment of American fishing vessels, it can only have the effect to interfere with and delay the closer commercial relations between the United States and Canada which so many persons in both countries would be glad to see consummated, and if continued will inevitably result in a greater or less degree of non-intercourse for which our last Congress unanimously conferred authority upon the President.

Resolved, That copies of these resolutions be transmitted to the President and Senate and to such other persons as the executive committee may direct.

H.

[Resolution of Gloucester Board of Trade.]

GLOUCESTER, MASS., *April* 26, 1888.

To Hon. GEORGE F. HOAR:

At a meeting of the Gloucester Board of Trade held this morning, Joseph O. Proctor, president, presiding, the following resolution was presented by Charles H. Pew, esq., and unanimously adopted:

Resolved, That the proposed Chamberlain treaty is detrimental to the interests of the United States as a people, and injurious to its honor and dignity as a nation, and ought not to be ratified.

CYRUS STORY, *Secretary*.

I.

[Resolutions of the American Fishery Union.]

Whereas the present national interest in the matter of the American fisheries has oftentimes been subjected to unfavorable criticism by reason of the facts being misunderstood, the American Fishery Union desires to place upon record their position in the following resolution:

Resolved, That, in common with other producing industries of the country, we ask of the General Government neither subsidy nor bounty, but simply equal protection.

Resolved, That we have neither asked nor sought the intervention of any commission, mixed or otherwise, to define our just rights on the high seas or in foreign ports, but have appealed to our own Government to maintain the integrity and just interpretation of treaties and legislation under which our business and rights as American citizens are affected.

Resolved, That we neither use nor desire to use Canadian waters for practical fishing, but simply ask that our commercial rights therein shall be defined by our own Government, and, when so defined, maintained.

Resolved, That the American ocean fisheries are not dependent upon any favor or privilege granted by Canada, but, on the contrary, the natural resources of our own country and the high seas afford everything necessary for the prosecution of our business.

Resolved, That we cheerfully conform to whatever construction our own Government shall place upon existing treaties and legislation, and desire no new treaty that shall dictate our national legislation or destroy the small remnant of protection we now have.

Resolved, That the freedom of our ports and markets afforded Canadian vessels is in marked contrast to that afforded American vessels in Canadian ports when sailing under papers issued by the United States Government, conferring all rights and privileges upon them, and that a refusal on the part of the Canadian Government to recognize such papers bearing the seal of the United States is an act of non-intercourse, and justifies retaliation.

J.

[Notice of Louis Henry Davies, extracted from Appleton's Biographical Dictionary.]

Davies, Louis Henry, Canadian statesman, born in Charlottetown, Prince Edward Island, May 4, 1845. He was educated at the Central Academy and Prince of Wales College, Charlottetown, and was admitted to the bar in 1866. He was solicitor-general of his native province in 1869, and again in 1872–'73; was the leader of the opposition in the Legislative Assembly until September, 1876, when he became premier and attorney-general, which portfolios he retained till 1879, when his administration resigned. He was elected to the local Legislature in 1872, and re-elected from time to time till 1879, when he was defeated. In 1882 he was elected to represent Queens County, Prince Edward Island, in the Dominion Parliament, and still (1886) represents that constituency. He was counsel for the tenantry of Prince Edward Island before the land commission, which sat in 1875–'76, when the estates of all proprietors in the island were expropriated by the province. He was also one of the counsel representing Great Britain before the international fishery commission which sat at Halifax, Nova Scotia, in 1877, under articles of the Washington treaty. He is a Liberal.

K.

[Articles X and XI of the proposed fisheries treaty.]

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty, shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter nor purchased for resale or traffic.

L.

A list of American vessels seized, detained, or warned off from the Canadian ports during the last year.

1. Sarah B. Putnam.—Beverly, Mass.; Charles Randolph, master. Driven from harbor of Pubnico in storm March 22, 1886.

2. Joseph Story.—Gloucester, Mass. Detained by customs officers at Baddeck, Nova Scotia, in April, 1886, for alleged violations of the customs laws. Released after twenty-four hours' detention.

3. Seth Sookbridge.—Gloucester, Mass.; Antone Olson, master. Warned off from St. Andrews, New Brunswick, about April 30, 1886.

4. Annie M. Jordan.—Gloucester, Mass.; Alexander Haine, master. Warned off at St. Andrews, New Brunswick, about May 4, 1886.

5. David G. Adams.—Gloucester, Mass.; Alden Kinney, master. Seized at Digby, Nova Scotia, May 7, 1885, for alleged violation of the treaty of 1818, act of 59 George III, and act of 1883. Two suits brought in vice-admiralty court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.

6. Susie Cooper (Hooper?).—Gloucester?, Mass. Boarded and searched, and crew rudely treated, by Canadian officials in Canso Bay, Nova Scotia, May, 1886.

7. Ella M. Doughty.—Portland, Me.; Warren A. Doughty, master. Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of customs laws. Suit was instituted in vice-admiralty court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel released June 29, 1886.

8. Jennie and Julia.—Eastport, Me.; W. H. Travis, master. Warned off at Digby, Nova Scotia, by customs officers, May 18, 1886.

9. Lucy Ann.—Gloucester, Mass.; Joseph H. Smith, master. Warned off at Yarmouth, Nova Scotia, May 29, 1886.

10. Matthew Keany.—Gloucester, Mass. Detained at Souris, Prince Edward Island, one day for alleged violation of customs laws, about May 31, 1886.

11. James A. Garfield.—Gloucester, Mass. Threatened, about June 1, 1885, with seizure for having purchased bait in a Canadian harbor.

12. Martha W. Bradly.—Gloucester, Mass.; J. F. Ventier, master. Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.

13. Eliza Boynton.—Gloucester, Mass.; George E. Martin, master. Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.

14. Masco'.—Gloucester, Mass.; Alexander McEachern, master. Warned off at Port Amherst, Magdalen Islands, June 10, 1886.

15. Thomas F. Bayard.—Gloucester, Mass.; James McDonald, master. Warned off at Bonne Bay, Newfoundland, June 12, 1886.

16. James G. Craig.—Portland, Me.; Webber, master. Crew refused privilege of landing for necessaries at Brooklyn, Nova Scotia, June 15 or 16, 1886.

17. City Point.—Portland, Me.; Keene, master. Detained at Shelburne, Nova Scotia, July 2, 1886, for alleged violation of customs laws. Penalty of $400 demanded. Money deposited, under protest, July 12, and in addition $120 costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbor dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.

18. C. P. Harrington.—Portland, Me.; Frellick, master. Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of customs laws; fined $400 July 5; fine deposited, under protest, July 12; $120 costs deposited July 14; refunded July 21, and vessel released.

19. Hereward.—Gloucester, Mass.; McDonald, master. Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.

20. G. W. Cushing.—Portland, Me.; Jewett, master. Detained July (by another report, June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the customs laws; fined $400; money deposited with collector at Halifax about July 12 or 14, and $120 for costs deposited 14th; costs refunded July 21, and vessel released.

21. Golden Hind.—Gloucester, Mass.; Ruben Cameron, master. Warned off at Bay of Chaleurs, Nova Scotia, on or about July 23, 1886.

22. Novelty.—Portland, Me.; H. A. Joyce, master. Warned off at Pictou, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.

23. N. J. Miller.—Booth Bay, Me.; Dickson, master. Detained at Hopewell Cape, New Brunswick, for alleged violation of customs laws, on July 24, 1886. Fined $400.

24. Rattler.—Gloucester, Mass.; A. F. Cunningham, master. Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.

25. Caroline Vought.—Booth Bay, Me.; Charles S. Reed, master. Warned off at Paspebiac, New Brunswick, and refused water, August 4, 1886.

26. Shiloh.—Gloucester, Mass.; Charles Nevit, master. Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.

27. Julia Ellen.—Booth Bay, Me.; Burnes, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to a rude surveillance.

28. Freddie W. Alton.—Provincetown, Mass.; Alton, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

29. Howard Holbrook.—Gloucester, Mass. Detained at Hawkesbury, Cape Breton, August 17, 1886, for alleged violation of the customs laws. Released August 20 on deposit of $400. Question of remission of fine still pending.

30. A. R. Crittenden.—Gloucester, Mass.; Bain, master. Detained at Hawkesbury, Nova Scotia, August 27, 1886, for alleged violation of customs laws. Four hundred dollars penalty deposited August 28 without protest, and vessel released. Three hundred and seventy-five dollars remitted, and a nominal fine of $25 imposed.

31. Mollie Adams.—Gloucester, Mass.; Solomon Jacobs, master. Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.

32. Highland Light.—Wellfleet, Mass.; J. H. Ryder, master. Seized off East Point, Prince Edward Island, September 1, 1885, while fishing within prohibited line. Suit for forfeiture begun in vice-admiralty court at Charlottetown. Hearing set for September 29, but postponed to September 30. Master admitted the charge and confessed judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.

33. Pearl Nelson.—Provincetown, Mass.; Kemp, master. Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of customs laws. Released September 9, on deposit of $200. Deposit refunded October 28, 1886.

34. Pioneer.—Gloucester, Mass.; F. F. Cruchel, master. Warned off at Canso, Nova Scotia, September 9, 1886.

35. Everett Steel.—Gloucester, Mass.; Charles H. Forbes, master. Detained at Shelburne, Nova Scotia, September 19, 1886, for alleged violation of customs laws. Released by order from Ottawa, September 11, 1886.

36. Moro Castle.—Gloucester, Mass.; Edwin M. Joyce, master. Detained at Hawkesbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating customs laws. A deposit of $1,600 demanded. Vessel discharged November 29, 1886, on payment, by agreement, of $1,000 to Canadian Government.

37. William D. Baisley.—Gloucester, Mass.; J. E. Gorman, master. Detained at Souris, Prince Edward Island, October 4, 1886, for alleged violation of customs law. Fined $400, and released on payment; $375 of the fine remitted.

38. Laura Sayward.—Gloucester, Mass.; Melleo Rose, master. Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.

39. Marion Grimes.—Gloucester, Mass. Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at custom-house on entering. Fined $400. Money paid under protest and vessel released. Fine remitted December 4, 1886.

40. Jennie Seaverns.—Gloucester, Mass.; Joseph Tupper, master. Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

41. Flying Scud.—Gloucester, Mass. Detained for alleged violation of customs laws at Halifax, November 1, or about that time. Released November 16, 1886.

42. Sarah H. Prior.—Boston, Mass. Refused the restoration of a lost seine, which was found by a Canadian schooner, December, 1885.

43. Boat (name unknown).—Stephen R. Balcom, master, Eastport, Me. Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

44. Two small boats (unnamed).—Charles Smith, Pembroke, Me., master. Seized at East Quaddy, New Brunswick, September 1, 1886, for alleged violation of customs laws.

45. Druid (foreign built).—Gloucester, Mass. Seized, warned off, or molested otherwise at some time prior to September 6, 1886.

46. Abbey A. Snow.—Injury to this vessel has not been reported to the Department of State.

47. Eliza A. Thomas.—Injury to this vessel has not been reported to the Department of State.

48. Wide Awake.—Eastport, Me.; William Foley, master. Fined at L'Etang, New Brunswick, $75 for taking away fish without getting a clearance; again November 13, 1886, at St. George, New Brunswick, fined $20 for similar offense. In both cases he was proceeding to obtain clearances.

49. Eliza A. Thomes (schooner).—Portland, Me.; E. S. Bibbs, master. Wrecked on Nova Scotia shore, and unable to obtain assistance. Crew not permitted to land or to save anything until permission was received from captain of cutter. Canadian officials placed guard over fish saved, and everything saved from wreck narrowly escaped confiscation. (From statements of C. D. Thomes, owner, Portland, Me.)

50. Christian Ellsworth (schooner).—Eastport, Me.; James Ellsworth, master. Entered Port Hastings, Cape Breton, for wood; anchored at 10 o'clock, and reported at custom-house. At 2 o'clock was boarded by captain of cutter Hector and ordered to sea, being forced to leave without wood. In every harbor entered was refused privilege of buying anything. Anchored under lee of land in no harbor, but was compelled to enter at custom-house. In no two harbors were the fees alike. (From statements of James Ellsworth, owner and master, Eastport, Me.)

51. Mary W. Whorf (schooner).—Wellfleet, Mass.; Simon Berrio, master. In July, 1886, lost seine off North Cape, Prince Edward Island, and not allowed to make any repairs on shore, causing a broken voyage and a long delay. Ran short of provisions, and being denied privilege of buying any on land, had to obtain from another American vessel. (From statements of Freeman A. Snow, owner, Wellfleet, Mass.)

52. Stowell Sherman (schooner).—Provincetown, Mass.; S. F. Hatch, master. Not allowed to purchase necessary supplies, and obliged to report at custom-houses, situated at distant and inconvenient places; ordered out of harbors in stress of weather, namely, out of Cascumpec Harbor, Prince Edward Island, nineteen hours after entry, and out of Malpeque Harbor, Prince Edward Island, fifteen hours after entry, wind then blowing too hard to admit of fishing. Returned home with broken trip. (From statements of Samuel T. Hatch, owner and master, Provincetown, Mass.)

53. Walter L. Rich (schooner).—Wellfleet, Mass.; Obadiah Rich, master. Ordered out of Malpeque, P. E. I., in unsuitable weather for fishing, having been in harbor only twelve hours. Denied right to purchase provisions. Forced to enter at custom-house at Port Hawkesbury, C. B., on Sunday, collector fearing that vessel would leave before Monday and he would thereby lose his fee. (From statements of Obadiah Rich, owner and master, Wellfleet, Mass.)

54. Bertha D. Nickerson (schooner).—Booth Bay, Me.; N. E. Nickerson, master. Occasioned considerable expense by being denied Canadian harbors to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

55. Newell B. Hawes (schooner).—Wellfleet, Mass.; Thomas C. Kennedy, master. Refused privilege of buying provisions in ports on Bay St. Lawrence, and in consequence obliged to leave for home with half a cargo. Made harbor at Shelburne, Nova Scotia, in face of storm, at 5 p. m., and master immediately started for custom-house, 5 miles distant, meeting captain of cutter Terror on way, to whom he explained errand. On returning, found two armed men from cutter on his vessel. At 7 o'clock next morning was ordered to sea, but refused to go in the heavy fog. At 9 o'clock the fog lifted slightly, and, though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale, which split sails, causing considerable damage. Captain of Terror denied claim to right of remaining in harbor twenty-four hours. (From statements of T. C. Kennedy, part owner and master, Wellfleet, Mass.)

56. Helen F. Tredick (schooner).—Cape Porpoise, Me.; R. J. Nunan, master. July 20, 1886, entered Port Latour, N. S., for shelter and water. Was ordered immediately to sea. (From statements of R. J. Nunan, owner and master, Cape Porpoise, Me.)

57. Nellie M. Snow (schooner).—Wellfleet, Mass.; A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports, or to refit and land and ship fish, consequently compelled to leave for home with a broken trip. Not permitted to remain in ports longer than local Canadian officials saw fit. (From statements of J. C. Young, owner, Wellfleet, Mass.)

58. Gertrude Summers (schooner).—Wellfleet, Mass.; N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage. Found harbor regulations uncertain. Sometimes could remain in port twenty-

four hours, again was ordered out in three hours. (From statements of N. S. Snow, owner and master, Wellfleet, Mass.)

59. Charles R. Washington (schooner).—Wellfleet, Mass.; Jesse S. Snow, master. Master was informed by collector at Ship Harbor, C. B., that if he bought provisions, even if actually necessary, he would be subject to a fine of $400 for each offense. Refused permission by the collector at Souris, P. E. I., to buy provisions, and was compelled to return home September 10, before close of fishing season. Was obliged to report at custom-house every time he entered a harbor, even if only for shelter. Found no regularity in the amount of fees demanded, this being apparently at the option of the collector. (From statements of Jesse S. Snow, owner and master, Wellfleet, Mass.)

60. John M. Ball (schooner).—Provincetown, Mass.; N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of $400 for landing two men in the port of Malpeque, Prince Edward Island. Was denied all supplies, except wood and water, in same port. (From statements of N. W. Freeman, owner and master, Provincetown, Mass.)

61. Zephyr (schooner).—Eastport, Me.; Warren Pulk, master. Cleared from Eastport May 31, 1886, under register for West Isles, New Brunswick, to buy herring. Collector refused to enter vessel, telling captain that if he bought fish, which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guilford Mitchell, owner, Eastport, Me.)

62. Abdon Keene (schooner).—Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)

63. William Keene (schooner).—Portland, Me.; Daniel Kimball, master. Not allowed to ship a man or to send a man ashore except for water, at Liverpool, Nova Scotia, and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Peak's Island, Me.)

64. John Nye (schooner).—Swan's Island, Me.; W. L. Joyce, master. After paying entry fees and harbor dues was not allowed to buy provisions at Malpeque, Prince Edward Island, and had to return home for same, making a broken trip. (From statements of W. L. Joyce, owner and master, Atlantic, Me.)

65. Asa H. Pervere (schooner).—Wellfleet, Mass.; A. B. Gore, master. Entered harbor for shelter; ordered out after twenty-four hours. Denied right to purchase food. (From statements of S. W. Kemp, agent, Wellfleet, Mass.)

66. Nathan Cleaves (schooner).—Wellfleet, Mass.; P. E. Hickman, master. Ran short of provisions, and, not being permitted to buy, left for home with a broken voyage. Customs officer at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing. (From statements of Parker E. Hickman, owner and master, Wellfleet, Mass.)

67. Frank G. Rich (schooner).—Wellfleet, Mass.; Charles A. Gorham, master. Not permitted to buy provisions or to lay in Canadian ports over twenty-four hours. (From statements of Charles A. Gorham, owner and master, Wellfleet, Mass.)

68. Emma O. Curtis (schooner).—Provincetown, Mass.; Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home. (From statements of Elisha Rich, owner and master, Provincetown, Mass.)

69. Pleiades (schooner).—Wellfleet, Mass.; F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of $400. (From statements of F. W. Snow, owner and master, Wellfleet, Mass.)

70. Charles F. Atwood (schooner).—Wellfleet, Mass.; Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniencies. Not allowed to land seine on Canadian shore for purpose of repairing same. (From statements of Michael Burrows, owner and master, Wellfleet, Mass.)

71. Gertie May (schooner).—Portland, Me.; I. Doughty, master. Not allowed, though provided with permit to touch and trade, to purchase fresh bait in Nova Scotia, and driven from harbors. (From statements of Charles F. Guptill, owner, Portland, Me.)

72. Margaret S. Smith (schooner).—Portland, Me.; Lincoln W. Jewett, master. Twice compelled to return home from Bay of St. Lawrence with broken trip, not being able to secure provisions to continue fishing. Incurred many petty inconveniences in regard to customs regulations. (From statements of A. M. Smith, owner, Portland, Me.)

73. Elsie M. Smith (schooner).—Portland, Me.; Enoch Bulger, master. Came home with half fare, not being able to get provisions to continue fishing. Lost seine in a heavy gale rather than be annoyed by customs regulations when seeking shelter. (From statements of A. M. Smith, Portland, Me.)

74. Fannie A. Spurling (schooner).—Portland, Me.; Caleb Parris, master. Subject to many annoyances, and obliged to return home with a half fare, not being able to procure provisions. (From statements of A. M. Smith, owner, Portland, Me.)

75. Carleton Bell (schooner).—Booth Bay, Me.; Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbors, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

76. Abbie M. Deering (schooner).—Portland, Me.; Emory Gott, master. Not being able to procure provisions, obliged to return home with a third of a fare of mackerel. (From statements of A. M. Smith, owner, Portland, Me.)

77. Cora Louisa (schooner).—Booth Bay, Me.; Obed Harris, master. Could get no provisions in Canadian ports, and had to return home before getting full fare of fish. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

78. Eben Dale (schooner).—North Haven, Me.; R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbors, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbor, Me.)

79. Charles Haskell (schooner).—North Haven, Me.; Daniel Thurston, master. Obliged to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Me.)

80. Willie Parkman (schooner).—North Haven, Me.; William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss, with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Me.)

81. D. D. Geyer (schooner).—Portland, Me.; John K. Craig, master. Being refused privilege of touching at a Nova Scotia port to take on resident crew already engaged, owner was obliged to provide passage for men to Portland, at considerable cost, causing great loss of time. (From statements of F. H. Jordan, owner, Portland, Me.)

82. Good Templar (schooner).—Portland, Me.; Elias Tarlton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Peak's Island, Maine.)

83. Eddie Davidson (schooner).—Wellfleet, Mass.; John D. Snow, master. June 12, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew; boarded by customs officer and ordered to sail within twenty-four hours; not allowed to buy food in ports on Gulf of St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Mass.)

84. Alice P. Higgins (schooner).—Wellfleet, Mass.; Alvin W. Cobb, master. Driven from harbors twice in stress of weather. (From statements of Alvin W. Cobb, master, Wellfleet, Mass.)

85. Cynosure (schooner).—Booth Bay, Me.; L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

86. Naiad (schooner).—Lubec, Me.; Walter Kennedy, master. Presented frontier license (heretofore acceptable) on arriving at St. George, New Brunswick, but collector would not recognize same; was compelled to return to Eastport and clear under register before being allowed to purchase herring, thus losing one trip. (From statements of Walter Kennedy, master, Lubec, Me.)

87. Louisa A. Grout (schooner).—Provincetown, Mass.: Joseph Hatch, jr., master. Took permit to touch and trade; arrived at St. Peter's, Cape Breton, in afternoon of May 19, 1886; entered and cleared according to law; was obliged to take inexperienced men at their own prices to complete fishing crew, to get to sea before the arrival of a seizing officer who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised by telegraph of the shipping of men. (From statements of Joseph Hatch, jr., owner and master, Provincetown, Mass.)

88. Lottie E. Hopkins (schooner).—Vinal Haven, Me.; Emery J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. Obtained shelter in harbors only by entering at custom-house. (From statement of Emery J. Hopkins, North Haven, Me.)

89. Florine F. Nickerson (schooner).—Chatham, Mass.; Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated the paying of their transportation to the United States and loss of time to vessel while waiting their arrival; otherwise would have called for them on way to fishing grounds. Returning, touched at Liverpool, but immediately on anchoring Canadian officials came aboard and refused permission for men to go ashore. Captain at once signified his intention of immediately proceeding on passage, but officer prevented his departure until he had reported at custom-house, vessel being thereby detained two days. (From statement of Kendrick & Bearse, owners, South Harwich, Mass.)

90. B. B. B. (sloop).—Eastport, Me.; George W. Copp, master. Obliged to discontinue business of buying sardine herring in New Brunswick ports for Eastport canneries, as local customs regulations were, during the season of 1886, made so exacting that it was impossible to comply with them without risk of the fish becoming stale and spoiled by detention. (From statements of George W. Copp, master, Eastport, Me.)

91. Sir Knight (schooner).—Southport, Me.; Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

92. Uncle Joe (schooner).—Southport, Me.; J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

93. Willie G. (schooner).—Southport, Me.; Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

94. Lady Elgin (schooner).—Southport, Me.; George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

95. John H. Kennedy (schooner).—Portland, Me.; David Dougherty, master. Called at a Nova Scotia port for bait, but left without obtaining same, fearing seizure and fine, returning home with a broken voyage. At a Newfoundland port was charged $16 light-house dues, giving draft on owners for same, which, being excessive, they refused to pay. (From statements of E. G. Willard, owner, Portland, Me.)

96. Ripley Ropes (schooner).—Southport, Me.; C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

97. Jennie Armstrong (schooner).—Southport, Me.; A. O. Webber, master. Vessel ready to sail when telegram from authorities of Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

98. Vanguard (schooner).—Southport, Me.; C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

99. Electric Flash (schooner).—North Haven, Me.; Aaron Smith, master. Unable to obtain supplies in Canadian ports and obliged to return home before obtaining full cargo, (From statements of Aaron Smith, master and agent, North Haven, Me.)

100. Daniel Simmons (schooner).—Swan's Island, Me.; John A. Gott, master. Compelled to go without necessary outfit while fishing in Gulf of St. Lawrence. (From statements of M. Stimpson, owner, Swan's Island, Me.)

101. Grover Cleveland (schooner).—Boston, Mass.; George Lakeman, master. Compelled to return home with only partial fare of mackerel, being refused supplies in Canadian ports. (From statements of B. F. De Butts, owner, Boston, Mass.)

102. Andrew Burnham (schooner).—Boston, Mass.; Nathan F. Blake, master.

M.

[Revised Statutes of Canada, chapter 94. An act respecting fishing by foreign vessels.]

* * * * * * *

2. Any commissioned officer of Her Majesty's navy serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, justice of the peace, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbor in Canada or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she remains within such harbor or distance.

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbor in Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of $400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing, or preparing to fish, or to have been fishing in British waters

within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this act, or (*b*) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time-being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this act may be seized and secured by any officers or persons mentioned in the second section of this act; and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any such opposition, is guilty of a misdemeanor, and liable to a fine of $100 and to two years' imprisonment.

* * * * * * *

6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo, condemned as forfeited under this act, shall be sold by public auction, by direction of the officer who has the custody thereof under the provisions of the next preceding section of this act, and under regulations made, from time to time, by the governor in council; and the proceeds of every such sale shall be subject to the control of the minister of marine and fisheries, * * * shall first pay thereout all necessary costs and expenses of custody and sale, and the governor in council may, from time to time, apportion three-fourths, or less, of the net remainder among the officers and crew of any of Her Majesty's ships or Canadian Government vessel from on board of which the seizure was made, as he thinks right—reserving to the Crown and paying over to the minister of finance and receiver-general at least one-fourth of such net remainder, to form part of the consolidated revenue fund of Canada; but the governor in council may nevertheless direct that any good vessel or boat, and the tackle, rigging, apparel, furniture, stores, and cargo, seized and forfeited shall be destroyed or be reserved for the public service.

* * * * * * *

10. If a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person who seized was or was not authorized to seize under this act, oral evidence may be taken, and the burden of proving the illegality of the seizure shall lie upon the owner or claimant.

11. No claim to anything seized under this act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim is entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed, which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief.

* * * * * * *

13. No writ shall be sued out against any officer or other person authorized to seize under this act for anything done under this act until one month after notice in writing has been delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent, in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent, and no evidence of any cause of action shall be admitted except such as is contained in such notice.

14. Every such action shall be brought within three months after the cause thereof has arisen.

15. If on any information or suit brought to trial under this act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seizure under this act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than 4 cents damages, and shall not recover any costs, and the defendant shall not be fined more than 20 cents.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection the Senate will proceed from open executive session to the consideration of legislative business, without a formal motion.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I present the report of the committee of conference on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore*. The report of the committee of conference will be read.

Mr. CALL. I hope the Senator from Kansas will not call that report up for consideration this evening. I should like to hear the result of the report made to the other House before we act upon it. There is one of the subjects of difference between the House and the Senate that I should like to have considered after the action of the other House upon the report of the conference committee, and in the event that the House do not concur I shall ask the Senate not to concur in that provision of the conference report.

The PRESIDENT *pro tempore*. If there be objection to the consideration of the report, the motion to proceed to consider the same must be decided without debate. Does the Senator from Kansas insist on his motion to proceed to its consideration?

Mr. PLUMB. I do.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the conference report on the District of Columbia appropriation bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The conference report is before the Senate, and will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8989) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 20, 21, 38, 50, 56, 59, 60, 61, 62, 63, 72, 77, 82, 99, 100, 101, 102, 103, 104, 118, 120, 128, 161, 162, 163, 164, 167, 169, and 172.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 10, 16, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 46, 47, 48, 51, 54, 57, 64, 65, 66, 67, 68, 69, 70, 71, 73, 78, 80, 81, 83, 84, 86, 92, 93, 94, 105, 106, 109, 112, 113, 116, 117, 119, 122, 124, 125, 127, 129, 130, 131, 136, 137, 139, 140, 141, 142, 143, 148, 149, 151, 152, 168, 171, 174, 176, 177, 178, 179, 180, 181, 183, 185, 186, 187, 188, 190, 191, and 192, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 13 of said amendment strike out the words "three thousand" and in lieu thereof insert the words "two thousand;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,864;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: Strike out all after the word "repealed" therein; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,400;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,600;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$615,000," and strike out, in line 24, page 5 of the bill, the words "on the" and insert in lieu thereof the words "in the discretion of the Commissioners on;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$144,600;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,600;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 9 of said amendment strike out "Rhode Island avenue" and insert "Boundary" in lieu thereof; in lines 10 and 11 strike out "New Jersey avenue" and insert "Boundary" in lieu thereof; in line 16 strike out "Sixth" and insert "Fifth;" insert after line 18 the following: "Thirteenth-street intersection to B street; Eighth street, from S street to Boundary;" and in lieu of the sum proposed in said Senate amendment insert "$191,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 9 of said amendment strike out the word "Hall" and insert in lieu thereof "South Capitol," and after said line 9 insert "L street, from First to Four-and-a-half streets;" and in lieu of the sum named in said amendment insert "$52,800;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: After line 2 of said amendment insert the following:

"Seventh street, from D street to Virginia avenue.

"South Carolina avenue, from Seventh to Ninth streets."

In lines 9 and 10 of said amendment strike out "Pennsylvania avenue" and insert "G street."

And in lieu of the sum named in said amendment insert "$54,400."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 10 of said amendment strike out "Massachusetts" and insert "Maryland;" and after line 12 insert "Sixth street, from H to K streets;" and strike out line 19 of said amendment; and in lieu of the sum named in said amendment insert "$129,700;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$3,500;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "90,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

Amendments numbered 74, 75, and 76: That the House recede from its disagreement to the amendments of the Senate numbered 74, 75, and 76, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"For the grading and paving of Fourteenth street northward from the Boundary, for the grading and paving of Stoughton street and of Chapin street from Fourteenth street extended to Wayland Seminary, and the paving of Pomeroy street in front of the Freedman's Hospital, $15,000; in all, $88,980."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including retaining-wall on M street, at the approach to the new free bridge across the Potomac, which bridge is hereby placed under the jurisdiction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$77,000," and add at the end of the amended paragraph the following:

"*Provided*, That no expenditure hereunder shall be made at a price higher than 27 cents per 1,000 square yards."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,971;" and in line 19, page 12 of the bill, strike out "sixty-four thousand three" and insert in lieu thereof "sixty-six thousand eight;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$137,711;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,500;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$8,000;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$315,000;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,700;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400;" and after the word "building," in line 24, page 15 of the bill, insert the words "and cells;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$15,000, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$406,540;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "for erecting engine-house in southeastern section of Washington and furnishing same, $12,000, or so much thereof as may be necessary; hose carriage for same, $700;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$141,200;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric-lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington; and said commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets, avenues, and alleys, and the best method of interring the same underground, and such legal regulation thereof as may be needed; and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do, and for such investigation $1,000 is hereby appropriated: *Provided*, That the commissioners of the District may, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone, or electric-light company now operating in the District of Columbia to be laid under any street, alley, highway, footway, or sidewalk in the District whenever, in their judgment, the public interest may require the exercise of such authority; such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and no such authority to be exercised after the termination of the present Congress."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter insert the following: "all under the control of the commissioners;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter inserted insert the following: "all under the control of the commissioners;" and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: Strike out all after the word "association" in line 8 of said amendment down to and including line 10, and insert a period in lieu of the semicolon after the said word "association;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$17,836;" and in line 3, on page 25 of the bill, strike out "thirty-five" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. C. CLEMENTS,
FELIX CAMPBELL,
LOUIS E. McCOMAS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is upon concurring in the report of the committee of conference.

Mr. McPHERSON. I move that the Senate adjourn.

Mr. SHERMAN. Before that motion is put I desire to have a formal amendment to a little joint resolution agreed to. The matter of time is important.

Mr. McPHERSON. I withdraw the motion.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield for the purpose indicated by the Senator from Ohio?

Mr. SHERMAN. I do not ask it if action is to be taken now on the conference report.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the conference committee.

Mr. CALL. I move that the Senate non-concur in so much of amendment numbered 1 as relates to the salary to be paid to the inspector of plumbing in the District of Columbia.

Mr. PLUMB. Let me interrupt the Senator for a moment to make a statement which I think will be satisfactory to his mind.

The Senator is aware, in the first place, that the salary of this officer was reported from the Senate Committee on Appropriations exactly as it was estimated for. On the motion of the Senator from Florida the salary was increased to $3,000 by the Senate in deference to his opinion about it, unsupported by that of any other person that I know of. Certainly no one came before the committee to say anything about it, and we heard from nobody except from him. The Senate conferees stood out unreasonably, as some think, certainly stronger for that item than almost any other provision in the bill, and we finally succeeded in effecting an increase to $2,000.

I do not believe the Senator can make anything by any motion he may make. As he has opened up the question, if he is right, as I am persuaded that he is very likely, not because I know anything about it, but simply because I have confidence in his judgment, it has laid the foundation for something in a succeeding bill, either at this or the next session of Congress, and he is fully as likely to accomplish what he desires in that way as any other. Certainly he can not expect that the two Houses should remain in anything like permanent controversy over a mere question of salary, and that, too, for a person who has been serving at the salary he is now receiving for years, and about which there has been no complaint whatever, and who I have no doubt in the world is entirely willing to continue to serve, and would consider himself grossly outraged if he were turned out, notwithstanding what the Senator thinks the insufficient character of his salary.

The PRESIDENT *pro tempore*. The Chair would observe that the motion of the Senator from Florida is not in order and can not be entertained by the Chair. The report of a committee of conference is not susceptible of amendment. Having been agreed upon by the managers on the part of the Senate and House of Representatives, it must be adopted or rejected as an entirety. The question, therefore, is upon concurring in the report of the committee of conference.

Mr. CALL. Then I hope the report will not be concurred in. I have observed that on repeated occasions the committees of conference have reported to the Senate a motion to concur in certain numbered amendments or certain numbered agreements of the committee. That was the report of the committee. It may be parliamentary perhaps that it is a privilege belonging only to members of a conference committee to ask that items shall be separately considered and so acted upon, and that the Senate shall not have the right to do it, but it is certainly not a rational or business method of procedure.

I wish to state as the ground of my objection to the conference agreement that every physician of prominence in the city of Washington of whom I have any knowledge has by letter and statement, which have been printed in the RECORD, advised the Senate and the House of the present, immediate necessity of the provision to the lives of the people in the District, and to the strangers who come here, relating particular instances enforcing the necessity and the propriety of the amendment. The law, as I understand it and as they understand it, confines the duty of the inspector of plumbing to new houses being erected, and to see that proper plumbing is inserted in such houses. For the old houses there is no provision; and that work has been gratuitously per-

formed by this most deserving scientific and practical sanitary engineer, not as an inspector of plumbing, but as a sanitary engineer of experience and skill. That fact is certified by every physician and by some of the leading business men of this city, and their certificates were read to the Senate and printed in the RECORD when the amendment was put upon the bill. Numerous instances have occurred and within a short period of time.

The reason why I ask that this report may not be agreed to now is that General WHEELER, a member of the other House, in the Butler Building near here, very recently came near losing his life, according to the testimony of one of the most eminent physicians of this town, by the sanitary condition of that house, which was ascertained only at his request when, as a gratuitous and voluntary and unpaid service, the officer who is to receive this increase of salary was sent for and discovered it. The same is true, I understand from the best authority, of General Sheridan's family and children. The same is true of my own immediate neighbor's house, and numerous instances have occurred, most notably that of Mr. Black, a member of the other House of Congress, who lost his life by paralysis, caused by the condition of the rented house which his family occupied.

Numerous instances of this kind have been gathering for years, until every physician of prominence in this city has recommended and written letters which were presented by me to the Senate, showing the necessity of immediate action and of compensation to this man for the service which he is gratuitously performing. Why any one should desire to continue this wholesale sacrifice of life I can not understand, but it seems that some one prefers that the people should die by the thousand rather than pay a thousand dollars more to a deserving and capable public officer.

There is not a city in the United States where the salary of the person charged with the duties of a sanitary engineer, not of an inspector of plumbing, is not largely over $3,000 a year, and yet we are asked that this service shall either go unperformed and the epidemics which are brought into the city and District, particularly the hotels and in rented houses, shall continue to destroy the lives of the people and the children of the people, or that this person shall perform the service without compensation.

Mr. President and Senators, that is the condition of the question. I take it for granted that when this conference report is made to the House of Representatives and the facts are made known as have been developed in the case of General WHEELER lately, they will agree to the amendment put upon the bill by the Senate, and for that reason I ask that the report be non-concurred in. As I said, there is not a prominent physician in the city of Washington who is not upon the records here certifying to the necessity of it. I see before me the Senator from Colorado, who told me that he had had personal experience which exhibited the necessity of it, and the danger to which himself and his family had been exposed. I therefore ask that the Senate will not concur in the conference report. There are hundreds of people in the public service who do not do the thousandth part of the good done by this man who receive more than the amount proposed to be paid to him. We have no right to assume that this man will continue to perform this service gratuitously, and if he does we have no right to punish him for his charity and his skill.

Mr. BLAIR. Mr. President, this is a city that the Congress of the United States is responsible for, and strangers coming from all parts of the country and all parts of the world have a right to suppose that the houses of this city are decently cared for; that the best of sanitary skill is employed here to see that they are kept in due order. As a matter of fact, life after life is being lost, and practically murder is being committed simply because the old houses of the city are not properly inspected.

I do not know just how this matter rests, but for one I believe that we should disagree to this report, and that the attention of both Houses should be called to this one specific item, so that we may get a scientific and responsible sanitary officer whose duty it shall be to inspect the new buildings which are being erected, and also the old houses where three-quarters of the population live, and into which the strangers from all parts of the country are invited every session in vast numbers, and where many of them die.

Mr. DAWES. The difficulty is not that we have not an efficient officer of this kind. He is commended by everybody for his skill. The difficulty with the Senator from Florida and the Senator from New Hampshire is that he does not get enough salary by $200. That is the trouble.

Mr. BLAIR. I ask the Senator's pardon; the proposition of the Senate was to increase the salary to $3,000.

Mr. DAWES. The officer discharges all the duty now that the Senator from Florida thinks he ought to discharge, but the Senator from Florida says some part of it is voluntary, and the Senator from Florida thinks because of the value of his services, which all concede, his salary ought to be raised. Very likely it ought to be raised, but whether it should be $3,000 or $2,000, where the conference committee put it, may be a question. I do not think that the houses will suffer whether the salary be $2,000 or $3,000. No complaint has come from the officer himself, no suggestion has come before the committee that there has been any failure of duty on the part of this officer for lack of pay, nor from the commissioners, nor anybody that he ought to have more pay. It is possible that he ought, but I submit we had better not shake the Republic in the sum of $200.

Mr. CALL. I beg the Senator's pardon, that is not the state of the case. The statement is not that the law requires certain duties to be performed, that of inspecting new buildings, not of old buildings, not of sewers, but so far as this work is done, it is done voluntarily. The Senate and the House ought not to ask this man to devote his time, and if they did he could not devote his whole time, to the inspection of the old houses in this great city. But if he did, what kind of an argument is it that his wife and children should be allowed to suffer while he is gratuitously inspecting the house of the Senator from Massachusetts and saving the life of his wife and children?

The leading physicians in this District, the proper guardians of the health of the people, have urged upon Congress the passage of this amendment to increase the compensation of this man as something absolutely required by the public service and demanded by justice and right. The Senate, almost unanimously, put this amendment upon the bill after reading their letters, and two of the commissioners of the District of Columbia told me that they thought it was a proper and a wise measure.

Mr. BLAIR. I do not understand the question of fact to be as the Senator from Massachusetts states it. As I am not upon the Committee of Appropriations, I do not undertake to know whether he is correct or the Senator from Florida, who is also upon the same committee, who called the attention of the Senate to this subject. But if the Senator from Florida be right, there is no official duty chargeable upon this officer to inspect the old buildings of the city, and certainly there can be no legal obligation upon him to perform a duty which he performs gratuitously, for if it be a legal duty it is not a duty gratuitously performed.

Mr. DAWES. Does the Senator suppose that it would be any more his legal duty if he should get a little more pay?

Mr. BLAIR. The Senator is trifling and treating this matter which concerns life with an absurdity of questioning which I trust he will accept my pardon for doing, which I give with that sort of feeling that is perhaps proper under the circumstances. It is not a thing to be laughed or sneered down that lives have been lost here in this city by reason of the imperfect inspection of buildings. On many occasions the work has not been done. Whether there be a legal obligation upon any officer under the law to perform the work or not, the work has failed to be efficiently performed in many instances, and there has been great complaint about it. If the Senator from Massachusetts, as a member of the Committee on Appropriations, has not heard that complaint, he simply has not heard all that is going on in this city, nor all the complaint that has been made.

As I understand the facts to be, here is a sanitary inspector whose official duty it is to examine the new buildings and see that the new plumbing which is put into the city is all right. That he is paid for. I do not understand that consequently it is his official duty at all to inspect the older buildings. I do not know whether I am right or wrong about that. If the Senator be right about that, it is simply a case where there is an official obligation which is not sufficiently paid for, but there is beyond that the further fact, as I understand, that it is a duty to the public which is not fully performed by anybody.

Mr. DAWES. In acknowledgment of my obligation to the Senator from New Hampshire for the gracious manner in which he has pardoned the offense that I have committed, I will state to him that there is no legal duty imposed upon this officer to inspect old buildings; that it was not in the power of the Committee on Appropriations to impose that duty upon him. It was not asked by anybody, because it could not be done in an appropriation bill. If his salary remains at $1,800, where it has been for a great many years, or at $2,000, where the conference committee has put it, or at $3,000, where my friend the Senator from Florida wants it, his duty will remain the same, and he will discharge it with great efficiency and with great service to the people.

In addition to that, he is willing and always has been, and will continue to do it, whether the salary remain at either one of these three points, when called upon by the people occupying the old houses, to give his opinion as to what ought to be done in them.

The Senator from New Hampshire does not—I speak it with modesty—know anything more about the defects of plumbing in old houses than I do. I speak it with becoming modesty. The Senator does not appreciate any more than I do the necessity of prescribing by law the duties of such an officer, and clothing him with power not only to give his opinion, but to enforce such alterations in the plumbing of the old houses in this city as will secure in some measure a degree of health that is not now in the city. All that the Senator from New Hampshire and the Senator from Florida, in their zeal about a salary, leave out of the question. If they desire something that will produce better plumbing in the old houses of this city and will undertake the work, I will join with them; but it will not be effected by changing a salary.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. CALL. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate adjourn. [Putting the question.]

Mr. PLUMB. I hope that will not be done until we dispose of this conference report.

Mr. CALL. I shall call for the yeas and nays.

The PRESIDENT *pro tempore*. The noes appear to have it.

Mr. PLUMB. There is evidently a misunderstanding about this matter, both on the part of the Senator from New Hampshire and the Senator from Florida.

The PRESIDENT *pro tempore*. The Senator from Florida has a right to demand the yeas and nays if he desires. Does the Senator from Florida ask for the yeas and nays?

Mr. CALL. I withdraw the demand for the present. I should like to have the yeas and nays on concurring in the conference report.

Mr PLUMB. What the Senator desires and what the physicians of this city desire is a new piece of legislation giving authority to some one to act as sanitary inspector for this city. They believe this officer would be a good person for that place, and they have wanted an enlarged provision or a new provision giving him authority which he does not now possess. That was not proper to be put on an appropriation bill, and it could not be put on in conference because it was not in controversy between the two Houses. If this report were to be rejected we should be in the same condition as now, because anything we might put in would be subject to a point of order. What both these Senators want, and very properly, with credit to their heads and hearts, could not be accomplished in the way in which they seem to be desirous of getting it.

Mr. CALL. Mr. President, I do not want to delay the Senate. I have acted in the discharge of what I conceive to be my duty. When every physician of prominence, every property-holder says to me, "It is your duty, exercising a public function as a legislator, to make compensation to a man whose services are used every day by us for the discovery of the cause which is destroying human life, not in one instance but in hundreds of cases," whenever a source of information or authority comes to me and addresses itself to me for the performance of a duty intrusted to me with the statement that one person not charged by law with the performance of that duty is constantly called upon, giving his time and service to other public duties at a smaller compensation than prevails in any city in the Union, and giving it ineffectually for the want of time taken from his other duties and the want of assistance, and asks that an amendment be made increasing his compensation until there can be more complete details provided by a statute, I do not think I am performing my duty when I turn a deaf ear to it knowing as I do that this action will cause the death of many children and many people in this city. Therefore I have asked for a vote on the subject. I do not think that these important measures should be disposed of in this way without a quorum and in haste.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conferrence.

The report was concurred in.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 11, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 10, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PAPER FOR UNITED STATES SECURITIES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting copy of a letter addressed by him to the President *pro tempore* of the Senate respecting the appropriation for distinctive paper for United States securities for 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

OHIO CENTENNIAL EXPOSITION.

The SPEAKER also laid before the House the Senate amendments to the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888.

Mr. BUTTERWORTH. I want to move a concurrence in the Senate amendments with an amendment. I observe that the dates are wrong, both in the body of the resolution and in the title. It should read "approved May 28," instead of May 9.

The SPEAKER. In the body of the resolution it reads, "passed May 9."

Mr. BUTTERWORTH. What I ask is that unanimous consent be granted to change the dates both in the title and the body of the resolution to conform to the facts; that is, to make the date in each case May 28, and amend the resolution in other respects to conform.

The SPEAKER. If there be no objection, the Senate amendments will be concurred in; and the Clerk will report the amendments proposed by the gentleman from Ohio.

The Clerk read as follows:

In the title strike out "9th" and insert "28th." Amend line 2 by striking out "passed" and insert "approved." Also, in the fourth line, strike out "9th" and insert "28th;" and in lines 2 and 3, strike out "and approved."

There being no objection, the Senate amendments were concurred in, and the amendments proposed by Mr. BUTTERWORTH were agreed to.

RETURN OF A BILL TO THE SENATE.

The SPEAKER also laid before the House the following request of the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 9, 1888.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate agreeing to the amendments of the House to the bill (S. 889) for the relief of Mary M. Briggs.

The SPEAKER. Without objection this request will be complied with.

There was no objection.

ORDER OF BUSINESS.

Mr. HOVEY. I ask unanimous consent to take up for present consideration the bill which I send to the desk.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the morning hour for the call of the committees be dispensed with, and that committees having reports to make may be permitted to hand them in at the desk.

There was no objection, and it was so ordered.

PORTRAITS OF FORMER SECRETARIES OF THE NAVY.

Mr. WISE (by request) introduced a bill (H. R. 10783) making an appropriation for the purchase of portraits of former Secretaries of the Navy; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ELDREDGE SMITH SURFACE, ELEVATED, AND STREET RAILWAY SYSTEM.

Mr. WISE also, by unanimous consent, introduced a bill (H. R. 10784) making an appropriation to test the Eldredge Smith surface, elevated, and street railway systems; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

FILING OF REPORTS.

By unanimous consent, the following reports were filed by being handed in at the Clerk's desk:

J. M. HOGAN.

Mr. BIGGS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 4489) for the relief of J. M. Hogan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP W. SILBER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7957) for the relief of Philip W. Silber, captain Company C, Indiana Volunteers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

PHILIP THOMPSON (THOMAS).

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 10210) increasing the pension of Philip Thompson (Thomas); which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS H. PLUMMER.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 2091) granting a pension to Francis H. Plummer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'GOWAN.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2764) increasing the pension of James McGowan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELLA M. GROVE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2254) increasing the pension of Mrs. Ella M. Grove (?); which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLA M. THORNTON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2982) granting a pension to Ella M. Thornton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET A. HILLARD.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2993) granting a pension to Margaret A. Hillard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR D. AND ALFRED LYFORD.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4670) granting a pension to Arthur D. and Alfred Lyford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATE HOME FOR DISABLED SOLDIERS AND SAILORS.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7939) providing for aid to a State home for disabled soldiers and sailors of the United States, their widows and orphans; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RICHARD PORTER.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10241) granting a pension to Richard Porter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY ACROSS PAPAGO INDIAN RESERVATION, ARIZONA.

Mr. SHIVELY, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 7843) granting to the Citrous Water Company the right of way across the Papago Indian reservation in Maricopa County, Arizona; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS BLAZER.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6880) granting a pension to Thomas Blazer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SMITH BODKINS.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6022) granting a pension to Smith Bodkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY CAFFREY.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7623) granting a pension to Mary Caffrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERRY R. NYE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6409) for the relief of Perry R. Nye; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. S. SAYRE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 968) granting a pension to H. S. Sayre; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHEL MORGAN.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10607) granting a pension to Rachel Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELEANOR D. HEATH.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7457) granting a pension to Eleanor D. Heath; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY WOODWORTH.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC ROSHON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6334) for the relief of Isaac Roshon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JONATHAN HARRISON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7887) granting an increase of pension to Jonathan Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRISON WAGNER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 332) granting a pension to Harrison Wagner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTINA EDSON.

Mr. HERMANN, from the Select Committee on Indian Depredation Claims, reported back with amendment the bill (H. R. 2822) for the relief of Christina Edson, and the personal representatives of John Geisel, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. BERRY.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 9848) for the relief of James R. Berry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATE HOMES FOR DISABLED SOLDIERS.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL MILITARY HOMES.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (S. 2461) appropriating $150,000 for quarters and barracks at the branches of the National Military Homes for Disabled Volunteer Soldiers; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORT ROBINSON AND FORT NIOBRARA.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with amendment the bill (S. 1561) to provide for the completion of quarters, barracks, and stables at Fort Robinson and Fort Niobrara, in the State of Nebraska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OREGON RAILWAY AND NAVIGATION COMPANY.

Mr. DARLINGTON, from the Committee on Indian Affairs, reported back favorably the bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEWPORT AND KING'S VALLEY RAILROAD COMPANY.

Mr. HARE, from the Committee on Indian Affairs, reported back favorably the bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, MO.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 9618) to extend the limit for the erection of a public building at Springfield, Mo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ATCHISON, KANS.

Mr. WADE also, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1726) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HOSPITAL FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

Mr. LEE, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 7785) for the relief of the at-

tendants on the insane at the Hospital for the Insane in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of revenue bills.

Mr. TOWNSHEND. What is the regular order?

The SPEAKER. This is the regular order.

Mr. TOWNSHEND. I understand that the regular order is the call of committees under the hour.

The SPEAKER. The House has, by unanimous consent, just dispensed with the call of committees.

Mr. TOWNSHEND. It dispensed with the call of committees for reports, but not the hour for consideration as I understand it.

The SPEAKER. The Chair is aware of that fact; but under the rules of the House, after the hour for the call of committees has been consumed, or dispensed with, a motion is in order to go into Committee of the Whole on the state of the Union to consider revenue or appropriation bills. If that motion is not agreed to, then the second morning hour will be in order, unless dispensed with.

Mr. TOWNSHEND. There is but one bill pending now in that hour from the Committee on Military Affairs, the bill which was called up at our last meeting, and it will take, I am satisfied, not more than two or three minutes to dispose of it. I ask the gentleman from Arkansas to withdraw his motion for a moment and allow the consideration of that bill to be completed.

The SPEAKER. But if the hour is entered upon, then another committee will be called.

Mr. TOWNSHEND. Not necessarily.

Mr. SPRINGER. He asks unanimous consent to proceed to consider that bill without regard to the hour.

Mr. BLAND. I demand the regular order.

Mr. TOWNSHEND. No, I do not ask unanimous consent to proceed outside of the hour, but to consume such portion of the hour as is necessary to complete that bill.

The SPEAKER. The gentleman must get the House to reject the motion of the gentleman from Arkansas in order to reach his object.

Mr. TOWNSHEND. I hope the House will vote that motion down. This is the bill in relation to the detail of Army officers to the colleges.

Mr. PAYSON. A very important bill.

Mr. BRECKINRIDGE, of Arkansas. If the House shall proceed in the morning hour to consider that bill then the whole hour will be consumed either by the Committee on Military Affairs or the next committee called, as I understand it.

The SPEAKER. It will.

Mr. TOWNSHEND. It will not take three minutes.

Mr. BRECKINRIDGE, of Arkansas. But if you enter upon the consideration of the bill in the hour another committee will be called.

The SPEAKER. The Chair has so stated.

The question is on agreeing to the motion of the gentleman from Arkansas.

The question was taken; and there were, on a division—ayes 54, noes 31.

So the motion was agreed to.

THE TARIFF.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation, and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

To strike out lines 364 and 365, as follows:
"Potato or corn starch, rice starch, and other starch, 1 cent per pound."

The CHAIRMAN. When the committee rose debate on the amendment had been exhausted. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

Rice, cleaned, 2 cents per pound; uncleaned, or rice free of the outer hull, and still having the inner cuticle on, 1½ cents per pound.

Mr. HOPKINS, of Illinois. I move to strike out the word "or," in line 366, and to strike out, in line 367, the words "free of the outer hull and still having the inner cuticle on."

Mr. REED. Mr. Chairman, when we adjourned last night we were on the subject of starch.

The CHAIRMAN. Before the gentleman came into the Hall the amendment in regard to starch was voted on, and the Clerk proceeded to read the section of the bill now under consideration, no other gentleman desiring to speak on the subject of starch.

Mr. REED. I was sitting here, Mr. Chairman, waiting to make some observations before the matter passed.

The CHAIRMAN. The gentleman did not address the Chair.

Mr. REED. I certainly did not. I did not know there was an opportunity. I should like to point out some little difficulties with the section in regard to starch, if I can have the unanimous consent of the House.

There was no objection.

Mr. REED. I just want to point out what seems to me a very flagrant inconsistency both in the purpose and object of this provision in regard to starch. We have already provided that there should be 15 cents a bushel duty upon potatoes, the raw material out of which this starch is made. Out of a bushel of potatoes you can make 10 pounds of starch. At the present rate of duty that gives a protection of 20 cents, which is 5 cents for the manufacturer, in addition to 15 cents which has already been put upon the raw material. It is proposed to reduce the tariff on starch to 1 cent, which will give you a tax on the raw material of 15 cents, and a tax on the manufactured article of 10 cents, an inconsistency that is very obvious. In addition to that, the sole object of putting 15 cents upon a bushel of potatoes must be to increase the market for that article of farm produce. Now, one-half of the potatoes which are produced in this country are sold to starch factories. If those factories cease, then one-half the market for the potatoes of the farmer, whom we desire to protect, will be destroyed. So that with one hand you retain the duty for the benefit of the farmer, and in order to strike the manufacturer you incidentally take away one-half of the market which the farmer has for his potatoes; and in addition to that you are guilty of the gross inconsistency of having a larger tax—to use the phraseology you delight to employ—upon the raw material than you have upon the manufactured article. There is now only an increase of one-quarter in the present law, and under your proposed law there is a decrease of one-quarter. I suppose those considerations will hardly move you, because it is impossible for the House to know precisely what has gone on in the private consultations with regard to this matter, so it is difficult to respond to the reasoning that may have moved the committee.

Mr. OUTHWAITE. May I ask the gentleman a question?

Mr. REED. Certainly.

Mr. OUTHWAITE. I want to ask you whether you really believe a reduction of 1 cent a pound on starch is going to destroy the entire manufacture of starch in this country?

Mr. REED. I have not said that.

Mr. OUTHWAITE. Is not your whole argument based on that?

Mr. REED. My whole argument is based upon the idea that with regard to potato starch the effect will be to injure the industry in some places and destroy it in others. The gentleman from Ohio, if he has done me the honor to listen on the various occasions when I have addressed the House, will find that I have never made extravagant statements as to the effect of any part or portion of this bill. I have not felt that in each instance where I had occasion to address the House it was necessary in any way to make rhetorical statements with regard to these matters. But I do know that in my own State, in the county of Aroostook, where this industry is the principal money crop of the farmers—that from which they obtain the money which they have to use outside of their personal subsistence—the money comes largely from the sale of potatoes to starch factories.

I recollect with great distinctness that in the Forty-seventh Congress there was a great effort made by the starch manufacturers to cause a change in the tariff on account of the injury which was done them in the present law by the admission of dextrine and other substances made out of starch at a rate of duty which enabled the starch manufacturers to evade the tariff. I know what the effect of that was, and I am quite sure what the effect of this will be, namely, that in a great many places it will stop the factories, and in others it will injure them, and that the tendency of it is to lessen the market of the farmer for his potatoes. It is obvious that must be the result.

Mr. BRECKINRIDGE, of Arkansas. We are very large exporters of starch, which clearly indicates that that industry is upon an independent basis. We exported in the last fiscal year over 7,000,000 pounds of starch.

Mr. REED. Not potato starch.

Mr. BRECKINRIDGE, of Arkansas. We are also very large exporters of potatoes, having exported several hundred thousand bushels of potatoes.

Mr. DINGLEY. We have imported, not exported, potatoes.

Mr. BRECKINRIDGE, of Arkansas. I am speaking of exports and I have the list before me.

Mr. DINGLEY. We have not exported potatoes.

Mr. BRECKINRIDGE, of Arkansas. I beg the gentleman's pardon. There was an exportation of potatoes in the fiscal year ending June 30, 1887, of over 434,000 bushels.

Mr. DINGLEY. But the last fiscal year was the year ending June 30, 1888, and in that year there was no exportation of potatoes.

Mr. BRECKINRIDGE, of Arkansas. But we have not got the returns for that year.

Mr. DINGLEY. It is only on certain portions of the border that there are any potatoes exported.

Mr. BRECKINRIDGE, of Arkansas. We are producers of a surplus of potatoes, just as we are producers of a surplus of corn, and as a rule that surplus causes the product to sell at free-trade prices whether there be a tariff or not. Now, I am very glad to find a recognition on the part of the gentleman from Maine [Mr. REED] of one fact, and that is that this bill does retain the duty on potatoes, whereas he, I think, and certainly others on his side, have heretofore claimed that under the vegetable clause potatoes were put on the free-list.

Mr. BOUTELLE. What is the provision in this bill in regard to potatoes?

Mr. BRECKINRIDGE, of Arkansas. I refer you to your colleague from Maine [Mr. REED], who has just cited it.

Mr. DINGLEY. But you impose a tariff of 15 cents a bushel on the raw material, potatoes, while you put only 10 cents a bushel upon them when they are manufactured in the form of potato starch.

Mr. BRECKINRIDGE, of Arkansas. I recognize that fact; but I also recognize another fact, namely, that potatoes being a general product like corn, wheat, and cotton, if we have a surplus, that surplus is sold in the market independent of any effect of the duty, and the fact that we are large exporters of starch is further evidence of the truth of that proposition.

Mr. DINGLEY. But do you think it fair to put a higher duty upon the raw material than upon the manufactured product?

Mr. BRECKINRIDGE, of Arkansas. I do not hold the proposition of the gentleman from Maine, as generally urged, that the higher the duty the lower the price. It is only where you are producing a surplus under such conditions as do not permit the formation of a trust or a combination that a duty is inoperative. I recognize the soundness of the gentleman's proposition as applied to this case under those limitations.

Mr. BOUTELLE. I wish the gentleman from Arkansas [Mr. BRECKINRIDGE] would state just what the Mills bill does provide in regard to potatoes. I understood you [Mr. BRECKINRIDGE, of Arkansas] to accept an interpretation of it from this side. Now, what is your interpretation?

Mr. BRECKINRIDGE, of Arkansas. My interpretation is the same as that of your colleague [Mr. REED].

Mr. BOUTELLE. That it does not alter the present law?

Mr. BRECKINRIDGE, of Arkansas. That potatoes are not put on the free-list.

Mr. BOUTELLE. That there is a duty of 15 cents a bushel on potatoes?

Mr. BRECKINRIDGE, of Arkansas. I believe that is it.

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. Unanimous consent was given for the gentleman from Maine [Mr. REED] to make some remarks on this paragraph of the bill, but the pending question is on the amendment offered by the gentleman from Illinois [Mr. HOPKINS] to the paragraph in relation to rice.

Mr. BOUTELLE. I should like to have unanimous consent to make some remarks upon this starch paragraph.

Mr. DOCKERY. How much time does the gentleman want?

Mr. BOUTELLE. I want to speak in my own right under the five-minute rule.

The CHAIRMAN. The gentleman has no right under the five-minute rule on this paragraph which has been passed.

Mr. BOUTELLE. Then I ask unanimous consent.

Mr. BLAND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I supposed that this portion of the bill had been passed.

The CHAIRMAN. This paragraph has been passed, but the gentleman from Maine [Mr. REED] obtained unanimous consent to make some remarks upon it.

Mr. BLAND. Then I demand the regular order and a vote upon the pending question.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Maine [Mr. BOUTELLE] made an exhaustive statement upon this paragraph yesterday evening.

Mr. BOUTELLE. I state to the committee that I desire to present some facts that have not been stated at all in this discussion.

Mr. BRECKINRIDGE, of Arkansas. But we have passed that paragraph, and therefore the gentleman's facts can not possibly affect the action of the committee now.

Mr. BOUTELLE. They are in connection with starch.

Mr. BRECKINRIDGE, of Arkansas. But we have passed that paragraph.

Mr. BOUTELLE. Very good. Then I desire to offer an amendment to the tariff bill, to come in at this point.

Mr. BRECKINRIDGE, of Arkansas. I must object to going back, Mr. Chairman.

The CHAIRMAN. The regular order is demanded by the gentleman from Missouri [Mr. BLAND].

Mr. REED. I think that hereafter when the House opens, as there is generally a good deal of confusion when we are going into committee, the Chair ought to call attention to the fact that the paragraph last under consideration is going to be passed.

The CHAIRMAN. The Chair in this case did call special attention to it.

Mr. REED. The notice did not seem to reach us all.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Illinois [Mr. HOPKINS] in regard to rice.

Mr. BOUTELLE. I ask unanimous consent that at this point and in this connection I be permitted to offer my amendment, which directly affects this starch question.

Mr. BLAND. I demand the regular order and that we proceed with the bill.

The CHAIRMAN. Objection is made to the request of the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. The gentleman does not intelligently object. [Laughter.]

Mr. BLAND. All the intelligence of the committee is not with the gentleman from Maine.

Mr. BOUTELLE. Will the gentleman allow me to state what I desire to do?

Mr. BLAND. I demand the regular order.

Mr. BOUTELLE. I insist that the regular order is the offering of amendments to this bill.

The CHAIRMAN. The regular order is the pending amendment offered by the gentleman from Illinois [Mr. HOPKINS], upon which he is entitled to the floor. The Clerk will report the amendment.

The Clerk read as follows:

In line 366 strike out "or," and in line 367 strike out "free of the outer hull."

Mr. BOUTELLE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. That is not now in order unless it be an amendment to this amendment.

Mr. BOUTELLE. That is exactly what I desire to offer.

The CHAIRMAN. The gentleman has not the floor for that purpose. The gentleman from Illinois [Mr. HOPKINS] is entitled to the floor for five minutes.

Mr. BOUTELLE. Very good; then I will be recognized afterwards.

Mr. HOPKINS, of Illinois. The subject of my amendment, Mr. Chairman, is of importance enough to challenge the attention of every member of the House. Rice as a food product has become of almost universal use in this country; and if we are legislating in favor of the poor man or in favor of cheap food products, it seems to me that the time to show we are in earnest upon such a question has now arrived.

Prior to 1846 there was no import duty on rice of any kind; but under the tariff law of that year an import duty of 20 per cent. ad valorem was placed upon rice, which in 1855 was reduced to 15 per cent. ad valorem. The duty upon rice is now a little more than 113 per cent., being very much higher than it was during the war. In the bill now under consideration there is a change in the schedule so that it is claimed there is a reduction, making the duty something over 100 per cent. on cleaned rice and 59 per cent. and a fraction on uncleaned. If this were all there is in this question, I do not know that I should attempt to hold the attention of the House upon this matter; but as it was shown in reference to the sugar schedule yesterday that after certain parties had visited the leading members of the Ways and Means Committee the sugar schedule was changed to the detriment of the consumer, so I find in comparing the bill as it was originally prepared by the Ways and Means Committee with the bill now under consideration a similar transformation has taken place in regard to rice.

For the last forty years or more there have been certain laws defining the classifications, cleaned rice, uncleaned rice, and rice in the rough, or paddy. There has been no definition which has interfered with this classification; and persons in trade and commerce have come to understand exactly what is meant by cleaned rice, uncleaned rice, and rice in the rough, or paddy. The decisions of the Treasury Department are in harmony with this understanding of the trade, so that the definitions are fixed and settled. This seems to have been clearly understood by the Ways and Means Committee when this bill was first prepared; for I find on referring to the bill in its original shape that there is no limitation, no special definition of uncleaned rice. But in the bill now under consideration, when we come to the article of uncleaned rice, we find this definition: "or rice free of the outer hull, and still having the inner cuticle on." That, apparently, is an innocent innovation upon the existing rice schedule. Upon its face it would seem to be in the interest of all persons concerned. But when you come to look at the condition of things prevailing in the rice trade, you see that this sectional hand which is apparent all through the bill is made manifest on this subject; then you find that the producers of rice, the persons who are interested in keeping the price up on this food product, have had their influence with the Ways and Means Committee, and that this definition, instead of being something which will aid the consumer of the product, will have a direct tendency to increase the price of the article. Now, that came about, Mr. Chairman, in this way: I am told——

Mr. DOCKERY. I would like to ask the gentleman whether in this bill there is an increase of the duty on rice, or whether there is a reduction.

Mr. HOPKINS, of Illinois. There is apparently a decrease of the duty on uncleaned rice, because under the schedule in the existing law the duty on uncleaned rice is 1½ cents per pound, or 71.52 per cent. ad valorem; and it is claimed that this bill makes the duty 1¼ cents per pound, or 59.60 per cent. ad valorem.

Mr. DOCKERY. Then this bill proposes a decrease on the present rate.

[Here the hammer fell.]

Mr. HOPKINS, of Illinois. I would like a few minutes more time.

Mr. TURNER, of Georgia. I hope the gentleman from Illinois will be allowed five minutes additional.

Mr. BLAND. I object. Let us have a vote.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Illinois for five minutes?

Mr. BLAND. I object.

Mr. HOPKINS, of Illinois. I hope I may have time to answer the gentleman from Missouri [Mr. DOCKERY]. He is apparently honest in his question, and I desire to show him that while the schedule in this bill proposes upon its face to reduce the duty on rice, yet the practical result will be to increase the duty.

Mr. DOCKERY. I hope the request of the gentleman from Illinois for additional time will be granted.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] objects.

Mr. TURNER, of Georgia. The gentleman from Illinois [Mr. HOPKINS] has made a statement in reference to the rice schedule which he has not yet had full opportunity apparently to develop. I should be obliged to the gentleman from Missouri [Mr. BLAND] if he would withdraw his objection and allow the gentleman from Illinois to develop his argument, for I can assure the gentleman that there is nothing in the argument; nevertheless, I should be glad if an opportunity were given to present it.

Mr. BLAND. We have heard that argument here for nearly a month. These speeches simply go over what we heard in the general debate. If we are to leave here before September, let us proceed to business and stop this eternal political discussion. I object to it.

Mr. REED. I am not surprised that a gentleman on the other side objects to this discussion. I think it very natural.

Mr. HOPKINS, of Illinois. Mr. Chairman, if I can be allowed——

The CHAIRMAN. Objection has been made.

Mr. TURNER, of Georgia. Mr. Chairman, I am, for my own part, entirely willing that the gentleman from Illinois should have additional time, but I have no desire to press that request upon the House in the face of the objections which have been presented. I will endeavor just now, unless consent is given that the gentleman may have additional time to finish his argument, to make a brief reply to the position he has taken.

It has been quite the fashion for gentlemen who profess to have had superior opportunities to study these economic questions to impute either ignorance, or sometimes perhaps worse motives, to gentlemen on this side of the Chamber, and the remarks which have just been made by the gentleman from Illinois are a signal illustration of the fact that when a gentleman talks about an item in this bill he ought to be sure first that he knows something about it or understands it. That gentleman is generally well informed on anything he undertakes to discuss, but I respectfully submit that he has not studied this subject with the care its importance deserves, especially when the gentleman has endeavored to annex to this discussion the idea of sectionalism, which he charges against my colleagues on the committee.

It requires but brief and indifferent examination of the records of the Treasury Department to convince any gentleman who will take the trouble to inquire, that the definition he seeks to strike out of the clause of the pending bill is not only a necessary definition, in order to secure a fair enforcement of the tariff law with reference to the item it embodies, but in order to prevent constantly growing frauds upon the revenues. It is true that the article of rice has stood upon the tariff schedules in the form, as stated by the gentleman, for many years; but this item in the bill, like a thousand others in the law bearing upon the tariff schedules generally, has been evaded by cunning and curious devices and contrivances as much as any schedule all along the line.

Rice is a grain which, like wheat, rye, and other small grain, has two cuticles—first, the outer husk or chaff, and when inclosed in the hull in that form is called rough rice or "paddy." In order to make rice perfectly clean it is necessary that both of these cuticles or skins shall be removed, and that has been the uniform regulation of the Treasury Department. The gentleman could have found it out by slight inquiry, but he seems to have neglected his opportunity.

Now, sir, it has been found on trials in the courts where this question has been raised that rice has been brought in almost completely cleaned, but still in a condition which excludes it from the Treasury definition; brought in at San Francisco or New Orleans in this condition, and in cases made against the collector for charging the duty on clean rice those cases have gone to the jury. The cases have been tried, and, as in most cases, the jury have found against the Government, and hence the Treasury Department has been embarrassed almost as much as in any other small item in the tariff to administer the law with reference to the collection of the duty on rice. Cargoes have been brought in in this condition which were required to be put in the simplest machine, built at the smallest expense, and brushed or refined by an air-blast or by friction at an insignificant cost per bushel, and the consequence has been that under these facts rice which was practically clean, but which still had the inner cuticle, or even dust adhering to it, has been brought in at the lower rate of duty and brushed, or simply exposed to an air-blast to remove the cuticle or dust, and thereby come in competition with clean rice which paid the full and higher tariff duty.

[Here the hammer fell.]

Mr. HOPKINS, of Illinois. I move to strike out the last word.

Mr. Chairman, as I said before the gentleman from Georgia addressed himself to the Chair, for more than forty years the schedule of rice has been found to work well in this country; the decisions of the Treasury Department have been uniform, and there has been no trouble. But since this bill was first reported to the House several cargoes of rice were stopped at the port of Savannah and other Southern ports, and this question was raised; and in view of that fact, this question having been raised by the Southern rice planters, the interpolation was made in the bill and an entirely new classification was presented, such as we now find presented for our adoption here.

Mr. TURNER, of Georgia. Will the gentleman pardon me to ask where he gets his information?

Mr. HOPKINS, of Illinois. Yes, sir; I will give the information with pleasure. Partly from Mr. Maney, an importer of New York; from Mr. Talmage, another importer of New York.

Mr. TURNER, of Georgia. That is sufficient.

Mr. HOPKINS, of Illinois. And a practical analysis of the entire subject presented by the New York press.

Mr. REED. If the gentlemen on the other side would favor us with a little more specific information at times, we might get along a little better with the consideration of this bill.

Mr. HOPKINS, of Illinois. Now, Mr. Chairman, under this new classification proposed by the majority of the Ways and Means Committee, nine-tenths of the rice which has been heretofore imported as uncleaned rice will be excluded, and will have to pay the higher duty, and the object of the definition of uncleaned rice in this bill is for that purpose.

This brings me to the point where I desire to answer the question of the gentleman from Missouri, who asks if the duty on uncleaned rice has not been lowered. It has been lowered a quarter of a cent per pound, but under the definition, as the parties who are familiar with this subject claim, nine-tenths will be excluded and will be compelled to pay a duty of 2 cents per pound, or 100 per cent. and a fraction ad valorem.

The gentleman says there is no trouble about this, and from his statement it would seem there was to be none. I confess, Mr. Chairman, a definition which has answered the purposes of this Government for more than forty years on the importation of this food product ought to be sufficient now, and especially so when the duty upon rice is kept as high as it is. During the war, when the Government was reaching for every avenue or source of revenue, the duty upon rice was not as much as is proposed in the present bill.

Now, if that be so, why is it the Southern planter desires this increase of duty upon imported rice? The statistics show that there is over 50 per cent. more rice raised in this country now than there was before the war. The statistics show that in Louisiana and the Carolinas it is a constantly increasing crop in value and amount. The statistics also show that it is a crop that the planter receives a higher price per pound for than he did before the war. Now, I ask the gentlemen who claim to be in the interest of the people of this country, in the interest of furnishing them a food product which shall be cheap, why a crop that is increasing every year in amount, with a gradual ascending scale in price, should be protected by an import duty higher than it was before the war?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Georgia. I desire to state in the outset that I do not represent the rice industry. My residence is far in the interior. I have no relation to those who are engaged in the cultivation of tide-water rice. There was a stricture or so, however, made by the gentleman from Illinois [Mr. HOPKINS], of which some notice ought to be taken. He charged the gentlemen who reported this bill or those who changed its original form in this respect with sectionalism.

Where the foundation for that charge can be found, he has not yet disclosed. There is no foundation for it. On the contrary, when he seeks to strike out this definition, he is, although he may not be aware of it (I hope the gentleman will not be offended for imputing to him a want of knowledge), defending a corner on rice or on the cleaning of rice, which is an actual fraud on the honest importer. I want to say here, without intending any reflection on his sources of information, that one of the gentlemen to whom he referred, Mr. Talmage, of New York, is an importer of this peculiar kind of uncleaned rice, and he is making his profit on that margin which is afforded by the present rulings of the Treasury Department, enabling him to bring in the rice which he uses at a lower rate of duty, cleaning it at a trifling cost, and

then putting it on the market as a perfectly clean rice in competition with that which has been honestly imported. Now, sir, if a defeat of this little scheme by which importers are seeking to put up their little cleaning establishments in Savannah, in Charleston, and in New Orleans, and make their fortunes, will be the result, the gentleman is welcome to any credit which he can make out of his discovery, and welcome to any reputation which he can secure by the charge of sectionalism on those who attempt to defeat this scheme and this proposition. That is the whole of it, Mr. Chairman.

Let us see further how it will operate. Of the regular cleaned rice imported into this country there were 33,000,000 pounds in round numbers. Of the inferior article, or rather the article which is imported as uncleaned rice and brought in at the lower rate of duty, there were, I believe, about 8,000,000 pounds.

Mr. FARQUHAR. Four million.

Mr. TURNER, of Georgia. In order to be entirely accurate I have referred to the figures, and instead of 8,000,000 I should have said 4,000,000, because I knew it was about 12 per cent. of the entire importation of the cleaned rice. Now, I ask the gentleman if he is aware that the Treasury report for the next twelve months will show at least a double importation of the uncleaned rice; and I ask him if he is aware that at the time Mr. Talmage was flitting about these corridors here and giving him the information upon which he is acting to-day, there were cargoes of the Batavian rice and others already anchored in the port at Savannah, and that there were other cargoes on the way, the owners of which were seeking to take advantage of the fact that there was no definition of uncleaned rice in the tariff schedule? I presume the gentleman was not aware of the fact or else he would not have taken the position he has taken here, which does him no credit and which certainly does not illustrate his fairness.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOPKINS, of Illinois. I withdraw it, and move to strike out the last two words.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. ELLIOTT].

Mr. ELLIOTT. I move to strike out the last word.

Mr. Chairman, the proper test of the correctness of this definition to which the gentleman refers is to ascertain what meaning was given to it at the time when uncleaned rice first became known in our tariff laws.

In 1862 this expression "uncleaned rice" was for the first time used, and at this point I will read from the record of the debate a petition which was presented at that time by Mr. Sargent, of California. Mr. Sargent said:

In support of the amendment I send to the Clerk's desk to be read a communication signed by the East India importers of the city of San Francisco, and of several United States officials employed in the custom-house of that port, which I commend to the attention of members.

The Clerk read as follows:

"SAN FRANCISCO, *January* 1, 1862.

"GENTLEMEN: The undersigned importers of East India rice goods at the port of San Francisco, in view of the possible change in the tariff during the present session, very respectfully call your attention to the great importance of securing in any new bill the same ratios of discrimination in favor of uncleaned rice as are afforded under the bill which went into operation August 5, 1862. The consumption of rice in California amounts to 25,000,000 pounds per annum. The imports consist of cleaned rice—namely, rice with the inner skin removed and uncleaned rice, or rice with the outer husks only removed, and paddy. The cleaned rice is imported almost exclusively by Chinese; the latter description by American houses who have it cleaned in our rice mills, in the erection of which a large amount of American capital has been invested.

"The cleaned rice at places of export costs more than twice as much as the uncleaned, and a specific duty upon all grades of rice would manifestly be unjust, and would speedily drive the entire business into the hands of the Chinese instead of the American importers, and besides give to the East India cooly the profits upon cleaning instead of to the laborers of California, where it properly belongs.

"We therefore respectfully request that you will give this subject your attention should there be any change in the tariff during the present session, and beg you to secure for the American importer and for American labor that protection from their own Government which they have a right to demand.

"Importers of uncleaned rice lose from 10 to 40 per cent. in cleaning here, and it costs on an average 50 cents per 100 pounds to clean and fit it for consumption; and in the event of the character of the importations being changed by a proper discrimination in favor of uncleaned rice the cost of cleaning, amounting to $125,000 per annum, would go into the hands of the American instead of the East Indian laborer.

"We have the honor to remain, very respectfully, your obedient servants,

"F. G. CARY.
"FALKNER, BELL & CO.
"MACONDRAY & CO.
"McNEIL & CO.
"R. FEUERSTEIN & CO.
"W. T. COLEMAN & CO.
"DICKSON, DE WOLF & CO.
"FLINT, PEABODY & CO.
"DANIEL GIBB & CO.
"H. F. EDWARDS.
"KOOPMANSCHAP & CO.
"EDWARDS & BAILEY.
"ALSOP & CO.
"WM. M. GREENWOOD.

"Hon. MILTON S. LATHAM,
"Hon. JAMES A. McDOUGALL,
"*Senators.*
"Hon. A. A. SARGENT,
"Hon. THOMAS G. PHELPS,
"*Members of Congress representing the State of California at Washington.*

"At the earnest solicitation of East India importers, we have carefully examined the annexed memorial to the California delegation in Congress, and fully approve of the same.

"C. H. McNULTY,
"*United States Examiner for East India Goods.*
"B. W. MUDGE,
"*United States Appraiser for East India Goods.*"

It will be seen, Mr. Chairman, that in the petition I have read, which was sent to Congress upon this very subject by the men who were then the only persons in this country engaged in the business, there is found the precise language which the Committee of Ways and Means have incorporated in this bill as a definition of uncleaned rice, to wit, "rice with the outer husk only removed." This petition was presented in 1862, and I have here a copy of a letter dated in 1863 from Mr. Chase, the then Secretary of the Treasury, in which he gives precisely the same definition, and I have also extracts from documents on file in the Treasury Department showing that at that time it was conceded upon all hands that uncleaned rice was precisely the article which is described by the bill of the committee.

GENERAL APPRAISER'S OFFICE, *Boston, July* 28, 1863.

SIR: So much of the eighth section of the tariff act of July, 1862, as refers to the article of rice designates three articles, and imposes on each a distinct and different rate of duty.

1. *Paddy.*—Paddy is rice, or rice-grain, in its calyx or hull, or, in other words, unhulled rice.

2. *Cleaned rice.*—This is the rice of commerce, and is paddy divested (1) of its hull or calyx, (2) of its inner cuticle or dowse, which adheres to the grain after the hull is disengaged, and (3) of the dowse or fine meal and dust which is found in the rice after this inner cuticle by friction is disengaged from it.

The process of turning paddy into rice—cleaned rice—is simple. The paddy is run through sand or hulling stones, and is then passed through a fanning-mill, by which the grains are entirely cleared from the chaff or hull. The grain is then thrown into the mortar and subjected to friction, and passed through other cleaning and fanning processes. This second winnowing leaves the rice free from dowse meal or dust, and presents a grain of a pearly appearance, which then becomes the true rice of our commerce.

3. *Uncleaned rice.*—All the rice which comes to the United States directly from the East Indies has undergone the first process above described, either by running it through stones or by the use of the mortar and pestle. That is, the paddy has been divested more or less perfectly of its chaff or outer hull. None of it arrives separated from its inner cuticle, part of the cuticle being still on the grain, and the rest of it in the form of fine meal and dust mixed in with the rice. East Indian rice is always exported in this manner. No cargo of rice imported into Boston or New York is ever put on the market or sold as cleaned rice. It is not considered an article which can be used or ready for the jobbing or retail trade; and if sold as imported, both seller and purchaser understand that it is uncleaned, or, as they usually term it, "cargo style." It is sent to the rice mills to be dressed or cleaned before it is put on the market as an article for consumption.

The residuum of the paddy, this inner cuticle and dust, forms a distinct article of trade, and is called rice-meal. In the Carolinas it is usually sold at about 40 cents a bushel, and is used as food for cattle. In New York and Boston it is sold for similar purposes.

It has been stated that this meal or dust is an article put into the rice to prevent the weavel from entering it. This is probably a mistake. There is no evidence of it, at least I have found none. No dealer in rice that I have met with believes it. An analysis made in Boston by Dr. Charles T. Jackson proved it to be free from any foreign substance whatever.

If it be true, however, that a poisonous substance is found in this East Indian rice (the Tariff Committee had a sample of it before them when the act of 1862 was framed) this fact alone affords ample reason for Congress designating it uncleaned.

Several cargoes or parts of cargoes of East Indian rice have recently been imported as cleaned rice and paid the highest rate of duty, but the shipments were made from Germany or England, where the article had undergone the cleaning process. The cost of cleaning it in this country I understand to be about three-quarters of a cent a pound.

I have not the least doubt Congress intended this very article of East Indian rice as the uncleaned rice designated. It appears to have been the intention of Congress to modify the act of 1861.

I inclose herewith a copy of a statement made to me by the foreman of the rice-mill at New York. The statement was not made under oath, but the party making it was both frank and intelligent.

Very respectfully, your obedient servant,

THOMAS McELRATH,
United States General Appraiser.

I. L. GOODRICH, Esq.,
Collector, etc.

Statement made by Charles Rowan, foreman of the rice mill at the foot of Jefferson street, New York. (Statement made in answer to my interrogations.—T. McElrath.)

I am not the superintendent of these mills. They are called the New York Rice Mills. My name is Charles Rowan. I am the foreman. I have been in the business for twenty-six years. The mill is not running now, as there is no rice to clean in the market. Several cargoes of East Indian rice have lately arrived in New York, but not direct from the East Indies. The rice was cleaned at Hamburg or London. The East Indian rice which is brought to the United States directly from Calcutta or other places is always called unclean rice; or, I mean, it is always understood to be uncleaned. It contains a part of the dowse, that is what we call it, or the meal. Sometimes it contains the whole of it.

This dowse is an inner skin, and is entirely different from the hull. This inner skin must always be separated from the rice before the rice is merchantable. I mean merchantable as an article of food or to the retail trade. Rice from South Carolina either comes here as paddy or is divested of this inner skin before it is shipped. The East Indian rice always has this skin on. I do not consider the dust which is found in East Indian rice as that which makes it uncleaned rice, but the inner skin in the grain is what I consider makes it unfit to be sold as an article for consumption. The dust, in part at least, may be made by the weavel or sand bug, a small insect peculiar to rice. It may partly be made by attrition.

The rice used in the United States always has this skin and this meal or dowse taken from it. It is separated in these mills by friction and fanning, and is quite a different and independent process from that of hulling. Whenever we say East Indian rice at the mill we mean—that is, we all understand it to mean unclean rice; that is, rice which has to be cleaned before it is sold to the merchants. The Patua rice is not cleaned rice, but is partly so.

TREASURY DEPARTMENT, *September* 10, 1863.

SIR: Your letter of August 10, 1863, is received, asking for instructions as to the proper application of the terms "paddy," "cleaned," and "uncleaned"

rice, as found in section 8 of the tariff act of July 14, 1862. Paddy is rice or rice-grain in its natural condition as first removed from the straw; that is, the grain in its calyx or hull.

"Cleaned" is when the grain is divested of its hull or calyx, the inner cuticle which adheres to the grain after the hull is disengaged, and of the fine meal and dust which are found in the rice after this inner cuticle is by friction removed; or, in other words, when it is in a condition suitable for culinary uses. "Uncleaned" applies when the grain has been divested of the calyx or hull, advanced from its condition as paddy, but not perfectly freed from the inner cuticle, dust, etc.

The presence of dust, either of foreign matter or of particles of rice, resulting from abrasion or the work of insects, I do not consider as affecting the classification.

I am, etc.,

S. P. CHASE, *Secretary of Treasury.*

I. L. GOODRICH, *Collector, Boston, Mass.*

From that day on at various times controversies have arisen which have put the Treasury Department to a vast amount of trouble. As the gentleman from Georgia [Mr. TURNER] has stated, there have been many suits instituted against the Government, involving large costs, the importers generally obtaining judgment against the Government in consequence of their facilities for procuring the testimony of experts—men engaged in the same business. To such an extent has this gone that the Secretary of the Treasury lately urged the propriety of defining uncleaned rice, and also rice of the other classes, so that the Government might be saved from these numerous suits arising out of matters which are really of very little importance. If the gentleman will refer to the statistics, he will find that while of granulated rice, another grade, some forty millions are annually imported, and of clean rice dutiable and free about forty-three millions more, of this class of rice there were only about 4,000,000 pounds imported last year, amounting in value to about seventy or eighty thousand dollars; so that this great outcry is made about an article of import which amounts altogether in value to only about $80,000, a business in which very few persons are interested, one of the principal individuals engaged in it being the gentleman who has been referred to here, Mr. Talmage, of New York. The letter of the Secretary is as follows:

TREASURY DEPARTMENT, *Washington, D. C., March*, 1888.

SIR: I am in receipt of your letter of the 9th instant, in which, referring to the classification under the tariff acts of the different conditions of rice, you request to be informed whether the Department experiences any difficulty in classifying such commodities and whether there is any need for a clearer definition thereof by legislation.

In reply you are informed that it is very desirable, in view of the many questions which have heretofore arisen between importers and the officers of the customs as to what should be considered "cleaned" and "uncleaned" rice, "paddy" and "rice meal" and "rice flour," that these several conditions of rice should be clearly and distinctly defined in any tariff act which may hereafter be enacted.

The clause for "cleaned" rice should definitely specify the character of that commodity; that is, whether it is intended to mean the cleaned and polished rice of commerce, ready and fit for table use, or not; and the character of the "uncleaned" rice should be particularly set forth. "Paddy" is understood on all sides to consist of rice not hulled; but as to what constitutes "rice meal" and "rice flour" controversies have heretofore arisen as to whether the article called "granulated rice" comes within the scope of the clause for those commodities as now contained in the statute. On this point I would respectfully refer you to the Department's letter to Hon. A. S. Hewitt, chairman of the subcommittee on Ways and Means, dated respectively the 29th and 31st of March, 1886, contained on pages 42 and 45 of Appendix A of the "Report of the Secretary of the Treasury on the Collection of Duties," dated December 13, 1886.

I may mention that under the provisions of the then existing tariff acts for "cleaned" and "uncleaned" rice, large importations of so-called Patna rice, that is, rice from which the hull and inner cuticle had been removed, were made at New York, Boston, and San Francisco, in the years 1874, etc., which were classified by the collectors at the ports as "cleaned" rice, but which the importers claimed to be "uncleaned." The importers protested, appealed, and instituted suits for the recovery of the difference in the duties between "cleaned" and "uncleaned" rice and upon trial succeeded in recovering the same, the jury finding, from the proofs submitted, that such rice was the "uncleaned" rice of commerce. This necessitated the refund of large amounts of duties, including interest and costs; and a clear and succinct statement as to what is meant by the terms of the statute would avoid such confusion in future cases.

Very respectfully,

I. H. MAYNARD, *Assistant Secretary.*

Hon. WILLIAM ELLIOTT.

I also read the following:

TRYING TO EVADE DUTY BY IMPORTING SO-CALLED UNCLEAN FOREIGN RICE.

[From the New York Times.]

NEW ORLEANS, *March* 15.

The interest that has existed in the rice trade of late on account of the free importation of so-called unclean foreign rice at Atlantic ports was given additional strength to-day by the arrival of a considerable quantity at this port. It was generally known that some rice was on the way here; in fact, samples of the unclean rice imported through New York were some weeks ago submitted to the appraiser at this port to have him pass upon them, and thus pave the way for the ready entry of the consignments expected here later. Appraiser Bouny, after submitting the samples to local experts, refused to appraise them as unclean rice, the experts having declared that the samples were in reality clean rice. The final process of brushing has been evidently omitted with the intention of defrauding the revenue. It was thought that this decision of the appraiser would have the effect of turning away the expected importation from this port; but this does not seem to be the case, as 683 sacks arrived yesterday on the steamer Professor, and other lots are on the way.

The arrival of this rice, and the attempt to enter it as unclean to secure the benefit of lower duty, caused considerable excitement at the Produce Exchange, and a formal request was at once signed by members engaged in the rice trade, as follows:

"We, the undersigned, members of the New Orleans Cotton Exchange, interested in the rice trade, certify that we have examined sample of 683 sacks Patna rice ex steam-ship Professor, and are of the opinion that said rice has been thoroughly milled and afterward mixed with flour to make it appear in the unclean instead of the clean state."

The consignment is said to be the property of Perseverance Rice Mill. This case promises to open up a very interesting question, and will doubtless be eventually appealed to Washington.

Mr. HOPKINS, of Illinois. Mr. Chairman, it is a favorite argument with some people who find themselves occupying an untenable position to assume that their opponents are ignorant of the matter under discussion, and that all the information on the subject is confined to themselves.

Mr. TURNER, of Georgia. The gentleman must be describing his own party.

Mr. HOPKINS, of Illinois. I do not mean to say that the gentleman from Georgia occupies that position; but he can not put me down on the amendment I propose here by claiming that I am ignorant of the subject I am attempting to discuss. Before he undertakes to do that I would like to have him explain why the Ways and Means Committee, of which he is a distinguished member, when they first presented this tariff bill, adopted the same classification of rice that has existed in our tariff for so many years; and then I should like to have him explain why, after certain Southern planters and importers visited these halls and consulted with members of the committee, this definition which I seek to have stricken out was interpolated in the bill as we now have it. That information would be more interesting to members of this House than it is to charge ignorance upon me.

Mr. TURNER, of Georgia. Will the gentleman pardon a suggestion? I desire to inform him that most of my information was obtained from his friend Mr. Talmage. I looked through his statements, and arrived at the conclusion I have reached, with the aid of other gentlemen familiar with the subject.

Mr. HOPKINS, of Illinois. Well, Mr. Chairman, if the gentleman gained his information from that source it was very unkind on his part to traduce Mr. Talmage as he did.

Mr. TURNER, of Georgia. I hope the gentleman does not understand me as having traduced Mr. Talmage; I had no such intention.

Mr. HOPKINS, of Illinois. If the gentleman obtained all his information from Mr. Talmage, I can say to him that I stand on more fortunate ground; for, besides that information which has been furnished by this importer on this all-absorbing subject, I have availed myself of all the information that could be furnished by the importers, North and South, and of the examination which was had before the Ways and Means Committee in the Forty-ninth Congress, when some of the most distinguished planters of the South were before that committee and gave their evidence. With this combined information I am clear in my conviction that the interpolation in this bill to which I have called attention is intended to work a detriment to the consumer and a benefit to the planter at the South.

The gentleman in his argument substantially admits that the effect of this restriction in the bill will be to change the classification of a large amount of rice which has been imported into this country under the definition of "uncleaned," and to place it in the schedule of cleaned rice, upon which the higher import duty will be paid, the effect of which, using the arguments of our Democratic friends, will be that the price to the consumer will be enhanced.

If this were a struggling industry, if it were an "infant," and needed such enormous protection as is afforded in the Mills bill, I would have nothing to say; but the statistics, coming to my aid again, show that no business prosecuted North or South pays any better than the cultivation of rice. Mr. Trenholm, of South Carolina, who was before the Committee on Ways and Means in the Forty-ninth Congress, gave it as his deliberate judgment——

Mr. TURNER, of Georgia. I can inform the gentleman of something else he does not know—that half of the rice plantations have been abandoned.

Mr. HOPKINS, of Illinois. Well, I will come to that. Mr. Trenholm, in his evidence before the Ways and Means Committee in the Forty-ninth Congress, stated that 60 bushels of rice were not an unusual yield per acre.

Mr. ELLIOTT. His statement was precisely one-half of that—30 bushels; and I can refer the gentleman to the very page.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HOPKINS] has expired.

[Cries of "Vote!" "Vote!"]

Mr. HOPKINS, of Illinois. I move to strike out the last three words.

The CHAIRMAN. That motion is not in order. There are already pending an amendment and an amendment to an amendment. The first question is on the amendment of the gentleman from South Carolina [Mr. ELLIOTT] to strike out the last word.

Mr. ELLIOTT. I withdraw that amendment.

Mr. HOPKINS, of Illinois. I move——

Mr. ELLIOTT. I move to amend by striking out the last two words.

Mr. HOPKINS, of Illinois. I hope the gentleman will let me finish.

Mr. ELLIOTT. I yield to the gentleman.

The CHAIRMAN. The Chair will recognize the *pro forma* amendment as being made by the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS, of Illinois. The gentleman from South Carolina [Mr. ELLIOTT] says that 30 bushels per acre were, according to Mr. Trenholm's evidence, a fair average production. Sir, that gentleman did state in his evidence that the yield in many cases was 60 bushels an acre, and where the rice is cultivated to the best advantage, 72 bushels an acre. Now, in view of the fact that rice can be cultivated at a profit

when the cleaned rice brings 3 cents a pound, the net profit at 60 bushels per acre would be $36 an acre. That is the net profit as given by parties who are familiar with the cultivation of rice. This being the profit on 60 bushels per acre, I ask members of the House why the rice product of this country should be protected to the enormous extent proposed in this bill. If it be true that rice can be produced at a profit when sold at 3 cents per pound cleaned, then, assuming the average yield to be only 30 bushels per acre, as the gentleman from South Carolina [Mr. ELLIOTT] now states, that is a larger profit than is made by the wheat growers of Dakota, Minnesota, or any of the Western States. That is a larger profit than can be made upon any of the farm products of the North which the gentlemen on the other side, in this bill, seek to strike down by placing many of them upon the free-list. Yet the gentleman from Georgia, who says there is nothing sectional in this proposition, insists, by his action, which is in harmony with the committee, that an import duty of more than 100 per cent. shall be retained upon cleaned rice. If that is not sectionalism, I ask the gentleman to explain what it is.

Mr. ELLIOTT. As to the production of rice, I have the testimony here of Mr. W. L. Trenholm, of South Carolina, and it shows the inaccuracy of the information furnished to the House during this debate by the other side on these subjects. The statements just made by the gentleman from Illinois [Mr. HOPKINS] are a fair average of the kind of information which has been given to the House. Let me read from this testimony to which the gentleman refers:

Mr. BRECKINRIDGE, of Arkansas. How many bushels of rice are produced to the acre?

Mr. TRENHOLM. Thirty bushels to the acre is an average production. There are favored spots that produce 60 bushels to the acre.

Mr. HOPKINS, of Illinois. Read further on. Does he not say that he has known 72 bushels to the acre?

Mr. ELLIOTT. Mr. Trenholm goes on to say further:

I have known 72 bushels to the acre to be produced on a small area of 3 or 4 acres.

Now, Mr. Chairman, that is an example of the accuracy of the facts stated on that side of the House. The gentleman asserted that Mr. Trenholm stated that the average yield of rice was 60 bushels to an acre. In reply to that statement I appeal to the record, where it is shown that Mr. Trenholm stated the average production of rice to be 30 bushels to the acre. It is on a par with other statements made by gentlemen. The gentleman from Illinois said that the rice production is now twice as much as before the war.

Mr. HOPKINS, of Illinois. I said 50 per cent. greater.

Mr. ELLIOTT. Before the war the production was 215,000,000 pounds. Last year it was 156,088,890 pounds. The gentleman evidently got his evidence from some tables used in argument upon the floor by the gentleman from Ohio [Mr. GROSVENOR]. He stated that the *ante-bellum* production was 115,000,000, a mistake of only 100,000,000 in 215,000,000 pounds. That statement is on a par with the statement that the average production is 60 bushels to the acre. Not more than 50 per cent. of the area formerly cultivated in rice is now cultivated in South Carolina.

It is a crop subject to entire destruction. On the Savannah River, on account of a freshet last August, the entire crop of a number of large plantations was lost. Not a pound was made. It is peculiarly subject to such disasters. In consequence of the peculiar character of the industry, not only is the crop subject to annihilation, but frequently the plantations are almost wholly destroyed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS, of Illinois. Do you claim their entire annihilation?

Mr. ELLIOTT. In certain localities at times, yes, the entire annihilation of the crop.

[Here the hammer fell.]

Mr. GEAR. I wish to say a word. I have presented petitions not only from dealers but from consumers of cleaned rice. We are told by gentlemen on the other side that the perfection of tariff legislation was the Robert J. Walker tariff of 1846.. That tariff put a duty of 20 per cent. on cleaned rice. The reduction of the tariff of 1857 put rice at 15 per cent. only. Why do the gentlemen on the other side put 100 per cent. duty on rice to-day in the present bill? You put vegetables, you put fresh meats, eggs, beans, pease, cucumbers, beets, potatoes, and wool of the Western States on the free-list, while you put rice, of which the people use 4 pounds per capita, or 250,000,000 pounds annually, at a duty of over 100 per cent. Why do you this? Why do you put sugar at 68 per cent. in the bill? It is now 82 per cent. How can you answer to the people for this inequality of taxation.

Gentlemen on the other side say we use sectional arguments. Why are you so sectional in your action when you reduce the rates of duty upon all the Northern products and the Western products, while you put upon clean rice a duty of over 100 per cent, in this bill? Why do you do this, when you say that you regard the tariff of 1846 as the perfection *per se* of that sort of legislation? You gentleman on the Democratic side have much to say about the poor. Why do you not aid this class of people by a reduction on rice, which enters so largely into into the consumption of the poor people of this country? I pause for a reply.

Mr. ELLIOTT. The duty on rice was put there by a Republican Congress. A Democratic Congress is not responsible for it. Prior to 1883 it was 2½ cents on the clean rice. The present Committee on Ways and Means has made a further reduction. The reduction in the duty on rice is much greater than the average reductions on dutiable articles. The average reduction by the bill is about 8 per cent.—on rice it is 18 per cent.

Mr. BAYNE. Thirteen per cent.

Mr. ELLIOTT. Altogether 18 per cent. The chairman of the committee has an amendment that he has offered or will offer that will make the reduction 18 per cent.

Mr. HOPKINS, of Illinois. Is not the duty proposed in the Mills bill 80 per cent. more than before the war?

Mr. ELLIOTT. That may be. "It is a condition we are confronting, not a theory." [Laughter.] The Republican party is to-day proposing to reduce the duty on rice in behalf of the Chinese to whom they have also given a candidate for the Presidency, and the course of this debate shows they are quite ready to sacrifice the colored laborers of the South for their friends, the Chinese, by giving the latter free rice. [Laughter and applause.]

Now, I beg to read a letter from the Chief of the Bureau of Statistics, dated the 22d day of June. He writes:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., June 22, 1888.

DEAR SIR: In reply to yours of the 18th instant, I have to state that during the fiscal year ending June 30, 1887, the quantity of cleaned rice imported and entered for consumption was 43,055,913 pounds; of uncleaned only 4,642,000 pounds; paddy 2,152 pounds; granulated, or rice-meal 48,526,723 pounds. Inasmuch as the rice-meal, or granulated, is not used generally as a food, it would appear that the greater portion of the foreign rice consumed in the country is imported in the condition of cleaned.

The amount of domestic rice produced in the country was 156,088,890 pounds. Of this there was exported only 644,384 pounds, the remainder being consumed for one purpose or another in the country. You will therefore see that the amount of foreign rice consumed is only about 27 per cent.

While this does not directly answer your question, it may afford you some useful information upon the subject.

I will add that the number of pounds of foreign rice imported and entered for consumption into the port of San Francisco during the year ending June 30, 1887, is as follows:

Rice:	Pounds.
Cleaned, from Hawaiian Islands	9,213,700
Cleaned, from all other countries	30,140,816
Paddy	2,152
Granulated, or rice-meal	1,378,521

This would indicate that the foreign rice is largely consumed on the Pacific coast, presumably by the Chinese. Our own rice is said to be much superior in quality to foreign rice.

Respectfully, yours,

WM. F. SWITZLER,
Chief of Bureau.

Hon. WM. ELLIOTT, M. C.,
House of Representatives, Washington, D. C.

Mr. WARNER. I understood the gentleman to state in the discussion of this question that the committee finds itself confronted with a condition and not with a theory upon the rice question. Will the gentleman be kind enough to inform the committee what "condition" exists in regard to rice culture which requires a protective duty of 100 per cent.?

Mr. ELLIOTT. All that the rice planter asks is that his product shall be put upon the same footing with other protected articles which he is compelled to use in the prosecution of his business; that is to say, that the protection should not be denied to him while it is extended to the articles he is compelled to use.

That is all. The condition we find is a tariff of 2½ cents a pound imposed by the Republican party upon this article.

Mr. WARNER. I do not think the gentleman can make his defense by attacking the action of the Republican party. That is not the question now presented.

I want to know what is in the culture of the rice crop which requires a 100 per cent. duty to protect it.

Mr. ELLIOTT. The gentleman will observe that there is no such protection to rice as 100 per cent. Carolina rice is worth anywhere in the markets of the world almost twice as much as the foreign rice.

Mr. GEAR. Then it has double the protection?

Mr. ELLIOTT. By no means; just the contrary. Because there is a duty of 100 per cent. on foreign rice it does not follow that American rice is protected to that extent. As to the exact degree of protection which may be figured out on the basis of the relative value of the rice produced here and foreign rice, gentlemen can figure it out for themselves.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WARNER. I hope additional time will be granted to the gentleman, because I consumed a part of his time, and a great deal of it has been taken up in interruptions from this side.

The CHAIRMAN. The Chair made a liberal estimate of necessary interruptions.

Mr. GEAR. Will the gentleman from South Carolina permit a question?

The CHAIRMAN. The time of the gentleman from South Carolin has expired.

Mr. WARNER. I ask that the gentleman's time be extended.

Mr. BLAND. I have objected to extending the time of gentlemen on the other side, and I still object to any further extension. I think we are ready for a vote, and there has been enough talk on this question already.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as being withdrawn, and the question now is on the amendment proposed by the gentleman from Illinois.

Mr. BAYNE. I move to strike out the last word.

Mr. GEAR. Will the gentleman permit me to ask the gentleman from South Carolina a question?

Mr. BAYNE. Yes.

Mr. GEAR. The gentleman from South Carolina states that Carolina rice is worth 100 per cent. more in any market than the foreign rice.

Mr. ELLIOTT. Not exactly that.

Mr. GEAR. Did not the gentleman state that?

Mr. ELLIOTT. I said this: that it is worth anywhere in the markets of the world almost twice as much as foreign rice. I did not say it was worth as much everywhere, but in some markets it is, particularly in England, where I believe it is worth more than that difference. In this country it is not.

Mr. BAYNE. How much more is it worth?

Mr. ELLIOTT. From 2 to 2½ cents per pound more.

Mr. GEAR. I beg the gentleman's pardon, the quotations of Chinese and Japanese rice do not bear out the assertion; in fact they show that the difference is less than three-fourths of a cent a pound.

Mr. ELLIOTT. The gentleman is doubtless becoming confused by different classifications of rice. I have statistics here which show that there is a difference which is equal in some instances to 3 cents a pound.

Mr. HOPKINS, of Illinois. If Carolina rice is so much more valuable, why do you want any protection at all?

Mr. BAYNE. Now, Mr. Chairman——

Mr. HOPKINS, of Illinois. I hope the gentleman from Pennsylvania will yield to allow an answer to that question.

Mr. BAYNE. I want the time for myself. I have yielded all I can.

Rice, Mr. Chairman, is a necessary of life in this country. It is an article of food which is not only necessary to the comfort of many families, but it is absolutely indispensable in many cases as an article of food, whose place can not be supplied by anything else; and yet we have again here the spectacle presented by the gentlemen on the Ways and Means Committee, who sympathize so largely with the overtaxed public, placing rice in their bill at a duty of over 100 per cent.!

According to my information and observation there is no other article in the entire bill that is placed so high as this duty on rice. This duty, too, is a tax, because the amount of rice that we can produce in this country is, I believe, only one-quarter of the consumption. On the three quarters of the consumption the people of the country are required to pay 100 per cent. duty. And for what purpose? To serve a small interest, not as large now as it was many years ago, much like the sugar industry—retrograding; to protect and foster that industry, located in a particular section of one of the States of the Union. While the farm products of men in the Western States and in the Eastern States are put upon the free-list, rice is maintained at a duty of 100 per cent. I do not know that I blame the gentleman from South Carolina so much for getting 100 per cent. duty if he can do it; nor do I blame so much the gentlemen from that section of the country for standing by him. But what must be thought of the Northern Democrat who votes to put the products of the Northern States on the free-list and walks up like a little man between the tellers to put 100 per cent. duty on rice?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. Mr. Chairman, it makes no great consumption of time to state the proposition that is before the House. The bill now under consideration proposes a reduction of the duty on rice. The gentleman from Pennsylvania [Mr. BAYNE], who has just taken his seat, and the gentleman from Illinois [Mr HOPKINS], who has vexed himself so much on the question this morning, are both resisting this bill, and by resisting it propose to keep the rate on rice and on sugar just where it is now. That will be the result if they defeat this bill.

Mr. HOPKINS, of Illinois. Will the gentleman allow me to ask him a question.

Mr. McMILLIN. In one moment. Wait until I complete my statement. When they get through with resistance to this bill, if successful in that resistance, in place of the duty being what we propose to make it, a reduction on an average of about 18 per cent., they will leave it as it now stands, and where their party originally put it.

Mr. HOPKINS, of Illinois. Will not the gentleman answer a question?

Mr. McMILLIN. They will leave the duty where their party said in their platform at the Chicago convention it should remain, instead of at a reduced rate.

Mr. HOPKINS, of Illinois. Will the gentleman answer a question?

Mr. McMILLIN. With pleasure.

Mr. HOPKINS, of Illinois. I ask the gentleman if, under the definition you give for uncleaned rice, that will not exclude a large percentage which is, under the existing law, imported?

Mr. McMILLIN. I will state to the gentleman that under the amendment proposed to be offered to this section the reduction on the rice schedule will be about 18 per cent.

Mr. HOPKINS, of Illinois. That does not answer my question at all. I asked you if, under this definition which you have given for uncleaned rice, you will not exclude a large amount that has been heretofore imported as uncleaned rice?

Mr. McMILLIN. I will state to the gentleman that there may have been constructions and evasions——

Mr. HOPKINS, of Illinois. Answer the question.

Mr. McMILLIN. I will answer it in my own way. I will not be dictated to as to how I shall answer it. We find under the law that was enacted by the gentleman's party all sorts of frauds are being perpetrated all along the line. One of the objects of this bill is to correct these things and to have a sensible, just, and fair administration of the law. I need only illustrate by stating that one of the crying evils of the present law is that coverings come in untaxed. That is remedied in this bill. So with many other things. It is the purpose to make the law, just so far as we can, and have it enforced as written, to place no premiums on fraudulent invoices or evasions of the law in importations.

Now, to resume what I was about to say. Mr. Chairman, there is a reduction proposed in this bill.

Mr. HOPKINS, of Illinois. Will the gentleman answer another question?

Mr. McMILLIN. My time is so limited I can not answer. The gentleman has had the floor almost half of the time since the House met this morning, and must excuse me if I decline to allow him to keep it all day.

We propose a reduction of 18 per cent. in the rice schedule. The gentleman is resisting that reduction. If this bill is killed gentlemen on the other side will succeed in keeping the present rate of duty of about 113 per cent. on rice. Furthermore, if the gentleman wants any comfort let him study his own actions. Why, the platform he is boasting so much about, adopted at Chicago, says his party will not reduce any duty, but in lieu thereof will give first, free whisky in the arts, and if that does not sufficiently reduce the revenue, then free whisky for drinking. [Applause on the Democratic side.]

The CHAIRMAN. Debate on the formal amendment is exhausted. If there be no objection it will be considered as withdrawn.

Mr. HOPKINS, of Illinois. I renew it, Mr. Chairman. I am not surprised, after listening to the closing statements of the gentleman from Tennessee [Mr. McMILLIN] in interpreting the Republican platform, that he gave so lame an answer to my question as he did. A man who is incapable of giving a proper construction to a platform as tersely put as the one adopted by the Republican convention in Chicago, is evidently incapable of answering as direct a question as I put to him. When the gentleman talks about free whisky he is indulging in wild imaginings. He can not find free whisky in the Republican platform. When he says the Republican party, in its convention in Chicago, resolved against reducing taxation upon any of the dutiable articles, he gives a construction to that platform not indorsed by any Republican, East, West, North, or South. The Republican party simply states it is in favor of protection to American industries.

It is in favor of protecting American labor, and it is in favor of any law that looks to the well-being of this country upon those two great questions. But these gentlemen on the other side of the House are undertaking to put a construction upon that platform to the effect that the Republicans are in favor of retaining a duty upon every article that is covered by the existing tariff law. After the debate upon the sugar question I should have supposed that gentlemen on the other side would understand that the Republican party is in favor of a reduction of taxation upon at least some of those articles, and I now call their attention to the fact that when the gentleman from Maine [Mr. DINGLEY] introduced his amendment here proposing to reduce the duty upon sugar to an extent which would harmonize it with the tariff upon other articles covered by this bill, every Republican voted in favor of that amendment, and it was opposed solidly by the Democratic members of this House. In view of that fact, I ask the gentleman which party is in favor of maintaining war taxes and which party is in favor of cheap food products for the American people? The gentleman's argument upon the rice question is in harmony with his position upon sugar. The amendment which I have proposed is for the purpose of securing cheap rice. The gentleman could not deny the statement I made here this morning, that that amendment is calculated to give to the food consumer a cheaper product than he can obtain under this bill if it should become a law, and before we get through we will go a step further and move to reduce this tariff of over 100 per cent. on rice in the same proportion we proposed to reduce the tariff on sugar. On all of these food products that are in use in every household the duty should be reduced to as low a limit as is consistent with the needs of the Government and the interest of the laboring people.

Mr. TOWNSHEND. Will my colleague permit me to ask him a question?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. TOWNSHEND. I understood the gentleman to say that every Republican voted in favor of the amendment of the gentleman from Maine [Mr. DINGLEY] to reduce the tariff on sugar 50 per cent. I desire to call his attention to the fact that Mr. MCKENNA, of California, and Mr. FUNSTON, of Kansas, and several other Republicans voted against that amendment, voted with the Democrats.

Mr. CONGER. The exception proves the rule.

Mr. BOUTELLE. How does the gentleman from Illinois [Mr. TOWNSHEND] know that they voted that way?

Mr. MCKENNA. There is no question about it at all. [Laughter.]

Mr. HOPKINS, of Illinois. I accept the gentleman's correction; but he names only two Republicans, one from California and one from Kansas, who did not vote in favor of the amendment. Now I will ask my colleague: Are you in favor of cheap sugar, or are you in favor of retaining war prices?

Mr. TOWNSHEND. I am opposed to retaining war prices, and therefore I am in favor of the Mills bill.

Mr. HOPKINS, of Illinois. Did you vote for the Dingley amendment?

Mr. TOWNSHEND. I am in favor of the Mills bill, which takes twelve millions off sugar. You are opposed to the Mills bill.

Mr. HOPKINS, of Illinois. Did you vote for the Dingley amendment? [Cries of "Vote!" "Vote!" on the Democratic side.] I think I have the floor, Mr. Chairman, but I will yield long enough for my colleague to answer my question, whether he voted for the Dingley amendment, reducing by one-half the duty which this bill proposes on sugar.

Mr. TOWNSHEND. I will take the floor in my own right and answer my colleague.

Mr. HOPKINS, of Illinois. You can answer the question in my time. Answer it now.

Mr. TOWNSHEND. I will answer it in my own time.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] is recognized.

Mr. TOWNSHEND. Mr. Chairman, I can answer my colleague's inquiry without any hesitation whatever. I voted against the Dingley amendment. It was an amendment introduced here for the purpose of confusing the action of those who are in favor of reducing war taxes. [Jeers on the Republican side.] I shall vote for the Mills bill, which makes a large reduction of the duty on sugar, and my colleague [Mr. HOPKINS] has already indicated that he will vote against that bill.

Now, as I am on the floor, before I take my seat I desire to say, Mr. Chairman, those here or elsewhere will find themselves mistaken who have indulged the belief that some of those sitting on the other side of this Chamber, elected by Republican votes in the West, when the time for final action on this bill arrives will rise above mere partisanship and vote upon this question as the interests of their constituents dictate. The recent debate clearly indicates that every Republican member will, on the final roll-call on this bill, vote against a reduction of taxation and in favor of maintaining the high and unnecessary war taxes in the interests of the protected monopolies.

I am, however, gratified to know that many of the Republican constituents of these gentlemen will join the Democrats of their districts in condemning their course at the ballot-box next November.

As proof of this assertion allow me to call attention to the position of a distinguished member of that party in Illinois whose name is familiar to all Republican members from that State, as one who has been a leader in that party from its foundation until since the Republican convention at Chicago made the platform it did last month. Certainly he will be no stranger to the gentleman from the Seventh district, who is his representative on this floor. I refer to Hon. L. D. Whiting, a prominent farmer living near Tiskilwa, Ill., who has been a resident of Illinois for fifty years. He was the trusted ally of Owen Lovejoy. For eighteen years he represented the Republicans of his district in the State senate. He is a man of a high order of ability and of unquestioned honesty.

Some six months ago he said the issue of tariff reform would dwarf all other issues in this campaign, and expressed a hope that the Republican party would array itself on the side of the people in the impending conflict. He is disappointed in the action of the Republican convention and refuses to support it.

He says that the Republican masses of the country were not fairly represented by the body over which Thurston and Estee presided, and thinks there are hundreds of thousands of Republicans who will not surrender principle at the dictation of a class interest. "I do not like to take my Republicanism from B. F. Jones," he said, "for it is so unlike the doctrine which Abraham Lincoln advocated. WILLIAM WALTER PHELPS is not an acceptable substitute for Wendell Phillips. No protected lumber barons can interpret to me the Republicanism which was taught by the lips of Owen Lovejoy. In the old days the Republican party was not run in the interest of factory and mine owners, and a railroad man controlling $300,000,000 of capital was not supreme dictator."

In an interview with the Chicago Herald correspondent on the 7th instant, relative to the platforms adopted and nominations made at Chicago and St. Louis, he said what I ask the Clerk to read.

Mr. MASON. The gentleman says Mr. Whiting repudiates the Republican platform. Did not the party repudiate him first?

Mr. TOWNSHEND. No, sir; he has never been repudiated by your party. He has been faithful to your party until the action of the Republican convention at Chicago.

Mr. MASON. I know that two years ago he was a candidate before the Republican convention for the State senate and was defeated. [Applause on the Republican side.]

Mr. TOWNSHEND. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] has the floor, and declines to yield.

Mr. TOWNSHEND. I knew very well that I had touched my colleague [Mr. MASON] "on the raw" when I called attention to the fact that Illinois Republicans are spitting upon the platform of the Chicago convention. [Applause on the Democratic side.] Now, let the interview be read.

The Clerk proceeded to read the following:

"I have," continued Senator Whiting, "studied the two platforms chiefly in reference to the tariff planks. The tariff issue now before the country is the most important question we have been called upon to consider since slavery was abolished. The Republican party, through its last convention, transformed itself into a high-tariff and monopoly party. I can not think of the convention that nominated Harrison as a Republican convention. It was a high-tariff and monopoly assemblage. It took an entirely new departure on the tariff, leaving all the grounds it has formerly occupied. When the present war tariff was levied, as a compensation for the direct tax which was laid on manufactured goods, it was conceded by its authors and all supporters that the two, coming in together, would go out together.

"But when the direct taxes were removed from manufactured goods the protectionists managed to retain the high tariff. The country submitted on the ground that the money, so far as it went to the Treasury, was applied to pay off the war debt; but all parties conceded that the time was near at hand when it would be improper to continue this high war tariff. Strong protectionists then said its continuance would be unjust to other interests. But now what do we see? These protected interests, having long enjoyed its advantages, have joined in a combination, offensive and defensive, to make a war tariff a permanency. Their first oracles to broach their scheme were Messrs. RANDALL and KELLEY, who, something more than a year ago, openly advocated that the national revenue should be reduced by the removal of the tax on spirits and tobacco.

"This proposition was then deemed by the people generally to be too absurd for serious consideration. Massachusetts and the East generally (where the protected interests dominate in public affairs) through State conventions and the press gave it their indorsement. The nearly unanimous public sentiment of the West was for retaining the tax on spirits and tobacco and removing it from lumber, coal, salt, and reducing it on the other necessaries of life. The former, through their grangers' alliances and farmers' institutes, were unanimous in demanding such a tariff reduction, but the politicians who secured the representative positions in the State and national conventions were passive and allowed the combined protected interests to shape the revenue plank in the platform.

"I regard the action of the Chicago convention as a new departure, dictated by powerful interests for perpetuating an unjust advantage which the exigency of war had given them. I consider it a robbery of the West to enrich the East. I think it is drawing the life-blood from Western agriculture to give large bounties to a class interest. The programme of the protectionists is to confine their operations to the home market, and, as the mills, their employés and appendages, are ample to manufacture for a continent, they contemplate, through combinations and trusts, to stop production by running on half time and other devices and yet obtain prices for the goods which will give them their desired profits. This tariff, or revenue plank, aims to secure this state of things, and the election of the high-tariff candidates is to obtain the indorsement of the country of this programme. I believe the time has come when the manufacturers of the United States should contemplate in the near future a competition at home and abroad for the trade of the world.

"This country affords so many advantages for such an enterprise that by running on full time and with economies which are now in many cases disregarded their profits will not be reduced and the wages of their employés will be greater because of the increased demand. In the early days of the Republic commerce was counted as one of the great elements of our prosperity. Commerce is a civilizer and enricher of nations. It is contrary to the genius of our institutions and instincts of our people to adopt the Chinese plan proposed by the late high-tariff convention. Though I would not suddenly make radical changes in the tariff, the protected interests should prepare for the application of that sound principle that a business or interest which can not sustain itself is not worth sustaining by others. The American people are rapidly learning that to protect one interest is to do it at some other one's expense.

"I would retain the internal-revenue taxes on spirits and tobacco as one of the permanent sources of revenue. I fully indorse Mr. Blaine when he said, not long ago, that he would tax whisky so long as there was any whisky to be taxed. I fully indorse Presidents Grant, Garfield, Arthur, and Cleveland in their declared purpose to keep the taxes on spirits and tobacco so as to give a proper opportunity for reforming the war tariff. I regard the revenue plank in the high-tariff platform as no less an indorsement of Grant, Garfield and Arthur with their distinguished Secretaries of the Treasury than of Mr. Cleveland. This new departure of the late high tariff convention at Chicago is not only condemnation of Mr. Cleveland but of these distinguished Republican statesmen and of the Republican party up to a very recent period.

"Its success at the polls can not destroy tariff reform, but it will delay it and convulse the country for an indefinite time to the detriment of other reforms. It will continue a system of robbery which the farmers can not much longer endure. Tariff-reform Republicans now face an exigency which taxes to the utmost their wisdom and courage and faithfulness to principle. It seems to be plain that they must refuse to support the doings of the Chicago convention. The majority of Republican tariff reformers will be averse to identifying themselves with the Democratic party, though that party at this juncture, in its platform at St. Louis and doings in Congress, substantially represents their views. It seems to me to be desirable that there shall be some public consultation on the part of such Republicans to decide what action they will take to sustain their principles. If that decision should be to support Mr. Cleveland, the purpose of such support could be publicly made known. In the several Congressional districts of Illinois, and I think the West generally, there should be found a practicable way for all tariff reformers, of whatever party, to combine in supporting a tariff-reform candidate.

"I view with great apprehension the fact that the late Chicago convention was so completely officered and controlled by the great monopolies of the country. There is nothing less than the defeat of the Republican party that can purge it of this dangerous element. Its success would be the success of monopoly. I somewhat anticipate that a real anti-monopoly party must be organized in the near future. On all of the principles which constituted the Republican party in regard to slavery and the war I am as ardent as I ever was. Were those issues present ones I would be as zealous in the cause as ever. I helped to organize the Republican party in Bureau County in 1854, and never from that time till now voted for any candidate for office but a Republican. But I regard

principle as above party, and party as but a means to carry out principles. I can not regard the late Chicago convention as Republican. In all its essential features it was a convention of classes and monopolists.

"When you tell your Republican friends this, what do they say?"

"I am sometimes asked when I met with my change of opinion. I reply, 'I have not changed. One year ago,' I say to my Republican questioner, 'you were with me for retaining the taxes on spirits and tobacco, and for making the reduction of national taxes on the necessaries of life. I know of no Republican who then dissented from this proposition. You were with me six months ago, and two months ago, and down to the time of the promulgation of the Chicago platform. If you now indorse that tariff plank you must have changed almost in the twinkling of an eye. You accuse me of change! If you will study your own case you will see where the change comes in.'

"If the occasion called for it I could shout as ardently as ever, 'Free soil, free speech, and free men;' but I do not expect that the high-tariff confederacy will ever induce me to shout for free whisky and free tobacco.

"The national Republican party was formed in Pittsburgh in 1856, and the platform on which Frémont was nominated related to slavery, Mormonism, and the public lands, making no reference whatever to the tariff. The platform on which Mr. Lincoln was nominated in 1860 was slightly injected with incidental protection to please Pennsylvania. The Republicans in Congress in 1858, even those from Massachusetts, joined the Democrats in reducing the tariff, conforming to the principle of a tariff for revenue. The Republican platform in 1864 made no reference to the tariff. From that time up to the last Chicago convention the declarations in regard to the tariff were moderate and constant in favoring a reduction of the war tariff. Mr. Garfield did not lose his standing as a Republican by declaring in his speech in Congress that he was for that kind of protection which led to free trade.

"The high tariffites claim that the system of protection commenced under Washington's administration. That tariff, however, averaged but 8 per cent., and up to the war of 1812 it did not reach 15 per cent. The war of 1812 forced into existence many manufacturing establishments. Henry Clay, with considerable propriety, proposed to protect for a time these infant enterprises. In 1843 Mr. Clay declared that the doctrine of protection was a temporary expedient to protect infant industries which have now grown mostly to maturity, and would not much longer require protection."

"Does protection in any instance within your knowledge increase the pay of the laborer?"

"I think that in no case within my knowledge does it increase the laborer's pay. The high tariff has tended strongly to derange labor by stimulating into existence more establishments than the country needed. Many of the strikes and lock-outs have been caused by the desire of the mill-owners to stop production. The wages of labor are regulated by supply and demand, the employers always seeking to hire at the lowest price. The claim of a high tariff as protection for American labor really means a high tariff to protect monopoly."

"As between the St. Louis and Chicago platforms, which do you intend to support?

"The Chicago platform clearly demands a continuance of the tax upon farmers to give bounties to the manufacturers. The St. Louis platform, on the contrary, demands such a reform of the tariff as will give great relief to agriculture. Unless farmers are willing from partisan motives to vote that heavy and unjust burdens shall be imposed upon them, they must vote down the Chicago platform. The St. Louis platform declares in the line of the interest of farmers and other consumers, and there should be found a way in this emergency by which they can give it their earnest support. Personally, believing Grover Cleveland to be the foremost champion of the rights of the people, I shall support at the polls the views he advanced in his brave message. Grover Cleveland has grown in public estimation, in ability, and in character. He represents a great principle, and when a principle is at stake I shall be true to my convictions. This year, to be consistent, I must indorse by ballot, pen, and voice the platform of the St. Louis convention."

[During the reading of the foregoing, when Mr. TOWNSHEND's time had expired, he asked and obtained consent that the whole interview, as already given, be published in the RECORD.]

Mr. GEAR. I move to amend by striking out the last word.

The CHAIRMAN. No further amendment is in order at present, as an amendment and also an amendment to the amendment are pending. If there be no objection the *pro forma* amendment will be regarded as withdrawn.

Mr. BLAND. I object, and call for a vote.

Mr. GEAR. I renew the *pro forma* amendment to strike out the last word.

The CHAIRMAN. A *pro forma* amendment to the amendment is already pending. Objection has been made by the gentleman from Missouri [Mr. BLAND] to the withdrawal of the *pro forma* amendment. The question will therefore be taken on agreeing to the motion to strike out at the end of the paragraph the word "pound."

The question having been put,

The CHAIRMAN said: The noes seem to have it.

[Cries of "Division" on the Republican side.]

The question being again taken, there were—ayes 56, noes 70.

Mr. WILLIAMS. I call for tellers. I want to give the gentleman from Missouri [Mr. BLAND] a vote upon this question.

The CHAIRMAN. The question is on ordering tellers.

Mr. WILLIAMS. I withdraw the demand for tellers.

Mr. CHEADLE. I make the point that no quorum voted.

The CHAIRMAN. No quorum having voted, the Chair appoints as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Tennessee [Mr. MCMILLIN].

The committee again divided; and the tellers reported—ayes 62, noes 103.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. BAYNE. I send to the desk a substantial amendment which I desire to offer to the pending amendment.

The Clerk read as follows:

Strike out, in line 366, "2 cents" and insert "one-half of 1 cent;" and, in lines 367 and 368, strike out "1½ cents" and insert "one-quarter of 1 cent."

The question being taken on the amendment of Mr. BAYNE, it was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. HOPKINS], which will be read.

The Clerk read as follows:

In lines 366 and 367 strike out "or rice free of the outer hull."

The amendment of Mr. HOPKINS, of Illinois, was rejected.

Mr. BUCHANAN. The imports of rice into this country the past year were, cleaned, 33,731,462 pounds; uncleaned, 4,000,642 pounds; paddy, or rice having the outer hull on, 2,152 pounds; total, 37,734,257 pounds. This bill proposes to put the duty on rice at, for cleaned, an equivalent of 100.47 per cent., and for uncleaned an equivalent of 59.60 per cent. This bill puts the vegetables, flax, meats, poultry, and wool raised by our Eastern farmers on the free-list. Here is a chance to correct an "inequality," but I am confident it will not be corrected. Here is an opportunity to abolish a "war tax." Why does not the Committee on Ways and Means make the same cut on rice and sugar that they have on the farm products of the North? Sugar is left at about 68 per cent. and rice at over 100 per cent. and yet we are told this is a bill to reduce and simplify taxes and to correct inequalities in the tariff.

Mr. WARNER. I move to amend by striking out, in line 366, the words "two cents" and inserting "one cent;" so as to make the duty on rice, cleaned, 1 cent per pound.

Mr. Chairman, while the gentleman from South Carolina [Mr. ELLIOTT], who is certainly familiar with this subject, was defending a duty of over 100 per cent. on rice, in response to the suggestion he had made, that it is "a condition and not a theory which confronts us," I asked what conditions exist in the culture of rice in South Carolina or any other State which renders it necessary that a duty of over 100 per cent. should be maintained upon this food product? I do not wish to do the gentleman any injustice, but my remembrance is that the only answer vouchsafed to my inquiry was the statement that the committee had reduced the duty which was placed upon this food product by the Republican party; that, then, is the only "condition" that confronts us. He defends his action now by what the Republican party did years ago.

The condition that confronts the gentleman is this: The Republican party years since placed a high duty on rice, a food product, I might say a necessary of life. Rice is produced in a certain section of our common country, therefore it must be maintained, while other duties placed by the same party on great agricultural products in other sections of the country, less than one-third of that on rice, is to be ruthlessly cut down, and in many instances wiped out.

The condition that confronts the gentleman is high protection to every interest in his section. His theory is free trade, which he arbitrarily applies to every other section.

No reason has been given outside of the geographical one why a duty of 100.47 per cent. should be maintained on rice.

What are the facts as to the rice culture in the South? The gentleman from South Carolina [Mr. ELLIOTT] gives me this information; he at least wants to make the best possible showing in defense of the committee in making this glaring discrimination in favor of the rice of South Carolina and other Southern States. He tells me that rice is worth on an average to the planter 4½ cents a pound, that is, 1.21½ cents a bushel, the average yield being 30 bushels to the acre. The testimony before the Ways and Means Committee of last Congress gives 30 bushels to the acre as the lowest estimate, while the yield in some favorite localities runs as high as 72 bushels to the acre.

In arriving at the value of the rice crop per acre, I propose to take the lowest average of the crop, 30 bushels to the acre, thus understating rather than overstating its value. I am also informed that it costs 8 cents per bushel to clean the rice for the market. Let us be even more liberal and put the cost of cleaning at 11½ cents. From these figures it will be seen that when the rice is cleaned the net value to the planter is $1.10 per bushel.

A crop of 30 bushels to the acre would yield the planter $33. Certainly a profitable crop. That is the condition which confronts us in determining what protection is needed in the rice culture. It demands and is given a protective duty of 100 per cent. Is this just? I have talked with some of my fellow-grangers on each side of the Chamber as to yield and value of the corn and wheat crops. I find an average wheat crop to be 15 bushels to the acre. This is a fair average yield. For the purposes of my illustration I will call it 20 bushels to the acre Fifty cents a bushel is all it will average to our Western farmers; but that I may be on the safe side, I shall estimate it at 60 cents a bushel, which is fully 20 per cent. more than the price realized by the farmers in Kansas, Missouri, Nebraska, Minnesota, Iowa, and Dakota, the great wheat-fields of the continent, for their wheat crop. Leave out of the calculation the 2 or 3 cents a bushel that it costs to thrash and prepare this cereal for the market. The farmer from his wheat crop of 20 bushels to the acre gets at the outside figure $12, against the rice-planter's $33. That, let me say to the gentleman from South Carolina, is the condition that confronts the Western farmer when he is asked to pay the rice-planter 100 per cent. on his crop.

Take that other great agricultural product of the North and Southwest—corn. Its average yield will not exceed 35 bushels to the acre; the price will not average to exceed 25 cents per bushel. In estimat-

ing the value of the corn crop I shall take 40 bushels to the acre as the average yield rather than 35; this gives the value of the corn crop to the farmers of the great West at $10 per acre.

To use the gentleman's language, the "condition that confronts us" when we are asked to place a duty of 100 per cent. on rice is this, that taking the lowest average value of the rice crop per acre in South Carolina it is $33, while taking the highest average value of the wheat and corn crops in the North and Southwest per acre it is but $12 and $10, respectively.

Yet we are assured over and over again that there is nothing sectional in this bill and certainly not in maintaining this extraordinary high rate of duty on this common food product of over 100 per cent.

Certain it is I have no disposition to charge that this high protective duty on rice is sectional, that it is the result of a design to favor one section rather than the result of accident. Yet, farmers of the North whose industries have been stricken down will naturally ask, why give this protection to the rice-planter, who realizes $33 an acre from his crop, while they get a return of but $12 for their wheat and $10 for corn per acre?

You will find that this will be a condition and not a theory that will confront you in November.

Should my motion prevail there will be left a duty of 50 per cent. on rice. No facts have been given why it should be more.

Mr. KELLEY. How many pounds of rice does the gentleman say there are in a bushel?

Mr. WARNER. Twenty-seven.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARNER. I will move to strike out the last word. Sir, I offer this amendment in good faith. My judgment is that rice should be placed on the free-list. My judgment is that sugar should be put on the free-list. I am not here advocating any measure which shall work what may appear an injustice or hardship to the rice-grower. I am willing to concede to him a protection greater than the average protection granted to the other industries of the country. I am willing to vote for 50 per cent. protection to that industry. Why should it be more? Not a figure has been given, not a fact stated to show that this will not amply protect the rice industry.

The gentleman from South Carolina [Mr. ELLIOTT] says that we wish to strike down the colored man. It is argued that this duty on rice is for the protection of the colored men of the South. To this extremity is the gentleman driven for a reason to justify this duty. It is to be presumed that the gentleman is sincere in this, yet it taxes our credulity to believe it. Is the colored man who labors upon the rice plantation better protected than the man who works in the wheat or corn fields of the North? The popular impression is to the contrary. The fact is you do not pay the freedmen who cultivate your rice one-half the wages the corn and wheat farmer of the North pays his farm hands. Other reasons than that of the protection of the black man must have controlled the committee in fixing a duty of 100 per cent. on rice.

Mr. Chairman, it is as well to be honest about this matter. Certain States raise rice. Their Representatives wanted it protected. Their votes were necessary to secure the passage of the Mills bill. This was the "condition" that confronted the Committee on Ways and Means. A duty of over 100 per cent. is put on rice to secure votes. A like condition confronted the committee on the sugar question, and it was met and solved in the same simple and practical way. This will explain a remark made in the Democratic caucus by an eminent statesman, who is always frank:

That in the preparation of this bill the committee was as honest as it could afford to be.

Votes were needed; to secure them every principle of protection, revenue reform, and free trade were violated.

It was necessary for them to show that under the new leadership there was sufficient cohesive quality in the Democratic party to pass in the House a revenue bill; consistency and principle were of less consequence than votes. In order to secure support of your measure among other things it became necessary to take glue from the free-list.

A MEMBER. And wooden screws of Connecticut.

Mr. WARNER. Oh, yes; the wooden screws of Connecticut. It was necessary to fasten a vote that could not be secured by glue. I congratulate, Mr. Chairman, my friends on the other side on their advanced views and ultra protection doctrine when rice and sugar is discussed.

To maintain high rates of duty—100 per cent. on the former and 68 per cent. on the latter—every man on that side of the Chamber stands up to be counted. In the discussion of the duty on these articles that constitute a part of the daily meal of every laboring man in the land the cry of "legalized robbery" is not heard. You vote solidly to thus tax the breakfast-table of the poor man for the sugar and rice planter. You shut your eyes to the gigantic sugar trust that enables the sugar refiners to advance the price of sugar to sixty million consumers.

In the last two days you have been making strong protection speeches in defense of an exorbitant duty on rice and sugar; you have invoked protection to American industries. One unacquainted with your record, a believer in the doctrine of protection, might be led to exclaim: "God bless the Democracy, which is the faith's (protection) defender," if I may be pardoned for thus paraphrasing the quotation of the distinguished gentleman from New York [Mr. COX]. But, sir, when we see that party striking down the great wool industry of the entire country and indiscriminately degrading American labor and destroying American industries we must exclaim: "God bless—no harm in blessing—the pretender."

Gentlemen, stop masquerading as revenue reformers, as the friends of American labor, until at least you are prepared to deal fairly by every industry, wherever situated in our common country. Treat all alike.

You have no facts to give the country why this exorbitant rate of duty should be imposed upon an article which is consumed by every laboring man, a food product in which every family in the country has a direct interest as consumers. You have talked much of a free breakfast-table. Do not longer—

Keep the word of promise to our ear,
And break it to our hope

[Here the hammer fell.]

[Mr. WILKINSON withholds his remarks for revision. See APPENDIX.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COX having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate, in compliance with the request of the House, herewith furnished a duplicate engrossed copy of the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for military purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; and

A bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

The message further announced that the Senate disagreed to the amendment of the House of Representatives to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. DOLPH, and Mr. WALTHALL conferees on the part of the Senate.

The message further announced that the Senate disagreed to the amendment of the House of Representatives to the bill (S. 2657) granting an increase of pension to Emily J. Stannard; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLAIR, Mr. DAVIS, and Mr. TURPIE as conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments the bill (H. R. 8180) to regulate judgments and decrees of the courts of the United States; asked a conference on the amendments, and had appointed as conferees on the part of the Senate Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. GEORGE.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1540) granting a pension to Hannah Babb Hutchins; and had agreed to the amendment of the House of Representatives to the bill (S. 671) to provide for the sale of the site at Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon.

The message further announced that the Senate had passed the bill (H. R. 1062) to authorize the construction of a bridge across the Missouri River between Clay and Jackson Counties, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city.

TARIFF.

The Committee of the Whole resumed its session.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. GUENTHER. Mr. Chairman, I move to strike out the last word.

The gentleman from Illinois [Mr. TOWNSHEND] in his remarks a few minutes ago asserted that all over the Northwest Republicans were joining the Democratic party on account of the tariff. As far as the State of Wisconsin is concerned I am sure my friend has drawn simply on his vivid imagination. I have not heard of a solitary case of that kind, but, on the contrary, I know personally a number of Democrats who have come out boldly for the Republican party on account of the tariff question. I will cite only one instance. A gentleman who supported Cleveland four years ago, and who only two years ago was the Democratic candidate for State treasurer of the State of Wisconsin, has come out for the Republican candidate. In a long letter, published in the Milwaukee Sentinel of last Saturday, he states his reasons for doing so. I should like to print the letter in full, and will ask the Clerk only

to read the closing paragraph in order that I may not detain the House.

The letter is as follows:

THE ISSUE JOINED—SQUARELY PRESENTED IN THE PRESENT CAMPAIGN—FREE-TRADE FICTIONS EXPOSED BY MR. J. A. JOHNSON—THE ACTUAL FACTS REGARDING THE PERCENTAGE OF LABOR IN FINISHED MANUFACTURES AND THEIR BEARING ON THE QUESTION.

Not since the election of 1864, when the Democratic convention pronounced the war a failure, has there been an issue so fairly and broadly presented as is that of protection and free trade in the present campaign. Both parties have presented good candidates, so that there will be no side issues to distract the attention of the voter. And while it is true that there are some Democrats who favor protection and some Republicans who favor free trade, yet these are comparatively few, and it may fairly be said that the issue is joined on the question of protection or free trade. Some Democrats argue that in 1884 they had a platform that was as strongly protective as it is possible for any platform to be, and quote the following paragraph from that platform:

"The Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making a reduction in taxes it is not proposed to injure any domestic industries, but rather promote their healthy growth. From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue; such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital involved. The process of reform must be subject in execution to this plain dictate of justice—all taxation shall be limited to the requirements of an economical government. The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country. Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity. We therefore denounce the abuse of the present tariff, and, subject to the preceding limitations, we demand that Federal taxation shall be exclusively for public purposes of and shall not exceed the needs of the Government economically administered."

It would seem to be impossible to find stronger language in favor of protection than is here used, and the platform of 1884 was reaffirmed by the Democratic convention of 1888, the above quoted section included, but with a very important qualification, to-wit, as interpreted by the President in his last annual message, and the Mills bill was indorsed as in harmony with and an explanation of the platform. Now, the President so interprets the platform that wool, one of our very important products, should be put on the free-list. The free-traders and the President argue that the poor man should have free wool so that he may obtain cheap clothing. But if he is to have free clothing in order that he may keep warm, is there any reason under Heaven why he should not also have free stoves, which are necessary not only to keep him warm, but also to cook his scanty food? Is there even a shadow of consistency in arguing free wool and woolen fabrics and protected iron and iron wares? Is the one more of a necessity than the other? Must not he who argues free wool to-day argue free iron to-morrow? Is there any possible escape from this? And then what becomes of protection? Will it be possible to have free importation of iron and wool and not "injure any domestic industry" or lower the wages of American labor?

England, our great competitor, certainly does not on the average pay more than two-thirds as much for labor as we do. Will any one soberly contend that our manufacturers can pay $150,000 for labor where England would pay but $100,000 in making goods of general adaptation and consumption, and compete? The steam-engine is very nearly all labor. The material even in a $20,000 steam-engine can be bought for a few dollars before any labor is put on it. The same is true of a $25,000 printing press. The same holds true in most machinery and wares. Material costs but little before any labor is put on it. The man of soberness and truth must admit that making our markets free to the foreigner, be it on wool or textile fabrics, on machinery or the iron in them, must result in one of two things: Either we must reduce the price of labor to the European level or we must surrender our markets to the foreign manufacturer.

A FREE-TRADE FICTION.

One of the chief, and we may say the chief arguments of the free-trader against protection is that the American manufacturer and workingman need no protection, for the reason that the amount of labor in the finished wares is only 18 to 20 per cent. of the value, the 80 to 82 per cent. being the part taken by capital in the form of interests and profits. These assertions are iterated and reiterated by nearly every free-trade journal and free-trader in the country. David A. Wells, one of the highest, and perhaps the very highest free-trade authority in the country, in a speech delivered in Brooklyn and in a free-trade catechism, which are largely circulated as free-trade documents, positively declares that the census shows that only 18 to 20 per cent. of the value of finished wares is labor. Senator McDonald, of Indiana, another very high authority, in a speech at Des Moines, Iowa, which was reported and largely circulated, makes the same assertion, and declares that he knows that it is true—that the census shows it. The St. Paul Pioneer-Press, in an editorial January 19, 1888, says: "And it has seemed to men of common sense that since wages in 1880 constituted 18 per cent. of the total value of the product, an average duty of 47 per cent. could hardly be necessary to protect either product or laborer."

A free-trade statistician, Mulhall, asserts that the ratio of wages to manufactures produced in the United States is, in New England, 22 per cent.; Middle States, 19 per cent.; Southern States, 18 per cent.; Western States, 18 per cent.; average, 20 per cent.

The Chicago Tribune, in editorials of March 12, March 15, March 16, May 14, and May 16, 1888, clearly and positively asserts that the amount of wages in finished goods is only 18 to 20 per cent. of the value.

I have here quoted five free-trade authorities, and they are the very highest in the country, and I have no doubt the most candid and fair. If we can not get at the views of free-traders from such authorities, then it seems to me that we can not get at them at all. David A. Wells's "Free-Trade Catechism," containing this same assertion, is being extensively distributed by free-trade clubs and associations, while the works of Mulhall are being extensively circulated and quoted all over the country. Senator McDonald is one of the leading men of his party, and the two journals mentioned rank among the very best in the Republican party. And there is probably not a free-trade paper in the land that has not echoed and re-echoed the statement. It would be preposterous to say that they would make such a statement without believing it.

Now, if the statement is founded on facts I freely acknowledge that the whole protection theory is wrong. If it is true that only 18 to 20 per cent. of the value of finished wares is labor, while 80 to 82 per cent. is interest and profits, then most certainly no protection is needed. The value of steel rails is about $30 per ton. If the labor in that ton is but $6, what do we need protection for? The English have to pay $2 to $3 per ton freight to New York, nearly one-half the alleged cost of labor, which would be ample protection. The proximity of our own manufacturers to our market, their acquaintance with buyers and the peculiarities and wants of trade, and the shorter time the capital would have to be employed because the wares could be sold quicker, besides the saving in freight, would much more than make up for the additional cost of labor here. And if the free-traders will in some way make their assertions good, not with empty words and meaningless phrases, that the cost of labor of manufactured wares is only 20 per cent. of their value, but with actual cash or equivalent, it is perfectly safe to say that every protectionist in the land will at once abandon his position in favor of a protective tariff and join the free-trader in favoring a tariff for revenue only. But the free-trader will do no such thing. He makes the assertion simply because he has not carefully investigated the question, and not upon convictions founded upon invincible facts.

It does not need any great profundity to show the absolute fallacy of the assertion. Take our metallic and textile fabrics. What is the value of metallic fabrics before any labor is put on them? I have already stated that the material in a $20,000 steam engine and a $25,000 printing press can be bought for a few dollars, say $1 per ton, and not over $50 for material sufficient for both machines, before any labor is put on it. A finished farm wagon sells for, say, $60. But I can safely agree to furnish the materials for it before any labor is put on it for $1. By thus applying the touchstone of common sense we see that the above quoted assertions as to the amount of labor in manufactures must be very wide of the mark; in fact, that they have no foundation whatever.

But it will be said that they must have some straw upon which to base their assertions, that men of sense do not make such reckless statements without some foundation.

The conundrum is easily unraveled. The census of 1880 does state that the total value of manufactured articles was $5,370,000,000; that the value of materials was $3,397,000,000, and the total amount paid for labor was $948,000,000. Here they get the figures that the amount paid for labor is only 18 per cent. of the value of the finished goods. But they do not state that the same census also shows that the materials have been counted several times. The manufacture of the farm wagon commences when the miner begins to mine the iron and coal and the woodsman to fell the timber. Then comes the iron-ore as finished ware from the miner, the pig-iron from the furnaceman, the bar-iron from the rolling-mill, the steel from the steel-maker, the springs from the spring-maker, the bolts from the bolt-maker, and so on. Material is thus counted several times, and at each count a large amount of labor is added.

The material that could be bought for $1 before any labor was put on it costs the wagon manufacturer $25 before he touches it to construct a wagon. In more complicated wares the difference is still more striking. The $3,397,000,000 worth of materials were thus not raw materials, but materials that had already gone through several processes of manufacture.

In point of fact, strictly raw materials, that is, materials before any labor has gone into them, cost but little. In very many articles the raw materials cost nothing, such as brick, lime, cement, pottery, queensware, glassware, etc., while it costs but a trifle in all articles made of iron and steel. In the textiles, if we deduct what the labor has cost, for instance, to produce wool, we shall find that there is but little left.

A STRONG WITNESS.

A few years ago the London Times had an exhaustive article on this subject, and as to the cost of production in the 100 the Times classified it thus: In England 56 per cent. goes to labor, 21 per cent. to capital, and 23 per cent. to government. In France 41 per cent. goes to labor, 36 per cent. to capital, and 23 per cent. to government. In the United States 72 per cent. goes to labor, 28 per cent. to capital, and 5 per cent. to Government.

I have no proof that the Times is correct except that, so far as I know, there has been no denial of the correctness of the conclusions. And they are certainly reasonable. We know that taxes are much higher both in England and France. We also know that capital, while it commands somewhat higher interest in this country, yet it is turned more frequently in manufacturing, because our markets are at home, while both England and France must send many of their products to foreign markets, which requires longer time for returns. They also produce a larger proportion of fine wares, which require a longer time to manufacture. We may, I think, accept as practically true that in this country labor gets 72 per cent. of the value of manufactured goods, while capital gets 23 per cent. What then becomes of the claim of the free-trader that labor gets but 18 to 20 per cent.?

I have dwelt at considerable length on this feature of the case, because it is an all-important one. It seems to me that it is conclusively shown that the free-trader's premises being wholly based on fiction, his whole structure crumbles. And it follows that it is utterly impossible for this country to compete with Europe in manufacturing without greatly reducing the wages of labor. And this is the issue in the campaign. Either to a great extent abandon manufacturing of articles of general adaptation and consumption, or greatly reduce the wages of labor. And if wages must be reduced in one line of manufacture, it must be in all. If it must be reduced for the artisan, it must be for the common workman, and in time it must also affect the salaries of clerks, salesmen, and professional men. None could escape the general leveling process. We would get down to the European level.

The same David A. Wells above quoted wrote an article in 1870 for the Cobden (English) Club in which he said it would have been better for Americans if they had set fire to the American mills for rolling railroad rails and pensioned all the workmen and brought their rails from England. Here is the opinion of this high free-trade authority. And Professor W. G. Sumner, certainly a man of much ability, and as free-trade authority second only to Mr. Wells, said, in 1883, in Cleveland, in a debate with Professor Denslow, that it would be better if America would pay the manufacturers of pig-iron 10 per cent. on their capital and pay the workmen for lying idle, and buy her iron from foreign countries. Here are leading free-trade authorities who carry their doctrines to their legitimate results. We can see what their views are of American industries. It may be that these views have now been somewhat modified. But if so it has been brought about by absolute demonstration that the policy of protection has brought results wholly unexpected by them.

It may be asked how men of high ability and learning can seriously promulgate such egregious nonsense, for it certainly deserves no better name. We can explain it only as John Quincy Adams explained similar phenomena. He said in one of his reports that there is no error so absurd that some sublime philosopher will not defend it; no invention so stupid, no assertion so foolish that it has not been defended by some learned, amiable, and virtuous but bewildered statesman.

Has not John Quincy Adams stated the case correctly? May we not thus account for much of this free-trade absurdity?

The issues have been fairly joined; the case is on trial. It may not be decided in this campaign. It is possible that another four years of suspense and uncertainty, even of partial free trade, is in store for us. But the American people will get at the question in due course of time, even if it is not decided next November. No political question is settled till it is rightly settled. Lincoln said that a part of the people can be fooled all the time, that all the people can be fooled a part of the time, but that all the people could not be fooled all the time.

All the signs of the times, however, point to the settlement, and correct settlement, of this question next November. If the free-traders are defeated now, they will stay defeated. The question will then never again be made a party question. Protection sentiment is growing rapidly, especially in the South. If the free-traders are defeated in this campaign, not even the ghost of the Mills bill will linger in men's memories.

J. A. JOHNSON.

Mr. TOWNSHEND. Is not this gentleman a manufacturer?

Mr. GUENTHER. He employs a great many men.

Mr. HUDD. The extract which my colleague from Wisconsin sent to the Clerk's desk to be read I recognize as coming from a gentleman who is quite distinguished in my State, and who up to a very recent period has been quite a distinguished member of the Republican party. A few years ago he experienced a change of heart, or thought he did, growing out of some irregularities in the Republican party, and he was nominated by the Democrats upon their State ticket.

Mr. GUENTHER. I want to ask my colleague a question.

Mr. MACDONALD. Oh, stop that interrupting. You do it all the time over there.

Mr. GUENTHER. My colleague [Mr. HUDD] is from Wisconsin, and he is always courteous. Will he allow me to ask him a question?

Mr. HUDD. Not until I get through.

Mr. GUENTHER. Did not Mr. Johnson support Cleveland four years ago?

Mr. MACDONALD. I object to these interruptions. I would like to see some civility on the other side.

Mr. GUENTHER. I have nothing to do with Minnesota.

Mr. MACDONALD. Minnesota has something to do with you.

Mr. HUDD. Mr. Chairman, the trouble with our friends upon the other side, and particularly with my colleague from Wisconsin, is that they are fearful that some of the utterances which have been made by the distinguished gentleman whose letter was cited by the gentleman from Illinois [Mr. TOWNSHEND] will have an effect upon the country, and therefore they endeavor to counteract it by this publication of Mr. Johnson's. Mr. Johnson at the time he made those remarks (whatever they may be and wherever they may have been uttered, for I did not notice the occasion on which they were made), was probably in the state of mind that my colleague, Mr. GUENTHER, was in when the question of paying a bounty or subsidy to a certain Pacific mail steamship line was under discussion in last Congress. Mr. Johnson may have come to the conclusion, as did my friend, Mr. GUENTHER, upon that occasion, that confession was good for the soul, and I propose now to read as a part of my remarks, in order to show how distinguished gentlemen like my colleague may change their views, an extract which I think he will recognize as his own utterance, and which seems to be very appropriate at this time. He will find it in the report of a speech which he made here on the 17th of May, 1886, and which is printed in volume 79 of the CONGRESSIONAL RECORD of the Forty-ninth Congress. He commences by saying, "confession is good for the soul, and it brings forgiveness." [Laughter.] He then proceeds:

I say, Mr. Chairman, the main charge brought against us as a party was the popular belief in the truth of it which has caused the Republican party, in spite of the truth of its principles, in spite of its glorious achievements, to find itself to-day out of power, were charges just of this character, charges that we had been too free with the people's money; that we had granted too many million dollars for subsidies; that we had paid too dearly for what we had received; that we had allowed ourselves to be made the victims of scheming corporations; that we had been too credulous; that we had been imposed upon too frequently by land-grant and subsidy-hunting railroad, canal, and transportation companies; that we had dealt too much in class legislation for the benefit of monopolies and millionaires, and that we let the plunderers pull the wool over our eyes—these were charges that many honest people believed, and the result was our discharge from power.

Mr. GUENTHER. Mr. Chairman, I move to strike out the last word.

Mr. McMILLIN. Would not my friend like to strike out the whole extract? [Laughter.]

The CHAIRMAN. Without objection, the *pro forma* amendment will be considered as withdrawn.

Mr. GUENTHER. I renew the amendment.

The CHAIRMAN. The Chair is under obligation to recognize the gentleman from Iowa [Mr. KERR].

Mr. KERR. I yield to the gentleman from Wisconsin.

Mr. GUENTHER. Mr. Chairman, I am surprised that my colleague from Wisconsin can for a moment think that I said those charges were true. I simply said to this House that the Democratic party had iterated and reiterated such charges for years, and that there were a good many honest people in the country who really believed them to be true [derisive laughter on the Democratic side], because they had been iterated and reiterated with genuine Democratic persistency. But, Mr. Chairman, to-day, after the Democratic party has been in power for a time, those very same people who, under the false pretenses made by the Democrats, were induced to vote against the Republican party, have seen the error of their ways and are now coming back to that party. [Laughter and jeers on the Democratic side.] This same Mr. Johnson, from whom I have read an extract, is one of those people, honest-minded, always trying to do the best by his country, and he, because he believed the charges that were preferred against the Republican party by you gentlemen on the other side, went over to the Democratic party. He was received by that party with open arms, and two years ago they put him on their ticket for treasurer of the State of Wisconsin; but now, after he has seen what the Democratic party really is, after he has discovered the hollowness of their pretenses, he comes back to the Republican party, and that is the case with most of the others who left the party for a time to join the Democrats. [Jeers on the Democratic side.]

Now, if my friend will read my whole speech he will find it utterly impossible to make any capital against me that can in the least reflect upon my Republicanism.

Mr. HUDD. I heard your speech when you delivered it, and applauded every word of it.

Mr. GUENTHER. Well, then, you did not understand it; that is the trouble. You read garbled extracts, and when I said that certain charges were preferred you construed me as conceding that they were true. We all know that charges may be preferred which can not be substantiated, and those charges to which I called the attention of the House and the country were of just that character—charges which were simply made, but never proved.

Mr. HUDD. I will ask my colleague whether one of the charges was not that the Republican party had granted subsidies to corporations, and whether he did not know that to be true?

Mr. GUENTHER. More land grants to corporations have been made by Democratic Congresses than by Republican Congresses.

Mr. HUDD. Then, brother, what did you mean by saying "An honest confession is good for the soul?" Are you making a second one now, in order to receive absolution for your sins?

Mr. GUENTHER. I have no absolution to receive.

Mr. BLAND. Now let us have a vote.

Mr. KERR addressed the Chair.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

There was no objection.

Mr. KERR. Mr. Chairman, I move to amend by striking out the last three words. I wish to call attention to the remarks just made by the gentleman from Wisconsin [Mr. HUDD]. Serious charges are made by him against the Republican party in regard to granting subsidies to railroads. Now, I wish to refer to a list of subsidies granted to railroad companies—to the Little Rock and Fort Smith Railroad and other companies—before the Republican party took control of this Government; subsidies amounting to over 16,000,000 acres of the best lands in the United States, some of them situated in Iowa, in Illinois, the very garden lands of the United States, where railroads would have been built without one dollar of subsidy and without one acre of land. The land which has been given by the Republican party for the building of railroads was land which was not worth 1 cent an acre until those subsidies were granted—land which would not have been inhabited to this day but for the building of those roads. But the lands granted by the Democratic party embraced more than 16,000,000 acres of the best lands in the United States. I take the liberty of inserting in my remarks a list of those grants.

Subsidies granted previous to 1860.

Railroads.	Date.	Acres.
Little Rock and Fort Smith Railroad	Feb. 9, 1852	1,656,593
Illinois Central Railroad	May 15, 1856	1,235,490
Chicago and North Western Railroad	June 3, 1856	545,575
Cedar Rapids and Missouri River Railroad	May 15, 1856	1,142,120
Winona and St. Peters Railroad	Mar. 3, 1857	1,668,787
St. Paul and Sioux City Railroad	Mar. 3, 1857	1,146,306
West Wisconsin Railroad	June 3, 1856	802,816
North Wisconsin Railroad	June 3, 1856	813,857
Mississippi and Missouri River Railroad	May 15, 1856	643,147
Hannibal and St. Joseph	June 10, 1852	693,186
St. Louis, Iron Mountain and Southern Railroad	Feb. 9, 1853	1,382,410
Western Minnesota Railroad	Mar. 3, 1857	646,558
St. Paul and Pacific Railroad	Mar. 3, 1857	1,254,046
Southwestern Branch of Pacific of Missouri Railroad	June 10, 1852	728,943
Stillwater and St. Paul Railroad	Mar. 3, 1857	860,501
Southern Pacific Railroad	July 27, 1856	1,145,162
North Louisiana and Texas Railroad	June 3, 1856	353,221
Burlington and Missouri River Railroad	May 15, 1856	388,697
Total number of acres		16,467,957

The gentleman from South Carolina [Mr. ELLIOTT] said something about the colored men and the position of the Republican party with reference to them. Sir, there is a suspicion in the public mind of the country that the gentleman from South Carolina has no right to speak here for the colored men of his district; but if he has the right to speak for any such, he speaks only for the very small portion of the colored men of South Carolina who raise rice. The great body of the colored people of the South—7,000,000 people, scattered all over the Southern States—eat that rice—have it upon their breakfast plates every morning; and the gentleman from South Carolina, acting against the interests of that great body of people, as well as against the great body of the people of the whole country, asks that a tax of 100 per cent. shall be continued upon the breakfast table of every colored man in the entire South; and you are asked to continue this rate of taxation in spite of the fact that it is 60 per cent. more than the average duty upon the articles embraced in the tariff schedule at the present time. Is it not reasonable, is it not in the interest of a fair tariff, that this tax should be brought down to 40 per cent., the average of the schedule?

The gentleman from Illinois [Mr. TOWNSHEND] asked whether we would vote for the bill if this amendment should be made. The same

question was asked in regard to the sugar duty. I ask whether any man can stand before the country and refuse to reduce the duty upon sugar and upon rice, which the committee leaves in one case 28 per cent. and in the other case 60 per cent. higher than the average of duties, and excuse himself by the question, "Would you vote for the bill if the amendment were adopted?" I say to you, gentlemen, perfect your bill; make it fair; make it equitable; make it reasonable; make it conform to the sense of justice of the country; and then you will be in a position to ask us whether we will vote for it or not, and to hold us responsible if we vote against it.

Mr. MCMILLIN. Now let us have a vote.

The CHAIRMAN. In the absence of objection, the *pro forma* amendment will be considered as withdrawn. The question is on the amendment of the gentleman from Missouri [Mr. WARNER] to strike out, in line 366, "2 cents" and insert "1 cent."

The amendment was rejected, there being—ayes 47, noes 70.

Mr. WARNER. I move to amend by striking out, in lines 367 and 368, the words "one and one-quarter cents" and inserting "three-fourths of a cent." I do not wish to occupy time on this amendment. I will merely remark that it makes the duty about 50 per cent.

The amendment was rejected.

The Clerk read as follows:

Rice-flour, rice-meal, and broken rice which will pass through a sieve known commercially as No. 10 brass-wire sieve, ten meshes to the running inch or one hundred meshes to the square inch; the space within the wires shall not exceed in length or width seven hundred and eighty-seven ten thousandths of an inch, 20 per cent. ad valorem.

Mr. MCMILLIN. I offer the following amendment.

The Clerk read as follows:

Strike out lines 369 to 375, inclusive, and insert in lieu thereof the following: "Rice-flour and rice-meal, 15 per cent. ad valorem."

Mr. BUCHANAN. Mr. Chairman, the effect of that amendment is still further to reduce the rate provided in this bill on rice-flour from 20 per cent. to 15 per cent. I have in my hand the report of the United States Brewers' Association, assembled in annual convention at St. Paul in May last, and included in that report is a report to that convention by Lewis Schade, who signs himself as the attorney of the United States Brewers' Association. From that report I will read a few lines which will throw some light on the origin of this paragraph.

There are two tariff bills before the House, one introduced by Mr. MILLS, the majority bill, and the other by Mr. RANDALL. Mr. MILLS's bill is more favorable to your interests. It provides that rice-flour, rice-meal, and broken rice that will pass through a sieve, known commercially as No. 10 brass-wire sieve, shall pay 20 per cent. ad valorem, which is an improvement on the present rate, it being also the same rate contained in Colonel Morrison's tariff bill of last Congress.

Mr. RANDALL'S bill is a step backwards, for it provides that rice-flour, rice-meal, and broken rice that will pass through a sieve, known commercially as a No. 12 wire sieve, shall pay one-half of 1 per cent. per pound.

A reduction of the duty on corks was frustrated by the cork manufacturers, who appeared here in great force. In every other respect your wishes were complied with in the Mills bill.

Comment is unnecessary, and I will make none.

[Here the hammer fell.]

The question recurred on Mr. MCMILLIN'S amendment, and it was agreed to.

The Clerk read as follows:

Paddy, or rice having the outer hull on, 1 cent per pound.

Mr. MILLIKEN. I move to strike out the last word. The gentleman from Illinois [Mr. TOWNSHEND] stated in the remarks submitted by him this morning that the Republican party is in favor of maintaining the present rate of taxes and opposed to reducing it because we will not take the Mills bill whole. In other words, he assumes that we are opposed to any prescription for the patient because we will not take the particular remedy that he prescribed to us. The difficulty with the gentleman's prescription is that it contains more poison than good, honest medicine. The remedy is a good deal worse than the disease. It is calculated to physic to death the industries of certain Northern States, and at the same time to pamper and fatten the favorite industries of the South.

Look at it, Mr. Chairman, for a moment. While you place nearly all the products of the farmers of Maine on the free-list, you put the duty on rice at 100 per cent. Where is the justice in that? Tell me why the farmers in my own State should have their products placed on the free-list and be placed in direct competition with the products of the people who live over the line in Canada, just along side of them, while the farmers of the South who are engaged in rice-culture are protected by a duty of 100 per cent.? I should like that some of the gentlemen on the other side of the House would point out to me the justice of such a proposition.

On the other hand, Mr. Chairman, the position needs only to be stated to have its injustice at once seen. Its partisan unfairness and sectionalism are so bold and patent that no one but a Democratic free-trader would have the effrontery to defend it, and yet the gentleman from Illinois presents us this proposition of brazen injustice, and because we will not adopt it accuses us of not favoring the reduction of taxation. It is his method of reduction of taxation that we object to. His bill is a blow at great industries of one section of the country and a very careful protection of the industries of the other. It gives the most radical protection by this bill, with the highest rate of duties to the farm products of South Carolina, Florida, and Georgia, and free trade in nearly all the products of the North. One hundred per cent. protection for the rice-grower of the South, and all the farm products of Maine put on the free-list! Is not that a fine dose for the industries and labor of my own section, and then to say we oppose reduction entirely because we refuse to swallow that dose. Why, it is as absurd as the Mills bill itself, and that is saying enough of it.

[Here the hammer fell.]

By unanimous consent the *pro forma* amendments were withdrawn.

Mr. SIMMONS. I move to strike out the last word.

Mr. Chairman, the gentleman who has just taken his seat has volunteered the remark that this item of the bill was intended to favor and did as a matter of fact favor the Southern farmer. It is perfectly patent that assertion is not borne out by the facts and is wholly and entirely gratuitous. The bill now under consideration does propose, as is admitted on all sides, a substantial reduction of the present duty on rice.

The protection which the rice farmers enjoy to-day was given to them under an act passed by a Republican Congress. I do not believe that any man will insist for a moment that the Republican party at that time had or at any time since has had any especial good feeling for the farmers of the South, or that they would have conferred upon them this favor if it had not been required by the fitness of things and if it could, with any show of justice, have been withheld from them. The fact that they accorded it to them is therefore conclusive evidence that they were eminently entitled to it. If there be any industry in this country that does need protection, and within the revenue limit and regulated by the revenue principle there are many, it is this particular industry of rice cultivation in the South. Gentlemen have undertaken to compare the profits made in this industry with the profits made in the cultivation of wheat and other grains.

The comparison thus presented is unworthy of gentlemen on the other side, and shows that they do not understand the facts connected with the cultivation of rice as compared to wheat or corn. Everybody who knows anything about the cultivation of rice knows that at least twice as much labor is required to produce that article and prepare it for market as to produce wheat or corn or perhaps any other grain, and for this reason the profits of rice-farming are not so great as wheat-raising in the West, neither is the latter subject to foreign competition as the former is. The gentleman from South Carolina [Mr. ELLIOTT] said, and I repeat it now, that the protection against foreign competition afforded by this bill to the article of rice will inure largely to the benefit of the colored laborers of the South, in whom the Republican party profess such interest, but whom I have noticed since I came here that party always desert when the pinch comes.

We do not cultivate rice there upon the principle that grain is cultivated in the West. We cultivate it upon what is known as the "tenant system." The largest part of the rice lands in my district are cultivated upon this plan, nearly always by poor men, both white and black, who pay the owners of the lands for rent a fixed portion of the crop, the balance of which they keep themselves for their labor. Thus is presented the fairest system of the division of the profits of the product between the land-owner and the laborer that can be devised. The profits, however, either to the landlord or to the laborer, are very small. Neither the landlords or laborers get rich, nor do we here behold those sudden accumulations of fabulous wealth which have come to the owners of many of our Northern protected industries. What little profit there is, whether it comes from protection or otherwise, we divide fairly between the tenant and the land-owner.

Mr. WARNER. Will the gentleman permit a question?

Mr. SIMMONS. Yes, sir.

Mr. WARNER. I understand the gentleman to say that the rice culture in the South or in his State is carried on largely by independent colored labor. Now, will he state what part of the proceeds of the land goes to the tenant and what part is retained by the landlord for rent?

Mr. SIMMONS. The landlord receives one-third of the proceeds, the tenant two-thirds.

Mr. WARNER. That is exactly what the landlord receives for lands used in the culture of grain on the same principle in the West.

Mr. SIMMONS. That is true, I presume; it is also the case in regard to corn raised in my own State, and I presume is generally the custom.

Gentlemen have said that on an average 60 bushels of rice were produced upon an acre of land in the South. That may be true in certain parts of the South. No doubt it may be true in regard to certain parts of the rice lands of South Carolina. But in my district, where they raise upland or highland rice exclusively, and I am informed by my colleague [Mr. MCCLAMMY], in whose district rice is a leading product, that in his district also 20 bushels an acre is considered a large yield. I know in some sections of my district where they engaged a few years ago quite extensively in the production of rice this industry has been abandoned and they have gone back to the culture of corn, which is regarded as one of the least profitable crops we raise, these lands being in the main unsuited to the growth of cotton.

This change is brought about by reason of the fact that there is no profit in the culture of rice. That is the present condition of the industry in my State. Now, by removing the duty on rice and allowing the free introduction of the Chinese product (for nearly all the rice brought here comes from China), this Chinese product would be permitted to come in and compete on equal terms with the rice produced by the poor farmers of the South. The gentleman from Iowa said we wanted it cheap so that the laborers of the South might have it upon their tables. I will tell the gentleman that under the protective system of the Republican party prevailing so long (for the South has had but a small bite at the cherry of protection) the laborers of the South have become so poor that they can not afford even to eat rice they produce. They are actually forced in many instances to sell this crop and to convert it into other and more substantial and cheaper necessaries. In many cases they are obliged to content themselves with such substantials as bread and pork. I am sorry to have to say it, but it is the truth.

[Here the hammer fell.]

Mr. WARNER. Mr. Chairman, I have listened in vain for some facts to be given of this condition which the gentleman [Mr. ELLIOTT] says confronts us upon the rice question. The gentleman who last addressed the House says it costs two-thirds as much to produce rice as it does to produce wheat. He evidently does not mean that. He assumes, I suppose, that it costs twice as much.

Mr. SIMMONS. That is exactly what I said.

Mr. WARNER. I presume the gentleman meant that. But he goes on further and states that the rice culture of his State is managed upon the tenant system, the landlord renting the colored man the land for a part of the crop, allowing it to be cultivated, and when the crop is produced the landlord, as he informs the House, takes one-third of the crop and the laborer the balance. It is known to every one who knows anything of the great agricultural regions of the West that when a farmer rents his farm to a tenant he never receives more than one-third of the crop for the rent.

The rice crop is worth three times as much as the wheat crop, the corn crop, or the oats crop; and therefore the landlord in your State, taking the statements made upon this floor as true, which I concede to be correct, gets three times the amount for the rent of his land as the landlord of the North gets. That is the condition that confronts us in considering the necessity for the protection asked for the rice-grower.

But the gentleman says, what is the purpose of this? It would throw open the markets of America to the product of Chinese cheap labor.

Mr. TURNER, of Georgia. Is the gentleman from Missouri aware of the fact that it costs about $100 an acre to prepare, by a system of ditches prevailing in rice culture, an acre for the production of rice, which expense is borne by the landlord? That is an expense the grain grower of the West does not incur.

Mr. WARNER. Is that necessary every year?

Mr. TURNER, of Georgia. Oh, no; not necessarily.

Mr. WARNER. Well, for how many years?

Mr. TURNER, of Georgia. It is for the original preparation of the land. But after that there is a constant expense to keep up the embankments and keep the land in a condition to be flooded——

Mr. WARNER. What is your land worth an acre?

Mr. TURNER, of Georgia. Without these ditches the lands would not be worth $10 an acre.

Mr. WARNER. Let me say to the gentlemen, we raise wheat, we raise corn on land worth three or four, five or ten times as much an acre as your rice land. Gentlemen, let us face the condition. Let us be honest. You are for this measure for protection's sake. You are for it because you raise rice. You are for it because you want the 100 per cent. duty; and yet you vote solidly to cut down every other industry.

The gentleman refers to Chinese cheap labor. In the bill under consideration is the item of bagging for cotton. The great bagging factories of the world are at Calcutta, where the jute butt is raised at the factory door, where they employ cooly labor at from 6 to 12 cents a day. You have prostrated that industry in this country. You have reduced it to 15 per cent. ad valorem, which you must know will close up the factories in my State. You are buying the cotton bagging manufactured in this country cheaper than you ever bought it before.

Before these manufactories were started in the United States you paid from 18 to 20 cents a yard for foreign bagging, for every yard of cotton bagging you bought. Since these industries have been established in our own country and fostered by protection cotton bagging has been 50 per cent. cheaper than ever before. It was sold last spring for 7 cents a yard, and has been down as low as 6 cents and 6 mills. Yet my friend will vote to cut down this manufacturing industry, to prostrate it, when he knows the result of his vote is to close the doors of every bagging factory in my State and to bring in the product of the cooly labor from Calcutta. Why are you not consistent?

Mr. Chairman, I do not pretend to know whether 20 bushels of rice is a fair crop or not. The gentlemen says it is. I made my statement upon this floor on information given to me by the gentleman from South Carolina [Mr. ELLIOTT]. He sat here while I made it and did not dissent.

I know the evidence taken before a committee of this House shows that the lowest yield is 30 bushels, and that it runs up as high as 60 bushels an acre; in some cases as high as 72 bushels to the acre. In a book which I hold in my hand a letter from Captain Ross to Judge KELLEY states that the average yield of the rice crop of the South is 50 bushels to the acre.

Mr. KELLEY. That is the average crop of Florida.

Mr. WARNER. The average crop of Florida. Mr. Chairman, I simply wish to submit these facts. The South wants a protection of 100 per cent. on rice, and it will get it regardless of right or justice.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. BOUTELLE. Has the paragraph been disposed of?

The CHAIRMAN. There is no amendment pending.

Mr. BOUTELLE. I move to insert the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting after line 377 the following:

"Dextrine, burnt starch, gum substitute, or British gum, 2 cents per pound."

Mr. BLAND. I raise the point of order that that clause of the bill has been passed. The amendment is not germane to anything now pending.

The CHAIRMAN. The amendment is in order. The gentleman will proceed.

Mr. BOUTELLE. Mr. Chairman, when I made the statement a short time ago that the gentleman from Missouri did not intelligently object, I had no intention to say anything discourteous to him. What I had in mind was that in the confusion prevailing in the House at the time I thought the gentleman did not understand the amendment which I proposed to offer was a substantial amendment, germane to the paragraph which I had in view, and one which would bring before the committee facts I thought necessary to enable the committee to form a proper judgment as to the disposition of this question.

Dextrine, burnt starch, gum substitute, and British gum are on the tariff schedule at a different point and under a different classification from potato starch, but are manufactured products of potato and corn starch. They enter into consumption in this country in direct and disastrous competition with the manufacturer of potato starch. On the present tariff schedule these substances have a duty levied upon them of 1 cent per pound. The duty is entirely too low. The duty is not in conformity with any principle of tariff levying that can be justified, as I will endeavor to show to the House.

Dextrine, gum substitute, and British gum are imported into this country and used for precisely the same purpose for which potato starch is employed—for starching fabrics, for sizing fabrics, for printing cloths, and purposes of that kind. Under this classification of the tariff by which these articles are permitted to come in at the low rate of duty of 1 cent per pound the result has been that since 1883 the importation of these gums has almost doubled. In 1883 there were imported 2,639,000 pounds. In 1887 there were imported into this country of these gums and dextrine 5,617,751 pounds. Now, on the average 1 bushel of potatoes will produce 8 pounds of potato starch. At the present rate of duty of 2 cents per pound, that would be a duty of 16 cents on the potato starch. On a bushel of potatoes, under the existing tariff, and under the tariff as I understand it is to be left by the Mills bill, as the gentleman from Arkansas explained this morning, the duty on a bushel of potatoes is 15 cents.

Now, 1 bushel of potatoes, producing 8 pounds of starch, would, under the proposed tariff, admit the manufactured product of a bushel of potatoes at 8 cents duty, while the raw potatoes themselves have to pay 15 cents per bushel. That is manifestly contrary to any just principle of tariff duties. But this gum substitute and dextrine is a still more advanced product of the potato starch. It requires about 1¼ pounds of starch to make a pound of gum substitute or dextrine, and yet, at the rate of 1 cent per pound, while the bushel of potatoes in the raw state would have to pay 15 cents duty, this highly manufactured product of the bushel of potatoes would come in at 5½ cents; 5½ pounds of gum substitute or British gum coming in at 1 cent per pound would pay only 5½ cents. In other words, the product of the potato advanced two stages—first, to the stage of potato starch, and then to the still further manufactured stage of dextrine or gum substitute—would come in for 5½ cents, while the bushel of potatoes would pay 15 cents. In other words, again, the manufactured product would be admitted at about one-third of the duty that was imposed on the raw material. That is a condition of things that certainly ought not to exist. Now, my amendment proposes to put this duty upon this gum, dextrine, and substances of that kind at a rate proportionate to the duty which is laid upon the raw material.

The CHAIRMAN. The time of the gentleman has expired.

On motion of Mr. COX, by unanimous consent, Mr. BOUTELLE was allowed to continue his remarks for five minutes.

Mr. BOUTELLE. This is a matter of great importance to the potato growers in the section of country to which I have alluded in my previous remarks. Of course it is obvious that if we permit the advanced product of potatoes to be introduced into the country at a lower rate of duty than the potatoes themselves pay, that is the most serious and disastrous kind of competition, and that is the condition of things

to-day. I have already spoken of the large increase in the importation of these gums, which go directly to fill the place that would be supplied by the manufacturers in this country. We have been manufacturing the gums or dextrines in the United States until within a year or two. I went before the Ways and Means Committee in 1884 on this subject and endeavored to get an increase in the duty on dextrine, because it was believed and stated that unless the duty were raised to a rate commensurate with that on other articles it would be disastrous to the dextrine factories in this country.

At that time we were manufacturing quite a large amount of dextrine and gum in Rhode Island and other States, but under the operation of the tariff those mills have been closed, and my information is that now there is not a pound of these gums manufactured in the United States, notwithstanding the fact that we have abundant facilities for growing the potatoes and that the manufacture would afford profitable employment to our own people. But the inequality of the tariff as it exists now, and as it is proposed to be perpetuated by this bill, is such that the foreign manufacturer of dextrine is enabled to put his goods on our market at a rate with which it is absolutely impossible for us to compete. At the present rate of consumption I assume that by saving for ourselves the manufacture of these substances we would give our farmers a home market for from three-fourths of a million to a million bushels of potatoes every year—a very important item. But the point to which I particularly desire to call the attention of gentlemen on the other side is this: Irrespective of the tariff upon potatoes or on their products, in view of the fact that we have placed and are perpetuating a duty of 15 cents a bushel on potatoes as they are dug from the field, we ought not to permit this highly-advanced product of potatoes to come in at a rate of duty only about one-third as much as the rate levied on the potatoes themselves.

Mr. McMILLIN. Mr. Chairman, the present rate of duty on dextrine, burnt starch, gum substitute, etc., the articles mentioned in this paragraph, is 31.59 per cent., or 1 cent per pound. The duty on starch under the existing law is 2 cents a pound. The committee realized that that was an unreasonable discrimination against the higher product and they therefore lowered the duty on starch to 1 cent a pound. The effect of the amendment proposed by the gentleman from Maine [Mr. BOUTELLE] would be to increase the duty on dextrine, burnt starch, etc., to a rate above 94 per cent., and if the importation under that duty kept simply at what it is now, instead of making a diminution of revenue by this provision of the bill, there would be an increase of more than $160,000.

Mr. BOUTELLE. I state very frankly that my object is not to increase the revenue, but is to prevent importation and to stimulate production at home.

Mr. McMILLIN. Your object, then, is to make a prohibitory and exclusive duty upon this commodity?

Mr. BOUTELLE. Yes, sir.

Mr. McMILLIN. I thank the gentleman for his candor. Mr. Chairman, I insist that upon substances so essential as these are in manufactures this House would not be justified in putting a duty of 94 per cent. in order to make it prohibitory.

Mr. BOUTELLE. Will the gentleman permit me?

Mr. McMILLIN. In a moment. The gentleman but a few minutes ago was joining with his friends on that side of the House—not by word of mouth, I believe, but in action—against the rate that was proposed to be levied on rice, one part of which was only fifty and odd per cent. Yet now he turns around and says that we ought to raise this duty on these articles from 31 per cent. to 94 per cent.! Now, I insist that that should not be done.

Mr. BOUTELLE. I want to make myself understood in regard to the "prohibitory" question, because that is an expression that is easily misunderstood. When I said that my design was to make this duty prohibitory, I meant to make it prohibitory against the competition of a product which comes in as a result of underpaid foreign labor; I meant to make it prohibitory up to the point where importations of these articles shall come in fair competition with articles produced in this country by labor paid at remunerative rates.

Mr. McMILLIN. Does not my friend believe that the rate he has proposed, 3 cents a pound, would be not merely compensation sufficient for the difference in wages but would be absolutely prohibitory?

Mr. BOUTELLE. I do not.

Mr. McMILLIN. Well, that is the fact. It certainly would be.

Mr. BOUTELLE. I believe it would have the effect of enabling the American farmer to produce potatoes and the American manufacturer to produce dextrine at a profit. It would enable them to pay the farm hands engaged in raising the potatoes and the laborers employed in the manufacture the rates of wages that we desire to have prevail in this country, and would prevent them from being brought in competition, as they are to-day, with the underpaid labor of Europe. That is the object of our tariff, and that is the object I have in view in offering this amendment.

Mr. McMILLIN. The rate in the bill, 1 cent a pound, is the very rate which the gentleman's own party fixed by the tariff of 1883.

Mr. BOUTELLE. I admit that.

Mr. McMILLIN. This is not a reduction.

Mr. BOUTELLE. I admit that.

Mr. McMILLIN. We are proposing to let the duty stand where it has been under the existing tariff, and if there is any complaint to be made about wages having been lowered or manufactures having been injured or destroyed, the gentleman must complain of his own party.

Mr. BOUTELLE. But the gentleman from Tennessee [Mr. McMILLIN] must recognize the fact that this bill proposes to remedy the defects of the existing law.

Mr. McMILLIN. It does wherever it can do so; but it is not possible to remedy every defect that is found in the law. We have reduced the rate of duty on starch to 1 cent, which is the rate on dextrine. We have destroyed that inequality.

The CHAIRMAN. The debate on the pending amendment has expired.

Mr. BOUTELLE. I move to strike out the last word. I call the attention of the gentleman from Tennessee [Mr. McMILLIN] to the fact that under the existing law, which the Mills bill does not propose to disturb in this respect, the duty on potatoes is fixed at 15 cents per bushel, and unless you adopt my amendment, or some other amendment increasing the duty on dextrine and gum substitute, you will permit the advanced product of potatoes to come in at a rate only about one-third as high as that which is levied on the potatoes themselves, the duty on potatoes being 15 cents per bushel, and the duty on dextrine and gum substitute being 5½ cents. Now, that certainly can not be advisable. It certainly is not businesslike. Either the duty on potatoes is too high or the duty on the manufactured article is too low.

Mr. McMILLIN. If potatoes were used only for the production of this article then there might be some force in the argument of the gentleman; but he must remember that this is one of the least uses to which potatoes are applied.

Mr. BOUTELLE. I understand that to be the fact; but at the same time the gentleman must recognize that the stimulation of the potato starch industry has a direct stimulating effect upon the devoting of land area to the cultivation of potatoes, and to that extent tends to a cheapening of this product.

Mr. McMILLIN. The gentleman is in effect complaining of the rate of duty on potatoes.

Mr. BOUTELLE. I am not; I am complaining that the duty on the product of potatoes is not so high as it ought to be. Let me call the gentleman's attention to this fact, that under the present bill the duty on potato-starch is put at 1 cent per pound; yet it is understood and admitted that it takes on the average a pound and a half of starch to make a pound of dextrine; and the duty you propose on dextrine is only the same that you propose on starch.

Mr. McMILLIN. But we correct the existing evil to the extent of one-half. We did not go below 1 cent, but did bring down the duty to the extent of one-half of the difference that originally existed.

Mr. BOUTELLE. The trouble is that the correction is made in the interest of the foreign producer, not in the interest of the American farmer.

Mr. McMILLIN. It would seem impossible to satisfy my friend. He complains that the duty on starch is too great as compared with the duty on dextrine; yet, when we attempt to make a reduction he says we are operating in the interest of the foreign producer.

Mr. BOUTELLE. Certainly I do; and this bill shows that I am correct. Here is an inequality of duty between a crude article and its manufactured product, both being articles which can be produced in the United States profitably with proper protection; and yet, when the attention of the House is called to this matter the Democratic side, instead of removing the evil by putting up the duty on the article on which the duty is too low, attempts to remedy it by cutting down the duty upon the article on which the duty is low enough already. I do not think such legislation is in the interest of the American farmer or of the American people. I believe it would be better for our people if we could raise in this country every bushel of potatoes required for the manufacture of the starch or gums or other substances which go into the multiform manufactures carried on in this country. It is the duty of the American Congress to adjust duties in the interest of the American farmer, and not in the interest of the German or the English farmer.

Mr. SIMMONS. Mr. Chairman, the gentleman from Missouri [Mr. WARNER] insists upon making a comparison between the profits made by the Southern rice-planter and those of the Western wheat and corn grower. I think the gentleman does not take into consideration the fact that the two systems of farming are essentially different. I know myself but little about the yield of the Western corn and wheat lands; but I am informed by a gentleman who lives in that section, who comes, I believe, from the State of Ohio, that in his State it is not an unusual thing for an acre of corn to yield 30, 40, and sometimes as high as 60 bushels. The gentleman from Indiana [Mr. O'NEALL], who sits behind me, says that where he lives the yield is sometimes 75 to 100 bushels per acre.

Mr. WARNER. Is there any gentleman on this floor from the State of Ohio who will say that the average yield of corn in that State is more than 40 bushels an acre? I do not think there is.

Mr. SIMMONS. I did not say the average.

The gentleman insists that this is a tax for the benefit of the landowners of the South, and that it inures chiefly to the benefit of a par-

ticular class of Southern farmers. In that also he is mistaken. The actual profits of the Southern rice-farm owner are not equal to those of the Western wheat-crop grower, and for the simple reason that, as I understand the facts toexist in the West, a crop of wheat or corn can be grown every year. The land is rich, black soil, and will bear annual cultivation. The case is different with rice-growing lands in my State, and I speak only for my State. In my State the lands will not bear annual cultivation in rice. Rice is a very draining and exhaustive crop, and if any man should put his high lands in rice every year he would find at the end of four or five years that his land would be impoverished and incapable of growing anything.

Mr. WARNER. Does not the gentleman know that all Northern farmers rotate their crops; that the land, if planted in wheat or corn year after year, would become exhausted?

Mr. SIMMONS. The gentleman does not advert to the fact that the rice-producing lands can not be planted in corn in intervening years. In my section of the country the land which grows rice will not, as a rule, grow anything else; and if you wish to cultivate it in rice you must give up the cultivation of any other crop. We can not rotate the crops on these lands, and hence every alternate year they are idle and yield the owner no income.

Mr. Chairman, I said a little while ago that the result of the repeal of these duties would be to bring the poor rice laborer of the South into direct competition with the labor of China. When gentlemen from the Western States are confronted with the competition of the Chinaman on their own soil they raise up their hands in holy horror and denounce it on this floor and throughout the country. But when it is proposed that the Chinaman in China (where he lives more cheaply than he does in America) shall be put in competition with American labor on the Southern coast, these gentlemen say: "Open wide the doors, and let the competition come in."

Mr. YOST rose.

Mr. SIMMONS. I have only five minutes and can not yield. Again, when it is proposed by this bill to take off even a fraction of the high bounties which the manufacturing interests of the North enjoy under the existing tariff, these gentlemen on the other side protest against it. The slightest reduction of these duties they declare will destroy these industries, shut up their factories, and deprive their laborers of employment; but these same champions of protection think it a virtuous action to come down into that much-abused section where I and a large number of gentlemen on this side of the floor reside and take from us the meager benefits which our tariff laws grudgingly give us. When we seek to hold on to a part of the crumbs which came to us from that munificent system of bounties bestowed by the tariff which they have so long maintained in this country, they charge us with inconsistency and twit us with having protective tendencies.

Ah, gentlemen, you are willing to keep up the duties, oppressively high as they in many instances are, upon everything except rice and sugar. The duties upon these you wish to reduce even below the cut made by this bill. It is because they are Southern industries, and because they are farming industries.

[Here the hammer fell.]

Mr. WARNER Mr. Chairman, I do not wish to continue this discussion, but I do wish to say to the gentleman who last addressed the House [Mr. SIMMONS], and who represents a section of the country from which he says so many members on that side come, that when he talks of striking down an industry or striking a deadly blow at an industry of his State, and that that blow comes from gentlemen on this side, it is well enough for the gentleman to know the fact and it is well enough for the country to understand the deadly blow that is to be struck.

We simply say to those engaged in rice-culture, we will give you a protection of 50 per cent. You say you want 100 per cent. We ask for the facts upon which you base such a demand. Yet so far not one man has given any fact that tends to justify such demand. You deal in glittering generalities. You talk of Chinese cheap labor coming into competition with freedmen of the South. Yet you have not told us how much you pay these freedmen of the South a month. You have not told us what your land is worth. You have not told us what it costs to cultivate an acre of rice, and the simple fact, Mr. Chairman, is that these gentlemen demand this duty of 100 per cent. on rice for protection's sake alone and because they raise the rice. If they raised wool, it would, if necessary, have been given a like protection.

The last gentleman who addressed the House is a protectionist of the ultra type. He deceives himself when he imagines he is anything else. He is for the protection of those articles in which he and his constituents are interested, and for which I do not blame him. I would the Representatives on this floor from some of the other States would follow his example, and not let their industries be stricken down without protest.

Mr. SIMMONS. I desire to say that the reduction of duty on those articles under consideration meets with my hearty approval, and as soon as circumstances will permit I hope further reduction will be made.

Mr. WARNER. The gentleman is not quite so much of a protectionist as I thought he was. He says the proposition for this reduction meets with his approval. What is there here to bind his conscience? What is there to trammel his vote? Has he not the right to vote as his judgment dictates, or is he voting the views of some other gentlemen? If the proposition I make here to-day meets with his approval, as he states it should meet with the disapproval of none—why does he not support it? Why does he not vote for it?

Gentlemen, you are mistaken. You are trying to pass this Mills bill through the House. You are striking at the industries here and there. You take such action as will secure votes enough to pass the bill. Where necessary you will give the protection to any amount to secure the votes required to pass it. I apprehend you will pass it through the House.

A MEMBER. We are right.

Mr. WARNER. Oh, yes, you are right. As one of the leaders on that side said, it was for the purpose of getting votes. As one gentleman, whose pet industry was taken from the free-list and put upon the dutiable list, said to a member on this floor, "Why, if you will vote for the bill, we will put what you want also upon the dutiable list." This is revenue reform!

That is the kind of legislation we have—a kind of legislation which I think the people of this country will not approve. The people will condemn your action in leaving a duty of 68 per cent. on sugar and 100 per cent. on rice, while you put wool, one of the leading agricultural products of the great Northwest, upon the free-list.

[Here the hammer fell.]

Mr. ELLIOTT. As to the remarks which have been made on the other side of the House in reference to the sectional character of this bill arising out of its provisions as to rice, I beg to say a word more.

What are the facts in connection with this industry in the State of South Carolina, where rice is grown to a larger extent than in any other State except Louisiana? The product of rice there forms just 2 per cent. of the agricultural products of the State. The product of oats forms twice as much. The product of corn is twelve times as much, and of cotton twenty-five times as much.

There is the status of this industry in South Carolina in comparison to other agricultural products. As to other products in this same connection, I may state that the product of cotton-mills is five times as much as rice; the product of the lumber, which is on the free-list, is five times as much, and the product of commercial-fertilizer factories twice as much.

Now, all this outcry has been raised of a sectional character over an industry which occupies a comparatively insignificant position in regard to the agricultural products of a State which, with one single exception, is the largest rice-growing State in the Union. That points to what a slight foundation, or in fact to the utter absence of any foundation on which is based the charge that has been so frequently made on the floor, that this bill is prepared in the interest of the South.

But the gentleman spoke of the conditions that confronted us in reference to this subject. He asked the question, and I answered by way of response, in the first place, that the duty now of 2½ cents per pound on cleaned rice was a condition; that is the status which this committee found. They have made a large reduction. Why should it all be cut off? Why should the duty be abolished on this agricultural industry, where labor forms at least two-thirds of the entire cost of production; where, in certain sections at least, the industry is not remunerative; where there is no trust or combination to keep up prices, and where, under the general downward tendency of values, the price of American rice has been diminishing year by year? As has been shown, the great mass of the rice imported for food is consumed by the Chinese, and the duty paid by them is probably about the only contribution made by them towards the support of the Government.

The granulated rice or rice-meal imported, amounting to 48,526,723 pounds last year, is used entirely in the manufacture of beer, and upon that, as in case of other material entering into manufactures, the duty has been placed very low, 15 per cent. ad valorem. Taking the home production of 156,000,000 pounds, and the amount imported for food, about 44,000,000 pounds, the consumption per capita is less than 4 pounds per annum. It is absurd, then, to speak of it as a necessary article of food in this country.

Mr. HOLMES. Will the gentleman permit a question?

Mr. ELLIOTT. Yes, sir.

Mr. HOLMES. Will the gentleman please state what it costs to raise an acre or a barrel or a bushel of rice?

Mr. ELLIOTT. I was just coming to that point. I am speaking now of the cultivation of rice upon the rivers, which comprises the great bulk of the product of the South. The gentleman from North Carolina [Mr. SIMMONS] speaks of the upland rice, which costs much less to produce, yields less, and the price of the product is less.

But upon these plantations built up on the water courses of the South the conditions are very different. One inevitable condition is that the land must be where there is a tidal flow, and altogether of fresh water, because the slightest infusion of salt water destroys the crop. The plantations must be reclaimed from the swamps, and the dams or embankments constructed, and canals and ditches dug, at a cost of from $75 to $200 per acre, according to the locality. These dams must be thrown entirely around swamps over which the water flows at every high tide. These are the original outlays. In addition

the cost of cultivating an acre of rice upon plantations of this character is estimated at not less than from $25 to $30.

The great difference between this industry and all others lies in the fact that improved machinery can not be employed to any extent in it; and this brings about a sharp competition between the class of labor that is employed in the South upon it, the colored labor, and the labor producing the foreign rice, which receives as compensation an average of from 50 cents a month, not a day, but from 50 cents a month to 6, 7, or 10 cents a day. And that is the labor you wish to make the colored labor of the South come in sharp competition with. As I have said, you can not employ machinery. Improved machinery is of no possible use there. It is pretty much all labor and labor in its most primitive form.

Mr. GEAR. May I ask the gentleman a question?

Mr. ELLIOTT. Certainly.

Mr. GEAR. Do you not cover in that statement not only the cost of the irrigating ditches, but the labor as well?

Mr. ELLIOTT. No, of course not. The ditches are dug at the outset. The plantations then have to be kept up and repairs made, and ordinary repairs are included in this cost.

Mr. HOLMES. Now please state what it costs here by way of labor to produce rice by the barrel, bushel, or acre, so that we may have an opportunity of comparing it with the low-waged product to which you have referred. This labor is very cheap abroad, as the gentleman states. Now let us know what it is at home.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. HOLMES. I ask unanimous consent that the time of the gentleman may be extended.

Mr. McMILLIN. Then let us see if we can not arrive at some understanding as to the time when the debate shall close. I ask unanimous consent that all debate be closed in five minutes on the pending amendment.

The CHAIRMAN. The pending amendment is a formal amendment.

Mr. McMILLIN. I mean the pending paragraph and all amendments thereto.

Mr. EZRA B. TAYLOR. I ask that it be fixed at ten minutes.

Mr. McMILLIN. I will accept that.

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina for five minutes longer.

Mr. HOLMES. What I was about to ask the gentleman from South Carolina was to give the labor cost in his State in raising rice. He has stated the cheap character of the labor abroad producing the imported rice. Now, what is it paid here? What do the colored men of the South who labor in the rice-fields receive, and what is the cost per bushel, per acre, or per barrel? These are facts that will be interesting to the committee. What do they get per day or per month?

Mr. ELLIOTT. There is no rate per day or month in this industry. It is not employed on that basis, but it is altogether task labor. So much is paid for so much work. The work may be completed at any period during the day, 12, 1, or 2 o'clock, according to the skill of the workman and the character of work.

All the statistics that have been given relative to the cost of labor in the rice industry in South Carolina are utterly misleading. Ordinarily no men are employed by the day and none by the month. It is in the power of the laborer to make such pay as he chooses, according to the amount of work he does. So far as cutting rice is concerned, it has to be done with an old-fashioned reaping-hook, not with improved machinery. It must be all cut by hand, and must frequently be taken out of the field upon the head of the laborer. The price for reaping is $1 per acre, showing an enormous increase in the cost of reaping an acre of rice over what it would cost to reap an acre of wheat.

Mr. ALLEN, of Michigan. Will the gentleman allow me to ask him a question?

Mr. ELLIOTT. Certainly.

Mr. ALLEN, of Michigan. Is it not true that the average pay of laborers engaged in the culture of rice is less than 50 cents per day; and is it not also true that, as a rule, they are paid in store orders and not in cash?

Mr. ELLIOTT. Not at all, as a rule.

Mr. ALLEN, of Michigan. Then the gentleman has not been informed correctly

Mr. ELLIOTT. It is not true. I will undertake to say that nowhere in the world is there a better feeling existing between employers and their laborers than those engaged in the rice industry in South Carolina.

Mr. ALLEN, of Michigan. What are they paid per day?

Mr. ELLIOTT. The cultivation has diminished at least 50 per cent. and has thrown out of employment a great number of laborers. If it were not for the kindly feeling existing between the employers and the employés in that section of country, and the care the rice planters have for their laborers, it would be impossible for the colored race to exist without verging upon starvation. I will explain further. The invariable custom is that on these plantations laborers have their houses free of rent; they have as much land as they care to cultivate free of rent, and fuel and everything of that sort free; they are charged for nothing. The only condition of these favors is that whenever their labor is required they shall give it at the usual price for that character of work in cash.

Mr. SPOONER. Will the gentleman allow me to ask him a question?

Mr. ELLIOTT. Certainly.

Mr. SPOONER. I want to inquire if you are in favor of protection?

Mr. ELLIOTT. As an original proposition I would not set out to protect any industry merely for protection; but we find this condition attaching to this and other industries, and the question is how much to reduce the duties and thereby diminish the revenues. [Derisive laughter on the Republican side.]

Mr. SPOONER. That is the condition which confronts you?

Mr. ELLIOTT. Yes. We have cut down the duty on rice 18 per cent.; more than twice as much as the general cut on dutiable articles.

Mr. HOLMES. If I understand the gentleman, he can not tell what it costs to raise an acre of rice.

Mr. ELLIOTT. Certainly I can. It costs from twenty-five to thirty dollars an acre. Here is another difference. When you produce your wheat the farmer gathers the wheat and is done with it. What is done with rice? It has to be prepared for market by being sent to mill to be pounded and put in barrels, all of which is charged to the planter; then it is put upon the market.

I state upon my personal knowledge that after the planter has run all the risks of that cultivation, furnished the land and the capital, risked the gales and freshets, after the rice has been thrashed by machinery, more or less expensive, and is loaded for transportation to the mill, the cost from that time until it is sold is frequently 20 per cent. of the gross proceeds of the shipment.

Mr. MILLIKEN. Do not all of the expensive conditions of producing rice which you state apply to the production of foreign rice with which you compete?

Mr. ELLIOTT. Not at all. As I understand it, they are not subject to the great risk of absolute annihilation—not injury, but annihilation in a single night—of an entire crop and almost the ruin of a plantation worth $40,000. Instances have been known where an equinoctial gale has so wrecked such a plantation that it had to be sacrificed for five or six thousand dollars.

I have spoken of the abandonment of many valuable plantations because the industry is not remunerative. When this occurs it must be borne in mind that, in consequence of the artificial character of the plantations, dams, trenches, and floodgates, the value of the property is soon entirely destroyed and the land lapses back into its original valueless condition. Nor has any other crop yet been found that can be cultivated on these lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. I ask to append a table of prices.

Lowest and highest price of rice per 100 *pounds in each year in the New York market from* 1825 *to* 1886, *inclusive.*

[American Almanac for 1888.]

Year.	Lowest.	Highest.	Year.	Lowest.	Highest.
1825	$2.00	$4.00	1856	$3.62	$4.87
1826	2.00	3.87	1857	3.25	5.37
1827	2.50	4.00	1858	2.75	3.75
1828	2.50	4.50	1859	3.00	4.50
1829	2.50	3.75	1860	3.00	4.62
1830	2.00	3.50	1861	3.00	7.25
1831	2.50	4.00	1862	6.62	7.75
1832	2.75	4.25	1863	3.75	8.50
1833	2.75	3.75	1864	7.00	15.50
1834	2.25	3.62	1865	9.75	14.00
1835	2.75	4.50	1866	11.50	15.25
1836	3.00	4.25	1867	8.50	12.50
1837	3.12	5.00	1868	8.25	11.25
1838	3.25	5.37	1869	7.25	10.00
1839	3.00	5.06	1870	5.50	9.50
1840	2.75	4.00	1871	6.75	9.75
1841	2.87	4.12	1872	7.50	9.50
1842	2.00	3.31	1873	7.00	9.50
1843	1.87	3.00	1874	6.75	10.00
1844	2.25	3.62	1875	6.50	8.50
1845	2.62	4.75	1876	5.00	7.50
1846	2.87	4.50	1877	5.00	7.00
1847	8.25	13.75	1878	5.50	8.00
1848	7.75	13.00	1879	5.50	7.25
1849	2.25	3.50	1880	5.50	8.00
1850	2.25	3.37	1881	5.00	7.75
1851	2.75	3.12	1882	5.25	8.50
1852	2.75	5.00	1883	4.00	7.25
1853	3.37	4.50	1884	4.50	6.50
1854	4.12	4.62	1885	3.25	5.38
1855	2.50	5.87	1886	3.00	5.00

Mr. EZRA B. TAYLOR. Mr. Chairman, gentlemen on the other side of this Chamber ought not to be surprised at the attitude which gentlemen on this side take on this question, although they seem to be. While we are all protectionists and believe in protecting all of the products, North and South, East and West, that need protection, we still are not such extreme protectionists as not to find in some cases the pos-

sibility of a tariff being too high. It is simply that, and that alone, which has called for the suggestion of the amendments that have been made in reference to the two items of sugar and rice. Now, sir, if rice is not over-protected by this bill I am in favor of the bill as it stands. If sugar is not protected more than it need be under all the circumstances I am not in favor of any reduction upon that list.

But, on the other hand, we think we have a right to say that we are surprised at the argument which we hear from the other side of the Chamber. I have listened to the general discussion all through when I could be present, and when I could not be present I have read the speeches from that side of the House. I have found them in spirit, in soul, in intellect, and in sentiment opposed altogether to protection as protection. I hear that a tariff is a tax equal to itself, not only upon the articles imported, but all that are consumed. I hear it in every speech on that side of the House. I hear it continually week after week. Now, when the question of sugar comes up and the question of rice comes up, the very argument that we make for wool and for other products of other parts of the country is urged by these same gentlemen, who have ignored the principle of this argument heretofore in the general discussion, and will ignore it when we come to those specific things.

They will take the article of rice and insist that it shall continue to carry a duty of more than 100 per cent. They complain that we of the North are striking deadly blows at the industry of the South when we propose to bring this duty down to 50 per cent. In a few days, or a few hours it may be, we shall reach the great Northern production of wool, which stands protected now by a duty of not over 30 per cent.; and they will strike off the entire protective tariff on that article, not heeding any complaint that we may make that they are giving a deadly blow to one of the productions of the North. They will do this without a single qualm of the inteilect or the conscience, if there can be a qualm of intellect. They have so misdirected their minds in regard to this matter—so thought and so continued to think—that they do not believe intellectually there is any inconsistency in striking down wool and in holding up rice, although wool for the present is protected, as I say, by a duty of only 30 per cent.

Now, Mr. Chairman, the answer may be made to this that wool is a necessity of all the people. I have heard that over and over again. So it is; but it is not more needful than food. There is not a man on the other side of the House who can give a good reason for protecting sugar and rice which is not an equally good reason in my mouth in favor of protecting wool, and I defy any man to undertake it.

[Here the hammer fell.]

Mr. BOUTELLE. Has the entire time for debate on this subject expired?

The CHAIRMAN. All debate on the pending paragraph and all amendments thereto is now closed.

Mr. BOUTELLE. As most of the ten minutes seem to have been occupied in discussing something not very germane to the pending amendment, I hope I may be permitted to close the debate on this question by asking the members of the Ways and Means Committee, as a matter of justice and logic and good sense, to correct the error in this case, as they corrected the error into which they found they had fallen in regard to glue. They replaced the duty on glue. I ask that they now unanimously consent to put the duty on potato-starch back to 2 cents a pound, and fix the duty on gum substitute as proposed in my amendment, which will be a proper and relative proportion of duties.

Mr. McMILLIN. We have no authority to accept the gentleman's proposition.

The CHAIRMAN. Debate on the pending paragraph and amendments thereto is now closed. [Cries of "Vote!" "Vote!"] If there be no objection, the formal amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Maine; which the Clerk will read.

The Clerk read as follows:

After line 377 insert:

"Dextrine, burnt starch, gum substitute or British gum, 3 cents per pound."

The amendment was rejected; there being—ayes 56, noes 77.

The Clerk read as follows:

Raisins, 1½ cents per pound.

Mr. VANDEVER. I move to amend the line just read by striking out "one and one-half" and inserting "two," so as to make the duty on raisins 2 cents per pound. Mr. Chairman, the rate of duty upon raisins under the existing law is 2 cents a pound; this bill proposes to reduce it to 1½ cents. In submitting my amendment I desire to call attention to the fact that raisin production, commercially, is of comparatively recent origin in the State of California. Three years ago the entire raisin production of that State was about 300,000 boxes of 20 pounds each. Last year we produced about 800,000 boxes. This year there are in the State of California about 15,000 acres devoted to the cultivation of raisin grapes. The season having been favorable, there is a larger acreage than ever before. Those 15,000 acres of raisin grapes will, it is estimated, produce probably a million and a half boxes of raisins this year—20-pound boxes, representing a value of not less than $3,000,000.

The raisin-producing portion of California is the only part of this country that seems to come into competition with the foreign production of raisins, which come from Portugal and Spain. In the State of California, our soil and climate being so peculiarly favorable, we have demonstrated a capacity to supply the entire home demand for raisins. The bill before us proposes to reduce the duty one-half cent per pound, which, upon the product of the raisin-producing portion of California lying wholly, I believe, within my district, will amount to something like $150,000. The duty upon imported raisins last year under the existing law was about $800,000. It is estimated that if the change of duty proposed in this bill from 2 cents to 1½ be made, the duty will amount to about $600,000.

I submit, Mr. Chairman, to the members of the committee that there may be a policy in that. If this proposed rate in the bill under consideration becomes a law it strikes a blow at that raisin industry in the State of California which will almost entirely annihilate the production of raisins there, and to supply the deficit in the consumption we must import it from abroad. The reduction of one-half cent a pound will operate as a protection to the imported article, and a discrimination against the domestic article; and I am sorry to say so, and to call the attention of the committee to the fact that this change in the duty on raisins is not exceptional, because so far as that part of the country is concerned, and under the operation of this Mills bill, many of its most important and leading industries are sufferers to a large extent. And in the region of the country where I live, where these raisins are produced mainly by small landholders, householders, people look around upon these flourishing fields which their industry has built up and contemplate the fact that under the provisions of this bill a blow will be struck at them which is like striking a blow at their very homesteads.

Sir, it is worthy of the consideration of this committee to determine whether they will inflict this wrong upon that section of country, and follow up the rigors of this bill, which have already passed under review, placing articles on the free-list which concern directly the interests of so many persons on that side of the continent.

I submit these observations for the consideration of the committee. But there is much more to be said. I will only add in conclusion, that if an ocean to-day rolled between the State of California and the Halls of this House, and in the Hall of this House the ruling majority, which supports the Mills bill, and which has the indorsement of the Executive of the United States, was in power, they could not assume a more unfriendly attitude to the people of the Pacific coast than they do under the operation of the bill. If there is any discrimination in the provisions of the bill under consideration in regard to this great industry it is in favor of the foreign product and against the producers of our own country.

[Here the hammer fell.]

Mr. McKENNA. Mr. Chairman, I hope the amendment will be adopted, and I do not utter an idle hope. Nor, sir, do I despair of its adoption, notwithstanding the experience we have already had. And, sir, I think I can call upon my Democratic colleagues to support this amendment. I do not do this to make them conspicuous, nor to put them in a distinct and offensive position toward it, but to invoke their support for it.

I know, sir, that a man must stay with and go with his party in most cases. One would perform but a weak and desultory part alone. But, sir, I believe they can and ought to support this amendment.

They can do so and still be consistent and loyal to their party, and I ask them, therefore, and through them all Democrats, to support it. You have greater inconsistencies in your bill than this. I do not say this tauntingly. My own side of the Chamber has convinced me that there can be inconsistencies. It may be, sir, wise inconsistencies. General truths are not always carried out to the extent that they are capable of in logical illation. We assert universal liberty to all, but we give it to none. Its very perfection might become its vice. Therefore if I can concede wise inconsistencies to this side of the Chamber, I can also concede wise inconsistencies to the other side of the Chamber. But I pause to remark that there must be some limitation in this, both to tariff reformers and to protectionists. I shall not now stop, sir, to define what that limitation is. I say, and speaking as a protectionist, and of protection, if some pluck out the gray hairs and some pluck out the black hairs, the animal in time will be completely shorn.

But, I repeat, there may be wise inconsistencies, and therefore I ask you Democrats to concede us this amendment. You claim to be conservative and temperate to some industries. Be so to this industry. It needs it. It is a new industry and a struggling one. What that means I need not dwell on; what of trouble and expense and, may be, misfortune, I need not dilate upon. New soils must be found and tested; experiments must be made, their results often discarded, others tried; ways and means must be devised; markets must be found and conquered. It takes time to do this. It takes capital to do it, and capital is often sunk in doing it.

The tax of 1½ cents or a tax of 2 cents is no special protection to

raisins, sir. I hold in my hand a wholesale price-list of raisins, which I obtained from one of the grocery stores of this town, which shows that the wholesale price ranges from 7 cents a pound to 40 cents a pound. I will insert here a table giving the prices. It is as follows:

Raisins.

Finest Dehesa layers, 6 crowns, 22-pound boxes	$8.00
Finest Dehesa layers, 5 crowns, 22-pound boxes	7.50
One-fourth box, finest Dehesa layers, 6 crowns	2.25
One-fourth box, finest Dehesa layers, 5 crowns	2.10
One-fourth box, finest Dehesa layers, 4 crowns	1.90
London layers	3.25
London layers, flat, half box	1.70
London layers, flat, quarter box	.90
Loose Muscatels, 5 crown, 22-pound boxes	3.50
Loose Muscatels, 4 crown, 22-pound boxes	3.25
Loose Muscatels, 3 crown, 22-pound boxes	2.75
Loose Muscatels, 2 crown, 22-pound boxes	2.00
Ondara, Layers, finest	.08
Valencia, finest	.07
Sultanas, finest	.12
Sultanas, good quality	.09

California raisins.

Loose Muscatels, 3 crown, 20-pound boxes	2.25
Loose Muscatels, 2 crown, 20-pound boxes	1.60
London Layers, 3 crown, 20-pound boxes	2.90

The import value of the raisins at the custom-house is 5½ cents a pound. Now, raisins worth 40 cents a pound, and surely they are luxuries, under the principles of this bill and under the principles asserted by everybody, ought to bear a higher duty. A higher tariff tax, if it be a tax, than 2 cents should be imposed even for the privilege of the market if not to secure protection to a home industry.

The raisin production of California is very great. Attention has been called to it by my colleague [Mr. VANDEVER], but I desire to show how it has increased in the last few years. In 1873 it amounted to but 6,000 boxes, while in 1887 it was 800,000 boxes. Sixteen million pounds of raisins was the product of the last year, equal to 58,000,000 pounds of fresh grapes.

This year it is estimated that we will produce 1,500,000 boxes of raisins, or 30,000,000 pounds, consuming in their manufacture at least 105,000,000 pounds of fresh Muscat grapes. But that is not all. Connected with this industry there are other industries, and these also will be injuriously affected by the reduction of the duty.

Now, I will ask the gentlemen of the Ways and Means Committee, I ask my colleague [Mr. BIGGS] who sits before me, whom I know believes every word I utter, why not restore this duty to 2 cents? Why is not this a "condition" as in other cases there are "conditions?" But I urge nothing of that sort now, Mr. Chairman. I wish to urge upon the Democrats of this House the concession of half a cent. If I dared to talk politics to them, Mr. Chairman, I would say more Democrats than Republicans are interested. I do not mean to say those Democrats will leave their party on account of the bill or stay in it on account of the amendment; but they would have kinder feelings for their party and better hope for the party if the amendment should be adopted.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from California has expired. Debate on the amendment is exhausted. The question is on the amendment submitted by the gentleman from California, which the Clerk will report.

The Clerk reported the amendment.

Mr. WHITE, of Indiana. I would like to be heard.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. WHITE, of Indiana. I move to strike out the last word.

I will state, Mr. Chairman, that the committee that formulated this bill and have undertaken to strike out half a cent a pound on raisins have not been very consistent when they come to consider the difference in the price of raisins and rice to which they have added 100 per cent. You must remember the average price of raisins in this country is 10 cents a pound. The duty of 1½ cents a pound on raisins makes 15 per cent. protection. You have on the one side raisins and on the other side you have rice, which you raise in the South. On that we have supported the duty and are willing to stand by the duty of 2 cents per pound. That makes 100 per cent. you have on rice which you raise in the South. Now you are going to begrudge the people in California the paltry sum of 15 per cent.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is incorrect as to the price of South Carolina rice. He is referring to foreign rice. The price of Louisiana and South Carolina rice is 5 and 6 cents a pound. That is the price in London.

Mr. WHITE, of Indiana. Let me tell the gentleman from Arkansas that if that imported rice came in free the South Carolina rice would sell at the very same price it does. I am a dealer in rice, and have dealt in it for twenty years. I know all about it. It will not bring a quarter of a cent more in the open market to-day.

Mr. BRECKINRIDGE, of Arkansas. We export a considerable amount of rice abroad, and that rice sells in the London market at not less than 5 cents a pound. Those are the official facts. If the gentleman can furnish any information——

Mr. WHITE, of Indiana. You may have some little dainty articles fitted up for some of the nabobs in London, but the people of this country are not that kind. They are satisfied with the plain domestic rice. The Chinese rice has no foothold in this country. It is the East India rice that it comes in competition with.

We have given them 100 per cent. on rice, and now they offer us 15 per cent. on raisins. The raisin industry is a new industry. It has sprung up within the last five years. Five years ago you could find nothing of it, but now you find it. There is hardly a store in the Western States but what sells these California raisins. If this industry is left to itself and protected as it should be, the time will come when foreign raisins will be driven out of the market and California will supply our whole country with raisins.

But if this duty is reduced every year or two, as you propose to do, the result will be that less and less raisins will be raised, and the market will be left open for foreign products to come in.

Our friends on the other side contend that the reason they want to protect rice and the reason they want to protect sugar is because these products come into competition with the pauper labor of India and other countries. That is true. They are right in that respect, and that is just what we claim for all the other industries in the North. They want to put lumber on the free-list. Some one said it is true they want to put lumber on the free-list, although lumber is a product of the South. But that lumber does not come into competition with the lumber of the North. The whole country from the East to California on the border-line of Canada will be affected for two or three hundred miles into the interior by the reduction of lumber, while the South, Tennessee and Georgia, will feel no affect of it whatever. Why? Because the freight is so heavy on lumber that they can not ship it into the interior without the transportation costing more than the difference of the duty.

Therefore you gentlemen in the South can well afford to say "we have put lumber on the free-list," because putting it on the free-list will never affect you, but it will affect us up in the North; and so it is with salt, and so with other industries. [Applause.]

Mr. BIGGS. Mr. Chairman, before I begin my remarks I want to make an inquiry. I understand that the question under discussion is raisins. Am I correct in that?

The CHAIRMAN. That is the pending paragraph.

Mr. BIGGS. Well, sir, I was somewhat surprised when my distinguished friend from Indiana [Mr. WHITE], in discussing this paragraph, went back to the rice question. I rise here not for the purpose of discussing the rice question, or the lumber question, or the salt question, because all those have been disposed of. I rise for the express purpose of saying a few words on the raisin question. The distinguished gentleman from Indiana rose to make some remarks in favor of restoring the duty on raisins to 2 cents a pound, but he forgot his subject and went back to lumber and rice, and even to the question of free salt. I do not think there was any force in what he said, but I suppose that, for courtesy's sake, I must admit it was an argument.

Mr. Chairman, I am in favor of protecting every infant industry in this country. I stand here and say that I am in favor of protecting the raisins and everything that we produce, not only on the Pacific Slope, but throughout the entire length and breadth of this country.

Yes, sir; I want raisins protected; I want all the protection I can have for them and for our other industries; but, Mr. Chairman and gentlemen, I say without fear of successful contradiction that raisins are as well protected under this new bill as they were under the old, and now I propose to produce the proof. The duty under the old law was 2 cents a pound. Under that law there was a damage allowance of 10 per cent. on the invoice price if any case or box was damaged in the least. Under this bill there is no damage whatever allowed. The raisin industry is one of the great industries, not only of the Pacific slope, but of the whole United States, and it ought to be properly protected; but I say that under the 10 per cent. damage provision of the existing law the duty was reduced to about the rate at which it stands in this bill, and leaving that damage provision out of the bill practically restores the duty to what it is under the existing law.

Mr. VANDEVER. Will my colleague allow me a question?

Mr. BIGGS. With pleasure.

Mr. VANDEVER. Who pays the damage?

Mr. BIGGS. The shipper or the importer pays the damage, not the consumer. It is paid into the Federal Treasury as revenue collected by the people.

Mr. VANDEVER. Then how does the present bill affect the question of damage?

Mr. BIGGS. There is no damage allowed under this bill, and I say that that change will make the duty on raisins the same as it is now, 2 cents a pound.

Mr. ALLEN, of Michigan. Do you want this bill passed?

Mr. BIGGS. Yes, sir. We want all the protection we can get on every industry in California. I tell you that.

Mr. WILLIAMS. Will you not give us a little in Ohio, on wool?

Mr. BIGGS. Yes; I will give it to you if you can get it. [Laughter.] But I am not discussing the wool question now, or the salt question, or the rice question; I am discussing raisins. My colleague [Mr. MCKENNA] made a very correct statement of the number of boxes shipped, and of what we propose to ship in the future, and I tell you

that we propose to supply not only the United States, but we expect that inside of twenty years we shall be exporting our product to all parts of the world where they want a choice quality of raisins.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. MORROW. I renew the amendment.

Mr. McMILLIN. I ask the gentleman to yield while I make a request that all debate on this paragraph and amendments thereto be limited to ten minutes.

Mr. MORROW. I do not feel that I have any control over the matter, but so far as I am concerned I shall not occupy more than five minutes.

Mr. McMILLIN. I ask unanimous consent that debate on the pending paragraph and amendments be limited to ten minutes.

Mr. FELTON. I object.

Mr. MORROW. Say fifteen minutes.

Mr. McMILLIN. I accept the gentleman's suggestion.

The CHAIRMAN. The request is made that the debate be limited to fifteen minutes.

Mr. VANDEVER. I object. There has been unlimited time allowed on other questions. We now have before us one of vital interest to our State.

Mr. McMILLIN. What time does the gentleman desire?

The CHAIRMAN. Objection is made.

Mr. MORROW. Mr. Chairman, my colleague [Mr. BIGGS] has given to this bill a character that I had not before heard attributed to it—that it is a bill for the protection of the industries of this country. My impression, from the discussion I have heard on the other side of the House, was that the purpose was to reduce the duties upon the various items mentioned in the bill; and in accordance with that principle I understand it is the purpose to reduce the tariff on the article of raisins. It has been said over and over again that it was proposed to reduce the tariff in order that the consumer of the various articles on which the duty falls might obtain them at a cheaper rate. I do not know that such would be the result; I doubt it. But that has been the argument presented in support of the bill. Now, I understand from the statement of my colleague [Mr. BIGGS] that the reduction of the rate of duty is for the purpose of securing greater protection. This is not the purpose of the bill, as I understand it, and it will not so affect our industries, in my judgment.

Mr. Chairman, it seems to me that upon this article of raisins the other side of the House can very properly vote with us for the amendment proposed by my colleague [Mr. VANDEVER] to make the duty 2 cents a pound, the same as it stands in the existing law; and for this reason; the production of grapes for raisins, as stated by my colleague, is a new industry in this country. It is one in which a large amount of capital has been invested. It is an industry requiring time for development. The growth of a vineyard producing grapes for raisins requires two, three, four, and in some cases perhaps five years. During this time the vineyardist, of course, has no income; hence, almost inevitably, before his vineyard makes any return he becomes indebted to his banker or to his friends for money with which to carry on his enterprise. In this way many of the vineyardists of California are now more or less in debt, and will so continue until their enterprise is fully established and returns secured.

Now, if you reduce this duty half a cent per pound at this critical period what must be the result? The vineyardist, who has been borrowing money to carry him along till the time when the business will produce an income, will be informed by his banker that he can have no more money, because this bill will destroy the small margin of profit which he would otherwise receive on his production. I am afraid serious loss will be the result of this action now.

We have just had under discussion the duty on rice. Gentlemen on the other side of the House have explained why a protective rate of duty should be continued on the rice industry of the South equivalent to more than 100 per cent. ad valorem, and they have had the power to continue the rate. But now the very next article in the bill is that of raisins, on which the duty is 2 cents per pound, equivalent to 35.40 per cent. ad valorem, and it is proposed by this bill to reduce the duty to 1½ cents per pound. At this last rate the duty will be equivalent to an ad valorem duty of 26.55 per cent. Is this discrimination against our raisin industry to be accounted for by the fact that rice is an industry of the South and the production of raisins an industry of another section of the country?

The action of the majority in discriminating against raisins appears peculiar and incomprehensible when we come to consider the proposed change in detail. The present duty on cleaned rice is 2½ cents per pound, or the equivalent of 113.03 per cent. ad valorem. The rate in this bill is a reduction to 2 cents per pound, or the equivalent of 100.47 per cent. ad valorem. This is simply a reduction of only about 11 per cent. on the ad valorem duty. The present duty on uncleaned rice is 1½ cents per pound, or the equivalent of 71.52 per cent. ad valorem. The rate in this bill is a reduction to 1½ cents per pound, or the equivalent of 59.50 per cent. ad valorem. This is a reduction of about 16 per cent on the ad valorem duty.

The duty on granulated rice or rice meal is not changed, but continued at 20 per cent. ad valorem. The present rate of duty on rice paddy is 1½ cents per pound, or the equivalent of 134.50 per cent. ad valorem. The rate in the bill is a reduction to 1 cent per pound, or the equivalent of 107.60 per cent. ad valorem. This is a reduction of exactly 20 per cent. on the ad valorem duty.

Now, let us see how this bill treats raisins. The present duty on raisins is 2 cents per pound, or the equivalent of 35.40 per cent. ad valorem. The rate in the bill is a reduction to 1½ cents per pound, or the equivalent of 26.55 per cent. ad valorem. This is a reduction of 25 per cent. on the ad valorem duty.

You tenderly remove the duty from the different grades of rice to the extent of 11, 16, and 20 per cent., leaving granulated rice untouched, and you then at the very next blow remove 25 per cent. from the duty on raisins. Now, I ask is this a fair proposition under any possible state of facts relating to the assumed necessity for a reduction in the rates of duty? Your complaint is against the high rate of ad valorem duty on articles used in general consumption, yet you continue rice at a rate the equivalent of more than 100 per cent. ad valorem and strike 25 per cent. from the duty on raisins, reducing this article to 26.55 per cent. ad valorem.

These two articles come before the House with somewhat similar claims, though I contend that raisins present a much stronger claim for protection than does rice. As suggested to me by the gentleman from Michigan [Mr. ALLEN] both rice and raisins are necessary for a good pudding, and in this respect I suppose they have something in common, but apart from that it is proper that, with a view to the interest of labor, there should be a certain percentage of protection on both articles for the benefit of the home industry; but there is no good reason why raisins should be less protected than rice. Again, in California the vineyard industry is very different from the rice-fields of the South. In the South the production of rice is by owners of large tracts of land, securing crops from the first year. In California the vineyards are generally small, and the whole industry represents a great number of people, many of whom are poor, but who must patiently wait for returns. This industry is struggling into existence, and is obliged to compete with the cheap labor of Spain and Portugal.

[Here the hammer fell.]

Mr. McMILLIN. If the amendment of the gentleman from California should be adopted and this bill become a law, the effect, taken in connection with other paragraphs of the bill, will be, not to continue the duty on raisins as at present, but to increase it.

Mr. McKENNA. There ought to be an increase; and this would not be too much.

Mr. McMILLIN. I am not going to argue that question now. I simply desire to point out that the amendment would not simply retain the duty as in the existing law, though the House might probably suppose such would be the effect, judging by the face of the amendment.

Now, section 2927 of the Revised Statutes, which I will now take the time of the committee to read, provides that there shall be a reduction made on imported goods, wares, and merchandise for damages which may occur, whether as in this case through leakage or what not. There would be a reduction of the rate of duty in proportion to the damage sustained by the merchandise. But this bill, under section 19, changes that law and repeals it. So that very fact of itself is a protection to those who are engaged in raising the production in this country.

Again, under the existing law and the construction placed thereon by the courts, there is no change made or duty on the package containing these articles. But under the bill which we have under consideration the packages have to pay duty at their value. Those two sections themselves are an addition to the present rate of duty on articles where there is no change made in the existing law. Hence I say the effect of the amendment of the gentleman from California would be to increase the rate of duty upon the present rate rather than to leave it at the present rate.

From the best information I am able to get as to the amount of damage and waste and destruction from various sources the amount is something over 5 per cent. I am not prepared to say that it would be 8 or 9 per cent., the reduction proposed by the present bill.

Mr. MORROW. The amount of protection arising from the repeal of the provision of the present law would be infinitesimal. The damages to raisins in the course of transportation do not amount to anything.

Mr. McMILLIN. I am not prepared to state what it would amount to. Whatever it is it would amount to an increase of duty. The amount of revenue was $813,000; outside the additions made to which I have referred would be about $200,000. The only comment I have to make on that is to say that there is no place where revenue is less needed than in the vaults of the Treasury of the United States. There is no one on the continent which needs it less than the United States. We felt, therefore, the reduction was one proper to be made.

Mr. McKENNA. In consideration of the fact that foreign raisins are sold in the United States at wholesale at a price from 7 cents to 40 cents, why could you not make a reduction of the revenue somewhere else?

Mr. McMILLIN. Yes, perhaps we could; but every time we went to do it somewhere else, without one single exception, gentlemen on the other side said that was the wrong place.

Mr. McKENNA. But I have voted steadily against any reduction

Mr. McMILLIN. That is it. Where we have attempted to place it we have not had the co-operation of our friend from California.

Mr. McKENNA. That is not an answer to my question.

Mr. McMILLIN. Where else will the gentleman place it?

Mr. McKENNA. I think now you could afford to concede this much to that struggling industry, could you not?

Mr. McMILLIN. There might be other things which would sustain the reduction as well. I do not pretend to say there are not, but at the same time the reduction here is not an improper one.

The informal amendments, by unanimous consent, were withdrawn.

Mr. FELTON. I move to strike out the last word. Now, Mr. Chairman, if there is any other gentleman who desires to discuss this question, I will give way to him and let him do it, as this item has been very thoroughly discussed, the ground well thrashed over during the debate in its connection; but, sir, during the course of the long debate upon the pending bill I have listened with great attention to parts of it, and have noticed that very much has been said on both sides of the House in regard to the depressed conditions of the agricultural interests of the country, the deplorable condition of the tillers of the soil; that their capital and labor were unremunerative by reason of the low prices of their productions. As a reason for this existing state of affairs gentlemen differ; some attribute it to one cause, some to another, such as the restriction of the circulating medium, the demonetization of silver, heavy taxation. But as a rule by the gentlemen upon the other side, the tariff is held responsible.

Now, sir, while they may be factors in the case, I believe the great reason, the fundamental reason underlying the whole subject to be the keen competition between those engaged in these pursuits. I believe it to be much keener than in many, perhaps in any, of the manufacturing industries of the country. To comprehend this, one has but to look at the vast area of acreage now under cultivation, its wonderful fertility of soil, the rapid strides that have been made in it during the last quarter of a century—made possible by the wonderful transportation facilities which have grown up—the vast area of arable land still awaiting the husbandman and to be had almost for the taking. The result has been a production greater than the domestic wants of the country, and being practically without an export market for our surplus—certainly so at remunerative figures—as we are unable to compete in foreign markets with the cheap labor and cheap land of India, Southern Russia, Australia, and the Argentine Republic, also by the protection afforded those industries in other countries by the protective laws of their respective governments.

Sir, I regret that in the brief time allotted to me I shall be unable to elaborate as I would desire to do this part of the question, but will say if gentlemen upon the other side of the House are sincere in their desire to protect the farmer and his waning interests and the people throughout the country generally, here is the opportunity to assist an infant industry. Gentlemen upon the other side of the House may smile at this expression, but it is essentially true, and if this interest is fostered but for a short time, for a few years, repeating the remarks made by myself on another occasion some little time since upon a kindred item in this bill, such will be the production of this article and such will be its perfection as to drive from the market all foreign competition and make it, though now a luxury, within the reach of every man, however humble and straightened his means. And, sir, for this reason, had I been present, I would have voted for the duty upon sugar as presented in the pending bill, and I now say to gentlemen on both sides of the House that if its protection is maintained I believe, and I have scarcely a doubt that within seven years from this time this country will provide its own sugar and save to the nation and its circulating medium $100,000,000 in value per annum.

Now, sir, much has just been said in regard to the duty upon rice. I am in favor of a fair duty upon this article in order to protect the industry, and I say to gentlemen upon the other side of the House you have the negro element down South; it is largely increasing in numbers, and your first concern is how to furnish them with labor by which they can maintain themselves; and in my opinion to do so you will require all of the industries of which your soil is capable to be fostered—sugar, rice, and every other industry possible—and even then you may find it difficult.

Sir, I am a protectionist. I believe in the principle, and that it should be general and pervading our whole industrial pursuits, and that the tariff must exist as a whole or it must sooner or later be discarded. It is asking too much of human nature to have granted to one section what is denied in another.

Now, sir, this industry, for the present at least, needs encouragement and protection. Those engaged in it are mainly small farmers who have their all involved, and are just upon the eve of receiving the benefits of years of labor and at the expense in many instances of lost capital, provided protection is not denied them.

My distinguished colleague from one of the Northern districts who has just taken his seat has been the subject of some criticism in regard to his acts and votes upon this question. He is a good man, a clever man, and he tells us he is in favor of protection. Now, sir, it occurs to me that his great difficulty is that he is on the wrong side of the House and in the wrong party for a protectionist. [Applause.]

Mr. VANDEVER. Mr. Chairman, I want to reply to the remarks of the gentleman from Tennessee [Mr. McMILLIN] for a few moments. He says that under the present law there is a drawback allowed upon damaged articles of raisins imported into this country from abroad which perhaps is a protection to the domestic product. He gives no items making up the amount to which he refers, but admits that the damage allowed upon the product imported is insignificant and hardly worth mentioning in the course of this debate. He shows a partiality upon his side of the question, and upon the part of my colleague from California on this side.

He favors this product coming in here from abroad. That, I think, is a great mistake to our own people.

Now, I want to say that if you restored California to the jurisdiction of the Spanish flag perhaps the interests of California might fare better than at the hands of some of these gentlemen on the other side; and I make that observation from this fact, that at the opening of this Congress a circumstance I alluded to the other day in a few remarks took place, and to which I then referred, when we were flooded with petitions from Portugal and Spain—producers of raisins—appealing to the Congress of the United States to reduce the tariff upon this product. They had already become aware of the fact that the competition between the raisins of California and the raisins of Spain and Portugal was threatening that industry of theirs, and they appealed to the Democrats of this country, for they had read the utterances of the President of the United States, Grover Cleveland, upon the general question of tariff upon imports, and understanding the attitude that gentlemen on that side of the House were taking, they appealed to them for a change of this tariff. They knew in that appeal they were appealing to their friends.

Now, gentlemen, the question comes home to us to-day in the shape of the amendment that has been offered, and it must be remembered that California does not appear here as a suppliant for anything that she is not entitled to. She is a component part of this great Republic, and holds out now in the near future the prospect of being one of the dominating States of this great Union. We can not forget the fact that she puts bread into the mouths of our friends upon the Eastern seaboard, and that she puts gold into their pockets, and that to-day there is an exemplification of the force and energy of the American character displayed upon the Pacific coast that you will be unable to find in any other part of the land.

This is one of our infant industries now rising in successful competition with all the world. Be just if you can not be generous to the people; and remember that when you come to California she always extends to you a liberal hand of welcome, an open and hospitable hand, and do not forget to be just in dealing with her. I venture to say that there is not a man within the sound of my voice to-day but that is closely and intimately associated with numerous persons upon the California coast.

We are here in the house of our friends, and we ask you to consider our interests in this Congress, and in connection with that great raisin industry, in preference to the people who live upon the other side of the roar of the Atlantic. [Applause.]

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn. The question is on the amendment of the gentleman from California [Mr. VANDEVER].

The question was put; and the Chair was in doubt as to the result.

Mr. VANDEVER. I call for a division.

The committee divided; and there were—ayes 73, noes 77.

Mr. VANDEVER. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from California [Mr. VANDEVER] and the gentleman from Tennessee [Mr. McMILLIN] as tellers.

The committee again divided; and the tellers reported—ayes 67, noes 77.

So the amendment was rejected.

Mr. GUENTHER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 378 insert: Eggs, 5 cents per dozen.

Mr. GUENTHER. Mr. Chairman, I yesterday received a numerously signed petition from farmers in my State, in which, among other things, they asked that eggs should be placed upon the dutiable-list at 5 cents per dozen. In my speech which I delivered some weeks ago upon the tariff I called attention to the fact that in the three months, October, November, and December, 1887, we imported 6,594,672 dozen eggs, at a value of $1,115,725, nearly four and one-half million dollars' worth of eggs per annum. One of my friends on the other side said in his tariff speech that he could see no good reason why the American hen should not be able to supply the demand for home consumption. I think, Mr. Chairman, in all seriousness, that the American hen ought to be encouraged to supply the demand for the consumption of our eggs, and I think that this amendment will do it. I only said in my speech that I wanted a duty of 3 or 4 cents per dozen on eggs, but in obedience to the instructions received from the farmers in my State

I offer this amendment that eggs shall be placed upon the dutiable-list at 5 cents per dozen.

The Chair put the question on the amendment, and was in doubt as to the result.

Mr. GUENTHER. I call for a division. I want to see the friends of the American hens.

The committee divided; and there were—ayes 64, noes 73.

So the amendment was rejected.

Mr. GUENTHER. I offer the amendment which I now send to the Clerk's desk.

The Clerk read as follows:

It is proposed after line 378 to insert:

"Vegetables in their natural state, or in salt or brine, not otherwise specially enumerated or provided for, 10 per cent. ad valorem."

Mr. McMILLIN I make the point of order that that subject has already been disposed of, and is now out of order.

Mr. GUENTHER. I do not think that point of order is well taken. When this subject was up before it was in connection with the free-list, and it was impossible then to offer an amendment placing a duty on these vegetables.

Mr. McMILLIN. The gentleman's remedy was by moving to strike the article out of the free-list. The paragraph will be found on page 6, after line 132.

The CHAIRMAN. The Chair has already decided this question on a former occasion. The Chair sustains the point of order.

Mr. GUENTHER. Then I submit the amendment I now send to the Clerk's desk.

The Clerk read as follows:

After line 378 insert:

"Beans, pease, and split pease, 20 per cent. ad valorem."

Mr. GUENTHER. Mr. Chairman, 20 per cent. ad valorem is the present duty.

Mr. McMILLIN. To save time I make the same point of order on that amendment as I made on the other. On line 148, page 7, the Chair will find this matter disposed of.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Peanuts or ground beans, three-fourths of 1 cent per pound; shelled, 1 cent per pound.

Mr. YOST. Mr. Chairman, I move to strike out lines 379 and 380.

Mr. GUENTHER. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The point of order has already been elaborately discussed and decided by the Chair on a former occasion.

Mr. GUENTHER. Have the farmers of the Northwest no rights——

The CHAIRMAN. The Chair does not desire to hear further argument on the point of order nor to reopen the question. The Chair has recognized the gentleman from Virginia [Mr. YOST].

Mr. YOST. Mr. Chairman, I do not see how the proposed change can possibly benefit any one; certainly not the consumer of the peanut. On the other hand, its tendency is and must be to very seriously affect the producer of the peanut. I therefore ask that the clause be stricken out entirely and the duty be restored to the present rate.

The Chair put the question, and was in doubt as to the result.

Mr. YOST. I call for a division.

The committee divided; and there were—ayes 54, noes 74.

So the amendment was rejected.

The Clerk read as follows:

Mustard, ground or preserved, in bottles or otherwise, 6 cents per pound.

Cotton thread, yarn, warps, or warp yarn, whether single or advanced beyond the condition of single by twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form, valued at not exceeding 40 cents per pound, 35 per cent. ad valorem; valued at over 40 cents per pound, 40 per cent. ad valorem.

Mr. LEHLBACH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend as follows: Strike out all of lines 383 to 389 and insert in lieu thereof the following:

"Cotton thread, yarn, warps, or warp yarn, whether on beams or in bundles, skeins, or cops, or in any other form, valued at not exceeding 25 cents per pound, 10 cents per pound; valued at over 25 cents per pound and not exceeding 40 cents per pound, 15 cents per pound; valued at over 40 cents per pound and not exceeding 50 cents per pound, 20 cents per pound; valued at over 50 cents per pound and not exceeding 60 cents per pound, 25 cents per pound; valued at over 60 cents per pound and not exceeding 70 cents per pound, 30 cents per pound; valued at over 70 cents per pound and not exceeding 80 cents per pound, 35 cents a pound; valued at over 80 cents per pound and not exceeding $1 per pound, 45 cents per pound; valued at over $1 per pound, 45 per cent. ad valorem."

Mr. LEHLBACH. Mr. Chairman, the amendment which I offer, with one or two exceptions, places cotton thread, yarn, warps, or warp yarn at the same rate of duty as at present. There are in my district and in that adjoining, represented by my colleague, Mr. McADOO, four firms manufacturing cotton thread. These employ thousands of hands. The reasons for the adoption of this amendment are the same that have so often been given during the consideration of this bill. The cost of the plant of a cotton mill is at least double that of the cost in England and Scotland. The price of the material for the construction of the factory is double; the wages paid to the carpenters and masons are nearly three times those paid on the other side; the wages of those employed in our factories are from two to two and one-half times greater than the highest wages paid in England. This enables our mechanics who are employed in these factories to live better, to educate their children, and in a few years, with proper economy, to accumulate a sufficient amount to build neat and substantial cottages. The present duty is about the difference in wages paid here and those paid abroad. Should this bill become a law it will compel a reduction of wages, and thus hurt those whom it should be the policy of this Government to protect. But, Mr. Chairman, it will not result in any benefit to the consumer. The present cost of a spool of cotton at retail is 5 cents, and six spools are sold for 25 cents, or 4 1-6 cents a spool.

The passage of the Mills bill will have the effect only that the middlemen, the merchants, after its passage, instead of selling, as they do now, the American thread, will import more largely the foreign-made article, for the reason that it will yield to them a larger percentage of profit, and thus compel the American manufacturer to reduce the price to them, which he can only do by the reduction in the cost of manufacture. Hence the result will be no benefit to the consumer but the enrichment of the merchant at the expense of the wage-worker. To this I most earnestly protest, and ask for the adoption of my amendment. I shall also offer an amendment to lines 391 and 392, making the duty specific by placing spool-thread of cotton at 6½ cents per dozen spools. This is a reduction from the present rate.

Mr. ALLEN, of Massachusetts. Mr. Chairman, I move to amend the amendment. I send my amendment to the desk.

The Clerk read as follows:

Cotton thread, yarn, warps, or warp-yarn (not wound on spools), whether single or advanced beyond the condition of single, by twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form:

Valued at not exceeding 25 cents per pound, 10 cents per pound.

Valued at over 25 cents per pound, and not exceeding 40 cents per pound, 15 cents per pound.

Valued at over 40 cents per pound and not exceeding 50 cents per pound, 20 cents per pound.

Valued at over 50 cents per pound and not exceeding 60 cents per pound, 25 cents per pound.

Valued at over 60 cents per pound and not exceeding 70 cents per pound, 33 cents per pound.

Valued at over 70 cents per pound and not exceeding 80 cents per pound, 38 cents per pound.

Valued at over 80 cents per pound and not exceeding $1 per pound, 48 cents per pound; and ten per cent. ad valorem additional.

Valued at over $1 per pound, 50 per cent. ad valorem.

Mr. ALLEN, of Massachusetts. I will state that this simply puts back into the bill the existing law with respect to cotton yarns and warps, making a specific instead of an ad valorem duty; except that upon three grades of the finest yarns it increases the duty in a small degree. Upon that point I desire to occupy a few minutes in explaining to the committee how closely the present tariff is pared down upon those fine yarns, so that in many cases a similar product is brought in from abroad in spite of the duty; and I suppose I can not explain that in any better way than by illustrating from a practical example how these yarns are made. It happened that only a few years ago in one of our New England cities there was built a modern mill, modern in every respect, built according to the best plans of the best mill architect that could be found. That mill was equipped with the best and most modern labor-saving machinery known to cotton manufacturers. It was intended to produce a fine fabric, which would employ the highest skilled labor. In every pound of this fabric there was consumed a quantity of Sea Island cotton which cost 45½ cents per pound of cloth; the wages paid were 87¾ cents per pound of cloth; the taxes and other incidental expenses were 32½ cents per pound of cloth; making an aggregate of $1.65¾ per pound, or 12¾ cents per yard. Now, under our present tariff, that fabric was imported at 13 cents a yard, and the quarter of a cent margin did not suffice to pay interest on the investment, so that this mill, which was built at large expense and equipped in the most elaborate manner for the express business of producing this fine fabric, struggled along for a time in competition with the foreign article, and at last was compelled to give up the business of producing the fine fabric and go back to the production of coarser yarn.

Now, the interest which the people, and especially the working people, of this country have in the production of these fine fabrics is this, that every woman of the wealthy classes who buys 10 yards of these fine goods pays as much in wages as thirty women would pay who each buy 10 yards of standard sheeting. This case illustrates the difficulty of competing in this country on fine yarns and fine cloths under the present tariff.

There is another thing I want to mention, and that is the backward step taken by the committee in making the duties ad valorem instead of specific, as they are under the present law; and upon that subject I can do no better, I am sure, than to have read from the Clerk's desk a compilation of quotations from that excellent administrative officer of the present Administration, the late Secretary of the Treasury, Mr. Daniel Manning, who, as a business man, was brought into such close relationship with the practical difficulties in the way of collecting duties under a system of ad valorem rates, where undervalutions were the rule, that he never hesitated upon every public occasion in his official reports, as well as upon private occasions, to express himself upon that subject in language which can not fail to be understood. I

send these quotations to the desk to be read, and I commend them to the attention of the majority of this committee.

The Clerk read as follows:

SPECIFIC AND AD VALOREM RATES.

[Extracts from Senate Ex. Doc. 72, Forty-ninth Congress, first session, "Report of the Secretary of the Treasury on the Revision of the Tariff," by the late Hon. Daniel Manning.]

Page 36. "Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously inherent in that system."

Page 40. "One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test which can be applied by our officers while the merchandise is in possession of the Government and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon 'home value;' but there are constitutional impediments in the way of such a system which appear to be insuperable. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice. One hears it often said that if our ad valorem rates did not exceed 25 or 30 per cent., undervaluation and temptation to undervaluation would disappear; but the records of this Department for the years 1817, 1840, and 1857 do not uphold that conclusion."

Page 41. Consigned merchandise. "The sending to New York of merchandise by foreign manufacturers and presenting it there for sale, or the taking in this country of orders, on samples, of merchandise to be delivered in New York at duty-paid prices arranged in our currency, is a growing fact which this Government must face in selecting and prescribing rates of duty. Just as manufacturers in other States of our Union send their merchandise on consignment to their agents to sell in New York, so do, and so will, European manufacturers. The ledgers of commerce and trade will more and more be written and kept in that city, and laws of taxation, State or National, immediately probable, are not likely greatly to impede or change the current. As buyers in New York do not go to New England to buy her staple manufactures, but find all the elements of buying in New York, so it will naturally be with European productions. If that is to be the case I do not think our existing ad valorem rates can in the future be honestly or satisfactorily worked under the existing conditions of our invoice law, our appraising law, and the force of consular and appraising officers we now have.

Respectfully yours,

DANIEL MANNING, *Secretary.*

To the Honorable THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. LEHLBACH. In view of the fact that the amendment offered by the gentleman from Massachusetts [Mr. ALLEN] is substantially the same as that offered by myself, I ask unanimous consent to accept the gentleman's amendment, and have it considered pending in lieu of my own.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from New Jersey will be withdrawn, and that of the gentleman from Massachusetts [Mr. ALLEN] will be considered as pending in its place. The Chair hears no objection.

Mr. SPOONER. Mr. Chairman, the paragraph now under consideration proposes to reduce the eight classes in which these products are now placed by existing law to two classes only. It proposes to reduce the duties provided by the present law—not to a very large extent, as appears by reference to the duties on an ad valorem basis; but by reason of the change from specific to ad valorem duties there will be created a difficulty which has not existed under the administration of the existing law. The amount of this class of manufactured goods imported during the last fiscal year illustrates clearly, as it seems to me, the fact that the rates of duty imposed under the existing law are not too high, for the importation of these threads and yarns during the last fiscal year has amounted in value to nearly $1,000,000.

I very earnestly commend the position which has been taken by the gentleman from Massachusetts [Mr. ALLEN] in favor of the retention of specific duties. The amount of duty levied under existing law upon this class of manufactured goods is not so high by something like 50 per cent. upon the average as that imposed by the present bill upon rice, which received the support of the entire Democratic side of this House. Gentlemen on the other side, in advocating the retention of high duties—amounting to something like 100 per cent.—upon rice, have to-day called attention to the large amount of capital necessary for the preparation of their fields and for carrying on that industry; yet here is an immense industry which has grown up in this country, in which a vast amount of capital has been invested, in which the highest class of skill is engaged, and which gives support to a very large number of laborers. It is the leading manufacture in my own State and in large sections of this country, and has produced goods competing more and more, nearly in all classes, with those of foreign production, as our ability and the perfection of our machinery have increased under the protection of the tariff, until to-day the manufacturers of cotton goods in this country are able to compete in many respects and in many classes of goods with the foreign manufacturers, and actually export considerable quantities of American-manufactured cotton goods to compete, even in England, with the cotton manufactures produced there.

Yet gentlemen must not forget that in the finer classes of these goods the amount of labor involved is very largely in excess of that involved in the manufacture of the coarser grades of yarns and cotton cloths, and that the necessity for protection is particularly evident as touching those classes of finer yarns and cotton cloths which fail to receive under the provisions of this bill that protection which they absolutely need for the continuance of this class of manufacture in this country.

[Here the hammer fell.]

The question being taken on the amendment of Mr. ALLEN, of Massachusetts, it was rejected; there being—ayes 50, noes 72.

The Clerk read as follows:

On all cotton cloth, 40 per cent. ad valorem.

Mr. DINGLEY. I move to amend by striking out the paragraph just read, and inserting what I send to the desk.

The Clerk read as follows:

On all cotton cloth not bleached, dyed, colored, stained, painted, or printed, and not exceeding fifty threads to the square inch, counting the warp and filling, per square yard	2 cents.
If bleached	2½ cents.
If dyed, colored, stained, painted, or printed	4 cents.
Exceeding fifty and not exceeding one hundred threads to the square inch	2½ cents.
If bleached	3 cents.
If dyed, colored, stained, painted, or printed	4 cents.
Provided, That on all cotton cloth not exceeding one hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over 8 cents per square yard:	
Bleached, valued at over 10 cents per square yard; dyed, colored, stained, painted, or printed, valued at over 13 cents per square yard, there shall be levied, collected, and paid a duty per cent. ad valorem	35 per cent.
Exceeding one hundred and not exceeding one hundred and fifty threads to the square inch	3 cents.
If bleached	4 cents.
If dyed, colored, stained, painted, or printed	5 cents.
Provided, That on all cotton cloth exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over 8 cents per square yard:	
Bleached, valued at over 10 cents per square yard; dyed, colored, stained, painted, or printed, valued at over 13 cents per square yard, there shall be levied, collected, and paid a duty per cent. ad valorem	40 per cent.
Exceeding one hundred and fifty and not exceeding two hundred threads to the square inch	3½ cents.
If bleached	4½ cents.
If dyed, colored, stained, painted, or printed	5½ cents.
Provided, That on all cotton cloth exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over 8 cents per square yard:	
Bleached, valued at over 10 cents per square yard; dyed, colored, stained, painted, or printed, valued at over 13 cents per square yard, there shall be levied, collected, and paid a duty per cent. ad valorem	45 per cent.
Exceeding two hundred threads to the square inch	4½ cents.
If bleached	5½ cents.
If dyed, colored, stained, painted, or printed	6½ cents.
Provided, that on all such cotton cloth not bleached, dyed, colored, stained, painted, or printed, valued at over 10 cents per square yard:	
Bleached, valued at over 12 cents per square yard, and dyed, colored, stained, painted, or printed, valued at over 15 cents per yard, there shall be levied, collected, and paid a duty of per cent. ad valorem	45 per cent.

Mr. DINGLEY. Mr. Chairman, the Committee on Ways and Means, in the bill before us, have set aside all the classifications of cotton goods provided by existing laws, and have adopted one sweeping basket clause, covering all kinds of cotton goods, which imposes an ad valorem duty of 40 per cent. It must be evident to every member of this committee that so sweeping a change as is here proposed is calculated to have a most important effect, and can not fail to produce evils which, it seems to me, the Committee on Ways and Means have not fully considered.

It is, in the first place, a complete transfer of the cotton schedules from specific duties to ad valorem duties, and a complete change in this respect from the policy of the Government. It is inexplicable that so sweeping a change as this should be made in the face of the report of the late lamented Secretary Manning, showing conclusively that specific duties are necessary in order to carry out the will of the legislative branch of the Government with reference to the imposition of duties; that ad valorem duties invite frauds—frauds which it is beyond the power of the administrative officers of the Government to avoid—and that ad valorem duties are practically, in the textile list, a premium upon frauds. It is certainly surprising that the Committee on Ways and Means, in the face of the advice of the Executive Department of the Government and of the official who is set specially to administer our tariff laws, should have brought in a proposition to adopt exclusively ad valorem duties for all cotton goods.

Not only that, Mr. Chairman, but the plan which is proposed is one that must inevitably tend to largely increase importations of the class of fine cottons which we are endeavoring to manufacture in this country, and which now come into competition in such a large degree, even under the present tariff, with the finer imported goods.

And a greater difficulty arises from the proposed change for another reason. Gentlemen are aware of the fact that within a few years new classes of cotton goods have come into use, printed, colored, and highly finished, and being in their character almost equal to silk. Now it is proposed to impose upon such goods as these goods, which we are just attempting to manufacture in this country, an ad valorem duty of only 40 per cent. This is done in face of the fact that they are that class of commodities that are used in the main by the wealthy, and may be considered as luxuries. I invite the attention of gentlemen in this connection to the report of the Treasury Department for 1887 upon

this class of goods, in which it is said—and I refer to the report of the Bureau of Statistics, page 25:

There are numerous articles of cotton which are so liberally manufactured and ornamented as to become more articles of luxury than any articles of silk which are classed as luxuries.

The inevitable effect of this wholesale transfer from the specific to the ad valorem duties must be to greatly increase the difficulties encountered by our manufacturers in making all these finer classes of cotton goods, to invite and encourage the importations of such goods from abroad, and enlarge rather than diminish our revenues. We may indeed safely make the duty upon the coarser grades of cotton goods lower than the committee proposes in this bill, 40 per cent. ad valorem, provided it is made specific, so that these cotton goods which the poor man buys may have a smaller duty than they do now.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. I ask unanimous consent to proceed for five minutes longer.

There was no objection.

Mr. DINGLEY. I call the attention of the committee also to the fact that an ad valorem duty of 40 per cent. in textiles is equivalent to not more than 30 or 32 per cent. specific, because of the undervaluations which are practiced by British, German, and French exporters. Therefore when the Mills bill seems to make but a small average reduction as expressed in an equivalent ad valorem duty, yet practically by transferring the schedules from specific to ad valorem duties and abolishing the classification it makes a reduction on cotton goods of more than 10 or 12 per cent. And while this would do no harm in coarse cottons, yet in the fine grades which we are endeavoring to manufacture, and of which last year goods invoiced at $29,000,000 and worth much more were imported into this country, all of which we ought to have made ourselves, the result would be, by the change from specific to ad valorem duties as proposed in the Mills bill, the $29,000,000 imported last year would the very first year show an increase of ten to fifteen million of dollars, thus increasing the revenue, and at the same time working a serious injury to all mills engaged in the manufacture of such goods to an extent the committee could hardly have appreciated.

When gentlemen of the committee contemplate the practical working of the proposed cotton schedule, especially in the light of the report of Secretary Manning upon the effect of ad valorem duties, and read the statistics—which I will print in connection with my remarks—as to how even under existing law fine manufactured cottons are struggling under great disadvantages against the highly finished fine goods imported, in which there is so large a proportion of labor, they ought to see good reason for hesitating in the step which they propose to take, and indorse the amendment that I have presented, which embodies the schedule recommended by the Arkwright Club, composed of gentlemen thoroughly familiar with all the operations of cotton manufacture. The amendment proposes to make the duty on coarse cottons lower than the existing law, on medium cottons substantially the same as now, and to make a slight increase on the finer goods. If this should be done, we should have the interests of the great body of the people of this country subserved, and at the same time we would encourage the manufacture of the finer and better classes of cotton goods now so largely imported from Europe.

Mr. Chairman, I will print in connection with my remarks certain statistics presented by the Arkwright Club.

The statistics are as follows:

Importations of cotton cloth, in yards, under present tariff.

Description of goods.	1883, before present tariff.	1884.	1885.	1886.	1887.	Totals.
BROWN.						
Not over one hundred threads to square inch	140,434	28,780	62,121	245,835	160,118	496,854
One hundred to two hundred threads to square inch	34,600	68,377	129,241	776,915	1,229,612	2,204,045
Over two hundred threads to square inch	5,040	694,312	174,833	328,264	653,403	1,850,802
Exceeding two hundred, valued 10 cents or less	.....	380,605	316,175	100,794	134,825	932,400
Exceeding two hundred, valued over 10 cents	.....	397,808	53,454	56,892	98,678	606,872
	180,074	1,569,813	735,824	1,508,700	2,276,636	6,090,973
BLEACHED.						
Not over one hundred threads	9,776,320	751,524	1,081,269	1,401,586	1,325,342	4,539,721
One hundred to two hundred	151,976	6,835,378	8,065,116	6,715,489	4,389,972	26,105,955
Over two hundred	70,852	1,147,584	1,659,688	3,164,109	1,861,345	7,832,706
Exceeding two hundred, valued 12 cents or less	.....	2,360,000	1,842,903	1,610,419	1,304,760	7,118,082
Exceeding two hundred, valued over 12 cents	.....	1,359,972	4,826,889	1,878,114	731,649	8,796,624
	9,999,148	12,454,438	17,475,865	14,769,717	9,616,068	54,316,088
COLORED.						
Not over one hundred threads	390,906	655,622	1,047,404	1,535,646	1,493,152	4,731,784
One hundred to two hundred	10,970,270	3,293,516	2,901,359	3,815,872	4,536,834	14,547,851
Over two hundred	896,152	1,609,828	1,993,647	4,452,263	6,418,606	14,473,744
Exceeding two hundred, valued 15 cents or less	.....	1,428,278	1,153,800	2,418,308	2,184,598	7,184,984
Exceeding two hundred, valued over 15 cents	.....	5,893,483	6,299,050	3,616,413	3,502,375	19,311,321
	12,257,328	12,880,727	13,395,260	15,838,472	18,134,965	60,249,424

Table showing the duties prior to 1883; *the reductions made in* 1883; *and the changes in the cotton schedule proposed by the Arkwright Club,* 1883.

	Duties prior to 1883.	Reductions made in 1883.		Changes proposed by Arkwright Club 1888.		
				Reduction.		Total.
Not exceeding 50 threads to square inch:		*Cents.*	*Per ct.*	*Cts.*	*Per ct.*	*Per ct.*
Brown	5 to 6 cents	Now 2½	55	2	20	75
Bleached	5½ to 6½ cents	Now 3½	42	2¼	28	70
Printed, etc	5½ to 6½ cents and 10 per cent.	Now 4½	30	4	11	41
50 to 100 threads:						
Brown	5 to 6 cents	Now 2½	55	2½	10	65
Bleached	5½ to 6½ cents	Now 3½	42	3	14	56
Printed, etc	5½ to 6½ cents and 10 per cent.	Now 4½	30	4	11	41
100 to 150 threads:						
Brown	5 to 6 cents	Now 3	46	(*)	(*)	46
Bleached	5½ to 6 cents	Now 4	33	(*)	(*)	33
Printed, etc	5½ cents and 20 per cent. to 6½ cents and 15 per cent.	Now 5	29	(*)	(*)	29

* No change.

Table showing the duties prior to 1883; *the reductions made in* 1883, *etc.*—Continued.

	Duties prior to 1883.	Reductions made in 1888.		Changes proposed by Arkwright Club 1888.		
				Advance.		Total.
150 to 200 threads:		*Cents.*	*Per ct.*	*Cts.*	*Per ct.*	*Per ct.*
Brown	5 to 6 cents	Now 3	46	3½	16½	28½
Bleached	5½ to 6½ cents	Now 4	33	4½	12½	20½
Printed, etc	5½ cents and 20 per cent. to 6½ cents and 15 per cent.	Now 5	29	5½	10	19
Over 200 threads:						
Brown	5 to 7 cents	Now 4	33	4½	12½	20½
Bleached	5½ to 7½ cents	Now 5	23	5½	10	18
Printed, etc	5½ cents and 20 per cent. to 7½ cents and 15 per cent.	Now 6	25	6½	12½	12½

Reductions in six clauses equals 15.66 per cent.
Advances in six clauses equals 13.05 per cent.
No change in three clauses.

Importation of yarns into the United States.

Value.	Rate.	1885.	1886.	1887.	Total.
	Per cent.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
25	10	6,000	113,000	209,000	328,000
40	15	173,000	300,000	624,000	1,097,000
50	20	111,000	157,000	477,000	745,000
60	25	240,000	277,000	322,000	839,000
70	33	72,000	44,000	41,000	157,000
80	38	43,000	50,000	32,000	125,000
100	48	26,000	79,000	60,000	165,000
Over 100	50	277,000	163,000	118,000	558,000
Total		948,000	1,183,000	1,883,000	4,014,000

Bleached cotton goods—in million yards.

	Yards.
Imports in 1883	10,000,000

American machinery was being introduced to make this class of goods, the demand for which goods was increasing.

	Yards.
Imports in 1884	12,000,000
Imports in 1885	17,000,000
Imports in 1886	14,000,000
Imports in 1887	9,000,000

The American mills are gradually gaining in supplying the market.

Fine colored cotton goods—200 threads and over.

	Yards.
Imports in 1883	5,000,000

American machinery being introduced.

	Yards.
Imports in 1884	9,000,000
Imports in 1885	9,000,000
Imports in 1886	10,000,000
Imports in 1887	12,000,000

Notwithstanding the duty and domestic production, imports are increasing. These goods are of the class referred to in the Treasury Department Annual Report (1887) of Bureau of Statistics, page 25, thus: "There are numerous articles of cotton * * * which are so elaborately manufactured and ornamented as to become more articles of luxury than many articles of silk which are classed as luxuries."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. DINGLEY].

The question having been put, the Chair was in doubt as to the result.

Mr. *DINGLEY*. I ask for a division.

The committee divided; and there were—ayes 51, noes 64.

So the amendment was rejected.

The Clerk read as follows:

On all cotton cloth, 40 per cent. ad valorem.

Mr. LEHLBACH. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

It is proposed to strike out the paragraph and insert:

"Spool thread of cotton, containing on each spool not exceeding 100 yards of thread, 6½ cents per dozen spools; exceeding 100 yards on each spool, for every additional 100 yards of thread or fractional part thereof in excess of 100 yards, 6½ cents per dozen."

Mr. LEHLBACH. Mr. Chairman, I merely wish to state that this makes the duty specific, as the law now stands, and makes a reduction of one-half a cent on a dozen spools of cotton. I would like to ask some member of the Ways and Means Committee if he would be willing to state for the information of this House what actuated them in making the duty on spool-thread cotton ad valorem instead of a specific duty, as it now is? I hope some member of the Ways and Means Committee will give the House the explanation if he can why the rate was made ad valorem instead of a specific rate of duty.

Mr. BRECKINRIDGE, of Arkansas. I will state to the gentleman that in the judgment of the committee a specific rate worked very great inequalities in the cotton schedule. While the matter is not so material in spool thread as it is in some other features of the schedule, still it worked an inequality there; and therefore, both to simplify the tax and reduce the tax as it bears at present upon certain grades of thread, it was deemed wise and proper to make the change. The gentleman is too familiar with the details to make it necessary for me to go into everything.

Mr. LEHLBACH. I could not hear what the gentleman said, but will read the explanation in the RECORD.

Mr. KEAN. I desire to have printed in the RECORD a protest in regard to this change of duty; also the cost of imports under the proposed tariff bill, with the per cent. of wages paid in this country and in Scotland.

The protest and tables referred to are as follows:

NEW YORK, *March* 9, 1888.

COST TO IMPORT UNDER PROPOSED TARIFF BILL, ALL CHARGES, FREIGHT, INSURANCE, AND COMMISSIONS EXCLUDED, FROM GLASGOW.

One dozen of 50 best six-cord thread: In hank "gray," unbleached.

		Per dozen.
One pound of 50-100 gray, cost January 16, 1888, 3*s.* 10*d.* sterling, net	$0.9227	
Duty proposed, 40 per cent	.3731	
1 pound 100 equals 5 dozen thread, per pound	1.3058	
Cost		.2612
To finish—bleaching and dyeing	.02	
Loss in weight, 5 per cent	.01306	
Hank winding, spooling, ticketing, etc	.1000	
Dozen box, packing, etc	.015	
		.14806
1 dozen imported in gray, and finished here, costs		.40926
1 dozen No. 50 best 6-cord thread, boxed, 200 yards on spool (price in Glasgow January 16, 1888), per gross, 15*s.* sterling	$3.65	
Less trade discount, 10 per cent	.365	
	3.285	
Duty proposed, 40 per cent	1.314	
Per gross	4.599	
		.38325
In favor of importing finished on spools		.02601
If duty was 50 per cent. cost of 1 gross as above, net	$3.285	
Duty 50 per cent	1.6425	
	4.9275	.4105
1 dozen imported in hank, as above		.40926
If duty was 6½ and 6½ per 100 yards, cost of gross, as above	$3.285	
Duty 6½ and 6½	1.56	
	4.845	.400375

Comparison of wages paid for finishing hank thread at Paisley, Scotland, and Pawtucket, R. I., for year 1887, by Messrs. J. & P. Coats.

[Pound sterling=$4.86.]

For one week's work.	Paisley (56 hours).		Pawtucket (60 hours).
	English currency.	United States currency.	
	s. d.		
Cop spoolers	14 6	$3.51	$8.32
Twister tenders	9 9	2.37	6.87
Reelers	14	3.39	8.47
Inspectors	12 6	3.03	7.12
Skein spoolers	11 6	2.79	7.67
Spoolers	11	2.67	8.76
Gross parcelers	17 3	4.20	9.51
Second and section hands	30 4	7.37	13.50
Bleachers:			
Women	9 4	2.27	6.00
Men	23 10½	5.80	12.00
Dyers, men	22 9½	5.53	9.06
Total		42.93	97.27

AVERAGES—CALCULATED ON PAY-ROLLS OF 5,000 EMPLOYÉS.

In America (per week of sixty hours)	$6.52
In Scotland (per week of fifty-six hours) 12*s.* 9*d*	3.06
Messrs. J. & P. Coats pay higher average wages (per week of sixty hours) by	3.86

(Or, say, 126 per cent. higher) for labor in America to finish hank cotton thread.

Yours, truly,

AUCHINCLOSS BROTHERS,
Agents for J. & P. Coats, of Paisley, Scotland.

Subject: Proposed duty on "cotton thread on spools" by Committee of Ways and Means bill is 40 per cent. ad valorem.

Manufacturers ask and require equivalent of 50 per cent. ad valorem, or a specific duty of 6½ cents per 100 yards, and 6½ cents for each additional 100 yards.

NEW YORK, *March* 9, 1888.

DEAR SIR: The tariff bill as proposed by your honorable committee contains an inequality in its provisions that seriously affects the vested interests of the spool-thread manufacturers of this country.

It proposes to place the duty on "spool cotton on spools" at the same ad valorem rate as "cotton thread, yarn, warps, or warp yarn, etc.," namely, 40 per cent., and take away all protection formerly afforded the labor employed in finishing the goods in this country; at the same time, by adopting an ad valorem rate, it opens the public to the common danger of fraud by "short lengths" and other deceptions practiced largely in foreign markets.

The making of six-cord thread of best quality from the yarn and hank is a large industry in this country.

It employs about 9,000 operatives and $14,000,000 capital.

It paid, in duties, to the Government in 1887, $423,759.58 on goods "not on spools," yarns, etc.

The importers of thread "on spools" in same time paid but $51,222.12 for duty.

About 26,000,000 dozens were manufactured and finished in this country last year as against imports of only 731,744 dozens on spools.

To illustrate our point we sketch herewith memorandum account of cost to import a dozen of six-cord thread in "gray" and finish it under your proposed bill, also cost to import, by your schedule, the same dozen all "finished on the spool," showing over 2½ cents per dozen in favor of the British manufacturer—all charges for importing and selling being excluded in both cases.

A proper equality between the manufactured article and its semi-manufactured state (on the present basis of labor) requires, for a parity, the equivalent of a duty ad valorem of at least 50 per cent. on the former, if it is considered necessary to reduce the duty on goods in gray to 40 per cent. as you propose.

We would respectfully urge on your honorable committee the wisdom of retaining a specific rate per 100 yards on "cotton thread on spools," for the greater security it affords, both to the Government and the public, from frauds in length, and that this specific duty be a rate equivalent to 50 per cent. of net cost in Glasgow, say not less than 6½ cents per 100 yards and 6½ cents for every additional 100 yards, the unit of commerce being a 200-yard spool.

We would respectfully ask that you give this matter your fair consideration, in view of the magnitude of the interests at stake and the very apparent injustice the proposed bill would inflict upon the labor employed in this special branch of our cotton industries.

Yours, very respectfully,

J. & P. COATS,
By AUCHINCLOSS BROTHERS.
THE CLARK THREAD CO., *of Newark, N. J.*,
By WM. CLARK, *Manager.*
THE MILE END SPOOL COTTON CO., *Newark, N. J.*,
By THOS. RUSSELL, *Treasurer.*
THE WILLIMANTIC LINEN CO., *Willimantic, Conn.*,
By THEO. M. IVES, *Agent.*

Hon. ROGER Q. MILLS,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

[Mr. JOHNSTON, of Indiana, withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

The amendment was rejected—ayes 56, noes 70.

Mr. McMILLIN. I send an amendment to the Clerk's desk, to come in after the paragraph shall have been disposed of.

The Clerk read as follows:

After line 392 insert:
"Flax, hackled, known as dressed line, $10 per ton."

The amendment was agreed to.

The Clerk read as follows:

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not specially enumerated or provided for, 25 per cent. ad valorem: *Provided*, That cuffs, collars, shirts, and other manufactures of wearing apparel, made in whole or in part of linen, and not otherwise provided for, and hydraulic hose, 35 per cent ad valorem.

Mr. BUCHANAN. Mr. Chairman, the verb seems to be left out in the proviso, and I move to amend line 401 by inserting after the word "hose" the words "shall pay."

Mr. OUTHWAITE. The gentleman will find the verb that he is looking for at the beginning of the second section of the bill, which reads that—

On and after the 1st day of July, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid the following rates of duty on said articles severally.

Mr. BUCHANAN. I will ask the gentleman as an expert (because I believe he was one some years ago) whether he thinks the proviso makes good grammar and good sense as it stands.

Mr. OUTHWAITE. The language I have read applies all the way through the bill, and it is not necessary to repeat it.

Mr. BUCHANAN. But the proviso is an exception which breaks the continuity of the bill.

The amendment was rejected.

Mr. BUCHANAN. They will not even accept good grammar. [Laughter.]

The Clerk read as follows:

Flax, hemp, and jute yarns, and all twines of hemp, jute, jute-butts, sunn, sisal-grass, ramie, and China grass, 15 per cent. ad valorem.

Mr. LEHLBACH. I move to strike out lines 403, 404, and 405. The effect of this amendment will be to leave these articles at the present rate of duty. I understand, and gentlemen will correct me if I am misinformed, that when the Mills bill was first framed they placed these at 25 per cent. ad valorem. In the revised bill we find the duty reduced to 15 per cent. ad valorem. I would like the gentleman who has charge of the bill to state why this has been done. My amendment proposes to continue the present duty—35 per cent.

The question being taken on the amendment of Mr. LEHLBACH, it was rejected.

Mr. O'NEILL, of Pennsylvania. I move to amend by inserting after the word "hemp," at the end of line 403, the words "25 per cent. ad valorem," so as to read, "flax, hemp, and jute yarns, and all twines of hemp, 25 per cent. ad valorem."

Mr. Chairman, in examining the existing tariff in connection with the table prepared at the Treasury Department for the use of the Committee on Ways and Means, I find the present duty on this class of articles to be about 35 per cent. ad valorem. I have been in communication with some of the rope manufacturers of this country, especially those in the locality where I reside, and they inform me that a reduction of the duty from 35 per cent. ad valorem, the present rate, to 15 per cent. would be very hurtful to the industry in which they are engaged. I consequently desire to appeal to this committee, especially to the members of the Committee on Ways and Means—the majority who reported this bill—and ask them why they cannot consent to fix this duty at 25 per cent. ad valorem, being 10 per cent. less than the existing duty.

I submit this proposition in the interest of this industry, and because I take as my authority those who are engaged in the manufacture of rope and who use these materials.

Mr. Chairman, we may theorize as much as we please; we may listen to those here and there who think they understand this subject; but coming down to the men who have a practical interest in this question, we get the right status upon which we should fix these duties. I know that those men with whom I have been in communication, and who have large capital invested in this business, would not ask Congress to put on or continue a duty at so high a rate as perhaps to be useless to them and to those whom they supply with the article they manufacture.

But I come here with the best motives in asking this committee to fix this duty at 25 per cent. and not to reduce it to 15 per cent. I would very much like to know why so large a reduction as this bill proposes has been approved by the majority of the Committee on Ways and Means. I hope my amendment will be adopted.

Mr. LONG. I ask consent that the letters which I send to the desk may be printed in the RECORD.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears none.

The letters are as follows:

BOSTON, *April* 10, 1888.

DEAR MR. LONG: I suppose you have been written to before regarding the effect of the Mills reduction on the cordage business of this country, but feel it may do no harm for me to state some facts which may make it clearer.

You are aware, of course, that the present duty on manila hemp is $25 per ton; on sisal hemp, $15 per ton; and on rope, etc., 2½ cents per pound. When it was proposed to take off the duty on hemp we favored it, and suggested a corresponding reduction on rope—*i. e.*, make the duty on rope 1½ or 1¾ cents per pound. I favor a fixed duty as heretofore, for in that case it remains the same in all kinds of rope, while with an ad valorem duty the duty on manila and sisal rope would be different, say a third of a cent a pound more on sisal rope than manila, while the duty should be the same on each, as it costs as much to make one as the other. If it is impossible to have a fixed duty, then we believe the ad valorem duty should be 25 per cent., as the bill was first framed, instead of 15 per cent., as is now proposed. The latter would not be sufficient protection, as we pay our help more than twice as much as is paid abroad. It is not safe to base the duty on the present price of hemp, which is exceptionally high, spot manila now selling at about 9 cents and sisal at about 8. A 15 per cent. duty on these prices would be satisfactory, but it is not a fair basis on which to work.

The crop of hemp is very large this year—I should say manila—fully 25 per cent. than ever before, and there can be no doubt but that the prices of fibers will be very much lower in a few months. In fact, not so very long ago manila hemp sold for from 6 to 6¼ cents and sisal from 3¾ to 4 cents per pound, duty paid. Now, let us take a fair average price, calling sisal 4¼ cents; taking off the duty, $15 per ton, leaves it at 3¾ cents, or, to be liberal, 4 cents. Now add 1 cent per pound, at which price the foreign manufacturers will be only too glad to unload the surplus of their mills, and we have 5 cents, at which price rope would be poured into this country. Now, where should we stand? Fifteen per cent. duty on 5 cents means 5¾ cents, a protection of three-quarters of a cent. At this price the American manufacturers could not run their factories, continuing to pay their help same prices as now, but would be compelled to either close their mills or reduce wages to an equality with England and Ireland, and you know what that means. The representative of the Belfast Rope Works, Ireland, told me some time ago his help did not expect to have meat more than once a week, and considered themselves lucky to get it even then. They live on mush and potatoes and live in huts. We pay boys and girls as much as they do able-bodied men.

M. F. WHITON.

BOSTON, *April* 6, 1888.

DEAR SIR: We understand that under the Mills tariff bill it is proposed to make the duty on rope and binder twine 15 per cent. ad valorem.

The establishment of a duty on rope and twine at such a figure as 15 per cent. simply means disaster and possible ruin to the manufacturing interests in cordage in this country, for we could not compete with foreign manufacturers, who pay for labor less than one-half the wages we have to pay.

Permit us to give you an illustration of this fact. Some time since a representative of the Belfast (Ireland) Cordage Works called upon us. While discussing matters pertaining to cordage manufacture the question of labor came up, and we learned that the Belfast company paid their skilled labor 18 shillings per week, or say four and one-half dollars. We pay the girls in our employ considerably more than this; even boys as new beginners get more, and we pay some of our men as much per day as they pay per week, and many of our men earn in two to three days the amount the Belfast company pay for an entire week.

If the duty is reduced so that the cheap-labor cordage can be brought into our own markets to compete with our manufacturers, what must be the result?

The argument may be made that 15 per cent. upon the average price of cordage for past years, or even present prices, would be protection enough.

This we should deny as a matter of fact, but allow it as an argument. The future prices for manila and sisal hemp must be very much lower than present figures, or those which have ruled for several years.

The production is increasing largely; this year at Manila the receipts of hemp will probably be 25 per cent. larger than any previous year. This of course means lower prices for hemp and cordage, and even if a tariff of 15 per cent. would be protection enough on the average prices of the past—which we do not for a moment admit—with the lower figures which must unquestionably prevail in the future it would not be sufficient, and its passage would simply open the doors to foreign productions.

The duty, in our opinion, should be not less than 25 per cent., and we trust that you will use all your power and influence to the end that the duty shall not be less than this figure.

Very respectfully, yours,

RANDALL, GOODALE & CO.

Hon. JOHN D. LONG,
Washington, D. C.

Mr. MORROW. Mr. Chairman, I desire to say a word upon the amendment of the gentleman from Pennsylvania [Mr. O'NEILL]. We have in California a large cordage factory which is now supplying the demand of that section, and also, to a large extent, of the East. This establishment employs a considerable number of persons, to whom it pays reasonably good wages. But it comes into competition with a cordage factory in Hong-Kong, China, where the whole work of the establishment is carried on by Chinese, with the exception, possibly, of the superintendent. Now, it will be impossible for that cordage factory at San Francisco to carry on its business, in competition with the Chinese establishment, if the rate of duty is to be reduced as proposed

in this bill. I have in my hand a letter from this San Francisco cordage company——

Mr. BRECKINRIDGE, of Kentucky. How will it hurt a cordage factory to reduce the duty on twine?

Mr. MORROW. This factory manufactures twine.

Mr. BRECKINRIDGE, of Kentucky. If the establishment manufactures cordage it puts twine into the cordage.

Mr. MORROW. I can not hear what the gentleman says.

Mr. BRECKINRIDGE, of Kentucky. A reduction of the duty on twine can not hurt the manufacture of cordage.

Mr. MORROW. I am speaking particularly with reference to twine, which is one of the manufactures of this establishment.

Mr. BRECKINRIDGE, of Kentucky. Then it is not cordage at all that the gentleman is speaking of, but a different manufacture entirely.

Mr. MORROW. There is a cordage factory in San Francisco; that is the name it goes by, but they manufacture all the articles named in this paragraph. I ask this letter be read in support of the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

SAN FRANCISCO, *April* 12, 1888.

DEAR SIR: We understand that the Mills tariff bill as originally framed had duty on rope and twine 25 per cent. ad valorem, and the raw material (hemp) free; but as the bill now is the duty is only 15 per cent., which is not sufficient protection to enable us to compete with the rope factory in Hong-Kong, where they employ all Chinese labor at 25 cents per day, except, perhaps, their superintendent; and European labor is only about one-half what we have to pay.

If possible we hope you will be able to amend the bill so the duty will not be less than 25 per cent. ad valorem.

We remain, yours, truly,

TUBBS & CO.

Hon. W. W. MORROW, M. C.,
Washington, D. C.

Mr. O'NEILL, of Pennsylvania. We have the same facts from the establisment in San Francisco. We have the same facts from the establishments of Philadelphia and elsewhere throughout the country. I do not see, therefore, why the Committee on Ways and Means can not take the results of experience from those who know what they are talking about. I appeal to my friends to yield to that amendment. Twenty-five per cent. is not too much to afford proper protection against foreign competition.

The question recurred on the amendment of Mr. O'NEILL, of Pennsylvania.

The committee divided; and there were —ayes 49, noes 72.

So the amendment was disagreed to.

The Clerk read as follows:

Flax or linen thread, twine, and pack thread and all manufactures of flax, or of which flax shall be the component material of chief value, not specially enumerated or provided for, 25 per cent. ad valorem.

Mr. PHELPS. I move to strike out "thirty-five" and insert "forty." I purpose to ask the courtesy of the House to extend to me an additional five minutes for the purpose of discussing this paragraph, in which my home interests are indicated. As the hour is late I would be glad to ask the courtesy of the chairman of the committee now in charge of the bill to yield to a motion that the committee rise.

Mr. MCMILLIN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, asking for the return to the House of the bill (S. 1427) granting an increase of pension to Ethathan Meade.

The message also furnished to the House, in compliance with its request, a duplicate engrossed copy of the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes.

And then, on motion of Mr. MCMILLIN, in accordance with previous order, the House took a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. DOCKERY, who directed the reading of the following communication:

WASHINGTON, D. C., *July* 10, 1888.

I hereby designate Hon. A. M. DOCKERY to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The House is now in session under the special order for the consideration of bills granting the right of way through Indian reservations reported from the Committee on Indian Affairs in cases where no objection is made.

ORDER OF BUSINESS.

Mr. PEEL. I ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Without objection that order will be pursued.

There was no objection, and it was so ordered.

WYOMING MIDLAND RAILWAY.

Mr. PEEL. I call up the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation.

The bill was read, as follows:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Wyoming Midland Railway Company, a corporation organized and existing under the laws of the Territory of Wyoming, for the extension of its railroad through the lands in Wyoming Territory set apart for the use of the Shoshone Indians, commonly known as the Wind River or Shoshone Indian reservation; said railroad following the line of the Big Horn River from the northern boundary of the Wind River or Shoshone Indian reservation, and thence following said river and the Middle Fork of said river to Lander, with a branch from a point where the Wind River empties into said Big Horn River, and thence following said Wind River in a northwesterly direction across said reservation to its source in the valley of the Wind River and Shoshone range of mountains, with the right to construct, use, and maintain tracks, turn-outs and sidings.

SEC. 2. That the right of way hereby granted to said company shall be 100 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and material, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been filed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railway company in such manner as he may prescribe, before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within five years from the passage of this act.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, assist, nor advise in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is heretofore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act. That this act shall be in force from its passage.

The Committee on Indian Affairs recommended the following amendments:

Strike out, in section 4, "five years" and insert "three years;" also, in the ninth line of the same section, insert "and if not so constructed within three years, as aforesaid, all rights and privileges herein granted shall become absolutely null and void without further action upon the part of the Government, either executive, legislative, or judicial."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was considered, the amendments adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I desire to state to the House that these bills are almost exactly alike; the only difference is in the name of the road to which the right of way is granted and the reservation through which it passes. It will promote very much the business to-night if the reading of the bills is not insisted upon, but that if necessary an explanation may be made by the member who calls the bill up. I ask, therefore, unanimous consent that that course may be pursued.

There was no objection, and it was so ordered.

DULUTH AND WINNIPEG RAILWAY.

Mr. NELSON. Mr. Speaker, I call up for present consideration the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway

Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

The SPEAKER *pro tempore*. Is there objection to considering this bill?

There was no objection.

The bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SMITH, PARIS AND DARDANELLE RAILWAY COMPANY.

Mr. HUDD. Mr. Speaker, I ask unanimous consent to report back from the Committee on Indian Affairs the bill (H. R. 9260) with a substitute of the same title granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and authorizing said company to build a bridge across the Arkansas River at or near the city of Fort Smith, Ark.

There was no objection.

The report was ordered to be placed upon the Calendar.

Mr. ROGERS. As I understand it, this substitute is an i dentica copy of the Senate bill.

Mr. NELSON. Has the Senate bill been reported?

Mr. ROGERS. Yes, sir, as I understand it. I ask unanimous consent in lieu of the House bill to take up and consider the Senate bill, which is a fac-simile of the House bill just reported by the committee.

Mr. CUTCHEON. I would like to ask if the Senate bill has been before the House committee and has been reported?

Mr. ROGERS. It has not; but the House bill is an exact copy of the Senate bill.

Mr. CUTCHEON. Have you compared it?

Mr. ROGERS. I have, myself, with the assistance of my colleague.

The SPEAKER *pro tempore*. The Chair is of opinion that this order asked by the gentleman from Wisconsin is scarcely under the technical construction of the order made by the House, but if there be no objection, the report will be accepted and the substitution which he asks made. The Senate bill will be considered, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and authorizing said company to build a bridge across the Arkansas River at or near the city of Fort Smith, Ark.

Mr. ROGERS. I ask to offer an amendment to line 4 of section 9 of this bill.

The amendment was read, as follows:

Amend by inserting after the word "built," in line 4 of section 9, the following:

"And it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment."

Mr. ROGERS. I will explain the amendment by saying that this bill is in conformity with the general practice, requiring that this road shall be constructed within a specified number of years. This amendment is prepared for the purpose of providing that this right of way shall be forfeited without judicial process or legislative enactment if the terms of the bill are not complied with within a limited time.

Mr. CUTCHEON. Let the section be read as it will stand if the amendment is adopted.

Section 9 as proposed to be amended was again read.

There being no objection, the bill was considered, the amendment adopted, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the House bill 9260 and the substitute therefor of the same title will lie upon the table.

There was no objection.

OREGON RAILROAD AND NAVIGATION COMPANY.

Mr. DARLINGTON. Mr. Speaker, I ask consideration for the Senate bill 2526, granting to the Oregon Railway and Navigation Company the right of way through the Nez Perces Indian reservation.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DARLINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVENWORTH AND RIO GRANDE RAILROAD COMPANY.

Mr. HARE. I call up the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the following amendments of the Committee on Indian Affairs:

On page 2, line 14, strike out "with and" and insert:

"*Provided*, That if said railway company shall ask or receive from any town or community any compensation, gift, or subscription other than the right of way or grounds for depot purposes in consideration of crossing the Red River into Texas at any particular point, the same shall work a forfeiture of the rights herein granted, and said company shall have."

Also, in line 21 strike out the word "branches."

The amendments were agreed to.

Mr. CUTCHEON. Mr. Speaker, does a report accompany these bills?

The SPEAKER *pro tempore*. The Chair is advised that a report accompanies the bills in all cases.

Mr. CUTCHEON. I would either like to hear the report or a brief statement from the chairman of the committee as to the extent of this line; and also as to the general terms of these bills in regard to compensation for the right of way.

Mr. PEEL. I will state to the gentleman as I did to the House before he came in, that no bill reported to-night grants a single foot of land except what is absolutely necessary for the successful operation of the road. Similar bills have been passed by Congress for the last three Congresses. In all the bills except those in relation to the Indian Territory the compensation is fixed by the Secretary of the Interior.

Mr. CUTCHEON. It was with reference to this particular bill granting the right of way through the Indian Territory, which seems to be a somewhat extensive right of way, that I desired to have the information.

Mr. PEEL. I will state to my friend that all bills granting the right of way through the Indian Territory require the railroad to pay to the tribe $50 a mile for each mile used, and then for every year the road is operated $15 a mile; and to pay to all private persons who have property in the right of way damages for the property taken by the road. If they disagree as to the compensation to private parties, either party may appeal to the district court having jurisdiction. If the tribes disagree as to compensation, they may appeal to the Federal courts and have the matter settled there.

Mr. CUTCHEON. How is it in case of land held in severalty?

Mr. PEEL. That would not be the case in the Indian Territory. In any case where the road goes over land held in severalty the individuals have the right to have the damages assessed, if not fixed by the Secretary of the Interior.

Mr. COBB. I would ask whether in this bill there is a provision for obtaining the consent of the Indians. I do not think there is. I am opposed to the grant of all these rights of way through the Indian Territory by bills that have hitherto been presented and are now being presented to the House. I have steadily opposed them in committee. My reason for opposition is simply this: in bills which are passed granting rights of way through Indian reservations—of course the Indian Territory can not be considered an Indian reservation—there is always incorporated a provision requiring consent of the Indians to be obtained before the parties to whom the right is granted shall take under it.

Mr. PERKINS. Will the gentleman permit a question?

Mr. COBB. Yes, sir.

Mr. PERKINS. Is not the gentleman mistaken in that statement? Does not the gentleman remember the case of the Billings, Clark's Fork and Cooke City road as to which he reported so earnestly and ably seconded the report on the floor of the House? There was no provision in that bill that the assent of the Indians should be required. I do not remember we have ever passed a right-of-way bill with such a provision. Of course the allotment bills contain that provision. The gentleman may have them in his mind.

Mr. COBB. Perhaps I have confounded the two.

Mr. PERKINS. I think you have; because in the bills for that purpose we always provide that the assent of the Indians shall be required; but in right-of-way bills we have never inserted a provision of that character.

Mr. COBB. I will not insist that is so; although it has been my impression that a provision requiring the assent of the Indians was inserted.

But be that as it may, my position in regard to these rights of way through the Indian Territory is that the consent of the Indians should be required to be obtained in all cases. In all the treaties that have been made between the United States and the five civilized tribes there have been inserted provisions, stringent in their character, by which the Government of the United States pledged itself to secure to those tribes inhabiting the Indian Territory the strictest protection against invasion of any character. The treaty of 1866, the last one that was made, contained a provision authorizing a right of way to the Government of the United States through the Territory for two lines of roads, one running east and west and the other north and south. Now, my

contention is that the insertion of that very provision was a pledge by the United States that no other rights of way should be granted except upon the most urgent necessity, made to be manifest as a condition precedent to the grant.

These rights of way have been granted repeatedly, I know, without any special inquiry as to the existing necessity. It is said that commerce demands these grants, but, so far as the general public is concerned and so far as the Government is concerned, there is no necessity made manifest at all. The treaty stipulations are disregarded; the particular rights of the Indians are disregarded, and we are merely yielding to a clamor on the part of these railroad corporations to run their lines at pleasure through a territory that they believe to be in their way in making their connections. Is it right? I do not believe it is.

There is another consideration. It will be observed that I do not controvert the right of the Government to grant these rights of way. I think the Government of the United States has perfect authority and power to exercise over this territory the right of eminent domain; but the question is one of the proper policy to be pursued.

Here is a people under the special protection of the Government of the United States, it is true, but by permission of that Government they are exercising all the rights, powers, and functions of a State government. They have their judicial department, their legislative department, their executive officers, and all the machinery of a State government, although they are not a State.

The Government of the United States permits all this, and, in addition to that, it has guarantied by the most solemn treaties that these Indians shall not be disturbed in the exercise of the privileges guarantied to them under the treaties by any interference on the part of white men. Now, it is very evident that if we go on in this way, granting to every railroad company that may apply the right of entrance into the Territory, it will soon be impossible to execute the guaranty which the United States Government has given to these Indians of absolute protection against the invasion of their territory or any interference with them in the exercise of their guarantied rights.

If they consent, all right. They can give their consent more intelligently than any other Indians on the continent. They have their tribal relations still intact. They have their legislative department, their council, their executive officers, and they themselves are sufficiently advanced in civilization to determine whether or not the entrance of these railroads into their Territory will affect them injuriously or the reverse. If they believe it will be beneficial to them, they will say so. They are intelligent enough to understand the question and to know whether it will be a benefit to them or not. If it will injure them, and we permit these roads to go in without proof of the necessity to the general public, we violate our solemn treaty stipulations.

Therefore, if it is in order, I move an amendment to the pending bill, so as to provide that the consent of the Indians shall be first obtained before the right of way is granted.

The SPEAKER *pro tempore*. The gentleman will please reduce his amendment to writing.

Mr. PEEL. I am sorry that my friend has interposed his objections on this particular bill. I had hoped that he would consent to let us proceed with it. I think I can say that this is the only bill that will be called up this evening granting a right of way through the Indian Territory. The other bills grant rights of way through reservations, and are measures to which I know the gentleman will not object.

In reply to the views the gentleman has presented I have only to say that this no new question.

I am perfectly familiar with the treaty stipulation to which reference has been made in which consent is given for rights of way for two roads through the Territory—one running east and west and the other north and south. Under that stipulation those two roads go through without the consent of Congress being required. As to other rights of way through the Territory the Government proceeds upon a very different theory. I do not think that any lawyer who has considered the question will for a moment doubt that the Government of the United States has the right of eminent domain over that Territory as much as it has over the gentleman's private property or mine, or the property of any other individual. Under the law, as I understand it, the individual holds the title to his real property from the sovereign, the Government; the Government holds the right of eminent domain over it, and a corporation, for the purpose of carrying the commerce of the country, can apply to the courts and have the property condemned, and can force the right of way by paying the damages.

Upon that principle Congress has exercised that right in regard to this Territory. These Indians certainly do not hold any better title to their lands than we hold to ours. Our consent is not asked when it is deemed necessary that a right of way should go through our private property; and it certainly is not requisite to ask the consent of these Indians when we proceed upon this principle and pay the damages.

Mr. COBB. Does the Congress of the United States undertake to run railroads through a State without the consent of the State?

Mr. PEEL. No, sir; because that power is conferred upon the States themselves. But this land under consideration is not within any State or organized Territory; it is simply a portion of the soil over which the jurisdiction of this Government extends; and so long as that is the case we have the right to grant right of way for the purpose of establishing great thoroughfares which are to carry the commerce of this country.

It is not necessary to discuss the merits of this question at length with my friend from Alabama [Mr. COBB], because we can not agree. I know that he feels some scruples in regard to this matter. One bill of this character, giving right of way through the Indian Territory, has already been passed this evening, and this is the only other one, so far as I know, of the same character which will be presented to-night. It is a measure in which my friend from Missouri [Mr. BURNES] takes some interest, and he can state to the House the great commercial necessity for this right of way. It may be that in other cases the necessity is not so great. The gentleman from Missouri is more familiar with these lines of road than I am. I trust that my colleague on the committee [Mr. COBB], when he hears the statement of the gentleman from Missouri, will withdraw his objection and let this bill pass.

Mr. COBB. Mr. Speaker, I do not propose to urge strenuously my objection in this case, because I do not believe it would be of any use; and it is certainly not my purpose to stop legislation to-night by my opposition on this point. I believe it is pretty generally understood that the fate of the Indians is fixed; that they are doomed. The trouble is that nobody cares for an Indian, and the majority of the members of this House do not take the trouble to stop and reflect whether the safety and the rights of Indians are interfered with or not. These Indians are an outlying people upon our Western border. Our Western friends here are interested, of course, for their constituents in having these roads constructed. We in the Eastern States have begun to think it does not make any difference how questions of this kind may be determined; that the fate of the Indian is sealed, and therefore it is useless to obstruct the progress of this so-called civilization.

But I wanted to put on record my objections, more by way of protest than anything else. I did not know that this bill was one in which my good friend from Missouri [Mr. BURNES] felt a special interest. I am very much given (I can not help it) to yielding to these private solicitations when they come from such men as my friend from Missouri.

Mr. BURNES. I am very much obliged to the gentleman.

Mr. COBB. I do not know whether it is right or not that I should feel this way; but I can not help it.

Mr. BURNES. I can give my friend from Alabama [Mr. COBB] one satisfaction in return for his courtesy and kindness. I can assure him that this road is being built by one of the strongest and best corporations within my knowledge. It runs through the great city of my friend from Minnesota, Judge RICE. It is now completed from Chicago by way of St. Paul to St. Joseph, the town in which I reside; and the work is now extending beyond my town in the direction of Leavenworth, 30 miles farther, at which point it will strike Kansas and proceed thence to the Rio Grande.

I have no personal interest in the enterprise, but because the road runs through my town the corporation naturally expects, and the people there naturally expect, that I will do what I can to give the road an easy exit to the Rio Grande. Kansas wants this road, the people of the West want it. I might say I believe the Indians would want it if their concurrence were asked, though I do not know that they have been consulted. The intention is in good faith to build the road in such a manner as to hurt nobody, while adding to the commercial facilities of half a dozen States. I believe my friend from Alabama is doing a valuable service in the interest of the public by sacrificing in this matter a little of his prejudices and a little of his fears that we are treating the Indians unkindly or unjustly.

Mr. COBB. I send to the desk my amendment. I will offer it, and let it be voted upon.

The Clerk read as follows:

Provided, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe before any right under this act shall accrue to said company.

Mr. WHEELER. Before that amendment is voted upon, I would like to ask my colleague [Mr. COBB] whether he has any information from the Indians that they object to this grant.

Mr. COBB. Yes, sir; though I do not claim that my knowledge on this point extends very far. I have talked with the gentleman who, I believe, is the representative of the Creeks, Judge Steadman, and perhaps one or two others. They have told me that they had repeatedly objected to measures of this kind, but their objections had been disregarded, and they had ceased to make any contest about the matter. They feel aggrieved, however, that these rights of way are being granted without seeking the consent of the Indians, who they think ought, under treaty guaranties, to have some voice in these matters. That is what these gentlemen tell me.

Mr. WHEELER. Have they filed any written objection or protest?

Mr. COBB. They have not.

Mr. WHEELER. No remonstrance has been filed by them against these measures?

Mr. COBB. No, sir.

The question being taken on the amendment of Mr. COBB, it was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONTANA, KANSAS AND TEXAS RAILROAD COMPANY.

Mr. PEEL. I yield now to my colleague [Mr. PERKINS].

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 7223) to grant the right of way through the Public Land Strip and Indian Territory to the Montana, Kansas and Texas Railroad Company, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PERKINS. In explanation of one provision of the bill it is perhaps proper for me to state that this grants not only the right of way through the Indian Territory, but through a portion of the Public Land Strip. In the judgment of many members of the Committee on Indian Affairs it was not necessary to incorporate into the bill that feature; but in view of the fact that this Territory is in an unorganized condition, that there is no land district, and no way of following any plats, hence it was deemed necessary to incorporate it in this bill and grant the right of way also through that portion of the Strip.

The bill contains all the provisions suggested by the gentleman from Arkansas, and which are generally embodied in such bills.

Mr. ROGERS. What does the gentleman mean by the Public Land Strip?

Mr. PERKINS. I mean that strip of land south of Kansas, and extending west a little along the south boundary of Colorado, known as "No Man's Land."

Mr. CUTCHEON. What is the limit of time for building the road?

Mr. PERKINS. Two years.

Mr. CUTCHEON. And the same provisions as regards forfeiture?

Mr. PERKINS. The bill as originally introduced provided for five years, but the recommendation of the Committee on Indian Affairs is to limit it to two years.

Mr. CUTCHEON. Is the right of way made non-transferable?

Mr. PERKINS. Yes, sir; with the right on the part of Congress to regulate at any time.

Mr. CUTCHEON. Have you any objection to incorporating the same amendment which was submitted by the gentleman from Arkansas a little while ago and adopted to his bill?

Mr. PERKINS. I have no objection whatever; it is possible that it is in the bill now.

The SPEAKER *pro tempore*. The first question is on agreeing to the several amendments proposed by the committee.

The amendments were agreed to.

Mr. ROGERS. I now submit this amendment, to come in after the word "built," in line 4 of section 9.

The Clerk read as follows:

And it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment.

The amendment was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAPAGO INDIAN RESERVATION, ARIZONA.

Mr. PEEL. I yield to the gentleman from Arizona [Mr. SMITH] who calls up a bill in place of the gentleman from Indiana [Mr. SHIVELY] who is necessarily absent.

Mr. SMITH, of Arizona. I ask consent to consider the bill (H. R. 7843) granting to the Citrous Water Company a right of way across the Papago Indian reservation in Maricopa County, Arizona.

The SPEAKER *pro tempore*. Is the reading of the bill demanded?

Mr. CUTCHEON. I call for the reading of the report.

The SPEAKER *pro tempore*. The Chair will first ask if there is objection to the consideration of the bill.

Mr. CUTCHEON. I ask for the reading of the report.

Mr. SMITH, of Arizona. If the gentleman will permit me, I will make a brief statement. The report was only submitted to-day.

Mr. PERKINS. Let me say that I have no objection to the bill, but whether it is in order under the special order is a matter of doubt in my mind.

Mr. SMITH, of Arizona. I will explain this matter in a moment, so I think there will be no objection.

The object is this: Certain gentlemen, farmers in that region, are attempting to reclaim some desert lands by irrigation, and they have worked one ditch for conveying water a distance of 12 miles until they have reached the line of this reservation. At that point they struck an executive reservation with only two Indian families residing in some huts upon it, but living miles and miles away from this point where we are attempting to get water. These Indians are living away up in the high rolling lands on this reservation, a great distance from the point where this canal is to run, and the lands are absolutely unused by these Indians.

The most of the Indians, with the exception of these families, have gone back from this reservation to the old reservation of San Xavier del Bac, which belongs to the same tribe.

These gentlemen write me that this work is being ruined by cattle getting across it and by animals burrowing into it, and the great work has been stopped for months and months simply in order to secure this right of way through that reservation. They did not know it was an Indian reservation until they got to the line.

Mr. CUTCHEON. I will call for the reading of the special order under which this session is held to-night.

Mr. O'NEILL, of Missouri. They need water out there badly, and I hope there will be no objection to this.

The Clerk read the special order, as follows:

On motion of Mr. PEEL, by unanimous consent, it was ordered that to-morrow at 5 o'clock the House take a recess until 8 p. m., and that said evening session be devoted exclusively to the consideration of bills reported by the Committee on Indian Affairs granting rights of way through Indian reservations, in cases where no objection is made to such consideration.

Mr. O'NEILL, of Missouri. That is broad enough.

Mr. SMITH, of Arizona. It does not touch this bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PEEL. I desire to say to my friend from Indiana, that I do not want to raise the point of order against this bill, but I think that the order, although it does not specify what rights of way are granted, was understood by the committee and by the members of the House to refer to rights for railroads. I suggest, in order that there may be no misunderstanding, that the bill be taken up and passed to-night, but simply making the motion to reconsider and leaving it open until to-morrow morning, when it can be submitted to the House. I prefer that course, as I do not think it comes really within the purview of the order agreed to by the House on the request made by the committee.

Mr. SMITH, of Arizona. Very well.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. CUTCHEON. I would like to ask the gentleman from Arizona a question. This, as I understand it, is a private corporation?

Mr. SMITH, of Arizona. This is a corporation of seven or eight farmers, who are trying to get water on the land they have located.

Mr. CUTCHEON. It is merely for their private benefit?

Mr. SMITH, of Arizona. Nothing else in the world.

Mr. CUTCHEON. With that statement, if the chairman of the Indian Committee and his colleagues think it is best to consider the bill under the special order, I shall make no objection, but it does not seem to me it is legitimate under the order.

Mr. PEEL. That is the reason I made the suggestion I did. It is a meritorious bill, and, I think, ought to pass. The best way to dispose of it is as we have agreed.

The SPEAKER *pro tempore*. The Chair hears no point of order made on the bill; therefore the Clerk will report the amendments.

The Clerk reported the amendments, as follows:

It is proposed to add, after "Arizona," in the tenth line, the following: "*Provided*, That all persons residing along said right of way shall have equal right to water supply at reasonable compensation: *Provided further*, That said right of way herein granted shall not be mortgaged, sold, transferred, or assigned except for the purposes of construction: *And provided further*, That unless such canal for which this right of way is granted be completed within two years after the approval of this act, the provisions of this act shall be null and void."

Mr. CUTCHEON. As this bill is out of the usual order, I ask that it may be read in full.

The Clerk read the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOCKERY. It is understood distinctly and the RECORD should show the fact that this bill is passed with the understanding that the right to reconsider is reserved.

The SPEAKER *pro tempore*. This motion can be called up at any time during the session. The bill will not be sent to the Senate until it is disposed of.

Mr. SMITH, of Arizona. I would like to have it called up to-morrow morning.

The SPEAKER *pro tempore*. It is a privileged question, and can be called up at any time.

Mr. PEEL. I move to reconsider the vote by which the bill was passed.

The SPEAKER *pro tempore*. The motion will be entered.

YANKTON AND MISSOURI RIVER RAILROAD.

Mr. GIFFORD. I call up House bill 7547, granting the right of

way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota. I will cheerfully explain any provision of the bill, if we can in that way dispense with the reading of the bill. The bill has been very carefully considered and conforms with all the requirements. There are no amendments.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUYALLUP VALLEY RAILROAD COMPANY.

Mr. VOORHEES. I desire to call up House bill 10113, granting right of way through the Puyallup Indian reservation to the Puyallup Valley Railroad Company, and for other purposes; and ask the House to consider the Senate bill 2807.

The SPEAKER *pro tempore*. Has this bill been reported from the committee?

Mr. VOORHEES. I will state to the House that the bill reported by the Committee on Indian Affairs is almost in the same words.

There are very few differences, and the differences do not change the sense of the bill at all. I ask to have the Senate bill considered in lieu of the House bill now on the Calendar and reported favorably from the Committee on Indian Affairs.

The SPEAKER *pro tempore*. The special order is for the consideration of bills reported from the committee. When the House bill is reported the gentleman may then ask unanimous consent to consider the Senate bill.

Mr. VOORHEES. Then I call up House bill 10113 granting the right of way through the Puyallup Indian reservation to the Puyallup Valley Railway Company.

The Clerk read the title of the bill.

Mr. VOORHEES. I now ask unanimous consent to consider, in lieu of the House bill, Senate bill 2807, an act to grant to the Puyallup Valley Railway Company the right of way through the Puyallup Indian reservation, in Washington Territory, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROGERS. I ask the Clerk to turn to the bill and see whether it contains the self-executing forfeiture clause. If not, I desire to offer an amendment to that effect.

Mr. VOORHEES. I have no objection to the amendment.

The Clerk reported the amendment as follows:

Add to the bill the words:

"And it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment."

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, House bill 10113 of the same substance and title will be laid on the table.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Speaker, with reference to House bill 7843, presented by the gentleman from Arizona [Mr. SMITH], I would suggest that the gentleman from Arkansas [Mr. PEEL], who made the motion to reconsider, withdraw that motion, the result of that action being that any one to-morrow will have the right to move to reconsider in the House. I will ask the Chair if that will not be the effect.

The SPEAKER *pro tempore* (Mr. SPRINGER). Any gentleman may move to-day or to-morrow to reconsider, unless the motion to reconsider has been previously made and has been laid on the table.

Mr. ROGERS. I submit, Mr. Speaker, that the proper way is to rise in the morning to a question of privilege and call the attention of the full House to what has been done, and then, unless some gentleman desires to object or to insist that the bill shall not become a law, to call up the motion to reconsider and have it laid on the table.

The SPEAKER *pro tempore*. In either way it can be brought before the House.

Mr. PEEL. My object in entering the motion was to avoid any charge that we had acted outside of the order.

Mr. O'NEILL, of Missouri. Mr. Speaker, we can not make any conditions now that will affect the bill. Only what was done prior to its passage can have any effect. The understanding was that the bill should pass to-night and then, in order that nobody should be taken by surprise, that any gentleman who desired to-morrow could move to reconsider, or call up the motion to reconsider.

That was the understanding. It was not understood that the matter should be left open indefinitely. The bill is passed, but any one who desires to-morrow to move to reconsider can do so.

Mr. DOCKERY. That was exactly my proposition.

The SPEAKER *pro tempore*. Any gentleman can move to-morrow to call up the motion to reconsider.

Mr. ROGERS. Mr. Speaker, I can not be made a party to anything that has the semblance of bad faith toward the House. My judgment is that nobody contemplated any proceeding under this order this evening, except with reference to bills granting rights of way to railroads.

I am not a member of the committee, but I do not think that any member of the House should sit here and permit anything to be done that does not comply with the utmost good faith towards the full House. Therefore, if the chairman of the committee [Mr. PEEL] proposes to withdraw the motion to reconsider, I shall renew it. I should have objected to the consideration of the bill myself, but for the statement of the chairman of the committee.

Mr. SMITH, of Arizona. Mr. Speaker, it is entirely immaterial to me which course we take. The only thing that can guide me is the order made by the House, which brought me here this evening; and as to the suggestion of bad faith, I wish to say that it is with me as it is with the gentleman from Arkansas [Mr. ROGERS], and in fully as eminent a degree in my case as it is in his, for I place myself second to no man in that respect. But this order speaks of "rights of way;" it does not mention railroads.

The chairman has said that his opinion is, and the opinion of the committee probably is, that bills granting rights of way to railroads were contemplated; but I did not come here to try to get a right of way for a railroad company, but simply to see if I could not get a right of way for an insignificant water-ditch for the benefit of a few farmers to enable them to raise crops there this coming year. I have been working at that bill from the time this Congress met to get it favorably reported, and now I am met with the suggestion that my action is in bad faith because I do not happen to have a railroad behind me. This bill is not for a railroad right of way; it is only for an insignificant water-ditch for the purpose of reclaiming some desert lands. What I object to is, that when we get into this House of 325 members, and any measure, however innocent it may be, which has anything to do with the Indians is brought up, it is sure to meet with this kind of objection.

The railroads have all to be satisfied, but when I happen to call up a bill for the benefit of a few poor men who want to construct a water-ditch, somebody who knows that "Lo" has been imposed upon, lo, these many years, and who thinks that here is an attempt to steal some more lands from him, rises and makes some sort of objection, and the result is that the railroad bills get through, but the others do not. Now, this bill, in my judgment, is entirely proper to be considered under the order, and I do not think that the question of bad faith arises at all, or that any gentleman upon this floor need be so sensitive in his honor as to say that the order of the House does not bind him, that he goes beyond the written word.

I confess that I have not that knowledge of parliamentary law which a longer standing on this floor might give me, and which would secure my rights and the rights of the people I represent in this matter; but, while I confess that, I would like to have this bill left in such a condition that at some time between now and the sounding of the trumpet on the last day these men may have an opportunity to get this poor little water-ditch through a small corner of an Indian reservation where there are only two Indians living. [Laughter.] I do want that simple privilege. If the suggestion of the chairman has that effect, so that I or any one else can call up the motion to reconsider and the matter can be finally settled, that is all I ask; but I do not want to leave this bill in jeopardy and let railroad bills pass granting rights of way through Indian reservations all over the Western country.

Mr. ROGERS. Mr. Speaker, I think my friend has let his temper get away with his good-nature and his judgment. In what I said I did not mean to reflect upon him or upon any member of this House. I simply meant to exercise the right which every gentleman here has to construe this order for himself, and, as I said before, I did not and do not mean to be made a party to any transaction which, according to my interpretation of the order, would be in bad faith toward the full House of Representatives. That is all. My friend has not considered this matter fully. Suppose that to-morrow somebody should rise and move to reconsider our action on this bill, on the ground that it was a violation of good faith; then we would have the whole discussion brought upon the question of whether the House at this night session had violated either the letter or the spirit of this order.

Mr. SMITH, of Arizona. I am perfectly willing to leave it in that position.

Mr. ROGERS. But how much better position is the gentleman in when, the bill having passed, he enters a motion to reconsider, and then to-morrow rises and calls up that motion, thus showing that the action here has been taken in the most entire good faith. On the other hand, suppose two days have elapsed and somebody then rises and raises the question, not only the gentleman himself but every member here present will be put in the position of seeming to have taken advantage of the House.

The SPEAKER *pro tempore*. The motion to reconsider is entered and can be called up by any gentleman.

Mr. PEEL. The motion to reconsider is open, and I can rise in the morning and call it up and explain to the House why this action was taken this evening.

Mr. SMITH, of Arizona. That is satisfactory to me.

The SPEAKER *pro tempore*. Then the motion of the gentleman [Mr. PEEL] to reconsider will remain as it originally stood.

RIGHT OF WAY THROUGH FORT HALL RESERVATION.

Mr. PEEL. I now call up the bill which I send to the desk.

The title of the bill was read, as follows:

A bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

Mr. PEEL. While this bill provides for right of way, it does more; and I am not willing that it should be passed this evening without final action being left open for the House to-morrow. But the measure is a meritorious one. The Department has examined and approved it, and desires its passage. The taking of this town-site is in accordance with an agreement made with the Indians by commissioners on the part of the Government, the agreement having been subsequently approved by the Department. The bill grants 600 or 700 acres of land for a town-site, the lots in which are to be laid off by the Government and sold at not less than an appraised value, to the highest bidder; and the money is to go into the Treasury for the benefit of the Indians. These are in general the provisions of the bill, in addition to the right of way. I ask that the bill be considered and passed now, but be left open for reconsideration to-morrow, when I will call the attention of the House to the matter, and if there is a single objection, it shall stop.

Mr. O'NEILL, of Missouri. I want to make one request of the chairman of this committee. He concedes that there is more involved in this bill than the question of right of way. Now there is on our Calendar another bill from the Committee on Indian Affairs which has been unanimously reported session after session. It involves simply a transfer on the part of the Cherokee Indians to the freedmen of money due them from the Indians. There is absolutely no objection to the measure; the only trouble has been in obtaining recognition to put the bill on its passage. In view of the fact that no person, I am sure, will object to this measure, I ask the chairman of the Committee on Indian Affairs whether he can not permit this bill to take the same course as these other measures. This is a matter of humanity.

Mr. PEEL. I would be glad to accommodate the gentleman, but the bill to which he refers has no pertinence to the business of this evening.

Mr. O'NEILL, of Missouri. If it is necessary for the purpose of making the bill in order, you can put a right of way at the tail end of it. [Laughter.] I have no objection whatever to an amendment of that kind, in order to get the bill through.

Mr. PEEL. I can not consent to a request of that kind. I ask that the bill which I have sent to the desk be submitted to the House; if there is any objection, all right.

Mr. PERKINS. In addition to what the gentleman from Arkansas [Mr. PEEL] has said concerning this bill, I wish to say that it was draughted by the Interior Department, and I hold in my hand an executive document transmitting it to the House, together with the treaty, and a statement of the equities in favor of the bill and the necessity for its passage. As suggested by the chairman of the committee, it is an important matter, and as it is a right-of-way bill, although coupled with other provisions, it was competent, in the judgment of the committee, to call it up to-night under the order; but it was deemed best to do so with the understanding suggested by the chairman. The gentleman from Idaho Territory [Mr. DUBOIS] is entirely familiar with all the circumstances, and will be glad, I know, to furnish any information.

Mr. DUBOIS. The Utah and Northern Railroad Company already has a completed line in operation running through the reservation. This bill provides that the Indians be now paid for that right of way. Up to the present time they have never received any compensation for the use of their lands for this purpose.

Mr. PEEL. This bill proposes to ratify the agreement which the Indians themselves made.

Mr. DOCKERY. I ask the opinion of the Chair upon the question whether this bill is in order.

The SPEAKER *pro tempore* (Mr. SPRINGER). There is no doubt about the bill being in order at this special session of the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL. I yield to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. I call up for present consideration the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes.

The House proceeded to the consideration of the bill.

The following amendments, reported by the Committee on Indian Affairs, were read and agreed to:

After the words "beginning at," in line 30, insert "Rogers on said road, thence west by the way of Bentonville, in Benton County, to."

In line 3 of section 9 strike out "three," before the word "years," and insert "two."

Mr. ROGERS. I wish to ask my colleague [Mr. PEEL] whether this bill contains the self-executing forfeiture clause.

Mr. PEEL. I am not certain, but I think it does.

Mr. PERKINS. The bill contains the following provision at the end of section 9:

Provided, That any violation of the conditions mentioned in this section shall operate as a forfeit of all the rights and privileges of said railway company under this act.

Mr. ROGERS. That is not sufficient. I move to amend by inserting after the clause just read by the gentleman the following:

And it shall not be necessary in such case for the forfeiture to be declared by judicial process or legislative enactment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOORHEAD, LEECH LAKE AND NORTHERN RAILWAY.

Mr. PEEL. I yield now to the gentleman from Alabama [Mr. COBB].

Mr. NELSON. The gentleman from Alabama yields his time to me, and I desire to call up the bill (H. R. 7261) granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. NELSON. There is an amendment I desire to incorporate in section 9, which I think will perhaps meet the views of the gentleman from Arkansas.

The Clerk read as follows:

That this forfeiture shall follow without any further act or ceremony whatsoever.

Mr. NELSON. That is to say, in the event of a failure on the part of the company to comply with the conditions of the grant of the right of way a forfeiture follows.

Mr. ROGERS. I would suggest to my friend from Minnesota that as bills containing this provision have been approved by the President, and as it was prepared by the chairman of the Judiciary Committee after giving the matter full consideration, it seems to me it would be better to adopt that form.

Mr. NELSON. I have no objection; and will accept as a substitute the form suggested by the gentleman from Arkansas.

Mr. ROGERS. Then I offer the amendment in the same words as that heretofore adopted.

The Clerk read as follows:

And it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment.

The amendment was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABERDEEN, BISMARCK AND NORTHWESTERN RAILWAY.

Mr. PEEL. I now yield to the gentleman from Dakota [Mr. GIFFORD].

Mr. GIFFORD. I desire to call up the bill (H. R. 7964) granting to the Aberdeen, Bismarck and Northwestern Railway right of way across a portion of the Sioux reservation, in Dakota Territory.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROGERS. I move to amend this bill in section 5 by adding what I send to the desk.

The Clerk read as follows:

Insert after the word "act," in section 5, "and it shall not be necessary in such case for the forfeiture to be declared by judicial process or legislative enactment."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEWPORT AND KING'S VALLEY RAILROAD COMPANY.

Mr. PEEL. I yield now to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. I desire to call up the bill (H. R. 5830) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation, and move as a substitute for the House bill the Senate bill 1129 of the same title, which was favorably reported by the Committee on Indian Affairs to-day. I desire to state to the gentleman from Arkansas that the clause to which he has referred in several of the preceding bills is inserted in this one.

Mr. ROGERS. I would inquire whether the bills are substantially the same?

Mr. HERMANN. They are the same practically, and in addition they require the assent of the Indians.

Mr. PERKINS. This bill was considered by the committee this morning and was reported by the committee.

The SPEAKER *pro tempore*. The clerks inform the Chair that this bill is not upon the Calendar.

Mr. HERMANN. The Senate bill was reported from the committee this morning favorably, and the House bill was reported back also, with the recommendation that it lie upon the table.

The SPEAKER *pro tempore*. The Clerk will report the title of the Senate bill.

The Clerk read as follows:

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PEEL. I believe that is the last bill that the committee wishes to call up to-night.

Mr. O'NEILL, of Missouri. In regard to this bill No. 5066, to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883, I want to ask the chairman if there is not some method by which we can have the bill considered to-night, subject to having it withdrawn in the morning if there is a single objection; in other words, in that way to obtain unanimous consent of the House for the consideration of an unobjectionable measure.

Mr. PEEL. I feel as anxious as the gentleman to secure consideration of the bill, but can not, as chairman of the committee, agree to call up a bill so manifestly outside of the special order.

The SPEAKER *pro tempore*. The Chair would be glad to accommodate the gentleman from Missouri, but does not see, under the order, how this bill could be considered.

Mr. O'NEILL, of Missouri. I understand that the chairman of the Committee on Indian Affairs expresses himself in favor of the bill.

Mr. PEEL. I have already said so.

Mr. O'NEILL, of Missouri. Then he will call it up at the earliest opportunity.

Mr. PEEL. I will.

Mr. O'NEILL, of Missouri. Very well; I have got him tied to that. [Laughter.]

Mr. PEEL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 32 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CANDLER: A bill (H. R. 10785) for the relief of Mrs. Margaret E. Harnie—to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 10786) to remove the charge of desertion from Isaac Samuels—to the Committee on Military Affairs.

By Mr. GEST: A bill (H. R. 10787) granting a pension to Richard Ashcraft—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10788) for the relief of John Pittman—to the Committee on Military Affairs.

By Mr. LAFFOON: A bill (H. R. 10789) granting a pension to Philip Neuman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10790) for the relief of John Rudy—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed—to the Committee on Invalid Pensions.

By Mr. VOORHEES: A bill (H. R. 10792) conferring authority upon the county commissioners of Garfield County, Washington Territory, to issue bonds—to the Committee on the Territories.

Also, a bill (H. R. 10793) to enable the city of Pomeroy, in Washington Territory, to levy special taxes for the building of water-works, and for other purposes—to the Committee on the Territories.

By Mr. W. L. WILSON: A bill (H. R. 10794) granting a pension to Phebe H. Sever—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Memorial of the general conference of the Congregational churches of Maine, in favor of legislation for the suppression of the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FORNEY: Petition of citizens of Cullman, Ala., for an amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. GRIMES: Petition of T. H. Kimbrough, G. A. B. Dozier, and other citizens of Harris County, Georgia, to amend the interstate-commerce act—to the Committee on Commerce.

By Mr. LAFFOON: Petitions in the claims of John Rudy and of Thomas Osburn—to the Committee on War Claims.

By Mr. LEE (by request): Papers in the claims of Harrison Mills, of Charles Clarkson, of George Clarke, of George W. Goram, and of Henry Vanderhoof—to the Committee on War Claims.

By Mr. POST: Petition of W. L. Wasson and 37 others, citizens of Illinois, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. SENEY: Petition of Lester Sutton and 80 others, citizens of Seneca County, Ohio, in favor of the wool tariff fixed by the American Wool Growers and Manufacturers' Association at Washington, January 14, 1888—to the Committee on Ways and Means.

By Mr. SYMES: Petition of citizens of Colorado, concerning the interstate-commerce law—to the Committee on Commerce.

By Mr. WEBER: Petition of the Knights of Labor of Niagara County, New York, in favor of amending the interstate-commerce law—to the Committee on Commerce.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. OUTHWAITE: Of H. Warren Phelps and 62 others, soldiers and sailors.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. HERBERT: Of James M. Davidson and 32 others, of Burton, Ala.

SENATE.

WEDNESDAY, *July* 11, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

OHIO VALLEY CENTENNIAL EXPOSITION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives on the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888. The message will be read.

The Chief Clerk read as follows:

Resolved, That the House concur in the first amendment of the Senate to the joint resolution and concur in the second amendment of the Senate to said joint resolution with amendments as follows:

On page 1, line 2, of the joint resolution, strike out the word "passed" and insert the word "approved."

On page 1, line 2, strike out the word "ninth" and insert the word "twenty-eighth."

On page 1, lines 2 and 3, strike out the words "and approved," and change the title so as to read:

"A joint resolution declaring the true intent and meaning of the act approved May 28, 1888."

Mr. SHERMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MARY M. BRIGGS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives:

Resolved, That the Clerk be directed to return to the Senate, in compliance with its request, the resolution of the Senate agreeing to the amendment of the House to the bill (S. 889) for the relief of Mary M. Briggs.

Mr. SAWYER. I ask unanimous consent that the Senate reconsider the vote by which the amendment of the House was agreed to.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to reconsider the vote by which the amendment

made by the House of Representatives was agreed to. It will be so ordered, if there be no objection.

Mr. SAWYER. I now move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 948) for the relief of William H. Tabarrah was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of the Board of Trade of Philadelphia, Pa., and a petition of the Manufacturers Club of Philadelphia, Pa., praying that an appropriation be made for the improvement of the League Island navy-yard; which were referred to the Committee on Appropriations.

He also presented petitions of the Junior Order of United American Mechanics of Pennsylvania, praying for the passage of Senate bill No. 553 to regulate and restrict immigration, as follows: Fredonia Council, No. 47, of Philadelphia; Diligent Council, No. 4, of Philadelphia; General Custer Council, No. 206, of Johnstown; Good Will Council, No. 42, of Tyrone; General Putnam Council, No. 125, of Pittsburgh; Ellsworth Council, No. 14, of Philadelphia; Moyer Council, No. 166, of Moyer; Philos Council, No. 188, of Madison; Invincible Council, No. 33, of Allegheny; Wilkinsburgh Council, No. 92, of Wilkinsburgh; Scottdale Council, No. 102, of Scottdale; Middletown Council, No. 156, of Middletown; Warden Council, No. 182, of Stoners; Birmingham Council, No. 26, of Pittsburgh; Black Creek Council, No. 51, of Weatherby; New Tripoli Grand Council, No. 204, of New Tripoli; Bridesburgh Council, No. 135, of Philadelphia; Security Council, No. 168, of Weaver's Old Stand; Dravosburgh Council, No. 141, of Dravosburgh; Winona Council, No. 163, of Germantown; Climax Council, No. 195, of Smithton; Bethany Coancil, No. 155, of Ruff's Dale; General Marion Council, No. 154, of Pittsburgh, and Codurus Council, No. 115, of York.

The petitions were referred to the Committee on Foreign Relations.

Mr. SPOONER presented a petition of citizens of Pierce County, Wisconsin, praying for the adoption of certain amendments to the interstate-commerce act; which was ordered to lie on the table.

Mr. MITCHELL. I present the petition of M. S. Hellman, of Canyon City, Oregon, with accompanying evidence, praying for a rehearing in the matter of his claim for reimbursement for supplies furnished the Quartermaster's Department, heretofore presented to the Senate, and on which an adverse report was made, No. 85, first session, Forty-third Congress. I move that the petition, together with the papers on file in the case, be referred to the Committee on Claims.

The motion was agreed to.

Mr. ALLISON presented a petition of 32 citizens of Davis County, Iowa, praying that the schedule of duties agreed on by the representatives of the wool-growers and wool-manufacturers at the city of Washington may be enacted into a law; which was referred to the Committee on Finance.

He also presented a petition of citizens of Groton and vicinity, in the Territory of Dakota, praying that no change be made in the tariff on flaxseed and linseed-oil, and flax lint; which was referred to the Committee on Finance.

He also presented a petition of citizens of Doña Aña County, New Mexico, praying for legislation providing for the payment of claims for Indian depredations; which was referred to the Committee on Claims.

He also presented a petition of 130 citizens of Jefferson County, Iowa, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Council Bluffs, Iowa, praying for the extension of time of payment of the debt of the Union Pacific Railroad Company; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

CUSTOM-HOUSE EMPLOYÉS.

Mr. HALE. I ask, out of order, as I am engaged in the Committee on Appropriations, to submit two resolutions at this time.

The PRESIDENT *pro tempore*. Does the Senator desire immediate action upon them?

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection, the first resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to send forthwith to the Senate the information relating to employés in the custom-house service in New York city, called for by resolution of the Senate adopted May 1, 1888; also, the information relating to employés on the customs service at Baltimore, Md., called for by resolution of the Senate adopted May 7, 1888.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. SAULSBURY. I wish to inquire if there is any necessity to obtain this information from the Secretary of the Treasury. I understand we have had a committee going round and looking into the service at the various custom-houses, and I suppose they have all the information required without troubling the Secretary of the Treasury to furnish a list of all the employés in the custom-houses of the country. It seems to me that it would be unnecessary to call upon him to furnish us with a list of the number of employés and the character of employés when we have a special committee of this body to make pilgrimages to various parts of the country for the purpose of ascertaining that very fact.

I have no objection to anybody having all the information he wants, but when we have a special committee traveling over this country inquiring of everybody, not only in the civil service, but those who have been dismissed from the ervice, everything in connection with the public service in the custom-houses, why should we be making inquiry of the Secretary of the Treasury with reference to the number of employés, the character of employés, and the pay of employés at the various custom-houses of the country? It seems to me to be out of order to be doing any such thing.

Mr. HALE. I do not understand that the Senator objects. I do not think any Senator will object to the resolution.

Mr. McPHERSON. I do not know that I want to object. I simply rise to make an inquiry of the Senator from Maine.

The resolution requires an immediate response by the Secretary of the Treasury, which may mean a good deal to him; that is, it may require a very large extra force of clerks in order to give the information that the Senator from Maine desires.

May I inquire whether the necessity of the resolution is based upon some action being taken by the Committee on Appropriations, in appropriating money for the use of the Treasury Department to pay the employés at the custom-houses?

Mr. HALE. No, not necessarily. The Senator will not object to the resolution if he examines it carefully. The information was called for two months ago or more, and this is only to remind the Department that it should send these facts in forthwith. I have not proceeded unadvisedly, and have not been impatient; but it is more than two months since the resolution was first put in, and the Senate is entitled to the information. It is upon a public matter, a matter that has excited public interest. It is information that can easily be furnished, and the resolution is only a reminder to the Secretary of the Treasury of the former resolution, and that the inquiry of the Senate ought to be answered.

Mr. McPHERSON. It is not needed by the Committee on Appropriations in order that they may intelligently appropriate money for the pay of the employés of the custom-houses?

Mr. HALE. No, sir.

Mr. McPHERSON. I would suggest, then, to the Senator from Maine that he modify the resolution and not use the term "forthwith," but say "at his earliest convenience." That would be a reminder.

Mr. HALE. There was one resolution passed in that form more than two months ago. The Senator knows that this not infrequently happens, where a resolution of inquiry to which nobody objects is put in. After the Senate waits a reasonable time it is then customary in a respectful manner to ask that the information be furnished forthwith. "Forthwith" means as soon as possible. It would not, I think, be fitting and courteous to put a first resolution in that way, and I did not. This is only to remind the Secretary of the Treasury, so that we may get the information.

Mr. McPHERSON. I did not object to the resolution when it was originally introduced and passed by the Senate. I do not object to this resolution. I want the Senate to have the information.

Mr. HALE. I do not think any Senator will object. I have not been impatient about it.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

APPOINTMENTS TO CLASSIFIED SERVICE.

Mr. HALE. I now ask for the consideration of the second resolution which I sent to the desk.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Civil Service Commissioners be, and they are hereby, directed to send forthwith to the Senate the information relating to certifications and appointments in the classified service in Washington called for by resolution of the Senate adopted May 1, 1888.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. I should like to inquire of the Senator from Maine if there be a statute which authorizes one House of Congress to direct the Civil Service Commissioners to send information to that House?

Mr. HALE. If the Senator objects to the resolution, I will let it go over.

Mr. HOAR. I think that should be known. It would put the Senate in an awkward position if such were not the case.

Mr. HALE. If the Senator objects, of course the resolution goes over.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object to the present consideration of the resolution?

Mr. HOAR. No; I asked the Senator from Maine a question as to the authority of the Senate to give this direction.

Mr. HALE. I have no idea that there is such an unapproachable majesty about the Civil Service Commission that the Senate may not send a proper inquiry to it.

Mr. HOAR. I do not think that is a very good answer to the proposition made. The Senator from Maine offers a resolution directing a certain public body to inform the Senate. If the Senate has authority to give that direction, that is all right. The Senator knows whether it has or not, or he would not introduce the resolution. If it has no authority to do that, then the question will present itself to the Senate whether it will make such an order. I do not think it is any matter of unapproachable majesty.

Mr. HALE. I am willing to leave it to the Senate.

Mr. SAULSBURY. I think the inquiry of the Senator from Massachusetts is a very proper one.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. SAULSBURY. Unless I can get an answer to the question raised by the Senator from Massachusetts I shall object.

Mr. HALE. Either Senator can object, and the resolution will go over for a day.

Mr. SAULSBURY. I object, then.

The PRESIDENT *pro tempore*. The Senator from Delaware objects, and the resolution lies over under the rule. It will be printed.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 3159) for the relief of the Oregon Paving and Contract Company, reported it with amendments, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 5222) for the relief of A. M. Anderson and others, reported it without amendment.

He also submitted the views of the minority of the Committee on Claims to accompany the bill (S. 353) for the relief of William T. Crump; which were ordered to be printed.

Mr. VEST. I rose, but scarcely in time, to ask the Senate to consider the bill reported by the Senator from Delaware [Mr. SAULSBURY], the bill of which I spoke yesterday. It is a mere formal amendment of an act we passed June 18, 1888.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of the bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888. Is there objection?

Mr. DOLPH. The morning business is not concluded?

The PRESIDENT *pro tempore*. It is not yet concluded.

Mr. DOLPH. Will the bill take any time?

Mr. VEST. I think not; the mere reading of it will suffice.

Mr. DOLPH. I will let the bill come up, but I ask the Senator to allow me to make a report.

Mr. VEST. It is a short bill.

Mr. DOLPH. I wish to make a report from the Committee on Foreign Relations, and then I shall have no objection to the consideration of the bill.

The PRESIDENT *pro tempore*. The Chair will receive reports of committees.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the bill (S. 2854) to execute certain treaty stipulations prohibiting Chinese immigration, reported adversely thereon, and the bill was indefinitely postponed.

He also, from the same committee, reported a bill (S. 3304) to prohibit the coming of Chinese laborers to the United States; which was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] asks for the consideration of the bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888. Is there objection?

Mr. HOAR. What is now the order of business?

The PRESIDENT *pro tempore*. The order of business is reports of committees.

Mr. HOAR. I make no objection to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill having been this day reported, the Senator from Missouri asks unanimous consent for its present consideration. Is there objection?

Mr. PADDOCK. I wish to make some reports from the Committee on Pensions.

The PRESIDENT *pro tempore*. That is in the nature of an objection.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood;

A bill (H. R. 6307) granting a pension to Sarah A. Corson;

A bill (H. R. 24) for the relief of Eliza Russell; and

A bill (H. R. 490) granting a pension to George W. Pitner.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 6491) for the relief of Lowman & Co., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2531) granting a pension to Frederick W. Travis;

A bill (H. R. 6220) granting a pension to John Taaffe;

A bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll; and

A bill (H. R. 8423) for the relief of William H. Porter.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs, which was agreed to.

A bill (S. 674) for the relief of Felix Marcinkowski; and

A bill (S. 2429) for the relief of Charles F. Holly.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1661) for the erection of an appraiser's warehouse in the city of New York, and for other purposes, reported it with amendments.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased; and

A bill (S. 992) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States; agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. HENDERSON, of North Carolina, Mr. ROGERS, and Mr. FULLER managers at the conference on its part.

The message also announced that the House insisted upon its amendment to the bill (S. 2657) granting an increase of pension to Emily J. Stannard, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MATSON, Mr. CHIPMAN, and Mr. GALLINGER managers at the conference on its part.

The message further announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas; and

A bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation, in Washington Territory, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation; and

A bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Perces Indian reservation.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 123) granting a pension to Mrs. Virginia Grier;

A bill (S. 1173) increasing the pension of Jeptha A. Jones;

A bill (S. 1556) granting a pension to Martha N. Kellogg;

A bill (S. 2274) granting a pension to Mrs. Catharine K. Whittlesey;

A bill (S. 2604) granting a pension to Mrs. Loanda Sherman;

A bill (S. 2866) granting a pension to Abel G. Rankin;

A bill (S. 3021) granting a pension to Carrie V. Miller; and

A bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 3305) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON introduced a bill (S. 3306) granting a pension to Mary K. Richards; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3307) to remove the charge of desertion from the military record of George O. Bradley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3308) to provide for gas and electric lights for the city of Washington and the public buildings by contract; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced a bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3310) to place the name of John Tobin on the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3311) granting a pension to Oscar H. Kimball; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3312) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 3313) granting a pension to Lewis Dolby; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes;" which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CALL, and Mr. WILSON of Iowa, submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION STATEMENTS.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That in the consideration of the bill (H. R. 10340) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," the Committee on Appropriations be authorized to employ a stenographer to take down such statements in regard to items therein as the committee may desire to have reported; and the committee may have such statements printed for its use.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAULSBURY, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition and papers in the case of Charles D. Maxwell.

On motion of Mr. CULLOM, it was

Ordered, That Mrs. Frances M. Wilkinson have leave to withdraw from the files of the Senate the papers relating to her petition for a pension, her application having been reported upon adversely.

ORDER OF BUSINESS.

Mr. GEORGE. I move that the Senate resolve itself into open executive session for the consideration of the treaty with Great Britain.

Mr. PLUMB. I do not propose or desire to interfere with the convenience of the Senator from Mississippi, but I ask him to withhold his motion so that I may present a conference report and have it disposed of. It will take about half an hour, perhaps. It is only to meet the convenience of the other legislative branch that I wish to have it considered now.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield for that purpose?

Mr. GEORGE. I do.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For compensation to clerks in post-offices for unusual business, as contemplated by Revised Statutes, section 3863, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all after the word "year," in line 4, of said amendment; and the Senate agree to the same.

That the House recede from its disagreement of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"The Postmaster-General may hereafter allow rent, light, and fuel at offices of the third class in the same manner as he is now authorized by law to do in the case of offices of the first and second class: *Provided*, That no contract for rent for a third-class post-office shall be made for a larger period than one year, nor shall the aggregate allowance for rent made in any year exceed the amount appropriated for such purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "That hereafter the postage on seeds, cuttings, bulbs, roots, cions, and plants shall be charged at the rate of 1 cent for each 2 ounces or fraction thereof, subject in all other respects to the existing laws."

And the Senate agree to the same.

On amendment numbered 7, the committee of conference has been unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. PLUMB. There were but few points of difference between the two Houses on the Post-Office appropriation bill.

Amendment numbered 1 was a new provision authorizing the Postmaster-General to spend $50,000 as compensation for clerks in post-offices for unusual business. That provision the Senate struck out. The Senate conferees agreed to yield to the House to the extent of appropriating $25,000 for that purpose.

Amendment numbered 2 was a provision for rent, light, and fuel for post-offices of the third class, appropriating $650,607. The Senate inserted in lieu thereof $450,000, and besides added a provision that not more than $300 should be allowed for rent of a third-class office in any one fiscal year, and not more than $60 for fuel and light. The House conferees substantially agreed to that provision.

Amendment numbered 4 was designed to be a permanent provision of law for the payment of rent for third-class post-offices. It was stricken out by the Senate, and the Senate conferees substantially yielded to the House upon that point.

Mr. McPHERSON. I ask the Senator if there was any increase of the rate of rental for third-class post-offices?

Mr. PLUMB. There was not. The Senator will bear in mind that as the law now stands rent can not be allowed for third-class post-offices. The House inserted a provision which allowed the Postmaster-General to award any sum which he might name for that purpose. The Senate amendment limited the amount to be allowed during the present fiscal year, beginning the first day of this month, to $300, designing simply to bring this matter within limits and to see how the provision was going to operate. To that the House conferees agreed.

Senate amendment numbered 6 was a provision reducing the postage on seeds to 2 cents a pound. That amendment was adopted on my motion. I had taken the Senate bill as reported from the Committee on Post-Offices and Post-Roads and as passed by the Senate, and I designed to amend it so as to make the rate 8 cents a pound, but by a mistake in the hurry of the moment I made the amendment in the wrong place, and that reduced the rate from the amount contained in the Senate bill, which was 4 cents a pound, to 2 cents a pound. The bill as it passed the Senate was designed not only to reduce the postage on seeds to an amount which was regarded as a fair compensation for carrying them, but was also designed to meet the special circumstances of Canadian competition then in existence and which have since been removed. So, when I came to offer the amendment it was designed to do by the amendment exactly what the Senate Post-Office Committee would have done as an original proposition, that is, reduce the postage one-half, making the rate 8 cents a pound in place of 16 cents a pound, as it is now. The conferees of the Senate and House agreed upon the proposition as it was intended to have been in the Senate, making the rate 8 cents a pound.

The only item of difference remaining between the two Houses, so far as the conferees are concerned, is what is known as the subsidy clause. This amendment, numbered 7, is found on page 6 of the bill, in these words:

To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

The subsequent paragraph requires the Postmaster-General to furnish the schedules of arrivals and departures, authorizing in case of unreasonable failure to depart on those dates to withhold from the con-

tractors a certain sum as a penalty for non-performance. That remains in difference. The conferees agreed upon every other item of difference but that one, and that is still in difference between the two Houses.

I ask for the adoption of the report.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. PLUMB. I now move that the Senate further insist on its amendment numbered 7, and ask a further conference with the House of Representatives upon that amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate still further insist upon its amendment numbered 7, and ask for a further conference with the House of Representatives thereon.

Mr. PLUMB. Before that motion is put I wish to say a few words.

There is nothing in this provision which requires the Postmaster-General to spend this money. It is a discretionary fund. I do not mean to say that he can absolutely take off all the service between United States ports and those in South and Central America, but I do say that he practically has control over this expenditure to the extent of saying whether he will expend a small portion of it, one-half of it, or all.

It is a fund designed to give him power to establish a better mail service, a more frequent mail service, a swifter mail service between the ports of the United States and the ports of South and Central America and the West Indies.

The Postmaster-General objects to being endowed with this responsibility; and he says in substance in a communication to a member of the House of Representatives, which is contained in the RECORD of the 4th day of July, that the service as at present carried on is satisfactory. With all due respect to the Postmaster-General, I do not believe a word of it. It may be satisfactory to him, and to that extent, of course, his statement may be entirely correct; it may be satisfactory to the Post-Office Department; but it is not satisfactory to the business public. It is not satisfactory to the persons who use the mails; the facilities provided by the United States, whether they be American or foreign ships, for carrying the mail between these ports, are not satisfactory. It is not a fair arrangement upon the part of the Government of the United States, which is under certain obligations, because it has reserved to itself the right alone to carry the mails of the United States. It is not a fair dealing with the Government upon this subject.

Mr. President, we give every year between $5,000,000 and $6,000,000 for the purpose of carrying the mails or what are called the star-routes of the United States. The Postmaster-General lets contracts for this service, inviting competition therefor by public advertisement, and fixing at his own discretion not only the rate of speed but the number of trips between the various points. It is to the credit of the Department now and heretofore that it never has sought to establish any very close relation between the returns to be received from that service and the expenditure on account of it.

It has been the policy of the American people to carry the mail to American citizens wherever they were to be found on American soil. In the most remote mining camps, in the newer agricultural communities, everywhere where men go for permanent possession or business, the United States Government practically recognizes its obligation to carry to them the mail, and to carry it to them with a frequency and a celerity which has relation not to the amount of revenue paid, but which has relation to the necessities of the situation, and those necessities of course are commercial and social.

If the mails of the United States had only been carried to those communities which paid for them—that is to say, where the revenues of the Department equaled the sum it took to pay for the mail service—there would have been no service west of the Mississippi River to-day practically, or it would have been confined to a few of the larger cities, and the border population of the country would not have been accommodated. But, Mr. President, the United States has adopted an entirely different policy. Where the people are it takes the mails to them. To-day there is a mail on horseback, to-morrow there is a mail in a coach, and the next year the mail is carried on a railroad.

But an erroneous idea prevails about the relation of great places like New York, Philadelphia, and so on, to the revenues of the mail service. It is assumed that all the money which is put into the Treasury on account of mail service by the New York office is entitled to be credited to that place, and we hear a great deal of talk of the amount paid for clerk-hire and things of that kind out of the mail receipts at the New York post-office. There is not a mining camp in the United States, there is not a hamlet anywhere under the flag that does not contribute to the revenues of the New York post-office. By just as much as these agencies of the Government and of civilization are extended, by just that much the mail receipts at large cities are swelled; but they are due partly in every case to the circulars sent out and returned and to the correspondence that goes to and fro between the large commercial center and every village and hamlet in the land.

So, if there be an excess of postal revenue in New York, Boston, and Philadelphia, it is because of the policy adopted by the United States Government of giving to the American people, however remote and scattered, the benefits of the postal service.

Mr. VEST. I should like to ask the Senator if there has ever been any complaint by American citizens resident in South America in regard to mail facilities?

Mr. PLUMB. I think there has been.

Mr. VEST. I have never heard of any. We had better be perfectly frank about this. The only complaint I have ever heard—and I suppose every Senator is perfectly cognizant of that fact—has come, I presume, from the steam-ship lines in existence. I receive frequently slips calling my attention to the importance of additional mail facilities between this country and South America, but I never heard of any complaint from any citizen resident in those countries.

Mr. PLUMB. I have, and I have heard it very often. Of course, the American people do not go there to permanently reside, and it is to their credit that they do not. They still retain their citizenship. They go there for purposes of domicile in connection with trade, the building of railroads, the selling of goods, and so on. They are to some extent a transitory population. They do not remain there year after year as people do in the West. They go and come very largely, and therefore they do not utter such complaints; they are not heard in the shape of formal petitions as they would be if they were persons who lived there all their natural lives and to whom, therefore, the privation which the policy of the Government has brought to them would be more apparent and more dangerous and more damaging.

But, Mr. President, this is a question of degree and not of kind with the Post-Office Department. I have in my hand a bill which, I violate no confidence in saying, because I am authorized to make the statement, was drawn in the Post-Office Department under the auspices of the Postmaster-General himself and introduced in the House of Repesentatives by the chairman of the Post-Office Committee, who was a member of the conference committee on this bill, which proposes to amend section 4009 of the Revised Statutes of the United States as follows:

But in cases where a contract shall be made in addition to the sea and United States inland postage—

And it will be borne in mind that the maximum compensation now is a combination of the sea and inland postage upon the matter carried. This bill goes on:

But in cases where a contract shall be made in addition to the sea and United States inland postage to be allowed under this section to United States steam-ships plying between ports of the United States and Central and South America and the West Indies, he may, by agreement—

That is, the Postmaster-General may—

by agreement with the owners or agents of said steam-ships, at an equivalent consideration therefor,—

That is to say, he is authorized to fix the schedule of departures and the contractors shall name a satisfactory time within which the journey shall be made between the United States port and the foreign port—

allow any sum not exceeding three times the sum of said sea and inland postage, for dispatching their vessels without fail upon certain dates, to be specified in schedules covering periods of not less than six months each, to be agreed upon in advance by the Postmaster-General and said owners or agents.

And then follows a provision very much like the one contained in the amendment now under consideration.

So that after all, taking this bill as expressing the true sentiment of the Postmaster-General, it is simply a question of limiting his discretion to a maximum expenditure of $800,000, or the maximum expenditure of an unascertainable amount, which may be three times the sum allowed by the present law.

Now, Mr. President, it may be worth while to know what we are paying for this service, and I have here a table prepared at the Post-Office Department showing it. To the Pacific Mail Steamship Company, for the service between New York and Colon during the fiscal year 1887—the fiscal year which terminated one year ago this month—we paid $15,340.62. We paid the same steamship company, for service between San Francisco and Panama, $1,833. We paid to the New York, Havana and Mexican Steamship Company, for service between New York and Vera Cruz, $399.03. We paid the steamship company that carries the mail between Key West and Nassau—the name of the owners not given—$228.37. We paid to what is known as the "Red D Line," between New York and Laguayra, $4,457.47. We paid the New Orleans and Central American Steamship Company, for service between New Orleans and Port Limon, $195.12. We paid Headley & Co.'s steamers for service between New York and Colon, $23.39. We paid Oteri's line, between New Orleans and Truxillo, $199.55; to the Royal Mail Steamship Company, between New Orleans and Belize, $3,887.77; to the steamships connecting us with the Haytian Republic, between New York and Cape Hayti, $205.30; to the United States and Brazil Steamship Company, for service between New York and Rio de Janeiro, $10,804.35; to the Morgan Line, for service between New Orleans and Vera Cruz, $67.50; to the same line, for service between New Orleans and Havana, $192.81; to steamers plying between New York and Bermuda, $10.79; to the Clyde Line, between New York and San Domingo, $960.08; to Leaycraft & Co.'s steamers, between New New York and Cape Hayti, $30.32; to the steamer Alert, for service

between New York and Cape Hayti, $79.42; to the New York and Cuba Mail Steamship Company, between New York and Santiago, $124.88, and to the same line, between New York and Nassau, $331.48. Making a total for all the service between the United States and Central and South American and West Indian ports, $39,371.25.

The Postmaster-General wants the discretion limited to an expenditure of three times that amount, and we are willing to trust him—those who believe in this amendment and have agreed in the reporting of it are willing to trust him—with a maximum sum of $800,000, and to the payment of that sum on a basis of not exceeding $1 per nautical mile on the shortest line to be traveled between the ports named for the carrying of the mails.

This service yields us a profit, that is to say, the entire foreign mail service of the United States, yields a profit to the United States Government of between $600,000 and $700,000 a year, and if we were to appropriate all this money and the Postmaster-General should expend it all, the foreign mail service of the country would still not result in a deficiency.

Mr. HAWLEY. Would not the new facilities tend to increase the receipts?

Mr. PLUMB. I think they would. The Postmaster-General estimates that the increase for the present year was 20 per cent., and I call the attention of the Senate to the fact that the aggregate increase of the mail facilities of the United States in the internal business of the postal service is only about 8 per cent. per annum. That is the average. Sometimes it goes below that and sometimes it is as high as 10 per cent., but the average increase during the past two or three years has been only about 8 per cent., while our foreign service has increased at over twice that rate.

I believe following the suggestion of the Senator from Connecticut. If we had better communication, if we had swift communication, if we had more frequent communication, and if we had a service under the control of the Post-Office Department in such a way that a schedule of departure could be arranged to be published six months in advance, as provided in this amendment, the business between this country and Central and South America would be much increased. We have been doing this same thing with reference to Cuba. I take pleasure in recalling my own part in that, whereby for the purpose of establishing swift communication between New York, the metropolis of this country, and Cuba we have paid for years 50 cents a mile to the railroads between New York and Tampa Bay, and are now paying more money per annum for one little steamer plying between Tampa Bay and Havana than we are paying for all the service rendered to our postal department by mail steamers to all Central and South American countries put together. As a result our trade with Cuba has been largely increased.

It is plainly to be seen that we are on the threshold of taking commercial possession of Cuba, largely by means of this improved communication. Passengers leaving New York now go in sixty hours from New York to Havana; the parcel business has immensely increased; the post expressage has largely increased; travel has largely increased; the process of assimilation between these countries is going on. Some of these days we shall have Cuba by a perfectly natural process, and without war, as everybody knows. We would not permit the Government of Spain to interfere with that even at the expense of war. The Senator from Massachusetts [Mr. DAWES] says "excepting the English Government." That statement is somewhat involved. I leave him to elucidate that.

Attention is often called to the fact that we are in many cases competing with governments that do exactly what is here proposed. There is not a continental power that does not subsidize its steam-ships. Great Britain and Germany are to-day colonizing Africa. The very first step in that colonization, which, of course, is only another means of extending their trade, was to establish subsidized lines of steam-ships between German ports and British ports and African ports. They are doing the same thing wherever their steam-ships go. In other words, they do whatever may be necessary to make it perfectly sure that between the German Empire and between Liverpool and the points to be reached there may be the swiftest and best possible means of communication.

But, Mr. President, we shall take possession in the same way commercially of all these countries if we will only apply to our service between this country and theirs the same rule we have applied at home.

We propose to vest the Postmaster-General with that discretion. He may not exercise it at all; he may decline to do it, and if he declines to do it the money can not be spent. He is in no danger of being overreached; he is under no compulsion to do anything he does not think the necessities of the service require; but we believe, certainly I believe, that if he has this money he will see so many ways of improving the service and shortening communication by making it more frequent and better that he will spend a considerable portion of it, and that the postal service of the United States and the commerce of the United States will thereby be largely enhanced.

Mr. BECK. Mr. President, I was appointed a member of this committee of conference, although it was well known that I was unalterably opposed to the view taken by the Senate in regard to this subsidy question; therefore I took no particular part in the discussion had in this conference in regard to it. I agreed with my colleagues in regard to all the other differences between the Houses touching the matter pertaining to the Post-Office bill proper, and the Senate having passed the subsidy provision I defererd to their action, of course, as a member of a conference. I will now state, however, that I have no idea that the House of Representatives will agree to it, and further, that I do not believe they ought to agree to it.

It is a subsidy pure and simple, not wanted by the Post-Office Department, not needed by it, not forming a part of its system of carrying the foreign mails at all. As the Postmaster-General very well says, it might as well be given by Congress, without his intervention, to a few men as a bonus or a donation, and leave him unembarrassed by the difficulties that it is now attempted to throw around his administration by placing it in his hands under the pretense that the good of the service will be promoted by its expenditure. All that the Senator from Kansas says about our star routes and steam-boat mail routes is true.

We send our mails to all our people by the best means attainable, whether they pay expenses or not. They go regardless of profit or loss to the remotest parts of the country. Every civilized country in the world does the same thing. We ought to do it; we are under obligation to our own people to do it; we throw restrictions around all the ships in the coastwise trade carrying our mails that are not pretended to be thrown around vessels engaged in the foreign service, and we require them, as we do railroads and stage-coaches, to comply with all postal regulations.

The ship that carries the mail along our coast has to sail and deliver mails at stated periods whether she has any other freight or not; she has to make her trips in a specified time or suffer the penalty, unless there is a reasonable excuse for the delay. That is part of our internal system, and Cuba being within 100 miles of our coast is embraced in it; that is beneficial, as the Senator from Kansas says; but that interior system which the United States and Great Britain, Germany and France, and all other countries that are dealing with their own people, carry on is a very different thing from what is proposed here in sending mails to foreign countries in subsidized lines.

Mr. President, I do not know that I can present the objection to this subsidy scheme in any better way than by reading what the Postmaster-General says in regard to it in his letter to Mr. BLOUNT, of the House. He exhausts the argument. The Senator from Kansas has not attempted to answer it, although he called attention to the letter and has no doubt read it carefully. I insist, with all due respect to him, that neither he nor any other gentleman in this Chamber can answer it.

The Senator is mistaken in saying that the Postmaster-General may do as he pleases with it. He is directed to use the $800,000, and is required to give it to the subsidized steam-ship lines. Two or three years ago, when only the word "authorized" was used in a somewhat similar attempt to subsidize pet lines, and the former Postmaster-General, Mr. Vilas, did not see fit to exercise that discretion, he was denounced on this floor for the position he took and the responsibility he assumed by all advocates of the subsidy. Some of the steam-ships refused to carry our mails altogether for a time, and for days on this floor the action of the then Postmaster-General was denounced in unmeasured terms. The next effort was to add the words "and directed" to the word "authorized," in order to compel him to carry out the designs of the subsidy-seekers. The same language is used in this amendment, which says:

> To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five years nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

Mr. PLUMB. Does the Senator not see that on the question of compensation the words "not to exceed" qualify the whole paragraph?

Mr. BECK. Not to exceed a dollar a mile?

Mr. PLUMB. Yes.

Mr. BECK. I admit that; but he is directed to give it to them at that rate and must make contracts for $800,000 for at least five years if they propose to sail miles enough, as they will whether they carry more than one letter a trip or not.

Mr. PLUMB. Not to exceed that rate; he may give it at a rate less than is paid now if he can get it.

Mr. BECK. Even when Mr. Vilas was only authorized to do it, he was denounced, as I can show by the RECORD, because he did not give it all to them, and gentlemen on the other side of this Chamber day after day could hardly find epithets vile enough to apply to the Postmaster-General because he did not give the dollar a mile that they said he was authorized to give, and it was claimed they were entitled to have it all paid to them whether they performed any real service or not. If they carried one letter, they were to have the dollar a mile for each mile sailed. But I will not go back over that controversy. I repeat

that the Postmaster-General settles it in his letter, so that I need not argue the question. No man can answer him, or successfully controvert the truth of his statements. I hope Senators will listen while I read what he says. He recites the subsidy provision which the Senator from Kansas read. The Postmaster-General says:

SUBSIDY.

The remaining provision of the bill is as follows:

7. "To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding, for each outward trip, $1 per nautical mile of the distance in the most direct and feasible sailing course to secure the ends above set forth.

"The Postmaster-General shall cause schedules to be furnished by the contractors, stating dates of departure of steam-ships from the United States six months in advance, and in case of unreasonable failure of any steam-ships to depart with mails on the date or dates therein stated the Postmaster-General may withhold from the contractor or contractors as penalty one-half the contract price for said trip or trips, and in the event of continued failure to depart on dates stated in the schedule the Postmaster-General may annul the contract or contracts, or the same may be terminated by Congress."

It will hardly be claimed for this legislation that it is either demanded or required, or that it can be utilized for the benefit of the postal service merely. The resources and powers of the Department have proved entirely adequate to afford to the citizens of the United States a foreign mail service equal to, and in most cases superior to, that of any nation in the world. Nine-tenths of our foreign letter mail crosses the Atlantic, and the settled policy of the Department has been to employ the swiftest vessels from week to week for carrying the mails. The Department, at the request of prominent merchants, importers, and bankers of the United States having commercial relations with foreign countries, has endeavored to induce foreign postal administrations to adopt a similar policy to promote expedition and security in correspondence.

Under the present system, on routes other than to European ports, mails have been carried in American steam-ships at four times the rates paid for transatlantic service, although no foreign vessel has ever refused or hesitated to accept the sea postage, or one-fourth the rate paid to American bottoms. Under the present conditions the Central and South American letter mail increases at the rate of about 10 per cent. in weight a year, and the number of sailings to West Indian and Central and South American ports from the three ports of New York, New Orleans, and San Francisco increased in the fiscal year ending June 30, 1887, from 712 to 831. In addition to the compensation paid in money, all common carriers by water are greatly benefited by carrying the mail. Provision for their benefit in Brazilian ports are as follows: Mail steamers are allowed to immediately discharge their cargoes, preference being given them before any other vessel and before they have been entered at the custom-house, both on week days and on Sundays or holidays.

They may sail at any hour, day or night, after they have received the mail, and can not be detained under any pretext whatever beyond the hour fixed for sailing. Similar benefits are provided for mail steamers at other West Indian and Central and South American ports. While the Department in every case has given the preference to American ships at four times the cost of carriage on competing foreign ships as permitted by law, yet in very many cases because of very much greater expedition or because of the absence of proper facilities in American steamers, or because of very great delays, the other ships offering have been given the business at the lower rate on the principle that the first duty of the Department to our citizens under the law was to give them the best, most expeditious, and certain mail facilities within its resources.

If there shall be superadded to the functions of postal administration that of administering a subsidy or a bounty for the promotion of American shipping interests I can readily see why, in practice, these two offices must so conflict that, so far from being of advantage to and promoter of efficient mail service, such a subsidy, with such a purpose, in the hands of the Postmaster-General must antagonize and overbear the primary object of his office, which is to give to the correspondence of our citizens the best expedition and certain transmission. If the bounty or bonus system is to be revived, it should be done without involving this Department in the complications certain to arise from administering it, and without hampering its fundamental rule of action, which is that the mails must go at all events.

While we granted aid to Pacific railroads, with conditions imposed that the mails should be carried for a credit on the debt, yet the Department was left free to employ better or more expeditious routes in its discretion. The proposed legislation will be in effect a mandate to the Postmaster-General to contract with American-built as well as American-registered steam-ships for the transportation of the mails to the ports of Central and South America and the West Indies for a period of not less than five years and with a compensation for each outward trip of $1 per mile.

He at least assumes that he has no discretion in regard to the compensation, which he says is $1 a mile for each outward trip. Continuing, he says:

There is no condition for advertisement, and, indeed, unlike even the British subsidy acts, competition is not contemplated or permitted, as the contracts are to be limited to American ships, and as to these will be practically limited to those now in existence, between whom there is comparatively no competition because of the number which can be employed in the service.

In the present conditions the proposed lawmight as well have named the few persons to whom this money is to be paid. Even the laws (Revised Statutes, sections 3976 and 4203) under which American ships might be compelled to carry the mails have been repealed (23 United States Statutes at Large, 58), and it goes without saying that the proposed legislation intends the Department to pay the maximum rate provided, *i. e.*, $1 per nautical mile for five years, to these few persons, without troubling them with any negotiations as to terms, and, indeed, as you will observe, without even the lodgment of discretion in the Department to designate from what ports of the United States the mails shall sail. It may be said in passing that presumably the "terminal points" from which sailings will be made, if self-interest, as is usually the case, governs, will be those from which the greatest number of nautical miles may be computed, rather than from those at which the convenience and needs of the service would be suited. It may be noted also that the schedules of sailings are to be furnished by the contractors, and not by the Postmaster-General; altogether, from an analysis of the proposed legislation it would seem to exclude the exercise of any power of any representative of this Government to provide for this mail service in the interest of the people, except after contract, which must be on the carrier's own terms and after the carriers have fixed the schedules according to their ideas of what the mail service should be, to compel them to conform to their own expressed views and decision as to the public convenience and the public interests.

I beg you to believe that in this criticism of the bill I am not commenting unfavorably at this place upon a policy of granting bounties to American ships. I do think, however, that the carrying out of that policy should not be involved in the postal administration. Such gifts should be voted and given directly, if the Government shall determine to pursue a policy of engaging in this branch of private business. With very great respect, however, to the framers of the bill, I do seriously object to that provision of the proposed legislation which places the mail service at the mercy of any firm, individual, or corporation. While, indeed, the subsidized lines might be compelled to carry the mails if tendered, yet the Department should be independent, and should at all times be enabled to send the mails by the most expeditious routes and make use of the best facilities afforded for that purpose from among all carriers offering. The Department should be free to take advantage of all sailings, of increased facilities coming from increased business, of changes for the better wrought by time, extension of commerce, and competition, and should not be tied up for a decade to single lines of communication, unstimulated to improvement and all progress by the existence of a settled, inordinate, and certain income.

Herewith I furnish you two tables marked "A" and "B." From them you will see that the mails of this country were carried to Central and South America and the West Indies for the fiscal year ended June 30, 1887, by foreign steamers at a cost of $7,936.27 at the single rate, and by steamers of American register at a cost of $39,381.57. The number of miles sailed by the foreign ships employed was 666,448; the miles sailed by the ships of American register employed were 546,758. It will be seen, on the plan of payment proposed, which is fixed without regard to the amount of mail carried, that the service, which cost us in the fiscal year 1887 $47,317.84, would have cost us, if paid for as proposed, $1,213,206. It is estimated that the weight of mails will be for the next fiscal year increased 20 per cent. over these figures, and from what I have before shown it will be seen that the number of sailings will be increased in about the same ratio over the figures given in Tables A and B. The total cost of the sailings under this bill, predicated upon the business of 1887, can be but an approximate standard by which to estimate the cost under a provision of $1 for every nautical mile for each outward trip.

But without regard to the cost, it is perfectly evident, from an examination of these tables and from the experience of the Department in affording the best attainable service, that "American-built ships" alone, with whom the Department can now contract under this bill, and with which it must contract for a term of years, can not perform the service absolutely essential. Heretofore, as I have said, whenever it has been possible and consistent with the best interests of the public which this Department serves, American ships have been employed to carry the mails at four times the rate paid to foreign ships; yet with this policy steadily maintained, to give proper service at all it has been necessary to employ other carriers, as shown by Schedule A. One of the most serious disadvantages from connecting the proposed subsidy with this Department will be that, even in cases where service is not furnished to certain ports by American ships at all, carriers that might be had will hardly suffer the enormous discrimination in compensation for the carriage of the mails. The conditions would certainly predispose human nature to refuse to perform the service at all.

Again, it will not commend itself to our people if, with this enormous compensation, avowedly for the carriage of the mails, frequency of transmission shall be largely curtailed, even to ports touched by American ships, as must be the case where we pay one carrier about two hundred and fifty times as much as we offer for the same service to another. In my opinion the bill would not be advantageous to the service, but the disadvantages would be positive in so far as this Department is concerned; while if it shall become a law, the Department will of course faithfully administer the fund in accordance with the spirit of the act. I feel confident that such administration will result only in a very great pecuniary benefit to a dozen individuals, at the expense and embarrassment of good service, and of inconvenience, injustice, and material injury to the great body of the people, whose money will be used in the purchase of those results.

Considering this as a subsidy pure and simple, unconnected with the postal service, it becomes a question of general policy with which this Department has nothing to do. The subject has been ably and exhaustively discussed in Congress, notably in the Thirty-fifth, Forty-fifth, Forty-sixth, and Forty-ninth. You, sir, and other distinguished members—

This is addressed to Mr. BLOUNT, of Georgia—

of the Post-Office Committee as at present constituted, have on the floor of the House presented the learning which the history of the subject, political economy, or the experience of legislation can teach. It has been frequently demonstrated by the experience of this and other countries that to enable one line by Government aid to carry more cheaply and thus to destroy competition, does not promote commerce.* The most successful ocean steam-ship lines of the Continent—those of Hamburg and Bremen—receive no pay from the government other than the moderate postage rates.† The British precedent is not in point and would not be even if Great Britain did not offer her mail service to the carriers of the world. "Her aims are political and not commercial. She must have constant communication with the colonies, and she has spent large sums for this object. She must have an efficient and capable transport service for the protection of those colonies." ‡ The views of that government are stated in Mr. Scudemore's report (Parl. Papers 1867-'8, XII, 113) as follows:

"The question (mail subsidy service) can not be dealt with on commercial principles. * * * For the sake of keeping up such communication with the East as the nation requires they must set commercial principles at defiance, and cost what it may the nation must either pay them what they lose thereby or forego the communication."

Of course England may subsidize lines of ships to open up new markets for her surplus, because she freely exchanges commodities with such markets; and her policy is after establishing the commerce to steadily decrease the subsidy. If the policy of giving bounties to promote commercial relations with other countries be ever adopted again after the failures in our history, it would seem that its adoption should be deferred until closer commercial relations with those countries can be maintained, and are not antagonized by an opposing system of laws.

I hope that language will be considered carefully by gentlemen on the other side when they are quoting what other nations do in order to build up commerce. They met in Chicago lately, and in their platform declared that they are going to keep the American markets for themselves; they propose to build a Chinese wall around the United States to prevent our people from buying anything produced abroad which can be produced at home at any price, in order to protect home industries.

They propose to take no step in the direction that other nations are moving in order to build up closer commercial relations with other countries, but they propose to antagonize trade with other people by an

*Mercantile marines of foreign countries, Forty-ninth Congress Ex. Doc. No. 172.

†Forty-fifth Congress, second session, Ex. Doc. No. 38. Forty-sixth Congress, third session, House committee report No. 342.

‡Hadley.

opposing system of exclusion and restriction which destroys the very idea of commerce with other countries. I will not, however, go into these questions now.

The Postmaster-General continues:

Commerce in the very essence of its meaning is exchange. It is not to sell and never to buy.

Never to buy seems to be Republican policy in dealing with foreign nations, according to the Chicago platform, if somebody here has the same things to sell, even if he asks double price for them. He adds:

The individual or nation does not exist that will buy all one has to sell for cash with no reciprocal return in profitable exchange. Cargoes out and cargoes back are needed for the creation of a merchant marine. The cargo out will not be bought unless we buy in exchange, and it will be bought if we are willing to trade. Until these conditions come, subsidies may maintain a line so long as the subsidy lasts and then the line will go down for want of legitimate trade. If, however, the subsidy policy is to be pursued, I venture to suggest the Mexican method. When a ship arrives with a cargo the tariff tax is divided with the ship-owner, the latter taking 50 per cent. of the duty on the goods he brings in payment on account of his subsidy. The trading-ship is thus enabled to remit to the consignor, if he will employ his ship, a portion of the government duties, and thus the ship-owner is indeed enabled to promote trade with foreign countries directly. An improvement upon the Mexican method in the interest of the promotion of trade and of the building of ships to conduct it, would be to enable the owners and the builders to receive at the port of consignment in that country still a greater proportion of the duties imposed by the government upon the cargo.

In this way the Mexican ship would be enabled to get her cargo, charge a fair profit for carriage, and sell to the Mexican consumer at a price at which he could conveniently buy, take out a cargo for exchange, and repeat the process, to the cultivation of much closer commercial relations with foreign countries, and to the maintenance of Mexican shipping. Of course, the Mexican method is somewhat cumbersome, and the same end might be reached without indirection and without the payment of a subsidy by the removal or reduction of the Mexican tariff on imports.

While on the subject of closer commercial relations with South and Central America, for the promotion of which the bill under consideration is doubtless intended, I call your attention to some interesting figures. Our total trade with Brazil for the year ended June 30, 1887, was as follows:

Total imports	$52,955,591
Our total exports to Brazil were	8,137,794
Of the imports we imposed no tariff upon	47,076,473
We did impose a tariff upon	5,876,703

Our total trade with Central America for the same period was as follows:

Total imports	$7,706,978
Total exports	3,006,714
Of the imports we imposed no tariff upon	7,195,705
We did impose a tariff upon	441,916

Our total trade with Venezuela was as follows:

Total imports	$8,444,967
Total exports	5,504,215
Of the imports we imposed no tariff upon	8,248,450
We did impose a tariff upon	12,786

Our total trade with the United States of Colombia was as follows:

Total imports	$4,771,303
Total exports	7,158,235
Of the imports we impose no tariff upon	3,934,559
We did impose a tariff upon	16,594

Our total trade with the Argentine Republic was as follows:

Total imports	$4,104,102
Total exports	6,364,545
Of the imports we imposed no tariff upon	3,347,936
We imposed a tariff upon	752,256

Our total trade with Chili was as follows:

Total imports	$2,863,233
Total exports	2,069,138
Of the imports we imposed no tariff upon	2,634,396
We did impose a tariff upon	228,897

These illustrate the universal rule by which the limitations upon commercial relations and the carrying trade with all the countries of Central and South America may be measured. A comparison of the amount brought into the country free of tariff with what we send in exchange is instructive. It should be noted that of the Brazilian imports free of duty, the large proportion value is the item of coffee, after deducting which the lesson on exchange of trade as bearing on closer relations with all these countries is the same, and the universal one.

I have the honor to be, sir, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. JAMES H. BLOUNT,
Chairman of the Committee on the Post-Office and Post-Roads, House of Representatives.

I agree with the Postmaster-General that we must take what the people we seek to trade with have got to sell if we expect them to buy from us. That is what all the leading commercial countries of the world are doing to secure trade and cargoes for their ships both ways. Does any man suppose that the world will buy from us unless we buy something from them? Is it good policy to close our markets against the world? If so, is it not good policy for them to close their markets against us? Can we sell to everybody and buy from nobody? I think not. That, however, involves, as I said, other questions which we can discuss by and by.

All I have to add now is that the Postmaster-General demonstrates that from the time we began with the Garrison subsidy, followed by the Roach subsidy, and the subsidy to the Pacific Mail, that brought so much scandal, we have built up no trade of any consequence, except in goods admitted free of duty. We can build up none by subsidies. This subsidy will not build up trade, but it will seriously embarrass existing postal regulations by giving a subsidy to a few men at the public expense, to the detriment of the public service and to the injury of every tax-payer in the country.

Mr. CHACE. Mr. President, I have forgotten the figures, and I should like to ask the Senator from Kansas how much the amount was that our Government has been paying for the foreign mail service?

Mr. PLUMB. For the fiscal year ending June 30, 1887, the last returns, the Department puts the total amount at $39,375.31.

Mr. CHACE. And what is the Department willing to expend? Do I understand that to be $100,000?

Mr. PLUMB. The bill prepared in the Department and introduced in the House of Representatives by Mr. BLOUNT, of Georgia, the chairman of the Post-Office Committee, provides for giving the Department authority to increase the expenditure to three times that amount.

Mr. CHACE. That would be a little over $100,000.

Mr. PLUMB. About $115,000.

Mr. CHACE. I want to read here, so that the figures may go into the RECORD, in order that all men may see by an absolute comparison what this Government pays and what foreign governments pay for the same service; and after that I shall have a very few remarks to make in regard to the letter of the Postmaster-General.

While we pay $39,000 for this service, France pays $5,152,388.88; Great Britain pays $3,206,766.67; Brazil pays $2,223,958.10; and little Japan $241,250——

Mr. PLUMB. With the Senator's permission, I wish to make a correction. On looking a little more carefully at the provision of the bill to which I referred I find it practically provides for the payment of four times as much, because upon a fair construction of the language—and I understand that to be the Departmental construction—they may not only allow the sea and inland postage, but they may allow three times that much for expedition, which makes about four times, or say $150,000.

Mr. CHACE. One hundred and fifty thousand dollars. That is a trifle more than the little bit of a government of Belgium pays. Belgium pays $134,793.32, and there are any quantity of States in this country with a larger population than Belgium, which has a population, if I recollect aright, of about 2,000,000.

I was about saying that Japan pays $241,250, and the Netherlands pay $101,975.60 for this service.

I felicitate the Postmaster-General upon having embraced this opportunity to make a tariff speech to the Congress of the United States, and I was somewhat interested to see that my friend the honorable Senator from Kentucky [Mr. BECK] realizes constantly his own impulses so fully that he can never make an address upon any subject in the Senate of the United States without making a tariff speech.

Mr. BECK. Does the Senator think I made one to-day?

Mr. CHACE. The Senator made the Postmaster-General's speech for him, and it was a very good one, too.

Mr. BECK. I thought it was.

Mr. CHACE. We were very happy to have a little variation. It was not the old speech of the Senator.

Mr. BECK. I think the Senator and his associates who are so much protected personally by a high protective tariff do not relish it.

Mr. CHACE. Now, Mr. President, there are one or two very weak spots in this tariff speech of the Postmaster-General. The Senator emphasized, repeated, and varied in all sorts of ways the doctrine set forth by the Postmaster-General. This idea that you can not trade with foreign nations unless you buy of them is a favorite theory of free-traders. The Senator himself said—I quote his language—"you can not sell unless you buy; the Central American and South American people will not buy our goods unless we buy their goods." Then he quotes the following figures: He says we import from Brazil $52,000,000 in value a year and we only sell her $8,000,000. It seems to me that the boot is on the other leg. We are buying some six or seven times as much of Brazil as we are selling to her. So of Central America. We buy of Central America $7,000,000 and we only sell them $3,000,000. The argument of the Senator fails there, because we are buying more than twice as much of Central America as we are selling them. We are buying of Venezuela $8,000,000 per annum and we are only selling them $5,000,000. We are buying of Chili $2,800,000——

Mr. BECK. The Senator will please observe——

Mr. CHACE. I am quoting the Senator's figures as he read them.

Mr. BECK. And all we buy are things that we allow to come in free, with a very few small exceptions.

Mr. CHACE. Yes, but the Senator announced the doctrine that these people will not buy of us unless we buy of them.

Mr. BECK. Certainly, and we do buy from them such things as we allow to come in free of duty.

Mr. CHACE. Yes, and we buy from them five to eight times as much as they buy of us.

Mr. BECK. Free goods.

Mr. CHACE. The argument is utterly futile and unavailing.

The Senator from Kansas [Mr. PLUMB] very well suggests to me that we bought the same kind of goods of them when we were levying a duty on them. We bought coffee, we bought the hides from Venezuela when we were levying a duty upon them. But it makes no difference; people buy what they want and sell what they have to sell. That rule applies universally and everywhere, and the argument the Senator makes is against him instead of for him. We buy $29,000,000 of the

people of some dozen different governments in South America, twice and a half as much of merchandise as we sell to them every year; and yet the Senator rises in his place and says, "You have got a villainous system; you can not expect people to buy of you unless you buy of them," and all the time we are buying of them from two to ten times as much as they buy from us.

But, Mr. President, what is the reason we do not sell to these people? One of the most important reasons, one of the most serious impediments to our trade with Central and South America grows out of the fact that we have not ample and ready mail communication with those countries. Merchants in this country exporting goods to South America are constantly sending their invoices by way of Great Britain.

The Postmaster-General talks about sending the mail by foreign steamers. We had a fine illustration of that only two years ago, when the predecessor of the present Postmaster-General made a contract for carrying the mails with one of the English lines of steamers. That steamer took the mail as far as Para, South America, at a price which would hardly pay for carrying the mail from the dock to the post-office in the South American port. He took the mail to Para, and when the captain found he could make a better charter from there to London, he dropped the mails on the wharf and left them there. A steamer of the Brazilian and South American Mail Steamship Company coming along and seeing the mails there took them up and carried them through, and when she got to the South American port where they were to be delivered, because of their delay, because of their being delivered behind time, she had to pay a fine for the delay in the delivery of them.

Mr. President, this is in line with the whole policy of the Democratic party—the party of repression of industry of every kind. It is in contravention of what is an established rule of every civilized nation except our own, that we should encourage and build up our own industry.

The Postmaster-General makes a very disingenuous argument. He says this money might as well be paid to a few persons named in the bill. Now, every man knows that the provision is simply that these contracts shall be let after advertisement, and not only so, but he may contract with one, two, three, or one dozen parties. But how is it with our inland transportation? Why will not the same argument prevail in relation to that? You make provision for the carriage of your mails by railroad. The Postmaster-General might object to the carrying out of that law for the same reason, because every man knows that the mail between New York and Buffalo is carried over a certain railroad this year and will be the next year. The argument would apply with equal force to that appropriation as to this. That is not the purpose. The Democratic party is the party of reaction, of retrogression. They are opposed to all enterprise, to the building up of the industries of this country. They have inherited from the Southern Confederacy, the old slaveholding Confederacy, the idea that there shall be nothing done by the Government to benefit the business of this country.

One more remark, and then I shall stop. We read in the newspapers a few days ago some speeches made by some very eminent lights of the Democratic party at a meeting in Tammany Hall. Every one of them made haste, and they almost tumbled over each other, to declare and attempt to prove that the Democratic party was not a free-trade party. Now, I suggest to them that they had better send to Tammany Hall this letter of the Postmaster-General. What does he say? He says that it is your fiscal system, your system of laws that is in the way of the increase of trade with South America. What does he mean? He means your system of collecting duties upon imports. He means that free trade is the shibboleth of the Democratic party. There is the real doctrine of the Democratic party. He wrote that letter before he had heard from Oregon. I wish to call the attention of the country to the fact that occasionally we get a fair and candid announcement of what the real opinion of the Democratic party is in regard to this matter.

Mr. PLUMB. I am willing now to yield to the Senator from Mississippi [Mr. GEORGE].

Mr. REAGAN. Before the Senator does that I should like to make a remark. I do not want to occupy time.

Mr. PLUMB. This will come up to-morrow, and we shall have plenty of time to discuss it then.

Mr. REAGAN. I do not want to occupy ten minutes.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE], by the usages of the Senate, is entitled to the floor.

Mr. PLUMB. I wish to say to the Senator from Mississippi that if I had understood fully the situation exactly as it is, I should not have trespassed upon his good nature by asking him to yield. I did not understand that this matter would take so much time. I now yield that he may go on.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate do now proceed to the consideration of the fisheries treaties in open executive session.

Mr. GEORGE. Several Senators here have expressed a wish that another bill shall be taken up and considered, and it is immaterial to me whether I go on to-morrow or to-day. At their request and their suggestion, I withdraw the motion I have made, and I give notice that to-morrow, at the close of the morning business, not the morning hour, I will renew the motion and submit some remarks about the fisheries treaty.

The PRESIDENT *pro tempore*. The motion is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate, in compliance with its request, the bill (S. 1427) granting an increase of pension to Elnathan Meade.

The message also announced that the House insisted upon its amendment to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. STONE of Missouri, and Mr. PAYSON, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 671) to provide for the sale of the site at Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon;

A bill (S. 1540) granting a pension to Hannah Babb Hutchins; and

A bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas; which was, on page 7, line 19, after the word "built," to insert:

And it shall not be necessary in such case for forfeiture to be declared by judicial process or legislative enactment.

Mr. BERRY. I move that the Senate concur in the amendment.

The motion was agreed to.

RIGHT OF WAY THROUGH PUYALLUP INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2807) granting to the Puyallup Valley Railway Company the right of way through the Puyallup Indian reservation, in Washington Territory, and for other purposes; which was, on page 5, line 22, after the word "act," to insert:

And it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment.

Mr. DAWES. I move that the Senate concur in the amendment of the House.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

Mr. DAWES. Before the question is put I desire to say a word.

The Senate has taken notice, I presume, this morning of the number of bills that have come into the Senate from another quarter, authorizing the construction of railroads through Indian reservations. I desire, if it may be proper, to call the attention of the Senate and the country to the fact that almost the entire legislation of this session in reference to Indian affairs will be summed up in the authorization of railroads to be constructed over Indian reservations. Whatever is necessary for the administration of Indian affairs, or at least the most pressing measures, some which have passed this body, some which have been long ago sent elsewhere, have for some reason or other, elsewhere than in this body, been laid aside for legislation authorizing the construction of railroads through Indian reservations. The Senate has been remarkably liberal itself in authorizing these roads, not more so, however, than the public good demands; but the complaint which I make in the name of the administration of Indian affairs is that most important measures of legislation are laid aside elsewhere for the sole purpose of authorizing the construction of railroads through these reservations.

While the Department itself, in the necessities of administration, is pressing upon the committee of this body, and is pressing elsewhere, for absolutely necessary legislation, in other bodies by unanimous consent the time is set apart for the Indian Committee to make reports exclusively of bills authorizing railroads to be constructed through these reservations, while such pressing measures as pertain to the healthy and wise administration of the Indian Department can not find opportunity to be presented for action. That I felt it my duty to call the attention of the Senate and the country to, so that the lack in Indian administration this year will find its explanation in the remarks I have made this morning.

I move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

ELNATHAN MEADE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives:

Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (S. 1427) granting an increase of pension to Elnathan Meade.

Mr. DAVIS. I move that the vote on the passage of that bill be reconsidered, and that the bill be postponed indefinitely.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the vote by which this bill was passed may be reconsidered, and that the bill be indefinitely postponed. It is so ordered, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the thirtieth amendment of the Senate to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, and agreed to the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the motion submitted by the Senator from Kansas [Mr. PLUMB] that the Senate further insist on its seventh amendment to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, and ask for a further conference with the House of Representatives thereon, on which the Senator from Kansas [Mr. PLUMB] is entitled to the floor.

Mr. PLUMB. I yield to the Senator from Texas [Mr. REAGAN].

The PRESIDENT *pro tempore*. The Senator from Kansas yielded to the Senator from Mississippi [Mr. GEORGE], who withdrew his motion for an executive session. The question now recurs upon the motion of the Senator from Kansas that the Senate further insist upon its amendment, on which the Senator from Texas [Mr. REAGAN] is entitled to the floor.

Mr. REAGAN. Mr. President, the Senator from Rhode Island [Mr. CHACE] asked the question why it was that we could not sell as much as we bought in South American and Central American countries, and answered it by stating that the main reason for that was that we did not subsidize steam-ship lines. He did not use the word "subsidy," but I use that word as conveying the idea which I understood he intended to express. I did not expect to discuss this question, and I do not propose to enter into the discussion of it to any extent, but I felt unwilling that that statement should go without a further remark.

The real reason why we do not sell as much as we buy is a very different one, in my judgment, from that suggested by the Senator from Rhode Island. It is because by our revenue legislation we have so increased the cost of materials, the cost of rents, the cost of living, the cost of clothing, the cost of every element that enters into manufactured fabrics, that we make them cost so much that we can not sell them in competition with those of other countries which make them at less cost, and there is no subsidy within the bounds of reason to ships that will enable us to reduce our prices so as to sell our commodities in markets when they cost so much more here than the like commodities cost in other countries.

Mr. DAWES. What are those articles?

Mr. REAGAN. All the articles which constitute elements of the cost of manufactured fabrics, labor, living, rents, clothes, food, and everything else. I mean in general terms to say that by our revenue system we have put the whole policy of the country in this respect upon stilts. We have got it up so that we can not compete with other countries, and gentlemen do not seem to think of liberalizing our policy as a means of extending our trade, but, like the Senator from Rhode Island [Mr. CHACE], and like my friend who has just risen [Mr. DAWES], they think the only way to extend our trade is by still further subsidies.

Mr. DAWES. If the Senator will specify the particular article, we could determine by the figures whether we had increased the price of it by duties.

Mr. REAGAN. I do not propose to take up the subjects now in detail, and the Senator can get the benefit of what I say and controvert it at his leisure. What I meant to say and did say was that by our revenue policy we make our general merchandise manufactured in this country so high that we can not compete in the markets of the world with like commodities made in other countries, and no amount of subsidy that is within the range of reason can enable us to compete in those markets. Subsidy will not bring down the price of our commodities. If it does, then the manufacturers of those commodities must lose, and the gentleman had better understand that.

The Senator talks about the Democratic party being the party of reaction. I understand it to be the party of liberal views. I understand that the policy which would restrict the trade of the country, which would build up a Chinese wall, so to speak, around this country, which would prevent the commerce of the country being carried on with other nations, is the great difficulty under which we labor. That is Republican policy, not Democratic policy.

Why, sir, we have gone on giving subsidies to manufacturers until we have induced investments in machinery and manufacturing establishments to such an extent that it is impossible that these establishments can run on constant time during the year. What is the result? One of the results is that the capital invested in these manufacturing establishments lies idle and unproductive during the period that it can not be employed.

A more fatal and more evil result is the fact that for large portions of each year these manufacturing establishments have to suspend operations and turn thousands and tens of thousands of laboring people out of employment, and to starvation and to strikes, and to the business of being tramps. That comes from a system of subsidies, an unnatural system for securing an unnatural investment of capital beyond the needs of the country, coupled with the fact that, while we are doing that, the same policy increases the cost of our manufactured articles, so that we are limited substantially to the sale of them in our own country and can not take them to foreign countries; and yet the Senator from Rhode Island talks about the Democratic party being a reactionary party because it refuses to go further in the line of subsidies, because it refuses to fetter the commerce of this country, and it seeks to liberalize that commerce, it seeks to let capital take its natural course, to let it be invested where it can find constant and useful employment, not by an artificial stimulus to induce investments that will employ a large number of people a short time and then turn them out to starve for the balance of the time when commodities can not be sold.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Texas yield?

Mr. REAGAN. In a moment. The Senator from Delaware [Mr. GRAY] calls my attention to a paragraph, which I will read, from the Philadelphia Ledger, which says:

The Manufacturers' Association some time ago resolved to shut down for a month in order to prevent the glut of the market. For the past two or three years this has been the annual custom.

Mr. GRAY. "The annual custom!"

Mr. REAGAN. It is the habitual custom. We all know it and have known it from year to year. The difficulty has been that we have gone too far with subsidies, either for the benefit of capital or for the benefit of labor, and we have gone so far in this direction as to increase the cost of our manufactured fabrics so as to limit their sale to our own country and prevent us from having the benefit of the world's markets.

Mr. MCPHERSON. Will the Senator permit me to ask a question before he sits down?

Mr. PLATT. I have been trying to ask a question for some time. I want to ask the Senator from Texas this question, without any design at this time to enter into a discussion of the protective system: I ask why he supposes it is that in that country which does not adopt the protective system, but adopts the system which he thinks, I suppose, should be adopted for this country, it is found necessary to subsidize the vessels which carry the mails to South America to the extent of something over $3,000,000 a year?

Mr. REAGAN. Mr. President, I do not feel prepared to answer to my own satisfaction the question which the Senator has presented, and certainly would not be able to answer it to the satisfaction of others now, but if I should offer an off-hand answer, it would be this, that the countries which subsidize steamers and try to outrival each other in subsidies, are monopoly-ridden countries that suffer in their general business for the promotion of particular interests, just as the policy of the Republican party would and does make the body of the people of this country suffer for the promotion of the interests of a few persons.

Mr. MCPHERSON. The question I wanted to ask the Senator was this: He calls attention to the fact that factories close down. That I presume is because of the want of demand for their goods.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate at this hour the unfinished business, which is the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. MCPHERSON. In other words, in a protective country where foreigners can not sell their goods——

Mr. BLAIR. I rise to a point of order. The Chair having laid before the Senate the unfinished business, I suppose it should be informally laid aside or some action taken.

The PRESIDING OFFICER. The unfinished business is now before the Senate.

Mr. HAWLEY. The chairman of the committee who reported that bill, the Senator from Oregon [Mr. DOLPH], is temporarily absent and desires it to lie aside without losing its place. I have no doubt he will agree to that being done.

The PRESIDING OFFICER. If there be no objection, it will be temporarily laid aside.

Mr. McPHERSON. Am I now in order, Mr. President?

The PRESIDING OFFICER. The Senator from Texas [Mr. REAGAN] has the floor, but yields to the Senator from New Jersey.

Mr. McPHERSON. I will begin again. In a protective country which keeps out foreign manufactures, when overproduction takes place at home, as a matter of course the factories must close. Does not the Senator think if in addition to our own market we had the entire markets of South America as well for our products, it would give labor here steadier employment?

Mr. REAGAN. I do think that, and I think we ought to pursue a policy and could pursue a policy, if we acted wisely and properly, that would effect that very purpose; and that is by liberalizing our commerce, by reducing our protective system; but it can not be done, as I said awhile ago, by subsidizing ships, because no subsidy we can give to ships will reduce the cost of our commodities in foreign markets.

Mr. McPHERSON. All commerce is barter. We can not expect to continue commercial relations with a country unless we barter with that country. But take, if you please, one of the principal commodities of the Senator's own State, the cotton industry. There is no tariff upon raw cotton. There is no country in the world that produces raw cotton to the extent we do, and we export it to the extent of thousands and tens of thousands of bales. It goes abroad. Why can not the labor of this country, in addition to supplying its own market, its protected market, make cotton goods for South America, even if the laborers work at less than protected pay on that particular class of cotton goods that go to South America? If the manufacturers and laborers jointly should adopt such a policy, the factory need not close at all, and if it should it demonstrates the fact that even the policy of absolute free trade would not help us to secure foreign markets.

Mr. REAGAN. The statement I have made makes the best answer that I can give to the question the Senator propounded, that we have invested so much capital in manufactures that we are able to manufacture, if the factories were run on full time, twice as much as this country can consume. We have by increasing the cost of material, the cost of clothing, the cost of food, the cost of rent, and by increasing the cost of all the elements that enter into the creation of our fabrics, made them so high that we can not sell them in foreign markets, and therefore we can not avail ourselves of those markets so as to keep our capital and our labor employed; but if the Senator and others will consent to a reduction of the tariff to a reasonable standard, a revenue standard, not looking to that protection which seeks the exclusion of commerce from this country——

Mr. CHACE. Mr. President, I want to assert——

Mr. REAGAN. Let me proceed. If it will be allowed that we shall adopt a policy that will enable us to manufacture as other people manufacture and at the price at which other people manufacture, and that will not stimulate the investment of more capital than can be profitably and constantly employed, the evil will be remedied.

Right here I wish to suggest, in the line of the question of the Senator from New Jersey, that we have pursued this exclusive policy, this policy of striking down our commercial relations with other countries, of abdicating our trade as far as we could with other countries, until the great agricultural interest of this country, the food-producing interest, the meat-producing interest, the cotton-producing interest, is threatened by Germany, by France, and by Great Britain with a retaliatory policy. Remember that the great body of our exports are agricultural. I forget the proportion, but I think about four-fifths or more are agricultural, coming mostly from the Middle and Western and Southern States. This policy of a high protective tariff, excluding commerce, is being felt by those governments, and all who are familiar with what has been going on in them for the last two or three years know that they threaten a retaliatory policy, so that they will not buy to the extent they have our food supplies, our meats, our cotton, whatever we have of productions of that kind, and from year to year the suffering, the inconvenience, and the loss of the country in this respect will go on until the people by poverty, by distress, are at last driven to understand that the great body of the people of this country is being impoverished and pauperized in order to make millionaires of a few men engaged in manufacturing and other monopolistic pursuits.

Mr. McPHERSON. I entirely admit the argument the Senator makes that high duties are a hinderance to commerce. No country can compete as a manufacturing country with another one which admits all raw materials for use in its factories free. I admit that. I also admit that no line of steam-ships that we can run to-day, even by subsidy, to the South American states can compete with an English line of steam-ships that takes the product of those states to England when they are received into that country free of duty.

But we are reforming our revenue laws. A bill is now pending elsewhere which undertakes to place raw material upon the free-list. Therefore, if the bill becomes a law, our factories will occupy an entirely different position, and as to the question I raised with the Senator from Texas about the cotton industry, certainly his plea of high tariff does not apply to that. If we can grow cotton in this country cheaper than it can be raised anywhere else, and we do, can we not export the cotton product to South America and undersell other countries? The Senator answers in this way: that that can not be, simply because the cost of living and of labor is higher and rents are higher here. Am I mistaken in my statement? If I am not, then after our home market is supplied labor can only find employment in its willingness to meet the world's competition in foreign markets. And when we give up the South American markets we surrender the only spot of discoverable country on the globe which will in the future absorb our surplus products.

Mr. REAGAN. I only want to say that South America is not a cotton market; it is a cotton-producing country.

Mr. McPHERSON. The same applies to other cotton manufacturing countries, and a great deal of the exports of this country that go to South America are cotton goods. The English send cotton goods to South America as well. The South American states are not manufacturing states, and although they raise cotton do not manufacture largely. I used cotton as an illustration because the American product stands in respect of cost precisely with the English product, except the increased cost of labor; and our labor is far better than English labor. Why, then, do we not export cotton to South America?

Now, Mr. President, the question that I put to the Senator he has failed to answer, unless this be his answer, that because labor is higher here we can not send goods to South America. Which is better for labor to do, to become absolutely and entirely idle by closing up the factory when the home market is overstocked, or to labor for a time at less wages in order to enable us to export the goods to South America and compete with English goods? If cotton goods could be manufactured in the cotton region of this country and sent to South America at 1 per cent. profit, after paying a reasonable sum to labor, the manufacturing industry would prosper.

Mr. SAULSBURY. I wish to ask the Senator whether cotton raised in the Southern States could profitably be manufactured in this country and sent abroad, sent to Brazil and other South American states. I ask him this question: If, with a tariff on cotton goods of about 30 or 35 per cent., with the duty added to the price of cotton goods imported into this country, if you had every farthing of cotton manufactured in the United States under your protective system, so as to exclude all other cotton without paying 35 per cent. duty, does he believe the manufacturers of this country would consent to send their cottons free of duty to the South American republics, when they were charging the American consumer 35 per cent. by means of the tariff duty?

Mr. McPHERSON. Most assuredly, and I want to say that 50 per cent. of all the manufactured products brought into this country from England, Germany, France, Belgium, and the other manufacturing countries of Europe represent nothing more than the cost of production. They send their surplus goods to this country and sell them for money or what is to them the equivalent of money. The surplus of their factories is turned into money at once, at some price, and this is the only country which speculates on the future. Anything, at all times, will find a money purchaser here if the price is made low enough.

Let me illustrate. I met an iron-monger from Glasgow coming to this country to sell a quantity of iron. I asked him this question, "Why do you come to the United States to sell it?" He said, "I am obliged to sell it for money, sir; and when it reaches the port of New York I want to sell it for what it will bring. I intend to pay the duty on it and take what there is left." Thus it is with the surplus goods of every country in Europe. Their mills do not close up; they have a market all over the world, and they use their markets to the best possible advantage.

Now, Mr. President, one word more and I have done. I have never voted in the Senate for a subsidy for anything; for steam-ship lines, railroads, or anything in the world in the shape of a subsidy that I know of. I am opposed to subsidies in the abstract, but I want to say here and now as to this South American trade that with me it is an exceptional case. These great republics of South America are a part of our own continent, being like us and with us in interest, in sympathy, in everything that goes to make up a republican form of government, desiring to trade with us, doing everything in their power to encourage and increase the trade with us. Here are Brazil, the Argentine Republic, and many other of those states which have even granted subsidies to American steam-ship lines themselves to enable them to get commercial relations and postal relations with the United States of America. Here is the Roach Line that a few years ago was granted a subsidy of $100,000 a year by Brazil, but when it was found that the Government of the United States would not aid it at all the result was that the Brazilian Government withdrew its subsidy.

I do not call this a subsidy. It grants $1 per mile to a steam-ship line for carrying the United States mails to the Central and South American states. I think it is only a just and fair compensation to induce lines of steam-ships to be rapid in their movements and capable of doing the commerce both ways quickly.

I think it is the very best investment the Government of the United States can possibly make. Here are steam-ship lines owned to-day by the British Government, by the German Government, which admittedly have almost three-fourths of the trade of Central and South America, that are subsidized by those governments. There is not a single steam-ship line running down the coast of South America to-day that is not a subsidized line by a foreign government except our own

steam-ships. Now, then, I notice in the very excellent letter which the Postmaster-General has sent us, that he, unwisely I think, stops exactly where I want to begin.

Mr. REAGAN. I did not yield to the Senator for a speech.

Mr. McPHERSON. I suppose the Senator will permit me to finish my statement. I notice that the Postmaster-General stops just exactly short of where he should have stopped. He makes the admission that he is giving the very best postal facilities possible to be given with the resources at his command. Now, what are the resources? Why, sir, he is dependent upon the subsidized steam-ship lines of foreign governments to carry the mails, and they are a part of his resources. Supposing those resources should be withdrawn, and the postal relations between the United States and Central and South America should then be one-half what they are now, the simple admission that for all that postal trade during the entire year the cost was only $39,000 is to me a sufficient admission that we are not giving good postal facilities, or that we are robbing the steam-ship companies that carry the mails.

Mr. REAGAN. Mr. President, the Senator from New Jersey thinks I have not answered his question. I am not sure that I know what it is, and I will not repeat what I have stated on the subject, but leave the record as it is made for others to determine whether my position is sustained, or whether he has put a question to me that I have not answered. All the object I had in view in rising was to make the statement that the purpose of the subsidy—I call it a subsidy, the Senator does not, but I do not care what name you call it by—the purpose of the increased pay will not effect the end which it is said it is intended to effect, that of increasing the commerce of the country to any perceptible or valuable extent; and I say that, for the reason I have stated two or three times, our manufacturing establishments are surrounded by conditions which make it impossible for them to manufacture goods and put them into the markets of Central and of South America and of Mexico in competition with the goods of other countries, that make them cheaper and no amount of increase of mail pay, as you call it, no amount of subsidy to steam-ship lines, if you take it in that shape, can aid us in that difficulty. If we want to increase the ship-owning of the country, if we want to encourage ship-building, then the granting of money may aid in that, but it will not change the condition of commerce between this country and those countries. It can not do it, and it is easy to see that it is impossible by a mere increase of the number of ships and the trips of ships to lower the price of commodities manufactured in this country so as to enable them to compete with commodities manufactured in other countries. That is all I have to say about that.

Mr. McPHERSON. Would they not have some traffic beside the mail?

Mr. REAGAN. The Senator asks me if they would not have some traffic besides the mail. If we want traffic we must adopt the conditions which will give us traffic. We must enter upon a liberal policy of commerce with the rest of the world, and buy where we can buy cheapest and sell where we can sell dearest, a principle recognized by all the writers on political economy so far as I know, and it is the correct principle. We never can accomplish the end of increasing the commerce of this country with those countries by subsidies so long as we render it impossible for our manufacturers to put their commodities in those markets in competition with those of other countries.

Mr. HAWLEY obtained the floor.

Mr. McPHERSON. I wish to say a single word, if the Senator from Connecticut will bear with me a moment.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. HAWLEY. I want to say a few words. I give way though.

Mr. McPHERSON. As I said to the Senator from Texas, the steam-ship would require some other traffic besides the mail, even if it had a subsidy. The steam-ship lines that are already running between the United States of America and the South American states have stations established along the Atlantic coast. One of the lines after making its headquarters at New York and taking on cargo, comes down to Norfolk, where it has an agency established. It receives freight at Norfolk and it goes to Central and South America, where it has its agencies established also for the sale of goods. In other words, when the steam-ship lines are established they of necessity are compelled to establish commercial agencies, and in that way they aid and encourage commerce between the two countries. That is the condition of things as it exists to-day, and it would exist to a much greater extent if the number of ships was only increased.

As I said before, I am unwilling to undertake to change the whole revenue and fiscal policy of our Government for the sake of getting the trade of Central and South America, but I claim it would not be necessary. A certain modification of our revenue laws, which would allow our factories to obtain control of the raw material at the lowest possible price, taken in conjunction with intelligent American labor to put that material into the different products, would enable us to take possession of every one of the South American markets. I am unwilling, for one, to allow any European government to get control and hold of the markets of that country through its agencies, its commerce, its subsidies, and everything of that kind, to the extent of driving out American industry and keeping it out.

I want a line of steam-ships from the Pacific coast, plying between the South American States and the Pacific coast. I want a line of steam-ships, or a dozen of them, on the American coast, plying along the coast of South America, and carrying the products of the North to that southern hemisphere. I demand that as a right, and I care not by what process it may be reached. If the Government of the United States have a surplus of $600,000 as a profit in carrying the foreign mail, I will gladly contribute that $600,000 toward the opening and the holding of those markets. It is true the Post-Office Department can secure postal facilities, such as they are, at less rates than this bill proposes, and we might continue this policy until we had no need of postal facilities with South America at all. Our rivals would have so intrenched themselves commercially that we should be compelled to admit that while the most progressive of all the nations we could not supply even the wants of our nearest neighbors. No foreign nation shall ever occupy any portion of these American States, either to influence their policy or enjoy a monopoly of their commerce, at least with my consent, until after the United States shall have exhausted every means at its command to prevent both these catastrophes.

Nowhere else on earth would I venture to go in the same manner, but as to South America I would have and I would hold that market against all comers at all cost. Whether it can be done by subsidies I know not, but I do know that capitalists desiring investment in steam-ship lines have said that they would build steam-ships and run them between the ports of the United States and the ports of South America, and run faster lines and do everything in their power to encourage and increase commerce, provided the Government would pay them the subsidy that the British Government are paying to lines already engaged in the same trade. I am willing to trust them and to try it. I am willing to try it for a single year, and I am not willing to postpone the effort a single hour longer.

I regret that I have been forced into this debate to-day without a single moment of preparation. I hope, however, it will be postponed, and that I may have opportunity of presenting my views more fully upon this important question.

Mr. HAWLEY. I understand the Senator from Texas [Mr. REAGAN] to simplify the tariff question somewhat by declaring unequivocally that it is necessary to reduce wages in this country in order to extend our foreign trade.

Mr. REAGAN. The Senator does not understand me that way, I hope. I have not said anything of that kind.

Mr. HAWLEY. He confessed our inability to sell goods in certain countries through our inability to produce cheaply enough.

Mr. REAGAN. Yes, sir; but there are many elements that enter into the production of goods besides labor; the cost of material and living of every sort and all the elements I mentioned enter into it.

Mr. HAWLEY. Then he would reduce the cost of living. Is that it?

Mr. REAGAN. I would reduce the tariff to a revenue standard, so as not to put the business of this country upon stilts and disarrange our whole financial and commercial system.

Mr. HAWLEY. It is very difficult to understand what the revenue standard is upon some goods. If there is next to nothing coming in of a certain article that is produced here and it is produced abroad, then the duty is practically a prohibitory one; but to reduce that duty would be to invite importation and to increase the revenue. So it is extremely difficult, I say, as to many articles, to know what is exactly a revenue standard.

But the Senator puzzles me in another respect. He says we have given such encouragement to manufacturers that capital gluts the market; that there is too much capital employed in manufacturing; and that we are producing goods too rapidly and have a surplus, and therefore have to stop. In the first place, there is no imaginable system under which you can escape an occasional glut of the market. There is England, the paradise of the Democratic party commercially, politico-economically the paradise, that has, more nearly than any other people, except it be the Turks or some equally mistaken people, a free-trade tariff; and yet it is everlastingly said in the English papers that they are suspending here and there because the market is glutted. Yet raw materials go in there free, and everything else goes in free, except certain large classes of articles that the poor man consumes as much as do the rich, and on those they have their tariff.

They get their whole hundred millions out of four or five articles of almost universal consumption, while we get the larger part of ours out of luxuries and things of that sort. We encourage the establishment of manufactures here, and at the same time we tax for the support of the Government the people who are best able to pay. They say to us that free trade—for that is what they are all aiming at confessedly; Watterson says the man is an imbecile who denies it—they say to us that free trade is proper, and yet this free-trade nation of Great Britain has as much difficulty as anybody else with glutted markets.

The gentleman makes another mistake in supposing that higher wages necessarily imply a greater price and costlier production. I can show

him the statistics of an English statistician who points out distinctly the fact that the American laborer produces more per capita than any other laborer; that a hundred Americans produce as much as one hundred and five, or one hundred and ten, or one hundred and fifteen—I can not furnish exactly the figures, I do not remember, but a measurably greater amount than the English laborer produces. Why? He gives the reason. Because he is better fed and better clothed and more intelligent, and will not live in the cabins those people are in.

But the free-trader turns around and points to the fact that the cost of rent is higher here than in Great Britain; and the English free-trader thinks he has made a point when he shows that workmen have to pay more for rents here. It is because they will not live in the manner these people live. They will have meat more than once a week; they will have a better house and better surroundings; they will have a piano or a melodeon; will put on good clothes for Sunday; and we could not make them live here as they do there.

The free-trade doctrine these gentlemen preach here—I shall not undertake to go into the subject generally—is simply a deliberate determination to reduce the cost of manufacturing in this country by reducing the rate of wages, and they might as well admit it too, and go into the Presidential campaign accordingly.

I say, on the other hand, that the well-fed and well-clothed American mechanical operative can produce more goods than anybody else per capita, and he does it by his better physical condition, being more active, intelligent, and capable; also because he has something to hope for and something to live for in this country; and he has better machinery. It pays to pay higher wages. By paying higher wages you get a more rapid and a more excellent production, and in no case does it tend to lower prices.

Mr. BUTLER. May I ask the Senator a question?

Mr. HAWLEY. With great pleasure.

Mr. BUTLER. If the proposition be true that the American laborer produces more than the English or European laborer, is not that the reason for this increase of wages that he gets, and will not that increase of wages and higher wages go on if there is a reduction of taxation?

Mr. HAWLEY. He will save something there undoubtedly. I see what the gentlemen are aiming at. Throw off these duties and let goods freely come in at cost with a small percentage added. How does the laborer there live? Read the innumerable books, or go yourselves and see how he lives. Wages will be somewhat higher in this country anyhow because of the scale of living, perhaps, but take the duties off, put these men, then, upon an even plane of competition, the one man with his meat once a week and insufficient clothing and insufficient education, and the other man well fed and well clothed.

Mr. BUTLER. I do not want to cause cheap labor; I am very much opposed to it. I think that the admission of the Senator is a complete answer to his own argument, that the fact that the American laborer produces more accounts for the increase of his pay.

Mr. HAWLEY. It does not wholly.

Mr. BUTLER. So that higher wages in America would go on notwithstanding a reduction of taxation, because the American laborer is more intelligent, the Senator says. I think he is. Because he lives in a better house. I think that is true. Because he has better machinery. I think that is true; and because he works longer. That is true. Therefore he gets more wages, so that the reduction of taxation does not necessarily involve the idea of a reduction of wages according to the Senator's own theory.

Mr. HAWLEY. The Senator had better take the floor. We shall have this out by and by, some other time, when it will be more satisfactory. It is a very inviting subject indeed; but just let me finish what I was going to say, and you may have the rest of the afternoon.

Mr. BUTLER. I do not want any part of the afternoon. I was simply putting in my oar as the Senator is putting in his.

Mr. HAWLEY. I have the floor in my own right. I am not putting in an oar.

Mr. BUTLER. I beg pardon.

Mr. HAWLEY. All right; the Senator is perfectly welcome.

I find the excess of production in behalf of American workmen either 5, 10, or 15 per cent., but the difference in wages is anywhere from 20 to 100 per cent. So if you take off the duty you do not remit the men to an exact equality. You may do it so long as their political institution, whether gotten from the vice or ignorance of the present or inherited from the vice of ages, it makes no odds——

Mr. BUTLER. Will the Senator——

Mr. HAWLEY. Please do not. I could not repeat the alphabet or the Lord's Prayer when you interrupt me that way. [Laughter.]

Mr. BUTLER. I beg the Senator's pardon.

Mr. HAWLEY. Of the condition of wages and life over there, whether it results from vicious and stupid legislation now, or by the misfortune of centuries of precedent, ignorance, and stupidity, I know the particular consequences so far as our economic questions are concerned. Their condition is far below ours, and they can compete unfavorably.

The Senator from New Jersey said they send their goods here at cost in order to get rid of them, and keep their factories running at odd hours. Our manufacturers know all about that. Our people are familiar with that dodge. But he spoke as if they habitually send their goods here at cost. They can send their goods here at cost and pay 25 or 30 per cent. duty and still compete. Take your 25 or 30 per cent. duty off, and what becomes of competition then? They have to simply combine and glut the American market with goods, to sell under cost, and burst up a large number of our newer establishments.

One single remark more and I will go away from this debate, which is just a little bit out of place on this bill. We make a mistake in thinking so much of foreign markets. Sometimes we overlook certain facts that ought to be taken into consideration. We have almost as much as we can do to keep up with the growth of the United States, and feed and clothe and manufacture for it.

Mr. DAWES. We could do it all.

Mr. HAWLEY. Yes, and have 30 per cent. over.

Mr. BUTLER. Would it bother the Senator now if I should ask him a question?

Mr. HAWLEY. It would bother me ever so much. Our growth in this decade will increase to the usual 30 per cent. or more, that is to say, it is, economically speaking, Spain annexed to the United States in this decade, a country just about equal to Spain. If we had had in these ten years sixteen or seventeen millions included within our outline, we should have said we had greatly added to our markets. If we could take to ourselves in South America 17,000,000 people on that eastern coast and say we will furnish them with that trade (and right here at our own doors we have annexed it), we should think it a fine increase, and yet we are bringing right in by our natural growth and by immigration an addition of 30 per cent. in this decade, and there must be an addition of 30 per cent. to our manufacturing facilities in order to supply those people. Now, why be so hungry about a foreign trade?

Mr. STEWART obtained the floor.

Mr. REAGAN. Will the Senator from Nevada allow me a moment?

Mr. STEWART. I want to say a few words before the debate closes.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. STEWART. I will yield for a few moments.

Mr. REAGAN. I listen habitually to the Senator from Connecticut [Mr. HAWLEY] with a great deal of pleasure, but I was surprised to hear the statement he made that in the free-trade country of England, as he calls it, they levy their taxes upon the necessaries of life while in this country they levy their taxes upon the luxuries of life; that is, England levies her principal duties upon whisky, tobacco, and rum, necessaries of life, while we levy our principal duties upon such luxuries as iron and steel, and the products of iron and steel, upon clothing and the things we can not live without. So it seems to me there is some mistake in that.

I know the habit of talking about free trade; I know how persistently we are to have false issues forced before the country; but I do not propose myself to be led off by them. Free trade is a term that I do not know exactly how to define. I suppose the Senator would define it to be a trade without taxation upon imports. That is what I would call strict free trade. If he means that, notwithstanding his statement I venture to say that there is not one in a thousand of the American people who propose any such thing or contemplate the possibility of any such thing.

There is another term in which we speak of England as a free-trade country. They adopt the policy of liberalizing their commerce.

Others suggest that a free-trade country is a country where a tariff is levied for revenue only, and where commerce is liberalized as far as it can be liberalized consistently with the collection of the necessary revenue for the support of the Government. If that is what the Senator means by free trade, then I am a free-trader, and I take it that most of the Senators on this side of the Chamber are free-traders of that kind; that is, free-traders in the sense of simply levying duties enough to furnish revenues for the support of the Government economically expended.

But the Senator from Connecticut made a remark (and I hope the Senator from Nevada will allow me to refer to it; I will only detain him a moment) to the effect that this country would do a good business if it supplied its own people with manufactures, and a Senator near by him suggested, "And all its own people require," and that seemed to be assented to by the Senator. I invoke the attention of the Senator and the Senate to the proposition: Suppose we adopt the policy of manufacturing for our own country, to the exclusion of the manufactures of all other countries, is not that an absolute destruction of commerce with other countries? If we do that, what is to become of the millions of dollars' worth of corn, of wheat, of flour, of pork, of beef, of cotton which we export to other countries? If we devote the whole energies of this country to building up millionaire manufacturing corporations, and in doing that strike down the agriculture of this country, which is the pursuit of five-eighths of its population, this being essentially and eminently a country of agriculture, what sort of statesmanship, I ask, is that to be?

Mr. STEWART. If I had been a free-trader at the commencement of this running debate, I think I should have been by this time in fa-

vor of protection. One idea has been developed more clearly than anything else in the course of the debate, that about the best thing that persons engaged in a manufacturing industry can have is a market. The great struggle is for a market. The main thing to encourage manufacturers is to give them a market. That is what England subsidizes ships for, and other countries do the same. It is to get a market for her manufactured goods. She has not a sufficient home market and she wants a foreign market.

We have a pretty large home market which we are not allowed to supply altogether by reason of our laws. England has it so arranged that she supplies pretty much all her market except the few things that we now make better than she can. We supply her with scythes and with some farming utensils, with axes and things we can make better than she can. Otherwise she has her home market of 35,000,000 people, besides considerable of her colonial markets, and she has arranged her laws so as to keep those markets.

We have a large market which we are striving to keep. It is worth twice as much as England's home market, because we have twice as many people and our demands for living are greater. Here each individual consumes more than the Englishman. We have a greater capacity. Our market is growing, and if we had that market we should have no strikes in this country; we should have all our people employed if we could have our home market to supply.

Mr. BUTLER. While the Senator is discussing the question of home market, may I ask him if it is not equally important to have a market for our agricultural products as well as for our manufactured products?

Mr. STEWART. That is the very point. The more people we have, the more manufacturing goes on, the more home market we have for our wheat, our cotton, and our other home products; and that is worth four times as much as all your foreign markets. The foreign market is a mere bagatelle. Why give away your home market? Without your home market farming would have to stop; all would have to go into farming, and so would starve.

No, it is this valuable home market of ours that England is striving for by the aid of the Democratic party, and which we are trying to preserve. They tell us that we could manufacture much cheaper if we did not have any home market. If we had free trade and would allow foreign countries to break down our home market, we could manufacture, it is true, what we could sell to other peoples. But that is not my experience in observing operations of that kind. The more we produce the cheaper we can produce it. The larger the scale of manufacture the cheaper we can manufacture. That is universally the case. The more, I say, we have to do in that line the more we can do. It will develop machinery, it will develop the talent of the country. It has been proved in every part of the country that the more we manufacture the cheaper we can manufacture.

If we take off the tariff we can not manufacture as cheaply as we can now, because we should have the country swarming with tramps; we should have our industries broken up; we should have no market; we should be deprived of that market which enables us to manufacture on a large scale. These sixty millions of people with the resources of this country, with the products of every clime in abundance, if we utilize them, could manufacture in a short time cheaper than any country in the world. That keeps this people above the starvation line.

What shall we do with our surplus wheat? Those people will not buy it unless they are hungry, and if they are hungry they will buy it. There are many articles that we can supply the South American countries with as cheaply as England, if we do it on a large scale.

Why is it that England has got to subsidize all her steamers in order to trade there at all? She has free trade. That does not enable her to carry on trade with the South American countries without a subsidy; and if it will not enable England with her advanced state of manufactures, with her low wages, to control those markets without a subsidy, how could it enable us to do so?

There are many articles that we manufacture of a better quality than other countries. Many of our cotton goods go to China, and England is counterfeiting our marks in order to compete with them, and they have to wash and weigh the goods so as not to be deceived. Our cotton is better and heavier. If you will give us the same chance, by subsidizing our steam-ships, we can carry our products to many countries in the world. We have an abundance of raw material, and we can afford to put better raw material in the articles and make better goods, as we are doing, in many commodities. But you deprive our people of the same means of communication with other countries that England has, for you deny the subsidies and you cut off our market there.

I agree with the Senator from New Jersey [Mr. MCPHERSON] in what he said, and I am glad to agree with him in something. I approve of his speech. When I find him saying anything that I believe is sound, I want to acknowledge it, and I want to acknowledge it right here. If we had additional mail facilities with those countries, we have many articles that we could send to them, and the balance of trade in those countries ought not to be against us, as it now is. A vast balance of trade is against us in the South American countries, where we ought to cultivate trade. Inasmuch as England and France find it necessary in order to have trade with those countries to have subsidized mail lines, let us try that experiment and see if our people will not manage to supply those markets and prevent a vast balance of trade in those countries against us. We are importing into this country between $700,000,000 and $800,000,000 of commodities each year.

Mr. PLATT. Twice as much as the whole South American trade.

Mr. STEWART. Yes, that is twice as much as the whole South American trade. Of that $700,000,000 or $800,000,000 there is not more than $100,000,000 of it, not more than 25 per cent. of it at all events, that we could not produce in this country if we had the opportunity. Tea and coffee and some other things we have to import, for those we can not raise, but the great majority—three-fourths of that $800,000,000 worth—we might produce in this country, and give employment to our people.

Supposing we had the supplying of a market of $500,000,000, which would be the very least we might supply, nobody would suffer from anything abroad. Suppose there were $500,000,000 additional market for the people who are unemployed in this country, and they were called upon to manufacture articles and to raise products to supply that $500,000,000 of market which we give away to others, do you not believe that the country would be more prosperous?

I deny that charging people for coming into our markets as a tax upon articles makes our people idle by depriving them of labor. It is a tax upon other countries. We charge them for the privilege of coming in here and taking labor from our people which they want to do themselves. Who feels this tax the most? Where does all the effort come from to remove this tax? Does it come from the American people? Do the petitions come from American people? Are the pamphlets that are written on this subject from American people? Was the organization that seeks to open our markets to England and to all the world to cut down the tariff, and which manages this thing, created in the United States? Does it not have its headquarters in England? Is it not the Cobden Club? Is it not the Cobden Club that is giving prizes to each one of our colleges nearly, and teaching our young men to write in favor of the interests of England and bringing them up free-traders, so that it takes them some years after they come out of college to learn something of the interests of the United States.

Why does the Cobden Club raise money and send it here to distribute pamphlets? Why does it give prizes in our colleges? Is it for the purpose of benefiting our education, or is it for the purpose of benefiting their commerce? Is it for the purpose of building up America, or is it for the purpose of giving employment to English laborers?

If we must cheapen manufactured products in this country by bringing down labor, by giving up our markets to others in order to have foreign trade, we had better have no foreign trade. But that is not necessary. The more we retain of our own market the more manufactures we have, the cheaper our people will manufacture, and the more they will have to sell to others. I believe that the American people have a right to the American market. They have a right to supply those markets, and we have no right to take it from them and give it to others, for it is a mere gratuity when you give it away.

Our opponents will not say that they will have a revenue tariff. We have not got a revenue tariff yet. We are raising $118,000,000 from war taxes, from internal revenue, because we have not tariff enough to raise the revenue needed to support the Government. It has been a favorite theory of the Democratic party from the beginning that they would raise enough duties on imports to support the Government. We have not got it. They propose to postpone the day when they will get back to a revenue tariff.

The peculiar fancy of the Democratic party was to have a tariff for revenue. We hear them talking about it sometimes yet; but still they hold on to internal revenue war taxes to prevent a tariff for revenue, and they would have approximate free trade. Let us have a revenue tariff, abolish your internal revenue, and raise your revenue from duties on imports. If properly levied they will protect home industry and develop a market here, and enable our artisans to compete with all the world, because we should have such a market at home as no other country could have.

That foreigners are in favor of free trade with this country is not to be wondered at, because there is no such market on earth. There is no people who live as well, no people who buy as much, no people who need as much as we do. If you take away our market and make our people tramps for the purpose of manufacturing cheaply to gain a few thousand dollars' worth of trade with South America, it can not be accomplished by that means, because the more you break down our industries the more "trusts" you will have in Europe. Senators talk about "trusts" at home. You know there are no importers in the United States properly speaking. Every importer here is the agent of a foreign manufacturing establishment.

Mr. PLATT. Almost.

Mr. STEWART. I think every one. I do not think there is one who is not. No general merchandise, no general trade can it be. He is the agent of a foreign manufacturing establishment, and how is it done? Some twenty years ago I had occasion to examine this subject to a certain extent, and I found this to be the mode: Mr. A. T. Stewart in former times would ship English gloves or silks or any other article, but before he would do it, as he had a manufacturing establishment,

he would take the goods from that establishment and would expose them in Paris, or in London, or in Liverpool as the case might be, for sale at auction in certain broken quantities. Of course there would be no purchasers, nobody could go into that line of trade, and the goods would be sold remarkably cheap, and the consul would certify that that was the market price.

Besides that, you have your ad valorem duties, and then comes the matter of expert grading. In that way an agent of a foreign manufacturing establishment would get his goods in competition with the people of the United States. They have their trusts and their combinations, and they have them through Europe now. Take off the tariff and there will be nothing but trusts. Every important merchant will have his trust, and he will fix the price of the article by selling a few broken lumps. So you can not avoid trusts. There are trusts and combinations on every article. When those trusts are broken up the prices are lowered. That is why they are so much lower now than they were. Take the article of borax, for instance. That rated over 30 cents a pound, although it could be produced in India in unlimited quantities for 2 or 3 cents a pound. We put a tariff on that article; the industry was built up here, and now the price is down to 6 cents a pound. It has broken up English trusts; it has broken up the trusts in India. I could cite numerous cases of that kind.

I am opposed to trusts, but if we are to have trusts, I would rather they should be American trusts, which we can deal with, and not foreign trusts. If you break down your American markets you will have foreign trusts, as you always have had, represented by agents here called agents of foreign manufacturers. I believe in protecting our own industries, not only from foreign labor, but from foreign trusts. If we are to have trusts, we should have them at home; and then we could have committees to examine them. We could do something with them here.

Mr. CALL. Mr. President, I desire to submit a few brief remarks to the Senate upon the subject of the conference report on the Post-Office appropriation bill.

I am a member of the Committee on Appropriations, and gave my assent to the provision in the bill providing for an expeditious and regular mail service. I think this discussion to-day has been entirely foreign to that amendment and to the objects which it has in view; but as I propose to sustain the report of the committee by my own vote, I wish to state the grounds which will govern my judgment, differing as I do from the great majority of those upon my own side of the Chamber.

The question presented in this provision of the Post-Office appropriation bill is not in any wise connected with the subject of a tariff in its good effects or its bad effects, nor with the subject of labor, except in so far as the laborer shares in the general prosperity or adversity of the country. The question presented is simply this: Is it desirable that the mails to foreign countries shall be carried in American ships, manned by Americans? Is it or is it not a desirable object to be encouraged by public policy or to be discouraged? I apprehend there can be but one answer to that question.

Whether they shall be carried in American-built ships or American-owned ships is another question altogether, resting upon different considerations; but upon the proposition that this great Republic, representing sixty-five millions of the most advanced and prosperous people upon the face of the globe, should be represented in foreign countries by the ordinary instruments of commerce which contribute to the civilization of mankind and the improvement of the race, there can be but one opinion. How far that result can be reached by a mail service induced and encouraged by Government aid is the question to be considered.

If there were no commerce, if there was nothing but that intercourse between the different nations and peoples of the earth which is a necessity of our nature, there would be but one answer to the question, whether so large a portion of the human race, occupying so conspicuous a position in its political, its scientific, its inventive mind and progress, should be represented as other nations and peoples are, with equal dignity, by their own ships, whether built or owned in their country, sailing under their own emblem of national power.

Mr. President, there can be but one answer to this question.

Is it desirable as a public policy that the foreign mails should be carried in American ships, manned by American seamen? If so, it is because there are reasons why it should be an established public policy of the people of the United States, and these reasons can be discovered, analyzed, and tested to ascertain their force and effect. What, then, are these reasons?

1. Because the mails can be carried as expeditiously, safely, and successfully, looking only to the efficiency of the mail service, as on a foreign ship.

2. When a desired public object can be attained in two ways equally as well, and one way will also attain other desirable objects of public policy, it is plain that the way which will produce the greater number of desirable results is the proper one to be selected.

What, then, are the other proper and wise ends of public policy to be attained by the carriage of foreign mails in American ships?

The ship is the only means of communication across the ocean, except the electric telegraph.

It is the only means by which the personality of a people may be made known to the people of another country. It is the representative and emblem of the national power and prosperity and advancement. The effect of the exhibition of superior power and enterprise upon a people is favorable.

3. It offers an easy, safe, and expeditious method of transportation for passengers, trade, and commerce. This is a desirable object, and is the first step in a foundation for commercial intercourse between peoples of different countries. It gives employment to and opportunity for American seamen and develops a taste for maritime service. This also is a desirable object. It furnishes native seamen familiar with seamanship for service in time of war and for the enrichment of the people in time of peace. None can truthfully or reasonably deny these very evident propositions. If they are true, it follows as a necessary consequence that if the mails can be carried as safely and as expeditiously in American vessels as in foreign ones that it is a wise public policy to have them so carried. Neither can it be denied that these results are worth paying for, unless the cost be too excessive and burdensome to the people.

Upon that point it is evident that if these results should be attained they will pay back to the people the cost and far more.

Another object which results from the carriage of the mails in American ships, either partially or wholly, is that the people are thus made to contribute their part as a people to the improvements and the inventions and the progress of the age in naval construction and in the means of communication by ocean transit.

But it is denied that the mails can be carried as expeditiously in American as in foreign ships, and the reason given is that in contracting with a ship to carry the mails without being bound to one line the authorities may make selections of the ships engaged in ordinary commerce, and that the interests of commerce always demand, obtain, and furnish the greatest possible amount of expedition, safety, and promptness of delivery, and that the mail service can be thus performed in the subsidized ships of foreign countries; but this is obviously an unsound proposition even regarded from this standpoint alone. In whatever may be the rates of speed and the degrees of safety and comfort now obtained by the subsidized ships of foreign countries and under the ordinary incentives of commerce, the proposition ignores all the probabilities of further improvement by American enterprise and skill and invention. It is further unsound because it can only be applicable when an established and large commerce gives steady employment to fast ships, and does not relate to those countries where there are no established commerce of sufficient value to give such employment and where the possibilities of future commerce rest in wise policies of encouragement and development.

Again, it is an unusual proposition, because it is not true that if you give a particular subsidy to American ships to carry the mails, you can not also give employment to foreign ships to carry the mail in the interval of their trips. Again, it is said that this aid from the Government gives such ships a monopoly of the carrying trade, and enables them to prevent competition from other ships, carrying through the aid of the Government bounty at rates ruinous to other ships, until they drive them out of the trade. The objection is made that this is a subsidy in money; but the Constitution in providing that Congress shall have power to establish post-offices and post-roads, expressly provides for the payment of a subsidy in money, and every payment made by the Postmaster-General for the domestic and the foreign mails is a subsidy in money, and precisely in all particulars and in all respects the same as this amendment, the only difference is in the amount and the person to whom it shall be paid. No human intellect can point out any difference.

When the Postmaster-General prefers a steam-ship to a sailing vessel to carry the mails to Europe, he pays a subsidy for speed and safety.

He does everything that this amendment does, except that he pays the subsidy to a foreign enterprise.

Who is there that as between vessels equal in all respects will not prefer a ship of his own country? The State I in part represent has 1,400 miles of seacoast; her splendid port of Pensacola, one of the finest harbors in the world, Tampa, and Key West, all looking out upon Central and South America—Jacksonville opening to the West Indies and South America—invite the aid of the Government to establish and send from them their mail-ships, giving speedier, more certain, and safer mail service.

I have great respect for the Postmaster-General. He is an able man. He is a man of conspicuous devotion to the public service and he is an excellent administrator; but that does not make his views and opinions always sound. Let us examine and see upon what ground they rest. He assumes that it is not desirable that there should be any aid given by the Government to this mail service. If he does not do so, then he recognizes the propriety of this amendment except in so far as the amendment may not be so good as some other provision by which the aid of the Government might be given to the mail service.

Is it true that the Government aid should not be given to any pri-

vate enterprise performing a public duty or a public function? What is government for? In its general legislation, in the establishment of a public policy, it is to give aid to enterprise, to industries, by restraints of and incentives to human action. When, then, the proposition is that the representative of the people, the Government, which directs the combined efforts of the people, may give aid to private enterprises wisely by legislation, but not by money, what ground is there for that, and who will point out the difference in the ideas where there is none? Legislation by the Government establishing a general policy affecting the different interests of the people is as much Government aid as and sometimes far greater than any appropriation of money.

These ideas are vain; they have no foundation. The Government is to foster and direct and encourage by the effect of its legislation the public policies that may be wise and useful to the people. That is the logic, the theory, and men can not alter the truth, which is divine and bears its own consequences.

If this be true, how then shall this question be tested? It is proposed that in those countries where there is no commerce, no ships, no American connections, the policy of the Government shall give artificial stimulus and aid to them by giving a bounty to encourage that which the commerce does not demand and require, in order that the future commercial relations of the country may be developed. The propriety of this will manifestly rest upon two considerations only. One of these is, Will it have the effect designated? Is it wise to the end of producing that result that a contract should be made with Americans to perform this service? There can be no doubt that if you will furnish the stimulus the Americans will do it. There can be no question that if the inducement be great enough from the Government the service will be supplied.

But the Postmaster-General says it will limit his choice; that it will limit him to a service that will be slower and less expeditious and less certain. Then why not put in the contract a provision that this service shall be equal to, if not greater in speed during the whole of the period of time than any other, and that the contract shall cease and be determined whenever the contractors permit a greater amount of speed or a greater amount of safety or efficiency in the ships of other competitors, or by any standard that modern invention and progress may require? There is no difficulty in meeting that view of the Postmaster-General by a contract which any one may draw, requiring the ships to be equal not only to the best now made but equal to the best that may be developed hereafter, if you will give sufficient inducement to the enterprise. This is the proper answer to the Postmaster-General's proposition. He has the control of the provisions of the contract; let him make it so that whenever better ships and a better mail service shall be furnished by any competitor, foreign or domestic, the contract shall cease.

The Postmaster-General admits the propriety of this amendment while he objects to it in his very able and ingenious letter upon the subject. He says that he has given four times as much to American ships as to foreign ships for carrying the mail already; that is the practice of the Department.

That is a concession of the whole subject. Why did he give the four-hundredth fraction of a cent. to an American ship instead of to a foreign ship? If it was wise to do it for a small amount, it is wise to do it for a great amount. If the consideration of favoring American enterprise by the most infinitesimal proportion of increased pay is a wise one for the public, whatever consideration is necessary to produce that result is a wise one for the public, within the limit that it shall not be so great as to be unreasonable and burdensome.

He says that he gave this advantage to American ships, and if he did to American ships, he did it upon the ground upon which the amendment was adopted. Of course we assume that he wanted to benefit them.

This question has nothing whatever to do with the effect of our domestic policy of tariff or no tariff. I share in the general views upon that subject on this side of the Chamber, which will not permit the imposition of burdens upon one part of the people for the benefit of the other. I admit that the granting subsidies of money to enterprises, however intimately connected with the public functions, is a dangerous power, but I undertake to say that the ocean mail service of this country is as intimately connected with its prosperity in peace and its defense in war as the maintenance of an army and navy, and that it bears precisely the same function, with the added one that it will develop the commercial prosperity of the country.

To show how wild many of these propositions advanced against this amendment are, suppose we admit the proposition that the country is burdened with an excessive tariff imposition. Suppose we admit, for the purpose of testing this argument, that the cost to the consumer in our own country is largely increased, and that an aggregate of 30 or 40 per cent. upon the actual cost and the foreign cost of production is imposed by our tariff policy, why would it not be possible for the manufacturer, who has received a benefit of 30 per cent. from the American consumer, although he may not be able to manufacture his goods at equal cost and upon terms of equal competition with the foreign producer, to dispose of his production in foreign countries at a competing price with those of the foreign country to any extent less the bounty received from the tariff? Undoubtedly he could not do it at the price of the home consumption; but the very fact that he had a bounty for it at home, and the bounty of the protected market, would enable him to sacrifice largely the profits in a foreign country and yet make a profit.

There is no one more opposed than I am to the policy of the imposition of duties for protection alone, but I recognize the fact that there may be commercial relations even under a prohibitory policy. You can not restrain and prohibit the intercourse of mankind. You can not build either a Chinese wall or a wall built by non-intercourse laws which will separate the peoples of the earth. The human race was made by God Almighty for free intercourse and the exchange of thought, invention, and the products of labor. Thought is free, hope is free, the aspirations of the mind are free. Mankind as created by the Creator will have intercourse with each other. Then we must provide for it according to modern civilization, for the dignity of national relations and national intercourse, for the comfort and convenience of exchange, trammel it as you may, it must have communication.

In my judgment we might modify our existing system and change it vastly for the better, for the welfare and comfort of our own people and for the promotion of foreign intercourse. But that is not the question here. It is to-day, as we stand, with $700,000,000 or $800,000,000 of exchanges, or double that amount, why shall we not maintain the national honor and the national dignity, so that an American citizen, whether in South America, nearest to us, or in Europe, shall feel the pride and dignity of seeing a vessel of his own country appear in the foreign ports bearing the thoughts and the communications and the commercial interests of his own people, and respected and honored as the representative of the great Republic?

It is for these reasons, Mr. President, while I think a better system of bounty or of subsidy might be devised, that I am willing, as one representative of the American people here in the Senate, to vote some part of the public money for the transportation of the mails in the most expeditious manner in vessels the best that have been or can be constructed, which shall be American and representative of our people and our nationality.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate still further insist upon its amendment numbered 7, disagreed to by the House, and ask for a further conference thereon.

Mr. PLUMB. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. REAGAN (when Mr. COKE'S name was called). My colleague [Mr. COKE] is paired with the Senator from Massachusetts [Mr. DAWES]. If my colleague were here, he would vote "nay."

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. COKE]. I would vote "yea" if it were not for that pair.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but I have transferred my pair to the Senator from Virginia [Mr. DANIEL], and therefore I vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. I do not know how he would vote upon this question. If he were present, I should vote "yea."

Mr. PLUMB. He would vote the same way. The Senator from New Jersey, I have no doubt, may feel himself released from his pair.

Mr. MCPHERSON. Being so informed, I will vote. I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from New Hampshire [Mr. CHANDLER]. If he were present, I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BATE. My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. MANDERSON. I am paired generally with the Senator from Kentucky [Mr. BLACKBURN]. I find that my colleague [Mr. PADDOCK] is absent and apparently is not paired. I will transfer my pair to my colleague and vote. I vote "yea."

The result was announced—yeas 28, nays 16; as follows:

YEAS—28.

Allison,	Davis,	Hoar,	Plumb,
Blair,	Dolph,	Ingalls,	Pugh,
Bowen,	Edmunds,	McPherson,	Sawyer,
Call,	Farwell,	Manderson,	Spooner,
Cameron,	Frye,	Mitchell,	Stewart,
Chace,	Gorman,	Payne,	Stockbridge,
Cullom,	Hale,	Platt,	Teller.

NAYS—16.

Bate,	Cockrell,	Hampton,	Saulsbury,
Beck,	Colquitt,	Hearst,	Turpie,
Berry,	Faulkner,	Jones of Arkansas,	Vest,
Blodgett,	George,	Reagan,	Walthall.

ABSENT—32.

Aldrich,	Eustis,	Kenna,	Riddleberger,
Blackburn,	Evarts,	Morgan,	Sabin,
Brown,	Gibson,	Morrill,	Sherman,
Butler,	Gray,	Paddock,	Stanford,
Chandler,	Harris,	Palmer,	Vance,
Coke,	Hawley,	Pasco,	Voorhees,
Daniel,	Hiscock,	Quay,	Wilson of Iowa,
Dawes,	Jones of Nevada,	Ransom,	Wilson of Md.

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers of the further conference on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. EDMUNDS. I beg leave to offer, with the assent and approval of all the members of the Committee on the Judiciary with whom I have been able to consult, an amendment intended to be proposed to the sundry civil appropriation bill, to be printed and referred to the Committee on Appropriations. I wish to say that the amendment is to provide that the Joint Committee on Printing of the two Houses shall cause to be made a new and complete index to the Revised Statutes of the United States, and all the statutes and joint resolutions since, that shall be a good one for the conveniences and necessities of everybody.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota; and

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

SEACOAST DEFENSES.

The PRESIDENT *pro tempore*. Does the Senator from Oregon [Mr. DOLPH] desire to proceed with the bill (S. 62) to provide for fortifications and other seacoast defenses?

Mr. BLAIR. I ask the Senator from Oregon to consent that the bill may be informally laid aside in order to proceed to the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. DOLPH. I can not consent to that. I have been a long time waiting for a full Senate to consider the coast defenses bill, and I do not know that any one wishes to discuss it. I think if the amendments be read and acted upon we can have a vote upon it. I supposed the Senator from Mississippi [Mr. GEORGE] intended to address the Senate to-day.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 62) to provide for fortifications and other seacoast defenses.

The PRESIDENT *pro tempore*. The first amendment reported from the Committee on Coast Defenses will be stated.

Mr. BLAIR. I suppose the Senator from Oregon hardly expects a vote upon the bill without further discussion.

Mr. DOLPH. I do. I do not know that any one desires to discuss it. If any one desires to discuss it the question will come up on the Army appropriation bill. I think we can take a vote upon it at once.

Mr. BLAIR. The Senator from Mississippi [Mr. GEORGE], who had the floor to-day by the courtesy of the Senate to speak upon the fisheries treaty, kindly gave way with the understanding that at the close of the debate upon the Post-Office appropriation bill I would have an opportunity to make a motion or obtain by consent of the Senator from Oregon the right to ask the Senate to consider Senate bill 405 in favor of these laborers, who have been now in three Congresses at least getting reports, always favorable reports in both Houses of Congress, but have never been able to get the consideration of their measure.

Mr. DOLPH. I gave way once for the consideration of that bill, and we were unable to get a quorum to act on it.

Mr. BLAIR. That was not the fault of the friends of the bill.

Mr. DOLPH. There is sickness in my family and I desire to take them away as soon as I can, and I want to have the bill disposed of. I think we can get a vote on it in half an hour, probably in a quarter of an hour, as soon as the amendments are acted on.

Mr. BLAIR. Of course if the Senator does not give way I can not press the request further.

The PRESIDENT *pro tempore*. The first amendment will be stated.

The CHIEF CLERK. The first amendment of the Committee on Coast Defenses is to add, at the end of section 2:

All of said appropriation to be available until expended.

So as to make the clause read:

For the fiscal year ending June 30, 1889, $21,500,000; for each fiscal year thereafter for the period of eleven years, $9,000,000, and for the fiscal year ending June 30, 1901, $5,877,800, all of said appropriation to be available until expended.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "aforesaid," to insert "and the armament therefor, and the purchase of sites for the said fortifications, substantially;" and in line 16 of the same section, after the word "ports," to insert "or the armament therefor;" so as to make the section read:

SEC. 3. That said sum shall be expended under the direction of the President for the purpose of providing fortifications and other defenses for the ports aforesaid and the armament therefor, and the purchase of sites for the said fortifications, substantially in accordance with the recommendations of said board, until Congress shall otherwise provide, and shall be apportioned between said ports in accordance with the consolidated estimate of the cost of said defenses found upon page 28 of said report, and the work shall be, as near as may be, commenced at the same time at each of said ports, and shall proceed as rapidly as said annual appropriations will admit of: *Provided*, That if at any time the Secretary of War, upon the advice of the board of Army officers hereinafter provided for, and with the approval of the President shall recommend to Congress any changes in the plans for the fortifications of any of said ports, or the armament therefor, work may be suspended upon the same so far as would become necessary if such changes should be authorized until after the adjournment of Congress, if then in session; and if not then in session, until after the adjournment of the next session thereof, when, if such changes have not been authorized by Congress, work shall be resumed under the plans recommended by said board.

The amendment was agreed to.

The next amendment, was in section 4, line 4, after the word "by," to strike out "a board of" and insert the words "him, and he may appoint an advisory board of;" and in line 6, after the word "be," to strike out the words "appointed by the President, and be;" so as to make the section read:

SEC. 4. The floating batteries and torpedo-boats recommended by said board shall be constructed under the supervision of the Secretary of the Navy, but the plans and specifications for the same shall first be approved by him, and he may appoint an advisory board of not more than ten officers of the Navy, who shall be removable at his pleasure. That all such vessels, except as hereinafter otherwise provided, shall be built by contract, and in the construction of the same all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to the material for said vessels, their engines, boilers, and machinery, the contracts under which they are to be built, the notice of, and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with said act, so far as the same relates to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture, and if reasonable bids can be obtained therefor, considering the cost and risk of navigating and transporting the same, if constructed elsewhere, the floating batteries and torpedo-boats intended for use on the Pacific coast shall be constructed on that coast.

The amendment was agreed to.

The next amendment was, in section 5, line 18, after the word "shall," to insert the words "have or shall;" so as to read:

That no money shall be expended except in payment for steel accepted and delivered; that each bidder shall have or shall contract to erect in the United States a suitable plant.

The amendment was agreed to.

The next amendment was, in section 6, line 7, after the word "by," to insert the words "the Secretary of War, who may appoint;" in line 9, after the word "Army," to strike out the words "who shall be appointed by the President and," and insert the word "to;" in line 11, after the word "provided," to strike out the words "so far as practicable," and to insert "except when done at Government shops;" so as to read:

SEC. 6. That the construction of the fortifications and their armament, the fabrication of guns and gun-carriages for fortifications, submarine mines, and all such defenses except floating batteries and torpedo-boats, shall be under the supervision of the Secretary of War, but before any money is expended on any such fortifications or other defenses the plans and specifications of the same shall be approved by the Secretary of War, who may appoint an advisory board of not more than ten officers of the Army, to be removable at his pleasure. All works as herein provided, except when done at Government shops, shall be done by contract.

The amendment was agreed to.

The next amendment was, in the same section, after the word "contract," at the end of line 12, to strike out the words "the making of which shall be governed by the laws and regulations of the Department in force at the time," and insert "or otherwise, as may be most economical and advantageous to the Government."

Mr. GORMAN. I appeal to the Senator from Oregon, who has presented this bill, and, I think, offered these amendments, to permit the bill with the amendments to be printed, so that we may see them.

Mr. DOLPH. The bill was printed months ago, with the report of the committee and an explanation of the amendments.

Mr. GORMAN. I understand the bill has been printed, but the amendments have not been.

The PRESIDENT *pro tempore*. The bill with the amendments has been printed.

Mr. DOLPH. The amendments are reported by the committee.

Mr. COCKRELL. I ask the Senator whether the report has been printed? I have not been able to find it as a separate document, and

the last place on earth to look for anything is the CONGRESSIONAL RECORD.

Mr. DOLPH. It was printed four months ago.

Mr. COCKRELL. As a separate document?

Mr. DOLPH. As a separate document, a report.

Mr. COCKRELL. It is very strange that it is not so noted on the Calendar and not so noted on the bill. I have not been able to get hold of it.

Mr. DOLPH. That is a mistake. When the bill was first taken up the report and bill were printed in the RECORD, which also contains the letters of the Secretary of War——

Mr. COCKRELL. I remember something about the report or some papers having been printed in the RECORD, but I never saw the report in separate document form.

Mr. MCPHERSON. The bill now before the Senate, if I understand it correctly, appropriates a very large sum of money through a series of years, the object and purpose of the bill being to commence a system of fortifications along the seacoast. When you begin these fortifications, it must be upon a well-matured plan, and if you make an appropriation of money, say for the first year of $10,000,000, and do not continue it through the years that are to follow, to enable the officials to carry out the entire plan or system, the result of the whole thing will be that the money is thrown away.

I do not know whether it is the right of this Congress to make an appropriation of money pledging future Congresses to continue the system of fortifications upon the seacoast until the Government has expended $120,000,000. Certainly that is matter that was discussed but very little in the committee, and I do not know and I did not understand that the bill was to be reported back to the Senate. I may be mistaken about it. I know that, so far as I was concerned as a member of that committee, I thought it was undertaking a great work and without any plan before us, or without any plan that had been made by any engineer of the Army, without deciding whether the best thing to do was to build a fortification upon land, or in lieu of that to provide floating batteries that might be moved from one exposed point to another. That was a subject which the committee did not and could not decide, and I do not know that it could be decided at all in a manner which would be satisfactory to Senators.

I do not know that this bill should not have further consideration at this session of the Senate. As I understand, the Army appropriation bill makes an appropriation of some six or eight million dollars for fortifications, which, perhaps, is as much as should be appropriated; but understanding that the Army bill does not touch the fortifications, as I am informed by the Senator from Maryland, I think it is a little premature for the Senate to decide to make an investment of $120,000,000 without some well-matured plan before them. In addition to that, if the first appropriation is made of ten or fifteen million dollars, as the case may be, if it were not continued in after years, through a series of years by an appropriation made every year to prosecute the work, the result would be that we should be in the same shape then that we are to-day with respect to fortifications.

Mr. STEWART. I would ask the Senator how he proposes to mature a plan if he does not commence maturing somewhere?

Mr. MCPHERSON. I am satisfied something ought to be done with respect to fortifying our seacoast. Whether it will be done by fortifications built upon the land or by floating batteries which can be transferred, as I said before, from one exposed point to another, is a matter that I think the Engineer Corps of the Army and the Engineer Department of the Navy have not yet fully matured in their own minds. Therefore I do not think it is well to proceed with the consideration of a measure which has not been well digested by a committee.

The PRESIDENT *pro tempore*. For the information of the Senate, the question having been raised, the Chair calls the attention of the Senator from Missouri [Mr. COCKRELL] and others to the fact that this report, No. 603, was printed as a separate document, ordered on the 19th of March.

Mr. COCKRELL. I have a copy of it now, but, if the Chair please, I call the attention of the Chair to the point that the fact that there is an accompanying report is not noted on the face of the bill.

The PRESIDENT *pro tempore*. It is noted on the Calendar.

Mr. COCKRELL. That is true; but it does not appear on the face of the bill that there was any report accompanying the bill.

Mr. DOLPH. This bill was reported from the Committee on Coast Defenses after several meetings. I am sure the Senator from New Jersey must have forgotten, though he was present and participated in the discussion, and I am pretty sure he was present when the report was adopted and I was directed to report the bill.

Mr. MCPHERSON. I did not understand that the chairman was authorized to make a favorable report upon the bill. I do not remember that he was, although I think no objection was made to reporting it back; but I supposed it was to be reported without any recommendation. If I remember aright about it, both the Senator from South Carolina [Mr. HAMPTON] and myself, who are members of the committee, joined in the discussion which took place on a single day, as I remember, in committee, and I did not understand that either of us subscribed to the bill.

Mr. DOLPH. Well, Mr. President, I so understood, and the committee having several bills before them, different propositions, a majority of the committee directed the chairman to report this bill, and in pursuance of that direction I prepared and submitted a written report to accompany it.

This bill provides for the fortification of twenty-seven ports upon the Atlantic and Pacific coasts, at which the board on fortifications and other defenses reported that defenses were most urgently needed. It adopts the plan recommended by that board, subject to change by Congress. It appropriates the entire amount necessary for the completion of the entire work, to be available from year to year as required; so that the objection which the Senator from New Jersey has made to the bill does not exist. The whole amount is appropriated, and if this plan is adopted, if this bill should pass both branches of Congress, there will be no delay for want of funds, and the work will proceed.

The plan is certainly the best plan that Congress has before it, and the report on which it is based, I believe, was made in January, 1887, by one of the most competent boards that was ever organized in the country, consisting of Army and Navy officers and civilians. I discussed this bill at some length when it was first taken up and read, and had it printed in the RECORD. I have had it postponed from time to time, so that there might be a full Senate, and now I desire to have it disposed of.

Mr. HAMPTON. Mr. President, I think that the Senator from Oregon is mistaken in some parts of his statement. My recollection of the action in regard to this bill is this: We had it before the committee, and upon the first vote as to whether it should be reported favorably or unfavorably there was a majority against it, or on the proposition the committee was equally divided, so that in fact it was an unfavorable report. The Senator from New Jersey [Mr. MCPHERSON], however, said that he would be willing that it should be reported to the Senate, but he did not commit himself to the support of the bill. I was opposed to it, as the Senator will remember, throughout. I think the Senator from New York [Mr. HISCOCK] was also opposed to it. I am sorry he is not here. I think the Senator from Texas [Mr. REAGAN] did not concur in it.

Mr. DOLPH. I think the Senator from Texas did, and he is here to state; and if the Senator will allow me to correct him, I will tell him how it was. The Senator from Pennsylvania [Mr. CAMERON] was not present when the vote was had. The Senator from Pennsylvania then came in and changed the result, and then, as I understood, the Senator from New Jersey acquiesced in the majority report; but without his vote there was a majority report. It was the Senator from Pennsylvania [Mr. CAMERON] who came in from the Naval Committee and cast his vote so as to make a majority.

Mr. MCPHERSON. Then, Mr. President, the report which has been made as the majority report was made by the vote of the Senator from Pennsylvania. Certainly I did not consent to report the bill, as I understood. It is too large an appropriation of money for me to vote for, either in committee or elsewhere, except upon some well-matured plan commending itself to my own judgment.

Mr. PAYNE. I would like to inquire of the chairman what is included in line 12, of section 1, by the words "lake ports." Does that mean the ports of the upper lakes?

Mr. DOLPH. I think probably Rouse's Point and some point on Lake Champlain, and at some point on the St. Lawrence River there is a fortification recommended by the board. If the Senator will refer to the report he will find several ports at which a fortification is to be provided and the plans for which are stated in the report.

Mr. PAYNE. It does not include any port on the lakes?

Mr. DOLPH. It does not include the harbors individually, but it will include some fortifications on the St. Lawrence River and on Lake Champlain.

Mr. PLUMB. Mr. President, this general question was developed in the discussion of the Army appropriation bill a few days ago. The amendment of the Senator from Connecticut [Mr. HAWLEY] to that bill is still pending, as the bill itself is pending. While it is true that it deals with only a part of this case, it will deal with a very important part of it, that of the construction of large caliber steel guns. In addition to that, I have some information, which seems to be reliable, that within a short period of time we shall have from the House of Representatives what is known as the fortification bill, a bill which is one of the regular appropriation bills which usually receives favorable action by both Houses of Congress.

This question ought to be dealt with, not piecemeal, but in gross, and it seems to me that it would be better that this bill should go over until such time as these other bills have been reported to the Senate and concluded, so that the Senate may have an opportunity to consider them all together.

I perhaps ought not to show my own ignorance upon this subject as presented by the committee as a reason for delay, but I can say generally that I think myself that we should have a debate upon this subject when it is before us either in the shape of the Army bill or the regular fortification bill, before we act upon this bill from this special committee, no doubt well considered, based upon existing facts, and so on. In that way the Senate will be better able to decide than it is

now. Therefore, unless I seem to antagonize some one specially, I shall move that this bill be made a special order for the 26th day of July, at 2 o'clock.

Mr. VEST. I wish to ask the Senator from Kansas a question. I have heard from a reliable source that the fortification bill, which will be here in a day or two, appropriates $35,000,000.

Mr. PLUMB. Somewhere between thirty-five and forty million dollars.

Mr. VEST. And here is an appropriation of $126,378,800 by the first section of this bill in addition.

Mr. PLUMB. I will state that the amendment which has been proposed by the Senator from Connecticut [Mr. HAWLEY] to the Army bill appropriates $6,000,000, and the trouble I find is in reconciling in these several ways the general question of fortifications in my own mind. I think, therefore, it would be advisable to have this matter go over.

Mr. REAGAN. When this matter was before the committee I gave my consent and approval to the reporting of the bill by the Senator from Oregon. I felt all the time that proper arrangements ought to be made for the protection of our principal seaports and for putting the country in that condition of defense which would not make us feel unequal whenever any question of negotiation arises between our country and others. But I want to suggest to the Senator from Oregon that when the Army appropriation bill was up the other day, and the amendment was offered by the Senator from Connecticut, appropriating about $6,000,000 to enable the Government to make first-class steel guns, I supported that amendment, and supported it with a statement that I thought there was no probability of this passing, and doing that much towards the defense of the country than the present bill. On account of its appropriating a less amount of money I would like to see that bill acted upon, to know whether that amendment is to become a law, and I should like to see the results of the action on the fortifications bill before this bill is acted upon. While I gave my approval to the reporting of this bill I would be glad, if it met the approval of the Senator from Oregon, that it should be laid aside for the time being.

Mr. DOLPH. Mr. President, while for a month we have scarcely had a quorum of the Senate, I have been in attendance each day waiting to get a vote upon this bill. I desire soon to leave the city and to be absent from the Senate for a time, and it would be very inconvenient for me to have the consideration of this bill postponed to the time mentioned by the Senator from Kansas.

I listened with some impatience to the debate a week ago last Friday on the Army appropriation bill. When that bill was under discussion and the Senator from Connecticut [Mr. HAWLEY] was anxious to secure a vote upon his amendment, although greatly interested in the subject, I refrained from occupying the time of the Senate with any remarks. I did not intend at this time to further discuss the bill under consideration. After much consideration of the subject, the Senate Committee on Coast Defenses matured and reported a bill, which was introduced by myself. It was submitted to the Secretary of War for his criticism, and by him to the Chief of Engineers, to the Chief of Ordnance, and to the Board of Engineers in New York City, and received the approval of them all.

The Secretary and every officer and board expressly approved the provision of the bill for an appropriation of the entire amount estimated for this work to be expended from year to year as required.

I have before me the minutes of the meeting of the Committee on Coast Defenses, at which I was authorized to report this bill, which show that on the first ballot Messrs. HAWLEY, HISCOCK, MCPHERSON, and HAMPTON voted for Senate bill 19. That was a bill to appropriate something like $9,000,000.

Mr. DAWES. Is it in order to state what was done in committee?

Mr. DOLPH. Perhaps not; but it has already been done, and I will say, inasmuch as the Senator from New Jersey has undertaken to state what he did in committee, that the minutes show that he changed his vote and voted for Senate bill No. 62 after having voted for the smaller bill.

This bill adopts the plan recommended by the Board on Fortifications and other Defenses, appointed by the President under the provisions of the act of March 3, 1885. It makes an appropriation of the entire amount estimated by the board as required for the fortification of twenty-seven ports. It has been on the Calendar for about three or four months, and it has been the unfinished business before the Senate for something like a month. The report was printed in the RECORD when I first called up the bill for consideration. I think the Senate is prepared to vote upon it, and if it is proposed to enter upon this work at all, this bill should be passed.

We may differ concerning some subjects relating to coast defenses (and I am sorry to say that we differ as to the necessity of coast defenses), but there are some facts that can not be controverted. No one will deny that the United States to-day is utterly defenseless against an attack by the most insignificant naval power of the world. We have some 5,000 miles of seacoast, not including Alaska, with numerous harbors which will admit of the entrance of the gunboats and smaller warships of Great Britain and other European powers, and large harbors on both coasts that will admit of the largest war-ships of Great Britain, France, Germany, and Italy, and upon the shores of these harbors magnificent cities with costly public edifices and palatial residences and the accumulated wealth of a century, all of which could be destroyed in a few hours by the engines of destruction which are carried by modern war-ships. With no guns for the Army, and if we had them, with no fortifications on which they could be mounted but what could be converted into a heap of ruins by a few well-directed shots from a 5-inch steel rifle, we should be, in the case of a foreign war, at the mercy of the enemy until we could permanently obstruct the entrances to our harbors or could provide guns and fortifications.

From the fortified harbors of Halifax and Bermuda the great war-ships of Great Britain menace our Atlantic coast and our commerce upon the Great Lakes, and from Esquimault on Puget Sound a battery of 80-ton Armstrong guns, either now or will shortly frown upon our unprotected coasts across the straits of Juan De Fuca, and her great war-ships under cover of these batteries menace our commerce on Puget Sound and on the Pacific Ocean.

I desire to insert in the RECORD a list of vessels, classified according to draught of water and the ports which they can enter upon our coasts, Atlantic and Pacific, with the tables accompanying it, found in the report of the Board on Fortifications and other Defenses.

The paper is as follows:

LIST OF VESSELS CLASSIFIED ACCORDING TO DRAUGHT OF WATER AND THE PORTS WHICH THEY CAN ENTER.

Class A.—Foreign vessels drawing 25 feet and over: Vessels of Class A, drawing between 26 feet and 30 feet, can enter the following-named ports at half tide: Eastport, Me.; Rockland, Me.; Belfast, Me.; Bucksport, Me.; Camden, Me.; Bath, Me.; Portland, Me.; Portsmouth, N. H.; Rockport, Mass.; Gloucester, Mass. (outer harbor); Marblehead, Mass.; Provincetown, Mass.; New Bedford, Mass. (outer harbor); Newport, R. I. (outer harbor); New London, Conn. (lower harbor); Fort Pond Bay, Long Island; Gardiner's Bay, Long Island; Napeague Bay, Long Island; Smithtown Bay, Long Island; Huntington Bay, Long Island, Oyster Bay, Long Island; Hampton Roads, Virginia; Key West, Fla.; Santa Barbara, Cal.; Monterey, Cal.; San Luis Obispo, Cal.; Santa Cruz, Cal.; Crescent City, Cal.; San Francisco, Cal.; Benicia, Cal.; Trinidad, Cal.; Mendocino City, Cal.; New Dungenness, Wash.; Olympia, Wash.; Seattle, Wash.; Steilacoom, Wash.; Port Townsend, Wash.

Vessels of Class A, drawing from 25 feet to 26 feet, can enter the following-named ports at half tide, in addition to those above mentioned: Salem, Mass.; Boston, Mass.; Hempstead Bay, Long Island; New York; Lewes, Del. (breakwater); New Orleans, La.

Class B.—Foreign vessels drawing from 20 to 25 feet—Vessels of Class B, drawing less than 25 feet and more than 24 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Baltimore, Md.; Port Royal, S. C.; Vallejo, Cal.; Astoria, Oregon.

Vessels of Class B, drawing less than 24 feet and more than 23 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Bristol, R. I.; San Diego, Cal.

Vessels of Class B, drawing less than 23 feet and more than 22 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Providence, R. I.; Norfolk, Va.; Wilmington, Del.; Chester, Pa.; Philadelphia, Pa.

Vessels of Class B, drawing less than 22 feet and more than 21 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Wood's Holl, Mass.; Tampa, Fla.

Vessels of Class B, drawing less than 21 feet and more than 20 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Vineyard Haven, Mass.; Pensacola, Fla.

Class C.—Foreign vessels drawing from 15 to 20 feet.—Vessels of Class C, drawing less than 20 feet and more than 19 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Calais, Me.; Nantucket, Mass. (outer harbor); Washington, D. C.; Annapolis, Md.

Vessels of Class C, drawing less than 19 feet and more than 18 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Edgartown, Mass.; Fall River, R. I.; Mobile, Ala.; Kalama, Oregon.

Vessels of Class C, drawing less than 18 feet and more than 17 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Bangor, Me.; Portland, Oregon.

Vessels of Class C, drawing less than 17 feet and more than 16 feet, can enter the following-named ports at half tide, in addition to these before mentioned: Perth Amboy, N. J.; Charleston, S. C.; Smithville, N. C.; Apalachicola, Fla.

Vessels of Class C, drawing less than 16 feet and more than 15 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Stonington, Conn.; New Haven, Conn.; St. Mary's, Fla.

Class D.—Foreign vessels drawing less than 15 feet.—Vessels of Class D, drawing less than 15 feet and more than 14 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Richmond, Va.; Beaufort, N. C.; Fernandina, Fla.

Vessels of Class D, drawing less than 14 feet and more than 12 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Plymouth, Mass.; Barnstable, Mass.; Savannah, Ga.; St. Augustine, Fla.; Galveston, Tex.; Newport, Oregon; Empire City, Oregon.

Vessels of Class D, drawing less than 12 feet and more than 8 feet, can enter the following-named ports at half tide, in addition to those before mentioned: Newburyport, Mass.; Bridgeport, Conn.; Little Egg Harbor, N. J.; Atlantic City, N. J.; Edenton, N. C.; Plymouth, N. C.; New Berne, N. C.; Wilmington, N. C.; Georgetown, S. C.; Jacksonville, Fla.; Cedar Keys, Fla.

CLASS A.—*Foreign vessels drawing 25 feet and over.*

NOTE.—Sister ships, of same draught, are bracketed.

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
ENGLAND.		ENGLAND—continued.	
Armored.	′ ″	*Armored.*	′ ″
Sultan	27 11	Téméraire	27 2
Devastation	27 6	Dreadnaught	26 9
Thunderer		Triumph	26 7
Rodney	27 3	Alexandra	26 6
Howe		Nelson	26 6
Benbow		Superb	26 5
Camperdown	27 3	Inflexible	26 4
Anson		Collingwood	26 3
Renown	27 3	Colossus	26 3
Sanspareil		Edinburgh	

CLASS A.—*Foreign vessels drawing 25 feet and over*—Continued.

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
ENGLAND—continued.		ITALY—continued.	
Armored.	′ ″	*Armored.*	′ ″
Neptune	26 1	Dandolo, Duilio	28 0
Swiftsure	26 1	Palestro, Principe Amadeo	25 5
Northampton	25 9		
Imperieuse, Warspite	25 6	RUSSIA.	
Unarmored.		*Armored.*	
Shah	26 8	Admiral Nakimoff, Alexander II	25 9
Inconstant	25 6	Minin	25 6
		Vladimir Monomack, Dmitri Donskoi	25 0
FRANCE.		Moskwa	25 0
Armored.		Admiral Arkass, Catharine II, Sinope, Tchesme	25 0
Friedland	29 11		
Trident	29 10		
Colbert	28 6		
Richelieu	27 10	GERMANY.	
Marceau, Hoche, Magenta, Neptune	27 3	*Armored.*	
Amiral Duperré	26 9	Kaiser, Deutschland	26 0
Charles Martel, Brennus	26 8		
Amiral Baudin, Formidable, Duguesclin, Vauban	25 3	SPAIN.	
		Armored.	
Unarmored.		Vitoria	27 4
Tourville, Duquesne	25 0	Numancia	26 7
		Sagunto	25 11
ITALY.			
Armored.		AUSTRIA.	
Italia, Lepanto, Andrea Doria, Ruggiero di Lauria, Francesco Morosini, Re Umberto, Sicilia	28 11	*Armored.*	
		Custoza	26 9
		Tegetthof	26 7
		Kaiser	26 3
		Erzherzog Albrecht, K. Erzherzog Rudolf	25 3
		TURKEY.	
		Armored.	
		Hamidieeh, Messudieh	25 6

CLASS B.—*Foreign vessels drawing from 20 to 25 feet.*

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
ENGLAND.		FRANCE—continued.	
Armored.	′ ″	*Unarmored.*	′ ″
Ajax, Agamemnon, Conqueror, Hero	24 0	Sfax	24 8
Audacious, Invincible, Iron Duke	23 8	Naïde	23 0
Rupert	23 7	Dubordieu	22 8
Shannon	23 6	Iphigénie	22 4
Orlando, Undaunted, Australia, Narcissus, Galatea	22 0	Aréthuse	21 7
Polyphemus	21 3	Duguay-Trouin	20 6
Belle Isle, Orion	21 1	ITALY.	
Unarmored.		*Unarmored.*	
Raleigh	24 7	Flavio Gioia, Amerigo Vespucci	21 6
Hecla	24 3		
Bacchante	23 9	RUSSIA.	
Boadicea	23 8	*Armored.*	
Euryalus	23 3	Peter Velikij	24 9
Rover	23 0	Not named	23 0
Iris	22 1	General Admiral	23 0
Mercury	22 0	Herzog Edinburgh	23 0
Leander and 3 others of class	20 6		
Mersey and 3 others of class	20 0	GERMANY.	
		Armored.	
FRANCE.		Preussen, Friedrich der Grosse	24 7
Armored.		Hansa	21 7
Dévastation, Foudroyant	24 11	*Unarmored.*	
Redoutable	24 10	Leipzig, Prinz Adalbert	21 7
Turenne, Bayard, Terrible, Requin, Indomptable, Caïman	24 10	SPAIN.	
La Galissonnière	23 10	*Armored.*	
Victorieuse, Triomphante	22 8	Zaragoza	24 11
Thétis	21 10	Not named	24 8
Tonnerre, Fulminante, Furieux	21 4	Mendez Nunez	22 0
		Unarmored.	
		Aragon, Castilla, Navarra, Reina Cristina, Reina Mercedes, Alfonso XII	24 0

CLASS B.—*Foreign vessels drawing from 20 to 25 feet*—Continued.

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
AUSTRIA.		AUSTRIA—continued.	
Armored.	′ ″	*Unarmored.*	′ ″
Ferdinand Max	21 6	Fasana	20 4
D. Juan d'Austria, Kaiser Max, Prinz Eugene	20 9	Donau, Saida	21 0
Hapsburg	(?)		
Salamander	(?)	JAPAN.	
Unarmored.		*Unarmored.*	
Radetzky, Laudon	23 7	Noëbi	21 6

CLASS C.—*Foreign vessels drawing from 15 to 20 feet.*

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
ENGLAND.		RUSSIA—continued.	
Armored.	′ ″	*Unarmored.*	′ ″
Torpedo ram (Polyphemus type, not named)	19 9	Vitiaz, Rinda	18 0
Glatton	19 3	Africa	17 0
Cyclops, Gorgon, Hecate, Hydra	16 4	Europa	17 0
		Krejser	16 6
Unarmored.		Asia	16 6
Calypso, Calliope	19 11	Opyt	16 0
Opal and 5 others of class	19 7 to 18 8	Dzigit	15 8
Comus and 8 others of class	19 3 to 18 6	GERMANY.	
Modeste and 4 others of class	18 4 to 17 6	*Armored.*	
Thetis	17 6	Sachsen, Bayern, Wurtemburg, Baden	19 8
Tenedos	16 10	Oldenburg	19 6
Heroine and 6 others of class	15 9	*Unarmored.*	
		Bismarck, Blücher, Stosch, Moltke, Gneisnau, Stein	19 8
FRANCE.		Freya	19 0
Armored.		Carola, Olga, Marie, Sophie	18 4
Tigre, Bouledogue	19 7	Ariadne, Luise	17 1
Tempête, Vengeur, Tonnant	16 9	Alexandrina	16 5
		a Not named	
Unarmored.		*b* Not named	
Champlain	18 9	*c* Not named	(?)
Du-petit-Thouars	18 8	*d* Not named	
Lapérouse, Nielly, Primauguet, D'Estaing	18 8	AUSTRIA.	
La Clocheterie	18 8	*Unarmored.*	
Fabert	18 4	Zrinyi, Aurora, Frundsberg	17 8
Sané, Seignelay, Forfait, Villars, Roland, Magon	18 4	HOLLAND.	
	17 3	*Armored.*	
Rigault de Genouilly	17 1	K. der Nederlanden	19 0
Éclaireur	17 0	*Unarmored.*	
Vaudreuil	16 1	Doggersbank, J. Wilham Friso, Atjeh, Tromp	20 0
Hugon, Kerguelen, Beautemps Beaupré, Duchaffaut, Condor, Epervier, Faucon, Vautour	15 11	K. Emma der Nederlanden, De Ruyter, Van Speyk	19 6
	15 6	Van Galen	18 0
	15 5		
	15 5	DENMARK.	
ITALY.		*Armored.*	
Unarmored.		Helgoland	18 0
Stromboli, Etna, Tripoli, Grito	19 4	Iver Hvitfeldt	17 6
Vesuvio	19 0	Tordenskjold, Sister ship	15 0
Giovanni Bausan	18 6	*Unarmored.*	
Savoia	17 0	Fyen	18 0
Christoforo Colombo	16 8	St. Thomas	17 0
Staffetta	15 5		
RUSSIA.		SWEDEN.	
Unarmored.		*Armored.*	
Pamjat Markurija	19 8	Svea	15 6

CLASS C.—*Foreign vessels drawing from 15 to 20 feet*—Continued.

Name of ship.	Maximum draught.
SWEDEN—continued.	
Unarmored.	
	′ ″
Balder	19 6
Saga	18 4
Freja	16 6
TURKEY.	
Armored.	
Fethi Bulend	18 0
Mukademi-i-hair	18 0
Idjilalieh	17 0
GREECE.	
Unarmored.	
Amiral Miaulis	17 0
PORTUGAL.	
Armored.	
Vasco de Gama	19 0
Unarmored.	
Alfonso de Albuquerque	18 0
BRAZIL.	
Armored.	
Riachuelo	20 0
Aquidaban	18 0
Unarmored.	
Cruzador "B"	18 6
Guanabara	17 10
Almirante Barroso	17 0
Trajano	15 6
ARGENTINE REPUBLIC.	
Armored.	
	′ ″
Almirante Brown	20 0
Not named	20 0
CHILI.	
Armored.	
Almirante Cochrane, Blanco Encalada	19 8
Huascar	16 0
Unarmored.	
Esmeralda	18 6
CHINA.	
Armored.	
Ting Yuen, Chen Yuen	20 0
Unarmored.	
Hae-An	20 7
Nan Thin, Nan Shuin	18 0
Techi Yuen	15 9
Yang Wei, Chao Yuen	15 0
JAPAN.	
Armored.	
Fu So	18 3
Kon Go, Hi Yei	17 6
Unarmored.	
Naniwa, Takachiho	18 6
Tsu Kushi	17 0
Kaimon	15 10

CLASS D.—*Foreign vessels drawing less than 15 feet.*

Name of ship.	Maximum draught.
ENGLAND.	
Unarmored.	
	′ ″
Wild Swan and eleven others of class	14 10 to 14 3
Fantome and five others of class	14 7 to 13 11
Scout, Fearless	14 6
Archer and six others of class	14 6
Dolphin, Wanderer	14 0
Reindeer and five others of class	14 0
Arab	13 9
Ramble and two others of class	13 7
Lily	13 6
Flamingo and three others of class	13 2 to 12 11
Swallow and sister ship	12 0
Albacore and two others of class	11 6
Curlew, Landrail	11 0
Redwing and nine others of class	11 0 to 10 6
Swift, Linnet	10 11
Coquette and six others of class	10 11 to 10 4
Cygnett and eleven others of class	10 9 to 10 6
Ariel, Zephyr	10 6
Frolic and three others of class	10 0 to 9 6
Staunch and twenty-seven others of class	6 9 to 6 1
Medina and eleven others of class	6 0
FRANCE.	
Armored.	
Achéron, Cocyte, Phlegeton, Styx	11 10
FRANCE—continued.	
Armored.	
	′ ″
Fusée, Grenade, Mitraille, Flamme	10 4
Unarmored.	
Hussard, Dumont d'Urville	13 8
Bouvet	12 10
Parseval	12 10
Milan	12 9
Bisson, La Bourdonnais, Chasseur, Voltigeur	12 9
Inconstant, Papin, Fulton	12 8
Boursaint	12 8
Volage	11 8
Comète, Gabes, Lion, Scorpion, Météore, Aspic	10 6
Vipère	9 10
Lionne	9 6
Sagittaire, Capricorne	8 6
Crocodile	9 4
Lutin, Lynx	9 4
Étoile, Bombe, Couleuvrine, Dague, Dragonne, Flèche, Lance, Sainte-Barbe, Salve	8 4
Alert and seven of class	4 0
ITALY.	
Unarmored.	
Rapido	12 8
Scilla, Cariddi	12 6
Pietro Micca	11 9
A. Barberigo, M. A. Colonna	10 3
S. Veneiro, A. Provana, Guardiano	10 2
Sentinella	5 11

CLASS D.—*Foreign vessels drawing less than 15 feet*—Continued.

Name of ship.	Maximum draught.
RUSSIA.	
Armored.	
	′ ″
Vice Admiral Popoff	14 0
Novgorod	3 2
Unarmored.	
Opritchik	16 3
Razbojnik	14 11
Najezdnik	14 6
Zabijaka	14 4
Strelok	14 3
Plastun, Vjestnik	14 0
Ingul	12 5
Jermak, Tunguz	11 0
Bobr, Sivoutch	9 6
Wichr	7 8
Burun, Tuchu, Kartech, Bruja, Groza, Grad, Snjed	7 2
Oltjow	7 1
Doschd	6 7
Ersch, Jorsch	6 8
GERMANY.	
Armored.	
Brummer, Bremse, Viper, Wespe, Biene, Scorpion, Mücke	10 6
Basilisk, Camäleon, Crokodil, Natter, Salamander, Hummel	10 2
Unarmored.	
Blitz, Pfeil	13 6
Adler	
Zeiten	11 7
Habicht, Möwe	11 5
Albatross, Nautilus	10 10
Cyclops	9 10
Wolf, Hyäne, Iltis	9 10
SPAIN.	
Armored.	
Duque de Tetuan	6 11
Puigcerda	6 7
Unarmored.	
Jorge Juan, Sanchez Barcaiztegui	15 0
Velasco, Conde del Venadito, Cristobal Colon, Don Juan de Austria, Infanta Isabel, Isabel II, Ulloa, Concha, Elcano, General Lezo, Magellanes	11 4
AUSTRIA.	
Armored.	
Maros, Leitha	3 7
Unarmored.	
Panther, Sister ship	14 6
Zara, Spalato	13 9
Sebenico	12 0
Lussin	12 0
Albatross, Nautilus	11 10
HOLLAND.	
Armored.	
Draak	11 0
HOLLAND—continued.	
Armored.	
	′ ″
Haai, Wesp, Luipaard, Panter, Hyaena	9 10
Matador	9 10
Isala, Rhenus, Moza, Merva	4 2
Unarmored.	
Alkmar	14 8
Also a large fleet of gunboats	11 9 to 6 3
DENMARK.	
Armored.	
Gorm	14 5
Odin	14 1
Unarmored.	
Ingolf	12 5
Also a considerable fleet of gunboats	7 6 to 5 6
NORWAY.	
Armored.	
Thrundvang, Thor, Odin	12 0
Scorpionen	11 4
Mjoelner	11 3
Unarmored.	
Sleipner, Ellida	9 9
Also a considerable fleet of gunboats.	
SWEDEN.	
Armored.	
J. Ericsson, Thordon, Tirfing, Loke	11 10
Seven monitor-type gunboats	8 2
Three casemate gunboats	5 5
Unarmored.	
Dratt	9 6
TURKEY.	
Armored.	
Hesber	5 6
GREECE.	
Unarmored.	
Hellas	14 9
Hydra	5 6
Spetzia	5 6
PORTUGAL.	
Unarmored.	
Reina de Portugal, Mindello	14 9
12 gun-boats	13 1 to 10 2
BRAZIL.	
Armored.	
Sete de Setembro, Javary, Solimões	12 6
	11 10
Unarmored.	
Primero de Marco, Imperial Marinheiro	11 7
Paranahyba	11 6
Marago	6 0
Guarany	5 6
Traripe	5 0
Iniciadora	5 0
Cananea and 3 others of class	4 0
Manaos	3 10

CLASS D.—*Foreign vessels drawing less than 15 feet*—Continued.

Name of ship.	Maximum draught.	Name of ship.	Maximum draught.
ARGENTINE REPUBLIC.		CHINA.	
		Unarmored.	
Armored.	′ ″		′ ″
		11 iron and steel gunboats (alphabetical class)	9 6 to 7 6
Patagonia	12 9		
Los Andes, El Plata	10 6	JAPAN.	
Unarmored.		*Unarmored.*	
Maipu	8 6	Katsuragi, Yamato, Musashi	15 0
CHILI.		Seiki	13 0
		Iwaki	(?)
Unarmored.		Jiu Gei	(?)
		Amagi	(?)
Magellanes	13 0		

While we are defenseless against an attack by a naval power, the great countries of Europe are providing not only for defense, but for aggressive warfare. The question is whether this defenseless condition of our coasts is to continue. I confess I am surprised by what I see to-day, and I was surprised the other day to hear the remarks of the Senator from Kansas [Mr. PLUMB] and the Senator from Missouri [Mr. COCKRELL].

The Senator from Missouri emphatically stated that we did not need coast defenses; and I think it was a fair inference from what the Senator from Kansas said that he believed it, too. If those Senators could insure us for all time against a foreign war, I would agree with them that we do not need coast defenses. But, sir, who can foretell the future? How can we judge of the future but by the past? Wars have been and wars will be. Even the United States, with the peaceful disposition of its inhabitants and its isolated situation, has not been able to avoid foreign wars; and Europe is either in a continual state of war or in preparation for it.

Mr. GEORGE. I should like to ask the Senator from Oregon a question at such time in his speech as it will suit him to answer.

Mr. DOLPH. I would prefer to finish what I am saying.

If the Senator from Missouri believes, as he said, that there is no danger of a foreign war, that is a sufficient reason why he should vote against any proposition for the defense of our coasts; but I submit when he says, as I understood him to say, that when war is once upon us the courage and patriotism and genius of the American people will provide a timely defense, that is mere idle declamation. It will take years to build guns, to construct fortifications, and instruct the *personnel* for coast defense.

We may prophesy of the coming of the millennium, we may dream of peace, we may sleep in fancied security only to be awakened by the rude alarm of war. The history of the race has been the history of constant conflicts of arms, and the same passions which have animated mankind in the past continue to animate them now. If the Senator believes that there is no danger of foreign war, and as he said that since the unsuccessful attempt to destroy the Union all cause of dissension and sectional jealousy and strife is removed and we have an indissoluble Union of indestructible States, and that there is no longer any danger of civil war, why should we maintain the Army and the costly *personnel* of the Navy? Why not set the example at once to the other nations of the earth of beating our swords into plowshares and our spears into pruning-hooks?

The Senator talks about the courage and patriotism and genius of the American people. Sir, he has no greater admiration for the heroic qualities of the American people than myself. They are not lacking in courage; they are not lacking in genius or any other quality that goes to make up the most perfect type of manhood; but when the hour of peril comes to this country, if it ever comes, when a fleet of modern war ships is in the harbor of New York or San Francisco, and with those great projectiles of a ton weight, fired 10 miles or more with a muzzle energy of 62,000 foot-tons, are mowing down the rows of costly brick and granite and marble edifices and scattering death and destruction, of what avail, I would ask the Senator, would be the courage or the patriotism or the genius of the American people?

Sir, millions of infantry and of cavalry and of artillery, with such appliances for coast defenses as we now have, would be as powerless before those bolts of destruction as before the thunderbolts of the Almighty, or as were the people of Charleston a year ago last August, when their residences were shaken down over their heads by the forces of nature.

In any foreign war of the future the great battles will be fought between the modern war-ships of the enemy and our fortifications, with powerful guns managed by an instructed *personnel*, and an army of a million of men would be mere idle spectators.

Senators are not consistent. If the Senator from Kansas believes as he said, that there never will be a hostile shot fired on this continent, why did he the other day advocate an appropriation of $400,000 to purchase dynamite guns? And if the Senator from Missouri believes there is no danger of foreign war, why does he support appropriations for the Army and the military and naval schools?

But, Mr. President, leaving this question for the moment, I desire, now that I have the floor, to say something upon the subject of guns. The Senator from Kansas said that built-up steel rifles were out of date.

Mr. PLUMB. For coast defense.

Mr. DOLPH. For coast defense. Mr. President, either the whole world is wrong and the costly experience of the leading nations of Europe for the last twenty-five years has led to no practical results, and the eminent officers of the ordnance and engineer corps of the armies of Europe are ignorant and corrupt, and the reports of the actual service of steel guns in war have been falsified and the reports of our own boards, the Gun Foundry Board, the Board on Fortifications and other Defenses, the committee of the Senate of which the honorable Senator from Connecticut was chairman, and the committee of the House of which Mr. RANDALL was chairman, have led us in the wrong direction, and the officers of our Army and Navy know nothing about their business, or the Senator from Kansas was wrong and the breech-loading built-up forged steel rifle is the best gun that ever was invented or built.

Who says, except the Senator from Kansas, that the steel rifles are out of date? The South Boston Iron Works, who want to force on the Government worthless cast-iron guns because they can make them and can not make steel rifles; inventors, proprietors of inventions such as the multicharge gun, or the dynamite gun, who want to force untried inventions upon the Government. But, sir, no officer of the Army, no board appointed to inquire into the question has said that they are out of date. If we are to provide forged-steel rifles, how shall it be done?

All the Government officials whose duty it is to make recommendations to Congress upon the subject and who are qualified to judge agree concerning it. The Gun Foundry Board reported in favor of forged-steel rifles for the Army and Navy; that the forged and tempered steel ingots, rough bored and rough turned, should be procured by contract from private parties, and that the Government should fabricate the guns, assemble the parts, and for that purpose there should be erected one gun factory for the Army and one for the Navy, the one for the Navy at the Washington navy-yard, and the one for the Army at Watervliet arsenal.

The Hawley committee investigated the whole subject and concurred in this report. The Board on Fortifications and other Defenses, at the head of which was our present Secretary of War, and which has been eulogized on this floor as the best qualified board that ever considered the subject of coast defenses, approved the report of the Gun Foundry Board, not only as to the character of guns, but as to the manner in which they should be procured.

Further than that, Congress has acted on their recommendations, so far as the Navy is concerned, and if my recollection serves me—I have not looked at the RECORD—the Senator from Kansas himself made a motion to increase the appropriation in the last naval appropriation bill for the purpose of providing a plant at the Washington navy-yard for the gun factory there. He certainly favored it, and I think he offered it. I may be mistaken as to the bill, however.

Mr. PLUMB. Will the Senator allow me a word in that connection?

Mr. DOLPH. Certainly.

Mr. PLUMB. The two propositions are entirely different. I have no doubt in the present stage of the art of gun-making a built-up steel gun is the most potent weapon for ships; but that is not true, as I believe, to-day—that is to say, not certainly true as to guns for coast defense, which are to be mounted on land. I believe myself that within the last twelve months there has been what amounts to a practical revolution in the art of gun-making—that is, of defensive processes, so far as they relate to operations on the coast. I do not refer now to the operation of batteries in the field, or anything of that kind, but to stationary works on land, and I do believe that the steel gun to-day is comparatively out of date for works of that kind. I admit that a few years ago I thought differently. I think there has been great progress in that time, and great changes have been made.

Even at that time any one who carefully and thoughtfully investigated the subject must have arrived at the conclusion that the steel gun itself was an imperfect weapon compared with the best explosives known which were supposed to be used in connection with it. I will venture to say that a steel gun has never been made that can be safely relied upon to fire two shots an hour for twenty-four hours consecutively. I do not mean to say that is a permanent defect, but that is the best we have. That is what we want. I speak of that to show that what we had in the very highest state of the art up to the time when it became possible, as I think, to use dynamite and other high explosives as projectiles was a very imperfect weapon.

Now, if the Senator will allow me, in the shape of an interruption (which is hardly regular), to say further as the conclusion of what I have to say on this subject as to its merits, that I believe if we start in on this expenditure we shall go through with it even, if it shall be demonstrated a hundred times over before we conclude it that every dollar which we expend is thrown away. Why? Because the extra-

conservative, the propulsive power of that conservatism which is embodied in the Army, is such that once committed to a scale of expenditures they will go through with it; once committed to a form of explosive or form of gun, they will go through with it to the end, even if the whole world were against them on that subject.

In that same line, I have no doubt, and I do not think the Senator from Oregon has, that the intelligent opinion of the world to-day is to the effect that the heavy ironclads which have been built at an enormous expense by all the continental powers and by England, are absolute failures, except in harbor defense; that not one single one of them will ever sail away three leagues from the shore for any purpose whatever.

The smallest torpedoes, the smallest charge of dynamite, managed with the least possible human ingenuity, will blow any one of them out of the water. And beyond all that, Mr. President, the power of offense is greater than that of defense, and the very moment it is determined that 30 inches of steel plate can be carried upon a frame, that very moment the inventive genius of offense determines upon a msisile and upon a power of propulsion which will destroy that 30 inches of steel plate.

So I do not take any stock at all in this idea of the ironclads of the Old World. They will never moor outside of their own harbors, and I believe to-day, as is stated in a letter which I quoted the other day, that the dynamite guns, recently tried on the Hudson, which can be bought for $40,000 apiece, will furnish a more complete defense to every harbor in the United States than any ten field guns that could be mounted there; in the first place, by reason of the fact that it throws a dynamite shell which contains a power greater than that which can be communicated by any possible charge of powder, and in the next place by reason of the fact that the propulsive power is compressed air, that enables it to be thrown with greater accuracy than by the combustion of powder.

In reply to what was said the other day, that it was not believed to be possible to use this projectile firing a shell 2 miles while a shell could be carried 7 miles from the deck of a ship, it is fair to remark that no ship when it comes within 7 miles of any city on the Atlantic coast will come less than a mile of the nearest land point. So if one of these dynamite guns struck water within a mile of the farthest possible range where one of these ships could be stationed, and still reach any of our cities, it would be within the fullest and most accurate aim of the dynamite guns. But these are not guns for anything except for long range. They do not comprise the flotilla of the sea. They are not good for a fusilade; they are no use at short range; they are only good for long range. Any one is perfectly safe within a thousand yards of any ironclad, however formidable at 7 miles away. So these dynamite guns could be stationed within a mile and be just as safe from any projectile thrown from such an ironclad as it would be at Gibraltar itself.

Mr. HAWLEY. May I ask the Senator a question? Every one of these great ironclads carries scores and hundreds of Nordenfeldts and Gatlings, so that you might as well get into a hornet's nest as to get within a half mile of them.

Mr. PLUMB. Well, I know the Senator from Connecticut is by his constitution, by his prejudices, by his prepossessions, determined to make it out that the steel gun to-day is the great gun of Europe, and therefore to be used by us. I can not get him away from that. That un-American idea will go with him to his grave.

Mr. HAWLEY. I did not say much about theory. I rely upon the practical results which have been demonstrated.

Mr. PLUMB. What I have said is the final, ultimate fact that the ironclads are good only at long range; they are not good for close-by, and these dynamite guns, even if what the Senator says is true, might just as well be sheltered beyond any power of being reached by the ironclads within a mile as they could be at 10 miles. The best bulwark of defense, the best weapon of defense, the best possible force is a dirt fort 100 feet thick, which is proof against any shot, and no amount of steel can possibly injure it. Therefore, Mr. President, we have it in our power to take these vessels as they come, but they are are not going to come.

All this talk, I think, with due respect to those who utter it, grows out of the fear which was developed years ago when it was supposed that the ironclads represented the highest type of offensive and defensive warfare, which they do not. The British Government will not build any more of them; the Italian Government will not launch more of them; the French Government will not launch more of them. To-day America is proceeding upon the modern models; the ship, iron, it is true, but not with the bulwark of iron, which itself represents, not protection against a great projectile, but which with a vessel that has clean heels with which it can get away, and with a big gun at long range, will be very effective. But we here are proceeding to-day upon the theory that was in vogue five or ten years ago, when we have waked up out of a Rip Van Winkle sleep, out of the controversy between the House and Senate a few years ago. We are proceeding as though we supposed to-day the British were likely to come over here and invade us, as a very unfortunate outcome of the debate on the fisheries treaty. I confess I do not have any fear of that kind, although I say it probably with some deference, but I feel when we start upon anything we shall do it in such a way that we shall accommodate ourselves from day to day, and from time to time, to the very best that can be produced by the inventive genius of this country; but if we start out with a preconceived plan to spend $120,000,000, we shall spend it on that plan no matter what is determined about its being valuable or otherwise. That is what I object to.

Mr. DOLPH. The upshot of all the Senator's speech is that he proposes to do nothing and let the defenseless condition of our coasts continue. I have said emphatically enough (and it can not be successfully controverted, for the Senator is not supported), that modern steel rifles are effective guns. They have been used in actual war. They are the guns by which Alexandria was attacked and shelled and the fortifications there destroyed, and some of the modern war ships of Great Britain have not only crossed the sea, but have from time to time been stationed on Puget Sound, where they threaten our commerce.

I noticed this morning in one of the city papers a statement of the "Navies of Europe;" it is in the Post of this morning:

An English bluebook has just been issued which gives the number of vessels contained in the navies of the different maritime powers of Europe, as follows:
Battle-ships—England, 49; France, 30; Italy, 21; Germany, 13; Russia, 9.
Cruisers—England, 87; France, 67; Germany, 29; Russia, 25; Italy, 21.
Torpedo vessels and boats—England, 176; France, 140; Italy, 138; Russia, 97; Germany, 96.

I am not myself in favor of building armored battle ships. I think until we have fortified our coasts and have provided a navy of cruisers, cruisers that in case of war would scour the seas, destroy the commerce of the enemy, we ought not to expend money for these great armored ships.

But to return to the question of guns, I hold in my hand the report I have already referred to of the Board on Fortifications made in January a year ago, in which they say on page 11:

Cast iron as material has been advocated on account of supposed cheapness and facility of manufacture, but the sole method of arriving at a sound conclusion in this respect is a careful analysis. A comparison has been made between breech-loading cast-iron rifles and Krupp's steel rifles, which by no means sustains the claims either of superior economy or facility of manufacture for a cast-iron gun of power equal to one made of steel. On the other hand, the difference of weight against the cast iron appears to be 66 per cent. of the weight of the steel gun, a defect which would greatly interfere with facility of maneuver and rapidity of fire. It would be singular if, after waiting for so many years with the alleged intention of profiting by the experience of nations foremost in the manufacture of heavy ordnance, we should begin the long-neglected defense of the country with accepting a material for guns which, after having been tried by leading European nations, has been deliberately rejected in favor of steel. The board emphatically recommends steel.

Also, reading from page 32 of the same report:

As to guns, the committee believes that nothing less than the most approved types for each caliber is admissible, and that for the most important sites not less than 60,000 foot-tons of muzzle energy will be imperatively necessary. These guns should be made of steel and manufactured in this country. They should possess the merits of simplicity, strength, and a construction approved by experience.

Mr. President, in a speech which I made in the Senate on July 28, 1886, I inserted a table taken from a speech made by Hon. JOSEPH WHEELER, of Alabama, in the House of Representatives, showing the numbers of guns afloat at that date ranging 10 miles or upward owned by foreign nations, with the names, the maximum armor, the draught of ship, the number and caliber of guns, and also guns afloat ranging from 9 to 10 miles, which I submit now as a part of my remarks.

Guns afloat ranging possibly ten miles or upward.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
England	Conqueror	12	24 0	2	12
	Colossus	18	26 3	4	12
	Edinburgh	18	26 3	4	12
	Collingwood	18	26 3	4	12
	Rodney	18	25 3	4	13.5
	Benbow	18	27 0	2	17
	Camperdown	18	27 3	4	13.5
	Howe	18	27 3	4	13.5
	Anson	18	27 3	4	13.5
	Hero	12	24 0	2	12
	Renown	18	27 3	2	16.25
	Sanspareil	18	27 3	2	16.25
France	Amiral Duperré	21.6	26 9	4	13.4
	Dévastation	15	24 11	2	10.6
	Foudroyant	15	24 11	4	13.4
	Terrible	19	24 7	2	16.5
	Tonnant	17¾	16 9	2	13.4
	Vengeur	13¾	16 9	2	13.4
	Am. Baudin	21¼	26 0	3	16.5
	Formidable	21¼	26 0	3	16.5
	Furieux	19¾	21 7	2	13.4
	Indomptable	19¾	24 7	2	16.5
	Caïman	19¾	24 7	2	16.5
	Requin	19¾	24 7	2	16.5
	Marceau	17¾	27 3	2	13.4
	Hoche	17¾	27 3	2	13.4
	Magenta	17¾	27 3	2	10.6
	Neptune	17¾	27 3	3	13.5
	Brennus	17¼	25 8	4	13.4
	Charles Martel	17¼	26 8	4	13.4

Guns afloat ranging possibly ten miles or upward—Continued.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
Italy	Italia	18.9	30 3	4	17
	Lepanto	18.9	29 6	4	17
	Ruggiero di Lauria	17.7	25 11	4	17
	Andrea Doria	17.7	29 6	4	17
	F. Morosini	17.7	25 11	4	17
Germany	Salamander	8	10 2	1	12
	Natter	8	10 2	1	12
	Hummel	8	10 2	1	12
China	Ting Yuen	14	20 0	4	12
	Chen Yuen	14	20 0	4	12
Russia	Catherine II	24	27 0	4	12
	Tchesme	24	25 0	4	12
	Sinope	24	25 0	4	12
Denmark	Tordenskiold	8	15 0	1	13.8

Guns afloat ranging possibly nine to ten miles.

England	Inflexible	24	25 4	4	16
France	Friedland	7½	29 4	2	10.6
	Redoubtable	14	24 10	4	10.6
	Duguesclin	9½	24 10	4	9.5
	Bayard	9½	24 10	4	9.5
	Turenne	9½	24 10	4	9.5
	Vauban	9½	24 10	4	9.5
	Fulminant	13	21 4	2	10.6
	Tonnerre	13	21 4	2	10.6
Italy	Duilio	21.7	28 0	4	17
	Dandolo	21.7	28 9	4	17
Germany	Sachsen	17.25	19 8	4	10.2
	Baiern	17.25	19 8	4	10.2
	Wurtemberg	17.25	19 8	4	10.2
	Baden	17.25	19 8	4	10.2
	Wespe	8	10 2	1	12
	Viper	8	10 2	1	12
	Biene	8	10 2	1	12
	Mücke	8	10 2	1	12
	Scorpion	8	10 2	1	12
	Basilisk	8	10 2	1	12
	Cameleon	8	10 2	1	12
	Crocodil	8	10 2	1	12
Brazil	Riachuelo	11	20 0	4	9

I also submitted a list, taken from the same source, of the different harbors on the Atlantic and Pacific coasts, with the cities upon them, containing a statement of facts which are interesting, which I also ask to insert as a complete and unrefutable answer to what has been said by the Senator from Kansas in regard to the possibility of any war vessel of a European power being able to approach and bombard one of our seacoast cities without coming within range of a dynamite gun. It is as follows:

NEW YORK AND BROOKLYN.

These cities have a population of 1,772,962. One of these vessels could float in 30 feet of water off Coney Island, beyond the range of any guns in our forts, and throw projectiles into the business part of the city of New York and to nearly every point in the city of Brooklyn.

I would like to ask what would be the effect if a shell weighing 2,000 pounds should drop and burst at the corner of Wall street and Broadway, and what would be the further effect of a few hundred such shots in New York and Brooklyn. And yet such an occurrence is at this moment a mechanical possibility.

BOSTON.

This city has a population of 369,832. An enemy's vessel could lie in 30 feet of water 5 miles from the State-house in Boston and throw these massive shells into Lynn, Chelsea, Charlestown, the navy-yard, East Boston, Boston, Cambridge, South Boston, Roxbury, and Dorchester.

PORTLAND, ME.

This city, with a population of 35,080, could be shelled by any one of the vessels described in the table, lying off to the northeast of the city, or to the southeast, in more than 30 feet of water, at distances varying from 3 to 4 miles.

NEW BEDFORD.

This city has a population of 26,845. Any vessel with such an armament as I have described could lie off in the outer harbor, at almost any point to the southward of the city, in 27 or 30 feet of water, at any distance the commander might select, from 2 to 6 miles, destroy the bridge to Fairhaven, and either exact a heavy contribution or lay the city in ruins in a few hours.

PROVIDENCE.

The harbor at this point has numerous shoals, which, in the absence of a pilot, would render it impossible for a hostile ship to approach it safely nearer than 6½ miles (Conimicut Point), but the high-powered guns I have referred to could readily destroy the vast and important manufacturing industries which center at Providence, with its population of 104,857, from even a greater distance.

NEW HAVEN.

This city has a population of 62,882. Vessels could rest securely 4 miles from the city, in 30 feet of water, and destroy it in a very few hours.

NORFOLK.

The population of this city is 21,926. Vessels drawing 26 feet of water can approach to within 7 miles, and, with high-powered guns, shell every foot of the city.

BALTIMORE.

This city, with a population of 332,313, is, in a great measure, protected by the difficulties of access, but it would be possible for vessels drawing not more than 15 feet to sail abreast of the city, and some of the vessels carrying guns of 10 miles range draw but 10½ to 15 feet.

WASHINGTON.

The capital of our country was once in the hands of British troops. It is 200 miles from the ocean, but vessels drawing 19 feet can sail to the city. Its population is 159,871.

RICHMOND.

This city has a population of 63,600. It is 150 miles from the mouth of James River, which has 13 feet of water to the city.

CHARLESTON.

This city has a population of 49,984. There are many points not more than 7 miles from the city from which vessels drawing 25 feet could shell the city.

SAVANNAH.

This city, with a population of 30,730, could be easily protected. Only very light-draught vessels can approach nearer than 10 or 12 miles.

PENSACOLA.

This city has but 6,845 population, but it is important on account of its excellent harbor. A position could be taken in 30 feet of water south of Santa Rosa Island, the distance being not more than 5 miles from the city.

MOBILE.

This city has a population of 29,132, and could very easily be protected, but at present there is water sufficient to float vessels drawing less than 16 feet to within 4 miles of the city.

NEW ORLEANS.

This city has a population of 216,090. It is 110 miles from the sea, but the largest vessels could sail abreast of the city. The control of the jetties would be a strong element in the defense of the city. Small craft not drawing over 5 feet could enter the lake in rear of the city.

GALVESTON.

The population is 22,248. Vessels drawing 30 feet could select any position not more than 3 miles off and shell the city.

SAN FRANCISCO.

The population is 233,959. The harbor, which is one of the finest in the world, could in the present condition of the defenses be entered, but even if this could not be done, vessels carrying high-powered guns could rest outside the bay in 30 feet of water, at a distance of 6 or 7 miles, and shell the city.

I have referred to the larger cities, but it might be well to mention that our smaller seaports are equally defenseless.

Each of the following-named cities could be shelled by the foreign vessels I have named:

PACIFIC COAST.

Port Townsend, Steilacoom, Seattle Harbor, Olympia, New Dungeness, Astoria, Kalama, Portland, Newport, Empire City, Crescent City, Trinidad, Mendocino, Benicia, Vallejo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, and San Diego.

GULF COAST.

Brownsville, Clarksville, Brazos Santiago, Apalachicola, St. Mark's, Tampa Bay, Cedar Keys, and Key West.

ATLANTIC COAST.

St. Augustine, Jacksonville, Fernandina, St. Mary's, Port Royal, Georgetown (S. C.), Smithville, Wilmington, Beaufort, Plymouth, New Berne, Edenton, Annapolis, Hampton Roads, Lewes, Atlantic City, Little Egg Harbor, Perth Amboy, Bridgeport, New London, Stonington, Bristol, Newport, Fall River, Vineyard Haven, Nantucket, Provincetown, Barnstable, Plymouth, Lynn, Marblehead, Salem, Gloucester, Rockport, Newburyport, Portsmouth, Saco, Bath, Camden, Bucksport, Bangor, Belfast, Rockland, Eastport, and Calais.

I mention these places merely for the purpose of corroborating the statement I have previously made relative to the defenseless condition of all our seaports.

Mr. President, this statement shows that a large proportion of our seaport cities could be destroyed by an enemy's ships without coming within range of a dynamite gun.

It seems to be easier to obtain an appropriation for something that has not been recommended by the engineers or has been condemned by them, or something that is still in the experimental stage, than to secure an appropriation of a dollar for legitimate coast defenses. My recollection of the last fortification bill which was considered in the Senate is that it contained a provision for a contract with the South Boston Iron Works for the manufacture of cast-iron guns, which have been condemned for years by the officers of the Engineer and Ordnance Corps of the Army. There has been introduced into the House of Representatives during the present session a bill (H. R. 6525) to authorize the Secretary of War to contract with the South Boston Iron Works for cast-iron guns and mortars to meet the exigencies of public defense, and a most remarkable thing connected with it is that there has been printed and distributed to members of Congress a brief on behalf of the company like a formidable law brief, an argument by Mr. Eppa Hunton, a lawyer of this city, who undertakes to enlighten Congress and to make it believe that it is necessary for coast defense that the Government should contract with the South Boston Iron Works for guns which are not recommended by the Secretary of War or the officers of the Army or Navy. The Army appropriation bill as it came to the Senate contains a provision that is advocated by the Senator from Kansas appropriating $400,000 for purchasing pneumatic dynamite guns. The New York Pneumatic and Dynamite Gun and Torpedo Company came before the House and asked for $4,000,000 to buy their guns. It seems that afterwards they were willing to take what the House gave them, 10 per cent. of the amount.

It would be interesting to know who compose this dynamite gun company. I think it would be a good thing for the Government to employ them to obtain an appropriation for legitimate coast defenses. They should succeed if they are influential enough to secure the adoption of an untried invention and to cause to be inserted in a regular appropriation bill $400,000 for the purchase of dynamite guns.

What are these dynamite guns? Guns in which compressed air is used in place of powder, firing a projectile, a large light shell with a range of a mile or at most from 1 to 2 miles, with low velocity, firing

it into the air, a curved fire, and the projectile moves so slowly in the air that I am told a man on a small vessel, and I do not know but one of the great ironclads, could get out of the range of it after it was fired.

The Senator talks about accuracy of the fire of these guns. A board was appointed to investigate and report upon that gun, and the company declined to have an investigation under the supervision of an Army board. I have here copied, in a letter of the Chief of Ordnance to the Secretary of War, a letter from the president of the Dynamite Gun Company, in which he speaks about giving an exhibition of the gun "after a short delay to insure suitable weather;" that is to say, it is a fair-weather gun. Like a small craft that can only go to sea when the wind is fair, you can only fire a shell from the dynamite gun with any degree of accuracy when the wind is favorable, because when the shell was flying through the air a gale of wind might blow it out of its course. This gun was tried under the supervision of the company in New York harbor, and they managed to throw a shell a mile, a shell containing a large charge of some high explosive, dynamite probably, and to destroy an old wooden schooner, but they had six months in which to sight it and range it as at a fixed target, and upon the strength of this they claim that the gun has accuracy of fire. That is not evidence. That is different from firing it at a rapidly moving object.

The effect of the shot does not depend upon the power of the gun. If you were to take the dynamite contained in one of the shells and throw it down on the deck of a vessel you would destroy it. The Senator from Massachusetts [Mr. DAWES] asks if I am not unjust in my criticism. I am not unjust. The proposition to buy dynamite guns involves the question of their merits, and I am fortified with proofs to substantiate my assertions.

I am willing that the War Department shall make all the needed experiments. They may try this pneumatic dynamite gun, they may investigate the invention of Lieutenant Grayden and others for firing shells loaded with dynamite from powder guns, and all the inventions that are offered, which promise good results. I am in favor of a $600,000 appropriation as now contained in the Army appropriation bill for the purposes of making experiments. Let the War Department experiment with this gun; but I do not want to see $400,000 expended for a gun that has never been tried under the supervision of the Army, and may yet prove a failure, or become worthless by further improvements.

Then again the Senator talks as if when Great Britain or other foreign powers were making a war on us they would run their ironclads right up within a mile of these dynamite guns to be destroyed. I have heard it said that because these guns could be fired without noise and without smoke the enemy would not know where they were and would be drawn into ambush to be destroyed. But, sir, do you suppose that the naval vessels of Great Britain, rendezvoused at Bermuda or at Halifax, would attack New York, or Boston, or Charleston, or Savannah, or any of our seaports without knowing precisely where our batteries were located?

Then, if we had the dynamite guns where would we put them? I asked that question of an officer of the Ordnance Corps the other day. "Well," he said, "I suppose we would have to put them upon the masonry structures we now have. We can not put them in casemated batteries because they have a curved fire." They are fired in the air.

Now, suppose we should put the dynamite guns upon some of the existing fortifications in New York Harbor. A British vessel steaming down in twenty-four or forty-eight hours from Halifax, would lie 5 or 6 miles out of the range of the dynamite gun, and with a shot from one of these built-up forged steel rifles that are condemned by the Senator from Kansas, would demolish the fortifications, the guns, and the plant to operate them.

Connected with this plant there is a steam engine. It is necessary to keep a steam engine for every gun to compress the air.

The Senator himself the other day admitted that the dynamite guns were probably not the best guns of the kind that could be made; that there would probably be improvements made in them; and if that is so, what is the justification for buying guns that are in an experimental stage?

Then he spoke of the invention, which was mentioned by the Senator from Alabama, of a Mr. Smith, who had invented a gun to fire dynamite shells with powder. That gentleman is not the only inventor of that kind of a projectile. I hold in my hand the report of three trials of Lieutenant Graydon's invention, which is an invention for firing shells loaded with dynamite from powder-guns. They may be fired from our rifle-guns, or our smooth-bore guns, from any guns we have, and from steel-rifles when they are manufactured. Two of these investigations were had by direction of General Sheridan under the supervison of Maj. Gen. O. O. Howard, at San Francisco. Since that time another trial has been made under the supervision of a board of officers convened by the War Department, and I read briefly from the report. The official report says:

Shells charged with dynamite by Lieutenant Graydon were successfully fired from the gun and serious damage was inflicted on the turret—

That was a turret of armor prepared expressly to test guns—

this being especially the case in the third round, when penetration and disruptive effect were combined.

The two main points of merit claimed for the invention were thus substantiated:

1. To fire a dynamite shell from a heavy rifled cannon with the full service charge of black powder as the propelling force without injury to the cannon.
2. To obtain full penetration by the shell before the dynamite was exploded in the target.

By this invention dynamite is fired the whole range of the gun. But even if these pneumatic dynamite guns had been advisedly recommended by the War Department as no longer experimental, they are not to take the place of built-up forged-steel guns. They are not to be any part of the system of fortifications recommended by the Board on Fortifications and other Defenses and by the Secretary of War. On the contrary, the Secretary expressly says that the appropriations for these dynamite guns will not lessen the appropriation necessary for the coast defenses one dollar.

To establish what I say I will submit an extract from the last annual report of the Secretary of War, in which he recommends an appropriation for forged-steel guns. In speaking of the steel guns, he says:

It is believed to be of vital importance that appropriations be annually made by Congress until our present need of modern guns is supplied and the aid that our steel industry demands is assured. As a step in this direction an appropriation of $1,500,000 for the forgings of 8-inch and 10-inch B. L. steel guns has been recommended in the estimates. This sum would procure the steel for about fifty 8-inch and forty 10-inch guns, and should be made available until expended. In this connection the Chief of Ordnance remarks as follows:

"It is not necessary to enter into a discussion of the necessity for seacoast armament, nor of the possibility of future disbandment of armies and the settlement of international controversies with the pen instead of the sword. What may be in the near or distant future in this regard the most astute statesman can not divine. Our dealings, however, are with the immediate present, and if the recurrence of wars are likely to follow ample preparation, Europe in arms would seem to indicate that the days of peaceful arbitration have not yet been reached. It can hardly be recommended that while waiting for this future possibility our shores should continue unguarded and at the mercy of the most insignificant belligerent. Rams and torpedoes and dynamite guns are powerful auxiliaries in harbor defense, but the war conditions yet obtaining will not dispense with the hard hammering of heavy shot moving with high velocity, because these auxiliaries themselves need protection of a most perfect character.

The dynamite guns with a limited range can not be left to the mercy of the much longer-reaching guns of the enemy's ships. The attacking ships must be kept at a distance by heavy guns and long-range mortars, the comparatively low cost of mortars enabling us to compensate by numbers for any lack of accuracy of fire. As a projectile force gunpowder yet stands supreme. It strikes its terrific blow at long distances; its arm reaches many miles; it plants its blows with unerring certainty. We can not dispense with such a force, so readily handled, so thoroughly understood. Heavy cannon are therefore a necessity, and must be provided, and our unprotected coasts demand that they be provided speedily.

"These necessities also demand that they be of the most approved quality; cannon of steel, which have been adopted by the world after most thorough and satisfactory experiment and trial; cannon that will place this nation on an equality with the most powerful. It will cost money, but not more than the loss to the cities of New York and Brooklyn from one day's bombardment. * * * The positive and practical experience of the Midvale Works and the Cambria Works is to the extent of their facilities equal to that of foreign establishments, and these results are in a large degree the outcome of high standards, close specifications, and most rigid supervision and inspection, enforced by this Department. I venture the opinion that such important work can not be intrusted to better or more skillful hands than to the officers of the Ordnance Department of the Army."

He also refers to this dynamite gun, and this is the recommendation in his annual report:

The purchase of one of these guns of 15-inch caliber—

That is, of the pneumatic dynamite gun—

is recommended in order to determine the full extent of their fitness for coast defenses.

Then he proceeds to give a history of the gun. It will be seen that the Secretary recommends the purchase of one gun for the purpose of experimenting. But after this New York pneumatic dynamite gun company had made its proposition to the House of Representatives, a communication was sent to the House committee by the Secretary of War, in which he said substantially, as was stated by the Senator from Kansas the other day, that he did not regard the gun as any longer experimental; but he does say what I read in recommending the purchase of these guns:

It is not intended by this recommendation to supplant the previous recommendations of the Department, which call attention to the great needs of the country in the matter of coast and harbor defense, and the necessity of having guns of modern pattern and construction of great power and range. The pneumatic dynamite gun does not and can not take the place of such heavy ordnance, but will be a most important and necessary auxiliary thereto.

I read from the recommendation upon which the appropriation contained in the Army appropriation bill is based, which the Secretary of War says must not and can not take the place of appropriations for these heavier or longer-ranged guns.

Not being able to find in any printed document the recommendations, which had been made by the officers of the Ordnance and Engineer Corps upon this subject, I went to the War Department to get copies of the correspondence. I obtained a copy of a letter addressed to the honorable Secretary of War by General Benét, Chief of Ordnance, on the 24th of April, 1888, from which it appears, as I have said, that this gun company failed to make arrangements for trials of their gun before a board of engineers of the Army appointed for the purpose, and the board was dissolved. The Chief of Ordnance, in his letter to the Secretary of War, repeats his recommendation concerning this gun to the Secretary of War which was embodied in his annual report. He says:

WAR DEPARTMENT, *Washington, D. C., April 24, 1888.*

SIR: I have the honor to return herewith the paper transmitted from Hon.

R.W. TOWNSHEND, chairman of the House Committee on Military Affairs, containing the proposition of the Pneumatic Dynamite Torpedo Gun Company, of New York for an appropriation of $4,000,000 for the procurement of one hundred guns, with their accessories, etc., and to report:

The Department's knowledge of the pneumatic dynamite torpedo gun and connection with its history, are as follows: The first of these guns was designed and constructed by Mr. Mefford, of Ohio, in 1883, and was brought to Fort Hamilton, N. Y., for trial in January, 1884. On March 15, 1884, on an application from the parties interested, the Secretary of War, in a letter to General Hancock, directed that "as the trials of this gun have been conducted thus far under the direction of Colonel Hamilton, they should be continued under him, assisted by Lieutenant Zalinski." The last-named officer has since that time been on this detached duty, actively engaged in experimenting with and developing this gun. A report of the trials, etc., of this gun by Lieutenant Zalinski having been received at the War Department in December, 1885, through General Hancock, commanding the Military Division of the Atlantic, the Secretary of War, under date of January 26, 1886, appointed a board of officers for the purpose of arranging for and witnessing the trials of the pneumatic dynamite torpedo gun at Fort Lafayette, New York Harbor, and "to report on its merits and suitability for the military service."

Under date of July 9, 1886, and in modification of his letter of February 8, 1886, the president of the Pneumatic Dynamite Torpedo Gun Company addressed the following letter to this board:

"PNEUMATIC DYNAMITE GUN COMPANY, OFFICE 44 BROADWAY,
"*New York, February* 9, 1886.

"GENERAL: In compliance with the request made by your board at its session of February 8, I have the honor, as president of the Pneumatic Dynamite Gun Company, to state that the report made to the honorable Secretary of War by Lieut. E. L. Zalinski upon his experiments and tests of the pneumatic torpedo gun, owned by this company, at Forts Hamilton and Lafayette, embodies essentially what is claimed for this weapon, its character and uses.

"The company will (at is own expense) give an exhibition or exhibitions for your board, to establish the correctness of the report and the conclusions based thereon.

"These trials will be made at such time as may be convenient to your board, after a short delay to insure suitable weather, and will confer with you or any representative of the board designated to arrange the time and details of the same.

"It is understood that such trials will be limited to the 8-inch gun now at Fort Lafayette.

"With your permission, we would like to substitute this for the letter handed to you yesterday on this subject.

"I am, general, very respectfully, your obedient servant,

"S. D. SCHUYLER, *President.*"

"General HENRY L. ABBOT, *Chairman, etc.*"

The board adjourned February 8, 1886, to meet at the call of its chairman, when the gun should be ready for trial.

The proceedings of the board show that "no further correspondence was had with the company, but Maj. George W. McKee, junior member and recorder, was designated by the board as the officer to confer with the company or its representative and make arrangements for the trial.

"Major McKee had several interviews with Lieutenant Zalinski, the company's representative, and visited Fort Lafayette to ascertain what progress was being made in getting the gun ready. When the board adjourned the distinct understanding was that the company would give notification just as soon as the gun was ready. In May or June the president of the board was informed by Lieutenant Zalinski that the proposed trial had been unavoidably delayed by strikes and other causes, and that due notification would be given when the company was ready to substantiate its claims. Hearing that Lieutenant Zalinski was making some trials with the gun before a naval board, Major McKee wrote him several letters, asking him when he would be ready for the trial of the dynamite gun, but Lieutenant Zalinski utterly failed to say he was ready or appoint any time in the future for the trial."

In consequence of the failure of the company to make the necessary arrangements this board was dissolved by direction of the Secretary of War, under date of January 6, 1887, and the official connection of the Department with the invention ceased.

In September, 1887, on the request of the president of the Pneumatic Dynamite Torpedo Gun Company, the ordnance board on duty at New York was directed by the Department to be present and witness an experimental exhibition of their system at Fort Hamilton, New York Harbor, which had been arranged at the request of the Secretary of the Navy. This exhibition consisted in firing six shots from the pneumatic dynamite gun at a wooden schooner anchored at a distance of 1,864 yards. These firings, while very limited in extent, yet gave such promising results that this bureau, in its last annual report to the Secretary of War, stated its views as follows with respect to the pneumatic dynamite torpedo gun:

"This modern ballistic engine has been so far perfected as to render it practicable to project to a considerable distance, by means of compressed air, large charges of high explosives with a safety, certainty, and accuracy of fire which render it a source of great danger to the decks of hostile ships. More than this, an electric fuze, capable of being actuated by contact with salt water, has been devised and tested with promising success, which would more than double the value of the gun as a weapon for coast defense.

"If, as it is claimed, charges of 500 pounds of explosive gelatine or dynamite can be projected to a distance of from 2 to 3 miles and detonated after entering the water, with a fair degree of probability that the explosion will occur immediately under or near the hull of a ship below the armor protection, the most destructive effects are to be expected as ships of war are at present constructed. The result is much the same, though with perhaps less certainty of action, as that sought to be attained in defending a channel by means of fixed mines, but with the obvious advantage of being able to shift at will, as it were, the location of the 'torpedo field' to any point within range, taken up by the enemy's ship. The latter is thus placed at the disadvantage of always being compelled to cruise over an area beset by submarine mines so long as it is within range of the gun. It is not intended, by implication even, that fixed mines are to be abandoned, but on the contrary that the two systems supplement each other into a vastly more powerful combination of explosives and become a most essential adjunct to the heavy guns of great range and power, which are of a necessity as armor-piercing weapons the basis of all armament for coast defense. I would recommend the purchase of one of these guns, say of 15-inch caliber, for exhaustive trials of gun and projectile, with the object of determining the full extent of their capacity and fitness for coast defense."

The above views are deemed very liberal when the fact is considered that not a shot has been fired under the direct inspection and supervision of this Department, and that, with the exception of witnessing the destruction of the wooden vessel by the Ordnance Board, the results of trials have reached the Department second hand. It is hardly to be expected that on such meager practical information a recommendation can be made for the immediate expenditure of $4,000,000.

With regard to the needs of coast defense, for these dynamite guns, should their fitness be established after a full and careful trial, as suggested above, questions at once arise as to the function to be assigned to them and their relative position in the line of defense, requirements for site, mounting, protection, etc. The determination of these questions is a matter for consultation with the Engineer Department of the Army, who, under the Secretary of War, devise the plan of defense for our different harbors, construct the fortifications, and locate and operate the submarine mines planted in the channels. In order that a system of these torpedo guns may properly supplement without interfering with or detracting from the efficiency of the gun and mortar batteries or the fixed torpedo fields, the views of that Department should be had as to the requirements of the service for this type of gun and missile. It is more distinctly the duty of the Ordnance Department to ascertain by systematic trial the merits of various weapons and appliances, and to furnish on demand armament of approved type.

In view of these considerations I would recommend as follows:

First. That one or more pneumatic dynamite torpedo guns of different caliber, of the most approved pattern, with appurtenances and mounting complete, and three hundred shell, subcaliber or otherwise, and fuses for each gun, with the necessary quantity of high explosive, be procured for exhaustive trial of gun, projectile, and fuse, to enable this Department to decide upon the merits of the weapon as such. This is substantially as recommended in my annual report;

Second. That this paper be referred to the Engineer Department for an expression of its views and for recommendations as respects the employment of this system for coast defense; and

Third. That as this system is but an auxiliary in coast defense and of secondary importance as compared with high-power steel guns and rifled mortars, there should be no reduction in the sums that may be appropriated for steel guns and mortars in order to procure dynamite guns. The more urgent need for inaugurating the production and supply of steel guns and mortars should stand first and foremost in any appropriations made for armament.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

Hon. SECRETARY OF WAR.

This was dated April 24, 1888, and was addressed to the Secretary of War, and upon that the Secretary of War based his letter to the chairman of the House committee who reported the Army appropriation bill. I also submit the following extracts from the report of General Duane, Chief of Engineers, in which he substantially joins in the recommendation of the Chief of Ordnance:

[Third indorsement.]

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
April 25, 1888.

Respectfully returned to the Secretary of War.

The recommendations of the Chief of Ordnance are fully concurred in by me, namely:

"That one or more pneumatic dynamite torpedo guns of different calibers, of the most approved pattern, with appurtenances and mounting complete, and 300 shell, subcaliber or otherwise, and fuzes for each gun, with the necessary quantity of high explosive, be procured for exhaustive trial of gun, projectile, and fuze, to enable this Department to decide upon the merits of the weapon. This is substantially as recommended in my annual report."

* * * * * * *

"That as this system is but an auxiliary in coast defense, and of secondary importance as compared with high-power steel guns and rifled mortars, there should be no reduction in the sums that may be appropriated for steel guns and mortars in order to procure dynamite guns. The more urgent need for inaugurating the production and supply of steel guns and mortars should stand first and foremost in any appropriations made for armament."

I am not prepared, however, to recommend any extensive purchase of these or any torpedo guns, much less an appropriation of $4,000,000, until their efficiency has been more fully demonstrated.

The papers are returned herewith.

J. C. DUANE,
Brigadier-General, Chief of Engineers.

A true copy.

CLINTON B. SEARS,
Captain Engineers, United States Army.

I will also, without reading, as they have been once printed in the RECORD, ask to have incorporated in the RECORD as part of my remarks the letters of the Secretary of War, of the Board of Engineers, New York, of the Chief of Engineers, and of the Chief of Ordnance, all of them approving of the bill which has been reported by the Senate Committee on Coast Defense, and which is now before the Senate, and emphatically approving of the proposition to appropriate the entire amount necessary for the fortification of the ports named in one bill.

The letters are as follows:

WAR DEPARTMENT, *Washington City, January* 28, 1888.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo, inclosing a copy of Senate bill 62, Fiftieth Congress, first session, "to provide for fortifications and other seacoast defenses," and requesting the views of this Department in regard to the proposition to appropriate in one bill the whole amount estimated for the works proposed, the proposition to adopt the report of the Fortifications Board of 1885 as to the character of the defenses until otherwise ordered by Congress, and as to whether the provisions of the bill are suitable for practical execution so far as the direction of the work will be under the control of this Department.

In reply I beg to transmit a report of the 3d instant from the Board of Engineers, and a report of the 11th instant from the Chief of Ordnance, suggesting certain amendments which are indicated in the inclosed copy of the bill, together with a report of the 6th instant from the Chief of Engineers, expressing the opinion that the appropriation in one bill of the whole amount estimated will result in the most economical and speedy completion of the works in question, that the proposition to adopt the report of the Fortifications Board as to the character of the defenses until otherwise ordered by Congress is judicious, and that the provisions of the bill, modified as suggested by the Board of Engineers, are suitable for practical execution as far as the direction of the work will be under the control of this Department.

The views of the Chief of Engineers and the recommendations of the Chief of Ordnance and of the Board of Engineers are concurred in by this Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. J. N. DOLPH,
Chairman Committee on Coast Defenses,
United States Senate.

THE BOARD OF ENGINEERS, ARMY BUILDING,
New York City, January 3, 1888.

GENERAL: The Board of Engineers, to which was referred by your indorsement of December 28, 1887, the letter of the Senate Committee on Coast Defenses of December 20, 1887, inclosing Senate bill 62 "To provide for fortifications and other seacoast defenses," have the honor to report that it has carefully examined sections 1, 2, 3, and the first twelve lines of section 6, being so much of the bill as refers to the land or fixed defenses of the coast usually constructed by the Corps of Engineers, and beg leave to submit the following suggestions:

Section 1 enumerates twenty-seven positions upon our coasts designated by the Fortification Board of 1885 as ports "where defenses are most urgent," and appropriates in one sum the cost of the works for these ports as estimated by the board, namely, $126,377,800.

Section 2 divides the above sum into thirteen parts, one of which shall be available each year for thirteen years, beginning July 1, 1888, and ending June 30, 1901.

These sections appropriate in one bill the whole amount estimated for the works proposed, a change from the usual course followed in the construction of public works, but a change which, in the opinion of this board, will result in the most economical and speedy completion of the works in question.

All experiences in the construction of public works show that the great source of increased cost is the irregular and partial appropriations made for their erection. From the suspension of operations it often happens that completed work is badly damaged by natural causes, and upon resumption of operations has to be largely repaired or else entirely renewed.

This is also true of plant, tools, and appliances, while a still further source of expense is created by the dispersion of the workmen, who have become skilled in the several kinds of work in hand. With one appropriation made available in a term of years the work goes on continuously; advantage can be taken of the markets in the purchase of materials, and the entire work is finished in the shortest possible time and at the smallest cost.

It is suggested that in line 9 of section 2 the following words be added: "All of said sum upon appropriation to be available until expended."

In section 3, line 3, after the word "aforesaid," introduce the words "and the purchase of sites for the said fortifications, substantially;" so that it will read: "That said sum shall be expended under the direction of the President for the purpose of providing fortifications and other defenses for the ports aforesaid and the purchase of sites for the said fortifications, substantially in accordance with the recommendation of said board."

The Board on Fortifications of 1885 did not make any detailed plans for the fortifications of the several ports. They selected the ports "where defenses are most urgent," stated the number, caliber, and character of the guns to be mounted, the nature of the batteries, whether turrets, armored casemates, emplacements in barbette or mortar batteries, together with submarine mines, but did not give any dimensions, shape, figure, or site to the works or the number of guns in each description of battery. This will require careful study and may result in a diminution of certain calibers and an increase in others, and in the necessity of sites not now owned by the United States.

This latitude, it is suggested, should be given the President.

This board does not believe there should be any departure from the character of the fixed defenses suggested by the Fortification Board of 1885, namely: "Shore batteries, which may be armored turrets, revolving or fixed, armored casements and emplacements in barbette," "armed with powerful cannon needed to repel attack from the most formidable ships."

In section 6 it is suggested that, if an advisory board is to be organized, in line 8, after the word "Army," the words "skilled in fortifications, their armament, and its use" be inserted; so that it shall read: "* * * advisory board of not more than ten officers of the Army, skilled in fortifications, their armament, and its use, who shall be appointed by the President. * * *"

But it is thought a smaller board would be more efficient. It is also suggested that in section 6, line 10, after the word "pleasure," lines 11 and 12, and the first three words of line 13 be amended so as to read as follows: "All works as herein provided shall be done by contract or otherwise, as may be most economical and advantageous to the Government."

This is the language adopted by Congress for the construction of river and harbor improvements, and has been found to work with advantage to the United States.

The papers which were referred to the board in this case are herewith returned.

Respectfully submitted.

THOS. LINCOLN CASEY,
Colonel, Corps of Engineers.
HENRY L. ABBOT,
Colonel of Engineers, Bvt. Brig. Gen.
C. B. COMSTOCK,
Lieut. Col. of Engineers and Bvt. Brig. Gen.

Brig. Gen. J. C. DUANE,
Chief of Engineers, U. S. Army, Washington, D. C.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 6, 1888.

SIR: I have the honor to acknowledge the receipt of Senate bill No. 62, referred to this office for report, and in returning it invite attention to the report of the Board of Engineers herewith, the recommendations of which are concurred in.

It is believed that the appropriation in one bill of the whole amount estimated will result in the most economical and speedy completion of the works in question. Experience has fully demonstrated that any attempt to carry on and complete works of importance by means of small appropriations made at uncertain intervals has always resulted in great increase in cost if not in utter failure.

The proposition to adopt the report of the Endicott board as to the character of the defenses until otherwise ordered by Congress is regarded as judicious. The provisions of the bill, modified as suggested by the Board of Engineers, are considered suitable for practical execution so far as the direction of the work will be under the control of the War Department.

Very respectfully, your obedient servant,

J. C. DUANE,
Brigadier General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., January 11, 1888.

SIR: I have the honor to return herewith Senate bill No. 62, first session, Fiftieth Congress, "to provide for fortifications and other seacoast defenses," and to report on those provisions relating to the manufacture and purchase of ordnance material.

Line 9 of section 2 should read as follows: "All of said sum to be available until expended."

In section 3, line 3, after the words "other defenses," add the words "and the armament therefor;" so that it shall read: "* * * for the purpose of providing fortifications and other defenses, and the armament therefor, for the ports aforesaid." * * *

In section 3, line 14, after the word "fortifications," add the words "or the armament therefor," so that it shall read, "any changes in the plans for the fortifications, or the armament therefor, of any of said ports." * * *

In section 6, line 7, after the words "for the same," insert the words "subject to the approval of the Secretary of War, shall be submitted for recommendation to," in place of the words "shall be approved by," so that it will read, "* * * the plans and specifications for the same, subject to the approval of the Secretary of War, shall be submitted for recommendation to an advisory board * * *." This change makes the section consistent with existing law, and with section 3, providing for this board as advisory to the Secretary of War.

In section 6, line 8, after the word "Army," the words "skilled in fortifications, their armament and its use," should be inserted; so that it shall read:

"An advisory board of not more than ten officers of the Army, skilled in fortifications, their armament and its use, shall be appointed by the President. * * *."

In the same section, line 10, after the word "pleasure," lines 11 and 12, and the first three words of line 13, should be amended so as to read as follows:

"All work as herein provided, except when done at Government shops, shall be done by contract or otherwise, as may be most economical and advantageous to the Government."

In the same section, line 14, after the words "established at," substitute the words "Watervliet arsenal, New York," in place of the words "Frankford arsenal, Pennsylvania." The Watervliet arsenal was recommended as the most suitable site for a gun factory by the Gun Foundry Board of 1884. A re-examination of this site for the purpose of a gun factory, and also of the Frankford arsenal, Pennsylvania, was made during the past year by a special board of ordnance officers. This board also decided in favor of the superior eligibility, on the whole, of the Watervliet arsenal, and the Department has already concentrated some gun plant and commenced work at that point. (See pages 18 and 22, Report of the Chief of Ordnance for 1887, copy herewith.)

In the same section, line 21, after the word "tempered," insert the word "annealed;" so that line 21 shall read: "rough-bored, rough-turned, oil-tempered, and annealed steel."

In the same section, line 36, after the words "largest calibers," add the words "required under the advertisement;" so that it shall read as follows:

"* * * The time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers required under the advertisement at the expiration of not more than three years from the date of the acceptance of the contract * * *."

In establishing a plant for gun steel, and in commencing the manufacture of guns, both economy and efficiency, as well as ultimate success, will more surely result by beginning first with the smaller calibers and working up gradually, after some experience has been acquired, to the larger ones. (See page 3, report of House Committee on Ordnance and War-Ships, first session Forty-ninth Congress, copy herewith.) It is thought that the steel for guns of not more than 12 inches caliber should first be procured. With the experience and pecuniary help thus gained the manufacturers could produce more successfully the heavier masses required for the larger calibers, as 14 inches and 16 inches.

In the same section, lines 40 and 41, after the words "erect at the," substitute the words "Watervliet Arsenal, West Troy, New York" in place of the words "Frankford Arsenal, near Philadelphia, Pennsylvania."

In the same section, line 46, after the words "gun-carriages," substitute these words, "necessary equipments for said guns and gun-carriages," in place of the words "Ordnance equipment;" so that it shall read: "For finishing and assembling the guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and the necessary equipments for guns and carriages for the Army * * *."

In the same section, line 47, after the words "million dollars," add the words: "And provided further, that to meet present necessities, and until the manufacturers of steel in the larger masses is sufficiently developed, the Secretary of War may, at his discretion, contract for cast-iron bodies for breech-loading, steel-hooped, rifled mortars, after due advertisement, and under the usual specifications required by the War Department for procuring cast-iron guns; the mortars to be fabricated at the gun factory as hereinbefore provided for, or by contract, as the Secretary of War may direct." The Board on Fortifications and other defenses reported that some seven hundred 12-inch mortars would be required. The Department has under test a 12-inch breech-loading, cast-iron, steel-hooped mortar, which has given satisfactory results, and it may be for the interest of the Government to make part of the mortars on a similar plan.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

Copy of bill amended as herein suggested inclosed herewith.

Hon. WILLIAM C. ENDICOTT,
Secretary of War, Washington, D. C.

Mr. COCKRELL. Mr. President, I deeply sympathize with my good friend from Oregon and all others who are so sensitive about attacks being made upon this great country by foreign nations. I have no possible fear. I can see no reason on earth which could induce any of the great powers of the world to engage in war with the United States. We are a peace-loving people. We are isolated from all other nations. England and Mexico are the only nations that could attack us from their own soil. We must give the English statesmen and rulers credit for common sense, for a desire to perpetuate their own independence and prestige and power among the nations of the world. England owes her power to-day more to her commerce than to any other thing. She must maintain that in order to maintain her prestige in the future. England knows, all intelligent Englishmen know, that within ninety days after a war was declared between the United States of America and Great Britain her commerce would be swept from the ocean, her prestige would be gone, and would not be restored for years, if ever.

Mr. STEWART. I should like to inquire of the Senator from Missouri what we could sweep her commerce from the ocean with?

Mr. COCKRELL. We would build swift-going vessels that would do it. We would build vessels inside of six months or ninety days that would go upon the sea and drive her commerce from the ocean.

Mr. STEWART. Suppose we could not take the vessels out of port?

Mr. COCKRELL. Could not take them out of port! The idea that England, with her fleet, or Germany, or France, or England, France, and Germany combined could blockade all the ports of the United States where we build vessels is perfectly absurd and ridiculous.

Mr. STEWART. Where are your ship-yards to build them?

Mr. COCKRELL. We would build them on any river that is navigable. There would be no trouble about that. We have the ingenuity and the material and the skill to build vessels upon almost any of the navigable streams of the United States. Where did the rebels during the late war build and construct their vessels, and where did they send the commerce of the United States? Only three or four vessels did it.

Mr. TELLER. They were built in England, mainly.

Mr. CHACE. By their political allies.

Mr. COCKRELL. That is a sample of what the Americans can do when American is pitted against American, and what would it be when American was pitted against any other nationality?

Mr. TELLER. Will the Senator tell us where the rebels built any wonderful vessels during the war?

Mr. COCKRELL. The records show. The country knows it.

Mr. TELLER. No, I do not.

Mr. COCKRELL. If the distinguished Senator has represented his great State so long in the Senate of the United States and has been Secretary of the Interior and does not know anything about that, I do not propose to spend my time in trying to enlighten him.

Mr. TELLER. I believe they did build one clumsy vessel down here in Virginia, but it could hardly be called a vessel. I believe that was about all the extent of their building that they did not build across the water.

Mr. COCKRELL. England can not afford to attack us. She has no motive for attacking us. There is no reason why we should have a war with her. She would be the losing power.

Then you go to Mexico; and what would Mexico attack us for? There is no reason in the world why she should attack us. We have no danger from that source. We have no danger from France. How would France attack us? Would she come with her fleet around our coast?

Mr. President, this scare is simply ridiculous; it is farcical. It does not rise to any degree above that.

What is this bill? Let us examine it. It proposes to appropriate $126,377,800 as the beginning; not as the completion, but as the beginning of a system of fortifications.

Mr. DOLPH. It is to be appropriated to defend the twenty-seven principal ports.

Mr. COCKRELL. At the principal places named, I understand. I have read it all, and I am not speaking unadvisedly. I say the bill proposes to appropriate $126,377,800 for the fortifications at twenty-seven ports as the most urgently needed places. Others are to come in time, and where will it end? We are to have fortifications and torpedo-boats anchored in a continuous line around our entire seacoast.

Mr. President, look at the report of this board. I refer to the report of the Board on Fortifications or Other Defenses appointed by the President under the act of Congress approved March 3, 1885. On page 8 of that report it says:

> The subject of the defense of the coasts has usually been treated upon the supposition of the existence of a navy not equal to the fleets of the enemy, but sufficiently numerous to impose upon him the necessity of concentration and the avoidance of large detachments from his force; but this view of the case the board is not called upon to discuss, for it does not exist, and it will besides be found in the sequel that some of the ports named for defense will be strategic rendezvous for fighting ships of war, when these shall have been built in adequate numbers for operating in force against the enemy.

PORTS ARRANGED IN ORDER OF URGENCY.

Twenty-seven. They have been literally followed in this bill. The entire twenty-seven have been provided for in this bill. Now, what does the board say?

> The list of ports is not exclusively arranged in the order of commercial importance, some reference being had to the facility of defending certain sites and the greater or less period of time which this task might demand. Baltimore, Savannah, Wilmington, and others belong to the class where in an emergency obstructions might be improvised to check temporarily a hostile squadron.
>
> It is not possible to arrange the smaller ports always in the order of importance, also, because the necessity of a fortified harbor of refuge may be more urgent upon a long stretch of exposed coast, although the port there situated might be inferior in wealth and importance to others to which it has been preferred.
>
> The board, in limiting the list to the names above, does not wish it to be understood that there are no other places along the coast which are of the importance necessary to justify measures of defense. There are others, but the works of defense already existing at some of these, and the force of any probable attack which would be directed against them, do not make it necessary to call particular attention at this time to their condition and needs.
>
> The board, in stating "at what ports fortifications or other defenses are most urgently required," presents the following list.

Then they give the eleven ports where fortifications are most urgently required:

1. New York.
2. San Francisco.
3. Boston.
4. The lake ports.
5. Hampton Roads.
6. New Orleans.
7. Philadelphia.
8. Washington.
9. Baltimore.
10. Portland, Me.
11. Rhode Island ports in Narragansett Bay.

Those are the ports where fortifications are most urgently needed, and yet the committee have reported in favor of the entire twenty-seven, when this board itself, in its own judgment, only recommends eleven as urgently needed.

What does the board further say in regard to the kinds of fortifications?

> In the sequel the objects to be gained by the defense of the principal ports, as well as of others named in this report, will be commented upon. The board will now consider "the character and kind of defenses best adapted for each, with reference to armament," and "the utilization of torpedoes, mines, or other defensive appliances," taking up the subject in the order in which it is presented to it.
>
> The defenses, as to character and kind, with reference to armament, should be fixed and floating, one or both, according to locality, armed with powerful cannon needed to repel attack from the most formidable ships.

Then they go on and speak of floating defenses—not vessels, but floating defenses:

> The floating defenses mean floating batteries designed specially for operating in harbors or close to the land, armored more heavily and armed with heavier guns than any probable adversary.
>
> * * * * * * *
>
> The shore batteries may be armored turrets, revolving or fixed, armored casemates, and emplacements in barbette.

Then the report goes on and speaks of the different kinds of fortifications, etc.

I hold in my hand the report of the committee made in this case, and in that report the specific recommendations in regard to each of these places is set out. They commence on page 10 of the report with a "list of ports, with description of fortifications and other defenses, with reference to armament, mines, torpedoes, etc." They give New York. I will read that:

> 1. *New York.*—This important port must be fortified at both entrances in the most thorough manner. Fortifications: Turrets, armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo-boats are recommended for service in this harbor.

The proposed armament—the kind of guns—is given under the heads of caliber, kind, number, remarks, as follows:

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	18	B. L. R.
14-inch	80-ton guns	2	B. L. R.
12-inch	53-ton guns	40	B. L. R.
10-inch	27-ton guns	29	B. L. R.
8-inch	13-ton guns	15	B. L. R.
12-inch	Mortars	141	Rifled.

Then the report goes on and gives the others, specifying particularly the kind of fortifications at each port. I find on calculation that one hundred and thirty-two torpedo-boats have been provided for in the bill—one hundred and thirty-two torpedo-boats, to be stationed at the various points designated. On page 17 of this report I find that the expenditures for these various purposes have been analyzed and arranged, being a consolidated statement, and under the head of land defense and armament are the subheads of masonry and earthwork, armor, structural metal, guns and mortars, carriages, floating batteries and their armament, submarine mines and their adjuncts, torpedo-boats, and then the total.

Now, taking these twenty-seven ports, the estimate for the land defenses, for masonry and earthworks, is $31,863,600; for armor, $20,300,000; for structural metal, $3,320,000; for armament, under the head of guns and mortars, $28,554,000, and then under the head of carriages, $9,411,800. We come then to floating batteries and their armament, $18,875,000. That much would be sunk. We come to submarine mines and their adjuncts, $4,334,000, a total waste. We come to torpedo-boats, and the estimate is $9,720,000, also thrown away.

Mr. President, these are enormous sums of money, and I say that it is exceedingly injudicious and unwise for this country to launch forth in any such enterprise as this. We all know that the Army and Navy favor this. Certainly they do. They favor anything that will add importance to their arm of the service. It is natural that they should. The Army would like to have fortifications all around the coast; the Navy would like to have a large number of vessels. There is no question of that.

Mr. President, I see no necessity for these works; none in the world. This is not the time to enter upon them. I say if we enter upon this system now and spend these $126,377,800, inside of twenty years we shall pronounce three-fourths of it an absolute waste, at the very lowest possible calculation.

Mr. DOLPH. Will the Senator permit me to ask how it would be wasted?

Mr. COCKRELL. Because it will be of no use then.

Mr. DOLPH. Why?

Mr. COCKRELL. What will your floating batteries be worth, what will your torpedo-boats be worth, and many other things that will have been absolutely wasted?

Mr. DOLPH. Why have we an army?

Mr. COCKRELL. I will show you why.

Mr. DOLPH. That is what I should like to know.

Mr. COCKRELL. They will be wasted just as thousands of old iron

armament therefor;" so that it shall read: " * * * for the purpose of pro- | States where we build vessels is perfectly absurd and ridiculous.

cannon that we have now are useless and thrown away, wasted, just as all the fortifications we have ever built are now utterly worthless. They are of no use. We spent millions upon them.

The Senator wanted to know why we had an army. Does anybody suppose that our army of 25,000 men is depended upon by the United States to defend the honor and integrity and glory of this great country in a war with any foreign power? It never has been. The volunteer soldiers are the men who fight the battles of this country and upon whose shoulders its permanence depends. The regular Army is simply a nucleus, and has always been treated as such. It is to guard the Indians, principally. That is about the only use we practically have for it.

Mr. DOLPH. There is no use for it for that purpose any more.

Mr. COCKRELL. That has been the case, and the Senator doubtless has been scared over the Indians as he is now over foreign nations.

But the standing Army is for no such purpose. It is simply a nucleus. The Navy is not to rival the navies of the world. I want to know from the Senator if he proposes that we shall fortify the United States of America as France and England and Italy and Austria and Russia fortify their frontiers and their borders? I want to understand that proposition. If that is the proposition, we understand this bill. If it is not the proposition, I can not understand it.

Are we, the United States, a republican Government, at peace with the world, afraid of nothing, not assailable successfully by all the nations of the world combined, to set the example of a frontier fortification like France, like Germany, like Austria, like Russia, and other nations, where they have standing armies of from 500,000 to a million of men?

Mr. STEWART. Will the Senator aliow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. STEWART. Are you in favor of any coast defenses, and if so, what?

Mr. COCKRELL. I am not now, sir. I am not in favor of the expenditure of a dollar right now.

Mr. MITCHELL. Would the Senator wait until the surplus was disposed of and we had no surplus?

Mr. COCKRELL. Oh, that surplus! Oh, that surplus! Oh, the hungry horde that are rushing for that surplus every time, and every aspirant for notoriety of any kind has his long arms out for that surplus. Every job that can be brought into Congress has been brought here. Every man who has sensitive nerves and fears the great powers of the world and wants to make this a great country proposes to spend the surplus in fortifying!

Mr. MITCHELL. The Senator said a moment ago that this was not the time to enter upon the construction of coast defenses. I want to know why it is not the time, and if it is not the time now, when is the time?

Mr. COCKRELL. It is not the time because we are only in the infancy in the kinds of defense that will be necessary in the future. We are only in the infancy of the manufacture of arms and of explosives. All the money that England, France, Germany, Austria, and Italy have spent in armored vessels and ironclads has been thrown away. I think recently France has introduced a gun which far surpasses anything, and it will cause all the other nations to adandon their present system of rifles.

Mr. MITCHELL. The Senator would wait then on his philosophy until human ingenuity is exhausted?

Mr. COCKRELL. I would wait until there were some circumstances which justified the United States in apprehending war, and I do not believe that day will ever come.

Mr. President, I appreciate the scare of both the Senators from Oregon and other Senators. They have cities. Millions of dollars would be spent at those cities. Their constituents want the money spent there. Their constituents are urging them up to secure these appropriations. It is all proper in their view, it is all very nice to have this surplus distributed all over the country and spent here and there. But what use have we had for fortifications since 1812? We have existed a good long while as a nation.

Mr. DOLPH. The Senator knows that we prosecuted a system of fortifications to 1875.

Mr. COCKRELL. But it is all gone.

Mr. DOLPH. So are the clothes we wore then all gone.

Mr. COCKRELL. They are all gone; we never used them. It would have been far better to have distributed the money among the people than to have thrown it away in the way it was done. There were just such scares as the Senator is trying to get up now, and millions of dollars were spent, but we have never been able to utilize them for a solitary purpose on earth and never will. You are talking about your fortifications now. Your grandchildren and your great-grandchildren will never live to see them used. It is money thrown away, absolutely and unqualifiedly.

We started as a small country here. We achieved our independence of Great Britain; we had the war with Great Britain in 1812. Since then, by just such advice and appeals as are being made to-day, the people of this country were induced to build fortifications all around our coast for fear some enemy would attack us, and those fortifications are now moldering in ruins, inhabited by bats. No soldier would dare to take refuge behind them; they would be far more dangerous than if they were not there. We have never had to use them.

We have lived in this country since the war of 1812 seventy-six years, three-quarters of a century, and we are less liable to be attacked to-day than we ever were in our whole history. Day by day we are growing stronger and more powerful. We have the territory where our population can increase and expand. We have the courage and we have the resources, and the nations of the world will never dare to combine, all of them even, against the United States in war. There is not a particle of danger.

You start out with $126,000,000. You had better distribute it now. You had better just give it away. You will never derive a dollar's benefit from it so far as foreign nations are concerned. The only benefit will be to give engineers and officers and artisans employment for a time. They will put up these works, and after awhile they will be abandoned, just as old Fort Washington down here is abandoned, and just as all the other forts have been abandoned.

I referred the Senator from Oregon to the Lebel gun, I believe it is called, recently introduced in France, a weapon far superior to any gun that has ever yet been invented. Now I want to read the Senator an article from the New York Sun in regard to recent explosives. It is headed—

MAY FIRE SHELLS 27 MILES—INTERESTING EXPERIMENTS WITH EMMENSITE—IT CAN BE USED IN ANY FIREARMS.

A special car carried a party of fifty gentlemen to Harrison yesterday morning to witness experiments with Dr. Stephen H. Emmens's high explosive, emmensite. Dr. Emmens has converted a farm-house half a mile south of the Harrison station into a laboratory and factory. He received his visitors in his workshop. The inventor is partly paralyzed in his legs, and has to be moved about in a wheeled chair. He has an intellectual head and face, and his hair has turned yellow from constant handling of the materials of his explosive. It is based on an acid analogous to picric acid.

Dr. Emmens says that his explosive is absolutely safe to handle and very cheap. It can be used in firearms, small or large. It burns slowly when ignited. It can be granulated in any size. He crushed a lump of the powder in a powerful stone-crusher. A small cartridge was loaded with some of this powder and the ball was shot with a pistol through a one-eighth inch iron plate. Leaving the laboratory the party went out into the open fields. Four cartridges, containing in all 3 pounds of emmensite, were placed in bores four feet deep drilled into a mass of rock cropping out of a hillside. The cartridges were exploded by electricity, and the rock was broken into pieces small enough to be shoveled away. Mr. J. B. Cooper, a Colorado mine owner, estimated the amount of broken rock at 35 tons. He said he had never seen anything like the effect of the explosion.

In another part of the field a platform had been raised and targets erected. A dynamite cartridge placed upon a post in the field exploded when struck by a bullet from a rifle, while an emmensite cartridge was merely knocked from the post. Cartridges of dynamite, explosive gelatine, and emmensite were successively exploded on iron plates suspended by threads at the corners. The effect of the emmensite was to blow a large hole through the plate, while the same quantity of the other explosives merely bent the plates.

Trial was then made with Springfield rifles.

We have got plenty of them.

The distance was 100 yards, and the target consisted of five boards, 1¼ inches thick, about 3 inches apart, and backed by an iron plate. With the ordinary service cartridges, containing 70 grains of gunpowder, the ball which penetrated the furthest struck the fifth board, while the two emmensite balls, driven by 15 grains of powder, pierced all the boards, and were flattened against the iron plate. Successful tests were also made with a shotgun at 50 yards.

The availability of the explosive for submarine blasting was shown by immersing emmensite coated with paraffine in a barrel and exploding it by electricity. A lump of emmensite thrown into a barrel of water while burning continued to burn almost to the last grain. The use of the compound for pyrotechnical purposes was shown by burning it in a darkened room. Dr. Emmens also exhibited a multicharge accelerating cartridge of his invention, which may be used in any size of gun. Dr. Emmens estimates that with a gun 40 feet long—

That is not a very long gun—

a range of 27 miles would be obtained. The Pittsburgh Steel Casting Company is about to cast for him a 3-inch gun, 7½ feet long, which is expected to throw a 25-pound projectile 6 or 7 miles. Another invention of his is a "torpedo gun," which projects a winged cylinder, to which are attached cartridges that may be exploded by either a detonator or a time-fuse.

Dr. Emmens's visitors yesterday, many of whom are interested in the manufacture and use of firearms and explosives, were unanimous in praising the adaptability and power of the new explosive. Among the spectators were, K. Kawahami, the Japanese consul; Signor Conti, secretary to the Italian consul; General John P. Hatch, and Capt. J. H. Mortimer, United States Army; Baron R. Ouffroy de Vérèz and his two sons, of France; Count de Kapella, of Paris; A. C. Hobbs, of the Metallic Cartridge Company of Bridgeport; Alfred Bouvier, of San Francisco, who came East expressly to witness these experiments; Dr. H. Hazard, and J. H. Eddy.

I read this merely to show the possibilities of these things. I say we are simply in the infancy of these matters. I am in favor of encouraging by every wise and judicious and liberal means these inventions and keeping pace with them. I am in favor of our Government having machinery where we can if necessary manufacture, but I am not in favor of manufacturing the guns of to-day or erecting seacoast defenses or torpedo boats or these floating batteries or anything of that kind, or these fortifications. They will become useless, and the money will be thrown away. I do not know what will be best. Let us be ready simply by encouraging the manufacture of these things, encouraging our inventors, having the foundry or the means for manufacturing if necessary. I say to the Senator from Oregon and the Senator from Nevada that within thirty days earthworks can be thrown up around our coast in which guns can be placed that will be as durable against a siege as any of the fortifications contemplated in this bill.

Mr. GEORGE. I ask the Senator if any other sort of fortifications can be made of any value against the present armaments of the fleets of the world except earthworks?

Mr. COCKRELL. The Senator asks a very pertinent question. Thus far there is no material——

Mr. HOAR. What is the question?

Mr. COCKRELL. The question was if we can now construct any fortifications that would prove defensive against the present armaments of the fleets of the world?

Mr. BLAIR. Except earthworks.

Mr. COCKRELL. Oh yes, I mean except earthworks.

Mr. STEWART. I should like to ask a question.

Mr. COCKRELL. Let me answer this question.

Mr. STEWART. Then I will ask mine.

Mr. COCKRELL. I say that brick and mortar, and stone, and wood, and all these things have passed away as a means of fortification. It is absolutely useless to talk about them. It is questionable whether we can erect, as you might call them, steel fortifications, and make them thick enough to resist permanently. I presume they are the kind contemplated in the bill, and are the only kind except earthworks or sandworks which can promise great resistance.

Mr. STEWART. The Senator stated a moment ago that he supposed we could put these up at any time. Where would you get the guns?

Mr. COCKRELL. We can manufacture the guns in a very short time.

Mr. STEWART. How quickly?

Mr. COCKRELL. I said to the Senator that I would encourage invention liberally; that I would encourage the construction by the Government of the means of making these guns whenever it was necessary.

Mr. STEWART. Are you in favor of appropriating money for the construction of guns?

Mr. COCKRELL. No; not for the construction of guns. I am in favor of making an appropriation for the machinery with which we can construct the guns when we want them.

Mr. STEWART. How will you know what kind of machinery you can use if you do not know what kind of guns you want?

Mr. COCKRELL. I suppose we shall probably want to make them out of steel or some other kind of metal. We may have machinery that will utilize that metal in the best possible form, whatever may hereafter be devised to be that form. We can have the kind of machinery, and you can make any kind of gun out of any kind of metal that has been used.

Mr. STEWART. I understood the Senator to oppose the amendment of the Senator from Connecticut [Mr. HAWLEY] the other day, in which he proposed to appropriate $6,000,000, mostly for machinery.

Mr. COCKRELL. I am in favor of helping to make machinery, but not machinery to make a particular kind of gun, for then you will have to manufacture that gun, and it might become useless.

Mr. STEWART. I do not think the machinery is confined to any particular gun. There is nothing of that kind in the amendment. It is proposed to have such machinery as will manufacture any gun, I understand.

Mr. COCKRELL. I am in favor of liberal appropriations; but I do not think the right sum was put in that amendment.

Mr. STEWART. Will the Senator name the appropriation he would be willing to make for this purpose?

Mr. COCKRELL. I suppose $500,000 or $1,000,000 would be ample.

Mr. HAWLEY. That would put up about one-quarter of the plant necessary to make a big gun.

Mr. COCKRELL. In your estimate.

Mr. HAWLEY. It is not my estimate, but the estimate of the men who build them.

Mr. DOLPH. In answer to the Senator from Mississippi [Mr. GEORGE], I wish to say that there is certainly a limit to any gun that has ever yet been built or projected, but there is no limit to the thickness of cast-iron, cast chilled iron, cast-steel, forged steel, or wrought-iron armor upon fortifications, so that there is no trouble about providing fortifications that will be not only a sufficient protection against any projectile ever yet fired, but by additions to the thickness against any that ever will be fired by any gun that shall hereafter be invented.

Mr. COCKRELL. That is all imagination.

Mr. DOLPH. It is not imagination.

Mr. TELLER. If the Senator will allow me to interrupt him, I should like to make one suggestion to him. When he talks about a million dollars to make a plant for the manufacture of guns, I wish to say to him that the very first essential part of the plant he must have to manipulate the material after it is made can not be put up for a million dollars. The necessary hammer can not be put up anywhere in this country for less than a million and a half dollars.

Mr. COCKRELL. I am willing to make it a million and a half dollars, if necessary.

Mr. TELLER. That is one item out of a great number.

Mr. COCKRELL. That is the very thing, Mr. President.

Mr. TELLER. Let me say also that just before Krupp died, a few years ago, he added $7,000,000 to his plant in one year.

Mr. COCKRELL. Are we to follow the example of Krupp in Europe? Are we to make the European nations our exemplars? If we are let us abolish our republic and establish a monarchical government. To talk about a republic following the examples of monarchies and kingdoms and empires is absolutely ridiculous. If you want to make this country a monarchy say so, and we will spend millions upon millions of dollars to build fortifications and have our whole coast bristling with cannon and with torpedo boats, and our Canadian frontier bristling with guns and fortifications and armed men. Let us bring up the standing Army to 500,000 men, and let us be upon a fighting footing equal to France, Germany, Austria, and Russia.

Mr. TELLER. I wish to ask the Senator another question. Does the Senator think that a republican government can make guns or material any better than a monarchical government?

Mr. COCKRELL. Certainly not.

Mr. TELLER. Does the Senator believe that the necessary appliances in Krupp's manufactory to make a good gun would not be necessary in a republican manufactory?

Mr. COCKRELL. Not at all, sir.

Mr. TELLER. I thought so, by your remark.

Mr. COCKRELL. Not at all; it will not be. We shall never need the guns that Mr. Krupp's establishment has been furnishing to the world. We shall never need the armament that Mr. Krupp's has.

Mr. RANSOM. Will the Senator from Missouri yield to me for a motion to adjourn?

Mr. COCKRELL. I will yield.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation, in Dakota; and

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

Mr. RANSOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 12, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 11, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LIENS OF JUDGMENT.

The SPEAKER laid before the House the bill (H. R. 8180) with Senate amendments, to regulate the liens of judgments and decrees of courts of the United States.

Mr. CULBERSON. I ask unanimous consent that the House nonconcur in the Senate amendments, and agree to the conference asked by the Senate.

There was no objection.

The SPEAKER. The Chair will appoint as managers on the part of the House the gentleman from North Carolina, Mr. HENDERSON, the gentleman from Arkansas, Mr. ROGERS, and the gentleman from Iowa, Mr. FULLER.

CEMETERY, DENVER.

The SPEAKER also laid before the House the bill (H. R. 3300) with Senate amendments, to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes.

Mr. HOLMAN. I believe that is the bill that was mislaid, a copy of which was called for by the House from the Senate by resolution of the House. In that event, it is in conference between the two Houses.

The SPEAKER. The Chair will state that the engrossed amendments to that bill, which were sent to the House by the Senate were mislaid; and thereupon the House by resolution requested the Senate to furnish a copy. This is a compliance with that request.

Mr. HOLMAN. Will it be necessary to again refer the matter to the Committee on the Public Lands?

The SPEAKER. It will not; it is already there.

EMILY J. STANNARD.

The SPEAKER also laid before the House the bill (S. 2657) granting a pension to Emily J. Stannard, with House amendments disagreed to by the Senate.

Mr. MORRILL. I ask unanimous consent that the House insist upon its amendments, and agree to the conference asked for by the Senate.

There was no objection.

The SPEAKER. The Chair will appoint as managers on the part of the House in this case the gentleman from Indiana, Mr. MATSON, the gentleman from Michigan, Mr. CHIPMAN, and the gentleman from New Hampshire, Mr. GALLINGER.

FORFEITURE OF LAND GRANTS.

The SPEAKER also laid before the House the bill (S. 1430) to forfeit certain land heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, with House amendments disagreed to by the Senate.

Mr. HOLMAN. I ask unanimous consent that the House insist on its amendments to the Senate bill, and agree to the conference asked for by the Senate.

There was no objection.

The SPEAKER. The Chair will appoint as managers on the part of the House the gentleman from Indiana, Mr. HOLMAN, the gentleman from Missouri, Mr. STONE, and the gentleman from Illinois, Mr. PAYSON.

BRIDGE ACROSS ARKANSAS RIVER NEAR CUMMINGS, ARK.

The SPEAKER also laid before the House the bill (S. 1315) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas; which was referred to the Committee on Commerce.

INTERSTATE COMMERCE.

The SPEAKER also laid before the House the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 14, 1887; which was referred to the Committee on Commerce.

ELNATHAN MEADE.

The SPEAKER also laid before the House the following request of the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 10, 1888.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1427) granting an increase of pension to Elnathan Meade.

The SPEAKER. If there be no objection, this request will be complied with and the Clerk will be directed to return the bill.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes;

A bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico;

A bill (S. 1173) increasing the pension of Jeptha A. Jones;

A bill (S. 123) granting a pension to Mrs. Virginia Grier;

A bill (S. 1556) granting a pension to Martin N. Kellogg;

A bill (S. 2274) granting a pension to Mrs. Catherine K. Whittlesey;

A bill (S. 2604) granting a pension to Loanda Sherman;

A bill (S. 2866) granting a pension to Abel G. Rankin; and

A bill (S. 3021) granting a pension to Carrie V. Miller.

ORDER OF BUSINESS.

Mr. COX. Mr. Speaker——

Mr. BLAND. I call for the regular order.

Mr. HATCH. I rise to present a privileged report.

PERSONAL EXPLANATION.

Mr. SIMMONS. I rise to a question of personal privilege. In the RECORD of this morning I am represented as having interrupted the gentleman from Missouri [Mr. WARNER] on yesterday, and made the following statement:

Mr. SIMMONS. I desire to say that the reduction of duty on those articles under consideration meets with my hearty approval, and as soon as circumstances will permit, I hope further reduction will be made.

What I did say or intended to say, and thought I did say, was this: I desire to say that the reduction of duty made by the bill (meaning the Mills bill) on these articles (meaning rice) meets with my hearty approval, and I shall be glad to see them further reduced as circumstances will permit. I did not refer to the amendment offered by the gentleman from Missouri [Mr. WARNER], because it was that which I had been opposing. In the latter part of the gentleman's remarks he assumes that I did mean to declare myself as approving his amendment. My attention was diverted and I did not hear that portion of his remarks, else I should have disabused him at the time of the impression that what I had said referred to his amendment.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The regular order is demanded.

Mr. COX. I hope the gentleman from Missouri [Mr. BLAND] will withdraw the demand for the previous order.

Mr. BLAND. I withdraw the demand for the present.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I rise to present a privileged report.

The SPEAKER. The gentleman will send it to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 30, to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have been unable to agree.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.
P. B. PLUMB,
C. B. FARWELL,
WILKINSON CALL,
Managers on the part of the Senate.

The report of the committee of conference was adopted.

Mr. HATCH. I move that the House further insist upon its disagreement to the Senate amendment and agree to the conference asked for by the Senate.

Mr. RYAN. Is that the amendment providing for further experimentation in relation to sorghum sugar?

Mr. HATCH. It is.

Mr. RYAN. Then I hope the Senate will adhere. It is too late now for me to move to concur in the amendment, but I hope that when the question comes before us the House will concur in that amendment of the Senate.

Mr. HOLMAN. I hope the House will adhere.

Mr. HATCH. Mr. Speaker, I desire to state in connection with this report, in order that the House may understand it, that the Senate placed upon the House appropriation bill an amendment appropriating $100,000 to continue experiments in the manufacture of sugar from sorghum. When the appropriation of $100,000 for that purpose was made in the first session of the Forty-ninth Congress the Bureau of Agriculture, represented by the Commissioner, the manufacturers of sorghum sugar in the East, a representation from Kansas, and also a representation from the sugar-planters of the State of Louisiana appeared before the Committee on Agriculture and stated that that appropriation, in addition to what had already been appropriated from time to time, was all that was necessary or that would be required in conducting experiments as to the proper method of manufacturing sugar either from sorghum or ribbon cane by the diffusion process.

The Department of Agriculture and all these industries were fully committed to that proposition, and the Committee on Agriculture, in making that report to the House of Representatives, stated the fact that that was all that would be required to complete these experimentations, and such was the language of that appropriation, to complete the experiments in the manufacture of sugar both from sorghum and ribbon cane.

Mr. ROGERS. The gentleman will allow me to say a word by way of emphasizing what he has just said. The statement just referred to by the chairman of the Committee on Agriculture [Mr. HATCH] was made in response to an earnest protest from the Democratic side that this was an inappropriate use of the public money, and that the appropriation ought not to be made.

Mr. HATCH. The gentleman is correct. A number of members of the House were opposed to making any further appropriations in this direction; but with that understanding, the appropriation was made.

Mr. BLOUNT. I would like to ask the gentleman whether he has made or intends to make a motion that the House further insist on its disagreement to the Senate amendment.

Mr. HATCH. That motion is pending.

Mr. BLOUNT. I did not so understand. The gentleman from Kansas expressed a desire that the House at a proper time should make an expression on this subject. Thinking that possibly the formal motion had not been made, I desired to suggest that we take distinct action now, as the Senate would probably pay greater regard to the action of the House if taken after debate and serious consideration.

Mr. HATCH. I have made the motion that the House further insist on its disagreement; and that motion is pending.

Mr. BLOUNT. I think the gentleman will find that the motion has not been made.

Mr. HATCH. Oh, no; the record will show that I made the motion.

The SPEAKER. The motion has been made and has been stated by the Chair.

Mr. HATCH. During the second session of the Forty-ninth Congress these same industries, in the face of the pledge which had been made but a year before, came back to the Committee on Agriculture and insisted that, by reason of the short crop of that year and a defect in some of the machinery which had been made, it was impossible to

conclude satisfactorily the experimentations without a further appropriation. Upon the strong appeal then made and upon the representation of the Commissioner of Agriculture that the value of the machinery purchased by the Government would be saved by a further appropriation, the Committee on Agriculture and the House reluctantly consented to a further appropriation of $50,000. That was to close up the matter. The Commissioner has made his final report. He has stated officially in a most positive manner that these experimentations, so far as the Department is concerned, have been closed; in other words, that he has done all he could do by an appropriation of money.

Mr. GAY. The gentleman has referred to a request made at the second session of the Forty-ninth Congress for an additional appropriation. I wish to ask him whether the representatives from Louisiana joined in that request—whether it did not come exclusively from Kansas?

Mr. HATCH. The gentleman is correct. As I now recollect the circumstances, the demand for the continuation of the experiments on sorghum cane came exclusively from the representatives of that section of the country where sorghum was grown.

Now, Mr. Speaker, we have for the last twelve or more years appropriated money from time to time in very generous sums for the continuation of these experiments. They have been continued until I am satisfied that any additional appropriation will simply be in the nature of a subsidy to some firm or corporation owning a sugar factory. There is no need of a single dollar to continue further experimentation; that field is exhausted; and if those who desire to do so can not make sugar with the information which has been given them up to this time by the Agricultural Department they can not make it at all.

I wish to state that the Commissioner of Agriculture has not asked for this appropriation. Neither in the Book of Estimates, nor in any communication to Congress, nor in any official communication to the President, nor in any communication to the Committee on Agriculture has he intimated that he desired one single dollar for this purpose or that he could properly expend it in this way.

Mr. RYAN. Does the gentleman mean to have the House understand that the Commissioner of Agriculture does not desire this appropriation?

Mr. HATCH. I do. I feel justified in saying that he does not desire it, because he has made no report to anybody at any time asking for it, and he has stated positively that he has done all that, in his judgment, could be done.

Mr. BLOUNT. Whom does this recommendation come from?

Mr. HATCH. There is no recommendation so far as I am aware. Not a single one of these industries has come before the Committee on Agriculture at this session and asked any appropriation. Not a single petition or memorial has been sent to the committee asking for it. It is sprung upon Congress by an amendment placed on this bill in the Senate, and there is no authority behind it, so far as we are able to find out.

I will send to the Clerk's desk and have read a letter which I have received from the State of Louisiana in regard to the work of this character which has been done there.

The Clerk read as follows:

NEW ORLEANS, *July* 4, 1888.

DEAR SIR: E. H. Cunningham, of Sartartia post-office, Fort Bend County, sugar planter, proprietor of sugar land, Borden & Brevard plantations, has 300 acres of sorghum that he intends to work with his diffusion apparatus before his cane ripens, and 1,200 acres of cane. His sorghum will be ready in a few days, and his cane October 1.

His diffusion plant—made by Edwards & Hauptman, of this city—has a capacity of 300 tons per day. He has experts to operate it (including Mr. Swenson), and he will this season thoroughly demonstrate the value of diffusion, practically, in the manufacture of sugar both from sorghum and cane. Your committee can get reliable information from him without an appropriation.

Yours, respectfully,

CHAS. G. JOHNSEN.

Hon. W. H. HATCH,
Chairman House Committee.

Mr. PETERS. If the gentleman will allow me——

Mr. HATCH. Certainly.

Mr. PETERS. Any one who has been in a factory where sugar is made from sorghum knows the statement made by that gentleman is made through ignorance.

Mr. HATCH. I take it that he knows more about it than any gentleman on this floor, the gentleman from Kansas not excepted.

Mr. PETERS. I beg to say the statement made by him shows that he does not know what he states.

Mr. HATCH. He has had more experience than any gentleman on this floor.

But here is another letter which I will read. I do not indorse all this gentleman says, but I am going to read his letter, as I want the House to know what the representative men throughout the country who are engaged in this industry have to say on this subject.

PHILADELPHIA, *July* 7, 1888.

DEAR SIR: I see by the papers that your committee has refused to accede to the Senate amendment appropriating $100,000 for sorghum-sugar experiments and trust you will insist on your position.

As a sugar refiner and grower I have kept myself posted on every attempt to make sugar from sorghum, and not one has been a success or offered any reasonable promise of success.

That I do not believe.

Mr. PETERS. I should think not.

Mr. HATCH (reading):

As a fact the money heretofore appropriated by Congress, and spent under the direction of a Government official named Wiley, has not only been a waste of money but worse, as his misleading reports have caused many people to embark in this business and in every instance lose their money.

That I do not believe. While I believe this money has been extravagantly and wrongfully expended, I do not believe that it has all been lost.

Mr. PETERS. He refers to experiments made two years ago.

Mr. HATCH. I will read the letter through:

The largest and most thorough experiment in this line was made at Rio Grande, N. J., where, after losing hundreds of thousands of dollars, and persisting at it for a series of years, they had at last to abandon it; and no wonder, for they only succeeded in getting about 300 pounds of sugar to the acre, while in Louisiana they get 3,000 pounds, in Cuba often double that amount, and in the Sandwich Islands sometimes as high as 10,000 pounds.

I am very desirous of seeing the United States raise all her own sugar, but it is worse than waste to spend it pursuing this will-o'-the-wisp.

Very respectfully, yours,

H. W. BARTOL.

Hon. Mr. HATCH,
Chairman of the House Committee on Agriculture.

I do not know Mr. Bartol.

Mr. PETERS. Is there anything in that letter you do indorse?

Mr. HATCH. What I wish this House to understand is this: That we have for the last twelve years appropriated liberally money in the direction of ascertaining everything possible in reference to the present manufacture of sugar from sorghum and to reach this diffusion process on the ribbon cane in Louisiana. As far as it was possible to go, Mr. Speaker, we have gone, and I say to the House now that every single dollar appropriated in that direction is simply a subsidy to some existing factory, and you had better in good faith take the names and turn over to them the money given for this purpose. It is utterly impossible for the Government to learn anything new on this subject. We have spent thousands and thousands of dollars in improved machinery which is now in the hands of the Government. We have employed the best experts in this country and Europe. We have sent our chemists to examine the processes abroad. They have come back to us and closed their reports. There is nothing further to be done.

Does the gentleman from Illinois [Mr. ADAMS] desire any time? If he does, I will yield to him.

Mr. RYAN rose.

Mr. HATCH. How much time does the gentleman want?

Mr. RYAN. I desire some time myself.

Mr. HATCH. I will yield first to the gentleman from Illinois [Mr. ADAMS].

Mr. RYAN. I do not think, in view of the importance of this subject, the gentleman from Missouri ought to close debate in an hour.

Mr. HATCH. The gentleman will have plenty of time to say all he wants to say about this matter.

Mr. RYAN. I will ask the gentleman to yield to me.

Mr. HATCH. I am willing to yield to the gentleman from Illinois if he will tell me how much time he wants.

Mr. ADAMS. I ask the gentleman from Missouri to continue his remarks for a few minutes more, in order to state to the House the most important point, which he has apparently neglected to state. If an amendment comes upon the floor of the House without report of the Commissioner and this House puts it into an appropriation bill, this House is presumed to put it into that bill for some reason. If an amendment is put by the Senate into an appropriation bill, even though there is no report from the Commissioner of Agriculture or any other official of the Government, it is to be presumed they have some reason, good or bad, for putting it into that bill, and it seems to me that the House conferees, in enlightening the House in the discharge of their duties in the premises, ought to state the reasons there are given, good or bad, by the co-ordinate branch of the legislature for inserting this in the bill.

Mr. HATCH. I will state to the gentleman in a very few words. I have not heard any reasons. I have not seen one single paper, petition, memorial, or document of any kind from any section of the country, either to the House or the Senate, asking for this; nor have I heard a single reason urged on the part of the managers of the Senate in favor of it, except that in their judgment it is better.

Mr. ADAMS. They give no reasons for their judgment?

Mr. HATCH. I have stated about all I have heard.

Mr. RYAN addressed the Chair.

Mr. HATCH. How much time does the gentleman want?

Mr. RYAN. Only a short time.

Mr. HATCH. Ten or fifteen minutes?

Mr. RYAN. Perhaps not so much.

Mr. PETERS. I want fifteen or twenty minutes.

Mr. HATCH. I yield to the gentleman from Kansas [Mr. RYAN] ten minutes.

Mr. RYAN. If in order, I desire to move to concur in the Senate amendment.

The SPEAKER. That motion is always in order until the matter is finally disposed of by some action of the House.

Mr. RYAN. Then I submit that motion.

I have listened with some interest to the statement made by the gentleman from Missouri [Mr. HATCH]. If I understand him aright, he is opposed to the amendment providing for further experimentation in

sorghum sugar because the Agricultural Department has not come before the committee and asked it. He has assigned no other substantial reason, so far as I have heard.

He admits here that the results of the experimentation under past appropriations have been fruitful, and are of such a character as to warrant the belief that we can in this country make from sorghum sufficient sugar for our own consumption, and perhaps for export. I know how difficult it was to get the last appropriation through.

It was not obtained through the favor of the gentleman from Missouri [Mr. HATCH]. If I remember aright, it was a Senate amendment that was antagonized by the gentleman from Missouri, as he is antagonizing this amendment to-day, and yet it was under that meager appropriation that experiments have been made that warranted such sugar planters as Mr. Cunningham in investing money in the business. The letter the gentleman read a moment ago regarding Mr. Cunningham is of itself the most satisfactory evidence that the experiments that were had at Fort Scott developed beyond question that sorghum sugar can be made, and profitably made, in this country.

Mr. Cunningham is himself an old sugar producer or manufacturer. When the results of these experiments at Fort Scott became public, after these experiments had disclosed the fact that 98 per cent. of the juice of the cane could be extracted and the sugar made profitably, that planter and manufacturer wrote to the Department for information in regard to the matter. Mr. Colman, then as now Commissioner of Agriculture, suggested to him that the best way to get information upon the subject was to go there and examine for himself and take with him his experts. He did go there and spent over two weeks of time himself in investigating the processes used. He kept his expert there over a month, and as a result he returned to his home and engaged in the manufacture of sugar from sorghum cane.

Now, it is stated on the floor of this House that the Agricultural Department does not desire this money for further experimentation. I am, with all due deference to my friend from Missouri, free to say that that must be an inference which he draws from the fact that the Commissioner made no estimate for it, and that he has no other warrant for saying anything of the kind. I say here that I am satisfied, from information that is absolutely reliable, that the Agricultural Department does want the money for further experiments.

Mr. PERKINS. Will my colleague allow me to make a suggestion?

Mr. RYAN. Yes, sir.

Mr. PERKINS. Is not the reason the Agricultural Department did not ask a continuance of this appropriation because of a promise made last year that it would not ask for further funds?

Mr. RYAN. I was just about to say, if I understand the matter aright, that there was a refusal on the part of the House Committee on Agriculture to make that last appropriation of $94,000 until a pledge was extorted from the honorable Commissioner of Agriculture that he would not come to Congress again and ask an appropriation for this purpose.

Mr. HATCH. I ask the gentleman from Kansas to yield to me for a moment, because he has been misinformed, and I am sure he does not want to make a statement that is not true. I want to say to the gentleman that there is not a particle of truth in that statement, and wherever he got his information, he was misinformed. Nothing of the kind was done in committee; no pledge was exacted from the Commissioner of Agriculture, and the only pledge that was made was by the Louisiana and Kansas delegations and the Commissioner of Agriculture, voluntarily, to the committee.

Mr. RYAN. I want to say that all efforts to get it without that pledge were unavailing. I accept the statement of the gentleman, but I wish to add that my information is as I stated it. It came from a very high source.

Now, sir, I do not care who made those pledges, whether the Kansas delegation—and if so, I am not one of them——

Mr. HATCH. I did not mean the delegation on the floor of this House. I spoke of the representatives of the sugar interests of Kansas.

Mr. RYAN. I do not know who made the pledges, but I am informed that the Commissioner of Agriculture found it necessary in some way to make that pledge before he could get his appropriation.

Now, sir, are we to stand here in the presence of an industry of this magnitude, with results that are before us of experiments made under a small appropriation of $94,000, and refuse to make this appropriation because somebody went before the committee and made a pledge that he would not ask for any further appropriation? Why, sir, the field of experiment is yet rich. It is broad and fruitful. Experiments are to be made not only in the line of the processes of manufacture, but also in the line of the development of the quality of the cane itself. No man can foretell the importance of this appropriation to the farmers of this country and to the American people. Judged by the past results we would be absolutely derelict in the performance of a public duty if we did not continue this experimentation. Why, sir, we stand up here and by unanimous consent allow a public building to be constructed somewhere, not of very great public importance, costing $100,000, or even $200,000, but when we are asked in the interest of agriculture, which is languishing throughout the country, to promote an industry of vital importance to the farmers, when we are asked for the meager sum of $100,000, we have the head of the Committee on Agriculture antagonizing the small and comparatively insignificant appropriation. I hope, sir, my motion will prevail.

[Here the hammer fell.]

Mr. HATCH. I now yield ten minutes to the gentleman from Kansas [Mr. PETERS].

Mr. RYAN. Have I no more time?

The SPEAKER. The time of the gentleman has expired.

Mr. PETERS. I would like to have fifteen minutes.

Mr. HATCH. Ten minutes is enough for the gentleman.

Mr. PETERS. There are certain reasons why this appropriation should be made as I think; and I wish to briefly state them, so that the House may act understandingly. My colleague [Mr. RYAN] touched briefly upon one of these reasons, namely, the experiments necessary in the different kinds of cane. Those who have had experience in the cultivation of sorghum cane know that the season of ripening, so far as the making of sugar from the cane is concerned, is a very important item, and that the cane must be of such a character that it will ripen along in successive periods so that it may be cut and taken to the mill and the milling season be prolonged as long as possible. One of the great difficulties of making sugar profitably from sorghum has been the shortness of the milling season. This can be prolonged by experiments in the kinds of cane to be sown. In the first place, it requires cane that shall be sown early in the season, which shall ripen early; and then another class of cane which will ripen a week or two later; then another class of cane that will ripen a week or two later still; and so on, covering the entire milling season.

The longer you can extend that milling season, from the ripening of the first cane to the coming of frost, the greater will be the product that you can make in the mill. So that it seems to me from this brief statement the House will readily understand the importance of the experiments in ascertaining just what cane is best to be sown first, what will ripen later, what will take the shortest period in maturing, and what will take the longest period.

There are other experiments in connection with the matter, experiments as to the plan by which the juice can be extracted from the cane, boiled to a certain consistency and then stored in vessels to remain until winter comes on, when it can be made up into sugar. There are experiments to be carried on in that direction which, in my opinion, will yield rich returns.

There are other experiments to be carried on which are important on this subject. It is important to experiment in relation to the latitude in this country in which this cane can be successfully grown. I believe it can be grown as far south as the middle of Texas. I believe it can be grown as far north, perhaps, as the middle of Iowa. I believe it can be successfully grown in this belt; but it is to be determined by the experiments whether the cane can be grown in this latitude.

It is not alone for Kansas that this appropriation is asked. The gentleman from Missouri [Mr. HATCH] mistakes Kansas as being the only State interested in this experiment and in this appropriation. Such is not the case. We are desirous that this great industry shall be extended throughout the latitude in the United States that is adapted to the cultivation of cane.

Mr. HATCH. Will the gentleman answer me one question?

Mr. PETERS. If you will get me a little more time.

Mr. HATCH. I will not use up much of your time. Is it not a fact that the State of Kansas is paying to-day, and has been paying for several years, a royalty of 2 cents a pound on all sugar made in that State?

Mr. PETERS. Yes, sir; it is a fact that the State pays a bounty of 2 cents a pound on all sugar that polarizes ninety degrees.

Mr. RYAN. But not for several years past.

Mr. PETERS. But I will state to the gentleman from Missouri, as I stated to the House the other day, that that bounty had nothing whatever to do with the successful carrying on of the experiments made at Fort Scott last year. That was the result of the appropriation that we wrung from the Committee on Agriculture in the last House. I want to say further that there is a large field for experiment in testing and educating expert boilers. It is in relation to boiling I say the letter of the Louisiana gentleman indicates that he knows nothing about the subject. He sent his experts to Fort Scott and they were there two or three weeks during the sugar season, but I say to him and this House that it is as utterly impossible for a man to become an expert boiler in three weeks as it is for him to become an expert miller in three weeks. The great skill required is in the boiling, after the juice goes from the diffusive battery into the vacuum-pan. The establishment at Fort Scott obtained a boiler who had been educated in the best sugar factories of Germany and who had also boiled in the Louisiana cane factories and in the beet factories of California. He came to Fort Scott, and it was through his great experience and skill in boiling that the experiment was brought to so successful a conclusion. There, in the breast of that young foreigner only twenty-four years of age, rested almost entirely the secret by which sugar could be made from sorghum after the saccharine matter had been properly extracted from the cane, and by which it could be made in paying quantities which would render it a profitable thing to manufacture, and it is especially for the education of other experts in boiling that this appropriation is needed.

Mr. TILLMAN. Will the gentleman please tell us what quantity of sugar has ever been actually granulated from sorghum juice in Kansas?

Mr. PETERS. One hundred and fifteen pounds of sugar have been made from a ton of cane.

Mr. TILLMAN. But how many tons of actual sugar have ever been granulated in the United States from sorghum juice in Kansas, in New Jersey, or anywhere else?

Mr. PETERS. I do not know.

Mr. TILLMAN. Has there been as much as a car-load?

Mr. PETERS. Why we made 234,000 pounds of sugar in one mill at Fort Scott last year, sugar which sold at the mill for 6 cents a pound, and was the equal of any coffee C sugar that you can find anywhere. And so far as sweetness is concerned, it polarized 98.1 per cent., and you can not find that grade of sugar in California or in Germany or anywhere else that will polarize as high as that.

Mr. TILLMAN. Was that sugar made exclusively from sorghum?

Mr. PETERS. Yes, sir, I saw it made myself. As I stated here the other day, I went into the cane-field, saw the cane cut, saw it loaded on the wagons, saw it put through the cutting-machine, saw it go into the diffusion battery and into the vacuum-pans and into the centrifugal, saw it come out sugar, and then saw it polarized. So that I speak from actual knowledge.

Now, Mr. Speaker, as I have said, one of the strongest necessities for this appropriation is to educate more expert boilers, so that this industry may not be under the control of a few establishments which have succeeded in getting the services of experts. We want to broaden the field for private enterprise. One of the great difficulties in Kansas, as elsewhere, is that these expert boilers are so few, and the gentleman who proposes to make sugar in Louisiana will find that it will cost him thousands and thousands of dollars to educate experts in the boiling process before he can make sugar profitably.

In making this sugar at Fort Scott the expert boiler I have mentioned stood by the vacuum-pan from 4 o'clock in the afternoon until 10 o'clock the next day; he never left it in all that time; his eye was upon the thermometer in the vacuum-pan, and he had a continual test going on before his eyes of the consistency of the material; and it requires just as much skill to tell when the material is fit to be turned into the centrifugal as it requires to give that wonderfully delicate touch on the part of the miller to tell when the flour is being made properly from the wheat. It would have been impossible for any man not an expert, not having full knowledge of the business, to tell when the material was of a sufficient consistency to be turned into the mixing-machine, and from that into the centrifugal, so that it would granulate into sugar.

[Here the hammer fell.]

Mr. PETERS. I would like five minutes more.

Mr. HATCH. I yield ten minutes to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. I yield two minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Another reason why this appropriation is necessary is because there is a so-called patent which claims to cover this process. That question, I know, is being tested in the courts, but it will probably be years before it is determined whether the patent is valid or not, and we need this appropriation to make experiments so as to avoid everything that is connected with the patent and thereby save the agricultural portion of the community from being placed in the power of the owners of the patent. We want to avoid that monopoly. We want the experiments to be carried on, not only for the purpose of doing away with the patent, but also for the purpose of learning how to make sugar without paying any tribute to the patent. This, I say, is another reason why there is a necessity for this appropriation. I thank the gentleman from South Carolina [Mr. TILLMAN] for his courtesy.

Mr. TILLMAN. Mr. Chairman, without claiming to be an expert in the manufacture of sugar, I have read and studied somewhat concerning this subject. The great difficulty in manufacturing sugar out of sorghum is to granulate it. This has been the difficulty in regard to sorghum from the day it was introduced into the United States until now. Why, sir, long before the late war, Governor Hammond, of my State, formerly United States Senator, expended $30,000 out of his private purse in the fruitless effort to granulate sorghum juice, and he utterly failed. I know of many other Southern highly educated agriculturists who have sunk large sums in the same endeavor. It is a well-known fact that of the two saccharine substances which supply the world with its sweets, one is called sucrose, which is the principle of the sweet matter in the tropical cane, the beets, and which can be dried by heat, and from which we get our sugar; the other, which is called glucose, is the sweet matter in grapes, sorghum, Indian corn, and other substances. Glucose has never yet been concentrated, dried, and granulated so as to furnish anything like the concentrated sweet or granulated matter which is supplied by the sucrose principle; and that is the difficulty to-day. I am satisfied that something besides the process of attempting to granulate at any particular stage of the thermometer, as intimated by the gentleman from Kansas [Mr. PETERS], must be discovered before that secret can be mastered. I know that a few so-called experts, probably interested in this $100,000 subsidy, have asserted that the dominant saccharine principle of sorghum is sucrose and not glucose, but the weight of authority, both scientific and practical, is against them.

It has been pretended that some Government employés—chemists who were retained at the agricultural stations in New Jersey and Kansas—have discovered the secret and patented it for granulating sorghum juice. But, Mr. Speaker, had that been true, sorghum would have been cultivated, in spite of patents or by aid of the patents, in a thousand places where it is not now cultivated, and there would have been sugar factories all over the West to granulate sorghum if it cou'd have been done.

Why, sir, it is a notorious fact that millions and tens of millions of gallons of glucose sirup now used in this country are made out of sorghum juice and Indian corn simply by boiling the latter in sulphuric acid, the invention of a German chemist a few years ago. That glucose sirup is used to adulterate the tropical cane sirup until it has become somewhat difficult to get hold of a barrel of pure sucrose sirup. That glucose stuff is also worked into candy and applied to various other uses, such as the manufacture of preserves, people thinking they are getting tropical sugar when they are really getting nothing but glucose, the sweetness of which is not so rich, although I believe it is admitted to be as healthy as the sucrose sweet.

Mr. PETERS. I have already stated a case in which sugar made from sorghum was polarized by a chemist from the Agricultural Department and showed ninety-eight and one-tenth degrees.

Mr. TILLMAN. If the Government is in possession of the secret of granulating sorghum, why continue to pay for it? If the gentleman's statement is correct, if there was no fraud about the matter, it is a discovery for which the whole civilized world ought to return its gratitude. I for one, however, confess that I am still incredulous about the ability to granulate sorghum juice in paying quantities and in concentrated form.

I have known instances where it would somewhat granulate itself in time so as to leave a few pounds of soft or semi-fluid candy, as it were, in the bottom of a barrel of sirup after you had used all the sorghum sirup out of it; but it would not dry; in addition to its being discolored it was not fit for a gentleman to eat, at least he would not use it so long as he could get white sugar. The secret of granulating the glucose of grapes, figs, watermelons, sorghum, etc., is a secret which the world has been trying to discover ever since the days of Lot, but in all probability it never will be found until some man discovers it by accident. It seems to be one of the unsolved problems of the ages, like squaring the circle, finding perpetual motion, desulphurizing gold, or taking longitude at sea without a chronometer. Now and then some "crank" asserts that he has done either or all of these things; but when you put the matter to the test he fails. I believe that when the test is thoroughly applied these so-called processes of granulating sorghum will fail. I fear there may have been some fraud about the alleged successful experiments, probably by the smuggled use of sucrose sirup, or sugar made from beets or tropical cane. Therefore, I think the House ought not to make any further appropriation to continue these experiments, for I believe any such appropriation would be in the nature of a subsidy to established factories or to pay some pretended expert a salary for attempting to do something he can not do. Another reason why this subsidy should not be granted is that we now have a high tariff on sugar to stimulate its manufacture out of tropical cane, beets, sorghum, Indian corn, or anything else by the discovery of either new processes, new furnaces, new machinery, etc. Is it not enough for the people of this country to pay a tariff of fifty or sixty millions a year to promote the manufacture of its sweets without having also to stimulate their manufacture still further by an annual bounty of $100,000 to a favored few experimenters, who will likely work much harder for their own profit than for improving the art of granulating glucose?

[Here the hammer fell.]

Mr. HATCH. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seventeen minutes.

Mr. GAY. I would like to be heard on this question.

Mr. HATCH. I have already promised all my time, and I can not yield to the gentleman. I yield three minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I have always favored appropriations for this purpose. The first appropriation was made, I believe, in the Forty-sixth Congress. An amendment was offered to the agricultural appropriation bill by Mr. Gillette, who was then my colleague, representing the Seventh district of Iowa. He asked for an appropriation of $50,000, which was voted down. He followed it to the Senate, and $25,000 was voted. That amendment was finally concurred in by the House. Since that time other appropriations of various amounts have been made, and I believe that the result has justified the expenditures authorized by Congress. It was money wisely spent.

Sir, there are some strange contradictions in human nature, and we often find exhibitions of them in the legislation. Why, sir, we annually appropriate millions of dollars to the sword, to keep up military schools, to build experimental war vessels and cruisers, to construct

various kinds of projectiles and other instruments of destruction and cruelty, yet when an appropriation is asked for the plowshare, for the carrying on of experiments in matters of agriculture, to make us a people of peace, a self-sustaining, happy, and prosperous country, we then are met with constitutional objections grave and solemn.

I am not in sympathy with that method of argument. If the production of sugar from sorghum is still an experiment it is wise to continue it. We have a Department of Agriculture as distinct as the Navy Department or the War Department, and it is just as legitimate to give that Department whatever is necessary to carry on experiments of this character as to make appropriations to enable the naval or the military departments of the Government to carry on their experiments. I trust the appropriation will be made.

[Here the hammer fell.]

Mr. HATCH. I will yield now for four minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, two objections to this appropriation have been stated to which I wish to call the attention of the House.

The first objection consists in statements of Louisiana planters and Eastern sugar refiners that it is unwise to appropriate any more money for the development of the sorghum-sugar industry in Kansas and other Northwestern States.

The second objection has just now been stated by the gentleman from Arkansas [Mr. ROGERS]. It is simply this, that the original appropriation for this purpose, made a year or two ago, was an improper one, and was opposed by the entire Democratic side of the House.

As for the first objection all I have to say is that the evidence of Louisiana cane-sugar growers and Eastern refiners is not entitled to the fullest weight on a question of this kind. It would be extraordinary if this House refused to concur in the Senate amendment advocated here on this floor by the Representatives of those Northwestern States where the sorghum industry is of the greatest importance, merely because objection is made by the Southern cane-sugar growers and the Eastern sugar refiners. They have a direct interest against the success of the sorghum-sugar industry. This sorghum sugar does not need to go through the refineries. We have heard that statement this morning. If it does not need to go through the refineries it comes in direct competition with the cane sugar from Louisiana. In that respect it is somewhat like the foreign sugars between No. 13 and No. 16 Dutch standard, or rather as these sugars would be if they were not artificially colored before importation.

We heard something about this the other day. We were discussing the extraordinary change in the text of the tariff bill made by the Committee on Ways and Means just before it was reported to the House. The change was attributed to the sugar trust. The gentleman from Louisiana [Mr. GAY] explained that it was due to the remonstrances of the Louisiana sugar growers. I wish I could quote his words, but I see they are withheld for revision. The substance was this: The cane-sugar growers did not want the foreign sugars between No. 13 and No. 16 Dutch standard to go directly into consumption, and so compete with Louisiana sugar. So the committee changed the bill, making No. 13 instead of No. 16 the dividing line between the lower and the higher duty. The effect is that a large amount of foreign sugar, which otherwise would go into consumption without refining, is artificially colored before importation. The effect of this is that the consumers of this country are compelled to pay a tribute to the sugar refiners.

The development of the sorghum-sugar industry would have precisely the same effect on the Louisiana cane sugar. Sorghum sugar would come into direct competition with the cane sugar of Louisiana. Moreover, I have heard from a Representative of Kansas on this floor that in his opinion, if the experiments provided for by the Senate amendment were carried out a little further, sorghum sugar could not only be grown in this country to satisfy the entire demand, but would be independent of a protective-tariff duty.

I do not attribute any narrow views to the Representatives of Louisiana on this floor. I simply say that the letters read from the Clerk's desk, embodying the views of cane-sugar growers and Eastern refiners, are not entitled to any weight whatever.

As to the second objection, which was stated by the gentleman from Arkansas [Mr. ROGERS], the House can dispose of it without much debate. I believe the original appropriation made for this same purpose a year or two ago was an eminently proper one. It has been partially justified by the result. We have already appropriated $150,000. We had better appropriate $100,000 more in order to get the full benefit of the expenditures already made.

Mr. HATCH. Several gentlemen have asked me to yield to them on this question, and as I have only ten or eleven minutes remaining I hope by unanimous consent my time will be extended twenty minutes.

Mr. RYAN. I hope that will be done.

The SPEAKER. Is there objection?

There was no objection.

Mr. HATCH. I now yield for ten minutes to the gentleman from Louisiana [Mr. GAY]. If he does not need the whole of that time he will return to me, of course, what he does not use.

Mr. GAY. Mr. Speaker, I had no idea of making any remarks on this subject; but it is an interesting subject, and if the representatives of Louisiana did not join in any request for additional appropriation in behalf of the sugar interest it was because we thought we were compromised by the agreement in the first session of the Forty-ninth Congress, when it was understood we would not ask for any further appropriation for further experiments by the Department of Agriculture, in the interest of sugar.

I, however, commend the energy and zeal of the Senator from Kansas, in the second session of the Forty-ninth Congress, who moved an appropriation and succeeded in getting it for the continuation of the sugar experiment. I commend it because the country, not only in Kansas and Louisiana, but the sugar-producing interest in general derived incalculable advantage from the continuation of the experiments in the season of 1887.

Now, we have not failed to join in this measure from any spirit of opposition to it, and are free to say here now that it can not fail to be advantageous. This is the most important and interesting subject now before the people of the United States; that is, the great sugar-producing problem. Sorghum juice immature is water, cane juice immature is water; as it becomes more and more mature, more and more saccharine value is imparted by nature.

This is a delicate property, and is to be sought for with intelligence and with experience. The value consists in its inherent capacity to form crystals when properly condensed by evaporation. The juice, in its natural condition, is blended with other constituent elements of the plant, more or less hurtful to the valuable properties sought for. These act as clogs and hinderances to the assertion of the power to crystallize. Here steps in the valuable aid of chemistry, with its varied attributes, to ascertain and nentralize all deleterious properties. With the aid of proper natural agents and the application of graduated heat, sugar-makers seek to separate the constituent parts of the juice, so that as far as possible only pure, limpid sucrose may remain for the further manipulation into sugar.

Mr. PETERS. If the gentleman will permit me, the diffusion process leaves out all foreign matter, outside of the saccharine matter or juices. That is one of the great advantages of the diffusion process. When you force the saccharine matter through the diffusion batteries the foreign matter remains in the batteries, and the saccharine matter or juice alone goes through.

Mr. GAY. I will say to my friend that the diffusion process is a principle of saturation applied for obtaining a larger extraction of the juice from the plant. Now it has also its disadvantages, and these require the scientific treatment of the juice, because the extraction by saturation with water of these weak juices (they are all comparatively weak), soon demonstrated that the degree of heat applied must not be so great as to destroy the capacity for subsequent granulation. Such agents were to be developed by science as would free the juice of the properties which hinder the natural assertion of the power of crystallization, clarify and cleanse the product to render it a commercial article.

Further experiments were necessary and were made. I will say frankly that the diffusion process I do not consider any better than the mill process, except that it is a natural and ingenious device to get more juice from the plant, and hence is a better and more desirable process.

Mr. PETERS. But, if the gentleman will permit me again, under the crushing process the foreign matter in the cane went into the juice; but under the diffusion process, where the stalks are cut up into little pieces not exceeding an inch square, and packed in the batteries, all foreign matter remains with the bagasse or refuse matter in the battery, while the saccharine juice alone is permitted to go through; and this makes the diffusion process preferable to that extent.

Mr. GAY. I have said it is preferable to some extent; but if you saturate any plant by water so as to render it soft and get at its properties, you at the same time give opportunity of saturating out and bringing forward into the product the deleterious properties which exist in the plant.

Now, I admit that in this respect science has come to the aid of the cane-grower and the manufacturer of sugar, through the agency of the chemists of the Agricultural Department, to supply a deficiency of scientific attainment in this country.

I will say, sir, that it is the misfortune of this country that so many of our young men turn their attention early in life to merchandise, to the various professions, all of which are overdone, while so few set out to become masters of the sciences which are so imperatively required in the successful prosecution of agriculture and the multiplicity of manufacturing interests all over the land. I am glad to say we have honorable exceptions and the number is increasing, but still the field is comparatively unsupplied. This is not the case in France and Germany, where such valuable education is more widely diffused and such assistance to the industries is more conveniently available and within the economical reach of all.

That being our deficiency here, we need the aid of science. We need that character of technical education. Hence the demand for the assistance of the Agricultural Department. Abstractly about other matters they do not know any more than we do, and upon many subjects not half as much. But it has been their opportunity to obtain such infor-

mation; they have the advantage, laboratories and chemical tests and experiments, and hence have an advantage over us in that respect. We are therefore disposed to avail of their technical knowledge as far as the chemical processes are concerned in assisting us in the initial processes of this industry.

My friend from South Carolina speaks of the efforts of Governor Hammond thirty years before the war to make sugar from sorghum, which were unsuccessful. That has been the experience before and since the war in the ten thousand efforts which have been made to produce sorghum sugar. I do not know, but I have no doubt his experiments were made in open kettles with high heat in an attempt to granulate the juice. The failure may have arisen from the use of too high a heat, which destroyed the power to assert crystallization.

Mr. GEAR. I presume he tried the old kettle process.

Mr. GAY. And the high-heat process destroys the ripened cane juice in Louisiana as well as the sorghum. We got 50 pounds to a ton under the old process, but since the introduction of the vacuum-pan, which is no more or less than boiling the juice at a lower temperature, so as not to destroy the crystallizable properties of the juice, we began to develop an increased percentage, and hence we have a new era for the sugar interest in Louisiana, Kansas, California, and elsewhere.

This grows out of the fact that science has aided us, so that instead of getting but 50 pounds or 60 or 70 pounds out of a ton of cane, as was once the result, the last experiments in Louisiana developed about 220 pounds of sugar from a ton of cane. In that way our people must go on and learn, and if we will be guided by experience in such experiments we will get more and more sugar from a ton of cane. I will say in this connection that a gentleman from Illinois, one of our most enterprising citizens, Mr. Daniel Thompson, of the parish of St. Mary, Louisiana, has published to the world that the entire product of his last crop gave him a yield of 176 pounds of sugar for every ton of cane ground by the mill process. Mr. Thompson came to Louisiana entirely unfamiliar with the sugar business; but after experiments running through a period of ten or twelve years with the mill process, by the aid of skill and capital, he has made a great success.

It has been objected, Mr. Speaker, that this appropriation will not inure to the benefit of the agriculturist, but solely to the manufacturer.

Now, sir, there would be no opportunity to run a sugar factory without the farmers of that neighborhood found it advantageous to raise sorghum; without the factory there would be no thought of raising the cane. Therefore, I regard their interests as identical, and that what will help one will promote equally the welfare of the other, each in his appropriate sphere.

If I had the time, I could speak of the juice of the beet, which, when the first efforts were directed to utilize it as a sugar-making property, was found to be so refractory and abhorrent that it was only after the most careful and studious tests of science that it was harnessed into successful progress, and from that plant alone, under the support and with the governmental nursing required, Europe now produces one-half of the entire sugar production of the world.

It is true that substantial ground has been gained, but since so large a part of the forward march in the sugar industry towards real permanence and success is of such recent acquisition, why should not every reasonable aid be given to further investigations and further efforts in the line of ascertaining the undeveloped, hidden mine of wealth which may be very near being discovered.

As my time has expired, I must stop.

[Here the hammer fell.]

Mr. CANNON. In the three minutes I want to say I am satisfied that for years past sugar has been made from sorghum, and that we have made material progress from year to year in that direction, with the aid of these very experiments; and everybody will admit that it will be wonderfully desirable to produce the sugar in this country that we consume in this country Whether it will be done or not, I do not know.

Mr. FELTON. It will be done if you do not take the tariff off.

Mr. CANNON. If the gentleman will not take my three minutes of time to talk about the tariff, and will let me talk about this appropriation to make experiments in ascertaining whether sugar from sorghum can be established as an industry in the United States, as it is not now established, I would be very glad.

Whether it will be done or not I do not know, but is is worth the effort. Since I have been coming to Congress we have spent many million dollars to promote the mining industry. We have appropriated $400,000 every year for the Geological and Geographical Bureau. We support the Smithsonian Institution. We found and promote schools of technology, and agricultural colleges. Why not, in view of this great interest, try every experiment which we can—try to produce in this country the sugar which we require? When you consider the amount involved, the $100,000 is a mere bagatelle. It strikes me nobody should hesitate for a moment in voting that $100,000 for experiments. I would be willing to vote more if necessary, not to carry on the business, but for experiments; and if you find it can be done, for the technical education of the boilers and the special chemists and others until the knowledge is disseminated and the industry placed upon its feet. Then we can let it look out for itself.

Mr. HATCH. I now yield one minute to the gentleman from Virginia [Mr. YOST].

Mr. YOST. Mr. Speaker, I simply want to emphasize the statement made by the gentleman from Kansas [Mr. PETERS] to the effect that this demand does not come from Kansas alone. The Legislature of Virginia, at its last session, unanimously adopted a resolution instructing its Senators and requesting its Representatives to vote for an appropriation to establish an experiment station in Virginia for the manufacture of sugar out of sorghum. Our people feel that they have an interest in this subject, as it promises to open to them a new field for agriculture. God knows the agricultural interests there need such an opening. [Applause.]

Mr. HATCH. As I have yielded the larger portion of the hour and twenty minutes to gentlemen who are in favor of this appropriation I desire now in the few minutes of my time remaining to call the attention of the House to the fact——

Mr. WILKINSON. Excuse me for interrupting; but can you not give me five minutes on this question?

Mr. HATCH. I have not five minutes to spare now.

Mr. PETERS. I ask unanimous consent——

Mr. HATCH. I state to the House that gentlemen who are in favor of this amendment and urging concurrence on the part of the House, have had over two-thirds of all the time that has been occupied—nearly three-quarters of the time. That ought to satisfy any reasonable gentleman. I insist now upon the regular order and upon the remainder of my time.

The SPEAKER *pro tempore*. The gentleman from Missouri declines to yield.

Mr. HATCH. Certainly as the representative of my committee and the manager on the part of the House I should have time enough to explain their position to the House. I have reserved barely enough time to go over the ground, and I hope I will not be interrupted during the few minutes remaining to me.

Gentlemen talk about appropriations for experiments in sugar in the interest of the agriculturist. The gentleman from Iowa, to whom I yielded three minutes, occupied the entire time trying to impress upon the House the necessity of making experiments in behalf of the agriculturists. The Committee on Agriculture for the last two or three Congresses have been doing that pretty effectually. They have established in connection with agricultural colleges experiment stations in every State in the Union and in one Territory, and have given them an appropriation of $15,000 each for purposes of experiment.

I have stated as plainly and as fully as I have time to do that every single dollar recommended by the Committee on Agriculture has been appropriated and cheerfully appropriated by the Congress of the United States for experiments in the manufacture of sugar, both from sorghum and sugar-cane. It is not a new industry, as the gentleman from South Carolina stated. It has been for years the subject of private enterprise. The Government has taken hold of it and has gone as far as in the judgment of the Commissioner of Agriculture and its employés it was necessary to go for the public good.

Gentlemen forget that this $100,000 thus appropriated comes out of the pockets of the tax-payers, and this proposition is simply to dump it into the pockets of two or three manufacturers. I know what I am talking about. It is simply to give a bonus and a subsidy to half a dozen establishments in the United States. Every dollar of the last appropriation of $150,000 has gone into the coffers of these manufacturers. The gentlemen know it. The Agricultural Department went to Fort Scott, Kans., and to Louisiana and made experiments in the factories of these gentlemen, and these gentlemen got the benefit of every dollar of it.

Mr. RYAN. The American people got the benefit of it.

Mr. HATCH. The American people would have had the benefit of it if the experiments had been properly conducted. The only fact developed that was of any interest to the people has been patented by one of the employés of the Government at this very establishment at Fort Scott.

Mr. PETERS. All that was patented——

Mr. HATCH. Yes; and the Government of the United States, through the Department of Justice, to-day is attempting to set aside that patent.

A MEMBER. And it will be set aside.

Mr. PETERS. All that was patented was using chloride of lime in the diffusion battery.

Mr. DUNN. Without which nothing could be done.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. HATCH. I do not yield, and I have requested gentlemen to whom I have yielded my time so liberally not to interrupt me. Kansas is a cormorant upon every proposition before this House. She has never had enough of anything in the world. She not only wants more money but more time on this floor than any seven States in the Union.

Mr. PETERS. Do you expect us to keep our mouths shut when you make such statements?

Mr. HATCH. No; I know you can not keep your mouth shut, my dear friend, under any circumstances.

Mr. PETERS. Not when you make such statements.

Mr. HATCH. I have not made a statement in regard to this whole matter that the gentleman does not know is true, and he can not produce a document from the beginning of the report of the Commissioner of Agriculture on this subject down to the present that will not justify every single statement I have made.

Mr. PETERS. Well, I do not think we are cormorants. We are here doing our duty to our constituents, and if you call us cormorants for that, I for one am willing to stand it.

Mr. HATCH. I did not say the gentlemen were cormorants; I said the State of Kansas. I took particular pains to say that the State was a cormorant, and I do not propose to withdraw that remark. [Laughter.] She is even so greedy that she wants all the Republicanism there is in the United States, and she has got more of that than her share. [Laughter.]

Now, I want the House to understand what the pending motion is. I have moved that the House insist upon its disagreement to the amendment of the Senate; and I am satisfied that if the House wishes to appropriate any further sum for this experimentation, $20,000, or, at the outside, $50,000, is as much as the Senate wants or will insist upon, and is every dollar that can be expended for this purpose. Therefore to concur in the amendment of the Senate now appropriating $100,000 would be simply dumping that much money into the Agricultural Department and requiring the Commissioner to spend it without any necessity or preparation for it at all.

Now, it is not necessary for me to say on behalf of the Committee on Agriculture that not a single proposition has been introduced into this House within the last ten years in favor of the agricultural interests of the country that that committee has not led the fight for on this floor. The Committee on Agriculture willingly advocated here every one of these appropriations for experimentation in sugar-making until the parties themselves told us that they had all the money they could properly expend, and we were bound to take them at their word. They told us they had enough, and, so far from the committee having forced any pledge of that kind from them, it was a voluntary statement made in open committee.

I now yield a minute to the gentleman from Arkansas [Mr. DUNN], who desires to offer an amendment.

Mr. DUNN. Mr. Speaker, I send to the desk an innocent little amendment which, if adopted, will go far, I think, to destroy interest in this subject.

The amendment was read, as follows:

Provided, That in making said investigation and experiments the Commissioner of Agriculture shall not hire, rent, or employ any sugar-mill machinery or plant of any character whatever belonging to any private corporation, company, or person.

Mr. BUCHANAN. That means stop or put up Government works.

The SPEAKER. To what does the gentleman from Arkansas [Mr. DUNN] offer this as an amendment?

Mr. DUNN. I offer it as an amendment to the motion which has been made by the gentleman from Kansas [Mr. RYAN] that the House concur in the Senate amendment. If the House concur, I wish it to be done with this proviso.

Mr. PETERS. Do you realize that that virtually means doing nothing at all?

Mr. DUNN. I realize that it will totally destroy the interest of Kansas and of all other localities in this subject.

Mr. HATCH. I now demand the previous question on my motion.

Mr. FELTON. I hope the gentleman will withhold his demand for the previous question until I can have an opportunity to ask him, as chairman of the Committee on Agriculture, for some information in regard to a change that has been made in this bill which is of very great interest to the people that I represent.

Mr. HATCH. I yield to the gentleman for a question.

Mr. FELTON. In the bill as it went to the Senate there was a provision—I am unable to turn to the section—for payment of expenses of experts to examine into some diseases of trees. When this bill was passed last year there was a proviso inserted that these experts, in the course of their investigation, should not go outside of the United States. At my solicitation, I believe, that clause was taken out of the bill this year before it went to the Senate. I see that it has been inserted in the bill by the conferees. Now, I presented only a few days ago a set of resolutions from the State board of horticulture of California, setting forth the fact that millions of dollars' worth of property were in jeopardy by reason of the ravages of the white scale bug (*Icerya purchasi*). There are untold millions of these bugs and $20,000,000 dependent on their extermination. It is of vast importance, to the fruit-growers especially, that they should get rid of this bug; yet a provision which would permit a simple trip of these experts to Australia, costing not more than $3,000, is denied to that interest. We hear constantly of the demoralized condition of agriculture in this country, yet this Congress refuses to appropriate $2,500 or $3,000 to take care of a great and important interest like this. I would like to know from the chairman of the Committee on Agriculture why this change was made and by whom.

Mr. HATCH. If the gentleman had been in his seat when we made the first report from the conference committee, he would have learned, as he will find now by reference to the report then submitted, that the Senate insisted on that amendment, and the House conferees, after hearing the statements of the managers on the part of the Senate, recommended concurrence in the amendment. I now yield two minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. FELTON. One moment more.

Mr. HATCH. I can not yield longer. The matter to which the gentleman refers can not be opened at this time; and I hope he will not consume time unnecessarily.

Mr. FELTON. So be it.

Mr. HENDERSON, of Iowa. Mr. Speaker, the other day, when I was discussing the sugar question, my good brethren from Kansas arraigned me pretty sharply on the ground that the matter of making sugar from sorghum had been thoroughly demonstrated, that it had passed beyond the realm of experiment.

Mr. RYAN. No, sir; I beg to say that no such statement was made.

Mr. HENDERSON, of Iowa. The gentleman from Kansas [Mr. FUNSTON], his colleague [Mr. PETERS], and the smiling countenance (without having expression in words) of my friend in front of me [Mr. RYAN] all confirmed the idea that this matter was beyond experiment.

Mr. RYAN. Mr. Speaker——

Mr. HENDERSON, of Iowa. Wait a moment.

Mr. RYAN. I do not care to have the gentleman misrepresent me. I stated that experiment had developed the fact that sorghum sugar could be made profitably; I did not for one moment contend that further experimentation was not desirable.

Mr. HENDERSON, of Iowa. I have not yielded to have the gentleman occupy my time. Now, Mr. Speaker, I am glad to have this discussion confirm my position that this matter is still under experiment, and that the producers of sorghum are not yet prepared to turn out the millions of pounds of sugar necessary for the people of this country. I say that the position of the gentlemen here to-day confirms the position I took the other day. I am now, as I was then, heartily in favor of continuing these experiments, and am in favor of the $100,000 appropriation for that purpose.

Mr. PETERS. Then we forgive you.

Mr. HENDERSON, of Iowa. I am, however, confirmed in my position that sugar should be put upon the free-list, or practically so, as these gentlemen are not prepared to supply the needs of the country. I believe that in time the genius of our people will make sugar from sorghum and beets in sufficient quantities to supply the wants of our country. But that time is probably very remote as yet; at all events, while we are experimenting I am opposed to paying nearly $90,000,000 annually from the pockets of the people to enrich foreigners.

Mr. HATCH. I ask unanimous consent that all gentlemen desiring to print or extend remarks in the RECORD may have leave to do so.

The SPEAKER. If there be no objection, that leave will be granted. The Chair hears none.

Mr. HATCH. I now demand the previous question.

Mr. PERKINS. I ask unanimous consent that five minutes be given to the gentleman from Louisiana [Mr. WILKINSON], to address the House now—not by remarks to be printed in the RECORD after the question is disposed of.

Mr. BLAND. Oh, we all understand this question. I call for the regular order.

Mr. HATCH. I have already yielded to the friends of this appropriation more than three-fourths of my time. I object.

Mr. PERKINS. Do I understand the gentleman from Missouri [Mr. HATCH] objects?

Mr. HATCH. I do, because I have yielded more than three-fourths of my time to gentlemen on the other side of the question.

Mr. WILKINSON. The gentleman ought not to have read letters from parties who are interested against the diffusion process, and then decline to have those statements answered.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] demands the regular order. Does the gentleman from Kansas [Mr. RYAN] accept the amendment of the gentleman from Arkansas [Mr. DUNN]?

Mr. RYAN. No, sir; I desire a vote directly upon the motion to concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas [Mr. RYAN] declines to accept the amendment of the gentleman from Arkansas, and insists upon a vote on the simple motion to concur, which has preference over all other motions. If that be not agreed to, the gentleman from Arkansas can move to concur with an amendment.

Mr. DUNN. I ask that my proviso be read.

The Clerk read as follows:

Provided, That in making said investigation and experiments the Commissioner of Agriculture shall not hire, rent, or employ any sugar mill, machinery, or plant of any character whatever belonging to any private corporation, company, or person.

Mr. HATCH. I now demand the previous question on the pending motion.

The previous question was ordered.

Mr. WILSON, of Minnesota. I ask that the Senate amendment be reported.

The Clerk read as follows:

After line 23, page 12, insert:

"To enable the Commissioner of Agriculture to continue experiments in the manufacture of sugar from sorghum-cane, including the purchase and transportation of samples and supplies, $100,000: *Provided*, That the Commissioner is hereby required to make a separate report to Congress, stating fully and accurately an itemized account of every expenditure made under this provision, and the results of all experiments made, and also including the purchase and transportation of samples and supplies."

The SPEAKER. The question is on the motion that the House recede from its disagreement to the amendment just read, and concur in the same.

Mr. GEAR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken on Mr. RYAN's motion to recede; and it was decided in the affirmative—yeas 126, nays 99, not voting 99; as follows:

YEAS—126.

Adams,	Fuller,	Long,	Sawyer,
Allen, Mich.	Funston,	Lyman,	Scull,
Anderson, Iowa	Gallinger,	Macdonald,	Seney,
Anderson, Kans.	Gay,	Mahoney,	Seymour,
Arnold,	Gear,	Mansur,	Spooner,
Atkinson,	Gest,	Mason,	Steele,
Baker, Ill.	Grout,	McCullogh,	Struble,
Bingham,	Guenther,	McKenna,	Symes,
Boothman,	Harmer,	Milliken,	Taylor, E. B., Ohio
Bound,	Haugen,	Moffitt,	Thomas, Ky.
Brewer,	Henderson, Iowa	Morrill,	Thomas, Wis.
Browne, T. H. B., Va.	Herbert,	Morrow,	Thompson, Ohio
Brumm,	Hermann,	Nelson,	Townshend,
Buchanan,	Hitt,	Nutting,	Turner, Kans.
Bunnell,	Holmes,	O'Donnell,	Vandever,
Butler,	Hooker,	Osborne,	Wade,
Cannon,	Hopkins, Ill.	Outhwaite,	Warner,
Caswell,	Hopkins, Va.	Owen,	Weaver,
Cheadle,	Hovey,	Patton,	Weber,
Clark,	Hunter,	Payson,	West,
Conger,	Jackson,	Perkins,	White, Ind.
Cox,	Johnston, Ind.	Peters,	Whiting, Mass.
Crouse,	Kean,	Phelan,	Wilber,
Dalzell,	Kelley,	Phelps,	Wilkins,
Darlington,	Kennedy,	Post,	Wilkinson,
Dingley,	Kerr,	Pugsley,	Williams,
Dunham,	Ketcham,	Rayner,	Wilson, Minn.
Farquhar,	Laidlaw,	Reed,	Yardley,
Felton,	Laird,	Rice,	Yoder,
Finley,	Lane,	Robertson,	Yost.
Fitch,	Lehlbach,	Romeis,	
Flood,	Lind,	Ryan,	

NAYS—99.

Abbott,	Cummings,	Johnston, N. C.	Russell, Mass.
Anderson, Miss.	Dargan,	Kilgore,	Sayers,
Anderson, Ill.	Davidson, Ala.	Lafloon,	Shively,
Bacon,	Davidson, Fla.	Lanham,	Simmons,
Bankhead,	Dockery,	Lawler,	Snyder,
Barry,	Dunn,	Lee,	Spinola,
Biggs,	Elliott,	Maish,	Springer,
Bland,	Enloe,	Martin,	Stahlnecker,
Bliss,	Fisher,	Matson,	Stewart, Tex.
Breckinridge, Ark.	Foran,	McAdoo,	Stockdale,
Breckinridge, Ky.	Ford,	McCreary,	Stone, Ky.
Bryce,	Forney,	McRae,	Stone, Mo.
Buckalew,	French,	Mills,	Tarsney,
Burnett,	Gibson,	Montgomery,	Thompson, Cal.
Campbell, F., N. Y.	Glass,	Neal,	Tillman,
Candler,	Grimes,	Norwood,	Tracey,
Caruth,	Hall,	Oates,	Turner, Ga.
Chipman,	Hare,	O'Ferrall,	Vance,
Clardy,	Hatch,	O'Neall, Ind	Walker,
Clements,	Heard,	Peel,	Washington,
Cobb,	Hemphill,	Penington,	Wheeler,
Cockran,	Hiestand,	Pidcock,	Whiting, Mich.
Cothran,	Holman,	Richardson,	Wilson, W. Va.
Cowles,	Hudd,	Rogers,	Wise.
Culberson,	Hutton,	Rowland,	

NOT VOTING 99.

Allen, Mass.	Collins,	Hopkins, N. Y.	O'Neill, Mo.
Allen, Miss.	Compton,	Houk,	Parker,
Baker, N. Y.	Cooper,	Howard,	Perry,
Barnes,	Crain,	Jones,	Plumb,
Bayne,	Crisp,	La Follette,	Randall,
Belden,	Cutcheon,	Lagan,	Rockwell,
Belmont,	Davenport,	Landes,	Rowell,
Blanchard,	Davis,	Latham,	Russell, Conn.
Blount,	De Lano,	Lodge,	Rusk,
Boutelle,	Dibble,	Lynch,	Scott,
Bowden,	Dorsey,	Maffett,	Shaw,
Bowen,	Dougherty,	McClammy,	Sherman,
Brower,	Ermentrout,	McComas,	Smith,
Browne, Ind.	Gaines,	McCormick,	Sowden,
Brown, Ohio	Glover,	McKinley,	Stephenson,
Brown, J. R., Va.	Goff,	McKinney,	Stewart, Ga.
Burnes,	Granger,	McMillin,	Stewart, Vt.
Burrows,	Greenman,	McShane,	Taulbee,
Butterworth,	Grosvenor,	Merriman,	Taylor, J. D., Ohio
Bynum,	Hayden,	Moore,	Thomas, Ill.
Campbell, Ohio	Hayes,	Morgan,	White, N. Y.
Campbell, T. J., N. Y.	Henderson, N. C.	Morse,	Whitthorne,
Carlton,	Henderson, Ill.	Newton,	Wickham,
Catchings,	Hires,	Nichols,	Woodburn.
Cogswell,	Hogg,	O'Neill, Pa.	

So the motion was agreed to.

On motion of Mr. RYAN, by unanimous consent, the reading of the names was dispensed with.

During the roll-call the following pairs were announced:

Until further notice:

Mr. PHELAN with Mr. WEST.

Mr. ERMENTROUT with Mr. LODGE.

Mr. PERRY with Mr. BRUMM.

Mr. MCCLAMMY with Mr. NICHOLS.

Mr. ALLEN, of Mississippi, with Mr. BAYNE.

Mr. CRISP with Mr. ROWELL.

Mr. CRAIN with Mr. HAYDEN.

Mr. CATCHINGS with Mr. COGSWELL.

Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.

Mr. GLOVER with Mr. GOFF.

Mr. T. J. CAMPBELL with Mr. O'NEILL, of Pennsylvania.

Mr. TAULBEE with Mr. SHERMAN.

Mr. MCMILLIN with Mr. BURROWS.

Mr. ENLOE with Mr. HOUK.

Mr. GREENMAN with Mr. THOMAS, of Illinois.

Mr. WHITE, of New York, with Mr. COCKRAN.

Mr. LANDES with Mr. RUSSELL, of Connecticut.

Mr. MCKINLEY with Mr. SCOTT.

Mr. GRANGER with Mr. ROCKWELL; and

Mr. CUMMINGS with Mr. MCCORMICK.

For this day:

Mr. BARNES with Mr. BAKER, of New York.

Mr. MERRIMAN with Mr. PLUMB.

Mr. RUSK with Mr. DE LANO.

Mr. COMPTON with Mr. DORSEY.

Mr. HENDERSON, of North Carolina, with Mr. BROWER.

Mr. BLOUNT with Mr. ALLEN, of Massachusetts. On this proposition Mr. BLOUNT would vote "nay," and Mr. ALLEN would vote "yea."

Mr. BELMONT with Mr. DAVENPORT.

Mr. BYNUM with Mr. STEPHENSON until the 12th of July on all political questions and the Mills bill.

On this vote:

Mr. SOWDEN with Mr. J. R. BROWN.

Mr. MCKINNEY with Mr. BOWEN.

Mr. DIBBLE with Mr. JOSEPH D. TAYLOR.

Mr. CARLETON with Mr. GROSVENOR.

Mr. PHELAN. I find I am paired, and I will therefore withdraw my vote.

Mr. COGSWELL. My pair was made with Mr. CATCHINGS several days ago, and I thought it was only for that day; but as he seems to have understood it differently I desire to withdraw my vote.

Mr. WEST. Mr. Speaker, am I paired?

The SPEAKER. The gentleman is paired with the gentleman from Tennessee [Mr. PHELAN].

Mr. WEST. I withdraw my vote, then.

Mr. MCMILLIN. The gentleman from Tennessee [Mr. PHELAN] changed his vote, finding he was paired with the gentleman from New York. Why not let both votes stand?

The SPEAKER. If there be no objection, that will be done.

There was no objection, and it was ordered accordingly.

Mr. ENLOE. I am announced as paired with my colleague, Mr. HOUK. That was some days ago, but the pair has expired, and therefore I have voted.

The SPEAKER. The pair will be withdrawn.

Mr. MCMILLIN. I find I am paired with Mr. BURROWS, which I had forgotten for the moment, and therefore will withdraw my vote.

Mr. MOFFITT. My colleague, Mr. PARKER, of New York, is detained at home on account of sickness in his family. If present he would vote in the affirmative on this question.

The result of the vote was then announced as above recorded.

Mr. RYAN moved to reconsider the vote by which the motion to concur was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will inquire whether this is all of the amendments about which the conferees have disagreed?

Mr. HATCH. Yes, sir. I withdraw my amendment and will let the House take the responsibility. I have nothing further to say about it.

The SPEAKER. This passes the bill, so far as the House is concerned.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House to the second amendment of the Senate to the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888, and also to the amendment of the House to the title thereto.

It further announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 899) for the relief of Mary M. Briggs, and asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE as managers of said conference on its part.

EVENING SESSION FOR CENSUS BILL.

Mr. COX. I am directed by the Committee on the Census to ask unanimous consent that when the hour of 5 o'clock arrives to-day the House will take a recess until 8 o'clock this evening, for the purpose of considering the census bill.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that

they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 671) to provide for the sale of Fort Omaha, Nebr., the sale or the removal of the improvements thereon, and for the purchase of a new site and the construction of suitable buildings thereon;

A bill (S. 1540) granting a pension to Hannah Babb Hutchins; and

A bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city.

FORT HALL RESERVATION.

Mr. PEEL. On yesterday, at the evening session, the House considered and passed a bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

Under the special order it was understood that bills granting rights of way through Indian reservations reported from the Committee on Indian Affairs to which no objection was made were to be considered.

In this case the right of way in this bill is coupled with a grant on the part of these Indians of some 840 acres of land for a town site, which is to be laid off by the Government and sold at not less than its appraised value to the highest bidder, and the money to go into the Treasury for the benefit of the Indians. The bill has been recommended by the Interior Department, in fact it was draughted by the Department; and we passed upon it last evening because it was impossible to separate the right of way contained in the bill from the other provisions.

It was agreed, however, that there should be a motion to reconsider and leave that open until to-day.

I now move to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The latter motion was agreed to.

CITROUS WATER COMPANY, ARIZONA.

Mr. PEEL. The same condition of affairs applies to the bill (H. R. 7843) granting to the Citrous Water Company a right of way across the Papago Indian reservation in Maricopa County, Arizona. This bill was also passed, it being entirely unobjectionable; but as the spirit of the order applied to the granting of rights for railroads, there was some question as to whether this bill was within the order, and hence the same plan was pursued.

I now move to reconsider the vote by which the bill was passed, and to lay that motion upon the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS. I desire to submit a conference report.

I will state, Mr. Speaker, that this report is quite lengthy, and I ask unanimous consent to dispense with the reading. It is signed by all the conferees, and it contains a reference to the numerous amendments in dispute between the two Houses. If the report was read, it would not convey the information perhaps that the House desires; and I ask instead that the reading be dispensed with and that the statement explaining the report be read.

Mr. HOLMAN. That is right.

Mr. ANDERSON, of Kansas. What is the bill?

The SPEAKER. The District of Columbia appropriation bill.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8989) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 20, 21, 33, 50, 56, 59, 60, 61, 62, 63, 72, 77, 82, 99, 100, 101, 102, 103, 104, 118, 120, 128, 161, 162, 163, 164, 167, 169, and 172.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 10, 16, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 46, 47, 48, 51, 54, 57, 64, 65, 66, 67, 68, 69, 70, 71, 73, 78, 80, 81, 83, 84, 86, 92, 93, 94, 105, 106, 109, 112, 113, 116, 117, 119, 122, 124, 125, 127, 129, 130, 131, 136, 137, 139, 140, 141, 142, 143, 148, 149, 151, 152, 168, 171, 174, 176, 177, 178, 179, 180, 181, 183, 185, 186, 187, 188, 190, 191, and 192, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 13 of said amendment strike out the words "three thousand" and in lieu thereof insert the words "two thousand;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,864;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: Strike out all after the word "repealed" therein; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,400;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,600;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$615,000," and strike out, in line 24, page 5 of the bill, the words "on the" and insert in lieu thereof the words "in the discretion of the commissioners on;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$144,600;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,600;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 9 of said amendment strike out "Rhode Island avenue" and insert "Boundary" in lieu thereof; in lines 10 and 11 strike out "New Jersey avenue" and insert "Boundary" in lieu thereof; in line 16 strike out "Sixth" and insert "Fifth;" insert after line 18 the following: "Thirteenth-street intersection to B street; Eighth street, from S street to Boundary;" and in lieu of the sum proposed in said Senate amendment insert "$191,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 9 of said amendment strike out the word "Half" and insert in lieu thereof "South Capitol," and after said line 9 insert "L street, from First to Four-and-a-half streets;" and in lieu of the sum named in said amendment insert "$52,800;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: After line 2 of said amendment insert the following:

"Seventh street, from D street to Virginia avenue.

"South Carolina avenue, from Seventh to Ninth streets."

In lines 9 and 10 of said amendment strike out "Pennsylvania avenue" and insert "G street."

And in lieu of the sum named in said amendment insert "$54,400."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 10 of said amendment strike out "Massachusetts" and insert "Maryland;" and after line 12 insert "Sixth street, from H to K streets;" and strike out line 19 of said amendment; and in lieu of the sum named in said amendment insert "$129,700;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$3,500;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

Amendments numbered 74, 75, and 76: That the House recede from its disagreement to the amendments of the Senate numbered 74, 75, and 76, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"For the grading and paving of Fourteenth street northward from the Boundary, for the grading and paving of Stoughton street and of Chapin street from Fourteenth street extended to Wayland Seminary, and the paving of Pomeroy street in front of the Freedman's Hospital, $35,000; in all, $88,000."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including retaining-wall on M street, at the approach to the new free bridge across the Potomac, which bridge is hereby placed under the jurisdiction of the commissioners of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,000," and add at the end of the amended paragraph the following: "*Provided*, That no expenditure hereunder shall be made at a price higher than 27 cents per 1,000 square yards;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$105,000;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$958,971;" and in line 19, page 12 of the bill, strike out "sixty-four thousand three" and insert in lieu thereof "sixty-six thousand eight;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$137,711;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$22,500;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$8,000;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$315,000;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,700;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,400;" and after the word "building," in line 24, page 15 of the bill, insert the words "and cells;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$15,000, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$406,540;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For erecting engine-house in southeastern section of Washington and furnishing same, $12,000, or so much thereof as may be necessary; hose carriage for same, $700;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$141,200;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric-lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington; and said commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets, avenues, and alleys, and the best method of interring the same under-ground, and such legal regulation thereof as may be needed; and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do, and for such investigation $1,000 is hereby appropriated: *Provided*, That the commissioners of the District may, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone, or electric-light company now operating in the District of Columbia to be laid under any street, alley, highway, footway, or sidewalk in the District whenever, in their judgment, the public interest may require the exercise of such authority; such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and no such authority to be exercised after the termination of the present Congress."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter insert the following: "all under the control of the commissioners;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the matter inserted insert the following: "all under the control of the commissioners;" and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: Strike out all after the word "association" in line 8 of said amendment down to and including line 10, and insert a period in lieu of the semicolon after the said word "association;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$17,836;" and in line 3, on page 25 of the bill, strike out "thirty-five" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

J. C. CLEMENTS,
FELIX CAMPBELL,
LOUIS E. McCOMAS,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8969) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1889, submit the following written statement in explanation of the effect of the action recommended on the Senate amendments as compared with the bill as it passed the House:

On amendments 1, 2, 3, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, and 37: Transfers certain employés heretofore provided for under the engineer commissioner's office to the office of the two civil commissioners without any increase in their number or compensation, except the salary of the inspector of plumbing is increased from $1,800 to $2,000; and increases the amount for contingent expenses under the civil commissioners from $2,500 to $3,000.

On amendment 4: Restores the provision repealing the law which provided that appropriations for contingent expenses of the District should be under the direction and in the sole discretion of the commissioners, and strikes out the provision that no part of appropriations made by the bill shall be used for the purchase of street-car tickets.

On amendments 6, 7, 8, 9, and 10: Authorizes the cashier in the collector's office to act in the necessary absence or inability of the collector, provides for two additional clerks, at $1,200 each, and increases the contingent expenses in the collector's office from $700 to $2,700; and appropriates $2,000 for expenses of collecting overdue personal taxes.

On amendments 13 and 14: Strikes out the proposed increase of contingent expenses under the auditor's office from $300 to $350.

On amendments 15, 16, and 17: Increases amount for contingent expenses under attorney's office from $300 to $400, and appropriates $2,500 for judicial expenses, including printing of briefs and witness fees in the District cases before the supreme court of the District.

On amendments 18 and 19: Increases the amount for contingent expenses and for holding inquests under the coroner's office from $500 to $700.

On amendments 20 and 21: Leaves the appropriation for contingent expenses for the markets at $400, as provided by the House.

On amendment 35: Provides that fees collected for leases of streets and reservations shall be covered into the Treasury.

On amendment 38: Strikes out proposed amendment authorizing expenses, other than those for overseers and inspectors, to be paid from appropriations for sewer, street, or road work.

On amendments 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49, relating to the improvement of streets and avenues and replacement of wood pavements: Appropriates $615,000 for the entire work, being $142,678 less than was proposed by the Senate, and $157,224 more than was contained in the bill as it passed the House. There are enumerated in the schedule of work to be done during the year all streets and avenues inserted by the House, as well as those proposed by the Senate, it being left to the discretion of the commissioners to select the particular streets and avenues that shall be improved within the amount of money which is appropriated.

On amendment 50: Strikes out the proposed increase of limit of prices that may be paid for asphalt pavement from $2 to $2.25 per square yard.

On amendments 51 and 52: Increases the amount for grading streets, alleys, and roads from $10,000 to $15,000.

On amendments 53 and 54: Increases the amount for repairs to pavements from $85,000 to $95,000, and authorizes contracts to be made therefor for periods not exceeding five years, subject to annual appropriations.

On amendment 55: Increases the amount for permit work from $40,000 to $90,000.

On amendment 56: Leaves the amount for repairs to streets, avenues, and alleys at $35,000, as passed by the House.

On amendment 57: Increases the amount for repairs of county roads from $30,000 to $45,000.

On amendment 58: Strikes out the provision for extending Eighteenth street to Columbia road.

On amendments 59, 60, and 61: Leaves the provision to grade and regulate Howard avenue at $7,700, as proposed by the House.

On amendments 62 and 63: Restores the provision to grade Jefferson, Jackson, and Washington streets, in the eastern section, at a cost of $4,000.

On amendments 64 and 65: Appropriates $13,140 to grade and macadamize Harrison street and Good Hope road from the navy-yard bridge to Bowen road, in the eastern section.

On amendment 66: Provides for the pavement of Nicholls avenue, in the eastern section, from Harrison instead of Washington street.

On amendment 67: Strikes out provision of $10,000 to extend Sixteenth street beyond the Boundary.

On amendments 68 and 69: Appropriates $15,000 for work on Fourth street northeast, extending from the Bunker Hill road, and on First street, extending to Michigan avenue, and thence along said avenue to Lincoln road.

On amendments 70, 71, 72, 73, 74, 75, and 76: Appropriates $35,000 for grading and paving Fourteenth street northward from the Boundary, for grading and paving Stoughton and Chapin streets from Fourteenth street to Wayland Seminary, and for paving Pomeroy street in front of Freedmen's Hospital; and $1,000 to grade Thirteenth street from Clifton avenue northward.

On amendment 77: Restores the provision of $10,000 for condemnation of streets, roads, and alleys.

On amendment 78: Increases the amount for surveys of the District from $5,000 to $10,000.

On amendments 79, 80, and 81: Increases the amount for construction and repairs of bridges from $12,500 to $14,500, and provides for a retaining wall on M street at the approach of the new foot-bridge across the Potomac, and places that bridge under the jurisdiction of the commissioners.

On amendment 82: Strikes out proposed increase for cleaning and repairing sewers and basins from $30,000 to $35,000.

On amendment 83: Increases the amount for main and pipe sewers from $55,000 to $70,000.

On amendment 84: Increases the amount for constructing suburban sewers from $30,000 to $35,000.

On amendment 85: Increases the amount for sprinkling, sweeping, and cleaning streets from $70,000 to $77,000, with a provision that no expenditure shall be made thereunder at a price higher than 27 cents per thousand square yards.

On amendment 86: Extends the operation of the parking commission to the suburban streets.

On amendment 87: Increases the amount for gas-lighting the streets from $100,000 to $105,000.

On amendments 92 and 93: Requires electric lights to be of 1,000 actual instead of 2,000 nominal candle power.

On amendment 94: Inserts a provision that the appropriation for harbor and river front shall include "other necessary items and services" not mentioned in the paragraph.

On amendments 95, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122, relating to public schools: Leaves the provision touching janitors for and care of buildings and grounds as fixed by the House, except that the care of buildings and rented rooms is limited to $48 per annum for each room instead of $50; fixes the amount for repairs and improvements to school buildings, including construction of fire-proof stairways to Lincoln Building, at $35,000 instead of $20,000; increases the amount for school teachers from $464,310 to $466,810; increases the amount for sanitary improve-

ments in old buildings from $1,000 to $3,000; increases the amount for contingent expenses from $20,000 to $22,500; increases the amount for fuel from $20,000 to $22,000; leaves the amount for industrial instruction at $8,000, as fixed by the House; increases the amount for furniture for new school buildings from $8,000 to $9,000; increases the amount for two new school buildings in the sixth school division from $10,000 to $12,000, and increases the amount for new school buildings from $225,000 to $315,000, being for two new buildings in the first school division, one in the second school division, one in the third school division, one in the fourth school division, one in the fifth school division, one in the seventh school division, and two in the eighth school division.

On amendments 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 135, relating to Metropolitan police, increases pay of superintendent of police from $2,600 to $2,700; increases the number of lieutenants from eight to nine, the number of sergeants from twenty to twenty-two, the number of privates of class 1 from one hundred and fifteen to one hundred and forty-five; strikes out proposed increase of privates of class 2 from one hundred and forty to one hundred and sixty; increases the number of station-keepers from seventeen to nineteen, the laborers from eight to nine, the drivers of patrol wagons from four to five; leaves the appropriations for repairs of stations, including police-court building and cells, at $2,400, as fixed by the House; increases the amount of miscellaneous and contingent expenses from $11,500 to $14,000; and appropriates $15,000 for purchase of lot and erecting and furnishing a station-house in northeast Washington.

On amendments 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147, relating to fire department: Provides for two assistant chief engineers, instead of two foremen acting as assistant engineers; increases the number of foremen from seven to nine, the firemen from seven to eight, the hostlers from nine to ten, the privates from sixty to sixty-six, and the watchmen from three to four; increases the amount for purchase of hose from $3,000 to $4,500, the amount for purchases of horses from $1,000 to $4,000; appropriates $12,000 for erecting engine-house in Southeast Washington and furnishing the same, and $7,000 for a hose-carriage.

On amendments 148 and 149: Provides for an expert repair-man, at $960, for the telegraph and telephone service.

On amendment 158: Strikes out the entire paragraph appropriating $36,000 for putting District telegraph and telephone wires under-ground, and providing that the commissioners shall require all telegraph, telephone, and other wires to be removed from streets and alleys wherefrom the District wires are taken or may be removed, and substitutes for the whole provision the following:

The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric-lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington, and said commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets, avenues, and alleys, and the best method of interring the same underground, and such legal regulation thereof as may be needed, and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do, and for such investigation $1,000 is hereby appropriated: *Provided*, That the commissioners of the District may, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone, or electric-light company now operating in the District of Columbia to be laid under any street, alley, highway, footway, or sidewalk in the District, whenever in their judgment the public interest may require the exercise of such authority—such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and no such authority to be exercised after the termination of the present Congress.

On amendments 151 and 152: Increases the amount for contingent expenses under the health department from $3,500 to $4,000.

On amendments 161, 162, 163, 164, 167, 168, and 169, relating to the Washington Asylum: Leaves the provision for the same as fixed by the House, except $3.0 is given for introduction of gas.

On amendments 170, 171, and 172 relating to Reform School: Places the expenditures thereunder under the control of the commissioners, increases the amount for the support of inmates from $25,000 to $26,000, and strikes out *proposed increase from $500 to $500 for grading, draining, and improving the grounds.*

On amendments 173 and 174, relating to the Industrial Home School: Places the expenditures thereof under the control of the commissioners, and appropriates $1,500 for a new boiler and for repairing and restocking the greenhouses.

On amendment 175: Appropriates $2,500 for temporary food and lodging to indigent persons, $1,500 of which sum may be allotted by the commissioners to the Washington Night Lodging House Association.

On amendments 176, 177, 178, and 183: Appropriates $1,000 to enable the National Association for Destitute Colored Women and Children to care for colored foundlings; appropriates $5,000 for erecting a ward for colored foundlings in connection with the Washington Hospital for Foundlings, and strikes out provision requiring the commissioners to report to Congress whether any institution in the District has refused admission to foundlings on account of race or color.

On amendment 178: Appropriates $5,000 for additional accommodations for the St. Rose Industrial School.

On amendments 180 and 181: Increases the amount for improvements to the buildings of the National Homeopathic Hospital from $2,500 to $3,500.

On amendment 185: Extends provision for emergency expenditures to "other cases of emergency not otherwise sufficiently provided for."

On amendments 186, 187, 188, 189, 190, relating to the water department: Increases the pay of one clerk from $900 to $1,000; provides for a draughtsman at $1,500, and six inspectors at $900 each; and reduces the appropriation for engineers, firemen, etc., from $135,000 to $130,000; and appropriates $31,000 for laying a new water-main from K street, northwest, down Fourteenth street to B street, southwest.

On amendment 191: Strike out the following, which was inserted as section 3 of the bill by the House:

"That the Treasurer of the United States is hereby directed and authorized to apply such portion as may be deemed expedient of any surplus which may remain at the close of the fiscal year 1888, and of each fiscal year thereafter, of the general revenues of the District of Columbia in excess of one-half of those appropriations payable equally out of the revenues of the District and the United States, to the payment of the balance yet remaining unpaid of the debt of the District of Columbia created by the act approved July 15, 1882, entitled, An act to increase the water supply of the city of Washington, and for other purposes: *Provided*, That the amount of said surplus shall first be reported to the commissioners of the District of Columbia and the Treasurer of the United States by the First Comptroller of the Treasury when called upon to do so."

On amendment 192: Inserts the following as a new section:

"That all moneys received from sales of animals or material of any sort purchased under appropriations, other than for the water department, for the District of Columbia, made since July 1, 1878, shall be paid into the Treasury of the United States to the credit of the United States and the District in equal parts; and all balances of appropriations made for the District of Columbia under section 3 of the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia," remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations were or may be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia."

The bill as agreed upon appropriates $5,045,321.32, being $335,108.65 less than as it passed the Senate, $519,320 more than as it passed the House, $760,730.66 more than was appropriated for the fiscal year 1888, and $229,381.03 less than was submitted in the estimates for the fiscal year 1889.

J. C. CLEMENTS,
FELIX CAMPBELL,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. SPRINGER (before the reading of the above was concluded). I ask unanimous consent to dispense with the further reading, as this is quite a lengthy report.

The SPEAKER. The Chair will state for the information of the House that the report has already been printed in the RECORD and appears in this morning's edition. The gentleman from Illinois asks unanimous consent to dispense with the further reading of the statement, and that it be printed in the RECORD. Is there objection?

There was no objection.

The conference report was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I move to dispense with the morning hour for the call of committees.

Mr. SPOONER. I hope gentlemen will be given an opportunity to present their reports.

Mr. STEELE. I have a report I wish to make.

Mr. MILLS. I have no objection to reports being presented.

The SPEAKER. Without objection, gentlemen having reports to make will be permitted to hand them in at the Clerk's desk.

There was no objection.

The motion of Mr. MILLS was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

PURCHASERS OF COLORADO LANDS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterwards held to lie without their limits; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RELEASING THE ESTATE OF ASHER R. EDDY.

Mr. STEELE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster, United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE SPENCER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9663) granting a pension to Jesse Spencer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS P. VERNON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7912) for the relief of Francis P. Vernon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. DULCENA NEAL.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 9341) granting a pension to Mrs. Dulcena Neal; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. H. BUGG AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 10401) for the relief of J. H. Bugg and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN N. DORR, SR.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 267) for the relief of John N. Dorr, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. W. POLLARD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3670) for the relief of A. W. Pollard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH I. M'NARY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 5137) for the relief of Hugh I. McNary, executor of A. C. Thomson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OLDHAM COUNTY, KENTUCKY.

Mr. STONE also, from the Committee on War Claims, reported back favorably the bill (H. R. 5889) for the relief of Oldham County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MUCK-A-PEC-WAK-KEN-ZAH.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-ken-zah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. SPRINGER, from the Committee on Territories, reported back favorably the bill (H. R. 10614) to organize the territory of Oklahoma, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed.

BREVET RANK OF OFFICERS OF THE UNITED STATES ARMY.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendment the bill (S. 1323) to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THE TARIFF.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

Flax or linen thread, twine, and pack thread and all manufactures of flax, or of which flax shall be the component material of chief value, not specially enumerated or provided for, 25 per cent. ad valorem.

The CHAIRMAN. The Clerk will report the pending amendment to the paragraph.

The Clerk read as follows:

Amend the paragraph by striking out "twenty-five" and inserting "forty."

The CHAIRMAN. The gentleman from New Jersey [Mr. PHELPS] is recognized, and if there be no objection he will be permitted to proceed for ten minutes without interruption.

There was no objection.

Mr. PHELPS. I do not know, Mr. Chairman, that it is worth while to say anything. I can not help thinking that whatever the fact and whatever the argument, it will be of no avail; and I can not help feeling that I speak to a court which has already made its decision.

How can I feel otherwise when I recall the facts? The Committee on Ways and Means refused to let any laborer or any manufacturer tell them about the facts, refused to let any representative make to them any argument, and then withdrew into the dark privately to prepare the Mills bill, a code of decisions which, like the laws of the Medes and the Persians, altereth not. This was the first step in their great drama, which, if it is successfully carried to the end, will be a tragedy to the interests of American industry. For their next step, confronted with the parliamentary necessity of taking their iron code out into the sunlight of the House and into the dangers of a discussion, forced to take it into the House, where the sacred *personnel* of their own bench needed to be enlarged by the admission of the whole of the Democratic majority, there was but one step left, and in their desperation they had the nerve to take it. They summoned their majority and imposed an oath upon every one of them that no Democratic member should vote in favor of any amendment not adopted by the caucus, no matter how glaring was the mistake, the folly, or the injustice which the discussion in this House might reveal.

Mr. WILSON, of Minnesota. May I ask the gentleman a question?

Mr. PHELPS. Certainly.

Mr. WILSON, of Minnesota. Do I understand you to say that this side of the House either imposed an oath or a promise on members on this side of the House that every one of them would favor the Mills bill as it stood and oppose any amendment?

Mr. PHELPS. I can not say how binding a caucus resolution may be on the consciences of the Democratic gentlemen who attend them, but I am here to say, and I am now answering your question, and I defy any gentleman in that caucus to contradict it, that a resolution was introduced, and that a resolution, as I am informed, was unanimously passed, that no amendment introduced into this House should receive the support of Democratic votes unless it were an amendment that had been first passed upon and approved by the Democratic caucus. Am I right? Dare the gentleman deny that that resolution was introduced and that that resolution was passed *nem. con.*?

Mr. WILSON, of Minnesota. That is simply untrue. I stand here on my personal honor and say that that is untrue.

Mr. PHELPS. Then I am very glad to hear that a report that was telegraphed by the Associated Press to all the cities of the United States, and which has never before been contradicted, is to-day contradicted by the gentleman from Minnesota. And, however hard it may be to believe it, I accept the contradiction, although I am filled with wonder and amaze to see how faithfully that resolution, which, if the gentleman is correct, existed only in the imagination of the reporter, has been obeyed by those who never heard it introduced and who never voted upon it in caucus. [Applause on the Republican side of the House.]

I am here to say that if my observations have been correct as I sat here day after day, there has not been an amendment, however sensible, however useful, introduced by a gentleman on this side of the House which has not been rejected by the Democratic majority.

Now, I ask, Mr. Chairman, in view of this condition of affairs, what incentive is there for any practical legislator? I mean by a practical legislator one who does not want to waste his own time or to waste the time of the House. What inducement is there for him to offer any suggestions upon this bill? There is no inducement unless a man is willing to look over the stolid mass of caucused Democracy that sits opposite to us to that court of appeals which sits in the Senate, or beyond the Senate to that grander court of last resort, the people of the United States, who will hear the workingman, who will hear the manufacturer, who will hear the representatives of the people, and who will give their decision.

The chairman of the Ways and Means Committee may boast that his House will pass his bill next week. I assure him confidently that the people of the United States will not pass the Mills bill next November. [Applause on the Republican side.]

Mr. MILLS. Let us have a vote.

The CHAIRMAN. The gentleman from New Jersey has not yet concluded his remarks.

Mr. PHELPS. Now, Mr. Chairman, having, I admit, rather in view this appellate tribunal than the massed majority which sits opposite to me, I wish in a few moments to offer a specimen brick of the edifice which they have constructed in darkness. I want to show that the paragraph which proposes a reduction from the present rate of 40 per cent. to 25 per cent. is in every particular a mistake; that it defeats all the objects which the creators of this bill pretended to have in mind when they created it. I shall prove that this reduction will not diminish but will increase the income. I shall prove that it will throw thousands of skilled workmen out of employment. I shall prove that the machinery where they find their employment will be reshipped to the country from which it came. In making this proof I shall summon the very best witness. I shall summon a witness who is the very man who will pay this increased income at the custom-house, the very man who will reluctantly be forced to discharge these workingmen, and the same man who, having imported his machinery and paid 45 per cent. to get it into this country, will have to reship it to the land from which it was brought.

Now, who is my witness? The firm of Barbour & Brothers is the oldest, the largest, the wealthiest establishment engaged in the manufactures of this industry. Their reputation belongs to two continents. In Ireland and New Jersey they have mills of the largest capacity. Years ago, before the war, they had only the Irish mill, in which they manufactured and sent to and sold in the American market, with a fair profit, their linen thread and cord. After the passage of our tariff bill in 1861 they lost the American market. They met this contingency promptly and with courage. They sent three of their own brotherhood across the ocean; they brought with them their machinery and their capital, and what was worth still more, their energy, their honesty, and their courage. They built up in the city of Paterson a magnificent palace larger than any palace which they had seen in the Old World from which they came. Those palaces were palaces of ostentation and ease; the palace that they raised on the banks of the Passaic was a palace of industry, and that is only one of the larger cells which have honeycombed Paterson and made it a busy hive of happy human industry. [Applause on the Republican side.]

Now, Mr. Chairman, my witness is William Barbour, the head of this vast establishment, the son of one of those brothers who immigrated from Ireland. William Barbour was born in America, and is a man of ardent patriotism, of the highest character, and of the greatest responsibility. Through me he testifies here to-day, and takes the

responsibility of his words. He testifies that during the past five years, under the present rate of duty, the finer lines of thread could be manufactured in his Irish establishment more profitably than in his Jersey establishment, and that upon those invoices he has been paying $60,000 a year for duty. He says now that if the purposes of the Mills bill are carried out and this duty is reduced from 40 per cent. to 25 per cent. it will be profitable for his concern to import four times the quantity they now import, and that they will pay upon those increased importations not the $60,000 which Barbour Brothers now pay, but $150,000 per annum. When William Barbour made that statement I turned quickly to the table where are the estimates of what is expected to be the reduction of the surplus made by this reduction of the duty upon linen thread, and I found that the increased duty which this single firm of Barbour Brothers & Co. will be obliged to pay under the reduced tariff equals, or substantially equals, the whole amount which the framers of this bill expect to derive from the whole line of linen thread importations. There is a reduction of the surplus! There is a reduction with a vengeance, the result of which is that the whole amount which these gentlemen expect to get into their Treasury from this industry will be paid by a single establishment, leaving the revenues to be swollen way beyond their estimate and way beyond the present income by the duties which will be paid by other establishments engaged in the same industry. They are not so large as this, but they are large, thrifty, and existing elsewhere—in New Jersey, in New York, in Pennsylvania, in Ohio, and, I am glad to see, as one of the first beams of the dawning sun, even in the State of Kentucky.

What further does my witness say? That if, as he supposes, his importations must need be quadrupled, in that case he must discharge his hundreds of American workingmen and, worse than that, he must send back his machinery to Lisburn, in Ireland, from whence it came. And just here, in order to show that the labor which the Mills bill takes from these American workingmen is not underpaid, he testifies to this fact, which he knows as an owner and manager both in the Irish mill and in the New Jersey mill. He is familiar with the pay-roll in each mill, and he testifies that on the Irish pay-roll there are the names of 2,900 British subjects who enjoy the blessings of free trade; that on the Jersey pay-roll there are the names of 1,400 American citizens who enjoy the blessings of a Republican tariff; and that the pay-roll which rewards 2,900 free-trade British subjects is substantially the same as that which rewards 1,400 protected American citizens. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. I ask unanimous consent that the time of the gentleman be extended.

Mr. BLAND. I shall have to object, Mr. Chairman. We want to get a vote on this.

Mr. PHELPS. I shall not occupy more than five minutes more.

Mr. WILSON, of Minnesota. Mr. Chairman, the gentleman does not speak often, and I trust his time will be extended.

Mr. DOCKERY. I ask unanimous consent that the time of the gentleman from New Jersey be extended.

Mr. BLAND. If we are going to extend the time for one gentleman we must extend it for all. I shall object to one and all.

Mr. WEAVER rose and was recognized.

Mr. PHELPS. I move to strike out the last word.

The CHAIRMAN. The Chair will recognize the gentleman from New Jersey later. The Chair has already recognized the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, as the gentleman from New Jersey is to occupy five minutes more, I shall be very glad to have him occupy it now.

Mr. PHELPS. I am obliged to the gentleman. I move to strike out the last word in order to continue this testimony, but before doing so I wish to say that it does not surprise me that the gentleman from Missouri [Mr. BLAND] is unwilling to hear the truth even after he is buttressed by a caucus resolution which seems to hold him and his colleagues firmly in hand.

Mr. BLAND. Now, Mr. Chairman, when the gentleman talks nothing but politics, I do object. If he was making an argument on this bill——

Mr. BUCHANAN. I ask that the gentleman from Missouri [Mr. BLAND] be made to keep in order.

Mr. BLAND. I hope the rules will be enforced.

Mr. WILLIAMS. Live up to them yourself, my friend.

Mr. PHELPS. Mr. Chairman, I wish to continue this testimony, and I will be brief in doing so.

Mr. BLAND. Mr. Chairman, I want to understand whether the gentleman can proceed in violation of the rules of this House.

The CHAIRMAN. The Chair stated the situation and supposed the gentleman from Missouri understood it. When the gentleman from New Jersey [Mr. PHELPS] had used up his time objection was made to extending it. The gentleman from Iowa [Mr. WEAVER] rose and was recognized, and the gentleman from Iowa thereupon yielded to the gentleman from New Jersey, who moved to strike out the last word, and is proceeding in order. The Chair was obliged to recognize the gentleman when he offered the amendment.

Mr. BLAND. If the Chair recognizes that as being in order that is what I object to.

Mr. PHELPS. Mr. Chairman, I did not want to be deprived, even by the wonted discourtesy of the gentleman from Missouri——

Mr. BLAND. There is no discourtesy——

[Cries of "Regular order!"]

Mr. PHELPS. Of an opportunity to state that my witness prefers a request. In view of the injury which he shows is done to his industry, I did not wish to sit down without also giving prominence to that request. It seems to me it is a proper one. If this reduction be made and this bill passed, the Democratic majority which destroys his business should at least be—not generous enough—we do not expect that from a party which counts among its members the gentleman from Missouri; but that when they destroy the industry by which the Irish ancestors of Mr. Barbour were induced to bring their machinery into this country, and to pay 45 per cent. upon it, they should be just enough to pay the children and heirs of these pioneers the 45 per cent. which their ancestors expended when they imported that machinery. And I make the appeal the more heartily because, as I think I have shown, there is no way connected with this paragraph by which the gentlemen on the other side will have any opportunity to reduce the surplus unless they are willing to reduce it by paying back the 45 per cent. on the machinery which they banish from the country.

If, as I have shown, the amount of income will be increased by the making of this reduction; if, as I have shown, workingmen by the hundred and thousand will be put out of employment; if, in addition to this, the machinery will be carried out of the country and its further capacity for use here be destroyed forever, then it is evident that, looking to the interest of the laborer and of the manufacturer and of the surplus itself (the only interest which gentlemen on the other side ever claim to pay attention to), this proposition to reduce the tax on linen thread is a mistake and a failure.

But I am here also to say, not on the testimony of William Barbour, but as a fact, that they will not benefit the consumer, because ever since that industry has been introduced the cost of its product to the consumer has continually diminished. When Barbour Brothers introduced their Mackay thread for shoes they sold it at 90 cents a pound. They have reduced the cost to the consumer all these years, until now the price-list shows that they sell it at 57 cents a pound. First they sold spool-thread at $1.07 a pound; now they sell it for 68½ cents a pound. Has the consumer been injured?

This reduction, as proposed in this paragraph, hurts every industry and disappoints every purpose which the committee had in mind. Ought not my amendment to prevail?

And in view of this, which is only one instance of the brilliant series of mistakes which they have scattered all over the pamphlet of their Mills code [laughter], and remembering that it was the Republican party that introduced and developed the tariff and proved it to be the best enginery man ever devised not only to increase the production, but also to diminish cost, may I not confidently claim, as I do, that the American people when they come to pass upon the Mills bill will say, "For God's sake let the Republican party who devised and who understand and who love this enginery, if it needs any repairs, make them themselves, and not leave them to the blundering of a half-hearted and ignorant Democracy." [Applause.]

In connection with his remarks Mr. PHELPS submitted the following letter:

NEW YORK, *March* 31, 1888.

DEAR SIR: As a stockholder and director of Barbour Flax Spinning Company of Paterson, N. J., I wish to make a statement to you regarding the flax-thread industry, and to call your attention to the effect which the proposed Mills bill would have upon it.

Notwithstanding the fact that the duty on linen thread is at present 40 per cent., this company has paid on an average for the past five years over $60,000 a year in duties on the finer sorts of linen thread, finished and ready for market, which it was found more profitable to import than to manufacture here.

The Mills bill would cut down protection on these goods to 25 per cent., and as a consequence would shut down a large portion of machinery and throw hundreds of hands out of employment. Should this bill pass, I think I do not overstate the case when I say that the company would find it profitable to import four times the quantity previously imported. Therefore, instead of reducing the revenue in this particular case to $37,500 it would in reality increase it to $150,000.

While I am an American born, and the industry I represent in Paterson, N. J., is thoroughly American, I am also a large stockholder in a flax spinning company in Ireland; and that you may judge of the relative wages paid in the two countries, I would state that the pay-rolls of the two mills, as recently compared, differed only about $500, the number of hands in the Irish mill being 2,900 against 1,400 in the New Jersey mill.

There is not a system of linen-thread machinery in this country which has not been imported, paying a duty of 45 per cent. If the object of the Mills bill is to reduce the surplus, should it not embody a clause refunding the duty on machinery, which, on account of insufficient protection, must be reshipped abroad?

The German Government, as you know, has recently adopted a system of protection. The company in Ireland with which I am connected, and which has manufactured threads in Ireland for the German trade for the past twenty-five years, has been obliged under the new law to build a factory in Germany to hold its trade; and it is safe to say that the money taken out of Germany during the past ten years will be reinvested in Germany within a year.

Yours, truly,

WM. BARBOUR.

Hon. W. MCKINLEY, Jr.,
Washington, D. C.

Mr. WEAVER. Mr. Chairman, I have listened with a great deal of

interest to the eloquent words of the distinguished gentleman from New Jersey [Mr. PHELPS]; but I am somewhat surprised to find him advocating an increase in the rate of duty upon thread from 25 to 40 per cent. ad valorem and in the next breath claiming that he is a friend of the laboring men and women of this country. His amendment, if adopted, will increase the price of sewing-thread to the poor sewing women of New York and his own State. The phrase "American workngmen," which the gentleman uses with so much fluency, is a generic term; it includes the working men and women not only of his section of the Union but of mine. It includes the graugers of Iowa, who were so unceremoniously dealt with and punished in the late Chicago convention, before which the distinguished gentleman was a candidate for the Vice-Presidency of the United States. I hold in my hand an interview published in the Washington Post of July 3—the present month—an interview with the gentleman from New Jersey, which bears all the ear-marks of a candid and accurate report of what the gentleman said. I ask the Clerk to read the portion of that interview which I have marked, in order to show how the Republican convention treated the Republican farmers of my State and the candidate whom they presented for nomination.

The Clerk read as follows:

So, too, ALLISON was more thought of than the votes indicated, but through all the discussion there had grown and strengthened the belief that the candidate must come from a doubtful State. Even zealous HENDERSON could not claim that Iowa was in doubt, but what really destroyed the hope of Mr. ALLISON'S friends was the conviction that since the extreme granger sentiment had taken New York's candidate out of the run it was not policy to select a granger candidate. In vain ALLISON'S friends said that his personal record was that of a man who had held the scales between the two extremes, the prairie and Wall street.

That failed to satisfy the leaders.

What else could you expect? The answer was that his State is the home of the granger and the head center of its influences, and the convention admitted the force of the answer.

Mr. WEAVER. Mr. Chairman, I take it for granted that this is a truthful report of the interview had with the gentleman from New Jersey. The farmers of Iowa will resent this open and undisguised insult, and they will answer once for all the defiant and impudent assumption, openly avowed by the confederated monopolies, that the people of Iowa are to be disciplined and punished because, forsooth, they have dared to enact through their Legislature anti-monopoly legislation. You were able to successfully boycott them in your convention. It will be their turn by and by. As the gentleman has eloquently stated, there is a higher court, the court of last resort—the American people. The people of Iowa and of the whole Northwest will give you a lively hearing in that court between now and November. [Applause on the Democratic side.]

The farmers of Iowa were spurned in that convention, and the fact is established by the gentleman's own statement which has just been read. If he is not correctly reported, he is here to correct it on this floor. The New York candidate, Mr. Depew, for whose defeat the retaliation was visited on the Iowa candidate, said in an interview published in the New York Tribune on the 24th of June, that the reason why the Iowa candidate was defeated was because he came from a State which had legislated in a manner unfriendly to the railroads and hence could not expect the support of the New York Central and connected interests.

[Here the hammer fell.]

By unanimous consent informal amendments were withdrawn.

Mr. WILSON, of Minnesota. I will renew the informal amendment. Mr. Chairman, I want to qualify my statement made to the gentleman from New Jersey [Mr. PHELPS] a few minutes ago. [Laughter.]

Mr. REED. He is not only going to state the truth, but the whole truth. [Laughter.]

Mr. WILSON, of Minnesota. I believe I stated to the gentleman from New Jersey what I had in my mind at the time and believed to be so, that I had been present at every caucus of the Democratic party in this House, but it has since been brought to my mind and I recollect that there was one at which I was not present.

Permit me to say that at one caucus when I was present such a resolution as was referred to to-day was presented, but did not pass. That is all I know of the matter. [Laughter on the Republican side and applause on the Democratic side.] Of course when I make a denial I wish to limit that denial to caucuses at which I was present and to matters within my own knowledge.

Mr. PHELPS. Mr. Chairman, I only want a minute to relieve the mind of my friend from Iowa [Mr. WEAVER]. I want to say I identify that interview, and am pleased to notice on its reproduction with what courtesy and fairness I have stated the truth. There is nothing in the reproduction which affected me at all, except a certain lack of modesty in the gentleman from Iowa that he should publish in this House that interview in which I stated that he [Mr. WEAVER] was "the chief of the grangers and the very center of its activity." [Laughter.] When I said that in choosing a Presidential candidate it would not do to go amongst the extreme grangers, the reason was that the extreme grangers in that State do not belong to the Republican party. Why choose from them? They belong neither to the Republican nor to the Democratic parties, but follow the red banner of the gentleman from Iowa [Mr. WEAVER], whom I regard as not belonging to the Republican party himself, but whom I consider to be, as I said in the interview, the chief of the grangers and the very center of their activity. [Laughter.]

Mr. WEAVER. The gentleman is not ingenuous, I fear, in the remarks he has just submitted to the committee. There is not one word of allusion in that interview to myself.

Mr. PHELPS. Does not the gentleman reside in Iowa?

Mr. WEAVER. Yes, sir.

Mr. PHELPS. Is he not the chief leader of the grangers?

Mr. WEAVER. No, sir; but I am their friend.

Mr. PHELPS. Then if he is not I do not know, and the House does not know, who is.

Mr. WEAVER. I thank the gentleman for the compliment; but I was not a candidate before the Chicago convention, and the gentleman can not shirk the responsibility nor hide the ugly fact stated in his interview. It was Mr. ALLISON who was punished because he lived in a Granger State which had enacted laws unfriendly to the railroads. I have nothing to do with the Republican party of Iowa, except to oppose it, nor do I affiliate with Mr. ALLISON politically nor with those who supported him in the Chicago convention. The gentleman knows this very well, and there is no escape for him whatever. [Applause on the Democratic side.]

It is the unkindest cut of all for this gentleman, who was a candidate for President and Vice-President, I believe, before the Chicago convention—— [Laughter.]

Mr. PHELPS. No; only for Vice-President.

Mr. WEAVER. I say, Mr. Chairman, that it is the unkindest cut of all for the distinguished gentleman to state in his place on this floor that the railroads punished Mr. ALLISON and the gentlemen supporting him because the Senator happened to live in the same State with myself. [Applause on the Democratic side.]

I understand him to say in his interview that the reason the convention was opposed to Mr. ALLISON was because he lived in a Granger State. I am curious to know what my friend from Iowa and colleague [Mr. HENDERSON] thinks of the treatment his distinguished Senator and candidate for President was subjected to in the convention. I would like to hear from my colleague as to whether he indorses what the gentleman from New Jersey stated as a reason for the rejection of the Iowa candidate.

Mr. HENDERSON, of Iowa. I move to strike out the last two words.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. HENDERSON, of Iowa. I renew it.

I do not rise, Mr. Chairman, to gratify this burning thirst for information on the part of my colleague, nor am I stirred up by the fact that men are often loudest in their proclamations when they know least what they are talking about. [Laughter and applause on the Republican side.]

I am not here to defend the gentleman from New Jersey in his interview. I am not myself a very prolific interviewer; and those who are swift to rush into the press with interviews must take care of themselves when they come home to roost. [Laughter and applause on the Democratic side.] But one thing I do want to say, and that is I think I know something about the operations of the Chicago convention, and what operated upon the minds of the assembled Republican wisdom in that body.

I think I know the reasons that led to the defeat not only of Senator ALLISON, but of that other equally distinguished and honored gentleman and soldier, and pre-eminently the representative, as some claim to believe, of the granger sentiment, Judge Gresham; and while I am not here to entertain my colleague or to entertain my Democratic brethren with the incidents of a Republican convention, I am here to say this, that I do not believe, and to me it is absolute knowledge, that the attitude of Iowa in respect to railroad legislation lost Senator ALLISON a single vote in that convention. [Applause on the Republican side.]

I rank with my colleague in asserting the right of the people of my own State to control the corporations that may be operated under the laws of that State. My friend and neighbor, Senator ALLISON, does not abate his belief that the sovereignty of the people should be recognized in the control of corporations; but neither the Senator from Iowa nor myself attempt to ride into power as some gentlemen do, in season and out of it, by playing the part of the arrant demagogue in regard to corporations. [Applause and laughter on the Republican side.]

I will say this much in regard to the interview of my friend from New Jersey—and in passing let me say that the State of New Jersey in that convention showed by its vote its confidence in the Senator from Iowa as a Presidential candidate—but when my friend from New Jersey said in his interview that even HENDERSON did not dare to claim that Iowa was a doubtful State, he told one solid truth. [Laughter and applause.] I never did so claim, nor do I claim it now. Iowa, as in the past, will this fall, in spite of rantings and misrepresentations, plant herself squarely in the front rank of the Republican States for Harrison and for Morton. [Loud applause on the Republican side.]

Not only that, Mr. Chairman and gentlemen, but Iowa will show that its people, including its honest grangers, believe in a party—that they believe in principles which recognize America and American workingmen, and which do not toady to the dictates of English interests and English representatives, whether they are at home or in the White House. [Applause on the Republican side.]

Mr. WEAVER. I was not disappointed, Mr. Chairman [laughter on the Republican side], in the remarks of the gentleman from Iowa, my colleague, who has just taken his seat. I knew that he would not take the floor without administering a rebuke to the gentleman from New Jersey. I expected nothing else. I was not surprised, therefore, at what was said, nor was I surprised, forced as he was to make some declaration, that he used, before he took his seat, the word "demagogue." [Derisive laughter on the Republican side.] A man is a demagogue, sir, in this country if he is consistent and persistent in his opposition as against monopolies throughout his whole life.

To avoid being a demagogue, in the opinion of the gentleman from Iowa, a man should go into national conventions with the monopolies, present your candidate, and then, when kicked out and slaughtered in cold blood by the monopolists, he must join in the wild acclaim over his own defeat and the humiliation of his confiding constituents. [Applause on the Democratic side.]

There is no demagogy in that. A man may do all that without being a demagogue.

Now, while we have the open confession of the gentleman from New Jersey [Mr. PHELPS] that his interview was not only correctly reported, but that it was truthful in fact, and as we further have his ideas of Western men and how far they should be trusted in politics, I send forward to be read a letter from the acting Vice-President of the United States, to show what he thinks of an Eastern man.

The Clerk read as follows:

CHICAGO, *June* 23, 1888.

The following letter from Senator John J. Ingalls was received by a member of the Kansas delegation in the convention:

"VICE-PRESIDENT'S CHAMBER, *Washington, June* 16, 1888.

"Yours 13th at hand. It does not make much difference who is nominated, in my judgment. The candidates will cut but a small figure in the fight. We can elect anybody or we shall fail.

[Laughter on the Democratic side.]

"The least conspicuous, and therefore the least complicated man will be the best—

[Laughter on the Democratic side.]

somebody like Hayes—

[Renewed laughter long continued.]

in 1876. Among all the men named there is not one leader—no one whose personal or historical relations to the people would make a difference of 1,000 votes in the canvass. SHERMAN, ALLISON, Harrison, etc., have records that would be awkward on the tariff—

[Applause on the Democratic side.]

the currency, the Chinese question—

[Renewed applause on the Democratic side.]

etc.

"Depew's connection with railroads and corporations would be a heavy load, especially in the agricultural States. We might as well nominate Gould or Vanderbilt at once. My impression is that Alger or Gresham comes nearer filling the bill than any of the others, with some fellow like PHELPS, of New Jersey—

[Laughter on the Democratic side.]

who could reach the conservative forces of the East and get contributions—

[Renewed laughter.]

from the manufacturers and Wall street. But you can judge much better than I what is best after consulting with the delegates.

"I have the use of the wires during the convention by the courtesy of the company, and you can therefore telegraph me fully at all times if anything of interest transpires.

"Truly yours,

"JOHN J. INGALLS."

[Shouts of laughter and applause on the Democratic side, long continued.]

Mr. HENDERSON, of Iowa, rose.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn, and the gentleman from Iowa [Mr. HENDERSON] may renew it.

Mr. HENDERSON, of Iowa. Mr. Chairman, I did not apply the term "demagogue" to any one in this House; but one member in this House has had the wisdom to make the application. [Laughter on the Republican side.] When consistent records are spoken of by my worthy colleague he introduces rather a dangerous theme, I think; but not for me. I have had an unbroken record since I was born and started in a black abolition underground railroad family of which I am not ashamed. My friend's record I would not dare to trace. Time would not enable me to follow its meanderings. The gentleman has been pleased to give us a little literature to read. It has been suggested it was a stolen letter.

A MEMBER. A forged letter.

Mr. HENDERSON, of Iowa. I will not say it was forged. I do not think it was. But it was a stolen letter; and those who want to use letters of that kind are at liberty to do so.

Since we are reading letters and looking up the records of great men I send to the desk to have read by the Clerk some extracts from speeches made by my colleague from Iowa, which I think will be appreciated by my Democratic brethren who are always double shotted with applause when my colleague has something to offer that may in any way disturb his Republican brethren.

The Clerk read as follows:

THESE ARE SOME OF WEAVER'S UTTERANCES ON THE DEMOCRATIC PARTY MADE IN PUBLIC SPEECHES.

He said at Albia on July 18, 1866:

"I want to congratulate you first, fellow-citizens, on the suppression of purely Democratic rebellion, gotten up by Democrats for the democratic purpose of dissevering this Union and perpetually establishing human slavery. Now and forever it is establishing as an eternal truth that the Democracy in no place or State can ever be trusted with government. As a party it should disband, just as a section of it did at Appomattox."

He said at Centerville in 1867:

"Again has the Democratic party of Iowa spoken. Why, sir, I am astonished beyond measure that a party with a record so utterly vile and wretched and wicked should be so lost to all shame and decency as to make an appearance before the loyal people of Iowa.

"They should be trampling in the wilderness of oblivion, and never more return."

[Laughter on the Republican side.]

He said in a joint debate with Col. H. H. Trimble, at Bloomfield, on September 4, 1868:

"Here we have the old fight over again. The Confederate Democracy, North and South, in which the infamous copperhead division of Iowa appears, are again contesting with Grant for the safety of the Union. As at Donelson, he proposes to 'move on their works at once,' and there is no escape for this rank, traitorous horde, except in another surrender. Charge on them, fellow Republicans, and spare not one, not even a deputy road superviser, from total political annihilation."

[Laughter on the Republican side.]

He said in Bloomfield on September 26, 1869:

"What is the use of further arraigning the defunct Democracy, with all its hoary crimes, at the bar of public opinion? We know that its acts comprise murder, treason, theft, arson, fraud, perjury, and all crimes possible for an organization to connive at."

[Renewed laughter on the Republican side.]

"It would be a mercy to put its record a million miles deep in the pit that is mentioned in Holy Writ; and I may add that if a large and distinguished assortment of its alleged statesmen were sent along it would only be common justice."

[Applause on the Republican side.]

He said in Fairfield, September 18, 1870:

"The Democracy, as usual, are loud in their opposition, but what did they ever do when they had a chance? Here in Iowa they stole the school fund and nationally they stole the arsenals, the Navy, the Treasury, everything that was not red hot, and created the very devil's rebellion. And these men appear and ask for your support. They should come on bended knee asking your forgiveness for the unspeakable crimes they have committed and the wretched miseries inflicted upon our common country."

[Loud applause on the Republican side.]

He said in Keokuk, September 16, 1871:

"The record of the Republican party appeals to the candid judgment of all men as unimpeachable, save, perhaps, that it was too lenient with the leading Democratic conspirators. The same old gang, save those who were shot or hung, are again conspiring to get possession of the Government next year. Woe to them! for the loyal hosts will crush them, and crush them forever and forever out of all possible danger of such a misfortune to our common country."

He said in Oskaloosa, September 25, 1872:

"No Republican can ever, under any circumstances, have any part or lot with the hungry, rebellious, man-hating, woman-selling gang corporated under the name of Democracy, a name so full of stench and poison that it should be blotted from the vocabulary of civilized man and handed over to the barbarism that it so fitly now and in all the past has represented."

[Prolonged applause on the Republican side.]

He said at Stiles, September 11, 1873, in referring to the financial policy of the Democratic party:

"But, then, what could you expect from the poor, blind, diseased, decrepit, dismal, damned old Democratic party?"

[Prolonged laughter on the Republican side.]

He said at Monona, September, 1874:

"There can be no doubt about the question at all. With greenbacks and national-bank notes our business needs are well met. There can be no better unity of the paper currency than these. But the assaults of a party which through its financial legislation inflicted untold wrongs and robberies upon the people by permitting banks without a solid basis to issue a circulating note. * * * The fact is, gentlemen, the Democracy never has been able to comprehend the financial question. Between its inherent dishonesty and apparent senility it makes a petty but not unusual exhibition of its corporate, consolidated idiocy."

[Renewed laughter on the Republican side.]

Mr. HENDERSON, of Iowa. Now, Mr. Chairman, I withdraw the motion to strike out the last two words and move to strike out the last three.

Mr. HOPKINS, of Illinois. I would like to inquire if Mr. BLAND is present?

Mr. HENDERSON, of Iowa. I will now return the compliment of my colleague from Iowa, who favored me with a question, by asking him if he denies that he made these utterances as just read.

Mr. PERKINS. Ask him if they were true when made.

Mr. WEAVER. I will reply in my time.

Mr. HENDERSON, of Iowa. You will not grant me that answer now? Then, Mr. Chairman, I will say I have taken pleasure in having this matter read before the House, because I want to give my colleague credit for some of the best utterances that ever fell from his lips [applause on the Republican side], some of the truest indictments that ever were drawn against the Democracy, drawn when he was one of the standard-bearers of the Republican party.

I did not hear these speeches made, but they have been published again and again in Iowa as having been made by my colleague. I have taken these utterances from the National View, published in Washington, D. C., one of the leading Greenback papers in the United States, edited by one who has been, if not now, the secretary of the National Greenback party, and has trained at different times side by side with my colleague in advocating the interests of the Greenback party.

We certainly have these utterances from sources that are entitled to credit. I have watched with some care in the National View to see any refutation or denial of these speeches by the gentleman from Iowa, but none appeared that I was able to discover, nor have I ever seen any public refutation of them in Iowa from my colleague.

While we are having the views of individuals to entertain the American people I thought it not out of place to give my colleague an opportunity to speak, as he did speak, from his heart and judgment when he gave those eloquent utterances.

Now, Mr. Chairman, I withdraw the *pro forma* amendment.

Mr. WEAVER. I renew it, Mr. Chairman.

As will be seen, the date of those so-called speeches——

A MEMBER (on the Republican side). You are pleading the statute of limitation, are you?

Mr. WEAVER. No, sir, never. I want to say those remarks were uttered in years past when the situation was entirely different from what it is now, and are the oldest kind of chestnuts in my district and in Iowa. [Derisive laughter on the Republican side.] No matter, gentlemen; they laugh best who laugh last. Wait until I get through.

Mr. HENDERSON, of Iowa. Will the gentleman yield for a question?

Mr. WEAVER. No; I can not. I will give the gentleman all he wants.

I was an ardent opponent of the Democratic party during the anti-slavery controversy. I espoused the standard of the Republican party before I was of age, and I followed it through good and through evil report, in peace and in war. The war ended, I opposed the Democratic party in its attitude toward the question of reconstruction and all of the questions that grew out of the war which constituted party issues. I have no doubt that I uttered, if not the words contained in the extracts read before this House, words equally as forcible and substantially similar.

Mr. HENDERSON, of Iowa. There is no doubt of that.

Mr. WEAVER. I have nothing to take back with regard to my course on the issues that arose out of the war. It relates to the distant past, and it is wholly unnecessary. I followed the standard of the Republican party because I believed whilst I was doing it that they were right and were the friends of the poor, the lowly, and the downtrodden; but when I learned that the Republicanism of 1877 was not the Republicanism of 1860; when I found that they had demonetized silver, which had been good enough for everybody from the time of Washington down to the time of General Grant; when I further learned that the Republican party had passed the act of January 14, 1875, to convert the greenbacks into interest-bearing debt, and another act to refund the public debt and make it payable in gold coin, thereby robbing the people of fully $600,000,000 in this single enactment; when I found they had given away hundreds of millions of acres of the public lands and were making no effort to reclaim it; when I learned further that they sought to perpetuate the national debt and intended to make it the chief corner-stone of national banking, and that bank-notes were to be substituted for greenbacks as our sole paper circulation, with the monstrous attendant evils of expansion and contraction at the will of the banking corporations, and when I read in the speech of JOHN SHERMAN, delivered at Mansfield, Ohio, that such was to be the settled policy of the Republican party, I concluded it was time for me to quit.

And although I had been a member of the convention in 1877 that nominated my colleague [Mr. GEAR] for governor of Iowa, and had supported him in that convention for the nomination, when I became acquainted with these facts I wrote him an open and frank letter saying that I could no longer act with the Republican party. I could not do so because I found they were no longer the friends of the poor, and that whilst we had emancipated four millions of human beings, they were now, through vicious legislation, pursuing a policy which would, unless arrested, enslave many more millions of the white people of this country. The events of the past ten years have justified my gravest fears. [Applause on the Democratic side.] I left them then and challenged them to open combat, and have never asked for quarter nor struck my colors. I have delivered blow for blow, ever trying to keep within the bounds of proper political warfare.

I left the Republican party when it had 80,000 majority in Iowa and 4,000 majority in my Congressional district over all opposition. Does that look like hunting for an office? Does it not rather look like I was following my convictions? I leave this House to judge of that matter. When I began with the little band of Greenbackers to denounce these great wrongs I found the Democratic party of the West, which I had so vigorously fought in the past, under the leadership of the gallant gentleman from Missouri [Mr. BLAND] and others, were leading in the good work of remonetization of silver, and they passed a bill through this House for its full and free reinstatement. [Applause on the Democratic side.]

I found, furthermore, that when the bill for the free recoinage of silver reached the Republican Senate they emasculated it, and that a Republican Senator from my own State [Mr. ALLISON] was the gentleman who accomplished the result. Having stabbed every greenback note in the back with the word "except," they now sought to send silver forth maimed and crippled, only to be coined in limited quantities, and then only on Government account.

I found the Democracy of the Northwest and of many other sections of the country bitterly opposed to the destruction of the greenback currency and its wicked conversion into interest-bearing debt, and early in the winter of 1878 they passed a bill through this House which put a stop to this destruction. The little band of Peter Cooper Greenbackers had aroused the country and many stanch old Jackson and Jefferson Democrats rolled up their sleeves and went to work in their own party with the results stated. [Applause on the Democratic side.] Many Republicans, in defiance of their party leaders, joined in the good work also. As the battle for equal rights and fair play waxed hot I sought affiliation with the Democrats of my district and State, and we have ever since in my district, and often in the State, co-operated, and we have made it mighty lively for you from that day to this. And I advise you to keep your eyes open, for there is still more fun ahead. have never joined the Democratic party.

I am a member to-day of the Union Labor party, into which the Greenback party has practically merged, along with some other labor organizations. While it is true that I have never joined the Democratic party, I have felt it to be my duty to affiliate with that party in this House, in my State, and in my district, whenever it was practicable, through the action of separate conventions, because I believe the Democratic party is nearer to the people than the Republican party, and because I find more friends there for the principles which I represent than in any other party outside of my own.

But while thus affiliating, it has been done in the frankest possible manner and with the distinct knowledge that I reserve my independence and the right to strike at wrong wherever found, and the gentleman knows that I have been fearless in the exercise of my independence. I have nothing to conceal here. Those old extracts have been read in all the campaigns in Iowa for the past decade, until they sound like extracts from ancient history. The Democrats there have said, "Yes, he did hit us hard, but we hit him just as hard, and the account is square; and we prefer him to any monopoly Republican that can be put up in the State." [Applause on the Democratic side.]

Mr. HENDERSON, of Iowa. I desire to say a few words.

Mr. O'NEILL, of Missouri. I move to strike out the last word.

Mr. HENDERSON, of Iowa. I rise to oppose the amendment of my colleague.

Mr. O'NEILL, of Missouri. The gentleman has already spoken. I want to know, Mr. Chairman, whether it is possible to have intelligent, common-sense business done in this House—whether it is not time to end this interjection into the tariff question of this political twaddle which is only wasting the time of the House?

Mr. HENDERSON, of Iowa. Mr. Chairman, am I not recognized?

Mr. MILLS. I would like to have an end of this political discussion. Let us vote.

Mr. TOWNSHEND. Let us go on and work.

The CHAIRMAN. The amendment can only be withdrawn by unanimous consent.

Mr. HENDERSON, of Iowa. I rise to oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman for that purpose.

Mr. HENDERSON, of Iowa. "How have the mighty fallen!" My colleague [Mr. WEAVER] confesses that the utterances just read were made by him, but he pleads the "baby act," because they were made in the days of his adolescence. They were made as late as 1872. I wish to ask my colleague, and would like him to answer now, whether when he made those charges against the Democracy he believed they were true?

Mr. MASON. He said so.

Mr. HENDERSON, of Iowa. The gentleman said so, they tell me, and he is silent though in his seat now. Very well. Now he says that he changed his position because the Republican party fell from grace. Ah! Mr. Chairman, I have lived in Iowa since I was a child, and have been an observer of the records of our public men. In 1875 I was a member of the same Republican State convention with my colleague when he was a candidate for nomination for governor.

It was the judgment of the Republican party of Iowa that the old war governor, old Sam Kirkwood, should be nominated instead of my ambitious friend. He was so nominated, and my friend was defeated in that Republican convention. Up to this time he had stood among the foremost champions of every Republican proposition that had been laid before the country—financial propositions and all. In public and in private he stood forth as a gladiator defending Republican ideas and Republican policies. But he was beaten as a candidate for governor in that convention. Matured man as he was, a man of well-formed judg-

ment, well equipped in knowledge of public affairs, he was beaten on the first ballot in that convention. [Applause on the Republican side.] Then, suddenly, within two short years, the grumbling commencing *co instanti*, this revolution took place; and the convictions which followed his blade at Donelson, that had led him up to a matured manhood, suddenly fell as though stricken by a bolt from God. All at once my colleague finds the Republican party not pure enough for him [laughter], and he suddenly jumps into the ranks of the rotten Democracy, as he has just described them.

And now he gets up and tries to make this House and the country believe that he changed his position because the Republican party had become politically so corrupt. Did it become corrupt between 1875 and 1877? What monstrous political revolution had taken place in the Republican party in those two brief years? Ah, "Consistency, thou art a jewel!" But that does not describe my colleague.

Again, in 1880, he suddenly broke loose from the Democracy and became the Presidential candidate of the Greenback party. At that time, in his speeches in the South and in other parts of the country, he drew an indictment against the Democracy showing how terribly they had fallen, describing their outrages in the South, their ballot-box stuffing; and above all things he appealed to the Greenbackers to oppose going into any combinations with the Democracy. [Applause and laughter on the Republican side.] Some are even mean enough to claim that he ran in 1880 as the tail of the Garfield kite to keep fusion from taking place between the national Greenback party and the national Democratic party. I do not say that was the motive; but he did us lots of good in that campaign. God bless him for that! [Laughter and applause.] We "downed" the Democracy.

After that campaign of 1880, before he had time to let the blood retire from his beautiful countenance after the exertions of that campaign, he came back into Iowa and roared for fusion with Democracy, and got it, too; for he is an able man; we all concede and admire his ability. After denouncing fusion in 1880, he has since been working for it, commencing immediately after that campaign, and having obtained his seat in this House on that doctrine. He is now enjoying the fruits of his latest flop as a Democratic member of Congress.

[Here the hammer fell.]

Mr. MILLS. I move that the committee rise.

The committee divided; and there were—ayes 87, noes 82.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the tariff bill and had come to no resolution thereon.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union; and pending that motion I move that all debate on the pending paragraph and all amendments thereto be closed in ten minutes; and on that I demand the previous question.

The previous question was ordered; and under the operation thereof the motion for closing debate was agreed to.

Mr. MILLS. I now ask for a vote on the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. Under the order of the House all debate on the pending paragraph and all amendments thereto has been closed in ten minutes.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the gentleman from New Jersey [Mr. PHELPS], who commenced the debate on the pending paragraph, promised us some proofs in regard to the effect the proposed legislation would have on the industries affected by it. I regret in the interest of practical legislation that the gentleman drifted into a political discourse, but I hope in the five minutes which are allowed to his side of the House he will give us the proofs he has promised. We have had assertions, we have had prophecies, but we have had no proof of any kind submitted to the House.

The present rate in the law is 40 per cent., and the duty on dressed line flax is $40 a ton. The duty on undressed line is $20 a ton. It is proposed by this bill to reduce the tax on the finished article from 40 to 25 per cent. ad valorem, and to put undressed flax on the free-list, and in accordance with the amendment adopted in a previous part of the proceedings of the committee to put dressed line at $10 a ton.

The question for us to consider is the amount of protection left and how it bears upon the labor engaged in this industry. The value of a ton of dressed line on the other side of the ocean is over $525. Ten dollars is less than 2 per cent. tax. If we adopt the form of calculation of deducting that tax on the raw material from the protection given to the finished product we would have a net protection of over 23 per cent. But, sir, the undressed line comes in free, and therefore in one sense and in one form it may be said that protection obtains to the extent of 25 per cent., and in no form or sense to less than 23 per cent.

Let us compare this with the rates which have obtained in this line of business under past laws. Under the tariff of 1857 there was a protection on the manufacture of flax of 15 per cent. ad valorem. Only linen thread or twine had more than this, and that was 24 per cent. There was no tax then on the raw material which enters into flax goods. When that law was passed it received the vote of every gentleman in this House from the State of Massachusetts, and of every gentleman in this House from the State of Maine, and it received in its favor every vote from New Jersey.

The duty proposed in this bill is nearly double that on all flax goods except thread and twine, and equal to the old duty on that. The proposed protection is nearly double.

Is my time out?

The CHAIRMAN. It is.

Mr. BRECKINRIDGE, of Arkansas. I wanted to bring out one or two more facts. I ask that the time be extended ten minutes more; I will consume five, and let five be given to the other side of the House.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE, of Arkansas. In 1861 in the Morrill bill the duty was made 30 per cent. on all flax goods and the tax was made $15 a ton, both on dressed and undressed flax. Taking undressed flax as the base and at present prices, a little over $200 for such flax, this was, as we are giving, less than 23 per cent. protection net. But this bill carries over 23 per cent. It was considered entirely adequate then. Mr. MORRILL said some of the rates exceeded the needs of protection. It received every vote but 13 in this House of the entire vote from New England, New York, Pennsylvania, and New Jersey. The proposed protection, then, is every bit as much as it is in the Morrill tariff bill of 1861, though we all admit that the need of protection grows less as time goes on. In the tariff of 1862 a slight increase was made in the flax schedule.

At that time it was asked of Mr. MORRILL whether this increase was for protection. It was distinctly denied by him and by other members of the committee that it was needed by the industries or intended for the purpose of protection, but for temporary war purposes. This I brought out fully in my speech in the general debate.

It was to be repealed as soon as the condition of the United States Treasury would permit. The title of the bill was "An act increasing temporarily the duties on imports, and for other purposes."

Now, what is the labor cost? If you turn to the document which I hold in my hand, issued from the Interior Department, and from Mr. Seaton, the Superintendent of the Census, you will find he says that in the linen-goods industry, which is a fair sample, in this country 20 per cent. of the value of the goods is the extent of the labor cost in it.

You ask us, therefore, to cover the difference between 20 per cent., shown to be the labor cost even here, and something less than 20 per cent. in other countries. We leave you a considerable margin to do it. We fix the rate at over 23 per cent. We leave, therefore, 3 per cent. more duty than there is labor in the entire product; and yet the gentleman from New Jersey who was going to give us some facts in connection with the matter—which have not been given—takes the position that this is going to destroy the industry in this country, of which fact, however, he has, I say, failed to give any proof. These figures now relate to the industry as it has been built up in recent years.

Sir, this completes the statement I wanted to make, and I now yield the remainder of my time to the other side of the House.

Mr. JACKSON. Before proceeding with my remarks I desire to have read on behalf of the gentleman from New Jersey [Mr. LEHLBACH] the telegram which I now send to the desk, so that it may be inserted in the RECORD. This telegram is in confirmation of the statement made by the gentleman from New Jersey [Mr. PHELPS] during the course of his remarks.

The Clerk read as follows:

NEW YORK, *July* 11, 1888.

HON. HERMAN LEHLBACH,
House of Representatives, Washington, D. C.:

We most earnestly urge you to oppose the proposed reduction in the tariff on flax, hemp, and their products. We pay from two to three times more wages than European manufacturers do. We can not, for this reason, even under present tariff, compete in fine grades with foreign manufacturers. The proposed reduction would destroy our industry here, increase the revenue by quadrupling importations, and make the United States dependent on Europe for its supply of flax and hemp products.

MARSHALL & CO.

Mr. JACKSON. Mr. Chairman, I desire to call the attention of the committee to the peculiar character of the argument made by the gentleman from Arkansas [Mr. BRECKINRIDGE]. It is a form of reasoning to which we have been frequently treated by gentlemen on the other side of the House. The gentleman seems to be able to satisfy his own conscience and the conscience of the majority here upon any of the great questions of protection growing out of this bill, if he is only able to show that at any time in the past the Republican party has not given any higher protection to an industry than they are now offering to give by this bill. It is not often that they fairly have opportunity to make such comparisons, but they are eager to catch at the smallest opportunity of this kind.

Why, Mr. Chairman, we can well admit that there are industries in this country that the Republican party has not yet sufficiently protected.

That was one of the things the Republican party had in mind when,

in its national platform, it pledged itself to a revision of the tariff duties. That revision means revision up as well as revision down. It means to keep in mind the great principle of protection, the great American principle which is to protect all the industries of this country. It is one of the things the Republican party may well be proud of—that it has always striven to improve the laws of the land; that, when new questions and new issues have from time to time arisen, it has been brave enough and honest enough to meet them.

Mr. Chairman, the flax and hemp industries are of the class of industries of this country that never have been sufficiently protected. I confess that the Republican party has not done all it should have done in this direction. I support most heartily the amendment of the gentleman from New Jersey [Mr. PHELPS], and only regret we can not go further. But we can not expect to induce the committee to go further than the amendment proposes.

I regret very much to be compelled to say that the majority has not, even with the information furnished them by our side of the House, exhibited any great willingness to adopt proper amendments to this bill.

I take issue at once with the gentleman from Arkansas [Mr. BRECKINRIDGE], who makes the statement that there is but 20 per cent. of labor in the production of flax and hemp. He certainly is mistaken in that respect. He gives some meager extracts from the census reports as authority. But a moment's thought and reflection ought to convince any one that there is some wrong application in the facts and reports if they appear to show that in the production and manufacture of flax and hemp only 20 per cent. is attributed to labor. Let me call attention to the facts, and he will at once see that in the larger classes of this product the quantity of labor must be far in excess of 20 per cent.

Take flax after it is grown and ready to be cut or pulled. I presume our friends would then call it raw material, but in fact it has required great labor to bring it to that condition. The land had been cleared and fenced by labor; the soil had been plowed and harrowed by labor, and the seed sown by labor. But flax when grown is of very trifling value, so little that in this country thousands of tons are burned because the farmers are unable to utilize it.

But after the flax is grown it goes through the different processes of rotting or retting, rippling, and scutching—each requiring a large amount of skiled labor.

The following description I ask to have printed will show more fully than I can describe the labor that is bestowed on flax before it becomes what is called dressed line and is ready for spinning. It is then worth $200 per ton, nearly all of which is labor. Even then it is treated by this bill as raw material.

There are two ways of retting flax, water retting and dew retting. Water retting is followed mainly in Western Europe. The bunches of flax are sunk in large shallow dams, and held down by turf. The water causes certain chemical changes to take place in the fiber, which softens it and fits it for manufacture. Dew retting is mainly in vogue in Russia. There the stalks are simply left on the ground exposed to the action of the sun, air, rain, and dews until similar chemical changes are brought about.

After the stalks have been retted the seeds or berries are combed out. This is called rippling. Finally the flax is passed through breaking or "scutching" machines, which beat out the shives or wooden cores. It is then ready for the manufacturer.

See, then, how much labor has been expended upon the flax in order to make even raw material of it. It has been sowed, pulled, tied, retted, rippled, and scutched. Or, omitting the work done before it leaves the field in which it grew, it has gone through three separate and distinct processes before it comes to the spinning mill.

Surely a strange sort of raw material this flax. But even yet it is not certain whether it is entitled to be called raw material, for half the people who know all about flax insist that it can not properly be called "raw" until it has gone through still another process, called heckling. Heckling is done both by hand and by machinery. It is a combing process, and the flax that has passed through it is called "dressed line." The waste from the combs is called tow, and is used for coarser kinds of manufacture.

Now, at last we have got to the raw material, for no one will deny that dressed line flax is raw material, except the hacklers who have combed it, the scutchers and ripplers who have thrashed it, so to speak, the retters who have retted it, and perhaps the farmers who have pulled it.

I will not detain the committee with descriptions of the further processes of this manufacture. In short, it must be subjected to drawing, roving, and spinning, each a separate and distinct process. These alone to make thread or yarn, there being in case of twines some additional and different treatment.

The large proportion of the cost of this product when it has become thread and twine that must be attributed to labor is apparent. When we follow it to higher stages of manufacture, such as linens, the cost of labor still increases, and we can see how far wide of the mark is the suggestion that only 20 per cent. of the finished product is attributable to labor.

I have a purpose in making these statements. I want to show that there is no reason why flax in the condition called dressed line should come within the argument urged on the other side in support of this bill; that is, the argument that it should be permitted to come in free as raw material. Raw material is not a proper name for importations under the flax and hemp schedule of any article whatever. For this reason I call attention to the fact that when flax and hemp come here it has then received a large part of its value from labor alone, and is no longer raw material. Labor has taken the straw of little value, and when it reaches us it is worth $200 per ton.

Here at once we have the explanation why the farmers of the Northwest burn thousands of tons of flax. Great labor is required to prepare it for market. Our labor is higher priced than Europe and Asia, and without adequate protection we can not take care of flax. In no industry is the difference in wages between our country and others more plainly shown than in the flax industry. I shall print with my remarks a table showing this difference, and which is a good illustration of the advantages our laborers have over those of other countries.

I want again to call the attention of Congress to the fact that the men engaged in the flax and hemp industries of our country are opposed to this bill.

You tell us that you want raw material free, so we can manufacture more than we do; but the men engaged in the business say no. They understand very well that it is better for them to have laws that will encourage the growth of flax and hemp in this country than to be dependent on foreigners.

Mr. Chairman, my time is so short that I can not say what I would like on this subject. I desire in great earnestness to impress on Congress that the reduction of duties on manufactured articles, as proposed in this bill, means utter destruction of the flax and hemp industry.

There are many irregularities in the proposed bill, and the duties are reduced out of proportion to other kinds of manufactures. This could not well be avoided when the bill was prepared, without the aid of men familiar with business. But I do not consider it necessary to discuss this point. It is apparent from votes already taken that the majority of this committee will not make any changes in this bill, no matter how imperfect it may be shown to be. I ask to have printed with my remarks two letters received from Messrs. Bentley & Gerwig upon this subject. They are gentlemen engaged in my district in the manufacture of flax and hemp. They are intelligent gentlemen, who have had a long experience in the business, men of undoubted honesty and integrity, and what they say ought to have weight with the committee.

As will be observed they corroborate what we have heard to-day from other parties interested in this industry, by telegraph and letters. They all oppose the passage of this bill.

Such statements ought to be sufficient to induce the majority to change their bill. Will they heed this testimony?

NEW BRIGHTON, PA., *April* 16, 1888.

DEAR SIRS: After struggling forty years, we have succeeded in establishing an important industry for manufacturing flax and hemp twine from American hemp and flax. About the year 1875 we made the first twine that was ever used on a grain-binder. Increasing the quantity each year, we now make about 200 tons annually (in addition to other twines), all from American hemp, thereby contributing to the success of that great labor-saving machine, the grain-binder.

If the duty is taken off hemp and flax, we believe there would not be a pound grown in the United States. We could not compete with foreign manufacturers, nor even with manufacturers in our own country who are located near the seaboard, as the freights would be against us and we would be under the necessity of stopping our mill. Two hundred hands would be thrown out of employment and the savings of two generations, invested in buildings and machinery, would be rendered worthless.

We would, therefore, most earnestly protest against the putting of foreign fibers on the free-list, and the lowering of existing duties on manufactured goods.

Very respectfully,

BENTLEY & GERWIG, LIMITED.

The Hon. the MEMBERS OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

NEW BRIGHTON, PA., *July* 10, 1888.

DEAR SIR: Permit us to call your attention to a few points in the "Mills bill" that directly affect our interests:

1. Whereas cotton and woolen goods are granted an average protection of about 40 per cent., flax, hemp, and jute goods are reduced to 15 and 25 per cent. This, we think, is a great injustice. While cotton manufacturers get all their supply of raw material in this country, we, as flax, hemp, and jute manufacturers, will probably be compelled to get our supply of stock from foreign countries, on account of their being on the free-list, and thus freights would be against us in competing with foreign countries, while in cotton goods the advantages would be the other way.

2. Then again on machinery. For cotton it is nearly all made here, because the cotton industry has grown so large that the manufacture of cotton machinery has developed as well and in same proportion, while the manufacture of flax, hemp, and jute machinery has not been developed, because the flax and hemp and jute industries are yet in their infancy, not having been sufficiently protected and fostered. Hence the machinery for these fibers is imported at heavy duties, and this is simply because the machinery is quite complicated and expensive. The demand for this class of machinery is yet so small that it will not justify machinists in getting up necessary patterns and tools to make said machinery. The expense would exceed the profits.

Then again, we do not think it right that cordage, both tarred and untarred, should have 25 per cent. duty, while flax, hemp, and jute yarns, and all twines of same should only have 15 per cent. It should be exactly the reverse, as twines and yarns are finer than cordage, and hence more labor on them; they should have 20 per cent. more than cordage, instead of 10 per cent. less. And lastly, it is a mistake to have two duties on twines; one for hemp and jute, and another for flax. It will lead to undervaluations and injustice, as the fibers are so similar that it would require experts to tell the difference; and we could not expect Government inspectors to be experts on this class of goods. Hence the higher class would be brought in under the lower duties, greatly to our disadvantage. In conclusion, we can not see any necessity whatever why a young and struggling industry should be thus harshly, and as we think unjustly, dealt with. Our profits have never been excessive. Our manufacturers have never had any combinations or trusts to control prices or labor. All we ask is reasonable protection, and do trust the honorable House of Representatives will duly consider our claims and our protest against lowering existing duties.

Very respectfully,

BENTLEY & GERWIG, Limited.
JOS. BENTLEY, *Secretary.*

Hon. O. L. JACKSON,
Washington, D. C.

Average rates of wages paid in the flax-spinning trade, Europe and America.

[Mark equal to 23.8 cents; ruble equal to 50 cents; franc equal to 19 cents.].

Occupations.	Prussia Silesia.*		Rhineland.*		Germany.*		Russia, Eastern.†		Russia, Western.*		France.*		United States.‡	Great Britain.
	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Per week of hours.
	Marks.	*Dollars.*	*Marks.*	*Dollars.*	*Marks.*	*Dollars.*	*Rubles.*	*Dollars.*	*Rubles.*	*Dollars.*	*Francs.*	*Dollars.*	*Dollars.*	*Dollars.*
Sorters	8.34	2.00	15.84	3.75	12.10	2.88	.....	.....	.....	.....	20.00	3.85	12.00	4.86
Roughers	6.67	1.60	12.50	3.00	9.60	2.30	.....	.....	.....	.....	.....	.....	12.00	4.86
Machine-workers	4.60	1.15	7.50	1.78	6.05	1.46	1.60	.80	2.00	1.00	7.00	1.35	5.60	1.46
Spinners	6.67	1.60	9.17	2.18	7.92	1.98	2.20	1.10	2.25	1.12	10.50	2.02	7.60	1.82
Reelers	6.67	1.60	9.17	2.18	7.92	1.98	.....	.....	.....	.....	17.50	3.37	7.00	1.34
Roving	5.84	1.40	8.34	2.00	7.10	1.70	1.28	.64	2.25	1.12	10.50	2.02	5.00	1.58
Carders	5.84	1.40	7.92	1.88	6.90	1.65	.....	.....	2.25	1.12	11.50	2.20	6.00	2.19
Spreaders	5.00	1.20	7.92	1.88	6.45	1.55	1.20	.60	2.25	1.12	10.50	2.02	8.00	1.70
Drawing	5.00	1.20	7.50	1.78	6.25	1.50	1.08	.54	2.25	1.12	9.50	1.85	5.00	1.95
Doffers	3.75	.90	5.84	1.40	4.80	1.15	1.00	.50	1.50	.75	.....	.....	3.50	1.34

*Work 72 hours per week. †Work 81 hours per week. ‡Work 60 hours per week.

Flax and Hemp Spinners and Growers' Association, 1886.

Mr. LODGE. Mr. Chairman, I rise to ask that a dispatch of three lines, which I hold in my hand, may be read and published in the RECORD.

The Clerk read as follows:

ANDOVER, MASS., *July* 11, 1888.

HON. HENRY CABOT LODGE,
House of Representatives, Washington, D. C.:

Reduction of duties on manufactures of flax would probably entirely destroy an important American industry.

SMITH & DOVE MANUFACTURING COMPANY.

Mr. PHELPS. Mr. Chairman, I ask unanimous consent to insert in my remarks a letter to which I referred.

The CHAIRMAN. The gentleman has that right under the general leave to print.

Mr. FARQUHAR. Has all the time been exhausted?

The CHAIRMAN. There are three minutes still remaining.

Mr. FARQUHAR. I would like to occupy those three minutes.

Mr. BLAND. As I understand, the House ordered this debate closed in ten minutes.

The CHAIRMAN. The House did.

Mr. BLAND. Then I object.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the gentleman in charge of the bill arose and asked unanimous consent that the debate be continued ten minutes longer. The Chair recognized the fact that that request was not in order, but as it came from the Ways and Means Committee and there was no objection, the debate was allowed to continue.

Mr. BLAND. I was not here or I should have objected. I do now object, and raise the point of order that the committee had no right to extend the time.

Mr. BRUMM. It was done by unanimous consent.

Mr. BLAND. I withdraw the point and will let the discussion continue.

Mr. FARQUHAR. Some days ago I took occasion while we were on the paragraph in regard to flax to have inserted in the CONGRESSIONAL RECORD a letter from Dunbar, McMaster & Co., of Greenwich, N. Y. Since that time, having an interest in this industry, I have taken pains to examine all that is contained in Secretary Manning's volume, which he furnished to the last Congress. Not one of the letters bears on the trend of the reduction of this duty. The gentleman from Arkansas, in the remarks he made a few moments ago, seemed to think there was no infringement at all on the workers' wages here. He fails to take into account this fact: That most of these great industries that are affected now have come into this country and have been built up in this country since the Morrill bill went into effect. Consequently what argument of the gentleman may remain in respect to the wage question and in respect to the difference between raw material products and wages can not certainly hold good now.

Without trespassing further on the time of the House, I desire to send to the Clerk's desk the report of Secretary Manning, and have read a portion of the letter of J. R. Leeson & Co., of Boston, who are the agents of the Grafton Thread Mills. From that letter, Mr. Chairman, the House can get exact data of the difference between one of the best running thread-mills in the world, at Johnstone, Scotland, and the Grafton Mills, in Massachusetts.

The letter is as follows:

BOSTON, *November* 6, 1885.

SIR: Referring to the Treasury circular sent to the Grafton Flax Mills, asking for information in regard to linen-thread manufacturing, we beg to submit briefly our replies upon the main points suggested therein.

* * * * * * *

Wages.—The wages paid throughout all the manufacturing departments at Grafton are fully double what are paid at the Johnstone Mills for exactly the same work. In many cases the Grafton rates are 200 per cent. greater, and it is certainly within the mark to state that the wages at Grafton are double those paid in Johnstone for the same work and time.

Machinery.—The machinery at Grafton was all imported, as no flax machinery, such as is there used is, to our knowledge, made in the United States. The duty on the machinery was 35 per cent., and on the brass and steel portions 45 per cent. ad valorem. With transit and other incidental charges added, the cost at Grafton was 50 per cent. higher than in Scotland.

Buildings.—Such experience as we have had of building in the United States leads to the conclusion that a mill here costs at least double what the same mill would cost in Scotland. With buildings and machinery costing 100 per cent. higher, it will be seen that a mill in the United States, fully equipped for running, will involve double the capital and interest charges of an establishment in Scotland.

Supplies.—General mill supplies are as a rule dearer at Grafton than at Johnstone, although oils are somewhat less here; but on the whole prices here for supplies are higher than in Scotland.

Coal.—This is a very important item, and it is considerably dearer at Grafton than at Johnstone. Coal has never been lower at Grafton than $4.50 per ton, while at Johnstone a similar quality could be bought for $1.25 to $1.50 per ton. The cost of coal at Grafton, therefore, will be fully three times the cost at Johnstone.

From the foregoing it will be seen that the cost of manufacturing threads at Grafton is very much greater than in Scotland: (1) the duty of 5 to 7 per cent. on the raw material used; (2) building costs 100 per cent. more; (3) machinery costs 50 per cent. more; (4) coal costs 200 per cent. more; (5) wages are at least 100 per cent. higher. Under such circumstances a protective duty on the manufactured thread is absolutely essential to the existence of an American linen-thread mill. Taking into consideration all the various items of increased cost as enumerated, we are fully satisfied that any reduction of the present rate of duty on linen thread, which is 40 per cent. ad valorem, would entail the most serious results upon linen-thread manufacturing in the United States, and would make it extremely difficult for domestic thread manufacturers to hold their own against foreign-made thread.

We beg to remain, sir, with great respect,
Yours, faithfully,

J. R. LEESON & CO.

HONORABLE SECRETARY OF THE TREASURY,
Washington, D. C.

The question was then put on the amendment offered by the gentleman from New Jersey [Mr. PHELPS], and the Chair was in doubt as to the result.

Mr. PHELPS. I call for a division.

The committee divided; and there were—ayes 52, noes 73.

So the amendment was rejected.

The Clerk read as follows:

Oil-cloth foundations, or floor-cloth canvas, or burlaps, exceeding 60 inches in width, made of flax, jute, or hemp, or of which flax, jute, or hemp, or either of them, shall be the component material of chief value, 25 per cent. ad valorem.

Mr. GROSVENOR. I move to amend in line 413 by striking out "twenty-five" and inserting "forty."

Mr. Chairman, our friends on the other side have set us the example of invoking here the opinions of persons not connected with this debate nor with the House of Representatives in regard to the current politics of the day, and the result of that invocation has been to draw out the opinion which was formed by the gentleman from Iowa [Mr. WEAVER] some years ago as to the consequences that would follow the induction of the Democratic party into power in this country. Following up that line of thought, I desire to have read an extract from a speech by a distinguished Democrat, made within the past few weeks and the sentiment of which has gone unchallenged by the Democratic press and statesmen of this country.

The Clerk read as follows:

A REBEL SPEECH—GENERAL BRADLEY JOHNSON STIRS UP THE SPIRIT OF SECESSION.

WASHINGTON, *June* 7.

The red-hot rebel speech delivered in Baltimore, yesterday, by General Bradley T. Johnson, formerly of Virginia, at the Confederate memorial ceremonies held there, is not the least interesting subject of gossip here. It is a valuable

and timely contribution to the campaign gossip, and comes in good season on top of the St. Louis nominations. General Johnson, among other things, said:

"I expect to live to see the time when the cause of the Confederates will be looked upon as that of true constitutional liberty the world over. When the records shall be truly written and understood of men, the world will learn that our fight was for local self-government—the same battle that Gladstone is fighting for the Irish to-day—which is making a new chapter in the history of the world. Is any feeling more wide-spread to-day than respect for Robert E. Lee? At any time in the past one hundred years were there greater veneration and love for any man than for Stonewall Jackson? Does any story stir the English race deeper than the death of Ashby, who fell, leading a charge, twenty-six years ago to-day? How does the world measure the exploits of the dashing Jeb Stuart? The story of such devotion to a cause, of high courage and manliness in fight, has touched the heart of all this world, and this feeling will grow stronger and more universal as time goes on.

"Never was the South making greater strides in material progress than now. She is acquiring wealth and power swiftly and surely. Material prosperity is something great and worthy of admiration, but there are aspirations higher than mere accumulation of wealth, a feeling nobler than the desire to get rich. Will your new South produce such men as the history of the Commonwealth of the past can point to? Show me a Commonwealth that made such a record as Virginia from 1776 to 1865—from the day of Washington to that of Robert E. Lee—for genius, for patriotism, brains, statesmanship, ideas which characterized the great men who came from the South. The work of these men will go down in history to posterity. So will the deeds of the soldier who followed the Confederate cause in poverty, hunger, without pay and clothing, standing at his post for four years at the risk of his life with no hope of reward or promotion, no pension to look for when he was maimed, and no dream of a land grant for his services. Of all the men of that class—the sterling private soldier—let me put mine ahead of all. It is impossible for such men not to be honored. I did not believe the United States had a right to coerce the Southern people. I said I would fight if they tried to do it, and I did fight.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I hope our friend will now let us have a vote on this paragraph.

Mr. GROSVENOR. I withdraw the amendment, and move to strike out the last five words.

Mr. MILLS. I appeal to our friends on the other side to let us get on with this bill.

Mr. GROSVENOR. Let me have two minutes more, and I will not further occupy the time.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent for time to complete the reading of this extract.

Mr. HENDERSON, of North Carolina. I object.

The CHAIRMAN. The gentleman from North Carolina objects. If no gentleman on the other side desires to speak in opposition to the amendment, the Chair will recognize the gentleman, Mr. GROSVENOR.

Mr. GROSVENOR. I move to strike out the last five words, and I ask that the reading of the extract be continued.

The Clerk continued the reading, as follows:

I would do the same thing to-morrow, as God is my witness.

Many of us might have kept out of that war, but we did not. * * * The South is progressing. She is not dead. These old Confederate soldiers and their descendants elect ninety out of every one hundred Congressmen, thirty-four United States Senators, and the President of the United States. [Applause.] The Government of the United States is controlled by Confederate soldiers. It is always the case that when you get into a position to command respect you will get respect. The old Confederate soldiers are not idle. Their work for twenty-six years in government, in railroads, and industrial enterprises of all sorts is making itself felt all over this land. In 1890 Texas will send twenty-five men to Congress. The anxiety will be then, not who can carry New York in the election, but who can win in Texas. [Applause.]

* * * * * * *

A Maryland man fought a naval battle in Hampton Roads with a Monitor that caused a change in naval warfare all over the world, and there is not a line in the history of this State about him. A Maryland man defended the harbor of Mobile such as no other ever did, but he got no record for it. Every Confederate soldier carries with him, chained to his heart, a casket of his dead hopes and aspirations all through his life, as Douglas did the heart of Bruce to the Holy Land, to show his devotion to the cause for which he fought. If the time should ever come, and it were necessary, there are ten thousand in Maryland who would stand for their cause as Douglas did for Bruce.

"I have no sympathy with that slush and sentimentality that is always gushing over to the other people. I will not do that. I recall the sentimentality exhibited by some just before the eightieth birthday of Jefferson Davis, a man who, of all Confederates, has been singled out by his enemies and branded by malice and prejudice and kept from his rights. He is a patient statesman and a hero. He is renowned for his patriotism. I hope he will go down to his grave with the disfranchisement his enemies have put upon him, for I am sure he has no desire for it to be otherwise, and would never accept the right of suffrage except by unanimous consent, of which there is not the remotest hope."

The CHAIRMAN. If there be no objection, the *pro forma* amendment of the gentleman from Ohio [Mr. GROSVENOR] will be considered as withdrawn, and the Clerk will report the next paragraph.

The Clerk read as follows:

Oil-cloths for floors, stamped, painted, or printed, and on all other oil-cloth (except silk oil-cloth), and on water-proof cloth, not otherwise provided for, 25 per cent. ad valorem.

Mr. BUCHANAN. I move to amend in line 417, page 25, by striking out "twenty-five" and inserting "thirty." Mr. Chairman, one of the inequalities in the present tariff law is that foundations for oil-cloths and oil-cloths which are made from those foundations bear the same rate of duty. This inequality is not corrected in the pending bill, but is preserved, because the bill puts the foundations which are named in the preceding section and the oil-cloths themselves at a similar though a reduced rate. The amendment which I have offered will make a difference of 5 per cent. between the duty on the foundations and the duty on the finished oil-cloths. There should undoubtedly be some difference because of the more advanced stage of manufacture. The amendment which I have offered fixes a very low rate, indeed; much lower than should be given, but I have offered it in order to test this House and see whether they would be willing to make any difference between the lower form and the more advanced form of manufacture. The rate which I propose is the rate provided by the act of July 30, 1846, and from that time until the present, with the exception of a short period between 1857 and 1861, the higher priced oil-cloths have borne a rate varying from 30 per cent. up to 45 per cent. Now, the present bill proposes to reduce the rate to 25 per cent., and my amendment, as I have said, will still leave a great reduction in the present rate, while it puts oil-cloths at the at point which they were in the tariff of 1846. It does, however, allow a slight difference between the duty on the manufactured article and the duty on the materials which enter into the manufacture of it.

Mr. Chairman, I had hoped that the facts which I have stated would be placed within the hearing at least of gentlemen upon the other side who are to vote on this amendment, but I notice that a number of them prefer to discuss these measures in the cloak-room and perform their Congressional duties by coming out and voting after the discussion is over, unheard by them.

Mr. DINGLEY. Before the gentleman sits down I wish to call his attention to the fact that under the tariff of 1846 oil-cloth foundations were free, while the duty on oil-cloths was 30 per cent.

Mr. BUCHANAN. I understand that.

Mr. DINGLEY. But 5 per cent. difference between the foundations and the completed article is certainly insufficient.

Mr. BUCHANAN. I have put the difference at only 5 per cent., but I agree with the gentleman that it is entirely insufficient. I wanted to see, however, whether the men in my city who are engaged in making oil-cloth are to have any consideration at the hands of this House.

Mr. DINGLEY. Had you not better make your amendment 35 at least?

Mr. BUCHANAN. Of course I would prefer 35, but I want to see whether the other side will vote down 30.

Mr. ANDERSON, of Iowa. Mr. Chairman, a short time ago in this debate I was very much interested in a controversy between my colleagues, one on the right of this Chamber [Mr. HENDERSON, of Iowa] and one on the left [Mr. WEAVER]. It is not for the purpose of criticising either, but for the purpose of correcting, as I may, the record, that I wish to advert to what passed between them.

I was not surprised, in view of the school in which my friend on the right trains, that "demagogue" was one of the first things to come as a sweet morsel from under his tongue, to be applied to any man who does not see fit to square his conduct in harmony with the self-constituted "bosses" of the faction of the party with which he trains.

I know right well, from intimate knowedge of the history of politics in my own State and of the party in which he trains, that I am to-day a better Republican than he is when judged by every public and official utterance of the party, as I can prove beyond the shadow of a doubt if I am permitted to do so in the time accorded me. When he hurls the epithet "demagogue" at my friend across the way [Mr. WEAVER] he is only whipping the Republican Legislature of his own State over the shoulders of our distinguished colleague. The leading paper that is in harmony with the faction (and it is a mere faction) which controls the machinery and organization of conventions there through the help of railroad managers, the leading paper of the State representing that faction, has given the country evidence whom the gentleman means to refer to as "demagogue" when he so flippantly and frequently uses that epithet.

This paper, which is edited by Mr. J. S. Clarkson, a member of the Republican national committee, in an editorial a column long, classed together the present Republican governor of the State of Iowa and my colleague on the left [Mr. WEAVER], and denounced them both as "demagogues," saying "it was no better in Governor Larrabee," the present Republican governor, "to use the dogmas and doctrines and heresies that WEAVER was using than it was for WEAVER himself to use them." And this was the character of the warfare of the corporation end of the party during the session last winter on the governor and the members who favored railroad legislation that the people had been demanding for years.

You question the Republicanism that I profess for the simple reason that I do not square myself at all times in harmony with the dictation of a set of leaders of the party who, in my judgment, are misrepresenting the rank and file.

This same representative of that faction of the Republican party in my State, to which I have alluded heretofore, arraigned me the other day for obstructing the passage of what is known as the Union Pacific refunding bill. I want to say that, so far as the official utterances of the Republican party are concerned, and so far as that question in particular is concerned, I was squaring my conduct in what I did to obstruct the passage of that legislative monstrosity with the last official utterance of the Republican party in my State, which, through the Twenty-first General Assembly, in which there was a Republican majority in both branches, emphatically denounced that proposition and

instructed the legislators in Congress from that State to vote and use their influence against the passage of that measure.

[Here the hammer fell.]

Mr. MILLS. I ask for a vote.

Mr. ANDERSON, of Iowa. I want just another minute to make more proof with reference to the Republicanism of those whom these self-constituted managers of the Republican party undertake to read out of the party. As an independent Republican candidate, in opposition to a man who is the leader of a faction of the party to which he belongs, I made a joint canvass of my district, holding a joint debate in every county of the eleven constituting the district; and I want to say to him that a Republican Legislature has enacted into law, and a Republican governor has approved as law, every one of the leading fundamental propositions which in that joint debate I affirmed. And when my colleague uses the word "demagogue" he means to include, and does include within his meaning, the members of a Republican Legislature and a Republican governor, who had the temerity to enact into law the statute which the railroad candidate for the presidency at Chicago denounced as the "confiscation laws" of Iowa. And these are the laws that a part at least of the Iowa delegation at Chicago were apologizing for to the railroad barons as the product of a crazy pack of demagogues who misrepresented the real sentiments of the people of the State. This is the sense in which the ordinary party boss uses the word "demagogue." And I want to say right here that the time will soon come, if it has not already, when the epithet "demagogue" as applied by the minions of the corporation bosses will be the only decoration worthy of an American in public life who wishes to represent the will of the people and not the syndicates and trusts. [Applause.]

Mr. HENDERSON, of Iowa. I move *pro forma* to strike out the last word. Mr. Chairman, the yearling Democrat who has just taken his seat [laughter] was not in my mind at all in the pleasant little colloquy which I had with my other colleague [Mr. WEAVER], and I confess my surprise that on such a warm afternoon the gentleman should jump into a demagogue suit never intended for him, for his size——

Mr. ANDERSON, of Iowa. Louder!

Mr. HENDERSON, of Iowa. Oh, that is loud enough; the gentleman hears me and understands me.

Mr. ANDERSON, of Iowa. Will the gentleman repeat the last remark in which he used the word "demagogue?"

Mr. HENDERSON, of Iowa. I say it surprised me not a little that my colleague and friend who has just taken his seat, whom I never thought of in my colloquy with the gentleman on the other side [Mr. WEAVER], should jump so hastily, on a hot afternoon like this, into the demagogue suit which was not cut or intended for him.

Mr. ANDERSON, of Iowa. "Demagogue" or Democrat?

Mr. REED. Either; it is the same thing. [Laughter.]

Mr. HENDERSON, of Iowa. I have great doubts whether my friend [Mr. ANDERSON, of Iowa,] knows himself which name should be applied, if I should discuss him; he raises a doubt in my mind now. But if he thinks our colleague [Mr. WEAVER] is not able to take care of himself, I appreciate his generosity in coming to his aid. If he is defending himself, he is putting up a shield when no man drew a sword or threw a dart at him; and in that defense he is only drawing a swift indictment against himself. I did not draw it. If he wants to air the campaign between himself and Colonel Hepburn, this is not the place, it seems to me; but I am not his guardian. If he wants to air before this House his triumph over his able and distinguished competitor, that is his privilege; I have no quarrel with the gentleman. If he wants to invite a discussion on or a comparison of political records, I am ready——

Mr. ANDERSON, of Iowa. Will you allow me a question?

Mr. HENDERSON, of Iowa. Certainly.

Mr. ANDERSON, of Iowa. Does not the gentleman affiliate with the faction of the party in Iowa who have been arraigning the present governor as a demagogue——

Mr. HENDERSON, of Iowa. I do not belong to any faction. We have no factions in the Republican party in Iowa.

Mr. ANDERSON, of Iowa. I want to get the gentleman's definition of what he means when he uses the word "demagogue." I want that to go upon record, because the Republican party, in its majority and its official capacity in Iowa, are demagogues according to his definition.

Mr. HENDERSON, of Iowa. I do not want this taken out of my time. I want to say that the gentleman should have understood the term "demagogue" before flying into a passion at me, supposing I had made an allusion to him, which I have not. And what the arraignment of any Republican paper has to do with this question I do not understand.

Mr. ANDERSON, of Iowa. Will you answer my question?

Mr. HENDERSON, of Iowa. Well, now, just keep quiet for a little while, and I will answer to his heart's content.

Mr. ANDERSON, of Iowa. Do you deny that it is true that the Legislature of my State has adopted laws that part of the Republican press declares are confiscation laws?

Mr. HENDERSON, of Iowa. Now, if my excitable friend will just keep his seat——

Mr. ANDERSON, of Iowa. And were you not a member of the Iowa delegation representing that faction of the Republican party at Des Moines that was apologizing to Depew and the railroads for this action of the Republican Legislature?

Mr. HENDERSON, of Iowa. Let the galled jade wince. These gentlemen who have no party and no politics, but who think they are so big that they can be a party unto themselves, are easily disturbed. [Laughter and applause on the Republican side.]

Mr. ANDERSON, of Iowa. I will take care of myself without the assistance of my colleague.

Mr. HENDERSON, of Iowa. Now, if the gentleman is so anxious to compare records, I am perfectly willing to enter into that contest with him. So far as my belonging to a faction of the Republican party is concerned, I do not belong to a faction of the Republican party either in the State or the nation; nor am I one of these hot-headed fellows that fly into a passion at nothing. [Laughter.]

Mr. ANDERSON, of Iowa. Especially when you are in as tight a place as you are in now.

Mr. HENDERSON, of Iowa. Well, now, will you just let me proceed and we will see which is in the tight place.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. ANDERSON, of Iowa. And the gentleman can be exceedingly patronizing when he is in a different position.

The CHAIRMAN. The gentleman from Iowa [Mr. HENDERSON] is entitled to the floor and declines to yield.

Mr. HENDERSON, of Iowa. Now, if I can be permitted to say a word, and occupy the time kindly allotted to me by the committee, I hope I may do so uninterrupted by a gentleman who seems to consider himself hit whenever a gentleman points in his direction, but had not even a thought of him.

He seems determined to thrust his record before this House. He is talking about monopolists and monopolistic legislation, and the criticism of a Republican paper and a Republican governor. I think the gentleman knows that I have been the consistent, lifelong friend of the governor of Iowa, and voted for his nomination when he himself was trying to defeat it. [Applause.] I think, therefore, I have been pretty consistent in my record as a friend of Governor Larrabee, who has stood, as he stands to-day, the champion of honest people.

[Here the hammer fell.]

Mr. MILLS. I hope we will have a vote now.

Mr. HENDERSON, of Iowa. I have been interrupted so much that I have not been able to say what I started out to say.

Mr. GEAR. I hope the gentleman will be permitted to proceed longer.

Mr. HENDERSON, of Iowa. I have been interrupted so constantly that I have not spoken two minutes consecutively.

Mr. MILLS. I would like to make some progress with the bill.

Mr. HENDERSON, of Iowa. The gentleman ought to have cried halt when the fight was going on on the other side.

Mr. ANDERSON, of Iowa. I ask unanimous consent that the gentleman, my colleague from Iowa, have time to finish his remarks.

Mr. NELSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NELSON. Are we in Committee of the Whole on the state of the Union, or on the State of Iowa to-day? [Laughter.]

The CHAIRMAN (Mr. DOCKERY). It seems that we are in Committee of the Whole on Iowa at present.

Mr. HENDERSON, of Iowa. I move to strike out the last two words.

The CHAIRMAN. The Chair will state that there is an amendment pending.

Mr. BLAND. Both of these gentlemen had five minutes. They are therefore on an equality, and now let us have a vote.

Mr. ANDERSON, of Iowa. I hope the five minutes' time will be allotted to my colleague.

Mr. BLAND. Then, I want to couple the request with the understanding that five minutes will be the whole time; otherwise I shall object. If it is understood that that closes the debate on this paragraph, I will not object.

Mr. HENDERSON, of Iowa. It will close the debate on the paragraph so far as I am concerned.

Mr. BUCHANAN. I must object to that, because if the amendment is rejected I have another substantial amendment to offer, and I desire to talk business, not politics.

Mr. BLAND. The gentleman would still have five minutes for that.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa, that his colleague be permitted to proceed for five minutes?

Mr. BLAND. I shall have to object. Both have had their five minutes. Let us get on with the public business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN].

The amendment was rejected.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

In line 417 strike out "twenty-five" and insert "thirty-five."

Mr. BUCHANAN. Mr. Chairman, I will not add anything to what I have already said on this subject. It will be noticed the amendment I offer now is to increase the rate from 25 to 35, which is still 5 per cent. below the present duty. I offered the other amendment at so low a rate to be enabled to ascertain whether this House would make any difference in the rate between the material and the manufactured product. I now offer the amendment at the rate which we should make in order to give anything like adequate protection.

The Chair put the question, and was in doubt as to the result.

Mr. BUCHANAN. Let us have a division. I want to see gentlemen on the other side rush out of the cloak-rooms.

The committee divided; and there were—ayes 64, noes 79.

So the amendment was rejected.

The Clerk read as follows:

Gunny-cloth, not bagging, 15 per cent. ad valorem.
Bags and bagging, and like manufactures, not especially enumerated or provided for, including bagging for cotton composed wholly or in part of flax, hemp, jute, gunny-cloth, gunny-bags, or other material, 15 per cent. ad valorem.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I offer the following amendment.

Strike out as follows:
"In lines 423 and 424 strike out 15 per cent. ad valorem and insert three-eighths cents per pound."

Mr. BUCHANAN. I would like to inquire of the gentleman from Arkansas [Mr. BRECKINRIDGE] what rate ad valorem that would be on these goods?

Mr. MILLS. I will state to the gentleman from New Jersey, if my voice can reach him, that we have only changed the ad valorem to a specific duty at a corresponding rate.

Mr. KEAN. Why do you not do that on everything?

Mr. BUCHANAN. Why did you change the rate on cotton from specific to ad valorem and on this from ad valorem to specific?

Mr. BRECKINRIDGE, of Arkansas. We have passed over the cotton schedule, and I do not know that it is necessary to discuss it again. If the gentleman has anything to say about the proposed amendment I would like to hear from him on the subject.

Mr. BUCHANAN. I would rather have it discussed intelligently than not at all.

The amendment was agreed to.

Mr. WARNER. I offer the following amendment to the pending paragraph:

The Clerk read as follows:

In line 421, strike out the words "including bagging for cotton," and at the end of line 424, insert the following:
Bagging for cotton composed wholly, or in part, of flax, hemp, or jute, 1 cent per pound.

Mr. WARNER. Mr. Chairman, it is my purpose to detain the committee but few moments in the discussion of my amendment. Heretofore in the discussion of that provision of the bill putting burlaps upon the free-list I took occasion briefly to submit to the House certain evidence from the manufacturers of jute bagging in Missouri and from other parts of the country. My excuse for presenting this amendment, if an excuse be necessary, the industry not being in my district, but in a different part of the State, is explained and justified by the fact that the State I have the honor in part to represent on this floor is destined in the near future to take the front rank as the champion of the American system of protection. Her undeveloped resources, in which she is richer than any other State in the Union, will demand this of her Representatives.

It is charged and undenied that every member on the other side of the Chamber is denied, by caucus resolution, the right to offer upon the floor of this House any amendment to this bill, unless his amendment shall first have been submitted in private to the Committee on Ways and Means and its consent obtained. A violation of this decree of King Caucus subjects the offending member to the pains and penalties of the party lash and official displeasure.

The members from my State and other States in which this cotton-bagging industry exists, under the overpowering influence of caucus dictation are compelled to remain silent.

In the presence of the destruction of this purely American industry they are dumb.

The thing which they would do often, as in this instance, they are prohibited from even attempting,

Of the 50,000,000 yards of cotton bagging manufactured in the United States nearly one-half is made in the mills in the city of St. Louis. This is one of the leading of the many industries of that great manufacturing center. Its existence is threatened by the provision under consideration, reducing the duty from 3 cents to three-quarters of a cent per yard. More than fifteen hundred operatives are employed in the mills of St. Louis in the manufacture of jute bagging for cotton.

Messrs. Warren, Jones & Gratz, the agents of these mills in St. Louis, write me:

Missouri manufactures more "bagging for covering cotton" than any other State in the Union. The "bagging for covering cotton" is made especially for that purpose, and is a much coarser grade of goods than "burlaps" bagging, and hence can be made in this country, as it does not require such skilled labor as "burlaps" bagging. At present not a yard of this class of goods is imported; it is all made in this country; hence placing "bagging for covering cotton" on the free-list would not help to reduce the surplus in the Treasury at all, as there is no revenue derived from it. At present the bagging made in this country for covering cotton is being sold at cost, or less than cost, all over the country, the competition among the American mills having brought the market to this condition, in spite of the fact that the industry is protected by a duty on imported goods.

From this letter it will be seen that of the 50,000,000 yards of bagging used in the United States for baling the cotton crop of the South every yard is made in the United States, and, as before stated, nearly one-half is the product of the mills of the city of St. Louis. Therefore this is an American industry built up under the American system of protection.

It is claimed that this is a bill to decrease the revenues and thus reduce the surplus. If so why reduce the duty on bagging for cotton? Not one yard is imported; not one cent of revenue collected.

Should this bill become a law, reducing the duty on this article 2¼ cents per yard and thereby close the doors of the St. Louis and other factories, 50,000,000 yards will be imported each year, yielding a revenue of $375,000 per annum, increasing the surplus by that amount. The reduction of the duty on this fabric certainly will not enable the American manufacturer to sell the bagging to the cotton-planter cheaper than now. As appears from the extract cited it is being sold to-day at nearly cost. The operation of the bill will be to encourage the importation of this kind of bagging, and thus increase the revenue by the amount of duty collected.

I shall now submit to the committee an extract from a letter received by me from the Standard Mills Bagging Company, of St. Louis:

If the bill is passed as it is, it will absolutely ruin every bagging manufactory in the United States. The competition among the bagging manufacturers had already forced prices down to the point that there is but little profit in the business.

Messrs. Warren, Jones, and Gratz, reputable citizens of St. Louis, from whom I have already quoted, say on this subject:

Not a jute manufacturer in the United States could live a day with these products placed on the free-list; so, in addition to the destruction of millions of dollars invested in this class of business, thousands of operatives, absolutely dependent on it for their livelihood, would be thrown out of employment.

Like evidence from manufacturer after manufacturer can be produced, but time will not permit.

Sir, I fully recognize the fact that evidence piled mountain high will not change the vote of a single member on the other side of this Chamber. You will vote on this amendment, as on all others, in accordance with caucus instructions. Yet, sir, I shall submit an extract from a petition to the American Congress signed by 161 workingmen and women:

ST. LOUIS, MO., *April* 25, 1888.

Memorial of operatives of the Standard Mills Bagging Company of St. Louis, Mo.

To the Congress of the United States:

Your petitioners would respectfully represent that they are operatives and employés of the Standard Mills Bagging Company of the city of St. Louis, Mo.; that the provisions of the Mills tariff bill reported from the Committee on Ways and Means, and now pending in the House of Representatives, reducing the tariff on jute bagging to 15 per cent. ad valorem and placing burlaps on the free-list, will compel all the manufacturers of these fabrics in the United States to permanently shut down their factories, or will compel us, your petitioners, to work for the low wages paid to the operatives of Dundee, and after a short time the still lower wages paid to the pauper labor of Calcutta—in the former case less than one-half and in the latter case less than one-fifth the wages we receive.

Your petitioners would respectfully solicit your attention to the official report of Consul Wells to the State Department on the condition of jute laborers of Dundee (Consular Reports on Foreign Labor, volume 1, page 86, and volume 2, page 954), wherein it appears that the average weekly wages of females are but $2.50; that 23,670 persons live in 8,620 single rooms—"hovels"—with nothing to lie on but the bare floor, and no covering but coarse burlap cloth, and that only occasionally; that 74,374 men, women, and children occupy 16,187 two-room houses, and that thus, from extreme poverty, overcrowding in "these vile dens," filth, and neglect, they are subjected to all kinds of wretchedness, infectious diseases, and immorality, with hardly a chance to raise themselves to the level of a decent manhood and womanhood.

Your petitioners respectfully suggest that provisions of law which subject us as wage-workers to the alternative of such unhappy conditions as are shown in these official reports can not be in accordance with the wisdom of your honorable body, and humbly pray relief therefrom.

Gentlemen, you may, nay, will turn a deaf ear to the pleadings of these and tens of thousands of other laborers of the country, but beware of the ides of November; they will obtain a hearing then. In the name of American labor I plead with you not to strike down this industry in my State, or any industry, to make a market for the product of the half-paid, half-starved laborers of Dundee, or, what is still worse, that of the cooly labor of Calcutta.

Let me call the attention of my Democratic friends to a few facts that can not be successfully controverted by any gentleman on this floor. The finest mills in the world for the manufacture of jute bagging, including bagging for covering cotton, are situate in Calcutta.

The machinery in those mills is the best made. The labor employed is the cheapest in the world. These mills have a capacity to turn out 200,000,000 yards per annum, the entire product being controlled by an English syndicate or trust. The jute of which the bagging is made is grown almost at the door of the mill.

The effect of this reduction of 2½ cents per yard on bagging used for covering our cotton crop is to put American labor in direct competition with the 6-cents-a-day labor of Calcutta. It is not difficult to predict the result. Is it, I submit, the part of wisdom to place the alternative before the intelligent laborer in our jute mills to either work for a wage approximating that paid the cooly laborer in Calcutta or to seek other employment? For one, I had rather so legislate as to increase the daily pay of every wage-worker in the United States than to be a party to any legislation, at the dictation of party or otherwise, to reduce his pay one farthing.

Mr. Chairman, the cotton planter who uses the product of our American mills is not being oppressed by a high or unreasonable price for the bagging he purchases. Before these mills were established in the United States he paid the foreign manufacturer from 18 to 24 cents for every yard of bagging he purchased. Now he gets American-made bagging for 7 cents a yard. Close these mills by unfriendly legislation, and in the near future he will be at the mercy of the English syndicate that controls the entire product of the mills at Dundee and Calcutta, and we will be sending to England $4,000,000 a year for foreign-made bagging that should be expended at home for the benefit of the wage-workers of America.

It is not even contended that any one is suffering from the present rate of duty on bagging for cotton, unless it be the owners of the mills at Dundee and Calcutta. They and they alone will be benefited by the proposed reduction. Their interest and not that of the American manufacturer, laborer, or consumer have been consulted by the committee. The duty under existing law on jute bagging for cotton is but little, if any, above the average duty on all the dutible articles enumerated in the bill. It is less than two-thirds of the duty you have left on sugar, and less than one-half of the duty you have placed on rice, necessaries of life that in my judgment should be free to every laboring man.

It is true you have placed jute butts, from which this bagging is made, upon the free-list. At most this will only reduce the cost of production one-half cent per yard. The present duty is 3 cents a yard—that is, 1½ cents a pound. If you reduce the duty on the bagging an amount equal to the entire duty taken from jute, it would leave it at 1¼ cents per pound or 2½ cents per yard. You are not satisfied with that, but make a cut of 2½ cents upon each yard of the manufactured fabric, while the duty removed from the raw material, jute butts, from which the fabric is made is only one-half cent. In other words, you reduce the wage of the laborer who makes the bagging in the city of St. Louis 1¾ cents on every yard of bagging his toil produces. Thus you give the Dundee and Calcutta manufacturer an opportunity to take possession of the American market. It is not strange, notwithstanding your protestations to the contrary, that you should receive English sympathy in your free-trade tendencies.

As the London Globe puts it:

On the broad question—free trade—Mr. Cleveland's candidature naturally and necessarily carries English sympathy.

The London Times in its issue of the 6th of this month thus speaks of President Cleveland's letter to Tammany Hall:

It would hardly be possible to put the free-trade case more clearly or more strongly, and yet such is the force of words President Cleveland shrinks from the use of the term "free trade," and in fact declares that those who taunt him with being a free-trader are deceiving the country. Free trade appears to be equivalent, in the language of American political controversy, to "enemy of the workingmen and of industrial enterprises."

That it should be so is one of the curiosities of politics and an extraordinary instance of the power of a phrase even over minds which are commonly shrewd and reasonable, for it is certain that the arguments which President Cleveland urges are those which Cobden used to employ forty-five years ago, and which any English free-trader would employ now. Such propositions as that taxation ought to be strictly limited by the needs of the country, that it is unjust to tax the whole community for the benefit of special classes, that import duties stifle production and limit the area of a country's markets, are purely free-trade arguments. As such we are glad to see President Cleveland using them, though we are sorry for the popular infatuation which makes it dangerous to give them their right name.

The Daily News, of London, thus compliments the President:

President Cleveland's speech is more to the point. He discusses the principles at issue in the struggle and shows that he is the free-trade candidate in everything but name. The reservation is an important one for American party purposes. The President feels compelled to characterize the attempt to brand him as a free-trader as deception, but for all that the electoral conflict now in progress is a conflict between free trade and protection and nothing less. This is a very good conflict as things go.

No one doubts but what the President is entitled to all the praise that the free-trade press of England lavishes upon him. The proposed legislation in the pending paragraph leaves no room to doubt that you are his faithful followers in the direction of free trade. Under the plea of reducing the revenue, reducing the surplus in the Treasury, you strike down an American industry that hundreds of thousands of dollars of duty may flow into the Treasury on an article from which under existing law not one farthing of revenue is collected.

Your attempted legislation says "as plain as whisper in the ear" that you are controlled and directed by the free-trade tendencies of your party. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. WARNER].

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to say a word by way of reply to the gentleman on one or two industrial points presented in his remarks. In the first place, the gentleman mixes up the manufacture of burlaps with that of cotton bagging.

Mr. WARNER. I beg the gentleman's pardon——

Mr. BRECKINRIDGE, of Arkansas. I must ask the gentleman not to interrupt me as my time is limited.

Mr. WARNER. I wish to say to the gentleman——

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman please be silent and let me alone?

Mr. WARNER. Certainly; but I do not want to be misrepresented.

Mr. BRECKINRIDGE, of Arkansas. You are not misrepresented.

Mr. WARNER. I have not mixed up anything.

Mr. BRECKINRIDGE, of Arkansas. The gentleman can not bring any manufacturer's statement here to the effect that machinery which makes burlaps is adapted to making this bagging. If he can, I hope he will do it. Furthermore, the gentleman can not bring any manufacturer's statement here to the effect that there is or ever has been a yard of the bagging that is enumerated in this paragraph made anywhere on the face of the earth except in the United States.

Therefore there is not in Calcutta a loom that can make this bagging. Of course they can start factories for the purpose of making it, but there are no such industries now existing in Calcutta, in Dundee, or anywhere else except in the United States, and no other cotton-producing country except the United States uses this bagging. That is the statement of bagging manufacturers in the gentleman's own State, and in other parts of the country.

Mr. WARNER. Will the gentleman pardon me a moment?

Mr. BRECKINRIDGE, of Arkansas. The gentleman must excuse me. I am speaking on my own authority, and I have these statements of manufacturers——

Mr. WARNER. Well, I have statements, also.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman please not consume my five minutes. I got him an extension of his time to seven minutes, and I have only five myself. Furthermore, the gentleman speaks of the reduction in the price of bagging as resulting from its manufacture here. Now, he knows that when bagging was worth 20 cents a yard it was hemp bagging, not jute.

He must know that the use of the jute-butt for the making of this bagging dates only ten or fifteen years back, and he must know that it is the utilization of the refuse butt of the jute which has brought down the price of bagging. It is because we have substituted a cheap for an expensive material that the price has come down, and the reduction has nothing to do with the establishment of manufactories in this country.

The utilization of jute butts, which could be had at a mere nominal price, which were almost thrown away, which represented no more value than cornstalks do in this country, is what has brought down the price of this bagging. All along down through the period of the war we gave to our finer manufactures of jute no higher rate of protection than is now given to the coarsest manufactures of jute.

If along in 1862 and 1863 the finer manufactures of jute got such protection as 20 per cent. and 25 per cent., with a duty of five and six dollars a ton upon the jute butt, representing a very large part of the value of the butt, certainly when we give them 15 per cent. upon the very coarsest manufactures of jute, with free jute butts, we put them in a relatively better position than they were in with a duty on the butts and the rates I have named upon the manufactured articles; and according to the professions of the manufacturers themselves, and the statements of the men who spoke on this floor for the industry, those rates were higher than were needed.

Mr. WARNER. I wish to say a word in reply to the gentleman from Arkansas. I am perhaps unfortunate in not having the clearness of expression which so eminently characterizes that distinguished gentleman; but I do not think I had mixed up the question of burlaps with that of bagging for covering cotton. We make little or no burlaps in this country; we do make all the bagging for covering cotton. The machinery used in making this bagging has been imported into this country, paying a duty of 45 per cent., a duty which you propose to remove under this bill. That is a fact, and without raising any question between the gentleman and myself—he may be an eminent machinist—I have the record evidence that the mills of Calcutta can at anominal expense be adapted to the manufacture of this coarser grade of bagging used for covering cotton. The evidence exists, and will not be disputed on this floor, that every yard of the product of those mills is controlled by a foreign syndicate, a foreign "trust." I say to the gentleman that the operatives in the mills in the city of St. Louis, in which nearly one-half of the cotton bagging consumed in the United States is made, as well as the men who own the mills, say that if a

duty of 15 per cent. ad valorem and no more is placed upon this article the result will be to shut up those factories. Whether this statement is exaggerated or not I can not say; it is a questson between the gentlemen who operate these factories and the committee. The committee has given us no facts as to the result of the proposed reduction.

One other question. In the course of the debate to-day the distinguished gentleman has seen fit to say that 20 per cent. ad valorem upon a certain article made up the difference between the labor in a foreign country and the labor in this country. Will the gentleman contend that 15 per cent. ad valorem is equivalent to the difference between the cooly labor of Calcutta and the labor in the city of St. Louis and the State of Missouri? Will the gentleman contend——

Mr. BRECKINRIDGE, of Arkansas. Would the gentleman like a reply to that now?

Mr. WARNER. Certainly.

Mr. BRECKINRIDGE, of Arkansas. That, Mr. Chairman, can be answered by giving the figures of an American manufacturer in a conversation with an English manufacturer from Calcutta. I have them in a letter from one of the most eminent textile manufacturers in America. He writes:

> One of my acquaintances came here once from Calcutta, where he had long resided, to find out why jute butts could be sent from Calcutta to be woven into bagging in place of the bagging being woven in Calcutta at 10 cents a day, the rate of weavers' wages. He went to the mill of the New York Bagging Company with my friend, Mr. Marshall, the free-trade manufacturer. When in the mill he asked the question indicated above. Mr. Marshall responded by asking him, "What is the cost of weaving a yard of gunny cloth in Calcutta at 10 cents per day wages?" To which my friend responded, "Two and a half cents." "All right," said Mr. Marshall, "that woman tending two looms earns a dollar and a half a day, but the cost of weaving the gunny cloth is a half a cent a yard." Upon which my friend made his final comment: "That is so, is it? Then I have come half way round the world to discover that I am a fool for putting a question to which I might myself have found the answer."

Bagging is not manufactured in Calcutta; but it is even a coarser line of goods than gunny cloth. And the gentleman from Missouri, I think, is in error when he says that no burlaps are made in this country.

Mr. WARNER. That is the record.

Mr. BRECKINRIDGE, of Arkansas. I think not.

Mr. WARNER. There may be a small quantity manufactured here.

Mr. BRECKINRIDGE, of Arkansas. When this manufacturer from Calcutta saw the manner in which this work was being done by intelligent, vigorous American labor, in an invigorating climate, as opposed to the work of a poor, miserable, broken-down effete population, laboring in a climate tropical in its character and enervating in its effects—when he saw that the Americans were turning out many-fold more yards per day, and that the price of labor, per unit of product, was so much less than in Calcutta, he then saw the supremacy which the American manufacturer has, not only with 15 per cent. protection, but even without a protective tariff.

Also, the gentleman will not dispute the statement that you can not bring bagging or burlaps here at as cheap a rate of freight as you can bring raw jute. The manufactured product can not be compressed to the same extent as the jute. Therefore there is a gain in bringing the jute here compressed, just as we now gain in shipping our cotton to Europe compressed, as compared with the manner of shipping when the old-fashioned plantation bags filled up the ship's space before it had acquired its tonnage. We can get along with a duty of 15 per cent., and we could get along without any duty.

Mr. WARNER. As the gentleman used a part of my time, he will permit me to use a portion of his. I am not here to criticise the action of gentlemen of the Ways and Means Committee. It does not become me to criticise the acts of statesmen. But I will say in all frankness to the gentleman from Arkansas that had he consulted the American manufacturers of jute bagging, and followed their advice with the same blind faith that he has followed the views of the manufacturer from Calcutta, the reduction in this bill would not have been made. [Applause on the Republican side.] That is the trouble, gentlemen; you have sought information from realms remote. You talk here to-day of the debilitated pauper labor of Calcutta; but yesterday, when you were defending your rice industry of the South, we heard of the "heathen Chinee" and his products coming here in competition with the rice grown by the Southern planter. You change to suit the occasion.

Mr. BRECKINRIDGE, of Arkansas. As the gentleman is occupying my time, he will allow me a word.

Mr. WARNER. Certainly; we have exchanged time; it is not very valuable. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. This statement of which the gentleman speaks is the statement of an American manufacturer; it is the boast of such a manufacturer of his superiority.

Mr. WARNER. I understand that it is simply hearsay evidence, which would not be received in any court in Christendom.

Mr. BRECKINRIDGE, of Arkansas. It is written evidence.

[Here the hammer fell.]

The question recurred on Mr. WARNER'S amendment.

Mr. WARNER demanded a division.

The committee divided; and there were—ayes 53, noes 65.

So the amendment was disagreed to.

The Clerk read as follows:

> Tarred cables or cordage, 25 per cent. ad valorem.
> Untarred manila cordage, 25 per cent. ad valorem.
> All other untarred cordage, 25 per cent. ad valorem.
> Seines and seine and gilling twine, 25 per cent. ad valorem.

Mr. BUCHANAN. In behalf of my colleague [Mr. LEHLBACH], who has been unable to be present to-day, I move to strike out "25" and insert "40 per cent." in lines 431 and 432.

Mr. KERR. Mr. Chairman, I wish to say a word here in regard to the position taken by the gentleman from Ohio [Mr. GROSVENOR]. He referred to a speech recently delivered by Bradley Johnson, eulogizing the Confederate soldiers and their cause, showing that they were in power in the Union. [Derisive laughter on the Democratic side.] Now I like to hear those gentlemen talk favorably of their old comrades. [Laughter and applause.]

But I wish to refer to this significant fact, that one of the members of the Committee on Ways and Means in defending this bill made the statement that this Government could not exercise power unless it was expressly granted. His language is as follows:

> We sit here under a written Constitution, exercising only those powers which are expressly granted, and nowhere in that instrument do we find the power to tax for any but a public purpose.

That is the position of the gentleman from Pennsylvania [Mr. SCOTT]. I wish to call attention of the country to the fact that that position was indorsed by the St. Louis convention. I wish to call attention further to the fact that it is the first time the Democratic party has taken that position since 1856. In the convention in 1856 they indorsed the Kentucky and Virginia resolutions of 1798 as a rule of Democratic policy. That was the doctrine of the Democracy of the country, and it was on that doctrine they went into the war.

Now, the gentleman from Pennsylvania [Mr. SCOTT] reasserted that doctrine, and he got it inserted into the Democratic platform at St. Louis for the first time since the war. Amongst its principles is defined "devotion to a plan of government regulated by a written constitution strictly specifying every granted power, and expressly reserving to the States and the people the entire ungranted residue of power."

Now, I renew the assertion, that is the first time the Democratic party of the country has taken that position since 1856; and I wish to say further that that position is in violation of the Constitution of the United States, as interpreted by Mr. Madison; and in support of that assertion on my part I will read from the Federalist, No. 43. In that letter he says, speaking of that clause of the Constitution defining the power of the Federal Government:

> Few parts of the Constitution have been assailed with more intemperance than this; yet on a fair investigation of it, no part can appear more completely invulnerable. Without the substance of this power the whole Constitution would be a dead letter. Those who object to the article, therefore, as a part of the Constitution can only mean that the form of the provision is improper. But have they considered whether a better form could have been substituted?
>
> There are four other possible methods which the convention might have taken on this subject. They might have copied the second article of the existing confederation, which would have prohibited the exercise of any power not expressly delegated; they might have attempted a positive enumeration of the powers comprehended under the general terms "necessary and proper;" they might have attempted a negative enumeration of them by specifying the powers excepted from the general definition; they might have been altogether silent on the subject, leaving these necessary and proper powers to construction and inference.
>
> Had the convention taken the first method of adopting the second article of confederation, it is evident that the new Congress would be continually exposed, as their predecessors have been, to the alternative of construing the term "expressly" with so much vigor as to disarm the Government of all real authority whatever, or with so much latitude as to destroy altogether the force of the restriction. It would be easy to show, if it were necessary, that no important power, delegated by the Articles of Confederation, has been or can be executed by Congress without recurring more or less to the doctrine of construction or implication.
>
> As the powers delegated under the new system are more extensive, the Government which is to administer it would find itself still more distressed with the alternative of betraying the public interest by doing nothing, or of violating the Constitution by exercising powers indispensably necessary and proper, but at the same time not expressly granted.

Now, this strict construction of the Constitution, so strongly assailed by Mr. Madison in this letter, is the very position of the Democratic party to-day, and that is why they, led by the gentleman from Pennsylvania, declare that the Government has no power to levy a tariff except for the purpose of revenue only.

The question was taken on Mr. BUCHANAN'S amendment, and it was disagreed to.

The Clerk proceeded to read as follows:

> Sail duck, or canvas for sails, 25 per cent. ad valorem.
> Russia and other sheetings, of flax or hemp, brown or white, 25 per cent. ad valorem.
> All other manufactures of hemp or manila, or of which hemp or manilla shall be a component material of chief value, not specially enumerated or provided for, 25 per cent. ad valorem.

Mr. JACKSON. I move to strike out "25 per cent." and insert "40 per cent."

The amendment was disagreed to.

The Clerk read as follows:

Grass cloth, and other manufactures of jute, ramie, China, and sisal-grass, not specially enumerated or provided for, 25 per cent. ad valorem: *Provided*, That as to jute, jute-butts, sunn, and sisal-grass, and manufactures thereof, except burlaps, not exceeding 60 inches in width, this act shall take effect January 1, 1889; and as to flax, hemp, manila, and other like substitutes for hemp, and the manufactures thereof, upon July 1, 1889.

Mr. ADAMS. I move to strike out the last word for the purpose of asking gentlemen on the other side to tell me why the rates are fixed as they are.

Mr. BRECKINRIDGE, of Kentucky. It was supposed, of course, that this bill, if it took effect at all, would not take effect until long after the present crop had been sown. There are crops in Kentucky and elsewhere of hemp and flax, and necessarily these crops were sown in the spring and will be cut in the fall, and will of course have to be rotted and broken out, and be ready for sale in the spring of 1889.

Mr. ADAMS. Now with reference to the other provision fixing the date July 1.

Mr. BRECKINRIDGE, of Kentucky. The gentleman will see that this paragraph is divided into two clauses, one the articles which would be apt to come in competition with American-grown articles, but not of the same character.

Mr. ADAMS. Is that the first or second part?

Mr. BRECKINRIDGE, of Kentucky. That is the first part; that is, jute, jute-butts, sunn and sisal-grass, and manufactures thereof. None of these are raised in America.

The second clause relates to those articles which can be raised in America and may come in direct competition with a crop which can not come into the market until after the 1st of January, and therefore this later date was fixed to cover the period necessary for the crop sown this spring to be sold.

Mr. ADAMS. I withdraw the *pro forma* amendment.

Mr. BRECKINRIDGE, of Kentucky. I desire to have leave of the committee at this time to insert in the RECORD a table showing the rate of wages in the State of New York.

The CHAIRMAN. The gentleman has the right under the general leave to do that.

The table referred to by Mr. BRECKINRIDGE, of Kentucky, is as follows:

WAGES IN THE STATE OF NEW YORK.

There is probably no State except Connecticut, which is more injuriously affected by the present tariff than the State of New York, and this injury is more serious to those who earn their living by day's wages than to any other portion of the community. A careful examination of the statistics of manufactures in the census of 1880 will show this conclusively. That census shows that the industries, in which the manufacturers of New York are engaged are generally those in which the materials are either the product of the forest and the mine, such as coal, iron ore, and lumber, or else materials in a still more advanced state of preparation. The totals of the census table for this State for the year 1880 are as follows:

Number of manufacturing establishments	42,739
Capital employed	$514,246,575
Average number of hands employed:	
Males above 16 years	346,549
Females above 15 years	137,455
Children and youths	29,529
Total number of hands	531,533
Total amount paid in wages during the year	$198,634,029
Value of materials	$679,612,545
Value of products of manufactories	$1,080,696,596

It appears from this table that after paying the entire cost of material and wages and 6 per cent. upon the capital invested, $30,854,794.50, there was a balance to the credit of the New York manufacturers in 1880 of $171,595,227.50. This covered wear and tear, insurance, commission, and other incidental expenses of the business and the manufacturer's profit.

It is apparent from this that the business of manufacturing in New York, in 1880, was a profitable one to the manufacturer, and the question is how legislation can be so shaped as to benefit the workingman without injuriously affecting the business. The argument that is constantly used by the protectionists is that it is of no use to the workingman to cheapen the price of what he has to buy if he will have no work with which to earn money to pay for it. This is undoubtedly true, and what the Mills bill proposes to do is to make such a change in the tariff laws that the price of the material employed in the manufactures of the State of New York will be reduced without diminishing the wages of the workingman, but on the contrary, with a tendency to increase them.

The average duty on materials that enter into the manufactures of the State of New York is 47 per cent. The duty on some of them is a great deal more and in many instances, as in the case of the duty on copper, is so high as to be prohibitory. But taking the average of 47 per cent., what does this mean? It means that for every $100 worth of material purchased, the cost to the manufacturer when delivered in New York is $147; that is to say, that the tax on the material is about one-third of the American value; which is that stated in the census table as that of the materials used in the industries of New York. It is true that in many cases the price of these materials in this country is not increased as much as the amount of the tariff tax. But it is also true that the effect of the tariff tax upon these materials is in many instances to increase their price more than the amount which is paid in taxes to the Government. This is due to two facts:

First. The expense of transporting the material from the foreign country in which it is produced to this country, and

Second. The profit which the importer who advances the duties to the Government requires before he will sell the article which he has imported. For example, an importer who has purchased tin-plates, worth in London $100,000, and has paid to the United States $33,000 as the duty upon them, will not sell these tin-plates for $133,000, but will ask for them that price plus interest on his outlay and profit on his investment. This would raise the price to the New York manufacturer who uses tin-plates in the course of his business; as for example, in making tin-ware, or in canning tomatoes, or in roofing a house, or in making a leader or any other purpose for which tin-plates are used, so that it is plain before the goods actually get into the factory in which they are to be worked up, the cost of them would be at least $150,000. It therefore follows that the estimate that has been made, that one-third of the cost of the materials is due to the tariff, is a fair one. If the tariff on these materials were repealed altogether, it would consequently follow that the manufacturers of the State of New York, instead of being compelled as they were in 1880 to pay over $679,000,000 for their materials, could, if these materials had been on the free-list, have bought them for about $450,000,000, making a saving of about $225,000,000. This would have cheapened the price of the product without diminishing the wages of the workman, or the profit of the manufacturer.

In fact, the necessary tendency of such a change in the law would be to increase both. Mr. Wheeler showed very clearly in the recent joint debate in Boston that there were three things which affected the rate of wages—first, demand and supply; second, cost of material; third, the efficiency of the labor. Now, it is plain that if the cost of the finished product, the coat for the shirt or the can of tomatoes or the shoes or the house, is diminished by diminishing the cost of the materials, more persons would be able to buy the one or rent the other than there are now. This would increase the demand, and increased demand would increase the production. The wages of the laborer would at once increase.

In other words, a hundred millions of this saving in the cost of the material could be paid to the laborer, and yet the price of the finished product could be reduced by $125,000,000.

A very striking illustration of this is afforded by the course of the market for quinine. The duty on quinine was abolished, and quinine itself was put on the free-list in 1879. The manufacturers of quinine represented to the tariff commission in 1882 that it would destroy their business to keep quinine on the free-list. The following statements made by them before the commission are so like the statements of many of the manufacturers of the present day in reference to the Mills bill that they deserve to be quoted:

Mr. Charles P. White, of New York City, said: "We ask protection so that we may at least stand on a par with European manufacturers and not be driven out of the business entirely. We should be in a position where we can have some slight protection. If we can have all the duties that now exist on the articles we use removed, a 10 per cent. protection would be helpful to us. Without the removal of such duties we should have at least 15 per cent., and this, I think, can not be considered as an excessive rate of protection."

By Commissioner KENNER, to Mr. S. G. Rosengarten:

"Q. I understand you to say that a moderate tariff on quinine, not exceeding 20 per cent., and certainly equal to 10 per cent., is necessary for the continued manufacture of the article in this country?

"A. Yes, sir, as a business. We should keep on manufacturing it, of course, under any circumstance in order to supply our customers; but to make a successful business we must have some protection. You can see from the figures which have been presented to you how the business has fallen off."

But notwithstanding these arguments, Congress refused to restore the duty on quinine, and it has been on the free-list ever since. At the same time forests of cinchona, from the bark of which quinine is made, have been cultivated, so that the article itself has become a subject of agriculture as well as of commerce.

The effect of this has been greatly to diminish the cost of the material from which quinine is made, and this and the repeal of the tax have had the result of greatly diminishing the cost of quinine, so that one hundred 2-grain quinine pills, which cost the purchaser before the abolition of the tariff tax from $2.75 to $3, can now be bought for 50 cents. And the manufacturers of quinine have never been so prosperous nor the wages of the workmen employed in their factories so remunerative as they are at the present time. What more conclusive evidence could there be that if the manufacturers could get cheap materials they would need no tariff protection, but could raise their wages and make more money than they now do?

Another striking illustration of the statement that has been made is to be found in the legislation in reference to hides and leather. In 1872 the duty of 10 per cent., which up to that time had been levied on raw hides, was repealed, and they were put on the free-list. The effect of this can best be stated in the words of Mr. J. S. Moore:

"In 1872, the last year when a duty was levied on raw hides, our export of tanned leather was valued at $2,865,800. In 1873, the first year after hides were free, the export value of leather arose to $4,362,174. Two years later, in 1875, it rose to $7,064,482." In 1886 the amount exported was $8,737,682; in 1887, $10,436,138. This is four times the amount of the exports of 1872, and the production of the leather thus exported gave employment to many more workmen.

The effect of this reduction has not only been to increase the exports of manufactured leather, but to increase and make more remunerative the wages of men who work in leather and the production of leather and leather goods for home consumption.

I annex a table which shows the cost of material, the amount of wages paid, and value of the finished product, and the amount that remained to the manufacturer after paying his wages and for his materials during 1880, and in the principal industries of the city and State of New York. If any mechanic or workman who works in any of these trades will take up this table and examine the part of it relating to his own trade he will see exactly what part of the cost of the finished product in that trade is made up by the cost of the material and what part by the wages that are paid.

He will find in almost every case that the cost of material is more than three times the amount paid for wages, and nearly or quite three-fifths of the value of the finished product. It will thus be clear to every person who will take the trouble to examine into the facts that the interest of the workingman can best be subserved by the repeal of the duties upon the materials which he uses in his work, and that the only persons that would be injured by such a change in the tariff are the owners of the forests and mines of this country, whose profits might thereby be diminished. But even in their case the probability is that the repeal of the duty on raw materials would give such an impetus to business, would increase so much the demand for the products of our manufacturers, by diminishing their price and increasing the ability of the workman to buy the comforts and necessaries of life, that even those engaged in the production of lumber, the mining of ore, and the making of salt would not be seriously injured. Even if they should, the whole number of persons engaged in these industries is not one-fiftieth of the population of the United States.

The laws of the country have for nearly thirty years discriminated in their favor. On their account, and to benefit them, most burdensome taxes have been imposed upon every other industry. Certainly they have had their share, and they ought not to complain if some attention now is paid to the wants and requirements of the rest of the community, and particularly to the wants and needs of those who work in the factories and mills of America and who are now suffering from a tax imposed ostensibly for their benefit, but which really is an injury to them.

It is all very well to say that the cost of each article is not very much increased by the tariff; but that is poor comfort to the man who earns, let us say, $45 a month. Two dollars a month on his house rent, 10 cents on every hat, 15 cents on every pair of shoes, 5 cents on every can of tomatoes, 15 cents on every yard of carpet, a dollar on every suit of clothes, may not be much to the millionaire. To the workman they would make the difference between pinching economy and comparative comfort. And that is what we are trying to secure for him.

Table of manufactures, New York City, 1880.

Articles of manufacture.	Establishment.	Wages.	Material.	Value finished product.	Difference between value of product and aggregate of wages and material.
Artificial feathers and flowers	141	$934,768	$2,241,302	$4,298,684	$1,122,614
Bags, other than paper	7	317,850	2,919,600	3,584,300	246,850
Belting and hose, leather	11	150,694	1,362,860	1,699,729	186,179
Book-binding and blank-book making	114	1,553,704	2,290,627	4,927,886	1,083,555
Boots and shoes, including custom work	839	2,474,050	3,621,822	7,663,000	1,567,128
Boxes, cigar	20	301,042	433,218	1,035,549	301,289
Boxes, fancy and paper	55	671,620	1,044,409	2,173,565	457,536
Boxes, packing	33	306,682	715,790	1,242,844	220,372
Brass castings	64	576,971	884,737	1,826,845	465,137
Bread and other baking products	782	1,275,723	6,045,762	9,415,424	2,093,939
Brooms and brushes	45	281,924	981,918	1,573,561	308,719
Carpentering	460	2,242,060	3,454,265	7,096,315	1,399,990
Carriages and wagons	139	965,719	1,041,825	2,613,361	505,817
Clothing, men's	736	14,012,805	40,209,340	60,798,697	6,576,552
Clothing, women's	230	3,886,715	11,745,305	18,930,553	3,298,533
Coffee and spices, roasted and ground	30	267,670	4,766,520	5,974,458	940,268
Coffins, burial cases, etc	45	218,175	525,503	1,098,103	344,425
Collars and cuffs, not specified	7	160,033	688,611	1,061,284	212,640
Confectionery	187	542,775	3,057,269	4,592,622	991,848
Drugs and chemicals	27	305,969	2,639,415	3,694,178	648,794
Engraving, steel	21	1,154,510	284,214	1,798,550	259,826
Flouring and grist mill products	15	289,741	5,183,154	6,229,926	757,031
Foundry and machine-shop works	287	5,373,142	6,223,805	14,710,835	3,113,888
Lard, refined	11	254,883	14,317,826	14,758,718	185,999
Liquors, malt	79	2,115,067	10,717,421	19,137,882	6,305,394
Printing and publishing	412	5,876,868	7,359,559	21,696,354	8,460,127
Slaughtering and meat packing	58	575,521	27,763,577	29,297,527	958,429
Sugar and molasses, refined	5	255,783	10,677,746	11,330,883	397,354
Tobacco, cigars, etc	761	6,066,455	8,805,147	18,347,108	3,475,506
Miscellaneous	53	1,479,670	5,693,964	8,968,184	1,784,550
Total, including some not specified above	11,339	97,030,021	288,441,691	472,925,437	87,454,725

Table of manufactures, New York State, 1880.

Agricultural implements	265	$2,513,875	$4,580,010	$10,709,766	$3,603,881
Artificial flowers and feathers	150	950,938	2,257,623	4,343,943	1,131,363
Bags other than paper	8	338,850	3,119,600	3,884,306	425,856
Baking and yeast powder	28	215,585	1,644,714	2,142,730	282,431
Belting and hose, leather	22	196,674	1,904,513	2,365,139	263,952
Book-binding and blank-book making	156	1,680,629	2,445,294	5,296,691	1,230,668
Boots and shoes	272	4,902,132	11,502,251	18,979,259	2,574,876
Cigar-boxes	54	373,228	603,337	1,339,668	362,653
Fancy boxes and paper	113	916,049	1,508,391	3,033,777	609,347
Boxes, wood, packing	156	684,519	2,309,185	3,610,472	616,768
Brass castings	102	683,243	1,301,247	2,458,445	473,955
Bread and other baking products	1,719	2,612,982	13,022,040	19,337,953	4,302,931
Brick and tile	321	1,613,766	1,196,925	4,108,464	1,297,773
Brooms and brushes	215	814,349	2,630,919	3,705,127	859,859
Carpets, other than rag	10	1,952,391	4,453,410	8,419,254	2,013,453
Carriages and wagons	667	2,882,672	4,031,422	8,888,479	1,954,385
Cars, railroad, street, and repairs	26	356,390	1,470,273	2,304,680	277,858
Cheese and butter	1,652	623,391	8,848,708	12,295,353	2,823,254
Clothing, men's	1,583	18,321,466	52,712,947	81,133,611	10,099,198
Clothing, women's	277	4,196,913	12,577,958	20,314,307	3,539,436
Coffee and spices, roasted and ground	58	380,259	6,073,482	7,652,672	1,168,931
Confectionery	392	835,204	4,304,832	6,686,389	1,546,353
Cooperage	740	1,676,719	3,913,531	6,765,719	1,175,469
Cordage and twine	37	632,748	4,110,112	5,207,135	464,275
Cotton goods	57	2,218,121	5,627,299	9,723,527	1,878,107
Drugs and chemicals	112	993,556	6,978,755	9,991,259	2,018,948
Fertilizers	75	287,859	2,242,511	3,150,312	519,942
Flouring and grist mill products	1,768	1,587,899	43,226,194	49,331,984	4,517,895
Foundry and machine-shop products	883	14,828,342	20,214,369	44,714,915	9,672,201
Furnishing goods, men's	73	1,790,514	3,770,374	7,147,443	1,376,554
Furniture	849	4,997,041	6,749,672	15,210,879	3,364,166
Gloves and mittens	199	1,245,013	3,404,937	5,718,529	1,068,579
Grease and tallow	23	178,898	6,623,526	7,322,970	520,546
Hats and caps	168	1,877,123	3,335,778	6,464,058	1,251,157
Hosiery and knit goods	75	2,035,076	5,072,058	9,899,540	2,791,400
Iron and steel	89	4,999,451	13,395,229	22,219,219	4,714,539
Lard, refined	11	254,883	14,317,826	14,758,718	186,009
Leather, tanned	386	1,819,742	18,014,683	23,652,366	3,817,941
Liquors, malt	325	3,912,798	19,823,853	35,392,677	11,656,026
Lumber, sawed	2,832	2,162,972	9,119,263	14,356,910	3,074,675
Malt	111	513,229	7,781,359	9,874,098	1,579,500
Marble and stone work	560	3,496,242	4,055,445	10,189,267	3,637,580
Mixed textiles	134	3,049,305	6,935,558	13,376,380	3,391,517
Musical instruments	82	3,213,481	3,579,131	8,084,154	1,292,542
Paints	73	831,863	6,934,561	9,455,900	1,529,476
Printing and publishing	712	8,059,487	9,518,171	27,885,376	10,307,718
Ship-building	457	2,907,129	4,055,637	7,985,044	1,022,278
Shirts	195	2,730,571	6,410,261	11,014,820	1,273,988
Silk and silk goods	151	2,599,025	5,331,804	10,179,140	2,248,311
Slaughtering and meat-packing	128	1,029,790	40,149,850	43,096,138	1,916,498
Soap and candles	97	494,903	4,889,625	6,574,939	1,190,411
Sugar, molasses, refined	17	1,218,212	67,273,614	71,237,051	2,745,225
Tinware, copper, and sheet-iron ware	1,190	2,151,397	5,217,864	9,858,768	2,500,507
Tobacco, chewing, smoking, and snuff	45	1,103,435	5,337,075	8,907,737	2,467,227
Tobacco, cigars and cigarettes	1,683	7,671,831	11,942,043	24,767,504	5,153,730
Miscellaneous industries	12,913	18,337,158	29,039,931	64,355,479	26,978,390
Total, including some not specified above	42,739	198,634,029	679,612,545	1,080,696,596	202,450,022

The CHAIRMAN. The Clerk will read the next paragraph.

Mr. MILLS. I want to make a proposition now similar to that which was made by my friend from Illinois [Mr. CANNON] the other day in reference to the sugar schedule. I propose that the Clerk read the entire third section of the bill, which embraces the woolen schedule, and then have the debate upon the entire schedule or any portion of it, with the right to offer amendments to all or any of these paragraphs.

Mr. BUCHANAN. Will the gentleman first permit a suggestion? I have an amendment which I have not quite prepared to this preceding paragraph, and I would like to have the right to offer that amendment as soon as I can get it ready.

Mr. MILLS. Very well. I have no objection.

I ask now that the entire woolen section be read, and then that it be open to amendment and debate.

Mr. ADAMS. How far?

Mr. MILLS. The whole of section 3, comprising sixty-one lines.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the entire schedule be read as one paragraph, and be then open to debate and amendment?

Mr. DINGLEY. Before consent is given, I would like to inquire of the gentleman with reference to the time to be given for debate? If this is read as simply one paragraph, of course it is then in the power of the gentleman to move that the committee rise and close debate.

Mr. MILLS. We have no intention of proceeding otherwise than was done in the sugar schedule. I propose this with a view of saving as much time as possible. Let the debate go on, and after awhile we will come to some conclusion as to the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

SEC. 3. On and after July 1, 1888, there shall be admitted, when imported, free of duty:

All wools, hair of the alpaca, goat, and other like animals.

Wools on the skin.

Woolen rags, shoddy, mungo, waste, and flocks.

And on and after October 1, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned in this section, there shall be levied, collected, and paid the following rates of duty on said articles severally:

Woolen and worsted cloths, shawls, and all manufactures of wool of every description, made wholly or in part of wool or worsted, not specially enumerated or provided for, 40 per cent. ad valorem.

Flannels, blankets, hats of wool, knit goods, and all goods made on knitting-frames, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of wool or worsted, the hair of the alpaca, goat, or other animals, not specially enumerated or provided for, 40 per cent. ad valorem: *Provided*, That from and after the passage of this act, and until the 1st day of October, 1888, the Secretary of the Treasury be, and he is hereby, authorized and directed to classify as woolen cloth all imports of worsted cloth, whether known under the name of worsted cloth or under the names of "worsteds" or "diagonals," or otherwise.

Bunting, 40 per cent. ad valorem.

Women's and children's dress goods, coat linings, Italian cloths, and goods of like description, composed in part of wool, worsted, the hair of the alpaca, goat, or other animals, 40 per cent. ad valorem.

Clothing, ready-made, and wearing apparel of every description not specially enumerated or provided for, and balmoral skirts and skirting and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, 45 per cent. ad valorem.

Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer (except knit goods), 45 per cent. ad valorem.

Webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material, 50 per cent. ad valorem.

All carpets and carpetings, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides of wool, flax, cotton, hemp, jute, or parts of either, or other material, 30 per cent. ad valorem.

Endless belts or felts for paper or printing machines, 30 per cent. ad valorem.

During the reading of the above,

Mr. REED said: How does it happen that this is being read in this manner?

The CHAIRMAN. The gentleman from Texas asked unanimous consent that the whole of section 3 might be read as one paragraph, and then be open to amendment and debate.

Mr. REED. To be considered as one paragraph?

Mr. MILLS. We are going to consider this just as we did the sugar schedule at the suggestion of the gentleman from Illinois [Mr. CANNON]. If any gentleman wants to offer a substitute for the whole, of course he can do so, and amendments to any part of it will be in order.

Mr. REED. But we are to vote on the separate items?

Mr. MILLS. Oh, yes.

Mr. REED. And no limitation as to the debate?

Mr. MILLS. Not yet. We will debate it for awhile.

Mr. REED. But the understanding was here, I am informed, that there was to be no limitation to the debate.

Mr. ROGERS. The gentleman from Maine, Governor DINGLEY, said that if there was reasonable debate it would be satisfactory.

Mr. REED. Reasonable debate is rather an indefinite term.

Mr. MILLS. I propose that there shall be a fair and reasonable debate. If you say two days, I shall not object.

Mr. REED. Two days!

I think there has been a misunderstanding in regard to this matter.

Mr. MILLS. Not at all. I simply did as my friend from Illinois invited us to do the other day in regard to the sugar schedule.

Mr. REED. If there is an understanding that there is to be no limitation as to the debate, there is no objection to the other part of it.

Mr. MILLS. I would not say that there should be no limitation. It would mean the giving up of the bill.

Mr. REED. Not at all. Of course if it was in any bad faith, or anything of that sort, I would not expect you to stand by it.

Mr. MILLS. Let us take the same course that we took in regard to the sugar provision. What time does the gentleman propose? Let us see if we can agree upon something.

Mr. REED. I do not propose any time. I always understood as a matter of parliamentary propriety that there is no method of fixing any limitation to debate before the debate has begun. There can not be from the very nature of the case.

How can you tell how many arguments you will allow before you know how many arguments are going to be started?

Mr. MILLS. I am not proposing to limit the debate, but I do not say I never would move to close the debate. I will give you fair and liberal time, as I did on the sugar schedule. You ought to be satisfied with the way we did about that. I do not propose to take snap judgment on anybody at all.

Mr. REED. Of course we have the matter in our own hand; only I want it understood that we are not to be regarded as filibustering if we do not get what we consider the proper amount of time for debate.

The reading of the section as above was then concluded.

Mr. BUCHANAN. There was a section passed over temporarily to allow me to prepare an amendment. I have the amendment ready and will now send it to the Clerk's desk.

The Clerk read the amendment, as follows:

Page 27, after line 440, insert:

"*Provided further*, That wherever any of the goods, wares, and merchandise in this section mentioned are the product in whole or in part of convict labor the same shall pay treble the said rates by this section imposed."

The Chair put the question on the amendment, and was in doubt as to the result.

Mr. BUCHANAN. I ask for a division.

The committee divided; and there were—ayes 56, noes 65.

So the amendment was rejected.

Mr. BRECKINRIDGE, of Arkansas. I desire to state that I may print a few remarks on the item of oil-cloth. I know it is permitted under the order, but I do not care to avail myself of it without giving notice.

The CHAIRMAN. There is no objection.

Mr. CASWELL. Before the committee rises I ask unanimous consent that leave be now given to offer amendments to this section and that the amendments may be printed in the RECORD.

Mr. MILLS. I have no objection.

Mr. CASWELL. Several gentlemen have prepared amendments, and if they can be offered now and printed in the RECORD, members will be able to see what they are.

There was no objection; and under the leave thus given amendments were offered as follows:

By Mr. PUGSLEY:

To strike out the entire section.

By Mr. O'DONNELL:

"That the rates of duty to be levied, collected, and paid upon the three several classes of wool and hair from the alpaca, goat, and other like animals, as now classified by law, which may be imported from foreign countries, shall be restored and fixed at what they were on each of the three classes, respectively, of said articles at the time of the passage of the act of March 3, 1883, entitled 'An act to reduce internal-revenue taxation, and for other purposes,' any law to the contrary notwithstanding."

By Mr. BOOTHMAN:

Amend line 2, on page 27, by striking out the words "there shall be admitted" and in lieu thereof insert the words "all wools, hair of the alpaca goat, and other like animals;" and after the words "when imported," in said line 2, insert the following:

"Shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

"*Class 1, clothing wools.*—That is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes 2 and 3.

"*Class 2, combing wools.*—That is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also all hair of the alpaca, goat, and other like animals.

"*Class 3, carpet wools and other similar wools.*—Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

"The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed. The duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than ordinary condition, as now and heretofore practiced, or shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

"Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 30 cents or less per pound, 10 cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Wools of the second class, and all hair of the alpaca, goat, and other like an-

imals, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, 10 cents per pound, and in addition thereto 11 per cent. ad valorem; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound, 3 cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound, 6 cents per pound.

"Wools on the skin, the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe."

Also further amend by striking out lines 3, 4, 5, and 6.

By Mr. CASWELL:

Amend the bill by striking out lines 4, 5, and 6, of section 3, placing wools upon the free-list, and insert the following:

"All wools, hair of the alpaca, goat, and other like animals, as aforesaid, shall be divided for the purposes of fixing the duties to be charged thereon into three classes, to wit:

"Class 1. Clothing wools.

"Class 2. Combing wools.

"Class 3. Carpet and other similar wools according to and in the manner provided in section 1 of chapter 197 of the act of Congress approved March 2, 1867.

"And upon wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and in addition thereto 11 per cent. ad valorem. Upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Upon wools of the second class, and upon all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, the duty shall be 10 cents per pound, and in addition thereto 11 per cent. ad valorem. Upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, the duty shall be 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Upon wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound, the duty shall be 3 cents per pound.

Upon wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound, the duty shall be 6 cents per pound.

Provided, That the duty upon wool of the first class, which shall be imported washed, shall be twice the amount of duty to which it would be subjected if imported unwashed, and that the duty upon wool of all classes which shall be imported scoured shall be three times the amount of the duty to which it would be subjected if imported unwashed.

On sheep skins and Angora goat skins, raw or unmanufactured, imported with the wool on, washed or unwashed, the duty shall be 30 per cent. ad valorem, and on rags, shoddy, mungo, waste, and flocks, the duty shall be 12 cents per pound.

Mr. MILLS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

Mr. MILLS. I rise to a parliamentary inquiry. Was to-night set apart for the consideration of bills in relation to the census, in accordance with the request of the gentleman from New York [Mr. COX]?

The SPEAKER *pro tempore*. It was.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STEELE, until further notice.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889; and also that the Senate further insisted upon its amendment numbered 7.

RECESS.

Mr. MILLS. I move that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The House was called to order at 8 p. m. by Hon. BENTON MCMILLIN as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 11, 1888.

SIR: I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The Clerk read the order on which the House assembled, as follows:

On motion of Mr. COX, by unanimous consent, it was ordered that a recess be taken this evening until 8 p. m., the evening session to be devoted to the consideration of the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

Mr. COX. Mr. Speaker, I ask unanimous consent that the bill assigned for this evening be considered in the House as in Committee of the Whole, and that the Committee of the Whole be discharged from the further consideration of the bill.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

[Mr. COX withholds his remarks for revision. See APPENDIX.]

Mr. COX. I now ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the bill by sections with the amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a census of the population, wealth, and industry of the United States shall be taken on or for the date June 1, 1890.

The committee propose to amend in line 4, by striking out "for" and insert "of."

The amendment was agreed to.

The Clerk read section 2, as follows:

SEC. 2. That there shall be established in the Department of the Interior an office to be denominated the Census Office, the chief officer of which shall be called the Superintendent of the Census, whose duty it shall be, under the direction of the head of the Department, to superintend and direct the taking of the Eleventh Census of the United States, in accordance with the laws relating thereto, and to perform such other duties as may be required of him by law.

The committee propose in section 2, line 4, to strike out the word "the" before the word "census."

The amendment was agreed to.

The Clerk read section 3, as follows:

SEC. 3. The Superintendent of Census shall be appointed by the President, by and with the advice and consent of the Senate; and he shall receive an annual salary of $5,000; and for the purposes of taking the Eleventh Census of the United States, the Secretary of the Interior may appoint a chief clerk of the Census Office at an annual salary of $2,500, two stenographers, and ten chiefs of division, at an annual salary each of $2,000, ten clerks of class 4, twenty clerks of class 3, thirty clerks of class 2, with such number of clerks of class 1, and of clerks, copyists, and computers, at salaries of not less than $720 nor more than $1,000 per annum, as may be found necessary for the proper and prompt compilation of the results of the enumeration of the census herein provided to be taken. And upon such compilation and publication of said census the period of service of said clerks shall end. All the clerks of classes 4, 3, and 2, above provided for, may be statistical experts.

The committee propose the following amendments to section 3:

In line 3 strike out "five" and insert "six."

After the word "stenographers," in line 7, strike out the word "and," and after the word "division," at the end of the line, add "and one disbursing clerk."

After the word "taken," in line 15, add the following:

"And the Secretary of the Interior may also appoint one captain of the watch, at a salary of $840 per annum, two messengers, and such number of watchmen and assistant messengers and messenger boys, at salaries of $400 each per annum, laborers and skilled laborers, at $600 each per annum, and charwomen, at salaries of $240 each per annum, as may be found necessary to carry out the provisions of this act."

In line 17, after the word "clerks," where it first occurs, add the words "and employés."

In line 19, after the word "experts," add the following:

"The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Treasurer of the United States in the sum of $50,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the Treasurer, quarter-yearly, of all moneys and properties which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breach of the condition thereof."

Mr. ROGERS. I rise to a parliamentary inquiry. As I did not enter the Hall till a few minutes ago, I wish to inquire what arrangement has been made in regard to the consideration of this bill.

The SPEAKER *pro tempore*. The bill, by unanimous consent, is being considered in the House as in Committee of the Whole. The first reading was dispensed with, and the bill is now being read by sections for amendment.

Mr. ROGERS. I would like to inquire of the gentleman from New York [Mr. COX] what increase of force the pending section—section 3—provides in comparison with the act for the taking of the last census. I find here a provision for ten chiefs of division. I supposed there was now some sort of organization in the Interior Department with reference to the census; if not, it has been very recently abolished. I desire to ascertain whether this bill proposes the organization of an entirely new force—a new bureau, as it were, in that Department.

Mr. COX. Some five years ago the census bureau was abolished, and the whole business connected with the census was placed in the hands of a chief clerk in the Interior Department, who has taken charge of the archives and other matters connected with the last census, as well as to some extent the preparation for the next. This bill is substantially the same as the act for the taking of the census of 1880.

Mr. ROGERS. Is the force the same?

Mr. COX. The force is not exactly the same; there is an increase.

Mr. ROGERS. To what extent?

Mr. COX. The third section of the act of 1879, under which the census of 1880 was taken, reads as follows:

The Superintendent of Census shall be appointed by the President, by and with the advice and consent of the Senate, and he shall receive an annual salary of $5,000; and the Secretary of the Interior may appoint a chief clerk of the census office, six clerks of class 4, ten clerks of class 3, fifteen clerks of class 2, with such number of clerks of class 1, and of copyists and computers, at salaries of not less than $700 or more than $1,000, as may be found necessary for the proper and prompt compilation and publication of the results of the enumeration of the census herein provided to be taken.

Most of the clerks for whom this bill provides will not be called into use until the actual and active work of taking the census has been begun; then there must be almost a regiment of people to digest, tabulate, and copy the results of the census. Of course there must be an increase of force to some extent as our population has increased since the last census from 51,000,000 to something like 64,000,000.

Mr. ROGERS. The matter which attracted my attention was the creation of ten separate divisions in one bureau. Ten chiefs of divisions struck me as a rather large force.

Mr. COX. Instead of providing that these officers be appointed at the discretion of the Secretary of the Interior or the Superintendent of the Census, we classify them and fix the salaries. I think classification has now become a rule in the business of our Departments, and a very valuable rule. This arrangement has been recommended by those familiar with this business—men who have been engaged in statistical work and know all about it. I accept their judgment as superior to my own in a matter of this kind.

Mr. ROGERS. This is a matter to which I have not given any consideration, and, of course, I would not venture to criticise anything that has been done by the committee; but noticing the organization proposed in the bill, it seemed to me the force was very large, and I thought that some explanation of this matter ought to be made, and go upon record, if we are to create a great bureau of this description.

Mr. COX. I suppose this bureau will not be at work for some time; we must first organize the business. Many of these officers will not be called into active duty until the work really begins; but the bureau must be created now.

Mr. FULLER. I wish to inquire of the chairman of the committee [Mr. COX] why the committee has recommended an increase of the salary of the Superintendent from $5,000 to $6,000. It occurs to me $6,000 is a high salary—entirely too high. It is higher than is received by the head of any bureau that I now think of—higher than the salary of the Commissioner of Pensions. There are very few judges of our United States courts who receive such a salary. This work does not require a very high order of talent. Of course, it calls for accuracy and painstaking application; but I see no reason why the salary should be increased $1,000.

Mr. COX. The Superintendent of the Geological Survey gets $6,000. I do not believe the Government can get the right kind of service in this case unless the salary be raised to $6,000. I think we all have in our minds a gentleman, now superintendent of the Department of Labor, who, if he chose to go into other business outside of official station, could command a salary of $10,000. It was the judgment of the committee that $6,000 would not be too much for an office of this character, for there is scarcely any office connected with the Government requiring harder work. Some of the officers who were connected with this work in the last census broke down. The chief clerk, Mr. Seaton, became insane in doing work upon the last census; for this business does not merely involve taking the census and tabulating the results, it runs forward into apportionment and all sorts of calculations ramifying therefrom.

Mr. DOCKERY. It should be remembered, also, that this is a temporary service.

Mr. COX. It is. I do not object, however, to the gentleman from Iowa [Mr. FULLER] moving an amendment to reduce this salary. I would like to test the sense of the House upon it.

Mr. DOCKERY. Allow me to suggest, also, to the gentleman that this is a temporary service for which this gentleman has to abandon his present business.

Mr. COX. I would not object to the gentleman making a motion if he chooses to do so, as I should like to have the sense of Congress upon it. I believe the committee was unanimous, or practically so, in its recommendation.

Mr. FULLER. Do we not take a vote upon the committee amendment? If necessary, however, I move to amend that amendment by reducing the salary to $5,000.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that a vote will be taken upon the committee amendment to strike out five thousand and insert six thousand. If that amendment is rejected, the gentleman accomplishes his purpose.

Mr. SENEY. I would like, before the question is taken, to ask the gentleman from New York to state how the salaries prescribed here in the third section compare in amount with those prescribed under the act of 1879?

Mr. COX. I have just read in section 3 of the former act what the salaries were. I have not made a computation in the aggregate, but there is not much increase over the former salaries. There is a proportionate increase of the force by reason of the increased work.

Mr. SENEY. About what is the rate of increase?

Mr. COX. It is about equal to the increase in population.

Mr. SENEY. I mean the rate per cent.

Mr. COX. Not exceeding 10 or 15 per cent. at the most.

Mr. ROGERS. Mr. Speaker, another matter occurs to me in this connection, and in order to be formal I move to strike out the last word, for the purpose of stating it.

I would inquire of the gentleman from New York [Mr. COX] what part of this bill will indicate to the Secretary of the Interior when these parties are to be employed?

I do not see anything in the third section in regard to it except the creation of these offices and the authority to employ clerks at given salaries. Where is the limit upon the Secretary in this respect as to the date of the appointment?

Mr. COX. The great body—the great army of officers—will not be employed until 1890; but the bureau will call into its service according as the emergency may arise such clerks as they may need, at which time their compensation will begin.

Mr. CHIPMAN. When does the bureau begin?

Mr. COX. On the passage of the law.

Mr. ROGERS. But when are these appointments to be made?

Mr. COX. When the necessity for the service arises; not before.

Mr. ROGERS. Unless there is some subsequent provision which I have not been able to discover in the bill, I do not think this section is explicit enough on that point, and should be amended.

We all know that these bureaus are matters of growth. When first created they started out with a small beginning, and have gradually grown until they have become, in some instances, great Departments. We create here, of course, this bureau in accordance with the judgment of men who are more capable of passing upon the question than myself, or, perhaps, than the House, unless it be those who have given careful consideration to the subject—we establish, I say, a great bureau where we employ so many officials at such and such salaries attached to the offices, and there is no discretionary power, so far as I am able to see, fixed in the Secretary of the Interior. The appointments are authorized under the bill, but as to when they shall begin or whether he shall appoint them directly the bill is silent.

It occurs to me, therefore, that there should be some provision leaving it discretionary with the Secretary of the Interior, and not compel him by a public law to create a great bureau to remain some time at least with a large force of officers in it with nothing to do, and at the same time to be drawing large salaries from the Government.

Mr. COX. Of course we will have to trust something to the discretion of the Secretary of the Interior. The language of the bill is based upon that of the old law, and of course we do not presume that the Secretary will appoint this force until the emergency comes. They do not go to work at the beginning. There is a large amount of preparatory work to be done before these clerks will be employed, or the great bulk of them.

I will say to my friend, further, that in former bills on this subject, and especially the bill providing for the Tenth Census, no such provision limiting the matter in the manner suggested was enacted.

Mr. ROGERS. I know that the gentleman from New York is more familiar with this subject than any other member, and I would like to ask him if there were any complaints of abuses under the former act?

Mr. COX. None whatever. The law was well executed by the Secretary of the Interior and by General Walker. I do not think I would restrict the Secretary of the Interior in the respect the gentleman suggests. These clerks are only employed, as under the last census bill, when needed.

Mr. ROGERS. I was going to suggest to my friend from New York that it might be well—it would certainly do no harm—to incorporate in this section that for the purpose of taking the Eleventh Census of the United States the Secretary of the Interior may, as the exigency requires, make these appointments.

Mr. COX. I have no objection.

Mr. ROGERS. I will offer that as an amendment, using the words "as the necessities of the service may require."

The SPEAKER *pro tempore*. The Chair will state that the committee amendments will be first in order.

Mr. ROGERS. I will commit my amendment to writing, then, while they are being acted upon.

Mr. PERKINS. I would like to ask the gentleman from New York whether the object of the bill is to create a permanent bureau?

Mr. COX. Not at all.

Mr. PERKINS. Is that not the effect of the language of the second section?

Mr. COX. No. This is a copy in that respect of the law of 1879; and we were compelled by act of Congress to abolish the bureau after a time, for it had gone along owing to the large number of publications that were to be gotten out that dragged their slow length along through many years.

Mr. PERKINS. Is there any limit in the bill in that particular?

Mr. COX. We can not limit it, because we do not know exactly when all these various results will be tabulated and put in proper shape. It would be unusual, and I think it would be an embarrassment to the service, to make the amendment which the gentleman suggests.

Mr. PERKINS. I am not suggesting an amendment to put a limit in the bill, but I thought the phraseology in the second section was such as to create a permanent bureau.

Mr. COX. I wish we could do that. It would be wiser to have all our statistical bureaus coalesced into one. They do that in England, they do it in France, but we have not come to that point yet. The moment the census officials get through their work it is turned over to a clerk in the Interior Department, where it is laid away and cared for until the next decennial period comes around.

The SPEAKER *pro tempore*. Is a separate vote demanded on any of the amendments except the one making a change in the salary?

Mr. FULLER. Only on that.

Mr. O'NEILL, of Missouri. I wish to call the attention of the chairman of the committee to what I think is a needed amendment. In line 18 the salaries of the messengers and watchmen are grouped in with the messenger boys at $400 per annum. I think it would be better to strike out, in lines 19 and 20, the words "messenger boys at salaries of four hundred dollars each per annum," and to insert the same words in line 21, after the words "per annum," where they properly come in.

Mr. COX. There is no objection to that.

Mr. O'NEILL, of Missouri. Then I move that amendment.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in lines 19 and 20, after the word "messengers," the words "and messenger boys at salaries of four hundred dollars each per annum," and insert the same words in line 21, after the words "per annum."

The amendment was agreed to.

Mr. ATKINSON. I wish to ask a question of the gentleman from New York in charge of this bill. I observe that there are ten chiefs of divisions provided for in this bill, whilst in the act of 1879 there were no chiefs of divisions. There are also ten clerks of class 4 provided for here, whilst in the act of 1879 but six clerks of that class were provided for. There are twenty clerks of class 3 provided for in this bill, whilst in the act of 1879 there were but ten. This bill provides, also, for thirty clerks of class 2, whilst in the act of 1879 there were but fifteen clerks of that class provided for. What I wish to ask the gentleman is whether this increase in the number of clerks is necessary.

Mr. COX. Absolutely necessary. In the work of the former census the clerks worked all day and sometimes half the night, and also on Sundays. They were driven all the time in order to get up the statistics for our apportionment, and no body of men ever worked more faithfully. They were mere temporary clerks, as has been already stated, and this increase is considered indispensable by those who are experts in the matter.

Mr. ATKINSON. I observe, also, that the increase is in the more expensive class of clerks, but perhaps that also is necessary.

The SPEAKER *pro tempore*. If no separate vote be demanded on the amendments, the Chair will put the question on them in gross, except the one as to the change of salary. The Clerk will report that amendment.

The Clerk read as follows:

In line 3, strike out "five" and insert "six."

Mr. HOLMAN. I think there ought to be a separate vote upon each proposition to increase the number of employés.

The SPEAKER *pro tempore* put the question, and was in doubt as to the result.

A division was called for.

The House divided; and there were—ayes 15, noes 9.

So the amendment was agreed to.

Mr. COX. I will say in reference to the question asked me by the gentleman from Pennsylvania [Mr. ATKINSON] that the chiefs of divisions in former censuses were chosen from experts and paid out of another fund. They were compelled to have experts at that time, as I recall. That will account for the apparent discrepancy between the act of 1879 and the present act.

Mr. ATKINSON. I was not familiar with that fact. All the information I had on the subject I gathered from the text of the act of 1879.

The Clerk reported the next amendment, as follows:

In section 3, line 7, it is proposed to strike out the word "and" after the word "stenographers," and to add, at the beginning of line 8, the words "and one disbursing clerk."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

After the word "taken," in line 15, add:

"And the Secretary of the Interior may also appoint one captain of the watch at a salary of $840 per annum, two messengers and such number of watchmen and assistant messengers and messenger boys at salaries of $400 each per annum, laborers and skilled laborers at $600 each per annum, and charwomen at salaries of $240 each per annum, as may be found necessary to carry out the provisions of this act."

Mr. WHITE, of Indiana. Mr. Speaker, I move to amend by providing salaries of $400 each per annum for the charwomen, instead of $240.

The Clerk reported the amendment, as follows:

It is proposed to strike out "two hundred and forty," in line 22 of the section, and insert "four hundred."

Mr. PERKINS. Before voting on that amendment I would like to inquire of the gentleman from Indiana or of some other gentleman present, what salaries are paid to the charwomen in the other Departments.

Mr. HOLMAN. Two hundred and forty dollars.

Mr. O'NEILL, of Missouri. Two hundred and forty dollars everywhere.

Mr. WHITE, of Indiana. I do not care for that information. My impression was they were paid the amount provided in this bill. Nevertheless that is no reason why the salaries of these women should be fixed according to what charwomen are paid in other Departments. The salary is too low. I for one believe the rates should be increased. I think it is discreditable to this Congress to attempt to employ women at the rate of $240 per year. Congress ought to set the example to our people of being liberal, especially with the poor. I voted to increase the salary of the chief to $6,000 per annum.

Mr. GROSVENOR. Will the gentleman permit a question?

Mr. WHITE, of Indiana. Yes.

Mr. GROSVENOR. Does the gentleman from Indiana employ any female help in his own house?

Mr. WHITE, of Indiana. I do.

Mr. GROSVENOR. What rate per week do you pay?

Mr. WHITE, of Indiana. We pay the girl that we hire at our home $3 a week and board.

Mr. GROSVENOR. One hundred and fifty dollars a year.

Mr. WHITE, of Indiana. Yes; and her board. Does the Department board the women? If the Department boards the women and pays them $240 a year I shall be satisfied. The girl that I hire gets her board and her bed. I say the poor are continually ruled against in Government employ. I see that plainly in the case of laborers employed in the Departments. I have no objection to paying large salaries to the heads of Departments. I do not begrudge them their salaries, and have never voted against them. I voted in favor of paying the chief of this bureau $6,000. I think it is due to this House that we agree to the trifling addition I propose in the compensation of these poor women, who are more in need of money than the heads of the Departments.

The amendment was rejected.

The amendment of the committee was agreed to.

The Clerk reported the next amendment, as follows:

In line 17, after the word "clerks" where it first occurs, add the words "and employés."

The amendment was agreed to.

The Clerk reported the next amendment proposed by the committee, as follows:

In line 19, after the word "experts," add the following:

The disbursing clerk herein provided for shall, before entering upon his duties, give bond to the Treasurer of the United States in the sum of $50,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the Treasurer, quarter-yearly, of all moneys and properties which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

The amendment was agreed to.

Mr. ROGERS. I offer the following amendment:

The Clerk reported the amendment, as follows:

After the word "may," in line 5, insert "from time to time as the necessity therefor arises."

The amendment was agreed to.

The Clerk read section 4, as follows:

SEC. 4. That the Secretary of the Interior shall, on or before the 1st day of March, 1890, on the recommendation of the Superintendent of Census, designate the number, whether one or more, of supervisors of census, to be appointed within each State or Territory, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The total number of such supervisors shall not exceed one hundred and seventy-five. Each supervisor shall, before entering upon the duties of his office, take and subscribe the following oath or affirmation: "I, ——— ———, supervisor, do solemnly swear or affirm that I will support the Constitution of the United States, and perform and discharge the duties of the supervisor of census according to law, honestly and correctly, to the best of my ability;" which oath shall be filed in the office of the Secretary of the Interior.

The committee recommend the following amendments:

In section 4, line 5, strike out the word "or" and insert the word "and," and after the word "Territory," in the same line, add the words "and the District of Columbia."

The amendments were agreed to.

Mr. HOVEY. I offer the following amendment, in line 12, section 4.

The Clerk reported the amendment, as follows:

In line 12, section 4, include in brackets the words "or affirm."

Mr. COX. That is right.

The amendment was agreed to.

Mr. BUCHANAN. I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

After section 4 add the following:

"And any supervisor may at the discretion of the Superintendent be detailed for service in any other State."

Mr. COX. I do not see the object of that.

Mr. BUCHANAN. Those who are familiar with some charges and counter charges that were attendant upon the taking of the last census will see the object.

Mr. COX. I beg to say to the gentleman that I never heard of any complaints about the taking of the last census except in two places, one in Missouri and the other in South Carolina. General Walker, the Superintendent of the Census, and the gentleman then at the head of the Interior Department, a Republican, had the census retaken in those places under the supervision of the very men who had made the complaints, and the retaking showed the normal increase between the first and the second taking. I do not think the complaints were well founded, and although they had some little run in the newspapers, I believe no man ever made any charge in the House that was not satisfactorily answered.

Mr. GROSVENOR. What is the objection of the gentleman from New York to an amendment like this?

Mr. COX. Well, it is rather incongruous to have men designated to go from one State to another.

Mr. GROSVENOR. I suppose it would not be done except in a case where there was some suspicion of wrongdoing of some kind.

Mr. COX. It would introduce confusion into the system and destroy its unity.

Mr. GROSVENOR. Very large interests hinge upon this question.

Mr. COX. I will say to the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from New Jersey [Mr. BUCHANAN] that there was no trouble about this subject in the taking of the last census. This provision of the bill was drawn by the late General Garfield very carefully for the bill for the Ninth Census, and I copied it in my bill for the taking of the Tenth Census. Many of the features of this bill, in fact the main features of it, were drawn by General Garfield after most careful study, and experience has since demonstrated the value of his study of the subject.

Mr. HOPKINS, of Illinois. This amendment does not propose that the discretion shall be exercised unless an emergency calling for the exercise of it arises.

Mr. COX. Well, you do not want to provide for every imaginable emergency in a bill of this kind.

Mr. KERR. Would not the superintendent have this discretion without the amendment?

A MEMBER. No.

Mr. BUCHANAN. I have offered this amendment in order to relax to some extent the rule laid down in this section, which provides that these officers shall be appointed "within each State and Territory." My amendment simply allows the Superintendent of the Census, in his discretion, to detail some of these gentlemen for service elsewhere. Of course he would not exercise that discretion unless he thought it was necessary, and where it became necessary he should have the power to do it. As the bill stands it would be impossible for him to order a supervisor from Missouri into Illinois for example, or *vice versa*, and therefore it would be necessary for him if he desired to make such changes to come to Congress for additional legislation, or else to allow to pass what he believed to be defective work. The amendment leaves it all in the discretion of the Superintendent.

The amendment was rejected—ayes 12, noes 18.

The Clerk read as follows:

SEC. 5. Each supervisor of census shall be charged with the performance, within his own district, of the following duties: To propose to the Superintendent of Census the division of his district into subdivisions most convenient for the purpose of enumeration; to designate to the Superintendent of Census suitable persons, and, with the consent of said Superintendent, to employ such persons as enumerators within his district, one for each subdivision, and resident therein, who shall be selected solely with reference to fitness, and without reference to their political party affiliations, according to the division approved by the Superintendent of Census; but in case it shall occur in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that district, the supervisor may appoint any fit person, resident in the county, to be the enumerator of that district; to transmit to enumerators the printed forms and schedules issued from the Census Office, in quantities suited to the requirements of each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties, and to the methods of conducting the census, and to advise with and counsel enumerators in person and by letter, as freely and fully as may be required to secure the purposes of this act; and under the direction of the Superintendent of Census, and to facilitate the taking of the census with as little delay as possible, he may cause to be distributed by the enumerators, prior to the taking of the enumeration, schedules to be filled up by householders and others; to provide for the early and safe transmission to his office of the returns of enumerators, embracing all the schedules filled by them in the course of enumeration, and for the due receipt and custody of such returns pending their transmission to the Census Office; to examine and scrutinize the returns of enumerators, in order to ascertain whether the work has been performed in all respects in compliance with the provisions of law, and whether any town or village or integral portion of the district has been omitted from enumeration; to forward to the Superintendent of Census the completed returns of his district in such time and manner as shall be prescribed by the said Superintendent, and in the event of discrepancies or deficiencies appearing in the returns from his district, to use all diligence in causing the same to be corrected or supplied; to make up and forward to the Superintendent of Census the accounts required for ascertaining the amount of compensation due under the provisions of this act to each enumerator of his district.

Mr. CONGER. I desire to offer an amendment, which I send to the desk.

The Clerk read the amendment, as follows:

Insert after the word "census," in line 11, the following:

"*Provided*, That in the appointment of enumerators preference shall in all cases be given to properly qualified, honorably discharged soldiers or sailors of the United States Army or Navy residing in the respective districts."

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Iowa [Mr. CONGER].

Mr. ROGERS. Let it be reported again.

The amendment was again read.

Mr. COX. Let it go. I have no objection to it as long as the matter is left discretionary and the soldier is required to be fit for the purpose. But the soldiers are getting old now and we want young enumerators.

Mr. CONGER. The work comes at a pleasant time of year.

Mr. HOLMAN. There is no objection to it.

Mr. ROGERS. The only point I see against it is one which somebody has whispered in my ear, that there may be some districts where properly qualified soldiers can not be found.

Mr. ATKINSON. The matter is discretionary. The amendment only provides that "preference shall be given."

Mr. MATSON. It seems to me that the language of the amendment just acted on ought to be a little different. In its present form it appears to provide for the appointment of only such soldiers as have been in the regular Army. I presume the gentleman from Iowa [Mr. CONGER] intended to provide more especially for those who have been soldiers in the volunteer service.

Mr. CONGER. I certainly did, and I supposed the language of the amendment would accomplish that object.

Mr. HOLMAN. Let the amendment be again read.

The Clerk again read the amendment of Mr. CONGER.

Mr. O'NEILL, of Missouri. That is all right.

Mr. CONGER. If there is any question about the construction of this amendment, I ask unanimous consent to insert the words "either in the regular or volunteer service."

Mr. DOCKERY. I suggest that the amendment should read in this form:

Provided, That in the appointment of enumerators preference shall in all cases be given to properly qualified persons who have served in the military or naval service of the United States.

Mr. ATKINSON. During the war of the rebellion.

Mr. CONGER. I have no objection to the amendment suggested by the gentleman from Missouri [Mr. DOCKERY], though I think the amendment in its original form includes every one that will be covered by the gentleman's amendment.

Mr. COX. There is no objection to that amendment.

Mr. CONGER. I am perfectly willing to accept the amendment.

The SPEAKER *pro tempore*. It is necessary that the amendment be acted on by the House. The Clerk will report the amendment of the gentleman from Missouri as taken down by the Clerk.

The Clerk read as follows:

Provided, That in the appointment of enumerators preference shall in all cases be given to properly qualified persons honorably discharged from the military or naval service of the United States residing in the respective districts.

The SPEAKER *pro tempore*. As the amendment of the gentleman from Iowa [Mr. CONGER] has been adopted in the form originally offered this substitute can not be entertained except by unanimous consent or by a reconsideration of the vote already taken. Is there objection to the entertainment of this amendment in lieu of that already offered by the gentleman from Iowa? The Chair hears none.

The amendment of Mr. DOCKERY was adopted.

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 9 and 10 of section 5 strike out the words "and without reference to their political party affiliations," and insert "and from each of the political parties in proportion to the number of votes cast for each party at the last preceding election for member of Congress in the Congressional district within which appointed, and."

Mr. BUCHANAN. Mr. Speaker, I offer this amendment, knowing that the language in this bill is the language of the law of 1879, but remembering also the fact that in the execution of that law the enumerators, at least in my section of the country, were appointed equally from the two political parties then existing.

My amendment provides a broader method of appointment. It provides that these enumerators shall be appointed according to the number of votes cast by each political party at the preceding Congressional election. Enumerators will thus be secured not only from the two great political parties, but also from parties casting a smaller number of votes. This will serve to bring these enumerators as close to the people as any arrangement which could be made, and will make them as nearly as possible in harmony with the sentiments of the people. I think the amendment should be adopted, as thereby we shall secure a proper distribution of these enumerators and possibly save our friends on the other side from the consequences of a change of administration on the 4th of March next.

Mr. GROSVENOR. I do not like to delay the proceedings on this bill; but I can not myself see how this amendment will work. Take for illustration the State of Georgia: our side will not get any votes there, and therefore no enumerators.

Mr. BUCHANAN. Of course not; I understand that.

Mr. GROSVENOR. Nor any supervisors or anything else.

Mr. BUCHANAN. This does not refer to supervisors.

Mr. GROSVENOR. I would be willing to put this matter on the basis of the vote, if I could find out what the vote is; but where one side does not vote, I can not find out.

The amendment of Mr. BUCHANAN was rejected.

The Clerk read as follows:

SEC. 6. Each supervisor of census shall, upon the completion of his duties to the satisfaction of the Secretary of the Interior, receive the sum of $125, and in addition thereto, in thickly-settled districts, $1 for each thousand or majority fraction of a thousand of the population enumerated in his district, and in sparsely-settled districts $1.40 for each thousand or majority fraction of a thousand of the population enumerated in such district; such sums to be in full compensation for all services rendered and expenses incurred by him, except that an allowance for clerk-hire may be made, at the discretion of the Superintendent of Census. The designation of the compensation per thousand, as provided in this section, shall be made by the Secretary of the Interior at least one month in advance of the date for the commencement of the enumeration.

SEC. 7. That all mail matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent of Census, his chief clerk, supervisors or enumerators, and indorsed "Official business Department of the Interior, Census Office," shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

SEC. 8. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of census of the district to which he belongs a commission, under his hand, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him. He shall, moreover, take and subscribe the following oath or affirmation:

"I, ——— ———, an enumerator for taking the —— census of the United States, do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the subdivision assigned to me, and will also faithfully collect all other statistics therein, as provided for in the act for taking the —— census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof as required by said act, and will not disclose any information contained in the schedules, lists, or statements obtained by me to any person or persons, except to my superior officers.

(Signed) ——— ———."

Which said oath or affirmation may be administered by any judge of a court of record, or any justice of the peace, or notary public empowered to administer oaths; and a copy thereof, duly authenticated, shall be forwarded to the supervisor of census before the date fixed herein for the commencement of the enumeration.

The amendment reported by the committee to section 8 was read, as follows:

In line 23 strike out "and a copy thereof" and insert "which oath."

The amendment was agreed to.

Mr. ROGERS. I wish to inquire what is the object of the obligation of secrecy which is imposed on the enumerators in the affidavit. The language is:

And will not disclose any information contained in schedules, lists, or statements obtained by me to any person or persons, except to my superior officer.

Mr. COX. The object is this, as any one can understand on a moment's reflection from the nature of the census. People come to the enumerators and ask for all sorts of information of the wealth or poverty, as it may be, of their neighbors. We do not propose to have any such troublesome thing in order to accommodate any one seeking that sort of information and making inquiries of the enumerators. It prevents the taking of the census if a man is at the mercy of his neighbors, who may gossip about his prosperity or otherwise.

Mr. BUCHANAN. I can say from my own personal observation that it is impossible fully to take the census without some such requirement as this.

Mr. COX. It has always been the case in every census which has been taken, from the enumeration of the people of Israel, when they feared to be taxed or conscripted, down to the present time.

Mr. BUCHANAN. They do not want the facts about their affairs to be published in the newspapers.

Mr. COX. They are often reluctant to give information to the enumerators when people are inquiring as to their standing in the community from idle curiosity or otherwise.

There being no amendment offered to the section, the Clerk read the next section (9), as follows:

SEC. 9. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling-house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all the particulars required by this act, as of date June 1, 1889. And in case no person shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families, or person or persons, living nearest to such place of abode. The Superintendent of Census may employ special agents or other means to make an enumeration of all Indians living within the jurisdiction of the United States, with such information as to their condition as may be obtainable, classifying them as to Indians taxed and Indians not taxed.

The committee amendment was, in line 10, to strike out "eighty" and insert "ninety;" so it will read, "1890."

The amendment was agreed to.

Section 10 was read, as follows:

SEC. 10. And it shall be further the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district, as his returns under the provisions of this act.

There being no amendment offered to the section, the Clerk read the next section, as follows:

SEC. 11. The compensation of enumerators shall be ascertained and fixed as follows: In subdivisions where the Superintendent of Census shall deem such allowance sufficient an allowance not exceeding 2 cents for each living inhabitant, 2 cents for each death reported, 15 cents for each farm, and 20 cents for each establishment of productive industry enumerated and returned, may be given in full compensation for all services: *Provided*, That the subdivisions to which the above rate of compensation shall apply must be designated by the Superintendent of Census at least one month in advance of the enumeration. For all other subdivisions rates of compensation shall be fixed in advance of the enumeration by the Superintendent of Census, with the approval of the Secretary of the Interior, according to the difficulty of enumeration, having reference to the nature of the region to be canvassed and the density or sparseness of settlement, or other considerations pertinent thereto; but the compensation allowed to any enumerator in any such district shall not be less than $3 nor more than $6 per day of ten hours' actual field-work each, when a per diem compensation shall be established by the Secretary of the Interior, nor more than 3 cents for each living inhabitant, 20 cents for each farm, and 30 cents for each establishment of productive industry enumerated and returned, when a per capita compensation shall be deemed advisable by the Secretary of the Interior. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Superintendent of Census. The Superintendent of Census shall prescribe uniform methods and suitable forms for keeping accounts of the number of people enumerated or of time occupied in field-work, for the purpose of ascertaining the amounts due to enumerators, severally, under the provisions of this act.

Mr. PERKINS. Let me ask the gentleman from New York [Mr. COX] is the compensation provided here the same as that which was provided in the old law?

Mr. COX. It is not. It is a little larger. It is provided here where the Superintendent of Census shall deem such allowance sufficient an allowance not exceeding 2 cents for each living inhabitant, 2 cents for each death reported, 15 cents for each farm, and 20 cents for each establishment of productive industry enumerated and returned may be given in full compensation for all services.

Under the act of 1799 10 cents was the allowance for each farm. It is 15 cents here.

Mr. PERKINS. Is it a fact that the compensation under the old law is not a fair compensation?

Mr. COX. No, it is not. They came back to Congress and asked for relief. Members of Congress had many petitions from them. We find, too, that we want a little better class of men for enumerators to take account of farms and establishments of productive industry. It is proposed to give them for that purpose a larger compensation than is allowed under the old law of 1799. Those who have watched the operation of the old law acknowledge this to be necessary.

Mr. HOLMAN. I ought not to raise any objection to this increase, as I ought to have been present when this matter was being considered in the committee. I live in a country of about the average population, having a number of manufacturing establishments. I do not remember to have heard complaint that a good class of men could not be obtained for the compensation provided in the act of 1799. This is a material increase, and although I shall not make an amendment, I would prefer to have the compensation remain as it is provided in the old law, because the cost of living is less now than it was when former censuses were taken.

Mr. GROSVENOR. A great many men who were offered the position of enumerator declined to take it on account of the smallness of the compensation, and a great many who did take it found the compensation inadequate and withdrew. I was not in Congress, and do not know of the application for increased compensation.

The census is taken on the 1st of June, and in farming districts at that time the farmers are in the height of their work. It is provided the enumerator must be a resident of his district. Take agricultural districts and you will scarcely find a man competent to do the work successfully who would be willing to take less compensation than that which is provided in this bill.

Mr. COX. One idea I suggest to the gentlemen of the House is this: In order to take the value of farms or establishments of industry the enumerator has to go again and again. After he leaves his schedule he has to go after it. He has to assist the farmer or small manufacturer to make his return.

Mr. CUTCHEON. Is the compensation provided on the top of page 10 to apply to enumerators of certain districts?

Mr. COX. It is. I hope the gentleman from Indiana will not insist on changing this well-considered compensation, as it really is the most difficult part of the census.

Mr. ANDERSON, of Mississippi. I would like to ask the chairman of the Committee on the Census why they make a difference between the enumeration of the farms and the enumeration of the establishments of productive industry, the one being placed at 15 cents each and the other at 20 cents each?

Mr. COX. There is more trouble in making an enumeration of the one than of the other, as the gentleman from Mississippi will surmise. It requires more technical knowledge to make an enumeration of manufacturing establishments than of farms.

Mr. ANDERSON, of Mississippi. I think there should be the same

compensation for each; and I move to amend by placing them on the same footing; that is, to strike out, in the sixth line, the word "twenty" and insert "fifteen."

Mr. COX. I hope that amendment will not be adopted. The discrimination should be made between manufacturing establishments and farms, in this respect.

The amendment was rejected.

The Clerk read section 12, as follows:

SEC. 12. That the subdivision assigned to any enumerator shall not exceed 4,000 inhabitants, according to the census of 1880: *Provided*, That in the Territories and in the States admitted into the Union since 1880, the supervisor of census may appoint additional enumerators in cases where, in his judgment, the census can not be properly taken in thirty days by reason of the increase of population or the physical features of the said district. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

The committee recommend the adoption of the following amendments:

In section 12, line 2, after the word "inhabitants" add the words "as near as may be."

In the same section strike out the paragraph commencing with the word "Provided," in line 3, and ending with the words "said District," in line 9, and change the colon after the word "eighty," in line 3, to a period.

Mr. CONGER. Mr. Speaker, I desire to ask the chairman of the committee whether they mean by this section to make these districts or subdivisions to include 4,000 inhabitants under the act of 1880?

Mr. COX. That is the object of the committee.

Mr. CONGER. The reason I ask is because there are many places, in the West especially, where towns of four, five, six, and ten thousand inhabitants exist now where perhaps there were not fifty people living in 1880. It will make some of the divisions exceedingly large.

Mr. ROGERS. If my friend will pardon me, I will state that by the census of 1880 the town in which I live contained but 3,300 people. It is estimated now at 17,000.

Mr. COX. This provides that they shall not exceed 4,000, as near as may be.

Mr. CONGER. Yes; but look at the remainder of the paragraph: "According to the census of 1880." Now, how would that operate in these places that I have referred to?

Mr. COX. They will be divided into a number of districts.

Mr. BUCHANAN. Look at Dakota.

Mr. COX. That will be divided.

Mr. CONGER. Can they divide it under that bill?

Mr. COX. Certainly; it is to be divided into districts of 4,000 inhabitants as near as possible.

Mr. CONGER. But as near as may be according to the census of 1880; that would have to be the basis.

Mr. HOPKINS, of Illinois. Why not strike out "according to the census of 1880?"

I make that as a motion.

Mr. COX. I have no objection to that.

The SPEAKER *pro tempore*. The committee amendments are first in order.

The amendments of the committee were adopted.

The amendment of Mr. HOPKINS, of Illinois, was also adopted.

The Clerk read section 13, as follows:

SEC. 13. That any supervisor or enumerator, who, having taken and subscribed the oath required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the superintendent, communicate to any person not authorized to receive the same, any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit a sum not exceeding $500; or, if he shall willfully and knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and, on conviction thereof, shall be imprisoned not exceeding three years, or by fine not exceeding $800; or if he shall willfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and upon conviction of either of the last-named offenses, he shall forfeit and pay a sum not exceeding $5,000 and be imprisoned not exceeding two years.

Mr. BUCHANAN. I move, in line 17 of this section, to strike out "and" and insert "or."

It will be noticed the punishments provided for here are both by fine and imprisonment. The previous punishment was fine or imprisonment both; and my own experience is such as to teach me that convictions are far more certain by juries when the punishments are in the discretion of the court in the alternative. I ask that this be changed by striking out "and" and inserting "or," and perhaps it should be followed in the eighteenth line by adding the words "or both."

Mr. COX. I have no objection to that. But we followed the language of 1879.

Mr. HOLMAN. I think the present law had better be adhered to.

Mr. GROSVENOR. I am sorry the chairman of the committee has given his assent to this, if he has done so. I think that in the crimes of perjury and forgery there is no State in this Union that would permit any man to escape with a slight fine, and possibly not pay a cent of the fine. They are two of the worst crimes known to the category of crimes against property; and one of them is the crime of the false certificate to the aggregate of the enumeration which affects the representation in Congress.

Mr. BUCHANAN. Will the gentleman permit me?

Mr. GROSVENOR. Certainly.

Mr. BUCHANAN. I drew my amendment hastily as the Clerk was reading, under the impression that this referred to the punishment for forgery. I ask to withdraw it, as I see it was not this section to which I wanted to apply it.

There was no objection.

Mr. PETERS. Mr. Speaker, this section provides for a penalty where supervisors or enumerators shall, "without justifiable cause," refuse to perform the duties enjoined by this act. But suppose a supervisor or enumerator, with justifiable cause, should fail to perform the duties of the office, and therefore the duties of the office would not be performed, what arrangement or provision is there to provide for such an emergency?

Mr. COX. There is a provision in a subsequent section for that.

Mr. GROSVENOR. Where?

Mr. ROGERS. Permit me a moment. I wish to submit a remark that this language "without justifiable cause" is objectionable here, and I move that it be stricken out. There is no court on earth that would give any legal sanction to such words. I do not recollect to have seen any legal sanction ever given to them by any court. Who is to determine what justifiable cause is? The words in themselves do not mean anything, and they ought to be striken out.

Mr. GROSVENOR. I will ask my friend if he will not in the same motion provide for putting in some words that ought to go there; "willfully," "maliciously," or some other word that imports a crime.

Mr. ROGERS. Yes, they ought to be inserted. I wish first to move to strike out these words because they have no legal signification. Suppose the court tells the jury it must acquit a man if he has shown justifiable cause. How is the court to determine what is justifiable cause? There is no legal signification to any such term. It is wholly unknown to the practice of the law, so far as I am advised.

Mr. HOPKINS, of Illinois. In case of a trial would not that matter be left to the jury?

Mr. ROGERS. Yes; but who ever heard of the question being submitted to a jury as to what was justifiable cause? It is usual to tell what the murder, the assault, or the crime is.

Mr. HOPKINS, of Illinois. Justifiable cause is a matter a jury is called upon to decide almost constantly.

Mr. ROGERS. Whenever that is the case the law defines what the crime is. Suppose a man is indicted for homicide and sets up justification. The court defines what is justifiable homicide. But what is justifiable cause here? Nobody can tell.

Mr. HOPKINS, of Illinois. Although it may not be the case in your State, in our State juries find the presence or absence of justifiable cause.

Mr. ROGERS. They find the facts, but the court tells what the law is.

Mr. HOPKINS, of Illinois. This comes under the class denominated mixed questions of law and fact, which are always submitted to the jury.

Mr. ROGERS. Suppose one man curses another and that other shoots him and kills him. Would you submit to the jury the question whether he was justified in killing the man who cursed him? In our country that would not be done.

Mr. KERR. I suggest that the gentleman move to strike out the words "without justifiable cause" and insert "willfully."

Mr. ROGERS. That is exactly what I propose to do. I propose to strike out the words "without justifiable cause" and insert the words "willfully neglect or refuse."

Mr. SAWYER. As I understand it, the point sought to be guarded against is this: That a man having taken the oath shall go on and perform the duties. Suppose that man is taken sick and can not perform the duties. It is a willful act on his part not to do so. It is an intentional act on his part, but he has justifiable cause for failing to perform his duties. I do not see any difficulty about leaving the matter to the court, or to the jury under the direction of the court, to decide what in a given case is justifiable cause. In my State it is very common to submit such matters to the courts.

Mr. ROGERS. My friend from New York is in error in his definition of "willful." If a man was taken sick and neglected his duties, the neglect on his part would not be willful.

Mr. SAWYER. The failure is an intentional act on his part.

Mr. ROGERS. It would not be a willful act, but an act over which he would have no control.

Mr. ATKINSON. I desire to call the attention of the House to the fact that this is precisely the same language that was used in the act of 1879, "without justifiable cause." It appears that that act operated satisfactorily. I do not see that there is any marked difference between the expressions "willfully" and "without justifiable cause." It seems to me that in practice the words are synonyms.

I know full well that "willfully" is the expression generally used in criminal codes, but I believe that this language is synonymous with it, and I see no reason why an amendment should be made when practically it has no value.

The question was taken on the amendment, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. BACON. I call for a division.

The House divided; and they were—ayes 7, noes 16.

So the amendment was rejected.

Mr. GROSVENOR. I want to call the attention of the chairman of the committee, and I do it modestly and respectfully, to what seems to me to be a defect in this bill which perhaps requires amendment. The gentleman has said that in a subsequent section of the bill the difficulty pointed out by the gentleman from Kansas [Mr. PETERS] has been met. It seems to me, however, that the trouble lies right here. The Superintendent of the Census has general power; he is not limited geographically, but all the other officers provided for here, as far as I am able to discover, have no jurisdiction outside of certain geographical limits. The supervisor is limited to his district; he has no power outside of it; and at every point in the bill the words are carefully inserted "within the district." The same is true as to the enumerator. He is not only limited to taking the enumeration within his district, but he must live there, except that in one place in the bill it is provided (and this strengthens the view I have taken) that if no suitable person can be found within the district another enumerator may be appointed to go into that particular district and take the census there.

Mr. COX. Provided he resides in the county.

Mr. GROSVENOR. Yes; he must reside in the county. Now, the power to appoint a person living outside is limited to a certain occasion, and that occasion is expressed in this language: "in case it shall be found in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that district." If there is a person inside of the district who is qualified and willing to undertake the duty, then there is no power to appoint an enumerator outside of the district. Now, take the case suggested by the gentleman from Kansas [Mr. PETERS], where the enumerator is qualified and is willing to undertake the duty, but does not perform it, either neglects or fails to perform it. It is true there is a provision in the bill for his removal and the appointment of somebody else, but there are extreme cases which might not be covered by that provision, and it seems to me that a statute of so great importance as this ought to contain a provision that would be an effectual barrier against any accident or any design on the part of anybody defeating the operation of the law.

Mr. COX. If the gentleman will turn to section 22 he will see this provision:

That the Superintendent of Census, with the consent of the President, may at any time remove any supervisor of census and fill any vacancy thereby caused or otherwise occurring; and the supervisor of census may, with the consent of the Superintendent of Census, remove any enumerator in his district and fill the vacancy thereby caused or otherwise occurring.

That provides for every possible contingency. There was no trouble about this in the taking of the last census. No vacancy occurred that was not properly and promptly filled under the law.

Mr. GROSVENOR. But if the gentleman will bear with me, that provision does not meet the point which I make. It says that—

the Superintendent of the Census, with the consent of the President, may at any time remove any supervisor of census and fill any vacancy thereby caused or otherwise occurring; and the supervisor of census may, with the consent of the Superintendent of Census, remove any enumerator in his district and fill the vacancy thereby caused or otherwise occurring.

But if the supervisor removes an enumerator he must appoint another man in the district, and if a superintendent removes a supervisor he must appoint another one in the district. My point is that somewhere in the bill power ought to be lodged in the Superintendent of the Census, in case any supervisor and his successor and the enumerator refuse to do their duty, to send somebody to take the census in that district. I only submit this as a suggestion. I am not going to offer an amendment, and if the gentleman from New York [Mr. COX] is of the opinion that the bill is sufficiently guarded on this point I have nothing further to say.

Mr. COX. Judging by the operation of the former statute, it was sufficiently guarded. In every case of a vacancy occurring from any cause there was power to fill it promptly, and no trouble occurred.

The Clerk read as follows:

SEC. 14. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the employment of any person as enumerator or clerk, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 nor more than $3,000, in the discretion of the court.

Mr. ATKINSON. I move to amend by striking out, in lines 7 and 8 of section 14, the words "less than $500 nor;" so as to read, "shall be fined not more than $3,000 in the discretion of the court."

Mr. ROGERS. The gentleman from Pennsylvania [Mr. ATKINSON] is in the right line, but I think the language should read, "shall be fined in any sum not exceeding $3,000," etc.

Mr. ATKINSON. My amendment amounts to precisely the same thing. "Not more than" and "not exceeding" are synonymous phrases.

The amendment of Mr. ATKINSON was agreed to.

Mr. BUCHANAN. I will inquire of the gentleman from New York [Mr. COX] what is to be done where the man can not or does not pay the fine? I think the alternative of imprisonment in the discretion of the court should be provided.

Mr. WHEELER. Have not all the States a general law regulating matters of this kind?

Mr. BUCHANAN. We are not legislating for the States, but for the United States.

The SPEAKER *pro tempore*. If no amendment is offered, the Clerk will report the next section.

Mr. BUCHANAN. I will ask to recur to this section hereafter for the purpose of amending it.

The Clerk read as follows:

SEC. 15. That each and every person more than twenty years of age, belonging to any family residing in any enumeration district, and in case of the absence of the heads and other members of any such family, then an agent of such family, shall be, and each of them hereby is, required, if thereto requested by the superintendent, supervisor, or enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family, in the various particulars required by law, and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not exceeding $100. And every president, treasurer, secretary, general agent, or managing director of every corporation from which answers to any of the schedules provided for by this act are herein required, who shall, if thereto requested by the superintendent, supervisor, or enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, such officer or agent shall forfeit and pay a sum not less than $500 nor more than $10,000, to be recovered in an action of debt in any court of competent jurisdiction, in the name and to the use of the United States, and in addition thereto shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned for a period not exceeding one year.

The amendment reported by the committee was read, as follows:

After the word "agent," in line 13, strike out the word "or;" and after "director," in the same line, insert "or other general officer."

The amendment was adopted.

Mr. BUCHANAN. I now desire to offer an amendment to section 14.

The SPEAKER *pro tempore*. If there be no objection, the amendment will be entertained.

Mr. COX. I wish the gentleman would defer that until we get through the bill.

Mr. BUCHANAN. It will take only a moment.

Mr. COX. Very well.

Mr. BUCHANAN. I move to amend by inserting, in line 9 of section 14, after the word "dollars," the words "or be imprisoned not more than one year, or both."

Mr. COX. I have no objection to that.

The amendment was adopted.

Mr. ROGERS. I desire to offer an amendment to the pending section—section 15. I move to amend by inserting, after the word "act," in line 18, the words "or willfully give false information." The object of this amendment is to punish any one of the officers of these corporations who may willfully give false information to the supervisor or enumerator.

Mr. BUCHANAN. That is already provided for. There is provision for the punishment of any one who shall "willfully neglect or refuse to give true and complete answers." The giving of a false answer is the neglect to give a true answer.

Mr. COX. I think the gentleman from Arkansas will find that the purpose of his amendment is accomplished by the language already embraced in the section.

Mr. ROGERS. I think the present language of the section is not broad enough. It reads:

Who shall, if thereto requested by the superintendent, supervisor, or enumerator, willfully neglect or refuse to give true and complete answers.

Now, a person may neglect to give a true answer, and that is punishable by the language of the bill. He may refuse to do so; that is also punishable by the language of the bill. But a person may give other information which is false. I think that ought to be punishable.

Mr. BUCHANAN. If a person gives false information he "neglects or refuses" to give true information.

Mr. PETERS. If he gives false information he can not give "true and complete answers."

Mr. ROGERS. The answers which he gives may be true; but he may give other information that is false.

The amendment of Mr. ROGERS was agreed to, there being—aye 12, noes 11.

Mr. HOLMAN. I believe the closing portion of section 15 is the only provision in this bill embracing the anomaly of a forfeiture to be recovered in a civil action, and also a prosecution of the offense as a misdemeanor. It seems to me if it were provided that the agent or officer who refuses to give correct answers shall be subject to fine not exceeding $3,000 it would be at least as well as to have two forms of action, for as a general thing the two forms of action would not be resorted to. There would not be the enforcement of a fine and also a prosecution by indictment for a misdemeanor. I do not know whether the attention of the committee has been called to this matter or not.

Mr. COX. We have simply followed the provision of the previous law. There has never been any prosecution under it, and is not likely to be.

Mr. HOLMAN. Section 16, which we are next to consider, embraces a very anomalous provision that—

All fines and penalties imposed by this act may be enforced by indictment or appropriate action at law in any court of competent jurisdiction where such offenses shall have been committed or forfeitures incurred.

This language may have been intended to cover only the last clause of the preceding section, where a civil action is provided on the one hand and a penal prosecution on the other; but in fact this provision of section 16 is applicable in terms to all the other sections of this act which impose a fine or enforce a penalty.

Mr. COX. Section 16 provides the jurisdiction.

Mr. CHIPMAN. The language of section 16 is, "where such offenses shall have been committed or forfeitures incurred." It is not confined by any means to the offenses referred to in the preceding section.

Mr. HOLMAN. It is provided in section 16 "that all fines and penalties imposed by this act may be enforced by indictment or appropriate action at law in any court of competent jurisdiction where such offenses shall have been committed or forfeitures incurred." The fines and penalties imposed for a misdemeanor may be enforced by a civil action. It seems the provision as to civil suits should be stricken out, as it occurs nowhere else in the bill. Section 15 would not seem to be required.

Mr. CHIPMAN. Why put this in at all?

Mr. HOLMAN. It becomes necessary on account of the anomalous condition of a criminal action on the one hand and a civil action on the other. In line 19, I move to insert, "such officer or gentleman shall be guilty of misdemeanor and subject to a fine not exceeding $10,000," and then strike out after the word "dollars," to the end of the section, and section 16 will be unnecessary.

Mr. ATKINSON. The gentleman from Indiana proceeds on the idea or the theory that there is but a single penalty to be enforced.

Mr. HOLMAN. Yes, sir; criminal.

Mr. ATKINSON. But in addition to that there is to be a fine to be enforced by civil action.

Mr. HOLMAN. That is forfeiture.

Mr. ATKINSON. Debt would be the appropriate action to enforce this penalty, but in addition to that, where a criminal offense has been committed it is provided the offender shall be imprisoned for a period not exceeding one year. So there are two penalties, one to be recovered under a civil action and the other by criminal prosecution. The section is right as it is, and section 16 is in harmony with it. I believe these two sections are copied from the act of 1799.

Mr. COX. They are.

Mr. ATKINSON. There is no reason growing out of that act which would lead to any change like that which is proposed. When a law has worked well is it not better to stand by it rather than to create a new law, the former one having been found efficient?

Mr. HOLMAN. I tried to express the idea which the gentleman has stated, that the last clause of section 16 contains a provision not found elsewhere in the law, and that is, it provides for a civil action on one side to enforce particular offenses and a criminal prosecution on the other.

Mr. COX. In section 13 the gentleman will find the same thing.

Mr. HOLMAN. The chairman of the committee prefers the language of the present law, which any one will see is not artistically drawn.

Mr. BUCHANAN. I would like to ask a question in reference to this section. It provides that these penalties may be enforced in any court of competent jurisdiction. Does that mean a United States court?

Mr. COX. Certainly.

Mr. ROGERS. I would like to ask the gentleman from New York if he would not consent to strike out, in this section, in line 19, the words "less than $500, nor more than" and insert the word "exceeding."

Mr. COX. I have no objection to that.

The amendment was adopted.

The SPEAKER *pro tempore*. The Clerk will read the next section.

Mr. HOLMAN. Before that I would like to suggest to the gentleman from California [Mr. MORROW], who calls my attention to the fact, that where a forfeiture to enforce any civil action to the amount of $500 would only be within the jurisdiction of the State courts, yet you would have the anomalous character of a statute where the civil feature to compel the forfeiture was to be placed in one tribunal, while the penalty was to be enforced in another.

Mr. ATKINSON. That would be the case in any State court, if you were there, as well as in the United States court. The criminal cases are tried in a court of quarter sessions and a court of oyer and terminer, while the civil causes are tried in the court of common pleas in all States where the common-law practice prevails. You would have the indictment here triable in a district court of the United States and would have the civil action triable in the circuit court of the United States.

Mr. HOLMAN. I presume not——

Mr. MORROW. Mr. Speaker——

Mr. ATKINSON. They are the same action.

Mr. HOLMAN. I presume the gentleman is correct, because this, of course, would come under the provision of an act of Congress, and be in the nature of a forfeiture, and places the question of jurisdiction in the particular court suggested.

Mr. MORROW. By a recent decision of the United States circuit court for California the statute conferring upon the United States the right to sue has been recently declared subject to this limitation as to amount; so where the United States under the statute is authorized to pursue a defendant to recover, say, $500, under a recent statute of last year changing the jurisdiction of the circuit courts, it is now necessary for the United States to go into the State courts.

Therefore my suggestion to the gentleman from Indiana was, that as an objection to the form of the statute it had this further objection—you might so divide this one offense that you would be required to prosecute in the State courts for the penal sum to be recovered under the form of the civil debt, while the penal offense would be answerable in a United States court. Now, the gentleman from Indiana proposes an amendment which leaves the whole case in the United States courts, to be recovered under its criminal jurisdiction.

Mr. ROGERS. My attention had not been called to this before, and I was not aware of the decision of the court of California. But unquestionably the gentleman states what is the law; and in order to get into the Federal court less than the minimum now fixed by law you must confer special jurisdiction, or else when you go into the court with something less than the minimum amount you are met with a statute that says jurisdiction is not here, and you must go into some other court. You have thus under a statute of the United States to prosecute a man upon an offense under an indictment in the courts of the United States, and to prosecute him for the minimum amount under the State courts. It is doubtful to me whether you can carry your case there, and put the man under trial twice for the same offense.

Mr. MORROW. In this case the penalty to be inflicted is one that Congress designs to inflict. Hence the suggestion of the gentleman from Indiana is correct, that it gives the United States court power to inflict the punishment designed to be inflicted by this section.

The Clerk read sections 16 and 17, as follows:

SEC. 16. That all fines and penalties imposed by this act may be enforced by indictment or appropriate action at law in any court of competent jurisdiction where such offenses shall have been committed or forfeitures incurred.

SEC. 17. That the schedules of inquiries at the Eleventh Census shall be the same as those contained in section No. 2206 of the Revised Statutes of the United States, of 1878, as amended by section 17 of the act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, with such changes of the subject-matter, emendations, and modifications as may be approved by the Secretary of the Interior; it being the intent of this section to give to said Secretary full discretion over the schedules of such inquiries. The report which the Superintendent of Census (if directed by said Secretary) is required to obtain from railroad corporations, incorporated express companies, telegraph companies, and insurance companies, and from all corporations or establishments reporting products other than agricultural products, shall be of and for the fiscal year of such corporations or establishments having its termination nearest to the 1st of June, 1890; the Superintendent of Census shall collect and publish the statistics of the population, industries, and resources of the district of Alaska, with such fullness as he may deem expedient, and as he shall find practicable under the appropriations made, or to be made, for the expenses of the Eleventh Census.

The Clerk read the following amendment recommended by the committee:

In section 17, at the end of line 11, make the comma a semicolon, and add the following proviso:

"*Provided, however*, That said Superintendent, under the authority of the Secretary of the Interior, cause to be taken in the same schedule of inquiry, according to such form as he may prescribe, the names of those who had served in the Army of the United States in the war of the rebellion, and who are survivors at the time of said inquiry, and surviving soldiers' widows.

Mr. ATKINSON. I have an amendment I wish to offer here.

The SPEAKER *pro tempore*. To the committee's amendment?

Mr. ATKINSON. Yes, sir.

The Clerk read the amendment, as follows:

Amend by adding after the word "Army" in the proviso proposed by the committee the words "Navy or Marine Corps."

The amendment was adopted.

Mr. ATKINSON. I offer a further amendment to the same provision.

The Clerk read as follows:

Amend by adding, after the word "inquiry" in the same proviso, the words "together with period of service of each and the command or vessel in which such service was rendered."

Mr. COX. I hope the gentleman will not insist upon that amendment. It is almost impossible to include it under our schedule, it is so large now. I trust the gentleman will not insist. It may result in striking out all the gentleman wishes to accomplish, if you embrace more than can be accomplished.

I will say to my friend, from my observation and experience with this business and with these immense schedules that are made up at the Census Office and are carried around in the pockets of the enumerators, that it is almost impossible now to get correct reports on these matters; and if you cumber the census-taking you defeat its object. I think we have done very well in adding the section which provides for the Army, Navy, and Marine Corps. But so far as the present amendment is concerned we might as well propose to name the various regiments, the different departments of the service, cavalry, artillery, infantry, etc., and have a schedule for the Army alone. We favor the amendment providing for giving the names of soldiers that survive and their widows, because there has been a call for it from various quarters, not only in this House, but outside; and the information thus gathered will be of great use. In one State, New

Hampshire, they have already by State action taken a census including this feature.

I hope the gentleman will not insist on the amendment. If he does it will so encumber the schedule that we can not get men to do the work except at a largely increased expense, and then very bunglingly.

Mr. ATKINSON. Mr. Speaker, I regret exceedingly to find myself in antagonism with the chairman of the committee. I regard the inquiry which is proposed to be made by this amendment as of the greatest importance. I do not believe it will complicate or swell to an improper volume the papers of the census. At the present time we have the Commissioner of Pensions engaged in trying to obtain the names, residence, company, and regiment of all the surviving soldiers. He has established what is known as the record division in the Pension Office, that is intended exclusively for that purpose. The information obtained by the record division of the Pension Office is entirely for the purpose of facilitating the consideration of pension cases pending. If these enumerators will take the names of the soldiers together with the company and regiment in which they served we will then have a more accurate list than it is possible for the Commissioner of Pensions to obtain by any means in his power; and such a list would be of very great value. Besides that there are scientific reasons for taking a census in this way.

It will be of great interest to us and those who come after us to know the effect of military or naval service upon the longevity of those who were engaged in the Army or Navy during the war. For that reason I believe the period during which these men served should be taken. Besides this the country has been agitated by what is known as service-pension legislation, and the question always arises as to what such legislation will cost, and we never can know what it will cost until we have obtained the information that this amendment provides for securing through the medium of the Census Bureau. We must know how many soldiers and sailors are living, and how long they served during the war before we can tell what the cost of a service-pension bill will be.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

The SPEAKER *pro tempore* put the question on the amendment proposed by the gentleman from Pennsylvania [Mr. ATKINSON] and was in doubt as to the result.

Mr. ATKINSON. I call for a division.

The House divided; and there were—ayes 5, noes 17.

Mr. ATKINSON. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Pennsylvania [Mr. ATKINSON] and the gentleman from New York [Mr. COX].

Mr. COX. I hope my friend will not insist upon his point.

Mr. ATKINSON. No, sir; but I should like to make this arrangement, that we may have a vote in the House upon my amendment. If that is agreed to, I will at once withdraw the point of no quorum.

Mr. ROGERS. This is the House now.

Mr. ATKINSON. I refer to a quorum of the House.

Mr. COX. I hope my friend will not insist on breaking down the bill now.

Mr. ATKINSON. I will not do that.

Mr. COX. We can not get any other time in the House. We have done as well as we can.

Mr. ATKINSON. If the previous question is considered as ordered on this amendment, we can have a vote in the House.

Mr. COX. If the gentleman will allow the proceedings to run along, I will endeavor, with due consideration, to see what can be done with his amendment when the bill goes to the Senate. From my present observation of the matter it is impossible for us to make this schedule without incurring an enormous additional expense.

Mr. ATKINSON. I withdraw the point of no quorum.

The amendment was rejected.

Mr. MATSON. I desire to offer an amendment to come in after the word "widows," in line 14, as follows:

And also a separate schedule showing the names of such surviving soldiers as on the 1st day of June, 1890, are inmates of almshouses.

The reason I offer this amendment is because there has been considerable agitation of the question of pensioning the soldiers who are in the almshouses. I think the facts can be obtained with very little trouble.

There has been a very decided issue between those who are now in the legislative branch of the Government upon this precise question. Upon one hand it has been alleged that there is a large number of soldiers in the almshouses, and upon the other that there are very few, and it seems to me that this information can be had with but little difficulty.

Mr. COX. I will say to the gentleman that if he can only formulate his proposition in some way so as not to encumber this schedule with it there will be no objection. I think the desired information could be obtained by correspondence through the officers of the bureau with the officers of the various infirmaries and almshouses, and it will be much better to obtain it in that way than to encumber this schedule. Gentlemen must remember that we have more than sixty millions of people, and that we must have an army of 40,000 men to go around and make this enumeration. If the gentleman will put his proposition into such a shape that the experts to be employed in this business can also collect the information that he desires about the soldiers, I shall be pleased to have it provided for in a proper place in the bill.

Mr. GROSVENOR. Let me suggest that most of this information could be very readily obtained from most of the States by correspondence conducted by these experts with the State authorities.

Mr. MATSON. I have no disposition to insist upon the particular manner in which it shall be done, but it seems to me that it is of great importance that this census should settle this question.

Mr. COX. Draw up your proviso and I will add it to the bill at the proper place.

Mr. MATSON. If the objection is that this schedule would be encumbered by this proviso, I will change the amendment so as to read:

And also the Superintendent of the Census shall ascertain how many of the surviving soldiers are inmates of almshouses.

Mr. COX. That will be satisfactory. We have a schedule by which all paupers in almshouses are enumerated.

Mr. MATSON. That does not apply to the soldiers.

Mr. COX. Draw up your proviso, but do not put it in this schedule.

Mr. MATSON. I withdraw the amendment for the present.

Mr. ROGERS. I suggest to the gentleman from New York that the word "surviving," at the bottom of page 13, ought to go out.

Mr. ATKINSON. I have prepared an amendment which I think will cover the proposition which the gentleman from Arkansas is about to make. I move to strike out the words "and surviving soldiers' widows," in line 17, and to insert the following: "and the surviving widows of soldiers, sailors, and marines."

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. ROGERS. I suggest to my friend from Pennsylvania that he ought to strike out the word "surviving." If a widow is dead, she is no longer a widow. [Laughter.]

Mr. ATKINSON. The gentleman is correct. I took the words from the bill which speaks of "surviving soldiers' widows." I accept the gentleman's suggestion.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Pennsylvania as modified.

The Clerk read as follows:

Strike out, in lines 17 and 18, the words "and surviving soldiers' widows," and insert "and the widows of soldiers, sailors, and mariners."

The amendment was agreed to.

Mr. ATKINSON. I wish to offer another amendment. I move to amend by inserting after the word "superintendent," in line 12, the word "shall."

The amendment was agreed to.

Mr. ANDERSON, of Mississippi. Mr. Speaker, I desire to offer an amendment to this section.

The SPEAKER *pro tempore*. The gentleman will please withhold his amendment until the amendments proposed by the committee are disposed of. The Clerk will report the next amendment of the committee.

The Clerk read as follows:

Section 17, lines 19, 20, and 21, strike out after the word "obtain" the words "from railroad corporations, incorporated express companies, telegraph companies, and insurance companies and"

Mr. CONGER. I desire to ask the chairman if it is the intention to take the railroad statistics as provided for under the act of 1879?

Mr. COX. We take the statistics of all corporations.

Mr. CONGER. I notice that you leave it discretionary with the Secretary of the Interior to say what the schedule shall be.

Mr. COX. We want to leave it in that way because we have had a great many imperfect reports on these subjects.

Mr. CONGER. Suppose the Secretary of the Interior should conclude that he would not take statistics in regard to railroad corporations, express companies, etc.?

Mr. COX. We shall have to trust him to do his duty.

Mr. CONGER. I shall, at the end of the section, propose an amendment.

Mr. BUCHANAN. I desire to ask the chairman of the committee whether his understanding of the effect of striking out these words is strictly correct. If they be struck out, the Secretary of the Interior will have no right to make these requirements of railroad corporations, express companies, etc. The language will then be limited to "all corporations or establishments reporting products other than agricultural products." A railroad company reports no products of any kind. Will not the striking out of this language deprive the Secretary of the Interior of the right to make these inquiries?

Mr. PERKINS. The words, "reporting products other than agricultural products," limit and describe the corporations from which this information is to be obtained.

Mr. COX. As gentlemen object to this amendment I will, in order

to facilitate the passage of the bill, withdraw the amendment on behalf of the committee.

The SPEAKER *pro tempore*. If there be no objection, the amendment proposing to strike out the words indicated in lines 19, 20, and 21, will be withdrawn. The Chair hears no objection.

The next amendment of the committee was read, as follows:

After the word "census," in line 30, insert the following:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of $250,000, which sum is hereby appropriated, and shall be immediately available, in addition to the $6,000,000 appropriated in section 20 of this act. The only volumes that shall be prepared and published in connection with said census shall relate to population and social statistics relating thereto, the products of manufactories, mining, and agriculture, mortality and vital statistics, valuation and public indebtedness."

Mr. GROSVENOR. Has the committee any definite understanding as to the meaning of the language "recorded indebtedness of the people," as used in this amendment?

Mr. COX. It means all judgments, all mortgages (chattel mortgages and mortgages on land), all liens of any kind information of which we can get by record.

Mr. GROSVENOR. Government bonds?

Mr. COX. Information as to Government bonds is easily obtainable from the Department.

Mr. GROSVENOR. The people of the United States owe in fact the bonded indebtedness of the Government—the greenbacks and all that sort of thing.

Mr. COX. Those matters appear of public record and are provided for in another part of the bill. We can obtain all that information by calling on the Departments.

Mr. GROSVENOR. Why not say "mortgages, bills of sale, and chattel mortgages?"

Mr. COX. Because "indebtedness" is a generic term and includes everything.

Mr. GROSVENOR. Is it not a little too "generic?"

Mr. COX. I think it fits the case exactly. We studied this matter a good deal. If we should undertake to obtain statistics of the whole indebtedness of the people throughout the United States, it would probably cost a million dollars additional; therefore we propose to collect information as to indebtedness in certain representative portions of the United States, and then make estimates. We were led to adopt this provision by reason of expressions made in this House by various members on both sides—by references which we have had in the debates here to the indebtedness of the people. Among other indebtedness, that of the farmers of the West has been called in question; nebulous statements of various kinds have been made, to which the gentleman from Ohio himself has called attention. We propose therefore to get as nearly as we can the statistics of the indebtedness of the people in certain representative localities, which would not cost the large sum that would be required if we should undertake to ascertain the whole indebtedness of the people. We do not propose to inquire as to promissory notes and debts of all kinds, but only as to recorded indebtedness, ascertaining perhaps 15 or 20 per cent. of the whole indebtedness of that kind, and then forming an estimate as to the rest. The collection of even this information will, according to the judgment of the Commissioner of Labor, cost at least $250,000.

Mr. GROSVENOR. In the absence of data as to how much of the recorded indebtedness has been paid but not canceled upon the record, you will be just as much in the dark as ever.

Mr. COX. The gentleman in his speech the other day referred to the fact that the commissioner of statistics of Michigan had undertaken to collect statistics in regard to some forty-seven counties of Michigan, making, I think, about 17 per cent. of the indebtedness of the people of the State, and forming a basis for an approximate estimate as to the rest. I think that was the only proximate accurate statement of the kind presented here. We propose to do something of the same sort in this case, so far as we can consistently with a reasonable expenditure. We have drawn this clause very heedfully, both as to economy and as to the accomplishment of the object to be subserved. I desire to make a part of my remarks a letter on this subject from Mr. Carroll D. Wright, the Commissioner of Labor. From an examination of this letter the House will see how carefully and upon what advice the committee has acted.

DEPARTMENT OF THE INTERIOR, BUREAU OF LABOR,
Washington, D. C., May 9, 1888.

DEAR SIR: Referring to your verbal request as to methods which might be adopted in the Eleventh Census for the collection of the statistics of indebtedness of record other than public indebtedness, I have the honor to submit the following statement:

The statistics of the indebtedness of individuals, whether the same be in the form of mortgages or debts otherwise secured, or general indebtedness through notes and bills payable, would constitute one of the most valuable lines of information that could possibly be collected.

There are three methods which naturally suggest themselves to one's mind for the collection of such data.

First. Through the population schedules of the census, by an inquiry directed to the head of every family or individual, responsible for any business transaction. This would include all farmers, business men, and others owning houses or having the care of families, or in any way individually responsible to the public. The addition of the proper inquiries to secure this information to the population schedule would involve great expense, probably increasing the cost of the enumeration proper from one-third to one-half; that is, adding from $800,000 to $1,000,000 to the expense of the enumeration.

On the other hand, the addition of proper inquiries to the population schedule would antagonize the census, so far as the enumeration is concerned, before it commenced, and the enumerators would be handicapped from the start. The success of any enumeration depends very largely upon the goodwill of the public and the willingness of persons to comply with the reasonable request of the Government for information concerning their affairs. All inquiries, however, regarding the financial condition of the people have heretofore been met with great opposition, and undoubtedly would be again, although should such inquiries be added to the population schedule it is safe to say that from 10 to 15 per cent., judging from past experience in such matters, would comply with the request of the Government and furnish the information relative to their indebtedness. Of course, this indebtedness should be in connection with the value of the property owned by the individuals furnishing information. Such a canvass, therefore, would have for its result partial success in certain directions, at great expense, and a damaging influence upon the whole census enumerations, both as to population and manufactures, as well as agriculture.

Considering the expense and the general injury to the work of the census, this method hardly seems advisable.

Second. The collection of the facts relating to recorded indebtedness, meaning thereby all chattel and real-estate mortgages, which are the subjects of record from the records themselves. Chattel mortgages are usually recorded in municipal records, while real-estate mortgages are usually extended on the records kept at county seats. If real-estate mortgages only were to be considered, the registers of deeds in all the counties of the United States would have to be visited and the records thoroughly compiled. There are, in round numbers, 2,700 counties in the United States. To collect the information regarding mortgages recorded in these counties could not cost less than $40 per county, or a total of $108,000. I think it would be quite impossible to do it for this sum, because, in order to secure any information that would be of value and which would lead to any just conclusions, the records would have to be searched for a series of years, and all mortgages minuted with reference to the assessed valuation of the towns, or townships, or of the whole county in each case.

The proper sum of estimate for this work, confined entirely to county records, would be $200,000. It would be quite impossible to collect the information from the municipal records, so far as chattel mortgages are concerned, without either visiting every municipal government in the United States or corresponding with the proper officer in each municipal government, to secure the information, in which latter case compensation would have to be given. It is safe to assume that the expense in securing the indebtedness under chattel mortgages by this method would be far greater than by securing it through the population enumeration. Even if the expense of securing the information relating to indebtedness through records was not objectionable on account of expense, there are obstacles in the way which render such a method unadvisable. The records of mortgages would, in all cases, give the amount of the original mortgage debt; but, as a rule, payments on the original mortgage debt are not made matters of record. So, where a man had given a mortgage on his place of $10,000, and had paid, say, $9,000 in part liquidation thereof, the indebtedness would still stand on record at $10,000; so the facts, or rather the results of any collection of data from records would lead to vicious conclusions.

This second method, however, would relieve the census of all antagonism through the inquiry into the financial affairs of individuals.

Third. The employment of specially qualified experts to collect the information desired from representative communities; such collection to be made subsequent to and independent of the enumeration of the people in general. This method is free from objection in every direction except that of expense. It would not antagonize the public in any way, but it would lead to the most valuable results; that is, it would give the valuation and the indebtedness thereon to such extent as the appropriation made for it might warrant. It would not give the facts for every farm and every property-holder in the United States, but it would give the facts for representative towns or counties, and by selecting counties the information might be collected so as to show the property value of each holding, and the indebtedness thereon, as originally made and as shown through the registry of deeds, further information being sought as to the payments in part liquidation of the recorded debt.

This method seems the most feasible and the most desirable, taking all things into consideration. With an appropriation of $200,000 or $250,000 a very general idea of the indebtedness of the country might be gained; certainly it would be approximately correct so far as it went. If Congress saw fit to carry the matter still further it would be merely a question of money; but to make any reasonable collection, on which any fair or just conclusions could be based, the sum named should be appropriated in addition to that named in your bill for the general purposes of the census. That is to say, if Congress desires to have the facts for representative districts or localities regarding recorded indebtedness collected, it should make an extra appropriation for census purposes of at least $250,000.

Trusting I have covered the points named by you,

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

Hon. S. S. COX, M. C.,
House of Representatives, Washington, D. C.

Mr. CONGER. If the indebtedness appearing upon record in the various counties of the States be taken as the basis of these statistics the information will be so inaccurate that it would be unjust to publish it to the world. At one time an attempt of this sort was made in the State of Iowa; but it was ascertained that in probably every county of the State at least three-fourths of the chattel mortgages which had in fact been paid remained uncanceled on the records. In view of such facts, it would be unfair and unjust to publish to the world information obtained in that way as exhibiting the indebtedness of the people.

Mr. COX. I concur with the gentleman from Iowa [Mr. CONGER] in what he says to a great extent. It is the same with mortgages in several of the States. In Ohio mortgages are not canceled until the last installment is paid. We shall have to make inquiry with the aid of experts as to what indebtedness has been paid, and how much remains. It will help a nation as well as an individual to know just what burdens it is laboring under.

Mr. CONGER. It is all guess-work.

Mr. COX. It is more or less an estimate, I admit.

Mr. CHIPMAN. I would ask why the words in line 31, "or prior thereto" are used? Why are those words inserted there in regard to collecting the statistics relating to recorded indebtedness?

Mr. COX. The object is to commence the examination now, to be-

gin the correspondence, to reach out as soon as the bureau is organized to get the proper correspondence so when 1890 comes it will have some of the material on hand to make the proper calculation in reference to this indebtedness.

Mr. ROGERS. I agree with my friend from Iowa. I think this would be an unwise and unsatisfactory work. To illustrate. I do not know in how many States South, but in my own State agricultural operations are carried on upon liens—crop liens—which are never recorded. They are filed. They stand as filed. It may be half is paid or a third is paid; no one knows what is paid, so far as that is concerned. When paid they are taken up and destroyed.

No party who undertakes it can in the limit of thirty days go through the county offices and ascertain just what the indebtedness is. In the first place, in many cases it would take a good lawyer to tell whether an instrument was a mortgage or not. These things have all to be considered. You will have a class of men dabbling with a subject they are incapable of understanding. Instead of giving us information the result would be to fill the country with a lot of misinformation. We can not get anything accurate unless we employ proper parties. We can not get the desired information unless we get a better class of men to do the work.

Mr. COX. I have conferred with my colleagues on the committee and they are not pertinacious as to this amendment. It adds to the expense of the census $250,000 for the collection of statistics of indebtedness perhaps, which after all may be an uncertain element. Beside, we will cut out this great expense. If any gentleman wants a vote on it in the House, or if any gentleman wants a vote now, the committee will not insist on it.

Mr. HOLMAN. It seems to be hardly practicable. It would have to be more definite to accomplish anything. The information sought for would have to be presented in such form as to give the general fact affecting localities. In going into localities, counties, townships, cities, and towns, it is a subject which ought to be carefully thought over before definite action is taken by Congress.

Mr. COX. I withdraw the amendment at the request of the committee.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from Mississippi.

Mr. CONGER. Before we pass away from the amendment of the committee I desire to make a remark on the subject.

Mr. COX. I have withdrawn it in deference to the criticism of the gentleman from Iowa.

Mr. CONGER. Can the gentleman from New York withdraw it except by unanimous consent? I make that inquiry of the Chair.

The SPEAKER *pro tempore*. If the amendment were offered by an individual he could perhaps withdraw it. The Chair understood the withdrawal by the gentleman from New York was not objected to. Does the gentleman from Iowa object to the withdrawal of the amendment?

Mr. CONGER. I do, unless I can have an inquiry answered.

Mr. COX. I will be glad to answer the gentleman.

Mr. CONGER. How much of the amendment does the gentleman desire to withdraw?

Mr. COX. I move to withdraw from "he," in line 30, to "act," in line 39. In other words, I withdraw the following part of the amendment:

He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of $250,000, which sum is hereby appropriated, and shall be immediately available, in addition to the $6,000,000 appropriated in section 20 of this act.

Mr. CONGER. That is right.

Mr. COX. That cuts out twenty-two volumes in the last decade. I wish to save expense in that particular.

The SPEAKER *pro tempore*. That portion of the amendment will be considered as withdrawn.

The Clerk will now read the remaining portion of the amendment.

The Clerk read as follows:

The only volumes that shall be prepared and published in connection with said census shall relate to population and social statistics relating thereto, the products of manufactories, mining and agriculture, mortality and vital statistics, valuation and public indebtedness.

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the amendment proposed by the gentleman from Mississippi.

The Clerk read as follows:

Insert in this section:

"And he shall cause to be taken an enumeration of the membership of all labor, agricultural, and other like industrial societies, associations, unions, and other like organizations."

Mr. ANDERSON, of Mississippi. That amendment may be broader somewhat than I intended, but the object in view is this: We know that there are certain industrial organizations in this country which are playing a very important part in its development, and are having their effect upon the progress of the country.

I think, sir, it is important that we should provide ourselves, through the medium of the census, with the means of determining the growth and progress of these organizations.

Mr. GROSVENOR. Will the gentleman allow me a moment? I understand that the larger number of industrial organizations, labor organizations, in the country refuse to give their membership to anybody, and how are you going to get them? They are secret, and they refuse to give you the number even of their assemblies. How are you, under this act, going to compel them, the Knights of Labor for instance, to give up their secrets? Do you propose to apply the penal provisions of the bill to them?

Mr. ANDERSON, of Mississippi. I did not yield to the gentleman for an argument, but only for a question. The amendment, I will answer the gentleman, is confined solely to the industrial associations, and I intended it to refer to what are known as labor organizations in the common acceptation of the term as we know and understand it, and the various agricultural organizations, granges, alliances, etc. I do not know that they object to giving their membership, but as I understand it they desire for their own information to determine and that the country may understand their growth and development, the progress they are making, and the effect they have upon the development of the industries of the country.

Mr. GROSVENOR. I hope the Congress of the United States will never attempt by any criminal procedure, by the enforcement of penalties, fines, or imprisonment, to break down and make public the rules adopted by the secret organizations of labor in this country. It is an inquisitorial use of the power conferred under this statute for which we get nothing in return and violate one of the plainest principles of our social organization.

Now, it is within my personal knowledge that one of the rules of the Knights of Labor is an inhibition against giving to anybody these facts which the gentleman wants to demand. If you desire to send public documents, labor reports, etc., into the country to individual members of labor assemblies of your agricultural district, you will be compelled to send them to the local assembly, because you can not ascertain the names of the members.

And there are many other things in connection with it that in order to get this growth that the gentleman talks about we would have to violate the rules of these organizations and turn them over to the inquisition of the Bureau of the Census. I do not think we ought to do that. They can make known their own progress. They can make known their organization in their own way. We know how many men work for a living, because we can get that information from the census. We get such information of all kinds that is valuable from the census, and it would be recognized by the labor organizations as an attempt to break in upon them by the organic law and against the provisions they have made in their own associations and societies to manage their own business in their own way.

Mr. HOLMAN. I hope the proposition will be again reported.

The amendment was again read.

Mr. HOLMAN. It seems to me that that is hardly practicable.

Mr. ANDERSON, of Mississippi. I wish to say but this in answer to the gentleman from Ohio, that the first time I ever heard of a census being called an "inquisitorial concern" was in his remarks.

Mr. GROSVENOR. In the way the gentleman wants to apply it.

Mr. ANDERSON, of Mississippi. That amendment embodies no such idea as the gentleman asserts; but I am perfectly willing that it shall be modified, so it can not possibly be so construed as having that effect or purpose, in order to get at such statistics as are accessible without the violation of any of the rules of these organizations. It is far from my design to accomplish anything of that sort or interfere in any manner with them.

Mr. BUCHANAN. But if the amendment is modified, as the gentleman suggests, it will be absolutely worthless. Suppose the facts that the gentleman wants to ascertain are not given. As a member of the Forty-ninth Congress investigating the several railroad strikes it was proved abundantly over and over again by members of one of the labor organizations that no one member would reveal the name of any other member. How could the gentleman then, under the circumstances proposed, accomplish anything by his amendment? The returns could only be partial, and hence worthless.

Mr. ANDERSON, of Mississippi. But there are organizations which are not secret, and there can not be a partial return except with reference to organizations that have a rule of secrecy, and then, of course, we can not get any statistics. It is only those societies who are willing to proclaim to the country the number of their membership that this will affect. It does not attempt or undertake in any manner to interfere with the rules of any of these orders, or seek to invade the precincts of the assemblies and obtain the names of members or the number of the membership of the different organizations that are secret.

The question was taken on the amendment of Mr. ANDERSON, of Mississippi, and it was rejected.

Mr. CONGER. I desire to offer an amendment, which is simply the provision of the old law as to taking statistics in regard to railroads, express companies, and insurance companies. It is a very long amendment, occupying nearly two pages in the statutes. I do not desire to delay the work of the House by having the amendment read. I ask

unanimous consent that the reading of the amendment may be dispensed with.

There was no objection.

Mr. ATKINSON. I wish to ask the gentleman from Iowa if he does not think that is already included in section 17, which provides that the schedules of inquiry of the Eleventh Census shall be the same as those contained in section 2206 of the Revised Statutes of the United States?

Mr. COX. That is the fact.

Mr. CONGER. In answer to the gentleman's question I will say that it is, provided the Secretary of the Interior concludes to take this information; but there has arisen in my mind a suspicion that this was not intended, from the fact that the committee propose to strike out, in lines 19, 20, and 21, so much as refers to railroad corporations.

Mr. COX. That is to be retained. There is no such object on the part of the committee.

Mr. CONGER. In order to be certain to obtain this information I propose this amendment.

Mr. COX. It is already provided for.

Mr. CONGER. It is if the Secretary of the Interior is inclined to take it.

The amendment was rejected.

The Clerk read section 18, as follows:

SEC. 18. That each enumerator in his subdivision shall be charged with the collection of the facts and statistics required by each and all the several schedules, with the following exceptions, to wit: In cities or States where an official registration of deaths is maintained, the Superintendent of Census may, in his discretion, withhold the mortality schedule from the several enumerators within such cities or States, and may obtain the statistics required by this act through official records, paying therefor such sum as may be found necessary, not exceeding the amount which is by this act authorized to be paid to enumerators for a similar service, namely, 2 cents for each death thus returned. Whenever he shall deem it expedient, the Superintendent of Census may withhold the schedules for manufacturing and social statistics from the enumerators of the several subdivisions, and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality. And said Superintendent may employ experts and special agents to investigate in their economic relations the manufacturing, fishing, mining, cattle, and other industries of the country, and the statistics of telegraph, express, transportation, and insurance companies as he may designate and require. And the Superintendent of Census shall, with the approval of the Secretary of the Interior, prepare schedules containing such interrogatories as shall, in his judgment, be best adapted to elicit this information, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end. Such experts and special agents shall take the same oath as the enumerators of the several subdivisions, and shall have equal authority with such enumerators in respect to the subjects committed to them, and they shall receive compensation at rates to be fixed by the Superintendent of Census with the approval of the Secretary of the Interior: *Provided*, That the same shall in no case exceed $6 per day and actual traveling expenses.

The Committee propose the following amendment:

In line 18, after the word "agents," add the following:

"To collect the statistics of and relating to indebtedness as provided in the foregoing sections and."

Mr. COX. Mr. Speaker, I withdraw that amendment.

The SPEAKER *pro tempore*. Is there objection to the withdrawal of the amendment?

There was no objection.

The Clerk reported the next amendment of the committee, as follows:

In line 20 strike out the word "railroads."

Mr. COX. I withdraw that amendment.

The SPEAKER *pro tempore*. Is there objection to the withdrawal of the amendment?

There was no objection.

The Clerk reported the next amendment of the committee, as follows:

In lines 21 and 22 strike out the words "and the statistics of telegraph, express, transportation, and insurance companies."

Mr. COX. I withdraw that amendment.

The SPEAKER *pro tempore*. Is there objection to the withdrawal of the amendment?

There was no objection.

The Clerk read sections 19 and 20, as follows:

SEC. 19. That the enumeration required by this act shall commence on the first Monday of June, 1890, and be taken as of that date, and each enumerator shall prosecute the canvass of his subdivision from that date forward on each week-day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place; and any person so appointed shall take the oath required of enumerators, and shall receive compensation at the same rates. And it shall be the duty of each enumerator to complete the enumeration of his district, and to prepare the returns hereinbefore required to be made, and to forward the same to the supervisor of his district on or before the 1st day of July, 1890, and in any city having over 10,000 inhabitants under the census of 1880, the enumeration of population shall be taken within two weeks from the first Monday of June; and any delay beyond the dates above respectively, on the part of any enumerator, shall be sufficient cause for withholding the compensation to which he would be entitled by compliance with the provisions of this act, until proof satisfactory to the Superintendent of Census shall be furnished that such delay was by reason of causes beyond the control of such enumerator.

SEC. 20. That the sum of $6,000,000 is hereby fixed and limited as the maximum cost of the census herein provided for, exclusive of printing and engraving, and it shall not be lawful for the Secretary of the Interior or the Superintendent of Census to incur any expense or obligation whatever, in respect to said census, in excess of that sum; and the sum of $6,000,000, in addition to any sums which may be received for copies as provided in section 23 of this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, and continue available until the completion of the Eleventh Census.

The committee propose the following amendments:

In section 20, line 3, strike out the word "and" between "printing" and "engraving," place a comma after the word "printing," and after the word "engraving" add the words "and binding," placing a comma after the word "binding."

Mr. ROGERS. For the purpose of presenting this matter I move to strike out, in line 7, the words "six million," and insert in lieu thereof the words "two hundred and fifty thousand dollars." I do this for the purpose of getting certain information, and also for the purpose of expressing some views on the subject. I would ask the gentleman from New York whether or not in the passage of the former bill the full sum provided for taking the census was made available at the time and continued available until the census was completed?

Mr. COX. No, sir; only three millions. We had great trouble and criticism for coming to Congress again and again for renewed appropriations; and so we considered it best in this case to give the full amount to complete the census without the printing and binding.

The average is about the same now as it was in the Ninth and Tenth Censuses, say 10 cents per head. If my friend from Arkansas wants to have a statement of the expense of the former census I have it before me, and can give it to him.

Mr. ROGERS. I would like to have the aggregate.

Mr. COX. For the Tenth Census the total cost, including printing, was $5,785,254.72, divided as follows: Enumerators, $2,095,563.32; special agents (which we have disposed of a good deal in this bill), $625,067.29; printing reports, $678,624.61; superintendent's office, $2-385,999.50. One-half the expense named for special agents will be saved by this bill, because we do not order so many expert essays on subjects connected with science, like mining, etc.; and only pretend to give the product of our manufacturers in addition to the ordinary enumeration, reports, etc. Deducting this saving in cost of printing leaves the total cost of the Tenth Census $4,794,096, or about 9½ cents per capita of the population of 1880.

Mr. ROGERS. How much did you spend the first year?

Mr. COX. I think it took the whole three millions the first year.

Mr. ROGERS. In other words, there will be very little of this money that can be expended before the 1st of next July; and in the mean time Congress will assemble. It does not seem to me essential to make an appropriation of $6,000,000 for the purpose when there will be no use for a considerable portion of the sum for about a year.

It occurs to me that that is unwise and that it is not a proper expenditure to make. It may be that it will be wiser to increase the sum that I have proposed in my amendment $250,000, though I really do not see what they are going to do with any of it now. I do not know anything that can be done with any portion of this appropriation until after the next session of Congress, and therefore I think it unwise and improper to make an appropriation at this time of $6,000,000 when we have not a particle of use for the money at present.

Mr. WILLIAMS. What difference does it make when our Treasury, as we are told constantly on the other side, is bursting with a surplus?

Mr. ROGERS. Well, it makes a good deal of difference in many directions.

Mr. MORROW. Oh, yes; it will make a difference in the election.

Mr. ROGERS. This appropriation locks up in the Treasury unnecessarily a large amount of money. Another point about it is that all political parties want to avoid as far as possible the semblance of anything that is improper. We do not need to appropriate now $6,000,000 when the purpose for which we appropriate it can not be carried into effect at present and when the money is not really necessary. If we were appropriating for the building of a court-house or anything of that kind I would not propose to make "two bites of a cherry," because in such a case we begin the work and go right along; but in this case we do not and can not commence until about the beginning of the next fiscal year. Therefore what is the object of appropriating $6,000,-000 and having the statement sent out to the country that we have appropriated six millions for which there is not a particle of present use? It has at least the semblance of wrong doing, and it is important to the whole country and important as a party measure that we refrain from doing anything that would bear that construction, and I do not think the gentleman from New York [Mr. COX] ought to insist upon our making an appropriation like this at this time. I speak openly and frankly about the matter.

Mr. HOLMAN. Before the gentleman from New York [Mr. COX] replies to the gentleman from Arkansas [Mr. ROGERS], I ask him to observe the fact, which has been heretofore overlooked, that the three millions appropriated for the taking of the last census was appropriated on the 3d of March, 1879, just as an appropriation might be made before the end of the next session of this Congress. Of course the appropriation must be made before the 4th of March, as the Congress expires at that time. Therefore, judging from past experience upon this subject, it seems to me that no large sum need be now appropriated, and I do not think that any very large sum ought to be placed within the control of any Department which is not to be used within a short period of time.

Mr. ROGERS. I suggest to the gentleman from New York [Mr. COX] that the appropriation can go into the sundry civil bill at the next session of Congress and answer all the purposes for which it is re-

quired just as well as if it were appropriated now, and I hope the gentleman will not insist on the appropriation being made at this time. If any sum is necessary now, I am willing that it shall be provided for in the bill, but I certainly do not see any necessity for appropriating the whole amount.

Mr. HOLMAN. There has got to be an office organized.

Mr. ROGERS. Yes. Possibly the sum I have proposed in my amendment is too large for present requirements, but it may be necessary to organize an office and get ready for the work, and whatever amount is required for that ought to be appropriated, but nothing beyond that.

Mr. COX. I have had no opportunity to confer with the committee on this, because the question did not come before them in the light in which it is presented by the gentleman from Arkansas. It will be necessary to organize an office, with rent, etc.; and we shall have to buy certain material in advance to prepare for the printing, etc. We have to get a certain kind of paper prepared especially for the enumerators, because ordinary paper gets worn out by being carried by them hither and yonder. Evidently, therefore, there must be a considerable expenditure almost at once; but, in view of the suggestions that have been made, I am willing to cut down this present appropriation to $1,000,000.

Mr. ROGERS. I will accept that.

Mr. COX. And then we can provide for a further appropriation at the next session.

Mr. WILLIAMS. It seems to me that that is sailing somewhat under false colors. We pass a bill here providing for the expenditure of $6,000,000, and then we appropriate only one million, and go to the country with the proposition that this administration is spending $1,000,000 only, when it is really providing for the expenditure of six millions.

Mr. COX. If we are to be discredited by reason of the expenditure of so much money, we shall get the discredit next year also.

Mr. WILLIAMS. We do not propose to give you that opportunity next year.

Mr. COX. I am sure that gentlemen on either side are not afraid to take the responsibility of appropriating all the money needed at present, trusting to the future for further appropriations.

Mr. WILLIAMS. But we have this money on hand, and we may as well appropriate it. I do not think you are going to reduce the surplus before 1890 by the Mills bill or in any other way.

Mr. COX. I would be very glad to take the judgment of the House on this subject, and will abide by it, of course.

Mr. ROGERS. If we appropriate this money we do not turn it loose; it still can not be used except as may be necessary under the law.

Mr. WILLIAMS. That is all true; I understand that. But why not make provision in a business-like way now?

Mr. HOLMAN. The appropriation of the money makes the Department responsible for it.

Mr. COX. I should like to hear from the gentleman on the other side [Mr. MCKENNA], my colleague on the committee.

Mr. MCKENNA. I think it will no doubt be sufficient for the present to appropriate only $1,000,000 of the $6,000,000.

The SPEAKER *pro tempore*. The amendment proposed by the gentleman from Arkansas [Mr. ROGERS] will be read.

The Clerk read as follows:

In line 7 strike out "six millions" and insert "one million."

Mr. HOOKER. I would like to make an inquiry of my friend, the chairman of the committee [Mr. COX]; and I wish also to say a word upon a particular portion of this bill which, so far as I know, has not yet been adverted to. I think a sufficient amount ought to be appropriated at once to organize this bureau efficiently. What I desire to inquire of the chairman of the committee is whether provision is made in this bill for the immediate printing of the reports which may be made to the Superintendent of the Census. I would like to know also whether the publication of the information obtained under the last census has yet been completed. We shall soon be in the ninth year of the present decade; yet, as I understand, the publication of the reports of the Census Bureau is not yet entirely completed.

Mr. COX. In response to the last part of the gentleman's suggestion, I will say that every one of the reports provided for or called for by the Census Office has been ordered to be printed. In the deficiency bill passed at the beginning of the present session $67,000 was appropriated to wind up the whole concern. Only three or four books yet remain to be published. They are all stereotyped, though not all printed and bound. The reason why these books have not been printed earlier is that some of the essays or manuscripts had not been prepared. Those manuscripts have not reference especially to the year 1880, but apply to the whole decennial period, having relation to matters connected with mining, petroleum, and other subjects of general interest, and there will be no necessity of taking up those subjects in the future.

I say, therefore, to my friend from Mississippi that the business of the Tenth Census is entirely wound up—wound up, I know, with some little discredit, because of its dilatoriness, resulting from the fact that some of the men engaged in connection with this office broke down in their health in consequence of the arduous nature of the work.

We are now ready to take hold of this matter for 1890. We have barely time enough to get this bill through the Senate, and have the proper preparations made for tabulation, the paper manufactured, etc. I think the sum of $1,000,000 is all that need be appropriated now for organizing the office and preparing to enter upon the work.

Mr. HOOKER. After hearing what my friend, the chairman of the committee, has just said, I wish merely to remark that the publication of the census reports of 1880 has been exceedingly dilatory. Two volumes of the Compendium of the Census, as I understand, were published in 1883 and there are some volumes not yet published; so that now, in 1888, we are making appropriations for the completion of the publication of the census taken in 1880. I wish to suggest to my honorable friend from New York, to the Committee on the Census, and to the House that it is important that whatever census publications be made should be made rapidly and promptly, so as to give the country early information with reference to all the various schedules in regard to vitality, population, production, etc. We want these publications as rapidly as practicable, and therefore, in my judgment, the appropriations for the organization of the bureau ought to be liberal and they ought to be made available at such time, that the publication may commence as soon as the returns come in and be completed as early as possible. This was my idea in making my inquiry of the gentleman from New York.

Mr. COX. I will say that of the twenty-six different publications which have been made upon the various subjects connected with the last census, only seven will be published under this bill. We have cut off all provisions for the others; and the seven volumes provided for in this bill will no doubt be published immediately after 1890.

As to the amendment of the gentleman from Arkansas [Mr. ROGERS] I will remark that, while the aggregate appropriation is limited to six millions, we shall not need all of it until 1890 shall have rolled around, when the information collected will have to be digested in the Census Office. It will then be time enough to make the full amount of the appropriation.

The question being taken on the amendment of Mr. ROGERS, it was adopted.

Mr. GALLINGER. I move to strike out in section 20, the words "in addition to any sums that may have been received for copies as provided in section 23 of this act." Those words seem to be superfluous.

The amendment was agreed to.

Section 21 was read, as follows:

SEC. 21. That the Secretary of the Interior is hereby authorized whenever he may think proper, to call upon any other Department or office of the Government for information pertinent to the enumeration herein required. And he may rent convenient quarters in the District of Columbia for the office work of the census.

The committee's amendment was read, as follows:

Strike out the words, "and he may rent convenient quarters in the District of Columbia for the office work of the census."

Mr. COX. Let those words be stricken out.

The amendment was agreed to.

Section 22 was read, as follows:

SEC. 22. That the Superintendent of Census, with the consent of the President, may at any time remove any supervisor of census, and fill any vacancy thereby caused or otherwise occurring; and the supervisor of the census may, with the consent of the Superintendent of Census, remove any enumerator in his district, and fill the vacancy thereby caused or otherwise occurring; and in such cases but one compensation shall be allowed for the entire service, to be apportioned among the persons performing the same in the discretion of the Superintendent of Census.

There being no amendment proposed, the next section was read, as follows:

SEC. 23. That upon the request of any municipal government, meaning thereby the incorporated government of any town, village, township, or city, or kindred municipality, the Superintendent of Census shall furnish such government with a copy of the names, with age, sex, and color, of all persons enumerated within the territory in the jurisdiction of such municipality, and such copies shall be paid for by such municipal government at the rate of 20 cents for each one hundred names, and all sums so received by the Superintendent of Census shall be accounted for in such way as the Secretary of the Interior shall direct, and covered into the Treasury of the United States to be placed to the credit of, and in addition to, the appropriation herein made for taking the Eleventh Census.

Amendments of the committee:

Insert "birthplace" after the word "sex;" and strike out "20" and insert "25."

The amendments were agreed to.

Mr. CONGER. I am requested by the gentleman from Indiana [Mr. MATSON] to offer the following amendment as an additional section:

The Clerk read as follows:

SEC. 24. That the Superintendent of Census shall ascertain the names of those who had served in the military or naval service, and who are survivors on the 1st of June, 1890, and who are then inmates of almshouses.

Mr. ROGERS. Do I understand the gentleman wants to get the names of these people? I should think the number would be all that is wanted.

Mr. CONGER. I have offered it at the request of the gentleman from Indiana.

Mr. ROGERS. Does the gentleman from New York desire that amendment?

Mr. COX. I do not want to expose the names of those who are in almshouses.

Mr. CONGER. I do it at the request of the gentleman from Indiana.

Mr. HOLMAN. It may be well to ascertain the number of persons.

Mr. COX. But not the names of those in almshouses.

Mr. HOLMAN. I move that amendment, to strike out the names, providing only for the number. I wish to have a vote on my colleague's proposition, but in the first place I want to put it in such a form as he would agree to have if he were here. I do not object to the number, but I do not think we should provide for the names.

Mr. HOLMAN'S amendment to the amendment was agreed to.

Mr. GALLINGER. I move to strike out the words "and who are survivors on the 1st day of June, 1890;" so it will read, "who served in the military or naval service and who are in almshouses." They must be survivors if they are in almshouses.

The amendment to the amendment was agreed to.

The question recurred on Mr. CONGER'S amendment as amended.

The House divided; and there were—ayes 3, noes 9.

So the amendment was rejected.

The question next recurred on the following amendment of the committee:

Insert as section 24 the following:

"SEC. 24. That the Secretary of the Interior may authorize the expenditure of necessary sums for the traveling expenses of the officers and employés connected with the taking of the census, and the incidental expenses essential to the carrying out of this act, including the rental of convenient quarters in the District of Columbia and the furnishing thereof, and an outfit for printing small blanks, tally-sheets, circulars, etc."

Mr. HOLMAN. I move to add the following words: "and shall from time to time make a detailed report to Congress of such expenditures."

Mr. COX. There is no objection to that amendment.

The amendment was adopted, and the amendment as amended was agreed to.

The next section of the bill was read, as follows:

SEC. 25. That the act entitled "An act to provide for the taking of the tenth and subsequent censuses," approved March 3, 1879, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed; and all censuses subsequent to the Eleventh Census shall be taken in accordance with the provisions of this act unless Congress shall hereafter otherwise provide.

Mr. CONGER. I ask unanimous consent to recur to page 15, for the purpose of offering an amendment.

Mr. WEAVER. I want to make an inquiry about this matter, whether the proviso——

The SPEAKER *pro tempore*. The gentleman from Iowa asks unanimous consent to recur to page 15, section 17, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. CONGER. I move to insert the amendment I send to the desk.

The Clerk read as follows:

Add after the word "indebtedness," in line 44, "and to statistics relating to railroad corporations, incorporated express, telegraph, and insurance companies."

Mr. HOLMAN. Is not that covered by the last clause on the fifteenth page?

Mr. CONGER. I think not.

Mr. HOLMAN. It provides for the collection of statistics relating to railroad, telegraph, express, transportation, and insurance companies.

Mr. CONGER. Where do you find that?

Mr. HOLMAN. In section 18.

Mr. CONGER. But I am referring now to the provision for the publication of certain volumes.

Mr. HOLMAN. Ah, that is different.

The amendment of Mr. CONGER was adopted.

Mr. HOVEY. I want to add another clause to the same section, to follow what has just been adopted.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Indiana offering a further amendment to the section?

There was no objection.

The Clerk read as follows:

Add at the end of the last amendment "and a list of surviving soldiers, sailors, marines, and the widows of soldiers, sailors, and marines.

Mr. HOVEY. There is no publication authorized of that class.

Mr. COX. I have no objection to that.

The amendment was adopted.

Mr. HOLMAN. I wish to call attention to the language of the fifteenth section, in reference to the penalties and forfeiture; and I ask leave to submit the following amendment, to strike out all after the word "shall," in the nineteenth line, as follows:

Forfeit and pay a sum not less than $500 nor more than $10,000, to be recovered in an action of debt in any court of competent jurisdiction, in the name and to the use of the United States, and in addition thereto shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned for a period not exceeding one year.

And insert what I send to the desk.

The Clerk read as follows:

be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $10,000, to which may be added imprisonment for a period not exceeding one year.

Mr. COX. I have no objection to that.

The amendment was adopted.

Mr. ROGERS. Now, for the sake of perfecting the language of the bill, in section 13, line 8, I ask unanimous consent to recur to this part of the bill and strike out the words "forfeit a" and insert "be fined in any sum;" so that it will read:

And upon conviction shall be fined in any sum not exceeding $500.

This provides a fine instead of a forfeiture.

Mr. COX. All right.

Mr. WILLIAMS. Ought there not to be a minimum sum? That might bring it down to a dollar. It might be no punishment at all.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment just submitted.

Mr. MCKENNA. Why not say "fined in a sum?"

Mr. ROGERS. All right; I will accept the modification.

The amendment as modified was adopted.

Mr. ROGERS. Now, in line 16 of the same section, the words "forfeit and pay" should be stricken out, and insert in lieu thereof "be fined in a;" so that it will read:

He shall be fined in a sum not exceeding $5,000.

The SPEAKER *pro tempore*. Without objection, this amendment will be adopted.

There was no objection.

Mr. ROGERS. Again, in section 15, line 11, in order to make the bill conform, strike out the words "forfeit and pay" and insert in lieu thereof "be fined in."

The amendment was adopted.

Mr. ROGERS. Again, section 10 should be stricken out *in toto*. That has no application since the adoption of the amendment of the gentleman from Indiana.

Mr. COX. There is no objection to that, I presume, now.

Mr. MORROW. I suggest that there is no need for striking that out.

Mr. HOLMAN. You do not want to enforce these by a suit in the State court.

Mr. MORROW. No; but this provides now that these fines may be enforced in any court of competent jurisdiction.

Mr. ROGERS. As the bill is framed now, the jurisdiction is in the Federal courts. The Government loses nothing under the amendments which have been adopted.

Mr. HOLMAN. I would suggest that the section be amended so as to provide that "all fines and penalties imposed by this act may be enforced by indictment in any court of competent jurisdiction where such offenses may be committed or forfeiture incurred."

Mr. ROGERS. I have no objection to that.

The SPEAKER *pro tempore*. Will the gentleman from Arkansas indicate his amendment?

Mr. ROGERS. The words I propose to strike out are in line 2, "or appropriate action at law."

Mr. HOVEY. Let me suggest that you can not enforce an indictment. You punish by indictment.

Mr. ROGERS. The word "prosecuted" might be substituted.

Mr. MORROW. "That all fines and penalties imposed by this act may be prosecuted by indictment or information."

Mr. MCKENNA. The words used are good enough.

Mr. ROGERS. I will not ask to have the word "enforced" changed. I think that is sufficient. I move to strike out "or appropriate action at law," in lines 2 and 3, and "or forfeitures incurred," in line 4.

The amendment was agreed to.

Mr. MORROW. I suggest that we insert after the word "indictment" "or by information."

Mr. ROGERS. I would not add those words.

Mr. MORROW. I move to amend section 16 by adding, in line 2, after the word "indictment," the words "or by information."

The amendment was agreed to.

Mr. COX. I now demand the previous question on the passage of the bill.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 33 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. T. J. CAMPBELL: A bill (H. R. 10796) granting a pension to Francis Pohl—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 10797) for the relief of James W. Kraggs—to the Committee on War Claims.

By Mr. DARLINGTON: A bill (H. R. 10798) granting a pension to John Oakes—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 10799) granting a pension to Tyrel Hamblin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10800) for the benefit of Thomas Kinney—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 10801) for the relief of Samuel B. Jones—to the Committee on War Claims.

By Mr. HIESTAND: A bill (H. R. 10802) to increase the pension of James M. Etter—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 10803) for the relief of David Jones—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 10804) for the relief of Jacob Held, sr.—to the Committee on War Claims.

By Mr. LAGAN: A bill (H. R. 10805) for the relief of Mrs. Anna Hernandez—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 10806) granting a pension to Eugenia A. Helston—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10807) granting a pension to Mary Speaks—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 10808) for the relief of James W. Byrd—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10809) to refer the claim of Andrew J. Kirby against the United States to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 10810) granting a pension to John W. Curtis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRUMM: Petition of H. T. Baily and others, against the internal-revenue tax—to the Committee on Ways and Means.

Also, petition of Henry Schlotman and others, favoring the anti-convict labor bill—to the Committee on Labor.

By Mr. CHIPMAN: Petition of James W. Knaggs, for relief—to the Committee on War Claims.

Also, petition of David Dawson and others, for licensing certain engineers—to the Committee on Commerce.

Also, petition of Ellen A. McInerney, widow of Lott McInerney, Company G, One hundred and sixteenth New York Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Tampa, Fla., for an appropriation for the improvement of Tampa Bay—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of Resolute Council, No. 27, and of Industry Council, No. 163, Junior Order of United American Mechanics, in favor of Senate bill No. 553, restricting immigration—to the Committee on Labor.

By Mr. GLASS: Papers in the claim of Nancy P. Garison, of Benton County, Mississippi—to the Committee on War Claims.

By Mr. HERMANN: Petition of 75 citizens of Oregon, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCREARY: Petition for the relief of Dawson T. Lamb, late of Companies C and D, Kentucky Volunteer Infantry—to the Committee on Claims.

Also, petition of N. W. Morris, for relief—to the Committee on War Claims.

By Mr. LAFFOON: Petition of Jacob Held, sr., of Henderson, Ky., for relief—to the Committee on War Claims.

By Mr. LONG: Petition and affidavits of Thomas Coyle and wife, for relief—to the Committee on Claims.

By Mr. MILLIKEN: Resolution of the Congregational churches of Maine, against the production, importation, and exportation of intoxicating liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RAYNER: Petition of Richard N. Bowerman, late lieutenant-colonel Thirty-sixth Regiment United States Infantry, for reference of his case to the Court of Claims—to the Committee on Claims.

By Mr. SAWYER: Petition of 130 citizens of Wyoming County, New York, for reduction of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Petition of James W. Byrd, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. SIMMONS: Petition of Jasper B. Mann, of Carteret County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SOWDEN: Petition of George W. Weitknecht and others, citizens of the Tenth district of Pennsylvania, for continuing work looking to the eradication of pleuro-pneumonia, etc.—to the Committee on Agriculture.

By Mr. STEELE: Petition of L. J. Gibble and 100 others, asking that each honorably discharged soldier be allowed to enter 160 acres of public land—to the Committee on the Public Lands.

By Mr. TILLMAN (by request): Petition of John G. Goettee, administrator of Eliza Goettee, of Robert C. Bowers, and of Elizabeth Youmans, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of J. B. White, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of E. J. B. Smith, of Williamson County, and of heir of Giles T. Harris, of Maury County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. YARDLEY: Petition of 51 citizens of Montgomery County, Pennsylvania, protesting against a reduction of the duty on window glass—to the Committee on Ways and Means.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. LEE (by request): Of citizens of Loudoun County, Virginia.

The following petition praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. HITT: Of Ira Mettler and 33 others, citizens of Creston, Ogle County, Illinois.

SENATE.

THURSDAY, *July* 12, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. PLATT. From the reading of the Journal I notice that there is an order for the withdrawal of papers, I think in the case of Mrs. Frances M. Wilkinson, where there had been an adverse report. I wanted to inquire—as the order seems to have been adopted absolutely—whether the parties would have the right to withdraw the papers? The rule is——

The PRESIDENT *pro tempore*. Such orders are always taken subject to the rule of the Senate.

Mr. PLATT. So that the rule interprets itself?

The PRESIDENT *pro tempore*. Yes; the rules impose the duty upon the Secretary, so that it is not necessary formally at this time to enter "subject to the rule."

If there be no motion to correct or amend the Journal, it will stand approved as read.

PETITIONS AND MEMORIALS.

Mr. SABIN presented a petition of 146 citizens of Faribault, Minn., praying Congress to take steps looking towards the purchase of the Island of Cuba by the United States Government; which was referred to the Committee on Foreign Relations.

He also presented a petition of 17 citizens of Carver County, Minnesota, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by Mr. PADDOCK to the sundry civil appropriation bill, reported it favorably with the recommendation that it be referred to the Committee on Appropriations; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 98) authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases, reported it with amendments.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred an amendment intended to be proposed by him to the sundry civil appropriation bill, reported it favorably, and moved that the amendment, together with the accompanying report in regard to the subject-matter, be referred to the Committee on Appropriations, and ordered to be printed; which was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred an amendment intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5259) to relieve Jacob G. Bostalter from the

charge of fraudulent enlistment, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1493) for the relief of J. Schriber & Co., of Cleveland, Cuyahoga County, Ohio, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4659) for the relief of George M. Ochiltree, reported it with an amendment, and submitted a report thereon.

COMMITTEE ON INDIAN AFFAIRS.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report a resolution for action at the present time.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee as may be appointed by the chairman thereof, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution; and also to visit any reservations where, in the opinion of said committee, it may be necessary to extend their investigations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The Chair thinks that as the resolution proposes a charge on the contingent fund the rule might require a different disposition of it.

Mr. DAWES. Let it be referred to the Committee on Contingent Expenses.

Mr. COCKRELL. Let it be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk again read the resolution.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT ON COMMERCE AND NAVIGATION.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected." I ask for its present consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The Chief Clerk read as follows:

Resolved, etc., That there be printed 20,000 copies of the report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with rates of duty and amounts of duty collected, for the fiscal year 1887: 14,000 for the use of the members of the House of Representatives; 5,000 for the use of members of the Senate, and 1,000 for the use of the Bureau of Statistics of the Treasury Department. The sum of —— dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. MANDERSON. I move to fill the blank with "fifteen hundred." The cost will be about $1,100.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 11, after the words "sum of," it is proposed to fill the blank by the insertion of the words "fifteen hundred;" so as to read:

The sum of $1,500, or so much thereof as may be necessary, is hereby appropriated, etc.

The amendment was agreed to.

Mr. COCKRELL. Why the discrimination in this case? I thought we had established a rule that the Senate was to have one-third and the House two-thirds of such documents. Now there comes in a very valuable document, and 14,000 is for the House of Representatives, 5,000 for the Senate, and 1,000 for the Bureau of Statistics.

Mr. MANDERSON. That does not depart very far from that general rule. These figures were fixed because the resolution in that form came from Mr. Switzler, the chief of this bureau, and it seemed to the committee that it was well enough to leave it as suggested by him, giving 5,000 to the Senate and 14,000 to the House.

Mr. COCKRELL. I think we are quite competent to judge of the number we want.

Mr. MANDERSON. I suppose so.

Mr. COCKRELL. I do not think the proportion fixed in the resolution is proper. I move to make it 6,500 for the Senate and 13,000 for the House, in lieu of the 5,000 and 14,000.

Mr. MANDERSON. Then the Senator will have to amend the number.

Mr. COCKRELL. The resolution makes 20,000 the number.

Mr. MANDERSON. You had better say 6,000 for the Senate, 13,000 for the House, and 1,000 for the Chief of the bureau.

Mr. COCKRELL. I shall not object to that.

Mr. MANDERSON. I do not object to that.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be stated.

The CHIEF CLERK. It is proposed to amend the resolution in line 7, so as to make it read:

Thirteen thousand for the use of the members of the House of Representatives, 6,000 for the use of members of the Senate, and 1,000 for the use of the Bureau of Statistics.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3314) for the relief of the heirs of Peter Poorman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3315) to remove the charge of desertion from the military records of William F. Pritchard and William S. Pritchard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 3316) granting a pension to Jasper N. Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3317) for the relief of John F. Riley, collector of the estate of Samuel R. Hamil, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 3318) to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3319) granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3320) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VANCE introduced a bill (S. 3321) to incorporate the Washington and Great Falls Narrow Gauge Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOAR, it was

Ordered, That Mrs. A. A. Coolidge have leave to withdraw from the files of the Senate her petition and accompanying papers.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes;

A bill (H. R. 7261) granting the right of way through certain lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company;

A bill (H. R. 7223) to grant the right of way through the Public Land Strip and Indian Territory to the Montana, Kansas and Texas Railroad Company, and for other purposes;

A bill (H. R. 7843) granting to the Citrous Water Company a right of way across Papago Indian reservation, in Maricopa County, Arizona;

A bill (H. R. 7964) granting to the Aberdeen, Bismarck and Northwestern Railway right of way across a portion of the Sioux reservation, in Dakota Territory; and

A bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts:

An act (S. 2610) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company;

An act (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, in Tennessee, or the south fork of said river, between Burnside and Tateville, Ky.;

An act (S. 23) to authorize Dalles City to construct a bridge across

the Columbia River, in the State of Oregon and Territory of Washington;

An act (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea;

An act (S. 1484) to fix the status in the Navy of certain cadet engineers;

An act (S. 1004) granting a pension to Ann Verneuil;

An act (S. 1192) granting a pension to Judson Knight;

An act (S. 1193) granting a pension to John R. Wheelock;

An act (S. 1906) granting a pension to Matilda Bleumner;

An act (S. 1997) granting a pension to Peter Thompson;

An act (S. 2100) granting a pension to Charles Tidmarsh;

An act (S. 2151) granting a pension to Mrs. Aurelia Hillyer;

An act (S. 2183) granting a pension to Rachel Plummer;

An act (S. 2255) granting a pension to Amanda W. Beach;

An act (S. 2331) granting a pension to Mary J. McGregor;

An act (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts; and

An act (S. 1844) granting an increase of pension to Ann Atkinson.

The message also announced that the President had, on the 10th instant, approved and signed the joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong.

The message further announced that the following bills were presented to the President June 29, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they had become laws without his approval:

A bill (S. 808) granting a pension to Julius C. Monson;

A bill (S. 1827) granting a pension to Philomelia L. Dartt; and

A bill (S. 2168) granting a pension to Francis Marion Walker.

AMENDMENTS TO BILLS.

Mr. SHERMAN submitted amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

VETOED PENSION BILLS.

Mr. HAWLEY. I made a report a few days ago from the Committee on Printing upon a resolution to print 5,000 additional copies of Senate Report 1667, being a formal report by the Committee on Pensions upon seven vetoed pension bills. The matter lay over under objection or at the request of some Senator, I do not remember who. I call the matter up again now, and ask for its consideration.

The PRESIDENT *pro tempore*. The resolution referred to by the Senator from Connecticut will be read.

The Chief Clerk read as follows:

Ordered, That 5,000 extra copies of Senate Report No. 1667, on certain pension bills returned to the Senate by the President without his approval, together with the views of the minority of the committee, be printed for the use of the Senate.

Mr. COCKRELL. That is the report of the Senator from Connecticut in regard to vetoed pension bills?

Mr. HAWLEY. Yes.

Mr. COCKRELL. When it was made I asked that it lie over.

Mr. HAWLEY. It is the report of the Committee on Printing on the proposition to print the report of the Senator from Minnesota [Mr. DAVIS].

Mr. COCKRELL. I understand; but I thought probably the Senator would like to have incorporated in that report the message of the President which was received, I believe, on last Monday, which referred to another bill vetoed by him. It would be good reading matter to have that included. It treats directly of his duties as Chief Executive and his action upon these various bills.

Mr. DAWES. There are several. Would the Senator like all the veto messages on pension bills printed?

Mr. COCKRELL. I wish to God that they could all be printed and go before the country.

Mr. HAWLEY. They have gone.

Mr. COCKRELL. I thought that was an exceedingly important one, probably more important than some of the others, and that Senators would like to have it printed. They want to distribute that literature, and I thought they would jump at the chance to have that message printed now and sent broadcast.

Mr. DAWES. I do not think the Senator need express his wish in that manner, but he can offer a resolution to print all those veto messages in one document.

Mr. COCKRELL. I was making the suggestion, if this resolution be passed, to have this particular message inserted in the document. I do not want to force it, but simply make the suggestion, hoping that my friends will gladly acquiesce in it.

Mr. DAWES. I suggest that it would be more interesting reading, and that a more effective document would be the collection of all the veto messages on the vetoed pension bills.

Mr. COCKRELL. There could be no more interesting document issued to the American people, and if the Senator will offer such a resolution I will gladly and cheerfully vote to print 100,000 copies.

Mr. DAWES. The Senator expressed his wish in such profound and reverent language that it might be done that I thought perhaps he would introduce such a resolution himself.

Mr. COCKRELL. I will introduce a resolution, and I will test whether Senators desire to have that document sent broadcast over the country.

Mr. DAWES. I suggest to the Senator to be sure to get them all.

Mr. COCKRELL. I will do that right now.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution reported from the Committee on Printing.

Mr. PLATT. Mr. President, at the last session of Congress, on my motion, a work was compiled embracing all the veto messages of the Presidents of the United States from the commencement of the Government down to the close of the last session, if I am not mistaken; and that embraced all the veto messages of President Cleveland up to that date. I think it is very proper that that document should be supplemented, but I hope it will not be done upon this particular matter. It ought to follow the course that was pursued in regard to the compilation of that document.

I am not quite sure what message it is that the Senator from Missouri refers to now, for we have them almost every day. I suppose it is some one particular veto message that he wants to have printed. I wish he would specify which one it is.

Mr. HAWLEY. I will show my colleague what it is; I have it.

Mr. President, the report of the Committee on Pensions which it is proposed to print is the report of the committee on the veto messages in the case of seven vetoed bills, with an argument which I beg leave to say is very able, but too short, upon the general question of the extent of the President's proper function in these cases. That is as far as the committee cared to go. It is probable it will exercise its own discretion in making a further report on other vetoed bills. But I do not think the Senator from Missouri, upon careful consideration, would care to give very general circulation to that veto message of which he spoke.

My attention was attracted to its peculiar language, and without a thought of using it in debate I penciled some of its felicitous observations. The President dwells with apparent satisfaction upon the idea that he had got the better of the committee in having discovered that the beneficiary in this case was a woman, to use his words, "of very bad character, and that she had been under arrest nine times for drunkenness, larceny, creating disturbance, and misdemeanors of that sort."

I do not know how that may be. The Senate is not a police court. The committee, I suppose, reported, upon examination of the facts directly bearing upon the petition, that Mrs. Dougherty ought to receive a small pension, or that it would be wise and generous to give her one, and probably did not search after her whole life. But after having somehow discovered and cheerfully set forth that she had been arrested many times for drunkenness, larceny, creating disturbance, and misdemeanors of that sort, the President proceeds to make a remark which will be agreeable reading to the scores of thousands of soldiers' widows and daughters who are the beneficiaries—not the beneficiaries in the proper sense, but who are the creditors of the Government—in these words:

But there is much reason to fear that this case will find its parallel in many that have reached a successful conclusion.

I have had relatives and friends who are among these so-called "beneficiaries" of the Government. They are included in this general reflection. Does the Senator think that is a pleasant work, or one likely to elevate the President and his party in public esteem to circulate that insinuation among the millions of soldiers now surviving? I have no objection to printing it, but I should like to have the committee send out with it a report upon the case, making the comments that naturally occur to gentlemen.

Mr. COCKRELL. Now, Mr. President, I desire to offer the following resolution——

The PRESIDENT *pro tempore*. The Chair can not receive it now, the question being on agreeing to the resolution reported from the Committee on Printing, which, however, is subject to amendment.

Mr. COCKRELL. I ask that my resolution be read for information.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read as follows:

Resolved, That there be printed 100,000 copies of the messages of the President of the United States sent to the Congress of the United States vetoing pension bills during the Forty-ninth Congress and the Fiftieth Congress to this date.

The PRESIDENT *pro tempore*. That will be in order as an amendment to the resolution of the committee.

Mr. COCKRELL. I offer it as an amendment to that resolution.

The PRESIDENT *pro tempore*. The Senator from Missouri proposes to amend the resolution reported by the committee by adding what has just been read.

Mr. DAVIS. Mr. President, as far as the Committee on Pensions is concerned and so far as I myself am concerned, who drew the report now under discussion, it is a matter of perfect indifference whether it goes forth to the country in the shape it was presented or with the addition of the President's message in the Dougherty case. That case, with the message, has been referred to the Committee on Pensions for consideration, and will in due time receive all the attention which it deserves and be the subject of a report to the Senate. It is now in the hands of the Senator from New Jersey [Mr. BLODGETT], who made the report upon which the bill was passed, for his advisement and consideration; but I deem it proper to say a word or two here in regard to the facts which the President did not place in their true perspective, as to being recent or remote—facts which were carefully considered by the committee, charitably considered, and, I think, justly determined.

It would seem from the language used by the President of the United States in regard to this unfortunate woman, who, while working in a Government arsenal in making cartridges, suffered a severe accident, who lost her son, who had been made almost insane, as she says, wholly so—it would seem, I say, from the language used by the President in his message that she is at this present time a person of bad character and a drunkard.

I took occasion when the files came again from the Pension Office to examine the record in that respect to find what ground there is for the assertions against her. I find that the police of this city report, and its latest report comes down no further than the year 1872, that this woman had before that date been arrested seven times and not nine; that the other two cases were of another person entirely; and that the President of the United States has gone back fifteen years to investigate the character of this poor, old, decrepit, half-crazed woman, for the purpose of putting an imputation upon her and thereby justifying the veto. From 1872 to 1888 this committee were advised that her conduct had been proper.

I find also, from the records of the Pension Bureau, transmitted to the Committee on Pensions for re-examination, in connection with this remarkable message, that on the 5th day of July, the date of the veto, a report as to her had been withdrawn from the files and delivered to the chief of police of the third Metropolitan district of Washington, and that it has not been returned. The result of it all is this: That after the committee examined the action of the Pension Bureau, considering the case fairly and charitably, with care, the President of the United States has re-referred to that bureau the whole matter for its views as to the expediency of disapproving the action of Congress, and has gone back fifteen years in the records of the police department of this city to ascertain whether the woman at that time, so many years ago, had not, through her misfortunes or infirmities, been subject to the lapses from propriety which are detailed in the message; that all the time since, so far as we are advised by the most reputable authority in this city, she has been worthy of the charity which the committee in its judgment thought ought to be extended to her by the enactment of a pension act.

In due time I assure the Senate that veto and all the facts will receive the attention of the committee.

Mr. STEWART. I am glad this question has come up, and I hope it will be up every morning until some reason is assigned for this extraordinary proceeding on the part of the President besides the fact that it is within the power incorporated in the Constitution. I heard no other reason than that assigned by the Senator from Missouri [Mr. VEST] the other morning. The reason assigned by the apologists of the President all over the country is that he has this power.

If the Senate will reflect a little they will find that there are many powers in the Constitution which may be abused. The President has power not to sign any appropriation bill and stop the wheels of the Government, and you have no redress. The Senate might refuse to pass an appropriation bill to carry on the Government; the other House might do the same. The very fact that these powers are intrusted to the different departments makes it possible for all persons having them in charge to abuse them.

I can conceive no abuse liable to lead to more serious consequences than that the President of the United States with a salary of $50,000 a year and at an expense to keep up the establishment of several hundred thousand dollars more furnished by the Government, the whole country being dependent upon the proper conduct of that great office; I say I can conceive of no greater abuse than for the President to occupy his time in hunting about the police-court records to ascertain the character of a poor woman fifteen years ago, to determine whether she is entitled to receive a pension for injuries received by her while in service.

It seems to me that we can have that kind of service performed by cheaper-paid men. It seems to me there might be some other officer to do this detail work. I do object to the precedent that the President of the United States is to become a detective or that he is to examine all these details. If there is nobody in the country sufficiently honest to attend to these matters of small detail, then we are in a bad fix. It certainly can not be done by the head of the executive department of this Government. He has not the time; it is beneath the dignity of his office; it is not his business, and never was intended to be, and it never was supposed that any President of the United States would do more with the veto power than to protect his office from unconstitutional encroachments. That was declared over and over again in the debates in the convention that formed the Constitution. The universal belief was that it would only be used on those occasions, but now we have the spectacle of its being used on disputed questions of fact with regard to very small matters with which the committees of the two Houses are charged, a Democratic committee in the other end, a Republican committee here, as conscientious and as honest committees, I venture to say, as were ever in any Congress. And yet we hear these lectures day after day, the President upbraiding them for not performing their duty properly in regard to these small details, undertaking to say that they are not the judges of these facts when submitted to them, but that he must deal in these small matters, and, as I stated heretofore, the whole expense, if all these bills were permitted to pass, would be only about $24,000 a year.

Why is it necessary for the whole form of government to be changed in order to have a competent person to investigate these details? If it be true that these committees are not competent, if we are to sit here and see the committees rebuked day after day, and their work repudiated and their characters destroyed—for it does affect the character of men to have their work characterized as it has been in these vetoes—if that is the case, reorganize the Senate, reorganize the House, and appoint other committees.

I venture to say, however, that no better men can be found in the Senate or in the other House than are upon these committees.

This wrangle about facts of that kind is unbecoming in the head of a great Government, and it was never expected of the President. I want these vetoes laid before the country, and I want the country to say whether the President has shown in any case such an emergency that he is called upon to exercise the veto to protect any of the constitutional rights of the Executive or to defend the Constitution in any respect. I want the country to judge of that. No bill can be passed but that an argument can be made against it; and because the President has gone out of his way and made arguments against some of these bills on *ex parte* statements against them, is he therefore justified?

All our work may be criticised; we criticise it daily ourselves and properly; but to have it criticised in such matters by the Executive is changing the whole form of the Government. Although it may pass for the time being without notice, the time will come when these precedents will come back to plague us on other matters than pension bills, other matters than claims; and others may use the precedent of two hundred vetoes in three years and assume the whole legislative power of the Government.

I say it is one of the most serious matters confronting us, and demanding more serious attention than anything that has come before this Congress, or is likely to come before it.

Mr. BLAIR. I should like to call attention to one point in reference to these vetoes. The President in many of them seems to assume, after careful investigation, like that of a detective, or an investigation of any other character, that if he is able to fix upon the applicant for a pension a personal stigma therefore the whole country is under no obligation whatever and can be under no obligation whatever to give a pension to the applicant. I have not myself so construed my duty as a legislator in this regard. I have felt that when a man, whatever might be his personal character, had discharged his obligations to the Government, had risked his life, complied with his contract, and had suffered in consequence of his service to the country a physical disability pensionable, if he were a man of the most excellent personal character, that he was equally entitled to the benefit of the country's pension laws although in some respects he might not be up to the highest standard of personal behavior and character. I think we are bound by that rule.

We were willing to accept the services of everybody who was physically competent to render them, and the life of the nation was saved very largely by men who had their little tantrums of drink and it may be other peccadillos, and some of them men who from time to time may have been guilty of serious offenses against the law; but it does not follow that because of these things, if they discharged their duty to the Government, in a way that if performed by persons of the most excellent reputation and character would have entitled them to a pension, they are to be deprived of that benefit under the law although something may be shown against their reputation. A person may be guilty of the habit of using profane language and occasionally getting intoxicated, he may have even committed petit larceny or a breach of the peace, but if he has done his duty to the country he is entitled to his pension all the same, whether he be a man of the best character, or whether something can be said against his character.

Now, in regard to this woman, she was pensioned by this special act because of the personal hurt she had received really in a dangerous employment, as dangerous almost as that of the soldier, in a cartridge factory, and for that reason, and by reason of many other circumstances which bear upon the general merits of her case, this act was passed by

the two Houses of Congress. I think that even if the President had succeeded in establishing the fact that she was not in every respect the best of women, she still is entitled to the good offices of her country.

I rose to say particularly in regard to this woman that only a day or two ago I received a card from Mrs. Dougherty and went to the Marble Room to see her, and she presented me a large envelope filled with testimonials to her good name, and with a trembling hand and voice and tears in her eyes she said to me that the President of the United States had put an awful story about her in the papers of the country and begged that she might be vindicated, and those papers which I saw and passed back to her (and they will no doubt reach the committee; I hope they will, at least)—those papers, from many citizens, worthy people in this city, establish a high personal character on the part of Mrs. Dougherty. I say this much in regard to her personal status. I do not know that anything can be said against her in the past. If there can be, it was certainly a gratuitous insult.

I ask the Senators to recall their own personal history and the President to recall his own personal history and say whether silence is not a welcome thing to us all. Let him who is guiltless cast the first stone, whether it be at one end of the Avenue or the other.

Now, Mr. President, I want to make an amendment to the amendment of the Senator from Missouri—the amendment calling for the printing of all the pension veto messages of the President—to add these words:

Together with the reports of the Committee on Pensions of the Forty-ninth Congress thereon, and the views of the minority.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment the following:

Together with the reports of the Committee on Pensions of the Forty-ninth Congress thereon, and the views of the minority.

Mr. SHERMAN. I hope the Senate will not entertain seriously the motion to print 100,000 copies of the veto messages. It seems to me a ridiculously small thing to do, and especially to publish a statement about a woman, even though the statement is made by the President of the United States under the circumstances. Upon the face of the statements made by the Senator from Minnesota, I would not vote to publish the message at all; but think of the idea of printing 100,000 copies of a veto message on a pension bill about a poor woman! You had better pay her a pension ten times over. The cost of the publication would be ten times the amount of the pension she would get. It is simply a discreditable proceeding on the part of the Senate.

Mr. HAWLEY. Mr. President, the motion of the Senator from Missouri proposes to print 100,000 copies of all the pension vetoes that the President of the United States has sent in. I must raise a point of order against that, but before doing so I will state my reason for doing it. Most of these vetoes have already been printed in the volume ordered not long ago that contained the vetoes of all the Presidents up to date of the order. I have no personal objection to printing any reasonable number of the pension vetoes alone as an independent document except this, that they give only one side of a case, and that if they should be issued by authority of the Senate and sent through the country without a protest, that might seem to imply a willingness at least to be silent under these grossly unjust insinuations and comments of the President and his entire misconstruction of the proper function of the veto power.

For example, I do not wish remarks like these to go without a proper report of the committee of the Senate to accompany them:

Unreasonable, unfair, and reckless granting of pensions by special acts.

Eight hundred cases have been considered by the Senate Committee on Pensions during this Congress, of which three hundred have been reported unfavorably.

The committee in the other House has a majority of Democrats, in the Senate a majority of Republicans upon these committees are men whose private and public lives are as reputable as that of the President, who are as good lawyers as the President, who are as faithful in the performance of their constitutional duties as the President. I object to comments upon two committees of Congress and the two Houses of Congress of that description from a President who is violating the Constitution by the character of his vetoes.

Mr. HOAR. I desire to ask the Senator from Connecticut in reference to the last observation of the President he quoted, whether, on the President's construction of his constitutional duty, that he is a part of the legislative power and bound to examine and consider and approve or object to every bill, he is not responsible for every single act of legislation that has passed Congress, except those that he has himself vetoed?

Mr. HAWLEY. I think so. I think the President makes a great mistake as to the function of Congress and the function of the President. I do not propose, however, to go fully into the argument concerning the veto power, but I will briefly refer to the following statement in the same message:

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress.

These two Houses of Congress represent the law-making power of sixty millions of people. The Pension Bureau is one of the subsidiary, auxiliary servants and creations of the nation. Clerks in that office adjudicate these pension cases, and the President accepts the adjudication of a $1,200 clerk as superior to the judgment of three or four hundred members of Congress, and scolds us for overruling them, to use his language, "in the most peremptory fashion."

Every act that is passed that changes an existing statute is an overruling of these subordinates, a new command to them to pursue a different course hereafter. They are there to obey us, not to complain of adjudications overruled.

He says:

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress, since nearly all the beneficiaries named in these bills have unsuccessfully applied to that bureau for relief.

That is why they are here, because they have applied there unsuccessfully and they have been unsuccessful, not of necessity because the claims were unfounded, but the rigidity of general statutes makes it impossible to do justice in all cases. For what were the courts of equity established during these centuries but to supply that wherein the statute law by reason of its universality is deficient—if I quote Blackstone correctly? This Congress is the great legislative court of equity to correct errors, to make exceptions, if it chooses to do so, and what is more common than for the Pension Bureau to say in regard to a pension case unofficially or even officially, "Our sympathies are with you; you really ought to have a pension, but the letter of the law is such that we can not grant it. Go to Congress." And yet the President positively makes it an objection to these bills that the applications have been once overruled there, whether by reason of the generality of the law or the impossibility of making out the case technically under the law.

It is the uniform practice of the Pension Committees to inquire first whether the application has been made to the Pension Bureau, and if the case be pending there, the committee makes it a rule to wait until it shall have been adjudicated, and then take up the question as to whether equity does not require a different result.

I object also to this remark of the President in his message, and it is among the things I wish to see replied to in any publication of the veto messages:

Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws. It operates unfairly by increasing in numerous instances the pensions of those already on the rolls, while many other more deserving cases from the lack of fortunate advocacy are obliged to be content with the sum provided by general laws.

I am indignant, sir, at that which I would say outside of this Chamber is grossly false. Who are the friends of this poor woman Dougherty? Who are her friends of power, influence, wealth? And in regard to 99 out of 100 of the petitioners, what power have they over a Senator sitting here under his oath to perform his duty? Who knows them? They are A, B, and C in the great list of humanity to all of us. They are known only by the evidence they send here, the certificates from the adjutant-generals of the several States, extracts from the rolls of the Adjutant-General's Office here, the affidavits of respectable citizens of their localities, etc. If there be one thing in which the great Congress of the United States imitates the Divinity it is in the manner in which it listens patiently to the humblest and the least known in this and other matters.

I raise the point of order that the proposition to print 100,000 copies of all of President Cleveland's pension vetoes is against the rules, for it would require a volume of probably two hundred pages, and would cost far more than the rule permits us to order without the concurrence of the House of Representatives.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator proceeds, the Chair will state that the rule peremptorily requires that all motions to print additional numbers shall be referred to the Committee on Printing.

Mr. BUTLER. I do not rise for the purpose of expressing any opinion in regard to the merits or demerits of this particular veto message under discussion, for I really know nothing about it, except what the papers disclose. But there has been, it seems to me, a good deal of rather wild talk about the exercise by the President of his veto power, and a good deal of mock indignation has been manifested, I must think, for some other purpose than to get the bill passed; and many appeals have been made to our sympathetic feelings by Senators who have spoken in regard to this poor woman.

I want to say, for one, that if it can be made to appear that injustice has been done to her, either to her legal rights or to her character, the Senator from Connecticut shall have my vote to correct it.

Sir, I think it might be advantageous to have read occasionally some passages from a document which seems to have got into bad repute in this body, to wit, the Constitution of the United States, and, with the permission of the Senate, I will have read part of section 7 of Article I of the Constitution, beginning with the words "every bill."

The Chief Clerk read as follows:

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his ob-

jections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Mr. BUTLER. Mr. President, a good deal has been said about the violation of the Constitution by the President of the United States, because he sees fit in the exercise of his executive functions to withhold his approval to certain bills passed by the legislative department of the Government. That provision of the Constitution, with all other provisions of that instrument, was evidently prepared with great care and with great caution.

Mr. DAWES. And should be so exercised.

Mr. BUTLER. And the Senator from Massachusetts says it should be so exercised. If he will excuse me for differing with such a distinguished constitutional lawyer as that Senator is, I will say that in a great majority of cases I think it has been very judiciously exercised. That is my judgment.

But if the Constitution has been violated, if the President has exceeded his powers under the Constitution, the legislative branch of the Government has a very plain specific remedy provided by the Constitution. It says in terms that if two-thirds of both branches of Congress should not agree with the President's action and should so record their votes by yeas and nays the bill shall become a law notwithstanding the objections of the President. So I can not quite see the force of this attempt to alarm the country, that the President of the United States is a usurper, that he has violated the Constitution, that he has been guilty of falsehood, that his own character is not above reproach.

Sir, I shall leave those Senators who choose to characterize the head of a great Government in that language to have all the advantage that they think can be obtained from it. For one, sir, I have too much respect for the high office to use that kind of language in speaking, in my official capacity at least, and in a forum where he is not permitted to be heard. If I were called upon to express an opinion, I would say, what I believe to be true, that this country is in much greater peril, that there is much more danger to the liberties of the people of this country from the usurpations of Congress, the legislative department of the Government, than from the executive. We are in danger, sir, if some authority does not check this propensity on the part of the legislative department of this Government, of having erected upon the ruins of constitutional government all the evils of a parliamentary government without any of its advantages.

I believe that the President of the United States has done this country a very great service in the scrutiny and care and courage which he has manifested in the exercise of his constitutional right in interposing his vetoes upon many of these bills.

Now, sir, it can not be charged, I think, successfully, and I believe it will not be, that in this matter there is any partisan feeling whatever. I think that both sides of this Chamber have voted with unusual unanimity and liberality in the granting of pensions to the Union soldiers of this Government and to all of those who are dependent upon them; and it comes within my knowledge and within the knowledge of Senators upon this floor, that where there has been patent injustice in the exercise of the veto power the legislative department of the Government has promptly rectified it in accordance with the provisions of the Constitution under which he acts; and if any injustice has been done in this case or shall have been done in one hereafter or has been done in the past, I venture the opinion that that injustice will be promptly remedied by both Houses of Congress.

I therefore can not quite understand why this onslaught, this assault, this attack on the Chief Executive of this country should be entered upon with the indulgence of such epithets as I have heard this morning applied to him. I say that I can not appreciate and I can not understand it. I here and now pledge my vote and my support to override the President's veto whenever it shall be made to appear to my judgment that he has been mistaken and has done injustice to the humblest citizen or the humblest individual in this country.

Congress in my opinion has been too lax. I think I can afford to say, what is declared to have been improper on the part of the President, that it has been reckless not only in regard to pension bills but to many other acts of legislation, and the people of this country would have been in a very much better condition in my humble opinion if more of the predecessors of the present Chief Executive had exercised the same scrutiny and the same courage and the same independence in regard to the legislation of Congress. And in saying that, I do not intend to make in the remotest degree any reflection upon the patriotism or character of the distinguished men who have preceded him. Instead of being rebuked and denounced, my opinion is that he will receive the thanks of every patriotic citizen of this country for the check which he has imposed upon this recklessness and carelessness by Congress. And, sir, in saying that, I plead guilty myself to the imputation and the charge, and I am prepared to take my share of the responsibility.

I will now repeat that if there is anything unjust or unfair or harsh to this poor woman there certainly is intelligence enough in the Committee on Pensions of this body to demonstrate it, and if they do, I repeat my purpose and my willingness to override the President's veto and see that justice may be done her in accordance with the provisions of the Constitution and with the orderly procedure of a legislative body constituted as ours is.

Mr. HAWLEY. Mr. President, the Senator from South Carolina can not understand how this subject came before the Senate this morning, or to use, I think, more exactly his phrase, he can not understand the onslaught made upon the President of the United States. Sir, I reported from the Committee on Printing a simple, plain resolution to print an extra number of a somewhat unusual and elaborate report upon seven vetoed pension cases, because it contained an answer to many inquiries made by citizens, and set forth though all too briefly, as I said, the views of the Committee on Pensions.

I did not bring up the Dougherty case. I did not bring up the President's exercise of the veto power. The Dougherty case is only incidentally referred to here, because the Senator from Missouri [Mr. COCKRELL] arose to praise it and to specially adopt its language, and to desire that it might be printed in connection with a document to which it has no relevancy whatever. He brought the Dougherty case in here, and he brought it in by his proposition to override the rules, as he will see upon reflection, to print 100,000 copies of what would be a 200-page volume, containing all the President's pension vetoes. He began a eulogy of the Dougherty veto.

The Senator from South Carolina says that the President will receive the thanks of the country for his vetoes. Will he receive the thanks of the country for saying that among the innumerable widows and daughters of soldiers who are the beneficiaries of the Government, there are too many parallels to cases of drunkenness, larceny, and misdemeanor? Is that one of the things for which he should be thanked?

Mr. BUTLER. Mr. President——

Mr. HAWLEY. No; I did not say a word or interrupt when the Senator was speaking.

Mr. BUTLER. I beg the Senator's pardon. I would not interrupt him without his consent, though I submit to interruption without the slightest impatience.

Mr. HAWLEY. I prefer that the Senator should wait until I get through.

Mr. BUTLER. I wanted to correct what I thought was a misstatement on the Senator's part; but I will do so afterwards.

Mr. HAWLEY. The Senator says the President will receive thanks for his vetoes. One of them contains the language I have just quoted, which is a careless reflection upon the decency of all these women. He will receive the thanks of the people, I suppose, for this expression:

> The theory seems to have been adopted that no man who served in the Army can be the subject of death or impaired health except they are chargeable to his service.

The Senator from South Carolina can not make it appear that I have indulged in insults or personal reflections upon the President. I will not be guilty of that, but I intend to comment freely upon his conduct within the line of public duty and without personal ill-will. And I say, as I said before, that the statement just quoted is untrue. It is simply untrue that the theory has been adopted that from whatever cause a soldier dies his death is traceable to his service. But that it is so traceable is true in a multitude of cases. There is no skillful veteran in the medical profession who will not tell you that no man who spent three or four years in that war, subject to its physical exposures, its terrible trials, has now truly an unimpaired constitution.

I say further that the President will not receive the thanks of the people of this country for declaring, in the language I have before quoted, that "adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress," when three hundred of eight hundred cases have been reported adversely; nor will he receive the thanks of the country for complaining that these persons have pensions granted after pensions had been refused by the Pension Bureau. He will not deserve the thanks of the country for declaring the conduct of Congress in this matter "unreasonable, unfair, and reckless."

Surely it is not a party question, as the Senator says. Indeed it is not, because it is a Democratic House that shares with the Republican Senate the charge of unreasonable and reckless and unfair legislation in this matter. Certainly this is such language as no President who ever was in that chair before him has used toward Congress. I appeal to the rhetoric and temper of these pension vetoes. Compare their terms with the language which, without an exception for a hundred years in all the messages of all the Presidents, has been that of deliberation and courtesy and dignity and respect, and such as comes also from the Supreme Court, in dealing with co-ordinate branches of the Government.

Now, sir, how many scores of violations of that sense of propriety can I furnish from these messages which are not merely disagreeable in a political sense—for with that we have no fault to find—not merely vigorous, earnest, decisive, but they contain in them covert stings and insinuations concerning the wisdom, integrity, and common patriotism of

these great legislative bodies. Shall I make a bill of specifications? There is scarcely one of his one hundred and seventy-eight veto messages that does not contain something of the kind, even to the verge of reflections upon the accidents to which soldiers in some branches of the service were peculiarly liable, as in the famous cavalry case.

But the Senator points to the Constitution, and he says that if the President does not approve a bill he shall return it. That section has a definite construction in the history of the Government. All the legislation and all the vetoes have a general consensus of judgment as to the limitations of the words "approve it." It is not required of the President that he shall agree with us upon minute questions of fact to which we have given elaborate consideration. Unless he is to assume to be an equivalent legislative body he must leave something to the legislative judgment and power of Congress. All the legislative power, properly speaking, is committed to Congress.

But the veto power is evidently given to him, as the history of the country shows, that he may allow Congress a "sober second-thought" in special cases; also that he may protect his own branch of the Government against interference and trespasses upon it; and further, that he may protect, if need be, the Supreme Court of the United States from encroachment. These are the uses of the veto power. The general construction and judgment of the country to that effect for a hundred years is shown conclusively enough in the fact that all his predecessors vetoed but one hundred and thirty-three bills, and his number runs up to over two hundred. Is this the first President in a century who has found out the limitations of the Presidential office? Is this a new "Daniel come to judgment" to pass condemnation upon the illustrious line from George Washington down? Is it for him, first of them all, to assume the right to stigmatize the legislative branch as unjust, unfair, unreasonable, and reckless? Is he the only one who has found that it is his business to be a judge of every minute question of fact as if he was sitting in a dusty-foot court? So it would seem.

This is a new-fashioned Democratic party, which will put no limitations upon a President, which has hedged its divinity about with such a wall that even 60,000,000 people by their representatives must beware how they touch his majesty.

Mr. BUTLER. I was very much in hopes that what observations I made would have in a measure allayed the indignation of my friend from Connecticut, and have induced him to pursue a more moderate and conservative course; but it is a little out of his way to manifest quite so much feeling in a matter of this kind.

I have stated that I thought the patriotic people of this country would thank the President for the courageous manner in which he had interposed his veto power. It was not quite fair for the Senator from Connecticut to garble an extract from a veto message of the President and put me in the attitude of saying that the country would thank him for that particular language, without giving the entire context of the message.

I am no apologist for intemperate or improper language, if that is improper language, which is used by the President of the United States or by a Senator of the United States. My judgment is that there is a certain decorum which ought to be exercised in every department of this Government, one in dealing with the other. I am not responsible for the language of the President in this particular message or any other. He may have gone beyond the proper boundary, or he may not. I think he has quite a direct and, if I may use the expression, sledge-hammer way in going at things that is pretty effective, something like the style of some of his distinguished predecessors in his high office.

What is the remark of the Senator from Massachusetts?

Mr. HOAR. I made the remark to a Senator at my side that the ones he went at with sledge-hammers seemed to be soldiers and widows.

Mr. BUTLER. The Senator says the President went at the soldiers and widows with a sledge-hammer style. Sir, I do not know that he uses any stronger sledge-hammer than the distinguished Senator from Massachusetts, when there was an opportunity to use sledge-hammers. I never heard of his using any very destructive weapons at any time, unless they were the weapons of language. But that is a matter for the President and the Senator from Massachusetts. I have nothing to do with that. I was simply discussing the veto messages in general.

Mr. President, the Senator from Connecticut says that the custom and construction of that provision of the Constitution is so well recognized in this country that there can be no mistake as to what the meaning of the word "approve" is. I shall not go into the discussion of that question with him. The language of the Constitution is very explicit, very plain, and very simple, and I think is not susceptible of any very great discussion.

The Senator then went on to say that the Democratic party was giving a new construction to the powers of the President. I do not understand that the Democratic party has anything to do with it. The Constitution of the United States settles that question. That regulates the powers of the executive and the legislative and the judicial departments of this Government.

The President of the United States places his construction upon it on his responsibility as President of the United States. He is plainly and unquestionably a part of the law-making power of this Government, and the framers of the Constitution appear to have attached very great importance to that feature of law-making for the country, because they have hedged it about by this provision of the Constitution which confers upon the President the right to veto bills which do not meet his approval. He has done that, as I have said, upon his responsibility and upon his judgment; and I repeat that if he has violated the Constitution, either in letter or in spirit, the same paragraph which confers that power upon him gives Congress the remedy for any mistakes which he may have made. Therefore, it seems to me that all of this parade and this discussion of the President and of what he deems to be his duty under the Constitution is out of place. We can remedy it without the slightest difficulty by simply passing this bill over his veto.

Mr. BLAIR obtained the floor.

Mr. HOAR. Will the Senator yield for a moment? I desire to simply waive an objection which I suggested yesterday to the passing of a resolution which the Senator from Maine [Mr. HALE] asked to have passed.

Mr. BLAIR. I have but very little to say, but I will yield if it is important that action should be had at once on the matter to which the Senator from Massachusetts refers.

Mr. HOAR. Yesterday morning the Senator from Maine [Mr. HALE] reported from his committee a direction to the Civil Service Commission to furnish certain information to the Senate. I inquired of that Senator whether there was any legal authority vested in the Senate to give such a direction to that board. I am satisfied, however, on reflection and examination, that the legal authority does exist, and that either branch of the legislative department, either House of Congress, has the right to direct any Department of the Government, in regard to which it makes laws and for the support of which it makes appropriations, to give such information in regard to matters within that Department as the Senate or House desires; and the customary direction to the different heads of Departments rests on nothing but that immemorial usage, except in the case of the Treasury, in regard to which there is an express statute.

I call the attention of the Senator from Delaware [Mr. SAULSBURY], who also joined in the objection, and I think he is now satisfied to the same effect. I therefore desire to withdraw my objection to the resolution and let it pass, if the Senate will permit it to be passed.

Mr. BLAIR. Mr. President——

Mr. HOAR. If the Senator will allow that resolution to be passed——

Mr. BLAIR. I prefer to proceed now. Other Senators desire to speak on this question, and it will soon be 2 o'clock, and it will be a mere matter of courtesy at that time to allow this debate to proceed.

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor.

Mr. BLAIR. The Senator from South Carolina [Mr. BUTLER] criticises the action of Congress in reference to pension legislation and other legislation with great freedom, and appears to feel that he is justified in so doing by confessing that he is as great a sinner as any, or the greatest of all himself. I have no objection whatever to the Senator from South Carolina filing his confession, and I am willing to accept his word for it, and I doubt not but that the evidence is sufficient to prove the proposition that he may have been neglectful of his duties himself and reckless in the exercise and in the discharge of them; but I do not think he is justified by any facts of which he is in possession in saying that any of this pension legislation has been characterized by recklessness on the part of the Pension Committee in the last Congress or in the present. I admit that Congressmen may be reckless and that people may be reckless. They may be reckless in peace and they may be reckless in war, and unless they had been so there would have been slight occasion for the discussion of pension bills in this Congress or in any other Congress during the last quarter of a century or the next half century.

But with reference to the action of the Pension Committee of the last Congress, which is chiefly reflected upon necessarily, because then the great mass of legislation which has been vetoed took place, I wish to say (and I ask any one in the Senate Chamber, in the House of Representatives, or in the United States to point out the error if I commit one) that of all those cases which the President has vetoed upon the merits there has been none which was not a good case and with reference to which there has come from any part of the United States after the veto, after the advertising of the facts to the communities where they were known and where the parties lived, any response whatever to the accusations of the President. There was one case which I heard something of in the State of Missouri, but it turned out that there was another side to that, and that a Democrat who had been hit made full and ample response, establishing that the case was one of merit.

There have been a few instances where there were mistakes in names, a few cases, as in other legislation, where bills had doubled upon one another; but there has not been even in those cases a single instance where there was any danger of the Treasury losing a dollar, because the name of the person when pensioned goes upon the roll with a proper description, and if there be two bills passed giving a pension to the same person in the same Congress the error is detected and the Treasury is safe.

Now, sir, in the last Congress, having had by reason of the illness

of the regular chairman of the committee the duties of the chairmanship devolved upon me during the most of the Congress, I took upon myself to send for all the papers in every vetoed case to re-examine them myself, every essential paper that there was in the possession of the Pension Office, and such evidence, in addition to that which the Pension Office possessed and the President possessed, as bore upon the merits of those cases. I do not assume to be right always, but if it were my dying word I would say that, so far as I can judge, the President vetoed quite as good cases as he approved, and, take them as a whole, the vetoed cases are cases of absolute merit, and the vetoes were outrages upon the rights of American citizens. That is my belief; not guilty outrages upon the part of the Executive, but outrages in the sense that he was wrong upon his facts and that it is the most natural thing in the world that he should get so. He could not re-examine these cases; he did not re-examine these cases. Every one of these vetoed cases which was examined or which had ever been filed in the Pension Office was referred to the pension officer with a request that the facts should be reported. The evidence in the possession of Congress does not go to the Executive, and of course the Department sustains itself, and the clerk who has been overruled, and who chooses to think he is snubbed when the American Congress forms a different judgment upon the facts than that which was formed by the clerk, reports the facts again and the President follows him.

In some of the messages which he has sent to us, by reason of the curt and cavalier manner in which he expresses himself, one would think that if it was necessary for him to veto these bills he might have done it as a gentleman, not to say like a President.

I had occasion to say something with reference to the Irish woman, Mrs. Dougherty, a few moments ago. Senators seem to question whether there is anything in these vetoes to irritate anybody, either the soldiers or those who took occasion to pass upon their claims in either branch of Congress. Let me read to Senators a case which occurred in the Forty-ninth Congress, that of Harriet Welch. I have the whole case here in the report of the committee in favor of allowing the pension, the veto message, and the report of the committee upon the veto message. The original report is this:

Harriet Welch is the widow of Syreannous Welch, private Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, who was pensioned for gunshot wound of his left leg, received in the military service and in the line of his duty. The rate of pension was increased from one-half to three-quarters because of increasing disability in the wounded leg. Again applying for increase of pension, he was directed to report for examination before the examining board of surgeons convened at Green Bay, Wis. Returning from Green Bay, Wis., he fell from the cars and was killed, September 7, 1877.

John Hammer filed affidavit May 22, 1884, that "soldier's leg was so crippled that he could not depend upon it, and that it gave way many times and caused him to fall." That it is his belief that in attempting to pass from one car to another while returning from Green Bay his leg gave out and caused him to fall between the cars, when he was crushed to death.

In view of all the facts, the committee believe it to be their duty to report in favor of this bill, and recommend its passage with the following amendment.

Which was simply one as to amount, and of course the amount was small. Those are the facts; that was the finding of the committee of the Senate. The President vetoed the bill, and he said:

The beneficiary named in this bill asks for a pension as the widow of Syreannous Welch, who was wounded in 1864 while in the service, and was pensioned therefor in 1867. In 1876 his rate of pension was increased. In 1877 he appears to have applied to have his pension again increased. It is alleged that upon such application he was directed to appear before an examining board or a surgeon at Green Bay, Wis., for examination, and in returning to his home from that place on the 7th day of September, 1877, he fell from the cars and was killed, his remains having been found on the track the next morning.

No one appears to have seen the accident, but it is claimed that he could not depend upon his wounded leg, and that it "gave way many times and caused him to fall." From this statement the inference seems to have been indulged that his death was attributable to the wound he had received thirteen years before.

The widow's claim, based upon this state of facts, was rejected by the Pension Bureau on the ground that the accident resulting in death was not the result of his military service.

Just as though it were not the result of his military service, if that is the limitation to the discretion of Congress if it be a case of merit or of commendable generosity to give the pension.

And on an appeal taken to the Secretary of the Interior from that determination the same was sustained.

Now, this is what I call attention to, and I call attention to it because I think it appeals to the honorable instincts of real men, of human nature even in its uncultivated form:

Though this widow admits that prior to her marriage with the deceased soldier she had married another man whom she could only say she believed to be dead, I believe her case to be a pitiable one, and wish that I could join in her relief. But unfortunately official duty can not always be well done when directed solely by sympathy and charity.

There was a woman who had lived with her husband and borne seven children, her husband had been wounded in the service of his country, and Congress thought that his death was attributable to the results of that wound; Congress thought that widow should have a pension; and without the slightest occasion to call in question this domestic history, with not a particle of evidence anywhere to indicate that this woman had not been married honestly and upon a fair and legal presumption of the death of her first husband, there seems to have been an intentional effort to cast upon her the slur of an infamous alliance and of illegitimacy upon her children, wholly outside of the record and wholly unnecessary to reach the merits of the case. The committee commenting upon the matter say:

The principal facts upon which this claim is based are set forth in the previous report of this committee, which is hereto appended. The reason alleged by the Pension Office for the rejection of this claim is that the death of the soldier did not result from the service. The following newspaper account of his death appeared at the time:

"Syreannous Welch (or Deuney, as he was generally called), a veteran and pensioner of the late war, was killed on the track of the Wisconsin Central Railroad, about 4 miles north of this place, on Wednesday night or Thursday morning last, and was mangled in a fearful manner, his head having been cut into just above his eyes and his brains scattered along the track. He had been to Green Bay attending to some business relating to his pension and returned on the 11 p. m. train. He was known to have left Hilbert, but was not known to have ever reached Chilton, and it is supposed that he fell from the 11 p. m. train and was lying on the track, when the 1 a. m. train going north killed him. An inquest was held by Esquire Green, of this city, and a verdict rendered in accordance with the facts. The deceased was an industrious and hard-working man and was an engineer at Zech Brothers' mill, and leaves a wife and seven small children to mourn his loss."

The committee proceed:

The question is raised as to the legality of the marriage, which seems to have resulted in long cohabitation and the birth of seven children. The claimant was married to the soldier June 7, 1868. There is nothing in the evidence to justify the slur which the President casts upon the chastity of this widow and the legitimacy of her seven fatherless children. Pensions have heretofore frequently been granted in cases similar to this. Human nature cries out aloud for the allowance of pension in such a case, and if this woman, with her seven small children, is to be deprived of it, your committee at least are glad that the responsibility rests elsewhere.

From the reports in this large number of cases I might select others, many others. I was led into this debate from the circumstance that the Senator from Missouri moved that 100,000 of these veto messages be printed, many of which are libels upon Congress, offenses for which men in private life would assail each other, at least in the courts; and I do insist that if 100,000 of these veto messages of the President are to be printed and sent broadcast all over this land, the committees which he assails and the individuals whom he assails in these messages shall be heard in the form of the reports of the committee upon these vetoes along with the accusations contained in the messages themselves. That is why I offered the amendment asking that with these veto messages, if they are to be printed, may go along the explanations, not to say in vindication, but the humble explanations of the members of the Pension Committee, made through their chairman in the last Congress; and if the resolution goes to the Committee on Printing, I trust they will bear in mind the great injustice they will perpetrate if they spread this slander and allow no opportunity for vindication to go along with it.

Mr. BUTLER. Mr. President, the Senator from New Hampshire has seen fit to characterize my observation with a good deal of freedom, and he complains that I have criticised the action of Congress. He then goes on to say that I having confessed that I was the chief sinner and principally responsible for the negligence and recklessness of Congress, he had no doubt the evidence was quite sufficient to convict me on that confession. Of course I yield to the Senator from New Hampshire in the earnestness and devotion and fidelity with which he transacts the business of a Senator from a sovereign State. I know, sir, that he, in that respect, is entirely beyond criticism; but I may be pardoned for saying that I think the greatest blessing that could overtake this country, to say nothing of this Senate, the greatest good that could befall us would be that the Senator were less faithful to the line of duty which he has marked out for himself, for I think if there has been any incumbrance, any incubus upon the sensible, orderly, respectable discharge of the duties of this body, it has been in the person of the Senator and the measures which he has introduced for our consideration.

Mr. BLAIR. Will the Senator please to specify what measures he refers to?

Mr. BUTLER. Why, Mr. President, it would be absolutely impossible to specify.

Mr. BLAIR. I think it would.

Mr. BUTLER. I think I might take everything he does *in solido*, and repeat the proposition. We should be infinitely better off if he were less attentive and would fatigue us less and fatigue the country less with many of the measures which he brings into this body for our consideration. I suppose the Senator sets himself up as a model, and he feels called upon for an excuse for making the observations and criticisms upon me which he did.

Well, sir, he says it is much more manly, he will pardon me for saying so much more in accordance with that standard which he himself attempted to establish a few minutes ago of manliness and courage to attack a man where he has the right to vindicate himself, as he has done in my case, than to attack the President of the United States when he knows the President has not the opportunity of replying to his aspersions.

He says that the President at least might send his vetoes in like a gentleman. Why, Mr. President, what a calamity, what a terrible calamity it would be to this country if the standard of a gentleman had to be established by the Senator from New Hampshire! Why, sir, it would undermine, it would destroy every rule upon the subject recognized among civilized people. And yet the Senator says the President of the United States might at least have sent his veto messages in like a gentleman. God save the mark!

He says that I, as a member of this body, discussed with too much freedom the action of the Senate and of the Congress in passing bills and making laws for this country. Will the Senator from New Hampshire inform the Senate and the country how many pension bills we pass per minute from that desk? We pass them so many per minute. I understand one hundred and forty-seven bills were passed in an hour and ten minutes. The guardians, the representatives of the people, supposed at least to guard with reasonable fidelity and attention the Treasury which contains their taxes and their money, vote out of that Treasury one hundred and forty-seven bills to pay money in one hour and ten minutes—over two a minute. Yet the Senator says I have been too free in criticising the action of the Senate, and upholding the President of the United States when he calls a halt upon that manner of doing business, and voting the money of the people out of the Treasury in that reckless way, under his power under the Constitution; and because I saw fit to advert to what I thought was bad practice, and which I think every Senator on this floor in his heart will admit is a bad practice, am arraigned, I am personally charged with neglecting my duty.

I perhaps have not more courage than the Senator from New Hampshire, perhaps not as much, but I have the courage to do what he does not seem to have—to admit when I have made a mistake, and not attempt to create a diversion with the facility of a demagogue appealing to the soldier vote of the country, and then arraigning me because I, as I thought, in a modest and perfectly proper and conservative manner, criticised the action of this body for recklessness not only in that respect, but in a good many others; I mean not only in respect to pension bills, but to many other matters. I believe every honest man will admit it, and in making that admission he does not necessarily cast a personal reflection upon the gentlemen constituting the committees of this body. I have said not one word of disparagement of any gentleman of the Committee on Pensions. I have the highest personal respect for the chairman; I have the highest personal respect for the members of that committee; but they are not infallible, and neither am I. If I had any doubt of the virtue and propriety and wisdom of that provision of the Constitution, the conduct of this body and, if I may be permitted to say so, of the other House has justified, if any justification were needed, the wisdom of those who framed it and made it a part of the fundamental organic law of this country.

In making that statement I did not intend to do, and I did not in point of fact do more than what was my right within the strict rules of parliamentary propriety, as I understand them; and there was nothing in my opinion to justify the Senator from New Hampshire in his arraignment of me, saying that I had neglected my duty and that he had no doubt the evidence was quite sufficient to convict me of it.

Mr. BLAIR. Mr. President, the Senator from South Carolina can not escape the predicament in which he chose to place himself by insulting me for accepting his own words as the only proof I was looking to or that I know of that he is a negligent Senator. He rose on the floor of the Senate and denounced the Senate and the House as reckless bodies, failing to discharge their duty with that attention to their oaths and their obligations with which a common carrier must transport a bag of salt in order to avoid liability under the law. That is what the Senator said, and he clothed himself with the larger share of the common insult by saying that he confessed to it. I denied his evidence so far as I myself was concerned, based upon my own consciousness, and, so far as I know, any other of the Senators, or even the Senator from South Carolina, for I believe he is really innocent of the charge, notwithstanding the exigency of this debate made it necessary for him, in order to defend his Presidential candidate, when he was charged with that which constitutes the lack of the ordinary qualities and forms of expression that attach to a gentleman, to say nothing about official intercourse, to confess to himself and to fasten upon this body an opprobrium which does not belong there.

Finding himself in that predicament, and I endeavoring to rescue everybody else, at least myself, and confessing that his own evidence, for I could not doubt the veracity of a Southern gentleman, ought to be taken against himself, passed the matter along, and then undertook to vindicate myself and my own committee in the last Congress. I thought I had a right to do so. I did not understand that in so doing I was exhibiting the qualities particularly of the hero or the courageous gentleman. I did not suppose I was to be complimented with the insinuation that I probably possessed more of courage than the Senator from South Carolina. I never surmised that, nor that I might understand what he means by insinuating that the Senator from New Hampshire is a demagogue.

Mr. BUTLER. Mr. President——

Mr. BLAIR. The Senator from New Hampshire is no traitor. He is not indebted to the mercy of his country for his life——

Mr. BUTLER. I did not——

Mr. BLAIR. And if he has offered measures here on this floor which have not met with the commendation or the approval of the Senator from South Carolina, God knows if they had met with his approval it would have been for his own good; and the Senator may see the time, and the Senate and the country may see the time, when if the measure which I suppose he has principally in his mind, had become the law of the land a quarter of a century ago there would have been free men and a free ballot in his own Southern country as well as in the North, and the institutions of America would not have been threatened with subversion and destruction by a too successful rebellion that flaunts itself now under the forms of government and boasts that it does added work under the old flag.

I am aware that it is getting to the time to close this debate to-day, but I wish to say to the Senator from South Carolina that while I claim no excess of courage and never expect to be called upon to exhibit even the ordinary courage of a Senator or a civilian, I shall not shrink from any test probably that he sees fit to subject it to.

The Senator from South Carolina seems to think there is necessarily wrong legislation because one hundred and forty-seven pension bills were passed in an hour. I have seen vast sums of money, single items covering more than all the pension cases vetoed by the President combined, passed here just as fast as the Clerk could read line after line. Who found fault? Nobody. They were true and just charges upon the Treasury of the United States. They had been investigated by committees. They had been investigated by the Executive Departments and acted upon without investigation by committees of Congress. Who ever found fault with that form of recklessness in legislation?

The PRESIDENT *pro tempore*. The Senator will pause. The hour of 2 o'clock having arrived, the Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. GEORGE rose.

Mr. BUTLER. I hope the Senator from New Hampshire will be allowed to proceed.

Mr. BLAIR. It is not proper that I should seek to retain the floor. I have said what I care to say. There may be an opportunity for resuming the debate, if it be necessary.

Mr. BUTLER. I hope the Senator will be allowed to proceed.

THE FISHERIES TREATY.

Mr. GEORGE. I move that the Senate resolve itself into open executive session with a view to the consideration of the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate proceed to the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] and the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the pending treaty by title.

The EXECUTIVE CLERK. Treaty (Executive M) between United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

Mr. GEORGE proceeded to address the Senate. Having spoken over two hours,

Mr. GRAY said: If my friend will yield to me, if it be agreeable to him, I will make a motion to adjourn at this time, or if any Senator wishes to have any other business transacted I will move that we go into legislative session.

Mr. BLAIR. I should like very much to have an opportunity to call up Senate bill 405.

Mr. GRAY. I am willing to do whatever is the pleasure of the Senate. I move that we go into legislative session.

Mr. SPOONER. I shall ask to take up a bill.

Mr. GRAY. I do not wish to take the Senator from Mississippi off the floor.

[Mr. GEORGE'S speech will be found complete in the succeeding day's proceedings.]

The PRESIDENT *pro tempore*. The Chair understands the object to be to enable the Senator from Mississippi to retain the floor to complete his speech hereafter. The question is on the motion of the Senator from Delaware [Mr. GRAY].

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in legislative session.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes;

A bill (H. R. 7261) granting the right of way through certain lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company;

A bill (H. R. 7223) to grant the right of way through the Public Land Strip and Indian Territory to the Montana, Kansas and Texas Railroad Company, and for other purposes;

A bill (H. R. 7843) granting to the Citrous Water Company a right of way across Papago Indian reservation, in Maricopa County, Arizona;

A bill (H. R. 7864) granting to the Aberdeen, Bismarck and Northwestern Railway right of way across a portion of the Sioux reservation, in Dakota Territory; and

A bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation.

APPOINTMENTS TO CLASSIFIED SERVICE.

Mr. HOAR. I desire, in the nature of morning business, to ask that the resolution of the Senator from Maine [Mr. HALE], which came over from yesterday and to which I interposed an objection, may be now passed. There will be no objection to it.

The PRESIDENT *pro tempore*. If there be no objection, the Chair lays before the Senate the resolution submitted by the Senator from Maine, coming over from a previous day.

The resolution submitted yesterday by Mr. HALE was read, as follows:

Resolved, That the Civil Service Commissioners be, and they are hereby, directed to send forthwith to the Senate the information relating to certifications and appointments in the classified service in Washington called for by resolution of the Senate adopted May 1, 1888.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

ARKANSAS RIVER BRIDGE.

Mr. BERRY. I move that the House of Representatives be requested to return to the Senate the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings' Landing, Lincoln County, Arkansas.

The motion was agreed to.

SEACOAST DEFENSES.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. BLAIR. I ask that the unfinished business be temporarily laid aside, unless the Senator from Oregon [Mr. DOLPH] has some other disposition he desires to make of it, so that I may ask the Senate to proceed to the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. The Senate must have observed the diligent effort I have made now for some five or six weeks to get this bill heard, and from my much speaking I hope they will consent to dispose of it. Will the Senator from Oregon assent that the fortification bill be temporarily laid aside? It would be a very kind thing to do.

Mr. DOLPH. I shall consent if I can procure an agreement of the Senate that the coast-defense bill be laid aside to be considered immediately after the Army appropriation bill is disposed of. The Senator from Connecticut [Mr. HAWLEY] would like to have that considered first, and I have no objection to that arrangement.

Mr. HOAR. If it be laid aside informally it will come up again. That is the effect of it without any stipulation.

Mr. PLATT. Let it be laid aside informally.

Mr. DOLPH. I have no objection to its being laid aside informally for the day. That will enable the Senator from New Hampshire to call up his bill.

Mr. BLAIR. Perhaps the Senator may get the arrangement he proposed, that it be laid aside until after the Army appropriation bill is considered. Then the bill I wish to call up would become the unfinished business.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Oregon to ask unanimous consent from the Senate?

Mr. DOLPH. I ask that the bill be laid aside informally to be taken up immediately after the Army appropriation bill is disposed of.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the bill (S. 62) to provide for fortifications and other seacoast defenses be informally laid aside, its consideration to be resumed after the completion of the Army appropriation bill so called. Is there objection? The Chair hears none, and it is so ordered.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. SPOONER. I ask the Senator from New Hampshire to yield to me to call up a private bill.

Mr. BLAIR. Let the question be taken on my motion, and then I will yield.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire to proceed to the consideration of the bill indicated by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. BLAIR. I now yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I ask the Senator to yield to me to enable me to ask the Senate to take up a bill which I think will elicit no discussion.

Mr. BLAIR. I can not yield to anything where I do not have the assurance that it will not consume time by debate.

Mr. SPOONER. If I find that it elicits debate I shall withdraw the request.

Mr. BLAIR. Very well.

MRS. SARAH L. LARIMER.

Mr. SPOONER. I ask the unanimous consent of the Senate to call up the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming, and for loss of property taken by Sioux Indians.

Mr. BLAIR. The Senator designs to ask that the pending order be laid aside informally.

The PRESIDENT *pro tempore*. The Chair will preserve the rights of the Senator from New Hampshire. Is there objection to the consideration of the bill indicated by the Senator from Wisconsin?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Sarah L. Larimer the sum of $5,000, out of any money in the Treasury not otherwise appropriated, in full for valuable services rendered by her to the Government in the year 1864, by giving important information to Captain Shuman, in command of the United States troops, and others, of the evil designs of hostile Indians, while she was held in captivity by them.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

Mr. SPOONER. I desire to move an amendment to the amendment. In lines 5 and 6 of the amendment I move to strike out the words "out of any money in the Treasury not otherwise appropriated," and to add at the end:

Said sum to be paid out of any funds due to said Indians if there be any available for such purpose, and if there be none, then out of any money in the Treasury not otherwise appropriated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. Does the Senator from Missouri call for the reading of the report?

Mr. COCKRELL. I should like to have the report read.

Mr. SPOONER. I can state to the Senator from Missouri, I think in a few words, the case, and it will take less time than to read the report.

While this lady was traveling with her husband and a considerable number of people in 1864 she was captured by the Sioux Indians. A large amount of property was taken from them, I think the testimony shows about $10,000 worth. Her husband was in ill health, a wounded soldier of the Union, who had recently been discharged. She was captured, and in a day or two escaped carrying her child some 75 miles or thereabouts. She gave information to the troops of the United States, which it is established by overwhelming evidence prevented their falling into an ambuscade and their destruction. A small band of the troops, in violation of the order given in pursuance of the information, fell into an ambuscade and were destroyed.

A Mrs. Fanny Kelly, who was captured at the same time, and who also gave information to the Government which was beneficial, was some years ago paid $5,000 by the Government. The bill was $5,000 for services and $5,000 for property. One of these sums was taken out of the annuities due the Indians, the other was appropriated out of the general fund in the Treasury in her case, and in support of her claim there was presented a statement signed by Spotted Tail, Swift Bear, and other chiefs and warriors of the Sioux Indians, acknowledging the massacre and destruction of property and consenting that payment be made out of the funds due or to become due to the Indians. Of course that statement is just as applicable to the case of Mrs. Larimer as it was to the case of Mrs. Kelly, for she was captured at the same time and was in the same relation, so that there is no question as to the identity of the tribe, nor is there any question as to the capture and the outrage.

There were before the committee, and are appended to the report, affidavits of the officers who commanded the Federal troops, testifying in detail to the information which Mrs. Larimer gave to the troops and to the value of that information.

We were obliged to report against her claim for reimbursement for the property taken, because her title to it as against her husband was not satisfactorily established to the committee.

Mr. DAWES. I should like to inquire of the Senator to what Indians the bill refers?

Mr. SPOONER. It refers to Spotted Tail and Swift Bear and other chiefs and warriors of the Sioux Indians, who acknowledged this massacre and consented to the amount paid to Mrs. Kelly being deducted from their annuities.

Mr. DAWES. It is not recited in the body of the bill?

Mr. SPOONER. No; but it is recited in the report. It is simply stated in the bill that the amount shall be deducted from the funds due to the Indians if there be any funds available for the purpose.

Mr. DAWES. Ought it not to be more specifically stated in the bill

itself, because it simply says "out of any funds due to said Indians?" There are no specific Indians mentioned in the bill.

The Senator will recollect that there are no funds properly due to the Sioux Indians, because all of their funds that they had at the time of the war to which I suppose this refers were confiscated into the Treasury. It would not be proper to say a fund now due to those very Indians. Perhaps it would be proper to say "to be paid out of such moneys as were confiscated" by a certain act. On two or three occasions money has been paid to individuals which it was supposed right to charge over to that fund, and it has been necessary to specify that particular fund.

I think the Senator's statement shows that the money ought to be paid out of any funds that are due to the Indian tribe that committed the offense, and if there are no such, and the moneys were confiscated belonging to this particular tribe, I think it had better be charged to that fund. It occurred to me that the Senator would hardly carry out his own idea by the language of the bill.

Mr. SPOONER. There is no possible question as to the identity of the tribe. The administrative officers of the Government would be able to ascertain that fact without question.

Mr. DAWES. Would they obtain it through the bill? Ought not the bill to specify it?

Mr. HOAR. I suggest to put in the words "due to said Indians so holding her in captivity," and if there be an official statement on record that will be satisfactory.

Mr. DAWES. I should think the Senate ought to go further and charge it on to this confiscated fund, if there are no moneys due to those Indians. There are no moneys properly due to those Indians now.

Mr. SPOONER. Then under the bill it would be payable out of the general funds of the Treasury.

Mr. DAWES. That would be as long as short, for the money is in the Treasury.

Mr. SPOONER. It would be as broad as long.

Mr. MITCHELL. This is a meritorious bill. It is an Indian depredation claim. It amounts to that. It is no more meritorious, however, than perhaps some hundred other bills that are pending in various committees of the Senate.

I make no objection to the passage of this bill, because, as I said, it is a very meritorious bill; but I simply desire to call the attention of the Senate and of the various members of the committees who have this character of bills before them to the fact that it is high time to consider all the bills that are in committee which belong to this class.

In this connection I desire to call attention to the fact that there is a resolution on the table, which has been lying there for some time, providing for a special committee; and I hope that all the members of the Senate will join with me at a very early day in passing that resolution and raising a committee which will have nothing else to do, and which can take up this subject and consider it.

Mr. TELLER. I do not want to antagonize the bill, but I wish to emphasize what has been said by the Senator from Oregon [Mr. MITCHELL].

This Indian tribe, a very large tribe, committed very gross outrages upon the people of the United States in the early days of our late war, and from that on down for several years. The whole tribe, or the members of it, are supported now by the United States as a gratuity, practically. None of them toil or labor, and all of them are fed and clothed by the General Government.

There are in the Northwest, some of them coming under my personal observation, a great number of men who suffered by their depredations, some of them being actually ruined, all of their property destroyed, and who in their old age find themselves practically destitute, not being aided or assisted by the General Government in any shape or manner.

Up to 1859 the Government of the United States regarded it as its duty to make good to the citizens of the United States the losses they had incurred by a failure on the part of the Government to protect them against the Indian depredations that were committed prior to that time. Since that date nobody has had any claim except by a special act of Congress. Occasionally some man who comes here and hires an attorney on the outside, who belabors Congress day after day, and week after week, and year after year, gets an appropriation to pay him for depredations of this character. I think in the last twelve years since I have been familiar with this body there have been perhaps as many as that number of claims passed. There are a great number equally meritorious which are not provided for at all.

I agree with the Senator from Oregon that there ought to be something done to reimburse those people, who were not allowed to reimburse themselves, as frequently as they might have done, by going after the Indians in times when it was scarcely to be said that there was war with the Indians, when the whites were obliged to allow the Indians to take their stock and drive it away, knowing that the Indians were within their reach, rather than to precipitate a war, which would have allowed them to regain possession of their stolen stock.

I think the committee that is charged with this matter ought to make some effort to provide by some general system of law that this class of cases should be paid. I know something about this case and the other case which has been mentioned. This case has come under my observation, and I agree with the Senator who presents it that it ought to be paid. It ought to be paid out of the money of these Indians, if they have any, and if they donot have any, it ought to be paid out of the Treasury of the United States.

Mr. VEST. One observation made by the Senator from Colorado [Mr. TELLER] ought possibly to receive some attention from the Senate. Sometime ago we established a bureau to investigate these Indian depredation claims. I understand that fourteen hundred of these claims have been passed upon by the bureau, and all that is necessary is for Congress now to take them up. The evidence was furnished, passed upon by lawyers who are employed in that bureau, and the facts collated by examiners in the field; and yet neither House of Congress does anything in the matter. Fourteen hundred of these claims have passed through that bureau and are ready now for the action of Congress, and yet no legislation is had, and I undertake to say that the youngest of us will never see any.

Mr. STEWART. The way is to have——

Mr. BLAIR. I think I shall be obliged to ask my friend from Wisconsin to withdraw the bill.

Mr. REAGAN. I suppose we can have a vote on the bill now.

Mr. BLAIR. Let me say that to-morrow and next day have been set apart for discussion of the fishery treaty. I hoped this evening to dispose of the labor bill, but it looks to me that we may fail to do it if this discussion proceeds, so that I can hardly be justified in allowing it to go on further.

Mr. SPOONER. This claim does not involve at all the principle of the payment of the Indian depredation claims. If there is to be further debate, I feel bound to withdraw it for the present, however.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire call for the regular order?

Mr. BLAIR. If there can be a vote without debate, I shall not do so. Otherwise I must ask for the regular order.

Mr. DAWES. I move to amend the amendment by striking out the words I have indicated and inserting:

To be paid out of the unpaid annuities stipulated to be paid to said Indians under the treaties, but abrogated and annulled by the act approved February 16, 1863.

The PRESIDENT *pro tempore*. It is impossible for the clerks to write from the dictation of the Senator.

Mr. BLAIR. I call for the regular order.

Mr. REAGAN (to Mr. DAWES). Let the bill go through.

Mr. DAWES. I withdraw the amendment. Senators are impatient and think it is sufficiently definite. If they are satisfied, I shall not press the amendment.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire demand the regular order?

Mr. BLAIR. I have no objection to a vote, but I can not yield to further debate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864, at Deer Creek Station, Wyoming."

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. The bill provides that whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor.

All claims for labor so performed in excess of eight hours per day are referred to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work, and judgment is to be given against the United States in favor of each claimant for the amount found due, to be paid as other judgments of the Court of Claims against the United States.

An amendment was reported by the Committee on Education and Labor, in section 2, after the word "limitation" in line 9, to strike out:

Or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act.

So as to read:

No statute of limitation shall bar the right of recovery.

Mr. COCKRELL. I hope that amendment will not be agreed to.

Mr. BLAIR. I hope it will be.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

Mr. COCKRELL. Now I offer an amendment at the end of line 14 of section 2:

And provided further, That any amount allowed under this act to any claimant shall only be paid to such claimant in person, or to his administrator or heirs.

I want to cut off claim agents and attorneys from getting three-fourths of this.

The PRESIDENT *pro tempore*. Will the Senator send the amendment to the desk in writing?

Mr. COCKRELL prepared his amendment and sent it to the desk.

The PRESIDENT *pro tempore*. The Secretary will read the amendment proposed by the Senator from Missouri.

The CHIEF CLERK. After line 14 of section 2 it is proposed to add:

And provided further, That any sum allowed or found to be due to any claimant under this act shall only be paid to such claimant in person if living, and if dead to his administrator or widow and heirs.

Mr. BLAIR. The general law as it now stands is supposed to protect the Treasury and claimants against the raids of agents as fully as they need be protected. I will send to the desk to be read section 3477 of the Revised Statutes.

Mr. HOAR. I should like to ask the Senator from Missouri a question. What does the Senator mean by the payment to a claimant in person? Does he mean that he must go to the Treasury?

Mr. COCKRELL. Not at all.

Mr. HOAR. Would it not have that meaning?

Mr. COCKRELL. Not at all. The payment must be made to him. The payments are all made by warrants, and they must be delivered to the claimant, and not to the claim agent. That is the difference.

Mr. HOAR. Sent by mail?

Mr. COCKRELL. Thousands are sent by mail.

Mr. HOAR. I know what they do now.

Mr. COCKRELL. That is what I want; the warrants to be sent by mail directly to the claimants.

Mr. HOAR. I think the phrase the Senator uses has a known legislative meaning which he can state better than I can because he has more experience in such matters. He says now that the money shall be paid to the claimant in person. That would not, in the ordinary parlance, include the sending of a check or draft by mail in my judgment. If I should testify that I paid the Senator in person and he should prove that I sent it by mail, would not that be a contradiction? To secure what the Senator wants, I think he had better put in two or three words which will make that meaning beyond question.

Mr. COCKRELL. I am perfectly willing to put in any words the Senator may suggest to carry out the meaning.

Mr. HOAR. Say "or sent by mail."

Mr. DAWES. "Or by draft payable to his order."

Mr. HOAR. "Or by draft payable to his order."

Mr. COCKRELL. No, I do not want it payable to his order. I want it payable to him.

Mr. HOAR. I am sure the Senator does not want to have anything inserted that will entangle this matter.

Mr. COCKRELL. Certainly not.

Mr. HOAR. If the warrant is payable to him, he will have to go to the Treasury to get the money.

Mr. COCKRELL. Oh, no; any bank will pay it. After the warrant is issued it is as assignable as greenbacks or United States bonds.

Mr. HOAR. No, not when it is expressly payable to order.

Mr. COCKRELL. If it is payable to a man he does not have to put in the words "or order;" he can assign it.

Mr. MITCHELL. How can a bank carry it?

Mr. COCKRELL. The same as any other draft payable to order. If it is payable to a man it is payable to his order. There are no such words required in a warrant from the Treasury Department to make it assignable.

Mr. HOAR. Put in the words "in person or by warrant sent to him by mail," and then they will issue it in the ordinary form.

Mr. COCKRELL. Yes, they will issue it in the ordinary form.

Mr. HOAR. That is all right.

The PRESIDENT *pro tempore*. The proposed modification will be reported at the desk.

The Chief Clerk read as follows:

And provided further, That any sum allowed or found to be due to any claimant under this act shall only be paid to such claimant in person, or by warrant sent to him by mail, if living, and if dead, to his administrator, or widow and heirs.

The PRESIDENT *pro tempore*. The Secretary will now read the section of the Revised Statutes sent up by the Senator from New Hampshire [Mr. BLAIR].

The Chief Clerk read as follows:

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Mr. BLAIR. That is the general law which applies to the collection of all claims of this character and all other claims paid from the Treasury, and I do not see any necessity for any amendment to the bill in that regard. The Senator from Massachusetts, who I see is not paying attention to this now, although he did a little while ago, has more constituents interested in this than anybody else, and I would like him to frame the clause in such a way that they can obtain their money without trouble or embarrassment to anybody. I only wish to get it so that it will be satisfactory and right. I do not see any occasion for an amendment to the bill, not the slightest, and I object to the amendment for that reason.

Mr. COCKRELL. The law which the Senator has had read at the desk has been upon the statute-book for many years, and notwithstanding that law is upon the statute-book it is of daily occurrence that the Treasury officials send to claim agents and attorneys here in Washington the warrants that are issued in payment of claims. I now have two constituents whose warrants have been kept in the hands of claim agents here, one for a year, an $800 or $900 warrant, and another for eighteen months. They get hold of them; they can not use them, but they will not deliver them up until they can get 35 or 50 per cent. out of the warrant. An attorney has gone into the courts of this District and tried to get out an injunction to prevent a Secretary of the Treasury from issuing a duplicate upon my application that a duplicate should be issued of a warrant which he had taken, and which, refusing to deliver to the proper owner, should be treated as a nullity. The matter is now pending in the courts. In another case there was a controversy between the home attorney and an attorney here in regard to a fee and the amount of it, and there the warrant has been held in the hands of the attorneys here for nearly eighteen months, according to my recollection. The party entitled to it can not get his warrant.

Now, if this bill becomes a law, just the moment these warrants are ready to be issued parties will come in with their powers of attorney and demand that these warrants shall be delivered to them, and under the law they have a right to have them delivered, as it has been decided from time immemorial. They will put the warrants in their pockets and tell these men, "Give us 25 or 50 per cent. and you can have the warrant." If this bill passes without this restriction it is a law for the benefit of the claim agents purely and solely, and not for the benefit of the laboring people. The claim agents will get the lion's share of the whole thing. I want these words put in so that there shall be no doubt upon the question that these laboring men if they are entitled to anything shall get it themselves, and not have 25, 50, or 75 per cent. deducted by claim agents or attorneys who have done nothing for them in any manner, shape, or form. I insist upon the amendment as an absolute necessity to guard the interests of these claimants.

Mr. BLAIR. If an abuse of the kind which the Senator speaks of exists it is in violation of law, and I certainly am willing to make a special law for this case to prevent any abuse, though I think it can not occur except by violation of the law, which expressly provides that no assignment shall be made. I have no objection to the amendment if the Senator knows of abuses that are arising.

Mr. COCKRELL. There is an assignment made.

Mr. BLAIR. But the Department issue the warrant to nobody but to the party himself.

Mr. COCKRELL. It has been universally ruled otherwise.

Mr. BLAIR. It is a violation of law.

Mr. COCKRELL. It has been the universal rule. Other Senators here know it. The Senator who is chairman of the Claims Committee will sanction what I have said. There is no doubt of it. Every one who has had occasion to investigate such matters knows that is the way the warrants are issued.

Mr. BLAIR. Then why has not the Committee on Claims, of which the Senator himself has been so long a distinguished member, given us general legislation which would provide against the abuse?

Mr. COCKRELL. There has never been any complaint until within the last few years.

Mr. BLAIR. Why did not the Senator provide against it in the last few years? Now the Senator says there is an abuse. I will not take up time, but put it in the bill so that there shall be no abuse in this case at all events; but if it exists it is in direct violation of law. I hope the Senator will go further with his vigilance and give us a general bill to correct the abuse entirely.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. HOAR. Let it be read as modified.

The Chief Clerk read as follows:

And provided further, That any sum allowed or found to be due to any claimant under this act shall only be paid to such claimant, in person or by warrant sent to him by mail, if living, and, if dead, to his administrator, or widow and heirs.

Mr. HOAR. I would suggest to strike out "administrator or widow and heirs" and insert "personal representatives," so that it will read

"and, if dead, to his personal representatives." That comprehends every person who has a right to it, whoever it is.

Mr. COCKRELL. I have no objection to that.

Mr. HOAR. That is the universal phrase.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. COCKRELL. What would be the technical interpretation of "legal representatives?"

Mr. HOAR. "Personal representatives," not "legal representatives"—a different thing altogether. A personal representative is an executor or administrator, unless by some peculiar system of legislation another party in interest comes in.

Mr. BLAIR. "Legal representatives" would not do.

Mr. COCKRELL. I have no objection to "personal representatives" being put in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri as modified.

The amendment was agreed to.

Mr. PAYNE. As I understand this bill, I can not vote for it. This is one of the most unjust propositions that has ever been made. The eight-hour law of 1868 has been for twenty years in operation. Persons who agreed to work ten hours a day for a day's wages and have accepted it and have receipted for their compensation, now come in and ask that a law should be passed giving them wages for the hours they actually worked at the rate per hour which a day's work of eight hours would be.

Now I understand, Mr. President—I speak from information derived in the Committee on Education and Labor—that the demand for this legislation originated among the shipwrights or workers in the shipyards at the Boston navy-yard. They came before the committee; there were some intelligent men who claimed this; and they admitted that at the time they were employed in that yard the commandant told them distinctly or in written notices communicated to them that if they engaged in the employment of the Government they must work ten hours a day.

Mr. HOAR. Will the Senator pardon me right there for saying that the theory upon which this bill goes is that that written notice communicated by the commandant was in direct violation of the law.

Mr. PAYNE. That I do not believe. There was perhaps an abundance of labor there, more than the demand, and there was competition to obtain work. There was no compulsion on any one. There was not a man employed by the Government who was compelled to work for the Government ten hours a day. He did it voluntarily because it was an object for him pecuniarily to do so, and this notice by the commandant was given and pay accepted under it at the end of every thirty days. Each man's name is on the pay-roll. He was paid for his thirty days of work. The cost for the construction of a new vessel or the repair of an old one went into the accounts of the Navy Department, and it is there undisturbed from that day until this. The Supreme Court have passed upon these claims. Very ingeniously did Senators seek to get into the first section of the bill something that would give validity or legality to these claims. The Supreme Court decided this matter in the case of Martin *vs.* The United States, reported in 4 Otto, page 400; which is thus stated in the report of the committee:

> In this case the claimant was at work under a special contract to work twelve hours per day from the 1st of October to the 1st of June for $2.50 per day, and ten hours per day from the 1st of June to the 1st of October at $2.25 per day. The court held that the act of June 25, 1868, constituting a day's work, was a direction by Congress to the officers and agents of the Government prescribing the length of time which should constitute a day where no special agreement was made on the subject, but as claimant had made a special agreement he must be bound by it.

That is perfectly plain. It is perfectly reasonable and perfectly just, for because of the superabundance and the oversupply of labor it would not command in the market more than that rate for ten hours' labor. The workman freely accepted it, and yielding his labor with that understanding, the Government has paid for it, and I want to know by what right in law or in equity that man should have this additional pay? He has not earned it, and he has expressly and distinctly abandoned his claim to it; having had notice that the extra time should not be paid for as work. I do not think that the bill would apply to men in ship-yards only. The provision is very general. It applies to all persons in the employment of the Government. It applies to policemen.

Mr. PLATT. No, it is limited in the bill.

Mr. PAYNE. I beg pardon; it says everybody in the employment of the Government.

Mr. BLAIR. "Laborers, workmen, and mechanics."

Mr. PAYNE. It applies to every one in the employment of the Government.

Mr. PLATT. If the Senator will excuse me, the language of the bill is "whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government."

Mr. PAYNE. Is not the policeman a workman? Is not the fireman a workman? What is he if he is not? He is not a capitalist; he is a laborer.

Mr. BLAIR. If he works more than eight hours, he ought to be paid for it according to law.

Mr. DAWES. I should like to inquire of the Senator from Ohio if he is not aware that this is perfectly in accordance with the precedent of the Government itself?

Mr. PAYNE. The very report of the committee in this case shows just what they claim. I should like to ask the chairman of the committee what is the estimate of the cost of this bill. How many million dollars?

Mr. BLAIR. I will answer that question by asking another—because it is my right, living in the northeast part of the country—whether it be more or less, what consequence is it if the debt be justly due?

Mr. PAYNE. Suppose it is not justly due?

Mr. BLAIR. If it be justly due, the bill should pass if the amount due is the smallest amount that could be mentioned. However, the Senator's question deserves a more direct answer, which I can give either now or later.

Mr. PAYNE. I should like to have the Senator give an estimate of the cost and expenditure under the bill if it passes.

Mr. BLAIR. I can not do it for the reason that the executive officers say that it would require a very prolonged and troublesome examination of the pay-rolls of the several Departments for quite a number of years of time past, and unless there should be a law by virtue of which it should become necessary to ascertain the balances due it is hardly thought that they will undertake the investigation. But the Secretary of the Navy, as I understand from documents which were before the committee and which are in the report of the House committee if not in that of the Senate committee, has estimated that the amount due employés in the Navy Department, where the great majority of the cases are, would not be over $3,000,000. It might be very much less, and I imagine it must be very much less for the reason that upon an examination of the subject we find that these men did not overwork their time according to the law of eight hours during the winter, six months of the season, so that the extra pay they earned would only apply to one-half of the year, and it nearly all applies to the years between 1876 and 1883, inclusive, making eight years, so that it really covers only about four years' time.

I have heard various estimates by workingmen's committees and others who have examined the subject as well as they could, and the sum is put all the way from a million dollars or a million and a half to four million dollars. I never heard a higher estimate than $4,000,000 from any one who claimed to know about or to be interested in the subject. But the question after all is whether the Government ought to pay it. The Government has paid for eight hours' work, and many of these men performed labor to the amount of ten hours daily for a part of the year. If the Government were able to pay for eight hours' work, they ought to pay for two hours' work in addition.

Mr. PAYNE. Is the Senator answering my question?

Mr. BLAIR. I think I am. I was trying to show the Senator that his question is irrelevant. It is a question of conscience really, in the first place, whether we owe anything or not; and if we owe anything, we do not owe over $4,000,000, according to the largest estimate.

I will answer the Senator's question further, for the Senator will observe that I have not had the floor yet to present the points of the issue. Senators have commenced discussing it just as the subject occurred to their minds from time to time. I presume we should get along quite as fast if I had taken the floor and had had an opportunity to explain the subject in the usual way.

Mr. PAYNE. Go on.

Mr. BLAIR. I have here a list of men whose names appear upon the Government register during the period which the workmen and the Departments understand to be covered by the bill. This information, as I am told by the committee of workmen, was obtained on their solicitation by an order sent through the War, Navy, and State Departments, and they thought the Interior Department also, though that would not be so very material, there not being a great many under that Department touched by the bill in any case. They received this reply:

> Statement showing the number and residences of mechanics, workmen, and laborers in the several States and Congressional districts entitled to back pay under the eight-hour law and under the provisions of Senate bill No. 405 and House bill 1539 of Fiftieth Congress, as appears by the official register of the United States.

I may say there have been six committee reports, three in the House and three in the Senate, if I am not mistaken in my recollection of them, after careful examination, favoring this bill in different Congresses.

Alabama, 649; Arkansas, 94; California, 1,090; Connecticut, 64; Delaware, 58; Florida, 116; Georgia, 242; Illinois, 523; Indiana, 267; Iowa, 278; Kansas, 97; Kentucky, 374; Louisiana, 275; Maine, 979; Maryland, 126; Massachusetts, 988; Michigan, 257; Minnesota, 473; Mississippi, 170; Missouri, 353; Nebraska, 77; New Hampshire, 356; New Jersey, 157; New York, 2,521; North Carolina, 230; Ohio, 143; Oregon, 265; Pennsylvania, 928; Rhode Island, 62; South Carolina, 55; Tennessee, 362; Texas, 410; Virginia, 1,174; West Virginia, 332; Wisconsin, 222; making a grand total of 14,767 different men who are

supposed to be interested in this question, and I have here the sum distributed among the Congressional districts of the country, the States where they are, and I ask to have the whole printed.

Statement showing the number and residences of mechanics, workmen, and laborers in the several States and Congressional districts entitled to back pay under the eight-hour law, and under the provisions of Senate bill 405 and House bill 1539, of Fiftieth Congress, as appears by the official register of the United States.

ALABAMA, 649.

First district, JAMES T. JONES:	
Alabama River, Clark and Monroe Counties	32
Mobile City, Mobile and Washington Counties	24
	*56
Second district, HILARY A. HERBERT:	
Mobile River, Baldwin County	18
Alabama River, Montgomery County	24
	†42
Fourth district, A. C. DAVIDSON:	
Warrior River, Hale County	26
Alabama River, Wilcox, Dallas, and Lowndes Counties	34
	†60
Sixth district, J. H. BANKHEAD:	
Tombigbee River, Green and Pickens Counties	30
Warrior River, Green and Tuscaloosa Counties	62
	*92
Seventh district, WM. H. FORNEY:	
Coosa River, near Greensport, St. Clair County	†61
Eighth district, JOSEPH WHEELER:	
Tennessee River, Florence, Tuscumbia, Lauderdale, and Colbert Counties	†338

ARKANSAS, 94.

First district, POINDEXTER DUNN:	
Mississippi River, Desha, Lee, and Mississippi Counties	†32
Second district, C. R. BRECKINRIDGE:	
Pine Bluff and Jefferson Counties	22
McGinnis Shoals	28
	†50
Fourth district, JOHN H. ROGERS:	
Little Rock and Pulaski Counties	†12

CALIFORNIA, 1,090.

First district, T. L. THOMPSON:	
Eureka, Engineer Department	†38
Third district, JOSEPH MCKENNA:	
Mare Island navy-yard	816
Benicia arsenal	54
Oakland, Engineer Department	33
	903
Fourth district, W. W. MORROW:	
San Francisco, Mare Island and navy-yard:	
Employés	68
Fifth district, CHARLES N. FELTON:	
San Francisco, Engineer Department	37
Sixth district, WILLIAM VANDEVER:	
Wilmington and San Diego, Engineer Department	‡44

CONNECTICUT, 64.

Third district, CHARLES A. RUSSELL:	
New London, naval station	64

DELAWARE, 58.

First district, J. B. PENINGTON:	
Lewes, Engineer Department	†58

FLORIDA, 116.

First district, R. M. DAVIDSON:	
Pensacola navy-yard and Santa Rosa County	44
Chattee River, Liberty and Calhoun Counties	40
Warrington, Escambia County	18
	†102
Second district, CHARLES DOUGHERTY:	
Key West	8
Fort Marion	6
	†14

GEORGIA, 242.

First district, THOMAS M. NORWOOD:	
Savannah, Engineer Department	†48
Second district, H. G. TURNER:	
Chattahoochee River, Fort Gaines	*25
Third district, CHARLES T. CRISP:	
Oconee River, Mount Vernon	21
Ocmulgee River, Lumber City	35
	†56
Fourth district, THOMAS M. GRIMES:	
Chattahoochee River, Columbus	†31
Seventh district, J. C. CLEMENTS:	
Coosa River, Floyd County	†82

*Per hour and per month. †Per hour.

ILLINOIS, 523.

First district, R. W. DUNHAM:	
Chicago	34
Second district, FRANK LAWLER:	
Chicago	48
Third district, WILLIAM E. MASON:	
Chicago	22
Fourth district, GEORGE E. ADAMS:	
Chicago	32
Eleventh district, WILLIAM H. GEST:	
Rock Island arsenal	294
Twelfth district, G. A. ANDERSON:	
Quincy, Engineer Department	21
Kampsville, Calhoun County, Engineer Department	36
	*57
Eighteenth district, JEHU BAKER:	
East St. Louis, Engineer Department	‡36

INDIANA, 267.

First district, ALVIN P. HOVEY:	
Wabash River, Gibson and Posey Counties	*65
Second district, JOHN H. O'NEALL:	
Wabash River, Knox and Sullivan Counties	*53
Third District, JONAS G. HOWARD:	
Jeffersonville, Clark County, Engineer Department	*46
Eighth District, JAMES T. JOHNSTON:	
Wabash River, Fountain, Vermillion, and Vigo Counties	*72
Tenth District, WILLIAM H. OWEN:	
Michigan City	†31

IOWA, 278.

First District, JOHN H. GEAR:	
Keokuk, Engineer Department	*39
Second District, WALTER I. HAYES:	
Davenport, from Rock Island arsenal	165
Seventh district, E. H. CONGER:	
Des Moines, Engineer Department	*32
Eleventh district, I. S. STRUBLE:	
Sioux City, Engineer Department	*42

KANSAS, 97.

First district, E. N. MORRILL:	
Atchison	28
Leavenworth	38
	†66
Second district, E. H. FUNSTON:	
Wyandotte and Kansas City, Kans., Engineer Department	*31

KENTUCKY, 374.

Fifth district, ASHUR G. CARUTH:	
Louisville, Engineer and Quartermaster's Departments	‡34
Seventh district, W. C. P. BRECKINRIDGE:	
Kentucky River, Henry and Owens Counties	*121
Ninth district, GEORGE M. THOMAS:	
Louisa, Big Sandy River, Engineer Department	†35
Eleventh district, H. F. FINLEY:	
Cumberland River, near Somerset, Pulaski County	148
Cumberland River, Smith's Shoals	36
	*184

LOUISIANA, 275.

First district, T. S. WILKINSON:	
New Orleans, Engineer Department	‡24
Second district, M. D. LAGAN:	
New Orleans, Engineer Department	‡19
Fifth district, C. NEWTON:	
Lake Providence and Mississippi River, Wilson's Point	25
Madison and East Carroll Parishes	207
	*232

MAINE, 979.

First district, THOMAS B. REED:	
Kittery navy-yard	324
Portland, Engineer Department	75
	*399
Second district, NELSON DINGLEY, JR.:	
Knox and Lincoln Counties	216
Third district, SETH L. MILLIKEN:	
Hancock County	115
Fourth district, CHARLES A. BOUTELLE:	
Washington County	249

MARYLAND, 126.

Second district, FRANK T. SHAW:	
Baltimore, Engineer Department	22
Third district, HENRY W. RUSK:	
Baltimore, Engineer Department	28
Fifth district, BARNES COMPTON:	
Fort Foote, Fort Washington, and Prince George County	42
Sixth district, LOUIS E. MCCOMAS:	
Montgomery County, work done in District of Columbia	34

MASSACHUSETTS, 988.

Third district, LEOPOLD MORSE:	
Boston, from navy-yard and custom-house	121
Fourth district, PATRICK A. COLLINS:	
Boston, from navy-yard and custom-house	106
Fifth district, EDWARD D. HAYDEN:	
Watertown arsenal	72
Boston and Somerville, from navy-yard	98
	170

*Per hour. †Per hour and per month. ‡Per month.

MASSACHUSETTS—continued.

Sixth district, HENRY C. LODGE:
Everett and Boston, from navy-yard 385
Twelfth district, FRANCIS W. ROCKWELL:
Springfield armory 206

MICHIGAN, 257.

Fifth district, MELBOURNE H. FORD:
Grand Haven, Engineer Department *66
Seventh district, J. V. WHITING:
Sand Beach, Huron County, Engineer Department *61
Eleventh district, SETH C. MOFFATT:
Sault Ste. Marie ..... †130

MINNESOTA, 173.

Fourth district, EDMUND RICE:
Minneapolis, Engineer Department 20
St. Paul, Engineer Department 44
†64

Fifth district, KNUTE NELSON:
Leech Lake, Engineer Department 345
Brainard, Engineer Department 64
*409

MISSISSIPPI, 170.

Third district, THOMAS C. CATCHINGS:
Vicksburg, Engineer Department 38
Sun Flower County 34
*72

Fifth district, C. L. ANDERSON:
Yazoo River, Yazoo and Holmes Counties *39
Sixth district, T. R. STOCKDALE:
Natchez, Engineer Department *31
Seventh district, C. E. HOOKER:
Mississippi River, Claiborne and Jefferson Counties *28

MISSOURI, 333.

First District, WILLIAM H. HATCH:
Hannibal, Marion County ..... ‡23
Fifth district, WILLIAM WARNER:
Lexington, Engineer Department 31
Kansas City, Engineer Department 16
*47

Sixth district, JOHN T. HEARD:
Glasgow, Saline, and Howard Counties *64
Seventh district, JOHN E. HUTTON:
Louisiana and Pike Counties ..... ‡28
Eighth district, J. J. O'NEILL:
St. Louis, Engineer Department ..... ‡44
Ninth district, JOHN M. GLOVER:
St. Louis, Engineer Department *32

Tenth district, MARTIN L. CLARDY:
St. Louis, Engineer Department 18
Jefferson County 36
St. Genevieve County 28
‡82

Fourteenth district, JAMES P. WALKER:
New Madrid, Engineer Department 21
Cape Girardeau 12
‡33

NEBRASKA, 77.

First district, JOHN A. MCSHANE:
Omaha, Engineer Department 38
Nebraska City, Engineer Department 21
Plattsmouth, Engineer Department 18
*77

NEW HAMPSHIRE, 356.

First district, L. F. MCKINNEY:
Portsmouth, navy-yard 356

NEW JERSEY, 157.

Third district, JOHN KEAN, Jr.:
Elizabeth, Engineer Department 12
Fifth district, WILLIAM W. PHELPS:
Dover, powder depot 87
Sixth district, HERMAN LEHLBACH:
Newark, Engineer Department 16
Seventh district, WILLIAM MCADOO:
Jersey City, Engineer Department 42

NEW YORK, 2521.

First district, PERRY BELMONT:
Staten Island 130
Queens County 73
203

Second district, FELIX CAMPBELL:
Engineer Department and navy-yard employés 121
Third district, S. V. WHITE:
Engineer Department and navy-yard 838
Fourth district, PETER B. MAHONEY:
Engineer Department and navy-yard employés 186
Fifth district, ARCH. M. BLISS:
Engineer Department and navy-yard employés 172
Sixth district (New York City), A. J. CUMMINGS:
Custom-house and post-office building employés 73
Seventh district, L. S. BRYCE:
Engineer Department and post-office building employés 64

NEW YORK—continued.

Eighth district, TIMOTHY J. CAMPBELL:
Engineer Department, navy-yard, and custom-house employés 106
Ninth district, S. S. COX:
Engineer Department, navy-yard, and post-office building employés 121
Tenth district, F. B. SPINOLA:
Engineer Department and customs store-house 44
Eleventh district, T. J. MERRIMAN:
Engineer Department, navy-yard, and custom-house employés 118
Twelfth district, W. B. COCKRAN:
Engineer Department and post-office building employés 77
Thirteenth district, A. F. FITCH:
Engineer Department and custom-house employés 62
Fourteenth district, WILLIAM G. STAHLNECKER:
Navy-yard, Engineer Department, and post-office building employés 36
Eighteenth district, E. W. GREENMAN:
West Troy arsenal 182
Nineteenth district, CHARLES TRACEY:
Troy arsenal employés 48
Twenty-seventh district, W. W. NUTTING:
Engineer Department, Oswego 32
Thirty-second district, J. M. FARQUHAR:
Engineer Department, Buffalo 21
Thirty-third district, JOHN B. WEBER:
Engineer Department, Erie County 17

NORTH CAROLINA, 230.

First district, L. E. LATHAM:
Engineer Department, Beaufort *38
Second district, F. M. SIMMONS:
Engineer Department, Kinston ..... †47
Third district, C. W. MCCLAMMY:
Cape Fear River, Engineer Department *124
Sixth district, A. M. ROWLAND:
Engineer Department, Wilmington *21

OHIO, 143.

First district, BENJAMIN BUTTERWORTH:
Cincinnati, Engineer Department ..... †48
Second district, CHARLES E. BROWN:
Cincinnati, Engineer Department ..... †63
Seventeenth district, JOSEPH D. TAYLOR:
Marietta, Engineer Department *32

OREGON, 265.

First district, BINGER HERMANN:
Cascade Locks, Coos Bay, and Yaquina Bay 189
Fort Stevenson 76
*265

PENNSYLVANIA, 928.

First district, H. H. BINGHAM:
Philadelphia, navy-yard employés 109
Second district, CHARLES O'NEILL:
Navy-yard and arsenal employés 84
Third district, SAMUEL J. RANDALL:
Navy-yard employés 384
Fourth district, WILLIAM D. KELLEY:
Navy-yard and arsenal employés 136
Fifth district, A. C. HARMER:
Navy-yard and arsenal employés 63
Twenty-second district, JOHN DALZELL:
Davis Island Dam, Engineer Department 62
Twenty-third district, THOMAS M. BAYNE:
Ohio River, Engineer Department 41
Twenty-fourth district, OSCAR L. JACKSON:
Ohio River, Engineer Department 49

RHODE ISLAND, 62.

First district, HENRY J. SPOONER:
Newport, from Fort Adams and Block Island, Engineer Department ..... †62

SOUTH CAROLINA, 55.

First district, SAMUEL DIBBLE:
Charleston, Engineer Department ..... †22
Seventh district, WILLIAM ELLIOTT:
Georgetown and Peedee River ..... †33

TENNESSEE, 362.

Third district, JOHN R. NEAL:
Chattanooga and vicinity, Engineer Department ..... ‡28
Fourth district, BENTON MCMILLIN:
Smithville and vicinity, Engineer Department *42
Sixth district, J. E. WASHINGTON:
Nashville and Dover, Engineer Department *182
Eighth district, B. A. ENLOE:
Tennessee River, Perry and Decatur Counties *76
Tenth district, JAMES PHELAN:
Memphis, Engineer Department *34

TEXAS, 410.

First district, CHARLES STEWART:
Orange and Newton Counties, Engineer Department *34
Second district, W. H. MARTIN:
Sabine County, Engineer Department *32
Seventh district, W. H. CRAIN:
Galveston, Engineer Department ..... †284
Tenth district, JOSEPH D. SAYERS:
San Antonio, Ordnance and Quartermaster Departments *60

VIRGINIA, 1,174.

First district, T. H. B. BROWN:
Fredericksburgh, Engineer Department 21

Second district, G. E. BOWDEN:
Norfolk navy-yard 702
Fort Monroe and arsenal 19
721

* Per hour. † Per hour and per month. ‡ Per month.

* Per hour. † Per month. ‡ Per hour and per month.

VIRGINIA—continued.	
Third district, GEORGE D. WISE:	
Richmond, Engineer Department and granite quarry	*194
Fourth district, W. E. GAINES:	
Petersburgh and Clarksville, Engineer Department	†46
Fifth district, JOHN R. BROWN:	
Danville, Engineer Department	32
Sixth district, S. G. HOPKINS:	
Randolph and Stanton Rivers, Engineer Department	†39
Eighth district, W. H. F. LEE:	
Alexandria and Fort Myer, Engineer Department	28
Ninth district, H. C. BOWEN:	
New Berne, New River, Engineer Department	†93
WEST VIRGINIA, 332.	
First district, NATHAN GOFF:	
Wheeling and Clarksburgh, Engineer Department	28
Third district, CHARLES P. SNYDER:	
Hinton, Kanawha and Fayette Counties and Charleston, Engineer Department	†240
Fourth district, CHARLES E. HOGG:	
Winfield, Mason and Putman Counties, Engineer Department	†64
WISCONSIN, 222.	
Fifth district, THOMAS R. HUDD:	
Green Bay, Engineer Department	†31
Sixth district, CHARLES B. CLARK:	
Fox and Wisconsin Rivers, Menesha, Appleton, and Montello Counties, Engineer Department	†64
Seventh district, O. B. THOMAS:	
Wisconsin River, Sauk County, Engineer Department	†46
Eighth district, N. P. HAUGEN:	
Fountain City, Buffalo County, Engineer Department	†20
Ninth district, ISAAC STEPHENSON:	
Wisconsin River, Wood County, Engineer Department	28
Sturgeon Bay	23
	†51
Grand total	14,767

Mr. PAYNE. I do not understand the moral obligation of the Government to pay this extra price contrary to the distinct and intelligent understanding. There was no fraud, there was no deception. The law did not imperatively require that this additional compensation should be paid. It does provide what shall be considered a legal day's work, but it does not disable the employés from making a contract. If the supply was greater than the demand they could work for half the ordinary price if they chose.

As I said before, there was no compulsion. They were notified distinctly by the superintendent of the yard that if they would work so many hours in the day they would receive $2, or $3, or $4. With that perfect understanding they fulfilled it; they discharged their obligation, and the Government discharged its obligation by paying the money, and the men received the pay.

A gentleman from Boston, and being from Boston I suppose he is a very sharp man, with others helping him, have been lobbying in Congress for some ten or fifteen years to get through a bill to enable them to override the courts. The courts have decided against them. When I suggested in committee that they ought to go before the Court of Claims they replied, "The Court of Claims has decided against us; we want a law that will compel the Court of Claims to decide in our favor."

The estimate of the chairman ot the committee is not definite. The amount involved may be $5,000,000 or $10,000,000, but I claim that the Government is not indebted to these men. Every man having a claim may bring suit before the Court of Claims. There would be ten or twelve thousand suits brought before the Court of Claims to have these accounts adjusted. I can see no reason or justice or equity in it. I believe the bill ought to except all cases where there was a distinct agreement to the contrary, and nobody would be wronged by such a provision.

Mr. DAWES. I am very heartily in sympathy with the purpose of this bill, but I am earnestly, sincerely afraid that its purpose would not be carried out by the bill itself.

The bill provides that all these men shall receive pay for their labor at the rate of so much for 8 hours, and then requires every one of them to commence a suit in the Court of Claims in order to obtain that excess. He must get a judgment of the Court of Claims upon a claim he has against the Government.

Mr. PAYNE. That establishes the claim.

Mr. DAWES. That establishes the claim. It provides in the outset that there shall be 14,767 such suits, because there are so many men, according to the enumeration presented here, who have these claims. There must be a claim that can be adjudicated upon by the Court of Claims.

Mr. BLAIR. The Senator is laboring under a misapprehension. Perhaps he would like to have me correct him. The bill provides—

That all suits under this act shall be commenced within two years from and after its passage; and any number of said claimants may join in the same suit.

It is like a bill in equity; so that they join and end it forthwith.

Mr. DAWES. That is a suit with 14,000 heads to it, and there have got to be just as many issues as there are individuals. I do not see how that will essentially relieve these parties. Every one of them has got to have his issue tried separately. They can not combine in the issue, though they may, as appears, combine in the suit itself.

*Per month. †Per hour.

The Supreme Court has decided that when they agreed to work ten hours for eight hours' pay that agreement is binding on them. Suppose they go into the Court of Claims and say they have worked ten hours, and there turns up an agreement on their part that they would work ten hours for eight hours' pay, I have an apprehension that the Court of Claims would decide that they have no basis for their claim.

Mr. PAYNE. I beg to interrupt the Senator. That would have to be the decision of the Court of Claims, but for the first section of the bill making an absolute obligation, whether there was any agreement or not.

Mr. DAWES. I was going to say, if I had not been interrupted, that is the only ground upon which any one of them can maintain his suit in the Court of Claims. The proposed statute first creates the obligation and sends them into the Court of Claims upon a new obligation, created a long time after they have performed their work. That seems to me to be unnecessary.

I have here a copy of an agreement which at the armory at Springfield was held up as an alternative to no work, and every man who worked at the armory after the passage of the law and after the proclamation of President Grant that they should be paid by the hour had this alternative: "If you want to work in the Springfield Armory you must sign this agreement."

We, the undersigned, employed at the National Armory, Springfield, Mass., on behalf of the United States, hereby agree to work ten hours each calendar day, or at the rate thereof, for the sums set opposite our respective names. This contract is made in conformity to General Orders No. 53, Headquarters of the Army, Adjutant-General's Office, June 1, 1887, and can be terminated at the pleasure of the United States or the subscribing party.

Name.	Occupation.	Wages per 10 hours.	Witness.

It seems to me that the only way a man could maintain his claim in the Court of Claims would be upon the idea that you create in the act itself which sends him to the Court of Claims the basis of the judgment. That is to say, he had no claim that would abide a moment in the Court of Claims unless you create it in this proposed statute.

This is not a new matter. When General Grant insisted upon it that the eight-hour law should be carried out in the spirit and in the letter, after the attempt had been made to make the employés of the Government work ten hours for eight hours' pay he issued a proclamation requiring that in all the Government works they should be paid at the rate of eight hours. Thereupon Congress passed a law to pay up to the date of that proclamation every one of them at the rate of eight hours. They did not send them to the Court of Claims, but they passed a law in these words:

That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Under that act all the employés described in the phraseology of the pending bill had their opportunity to go and show at the Treasury, to the accounting officers of the Treasury, that they had not been paid according to the hour.

Mr. BLAIR. Will the Senator allow me to interrupt him for a moment at that point?

Mr. DAWES. Certainly.

Mr. BLAIR. The point the Senator is driving at, I suppose, is that it might be better to send these men to the accounting officers for the differences, if any shall be found to be due, which should be paid to them. That is just what the men all over the country are exceedingly anxious not to be obliged to do. All their trouble has come from the obstinacy and stubbornness and the determination of the officers of the Executive Departments not to administer according to its terms and spirit the eight-hour law.

I wish to give the Senator a fact in regard to that. Under that law, which passed on an appropriation bill, requiring that the excesses due for the labor performed beyond the eight hours between the 25th day of June, 1868, and the date of President Grant's proclamation, which was in May, 1869, a little less than a year, it was computed that there were some $300,000 due. These men have importuned and begged and tried their best, and they have collected less than $25,000 from the accounting officers of the Treasury. Therefore they want to be sent to the Court of Claims so that if they have any rights they will have the judgment of the Court of Claims, which Congress will attend to, and not the accounting officers of the Government.

Mr. DAWES. The Senator generally states a subject very well; but when I saw this bill which requires all these persons, some for $20, some for $30, and some for $40, small sums, to get a judgment of the Court of Claims before they could be paid, my mind went back to the

law. I offered a resolution calling upon the Secretary of the Treasury to report what had been done under the law, and the report is in print here. Every man's claim presented was described in the act as a laborer, workman, or mechanic, who claimed to have worked over eight hours, except those about which there was a dispute as to whether they had worked over eight hours or not. Every one was paid, and the aggregate was nearly $700,000.

Mr. BLAIR. Will the Senator allow me to interrupt him? I do not know what document he has before him. I wish to read from the House committee report of the present session.

Mr. DAWES. That House report was made before the report came from the Treasury in answer to my resolution. I introduced it because I thought this bill would impose a grievous burden upon small claimants, and I thought that the phraseology taken from the statute was sufficient for the day. I introduced a bill in the words of the statute, providing for the adjustment of the accounts of laborers and mechanics, arising under the eight-hour law, on the 6th of February last, which is as follows:

Be it enacted, etc., That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, whether engaged at a price per day or upon piece work or task work, without any reduction of pay on account of the reduction of the hours of labor, any agreement between the United States and any such laborer, workman, or mechanic touching such compensation to the contrary notwithstanding. And the proper accounting officers are hereby directed to readjust the accounts of all such laborers, workmen, and mechanics, and pay the same in conformity with the provisions of this act; and a sufficient sum of money for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BUTLER. May I ask the Senator what was the date of the report from the Secretary of the Treasury to which he refers?

Mr. DAWES. It is dated since this bill came from the House. I can not tell the date.

Mr. BUTLER. At this session?

Mr. DAWES. At this session. As the Senator says, the laborers took alarm at it and came here and importuned me to drop that bill and let them go to the Court of Claims, but this significant thing accompanied it all. Every one who came here came with a claim agent.

I am not desirous of obstructing this measure. I desire that when these men ask for bread they shall not have a stone given them. The form of statute which I have read did work the compensation of every one up to that date about whose claim there was no dispute. I think the accounting officers of the Treasury, if required in this distinct language, could decide whether these men worked ten or eight hours, just as well as the Court of Claims.

But, as the Senator from New Hampshire says, these men think that they can not get their rights except through the Court of Claims. I am afraid that has been put into their heads by claim agents; but I am not going to offer my bill as a substitute for the pending measure. I wanted to put on record my opinion that this is a stone instead of a loaf of bread, and that not 50 per cent. of the little items due these laborers from the Government for work over eight hours will ever reach their pockets. I desire that they shall have in the spirit and the letter of the eight-hour law compensation for the day of eight hours. They have had it under one form. They are not satisfied with that and want to have a new form; but I wish merely to put upon record my apprehension that these laborers are being misled as to their best remedy.

Mr. VEST. It is not a pleasant thing to run against this juggernaut in this country. Every public man understands the appeals that are now being made to the labor vote of the country, but I should have a very poor opinion of myself if I should vote for this bill.

Whilst the Congress of the United States unquestionably has the constitutional power to pass such a bill, yet it is certainly against the spirit of that instrument. An inhibition was put in the Constitution against any State passing a law impairing the obligation of contracts. There is no such inhibition upon the Congress of the United States in express terms; but when I vote to legislate here, though I give way frequently to personal solicitation and to temptations that present themselves in an alluring form in behalf of æsthetic and sentimental objects, I still endeavor to discharge my duty to the Government and people of the United States as I would do it to a fellow-man.

Suppose that this were a question between individuals; suppose that any laboring man, a horny-handed son of toil, as we hear so frequently from the hustings, had made a contract with an employer that he would work ten hours a day and receive a dollar and a half for ten hours' labor. What would be thought of him if he would afterwards present himself in a court of equity and ask that that contract be deliberately set aside and that he should receive pay for work he never performed?

Mr. BLAIR. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. BLAIR. The United States is the employer. The United States has a law upon its statute-book that every laborer, workman, and mechanic shall be paid for a full day's work when he works eight hours. A subordinate officer, an agent of the United States, if you choose, an agent to act under the law and only according to the law, says to the "horny-handed sons of toil," who have families, and who are hungry and who must have work, and because they have had it they are horny-handed, "Unless you work ten hours you shall not work for the United States at all, notwithstanding we are authorized only to hire at the rate of eight hours for a day's work." Does the Senator hold that that unauthorized act by the agent is to be ratified by the United States?

Mr. VEST. I hold that every intelligent citizen of this country should be bound by his contract.

Mr. BLAIR. But that is no contract.

Mr. VEST. It is the contract. The Supreme Court has so decided.

Mr. BLAIR. I beg the Senator's pardon; there is no such decision.

Mr. VEST. This identical question was presented to the Supreme Court and they decided that where there was an express contract these parties could not recover.

Mr. BLAIR. But that is the question. I say there is no express contract.

Mr. VEST. That is a question of law; and here we have the extraordinary anomaly of the Congress of the United States pretending to put before one of its tribunals a question of law and at the same time telling them they will adjudicate the matter in advance. The whole object of this bill is to say that the Court of Claims shall decide in advance of any facts that may be given to them that eight hours a day shall constitute a day's work for these people, whether a contract had been made or not.

Mr. GEORGE. Every legal question involved is settled by the bill.

Mr. VEST. As a matter of course; it is *res adjudicata*. Such a thing was never known among educated lawyers as an attempt to force upon the statute-books, in advance of the facts and in advance of any legal adjudication, the result of the whole thing.

Mr. BLAIR. Will the Senator allow me to ask him to state how he makes that out? There is no express contract; there is no implied contract whatever between these laborers and the United States until the United States ratifies the illegal act of its agent.

Mr. VEST. I beg pardon; the few remarks I wish to make I will continue, by the Senator's permission, without interruption. He asks me how I make it out. Here is the proposed statute upon which it is declared:

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor.

Whether there is an express contract or not it is mandatory. Then the second section goes on and provides that the Court of Claims, no matter what the facts are, shall find that eight hours a day constitute a day's labor, and shuts out any express contract. The amendment reported to the bill proposes to strike out the clause—

Or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act.

And the chairman of the committee tells us he is opposed to striking out those words.

Unquestionably it was intended there to put this matter beyond the slightest scintilla of doubt, for it says that the Court of Claims shall go on and make these decisions—

and no statute of limitation or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act, shall bar the right of recovery.

Mr. President, here is a part of this legislation in which it is proposed that the Government of the United States shall take charge of the citizen and make a contract for him and relieve him from his own deliberate act. Although the contract has been made, although years have elapsed, although it was done distinctly and emphatically for a purpose at the time, now the Government comes in and takes the place of the intellectual assent of its citizen and says, "We will do better for you than you did for yourself; we will pay you this money in spite of your own deliberate contract." I can not vote for any such bill. It is abhorrent to my ideas of justice. I would not pretend to do such a thing to a fellow-citizen. I would not pretend to undertake to force this sort of pre-adjudication upon any man in the United States who, like myself, is a simple citizen, and I will not do it on the Government.

Mr. PAYNE. There should be a distinct understanding as to the agreement between the Government agent and the employés. There were several witnesses examined before the committee, and I am very sorry that the report of the committee omits one very important fact. There was not a single case before the committee where it was claimed that the man had not been employed under a distinct agreement or understanding. It was stated that in the Boston navy-yard a leading man had been getting up these things for years and agitating them here in Congress.

Mr. BLAIR. To whom does the Senator refer? I do not recollect any such man from Boston. There was a Mr. Rogers who was one of these workmen, but he was a "horny-handed son of toil" himself.

Mr. PAYNE. I say without a single exception if there was not a written agreement signed by the party at the Springfield arsenal there was this understanding, and he admitted it, that they went to work upon the distinct declaration that they were to work ten hours a day for their wages. They went into that agreement, and why should

they not abide by it? It was said that there was a secret purpose, that some day they would get the difference out of the Goverement.

Mr. BLAIR. The Senator will remember that the witnesses all stated that the services were rendered under protest, as being contrary to law. The men were obliged to work on the terms that the person in charge insisted upon, or not get the work that they expected. The Senator may not remember all the testimony.

Mr. PAYNE. I remember that part of it, because I cross-examined the witness myself, and he stated distinctly that there was no formal protest. They did not say "we will receive this under protest," but it was a mental protest, a private belief thaf some day or other they would get the extra pay.

Mr. DAWES. I will read what the Supreme Court have decided. I believe that there was an agreement either express or implied, and that agreement I think under this decision of the Supreme Court will be fatal to these men if their pay depends upon a judgment in the Court of Claims. But if it depends upon the direct order of a statute to the Treasury accounting officers to pay it as in the bill I presented and as in the statute of 1871, it will be paid.

The Supreme Court have decided what I think will turn out to be fatal to every case that goes into the Court of Claims if there turns up any agreement either express or implied. I read the syllabus of the case of the United States vs. Martin, 4 Otto, page 400.

Mr. GEORGE. Will the Senator read the opinion?

Mr. DAWES. I will read the syllabus, and then I will read the opinion if it is desired.

1. The act of Congress of June 25, 1868 (15 Stat., 77), declaring that eight hours shall constitute a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, is in the nature of a direction by the Government to its agents.

2. It is not a contract between the Government and its laborers that eight hours shall constitute a day's work. It neither prevents the Government from making agreements with them by which their labor may be more or less than eight hours a day nor does it prescribe the amount of compensation for that or any other number of hours' labor.

3. Where, therefore, a laborer, in the habit of working for the Government twelve hours a day for $2.50 a day, is informed by the proper authority that if he remains in the service at that compensation he must continue to work twelve hours a day, and he does so continue—

That is an implied contract—

and is paid accordingly, he can not afterwards recover for the additional time over eight hours as a day's labor.

4. An allowance by the Government, upon the application of the laborer, of a sum for the excess of time over eight hours per day, is, when accepted by him in full of the account, a bar to any further claim."

Shall I read the opinion?

Mr. GEORGE. That is very good.

Mr. DAWES. The opinion goes on to say that it is not incompatible with the contract; that any contract as to different hours is a legal contract, and if a man continues after notice he is presumed to have conformed to that notice. I think that is as fatal to him as can be when he gets into the Court of Claims, notwithstanding the attempt in this bill to create a new basis for the judgment. Therefore it is that I want these men to have something, and I want the accounting officers of the Treasury directed to pay them at the rate of eight hours a day for all the hours they worked, and to appropriate a sum sufficient for that purpose out of any money in the Treasury. Then they will have something; otherwise I fear that they will not.

Mr. VEST. The object of this bill is to reverse that decision of the Supreme Court. After they had received that construction of the law of 1868 and of the express or implied contract made between the Government and the employés, this bill was constructed for the purpose of deciding in advance for the Court of Claims what should be done in reference to this contract, or notwithstanding the contract, express or implied, and that is the whole of it.

Now, a single word about this claim of duress, and I am done. I am astounded to hear that claim presented here to-day. If it were in the crowded labor marts of Europe, if we were legislating here to-day for the pallid sons of toil and want, the pauper labor of Europe, I could understand that sort of duress; but we have heard so much from our friends on the opposite side of this Chamber of the American workman, his high wages, plenty of work, a continent opening up its virgin soil and all its resources to his energies and intellect, and yet we are told when a man has deliberately agreed to work for the Government of the United States at so many dollars a day, working ten or twelve hours, he did it under duress, for his starving wife and children!

What becomes of our panacea, the tariff? Is it possible that the workingmen of this country are in that condition? Is it possible that they were compelled under duress to make a contract of this sort? I deny it; I repudiate it. No American workman has done any such thing. There is no man in this country who is willing to work who can not find a field of work and select his own avocation.

For one, sir, I honestly believe, without disrespect to anybody, that this is simply a political appeal to a certain class of voters in the country, intended to say to them, "We are your special friends, and we will put money into your pockets, notwithstanding your own contracts made in the past." I can not vote for it.

Mr. STEWART. I desire to offer an amendment to the bill as an additional section; whether it is in order or not, I will read it for the information of the Senate. I think it will have a tendency to prevent evils of this kind in the future. I propose to add:

Any officer or agent of the United States who shall hereafter authorize any laborer under his charge or control to perform for the United States more than eight hours of manual labor in one day shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500.

I was one of those who voted for the original eight-hour law of 1868, and I offer this amendment, if it is in order now. I voted for the original bill, and the object was to fix eight hours as a day's labor. It was then anticipated that it would be followed by the States and by the people generally. I was one of those who believed that eight hours was as much labor as a man ought to perform for the good of himself and his family and the good of the country. I believed that in the course of a lifetime he could perform more labor by confining it to eight hours a day than if it was dragged out through a longer period. He would be worn out more rapidly than he would be if his labor were confined to eight hours. I thought the Government ought to set the example, and I think so now.

Besides, there is none too much labor in the country. There are a great many people out of employment, and there always will be. There are laborers enough in the country to perform all the labor by only working eight hours per day. I believed that it was for the general interest of the country, and I regret exceedingly that the officers of the Government have undertaken to thwart this legislation and are continuing to do so, requiring legislation to compel them to do their duty. It seems that it is necessary to have a criminal statute to prevent them from violating the plain intent and meaning of the law, and it is time it was stopped.

I say that I should like to see the present law put in such a shape that those who are compelled to labor more than eight hours should be paid for the extra time, and that the theory of the law should be carried out. I think it is time that the officers and agents of this Government had some respect for the laws of Congress. The idea of making contracts in plain violation of the spirit of the law, such contracts as have been read here to-day, is a disgrace to those officers, and there ought to be a criminal act on the statute-book to prevent it in future. Then it would stop. I am in favor of putting the law in such a shape that these laborers will get their money, and I am in favor of such a law as will stop such practices on the part of Government officers hereafter. It seems to me that the Congress of the United States ought to have sufficient power to pass laws by which its own officers will be guided, so that they shall not undertake to set up a policy for themselves.

This country will not be injured by an eight-hour law. Everybody will be better for it. There is abundance of labor. The Senator from Missouri talks about the friends of the laborer. I am a friend of the laborer; I am not ashamed to own it, and I do it in no sense of demagogy in trying to get their votes. I was a laborer myself and I know something about it. I say that I am a friend of the laborer, and I believe that labor can be advanced, that laborers can be made healthier by not working them to death, continuing them at work long hours, destroying them in a few years, and preventing them from having the privileges of education, recreation, and the necessary rest.

There are laborers enough in this country to do all the work that is to be done. We see tramps around asking for labor; they can not get it. The idea of holding them to contracts coerced from them in that disgraceful way by these officers should not be tolerated.

I am sorry that my noble friend from Ohio [Mr. PAYNE] should have talked about enforcing a contract made under duress, made to the disgrace of the officers who made it. Do you talk about enforcing it, about standing on a technical contract of that kind, and about decisions of the Supreme Court holding them bound by it because there was no law on the statute-book to prevent such a contract, when the plain language employed is that no such thing shall be done, when the policy of the Government was plain, when every officer who made those contracts knew it; and then because we have a technical decision in that way do you say that we should not remedy the evil and defend the honor of Congress?

Mr. PAYNE. You said you were a laborer?

Mr. STEWART. I was.

Mr. PAYNE. From your experience do you say that it is necessary to have a law to control the hours of labor?

Mr. STEWART. I would not need a criminal law to prevent me from controlling labor. I have asked for a criminal law to prevent officers of the Government from making contracts contrary to law. When I was a laboring man, if I wanted to do more than eight hours work I could find half a dozen jobs outside. But I do not want any Government officer to violate the law by making a sham contract with me. I do not require that. I could take care of myself under the eight-hour law very well when I was a laboring man, and I can do it yet. I have been very well satisfied with eight hours' labor a day.

Mr. CALL. Will the Senator from Nevada yield to me?

Mr. STEWART. Certainly.

Mr. CALL. If it is agreeable to the Senator, as there is no quorum here, I will move that the Senate adjourn.

Mr. STEWART. Undoubtedly the Senator is willing to move an adjournment when another man is talking, but I never knew him to move an adjournment when he was talking himself. [Laughter.] When I am through I will make that motion myself, but I have the floor and I shall not yield it until I get ready.

Mr. SPOONER. May I make a suggestion to my friend from Nevada?

Mr. STEWART. Certainly.

Mr. SPOONER. It sometimes happens in the service of the Government, as in the service of individuals, that there come emergencies in which it is necessary that men should work, if they are willing to work, over eight hours a day. Do you intend to prohibit that? Would it not be better to frame an amendment so as to prohibit such contracts and yet permit work in case of emergency, where the interest of the Government requires it?

Mr. STEWART. There would be too many emergencies, I am afraid.

Mr. SPOONER. We have had such cases during this session.

Mr. BLAIR. The Senator will allow me to suggest that the bill does not prohibit extra hours of labor for extra pay. It is only a prohibition of more than eight hours at the ordinary daily pay.

Mr. SPOONER. I am speaking of the amendment of the Senator from Nevada.

Mr. STEWART. Perhaps we can modify the amendment to meet that case. I see that cases of emergency might occur. It might be modified, but it is evident there must be some criminal law to prevent the constant violation of the eight-hour law. The opposition to it comes from some sources I can hardly appreciate, but it appears that it is impossible to get a law that will be respected without some criminal statute. However, we can amend the bill so that it will have that criminal sanction.

Mr. GEORGE. I wish to ask the Senator if he has any information that the law is now being violated or has been violated under the present Administration?

Mr. STEWART. I have not looked up the record of the present Administration.

Mr. GEORGE. I ask the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. The President has given his opinion that the construction of the law claimed by the friends of this bill is the true construction of the original law, that a man ought to be paid the full daily wages of outside work regardless of the length of the day for his eight hours' work in behalf of the Government.

Mr. GEORGE. Then I understand that all the animadversion of the Senator from Nevada applies to acts done under administrations preceding the present one.

Mr. STEWART. It applies to anybody who has made a contract of that kind. There may be emergencies when men might be required to work longer than eight hours. Perhaps we shall have to amend the measure in that respect.

Mr. BLAIR. Give them extra pay.

Mr. STEWART. I do not believe in giving them extra pay or allowing them to work extra hours, because there is not a surplus of work. I believe that all should have a chance, and I believe when eight hours' work has been given that is all the Government ought to give to any man in any one day. Give the rest of them a chance. I do not believe in putting it out in extra pay. When there was an emergency there might be cases requiring extra hours of labor.

Mr. BLAIR. Will the Senator before moving to adjourn allow me to read the facts, about six lines, on which the decision that has been cited was made? If the Senator will listen to this he will see that this decision does not touch the case; it is only binding so far as the facts are concerned. It is as follows:

In the year 1873 the claimant made a formal application, in writing, to the Fourth Auditor of the Treasury, for arrears of pay, claimed as due him under the second section of the act of May 18, 1812, 17 Statutes, 134, between the 25th of June, 1868, and the 19th of May, 1869, on account of his said employment. The Auditor thereupon stated the account, and allowed the claimant $205.63, which was admitted by the Second Comptroller; and that amount was paid to the claimant, who receipted for the same, in writing, in full of the account. (United States vs. Martin, 94 United States Reports (4 Otto), 402.)

The Senator will observe that after the services were rendered, and after the claim was made and after a tribunal was provided and an adjudication was made, the defeated party to that adjudication accepts the award, receipts for it in full of his claim, and the Supreme Court held that that adjudication and the acceptance of the award were binding upon him.

Mr. BUTLER. It seems to me that we are violating our own doctrines this very moment, manifesting great interest for the poor laborers of this country and asking that they be required only to work eight hours; and yet we are imposing upon these poor laborers here, our reporters, about twelve hours of work.

Mr. STEWART. Will the Senator give way for a motion to adjourn?

Mr. BUTLER. I was just about to move, in their behalf, that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 13, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 12, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MARY M. BRIGGS.

The SPEAKER laid before the House the bill S. 899, with House amendments disagreed to by the Senate, for the relief of Mary M. Briggs.

The SPEAKER. If there be no objection, the House will insist on its amendments and agree to the conference requested by the Senate.

There was no objection.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. CUTCHEON to print in the RECORD remarks on the subject of pensions, pertaining to the special order of this evening.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSTON, of North Carolina, for one day, on account of sickness.

To Mr. SIMMONS, for five days, on account of important business.

To Mr. PERRY, for one week from this date.

To Mr. HOLMES, for two days, on account of important business.

EVENING SESSION FOR BUSINESS OF LABOR COMMITTEE.

Mr. MILLS. I ask unanimous consent that next Wednesday night be set apart for the consideration of business from the Labor Committee.

Mr. TOWNSHEND. I am willing to consent if the next night is set apart for the consideration of business from the Military Committee.

Mr. HOLMAN. I hope an intimation will be given of the bills to be brought forward.

Mr. MILLS. Let us deal with one matter at a time.

Mr. TOWNSHEND. Very well; let that first be disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Texas that the House on Wednesday next take a recess from 5 o'clock until 8 o'clock, the evening session to be devoted to the consideration of reports from the Committee on Labor?

There was no objection.

EVENING SESSION FOR BUSINESS OF MILITARY COMMITTEE.

Mr. TOWNSHEND. Now, Mr. Speaker, I make the same request for the Military Committee; that Thursday night of next week be set apart for the consideration of business from that committee.

Mr. HOLMAN. I hope the gentleman from Illinois will give some intimation of the character of the bills that will be brought before the House.

Mr. TOWNSHEND. Something like twelve hundred bills have been introduced and referred to that committee, and over one hundred have been reported to the House. It is not in my power to designate the bills. The gentleman knows full well that bills can not receive final consideration at the night sessions unless it is done practically by unanimous consent. Therefore I do not think he ought to insist upon having a list of the bills. I can not state at present just what bills I shall bring forward.

Mr. HOLMAN. Will you bring forward the fortification bill?

Mr. TOWNSHEND. Not at a night session, because it would be useless to do so.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. TOWNSHEND]?

There was no objection.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I ask unanimous consent that next Tuesday evening be set apart for the consideration of general pension bills.

Mr. BLAND. I think we had better have the regular order. Four nights have already been assigned for business.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] demands the regular order, which is equivalent to an objection.

Mr. MILLS. I move to dispense with the morning hour for reports.

Mr. GEAR. I wish to present a couple of reports.

Mr. MILLS. I ask unanimous consent that all gentlemen having reports to make be allowed to present them to the Clerk for appropriate reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

HOLDING OF DISTRICT COURT, UNITED STATES.

Mr. CASWELL, from the Committee on the Judiciary, reported back favorably the bill (H. R. 1437) to provide for the holding of the

district court of the United States at Salina, Kans.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LANDS FOR MINING PURPOSES.

Mr. HARE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 6162) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indiana, respectively, to lease lands within their respective boundaries for mining purposes, subject to the approval of the Secretary of the Interior, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES AND WILLIAM CROOKS.

Mr. COTHRAN, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 3879) for the relief of James and William Crooks, of Canada; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CEDAR RAPIDS AND IOWA FALLS RAILWAY COMPANY.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1076) granting right of way to the Cedar Rapids, Iowa Falls and Northwestern Railway Company over and across the Pipestone reservation, in the State of Minnesota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT M'NUTT.

Mr. GEAR also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 157) correcting the military history of Robert McNutt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUNCTION CITY AND FORT RILEY STREET RAILWAY COMPANY.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (S. 1969) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OMAHA, HAYS CITY AND SOUTHWESTERN RAILWAY COMPANY.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (S. 973) to authorize the Omaha, Hays City and Southwestern Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHICAGO, KANSAS AND WESTERN RAILWAY COMPANY.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (S. 1473) to authorize the Chicago, Kansas and Western Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH UNCOMPAHGRE, ETC., RESERVATIONS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 6707) to grant the Rio Grande and Pacific Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ACCEPTANCE OF FOUNTAIN, ETC., FROM CITY OF FRANKFORT, KY.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 10054) to authorize the Secretary of the Treasury to accept fountain and lamp from the city of Frankfort, Ky.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the House of the following titles:

Joint resolution (H. Res. 193) directing the Clerk of the House of Representatives to amend the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes;

Joint resolution (H. Res. 191) relating to the pages of the House of Representatives;

An act (H. R. 860) for the relief of Alfred Head;

An act (H. R. 3839) granting a pension to Mrs. Hattie K. Painter;

An act (H. R. 1361) to incorporate the reform school for girls of the District of Columbia;

An act (H. R. 1451) for the completion of a public building at Wichita, Kans.;

An act (H. R. 956) for relief of heirs of Christopher Cott;

An act (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia;

An act (H. R. 1514) relating to the record of wills in the District of Columbia;

An act (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes;

An act (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. 99) providing for the printing of a portion of the annual report of the Chief of the Bureau of Statistics on commerce and navigation for the year ending June 30, 1887, entitled "Annual report of Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amount of duty and rate of duty collected."

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation in Washington Territory, and for other purposes.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2644) granting the right of way to the Fort Smith, Paris, and Dardanelles Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory to or near Baxter Springs in the State of Kansas.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the motion of the gentleman from Texas [Mr. MILLS] to dispense with the morning hour.

Mr. TOWNSHEND. Which morning hour?

The SPEAKER. There is but one morning hour. The words "morning hour" have a well-understood meaning in the rules of the House and have had for many years. They mean the hour set apart for the call of committees for reports.

Mr. TOWNSHEND. And not the hour for the consideration of bills?

The SPEAKER. No.

The motion of Mr. MILLS to dispense with the morning hour was agreed to.

CLERK FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES.

Mr. DUNN, by unanimous consent, offered the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Merchant Marine and Fisheries be allowed an annual clerk, to be paid out of the contingent fund of the House until March 3, 1889, at the rate of $2,000 per annum, and the Committee on Appropriations are hereby instructed to make provision for such clerk at the said rate of $2,000 per annum from said March 3, 1889.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. MILLS] to dispense with the morning hour.

Mr. MATSON. The gentleman yields to me for a moment to give me an opportunity to say to the House that the business for this evening session is such that a quorum will be required, and if a quorum is not present a call of the House is certain to ensue.

Mr. FORD. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The regular order has been demanded by the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I withdraw the demand for the present.

Mr. FORD. I desire to present a report from the Committee on Military Affairs, and ask for its present consideration.

The SPEAKER. The report will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Whereas it is charged by prominent journals that the laws prohibiting the importation of contract laborers, convicts, paupers, and other classes are being extensively evaded, owing to the lack of machinery to enforce the provisions of said laws: Therefore,

Be it resolved, That the Speaker shall appoint a select committee of five, which committee is hereby authorized and directed to investigate the subject-matter herein refered to, and report their conclusions thereon to the House at the earliest practicable moment, by bill or otherwise. Such investigation shall be conducted at such times and places as the said committee may deem proper, and may continue after the adjournment of the present session of Congress, if necessary, and said committee is hereby authorized to send for and examine persons, books, and papers, and administer oaths to witnesses, and to employ a messenger, a stenographer, and necessary interpreters; and the expenses of said investigation shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOLMAN. I suggest to my friend from Michigan that it might be sufficient to limit the amount of expenditure.

Mr. FORD. I have no objection to that.

Mr. HOLMAN. I suggest that the amount should not exceed $3,000.

Mr. FORD. They allowed the committee to investigate trusts $5,000.

Mr. HOLMAN. I move to amend the resolution so as to provide that the expenses shall not exceed $3,000.

Mr. WILKINS. That is not enough. I suggest $5,000.

Mr. FORD. It ought to be $5,000.

Mr. HOLMAN. A committee of the House, with five members, a sergeant-at-arms, and clerks, conducted an investigation which lasted three months and a half, at an expense not exceeding $3,000.

The SPEAKER. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Add to the resolution the words "and the expenses of said investigation shall not exceed $3,000."

Mr. DINGLEY. I desire to ask the gentleman from Michigan [Mr. FORD] what is the purpose of creating a subcommittee to make this investigation. Why can not the Committee on Labor do it?

Mr. FORD. I do not know that there is any particular object, except that I thought it would be better to have a special committee than to refer the subject to any of the standing committees of the House.

Mr. HOLMAN. I call the previous question on my amendment.

Mr. KERR. I suggest that the resolution be amended so as to require the committee to report during this session. It seems to me that the time we shall probably have during this session will be sufficient to enable this committee to make their investigation and report, so that we may have legislation on this subject at once, this year, and not wait until the next session. I therefore propose that the resolution be amended so as to require the report to be made to the present session of Congress.

The SPEAKER. There is one amendment pending now, and until that is disposed of no other is in order. The gentleman from Indiana [Mr. HOLMAN] demands the previous question upon his amendment.

Mr. OATES. I ask the gentleman to withdraw that demand for a minute.

Mr. HOLMAN. I will withdraw the demand if the gentleman will renew it.

Mr. OATES. I will. Mr. Speaker, I regard this as an exceedingly important matter. The resolution, as I understand, proposes to raise a special committee for this work, and I think that is right. It ought to be a special committee composed of the best men in this House, because, in my judgment, there is no more important question that the Congress can be called upon to consider than that which this resolution aims at. I have during all this session and previously been seeking and obtaining very important information touching this question and the abuses referred to in that resolution. There is no doubt at all in my mind that there have been many such abuses, many evasions of the existing law. Classes of immigrants are being brought to this country practically in slavery, in violation of every principle of our statutes, and greatly to the injury of the public. These abuses ought to be remedied by suitable legislation, and for that purpose we ought to obtain all the information practicable. A special committee of suitable men ought to be raised. They ought not to be cramped by too strict a limitation upon the amount to be expended, and they ought to have a fair amount of time in which to investigate this matter to the bottom, so as to make a report on which every gentleman may rely and on which the House can act intelligently.

Mr. TOWNSHEND. I suggest to my colleague on the committee to accept the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. FORD. I have already agreed to do so.

The SPEAKER. The gentleman can not accept the amendment, though he may oppose it. The amendment must be voted upon by the House.

Mr. VANDEVER. I wish to inquire whether this resolution by its terms extends to evasions of the law in reference to Chinese immigration. If it does not, it should be amended so as to embrace that subject.

Mr. FORD. It does include that subject. The language is "and other classes."

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. FORD. I understand the previous question to be upon the amendment.

The SPEAKER. The Chair understood it to be upon the amendment and the resolution.

Mr. COX. It was not intended in that way.

Mr. FORD. I think it was intended to apply only to the amendment.

The SPEAKER. In that case the previous question will be considered as operating only on the amendment.

Mr. FORD. I yield for a moment to the gentleman from New York [Mr. COX].

Mr. HOLMAN. I rise to a question of order. I called for the previous question generally.

The SPEAKER. The Chair so understood; and so put the question to the House.

Mr. HOLMAN. If the gentleman from New York [Mr. COX] will renew the call for the previous question, I will withdraw it.

Mr. COX. On the amendment?

Mr. HOLMAN. No; on the resolution and amendment.

Mr. TOWNSHEND. I rise to a question of order. The gentleman did not have the floor to move the previous question on the resolution itself; he only had the floor to move the previous question on the amendment. The gentleman from Michigan [Mr. FORD] was in possession of the floor, and simply yielded to allow the gentleman from Indiana to offer an amendment.

The SPEAKER. The gentleman from Michigan did not yield to the gentleman from Indiana. The gentleman from Indiana obtained the floor.

Mr. TOWNSHEND. The gentleman from Michigan did not surrender the floor; he simply allowed the gentleman from Indiana to offer his amendment.

The SPEAKER. The gentleman from Michigan could not prevent the gentleman from Indiana from offering the amendment, unless he retained the floor, and he did not retain it. The gentleman from Indiana obtained the floor and offered his amendment. The gentleman from New York will proceed.

Mr. COX. Mr. Speaker, I desire to call the attention of the House to the great necessity of this resolution for the collection of information, and to express the hope that it may lead to the securing of further legislation in relation to our immigration system. At Castle Garden and elsewhere——

Mr. MORROW. At San Francisco.

Mr. COX. At San Francisco and wherever else there have been abuses under the existing laws, wherever there has been a failure to enforce the law, there is need of inquiry into these abuses with a view to their correction. When I went to New York City, the week before last, I was surprised to find the condition of things with reference to Italian immigration into that city. I was called upon by a gentleman who had collected facts in relation to this matter, facts certified by the Italian consul and others in New York, showing evils and abuses which the best Italian people, as well as the officials of our Government charged with these matters, desire to have corrected. Those facts disclose an abnormal immigration to this country by a class of men who are persuaded to come here by false and fraudulent pretenses; so that, instead of the ordinary healthful immigration which might be readily and advantageously assimilated, we have eighty thousand persons a year coming here under these improper influences.

Mr. FORD. Fifty thousand in one month in the city of New York.

Mr. COX. Fifty thousand in the city of New York, and in one month; men who are ignorant of our customs, who do not understand our language, who know nothing of our institutions, and who come here, many of them, mere tramps or adventurers, who frequently come to prey upon our own people.

I desire this inquiry for another reason. Men who are engaged in this business, Italians, bankers, and it is said also that the steam-ship companies have their agents in towns in southern Italy in the Calabrian country, and they induce these ignorant men, poor men, men who desire to better their condition, to leave their native country and come to the United States, to the great disadvantage of the people themselves, and to the great detriment of American labor.

I desire not only to have this investigation complete, but also to have proper legislation, which will be the outcome of it. We have the data for this resolution, facts which have been collected by the New York Herald and by other newspapers, showing the necessity for it; and as in the old English Parliament, laws were passed under the stress of public clamor, so in this case we have enough of public clamor to justify the adoption of this resolution; and I trust, sir, that it will result in strong, stringent, perhaps drastic legislation would be a better word, so as to remedy these evils of which so many and such just complaints have been made. I hope an adequate amount will be given for the investigation. I do not think the sum here proposed is sufficient.

Mr. WEAVER. It ought to be $5,000.

Mr. COX. I would not, therefore, limit it as to expenses merely. It involves other important elements connected with our prosperity, and I would, therefore, vote down $3,000, and give what the committee ask.

Mr. DINGLEY. Mr. Speaker——

Mr. FORD. I demand the previous question.

Mr. MORROW. I hope the gentleman will not do that.

Mr. FARQUHAR. That will never do. Gentlemen on this side want to be heard.

Mr. MORROW. Give me a few minutes, anyhow.

Mr. FORD. I will withdraw the demand for the present, and yield three minutes to the gentleman from California [Mr. MORROW].

Mr. DINGLEY addressed the Chair.

The SPEAKER. The gentleman from Michigan has yielded to the gentleman from California three minutes.

Mr. MORROW. Mr. Speaker, I am exceedingly glad that this House is at last confronted with the importance of this vital question concerning the character of our present enormous foreign immigration. It is a question that has long and grievously agitated the people of the Pa-

cific coast, and we are familiar with all its worst phases. If it has now become a national question, affecting the more populous East as well as the extreme West, we may reasonably hope for effective measures of relief in the protection of the whole country against this foreign invasion.

On the Pacific coast we have confronted this condition of affairs relating to foreign labor for more than thirty years, during which time our laborers have been compelled to come into competition with the imported cheap and degraded labor of Asia, and yet our people have protested, and until recently, in vain against this Chinese immigration. We have shown that it does not assimilate and is not incorporated into the industrial system of the country.

You are now confronted with the same condition of things arising out of an invasion from another direction. A large part of this excessive immigration into New York, it is said, consists of contract laborers or hired slaves precisely as the Chinese are brought into San Francisco.

There has been an effort to restrict Chinese immigration, but the law is evaded. It is a fact that while prior to the adoption of the present law the average annual Chinese immigration into San Francisco was about eight thousand, yet under the operation of the present restriction law it amounted last year to about eleven thousand, so that this law that was intended to be restrictive has resulted in permitting an increase of immigration of these people whose labor is sold before they leave Hong-Kong. I am glad that this resolution has been brought forward, and I hope that the investigation will be thorough and cover the whole subject, including Chinese immigration to the Pacific coast, as well as the pauper labor from Europe. I hope the amendment limiting the expense of the select committee to $3,000 will not be adopted. Let the committee cover the whole ground, so that legislation may be had as fully as the subject demands.

Mr. FORD. I now demand the previous question.

Mr. DINGLEY. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. If the previous question shall be ordered, there will be one-half hour for debate, I believe?

The SPEAKER. There will not be, as debate has already taken place. Under the rules of the House if no debate had occurred the gentleman's suggestion would be correct.

Mr. DINGLEY. But there has been no debate.

The SPEAKER. The gentleman from California just addressed the House on the subject. Other gentlemen have spoken upon it.

Mr. DINGLEY. I ask the gentleman to give me five minutes. [Cries of "Regular order!"]

Mr. DOCKERY. We do not want to debate the resolution, but to pass it, and not take up time talking about it.

Mr. FORD. I am sorry I can not yield.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Indiana.

Mr. FARQUHAR. Let it be read.

The amendment of Mr. HOLMAN was read, as follows:

And the expense of this investigation shall not exceed $3,000.

Mr. KERR. I wish to ask if the amendment proposed by myself to require a report at this session is not before the House?

The SPEAKER. The gentleman did not move an amendment. The Chair stated at the time that there was an amendment then pending, and until it was disposed of another amendment would not be in order.

Mr. HOLMAN. I hope the gentleman will be given an opportunity to submit an amendment of that kind so that a report may be made at this session and that action may be taken promptly.

Mr. TOWNSHEND. Regular order.

The question being taken on the amendment of Mr. HOLMAN, the House divided; and there were—ayes 70, noes 85.

So the amendment was rejected.

The resolution was adopted.

Mr. FORD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that there may be a limit imposed upon this expenditure. I ask that the limit may be $5,000.

The SPEAKER. Is there objection?

Mr. CHEADLE. I object.

ADDITIONAL ROOM FOR DOORKEEPER.

Mr. RICHARDSON. I desire to offer the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives, That the Doorkeeper of the House, subject to the approval of the Committee on Accounts, be, and he is hereby, authorized and directed to rent some suitable building, or space in a building, for the remainder of the year 1888, to be used by him for additional accommodations for the folding-room. The expense of the same shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection?

Mr. HOLMAN. There are certainly quite a number of buildings over on the ground we have bought for the Public Library which might be used for that purpose.

Mr. RICHARDSON. I will state that the Committee on Printing has investigated that fact. The gentleman is mistaken when he states there is a building there which can be used for this purpose. We have endeavored to get one of the two buildings there, but have been informed by the commissioners for the Library that they need the two buildings there. They positively refuse to allow the Doorkeeper to have access to them. The folding-room here is full. The little room that they have on the Library ground is full of books. The Public Printer is ready and anxious to deliver to the Doorkeeper from five to six thousand copies per day of the agricultural report. The Doorkeeper is not able to receive them. There is nowhere they can be placed to which the Doorkeeper has access.

Mr. HOLMAN. Will my friend allow me to ask him a single question?

Mr. RICHARDSON. Yes.

Mr. HOLMAN. A number of rooms have been rented in the Butler Building for the House. Those rooms certainly are not used. Can they not be obtained? No committee has met there since Congress began.

Mr. RICHARDSON. I understand those rooms are occupied by the committees of the House.

The SPEAKER. The resolution is not yet before the House. Is there objection to its present consideration?

A MEMBER on the Republican side. I object.

Mr. RICHARDSON. I hope the gentleman will not object, because if he does it will leave us nowhere to deliver the Agricultural Reports and the Cattle and Dairy Reports which the Public Printer is ready to deliver.

Mr. TOWNSHEND. Why can they not be sent out from the Printing Office?

Mr. RICHARDSON. The Public Printer has nowhere to fold them. He can not deliver one day's work.

The SPEAKER. Objection is made, and the resolution will go to the Committee on Accounts.

Mr. RICHARDSON. I would like to know who objected. I saw no gentleman rise. I will state that these reports can not be folded at the Printing Office.

The SPEAKER. The gentleman from Tennessee claims that no gentleman rose and made objection.

Mr. EZRA B. TAYLOR. I rise to object, Mr. Speaker.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole.

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. My question of order is that the regular order is the pending bill reported from the Committee on Military Affairs, which was under consideration on last Saturday; and that that regular order can not be dispensed with except by unanimous consent. The rule prescribes the order of business for days other than Monday. It says that after the morning hour shall have been devoted to reports from committees, or the call completed, the Speaker shall again call the committees in regular order for one hour, upon which call each committee on being named shall have the right to call up for consideration any bill, etc.

The rules prescribe that after that order has been discharged the next business in order is to proceed to the consideration of unfinished business; and after the unfinished is disposed of the rule prescribes that the next thing in order is for the House to go into Committee of the Whole for the purpose of considering appropriation bills and revenue bills. The Speaker on last Friday held strictly in concurrence with the position I take.

The SPEAKER. The regular order is the hour for the consideration of bills.
Mr. HOLMAN. I ask unanimous consent that the hour be dispensed with.
Mr. STEELE. I object.
Mr. HOLMAN. Does it require unanimous consent to dispense with this hour?
The SPEAKER. It can only be done by unanimous consent.

Now, Mr. Speaker, it will take but two or three minutes to dispose of the pending bill, and I insist it shall be disposed of now.

The SPEAKER. The Chair has decided on several occasions that the hour for considering bills could be dispensed with, when a request was made for that purpose, only by unanimous consent. But there is another rule of the House to which the gentleman from Illinois did not call attention, and which the Chair will cause to be read, under which the motion made by the gentleman from Texas [Mr. MILLS] is in order. If that motion is agreed to, the vote of the House of course dispenses with the order. If that motion is not agreed to, then the order must be proceeded with unless unanimous consent is given.

The Clerk read as follows:

Rule XVI, clause 9. At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. This is an exception to the rule which the gentleman from Illinois [Mr. TOWNSHEND] has read. That is a rule pro-

viding for going into Committee of the Whole on the state of the Union generally after unfinished business has been disposed of; but by the rule just read by the Clerk the additional special privilege is given to the Committee on Appropriations and to the Committee on Ways and Means to move, after the morning hour, to go into Committee of the Whole on the state of the Union for the consideration of their bills.

Mr. TOWNSHEND. If I understood the reading of that rule, it provides for going into Committee of the Whole after the unfinished business is disposed of.

The SPEAKER. No; after the morning hour, which is the hour for the call of committees.

Mr. TOWNSHEND. Then I submit that there is a very flagrant conflict between the rule I have read and the one which the Clerk has just read.

The SPEAKER. Not at all.

Mr. TOWNSHEND. Well, Mr. Speaker, I do not want to consume the time of the House on this matter. The pending bill will be disposed of in two or three minutes, and I ask the gentleman not to raise the question of consideration, but let the matter be disposed of.

The SPEAKER. The gentleman from Ohio [Mr. EZRA B. TAYLOR] withdraws his objection to the consideration of the resolution offered by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. EZRA B. TAYLOR. From information which I have received since I objected, I think the resolution ought to pass, and I withdraw my objection.

The resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the motion of the gentleman from Texas [Mr. MILLS], that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue. The pending question is on the third section of the bill.

Mr. MILLS. I ask unanimous consent, for the convenience of gentlemen on both sides of the House, that there shall be no vote taken on any part of the pending section to-day, but that the day shall be given to debate.

There was no objection, and it was so ordered.

Mr. MILLS. I also ask consent that the dates in this section may be left open for the present.

Mr. ADAMS. The gentleman refers not only to the date in line 1, but also to the date in line 7.

Mr. MILLS. Yes, sir. We simply want to go on with the debate to-day.

The CHAIRMAN. Unanimous consent is asked that the dates in this section be left to be determined hereafter when that question is called up.

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair desires to state for the information of the House, in view of the fact that there is to be no vote on the pending paragraph during the day, that it is unnecessary for members to move formal amendments. The Chair will recognize gentlemen for debate until the voting begins.

Mr. EZRA B. TAYLOR. With a view to shortening the debate, I wish to inquire of gentlemen on the other side if it will accord with their views to agree that there shall be a yea and nay vote in the House on the wool schedule?

Mr. MILLS. I am not authorized to make any agreement.

The CHAIRMAN. The Chair will state that any agreement of that kind would have to be made in the House, as the committee can not bind the House.

Mr. EZRA B. TAYLOR. I made the suggestion in order to ascertain the feeling of the gentlemen on the other side, and I understand that they refuse to entertain the proposition.

The CHAIRMAN. The gentleman from Ohio, on the left [Mr. PUGSLEY], desires to ask unanimous consent that he be allowed to address the committee not to exceed twenty minutes.

There was no objection.

Mr. PUGSLEY. Mr. Chairman, if there is any eloquence whatever in silence, I have heretofore been one of the most eloquent members of this House. On my arrival here I was informed by an old member that it was not considered good form for a new member to say much. He said if I would keep quiet and listen to him I might, perhaps, in the course of time, if I was duly attentive, know as much as he did. Unfortunately my limited stock of wisdom has not increased as rapidly as I hoped it would under that process, owing perhaps to a lack of absorbing power on my part. And so, as I represent a district which cast 37,000 votes, which is twelve times as many as are represented by each of twelve gentlemen here who have spoken about twelve times as often as the average of the remainder of the members, I venture a few remarks on the modest wool question, one in which my district is a good deal interested, although not to the extent of many other districts in the State, there being in the one I represent only about 120,000 sheep.

I do not desire to repeat the arguments that have been urged during the progress of this debate against the provision of the bill under consideration placing wool on the free-list, but to call the attention of the committee to one or two more evil results that would follow the adoption of that provision.

The destruction of the wool-growing industry in this country would not only be a loss to the farmer of the profits now derived from wool and mutton—it would have a tendency to impair to a very considerable extent the productive capacity of the soil, which is his only capital. There is no question of such vital importance to the farmer as the question of fertilization. How shall he preserve or improve the condition of his land? That is a question which is now presenting itself before the American farmer in the older States with startling clearness. It is one which he has hitherto considered but little. He has drawn with unsparing hand on the stores of fertility provided by nature in a new country. Even in Ohio, which is one of the best agricultural States and is so young that it is this year celebrating the centennial of its settlement, the farmers are warned by the diminished productiveness of the soil that their methods of farming must be changed. Less land must be plowed and cultivated and more devoted to pasture; less grain must be raised and sold and removed from the farm, and more must be consumed on the farm. The attention of the farmer must be given more than it hitherto has been to the raising of live-stock of a kind which will be most beneficial to his land. I submit to those at all acquainted with farming that there is no class of animals so useful as sheep for that purpose. There are none which can live so almost entirely on pasture, which require so little grain, which do so little injury by tramping, and which so quickly restore an apparently exhausted soil to a comparatively fertile condition.

This proposed legislation that would drive sheep out of this country would, I think, make unavailable a very large amount of the poorer lands of this country, and would at the same time be a serious blow at a great many farmers who, while they may not be in debt, have no surplus property to spare. It would have a destructive effect on some whom I represent. Two-thirds of the land in my district is remarkably fertile, affording every comfort to those who occupy it; but the remaining third is poor. It is poor naturally, or has been worn out by too much cultivation. It is nearly all occupied, however, and it is occupied by good, honest men. There is no way they can make a living out of those lands except by keeping sheep. Cattle, horses, and hogs require too much feed, especially grain. But by keeping a flock of from 50 to 200 sheep on such lands, and by moving them from one field to another, allowing each a sufficient rest from cultivation, a man can so improve the condition of his land as to enable him to raise the limited amount of grain required as breadstuff for his family, and also for his flock, his team, two or three cows, poultry, and enough swine to furnish him meat through the winter. From these sources and the fruit and vegetables he can raise, a poor man on a poor farm can live decently and raise his family decently.

I know a good many such men as that, and I have great respect for them. They are good citizens. They do their duty to the very best of their ability to their families, to their neighbors, and, when called upon, to their country. They are endeavoring to educate their children and to bring them up in the right way, and to elevate them to a position better than their own. I would not like to see the burden of those men, already heavy enough, made greater than they can bear. I would not like to see them driven from their humble but independent homes to become day laborers for others. But that would be the effect of the passage of this bill unamended in this particular. And not in my district only, but to a much greater extent in many other places scattered over the whole country. But, says the President of the United States, in substance, it can only injure the owner of fifty sheep to the amount of $36, and of a hundred sheep $72, and of two hundred sheep $144, and those sums are too insignificant to be permitted to stand in the way of an illustration of a great principle. They do seem small, and they are small to a gentleman with $50,000 a year salary, and $50,000 a year more for household expenses; but when they mean clothing, when they mean attendance in sickness, when they mean comforts and necessaries of which a man and his family would otherwise be deprived, they are not so insignificant; they are, on the contrary, of very great importance. But, say the free-traders, the farmer will get a cheaper blanket. Cheap blankets are a specialty with our Democratic friends. They seem to think that if a farmer can only wrap himself in a cheap blanket and stick a rooster's feather in his hair, and march around the country like an Indian, he will be all right. Where the money to buy the blanket is to come from after his business has been destroyed they fail to inform us. Even if under such circumstances he has the money

to purchase blankets and clothing, he can buy goods made by our own manufacturers as cheaply as those made in England, and far cheaper than he could if without protection home competition were withdrawn.

We have heard a great deal here, from those whose principal interest in the farmer is to obtain his vote, about the depressed condition of agriculture. Whatever the truth about that may be, I can conceive of no action that can be taken by Congress better calculated to do the farmer a direct and serious injury than the destruction of the forty-four millions of sheep in this country. It will not aid our farmers if you transfer all the profits of that immense business to the farmers of Australia or the Argentine Republic. It will not benefit the other farmers in the United States, and certainly not the wool-growers, if you compel the million men now engaged in that industry to go into other branches of farming already sufficiently occupied and lower prices by overproduction.

The wool-growing industry is one which has in it hope for the future if properly protected. The present duty on wool should not only be retained, it should be increased, so that within a short time we will have one hundred millions instead of forty-four millions of sheep in this country, and two millions instead of one million men engaged in the business, and furnish the entire supply of wool required by our manufacturers.

It would prevent the deterioration of the soil; it would be to the advantage of all the farmers; it would add to the number of homes for the people and to the manufacturer, who should also have adequate protection; it would increase the home market, the value of which depends upon the prosperity of the people.

Mr. Chairman, while the bill now under consideration protects the Southern planter, its effects will certainly be, and its object seems to be, to injure the Northern farmer by placing many of his most important products in competition with those of the cheap land and labor of other countries. The protection he has hitherto enjoyed is to be withheld, and the doors are to be thrown wide open to all who may choose to pour their surplus agricultural products in upon us. Notwithstanding the hypocritical lamentations that have been uttered and the crocodile tears that have been shed over the Northern farmers by the majority of this House, there is no other class so discriminated against, and whose rights are so disregarded, and yet they comprise a large proportion of the best, most substantial, and patriotic citizens of the country. The purpose would appear to be to arouse in them antagonism to those engaged in manufactures, and to secure their assistance in forcing upon all the advent of free trade. If I know those whom I represent, and their views accord with those of farmers generally, it will not be accomplished. They are fully informed as to their own interests. They know the better market protection will give them, and how it will enhance the value of their lands more to have a great manufacturing establishment with thousands of employés in their immediate neighborhood, or as near as possible to them in their own country, rather than in Europe. They know it is better that one-third of the people should be producers, and two-thirds consumers of what they raise than that all should be producers. They know that they can buy cheaper and sell dearer under protection than under free trade. They know that, if the mere 6 per cent. of their produce that is sold abroad and comes in competition with the produce of cheaper labor and cheaper lands, decreases the price of the 94 per cent. sold at home, it would be well for them if the fostering hand of the Government was still further extended to develop other manufactures that can be carried on successfully in this country, so that the increased number of employés and consumers would require the 6 per cent. now exported, and relieve the farmers from that unworthy competition. They know their welfare is dependent on that of all other citizens, and they will adhere to the policy of protection for themselves and for all. [Applause.]

Mr. MORSE Mr. Chairman, it seems to me that since the election of Mr. Cleveland to the Presidency the Republican party in this House has placed itself in a most illogical position on the tariff question. It has admitted in the Tariff Commission report and in various ways that some revision of the tariff, so as to reduce unnecessary taxation and prevent the still further growth of the surplus in the Treasury, was called for. Yet they have refused to make any revision themselves, or to consent to any revision to be made by anybody else, which looks to the reduction of duties confessedly too large, and not required for any legitimate governmental purpose.

In my service in this House for eight years under two Republican administrations I do not remember having had any like experience. Heretofore whatever party was in power some attempt has been made to correct what was wrong and bring about a better condition of affairs; but at the present time the policy of the Republican party seems to be to create a feeling of general dissatisfaction in Congress and throughout the country, apparently without regard to results and which can lead to no possible good. The Democrats can not be expected to be overjoyed at the complications which arise out of such a condition of public affairs. They have honestly attempted to bring the administration of the Government to a peace basis, and to strictly confine all Departments and officers to the exercise of their proper functions, and they find themselves obstructed in the accomplishment of this good work by the course pursued by the Republican party, which gives itself up to the expression of furious opposition when any member on this side of the House seeks to say anything with reference to the tariff, or prevent, as far as possible, extravagant appropriations of the people's money and keep taxation within proper bounds. While the surplus revenue has grown beyond all precedent, and while there is serious apprehension throughout the whole country that it may lead to deplorable results, yet when we attempt to bring about some adjustment of this unfortunate state of affairs we are denounced as enemies of American labor!

Now, every sensible man knows that without the votes of American laborers not many of us on this side would hold a seat in this House. We are in fact indebted to them for our seats on this floor, and we have received their votes because the history of the country shows that the Democratic party has always favored legislation having in view the best interests of the whole people. It can not be that we would willingly cast aside the support upon which we depend. In point of fact both President and members of Congress look for an indorsement from the people whose votes they require if they hope to succeed, and they would avoid as an act of supreme folly the advocacy of any measure which would tend even indirectly to the injury of labor or the laboring man in this country.

Whether I speak or remain silent I am liable to misconstruction, but I am not deterred by that fact from doing what I believe to be my duty. At the risk therefore of being called a free-trader—which I certainly am not; and of being called an enemy of American labor and the American laborer—which would be untrue and without a shadow of foundation—I will venture to express my views on the pending proposition reported from the Committee on Ways and Means for the revision of the tariff.

It is admitted on both sides of the House, or it is at least not denied, that the surplus revenue in the National Treasury is at present so large and has continued to increase so steadily that it has become a serious inconvenience and embarrassment, if not a positive menace, to our business interests. The burning question of the hour, therefore, is, what shall be done by Congress? It should provide a remedy for this recognized evil with the least possible delay and in the most effective manner, looking to the general welfare and not merely to special interests.

It is not contended anywhere, or by any one, that it is the right of any government, national, State, city, or town, to tax the people beyond what is actually necessary for a proper and economical administration of the Government. To do so is not only in defiance of ordinary business rules, but is a gross breach of trust on the part of the legislative body that indulges in such a course. Unnecessary taxation is unjust taxation; and the moment it is discovered it becomes the duty of Congress to see that the evil is removed and is prevented from increasing.

In a word, Mr. Chairman, it may be said as an axiomatic truth, that in a country like ours, with a population of over sixty millions of people, development taking place in all sections of the country, that the amount of money we have is a fair measure of the needs and necessities of active and successful enterprise. Money is to ordinary business what blood is to the life of the human body. If we lessen the amount of blood we impair the functions of life and strength and we open the way to the very worst possible consequences.

So to take out of the channels of trade the money which is their lifeblood, and to keep on sapping the whole business system of the country by hoarding that money and withdrawing it from its fair use and office, is a crime as well as a blunder. It is in opposition to the truths of economic history of every people, and destructive in its tendencies in whatever way it may be looked at, or with whatever analogies it may be compared and tested.

Now, a growing surplus revenue influences the money market unfavorably by increasing the price of money and the rate of interest, and as a consequence restrains and lessens, if it does not paralyze and destroy, business interests. It at once arouses suspicion and destroys confidence, and the injurious results can be measured only by the extent to which the evil is permitted to exist. As an evidence of this fact let me state that one firm doing business in Boston to the amount of $10,000,000 annually, has been lost to that city in consequence of a change in the rate of interest. It is equally valuable to notice what has recently taken place by the action of the Secretary of the Treasury in complying with the law. As soon as he began to buy bonds the rate of interest fell from 5 to 3 per cent., and this within one week. It clearly demonstrated the beneficial effect of reducing the plethora of money in the Treasury and increasing the supply of money in the country for the ordinary purposes of business.

It exhibited the danger of hoarding money and the consequent disadvantage to merchants, of whom 90 per cent., at some time during the year, are obliged to borrow money, and upon whom an advanced rate of interest results in loss, and sometimes in ruin. Of course failures and financial embarrassments are largely due to speculation; but in this connection I do not include any such consideration, but confine myself at present to the influence which the withdrawal of money from the channels of trade and hoarding it in the Treasury has, in increasing the rate of interest, thereby imparing the free movement and success of business; while, on the contrary, the limitation of revenue to the actual wants of the Government and allowing the country to

expect a profit by the use of the remaining money which fairly belongs to it, will lower the rate of interest and improve confidence, and preserve a better tone, and secure a larger and more general prosperity.

I came to this Congress committed to my constituents upon a principle, and to which my party was committed, and that was to provide in the best way and at the earliest moment for the reduction of the surplus revenue of the Government. The attention of Congress was called to this matter in the most urgent and emphatic terms by the President of the United States in the exercise of his constitutional power, to inform it of the condition of the country and to recommend what in his judgment was the best course to pursue. Immediately after the organization of this House and the appointment of committees, the Committee of Ways and Means earnestly devoted itself to the preparation of a measure providing for a readjustment of duties and a reduction of revenue, for the purpose of doing away with the surplus. That committee reported a bill to the House as a result of their labors and as the very best measure they could suggest. It is pending in this House, and demands our attention and our action.

Indeed, Mr. Chairman, action upon it can not longer be deferred, as the session is drawing to a close. It is the only measure we have before us, and it must be taken for granted that it is the best one under the circumstances, or else if there were a better one, which would more certainly secure the end we are trying to reach, it would have been presented before this. But the bill of the committee is the only bill before this House. I shall therefore support it to the best of my ability as the only way open to me as a member of this House to meet the pledges I have made to the people and discharge my sworn duty to the country.

I do not propose to take up and consider every item of a long bill like this, but rather come at once to the subject under discussion.

The question of wool, upon which there has been so much said, seems to my mind to be so plain that I wonder there can be any difference of opinion about it. I am informed that the world's annual production of wool is consumed within the same period, and as we only raise 300,000,000 pounds of wool or wool-tops, I can not see what particular danger to our wool interest there can be, or why there should be any objection to allowing the wool that we need in our manufactures to come in free of duty. It is absolutely required in our manufactures, and will be imported whether the duty is more or less. Our wool will be used for the purpose to which it is adapted, but it does not begin to supply, either in extent or quality, the wool which our improvement and advance in the manufacture of woolen goods require to compete with the finer quality of woolen goods imported from abroad. I am satisfied, therefore, should this bill pass, the production of wool in this country will find a larger market and a better price than it does now, because the increased manufacture of woolen goods will increase the demand for our own wool; and the necessity on our part of competing successfully with a higher quality of imported woolen goods will be assisted in the accomplishment of that end by obtaining the finer wool at a cheaper rate, while at the same time the wool-growing interest will be kept up and stimulated in the larger demand which must necessarily arise out of more extensive and better woolen manufactures.

I know that every manufacturer believes, as I do, that it would be in the interest of every woolen manufacturer to have free wool. The only fear threatened by the opponents of the measure seems to be that what may follow, not by the passage of this bill, but at some future time the Democrats intend to make woolens free as well as wool. Now, without discussing this point politically, it seems to me that the Republican party, claiming to be able to control the next House, ought not to fear the passage of this bill, as they could easily prevent the passage of an act for free woolens, which was never thought of or intended by us. It is claimed that free wool will affect the price of American wool and thereby injure the American wool producer. Everybody knows that wool can be most profitably raised where land is the cheapest. I have no doubt we could raise more wool in this country than we do now, but the farmer may find it more profitable to occasionally kill a lamb and sell the meat than to procure the wool.

I am in receipt of a letter from a personal friend, together with a statement from the New York Economist, showing what, in his opinion, the effect of free wool would be, which I beg to insert in my remarks.

I have also another communication giving figures of the cost of making the goods under a free-wool system. We know what the effect has been of the abolition of the duty on hides. Scarcely a ship sails out of the port of Boston without carrying as a part of its cargo American leather, a part of which is manufactured by William Titt & Sons, personal friends of my colleague, Mr. HAYDEN, and supporters of my colleague, Mr. LODGE, who, I understand, export two-thirds of their production.

This is only one case, and I believe a relative and a personal friend of Mr. HAYDEN, Mr. John Cummings, is doing a large business in the same line.

The importation of hides free of duty not only did not in any way lessen the cost of or decrease the market for our own hides, but by diminishing the cost to those engaged in the manufacture of the article, it stimulated and enlarged that manufacture, and by making a larger demand for the domestic article of hides, increased the market for them.

I believe the introduction of free wool will enable us to supply at least 25 per cent. more of the woolen goods we consume than we ever did before. It accomplishes, therefore, the very purpose we have in view, because it has the double effect of reducing the revenue, which we do not need for any legitimate purpose, and it improves and extends at the same time the fineness and quality of our woolen goods and enlarges the demand for the home product. Considering in every point of view the free importation of wool, where we can get it best and cheapest, will have the effect to benefit and not to injure either our home productions or our home market—as in the case of the importation of free hides from other countries, the effect of which has been beneficial in a very marked degree. It is certainly true that our manufacture of woolen goods is improving in quality, finish, and style, and with proper facilities furnished to it, of the raw material it requires, at the cheapest rates, we must necessarily assist and not retard its growth; and every sense of justice of what is right would prompt us in this reasonable and just mode to help our own woolen manufactures in their competition to supply our home market with a better class of goods which, as we know, to a very large extent, is supplied now by importation of woolen goods from abroad.

Mr. MILLIKEN. Does the gentleman claim that the free importation of wool will make the price of wool grown in this country greater or less?

Mr. MORSE. I claim that none of the wool which we import today conflicts directly with the American wool, because it is of different fiber and different quality; and if we can get wool from abroad free, I believe that by the mixture of foreign wool with American wool, enabling us to manufacture more woolen goods, we shall naturally use more of our American wool.

Mr. ARNOLD. Do you not believe that when wool is imported free we shall soon be receiving the woolen goods from abroad free?

Mr. MORSE. I do not think that is a fair question. We raise revenue by a tariff largely in textile fabrics; that is our policy. We make wool free as a raw material, as we believe, in the interest of manufacturers and wool-growers both. It is not to be expected that we will at any time refuse a reasonable protection to labor employed in manufacturing.

Mr. ARNOLD. The woolen manufacturers are afraid of free wool, because they are afraid of free woolen goods later on.

Mr. MORSE. I have answered you. That is my statement.

Mr. BAKER, of New York. Have you considered the effect of free wool upon the sheep industry from the American standpoint?

Mr. MORSE. There is no question in my mind that by permitting the importation of wool free we can make here woolen goods of the classes we now import, and by reason of the increase of our woolen manufactures here the American wool-grower will be in as good a condition as he is now if not better.

Mr. WILKINS. I wish to put to the gentleman a question for information. He states that we must have wool from abroad to be mixed with our own wool in order to manufacture certain classes of goods. I would like him to explain what kind of wool we must import for the purpose of mixing it with American wool, and what kind of goods would then be manufactured.

Mr. MORSE. The suit I now wear is an example of cloth made of mixed wools. It is a worsted that could not be made of the common American fleece. Fashion is capricious. Manufacturers must make what the trade requires and to do that they must have choice of wools.

Mr. WILKINS. Then the gentleman from Massachusetts means to say that the foreign wool must be imported free, in order to enable us to manufacture worsted goods.

Mr. MORSE. For the manufacture of many kinds of worsted goods, and also for the production of much of the goods for women's wear.

Mr. WILKINS. Dress goods?

Mr. MORSE. Dress goods of many kinds. American wool alone can not produce satisfactory results in this class of goods.

Mr. WILKINS. Does the gentleman say that we can not manufacture from American wool as good worsteds as can be manufactured from any imported wools?

Mr. MORSE. That is exactly what I claim; that the American wool alone can not be used so as to produce goods of the class of that which I am now wearing.

Mr. WILKINS. Of what wool is that manufactured? Where does the wool grow?

Mr. MORSE. I believe it is Australian wool. The gentleman might as well claim that our carpets can be manufactured from American wool. Why are not carpets made out of the wools we produce here?

Mr. WILKINS. We do make carpets out of wools produced here.

Mr. MORSE. The records show that in the manufacture of carpets in the United States 90 per cent. of the wool used is imported.

Mr. WILKINS. I agree that we do manufacture carpets from imported wools——

Mr. MORSE. But I go further.

Mr. WILKINS. But we also manufacture carpets from wool raised

in the United States, in Arizona, New Mexico, etc. The gentleman knows that.

Mr. MORSE. But what percentage of our carpets are manufactured from such wool?

Mr. JOSEPH D. TAYLOR. There are 32,000,000 pounds of our wool used.

Mr. MORSE. I have not time to yield indefinitely in this way. My point is that in the carpets made in the United States 90 per cent. of the wool is imported.

There is another consideration, general in its character, which seems to have been lost sight of in the discussions which have taken place on this subject. We should not forget there has been marked improvement and advance in every field of human labor, and that through the inventive genius of our own people we have been able to increase the outcome at less cost than ever before. This, taken in connection with the better methods of business, has not been without beneficial results. Take as a single instance the machinery of a mill built thirty years ago and contrast it with one built within the last five years. In the latter case the new mill could be run at a profit, while the old one would be run at a loss or not at all. We are not only better manufacturers but we are also better merchants. Competition has become closer and sharper, and we are compelled to take advantage of every facility we can command in the transaction of our business and the exercise of an economy which avoids every expense found to be unnecessary. The merchant strives to deliver his goods directly from the purchaser to the consumer. The middleman has therefore disappeared from view.

Mr. ARNOLD. As a matter of fact, if the woolen manufacturer wants improved machinery does he not send to Belgium or England to procure it?

Mr. MORSE. I am aware of that fact; yet now, when we are trying to give you the privilege of importing machinery free, you object.

Mr. ARNOLD. Will not that machinery over there produce, with the same amount of labor, as much cloth per hour as it will produce in the United States?

Mr. MORSE. Does the gentleman mean to inquire whether the same labor and the same machinery employed over there will produce as much as here?

Mr. ARNOLD. Exactly.

Mr. MORSE. We gentlemen on opposite sides of the House disagree entirely on that point. My colleague from Massachusetts [Mr. RUSSELL] mentioned the other day a case of this kind, showing that shoemaking machinery used in England produced but 47 per cent. as many shoes per day as similar machines produced in the United States.

I know something about this matter from my own experience. I was born abroad and came here at the age of seventeen years, landing at Castle Garden from an emigrant ship. I had no relatives dependent upon me, I was free to act for myself, and I was able to lay by money. Immigrants are usually the young, the ambitious, and enterprising; they are stimulated by their opportunities; their labor here is far superior to what it would be at home. They leave behind those whose entanglements or lack of enterprise hamper them, and the man on this side of the water is worth twice as much as the other.

Mr. ARNOLD. Does the gentleman from Massachusetts [Mr. MORSE] claim that a loom running eighty picks per minute in Belgium will produce less cloth per hour than a loom which runs the same number of picks per minute in the United States?

Mr. MORSE. The gentleman from Rhode Island might as well suppose all the conditions of labor to be the same in Belgium as they are here. That machinery runs at our speed and people work with our ambition——

Mr. ARNOLD. But the gentleman should remember——

Mr. MORSE. Permit me to finish my statement. Here our operatives, under the stimulus of which I have spoken, work at high speed and full time. They are promptly on hand when the bell rings, and stay until 6 o'clock in the evening, when the bell rings again. They work steadily, and without the numerous holidays, irregularities, and interruptions which interfere with the productiveness of labor on the other side. If the gentleman means to make it appear that under existing management and arrangements the same results are produced abroad as here, I deny it. I claim, and can prove, that under our system we produce better results from our machines than are produced on the other side.

Mr. FELTON. Then the matter depends upon the management?

Mr. MORSE. It depends in a measure upon the difference of climate, the ambition of the workmen, and also on the fact that our institutions are different here; our laborers are more independent——

Mr. COCKRAN. Here they have hope.

Mr. MORSE. Yes; they have the chance of a future; the employé has the hope of becoming an employer, as I have done, though I had but little expectation of doing it when I landed in America.

When I began business my goods were purchased of a jobber. He bought of a commission house, and that commission house obtained its goods from the manufacturer. Since then the process has changed, and instead of buying from a jobber, and he from the manufacturer, I buy from the manufacturer directly, and save the expense of different shipments and the incidents of freight, cartage, insurance, and bookkeeping at the several places, and reduce the cost by saving the three profits of these middlemen. That is to say, that now, with my present business under the system of to-day, I save these three profits. I can purchase cheaper from the manufacturers direct than I could——

Mr. JOSEPH D. TAYLOR. Then three men are turned out of employment.

Mr. MORSE. Oh! now, we are not talking buncombe, but solid facts.

I can not make money unless I buy my goods direct from the manufacturer.

Mr. ARNOLD. You buy your goods from the manufacturer enough cheaper to save the expense of the middlemen.

Mr. MORSE. Well, I hardly claim that; I buy them cheaper, of course. If I buy direct from friend ARNOLD I will get them from him cheaper than if he sold them to A, and A sold them to B, and I purchased from B.

Mr. ARNOLD. You save three profits.

Mr. MORSE. Yes, I am saving something. I do not want to advertise my business too much; but it enables me to sell these "$10 suits." [Laughter and applause.]

We have in addition better facilities of travel and carriage by rail and steam-boat for the delivery of goods. Steam and electricity supply us with the very latest information, and we know up to the last moment where we can buy cheapest and sell at the best profits. This enables us to manufacture goods at less cost and to sell them at reduced rates. It enables us also to avoid loss by bad debts, which is an item in successful management. Twenty-five years ago, when I did only one-quarter of my present business, the percentage of loss was five times as great as it is at present, because of this item, and such I have no doubt is the experience of the merchants generally.

We are doing business upon a far better system than formerly.

We were formerly obliged to sell on six, eight, and ten months' credit, and pay from 8 to 12 per cent. for money, but owing to the facilities to which I have just referred, and the economies and better methods of business adopted, we have sold goods for nearly cash, and borrowed money at one-half the former rate of interest.

Money has accumulated in this country, and as a general rule the country is more prosperous. But we are endeavoring to aid it still further by giving free wool to the American manufacturer, which will still further enlarge the field of American industry, and help our people. You keep threatening us all the time with your free whisky when we do not want it, and you refuse free wool. Now take some of our Democratic medicine. [Laughter.] It may do somebody some good. We believe it will. We do not want your free whisky.

But besides these things, the American market has changed. Formerly money was less abundant here and all over the world. Now it must be actively used, and men with capital have the control. No man to-day can do a successful business on the credit system. He can not buy upon credit and succeed. The point I wish to make is that in the interest of business we must collect only money enough to meet the requirements of economical administration, and instead of millions of money hoarded in the Treasury it should be in the active channels of trade, in the pockets of the people.

Mr. WHITE, of Indiana. How much surplus would the gentleman take off? Fifty millions?

Mr. MORSE. Pardon me; but do not answer your own question. Reduction of surplus must depend upon existing conditions. We are fighting for a principle in this bill which you claim is a wrong one. Now, the amount of surplus to be taken off depends entirely upon what the requirements of the Government may be from day to day and from year to year. The Treasury may be in such a condition next year that it will require more money. Suppose, for instance, a war should break out——

Mr. WHITE, of Indiana. But we have not any war now. Therefore I ask the gentleman how much of the surplus he would take off?

Mr. MORSE. All that is in the Treasury, not required to meet legitimate purposes. [Applause on the Democratic side].

Mr. WHITE, of Indiana. But how much is that?

Mr. MORSE. Well, I am not a statistician. The gentleman must find the figures for himself.

Mr. WHITE, of Indiana. You claim, or your bill claims, that it should be reduced fifty millions.

Mr. MORSE. Well, do you object to that?

Mr. WHITE, of Indiana. No, I do not; but you do.

Mr. MORSE. Oh, no; that is just what we are trying to do.

Mr. WHITE, of Indiana. You had the opportunity to take that amount off of sugar the other day and absolutely refused.

Mr. MORSE. Yes; we refused your method of reduction on sugar, rice, and all that; but you must bear in mind, my friend, that we claim as much patriotism and honesty in the management of the affairs of this Government on this side of the House, and on the part of the men who framed this bill, as you do. We believe that there is a method of doing this which will do injustice to none and will be of advantage to all. We have got opinions of our own, and we have put them into this bill, and we propose to go before the country upon them. [Ap-

plause.] Now, you can go to the country on your opinions and we will go on ours. You can say that if you had had your way—which you did not—when you go on the stump in Indiana for re-election, that you would have put sugar on the free-list. I am willing to grant you that much. We are willing to go upon the bill as it stands.

Mr. WHITE, of Indiana. So are we.

Mr. MORSE. Very well.

Nor should we forget, Mr. Chairman, to take into account in summing up the results the vast and abiding influence which immigration has had in building up this great country. Who can tell the enormous advantages which have been brought to use in opening up to settlement the wild regions of the West and Southwest by these bands of immigrants? They have come to us in the bloom of their lives, and they have brought to us the labor which we needed. In their effort to make homes for themselves they have built up our waste places, and in many instances have established commonwealths which to-day are not only the strength and support of our free system of government but the pride and the glory of every American citizen.

Suppose, for example, a man owned the best gold mine in the world and yet had no one to work it for him or to purchase his product, what would the mine be worth to him? Nothing! We have vast resources, and those have been opened up by these immigrants. They have not only brought us their labor, but they have brought us their knowledge in reference to their special productions, the value of which can hardly be overestimated. It must therefore be apparent to every one that our prosperity is not altogether due to the tariff laws.

Gentlemen on this floor, in the flush of fervid declamation, talk of the mask being taken off of the Democratic party, just as if the Democratic party was sailing under false colors or pretending to be what it is not!

It is no answer to denounce Democrats as free-traders simply because they wish to reduce revenue taxation to the point where it will supply the legitimate demands of the Government, while it will not be hurtful to the people. Nor is it true, however often it may be alleged, that we owe all our prosperity to tariff laws, and that any change in those laws will be disastrous. Our prosperity is the result of our natural resources, energy, industry, economy, and justice, and it would be unsafe to depend upon any other than these old-fashioned and reliable principles for the preservation of good government.

No man can justly accuse me, as a Democrat, of failing to appreciate the wants of the country, or lacking in disposition to do that which is right and proper to be done. Still engaged in business, can it be believed I would willingly depreciate the value of my own property and advocate what I know must lead to that end?

If I had the least fear the pending bill would have any such consequence I would not vote for it. If I believed it would reduce the wages of the laboring men of the country or bring distress upon those who are engaged in manufactures or any other industries, I would be the last man on this floor to support it. Such is not my belief; but on the contrary I am firmly convinced, by every consideration which I have been able to give the subject, it will very materially help all classes and all industries by preventing stagnation of business and bringing about a more just and better condition of affairs by removing out of the way a surplus revenue hoarded in the Treasury and standing an object of apprehension and a means of temptation to legislation of the most questionable character.

In this connection a great deal is said about England, English markets, and English sympathies, and that all this legislation is for the benefit of England. By inquiry made, and the general public opinion seems to be that this very President of ours is an American, and strange it is that he should recommend only such legislation as will benefit others only and not our own people.

We have been told, also, this bill is a Presidential measure. It certainly was the duty of the President under his oath to inform Congress of the peril to our business interests and to our prosperity as a people which was apparent to every other citizen of intelligence, however humble his position might be. An effort was made in the Forty-ninth Congress to reach some mode of adjustment, but the Morrison bill was defeated, and various reasons were assigned for its defeat. It was said if it had been passed the consequences would have been so disastrous that it would result in the overthrow of the Democratic party. If the passage of the present bill would restore the Republican party to power, it seems to me we would not hear such furious opposition to it. In my judgment they do not really believe any such thing. At all events, Mr. Chairman, the Democratic party shows its confidence in the pending measure and in its justice by risking their ascendency as a party upon its success.

The use of this bill as an opportunity to attack the President is no new feature in the course of his opponents. His bold and manly conduct, his frank, open, and straightforward course, his stainless and admitted integrity, have not sufficed to save him from the attacks of carping critics and the bitterness of political opponents. Were he a prophet, and endowed with more than human wisdom, his judgment would fail to please his censors, and the oftener he was justified by the event the more constant would be their petty attempts to falsify his motives, to pervert his attitude, and to rob him of his just dues.

We had an experience of this when first he took the office. The Senate resolutions are well remembered, which called in question his reasons for certain removals from office, and demanded all private correspondence in cases of dismissal, and all know how this political dragnet failed to secure the hoped-for advantage.

The petty hue and cry about pension vetoes at times makes itself heard even at the present day; yet there is no one who has read the vetoes, unless blinded by partisanship, who can deny that the President has merely exercised that ordinary prudence and discretion which the responsibility of his office demands, and that he has differed from former Presidents only in refusing to sign fraudulent or improper bills or to pass them without examination as being too much trouble.

Then there was the battle-flag incident, with its three kinds of palsy, an incident which must bring the blush of shame to all who remember their attempt to use it for political advantage. Again, the President of the United States, as the representative of this great nation, as an act of international courtesy sent as a gift to the Pope a copy of the Constitution of the United States. To what straits a party is reduced who makes this an accusation! Yet we were solemnly told that this would bring into the Republican ranks every religious denomination outside of the Roman Catholic Church!

Now with equal grace comes the storm of denunciation upon the President's tariff message, which to every friendly mind, to every unbiased person, it is as clear as the sun in the heavens that the President was actuated only by the deepest conviction and the highest sense of the duty he owed to the country, when he reported to Congress, in language which could not be misunderstood, the crying evil brought upon the country by unnecessary taxation, pointed out the necessity of prompt action, and suggested the remedy.

I believe the country to be in full sympathy with the passage of a bill reducing the income of the Government to actual requirements. Of course the Republican party will continue to oppose the passage of the bill in every way. If the bill is wrong, why do they not submit a better one? They have not done so, although they clamor so loudly against the one which is pending. If it will have the effect to destroy values, to close factories, to throw labor out of employment, to reduce the wages of labor now employed; if all this is to follow, it ought to be shown, and the Republican party by its representatives should bring in some proposition to accomplish the object to be attained, without leading to all these disastrous consequences! Yet they have not done this, nor will they, because it will expose at once the groundlessness of all their charges and insinuation against the President, against the action of the Committee on Way and Means in this House, and against the Democratic party generally.

If I believed the resolutions of my old friend, formerly a member of this House, Ex-Governor Foster, wherein he stated the message of the President and the bill of the Ways and Means Committee are a direct and open assault upon American industries, which, if unresisted, must lead to free trade and paralyze business, I would oppose them to the best of my ability, and failing to resist the passage of such a bill, I would sever my connection with a party which could be guilty of such an enormity. But I do not believe any such thing, and am only astonished that a great party should be reduced to making such statements to meet the exigencies of an impending Presidential campaign. In my judgment the American laborer will not be humbugged by any such nonsense, nor will such course of action satisfy him that the Republican party is his friend, and that the Democrats, contrary to all reason and in absolute defiance of their own interest and their own success, are marching with open eyes to ruin.

APPENDICES.

COST STATEMENT FOR MAY, 1888.

	Cost per yard.
Labor	25.3
Dyestuffs	1.5
Wool oil	2.2
Machinery oil	.5
Soap	1.5
General and traveling expense	.4
Freight	.8
Fuel	.7
Rent, insurance, and taxes	4.9
Allowances for imperfect goods	3.0
Total	40.5

In the items of dyestuffs, wool oil, machinery oil, and soap are included supplies that are used in dye-house, card-room, and finishing-room, such as belting, card-clothing, flocks, brooms, twine, and paper.

BOSTON, *July* 7, 1888.

Hon. LEOPOLD MORSE:

DEAR SIR: I forgot to say in my letter to you to-day that the labor in a yard of cassimere, such as are made at the mill I am a director in, costs no more than it does in a yard of British goods of the same quality, although we pay nominally 25 to 50 per cent. more by the day or week. Mr. Robert Bleakie will assure you that such is the fact. It is only about 18 per cent. of the cost of the goods. The manager and treasurer of our * * * mill is a rank Republican and does not want any change in the tariff, as he says we are doing well and always have made money—why not let well enough alone? He says he fears free goods soon

if we have free wool now. That is a poor argument, but it is the only one they have. With 40 per cent. duty on the goods and free wool we can almost or quite compete with the foreign goods if they pay nothing for labor and we pay the same as now.

BOSTON, *July* 9, 1888.

Hon. LEOPOLD MORSE:

MY DEAR SIR: I wrote you Saturday giving you the cost of fancy cassimeres in the United States in comparison with the cost in England and Scotland, and explaining the advantage the Americans would have over the British under the "Mills bill." I find to-day a statement in the New York Economist of the comparative cost of another article of woolen goods largely manufactured here. You will see by the statement if we had free wool we could make these goods less than they can, and compete with them without any duty; but the duty would be 40 per cent., or 27.96 cents per pound. Supposing we paid double the price for labor that they do, we should still have a margin of profit with 40 per cent. duty, as in the Mills bill.

I inclose the statement.

BOSTON, *July* 7, 1888.

Hon. LEOPOLD MORSE:

Perhaps I can give you some information of the cost of manufacturing woolen goods that may interest you. * * * The statement is correct, but varies from month to month a trifle. The item of labor varies from 22½ to 25 cents per yard. Other items may vary in about the same proportion, but the entire cost of the goods, except wool, varies from 40 to 50 cents, unless there is silk in them. This is for a fancy cassimere that sells for $1.70 to $1.75 by the case. I have been a director in this mill for the last fifteen years, and am fully posted. I inclose a statement received from the mill of the cost for manufacturing for May. You will see that the item of labor is only 25.3 cents, which is as large as any month in the year; generally is about 23 cents. Some of the other items are generally a trifle larger. I will give you the cost at the mill.

Scoured wool, 26 ounces, at 3½ cents per ounce	91.0
Labor, as per statement	25.3
Other items, as per statement (no silk in these goods)	15.2
	131.5

It costs us, with the discounts, to sell these goods about 16 per cent., so you see the profit is small.

Now supposing we had free wool, the cost would be about as follows, if we paid the same for labor:

Scoured wool, 26 ounces, at 2½ cents per ounce	65.0
Labor, as per statement	25.3
Other items	15.2
	105.5

Now let us see what the English or Scotch goods would cost, laid down here with 40 per cent. duty in accordance with the Mills bill:

Wool, the same as here, 26 ounces at 2½ cents per ounce	65.00
Labor, say 50 per cent. less (but it is not per yard any less) about	12.50
Other items about the same as they cost here	15.20
	92.70
Add 40 per cent. duty on cost of goods there	37.00
	129.70

Therefore you see we can make the goods here 24.20 cents less than a foreign article of the same quality can be laid down here, if we have free wool, and still pay the same as we are now paying for labor.

I am surprised that any manufacturer of fancy cassimeres in the country should oppose the Mills bill. I think they would not if they were not blinded by political prejudice. I sincerely hope the Mills bill, or something similar embracing raw materials on the free-list, will become a law, but I fear it will fail in the Senate.

WOOLEN MANUFACTURES—COMPARATIVE COST OF MANUFACTURING ALL-WOOL DRESS GOODS IN ENGLAND AND AMERICA.

WASHINGTON, *June* 30.

Consul Schoenhof at Tunstall, England, has furnished the State Department, under date of June 5, 1888, with a very interesting and instructive comparison of the cost of manufacturing all-wool dress goods in America and in England. The goods selected for comparison are known as "sackings." In America they are largely used for ladies' dress. They are made of carded wool, and are of plain flannel weave. They represent, therefore, flannel manufacturing in the different items of labor as well as sackings or ladies' cloth.

The American mill selected for comparison uses mostly Ohio and Michigan X fleeces, the price of which at the time Mr. Schoenhof's calculations were made stood at 35 cents per pound. A shrinkage of 60 per cent. takes place in the scouring and manufacturing, which brings the cost of the wool in the cloth to 70 cents per pound. The cost of carding, spinning, weaving, dyeing, and finishing was obtained by dividing the actual expenditures for these several purposes for half a year by the number of pounds of finished product turned out in that time; and the additional charges per pound of cloth, including general office expenses, rent, insurance, taxes, and interest, were ascertained in the same way.

a. The total cost in Massachusetts per manufactured pound of goods as described, *i. e.*, all-wool sackings used for ladies' dress goods, is as follows:

		Cents.
1. Wool		70.00
2. Carding, including scouring		3.00
3. Spinning		2.85
4. Weaving, labor:		
a. Dressing and warping	1.06	
b. Weaving	6.90	9.62
c. Burling and mending, loom fixers, and overseers' pay	.66	
5. Supplies		.85
6. Dyeing		1.90
7. Finishing		2.60
8. Additional charges		11.40
Total cost per pound		102.31

Cost of manufacturing, exclusive of wool, 32.31 cents.

The English mill with which the comparison was made used Cape or Sydney wool, for which they paid 6½ pence, or 13 cents per pound. This wool yields 6½ pounds of cloth to 16 pounds of grease wool. The wool would then stand 16 ence, or 32 cents per pound in the cloth.

b. The total cost in England per manufactured pound of all-wool sackings, used for ladies' dress goods, was as follows:

		Cents.
1. Wool		32.00
2-3. Carding, scouring, and spinning		4.00
4. Weaving—		
a. and *c.* Dressing, etc	1.33	7.40
b. Weaving	6.07	
5. Supplies		1.50
6. Dyeing		8.00
7. Finishing		4.00
8. Charges		13.00
Total cost per pound		69.90

Cost of manufacturing, exclusive of wool, 37.90 cents.

In England, in weaving, each operator operates only one loom against two in America in this class of goods.

In corroboration of this statement, Mr. Schoenhof furnishes a statement from another mill in Leeds. They used New South Wales greasy lambs' pieces and locks, of which the present price is 5½ pence, or 11 cents per pound. This wool shrinks in manufacturing nearly 75 per cent.

c. The total cost per pound of sackings at this mill was as follows:

		Cents.
1. Wool		43.60
2-3. Labor up to weaving		4.35
Supplies, machinery, coal, etc		12.80
4. Weaving, labor		9.15
Weaving, machinery		6.50
Milling and other sundries		1.01
Labor sundries		5.20
6. Dyeing		11.10
7. Finishing (60 per cent. labor)		7.16
Total		$1.0087

Cost of manufacturing, exclusive of wool, 57.27 cents.

The manufacturer has calculated here the supplies, item 5 in the previous statements, and the charges, item 8 in the previous statements, in with each separate manufacturing process, and profit and discount in with the general charges. Mr. Schoenhof deducts 7½ per cent. for discount and 10½ per cent. for profit, making the manufacturing cost per pound 40.25 cents. Mr. Schoenhof says that he only introduces this statement in corroboration of the first, which he had examined personally and obtained the items in more specified form. The latter account was mailed to him after he left Leeds.

The close approximation of two accounts from different parties unknown to each other as furnishing the information, he considers valuable confirmation of general correctness. "Mathematical accuracy," he adds, "can only be obtained where, as in America, one mill makes one class of goods only, and then only with mental reservations, as even here different kinds of goods though of the same class are turned out in the year's run. But if we come within a fraction of a cent for each manufacturing operation in all-wool dress goods to reliable information of comparative values, we have covered all that can be reasonably expected for the purpose of this inquiry."

Mr. Schoenhof says:

"The weaving wages per pound of finished cloth are nearly the same as in America. The running yard shows more difference. The American goods of which my samples are 50 inches wide; the English are 54 inches wide. The 54-inch goods are, however, also largely manufactured in America, but as a rule about an ounce heavier per 54-inch yard than this class. The English wages of a weaver in woolen mills, mostly girls, are from 12 shillings to 15 shillings a week—not one-half the American pay. That the weaving cost to the manufacturers is the same is due to the greater working power and quickness of the American operatives, who, no matter what their original nationality may be, soon learn to take up the quickness and sprightliness of their better-trained American associates.

"I have often been told by English manufacturers, when speaking of this phenomenon of small output, large number of hands, and similar disproportions in the two respective working worlds, that they knew it well. They say, and my informant in this line among the rest, that an English girl is satisfied if she earns 12 shillings, or, if she is clever, 15 shillings a week, and does not exert herself to go beyond that. I have found, however, exceptions to the rule, and we find in England variations of an almost unlimited number from the most progressive to the most stagnating method.

"The manufacturing cost per pound of finished goods is 33 cents in America, against 38 cents in England, 5 cents less in America; but the wool costs 38 cents more in America, in part on account of the wool duties. In other words, if we had the wool at the same cost as the English, we could produce at 64.31 cents what it costs in England 69.90 cents to produce. Our wools, of course sell at as much higher rates over foreign wools as the duty and charges amount to. The cheaper the foreign wools the greater the disproportion between our price and the foreign wool price. The wools used in England, cheap colonial clothing wool, though very short, are admirably adapted to that class of goods. They give a much handsomer face and add a luster and life which ours seldom show. Most of them are even of smaller shrinkage than ours of corresponding nature. Some of them, however, as the wools used by the manufacture C, are absolutely prohibited.

"There the wool costs 11 cents in the grease, but the manufacturer importing the wool has to pay a fine at the custom-house of 10 cents, not alone for the wool he uses, but 10 cents for each pound of grease and dirt, which he has to import along with the wool, and is lost in the scouring; consequently 4 pounds of wool, as in Exhibit C, are required to produce 1 pound of cloth 4 by 10, or 40 cents on 43.6 cents' worth of wool. (A wool of this sort would cost the American manufacturer fully 11½ cents more per pound of greasy wool, as not alone the duty but also the extra freight and charges, brokerage commissions, etc., have to be counted, so that the 44 cents in the 4 pounds required for a pound of cloth would cost him 90 cents, or 105 per cent., more than the English manufacturer has to pay.) Our custom-house statistics only show the rates paid on what is imported and never on what is excluded by prohibitive duties. The excluded materials are those which make the success or failure of manufacturing. The excluded materials, on the contrary, however, always find a way into the United States in the form of manufactured goods.

"The dyeing is done in America in most mills by the manufacturers; in England, by separate dye-houses. In America large quantities of similar goods, and frequently of one color, are dyed in a day's work; in England large and small quantities of dissimilar goods are lent to the dye-house from a large number of firms. A large woolen mill in Massachusetts dyeing in the wool only, gave me as the daily average quantity of indigo-blue dyeing 6,500 to 7,000 pounds of wool. For this they employ from forty-five to fifty men at $1.15 a day. Taking fifty, the larger number, they would pay $57.50, and with the head dyer, say, in round numbers, $60 a day. These men, however, do the scouring likewise of the same quantity of wool. The dyeing and scouring therefore costs in labor only six-sevenths of a cent per pound. The mill is known for paying smaller wages than is general. On the other hand, this statement shows how much saving

can be effected when operations are conducted on so large a scale as in this mill and with no changes in the dye, etc.

"Whatever the causes, whatever the advantages or disadvantages in regard to the ultimate result in the character, quality, or appearance of the goods, one thing is certain, that so far as the cheapening of price is concerned our manufacturing system seems to have the honors. I only allude to this phase now inferentially. I reserve to myself the task in summing up the result of my inquiries into the manufacturing cost and working methods of different nations, to return to and more fully treat this very important subject in the economy of production. My present aim only is to report the facts." T. B. K.—*Correspondence Journal Commerce.*

Mr. O'DONNELL. Mr. Chairman, I have felt that a fair and equitable revision of the customs laws was essential. I wanted such changes as would be just to all portions of our people. By this method the inequalities could be corrected. I waited with considerable patience for the appearance of the bill so long under discussion. A perusal was disappointing. I do not term it a sectional bill. But as I look it over I find it knows no North, no East, no West; it is all South. The industries of my State are assailed quite completely. The wool-growers look upon the presentation of this measure as the harbinger of ruin. The farmers of the North, as they look upon the uncertain prospects of the crops for the season and realize the depressed condition of the sheep husbandry, feel that their great industry, which they have for years labored to create and foster, is about to be stricken down. The growers of wool will, if this bill become a law, see their flocks increase and look on as men who count a loss. Careful estimates show that the clip of wool in the United States amounts to nearly 3,000,000 pounds yearly, valued at $79,000,000, the product of forty-five million sheep.

It is computed that the placing of wool on the free-list would seriously injure eight hundred and fifty thousand men now interested in this industry. Those engaged in this occupation, employers and those dependent upon them, represent one-fifteenth of the nation's population. You will, by the enactment of this law, inflict great damage upon them and not benefit any of our people, for the removal of the protective duty will not reduce the price of the commodities made from wool, as those articles are already about as low as in any other country. As has been shown, this bill discriminates against the farmer and the poor man, the rate of duty being higher on the blanket which will be selected by the poor man than on that which will add to the comfort of his wealthy neighbor. Some gentlemen here, whose opinions I respect, tell us free wool will enhance the price to the farmer. I am not thoroughly versed in the science of economics possessed by the friends of this bill, who allege that its enactment will result in giving a higher price for wool to the farmer and a lower price to the manufacturer. If this doubtful problem could be demonstrated to the satisfaction of the friends and representatives of the farmer and wool-grower, this section would have a unanimous vote in this House. By the terms of this bill you remove protection from the producer of wool, but maintain it for the benefit of the manufacturer—the manufacturer who is so often denounced by the advocates of this bill, and whom you have sought to prove does not need protection.

For centuries the governments of the Old World have encouraged the wool-growers. The statutes of England, from 1275 to 1846, contain various enactments encouraging the growth of wool. In 1463 the importation of woolen cloth was prohibited, and in 1678, in the reign of Charles II, all persons deceased were obliged to be buried in woolens; if this were not done the person directing the burial was compelled to forfeit £5 to the Crown, or $25 in our money to-day. As late as 1715 the Government of England aided in inducing the production of wool and manufacture thereof; in 1750 the English Parliament prohibited the export of any tools or utensils for woolen manufactures, in order to check the wool product of the American colonies. That nation has built up its sheep and woolen industries by tariffs. She has given us a good example to follow. The protective policy of the United States made this a great wool-growing land. In twenty years, under protection, the sheep in this country increased from 22,000,000 to over 50,000,000, and the raw wool from 100,000,000 pounds to over 300,000,000 pounds annually. Had the industry been let alone, in a few years we should have been independent on the wool supply.

In 1883 Congress unwisely reduced the wool tariff, and the disaster to that industry began. In the short period of three years the flocks decreased 5,867,312, and there was a reduction of the wool clip of 43,000,000 pounds. Think of the great loss—millions of dollars taken away from the farmer and wool-grower and given to the inhabitants of other countries, when the money should have been kept at home. Last year the number of sheep in America was reduced 1,214,559 in number, the value of which was over $2,000,000—this sum lost in a single year. Look at Michigan and her wool-growers. It has been said that the number of sheep diminished in Michigan under high tariff and increased under low tariff. This error should have been corrected before. The census shows that in 1870 there were 1,984,964 sheep in Michigan; in 1884 the number had increased to 2,434,967. Three years after, under the reduction of duty, the number had fallen to 2,184,491. These returns show an increase of 450,000 in Michigan under the tariff of 1867, and a decrease of 250,576 under the operations of the lower duties by the act of 1883.

Last year Michigan produced 13,734,526 pounds of wool from 2,113,000 sheep, and now it is proposed to still further injure the farmers and wool-growers by sweeping away what little protection there is left them. No one has asked to have wool placed on the free-list, while thousands from my own and nearly all the other Congressional districts have appealed for their rights. You have not even read or heeded their petition for redress of a great threatened grievance. You of the majority, if you pass this bill, injure an industry of nearly every county in the Union. The people will hold you accountable for the destruction of a great division of farming pursuits. The wool-growers and farming community protest against this invasion of their rights. They realize that wool-growing is one of their main products, being exceeded in value by only eight industries in this country. The raising of wool is worth quite $100,000,000 a year to the agricultural population, while the woolen manufactures aggregate $300,000,000 per annum. Added to these there is an investment by farmers and wool-growers of $400,000,000 in sheep, barns, sheds, and other necessaries to properly care for the animals.

It is estimated that there are 467,452,499 sheep in the various countries of the world. Of the owners of the millions just spoken of the United States of America stands fourth among the possessors of sheep, having over 45,000,000 of the wool-bearing animals. The wool product of the United States is more than one-sixth of that of the wool-growing countries of the world. Do you wonder that the wool-growers desire to protect their interests? They feel the legislation contemplated in this measure will be a most serious menace to their rights and interests; that its passage will paralyze a stupendous industry and inflict great wrong and irreparable injury. Let this bill become a law and you will see exemplified the old saying, "Great cry and little wool;" the owners of sheep will cry out in a manner that will be heard, for this measure will give them little wool. The sheep-growers and farmers have suffered much of late years from unwise, unjust, and uncalled-for legislation; now it is proposed to complete the destructive work. The keeping of sheep ordinarily serves to make grain-growing profitable, for, as the Spanish proverb says, "The foot of the sheep is shod with gold;" but now wool is so low that the profit is infinitesimal. I have quoted the Spanish proverb; the Spanish wool-growers always see to it that they are protected.

The reduction of the duty on wool has, since 1883, added greatly to the importations, the receipts from duties on wool in four years were nearly $22,000,000, the aggregate increase following the reduction being $6,000,000. The lowering of duties added to the surplus, and injured the wool-grower, while failing to lessen the cost of woolen goods. The manufactures of wool imported fell off a little after the reduction, but last year the importations were larger than in 1883.

It is in the power of Congress to restore this industry to prosperity. Re-enact the duties levied in 1867 and you will at once see a great revival in the growing of wool. If this country should prohibit the importation of waste, shoddy cloth, or clothing made from that stuff, and, if possible, prevent the manufacture of shoddy, it would promote health, aid prosperity, and in a few years the United States could supply all its people with woolens at very low prices.

THE CLASS OF DUTIABLE GOODS.

In the fiscal year ending June 30, 1887, the governmental receipts from imports amounted to $217,225,163; of this sum over four-fifths, or $176,802,933.48, came from ten classes of articles. The ten alluded to are as follows:

Sugar	$58,016,684.34
Wool, and manufactures of	35,629,534.13
Iron and steel, manufactures of	20,713,233.89
Silk, and manufactures of	15,540,300.70
Cotton manufactures	11,710,719.88
Flax, hemp, jute, etc	9,497,981.74
Tobacco	9,127,758.26
Wines and liquors	7,402,242.82
Chemicals, drugs, etc	4,654,165.24
Glass and glassware	4,510,312.48
Total	176,802,933.48

After these ten classes have paid the sum above, the remaining fifth is collected from hundreds of other articles.

THE FREE-LIST UNDER LOW TARIFF AND THE PRESENT TARIFF.

Let me call the attention of the House to the fact that in 1854 the number of classes of articles dutiable numbered three hundred and thirty, while there were on the free-list but twenty-eight, the importations of the latter being valued at $25,580,000. That was under the operations of the tariff of 1846. Last year the imports of articles into this country free of duty were valued at over $233,000,000, more than $200,000,000 greater than came in free of duty in the halcyon days when the country was struggling under the tariff of 1846—an enactment approaching free trade, adopted at the time Great Britain embraced that theory.

I cite these facts to show that it has been the policy of the Republican party to enlarge the free-list, to take off duties from those articles which we can not produce here, and secure a revenue and encourage the production of such as can be manufactured in our own country.

THE PRESENT TARIFF—THE FREE-LIST.

It has been stated and restated here and everywhere else in this land that the present tariff law, an act devised by well-wishers of their country and statesmen who desired the prosperity of the nation, but whose

work is denominated a "robber tariff" by members here, levies duties on over four thousand articles. A careful review of the existing law demonstrates that the number of times rates of duty are mentioned therein is exactly six hundred and fifty, while the number of articles in the official schedule for collection of duties aggregate nine hundred and ten. In this list are thirty-eight articles of cotton manufacture, one hundred and seventy-two of iron and steel, twenty-two kinds of liquors, thirty-two enumerations of lumber and manufactures thereof, seventy-three grades of wool and its product, thirty-five gradations in sugar, twenty-four qualities of tobacco, and so on. It requires, however, a mathematical mind to sum up forty hundred articles dutiable. To do so requires revision reform arithmetic.

In looking at the free-list I found four hundred and twenty-five classes of articles in the present law.

A few evenings since, after listening, as is my custom, to the debate on this question during the day's session, I glanced at the list of articles admitted free of duty under the tariff law, and concluding to adopt the reform arithmetic for the time, I went rather hastily down the columns of the free-list, and I found in my hasty enumeration that there were some nine hundred and seventy-eight articles imported on which there is no tariff, tax, or duty. I flattered myself that this was an achievement and a contribution to economic knowledge. The next morning I was perusing a pamphlet on the great question of the hour, and soon learned from its pages that the tariff law of the United States of America, enacted under Republican auspices, admitted two thousand articles free of duty. I shall not enumerate the different articles of the classifications hereafter.

MAKE NECESSITIES FREE.

To enlarge the free-list and admit products that can not be advantageously raised here is excellent doctrine and worthy of emulation. Under Republican control tea and coffee were admitted free of duty, and that doctrine can be made sweeter yet by the addition of sugar to the list under the heading "free of duty." Then attach to them another article of food, rice. You know Republican policy in 1872 caused anthracite coal to be admitted free of duty. Under the operation of the existing tariff act, during the last fiscal year the worth of the imports subject to duty was $450,325,322, while the importations paying no duty amounted to over half of the value of those subject to duty, or $233,093,651. During the last fiscal year the United States received customs duties to the amount of $217,225,163, from 910 articles. The nation standing next to this in commercial greatness is England. Last year the Government of Great Britain exacted $98,611,510 in duties on 19 different products and their subdivisions. In this sum not a farthing came from impost on sugar.

ENCOURAGEMENT TO THE SUGAR CULTIVATION.

I know gentlemen will say that the cultivation of sugar should be encouraged in this country. I agree with them, and two years ago took the initiative in this matter. It has been a source of gratification for me to listen during this debate to gentlemen from various States who have maintained the idea I advocated here on the 20th of March, 1886. Last year we imported 2,781,257,878 pounds of sugar; the product of this country was 344,762,880 pounds; the consumption is over 3,000,000,000 pounds. The small amount produced in this country is from about 150,000 acres of land. Time has demonstrated that the tariff on this article has not increased the supply from our own country. If we pay a bounty, this will aid those in the industry now and may stimulate other sections to press forward in the sugar-producing effort. Germany, Russia, and France by this means created the greatest sugar product of the world, and Belgium, Austria, and Holland benefited their subjects and founded a new avenue of trade by encouraging the cultivation of sugar. The prize is worth the effort.

GOOD MEASURES OF RELIEF.

If we take sugar, which paid over $58,000,000 last year in import duties (and over $3,000,000 export duty to other countries), and rice, which yielded not quite a million dollars into the Treasury on imports, and put them on the free-list, we will have reduced the revenue $59,000,000 and given us a free-list every way admirable and beneficial. Then, if you want to help the country more yet, reduce postage to 1 cent per ounce, thereby saving the people $26,000,000 more each year and keeping the money among the people instead of distressing so many of our inhabitants by accumulating in the Treasury. Then reduce the present exorbitant postage of 16 cents per pound on seeds, plants, bulbs, and cions to 4 cents. This measure we owe to the farmers. They do not enjoy any of the great benefits of the postal system in free deliveries and numerous mails, but instead pay high for the support of the postal department and have few of its advantages. This will be simple justice to the agricultural community. You can, by appropriate legislation on these three items, at once stop the flow of money into the nation's hands, leaving it among our citizens, and the reduction by this method of $85,000,000 per year will revise the tariff satisfactorily, save the people millions of dollars, and do away with the perils surrounding the plethora in the vaults of the United States. Try this method, end this debate, and give the country rest.

A DIFFERENCE OF OPINION.

Our laws relating to customs revenue are denominated by the present Executive, who has taken an oath to enforce them, as "vicious, inequitable, and illogical." This statute of the United States is thus described by the President of the United States. In rebuttal of this Executive utterance I summon Germany's great ruler, Prince Bismarck, the statesman whose genius created a mighty empire from discordant principalities. May 14, 1879, Bismarck declared that the prosperity of the United States was mainly due to the system of protective laws, and he successfully urged that Germany imitate our example. The governments of the world are adopting the system here. In but five nations now is there any leaning toward free trade—England, Turkey, Norway, Austria-Hungary, and Holland. Germany finds the protective policy restoring her prosperity. She realizes the profound truth of the declaration of her great economist, Frederick List, who passed from earth in 1846, but before his end impressed upon his countrymen the maxim that should be cherished by every people, "that the markets of the nation should be reserved to the labor of the nation."

THE PROSPERITY OF THE NATION.

The United States of America now stands in the front rank of the nations of the world—leads them all; the aggregate of its industries are larger than that of any other people. Mulhall, acknowledged to be the most eminent of all statisticians, in his Dictionary of Statistics, places the industries of the United States at $11,405,000,000 per annum, which is $2,205,000,000 greater than those of the United Kingdom of Great Britain; nearly double those of France; almost twice as large as those of Germany; nearly three times as large as those of Russia, and very nearly equal to the combined industries of Austria, Italy, Spain, Belgium, Holland, Australia, Canada, and Sweden and Norway. These figures photograph the mightiness of this nation, and fix its rank in the industrial world. This eminent, proud, and prosperous place in the nations of the universe has been mostly created under the protective policy—a policy which should remain undisturbed, and the Republic and its people permitted to continue the advance to greatness.

In the above estimates Mulhall places the industries of the United States at $11,405,000,000 yearly. This is regarded as a low estimate. Our economists think $14,000,000,000 would be nearer the figures. In the wealth of nations, the United States of America stands as the richest of all. Its possessions increase $875,000,000 each year, while France adds to its wealth $375,000,000 per annum, Great Britain $325,000,000, Germany $200,000,000. Our customs laws do not prevent the growth of wealth, intelligence, and happiness, but on the contrary promote these great blessings.

"THE MARKETS OF THE WORLD."

We are told that if we remove and reduce our tariff we will enjoy the markets of the world. If we were to sweep away every custom-house to-day, expunge every law from our statutes that levies a tariff, and make the country absolutely free-trade, does any one think that any nation or people would buy more of us than they wanted? No. You would find that we had not increased our trade with other nations. The effect would be to break down our industries and help those of other countries. The manufacturing nations want to sell, not to buy. In the fiscal year ending June 30, 1887, we bought of Mexico, the Central American States, British Honduras, and the twenty governments of the West Indies and South America products to the value of $172,468,526—over one-fourth of all our purchases from the outside world. In return, how much did we sell to them of our products and manufactures? Only $64,904,479 worth—a little over one-third as much as we bought of them. It can not be said that our tariff prevented them from buying from our people, for over one-half of the articles we bought of them were admitted free of duty. I append a table I have prepared, giving the imports from the countries named, our exports to, and the value of goods brought here free of duty, which is as follows:

Countries.	Imports from.	Exports to.	Imports free of duty.
Mexico	$14,719,840	$7,267,129	$9,928,122
Central American States	7,637,651	2,861,126	7,195,703
British Honduras	303,283	349,510	267,197
The West Indies:			
Cuba	49,515,434	10,138,930	2,033,205
British West Indies	11,569,779	6,465,030	2,776,573
Porto Rico	4,661,690	1,707,241	74,367
Hayti	1,732,537	3,059,318	1,740,106
San Domingo	1,390,126	1,014,414	189,100
French West Indies	406,625	1,334,344	24,741
Danish West Indies	500,675	604,844	33,058
Dutch West Indies	256,695	536,300	225,939
South America:			
Brazil	52,953,176	8,071,653	47,076,473
Venezuela	8,261,236	2,827,010	8,248,450
United States of Colombia	3,960,953	5,973,965	3,934,359
Argentine Republic	4,100,192	5,671,729	3,347,936
Chili	2,863,233	2,062,507	2,437,008
Uruguay	2,818,761	1,393,725	2,381,111
British Guiana	2,739,873	1,423,211	15,212
Ecuador	1,131,169	1,049,392	1,130,934
Peru	461,726	717,968	450,147
Dutch Guiana	432,424	236,105	394,995
French Guiana	1,448	137,724	433
Bolivia		1,304	
Total	172,468,526	64,904,479	93,906,681

Gentlemen, "the markets of the world" will not come to us. We must rely upon the best market in the world, the home market, the market created by the people of our land—I repeat, the best market of the world. Let us do nothing to destroy that. Rather, when you talk your theories, remember that true saying of the great apostle of free trade, Adam Smith, who, in his Wealth of Nations, makes this admission, which you all overlook:

Whatever tends to diminish in any country the number of artificers and manufacturers tends to diminish the home market, the most important of all markets, for the rude produce of the land, and thereby still further to discourage agriculture.

Equally applicable is the observation of Alexander Hamilton, who regarded "an extensive domestic market for the surplus of the soil" as of the highest importance. He held the domestic market—

is of all things that which most effectually conduces to a flourishing state of agriculture. To secure such a market there is no other expedient than to promote manufacturing establishments. Manufacturers, who constitute the most numerous class after the cultivators of the land, are, for that reason, the principal consumers of the surplus of their labor.

WILL REDUCED DUTIES REDUCE THE SURPLUS?

There are but one or two governments in the world whose receipts exceed expenses. The United States of America is one of the fortunate nations. We are troubled with too much money, while nearly all other governments are in difficulties from deficiencies. We are embarrassed by riches. A surplus is easier to manage than a deficiency. The advocates of the bill now before us desire to reduce the revenue by reduction of duties. Will the bill accomplish the end desired? The first revenue reformer we read of was Jean Baptiste Colbert, minister of finance of France under Louis XIV, in 1661. France needed money; its exchequer was frightfully depleted and its obligations could not be met. Colbert stated he could replenish the treasury by reduction of duties. He was laughed at, but tried the experiment. The duties were reduced 33 per cent. For a time the receipts of the government fell off; this was followed by largely increased importations, largely augmented receipts from customs, and the revenue rapidly swelled, while the industries of the country languished and the people suffered for employment. The experiment was abandoned after a time.

MICHIGAN—A GRAND STATE AND ITS PROSPERITY.

Turning from the figures above, which denote the grandeur of our country, I look now with pardonable pride upon the strides Michigan has made—the grand peninsular State which is taking its leading place in the front rank of the blessed union of States. We find by the State census of 1884 much that is cheering. In 1880 the number of its farms was 154,008, and the acreage in the same 13,807,240. In four years the farms had increased to 159,605 and the acreage to 14,852,226; in 1880 it had 8,296,862 acres of improved farm lands; in four years the same had risen to 8,974,156, showing an average annual increase of 169,448 acres in improved farms, 88 per cent. being cultivated by their owners. In 1880 the farms, including lands, fences, and buildings, were valued at $490,103,181; four years later their value had increased to $571,443,462, and in the same period the value of the farming implements had increased nearly two and a half million dollars and the live-stock on these farms reached the value of $70,626,648, an increase of $15,000,000 in the space of four years. In 1883 the Michigan farmers paid $13,532,675 in wages to farm hands.

These figures eloquently demonstrate the prosperity of the agricultural classes from 1880 to 1884. At the beginning of the present decade there was $92,930,959 invested in manufacturing. In four years this had grown to $136,697,397, an increase of almost 50 per cent. from 1880 to 1884. In 1880 the manufacturers of Michigan gave employment to 77,535 persons, and four years after the industries required 127,007 workmen, an increase of 50,000 wage-earners in forty-eight months. The wages paid in 1880 were $25,313,682, which ran up to $44,213,739 in 1884, an increase of nearly 80 per cent. The material used in 2,228 (or more than one-fourth) of the manufacturing establishments of the State is taken directly from the forest tree, requiring $62,303,000 capital and employing 53,297 persons, who were paid $17,310,227 in wages in 1884. These are genuine home industries with the raw material right at hand. The mines of Michigan employed 13,193 workmen in 1884, paying them $6,286,355 in wages. These mines required a capital of $41,441,962. In the Michigan fisheries 1,338 fishermen in 1884 earned $253,683, and these 316 fisheries had a capital of $702,365.

In concluding this gratifying reference to the glorious State which I have the honor in part to represent, I desire to say that Michigan has prospered in the past and is prospering now. The agitation of the tariff has injured that Commonwealth some, as it has all portions of our land. This agitation is a disturber of prosperity, and only unsettles and injures the welfare of all classes. This will in a few months come to an end. Let me state that the value of the farms of Michigan have increased $81,000,000 in eight years, and the personal property on these farms in the same period was augmented to the amount of $17,000,000. Here we have $98,000,000 of wealth added to the possessions of the farming community in the short period of eight years. Then the addition to the manufacturing capital of the State in the same period was $44,000,000. The actual wealth of Michigan in 1880 was given by the census at $1,370,000,000. Its progress has been so great that now its wealth is estimated by the best of authority to have reached the colossal figures of $2,000,000,000, an increase of $630,000,000 in eight years. So long as the tariff affords such magnificent results of greatness and prosperity, so long will we maintain the system, thereby promoting the progress of all our people.

FARM MORTGAGES.

Mr. Chairman, several gentlemen on this floor have dwelt with "ghoulish glee" upon the fact that many farms in this country are encumbered with mortgages. Some orators have enlarged upon the subject with such extravagance that they demonstrated the farm mortgages nearly exceed the value of the property, which, were their statements true, would indicate we have in this land very liberal money-lenders. Then the orators aforesaid demonstrate to their satisfaction that these mortgages are due to our tariff laws. Were there no mortgages in this country when we by law approximated free trade? Indeed there were, and in those days of trouble and hard times foreclosures were terribly frequent. Michigan, with the mortgages in that State, has been quoted. I find by the census of Michigan that the assessed valuation of its farms was $335,378,025; on which farms there were mortgages aggregating $64,392,580, an incumbrance of less than 20 per cent., not on the actual value, but on the assessed value. And the friends of this measure pending propose to diminish the opportunities for payment by inaugurating hard times. If the mortgages in this country are occasioned by the tariff, does free trade make such evidences of indebtedness impossible? Let us see: Mulhall tells us that the mortgages on the farms of England are 58 per cent. of their total value.

Sir Edward Sullivan, member of parliament, of England, relates the gloomy fact that—

Since 1876 the value of lands and the income from farms in England have fallen from 30 to 50 per cent., but the interest on the mortgages remains the same.

Lord Derby states the losses of English land owners have been $1,500,000,000, and the losses of tenants $600,000,000. He furthermore says that hundreds of thousands of acres have gone out of cultivation in ten years. During the last session of Parliament, Hon. Henry Champlin, in his speech, with sorrow alluded to the great falling off in tilled lands, the decrease of cattle and sheep, and of 700,000 persons idle from the paralysis of English agriculture. From this gloomy picture of the land of free trade we turn, determined not to permit the hands of national progress to be turned back, but instead to keep in mind the homely but safe maxim, "Let well enough alone."

But let us go back to the subject of mortgages in Michigan, for the whole has not yet been told; one phase of the subject has been overlooked or forgotten. There are in Michigan about 25,000 farmers who came from foreign climes, most of them from lands where free trade is the law. They left their native places solely with the purpose of bettering their condition, inspired with the hope and desire of owning the soil they were to till, believing that under our laws all true wealth comes from the kind earth. They are frugal, industrious citizens; they brought to the State their savings, and the 25,000 added to our wealth $4,663,188. This money they invested in Michigan farm lands, borrowing $11,191,714, making a total investment of $15,824,902. To-day their farms are worth at a low valuation $65,000,000. These adopted citizens have added $50,000,000 to their own possessions, augmenting the wealth of the Commonwealth that sum, all from an investment of less than $16,000,000, three-fourths of which was originally in mortgages. Let me add, in concluding this reference to farm mortgages in Michigan, that the report from which I quote states that during the last fiscal year but 1,667 mortgages were foreclosed for non-payment, and part of the lands sold were redeemed.

"THE GOVERNMENT ECONOMICALLY ADMINISTERED."

It is germane to the subject being discussed to speak of the administration of the Government. There is a familiar reform phrase relating to the Government economically administered. We remember four years ago the country heard from the press and the hustings many marvelous tales about the extravagance of the party then in power. Have the expenses of the nation been reduced since then? If so, when and where? The appropriations for the fiscal year 1885, regular, annual, and permanent, were $302,179,381.73; those for 1886, the first year of the present era of reform, ran up to $330,645,507.87, an increase of $28,466,126.14; those for 1887 were $355,357,584.58, an increase of $24,712,076.71; those for 1888 were $360,357,524.83, an increase of $4,999,940.25. The estimates furnished by the Departments for the coming fiscal year figure up $384,094,527.58. Granting that this amount will be appropriated, which is quite probable, as the sum will likely be larger, the amount will be $23,737,002.75 greater than for the preceding year, making, in round numbers, $82,000,000 increase in appropriations for carrying on "the Government, economically administered," in four years. Added to this we find the appropriations for deficiencies for 1886 to have been $13,866,719.62, and at this session $14,101,400.74, making a total of $27,968,120.36.

These deficiency appropriations, added to the four regular annual

and permanent appropriations for the four years of the present Administration, will make an increase of $109,883,266.21 in conducting national affairs when the Government is economically administered. These excessive appropriations can not be attributed to Congress, for I find that the Department estimates were reduced as follows: For 1886, $44,539,706.62; for 1887, $31,775,220.40; for 1888, $15,549,065.46—a total reduction by Congress in three years of $91,853,992.48 from the estimates of the heads of the different Departments who are economically administering the Government.

To make the figures more readily understood, they are tabulated below:

Increase in appropriations for fiscal year—	
1886	$28,465,126.14
1887	24,712,076.71
1888	4,999,940.25
1889 (estimated)	23,737,002.75
Deficiency appropriations for the fiscal year—	
1886	13,866,719.62
1887	14,101,400.74
	109,883,266.21

It should be remembered that another deficiency bill is to come in this session which will swell the amount over three millions more.

I remember, Mr. Chairman, it was frequently stated four years ago that the Government under Republican control was extravagantly administered, and several of you gentlemen piously and frequently invoked the people to "turn the rascals out." The people alliteratively ordered a change. But they have repented of their ill-considered acts. I do not charge there is extravagance now. If these expenditures are necessary, then the Republican administrations were economical. If there be waste, reform is necessary. The money of the people should not be wasted. The most honest and intelligent of Napoleon's brothers once said, "Gold in its last analysis is the sweat and blood of nations." Every dollar wasted by this Government by unworthy and unnecessary objects represents so much of the life-blood of the people. In eight months full inquiry will be made as to the actual condition of affairs. At that time we hope to "open the books."

INCREASE OF OFFICE-HOLDERS.

There is another matter which attracted much attention in the political contest of four years ago. The orators of the party now in power dwelt long and vociferously over the appalling fact that 100,000 office-holders were running the country, and pointed out the dangers to the nation from this class. The present Executive, then as now a candidate, was uneasy over this force of servants of the public, and alluded to the mischief they were capable of performing. So impressed was he over the situation that confronted him that he wanted a constitutional amendment to prevent him, in case of his success, utilizing the office-holding army. The country in 1884 was promised that the office-holding class under the Government should be reduced in number. Has this reform been accomplished? Nay, nay. Wonderful to tell, the office-holding brigades of the nation have been recruited, and now, with enlarged ranks, are eager for the fray.

If you will examine Senate Report No. 507, made by Senator COCKRELL, of Missouri, on page 3 of that document, you will find that the total array of "officers and employés in the several branches of the civil service" reaches the startling number of 132,072! If this species of reform continues, ere another four years goes by the office-holding forces of this Republic will become a vaguely defined host, which, like Israel of old, it is forbidden any man to number. And, Mr. Chairman, I grieve to say that this army of placemen can only be truthfully described in the language of the present Executive as "a horde of office-holders with a zeal born of benefits received and fostered by the hope of favor yet to come, stand ready to aid with money and trained political service" the reform ticket nominated at St. Louis. Here are 132,072 officials of the nation. Is it any wonder the Executive trembled when the force was an even 100,000? And yet the addition of 32,072 will not change his ideas of civil-service reform, or that of the party with which he is identified, including the "horde" spoken of by the President.

TRUSTS.

We have been told in eloquent language of the existence of twenty-seven trusts in this country. Trusts are infamous conspiracies against the rights of the people. Where is the remedy to protect the public against the encroachments of the oppressor, and why is it not applied by the legislative power? The trust claims that it is for the benefit of the people. The trust must go. Among others the great combine, composed of 132,072 of our people, headed by the highest official power in the land, must go. It terms itself "a public office is a public trust," and the thousands of office-holders rally around to perpetuate it. George William Curtis terms it a conspiracy against human rights. This trust, alleged to be for the benefit of the people, has had its day and will in a few months be relegated to the limbo of broken trusts. It is a singular fact that four years ago the trust was almost unknown. But one existed; it was the Standard Oil trust, and it aided in the overthrow of the party then in power and paved the way for the advent of reform. Since then twenty-six new trusts have grown up and flourished in this country.

THE PEOPLE'S RIGHTS.

The tariff we believe promotes the prosperity of the people. This tariff enabled the nation to carry on its war for existence; it permits a grateful country to care for its defenders; it affords the opportunity for the Government to deal justly with its soldiers and those who are dependent upon them. This justice is wrongfully delayed. For this delay there is no reason in law, right, or justice. Under the operations of our customs laws wages are higher in this country than in any other. For proof of this statement see Democratic platform of 1884, reaffirmed in 1888. The comforts and necessities of life are as cheap here and often cheaper than in other lands. Why, had it not been for this tariff the prices of everything, including the red bandana, would be much higher than now, as they were before our industries felt its stimulating effect on production and competition. Speaking of the red bandana, the alleged oriflamme of victory for the Administration, let me call your attention to prophecy which shall see fulfillment. If you will open your Bible, as you should, you will find in Ezekiel, xiii, 21: "Your kerchiefs also will I tear, and deliver my people out of your hands.' As you study these prophetic words, recall to your mind that the earth and the fullness thereof was promised to the seed of Jacob, and then remember that two of Jacob's sons were Benjamin and Levi. [Applause.]

In the name of the public weal do not turn back the hands of national progress, but let this agitation cease and permit the country to continue "the policy which inspires labor with hope and crowns it with dignity." [Applause.]

Mr. MCKINNEY. I am glad the gentleman who has just taken his seat has such faith in the old prophecies; and if those prophecies are to be fulfilled in the destruction of the bandana and the party it represents, the only thing we can do who are resting under the promise of that destruction is to show the faith that is in us and die like men.

Mr. O'DONNELL. You will do it, too.

Mr. MCKINNEY. I have no desire to make a lengthy speech on this occasion. I only wish to offer a few remarks in answer to the first gentleman who took the floor this morning, Mr. PUGSLEY, of Ohio. He told us in the very beginning of his remarks that it was absolutely necessary that the farmers in his Ohio district, especially on the poor lands, should maintain a flock of sheep because of their value as fertilizers.

Now, it seems to me that this argument of the gentleman is a very proper one, and one, too, that does not argue in favor of a protective tariff on wool. In the speech which I made on the tariff in the month of May I stated it was impossible for the State of Ohio and other States in the North to compete with the Southern and Southwestern States and Territories, because of the value of the land in Ohio as compared with the value of land in those Southern climates. But it is a fact well known to every one who has had experience in sheep-raising—and I am glad that in my early days that was my business in the State of Ohio, in a county that produces more wool than any other county in that State and the very best quality of wool—it is well-known, I say, to every one who has had any experience in wool-growing that there is no stock raised upon a farm that is so valuable as a fertilizer as sheep.

Take a poor farm in the State of Ohio that will produce but lightly of wheat, of corn, of oats, or of other vegetables and pasture your sheep upon the fields and they will enrich it, and enrich it at a less cost than it can be enriched in any other possible way. Now, I say that though there were not a pound of wool grown upon a sheep's back the farmer who dwells upon the poor lands of the district our friend from Ohio represents could afford to raise sheep upon his farm for mutton and fertilizer alone. The gentleman has very plainly shown to the House and to the country that the farmer in his district has three profits from his sheep: first, from the wool that is grown; second, from the mutton; and third, in the fertilizing qualities which result in the production of better crops. Why, I ask you, in the face of these facts, when they become a necessity to the farmer, backed by the statement of this gentleman, should this House be asked to place a high protective tariff upon wool in order that the farmer in Ohio may have a better profit, although he has three profits from his sheep already?

I want to know if the gentleman would argue upon this floor or to the country that there would be less fertilization from a sheep under free-trade than there would be under a protective tariff? It is my impression that the sheep would know nothing whatever about it, but would go on fertilizing the fields under free-trade just as they do under the protective tariff. [Laughter.]

Mr. STRUBLE. There might be a decrease in their number, though.

Mr. MCKINNEY. Well, as the gentleman raises that question, we will see about the effect of the protective tariff upon the increase or the decrease of the sheep in Ohio. In 1866, the year before the high protective tariff on wool went into effect, if I remember aright, there were in Ohio no less than 6,568,000 sheep.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, Mr. MCKINNEY was allowed to continue his remarks for five minutes longer.

Mr. MCKINNEY. From 1866 to 1877, eleven years of protection, the number of sheep in Ohio was reduced to 3,900,000, showing a decrease of 2,600,000. Now, some of our Ohio brethren say that this was because they found themselves——

Mr. WILKINS. Will the gentleman permit a question?

Mr. McKINNEY. Certainly.

Mr. WILKINS. Where did you get your statistics?

Mr. McKINNEY. I get my statistics from the Government statistical reports.

Mr. WILKINS. Statistics showing that there were over 6,000,000 sheep in Ohio in 1866?

Mr. McKINNEY. In 1866 you had 6,568,000 sheep, and in 1877 you had only 3,900,000.

Mr. WILKINS. Is the publication to which the gentleman is referring an official document? If so, I will ask him to give me the number of it.

Mr. McKINNEY. I will give it to you when I get through. In 1883 you had 5,500,541. From 1877 to 1883 you had made an increase, but still you had more than a million and a half less sheep than you had in 1866.

In the State of New York in 1866 there were 5,117,000 sheep. In 1882 there were 1,732,000. In 1887 there were 1,879,000. These figures show very plainly that sheep were not increased in number in the States I have named during the period of the high protective tariff.

In the early part of the debate upon this bill we had an address delivered here upon the subject of wool by the gentleman from Iowa [Mr. GEAR], in which he showed us a blanket and made a statement——

Mr. GROSVENOR. As the gentleman has been going into figures, I would like to call his attention to the fact that in 1866 there were about two millions and a half of people, counting every man, woman, and child in the State of Ohio. Now, does the gentleman suppose it possible that there were more than two sheep to every individual of the entire population, city and country?

Mr. McKINNEY. I will answer the gentleman's question by asking another. How many people have you now in Ohio?

Mr. GROSVENOR. Only three and a quarter millions.

Mr. McKINNEY. How many sheep have you in Ohio now?

Mr. GROSVENOR. I do not know the exact number, but nothing like the number you have stated. Your figures are totally wrong.

Mr. OUTHWAITE. His figures are too low.

Mr. LANHAM. According to the report of Mr. Dodge, the statistician, it is estimated that in January, 1888, there were 4,106,622 in the State of Ohio.

Mr. McKINNEY. If the gentleman from Ohio will go to the statistics, he will find that in 1887 there were 5,000,000.

Mr. OUTHWAITE. The agricultural report of the State of Ohio gives the number of sheep in that State in 1867 as 7,555,507.

Mr. McKINNEY. I am giving the figures taken from the statistical returns, and if the statistics are wrong the gentleman [Mr. GROSVENOR] will have an opportunity to prove that fact later. I am not giving figures as of my own knowledge. I am not here to deceive this House or to deceive the people of this country. I am here only to state facts, and when I go to the official returns of this Government for my figures I assume that they are correct, but if they are not correct the gentleman will have ample opportunity to show their incorrectness hereafter.

During the early part of this debate the gentleman from Iowa [Mr. GEAR] made a speech on this floor in which he referred to this wool question, and produced a blanket which was manufactured, as I understood, in the State of Iowa. In doing so that gentleman made the proposition that if the Mills bill should become a law it would not only destroy the wool interest of the State of Iowa, but would shut down the mill at which this blanket had been produced. This statement was received with great enthusiasm by the gentleman's colleagues on this floor. Now, that speech went to the State of Iowa, and was read by the gentleman who owns the mill where that blanket was made. In order to show the manufacturer's idea of the argument of the gentleman from Iowa, I send to the desk a letter which the proprietor of that mill addressed to a certain newspaper on that subject. I ask the Clerk to read this letter for the information of the House, as well as of the gentleman from Iowa himself, who, I hope, will give especial attention to the reading.

The Clerk read as follows:

BONAPARTE, IOWA, *May* 21, 1888.

DEAR SIR: In reply to yours of the 19th instant I would say: Our woolen factory commenced operations in 1854, and was in full blast in 1856, and we have been running continuously since that time, except July, 1863, to March, 1864, at which time, having been burned out, we were rebuilding our factory. We have run continuously since then, except stops in the winter for repairs.

The volume of our business is larger than before the war, because we have a great deal more machinery and better facilities for manufacturing. Taking, however, the amount of machinery we had before the war and our facilities for conducting the business, we had proportionately as large if not a larger amount of business then, and I know with more profit to us. Our business was much more profitable before the war than now.

If the Mills bill passes with its provisions for the reduction of the wool tariff, it is my opinion it would not reduce the volume of our business, but have a tendency to increase it. It would if passed increase our profits, and consequently our ability to increase wages of operatives. In our experience, however, the question of wages is regulated by the law of supply and demand wholly, and not affected by the tariff.

In my opinion the number of sheep has largely decreased in Van Buren County since 1860. I am a sheep-breeder, and while the sheep industry, taken for a succession of years, is always a profitable business, the profit before the tariff was put on the wool was as great and some years greater than now.

With reference to wages paid before the war and now, I have forgotten, and am unable to answer. I find with reference to my books that we paid our boss-carder in 1865 the same wages that I do now.

Yours truly,

ISAIAH MEEK.

Mr. McKINNEY. Mr. Chairman, the statement of the gentleman who flaunted that blanket in the faces of the members of this House, saying that the Mills bill would not only ruin the wool-growers, but would also shut down the mill where that blanket was produced, is sufficiently answered by this letter from the owner of the mill, who is very confident that by the passage of the Mills bill the amount of his manufactures and his profits will be increased. I am as willing to accept his statement on this subject as that of the gentleman from Iowa, who I presume knows not so much in regard to the question of manufacturing.

One word further and I am done. It is agued on this floor that if the Mills bill goes into effect and wool is put upon the free-list, the price of wool in this country will be reduced to such an extent that it will be impossible for our farmers to continue the raising of sheep for the purpose of wool production. Sir, I am honest in the statement of my belief that if wool were placed on the free-list to-day, it would not sell for one cent a pound less in this country when the next clip comes into market than it did the present year when the last clip came in. It is well known that this country produces to-day but 265,000,000 pounds of wool.

A MEMBER. How are the people to get cheaper clothing if the price of wool will not be reduced?

Mr. McKINNEY. I will answer the gentleman. It is a fact that we find it necessary to import into this country for our own consumption about 335,000,000 pounds of wool and woolen goods in various forms. This amount it is now necessary for us to purchase abroad. The only effect of making wool free will be to raise the price of wool in Europe, and to maintain the price that prevails in this country to-day. The gentleman asks how are we going to give the people cheaper clothing. The question is not with reference to the reduction of the price of wool used in the manufacture of woolen goods. The question is whether we shall in our manufacturing start upon an even basis with the manufacturer of Europe. If the price of wool in Europe should increase so as to become equal to the price in America, then whatever the price of wool may be, whether 25, 30, or 40 cents a pound, the American manufacturer would purchase his wool at precisely the same price that is paid in Europe; and there being a protection of 40 per cent. ad valorem on the manufactured goods, as provided in the Mills bill, the American manufacturer would be on an equality with the European, and by reason of the 40 per cent. protection would not be injurously affected by the competition of the foreign manufacture.

This is not a question of price, it is a question of the equality upon which the manufacturer in this country starts, as compared with the manufacturer abroad. It is a well-known fact as stated by Mr. Switzler, statistician of the Treasury Department, that if the worsted manufactories of this country in the last year had been worked to their full capacity, we would have been short 80,000,000 pounds in the wool necessary for the manufacture of worsted goods. We can not manufacture such goods as the Scotch cheviots and English broadcloths, without the importation of Scotch and English wool. The very moment that wool is put on the free-list its price in Europe will increase, so that in our manufacture of woolen goods we shall be upon the same basis with the foreign manufacturer. Hence the wool-grower will not be injured; the manufacturer will have an opportunity to increase his production; and we shall manufacture our own goods instead of importing, as we do to-day, millions of dollars' worth of goods from Europe in order to supply our home market.

[Here the hammer fell.]

Mr. CASWELL. Mr. Chairman, I do not expect to be able to call the attention of the House to any new points on this subject; I shall seek only to condense and reproduce a few facts which I think worthy of consideration. The amendment which I offered yesterday is a substantial reproduction of the tariff schedule of 1867, so far as wool is concerned.

I find, Mr. Chairman, that this country is now consuming about 400,000,000 pounds of wool annually; and the great question arises, where are we going to obtain that wool for our consumption? Shall we produce it here in our own country or shall we purchase it in foreign markets? My State is greatly interested in this question. It is a large wool-growing State, and I feel it incumbent upon me to stand here until the last moment and protest against the enactment of any law which shall destroy that industry. It is idle to say the farmers of my State or in the Northwest can continue to raise sheep if wool be placed upon the free-list. Such a law will utterly destroy sheep-raising not only in my State but in the whole country, and we shall be dependent on foreign markets for the wool we shall need for our consumption. The evil would not stop there, but it is very evident that when we cease to grow our own wool, when sheep-raising in this country is driven out and the foreign growers are in possession of our markets, there will be a large advance in the price of wool, and we shall be obliged to submit to their terms.

I notice that in 1868, just after the law of 1867, the whole number of sheep then in America was 25,000,000 head. Within sixteen years after the enactment of the law of 1867, which increased the duty, the number of sheep was increased to 50,000,000. This shows conclusively that the increased duty stimulated the production. But as soon as the reduction of duties on wool, 11 and 12 per cent. ad valorem, by the act of 1883, the number of sheep began to decline, and we suffered a loss of 6,000,000 head in the four years which followed. Is stronger evidence required to show that the duty on wool is already too low, and that it is impossible for us to compete with Australia, Russia, and South America, with their cheap labor and lands, in the production of wool? Sir, the production of wool is almost universal with us. We find sheep in every State and almost every county.

The sheep in the United States in 1887 were distributed as follows:

New England States	1,237,085
Middle States	2,968,032
Southern States	9,241,449
Western States	14,332,538
Pacific coast	9,892,652
Territories, etc	7,687,558
Total number	44,759,314

—*Wool Reporter, page* 164.

The CHAIRMAN. The gentleman's time has expired.

Mr. CASWELL. I ask for a short time longer. I will not unnecessarily consume the time of the House.

The CHAIRMAN. How much time does the gentleman desire?

Mr. CASWELL. Not to exceed ten minutes.

There was no objection, and it was ordered accordingly.

Mr. CASWELL. In 1887 the importation of wool was 114,000,000 pounds, or about 29 per cent. of the amount of wool which was consumed by the people. Shall we now increase that importation to three hundred or four hundred million pounds? If so, we must furnish the gold to pay for it. We must relinquish the occupation, so ancient and so profitable. We shall dismiss the shepherd, whose familiar calling has adorned the pages of all history wherever civilization has existed down to the present hour. We shall no longer have use for him. This will dispose of another calling which has given so much labor to our working classes.

What is the object of placing wool on the free-list? What is the object of the passage of the bill itself? My friends on the other side of the House claim, and I will not impugn their motives, that it is to reduce the price of goods and products to the consumer. Let me say to you, whenever you cheapen the products of labor you reduce the price of labor itself, and you can not avoid it. And whenever you cheapen products you increase the purchasing power of the bonds and securities, the money, the mortgages, and the notes held throughout the country by rich people. If you cheapen products 20 per cent. you increase the purchasing power of the wealthy to the same extent. Money and securities are their capital stock, their wealth, while labor alone constitutes the capital stock of the poor. You do not increase the purchasing power of his capital, but you impair it by compelling him to submit to a reduction in the price of his wages.

But you say your legislation will enable him to purchase the goods which he needs at a less price. That may be true, but you can not claim you improve his condition; you injure him by reducing the price of his labor, or I may say his capital; while it must be said you increase the value of all mortgages, notes, and other evidences of wealth in the law you would pass. Instead of legislating in the interest of labor you inflict a blow which will put the laboring man to a great disadvantage. There is no escape from this conclusion.

Why should this great blow be given to the farmers of the country? Last year there were imported into this country $74,000,000 of farm products. If this bill should become a law it will place a large additional list of farm products upon the free-list. We may look for and confidently expect, if this bill shall pass, that next year more than $200,000,000 worth of farm products and products in which the farmer is interested will find their way into this country. Are gentlemen prepared for that state of things? Is the farmer going to sit by and not complain? Why, sir, the people are already suffering from the blow leveled at their industries by this bill. I for one am constantly receiving letters making inquiry as to the prospect of the Mills bill. Here is one I have taken from the mail within the last half hour. The inquiry is "what is the prospect of the passage of the Mills bill, and the probability of putting wool on the free-list?" Says the writer: "Buyers are holding back and are not purchasing for fear of the passage of the Mills bill."

Sir, it will be difficult to estimate the injury that has already fallen upon the people arising from the fear of the passage of this bill. The depression in the wool markets is very great. The price of wool has already greatly depreciated and the growers must sell at great loss. Pass this bill and it is a long step in the direction of free trade. If this policy is to continue it will not be long before we will find foreign nations have complete possession of the American markets instead of the people of our own country.

Mr. BOOTHMAN. Mr. Chairman, this being a subject of very great importance to my district and to my State, I ask unanimous consent of the committee that I may proceed with my remarks until I get through. I think I shall not exceed thirty minutes.

The CHAIRMAN. If there be no objection the gentleman from Ohio will be permitted to proceed for thirty minutes without interruption.

There was no objection.

Mr. BOOTHMAN. Mr. Chairman, the Mills bill, in its provisions regarding wool, strikes a deadly blow at one of the leading industries of my district and State, and of the United States. I am opposed to that bill for this, if for no other reason. I am in favor of these amendments because I would correct the blunder made by the reduction of the wool tariff in 1883. I invite attention to some statistics regarding the subject of wool, which show conclusively the great injury it would be to us should the bill pass.

Number of sheep in my district in the spring of—

1883	165,246
1887	129,091
Decrease in four years	36,155

Wool clipped in the district:

1883	pounds...	631,971
1886 (the last year for which figures are obtainable)	do.....	569,056
Decrease in three years		62,915

This wool was worth not less than 32 cents per pound in our market in 1886; so that the loss on wool alone has been at least $20,132. The sheep were worth in 1883 at least $3.50 per head. This value has been reduced by not less than $1 per head by reason of the tariff act of 1883; so that the loss on the decreased number of sheep is not less than $36,155. The total wool clip for the years 1883, 1884, 1885, 1886 was 2,478,814 pounds. This, by reason of the tariff reduction of 1883, was sold at an average price of at least 6 cents per pound less than it would have brought under the tariff of 1867; so the loss here was $148,728, or a total loss to the district by reason of the act of 1883 of $205,015.

But this computation does not take into account the loss by decrease of the flocks since the spring of 1887, and decrease of the wool clip since the spring of 1886, for which no statistics are given. Broaden the view somewhat:

	Sheep.
We had in the State of Ohio in the spring of 1883	5,130,920
There were left in the spring of 1887	4,111,871
Or a loss in four years of	1,019,049
	Pounds.
In the spring of 1883 in Ohio we clipped of wool	24,349,109
In 1884	23,558,713
So there was loss in 1884 of	790,396
In 1885 we had	22,081,552
Or a shortage for that year of	2,267,557
In 1886 we had	19,702,329
Or a decrease for that year of	4,646,780
Being a total shortage in pounds for the years 1884, 1885, and 1886 of	7,704,733

Following the same rule of computation adopted for the district, the losses in the State have been, by reason of the tariff act of 1883, as follows:

Loss on decreased price of wool sold	$3,920,555
Loss on wool shortage	2,465,514
Loss on sheep killed or otherwise disposed of	1,019,049
Total loss to the State, not including loss on clip of 1887 nor on decrease of flocks since then	7,405,118

Or an average loss, to the 247,189 farms in the State, of $30 per farm.

The price paid for wool in 1887 in my district, and generally through the State, would average 32 cents per pound for the better grades. It will not average more than 22 cents the present year for the same grades. The reduction in price has been occasioned by the pendency and discussion of the Mills bill alone.

When the buyers went into the market this year they were compelled to buy upon the basis of wool being placed upon the free-list, or else assume the risk of losing upon the investment in case this bill should pass.

Capital does not invest in that way. The result has been that free-trade prices have been and are being paid for the Ohio wool clip of 1888, and the farmers must and do bear the loss. And no matter what the fate of the bill may ultimately be, that loss at least has fallen upon the Ohio farmers, and the farmers of my district, by reason of the mere discussion of the proposition to put wool on the free-list.

The wool clip with us is essentially the main dependence of our farmers, as a means of raising money to pay taxes and to meet debts coming due in the early part of the year. Coming, as it does, early in the summer season, it is about the only resource they have for these purposes.

It will be readily seen then with what galling force anything interfering with the expected and accustomed returns from this industry, strikes the homes of the common people of the land.

Gentlemen may air their rhetoric, and indulge in their dreams of trade supremacy, and felicitate themselves upon having taken a step—a long step—by this bill in the direction of ultimate free trade, which is the design they are secretly and covertly intending to accomplish. But we point to this condition of affairs in this one business, which has brought an absolute loss this one year to the people of Ohio of not less than $1,800,000 by reason of the mere discussion of your bill. This loss is one of its first fruits. If this appears in the green tree, what may we expect in the dry?

Mr. FITCH. If the farmers of Ohio lost 10 cents a pound of the r ice of their wool, did not the American consumer get the benefit?

Mr. BOOTHMAN. I will answer that question further along in my remarks, if the gentleman will do me the favor to listen to what I have to say.

Mr. DOCKERY. This is a very good place now to answer yes or no.

Mr. BOOTHMAN. I think it will come in a little better somewhere further on in my remarks, as I have got some good things of my own to say.

Much discussion has been had regarding the effect of the tariff of 1867 upon the production and price of wool. I propose to show you what effect it produced in Ohio at a time when values were not dependent upon an inflated and consequently depreciated currency; at a time when the condition of the flocks, as to numbers, and the production of wool as to pounds, may be fairly attributed to the operations of that law; I desire also to show the discouraging and injurious effect produced by the tariff act of 1883 upon this industry. To do this I have selected the period running from January 1, 1879, when specie resumption was had, to the summer of 1887.

From and including the spring of 1879, to and including the spring of 1883, we have a period when it may be fairly said the natural and legitimate effects of the tariff of 1867 would be apparent as regards sheep husbandry. We have a like period from the spring of 1883 to and including the year 1887, wherein the same opportunity is given of forming a judgment regarding the operation of the act of 1883 in this particular.

I have here a table taken from official sources in Ohio to which I invite attention, and which I submit as a part of my remarks, showing the number of sheep in the State, and pounds of wool shorn, for each year from 1879 to 1887, inclusive.

Statement of number of sheep and pounds of wool shorn in Ohio from 1879 *to* 1887, *inclusive.*

Year.	Authority.	Number of sheep.	Pounds shorn.
1879	"Ohio Statistics," compiled by State authority	4,267,261	18,671,420
1880	Census of 1880	4,902,486	21,649,414
1881	"Ohio Statistics," *supra*	4,923,174	22,651,802
1882	do	4,594,607	23,629,424
1883	do	5,130,920	24,349,109
1884	do	4,968,794	23,558,713
1885	do	4,928,332	22,081,532
1886	do	4,277,463	19,702 329
1887	do	4,111,871	(*)

*No statistics yet extant as to clip of this year.

It will be noticed by the table that from the spring of 1879 to the spring of 1883, inclusive, the number of sheep in the State increased by 863,659 head; the wool produced increased by 5,677,689 pounds, thus demonstrating the natural effect of the tariff of 1867 to have been the increase of the flocks upon the one hand and a large increase of wool on the other. And it shows also that the industry was advancing upon both of these lines when the tariff of 1883 was passed. When the tariff of 1883 was passed we had in Ohio 5,130,920 sheep; in four years that was reduced, as shown by this table, to 4,111,871, while the pounds of wool had fallen off in three years more than 4,600,000 pounds.

This clearly and conclusively shows that the act of 1883 has commenced what the Mills bill is intended to complete, namely, the absolute annihilation of sheep husbandry among our people.

I have taken this leading sheep and wool-producing State as an example of the evil effects of the tariff of 1883 upon sheep and wool raising. An examination of the question as to other wool-producing States will unquestionably show like results.

But these results could only flow from the competition with which the American farmer must contend, and which was compelled by the act of 1883.

Let us see where the danger is and what we may expect to meet if this bill shall finally become the law of the land. In order that it may be seen how much an Ohio buyer could now pay, and be safe, if the Mills bill should pass, I submit the following table, giving a comparison of the Philadelphia and London markets for such grades of wool as are commonly produced in that State, namely:

Grade of wool.	Present average market price in Philadelphia, December, 1887, under tariff act of 1883.	Per cent. of shrinkage.	Scoured cost.	Free-trade prices for wool in the United States on the basis of scoured wools of competing grades in London, Dec., 1887.	Decline, in cents per pound, in fleeces in Philadelphia necessary to reach the level of prices current in London, Dec., 1887.
WASHED COMBING.					
Ohio and Pennsylvania fine delaine, X, XX, and above	35	50	70	24½	10½
Ohio and Pennsylvania medium combing, ¾ to ⅝ blood	37	40	61	27½	9½
Ohio and Pennsylvania ½ blood combing	37	23	48	20	17
Ohio and Pennsylvania braid	34	20	42	20	14
Canada combing	35	17	42	24	11
WASHED CLOTHING.					
Ohio and Pennsylvania XX and above, choice	32	51	65	18½	13½
Ohio and Pennsylvania XX and above, average	30	53	63	18	12
Ohio and Pennsylvania X	30	50	60	18	12
Ohio and Pennsylvania medium, ¾ to ⅝ blood	37	40	61	27½	9½
Ohio and Pennsylvania coarse, ½ blood	37	23	48	20	17
Michigan and New York fine delaine	32	53	68	18	14
Michigan and New York X and above	28	53	59	18	10
Michigan and New York medium, ¾ to ⅝ blood	36	40	60	27½	8½
Michigan and New York coarse, ½ blood	36	22	46	20	16
Choice tub-washed	42	14	49	27	15
Average tub-washed	39	17	47	26	13
UNWASHED COMBING.					
Fine unwashed delaine, X, XX, and above	23	65	65	17	6
Medium unwashed combing, ¾ to ⅝ blood	29	52	60	22	7
Coarse combing, unwashed, ½ blood	27	44	48	14½	12½
Braid, unwashed combing	24	43	42	14	10
UNWASHED CLOTHING.					
Fine unmerchantable, XX and above Ohio	24	63	65	14	10
Fine unmerchantable, X and above Michigan	22	65	63	13½	8½
Fine unwashed clothing, XX and above, choice	23	64	64	13½	9½
Fine unwashed, X and above, average	21	65	60	13	7½
Medium unwashed clothing, ¾ to ⅝ blood, choice	29	52	60	22	7
Medium unwashed clothing, ¾ to ⅝ blood, average	28	54	60	21½	6½
Coarse unwashed clothing, ½ blood, choice	28	42	48	15	13
Coarse unwashed clothing, ½ blood, average	27	44	48	14½	12½
Common and burry, unwashed	20	50	40	13	7

This table was prepared by Messrs. Justice Bateman & Co., wool commission merchants, of Philadelphia, and is computed upon the then current market prices for like grades, and very clearly shows that if Ohio wool is brought into competition with like grades found in the English markets, it must be bought at from 6 to 17 cents less per pound, varying according to grade, than was paid in 1887, if the buyer would be safe; and that is precisely what is being done now in that State.

Of course this would be unnecessary and extortionate if such competition would not exist, even though this bill should pass. But such competition would arise. Why, Mr. Chairman, even under the present law it exists to a degree likely to ruin our sheep industry. You have seen how, since the law of 1883 was passed, the number of sheep and pounds of wool produced by us are steadily and surely diminishing; and the reason for this is to be found in the increased importations, mainly from the English market.

We imported in 1883, year ending June 30, the following quantities and kinds of wool, all told:

	Pounds.
Class 1, clothing wools	11,546,530
Class 2, combing wools	1,373,113
Class 3, carpet wools	40,130,322
Total	53,049,965

And this importation came in under the tariff of 1867, which imposed a duty whose average ad valorem equivalent was 45.11 per cent.

Under the tariff of 1883, imposing a duty whose average ad valorem equivalent is 41.77 per cent., we imported for the year ending June 30, 1887, the following quantities and kinds of wool, namely:

	Pounds.
Class 1, clothing wools	23,195,734
Class 2, combing wools	9,703,962
Class 3, carpet wools	81,504,477
Total	114,404,173

Of this wool England and her colonies produced and furnished us with the following quantities, namely:

	Pounds.
Class 1, clothing wools	11,256,920
Class 2, combing wools	8,464,587
Class 3, carpet wools	23,550,882
Or a total amount produced by them of	43,272,389

There were also shipped from ports in England, in the same year, the following additional quantities, namely:

	Pounds.
Class 1, clothing wools	375,767
Class 2, combing wools	1,477,287
Class 3, carpet wools	39,542,728
Or a total amount of wools purchased by English merchants and resold to the United States of	41,395,782

Thus it will be seen that England and her possessions furnished us in all, last year, 84,668,171 pounds of wool, or about fourteen-nineteenths of the whole amount of our importations. It will be no task, I apprehend, in the light of these facts, to see what foreign nation is demanding "free wool" in the United States. Nor will the task be any harder when the question is asked, "For whose benefit does England make this demand?" It is because in this, as in all other lines of commerce, she wants the American markets for England, and for England only. She owes no allegiance to the United States. She furnishes no men to fight the battles of this Union. Her sons can not be drafted into our armies to be slain, if need be, in defense of our flag. She bears none of the burdens of carrying on our Government. On the contrary, if we are to judge by her conduct in the past, she would as lief sell to our enemies as to us, and has, in all ways possible, given us to understand that she has no use for us, except for her enrichment, regardless of the injury that may result to our people and institutions, growing out of her avarice and because of competition with her degraded and poorly paid labor. It is with her a question of money to be made, and that alone, which induces her Cobden Club and free-trade theorists to cry "free wool" to this nation. The wonder is that any American who loves his country and desires to see it prosper can be so blind and deluded as to fail to see the real motive behind this specious and deluding cry.

But, Mr. Chairman, there is another matter involved in the statistics to which I have called attention, which I would note here. It is that when the rates of duty are lowered the amount of the revenue is increased. This bill proposes to reduce the revenues by putting certain articles on the free-list and by reducing the tariff on others. The revenue may be reduced by taking a duty entirely off. But great care must be taken where the tariff is only reduced in amount, if we would avoid an increase of revenue by reason of increased importations. The estimate of the majority of the Ways and Means Committee, based upon the importations of last year, of the amount of reduction to be effected by the rates of duties upon articles which still remain dutiable, although at a reduced rate, is as follows:

Importations of dutiable articles for year ending June 30, 1887, upon which by the Mills bill some duty is still left	$178,329,048
Duties collected upon these for year 1887	117,663,127
Proposed reduction of amount of duties	31,530,941
	Per cent.
Average ad valorem rate now on these articles	65.98
Average ad valorem rate proposed thereon by Mills bill	48.30
Amount to be remitted, average rate	17.68

By the tariff of 1867 for the year ending June 30, 1883, we collected of revenue on wool a sum total of $3,174,628. Our importations for that year were, as before stated, 53,049,965 pounds under a tariff duty of about 5 per cent. less ad valorem equivalent. We collected revenue on wool for the year ending June 30, 1887, a sum total of $5,901,469 on an importation of 114,404,173 pounds. So that it is here seen how a reduction of duties increases importations, and consequently increases the revenue.

The danger line, at which this increase of revenue begins when the rate of duty is lowered, is, when your duty gets below the point where it operates as a bar to importations. If the tariff is high enough to keep out importations, then it will yield but little revenue. If it is just high enough to give the home producer a shade the advantage over his foreign competitor, it will yield somewhat more revenue, but still not enough to do any injury. But if it is only high enough so that the shade of advantage is in favor of the foreign competitor, then importations rush in, monopolize your market, increase your revenue, and ruin your home production.

That we got the wool industry into this last state by the act of 1883 is now apparent to any one. There are only two ways of disposing of the matter: First, take off the tariff on wool entirely and permit the foreign product to monopolize our market, destroy our flocks, injure our farmers, make way with our prosperity in that regard, and thus stop the revenue; or second, raise the tariff on wool to the point where it was before the act of 1883 was passed, and give to this most important national resource an impetus only to be found in preserving our home market for our home productions. Of the two ways I prefer the second; and my voice and vote shall be found in that line until our laws are so framed as to bring about that result. I know it is claimed that while the duty on wool benefits the farmer, it is more than offset by the amount of the tariff he is compelled to pay upon his woolen goods. This proposition I utterly deny; and I invite a critical and close consideration of the question. Let us suppose a case: A farmer has 50 sheep in his flock. These sheep yield an average fleece of 5 pounds, or, in all, 250 pounds of washed wool. This rates, under the act of 1883, one-half as clothing and one-half as combing-wools, and as such averages 11 cents per pound tariff, if imported.

If, as the "free-trader" argues, the farmer pays the tariff on his woolens, then it follows he gets the tariff on the wool he sells, or on his 250 pounds of wool he realizes the additional sum of $27.50 because of the tariff. This wool, preparatory to being worked into cloth, will make 83½ pounds of scoured wool, and it takes not quite seven-eighths of a pound of this scoured wool to make 1 yard of cassimere, known in the trade as "men's all-wool clothing," and can be bought at the factory, at wholesale, for 88 cents per yard; and suits made of it retail at from $8 to $12 throughout the Union. Under the rulings of the Treasury Department regarding worsteds this quality of cloth comes in at an average tariff cost of 30 cents per yard. So that, if the farmer purchased 90 yards per year of this cloth, and thus, as "free-traders" claim, pays the whole tariff, he would pay but $27 additional, and would still be 50 cents ahead on the whole transaction. But now we have supposed that he buys back 90 yards of this cloth in one year. This would make thirteen men's suits.

As a matter of fact no ordinary farmer or farmer's family will in a year use one-half of that amount of cloth or its equivalent. So, reckoning it at one-half, his gain in the whole transaction by the tariff would be $14. But the fact is that such clothing as our ordinary Ohio, Michigan, Pennsylvania, and Indiana wools produce, and which is the kind most commonly in use among our farming population, is sold quite as cheaply with us as it is in London. The finer grades of cloth here are higher than there; but this grade of clothing retails very nearly as low here as there. So I am informed by those having knowledge of London retail prices for this class of clothing.

The truth of this was well illustrated in the remarks of my colleague [Mr. MCKINLEY], who, not long since, in this discussion, gave us the occular evidence of it; and I can not resist making the statement here that no man on the other side of the House has answered or refuted the statements he made regarding wool blankets, or, indeed, any other statement contained in his masterly exposition of this subject, nor has any attempt to do so been made.

That competition among our home woolen manufacturers has brought about this era of cheap woolens is too well established to need argument. Do you ask, then, why the need of a tariff? I answer:

First. That we may preserve the American market for the American wool-grower.

Second. That we may not by the destruction of our flocks be placed at the mercy of foreign producers.

Third. That there may be accorded to the American farmer the protection on this product of his farm which is accorded to other branches of trade.

Fourth. That this source of national wealth and prosperity may not be lost to us because of the cheapness of the foreign product.

Fifth. That our money, which would otherwise go to the foreign producer of wool, may be kept here at home to pay our debts and circulate among us, thereby enriching our people.

Sixth. That the principle of protection may not be applied to the manufacturer of wool and be denied at the same time to the producer of it. If one is protected the other should be, and I am for protecting both of them.

When gentlemen declare that this reduction on wool is made for the purpose of enabling the manufacturer to obtain "cheap raw materials," and so put it into his power to pay better wages to labor, and sell cheaper cloth to the laboring man, I would ask who labors harder than your farmer? Who puts in more hours of work in twenty-four than he? Who is more worthy of the care and regard of Government than the man furnishing its bread? You keep the tariff on the manufactured product, and indulge in the poetical and fallacious idea that manufacturers are then to be willing to pay more for labor than now, and are going to sell for less money than the market warrants them in asking, because you were so generous in leaving them some protection; and this is accompanied by the implied threat that if your expectations are not realized you will come back at them with a still further reduction until their protection is absolutely gone, thus demanding, as the price of giving the manufacturer and his labor this protection, that he and they shall reverse a law of trade older than Congresses, and buy and sell regardless of supply and demand.

And this illusory view is advanced for the good of less than 3,000,000 persons engaged in protected industries, taking the number to be as stated in the President's message, while this wool industry, in which, from the same authority, 7,670,493 farmers are interested to the extent of at least $120,000,000, as shown by the census of 1880, you propose to leave without any protection; and, as I have shown, thus utterly destroy and annihilate it.

Mr. Chairman, the theory of protection, properly applied, results in no such absurd and untenable position. It confines the place of sup-

ply to the United States as to the things we can produce in sufficient quantities to meet, or approximately to meet, the demands of our people. In doing this it does not confine its beneficial effects to one industry or to a few favored pursuits; but it declares that as to all industries which are or may be established and which are likely in time to supply the demand of our people we will confine the purchases of such things by our citizens to our own home markets as far as a tariff reasonably can or ought to do so; that this will keep our money at home to be invested in home enterprises; that it will develop our natural resources in all directions; that it will diversify the occupations of our people; that it will thus furnish employment for our labor; that under this system our laborers need not be all farmers or all anything else, but may be profitably engaged among us in nearly if not quite all the business pursuits and industries known to man.

But it is not found within this principle of protection that one great industry among us shall be stricken down and destroyed in order to furnish to another "raw materials," so called.

This is antagonistic to and destructive of the principle of protection, and is the one subtle and insinuating way in which its enemies approach it and seek to overthrow the system. For, if a large body of the adherents of the protective theory can be thus split off from the main column of its supporters, by taking one industry at a time and removing the duties from it, so that those engaged therein have none of the benefits of the system, our opponents hope to be re-enforced by them, and thus finally be able to destroy the system itself, by the aid of those thus alienated from its support.

It is the indirect mode of attack that seeks to divide the army and then destroy its separate parts. But fortunately for the protective system, and, therefore, for the country, in this instance, the attack is obliged to assume that the American people are fools, and can not see what is really meant by such an approach. And it will fail, as all projects thus presuming on the intelligence of the people, should fail and do fail.

It may be argued by some that we at least ought to let carpet wools in free because we can not produce them. The answer to this is that it is a mistake to suppose we can not produce our carpet wools. The dry plains of Western Texas, Colorado, and of the Territories of Arizona, Utah, and New Mexico are especially adapted to the support of flocks of Mexican sheep, which multiply rapidly and furnish a superior carpet wool. We can also use the poorer kinds of all other wools produced by us for that purpose. And we actually did produce over 20,000,000 pounds of carpet wools in 1887. If gentleman would be convinced of our ability in this direction let them restore the tariff of 1867, and in less than five years it will not require argument to show them it can be done, and be done cheaply. The facts alone, then, will convince the most skeptical. I am in favor of letting Americans produce the 80,000,000 pounds or more of carpet wools we imported in 1887, when they have both the capacity and the soil to enable them to do it.

I would pay to American labor and skill and to American citizens every possible dollar I could before going abroad to purchase anything needed in our American life. By following such a policy we will build up our own people, support our own poor, augment our national wealth, and transmit to our children a nation rich in wealth, wise in statesmanship, and strong in the love of its people. The plan of reducing the surplus by a cowardly surrender of our wool market and industry to a foreign rival is, in my opinion, the veriest imbecility, and the men who counsel and compel it are certainly committing a blunder the evil effects of which can not be computed.

The raw wool when prepared for market can not be called "raw material" in any proper sense of the term. It may be called such as regards the manufacturer of woolens in the sense of a "trade term," but it is a misnomer considered in the original meaning of the words used. I will enumerate the items of expense which enter into the preparation of a fleece of washed wool for the market.

First. Cost of the sheep from which it is shorn.
Second. Cost of keeping the sheep for one year.
Third. Cost of shearing and washing the sheep.
Fourth. Cost of marketing the wool.

These four items of cost must be met and overcome by the possible increase of the flock and the sum realized from the annual sale of the fleece. Now, to say that a fleece of wool thus produced, which requires the farmer's work and labor, the consumption of his hay and grain, the use of his land, and the investment of his money, is a "raw material" is to pervert the meaning of language. It is material advanced a long step towards the manufactured cloth, and, as the statistics and the experience of wool-growers amply show, can not be profitably advanced to this stage under the tariff of 1883 as against foreign competition. The policy, therefore, of placing wool upon the free-list means, as I have said, the utter destruction and annihilation of sheep husbandry in this Union, and the surrender of this great element of national growth and wealth entirely to foreign producers.

Mr. Chairman, when this result so plainly appears to be the natural effect of this bill, I confess, sir, I can not appreciate or commend the feeling that prompts an American citizen to occupy the anomalous position of professing a great love for his people and his country's institutions, yet finds himself willing to consent to strike down and destroy so necessary and so important a national resource. For myself, I believe that allegiance to and love of the laws, the institutions, and the people of my country is measured by a different standard and evidenced by a different course of action.

I would not charge that gentlemen of a different view than the one I entertain are unpatriotic, but I do say that gentlemen can do as great an injury to the nation by following and establishing a mistaken and destructive theory as by following a deliberate purpose to damage it.

The effect of a mistaken thrust of the dagger is as dangerous and hurtful as an intentional stab. And I earnestly urge upon gentlemen to support these amendments and restore the 1867 tariff upon wool, and again place it in the power of our farmers to profitably raise wool, and thus enable them to reach a better and more prosperous condition, and so add to the wealth and greatness of our whole people.

Now, in conclusion, I would put the following question to gentlemen upon the other side of this House, and I earnestly hope that they, or some of them, will give me an honest answer to the inquiry:

By the Mills bill you place upon the free-list fifty-three different industries that have heretofore enjoyed protection to a greater or lesser extent. You reduce the duties on a multitude of others. You say you hope, in spite of experience to the contrary, to effect a large reduction of the revenue by this action.

Suppose the bill should become a law, and it should hereafter be found that instead of reducing revenues it actually increases them, because of the flood of importations it brings in. Where then do you next propose to strike? Will you take off the internal taxes? Or, following the principle of the Mills bill, will you still essay the reduction of revenue by placing more protected articles and industries upon the free-list? I take it no man of ordinary sense would be at a loss to see that the logic of your bill is ultimately a strictly revenue tariff, such as England now has, and that means death to the protective system; and an honest answer to this question will unmask the meaning of the President's message, the intent of the Mills bill, and the true meaning of the tariff plank in the Democratic platform recently adopted, if such unmasking is at all needed to expose that meaning. [Applause.]

Mr. ANDERSON, of Kansas. I would like to ask the gentleman from Ohio if the statistics to which he refers include those of the United States.

Mr. BOOTHMAN. I have not included those.

Mr. ANDERSON, of Kansas. Because I think it would be admirable if they were also embodied in the tables to which the gentleman refers.

During the delivery of the foregoing remarks the hammer fell.

The CHAIRMAN (Mr. OUTHWAITE in the chair). The time of the gentleman from Ohio has expired.

Mr. FITCH. I hope additional time will be granted.

Mr. BOOTHMAN. I should like to have five minutes' extension.

Mr. DOCKERY. I ask unanimous consent that the gentleman from Ohio be permitted to proceed for five minutes longer.

There was no objection.

[Mr. BOOTHMAN then resumed and concluded his remarks as above.]

[Mr. DOCKERY withholds his remarks for revision. See APPENDIX.]

Mr. ALLEN, of Michigan. I do not know whether the programme of speakers has been arranged or not. If it has been, I do not want to interfere with it, and although I had no voice in the arrangement, I have been taught politeness and do not want to interfere with it. But, sir, if I am permitted, I would like to answer the question which was put to me whether this country could produce wool enough without large importation, I answer, yes, that this country can produce 90 per cent. of all the wool necessary to have here if we are given the opportunity to do so. There is no question about that fact. And if it were true that we can not produce sufficient wool, neither can we produce sufficient rice nor sugar, and yet gentlemen insist, while protection is kept up upon sugar and rice, wool shall be practically free.

As a matter of fact the Mills bill has paralyzed the wool industry in Michigan. The farmers there can get only 22 to 25 cents for their best wool simply and solely because of the threatened danger by the Mills bill. When I state that I state what is known to everybody in the State of Michigan who knows anything about it.

The friends of this bill insist upon free salt. Salt is 60 cents a barrel in Saginaw to-day. Michigan produced 425,000 barrels of salt in the month of June, and a total of 1,800,000 barrels of salt since January 1, and this product of the districts represented by my colleague Mr. WHITING, and my colleague Mr. TARSNEY, sells at 60 cents a barrel, 280 pounds to the barrel, and the barrel itself costs 20 cents.

Yes, these gentlemen take the tax off salt, which goes into the consumption of the whole country, an average of about 50 pounds to each person, and insist that those things which are raised south of Mason and Dixon's line in infinitesimal quantity compared with the amount used shall be protected by a tariff, in the same breath charging us with being sectional. We do not ask the people of the South or the North for anything except fair play and fair treatment, and if these gentlemen think they can, with impunity, strike at every industry in the great State of

Michigan, as they seem to think they can, they will find out more about that after the election than perhaps they know now.

They say we will put copper upon the free-list and destroy the copper trust; that we will keep a tariff on sugar and destroy the sugar trust; using opposite remedies for the same disease. We are told that the Republican party, by its adherence to the present system, is injuring American industry and is not the friend of American labor.

Let me say to the gentleman from Missouri that if the distinguished gentleman from Pennsylvania [Mr. RANDALL] had not gone to New York and solemnly assured the people there that the Democratic party would not interfere with the tariff to the detriment of the people, the State of New York would have given its electoral vote for Mr. Blaine in 1884. But as a matter of fact he so said, and fought hard to keep his party to his pledge, and for such adherence has been practically read out of the party.

Mr. LANHAM. I do not desire to discuss the pending amendment, but rather to state a matter personal to myself.

Mr. Chairman, in some remarks which I had the honor to submit during the general debate on this bill, on the 2d of May last, I declared my purpose to offer or support an amendment to reduce the duties on the manufactured products of wool to an average ad valorem of 25 per cent. I am still of the opinion that these duties ought to be reduced, and under ordinary circumstances I would faithfully execute the intention then expressed. It was done in advance of the authoritative action of the conventions of my party, both in my own State and at St. Louis, and before the Democratic Representatives in Congress had held any conference with reference to the line of policy to be pursued upon this bill.

In good faith I submitted and urged before our party council, held in this Hall, the amendment mentioned; and while I believe it ought to have been adopted, still in the judgment of a majority of my political associates it was deemed inexpedient to disturb in this respect the measure reported by the majority of the Committee on Ways and Means.

This bill has received the sanction and approval of the Democratic party, and has become essentially a party measure. We all realize the necessity of accomplishing something by way of tariff reduction and relieving the people from unjust taxation. This can only be done through that strength which comes from united action. I for one am not willing to incur the responsibility of endangering the passage of the bill or standing in the way of any reform contemplated by its provisions, and I have resolved what doubts I have entertained as to my own proper course in this matter into the general duty of fidelity to the conclusions reached by that party to which I belong. And in keeping with its councils and declarations I shall yield for the time being my personal inclinations to its aggregate wisdom and decline to break its ranks in favor of any individual committal or conviction. I have felt it my duty to commit to the record this statement of the reasons which actuate my conduct.

Mr. BREWER. Mr. Chairman, as I have said before, I have no expectation that anything that can be said on this side of the House will in the least change the text or character of this bill, because it has been ordained by the caucus of the majority that no change is to be made in the same except by such amendments as are offered by the majority of the Committee on Ways and Means, and I should not take further time of this committee was it not for the fact that I desire to correct some statements made by my colleague [Mr. FORD] in a speech made by him on this floor on the 27th day of April last. In that speech my colleague used this language in speaking of the effect of the duty on foreign wools:

> Take the result in my State, for instance, the State of Michigan. In 1867 the wool tariff was enormously increased. In that year the tariff on wool was raised so that it averaged between 50 and 60 per cent., and it so continued, practically without interruption, for sixten years. In 1867, when the tariff went into effect, there were 4,000,000 sheep in the State, and under the effect of the high tariff on wool, on the 1st of January, 1880, the number of those sheep had dwindled down to less than 2,000,000.

My colleague made a similar statement in a communication some time previous, addressed to the president of the Sheep-Breeders' Association in my own State. I do not know where he got that information, for it certainly was from no official report. I find from the census reports for the years here given the following facts: In the year 1860 the census report shows there were 1,271,743 sheep in Michigan; in 1870 there were 1,985,906, and in 1880 there were 2,189,389.

In 1867 there was no official report, either State or national, showing the number of sheep in Michigan, but if my colleague will take the pains to look at the census reports he will find there must have been considerably less than 2,000,000 sheep in Michigan at that time, or less than one-half the number stated by him. According to the returns made to the secretary of state for Michigan in 1884, under the State census of that year, there were 2,896,911 sheep in the State, which largely exceeded any number before that given. I concede that since the reduction of the duty on wool under the act of 1883 there has been a reduction in the number of sheep in our State. This has been caused partially by a reduction of the duty at that time, and partially comes from the fact that for ten years there has been no single Congress that there has not been a bill pending here to reduce the duties upon foreign imports, wool and other articles. These bills have hung like a pall over the industries of the country, and our flock-raisers have suffered heavy losses by reason thereof; and to-day they are receiving from 5 to 8 cents less for each pound of their wool than they would have received had not this bill been pending.

For ten years they have been harassed by proposed or threatened legislation, antagonistic to their interests, until many of our farmers have been lessening their flocks or entirely disposing of the same. When the party now in power succeeded in the election of 1884, the farmers of my State, being aware of its free-trade tendencies, and of the unfavorable legislation which it had threatened touching sheep husbandry, have been compelled to meet the threatened emergency by depleting their flocks. If the farmers of the country could have the assurance that a reasonable and proper duty could be maintained upon foreign wool for ten years, we should at the end of that time have no need to import a pound of foreign wools, for a sufficient amount would be produced in our own country; but so long as the present party shall remain in power, just so long will our tariff laws be unstable, uncertain, and demoralizing to the business interests of the country.

In connection with my remarks I here give a table showing the reduction of duty on wool and certain kinds of woolen goods by the act of 1883, and the effect of such reduction upon imports.

A table of imports for three years previous and three years subsequent to the reduction in the tariff of March 3, 1883.

[Compiled from official statistics of the Treasury Department.]

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
WORSTED CLOTHS.					
Except such as are composed in part of wool:		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 40 cents per pound	20 cents per pound and 35 per cent...	50,162	156,472	41,146	
Valued at over 40 cents and not exceeding 60 cents	30 cents per pound and 35 per cent...	42,076	85,672	124,096	
Valued at over 60 cents and not exceeding 80 cents	40 cents per pound and 35 per cent...	119,286	114,928	374,543	
Valued at over 80 cents per pound	50 cents per pound and 35 per cent...	969,875	423,195	438,775	
Total pounds of cloth each year		1,180,399	780,267	978,560	2,939,226
Amount of duties collected on cloths					$2,456,548.03

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
WORSTED CLOTHS.					
Except such as are composed in part of wool.		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 30 cents	10 cents per pound and 35 per cent...	40,358	60,888	105,674	
Valued at over 30 cents and not exceeding 40 cents	12 cents per pound and 35 per cent...	34,017	35,445	144,846	
Valued at over 40 cents and not exceeding 60 cents	18 cents per pound and 35 per cent...	577,519	937,164	2,057,736	
Valued at over 60 cents and not exceeding 80 cents	24 cents per pound and 35 per cent...	777,327	1,407,051	2,795,244	
Valued at over 80 cents	35 cents per pound and 40 per cent...	1,234,677	1,274,736	1,483,811	
Total pounds of cloth each year		2,663,898	3,715,284	6,587,311	12,966,493
Amount of duties collected on cloths					$7,367,411.65
Increase in revenue					$4,910,863.62

A table of imports for three years previous and three years subsequent to the reduction of the tariff of March 3, 1883—Continued.

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
YARNS.		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 40 cents per pound	20 cents per pound and 35 per cent	3,644	321	2,406	
Valued at over 40 cents and not exceeding 60 cents	30 cents per pound and 35 per cent	3,741	1,288	1,958	
Valued at over 60 cents and not exceeding 80 cents	40 cents per pound and 35 per cent.	6,832	16,503	87,467	
Valued at over 80 cents per pound	50 cents per pound and 35 per cent	462,565	346,591	326,468	
Total pounds of yarn each year		476,782	364,703	418,299	1,259,784
Amount of duties collected on yarns					$1,101,818.39

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
YARNS.		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 30 cents per pound	10 cents per pound and 35 per cent	8,897	11,166	102,260	
Valued at over 30 cents and not exceeding 40 cents	12 cents per pound and 35 per cent	232,546	72,200	1,258,466	
Valued at over 40 cents and not exceeding 60 cents	18 cents per pound and 35 per cent	194,762	164,538	1,353,836	
Valued at over 60 cents and not exceeding 80 cents	24 cents per pound and 35 per cent	679,430	430,251	1,196,202	
Valued at over 80 cents per pound	35 cents per pound and 40 per cent	324,426	218,278	180,020	
Total pounds of yarn each year		1,440,061	896,433	4,090,784	6,427,278
Amount of duties collected on yarns					$2,756,381.89
Increase in revenue					$1,657,563.50

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
KNIT GOODS.		*Pounds.*	*Pounds.*	*Pounds.*	
Hosiery, shirts, drawers, and other knit goods:					
Valued at not over 40 cents per pound	20 cents per pound and 35 per cent			7	
Valued at above 40 cents and not exceeding 60 cents	30 cents per pound and 35 per cent	49	1	48	
Valued at above 60 cents and not exceeding 80 cents	40 cents per pound and 35 per cent	50	345	65	
Valued at over 80 cents per pound	50 cents per pound and 35 per cent	461,688	446,978	396,589	
Total pounds knit goods each year		461,767	450,324	396,709	1,318,807
Amount of duties collected					$1,722,483.68

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
KNIT GOODS		*Pounds.*	*Pounds.*	*Pounds.*	
And all goods made on knitting-frames:					
Valued at not exceeding 30 cents per pound	10 cents per pound and 35 per cent	3,021	236	626	
Valued at over 30 cents and not exceeding 40 cents	12 cents per pound and 25 per cent	51	33	97	
Valued at over 40 cents and not exceeding 60 cents	18 cents per pound and 35 per cent	3,688	7,178	24,338	
Valued at over 60 cents and not exceeding 80 cents	24 cents per pound and 35 per cent	87,340	75,112	57,442	
Valued at over 80 cents per pound	35 cents per pound and 35 per cent	997,007	1,084,963	1,092,348	
Total pounds knit goods each year		1,091,107	1,167,522	1,174,851	3,433,480
Amount of duties collected					$3,617,364.71
Increase in revenue					$1,894,881.04

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
		Pounds.	*Pounds.*	*Pounds.*	
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes.	50 cents per pound and 40 per cent	56,556	55,638	218,714	330,908
Amount of duties collected					$502,103.45

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
		Pounds.	*Pounds.*	*Pounds.*	
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes.	45 cents per pound and 40 per cent	942,788	903,272	561,545	2,407,605
Amount of duties collected					$2,401,930.61
Increase in revenue					$1,899,827.16

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
RAW WOOLS.		*Pounds.*	*Pounds.*	*Pounds.*	
Class No. 1—Clothing wools	10 cents per pound and 11 per cent. 12 cents per pound and 10 per cent.	20,609,707	13,499,923	11,546,530	45,646,160
Amount of duties collected					$5,737,712.76
Class No. 2—Combing wools	10 cents per pound and 10 per cent. 10 cents per pound and 11 per cent.	4,421,490	2,318,672	1,373,113	8,113,274
Amount of duties collected					$1,065,814.12
Class No. 3—Carpet wools	3 cents per pound 6 cents per pound	42,385,769	47,208,175	40,130,322	129,724,266
Amount of duties collected					$5,086,569.72

A table of imports for three years previous and three years subsequent to the reduction in the tariff of March 3, 1883—Continued.

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
RAW WOOLS.					
		Pounds.	*Pounds.*	*Pounds.*	
Class No. 1—Clothing wools	10 cents per pound 12 cents per pound	20,703,843	13,472,432	23,321,758	57,498,033
Amount of duties collected					$5,905,430.42
Increase in revenue					$167,717.66
Class No. 2—Combing wools	10 cents per pound 12 cents per pound	4,474,395	3,891,914	4,872,739	13,239,048
Amount of duties collected					$1,337,340.02
Increase in revenue					$271,525.90
Class No. 3—Carpet wools	2½ cents per pound 5 cents per pound	62,525,692	50,782,306	79,716,051	193,024,049
Amount of duties collected					$5,570,459.69
Increase in revenue					$483,889.97

Articles.	Rates of duties.	1881.	1882.	1883.	Total for three years.
		Pounds.	*Pounds.*	*Pounds.*	
Rags, shoddy, mungo, waste and flocks	12 cents per pound less 10 per cent.	543,116	917,621	971,401	2,432,138
Amount of duties collected					$281,857.37

Articles.	Rates of duties.	1884.	1885.	1886.	Total for three years.
		Pounds.	*Pounds.*	*Pounds.*	
Rags, shoddy, mungo, waste and flocks	10 cents per pound	1,225,360	789,040	2,696,517	4,710,917
Amount of duties collected					$471,091.80
Increase in revenue					$179,234.43

Total increase in revenue on these six articles in three years $11,465,503.27

The increase in the amount of clothing wool imported during the three years succeeding the reduction of duty in 1883 exceeded the amount imported for the three previous years 11,852,873 pounds, and of combing wools 3,125,774 pounds, and of carpet wools 63,299,783 pounds, and of rags, shoddy, waste, flocks, etc., 2,278,779 pounds, while under the lower rate of duty there was collected $1,062,367.96 more duty during the three years succeeding the revision of 1883 than there was during the three years preceding the same, showing that by a reduction of the rate of duty the imports are so increased that the aggregate of duty is continually increased also. The same thing occurs in the case of worsted cloths, woolen yarns, knit goods, ladies' woolen wearing apparel, etc. With the entire abolition of the duty on raw wool can any one doubt that the most of our wool will be imported, and sheep husbandry in the United States become a thing of the past? With the proposed decrease in the rate of duty upon woolen goods the importations will be so increased that the duty collected in the aggregate upon such goods will largely exceed that collected now under the present law. The only reductions made in the customs revenue under this bill will be upon such articles as are placed upon the free-list. The sole object of the bill, if we are to determine its object by its context, seems to be to increase importations. The Democratic majority in this House, as well as the Democratic party at its recent convention, has determined that this bill must pass, and that it is in the interest of our own industries and the labor of our own country that the wants of our people be supplied by the production of foreign lands. The Republican party, on the contrary, demands such legislation as shall tend to supply the wants of our own people from the productions of our own labor, legislation, which shall tend to foster our own industries and provide labor with fair wages for our own people.

The President in his message and other addresses presents all the arguments adduced by the most rabid free-trader, and yet he asserts that the question of free trade or protection is not in issue. He urges the placing of wool and other articles called "raw material" upon the free-list, and to that extent he certainly must be a free-trader. Henry George and every free-trader in America supports Grover Cleveland for President. Every free-trader in England favors the re-election of Grover Cleveland, for they know that his views are in harmony with their own, even though he may refuse to be classed with them. Let us see what they say. The London Times of July 6, 1888, in commenting upon the remarks of President Cleveland upon receiving official notice of his renomination, uses this language:

It would hardly be possible to put the free-trade case more clearly or more strongly, and yet such is the force of words President Cleveland shrinks from the use of the term "free trade," and in fact declares that those who taunt him with being a free-trader are deceiving the country. "Free trade" appears to be equivalent, in the language of American political controversy, to "enemy of the workingmen and of industrial enterprises."

That it should be so is one of the curiosities of politics, and an extraordinary instance of the power of a phrase even over minds which are commonly shrewd and reasonable; for it is certain that the arguments which President Cleveland urges are those which Cobden used to employ forty-five years ago, and which any English free-trader would employ now. Such propositions as that taxation ought to be strictly limited by the needs of the country; that it is unjust to tax the whole community for the benefit of special classes; that import duties stifle production and limit the area of a country's markets are purely free-trade arguments. As such we are glad to see President Cleveland using them, though we are sorry for the popular infatuation which makes it dangerous to give them their right name.

Most of the London and other English press construe the President's language in a similar manner and arrive at similar conclusions touching his views upon the tariff question. The London Daily News, the great Liberal organ, of the same date, uses the following language:

President Cleveland's speech is more to the point. He discusses the principles at issue in the struggle and shows that he is the free-trade candidate in everything but name. The reservation is an important one for American party purposes. The President feels compelled to characterize the attempt to brand him as a free-trader as deception, but for all that the electoral conflict now in progress is a conflict between free trade and protection, and nothing less. This is a very good conflict as things go, and, like warfare between good and evil, it threatens to be perpetual. Mr. Cleveland may find a more formidable antagonist in General Harrison than we have been led to expect.

As well might the President and his supporters in this House say that England is not a free-trade country as to claim that the policy advocated and the arguments used by them here must not inevitably lead to free trade. There is no country in the world which has absolute free trade. England has not, for on many articles imported she levies a high rate of duty. Her tariff laws are framed "for revenue only," and yet we all call England a free-trade country. Is there a Democrat here upon this floor that is not in favor of a tariff for revenue only? Your party has often declared in its national conventions for this. Why, then, does the President shrink from admitting his desire for free trade as England has it to-day? Why is it that our Democratic friends here argue for English free trade and yet deny that they are free-traders? The whole scope of their argument has been that protection in itself is wrong *per se;* that it is robbing one class of our people for the benefit of another class; that protection tends to restrict trade and is therefore detrimental to our industries and tends to oppress our labor. If this be so, then how can our Democratic friends say they are not for the opposite of protection, to wit, free trade or the English system of a tariff for revenue only? The allegations made by the English press as above quoted can not be gainsaid. The construction put upon the President's utterances and the acts of his party in this House are too plain to be refuted by any statement of the President. The chairman of the Committee on Ways and Means, who is the leader in this House, during the first session of the Forty-eighth Congress, in discussing the "Morrison bill," used this language:

We must remove, both by legislation and diplomacy, every hindering cause that prevents the free exchange of products of our labor in all the markets of the world. We must unfetter every arm and let every muscle strike for the highest remuneration of toil. We must let wealth, the creation of labor, grow up in all the homes of our people. Then every industry will spring forward at a bound, and wealth, prosperity, and power will bless the land that is dedicated to free men, free labor, and free trade. (See volume 66, page 2990, of RECORD.)

This was in 1884. On April 24, 1878, in discussing the "Wood tariff bill," Mr. MILLS uses this language:

The committee could have imposed duties at 20 per cent., as a general rule, making a few exceptions above that standard and many below, and raise one hundred millions instead of one hundred and forty-one. The next year the same duties would bring one hundred and twenty millions, because the imports would be largely increased by the lower duties. Our policy should be to take the smallest amount of taxes that we can by customs; and we should gradually decrease the amount until our customs taxes come alone from no compet-

ing articles entering our custom houses. We now have over a hundred millions from whisky and tobacco and other internal taxes, but they are on the same principle as the tariff taxes on consumption, and fall on the poor, and should be largely decreased. (See volume 29 of CONGRESSIONAL RECORD, page 2793.)

Here the honorable gentleman declares for a tariff for revenue only, such as they have in England, and which is known as free trade there. The honorable gentleman from New York [Mr. COX] compares protection with highway robbery, and votes for the lowest possible reduction of duty on everything, unless the Democratic caucus orders otherwise. Many speakers upon the other side have boldly declared that this bill does not go as far towards free trade as they wished, but they would support it as the best they could get, while other leaders of the party counsel moderation until the party gets full control of the executive and legislative departments of the Government. Can any one doubt, then, that the Democratic party to-day is essentially a free-trade party? The question in this campaign is protection *vs.* free trade, and there should be no avoiding the issue which our friends have made. If that party has the courage of its convictions they should stand by the issue they have made and let the people render their verdict accordingly.

The duty on wool and woolen goods should be restored to what it was under the act of 1867, with slight modifications in the classification; but it is entirely useless to point out what should be done when it is well known that no change in the bill can be made in this House. My friend from Missouri [Mr. DOCKERY] has taken occasion to allude to what he calls the glorious history of the Democratic party and its love for the laboring man. Let me state that if the Democratic party is entitled to any glory it must be for acts performed in its early history and not in later years. If it has ever had any love for labor in this country it has failed to manifest that fact except by word of mouth, certainly not by any affirmative act. Up to a few years ago that party in the South claimed and exercised the right to own its own labor, and was sustained in that position by the Democrats of the North. That party since its resumption of power has enacted no legislation in the interest of labor or of laboring men. To-day it tells us it seeks to relieve labor of its burdens, and how? By increasing the importation of the products of foreign labor and thereby depriving our own labor from producing that which goes to supply the wants of our people, by building up foreign industries and destroying our own.

Let me tell my friend that the attempt of this House to carry out such policy is greatly depressing our industries and depriving thousands of laborers of honest employment at fair and remunerative wages, and these men will be heard in November next. [Applause.]

Mr. Chairman, I have had for some time in my hands remonstrances signed by some fifteen hundred of my constituents against the putting of wool on the free-list or reducing the rate of duty thereon. As the bill had been reported to the House before they reached me, I have refrained from presenting the same until the present time, that I might the better call the attention of the House to the feeling possessed by our farmers touching this question.

[During the delivery of the foregoing remarks the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BREWER. I ask unanimous consent to be permitted to occupy ten minutes longer.

There was no objection.

Mr. BREWER resumed and concluded his remarks as above.

Mr. DINGLEY. Mr. Chairman, I desire to enter my protest against the proposition of the Democractic majority of the Ways and Means Committee to place imported Canadian, South American, and Australian wool on the free-list.

I protest against it, first, because it is a grave injustice to the farmers of Maine and of other States who raise wool, and especially injurious to agriculture. Under the present law imported clothing wool pays a duty of 10 cents per pound for medium and 12 cents per pound for fine; and the Mills bill proposes to remove the whole of this duty, and to bring wool-growers of this country into free and open competition, not only with the wool-growers of Canada, but also of South America. I desire to ask the Democratic members of the Ways and Means Committee, who have reported this bill, how they defend such injustice to our farmers as placing imported wool on the free-list, while they impose a duty of 100 per cent. on imported rice to protect Southern rice, 68 per cent. on sugar to protect Southern sugar, and 40 per cent. on so crude an article as bituminous coal to protect Virginia and Maryland coal?

NOT GIVE CHEAPER CLOTHING PERMANENTLY.

The gentleman from Arkansas [Mr. BRECKINRIDGE] replies that their object is to make clothing cheaper for the masses of the people. But if it is really a blessing to the people to crush out wool-growing in the United States, as this bill certainly will; if the entire abolition of the duty on wool will produce a condition of things which will permanently give the people cheaper clothing, which I deny, then I ask the gentleman why he confines his "blessing" to wool produced by the farmers of this country, and at the same time refuses to give the farmers free sugar, free rice, free coal, free everything? Why call upon the farmers who grow wool to bear all the sacrifices to secure a great "blessing" for others, and refuse to give them compensatory blessings?

But, Mr. Chairman, I deny that free wool would be a permanent advantage to the people, even in the matter of clothing. Temporarily there would be cheaper wool, because foreign wool would come in free. But as soon as our farmers killed off their flocks and stopped raising wool (as they would be compelled to with free wool) then the large falling off of production consequent on the giving up of wool-raising in this country would advance the price abroad and any temporary advantage would be largely lost. But there would be an offset to any temporary advantage arising from the fact that the ability of our farmers to purchase articles for consumption would be diminished to the extent of the destruction of their former income from wool-raising. Indeed, after twenty-seven years' protection of wool-growing, woolen cloth is 30 per cent. cheaper than it was before the war under non-protection. There never was a time when clothing was so cheap, and the workingman can buy a coat in the United States for two-thirds the labor that he can buy a similar coat in Great Britain. In addition to this loss, the destruction of the wool-raising in this country would have a serious effect on the supply of meat and increase the price of mutton, which now forms so large a part of the meat supply of the people. And beyond this whatever tends to discourage sheep-raising injuriously affects the fertility of our farms, for it is well known that sheep have a most beneficial influence in renovating worn-out lands on which they are pastured.

IMPORTANCE OF SHEEP-RAISING.

Mr. Chairman, I have heard it said, in the progress of this debate, that sheep-raising and wool-growing are matters of little consequence to the people of the United States. President Cleveland in his last annual message, which recommended placing wool on the free-list, conveyed the impression that only a few farmers are interested in sheep-raising.

Mr. J. R. Dodge, the statistician of the Agricultural Department, reports that January 1, 1888, there were 43,544,755 sheep in the United States, valued at $89,279,926, distributed as follows:

States and Territories.	Sheep.		
	Number.	Average price.	Value.
Maine	547,725	$3.01	$1,645,914
New Hampshire	205,023	2.98	610,668
Vermont	393,301	2.85	1,120,279
Massachusetts	62,667	3.30	206,702
Rhode Island	20,852	3.81	79,498
Connecticut	49,199	3.81	187,517
New York	1,564,067	3.46	5,415,582
New Jersey	105,276	3.70	389,100
Pennsylvania	984,891	2.80	2,756,119
Delaware	22,294	3.27	72,790
Maryland	160,251	3.35	537,171
Virginia	444,741	2.42	1,078,053
North Carolina	427,560	1.36	581,654
South Carolina	107,334	1.72	184,400
Georgia	442,274	1.50	664,826
Florida	92,888	1.96	182,061
Alabama	310,622	1.46	453,135
Mississippi	247,830	1.57	390,332
Louisiana	113,965	1.64	186,891
Texas	4,523,739	1.52	6,864,774
Arkansas	220,167	1.41	310,127
Tennessee	516,594	1.61	832,440
West Virginia	474,933	2.26	1,073,824
Kentucky	797,998	2.43	1,936,741
Ohio	4,105,622	2.61	10,714,177
Michigan	2,113,004	2.72	5,743,960
Indiana	1,003,068	2.55	2,553,611
Illinois	814,177	2.49	2,026,894
Wisconsin	911,662	2.15	1,962,261
Minnesota	283,725	2.38	674,698
Iowa	408,478	2.41	985,249
Missouri	1,087,690	1.74	1,894,973
Kansas	830,139	1.76	1,457,558
Nebraska	422,112	2.02	852,456
California	5,462,728	1.89	10,291,779
Oregon	2,930,123	1.70	4,987,699
Nevada	660,996	1.91	1,259,660
Colorado	1,137,686	1.98	2,257,169
Arizona	658,561	1.75	1,152,482
Dakota	269,019	2.60	700,526
Idaho	312,408	2.05	640,436
Montana	1,265,000	2.10	2,658,398
New Mexico	3,623,168	1.09	3,953,239
Utah	1,335,000	1.94	2,594,172
Washington	549,885	1.94	1,068,976
Wyoming	523,340	2.08	1,089,855
Indian Territory			
Total	43,544,755	2.05	89,279,926

As the average weight of wool per head is now about 6 pounds, the production of wool in the United States last year was about 265,000,000 pounds, valued at $66,000,000.

In 1884 the number of sheep in the United States was 50,626,626, and the production of wool reached 308,000,000 pounds, the largest annual wool crop ever marketed in this country. In 1880 the number of sheep was 40,765,900, and the production of wool 240,000,000 pounds. In 1875 the number of sheep was 33,783,600, and the production of wool 192,000,000 pounds. In 1870 number of sheep 28,477,951, and production of wool 100,102,387 pounds. In 1860 number of

sheep 22,471,271, and the production of wool 60,511,343 pounds. In 1850 number of sheep 21,723,220, and wool clip 52,516,959 pounds. In 1840 number of sheep 19,311,374, and wool clip 35,000,000 pounds.

It will be observed that in twenty years between 1840 and 1860, all but four years under a revenue tariff policy, the number of sheep in the United States increased only 20 per cent., and the clip of wool 70 per cent., while in the twenty years between 1860 and 1880 the number of sheep increased 80 per cent. and the clip of wool 300 per cent.

In 1885 the United States was second to only Australasia, with a clip of 455,470,000 pounds, in her production of wool. The Argentine Republic came third with a clip of 283,047,000 pounds; Russia fourth, with a clip of 262,966,000 pounds, and the United Kingdom of Great Britain fifth, with a clip of 135,936,000 pounds. The total wool clip of the world was 1,825,788,000 pounds, the United States, with a clip of 302,000,000 pounds, producing one-sixth of the whole.

The most remarkable feature of the progress of wool-growing in the United States has been the rapid increase in the average weight of the fleece. In 1840 this was barely 1.85 pounds; in 1850 it was 2.42 pounds; in 1860 it was 2.68; in 1870 it was 3.52; in 1880 it was 4.79; and in 1887 it was 6 pounds.

In 1860 this country produced little over 2 pounds of wool to each inhabitant; in 1880, over 4 pounds; and in 1885, over 5 pounds.

Between 1850 and 1860 our imported woolens averaged annually $1.09 per inhabitant; between 1860 and 1870, 91 cents, and between 1870 and 1880, 86 cents; showing that under protection we are coming nearer and nearer to supplying our own markets.

In 1886 our consumption of wool was 399,081,000 pounds, of which we produced 285,000,000 pounds, or 72 per cent., and imported 114,401,173 pounds, or 28 per cent.

Of the wool imported only 23,195,734 pounds were clothing wool, 9,703,962 pounds combing wool, and 81,504,477 pounds coarse carpet wool.

The value of our woolen manufactures in 1880 was $267,252,913 (more than the value of the woolen manufactures of Great Britain), and the value of the same imported was $35,776,559, making the total consumption of woolen goods in that year $303,029,472, or about $6 per inhabitant—a constantly increasing consumption of woolens.

These figures, striking as they are, give an incomplete idea of the importance of the wool-growing and sheep-raising industry to our farmers and the country; and this industry in the United States the Mills bill proposes to wreck by allowing foreign wool, produced by cheaper labor, to come into our markets free of duty to compete with it.

EFFECT OF FREE WOOL.

Mr. Chairman, I am aware that an attempt has been made to show that wool will not decline in price under free trade, and therefore to claim that free wool will not hurt the farmer. The Democratic candidate for Congress in the district in which I have the honor to represent (C. E. Allen, esq.), presents this claim in his letter of acceptance, as follows:

> After twenty years of protection on wool, we have about two-thirds of a sheep per inhabitant, and a sheep gives annually less than 5 pounds of wool. Pray, tell me, wool-raisers, will you let us freeze in some of these blizzards for the lack of wool from somewhere? Wool did not decline in price when free of duty. Singular, isn't it? They tickle the farmer with 10 cents a pound on his fleece and aim to get 50 cents per pound on his clothing.

The amusing part of this claim that wool would be as high under free trade as under protection is that it is put forth as a companion of another claim that free wool will cheapen woolen cloth to the consumer by reducing the cost of the material. Our free-trade friends can not occupy both positions at once from their point of view.

As a matter of fact we have not had free clothing wool in the United States since 1824. From 1824 to 1857, and even under the low tariff of 1846, the duty was 30 per cent.; from 1857 to 1861 it was 24 per cent., and between 1867 and 1883 it was an equivalent of 50 per cent., and since 40 per cent.

So that the statement that "wool did not decline in price when free of duty" is meaningless, because, until the present time for sixty-five years, we have had no President or Congress that has thought it just, wise, or safe to place wool on the free-list, and it is suggestive that since the Mills bill threatened free wool it has declined 7 cents in price. If free-wool threatened has done this, what will free wool enacted into law do?

Nothing can be clearer than if wool is admitted free of duty it will result in a decline of wool nearly to the extent of the duty. But after this decline has wrecked wool-growing in this country, and one-sixth of the production of the world been lost, does any one doubt that foreign wool-growers will take advantage of the situation to increase the price, so that the ultimate result will be greater cost of wool for clothing?

While the inevitable tendency of the largely increased production of wool in the world has been to reduce the price of wool everywhere, yet the effect of our tariff has been to keep the price of wool in this country higher than it would have been or will be under free wool. In other words, protection has encouraged sheep-raising and has led to such attention to breeding that now the weight per fleece is three times what it was in 1860, and even 30 cents per pound pays better than 40 cents would have paid in 1860.

Under protection we are coming nearer and nearer every decade to growing all our clothing wool. In 1860 we produced only 2 pounds of wool per inhabitant, and in 1885, 5 pounds per inhabitant. In 1886 we imported only 23,000,000 pounds of clothing wool, while 270,000,000 of clothing wool were raised and used at home.

If we should admit foreign wool to our markets free of duty, the temporary effect would be to cheapen price until our chief industry was destroyed, and then the destruction of one-sixth of the world's wool clip would result in higher prices for wool and dearer clothing. The American farmer would be sacrificed, and then the consumer would ultimately have to pay more for his clothing and his mutton. It is no wonder that the farmers of the United States represented by the Wool-Growers' Association have united in a remonstrance against the proposition of the Mill's bill to place wool on the free-list, as follows:

> The wool-dealers and wool-growers of the United States, representing a capital of over $500,000,000 and a constituency of a million wool-growers and wool-dealers, assembled in conference in the city of Washington this 7th day of December, 1887, having read the first annual message of the President to the Fiftieth Congress, declare that the sentiments of the message are a direct attack upon their industry, one of the most important of the country and in positive violation of the national Democratic platform of 1884, as interpreted by the party leaders and accepted by the rank and file of the party; that the argument made by the President for the removal of our protection against foreign competition is the old one, repeatedly made by the enemies of our industrial progress, and effectively answered in nearly every school district of our land, and so thoroughly disproved by the logic of facts and the demonstrations of experience and history, as to need no answer from us. We acknowledge that our "small holdings," our scattered and unorganized condition, make us the easy prey of the free-trader, but we had a right to expect something different from the Chief Executive of the nation, at once the most happy, prosperous, and contented of any of the world, made so by a policy of protection and development which he now seeks to destroy. We had a right to expect our President would favor the wool-growers of the United States, and confess our deep disappointment that instead he favors the interests of our foreign competitors.

HOW THE FARMERS ARE AFFECTED.

It is not only wool that the Mills bill places on the free-list, but Canadian beans, pease, milk, meats (including mutton and beef), cucumbers, cabbages, turnips, squashes, tomatoes, manufactured lumber, bricks, building-stone, etc., are also admitted free of duty to compete in our markets with our own farm produce.

No wonder the Montreal Gazette, in discussing our coming elections, recently expressed an earnest desire that President Cleveland might be re-elected, with a Democratic Congress, giving these reasons for its choice:

> Canadian people have a special and deep interest in the Presidential contest in the United States. * * * The fishery treaty might possibly be ratified by the Senate, if Mr. Cleveland's administration is approved by the people. * * * There can be no doubt that the chances of its ultimate acceptance will be greatly increased if Mr. Cleveland's administration is indorsed.
>
> There is, however, an even more important reason why Canadians should wish for the success of Mr. Cleveland. The great issue of the day among our neighbors is tariff reform. * * * Mr. Cleveland's success meaning the passage of the Mills bill, and the passage of the Mills bill meaning a free market in the United States for our lumber, wool, iron ore, salt, and some other products, Canadians will watch with deep interest the progress of the campaign and the final outcome.

What makes this treatment of Northern farmers more unjust is the fact that the Mills bill imposes 68 per cent. on sugar to protect Louisiana, and 100 per cent. on rice to protect South Carolina rice.

INJURIOUS TO WOOLEN MANUFACTURES.

The gentleman from Kentucky [Mr. BRECKINRIDGE], in defending free wool, laid great stress on the advantage which he declared it would give American woolen manufacturers to have free wool and protected woolen goods.

I am aware, Mr. Chairman, that great efforts have been made by the promoters of the Mills bill to induce woolen manufacturers to support the measure on this ground. But it is a credit to the sense of honor and fair-dealing which prevails among the great body of woolen manufacturers in the United States that scarcely a dozen of them, and these free-traders, have joined in the support of the Mills bill. Even if it were true that free wool would temporarily promote the interests of woolen manufacturers, yet those gentlemen realize that it would be only by doing injustice to the wool-grower, and that this injustice would speedily react and reach the manufacturer. Indeed, it is well understood that the object of the free-traders in placing wool on the free-list is to endeavor to detach the farmers from the ranks of protectionists, in order that they may have their aid to next greatly reduce or abolish the duties on manufactured goods.

But the passage of the Mills bill could not even temporarily benefit woolen manufacturers. The present tariff imposes on imported woolens a specific pound or square-yard duty, intended to fully cover and a little more than cover the duty on wool, which goes to the farmer, and a manufacturer's duty of 35 per cent. ad valorem on coarse woolens and 40 per cent. on fine. The Mills bill abolishes the duty on wool and also the specific duty on imported woolens, leaving the manufacturer the same ad valorem duty as at present. This does not give the woolen manufacturer any additional vantage ground as against imported goods. Indeed, it diminishes his protection to whatever extent the abolished specific duty (which could not be avoided by undervaluations as an ad valorem duty is) exceeded the actual difference in cost between wool in England and in the United States, which is usually less than the specific duty.

In other words, the woolen manufacturer, with free wool and noth-

ing but the manufacturer's ad valorem duty, which is largely overcome by undervaluations of imports, would not be so well off as now.

The difficulty under which woolen manufacturers are laboring now is not the want of free wool, but because of the Treasury decisions which admit worsted goods at a lower duty than woolens, because of wholesale undervaluations which require specific instead of ad valorem duties, and more intelligent appraisers at the custom-houses, and because of the threat of free wool, which has almost checked the demand for goods.

If the difficulties which woolen manufacturers and employés in woolen mills are called to encounter have been great under a threat of the Mills bill, what would they be with the bill a law of the land!

The gentleman from Texas [Mr. MILLS] has indulged in swelling prophecies of an immense export trade in woolens if we could only have free wool. How unfounded all such prophecies are may be seen by examining the statistics of exports of cotton goods. Notwithstanding we have cotton cheaper than our European rivals, yet we were able last year to export cotton goods to the value of only fifteen millions, and those goods only coarse cottons, in which the labor is a small element, simply for the reason that our labor costs more than it does abroad. If we had free wool, we could not export even fifteen millions of woolens, for the reason that our higher-cost labor would prevent.

We have a domestic market which requires twice as large an amount of woolens as any foreign market, and it is our first duty to retain that, by taking measures to correct the Treasury decision and inequalities in rates which last year allowed the importation of foreign woolens to the value of $44,000,000. With these loopholes stopped up we shall have not only the most flourishing woolen-manufacturing industry, but also the most prosperous wool-growers in the world. Let our motto be protection to both American wool-growers and American woolen manufacturers (for both industries must stand or fall together), as well as protection to every other industry in the land. American markets belong to American producers and workingmen. [Applause.]

Mr. JOSEPH D. TAYLOR. Before beginning my remarks, and without knowing exactly how much time I shall occupy (though I assure the House I shall be as brief as possible), I ask unanimous consent that I may proceed without interruption until I have completed what I have to say.

The CHAIRMAN. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] asks unanimous consent to proceed with his remarks until they are completed. Is there objection? The Chair hears none.

[Mr. JOSEPH D. TAYLOR withholds his remarks for revision. See APPENDIX.]

Mr. KENNEDY. Mr. Chairman, of what avail are discussions upon the subject of the tariff if, after full hearing has been had, the people, the final arbiters, are not permitted to register their judgments and to make their final decrees?

It is the argument before a jury whose finding is to be compulsory and whose decrees are registered, not by the judgment of the jurors after due deliberation and upon the weight of the evidence, but rather by the dictates of a party which has suppressed fair and candid discussion, and has by its predetermined course not only blotted out opposition to its party dictations, but has been willing to avail itself of the fruit of its wrongful doings in order that it may retain the ascendency in a Government which would cast it aside if its ballot-boxes were not closed with dishonor and locked with fraud.

Is there a single individual in this land so deluded as to believe that if every ballot-box was open and free and fair and every man permitted to cast his ballot into the box and have it honestly counted out just as he put it in the people of this country would indorse the doctrine of free trade and would permit the Democratic party to continue in power after the 4th of March next?

Is there any one so ignorant that he does not know that the Democratic party, if it succeeds at all, must succeed because in a large part of the Union it has long since been determined that the voters of that portion of the country shall not be permitted to make choice between the parties asking for their confidence, and shall not be permitted to put their ballots into the boxes and select their representatives and choose the rulers to whom their delegated powers shall be intrusted?

Is there any one so misinformed as to be of the opinion that the "majority"—that designated portion of our people by whose expressed wish the country and its institutions is to be governed—will be permitted in those Southern States at the coming elections to determine the principles which are to prevail and to select those who are to administer the laws and to enact the legislation of the country?

Is there any one who does not know that in a large portion of the Union the "minority" overawes the "majority," and that the ballot-boxes do not register the will of a majority, but of a dictatorial and arrogant minority who have usurped the power and trampled out the will of the people?

Is there any one so utterly blinded as to believe that the Democratic party is ignorant of this fraud and outrage and intimidation?

Is there any one so foolish as not to know that the Democratic party is ready and willing and content to avail itself of the assistance of this portion of the Union, and is confidently counting upon the unbroken solidity of these Southern States to perpetuate itself in power, and thus become the beneficiary of this open and notorious and infamous assault upon the fundamental principle of our Government?

THE FALSE CRY OF SECTIONALISM.

I know it is considered an act of great temerity if any one refers even in the most casual way to these elections and the frauds and outrages and intimidations of the Southern States. It is regarded as an interference in matters which do not concern him or his, and he is branded as a defamer and looked upon as one who would stir up unnecessary sectional strife.

But those elections do not concern the Southern people alone, they are matters of interest to the people of the whole country.

For if the Democratic party remain in power for another four years it will only be because it is enabled by continued suppression of the will of the people in those States to blot out the will of the majority.

It is folly to raise the cry of sectionalism as against a free ballot, but if only that cry will avail to attain an honest ballot-box and the rights of the people, then let that cry prevail.

MR. GRADY AND THE BLOODY SHIRT.

Mr. Grady, in his Atlanta Constitution, has given us his interpretation of this sectional cry from a Southern standpoint. He says:

Mr. SHERMAN makes bold to say that he will base his candidacy principally on the pledge to secure, if possible, a fair count of the votes in the Southern States. In other words, he raises the bloody shirt, and flaunts its gory folds defiantly at Mr. Blaine and Mr. Foraker.

This, then, is the new definition of the "bloody shirt." One who believes in the freedom and purity of the ballot-box and is not afraid to assert his opinions, and is ready and willing to plead for fair elections and an honest count in every section of the Union, is a disseminator of vicious doctrines, and a calumniator whose actions are to be met with denunciation, and whose arguments are to be treated with derision and contempt, and who is to be branded as a traitor to the peace and good will of the different sections of the Union.

Mr. Grady and his Southern brethren will find that neither denunciation nor attempted intimidation will meet this question, and that neither epithet nor threat will divert the people from an inquiry into the outrages and frauds of these Southern elections, and that there will be no end to this matter until the ballot-boxes of Georgia are as fair as the ballot-boxes of Indiana.

THE ISSUE OF A FAIR COUNT OF THE VOTE WILL BE SQUARELY MET BY SOUTHERN PEOPLE.

But Mr. Grady goes on further to say:

But Mr. SHERMAN has announced a platform entirely satisfactory to the Democratic party. He will be met squarely on the issue he proposes, and the people of this country will once and for all settle it.

The platform "to secure, if possible, a fair count of the votes of the Southern States" announced by Mr. SHERMAN, which Mr. Grady denounces as "waving the bloody shirt," is entirely acceptable to the Democratic party, and "they will meet it squarely, and the people of this country will once and for all settle it."

Settle what? Settle the right of the people of the Southern States to have a fair election and an honest count? Can it be possible that any party in this country can ever be committed to the principle of contending openly against fair elections and honest ballot-boxes? Can it be possible that any party will ever dare in this country to contend for fraud and outrage and suppression of the votes of the people, and go before the country upon such an issue? And yet Mr. Grady is the spokesman of these States, and no one rises up in that section of the country to denounce him. He speaks as one with authority. He lays down the gage of battle, and proclaims himself and his party as openly determined to destroy the doctrine of a fair election and an honest count, and boasts that his "people will once and for all settle it."

Such men have their uses. They go before to point out the way. They are valuable only so far as their folly and indiscretion advertises to the people the dangers to be met and overcome.

Their defiance is simply the arrogant foolishness of the braggart. When the storm comes and the battle rages fiercest these men hunt the holes and hide in the cracks and the crevices until the danger passes over, and then come forth to boast of their prowess or to decry those braver than themselves.

OUTRAGE CAN NOT ALWAYS PREVAIL.

Mr. Grady and his followers will learn that outrage and injustice may prevail for a time, but it is a triumph that can be but temporary; no wrong can be very long lived. An outraged people may submit for a time, but in the end they will burst from the shackles that bind them, and the very oppression that seems to be crushing out their independence will push them to the wall and compel them to assert with irresistible force the manhood that is within.

If you dam up the river of progress
At your peril and cost let it be!
That river must seaward, despite you
'Twill break down your dams and be free!
It will heed not the pitiful barriers
That you in its way have downcast,
For your efforts but add to the torrent
Whose flood must o'erwhelm you at last!

If Mr. Grady clearly states the issue, and the contest is to be made upon free elections and a fair count in the Southern States, it is time the people of this country were advised of the fact so that they may un-

derstand the importance of the coming elections, and see to it that right and justice prevail.

THE RIGHT OF THE MAJORITY TO RULE.

One of the fundamental principles of our Government is the right of the majority to rule. So long as the people are assured of the maintenance of that principle, and are with some degree of certainty guaranticd the privilege of assisting in the formation of the laws by which they are to be governed, they will submit themselves to the law, and acknowledge its superiority and give it their obedience.

With patience and forbearance, recognizing the fact that a bad government is better than no government at all, and that good laws badly executed are better than government without laws, they may for a time quietly submit themselves to wrongs and outrages, to laws violated and principles trampled under foot.

They may content themselves to await the slow movement of the wheels of justice rather than with impatient and hasty steps to assert their rights and to demand the privileges acknowledged to be a part of their citizenship.

THE BALLOT THE MEANS BY WHICH TO EXPRESS THE WILL OF THE PEOPLE.

The method pointed out by the Constitution as the manner in which the citizen could with equal power express his opinions and convictions, could choose his rulers, and delegate his authority, and could approve or disapprove of legislative enactments, and could indorse or condemn the execution of laws, and the Executive, was the ballot.

In the hands of the freeman it was intended to be all-powerful, by means of which he could express his will and could direct his delegated authority, and could recall the same or transfer it to others.

In short, the ballot was the one great means provided for the universal expressions of the people's opinions and the registration of the people's commands.

It was to be the one plane of equality upon which every citizen of the Republic could stand equal with his neighbor. It gave to every citizen an equal power to protect the institutions of his country and to defend his personal rights and political liberties.

To rob him of the ballot is to deprive him of the means of making expression of his desires in the matter of government. To prevent the free exercise of it is to deny to him the opportunity of making expression of his will as to the enactment of laws and legislation.

To destroy it is to take from him that equality which enables him to stand as an equal in the component parts which are to form the completed whole of this magnificent temple of liberty. "The right of the majority to rule" was therefore the very corner-stone of the Republic, and the ballot the method adopted by means of which the majority should be determined.

THE REPUBLICAN AND DEMOCRATIC PARTIES CONTRASTED.

I desire, Mr. Chairman, to briefly allude to the history of the two parties now prominently before the people of this country.

In 1860 the Democratic party had been in almost unbroken control of the Government for a quarter of a century. It again came before the people asking for its continued favor and support, and submitted its claims and its records to the people at the ballot-boxes, and the people by the majority pointed out by the Constitution at the ballot-boxes of the land decided against the Democratic party, and determined that it should no longer continue in power, but should hand over the Government to the Republican party.

There was no claim that the elections had not been fair and free; there was no claim that the man chosen by the people to be their chief Executive, a name since become illustrious beyond all other names, Abraham Lincoln, of Illinois, was not the choice of a majority of those entitled to exercise the elective franchise.

In the face of such an expression of the people did the Democratic party quietly submit to the rule of the majority? Did they return their delegated authority to the people? By no means; they determined if they could not rule by fair means and by the ballot, they would rule by force of arms, and eleven States of this Union declared themselves in open rebellion against the Government and levied armies and made war for the destruction of that Government whose only crime was the assertion of the constitutional right of the majority to rule, and after four years of contest, unequaled in the world's history, the supremacy of the Government was restored and the unity of the land re-established.

Permit me now to contrast the action of the Democratic party in 1860 with the action of the Republican party in 1884.

For a quarter of a century the Republican party had been in power; it had held the reins and directed the affairs of this great land.

At a national election it submitted its claims for confidence and support to the people at the ballot-boxes, and the people by a majority of those entitled to rule declared that they would no longer confide to its care the affairs of the nation, but would turn over the Government to its political opponent, the Democratic party. It was claimed that the elections were not fair, that the people in a large part of the land had not been permitted to express their opinions and preferences between the parties. That the ballot-boxes of eleven States of this Union had been trampled under foot; that fraud and violence had crushed out the majority, and that a minority had, by reason of its assured supremacy, taken possession of the polls, and that the right of the majority to rule had been denied and overturned. Notwithstanding all this, did the Republican party fly to arms? Did they levy armies? Did they come with bristling bayonets and rebellious banners? Did they march with impending tread to the destruction of that Government whose affairs they were no longer to rule? Did they determine that the end of their party's life should be the end of the Government's existence? By no means; but they quietly submitted themselves to the declaration of the majority as expressed at the ballot-boxes, and without either anarchy or attempted war, surrendered to their more fortunate and successful opponents—the Democratic party—the Government which they had so successfully administered for a quarter of a century, content to appeal from the people back to the people, content to go from the ballot-boxes of 1884 to the ballot-boxes of 1888.

WHICH PARTY DO YOU COMMEND?

I ask you in all candor which of these two parties do you most commend, that party which annunciated the doctrine of rule or ruin and followed the leadership of those who were determined to hold the reins of Government or to destroy that Government, or that party which was content to trust its cause with the people and to abide by the decisions of the people as registered by the majority in the ballot-boxes of the land?

SOUTHERN ELECTIONS.

It would seem proper, Mr. Chairman, upon the eve of another national election, to inquire into the condition of the elective franchise in that part of our Government whose ballot-boxes it is claimed do not fairly and honestly register the will of the people, and where it is continually asserted that fraud and violence deprive the citizen of the means and opportunities to give expression to his political preferences and deny him the right to aid in selecting those to whom his political and representative power should be delegated.

THE SENATOR FROM LOUISIANA.

The Senator from Louisiana [Mr. EUSTIS] but a short time since, on the floor of the Senate of the United States, inquired whose business it was. "What business is it of yours?" he said.

He would have us to understand that it is simply a matter which alone concerns the people of Louisiana, where fraud and violence trample the ballot-boxes under foot in that State.

He would have us to believe that the denial of the right of a citizen in Louisiana to exercise his constitutional rights is a matter which can not affect the people of the other portions of the Union. He forgets that the Representatives elected by fraud and violence and intimidation in Louisiana or Georgia are empowered to legislate for every section of the Union, and that the laws enacted by such fraudulently elected Representatives affect every citizen of the Union, whether he lives in Ohio, in Michigan, or Illinois.

He forgets that the electors chosen by reason of unfair and dishonest elections in these States turn the executive department of the Government over to the party which has defended and upheld and excused these frauds.

When Tweed, of infamous memory, was in the midst of his power, and flourishing in dishonesty, he asked, with the same insolence which characterizes the utterance of the Senator from Louisiana, "What are you going to do about it?"

The reply of outraged justice was so earnest, and so speedy, that the broken criminal had neither the sympathy nor the condolence of mankind.

ELECTIONS OF 1884 FRAUDULENT.

It was charged in 1884, and it is charged to-day, that the Presidential election of 1884 would not have resulted in Democratic victory if the people had been permitted to vote, and to have their votes honestly counted. It is charged with equal earnestness that the Democratic party holds power in this House by reason of the most glaring frauds upon the ballot-boxes and the intimidation of those entitled under the laws to exercise the elective franchise.

We have a right to inquire, Mr. Chairman, into the truth or falsity of these charges, and I challenge any gentleman upon the Democratic side of this House to give, if he can, any fair explanation of the glaring discrepancies which everywhere appear in the votes of the Southern States, and by means of which they hold power in this House and control the very Government itself.

SIX STATES COMPARED.

Permit me to present you the votes of six of these States, every one of whom would be Republican, and would send a large Republican representation to this House if their ballot-boxes were free and fair.

Let us take the States of South Carolina, Georgia, Alabama, Mississippi, North Carolina, Louisiana. In 1880 in these States the population was divided between the white and colored races as follows:

	White.	Colored.
South Carolina	391,105	604,333
Georgia	816,906	725,133
Alabama	662,185	600,103
Mississippi	479,242	650,291
Louisiana	454,954	483,655
North Carolina	867,242	531,277

We see that in the States of South Carolina, Mississippi, and Louisiana the colored race outnumbers the white race by 422,821, while in Georgia and Alabama the white race outnumber the colored race only 153,835. If the colored people were permitted to vote in these States and have their ballots counted it is not presuming too much to say that all of these States would give large Republican majorities, and that instead of sending an unbroken Democratic delegation to this House, a part at least of their Representatives would sit over on the Republican side of this Chamber.

In the five States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina the votes were divided between the whites and blacks as follows:

States.	White.	Colored.
Alabama	141,461	118,423
Georgia	177,967	143,471
Louisiana	108,810	107,977
Mississippi	108,254	130,278
South Carolina	86,900	118,883

In Louisiana the colored votes about equal the white votes; in Mississippi the colored votes exceed the white 22,024, and in South Carolina 31,983, and yet at the last elections in these three States, with a colored population of 422,871 in excess of the whites, and with 54,007 black voters in excess of the white voters, these States gave Democratic majorities aggregating 95,658.

Is there any gentleman upon that side of the Chamber so bold and defiant as to claim that these elections were free and fair?

ALABAMA.

If we go to Alabama we find that the voters, by race and Congressional districts, according to the last census, were as follows;

District.	White.	Colored.
First	12,031	14,889
Second	13,563	13,812
Third	14,328	17,477
Fourth	6,566	27,178
Fifth	16,552	12,297
Sixth	18,735	11,139
Seventh	28,185	7,679
Eighth	21,431	12,257

The colored voters exceeded the white voters in the First, Second, Third, and Fourth districts, as follows: 2,557 in the First, 349 in the Second, 3,149 in the Third, and 20,612 in the Fourth. And yet at the election of 1886 in the First, Second, and Third districts there was no opposition to the Democratic ticket, and in the Fourth district the Democratic candidate, Mr. DAVIDSON, has a clear majority of 8,868 votes.

It is idle to tell us that the colored men are voting the Democratic ticket, for there were only 4,220 votes cast in the First district, 5,659 in the Second, and 4,660 in the Third; and yet there are in these three districts alone 46,178 colored voters.

GEORGIA.

Go with me to Georgia, that Democratic paradise, where it requires less votes to elect a man to Congress than it requires to elect a justice of the peace in Ohio. Throughout the entire country there are cast in each district, at a Congressional election, an average of about 30,000 votes. There are about the same number of votes in each of the Congressional districts of Georgia, but at the election of October 6, 1886, the votes cast were as follows:

Districts.	Scattering.	Independent.	Republican.	Democratic.
First	17			2,061
Second	7			2,411
Third				1,704
Fourth		330		2,909
Fifth	1			2,999
Sixth	1			1,722
Seventh		1,537		5,043
Eighth			33	2,322
Ninth			27	2,355
Tenth			7	1,944
Total	26	1,867	67	25,470
Grand total				27,430

In the First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth districts there was no opposition.

MISSISSIPPI.

Look at Mississippi. In the four districts represented by ALLEN, BARRY, HOOKER, and ANDERSON the total vote cast in 1886 was as follows:

	Votes.
First district, Allen, Democrat, no opposition	3,140
Fourth district, Barry, Democrat, no opposition	3,086
Fifth district, Anderson, Democrat, no opposition	4,316
Seventh district, Hooker, Democrat, no opposition	4,514

It may be observed that while these gentlemen are all Democrats elected without opposition, no Republican is ever returned from any of these Southern States with that euphonius annex, "No opposition."

ALABAMA.

Now go to Alabama.

	Votes.
First district, Jones, Democrat, no opposition	4,236
Second district, Herbert, Democrat, no opposition	5,659
Third district, Oates, Democrat, no opposition	4,662
Fifth district, Cobb, Democrat, no opposition	6,343

DEMOCRATS CONTROL BECAUSE OF THESE FRAUDS.

Could there by any possibility be a more systematic and determined suppression of the votes of any part of the Union? And yet it is by these very votes, which have been literally blotted out, that these gentlemen are enabled to stand here to-day in control of this Chamber and threaten the destruction of that system of protection which has builded up and diversified the industries of this country and enriched it beyond any other nation upon the civilized globe.

While the votes of these Southern States are being suppressed, and one man, by virtue of his living south of Mason and Dixon's line, is enabled by the ballot to wield as much political power as eight or ten men in other portions of the Union, it may be well for us to inquire how long this condition of affairs shall continue?

How long will the people of this country permit themselves to be ruled by fraud and violence? How long will they be content to submit to the rule of the minority? How long will they be willing to see that wise provision upon which our Government, "a Government of the people, for the people, and by the people," was intended to stand for all time, the right of the majority to rule, trampled beneath the feet of contending factions and without apparent hope of its ultimate preservation?

ONE BALLOT SOUTH EQUALS TEN IN THE NORTH.

In the late election in Oregon to select one Representative to the Fifty-first Congress 60,000 voters put their ballots into the boxes and had them counted out. In Mississippi 45,348 elect eight Representatives to this Congress. Dakota, who stands like a young giantess knocking for admission to the sisterhood of States, and whose strength and independence is witnessed by the growth and prosperity of her people, sends to the floor of this Congress one Representative elected by the ballots of 104,811 qualified citizens.

Indiana, without whose aid the Democratic party will be driven from power, sends her Representatives to this floor, elected by votes largely in excess of the entire vote of Georgia. At the election of 1886 there were cast in the—

	Votes.
First district, Mr. Hovey, Republican	35,159
Fourth district, Mr. Holman, Democrat	32,856
Seventh district, Mr. Bynum, Democrat	43,890

In the great State of New York, upon whose chariot wheels the Democratic party is clinging with the departing strength of despair, the election of 1886 showed in the—

	Votes.
First district, Mr. Belmont, Democrat	32,594
Twelfth district, Mr. Cockran, Democrat	26,782
Ninth district, Mr. Cox, Democrat	22,078

In—

Ohio, Mr. Outhwaite, Democrat	39,255
Illinois, Mr. Springer, Democrat	35,242
Pennsylvania, Mr. Scott, Democrat	30,505

And even in—

Texas, Mr. Mills, Democrat	28,497

ONE DEMOCRAT SOUTH EQUALS TEN DEMOCRATS NORTH.

I commend these figures to my Democratic friends for their careful consideration. Not only is the Republican party completely destroyed in these States, but one Democrat in Georgia, Mississippi, Alabama, and Louisiana is as powerful as ten Democrats in the North. One Democratic ballot in Georgia is equal to ten Democratic ballots cast in Indiana, Illinois, New York, and Ohio, and greater than fifty in Oregon or Dakota.

In short, it requires about 30,000 votes in Ohio, New York, Pennsylvania, Indiana, and Connecticut to elect one man to Congress, while 27,433 elect ten Representatives in Georgia.

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruction of the ballot-boxes of the land?

SENATOR COLQUITT, OF GEORGIA.

Senator COLQUITT, of Georgia, has attempted, in an article in the Forum, to show that there is no suppression of the colored vote in Georgia.

I commend him to the tables of the ten Congressional districts for

his careful consideration. It is, however, worthy of note that it is in matters essentially political that the vote of Georgia is so completely and satisfactorily suppressed.

ONLY SUPPRESSED IN POLITICAL ELECTIONS.

In the late contest in that State upon the question of temperance, where the colored men were for once protected in their right to exercise their franchise, in the county of Fulton alone nearly 10,000 votes were cast. At the preceding election for the choosing of Congressional Representatives the eleven counties of the Fifth district, of which Fulton is one, cast only 2,999 votes.

Either there was fraud in the boxes of Fulton, which contained 10,000 votes upon the non-political question of temperance, or some one was deprived of the privilege of voting upon the political question of selecting a Representative in Congress.

It is useless to deny that the colored man is deprived of his vote in those States, and that by reason of this political intimidation and outrage the Democratic party holds power and controls the lower House of Congress and occupies the mansion of the Executive.

GOVERNOR GORDON, OF GEORGIA.

General Gordon, of Georgia, speaking in Cincinnati less than one year ago, said, in referring to the suppression of the colored votes of the South:

Why then do not they (the negroes) vote in national politics? Because they do not want to vote. Many of them have no reasons for voting and many of them if left to their own free choice would vote the Democratic ticket, but they know it is not necessary in Georgia, for there we are all Democrats. The reason that the black men do not vote in national elections is that they have been educated and lost all interest in the party which robbed them of their school fund and would have robbed them of every right they had for the sake of office.

These, then, are the reasons for the admitted failure of the colored people to vote in Southern elections according to General Gordon:

First. They do not want to vote.

Second. They do not vote because they are Democrats down there.

Third. They do not vote because they have been robbed of a school fund by the Republicans.

Although having been robbed of their school fund, they have become so educated and enlightened as to have lost all interest in the Republican party and the country, and therefore do not vote in national elections.

Mr. Chairman, when there shall have been established asylums for incurable idiocy in the State of Georgia it will be fitting that the distinguished gentleman who now poses as the governor of that State, whose concentrated wisdom has thrown such an electric light upon this question of suppression of the colored vote, escape to the mountains, otherwise he may be classed among those wanting in intelligence sufficient to distinguish right from wrong and deficient in that high sense of chivalric honor that would defend at the risk of life and limb the weak and the oppressed.

They do not vote down there, General Gordon says, because they are Democrats and do not want to.

What trash! and yet this man pretends to speak with authority. He is a representative of Georgia and its chief executive, one whose duty it is to see the laws executed and the people defended and protected in all their rights.

The truth is that they do not vote in Georgia because it is much healthier and safer not to vote, and because they can not with freedom and unrestrained vote the ballot of their choice.

GOVERNOR M'ENERY, OF LOUISIANA.

Governor McEnery, of Louisiana, was more frank and outspoken than his neighbor, the governor of Georgia, upon this question, and with Senators EUSTIS and GIBSON in his opening address in the late gubernatorial contest in Louisiana, and in unqualified language, insisted that the supremacy of the white race in Louisiana was impossible unless the colored citizens of the State were denied the civil rights guarantied to them by the Constitution of the United States and of the State of Louisiana. And—

That the country must be given to understand that what has been done must be done again, and that we can not safely permit the colored citizens to enjoy their political rights.

Upon this speech of the governor of Louisiana the New Orleans Picayune, a Democratic paper, thus comments:

The governor's fiercest attack upon General Nicholls was upon the ground that the latter had shown himself too conservative, not sufficiently aggressive. In plain terms, Governor McEnery took the position that the maintenance of the supremacy of the white race in Louisiana is impossible unless colored citizens of the State are denied the enjoyment of the civil rights guarantied to them by the Constitution of the United States and the constitution of the State. He went into particulars, and told precisely how the thing was done. The country is given to understand that what has been done must be done again; that we can not safely permit the colored citizens of this State to enjoy their political rights. That argument was distinctly and explicitly made against General Nicholls's candidacy—that he could not be relied upon to secure the supremacy of the white race by suppressing the suffrage of the colored people. In other words, they contended that General Nicholls would not be a safe governor because he is not a bulldozer.

That was the gravamen of ther criticism, and they meant nothing else. What are we to think of the desperation of an office-seeker who has thus supplied every enemy and detractor of the South in the North with such a rich store of campaign material? Hitherto when Republicans have ventured to charge the things yesterday openly confessed by the governor of this State and a United States Senator from this State, Democrats both North and South have denounced the accusation as false, have upbraided those who uttered it as stirring up sectional and race strife, and for "waving the bloody shirt," but now the governor of a Southern State himself waves the bloody shirt, and the United States Senator from Louisiana also waves the garment. When hereafter we undertake to refute the charge of our enemies, how can we meet the confessions of our professed friends?

If any one will carefully examine the election returns of any of these Southern States, he will be enabled to convince himself without much effort that there is a systematic and continued and intentional suppression of the colored votes in the South; and that, as Governor McEnery says, it is necessary in order that the Democratic party shall by this means retain the ascendency in that portion of the Union, and by so retaining it continue in power in this House and in the Presidency.

GOVERNOR M'ENERY AT SHREVEPORT.

I can not dismiss this subject without giving you the plain-spoken utterances of Governor McEenery in his speech at Shreveport, La., March 15 last. Governor McEnery said:

I tell you there is danger, and North Louisiana will have to save this State from disgrace. If you permit the negroes to organize you will have to break it by power, and go right now and break it in its incipiency. Before I will see such another state of affairs I will wrap the State in revolution from the Gulf to the Arkansas line. The white people under the radical régime were fast going towards the condition of Hayti, and I now ask you to establish to the world that we, the white people, intend to rule the destinies of this country. We have now a Gaul at our doors, and it is time we shall say that the law shall be silent, and uphold our liberties at all hazards.

Governor McEnery was followed by Colonel Jack, of Natchitoches, who said:

"You have heard the assurances of our chief executive, that come what will or may, he will wrap this State in revolution, from the Arkansas line to the Gulf, rather than have radicalism come into power. And I tell you we are in danger, with the astute and wily Warmoth as a leader—the wily, crafty, and insidious gentleman from New Orleans.

"If this state of affairs should confront him, all Governor McEnery would have to do would be to issue his fiat or manifesto, and the people of North Louisiana would come to his rescue and redeem the State as they did before; and if what I say is treason let them make the most of it."

McEnery and Jack made similar, but more extreme speeches at Monroe and Tallulah, and McEnery has followed it up in other speeches throughout the State.

Not satisfied with this, he has written to his returning officers, whose duty it is to fix the polling places, appoint the commissioners and clerks of election, and return the votes in all of the parishes of the State, as follows:

"Warmoth is developing too much strength. We must beat him. See to it that your parish returns a large Democratic majority."

Is it possible to state the issue more distinctly than the Governor of Louisiana and his friend state it in Louisiana? Can there by any mistake about this matter? Was it not an open, notorious, and admitted suppression of the colored votes of that State which was determined upon by the chief executive of that State and the Democratic party which supported and indorsed him, and was not the result of the election which almost immediately followed a proof positive of the carrying out of the expressed intentions of suppressing and destroying this vote?

Can even a Democrat of the North, who seems to be struck with a peculiar color-blindness upon this subject of the votes of the South, deny after such an open proclamation and an equally open redemption of the promise, that the colored voters of Louisiana were denied not only the right to organize as well as the right to vote, but that as Governor McEnery had said it should be, "the law was silent?"

ENFRANCHISEMENT OF COLORED RACE GAVE THEM THE POWER.

The enfranchisement of the colored people added to the power of the Southern States twenty-two Representatives and forty-four votes in the electoral college. By this very power based upon these new colored voters they are enabled to control the Presidency and this House; without them they would be in a hopeless minority.

We have a right, therefore, to demand that they be permitted to exercise the right which they have been granted by the amendment to the Constitution, and be permitted without fear or favor to put their ballots into the box and have them honestly counted out.

NORTHERN AND SOUTHERN ELECTIONS COMPARED.

Permit me to present you a table prepared for the purpose of showing the population, the number of qualified voters, and number of votes cast in some of the States of the Union in 1884, and I have purposely selected these States as nearly equal in population as possible.

The number of population is obtained from the census of 1880, and the votes are those cast in the Presidential election of 1884.

States.	Population.	Number voters.	Number votes cast in 1884.	Per cent. voting.
Alabama	1,262,505	259,884	153,489	59.0
Mississippi	1,131,597	238,532	120,019	50.3
New Jersey	1,131,116	300,065	261,537	87.3
Indiana	1,978,301	498,437	494,793	99.3
Iowa	1,624,615	416,658	375,969	90.2
Georgia	1,842,180	321,438	143,543	44.6
Kansas	995,577	265,714	265,843	100.0
South Carolina	996,096	205,783	91,578	44.0
Louisiana	939,946	216,787	109,234	50.0
Maryland	934,943	232,106	186,019	80.0

In the Democratic State of New Jersey, with a population of 1,131,116, in the Presidential election of 1884, 260,537 voters cast their ballots into

the boxes and had them counted out. In the Democratic State of Mississippi, with a population of 1,131,597, slightly exceeding the population of New Jersey, 120,019 votes only were cast or counted. The inference is irresistable—either the Democrats of New Jersey fraudulently stuffed the ballot-boxes or the Democrats of Mississippi robbed them or prevented those entitled to vote from putting their ballots into the boxes.

Democratic Indiana, with a population of 1,978,301 and 498,437 voters, cast 494,793 votes, or 99.3 per cent of the entire vote. Democratic Georgia, with a population of 1,542,180 and 321,438 voters, cast only 145,543 votes, or 44 per cent. of the entire vote. Republican Kansas, with a population of 995,577 cast, in 1884, 265,843 votes, while Democratic South Carolina, with a population of 996,096, cast at the same election 91,578 votes.

FRAUD IN THE NORTH OR FRAUD IN THE SOUTH.

It requires no great amount of wisdom to deduce the conclusion that the Republicans of Kansas and the Democrats of Indiana are fraudulently stuffing the ballot-boxes of these two States or that the Democrats of Georgia and the Democrats of South Carolina are robbing the ballot-boxes of these two Democratic States, or by fraud, violence, and intimidation are preventing more than 300,000 of the legally qualified voters from exercising the right of franchise guarantied to them by the Constitution.

CONGRESSIONAL ELECTIONS COMPARED.

If these returns show such gross and glaring irregularities at a general national election, as is exhibited by the returns of 1884, what must we say when we examine and compare the returns of 1886 in the election of Representatives to the Fiftieth Congress?

The States of Kansas, Mississippi, New Jersey, and South Carolina are each entitled to seven Representatives in the Lower House of Congress upon the basis of population as determined by the census of 1880.

The seven districts of Kansas at the election of 1886 returned their Representatives, and their voters registered and had counted in the seven districts of Kansas 277,365 votes, as follows:

First district	31,287
Second district	34,702
Third district	36,716
Fourth district	38,084
Fifth district	35,996
Sixth district	39,025
Seventh district	61,465
Total	277,365

In the seven districts of New Jersey in 1886 there were cast 229,373 votes, as follows:

First district	35,433
Second district	35,380
Third district	33,479
Fourth district	26,021
Fifth district	29,538
Sixth district	37,971
Seventh district	31,551
Total	229,373

In Mississippi, in the seven Congressional districts, the entire vote cast was only 45,348, as follows:

First district	3,167
Second district	11,234
Third district	6,900
Fourth district	3,086
Fifth district	4,316
Sixth district	12,117
Seventh district	4,508
Total	45,348

In South Carolina the returns of seven districts in 1886 showed the following as the total vote:

First district	3,317
Second district	5,235
Third district	4,409
Fourth district	4,470
Fifth district	4,701
Sixth district	4,469
Seventh district	12,476
Total	39,077

Thus we see these four States electing seven Representatives each upon a basis of population determined by the census of 1880. In Kansas 277,365 voters are registered to go to the ballot-box and deposit their ballots; in New Jersey 229,373; while in Mississippi 45,348, and in South Carolina 39,077 are sufficient to return Representatives equal to the Representatives of Kansas and New Jersey.

Thus we see New Jersey and Kansas returning fourteen Representatives to the Fiftieth Congress and casting a combined vote of 506,738, while South Carolina and Mississippi return fourteen Representatives to the same Congress and cast 84,425 votes.

There is manifest inequality in the numbers required to elect in these four States. Either the census returns have not been fairly and justly made with a view to securing equal representation or the voters in Mississippi and South Carolina have not been permitted to cast their votes into the boxes and have them counted out.

But if these figures are astonishing and alarming, what shall we say when we come to examine the returns of the State of Georgia?

Georgia, with a population of 1,542,180 and with 321,438 voters, black and white, and a Congressional representation of ten members upon this floor; and yet at the Congressional election of 1886 the ten districts of Georgia, out of an entire voting population of 321,438, cast only 27,520 votes, as follows:

GEORGIA.

	Votes.
First district	2,078
Second district	2,411
Third district	1,704
Fourth district	3,239
Fifth district	2,999
Sixth district	1,722
Seventh district	6,689
Eighth district	2,377
Ninth district	2,366
Tenth district	1,941
Total	27,520

IS THE COLORED VOTE SUPPRESSED?

Can it be possible that there is no suppression of the colored vote, as the Senator from Georgia [Mr. COLQUITT] attempts to persuade us there is none in his article in the Forum? Can it be possible that the colored people are voting the Democratic ticket, as Governor Gordon, of Georgia, tells us in his speech in Ohio?

But there are in Georgia 143,471 colored voters alone, and there are 177,967 white voters. If the colored people are voting the Democratic ticket in Georgia, the only ticket recognized and permitted to be voted at all in nine districts of Georgia, where do the white people vote? If of the 147,000 colored people entitled to put their votes into the boxes in Georgia only 27,520 are permitted to exercise the right of franchise, where are the other 120,000 colored voters and the 177,000 white voters permitted to put their ballots?

Is not the Senator from Georgia presuming upon the want of intelligence of his readers, and does not the governor of Georgia presume too much upon the ignorance and credulity of his hearers?

OTHER STATES COMPARED.

It is fair to compare this vote with the votes of the other States. Iowa elects eleven Representatives to this House, and in 1886 her eleven districts cast 346,698 votes.

Connecticut sends four Representatives to this House, three of them Democratic and one Republican, and casts 123,015 votes.

Democratic Delaware, with a population of 146,698 people—a population a little more than the colored vote of Georgia and less than its white vote—sends her one Democratic Representative with 22,230 votes, almost equal to the entire vote of the ten districts of Georgia.

Indiana sends thirteen Representatives to this House, six of them Democratic and seven Republican, and casts in her thirteen districts 459,319 votes, as follows:

	Votes.
First district, Hovey (Republican)	35,150
Second district, O'Neall (Democrat)	30,941
Third district, Howard (Democrat)	29,026
Fourth district, Holman (Democrat)	30,796
Fifth district, Matson (Democrat)	32,856
Sixth district, Browne (Republican)	32,650
Seventh district, Bynum (Democrat)	43,890
Eighth district, Johnston (Republican)	40,728
Ninth district, Cheadle (Republican)	41,458
Tenth district, Owen (Republican)	34,185
Eleventh district, Steele (Republican)	38,899
Twelfth district, White (Republican)	34,478
Thirteenth district, Shively (Democrat)	37,192
Total	459,319

ONE DEMOCRAT IN GEORGIA EQUALS TWENTY-FIVE DEMOCRATS IN INDIANA.

Every Democrat in Indiana, except one, is elected by a vote that exceeds the entire vote of the ten districts of Georgia.

Mr. BYNUM, Democrat, is elected by a vote that almost equals the entire vote of Mississippi and is nearly double the entire vote of Georgia.

I call the attention of Mr. HOLMAN, the great objector, to the fact that the vote which elects him to this Congress exceeds the vote of the entire Georgia delegation, and yet we have heard no word of protest from him.

GREATEST OUTRAGE OF ALL.

One thousand seven hundred and four votes elect Mr. CRISP, Democrat, to this floor from Georgia, while 43,890 votes elect Mr. BYNUM, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. CRISP, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of this House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this?

REPUBLICANS DISBAND IN MISSISSIPPI.

In Mississippi, with an almost overwhelming majority for the Republican ticket if the people were permitted to register their votes and have them honestly counted, with 130,000 colored voters and 108,000 white voters, and yet so persistent has been the suppression of the right of suffrage that in 1885 the Republican party, as a party, was substantially disbanded, and by formal action, as follows:

JACKSON, MISS., *September* 10, 1885.

The Republican State executive committee met here to-day. Chairman John R. Lynch presided. The following resolution was passed:

Resolved, That in view of the fact that organized opposition to the Democratic party of this State this fall is useless, because of the well-known impossibility of securing at the polls an honest election, it is the sense of this committee that no convention be called to nominate a State ticket.

What comment is needed upon a statement like that made by one of the great parties of the country in one of the States of the Union?

It is useless to insist that the elections are free and fair.

REPUBLICANS DISAPPEAR IN GEORGIA.

There were cast at the Congressional election of 1880, in Georgia, 55,724 Republican votes. In the election of 1886 there were cast 2,895 Republican votes.

Well did the gentleman from Georgia say the other day that the Republican party had disappeared, and he might have added that there had disappeared with it free and fair elections, and an untrammeled ballot-box.

THE LESSON OF THE HOUR.

We may learn from our adversary, and if we fail to gather wisdom from the lesson of the hour we may blame only ourselves if, after being forewarned, we do not so defend our institutions as to preserve them, and while we are contending for freedom and purity of the ballot-box, let us not be forgetful of the dangers which threaten the liberties of the people.

If these Southern elections have proven anything they have demonstrated that by fraud and violence a factious minority may possess itself of the power and control of the Government itself. To what extent that fraud and outrage has progressed let the history of these elections for the past ten years answer:

This House handed over to the Democratic party by the elections in the Southern States.

The Chief Magistracy of the nation surrendered to the Democratic party because the voters of a large portion of the Union are denied the right to exercise the franchise granted them by the Constitution.

The very men who but a short time since contended for the destruction of the Government are now its recognized rulers, placed in power, not by the people, but by the suppression of the people.

I permit one of them to speak for himself and for them, and I simply quote from what he says. Ex-Rebel General Bradley Johnson, on the 6th of last month, in a speech at Baltimore, said:

I did not believe the United States had a right to coerce the Southern people. I said I would fight if they tried to do it, and I did fight. I would do the same thing to-morrow, as God is my witness.

Many of us might have kept out of that war, but we did not. * * * The South is progressing. She is not dead. These old Confederate soldiers and their descendants elect ninety out of every one hundred Congressmen, thirty-four United States Senators, and the President of the United States. [Applause.] The Government of the United States is controlled by Confederate soldiers.

What comment is needed upon this declaration? If Grady, of Atlanta, thinks that the demand for free and fair elections means the waving of the Union bloody shirt, would it be unfair to suggest that this unreconstructed Confederate is waving the Confederate shirt; or, worse yet, that he is telling the truth and giving the people of this Union the true condition of affairs? I can add nothing to such a statement; it speaks as neither word nor act of mine can speak. But I beg of my Democratic friends to consider its words of boasting, and I appeal to my countrymen to weigh the words and to profit by the lesson it should teach.

REPUBLICANS BELIEVE IN FREE ELECTIONS.

The Republican party believes in free and fair elections. You can point to no part of the Union where the Republican party is in control that the ballot-boxes are not free and fair.

There is no section of the land where the Republican party is in power that deprives any man of a right to vote. There is not a voting precinct in all America where Republicans control that the humblest Democrat can not go peacefully and without question and put his ballot into the box and have it counted just as he cast it. It is a matter of just pride with the Republican party that it wins success by fair and honest elections or it does not win at all. It can afford to be defeated by fraud, but it can not afford to succeed by dishonest elections.

GRANT AS A REPUBLICAN.

I can not refrain from quoting from the speech of that great American, one whose name and fame are illustrious beyond the soldier of any age, and whose wise statesmanship and sagacity and prudence stamped him as a leader among leaders and a statesman among statesmen. General Grant, in his speech at Warren, Ohio, in 1880, said:

I am a Republican as the two great political parties are now divided, because the Republican party is a national party, seeking the greatest good for the greatest number of citizens. There is not a precinct in this vast nation where a Democrat can not cast his ballot and have it counted as cast. No matter what the prominence of the opposite party, he can proclaim his political opinions, even if he is only one among a thousand, without fear and without persecution on account of his opinions. There are fourteen States and localities in some other States where Republicans have not this privilege. This is one reason why I am a Republican.

The history of the Republican party has been one inseparably connected with the purity and the integrity of the ballot. It stands to-day as it has ever stood, a defender of the rights of the people, and it challenges its adversary to a fair and free contest before the court of public opinion. It neither seeks to hide its records nor to destroy its history. It throws down the gage of battle boldly announcing its opinions and convictions, and is ready to defend them upon every occasion and to champion them upon every field. Ever ready to submit to the majority, it only asks that that majority may be permitted without fear and without favor to register its convictions and to express through the ballot the judgment and the will of the American people.

Mr. MCMILLIN. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SAWYER, for one day, on account of important business.

To Mr. PENINGTON, indefinitely, on account of important business.

To Mr. HATCH, for three days, on account of sickness.

To Mr. BLAND, from night sessions, on account of sickness.

To Mr. ROGERS, for the remainder of the day, on account of sickness.

To Mr. DUNN, from the session this evening, on account of sickness.

To Mr. CANDLER, for this day, on account of sickness.

To Mr. MCSHANE, until the 14th instant, on account of important business.

To Mr. STEPHENSON, indefinitely, on account of important business.

The hour of 5 o'clock p. m. having arrived, the House, under its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Hon. BENTON MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 12, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

JESSE H. STRICKLAND.

The SPEAKER *pro tempore*. The House is in session for the consideration of pension bills upon which the previous question is pending, with the understanding that there shall be fifteen minutes' debate on each side and the right to amend in certain ones. The Clerk will report the first bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Strickland, formerly colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and pay him a pension at the rate of $30 per month.

The Clerk read the following amendment, proposed by the committee:

In lines 7 and 8 strike out "and pay him a pension at the rate of $30 a month" and insert "and for the purpose of prosecuting a claim for pension, and for no other purpose, said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of said regiment, to date from the 30th day of January, 1863."

The Clerk also read the following amendment, proposed by Mr. BRECKINRIDGE, of Kentucky:

Strike out all after the enacting clause and insert:

"For the purpose of prosecuting a claim to date from the passage of this act for a pension, and for no other purpose, Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, from the 30th day of January, 1863."

Mr. JOHNSTON, of Indiana. I merely wish to state in opening this discussion that the report of the committee and the evidence here show the regiment never was entitled to a colonel. There never were enough men to entitle the regiment to a colonel. The evidence also shows that this man never was in command of the regiment as colonel. It shows the further fact that when there were enough men to entitle the regiment to a colonel there was another man mustered as colonel of the regiment. Now, with this statement of facts as shown by the report it seems to be plain that the bill should not pass. I reserve the rest of my time until gentlemen who are in favor of the passage of the bill shall give some reason why it should pass.

Mr. BUTLER. Mr. Speaker, I do not know what time the gentleman has.

The SPEAKER *pro tempore*. Under the order of the House fifteen minutes debate will be allowed on each side. The Chair has recognized the gentleman from Indiana [Mr. JOHNSTON] to control the time in opposition to the bill. The gentleman from Indiana [Mr. JOHNSTON] has twelve minutes remaining.

Mr. BUTLER. In answer to the statement of the gentleman from Indiana, it is very true that this man was not mustered. It is very true that he was not with the regiment. Why? Because after he had authority to raise the regiment, after he had worked for months raising the regiment, had spent his time and his money, he was stricken down with disease. The report clearly shows that fact, and the gentleman I presume has it before him. It was no fault of Colonel Strickland that he was not mustered. He was not in condition to be mustered. He went to Camp Nelson and from there to Lexington, Ky., and Louisville under the treatment of a surgeon who belonged to the Army. The record contains his statement as to the condition of Colonel Strickland.

When the regiment got a sufficient number of men to be organized and to have a colonel mustered, Governor Johnson was anxious to have the regiment organized, and Mr. Strickland was in Kentucky down with disease, not able to be out of his bed, and upon a consolidation of the regiment with some men raised by Mr. Patton, Patton was mustered as colonel of the regiment. Strickland had been recognized for months as the colonel, he had issued orders as colonel, everybody treated him as the colonel of that regiment, but because, by the act of God, he was stricken down and could not be mustered, we are met here by the gentleman from Indiana [Mr. JOHNSTON] with the suggestion that this bill ought not to pass.

That is about all I desire to say until I hear from the gentleman from Indiana. All that this claimant asks is that we shall give him a status so that he can go before the Commissioner of Pensions and prosecute his claim for a pension. [Cries of "Vote!" "Vote!"]

Mr. JOHNSTON, of Indiana. Mr. Speaker, I have no doubt but the gentleman from Tennessee [Mr. BUTLER] states the case as he understands it, and I have no doubt that every man in this House, if he would read this report, would be led to the same conclusion which the gentleman has reached. I desire, however, to call the attention of the House to certain facts. This record shows that the Eighth, originally the Fifth, Tennessee Cavalry was to be organized. It takes twelve companies to form a regiment of cavalry. I shall state some facts now which are within my own personal knowledge.

Thomas Capps, of Knoxville, Tenn., and Mr. Strickland, who was colonel only in name, started out to recruit a regiment. They recruited five companies, which entitled them to a lieutenant-colonel under the law. In July, 1863, Thomas Capps was mustered lieutenant-colonel of that regiment, and John Sawyers, of East Tennessee, was mustered as a major, those being all the officers that the regiment was entitled to under the law. Colonel Strickland in his statement says, and the gentleman from Tennessee [Mr. BUTLER] makes the same statement here, that he failed to be mustered because he was stricken down with disease and was confined to his bed at the time. In his statement Colonel Strickland says that on or about the 1st of September he was taken sick with intermittent fever, and that he went to Murfreesborough, clearly leaving the impression that from the time he was taken sick in September, until the ensuing February, when this regiment was consolidated with another, he was confined to the hospital. Now, I hold in my hand a communication from the War Department, written to me at my request, which I wish to read to the House, and which shows that the statement which Colonel Strickland makes, if he intends to convey the idea that he failed to be mustered because he was sick, is not true.

I will read first, however, the report of the Committee on War Claims in the Forty-ninth Congress on this case. It is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1623) for the relief of Jesse H. Strickland, having carefully considered the same and accompanying papers, submit the following report:

Mr. Strickland presented his claim to the War Department, and a letter dated July 17, 1882 from William E. Chandler, Acting Secretary of War, says:

"The Department is in receipt of the statement dated the 5th ultimo, left by you, from Jesse H. Strickland, of Brooklyn, N. Y., who sets forth that in January, 1863, he was authorized by the President to recruit, organize, and equip a regiment of cavalry, to be composed of Tennessee and other refugees who were willing to enter the military service of the United States; that he raised the regiment, which was designated the Eighth Tennessee Cavalry, and rendered service as its commanding officer and was recognized as such commanding officer, but that he was never mustered into service, and that his frequent appeals for muster in as colonel have been refused.

"He now renews his claim for recognition as colonel.

"In reply I beg to inform you that this case has received due consideration. No facts are presented to affect the decision of the Department of March 23, 1869, which were not before the Department and considered at the time that decision was rendered.

"The request of Mr. Strickland for muster-in must therefore be refused.

"The decision of March 23, 1869, in this case was as follows:

"'The regulations of this Department prohibit the muster into service of a colonel prior to the completion of the regiment for which he has been commissioned.'

"The records show that the Eighth Tennessee Cavalry was not completed and mustered in until February 29, 1864.

"The request of Mr. Strickland, therefore, can not be granted."

J. C. Kelton, Assistant Adjutant-General, in a letter dated March 9, 1886, addressed to the honorable Secretary of War, says:

"January 30, 1863, Mr. J. H. Strickland was authorized to raise a regiment of cavalry in and near East Tennessee. June 30, 1863, four companies (A, B, C, D) were mustered in for the organization (then termed Fifth Tennessee Cavalry, subsequently Eighth Tennessee Cavalry), and on August 14, 1863, an additional company was mustered in.

"September 24 and October 15, 1863, Mr. Strickland applied for muster in as colonel, but pending action on the same his authority to recruit was revoked by Special Orders 458, paragraph 5, dated October 19, 1863, from this office. December 14, 1863, however, the Secretary of War directed rescission of the special orders referred to, 'leaving the question of muster into service to be determined by the rules of the Department,' but it does not appear that action was had thereon.

"The first and only roll upon which his name appears is the field and staff roll of the incomplete Eighth Tennessee Cavalry, dated October 31, 1863, and on that he is reported absent." [As a matter of course he was absent. He never was with the regiment a day in his life.]

"About February, 1864, the regiment was completed by the consolidation with it of the Tenth Tennessee Cavalry, and on April 1, 1864, S. K. N. Patton was mustered into service as its colonel.

"From the foregoing it will be seen that a vacancy for colonel did not exist in and for the Eighth Tennessee Cavalry until February, 1864, and that S. K. N. Patton was mustered in as colonel of the regiment to fill an original vacancy.

"It is proper to add that claims for recognition heretofore presented were denied March 29 and April 10, 1861, by letters from this office, and by the Secretary of War, July 17, 1882."

Your committee, in view of the foregoing statement of facts, do not think such a case is made as justifies a reversal of the decision of the Secretary of War, and therefore, under the rules of the committee, return the bill with the recommendation that it do not pass.

I read now the communication from the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 12, 1888.

SIR: In reply to your personal request of the 9th instant, I have the honor to invite your attention to report No. 1734, House of Representatives, Forty-ninth Congress, first session (copy herewith) which embraces the substance of a letter from this office dated March 9, 1886, in the matter of the claim of Jesse H. Strickland for recognition as colonel, Eighth Tennessee Cavalry.

Additional to the information contained therein, it appears from original papers filed in the claim that "Col. J. H. Strickland, Eighth Tennessee Cavalry," was, by special orders dated September 19, 1863, from Camp Nelson, Kentucky, directed to relieve Lieut. Col. R. Charlton Mitchell as commandant of convalescent camp. On September 21, 1863, Mr. Strickland was directed by Brig. Gen. S. S. Fry, commanding Camp Nelson, to proceed to Lexington, Ky., for the purpose of being mustered in, with instructions, if his muster-in could not be accomplished at that place, to go on to Cincinnati, Ohio, for the purpose. September 24, 1863, Mr. Strickland telegraphed this office from Cincinnati for authority to be mustered-in. His telegram was not answered. September 26, 1863, General Fry, Camp Nelson, telegraphed Mr. Strickland as follows: "Can not make Flint muster you. If it can not be done without going to Washington, go and hurry back." October 15 and November 16, 1863, he was in this city, and on those dates he addressed communications to this Department. No reference to the condition of his health is made in any of those communications.

The strength of the companies composing the Eighth Tennessee Cavalry on February 1, 1864 (a date just prior to the consolidation of the Tenth Tennessee Cavalry with the Eighth) was as follows: Company A, 79 enlisted men and 2 commissioned officers; B, 86 enlisted men and 3 commissioned officers; C, 81 enlisted men and 3 commissioned officers; D, 77 enlisted men and 2 commissioned officers, and E, 85 enlisted men and 3 commissioned officers. Aggregate, 13 officers; 408 enlisted men.

Francis W. Strickland was mustered-in as first lieutenant and commissary of subsistence Eighth Tennessee Cavalry (formerly Fifth East Tennessee Cavalry) to date, May 1, 1863.

Roll for July, August, September, and October, 1863 (four months muster and first roll on file) reports him present.

He was discharged the service May 13, 1864, in special orders, Division of the Mississippi, of same date, on account of having been rendered supernumerary by the consolidation of the Eighth and Tenth Tennessee Cavalry.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Hon. J. T. JOHNSTON,
House of Representatives, Washington.

During the reading of the foregoing letter the following proceedings took place:

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HEARD. If I can be recognized, I will yield to the gentleman.

The SPEAKER *pro tempore*. That can not be done under the order of the House for this evening session.

Mr. GALLINGER. There are a great many other bills on the Calendar awaiting consideration.

Mr. HEARD. I ask unanimous consent that the gentleman from Indiana [Mr. JOHNSTON] be permitted to finish his statement of facts for the information of the House.

Mr. JOHNSTON, of Indiana. It will only take two or three minutes.

Mr. GALLINGER. If it is brief, I have no objection.

Mr. GROSVENOR. I object.

Mr. CHEADLE. I hope, Mr. Speaker, that there will be no objection urged. This is an official communication from the War Department, which fixes the status of this officer, and how can we vote intelligently upon the case unless we have this information?

Mr. BUCHANAN. We know that this man lost his health in raising this regiment.

Mr. JOHNSTON, of Indiana. I want to say now——

Mr. GALLINGER. Regular order.

Mr. JOHNSTON, of Indiana. I merely want to say——

Mr. GALLINGER. Regular order.

The SPEAKER *pro tempore*. Objection is made. The gentleman from Tennessee [Mr. BUTLER] has twelve minutes remaining.

Mr. BUTLER. I yield five minutes to the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I can probably say all I have to say upon this subject in less than five minutes; I certainly do not require more. As a member of the Committee on Invalid Pensions I gave very careful and conscientious consideration to this case. A bill had passed the Senate pensioning this man at the rate of $30 a month; the Committee on Invalid Pensions felt that the Senate had perhaps gone rather far, and were willing to have the bill amended so as to simply give him a pensionable status, and leave him to prosecute his claim before the Department.

It is in evidence, the proof is indubitable to any one who wishes to view this question fairly, that this man went all over Tennessee at his own expense, paying out his own money, giving his own time while undertaking to organize from the refugees of that State and elsewhere a regiment under the orders of the President of the United States. It is indubitable that he raised, if not an entire regiment nearly an entire regiment, expending his time and money in that work. It is a fact that he became sick while engaged in the performance of this duty, under the authority of the President of the United States. And inasmuch as we have pensioned scores of men who never were mustered into the service because of sickness or some accident that befell them, it is to my mind astonishing that a gentleman who himself served in the Army of the United States should come here to-night and urge that this man's case should be made an exception to the rule which has been established in this House for the last five or six years. The gentleman from Indiana [Mr. JOHNSTON] has himself admitted in the course of his argument that this man was on the field and staff roll; that he was in command of a camp and was marked "absent;" that he was recognized as colonel of that regiment. But because he became sick, because, as the gentleman from Tennessee [Mr. BUTLER] has very properly said, he was visited with a misfortune and could not complete the work which he so patriotically undertook to perform at the request of the President of the United States when the Union Army needed recruits, when the fate of the nation was trembling in the balance, and we needed patriots to help fight the battles of the country——

Mr. JOHNSTON, of Indiana, rose.

Mr. GALLINGER. I can not yield to the gentleman.

Mr. JOHNSTON, of Indiana. You do not state the facts correctly.

Mr. GALLINGER. I insist that the gentleman must not interrupt me.

The SPEAKER *pro tempore*. The gentleman from New Hampshire is entitled to proceed without interruption.

Mr. GALLINGER. I say, Mr. Speaker, it is an astonishing fact to me that a man who himself served in the Union Army should come here and say that one who performed this patriotic duty to the country, giving his time and his money, never having received a single cent in return for the service which he rendered to the Government—it is astonishing to me that any man, much less a soldier, should come here and say we should not grant this man the right to go before the Department and prosecute his claim, giving him the title that he earned and which he was recognized as holding while in command of that camp.

If this man be granted the right which this bill proposes to give him, he will still be compelled to prove himself entitled to this pension; he will still be compelled to prove that any disability under which he may labor was incurred in the line of duty in the service of the United States. I say we are doing no injustice to any soldier, no injustice to the Government of the United States in granting this man this right which, in my judgment, belongs to him and ought not to be withheld from him for a single moment. That is all I care to say.

Mr. FARQUHAR. Just one question. I understood the gentleman from New Hampshire [Mr. GALLINGER] to say that Strickland was acting under a warrant from the President of the United States. Was it from the President, or was it a recruiting commission from the provisional governor of Tennessee?

Mr. GALLINGER. According to the testimony, it was from the President of the United States.

Mr. BUTLER. Mr. Speaker, I have some feeling in this matter. I have some personal knowledge of this case. Colonel Strickland was engaged in the same business as myself. I met him at Nashville recruiting his regiment—a loyal man in the midst of treason, spending his time and his money in behalf of the Government. He recruited four or five companies. He was stricken down with disease. Here is the evidence of it:

MEDICAL DIRECTOR'S OFFICE,
Louisville, Ky., September 4, 1863.

I certify that I have carefully examined J. H. Strickland, colonel of Eighth East Tennessee Cavalry, and find him suffering from intermittent fever, and he will not be able to rejoin his regiment for duty for some days.

WILLIAM W. GOLDSMITH,
A. A. Surgeon, U. S. A., Member of Board of Examiners.

Here is a second certificate of the same character, dated at Lexington, Ky., September 9, 1863; another is dated at Lexington, Ky., September 17, 1863. Here is still another:

HICKMAN BRIDGE HOSPITAL,
Camp Nelson, Ky., September 19, 1863.

I have carefully examined Colonel Strickland, of Eighth East Tennessee Cavalry, and find him unfit to perform field duties, because of debility following an attack of fever; and in my opinion it will be several weeks before he will be able for the duties of his corps.

A. C. SWARTZWELDER,
Surgeon, United States Volunteers, in charge.

Now, Colonel Strickland had authority from the President to raise regiment. He went to work to do so, and spent his time and his money in that work. By the act of God he was stricken down for weeks and months. While he was in that condition another man was mustered in as colonel of that regiment, and thus Colonel Strickland was deprived of that recognition to which his services entitled him. All he asks is the privilege of going before the Commissioner of Pensions and showing by proof that while in the line of duty as a soldier he incurred disability entitling him to a pension.

The gentleman from Indiana talks about his knowledge of the circumstances of this case. It is not necessary for me to say anything about the trouble that he and Colonel Strickland had. I will only say that this man has been pursued time and again unrelentingly in a manner in which no soldier ought to act toward another. Colonel Strickland did the best he could, as the proof here abundantly shows. He was a stout, hearty man when he was authorized to raise that regiment, and for months afterward while engaged in that service. While performing this duty he was stricken down, as the proof shows beyond any question. Yet the gentleman from Indiana now says that Colonel Strickland was never with the regiment. It is a startling discovery that because, by reason of being stricken down by sickness, a man is unable to leave his room and therefore is not with his regiment, he must not have recognition or be regarded as entitled to a pension if he incurred disability.

Mr. JOHNSTON, of Indiana. I ask the gentleman from Tennessee to yield to me for a moment. I know he wants to state the facts correctly in this case. Now, if you will read this communication from the War Department it will show the fact to be true that this man was here in Washington trying to be mustered at the very time he claims that he was stricken down with sickness.

Mr. BUTLER. Here is a statement of the surgeon in charge, showing the fact that this man was sick on the dates mentioned, and stating that he was not in a condition to perform military service. These affidavits and papers which I hold in my hand I will ask to have printed with my remarks.

Mr. GALLINGER. Will the gentleman from Tennessee yield to me for a question? I wish to ask simply if the several certificates from reputable physicians do not show this man was sick and unable to perform military duty—United States surgeons at that?

Mr. BUTLER. Yes, sir; and in addition here is proof, not in the record, just come in to-night, from Colonel Reeves, of the Eighth Cavalry, and other officers of the same regiment, all bearing out the same state of facts. Here is testimony of Colonel Kirk, and Colonel Sawyer, lieutenant-colonel of the regiment after Colonel Patton was mustered in, all testifying to the facts sworn to by Colonel Strickland. There can be no proof stronger than that submitted in support of this case, and I appeal to the House to do justice to this man and grant him the relief that is sought for in this bill.

The affidavits referred to by Mr. BUTLER are as follows:

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA,
City and county of Washington, ss:

On this 25th day of May, A. D. 1886, personally appeared before me Felix A. Reeve, aged forty-nine years, a resident of said city and county, whose post-office address is Washington, D. C., who, being duly sworn, declared in relation to aforesaid case as follows: That he was colonel of the Eighth Tennessee Volunteer Infantry in the late war of the rebellion; that he was appointed colonel by the Secretary of War on the 5th of September, 1862, and was mustered as such by his order on the 16th of September, 1862.

Affiant states that he was appointed and mustered as colonel before he had recruited any men for his regiment; and that several other colonels of loyal Tennessee regiments—Robert K. Byrd, Robert Johnson, and probably others—were appointed, mustered, and drew pay before they enlisted any recruits for their regiments. Affiant, however, refers to the records of the War Department for a fuller statement of the facts.

Affiant further states that he was acquainted with Colonel Strickland in 1862; that for a short while he was connected with his regiment, and was authorized to recruit for it; that as he understands and believes, he afterwards recruited for the Eighth Tennessee Volunteer Cavalry, and acted as colonel for several months; but as to this affiant's information is hearsay, and he is unable to state positively with regard to Colonel Strickland's connection with said regiment. Affiant further declares that he has no interest in said case, and is not concerned in its prosecution.

FELIX A. REEVE.

STATE OF ILLINOIS, *County of Shelby, ss:*

In the matter of the claim of Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry, now pending in Congress.

On this the 17th day of February, A. D. 1888, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, John L. Kirk, aged forty-six years, a resident of Moultrie County, Illinois, whose post-office address is Windsor, Shelby County, Illinois, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he entered the Fifth Tennessee Cavalry Volunteers (afterwards changed to the Eighth Tennessee Cavalry) in the spring of 1863 and was appointed lieutenant in Company D of said regiment, and acted as said lieutenant until the 12th day of August, 1863, and that he was then mustered as captain of Company E of the same regiment, and that Jesse H. Strickland and T. J. Copps was recognized as colonel and lieutenant-colonel during the time that I was with the regiment; and he further declares that he was discharged from said regiment at Nashville, Tenn., on the 3d day of May, 1864, by reason of the consolidation of Eighth and Tenth Tennessee Cavalry.

He further declares that he has no interest in said case and is not concerned in its prosecution.

J. L. KIRK.

STATE OF ILLINOIS, *County of Shelby, ss:*

Sworn and subscribed before me this day by the above-named affiant, and I hereby certify that I read said affidavit to said affiant, including the no words erased and no words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

Certificate on file.

[SEAL.] JAMES A. MOBERLEY,
Notary Public.

AFFIDAVIT.

STATE OF TENNESSEE, *County of Grainger, ss:*

In the matter of claim of Jesse H. Strickland, late colonel of Eighth Tennessee Cavalry, now pending in Congress.

Personally came before me, a clerk of the circuit court in and for aforesaid county and State, John M. Sawyers, age sixty-two years, resident of the town of Rutledge, county of Grainger, State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That he was among the first men who joined the Eighth Tennessee Cavalry, and aided in its organization, and was appointed on April 15, 1863, senior major by Jesse H. Strickland, who was colonel of said regiment by appointment of Abraham Lincoln, President of the United States, and that he knows from personal official knowledge that the said Jesse H. Strickland was colonel of the said Eighth Tennessee Cavalry, by appointment, from its first organization in the early part of 1863 to April 15, 1864, when Samuel K. N. Patton was mustered colonel of said regiment during the absence of Colonel Strickland.

When I last saw Colonel Strickland he was sick, but can not state what was the matter with him.

Further, Col. Samuel K. N. Patton was mustered colonel on account of consolidation with the Eighth and Tenth Tennessee Regiments Cavalry.

Further the deponent saith not.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

J. M. SAWYERS.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

Witness my hand and official seal this 17th day of February, 1883.

W. H. CADEE,
Clerk of the Circuit Court for Grainger County, Tennessee.

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of claim of Col. J. H. Strickland for muster in United States service.

Personally came before me, a ——— in and for aforesaid county and State, Patrick H. Jones, aged ——— years, citizen of Port Richmond, county of Richmond, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case, as follows:

That he has been acquainted with claimant for about twenty-three years.

That he was colonel of the One hundred and fifty-fourth Regiment New York Infantry Volunteers, and his command was in second division of First Army Corps which was operating under General Sherman commanding Department.

That in or about December, 1863, he became acquainted with the claimant in Tennessee and found that he was engaged in recruiting a regiment for cavalry service (the Eighth Tennessee Cavalry Volunteers).

Also that Colonel Strickland was recognized in such duty officially by orders and correspondence from headquarters.

He further declares that he has no interest in said case, and is not concerned in its prosecution.

PATRICK H. JONES,
Late Brig. Gen. Vols.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a creditable person and so reputed in the community in which he resides.

Witness my hand and official seal this the 13th day of February, 1886.

[Seal.] CHARLES LANMAN, *Notary Public.*

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of correction of muster in case of Col. J. H. Strickland, formerly colonel commanding Eighth Regiment Tennessee Calvary Volunteers, United States Army.

Personally came before me, a notary public in and for aforesaid county and the District of Columbia, who, being duly sworn, declared in relation to aforesaid case as follows:

I have been acquainted with Col. J. H. Strickland for about twenty-three years. I was a member of the staff of General H. P. Van Cleve in 1864, at which time I met and became acquainted with said Colonel Strickland. General Van Cleve was then in command of the post of Murfreesborough and the railroad defenses between Nashville and Tullahoma, Tenn., Department of the Cumberland. I saw Colonel Strickland daily for some time at headquarters and other places, where he was understood to be and regarded as colonel of the Eighth Regiment Tennessee Cavalry United States Volunteers, and was then (1864) on recruiting service.

WM. H. H. SHEETS,
Late Captain and A. A. A. G., Staff of Brig. Gen. H. P. Van Cleve, Commanding Post of Murfreesborough, Dept. Cumb.

(Address of affiant at Register's Office, Treasury Department, Washington, D. C.)

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a creditable person and so reputed in the community in which he reside.

Witness my hand and official seal this 15th day of February, 1886.

[SEAL.] JOHN W. P. MYERS,
Notary Public.

GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of claim for correction of muster claim of Col. J. H. Strickland, Eighth Regiment Tennessee Cavalry Volunteers.

Personally came before me Francis W. Strickland, a citizen of the town of Brooklyn, county of Kings, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: I was appointed by Col. Jesse H. Strickland, in May, 1863, first lieutenant and commissary and subsistence of the Eighth Regiment Tennessee Cavalry Volunteers, then being recruited and organized and in camp at Camp Nelson, Kentucky. I reported for duty at Camp Nelson, Kentucky, in May, 1863, and was mustered in on Colonel Strickland's letter of appointment, as were all the other officers of the command, and his orders were obeyed as colonel commanding Eighth Regiment, and he was recognized by the general commanding post, S. S. Fry, and others; General A. E. Burnside, then commanding Department of the West, in which department the regiment was doing duty.

His post-office address 366 A Fifth street, Brooklyn, N. Y.

He further declares that he has no interest in said case, and is not concerned in its prosecution.

FRANCIS W. STRICKLAND,
Late First Lieut. and C. S. Eighth Tenn. Cav. U. S. Vols.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a creditable person, and so reputed in the community in which he resides.

Witness my hand and official seal this 16th day of February, 1883.

[SEAL.] CHARLES S. BUNDY,
Notary Public, District of Columbia.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE], which has been read.

The amendment was adopted.

The bill as amended was ordered to a third reading, and was read the third time.

The question recurring upon the passage of the bill, the question was taken; and there were on a division—ayes 79, noes 37.

Mr. JOHNSTON, of Indiana. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. JOHNSTON, of Indiana, and Mr. BUTLER were appointed tellers.

The House again proceeded to divide.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. If the House should not conclude the consideration of these bills to-night, would they not come up to-morrow immediately after the reading of the Journal?

The SPEAKER *pro tempore*. The Chair will state that the status of these bills is peculiar in this respect: The previous question was ordered at a night session of the House held for the consideration of pension bills, and the bill came up on the day fixed at the night session, and was then, by order of the House, fixed for consideration to-night.

Mr. ANDERSON, of Kansas. Then the bill stands as any other bill; and the previous question being ordered, if a quorum should not be obtained to-night, would not the bill come up to-morrow under the ordinary practice of the House?

The SPEAKER *pro tempore*. The Chair thinks, from the fact that the bill stands under an order with the previous question ordered upon it, to-night being fixed for its consideration, that it would be in the discretion of the House to dispose of it at any future session or make such disposition as the judgment of the House may dictate.

Mr. MATSON. Has the report of the tellers been made?

The SPEAKER *pro tempore*. It has not.

The tellers reported—ayes 97, noes 93.

Mr. JOHNSTON, of Indiana. No quorum.

Mr. MATSON. I move a call of the House.

The question was taken; and the Speaker *pro tempore* was in doubt as to the result.

Mr. DOCKERY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DOCKERY. I wish to inquire whether, in the event of a failure to consider the bill now before us, or the other bills that were made a special order for this evening, they would not be unfinished business at the head of the Private Calendar, and subject to consideration on any Friday hereafter?

The SPEAKER *pro tempore*. The Chair has just made a statement in response to the inquiry of the gentleman from Kansas [Mr. ANDERSON]. That, however, would be for the then occupant of the chair to determine.

Mr. TIMOTHY J. CAMPBELL. It is very evident from the action of some members present to-night that they intend to obstruct business; and I am going to say right here that the only way to get out of this difficulty is to adopt a motion which I shall make that all cases of this character be postponed until the 26th day of July immediately after the reading of the Journal.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to make that motion later on. The pending motion is the motion of the gentleman from Indiana for a call of the House, on which the House is dividing.

The House divided; and there were—ayes 50, noes 67.

Mr. MATSON. I demand the yeas and nays.

The yeas and nays were ordered, more than one-fifth voting in favor thereof.

Mr. SPINOLA. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. SPINOLA. I rise for the purpose of asking the Speaker to direct the Sergeant-at-Arms to call in the straggling members from the lobbies, so as to be sure and get a quorum. There is no question but that a quorum is here.

The question was taken, and there were—yeas 106, nays 50, not voting 168; as follows:

YEAS—106.

Abbott,	Finley,	Matson,	Sowden,
Allen, Mass.	Ford,	McAdoo,	Spinola,
Anderson, Iowa	Forney,	McKinney,	Springer,
Anderson, Miss.	French,	Milliken,	Stewart, Vt.
Anderson, Ill.	Fuller,	Moffitt,	Stone, Mo.
Arnold,	Gallinger,	Morrill,	Struble,
Baker, N. Y.	Gest,	Morrow,	Tarsney,
Baker, Ill.	Gibson,	Neal,	Thomas, Wis.
Bingham,	Grosvenor,	Nutting,	Thompson, Ohio
Boothman,	Grout,	O'Donnell,	Thompson, Cal.
Bound,	Hayes,	O'Neall, Ind.	Walker,
Breckinridge, Ky.	Heard,	O'Neill, Pa.	Warner,
Bryce,	Henderson, N. C.	O'Neill, Mo.	Washington,
Buchanan,	Henderson, Ill.	Osborne,	Weaver,
Butler,	Hiestand,	Payson,	Wheeler,
Campbell, Ohio	Hooker,	Phelps,	White, Ind.
Caruth,	Hopkins, Ill.	Rice,	White, N. Y.
Cheadle,	Hopkins, Va.	Richardson,	Whiting, Mich.
Chipman,	Hunter,	Romeis,	Whiting, Mass.
Clements,	Jackson,	Russell, Conn.	Wickham,
Cockran,	Johnston, Ind.	Russell, Mass.	Wilkinson,
Cooper,	Kean,	Sayers,	Williams,
Cothran,	Kennedy,	Scull,	Wilson, Minn.
Culberson,	Laird,	Seney,	Yardley,
Dalzell,	Lane,	Seymour,	Yoder.
Dockery,	Lyman,	Shively,	
Felton,	Martin,	Snyder,	

NAYS—50.

Anderson, Kans.	Davidson, Ala.	Ketcham,	Peel,
Atkinson.	Davidson, Fla.	Kilgore,	Perkins,
Bankhead,	Dibble,	Laffoon,	Peters,
Breckinridge, Ark.	Enloe,	Lagan,	Rowland,
Brewer,	Farquhar,	Laidlaw,	Stockdale,
Browne, T. H. B., Va.	Glass,	Lanham,	Stone, Ky.
Bunnell,	Grimes,	Lawler,	Turner, Ga.
Campbell, T. J., N. Y.	Hall,	Long,	Vandever,
Clardy,	Haugen,	Maish,	Wade,
Clark,	Herbert,	McCullogh,	Weber,
Cobb,	Hires,	McRae,	Whitthorne.
Cogswell,	Hutton,	Montgomery,	
Conger,	Kerr,	Outhwaite,	

NOT VOTING—168.

Adams,	Cutcheon,	Johnston, N. C.	Plumb,
Allen, Mich.	Dargan,	Jones,	Post,
Allen, Miss.	Darlington,	Kelley,	Pugsley,
Bacon,	Davenport,	La Follette,	Randall,
Barnes,	Davis,	Landes,	Rayner,
Barry,	De Lano,	Latham,	Reed,
Bayne,	Dingley,	Lee,	Robertson,
Belden,	Dorsey,	Lehlbach,	Rockwell,
Belmont,	Dougherty,	Lind,	Rogers,
Biggs,	Dunham,	Lodge,	Rowell,
Blanchard,	Dunn,	Lynch,	Rusk,
Bland,	Elliott,	Macdonald,	Ryan,
Bliss,	Ermentrout,	Maffett,	Sawyer,
Blount,	Fisher,	Mahoney,	Scott,
Boutelle,	Fitch,	Mansur,	Shaw,
Bowden,	Flood,	Mason,	Sherman,
Bowen,	Foran,	McClammy,	Simmons,
Brower,	Funston,	McComas,	Smith,
Browne, Ind.	Gaines,	McCormick,	Spooner,
Brown, Ohio	Gay,	McCreary,	Stahlnecker,
Brown, J. R., Va.	Gear,	McKenna,	Steele,
Brumm,	Glover,	McKinley,	Stephenson,
Buckalew,	Goff,	McMillin,	Stewart, Tex.
Burnes,	Granger,	McShane,	Stewart, Ga.
Burnett,	Greenman,	Merriman,	Symes,
Burrows,	Guenther,	Mills,	Taulbee,
Butterworth,	Hare,	Moore,	Taylor, E. B., Ohio
Bynum,	Harmer,	Morgan,	Taylor, J. D., Ohio
Campbell, F., N. Y.	Hatch,	Morse,	Thomas, Ky.
Candler,	Hayden,	Nelson,	Thomas, Ill.
Cannon,	Hemphill,	Newton,	Tillman,
Carlton,	Henderson, Iowa	Nichols,	Tracey,
Caswell,	Hermann,	Norwood,	Townshend,
Catchings,	Hitt,	Oates,	Turner, Kans.
Collins,	Hogg,	O'Ferrall,	Vance,
Compton,	Holman,	Owen,	West,
Cowles,	Holmes,	Parker,	Wilber,
Cox,	Hopkins, N. Y.	Patton,	Wilkins,
Crain,	Houk,	Penington,	Wilson, W. Va.
Crisp,	Hovey,	Perry,	Wise,
Crouse,	Howard,	Phelan,	Woodburn,
Cummings,	Hudd,	Pidcock,	Yost.

Mr. WARNER. Mr. Speaker, I rise to a parliamentary inquiry. Would it be in order at this time, before the announcement of the vote, to ask unanimous consent—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Clerk will report the pairs.

The following pairs were announced until further notice:

Mr. TILLMAN with Mr. HOUK.

Mr. TOWNSHEND with Mr. FITCH.

Mr. BIGGS with Mr. O'NEILL, of Pennsylvania.

Mr. BYNUM with Mr. STEPHENSON.

Mr. COLLINS with Mr. DUNHAM.

Mr. MERRIMAN with Mr. SYMES.

Mr. PIDCOCK with Mr. DE LANO.

Mr. LANDES with Mr. STEELE.

Mr. PERRY with Mr. BRUMM.

Mr. MCCLAMMY with Mr. NICHOLS.

Mr. ALLEN, of Mississippi, with Mr. BAYNE.

Mr. CRISP with Mr. ROWELL.

Mr. CRAIN with Mr. HAYDEN.

Mr. CATCHINGS with Mr. COGSWELL.

Mr. GLOVER with Mr. GOFF.

Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.

Mr. TAULBEE with Mr. SHERMAN.

Mr. MCMILLIN with Mr. BURROWS.

Mr. GREENMAN with Mr. THOMAS, of Illinois.

Mr. MCKINLEY with Mr. SCOTT.

Mr. GRANGER with Mr. ROCKWELL.

Mr. PENINGTON with Mr. HIESTAND.

Mr. CUMMINGS with Mr. MCCORMICK.

Mr. TRACEY with Mr. PLUMB, until the 17th instant.

For this day:

Mr. ROGERS with Mr. CASWELL.

Mr. WILSON, of Minnesota, with Mr. KETCHAM.

Mr. BARNES with Mr. HERMANN.

Mr. RUSK with Mr. DAVENPORT.

Mr. COMPTON with Mr. BOWEN.

Mr. BELMONT with Mr. GAINES.

On this vote:

Mr. COWLES with Mr. FISHER.

Mr. BURNETT with Mr. BUTTERWORTH.

Mr. SIMMONS with Mr. CANNON.

Mr. ERMENTROUT with Mr. GUENTHER.

For three days:

Mr. HATCH with Mr. PUGSLEY.

Mr. TIMOTHY J. CAMPBELL. I want to say to the House that I am paired with Mr. BELDEN on political questions, not on general legislative business.

The SPEAKER *pro tempore*. A call of the House is ordered. The Clerk will call the roll.

Mr. DUNHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was lost.

Mr. DUNHAM. Is a motion for a recess in order? If so, I move that the House do now take a recess until 10 o'clock to-morrow morning.

The SPEAKER *pro tempore*. The Chair will state that a call of the House having shown the absence of a quorum, a motion for a recess is not in order. The Clerk will call the roll.

Mr. BAKER, of New York. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of New York. Is it in order to ask unanimous consent to suspend further proceedings under this call and unanimous consent to have a roll-call on the passage of the bill?

The SPEAKER *pro tempore*. The Chair thinks it might be in order, by unanimous consent, to dispense with further proceedings under a call of the House; but no business that required a quorum could be transacted, the absence of a quorum having been shown and the point made. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded, and the Clerk will call the roll.

The roll was called; and the following-named members failed to answer:

Adams,	Cannon,	Goff,	Mahoney,
Allen, Mich.	Caswell,	Granger,	Mansur,
Allen, Miss.	Catchings,	Greenman,	Mason,
Arnold,	Collins,	Guenther,	McComas,
Bacon,	Compton,	Hare,	McCormick,
Barnes,	Cowles,	Harmer,	McCreary,
Barry,	Cox,	Hatch,	McKenna,
Bayne,	Crain,	Hayden,	McKinley,
Belden,	Crisp,	Hemphill,	McShane,
Belmont,	Crouse,	Henderson, Iowa	Merriman,
Biggs,	Cummings,	Hermann,	Mills,
Blanchard,	Dargan,	Hitt,	Moore,
Bland,	Darlington,	Hogg,	Morgan,
Bliss,	Davenport,	Holmes,	Morse,
Blount,	Davis,	Hopkins, N. Y.	Nelson,
Boutelle,	DeLano,	Houk,	Newton,
Bowden,	Dingley,	Hovey,	Nichols,
Bowen,	Dorsey,	Howard,	Oates,
Brower,	Dougherty,	Hudd,	O'Ferrall,
Browne, Ind.	Dunn,	Johnston, N. C.	Owen,
Brown, Ohio	Elliott,	Jones,	Parker,
Brown, J. R., Va.	Fisher,	Kelley,	Patton,
Brumm,	Fitch,	La Follette,	Penington,
Buckalew,	Flood,	Landes,	Perry,
Burnes,	Foran,	Lee,	Phelan,
Burnett,	Funston,	Lind,	Pidcock,
Burrows,	Gaines,	Lodge,	Plumb,
Butterworth,	Gay,	Lynch,	Randall,
Campbell, F., N. Y.	Gear,	Macdonald,	Rayner,
Candler,	Glover,	Maffett,	Reed,

Robertson,	Simmons,	Taulbee,	West,
Rockwell,	Smith,	Taylor, E. B., Ohio	Wilber,
Rogers,	Snyder,	Taylor, J. D., Ohio	Wilkins,
Rowell,	Spooner,	Thomas, Ky.	Wilson, W. Va.
Rusk,	Stahlnecker,	Thomas, Ill.	Wise,
Ryan,	Steele,	Tillman,	Woodburn,
Sawyer,	Stephenson,	Tracey,	Yost.
Scott,	Stewart, Tex.	Townshend,	
Shaw,	Stewart, Ga.	Turner, Kans.	
Sherman,	Symes,	Vance,	

Mr. MATSON. I understand that more than a quorum have answered.

The SPEAKER *pro tempore*. A quorum have answered.

Mr. MATSON. I move to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. GALLINGER. I demand the yeas and nays on the final passage of the bill.

The yeas and nays were ordered.

Mr. JOHNSTON, of Indiana. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOHNSTON, of Indiana. I understand that the gentleman from Tennessee [Mr. BUTLER] stated in his remarks that while I was in the service I had a personal difficulty with Mr. Strickland. [Cries of "Regular order."] I wish to say that that is not true. I do not know who the gentleman's informant is, but the statement is not true. I was with that regiment from September until it was consolidated, but I never spoke to or saw Mr. Strickland in my life until I met him during the session of the Forty-ninth Congress, and he never was with the regiment for any one to have any quarrel with him there. [Laughter.]

Mr. BUTLER. I was so informed, and I believed it to be the fact. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays on the passage of the bill.

Mr. WEBER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEBER. I understand that the gentleman from Indiana is willing to withdraw his point, and I ask whether it is in order at this time to move to reconsider the vote ordering the yeas and nays?

The SPEAKER *pro tempore*. It is in order for the House to reconsider the vote by which the yeas and nays were ordered.

Mr. WEBER. Then I make that motion.

Mr. GALLINGER. I hope it will be reconsidered.

The motion to reconsider was agreed to—ayes 88, noes 27.

The SPEAKER *pro tempore*. The question now is on ordering the yeas and nays.

The question was taken, and 33 members voted in favor thereof.

Several MEMBERS. Count the other side.

Upon a count there were—ayes 33, noes 94, and, more than one-fifth having voted in the affirmative, the yeas and nays were ordered.

Mr. SPINOLA (after the roll-call had been begun). Mr. Speaker, is it in order to have the amendments to the bill read?

The SPEAKER *pro tempore*. That is not in order pending the roll-call.

The question was taken; and there were—yeas 102, nays 53, not voting 169; as follows:

YEAS—102.

Adams,	Dalzell,	Lehlbach,	Seymour,
Allen, Mass.	Dorsey,	Long,	Snyder,
Anderson, Iowa	Farquhar,	Maish,	Sowden,
Anderson, Ill.	Felton,	McAdoo,	Spinola,
Anderson, Kans.	Finley,	McCullogh,	Stewart, Vt.
Arnold,	Ford,	McKinney,	Struble,
Atkinson,	Fuller,	Milliken,	Taylor, J. D., Ohio
Baker, N. Y.	Gallinger,	Mofflitt,	Thomas, Wis.
Baker, Ill.	Gest,	Morrill,	Thompson, Ohio
Bingham,	Gibson,	Morrow,	Thompson, Cal.
Boothman,	Grosvenor,	Nutting,	Vandever,
Bound,	Grout,	O'Donnell,	Wade,
Brewer,	Haugen,	O'Neill, Pa.	Warner,
Bryce,	Hayes,	Osborne,	Weaver,
Buchanan,	Henderson, Ill.	Patton,	Weber,
Bunnell,	Hiestand,	Payson,	White, Ind.
Butler,	Hires,	Perkins,	White, N. Y.
Campbell, Ohio	Holman,	Peters,	Whiting, Mich.
Campbell, T. J., N. Y.	Hopkins, Ill.	Phelps,	Whiting, Mass.
Caruth,	Hunter,	Post,	Wickham,
Chipman,	Jackson,	Rice,	Wilkinson,
Clark,	Kean,	Romeis,	Williams,
Cockran,	Kennedy,	Russell, Conn.	Yardley,
Conger,	Kerr,	Russell, Mass.	Yoder.
Cooper,	Laird,	Scull,	
Cutcheon,	Lawler,	Seney,	

NAYS—53.

Abbott,	Davidson, Ala.	Henderson, N. C.	Latham,
Anderson, Miss.	Davidson, Fla.	Herbert,	Lyman,
Bankhead,	Dibble,	Hooker,	Martin,
Breckinridge, Ark.	Dockery,	Hopkins, Va.	Matson,
Carlton,	Enloe,	Hutton,	McRae,
Cheadle,	Forney,	Johnston, Ind.	Montgomery,
Clements,	Glass,	Laffoon,	Neal,
Cobb,	Grimes,	Lagan,	O'Neall, Ind.
Cothran,	Hall,	Laidlaw,	Outhwaite,
Culberson,	Heard,	Lanham,	Peel,
Richardson,	Stockdale,	Turner, Ga.	Whitthorne.
Rowland,	Stone, Ky.	Walker,	
Sayers,	Stone, Mo.	Washington,	
Springer,	Tarsney,	Wheeler,	

NOT VOTING—169.

Allen, Mich.	Cummings,	Kelley,	Landall,
Allen, Miss.	Dargan,	Ketcham,	Rayner,
Bacon,	Darlington,	Kilgore,	Reed,
Barnes,	Davenport,	La Follette,	Robertson,
Barry,	Davis,	Landes,	Rockwell,
Bayne,	De Lano,	Lane,	Rogers,
Belden,	Dingley,	Lee,	Rowell,
Belmont,	Dougherty,	Lind,	Rusk,
Biggs,	Dunham,	Lodge,	Ryan,
Blanchard,	Dunn,	Lynch,	Sawyer,
Bland,	Elliott,	Macdonald,	Scott,
Bliss,	Ermentrout	Maffett,	Shaw,
Blount,	Fisher,	Mahoney,	Sherman,
Boutelle,	Fitch,	Mansur,	Shively,
Bowden,	Flood,	Mason,	Simmons,
Bowen,	Foran,	McClammy,	Smith,
Breckinridge, Ky.	French,	McComas,	Spooner,
Brower,	Funston,	McCormick,	Stahlnecker,
Browne, T. H. B., Va.	Gaines,	McCreary,	Steele,
Browne, Ind.	Gay,	McKenna,	Stephenson,
Brown, Ohio	Gear,	McKinley,	Stewart, Tex.
Brown, J. R., Va.	Glover,	McMillin,	Stewart, Ga.
Brumm,	Goff,	McShane,	Symes,
Buckalew,	Granger,	Merriman,	Taulbee,
Burnes,	Greenman,	Mills,	Taylor, E. B., Ohio
Burnett,	Guenther,	Moore,	Thomas, Ky.
Burrows,	Hare,	Morgan,	Thomas, Ill.
Butterworth,	Harmer,	Morse,	Tillman,
Bynum,	Hatch,	Nelson,	Tracey,
Campbell, F., N. Y.	Hayden,	Newton,	Townshend,
Candler,	Hemphill,	Nichols,	Turner, Kans.
Cannon,	Henderson, Iowa	Norwood,	Vance,
Caswell,	Hermann,	Oates,	West,
Catchings,	Hitt,	O'Ferrall,	Wilber,
Clardy,	Hogg,	O'Neill, Mo.	Wilkins,
Cogswell,	Holmes,	Owen,	Wilson, Minn.
Collins,	Hopkins, N. Y.	Parker,	Wilson, W. Va.
Compton,	Houk,	Penington,	Wise,
Cowles,	Hovey,	Perry,	Woodburn,
Cox,	Howard,	Phelan,	Yost.
Crain,	Hudd,	Pidcock,	
Crisp,	Johnston, N. C.	Plumb,	
Crouse,	Jones,	Pugsley,	

On motion of Mr. GALLINGER, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. ERMENTROUT. Mr. Speaker, I have voted, but I am paired, and I ask leave to withdraw my vote.

Mr. WHITE, of New York. If it breaks a quorum we shall object.

The SPEAKER *pro tempore*. The Chair will state that even with the vote of the gentleman from Pennsylvania [Mr. ERMENTROUT] there is not a quorum.

The result of the vote was then announced as above recorded.

Mr. KILGORE. No quorum.

The SPEAKER *pro tempore*. The vote having been taken by yeas and nays, the Chair is bound to take notice of the fact that there is no quorum.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally. I make that request for this reason. There is a bill on the Calendar that I think is perhaps the strongest one on the Calendar. I make up my judgment on that point because so many gentlemen——

The SPEAKER *pro tempore*. The Chair will state that when the fact of no quorum is disclosed by a yea-and-nay vote nothing is in order but a call of the House or a motion to adjourn or some proceeding to ascertain the presence of a quorum.

Mr. WHITE, of New York. I move that the House adjourn.

Mr. MATSON. If that is the ruling of the Chair, I move that the House do now adjourn.

Mr. COCKRAN. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. COCKRAN. Simply to ask for information; in what position that will leave the unfinished business?

The SPEAKER *pro tempore*. In the opinion of the Chair, the bills will stand in the same position as now. There has been no vote taken to-night ordering the previous question, that having been ordered before, and the Chair is of opinion that they will come up as unfinished business when this class of business is again reached in the House. But those are questions for the then occupant of the chair to determine. The question is on the motion of the gentleman from Indiana [Mr. MATSON], that the House adjourn.

Mr. MATSON. I withdraw the motion.

Mr. COCKRAN. I ask unanimous consent that these bills be set down for next Thursday evening.

The SPEAKER *pro tempore*. No quorum being present, it is incompetent for the House to entertain the request of the gentleman from New York.

Mr. CLARDY. Is it in order for the gentleman from Indiana [Mr. MATSON] to submit a request for unanimous consent. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The rules prescribe that when the absence of a quorum is disclosed only two motions are in order. The

question is on the motion of the gentleman from Indiana [Mr. MATSON], that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 10 o'clock and 12 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. McCULLOGH: A bill (H. R. 10811) granting a pension to Elizabeth Candy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10812) granting a pension to Susan Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10813) granting a pension to Jesse B. Ramsey—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10814) granting a pension to Mary Smith—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 10815) for the relief of Andrew K. Miller—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 10816) granting a pension to Hugh Ewing—to the Committee on Invalid Pensions.

By Mr. WILBER: A bill (H. R. 10817) granting increase of pension to Alexander Van Loan—to the Committee on Invalid Pensions.

By Mr. G. A. ANDERSON: A bill (H. R. 10818) granting a pension to Mrs. Adelaide H. Woodall—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of Edmond Raphailp and 40 others, of Ellis County, Texas, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. A. R. ANDERSON: Petition of W. H. Abbott and 18 others, citizens of Mills County, Iowa, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BREWER: Remonstrance of James A. Button and 200 others, citizens of Genesee County; of 750 farmers and wool-growers of Shiawassee County; of C. M. Wood and 200 others, farmers of Livingstone County; of T. S. Bausher and 155 others, citizens of Oakland County, and of L. G. Burch and 110 others, citizens of Clinton County, Michigan, against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. CANDLER: Petition of Eli Lovinggood, administrator of Samuel Lovinggood, of Cherokee County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CARUTH: Petition of J. A. Miller, of Louisville, Ky., for relief—to the Committee on Claims.

By Mr. ENLOE: Petition of R. A. Guthrie, of Perry County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FORD: Petition for the relief of Andrew K. Miller—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Memorial of D. P. Wilcox and 10 others, of Dakota, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GROSVENOR: Memorial of E. P. Alderman and 27 others, of Theodore F. Davis and 11 others, of the Farmer's Club, and of H. B. Loomis and 34 others, of Washington County, Ohio, for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. D. B. HENDERSON: Petition of the Industrial Christian Home Association of Utah, asking for Government aid—to the Committee on Appropriations.

Also, petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, favoring the appropriation of $75,000 for the Industrial Home Association of Utah—to the Committee on Appropriations.

By Mr. JACKSON: Petition of the Junior Order of United American Mechanics of Rochester, Pa., in favor of bill restricting immigration—to the Committee on Foreign Affairs.

By Mr. JONES: Petition of John C. Smith, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. LEE (by request): Petition of John F. Mortimer, for relief—to the Committee on War Claims.

By Mr. LODGE: Petition of John Johnston and 79 others, of Washington, Me.; of George L. Chaffer and 37 others, of Staffordville, Conn.; of E. J. Haskell and 27 others of Calais, Me., and of Louis Helm and 24 others, of Stafford Springs, Conn., for the bill repealing duties on sugar and molasses—to the Committee on Ways and Means.

By Mr. McCLAMMY: Petition of J. H. Sampson and 121 others, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. McCREARY: Petition of Mary Speaks, widow of Jesse C. Speaks, second lieutenant Company K, Seventh Regiment Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Hiram Murphy and 87 others, ex-Union soldiers of Owen County, Iowa, for the passage of the bill giving arrears of pensions—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of Hugh Ewing, for increase of pension—to the Committee on Invalid Pensions.

By Mr. REED: Petition of Jesse Gould and others, of Biddeford, Me., in favor of a pension for Mrs. Hattie H. Edgerly—to the Committee on Invalid Pensions.

By Mr. ROWLAND (by request): Petition of Archibald S. McNeil, of Richmond County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. TRACEY: Petition of citizens of Albany County, New York, in regard to reduction of postage on merchandise—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Moses B. Keel, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Duncan Buchanan and 107 others, of Huron County, and of H. H. Spencer and 70 others, of Macomb County, Michigan, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of John Donahue, for relief—to the Committee on Private Land Claims.

By Mr. WILKINS: Petition of G. K. Arthur and 200 others, citizens of Tuscarawas County, and of C. F. Saugsten and 30 others, citizens of Coshocton County, Ohio, in relation to the duty on wool—to the Committee on Ways and Means.

By Mr. WISE: Petition of citizens of Richmond, Va., relative to a national bureau of harbors and water ways—to the Committee on Expenditures in the War Department.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DUNN: Of 191 citizens of Mississippi County, Arkansas.

By Mr. LODGE: Of president and faculty of the Boston University, the Universalist Ministers' Club, and the supervisors and commissioners of Boston schools.

SENATE.

FRIDAY, *July* 13, 1888.

Prayer by Rev. C. HERBERT RICHARDSON, D. D., of Washington City, D. C.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Philadelphia County, Pennsylvania, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FARWELL presented a memorial of wool manufacturers and wool dealers of Louisville, Ky., and other places, remonstrating against the passage of the Mills tariff bill; which was referred to the Committee on Finance.

Mr. TURPIE. I present the petition of William H. Seal and others, residents of Mount Carmel, Ind., praying for the passage of certain amendments of the interstate-commerce law. As a bill covering the amendments here suggested has already passed the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. PALMER presented the petition of John E. Hood and 15 other ex-Union soldiers and sailors, residents of Plymouth, Mich., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BUTLER. I present a preamble and resolutions adopted by U. S. Grant Post, No. 327, Department of New York, Grand Army of the Republic, favoring the passage of Senate bill No. 2797, to authorize the President to advance Chief Engineer George Wallace Melville, United States Navy, one grade, etc. I presume the bill was referred to the Committee on Naval Affairs, and I move that the preamble and resolutions be referred to that committee.

The motion was agreed to.

Mr. DAWES. I present a memorial of a large number of woolen manufacturers and wool dealers, citizens of Kentucky, remonstrating against the proposed legislation in the Mills bill in reference to wool and woolens. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. PASCO presented the petition of the State Agricultural College of Florida, with reference to the titles to lands in the Arredondo grant of 20,000 acres in which it is interested, the college being located on a part thereof, and praying for the passage of Senate bill 239, in reference thereto, with certain amendments; which was referred to the Committee on Public Lands.

Mr. EVARTS presented a petition of the Saratoga (N. Y.) Monument Association, praying that an appropriation be made for the completion and dedication of the monument commemorating the surrender of General Burgoyne at Saratoga; which was referred to the Committee on the Library.

Mr. PLUMB. Two or three days since I presented the petition of John Cowdon in regard to the Lake Borgne outlet system of improvement of the Mississippi River; which was referred to the Committee on the Improvement of the Mississippi River and tributaries. I now move that the petition be printed as a public document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 2680) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond, reported it without amendment, and submitted a report thereon.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10060) prescribing the time for sales and for notice of sales of property in the District of Columbia for overdue taxes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1950) to ratify and confirm an agreement with the Indians of Fort Berthold agency, in Dakota, reported it with amendments.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by Mr. STEWART to the sundry civil appropriation bill, reported a substitute therefor; which was referred to the Committee on Appropriations.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 8183) for the erection of a public building at Opelousas, La., reported it without amendment, and submitted a report thereon.

POLICE MATRONS.

Mr. FARWELL. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, to report it without amendment, and I ask unanimous consent for its consideration now.

The PRESIDENT *pro tempore*. Is there objection to the consideration of this bill?

Mr. COCKRELL. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read.

By unanimous consent, the bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes, was considered as in Committee of the Whole.

It proposes to authorize the commissioners of the District of Columbia to appoint three matrons for the police department of the District, at a salary of $600 per annum, as soon as the necessary accommodations may be authorized and provided by Congress, and the work completed.

These police matrons are to search when necessary, examine, and care for the female prisoners who may be taken into custody by the police, and to take charge of lost or abandoned children while detained at a station-house to which a matron may be assigned, under such rules and regulations as the commissioners of the District may from time to time make. No woman is to be appointed a police matron unless suitable for the position and recommended therefor in writing by at least ten women of good standing, residents of the District.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROAD TO BATON ROUGE NATIONAL CEMETERY.

Mr. WALTHALL. The Committee on Military Affairs, to whom was referred the bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La., report it without amendment.

Mr. GIBSON. I ask unanimous consent to put that bill on its passage.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

The bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3322) to increase the pension of George W. Montgomery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3323) granting a pension to Florence Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER (by request) introduced a bill (S. 3324) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. PALMER introduced a bill (S. 3325) granting an increase of pension to Julia M. Edie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3326) authorizing the Secretary of the Interior to negotiate with the Cœur d'Alene tribe of Indians for the purchase and release of a portion of their reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAVIS. I move that Order of Business 1722, House bill 7749, be now considered.

Mr. EDMUNDS. Are bills in order?

Mr. HALE. Let us get through with the morning business.

The PRESIDENT *pro tempore*. A request for the regular order is an objection to the motion of the Senator from Minnesota.

Mr. EDMUNDS. I ask leave to introduce a bill by request.

The bill (S. 3327) to establish a council of ordnance was read twice by its title.

Mr. EDMUNDS. I move the reference of the bill to the Committee on Military Affairs.

I wish to say that the gentleman who prepared this bill and submitted it to me for introduction is a gentleman of very high attainments in respect to the matters embraced in the bill; but, of course, as I have not had time to study it in detail I make the usual statement.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. PLUMB and Mr. MITCHELL submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO CLAIMS BILL.

Mr. PAYNE submitted an amendment intended to be proposed by him to the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee on Claims, and ordered to be printed.

MISSISSIPPI RIVER BRIDGE AT WABASHA, MINN.

The PRESIDENT *pro tempore*. Are there resolutions, concurrent or otherwise? If there be none, the morning business is concluded.

Mr. DAVIS. I move that Order of Business 1722, House bill 7749, be now taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.

The bill was reported from the Committee on Commerce with an amendment, which was to strike out all after the enacting clause and to insert the following:

That the city of Wabasha, in the State of Minnesota, be, and is hereby, authorized to construct and maintain a bridge for the passage of vehicles of all kinds, animals, and foot-passengers, across that part of the Mississippi River east of the main channel of said river, at a point opposite or nearly opposite the said city of Wabasha, and to charge for such use such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same for the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over railroads or public highways leading to said bridge; and the United States and all companies and individuals shall have the right of way for telegraph, postal-telegraph, and telephone purposes across said bridge.

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required

for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of war the construction of said bridge shall not be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States within whose jurisdiction said bridge or any portion thereof may be located.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRANCH SOLDIERS' HOME IN INDIANA.

Mr. MANDERSON. I ask consent that the Senate consider Order of Business 1607. I move to take it up.

The motion was agreed to; and the bill (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, which was, in section 3, line 7, after the word "shall," to insert the word "first;" so as to read:

Provided, That the citizens of said county shall first drill a natural gas well or wells on said grounds, of sufficient capacity to furnish gas for heating and lighting said buildings, and shall supply an adequate quantity of such gas free of cost to the Government.

Mr. MANDERSON. I hope that amendment may not be agreed to. I do not think it is essential.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEBTEDNESS OF NEW MEXICO.

Mr. PLATT. I ask the Senate to consider at this time House bill 4423, Order of Business 1428. I move to take it up.

The motion was agreed to; and the bill (H. R. 4423) relating to certain acts of the Twenty-seventh Legislative Assembly of the Territory of New Mexico, was considered as in Committee of the Whole. It provides that the act of the Twenty-seventh Legislative Assembly of the Territory of New Mexico, entitled "An act to create a funded indebtedness of the Territory of New Mexico to pay and discharge certain claims for carpets, furniture, gas fixtures, gas and water, and fuel, and for shelving the vaults and library room, and for insurance and other incidental and contingent expenses, now accrued and to accrue during the ensuing two years," approved February 14, 1887; and the act of the same Legislative Assembly, entitled "An act to provide for the payment of current expenses of the Territory until the tax income shall meet the same," approved February 24, 1887, shall be approved and declared valid acts of the Legislative Assembly, and the Territory shall be bound by their terms, and shall be held to the payment of the respective sums stipulated to be paid in the bonds, the issuance of which is provided in these acts, and in the manner and form therein prescribed.

Mr. EDMUNDS. Will the Senator please explain that bill to the Senate?

Mr. PLATT. We passed an act in 1885, I believe, that no special acts or laws could be passed by a Territorial Legislature for certain purposes mentioned in the act, but that all such laws should be general laws. The Territory of New Mexico has passed an act to provide for finishing up their Territorial capitol and furnishing it, and some matters of that sort, which I do not think interferes with or is prohibited by the act of Congress to which I have referred; but a question has been raised about it, and it is desired to ratify that action of the Legislature. The Territorial act was defective in that it did not provide any means for paying the interest on the bonds which should be issued. This bill remedies that defect. There are about $250,000 of these bonds which have been sold and the interest on which became due the 1st of July. There are no means of paying it. The credit of the Territory suffers and the bondholders have suffered. This is a House bill, and at the request of the Delegate from the Territory and on examination by the committee we thought it ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; and

A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian reservation;

A bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas;

A bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation in Washington Territory, and for other purposes; and

Joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 28, 1888.

THE FISHERIES TREATY.

Mr. GEORGE. I move that the Senate now resolve itself into open executive session to consider the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate do now proceed to the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] and the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the pending treaty by title.

The EXECUTIVE CLERK. Treaty (Executive M) between United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

Mr. GEORGE. Mr. President, I know of no higher duty of American Senators than giving their advice as to the making or rejection of a treaty settling grave questions which have arisen in relation to important rights of the American people. Our advice and consent have been asked by the President to the conclusion of a treaty involving many important questions of a most delicate nature, which have remained unsettled for many years, giving rise to disputes and differences of a grave character, threatening serious complications with one of the great nations of the world, notwithstanding four previous treaties made for the same purpose.

In the case before us we are not only to determine what is best for the American people, but we find this first question involving the determination of what obligations the American people have come under in former treaties and what may therefore be due to public faith solemnly pledged, what is due to an observance of compacts, what is due to that high honor, to that scrupulous compliance with national engagements, which no people can sully or neglect without disgrace and without disaster.

In discharging this high duty there is no room for considerations of a mere partisan character, no place for passion, no rightful opportunity for appeals or arguments founded in error or directed to any other end than the public good.

In their relations with foreign nations the thirty-eight American States are one, the American people are one; their interests, their rights, and their obligations the same. There may be differences of opinion, as there always are, as to particular questions, but these differences should have no relation to party divisions. Foreign nations have no right to participate in our domestic divisions. As to them we all belong to the same party, the party of our country.

The proposed treaty is a substitute for or modification of existing treaty obligations, and this necessitates a comparison of the old and the new. This compels an inquiry—calm, deliberate, and just—into the true force and meaning of both. Thus only can it be known which is the better. Thus only can we make a rational choice.

OPEN SESSIONS.

Mr. President, for the one hundred years of the existence of our Constitution this examination and inquiry have been made under circumstances which allowed the freest interchange of views between members of this body, the fullest discussion and the calmest consideration. Our deliberations were confidential; foreign nations having adverse interests were excluded. They were not allowed to know the arguments, the reasons, the motives which controlled our action.

That the American people, our masters, ought to be allowed to know what their agents, their servants, are doing, and the reasons for their action, may be admitted in a general sense; but it is also true that it is unsafe, unwise to permit foreign nations with whom we are treating to be admitted into our secret councils and thus learn our

views, our motives, the arguments and reasons on which we act. They give us no admission to theirs.

Up to this time the American Senate, without complaint from the American people, have denied this privilege to foreign nations, subordinating the lesser right of the people to be present at these deliberations to their greater right, the right to have their business transacted in a manner most advantageous to them, most consonant to their safety and welfare, the right to exclude foreign nations from intrusion into their councils. This view prevailed in the American Senate as to this very treaty up to and on the 14th day of May last. On that day the Senate, by a vote of 41 to 3—the negatives being Senators DAWES, SHERMAN, and TELLER—refused to admit the British Government and all others to our deliberations. On the 22d of the same month the British and all the world were invited to be present by the vote of every Republican Senator but one, Mr. HALE.

I believe, sir, it is an open secret that this change in the attitude of the Senators on the other side, resulting in a consequent change in the uniform practice of the Senate, was brought about by the action of a caucus or conference of Republican Senators from which all the world was excluded. What arguments were urged, what reasons presented, which worked this extraordinary change are unknown to me, unknown to the world. The Republican Senators became in some unknown way, in secret council, from which the American people were excluded, convinced—solemnly convinced—by arguments and on reasoning which they dared not or would not commit to the American people, that secrecy in affairs, secrecy in making treaties, was all wrong; that the universal practice of our fathers on this subject was all wrong. The inconsistency between the methods used and the end attained, the repugnance between the principles of these methods and the principles involved in this end, are so patent that it requires a large share of charity in judging mankind to believe that both are sincere. The result—a declaration that secrecy in deliberations in conducting negotiations with a foreign power is all wrong, the exclusion of that power from our counsels is un-American, is reached in a secret caucus from which the American people themselves are excluded! It is not to be forgotten, however, that this change in regard to secret sessions of the Senate is not by any means the result of a conviction that such secrecy is in general wrong. The change is limited to this very treaty; for since the vote to consider this treaty in open session we have been considering all other executive business in secret, including not only treaties, but matters of nominations to public office, which are purely of domestic concern. Thus we take into our confidence, admit to our secret counsels, Great Britain when we consider matters which seriously affect our relations with that empire, and we exclude from our confidence the American people when considering matters affecting them alone.

Mr. President, this action of the Senate forces me, in stating the convictions I have for favoring the ratification of the treaty, to argue in the hearing of the British people, if they can hear so humble a man as myself, adversely to some of the alleged rights which have been claimed by American diplomatists. Such arguments have already been stigmatized on this floor as "the British side." Whether the denunciation was intended to deter Senators from expressing views favorable to ratification or to destroy their weight when expressed I shall not stop to inquire. If, however, what I or others may say may favor some of the pretensions of Great Britain and be adverse to false claims set up for our own country, and harm comes from the fact that Great Britain has been notified that such views are entertained and such arguments made, that harm results from the action of the majority—the Republican side of this Chamber—and not from the action of my party associates.

The truth is, Mr. President, as I believe, that this debate is not now and never was intended by the other side of the Chamber to be, as the Constitution intends it should be, as the American people have a right to demand that it should be, a fair and honest consideration of the question of ratification or rejection of the treaty. That question has already been settled in a secret caucus of the other side of the Chamber. The treaty has been predestined to rejection, and for reasons unknown to the world; and the open debate we are now having is not for the purpose of settling what we ought to do, but to justify what has been decreed to be done, by arraigning before the American people the President for negligence or indifference to American rights. The discussion therefore before our masters, the people, must take that full and free range which it would have taken before the Senate if sitting in secret and in the confidence that nothing said would ever be made public or reported to Great Britain. For, Mr. President, it would be a great injustice to those who favor ratification, a great wrong to the American people themselves, if we, when thus challenged before our masters and charged with surrendering great and valuable rights belonging to them, are not permitted to show that no such rights exist, that no surrender has been made, and that which the treaty secures us is of great import and advantage to our country.

Mr. President, the issue being between the old and the new, we are forced to consider both the old and the new, and determine between them. In doing this, sir, I shall not fail to recognize to the fullest extent the importance of these fisheries, nor shall I forget the especial rights, interests, and necessities of those of our countrymen who are engaged in taking and curing fish in waters near the British colonies. There is not an American citizen—native or naturalized—who hazards his life in the oftimes perilous business of fishing in these tempestuous waters whose smallest right I would surrender or impair. On the contrary, whatever rights he has I would not only fortify, but would enlarge as far as in my power. I shall attempt no eulogy on the American fishermen; that has been better done by others. I will say this, that I recognize them, every one of them, as my countrymen, engaged under the sanction of public law and treaties in an employment of great importance to the whole country, full of dangers and discomforts, and often unremunerative to the very men whose skill, whose courage, whose self-denial and endurance take these treasures from the seas. If I do not unconsciously stumble, I shall cast my vote on the question of ratification on that side which, being consistent with the faith of public treaties, the sanctity of international compacts, most advances the welfare of these men.

EFFECT OF INTERNATIONAL LAW ON THE SUBJECT.

Mr. President, during the delivery of the very able and very instructive speech of the Senator from Delaware [Mr. GRAY] several weeks ago, he was interrupted by the Senator from Colorado [Mr. TELLER], also by the Senator from Massachusetts [Mr. HOAR], both of these Senators stating that the claim to these fishery rights was not made under international law, but was based solely upon treaty engagements. That, sir, is not strictly correct. For the treaty of 1783, as well as the convention of 1818, though fully specifying our rights and liberties with respect to the fisheries, yet must be construed according to law and by the law; and that law is the law of nations as it was understood and acted on at that date by the United States and Great Britain, the parties to these international compacts. This position is distinctly taken by the Committee on Foreign Relations.

Sir, if you make a contract with another your rights under it are ascertained and measured by its terms; these terms are what the law says the language used means, and the law so governing is the law recognized as in force at the time and place the contract is made. To know the obligation of a person to pay to you so many dollars you refer to the law fixing and defining what a dollar is, and so of a pound sterling or a franc. To this law you and the other contractor are presumed to have submitted yourselves so far as relates to the interpretation and meaning of the contract. And the law when thus applied enters into and becomes a part of the contract itself.

The report of the Committee on Foreign Relations distinctly admits this principle; for in many places the claim of the United States to take fish in the "bays" is averred to be a matter to be determined by the public law of nations, asserting that by that law bays over 6 miles wide are public waters, the common property of mankind, and are not subject to the territorial dominion of the country whose shores they indent.

On page 21 the report states:

> The question of the extent of the territorial dominion, as it respects fishing rights in bays more than 6 miles wide indenting the shores of a country must of course be determined by the law and practice of nations as they existed in the year 1818; at which time the committee thinks the 3-miles limit from shores was recognized without regard to large indenting bays, except under very peculiar circumstances, such as the prescriptive exercise of dominion, etc.

And on page 20, speaking of the eleven bays from which by the treaty American fishermen are excluded, the report objects to such exclusion "whilst by the public laws of nations these same waters will be open to the vessels of all other countries than our own" unless they shall renounce their rights in the same. And on page 21, speaking of bays in the British dominions over 6 miles wide, it is stated that—

> It is not thought by the committee to be suitable to the dignity or interests of the United States to renounce the right of its citizens to pursue business in any part of the public waters of the world. Such rights, the committee thinks, should neither be subjects of purchase, sale, barter, or gift.

There are many other expressions of similar import in that paper; so that whatever may be the opinion of the two distinguished Senators alluded to, it is clear that the Committee on Foreign Relations do regard it as important, even essential, in construing our rights under the convention of 1818, to know what the law of nations is in respect to the "bays" named in it, and that they regard that "bays" over 6 miles wide as not included in the renunciation of fishery rights by the United States made in that convention.

THE RENUNCIATION CLAUSE IN CONVENTION OF 1818.

That convention, after stating the waters in which the liberty of fishing is conceded to the United States, contains this language:

> And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages, of purchasing wood and of obtaining water, and for no other purpose whatever, etc.

The position of the opponents of the present treaty is that the word "bays" used in this renunciation means such bays only as by the law of nations as then understood were territorial bays, bays less than 6 miles wide; and it is upon this contention that our fishery rights are sought to be established in bays from which, as the British claim, the convention excludes us.

Without admitting or denying that such result would follow, if by the law of nations, as understood by England and the United States in 1818, "bays" more than 6 miles wide were regarded as public waters, I shall proceed to examine what rights England and the United States for many years, regarded with reference to these fisheries were subject to separate and exclusive national proprietorship.

Mr. President, it must be noted that there is nothing in the convention of 1818 which indicates an intention of the contracting parties to confine the word "bays" as therein used to territorial waters over which the nation whose shores they indent had general municipal jurisdiction. As I understand it the word "bays" as used in the convention is claimed to mean territorial bays, not so much by force of the natural and ordinary meaning of the language employed as from the assumption that it is not to be presumed that the United States and Great Britain intended that the former should be excluded from public bays, to which all other nations were admitted. That neither party would desire such a result, so discriminating against the United States, may be admitted; and it may also be admitted that it would require very plain language to indicate such a concession on the part of the United States.

It becomes material, therefore, to inquire into the opinion and practice of both the United States and Great Britain at and before that time, as to the conceded and acknowledged rights of either or both in these fisheries, as to the admission or exclusion of other nations into and from these waters.

THE TREATY OF UTRECHT.

In 1713 a war between England and France was ended by the treaty of Utrecht. That war was waged in both hemispheres, and between the colonies as well as the principal nations themselves. At that time England was owner on this continent of that part of the United States east of the Mississippi, excluding Florida and Louisiana. France owned all now embraced in the Dominion of Canada and the island of Newfoundland. The British American colonies contributed in men and money largely to the success of the British armies on the North American continent, and especially in all the operations against the territory on which these fisheries, in the language of the treaty of Utrecht, "depended." The acquisition of these fisheries was a main object of military movements in Nova Scotia and the adjacent French territory. These operations were successful.

Nova Scotia (then also called Acadia) and Newfoundland also were conquered by the British armies and ceded by the treaty of Utrecht to England.

Article XII of that treaty is in substance as follows:

ART. XII. France cedes to England all Nova Scotia or Acadia, also city of Port Royal, and "all other things which depend on said lands and islands, and the inhabitants of the same are yielded and made over to the Queen of Great Britain and to her crown forever, and the most Christian King doth at present yield and make over all the particulars aforesaid; and that in such ample manner and form that the subjects of the most Christian King shall hereafter be excluded from all kind of fishing in said seas, bays, and other places on the coast of Nova Scotia; that is to say, in those which lie toward the east within 30 leagues, beginning from the island commonly called Sables, inclusively, and thence stretching along towards the southwest."

Article XIII cedes to Great Britain Newfoundland and adjacent islands, and prevents French from fortifying any place in Newfoundland, or erecting any buildings there, besides stages made of boards and huts necessary and usual for drying fish.

"But it shall be allowed" the French "to catch fish and dry them on land in that part, and in that part only, and in no other beside that of the said island of Newfoundland, which stretches from the place called Cape Bona Vista to the northern point of said island, and from thence running down by the western side reaches as far as the place called Point Riche. But the island of Cape Breton, as also all others, both in the mouth of the river St. Lawrence, and in the gulf of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there."

A careful study of Article XII of the treaty is of great importance. France makes the cession of Nova Scotia or Acadia to England "with all other things which depend on said land * * * in such ample manner and form," that the French should thereafter be "excluded from all kinds of fishing in said seas, bays, and other places on the coast of Nova Scotia * * * which lie towards the east within 30 leagues (90 miles), beginning from the island commonly called Sable, and thence stretching along towards the southwest."

It is thus seen that in the opinion and practice of England and France, then the two most powerful of all European states, these fisheries "depended" on the adjacent land, in such sense that the nation that owned the land also owned the fisheries, and that this exclusive national ownership of the fisheries extended more than 90 miles from the coast, as Sable Island itself, the starting point, was away out in the open sea, many miles from the mainland.

By the thirteenth article Newfoundland was ceded to England, but certain fishing liberties were "allowed" the French, notwithstanding the cession, on the coasts of that island from Cape Bona Vista on the east around by the north and then down on the west to Point Riche, but in no other part. J. Q. Adams says Spain was by this treaty of Utrecht excluded from fishing in the "neighborhood" of Newfoundland.

Going back to the early part of the eighteenth century, now nearly two hundred years ago, to the first treaty between the great maritime nations of the world in relation to the North American fisheries, we find it distinctly the practice and opinion of these nations that these fisheries "depended" on the mainland, were subject to the owners of the adjacent shores, and that this exclusive ownership extended at least 90 miles from the shore into the open sea. Thus it was in the very inauguration of the practice of nations, under the law of nations, that there was not only no recognition, as to these fishery rights, of the common property of mankind in them as to all seas, bays, or gulfs outside of 3 miles from the shore, but an express repudiation of such right.

TREATY OF PARIS.

Mr. President, following the practice and opinion of nations, invoked by the Committee on Foreign Relations, for the next half century, we come to the next treaty between France and England—the treaty of Paris, in 1763—in which there were stipulations in reference to this fishery. During that half century France had enjoyed fishery rights on the coast of Canada, and such rights as were conceded on the coast of Newfoundland by the treaty of Utrecht. She had also fishery rights in virtue of her ownership of the island of Cape Breton. A main object of the war which was thus ended in 1763, at least in America, was to conquer from France the remainder of the land on which these fisheries "depended"; and in this object the British colonies fully concurred, and to attain it contributed very largely of both blood and treasure. The result was that Canada and Cape Breton were conquered, and by the treaty ceded to England, leaving nothing to France in these parts but two small and rocky islands as a fishing station.

This treaty confirmed the previous cessions of Nova Scotia and Newfoundland, and ceded Canada and Cape Breton to Great Britain. Again the fisheries were the subject of negotiation and settlement. France was still allowed the liberty of fishing on the coast of Newfoundland, as specified in Article XIII of the treaty of Utrecht; and the treaty proceeded to say, "And his Britannic Majesty consents to leave," yes, "consents to leave" to the French the liberty of fishing in the Gulf of St. Lawrence. This was no narrow bay or strait, but a great sea. Yet so firmly was the idea settled in the minds of the statesmen of both nations that all these fisheries "depended" on the adjacent lands and were a part of the property of the owner of these lands, that it was deemed necessary, in order to secure fishing rights to the losing party, when these lands were ceded, that the new owner should contract to "leave" to the other as a part of his old property appendant to the lands ceded, a portion of his ancient right to fish in that great sea—the Gulf of St. Lawrence. But it was left, not as a "right," for that was supposed to be lost with the loss of the adjacent land, but only as a "liberty" or privilege yielded by the gracious consent of the true owner.

But, sir, even this privilege was not left without restriction. It was allowed only "on condition" that the French do not fish but at the distance of 3 leagues—9 miles—from all the coasts belonging to Great Britain, as well the coasts of the islands in the gulf as of the continent. And as to Cape Breton, the condition was that the French do not fish within 15 leagues, or 45 miles, from the coasts of that island. These stipulations in the treaty of Paris were grants of privileges, and grants, too, on condition, grants on condition-subsequent; so that if there should be a violation of this condition by fishing beyond the prescribed limits, the grant was liable at the will of England to forfeiture, and the French subject, by the force of the treaty itself, to be ejected from fishing in the Gulf of St. Lawrence and the seas south of Cape Breton forever. As to the fishing adjacent to Nova Scotia, this treaty, at the end of fifty years from the treaty of Utrecht, solemnly and deliberately ratified and confirmed forever the exclusion of the French from fishing within 30 leagues of the coast of that province, commencing at Sable Island, as it was stipulated in the treaty of Utrecht.

Mr. President, to both these treaties we were parties, not merely silent, unwilling, and acquiescent parties, as humble and obedient subjects of the British Crown, but active, aggressive parties, freely spending our money and shedding our blood to drive the French from these fisheries and to acquire them for ourselves in part as members of the British Empire. We had a local autonomy, the power in ourselves, at our will, to raise men and money for this enterprise, and we did raise and spend more than our proportionate share, as John Adams claimed. The advantage thus gained we enjoyed to our great profit; and the principles on which the acquisition was made we sanctioned, solemnly and explicitly sanctioned not only in words, but by a century nearly of active business life and enterprise in strict accord therewith. It is not in our power to-day to deny or repudiate these principles and this conduct. However much we may have changed, if change there has been, in reference to the extent from the shores to which these treaties could rightfully assign exclusive national rights, it is yet true that in 1783, through John Adams, in 1816, through John Quincy Adams, and ever since, and now in the report of the Committee on Foreign Relations and in every speech made in support of our alleged rights, it is made prominent as the surest and best foundation for our claim that our right to these fisheries is an ancient one, coming from our participation in those very wars in which these fisheries were conquered from the French. What this claim means in the report of the committee when they at the same time assert that the fisheries in the open seas outside the 3-miles limit and in the great bays over 6 miles wide are and have always been the common property of mankind and can not therefore

be the exclusive property of any nation; and at the same time admit that all the other waters inside the 3-miles limit and inside the bays 6 miles and under in width are the exclusive property of Great Britain, I leave to that learned committee to explain. There remains under the theory of the committee nothing on which the claim by conquest can be located, unless perhaps on and along that mathematical line which, without breadth or thickness, marks the 3-miles limit. The value of such a right is respectfully left to the determination of that learned committee.

Mr. President, such was the action and such the attitude in reference to public law, and under public law which the people of Massachusetts and the other colonies, before their independence, assumed when they were British subjects. Now, sir, if it be argued against the plain facts I have stated that the colonies were only a part of a great monarchy, were not possessed of national rights nor clothed with national responsibilities when they thus acted, and were, therefore, not responsible for nor bound by the attitude assumed by England and France as I have stated it, that their position was only of loyal and obedient acquiescence as dutiful subjects of the British Crown, a sufficient answer will be found in what I have stated, showing their free and active participation in these wars and in the fruits of these wars. If further answer is required it is furnished, abundantly furnished, by their subsequent conduct when they were really free and independent States. And here again it will be found that the United States in the most solemn manner affirmed the doctrine of exclusive and separate national right and ownership in these fisheries, not only to the full extent stated in the treaties of Utrecht and Paris, but carrying these principles to their legitimate and logical result, they affirmed this exclusive right to all the fisheries as well on the ocean itself as on all smaller waters.

ACTION OF CONGRESS IN 1776.

I now bring to the attention of the Senate this subsequent conduct, and I aver that it justifies all that I have said.

Mr. President, the first act of our international intercourse—our first actual and practical assertion of the principle asserted in the Declaration of Independence, that the colonies, as free and and independent States, "have full power to contract alliances and establish commerce"—was the appointment of commissioners to make a treaty of alliance with France. John Adams was one of these. In December, 1776, the Continental Congress, in secret session (for they did not, as we now do in reference to this treaty, admit to their confidence in matters of our foreign relations the nations of the world), appointed a committee of five to consider and report a plan for securing foreign assistance in our war for independence. This committee consisted of John Witherspoon, Elbridge Gerry, Richard Henry Lee, Abraham Clarke, and Samuel Adams—three, a majority, from New England, one from New Jersey, and one from Virginia.

This committee, as in fact did the whole Congress, turned their eyes to France for the needed assistance. And considering maturely what it was in their power to give for the needed alliance and assistance, they remembered that this great fishery and the lands on which it "depended" had once been the property of France; that only after two bloody and devastating wars, in which the colonies actively and effectively participated against the country whose assistance they were now seeking, and in favor of that country with which they were now at war, had this great property been wrested from France and conferred on England, leaving to France as a mere liberty, as a mere concession from the liberality and bounty of England, the poor privilege of taking fish in circumscribed limits, and as to the most valuable part, based on a hard condition, that the taking of fish should not be within many leagues of the shores. They remembered, too, that this fishery was then the most valuable in the world, and, on the principles of the treaties of Utrecht and Paris, to which the colonies were parties, as before stated, that it "depended" on—that is, was appendant to the adjacent lands, then belonging wholly to Great Britain, and that if they succeeded in securing their independence and a separation from Great Britain the fishery would be lost to them, unless they secured also a separation from Great Britain of these very lands and their annexation to the United States. So this great committee, whose names I have mentioned, reported a plan to secure French assistance. This plan, after three days' careful and profound consideration, in secret session, by the very Congress which made the Declaration of Independence, and in less than six months thereafter, namely, on the 30th of December, 1776, was adopted without dissent or division.

This plan, among other things, provided as follows:

It "authorized and instructed the commissioners of the United States to France to assure His Most Christian Majesty that should his forces be employed in conjunction with those of the United States to exclude His Britannic Majesty from any share in the cod fishery of America by reducing the islands of Newfoundland and Cape Breton, and should ships of war be furnished when required by the United States to reduce Nova Scotia, the fishing shall be enjoyed equally and in common by" the French and the United States, "to the exclusion of all other nations and people whatever," and half the island of Newfoundland shall be owned by the French: *Provided*, That "Nova Scotia, Cape Breton, and the remaining part of Newfoundland" shall be annexed to the territory and Government of the United States." (See Secret Journal of Continental Congress, volume 2, page 39.)

Mr. President, I have read this, not as containing anything unknown to persons who have investigated this subject, but only to refresh failing memories, and to place it in contrast with the assertion of the Committee on Foreign Relations, that in the opinion and practice of nations these waters, when over 6 miles wide, were, for the purpose of taking fish, public not national waters—the common property of all the human race, and to show how utterly destitute of substantial proof, how utterly baseless is the charge made by this committee and by others on the other side of the Chamber, that the treaty proposed for our ratification by the President surrenders rights which belong to us under the public law of nations. This act, this solemn and deliberate action of the Congress of 1776, shows beyond controversy or doubt that as to the American fisheries, the American doctrine, having its beginning in 1713, when we were British colonies, and continuing from that time to the birthday of our separate and independent station among the nations of the world, was in every particular the exact reverse of that false and pernicious, that un-American doctrine announced by the Committee on Foreign Relations. That this doctrine thus reaffirmed in the most solemn manner in 1776, continued to be the American doctrine up to the convention of 1818 and later, will be shown hereafter.

Mr. President, the importance of this action of the Congress of 1776 can not be overestimated. The great men of that day did not build wiser than they knew. They, holding fast to just principles suited to American conditions, thought and acted, even in temporary pressing emergencies, on those broad lines of policy and justice essential to the future grandeur of the nation they were founding. In the broad land they inhabited, washed by almost limitless oceans on either shore, with broad gulfs, bays, and seas adjacent to and indenting the land, were also immense lakes, themselves inland seas, and the greatest rivers in the world. All nature's works were on a scale of magnificence and grandeur unknown in civilized Europe. With the certain conviction that they were laying broad and deep the foundations of a republic which would have a continent for its possessions, they were utterly incapable of confining national rights and privileges over waters indenting their shores to those contemptible and Lilliputian inlets which were under 6 miles wide. Already they had claimed and exercised, and we have ever since claimed and exercised, jurisdiction over Delaware Bay, Chesapeake Bay, and Long Island Sound, all of which were much larger than this limit allowed by the committee for jurisdictional waters. Besides all this, as I have clearly shown, they had, in conjunction with Great Britain and France, in the most solemn public acts, consented to the separate national jurisdiction contemplated in the plan I have referred to.

The occasion and the purpose of this assertion of this doctrine as to public and national waters were a guaranty of its integrity and sincerity. It was the first public act taken by them on their entry into the family of nations. It was an assertion of our adherence to the doctrines of public law established by the nations in reference to these waters. The specific purpose was to secure the friendly aid of a sister nation in our struggle for independence. Can it be said that this first entry was in duplicity, falsehood, and dishonor? Can it be charged that this first great act was in violation of that public law which regulates honorable and friendly intercourse among peoples and nations, an attempt to rob not only one nation, but all, of their just and acknowledged right to share in the common property of the human race, the gift of a beneficent God to all his children? Was this, the false and impious act of that body of men, who at that very date had fresh on their lips the declaration that in maintaining the right of their country to a place in the family of nations they committed themselves and their people to the perils and hazards of war, "with a firm reliance on the protection of Divine Providence," whose laws they were consciously violating? Was the price offered to France for assistance—the exclusion of all nations from the fishery—a false pretense, a sham, a counterfeit presentment of a pretended substance? The doctrine announced by the Committee on Foreign Relations makes an affirmative answer to all these questions necessary.

But, sir, this plan so adopted by the Congress of 1776 was carefully prepared by the distinguished patriots and eminent statesmen I have mentioned. When reported to the Congress it was carefully considered for three days and amended so as to read as I have stated it. Every word was carefully scrutinized and weighed, the import and meaning of every sentence thoroughly considered. The whole, as was intended, conveys fully and explicitly the proper idea entertained.

ANALYSIS OF THE PLAN OF 1776.

In this document, so prepared, so designed as the basis of international compact, there is no word wanting to convey the full meaning of its authors, no superfluous word to confuse or mislead. A careful analysis of it is essential to unfold its full significance. Proceeding with this analysis we discover that the plan was—

First. Not only to exclude Great Britain, the common enemy, from the fisheries, but something else. If the exclusion of Great Britain was all it might be said that was no evidence of what the parties thought of the law of nations on the subject, as this exclusion would be but an act of force—of war—a just return to Britain for her former exclusion of the French. So we see—

Second. That the plan was to exclude also "all other nations and people whatever," friends and foes alike, and allies as well.

Third. The method of this universal exclusion is significant. The exclusion was not to be by a mere police of the seas stationing all over the fishing waters armed ships to capture or drive away all intruders, but the exclusion was to be as a matter of right under the law of nations, as had been announced in the treaties of Utrecht and Paris, before referred to. The exclusion was to be accomplished by reducing; that is, conquering from Great Britain, Nova Scotia, Cape Breton, and Newfoundland, the land and island on which the fisheries "depended." Who owned these lands owned the fisheries according to the opinion and practice of nations at that time as asserted in this plan.

Fourth. The object and purpose of this exclusion is set forth explicitly and clearly. This object and purpose had no reference to the common good of all mankind, either morally or financially. It was not pretended that the fisheries were an injury to the human race, and ought therefore, like intoxicating drinks, or gaming, or piracy, to be prohibited, exterminated. Oh, no. A more practical end was in view. The purpose was, when all others should be excluded, that then the fishing "should be enjoyed equally and in common" by the United States and France.

Now, Mr. President, if the doctrine announced by the Committee on Foreign Relations be correct, all this plan, so deliberately and solemnly adopted by the Congress of 1776, was a mere attempt to form a conspiracy with France to plunder and rob, not Great Britain alone, but all mankind of their undoubted rights, and then appropriate the plunder to the pious use of a fair and equal division among the conspirators.

It is true, sir, that "cod fishing" alone is mentioned, but the right to exclude from that embraced the right to exclude from all others. It will be noted also that the phrase is "cod fishery of America," not cod fisheries of Newfoundland, or of Nova Scotia, or of Cape Breton, but of America. It was from this that all nations were to be excluded. That this fishery embraced all places then used and known as fisheries, those on the banks of Newfoundland, on the open sea, and everywhere else where codfish were caught in the American seas, is manifest not only from the force of the expression used and from the former conduct of England and France and the United States, but from subsequent acts and declarations, including those of our most distinguished and able statesmen and diplomatists, as I will show hereafter. Certainly, Mr. President, this crushes the assumed verity of the doctrine of the Committee on Foreign Relations that exclusive fishing rights were allowable only in small bays and inlets not over 6 miles wide.

Mr. President, I have been considering what our fathers of 1776 solemnly proposed, and solemnly decided they had a right to do under the public law of nations; in which they affirmed most explicitly, without a doubt as to their meaning, a doctrine in reference to these fishery waters exactly and with pointed directness the reverse in all respects of the positions assumed by the Committee on Foreign Relations—positions which the committee propose, as the organ and instructor of the Senate, for our adoption as a rule of public law, to be binding on the past and in the future, and as good grounds for rejecting a treaty which secures to us in these waters, with an inconsiderable exception, not only all that the false rule of the committee claims for us, but many valuable and important rights and liberties from which we are confessedly excluded by the public law of nations.

TREATY WITH FRANCE IN 1778.

Mr. President, I come now to consider what was really accomplished, what was consummated and agreed to, in the treaty of 1778 with France in relation to the matters contained in this plan, and in strict accord with the principle announced in it.

On the 6th of February, 1778, our commissioners succeeded in making a treaty of alliance with France, and on the same day also concluded a treaty of commerce.

In Article IX of the treaty of commerce there was a mutual covenant that the inhabitants of each country should abstain from fishing "in all places"—not in territorial waters, not in small bays and inlets not over 6 miles wide—but in all places whatever possessed by the other, and that the French should not fish in havens, bays, creeks, roads, or places which the United States should then hold or thereafter hold; and a like covenant on the part of the United States not to fish in all these when held by the French. It was then provided, to secure the exclusion of all nations by each party, that whenever the places of exclusion, as specified in the treaty, should be open to other nations, the same should be open also to French or Americans, as the case might be.

By Article X it is stipulated that the United States, their citizens and inhabitants, shall never disturb the French in the enjoyment of the right of fishing on the banks of Newfoundland—

Nor—

And I quote the language of the treaty—

in the indefinite and exclusive right which belongs to them on that part of the coast of that island assigned to them by the treaty of Utrecht.

The principle on which these stipulations are based can not be mistaken when we consider the opinions of both parties as exhibited in the treaties of Utrecht and Paris, as I have before explained, and the plan adopted by the Congress to secure French assistance, and on which I have just commented. The treaty of 1788 breathes the same spirit and is based on the same principles as these former treaties and as set forth in this plan. What places either party might rightfully hold under the law of nations are such seas as were adjacent to the land held by the party, out into the sea to at least 90 miles, as was stipulated in one of these treaties. Certainly there was no law of nations recognized by either party as confining the provisions of either to the narrow bays and inlets under 6 miles in width which indented its coasts. The stipulation against disturbance by the United States of the French in fishing on the banks of Newfoundland, every one of which was in the open sea, certainly shows that both parties recognized that such fishing rights were not secured to all nations by the public law of nations, for otherwise the insertion of such a guaranty in the treaty would not only have been wholly useless, but an insult to the United States in the supposition, on which the stipulation was in that view based, that such a guaranty was necessary to prevent the United States from violating the natural rights of France secured to her by the law of nations.

The stipulation not to disturb the French in their exclusive and indefinite right to fish on the coast of Newfoundland, as designed by the treaty of Utrecht, is of itself a plain recognition of this exclusive right, which being indefinite, as stated in the treaty, was not restricted by the 3-miles limit from the shores, as the committee insists all exclusive rights are. Moreover, the stipulation that each party would refrain from fishing in places held by the other, if intended to be confined to within 3 miles of the shore, and to bays and inlets not exceeding 6 miles in width, is utterly absurd and useless, if it be true, as asserted by the committee, that both parties and all nations recognized, as a rule of public law, by which nations are governed, that such waters are territorial, and as such are held as exclusive rights without stipulation or agreement with other nations.

Mr. President, these last unilateral stipulations in favor of French rights in the exclusive fishery on the coasts of Newfoundland and rights on the banks of Newfoundland, without corresponding and mutual stipulations in favor of the right of the United States to fish on these banks, were doubtless introduced at the instance of France because of her exclusion by the treaties of Utrecht and Paris from that immense portion of the high seas lying within 90 miles of Sable Island, which included some of those banks, and to protect her exclusive, indefinite right to fish on the coast of Newfoundland.

Mr. President, we have seen from this review of solemn treaties made between England and France and between France and the United States, and the solemn declarations and actions of the Continental Congress, that from 1713 to 1778—sixty-five years—by the common consent of these nations (and of Spain, as stated by J. Q. Adams) that this idea of the Committee on Foreign Relations that all sea waters, including bays more than 6 miles wide, were public fishing waters common to all nations, never had any existence as applied, at least, to the North American fisheries, which from the beginning were treated and held by these great nations as capable of and subject to the exclusive dominion of the nation who held the adjacent shores, and this, too, not only in bays and other inlets of the coasts, but on gulfs, great arms of the sea, and even on the ocean itself.

TREATY OF 1782-'3.

We come now, Mr. President, to the treaty of 1782-'83, five years later than the treaty with France just alluded to.

This treaty was the second solemn public act of the United States in the shape of a treaty which had reference to the fishery. We had made two other treaties besides those with France prior to the treaty of 1783, to wit, with the Netherlands and with Sweden. These two were treaties of commerce and amity, and embraced many and voluminous provisions; but in neither was a single reference to these fisheries, showing by this omission conclusively that the United States claimed, and these countries conceded, that they had no fishery rights whatever in the American seas. In 1795 like treaties were made with Prussia and Spain, and there was in these likewise no reference to the fisheries.

The fishery article in the provisional treaty with Great Britain of 1782 is copied into the definitive treaty of 1783—the permanent and final one.

Up to this time we have abundant and satisfactory evidence of the position of both England and the United States, and of France as well, as to the extent of national ownership of these fisheries, all agreeing, all asserting in treaties and in the most solemn public acts that they were—all of them—not in small bays and creeks alone, but on the high seas, the subject of exclusive national ownership.

It had not entered the head of an American statesman or diplomatist that the mere acquisition of their independence by the United States, their admission into the family of nations, gave them or their citizens the right of fishery on the northeast coast of North America, in common with the rest of mankind, in what is by the Committee on Foreign Relations denominated as public waters, beyond the ordinary territorial jurisdiction of the state owning the adjacent shores. The fisheries were then universally regarded, certainly by England, France, Spain, and the United States, as appendant to the lands and islands about the Gulf of St. Lawrence, and as much the subject of national ownership as these lands and islands themselves.

The proof of this is absolutely conclusive, notwithstanding the assertion of the Committee on Foreign Relations to the contrary. In addition to the proof I have introduced, I feel bound to introduce more.

where the inhabitants of both countries used any time heretofore to fish, and

The gravity of the present situation, the high character and the great and varied and extensive knowledge of the members of that committee making the contrary assertion constitute the excuse for longer detention of the Senate in furnishing further proof on a proposition already abundantly established.

Mr. HOAR. Will the Senator allow me to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. HOAR. I would like to ask the Senator from Mississippi with reference to the fisheries on the Grand Banks (without going into the question between bays 6 miles wide and bays 10 miles wide) whether, taking the fisheries on the Grand Banks, it was attempted in former times to appropriate those fisheries to the private use of a particular nation, or to the joint use of certain nations against the rest of mankind?

Mr. GEORGE. That does not seem to be a question, but a statement.

Mr. HOAR. The Senator will not find that I violate his indulgence. I understand the Senator as applying the Grand Banks to the fisheries of the ocean in the neighborhood of the coast. Is the Senator aware that any nation to-day, anywhere, asserts an exclusive right to the ocean fisheries on the Grand Banks against any other nation?

Mr. GEORGE. I am not. If the Senator will pay attention to what I am saying he will find that my position can not be mistaken.

And now, Mr. President, following the plan I have adopted, of discussing these grave and important matters by reference to solemn public acts of nations in their chronological order, as near as may be, I come to consider what were the opinions of the statesmen of the United States on the law and practice of nations in reference to the fisheries at the very dates of the provisional treaty and the definitive treaty with Great Britain in 1782 and 1783. I might rely with confidence on the presumption that these opinions, expressed in treaties, expressed in the most solemn and deliberate acts of the Continental Congress, and promulgated and acted on by England, France, and Spain, remained unchanged for the very short period intervening their date and the date of the provincial treaty of 1783.

I say I might safely rely on the presumption that these opinions and principles were unchanged, since at that early day, in that proud era of American statesmanship, profound convictions long entertained were not changed with the suddenness of the conversion of St. Paul or the almost equally sudden conversion, for political and party purposes merely, of the majority in this Chamber as to the necessity of secret and confidential sessions, as I have before stated.

But there is no necessity to resort to presumption. The evidence is full and complete, and needs but to be stated to convince the Senate how utterly untenable is the position of the Committee on Foreign Relations. It will be well, Mr. President, before proceeding further, to recall at this place to the attention of the Senate the exact position of the committee on this subject—that all waters not inclosed in shores 6 miles apart and under are public seas, a part of the property of all mankind, belonging to each nation in common with all others, in virtue of its existence as a free and independent state or community; that the right to take fish in these waters belongs to and inheres in each nation, who has not renounced it, as one of the attributes of its sovereignty and independence; that this same right immediately becomes attached to a new nation on its creation and acknowledgment as a new, free, and independent nation by virtue alone of its sovereignty and independence. This doctrine is certainly true in the abstract so far as it relates to the equal rights of nations, and is undisputed by me as to all real national rights which attach to states and communities which are sovereign and independent.

It therefore follows, Mr. President, that when a new community becomes an independent nation, by virtue of its independence alone, from the mere force and vigor of its independent national life and existence, it becomes clothed with all the rights of other independent nations in what is known as the common property of nations or of mankind. In this I agree with the Committee on Foreign Relations. In fact, there is no dispute between us so far as the principle of the laws of nations is concerned. Our difference is as to its application, as to the test by which, under that law, it is to be determined whether a bay or body of sea water indenting the shores of a single nation is national, or a water belonging to the whole world.

But, Mr. President, whilst these principles I have announced, so far as they relate to the complete admission of a new nation, by the mere fact and as a necessary result of its independence, to all the common and public rights of all nations are not in controversy anywhere, are acknowledged by all as fundamental and invariable and indisputable, it so happens that our statesmen of the Continental Congress did not consider that the acquisition and acknowledgment of the independence of the United States secured to the people of these States fishery rights in these waters as the mere result of their independence. They deemed it necessary that there should be something else done or acknowledged in order to secure these rights. That which they thus deemed necessary to be done or acknowledged was not to be done or acknowledged by all nations, which, on the theory that these waters were common to all nations, was essential, but only by two, France and England, the only two who, according to J. Q. Adams in his letter of January 22, 1816, had fishery rights in these waters. As to France this matter was settled in the treaty of 1778, as I have shown. As to England there had been no settlement. The Continental Congress, as I understand it, had instructed Mr. Adams to conclude no treaty at all with Great Britain without a settlement of the fisheries, and this demand was afterwards limited to the making of no treaty of commerce without such settlement. Mr. Adams, however, acted on the first, and declared to the British commissioners in November, 1782, that he would set his hand to no articles for a treaty, even of peace, without satisfaction as to fisheries.

Great difficulty was found in the negotiations to frame a satisfactory fishery article, and on that account the British commissioner proposed to omit it till the making of the definitive treaty. Whereupon Mr. Adams made the declaration above referred to, and forced a settlement of the fishery question in the provisional treaty itself.

Mr. President, this particular point in our history is so important, even essential to the proper understanding of the subject before the Senate, that it is necessary to treat of it with particularity and care as to the details.

John Adams's diary throws great light on the subject. Still it does not contain such full details as to render it unnecessary to refer to other authoritative documents.

And first it is necessary to ascertain fully and clearly what was then the American claim to the fisheries, its full extent and character. The most valuable document known to me on that subject is the letter of John Q. Adams to Lord Castlereagh, dated January 22, 1816. In that letter Mr. Adams uses the following language:

> The fisheries on the bank of Newfoundland, as well in the open seas as in the neighboring bays, gulfs, and along the coasts of Nova Scotia and Labrador, were by the dispensations and laws of nature, in substance, only different parts of one fishery. Those of the open sea were enjoyed, not as a common and universal right of all nations, since the exclusion from them of France and Spain, in whole or in part, had been expressly stipulated by those nations, and no other nation had, in fact, participated in them. It was, with some exceptions, an exclusive possession of the British nation.

Yes, the exclusive possession of the British nation.

This, Mr. President, was the American idea as to this fishery at the date of the treaty of 1783, so stated by the most accomplished diplomatist of this country.

This fishery, as a whole, included the banks of Newfoundland, the open seas, the gulfs and bays and coasts, all these being but parts, as Mr. J. Q. Adams said, of one whole. It included also, as will be seen from the same letter, "drying and curing fish" on the adjacent shores, as "incidental and necessary to the fishery."

With this understanding of the extent and character of the fishery, as well with reference to the high seas as the bays and shores and coasts, all these being but parts of one whole, and with the further understanding that at the date of the treaty the whole was in substance an exclusive British possession, with the exceptions I have before stated (being concessions of Great Britain to France, which, as I have shown, were solemnly recognized and guarantied by the United States in the treaty with France in 1778), it is easy to comprehend fully the meaning of the Continental Congress in the plan adopted on the 30th of December, 1776, which I have before set out—the meaning of the treaties of Utrecht and Paris in 1713 and 1763, and our treaty with France in 1778, as well as the treaty with Great Britain in 1783.

But it will throw more light on this subject to call to mind the claims and arguments of our commissioners who negotiated the treaty of 1783 with Great Britain. They insisted, as is plainly inferable from the propositions of John Adams, that the fishery, including all its parts, on the banks of Newfoundland, in the open seas, in the gulfs and bays and coasts of the British Provinces, and drying and curing, were the common and exclusive property of all the people of the British Empire, except as against France. They further insisted, as J. Q. Adams did in 1816, that as the people of the colonies had contributed their full share, and more than their full share, in blood and treasure in the wars by which these fisheries had been secured to the British people, they, on a separation from the British Crown, were of right entitled to share in them with the British people.

That, sir, was the American doctrine then. There was no pretense or suggestion that the fisheries on the high seas belonged to them in common with the whole of mankind.

It was well understood that the fishery, as J. Q. Adams stated it to be, was an exclusive British possession, with some exceptions which I have shown referred only to the French rights under the treaties of Utrecht and Paris.

In this condition of affairs, with this understanding on the part of the United States, as to rights, or rather the want of rights, in the fisheries under the public law of nations, the negotiations for the treaty were conducted.

On November 4, 1782, just twenty-six days before the signing of the provisional treaty of 1782, which contained the fishery article, as it was copied in the definitive treaty of 1783, John Adams, after having discussed for awhile our fishery rights, drew up his first proposition for the fishery article, which is set out at page 302 of the third volume of his works. That proposition is as follows:

> 4. That the subjects of His Britannic Majesty and the people of the said United States shall continue to enjoy unmolested the right to take fish of every kind on all the banks of Newfoundland, in the Gulf of St. Lawrence, and all other places

high seas were concerned, was not entertained at all. This is proven

is conceded, it means all that it says in relation to all these but

where the inhabitants of both countries used any time heretofore to fish, and also to cure and dry their fish on the shores of Nova Scotia, Cape Breton, the Isle of Sable, and on the shores of the unsettled bays, harbors, or creeks of Nova Scotia and the Magdalene Islands; and His Britannic Majesty and the said United States will extend equal privilege and hospitality to each other's fishermen as his own. (John Adams's Works, volume 3, page 302.)

Mr. President, this proposition shows fully the American claim. It shows, also, that in the opinion of the United States fishery rights on the high seas, not alone those in narrow bays, 6 miles wide and under, were national, not public, rights, and were capable of being held, owned, and possessed by one or more nations to the exclusion of all others, and were also the subjects of negotiations and compacts between nations to secure exclusive rights therein.

It breathes the same spirit and speaks the same voice as did the plan adopted by the Continental Congress in 1776, and which I have before set out, this spirit and voice being the right of the United States, either by themselves or in conjunction with any other nation, to exclude all the rest of mankind from this fishery as a whole, including that part of it on the high seas—in the ocean itself.

The proposition of Mr. Adams is, in short, to recognize the whole fishery, as well that on the banks of Newfoundland, the Gulf of St. Lawrence, and all other places where both parties had used to fish, including drying and curing on the shores of Nova Scotia, Cape Breton, Sable Island, and on the shores of the unsettled bays, harbors, or creeks of Nova Scotia and the Magdalene Islands, as the ancient and undoubted right of both the people of the United States and of Great Britain, with guaranty that it should continue unmolested. They were to continue to enjoy them unmolested as they had hitherto enjoyed them, and this was without hindrance or molestation from other nations, for all other nations were in fact excluded, except some inconsiderable privileges of France.

In this proposition there is no mention of or reference to fishing rights on the high seas as public rights of all mankind, belonging to all by the law of nations and needing no treaty stipulation to secure them; nor any distinction taken between fishing rights on the high seas and fishing rights on the shores and in the small creeks and bays, including the right of drying and curing fish on land. All these were treated exactly alike and all claimed to stand on exactly the same footing and as parts of one whole.

On 27th November, just three days before signing the treaty, Mr. Adams submitted another proposition, as follows:

ART. III. That the subjects of His Britannic Majesty and the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and all other banks of Newfoundland; also in the Gulf of St. Lawrence, and in all other places where the inhabitants of both countries used at any time heretofore to fish; and the citizens of the United States shall have liberty to cure and dry their fish on the shores of Cape Sable and of any of the unsettled bays, harbors, or creeks of Nova Scotia, or any of the shores of the Magdalene Islands, and of the Labrador coast; and they shall be permitted in time of peace to hire pieces of land for terms of years of the legal proprietors in any of the dominions of His Majesty whereon to erect necessary stages and buildings and to cure and dry their fish.

This proposition as to the right of taking fish is the same substantially as the first, but as to curing and drying, the word "right" is abandoned and the word "liberty" used in lieu; and there is some change also as to the territory on which drying and curing was to be done, but still the pretension that the American right to fish was as good, as valid in public law in small bays and creeks as on the open sea is maintained. There was no distinction taken between them in any respect whatever.

Mr. President, in further illustration of this subject and as an additional proof of the American claim and of the true meaning of the treaty of 1783, I refer to Mr. Adams's diary of the 29th November, the day before the treaty was signed. It will there be seen that in answer to a proposition of the British commissioner to strike out the word "right" in the first clause of the treaty as it was finally agreed to and now stands, and insert "liberty," Mr. Adams said:

Gentlemen, is there or can there be a clearer right? In former treaties—Utrecht and Paris—France and England have claimed the right and used the word. When God Almighty made the Banks of Newfoundland at 300 leagues distant from the people of America, and at 600 leagues distance from those of France and England, did He not give as good a right to the former as to the latter? If Heaven in the creation gave a right, it is ours at least as much as yours. If occupation, use, and possession give a right, we have it as clearly as you. If war and blood and treasure give a right, ours is as good as yours. We have been constantly fighting in Canada, Cape Breton, and Nova Scotia for the defense of this fishery, and have expended beyond all proportion more than you. If, then, the right can not be denied, why should it not be acknowledged and put out of dispute? Why should we leave room for illiterate fishermen to wrangle and chicane?

Mr. President, here, if at all, was the place for Mr. Adams to claim the right on the ground that it was a right under the public law of nations, of which no nation could be deprived without its consent; for it will be noted that as the article had been then framed and as it now stands the word "right" applies only to fishing in the open seas—bays, large or small, not even being mentioned, they being embodied in a succeeding clause, in which the "liberty" to fish is conceded; yet he said nothing about this public right to which the committee attach so importance. He asserted the American right to be good and valid as compared with the English and French right, and on the further exclusive ground of having contributed blood and treasure to acquire it.

As further proof that in these negotiations no distinction was taken as to fishery rights on the high seas and the same rights on the shores and small bays I refer again to Mr. Adams's diary, in which he states his reasons for asking the British commissioner to strike from the treaty a provision prohibiting the Americans from fishing within 3 leagues—leagues, not miles—of all the British coasts except Cape Breton, and as to that the prohibition was 15 leagues. None of these reasons raise the question of public rights under the law of nations, which, if such a right was then considered as existing, would have been conclusive. They all refer to mere matters of expediency, and among them to the disadvantages which would accrue to the British themselves from the exclusion of Americans; another being "that if forced off 3 leagues we would smuggle eternally;" and that both British and American fisherman would smuggle, especially the American. (See Adams's Works, volume 3, page 338.) Another reason was that the Americans were already excluded indefinitely from fishing on the western coast of Newfoundland in favor of the French by the true construction of the treaty of Utrecht, and that this proposed exclusion would operate to the advantage of France and not of Great Britain, urging as a reason for liberality on the part of England that the Americans would spend their money made in the fisheries in England and the French would not.

Mr. Adams succeeded on these grounds in striking out the proposed exclusion, never once urging our right under the law of nations. In fact, Mr. Adams would not and could not have urged such a proposition, for he was forbidden to do so by the very instructions from the Continental Congress under which he was acting. These directed him not to consent to any treaty of commerce with Great Britain without an explicit stipulation on her part, not to disturb or molest the inhabitants of the United States in taking fish on the banks of Newfoundland and other fisheries on the American seas anywhere, except within the distance of 3 leagues from the shore, if a nearer distance could not be obtained by negotiation. Our demand was to fish within 3 leagues, not 3 miles of the shore. Were the men of the Continental Congress destitute of sagacity or courage, as were, in the opinion of the Senator from Maine [Mr. FRYE], the American commissioners in 1818? So again when during the negotiations he was informed by the British commissioner that the French Government proposed that there should be a partition of the fisheries between England, France, and the United States, and that the fishermen of each nation should be confined within the boundaries specified, Mr. Adams did not object to the partition upon the ground that these were public waters in which all nations had a right to fish, and England, France, and the United States could not therefore partition them among themselves but on the ground of expediency alone, stating among other things "that it would be very difficult to restrain our fishermen; they would be frequently transgressing and making disputes and troubles." (See 3 Adams's Works, page 332.)

The treaty between France and England in 1783, made simultaneously with the treaty with us, and the negotiations for which were carried on at the same time, and by frequent interviews between France and the American commissioner, recognizes the same doctrine.

Article V of that treaty is in substance as follows:

ART. V. The French King "in order to prevent quarrels which had hitherto arisen between the two nations," France and England, "consents to renounce the right of fishing which belongs to him," under Article XIII "of treaty of Utrecht, from Cape Bona Vista to Cape St. John," on the east coast of Newfoundland "in 50° north latitude," and the British King "consents on his part that the fishing assigned" to the French, "beginning at Cape St. John, passing to the north and then descending by the western coast" of Newfoundland "shall extend • • • to Cape Ray, situated in 47° 50' latitude. The French shall enjoy the fishing which is assigned to them as they had a right to enjoy that assigned to them by the treaty of Utrecht."

A declaration was appended to the treaty which required England to take the most positive measures to prevent her fishermen interrupting the French fishermen through competition, and to that end England promised to pull down the erections for fishing and to remove them. The French were not to be incommoded in cutting wood necessary for repairs of scaffolds, huts, and fishing vessels.

What a pity, Mr. President, that John Adams and his compatriots had not the "sagacity" to see the great light which the Committee on Foreign Affairs has discovered—that fishing in all these waters, seas, bays, and inlets, up to within 3 miles of the shore, was the common right of all nations, or seeing it, had not the courage to recognize it and be guided by it. If this great light was a true light, not the mere fitful glimmering of the jack-o'-lanterns of politics, the exhalation of the swamps and quagmires of partisan prejudice, it would only have been necessary to call attention to it to secure all and more than all the mere fishery rights which the instructions of the Continental Congress demanded.

Mr. President, all this proves, if anything can be proven by human evidence, that from the year 1713 up to and including the year 1783 when was concluded the definitive treaty of peace between Great Britain and the United States by which our independence was acknowledged, in the opinion and practice of England and France and of the people of the United States this fishery was held and treated as one, whether on the high seas, on gulfs and bays, or on shores, including drying and curing, and that it was appendant to these British provinces and was the subject of national exclusive ownership in all its parts and was partitioned among these nations by treaties among themselves alone, and that the idea that it was a public right of all nations, even so far as the

before mentioned, also the right to cure and dry fish on the shores, and

about rights or the seas in which they existed. It left those rights in

high seas were concerned, was not entertained at all. This is proven beyond all controversy when we consider that if this fishery right on the high seas was a public right there was no necessity for saying anything about it in the treaty of 1783, for on that view it would have resulted to us as a necessary sequence of our independence. J. Q. Adams's evidence on this subject is conclusive. In his letter to Lord Castlereagh, date 22d January, 1816, before alluded to, Mr. Adams said:

> If the United States would have been entitled in virtue of a recognized independence to enjoy the fisheries to which the word "rights" is applied, no article upon the subject would have been necessary in the treaty. (Fourth American State papers, page 358.)
>
> * * * * * * *
>
> It was precisely because they might have lost their portion of this great national property, to the acquisition of which they had contributed more than their share, unless a formal article of the treaty should secure it to them, that the article was introduced. (*Ib.*, page 359.)
>
> * * * * * * *
>
> That Great Britain would not have acknowledged these rights as belonging to the United States in virtue of their independence is evident, for in the cession of Nova Scotia by France to Great Britain by the twelfth article of the treaty of Utrecht it was expressly stipulated, as a consequence of that cession, French subjects should be henceforth "excluded from all kind of fishing in the said seas and bays, and other places on the coasts of Nova Scotia, that is to say, on those which lie toward the east within 30 leagues, beginning from the island commonly called Sable, inclusively, and thence stretching along towards the southwest.
>
> The same exclusion was repeated in the treaty of peace in 1763; and in the eighteenth article of the same treaty Spain explicitly renounces all pretensions to the right of fishing "in the neighborhood of the island of Newfoundland." It was not, therefore, as a necessary result of their independence that Great Britain recognized the right of the people of the United States to fish on the Banks of Newfoundland, in the Gulf of St. Lawrence, and at all other places on the sea "where the inhabitants of both countries used at any time theretofore to fish." (*Ib.*, 358.)

These extracts utterly overthrow the position of the Committee on Foreign Relations.

It must not be forgotten that the above extracts from Mr. Adams were written by him in reply to an argument of Lord Bathurst in defending his position, that the "liberty of fishing," mentioned in the treaty of 1783, had been abrogated by the war of 1812, and was to be distinguished from the "right" to fish in public waters; Lord Bathurst's position on this exact point, to wit, that fishing on the open sea, was a public right, being precisely the position of the Committee on Foreign Relations.

Mr. President, it will not now be a matter of difficulty to ascertain the meaning of the word "bay," as used in the treaty of 1783. It is now rendered certain that at that date, 1783, both England and the United States considered, that as to this fishery, in all its parts on the high seas, and on bays great and small, there was no distinction as to any of them as to the right to own it as a whole, as the property of a single nation; that in practice exclusive rights were secured on the high seas and in the small bays, equally, and the exclusive liberty to fish was equally extended to these bays and to the high seas more than 90 miles from the coast.

Then it follows that no reason existed, no motive felt, why, in using the word "bays," it should be presumed that only small bays were intended.

In all the treaties theretofore made, in all the correspondence, in all the negotiations leading to, and concluding these treaties, not a single word was used which indicated that as to this fishery there was a distinction between small bays and large bays, or that the exclusive right of fishing was limited to 3 marine miles from the shore. But, on the contrary, this distinction now set up was wholly unknown and unthought of; and when reference was made to rights or exclusion of rights of fishing, as to distance from shore, 3 leagues, 15 leagues, and 30 leagues were named, and not 3 miles, as the committee insists is correct.

We are left, then, to give to this word, as well as to all others used in the treaty, its natural signification. This signification is evident. It indicates all the bays of his Britannic Majesty's dominions (excluding specially some of those of Newfoundland), every water known as a bay, whether large or small. There is nothing in the language used which restricts the word to any particular kind of bay situated in the British dominions. If a particular piece of water was a bay in any sense and known as a bay it was included, if only it was a bay of "his Britannic Majesty's dominions in America." That was the phrase which distinguished and separated them from all others; there was no separation of those bays one from another. Hence, under the treaty of 1783, which conceded to us fishery rights, and this is not denied by any one, the United States had the liberty to take fish in all the bays, whether great or small; and also to cure and dry fish on all unsettled bays, whether great or small.

Mr. President, I call especial attention to the fact that if in the treaty of 1783 "bays" means only small bays—6 miles and under in width—there is no grant or concession in that agreement of the right or liberty of taking fish in the larger bays at all, and no right or liberty to take or cure fish on the unsettled large bays. And thus this manifest absurdity would come from this view: that whilst the treaty specifies with particularity the places in which the Americans have a right to fish, namely, Banks of Newfoundland, Gulf of St. Lawrence, and all other places "in the sea" in which both parties had before used to fish, and then specifies coasts, "bays," and creeks, in which the liberty to fish is conceded, it means all that it says in relation to all these but "bays." As to these, without any reason therefor, we are excluded from all but the small bays, which in many instances excludes us from fishing in the very waters of the large bays over which we are compelled to sail in order to enjoy our fishing rights in the smaller bays. This would seem to be conclusive.

But if it is insisted that this absurdity is removed by claiming the right to fish in the large bays, under that clause acknowledging the right "in all other places in the sea" where both countries had theretofore used to fish, the answer is overwhelming.

In the first place, it has been seen that John Adams, in his first proposition, before set out, drew the fishing article by naming the places for the fishing rights, as "all the banks of Newfoundland, the Gulf of St. Lawrence, and all other places" (not in the sea, but all places whatsoever) where both countries had used to fish, and he repeated this phrase in his second proposition. He omitted all mention of bays, creeks, and even seas in reference to taking fish. If that language had been adopted, the right to fish everywhere in seas, bays, and creeks, if they had theretofore been used by both countries for that purpose, would have been conceded, as is now contended for. But this language, though twice proposed, was twice rejected, and the phrase he used was amended by inserting "in the seas" after "all other places," confining the places to "seas" so far as the "right" was recognized, and then afterwards naming "bays," especially in which a "liberty," not a right, was conceded. The treaty was fully and deliberately considered and discussed for many weeks. Every word of importance in it underwent careful scrutiny, as was the manifest duty of negotiators in framing so important a compact. The language proposed by Mr. Adams, having clearly and manifestly the meaning now set up, was rejected, and rejected, too, on account of that meaning, and other language inserted, which by common understanding and the right use of language does not have this meaning; and the proposition now is to reject this ordinary meaning, and not only that, but to insert in its stead the substance of the language which was twice deliberately rejected.

To do this would be to destroy the confidence of mankind in the integrity of language itself, and to leave them, as to the meaning of solemn agreements respecting the most important rights, to conjecture—to the whims and conceits, the speculations, the "airy nothings" of persons charged with enforcing them.

"Gulfs," "seas," "bays," "harbors," and "creeks" are all mentioned in the treaty. Each of these words has its own appropriate meaning, and its distinct and separate meaning also, when they are all used together. Words which have a specific and also a general meaning when used in an instrument in connection with other words which, of themselves, include all that is embraced in the general meaning, have only in that instrument their specific meaning. Thus sea has for its specific meaning, the second order, next to oceans, of the great bodies of salt water. But it also includes, in a more general sense, smaller bodies of water which are parts of it. It is manifest, if these smaller parts be expressly named also, as gulfs, bays, and creeks, that then the word "sea" can only be applied to waters which are specifically the "sea," and not to gulfs and bays and creeks; for otherwise these words would add nothing to the instrument. They would be meaningless. It is an established canon of interpretation, as well as of common sense, that in such cases the words used have as their appropriate meaning that specific sense in which they are manifestly used—whereby according to a universal rule on that subject, every word used shall be construed as having force—as having been introduced for some valuable purpose, and not one of them be rejected.

In solemn legal instruments unnecessary words are excluded; unmeaning and useless words are not introduced for euphony or style. Each word has its appropriate office and performs its appropriate duty. Sea, gulf, bay, creek, and harbor are all used in the order in the treaty in which they are named; each may include in a general sense all those which follow. This can never be done when these subordinate waters are themselves specifically named and used for distinctly separate purposes.

This argument itself is conclusive.

Mr. President, I have shown beyond successful controversy that in the treaties between Great Britain and France in 1713 and 1763 these fisheries, whether in small creeks and bays near the shore, in the Gulf of St. Lawrence, or in the open seas, for distances in some instances 3 leagues or 9 miles, in others 15 leagues or 45 miles, and others 30 leagues or 90 miles and more, and in another for an undefined and indefinite distance, were habitually and constantly treated as the subject of exclusive national rights of the power which held these British provinces, and as "dependent" on these lands, and as being, furthermore, the subject of barter, sale, exchange, and gift.

I have shown that in the opinion and judgment of the United States, commencing with the Continental Congress in 1776 down to the year 1816—without a break in the continuity of this concensus of opinion—the fishery right was, as conceded and acted upon by Great Britain and France, an exclusive national right; and in addition that these countries and our statesmen regarded the fishery in the waters above mentioned and within the distance from the shores above stated to be of such a nature as in all its parts to constitute but one whole, including all the waters

a valid compact of the United States; a part of the supreme law of the

nature and character of the liberty, but only as to the extent consid-

before mentioned, also the right to cure and dry fish on the shores, and that this right was the subject of exclusive national ownership, to be acquired by possessing the adjacent land, and when so acquired subject to disposition by barter, sale, exchange, or partition, at the will of the nation or nations owning these lands, and for their sole use and proprietorship, excluding all other nations; I have also proven that in the opinion and judgment of the United States these waters—all of them, including the ocean covering the banks of Newfoundland—so far as fishing rights were concerned, were not public waters, as contended for by the Committee on Foreign Relations, in which all nations had a right to participate unless excluded by their own consent; that in their opinion and judgment, at the date of the treaty of 1783 the fishery as a whole, including all its separate parts in the ocean and in the small bays and everywhere else, was the exclusive possession of the British people, with the slight exception granted by Great Britain to France.

It has also been shown that the United States claimed a share in the fishery in all its parts at the date of the treaty of 1783 as a part of their rights, basing their claim expressly on the contribution they had made as a part of the British nation in blood and treasure in acquiring these rights from other nations, as the exclusive possession and property of the British, and expressly repudiating the suggestion that as to that part in the sea and ocean they were entitled, under the law of nations, as independent states.

It has been proven that these views were expressly set forth by the United States in the year 1816, when negotiating for a recognition of these rights in the fishery, and that such was the state of their claim at the very date at which the convention of 1818 was entered into.

Now, sir, it remains only to show that there is nothing in the convention of 1818 to change or modify these views. The task will be an easy one, and when it is accomplished it will appear that, however distasteful the result may be to us, however contrary to our present and recent contentions, construing the treaty of 1783 and convention of 1818 by what was the manifest intention of both parties and in the light of the claims and opinions of both and of the plain language used, that "bays" as used in that convention by us in the renunciation of former liberties, means the same thing exactly as "bays" in the treaty of 1783, by which the renounced rights were in the first instance recognized or acquired. And this appearing, it is shown that the present treaty now under consideration grants very important and valuable rights in the fishery never before belonging to us, and never before, nor even now, conceded by Great Britain to any other nation.

Mr. President, before proceeding to an examination of the text of the convention of 1818 it is proper to call to mind at this point the exact state of the negotiations and the exact differences between Great Britain and the United States as developed by diplomatic correspondence between them in relation to the fisheries.

At the treaty of Ghent in 1814, which ended the war of 1812, it was found there was an irreconcilable difference between the two Governments as to the alleged abrogation of the treaty of 1783 by the late war.

It was contended by Great Britain that the treaty as to the fishery rights was abrogated. On the other hand it was asserted by the United States that the stipulations were of that permanent character respecting permanent national rights that they survived a war between the parties. Lord Bathurst, for the British Government, insisted that so much of the third article of the treaty of 1783 as recognized the right of the United States to fish on the banks of Newfoundland and on the Gulf of St. Lawrence—open seas—was the mere recognition of a right which the United States had by the law of nations, and therefore survived the war. This is the first instance I have noted in which Great Britain made such a concession with reference to this fishery. He further insisted that the liberties to take and cure fish on coasts and bays, etc., were grants, and were therefore abrogated by the war. Mr. Adams, as has been shown, controverted these views, and insisted that our fishery right was clearly a permanent right, and not abrogated by the war on the grounds before stated. There was no question in dispute between them as to the meaning of "bays"—as used in the treaty of 1783—Mr. Adams's claim being equally extensive, whether the one construction or the other was placed on that word.

The sole point in dispute was that the United States affirmed and Great Britain denied that the whole of the fishery article of 1783 was in force. The United States sought a clear recognition of this claim and Great Britian resisted and refused it. Lord Bathurst expressly declaring that Great Britian would never admit that the liberties to take and cure fish in the bays, etc., specified in the treaty of 1783 were rights of the United States. So it turned out that in October, 1818, the convention was signed. As both parties, though for entirely different reasons and on very different grounds, as has been explained, agreed exactly as to the rights *eo nomine* recognized as belonging to the United States to fish in the Gulf of St. Lawrence and "other places in the sea," the convention was made, as the preamble asserts, to settle the differences between the two Governments as to the "liberty" to take and cure fish on certain coasts, bays, harbors, and creeks of His British Majesty's dominions. It said nothing, therefore, about rights or the seas in which they existed. It left those rights in the United States fully and completely and unquestioned. They were treated, as they undoubtedly were, as our undeniable rights, without reference to the question whether they were ours by the law of nations, as Lord Bathurst then and the Committee on Foreign Relations now affirm, or whether our title rested on the treaty of 1783, recognizing our right as coming from a partition of the exclusive right of Great Britain, as Mr. Adams insisted. The convention treated solely of the liberties on the coasts, bays, etc., which Great Britian insisted had been revoked or abrogated by the war, and which the United States contended remained unaffected by the war. On that point the British contention was admitted, or else there would have been no treaty and need for a treaty. The manifest purpose, therefore, of making the treaty was to secure our rights in British waters. The mere authentic diplomatic recognition of the claim was all that under the view of Mr. Adams would have been required. No treaty under that view was required, or even appropriate.

I see nothing in the circumstances of our country at that time which rendered it probable that our statesmen who negotiated and ratified this convention should have been influenced by fear of Great Britain, as alleged by the Senator from Maine [Mr. FRYE]. Four years before we had ended a war with that power in which American valor and American skill in arms had won undying laurels. At the very date of the ratification of the treaty Andrew Jackson, who had punished the British on the plains of Chalmette as they had never been punished before, was a major-general in the United States Army ready again to lead his countrymen to victory in a war with the same nation. Winfield Scott, the victor over the same enemy on bloody fields, was still an American general, and Zachary Taylor—honest, brave old Zachary Taylor—was also an officer of the United States Army. In military genius our leaders were the equals and even the superiors of the British. In the service of the United States, in civil life, were some of the most distinguished names of our history—Henry Clay was Speaker of the House of Representatives and a firm friend and supporter of the Administration; Calhoun, Secretary of War, and the younger Adams the head of the Cabinet. The President had won distinction as a gallant soldier in the War of the Revolution and as a statesman of the highest order attained the highest place in the nation. There still lived of the Revolutionary fathers Jefferson and John Adams. At no time in our history was our country better equipped, for war or peace, in the service of the bravest and wisest. So that this charge of a deliberate surrender of our rights, through want of sagacity and courage, involves national shame and disgrace. Sir, the charge is without foundation. It dishonors the great statesmen of that day—it dishonors the great and brave American people, who, in spite of divisions at home, in spite of Hartford conventions sowing discontent and distrust, had rallied around the national standard, and winning imperishable renown on bloody fields, by their endurance, their valor, their constancy, had achieved an honorable peace.

But, sir, this method of denunciation and abuse is wholly out of place in considering the treaty before us. We can not inject into it rights not in it, by denunciation of its authors, nor cure the surrender of rights, if surrender were made, by falsely attributing to it a meaning it does not possess. If our fathers were cowards in respect of the convention of 1818, it is no reason why we should be false. The convention exists as a part of the supreme law of the land, and it constitutes our title and, according to the Senator from Colorado [Mr. TELLER] and the Senator from Massachusetts [Mr. HOAR], our sole title to these fisheries. What it gives us we have; what it surrendered we have not.

Mr. HOAR. Right there let me ask the Senator, does he say that I said the treaty of 1818 constitutes our sole title?

Mr. GEORGE. That is what I understood the Senator to say in his interruption of the Senator from Delaware [Mr. GRAY].

Mr. HOAR. I absolutely and peremptorily disclaim that view of it.

Mr. GEORGE. So if it be mean and cowardly, if it deliberately surrendered fishery rights, as the Senator from Maine insists, it is the greater reason for the negotiation of a new treaty which, like the one before us, surrenders no rights, but secures many and valuable privileges we never before had.

But, sir, my duty now is to ascertain what this convention means, for whatever may be its true meaning, we are bound by it—bound by national good faith, by national honor to abide by it in all its length and breadth, until it shall be abrogated—lawfully and constitutionally abrogated. We can not escape from it by setting up either the plea of cowardice or of folly. I find no proposition in the report of the committee to abrogate it. On the contrary, I find they insist, as I insist, that it shall be observed in good faith by both countries.

Mr. President, I come now to consider more especially the meaning of the text of the convention of 1818, to arrive at which my previous observations have been in the main directed.

I do not propose to praise the convention, nor do I feel at liberty to denounce it, as the Senator from Maine [Mr. FRYE] did, as the result of a want of "sagacity" and "courage" on the part of our commissioners, and "as a deliberate surrender of our fishery rights." However this may be, it is not denied that it exists to-day as a valid treaty;

erty was held and treated from the beginning up to the year 1818 as the proper subject, under the law of nations, of exclusive rights of indi-

committee and their political colleagues on this floor I have no such hope. Very soon after the treaty was sent to us by the President for

a valid compact of the United States; a part of the supreme law of the land. I may be pardoned, I hope, in saying that it was negotiated by two of the ablest of American statesmen, Gallatin and Rush, under the Presidency of James Monroe, whilst John Q. Adams was Secretary of State, and Mr. Calhoun and Mr. Wirt were members of the Cabinet. It was also ratified on a yea-and-nay vote, thirty-eight Senators voting for it and not one against it.

On the question, "Will the Senate advise and consent to the ratification of this convention," it was determined in the affirmative—yeas, 38.

Those who voted are—

Barbour, Virginia; Burrill, Rhode Island; Crittenden, Kentucky; Daggett, Connecticut; Dickerson, New Jersey; Eaton, Tennessee; Edwards, Illinois; Eppes, Virginia; Forsyth, Georgia; Fromentine, Louisiana; Gaillard, South Carolina; Goldsborough, Maryland; Hanson, Maryland; Hunter, Rhode Island; Johnson, Louisiana; Rufus, King, New York; Lacock, Pennsylvania; Leake, Mississippi; Macon, North Carolina; Mellen, Massachusetts; Morrow, Ohio; Noble, Indiana; Otis, H. G., Massachusetts; Palmer, Vermont; Roberts, Pennsylvania; Ruggles, Ohio; Sanford, New York; Smith, South Carolina; Stokes, North Carolina; Storer, New Hampshire; Tait, Georgia; Talbot, Kentucky; Thomas, Illinois; Tichenor, Vermont; Van Dyke, Delaware; Williams, Mississippi; Williams, Tennessee; and Wilson, New Jersey.

So it was

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the convention made and concluded at London on the 20th day of October, 1818, between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland.

Thirty-eight Senators voted for it and not one against it. Of the Senators so voting in the affirmative are the illustrious names of Crittenden, of Kentucky; Forsythe, of Georgia; Rufus King, of New York; Harrison G. Otis, of Massachusetts; Macon, of North Carolina; Eppes, of Virginia; Gaillard, of South Carolina, and every Senator present from New England, only one of them being absent. The Senator from Maine very plainly intimates that the treaty as made was the product of fear on our part, for if it was the result of want of courage on the part of the negotiators, and was, as the Senator says, "a deliberate surrender of our fishery rights," the fault was not less in the President and Senate who ratified it than in the commissioners who conducted the negotiations. So the condemnation of the Senator from Maine applies equally to the President and his Cabinet, the Senate, and, in short, the country itself, for after its ratification Mr. Monroe was re-elected almost unanimously. I say to the Senator from Maine:

Vixere fortes ante Agamemnona
Multi.

Then, what does it mean? That is the important question. Because of the "differences" between the United States and Great Britain respecting the "liberty" (not the right) claimed by the United States to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His British Majesty's dominions in America it was made, as the preamble expressly states. These "differences," as exhibited by the correspondence between Mr. Adams and Lord Bathurst and Lord Castlereagh, before alluded to, did not relate to the extent of this liberty so claimed by the United States, but as to whether it existed in any degree or to any extent whatever. There had been no controversy about "bays," whether greater or less than 6 miles wide. The difference was as to whether the liberty claimed as to any "bay," was well founded. Both parties, at that time, well understood the status of the fishery among nations, both understood that this fishery for nearly a century, in all its parts, on the sea and Gulf of St. Lawrence, as well as on the great bays and small inlets, had been recognized and treated by both, and by France and Spain as the subject of the individual and exclusive ownership of particular nations. And especially was it understood that the United States set up their claim to this liberty upon the ground that the fishery, including all its parts, in waters of whatever nature, of whatever dimension, and also including, as necessary incidents, the right of drying and curing fish on the shore, was before the independence of the colonies the exclusive possession of the British people, with some slight exceptions, as stated by Mr. Adams, and that on the separation they were entitled to a share in them with Great Britain—not with other nations—and that they did in fact secure such share by the treaty of 1783. With these differences as thus explained, the parties proceeded to make a new agreement—the convention of 1818. This convention did not recognize the claim of either party. It did not even propose to compromise the difference.

It proceeded in plain words to declare that the United States "shall have" the liberty of fishing and drying and curing in certain places—"shall have" in the future, not as in the treaty of 1783, when speaking of "rights" acknowledged in that treaty, "shall continue to enjoy unmolested" these rights. On the face of the convention it was a grant *in futuro* of liberties. When considered, however, as I think is right, with reference to the former treaties and the former acts and conduct of the parties in reference to the matter, it was a partial recognition of the disputed claim of the United States to the extent named; and also, by a subsequent clause, a renunciation by the United States of any claim beyond what is recognized. The convention, however, did contain a new grant with certain restrictions as to the liberty of American fishing vessels to enter for certain specified purposes British waters.

The difference between the treaty of 1783 and the convention of 1818 as to the liberty of taking and drying fish is not in any respect as to the nature and character of the liberty, but only as to the extent considered territorially over which the liberty was to exist thereafter. In some respects this extent was diminished, and in others enlarged, as compared with the treaty of 1783. It was as to taking fish diminished in extent by the limitation that the liberty was not to extend to within 3 marine miles of certain coasts, bays, and harbors of His Majesty's dominions, being all but the southern and western coast of Newfoundland, the shores of Magdalen Islands, and the coasts, bays, harbors, and creeks of Labrador. The diminution as to the curing and drying was in the exclusion of the United States from the coast of Nova Scotia and the Magdalen Islands. The enlargement in fishing was in the liberty to take fish on the southern and western coasts of Newfoundland from Ramea Islands to Quirpon Islands, our rights under the treaty of 1783 being dependent as to Newfoundland on the actual exercise of similar rights by British fishermen, we being excluded where they did not actually fish; and enlarged also in the indefinite extension northward of fishing rights through the Straits of Belle Isle, not to be exercised, however, in contravention of the exclusive rights of the Hudson Bay Company.

But, Mr. President, we secured other important rights by this convention which were not secured under the treaty of 1783. Under that treaty, though securing the liberty to fish in all the inshore waters, including small bays and creeks, we had no liberty to repair vessels, to buy necessary wood and water, nor seek shelter. We could take fish almost anywhere, we could dry and cure them on unsettled bays in Nova Scotia, Magdalen Islands, and Labrador, but we had no right to get supplies of any kind anywhere. So, after all, the surrender was not so great as the Senator from Maine supposes.

Those were substantially the changes made in the treaty of 1783 by the convention of 1818.

But it must be borne in mind that as to the question now in dispute about fishing in the bays over 6 miles wide there was no settlement of any difference between the two countries; if any existed no attempt to settle it was made. No difference appears to have existed. The language in the convention of 1818 recognizing the right to fish in bays, harbors, creeks, and the language renouncing the claim of rights to fish in certain bays, harbors, and creeks of his British Majesty's is exactly the same in the convention and in the treaty of 1783. I have shown beyond successful controversy that this language in the treaty of 1783 embraced equally small and large bays, that it gave or conceded the liberty to fish in both without distinction or difference.

It is therefore to be presumed as the convention of 1818 was in *pari materia* with the treaty of 1783, that the same identical language used in both would have the same meaning in the one as in the other. It must be noted also that the liberty of fishing as conceded in the treaty of 1783, and as also conceded in the convention of 1818 on the coasts, bays, etc., of Labrador is in the same language, and that the renunciation in the convention of 1818 by the United States of the right to take fish on the coasts, harbors, and bays, other than those in which the concession is made, is also in the same language. It follows, therefore, beyond doubt, that, as in the two concessions, "bays" certainly means large as well as small bays, the same word means the same thing in the renunciation. And thus it is shown, beyond honest controversy, that under the renunciation in the convention of 1818 we have lost the liberty of fishing in the large bays over 6 miles wide, unless the English language is of that flexible and dishonest character that, when used by us in treaties, it includes everything possible in grants in our favor, and shrinks to the smallest possible limits in all renunciations we may make. No honest nation, no honest man can stand on a position like that.

Mr. President, I know that further argument on this point is unnecessary, for it is established, if anything can be established by human reason, that in the convention of 1818, as in the treaty of 1783, the word "bays" means waters geographically situated within the British dominions of North America of any and all dimensions, and that, as in the treaty, the liberty to take fish was conceded or acknowledged as to all these bays, so in the convention this same liberty was renounced by us as to all, the concession and the renunciation being exactly the same in extent as to the subject-matter of the concession or renunciation. The Bay of Fundy may be rightfully considered as excluded, because, in fact, it is not a British bay, one of its headlands being on our shores.

Mr. HOAR. Mr. President, will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. GEORGE. I believe I would rather not be interrupted. I want to get through. The Senator will see my views as they are developed and if he wishes to discuss any of these questions with me hereafter, very well.

Mr. HOAR. I merely wanted to ask a question of the Senator.

The PRESIDENT *pro tempore*. The Senator from Mississippi declines to be interrupted.

Mr. GEORGE. It has also been shown that by a universal consensus of opinion and practice between France, England, and the United States, the nations chiefly if not solely interested in the fishery, this great prop-

vention, in that clause of it which concedes the liberty of taking fish on or within 3 marine miles of certain coasts, bays, etc., named in it, contains this proviso:

sion, acts of retaliation, and the last one, it will also be noted, was in no respect contingent but was absolute, excluding from American ports all British vessels from the British colonial ports named in it without

erty was held and treated from the beginning up to the year 1818 as the proper subject, under the law of nations, of exclusive rights of individual nations, and this in all the waters in which the fishery existed, without regard to dimensions, including as well all bays, whether more or less than 6 miles wide, as also the great Gulf of St. Lawrence and the neighboring ocean itself. It has also been shown by the letter of J. Q. Adams I have quoted that at least this opinion was entertained by the United States up to and including negotiations for the convention of 1818. This is sufficient, amply sufficient, to crush forever the suggestion that the plain meaning of the words of the convention of 1818, recognizing all the bays in the British possessions as the proper places in which exclusive rights of one nation to take fish existed, shall be restricted to bays under 6 miles wide.

EXCLUSIVE RIGHTS RECOGNIZED IN CONVENTION OF 1818.

But, sir, strong and conclusive as this is, we have in the very convention itself the recognition of this in the plainest and strongest terms. From this there is no escape by any argument or evasion whatever. This recognition is found in that provision of the convention which concedes to the United States the liberty of taking fish on the coasts, bays, etc., of Southern Labrador through the Straits of Belle Isle indefinitely to the north, but "without prejudice to the exclusive rights"—(I quote the language of the convention)—"without prejudice to the exclusive rights of the Hudson Bay Company."

Now, here "exclusive rights" are not only recognized as being the rights of a nation, but the subject of grant to a corporation of its own creation. And what are the exclusive rights so recognized in the very convention itself? They are defined in the charter granted in the year 1670 which gives to this company (I quote its language) "exclusive right"—"yes, exclusive right—to take fish." Where? In small bays and creeks 6 miles wide? No; but in all those "seas, straits, bays." Yes, "bays," rivers, lakes, creeks, and sounds, in whatever latitude they may lie, within the entrance of the straits called "Hudson Straits."

Now, sir, mark the forcible language in which this grant of exclusive rights is made. First, the right is to be "exclusive" of all nations and of all men. It is granted not only on rivers, lakes, creeks, but also in sounds, straits, and bays, and even in seas themselves. Then it is granted in all those great waters, in whatever latitude they may be, if only they lie within the "entrance"—yes, the entrance—"of Hudson Straits." The straits at their entrance are 80 miles wide, their narrowest width anywhere is 60 miles, and the average is 100 miles. The Hudson Bay covers many thousand square miles. But leaving this out we have here a clear grant of an exclusive right to fish in Hudson Straits as they lie within or farther inward than the entrance. What other great waters, bays, and sounds were included in the grant of exclusive rights to the Hudson Bay Company it is unnecessary to ascertain. Certain it is that the grant is of waters, seas, bays, inlets, straits, etc., without reference to their width. This grant was made originally and continued on the principle then recognized both in England and America that sea-fisheries in America were regarded as the rightful subject of individual national exclusive ownership in waters on the northeast of this continent, including bays and seas, without reference to their dimensions. Acting on this conclusion the United States in the convention of 1818 solemnly recognized, in the language I have quoted, this exclusive right of the Hudson Bay Company. And yet, in order to maintain the contention of the Committee on Foreign Relations, we are asked to commit ourselves to the folly of rejecting the plain meaning of language used in the convention of 1818 on the untenable ground that this meaning is so utterly inconsistent with the doctrine and practice of nations, especially of the United States, in respect to exclusive rights in large bays; that it is impossible to believe that we gave our assent to it in that sense, whilst in the same convention there is an express and unequivocal recognition of this condemned doctrine and practice.

Mr. President, certainly what I have stated is a conclusive refutation of the false and un-American doctrine in reference to fishing rights on the northeastern coast of North America announced by the Committee on Foreign Relations. I might well decline further argument on this point in view of this unbroken consensus of opinion based on the practice and usage of nations, including our own country, and sustained by the ablest and most patriotic of American statesmen from the beginning down to the date of the convention of 1818, and solemnly recognized and affirmed in that convention itself. But, sir, there are some errors and fallacies which mankind surrender only after every possible and every imaginary ground for their support have been swept away. There are some follies which, assuming the false shape of benefactions to those who cherish them, become so intertwined with the feelings, the prejudices, and passions of mankind that they are entertained with generous hospitality even after detection. This idea of the Committee on Foreign Relations which I have been considering is one of them. Of course, Mr. President, I have no hope of convincing them; but despite the great authority of that committee, I do hope that the American people will give that just weight to their own history, to the acts and declarations of their most eminent statesmen, which will enable them to see this controversy in its just light. As to that committee and their political colleagues on this floor I have no such hope. Very soon after the treaty was sent to us by the President for our constitutional advice, it was considered in secret by a caucus of the Republican members of this body. It was determined that it should be rejected. They have the power to reject it. The rejection of it is to be an issue in the Presidential campaign. Through and by this rejection it is hoped that enough voters will be seduced into the support of the Republican ticket to reverse the action of the American people in 1884 and to return to coveted power those who had been ejected in that year. So that this fallacy of the committee having been made an issue in the campaign, they will not, they can not, they dare not, be convinced.

Now, Mr. President, while I believe that those who still remain unconvinced will reject any evidence, however conclusive, even though it come from one risen from the dead, yet there remains one other testimony which I believe it my duty to introduce. It is the voice of one who though dead "still lives" in that resurrection which comes from his teachings daily pondered by and daily leading the world. He was an American, and had American prejudices for American interests. On this exact point now in dispute he spoke no uncertain language. He said in the circular issued by him in July, 1852, as Secretary of State, speaking to this very point in issue:

> A bay, as is usually understood, is an arm or recess of the sea entering from the ocean between capes or headlands, and the term is applied equally to small and large bodies of water thus situated.

If "bay" has this meaning, as it certainly has, as usually understood, what pretense is left for the contention of the committee? It has been shown, conclusively shown, that there is nothing in the context of the convention, nothing in the law of nations so far as it relates to these fisheries, nothing in the practice and opinions of the United States and Great Britain—parties to the convention—which demands a qualification of this meaning. On the contrary, the practice and usage of these two nations in reference to the subject-matter of the convention were up to its date in exact accord with what its meaning would be if "bays" had this usual and ordinary meaning as stated by Mr. Webster. No reason remains for twisting or changing this meaning.

Now, the convention of 1818 contains an explicit and clear renunciation by the United States of fishery rights in all bays of the British provinces, with certain specific exceptions. It contains more than this. It contains a renunciation of these rights to a line drawn 3 miles from these bays. That, sir, we can claim the right to fish in a bay when we have renounced the right to fish within even 3 miles of it, is a proposition which, in the fair and reasonable opinion and judgment of mankind, it will be impossible to maintain.

Mr. President, I have now said all I desire to say on the true meaning and construction of the convention of 1818. If I have not misread the truths of history; if I have not misinterpreted the acts, the declarations, and opinions of American statesmen, I am authorized to conclude that at the date of this convention, 1818, in the opinion and judgment of those statesmen, there was no rule of the law of nations which as to this fishery confined exclusive national fishery rights to bays and inlets 6 miles wide and under; and hence there is no just ground for giving the word "bays" as used in that convention an unnatural and unusual meaning.

It will not do to say in opposition to the ratification of this treaty, as was said by the Senator from Maine [Mr. FRYE], that the convention of 1818 surrenders our rights. That, sir, is a greater reason, if it be true, for the acceptance of the treaty before us, which secures to us every important, every material right allowed in that convention, even if construed as the Committee on Foreign Relations construe it, and it surrenders nothing of value. But construing the convention of 1818 as it should be, this treaty gives us many and great advantages not possessed under the convention; and this is also true, however the convention of 1818 may be construed.

It is a fair and just treaty; the best we have ever been able to secure after many years of irritating and harrassing negotiations. Its negotiation reflects credit on American diplomacy, and is another convincing proof that American rights, American honor, American interests, at home and abroad, are safe in the hands of the present Administration. This truth neither party prejudice nor the argument of the Committee on Foreign Relations will be able to obscure.

COMMERCIAL ARRANGEMENT OF 1830.

Mr. President, in what I said yesterday there was no allusion to the claims set up by the Committee on Foreign Relations as to commercial rights to our fishing vessels under what is called the arrangement of 1830. The committee admit that no American vessel had a right to resort to British North American ports for any commercial purpose or other purposes, but only to take fish on certain coasts; and that fishing vessels only had also a right to resort to all British North American ports for the special purposes named in the convention of 1818.

There can be no doubt whatever on this subject from the language of the treaty itself, so far as regards fishing vessels; and it is only in relation to fishing vessels that we have any concern now. That con

vention, in that clause of it which concedes the liberty of taking fish on or within 3 marine miles of certain coasts, bays, etc., named in it, contains this proviso:

That American fishermen shall be admitted to enter such bays or harbors for the purposes of shelter, repairing damages therein, of purchasing wood or obtaining water, and for no other purposes whatever, etc.

Certainly there can be no doubt as to the meaning of this; and so far as I can understand the report of the committee, it does not claim more on this point than I do. We both agree that as to fishing vessels there was under the convention of 1818 no right to enter ports and harbors of the British provinces (except on the southern coast of Newfoundland and southern coast of Labrador, wherein the right to cure and dry fish was granted) but for the four purposes named. This restriction of the purposes of entry is not left to implication, but rests on an express stipulation—"for no other purpose whatever."

Mr. President, there is no need here to explain why this was so, for the language is so plain there is no room for doubt or dispute. American fishing vessels have the right to enter British ports or harbors for the four named purposes, but for no other whatever.

Thus the matter stood under the convention of 1818, and thus the matter stood, as admitted by the committee, till what is called the arrangement of 1830 was made. It is claimed by the committee that this arrangement changed all this as to American fishing vessels. The claim is utterly unfounded.

COMMERCIAL TREATIES WITH GREAT BRITAIN.

Mr. President, there was no treaty of commerce or navigation between the United States and Great Britain till the year 1794. By the third article of that treaty it was provided that there should be free and reciprocal rights of intercourse between the United States and the British possessions in America by land and by inland navigation, with right to navigate the inland waters of each and to carry on trade and commerce in that way with each other. But it was especially stipulated that this provision did not extend to the admission of United States vessels into the seaports, harbors, bays, and creeks of the British dominions, nor into the rivers between their mouths and the highest ports of entry from the sea, except small vessels between Montreal and Quebec, nor to the admission of British vessels from the sea into the rivers of the United States beyond the highest port of entry for other foreign vessels. The free navigation of the Mississippi by both parties was also provided for.

By the twelth article certain reciprocal rights of trade between the United States and the British West Indies were provided for, terminable, however, in two years after the war in which Great Britain was then engaged. By article 13 certain privileges of trade between the United States and the East Indies were granted and regulated. By article 28 the treaty as to all its commercial parts was made temporary, extending only to twelve years.

In 1815 another treaty of navigation and commerce was concluded. By this treaty a reciprocal commerce between the United States and the British possessions in Europe was agreed to; and it was also stipulated that the trade between the United States and the British North American and West Indian colonies should be unaffected by the treaty.

This treaty was limited to four years, but afterwards, by the convention of 1818, was prolonged for ten years, and then in 1827 was continued indefinitely.

Thus under treaty stipulations stood intercourse, commercial, and navigation rights between the United States and Great Britain in the year 1830, when the arrangement of that year was entered into, and so far as the right of commerce from the sea is concerned, the entry of American vessels into the seaports, bays, and harbors of the British North American possessions, there was none whatever.

LEGISLATIVE PROVISIONS AS TO TRADE WITH GREAT BRITAIN.

I notice now the legislation of the United States on this subject, being action from which we could have receded at any time. It appears there had been exclusion of American vessels, commercial vessels, from British ports when there was no exclusion from our ports of British vessels coming from ports from which we were excluded.

Therefore, on April 18, 1818, the United States undertook to correct this inequality by providing that the ports of the United States should be and remain closed against every vessel owned in whole or in part by British subjects coming or arriving from any British port which by the ordinary laws of navigation and trade are closed against vessels of the United States. Stringent regulations were made to prevent an evasion of this law by vessels which, coming into our ports from British ports not closed against us, but which in departing from our ports might go to a closed British port. (See Statutes at Large, volume 3, page 432.) This act was passed, it will be noted, before the convention of 1818.

On the 15th of May, 1820, a supplement to the last named act was passed. This act excluded from the ports of the United States, British vessels coming from Lower Canada, New Brunswick, Nova Scotia, New Foundland, Cape Breton, and their dependencies, also from the Bahama, Bermuda, and Caicos islands, or any other possession of Great Britain in the West Indies or continent of America south of the southern boundary of the United States, and not included in the prohibition of the act of 1818. These two acts it will be noted were acts of exclusion, acts of retaliation, and the last one, it will also be noted, was in no respect contingent but was absolute, excluding from American ports all British vessels from the British colonial ports named in it without specifying that such exclusion should be dependent on a similar exclusion of vessels of the United States.

On May 6, 1822, another act was passed; this was an act of relaxation. It provided that on the President being satisfied that the ports in the British West Indies had been opened to the vessels of the United States, he should issue his proclamation admitting British vessels coming from these colonies. This act was to be continued in force till the end of the next session of Congress and no longer.

It will be noted, however, that this relaxation did not apply to vessels coming from the British North American provinces. As to them the exclusion of the act of May 1, 1820, continued in full force. (See 3 Statutes at Large, page 681.)

On March 1, 1823, another act was passed. This act suspended the acts of 1818 and the supplementary act of May 15, 1820, so far as their provisions limit or interdict navigation and commerce between the United States and certain named British ports. These ports were in the West Indies and in the British North American provinces. St. John's and St. Andrew's in New Brunswick, Halifax in Nova Scotia, Quebec in Canada, St. John's in Newfoundland were those named in the North American provinces.

The right of British vessels, however, was confined to importing in the United States articles of the growth, produce, or manufacture of the places from which the vessels came, and to exporting to the same places articles of the growth, produce, and manufacture of the United States.

The act was to continue in force so long, and only so long, as the enumerated British ports should remain open to vessels of the United States conformably to an act of Parliament of June 24, 1822. It was further provided that if any other British port in America should be thereafter opened to American ships, then ships of that port should be admitted into our ports. (See 3 Statutes at Large, page 741.)

Mr. President, in relation to commercial intercourse between the British provinces in North America and the United States matters stood in this way at the date of the arrangement, so called, of 1830. That from the five named British colonial ports, Quebec, Halifax, St. Andrew's and St. John's in New Brunswick, and St. John's in Newfoundland British vessels were admitted into all the ports of the United States when importing products of the places from which each might come, and reciprocally these five ports were open to our vessels. In this it will be noticed that the rights of the British vessels coming from these ports admitted them to all our ports, whilst American vessels were admitted only to these five ports.

The statutes and regulations under them for commerce and traffic were not understood in any way to relate to the fisheries; as to them it is admitted on all hands that up to the arrangement of 1830 they stood alone upon the convention of 1818.

Mr. President, up to this time there had been no dispute or complaint about the convention of 1818 so far as it related to fishery rights. It had not then been discovered that this convention was the result of a want of sagacity and courage on the part of the American commissioners, or that it was a deliberate surrender of our fishery rights, as stated by the Senator from Maine; or if it had been discovered we had not published our shame and made it the plea for a forced construction of that convention. So far as I have learned, both parties were satisfied with the bargain which had been made. Under it our vessels of all kinds were excluded from British ports for commercial purposes, and our fishing vessels were excluded except for the four purposes named in the convention, shelter, repairs, wood, and water.

But there was dissatisfaction with the commercial arrangements between the British possessions in America and the United States. Especially was the trade with the West Indies very desirable to us. It may be mentioned here that one of the great industries of the United States at that time was the making of rum, and one of the great industries of the West Indies, and also of many other portions of this wicked world, given over then to the gratification of their appetites and passions, was drinking rum. This useful and tempting article was manufactured from molasses. Molasses was a product of the West Indies. The West Indians had molasses to sell. We wanted it, that it might be converted into the more valuable and more saleable article, rum, which we were anxious to make, both for domestic use, I must admit, and also for exportation.

This connection between rum, and molasses as the raw material for rum, and that provision—peculiar in itself—of our act of 1830, which granted commercial rights in our ports to the British Provinces without requiring reciprocal rights for our people in theirs, our grant as to this being mere boot given for reciprocal and mutual commercial rights between the United States and the West Indies, will be seen and fully appreciated when I state the history connected with the act of 1830. It appears, sir, from authentic records, that on the very day of the passage of the act of 1830 by the House of Representatives, that a bill was also passed to reduce the tariff on imported molasses. It had not then been discovered that the way to reduce the price of any commodity was to increase the tax on it. That wonderful discovery in political

economy was, in the dispensation of Providence, reserved as the achievement of a later generation, who having partaken of that forbidden fruit in the garden of Republican liberty, the transfer by law of the labors of some—of many—into the pockets of others—a few—found out that all the laws of mathematics, all the teachings of arithmetic were wrong, contrived by the wicked inventor to favor British interests, and that the addition of one thing to another made the sum smaller, and the subtraction of one from another was real increase and enlargement; and hence, that the more that is taken from the tax-payer the more he has left. This discovery being now made, I submit it to my honorable friends on the other side of the Chamber whether, when we come to remodel the tariff, it would not be well, in order to protect the great trusts and monopolies, to prohibit entirely the introduction of all works on mathematics and even tax highly their making at home. In this way only can we effectually prevent British aggressions and save our people from that enlightenment which will detect the iniquities of protection. We have made a start in that direction in passing the international copyright bill. So, then, being ignorant of this great discovery, in order to encourage the making of rum by cheapening the price of imported molasses, the tariff tax was reduced.

But if I stop here it will be supposed that the main purpose of this reduction was in order that the poor common working people of this country could get cheap molasses for food, and thus I would be suspected of trying to support the old economic idea still cherished by the party to which I belong, that articles of necessity and comfort for the poor ought to be taxed lightly. I must add, this view of that measure is not entirely correct; for the bill further provided that there should be a drawback, or a return of the reduced duties collected on imported molasses whenever the rum into which it had been converted was exported. This act became a law the same day with the celebrated act of 1830. (See 4 Statutes at Large, page 419.)

On this particular point it will be useful to refer to some statistics. From these it will be seen that both the importation of molasses and the exportation of rum were at that time in no healthy condition. In fact, both were fast approaching the point where certain death was imminent. In 1828 the importation of molasses was 13,285,998 gallons. In 1830, the date of the act, it had fallen to 8,340,783 gallons, a falling off of about 33 per cent. In 1831, the very first year after the act, the importation was more than doubled, being 16,915,959 gallons, and with slight fluctuations it reached in 1835 to 18,656,224 gallons. We turn now to the exportation of rum. In 1828 the exports amounted to 506,052 gallons; in 1830, keeping pace with the decreased imports of molasses, the exports were only 153,160 gallons, a falling off of more than 66 per cent. The effect of the act on the exports of rum was not so rapid as on the importation of molasses. The exports continued to decrease during the next three years. Why this was so I am unable to explain further than that there might have been, probably was, an increased domestic consumption, for it is certain that under the influence of cheap rum there must have been a great increase in the consumption of intoxicants. So on this point again we find that history repeats itself. In 1830 by Congressional action rum was cheapened at the expense of the necessaries of life in order to protect the fisheries, and so now in 1888, more than half a century afterwards, we find the Republican party in national convention assembled, solemnly declaring that we must have cheap whisky rather than that one jot or tittle of the burdens imposed by the present iniquitous tariff shall be removed from blankets, common clothing, salt, agricultural and mechanical implements, and the like articles of common and necessary use among the farmers and laborers of the country. But after awhile this increased demand was met, the appetites of the people for intoxicants, though stimulated by Congressional action, were at last satiated, and our foreign trade adjusting itself to the condition of satiety at home, began to respond to the beneficial force of this act.

In 1834 the readjustment came, and with it a large increase in the exports of rum, being nearly three times the amount exported in the previous year. In the next year, 1835, the full effect of the reduction and drawback was seen, the exports of rum being 507,970 gallons, and more than in the prosperous year for rum, 1828.

Mr. President, this curious and interesting portion of our history, of which the Committee on Foreign Relations seem to be as oblivious as they are of the true American doctrine as to the jurisdiction of our country over its bays, sounds, and the adjacent seas, would be incomplete if I stop here. This idea, so prominent in the legislation of 1830, of the intimate and essential connection between free or cheap molasses as the raw material of rum and the prosperity of our fisheries did not originate in that year. It is older than the Government itself, and has been fostered and encouraged from the beginning by those who claimed to be the especial friends of the fisheries.

In 1733, one hundred years less three before the act of 1830, the British Government imposed duties on rum, molasses, and sugar imported into the American colonies from all the West Indies except their own. These products had been exchanged for our fish. Before the commencement of this trade with those islands molasses was thrown away, and it was first saved and put into casks to be brought to New England to be distilled into rum. The people of the northern colonies insisted that unless they could continue to sell fish to the West Indies and—

> Import molasses from thence to be manufactured into spirits for domestic consumption and for trade with the Indians they could not prosecute the fisheries without ruinous losses.

I quote from Senate Executive Document No. 22, Thirty-second Congress, second session, page 311. It is further stated that New England never submitted to the law, and therefore the threatened ruin to the cod-fishery was averted. That is the way in which this connection between the fisheries and rum was viewed during the colonial era.

In 1789, at the first session of the first Congress under the Constitution, this matter came up again. It was proposed by Mr. Madison and others to tax imported molasses 8 cents per gallon. Among other arguments to support this tax it was urged that molasses was converted into rum, a deleterious substance, injurious to the health and to the morals of the people. This tax was resisted in able speeches by Messrs. Thacher, Goodhue, and Fisher Ames, all of Massachusetts. Especially was the resistance of Mr. Ames able and effective. He urged that we exchange for molasses those fish that it is impossible to dispose of anywhere else, and the molasses we converted into rum; that it is scarcely possible to maintain our fisheries with advantage if the commerce for summer fish is injured, which he asserted would happen if a high duty was imposed on molasses, and that it would carry destruction throughout all the New England States and eventually affect the whole Union. He relied greatly on the West Indian market, saying:

> Our best fish will find their way to the best markets, while the slaves in the West Indies would consume the refuse.

The proposed tax of 8 cents a gallon was defeated, and only 2½ cents per gallon imposed.

It will be seen, Mr. President, that some progress, or rather some change, was made in the animus of the molasses and rum trade in the century intervening the British act of 1733 and the American act of 1830. At the former period we wanted molasses in exchange for our fish, in order, having converted it into rum, that we might carry on a profitable trade with the Indians, then abounding all over the continent. In the century following the trade had done its "good and perfect work," so that but few of these untutored sons of nature remained to whom we could exchange this exhilarating beverage. They had mostly departed to the happy hunting grounds of the Great Spirit—hastened on their journey thither by the spirits distilled by Americans, under the patronage and encouragement of the American Congress, from West Indian molasses, raised by the labor of poor African slaves, to cheer whose hard toil we charitably contributed, for a proper *quid pro quo*, our refuse fish for which there was no other market under the sun. In 1830, having lost in this way most of our Indian customers, we sought customers in foreign nations, and hence the provision in the act of that year allowing a drawback on exported rum.

Now, Mr. President, if the Committee on Foreign Relations had remembered this portion of our history, they would have saved themselves from the great error into which they have fallen in supposing that the arrangement of 1830, as they are pleased to call it, had any reference whatever to reciprocal trade between the United States and the British colonies to the North and East of us. They would also have seen that the boot we gave in that arrangement, to wit, admission to our ports of vessels from those colonies without exacting like admission to ours, was but the regular outcome and fruit of a policy a hundred years old—of getting a trade with the West Indies by which we could get easily and cheaply molasses as the raw material for rum in exchange for refuse fish, to be eaten by the poor Africans of those islands. The committee erred in not giving due weight to this combination of philanthropy and pelf, of *pseudo* Christian grace and real commercial greed, which in all ages has been potential, and in our own irresistible.

Now let us see what the act of 1830 was. It provided that whenever the President of the United States shall receive satisfactory evidence that Great Britain will open the ports in its colonial possessions, in the West Indies, on the continent of South America, in the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States, on terms, as to importations and exportations from and to said possessions and the United States, of exact equality with British vessels, and at same time leaving the commercial intercourse of the United States with all other parts of the British dominions on a footing not less favorable to the United States than it then was, the President should by proclamation admit British vessels coming from said colonial possessions into the ports of the United States on the same terms of reciprocal equality; and certain restricting acts of commerce were suspended or repealed.

Now this is the first section of the act. If the act had stopped there, it would have been on its face fair and equal. In that case it would have given a reciprocity in the ports in those British colonies only in which reciprocity was granted to us. But it would not have secured us that commerce so essential to our happiness—molasses as the raw material for rum. For, as has been stated, by the act of May 6, 1822, we had offered reciprocity to England between our ports and her West Indian ports, and that this proposition had for eight years been rejected.

But the act did not stop here. We had found that an even swap

could not be had, and we therefore must offer more. So the act had a second section, a very important section in throwing light on the matter under discussion. This second section provides that whenever the ports of the United States are opened according to the provision of the first section—that is, whenever our vessels shall be admitted to equal and reciprocal trade in the West Indies, South America, the Bahamas, Caicos, and Bermudas—then vessels from the British provinces north and east of the United States, or, in other words, from the Dominion of Canada and Newfoundland, shall be admitted into an entry in the ports of the United States.

And the President on receiving such evidence did issue his proclamation accordingly, exactly as required; so that this statute or arrangement of 1830 did not stipulate, did not contract for admission of American vessels of any sort into the British North American ports—the ports of the Dominion of Canada and of Newfoundland, for any purpose whatever. If the British conceded such admission to commercial vessels of the United States, they admitted them of their own free will, on motives and reasons applicable to them alone, and the concession, whatever it may have been, was just as broad or just as narrow as they pleased to make it, and embraces just such things as they intended to include in it, and they were at liberty to withdraw or modify it at any time. It was a free grant on the part of Great Britain, without consideration from or agreement with the United States. Whatever they should do in this respect was not within the meaning or contemplation of our act of 1830. That we granted by that act commercial intercourse to the British North American possessions has nothing to do with the concession of a similar right to us. Our proposition offering commerce with the British North American possessions was clearly a price paid—an extra price paid—to secure commercial reciprocity with the other British possessions. It was mere boot given on an exchange of that reciprocal intercourse because of its greater value to us, in great part because of our use for molasses as the raw material of rum.

Mr. President, this is so plain on the face of the statute that further argument is unnecessary. Yet as the Committee on Foreign Relations take a different view of it, I will fortify it by authority.

The authority I refer to is the conduct of our fishermen after 1830, and the diplomatic correspondence of the United States. No commercial rights were claimed by our fishermen under this arrangement of 1830 for many years, and none by our statesmen until a very recent period. Whoever will peruse Senate Executive Document No. 100, Thirty-second Congress, first session, in relation to seizures of American fishing vessels made by the British provinces, will see that it was conceded on all hands that our fishing vessels had no commercial rights under the so-called arrangement of 1830.

The schooner Shetland was seized in 1839 for a violation of the convention of 1818 in exercising commercial rights, the master selling a pair of trousers, 1 pound of tea, and 6 pounds of tobacco to a boy. The complaint of the seizure made by our Government was not that we had commercial rights, the right to sell those things, but that the master had been entrapped by the authorities into making the sale; that the whole thing was too trivial to warrant a seizure of the vessel. So in case of the schooner Hart, seized for giving two barrels of herrings as the price for picking the schooner's nets. Here again there was no claim on our part of commercial rights, we relying as a defense on the insignificance of the transaction. And in case of the Eliza the owners defended themselves upon the ground—

That they neither sold, bartered, nor parted with any article whatever out of said schooner.

And in case of the Amazon the master and his men defended against the seizure by swearing—

That there were no articles on board but fishing supplies, and that no article was sold or taken from the vessel.

Mr. Barnes, the naval officer at Boston, reporting on these seizures in 1839, states the facts in one case, as follows:

"The master had on board a keg of tobacco for the use of the crew. An inhabitant of the province begged the captain to sell him a few pounds, for which he paid in wood. The purchaser immediately informed the provincial officers, and the vessel and cargo were seized."

Mr. Barnes says the result of the trial cannot be predicted, but he adds: "The owners and persons interested hope, however, that the tribunal will discriminate between cases of a flagrant and premeditated violation of the treaty and laws of the provinces and mere trivial, unimportant, and fortuitous offenses."

This was the excuse. No claim was made of commercial rights under the arrangement of 1830. In case of the "Independence," Grantham, the consular agent of the United States, reports: The trouble was that, at the earnest solicitation of an inhabitant, the master loaned him a net for one night, and secured therefor a few herrings. In another case he reports the offense was that the Americans received from a British fishing vessel two barrels of herring for assisting the master in clearing his nets. Yet no complaint was made by him that these seizures were in violation of the arrangement of 1830; the complaint was only that they were for trivial, unimportant, and fortuitous infractions of the convention of 1818 and the provincial laws.

On August 14, 1839, Mr. Vail, Acting Secretary of State, made a report to the President, Mr. Van Buren, of the various seizures of our fishing vessels. He makes no claim of commercial rights. On the contrary, he expressly states (see Executive Document, before named, page 95) that our only privilege of entering in the British ports was for shelter, repairs, wood, and water, "and no other."

Lieutenant Paine, who had been sent to examine into these matters, in his letter and report to Mr. Forsyth, Secretary of State, expressly states that our fishing vessels have no commercial rights. (Executive Document No. 100, before cited.)

And in 1841 Mr. Forsyth, in his dispatch of that date to Mr. Stevenson, after all the seizures I have just referred to had been made, sets up as the American claim the right to fish up to within 3 marine miles of the shore, but makes no complaint of these seizures for a violation of our alleged commercial rights; nor does he claim any such rights.

He inclosed to Mr. Stevenson a copy of the statute of Nova Scotia of March 12, 1836, regulating fishing rights of American vessels, which was enacted professedly on its face to enforce the convention of 1818, denying to us commercial rights, and makes complaint of its harsh provisions as to procedure, etc., but does not intimate an objection that it interferes with our commercial rights under the arrangement of 1830.

Diplomatic correspondence concerning the troubles of our vessels in these waters was carried on by Mr. Everett in 1844 and 1845, and no mention was made of commercial rights under the so-called arrangement of 1830.

In 1853 there was also a diplomatic correspondence between the two countries on this subject, and yet whilst it was acknowledged that the British desired to enter into a treaty for reciprocal commercial rights between the United States and the British provinces, no intimation was made that any such rights of fishing vessels existed.

Mr. President, that the British Provinces made harsh and unneighborly and unjust regulations, and enforced them with a stringency and rigor without justification or excuse, is true. That disputes were constantly arising concerning their captures of our vessels for a violation of their regulations is also true. That there had arisen a dispute about the extent of our fisheries in the bays and inlets of the British Provinces is also true. That these disputes threatened the peace of the two nations and finally resulted in the treaty of 1854, fixing reciprocity in trade in about thirty articles of commerce, is also true. Yet in all these troubles, in all these disputes and discussions and negotiations, there is not a single syllable, as far as I have observed, which set up any claim for commercial rights to our fishing vessels under the arrangement of 1830, so called, or on any other ground.

The treaty of 1854 especially recites as the reason for making it that misunderstanding had arisen in regard to fishing rights under Article I of the convention of 1818, making no allusion to any dispute about any commercial right whatever, or to the so-called arrangement of 1830. That treaty postponed the trouble during its existence. In 1866 it was terminated in the manner and for the reasons stated and explained so ably and clearly by the Senator from Delaware [Mr. GRAY]. Then again we were left to the troubles and disputes about the extent of fishing rights under the convention of 1818. The matter was again postponed by the treaty of 1871, which was terminated in 1885. During all this time there was no claim set up for our fishing vessels that they had commercial rights under the so-called arrangement of 1830. Up to about the year 1885 our statesmen had neither the sagacity to see nor the courage to claim (if I may paraphrase the Senator from Maine, Mr. FRYE), that this arrangement of 1830 gave commercial rights to our fishing vessels.

Now, sir, under the circumstances is it too much to say that such claim made at this late date in opposition to the clear and plain meaning of the statute of 1830 is without substantial foundation.

COMMERCIAL LICENSES TO OUR FISHING VESSELS.

Mr. President, it is needful that I should notice another argument sometimes pressed in favor of commercial rights to our fishing vessels. This argument is based on licenses granted by the United States to fishing vessels to exercise commercial privileges. That such licenses would have the effect within our jurisdiction, within the boundaries of the United States, to confer commercial rights on fishing vessels is undoubted. But, sir, is a solemn treaty between great civilized nations—Christian nations—which admits our fishing vessels into the ports of the other treaty power for shelter, for repairs, for wood, and for water, "and for no other purpose whatever," to be set at naught by us by the mere granting to our fishing vessels a license to do that which the treaty declares they shall not do in the ports of the British Provinces? Can we evade the obligations of a treaty by attempting of our own motion to secure rights to our vessels denied by the treaty in giving an additional and simulated character to these vessels? The plain meaning of the treaty is to exclude fishing vessels for all purposes whatsoever except the four named in it—shelter, repairs, wood, and water. Can we introduce them for another purpose by merely granting them a license to enter for such other purpose? Sir, it is too plain for argument, that we can not introduce the unlawful and prohibited by annexing to it of our motion something else which is not unlawful and not prohibited. We can not introduce a pest-ship full of disease into a friendly port merely because such ship may have

in her commercial character the right of entry, not even if such ship be loaded with the very articles of medicine necessary to arrest or extirpate the disease.

THE PROPOSED TREATY EXAMINED.

Mr. President, the discussion now brings me to a comparison of the old and the new—an examination of American rights as they will be if this treaty be ratified as contrasted with our rights as they now exist under the convention of 1818.

Under the convention of 1818, now in force, our treaty rights, in addition to taking fish on the high seas (whether coming from the treaty of 1783 or the law of nations is immaterial), are—

First, to take fish, as follows:

a. On the southern coast of Newfoundland, from Cape Ray to the Ramea Islands.
b. On the western coast of the same, from Cape Ray to Quirpon Island, on the northern extremity of Newfoundland.
c. On the shores of Magdalen Island.
d. On the coasts, bays, harbors, and creeks of the coast of Labrador, from Mt. Joli indefinitely northward.

These are the positive concessions, and no more. It will be noted that there is no concession to take fish on the coasts of Nova Scotia, New Brunswick, or Cape Breton, and on the remainder of the coast of Newfoundland not mentioned above, including all its eastern and part of its southern coast.

The liberty of curing and drying fish is granted on the southern coast of Newfoundland from Cape Ray to the Ramea Islands and on the coasts of Labrador.

Then comes the renunciation of the United States, which is of the liberty theretofore claimed or enjoyed of taking, drying, or curing fish "on or within 3 marine miles of any of the coasts, bays, creeks, and harbors of all other of His Majesty's dominions," which, as I have shown conclusively, means 3 miles from the coasts and 3 miles from the entrance of the bays, etc., our claim, however, being to 3 miles from the shores in all bays more than 6 miles wide.

Under the treaty now before us as to fishing rights we have the right to take fish as before, under the convention of 1818:

a. On the southern and western coasts of Newfoundland.
b. On the coasts, bays, harbors, and creeks of Labrador, besides our rights in the open seas.
c. On the shores of the Magdalene Islands.

So far the convention and treaty are the same. Under the true construction of the convention of 1818 we have no right of entering into any of the bays, harbors, or creeks, except for shelter, repair, wood, and water, being expressly excluded from entry for any "other purpose whatever."

Under the treaty we may enter for the same purposes, and in addition under the second clause of Article XI we may enter "established ports of entry" to purchase supplies for the homeward voyage, and our fishing vessels are to have on all occasions in such ports the liberty to purchase casual or needful provisions or supplies.

This is a very important gain, as I shall show hereafter.

Under the convention of 1818, when our vessels entered into any of the British ports for shelter, repairs, wood, or water, they were subject to port charges, to be made to report, enter and clear, to compulsory pilotage, to harbor dues, and light dues. The exercise of these rights, or some of them, had been the causes of great expense, trouble, and annoyance to our fishing vessels.

That these charges were common is seen throughout our diplomatic correspondence, and the complaints made by our fishermen. (See Senate Executive Document No. 100, Thirty-second Congress, first session, on pages 73, 74, 77, 79, 80, 81, and Nos. 11 and 47 in list of vessels furnished by minority report on this treaty, commencing on page 52.)

Under the treaty on entry of our vessels for the four purposes named they are required only to conform to harbor regulations common to them and to the fishing vessels of Canada and Newfoundland. They need not report or clear when entry is for shelter or repairs, nor when entering outside of established ports of entry for wood or water; and they are not liable for compulsory pilotage, nor when in for shelter, repairs, wood, and water are they liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues. This is a great gain for our vessels. Under the convention of 1818 an American vessel having entered a bay or harbor for any of the four purposes therein mentioned, namely, shelter, repairs, wood, and water, could do nothing and procure nothing but these four things. Under the treaty by Article XI, any vessel entering for any casualty whatever may unload, reload, transship, or sell all fish on board when necessary or incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall have all needful facilities, including shipping of a crew.

These are important gains under the treaty, and essential even in many cases to a successful trip of a vessel. Under the same article our fishing vessels may, on their homeward voyage, have licenses free of charge for the purchase of supplies in established ports of entry; and our vessels also on all occasions are to have licenses to purchase casual and needful supplies and provisions.

These licenses to purchase supplies in established ports of entry are of the utmost importance, and of themselves ought to require of us a ratification of the treaty.

Mr. President, in the fishing business, as in nearly all others, the tendency of modern economic and industrial arrangements has been to crush out all small enterprises and men of small means and small capital. So that we are now, at the end of this century of so-called progress met, face to face with this, to me, appalling state of affairs, that small, independent workers, who formerly owned their own ships and conducted personally their own affairs, are being driven—in fact, almost entirely driven—from business by the greater economy and efficiency of larger enterprises, larger establishments, wherein the owners and managers are not workers and the laborers are merely wage-receivers. The almost infinite subdivision of labor, on account of its greater productive efficiency when so subdivided, has produced and is producing, as a necessary consequence thereof, a division of mankind into two classes, one—and that a small one—large capitalists, wage-payers, and the other—the many—wage-receivers. This subdivision has also had a tendency to narrow and compress the energies and the faculties of laborers, by confining the mind to the performance of a single kind of work, which, after some practice, produces skillfully, and well, by the mere trained operation of the hand, without conscious mental effort. One of the results of this subdivision is that laborers confined for years to the performance of a single manual operation become incapable of that variety of thought so necessary to conduct skillfully a successful business.

This is one of the great obstacles which men, once entering one of these large establishments and devoting their attention for years to one simple operation of manual labor, are rarely able to overcome successfully, and which prevents them from emerging from the class of wage-earners.

As enterprises, as establishments become larger and larger, necessarily this division makes the managing class relatively smaller and the laboring class relatively larger. This, Mr. President, is not a good thing for the wage-earners, and not being good for them, it is not a good thing for the country, not a good thing for the human race. How this tendency may be counteracted and reversed I may not be able to determine; but seeing it, feeling deeply its pernicious and baleful workings, I declare it to be the duty of the Government when two courses are open in any proposed matter, one to increase the tendency, the other having a contrary effect, to choose the latter. In the beginning, when inshore fisheries were allowed to us, and a frequent resort to the shore, the fishing vessels were small. It needed but small capital to own one and but few men to manage it successfully; hence in those days the owners of these small vessels were frequently part of the crew which sailed them and took fish. It was not beyond the hopes and aspirations of the poorest sailor and fisherman working in one of these vessels that in a few years he might be the sole or a part owner of the vessel on which he worked.

But, sir, this is all now changed—the vessels are large, the equipments in seines and other supplies more expensive; so that they who run and manage the vessel and take the fish are rarely, if ever, interested in the vessel itself.

Now, Mr. President, if we give, as this treaty does, the opportunity of smaller vessels being employed in the fisheries, we will have done much to arrest the evil tendency I have noted. If we secure a resort alone to the shores on easy terms, not only for wood, water, repairs, and shelter, but for supplies of all kinds, together with transport of the catch, we encourage the use of the smaller vessels, we encourage independent, smaller workers in the owning of the vessels on which they sail. I think this is one of the most beneficent effects of the treaty, even as it now stands, and these benefits would be increased if we hereafter secure the reciprocity proposed by Article XV of the treaty.

I send to the desk a copy of a letter on this subject written by Mr. Dimick, secretary of the Boston Fish Bureau, to Mr. Switzler, chief of the Bureau of Statistics, which he has sent to me.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). The Secretary will read the letter.

The Secretary read as follows:

OFFICE OF BOSTON FISH BUREAU, No. 3 LONG WHARF,
Boston, June 30, 1888.

DEAR SIR: It is almost impossible for me to answer the questions you have asked. The bureau was organized in 1875, and has kept statistics of vessels and men engaged in the northeast fisheries only since 1880. An accurate record of the comparative size of fishing vessels would be compiled, I think, only from the records of the custom-houses at the fishing ports. It is impossible to separate vessels that fish on our shore and those that fish on the Canadian coast for a long period of years. Some years nearly the whole mackerel fleet goes to the Gulf of St. Lawrence (generally spoken of as the "North Bay"), and some years very few.

In a general way I can say that the average size of fishing vessels (leaving out the small craft which fish only close to our shore) is probably twice that of fifty years ago.

The average crew has largely increased, but not quite in proportion to increase in the size of vessel.

There is a very much smaller proportion of fishermen owners than formerly. This is owing mainly to the fact that the majority of the fishermen (outside of the small craft which furnish fresh fish for the daily market, which fish near the shore) are foreigners.

I am told that fifty years ago, on Cape Cod, three-fourths of the fishermen were owners in the fishing vessels and that there are not one-fourth now.

Gloucester, our largest fishing port, has practically no fishermen owners. A few captains are owners or part owners of their vessels, but the number is very small.

The comparative cost of fitting a vessel is a very difficult matter to arrive at. It varies from year to year with the varying price of supplies in the market.

In the years 1885, 1886, and 1887, wages of codfishermen were considerably re-

duced, and owing to this and cheapness of some supplies, the cost of catching codfish was less than for many years. This year it will be a little more as price of salt is higher, and wages on the whole a trifle higher.

Very truly yours,

F. F. DIMICK, *Secretary.*

Mr. W. F. SWITZLER,
Chief of Bureau of Statistics.

Mr. GEORGE. In addition to that, I obtained from the Treasury Department some statistics showing the increase in the size of the fishing vessels. In 1775 the average tonnage of fishing vessels was 37 tons. In 1830 it was 41 tons. In 1854 it was 67 tons. In 1865 it was 76 tons. In 1871 it was 81 tons. In 1885 it was 100 tons.

So we see there has been a continued and steady advance in the size of the vessels, and at the same time a continued and steady decrease in the ownership of vessels by the fishermen.

OBJECTION AS TO NON-PREVENTION OF BRITISH RIGHTS IN OUR PORTS.

Mr. President, it is complained in the report of the Committee on Foreign Relations that the treaty does not put the fishing vessels of Canada and Newfoundland in American ports on the same footing with American fishing vessels in their ports. This certainly is a very curious objection, if it be well founded. The treaty in that view secures the rights named in it to our vessels, and leaves us to give or grant to the Canadian vessels just such rights as we please in our ports. This is exactly what has been done in all our treaties on this subject. In the treaty of 1783 not a word was said about the rights of British provincial fishing vessels in the ports of the United States, and so in the convention of 1818. Both those international compacts were made to secure and protect American rights. The British in neither claimed nor asked for similar rights for their vessels in our ports. This left us, Mr. President, in the best possible of all conditions. We had treaty rights in the British ports and they had none in ours. If they exercise any rights here, it is by our grace and permission. We may grant such rights on such terms as we please, change or modify them, or withdraw them altogether. Whatever our conduct may be in reference to Canadian vessels, we still have our rights named in this treaty, rights secured by it without granting similar rights to the Canadians. That might be an objection from the Canadian standpoint, but certainly is no reason why Americans should reject the treaty. The twelfth article of the treaty does, however, secure (what the treaty of 1783 and convention of 1818 did not) the same rights to Canadian vessels that are secured to us.

This was a demand of the British provinces that we could not decently resist. But that is not the objection which the Committee on Foreign Relations make. Their objection is, that this article did not go further and by negative words restrict the rights of Canadian vessels in our ports to the treaty rights secured to our vessels in the ports of the Dominion and of Newfoundland. Let us look at this matter a little. The treaty rights of the vessels of both countries are exactly the same under this new treaty. These rights each Government is by the treaty bound to the other to observe. A refusal to do this would be a violation of treaty obligations, which would release the other party and even give good cause for war. When these rights are respected the treaty is satisfied. As to other and additional rights, each Government, in virtue of its sovereignty and independence, may grant or withhold them at its own will, and if at any time it shall grant any such rights it may recall them at pleasure. The objection of the committee, therefore, is that the United States do not in this treaty bind themselves to take away rights which they may have voluntarily granted and tie their hands from granting any such rights in the future. The committee insist that the United States shall enter into an obligation restricting its own sovereign powers.

They complain that the United States by this treaty are left free to act for their own interests in all matters outside of the treaty, so that if it shall be, as it is, to the interest of our people to sell fishing supplies to Canadian vessels, or if any other right granted to the Canadian vessels would be more to our benefit than to theirs, we shall be bound by the treaty not to grant it, however much we might desire for our own advantage to do so.

THE NUMBERING OF THE VESSELS.

Like this is the objection that we may grant licenses to the Canadian vessels without their being numbered. On this subject we are left by the treaty free to require such numbering or not as we may see proper. All there is of this is that the Dominion was not willing to be bound to grant these licenses without the numbering. We wanted the licenses as a treaty right and they stipulated to give them, but on the terms named in the treaty, we, as to these, being left to do just as we please, for the twelfth article only secures to Canadian vessels the same rights our vessels have by the treaty; and therefore if an American vessel can not without a license to buy trade in a Canadian port without also being numbered, so the Canadian vessels can not have a license to buy in our ports except on the same equal terms if we require it.

THE PENALTIES FIXED BY THE TREATY.

Mr. President, another objection is that the treaty by its fourteenth article fixes penalties for a violation of the treaty.

This—

The committee say—

is a singular provision (and probably unique) to be found in a treaty between two civilized nations, the general tenor of whose laws and the general social nature of whose institutions are very nearly homogeneous.

Whether the committee intends by this objection to complain of the introduction of such a provision in any treaty between civilized nations, or only between Great Britain and the United States, as these are the only two—

The general tenor of whose laws and the general social nature of whose institutions are very nearly homogeneous—

I am unable to say. If they are to be understood as saying that such a provision between the United States and any highly civilized nation is objectionable, then I answer: That such was not the opinion of the fathers; such is not the American doctrine, if the men of the Revolution are to be trusted to expound American doctrines. The treaty of 1778 with France was the first treaty ever made by the United States. As was shown yesterday, by its ninth article it regulated fishing rights between the United States and France, and in doing so it was not deemed by the fathers unique, peculiar, or objectionable, to make a provision in reference to a penalty for a violation of treaty rights, and that penalty, it so happens, is exactly the same penalty as the highest prescribed in the treaty before us, namely, a confiscation of the vessel.

If, however, the committee mean to object only to such a provision in a treaty with England—and not to the justice and rightfulness of the provision itself, I leave it to their wisdom, or their ingenuity, which ever it may require, to explain to the American people, why a treaty should be rejected when made with Great Britain, because it contains a provision admittedly just and honorable in treaties with all other nations.

And, Mr. President, whilst on this subject, I will say that the fourteenth article, on penalties and procedure against vessels violating the treaty, is of great value. It restricts the penalty of forfeiture to unlawful fishing or preparing to fish unlawfully in the prohibited waters. For all other offenses the penalty is not to exceed a fine of $3 per ton. It provides also for speedy and convenient trial of the vessel seized, allows a defense to be made, without security for costs, unless the vessel be bailed—requires that reasonable bail shall be allowed, and permits appeals only to the owners of our vessels—refusing them to the other side; and requires all judgments of forfeiture to be reviewed by an imperial officer—the governor-general in council.

These are all very valuable rights secured to our citizens by the treaty.

I ask the Senator from Delaware [Mr. GRAY], who has examined the subject, to explain our statutes about trials of seizures.

Mr. GRAY. The Senator from Mississippi asks me to say something about the provisions of our statutes in regard to seizures for violations of the customs laws and customs regulation which I alluded to the other day when the Senator from Massachusetts [Mr. HOAR] was speaking. I suppose I can best answer his question by giving him a summary that I had made of our statutes in that regard.

Section 909 of the Revised Statutes of the United States, which I read at length the other day, provides that in case of seizure for violation of customs laws or duties the burden of proof shall be put upon the man who opposes the seizure. I read that the other day.

Mr. HOAR. Only when probable cause has first been shown for the prosecution.

Mr. GRAY. I will read section 909. I read it at length, I believe, the other day. Section 909 provides:

In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

Section 923 of the Revised Statutes, which I will not take the time to read but will give the purport of, obliges the claimant of a vessel or goods seized to give bond to prosecute the suit and respond to costs.

Section 970 of the Revised Statutes in such cases denies costs to the successful opponent of seizure, and relieves the seizing officer from liability for such seizure, if the court thinks there was reasonable cause for the seizure.

Section 975 has similar provisions in another case.

Section 971 mulcts the unsuccessful opponent of seizure in double costs, so that if a person intervenes as the owner of the vessel or goods, denying the legality of the seizure, and does not succeed, this section imposes upon him double costs, making it in all cases at his own risk when he defends a suit.

Section 979 awards to the successful opponent of seizure possession of his property, but only after he has paid his costs.

Section 3073 enables officers making the seizure to plead the general issue and give the act of Congress as special matter in evidence.

That, I presume, covers the point alluded to by the Senator.

THE BRITISH SIDE.

Mr. GEORGE. Mr. President, it has been said in this debate, and will probably again be said, that the contention of those who favor the ratification of the treaty is on the British side; that it surrenders American rights; is contrary to American ideas and American principles. One an-

swer to this is that it is my plain duty, that it is the plain duty of the Senate, in determining whether we will accept or reject this treaty, to ascertain fairly and truly our rights as they now exist and compare them with our rights as they would be if this treaty were accepted or ratified. As an American Senator charged by the Constitution of our country with giving advice to the President as to the conclusion of treaties, it is my duty to give this advice honestly, frankly, and on full consideration of every fact, every principle involved, so that he, the sole representative of the American people in our intercourse with foreign nations, may do what an honest and conscientious regard for the welfare and honor of the United States may demand. That this advice might be given freely and fully, without embarrassment or injury to the country, our deliberations on treaties have hitherto, in accordance with the sound judgment and wise and patriotic foresight of our fathers been confidential. In this confidential family meeting of the representatives of the States there was full and free conference and debate, the world being excluded from our deliberations. All party considerations were banished; all desire to attain any other end than the public good was suppressed; each Senator was expected, in the discharge of the high duty imposed by the Constitution to declare to his fellow-Senators fully and freely the facts and the arguments which he deemed proper for their consideration. In the discharge of this duty in this confidential family session there was no danger of injury to our country by the disclosure of views which were in opposition to some of the claims we had put forth. These confidential deliberations are like the confidential communications between our Government and its foreign ministers, matters to be considered only by us. How often, sir, when such communications are afterwards published, does the presence of marks of omission show to us and show to the world that the matter omitted is of that nature that publication of it would not be proper. In the diplomatic correspondence of one of our most eminent statesmen, Mr. Everett, in relation to the very subject we now deliberate upon, are such marks, showing omissions in the published copy.

THE SUPPRESSION OF EVIDENCE.

The attention of the Senate was called to this several weeks ago by the Senator from Delaware [Mr. GRAY]. Afterwards the Senator from Alabama, whose services on the Committee on Foreign Relations as the senior member of the minority, on this and other matters concerning our foreign intercourse deserves and will receive the gratitude of the country—afterwards, I say, the Senator from Alabama offered a resolution calling on the President for these omitted portions of Mr. Everett's letter. That resolution, strangely enough, in view of the former action of the majority of the Senate removing confidence and secrecy from all deliberations on this subject, was referred to the Committee on Foreign Relations for their opinion and advice. For many days, even weeks, and after many meetings of that committee, that resolution sleeps in the unruffled quietude, in the tranquil repose of studied neglect and of lordly contempt. That committee, by the sole action of the majority, every one of whom voted to reverse the traditions and rules of the Senate extending through a century, and thus throw open to the world our debates on the ratification of this treaty, will neither advise nor refuse to advise the Senate to make an effort to uncover one of the important secrets connected with our discussions. They decline to act at all. They neither go forward nor retreat, but stand still in sullen, stubborn silence. They dare not ask the President for the information for fear they may discover something they would not like to know and would not like the American people to know. They dare not recommend a refusal to ask, for that would be to confess in the face of the world that their boasted desire to have all that concerns the ratification of this treaty made known was a mere sham, a miserable pretense, an adroit feint to cover a partisan movement. They dare not ask for it to be communicated in secret session and to be considered in secret session, for that would be an acknowledgment of error in ordering secret sessions abolished, and would also present to the American people the unseemly spectacle that a majority of the American Senate would be guilty of the mere pretense of partial and incomplete open sessions for mere party purposes, returning to secrecy only when it was suspected that something would be disclosed which might operate against party interests, party success.

Sir, this non-action on the resolution of the Senator from Alabama seems to bear the construction that it is the wish of the majority that while we are by their action to have open sessions, yet all that which favors the ratification of the treaty shall in some way be concealed, so that there may be a condemnation of the President at all events, even by a covering up of material facts.

This purpose is by no means a matter of surprise after what has occurred. For the Senate, by requiring this debate to be open, in the hearing of the world, has deliberately abdicated its constitutional executive function of advising and consenting to treaties, so far as this treaty is concerned, and substituted therefor an unseemly wrangle, in order to sustain before the American people a predetermined rejection of a treaty securing to us the most valuable rights and surrendering nothing whatever. This debate on the part of the majority is not for constitutional advice to the President, but is a mere apology for a preordained result, and an arraignment of the President for his action in this matter. Under these circumstances, when diplomatic reserve, secrecy, and confidential consultations have been abandoned without reason relating to the public welfare, but solely to embarrass and bring into disrepute the Administration, and surrendering the welfare of the American people to secure an advantage in a partisan contest, to win victory when victory is not due, I interpret my duty to be to discuss the whole subject freely and fairly, and to notice every fact and argument I deem important. Since the appeal is made to the American people, I construe my duty to be to so act that their judgment should not be invoked on half truths, on a partial and mutilated statement of the case.

Mr. President, if in my investigation of this subject I have reached conclusions adverse to some of the rights sometimes asserted in our behalf, it is a consolation to know that by the treaty under consideration these very rights so alleged to exist, all of them that are valuable, are secured, and in addition many more. It is also a consolation to know that whatever I may say can be of no harm to my country, no injury to any single human being in all this world, save only to myself. In what I have said and shall say, I have spoken and will speak no one's opinion but my own. I pretend to speak and have authority to speak for no person in office or out of office; not knowing and not caring who may approve or who may condemn, save only that great generous and magnanimous people whose commission I hold, and to whom I am responsible for all I do or omit to do as a Senator on this floor. My position in public life is too humble, my influence too limited to give any weight to what I may say, beyond what may be rightly due to the same matter, if written and published anonymously. What I have said is based on public authentic records. If I have mistaken them or misinterpreted them the correction is easy, if correction be deemed necessary by the learned opponents of the treaty. If convicted of error I shall be glad to be corrected; for, sir, I have no feeling, no wish, no interest, no bias nor prejudice, other than to do my duty to the Senate and to my country. But, sir, it should not be forgotten that the main question before us is not as to the absolute verity of the arguments I have advanced, but whether, being urged in opposition to our rights as they have been asserted, they do not constitute a sincere doubt, which ought to be removed by negotiation, and which constitutes a fair ground of compromise of conflicting claims. Can any Senator with confidence say that there is no doubt. And if there be sincere and just ground for doubt, shall we assume the attitude of infallibility denied to all other children of the human race, and say we will not consider even adverse claims, will not treat or negotiate so that there may be, as there will be if this treaty is ratified, a fair and honorable adjustment of these long-standing and irritating disputes.

MR. WEBSTER'S VIEWS.

Mr. Webster, in a circular printed in a Boston paper on July 19, 1852, referring to the claim of Great Britain of rights under the convention of 1818, said:

It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England. Since—

Now note what follows—

Since the United States had usually considered those vast inlets or recesses of the ocean—

Yes, vast inlets and recesses of the ocean, not the Lilliputian bays, not wider nor larger than Long Island Sound, or Chesapeake, or Delaware Bay—

but the United States had usually considered that those vast inlets and recesses of the ocean—

As Mr. Webster continued—

ought to be open to American fishermen as freely as the sea itself to within 3 marine miles of the shore—

and not that these vast inlets and recesses were under the convention of 1818 actually so open.

It can not escape notice how careful the language is.

First. He states that there was undoubtedly an oversight in the convention of 1818. What is an oversight but a failure to insert something in the convention which would sustain our claims if it had been inserted, or a failure or neglect by which language was used in the convention which militates against our rights?

Second. The oversight was in making "so large a concession to England" as the convention makes. The concession is in relation to the vast inlets and recesses of the ocean, as Mr. Webster states it. Will the Committee on Foreign Relations state what is this large, too large, concession, which was an oversight in the convention of 1818, and which that instrument made, and which concern these vast inlets and recesses, if in fact and in truth it was not a concession, that our rights to fish did not extend to them nor nearer than 3 miles to them? No fair and just answer can be made to this. For Mr. Webster explains his own meaning by giving as the reason for his statement that this large concession was an oversight, "since the United States had usually," not always, not uniformly considered, but "usually considered those vast inlets and recesses of the ocean ought to be open" to the fisherman as freely as the sea itself to within 3 miles of the shore.

Now sir, if, as the committee contend, the true meaning of the convention of 1818 is that the United States had by it a right to take fish in the vast inlets and recesses of the ocean as freely as in the sea

itself, to within 3 miles of the shore, then it follows that no concession was made and no oversight committed, and that we actually now have as our undoubted possession what Mr. Webster said by an undoubted oversight we had conceded away to England. Then the undoubted oversight which Mr. Webster said made too large a concession to England, was as his words plainly mean, a failure to have the convention made according to a view which we had usually entertained—that is, as the United States had usually considered that our rights in these vast inlets and recesses were as stated by him—it was an oversight resulting in too large a concession to England that we did not cause the convention to be made according to our theory and understanding.

Mr. Webster in the same circular asserts, as I stated on yesterday, that a bay, as usually understood, is an arm or recess of the sea entering from the ocean between capes or headlands, and that the term is equally applied to small and large bodies of water. He knew that this term was used in the convention in that clause in which we renounced our fishing rights, renouncing them in bays, harbors, creeks, alike. So he felt impelled to make the remark I have commented on about the concession being too large.

Yet it is said that notwithstanding all this Mr. Webster's opinion is the other way. This contention is based on a remark near the close of the circular, in which he stated his non-agreement to the view that a construction of the convention of 1818 which he had just quoted was conformable to the intention of the contracting parties.

The construction which he had just quoted, and to which he stated his non-agreement, was the construction placed on the convention by the law officers of England, in which the extreme headland theory was asserted, as explained by the Senator from Delaware [Mr. GRAY] when he addressed the Senate on this subject—a construction and theory which would have excluded us not only from what are properly bays, but from concave indents of the coast where the different and opposing headlands were a hundred miles apart.

But, Mr. President, taking the whole of the circular together, are we prepared to say that there is no doubt about the meaning of the convention of 1818, and that the English construction of it is so clearly in opposition to its true meaning that it deserves no consideration whatever. We should deal fairly with ourselves and with the world in the construction of treaties and the obligation they impose upon us. If we discover that by an oversight, or otherwise, we have made too large a concession, as Mr. Webster said we did, this does not authorize us to construe the treaty as if no oversight had been committed and no concession made. In such a case we are bound to resort to friendly negotiation to correct the oversight—to reduce the concession. This the President has done, so that in the treaty before us there is no concession of any substantial value, even on the theory of international law contended for by the Committee on Foreign Relations.

THE BRITISH SIDE—ANSWER.

But, sir, the charge of taking the British side in this controversy, if worth making, is worth repelling, and especially so since the answer is complete and overwhelming. The main point in dispute turns upon the question whether the word "bays" used in the convention of 1818 means all "bays" in the British dominions, as Mr. Webster said it did, or only "bays" 6 miles wide and under.

In what I have stated in opposition to the view that "bays" capable of exclusive national dominion are those only 6 miles wide and under, I have but stated the truth of history. If that truth be on the British side, I am not responsible for it. The President is not responsible for it. They who made the history are responsible.

I deny that history is on the British side, and I propose to prevent, so far as I may be able, history from being rewritten so as to be on that side, surrendering forever great American interests. I deny that the great and patriotic men of 1776, who first declared and then won our independence, and who, as I have shown, in that momentous hour when appealing to Heaven for the rectitude of their purposes and committing themselves and their country to the guidance and support of a generous Providence, and seeking alliances to aid them in their struggle for liberty and independence, affirmed in the most solemn manner their right and the right of France under the law of nations to conquer and then occupy as their sole possession and property, exclusive of all other nations, this great fishery in all its parts, on bays large and small and on the ocean itself, in that act, intended and designed to destroy utterly British power in America, were on the British side.

I deny that John Adams, testy, passionate, vehement in speech and in action, with an all-consuming love of his country, and well-informed as to all that concerned her interests and the advancement and welfare of her people—that this man, in his negotiations for the treaty of 1783, in demanding our admission to this fishing on the ground that it was our rightful share in an acquisition and possession of the British people, secured by war, in which we contributed our blood and treasure more than our due proportion, was in that act on the British side. I deny that his no less illustrious son in 1816, when, in resisting British pretensions, based mainly on the position now assumed by the Committee on Foreign Relations and denied by me, namely, that fishing in the open sea in the neighborhood of Newfoundland is the common right of all nations, he affirmed as the basis of our rights that the whole fishery in bays and inlets and on the open seas was before our independence the exclusive possession of the British people, of whom we were a part, and afterwards the joint possession of Great Britian and the United States, was on the British side.

I deny that George Washington and his Secretary of State, Thomas Jefferson, in 1793, when forcing France to return a British vessel captured in Delaware Bay on the ground that the capture was in American waters, were on the British side.

I deny that Jefferson in claiming that the rightful jurisdiction of the United States over the high seas extended beyond the 3-miles limit to the Gulf Stream, was on the British side.

I deny that the great American jurist, Chancellor Kent, in claiming jurisdiction for the United States over large bodies of sea-water on our eastern coast many miles from the shore, inclosed by lines drawn from distant points of the shore, jutting out into the sea, hundreds of miles apart, and in claiming a like jurisdiction over all that part of the Gulf of Mexico included between the shores, and a line drawn from the southern Cape of Florida to the mouth of the Mississippi, was on the British side.

I deny that the whole American people, in claiming and exercising exclusive jurisdiction over Delaware Bay, 13 miles wide; over Long Island Sound, 10 miles wide; over the Chesapeake, 12 miles wide, are on the British side.

All these claims, sir, are American claims, made by eminent and patriotic Americans, and sustained by the American people, to protect and subserve American rights and American interests. If all these were false to American rights, then I am also false. I may well bear the unjust reproach of being on the British side when in such illustrious company.

AMERICAN RIGHTS AND DUTIES.

Mr. President, I have stated and have endeavored to support what I conceive to be the true view in this controversy. I have stood and I mean to stand on those principles of the law of nations, so far as this continent is concerned, which gives our country her rightful mastery over American seas. I do not intend to barter this great birthright of Americans for an alleged temporary advantage, a mere miserable mess of pottage. The inheritance, the mission of the American people is to occupy for their possession forever the North American continent from the polar seas to the isthmus which connects us with the southern hemisphere, including all islands and seas which lie next to it. The Monroe doctrine was but a half truth, a great advance, and sufficient for the time in which it was announced. That doctrine forbids future European colonization in the western hemisphere. It will in the no very distant future assume its rightful and logical development in the exclusion, or if need be expulsion, from the North American continent and the West Indies of all European territorial and jurisdictional rights.

That, sir, is destiny, certain, inexorable. Nothing can prevent it except the failure of the American people to rise to the height of their great mission, their surrender of doctrines announced by our fathers, their concession of permanent and enduring rights to mere temporary expediency. The colonization and settlement of the North American continent by Europeans was in the first instance a necessity. It was essential to redeem these broad and favored lands from savage worthlessness and reduce them to the service of civilization and progress. Especially, sir, was this colonization by the British people a benefit to the human race, for in the wilderness they planted not only civilization but also the seeds of free institutions, where, unaffected and unhampered by the kingly and monarchical traditions of the Old World, they will reach their full development. But as in Mr. Monroe's time further British as well as further European colonization was a political anachronism, so in the not distant future European possessions before attained will be out of date. This is certain. We may hasten or retard it, but it can not be prevented. We may so act as to cause the aggregation of the people of North America under one flag to be delayed, to be accompanied with friction, even war and bloodshed. We may so act that when this aggregation shall come it will be but a mere forcible conjunction of adverse and hostile peoples, instead of a real union, not only in political but in commercial and social relations.

That the attraction of these peoples to our flag should be by kindness, by friendly acts, the natural result of kindred hopes and kindred aspirations and common interests, is manifestly wiser and better; better for them and better for us. The Canadians are already tutored in self-government. The voluntary transfer of their allegiance to the American flag would result in no friction, no conflicts. So, sir, it is our clear duty, our manifest interests, that in our intercourse with them, whilst maintaining fully American rights, we should not irritate, annoy, or oppress. Such a course will but the more strongly attach them to the great power beyond the seas, to which they will be certain to look for protection and safety. In pursuing this course we but do the work of the British Crown.

Mr. President, we may have, it is not unlikely we will have, our own troubles, which may force us to secure an extension of our borders, or if not our borders the extension of our influence to the south. We have now conditions in our political, social, and industrial life which never before confronted a free people, conditions which might possibly be

met with safety for a long time at least in an empire, wherein all the people are subjects, not citizens, and by the iron hand of unsympathizing power, exerted through an imperial and unrelenting militarism are reduced to a common level, a common equality in political slavery and social degradation. In such a government the hopes, the aspirations of the great body of the people reach not beyond the securing of personal safety and that comfort and ease coming from the absence of hunger. Whether they can be met in safety in a democratic republic, wherein the energies of men are so stimulated by liberty as to cause a ceaseless, ever-enduring contest and rivalry for that superiority, that coveted inequality in wealth, social relations, and individual power and influence, which are denied in abstract political rights, and especially when this rivalry is intensified by the commingling of heterogeneous and mutually repellant, diverse peoples, time alone can determine. I can not, no man can, foresee the full extent and effect of the dangers which even now seem to menace us by the incorporation into the body of American citizenship of a race, patient, docile, inoffensive, peaceful though it be, who yet are without ancestral aptitudes for free institutions, without the inherited instincts for self-government, which existing in the Anglo-Saxon race has enabled it to cause progress and advancement in free institutions to be a steady, onward march for more than a millennium.

If it shall turn out to be true, as that distinguished and philosophic statesman, the Senator from Vermont [Mr. EDMUNDS], asserted in 1882, when advocating the exclusion of the Chinese from this country, that homogeneity in a people is a necessary condition of success in free institutions, as shown by all the long reaches of human history from Aristotle to Webster; if it shall come to pass that Mr. Lincoln shall be proven to be right in declaring that the physical differences between the two races are such as to forever prevent them from living together in one community on terms of perfect equality, then it will also result that there will be in the future, when, no man can tell, that arrangements will be made by the free consent of both races by which that close contact which breeds antagonisms and disorder will be obviated. Whether that will be by one means or another, I do not know. I do know, however, that one of the wisest statesmen who ever lived in this country, Robert J. Walker, more than forty years ago, pondering then on the great problem of African slavery in the United States, or, if you please, on that great crime against human rights, foresaw that it could not be eternal. And considering what was best for the white people of the Union, best for the unfortunate people held in bondage, he looked with hope to the regions south of us as furnishing a solution of the trouble.

As to whether in the providence of God this solution shall ever be demanded by the best interests of both races I express here and now no opinion. But I will say that in my poor judgment it is the duty of American statesmen to commit this country to no policy, to no doctrines of public law which will prevent the American people of both races, of all races, from seeking such outlets as their necessities and their interests may demand for the teeming millions of inhabitants which shall in the great future occupy our land. Before such a danger, before such a necessity, if they shall come, as they may come, all European jurisdictions, all supposed European rights on this continent must give way. The safety of the Republic must be the supreme law.

Mr. President, I am not predicting events; I am not endeavoring with my weak and feeble powers to penetrate into the domain of the unknown and the unknowable. I do not pretend to forecast the future. but in the face of possible and natural dangers felt by the wisest, recognized by the great Senator from Vermont, and also by Mr. Lincoln, I wish to invoke the Senate, not for a mere temporary advantage, even if it were not illusory, not for a mere mess of pottage, not for the poor privilege of a delusive banquet at the phantom feast set before us by the Committee on Foreign Relations, to discard American doctrines, reverse American policies, which being recognized and maintained by us would at least furnish some hope of escape from future troubles and dangers.

If, sir, there be any who seek an escape from these possible dangers, who would have homogeneity by the amalgamation of races, the substitution of hybridism for the pure blood of either or both races, they will be disappointed. If, sir, there be any who, believing the overthrow of the South in the late civil war to be a conquest and subjugation of the Southern people, shall hope by a policy of repression, of unfriendly action by the Federal Government, to drive from their homes and the homes of their fathers the white race of any one of the Southern States, so that it may become homogeneous in being wholly African, I tell them this will never happen. It will never come to pass that the white people of the South will ever be driven from their ancestral homes, or that remaining there they will be other than they and the race to which they belong have ever been in all parts of the world and in all times, the supreme power in the States they inhabit, working out and responsible for the destinies of these States.

If there be any of the sons of the Southern States so recreant, so forgetful of their history and traditions, full as they are of great examples of self-sacrifice for the common good, so seduced by hopes of personal advancement, so awed by power, as to falter in the discharge of the high duties imposed by perils and dangers, as to so seek shelter for himself from the storm which beats on all others, he will by that act of separation for his individual and personal ends exclude himself from the confidence and companionship of that great mass of Southern men and Southern women, who, whilst yielding a cheerful obedience to the Constitution and laws of the Union, mean for themselves and for their posterity to surrender not one jot or tittle of their inheritance as free men and free-women, or of their just and rightful equality in American citizenship.

IF WAR COME.

Mr. President, I have stated frankly my views on the question before the Senate. "Shall the Senate advise and consent to the ratification of this treaty?" Its pre-ordained rejection I deplore. What will in the end result if, rejecting this wise and just treaty, we are turned over to retaliation, to non-intercourse, to that acerbity of spirit, that inflammation of passions sure to come when two great nations enter into reprisals and contests for superiority in the injuries they can inflict, I know not. If war come, as seems to be desired by some, then, however it may come, on what grounds waged on either side, I shall (and the people of Mississippi will) know only that our country is in danger. Mississippians will not stop to inquire whether by wiser counsels, by more moderation, war might have been averted. They will rally to the support of their country as Mississippians have never failed in the past to do when called to meet a foreign foe. They will hold no conventions to criticise or condemn measures taken by the National Government for defense, nor will they seek to mark with precision a narrow line for the exercise of the military powers of the Constitution. There will not be in all the broad land of the South one single assemblage, one single convention, which, like the Hartford Convention of 1814, sitting with closed doors, will hold high and solemn debate about the conduct of the war. They will hold no convention concerning which it may rightly be said, as was said by John Quincy Adams, in December, 1828, concerning the said convention of 1814—

As he who has hitherto enjoyed unrivaled the honors—

Of being the putative father of the convention—

is now disposed to bestow on others the shame of its paternity. May not the ostensible and the real character of other incidents attending it be alike diversified, so that the main and ultimate object of that assembly, though beaming in splendor from its acts was yet in dim eclipse to the vision of its most distinguished members.

Sir, Senators from New England may raise the absurd and senseless clamor that we who favor the ratification of this treaty are taking the British side; yet if by their folly and perverseness war shall come Mississippi will take that side which she took in the last war with Great Britain. Mississippi was then a Territory. Her population was sparse, most of her fair land being the home of the savage Indian. In December, 1814, when the British fleet had captured or sunk our gunboats on Lake Borgne, when they were pushing their advance on New Orleans through Bayou St. John, and Chef Mentuer, when panic seized the inhabitants of that fair city, fearing that they would be the victims of the diabolical watchwords of the invader, "Booty and Beauty" for the conqueror, Andrew Jackson, undismayed, and relying on the bravery and skill of his army and the patriotism of his countrymen, made, among others, two calls for assistance which that great chieftain knew would be responded to. One of these was for the gallant and brave Tennesseeans, under the command of General Coffee, then at Natchez. How these gallant sons of that gallant State of which Jackson was a citizen, and who in all our wars have so responded to the calls of their country as to have won for their mother the proud title of the Volunteer State, responded to this call, history has recorded on her brightest page. I will not repeat it now.

That other call which Jackson made was on the gallant Colonel Hinds and his squadron of Mississippi Cavalry—the brave soldier in whose honor has been named that imperial county of Mississippi in which her capital is located. He and his squadron responded, too. They hastened to the rescue of the beleaugered city in that manner and spirit that, through forests, thickets, and swamps, crossing rivers, bayous, quagmires, and morasses, in four days from the receipt of the summons from Jackson, marching a distance of 230 miles, they were at the side of that great commander. This march, in celerity of movement, in the hardships and endurance of the men, is unparalleled in history. Only one other case approached it in celerity, and that was the precipitate flight of General Gates and his few attendants from the battle of Camden in 1781, in which, panic adding wings to their feet, they accomplished, in escaping from a pursuing enemy, the distance of 80 miles before the end of the day on which the battle was fought.

As soon as Hinds and his squadron arrived in New Orleans, without rest to recruit men or horses, they became not only the eyes of the commanding general but a strong arm of our forces, making daily sorties, charging the enemy's outposts, and retreating with full information of his position. That squadron of Mississippians so conducted themselves in all the operations about New Orleans, including the great battle of the 8th of January, 1815, as to extort from General Jackson, after one of the hottest engagements, this compliment: "Your undaunted courage this day has excited the admiration of the whole army."

If war shall come, Mississippi will emulate the example of these, her sons. To surpass it is beyond the powers of man.

APPENDIX.

TREATY WITH GREAT BRITAIN, 1818.

ARTICLE 1. Whereas differences have arisen respecting the liberty claimed by

the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company:

And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Mr. HOAR. I do not wish to detain the Senator from Oregon [Mr. DOLPH], who I understand desires to take the floor at this time, especially after having myself occupied so long the attention of the Senate on this subject.

The Senator from Mississippi who has just addressed the Senate, and who declined to be interrupted by an interrogatory during his address, stated that a certain doctrine or argument of his founded upon the distinction between the words "right" and "liberty" in the treaty of 1783 established his position, and he was polite enough to say "beyond honest controversy."

I shall take the earliest convenient opportunity to do what I ought not to interrupt my friend from Oregon to do now—to show that the argument which the Senator from Mississippi has brought forward was abundantly refuted and overthrown and expressly denied by John Quincy Adams, the Secretary of State under whom the treaty of 1818 was negotiated, and by Richard Rush, who wrote, himself, the language in the treaty of 1818 upon which the Senator from Mississippi commented. I will place upon the record of the Senate, after the Senator from Oregon gets through, the narrative of that whole transaction in Mr. Rush's book, "Rush's Occasional Productions," and the narrative of it by John Quincy Adams and his remarks upon Jonathan Russell.

The argument which the Senator from Mississippi has made was made by Jonathan Russell in an attack on John Quincy Adams a few years after the treaty of 1818. It is all there. Mr. Adams answered it with a communication to the public which absolutely pulverized reasoning and reasoner alike. I remember an honored relative of my own who was a member of the House of Representatives telling me that one day John Quincy Adams was in the chair in that body, and John Randolph was addressing the House and sought to describe the condition of somebody who had been thoroughly overthrown and demolished, and with that peculiar gesture of his, pointing to the chair, John Randolph said, "Mr. Chairman, he Jonathan Russelled him."

DISTRICT MILITIA.

Mr. HAWLEY. The Senator from Oregon kindly yields to me. I desire to report from the Committee on Military Affairs a joint resolution which I should be glad to have acted upon immediately, because it will hardly be of use if it should be postponed any time.

The PRESIDENT *pro tempore.* The report of the Senator from Connecticut from the Committee on Military Affairs will be received as in legislative session, if there be no objection.

Mr. HAWLEY. I report back the joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia.

The PRESIDENT *pro tempore.* The Senator from Connecticut asks that the pending business may be informally laid aside and that the joint resolution be considered as in legislative session.

Mr. HAWLEY. I will state the case in a moment.

Mr. DOLPH. I will yield with the understanding that if it leads to debate I may interpose an objection.

The PRESIDENT *pro tempore.* The Senator will have a right to demand the regular order.

Mr. HAWLEY. I will state the case very briefly. The Committee on Military Affairs reported favorably a bill to organize the militia of the District of Columbia. It has passed the Senate, and been favorably considered in the House, but it may be impossible to reach it perhaps during this session. In the mean time the House has passed this joint resolution, which will enable some arms, tents, and camp equipage to be issued to that militia for the fall encampment, so that it does not make so much difference whether the regular bill passes now or next December.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The resolution was read at length.

Mr. HAWLEY. A single remark, Mr. President. That is substantially a paragraph of the bill which has passed the Senate.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1216) for the investigation of the mining débris question in the State of California;

A bill (H. R. 5156) for the relief of Andrew R. G. Smith; and

A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 474) for the relief of General G. Cluseret.

EMMA S. FREE.

Mr. BLAIR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 431) granting a pension to Emma S. Free, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment to said bill, and agree to the same.

H. W. BLAIR,
CHAS. J. FAULKNER,
Managers on the part of the Senate.
EDWARD LANE,
JAS. P. WALKER,
E. N. MORRILL,
Managers on the part of the House.

Mr. PADDOCK agrees to this report, but is absent at time of signing.

H. W. BLAIR.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 9512) for the erection of a public building at Brownsville, Tex., reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively, reported it without amendment, and submitted a report thereon.

AMENDMENTS TO BILLS.

Mr. WILSON, of Iowa, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HAWLEY and Mr. EVARTS submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PALMER submitted an amendment intended to be proposed by him to the bill (S. 1156) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889; which was ordered to lie on the table and be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 2042) to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories; which was referred to the Committee on Private Land Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 1695) to provide for taking the eleventh and subsequent censuses was read twice by its title, and referred to the Select Committee on the Census.

The bill (H. R. 1216) for the investigation of the mining débris question in the State of California was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. 5156) for the relief of Andrew R. G. Smith was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purpose of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore.* The Senate will again resolve itself

into open executive session and resume the consideration of the fisheries treaty. The Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. DOLPH. Mr. President, the Senate, under the Constitution, is part of the treaty-making power. In the exercise of its functions in this regard it is independent and should be as free from Executive influence as the Executive in the performance of his purely constitutional duties is free from legislative control. The question of the ratification or rejection of the treaty now before the Senate should be determined solely upon its merits. If it is a fair and proper treaty, by which the rights of the United States are secured and only reasonable concessions made upon matters of honest controversy between the two governments, the Senate should advise and consent to its ratification, if not, it should reject it.

I do not place my opposition to this treaty upon the ground of irregularity in its negotiation. No one has claimed, either in the committee or in the Senate, to my knowledge, that it is not properly before the Senate for consideration upon its merits, and if ratified will not be as valid as if there were no question concerning the official character of the persons who negotiated it on the part of the United States. The resolution offered by the Senator from Alabama in committee did not present that question alone. It was calculated to raise questions not material in the present status of the treaty, and upon which there is room for difference of opinion, and to divert attention from the merits of the treaty. In the committee the motion to lay the resolution on the table was made by myself, not because I did not suppose that the treaty if ratified would be valid and binding, but because I was not willing to say that it had been duly negotiated, and thus approve of the manner of the appointment of the American plenipotentiaries without the advice and consent of the Senate.

It is not my intention to dwell upon the historical facts connected with the question of our fishery rights upon the coasts of British North America, which has largely occupied the attention of our Government for the last seventy years and is still the subject of controversy with Great Britain, and yet as an introduction to what I propose to say concerning the treaty now under consideration a reference to the facts upon which our rights in British waters on these coasts depend and out of which the controversies concerning them have arisen seems desirable.

Prior to the Revolution the inhabitants of the colonies enjoyed in common with all British subjects the right to take and dry fish on the coasts of the British provinces in North America. The glorious struggle which gave birth to a new nation and planted on the shores of the New World a government by the people changed their relations to Great Britain. Whatever rights they gained by that struggle were acquired not by the favor of Great Britain but by force of arms. The struggling colonies achieved independence and secured the rights guarantied to them by the treaty of 1783 by eight years of war waged against them by the powerful Government of Great Britain, conducted in violation of the usages of war and of the laws of humanity. When victory had crowned our arms and peace was about to be declared, our commissioners contended for the fishery rights which had been enjoyed by the inhabitants of the colonies before the war. The British negotiators endeavored to induce them to give up the claim. They refused; Great Britain yielded, and by the third article of the treaty of September 23, 1783, which recognized the independence of the United States, it was agreed—

that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish, and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America, and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The right here mentioned to take fish on the banks of Newfoundland, in the Gulf of St. Lawrence, and at sea beyond the territorial jurisdiction of the British possessions was without question an inherent right of the inhabitants of the United States as an independent nation, and derived no additional strength from the stipulation of the treaty. Whether, as has been contended, the liberty recognized by the treaty of the inhabitants of the United States to take fish on the coasts of Newfoundland and on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America, and the liberty of American fishermen to dry and cure fish in any of the unsettled bays, harbors, and creeks in Nova Scotia, Magdalen Islands, Labrador, etc., were identical with the possession of land and the demarkation of boundary, and whether the treaty in that respect is analogous to a deed of partition or not, it is certain that these liberties were easements in land servitudes in the British territory permanent in their nature, and were no more affected by subsequent wars between the two nations than was the title to the territory allotted to the United States in the partition of empire by the treaty.

From the ratification of the treaty of 1783 until the war of 1812 there does not appear to have been any controversy concerning the fishery rights recognized and secured to the inhabitants of the colonies by the third article of that treaty. Then came the time when the American people, goaded to desperation by the outrages of Great Britain in enslaving American seamen, in capturing American vessels, and unable to secure by diplomacy, by embargoes, by non-importation laws, non-intercourse laws, liberty for their commerce to exist, determined no longer tamely to submit to British aggressions and declared that the time had come for resistance by all the means which God had placed within their reach. The war of 1812 was fought. Commissioners on the part of the two Governments met and negotiated a treaty of peace. The British commissioners set up the contention that the rights of the United States in the fisheries on the coasts, bays, and creeks of British North America and the right of drying and curing fish on the coasts of Nova Scotia, Magdalen Islands, and Labrador depended upon the existence of the treaty of 1783, and fell when the treaty was abrogated by war.

The American commissioners maintained that these fishery rights were rights existing previous to the treaty of 1783, had been secured to the United States upon a division of the British Empire, were permanent in their nature, and could no more be lost by the abrogation of all treaties with Great Britain caused by war than our independence, the recognition of which was secured by the same treaty. The American commissioners being without instructions, it was agreed to omit from the treaty all provisions concerning the rights of American citizens to fish in British waters, and the claim of Great Britain of the right of British subjects to navigate the Mississippi. The effect of this omission was to leave the United States in possession of all the rights acknowledged or secured to the colonies by the treaty of 1783, which were of such a permanent nature as not to be affected by subsequent unfriendly relations between the two countries. After peace had been concluded conflicts naturally arose between our fishermen and the British authorities, and our fishery rights under the treaty of 1783 became the subject of a diplomatic correspondence, in which Mr. Adams, on our part, and Earl Bathurst, on the part of Great Britain, ably maintained the views of their respective Governments. Finally, in 1818, Mr. Rush, our minister to England, assisted by Mr. Gallatin, negotiated a treaty, the first article of which was as follows:

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks, of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Great Britain by this treaty succeeded in securing a compromise by which our in-shore fishery rights and our rights upon the shores of British American possessions to dry and cure fish were greatly restricted. We renounced forever those rights upon the coasts, bays, creeks, and harbors of the British possessions in North America where it was not stipulated they should continue. The renunciation clause was insisted upon by our commissioners to show that they had not abandoned the grounds upon which their claims surrendered by the treaty rested, and to prevent any implication that the rights not renounced were the subject of a new grant. I think we are agreed upon both sides of this Chamber that by this treaty we surrendered to Great Britain valuable rights. The history of this controversy previous to this period is material to the question now under consideration only as showing the origin and foundation of our present claims to fishery rights within the jurisdiction of the British colonial provinces. No one, so far as I am aware, except the Senator from Alabama, is prepared to advise or vote for the abrogation of the treaty of 1818.

Whatever prior rights of the United States were surrendered by that treaty, after seventy years of acquiesence it would hardly be consistent with the honor and dignity of a great nation to repudiate that treaty and contend for the rights then surrendered. The fishermen of the United States are content to abide by that treaty. I understand that it is the measure of our fishery rights in the waters within the jurisdiction of the Canadian provinces and Newfoundland, and that the only ground for controversy between the two governments concerning these rights is the question of the construction of that treaty.

What are the rights of the United States in British waters recognized by the treaty of 1818? Calling attention again to the fact that the

right of the inhabitants of the United States to fish in all parts of the sea outside of British waters, including the banks of Newfoundland and the Gulf of St. Lawrence, is a right not dependent upon either the treaty of 1783 or the treaty of 1818, although recognized by the former, nor upon our rights as subjects of Great Britain prior to the Revolution, but is a natural right possessed in common by the citizens of every independent nation. These rights may be stated as follows:

1. The right of the inhabitants of the United States to fish in the territorial waters of British North America, on the southern coast of Newfoundland, from Cape Ray to the Ramea Islands; on the western and northern coasts of Newfoundland, from Cape Ray to Quirpon Islands; on the shores of the Magdalen Islands, and on the coasts, bays, harbors, and creeks of Labrador, from Mount Joly eastward through the Straits of Belle Isle, and thence northwardly indefinitely.

2. The right to dry and cure fish on any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland and on the coast of Labrador just described, but when the shores become subject to private ownership the right is to be exercised subject to agreement with the shore owners for the use of the shore for such purposes.

3. The rights of American fishermen for shelter, for the purpose of repairing damages, and of obtaining wood and water to enter the bays and harbors on the coasts of British American possessions other than those enumerated above, within the waters of which the inhabitants of the United States have a right to fish.

These rights are permanent rights—easements in British territory which can not be destroyed or impaired by legislation either by Great Britain or her provinces, and can not be lost except by voluntary surrender by the United States or by conquest by a foreign power. The right reserved to our fishing vessels in the treaty of 1818 to enter into the bays and harbors of the British coasts in North America, upon which we by the treaty renounced the right to fish, was purely a fishing right as distinguished from commercial rights, and is incidental to the rights of fishing.

The questions of controversy which have arisen under the fisheries article of the treaty are—

1. As for the line of delimitation of the common waters within which the inhabitants of the United States have a right to fish from the British waters within which the United States renounced the right to take fish; and

2. As to what are reasonable and necessary restrictions to prevent American fishermen from abusing the privileges reserved to them in the waters in which they may not take or cure fish.

The claims of the two Governments concerning the line of delimitation may be stated thus:

Great Britain declares it should be measured 3 miles to the seaward from a line drawn from headland to headland of all bays and gulfs. The United States insists that it should follow the coast and be measured across the mouths of bays only when the distance from headland to headland is 3 miles or less. The diplomatic correspondence concerning this controversy, in my judgment, is not important to a decision of the question under consideration. It will, it is believed, show that the United States has always insisted upon its claim in this regard, and that Great Britain has not, except in a few instances, undertaken to enforce the headland theory. In fact, I can not find that the headland claim was set up until many years after the date of the treaty, or was even attempted to be enforced except in the case of the Washington and the Argus. The regulations and restrictions of American fishing vessels in British waters under laws enacted by provincial legislatures have been the fruitful source of contention.

In 1819 the British Parliament passed a statute concerning the fisheries to carry out the stipulations of the treaty of 1818. Its provisions appear to have been a reasonable exercise of the right reserved by Great Britain to make restrictions concerning the exercise of the privilege secured to our fishermen in British waters by the treaty. From 1819 to 1854 the provincial legislatures passed various laws relating to American fishermen in many respects, as it has always been contended by our Government, in violation of the treaty and abridging the rights of our fishermen. Seizures and confiscations of fishing vessels were made by the provincial authorities for alleged violations of these laws. A recent writer on the subject thus states the grounds of seizure:

1. Fishing within the proscribed limits.
2. Anchoring or hovering in-shore during calm weather without any ostensible cause, having on board ample supplies of wood and water.
3. Lying at anchor and remaining inside of bays to clean and pick fish.
4. Purchasing and bartering bait and preparing to fish.
5. Selling goods and buying supplies.
6. Landing and transshipping cargoes of fish.

The seizures made for alleged infractions of the provisions of these laws, which were in violation of the treaty rights of our citizens, no doubt constitute the foundation of just claims against Great Britain. Some claims on account of such seizures were submitted to and determined by the commission provided for in the convention of 1854. There appears to me to be no reason why all other claims of a similar character should not be submitted to a commission and determined in the same manner. The consideration of these claims would involve the question of the territorial limit of our fishing rights, the reasonableness and legality of the restrictions made by the provincial statutes upon the exercise of the liberties of American fishermen in British waters secured by the treaty of 1818, as well as the merits of the claims on the facts of each case. To the extent that the laws under which the seizures were made relate to commercial privileges, as distinguished from the fishing rights of our vessels under the treaty, seizures of American vessels for infractions of them, in my judgment, do not constitute the foundation of a legal claim for reparation against Great Britain. I suppose it was competent for Great Britain, and the provinces also, to the extent of their legislative power, to repeal at any time the order in council by which American ships were admitted to commercial privileges in the ports of the British possessions of North America.

The United States had the same power at any time to discontinue the arrangement made in 1830 for reciprocal commercial privileges and to deny British vessels admission to our ports. And to the extent that the British provinces at any time have denied to our fishing vessels or vessels of any class commercial privileges, the dignity and honor of the United States demanded that the vessels of such provinces should have been denied commercial privileges in our ports.

Under the reciprocity treaty of 1854, in addition to the liberty of taking and drying fish on certain coasts of the British North American possessions, secured to the inhabitants of the United States under the treaty of 1818, it was agreed that the inhabitants of the United States should have the liberty to take fish of every kind except shell-fish on the seacoasts and shores and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several adjacent islands, without being restricted to any distance from the shore; also to land on such coasts, etc., for the purpose of drying nets and curing fish, but not so as to interfere with the rights of private property or with British fishermen in the prior use of any part of said coasts. And like privileges were granted to British subjects upon the coasts, bays, harbors, etc., of the United States north of the thirty-sixth degree of north latitude. As by this treaty fish and products of fish and most agricultural and mineral products of each country were admitted into the other free of duty, there was a cessation of the aggressive acts of the provincial authorities against our fishing vessels, but upon the abrogation of this treaty in 1866 they were renewed, together with the complaints of our fishermen. The Dominion of Canada by an act of Parliament passed May 22, 1868, and amended in 1870, revised the laws of the provincial governments, and the governor-general of Canada made an order that thenceforth "all foreign fishermen shall be prevented from fishing in the waters of Canada."

Against these palpable violations of our treaty rights our Secretary of State vigorously protested. Then followed the treaty of 1871 for the settlement of the Alabama claims, and by which for a period of ten years and for two years after notice by either of the contracting parties the article of the reciprocity treaty of 1854 granting to our fishermen the right to take fish on the coasts of the British North American possessions and granting to British subjects the right to fish on the eastern seacoast and shores of the United States north of 39° of north latitude was renewed, and it was provided that for the term of years mentioned—

> Fish oil and fish of all kinds except fish of the inland lakes and rivers falling into them and except fish preserved in oil, being the produce of the fisheries of the United States or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

It was agreed that the claim asserted by Great Britain, but not admitted by the United States, that the privileges accorded to the citizens of the United States were greater in value than those accorded by the United States to British subjects should be submitted to commissioners, who should determine what compensation ought to be paid by the United States to Great Britain, if any. This commission met at Halifax in 1877. The commission disagreed, but the umpire, Mr. Delfosse, the Belgian minister at Washington, decided that the United States should pay to Great Britain the sum of $5,500,000. This arrangement cost us over $10,000,000—$5,500,000 in cash and from five to six millions in remitted duties on fish and fish oil. The United States Government, after payment of the money before the treaty expired, became so thoroughly convinced that the arrangement was not beneficial to us that it offered to terminate it, but the British Government would not consent.

We terminated the treaty at the earliest possible moment and found that we had not only paid over $10,000,000 for the privilege of catching $700,000 worth of fish, but by the admission of Canadian fish free had built up the fishing interests of Canada and had nearly destroyed our own. Canadian fish being no longer admitted into the United States free, the Canadian authorities commenced the old tactics to secure a free market in the United States for their fish and fishery products. I shall not enumerate the outrages perpetrated upon our fishermen, the seizures and confiscations of their vessels, the fines, insults, and indignities heaped upon them. The report of the minority of the committee contains a long list of them. The common rights of humanity were denied to our fishermen in distress. Upon one pretense and another

our fishing vessels were seized and fined or confiscated, and in one instance the American flag was insolently hauled down from the masthead of an American vessel by a British officer. For my purpose the utterances of the present Secretary of State and of our minister to Great Britain are sufficient. The character of these proceedings on the part of the Canadian Government will appear from the following quotations, which might be multiplied indefinitely. Mr. Phelps, our minister to England, in a letter to Lord Roseberry, dated June 2, 1886, concerning the seizure of the David J. Adams, said:

From all the circumstances attending this case, and other recent cases like it, it seems to me very apparent that the seizure was not made for the purpose of enforcing any right or redressing any wrong. As I have before remarked, it is not pretended that the vessel had been engaged in fishing, or was intending to fish in the prohibited waters, or that it had done or was intending to do any other injurious act. It was proceeding upon its regular and lawful business of fishing in the deep sea. It had received no request, and of course could have disregarded no request, to depart, and was, in fact, departing when seized; nor had its master refused to answer any questions put by the authorities. It had violated no existing law, and had incurred no penalty that any known statute imposed.

It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. And the injury, which would have been a serious one if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.

I am instructed by my Government earnestly to protest against these proceedings as wholly unwarranted by the treaty of 1818, and altogether inconsistent with the friendly relations hitherto existing between the United States and Her Majesty's Government; to request that the David J. Adams, and the other American fishing vessels now under seizure in Canadian ports, be immediately released, and that proper orders may be issued to prevent similar proceedings in the future. And I am also instructed to inform you that the United States will hold Her Majesty's Government responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within the territorial waters of British North America.

Mr. Bayard, in a communication to Sir Lionel West, the British minister, dated May 20, 1886, said:

And I should fail in my duty if I did not endeavor to impress you with my sense of the absolute and instant necessity that now exists for a restriction of the seizure of American vessels charged with violations of the treaty of 1818 to the conditions announced by Sir Edward Thornton to this Government in June, 1870.

Again, May 29, 1886:

Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citizens of the United States are lawfully entitled under the statutes of Great Britain and the well-defined and publicly proclaimed authority of both countries, besides being, in respect of the existing conventions between the two countries, an assumption of jurisdiction entirely unwarranted and which is wholly denied by the United States.

On June 7, 1886:

I earnestly protest against this unwarranted withholding of lawful commercial privileges from an American vessel and her owners, and for the loss and damage consequent thereon the Government of Great Britain will be held liable.

On July 10, 1886:

Against this treatment I make instant and formal protest as an unwarranted interpretation and application of the treaty by the officers of the Dominion of Canada and the province of Nova Scotia, as an infraction of the laws of commercial and maritime intercourse existing between the two countries and as a violation of hospitality, and for any loss or injury resulting therefrom the Government of Her Britannic Majesty will be held liable.

On July 30, 1886:

These are flagrant violations of treaty rights of their citizens for which the United States expect prompt remedial action by Her Majesty's Government, and I have to ask that such instructions be issued forthwith to the provincial officials of Newfoundland and of the Magdalen Islands as will cause the treaty rights of the citizens of the United States to be respected.

Notwithstanding these strong patriotic utterances of Mr. Bayard and Mr. Phelps, a treaty is presented to the Senate for ratification which, in my judgment, surrenders the American position concerning bays and harbors and the clear rights of our fishermen in British waters under the treaty of 1818; surrenders our claim for commercial reciprocity, and contains a stipulation that if our fishing vessels are granted even partial commercial privileges in Canadian ports we must purchase them with free fish and fish-oil; and no provision is made for determining the rights of our fishermen and securing for them reparation from Great Britain for the seizure and confiscation of their vessels and for other outrages which Mr. Bayard less than two years ago said were flagrant violations of the treaty rights of our citizens. Instead of, as Mr. Phelps, in accordance with his instructions, informed Lord Rosebery would be done, holding—

Her Majesty's Government responsible for all losses * * * sustained by American citizens in the disposition of their property growing out of search and seizure, detention and sale of their vessels lawfully within the territorial waters of British North America—

the Administration now propose by this treaty to surrender a large part, at least the grounds, of our claims as to territory and our contention as to commercial rights and to submit to regulations in clear derogation of the rights of our fishing vessels in British bays and harbors under the treaty of 1818. The purpose for which these outrages are committed can not be misunderstood. Mr. Phelps, our minister to England, in his letter to Lord Rosebery, before referred to, concerning the seizure of the David J. Adams, said:

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. In terminating the treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the treaties itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one. Nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is, not what fresh treaty may or might be desirable, but what is the true and just construction, as between the two nations, of the treaty that already exists.

The Government of the United States, approaching this question in the most friendly spirit, can not doubt that it will be met by Her Majesty's Government in the same spirit, and feels every confidence that the action of Her Majesty's Government in the premises will be such as to maintain the cordial relations between the two countries that have so long happily prevailed.

The Senator from Alabama in his recent speech in the Senate upon the fisheries treaty said:

I did not say in the Senate, as I say now, that every trouble that had arisen, or will arise, under the treaty of 1818, would disappear the moment Congress shall repeal the duty on fish. In this opinion I am sure I must have the concurrence of the Senator from Maine [Mr. FRYE]. Why did I not then speak out on that question? It was because we were then dealing in the Senate with Great Britain, and not with differences of opinion on domestic questions, and I thought it hardly fair to add even my feeble influence to stimulate the hope of Great Britain for a free market for fish. I want that duty repealed for many reasons, the chief one being that it will lower the price and increase the supply of food to the great body of our industrial classes.

The denial of commercial privileges to our fishing vessels in the ports of British-American possessions is not because the purchase of provisions, supplies, and outfits in such ports would not be beneficial to the merchants and traders of those provinces, but for the purpose of benefiting a more important industrial industry of the Dominion, by placing our fishermen in the prosecution of the open-sea fisheries at a disadvantage with Canadian fishermen and building up Canadian fishing interests, and for the further purpose, as it is supposed, of being able to barter such commercial privileges for the admission into the United States of Canadian fish free of duty.

That under the mutual arrangement between the United States and Great Britain of 1830 our ships were entitled to full commercial privileges in the ports of British North America there can be no doubt. Under the proclamation of President Jackson, issued the 5th of October, 1830, in pursuance of the previous act of Congress of May 29, 1830—

British vessels and their cargoes are admitted to entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the American continent, and north or east of the United States.

And in the order in council made at the court of St. James November 5, 1830, it is declared—

That the ships of and belonging to the United States of America may import from the United States aforesaid into the British possessions abroad goods, the produce of those States, and may export goods from the British possessions abroad, to be carried to any foreign country whatever.

But if this were not so, as the rights of Canadian vessels in our ports are dependent wholly upon our legislation, which it is entirely competent for us to modify or repeal at any time, our duty to our fishermen and our own self-respect demand that either our ships of every class shall be admitted to full commercial privileges in the ports of the Canadian provinces or that the commercial rights withheld from any of our ships by the laws of such provinces shall be withheld from the vessels of such provinces in the ports of the United States. To follow the example of the Senator from Maine and quote from the most remarkable discourse on record, if in this regard we shall say to our Canadian friends:

For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again—

We can not go far wrong.

There is nothing new nor extraordinary in such a course. It has been the practice of Congress since the organization of the Government. Several acts of the character mentioned have been passed concerning our commercial intercourse with Great Britain.

By an act entitled "An act concerning navigation," approved April 18, 1818, the ports of the United States were closed after the 30th of September, 1818, against vessels owned by British subjects arriving from any port or place in a colony or territory of His British Majesty which by the ordinary laws was closed against vessels owned by citizens of the United States. Vessels and cargoes entering the ports of the United States in violation of the act were declared to be forfeited to the United States, and the owners, consignees, or agents of British vessels taking on board productions of the United States in the ports thereof, except sea stores, were required to give bond not to land them in any British colony or territory from which by the ordinary laws vessels of the United States were excluded.

By an act of Congress entitled "An act supplementary to an act entitled 'An act concerning navigation,'" approved May 15, 1820, it was provided that after the 30th day of September of the same year the ports of the United States should be and remain closed against vessels owned

wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving by sea from any port or place in the province of Lower Canada, in the province of New Brunswick, in the province of Nova Scotia, islands of Newfoundland, St. John's, or Cape Breton, or the dependencies of any of them, and from certain other ports named. Bonds were required to be given by the owners, consignees, or agents of British vessels laden with articles the growth of the United States for exportation not to land them in the prohibited places; and it was further provided that no goods, wares, or merchandise should be imported from the prohibited place except they were wholly of the growth, produce, or manufacture of the colony where laden and whence directly imported, and for a violation of the provisions of the act the vessel and cargo were to be forfeited.

By an act of Congress entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," approved March 1, 1823, the provisions of the first, second, and third sections of the acts of April 18, 1818, and May 15, 1820, were suspended so far as they related to certain British ports, among which were St. John's and St. Andrew's in New Brunswick, Halifax in Nova Scotia, Quebec in Canada, St. John's in Newfoundland, and the ports of the United States, from and after the 3d day of March following, were declared to be open to British vessels coming directly from such British colonial ports; but by the sixth section of the act it was provided that unless repealed, altered, or amended by Congress it should continue in force so long as the British colonial ports mentioned should be open to the admission of vessels of the United States conformably to the provisions of the British act of Parliament of the 24th of June preceding. But if at any time the trade and intercourse between the United States and all or any of the British colonial ports enumerated in the act should be prohibited by a British order in council or by an act of Parliament, then from the day of the date of such order in council or act of Parliament, or from the time that the same should commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of the act, so far as the same applied to the intercourse between the United States and the enumerated British colonial ports in British vessels, should cease to operate in their favor.

By an act of Congress passed the 29th day of May, 1830, which provided that whenever the President of the United States should receive satisfactory evidence that the Government of Great Britain would open the ports of certain colonial possessions to the vessels of the United States for an indefinite or limited term, he was authorized in the recess of Congress to issue his proclamation declaring that he had received such evidence, and from the date of such proclamation the ports of the United States should be opened indefinitely or for a term fixed, as the case might be. Under the provisions of this act Andrew Jackson, then President of the United States, on the 5th day of October, 1830, issued the proclamation before referred to, in which he declared that the acts of April 18, 1818, May 15, 1820, and March 1, 1823, were repealed and British vessels and their cargoes were admitted in ports of the United States from the provinces of Great Britain north or east of the United States.

Such a course has been authorized by Congress. By an act of Congress passed in the Senate by a vote of 46 in the affirmative to 1 in the negative, and in the House by a vote of 256 in the affirmative to 1 in the negative, and approved March 3, 1887, it is provided—

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are then or lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies, as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments in the discretion of the court. Approved March 3, 1887.

No member of either House of Congress appeared to think at the time this act was passed that the unconditional surrender of our fishery rights in whole or in part, and the purchase of partial commercial privileges for our fishing vessels by the surrender of a million dollars of revenue annually, was necessary to prevent a war with Great Britain. Such a proposition advanced by a member of the Senate or of the House would have been hailed with derision. The Senator from Alabama, who, I believe, in discussing the report of the Senate conferees upon the disagreement of the two Houses upon the House amendments to this bill, gave expression to the views of the other side of this Chamber at that time, did not appear to think that such retaliation as is provided for in this act would lead to war. I will quote from his remarks to show what he thought at that time as to the propriety of such legislation:

Mr. MORGAN. Mr. President, I was a member of the committee who reported this bill, and it received my cordial approbation. I was also a member of the subcommittee which formulated the bill, and it was carefully considered there in connection with the evidence which had been collected, not only from their own investigations under the order of the Senate, but also from the archives of the State Department as far as we had access to those archives.

After that committee had entered upon its work, and before it was ready to make its report, the Secretary of State sent a communication to the Senate in which was developed at large correspondence on this subject; and I had the happiness to find that the committee and the Secretary of State, without any division of party at all, were entirely agreed in their views of the conduct of the British provinces and of the British Government towards our Government in respect of this very important and very delicate matter.

The committee in preparing the bill and bringing it forward into the Senate first took into consideration what was the actual condition of the treaty relations between the United States and Great Britain respecting the British provinces in North America, and a very close, narrow investigation of the whole field of inquiry satisfied us that we were entirely without treaty engagements with Great Britain in respect of our commerce with the Canadian Dominion. It is true that in the treaty of Washington we have mutual stipulations in respect of transportation, liable to be suspended, I believe, upon two years' notice or upon the failure of either government to carry out in good faith, according to the opinion of the other government, the provisions of those mutual stipulations. But the Senate will do well to remember in approaching this question and in deciding what is its duty in respect of it that the United States have no commercial engagements with Great Britain with reference to our commerce with the Canadian provinces. Our engagements are limited to what I have already stated and to the treaty of 1818 relating to the fisheries. The relations between the United States and the provinces of Canada depend entirely upon the statutes of the two countries, and not upon any treaty engagements; so that in legislating upon this question we have an open field in which we are permitted to exercise our own sweet will without question on the part of Great Britain. We can establish by act of Congress any of the ordinances that we see proper for the regulation of our commercial relations with those provinces, and so they can do the same thing.

When two countries, thus neighbors to each other, are thus situated in respect of their treaty obligations and are left only to provide for their mutual interests by legislation, it is very clear that if the Dominion of Canada, backed by the Government of Great Britain, shall legislate in hostility to our trade it becomes not only our duty but our only alternative to legislate in hostility to theirs, to legislate according to the principles of retrosion and retaliation, if you please.

The Senator from Kansas was anxious to know whether the committee proposed to go to war. About what should we go to war? Not, certainly, on account of the breach of any commercial treaty with Great Britain in respect of the Canadian provinces, for we have not got any. It would be a war of words, necessarily followed by a war of acts of a commercial character simply, if we should have a war, for there is to be no broken engagements brought to the attention of any government in consequence of the conduct either of Great Britain or of our Government upon these questions, unless it may be that some rights which have been guaranteed to our fishermen in the treaty of 1818, not commercial rights, but fishery rights, shall have been violated by the Canadian Government or by ourselves.

The treaty of 1818 is the real point of dispute between us—the construction of it, the question of its proper enforcement, and the question of the responsibility of the British Government for the acts of the Dominion in regard to that treaty. That is the real bone of controversy between us to-day, and it is about that which we differ. We are undertaking to improve our condition in respect of our differences on that subject, and other commercial questions between us and Great Britain or the Canadian provinces, by the reformation of our statutes, so as to give to our own Government by the authority of Congress under the sanctions of law that degree of power which is necessary to enable our Government to protect itself and to protect its people against aggressive acts on the part of the Canadian provinces or the Government of Great Britain, as you please. That is all of it.

This is not a new sort of legislation on our statute-books. We have had many acts on the general subject, and we have some general laws, which I find in the Revised Statutes, based precisely upon the principle of this measure. I call attention to section 4228 of the Revised Statutes, which reads as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued—"

That is, a duty of 10 per cent.—

"so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the

reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer."

There is the whole principle of this bill. It is put in a different form in that enactment, but only in a different form; the principle is precisely the same. Suppose that we should enact a law to-day in Congress that there should be no commercial intercourse between the ports of the United States and of Canada, but that the President of the United States might suspend that law and permit commercial intercourse between the two countries whenever it was made satisfactorily to appear to him that our fishermen upon the coasts of Canada were received with hospitality and treated with humanity. That would be a constitutional law, and it would be a wise provision, but the Committee on Foreign Relations have not thought it best to advise the Government of the United States to come to a positive determination of law in advance that there should be no intercourse, and allow the President to suspend that law at his pleasure; but the committee prefer to give the President power to suspend as to certain articles or as to any importation of their goods, based upon satisfactory evidence brought to his attention that that Government have treated our men of commerce and our fishermen also with injustice upon their coasts, and have harassed and detained and imprisoned and insulted both them and the flag under which they sailed. So this is not a novel principle in the Government by any means, nor is it novel in respect of this particular question.

General Grant, in his annual message in 1870, made the following recommendation:

"Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeal their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada."

Going further than this bill goes—

"And further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States."

That was a faithful declaration of American policy based upon American honor by a man who had proper respect for it, and I honor him in his grave for the fact that he did anticipate the hour of trouble that we now approach, and forestalled it by that wise and manly declaration in his message of 1870 to Congress.

So this is not a new question at all; it is not a question that has not been under consideration heretofore. Congress in its efforts last year to provide a law by which this subject could be reached merely failed to go far enough to accomplish the end that was intended. The legislation in this bill is precisely in the line of that proposed in the last Congress, and which was passed by both Houses, that not going far enough to reach the evil which we now have to confront.

Under these circumstances would the Senate of the United States be content to leave the President of the United States without power enough to control the commercial intercourse and regulation between this country and the Dominion of Canada so as to produce an equilibrium or a parallelism, to say the least of it, between the rights and privileges that they enjoy in our ports and harbors and those that we enjoy in theirs? I can scarcely think that we should not be otherwise than delinquent in our duty if we omitted to arm the President of the United States with the only power which appears now to be effectual for the purpose of producing this mutuality of benefit and advantage and freedom in trade between these two countries. Our Government is not now equipped with power enough under the statutes to do that which is becoming to our honor and to our interests and the protection of the individual men of our country engaged in this lawful traffic, and also engaged in a higher duty even than that—preparing themselves to become the chief element of strength in the great naval enterprises which we expect in the future to establish in this country. I am not willing to remain any longer in a condition of impotence and disability when I know that the power to confer this authority upon the only person in the United States who can properly exercise it rests in the hands of Congress, and not in the hands of the treaty-making power.

Great Britian can baffle us as long as she pleases by saying she will make no commercial engagements with us respecting Canada. "We have none to improve; we have none to interpret; we sit down on our own interpretation of this fisheries matter, and we intend to stand upon it; but so far as you are concerned you have no engagement of ours by which you can coerce us to do any better than we have been doing in the past in respect of the interest and honor and liberty and rights of your people." That is not the condition in which our country ought to be left. Patriotism forbids it; duty to the country and to posterity alike forbid it.

Some question has been raised here as to the purpose of the committee in reporting the bill. The Senator from Kansas seemed anxious indeed to ascertain whether the committee were going to bring the country into war, and I have had Democratic Senators question me about that who desired to know whether the committee were about to make a declaration of war against Great Britain. Can we not in the quietude of our own country and in the repose which attends this Chamber pass laws affecting our own commerce without making threats against any person in the world? It would not be becoming in us to make threats, nor is it necessary. When our resolutions are reached we are strong enough in the expression of them to convey to the world at large the idea that we mean what we say.

Sir, I do not see how the Government of Great Britain could address a note to our Department of State inquiring into the motive of this legislation any more than the Government of Spain or the Government of Prussia could address a note to our Secretary of State to inquire why it was we spread out upon the statute-books discriminations against them in their commerce and their tonnage and their ships, which should remain until the President of the United States should lift them by a proclamation. It has been but a few months since we had a controversy with Spain over this very question. We had a little convention, or rather a sort of agreement with her not amounting to a treaty, entered into between the executive powers of the two Governments, by which more liberal terms of commercial intercommunication were permitted between Cuba and the other Caribbean possessions of Spain and the United States.

After a while the President of the United States, Mr. Cleveland, became satisfied that Spain was not observing good faith in the execution of that agreement, and thereupon immediately he restored, by his proclamation, discriminating duties against the flag of Spain. Afterwards, when Spain came and made acknowledgment of her mistaken action and removed the difficulty, the President made another proclamation in which he restored Spain to the favor that she was entitled to under that little agreement. So it is, whipping back and forth, that this power in the hands of the President of the United States is a necessary power to preserve the balance of commercial differences between countries, and that we can not abandon that as a part of our statutory system without crippling our own Government. The Committee on Foreign Relations, at least, do not propose to abandon it; but they come now to apply it in a case which in its nature is delicate, I admit, and somewhat provoking to American pride and American honor and duty.

I will read from Mr. Phelps's letter of date of June 2, 1886, to Lord Rosebery. My purpose in reading this is simply to show that the report of the Committee on Foreign Relations is scarcely up in the vigor of its language and in the heat of its argumentation to what Mr. Phelps said in his direct address on this question to Lord Rosebery. I shall commence with reading the latter clause of his dispatch first to answer some interrogatory or suggestion that has been put here to-day in respect of the purposes of the British Government and the Canadian Government in this series of unlawful acts which, taking the liberty that the Secretary of the Treasury indulged in, I am permitted on the floor of the Senate to call brutal, without any offense I think to the ears of Senators or to British susceptibilities. Here was a plain, positive, direct man, speaking like an American ought to speak upon a question of this kind.

The Senator then quotes from Mr. Phelps's letter to Lord Rosebery, portions of which I have already read.

He then continues:

Mr. MORGAN. Mr. President, in order to show further that this committee is in a line with the present Administration, I will read an extract from the reply of the Secretary of the Treasury to the resolution of the House of Representatives of December 14, 1886, calling for an interpretation of the tariff laws respecting the duties on fish. On page 13 of his report the Secretary of the Treasury says:

"During the past summer, while American vessels, regularly documented, have been excluded from the hospitality and privileges of trading in Canadian ports, Canadian fishing vessels have been permitted freely to enter and use American ports along the New England coast, have been protected by this Department in such entry and use, and have not been required to pay any other fees, charges, taxes, or dues than have been imposed upon the vessels of other governments similarly situated. The hospitality elsewhere and generally extended in British ports to American commercial vessels has not been less, in quality or quantity, as I am informed, than the hospitality extended to British vessels in American ports; but there is this marked difference, that while this Department protects Canadian fishermen in the use of American ports, the Dominion of Canada brutally excludes American fishermen from Canadian ports. This dependence of port hospitality, as between this Government and the British Government, in respect to vessels of either, is emphasized by the seventeenth section of the law of June 19, 1886, empowering the President to suspend commercial privileges to the vessels of any country denying the same to United States vessels. That section is in harmony with a section in the British navigation law which authorizes the Queen, whenever British vessels are subject in any foreign country to prohibitions or restrictions, to impose by order in council such prohibitions or restrictions upon the ships of such foreign country, either as to voyages in which they may engage or as to the articles which they may import into or export from any British possession in any part of the world, so as to place the ships of such country on as nearly as possible the same footing in British ports as that on which British ships are placed in ports of such country."

There is a statement of the whole doctrine; there is a statement of the necessity of mutual legislation on the part of each power to provide the necessary means of keeping up or preserving the equilibrium of our commercial intercourse in respect of the privileges of the ports and otherwise.

Mr. EDMUNDS. Allow me to say that that was stated in the discussion in the Senate on the very law to which the Secretary refers, and has been stated all the time, and was in the bill passed by the Senate in respect of the export of meats, etc., which was sent to the House of Representatives.

Mr. MORGAN. I remember very well the Senate passed a bill reported by the lamented Senator from California, Mr. Miller, and that bill was distinctly predicated on the idea that in France and in Germany our American meats were excluded from their markets, or discriminations against them were made continually, to the detriment of our own people, upon pretended complaints as to the quality of the meat, etc. Thereupon the Senate passed that bill, after due consideration, authorizing the President of the United States, in case the discrimination should appear to be not genuine and honest and sincere, but from some motives of local policy, to retaliate by excluding their sugars, or whatever it was that we put in the retaliatory clause of the bill; I do not now remember what.

I do not understand that there has been at any time since I have had the honor of being a member of this body any difference of opinion among Senators upon the question of the right and duty of the American Government to provide laws that the President of the United States might exercise this species of retaliation, if you please to call it such, in our commercial intercourse with foreign countries. So far from its being a warlike measure, it is a measure to prevent war. If we should to-day declare war, as we have the right to declare that the British Government have violated the treaty of 1818, that it was a *casus belli*, and that it was our duty so to treat it, we should bring these two countries by the ears in a very savage way, to the expenditure of much treasure and blood. But the Senate of the United States and the Committee on Foreign Relations do not think of entering upon that ground.

Let the facts that may possibly compel or justify such a procedure as that rest where they are now, in the womb of the future, and probably American policy, and statesmanship, and resolution, and material will be quite sufficient to meet each emergency as it may arise. But this committee are acting in the most peaceful way, on the side of peace, so as to furnish opportunities by which our Government may call the Government of Great Britain to pause and reflect upon the question, first, "How much is this going to damage your commerce? How much is this going to cut you off from the profits of the rich and convenient trade with the people of the United States? Perhaps after you have duly weighed that question under the influence of a positive example set by a proclamation of a President of the United States relating to fish, then you will have sufficiently recovered your composure to deal with us in a more friendly, if not fraternal, spirit than you have been doing."

We want to interpose an opportunity for cool reflection on the part of these governments, directed to their commercial interests, and addressed to the sound sense of the commercial men who control these countries. It will not be necessary that the President of the United States shall issue a proclamation of embargo or a proclamation of entire suspension of commercial relations with the Canadian provinces or any other part of Great Britain.

I am quite satisfied that when the Canadian fishermen find that they have got no market in the United States for a pound of their fish and can not afford to carry them across the Atlantic Ocean or the Pacific Ocean to foreign markets, they will at once consult the great moving power of nations and of men, the pocket nerve; they will find that quite influential enough to arrange all of their disputes and difficulties without resorting to the muscles and nerve of the right arm of power, the war-making power.

Mr. President, contrast this dignified, vigorous, and patriotic speech of the Senator from Alabama, made but a little over a year ago, with the complaints now made concerning the course of the majority in the Senate in discussing this treaty in open sessions, with the charge that the adherence of the majority to the position of the Senate and House of a year ago on this queseion is for political purposes, with the intimations which have been made by Senators upon this floor that if this treaty is not ratified the President will enforce the law, so ably advocated by the Senator from Alabama a year ago last March, in such a manner as to ruin the industries of the country and bankrupt our people, and that if we reject this treaty and refuse to surrender all that

we have been contending for in this matter there is danger of war with Great Britain.

Which side of this Chamber is influenced in its action upon this treaty by political considerations? How are we to account for the sudden change in the position of the Senator from Alabama? What has put the British arguments as to the construction of the treaty of 1818 into the mouths of the honorable Senators on the other side of this Chamber? Politics! The decree has gone forth that the State Department and the Administration must be sustained in this matter. The man of destiny who occupies the White House and rules the Democratic party at his own will, crooked his finger and the Senators who were in favor of commercial retaliation a year ago have turned a complete somersault and endeavor to obscure the real question at issue by allusions to caucus agreements and charges that the course of the Republican Senators concerning this treaty is dictated by political considerations.

This was the attitude of the United States, deliberately taken by the legislative department one year ago. We stood on the treaty of 1818 as the measure of our fishery rights in British waters, including the incidental rights of our fishing vessels to resort for certain purposes to the bays and harbors of the British American coasts, as to which we had renounced the right to fish. We had determined on giving to Canadian vessels the same commercial rights in our ports that vessels of the United States were accorded in Canadian ports and no more, and placed the power in the hands of the President to regulate such rights. We placed in the hands of the President power, by prohibiting the entry of Canadian fish, to retaliate for the cruel and unjust treatment of our fishermen in Canadian waters. The only thing left to be done was to demand of Great Britain indemnity for the seizure of our fishing vessels, in violation of the treaty of 1818, and for the President to enforce the power placed in his hands.

Instead of that this treaty was negotiated, by which, if it is ratified, we will yield substantially all that Great Britain has ever claimed and surrender our claim for reciprocal commercial privileges.

It is not my purpose to enter into a critical review of the treaty. Others better qualified for the task have done that. I will briefly refer to the salient features of it.

The first eight articles of the treaty relate to the delimitation, by a commission, of the British waters, bays, creeks, and harbors upon the coasts of Canada and Newfoundland as to which the United States, by the treaty of 1818, renounced the liberty theretofore enjoyed by its citizens to take, cure, or dry fish. The question of what these waters are is not submitted to the commission, but the treaty prescribes the rules by which the delimitation is to be made, leaving the commission the formal task of marking the lines of delimitation upon the British admiralty charts.

By Article III of the treaty, if ratified, the United States will surrender the right to fish within a line 3 miles seaward from all bays, creeks, and harbors, 10 miles or less in width, along the coasts upon which we renounced the right to fish by the treaty of 1818.

By Article IV of the treaty, at or near the following large bays the limits of exclusion are established by fixed lines, and the United States surrender the right of fishing in bays of much greater width than 10 miles, namely, Bay Chaleur, Bay Miramichi, Egmont Bay, Fortune Bay, and Sir Charles Hamilton Sound.

The limits of exclusion at or near Barrington Bay and at Chedabucto and St. Peter's Bays, at Mira Bay, and at Plancentia Bay are fixed at 3 marine miles seaward from fixed lines, and the United States surrenders the right of fishing in bays of 20 miles and more in width at the limits of exclusion.

By the fifth article of the treaty all such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within 3 marine miles of the shores, no matter what the width of the channel may be, are excluded from the common waters.

These provisions, if not substantially a recognition of the British headland theory, are a voluntary surrender of our claims upon the question of what are British bays and harbors under the provisions of the treaty of 1818, after seventy years of stout contention under all administrations, in the face of an almost unanimous agreement of modern authorities that our contention is correct, and of an adjudication in our favor.

The owners of the American vessel, Washington, seized in 1843, while fishing in the Bay of Fundy 10 miles from land and confiscated, presented their claim for reparation to the commission provided for in the convention of 1854 between the United States and Great Britain, alleging that the seizure and confiscation were illegal. The commission disagreed, and the umpire decided that the Bay of Fundy was not a British bay or a bay at all within the meaning of the treaty. This decision covers the whole ground in controversy, and necessarily sustains the American construction of the treaty. It effectually disposes of the headland theory.

The same commission passed upon the claim of the owners of the Argus, seized off Cape Breton and within the points of extreme headlands, and held the seizure to have been illegal. The headland theory being disposed of, in my judgment there is nothing left of the British claim to exclude our fishermen from the bays, creeks, and harbors more than 6 miles wide. The open sea is free to all and can not be brought under the dominion of any one nation. Its physical nature is such that it can not be possessed, and can not therefore become property. It is a public highway for all nations. Parts of the sea, however, are subject to municipal jurisdiction and belong to the territory of the countries whose coasts they wash. This jurisdiction rests upon the principle that each state, in order to defend its coasts, is entitled to jurisdiction seaward to the extent of its ability to maintain it from the shore. Upon this principle the jurisdiction of a nation seaward from its coasts is a variable jurisdiction, and was not, at the time the treaty of 1818 was made, as extensive as it is to-day. Jurisdiction over the sea based upon the ability of a nation to assert and maintain it in the earlier history of mankind would have extended the distance of a stone's throw from shore, then an arrow's flight, then the distance of a cannon shot, which at the date of the treaty of 1818 was by the common consent of mankind one marine league. Logically, upon the same principle it should now be extended to the distance covered by the effective range of modern steel rifles. The rules of international law at the time the treaty of 1818 was made entered into and became a part of it. The true interpretation of the renunciatory clause of the treaty by which the United States surrendered the right of fishing within 3 marine miles of certain coasts, bays, creeks, and harbors must be determined by ascertaining what the rule of international law as to the jurisdiction of a state over the adjacent sea was at the time the treaty was negotiated. The treaty was evidently a declaration of the rule of international law. I find this question so admirably discussed in the American Law Review for April, 1871, that I am constrained to quote from it. The writer says:

> The clause of the treaty of 1818, establishing the territorial line at 3 marine miles distant from "any of the coasts, bays, creeks, or harbors" of the provinces, was evidently intended to be, and must be considered as declaratory of the international law. If we can, therefore, discover and state with accuracy the doctrines and rules of that law, we shall have found the correct interpretation of the convention. Parts of the sea are under the municipal jurisdiction and belong to the territory of the countries whose coasts they wash. These portions are, for reasons stated hereafter, bounded exteriorly by the range of cannon shot projected from the land, which distance, for purposes of certainty, has generally been taken at 3 marine miles. This external sea limit of territorial dominion does not, however, follow the shore parallel to all the sinuosities of the low-water mark; it is measured at the established distance from point or headland to point or headland, where these projections do not alter or break the trend of the coast, and is thus carried around the mouths of those small depressions or bays whose openings are not wider than the double range of cannon, or 6 marine miles; but it does sweep inwardly from headlands where the general direction of the coast is changed, and follows the concave shore of those larger indents whose mouths are of greater width than the double range of cannon. Great Britain has, however, from an early day asserted municipal jurisdiction and territorial dominion over a wider extent of adjacent waters, and has demanded that her exterior sea-line shall run direct from a point 3 miles without one extreme headland to a point 3 miles without the next extreme headland, no matter how far apart these promontories may be, nor how broad and deep the included depression, nor how many the intervening and lesser projections of the land. In a word, while the general law says that territorial right is confined to those bays whose mouths are not wider than the double range of cannon, and to that part of others which lies within cannot-shot, Great Britain would extend her exclusive sway to all portions of all bays and gulfs.
>
> In his discussion of this subject Phillimore says:
>
> "Besides the rights of property and jurisdiction within the limit of cannon-shot from the shore, there are certain portions of the sea which, though they exceed this verge, may, under special circumstances, be prescribed for. Maritime territorial rights extend, as a general rule, over arms of the sea, bays, gulfs, estuaries, which are inclosed but not entirely surrounded by lands belonging to one and the same state. With respect to bays and gulfs so inclosed there seems to be no reason or authority for a limitation suggested by Martens. Thus Great Britain has immemorially claimed and exercised property and jurisdiction over the bays or portions of sea cut off by lines drawn from one promontory to another, and called the king's chambers."
>
> We shall see hereafter that the limitation suggested by Martens, which is thus discarded by Phillimore, is based upon principle, and is sustained by almost universal authority. Wildman simply remarks that "the sea within gunshot of the shore is occupied by the occupation of the coast." The latest English text writer upon international law is Sir Travers Twiss, and he is far from supporting the extreme British pretensions. After stating the familiar rule that hostilities can not be carried on within a certain distance of neutral coasts, he proceeds:
>
> "That distance is held to extend as far as the safety of a nation renders it necessary and its power is adequate to assert it; and as that distance can not, with convenience to the nations, be variable, depending on the presence or absence of an armed fleet, it is by practice identified with that distance over which a nation can command obedience to its empire by the fire of its cannon. That distance is, by consent, now taken to be a maritime league seawards along all the coasts of a nation. Beyond the distance of a sea league from its coast the territorial laws of a nation are, strictly speaking, not operative."
>
> He prefers to call such waters "jurisdictional," and thus describes those which he denominates "territorial:"
>
> "If a sea is entirely closed by the territory of a nation and has no other communication with the ocean than by a channel of which that nation may take possession, it appears that such a sea is no less capable of being occupied and becoming property than the land. In the same manner a bay of the sea, the shores of which are the territory of one and the same nation, and of which the entrance may be effectively defended against all other nations, is capable of being reduced into the possession of a nation."
>
> Finally, he limits jurisdiction over the "King's Chambers" to the mere right of preventing hostilities therein between other belligerents.
>
> Why is the range of cannon shot from the land adopted as the limit of territorial jurisdiction and property? Because the open sea is free to all, and can not be possessed or brought under the dominion of any one nation. Ortolan examines and states this principle at length with great clearness and cogency of reasoning. We can only quote his conclusion:
>
> "The impossibility of property in the sea results from the physical nature of this element, which can not be possessed and which serves as the essential means of communication between men. The impossibility of empire over the

sea results from the equality of rights and the reciprocal independence of nations."

This fundamental principle being conceded, the converse is evident. Property in and dominion over the sea can only exist as to those portions capable of a permanent possession; that is, of a possession from the land, which possession can only be maintained by artillery. At 1 mile beyond the reach of coast-guns there is no possession any more than in mid-ocean. Hautefeuille elaborates this doctrine as follows:

"Maritime dominion stops at the place where continuous possession ends, where the people who own the shore can no longer exercise power, at the place from which they can not exclude strangers; finally, at the place where the presence of foreigners, being no longer dangerous, they have no interest to exclude them. Now the point where the causes which render the sea susceptible of private possession cease is the same for all. It is the limit of the power represented by instruments of war. All the space through which projectiles thrown from the shore pass, being protected and defended by them, is territorial and subject to the dominion of the power which controls the shore. The greatest range of a ball fired from a cannon on land is therefore the limit of the territorial sea. The seacoast does not present one straight and regular line; it is, on the contrary, almost always broken by bays, capes, etc. If the maritime dominion must be measured from every one of the points of the shore, great inconvenience would result. It has therefore been agreed in practice to draw an imaginary line from one promontory to another and to take this line as the base of departure for the reach of the cannon. This mode, adopted by almost all nations, is only applicable to small bays, and not to those of great extent, which are in reality parts of the open sea, and of which it is impossible to deny the complete assimilation with the great ocean."

Martens thus states the rule with the limitation rejected, as we have seen, by Phillimore:

"What has been said of rivers and lakes is equally applicable to bays and gulfs; above all, to those which do not exceed the ordinary width of rivers or the double range of cannon. At this day all writers agree that straits, gulfs, and the adjacent sea belong to the owner of the coast as far as the range of a cannon placed upon the shore."

In the editor's note upon this section, contained in the latest edition, the passage cited above from Hautefeuille is quoted with approval. Klüber expresses himself in a precise and practical manner:

"To the territory of a State belong those maritime districts and regions susceptible of an exclusive possession. In this number are the parts of the ocean which extend within the continental territory of a nation, if they can be commanded by cannon from the two banks, or if their entrance only can be closed or defended against vessels (gulfs, bays)."

Ortolan is even more emphatic. He says:

"We should range upon the same line as ports and roads, gulfs and bays, and all indentations known by other names, when these indentations made in the lands of the same state do not exceed in breadth the double range of cannon, or when the entrance can be governed by artillery, or when it is naturally defended by islands, banks, or rocks. In all these cases we can truly say that the gulfs or bays are in the power of the nation which is the mistress of the territory surrounding them."

Baron de Cussy examines the subject at great length. After referring to numerous treaties and laws and to many text-writers, he says:

"Sovereignty over the territorial waters of the sea reaches as far as the range of cannon fired from the shore. This sovereignty also extends to maritime districts and regions, such as roads, bays, and straits, whose entrance and exit can be defended by cannon." * * * "All bays and straits, however, can not belong through their entire surface and extent to the territorial sea of the state whose shores they wash. The sovereignty of the state over large bays and straits is limited to the distance which has been indicated in the preceding rule."

Heffter, discussing territorial dominion over the sea, states the general rule:

"Common usage has established the range of cannon as the distance within which it is not lawful to trespass, a line of limit which has not only obtained the suffrages of Grotius, of Bynkershoek, of Galiani, of Klüber, but has been adopted by the laws of many nations." * * * "If the strip of sea which washes the coast is considered as belonging to the contiguous state, if follows, for even a stronger reason, that waters connected with this portion of the sea ought to be under the dominion of the neighboring state which is able to guard them, to defend the approach to them, and to hold them under its exclusive control. Such are the ports and harbors which form a means of access to the territory. Some nations, as much by an extension of their rights as for other reasons, have arrogated to themselves a kind of dominion, or at least exclusive use, over certain portions of the high seas. Thus, in England, they include within the dominion of the state, under the name of King's Chambers, the bays situated between two promontories."

In a treaty between Great Britain and France of August 3, 1839, it is stipulated that the subjects of either state shall enjoy an exclusive right of fishing within a distance of 3 miles from low-water mark along the whole extent of its coasts. The ninth article provides that this distance shall be measured, in the case of bays of which the opening shall not exceed 10 miles, from a straight line drawn across from one cape to another.

We submit that our proposition is demonstrated, and that the correctness of the American claim is established. The position assumed by the British home and colonial governments is sustained by only one English text-writer—Phillimore. All other modern jurists of authority agree both in the general principle and in its application to the particular case. Such unanimity exists simply because the principle itself is not arbitrary, but is founded upon the essential nature and necessary elements of territorial property and dominion. It follows, therefore, that, taking the limit expressed in the treaty of 1818 as the true one, the exterior sea line along the Canadian coasts should sweep within all bays and other indents whose mouths are more than 6 miles wide, leaving portions of their waters without its boundary of exclusion, and therefore open and free for American citizens and vessels to fish therein, and to anchor, prepare to fish, and do all other acts connected with their business. Any interference with them while thus lawfully pursuing their avocation, is as much an international wrong as though they should be arrested in the very midst of the Atlantic or Pacific Oceans.

Such was the understanding of our commissioners who negotiated the treaty of 1818. Mr. Rush in a letter to Mr. Marcy in 1854, explaining the meaning of the treaty, speaking of this very question, said:

These are the decisive words in our favor. They mean no more than that our fishermen, while fishing in the waters of the Bay of Fundy, should not go nearer than 3 miles to any of those small inner bays, creeks, or harbors which are known to indent the coasts of Nova Scotia and New Brunswick. To suppose they were bound to keep 3 miles off from a line drawn from headland to the headland on the extreme limits of that bay—a line which might measure 50 miles or more, according to the manner of drawing or imagining it—would be a most unnatural supposition.

Similar reasons apply to all other large bays and gulfs. In signing the treaty we believed that we retained the right of fishing in the sea, whether called a bay, gulf, or by whatever name designated. Our fishermen were waiting for the word, not of exclusion, but of admission to these large bays and gulfs.

An intelligent and able reviewer of this treaty sums up the provisions of the first ten articles as follows:

Articles I to X create an exclusive fishery for the British not consistent with the treaty of 1783 nor that of 1818. Our rights in the entire fishery in 1783 were those of a tenant in common, including the use of the shores for the purposes of drying and curing our fish, and procuring wood and water, and for repairs. The modifications in 1818 were a renunciation of our right to take fish within 3 miles of the Nova Scotia shore, and the accession of the right to dry and cure fish on certain south shores of Newfoundland.

The lines and limits in this new plan shut us out from vastly more of ocean than did the treaty of 1818. Every American statesman, Secretary of State, and President who has been brought in contact with this question between 1818 and Mr. Bayard in the autumn of 1887, including Mr. Bayard himself up to that time, has resisted and refused to consent to the British contention known as the "headland doctrine." Every umpire before whom the question was heard has decided against the British pretension. British ministers themselves have declined repeatedly to offer to enforce it, and it has rested in abeyance ever since the decisions in the Argus and the Washington cases denounced it as an untenable construction.

After such a surrender of territorial rights one would naturally expect to find some compensatory provisions in the remaining articles of the treaty, but when we examine the tenth article we find a further surrender of rights—the rights of American fishing vessels resorting to British American bays and harbors for shelter and other purposes provided for in the treaty of 1818, to exemption from unnecessary restrictions by municipal laws. These rights or liberties, as has been said, are not commercial rights, but are incidental to the greater right recognized by the treaty of fishing in certain British waters. It could not have been contemplated by the framers of the treaty of 1818 that in the exercise of these liberties American fishing vessels should be subject to commercial regulations.

By this article, if ratified, the United States will waive the right of their fishermen to the unrestricted enjoyment of these liberties except to the extent necessary to prevent the abuse of their exercise, and agree that our fishing vessels in the exercise of the rights guarantied by the treaty of 1818 shall be subject to municipal laws and shall conform to the harbor regulations provided by the municipal laws of Canada, and when resorting to such bays or harbors for shelter or repairing damages and remaining more than twenty-four hours, exclusive of Sundays and legal holidays, or communicating with the shore, or when resorting to such bays or harbors within the limits of established ports of entry for the purpose of purchasing wood or obtaining water, may be requested to report, enter, and clear. It will be observed that by this article the fishing vessels of the United States while denied commercial privileges in Canadian ports are to be subjected to commercial restrictions and regulations while in the exercise of treaty rights.

The eleventh article of the treaty provides that United States fishing vessels entering the ports of the eastern and northeastern coasts of Canada and of the coasts of Newfoundland under stress of weather or other casualty, may unload, reload, transship, or sell, subject to the customs laws and regulations, all fish on board when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster, and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews, and that license shall be granted to United States fishing vessels to obtain by purchase (not by barter) in established ports of entry on the aforesaid coasts of Canada or Newfoundland for the homeward voyage such provisions as are ordinarily sold to trading vessels, and when such license has been obtained by such vessels they shall be allowed such facilities for the purchase of casual and needful provisions and supplies as are ordinarily granted to trading vessels, that is to say, such supplies as are required while fitting for the homeward voyage.

Without discussing in this connection the right or duty of the United States to demand for American vessels of every class such privileges in British American ports as are accorded to Canadian vessels in the ports of the United States, it is sufficient to say concerning this article that the privileges stipulated for the fishing vessels of the United States are such as are by the common practice of all nations accorded to vessels of other nations as acts of hospitality and humanity, and that to purchase or sell such privileges is incompatible with the honor and dignity of a great nation.

But the substantial proposition of the treaty is found in the fifteenth article. By the preceding articles the United States gains nothing of consequence and surrenders much. By the fifteenth article the commercial privileges our fishermen want, and which it is claimed on the part of the United States they are entitled to as a matter of good neighborhood and upon principles of reciprocity, are offered to us upon condition that we will give the colonial fishermen free market for their fish and fish-oil. After all that has been said by the present Secretary of State and our minister to Great Britain concerning the rights of our fishing vessels to commercial privileges in Canadian ports, the Administration has agreed with Great Britain that if we obtain such privilege hereafter we shall purchase them with the remission of duties upon Canadian fish and fish-oil. The duties on Canadian and Newfoundland fish for the year ending July 1, 1887, amount to $611,937.64.

Had fresh fish been subject to the same duty as salt fish the duties on the same for the year would have amounted to $230,126. The duties remitted on salt fish and fish-oil, with the increased importation in the future, would approximate a million of dollars a year, while the admission of Canadian and Newfoundland fish and fish-oil free of duty would, as it did under the treaty of 1871, build up the Canadian fishing interests at the expense of our own. Notwithstanding this Senators on the other side of this Chamber intimate that fish will be put upon the free-list if this treaty is rejected. I will inform them that, in my judgment, that is not the way to secure free fish for the Canadian fishermen. The ratification of this treaty, surrendering to Great Britain our claim for commercial privileges for our fishing vessels unless purchased by free fish, would lay the foundation for placing fish on the free-list. The Senator from Alabama in his recent speech declared himself in favor of the admission of Canadian fish free of duty. He need not have made the announcement. The fact that he supports this treaty was sufficient evidence as to his position upon that subject. The admission of fish free is the natural sequence of the ratification of this treaty. No doubt the only reason why a stipulation for the admission of Canadian fish into the United States duty free was not inserted in the treaty was that stated by our negotiators in their reply to the proposition of the British plenipotentiaries, who proposed—

That with the view of removing all causes of difference in connection with the fisheries it is proposed by Her Majesty's plenipotentiaries that the fishermen of both countries shall have all the privileges enjoyed during the existence of the fishery articles of the treaty of Washington, in consideration of a mutual arrangement providing for greater freedom of commercial intercourse between the United States, Canada, and Newfoundland.

To which the United States commissioners replied:

While continuing their proposals, hereto submitted on the 30th ultimo, and fully sharing the desire of Her Britannic Majesty's plenipotentiaries to remove all causes of difference in connection with the fisheries, the American plenipotentiaries are constrained after careful consideration to decline to ask from the President the authority requisite to consider the proposals conveyed to them on the 3d instant as means to the desired end, because the greater freedom of commercial intercourse so proposed would necessitate an adjustment of the present tariff of the United States by Congressional action, which adjustment the American plenipotentiaries consider to be manifestly impracticable of accomplishment through the medium of a treaty now existing.

Does any one believe that the British plenipotentiaries in negotiating this treaty did not confidently expect that Congress would remove the duties on fish and fish-oil, and that the fifteenth article of the treaty would become operative?

What becomes of the statement of Mr. Phelps to Lord Rosebery that the scheme of Canada to drive the United States "into the adoption of a new treaty by which Canadian fish shall be admitted free * * * is likely to prove as mistaken in policy as it is indefensible in principle?" Sir, I am much mistaken in the temper of the American people if they will submit to be driven into such a concession or yield to demands attempted to be enforced by such means. Great Britain, to make a market for the productions of British India, forced the opium traffic upon China at the point of the sword. To swell her revenues she monopolized the liquor traffic in British India and added to the wretchedness of the impoverished inhabitants by spreading intemperance among them. She assisted in the collection of the debts of her citizens in Egypt by the intervention of her ironclads. But unless the American people have hopelessly lost the spirit which animated them in 1776 and 1812 she will never succeed by harassing and annoying our fishermen in driving the United States into the admission of Canadian fish free.

The President, in his message transmitting the treaty to the Senate, says that by this treaty "the uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed." This is a mistake. As a matter of international law Great Britain never had any right to interrupt the free navigation of the Strait of Canso by the fishing or other vessels of the United States; but there is nothing in this treaty that can be construed as an abandonment on the part of Great Britain of any contention to the contrary. The language of the treaty is:

ART. IX. Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

That is, nothing in the treaty is to be construed as a renunciation by the United States of its claim to the free navigation of the strait. This provision was evidently intended to prevent the delimitation in the treaty of Chedabucto Bay, which forms the southern entrance to the Strait of Canso, from being construed into an abandonment by the United States of its right to navigate the strait. The right of the citizens of the United States to the free navigation of the Strait of Canso does not depend upon treaty stipulation. The strait connects the Atlantic Ocean with the Gulf of St. Lawrence, the navigation of both of which are free to our fishermen and to all the world, and they have under the acknowledged principles of international law the right of free passage through it.

There are other things in this treaty and things omitted from it which should cause its rejection by the Senate; among them the extraordinary provision of Article XIII, providing that the Secretary of the Treasury shall make regulations for the conspicuous exhibition by any United States fishing vessel upon each bow of its official number, and requiring the regulations to be communicated to Her Majesty's Government prior to their taking effect, which is justly offensive to our fishermen, and the surrender of the right of our fishermen to transship cargoes under the provisions of Article XXIX of the treaty of 1871. But I will not further discuss its provisions.

It is a mistake to suppose that the pending treaty, if ratified, will remove the grounds of misunderstanding between the two countries as to our fishing rights in Canadian waters. So far from settling points of difference between the two nations so as to prevent future misunderstandings, it, in my judgment, multiplies questions for controversy. The old question of what are necessary and reasonable regulations to prevent the abuse of their privileges by our fishermen in British waters will be still a subject of controversy, and by renouncing all claim of right to fish in the great bays named in the treaty and in other bays where the width is 10 miles and under from headland to headland, the area of the waters from which our fishermen are excluded, and within which the Canadian authorities will enforce legislation to annoy and drive them out, is greatly increased, and, as we heard from the Senator from Maine, the danger of accidental invasion of British waters and of infractions of Canadian laws is greatly augmented. The unusual tides, strong currents, and prevailing fogs which for long periods will make it impossible for our fishermen to distinguish the headlands of bays at the distance from shore required by the new delimitation, all add to the risk and danger of our fishermen in prosecuting their calling in the Gulf of St. Lawrence and navigating those waters.

The fifth article of the treaty adds a new subject for evasion and misconstruction by the British authorities. It provides that nothing in the treaty shall be construed to include within the common waters such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

What does this article mean? When is the test to be made—at high or low water? What is the draught of the vessel by which the test is to be made, or is there a different rule for vessels of different draughts, so that one vessel will be excluded and another admitted; or will Great Britain claim that where the channel usually navigated by vessels entering a bay is nearer than 3 miles from either shore, all vessels are to be excluded? Not only does the treaty add to the questions for controversy with Great Britain and her dependencies, but it leaves other important and serious matters of difference between the two Governments unadjusted for future negotiation, arbitration, or settlement by other means. The question of the seal fisheries in the Behring Sea, the Clayton-Bulwer treaty, and the Nicaragua Canal, the acquisitions and threatened acquisitions of territory by Great Britain in proximity to our shores are all left as causes for irritation, controversy, and pretext for war if either country, as some Senators suppose, desires it.

The Senator from Alabama, in his recent speech, said:

Mr. Blaine, Mr. EVARTS, Mr. SHERMAN, and Mr. Gresham were all members of cabinets, and two of them were Secretaries of State while discussion, which always implies negotiation, was being conducted on these same questions. The wrongs went on; the people suffered; the diplomats quarreled, as lovers do, only to prove the depths of an inner love that no surface storm can reach, but they still mildly discussed a treaty and hid away all thoughts of war from their peaceful contemplations. Their repose, which argued an indifference to the wrongs then existing, is in strange contrast with their present wild and sudden fury, excited by those wrongs.

I apprehend that the "wild and sudden fury" referred to exists only in the rhetoric of the Senator from Alabama. The position of the Republican Senators to-day is the position of the whole Senate and of both Houses of Congress and, as was claimed by the Senator, of the Administration but a little over a year ago. But what are the facts concerning the connection of Republican administrations with the fisheries question?

When Abraham Lincoln was inaugurated, the reciprocity treaty of 1854 was in force, and continued in force until 1866. During that time there was no controversy between the two Governments upon the question. The aggressions against our fishermen ceased when Canadian fish were admitted free. Before the termination of the reciprocity treaty the British Government had directed that American fishing vessels should not be interfered with unless they were found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek less than 10 geographical miles in width. By a letter from the colonial department of the admiralty, dated April 30, 1870, and by instructions from the admiralty dated May 5, 1870, British naval officers were directed—

Not to seize any [American fishing] vessel unless it is evident it can be clearly proved that the offensive fishing has been committed and the vessel captured within 3 miles of land.

In short, the British Government, without abandoning its claim to the headland theory, directed that it should not be enforced, but the free market in the United States for Canadian fish having been lost by the termination of the reciprocity treaty, the Canadian Dominion in 1868 and in 1870, by legislation which clearly violated our treaty rights, renewed the controversy. The diplomatic controversy concerning our fisheries rights was merged in the treaty of 1871, which mainly related to Alabama claims, but by the provisions of which all grounds of con-

troversy were once more removed by the admission of fish and the products of fish duty free into the United States for another period of twelve years. When that treaty was terminated the administration was Democratic, and is entitled to the credit, or must bear the blame, as the case may be, of subsequent negotiations.

The Senator from Alabama takes the position that the rejection of this treaty would close the door to negotiation, and adopts a line of argument calculated to alarm the country by intimating that the alternative to the ratification of the treaty is war with Great Britain. It will be interesting to contrast his recent utterances as to the necessity for a treaty with Great Britain and the danger of commercial retaliation with some remarks made by him in the Senate on the 13th of April 1886, during the discussion of a resolution which passed the Senate on that day by a vote of 35 yeas to 10 nays, and which is as follows:

Resolved, That in the opinion of the Senate, the appointment of a commission in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two governments, on the coasts of the United States and British North America, ought not to be provided for by Congress.

The Senator said:

In listening to the remarks of the Senator from Maine, and also in what investigation I have been able to give this subject, I am unable to ascertain that there is really any unsettled question between the United States and Great Britain in regard to the fisheries of the northeastern coast. I have inquired of Senators who have had long experience in the diplomatic affairs of the country, to ascertain, if I could, whether there was any open question of damages, any claim of damages arising between the Governments respectively out of any supposed breach of our fisheries treaties or our fisheries laws; and I can hear nothing of that kind. The Halifax Commission seems to have settled for good and all every controversy, sounding in damages at least, which has been promoted or urged by the citizens of the countries on either side.

Those considerations out of view, the next question would be whether there is any want of certainty in our treaty relations with Great Britain upon this subject. I conceive that there is no want of certainty in our treaty relations, and there is scarcely room for a difference in interpretation of what our treaty relations actually are. The two treaties which have settled the actual and what we might term the permanent rights of the people of the United States and of the Dominion country in regard to the fisheries are the treaties of 1783 and 1818. No other treaties we have made at all in respect to the fisheries have undertaken to define the permanent, enduring rights either of the British people or of our people in respect of the fisheries. We have had two other treaties on this subject, the treaty of 1854 and the treaty of 1871, but they were both temporary in their character and both made liable to be suspended by the action of either government after they had run for ten years, and both have been abrogated. So that the field is entirely clear in respect of the actual state of treaty relations between the United States and Great Britain, and those treaty relations rest upon the treaties of 1783 and 1818.

* * * * * * *

We took the subject up *de novo*, and in that treaty of 1818 we yielded certain very important rights which I have just called to the attention of the Senate, and we had parceled out to us some other rights in perpetuity. I will call attention to Article I of that treaty to show exactly what we yielded and what we retained; we did not gain anything.

"Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland."

That appears to be a grant in perpetuity.

"From the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company."

All these rights were granted to us in perpetuity on that boundary, that definition of the limit—

"And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground."

That was what was granted to us, or rather it was what was left of our rights under the treaty of 1783. Now comes the part that we yielded:

"And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

That I consider the treaty foundation in regard to the fisheries between the United States and Great Britain. It seems to me a very clear one. I can scarcely understand how it is the subject of misconstruction or misunderstanding at all. It will be observed that in this proviso the language employed and the evident purpose of it was to extend to our fishermen a peculiar privilege in the bays, harbors, inlets, and creeks into which they might resort, in favor of our fishermen. There is nothing in that article which I have just read to indicate that the fishermen of the United States were considered in any sense a piratical people or a people who were intruding upon the rights of the people of the British-American provinces; that their traffic was in any sense an unlawful traffic or injurious to the people with whom we traded. On the contrary, this very privilege and license of entering into their bays was given to us for the purpose of promoting the welfare of the people along the coast of the British possessions.

* * * * * * *

I do not wish to volunteer any opinions about this subject before a question gets before the Senate and I am compelled to act upon it; but my convictions are very strong; they are fixed; indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provision of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect of the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States, so as to put the control of this intricate subject more completely in the hands of our own Government, I could not frame the amendment to the statutes. I would not know how to do it. I believe that both the treaty stipulations and the situation under the statutes are about as complete as we are ever able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much indeed to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of, any improvement that we could make under existing conditions of our rights in the fisheries of that northeastern coast.

* * * * * * *

Mr. GEORGE. Would it not be well to base the right to buy ice, bait, and all that sort of thing, on the interpretation of the law?

Mr. MORGAN. Ice and bait are not mentioned in this treaty.

Mr. GEORGE. I know they are not.

Mr. MORGAN. Ice and bait are therefore to be treated as articles of commerce. If we have any right to get ice and bait there, it is under the commercial privilege extended to us by the statute of Great Britain.

Mr. GEORGE. Which Great Britain has a right to interpret for herself.

Mr. MORGAN. Interpret for herself until we come to our right to interpret, and then we say, "If you interpret it in that way we interpret our statute so and so."

Mr. GEORGE. That is retaliation.

Mr. MORGAN. And it is all you can make of it.

Mr. GEORGE. It does not come to any agreement.

Mr. MORGAN. It would hardly be expected, I think, that the diplomatic powers of two great governments should enter into a negotiation to determine the distinction between ice and bait on one side and bacon and flour on the other as articles of commerce; neither of them is mentioned in the treaty, but I should think it was unfortunate for the civilization of this age, especially I should think it unfortunate for the character of the publicists of this age, if they should find it necessary to interpret the meaning of ice and bait so as to exclude them within the commercial list, when everybody would admit that flour and bacon are included in the commercial list.

Whatever is legitimate traffic, whatever is not contraband, is lawful traffic in any port to which you have the lawful right of access; and if it is ice and bait it is just as much commerce as if it was flour and bacon. You can not claim ice and bait under the treaty, you can not claim flour and bacon under the treaty, but beyond question a merchant ship has the right to go there and buy flour and bacon and a fisherman has the right to go there and buy flour and bacon if also he is a commercial ship, for a fisherman may have two characters, and every one of them I believe has two characters. One is a business or vocation of catching fish, and the other is of dealing in freights or in merchandise, traffic, barter, or exchange just as they wish. We do not send any ships out of our ports, as I understand, exclusively for the purpose of fishing, but we arm every one of them with a sea pass and give them the protection of an enrollment or a registry, so that they are American ships in every sense of the word and commercial ships in every sense of the word.

Now, Mr. President, I beg to call attention again to the treaty of 1818 and to insist that the proviso which is found in the latter part of Article I was never intended for the purpose of discriminating against American ships and denouncing American fishermen or putting them under any bad character, casting any imputation or reproach upon them, but it was intended to provide for them privileges that at that time did not exist in the hands of ordinary commercial vessels—a favored class of ships under the treaty, a class of ships favored because of the advantages which they brought to the people living upon that northern coast.

The Senator from Alabama says:

The committee having decided without the aid of a single vote of the minority against a resolution to discuss this treaty in open session, the minority had the right to suppose that this attitude would be adhered to.

The Senator will remember that while the resolution offered by himself relating to the manner of the appointment of the American plenipotentiaries, and set forth in the minority report, was under consideration, he strongly indicated a disposition to favor the discussion of the treaty in open session. I certainly regarded what he said, and I think every other member of the committee did, as indicating that if the consideration of the treaty was not to be divested from the question of the regularity of the appointment of the so-called plenipotentiaries who assisted Secretary Bayard in its negotiations, he should vote for open sessions. The Senator was not alone in making such an intimation. He will remember also that when the vote was first taken in the committee upon the resolution for open sessions it was adopted, three members of the majority and three members of the minority, including the Senator from Alabama, voting for it; and that it was afterwards reconsidered on account of strenuous opposition of the Senator from Vermont.

Does not the Senator also know that it has been stated upon this floor by Senators on that side of the Chamber that they had caucused upon the question whether the treaty should be discussed in open session, and that they were nearly equally divided upon the question, and does he not also know that their course upon the question is in accordance with a caucus understanding, and that the same caucus considered the merits of the treaty? It comes with a poor grace under such circumstances for Senators now to talk about caucus decrees and of the change of position of Senators upon this side of the Chamber upon the subject of open sessions. If this treaty is a fair treaty which can stand upon its own merits, and will bear discussion, why is all this complaint about the discussion of this treaty in open session? Why are Senators on that side of the Chamber desirous of postponing the consideration of the treaty until December? Why so much talk about war with Great Britain if the treaty is rejected? Why is the Republican side of the Senate threatened with rash and inconsiderate action by the Executive in enforcing the retaliation act of March 3, 1887? Why the charge that the Republican side of the Senate is governed by political considerations in opposing this treaty?

Is it possible that the objection to open session is that certain Senators feel compelled to stand by the Administration and sustain the treaty, knowing that it is an abandonment by the United States of the controversy concerning the fisheries, and will not bear inspection?

Mr. President, if I were to vote against this treaty because it has been negotiated by a Democratic President, or for any other political reason; or if, believing as I do that it surrenders valuable rights secured by the treaty of 1818, that it purchases partial commercial privileges in Canadian ports for our fishing vessels and estops us from withdrawing the full commercial privileges now enjoyed in the ports of the United States by the fishing vessels of the Canadian provinces when, as I think, we should either have for our fishing vessels full commercial privileges without purchase, or give to Canadian fishing vessels in our ports only such commercial advantages as we ourselves enjoy in the Canadian provinces, I should vote for it for fear that the President will, if the treaty is rejected, use the power of reciprocity, or retaliation, if you please, which Congress has placed in his hands to be used in his discretion, in such a manner as to unnecessarily interfere with the commerce and business of the country and to produce bankruptcy and ruin to our commercial and business interests, I should be unworthy of the position I hold. And, sir, if I should vote for the surrender of American rights proposed by this treaty for another reason which has been urged upon the other side of this Chamber, namely, that the rejection of the treaty may be made a pretext for war against us by Great Britain, I should be no less recreant to the duty I owe to my constituents and the country.

Sir, our battles with Great Britain will be battles of diplomacy. She will get by diplomacy all that we are weak enough to yield, but the lessons taught her by experience have not been forgotten, and she will reserve the contest of arms for nations of less strength and fewer resources. From the close of the Revolution and the treaty of peace of 1783 until the negotiation of this treaty there has been one continual diplomatic battle between the United States and Great Britain. If she has yielded to our just claims it has been foot by foot. Treaties were no sooner made than ambiguities were claimed to exist or breaches on our part alleged to justify her refusal to execute them and to lay the foundation for a new treaty and the further exercise of her genius for diplomacy.

By the treaty of 1783 with Great Britain the independence of the United States was recognized and a partition of empire agreed upon; but in direct violation of the provisions of the treaty she held on to her fortified posts in our northwestern territory, using them as a base from which to stir up hostility among the savage tribes against us, evidently with a view of seizing a favorable opportunity to renew the struggle. She not only persisted in this wrong, but pretended to a right to retain possession of the posts, alleging that the United States had broken the treaty by permitting the States to place obstacles in the way of the collection of English debts. In short, it took another treaty—the treaty of 1794—to secure the surrender of the northwestern posts by the British Government which was stipulated for in the treaty of 1783. The settlement of our northern boundary, which by the treaty of 1783 was definite enough, required years of negotiations and treaty after treaty.

After a controversy of nearly half a century we entered into a treaty with Great Britain for the settlement of the Oregon boundary question, a settlement in which, in my judgment, we were overmatched by British diplomacy and surrendered rights which never should have been yielded and the consequence of which to us and the value of which to the British Government are just now beginning to appear. The draught of the treaty was prepared by the British ministry and the treaty was neither obscure nor ambiguous. It fixed our boundary at 40° north latitude from the Rocky Mountains to Puget Sound, and thence along "the middle channel which separates the continent from Vancouver's Island, and thence through the straits of Juan de Fuca to the Pacific Ocean." The Canal de Haro was the widest and deepest channel between Vancouver and the continent, the one evidently called for by the treaty, and yet Great Britain set up a claim to the San Juan Islands and other islands south and east of this channel, and declared that under any circumstances she would maintain the sovereignty of them, and sought to establish the Rosaro Straits, named and placed upon the English admiralty charts after the treaty was made, as the boundary line, and it took a quarter of a century of diplomacy and an arbitration to settle the boundary in Puget Sound in accordance with the plain stipulations of the treaty.

If it were true, which it is not, that the rejection of this treaty by the Senate would be made the pretext by Great Britain for a declaration of war against the United States, that fact should not receive a moment's consideration by the Senate.

Can it be that a people who in their infancy threw off the British yoke, and by a brave struggle and heoric sacrifices achieved their independence, who in 1812 took up the gauge of battle against Great Britain and maintained their rights against British aggression, and in other times and under other administrations never shrank from asserting and maintaining their rights upon land and sea wherever the emblem of our nationality was of right displayed, have in these later days, with their great wealth and resources and increased population, so degenerated that it is a legitimate argument addressed to United States Senators charged with the grave constitutional duty of advising and consenting to a treaty with a foreign nation that if the treaty is not ratified, and, as they believe would be the case, the rights of the United States basely yielded it would be the occasion for war?

I do not believe that the American people have so degenerated and would be willing to purchase peace upon such terms. When it comes to pass that the most important acts of this the highest legislative body in the country are controlled by fear of foreign war, or by threats of Executive proceedings which will involve the country in financial disaster and ruin, and the business interests of the country in bankruptcy, instead of by the deliberate judgment of Senators exercised under the sanction of their official oaths unbiased by fear and uninfluenced by Executive dictation, our republican institutions will indeed be in danger, but the danger will be from within and not from without.

But, sir, I do not fear a war with Great Britain. I believe the sentiment of the two countries in favor of peace and of peaceful measures for settling differences is so great as to prevent a resort to the arbitrament of war. Besides, sir, Great Britain will not resort to war with us, because it is not to her interest to do so. She has everything to lose and nothing to gain by such a war. England aspires to be the workshop of the world. Her markets are in every part of the civilized globe. Her commerce whitens every sea. Her possessions are found on every continent. Her merchants, her manufacturers, her ship-owners, her bankers and her capitalists, her artisans and laborers are all interested in preserving peace with us. We do not want war. Even if fully prepared for war, it would be a national calamity. The defenseless condition of our coasts, the exposed condition of thousands of millions of destructible property in our great seacoast cities, and the unprotected condition of our coastwise commerce would, in the event of war, at first cause us great loss. While I am free to admit that with our exposed coast and unprotected coastwise commerce we are not prepared for a war with Great Britain, I am equally certain that she can not afford a war with us, for whatever damages at the commencement she might be able to inflict upon our exposed seaports, in the end we would come out of the struggle able to make her pay the cost of the war and for the damages she had inflicted, while she would come out with the loss of her Canadian provinces and of her extended and valuable commerce.

The fortified naval stations at Halifax and Bermuda and Esquimalt are a menace to our commerce and seaport cities; but, on the other hand, her most important colonial possession is divided from our territory by an imaginary line 3,000 miles in extent. No forts can protect the Canadian frontiers, and her great ironclads can not protect her commerce in a hundred seas. At the call of even this pro-English Administration, in case of war with Great Britain, armed men from every State and Territory along the Canadian border would spring into the field to make the conquest of the provinces, and a few months of hostilities would witness on every sea where a British merchant vessel was to be found an American privateer intent on securing indemnity for the damages inflicted upon our commerce and unprotected coasts.

Again, sir, while war is undesirable and would be a national calamity, and considered in itself is a brutal, barbarous practice, there are some things more to be dreaded than war. A nation can emerge from a costly and sanguine war with its honor untarnished, with its self-respect unimpaired, its love of liberty intensified, and the foundations of its prosperity strengthened, but when to avoid the supposed necessity of maintaining its rights it basely yields to unjust demands it loses its own self-respect and the respect of other nations.

Mr. President, in 1776 thirteen feeble colonies, with three millions of people, without armies and without resources, declared their independence of Great Britain and maintained the struggle with undaunted courage and unparalleled sacrifice until the mother country was willing to treat with them for a separation. The great prize of peace and independence for the struggling colonies was within reach. The British commissioners sought to induce the American negotiators to give up their fishery rights on the British colonial coasts of North America, but great as the inducement must have been, John Adams said, "I will never put my hand to any article without satisfaction about the fisheries," and Great Britain yielded.

Contrast the reply of John Adams just quoted with the terms of this treaty. Is it possible that the American people have so degenerated during more than a century of prosperity that a nation of 65,000,000 of people, with unbounded resources, with a full Treasury, occupying a commanding position among the nations of the earth, able to command respect and to enforce its rights everywhere, the custodian of the liberties and rights won by the swords of our Revolutionary sires, is willing to purchase hospitality from Great Britain or her colonies, to buy immunity for her citizens from the aggressions of the Canadian Government in violation of treaty rights, or from fear of British ironclads is ready, without an adjudication of her rights, or rather in the face of an adjudication in our favor, tamely and voluntarily to surrender the liberties in British waters secured to us by the Revolution as we have claimed them for seventy years?

I do not believe it. The Senator from Alabama says, though his statement is contradicted by his vote:

I am not averse to open discussion of this treaty, because I know that the immense interests of the great populations contiguous to Canada and along the Great Lakes will considerately weigh every fact that bears on this controversy.

The Republican side of this Chamber have shown by their votes that they are ready to let the people of this country, not only along the Great Lakes but everywhere throughout our domain, hear the discussion as to the merits of this treaty and pass judgment upon their action in regard to it. They have too much confidence in the intelligence of the American people to think for a moment that they can by assertion or sophistry be made to believe that the alternative presented to the Senate by the Administration is the surrender proposed by this treaty or war with Great Britain, and too much confidence in their patriotism, national pride, and self-respect to think that if they could be made to so believe that even then they would be willing to make the surrender.

PROPOSED ADJOURNMENT TO MONDAY.

During the delivery of Mr. DOLPH'S speech as given above,

Mr. PUGH said: Will the Senator give way for a minute to allow me to submit a motion?

Mr. DOLPH. Certainly.

Mr. PUGH. I move that when the Senate adjourn to-day it adjourn to meet on Monday next at 12 o'clock.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Senator from Alabama moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CHACE. Mr. President, I suppose it is a foregone conclusion that that vote will be passed——

The PRESIDING OFFICER. The motion is not debatable, as the Chair understands. By unanimous consent, the Senator may proceed. The Chair hears no objection.

Mr. PLATT. I should be very glad to think that the motion was debatable.

Mr. FRYE. It is, by unanimous consent.

The PRESIDING OFFICER. By unanimous consent, the Chair thinks, it may be debated.

Mr. CHACE. I suppose it is a foregone conclusion that in this thin Senate that motion, as usual, will be adopted; but it seems to me that it is an error, a mistake. There are a number of questions before the Senate which it will require considerable time to debate. I do not wish to offer any factious opposition to the motion. I have no doubt if a quorum were here they would vote that way, but I simply want to put on record my protest against it. It is well on in the summer and we are wasting time.

The Senate may be well up in its business, as some Senator suggests in his seat, but there is a great deal of talking to be done, and after a time we shall have very important measures coming before us which will demand action, and then there will not be time to finish many of them. I wish to put on record my protest against adjourning the Senate in this way. I think the Senate ought to sit to-morrow and act on some of these questions. There are a number of questions which demand attention and action, and the Senate ought to stay here and attend to them.

The PRESIDING OFFICER. The Chair will put the question. [Putting the question.] The ayes appear to have it.

Mr. CHACE. I ask for the yeas and nays.

Mr. DOLPH. I wish the Senator from Alabama would withdraw his motion and let me finish my remarks. He can then renew it.

Mr. PUGH. I withdraw it.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. DOLPH resumed the floor and completed his speech as published above.

Mr. PUGH. I give notice that on Monday next at the close of the morning business I shall ask the Senate to go into open executive session for the purpose of making some remarks on the pending treaty.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

ADJOURNMENT TO MONDAY.

Mr. SAWYER. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

RECOVERY OF GOVERNMENT PROPERTY.

Mr. CALL. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate such evidences as may be in the Treasury Department relating to property of the United States or to which the United States has a valid claim, which is held in adverse possession against the United States, with such recommendation as to its recovery as he may consider best for the public interest.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. TELLER. I should like to ask the Senator from Florida to state the purpose of the resolution. I do not want to antagonize it.

Mr. CALL. There is some property as to which I think it is very desirable some action should be taken for its recovery.

Mr. TELLER. It refers to some particular property?

Mr. CALL. It does.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

Mr. FAULKNER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until Monday, July 16, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 13, 1888.

The House met at 11 o'clock a. m.

The Journal of the proceedings of yesterday was read and approved.

STATISTICS OF IMPORTS, ETC.

The SPEAKER laid before the House the joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected; which was read a first and second time, and referred to the Committee on Printing.

LEAVE OF ABSENCE.

Mr. COGSWELL, by unanimous consent, obtained leave of absence for one week, on account of personal reasons.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian reservation;

A bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and authorizing said company to build a bridge across the Arkansas River at or near the city of Fort Smith, Ark.;

A bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation, in Washington Territory, and for other purposes;

Joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 23, 1888.

EVENING SESSION FOR BUSINESS OF THE COMMITTEE ON CLAIMS.

Mr. LANHAM. Mr. Speaker, Fridays have for some time past been yielded to public business, and I understand it is the desire of the gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post Office and Post-Roads, to have the House proceed to-day with the consideration of the conference report on the Post-Office appropriation bill. I therefore ask unanimous consent that to-morrow evening the House take a recess from 5 o'clock till 8 o'clock, the evening session to be devoted to the consideration of bills reported from the Committee on Claims to which there may be no objection.

The SPEAKER. The gentleman from Texas asks unanimous consent that a recess be taken to-morrow evening at 5 o'clock until 8 o'clock, the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Claims to which there shall be no objection. Is there objection to this request? The Chair hears none, and the order is made.

MINING DÉBRIS IN CALIFORNIA.

Mr. BIGGS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 1216) for the investigation of the mining débris question in the State of California, and that the House now proceed to the consideration of the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to detail three officers from the Engineer Corps of the United States Army as a commission for the purpose of making a thorough examination and investigation of the mining débris question in the State of California, and for a complete examination and survey of the injured river channel, its tributaries, and lands adjacent thereto, with a view to their improvement, and to devise some plan whereby the conflict between the mining and farming section may be adjusted. And that the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, said sum to be expended at the discretion of the Secretary of War; the said commission to report as early as practicable to the Secretary of War the result of their investigation.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Mines and Mining were read, as follows:

In line 8, after the word "injured," insert "navigable;" so as to read "injured navigable river channel."

Before the word "tributaries," in line 9, strike out "its" and insert "their."

In line 11 strike out "section" and insert "sections."

At the end of the bill add: "And the Secretary of War shall make report thereof to Congress."

The amendments were agreed to.

Mr. BIGGS. I desire to move a further amendment, which I send to the desk.

The Clerk read as follows:

After the word "California," in line 7, strike out "and for a complete examination and survey of the injured river channel, its tributaries, and lands adjacent thereto, with a view to their improvement, and to devise some plan whereby the conflict between the mining and farming section may be adjusted," and insert "for the purpose of ascertaining whether some plan can be devised whereby the present conflict between the mining and farming sections may be adjusted and the mining industry rehabilitated, and for a complete examination of the injured navigable river channel, their tributaries and lands adjacent thereto, with a view to the immediate rectification of said rivers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I call for the regular order.

GENERAL G. CLUSERET.

Mr. COX. I rise to a question of privilege. House bill No. 474, for the relief of General G. Cluseret, was returned from the Senate with a verbal amendment, and referred during my absence to the wrong committee—to the Committee on Claims instead of the Committee on Foreign Affairs. I desire that the Senate amendment be concurred in.

The SPEAKER. The regular order has been demanded.

Mr. COX. I hope the gentleman from Georgia will withdraw that demand.

Mr. BLOUNT. I withdraw it for this purpose only.

Mr. COX. This bill has been referred to the Committee on Claims. I desire that the committee be discharged from its further consideration, and that the Senate amendment be concurred in.

The amendment of the Senate was read, as follows:

In lines 8, 9, and 10 strike out "rendered to the Department of State in carrying out a circular instruction of that Department of May 23, 1880," and insert "and expenses in procuring information and specimens of benefit to the United States and."

There being no objection, the Committee on Claims was discharged from the further consideration of the bill, and the amendment of the Senate was concurred in.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia demands the regular order.

Mr. DINGLEY, Mr. CONGER, and others addressed the Chair.

The SPEAKER. Does the gentleman from Georgia insist upon the demand for the regular order.

Mr. DINGLEY. I hope the gentleman from Georgia will withdraw his demand for a moment. I understood that he would allow one unanimous consent on this side as well as on the other.

Mr. BLOUNT. I agreed to withdraw in deference to the wishes of the gentleman from Maine.

ANDREW R. G. SMITH.

Mr. DINGLEY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5156) for the relief of Andrew R. G. Smith, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an office-muster to be made in the case of Andrew R. G. Smith, late hospital steward of the Second Regiment of Maine Cavalry Volunteers, so that said Andrew R. G. Smith shall thereby rank as assistant surgeon of said regiment from the 1st day of December, 1865, the date of the issuing of his commission by the governor of the State of Maine, he having performed the duties of assistant surgeon from said 1st day of December, 1865, until the 6th day of December, 1865, the date of the muster out of said regiment.

The Committee on Military Affairs recommend the passage of the bill with the following amendment:

Provided, That said Smith shall receive no additional pay or allowance on account of said remuster.

Mr. DINGLEY. I only desire to say, Mr. Speaker, that this bill is unanimously reported by the committee and carries no additional compensation.

Mr. McMILLIN. What committee?

Mr. DINGLEY. The Committee on Military Affairs.

Mr. McMILLIN. What is the object of the bill?

Mr. DINGLEY. The object is to give this man the rank to which he was entitled, but coupled with the proviso that it shall carry no additional compensation.

Mr. McMILLIN. And does not look to a pension?

Mr. DINGLEY. No, sir.

Mr. MAISH. Or to a bounty? I do not remember this bill.

Mr. DINGLEY. No, nor to a bounty. I ask that the report be printed.

The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5156) for the relief of Andrew R. G. Smith, report:

Andrew R. G. Smith was hospital steward of the Second Maine Cavalry from the time of his enrollment, December 3, 1863, to December 1, 1865, when he was commissioned as an assistant surgeon of same regiment by the governor of Maine. But he was at the time unable to muster, and was mustered out December 6, 1865.

From June 3, 1865, he was acting assistant surgeon, and in charge of a hospital at Pensacola, Fla.

Upon his application to muster upon his commission under acts of June 3, 1884, and February 3, 1887, he was refused upon the ground of the want of a minimum number in his regiment.

1. It appears that Dr. Smith actually performed the duties of assistant surgeon from June 3, 1865.

2. That he was duly commissioned as assistant surgeon December 1, 1865.

3. That there was a vacancy in that grade, through the resignation of Asst. Surg. Louis E. Norris.

4. That he performed his duties in a capable and highly acceptable manner, as appears from the testimony of the surgeon of his regiment, Dr. George W. Martin.

There being no objection, the bill was considered, the amendment adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. Mr. Speaker, I desire to submit the report of the committee of conference on the disagreeing votes of the two Houses on the Post-Office appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For compensation to clerks in post-offices for unusual business, as contemplated by Revised Statutes, section 3863, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all after the word "year" in line 4 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"The Postmaster-General may hereafter allow rent, light, and fuel at offices of the third class in the same manner as he is now authorized by law to do in the case of offices of the first and second class: *Provided*, That no contract for rent for a third-class post-office shall not be made for a larger period than one year, nor shall the aggregate allowance for rent made in any year exceed the amount appropriated for such purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "That hereafter the postage on seeds, cuttings, bulbs, roots, cions, and plants shall be charged at the rate of 1 cent for each 2 ounces or fraction thereof, subject in all other respects to the existing laws;" and the Senate agree to the same.

On amendment numbered 7 the committee of conference has been unable to agree.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

STATEMENT.

The conferees on the part of the House respectfully report that they have agreed to the accompanying conference report, and herewith submit their action to the House for its approval.

They agreed to one-half of the sum contained in the House bill as compensation to clerks in post-offices for unusual business as contemplated by Revised Statutes, section 3863, to wit, $25,000.

The effect of the report on Senate amendment numbered 2 is to fix the appropriation for rent, light, and fuel for post-offices of the third class at $450,000, instead of $650,607 as proposed in the House bill.

The action of the conferees on Senate amendment numbered 3 was to strike out the following language: "Nor shall any contract be made calling for the payment of either rent, or fuel, or lights beyond the fiscal year 1889."

The effect of the report on Senate amendment numbered 4 is to permit the Postmaster-General hereafter to allow rent, light, and fuel at offices of the third

class in the same manner as he is now authorized by law to do in the case of offices of the first and second class, with a proviso restraining him from making contracts for a period longer than one year, and from exceeding the amount in the appropriation bill for allowances for rent for any given year.

The effect of the report on Senate amendment numbered 6 is to add "plants," and to fix the rate of postage on seeds, cuttings, bulbs, roots, cions, and plants at the rate of 1 cent for each 2 ounces, or fractional parts thereof, subject in all other respects to the existing law.

There was no agreement on Senate amendment numbered 7.

All of which is respectfully submitted.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Conferees on the part of the House.

Mr. BLOUNT. Mr. Speaker, as already appears from the statement accompanying this report, the amount of compensation for clerks provided in post-offices for unusual business as agreed to by the conferees was $25,000, instead of $50,000 as fixed by the House. The Senate seemed to think that this was an entirely new item, and ought not to have been allowed at all. The House conferees appreciating the necessity, in view of the statements of the Postmaster-General, for this fund, insisted, as far as they could insist, but were only able to obtain an agreement on the part of the Senate to allow one-half.

Perhaps the item of most interest in relation to this appropriation bill, is for rent, light, and fuel for post-offices of the third class. The amount estimated by the Department for this service was $656,674, which the Senate cut down to $450,000, and provided that there should not be any payment for rent, light, and fuel for a greater sum than $300 per annum, and struck out all the legislation authorizing it after this year. The House conferees believed that in getting the sanction of the Senate to a recession, as to the legislation of the House allowing the rent, light, and fuel, they were amply compensated for whatever they yielded in the matter of amount for the next fiscal year only. They were further induced to this agreement by the suggestion that it would take some time to put in operation these allowances, and that whatever inconvenience might arise it was simply for a year, and that it would be well therefore to end the disagreement between the two Houses by accepting the suggestion which was embodied in the report.

In the matter of postage on seeds, cuttings, bulbs, and roots, it will be observed that the conferees agreed to the insertion of the word "plants," which had not theretofore been embodied in legislation on this subject, and fixed the rate at 8 cents a pound. I stated when the matter was up in the House before, notwithstanding the utterances with reference to a different sum to be fixed for this postage, that that was what was intended, and I am confirmed now in that conclusion by what has taken place in making the report of the conference committee to the Senate.

I ask the previous question upon the adoption of the report, unless the gentleman from Pennsylvania, or some other gentleman, desires to be heard.

Mr. BINGHAM. I desire to move that the House recede from its disagreement to the Senate amendment——

Mr. BLOUNT. Let us first agree to the conference report; and when that has been done——

Mr. BINGHAM. Then amendments will be in order?

The SPEAKER. The conference report must first be disposed of, and then the motion of the gentleman from Pennsylvania will be in order.

Mr. BLOUNT. I ask the previous question on the adoption of the report.

Mr. BINGHAM. Will that prevent amendment?

The SPEAKER. A report of a conference committee can not be amended.

The Chair desires to call the attention of the gentleman from Georgia to the fact that there seems to be an error in this report. The Chair is about to investigate the matter and see whether the error appears in the report as made to the Senate. The report as made to the House reads:

Provided, That no contract for rent for a third-class post-office shall not be made for a longer period than one year, etc.

The word "not" is interlined in this report and destroys the sense of the report, as the gentleman will see.

Mr. BLOUNT. I did not discover the mistake until the amendment had been agreed to by the Senate.

The SPEAKER. The Chair will now refer to the amendment to see whether the word appears in the report made to the Senate. If it does not it will be evident that this is merely a clerical error in making the duplicate copy for the House. If it is really a part of the report it can not be amended, because a conference report can not be amended.

Mr. BLOUNT. I will certainly make no motion to amend the conference report.

The SPEAKER. The Chair understands that; but it is important to ascertain whether or not that is in the Senate copy.

Mr. BLOUNT. I had just discovered it as the Clerk read, and I intended to call attention to it myself.

The SPEAKER. The Chair will state to the gentleman from Georgia that the word "not" does not appear in the Senate report, and is therefore evidently a clerical error in making the duplicate. The Clerk will read that part of the report made to the Senate.

The Clerk read as follows:

Provided, That no contract for rent for a third-class post-office shall be made for a longer period than one year.

The SPEAKER. The Chair suggests, therefore, that the gentleman erase the word "not" from that report, as it is evidently a clerical error in the copying.

Mr. BLOUNT. I will do so.

Mr. BINGHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BINGHAM. If the conference report is accepted, it being an agreement upon six items and a disagreement upon the seventh, can the seventh item be amended?

The SPEAKER. The question will still be left open. The House may recede from its disagreement entirely, it may recede and agree to the amendment with an amendment, or it may recede and agree to it without an amendment. The question is upon agreeing to the report.

The report was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The remaining amendment is now before the House for such action as the House sees proper to take.

Mr. BINGHAM. I move that the House recede from its disagreement to the Senate amendment, and agree to the same with an amendment which I send to the Clerk's desk.

The SPEAKER. The Chair understands there is only one amendment disagreed to.

Mr. BINGHAM. Only one; the seventh.

The SPEAKER. The Clerk will first report the amendment disagreed to.

The Clerk reported the amendment, as follows:

To provide more efficient service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

The Clerk read the amendment proposed by Mr. BINGHAM, as follows:

Amend, in line 111, by inserting, after the words "West Indies," the words "Australasia, Japan, and the Sandwich Islands."

Amend, in line 112, by striking out "eight hundred" and inserting in lieu thereof "four hundred and fifty."

Amend by striking out all after the word "service," in line 117, and inserting in lieu thereof the following:

"And in cases where a contract shall be made in addition to the sea and United States inland postage allowed under section 4009 of the Revised Statutes to registered United States steam-ships plying between ports of the United States and Central and South America, the West Indies, Australasia, China and Japan, and the Sandwich Islands, the Postmaster-General may, by agreement with the owners of said steam-ships, at an equivalent consideration therefor, allow any sum not exceeding three times the sum of the said sea and inland postage to steam-ships running to such of the said countries as are in the Postal Union, and an equivalent sum to steam-ships to such of said countries as are not in the Postal Union, for dispatching their vessels without failure upon certain days to be specified in schedules covering periods of not less than six months, to be agreed upon in advance by the Postmaster-General and said owners or agents: *Provided*, That any failure to dispatch a vessel upon a schedule date may subject the owners or the agents to a penalty not less than the sum to which the vessel would be entitled for the conveyance of mails if she had sailed in accordance with the schedule; said penalty to be deducted by order of the Postmaster-General from any sums found to be due said owners or agents."

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] moves that the House recede from its disagreement and agree to the amendment of the Senate with the amendment which has just been read.

Mr. ADAMS. I wish to ask the gentleman from Pennsylvania [Mr. BINGHAM] whether his only motion is to recede and agree to the amendment?

Mr. BINGHAM. This is the only point of disagreement in conference.

Mr. ADAMS. I am aware that the only point of disagreement is this amendment. I understood the other day, however, that the gentleman from Pennsylvania was intending to move to recede from the disagreement to the amendment of the Senate, but now I appear to be corrected, because his motion is not to recede and concur in the amendment of the Senate, but to agree to the amendment with an amendment which has been read from the Clerk's desk.

Mr. BINGHAM. For the reason that we take the body of the Senate amendment, enlarge it in many particulars, and cut down the appropriation. The principle is maintained.

Now, Mr. Speaker, I desire to know whether we can not reach an agreement as to the length of debate upon this bill to-day.

Mr. BLOUNT. How much time does the gentleman wish?

Mr. BINGHAM. This side will want three hours.

Mr. SPINOLA. And this side will want six. [Laughter.]

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] is entitled to the floor.

Mr. BINGHAM. There are several gentlemen who desire to discuss this proposition, and while I am entitled to the floor I am of course desirous of knowing to what extent this debate will run, in order that the time may be properly divided.

Mr. BLOUNT. Of course I want to come to an agreement with the gentleman in reference to the time. He has submitted a proposition, and responses to it are being made on my side, and I have been taking them in. [Laughter.]

Mr. ADAMS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS. At this stage of the proceeding, or at any future stage, is it or will it be proper to move to recede with an amendment different from the amendment which the gentleman from Pennsylvania [Mr. BINGHAM] has just had read?

The SPEAKER. The gentleman may move to amend the amendment proposed by the gentleman from Pennsylvania, either by an amendment in the form of a substitute, or by adding to it, or striking out a part of it. The Chair thinks, moreover, that if the proposition to recede from the disagreement of the House and agree to the amendment of the Senate with an amendment should be rejected, it would still be in order to move to recede from the disagreement, and agree without an amendment; in other words, to concur, the idea being always to reach an agreement between the two Houses, if possible.

Mr. BLOUNT. So far as I am concerned, I am willing to accede to the arrangement suggested by the gentleman from Pennsylvania [Mr. BINGHAM], which is substantially a proposition for three hours of debate on each side, and I ask unanimous consent that that order be made.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent that debate be closed at the end of six hours, the time being equally divided between the two sides of the House.

Mr. BLAND. I hope it will be understood, however, in that connection, that the session to-day will be extended so that we may take a vote upon the bill.

Mr. BLOUNT. I have no objection to that. I think the suggestion a very proper one.

Mr. WILKINS. Does that require unanimous consent?

The SPEAKER. It does.

Mr. WILKINS. I object.

The SPEAKER. Does the gentleman object to the proposition for six hours' debate, or only to the modification suggested?

Mr. WILKINS. Yes, I object to the six hours' debate.

The SPEAKER. Then the question is under the control of the gentleman who has the matter in charge.

Mr. BLOUNT. I hope my friend from Ohio [Mr. WILKINS] will withdraw his objection.

Mr. WILKINS. I will not. I insist that this debate ought to close in time to enable us to take a vote by 5 o'clock to-day.

Mr. BLOUNT. I am sure it will not.

Mr. WILKINS. That will allow five hours.

Mr. BLOUNT. The gentleman may object, but he can not control this bill. I will say to the gentleman from Pennsylvania [Mr. BINGHAM] that so far as it may be in my power I will endeavor to accord the time which he indicates his side desires.

Mr. SPINOLA. Let each side take all the time they want on this important question.

Several MEMBERS. That is right.

[Mr. BINGHAM withholds his remarks for revision. See APPENDIX.]

Mr. BLOUNT. Mr. Speaker, prior to the year 1845 the amount paid for the transportation of ocean mail postal matter was exceedingly small. No contracts were made. The Government itself did not pay for the postage except to American vessels; and under the act of 1825 up to 1845 only 2 cents per letter was allowed. The foreign vessels were not allowed anything. In 1845 Congress passed a law authorizing the Postmaster-General to make contracts with American steam-ships for the transportation of the mails. That act contained no limitation as to the amount to be paid.

It was claimed then as now, that something must be done for American commerce. In that act authorizing contracts we made one with the Ocean Steam Navigation Company covering a period of ten years, at an annual compensation, in 1848, $100,000; 1849, $200,000. But I will not take up the time of the House by reading, but will insert the table in my remarks of the payments which were made.

Then a contract was made with E. K. Collins & Co. in 1858, under which large amounts of money were paid out by the Government. After this there was a contract made with Arnold Harris, under which many millions were paid. I should dislike to take the time of the House by running over these three contracts, one covering $3,000,000, another $5,000,000, and the other $3,000,000. There was a contract made by the Secretary of the Navy with a man by the name of Sloo, under which a large sum of money was paid, running through a period of years.

Now, the contract with the Collins Line provided for the construction of five vessels to be suitable for naval purposes and within the control of the Government in case of war, which were to run, I think, once a month, but I am not sure of that, between this country and Liverpool, making the round trip once a month. As I have said, these vessels were to be subject to the control of the Government and suitable for naval purposes. The result was that only four of the vessels were constructed. The Attorney-General held, notwithstanding the vessels were not constructed under the terms of the contract, notwithstanding but four vessels were constructed and run instead of five under the contract, that notwithstanding these failures to comply with the contract, nevertheless the Collins company were entitled to the compensation fixed in the law without reference to the contract. Investigation after investigation was had developing these facts, and general discontent was all over the country.

So it was in reference to these other contracts with Sloo and Arnold Harris, running from New York to Aspinwall, and from Panama to Astoria. Contracts were made in terms to protect the Government, but the fact turned out to be that the number of vessels required were never put on, but there was influence enough in the Department, and in Congress, notwithstanding investigations were had, for the purpose of preserving this condition of things to the advantage of the ship-owners, and to the detriment of the Government of the United States.

I will read from the debate in the Senate at that time as it is found in the Congressional Globe of June 10, 1858.

Mr. TOOMBS. Yes, by special contract with him; and that was the way with the Sloo contract and the Harris contract. They were to build ships fit for war purposes. I know when the Collins vessels were built. I was a member of the Committee of Ways and Means of the other House, and I remember that the men at the head of our Bureau of Yards and Docks said they were not worth a sixpence for war purposes; that a single broadside would blow them to pieces; that they could not stand the fire of their own guns. But newspapers in the cities that were subsidized commenced firing on the Secretary of the Navy, and he succumbed and took the ships. That was the way they were got here. Then they were to be commanded by lieutenants in the United States Navy. That was another part of the contract. Mr. Collins came here and said: "I do not want these people on my ships; they are not good for much."

I rather yielded that point, because there was much in what he said; and we agreed to let him have his own commanders. All this was done under the naval power. It was said we wanted these ships for naval purposes and that they would be very valuable in case of war. Nobody maintains that idea now; it is given up; but it was used to get Congressional contracts with particular individuals for their benefit, and not, as my honorable friend from Mississippi says, for the benefit of the Government. That has been the trouble of the whole system. It has been for the benefit of contractors, not of the Government. That has always ruled in making the contracts and always will when Congress makes contracts. How can Congress make a contract? Here are sixty-four of us in this body; there are two hundred and thirty-six in the other House—gentlemen of different pursuits. True there may be one or two ship-carpenters among the whole number, but the great bulk of them are fit for nothing on earth but politics—fit for no business. We have some who are very well qualified for many things, but not for other things. As for the idea that such a body can make a contract, I presume there is no human being in America, white or black, who can doubt that it is the most unfit body for such a purpose that could be collected. There is no responsibility. One-half of them do not know who did it and if they did they would not care. Nine-tenths of them act from ignorance on such a matter, because they know nothing about it, and we generally have only *ex parte* statements from those interested. We have not time to examine the public questions connected with the various Departments of the Government and all the little contracts besides. It is impossible to do that and attend to our legislative duties. I would go back to the earlier policy of the Government, the persistent policy of the Government against the idea of my friends from Louisiana and Mississippi. We never had a steam-ship afloat on the ocean to carry the mails abroad until 1850.

Now, sir, in the Thirty-second Congress the Secretary of the Navy made a report upon these several lines, declaring the contracts as I have stated them, and also the failure of the contractors to comply with their contracts, and fully supporting what was said by Mr. Toombs, the Senator from Georgia, in the debate from which I have read. So outrageous were these failures to comply with these contracts, as shown by the investigations, that in 1858 the Senate of the United States, without a yea-and-nay vote—nay, without a division—pronounced against all of these contract steamers as fraudulent, and, so far as the vessels were concerned for naval purposes, as an utter fraud and imposition on the Government, and placed on the Post-Office appropriation bill the law providing for payment of sea postage to foreigners and sea and inland to American steamers; and that is the way we came to get the act of 1858, and whenever we start out on this line of making contracts for the mails, as proposed in this amendment, of which we have experience, we shall always come to scandal and frauds.

Now, sir, there were then the contracts made with these three lines to which I have referred, and they were necessarily continued; they were in force for ten years, and all the operations of the Government were just as these gentlemen wanted them, until the terms expired; so for several years we had had these large payments to make after the aforesaid legislation.

In 1866 we subsidized the Brazilian line, and a little later on we subsidized what is known as the Pacific Mail line. I maintain, sir, that we never got any additional mail by reason of the aid given by the Government to either of these lines. The Brazilian mail line contract expired, and we continued to get the same service that we did before under the contract. The Pacific Mail line contract, of all the lines with which Congress has authorized special contracts to be made—and while I say special, the terms were general, but the contract, everybody knew, pointed to the Pacific Mail line—has proved most notorious.

Perhaps a greater scandal came to the House of Representatives growing out of that contract than out of anything which has occurred in our

history. They desired to increase the amount of the service. Of course it was designed for the "benefit of commerce," for the "improvement of the mail system," and was prompted entirely by "motives of patriotism;" but just along there an investigation comes in as to where this movement commenced, and from that investigation gentlemen who will take the trouble to examine it will ascertain perhaps whether it was for the benefit of commerce or whether it was for the benefit of the mail system of the country. A committee was charged with the investigation of the matter, and their report will be found in Report No. 268, Forty-third Congress, second session, on China mail service, 1874-'75, wherein the committee reported in reference to the expenditure, which turned out to be about $1,000,000, as was supposed about this Capitol, for the purpose of getting an additional sum for this company; and while I have not time to read this investigation, I will state as briefly as I can the substance of it, which was to the effect that Allen B. Stockwell, the president of the Pacific Mail Company, made contracts amounting to over $900,000 for the purpose of getting "patriotic legislation" in the interest of American commerce and the American mail service through this House and the other.

What was the result of that investigation? Ah! gentlemen, it was shrewdly planned. The money had been spent. Some gentlemen in the House of Representatives were ascertained to be connected with it; and their names have been blackened from that hour to the present time. Called on to testify, some hid themselves behind the relations of attorney and client, and others fled the country, and the truth was never ascertained. I say, therefore, the history of this country in its past legislation warns this House against a repetition of the evils of that proceeding.

But, sir, I wish to call your attention to the question of whether or not the American vessels are receiving adequate mail compensation. I wish to ask whether, if that be true, if they do receive adequate mail compensation, it does not include the entire question in relation to the matter at issue before the House at this time? What I wish to say in reference to that subject will be said plainly, and I know the parties who may be seeking subsidies and may be persuaded that the money should be used in this way, and for no other purpose, will assert my reasoning a most contemptible way of combatting what they call a great question. The gentleman from Pennsylvania [Mr. BINGHAM], who has just taken his seat, stated to the House that prior to 1885 the administration of the Post-Office Department had never given more than the sea postage to American vessels carrying the mails, but since that time the present administration had been paying both sea and inland postage, which was four times the amount paid prior to that time; and, so far as I know, the history shows that there were no complaints about that matter.

I ask your attention now to the Pacific mail line from San Francisco to Panama for 1885. The amount paid on the mail matter, if paid at freight rates, would have been $2.86 a trip. This is an exceedingly small mail. If paid at parcel dispatch rates it would have been $40.12, and if paid at sea and inland postage rates would be $140.20. That line is getting for the carrying of the mails just seventy times what it gets for carrying freight. It is getting nearly four times what it would get for express packages, and they are under no liability to the Government for loss of the mails. They are under liability for the loss of express matter.

In the carrying of the mails—the Brazilian mail, for instance, and many others—by reason of the fact of carrying the mails they have certain port privileges; they can break bulk at once without delay, while other vessels are kept waiting; they may arrive and depart at any time without interference by reason of the fact that they are carrying the mails, and this is to them quite an advantage.

Let us turn to the Pacific mail line from New York to Colon. The amount paid at freight rates would be $1.11 per trip. The amount, if paid at parcel dispatch rates is $202, and at sea and inland postage is $517.

Mr. HENDERSON, of Iowa. For what amount and how computed on weight?

Mr. BLOUNT. They are paid $1.60 a pound on letters and 8 cents on newspapers.

They are paid by weight. If my friend will allow me, I wish to say that this is just four times what we give foreign ships. The foreign ships are carrying many of these mails because we have to take the first vessel, with a view of expedition, that we can get the mail on. On the line from New York to Venezuela per trip the freight rates for the mail would be $1.74. If paid at parcel-dispatch rates the rate would be $33. If paid at sea and inland postage rates the rate would be $115, nearly one hundred times what the freight rate would be.

Now, what is the inconvenience? There is a little room set apart for that purpose on all vessels. They put express packages in there, and the packages go across the water without any responsibility at all.

The amendment of my friend from Pennsylvania [Mr. BINGHAM] introduces what I supposed had disappeared—the Chinese mail. Many have thought that the scandal of the Pacific mail to China was a thing of the past, but here it comes back again in my friend's amendment to be taken care of. The Australian mail is also in there to be taken care of.

I think I have made it appear plainly if we are seeking to get at meritorious rates for carrying mail matter that four times the sea and inland postage commends itself to the approval of every man who will treat the matter in a business way.

But, Mr. Speaker, I wish to call attention to the fact that the great bulk of this mail under the Senate amendment, the mail from San Francisco to Panama and from New York to Colon, goes on the Pacific Mail line, with George Gould as the president and Jay Gould and numbers of others as directors, whose names will appear in an attached table. Huntington is interested, too. The Brazil line, presided over by Mr. Thurber, has for one of the chief owners Mr. Huntington, who has had some legislative experience. Doubtless he has a great deal of patriotism and a great desire to promote American commerce and improve the mail service of this country. I am sure the American people will respond in all places and at all times with admiration for his efforts.

Mr. Speaker, it is the practice constantly to say in response to what I have stated as to mail pay, "See what England pays, what France pays, what Germany pays." So far as England is concerned, the Postmaster-General has rightly stated that her action is political. The subsidies she has given have as a general rule gone to her colonies, with which she must keep up her political relations and her political obligations, just as the Eastern section of this country does with the Western and the Northern with the Southern. It is their own country, notwithstanding the ocean intervenes. It is likewise of advantage to her because of her economic laws, which look to the promotion of trade with the foreign countries of the world. How about France? Mr. Speaker, when we come to look at the action of these countries, and compare their action with the proposition contained in this bill, the intelligence in the first and the carelessness in the last policy can but suggest that that carelessness comes because the real object is not to be perceived from the language of the law, to wit, to give a bonus to existing American lines.

Mr. HENDERSON, of Iowa. Will it disturb you to indicate the difference between the cost in those countries and in ours as proposed in this amendment? You have spoken of England, France, and Germany.

Mr. BLOUNT. I will come to that. In France, Mr. Speaker, they have adopted what they believe to be a system of increasing their commerce, increasing their shipping, increasing its profits. They provide bounties for iron or steel vessels of 50 francs per ton, gross measurement, and for wooden vessels of 200 tons or more 20 francs per ton. I have not time to give all the figures, but will print them.

THE FRENCH BOUNTY LAW.

The bounty proposition in France assumed a definite form by the promulgation of a law in January, 1881, by which the privileges enjoyed by ship-builders since 1866 of importing free of duty all materials used in the construction and equipment of vessels were abolished, and a system of bounties paid directly from the state treasury was substituted. These bounties were fixed at the following rates: For iron or steel vessels, 60 francs per ton, gross measurement; for wooden vessels of 200 tons or more, 20 francs per ton; for wooden vessels of less than 200 tons, 10 francs per ton; for composite vessels, 40 francs per ton; for engines placed on board steamers, and for auxiliary apparatus, such as steam-pumps, donkey-engines, winches, ventilators worked by machinery, also their boilers and pipes, 12 francs per kilogram. These various allowances were payable on the delivery of the French register by the receiver of customs at the nearest place of construction.

Nor was the state aid confined to the construction of ships only; it was extended to the navigation of them.

"ART. 9. As compensation for charges imposed on the mercantile navy for the recruitment and service of the military navy, a navigation bounty shall be granted, during ten years from the date of publication of this law, to all French vessels, sailing or steam."

This bounty is applicable only to foreign-going vessels.

It is fixed at 1.50 francs per register ton and per 1,000 miles' run for vessels of French construction fresh off the stocks, and decreases annually by—

	Francs.
For wooden vessels	0.075
For composite vessels	0.075
For iron vessels	0.05

For foreign-built vessels the bounty is reduced to one-half of the above-assigned amount.

Now, sir, the result of all this legislation so far as France is concerned as compared with Germany, who gave no bounties, who gave no subsidies, who only paid 370,000 marks per annum for her mail up to about 1885 (a mark being a little over 20 cents), the French bounties being for ship-building, for navigation, and for subsidies for carrying the mail, Germany increased in shipping at a greater rate, she built larger ships, her trade increased more rapidly; and while her ship-owners were in a comparatively good condition, nearly all the subsidized lines of France were in bankruptcy.

We are told we ought to go down into South America with subsidized lines, as England, France, and Germany do. Germany has gone on, side by side, with the subsidized lines, built up her trade *pari passu* with other nations except England, without subsidies, depending for her mail communications and largely for the transportation of her commerce, both with Australia, with China and South America, upon English ships.

Therefore it is quite evident that these subsidies did not bring about this result. In 1881 France adopted this policy. Prior to 1881 she

was increasing in ship-building and the extension of her trade faster than Germany, but immediately afterward Germany ran past her. France had in mind, among other things, the idea of extending her trade with America by subsidizing a steam-ship line here, but in one or two years after she had put on that line her trade with America began to decrease, and it decreased year by year. So that the experience of France does not at all help the argument of gentlemen on the other side. Germany—in 1886, I think—did put on one line to East Asia and Australia, and information which is believed to be authentic discloses the fact that in 1887 that line lost £280,000. Imitating France in the matter of subsidies, she has run her lines where France has run hers, into bankruptcy.

The truth is, Mr. Speaker, that the bounty system to steam-ship lines has resulted in an overproduction of vessels, until they can be bought for half their cost. They are lying-up in the various harbors of the world, and of those that are running some are not paying running expenses. And yet, in such a situation, with the freights of the world carried at these meager rates, gentlemen urge us to launch our people out into that same great sea of bankruptcy and ruin.

My friend from Pennsylvania [Mr. BINGHAM] has undertaken to compare what we pay ocean steamers for the carriage of the mails with the amount we pay the railroads, the steam-boats, and the star service. In relation to that I wish to say that the two kinds of service are entirely different, and are performed under entirely different conditions, so that necessarily a different rule must be adopted.

In 1873 we did pass a bill providing for paying so much per pound, per ton, per mile per annum to the railroads. We contracted with steamers by letting contracts to the lowest bidders, and so we did with reference to what is known as the star-route service. So far as what we pay the railroads is concerned, it has been reduced since then, at one time 10 per cent., and at another time 5 per cent., and I believe it is generally conceded that the railroads are getting entirely too much to-day. So far as the steam-boats are concerned, they are inland; they are protected by our navigation laws, and I am not here at this time to take issue with any one upon that point; but I remind gentlemen that that service also is let to the lowest bidder. The rates are not fixed by reason of any design to help the railrords or steam-boats. The contracts are let to the lowest bidders in the steam-boat star service.

Mr. BINGHAM. No; the Postmaster-General has discretion.

Mr. BLOUNT. The gentleman must allow me to state it as I understand it. The Postmaster-General undertakes to get that service as low as he can, and even as to the Cuban service, to which my friend has referred, the Postmaster-General advertised for bids. But how is it with reference to the ocean mail? Will you advertise for the lowest bidder for that service? Will you undertake to get it as you do your inland service, as cheaply as you can?

Mr. BINGHAM. The law says that preference shall be given to American vessels.

Mr. BLOUNT. Please do not interrupt me. Now, Mr. Speaker, there is not a line of American ships running from this country to Europe. In the Central and South American service the lines are well known, and they are few. If you undertake to have your mails carried from this country to Brazil by letting the service to the lowest bidder, unless you do as Great Britian does, submit it to the lowest bidder and let any person in the world take the contract, you will have no competitive bidding practically. This would be the case on the Brazil line. So it is with reference to the China mail and with reference to the mail from San Francisco to Panama, and from Colon to New York. So it is with reference to all of these lines, and when gentlemen talk about paying $1 a mile and letting the service to the lowest bidder, although there is nothing in the gentleman's amendment providing for that——

Mr. BINGHAM. The general law authorizes that.

Mr. BLOUNT. But my friend is making a law for this case, and his amendment directs the Postmaster-General to make the contract; it does not authorize him, it requires him to do it. In all previous attempts to pass subsidies there has been an effort to seem to be reasonable by giving the Postmaster-General authority to do what was desired, but the action of Mr. Vilas heretofore upon these questions has put these gentlemen on notice, and so they bring in a provision here directing him to make contracts. As every one knows, that means that he must go to the Pacific Mail line running from San Francisco to China, running from New York to South America, running from New York to Central America, running from New York to Brazil. It seems that he must go to these lines and pay them $1 per mile for the carrying of the mails. Now, sir, I have shown that there is no analogy between this ocean service and the railroad service, the steam-boat service, or the star-route service.

And yet, sir, it is shown by a table which I will publish (for I have not time to read it) that the American steam-ship lines are getting to-day just as much per mile as the railroad, steam-boat, and star-route lines are getting. In addition to that, Mr. Speaker, this poor, impecunious, begging corporation, the Pacific Mail line, with the humble men who are at the head of it, who are asking this additional subsidy, have already obtained a subsidy all along the western coast in connection with the service to Mexico and Central and South America. They are getting now from the Mexican Government and some of the Central American states subsidies of which no account is made here, and which the inland service has no opportunity to enjoy.

My friend from Pennsylvania has read to you some tables in relation to the cost of the service to Central and South America in 1858, and at subsequent periods.

I desire to call attention to a table of mail pay for Central and South America for 1858–'59, 1874–'75, and 1886–'87 which I will print.

I wish now to call attention to a circumstance which occurred in the debate during the last Congress in reference to increasing the service of these lines. One of the main arguments made with reference to increase of service pointed to the Argentine Republic. It was especially urged by the president of the Brazil Mail Line and by gentlemen in debate here that the Argentine Republic was developing into one of the greatest South American states, that we had no mail service with that country, and there ought to be some discretion allowed with the view of our getting farther down that coast into the Argentine Republic. I read at that time a communication from Mr. Hanna, the American minister down there, stating that negotiations were going on between a gentleman in New York and the Argentine Republic to put on a line between Buenos Ayres and New York; that the President and his Cabinet had agreed to submit the matter to Congress; that it was expected a contract would be made and that the line would be put on without any subsidy from the American Government. The offer was $100,000. The Brazilian Government, I am informed, declined to allow the Brazilian line to enter into a contract for the extension of that service down the coast. There is some rivalry between the Venezuelan people and those of Brazil, and therefore objection was made. It was urged here that as the Argentine Republic was proposing a contribution we ought also to give about $100,000. But Congress saw fit not to do so; and the Argentine Republic has actually made a contract for a line between New York and Buenos Ayres, which will go into operation in a very short time for the sum of $87,000.

Such were the inducements held out to us during the last Congress, more by reason of the inviting trade with the Argentine Republic than for any other, for subsidizing a line with the view of getting commerce; yet, to-day, without a dollar from the public Treasury, the line is to go on for a period of ten years. So, sir, wherever the condition of trade requires means of transportation, especially trade with foreign countries, you but have to stand still and the eager bankrupt owners of vessels are on hand ready to transport your commerce.

This is the situation on the ocean to-day. There is and will be no trouble about ships whenever there is trade. The Postmaster-General has wisely stated that in reference to South America the restraints on trade by reason of our own legislation prevent the extension of commerce in those countries. I have not time to refer in detail to the figures on this subject, but they are exceedingly instructive. They show in the first place that the great bulk of our trade with those countries is where there is no duty, and that where there is a duty the trade to and from those countries is about equal, supporting the rule that you must have exchange in order to have trade.

Mr. Speaker, I think I have satisfactorily stated to the House the rates of postage as compared with freight rates and express rates, and shown that they ought to be entirely satisfactory. They are satisfactory to the commerce of the world. They are satisfactory to the carriers in dealings between man and man. They are satisfactory everywhere, except to the ship-owners engaged in carrying our mails. I have shown how the bounty systems of Europe have brought bankruptcy to the ship manufacturers and ship owners, and how they have utterly failed in the matter of extending commerce. I have shown that trade can not be promoted in this method. I have shown that there is no analogy between the internal and the external carriage of commerce; that they are on different principles, if properly executed, entirely in the interest of the people instead of the carriers, as the argument of the gentleman on the other side [Mr. BINGHAM] would indicate.

Now, let us come to this particular amendment.

Mr. HOOKER. Will the gentleman from Georgia [Mr. BLOUNT] state the amount paid for the transportation of foreign mails, as compared with that paid for the inland railway and steam-boat mail service?

Mr. BLOUNT. Does the gentleman mean to inquire in regard to our ocean mail service generally, or simply the mail service with South America?

Mr. HOOKER. The ocean mail service.

Mr. BLOUNT. I will print a statement. Now, sir, before discussing this amendment in particular I desire to read it.

To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

It is to be observed, sir, in the first place that contracts would be entered into for five or ten years. Take the case of the Argentine Republic.

Mr. BINGHAM rose.

Mr. BLOUNT. Excuse me, I have not time to finish what I have to say.

Mr. BINGHAM. We have agreed to disagree to that proposition, and I have submitted an amendment.

Mr. BLOUNT. I hope my friend from Pennsylvania will not interrupt me. He says we have agreed to disagree, and yet here is the Senate with an amendment on our bill. And does not the gentleman know it is not disposed of, and that because he has seen fit to offer another amendment it does not take it out of the way?

You have to enter into a contract for five or ten years. Suppose you have made a contract with the Brazilian line connecting down the coast with Buenos Ayres by carrying the mails to that country. Suppose you had it for five or ten years and up springs the mail from New York to Buenos Ayres. How are you to use it? You tie the hands of the Government so that it can not take advantage of the changed conditions of commerce. There you are tied hand and foot for a period of years under this contract.

Now the Postmaster-General is unfettered, and he puts the mail to Central and South America on every vessel, American or foreign, which happens to be leaving the port at the time. For one-half he pays four times as much as the other. For the whole he pays about $45,000, and he tells you that under this amendment it will cost about $1,200,000. One million two hundred thousand, sir, to carry the mails, one-half of which are now carried by foreign steamers and one-half by our own at the rates named. This amendment cuts off the service one-half, and makes the cost $1,200,000. I ask the House whether the Postmaster-General is not correct when he states that it is an absolute embarrassment to the Post-Office Department in the matter of handling the mails?

Why, sir, the proposition would seem to be monstrous that the Postmaster-General shall stop the mails when the time comes to send them abroad, and when there is a fine ship to take them, and require that they shall wait until an American steamer is ready to make the trip, an American steamer, one of George Gould's establishments going from San Francisco to Panama or Colon to New York—to wait until Gould and Huntington come along with their ships. Then you contract with these men to carry your mail, and the service instead of costing $40,000 will cost $1,200,000. Do it if you will. In the Forty-fourth Congress the gentleman from Indiana, by a resolution in this House, declared against subsidies to all sorts of corporations, and it was agreed to by an overwhelming vote. In the Forty-fifth Congress the gentleman from Indiana, Mr. John H. Baker, a gentleman on the other side of the House, able and true, whose name I shall ever preserve in my memory with great respect for his intelligence and capacity, offered a resolution providing as follows:

Resolved, That in the judgment of the House no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted or renewed by Congress to associations or corporations engaged in or proposing to engage in public or private enterprises; but that all appropriations ought to be limited to such amounts and purposes only as shall be imperatively demanded by the public service of the Government.

Who voted for this? My friend from Pennsylvania [Mr. BAYNE], and he has stood true to it from then until now; my friend, Mr. BROWNE, of Indiana; also that illustrious personage who once figured as the highest man in this House, and who was afterwards President of these United States, Mr. Garfield; Mr. Haskell, and our distinguished friend from Ohio [Mr. MCKINLEY], as well as our distinguished friend from Maine [Mr. REED]. It was agreed to in this House by a vote of 126 yeas to 85 nays.

From that time, in the Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses, these same impecunious patriots have been here attempting to force on the House of Representatives, by amendments to the Post-Office appropriation bills, these very subsidies which that resolution declared that the House would not tolerate.

And if gentlemen want to go before the country on the record of this amendment, mar the mail service, cut it off, increase the compensation enormously, to the great advantage of the Pacific Mail line and to the great advantage of the Brazilian line—these are the chief beneficiaries—I say if they want to do it I have no question to make with them. They must bear the responsibility.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The time of the gentleman from Georgia has expired.

Mr. BLOUNT. I ask my friend from Illinois to yield to me a portion of his time.

Mr. ANDERSON, of Illinois. I yield to the gentleman from Georgia such time as he may desire.

Mr. BLOUNT. Mr. Speaker, my friend from Pennsylvania, General BINGHAM, who has offered the amendment to the Senate amendment, feels, I suppose, the destructive force of the criticism of the Postmaster-General upon the Senate amendment. He proposes to take in the Australian line and the line to China, and to pay them four times the sea and inland postage. They are getting fifty to one hundred times the freight rates, or more than that—I have given the exact figures, and therefore any effort to repeat them here might result in inaccuracy—and yet, without any suggestion, so far as I know, from any quarter, my friend offers to take in these lines to China and Australia and pay them, I repeat, four times the sea and inland postage, which is sixteen times what any foreign vessel is willing to take now. We have, sir——

Mr. BINGHAM. Will the gentleman allow me a moment?

Mr. BLOUNT. Certainly.

Mr. BINGHAM. The gentleman is quoting my statement——

Mr. BLOUNT. I do not think I am. I was attempting to quote the amendment.

Mr. BINGHAM. That is it; but the whole thing subject to the discretion of the Postmaster-General under existing law. Now, since the gentleman is quoting the amendment, I hope he will not leave out an essential qualification.

Mr. BLOUNT. Ah, the gentleman says "subject to the discretion of the Postmaster-General." If my friend wants the discretion of the Postmaster-General, then I say by authority that the sea and inland postage is all the discretion he wants.

Mr. BINGHAM. He does not say so in his report.

Mr. BLOUNT. I do not care what he says in his report. I say it by authority of the head of that Department in my place on this floor; and would not do it, sir, but for the fact that in another place a distinguished gentleman has seen fit to announce, and by authority, that the Postmaster-General favored this bill.

Mr. BINGHAM. That he favored the "Blount bill" was the statement.

Mr. BLOUNT. Ah, the gentleman says the "Blount bill." That is about in keeping with the other methods connected with this subject. When I came on to Washington there was a suggestion pending and being discussed in reference to the increase of the sea and inland postage, having the Argentine Republic in mind in this special provision—and their mail is already provided for—and as I had in many other cases introduced bills and had them referred to the Committee on the Post-Office and Post-Roads, because I wanted all phases of this question to be presented, and in order that every possible condition of the subject might be before the committee, that bill was presented. But in reference to that bill I deny that the Postmaster-General has ever given one line or syllable of it his indorsement. That is the whole of it. And when that bill was published many gentlemen came to me, because it was known about the Capitol as the Blount bill, to whom I declared my opposition to it, and with the subsidized crowd I seemed to have grown very popular for a time on account of it. I am quite youthful, as my friend from Pennsylvania knows, but not quite that young. [Laughter.] It is not my bill; never was.

Mr. BINGHAM. But the gentleman failed to put "by request" upon it.

Mr. BLOUNT. Oh, well, will my friend not take my statement because I did not put "by request" on the bill?

Mr. BINGHAM. Certainly I will take the statement; but I say it does not appear on the record that it was "by request," and I have only been quoting the record.

Mr. BLOUNT. Ah, if my friend was discussing a great question with earnestness, I do not believe, whether in seriousness or jest, he would take the chance of misleading a single member of this House as to what sanction I have given to that bill.

Mr. BINGHAM. The gentleman must not state that I endeavored to mislead the House. I answered the direct inquiry, that I did not say it was his bill, nor do I say so now.

Mr. BLOUNT. But the gentleman has alluded to it so often and in a smiling way, I supposed of course that he intended to create that impression.

Mr. BINGHAM. No, I only alluded to it in good humor.

Mr. BLOUNT. But, Mr. Speaker, it is not a matter of any consequence, because I wish it to be understood that I introduced the bill, as I have introduced many other bills which I did not favor, because it was a subject proper to be considered in the committee, and I was anxious to take it up and investigate it in every light. I introduced it; but I did not undertake to father it, and I deny that the Postmaster-General fathers it, or goes a single step farther than he has gone in his letter, and that letter I am glad to say, sir, if attentively read, will satisfy any fair-minded person that he favors neither the amendment of the Senate nor that proposed by the gentleman from Pennsylvania. On the contrary, he believes that the provisions for the service to-day are ample, and believes to-day that we have the very best mail system on earth. He has stated that so far as the European mails are concerned, our own system gives us a better service by sending the mail nearly every day in the year, while the British mails coming to this country, taking the subsidized lines, are not near so good, and that there is complaint in England as well as this country by reason of the service, and it is not unusual to find our European mails, coming on subsidized lines, following after the goods to which the mails relate, which come here two and three days, sometimes, before the mails. So far as the South American mail is concerned, we are paying our own ships four times the service we are paying to the foreign ships and for the same service. There is no desire for more money.

I trust that with this statement, with this relation of the Department to this bill and both of these amendments, this House will not, by any delusion that American commerce is to be promoted and American mails facilitated, cripple that very mail system and cripple that commerce. No gentleman will undertake to say, so far as the commerce is concerned, that this subsidy amounts to anything compared to the subsidies of foreign governments. Will you then undertake with a small bonus to compete with those large subsidies? Is it not a failure? Does it mean anything less in the light of these contiguous facts? Does it mean anything else than an attempt to get additional compensation for certain steam-ship lines that can be numbered on your ten fingers?

We have but little outward commerce. These lines are known and well established. One word just here so far as that commerce is concerned. We have been told as to the Brazilian mails that the Brazilian mails are in the interest of this commerce. We have an enormous trade there—the coffee trade. What is the situation in reference to that? These cheap steamers, sometimes designated "tramps," hunting all over the world for trade, are bringing the coffee to this country instead of your Brazilian lines. You may subsidize as many of them as you please; you will have the same situation. The restrictions on trade will in a large measure regulate that.

Mr. HOPKINS, of Illinois. Will the gentleman explain how it is that the "tramp" vessels get that trade instead of the regular lines?

Mr. BLOUNT. My friend from Illinois asks me how it is the tramps get that trade instead of the regular lines. The Italian Government, the French Government, the German Government, and I believe Spain also, now by a system of bounties and navigation laws have overstimulated the construction of ships until the trade is oversupplied; many of them are lying up with nothing to do, and others are creeping into every harbor hoping to get trade. It is just that condition of the commerce of the world that makes it impossible for us to get the business.

Mr. Speaker, at the request of the gentleman from Illinois [Mr. ANDERSON] I reserve the balance of his time, asking to be allowed to print a number of tables, which it is impossible for me in the time allowed to read to the House.

POST-OFFICE DEPARTMENT,
OFFICE OF FOREIGN MAILS,
Washington, D. C., July 9, 1888.

SIR: Inclosed herewith I have the honor to transmit two tables showing trans-Atlantic service, and the postage rates applicable to letters dispatched to foreign countries with which this country maintained a direct service by American vessels during the period of 1858 to 1888, respectively.

The tables I sent you sometime ago contained the statement of the lines (foreign and domestic) plying between the United States and Central and South America and the West Indies, the length of route, the number of trips performed, and the weights of the mails conveyed, and a table showing the amount actually paid and the amount that would have been paid if they had received the sum of $1 per mile during the fiscal year ended June 30, 1887.

The same tables were transmitted to you by the Postmaster-General in his letter dated July 2, 1888, and published in the CONGRESSIONAL RECORD of Wednesday, July 4, 1888, and the tables may be found on page 6396 of this session.

I am, very respectfully, your obedient servant,

_____,
Superintendent Foreign Mails.

Hon. J. H. BLOUNT,
Chairman Post-Offices and Post-Roads,
House of Representatives, Washington, D. C.

Statement showing the rate of postage per half-ounce of letters sent to foreign countries with which this Government maintained a direct service by American steamers during the period from the year 1858 to 1888.

Countries.	1858.	1866.	1874.	From 1879 to 1888.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Acapulco	20	10	.....	5
Argentine Republic	.....	.....	18	5
Bahamas	5	5	3	5
Bermuda	.....	.....	10	5
Brazil	.....	10	15	5
China	.....	.....	10	5
Columbia, United States of	10	10	10	5
Costa Rica, via Panama	20	.....	.....	5
Costa Rica, via United States packet	.....	10	10	5
Cuba	10	10	10	5
Guatemala, via Panama	25	.....	.....	5
Guatemala, via United States packet	.....	10	10	5
Hawaii	.....	.....	6	5
Hayti, via St. Thomas	.....	.....	18	5
Honduras, via St. Thomas	.....	.....	18	5
Jamaica	10	10	10	5
Japan	.....	.....	10	5
Mexico, by United States packet	.....	.....	10	5
Distances under 2,500 miles	10	.....	.....	5
Distances over 2,500 miles	20	.....	.....	5
Nicaragua, United States packet	.....	.....	10	5
Salvador, via Panama	20	10	.....	5
Salvador, via United States packet	.....	.....	10	5
St. Thomas, by United States packet to Jamaica	18	.....	.....	5
Uruguay, via Brazil	.....	.....	.....	5
Venezuela, via St. Thomas	.....	.....	10	5

The following table will show the total postage on the direct mails conveyed to Central and South American countries and the West Indies during the fiscal years 1858-'59, 1873-'74, and 1886-'87:

1858-'59	$77,208.69
1873-'74	77,427.15
1886-'87	79,129.21

NICHOLAS M. BELL,
Superintendent Foreign Mails.

WASHINGTON, D. C.,
Office of Foreign Mails, July 9, 1888.

POST-OFFICE DEPARTMENT,
OFFICE OF FOREIGN MAILS,
Washington, D. C., July 10, 1888.

SIR: In answer to your verbal request to be informed as to the increased cost to the Government by reason of the payment to American steam-ship companies the total sea and inland postage on the United States mails conveyed to foreign countries as compared with the cost of the service when only the sea postage was paid, and also as to the compensation of vessels conveying United States mails prior to the acts of March 3, 1845 and 1847, respectively, I have the honor to invite your attention to the following, namely:

1. Pages 645 and 646 of the Postmaster-General's report for 1884, wherein you will see that the trans-Pacific service cost in the year 1884 (when the companies received only the sea postage on the mails conveyed) the sum of $19,125.78.

On page 1007 of the Postmaster-General's report for 1887, the trans-Pacific service cost $38,465.49. The American steamers plying in this service received both the sea and inland postage, and part of the steamers being of foreign build and register received the sea postage only.

As will be seen from page 646 the miscellaneous service was paid in 1884 $37,132.69, while by reference to page 1008 of the Postmaster-General's report for 1887, it will be seen that this same service cost the Government $51,416.44. Both of these tables include foreign as well as American built steamers. In the table on page 646 of the Postmaster-General's report for 1884 is included the Cuban and Mexican service, which cost about $18,000, fully one-half of the total cost of the Central and South American service.

The Cuban service was transferred, in 1885, from this office to the domestic service (Office of the Second Assistant Postmaster-General); and since that date (1885) the mails for Mexico have been forwarded almost exclusively, overland, by rail. If this service had been transferred prior to that time the cost of the service would have been, instead of $37,000, less than $18,000, and in making the comparison, therefore, between the payment of both the sea and inland postage, and the payment of the sea postage only, you should compare the sum of $18,000 with that of $51,416.44.

2. Prior to the acts of Congress of March 3, 1845 and 1847, respectively (see Laws and Regulations for the Government of the Post-Office Department of 1843, page 16: Subject, "Postage on Ship and Steam-boat Letters.") vessels sailing from the ports of the United States with mail matter, received no compensation for the conveyance of such matter to the ports of destination, as the compensation for such conveyance was paid by the country of destination of the mails which received them.

The act of 1825 provided as follows (section 34), namely:

"For every letter received by a deputy postmaster at a seaport to be conveyed to a foreign country, there shall be paid to the deputy postmaster 1 cent."

Section 18 of the act of 1825 provides as follows, namely:

"The master (except of a foreign packet) is to be paid 2 cents for each letter and package delivered by him."

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. J. H. BLOUNT,
House of Representatives, Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF FOREIGN MAILS,
Washington, D. C., July 12, 1888.

SIR: In answer to your verbal request to be informed as to the persons composing the directories of the Pacific Mail and also of the United States and Brazil Mail Steam-ship Companies, I have the honor to state that this office is advised as to the Pacific Mail Steam-ship Company that their directors were elected on the 31st of May, 1888, Mr. George Gould being afterward elected president. The directors chosen at that time were as follows, namely: Jay Gould, Sidney Dillon, Russell Sage, C. P. Huntington, Henry Hart, William Remsen, Edward Lauterbach, Harvey Kennedy, George J. Gould.

As to the United States and Brazil Mail Steam-ship Company, Mr. H. K. Thurber is president of the board of directors, which is composed of Mr. Huntington and others.

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. J. H. BLOUNT,
Chairman Committee Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF FOREIGN MAILS,
Washington, D. C., July 12, 1888.

SIR: In reply to your verbal request to be informed as to whether the Houston line of steamers recently subsidized by the Government of the Argentine Republic had commenced operations or not, I have the honor to inform you that this Department has recently been officially advised that this line of steamers is nearly ready to commence operations, and that it will carry the flag of the Argentine Republic.

The communication on file relative to the matter is dated at Buenos Ayres, on the 3d of May, 1888, and was received on the 8th of June. This line of steamers is subsidized by the Government of the Argentine Republic for the sum of $87,000, and the company is to make thirteen round trips per annum from Buenos Ayres to New York.

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. JAMES H. BLOUNT,
Chairman Committee on Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

Statement showing the lines of foreign steamers plying between the United States and European ports; the weight of the mails conveyed; the total amount paid each line at the rate of 44 cents and 8 cents per pound for letters and papers, and the amount that would have been paid if the vessels had been of American build and register at rate of $1.60 and 8 cents per pound for letters and papers; distance traveled between terminal ports; number of trips; total number of miles traveled outward; the amount American vessels would have received per nautical mile, and the average earnings of foreign steamers for the same service, for the fiscal year ended June 30, 1887.

Name of line.	Route.		Weight of mails—				Total amount paid.	If American vessels they would have received—	Distance between terminal points.	Trips.	Total miles traveled.	Total amount American vessels would have received at $1.60 and 8 cents per pound for letters and papers per nautical mile.	Average earnings of foreign steamers per nautical mile.
	From—	To—	Letters.		Prints.								
			Grams.	*Pounds.*	*Grams.*	*Pounds.*			*Miles.*				
North German Lloyd	New York	Bremen	97,137,866	214,189	368,940,154	813,513	$129,340.76	$407,783.44	3,520	85	299,200	$1.36	$0.43
Cunard	do	Queenstown	51,885,032	114,407	215,688,429	475,593	70,883.09	221,098.64	2,763	51	140,913	1.47	.50
White Star	do	do	26,581,584	58,612	105,176,791	231,915	35,800.78	112,332.40	2,763	47	129,861	.86	.27
Guion	do	do	28,573,636	63,005	116,397,065	256,656	38,805.88	121,340.48	2,763	25	69,075	1.73	.56
Anchor	do	do	5,898,294	13,006	23,807,399	52,495	7,989.26	25,009.20	2,763	54	149,202	.16	.05
Hamburg-American	do	Hamburg	9,311,363	20,532	38,763,573	85,474	12,726.16	39,689.12	3,503	25	87,575	.40	.14
Inman	do	Queenstown	2,470,424	5,447	9,239,339	20,373	3,275.55	10,345.04	2,763	18	49,734	.20	.06
National	do	do	1,823,663	4,021	7,320,676	16,142	2,466.29	7,724.96	2,763	3	8,289	.99	.29
General Trans-Atlantic	do	Havre	8,305,746	18,314	37,216,770	82,063	11,656.46	35,867.44	3,191	52	165,932	.21	.06
							312,894.32	981,198.72		360	1,099,781	7.31	2.36

	Cent.
Average per trip per mile if American steamers	.89
Average per trip per mile for foreign steamers	.28

NICHOLAS M. BELL, *Superintendent Foreign Mails.*

Statement showing the lines of steamers of American register plying between the United States and Central and South America and the West Indies, length of each route, number of trips performed, weight of mails conveyed, rates of compensation, and total amount paid each line, and total amount if paid at $1 per mile, during the fiscal year ended June 30, 1887.

Name of line.	Owners or agents.	Route.		Weight of mail.		Total amount paid at the rate of $1.60 and 8 cents per pound for letters and papers.	Distance between terminal points.	Trips.	Total miles traveled outward.	Total amount if paid at $1 per mile.
		From—	To—	Letters.	Papers.					
				Pounds	*Pounds*		*Miles.*			
Pacific Mail	George Gould, president	San Francisco	Panama	876	5,402	$1,833.00	3,240	40	129,600	$129,600
Do	do	New York	Aspinwall	5,464	82,468	15,340.62	2,000	38	76,000	76,000
Tampa	John J. Philbrick, agent	Key West	Havana	31	48	52.97	90	8	720	720
Lizzie Henderson	Miller & Henderson, agents	Tampa, via Key West.	Nassau	101	837	228.37	540	25	13,500	13,500
Nassau Mail	R. W. Parsons, agent	Jacksonville	Nassau	92	970	224.71	400	11	4,400	4,400
New Orleans and Central American.	Jos. Oteri, jr., agent	New Orleans	Port Limon	55	966	165.65	1,350	7	9,450	9,450
Headley & Co	Headley & Co., agents	do	Aspinwall	11	69	23.39	1,400	2	2,800	2,800
Oteri's Pioneer	S. Oteri, agent	do	Truxillo	57	481	130.40	945	24	22,680	22,680
Royal Mail	Macheca Brothers, agents	do	Puerto Cortez	1,545	17,707	3,887.77	1,085	35	37,275	37,275
Haytien Republic	Hemenway, Goss & Brown	New York	Cape Hayti	64	1,280	295.30	1,315	8	10,520	10,520
United States and Brazil Mail	H. K. Thurber, president	do	Rio de Janeiro	3,752	60,024	10,804.35	5,339	15	80,085	80,085
Morgan	A. C. Hutchinson, president	New Orleans	Havana	95	506	192.81	620	41	25,420	25,420
Blanch Henderson	G. F. Laugh & Co., agents	New York	Hamilton	4	56	10.79	678	1	678	678
Clyde	Wm. P. Clyde & Co., agents	do	San Domingo City	380	4,395	960.08	1,740	17	29,580	29,580
Leaycraft & Co	Leaycraft & Co., agents	do	Puerto Cortez	8	225	30.32	2,550	2	5,100	5,100
Winchester & Co	Winchester & Co., agents	do	Porto Rico	99	620	207.79	1,600	6	9,600	9,600
Lord & Austin	Lord & Austin, agents	do	Cape Hayti	27	452	79.42	1,315	4	5,260	5,260
New York and Cuba Mail	James S. Ward & Co., agents	do	Santiago	66	232	124.88	1,472	15	22,080	22,080
Do	do	do	Nassau	367	3,907	331.48	957	18	17,226	17,226
Red D	Boulton, Bliss & Dallett	do	La Guayra	1,900	18,845	4,547.47	2,067	30	62,010	62,010
Total				14,994	199,500	39,381.57		347	546,758	546,758

NICHOLAS M. BELL, *Superintendent of Foreign Mails.*

Statement showing the number of trips and miles traveled by United States lines of steamers, and individual steamers of United States registry, in conveying mails to the United States during the fiscal year ended June 30, 1885; the amount actually received, or estimated to have been received, and the average compensation per mile.

Lines and destination.	Trips	Miles traveled on inward trips.	Amount actually paid. The amounts given below are either subsidies paid to American lines by foreign governments, or the sea-postages on the inward mails, presuming that their weight was the same as that of the outward mails.		Average amount paid per mile.
Pacific Mail Steam-ship Company, to China and Japan	18	109,620	Amount paid on mails (sea-postages)	$3,506.64	$0.032
Pacific Mail Steam-ship Company, to Hawaii and Australia	13	84,575	Subsidy by Governments of New Zealand and New South Wales.	150,000.00	1.75
Pacific Mail Steam-ship Company, to Colon	38	76,228	Subsidy by Government of Mexico	30,000.00	.49
			Subsidy by Government of Guatemala	24,000.00	
Pacific Mail Steam-ship Company, to Panama	25	81,775	Subsidy by Government of Salvador	24,000.00	
			Subsidy by Government of Costa Rica	(?)	(?)

Statement showing the number of trips and miles traveled by United States lines of steamers, and individual steamers of United States registry, etc.—Continued.

Lines and destination.	Trips	Miles traveled on inward trips.	Amount actually paid. The amounts given below are either subsidies paid to American lines by foreign governments, or the sea-postages on the inward mails, presuming that their weight was the same as that of the outward mails.		Average amount paid per mile.
Oceanic Steam-ship Company, to Hawaii	24	49,896	Subsidy by Government of Hawaii	$32,000.00	$0.65
Occidental and Oriental Line, to China and Japan	12	73,080	Amount paid on mails (sea-postages)	2,243.77	.03
California and Mexican Steam-ship Company, to Mexico	12	18,240	Subsidy by the Government of Mexico	24,000.00	1.31
New York, Havana and Mexican Steam-ship Company, to Cuba and Mexico.	50	58,700	do	100,000.00	1.70
New York and Cuba Mail Line, to Cuba, etc.	71	83,354	Amount paid on mails (sea-postages)	2,698.93	0.32
			Subsidy by the Bahamas Government	(?)	(?)
Clyde Line to Hayti, San Domingo, etc.	17	22,355	Amount paid on mails (sea postages)	593.66	.024
United States and Brazil Mail Line, to Brazil, etc.	13	67,092	Subsidy by Government of Brazil	108,200.00	.61
Red "D" Line, to Venezuela, Curaçoa, etc.	34	104,244	Amount paid on mails (sea postages)	1,392.94	.013
New Orleans and Central American Line, to Nicaragua, etc.	15	20,250	do	24.50	.001
Oteri's Pioneer Line, to British Honduras	37	37,000	do	81.38	.002
Morgan Line, to Cuba, etc.	41	15,250	do	212.48	.014
Tampa Steam-ship Company, to Cuba, etc.	17	2,550	do	53.31	.02
New Orleans, Honduras and Guatemala Line, to Honduras, etc.	5	5,325	do	38.91	.007
Royal Mail Line, to British Honduras	36	38,340	Subsidy by British Honduras government	23,320.60	.60
Mendoza, to Argentine Republic, etc.	1	6,289	Amount paid on mails (sea postages)	76.73	.012
Kate Carroll, to British Honduras	1	1,055	do	1.17	.001
Lizzie Henderson, to Cuba	12	1,800	do	19.62	.011
Christiana, to Cuba	2	300	do	7.76	.026
Dictator, to Cuba	2	300	do	11.26	.037
Aaron Kingsland, to Cuba	3	450	do	5.65	.012
Eliza Miller, to Samoan Islands	1	4,160	do	1,416.42	.022
American Steam-ship Company, to Liverpool	19	61,978	do	3.34	.0007
Total	519	1,024,126	Total	527,868.47	.51

Comparative statement showing number of letters and newspapers sent to Mexico, Central and South America, the West Indies, China, Japan, Hawaii, and Australia; the postage rates and sea and inland postage on the same for the fiscal year ended June 30, 1874, prior to the adoption of the Universal Postal Union, and for the fiscal year ended June 30, 1885.

Countries.	Number of letters sent.	Number of newspapers sent.	Postage rate. Letters, per ½ ounce.	Postage rate. Papers each.	Sea and inland postage.
1874.			Cents.	Cents.	
Brazil, Argentine Republic, Uruguay, and Paraguay	54,786	58,757	*18	2	$9,947.77
Mexico	32,129	44,469	10	2	4,171.28
West Indies	360,379	185,648	10	2	42,191.29
Venezuela	3,926	2,244	10	2	595.55
United States of Colombia and Central and South America, via Panama and Colon	110,785	173,123	10	2	20,521.26
China and Japan	99,241	170,003	10	2	13,289.86
Hawaii and Australia	34,901	72,728	(†)	2	5,052.22
Total	696,147	708,972			95,769.23
1885.				Per 2 ounces.	
Brazil, Argentine Republic, Uruguay, and Paraguay	93,003	352,759	5	1	8,177.74
Mexico	60,504	159,433	5	1	4,619.53
West Indies	442,714	1,119,315	5	1	33,328.75
Venezuela	35,505	119,045	5	1	2,965.70
United States of Colombia and Central and South America, via Panama and Colon	271,058	1,165,099	5	1	25,203.89
China and Japan	174,638	540,737	5	1	14,146.62
Hawaii and Australia	341,863	1,076,456	(‡)	(‡)	49,077.64
Total	1,419,285	4,531,843			137,519.87

* Brazil, 15.
† Hawaii, 6; Australia, 10 and 12.
‡ Australia, 5 and 12.
§ Australia, 2 per rate.

Comparative statement showing the average amount paid per mile during the fiscal year ended June 30, 1885, for the transportation of United States mails by railway, star routes, steam-boat and coastwise service, American steam-ship service to foreign ports; and average amount paid to the eight principal American lines of steamships, and the amount that would have been paid if the American steam-ships had received the sea and inland postage on the mails conveyed.

Service.	Miles traveled.	Total compensation.	Rate per mile.
			Cents.
Railways	151,912,149	$16,627,983.00	10.95
Star routes	83,027,321	5,414,804.00	6.52
Steam-boat and coastwise service	3,540,607	563,002.00	15.9
American steam-ships to foreign ports—outward—sea postage	1,024,126	46,223.69	4.5
If paid sea and inland postage			11.9
American steam-ships, eight principal lines—outward—sea postage	810,329	43,492.43	5.3
If paid sea and inland postage			14.4
American steam-ships, inward	1,024,126	527,868.47	51

Contracts agreeable to the act of March 3, 1847, were also executed between the Postmaster-General and the Ocean Steam Navigation Company (M. Livingston, agent) for the conveyance of the United States mail from New York to Havre, for which the sum $1,050,378.13 was paid, amounting to annual compensation as follows:

1851	$73,550.00	1855	$150,000.00
1852	150,000.00	1856	150,000.00
1853	150,000.00	1857	149,500.00
1854	137,500.00	1858	99,828.19

(Compensation of ocean postages.)

And between the Secretary of the Navy and E. K. Collins and associates &c., the conveyance of the United States mails between New York and Liverpool, for which the sum of $5,212,091.89 was paid, amounting to annual compensation as follows:

1850	$57,750.00	1855	$858,000.00
1851	385,000.00	1856	822,000.00
1852	621,500.00	1857	501,256.89
1853	858,000.00	1858	250,585.00
1854	858,000.00		

Contracts were entered into between the Postmaster-General and C. H. Aspinwall (assignee of Arnold Harris) for the conveyance of the United States mails between San Francisco, Astoria, and Panama, agreeable to the acts of March 3, 1847, and March 3, 1851, for which the sum of $3,467,763.93 was paid, amounting to annual compensation as follows:

1850	$308,173.62	1856	$347,650.00
1851	275,425.90	1857	348,250.00
1852	357,348.41	1858	348,250.00
1853	346,680.00	1859	348,250.00
1854	348,250.00	1860	93,108.50
1855	346,379.50		

Pacific Mail Steamship Company (W. H. Davidge, president).

And between the Secretary of the Navy and George Law and associates (assignees of A. G. Sloo) for the conveyance of the United States mails from New York to Aspinwall, for which the sum of $2,889,519.79 was paid, amounting to annual compensation as follows:

October 1, 1848 to June 30, 1851	$515,425.90	1856	$286,600.00
1852	276,394.18	1857	288,450.00
1853	284,500.00	1858	289,000.00
1854	289,000.00	1859	290,000.00
1855	290,000.00	1860	80,139.71

M. O. Roberts and others (assignees of A. G. Sloo).

ANTI-SUBSIDY RESOLUTION.

JANUARY 28, 1878.

Mr. John H. Baker moved that the rules be suspended, so as to enable him to submit and the House to agree to the following resolution, namely:

"*Resolved*, That in the judgment of the House no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted or renewed by Congress to associations or corporations engaged in or proposing to engage in public or private enterprises; but that all appropriations ought to be limited to such amounts and purposes only as shall be imperatively demanded by the public service of the Government."

Which was agreed to—yeas 126, nays 85.

YEAS.—Messrs. ALDRICH, BACON, G. A. Bagley, J. H. Baker, W. H. Baker, Ballou, Banning, BAYNE, Beebe, H. P. Bell, Benedict, Bicknell, BLACKBURN, BLOUNT, Boone, Bouck, Boyd, Bragg, Brentano, BREWER, Briggs, Bright, T. M. BROWNE, Buckner, H. C. Burchard, Burdick, Cabell, J. W. Caldwell, W. P. Caldwell, Calkins, J. M. Campbell, CANDLER, CANNON, CARLISLE, Chittenden, A. A. Clark, J. B. Clarke, J. B. Clark, jr., E. Clark, Clymer, Cobb, Collins, Conger, Covert, J. D. Cox, S. S. Cox, Crapo, Crittenden, Cummings, Cutler, H. Davis, Deering, Dickey, Durham, Dwight, Eames, Eickhoff, Ewing, Felton, W. A. Field, E. B. Finley, FORNEY, Fort, Foster, Franklin, Freeman, Fuller, Gardner, Garfield, Gause, Glover, Hale, Hanna, Hardenbergh, H. R. Harris, Harrison, Hart, Hartridge, Hartzell, Haskell, Hatcher, P. C. Hayes, Hazelton, Hendee, Henderson, Henry, A. S. Hewitt, G. W. Hewitt, Herbert, HUNTER, H. L. Humphrey, Hungerford, James, F. Jones, J. S. Jones, Jorgensen, Joyce, Keifer, Keightley, J. H. KETCHAM, Knapp, Knott, Lapham, Lathrop, Ligon, Lindsey, Lockwood, Loring, Luttrell, Lynde, MAISH, Marsh, Mayham, Me-

Govern, McCook, McKenzie, McKINLEY, McMahon, Mitchell, Monroe, Morgan, Morrison, Muller, H. S. Neal, Norcross, Oliver, Overton, T. M. Patterson, Phelps, W. A. Phillips, C. N. Potter, Powers, Price, Pridemore, Quinn, Randolph, REED, J. B. Reilly, A. V. Rice, Roberts, M. S. Robinson, Sapp, Sayler, Scales, Shallenberger, Shelley, Smalls, A. H. Smith, W. E. Smith, Sparks, SPRINGER, Starin, Stenger, J. W. Stone, J. C. STONE, Swann, Tipton, A. Townshend, M. I. Townshend, R. W. TOWNSHEND, TURNER, Turney, Van Vorhes, Veeder, Wait, Walsh, WARNER, Watson, Welch, M. D. White, C. G. Williams, F. Williams, B. A. Willis, Willits, F. Wood, Wright—176.

NAYS—Messrs. Aiken, Atkins, Bisbee, Bridges, Brogden, Bundy, Cain, CASWELL, Chalmers, Claflin, Cravens, CULBERSON, Darrall, DAVIDSON, J. J. Davis, Denison, Dibrell, Dunnell, Elam, Ellis, Ellsworth, Errett, I. N. Evans, J. L. Evans, J. H. Evins, FRYE, Garth, Giddings, Goode, Gunter, HARMER, B. W. Harris, HOOKER, House, Hubbell, Hunton, Ittner, J. T. Jones, KELLEY, KENNA, Kilbinger, G. M. Landers, Leonard, Mackey, Manning, Martin, L. S. Metcalf, MILLS, Money, Morse, Muldrow, O'NEILL, G. W. Patterson, Peddie, PUGH, Rainey, REAGAN, W. W. Rice, Riddle, W. M. Robbins, Robertson, G. D. Robinson, Schleicher, Sexton, Singleton, Sinnickson, Slemons, STEELE, Stephens, STEWART, Strait, J. M. Thompson, Thornburgh, Throckmorton, Tucker, R. B. Vance, Waddell, A. S. Williams, A. Williams, J. N. Williams, R. Williams, A. S. Willis, B. Wilson, Yates, Young—85.

Mr. DINGLEY. Mr. Speaker, I had hoped that the gentleman from Georgia [Mr. BLOUNT] would meet the question raised by the amendment offered by the gentleman from Pennsylvania [Mr. BINGHAM] to the postal appropriation bill on its merits, and not by the ingenious, diverting cry of "subsidy" and "bounty," or by animadversions against the Senate proposition for which it is proposed to substitute one entirely different.

Whatever views gentlemen may entertain of the wisdom or unwisdom of the "subsidy" policy by which Great Britain has circled the globe with her steam-ship lines, or whatever objections might be raised to the Senate proposition, or whatever animadversions may be made against large appropriations to one company in the past, they ought not to affect the House in the decision of the simple question presented by the amendment, which involves only fair and reasonable mail pay—not "subsidies"—for American steam-ships; pay sufficient to justly compensate the American steam-ships which ply to the countries of this continent south of the United States, and of the East, and enable them to be maintained; and pay sufficient to make it possible for the establishment of other American lines to run to those countries of South America with which we desire to establish closer postal and commercial communications.

Under the law as it exists to-day the Postmaster-General is authorized to pay to American steam-ships for the transportation of our mails to South and Central America, the West Indies, and the East an amount equivalent only to the sea and inland postage without regard to the distance they are carried. When this basis of compensation was fixed in 1858 the sea and inland postage was on the average four times what it is to-day.

Under the law as it would be if the amendment to the Senate paragraph proposed by the gentleman from Pennsylvania, which I heartily approve, should become a law, the Postmaster-General is authorized to contract to pay American steam-ships, not only existing lines, but also such new lines as the Postmaster-General may desire to have established, carrying our mails to South and Central America and the West Indies, and China and Japan and Australasia, in addition to the present compensation, a sum not exceeding three times the sea and inland postage. Such steam-ships to conform their sailings and their trips to schedules furnished by the Post-Office Department.

It will be seen, therefore, that the amendment proposed by the gentleman from Pennsylvania gives substantially the same basis of payment as was provided by the act of 1858, for the reason that the rate of sea and inland postage is on the average scarcely more than one-fourth what it was at that time.

The Postmaster-General, in a letter to the chairman of the Postal Committee [Mr. BLOUNT], published in the RECORD, has indicated various objections to the proposition to improve our South and Central American mail service as inserted in the pending bill by the Senate; but the amendment presented by the gentleman from Pennsylvania obviates these objections, and conforms to a plan for improving this service and increasing the compensation recommended by Superintendent Bell of the foreign mail service, and printed in the last report (page 1011) of the Postmaster-General, and according to a statement made in the Senate having the approval of the present Postmaster-General. Indeed, I am disappointed to find my friend from Georgia [Mr. BLOUNT] opposing the amendment, because it is a copy of a proposition introduced into the House early in the session by that distinguished gentleman. I am not without hope, however, that before this debate closes he will be found supporting a measure so obviously just and necessary.

The gentleman from Georgia has quoted from the Postmaster-General's communication a single sentence, in which it is claimed that the distinguished head of the Post-Office Department represents our South and Central American postal service as ample and satisfactory without further legislation or increased compensation. It is obvious from the report of the Superintendent of Foreign Mails, to which I have already referred, that the Postmaster-General could not have intended to be thus understood. The Superintendent of Foreign Mails, who has immediate knowledge of the situation, says:

> The Central and South American service is as good as can be obtained under the present system of dispatching mails by vessels "when loaded." Frequently vessels tendered to the Department to convey these mails on a certain day sail several days before or after the time appointed, to the annoyance and inconvenience of correspondents. I have to suggest, as one means of correcting this evil, that if the Postmaster-General were authorized by law to allow an additional compensation, over and above that now allowed to vessels engaged in this service (upon the basis of the weights of the mails conveyed), a system of premiums and penalties might be mutually agreed upon by this Department and steam-ship companies, which would make it to the advantage of the steam-ship companies to adhere closely to their scheduled sailing dates, whereby the efficiency of the service would be materially increased and the commercial interests of the country benefited.

The late Postmaster-General recognized the necessity of improving our mail connection with South America by a line of steam-ships running from New York to the ports of the Argentine Republic, with which we now have no regular direct communication, for in his last report he called attention to an offer of that Republic to give $100,000 per annum to establish direct steam-ship communication with the United States, and recommended action by Congress looking to co-operation on our part. The gentleman from Georgia states that the Argentine Republic has concluded an arrangement for a British line to New York. We have now only a monthly service to Brazil, a semi-monthly service to Venezuela, and only irregular service by foreign vessels to any other country of South America. Altogether our postal and commercial communications with South America are insufficient and unsatisfactory.

It may be true, as the gentleman from Georgia says, that our existing laws and appropriations might prove entirely adequate to afford whatever foreign mail service we desire if we are to act on the policy that it is of no consequence to the American people whether the steam-ships which carry our mails and transport our exports and imports are foreign vessels that may be turned against us in case of war or American vessels bearing our country's flag, proclaiming our country's power and prestige, advertising our country's products, and ready to respond to our country's call for aid in the defense of her honor and independence.

For the transportation of our trans-Atlantic mails we paid last year $160,333 to six British steam-ship lines, $142,075 to two German lines, and $11,606 to the French line, but nothing to an American line, for the reason that the view which regards it of no consequence whether our mails and our commerce are carried by foreign or by American vessels controlled our policy, while all the foreign nations have acted on the theory that power and prestige and trade follow the flag that floats at the peak of the ship.

Even for the transportation of our mails to the countries of South and Central America and the West Indies we paid last year to American steam-ships only $39,371, divided as follows: To the Pacific Mail Steam-ship Company, for the service between New York and Colon during the fiscal year 1887—the fiscal year which terminated one year ago this month—we paid $15,340.62. We paid the same steam-ship company, for service between San Francisco and Panama, $1,833. We paid to the New York, Havana and Mexican Steam-ship Company, for service between New York and Vera Cruz, $399.03. We paid the steam-ship company that carries the mail between Key West and Nassau—the name of the owners not given—$228.37. We paid to what is known as the "Red D Line," between New York and Laguayra, $4,457.47. We paid the New Orleans and Central American Steam-ship Company, for service between New Orleans and Port Limon, $195.12. We paid Hoadley & Co.'s steamers, for service between New York and Colon, $23.39. We paid Oteri's line, between New Orleans and Truxillo, $199.55; to the Royal Mail Steam-ship Company, between New Orleans and Belize, $3,887.77; to the steam-ships connecting us with the Haytian Republic, between New York and Cape Hayti, $205.30; to the United States and Brazil Steam-ship Company, for service between New York and Rio de Janeiro, $10,804.35; to the Morgan Line, for service between New Orleans and Vera Cruz, $67.50; to the same line, for service between New Orleans and Havana, $192.81; to steamers plying between New York and Bermuda, $10.79; to the Clyde Line, between New York and San Domingo, $960.08; to Leaycraft & Co.'s steamers, between New York and Cape Hayti, $30.32; to the steamer Alert, for service between New York and Cape Hayti, $79.42; to the New York and Cuba Mail Steam-ship Company, between New York and Santiago, $124.88, and to the same line, between New York and Nassau, $331.48.

To the American line running from New York to the ports of Brazil, it will be observed, we paid the munificent compensation of $10,804, or $750 per round trip of 10,500 miles; and the line is barely maintained by the $80,000 which it receives for transporting the Brazilian mails to the United States and its receipts for freight and passenger traffic. I do not wonder that the owners of the only American steam-ship line running from the ports of the United States to any country of South America south of Venezuela are becoming discouraged in view of the increasing competition to which they are subjected by foreign steamers, and what my lively friend from Massachusetts [Mr. RUSSELL] characterized as "the salutary neglect of the Government." The "neglect" is apparent; and I have no doubt that when this solitary American steam-ship line, floating the Stars and Stripes in South American ports south of Venezuela, shall have been driven from the ocean, there will be gentlemen to point to the fact that a British line has taken its place and is carrying our mail for a less sum per trip than is now paid our Brazilian

line as proof of the "salutary" character of our policy toward American steam-ships.

Mr. HENDERSON, of Iowa. I should like to ask the gentleman a question, if it will not disturb him.

Mr. DINGLEY. Not at all.

Mr. HENDERSON, of Iowa. I ask for information. I understand the position taken is that these appropriations are not intended as subsidies?

Mr. DINGLEY. Precisely; they are simply fair mail compensation.

Mr. HENDERSON, of Iowa. No light has been given us as to how these lines are progressing; as to what dividends they are paying. I want to ask if these payments are essential to the life of the lines?

Mr. DINGLEY. Undoubtedly. It is undoubtedly true that unless something shall be done to increase the mail compensation of the American steam-ship lines that are now running from this country to South and to Central America, and to the East, before five years there will not be a single American steam-ship line left.

Mr. STEWART, of Vermont. Is there a steam-ship line now established running to the Argentine Republic?

Mr. DINGLEY. Not any, although the gentleman from Georgia has said the Argentine Republic has made arrangements with a British company to put on a line.

Mr. HENDERSON, of Iowa. My point is this: It seems to me to be conceded that we are paying more for carrying mails than the rate for carrying freight and express packages.

If the lines, although paid at a more liberal rate than for this other class of service, can not be kept up and maintained on business principles, then are we not confronted with the proposition that we have to subsidize or give bounty in order to keep the lines alive? I want that matter put upon its true basis.

Mr. DINGLEY. That depends entirely upon what you may call a subsidy or bounty. Allow me to say that there are three elements in the revenue of every steam-ship line which maintains itself: first, the compensation received for the transportation of freight; second, the compensation received for the transportation of passengers; and third, the compensation received for the transportation of mails. Now, the American lines of American steam-ships running to South and Central America can not be maintained with simply the receipts for the transportation of passengers and the transportation of freight.

The routes are long, and at present the revenue from these sources is inadequate to maintain these lines. The American-Brazilian line, for example, has been struggling along with its revenues from passengers and freight and $80,000 a year from Brazil for the transportation of her mails, and scarcely paying its bills, not paying last year a single cent of profit to the owners. Unquestionably if the Government of the United States can not afford to pay something more for the transportation of her mails the American-Brazilian line must be withdrawn before long, and a British line would ultimately take its place. That is the situation which confronts us in this matter. In determining what is fair mail pay we must take into consideration what are the receipts of the vessels for the transportation of passengers and freight, and must supplement that with a sufficient amount, reasonable in itself, not going beyond the amount that is provided in this bill, namely, four times the sea and inland postage, which would give the Brazilian line only $55,000. That is all that is provided for by the amendment of the gentleman from Pennsylvania [Mr. BINGHAM]. Even though the Postmaster-General should give the Brazilian line the utmost sum provided by this bill, it would be only $55,000 instead of $10,800 at present.

Now, I am sure gentlemen will see that $55,000, the extent to which the Postmaster-General can pay under this provision, is low mail transportation and lower than we are paying coastwise steamers for their service.

Mr. BLOUNT. Will the gentleman please tell us where he gets his financial information as to the condition of the Brazil line?

Mr. DINGLEY. I have to take it from the statements that the owners of the line have put forth. Of course I do not know anything about it personally, but I think the gentleman will find the statement correct.

Mr. HENDERSON, of Iowa. Have you any information as to the dividends of the Pacific Mail Line or the Brazil Line?

Mr. DINGLEY. I have noticed in the papers that the Pacific Mail paid 5 per cent. last year, but I understand from other statements which I have seen that they have not been able to make any dividend this year.

Mr. BINGHAM. The stock is quoted in the market at 34, the par being 100, and it pays no dividend.

Mr. DINGLEY. Now, Mr. Speaker, I should be pleased to be interrupted to any reasonable extent, but gentlemen will bear in mind that there are other members who desire to speak, and I must not trench upon their time.

I have no doubt that British steam-ship lines would cheerfully enter into a contract to carry our South American and China and Australian mails without compensation if we would withdraw our steam ships running to those countries. Indeed, within the past year the Governments of Canada and Great Britain, notwithstanding our Pacific line furnished them ample mail facilities, have voted a subsidy of $300,000 per annum to establish and maintain a British steam-ship line running from British Columbia to China and Japan and touching at San Francisco, with the almost openly avowed purpose of driving off the American line from San Francisco, crippling our growing trade with the East, and strengthening the naval and military power of Canada as a check on the United States. I think there is no doubt that Great Britain and Canada would be glad to carry our China and Japan mails gratuitously, on the condition that the American line be withdrawn. Why not, if it makes no difference whether our mails and commerce are carried by foreign or American vessels?

It may be said—it has been said—that we now give American steamships three and a half times as much for carrying letters, and nearly twice as much for carrying papers outside of our trans-Atlantic mails, as we give foreign steamers, and that this is ample. It is true that we do give American steam-ships about 5c ents each for transporting letters without regard to distance, and foreign steam-ships about 1½ cents. But this difference of compensation, computed on the basis of letters and papers carried, amounts to very little on the lines outside of the great trans-Atlantic routes where the mails are large. Indeed, it works to the advantage of the foreign lines which control the latter routes. On this basis last year the British Cunard line received 65 cents per mile one way for transporting our mails, while the American-Brazilian line received but 14 cents. On the steam-ship routes of this continent and on the Pacific the mails are comparatively small, the distance to be steamed great, and the compensation even at 5 cents per letter almost nothing. What consolation is it to the American steam-ship line running from New York to Brazil, a distance of 5,500 miles, to be told that the $10,804 per annum, or the $750 per trip, which they receive for carrying the United States mail is made up at the rate of sea and inland postage, or 5 cents per letter, while a British line would receive only sea postage, or 1½ cents per letter, or less than $3,000 per annum?

Mr. Speaker, it is simply shameful—and I measure my words when I say it—it is shameful that this great Government of sixty-two millions of people, rich, powerful, and rightfully seeking to strengthen its prestige on the ocean as well as on the land, should maintain a basis of compensation to American steamships for carrying our mails which works out such results as I have referred to. It ought to be evident to every candid mind that the basis of sea and inland postage on letters carried, without regard to distance, as a measure of compensation is wrong, and is doing American steamers a grave injustice; for it costs a vessel but little more to carry two hundred sacks of mail matter than it does ten sacks. We do not compensate our internal mail transportation on the sole basis of weight of mail. We do not compensate even the steamers carrying our river and coast mails solely on the basis of number of letters or weight of mail, but on the length of the route also. Why should not we deal on the same terms with our citizens who are endeavoring to maintain American prestige on the ocean in the face of open and overwhelming foreign competition, and provide for increased compensation for transportation of our foreign mails by American steamships where the routes are long and the mail light?

The Post-Office Department, in the last year that the report of the Postmaster-General gave the compensation, paid the American coastwise steamers which convey our mails between Port Townsend and Tacoma $29,700. The distance traveled one way was a little over 28,000 miles per annum, or $1 per mile. Nobody ever complained that this was unjust "subsidy."

Yet when the New York and Brazilian line asks to have the miserable pittance of 14 cents per mile which it receives increased to 56 cents per mile one way, or $55,000 per annum, all that would be allowed by the amendment offered by the gentleman from Pennsylvania, the modest request is met with the cry of "subsidy."

The Post-Office Department paid a few years ago, and I presume it is doing the same now, and doing it properly, $18,000 to the small steamers running between Baltimore and Norfolk for carrying the mail, but really more for commercial purposes, as there is a better mail service by rail.

I ask gentlemen also to note the fact that the Post-Office Department, by special enactment, has been able to give the Tampa and Havana steam-ship line $54,000 per annum for transporting our mails semi-weekly or tri-weekly a distance of 366 miles, and no one objects or regards it as "subsidy." Why should similar compensation to our Brazilian line for transporting our mails 5,500 miles be denounced as "subsidy?" Will the gentleman from Georgia inform the House?

Mr. Speaker, I appeal to the House, not to give "subsidies," as the European governments do, to establish and maintain steam-ship lines connecting with all parts of the world, but such fair compensation as will secure the establishment and maintenance of American steam-ship lines to the leading countries of Central and South America. Fair compensation is not "subsidy" in the sense in which that word is being used in this House to deter gentlemen from dealing justly with American steam-ships. We have to-day no regular direct steam communication with the Argentine Republic, notwithstanding that growing Republic has had a standing offer to pay $100,000 per annum to maintain such a line, although it is reported that that Republic will withdraw the tender because there is no disposition on the part of the

United States to aid in the establishment of so desirable a means of increasing the intercourse and trade between the two republics. In the face of such opportunities, shall we longer continue the policy of neglect? With the non-manufacturing Empire of Brazil and fifteen republics, consisting of over 40,000,000 people, at our doors, sympathizing deeply with this country, and having a foreign trade of $700,000,000 annually, shall we continue to shout "subsidy" and frighten ourselves from doing what a wise statesmanship demands should be done to increase our means of postal and commercial intercourse with South and Central America?

On the basis contemplated by the amendment offered by the gentleman from Pennsylvania, the Postmaster-General would be authorized, if he thought proper, to increase the compensation of the twenty-one American lines, which last year received the miserable pittance of only $44,474 for transporting our mails to South and Central America and the West Indies, to not exceeding four times that sum, or $165,897, on the basis of last year's mail matter, or, with the probable increase of mail matter, about $200,000, on the condition that the service shall be improved. This would enable the Postmaster-General to give the Brazilian line not exceeding $53,000, the Pacific Mail Steam-ship Company about $92,000 over their line from New York to Colon, the New Orleans and Belize line about $18,000, the Venezuela line about $21,000, and the other lines smaller sums, all according to the discretion of the Postmaster-General.

If the Australian and China and Japan lines are included, to which we paid last year $38,465 (including $20,000 paid to the Oceanic Line), probably about $100,000 more would be required, leaving a balance of $150,000 to be used in establishing a new line to the Argentine Republic and increasing the frequency of the service to other points.

"Subsidies" are not proposed by the pending amendment, yet it may be of interest to look for a moment at what Europe is doing. No nation of Europe has ever originally established steam-ship lines to connect with foreign countries without liberal mail-pay from the Government. It has been frequently asserted that Great Britain has not done this. The official records, however, prove that England was the pioneer of this policy on the most liberal scale, and that France, Germany, Italy, and Spain have imitated her example. To settle this point beyond question, however, two years ago I addressed a note of inquiry to the late Capt. Bedford Pim, recognized everywhere as an English authority on all matters relating to the British marine, and I received from him a prompt reply on this point, in which he said:

> It has been the policy of the British Government to establish or rather encourage the establishment of British steam-ship lines by the annual payment of a postal subsidy, and this with the most gratifying results as regards the expansion of British commerce. I know of no instance of a British postal line of steamers originally established without a subsidy for carrying the mails.

Now that Great Britain has obtained possession of most of the important lines of steam-ship communication with foreign countries, she has no need of dispensing her largesses with so liberal a hand as formerly—largesses amounting to $250,000,000 in the last forty-five years; but the mail compensation she still gives so many of her steam-ship lines shows that she continues to jealously guard this important agency in the development of her foreign trade.

Only last year she joined Canada in giving a subsidy of $300,000 per annum to establish a steam-ship line between British Columbia and China and Japan. And it is a mistake to suppose that Great Britain has confined this policy to steam-ship lines connecting her ports with her colonies, for this has not been the case, as Captain Pim's statement authoritatively shows. Indeed, the first British steam-ship line connecting the ports of Great Britain with Brazil was established by the aid not only of postal subsidies but also of a Government guaranty of 8 per cent. profit to the company undertaking the enterprise.

From the annual report of the British postmaster-general I take the following statement of the amounts paid by Great Britain to steam-ship lines, almost entirely British, for foreign mail service, and the amounts paid each line by the Government in excess of the receipts for postage:

Steam-ship lines.	Payments.	Excess of payments over postal receipts.
Australia	(*)	
Brazil	$60,825	
Cape of Good Hope	(†)	
Alexandria and Cyprus	39,255	$38,500
East Indies and China	1,793,000	1,023,000
East coast of Africa	31,120	29,000
West coast of Africa	41,990	10,000
Dover and Ostend	80,585	
Malta and Messina	7,500	
United States	462,615	250,000
Bermuda and Jamaica	87,500	82,500
Panama and Valparaiso	13,285	
West Indies and Mexico	420,115	263,000
Total	3,039,830	1,707,000

*Paid to Australia. †Paid by colony.

In addition the British Government is paying a subsidy to a new line running from British Columbia to China and Japan.

Previous to 1875 the British Government paid annually from $4,000,000 to $5,000,000 to steam-ships for ocean mail service, an amount from two to three millions in excess of her revenue from foreign postage. Nearly all of this sum was paid British steam-ship lines. France pays her mail steam-ships over four and a half millions annually, Italy nearly two millions, Austria one million, Spain one million, Germany $950,000, and even little Holland over $300,000.

Mr. Speaker, while I am gratified to learn from the statement made in the Senate that the distinguished Postmaster-General approves the amendment submitted by the gentleman from Pennsylvania looking to the maintenance of American steam-ship lines and better postal service between our ports and the ports of the countries south of us, yet I regret that in his published letter in which he discusses the Senate proposition he should have gone out of his way to connect this important subject of better postal and commercial communication with South and Central America with the tariff dispute in such a way as to lead many gentlemen who do not stop to carefully inquire into the subject to infer that it is one phase of the great issue which divides parties, when in fact it is a purely patriotic and business question which should equally interest all good citizens.

Says the Postmaster-General:

> Of course England may subsidize lines of ships to open up new markets for her surplus, because she freely exchanges commodities with such markets, and her policy is after establishing the commerce to steadily decrease the subsidy. If the policy of giving bounties to promote commercial relations with other countries be ever adopted again after the failures in our history, it would seem that its adoption should be deferred until closer commercial relations with those countries can be maintained, and are not antagonized by an opposing system of laws. Commerce in the very essence of its meaning is exchange. It is not to sell and never to buy. The individual or nation does not exist that will buy all one has to sell for cash with no reciprocal return in profitable exchange. Cargoes out and cargoes back are needed for the creation of a merchant marine. The cargo out will not be bought unless we buy in exchange, and it will be bought if we are willing to trade.

Inasmuch as the gentleman from Georgia has repeated this statement silence might be construed as an approval of the economic views so confidently affirmed by the distinguished Postmaster-General and the gentleman from Georgia. I shall be pardoned for briefly digressing from the subject before us to point out what seems to me to be substantial grounds for regarding them as theories which have been disproved by commercial facts.

I am surprised, Mr. Speaker, that the Postmaster-General should affirm, as if it were a settled commercial fact, that one nation will buy of another only as it can sell to that other nation, in the face of his own statistics of our trade with South America, which shows exactly the contrary.

The tables submitted by the Postmaster-General show that last year we bought of Brazil products of the value of $52,955,591, and yet that we sold to Brazil products of the United States only to the value of $8,137,794; that we bought of Central America products of the value of $7,706,978, and sold only $3,006,714.

What becomes of the "barter" theory of the Postmaster-General in the face of the actual facts of our foreign trade, which show that nations buy where they find the prices and the means of communication most advantageous without regard to whether they can make an exchange of products? As a matter of fact the United States is the largest buyer of South and Central America and West India products. We are endeavoring to improve our means of communication so as to sell them more. The trouble with our trade with South America is not, as the Postmaster-General supposes, that we do not buy of them, but that they do not buy of us as much as they would if there were better communication.

The suggestion of the Postmaster-General that our exports to South American countries are restricted by the fact that we impose duties on their products finds a sufficient answer in his own tables, which show that, notwithstanding we impose no duty on the chief product of Brazil, to wit, coffee, yet we exported to that empire last year articles to the value of only $8,137,794, in the face of the fact that we imported from Brazil products to the value of $47,076,473, on which we imposed no duty, $36,401,864 being coffee; while Great Britain, which imposes a heavy duty on coffee, exported to Brazil articles to the value of $33,460,531.

Neither is there any basis for the Postmaster-General's assumption that the revenue-tariff policy before the war promoted our foreign trade, and the protective policy since the war destroyed it, which, I presume, is what he means when he says that we must defer steps to promote commercial relations with South America until we have got rid of "an opposing system of laws."

If the distinguished gentleman had consulted the official statistics he would have found that our foreign commerce has been much larger per inhabitant since the war, under protection, than before the war, under a revenue tariff. In the revenue-tariff period, between 1846 and 1861, our annual imports averaged $10.73 per inhabitant, and our exports, $9.94 per inhabitant; annual foreign commerce, $20.67 per inhabitant. But in the protective tariff decade, between 1871 and 1881, our annual imports averaged $13.50 per capita and our exports $14.93; annual foreign trade, $28.43 per inhabitant.

It will be observed that our foreign commerce was 40 per cent. larger per capita under protection than under a tariff for revenue only. Could there be a more complete refutation of the assumption that a protective tariff destroys foreign trade? Indeed, our foreign commerce since the war has increased much more rapidly than that of Great Britain, whose policy is supposed to be peculiarly favorable to foreign trade. Even including the war period, when our foreign trade was so seriously crippled, the official statistics show that the foreign commerce of the United States increased 95 per cent. between 1860 and 1885, while the foreign commerce of Great Britain increased only 83 per cent., and that of France only 80 per cent.

Even our trade with the countries of South America, which the Postmaster-General cites as an illustration of his point, has increased beyond the growth of our population, notwithstanding we have not taken measures to provide regular and rapid steam communication with them, as Great Britain, France, and Germany have done.

It is conceded that our imports from nearly every country of South America have increased largely. But our exports have also greatly expanded.

In 1860 we exported to the Argentine Republic under a revenue tariff articles to the value of $1,003,500; in 1887, articles to the value of $6,364,545.

In 1860 we exported to the United States of Colombia articles to the value only of $1,642,800; in 1887, articles to the value of $6,364,545.

In 1860 we exported to Venezuela articles to the value of $1,056,250; in 1887, articles to the value of $5,504,215.

To South and Central America, which trade it has been asserted we largely held under revenue tariffs, our exports in 1860 were only $17,500,000, but in 1883, $42,500,000.

Even our exports to the West India Islands have increased from $23,000,000 in 1860 to $32,250,000 in 1883.

In 1860 our exports to Russia were $2,750,000; in 1883 they were $19,000,000. In 1860 our exports to Germany were $14,750,000; in 1883, $64,250,000. In 1860 our exports to Belgium were $2,750,000; in 1883, $26,750,000. In 1860 our exports to Great Britain were $196,250,000; in 1883, $420,500,000.

Turning to the East, in 1860 our exports to Japan were $90,000; in 1883, $3,250,000. In 1860 our exports to Australia were $4,000,000; in 1883, $9,500,000.

These statistical illustrations, which I might multiply, simply show that our foreign trade with nearly every country in the world has grown under protection as never before, and therefore that the assumption of the Postmaster-General that it is no use to improve our means of communication with the countries of South America to increase our trade until we go back to a revenue tariff, has no foundation in the statistics of commerce.

I am aware, Mr. Speaker, that the opponents of protection represent it as a Chinese wall designed to bar out foreign trade, when the fact is that its office is simply to bar out only such imported articles as we can ourselves produce or manufacture to the extent of our wants, thus so increasing the general prosperity and ability to purchase and so enlarging our productive capacity, that, taken together, we buy for our own consumption more that we do not produce and sell for the consumption of others and consume ourselves more that we do produce than any other nation on the face of the earth.

Although the foreign commerce of Great Britain appears in the statistics to be larger per capita than ours, yet this is due to the fact that she imports all the materials of her manufactures and much of the food consumed by her people in carrying on her industries, while we produce nearly all the materials, and, with the exception of sugar and rice, all the food we consume. The materials and food of Great Britain appear in her exports and imports, much of it twice; ours not at all except so far as they are exported. According to Mulhall the value of the total products of Great Britain consumed at home and exported in 1880 was $172 per inhabitant, while in the same year, according to Nimmo, the value of the products of the United States was $200 per inhabitant.

Mr. Speaker, I will not dwell longer on the question as to what tariff policy fosters our foreign and internal trade and promotes general prosperity, for that has no proper connection with the issue before us, and would not have been alluded to by me if the Postmaster-General had not imported it into this discussion. It is sufficient that our productive capacity is almost unlimited, and that the non-manufacturing countries of South and Central America and the West Indies offer us valuable markets almost at our doors, of which we can not make the most until we secure regular and direct steam communication with them for postal and commercial purposes. Nothing is better settled than that foreign trade follows the flag, and that the preservation of commercial independence demands that our own ships should be the bearers of our mails and our products. No part of our country is more interested in maintaining American lines of communication with foreign countries than the great West, for in case of war between Great Britain and another foreign power our means of transportation would be cut off.

Again, in no other way can we provide so economically for the national defense as by encouraging the establishment and maintenance of American steam-ship lines for postal and commercial uses, composed of stout ships which we can summon to our aid in time of need. The immense fleet of merchant steam-ships which England has created by her policy of postal subsidies and governmental aid, and upon which she calls when hostilities are threatened, make her the monarch of the seas.

Speaking of this subject in a letter addressed last January to the American Shipping League by one of our distinguished naval commanders, enforcing the importance of maintaining our own lines of steam-ships and our own vessels to carry our mails and our products, Admiral Porter said:

> I could produce numerous statistics to show how much has been done by foreign powers to promote the steam-ship lines which now traverse every part of the ocean. Their main object was to foster their mercantile marine and add to the strength of their navies in time of war. The United States have done literally nothing in this direction, but have forced their mercantile marine into a position whence it can only escape ruin through the strong help of the Government.
>
> The restoration of our mercantile marine is inseparable from the rehabilitation of our Navy. The two undertakings must go hand in hand if we wish either to succeed, and I hope the time is not far distant when the same noble spirit of nationality and patriotism which underlies the favorable sentiment in Congress toward the Navy will find expression in decided action upon this most important of all national issues.

Expenditures for the maintenance of a merchant marine for postal and commercial purposes are not bounties to any industries, but in the same line with expenditures to create a Navy and provide for the public defense and to facilitate communication for naval and commercial purposes.

We can not hope, neither would it be wise, to build a navy on the scale of that maintained by Great Britain. A moderate fleet of naval vessels of the best type, and a large fleet of swift merchant steam-ships are the best naval defense that the United States can have in time of war. Let us realize before it is too late that the seat of empire is on the rocking waves as well as the solid land.

Mr. DINGLEY. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has thirteen minutes.

Mr. DINGLEY. I yield it to the gentleman from Kansas [Mr. PETERS.]

Mr. PETERS. I reserve that time until I can take the floor in my own right.

Mr. HOLMAN. Mr. Speaker, the gentleman from Maine [Mr. DINGLEY] is usually very fortunate in his references to the policy of other governments in comparison with our own, but I think he has been especially unfortunate to-day in his appeal to the experience of Great Britain in regard to this matter of subsidies. I think it is very obvious that no parellel can be drawn between Great Britain and this country in this matter of subsidies, and no reason can be urged founded on the experience of that government in favor of our adopting her policy. Great Britain, as has been often remarked on this floor, has vast outlying possessions, with oceans intervening between those possessions and the mother country; her ocean mail system is the same to her as our internal postal system is to us.

You can not speak of the transportation of the mails being a matter of subsidy in the United States, no matter what sum may be paid beyond the actual cost of the work. Whether it was a wise policy or not, at the very beginning of our history a postal system was deemed of so great importance and the diffusion of intelligence among our people so greatly to be desired, that the mail service was placed directly under the control of the Government by the Federal Constitution.

In this country the mails are to be carried in any event on the best terms that the Government can obtain. The diffusion of intelligence among our people and correspondence between them must be secured and maintained whatever may be the cost. To Great Britain, with her vast outlying possessions scattered through all the oceans, her ocean mail service like our inland system must be carried on, and she subsidizes ocean steamers for the purpose of securing regular and speedy communication between those various portions of her extended empire. This is natural enough and proper enough under that imperial system. In the case of Great Britain the excessive sums paid to steam-ships plying between her own ports is no more a subsidy than the large payments she may make for transporting mails by inland routes. Happily we have no such outlying possessions except Alaska, which is not greatly in need of postal facilities.

But again, sir, the gentleman's appeal and reference to Great Britain as a parallel to us and an example for us, does not sound well to the American ear. The gentleman from Maine [Mr. DINGLEY] does not often make that kind of an appeal. The British system rests on subsidies. It has rested on subsidies for centuries. Subsidy is the foundation of monarchies and has been through all the ages. It is a discrimination in favor of one class, or of certain classes of the people, as against other classes, the building up of the fortunes of the few at the expense of the nation, and has in all ages resulted in the impoverishment of the many. Subsidy has always been the policy of monarchies, and always will be while monarchies exist. Such a policy gives strength to monarchical institutions, while it is fatal to the institutions of a republic, for it uniformly destroys, like monopoly, the equality of the people. I think, therefore, that on both grounds the gentleman's reference to the policy of the British Government was not a happy one.

Our people are not likely to follow the example. I think the gentleman himself would not approve it upon reflection. We can not desire for our country the results that have been produced by subsidies during the progress of ages in Great Britain and other European monarchies. Our policy is to place all classes of the people on a common basis, to open up equally to all men the opportunities for advancement, and not to single out particular classes and advance their fortunes at the expense of the many; for this is what subsidy has always done and will always do, no matter how plausible the argument may be of equal advantage.

But, sir, the amendment which has been submitted by the gentleman from Pennsylvania [Mr. BINGHAM] presents this subject to us in such a tangible form that we can see at a glance what this subsidy means more clearly than common, although the question has been before the House time and time again. The distinguished gentleman from Pennsylvania proposes to bring under this subsidy system the transportation of the mails between our Pacific coast and the ports of China and Japan. What has been our experience heretofore in that respect?

As gentlemen know, our subsidy to the Collins line was a failure, and resulted in an unpleasant inquiry in this House. The only two subsidies that were not subject of unfavorable comment and protest, but which produced no good results to any one except the capitalists who owned the ships, were the subsidy to the line from New York to Brazil and the subsidy to the line from San Francisco to the Sandwich Islands; the one $150,000, the other $75,000 per year, and both abandoned when the contracts expired, They opened up no new trade. We simply gave a few gentlemen about a million of dollars, that was all.

But the subsidy for the line from San Francisco to China and Japan presents the whole subject in its proper and natural light. Whether the subsidy be for an industry between our country and foreign nations or an industry in our own midst, the results are the same. When in 1865 you subsidized the Pacific Mail Steam-ship Company with a bonus of $500,000 a year, there soon sprang up upon the same route between San Francisco and China and Japan another line, running in competition with the subsidized line, but without a dollar of subsidy. While the one line was subsidized and the other not, both were engaged in the same commercial ventures, running, I believe, the same number of vessels between the different ports they visited.

One of those lines—I speak now of the subject of subsidizing with the view to building up American industry or advancing the fortunes of American citizens—one of those lines, the Occidental and Oriental, was owned by American capitalists though sailing under a foreign flag, while the very line which was subsidized, though running under the American flag, was, in the main, a foreign corporation, its capital being held mainly abroad, so that in fact we were granting a subsidy in the interest of foreign capitalists as against American capitalists. So much upon the subject of building up our commerce in this way, and so much for the patriotism involved. It is well known that our capitalists are engaged in any number of carrying enterprises throughout the world, their vessels going under foreign flags. I remember that as far back as 1872, upon an inquiry directed by this House, the fact was disclosed that even then several vessels were being built on the Clyde for American capitalists to be run under the British flag. So much for the question of patriotism as involved in this matter.

In referring to our experience on this subject of subsidies generally, I have spoken of the Collins line, the other two instances being quite unimportant, and the subsidies mere gifts of money to fortunate gentlemen. Sir, if it is proposed to extend this subsidy to the Pacific Mail Steam-ship line I am not willing that the House shall so soon forget or overlook the fact that one of the most humiliating spectacles ever presented on the floor of this House was in connection with a subsidy to that steam-ship line. I desire the Clerk to read a resolution adopted by this House on the 20th of February, 1873.

The Clerk read as follows:

Whereas, in the testimony taken before the Ways and Means Committee of this House, in reference to certain matters committed to said committee for investigation, it has been sworn by Le Grand Lockwood, of New York City, that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steam-ship Company, in the nature of a subsidy, for the transportation of mails and other purposes: Therefore,

Resolved, That said Committee on Ways and Means are hereby authorized and directed to make full inquiry into the truth or falsity of said sworn statement, and to this end the said committee is hereby authorized and directed to send for persons and papers, and generally to exercise such powers and discretion as will be necessary thereto.

Mr. HOLMAN. The resolution just read was the foundation of an inquiry which resulted in the most startling disclosures. The result of the inquiry was reported to the House by Mr. Kasson, of Iowa. Mark you, the Pacific Mail Steam-ship Company, for the purpose, as it was said, of affording increased facilities for the transportation of mails to the countries of the East, had obtained a subsidy of $500,000 a year in 1865 for ten years. While that subsidy was still in operation, and several years before it had expired (for the contract ran for a period of ten years), this movement was made to increase the subsidy to a million of dollars a year for the unexpired term and $500,000 a year for the residue of the ten years; so rapidly do these movements in the interest of subsidies travel when once fairly set on foot. What was the result of that investigation? It is shown in the following statement from the report of Mr. Kasson, on behalf of the Committee on Ways and Means, who investigated the subject:

With the exception of some small sums paid directly by Stockwell, the total amount disbursed by his direction in connection with the legislation referred to appears to have been retained by or disbursed through the hands of said Irwin, and to have amounted to about $890,000. The committee ascertained the names of the parties to whom payments were made by Irwin to the amount of $703,100, and a list of all these recipients of prospective subsidy is given.

One of the persons to whom payment was made was William S. King, of Minnesota, Postmaster of this House, who had been elected as a member of Congress, but who never took his seat. Mr. King, who, according to the report, received $125,000, was, at the time these events transpired, Postmaster of this House, and up to the time of these disclosures had been so highly honored that he had been elected a Representative from Minnesota; but, as appears from this report, he fled the country for the purpose of avoiding the consequences of his infamous acts in behalf of this corporation.

John G. Schumaker, who was at the time a member of this House, received, according to the report, $300,000 in two payments, one of $275,000, and one of $25,000. How he distributed this money the committee could not ascertain. So that here in this House, when this subsidy system had been fairly inaugurated, an officer and a member of the House received the sum of $425,000 corruptly and left this House forever, dishonored, reflecting discredit upon this body and upon the country at large. Is it desirable that a policy like this should be encouraged by the American Congress?

Mr. HOOKER. What is the date of that report?

Mr. HOLMAN. It is a report made to this House on the 27th of February, 1875. Now it is proposed that this very same company, the Pacific Mail Steam-ship Company, largely a foreign corporation, shall in direct terms, under the amendment now pending, receive the benefit of a portion of this subsidy. Can this House, with a proper regard to a just public opinion, and in the face of this infamous record, subsidize again the company that by such corrupt practices brought shame and dishonor upon the country? Congress, of course, in 1875, hastened to repeal the former subsidy. Will this Congress revive it?

The Occidental and Oriental Company has run without a dollar of subsidy, carrying your mails between San Francisco and China and Japan, and carrying them, too, when the Pacific Mail refused to carry them, when Postmaster-General Vilas so wisely refused to give it a part of the subsidy you voted in the Forty-eighth Congress. The people honor him for never expending a dollar of that subsidy. Yet we are proposing, and I think my friend from Pennsylvania [Mr. BINGHAM] must have overlooked this extraordinary requirement, we are deliberately proposing that the Pacific Mail shall receive subsidies from the Treasury of the United States, although through the seductive and corrupting measures taken by that company the country was disgraced and the names of at least two men connected with this House were covered with infamy.

I think the subject of subsidy is not one the American citizen can contemplate with pleasure, even when subsidies were apparently given necessarily for the high purpose of more firmly uniting the States of the Atlantic and Pacific in the midst of war. The Government felt when granting a subsidy of public bonds toward the construction of the Pacific railroads it did it from necessity for the public good and because it would inure directly to the benefit of the people. Yet even then the fruits of subsidy were national dishonor, and two once honored members of this House left it with blighted reputations, never to return. I say, therefore, that the experience we have had on the subject of subsidies would lead us to avoid them hereafter as an evil too great even to be gravely considered.

But gentlemen say this is not a subsidy. Not a subsidy, sir! Why, gentlemen, you are now paying four times as much to the American ships for transporting your mails abroad as you pay to foreign ships; you pay them four times larger compensation than they receive for transportation of express matter, while the safety of the latter is insured by the ship company and your mails involve no insurance. Gentlemen seem to think carrying a package for the United States ought to stand on a different footing than carrying a package for anybody else. You pay now four times as much for carrying a package by an American ship for the United States as it would receive for corresponding express matter carried a corresponding distance, while in the latter case the safety of the package is secured and its safety guarantied by the ship company and not in the former.

But, Mr. Speaker, it is generally admitted by all men that we have at the head of the Post-Office Department a gentleman whose ability and capacity furnish a high guaranty that your great Postal Department is and will be wisely administered. Gentlemen on both sides of the House have expressed their confidence in the chief of that Department. He has been referred to by gentlemen only in terms of respect for the success and efficiency with which he administers the duties of his office. Now, the Postmaster-General, in the able and conclusive letter before you, says, so far as the subsidy system is concerned as here proposed, that it would simply embarrass him and embarrass that great Department in the execution of the law. Can you afford to do that

under the pretense of reviving American commerce? If you must and will grant subsidies, then do it in direct terms. Do not embarrass the Post-Office Department in carrying our mails between this country and other countries. Do not embarrass this great Department of the Government by granting a subsidy merely for the purpose of building up the fortunes of a few men at the expense of the Treasury of the United States.

I will refer for a moment to an additional fact. The gentleman from Maine [Mr. DINGLEY], who is generally so frank and so fair, stated to the House that we are paying more to foreign vessels for transporting the mails than we are paying to American vessels, when in fact we are paying to American vessels for any given postal service four times as much as we pay to foreign vessels. It can not be expected that we will pay as much for carrying a single letter as we pay for carrying ten thousand letters. We pay, of course, according to the service as far as practicable, not only in our postal service, but in all the service of the Government. We pay simply according to the work done, and it can not be expected that we will pay for carrying a dozen letters as much as we will pay for carrying one hundred thousand. Payment is made upon the basis of the service rendered, and nothing more can be justly asked of the Government.

Can the American ship-owner ask for more? He gets four times as much as the foreign vessels for doing precisely the same thing. Is not that enough? There is no justice to the country in Congress submitting to such a demand as is here made on pretense of an efficient postal service merely for the purpose of building up the fortunes of a few men who come here and demand it. It would not be tolerated for one moment in any other business.

The statement of the gentleman from Georgia [Mr. BLOUNT] shows the House the character and the class of men and their conduct in the past in reference to this matter of subsidy, but I do not think this House will consent for one moment to build up the fortunes in this way of such men or any other. I am sure the men who were engaged in the Pacific Mail subsidy in 1875 are not those whose fortune this House should be prompt to enhance in the way which is here proposed. The true American idea is different from that of Great Britain, where the granting of subsidies has built up great estates, vast wealth, and blighted the whole land with a hopeless and impoverished people.

The absence, happily, of the subsidy theory in our form of government and its practice in our country has built up a widely-diffused wealth which is the pride and the glory of the United States.

Mr. HOPKINS, of Illinois. Will the gentleman allow a question?

Mr. HOLMAN. Certainly.

Mr. HOPKINS, of Illinois. What is your theory as to the best manner of building up the commerce of the country.

Mr. HOLMAN. It is growing every year.

Mr. HOPKINS, of Illinois. Well, our merchant marine?

Mr. HOLMAN. The condition is simply this: that when American capitalists find it better and more profitable to engage in the carrying trade than to invest their money in the countless enterprises within the limits of the United States, you will find that business reviving, and not before. It is a cosmopolitan employment and you can not make it local.

You can monopolize the coastwise trade; it justly and fairly belongs to American-built ships. But when you go into the foreign carrying trade, you must of necessity come into competition with all the sea-faring nations of the world; and your carrying trade will never be revived until it affords a more profitable field of employment than can be found in other avenues of commercial and business life.

That is manifestly the trouble. Our capitalists demand large profits on their ventures, and although the change from wooden to iron ships produced extraordinary results in former years, it is manifest that for twenty years our carrying trade has not revived because our citizens found better investment for their money in other pursuits, and because as is shown by the investigation embodied in the report of 1872, to which I have referred, made by order of the House, your methods are more expensive and local taxes are higher than elsewhere, although I concede that some of the cities and some of the States have reduced local taxation in the interest of the carrying trade, but as a general rule the higher taxation, and I do not refer now to taxation under the tariff, but the higher taxation to which our people are subjected interferes materially with the cost of the carrying trade of this country. But whenever it becomes profitable, as it will undoubtedly be in the progress of time, then, and not until then, will our carrying trade be revived.

It is known that the carrying trade of the world is entirely overdone. Capitalists in this field have to content themselves with small profits if they expect to successfully compete for business where all nations are competitors. But our commerce increases every year, and our capitalists in the progress of time find investments in this field of enterprise as profitable as others, and Federal and local taxes will be moderated, and then our flag will not be confined to the coastwise trade, but will appear as of old in the highways of the world's commerce.

Mr. PETERS. I yield ten minutes to the gentleman from California [Mr. FELTON].

Mr. FELTON. I shall not attempt to discuss this question in its broadest sense, first, because I am not sufficiently well versed in it to do so, and in the second place because it has already been thoroughly discussed by others. I have listened attentively to the gentleman from Pennsylvania [Mr. BINGHAM], who has explained to us in a terse, succinct, and masterly manner the post-office phase of this question, as I shall term it. The distinguished gentleman from Maine [Mr. DINGLEY] has given us the commercial phase of it; and I have listened attentively, also, to the gentleman from Georgia [Mr. BLOUNT] in reply to them both. Therefore I can add nothing to the general phase of the question, but desire to submit a few remarks upon one point, which may to some extent explain the present condition of a part of the postal mail service.

Now, sir, take the case of the Brazilian line. Its amount of tonnage is proportioned, as a matter of course, to the value of the commodities carried, and I have not the figures of the tonnage, but the commerce between the United States and Brazil is about $61,000,000 per annum. Our exports are only eight millions out of the sixty-one. The gentleman from Maine tells us that this line doing this amount of commerce, and subsidized, to use an offensive term, by the Brazilian Government in the sum of $80,000, is unable to sustain itself, is not making dividends, and will have to go down, unless some additional government aid either by this Government or by Brazil is given to it. Now, take the Australian line, which plies between the port of San Francisco and Australia and New Zealand by way of the Sandwich Islands. The total amount of commerce in this case is a trifle short of $14,000,000.

You will observe this fact, which is distinctly opposite to that of the Brazilian trade, that our exports in this amount to nearly $10,000,000, thus exceeding the imports over $5,000,000, and the amount of tonnage upon which freights can be charged to sustain this important service is only one-fifth the amount of income received by the Brazilian line. Now, it has taken twenty years to establish that commerce. It is carried in American bottoms, owned by Americans, enabled to be prosecuted by a subsidy from the Australian and New Zealand Governments amounting to $150,000 per annum, and an appropriation from the Post-Office Department of $20,000 additional. Now, sir, the further condition exists in this service that it is not a member of the Postal Union, and therefore the facts are that the Government of the United States is collecting between $40,000 and $47,000 per annum and is paying to the line but $20,000.

The Government is making, therefore, twice what it gives this line. Now, taking into consideration the amount of the tonnage and the importance of the trade, I submit to this House if it is not an ignoble policy, a policy beneath the dignity of this nation to use that line for the purpose of making money and to have it sustained by a foreign government? Any gentleman who desires to see for himself the amount of this commerce can make his own figures. It is supporting to-day, the export trade, for every working day in the year over 11,000 men at $3 per day each, and according to the usual computations we make, it is supporting a population in the United States of 55,000 people.

Now, sir, the condition is—and I know whereof I speak—that the Australian government's contract with this line expires within three months of the present time. They have become disgusted at the extreme conservative policy of this Government, to give it no worse name, and have signified their intention of giving no more assistance, unless the United States Government will meet that government, as the term is, half way. Gentlemen may think I am actuated by local or personal motives. They are entirely mistaken. Of this entire export commerce of $10,000,000 per annum less than one and one-half million is produced upon the Pacific coast. The balance is manufactures coming from one State and another throughout the entire East. Whatever may be the condition of other lines, the condition of this line is such that unless some new arrangement is made and is made before the expiration of three months, some arrangement which will at least be fair to those people, that the Government may give them what they make and what is received for their services, instead of speculating off of them, we shall lose that line and measurably that trade.

I need not tell gentlemen on this floor that it is by direct, quick, and frequent communication between countries that trade springs up and is brought to us. A merchant goes to another country with his samples and finds a customer. The banking business is arranged, credits established, and the consequence is a knowledge of the articles that we have brought to the notice of the business men of that country. They purchase and we receive the advantage.

Right here let me make one further remark. It is said by some gentlemen that we can not export to compete with other nations. The answer is that we are exporting to an English colony right from the United States. It perhaps may be interesting to know some of the articles we export, and therefore I name some of them. We export nearly $300,000 worth of agricultural implements; of books and maps, over $100,000 worth; of breadstuffs, $118,000 worth; of carriages, steam-cars, etc., $358,000 worth; of chemicals, drugs, dyes, and medicines, $334,000; clocks and watches, $127,000; fish, $378,000; fruit, $110,000; iron, steel, and the manufactures thereof, $1,532,000; leather manufactures, $251,000; beer, nearly half a million; and the manufactures of wool, $1,440,596; sewing-machines, brooms, brushes, lamps;

The amount of exports during the last eighteen years amounting to $115,251,913, or near $115,252,000; balance of exports over imports amounting to $70,000,000 in round numbers and yearly increasing.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BIGGS. I hope the gentleman may have more time.

The SPEAKER *pro tempore*. Does the gentleman from Kansas yield more time to the gentleman from California?

Mr. PETERS. I will yield the gentleman two minutes more.

Mr. FELTON. These figures illustrate two facts: First, that the advantages of this trade is not for the benefit of the people I represent, but for the country generally. As much as I have their interests at heart, and as proud as I am of the State I represent, as every other gentleman should be of his State, it illustrates the fact that this commerce is made up mainly of your manufactures east of the Rocky Mountains.

It also illustrates the fact that, according to the great fundamental principles underlying all trade and commerce, it is not always the cheapest, it is not always the nastiest that people prefer. It illustrates further that the question of commerce is the question of educating a people to its wants, its tastes, and its necessities.

Mr. Chairman, I listened to the remarks of the gentleman from Georgia [Mr. BLOUNT]. I understood him to say it is proposed to give this Australian line more than they asked. If gentlemen have paid attention to what I have said they will discover that the gentleman from Georgia was mistaken in his assertion. Unless something further is done the present service will not be maintained, but will take its place in the Victoria, British Columbia, line, to Australia, which is subsidized by the Canadian Government. Our people require aid to continue this line.

Mr. PETERS. Now, Mr. Speaker, I yield ten minutes to the gentleman from Indiana [Mr. OWEN].

Mr. OWEN. Mr. Speaker, I was an earnest supporter of the Senate amendment which proposed to give $800,000 for the ocean mail lines; but now I shall support the amendment that is under consideration.

The Central and South American Governments have few ships of their own. Wanting goods they buy of vessels that bring them to their doors, and thus naturally the trade of these countries is controlled almost entirely by those nations which have the largest merchant marine. The control of commerce is in the hands of the nations who control the means of commerce. What are the means of commerce? They are mail facilities, ships, banking-houses, commission-houses, and agents. There must be steamers to convey mail and merchandise with speed and regularity; there must be all the varied exchange, credit, draft, and the large lines of accommodation afforded by banks; and then commission-houses must be established where each line of goods, as it is landed by the vessels, finds reception; then agents must travel the country, after the manner of our drummers, and the goods they sell by sample must be delivered with regularity and certainty.

So it comes to pass that the people who seek important commerce with foreign people must have ships, mails, banks of exchange, commission-houses, and agents. Having the means of commerce, they can control commerce. Wherever the English ship goes laden with the manufactures of Great Britain, she finds at the end of her journey an English commission-house ready to take her goods and dispose of them among the people of that country. It is by all of these means that she controls trade.

Of what avail is the generally favorable sentiment of South America for us if we have not the appliances to furnish them goods? Our mails to them are far between and always irregular. We have but ten steamers going to the entire southern continent, when we should have more than that sailing from our ports every week. We have nothing like regular commission-houses and agencies, and as to banking, all our exchange is through English houses. When England, or France, or Germany contract to establish ocean mail to a foreign port it is for a term of years, and it is well known that it will be permanently continued. Thereupon her pushing business men open houses at these ports and exhibit their wares. If they need supplies from home they are received with promptness. A local commission agent from Brazil visited this country and among other things took back a large number of harvesting machines. They were received with great favor, and sold so readily that he at once ordered three hundred more. They took the usual course of American shipping to that country and were received seven months after the order. It is proper to infer that the harvesting season was over when they got there.

If we will make a five-year contract to carry our mail to these southern ports our merchants will flock to Rio, Buenos Ayres, Montevideo, and the great cities of that country, and open commission-houses. The restless agent for American goods will push his way to every trading-post and store in all that land. When the wholesale buyer wants an article the commission-house does not have, the drummer will reply: "We will order it for you from America, and have it here inside of thirty days."

Their merchants will open trade with ours because they will know we have come to stay. I know it requires time to get all these appliances at work, and that we can not in a year reach full control of this trade. Yet the first year will, beyond all doubt, yield gratifying results. When the word gets out among these people that the great Republic has recognized them and ask for the fellowship of barter, which next to the kin of citizenship makes a united people, the American ship will be the welcome guests in their harbors.

England has made of herself the workshop of the world, and by sailing her own ships, and maintaining rapid mail communication with all the nations of the earth she is enabled to control commerce to a larger extent than any other nation. She buys less and sells more than any other government. She buys nothing but raw goods; she sells nothing but manufactured goods. She sells to every one of the south countries more than she buys; in some instances six times as much as she buys. Last year she bought $5,000,000 worth of products from the Argentine Republic, and sold that country $30,000,000 worth. Not so with us; we buy from these countries more than we sell, and the triangular ship system helps to keep us in this rut.

English lines of vessels loaded at Liverpool for Brazil discharge their cargo there, and loading with coffee and other goods sail up to New York, discharge their load and sail across to Liverpool. They take a cargo to Brazil, and having no order for a return load home, and as we have no ships there, they take on board the order for a load of goods to America. And this is how we sell to Brazil only $8,000,000 worth a year, and our imports from her amount to $50,000,000. We ought to get rid of British triangular ships.

For carrying the mails from Port Townsend, to Neah Bay, 102 miles, we pay $6,303; yet from San Francisco to Mexico, a distance of 1,520 miles, we pay $208. Does any man believe the latter to be a just compensation?

For carrying the mail from Tampa to Key West, a distance of 249 miles, we pay $23,600. These are American ports; but from Key West to Cuba, a distance of 100 miles, we pay $237, the latter being a foreign island and called foreign mail. Do you approve of this as prudent business management when we seek the trade of that island?

We pay the New Zealand line $20,000 for carrying our mail to Australia, when we have an American line making exactly the same trip, and the New Zealand line is already paid $150,000 by its own government. Their purpose is to secure the trade of Australia and break down our line, which is seeking to secure that trade for America. Is this acting in good faith with American interests?

When we pay $280,000 for carrying our mail in foreign vessels and $46,000 to our own vessels, is that prudent management?

When for carrying commerce from and to our shores we pay to foreign vessels $136,000,000 per year and but $14,000,000 to American vessels, is that the statesmanship that builds a powerful government?

When in 1858 we were masters of the ocean, and in 1888 find ourselves without a vessel crossing the Atlantic with our mail, is it not loyalty to plead for the restoration of our commerce?

South of us lie fifty million people, their country bursting with natural wealth, an empire richer than India, from which Augustus Cæsar brought back $40,000,000 in excess of values exchanged, or of that field of commerce where Solomon sent one voyage which returned him gold valued at $14,500,000. These people are inactive and without genius. They import $500,000,000 worth of manufactured products annually—$450,000,000 from Europe and $50,000,000 from the United States. They have asked to be recognized in commerce by the great Republic, for they want to believe that their destiny moves with ours. We view the steamers from England, Germany, and France, loaded to the water's edge, bearing to their ports, into many of which the American flag has never entered, and unloading that merchandise whose sale and profit alone makes the vessel's native country tolerable to live in. We gaze upon this continent of measureless wealth that lies at our very door, and are surrounded at home by fields untended, by furnaces unfired, by a million men unemployed, by woman's face made white by anxiety and want, and are, like Tantalus, "doomed to parch with thirst in the midst of waves, and viewing banquets, to starve to death."

Mr. PETERS. I yield ten minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, the condition of our merchant marine should awaken our earnest attention. The latest printed report from the Chief of the Bureau of Statistics on Commerce and Navigation shows that on the 30th day of June, 1887, our merchant marine, registered, enrolled, and licensed, consisted of 17,570 wooden sailing vessels, with a tonnage of 2,553,706.46, 12 iron sailing vessels, with a tonnage of 9,331.54, 4,982 wooden steam-vessels, with a tonnage of 1,076,960.14, and 499 iron steam-vessels, with a tonnage of 465,756.70, a total aggregate of 23,063 vessels and an aggregate tonnage of 4,105,844.84. This tonnage is greater than that of any other nation except Great Britain. This tonnage is divided into two classes, coastwise and sea-going. In the coastwise is included all vessels plying upon our rivers, the lakes, and along the coast, from one port to another of the United States. In the sea-going is to be included all vessels plying between our own and foreign ports.

The coastwise trade is exclusively in our own hands. By law no foreign vessel is allowed to clear from one port to another within the United States. This coastwise trade has therefore as its only compe-

tition the railroads, which now reach from almost every sea and lake port and river point to the centers of trade and commerce. This competition by rail has become very sharp, and is rapidly driving to the dock to rot the "river palace" of the Mississippi and the trim coaster of the Atlantic seaboard. But this is competition arising among ourselves; as already remarked, no foreign vessel can enter into it.

To be exact, our tonnage is divided in occupation as follows: Coastwise trade, 3,010,735 tons; in the foreign trade, 989,412; and in the fisheries, 105, 98 tons. Our tonnage engaged in the foreign trade is lower to-day than it has been at any time since 1846, when it amounted to 943,307 tons, and almost as low as it was in 1810, when it was 981,-019 tons, and only about 40 per cent. of what it was in 1861, when it had risen to 2,496,894 tons. The tonnage in the coastwise trade has varied somewhat, but it is practically the same as it was in 1860 and 1861.

But we wish to speak more especially as to the foreign trade. The figures given above show the condition of our merchant marine engaged in that trade. But about 14 per cent. of the merchandise which enters and leaves our ports from or to foreign ports is carried in vessels flying the American flag. This is the condition. What has caused and is causing this? June 30, 1861, we had a tonnage of 2,496,894 engaged in the foreign trade. June 30, 1866, this had fallen to 1,387,756 tons, nearly one-half. These figures tell their own story. It takes no commentary traced in the smoke of burning merchantmen, the victims of rebel cruisers, to emphasize their meaning. Our merchants, not willing to risk the dangers resulting from the foreign cupidity which built these cruisers and the malignity, disregarding all the rules of modern warfare, which manned them, sold their vessels either to the Government or to foreign nations. During the war about 600,000 tons were sold to the Government and 801,301 tons were sold to foreigners, a diminution, aside from the vessels captured and burnt, of over 1,400,000 tons.

During these years the same enemy of the American ship which, under the lead of Jefferson Davis, succeeded in destroying the Collins Line, which succeeded in incorporating in the Confederate constitution a prohibition of any bounty, and which now opposes fair and decent pay to our steam-ships for carrying the mail, got in its fine and effective work. When the war was closed the American people sought to rebuild first the waste and desolation of war upon the land; and then, too, we had a great West and Northwest to open up to civilization and settlement. Railroads were to be laid, mines to be opened, lands to be broken up and made to yield their golden harvests. The bronzed navigator, taken from his ship to the land, left his warlike pursuits not to again contend with ocean's tempests, but to become a pioneer in subduing the wilderness and causing it to bloom and blossom like the rose.

Another cause of this decline in our foreign shipping is one not so well known to the American people, because there has been a studied effort to deny or at least to conceal the facts. We have had to contend upon the high seas with the shipping of nations aided from the treasuries of those nations. Sometimes this aid has taken the form of a bounty on building, as with France; sometimes the shape of a bounty upon distance sailed, as with France, Italy, and Spain; sometimes the shape of a direct payment of cash from the treasury of a gross sum per year, as was formerly the case with England; and sometimes the shape of additional mail pay, as is now the case with Great Britain. But whatever shape it has taken it has always been in fact a payment of cash in some form to their shipping from the public treasury. Up to 1885 England had paid in one way or another $273,563,000. In 1885 she paid $3,870,000 ostensibly as mail pay, while the United States paid $24,404. The contracts entered into by France with her lines (which expired recently—July, 1888) call for an annual payment of 23,388,892 francs. I am not certain that these contracts have been renewed, but possibly her bounty paid on distance sailed takes their place. Our Government pays to its merchant marine upon the high seas almost $30,000 for mail pay. I desire to read from a letter received some time since from a gentleman well acquainted with the facts:

"THE FIELD IS THE WORLD."—OCEAN MAIL SERVICE.

We have no transportation to the River Plate countries; our mails to the Argentine Republic, Paraguay, and Uruguay, a large portion are sent via Europe, 3,000 miles out of their course, and the balance via Brazil. With Brazil we have one steam-ship line that makes only fifteen trips annually. Fully half of the mails to Brazil are sent via Europe; the reason of it is that our Government has been and still seems to be wholly unconscious of the great and growing importance of cultivating closer commercial relations with South America. It only needs a few cursory statements to show that we are throwing away golden opportunities of supplying large and important markets with manufactured goods that can be furnished by us to better advantage than can be done by European countries, if we only had mail facilities and the transportation that necessarily accompanies good mail service.

Brazil has an area nearly equal to the United States; her imports and exports amount to about $200,000,000 annually, of which about $90,000,000 are exports. The United States takes about $50,000,000 (principally coffee, rubber, and cocoa); she imports from the United States only about $6,000,000, consisting principally of flour, lard, petroleum, and some manufactured goods. Europe furnished her about $100,000,000 of merchandise, a very large item being manufactures of cotton (manufactured in Europe largely from cotton raised in the United States).

Some will naturally ask, why is this so? and the answer is, simply because of the lack of mail facilities and transportation; because the rulers of England, France, Germany, and Italy have seen the value of the trade and have paid liberally for mail service. Good mail service always brings in its train regular, direct, quick, and cheap transportation. The Argentine Republic has a temperate climate and is the United States of South America, and is growing in population and wealth pro rata faster than even our own wonderful country. Buenos Ayres, the principal seaport, has a population of about 450,000.

The freight carried on the Uruguay, Parana, and Paraguay Rivers is fully 4,000,000 tons annually. Over six thousand steamers and fifteen thousand sailing vessels enter the port every year.

As an illustration of the interest felt by that country in the United States, upon the news of the death of President Lincoln, as a mark of respect the Argentine Congress adjourned for three days and the legislature of the province of Buenos Ayres established a new county on the frontier bearing his name.

General J. A. King, director of the Argentine bureau of free information for the United States, says:

"We have copied your Constitution and many of your laws; our dollars are the equivalent of yours; our people are prosperous and progressive; our government is firmly established, and all our ways are peace. We want closer commercial relations, and for this purpose our government established a free information bureau in the United States of North America; for this purpose our government offered $100,000 gold annually, to establish direct mail service to our country. One of our large banking firms, Samuel B. Hale & Co., is composed of pure and unadulterated Yankees, energetic men of the highest character. Some of your Vermont men are shipping merino sheep to our country; some other Vermont men are building a railroad there; horses and cattle are being shipped from this country, some of them via Europe. Our foreign commerce amounts to $200,000,000 annually, of which the United States gets but about $11,000,000."

These countries want to be friendly; they want to trade with us, and we treat them with indifference. The most our Government offers for mail service is about $4,000 a year. Uruguay, as poor as she is, offers $25,000 a year to an American steam-ship company for mail service. It is simply a shame and a disgrace the way we treat our South American neighbors. There would be no steam-ship line to Brazil if Brazil did not pay the United States and Brazil Mail Steamship Company 190,000 milreis annually (about $85,000).

Brazil buys of us about 600,000 barrels of flour, 4,000,000 pounds of lard, and about 6,000,000 gallons of mineral oil every year. Our trade with that country might be quadrupled. We should have a mail going to and coming from Brazil every week. We should have a semi-monthly line of steamers running to the Argentine Republic and Uruguay. We could have this if our Government would pay a tithe of the amount that European countries pay to their steam-ship lines. Why should we not pay "what the service is worth?" The great West does not realize the importance (to them) of cultivating this trade. If it goes on increasing its raw products and its manufacturing interests, vast as its market now is it will yet see the necessity of opening up a wider market than it now enjoys.

Under the stimulus thus given to foreign ship-building the supply of vessels for the world's carrying trade has increased far beyond the demand. To-day, as I gather from a recent bulletin of the Agricultural Department, a ton (2,240 pounds) of flour in sacks is carried from New York to Liverpool for $1.30, and a barrel of pork for 24 cents. Over one thousand steamers came into the port of New York last year in ballast, *i. e.*, unloaded. Foreign capital is content with 2 per cent. return; ours is not, and as long as one acre remains to be improved, one mile of railroad to be built, or one mine to be opened, our capital will prefer to seek such sources of employment.

It is only the prospect of trade at the end of the trip which will tempt it to compete with such odds as I have indicated. My judgment is that, so far as we can properly do it, we should send our mail to countries ready to trade with us, in vessels of American build, and at a compensation commensurate with the service rendered. We have not done this heretofore. For a long time we compelled our vessels to carry our mails at our own price, irrespective of the value to us or the cost to them of such service. We have long paid our own vessels a rate far lower than we have paid the vessels of other nations for exactly similar service. We have discriminated against our own vessels long enough, and I welcome the evidence of a coming desire to do this justice to them. I would not pay the heavy bounties paid by England and France. Those nations must soon, from sheer inability to continue, cease to do that, but I would give decent pay for honest service to these pioneers of American trade and American enterprise.

Mr. PETERS. I reserve the remainder of my time.

Mr. DOCKERY was recognized, and yielded ten minutes to Mr. NELSON.

Mr. NELSON. Mr. Speaker, I had not any purpose in the first instance to say anything at all upon this question; but while listening to this debate thoughts came into my mind of what great navigators my ancestors had been, and what great navigators their descendants still are, and of the means by which they have been able to cope upon the sea with all the nations of the earth. That little country, indented with deep fiords, surrounded by rocks, icebergs, and the ocean, with less than two millions of people, has a merchant marine next to that of the United States of America, and is now, as she has been for a thousand years, one of the most successful nations in the world upon the ocean. And yet, sir, to-day gentlemen talk here about this great United States of America, with more than sixty millions of people, being unable to have a merchant marine or to maintain their place in commerce on the sea without the aid of subsidies.

I want to read to these gentlemen some statistics, and in passing I want to say that, as in the tariff debate it was the fashion upon one side to ascribe all the prosperity of the country to the tariff laws, so in this debate it is the fashion to ascribe every weakness, every defect in our shipping or in our trade and commerce to the rebellion which occurred in this country more than twenty-five years ago. When that rebellion took place I was a boy at school, and I was as ready as any body else to take up my musket and fight for the flag of this country and defend it against the rebels of the South. But to-day when we are discussing an economic question, that matter of the rebellion is brought up again, and gentlemen gravely tell us that American ocean shipping does not exist because we had a rebellion twenty-five years ago. To me this

seems all stuff and nonsense, all fuss and feathers. [Applause.] The trouble is, gentlemen, you have put the American merchant marine in a sort of strait-jacket. Do you know that during the rebellion, when the rebel cruisers were sweeping your vessels from the ocean, hundreds of them were purchased by that little country of Norway and used in her commerce, although she had as good and ample material for ship-building and as good ship-carpenters as you had?

Mr. STRUBLE. Why did they buy them?

Mr. NELSON. Because they were cheap and because they had a right to buy them—a right which an American citizen has not under your laws to-day.

Mr. STRUBLE. But what was the inducement to buy them?

Mr. NELSON. They bought them because they could buy them cheaper under those peculiar circumstances than they could make them at home [applause], and because they had the privilege of buying them; while in this country you say by your laws to people who are willing to put their capital into the enterprise of traversing and trading in ships on the high seas that they can not buy a vessel unless they buy it at the price which it costs when made in this country.

Now, as I have said, Norway is a little country and a poor country, and I cite it not because I was born there, but because, and if gentlemen examine the statistics they will find, that it is one of the most poorly endowed countries on God's green earth; and yet that poor little country, with free trade and free ships, comes next to the United States of America in its shipping and tonnage. I want to read the figures to the House, and I want you gentlemen who prate about the depredations of the rebel cruisers twenty-five years ago, and about the necessity for subsidies to-day, to take these figures to heart and study them. I read from the last American Almanac, which I suppose you all consider good authority. First on the list comes Great Britain, with 7,089 vessels, having a tonnage of 6,127,375.

Next (and these figures have reference not to your coastwise trade, but to your foreign commerce alone) comes the United States with 6,639 vessels and a tonnage of 2,684,067. And next to the United States comes poor, little, poverty-stricken Norway, with less than two millions of population, but with 4,352 vessels, having a tonnage of 1,585,193 tons. How is that for a country with only 1,900,000 people, as compared with a great country like the United States with all its wealth, capital, and resources?

But the following table of arrivals and clearances in all the ports of the United Kingdom of Great Britain and Ireland, by nations, for the years 1885, 1886, and eleven months of the year 1887 show more fully and clearly the great difference and disproportion between the merchant marine of Norway and the ocean merchant marine of this country, and shows what a sorry figure we cut in trans-Atlantic commerce.

Total entries and clearances by nationalities of all vessels with cargoes at the ports of the United Kingdom from and to foreign countries and the British possessions during eleven months ending November, 30, 1887, compared with 1886 and 1885.

Nationality.	1887.	1886.	1885.
ENTRIES.			
	Tons.	*Tons.*	*Tons*
British	17,678,014	16,725,319	17,219,442
Russian	221,753	182,144	212,414
Swedish	606,287	590,160	614,511
Norwegian	1,618,093	1,600,042	1,645,358
Danish	494,073	467,597	518,921
German	994,004	1,029,770	1,264,777
Dutch	786,935	655,460	633,476
Belgian	227,945	247,324	220,485
French	488,155	450,995	411,616
Spanish	404,940	391,762	376,631
Portuguese	17,803	18,181	20,559
Italian	167,441	157,957	205,789
Austrian	49,176	39,379	70,157
Greek	28,871	27,944	45,560
United States	124,682	171,250	230,511
Various	2,662	11,219	33,097
Tons	23,910,834	22,766,503	23,723,574
CLEARANCES.			
British	21,106,542	20,333,163	20,174,641
Russian	166,713	151,876	150,746
Swedish	596,712	591,714	571,451
Norwegian	1,206,877	1,139,854	1,181,028
Danish	610,577	625,182	646,458
German	1,522,751	1,514,993	1,693,541
Dutch	682,650	631,685	614,910
Belgian	222,273	253,362	219,529
French	643,484	645,153	657,101
Spanish	382,399	404,352	390,568
Portuguese	25,605	17,958	20,286
Italian	270,116	245,422	327,840
Austrian	62,252	53,460	88,217
Greek	68,704	68,473	75,777
United States	121,787	172,432	245,049
Various	12,465	10,997	37,964
Total	27,601,907	26,860,076	27,098,106

Now, as to this proposed subsidy, would this little subsidy build up American commerce? Certainly not. It would simply help these particular lines, and they would lie back on their oars, with this bonus in their pockets, and freeze out every other line that attempted to compete with them.

You will be simply putting into the hands of these favored steam-ship lines a subsidy weapon by which they can bid defiance to any other line which might seek to engage in the commerce in which they were plying. To obviate this result you would have to give a bonus, in order to build up trade at any given point, to every ship plying to that point; because if you should give a subsidy or bonus to one line to the exclusion of all others, you would enable that line to freeze out all other American lines; and they would do it, because steam-ship lines are as selfish as railroad corporations or any other body of selfish men that you can imagine.

Mr. Speaker, in order to show that the view I have expressed is not the opinion of a "blasted foreigner," I desire to have read by the Clerk an article from the pen of Professor Arthur Hadley, of Yale College, the author of a work on railroad transportation, which is, in my opinion, the very best work on that subject. The article which I send to the desk is a calm, dispassionate statement of the result of our experience in the past in reference to this matter of subsidy. It gives the view of a man who does not write from a party standpoint, but from the standpoint of common sense.

Mr. FELTON. It is from a free-trade standpoint, is it not?

Mr. NELSON. Not at all.

I ask the Clerk to read the article I have sent to the desk.

The Clerk proceeded to read the following:

STEAM-SHIP SUBSIDIES AS A MEANS OF REDUCING THE SURPLUS.

[By Professor Arthur T. Hadley, of Yale College.]

The United States has in two instances tried the policy of steam-ship subsidies on a large scale—with the Collins line in 1850-'58, and with the Pacific Mail in 1865-'75. In neither case was the result satisfactory.

The subsidy to the Collins line was in large measure due to the efforts of Mr. King, of Georgia, for some time chairman of the House Committee on Naval Affairs. As early as 1841, only two years after the first contract of the English Government with Samuel Cunard, he urged the United States to follow the example of England. The first act of Congress on the subject was passed in 1845; the amounts devoted to the payment of steam-ship lines were gradually increased until 1852, when they amounted to nearly $2,000,000 annually. At the close of that year there were American steam-ship lines running from New York to Liverpool, Havre, and Bremen; also from various American ports to the West Indies and the Isthmus of Panama, with connections thence to Oregon.

Much the most important of these enterprises was the Collins line, which made fortnightly trips from New York to Liverpool, for which it received a subsidy of $858,000. The history of this line is an instructive one, because it shows clearly the dangers of the subsidy system, even under the most favorable circumstances. The boats were designed, built, and managed by thoroughly competent men. They were the finest specimens of steam-ship construction then existing; they were probably the best sea-going wooden steam-ships which have ever been built. They were much more comfortable and much faster than the English boats with which they came into competition, and though the Cunard line was forced by the influence of their American rivals to build newer and better boats than they had before, they were far from equaling the Collins line in speed or comfort. Nor was the American line dishonestly managed. Mr. Collins was largely influenced by patriotic motives. So far from making any money out of his connection with this enterprise, it ultimately caused his financial ruin.

But the fact that there was no intentional dishonesty makes the absence of good economy all the more apparent. The managers believed that they had the public Treasury to fall back upon. They indulged in all sorts of expenditures, necessary and unnecessary. Changes were made while the vessels were in process of construction which greatly increased their cost, in many cases without corresponding advantage. The capital stock was insufficient. The company was heavily in debt from the first. The care in management, which was the only thing that could have enabled them to carry this load of debt, was altogether wanting. If any one desired an illustration of the danger of paralyzing individual thrift by Government aid, he could hardly find a better one than the early history of the Collins line. Under such circumstances the apparent prosperity of the business could not last long. The rage for making fast passages rather than safe ones occasioned the loss of two steamers; a change of feeling in Congress caused the subsidy to be withdrawn, and the company was found to have nothing left to stand on.

The Pacific Mail had a much longer life, but its history was in many respects worse than that of the Collins line. It was less harmed by the discontinuance of the earlier subsidies in 1858 than by the renewal of the policy in 1865. The $500,000 a year which was paid them for their China service by the contract of 1865 proved but a poor compensation for the unsound methods which were introduced into the management—in part, apparently, as the result of that contract. Up to 1865 the Pacific Mail had been a sound concern. Its shares stood above par. After that it fell into the hands of speculators; it lost nine vessels in as many years; its shares dropped below forty. An additional subsidy of another half million was voted in 1872. But the company was unable to get the new vessels ready for service within the time stipulated; and while the Government was hesitating what to do a series of disclosures showed that the contract of 1872 had been obtained by wholesale corruption. Public opinion was strongly aroused against the system. The contracts of 1865 were allowed to expire and were not renewed. It was felt that the trade which had been encouraged had not been that of merchants in China, but of speculators and lobbyists at home.

Such facts as these furnish a strong argument against the attempt to build up an American steam marine by means of subsidies. But there are special circumstances which render the lesson doubly important at the present time.

In the first place, the difficulties of building up an American carrying trade in this manner to-day are exceptionally great. The cost of ships in America is greater than it is elsewhere. No foreign-built ship is allowed to carry the American flag. Our ship-owners are thus compelled to buy in a dear market, and then compete on even terms with those whose plant is cheaper. But this is not all. Even if we were allowed, by a change in the navigation laws, to buy our ships wherever we pleased, we should not be on an equality with our competitors in this matter. In order that American capital may be attracted into the foreign carrying trade, it is necessary that the rate of interest obtainable in that business should be about as high as that which can be had in other lines of business which offer chances for investment. That is not the case at the present time. Shipping profits have been cut down by large investments of Eu-

ropean capital, artificially stimulated by subsidies. They have been so much cut down that there has been for two or three years practically no money to be made in the business.

If the current rate of interest in France on business ventures of a certain class is 5 per cent., and in America 7 per cent., America can not compete with France on equal terms in that business, unless she has a special advantage in the conduct of the business equal to 2 per cent. on the invested capital. Forty years ago we had such an advantage, on account of our superior facilities for building ships and superior skill in sailing them. To-day both of those advantages have been neutralized. Iron has been substituted for wood, steam for sail. Nothing short of a subsidy equal to the difference in current rates of profit in the two countries would put us on an equality in this matter; and that would only do it in case France gave no subsidies at all. But France does give subsidies, on a very large scale; so large as to have stimulated an overproduction of French ships, which has done the French nation more harm than good. To accomplish anything effective we should have to counterbalance the difference in the rate of profit and the French subsidies put together. Were this done, we should doubtless have a great many foreign steamship lines of our own; but they would be running for the subsidy rather than for the trade.

There is a tradition that "trade follows the flag;" that where our ships run we shall develop a trade. This may have been true before the invention of the telegraph, when the cargo was so often a matter of private enterprise on the part of the ship-owner. But there can be no doubt that it is every day less and less true, and it is probably furthest from the truth on those lines of communication where subsidized steam-ships would be likely to run. The notion that such lines would act as drummers for New York houses has very little basis in fact.

If under this condition of things we are asked to grant steam-ship subsidies as a patriotic way of getting rid of the surplus, the presumption is strongly against the wisdom of any such policy. In all the affairs of life, whether public or private, it is a dangerous thing to spend money simply because you have it. It is almost certain that such money will be unwisely spent. This is conspicuously true of government expenditures. The really wise ones have not been made where an overflowing public treasury was used to help individual enterprise, but where some specific need was felt, and the government set about to have that need met in the most efficient way.

England has at times given large steam-ship subsidies, but she has done it on business principles. It was a political necessity for her to have communication with her colonies, and to have steam-ships which could furnish her with a naval reserve, and a transport service in case of war. In order to do this she had to pay for it. She tried to pay as little as she could for the service rendered; but she could not, without political suicide, dispense with such service. She had the same reasons for subsidizing steam-ships that we have for maintaining postal communication on lines which do not pay. It was the same reason which has led Germany and Russia to build military railroads, or which led us to grant liberal aid to the Union Pacific in 1862 and 1864. In all these cases it was a matter of business for the Government to secure its end. The fact that the returns could not all be measured in dollars and cents did not prevent its being sound business policy. In fact, it furnished a strong reason why the government might properly make the expenditure, because there was an advantage to be gained, of which individual enterprise could not reap the benefit.

But where subsides have been given, as has been recently the case in France, or as was done in America in the instances already described, as a means of encouraging private commercial enterprise, it has not proved good business policy. It has caused waste instead of economy, loss rather than gain; it has not proved a source of naval strength or commercial prosperity for the nation which has adopted it. It has turned out to be simply an inducement to extravagance.

It is undoubtedly desirable to reduce the Treasury surplus; but why? Just because it offers a temptation to extravagant uses of money. To make the existence of such a surplus a justification for subsidies is simply to court the evil of which we are afraid. If we spend our money recklessly, we shall not have so much left to spend, and in that way the immediate danger may be diminished; but meantime we shall have done the very harm which we wished to avoid. More than this, we shall have laid the foundation for future evil of the same sort; for any such lavish expenditure of money conceals the need of wise measures to prevent its accumulation.

The existence of a surplus creates a presumption that if subsidies are granted at all they will be granted unwisely. If the surplus is made an avowed reason for granting them, this presumption becomes overwhelming. If the policy should be adopted under the influence of such arguments, we must be prepared to see it at its worst.

ARTHUR T. HADLEY.

Mr. NELSON (before the reading of the foregoing was concluded) said: Mr. Speaker, without consuming further time in the reading of that article, I will incorporate the whole of it in my remarks. I am sorry that I have not time to go into this subject further. In conclusion I wish only to say, recurring to the subject of a comparison with the merchant marine of Norway, that this little country has free ships. A citizen of that country can buy ships in Norway or the United States or anywhere else under the sun. And as for subsidies, Norway is so utterly poor that she could not think of subsidizing a single vessel for a single year. If she should undertake to enter upon a policy of subsidies she would be swamped forever. Hence in that country you have a case where the people are poor because of the natural poverty of the country, where they have practically free trade, where they have all the materials for ship-building and are first-class ship-builders, and yet are allowed to buy ships all over the world; where, in short, the people are left untrammeled just as God made them and are at liberty to compete with all other people on the face of the globe. You can scarcely go into any harbor of the civilized world without finding a Norwegian ship. Now, the idea that in this country, with all our wealth, with all our resources, with all our material, we can not create or keep a merchant marine afloat without giving subsidies to a few steam-ship lines which ply from California westward or to some of the South American countries is preposterous. As I said a moment ago, the giving of bounties to a few steam-ship lines will simply arm them with weapons to keep everybody else out of the business.

Mr. BINGHAM. Will the gentleman allow me one inquiry?

Mr. NELSON. Certainly.

Mr. BINGHAM. Can not England buy her ships everywhere?

Mr. NELSON. Yes, sir.

Mr. BINGHAM. Can not France? Can not Germany?

Mr. NELSON. Yes, I think so.

Mr. BINGHAM. Yet have not each one of those nations in the past been forced to aid her shipping interests in this way, by bounty, subvention, or some other system of generous support?

Mr. NELSON. I will answer the gentleman if I have time. In regard to France, she has attempted a large scheme of subsidy and is now feeling the effects of it; she has been caught on the receding wave, and as a result her shipping interest is now more sickly and dilapidated than it ever was before—the result, if you please, of overprotection and overproduction. [Applause.]

In regard to England, her subsidies have not been granted for protective purposes at all, but simply with a view of keeping up communication by her merchant marine with her outlying provinces and colonies.

Mr. BINGHAM. That does not answer the question I asked.

Mr. NELSON. I have the privilege, as the gentleman must understand, of answering his question in my own way.

Mr. BINGHAM. You have not answered my general proposition.

Mr. NELSON. Well, I can not help it that you do not seem to understand and appreciate my answer.

Mr. BINGHAM. Oh, that is no argument; there is nothing at all in it. I have made the general inquiry whether the history of those great nations, though their people may have the right to purchase their ships wherever they please, does not show that in each case the nation has by subsidy, subvention, or bonus aided in the development of the shipping interests.

Mr. NELSON. Not at all. They have attempted it temporarily, and as a result——

Mr. BINGHAM. Why, England is giving four millions in that way to-day.

Mr. NELSON. The aggregate result in all countries outside of England is that they are to-day feeling the evil effects of overproduction and oversubvention in that industry; and as regards England, it is not a matter of trade with her, but a question of taking care of her interests by maintaining communication with her extended outlying provinces and colonies.

Mr. BINGHAM. England knows nothing but trade.

Mr. NELSON. It is a pity that we do not have something of that spirit.

[Here the hammer fell.]

Mr. FELTON. Will my courteous friend from Minnesota [Mr. NELSON] allow me one word?

Mr. NELSON. I will, for I wish to be courteous.

Mr. FELTON. I infer from what the gentleman has said that Norway is a poor country, that her people are driven to the sea as a *dernier ressort*. They have there, as I understand the gentleman, absolute free trade; they were poor before and they are poorer now. Thank God! I am a citizen of a country that does have to seek for, and will avoid as long as possible, the cheap and the nasty; and I hope that the people the gentleman is speaking of may also arrive at that point or condition. The commonest natural requirements of citizens of the United States would be luxuries to people in some countries——

Mr. NELSON. Now let me answer your question.

Mr. FELTON. Let me get through. I only hope the gentleman's own country will arrive at the same kind of civilization in time as pervades ours.

Mr. NELSON. Oh, I know all about the feeling in California. You have been hating the Chinese so long over there that you hate everything else in the shape of a foreigner.

Mr. FELTON. So far as our feelings for the Chinese is concerned, the gentleman states it exactly. You are right there. I feel complimented.

Mr. NELSON. Yes, you hate the Chinese——

Mr. FELTON. You could not pay me a higher compliment than that.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. NELSON. And you have got so over there that you can not discriminate in your dislike between Chinese and foreigners from any other countries, even those who are not in favor of the "cheap and nasty." The gentleman had a good deal to say about that. I notice, however, that the great manufacturing establishments and the great corporations of the gentleman's part of the country and elsewhere wanted the cheap and the nasty in the shape of contract labor, and we had to pass laws to prevent them from coming in. [Applause and laughter.]

Mr. FELTON. I am as much opposed as the gentleman to anything of that kind; but it took a statute of Congress to pass it. I did all I could to that end.

Mr. DOCKERY. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman from Missouri will proceed.

Mr. BRECKINRIDGE, of Arkansas. It was a Republican law we repealed, I believe.

Mr. NELSON. I do not know anything about that.

Mr. FELTON. I am with the gentleman from Minnesota in this

sentiment, and I want him to understand that I, myself, introduced in this and in the Forty-ninth Congress, early in the sessions, a bill in this House to prevent objectionable immigration, which your committee have not dared to report. Why did your committee not report the measure and give the representatives of the people an opportunity to act on it?

The SPEAKER *pro tempore*. The Chair will remind the gentleman that the gentleman from Missouri has the floor.

Mr. DOCKERY. It must have been a center shot, from the confusion that the remarks of the gentleman from Minnesota seemed to create on the other side.

Now, Mr. Chairman, if I can have order for a few moments——

The SPEAKER *pro tempore*. The gentleman will suspend his remarks until the House comes to order.

The gentleman from Missouri has forty minutes.

[Mr. DOCKERY withholds his remarks for revision. See APPENDIX.]

Mr. BRUMM. Does the gentleman believe that free trade could remedy it?

Mr. PETERS. I yield now to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I can not claim to have a very intimate knowledge of the working of the foreign mail service of our Post-Office Department. I shall not try to discuss it. What I shall try to do in the time I have at my disposal is to show the great benefit which will flow to that part of the country in which I live if the Senate amendment becomes law and means what I believe it to mean, and is executed by the Postmaster-General as he says he will execute it, according to the spirit of the act.

I do not understand the Senate amendment in the way in which the gentleman from Missouri [Mr. DOCKERY] understands it. He looks upon it as a subsidy pure and simple, using the word in the odious sense of a mere gratuity to a few existing lines of steamers. He even declared that under it a large sum of money would go to the Pacific Mail Company. How he reaches that conclusion I can not possibly see. I have not time to argue the question at length, but I will state what my understanding of its meaning is. If this amendment were to become law and were to be faithfully executed by the Postmaster-General, he would not be compelled to pay a single solitary dollar to the Pacific Mail Company.

Of course I speak of the moral obligation resting on the Postmaster-General. As to legal enforcible obligation, there is none. He could not be impeached if he refused to spend a dollar. But I repeat, that if he endeavored, as he says he would, to carry out the spirit of the act, he would not be compelled to spend a single solitary dollar on any existing line for the existing service of that line. All the money which he would have to spend, all the contracts which he would in honor be bound to enter into, would be either to secure direct mail facilities where such facilities do not now exist at all, or else to secure a better service from an existing line than he can otherwise secure. Indeed I am inclined to think that he would be derelict in his duty if he spent a single dollar of this money to an existing line as an additional compensation for the same amount of service which would be rendered without the additional payment. The meaning of the Senate amendment is simply this. Compensation to existing lines for ordinary service is elsewhere provided for.

Mr. BINGHAM. In the existing law.

Mr. ADAMS. Yes, in the existing law, and the appropriation for it is found at the bottom of page 5 of the printed bill. Here it is: "For transportation of foreign mails, $547,000."

Now, just as we find in the transportation of our mails by rail that the ordinary mode and rate of compensation will suffice for ordinary cases, while in exceptional cases an exceptional rate of compensation is proper, and we therefore appropriate for necessary and special facilities on trunk lines, as we do in this very bill now pending; just so the Senate amendment provides for an extra or special compensation for the transportation of our foreign mails by sea in those cases where the ordinary modes of compensation do not afford the mail facilities which the people of this country ought to have.

Now, Mr. Speaker, I want to say a word about the amendment of the gentleman from Pennsylvania. I must say that I prefer the Senate amendment. Why? Because I can not see how, under the gentleman's amendment, we could secure direct steam communication where we need it most. I mean between New York and New Orleans in the United States, and Buenos Ayres and Montevideo in South America. The main effect of the gentleman's amendment would seem to be to give a more adequate compensation to existing lines of American steamers. That may be perfectly proper. But what we need most of all, I think, is to secure direct steam communication where there is no existing line at all. How can you start a line of American steamers between New Orleans and Buenos Ayres, or between New York and Buenos Ayres by merely giving four times the sea and inland postage? It is impossible. In such a case you must give a mileage rate, and you can not give it except under the Senate amendment.

Mr. HOPKINS, of Illinois. Will it trouble my colleague if I ask him a question?

Mr. ADAMS. Not if it is a brief one. My time is limited.

Mr. HOPKINS, of Illinois. Have you investigated the subject far enough to know whether the appropriations will be sufficient to establish new lines at the place indicated by you.

Mr. ADAMS. I do not know that. I only know that if the money is not sufficient for that purpose it will not be spent for that purpose. I know further, that the new lines could not be started under the amendment of the gentleman from Pennsylvania [Mr. BINGHAM].

Understanding the Senate amendment as I do I believe in the wisdom of adopting it. It is an exceptional means of securing an exceptional advantage. The general principle of bounty or subsidy is not involved at all. I believe our trade with Central and South America is capable of a great development. I believe this mainly because I believe in the magnificent future of the Argentine Republic. Increased trade with the West Indies and with the northern part of South America and with Brazil may be of great benefit to us. It does not compare with what we should gain by increased trade with the Argentine Republic. The foreign trade of that Republic is great already. It is nothing compared with what it will be in ten years.

We need that trade to-day. We shall need it tenfold more in ten years. We can secure it if we make a determined effort now. In ten years it may be beyond our reach.

I might almost say, Mr. Speaker, that I have a local interest in this question. I have been looking at some tables of imports into the Argentine Republic. I am surprised to find how many of the more important articles are produced in my own Congressional district, or in the immediate neighborhood of the city of Chicago, in which I live. If other gentlemen will examine the subject in the same way, I believe many of them would see the practical bearing of it in the same light.

What I want to see done for the benefit of the Northwest is the establishment of frequent and regular steam communication between New Orleans and Buenos Ayres. It would benefit not merely the Northwest, but the Southern States of the Mississippi Valley. Of course there should be a similar line from New York, but we in the Mississippi Valley are mainly interested in the New Orleans route.

There is another trade facility which I hope to see established, and which would have an important bearing on our trade with Central and South America. I mean an all-water route from the Great Lakes to the Gulf of Mexico. Such an all-water route, by its cheaper water carriage or by the effect of its competition on railway rates, would cheapen the cost of transportation to Central and South America from nearly all the manufacturing towns along our Northern border.

But what we want first of all and most of all is a frequent and regular line of American steamers from New Orleans to Buenos Ayres and intermediate points.

Suppose we get such a line by adopting the policy indicated by the Senate amendment now pending. What would the effect be on the industries of this country and particularly upon the industries of the Mississippi Valley, North and South?

First consider what sort of a customer for American goods the Argentine Republic is likely to be. It is the strongest, the richest, the most progressive among the younger nations of the world. Labor is comparatively scarce there, and wages are high. The people of the Argentine Republic earn money easily and spend it freely. They are in that respect like the people of the United States. The market which they offer us is likely to become within twenty years the best market in the world for us outside of the United States.

I hold in my hand a very attractive book, just published, entitled "The Capitals of Spanish America," by Mr. W. E. Curtis. Mr. Curtis was secretary and acting commissioner of the commission appointed under the act of July 7, 1884, to ascertain and report on the best modes of securing more intimate international and commercial relations between the United States and Central and South America.

Undoubtedly the information in regard to Spanish America contained in this book is also to be found somewhere in the two bulky volumes of the report of the commission. But Mr. Curtis has in this book shown the happy faculty of imparting useful information in a very entertaining way. The main facts are here put into a more convenient form. Besides, what I want to show is not merely the dry facts of the imports of foreign goods into the Argentine Republic; I want to show the spirit of that people, their way of living, their way of making and spending money as it is now, and as it is likely to be in the future.

It is these traits of national character and habits of earning and spending money which makes all the difference in the world between a good customer and a bad customer for American products, and particularly for American manufactured goods. Where a population is poor, where wages are low and the people find it hard to make both ends meet, you will not find a good market for manufactured goods unless it be for the inferior grades of goods at a low price.

On the contrary, when the laboring population of a country have good wages, and not only make both ends meet, but have something to spend for the luxuries of life, there you find a good market for the better grades of goods, even at the higher price.

Mr. FELTON. Is not that true of Australia and New Zealand?

Mr. ADAMS. Certainly it is. It is true of all new countries of great natural resources, where the people are intelligent and enterprising, and where labor is scarce and wages are high. I was just going to say that, and I was going to say further that this difference between the cheaper goods at the cheaper price and the better goods at the better price is just the difference between British and American goods.

Take cotton goods, for example. If the people of the Argentine Republic were poor, like many of the customers of Great Britain our solid, honest and durable cotton goods could not perhaps compete with the cheaper Manchester cottons, which are sometimes hardly more than mosquito netting filled up with pipe clay. As the people of that great republic of South America actually are, we could compete in their markets against Great Britain with our better cotton goods, even at the better price which we should have to charge for them. The proof is that British cotton goods are often imported into South American markets under a fraudulent Massachusetts trade-mark.

Now, let me read some extracts from Mr. Curtis's book:

Here is something on page 543 about Buenos Ayres:

The city of Buenos Ayres is the only one of the South American capitals in which modern ideas and manners of life prevail. The town is of mushroom growth, like Chicago. There were no old prejudices to uproot, no antiquated bigotry to tear down. It looks less like Spain and more like a modern American community.

Again, on page 549:

Notwithstanding the commercial disadvantages of Buenos Ayres—

That refers to its inferior harbor facilities, which I understand have been remedied since the book was written—

it is the most enterprising, prosperous, and wealthy city in South America, a regular Chicago, the only place on the whole continent where people seem to be in a hurry, and where everybody you meet seems to be trying to overtake the man ahead of him. It is all bustle and life night and day, and is so different from the rest of South America that the traveler is more impressed than he would be if he came direct from the United States.

Our knowledge of the Argentine Republic amounts to little more than we know of the Congo State, and the man who goes there from the United States is kept in a state of astonishment until he leaves. Then as he sits on shipboard and reflects over what he has seen he can not find an exclamation point big enough to do justice to his description of the country. The Argentinians think it is wicked indifference on our part to know so little about them, for the surprise of the few American visitors wounds their self-esteem. They are a proud people like the rest of the Spanish race, and unlike some nations have many things to be proud of. They know all about us.

There are many men in the Argentine Republic who can tell you the percentage of increase in population, industry, and progress in the United States as shown by the latest statistics. But how many people in the United States are aware that that country is growing twice as fast as ours? How many members of the Senate or the House of Representatives at Washington, how many members of the Cabinet or justices of the Supreme Court know that the increase of population in the Argentine Republic during the last twenty-five years has been 154 per cent., while in the United States it has been only 79 per cent., and that Buenos Ayres is growing as fast as Denver or Minneapolis?

The people are right when they assert that their country is the United States of South America and there is nothing else that they are so proud of. They study and imitate our institutions and our methods, and in some cases improve upon them. You can buy the New York dailies and illustrated papers at any of the news stands in Buenos Ayres, although they are six weeks old, and the people purchase and read them. They understand the significance of the cartoons in Puck, and read Harper's Magazine and the Century. Blaine's book and Grant's memoirs are on sale, and the issues of our Presidential campaigns are as well understood as their own local squabbles.

Here is what he says about steam-ship lines on pages 551, 552:

Twenty-three lines of steamers connect the Argentine Republic with the markets of Europe and from forty to sixty vessels are sailing back and forth each month. In the harbor of Buenos Ayres, or in what they call the harbor, are dozens of steam-ships and scores of sailing vessels showing every flag but that of the United States, for an American steamer never goes there, and only occasionally a bark or brigantine chartered at New York or Philadelphia with a cargo of lumber or railway supplies.

Nearly all the goods these people buy of us are sent by way of Europe, as mails and passengers usually go, and very little is bought in the United States that can be purchased elsewhere. The reason for this is very plain—we have no transportation facilities; while those afforded for trade in Europe are as regular and convenient as exist between Liverpool and New York.

And this trade is worth having. The Argentine Republic imports nearly $100,000,000 worth of merchandise every year, of which about one-third is from England, one-fifth from France, one-fifth from Germany, while the United States comes in at the tail of the list along with Sweden, Denmark, and Chili. While England sent $35,375,628 worth there in 1885 we sent $7,000,000, mostly lumber, railway supplies and cars, and agricultural implements. While she sent $7,000,000 worth of cotton goods, we sent $600,000 worth. While she sent nearly $7,000,000 worth of hardware and other manufactures of iron and steel, we sent about $500,000 worth, and so on down through the list of manufactured articles in which we with equal transportation facilities can compete with any nation on the globe. Our goods are more popular there, as everywhere in South America, so popular that the manufacturers of Manchester and Birmingham imitate our trade-marks and send cargoes of merchandise which appear to have been produced in the United States, but never got nearer Yankee-land than Liverpool.

This, then, is what the people of the Argentine Republic are to-day. What are they likely to become within ten years? They appreciate now the difference between British and American goods. What are they likely to do when they can get our solid, honest, and durable American goods by direct frequent and regular steam communication with New York and New Orleans? We can drive the British goods out of the market. Four years ago I had a conversation with a gentleman at Chicago, who had for years been engaged in selling American goods by sample in some of the South American cities. He told me that on one occasion he was trying to sell agricultural machines such as are made in my Congressional district. There was a demand for a considerable number of them. The superiority of the American machine at the price demanded was admitted. Yet he could not sell his machines. Why? Because they could not be delivered in time. Why not? Because there was no direct and regular steam communication with the United States. The machines would have to be sent to Europe and thence to South America. So his customer, or rather the man whom he wanted for a customer, decided to get the European machine, although he admitted its inferiority to the American machine at the price demanded. He could get the European machine more promptly and regularly when he needed it.

This one example, as it seems to me, illustrates the whole case.

It can not be denied that the Argentine Republic already offers a very valuable market for foreign goods, and that our share of their foreign trade is an insignificant one. I have in my hand an address, delivered May 8, 1888, by Edward Augustus Hopkins, a citizen of the United States, though long resident at Buenos Ayres, before the Chamber of Commerce of the State of New York, on the Argentine Republic and coterminous countries.

This address contains a table showing the imports for the year 1886. This list covers a large number of articles produced in the United States. It will not be claimed, of course, that in all of the articles shown by this list we can successfully compete with Europe in the markets of the Argentine Republic. Some of them cost much more to produce in this country than in Europe.

There are many, however, in which we can compete, even where the question of competition is a question of price without regard to quality. There are many others in which we can hold the market by reason of the superiority of the goods, even at a higher price than Europe can lay them down for. It is rather significant to notice the number of articles in the list I have referred to, which were imported from the United States, although in small amounts, during the year 1886.

They are starch, dried fish, meats, preserved vegetables, flour, hams, dried fruits, dried vegetables, preserved fish, cheese, tea, ale or beer, spirits, tobacco, cotton cloth, cassimeres, twine threads, canvas, lampwick, tanned goods, woolen manufactures, articles of hemp, calicoes, ready-made clothing, oils, colors, gunpowder, mahogany, trunks and boxes, pianos, paper, boots and shoes, saddlery, harness, tanned hides, arms and equipments, nails, cutlery, tools, thrashing-machines, sewing-machines, railroad materials, watches and clocks, glassware, lamps and coal.

I have said that many of the articles imported into the Argentine Republic are manufactured in the immediate neighborhood of the city where I live. Here is a partial list of them: Meats, preserved vegetables, flour, hams, dried fruits, cheese, beer, spirits, cotton cloth, tanned goods, ready-made clothing, trunks and boxes, boots and shoes, saddlery, harness, nails, tools, agricultural implements, sewing-machines, watches, glass, and railway supplies.

This list, with the exception of watches which are made in the Congressional district of my colleague [Mr. HOPKINS], adjoining that which I have the honor to represent, is taken from the annual statement of the trade and manufactures of Chicago given in the Chicago Tribune of January 1, 1888. It appears that in the industries represented in this list about 46,000 workingmen were employed last year in and about the city of Chicago, and a capital of over $41,000,000.

If gentlemen would only look at the subject from this practical point of view they might be surprised to find how much their own districts are interested in it. The gentleman from Georgia [Mr. STEWART], in front of me, is interested in the new cotton-cloth industry of his own State. He would be interested to know how much cotton cloth the Argentine Republic imported last year. If there were a line of steamers from New Orleans to Buenos Ayres the cheap, strong, serviceable cotton fabrics of Georgia, which now, I understand, begin to compete with Manchester cottons in China and the East Indies, would compete with them also in the South American market. Then there is the lumber industry of Arkansas and Louisiana, and a dozen others, which I have not time to mention.

Now, Mr. Speaker, it will hardly do to intimate, as the Postmaster-General seems to do in his letter to the chairman of the Post-Office Committee, that it is useless or unwise to try to extend our foreign trade while we maintain a protective tariff. The protective tariff secures the home market for our manufactured goods. It does not follow that we ought not to export our manufactured goods whenever we can do so at a profit.

Here is the fact. We did export to the Argentine Republic during the year 1886 a large variety of American goods. These goods were sent largely by way of Europe. If we could have sent them direct, the amount and number of them would have been greater than it was, even though many of them were produced in this country only by reason of the existence of a protective tariff.

Those, at least, who have been urging us for the last three months to abandon the protective system, in order, as they say, to secure the markets of the world, ought to be the first and foremost in the support of a provision which will be needed, if they have their way, in order to enable us to adjust ourselves more rapidly to the new condition of things upon which they would have us enter.

Nor will it do to say that the foreign commerce of the Argentine Re-

public is too small to deserve our attention. If it is not worth having for what it is to-day, it is at least worth having for what it is surely destined to become. Remember, too, that although the Republic is certain to become a large user of manufactured goods, it is not likely to become a manufacturing nation. It has neither fuel nor water-power.

Nor can it be said that the people of the Argentine Republic do not desire to have closer commercial relations with us. They desire it eagerly. I understand that they have offered to give $100,000 per annum for the establishment of a direct line of steamers to the United States if the Government of the United States would give an equal sum, and that the offer is still standing.

This reminds me of the remark of the gentleman from Georgia that a direct line of steamers to New York was likely to be established between the Argentine Republic and New York without the interposition of our own Government. I think he is mistaken. The line he referred to is the Houston line. As the gentleman from Maine [Mr. DINGLEY] has said, it is a British line. Its headquarters are at Liverpool. It was offered the bonus and accepted it; but when it was ascertained that the company was required to build new ships of 4,000 tons burden and adapted to carry two hundred and fifty passengers, the company threw up the project, and we are as far off from having direct steam communication between the United States and Buenos Ayres as we were before.

Mr. Speaker, I believe that the establishment of frequent and regular steam communication between New York and New Orleans, in the United States, and the capital of the Argentine Republic and intermediate points, which, as I understand the matter, would be the logical outcome of the adoption of the Senate amendment and its faithful execution by an intelligent and patriotic Postmaster-General, would return to the people of the United States tenfold all the money it would cost the Treasury of the United States.

Is this proposition disputed? Not at all. Those who oppose the Senate amendment will not stay to argue the question of the commercial advantages involved in it. They put their opposition on other grounds. They say that it is subsidy pure and simple, by which they mean a gratuity to a few favored lines of steamers. Mr. Speaker, if a subsidy in the odious sense in which the word is used shall come out of the pending proposition, it will arise, not out of the act itself, but out of the execution of the act by the Postmaster-General. He can make it a subsidy or not, as he pleases. I admit that we give him the power. I have no fear that he will abuse it.

He tells us in his letter to the chairman of the committee that if this Senate amendment becomes a law he will faithfully execute it according to the spirit of the act. The spirit of the act is that he shall make contracts with new or existing lines of American steamers, not for their benefit, but for our benefit. The terms of the contracts which he is to make are entirely within his discretion, except that they shall not extend less than five nor more than ten years, and that the rate shall be a mileage rate and shall not exceed $1 a mile.

I believe the Postmaster-General to be an intelligent and patriotic man. I believe he will exercise the power we give him, not in the interests of a few individuals, but in the interest of the people of the United States. His aim will be

To provide more efficient mail service between the United States and Central and South America and the West Indies.

That is the very language of the act. If out of this improved mail service there shall come, as I believe there will come, a large and profitable increase in our Central and South American trade, our mails to and from these countries will also increase, and the cost of carrying them then reckoned by the pound or price of mail matter will largely diminish. The experiment may fail. So may any experiment fail. We voted $100,000 the other day for further experiments in the making of sorghum sugar. That experiment may fail, but it was well worth trying.

The incidental advantages to our merchant marine and to our political and commercial relations with the countries of Central and South America, which we hope for as a result of an improved mail service to those countries, may after all not be realized. If so, we shall at least have gained something. We shall have set at rest a long-disputed matter. If we can not in this way extend our trade relations with the countries of Central and South America then we can not in this way extend our trade relations with any countries in the world.

Mr. Speaker, I believe the experiment will not fail. I believe it will be a great and enduring success. I believe it will draw closer the ties of international and commercial friendship between the United States and the countries of Central and Southern America. I believe it will lead to a great and profitable extension of our foreign trade. I believe it affords the safest and wisest way in which we can take the first step toward the restoration of the American merchant marine.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had directed him to request the House of Representatives to return to the Senate the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4423) relating to certain acts of the Twenty-seventh Legislative Assembly of the Territory of New Mexico;

A bill (H. R. 8039) providing for the appointment of police matrons of the District of Columbia and defining their duties, and for other purposes;

A bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.; and

A bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyo.

The message further announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

A bill (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes; and

A bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that it had passed joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia.

It further announced that the Senate had receded from its disagreement to the amendment of the House to the bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major in the United States Army, and agreed to the same.

ORDER OF BUSINESS.

Mr. PETERS. Mr. Speaker——

Mr. BLAND. I desire in the interest of the overworked officers of this House to make a request for unanimous consent——

Mr. PETERS. I believe I am entitled to the floor.

Mr. BLOUNT. I wish to make a motion for a recess until 8 o'clock, if the gentleman will yield, as it now only wants about seven minutes of 5 o'clock, and we will have to take a recess at that time under the previous order of the House for the consideration of pension bills. It is hardly worth while for the gentleman to begin to make a speech now in the short time remaining; and I will therefore move a recess until 8 o'clock. I will yield to the gentleman from Missouri [Mr. BLAND] to hear what he has got to say.

Mr. BLAND. I stated, Mr. Speaker, that in the interest of the officers who are overworked in this House, I wished to make a request for unanimous consent to the effect that the night sessions ordered by the House be limited to half past 10 o'clock.

The SPEAKER *pro tempore*. The night session for to-night is limited by the order to half past 10.

Mr. BLAND. But that all evening sessions fixed heretofore by the House be limited to half past 10 o'clock.

Mr. PETERS. I think that order had better not be made with reference to to-night, at all events, until the chairman of the Committee on Invalid Pensions is present.

Mr. MCMILLIN. It does not affect the order for pensions, as that is already limited.

Mr. PETERS. Then I have no objection.

Mr. BLAND. Human nature requires some rest; human endurance has its limits, and the officers of this House ought to have a little consideration by the members. They have been entirely overworked; they are necessarily here all the time; the sessions of the House have been very long and very trying; and I understand there will be no objection to the request.

The SPEAKER *pro tempore*. Does the Chair hear objection to the request of the gentleman from Missouri?

Mr. HENDERSON, of Iowa. What is it?

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that the evening sessions heretofore ordered by the House be limited to half past 10 o'clock.

Mr. LYMAN. I object.

Mr. BLOUNT. I wish to ask how much time of the six hours is remaining for the general debate?

The SPEAKER *pro tempore*. Those in favor of the amendment have occupied two hours and twenty-four minutes. Those opposed to it have occupied two hours and twenty-two minutes.

Mr. BLOUNT. I wish to say that, as soon as the six hours shall have been exhausted, by agreement with the gentleman from Pennsylvania we will ask the previous question.

The SPEAKER *pro tempore*. One hour and fourteen minutes of the general debate remains.

Mr. FELTON. Will the question be then open for further amendment?

Mr. BLOUNT. That will depend on whether the previous question is ordered.

Mr. SPRINGER. I wish to make a suggestion to the House, which, I believe, will meet the approval of a great many of the members pres-

ent, if not all. We have had several night sessions lately, in addition to the long daily sessions, and the House corps of reporters are overworked and very much exhausted. These gentlemen have been working night and day all week, and in the interest of common humanity, and in behalf of the officials of this House, I move that we now adjourn.

Mr. BLAND. Before that, I want consent to renew my request, and hope there will be no objection to so reasonable a proposition. We had a meeting last night, we have one to-night, and we have one fixed for to-morrow night. It is not right to require men to do such an unreasonable amount of work.

Mr. BINGHAM. But we did nothing last night.

Mr. BLAND. That is not the fault of the officers of the House.

Mr. SPRINGER. That is true; and the Reporters were present, and had to do their work whether anything resulted or not.

I move that the House do now adjourn.

Mr. PERKINS. On that I demand the yeas and nays.

Several MEMBERS. "Oh, no!"

The motion to adjourn was rejected.

Mr. BLOUNT. I renew my motion for a recess until 8 o'clock.

Mr. PERKINS. I rise to a parliamentary inquiry. Would that interfere with the order providing that this session shall be for the consideration of pension bills?

The SPEAKER *pro tempore*. It would not. The Chair understands that by a special order of the House the evening sessions of Friday are set apart for the consideration of pension bills.

Mr. WILSON, of Minnesota. I wish to ask if the pension cases which were set for last evening can be taken up this evening?

The SPEAKER *pro tempore*. The Chair is of opinion that these cases have returned to their proper places on the Calendar in Committee of the Whole, and would be in order at the Friday evening sessions.

Mr. SPRINGER. Oh, no; that is a mistake. They are not in Committee of the Whole.

Mr. BINGHAM. They are in the House and not in Committee of the Whole.

Mr. SPRINGER. Of course.

The SPEAKER *pro tempore*. The Chair was misinformed. The Chair understands that they are still in the House. It would be in order to-night to call them up before the House goes into Committee of the Whole or after the committee shall have risen.

The motion of Mr. BLOUNT was then agreed to.

And accordingly (at 4 o'clock and 58 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Hon. BENTON MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 13, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. HUNTER. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of Senate bill 1009, and that it be now considered in the House.

The SPEAKER *pro tempore*. The Clerk will report the bill, after which the Chair will ask for objections.

The Clerk read the bill, as follows:

An act (S. 1009) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sallie R. Alexander, widow of the late Lieut. Col. Thomas L. Alexander, United States Army, at the rate of $50 per month, for and during her natural life, in lieu of the pension of $30 per month now paid to her.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1009) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army, have had the same under consideration and concur in the Senate amendment, which is as follows: Strike out in lines 7 and 8 the words "one hundred" and substitute therefor the word "fifty."

Your committee beg leave to submit the following statement of the military service of Col. Thomas L. Alexander, United States Army, husband of claimant:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, February* 14, 1888.

"Statement of the military service of Thomas L. Alexander, late of the United States Army, compiled from the records of this office:

"He was graduated at the United States Military Academy, and appointed brevet second lieutenant Sixth Infantry July 1, 1830; promoted second lieutenant July 1, 1830; first lieutenant April 18, 1837; captain July 7, 1838; major Eighth Infantry June 9, 1853, and lieutenant-colonel Fifth Infantry July 31, 1861.

"He received the brevet of major, United States Army, August 20, 1847, 'for gallant and meritorious conduct in the battles of Contreras and Churubusco.'

"He was on leave of absence to December 1, 1830; on duty with his regiment at Jefferson Barracks, Missouri, to May, 1831; at Rock Island, Ill., to July, 1831; at Jefferson Barracks, Missouri, to April, 1832; in the field in the Black Hawk war against the Sac Indians (being engaged in the battle of Bad Axe River, August 2, 1832) to September 1832, and at Jefferson Barracks, Missouri, to March 17, 1834; acting assistant adjutant-general and aid-de-camp to Brevet Brigadier-General Atkinson, commanding right wing, Western Department, to September 22, 1834; on leave to May 1, 1835; acting assistant adjutant-general and aid-de-camp to Brevet Brigadier-General Atkinson, commanding right wing, Western Department, to December 19, 1838; with regiment at Fort Jackson, Louisiana, to January 23, 1839; witness before a court of inquiry at St. Louis, Mo., to April 30, 1839; with regiment in the Florida war to July 12, 1839; witness before a general court-martial at St. Louis, Mo., to December 9, 1839; with regiment in the Florida war to May 10, 1840; absent sick to January 25, 1841; with regiment in the Florida war to January 25, 1842; on detached service (emigrating Indians from Florida) to December 12, 1842; with regiment at Forts Washita and Towson, Indian Territory, to March 19, 1844; on leave to November 30, 1844, and absent sick to April 15, 1845; with regiment at Fort Towson, Indian Territory, to May, 1846, and *en route* to New Orleans, La., to June 8, 1846; on sick leave to January 29, 1847; with regiment in the war with Mexico (being engaged in the siege of Vera Cruz,) March 9 to 29, 1847; battle of Cerro Gordo, April 17 and 18, 1847; skirmish of Amazoque, May 14, 1847; capture of San Antonio, August 20, 1847; battles of Contreras and Churubusco, August 20, 1847; Molino del Rey, September 8, 1847, and Chapultepec and City of Mexico, September 13 and 14, 1847, to August, 1848; *en route* to and at Fort Atkinson, Kansas, to February 14, 1849; on leave to May 3, 1849; on recruiting service to September 6, 1850; on leave to May 10, 1851; with regiment at Fort Snelling, Minnesota, to February 9, 1853; on sick leave to September 13, 1854; deputy governor of the Military Asylum at Harrodsburgh, Ky., to May 14, 1858, and lieutenant-governor of the Soldiers' Home, near Washington, D. C., from May 16, 1858, to March 8, 1864. He was retired from active service October 16, 1863, for disability, resulting from sickness and exposure in the line of duty. On duty under orders of the commanding officer of Louisville, Ky., from March 9, 1864, to August 16, 1866; member of the examining board of applicants for promotion in the Army to December 31, 1867; unemployed to June 20, 1868; on court-martial duty in the Department of the Cumberland to January 22, 1869; unemployed to March 11, 1881, upon which date he died at Louisville, Ky.

"THEO. SCHWAN,
"*Assistant Adjutant-General.*"

General S. B. Buckner, who is now governor of Kentucky, was an Army associate of Col. Thomas L. Alexander, and renders the following tribute to the memory of the deceased, which is made part of this report:

"COL. THOMAS LUDWELL ALEXANDER.

"The announcement of the death of this accomplished gentleman and distinguished soldier has filled with sorrow a large circle of friends. His genial qualities, his exemplary life, his Christian virtues endeared him to all with whom he was associated, and left upon all with whom he came in contact the impress of his generous nature. But though he has departed from this life he has left behind him the rich legacy of an example worthy of our imitation and a character calculated to excite our emulation and to command our esteem. His career has been an eventful one.

"Born in Prince William County, Virginia, of an illustrious parentage, he ranked amongst his ancestors the distinguished statesman, Richard Henry Lee, who was his great-grandfather; and emigrating to Kentucky at an early age, he entered the United States Military Academy in July, 1826. On graduating from that institution in 1830 he entered the Sixth Regiment of United States Infantry as brevet second lieutenant, and was successively promoted to the grades of second lieutenant, first lieutenant in 1837, and captain in 1838 in the same regiment, in which he continued to serve until promoted to the grade of major of the Eighth Infantry in 1853, and subsequently to the grade of lieutenant-colonel of the Fifth Infantry in 1861.

"The earlier years of his military career were passed in what was then our extreme western frontier, in Missouri and Iowa, and his military qualities soon attracted the attention of his superiors. After only two years of active service he was selected by Brigadier-General Atkinson as aid-de-camp, and participated with that distinguished soldier in the battle of the Bad Ax, August 2, 1832, against the Sac and Fox Indians, who were under the leadership of the celebrated chief, Black Hawk, and after this decisive victory was selected by the commanding general to conduct the captive chief to Washington City.

"After the conquest of these Western Indian tribes and his promotion to the grade of captain, he was ordered with his regiment against the Seminole Indians in Florida, and actively participated in the arduous campaigns against that tribe during the years 1839, 1840, 1841, and 1842. On the conclusion of the war, the difficult character of which can only be appreciated by those who have experienced like hardships and privations, he was selected to superintend the removal of the present Indian nation west of Arkansas of the Seminole Chief Tiger Tail and his band; and was subsequently stationed in their midst at Fort Towson, to hold them in subjection. In this remote region, which was then so far beyond the limits of civilization, he remained until the outbreak of the war with Mexico and the concentration of the troops of the regular Army by General Scott for the first campaign against the City of Mexico. From the Lower Rio Grande he moved with his company, which was the color company of his regiment, to the rendezvous near Vera Cruz. The landing was effected by Worth's division on March 9, 1847.

"This descent, which was made in the close view of an enemy superior in numbers, was no ordinary pageant. Three thousand veteran troops embarked in boats, each of which was manned by seamen and directed by an officer of the Navy, moved in a line parallel with the shore, and in perhaps less than three minutes from the landing of the first boat the entire line of three thousand men had formed upon the bank and were moving upon the heights beyond. Alexander's colors were the first displayed upon the beach, and it may be safely asserted that he was the first soldier of that veteran army whose feet touched this hostile shore.

"In the siege of Vera Cruz which followed, and which terminated in its surrender on the 29th of March; in the battle of Cerro Gordo on the 17th and 18th of April following; in the subsequent pursuit of the retreating enemy through Jalapa Perote and the city of Puebla; in the terrible day of Churubusco, and the operations resulting in the final capture of the city of Mexico and the dispersion of the armies of Santa Anna, Captain Alexander bore an active and a distinguished part, in recognition of which he received the rank of brevet major, August 20, 1847, 'for gallant and meritorious conduct in the battles of Contreras and Churubusco.'

"That veteran army which planted its victorious standards on the national palace of Mexico and won an empire for its country contained many a knightly soldier, but it could boast of no truer gentleman or more chivalrous spirit than Thomas Ludwell Alexander.

"At the close of the war with Mexico he was again assigned to duty on the frontier in Kansas and Minnesota, until selected to organize the Military Asylum at Harrodsburgh, Ky., in 1854, where he remained until appointed, in 1858, lieutenant-governor of the soldiers' home, near Washington City, in which position he continued until March 8, 1864.

"The arduous duties of a military career, extending over a period of more than thirty years, and the deleterious influence of the varied climates to which he had been exposed, seriously injured a constitution which was never robust. He was compelled, therefore, after so many years of devotion to his country, to avail himself of the privileges accorded by its laws, and on October 16, 1863, was 'retired from active service for disability resulting from long and faithful service, and from sickness and exposure contracted in the line of duty.'

"The remaining years of his life were passed chiefly at his beautiful home near Louisville, Ky., cheered by the presence and the affection of the cherished partner of his life, the devotion of his children, the admiration and love of numerous friends, and the sincere regard and esteem of the community of which he was an ornament.

"In the fullness of years, at the age of seventy-three, he sank peacefully to rest on the 11th of March, 1881, the laurel wreath of the chivalrous soldier encircling his honored brow, and the confiding trust of Christian hope cheering and inspiring his heart.

"Among the numerous friends who lament the loss of this accomplished gentleman none can more deeply grieve than the writer of this brief sketch of his military career. His subordinate for many years, and honored by his friendship, he early learned at the bivouac and around the camp-fire to appreciate the noble qualities of his commander, which attracted the love and commanded the esteem of all who approached him. His imposing presence, his kindly, loving nature, his generous impulses, his true dignity of character, his stainless honor and integrity, his knightly and chivalrous bearing, united to make 'a combination and a form, indeed, which give the world assurance of a man.'

"S. B. B.

"LOUISVILLE, *March* 14, 1881."

In view of the distinguished services rendered the country by the deceased, and the advanced age of claimant, your committee find that the case appeals strongly to the generosity of Congress, and therefore make this favorable report, and recommend the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CHIPMAN. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

Mr. CHIPMAN. I move that we pursue the same course that we pursued last Friday evening, that only those bills be acted upon that are specially called up by members present.

Mr. SAWYER. I object.

Mr. PERKINS. I suggest that in addition to the request made by the gentleman from Michigan that those who were on the list last Friday evening and did not get recognition be the first recognized to-night. Perhaps with that modification the gentleman from New York will be satisfied.

Mr. CHIPMAN. That is understood.

The CHAIRMAN. The Chair will state that some fifteen or twenty gentlemen were left over from the list last Friday evening, and an objection will cut those gentlemen out. Is the objection insisted upon?

Mr. HOUK. It will be.

Mr. SAWYER. If I may be permitted to make a statement, I will say that I did not object because I have any personal interest in the matter. There is not a case on the Calendar in which I have any personal interest at all. But there are Senate bills which were referred to me and which I have reported. There is nobody here to look after those cases. I have heard a great deal of complaint in regard to the Senate delaying action on bills that have passed the House. If the cases are not taken up in regular order on the Calendar the bills that have passed the Senate and come to the House will be put over to suit the personal feelings or desires of independent members of the House, and we will have the Senate complaining of us as we complained of the Senate at the last session. It is getting toward the latter part of the session, and I think we should follow the regular order. That is the reason I object.

Mr. PERKINS. I will suggest to the members present that on last Friday evening there were a number of gentlemen upon the list who were not recognized when we adjourned. It was then agreed (although I do not, of course, say that binds the House to-night) that the gentlemen who were not recognized should be recognized this evening, and all have depended upon that. I think it is but fair that the gentlemen omitted then should be recognized. After they are recognized, if it be the wish of the gentleman from New York, we can proceed in the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. HOUK. I object. I was on the list during the early part of the session and never was reached. I did not insist on being recognized afterwards. I have been here several nights when I could not get recognition. I was not here on the night to which the gentleman refers. I was out of the city last Friday night and could not be here. I do not see why the proposed action should be taken just because it is more convenient for gentlemen to come here on one night than another.

Mr. PERKINS. That is hardly a good reason for objecting to recognition of those who were here.

Mr. FINLEY. I have been absent since the 16th of May, and have had no recognition. I do not think gentlemen who have unfortunately been absent from these sessions should attempt now to take advantage of those who have attended here regularly. I think they should abide by the action of the House on last Friday evening. The Chairman then announced, and I thought properly, that he would carry the list over to this evening, and would recognize those who failed of recognition at the last pension session for want of time; and I trust that members who were not here and could have been here last Friday evening will not attempt now to take advantage of those who were here. I have never sought to take advantage of my occasional absence to ask any extra privileges, and I do not think it ought to be done by any one.

Mr. GALLINGER. As we are wasting valuable time, I ask for the regular order.

Mr. FARQUHAR. I want to say that my name was on the list and went over. I have only had one bill passed in six months and do not think it is fair to be cut off by the objection of gentlemen who have been absent from the House half the time this session. [Cries of "Regular order!"]

The CHAIRMAN. If the committee will permit the Chair to make a statement, the Chair will say that at the meeting before the last unanimous consent was given to every member to call up a bill. At that time the Chair was able to recognize every gentleman present.

Mr. HOUK. We will all agree to that to-night.

The CHAIRMAN. It will not be the fault of the Chair if every gentleman is not recognized.

Mr. HOUK. If it is understood every gentleman will be recognized, I will withdraw my objection.

The CHAIRMAN. The Chair stated at the last meeting that unless members interfered and objection was made, he would carry over the list and recognize members to-night. The Chair is endeavoring to carry out the agreement.

Mr. MCCREARY. I have not asked permission to make a remark for a month. I have a bill which I would like to call up to-night. But I think fair play requires that those gentlemen who were present last Friday night and whose names were not reached should be recognized in regular order to-night. I ask that the Chair proceed with the call of the names in regular order, so that those who staid here last Friday night and were not called may now have an opportunity of calling up their bills. I make that motion, although it cuts me out, as I think it is fair and just.

The CHAIRMAN. The gentleman from Kentucky [Mr. MCCREARY] asks unanimous consent that gentlemen on the list who were not recognized to call up bills at last Friday evening's session be now recognized in their order. Is there objection?

Mr. THOMAS, of Kentucky. I object.

The CHAIRMAN. Objection is heard. The Clerk will report the first bill.

C. R. THOMAS.

The Clerk read as follows:

A bill (S. 335) granting an increase of pension to C. R. Thomas.

Mr. THOMAS, of Kentucky. I ask the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to C. R. Thomas, whose pension certificate is numbered 120171.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 335, having considered the same, report it back and recommend its passage with the following amendment, to wit: Add, after the words "one hundred and seventy-one," the words "and pay him a pension of $12 per month."

Your committee hereby adopt and make part hereof the report of the Senate Committee on Pensions, which is as follows:

[Senate Report No. 135, Fiftieth Congress, first session.]

Charles R. Thomas, late a corporal of Company D, Sixty-fourth Regiment of Ohio Volunteers, was in receipt of a pension of $2 a month from March 18, 1872, to August 23, 1882; of $4 a month from August 23, 1882, to September 6, 1882, and has been in receipt of $6 a month from the last-mentioned date to the present. The history of the disability of the claimant is given in an affidavit of Darius Landon, who deposes:

"That he was a member of Company D, Sixty-fourth Ohio Volunteer Infantry; that he was personally acquainted with the applicant, Charles R. Thomas, and believes him to have been a sound, healthy man at the date of his enlistment and until the 15th day of June, 1862, on which date, at Battle Creek, Alabama, the said applicant received injuries in the following manner: He, the said Thomas, with others, was detailed by the colonel commanding to procure water. It being very dark the said applicant fell into a deep intrenchment, thereby injuring himself to such an extent that he was unable to help himself, and that the affiant, with others, assisted him out and carried him to camp, and that he was not afterwards with the command. The affiant also says that he has been acquainted with the applicant since his discharge from the Army, and verily believes that the disability existing in the said applicant is the effect of the injury received as before stated, and that it, the said injury, incapacitates him for the performance of manual labor."

The technical character of the disability is shown in the following extract from an affidavit of Dr. George H. Masters, dated September 24, 1887, who swears:

"That he has often examined this applicant, Charles R. Thomas, and finds him a continual sufferer from chronic myatitis, located near the lumbar regions, and in addition to this he finds a partial anchylosis of both ankle joints, which disabilities incapacitate him and render him unfit for the performance of manual labor."

Dr. Masters is corroborated by other medical testimony; and the sound health of the applicant before entering the service, the receipt of the injury detailed, and the resulting and continuous incapacity of the applicant are proven by several affidavits from men who were his comrades and remain his neighbors. The applicant is now sixty-six years old; his pension is his support; and the committee recommend the passage of the bill for its increase.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I ask unanimous consent that the titles of the bills be read in their order, and that if consideration of any bill is not asked when its title is read it be passed over, according to the usual custom.

There was no objection, and it was so ordered.

HANNAH H. LATHAM.

The next pension business on the Private Calendar called up for consideration (by Mr. GALLINGER) was the bill (H. R. 8506) for the relief of Hannah H. Latham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Hannah H. Latham, dependent mother of Bela E. Latham, late a private in Company K, Twenty-ninth Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5781) for the relief of Hannah H. Latham, having considered the same, report as follows:

Claimant is the mother of Bela E. Latham, late a private in Company K, Twenty-ninth Maine Volunteers, who died on the 23d day of July, 1864, while in the military service, and of disease contracted in said service. The mother was pensioned as a dependent, but in 1879 the name was dropped from the rolls, after a special examination, on the ground of non-dependence. A careful examination of the papers in the Pension Office and other papers filed with the committee make it reasonably clear that some of the important testimony taken by the examiner was prejudiced and unfair, the probability being that at no time after the son's death did the parents have property to an amount exceeding $500 after their debts were paid.

The evidence now shows that the parents are both nearly seventy years of age, in infirm health and destitute circumstances, thus bringing the claimant directly within the rule adopted by this committee and recommended by the Commissioner of Pensions, to wit, present dependence.

As the present bill is defective in form, your committee report back a substitute, and recommend its passage, as follows:

Strike out all after the enacting clause, and substitute these words:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Hannah H. Latham, dependent mother of Bela E. Latham, late a private in Company K, Twenty-ninth Maine Volunteers."

The amendment recommended by the committee was agreed to.

There being no objection, the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ELIZA TREFREN.

The next pension business on the Private Calendar called up for consideration (by Mr. GALLINGER) was the bill (H. R. 4098) granting a pension to Eliza Trefren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Trefren, widow of James Trefren, deceased, late of Company G, Seventeenth Vermont United States Infantry.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4098) granting a pension to Eliza Trefren, having given the same consideration report as follows:

James Trefren was a private in Company F, Seventeenth Vermont United States Infantry, and was severely wounded in the thigh at the battle of the Wilderness, May 6, 1864, the ball being removed by incision.

He was pensioned, and the pension was increased on account of increased disability from the wound, which seemed to affect the entire system. In 1866 the examining surgeon certified as follows:

"He is very lame and suffers great pain in the seat of the wound. The increased disability consists in increased lameness, but chiefly in broken-down health, the result of the wound and its effects."

It is in evidence that the soldier's health continued shattered, his nervous system suffering greatly. Epileptic seizures followed, and it is supposed that he died in an epileptic attack, although there is no medical testimony on this point, either pro or con. It is only known that he died suddenly, in what is said to have been a fit.

As epilepsy rarely ever manifests itself primarily in persons of mature age except as the result of nervous exhaustion, and as this soldier's wound had been for a long time undermining the nervous system, it is certainly reasonable to suppose that the epileptic condition was directly due to the injury received in battle. Your committee recommend that the bill be amended by striking out the word "deceased" in the sixth line, by substituting "F" for "G" in the seventh line, and by inserting the word "Vermont" after the word "Seventeenth" in the seventh line, and as amended recommend its passage.

The amendments recommended by the committee were agreed to.

There being no objection the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN A. SEAVEY.

The next pension business on the Private Calendar called up for consideration (by Mr. REED) was the bill (H. R. 7510) granting a pension to Stephen A. Seavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Stephen A. Seavey, formerly of Company C, Twelfth Regiment Maine Volunteers, and pay him a pension of $30 a month from and after September 3, 1885.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7510) granting a pension to Stephen A. Seavey, having considered the same, report as follows:

Soldier enlisted November 11, 1861, and was discharged August 17, 1862, for epilepsy. He was pensioned June 23, 1880, at $8 per month, from date of discharge, which was increased to $24 January 17, 1883, and to $30 from March 3, 1883. On September 25, 1885, pension was suspended on the ground of unsoundness prior to enlistment.

A very careful examination of the papers in this case shows that it is very difficult to determine with anything like absolute certainty the real facts in the case. On the other hand, claimant alleges a sunstroke while in the service as the cause of his epilepsy, but fails to conclusively show the incurrence of said sunstroke. Could he do this, there would be no doubt as to the merit of the claim, and his restoration to the roll would be a matter of the simplest justice. On the other hand, the Department, after exhaustive special examinations, failed to prove that soldier had epilepsy prior to enlistment, the nearest approach to that being that he had severe sick headaches, which resulted in so-called "crazy spells" or "spasms." It is a well-known fact that if a person is a confirmed epileptic that circumstance is well known in the community, and it seems strange that in this case, if claimant was so afflicted, it can not be made to appear without question.

The papers on file indicate that there was a difference of opinion among the officers of the Department as to the merits of this case, and that doubt is also impressed upon your committee.

The bill asks that soldier be again placed on the rolls and be paid a pension of $30 a month from and after September 3, 1885, the date at which the pension was discontinued. Your committee are not clear that this should be done, and yet feel that there is a strong presumption that the equities of the case are with the soldier, and hence recommend that all after the word "month," in the seventh line, be stricken out, and that, as thus amended, the bill be passed.

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

SALLIE T. WARD.

The next pension business on the Private Calendar called up for consideration (by Mr. FINLEY) was the bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Sallie T. Ward, widow of the late W. T. Ward, and pay her a pension of $50 per month during her natural life.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of William T. Ward, have had the same under consideration, and find that a similar bill to the one before your committee was introduced into the Forty-sixth Congress and passed, but was not called up and acted on in the Senate.

As to the facts and history of this case, the report from the Committee on Invalid Pensions of that Congress is adopted as the report of this committee.

Said report shows that he was mustered into the service October 4, 1847, as major of the Fourth Kentucky Volunteer Infantry, and served with his regiment in Mexico to July, 1848, and was honorably mustered out with his regiment at Louisville, Ky., July 25, 1848.

He was appointed brigadier-general of volunteers 18th September, 1861, and brevetted major-general of volunteers 24th February, 1865.

His services were: Organizing brigade in Kentucky from September 20 to December 1, 1861; commanding troops at Green River Bridge, Ky., to January 8, 1862; commanding Sixteenth Brigade, Department of the Ohio, to March 12, 1862; commanding camp of instruction at Bardstown, Ky., and all the troops on the lines south of Louisville, Ky., to July, 1862; commanding troops at Lexington, Ky., during part of July, 1862, and in pursuit of Morgan to August, 1862; commanding at Munfordsville, Ky., to September 5, 1862, and a brigade in Army of Ohio to November, 1862; commanding post and brigade at Gallatin, Tenn., to June, 1863; commanding Second Brigade, Third Division, Reserve Corps, Department of the Cumberland, to October, 1863, and brigade in the District of Nashville to January 8, 1864; commanding First Division, Eleventh Corps, to April, 1864, and First Brigade, Third Division, Twentieth Corps, to June 29, 1864; commanding Third Division, Twentieth Corps, to September 23, 1864; on leave of absence to October 10, 1864; commanding Third Division, Twentieth Corps, until corps was discontinued, June, 1865. Honorably mustered out of service August 24, 1865.

He distinguished himself in the battles before the fall of Atlanta, and in the fights preceding the surrender of General Joseph E. Johnston's army.

While leading his brigade in a charge at the battle of Resaca, Ga., he was severely wounded in the arm and side, but refused to leave the field. He was absent on leave only seventeen days during the whole war.

The fractured bone by the wound at Resaca gave him much trouble, and he finally found the arm useless. On account of his wounds he was receiving a brigadier's pension of $30 per month at the time of his death (certificate No. 109492).

He died October 12, 1878, a few months after completing his seventieth year of life.

While we can not say that his wounds and exposures in the service of his country were the direct cause of his death, they doubtless tended to diminish his powers to resist the effects of old age and to hasten his death.

He left a widow now past sixty years of age and without property or means of support.

Your committee find many precedents for the legislation asked in the accompanying bill passed at every Congress since the war. Among them we will only refer to the pensions of Elizabeth York, widow of Shubal York, surgeon Fifty-fourth Illinois Volunteers (chapter 53, page 582, 14 Statutes at Large); Rose Webster, widow of Reason H. Webster, Company E, One hundred and twenty-third Illinois (chapter 116, page 530, 20 Statutes at Large); Grace Aikins, widow of William R. Aikins, Company A, Eleventh Iowa Volunteers (chapter 286, page 575, 20 Statutes at Large); Caroline Webster, widow of Col. Fletcher Webster, $50 per month; and widow of General James Shields, $100 per month (chapter 46, page 3, first session Forty-sixth Congress).

Your committee recommend that the accompanying bill be passed.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY BALDWIN.

The next pension business on the Private Calendar called up for consideration (by Mr. HOVEY) was the bill (H. R. 4504) granting a pension to Nancy Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Baldwin, widow of Reuben Baldwin, deceased, late of Company B, Fifty-eighth Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4504) granting a pension to Nancy Baldwin, have had the same under consideration, and submit the following report:

Nancy Baldwin is the widow of Reuben Baldwin, deceased. She made application for pension as soldier's widow, and the same was rejected on the ground—

"That the disease of which the soldier died (typhoid fever) was not contracted

in nor due to his military service, nor due to the hernia for which he was pensioned, said fever occurring six years after his discharge from the service."

The soldier was pensioned for inguinal hernia, which he contracted by falling through a bridge while on picket duty before Corinth, Miss., about May 6, 1862.

The examining surgeon, Dr. Hugh H. Patten, says:

"He finds hernia in left groin produced by a fall. The rupture is very large, and often very painful; it is several inches long. Soldier is unable to do any kind of labor; disability permanent, and in my opinion equivalent to an amputation."

Dr. J. A. Malone testifies that soldier came under his professional treatment (date not stated) suffering with inguinal hernia of right side.

"I thought there was ulceration in the bowels, for he sank down suddenly shortly after the hernia had made its appearance in the right side, and there was no time for a surgical operation, as death followed soon after, September 3, 1868."

In a later affidavit he testifies:

"The cause of his death, September 3, 1868, was from typhoid fever and the inguinal hernia, of which he sank suddenly before an operation could be had."

Two years later, August 19, 1879, Dr. Malone again testifies:

"That the prime cause of the soldier's death was inguinal hernia of the right side, causing perforation of the bowels. Typhoid fever was secondary to the above trouble. The inflammation of the hernia was made very active by the fever during the last two or three days of his sickness and he sank down and died on or about the 3d of September, 1868."

Dr. West testifies that soldier never had but one hernia that he knows of, the one of which he died.

All the evidence tends to show, in the opinion of the committee, that the death of the soldier may reasonably be traced to the hernia contracted in the Army. True he might have died of typhoid fever had hernia not existed, but the medical testimony shows that death must have been produced by hernia and typhoid fever combined.

While there may be a doubt as to the actual cause of death, the committee are disposed to give the widow the benefit of the doubt, and therefore submit a favorable report, and recommend the passage of the bill.

The CHAIRMAN (Mr. MCCREARY). The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

The question was taken, and the Chair declared that the ayes seemed to have it.

Mr. KILGORE. Division.

The committee divided; and there were—ayes 61, noes 6.

Mr. KILGORE. No quorum.

Mr. HOVEY. In order not to delay the business of the evening I ask unanimous consent that this bill be passed over informally, not losing its place on the Calendar.

There was no objection, and it was so ordered.

MRS. MARY M'GEE.

The next pension business on the Private Calendar called up for consideration (by Mr. RUSSELL, of Connecticut) was the bill (S. 1495) granting a pension to Mrs. Mary McGee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary McGee, widow of Thomas McGee, late private Company I and Company B, Thirteenth Regiment Connecticut Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1495) granting a pension to Mrs. Mary McGee, have had the same under consideration, and beg leave to submit the following report:

Mary McGee is the widow of Thomas McGee, who served as a private in Company B, Thirteenth Connecticut Volunteers, from January 4, 1862, to April 25, 1866. He was a pensioner for varicose veins and resulting ulceration of right leg, and died July 20, 1885, of valvular affection of the heart.

The widow's claim has been rejected by the Pension Office on the ground that the evidence fails to show that the death cause was due to the service.

Dr. Harmon Shore, who attended the soldier for fifteen years before and up to his death, testifies that—

"The soldier had varicose veins on both legs; those of the right leg most extensive, with large painful ulcers over the front and inside of the leg; for which he was under treatment every year more or less during the last fifteen years, up to the time of his death. He also had a defect of his circulation, a feeble action of the heart; and several years previous to his death physical examination of the chest indicated valvular changes and disease of the heart. The immediate cause of death was, in my opinion, from embolism, produced by the above-named diseases and defects of the circulation, and originated from causes developed while in the service of the Army and line of duty."

The soldier served more than four years, and a greater part of this time in the malarial sections of the Southwest, and, as shown by the record, suffered from the effects of malaria during service, although no application for pension on that account was filed by him. Medical examinations show that he was of good habits, and that he was a great sufferer from the diseased condition of his legs.

In the absence of any evidence to the contrary, your committee feel inclined to accept the attending physician's statement as correct; and the claimant's good character and need for assistance from the Government being vouched for by the best citizens of the town in which she resides, report favorably on the accompanying bill, and ask that it do pass.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

The question was taken, and the Chairman declared that the ayes seemed to have it.

Mr. KILGORE. I call for a division.

The committee divided; and there were—ayes 61, noes 3.

Mr. KILGORE. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will designate the gentleman from Texas [Mr. KILGORE] and the gentleman from Connecticut [Mr. RUSSELL] to act as tellers.

Mr. PERKINS. Mr. Chairman, if the gentleman from Texas can give any reason why this widow of a Union soldier should not be pensioned I should be glad to hear it.

Mr. ALLEN, of Michigan. He does not need to have a reason.

Mr. KILGORE. As gentlemen have asked for reasons, I suppose I have a right to give them.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. I would like to know the number and title of this bill, because I want to preserve them with the record of the action here of the gentleman from Texas [Mr. KILGORE] for use in the campaign. I would not ask anything better.

Several MEMBERS. Regular order.

The CHAIRMAN. The Chair has appointed as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from Connecticut [Mr. RUSSELL]. They will please take their places.

Mr. CHEADLE. I move that the committee rise.

Mr. GROSVENOR. Let us have a call of the House.

Mr. PERKINS. Let us make this record.

Mr. KILGORE. The gentleman has asked for my reasons; I suppose I have a right to give them.

Mr. PERKINS. That is what I want.

The CHAIRMAN. The gentleman from Texas and the gentleman from Connecticut will take their places as tellers.

Mr. CHEADLE. I move that the committee rise.

The CHAIRMAN (Mr. DOCKERY in the chair). The gentleman from Texas and the gentleman from Connecticut will take their places as tellers.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. As I understand, we are about to have a division. The gentleman from Texas said he would like to give his reasons. I for one would like to hear them, as perhaps that will save further trouble.

The CHAIRMAN. That can only be done by unanimous consent. If the gentleman from Texas desires to make a statement he can ask consent to do so.

Mr. RUSSELL, of Connecticut. I called up this bill——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RUSSELL, of Connecticut. I wish to make a request that this bill be passed over, retaining its place on the Calendar. I called the bill up at the request of my colleague, Judge GRANGER, who is detained at his home by sickness; but inasmuch as the gentleman from Texas has raised the point of "no quorum," I ask that the bill be passed over, retaining its place on the Calendar. I make this request at the suggestion——

Several MEMBERS. Regular order.

The CHAIRMAN. Objection is made. Debate is not in order. The tellers will take their places. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The committee again divided; and the tellers reported—ayes 62, noes 2.

Mr. KILGORE. No quorum.

The CHAIRMAN. The gentleman from Texas insists on the point of "no quorum." The tellers will retain their places.

Mr. CHEADLE. I move that the committee rise. [Cries of "Oh, no!"]

Mr. MCCREARY. I ask the gentleman from Indiana [Mr. CHEADLE] to withhold that motion for one moment.

Mr. KILGORE. I withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum being withdrawn, the ayes have it; and the bill is laid aside to be reported to the House with the recommendation that it pass.

LEVI LITTLE.

The next pension business on the Private Calendar (called up by Mr. BUCHANAN) was the bill (H. R. 8794) granting a pension to Levi Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Levi Little, late of Company E, Fourth Regiment of Delaware Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

Levi Little served as private of Company E, Fourth Regiment Delaware Volunteers, from August 14, 1862, to June 3, 1865, when honorably discharged.

His claim for pension on account of disease of lungs has been rejected by the Pension Bureau, on the ground that there is no record of disease of lungs or heart, and no medical testimony showing the existence of either of those diseases prior to 1876.

Two comrades, who are shown to be credible, testify that the claimant contracted what they supposed to be disease of lungs near Fairfax Court House, Va., in January, 1865.

The records of the War Department show that he was treated at different times during his service for soreness, boneache, pain in stomach, cramps, pain in head, etc.

Dr. J. G. West testifies that claimant came under his treatment immediately after his return from service, and was treated more or less until 1872, when he left the neighborhood. Affiant found him in shattered constitution, much weakened and debilitated, which condition affiant attributed to claimant's army service.

Dr. T. A. Taylor testifies to treatment for lung troubles since 1876.

A number of lay witnesses, claimant's neighbors, testify to claimant's soundness at enlistment, and his debilitated condition at discharge and since.

Dr. Lewis Jemison, late United States examining surgeon, testifies that claimant was under his professional care for about two weeks in 1876. He was then in general broken-down condition, physically prostrated, and unable to do any manual labor.

The medical examinations fail to show any disease of lungs, but disclose hypertrophy of heart.

It is true that the medical evidence is not positive as to the character of the

disease from which claimant suffered at discharge or thereafter. This, however, should not in any way prejudice the claim, as it is a well-known fact that without a very thorough examination it would be difficult even for a professional to make a correct diagnosis of the particular disease when located in the chest, and in its incipient stages. This difficulty is fully recognized in the practice of the Pension Bureau, under which it is held—

'That it is not supposed that claimants should be able to determine the exact nature of a disease located within the chest, whether it be of the lungs or heart, and that the allegation of lung disease should be held to be sufficient to cover any disease of heart which may be found to be due to the service."

This ruling was made in the case of a soldier who was discharged for disease of lungs, alleged said disease, but upon medical examination was found to suffer from disease of heart.

In the case under consideration there is a lack of record evidence of the existence of either disease in the service, hence its rejection by the Pension Bureau; but there is, in the opinion of your committee, sufficient and reliable testimony showing after nearly three years' service such a debilitated condition at discharge as should leave little doubt as to the connection between the now existing disease of chest and the service.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS HARRIS.

The next pension business on the Private Calendar (called up by Mr. MORRILL) was the bill (H. R. 5530) for the relief of Thomas Harris.

The CHAIRMAN. This is an adverse report.

Mr. PERKINS. I move that the bill be reported to the House with the recommendation that it lie on the table.

The CHAIRMAN. If there be no objection, that order will be made.

Mr. CHEADLE. I ask that it be informally passed over.

The CHAIRMAN. The Chair will take the vote of the committee on the question. The gentleman from Kansas [Mr. PERKINS] moves that the bill be laid aside to be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

MARY FOSTER.

The next pension business on the Private Calendar (called up by Mr. GALLINGER) was the bill (H. R. 817) granting a pension to Mary Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Foster, mother of Ezra P. Foster, late a private of Company A, Eighth Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

Claimant is the mother of Ezra P. Foster, late a private in Company A, Eighth Maine Volunteers. Soldier was killed in battle at Drewry's Bluff, Va., May 16, 1864. Soldier left a widow, who was pensioned, but whose pension has been discontinued in consequence of remarriage.

Claimant applies to Congress for pension as dependent mother. It is established that she was largely dependent upon the soldier for support, and that he sent her considerable sums of money while in the Army. She is seventy-nine years of age, in feeble health and destitute circumstances, and is indorsed by a large number of her neighbors, who have petitioned in her behalf as a woman in every way worthy.

Your committee report the bill back favorably, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. FORREN.

The next pension business on the Private Calendar (called up by Mr. GALLINGER) was the bill (H. R. 8677) granting a pension to Mary E. Forren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Mary E. Forren, widow of Morris Forren, late a private in Company I of the Thirty-first Regiment Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

Morris Forren was a private in Company F, Thirty-first Regiment Maine Volunteers. The evidence shows that at the battle of Petersburgh, Va., a shell hit some rails and a portion of a rail struck soldier in the chest, knocking him down. While lying on the ground he was hit by another piece of shell in the left leg, which produced a very severe wound to the bone. Soldier was pensioned at $8 per month, which was subsequently increased to $18, which pension was continued until his death, in September, 1875.

The widow made application for a pension, but the claim was rejected on the ground that soldier's death was due to pneumonia, and there was no proof to sustain the theory of the attending physician that there was either a metastatic abscess or blood-poisoning in consequence of the wound to the leg.

The two last medical examinations the soldier had show that the wound was open and discharging a great deal, pieces of bone frequently coming away. The surgeons also say that the wound was a bad-looking one, very painful, and that he was quite lame.

Further evidence in this case is as follows:

Mary L. Griffin, who nursed the soldier constantly during his last sickness, swears that he suffered very much with his leg; that the pain in the leg was sometimes so severe that he would grasp it and screech in his agony, saying that the pain was killing him. She also says that the leg was greatly withered, and that after he died it turned almost black.

Rufus Fickett, a man of integrity and standing in the community, testifies that he was intimately acquainted with the soldier, and saw him frequently during his last illness; that as long as he could speak he continually complained of distress in the wounded leg and same side of the body; that after he ceased to speak he would draw up the wounded leg, grasp it with his hands, and sometimes strike on it, and that after he died his leg turned almost black from his ankle to above the knee, there being a number of dark spots between the knee and hips.

Dr. George Googins, of Millbridge, Me., an examining surgeon of the Pension Department, attended soldier in his last sickness. Dr. Googins made several affidavits in the case, covering substantially the same ground, and all claiming that the soldier's death was the result of the wound. In one affidavit the physician says:

"I was called to examine soldier after his discharge from the Army in April, 1865. Found him suffering from a wound in the left leg, below the knee, caused by a shell carrying away a portion of the tibia. He also complained of pain in the left side, with soreness of same. Said he was injured in the side at the same time that he was struck by the shell in the leg. I made an external application to the side. The leg was very bad; bone came away from time to time, and it discharged a good deal. He received a pension for the wound to leg, but always complained of his side. He came to see me about two weeks before death, complaining of feeling badly. At this time the wound was discharging very little. Shortly after this I was called to see him; found him complaining of severe pain in side and leg, accompanied with cough and symptoms of pneumonia. The wound had stopped discharging, and shortly after he died. My opinion of the case was that the wound of leg and the hurt to the side were the cause of death."

Dr. Googins subsequently testified as follows:

"Soldier died from the effect of wound of leg received in service, and for which he was pensioned. I treated him for the wound frequently from the time of his discharge until his death. It was a bad sore and discharged very much at times, which discharge reduced him greatly in strength, and at last blood poisoning resulted, affecting the lungs and causing pneumonia. To sustain my theory I cite you to Erichsen's Surgery, page 46), fifth edition, on Metastatic Abscesses from Pyemia."

Dr. Googins further says—

"That when he visited soldier in his last sickness in addition to the symptoms already enumerated he found him with a quick pulse, hurried respiration, cold chills, wound tender, discharge suppressed, and leg swollen, and that he died with all the symptoms of blood poisoning."

As the evidence of the attending physician and others gives a complete picture of blood poisoning, such as oftentimes results from severe wounds, and which sometimes affects the lungs, your committee are of opinion that this is an entirely meritorious case, and therefore report it back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET BLADES.

The next pension business on the Private Calendar (called up by Mr. GALLINGER) was the bill (S. 2073) granting a pension to Margaret Blades.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Blades, widow of William Blades, alias Blake, late of Company D, Sixteenth Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

This bill has passed the Senate, the report made thereon being as follows:

"Margaret Blades, the applicant, is the widow of William Blades, or Blake, who enlisted August 10, 1863, in Company D, Sixteenth Maine Volunteers, and was discharged June 21, 1865. At the time of the soldier's death, March 3, 1884, he was receiving a pension of $24 a month for 'gunshot wound of left leg and shell wound of right shoulder, resulting in total disability, equivalent to loss of a hand or a foot.' The widow's claim was rejected by the Pension Office on the ground, 'cause of death, articular rheumatism, not the result of wounds for which pensioned.' This rejection was affirmed by the Secretary of the Interior, on appeal.

"The soldier, in his application, urged that his disabilities were greatly aggravated by rheumatism and neuralgic pains in the wounded limbs, and his widow testifies that these pains first made their appearance in those limbs soon after the soldier returned from the Army.

"Dr. S. M. Getchell testifies to having treated him for rheumatism in the wounded shoulder in 1871, when he was unable to work for five weeks on account of it. The examining board, July 11, 1883, rated his disability from rheumatism alone at one-half. Dr. George H. Cummings, who treated Blades 'frequently for rheumatic and neuralgic pains,' in the wounded limbs, and during his last illness, testifies: 'His disease and death were the result of the severe injuries received in the service.'

"Dr. Thomas A. Foster, who also treated him frequently, testifies:

"'It was my final opinion that his neuralgic rheumatism was the result of his army life and wounds.'

"Dr. Cummings also submits the additional testimony:

"'Saw him September 4, 1882; severe rheumatism in left leg, and almost useless right arm, requiring opiates. Although he has rheumatism lurking about, the rheumatic and neuralgic pains are local and situated at the points of injury. Disability for last two years has been total.'

"But, in opposition to this testimony, although the reviewer in the Pension Office approved the case for 'gunshot wound of left leg and shell wound of right shoulder, and results,' the medical referee decides that there was no pathological connection between the rheumatism and the said wounds, and the case was rejected, and the rejection affirmed on appeal on this opinion.

"In view of all the facts herein your committee recommends the passage of the bill."

We concur in the foregoing, and report the bill back with a favorable recommendation.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN CHILD.

The next pension business on the Private Calendar (called up by Mr. GALLINGER) was the bill (S. 1288) granting a pension to John Child.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of John Child, late a private in Company D, Sixty-second New York Volunteers, on the pension-roll, subject to the limitations of the pension laws.

The report (by Mr. GALLINGER) was read, as follows:

This bill has passed the Senate, the report of the Senate Committee on Pensions being as follows:

"This bill is to pension John Child, a private in Company D, Sixty-second Regiment New York Volunteers. In his own statement, the soldier says he was wounded at the battle of the Wilderness, and sent to Fredericksburgh Hospital. In about three weeks returned to his regiment in the field, and on the 20th of June, 1864, was with others taken prisoner near the Weldon Railroad, and was sent to Andersonville Prison, where he remained about ten months,

and through exposure, want of food, lying on the bare ground, and uncleanness, contracted scurvy, rheumatism, and ulcers.

"The Adjutant-General's report corroborates his statement as to capture and Andersonville imprisonment. Lieutenant-Colonel Nevins, of his regiment, says he was taken prisoner June, 1864, sent to Andersonville, and while in line of duty contracted the diseases from which he is suffering. Patrick Martin and Thomas Naylor, fellow soldiers, swear to his capture, Andersonville imprisonment, and resulting diseases.

"The surgeon of Togus Soldiers' Home, where he now is and has for a long time been, says he is suffering from chronic rheumatism and chronic ulcers in both legs. Another surgeon of the home says he has an eruptive disease, the result of severe and continued scurvy. Dr. Hill, of Saco, Me., who attended him at the home in 1873, says he had chronic rheumatism and ulcers caused by scurvy, and was in no condition to perform manual labor.

"The medical examiners all identify scurvy, and one rates his disability total.

"This man, since his discharge, has been in no condition to earn his subsistence. The greater portion of the time he has been in soldiers' homes or charity hospitals.

"The Pension Office rejection is based upon the statement 'that there are no records of the alleged scurvy and rheumatism, and the claimant's inability to furnish evidence.'

"Here is ample and positive proof of his capture and imprisonment—of his ten months' confinement in the Andersonville prison, from which few were liberated alive, and from which none were set free without disease. Necessarily there are no records of his disability unless there were prison records, which are not available—which would not be accepted if they were.

"There has been one special examination in the case, which was not productive of any revelations for or against the claimant, and upon this the reviewer indorses the opinion that it is not advisable to waste any more time or money upon it. The application was made fourteen years ago, and in the opinion of the committee justice to a man who experienced a living death at Andersonville and came out of it diseased has been delayed too long. The bill is reported favorably, with a recommendation that it do pass."

Your committee adopt the report of the Senate committee as above, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. DAVIS.

Mr. HAUGEN called up for consideration the bill (S. 1111) granting a pension to Mary J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Davis, dependent mother of the late Lorenzo Crittenden, an enlisted man in the naval service.

The Clerk proceeded to read the report.

Mr. PERKINS. This report has been made by Mr. BLISS, chairman of the Committee on Pensions, and has been carefully drawn. The Clerk has already read a page and a half, and gentlemen must be satisfied as to the justice of the claim. The report is a lengthy one, and I move, by unanimous consent, the further reading be dispensed with, and that it be printed in the RECORD.

Mr. KILGORE. As far as the report has been read, it would seem the disability complained of was contracted in the war.

Mr. PERKINS. This man continued in the Army long after the war.

The CHAIRMAN. Is there objection to dispensing with the further reading of the report?

There was no objection.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred Senate bill 1111, adopt the report of the Senate Committee on Pensions and recommend the passage of the act.

[Senate Report No. 43, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred a bill granting a pension to Mary J. Davis, have examined the same, and report:

The claimant is the mother of the late Lorenzo Crittenden, who was ward-room steward on board the United States ship Guerriere. As to his service the Third Auditor says:

"He enlisted on the Ohio June 15, 1867, was transferred to the Guerriere the same day, and served on that vessel to May 15, 1869, when he was discharged."

He had previously enlisted and served on the United States ship Pawnee, and served out the term of his enlistment, when he was discharged.

A claim filed by him for pension, in consequence of disabilities incurred during his service, was pending at the time of his death, which occurred at Sailors' Home, Quincy, Mass., January 22, 1880.

The mother's claim was rejected July 18, 1885, "on the ground that the sailor's death was not the result of disease incurred in the service and line of duty, but, as indicated by the report made upon special examination, most probably the result of vicious habits."

This is certainly the conclusion of the special examiner appointed to investigate the claim, but in the opinion of the committee it is not justified by the testimony filed in the claim, nor does it furnish any information in addition or contrary to that already produced. The origin of the disease is shown by the testimony of his comrades.

Joseph Fletcher and Henry Peters swear that they knew Crittenden since the year 1867, being on the same ship with him; that they well remember his sickness on board the Guerriere by reason of the positions, Fletcher being steerage cook and Peters being ward-room waiter; they knew from the conversation of the doctor that Crittenden was sick with rheumatism.

Benjamin F. Page swears to his personal knowledge of the man and of his sickness on board the same vessel.

George F. Long swears that he was in the service with Crittenden, and knows he was sick before and after discharge.

William E. Corthel swears that he knew Crittenden since 1862; in 1869 and 1870 worked for the same man, and during that time he was lame and used up with rheumatism in left side, leg, and ankle; saw him often until he went to the Quincy Home, and afterwards saw him frequently and noticed that he was partially paralyzed.

William T. Prindell swears that he first knew Crittenden in 1867, and in October, 1869, sailor came to him lame and sick with rheumatism in left side, leg, and ankle. He offered to work without wages if witness would take him in. Witness did so, and Crittenden worked about the dining-room, at times so used up that he could do little or nothing. At this time Dr. Leighton boarded with witness and prescribed for both of them for rheumatism. In May, 1870, witness became embarrassed and gave up business, and Crittenden went to work for P. S. Wetherell on or about the same terms as for witness, and Dr. Leighton also boarded with Wetherell and prescribed for sailor. As witness and Crittenden were afflicted in the same way, it is natural that witness remembers that Crittenden kept getting worse and worse, and his disability increased until he became paralyzed. Dr. Leighton is dead, and Wetherell has lost his mind.

Samuel D. Harrington and John P. Fitzgerald swear that sailor was treated from November 1, 1869, to the latter part of 1871 by Dr. Leighton for rheumatism, and he was not able to keep employment on account of his disability. Patrick Fitzgerald and Joel Wilder knew Crittendon from 1869 to 1871, and boarded where Crittenden worked; knew that he had rheumatism off and on all the time, sometimes being confined to bed.

Philander T. Wetherell swears to Crittenden's being in his employ from November, 1869, to fall of 1871, and was attended by Dr. Leighton, now dead.

Dr. Thomas Hall swears that he was Crittenden's physician four years and attended him various times for chronic articular rheumatism, from which he was never entirely free; and latterly for uræmic convulsions, followed by paralysis of left side, rendering him perfectly helpless.

Dr. Faxon, superintendent of Quincy Home, says Crittenden was admitted to home December 27, 1875. Disease, paralysis. No treatment aside from battery. Died January 22, 1880. Cause, paralysis, which, he says, was caused by tobacco.

It may be here remarked that the paralysis ensued "chronic articular rheumatism," from which the man became partially before he was wholly paralyzed. He was a great and almost helpless sufferer from this first cause, and it seems a little strained and far from consistent to trace paralysis to tobacco.

These witnesses are all residents of Boston, Mass.

There were two special examinations, the first in Washington, the last in Boston. In the first there were no developments. The last was an *ex parte* investigation. No one representing the interests of the claimant had anything to do with it. In this examination Isaiah Prindell appears as a witness. He begins by saying that he is not certain, but thinks he knew Crittenden before 1860; and then goes on to testify in reference to him, as to his condition prior to his voyage on the Guerriere. "It was about 1865 or 1866 that he worked for affiant." He knows of his going to the home on account of the rheumatism and paralysis. He does not know how he incurred rheumatism, but he said it was in the service. While he knew him his habits were fair. He smoked some; don't know that he chewed any. Did not smoke much.

Mrs. Mary Snow testifies in this examination, but it is principally as to what she does not know.

The doctors who treated him in hospital and at the home differ in their testimony. Some say he drank and smoked excessively. Some say he had delirium tremens, others not. Dr. Hall never saw him drunk. Testifies from memory. Dr. Faxon, of the home, says his disability when admitted to the home was paralysis; he died of general debility resulting from that; don't know that paralysis was the result of rheumatism; he really worried himself to death—disappointed that he could not recover from his paralysis. He did not drink, but he smoked; he (Dr. Faxon) served tobacco to all who were able to use it. Some he cut off, they were not strong enough. He could not say that tobacco caused his death. Again he says his paralysis was caused by tobacco; reason for this opinion is his conversations with him; he never examined him. George F. Going, his shipmate, sailed with him from Boston to Rio Janeiro. He used to smoke, and took a glass occasionally; never saw him the worse for liquor.

William E. Corthel, who testified in the special examination, says his habits were good; never saw him under the influence of liquor; saw him many times day and evening. "It was not a fact that he was a hard drinker or smoker, saw him every day or two for nearly two years; he smoked cigars; he used to drink beer; have seen him and know."

Samuel D. Harrington, in special examination, says he was not a bad drinker; never saw him intoxicated; smoked like the average of men. This special examination has produced nothing new except some few contradictions.

A. H. Shattuck, Second Auditor's Office, in a letter to the Commissioner of Pensions, written October 13, 1884, says as to the son's supporting his mother that he was in no condition to do so.

"He always expressed a desire to assist his poor old mother, who was once a slave, but circumstances prevented. The claimant, Mrs. Mary J. Davis, and her daughter live together and support themselves by taking washing. I always thought Mr. Crittenden in every sense a gentleman; his habits were temperate, and the officer in the hospital in which he died spoke of him to me in the highest terms."

Mrs. Davis and her children were slaves. They first belonged to John C. P. Peter, late of Montgomery County, Maryland. They afterwards became the property of Rev. Charles H. Nourse, of Georgetown, D. C., from whom Mr. W. W. Corcoran, of Washington, D. C., purchased their freedom. Lorenzo, the deceased son, was for some years after a servant in Mr. Corcoran's family. She has one daughter, feeble in health. The two have for years struggled to procure needful food by doing such work as they could get and were competent to perform. She was, beyond any question, a dependent mother, dependent, unfortunately, in the eye of the law, upon a sick and dying son. There is no pretense that the claim should not be allowed except that stated in the communication of the Commissioner of Pensions, that the son's death was attributable to "vicious habits." This inference can only be drawn from the contradictory testimony of some of the witnesses.

Lorenzo Crittenden was some five years in the service of the Navy. His last three years were in part spent in South American ports. The records of the Navy Department show that he was ill at more or less frequent intervals during the cruise. From the time of his discharge he was disabled, and his disability gradually increased until he was stricken down with paralysis, and death soon after ensued. The predominance of testimony is against the theory of vicious habits, and in the opinion of the committee, in view of the weight of respectable and convincing proof to the contrary, it is an unjust decision.

The bill is reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. JANUARY.

Mr. CLARK called up for consideration the bill (S. 1124) to increase the pension of John W. January; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. January, of Minonk, Ill., late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension at the rate of $100 per month, in lieu of the pension he is now receiving.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1124, beg leave to report that they have considered the same and find that the report

made by the Senate on said bill is correct, and adopt said report as their own, which is as follows:

[Senate Report No. 428, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred a bill to increase the pension of John W. January, have examined the same, and report:

"The claimant was a member of Company B, Fourteenth Illinois Cavalry. He was pensioned first at the rate of $50 a month, and last at the rate of $72 a month for loss of both legs. His case is one of peculiar and extraordinary interest. He was captured on Stoneman's raid, in July, 1864, and upon retreat from Macon was taken by six Confederate soldiers to Andersonville, and kept there until the fall of Atlanta made it necessary for the prisoners to be removed to prevent their falling into the hands of the Union forces. He thus tells his own story:

"'I was taken to Charleston, S. C., with others and placed by the enemy under fire of our own soldiers and gun-boats; remained here ten days, and was taken to Florence, S. C., where we passed the winter of 1864-'65, and on or about February 15 I was stricken down by an attack of swamp fever, and for three weeks remained in a delirious condition. The fever abated and reason returned. I soon learned from the surgeon, after a hasty examination, that I was a victim of scurvy and gangrene, and was removed to the gangrene hospital. My feet and ankles 5 inches above the joints presented a livid, lifeless appearance, and soon the flesh began to slough off and the surgeon, with a brutal oath, said I would die. But I was determined to live, and begged him to cut off my feet, telling him if he would that I could live. He still refused, and believing that my life depended on the removal of my feet, I secured an old pocket-knife and cut through the decaying flesh, and, severing the tendons, the feet were unjointed, leaving the bones protruding without a covering of flesh for 5 inches.

"'At the close of the war I was taken to our lines at Wilmington, N. C., in April, 1865, and when weighed learned that I had been reduced from 165 pounds, my weight when captured, to 45 pounds. Six weeks after I was released, while on a boat en route to New York, the bones of my right limb broke off at the end of the flesh. Six weeks later, while in a hospital on David's Island, those of my left had become necrosed, and broke off similarly. One year after my release I was just able to sit up in bed, and was discharged. Twelve years after my limbs had healed over, and, strange to relate, no amputation was ever performed save the one I performed in prison. There is no record in the world similar to mine. My family consists of my aged parents, my wife, three sons, and three daughters.'

"This statement is vouched for by persons of the highest character.

"Seventy-two dollars a month is the highest pension rate provided by law. In view of the agony, mental and physical, which this man endured while a prisoner, and for many years after; of his physical helplessness, and the inadequacy of his present rating to the support of his family, the committee are of the opinion that this is one of those rare instances in which Congress may extend relief.

"The bill is reported favorably, with a recommendation that it do pass."

In view of the facts your committee recommend that said bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET FOLEY.

Mr. CHIPMAN called up for consideration the bill (S. 1447) granting a pension to Bridget Foley; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget Foley, widow of Joseph Foley, late private in Company K, Fifth Michigan Cavalry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1447) granting a pension to Bridget Foley, submit the following report:

Bridget Foley is the widow of Joseph F. Foley, late a private in Company K, Fifth Michigan Cavalry. Her claim was rejected by the Pension Office on the ground that the disease of which he died existed prior to enlistment. Twenty or more witnesses testify that he entered the service a sound man. They were in a position to know. There is no evidence to the contrary, except that contained in the certificate for discharge for disability, in which the officer making it says that he learns from a reliable source that he had rheumatism before he enlisted.

The affidavit of Captain Clark, who signed the discharge, shows that he made this statement upon what some one told him. Charles Brooke, who served in a fire company with the deceased before his enlistment, induced him to enlist, and served with him afterwards, testifies that he incurred the disease (rheumatism) while marching through a heavy snow storm, one of his feet being inflamed and swollen. He was discharged on account of this disease, suffered from it ever afterwards, and finally died of it. There is no doubt as to the cause of death, and witness after witness testifies to the soundness of the deceased before he entered the service. He seems to have been regarded as a very good soldier in all respects.

There is no doubt that some persons are more susceptible to certain diseases than others, and the fact that an individual actually contracts a disease after exposure under which others escape it does not tend to prove that he had the disease before enlistment, but that the effect of exposure on him was greater than on the others.

Your committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH B. SAILER.

Mr. ARNOLD called up for consideration the bill (H. R. 160) granting a pension to Elizabeth B. Sailer; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth B. Sailer, of Washington City, D. C., widow of Frederick Jacob Sailer, late a private in Company L, Fifteenth Regiment Heavy Artillery, New York State Volunteers, on the roll of United States pensioners, with the rate according to law, to commence from the date of approval of this act and continue during her widowhood.

The amendments of the committee were read, as follows:

Strike out the word "Frederick," in line 7, and all after "volunteers," in line 9, to end of the bill, and insert "F." after "Jacob," in line 7.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 160) granting a pension to Elizabeth B. Sailer, respectfully report:

A similar bill was favorably reported to the House in the second session of the Forty-ninth Congress, but was not reached for consideration.

Said report was as follows:

"[House Report No. 3762, Forty-ninth Congress, second session.]

"The claimant is the widow of Jacob F. Sailer, who served as private in Company L, Fifteenth New York Heavy Artillery Volunteers, from June 22, 1863, to August 22, 1865, when mustered out with company. He never applied for pension, and died February 11, 1882, in the city of Washington. The widow filed her application for pension April 1, 1882, which has been rejected on the ground that the evidence is not deemed sufficient to connect the death cause with the service. This action was based upon the certificate of death, signed by one Dr. L. E. Rauterberg, to the effect that the soldier died of inflammation of the stomach and enlargement of the liver, while the claimant alleges that the death was caused from chronic rheumatism and its effects.

"The record does not show treatment in the service; in fact there are no medical records of the organization on file. It does show, however, that the soldier was employed with the ambulance train of the Fifth Army Corps during the latter part of his service.

"Hugo G. Eichholz, a well known citizen of the capital, and the late sergeant of the soldier's company, testifies that the latter was a strong and healthy man until about March, 1864, when he was taken with rheumatism and malaria while the command was encamped at Brandy Station, Va., during a long spell of cold and rainy weather; was sent to hospital and did not again return to the company while affiant was with the same. Again met the soldier in 1868, and was on visiting terms with him until his death. During that entire period soldier was a great sufferer from rheumatism and became greatly reduced in health.

"Moritz Lowenstein, late lieutenant of Company D, Fifteenth New York Heavy Artillery, testifies that the soldier was taken sick at Brandy Station, sent to hospital, and did not meet with him again until April, 1869, at which time he was reduced in health and a great sufferer from rheumatism.

"Christian Neumann testifies that soldier was free from bodily ailments from 1856 until his enlistment, and that upon his return home in August, 1865, he was unable to ascend the steps to his house without assistance, and was for a long period thereafter confined to his bed by reason of rheumatism.

"Rudolph Gebney, late sergeant of soldier's company, testifies that the latter was first attacked with rheumatism at Brandy Station, Va., and again at Fort Albany, in July, 1865, where he was sent to hospital, and was unable to accompany his regiment to New York for muster-out. Met the soldier again in 1870, and knows that ever thereafter he was a sufferer from rheumatism, and under medical treatment.

"Mrs. Magdalena Wiener likewise testifies to Sailer's disability from rheumatism from about April, 1866, to his death.

"Dr. A. Behrends testifies that he treated the soldier from 1873 up to within a few days of his death, for rheumatism and its allied diseases, from which he finally broke down. The heart and viscera were particularly implicated.

"Dr. Mauss testifies that he was called to attend the soldier on January 5, 1882, and found him suffering from chronic rheumatism of long standing. There being no prospect of any cure, deponent did not repeat his visit.

"Dr. Rauterberg testifies that he attended the soldier from January 19 to February 11, 1882, when he died. He was suffering from chronic gastritis and enlargement of the liver, followed by anasarca. Understood at the time that the patient had been a constant sufferer from rheumatism since the war.

"The claimant states that Dr. Rauterberg saw the deceased twice only, January 19 and February 11, 1883, the date of his death, and that at the last visit, a few hours before death, declared the deceased out of all danger.

"The history of the case warrants the conclusions that the soldier was a constant sufferer from rheumatism contracted in the service of the United States; that the heart and other organs of the body became affected therefrom, and finally caused death. There was no *post mortem* examination to ascertain definitely the real cause of death. Dr. Rauterberg's diagnosis of the case is in conflict with that of Drs. Behrends and Mauss. Dr. Behrends, who stands high in his profession, and treated the soldier for nine years and until within a short time of his death, is corroborated in his diagnosis of the case by Dr. Mauss, who evidently had as much opportunity to study the man's ailments as did Dr. Rauterberg.

"Believing that the claim is meritorious, your committee report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the word 'Frederick' in line 5, and inserting the word 'Frederick' after the word 'Jacob,' in line 6."

Your committee, adopting the views presented in said report as their own, recommend the passage of the bill, with amendments, as follows: Strike out the word "Frederick" in line 7, and all after "volunteers" in line 9 to end of the bill, and insert "F." after "Jacob" in line 7.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ADVERSE REPORT—HENRY PULSKY.

Mr. THOMPSON, of California, called up for consideration the bill (S. 702) granting a pension to Henry Pulsky, reported adversely; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Pulsky, late a private in Company I, Second Massachusetts Cavalry.

The report (by Mr. THOMPSON, of California) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 702) granting a pension to Henry Pulsky, have had the same under consideration, and beg leave to submit the following report:

It appears from an examination of the papers in the case that the same is still pending in the Pension Office and ready to be placed in the hands of a special examiner.

In view of this fact, your committee decline to take action on the bill, and, returning the same, recommend that it lie on the table.

The bill was laid aside to be reported to the House with the recommendation that it be indefinitely postponed.

GEORGE C. CHASE.

Mr. GROUT called up for consideration the bill (H. R. 9119) granting a pension to George C. Chase; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George C. Chase, late of Company F, Third Regiment Vermont Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R.

9119) granting a pension to George C. Chase, having considered the same, report as follows:

Soldier enlisted November 13, 1861, as a private in Company F, Third Regiment Vermont Volunteers, for a term of three years. He served until July 29, 1862, when he was discharged because of the existence of an oblique inguinal hernia on the left side. Soldier applied for pension, alleging that he incurred a rupture in consequence of a barrel of beef rolling on him which he was endeavoring to load in a wagon, but his application was rejected on the ground that the hernia existed prior to enlistment, and on appeal the decision of the Pension Office was affirmed.

The evidence, pro and con, is as follows:

When soldier was discharged from the Army the regimental surgeon gave it as his opinion that the rupture existed before enlistment. No reason is given for his belief on this point, nor is any explanation vouchsafed how soldier managed to perform his duties in the Army for eight months if he was in a ruptured condition at the time of enlistment.

In addition to this evidence against the soldier is that of Examining Surgeon Orlando W. Sherwin, of Woodstock, who examined soldier December 10, 1881, and who discovered not only a small hernia in the left side but also a large one in the right side; and this medical officer of the Government declined to give a rating in the case because, as he says, "I think the disabilities did not originate in the service." He does not trouble himself to explain why he thinks that the disabilities, one or both of them, might not have originated in the service, but contents himself by saying he thinks they did not.

This is all the evidence filed against the claim, except the statement of the captain of the company, who, at the time of the alleged accident, was sick in hospital at Philadelphia. He says he had no knowledge as to the incurrence of the rupture, being absent from the company at the time, but that he had conferred with two soldiers of the company, and they hadn't any faith in the claim. He admits, however, that he thinks the soldiers were prejudiced against the claimant.

On the other hand, Charles Humphreys says that he knew claimant intimately for five years before he enlisted; that he worked for his father, doing the heavy work on the farm, and that he knew him to be free from rupture.

Lorenzo W. Shattuck, William J. Durphy, and George W. Durrell swear that they worked with claimant, and were in bathing with him frequently, and that they never knew or heard of his being ruptured before enlistment.

Albert Willard and Melissa Willard, in a joint affidavit, state that claimant worked on their farm at the time of his enlistment, and that so far as they knew he was in good health and free from rupture.

Charles Boyce swears that he was soldier's tent-mate in the army; that he knew him for five years before enlistment; that he was perfectly well up to the spring of 1862, at which time he showed deponent a rupture in his left groin.

Dr. D. M. Goodwin, assistant surgeon of soldier's regiment, and now of Minneapolis, Minn., testifies as follows:

"Said Chase was, as I have no doubt whatever, a sound and able-bodied man at enlistment. He was disabled in the line of his duty at Savage Station, Va., by rupture in the left groin, about the 20th day of June, 1862, caused, as was alleged, by lifting beef into an army wagon, Chase being at that time a wagoner. He was fitted with a truss the following day, and was subsequently discharged on account of his said injury, at Harrison's Landing, Va. I am personally knowing to said facts."

Your committee are strongly of the opinion that the weight of proof rests with the claimant in this case, and therefore report the bill back favorably, with a recommendation that it do pass.

Mr. KILGORE. I ask for a division.

Mr. GROUT. Will the gentleman from Texas be good enough to state what his objection is to this bill?

Mr. KILGORE. It does not seem to me the report states such a case as would justify this House in granting a pension. There does not appear to be any evidence of a positive character.

Mr. GROUT. If the gentleman will notice, there is evidence of a positive character in the report.

Mr. KILGORE. What is it?

Mr. GROUT. If the gentleman will look at the report he will see that it is there stated:

On the other hand, Charles Humphrey says that he knew claimant intimately for five years before he enlisted; that he worked for his father, doing the heavy work on the farm, and that he knew him to be free from rupture.

Lorenzo W. Shattuck, William J. Durphy, and George W. Durrell swear that they worked with claimant, and were in bathing with him frequently, and that they never knew or heard of his being ruptured before enlistment.

Albert Willard and Melissa Willard, in a joint affidavit, state that claimant worked on their farm at the time of his enlistment, and that so far as they knew he was in good health and free from rupture.

Charles Boyce swears that he was soldier's tent-mate in the army; that he knew him for five years before enlistment; that he was perfectly well up to the spring of 1862, at which time he showed deponent a rupture in his left groin.

Dr. D. M. Goodwin, assistant surgeon of soldier's regiment, and now of Minneapolis, Minn., testifies as follows:

"Said Chase was, as I have no doubt whatever, a sound and able-bodied man at enlistment. He was disabled in the line of his duty at Savage Station, Va., by rupture in the left groin, about the 20th day of June, 1862, caused, as was alleged, by lifting beef into an army wagon, Chase being at that time a wagoner. He was fitted with a truss the following day, and was subsequently discharged on account of his said injury, at Harrison's Landing, Va. I am personally knowing to said facts."

There is testimony of a positive character by the surgeon of his regiment.

Mr. KILGORE. I will withdraw my demand for a division.

There being no objection, the bill was laid aside to be reported to the House with the recommedation that it do pass.

KEZIAH E. STRONG.

Mr. GALLINGER called up for consideration the bill (S. 1142) granting a pension to Keziah E. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Keziah E. Strong, widow of the late David Strong, a private of Company F, Fifth Regiment of Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pension, to whom was referred the bill (S. 1142) granting a pension to Keziah E. Strong, having considered the same, report as follows:

This bill has passed the Senate, the report in the case being as follows:

"The claimant is the widow of David Strong, who was a private in Company F, Fifth Maine Volunteers. She asks a pension on the ground that his death was due to his service, and her claim is rejected because she has not been able to prove this to the satisfaction of the Commissioner of Pensions.

"He was but a short time in the service, having received an injury at the time of the Bull Run retreat, and on account of which he was discharged. His comrades testify that he was sound when he entered the service, and that he was never well after he left it. The doctor who attended him for many years and down to the time of his death is dead. His widow testifies that her husband's books show that the soldier was treated by him from 1864 to 1874 at various times, but the entries do not show for what disease.

"The soldier's certificate of discharge says he is unfit for the duties of a soldier by reason of chronic inflammation of the ligaments of the metatarsal bones. It is in evidence that he was run over and injured in the foot and leg and shoulder; that from these causes he was always more or less disabled; that he never recovered from them.

"The claimant has not been able to comply with the requirements of the Pension Office as to the proof demanded, on account of the death of physicians and officers of his military organization; but it is shown that he was discharged on account of an injury received as alleged; that he never recovered from the disabling effects of that injury; that he was almost continuously under treatment from its incurrence until he died.

"It would seem to be no injustice to concede his widow a pension, in view of the fact that he was never able to labor for her sufficient support during his life after discharge, and that the injury and the struggle for subsistence may well be regarded as the cause of his gradually increasing helplessness and ultimate death.

"The bill is reported favorably, with a recommendation that it do pass."

In addition to the facts set forth in the report of the Senante committee, as above, a careful examination of the papers seems to fully justify the granting of a pension in this case. It is shown that soldier was sound at enlistment; that he was detailed as a wagoner at the first Bull Run battle, and that he came in lame and injured, from which he never recovered. He died on December 23, 1874. As he did not himself apply for a pension, the widow found it impossible, after so long a lapse of time, to secure the technical proof required by the Department. She is now nearly eighty years of age and in necessitous circumstances, and your committee report the bill back favorably, with a recommendation that it do pass.

Mr. KILGORE. Did the injury for which pension is asked take place during the war?

Mr. GALLINGER. It did.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH F. JONES.

Mr. GALLINGER called up for consideration the bill (S. 886) granting a pension to Sarah F. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Jones, widow of Albert L. Jones, late of Company B, Sixth Maine Volunteers, deceased.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 886) granting a pension to Sarah F. Jones, having considered the same, report as follows:

The Senate report is full and conclusive in this case, and your committee adopt said report as their own and recommend the passage of the bill. The Senate report is as follows:

"The claimant is the widow of Albert S. Jones, late of Company B, Sixth Regiment Maine Volunteers. Her husband was pensioned for gunshot wound of neck, and died July 10, 1868. His term of service is thus shown by the record: 'Enlisted July 1, 1861; discharged July 24, 1865.' He died July 10, 1868; his widow filed application for pension October 15, 1868, and her claim was rejected February 7, 1877. From this action an appeal was taken, and the Secretary of the Interior sustained the Pension Bureau, basing his decision on the statement of the medical referee, who says:

"'The record and other evidence does not warrant the opinion that death from disease of the lungs and heart and paralysis was due to impure vaccination. Syphilis, however acquired, seems to have been a factor in the death cause, and can not be eliminated.'

"The history of this man's service is that he was wounded, first by what is called a gunshot wound in the neck, the ball entering the neck four inches below the ear, or near the collar-bone, passing downwards and backwards to a point opposite the shoulder-blade, where it made its exit. After this wound he was never fit for active service; he was much in hospital, and was finally transferred to Invalid Corps. It is also of record that he was a prisoner; that, according to the report of one of the examining surgeons, he was wounded in the leg, the muscles of which were injured and the leg weakened; and that he had rheumatism in the Army and after his discharge.

"Two of his comrades, who were in the same company and hospital, say he was vaccinated in January, 1864. This was after his wounds in the neck and calf of leg, and several sicknesses; and they swear that his arm was full of sores from vaccination, so that he was sick. That he was furloughed on account of the effects of the vaccination. They were with him and know. These affiants saw him often after his discharge, and until a few weeks before his death, and during all this time the sores upon his arm continued to break out. One of these witnesses was the sheriff of Hancock County. Other witnesses corroborate this, and say that the sores continued up to 1868.

"Another comrade, who was in the same hospital ward with him, says they were there four months. They were both vaccinated, but not by the same surgeon. He testifies to the sores and hearing the doctor say they were caused by the vaccine matter.

"Dr. Parker, of Ellsworth, Me., testifies to his belief, from intimate knowledge of the man and of his condition, that the soldier's sickness and death were the result of his service.

"Dr. Fogg, of Holden, Me., knew the soldier from his birth. In June, 1868, he was called to attend him, and found him suffering from disease of lungs and heart. Ten days before he died his right side was paralyzed.

"John F. Whitcomb, first lieutenant of his company, says between his discharge and death he was never well.

"The only reference to syphilis the committee can find is that contained in the report of the Surgeon-General, in which he says he was transferred to Harper's Ferry with this disease, December 6, 1864; whereas the Adjutant-General's report shows that December 8, 1864, he was in Newton University General Hospital, Baltimore, from Winchester, Va., with diarrhea. There are other discrepancies in dates that are inconsistent with the syphilis theory.

"The doctors who treated him, the Pension Office examining surgeons who examined him, make no reference to syphilis. The medical referee bases his opinion upon the Surgeon-General's report, which is generally defective, and in this instance conflicts with other reports and other evidence. The committee believe the medical referee had no just grounds for such a decision;

that all the evidence as to prior soundness, good habits of the soldier, as to the incurrence of his wounds, of his poisoning, his continued sickness and suffering, in which there was no interval, justify the belief that his disabilities were all contracted in the service, and that they were the cause of his death.

"The failure to discover 'pathological connection' is one of the obstacles in the way of many a just claim, and in a case such as this, in which it took nine years to decide it, and in which the evidence is clear, positive, and from the most reliable sources, the committee is of the opinion that Congress will not exceed its prerogative in reversing the decision."

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WILLIAMS. I move that members present be permitted each to call up a bill.

Mr. DOCKERY. It is too late to proceed in that manner now. It is near time for the committee to rise.

Mr. MORRILL. I call for the regular order.

Mr. MACDONALD. I move that the committee now rise.

The motion was not agreed to; there being on a division—ayes 11, noes 23.

MRS. ELIZABETH WHITE.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. KERR) was the bill (S. 2089) for the relief of Mrs. Elizabeth White.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth White, mother of Charles H. White, late of Company K, Seventeenth Regiment Iowa Volunteers.

The report (by Mr. SPOONER) was read, as follows:

That they adopt the following Senate report upon said bill, and recommend the passage of the bill:

[Senate Report No. 889, Fiftieth Congress, first session.]

The claimant is the mother of Charles H. White, late of Company K, Seventeenth Regiment of Iowa Volunteers. The son died at St. Louis, May 4, 1862 only a very short time after he was mustered into the service. He was a mere youth when he enlisted, only sixteen years of age, too young and insufficiently developed for a soldier's hard duty; nevertheless he was accepted and sent to the front, with the speedy fatal result revealed by the record.

The simple history of the case is that prior to his enlistment the son lived at home with his father, and that together they worked a small farm. After the death of the son the father struggled alone, borrowed money from time to time to eke out a support, and finally his indebtedness accumulated to such an extent that he sold his property, the proceeds of which were absorbed in satisfying a mortgage and other obligations. For years the father had heart disease and other infirmities, some of which are traced back to 1863. His disabilities increased, rendering him helpless for years as a provider, and finally he died, leaving his widow old and poor. Dr. Russell, of Monticello, Iowa, treated him from 1862 to 1870 for valvular heart disease. He suffered much and was obliged to keep quiet. He kept no record except a day-book, and these were destroyed from year to year, but he identifies his treatment and dates by incidents.

Dr. Millette knew him twenty years. He was troubled with valvular disease of heart. The first he knew of it professionally was four or five years before his death; but Mr. White told him he had been troubled with it a number of years, and the doctor remembers of hearing, for the last dozen years or so, that he had occasional fainting spells. Has indistinct recollection that he had kidney disease. This he delivered to the special examiner. In a direct affidavit he says: "Prior to 1868 I knew little of his physical or financial condition."

M. L. Carpenter, banker, of Monticello, says what land he owned was very poor. He borrowed money of him to live on. His credit was good, because he was honest. The banker bought the farm and paid the larger portion of the purchase-money with offsets. This is to the special examiner. In a direct affidavit he says: "After paying off his mortgage he had nothing left. Thirteen years he knew him to be failing in strength. The produce of his farm after paying interest was not sufficient to support himself and his wife, and in order to support them in a frugal way he had to encroach upon his property." He goes on to say that after paying interest and taxes they would have only $50 left. They were quite poor.

There is some discrepancy in the direct testimony and that delivered to the special examiner, but it is a well-established fact from the evidence produced that the mother was dependent in the strict sense of the term, and that in later years she has suffered much because her dependence has not been recognized by the source from which relief should have come.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROSALOO SAGE.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. CLARK) was the bill (S. 2137) for the relief of Rosaloo Sage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rosaloo Sage, late of Company A, Eighth Iowa Infantry, subject to the requirements and limitations of the pension laws.

The report (by Mr. SPOONER) was read, as follows:

That they adopt the following Senate report upon said bill and recommend the passage of the bill:

[Senate Report No. 890, Fiftieth Congress, first session.]

The claimant was late a member of Company A, Eighth Iowa Infantry. He enlisted September 5, 1861, and was discharged June 3, 1863. He applied for a pension August 22, 1883, and the long interval between his discharge and the filing of his application is referred to as a prejudicial circumstance. It may be as well to mention here a fact that is well known to the public, which is that hundreds of soldiers defer their applications until their growing disabilities and actual poverty compel them to apply for relief to a source from which they know they will encounter numberless obstacles, long delay, if not final rejection, and the alternative of an appeal to Congress.

The evidence in this case is principally the product of special examinations, and even under this critical process there appears nothing prejudicial to, but everything in favor of, the claim.

Nearly all of the witnesses testify that prior to his enlistment he was in good health and a strong, active man; that ever after his discharge he was in poor health. The organization to which he belonged participated in the engagement at Pittsburgh Landing. Mr. D. P. Meredith, a merchant at DeWitt, Iowa, was one of his comrades. He became acquainted with claimant after their enlistment. They were in the same mess. He has no recollection of his being sick until they arrived at Pittsburgh Landing, about the last of March, 1862. He thinks his disease was diarrhea, which was prevalent from the effect of bad food. He remembers that claimant was in the ranks the first day of the battle. Affiant was taken prisoner.

J. C. Wilkes testifies to having known claimant since 1855, and says he was in good health until after his discharge, when he was in bad health. They were neighbors and he saw him every day. He does not think he ever had good health after he left the Army.

Referring to the bad food which the men had to subsist on, Alfred B. Smith tells the special examiner that they had to grind the screenings of wheat and make bread from the flour, which, with bad beef, made the men sick. The claimant was under the doctor's care half the time.

Another comrade testifies that at a place called "Pancake Hollow" they lived on "slapjacks," made of musty flour, the product of spoiled wheat.

Thus the foundation of his sickness is explained. He contracted chronic diarrhea, which, in the progress of years, developed into alternate constipation and looseness. Heart disease ensued, and its existence is recognized by the examining surgeons. The Pension Office is unable to trace the connection. The doctors admit that the irregularities of the heart are not so great when constipation gives way to diarrhea. There can be no doubt that chronic constipation interferes with the regular and healthy action of the heart, which, in aggravated cases, causes prostration and ultimate death. It is affirmed by all the affiants that this man is trusty, truthful, and in every respect of good report. He was industrious, and struggled hard to avoid coming to want and the alternative of applying for a pension by working a little at his trade of carpenter.

It is possible that if he could have lived at his ease, free from the care and anxiety his poverty imposed, he would not have been so physically helpless as he is now. It is not to be turned against him that he so long resisted the resource to which he is at last driven. Special Examiner E. D. Godfrey thus closes his report:

"From the examination of the evidence on file at this date (June 16, 1887), I am of the opinion that it is sufficient to warrant the admission of the case without further examination."

Beyond any doubt his sickness, suffering, present prostration, and poverty are chargeable to the Government. The committee concur with the special examiner, and report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the committee do now rise.

Mr. MCKINNEY. There is a bill which was passed over, Mr. Chairman, and I ask unanimous consent to recur to that.

Mr. CHIPMAN. We will scarcely have time to pass those bills that we have considered to-night even if we rise now; and I can not withdraw the motion.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the Private Calendar, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

Mr. DOCKERY. I ask unanimous consent that the bills considered at the last evening session, or which were made special for last evening, be passed over informally, retaining their present status.

Mr. WILLIAMS. That leaves them exactly in their present condition.

The SPEAKER *pro tempore*. That will be the effect.

Is there objection to the request of the gentleman from Missouri?

There was no objection, and it was so ordered.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole, were considered, ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 8506) for the relief of Hannah H. Latham;

A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;

A bill (H. R. 8794) granting a pension to Levi Little;

A bill (H. R. 817) granting a pension to Mary Foster;

A bill (H. R. 8677) granting a pension to Mary E. Forren;

A bill (H. R. 160) granting a pension to Elizabeth B. Sailer; and

A bill (H. R. 9119) granting a pension to George C. Chase.

The following bills, reported from the Committee of the Whole with amendments, were considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 4098) granting a pension to Eliza Trefren; and

A bill (H. R. 7510) granting a pension to Stephen A. Seavey.

The bill (H. R. 5530) for the relief of Thomas Harris, reported from the Committee of the Whole with an adverse recommendation, was ordered to be laid on the table.

Bills of the Senate of the following titles, reported from the Committee of the Whole favorably, were considered, ordered to a third reading; and being read the third time, were passed, namely:

A bill (S. 1495) granting a pension to Mrs. Mary McGee;

A bill (S. 2073) granting a pension to Margaret Blades;

A bill (S. 1288) granting a pension to John Child;

A bill (S. 1111) granting a pension to Mary J. Davis;

A bill (S. 1124) to increase the pension of John W. January;
A bill (S. 1447) granting a pension to Bridget Foley;
A bill (S. 1142) granting a pension to Keziah E. Strong;
A bill (S. 886) granting a pension to Sarah F. Jones;
A bill (S. 2089) for the relief of Mrs. Elizabeth White; and
A bill (S. 2137) for the relief of Rosaloo Sage.

The bill (S. 335) granting an increase of pension to C. R. Thomas, reported from the Committee of the Whole with amendments, was considered, the amendments concurred in, and the bill as amended ordered to a third reading; and being read the third time, was passed.

The bill (S. 702) granting a pension to Henry Pulsky, reported from the Committee of the Whole with adverse recommendation, was ordered to be indefinitely postponed.

Mr. BUCHANAN moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

"MUCK-A-PEC-WAK-KEU-ZAH."

Mr. MACDONALD. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-keu-zah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Muck-a-pec-wak-keu-zah, or "John," an Indian of the Dakota or Sioux tribe, now residing near the city of Hastings, in the county of Dakota, in the State of Minnesota, and who rendered valuable services in behalf of the white settlers, and who was instrumental in saving the lives of many white people during the Sioux outbreak and war in the State of Minnesota in the year 1862, and who then served the United States as a scout, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) is a follows:

That it conclusively appears that this Indian performed important and valuable services in behalf of the whites during the Indian outbreak, and subsequently was on the frontiers of Minnesota and Dakota in the years 1862-'63, as a scout and under the command of General H. H. Sibley, then in command of that district; and that while defending the whites he received injuries at the hands of hostile Indians and from exposure while such scout, which have permanently disabled him and injured his health.

The following is a memorial from General Sibley to this Congress in behalf of this Indian, and shows him to be worthy of a pension from this Government:

"*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

"The memorial of the undersigned, late brigadier-general and brevet major-general United States Volunteers, in command of the military district of Minnesota, respectfully represents: That Muck-a-pec-wak-keu-zah, commonly known as 'Indian John,' was employed by me during the outbreak and subsequent war with Dakota or Sioux Indians on the frontiers of Minnesota and Dakota in 1862-'63 as a scout, and in that capacity rendered essential service, and was instrumental in saving the lives of white women and children; that while in the service he received injuries from exposure and violence at the hands of hostile Indians which have permanently affected his health and prevented him from properly supporting his family; that he and they are utterly impoverished, and have to depend for subsistence on the charity of the whites; wherefore your memorialist respectfully recommends and urges that your honorable body pass an act for the relief of the said Muck-a-pec-wak-keu-zah, in view of his helpless condition and former meritorious services to the Government, granting him such provision per month during his natural life as will enable him and his family to live in comparative comfort.

"And your memorialist will ever pray, etc.

"HENRY H. SIBLEY,
"*Late Brigadier and Brevet Major-General U. S. Volunteers.*

"ST. PAUL, MINN., *March* 21, 1888."

The additional evidence submitted to the committee shows that this Indian is a full-blood Sioux and now of the age of seventy-five years; that he was living at Redwood, on the Sioux Indian reservation, at the time of the outbreak; that he did all in his power to induce the Indians not to raise up against the whites, but failed; that in aiding a mother and four children (the husband and father having been killed) to escape, he was followed by other Indians, and while protecting said mother and children was struck in the breast with a musket and knocked down, and his ribs were broken; that after many difficulties he succeeded in getting the mother and children to his tent, where he kept them for about four weeks; that he rescued others in the same manner and guarded them until General Sibley came and rescued the white prisoners which the other Indians had, when he and those whom he had defended returned with General Sibley to Fort Snelling.

Drs. Adams and Haws testify that his disability totally incapacitates him for manual labor of any kind. Other witnesses testify sustaining our conclusions.

Your committee regard this as a truly meritorious case, and inasmuch as this Indian is uneducated, and will find it difficult to understand all the proceedings necessary to enable him to secure a pension in the regular way, we deem it but just that he should be granted a pension without being required to undergo further medical examination to establish his disability.

We therefore recommend that the bill be amended so as to specify the amount of pension which he is to receive, and that that amount be fixed at the sum of $15 per month, and that as so amended the bill do pass.

There being no objection, the amendment was concurred in.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FANNIE A. KIMBALL.

Mr. ARNOLD. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 2890) granting a pension to Fannie A. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie A. Kimball, the blind daughter of Charles A. Kimball, deceased, late sergeant Battery D, First Rhode Island Light Artillery, at the rate of $18 per month.

The report (by Mr. SPOONER) is as follows:

That said Fannie A. Kimball is the blind daughter of Charles H. Kimball, who was a sergeant of Company D, First Regiment Rhode Island Light Artillery, and enlisted in 1861, and died in the service in 1863.

His widow and said daughter were pensioned until the remarriage of his widow and the daughter had reached the age of sixteen.

There is no general law for the pensioning of the daughter when over sixteen years of age; but the relief proposed by this bill has been granted by special act of Congress in a number of similar cases, and is within the limitations established by your committee and sustained by the House both in this and previous Congresses.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

Mr. ARNOLD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY C. DAVIS.

Mr. McCREARY. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10318) granting a pension to Mary C. Davis and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Mary C. Davis, formerly widow of William M. Worsham, major of the Twelfth Regiment of Kentucky Volunteer Infantry, United States Army, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) is as follows:

Mary C. Davis resides at Danville, Ky., and is sixty-four years of age. She married William M. Worsham on the 5th of September, 1844, in Wayne County, Kentucky, and he enlisted in the Twelfth Regiment of Kentucky Volunteer Infantry, United States Army, on the 3d day of October, 1861, and was regularly mustered into the service of the United States Army as a major of said regiment on the 31st day of January, 1862, for three years.

Maj. William W. Worsham, while in the line of his duty in the military service of the United States, and while on the march from Shiloh to Corinth, in the State of Mississippi, in the year 1862, contracted camp diarrhea and became wholly disabled from said disease, and unable to perform military service, and applied to the proper military authorities and to those in command of his said regiment for a leave of absence, that he might return to his home in Kentucky and recruit his health; but at that time no leaves of absence or furloughs were granted to officers or enlisted men, and as his death seemed inevitable he resigned his commission, which was accepted on account of his severe illness, and he immediately started to his home with a brother officer in July, 1862; but he died before he reached home, on a steamer on the Ohio River on the 18th day of July, 1862, of the said disease, contracted as aforesaid while in the service of the United States.

After the death of Major Worsham his wife, Mary C. Worsham, married Schuyler B. Davis, in Boyle County, Kentucky, and remained his wife until his death, which occurred on the 10th day of February, 1883, since which time she has remained a widow.

She had no children by either of her husbands, and is now old and in feeble health, and has not sufficient estate for her support, having derived little or no means from her first husband, Major Worsham, and only a small amount from her late husband, Schuyler B. Davis. By her own industry she has been trying to make a livelihood, but increasing years and feeble health make it very difficult now for her to secure such a support as she deserves.

The facts herein referred to are supported by the evidence of W. A. Haskins, lieutenant-colonel and in command of the Twelfth Kentucky Infantry, of which regiment William M. Worsham was major at the time he resigned, and also by Lawrence H. Rousseau, who was afterwards commissioned colonel of said regiment, and by others, who also show that Maj. William M. Worsham was a gallant officer and was faithful to all of his duties as an officer and soldier from the time he entered the service of the United States until the time of his resignation. Your committee believe that the name of Mary C. Davis should be placed on the pension-roll, subject to the provisions and limitations of the pension laws, and they recommend that the bill do pass.

There being no objection, the bill was considered and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN J. MITCHELL.

Mr. WILLIAMS. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John J. Mitchell, late of Company A, One hundred and tenth Regiment, Ohio Volunteer Infantry.

The report (by Mr. YODER) is as follows:

John J. Mitchell enlisted September 4, 1862, in Company A, One hundred and tenth Ohio Volunteer Infantry, and was honorably discharged 9th day of June, 1865. The evidence on file in the Pension Department shows this man's condition to be deplorable. Without means, supported and cared for by a devoted wife, helpless as a child, and a hopeless imbecile. The evidence further shows that he was a healthy, robust man when enlisted, a brave and faithful soldier, receiving a high character as such from the officers and privates of his regiment.

The evidence filed in his case is very voluminous, based upon a hospital rec-

ord that when admitted to Finley Hospital, Washington, D. C., he was suffering from syphilis, which fact was contradicted by his regimental surgeon and his physicians after his discharge from the Army; but the Pension Department, evidently believing that disease was the cause of the present condition of the claimant, and that he had the disease because the record was supported by claimant's statement, made after his mind was destroyed and after he had been in the asylum for the insane, finally ordered a special examination of the claimant upon that special matter, and the report of the examining surgeons by the Government vindicated his family physicians by reporting there was no cicatrice, scar, or change of tissue, or any evidence whatever that claimant was ever the victim of syphilis. That effectually disposed of that supposed cause of claimant's unhappy condition. The evidence disclosed that his parents lived to an advanced age, and that there was no taint of insanity in the family. This brings us to the evidence of the cause of plaintiff's disability.

Dr. F. C. Owen, a physician of high character, and regimental surgeon of the One hundred and tenth Ohio Volunteer Infantry, states:

"That he personally knew said Mitchell, and that in the fall of 1863, in consequence of excessive exposure, the said soldier was attacked with a severe congestive type of neuralgia of the head, and that he treated him in regimental hospital, but was obliged to send him to general hospital in Washington City called Finley Hospital."

The Department made a special inquiry into the character of Dr. F. C. Owen, and reported his character good for truth, and that the physician was very positive of treating said soldier for neuralgia of the head in the fall of 1863.

Teray S. Jordan, a member of Company A, One hundred and tenth Ohio Volunteer Infantry, states positively that Mitchell was sent to hospital in Washington, in October, 1863, complaining of his head, and in a subsequent inquiry by the Department states that he knows of his personal knowledge that Mitchell was taken sick in October, 1863, and was treated by Surg. F. C. Owen, and after a short time was sent to a hospital in Washington, D. C.

William A. Shuler remembers Mitchell being sent to the Washington hospital suffering with a severe pain in his head.

W. M. Edge remembers Mitchell giving out on the march and being sent to the general hospital in October, 1863. Mr. Edge was afterwards transferred to Signal Corps, and did not meet Mitchell until the return home after the war in 1865, and states that Mitchell had the appearance of being broken down in health.

The above-named witnesses all sustain a high character for truth, and it would strongly indicate that the disability was incurred in the Army, but unfortunately for establishing the case of claimant as continuing disability the physician who attended him in his frequent attacks of neuralgia of the head up to 1868 is dead. The claimant, according to the testimony of his wife, had frequent recurrence of the disease, but would labor when able to do so, and at other times prostrated and partially insane until 1880, when he grew rapidly worse. Dr. Gray, Dr. Parker, Dr. O'Ferral, and others who attended him, all testify to treating him at various times for severe attacks of neuralgic pains in the head, which finally resulted in partial paralysis and dementia.

Dr. O'Ferral, in reply to the direct question of Special Examner Fuller, of the Pension Department, stated:

"That the present condition of Mitchell is the result of exposure, heat, and overexertion at a date remote from the present, and gradually resulted in his present trouble and condition."

The evidence of continuation of disability from time of discharge was not sufficient to meet the requirements of the law under the rulings of the Pension Department. The origin of the disease is clearly established. Its continuation after the war rests upon the evidence of the wife and other parties, owing to the death of the attending physician. The evidence and medical opinions of physicians of high character called to attend Mitchell at a later date, and the present deplorable condition of Mitchell, all combine to render this a meritorious case for the action of Congress, and your committee do therefore recommend the passage of the accompanying bill.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, and, being read the third time, was passed.

Mr. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARCUS D. RAYMOND.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent to discharge the Committee of the Whole on the Private Calendar from the further consideration of the bill (S. 2012) granting increase of pension to Marcus D. Raymond, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marcus D. Raymond, late a corporal of Company I, Twentieth Kentucky Volunteer Infantry, and a private of Company B, Fortieth Kentucky Volunteer Infantry, at the rate of $20 per month, in lieu of the amount per month he is now receiving.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2012) granting increase of pension to Marcus D. Raymond, have had the same under consideration, and adopt the Senate report, as follows:

"The applicant was a corporal in Company I, Twentieth Kentucky Volunteers, from October 10, 1861, to May 12, 1862. He afterwards served as a private in Company B, Fortieth Kentucky Volunteers, from June 15, 1863, to December 28, 1864. In 1863 he received a gunshot wound in left side, for which he was treated in hospital two months. In 1876 the soldier filed an application for a pension for the above-alleged disability. It was granted at $2 per month, commencing May 13, 1862; $6 from December 31, 1864; $10 from February 4, 1879; $12 from March 5, 1884, and was reduced to $8 from September 4, 1885, on the recommendation of the examining surgeon.

"Subsequently he filed a declaration declaring additional disability, alleging injury to left elbow and right wrist, received by falling from a horse while on night messenger duty. The soldier was not able to establish the origin of the latter claim to the satisfaction of the Department, and the case was placed in the hands of a special examiner, who is of the opinion that the injuries were sustained in the service as alleged. The examining surgeon gives him a total rating.

"After a careful review of the evidence the committee recommend the passage of the bill with the following amendment: In line 9 strike out the word 'thirty' and insert instead the word 'twenty.'"

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. W. ROSE.

Mr. HOUK. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 7160) granting an increase of pension to A. W. Rose, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of A. W. Rose, and pay him a pension of $30 per month, in lieu of any pension he may now be receiving under the general law, by virtue of certificate numbered 80590.

The report (by Mr. HUNTER) is as follows:

The soldier in this case, Abner W. Rose, enlisted in Company E, Third Tennessee Cavalry, at Big Barren, Ky., February 1, 1863, and served continuously until August 3, 1865, when he was honorably discharged from the service.

It appears from the records and papers on file in this case that at the battle of Sulphur Trestle, Ala., September 25, 1864, this soldier was severely wounded in his left arm and chest.

In his original declaration for pension, filed February, 1866, he alleges as a ground upon which he bases his title to pension this gunshot wound of arm and chest. As early as 1866 he was examined by a board of United States examining surgeons, who found that the axillary nerve and artery of the arm had been divided, and that the arm was permanently weakened and totally disabled. He was pensioned April 24, 1867, for wound of left arm at the rate of $6 per month. The wound of chest apparently was not taken into consideration at this time. His pension was increased to $8 per month in September, 1869, upon the result of an examination by Dr. Bailey, a United States examining surgeon, who describes his disability at that time as follows:

"That a missile entered left arm 6 inches below the shoulder and at the outer aspect, coming out at the axilla, just exactly opposite to the point of entry. In the inside of the arm is a cicatrix, and the line or direction of the missile in its course through the arm * * * would indicate that the ball entered the chest. There is an abnormal respiration over the left side of the chest, a slight bronchophony below and just in front of the cicatrix in the side of the chest. There is a dullness on percussion over the whole cardiac region, indicating hypertrophy and effusion in the pericardium. It is my opinion that the ball entered the chest, and is still lodged in the neighborhood of the base of the heart."

He was reduced in March, 1872, to $4 per month, but in September of the same year he was restored to his old rate.

The board of examining surgeons who examined him in August, 1872, after having described his condition about the same as contained in Dr. Bailey's statement, certify that the ball may be, and probably is, not far from the base of the heart:

"That exertion causes dyspena, and he is unable to labor; his physicians state that he has frequent attacks of sickness, attributable to the wounds. Mr. Rose is a man of good habits."

They rate him total for the disability at this time. In 1880 soldier was granted a rerating, on account of gunshot wound of left arm and chest, at the rate of $8 per month from August 4, 1865, $6 per month from December 4, 1871, and $8 per month from September 4, 1872.

The board of surgeons at Baltimore, who examined him in July, 1880, certify:

"That they find gunshot wound of left arm and chest, ball entering outer aspect of the middle left arm, above and behind humerus, and emerged at the upper part of the axilla, and re-entered the chest 2 inches below the first exit, penetrating the lung and remaining in; alleges that at the time he was wounded he had severe and copious hemorrhages from the lungs; alleges, upon exertion, that he has cough and shortness of breath, pain under lower angle of right scapula; occasionally has vertigo, which causes him to fall."

These three surgeons find his disability as described above to be equal to and entitle him to total rate.

The following August a board of surgeons in Washington, D. C., examined this soldier, and certify that—

"The ball entered the outer aspect of the middle third of left arm, passed upward and to the right, coming out near the center of left axilla, re-entering the chest 1 inch below and to the right of axilla, and, he says, still remains. There is slight dullness on percussion in the region of the wound; some loss of sensation on side of left forearm and hand; loss of power in arm and hand; indolent ulcers on outer aspect of lower third of both legs, on right very large, on left smaller."

This board, after carefully examining the soldier, rate him as total.

A board of surgeons, in September, 1873, found over an inch difference in circumference of the soldier's arms, and this difference between his arms appears to have been the same since his first examination.

The soldier was examined in August, 1885, by the board of surgeons at Knoxville, Tenn., and upon examination of the applicant this board found objective conditions which, in their judgment, entitled him to an increased rating.

"He has a tender scar at the insertion of the deltoid muscle; missile grooved the posterior border of the humerus. There is another wound in the axilla; there is an indentation on the margin of the fourth rib, with no visible point of exit; * * * the whole left arm is less than the right; complains of numbness in the fingers; face is somewhat cyanosed; heart action feeble and sounds very indistinct; the area of the cardiac; * * * dullness somewhat increased; exertion runs the pulse up to 130."

They further state that—

"From the existing condition and the history of this claimant, in their judgment the disability was incurred in the service, as is claimed, and that it has not been prolonged or aggravated by vicious habits, and that he was, in their opinion, entitled to the total rating for disability caused by gunshot wound, and three-fourths rating for that caused by heart disease, a sum which aggregates fourteen-eighteenths of third grade."

In August, 1887, he was examined by a board of surgeons at Morristown, Tenn. The same description, almost identically, was given by this board. They rate him for gunshot wound of left arm and chest one-half third grade, not taking into consideration his disability from heart disease and affection of the lungs, which evidently are a result.

The incurrence of the wound, as alleged, in the service; the fact that the soldier has suffered from its effects ever since; the present existence of the ball in the immediate vicinity of the heart are established beyond question by cumulative evidence. Accepting these facts, the only question upon which your committee have to pass is whether the soldier's present rate of pension is commensurate with his disability.

There is no doubt in the minds of your committee but what this soldier has been a terrible sufferer by reason of the wound incurred in service and line of duty. It is established beyond question that he suffers from heart disease, which is readily attributable to this wound. He has an affection of the lungs, which is apparently the natural result of a wound where the ball penetrates the lung. The soldier's left arm is greatly reduced in size and is comparatively of

little service to him. The wound in the breast, as before stated, has evidently given rise to severe affection of the lungs and heart. The soldier is thus rendered unfit to perform any manual labor requiring the least exertion on his part.

Dr. Parker, a physician and surgeon of high standing, of Knoxville, Tenn., under date of May 18, 1887, gave this soldier a careful and thorough examination, and it might be well to cite the result of this examination in connection with the conclusions reached upon this bill.

Dr. Parker says:

"1. That there is an old cicatrix from a gunshot wound of the left arm, the wound of entrance being just below the insertion of the deltoid muscle and a little to the posterior aspect of the * * *. The range of the ball is upward and inward, having passed through the border of the po-terior aspect of the humerus, leaving a wound on the inside of the arm at the inferior margin of the anterior boundary of the axilla. From thence the ball penetrated through the fifth intercostal space, leaving a scar at the point of intersection of a line drawn around the chest 2½ inches above the nipple and a vertical line will fall over the left coracoid process. The course of the ball after penetrating the parieties of the thorax I do not know positively.

"2. * * * Exploration reveals the absence of vesicular murmur in the upper portion of the left lung a little below the clavicle, and there is adhesion of the pulmonary tissue in this locality, with obliteration of the air vesicles, from the sternum to the left wall of the chest. I regard this as the result of the destruction of the tissue in the track of the ball and the inflammatory action subsequent to the shot. There is an irritable condition of the heart, with adhesions between the pleura and pericardium, and a direct mitral murmur. Pulse, when quiet, 90; on exertion, 130. Respiration, quiet, 22; on exertion, 32.

"3. There is a partial paralysis of both motion and sensation on the ulnar portion of the forearm and of the little and ring fingers. This I attribute to injury of the ulnar branch of the brachial plexus. There is atrophy of the muscles of the left shoulder and arm. I regard this as due to non-use. I have taken no subjective symptoms."

The existence of the ball in the vicinity of the heart is apparently liable to cause death at any time; and while in ordinary cases your committee are averse to recommending a disturbance of rates granted under the general law, they are clearly of the opinion, from the facts presented in this case, that the rate allowed this soldier has not in any way been commensurate with his disability, shown to have existed, and to have been due in the main to the disability for which he is pensioned. They therefore recommend that the bill do pass.

There being no objection, the bill was considered, ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (the hour of 10 o'clock and 30 minutes p. m. having arrived) the Speaker *pro tempore*, in pursuance of its previous order, declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. GLASS: Joint resolution (H. Res. 197) referring the claim of Norah Walsh to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 10819) for the relief of Dr. J. Felix Morgan—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: A bill (H. R. 10820) granting a pension to George M. Ziegler—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 10821) to correct the military record of George McKinney, jr.—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 10822) for the relief of V. C. Lasley—to the Committee on War Claims.

Also, a bill (H. R. 10823) for the relief of James F. Blount—to the Committee on Claims.

By Mr. MORRILL: A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 10825) granting a pension to Mary Jane Jelly—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 10826) for the relief of Richard Davis—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 10827) for the relief of Catharine Teegardin—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 10828) granting a pension to Braddock F. Stocking—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. JEHU BAKER: Petition of Thomas Lloyd, Charles Hildebrand, and 31 others, citizens of Rentchler, Ill., for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. BAYNE: Resolution of Reliable Council, Junior Order of United American Mechanics, of Allegheny, Pa., in favor of Senate bill No. 553—to the Committee on Foreign Affairs.

By Mr. BIGGS (by request): Remonstrance against House bill No. 3067, to grant Boisé Basin Bed-Rock Flume Company the right to construct a bed-rock flume in Idaho—to the Committee on the Public Lands.

By Mr. BRUMM: Petition of Bittenger and others, citizens of Schuylkill County, Pennsylvania, for amendments of the interstate-commerce law—to the Committee on Commerce.

By Mr. BUNNELL: Petition of woolen manufacturers and wool dealers of Louisville, Ky., against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition of James Keener, of Bartow County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER: Petition of J. W. Dickerson and 38 others, of Pennsylvania; of William Herbert and 98 others, of Colorado; of T. J. Chittenden and 30 others, of Nebraska; of John H. Tuttle and 22 others, of Utah; of R. H. Pennington and 94 others, of Colorado; of D. H. Henderson and 33 others, of Ohio; of S. L. Moore and 67 others, of Pennsylvania; of E. C. Chapman and 73 others, of New York; of J. P. Romero and 32 others, of New Mexico; of S. C. Gordon and 36 others, of Ohio; of T. N. Lucas and 163 others, of Indiana; of John Andrews and 30 others, of Indiana; of J. W. Bryarly and 32 others, of Virginia; of Cantrell & Faulkner and others, of Tennessee; of T. Henderson and 28 others, of Kentucky; and of C. B. Ladd and 42 others, of New Mexico, for increase of the tariff on wool—to the Committee on Ways and Means.

By Mr. COX: Resolution of U. S. Grant Post, No. 327, Grand Army of the Republic of New York, recommending the passage of Senate bill 2797, to advance George Wallace Mellville—to the Committee on Naval Affairs.

Also, memorial of Gotham Assembly, and of the New York Plow Company, of New York City, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of Henry M. Barrett & Co., proprietors of the Eclipse Woolen Mills, and others, of Louisville, Ky., against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. DARLINGTON: Petition of woolen manufacturers, wool dealers, and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of B. F. Bonney, of Hamilton, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. ERMENTROUT: Petition of woolen manufacturers, wool dealers, and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of woolen manufacturers and wool dealers, against the Mills bill—to the Committee on Ways and Means.

By Mr. HEARD: Paper in the case of Mary J. Malotte, for a pension—to the Committee on Invalid Pensions.

By Mr. HIESTAND: Petition of woolen manufacturers and wool dealers, against the Mills bill—to the Committee on Ways and Means.

By Mr. S. I. HOPKINS: Petition of manufacturers and dealers in wool, against placing wool on the free-list—to the Committee on Ways and Means.

By Mr. HOUK: Petition of wool-growers, protesting against placing wool on the free-list—to the Committee on Ways and Means.

By Mr. McCLAMMY (by request): Petition of woolen manufacturers and wool dealers, against the Mills bill—to the Committee on Ways and Means.

By Mr. McCULLOGH: Resolution of Climax Council, No. 195, of Trovilla Council, No. 158, of Security Council, No. 168, and of O. W. Howell Council, No. 210, Junior Order of United American Mechanics of Pennsylvania, for the passage of Senate bill 553, for regulating and restricting immigration—to the Committee on Labor.

By Mr. PETERS: Petition of H. O. Beal and 108 others, citizens of Edwards County, Kansas, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of manufacturers of and dealers in woolens, against the Mills bill in the reduction of the duty on wool—to the Committee on Ways and Means.

By Mr. RICE: Petition of 78 citizens of St. Paul, Minn., for the establishment of a system of harbors and water-works, etc.—to the Committee on Expenditures of the War Department.

By Mr. RICHARDSON: Petition of heir of Christopher Acklen, of Franklin County, and of administrator of Mrs. Devinda Crouse, of Rutherford County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of P. H. Murphy and others, against reduction of duty on window-glass—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of U. S. Grant Post, No. 327, Grand Army of the Republic of New York, approving the proposed promotion of their comrade, George Wallace Melville—to the Committee on Naval Affairs.

Also, petition of the Tarrytown (N. Y.) Workingmen's Organization, asking certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. WEBER: Petition of woolen manufacturers, wool dealers, and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. WILBER: Petition of citizens of Dolgeville, N. Y., to protect the manufacturing interests of this country—to the Committee on Ways and Means.

Also, against the destruction of the sheep industries of this country—to the Committee on Ways and Means.

By Mr. YOST: Petition of Richardson & Co. and others, against the passage of the Mills bill—to the Committee on Ways and Means.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. McCULLOGH: Of Jacob Swart and others, of A. B. Pratt and others, of W. H. Virgin and others, of Harrison Morris and others, of James M. Finell and others, and of Linsey Black and others, of Greene County, Pennsylvania.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. GRIMES: Of D. M. Hall, Wesley Jefferson, and others, citizens of Marion County, Georgia.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. HERMANN: Of 49 citizens of Benton County, Oregon.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 14, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SARAH L. LARIMER.

The SPEAKER laid before the House the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming, and for loss of property taken by Sioux Indians; which was referred to the Select Committee on Indian Depredation Claims, and ordered to be printed.

BRIDGE ACROSS ARKANSAS RIVER, ETC.

The SPEAKER also laid before the House the following request of the Senate:

IN THE SENATE OF THE UNITED STATES, *July* 12, 1888.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River, at or near Cummings Landing, Lincoln County, Arkansas.

Mr. CLARDY. Mr. Speaker, the House bill reported on yesterday I believe is identical with that bill.

The SPEAKER. The Senate has asked to have the bill returned. If there be no objection, the Committee on Commerce will be discharged from the further consideration of this bill and it will be returned to the Senate in accordance with the request of that body.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 474) for the relief of General G. Cluseret;

A bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes; and

A bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

NEWSPAPERS, ETC., SOLD ON TRAINS, ETC.

Mr. PHELAN, by unanimous consent, introduced a bill (H. R. 10829) to prevent discrimination in the selling of literary matter, newspapers, journals, periodicals, or magazines on railway trains, in railway stations, on steam-ships or steam-ship docks; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OFFICERS DROPPED FROM THE ROLLS.

Mr. LEE, by unanimous consent, offered the following resolution; which was referred to the Committee on Military Affairs, and ordered to be printed:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives what action has been taken by him, if any, with reference to officers of the United States Navy and Marine Corps who served honorably through the Mexican war, and whose names have been dropped from the rolls.

ORDER OF BUSINESS.

Mr. BLAND. In the interest of the officers of the House, some of whom are already sick in consequence of overwork at night sessions, I ask that the evening sessions hereafter be limited to half past ten o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HOPKINS, of Illinois. I object.

Mr. BLAND. It is not fair to require these officers to remain here such unreasonable hours.

The SPEAKER. The gentleman from Illinois has objected.

Mr. BLAND. I give notice that hereafter I shall object to all other night sessions unless the limit of half past 10 o'clock is fixed for adjournment.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I desire to call up the Senate amendments to the Post-Office appropriation bill.

Mr. PETERS. I believe I have twenty-one minutes left. I shall be able only in the time remaining to notice some of the objections that have been made to this amendment. The first objection was the Pacific mail scandal. The gentleman from Georgia [Mr. BLOUNT], from Indiana [Mr. HOLMAN], and from Missouri [Mr. DOCKERY], almost shed tears over the fall of certain statesmen whose garments were singed and who were in position in this House when action was taken. I have no time to shed tears over the fall of any man who in public life permitted his political skirts to be besmirched by a corrupt lobby. He who accepts public position and then allows his action to be influenced either directly or indirectly by corrupt influences should be hurled from power without sympathy and without pity from the people.

We are here to deal not with the past, but with the present and the future. If the gentlemen are afraid to trust themselves, then they should resign and go home. If they can not withstand temptation, then this is no place for them. If they are afraid to trust their Postmaster-General with that discretion that is always necessary to accompany a lodgment of power, then he, too, should resign and give place to a man who has a firmer mold.

Mr. HOLMAN. Will the gentleman yield for a question?

Mr. PETERS. I can not, because my time is limited.

Mr. HOLMAN. I suppose the gentleman thinks there should be a great deal of sympathy for the corporation that corrupted the members.

Mr. PETERS. That may be the gentleman's idea, but it is not mine. He may have sympathy with such corporations, but it is known from my course in this body that I have none. It was not necessary for him to ask the question.

Because unholy influences entered this Hall years ago is no reason why we now, as the Representatives of the people, should hesitate to do our duty. If that is a correct rule of action then we should at once cut off from this bill all appropriation for star routes, because forsooth, in times past, fraud has been perpetrated in the expedition of that service.

We might as well abandon Christianity because a Judas betrayed his Christ. We might as well discard patriotism because a Benedict Arnold betrayed his country for British gold. We might as well wipe from our statute-books all laws punishing murder because a Guiteau assassinated a Garfield.

The second objection that has been urged is that we now pay a hundred and fifteen times more for mail than is paid for freight on these steam-ship lines. And has it come to this, that in this, the light of the nineteenth century, burning, live intelligence is to be placed on a par, on an equal footing with dead freight; that we are to pay no more to transmit the burning thought of intelligence, teeming with business hopes and inspirations than for the senseless mess pork or codfish of commerce? Out with such a comparison. It should have no place in this progressive age of ours.

Another objection urged is that the granting of this appropriation will embarrass the Postmaster-General and the Post-Office Department. The appropriation in this bill for carrying the mail from Tampa to Havana is open to the same objection. Every dollar appropriated for carrying the mail along our coasts is open to the same objection. Every dollar appropriated for carrying our fast mails upon our railroads is open to the same objection. Position, effort, and responsibility, requiring intellectual exertion, is embarrassing, but who ever heard before this reason urged for the standing still of our car of national progress?

Another objection urged by the gentleman from Georgia [Mr. BLOUNT] was that it would create such an unnatural stimulus in the building of new lines that the competition would soon produce bankruptcy as it did in England and Germany some time ago. Our carrying trade, I think, can stand a good deal of stimulus; and when we reach that period when competition tends to bankruptcy, if we ever do, then we can withhold the appropriation. If the subsidies granted by the German and English nations flooded the seas with ships, and the proposition in this bill is a subsidy, then certainly it is a very strong argument in favor of our granting it, because our country certainly needs to have a stimulus; needs to have our seas flooded with American vessels. I for one should like to see a flood of that kind.

But here there is a glaring inconsistency in the argument of the opponents of this measure. In one breath they declare that it would so increase the number of steam-ship lines, would so increase the supply of vessels in the American carrying trade that each would have but little to do and become bankrupt. In the next breath they assert that the granting of these subsidies, as they call them, would not accomplish the result. It would not increase the carrying trade. It would not increase the steam-ship lines, and the Postmaster-General would be compelled to distribute the amount of money among lines already

in existence. At least one of these positions can not be correct, and I suspect neither of them is correct. If the first position be correct, then we can remedy that by withholding the appropriation at the proper time. If the subsidies offered by the German and English nations did create an unhealthy stimulus, then that is the best evidence in the world that the subsidies granted were greater than necessary.

The gentleman from Missouri [Mr. DOCKERY] says the amount offered in this bill will not increase the lines, because of the increased cost of the construction of the American ship and the increased cost of the labor in running the ship.

His argument is, that you must either have free ships and cheap pauper labor or you must give four million of subsidy to place us on an equal footing with England and Germany. I wish I had time to talk for a few moments upon that question. We do pay more for labor than England does, because our labor is intelligent labor; because the sailor and the marine that goes down into the ship has the same power at the ballot-box that the President of the United States has. The American system treats him as a component part of our political government. Our laws treat him as an intelligent being, who has a right to aspire to the highest office in the gift of the people; as an intelligence that has a mind; a soul that has feeling, has sympathy, inspiration, intuition; that has a right to have a home and a fireside, a family circle and loved ones about him.

If it takes millions of subsidy from our overflowing Treasury to pay American workmen to build ships and to pay American sailors to sail American vessels to compete with England and Germany, then, rather than have the American ship-builder and his family go without bread and education and the American sailor and his family go without the comforts of life, then, I say, let the doors of the Treasury be opened and let the millions roll forth. [Applause on the Republican side.]

You propose to convert the American ship-builder and the American sailor into a tramp and a vagrant and send their families to the almshouses of the land, because you can purchase English ships cheaper and hire English sailors at a less price. I am for the American workingman, the American sailor, the American mechanic first, last, and all the time, even though he may be a little more expensive than the English mechanic or the English sailor.

The gentleman from Missouri [Mr. DOCKERY] says the amount proposed in this bill will not accomplish the object; he says that we tried it from 1866 to 1871, and that each successive year our merchant marine grew less and less, and then went on in almost the same breath to answer his own argument, and show that the cause of the declension of the merchant marine was due to certain causes entirely disconnected with the law that he instances. He answered himself when he said that one of the causes of the decline of the merchant marine was the opening of the great West immediately after the war. The sailor and the marine who had served upon the sea during the war heard of "Uncle Sam's" farm west of the Mississippi—and he wanted a piece of it.

He ceased to be a seafaring man and became a wayfaring man, and traveled westward, and this desire to get western homes so decreased the supply of sailors that it made it almost impossible to get men to man American ships. But this was only one of the causes and was not by any means even the main cause. The war itself, the battle of the Monitor and Merrimac in Hampton Roads, the transition from wood to iron and steel, the treachery of England and the destruction of our marine by her privateers, are causes that led to this declension, and it would have taken millions upon millions of money to have stayed it, money which, at that time, our Government did not have; so that the declension of our merchant marine in the face of the appropriations that were made by the Government then is no argument against the appropriation now. Not one of the causes which produced that result exist to-day.

But there is still another reason why that was not a fair test, and why it is not an argument in favor of the position assumed by the gentleman from Missouri [Mr. DOCKERY].

The appropriation about which the gentleman talks was made to certain steam-ship lines; made not so much for the purpose of establishing new lines, but made, if possible, to save some out of the wreck that was going on.

The proposition to-day is entirely different. It proposes to set apart a fund to be used by the Postmaster-General for a certain purpose. Not a dollar of it is to be given to any particular line by name. It only authorizes the giving of an extraordinary compensation for carrying the mail to South America either by existing lines or by lines to be hereafter established. And gentlemen lose sight of another fact. It is not the mere carrying of the mail that is the object to be competed for by these various steam-ship lines. That is but a small item, a comparatively insignificant matter.

It is the commerce that the carrying of this mail will bring to the vessels that carry it that will be the great stimulus to the establishing of new lines. Why is it that steam-boats on our inland rivers advertise themselves as carrying the United States mail whenever they have that privilege? Why is it that ocean steam-ships plying between our country and foreign countries advertise themselves as mail lines?

It is because of the additional patronage that this brings.

Gentlemen say, "we know just what lines will get this money;" the gentleman from Missouri [Mr. DOCKERY] ingeniously figures out just what amount will go to each line, and then they raise their hands in holy horror and say, "Do you want it to go to the Pacific Mail; to go into the coffers of Gould and Huntington and that class of rascals?"

I think more of the Postmaster-General than you seem to do. He was a class-mate of mine and I have confidence in him. I know that if he gives it to the Pacific Mail, or to the Brazilian line, he will do so because he can get the best service for the least money. He is not compelled under this amendment to give them any amount of money because the clause "not exceeding" qualifies the whole amendment. It is all idle to talk about the Postmaster-General not having a discretion under this amendment. He need give them only what he gives foreign steam-ships for carrying our mail. And here I want to allude to another fact. You gentlemen who talk so loudly against this proposition are talking in the interest of the subsidized lines of England, Germany, and France.

Defeat this proposition, and the result is in the interest of the English aristocrat, the German monopolist, and the French banker. You assist England to subsidize her lines; you enable Germany to rob us of a territory and a trade that belongs to us under the Monroe doctrine; you despoil our farmers of a market for their surplus products in a neighboring country for the benefit of foreigners and a foreign country; you close South American ports against the products of the labor of American workmen, and fill the sails of foreign vessels supplying a trade which rightfully belongs to us.

You cry out "Subsidy, subsidy, subsidy," and yet if this proposition of the gentleman from Pennsylvania be a subsidy, then you by passing this bill vote like subsidies to get your mail carried in foreign ships. The law now authorizes the Postmaster-General to give to these foreign ships for carrying the mail the sea and inland postage. Do you give anything like such a sum to the railroads for carrying your mail? Do you give anything like such a sum to the star routes carrying your mails to your own people? Do you give anything like such a sum to your own people for carrying your mails anywhere? It is a gratuity you are giving to the foreigner. It is a gift you are giving to the foreigner. It is a subsidy you are giving to the foreigner, if the proposition of the gentleman from Pennsylvania is a subsidy. For my part if we are to give these gifts and gratuities and subsidies I want to give them to Americans instead of English; I want to give them to citizens of the United States instead of to citizens of the German Empire; I want to give them to people who live here rather than to people who live beneath the French flag. Why is the name subsidy lugged in here where it does not belong? Why is the name of Gould and Huntington injected into this debate where it has no place?

Mr. DOCKERY. Because they are the beneficiaries.

Mr. PETERS. Who are the beneficiaries?

Mr. DOCKERY. Jay Gould and Huntington.

Mr. PETERS. I say the British monopolists that own the British steam-ship lines are the beneficiaries of the law that you argue in favor of, and desire to enact in the place of the law proposed by the gentleman from Pennsylvania. Choose ye between the British monopolists, between the British bankers and the German aristocrats on the one side and the American citizen on the other.

Gould and Huntington are referred to for the purpose of arousing your prejudices and warping your judgment. The opposition to this amendment is in the interest of British gold and German capital. For my part I have no love for Gould or Huntington. I do not know them personally. If what has been charged against them is true they deserve the most condign condemnation of the American people. If what has been said of them be true they are nothing but disreputable speculators. But they are Americans, and have property in this country, and pay taxes in this country, and help to support the Government. And if we are going to give gifts and gratuities and subsidies, if you please, for the purpose of getting our mails carried, and I must choose between an American speculator and a foreign aristocrat, I will choose in favor of the American every time. If the gratuity is given to them and they fail to render just and accurate compensation such as the contract required, then they are within our reach and amenable to our laws, while the English aristocrats, the German monopolists, and the French capitalists can snap their fingers at us and ask us what are we going to do about it? If you gentlemen who oppose this amendment desire to stand in the position of favoring foreign monopolies and foreign monopolists, that is your privilege. But as for me, my motto shall be "Americans, may they always be right! But right or wrong, Americans forever!"

It has been suggested, Mr. Speaker, that upon the same ground we should stop the mail transportation over the Missouri Pacific Railroad, because Mr. Jay Gould owns a controlling interest in that line. I tell you, gentlemen, that argument will not stand the test of reason.

And now, Mr. Chairman, I want to call attention to the object that is sought to be accomplished by the voting of this appropriation. What is the prize that we are seeking for? It is the trade and commerce of South America. South America, Central America, and the West Indies have a population of 40,000,000 of people. They have an area twice as large as that of the United States. Their exports and imports last year

were over $700,000,000. It is that great trade that we are seeking. That is the object that we are striving for by this amendment. That is the prize that we are trying to wrest from Great Britain, from Germany, from Italy, from Holland, from Belgium, and from France.

Mr. HOPKINS, of Illinois. Have you any evidence that this proposed amendment will reach the result you speak of?

Mr. PETERS. I have this evidence only, that whenever you increase the mail facilities between this country and that you thereby increase the commerce between this country and that, and this amendment will be a step in the direction of the object which we desire to attain. I do not claim that this amendment will accomplish the result at once. I claim simply that it is one step in the direction in which American progress and American thought and American hope and American inspiration point. [Applause.]

As an illustration of the wonderful growth and development of the countries whose trade we are seeking, I wish to call attention to the Argentine Republic. That republic has a population of about 4,000,000. They built, in 1887, over 5,000 miles of railroad, and they will have an immigration during the present year of over 200,000 souls. [Applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. ROGERS. Mr. Speaker, even if time permitted, I have no disposition to engage in an elaborate debate of the question now presented to the House. I rise for the purpose of placing upon record some information showing where the false sentiment which lies behind the idea of subsidy originates and how it is corruptly and clandestinely worked up. I send to the Clerk's desk a letter which I ask that he will read, including the printed caption at its head.

The Clerk read as follows:

[United States and Brazil Steam-ship Company, office of president, Mills building, corner Broad street and Exchange Place.]

NEW YORK, *September* —, 1887.

DEAR SIR: The inclosed small pamphlet contains, in a condensed form, a statement of a subject in which I believe you are interested. It has been sent to the President and members of the Cabinet, to members of Congress, and other influential persons. The officers of our Government are doubtless desirous of doing what is for the best interest of our country, but they are without knowledge of all the circumstances and doubtless believe they are representing public opinion in pursuing the policy they have in the past; but I firmly believe they are wrong in this.

They do not appreciate that all classes are deeply interested in restoring our commerce to its former position on the seas, and all it needs is an expression of opinion to those in authority, upon this subject, to induce them to take favorable action. If, after reading this little pamphlet, you agree in the views therein expressed, will you not write letters to President Cleveland and to Postmaster-General Vilas, at Washington, expressing the hope that they will use their large influence to reverse the policy of our Government toward our commercial marine which has resulted so disastrously, and inaugurate the same principle in the carriage of ocean mails as is practiced by us on land, namely, paying what the service is worth, regardless of the postage collected on any particular route? If you will also do the same with your member of Congress and United States Senator, and with the editors of papers with whom you may be acquainted or with whom you may do business, I believe that the business merits of the proposition are so plain that when they are known a public opinion will arise which will speedily overcome the false theories which have resulted so disastrously to our foreign commerce. Every man possesses some influence, and surely it can not be exercised in any better cause than this.

I shall also be pleased to have an expression of views from you upon this subject, and, if you desire, will forward you from time to time suggestions and information bearing upon this subject, but I trust that you will at once act upon the suggestion of writing the officials above suggested and also any other influential friends you may have.

Very truly, yours,

H. K. THURBER,
President United States and Brazil Mail Steam-ship Company.

Mr. ROGERS. Mr. Speaker, I am advised, whether correctly or not I do not know, that the author of this letter is at the head of the largest wholesale grocery establishment in the world, certainly the largest in this country. He therefore is not dependent necessarily upon the bounties of the Government for a living. He is not a beggar from necessity. It is from pure choice or pure patriotism, or because it is fashionable and customary nowadays for others similarly situated to do it. It will be observed that this circular letter concludes by earnestly requesting my good farmer friend and constituent to give him an expression of his views on the proposition presented to subsidize the steam-ship line of which the writer of the letter just read is president. I send to the Clerk's desk, for the benefit of the distinguished author of that letter, the answer of my constitutent giving his views upon the subject of subsidies.

The Clerk read as follows:

ALMA, ARK., *September* 19.

DEAR SIR: I am in receipt of a letter and pamphlet—which I inclose—in which I am informed that I "am interested." Probably I am. I do not know, nor have I time to inquire or make the investigation necessary. I have, together with others, elected a man to look after my interest in these cases, and I have confidence in his ability and disposition to deal with them.

It looks a little to me like a "job." For that reason I send it to you, that you may know from whence emanates the backing for any letters you may receive from your constituents, as I suppose this document is likely scattered broadcast so as to come in on you at the "back door."

I will say this. If the object sought is to subsidize a line for export of merchandise I am opposed to it. We have "protected" our manufacturers until our people are unable—too poor—to consume their product; no "overproduction" in the case. Now, do they, the manufacturers, want the Government to transport our goods to foreign markets so that they can compete with honest men in the markets of the world? Are our "infant industries" to remain forever in a state of helpless imbecility?

Yours, truly,

J. K. P. DOUGLASS.

Hon. JOHN H. ROGERS,
Fort Smith.

Mr. ROGERS. That is the way this proposition strikes an honest farmer out in Arkansas; and I have no doubt that the Kansas farmers will begin to see just where and how the public opinion is manufactured which begets the zeal of the gentleman from Kansas who has just addressed the House.

If time permitted, I should be glad to read "between the lines" this letter from the distinguished president of the United States and Brazil Steam-ship Company. It deserves to be read "between the lines." It is due to myself to say that while I am compelled to accept the statement that a copy of this letter has been sent to the President, the members of his Cabinet, and to Senators and Representatives in Congress (because the writer is an honorable gentleman), I did not get my copy of this letter; and if it had not approached me, in the forcible language of my farmer friend, through the "back door," I should not perhaps have received it at all. But it came, and merits my attention.

I will take occasion at this moment to allude very briefly to this pamphlet which was inclosed to my farmer constituent; and I only wish time would permit me to analyze it. Among other things it states that Mr. Thurber out of pure patriotism has invested $100,000 in this business because, to use his own language—

It is a shame that American merchants should be obliged to send their letters to South America via Liverpool.

The pamphlet continues as follows:

He has since accepted the presidency of the line without pay—

And the words "without pay" are italicised, to give emphasis to the sacrifice—

and is endeavoring to prove that Americans have sense enough to do as their successful competitors for the world's trade do, and as Americans themselves do on land, pay a fair price for mail service whether the postage in any particular route meets the expense or not. That man is H. K. Thurber, etc.

By what method is it that this patriotic, self-sacrificing president of the United States and Brazil Steam-ship Company proposes to demonstrate that Americans have sense enough to do as their successful competitors for the world's trade do? And what is it this guileless, innocent patriot wants? It is the "world's trade," and he proposes to have the people buy it for him by appropriations made to subsidize his own steam-ship lines, so that he gets the subsidy first and then he gets the world's trade to build up his mammoth business in New York, and all under the guise that it is—

a shame that American merchants should be obliged to send their letters to South America via Liverpool.

In another place this pamphlet makes the inquiry:

Why not afford the American shipping industry adequate protection, as other industries are protected? When the industry was at its best there were 2,188 American ship-yards; they employed 21,345 hands; the annual wages paid them amounted to $12,713,815; the capital invested was $20,979,874, and the annual value of the product $30,890,327. It was an industry worth protecting.

When was it, Mr. Speaker, this happy condition of things existed? Was it under the auspices of this protective system, now invoked by this unsophisticated patriot, whose very bowels yearn for the honor and glory of his country, and who out-Jeremiahs Jeremiah in his lamentations over the decline of our merchant marine? Let his little pamphlet answer. Says he:

In 1856 American vessels carried 75 per cent. of all our imports and exports; in 1886 but 25 per cent.

The following table from the United States Bureau of Statistics shows the rapid decline of American and the rise of foreign shipping interests, and emphasizes in a stronger manner than anything we can say the folly of the one plan and the wisdom of the other.

Tonnage of American and foreign vessels entering the ports of the United States from foreign countries—

Year.	American.	Foreign.
	Per cent.	*Per cent.*
1851 to 1860	67	33
1881 to 1886	21*	79

* Now estimated at but 14 per cent.

And so it was in the good old Democratic days, when an American could buy his ship in any market and sail it under the flag of his own country, and none dared to molest him or make him afraid. It was long before the fallacious dogma ever found birth, that the way to make a people rich is to tax them, that the way to protect a people is to lay burdens on them and fetter and restrict their commercial relations with the world. But this very interesting pamphlet continues:

Americans are not inferior either on land or sea to any people in the world. Our wages may be higher, but our skill is greater; we utilize machinery to a greater extent; we are fertile in expedients; we get more work from the same number of men, but we can not overcome the fact that the governments of competing nations have supported their steam lines while ours has treated our shipping interests with indifference and neglect. One-tenth of the surplus in the Treasury, now acting as a menace to all industry, or one-quarter of the sum now authorized for the building of war ships, if expended over a period of ten years, would give us a fleet of swift merchant steamers that would carry our flag regularly into the principal ports of the world, that would utilize the products of our mines and our forests, that would furnish remunerative employment to thousands of our mechanics and laborers, and enable these materials and men to earn more than $100,000,000 annually in carrying our own products to market which now go into the pockets of foreign ship-owners.

One-tenth of the surplus in the Treasury now acting as a menace to all industry—

"Mark the perfect man, and behold the upright." Why, had that sentence stopped there one might have thought it came from the President's message—"now acting as a menace to all industry." How do our Republican friends relish that? But let us proceed a little—

or one-quarter of the sum now authorized for the building of war ships, if expended over a period of ten years, etc., etc., would furnish remunerative employment to thousands of our mechanics and laborers.

"As the hart panteth after the water-brooks," so this "childlike and bland" Samaritan yearns for the welfare of the "mechanic and laborer."

And enable these materials and men to earn more than $100,000,000 annually in carrying our own products to market which now go into the pockets of foreign ship-owners.

Foreign ship-owners? Why certainly not; that must be a typographic error. Certainly he means these enormous sums go into the pockets of the mechanics and laborers. What an embarrassing mistake that is. So we have it, that we must take one-tenth of the surplus, or one-fourth the sum now authorized to be expended for the building of war ships by our own people and give it to this unsuspecting gentleman; that the $100,000,000 annually carrying our own products to market, which now goes into the pockets of foreign ship-owners, shall be diverted from their pockets and turned into his.

Mr. Speaker, it can not be that so good and simple minded a man as this can be engaged in any "job." My clever constituent does him the grossest injustice. He is but following in the footsteps of innumerable other patriots in an honest effort to distribute the surplus so that our great industries may not be menaced thereby, nor their future plans disturbed by a reduction of taxation.

One more reference to this pamphlet and I am done.

Some people ask why it is that we can not compete with other nations on the ocean now as we used to do? It is not because of the change from sail to steam or from wood to iron; we have both of these to as great an extent as any other country; but it is because of the change from individual ships to steam lines, which cost so much to establish that it is beyond individual effort, and because other Governments—

I ought to stop right here to say that this great merchant prince tells us that these gentlemen are mistaken when they urge that aggregated capital can accomplish better results than individual enterprise.

And because other Governments, recognizing that "trade follows the flag," that "the commerce of the world commands the wealth of the world"—in other words, that steam lines build up their termini just as railroads do—have fed and nourished their steam-ship lines—

Now listen to this beautiful figure of speech—

"just as a bird feeds her young until they are strong enough to care for themselves."

Mr. Speaker, this beautiful simile attracted my attention, and it deserves notice for a moment. How sweet and beautiful the thought! We are to "feed and nourish" these great monopolies, to "feed and nourish" these merchant princes, to "feed and nourish" these millionaires, with all that kindly, self-sacrificing devotion with which the mother "bird feeds her young."

Yes, labor shall toil eight, ten, twelve, and thirteen hours a day in field, farm, and workshop, and bring its earnings to feed and nourish this "infant industry," conducted by this patriotic president of the United States and Brazil Steam-ship Company, who so loves his country that he invests $100,000 in this line, and becomes its president "without pay," to save his countrymen from the shame of having to send their letters to South America via Liverpool. How touching it is when he has achieved all this, to witness with what patriotic instinct, so closely akin to that which characterizes all the other privileged classes in this country, he turns and tells us that his little infant industry must be "fed and nourished even as the mother bird feeds her young."

Why, sir, this reminds me of a little conundrum that I heard the other day, which so well illustrates this situation that I must be permitted to refer to it. Some one asked "why it was that little birds in their nests should live in peace," and the answer was, "Because it is dangerous to fall out." [Laughter.] So these great industries, basking in the warm spring sunshine of legislative favor, live together in their soft, downy nest, made so not by their own earnest endeavor, enterprise, and thrift, but by legislative discrimination against the toiling masses; live in perfect peace and amity, because they know "it is dangerous to fall out;" and they all come, with their stereotyped letters, with their pamphlets, with their false and manufactured public sentiment, and demand that the hard earnings of the people be taken from them and dropped into their mouths, just as the mother "bird feeds her young."

Mr. BINGHAM. Mr. Speaker, I believe I have fifteen minutes which I reserved from my hour. I yield one minute to the gentleman from California [Mr. FELTON].

Mr. FELTON. Mr. Speaker, in the event of the pending amendment being voted down, I shall offer, if permitted to do so, an amendment to the following effect:

To sustain the present, and to provide a more efficient mail service between the United States and Australia and New Zealand, the Postmaster-General is hereby authorized to pay for such service an amount of money equal to the amount received by it from such service for sea and inland postage.

In this proposition there is nothing in the nature of subsidy. It takes not one dollar from the Treasury of the Government. It simply proposes to give these lines what they earn and what they are entitled to for this service.

[Here the hammer fell.]

[Mr. BINGHAM withholds his remarks for revision. See APPENDIX.]

Mr. BLOUNT. I ask unanimous consent that all gentlemen desiring to do so may have leave to print remarks on this subject.

There was no objection.

Mr. OATES. Mr. Speaker, in the brief time allowed to me I shall not attempt to do more than state what I conceive to be the general principles underlying the Senate amendment and the proposition of the gentleman from Pennsylvania [Mr. BINGHAM]. I will not be able to present so full an argument as I would if I had more time. Section 4009 of the Revised Statutes of the United States reads as follows:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow, as compensation, if by a United States steam-ship, any sum not exceeding the sea and United States inland postage; and if by a foreign steam-ship or by a sailing-vessel any sum not exceeding the sea-postage on the mail so transported.

This, sir, is the measure of compensation now fixed for carrying the United States mails on the seas and oceans of the world. It is alleged to be insufficient. It is said that the compensation thus provided does not afford to the people of this country sufficient foreign mail facilities.

Now, sir, if that is an insufficient allowance for carrying the mails to the foreign countries named in the amendment, especially to the South American countries, no one will more willingly than myself vote to increase that compensation, so that there may be ample pay for the service required. There is a marked distinction between paying a reasonable compensation for proper mail facilities, and the bestowal of the largesses of the Government upon steam-ship companies to stimulate commerce and make the business pay the ship-owners.

The Senate amendment proposes to appropriate $800,000 out of the Treasury, not to pay for carrying the mails, but to be given to steam-ship companies at the rate of $1 for each nautical mile sailed, in addition to the sea and inland postage allowed by existing law. It is a subsidy, and is intended more for the purpose of stimulating trade and commerce between this country and those of South America than to provide just compensation for carrying the mails. The money in the Treasury is the common property of the people; it is collected from them by way of taxation, and the appropriation of it in the way of bounties and subsidies to some small portion of the people to make the particular business in which they are engaged profitable is favoritism, class legislation, and undemocratic in principle.

It is paternalism, and the same objection which lies against monopolies created by a high protective tariff lies against bounties and subsidies except in very rare instances. The principle I denounce is the injustice of taking by law the money of one man or set of men and applying it to the use and benefit of another. I believe in legislating for the impartial and equal benefit of all the people of the United States. The paternal, partial, and unjust legislation of Congress, favoritism to particular pets as well as to corporations and classes for the last twenty-five years, is the prime cause of the discontent which to-day prevails among the poor and laboring classes of the people.

The proper business of Congress is, in pursuance of constitutional grants of power, to make general laws for the common benefit of all the American people.

The Congress of the United States should be as impartial as death, which knocks with equal hand at the door of the palace and cottage.

I am opposed to appropriating money out of the public Treasury to stimulate anybody's business in order to make it pay him. I have heard it asserted upon this floor that this proposition is similar to what is incorporated in the appropriation bills every year by way of provision for compensating the railroad companies for transporting the mails. I can not see it in that light. The railroad companies are compensated by some standard fixed at what is believed to be reasonable for the service rendered.

The proposition of the gentleman from Pennsylvania is to fix the compensation of steam-ships for carrying the mails to South American countries, China, Japan, and Australasia at three times the present rate of sea and inland postage, and backs this up with an appropriation out of the Treasury of $450,000 for the next fiscal year. I do not know whether it is intended that this appropriation is to be used as a subsidy or not, but presume that it is intended to provide for the difference in present and the measure of compensation proposed by the amendment. If the latter is the proper construction of that amendment, it is not a subsidy, but is only a proposition to change the measure of compensation by making it three times what it is now. The author of that amendment contends that the present measure of compensation is too small. If I were satisfied of that I would vote to increase the compensation to the highest point of the actual value of the service.

I believe in liberal appropriations for mail facilities at home and abroad. It is nearer to the people than any other service except the work of the tax-gatherer. And if the commerce of this country with South American states is stimulated and benefited as an incident of our mail service it would be a source of gratification. But, sir, the United

States through the stimulus of annual subsidies may build up a considerable trade with other countries, but when these are withheld it is doubtful whether it would survive. A foreign trade which comes to stay is that which is found to be so profitable as to induce capital and enterprise to engage in and develop it. That which is developed by artificial stimulants is like a hot-house plant—when the vitalizer is withheld it withers and languishes. The argument that England and other European countries have built a great commerce by the use of subsidies has but little weight with me. We are Americans, with a superior form of government, different institutions, traditions, and surroundings, and, in my judgment, European precedents have wrought more harm than good in their influence on the legislation of this country.

I am not satisfied that the present compensation is too small. I am a little apprehensive that it is not quite as great as it should be for the mail service to South American countries. I am not well informed upon this branch of the subject, and those who have had superior opportunity for obtaining information disagree about it. I am, however, less in doubt that the measure of compensation proposed by the gentleman from Pennsylvania is too great. He and the gentleman from Georgia [Mr. BLOUNT], both exceedingly well informed, and for whose opinions in such matters I have very great respect, differ so widely that there is no possibility of reconciliation. I shall therefore vote against the amendment of the gentleman from Pennsylvania; and the Senate amendment being a subsidy and obnoxious to all the objections I have named, but not elaborated for the want of time, I shall never vote for it.

Mr. RAYNER. I merely arise to clear away, if possible, a misapprehension in connection with the subject of American shipping that seems to have taken a most remarkable hold upon public credulity. Mr. Blaine, some time ago, in a communication to an association of merchants in the city of New York, declared that England has continually stimulated the growth of her commerce by enormous bounties paid to those who build and sail steam-ships. The New York Chamber of Commerce repeated the statement, and, starting in this manner, it has re-echoed through the halls of almost every board of trade and shipping league in this country. After a patient examination of this subject, which resulted from my firm conviction that the shipping interests of a country could never be permanently maintained by any such process as this, I now make the statement, and am prepared to prove it with the details when the occasion requires it, that the commercial marine of Great Britain, the most powerful upon the seas, has neither been built up nor sustained by subsidies or bounties in any shape, and that we are not in the slightest degree following her example by adopting the wild schemes that are now being contemplated in order to restore American shipping.

Great Britain in all her history never appropriated a dollar of money for the purpose of aiding in the construction or employment of a British ship. France has done so, and unprofitably to a high degree, but England never, and you can not point me to an act of Parliament that ever voted a bounty or subsidy for any such purpose. She has helped to maintain a costly ocean packet service, which is just as necessary for her governmental purposes as a standing army or a tax levy; and it is because the character of this service has not been examined into that it is being constantly confounded with a system of bounties and subsidies to which it does not assimilate itself in the slightest degree. Before these schemes that are now flooding in upon Congress and purporting to follow in the wake of her example make any headway, let me impress upon you the fact that this packet service is employed for the purpose of carrying the mail; that her ocean mail is under the jurisdiction of her post-office department, open to public competition, and always awarded to the lowest bidder. That from 1872 to 1882 its expenditures decreased over £300,000 per annum, and, what is more important than all, two-thirds of the total outlay is annually repaid to the post-office department by the countries for whom the mail is being carried and by the colonial dependencies of Great Britain.

The Peninsular and Oriental Line, which steams to India, Alexandria, Australia, and Gibraltar, and virtually circumvents a territory that contains twenty millions of people dependent upon England and sending their exports and products free of duty into the English market, has never been nourished at the exchequer, as has been so persistently claimed, but procured the carriage of the mails because it was by far the lowest bidder, performing the service for 17 shillings per mile in vessels of largely increased horse-power in place of a service costing upwards of 30 shillings a mile in vessels of not half the power and of greatly inferior speed and construction. Mr. Guion, at the launching of one of the ships of the Williams and Guion Line some time ago, triumphantly declared, "We have never received a pound of Government aid. We do not need it and we will not ask it." The trouble about the matter is that our shipping leagues will not draw a distinction between an honest system, open to competition, allowing a liberal compensation for carrying the mails, and providing for a speedy passage and a prompt delivery under the strictest regulations and the severest penalties, such as the English system is and the contemplated American system, which unlocks the doors of your Treasury, opens the flood-gates of corruption, pays a premium to monopoly, and proposes to revive this lost American industry by a sort of galvanic process that will infuse into it the transient flush of fever instead of the permanent glow of health. There is no one in my presence more deeply anxious for the restoration of American shipping than I am. Restore it upon a natural basis, and not by artificial stimulation.

England is the mistress of the seas because she has freed her commerce and freed her ships; that is the truth, and we know it. We have enslaved them both, and we have foundered the best equipped and fleetest service that sailed the ocean in its day. We have enslaved the ship from keelson to truck. From the wire in her stays to the brass in her "taffrail log she is a slave." We have enslaved her cargo, because from the moment an American vessel touches at a foreign port high and prohibitive duties proclaim to the nations of the earth that a pirate's tribute is to be levied upon her freight, and that we give no quarter to the commerce of mankind. Had England continued such a policy as this, all the subsidies in her treasury would never have given her the position that she now occupies upon the sea. Like France and Germany, she has swept from her statute-books those relics of barbarism that punish a citizen for transferring a foreign ship to the flag of his country, and until at least we relieve our commerce from its burdens to some extent, we may dissipate subsidy upon subsidy, and bounty upon bounty, but the ships that leave the banks of the Mersey and the Thames and the Clyde will continue to command and monopolize the markets of the world though we place upon the sea the best equipped marine that ever trod the billows of the deep.

Mr. WHITE, of New York. Mr. Speaker, I do not deem that discussion of this question is likely to change the vote of the House and I had not intended to occupy any of the time of the House in expressing my views upon it. But on a policy which I deem so vital I am not willing to sit silent without raising my voice against the illiberal course which has been pursued by this country and is now being pursued against its own commerce.

If it is statesmanship to economize to the last farthing upon the transportation of our foreign mails, and to keep those mails as small as possible, in order that the cost of their transportation may be reduced to a minimum, then the course and policy of this Government is wise and statesman-like.

But if the correct and statesmanlike view looks to something beyond a mere niggardly and higgling bargain on the transportation of our mails; if it enhances a building up of our commerce and establishing cordial, extensive, and binding trade relations with our neighboring republics of Central and South America, then the policy pursued by this country is narrow and short-sighted.

I shall enter into no extended disquisition on this subject, but content myself with placing myself upon record in favor of the broader view of national policy.

Mr. Speaker, commerce follows in established lines of trade, and the use of the mails goes with commerce. If this country desires to wrest the commerce of Mexico and the Brazils from Spain and England into channels which, from vicinage and common interest and kindred forms of government, are the natural channels and belong of right to us, then this country must, by a liberal treatment of our infant industries and by a far-reaching policy, foster at once new avenues of trade and encourage our merchant marine as other nations who have succeeded in achieving a large foreign trade have fostered their new channels and aided their merchant service. Gentlemen, "there is a withholding which does not enrich, and a giving which does not impoverish," and among the most pre-eminent examples of this adage is the treatment of our struggling industries in the matter of our commerce.

Expend $800,000 in fostering our Central and South American trade, and you will bring ten times $800,000 into the coffers of our American merchants and ship-builders. Withhold your aid and send your mails by transient foreign ships, by ocean tramps, bound upon speculative ventures for their owners, in foreign competing countries, and you have checked commerce and retarded national growth. You have hidden your talent in the earth rather than put it with the exchangers, that it might gain other talents for its owners.

For these reasons I favor the pending amendment, as tending to a larger and wiser treatment of our merchant marine and our foreign commerce.

Mr. BLOUNT rose.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] has six minutes of his time remaining.

Mr. BLOUNT. Mr. Speaker, this question has been very elaborately discussed upon both sides, and I think the House must be satisfied of the disposition of the Committee on the Post-Office and Post-Roads to allow liberal debate. I shall feel it my duty at the end of my six minutes, if not earlier, to ask the previous question on the motion of the gentleman from Pennsylvania [Mr. BINGHAM]. Before I do that I want to make one additional observation. The gentleman from Pennsylvania has spoken of the discretion given to the Postmaster-General by this amendment, and has said by way of illustration that the Postmaster-General has discretion in reference to a large sum of money for the payment of clerks in post-offices, and also as to various other funds.

Mr. Speaker, so far as the discretion provided for in the amendment of my friend from Pennsylvania is concerned, the difficulty is not that

it denies discretion to the Postmaster-General, but it is that while in terms discretion is allowed it is practically denied. For instance, we have but one line of steam-ships from this country to China. Prescribe that the Postmaster-General may allow that line three times the sea and inland postage in order to get the mails carried on a certain schedule. Remember that this is the only line, and suppose that the Pacific Mail Steam-ship Company should undertake to say to the Department: "Congress has given you the money to pay us three times the sea and inland postage; the compensation is reasonable, and we will not make any other contract with you." We put the Postmaster-General in a position where he must absolutely stop that mail or else yield to the demand. And so it is all along the line. Therefore the idea of discretion being given to the Postmaster-General by this amendment is delusive.

I will not occupy further time, and I now ask the previous question on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, which is that the House recede from its disagreement to the Senate amendment, and agree to the same with an amendment.

Mr. BLOUNT. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLOUNT. I must ask the Chair to insist upon order in the Hall. Although the Chair has just stated the question, gentlemen are continually coming to me to ask what it is.

A MEMBER. I ask that the question be again stated.

The SPEAKER. The question is upon the motion made by the gentleman from Pennsylvania [Mr. BINGHAM], which is that the House do now recede from its disagreement to the Senate amendment, and agree to that amendment with an amendment proposed by the gentleman from Pennsylvania. This question, the Chair will state, is divisible, if a division of the question is demanded. That is to say, a vote may first be taken upon the amendment proposed by the gentleman from Pennsylvania, and then upon the simple motion to concur. If no division is demanded——

Mr. HOPKINS, of Illinois. Mr. Speaker, before the vote is taken I ask that the amendment of the gentleman from Pennsylvania [Mr. BINGHAM] be read by the Clerk.

The SPEAKER. It will be read.

The Clerk read the amendment proposed by Mr. BINGHAM, as follows:

Amend, in line 111, by inserting, after the words "West Indies," the words "Australasia, China and Japan, and the Sandwich Islands."

Amend, in line 112, by striking out "eight hundred" and inserting in lieu thereof "four hundred and fifty."

Amend by striking out all after the word "service," in line 117, and inserting in lieu thereof the following:

"And in cases where a contract shall be made in addition to the sea and United States inland postage allowed under section 4009 of the Revised Statutes to registered United States steam-ships plying between ports of the United States and Central and South America, the West Indies, Australasia, China and Japan, and the Sandwich Islands, the Postmaster-General may, by agreement with the owners of said steam-ships, at an equivalent consideration therefor, allow any sum not exceeding three times the sum of the said sea and inland postage to steam-ships running to such of the said countries as are in the Postal Union, and an equivalent sum to steam-ships running to such of said countries as are not in the Postal Union, for dispatching their vessels without failure upon certain days to be specified in schedules covering periods of not less than six months each, to be agreed upon in advance by the Postmaster-General and said owners or agents: *Provided*, That any failure to dispatch a vessel upon a schedule date may subject the owners or agents to a penalty not less than the sum to which the vessel would have been entitled for the conveyance of mails if she had sailed in accordance with the schedule; said penalty to be deducted by order of the Postmaster-General from any sums found to be due said owners or agents."

Mr. HOOKER. I rise to a parliamentary inquiry. I wish to know whether the vote about to be taken includes, with the proposition of the gentleman from Georgia, the amendment of the gentleman from Pennsylvania, or whether the question is upon the amendment of the gentleman from Pennsylvania as a distinct proposition?

The SPEAKER. There is no proposition pending excepting that offered by the gentleman from Pennsylvania. The House is now about to vote on that.

The question was taken; and it was decided in the negative—yeas 55, nays 135, not voting 134; as follows:

YEAS—55.

Allen, Mass.	Grosvenor,	Lyman,	Scull,
Arnold,	Grout,	Mason,	Seymour,
Baker, N. Y.	Hermann,	McCormick,	Taylor, E. B., Ohio
Bingham,	Hires,	Morrow,	Taylor, J. D., Ohio
Brown, Ohio	Hitt,	Nutting,	Thomas, Ky.
Brumm,	Hooker,	Osborne,	Thompson, Ohio.
Cheadle,	Hunter,	Owen,	Vandever,
Cutcheon,	Jackson,	Patton,	Weber,
Dingley,	Kean,	Perkins,	White, N. Y.
Farquhar,	Kelley,	Peters,	Whiting, Mass.
Felton,	Kennedy,	Phelps,	Wickham,
Finley,	Kerr,	Reed,	Williams,
Funston,	Ketcham,	Russell, Conn.	Yardley.
Gear,	Lodge,	Sawyer,	

NAYS—135.

Abbott,	Bacon,	Biggs,	Breckinridge, Ark.
Adams,	Baker, Ill.	Bland,	Breckinridge, Ky.
Allen, Mich.	Bankhead,	Blount,	Brewer,
Anderson, Iowa	Barnes,	Boothman,	Browne, T. H. B., Va.
Anderson, Ill.	Bayne,	Bowen,	Burnett,
Bynum,	Glass,	Lind,	Russell, Mass.
Candler,	Grimes,	Macdonald,	Sayers,
Carlton,	Guenther,	Maish,	Seney,
Caruth,	Hall,	Mansur,	Shaw,
Caswell,	Hare,	Martin,	Shively,
Chipman,	Haugen,	Matson,	Snyder,
Clardy,	Hayes,	McCreary,	Sowden,
Clark,	Heard,	McKinney,	Spinola,
Clements,	Hemphill,	McMillin,	Springer,
Cobb,	Henderson, Iowa	McRae,	Stahlnecker,
Conger,	Henderson, N. C.	McShane,	Stewart, Ga.
Cooper,	Herbert,	Mills,	Stockdale,
Cothran,	Holman,	Montgomery,	Stone, Ky.
Cowles,	Hopkins, Ill.	Morrill,	Struble,
Cox,	Hopkins, Va.	Neal,	Tarsney,
Culberson,	Hovey,	Nelson,	Thomas, Wis.
Dargan,	Howard,	Newton,	Tillman,
Davidson, Ala.	Hudd,	Norwood,	Townshend,
Dibble,	Huiton,	Oates,	Turner, Ga.
Dockery,	Johnston, N. C.	O'Donnell,	Vance,
Dorsey,	Kilgore,	O'Neall, Ind.	Wade,
Dunn,	Laffoon,	O'Neill, Mo.	Walker,
Elliott,	La Follette,	Outhwaite,	Washington,
Foran,	Lagan,	Payson,	Weaver,
Ford,	Lane,	Phelan,	White, Ind.
Forney,	Lanham,	Rice,	Whiting, Mich.
Fuller,	Latham,	Richardson,	Wilkins,
Gest,	Lee,	Rogers,	Wilson, Minn.
Gibson,	Lehlbach,	Rowland,	

NOT VOTING—134.

Allen, Miss.	Crouse,	Laidlaw,	Rockwell,
Anderson, Miss.	Cummings,	Laird,	Romeis,
Anderson, Kans.	Dalzell,	Landes,	Rowell,
Atkinson,	Darlington,	Lawler,	Rusk,
Barry,	Davenport,	Long,	Ryan,
Belden,	Davidson, Fla.	Lynch,	Scott,
Belmont,	Davis,	Maffett,	Sherman,
Blanchard,	De Lano,	Mahoney,	Simmons,
Bliss,	Dougherty,	McAdoo,	Smith,
Bound,	Dunham,	McClammy,	Spooner,
Boutelle,	Enloe,	McComas,	Steele,
Bowden,	Ermentrout,	McCullogh,	Stephenson,
Brower,	Fisher,	McKenna,	Stewart, Tex.
Browne, Ind.	Fitch,	McKinley,	Stewart, Vt.
Brown, J. R., Va.	Flood,	Merriman,	Stone, Mo.
Bryce,	French,	Milliken,	Symes,
Buchanan,	Gaines,	Moffitt,	Taulbee,
Buckalew,	Gallinger	Moore,	Thomas, Ill.
Bunnell,	Gay,	Morgan,	Thompson, Cal.
Burnes,	Glover,	Morse,	Tracey,
Burrows,	Goff,	Nichols,	Turner, Kans.
Butler,	Granger,	O'Ferrall,	Warner,
Butterworth,	Greenman,	O'Neill, Pa.	West,
Campbell, F., N. Y.	Harmer,	Parker,	Wheeler,
Campbell, Ohio	Hatch,	Peel,	Whitthorne,
Campbell, T. J., N. Y.	Hayden,	Penington,	Wilber,
Cannon,	Henderson, Ill.	Perry,	Wilkinson,
Catchings,	Hiestand,	Pidcock,	Wilson, W. Va.
Cockran,	Hogg,	Plumb,	Wise,
Cogswell,	Holmes,	Post,	Woodburn,
Collins,	Hopkins, N. Y.	Pugsley,	Yoder,
Compton,	Houk,	Randall,	Yost.
Crain,	Johnston, Ind.	Rayner,	
Crisp,	Jones,	Robertson,	

So the motion of Mr. BINGHAM was rejected.

Mr. HENDERSON, of Iowa, (during the roll-call), said: I am paired with the gentleman from Missouri [Mr. BURNES], who is sick; but as on this question he would vote the same way as myself, I vote "no."

The SPEAKER. The Clerk will announce the pairs.

The following-named members were announced as paired on all political questions until further notice:

Mr. CUMMINGS with Mr. MCCORMICK.

Mr. CATCHINGS with Mr. COGSWELL.

Mr. LANDES with Mr. STEELE.

Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.

Mr. COLLINS with Mr. DUNHAM.

Mr. MERRYMAN with Mr. SYMES.

Mr. PIDCOCK with Mr. DE LANO.

Mr. GLOVER with Mr. GOFF.

Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.

Mr. MCMILLIN with Mr. BURROWS.

Mr. GREENMAN with Mr. THOMAS, of Illinois.

Mr. HENDERSON, of Illinois, with Mr. BLANCHARD.

Mr. MCKINLEY with Mr. SCOTT.

Mr. GRANGER with Mr. ROCKWELL.

Mr. PENINGTON with Mr. HIESTAND.

Mr. SIMMONS with Mr. PARKER.

Mr. JONES with Mr. STEPHENSON.

Mr. STONE, of Missouri, with Mr. PAYSON.

Mr. ALLEN, of Mississippi, with Mr. ATKINSON.

Mr. CRAIN with Mr. HAYDEN.

Mr. CRISP with Mr. ROWELL.

Mr. MCCLAMMY with Mr. NICHOLS.

Mr. ANDERSON, of Kansas, with Mr. YOST on this amendment and on the original proposition. Mr. YOST would vote "ay" and Mr. ANDERSON would vote "no."

Mr. WISE with Mr. BROWNE, of Indiana, for this day. Mr. WISE would vote against the amendment to the Post-Office appropriation bill providing ocean mail pay.

Mr. PEEL with Mr. BURROWS on this vote. Mr. PEEL would vote "no."

Mr. JOHNSTON, of Indiana, with Mr. BARRY. Mr. JOHNSTON would vote "ay" on this amendment and Mr. BARRY "no."

Mr. ROBINSON with Mr. ROMEIS, until 3 p. m. to-day.

Mr. MOORE with Mr. DARLINGTON, until Wednesday, the 18th instant.

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania, until July 16.

Mr. TRACEY with Mr. PLUMB, on all questions, until the 17th instant.

Mr. HATCH with Mr. PUGSLEY, on all questions, for three days.

Mr. O'FERRALL with Mr. GALLINGER, on all questions from the 12th instant, inclusive, until the 17th instant, inclusive, except the evening sessions of Thursday and Friday for pensions.

Mr. RAYNER with Mr. MCCOMAS, on all questions, until Monday next.

Mr. THOMPSON, of California, with Mr. MCKENNA, on all political questions, for Friday and Saturday, July 13 and 14.

Mr. BELMONT with Mr. CANNON, for the day.

Mr. BUCKALEW with Mr. DALZELL, for this day.

Mr. FRENCH with Mr. GAINES, on all questions, for the day.

Mr. LAWLER with Mr. RYAN, on all political questions, for this day.

Mr. WILSON, of West Virginia, with Mr. LONG, on all political questions, for this day.

Mr. BRYCE with Mr. DAVENPORT, on all questions, for the day.

Mr. MCADOO with Mr. BOUTELLE, on this vote.

Mr. ANDERSON, of Mississippi, with Mr. MOFFITT, on this vote. Mr. ANDERSON would vote "no" and Mr. MOFFITT "ay."

Mr. RAYNER. I voted inadvertently, not remembering my pair with my colleague [Mr. MCCOMAS]. I do not know how he would vote on this question, but I presume I had better withdraw my vote, and I do so.

Mr. DAVIDSON, of Florida. My pair with the gentleman from Pennsylvania [Mr. O'NEILL] has been announced. I desire to say that if he were present I should vote "no."

MCMILLIN. The gentleman from Arkansas [Mr. PEEL] is paired for to-day with the gentleman from Michigan [Mr. BURROWS]; hence, as the pair announced between the gentleman from Michigan and myself does not apply to this question, I have voted.

The result of the vote was announced as above stated. [Applause.]

Mr. FELTON. I rise to a parliamentary inquiry. I wish to know whether it is now in order for me to offer my amendment, or for the chairman of the committee to accept it.

The SPEAKER. The chairman of the committee can not accept the amendment; and the Chair, not knowing what the amendment is, can not say whether it is in order now or not.

Mr. BLOUNT. I move that the House further insists on its disagreement to the Senate amendment numbered 7, and agree to the request of the Senate.

Mr. FELTON. I ask that the Clerk read the amendment which I send up.

The Clerk read as follows:

To sustain the present, and to provide a more efficient mail service between the United States and Australia and New Zealand, the Postmaster-General is hereby authorized to pay for such service an amount of money equal to the amount received by it from such service, for sea and inland postage.

Mr. FELTON. I move to concur in the Senate amendment with the amendment which has just been read.

The SPEAKER. The gentleman moves that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment. Does the gentleman propose his amendment as a substitute for the Senate amendment?

Mr. FELTON. Yes; as a substitute for the Senate amendment.

The SPEAKER. Then the question is first on the substitute proposed by the gentleman from California [Mr. FELTON] for the amendment of the Senate.

Mr. FELTON'S amendment was disagreed to.

The question next recurred on Mr. BLOUNT'S motion, that the House further insist on its disagreement to the Senate amendment numbered 7, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

Mr. BLOUNT. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 140, nays 58, not voting 126; as follows:

YEAS—140.

Abbott,	Blount,	Clardy,	Dorsey,
Allen, Mich.	Boothman,	Clements,	Dunn,
Anderson, Iowa	Breckinridge, Ark.	Cobb,	Elliott,
Anderson, Miss.	Breckinridge, Ky.	Conger,	Enloe,
Anderson, Ill.	Brewer,	Cooper,	Felton,
Bacon,	Browne, T.H.B., Va.	Cothran,	Finley,
Baker, Ill.	Burnett,	Cowles,	Ford,
Bankhead,	Bynum,	Cox,	Forney,
Barnes,	Candler,	Crain,	Fuller,
Barry,	Carlton,	Culberson,	Gibson,
Bayne,	Caruth,	Dargan,	Glass,
Biggs,	Caswell,	Davidson, Ala.	Grimes,
Bland,	Cheadle,	Dibble,	Guenther,
Bliss,	Chipman,	Dockery,	Hall,
Hare,	Latham,	O'Neall, Ind.	Stewart, Ga.
Haugen,	Lee,	O'Neill, Mo.	Stockdale,
Heard,	Lehlbach,	Outhwaite,	Stone, Ky.
Hemphill,	Lind,	Payson,	Struble,
Henderson, Iowa	Macdonald,	Peel,	Tarsney,
Henderson, N. C.	Maish,	Phelan,	Thomas, Wis.
Herbert,	Mansur,	Post,	Tillman,
Holman,	Martin,	Rice,	Townshend,
Hooker,	Matson,	Richardson,	Turner, Ga.
Hopkins, Ill.	McCreary,	Rogers,	Vance,
Hopkins, Va.	McKinney,	Rowland,	Wade,
Hovey,	McRae,	Russell, Mass.	Walker,
Hudd,	Mills,	Sayers,	Warner,
Hutton,	Montgomery,	Seney,	Washington,
Johnston, Ind.	Morrill,	Shaw,	Weaver,
Johnston, N. C.	Neal,	Shively,	White, Ind.
Laffoon,	Nelson,	Snyder,	Whiting, Mich.
La Follette,	Newton,	Sowden,	Wilkins,
Lagan,	Norwood,	Spinola,	Wilkinson,
Lane,	Oates,	Springer,	Wilson, Minn.
Lanham,	O'Donnell,	Stahlnecker,	Yoder.

NAYS—58.

Adams,	Grout,	McCullogh,	Taylor, E. B., Ohio
Allen, Mass.	Hermann,	Moffitt,	Taylor, J. D., Ohio
Arnold,	Hires,	Morrow,	Thomas, Ky.
Baker, N. Y.	Houk,	Nutting,	Thompson, Ohio
Bingham,	Hunter,	Osborne,	Turner, Kans.
Brown, Ohio	Jackson,	Owen,	Vandever,
Brumm,	Kean,	Perkins,	Weber,
Clark,	Kelley,	Peters,	West,
Cutcheon,	Kennedy,	Reed,	White, N. Y.
Dingley,	Kerr,	Russell, Conn.	Whiting, Mass.
Farquhar,	Laidlaw,	Sawyer,	Wickham,
Funston,	Lodge,	Scull,	Williams,
Gear,	Long,	Seymour,	Yardley.
Gest,	Lyman,	Sherman,	
Grosvenor,	McCormick,	Stewart, Vt.	

NOT VOTING—126.

Allen, Miss.	Cummings,	Howard,	Plumb,
Anderson, Kans.	Dalzell,	Jones,	Pugsley,
Atkinson,	Darlington,	Ketcham,	Randall,
Belden,	Davenport,	Kilgore,	Rayner,
Belmont,	Davidson, Fla.	Laird,	Robertson,
Blanchard,	Davis,	Landes,	Rockwell,
Bound,	De Lano,	Lawler,	Romeis,
Boutelle,	Dougherty,	Lynch,	Rowell,
Bowden,	Dunham,	Maffett,	Rusk,
Bowen,	Ermentrout,	Mahoney,	Ryan,
Brower,	Fisher,	Mason,	Scott,
Browne, Ind.	Fitch,	McAdoo,	Simmons,
Brown, J. E., Va.	Flood,	McClammy,	Smith,
Bryce,	Foran,	McComas,	Spooner,
Buchanan,	French,	McKenna,	Steele,
Buckalew,	Gaines,	McKinley,	Stephenson,
Bunnell,	Gallinger,	McMillin,	Stewart, Tex.
Burnes,	Gay,	McShane,	Stone, Mo.
Burrows,	Glover,	Merriman,	Symes,
Butler,	Goff,	Milliken,	Taulbee,
Butterworth,	Granger,	Moore,	Thomas, Ill.
Campbell, F., N. Y.	Greenman,	Morgan,	Thompson, Cal.
Campbell, Ohio	Harmer,	Morse,	Tracey,
Campbell, T. J., N. Y.	Hatch,	Nichols,	Wheeler,
Cannon,	Hayden,	O'Ferrall,	Whitthorne,
Catchings,	Hayes,	O'Neill, Pa.	Wilber,
Cockran,	Henderson, Ill.	Parker,	Wilson, W. Va.
Cogswell,	Hiestand,	Patton,	Wise,
Collins,	Hitt,	Penington,	Woodburn,
Compton,	Hogg,	Perry,	Yost.
Crisp,	Holmes,	Phelps,	
Crouse,	Hopkins, N. Y.	Pidcock,	

So Mr. BLOUNT'S motion was agreed to.

During the call,

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

On this vote:

Mr. MCADOO with Mr. BOUTELLE.

Mr. FISHER with Mr. LAIRD.

Mr. ENLOE. Mr. Speaker, I was paired with the gentleman from Tennessee [Mr. HOUK] on the preceding vote to the one just taken, and being engaged in the room of the Committee on the Post-Office and Post-Roads, did not get in in time to have the pair announced. If present, he would have voted "yea," and I would have voted "nay."

Mr. PAYSON. I am paired with the gentleman from Missouri [Mr. STONE], but as he would vote the same way I will leave my vote stand.

The vote was then announced as above recorded.

Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. BLOUNT, Mr. DOCKERY, and Mr. BINGHAM.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. MILLS. I move to dispense with the call for to-day.

The motion was agreed to.

SUBSTITUTE REPORTER.

Mr. BOOTHMAN, from the Committee on Accounts, reported back the following resolution:

Resolved, That Edward D. Easton, now acting under the appointment of the Speaker as a substitute reporter for Mr. J. K. Edwards, who is confined to his

bed by severe illness, be paid from the contingent fund of the House from the date of his appointment, June 11, 1888, and during his service as one of the reporters of the House, the amount of the current salary of said Edwards, with such additional sum as may be required for the payment of assistants; and this resolution shall not interfere with the receipt by Mr. Edwards of his full legal salary—

Accompanied with the following written report:

Your committee, to whom was referred the resolution named above, having inquired into the facts, find that J. K. Edwards, one of the Official Reporters of this House, was taken violently ill prior to June 11, 1888, and is now dangerously sick with a prospect of failing to recover during the present session. That Edward D. Easton, above referred to, has been employed in the place of Mr. Edwards temporarily. That from said June 11, 1888, Mr. Edwards has been paying Mr. Easton out of his salary for his service, and has paid quite a sum additional in order to get the stenographic notes of Mr. Easton transcribed and thus hold his place.

Your committee further find that Mr. Edwards is a man in poor circumstances and dependent upon his salary for the support of himself and family; that he was taken sick with a fever while employed by the House, and presumably because of his devotion to his duties as an officer of this House. Your committee think that, under the circumstances, the House owes it to itself to see that such a faithful employé does not suffer, and that he be permitted to retain his salary, and that his temporary substitute, Mr. Easton, be paid out of the contingent fund of the House as provided in the resolution as proposed to be amended, and that the cost of transcribing the notes be also paid out of the same fund, thus giving to Mr. Edwards the use and enjoyment of his official salary during his extreme illness and necessity.

Your committee therefore recommend that the said resolution be amended as follows: After the word "House," in line 9, insert the words "not to extend, however, beyond this present session of Congress;" also after the word "Edwards," in line 10, insert the words "while he shall be so employed and;" also after the word "assistants," in lines 11 and 12, insert the words "to transcribe his stenographic notes at the usual rates paid heretofore for such service," and that as amended the resolution be adopted.

Mr. SPRINGER. I do not see the necessity for the adoption of this resolution; and would like to have some explanation from the gentleman presenting it.

Mr. MCMILLIN. Let us have the resolution read again.

The SPEAKER. If the House will be in order the Chair will cause the resolution to be again read as it will appear if amended as proposed.

The resolution was again reported.

Mr. SPRINGER. I think there is a mistake in the recital part of that resolution. It seems from the report that the Speaker did not employ this assistant to take the place of Mr. Edwards, but that he was employed by Mr. Edwards himself.

The SPEAKER. That is correct. Upon the application of Mr. Edwards the Chair gave him leave of absence during his sickness, and approved of his employment of Mr. Easton.

Mr. SPRINGER. I think the resolution ought to show that the appointment of a substitute was made by Mr. Edwards himself, and not by the Speaker; because the Speaker, as I understand it, has no authority to make such appointments. The number of the Official Reporters authorized by law had been already appointed, and until there is a vacancy, caused by death or resignation, the Speaker has no authority to appoint any additional member of that corps.

This gentleman has been acting at the request or by employment of Mr. Edwards, therefore, and not by appointment of the Speaker.

But it seems, Mr. Speaker, that we have no necessity for this employment at all, in view of the fact that there are two stenographers already authorized by law in the employ of the House, now receiving annual salaries, whose duty it is to report the proceedings of the committees of the House when called upon. I know of no committees now in session that require their services, so that I can see no reason why one of them at least, and possibly both, may not be assigned to the duty of assisting the Official Reporters of debates on the floor of the House. I say I believe there is no committee now in session requiring their services. Perhaps the Committee on Manufactures may hold sessions occasionally; but I do not see why these stenographers should not be assigned to this duty.

I am satisfied that the House stenographers are in need of additional assistance, that they are very hard-worked, and especially by reason of the numerous night sessions we have had of late, and I am perfectly willing to give them all the additional assistance possible in view of the sickness of Mr. Edwards. But it seems to me that we have the necessary force already in the employ of the House, who are not doing any service for the committees.

Mr. STAHLNECKER. The Committee on the Library is also investigating a question.

Mr. SPRINGER. And if they are not employed in committees they could be used in connection with the work in the House, without the necessity of employing outside assistance.

Mr. BOOTHMAN. Mr. Speaker, in order that the action of the Committee on Accounts may be clearly understood, it is well that I should state the reasons which induced the committee to recommend this resolution. Mr. Edwards, as is well known, is one of the regular Official Reporters of debates of the House. He was taken violently ill during the session of the House, and the presumption is, from his present condition, that he will not recover. In order that he might be able to retain his place and not lose his situation, being a man in such circumstances in life that it was necessary for him to work to obtain a living for himself and his family, and being ill, as I have stated, it became necessary for him to get some competent person to supply his place as one of the Reporters, so that his position may not be declared vacant and another appointment made. He did so, but it required the full amount of his legal salary to get a competent substitute, in addition to which it was necessary for him to employ other persons to assist this stenographer in order to transcribe his stenographic notes. He therefore not only pays the full amount of his salary, but has also been paying for this additional work.

Now, a person having a regular annual employment can afford to do that, although he may have only $2, $3, or $4 a day out of his salary during the session of Congress left after paying his necessary clerical assistance, for when Congress is not in session he gets his full salary, and in that manner he is able to even up and make a fair compensation. But the man who is employed as an assistant to work only thirty, sixty, or ninety days, as the case may be, can not afford, at least no stenographer who is capable of doing the work required to be done on the floor of the House, to accept the position for the meager amount that would be left him after paying these assistants. It required, therefore, the full amount of Mr. Edwards's salary to pay for his substitute, and in addition to that, to pay the additional compensation to persons for transcribing the notes of the stenographer, so that besides paying his full salary for the employment of a substitute, which he has been doing ever since the 11th day of June, he has also been paying in addition thereto from $8 to $10 a day to employ assistants. This man in the delirium of his fever is fretting over it, and it renders his condition a great deal worse.

It seems to me that where a faithful employé of the House has been, as this report shows, presumably stricken down in the service of the House, the House owes it to itself and to a spirit of fair treatment to its employés, that he shall not be left to bear, not only the burden of his illness, but the additional expense imposed upon him by this arrangement.

Mr. MCKINNEY. That is right.

Mr. BOOTHMAN. That is the explanation, and that is the reason the committee asks the adoption of this resolution.

Mr. MCMILLIN. Let me ask the gentleman if that has been the custom hitherto in such cases?

Mr. BOOTHMAN. I do not know. I know of no other case of the kind.

Mr. MCMILLIN. I think the gentleman will find upon examination that such has not been the case.

Mr. MASON. Has there been any other case where a substitute has been employed for one of the Reporters who was sick?

Mr. BOOTHMAN. I only know that it is consistent with an honorable and fair treatment of the employés of the House.

Mr. MCMILLIN. If the gentleman from Illinois had known of the conditions heretofore, he would not have asked the question. The same question has arisen heretofore, and it is proper for the House now to understand this new proceeding before adopting this resolution.

Mr. SPRINGER. I desire to offer the following amendment.

The Clerk reported the amendment, as follows:

It is proposed to strike out, in the third, fourth, and fifth lines—

Now acting under the appointment of the Speaker as a substitute Reporter for J. K. Edwards.

And insert:

Who has been employed by Mr. Edwards.

So that the resolution will read:

Resolved, That Edward D. Easton, who has been employed by Mr. Edwards, who is confined to his bed by severe illness, etc.

Mr. BOOTHMAN. I will accept that.

Mr. MASON. The gentleman from Tennessee [Mr. MCMILLIN] intimates that there is an established rule in regard to this matter.

Mr. MCMILLIN. The custom heretofore has been that the stenographer who is sick, and whose salary runs on when he is sick as well as when he is well, designates some one to take his place. That, of course, is done by the acquiescence at least of the House, although the substitute is paid by the Reporter, who makes such private arrangement as he sees fit with a man who is acceptable to the House.

Mr. MASON. I am informed by the Reporters that this question has never been raised before.

Mr. BOOTHMAN. It seems to me the claimed precedent is hardly in point. Here is a case where the sickness has lasted from the 11th of June to the present time, with the probability of a fatal termination.

Mr. MCMILLIN. In the Forty-seventh Congress the illness continued to the death of the Reporter.

Mr. SPRINGER. I ask for the previous question on my amendment.

Mr. BOOTHMAN. I accept the amendment.

Mr. SPRINGER's amendment was agreed to; and the amendments of the committee as amended were agreed to.

Mr. SPRINGER. I now move to recommit the resolution to the Committee on Accounts.

Mr. HOOKER. Is that motion debatable?

The SPEAKER. It is not.

Mr. HOOKER. I want to say that this gentleman has been a long and faithful servant of the House, and I think his salary ought to go on.

The motion to recommit was lost.

Mr. BOOTHMAN. Now I demand the previous question on the adoption of the resolution as amended.

The previous question was ordered.

Mr. SPRINGER. I demand a division.

The House divided; and there were—ayes 68, noes 38.

Mr. SPRINGER. No quorum. I ask for tellers.

The SPEAKER. The Chair will appoint as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Ohio [Mr. BOOTHMAN].

Before the tellers took their places the yeas and nays were demanded and ordered.

Mr. BRECKINRIDGE, of Kentucky. There is so much confusion in the House that some of us have been unable to know the exact matter under consideration. I ask that the resolution be reported.

The resolution was again read.

Mr. BRECKINRIDGE, of Kentucky. Is this resolution susceptible of a division, so that we can vote upon the payment for the services that this gentleman has rendered up to date, and by another vote determine whether he shall be paid for the future?

The SPEAKER. The Chair thinks the resolution is not susceptible of division. The resolution is so drawn that it can not be divided, in the opinion of the Chair. [Cries of "Regular order!"]

Mr. TIMOTHY J. CAMPBELL. I call for the reading of the resolution.

The SPEAKER. It has been read twice.

The question was taken; and it was decided in the affirmative—yeas 102, nays 84, not voting 138; as follows:

YEAS—102.

Adams,	Finley,	Laidlaw,	Sherman,
Allen, Mass.	Fuller,	Laird,	Snyder,
Allen, Mich.	Funston,	Lehlbach,	Stockdale,
Anderson, Iowa	Gay,	Lodge,	Struble,
Arnold,	Gear,	Long,	Taylor, E. B., Ohio
Biggs,	Gest,	Lyman,	Taylor, J. D., Ohio
Bingham,	Grimes,	Mason,	Thomas, Ky.
Boothman,	Grosvenor,	McKinney,	Thomas, Wis.
Bound,	Grout,	Milliken,	Thompson, Ohio
Bowden,	Guenther,	Mofflit,	Turner, Kans.
Brewer,	Harmer,	Morrill,	Vandever,
Browne, T. H. B., Va.	Haugen,	Morrow,	Wade,
Brown, Ohio	Hermann,	Nelson,	Warner,
Brumm,	Hires,	Nutting,	Weber,
Buchanan,	Hooker,	Osborne,	West,
Burnett,	Hopkins, Ill.	Owen,	White, Ind.
Butterworth,	Hopkins, Va.	Patton,	Whiting, Mass.
Caswell,	Houk,	Post,	Whitthorne,
Cheadle,	Hovey,	Rayner,	Wickham,
Clark,	Hudd,	Reed,	Wilkins,
Conger,	Jackson,	Russell, Conn.	Williams,
Cooper,	Johnston, Ind.	Sawyer.	Yardley.
Cutcheon,	Kelley,	Scull,	Yoder,
Dorsey,	Kennedy,	Seney,	Yost.
Farquhar,	La Follette,	Seymour,	
Felton,	Lagan,	Shaw,	

NAYS—84.

Abbott,	Culberson,	Kilgore,	Richardson,
Anderson, Miss.	Dargan,	Lane,	Rogers.
Anderson, Ill.	Davidson, Ala.	Lanham,	Rowland,
Bacon,	Dockery,	Latham,	Russell, Mass.
Baker, Ill.	Elliott,	Lee,	Sayers,
Bankhead,	Enloe,	Macdonald,	Sowden,
Barnes,	Foran,	Martin,	Spinola,
Bland,	Ford,	Matson,	Springer,
Breckinridge, Ark.	Forney,	McAdoo,	Stahlnecker,
Breckinridge, Ky.	Glass,	McCreary,	Stewart, Ga.
Bynum,	Hare,	McRae,	Stone, Ky.
Campbell, T. J., N. Y.	Hayes,	McShane,	Tarsney,
Candler,	Hemphill,	Montgomery,	Tillman,
Carlton,	Henderson, N. C.	Morgan,	Townshend,
Caruth,	Herbert,	Neal,	Turner, Ga.
Chipman,	Holman,	Newton,	Vance,
Clardy,	Howard,	Oates,	Walker,
Clements,	Hutton,	O'Neall, Ind.	Washington,
Cobb,	Johnston, N. C.	Outhwaite,	Weaver,
Cothran,	Kerr,	Owen,	Wilkinson,
Cox,	Ketcham,	Payson,	Wilson, Minn.

NOT VOTING—138.

Allen, Miss.	Cowles,	Hayden,	Moore,
Anderson, Kans.	Crain,	Heard,	Morse,
Atkinson,	Crisp,	Henderson, Iowa	Nichols,
Baker, N. Y.	Crouse,	Henderson, Ill.	Norwood,
Barry,	Cummings,	Hiestand,	O'Donnell,
Bayne,	Dalzell,	Hitt,	O'Ferrall,
Belden,	Darlington,	Hogg,	O'Neill, Pa.
Belmont,	Davenport,	Holmes,	O'Neill, Mo
Blanchard,	Davidson, Fla.	Hopkins, N. Y.	Parker,
Bliss,	Davis,	Hunter,	Payson,
Blount,	De Lano,	Jones,	Penington,
Bontelle,	Dibble,	Kean,	Perkins,
Bowen,	Dingley,	Laffoon,	Perry,
Brower,	Dougherty,	Landes,	Peters,
Browne, Ind.	Dunham,	Lawler,	Phelps,
Brown, J. R., Va.	Dunn,	Lind,	Pidcock,
Bryce,	Ermentrout,	Lynch,	Plumb,
Buckalew,	Fisher,	Maffett,	Pugsley,
Bunnell,	Fitch,	Mahoney,	Randall,
Burnes,	Flood,	Maish,	Rice,
Burrows,	French,	Mansur,	Robertson,
Butler,	Gaines,	McClammy,	Rockwell,
Campbell, F., N. Y.	Gallinger,	McComas,	Romeis,
Campbell, Ohio	Gibson,	McCormick,	Rowell,
Cannon,	Glover,	McCullogh,	Rusk,
Catchings,	Goff,	McKenna,	Ryan,
Cockran,	Granger,	McKinley,	Scott,
Cogswell,	Greenman,	McMillin,	Shively,
Collins,	Hall,	Merriman,	Simmons,
Compton,	Hatch,	Mills,	Smith,
Spooner,	Stone, Mo.	Tracey,	Wilson, W. Va.
Steele,	Symes,	Wheeler,	Wise,
Stephenson,	Taulbee,	White, N. Y.	Woodburn.
Stewart, Tex.	Thomas, Ill.	Whiting, Mich.	
Stewart, Vt.	Thompson, Cal.	Wilber,	

So the resolution as amended was adopted.

During the roll-call,

Mr. McMILLIN said: Mr. Speaker, I desire to withdraw my vote, being paired with the gentleman from Michigan [Mr. BURROWS]. I also ask unanimous consent that my vote on the preceding yea-and-nay vote on the motion of the gentleman from Georgia [Mr. BLOUNT] be withdrawn, as I voted then under the impression that the gentleman from Michigan [Mr. BURROWS] was paired with the gentleman from Arkansas [Mr. PEEL], but have since learned that it was not so.

There was no objection.

Mr. LONG. Mr. Speaker, I have voted on this call because my former pair with the gentleman from West Virginia is withdrawn.

On motion of Mr. BOOTHMAN, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. ALLEN, of Massachusetts, with Mr. BURNETT, until Monday next at 3 o'clock.

Mr. NORWOOD with Mr. O'DONNELL, for to-day.

Mr. BLOUNT with Mr. PETERS, for to-day.

Mr. RICE with Mr. ANDERSON, of Kansas, on this vote.

Mr. WILSON, of West Virginia, with Mr. HOPKINS, of New York, for the remainder of the day.

Mr. McMILLIN with Mr. BURROWS, for the remainder of the day.

Mr. LAFFOON with Mr. FELTON, for this day.

The result of the vote was then announced as above recorded.

Mr. BOOTHMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. Before moving to go into Committee of the Whole for the further consideration of the tariff bill, I wish, if possible, to come to some understanding with the other side as to the time when a vote shall be taken upon the paragraph under consideration.

Mr. REED. I suggest that the debate had better continue for the remainder of this afternoon. I think there are enough gentlemen present who desire to speak to occupy that time, and on Monday morning we can probably come to some understanding as to when the vote shall be taken.

Mr. McMILLIN. Can we agree to take the vote at some hour on Monday?

Mr. REED. I would not like to make any agreement to-day. Let us go on this afternoon and see what progress we can make, and I think that on Monday morning we shall be able to tell just about where we stand.

Mr. McMILLIN. I have no objection to continuing the discussion for the remainder of to-day if we can make some agreement as to the time when the vote shall be taken, and I suggest to the gentleman from Maine that we agree to take the vote at 3 o'clock on Monday.

Mr. REED. I think we had better let that matter go over until Monday morning.

Mr. McMILLIN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BINGHAM], who desires to introduce a bill.

WASHINGTON AND GREAT FALLS NARROW-GAUGE RAILROAD.

Mr. BINGHAM, by unanimous consent, introduced by request a bill (H. R. 10830) to incorporate the Washington and Great Falls Narrow-Gauge Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL BANK OF PORT JERVIS, N. Y.

Mr. BACON, by unanimous consent, introduced a bill (H. R. 10831) to authorize the Comptroller of the Currency to issue to the National Bank of Port Jervis, N. Y., currency in lieu of certain unsigned bills stolen from said bank; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LIGHT-BOAT, OYSTER BED SHOALS, NEW YORK.

Mr. BACON also introduced a bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster Bed Shoals, in the Hudson River, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I ask unanimous consent that gentlemen having reports to make be allowed to file them with the Clerk in the usual manner.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being laid upon the Clerk's desk:

MILITIA OF DISTRICT OF COLUMBIA.

Mr. McADOO, from the Committee on the Militia, reported back favorably the bill (S. 2602) concerning the militia of the District of Colum-

bia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BIRMINGHAM, MOBILE AND NAVY COVE HARBOR RAILWAY COMPANY.

Mr. CLARDY, from the Committee on Commerce, reported back favorably the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS FLINT AND CHATTAHOOCHEE RIVERS.

Mr. CLARDY also, from the Committee on Commerce, reported back favorably the bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORT OF PORTLAND.

Mr. CLARDY also, from the Committee on Commerce, reported back favorably the bill (S. 24) to extend the limits of the port of Portland as a port of entry; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FOURTH COLLECTION DISTRICT OF VIRGINIA.

Mr. CLARDY also, from the Committee on Commerce, reported back favorably the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JACOB CAPES.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 8534) granting a pension to Jacob Capes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STANLEY J. MORROW.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 7993) for the relief of Stanley J. Morrow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC FIELDHOUSE.

Mr. WHITTHORNE, from the Committee on Indian Depredation Claims, reported back favorably with amendment the bill (H. R. 8153) for the relief of Isaac Fieldhouse; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF MIGUEL DESMARAIS AND OTHERS.

Mr. WHITTHORNE also, from the Committee on War Claims, reported back favorably with amendment the bill (H. R. 8160) for the relief of the legal representatives of Miguel Desmarais and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. T. AND C. T. HALETT.

Mr. WHITTHORNE also, from the Committee on War Claims, reported back favorably with amendment the bill (H. R. 7781) for the relief of J. T. and C. T. Halett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RAFAEL ROMERO.

Mr. WHITTHORNE also, from the Committee on War Claims, reported back favorably with amendment the bill (H. R. 8161) for the relief of Rafael Romero; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUEL SILVA.

Mr. WHITTHORNE also, from the Committee on War Claims, reported back favorably with amendment the bill (H. R. 6361) for the relief of Manuel Silva; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORTS OF ENTRY AT TACOMA AND SEATTLE, WASH.

Mr. CLARDY, from the Committee on Commerce, reported back favorably the bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JACOB NEWHARD.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4855) granting a pension to Jacob Newhard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SALT LAKE CITY, UTAH.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 2662) for the erection of a public building at Salt Lake City, Utah; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JESSE DURNELL.

Mr. MASON, from the Committee on Claims, reported back favorably with amendment the bill (H. R. 9211) for the relief of Jesse Durnell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL HEIN.

Mr. MASON also, from the Committee on Claims, reported back favorably the bill (H. R. 4087) for the relief of Samuel Hein; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF JOSEPH KULAGE, DECEASED.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back the bill (H. R. 2564) for the relief of the heirs of Joseph Kulage, deceased; which was laid on the table.

He also reported from the same committee, in the nature of a substitute for the foregoing, a bill (H. R. 10833) for the relief of the heirs of Joseph Kulage, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TARIFF.

Mr. McMILLIN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of a bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The pending question is upon striking out section 3 of this bill. During this day formal amendments need not be offered, as the debate will be continued on the pending amendment.

Mr. KELLEY. Mr. Chairman, I send to the Clerk's desk and ask to have read a brief editorial from the Chicago Inter-Ocean.

The Clerk read as follows:

THE ABOLITION OF INTERNAL REVENUE.

The venerable Judge KELLEY seems to have stirred up a good-sized hornets' nest by his unequivocal avowal on the floor of Congress of opposition to the retention of the internal-revenue system. The Republican platform was for cutting off everything except whisky, and even that rather than weaken the protective system. The convention contemplated the total repeal of internal taxation as probable in the near future; Judge KELLEY agrees with the Inter-Ocean that the time has already come for getting rid of that war tax. For taking that position he is charged with willingness to promote intemperance in the interest of protected industries. In proof of this charge a remark made by Mr. Blaine in his Paris interview is often quoted. It is true that Mr. Blaine thinks, or did six months ago, that the moral argument was in favor of retaining the tax, but the Prohibition party, which has given the subject special consideration and ought to be accepted as the highest authority on that point, holds just the contrary opinion. The fourth plank of the platform adopted at the national Prohibition convention, at Indianapolis, six weeks ago, declares for "the immediate abolition of the internal-revenue system, whereby our national Government is deriving support from our greatest national vice."

If the objection urged to the Republican position on this subject were well taken it would equally apply to the Prohibition position. The two differ in extent; they also approach each other from different starting points, but if the Republicans are chargeable with favoring "free whisky," then so are the Prohibitionists, only more so. The truth is that it takes both planks to suggest the whole truth of the matter. There are two great arguments in favor of the proposed repeal, one financial and one ethical. It is alike for the pecuniary and the moral interest of the American people that the internal-revenue system should be abolished. On the latter point there is no room for fair controversy. Of course, each individual reasoner has a right to his own personal opinion, but when it comes to an authoritative declaration it must be conceded that a national and representative gathering of Prohibitionists is the highest possible authority upon the moral or temperance phase of the tax on whisky. What could be more absurd than to charge the Republican party with promoting the liquor interest when it takes a step toward the position occupied by the Prohibition party? That touches the utmost verge, the outer rim of the preposterous.

The pretension that the removal of the tax on whisky would make it dangerously cheap is based on the assumption that the State authorities could not or would not subject the liquor traffic to special treatment, when the fact is that everywhere the traffic is either prohibited, except for medical and mechanical purposes, or required to pay special license fees. There is no such thing as "free whisky" anywhere in the United States, independent of the national tax. Of course the prohibition and the license laws are often evaded and contemned, but such violation would not be increased or aggravated by removing the national tax. On the contrary, the latter has created and maintains a whisky ring which is one of the great hindrances to the enforcement of temperance legislation. The enormous fund at the command of the liquor trust is largely due to the machinery of national taxation, and it is only natural that the Prohibitionists, who find their work constantly impeded by the whisky ring with its millions, should demand the immediate abolition of the internal-revenue system.

The enemies of the Republican party who prate so loudly of "free whisky" should know that the trick they are trying to play will not work. If the election were to come off in August it might, but long before November the bottom will fall out of the hypocritical sham, and the mischief will react. Judging from the developments up to date, the Republican party is to be assailed this time with platform lies rather than with personal abuse of the standard-bearer. Perhaps the latter will come out later on the Morey letter plan. However that may be, the first duty of the citizen is to form an intelligent idea of each plank

in the platform, especially this most assailed one pledging the party to conditional abolition of the internal-revenue system. To be cordially approved by all who approve the policy of protection and of lessening the evils of intemperance it needs only to be clearly understood.

Mr. OUTHWAITE. Mr. Chairman, before proceeding to the subject under discussion I make the ordinary request, that my time be not limited to the usual five minutes, but that I be permitted to continue for not exceeding thirty minutes, though I do not think I shall occupy more than half that time.

Mr. McCREARY. I move that the gentleman from Ohio [Mr. OUTHWAITE] be allowed thirty minutes.

Mr. EZRA B. TAYLOR. Mr. Chairman, in view of the attempt that is being made to fix an early hour for a vote upon this paragraph, and in view of the fact that there are several gentlemen on this side who desire to speak, I think that perhaps speeches ought to be limited to some less time than thirty minutes. I do not want to interpose an objection to the motion just made; but if my colleague from Ohio [Mr. OUTHWAITE] will be satisfied with twenty minutes, I think that will meet with general approval.

Mr. DOCKERY. Let me suggest to the gentleman from Ohio [Mr. EZRA B. TAYLOR] that very few speeches have been made on this side of the House on this question.

Mr. EZRA B. TAYLOR. I withdraw my suggestion, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio on the left of the Chair [Mr. GROSVENOR] also asks to be allowed thirty minutes, and if there be no objection consent will be given that each of the gentlemen from Ohio [Mr. OUTHWAITE and Mr. GROSVENOR] shall be allowed that time.

There was no objection, and it was so ordered.

Mr. OUTHWAITE. Mr. Chairman, I regret that the gentleman who is to follow me [Mr. GROSVENOR] has not preceded me in this discussion. We have reached that part of the bill which provides for placing raw wool upon the free list and reducing correspondingly the duty upon goods manufactured from wool. As my colleagues upon that side of the House with great unanimity insist upon retaining this duty upon wool and the higher duty upon woolens, I should have been glad to have heard from the gentleman his reasons for their position other than political reasons.

Will placing wool upon the free-list affect injuriously the interests of the men engaged in the sheep-raising industry? Listening to many of the speeches made against this step will not bring one to the conclusion that such a result must follow such legislative action. Will it benefit such interests? If I had serious doubts upon this question I might attempt to prevent what is proposed in this section of the bill. We must consider whether the proposed reduction in the wool and woolens schedule will injure either industry; but we can not help seeing that it will result in lower-priced clothing. Every wearer of garments made of wool—and who is not in this broad land?—may expect increased comfort as a direct result. The tax paid last year upon wool and woolen goods was $35,646,497.63. How much was the additional tribute paid upon them to the favored manufacturers.

The gentleman from the Eighth district of Ohio [Mr. KENNEDY] occupied some time when this subject was last under consideration in discussing this section of the bill. I listened with fixed attention to hear what he would say, during some forty minutes of time, in favor of the position occupied by the Republican members of Ohio upon this important question. I followed him closely all through; and it has been a long time since I have heard so thoroughly exhaustive and exhausting, so profound and so comprehensive a consideration of a topic under discussion in this House as that of which he gave us the benefit. It reminded me of a lecture that I attended in my youth, delivered by the celebrated Artemas Ward. The title of the lecture was "Sixty minutes in Africa." The audience listened to the lecturer with wrapt attention for fifty-nine and a half minutes while he wandered all over the universe, touching upon every remote subject that his mind could reach, and then closed with this allusion to the subject of the lecture: "Africa; Africa is noted for the strong fragrance of the rose found there in great abundance—the negroes."

Now, my colleague kept to his subject about as thoroughly as did that lecturer. I attempted by what might have been considered a flippant and impertinent inquiry to interject into his remarks something concerning sheep or wool; but I see that the gentleman has exercised his privilege of revising me entirely out of the RECORD, and thereby revising out of his speech the only allusion to wool that might have been found in it.

Gentlemen upon the other side have insisted upon certain propositions as being good reasons why the duty should be retained upon wool. One of those propositions is that the tariff has increased the number of sheep in this country abnormally; another that the tariff has increased the clip of wool.

How they do fire off statistics to sustain these assertions! There were so many sheep in such a year, and there were so many more in such another later year. There was a high tariff on wool during this period; therefore the tariff produced more sheep and the sheep produced more wool. Yes, indeed; and each sheep grew more wool and better wool because of this tariff. How many such arguments we hear!

The gentleman from Maine insists that in the twenty years between 1860 and 1880 the tariff has increased the number of sheep some 80 per cent., and the wool-clip 300 per cent. Another gentleman, one of my colleagues from Ohio, has insisted, and has produced a table here, drawn from the statistics of our country, to show that the increase of sheep in Ohio for the four years beginning with 1879 was, by the natural effect of the tariff, to use his own language, 863,659 sheep, and of wool 5,677,689 pounds.

Thus demonstrating the natural effect of the tariff of 1857 to have been the increase of the flocks on the one hand, and a large increase of wool on the other

Now, I had supposed that the natural fecundity of the flocks has something to do with this increase. I supposed that instead of the tariff being a sort of providential prolific projector of sheep into this country, nature had something to do with their increase, and the shepherd with his care and protection had made the most of it.

I have examined the Statistical Abstract of the United States, published in 1887, to see how nature, supplemented by the care and concern of man, has dealt with other domestic animals—to see whether sheep were the only domestic animals that in this period of time have increased so rapidly in number. In the first place, I find by the Statistical Abstract, page 251, that from 1866 to 1886, the twenty years immediately previous to the enactment of the high wool tariff, the increase of sheep reached 50 per cent. Next I look in the same table in another column at the number of milch cows, and I find that in the same period of time the increase was 150 per cent.

Now, I expect some ardent advocate of the protective theory to rise up and say that the cows increased because of the protective tariff on cheese and butter [laughter]; so I will draw no inference from that item. I next take the number of horses, and find that in the same period they increased over 200 per cent. It may be that some ardent and enthusiastic protectionist will say that this was because of the tariff on curled hair. [Laughter.] The next topic in this table to which I call attention is the number of swine, which increased in this same twenty years of time nearly 250 per cent.; but then there is the tariff on bristles to account for that. [Laughter.] The next item I take is the number of oxen, which increased 350 per cent. in the same period; but then there was a tariff on hides and tariff on tallow, and of course that was the cause of the increase in this class of domestic animals.

Mr. DINGLEY. There is not any duty on hides.

Mr. OUTHWAITE. There was a tariff during a part of the time—up to 1872; and the increase was about as rapid during the period that the tariff was in force as it has been since it was taken off.

But here is a domestic animal that beats all the rest, and it is entirely unprotected. I find that in this period of time mules increased 800 per cent., and there is no protective duty on this class of domestic animals—neither upon its hair nor its hide.

Mr. GROSVENOR. That increase was owing——

Mr. OUTHWAITE. I am not paired with the gentleman to-day, politically or otherwise, and I have not time to be interrupted.

I want to call attention now to statistics in regard to raw cotton. In this same period of time raw cotton increased 200 per cent. Yet there was no duty on raw cotton.

I think the citation of these examples may possibly reflect some light upon the proposition that it was the tariff alone has produced the increase in the number of sheep in this country. But lest I may be taken up on that, I call attention to the increase of sheep and the increase of the wool clip during nearly the same period in countries which are entirely free-trade. I have here the volume issued by the Treasury Department concerning wool and manufactures of wool—a special report on that subject—and I find on the forty-fifth page some statistics in reference to this article. In India in 1859 there were only 14,000,000 pounds of wool raised; but in 1880 there were 50,000,000 pounds raised—an increase of over 250 per cent. There was no tariff there to account for that. Take next the African colonies; in 1859 there were 14,000,000 pounds raised; in 1880, 46,000,000 pounds, an increase of quite 225 per cent. Did any tariff make this increase? There was none.

Without any tariff whatever upon wool, Australia in 1860 raised 55,000,000 pounds; in 1880, 392,000,000 pounds, an increase of over 600 per cent. and twice as much as in this country with its protective tariff. This immense wool crop was from 51,000,000 sheep, making the average nearly 8 pounds per fleece.

If the tariff is the producer of our increased growth of wool, please account to me for the increase in these countries—the number of sheep, amount of wool, and weight per fleece. While I am upon this topic I wish to cite the great increase throughout the world in the production of wool as evidence that the price of wool is influenced by supply and demand.

My colleague [Mr. BOOTHMAN] introduced a table to show the decrease in Ohio for four years following 1883—the result, as he argued, of the reduction of the tariff made at the beginning of that period by the Republican party. By his table he shows that in the four years following that reduction of the tariff there was a falling off of 1,019,049 in the number of sheep, and in the quantity of wool 7,704,073 pounds. That is very plausible upon its face. It looks as if the falling off might be attributed to the reduction of the tariff. But I have here a similar

table prepared by an active and energetic journalist in the State of Ohio, drawing his data from exactly the same source. It is with regard to the effect—if tariffs have any effect upon this question—of the high tariff of 1867 upon the number of these animals reared in our State.

I will insert the table and some comments of the gentleman who made it in my speech:

Years.	Sheep.	Wool.	Years.	Sheep.	Wool.
	Number.	*Pounds.*		*Number.*	*Pounds.*
1867	7,595,507	24,848,629	1883	5,130,920	24,349,109
1868	7,688,845	22,940,479	1884	4,968,794	23,558,713
1869	6,272,640	19,292,858	1885	4,928,232	22,081,522
1870	5,652,028	16,711,521	1886	4,272,463	22,161,358

Result.	Sheep.	Wool.
	Number.	*Pounds.*
Decrease in 1870 from 1867	2,503,479	8,137,108
Decrease in 1886 from 1883	858,457	2,187,751

The tariff was placed on wool in 1867; 5 per cent. of it was removed in 1883. Now, if the removal of 5 per cent. caused a decrease of 858,457 sheep and 2,187,751 pounds of wool in four years from 1883 to 1886, will Mr. Cowden be kind enough to tell me what caused a decrease of 2,503,479 sheep and 8,127,108 pounds of wool in the four years from 1867 to 1870?

W. A. TAYLOR.

There was a decrease in four years after the tariff of 1867 was put on wool of 2,503,479 sheep in the State of Ohio. Please tell me why, if the taking off of the tariff diminishes the number of sheep, the putting on of tariff does not increase instead of diminish the number?

Mr. WILKINS. Permit me to answer the gentleman's question.

Mr. OUTHWAITE. Answer in your own time.

Mr. WILKINS. One million and a half of sheep were driven into Texas that year.

Mr. OUTHWAITE. That is not an answer to my question and is a statement which is unfounded so far as the statistics are concerned. There was a falling off in the Ohio wool clip of over 8,837,808 pounds in four years after putting on a high tariff, or a falling off of nearly four times the amount shown to have been the falling off in four years after the reduction of that tariff.

Suppose the statement of my friend to be absolutely correct. Even suppose that a like ratio of all the sheep of the United States were driven into Texas, would that account for the fact that there was a diminution of 7,534,382 sheep in the United States in four years after 1867. There was also a diminution of 18,000,000 pounds in the annual clip within four years after this increase of tariff on wool in 1867. What inference in favor of a restoration of that tariff do gentlemen across the aisle draw from these facts?

I have here a pamphlet which is entitled, "Facts about wool and woolens," sent to me by some zealous Republican protectionist in order that I may read, learn, and digest its contents, so as to vote intelligently on the subject; because you know I belong to those ignorant, blundering Democrats that Mr. INGALLS'S candidate for the Vice-Presidency alluded to on the floor of the House the other day.

This pamphlet is written by Dr. E. P. Miller, author of the "Fallacies of free-trade," "Protection the farmers' only security," and several works on medical topics. Just see whether he mixes up his quackery on medicine with his quackery on the wool question. [Laughter and applause.]

Here is a table containing a statement of prices of unwashed wool in New York and Philadelphia markets from 1824 to 1887. I have on the opposite side a table of changes made in the tariff law. The two tables show on inspection, first, that the price of wool went up after reductions of duties quite as often as it went up after an increase, and in the second place, the price went down after increase of duties as often as it went up after an increase. There is another proposition contained in these figures.

I take from the table the average price of fine wool for the month of January during the ten years immediately preceding the high tariff, and the average price in the month of January was 63.8 cents per pound. Taking from this table the average price in the same month during the first ten years immediately following the high tariff of 1867 and the price fell to 56.2 cents per pound. I am making all these comparisons of the prices of fine wool.

Mr. BUCHANAN. Then the tariff is not added to the price of the wool?

Mr. OUTHWAITE. I am giving you some protection Republican authority upon the effect that a tariff has on the prices of wool. Take the second decade, when the high tariff was still on, and the average price for that period fell to 41.4 cents during the month of January, being 22 cents less in the ten tariff years than for the ten years of low tariff. Six years of the period which I have designated as the second decade of high tariff were before the reduction of 1883. In fact, as I am comparing January prices, seven of the ten before that reduction are included in the sum to make the average. I wish to be fair in these comparisons.

But some one may say that it is not fair to compare the prices during the ten years from 1857 to 1866, inclusive, with the prices during the ten years from 1867 to 1876, inclusive; you ought not to take a period of national and financial disturbance, but a period when there was no such disturbance. Very well, then, let us take the low-tariff period from 1850 to 1860, during six years of which the duty was 30 per cent. and for the other four no duty. In the October market of these ten years the average price of fine wool was 51.4. To get away from the inflation period as far as I can I will take from 1877 to 1886, inclusive. Calculating the average price of fine wool, October market, I find it was 39.7 cents per pound.

During the first six years of this last period the duties were 90 per cent. of the highest ever known, being from 45 to 55 per cent., and during the other four years the duties ranged from 40 to 50 per cent. The average duties for these ten years were about four times the average duties for the ten years with which I have just compared the average prices of fine wools as shown by the table. But I am not left to the deductions which I may make from these figures. On December 17, 1869, twenty months after the high-tariff act had gone into effect, a Republican Secretary of the Treasury sent to the Republican Congress then in session a document prepared by a Republican special commissioner of revenue, from which I wish to read some extracts. They give the conclusions of this commissioner as to the effect of the passage of that act. They are as follows:

Nearly two years have now elapsed since these measures were consummated, giving ample time for experience to test the principle. And what to-day is that experience?

First. Wool to the agriculturist at a lower price in gold than has almost ever before been experienced, the average price of medium American washed wools from 1827 to 1862 having been 42.8 cents per pound (gold), while the average price of Ohio wools for the year 1868, reduced to gold, was only 35.21 cents, which is less than the average price of 1858, when, under the influence of the disastrous crisis of 1857, a large portion of the mills of the country were standing absolutely idle. For the year 1869 the price paid in Ohio for medium wools has been about 43 cents currency (32½ cents gold).

Second. A decrease of the number of sheep in the United States, estimated by the Commissioner of Agriculture at 4,000,000 for the single year 1868, while other authorities place the total decrease as high as 25 per cent. since the passage of the wool tariff.

Third. A condition of the woolen manufacture characterized by a greater depression than that of any other branch of industry in the country with the exception of ship-building; small profits accruing to a few, heavy losses to the many, with numerous and constantly recurring failures.

Fourth. An increase in the importation of foreign fabrics of wool; the imports for the fiscal year 1868 being returned at $32,458,834, and for 1869 at $34,620,943.

Gentleman protectionists now question all this and shout out: Explain! Explain! I can give no better explanation than this same commissioner gave. Satisfied with his statement, and adopting it, I quote it here:

The manner in which the present extravagant duties on the importation of foreign wools operate to prevent the prosperity and extension of the domestic woolen manufacturing industry, and to reduce the price of domestic wool, is a matter not difficult of explanation.

The wools of the United States are mainly the merino clothing wools, which can be produced in any quantity and at prices which defy foreign competition. Wool has been raised in Texas during the last year (1868–'69) in large quantities at an estimated cost of 7 cents (gold) per pound, and has commanded readily in the market 25 cents (gold) per pound. It is furthermore to be noted that German-Saxon wool, which during the last year has touched the lowest price almost of the century, could not now be imported, even in the absence of all duty, and sold at so low a price as the average prices which XX Ohio wools have commanded during the past season in the New York market.

On the other hand, wools which the existing tariff excludes are mainly wools which are either not grown in the United States or grown in very limited and insufficient quantities. The American manufacturer, therefore, being restricted in the selection of his raw material, is, of necessity, restricted in the variety of his products; and the great quantity of machinery brought into existence by the demands of the war has in consequence been forced, in great part, into one line of production; overstocking the markets with certain descriptions of fabrics, unnaturally reducing prices, restricting diversity and extension of production, and bringing disaster upon the whole business of wool manufacturing.

I shall now return to the pamphlet of Dr. E. P. Miller for further statistics and arguments in favor of free raw wool. Understand clearly that he had no intention that his production should be put to such base uses. I shall now use the language of this gentleman who proposes to instruct us how to vote.

The reader will remember that the first duty placed on wool in this country was in the year 1824, after thirty-five years of free wool. The price of fine wool in January of that year, it will be noticed, was 68 cents; in April, 70 cents; in July, 55 cents; in October, 60 cents. Now notice the price in 1887, after twenty years of high tariff; in January, 33 cents; in April, 33 cents; in July, 34 cents; in October, 35 cents. Show a decline in the month of January of 35 cents a pound; in April, of 37 cents; in July, 21 cents; in October, 25 cents; or an average decline throughout the year of 29½ cents a pound.

That is a pretty picture to hold out to the wool-growing farmers of Ohio to induce them to vote to keep the tariff on wool. In view of it can you wonder that they no longer desire the restoration of the tariff of 1867? But I must read on. The doctor says with emphasis:

Fine wool sold in the New York and Philadelphia markets after thirty-five years of free wool on an average of 29½ cents more per pound than it did in the same markets after twenty years of high tariff duties.

Are we to go on in this downward course? The wool-growing industry of my State is declining under the baleful influence of the present high tariff. Shall we make no effort to arrest that decline? But

here is another paragraph, and it is drawn, too, correctly, from the tables, which I have compared to see whether he has been juggling with the figures or not:

Another fact. In 1866, the year before the highest tariff was placed upon wool, fine wool in January was 70 cents per pound, in April 65 cents, in July 70 cents, in October 63 cents.

Mr. DORSEY. Will the gentleman allow a question?

Mr. OUTHWAITE. I have but a few moments. I prefer not to yield.

Mr. DORSEY. I only want to ask what was the price of gold at that time?

Mr. OUTHWAITE. The gentleman can take his own time to answer his questions—

while in January, 1884, the year of the highest production on wool in this country, seventeen years after the highest duties known in the history of the country, fine wool sold at 40 cents in January, 48 cents in April, 35 cents in July, and 35 cents in October. This shows an average decline in price of 27½ cents a pound since the adoption of the highest duties.

The gentleman has interrupted me to intimate that this decline is attributable to the fall in the price of gold and that the tariff on wool has sustained the price of wool; that the farmers know these things to be true.

If these be facts, the farmers of my district do not know them to be, but deny both propositions. The decline is still going on, and they want to stop the decline, if possible, by legislation.

A MEMBER. How are you going to stop it?

Mr. OUTHWAITE. I do not know whether it is possible or not; I do not think it is possible to do so by increasing the tariff. Is not the increased supply throughout the country and the world bringing the price down? But I am quoting a Republican as authority now, and though I do not agree with him in all his conclusions, I do agree with him as to his facts. He says:

Another important fact should be observed, while the price of fine wool, on which the highest duties were placed, had declined an average of 29½ cents a pound from the year 1824 to 1887, the price of coarse wool, on which the lowest duties were placed, had advanced 4 cents a pound.

The duties then do make a distinction as against the finer qualities and in favor of the coarse. Well, in Ohio we take pride in raising the very finest wool that is produced in the United States.

Again, in January, 1866, before the highest duties were placed upon wool, the difference in price between fine wool, upon which we had highest duties, and coarse wool, on which were placed the lowest duties, was 20 cents a pound.

That is coming down a little nearer to the region of the present time, and here he reaches it.

While in January, 1887, fine and coarse wool sold at the same price, and in July of the same year coarse wool sold at 1 cent a pound higher than fine wool.

Again this gentleman has a paragraph in this pamphlet which he heads "Free wool does not lessen the cost to the consumer;" in other words, free wool does not lessen the price to the manufacturer; in other words, free wool does not lessen the price that the farmer receives, and he proves it by figures from the same table.

In 1853 wool under 8 cents a pound was admitted free of duty; the price of fine wool in January of that year was 55 cents a pound; while in January, 1834, it was 70 cents, a rise of 15 cents per pound; the price of coarse wool in January, 1833, was 33 cents a pound; in April it was 38 cents; in July, 40; in October, 45, and in January, 1834, it was 48 cents a pound, showing an advance of 15 cents a pound in one year after putting wool on the free-list.

Again, in 1857, when wool valued at 20 cents a pound or less was put upon the free-list, although it fell off a little in 1858, it was 2 cents a pound higher in January, 1859, than in January, 1857. Do not the facts prove clearly that putting wool on the free-list does not lessen the cost to the consumer, as claimed by the opponents of protection? And if the price of wool advanced after it was made free, as it did in these cases, how are consumers in this country benefited by free wool?

These facts certainly sustain the heading of the paragraph. What interest has the wool-grower in keeping on the tariff or increasing it in the face of such proofs that it would not injure him to have free wool? But my protectionist advocate gives other reasons. Of course he never intended these arguments to be studied by wool-growers. They were for the manufacturers' friends here.

I will now read another paragraph, which he heads "The price of wool is not raised by increasing the duties;" and I commend this to my friend from Ohio, who wants the duty of 67 cents restored.

In 1824, after thirty-five years of free wool, the price of fine wool in January was 68 cents, and in April, 70 cents a pound. In May of that year a tariff of 15 and 20 per cent. was placed on wool, but the price instead of going up went down, for fine wool sold in July at 55 cents; in October, at 60 cents; in January, 1826, at 55 cents, and in January, 1827, at 35 cents. Again, in 1842, after ten years of nearly free wool, a tariff was placed on low-priced wool, and in January of that year fine wool was sold at 48 cents, and coarse at 35 cents; in January, 1843, fine at 35 cents and coarse at 25 cents per pound.

* * * * * * *

After the tariff act of March, 1867, the highest in the history of the country, the price of wool declined instead of advancing, for it sold in January, 1866, at 70 cents; in January, 1867, at 68 cents; in April, at 60; in July, at 55; in October, at 48; and in January, 1868, at 48 cents a pound; in April, at 50; in July, at 46, and in October, at 48, a decline in one year of 20 cents a pound.

Mr. BUTTERWORTH. Whose speech is the gentleman quoting from?

Mr. OUTHWAITE. I am not quoting from a speech, but from a pamphlet.

Mr. EZRA B. TAYLOR. Will the gentleman allow me a question?

Mr. OUTHWAITE. I really have not time.

Mr. EZRA B. TAYLOR. It is a very short question.

Mr. OUTHWAITE. I prefer not to yield the little time I have.

Mr. EZRA B. TAYLOR. Under those figures and under your statement, do you think, applied to wool, that the tariff is a tax?

Mr. OUTHWAITE. Do I think the tariff is a tax? Yes; I think it is, and I now propose to show from good Republican authority that it is a tax; not using the word tax at all.

I read now from the speech of the gentleman from Maine [Mr. DINGLEY], which, I think, will confirm the statement I have just made, and I quote from page 6757 of the RECORD:

Nothing can be clearer than if wool is admitted free of duty, it will result in a decline of wool nearly to the extent of the duty.

That is a proposition that I commend to the attention of gentlemen on the other side, "that it will result in a decline in wool nearly equal to the extent of the duty." You accept the proposition of the gentleman from Maine and indorse it. You believe it to be true. And not only that, but that the woolens the people wear will decline correspondingly. I accept the latter as a necessary result of free wool and will give my reasons further on. If imported wools are reduced in price it does not follow that the price of fine domestic wools must be also reduced.

Mr. DINGLEY. The gentleman does not want, I am sure, to do me an injustice by quoting only one-half of the remark.

Mr. OUTHWAITE. Certainly not. I am not going to do the gentleman any injustice. I am going to give the gentleman the benefit of his own remarks; but I am simply commenting upon it as I go along, as I have something to say myself in this connection. That is a clear, plain statement, the proposition that to reduce foreign wools to the manufacturers equal nearly to the extent of the duty necessarily will reduce woolens to the people.

We have in Ohio a very intelligent gentleman. I know that he is an intelligent gentleman, because he once represented his district in Congress as a Republican, and that ought to be a sufficient indorsement for him upon the floor of this House, who is a sheep-raiser and has a flock of 200 head or more, and I heard him say not long ago that he would give all the benefits he now receives upon the whole wool-clip of his flock by the protective tariff for the privilege of buying one untaxed pair of pantaloons.

Now, I will go on with the statement of the gentleman from Maine. He says:

But after this decline has wrecked wool-growing in this country and one-sixth of the production of the world has been lost—

Mark, you, Mr. Chairman, every industry that is touched by the bill is going to be wrecked and ruined; and the sheep, according to one gentleman who spoke the other day, are to be driven out of the country; and according to another gentleman nothing but annihilation and destruction will result to the wool industry of the country. It will be crushed out, he said upon this floor the other day. I was threatened with the loss of the wool vote in my district if I had agreed to stand by this section of the bill.

In my district there is one very excelleat precinct. It is a precinct that is known by the name of Goosetown. At the late primaries I was most thoroughly indorsed and supported in that classic precinct, and it was reported that the next morning in the police court appeared several of my constituents from Goosetown, some with discolored cuticle around the eyes and others with noses slightly swollen. But they had fought like brave men long and well, and I had hoped they would be there in November to fight my battle as valiantly again, if need be.

What am I to do now? According to the gentleman from New Jersey I am oath-bound to support this bill; and I find, to my horror and dismay, that this bill to which I am thus pledged puts feathers on the free-list, and will crush, destroy, annihilate, and totally wreck the goose industry of Goosetown in my district. [Laughter.] How many of you gentlemen do actually believe that taking the tariff off of wool will destroy the wool industry? How many believe that I am oath-bound to vote for this bill or any line of it?

Mr. HOPKINS, of Illinois. Do I understand the gentleman to say he is pledged to support that bill?

Mr. OUTHWAITE. I referred to the statement of the gentleman from New Jersey (Mr. PHELPS).

Mr. WILSON, of Minnesota. Sworn to according to the statement of the gentleman from New Jersey.

Mr. OUTHWAITE. "Imposed an oath upon every one of them" was the language he used. I am not mistaken. Let me go on with this little dissertation.

Mr. OUTHWAITE. The proposition is ridiculous that it, the bill, will destroy the wool-growing industry. It is an industry which pays very little for its labor, and in which the natural increase each year is from 75 to 80 per cent., and which has the additional value in the markets of being a meat-producing industry; that that industry will be destroyed by taking a little of the tax off imported wool, or even taking the whole of the tax off of such wool, is not to be believed.

Let me call the attention of gentlemen right here to the fact that there are countries upon the face of this globe that have no tariff upon wool, and that in those countries the industry is flourishing as well as it is in

this country. They are scattered all over the world; and in some instances are doing better, according to the statistics that I read a few moments ago, than this country is so far as wool-growing is concerned. To read on from the gentleman's remarks:

But after this decline has wrecked wool-growing in this country and one-sixth of the production of the world has been lost does any one doubt that foreign wool-growers will take advantage of the situation to increase the price, so that the ultimate result will be greater cost of wool clothing?

When one-sixth of the world's wool-growing is lost.

Then we are to be destroyed! There is to be a grand combine. The Chinese are to come in upon us. People are to assemble in a monstrous wool trust from every civilized and uncivilized land. They are to come from the steppes of Asia and the colonies of Great Britain, whether in Australasia or Africa. They are to come from the heart of Russia. They are to come from the Argentine Republic and Uruguay, from Canada, and from the South Sea Islands; and all get together and combine to control an industry that produces nearly 2,000,000,000 pounds of wool, worth about $400,000,000 annually. Simply to call attention to it in this way is sufficient answer to the proposition.

My friend from Ohio stated that already the price of wool had gone down from fear of the Mills bill. "The reduction in price has been occasioned by the pendency and discussion of the Mills bill alone." Can it be that such an intelligent constituency as his would let the price of wool go down on account of the discussion of the Mills bill alone, when there sits the Republican Senate at the other end of the Capitol (as has often been boasted by gentlemen) ready to save this country from destruction? Perhaps they have no faith in that body. Perhaps politics does not control the price of wool; but the rule of supply and demand does.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OUTHWAITE. As I have not talked on this subject in the general debate I ask to have five minutes longer.

Mr. GROSVENOR. I hope the gentleman will be allowed five minutes more.

There was no objection.

Mr. BUTTERWORTH. I wish my colleague, if he will permit me, would state his opinion as to the influence of a protective tariff upon the wool industry, giving the reasons for his opinion, and then stating whether he is in favor of or opposed to a protective system in its behalf.

Mr. OUTHWAITE. That would simply cut off the rest of my remarks; and I have a particular speech in my mind that I want to finish.

Mr. BUTTERWORTH. That is the kind of speech that will bring an answer in the district.

Mr. OUTHWAITE. I will speak in the district this fall.

I have here some propositions similar to that of the gentleman's with regard to the destruction of the wool industry which I saw in a paper this morning; "that everybody in this country was alarmed except the foreign importers and the foreign shippers, because the duty of 15 cents is to be taken off potatoes." Everybody alarmed! My constituents in Goosetown are not alarmed. They rest from their labors. They are ready and willing to accept their potatoes at 15 cents a bushel less, if such be the effect. But the duty is not to be taken off. Then, here is another article which I cut out of an independent Republican paper this morning, a telegram stating that the iron industry in Hocking Valley in my district was about to be destroyed. Why? Because the Mills bill proposed to take $2 per ton off pig-iron. Is that so? I fail to see it in the Mills bill. The cut is only 72 cents per ton. The truthful and intelligent correspondent goes on to say that the coal industry is going to be destroyed. Why? "Because we are going to put coal on the free-list." Such false prophecies of evil are quite common. Nobody is influenced by them.

It is not for fear of loss to the farmer—it is not anxiety on account of the farmer that is prompting a great many gentlemen here in their opposition to this reduction.

The gentleman from Rhode Island expressed it very clearly in a colloquy between himself and the gentleman from Massachusetts [Mr. MORSE] the other day when he said that "the woolen manufacturers are afraid of free wool, because they are afraid of free woolens later on."

Mr. OUTHWAITE. The gentleman from Maine [Mr. DINGLEY], says, on page 6757 of the RECORD:

But the passage of the Mills bill could not even temporarily benefit woolen manufacturers. The present tariff imposes on imported woolens a specific pound or square-yard duty, intended to fully cover and little more than cover the duty on wool, which goes to the farmer, and a manufacturer's duty of 35 per cent. ad valorem on coarse woolens and 40 per cent. on fine. The Mills bill abolishes the duty on wool and also the specific duty on imported woolens, leaving the manufacturer the same ad valorem duty as at present. This does not give the woolen manufacturer any additional vantage ground as against imported goods.

That is what troubles them, that we do not give the woolen manufacturers any additional vantage ground as against imported goods. They want additional vantage ground.

The gentleman says again:

In other words, the woolen manufacturer, with free wool and nothing but the manufacturer's ad valorem duty, which is largely overcome by undervaluations of imports, would not be so well off as now.

So far as the undervaluation of imports is concerned we have taken care of it in this bill. So far as any danger to the manufacturers is concerned, I do not believe that it exists. They have been able to take care of themselves. We have made a fair proposition, which is to make a reduction equivalent to the reduction which shall result from the taking off of the tariff on wool, that which they have paid heretofore on that part of their raw material which they imported.

I have here a little thing which I think shows the cause of the solicitude of gentlemen upon the other side of the House on behalf of the manufacturers at this time. It is from a paper called the Tariff League Bulletin, which professes to be "devoted to the protection of American labor and industries." On the first page of it there is a comment upon what it calls the "confidential letter of the Republican League of the United States," and here is what the editor says about that letter:

It would be useless to criticise the tone of this "sensational document," or the temper with which it assails American manufacturers, in words which it says "are strong and bitter, but they are true." And we will not here comment upon the unfortunate policy of the letter which enforces a peremptory demand for money with a threat.

It is important at this time only to review the charges against American manufacturers, which are the bone and sinew of this "confidential letter," without which it would receive from us no comment whatever. They are quoted, it is true, from an eminent Republican Senator, but they are quoted with approval and declared to be true.

These charges, when stripped of their discreditable verbiage, are, first, that the "campaign which we are about to enter will concern more than anybody else the manufacturers of the country"—"men who are getting practically the sole benefits, or at least the most directly important benefits, of the tariff laws;" and, second, "That while reaping the fruits of the tariff policy they have been very laggard in their contributions to the Republican cause." Their conduct is called "craveneal parsimony." The New England manufacturers, it is said, have been somewhat less parsimonious than the others. But of Pennsylvania manufacturers it says, in language both vigorous and picturesque:

"If I had my way about it I would put them under the fire and fry all the fat out of them."

And (he might have added) "hold my dripping-pan under them to catch this fat to make soap out of for W. W. Dudley to carry on the campaign with in Indiana." [Laughter.]

This editorial proceeds:

But while manufacturers derive no greater advantages from protection than other classes in proportion to the magnitude of their enterprises, they nevertheless do contribute far more than all other classes to its support. The records of the Republican party prove it. Those who have been engaged in collecting funds for its defense will testify to it.

Well, if the records of the Republican party prove it, of course the Republican party ought to serve those who employ it for that purpose.

The editor continues:

We therefore deny the assertion of the Senator whom the Republican League has chosen for its mouthpiece, and we affirm that more than three-fourths of all the money used in support of Republicanism and protection has come from men directly or indirectly engaged in manufactures.

Mr. Chairman, I want to close with these sentences: Any legislation that is purchased is vicious legislation. Any legislation that is bought with money, no matter what its purpose may be, is legislation that the people of the country should beware of. Any legislation which is in return for money paid to carry political campaigns with is injurious to the interests of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Do we understand from that that you are a free-trader?

Mr. OUTHWAITE. I do not know what you understand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I ask that my colleague's time be extended long enough for him to explain where he stands with reference to this industry. We do not know except inferentially.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. And in that connection I would like to have him answer whether he is a free-trader or not.

Mr. BUTTERWORTH. Of course if the gentleman does not want time to make the explanation——

Mr. OUTHWAITE. You Republicans may call me a free-trader.

Mr. LA FOLLETTE obtained the floor.

Mr. WILKINS. I desire to ask my colleague from Ohio [Mr. OUTHWAITE] a question.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILKINS. I would like to ask my colleague whether he did not, with all the members of the Ohio delegation, go before the Ways and Means Committee of the Forty-ninth Congress and protest against the removal of the tariff duty on wool proposed by the Morrison bill, under consideration in that Congress? I hope he will answer yes or no.

Mr. OUTHWAITE. There has been some progress since that time. I trust I have kept pace with it. I voted for the consideration of the Morrison bill without hesitation at the session to which the gentleman alludes.

Mr. REED. We are willing to give the gentleman from Ohio [Mr. OUTHWAITE] more time, as he has neglected to state his position.

Mr. WILKINS (to Mr. OUTHWAITE). Did you not sign a paper at that time——

The CHAIRMAN. The gentleman from Wisconsin has been recognized.

Mr. BLAND. Since that time the Representatives from Ohio have

heard from their people. Some of them have been nominated with instructions on this wool question; and others rejected without instructions.

The CHAIRMAN The gentleman from Wisconsin [Mr. LA FOLLETTE] has been recognized, and will proceed.

Mr. LA FOLLETTE. Mr. Chairman, before proceeding with my remarks, I ask that I may be allowed time to conclude them without reference to the five-minute rule.

The CHAIRMAN. The gentleman from Wisconsin asks an extension of time to conclude his remarks.

A MEMBER. For what period?

Mr. CASWELL. As my colleague [Mr. LA FOLLETTE] has not occupied the floor at all on this subject, I hope his time will not be limited.

Mr. LA FOLLETTE. In the general discussion I lost my place on account of illness. I would like sufficient time to conclude my remarks.

The CHAIRMAN. The gentleman from Wisconsin asks an extension of time without limit. Is there objection?

Mr. BANKHEAD. I object.

Several MEMBERS. Say thirty minutes.

The CHAIRMAN. As the Chair understands, objection is made to an indefinite extension of time, but not to an extension of thirty minutes.

Mr. BLAND. The gentleman had no opportunity to speak in the general debate. This is the first time he has had the floor.

Mr. DOCKERY. I ask unanimous consent that the gentleman from Wisconsin be allowed thirty minutes in which to speak on this subject.

The CHAIRMAN. Is there objection to allowing the gentleman from Wisconsin to occupy thirty minutes? The Chair hears none.

Mr. LA FOLLETTE. Mr. Chairman, the gentleman from Kentucky [Mr. CARLISLE] in his speech upon this bill, apologizing to the House for devoting so much time to the period of our history covered by the tariff acts of 1846 and 1857, said:

My only excuse for it is that there has been so much misunderstanding or misrepresentation concerning the history of what the gentlemen on the other side call the "free trade" period that it seemed necessary to make some allusion to it.

The fact that the representations and conclusions of the distinguished gentleman from Kentucky, in reference to this most interesting decade, remain unchallenged and unanswered is my only excuse for calling the attention of the House to the subject now.

No other portion of the gentleman's speech was so loudly applauded on the other side; no other statements so sharply arrested the attention of this House or fell with such telling effect upon the galleries; and surely no other part of that speech has been more widely quoted or commented upon by the leading journals of this country.

That fairness of manner which so adorns his utterances from the chair was carried with him to the floor, and added its charm and impressiveness to his declarations upon that interesting occasion. The vast audience, crowding this Chamber to the roof, saw as never before the benign influence of the tariff acts of 1846 and 1857. One not present on that day can scarcely realize the happy and successful manner in which a few percentages were made to tell the history of that period as never told before. He may read the words in cold type, but he can never appreciate the skillful and startling way in which the stately legislators of another generation, resting through all these years, secure in their reputations as consistent, conscientious statesmen, were called forth on that day, and with rare adroitness, completely masked by the judicial style of the gentleman from Kentucky, made witnesses against their own records.

While under the potent influence of his voice, so rich in the quality of candor, one could scarcely doubt any of his conclusions. But reading the speech from the passive and unillumined pages of the RECORD, some will have the temerity to question the soundness of his deductions, comment on his omissions, and even criticise his statements.

The basis of his argument is the extraordinary prosperity, as he portrays it, of the decade from 1850 to 1860, the direct result, he maintains, of the tariff legislation of 1846.

To prove the prosperity and that it is the direct result of the tariff act of 1846, first he selects certain industries and gives percentages of increase from 1849 to 1859, as found in the censuses of 1850 and of 1860; and second, he declares that the results of the act of 1846 were so beneficent that in 1857—

Every Representative from that part of the country—

New England—

who voted at all voted for a bill making an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846 and placing many additional articles on the free-list.

The industries which he selects to furnish the percentages of prosperity are the manufactures of woolens, cottons, hosiery, hardware, and boots and shoes. And he states that—

The value of all our woolen manufactures increased more than 42 per cent.

That—

In the Eastern States the increase in the value of the product of hosiery was 481 per cent.

That—

The value of the production of cotton in the United States increased 77 per cent.

That—

The increase in the value of the product in the manufacture of boots and shoes was 83 per cent.

And that—

In the manufacture of hardware New England increased the value of her product 100 per cent.

The fallacy of such an argument, the trick of the percentage scheme, is so plain to the man who reflects that I only mention it in passing to a consideration of his figures. At this period in our history the manufacturing industries were so small compared with the present that any increase at all would show a large percentage. If there was but one factory in a given industry, and during the ten years another of equal capacity was built, there would be an increase of 100 per cent. for gentlemen to talk about, and yet the growth of that industry in the ten years would be really of very little importance to the country, and would indicate an exceedingly slow and discouraging development. To illustrate the misleading character of this style of argument from the facts of history, the percentage of increase in the woolen industry from 1850 to 1860 is given as 42 per cent., and from 1860 to 1870 as only 50 per cent., and yet the increase in the value of the product from 1860 to 1870 was nearly five times as great as from 1850 to 1860.

No argument based upon percentages can be relied upon which does not state all of the facts constituting the basis of the calculations from which the percentages are derived and carry the same system over into the different periods with which comparisons are made.

The gentleman from Kentucky does not give the underlying facts, but goes swiftly from the bare percentages alone to this conclusion. He says:

Instead of paralyzing the industries and pauperizing labor in New England, or any other part of the country, for that matter, the tariff of 1846 infused new life and vigor into our languishing manufactures and secured more constant employment and higher wages to our laboring people.

Is this true?

It has been said of the tariff act of 1846, touching our leading manufactures, that—

It put almost all duties at one of three ad valorem rates without any intelligent reference to either revenue or protection. Some industries got a fair degree of protection; a few got too much; the majority got too little or none at all.

A more accurate statement would be that some branches of a single industry were practically destroyed, while others in the same industry were highly protected under this arbitrary classification. It fixed the duty on all cotton goods at one of two rates; boots and shoes at one of two rates; the large and widely differing articles of hardware at one of two rates; iron in its different forms at one, woolens from coarse yarns to the most highly finished cloths, one of three, and so on through the entire list. In many of these industries there were from 10 to 40 different varieties and articles, some requiring a high degree of skill, some largely hand-wrought, and many made almost exclusively by machinery. Hence, under the inequalities of this system, while values were greatly disturbed and general progress retarded, while manufacturers were obliged to curtail the production of varieties in their business, they concentrated on the better protected lines of their industries and held up in some measure the averages of growth.

While the duty on certain kinds of cottons was considerably reduced by the act of 1846, still cotton fared better than most manufactures, and the coarser cotton fabrics were left amply protected. Indeed, a study of the history of this industry shows that for the last forty-six years the tariff on the lower grade cottons has been almost prohibitory. This has offered a safe investment for capital and led to the rapid development of these lines through all the years, thus keeping up the percentage of growth for the whole industry, even under the acts of 1846 and 1857. This point was clearly made by Mr. De Witt, of Massachusetts, a member of the Committee on Ways and Means, in the discussion on the tariff bill of 1857. He said:

The care which the Government has extended to the manufactures of cotton has enabled them, besides supplying their own markets, to send abroad to India, the Mediterranean, to South America, and other markets, coarse fabrics, such as sheetings, drillings, checks, stripes, etc.; but, sir, the finer fabrics are all imported from abroad, and will continue to be, unless Congress shall extend that encouragement so necessary to a successful competition.

Consequently, if the cotton industry continued to prosper it proves nothing for the free-trade character of the Walker tariff of 1846.

Upon the leading articles in the manufacture of boots and shoes—men's boots and shoes, women's boots, bootees, shoes, and slippers, and children's boots and shoes—the act of 1846 made an average reduction of 18 per cent. But even this was much more than compensated for by the reduction of 23 per cent. on the boot and shoe makers' raw material.

Again, the gentleman holds up the hardware industry as a shining example of the glories of the tariff reduction of 1846. But an analysis and comparison of the acts of 1842 and 1846 discloses the important fact that out of the long list of articles comprising this class, the duty on just two of the items was reduced by the act of 1846, and these articles were wood-screws and tacks. Surely if this industry flourished from census years 1849 to 1859 as a result of the tariff, it was because it es-

caped the "reformers" of 1846 and continued its growth under the protective act of 1842.

The gentleman also speaks of the growth of the hosiery industry as marvelous. The duty on cotton knit goods was lowered by the act of 1846. But the great bulk of hosiery is classed as woolen hosiery, it being so termed whether the product be all wool or mixed. Indeed, in the act of 1842 the only hosiery mentioned is "woolen hosiery." And the growth of this industry may not appear such a marvel when it is learned that on woolen hosiery the protective duty of 1842 was not lowered at all by the act of 1846.

It will be remembered that the percentage of progress which the gentleman gives for the woolen industry is only about one-half as large as that given for cotton, hardware, boots, and shoes. Why was this? Was it because the woolen industry fared worse under the law of 1846 than the other three? Observe what follows. Out of twenty-three different lines of manufacture in woolens the act of 1846 reduced the tariff on fourteen an average of 29½ per cent.; it increased the tariff on seven lines an average of nearly 20 per cent., and on two important lines left the tariff the same.

It will therefore be seen that on some lines this erratic tariff act bore very heavily with its reductions, while others were given ample protection for the times.

On the cheaper grades of blankets, for instance, the duty was increased by the act of 1846 over that of 1842 33⅓ per cent. The tariff on broadcloth was reduced 25 per cent. below the rates of 1842. What was the result? In Massachusetts, the State leading in manufacture, the value of this product decreased from $2,157,392 to $837,650.62, or 61 per cent. in the ten years from 1845 to 1855. I give the figures for Massachusetts because it is the only State furnishing the statistics for the decade from 1845 to 1855, which shows precisely the effect of the act of 1846 on the manufacture of broadcloth.

In view of the small comparative increase in the percentage of woolens: in view of the fact that the duty on one-third of the lines was increased and on two-thirds much diminished; in view of the fact shown that the manufacture of certain lines of woolens were practically destroyed while others were fairly well protected, it might be fair to assume that for the most part those branches of this industry which were undisturbed by the act of 1846 were the ones that gave the percentage of increase for the whole industry, quoted by the gentleman from Kentucky. This assumption is proven to be entirely correct, if the condition of the woolen industry as a whole was accurately described in the reports and debates of 1857.

That this industry was not generally prosperous, that its languishing condition was attributed to the Walker tariff of 1846, is pretty vigorously stated in the report upon the tariff bill of 1857, as it first passed the House. Under the head of "Depression of the woolen interest" the committee say, "Our woolens have languished to the verge of extinction." The following from the same report emphasizes the inequalities of the law of 1846 and also gives us some further information as to woolens:

> The cotton manufacturer was protected, the woolen was abandoned, and while all the interests dependent upon it have been sacrificed, the revenue has been inflated at least four millions per annum during the last four years beyond what it would have received if the policy of the Government had been as friendly to it as it has been to the cotton manufacturer.

In ten years after the passage of the act of 1846 the importations of woolens had almost trebled, running from twelve million up to thirty-five million; while in the same time cotton imports only advanced from thirteen to fifteen and a half millions, increasing our dependence on foreign woolen factories nearly nine times as much as upon cotton.

On the 16th of February, 1857, in the tariff debate in the House, Mr. Horton, of Ohio, after calling attention to this fact, said:

> The Secretary of the Treasury informs you that the manufacture of woolen fabrics has decreased. The importation of foreign wool has decreased, while that of woolens has largely increased. No wool is exported and there is said to be only a small stock on hand. No other conclusion appears plausible except that the wool crop is greatly diminished. Uncertainty, irregularity, fluctuation in price, want of confidence in manufacturers' ability to continue their operations have produced their natural result. Add the fact that stocks in woolen manufacturing companies have gone down to a low price and there will be no doubt as to the conclusion to which I have arrived.

In the same debate, Mr. De Witt, of Massachusetts, said:

> We have more than trebled our imports of woolen goods since 1846. We have banished nearly every flock of Saxony sheep from the country, and stopped the three hundred and forty-four sets of cards and the eighteen hundred broad looms which worked annually more than eight and a quarter millions of pounds of these fine wools.

The gentleman from Kentucky, Mr. CARLISLE, quotes from the speech of Senator—afterwards Vice-President—Wilson, in the tariff debate of 1857, with hearty approval, a few paragraphs on the subject of the tariff on wool and other raw materials used by the manufacturer. He introduces his quotations from Senator Wilson with the commendation for his information and opinion on this subject, saying that he was—

> A gentleman who perhaps understood as thoroughly as any one the real condition and necessities of his constituents.

It is strange perhaps that the gentleman from Kentucky did not take Senator Wilson's testimony on the condition of the woolen industry at that time. But as he overlooked it, I may perhaps venture to give it. I quote from the same speech, delivered in the United States Senate February 26, 1857:

> At this time, when the great interests of the nation depend upon the proper adjustment of the duties upon imports, the woolen manufacturers present their condition to the attention of Congress—to the consideration of American statesmen. They tell you, Mr. President, and they tell you truly, that the tariff of 1846 has borne heavily upon their interests. They tell you, and they tell you truly, that under the operations of the tariff of 1846 the manufacture of the finer and better classes of woolens has almost entirely ceased; that one by one the mills for the manufacture of these finer classes of woolens have been compelled to succumb; that hundreds of thousands of dollars invested in these mills have been lost, that even in the manufacture of the coarser qualities of woolens hundreds of thousands of dollars have been sunk.
>
> And again, the woolen manufacturers tell you, and they tell you truly, that their interests are depressed, greatly depressed, under the present policy. They point you to their silent spindles and looms, to their depreciated property.

This was the condition of one of the leading industries of our country. This was the happy situation which the distinguished gentleman from Kentucky [Mr. CARLISLE] had in mind when he declares that—

> The tariff act of 1846 infused new life and vigor into our languishing manufactures.

When he asserts that—

> Even the strong prejudices of New England were removed by actual experience.

Sir, no man can read that debate on the bill of 1857 without comprehending that a desire for relief from the effects of the act of 1846 was the controlling motive with Senator Wilson and other representatives of New England in both branches of Congress. The wool-grower and manufacturer did not understand their mutual dependence then as now, and their supposed conflicting interests constituted the most important part of that discussion; and indeed they had been placed in extraordinary position by the hideous tariff deformity of 1846, which put more than one-third of the manufactures of wool at a lower tariff than the raw material.

Is it strange, then, I ask gentlemen, that some of the representatives of New England were ready to vote even for a bill vicious in certain provisions which gave to the manufacturers free wool of all the coarser grades, upon which they had been obliged to pay a tariff of 30 per cent., and to that extent gave to them an increase in the tariff on certain manufactures of woolens over the then existing rate?

No, no, Mr. CARLISLE, these gentlemen did not, as you say, "declare by their vote that a further reduction would be beneficial to their industries," but they did declare that the act of 1846 had given certain lines of certain leading New England industries an almost mortal hurt; and that, though the aid offered had something of peril in it for other manufactures, it would for the time being build up the waste places where the Walker tariff had made such utter havoc and ruin. Need we marvel that some of them voted as they did? It is true, Mr. Chairman, that the statistics show gains in the important industries during the decade in question. I do not wish to be misunderstood upon this point. Still I maintain that other causes, of which I shall speak presently, gave rare and unusual advantages to all business, and that an average increase is not at all inconsistent with the great business disturbances experienced under the laws of '46 and '57, laws which gave ample protection to certain lines of many industries and subjected others to the destructive influence of free-trade competition.

The gentleman selected industries to point his argument which with one exception would show especially large percentages, but he singularly, with one exception, selected those which the act of 1846 either did not reduce at all as a whole or but slightly as a whole.

He also makes the claim that the percentage of increase in the wages paid exceeded the percentage of increase in the number of hands employd and that hence the low tariff of 1846 "secured higher wages to our laboring people." In another portion of his speech he endeavors to account for the much higher rate of wages under the more recent protective period of our history in quite another way. If wages increase under protection the gentleman finds that "the most efficient cause" of the increase is the introduction and use of machinery in combination with skilled labor; that a man using machinery can turn out a hundred times more product than by hand, and consequently earns and receives higher wages. But it seems never to have occurred to the gentleman that this same argument turned against that other portion of his speech might account for and explain his little percentage of advance in wages as well as aid most materially in making up the percentage of growth in the several industries cited.

Why, sir, the study of our industrial progress discloses the fact that there came greater comparative development from inventions from 1842 to 1862 than in any like period of time before in our whole history. It is true that the recent years are rich in great inventions, but they are largely improvements on existing inventions; besides, the conditions are entirely changed, and their influence on on an industrial world crowded and noisy with labor-saving machinery is not so marked, does not so revolutionize manufacturing as a generation ago.

In hosiery it was not till about 1840 that the rotary-power loom was patented. From 1813 until that time but five patents were issued on machines for manufacturing hosiery; from 1840 to 1851 but thirteen, while from 1851 to 1860 there were seventy-nine patents issued. In 1848 one hand could weave but 4 yards of carpets per day. Big-

elow perfected and patented the power loom for weaving carpets with which a single hand could weave 25 yards in a day, and at once this business was lifted for the time-being above the malign influence of foreign competition. It was not until 1851 that the ingenious machine for pegging boots and shoes was patented. With this machine one man could peg a boot in three minutes. The importance of such an invention in an industry where pegged boots and shoes constituted three-fourths of the entire manufacture can at this time scarcely be calculated, but it is enough in itself to account for any percentage of growth made during the decade following.

To that portion of the gentleman's speech where he reviews the action of the House somewhat in detail upon the tariff bill of 1857, and which has occasioned much comment throughout the country, I invite the special attention of gentlemen present here to-day.

He says that the results of the act of 1846 were so beneficial that in 1857—

every Representative from that part of the country (New England) who voted at all voted for a bill making an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846 and placing many additional articles on the free list.

This was upon the bill, he says, as it "first passed the House;" and speaking further in detail of this same vote he says:

Every Representative from New Hampshire, Vermont, Connecticut, and Rhode Island was present and voted for the bill, and among them appears the name of the venerable and distinguished Senator who still serves his State at the other end of the Capitol, Hon. JUSTIN S. MORRILL.

This statement shows just enough familiarity with the history of "the tariff act of 1857 as it first passed the House" to misquote the record and misrepresent the men who made it. With a reckless indifference to plain and established facts, this declaration tramples under foot the verified reports of that Congress and plays with the reputation of a distinguished, consistent, life-long protectionist with a vandal hand. It transforms a devotee to the American system into a heretic and makes him worship the British beast. [Applause on the Republican side.]

Keep the gentleman's [Mr. CARLISLE's] statement in mind:

Every Representative from that part of the country—

New England—

who voted at all voted for a bill making an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846.

And going into this vote in detail, he adds:

Among them appears the name of the venerable and distinguished Senator who still serves his State at the other end of the Capitol, Hon. JUSTIN S. MORRILL.

This is an error so gross and unjust as to demand correction, if for no other purpose than to do justice to the honored name of the Senator from Vermont, then a member of this House, and rebuke the carelessness of the gentleman from Kentucky, who used it with such emphasis and telling effect on the occasion of his speech.

I challenge him or any gentleman on the other side to mention a single reduction upon any important article of manufacture by the bill as it first passed the House, when Senator MORRILL voted for it.

Instead of making, as the gentleman from Kentucky says, "an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846," as it first passed the House, when all the New England Representatives and Senator MORRILL voted for it, the bill was a protective measure, came from a committee which made in its report one of the most powerful arguments for protection ever submitted by a committee of this House, and did not make a horizontal or 20 per cent. reduction at all. There was a Treasury surplus then as now, and the bill as it first passed the House was designed to reduce that surplus without impairment or injury to American industries. It was based upon protective principles. It added such articles to the free-list as were not in competition with the productions of this country. It did nothing more. It simply added to the free-list, and made no reduction upon manufactures whatever.

There was no reason why Mr. MORRILL should not vote for it, and to seek to make that vote cast for the bill as it first passed the House a scar of inconsistency on the record of that gentleman is either inexcusable blundering or the meanest sort of political pettifogging. [Applause on the Republican side.]

Why, when the bill for which Mr. MORRILL and all the New England Representatives had voted went over to the Senate what did the Democrats there say of it? Did they say it made "an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846?"

Let us see. Take for instance the statement of that distinguished Democrat who devised the substitute which finally, with some modification made in the Senate and some further amendment in conference committee became the law of 1857, Hon. R. M. T. Hunter, of Virginia. He said:

The bill which passed the House does nothing but add to the free-list. The bill does nothing for the consumers. On all the articles he uses the duties remain as they are, the addition to the free-list is for the benefit of the manufacturer.

And again:

The bill as sent from the House of Representatives proposes that whatever advantages are to be derived from its operation shall be given to the manufacturer alone and keeping the existing rate of duty on everything else.

I do not know how it appears to other gentlemen, I simply take the carefully prepared speech of the leader of his party in this House; take his statement that such was the experience of the Representatives of the New England States during the eleven years of 1846 to 1857:

That they came here and by a unanimous vote demanded a still further reduction in the interest of the manufacturers.

I take that statement and place against it the stubborn facts of the record. I place against it the statement of that other distinguished Democratic leader, Mr. Hunter, of Virginia, that the bill for which Mr. MORRILL and the other New England Representatives voted unanimously, "did nothing but add to the free-list," and that "the additions to the free-list are for the benefit of 'the manufacturers alone.'"

[Here the hammer fell.]

Mr. BUTTERWORTH. I trust the time of the gentleman from Wisconsin will be extended so as to enable him to finish his remarks.

Mr. REED. I think that courtesy ought to be allowed the gentleman. This speech ought not to be interrupted here.

The CHAIRMAN (Mr. RICHARDSON). Will the gentleman indicate what amount of time he desires?

Mr. LA FOLLETTE. Twenty minutes will be sufficient.

The CHAIRMAN. Unanimous consent is asked of the committee that the time of the gentleman be further extended for twenty minutes. Is there objection?

Mr. BYNUM. I will not object to this extension, as the gentleman has probably been led to expect that general consent would be given; but hereafter I shall insist on the enforcement of the five-minute rule.

Mr. LA FOLLETTE. What became of this bill in the Senate? The gentleman from Kentucky says it—

was sent to the Senate where it was amended by making a very slight increase in the reduction on certain articles.

Had the gentleman been correctly advised he would have stated that instead of a "very slight increase in the reduction on certain articles," the whole character of the bill which had passed the House, and for which Hon. JUSTIN S. MORRILL had voted, was changed completely, that it died the death in the Senate, was literally wiped out of legislative existence, and that a bill, devised and offered by Mr. Hunter, of Virginia, was substituted for it, but no more like the House bill than free trade is like protection.

It is true that a portion of the free-list of the House bill which made it acceptable to the manufacturing interests on its first passage was incorporated in Mr. Hunter's Senate substitute and drew to it on its return to the House the votes of eighteen New England Representatives, but it was there in the Senate that the infernal invention known as the "20 per cent. reduction on nearly all manufactures from the act of 1846" was unfortunately joined to a portion of the House bill—

Like a mildewed ear
Blasting his wholesome brother—

and bringing to the financial and industrial interests demoralization and ruin bordering on absolute chaos.

The Republicans of the Senate who voted for it were manifestly moved to do so to secure free raw material for the manufactures, and escape in some measure the ruin threatened by the existing tariff of 1846. But in many signal instances they prayed to be delivered from the consequences of their own acts in voting for the Senate substitute, and indulged the hope that the House would force upon the Senate conferees their protection bill, and some beneficial legislation result.

Hon. William H. Seward, who favored then a reduction of the surplus, as Republicans do now, was obliged to vote against the Senate substitute, because though it had a little sop here and there thrown to protectionists to catch votes, as this bill has, it was nevertheless opposed to the American system, just as this bill is, and so he tried to strike it down. He subsequently supported the conference report.

And though Senators Wilson and Sumner voted for the substitute, the moving reason given by Mr. Wilson, speaking for both, was a—

deep interest in the modification of the tariff of 1846 by this Congress.

He further said of the Senate substitute:

I am confident the bill can not pass the House; but I shall support it if the House bill can not pass here, in the confident hope that a committee of conference can so blend the two propositions as to secure the support of both Houses.

The gentleman from Kentucky, while claiming such beneficial results from the act of 1857, bestowed with somewhat too generous hand the sole credit for the measure on the Republicans of that Congress. It was a rare and striking instance of Democratic magnanimity. What he did not avow he suggested and implied. In one instance he adroitly says:

Here is the vote on the act of 1857 as it first passed the House, a Republican House, over which Nathaniel P. Banks presided as Speaker.

And later, of the vote on the Senate substitute, he said:

And thus the tariff act of 1857, which we have so often heard denounced on the other side of the House, became the law of the land by the votes of Republican and New England Representatives.

As the excessive generosity of the gentleman from Kentucky robs the Democrats of their just share of credit for this important legislation, I give the vote.

The House at that time numbered 234 Representatives. The Republicans had only 108 members and were in the minority, but had secured the election of Mr. Banks as Speaker. The Democrats number-

ed 83, and the Americans or Know Nothings 43. Thirty of the Know Nothings were from the Southern Democratic States.

Of the Republicans who voted, all but 39 voted against the tariff of 1857. Of the Democrats who voted, all voted for it except 4. The Democrats who voted for the bill outnumbered the Republicans nearly 2 to 1. And to this may be added the votes of all the Know Nothings from south of Mason and Dixon's line who voted excepting 3.

And thus the tariff act of 1857, which we have so often heard extolled on the other side of the House, but which has been execrated by the good people of this country for nearly a generation, became the law of the land by the votes of Democratic free-traders and Know Nothings from the South.

I do not know that I can better illustrate the utter unfairness of the gentleman's language than to apply his method to the present situation. Suppose the pending bill should pass here and go to the Senate, that it should there be changed from a free-trade bill to a protective bill, should be returned to this House and be passed by it, a few Democrats voting with the Republicans, how would the gentleman from Kentucky [Mr. CARLISLE] enjoy the idea of a Republican Speaker of this House a generation hence coming from his high place to this floor to say of the Democratic party, to say of the gentleman from Kentucky, that so well pleased was he with the results of the Morrill tariff that he voted for and made a speech in favor of the protective bill of 1888 as it first passed the House; that this bill, after undergoing a few trifling changes in the Senate, came back and again passed the House—a Democratic House—Hon. JOHN G. CARLISLE, of Kentucky, presiding?

The honorable gentleman replying to the charge respecting the depleted condition of the Treasury, and especially to the gentleman from Michigan [Mr. BURROWS], denied that the tariff acts of 1846 and 1857 had contributed to the business depression and bankruptcy of 1857, and asserted that the credit of the Government had not been impaired and no Government bonds or Treasury notes "sold at less than par" until within ten days of the close of Buchanan's administration. The authority cited by the gentleman to sustain this statement may take no account of the details of the Treasury transactions connected with the efforts to raise money during the last year of Buchanan's administration. Whether discounts were not entered on the Treasury books as discounts, but as "commissions," or in some other manner still, or whether no record was made and preserved there at all of the arrangements with syndicates of bankers to float Government obligations does not signify. History has preserved for us the facts of that vexed period, and without favor or political bias hands them down to us with their lesson for to-day.

Appleton's Encyclopedia for 1861, as well as McPherson's History of the Rebellion, recites the Treasury transactions for that time substantially as given in the History of the Protective Tariff, by Hon. R. W. Thompson, ex-Secretary of the Navy and a former member of this House. I quote from page 426 of his work:

> In October, 1860, the Secretary of the Treasury, Mr. Howell Cobb, of Georgia, who had largely contributed to the results then existing, offered for sale $10,000,000 of the 5 per cent. Government stocks, half of the $20,000,000 authorized by Congress. Bids were made for this at a small premium, but only a portion of it was realized, on account of some of the bidders having withdrawn their offers. Congress was consequently compelled to pass a law in December, 1860, authorizing the issue of $10,000,000 of Treasury notes as another expedient for borrowing money. The Secretary of the Treasury at once offered $5,000,000 of these notes for sale, which had the effect of demonstrating the humiliating fact that the credit of the Government was lower than that of many individual citizens. Bids were made for only $500,000 of the $5,000,000, and these at varying rates of discount, some 36, some 24, and the lowest 12 per cent. discount.
>
> As it was absolutely necessary to raise money to pay the interest upon the public debt, due January 1, 1861, the Secretary closed the $500,000 at 12 per cent. This, however, fell short of the necessary amount, and, to prevent the Government from failing in the payment of the interest, a loan of $1,500,000 was made of a syndicate of banks and bankers at 12 per cent. In a short time the remainder of the Treasury notes were disposed of at the same rate and to the same syndicate. And by these measures was the Government enabled to obtain relief from the financial pressure. It had to be done by borrowing money upon such terms and such a rate of discount as would drive any business man into insolvency. But even this relief was at most a mere temporary expedient. And not the least humiliating feature of it was the fact that, at the same time, the State of New York sold $1,200,000 of her State bonds for premiums varying from 1¼ to 2¼ per cent.
>
> In January the Secretary offered another loan of $5,000,000 and received bids varying from 8¾ to 11 per cent. discount, the credit of the National Government being thus reduced below that of the States.

This was all in October, November, December, and January, months prior to the time when the gentleman from Kentucky states that Government securities were sold at a discount. He says none were sold at a discount "from the time of the passage of the tariff act of 1846 down to the last ten days of Mr. Buchanan's administration."

The gentleman from Kentucky may possibly be correct in this statement, but there is at least very good authority, as I have shown, for believing that he is also in error upon this point.

Gentlemen may differ in their opinions as to what caused the general business depression and disaster of these years and sent the Government disgraced into the streets to hawk about her notes and bonds at a discount; nevertheless the following table of receipts and expenditures will show the effect of the tariff of 1857 on the condition of the Treasury, and may enable those interested to nose out the taint which had fastened itself upon the public credit:

Years.	Receipts.	Expenditures.	Expenditures over receipts.
1857	$63,875,905	$66,041,143	$2,165,238
1858	41,789,820	72,339,437	30,540,817
1859	49,565,824	66,355,950	16,790,126
1860	53,187,511	60,056,754	6,869,243
1861	39,582,125	62,616,055	23,033,930
Total	248,000,985	327,409,339	79,399,354

During the same period the public debt increased year by year as follows:

1857	$28,699,831
1858	44,911,881
1859	58,496,837
1860	64,842,287
1861	90,580,873

Our imports of all kinds of foreign merchandise, exclusive of coin and bullion, for the year 1849, the earliest date for which the official figures are at hand, amounted to $141,206,199 in value. In 1859 they reached the sum of $331,333,341; and in the eleven years from 1849 to 1859 inclusive, amounted to a total of $2,805,369,211.

Our exports of all kinds of both domestic and foreign productions, excepting precious metals, were, in 1849, $140,351,172, and in 1859 $232,802,051. In the eleven years the total amount was $2,438,598,177, leaving a balance against us on the merchandise account of $366,771,034.

Judged by any fair tests—as revenue measures, by their effects upon manufacturing, by their effects upon agriculture—the acts of 1846 and 1857 fail and fail signally.

The effect of the act of 1846 on agriculture is well demonstrated in the facts furnished by President Fillmore in his message of December 2, 1851, five years after its enactment:

> The values of our domestic exports for the last fiscal year as compared with those of the previous year exhibit an increase of $43,646,322. At first this condition of our trade with foreign nations would seem to present the most flattering hope of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the last half of that year, which price has since declined about one-half. The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have largely augmented, has fallen from $68,701,921 in 1817 to $26,051,373 in 1850, and to $21,848,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.
>
> The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease amounting to $460,917, which, with the decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of $1,156,751.
>
> The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of the country by increasing the demand and raising the price of agricultural products in foreign markets. The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of the policy.

Buchanan, in his message of December 8, 1857, gives this testimony as to the condition of the country after eleven years under the tariff acts of 1846 and 1857:

> The earth has yielded her fruits abundantly and has bountifully rewarded the toil of the husbandman. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country in its monetary interests is at the present time in a deplorable condition. In the midst of unsurpassed plenty in all the productions and in all the elements of national wealth we find our manufactures suspended, our public works retarded, and thousands of useful laborers thrown out of employment and reduced to want.

Now, Mr. Chairman, one other point and I am done. Protectionists are sometimes criticised for referring the prosperity of the last quarter of a century to the maintenance of their economic principles. The language I have already cited from the speech of the gentleman from Kentucky is enough to show how he labors first to prove growth and prosperity from the passage of the tariff of 1846 until 1860, and then how broadly and unqualifiedly he claims it all as due to the low tariffs of 1846 and 1857. Nothing gets out of his net. These laws not only made wool cheap to the manufacturer, but in some unaccountable way the farmer got a higher price for it. They not only made all manufactured articles cost less, but by some magic gave the manufacturers greater profits and greater prosperity. They not only made wages higher but everything cheaper which the laborer turned out, and still left the employer a larger margin. In short, sir, they kept both ends of the teeter in the air at the same time. [Laughter and applause on the Republican side.] From the gentleman's view they were simply most marvelous pieces of legislation.

The gentleman entirely ignores those more remote but still powerful influences so material in keeping us afloat, buoying us up, and at times carrying us to the very crest of the wave. Influences both at home and abroad fortunately joined, placing this country in some measure beyond the harm of unwise legislation and bearing to the American people unexpected and for a time almost unlimited wealth.

He counts as nothing the discovery of gold in California, timed so fortunately for the business interests of this country. It gave new life

and vigor to commerce and manufactures, quickened the lagging pace of trade, awoke sleepy villages and towns, and fairly stirred the world with new spirit. Thousands from every class and calling flocked to the mines. Money suddenly became plenty, wages increased, men were in demand, and labor heard calls on every side. Why, stop and think; more than $600,000,000 in gold produced from those mines during the census period under consideration.

What were the conditions abroad? Sir, at no time in the whole history of this people have the circumstances abroad ever so unqualifiedly and bountifully favored this country? Even the misfortunes and calamities of other nations were timed and turned to our advantage.

Simultaneously with the discovery of gold in California came that in Australia, yielding with our own product more than a thousand million of dollars. In the midst of all famine and war smote heavily the productive industries of nearly all Europe, checking their competition, breaking down many lines, and opening the way and the market for American produce of every kind.

And yet not all the favoring circumstances, not all the accidents of fortune, not all the rare and auspicious coincidences both at home and abroad could long avert the certain and direful financial calamity coming as the logical result of laws designed to make Europe and America industrially alike. We had sowed the wind, we reaped the whirlwind. Talk as does the gentleman from Kentucky of recovering from the depression of 1857 "in a few months?" It is trifling with the facts of history. Sir, the rebellion was upon us before we could regain financial strength and business stability. Following 1857 all credit and confidence and prosperity seemed to have departed this country. The crash of the banks carried down with them $200,000,000. "The country recovered in a few months?" Why, within twelve months following 1857 the currency of this country was contracted more than $60,000,000. The streets and highways were crowded with honest men begging for work at any price. There was no striking for higher wages then. Labor was out in search of bread, and want was no stranger to our people for the remainder of that decade. [Applause on the Republican side.]

Writing of this time, Henry C. Carey, the economist, changed from a free-trader to a protectionist by just such experiences as this, said:

> With 1857 came the culmination of the whole system. Merchants and manufacturers became ruined, banks being compelled to suspend payment, and the Treasury being reduced to a condition of bankruptcy. In the three years which followed labor was everywhere in excess. Wages were low, immigration below the point at which it had stood for twenty years before, the home market for food diminished, and the foreign one proved so utterly worthless that the whole export to all the manufacturing nations of Europe amounted to little more than $10,000,000.

In conclusion, Mr. Chairman, the honorable gentleman's showing as to these years is explained by reference to the arbitrary character of the tariff act of 1846, leaving as it did some lines of an industry undisturbed, touching a few but lightly, and breaking others down altogether; by the fact that the percentages of growth are largest in those industries least disturbed and that manufacturers concentrated on the lines in each industry least hurt, and in that way kept up some percentages of growth; by the fact that the impetus given under the protective tariff of 1842 to 1846 stimulated inventions which culminated in a few years and carried manufacturing from hand work to hand and machine work combined, increasing production while greatly reducing its cost, and thus sustaining industries even under the hostile and adverse acts of 1846 and 1857; by the fact that the official reports, the debates, the history of the times record great disturbance, fluctuation and depression in business all through that decade; by the fact that outside of the influences of legislation the extraordinary advantages at home and abroad could not prevent financial disaster lasting and severe; by the fact that the fruits of this policy upon the country was an empty Treasury, enormous debt, injured credit. [Loud and continued applause on the Republican side.]

Mr. SCOTT. Mr. Chairman, I rise to a privileged question. On the 11th of May last, in connection with the remarks I made upon House bill No. 9051, to reduce taxation, I took occasion to refer to the enormous profits realized by some of the protected industries of this country under our present tariff laws, and I then stated in proof certain facts which had come to my knowledge in regard to the profits in one year of one of these companies, and which a certain party—a beneficiary under this policy—had personally admitted to me was correct. I, however, did not mention the names of individuals, only incorporated companies.

Perhaps no company in the United States has a larger interest in the iron and steel industries of the country than the one I named, and in referring to it in connection with these industries and the protective system generally as advocated by the Republican party, I used no language that any man, having even the slightest instincts of a gentleman, could take exceptions to. I did refer to the large profit made by this company and how it was acquired, and in doing this I cast no personal reflections, nor did I use any discourteous language. I referred to this company to illustrate a policy, which, in my judgment, is unfair and unjust to the great masses of our people, and I did not pretend to claim that any company or individual had not the right and were not perfectly justified in availing themselves of unjust and unequal laws to amass money.

It was the system and the results upon the country and the people of the country, as illustrated by this company, as a beneficiary under such a policy only, that I referred to.

Now, Mr. Carnegie, who assumed I referred to him, did, in a letter to James M. Swank, before he sailed for Cluny Castle, attempt to deny in part the interview as stated by myself, but he did so in gentlemanly and courteous language.

Such language as "absolutely falsifies them" and other similar expressions, applied to any gentleman on this floor, I will leave the country to judge of, but coming from the senior member of this House [Mr. KELLEY, of Pennsylvania], whose long parliamentary experience in it and his assumed knowledge of parliamentary law demonstrate that neither age nor association can cultivate in one what nature has not given him—those traits of character which gentlemen recognize both in public and private life as the best types of true manhood.

Mr. Speaker, on the 6th instant the gentleman from Pennsylvania [Mr. KELLEY], during my absence from the House, and two months after the date of the delivery of my remarks on the tariff bill, said:

> I hastened back as soon as I could, and desire, either now or at some time when more agreeable to the committee, in the course of the debate, to make a statement in connection with one point in this schedule which I alone, as an indifferent witness, am able to make.

And he further says:

> I was the only official person present at the interview.

Then the gentleman proceeds to relate an alleged interview that occurred between Mr. Carnegie and myself in the committee-room of Ways and Means.

I hardly know, sir, in what language or how to characterize the statements made by the gentleman from Pennsylvania. I say positively here that no statement made by him in connection with that interview, with the exception of that relating to Mr. Carnegie's citizenship, has the slightest foundation in fact, and that the gentleman has undoubtedly drawn upon his vivid imagination, and where misrepresentation better answers his purpose than facts he has no hesitation in availing himself of it. It is a tissue of misrepresentations from beginning to end of the interview as it occurred, made out of whole cloth.

In the first place the gentleman states:

> Meanwhile Mr. Carnegie had an appointment with me—
>
> Mr. KELLEY—
>
> in the room of the Committee on Ways and Means. Observing that Mr. SCOTT and he did not recognize each other, I said to Mr. Carnegie, *sotto voce*, "there is WILLIAM L. SCOTT." "Indeed," said Mr. Carnegie, "introduce me to him, will you, that I may briefly correct some of his misrepresentations." I hesitated and introduced them, etc.

Now, sir, the facts are these: I was in the room of the Committee of Ways and Means on the day Mr. KELLEY states, behind a screen washing my hands. Any gentleman entering the committee-room could not see me. The gentleman from Pennsylvania, Mr. KELLEY, came into the room, and in his usual sonorous voice asked if Mr. SCOTT was in. Mr. Talbott, the clerk of the committee, stated that I was washing my hands behind the screen. There were other gentlemen in the room, all of whom I can not now recall, but some of them I can, among others Mr. U. H. Painter, of this city. I came out in a minute or two after Mr. KELLEY entered and he said he wanted to introduce me to Mr. Carnegie. He did not say: "There is Mr. WILLIAM L. SCOTT." He introduced me to Mr. Carnegie, and Mr. Carnegie and myself entered into a general conversation for a few moments, not relating to the tariff or the subject which subsequently followed. At last Mr. Carnegie remarked to me that I had done him an injustice in stating he was not a citizen of the United States. I expressed my regret if I had made any statement of the kind which was incorrect; that I had been told by a mutual friend of ours in Pittsburgh, who I presumed would know, that he was not a citizen of the United States, and I certainly made no such statement to intentionally wrong him, and I was satisfied that I had been misinformed from the statements which he then made to me, and I would most cheerfully acknowledge the fact if there were any necessity or occasion for doing so. This was all that was said in regard to his citizenship.

He then remarked further that I had made another statement which was incorrect; that I had said that the Edgar Thomson Steel Works had made as high as $1,500,000 in one year; and he stated that that sum would not pay the interest either on the mortgage debt of the company or the interest on the cost of the works, I can not recall to which he applied it. I replied that I had not made any such statement as that, and he inquired what I had said. To this I answered that I had stated he had drawn out of the Edgar Thomson Steel Works as his share of the profits during one year as high as $1,500,000, or the equivalent of $5,000 a day for three hundred days. He promptly replied that that was correct, and that he did not deny it. But he said: "You may not perhaps be aware that in that year I gave to the city of Pittsburgh the sum of $500,000 for a library, and to the city of Allegheny $300,000."

These are the figures as I recall them. To this I answered that certainly the contribut on of so large a sum of money by any gentleman for either educational or charitable purposes under ordinary circumstances would entitle him to great credit, but that in his case I did not think it rose to that high order of philanthropy which under different circumstances he might be entitled to. That if in fair and open competition with his fellow men he had accumulated $1,500,000 in one

year and had given away one million of it, as he stated, no one could question the motives by which he was influenced. That where a system of bad and vicious laws enabled a man to accumulate $1,500,000 in one year out of any industry of the country as his share alone of the profits of his company he might well afford to be liberal with his gains to popularize a policy that makes it possible for him to make in one year so large a sum of money. Mr. Carnegie's reply to me was, "Oh, you are a free-trader." I said, "Yes, I am a free-trader, if you mean by that that I am opposed to such a policy as discriminates in favor of the few against the many."

Mr. KELLEY took no part in this conversation, and Mr. Carnegie bid me good day, and left. Not one word in regard to the profits on steel rails passed between us, and in fact there was no occasion that any such conversation should have occurred. I never stated in my remarks that the profits of the Edgar Thomson Steel Works were made from steel rails alone. I am too thoroughly acquainted with the various productions of the Edgar Thomson Company not to know that their large accumulated profits are derived from various steel and iron products made by them outside of steel rails.

Mr. Speaker, I am willing to be qualified that this is substantially what transpired between Mr. Carnegie and myself, and that the statements made by the gentleman from Pennsylvania are totally incorrect, except as to Mr. Carnegie's citizenship; and I will endeavor to have printed with these remarks the statements of other gentlemen present, of the same political faith as Mr. Carnegie and the gentleman from Pennsylvania, although they may not be "official persons," but who are at least entitled to as much credit for veracity as the gentleman from Pennsylvania, that will confirm what I have said.

Mr. COX (when the five minutes of Mr. SCOTT had expired) said: I hope the time of the gentleman from Pennsylvania will be extended.

Mr. SCOTT. I do not desire more than two minutes more.

Mr. BYNUM. I am informed there is an understanding that some gentlemen on the other side, the gentleman from Ohio [Mr. GROSVENOR] and others, are to have an extension of time. I am willing, of course, that this side of the House should use as much time as may be occupied by the other; but when the existing understanding has been carried out, I am going to insist on the five-minute rule.

The CHAIRMAN. Is there objection to permitting the gentleman from Pennsylvania [Mr. SCOTT] to continue his remarks for two minutes longer? The Chair hears none.

[Mr. SCOTT resumed and concluded his remarks as already given.]

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] will now be recognized for thirty minutes, in accordance with the previous order of the House.

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman from Ohio [Mr. GROSVENOR] proceeds, I desire to give notice, since the speech of the gentleman from Wisconsin [Mr. LA FOLLETTE], that I will print in the RECORD extracts from a speech by General Garfield and from the late speech of Mr. CARLISLE. I suppose after the speech of the gentleman from Wisconsin [Mr. LA FOLLETTE] I should say the late Mr. CARLISLE——

Mr. REED. What is the gentleman's proposition?

Mr. BRECKINRIDGE, of Kentucky. I desired to give notice—I suppose it is not necessary to ask leave—that I would publish in the RECORD extracts from a speech of General Garfield, and also from the late speech of Mr. CARLISLE——

Mr. REED. The "late Mr. CARLISLE," I thought the gentleman said.

Mr. BRECKINRIDGE, of Kentucky. Well, the "late Mr. CARLISLE;" and no doubt it is a matter of very great pity that Mr. CARLISLE has been run over so badly this afternoon, but still——

Mr REED. Perhaps he can take care of himself.

Mr. BUCHANAN. He is not too great to be spoken of.

Mr. REED. He might possibly take care of himself.

Mr. BRECKINRIDGE, of Kentucky. I think the gentleman has had ample occasion to know that he is not only able to take care of himself, but able to take care of anybody who may have preceded him.

Mr. REED. I beg to say that I have never had any personal occasion to know it of him or any other Kentucky gentleman.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt the modesty of the gentleman from Maine is only equaled by his merit.

Mr. REED. Only equaled by my accuracy.

Mr. BRECKINRIDGE, of Kentucky. I admit that; your modesty is only equaled by your accuracy.

Mr. REED. Precisely.

Mr. BRECKINRIDGE, of Kentucky. Both of us agree as to that.

Mr. REED. They are both great.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt the gentleman thinks so; and that is an evidence both of his modesty and of his accuracy in a single sentence.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BAYNE. Is it the intention to reproduce the speech of Mr. CARLISLE?

Mr. BRECKINRIDGE, of Kentucky. As I stated, I want to publish in the RECORD extracts from a speech of Mr. Garfield and also from the late speech of Mr. CARLISLE.

Mr. BAYNE. I presume the gentleman does not intend to reproduce the speech of Mr. CARLISLE in full?

Mr. BRECKINRIDGE, of Kentucky. An extract from it.

Mr. BAYNE. The complete speech has already been published in the RECORD.

Mr. BRECKINRIDGE, of Kentucky. And no doubt very widely read.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? The Chair hears none.

Mr. BRECKINRIDGE, of Kentucky. The Chicago platform declares that—

> The protective system must be maintained. Its abandonment has always been followed by general disaster to all interests except those of the usurer and sheriff.

This is a striking and theatrical sentence; but the historical statement contained in it is capable of proof or contradiction. The Walker tariff was a distinct "abandonment" of the protective system, and the country tried that experiment from 1846 to 1857, a period sufficiently long to give that system of low tariff with ad valorem rates a fair trial. In 1857 Congress, after full debate, with the concurrence of a majority of New England and its Representatives, reduced the rates; and the universal judgment of the country was in approval of the experiment commenced in 1846. So that the decade from 1850 to 1860 may be accepted as the fair witness as to the truth of the statement of fact made in the Republican platform. The following extracts from the speeches of General Garfield and Mr. CARLISLE cover one of the periods referred to in that platform, as well as that upon which the gentleman from Wisconsin comments:

[Remarks of Hon. James A. Garfield, CONGRESSIONAL RECORD of March 6, 1878, pages 1525-6, volume 28, Forty-fifth Congress.]

The first forty minutes of his two hour and a half speech were devoted to overturning a proposition of mine which was incidental and not vitally essential to my argument. The line of my argument was this: that it was generally conceded that 1860 was a time of peace and of general prosperity in this country; that there was fair employment of labor and fair remuneration for the laborer; that it was an era of free banking and the volume of the currency was $207,000,000, the largest which this country had ever had, except for a brief period in the panic year of 1857. On that statement I drew the conclusion that it was due to gentlemen who said that we had not now enough currency to show how, after all that has occurred to us in years past, the present depression of prices, which are nearly if not altogether as low as in 1860, and the present non-occupation of laborers, three times as much currency now as we had in 1860 was still insufficient.

That was the drift of my argument and upon the preliminary declaration that the year 1860 was one of peace and fair prosperity throughout the country the gentleman spent forty minutes to show that 1860 was one of our most distressful years, except perhaps the present, that this country has ever known. In the first place he denied that it was a year of peace, and for three very curious reasons. First, because during the previous year seventeen men had invaded Virginia at Harper's Ferry. Second, because it was the year of the Presidental election. Third, because the year afterward we had a war. Well, if these three facts prove that 1860 was not a year of peace then the gentleman is entitled to say that our currency was adjusted to a war basis during that year. But he denies my statement that 1860 was a year of general prosperity, and asserts that it was a year of great business depression. And he bases this opinion upon the fact that in 1859 there was a destructive frost in some of the grain-growing sections of the country; that some iron-men say it was a disastrous year to the producers and manufacturers of iron; that there were large sheriffs' sales in Philadelphia; and that the national Government was compelled to negotiate a loan to meet its expenditures. These and the opinion of Mr. Carey are, I believe, the main grounds on which he relies for overturning my position.

For the purpose of my November speech I might have taken the whole decade from 1850 to 1860 as the base-line from which to measure the relative amount of currency needed before the war and now, but I chose the year 1860 as the last year of peace preceding the period of war and inflation. I consider it a fact, admitted by most every one, that 1860 was a year of very general prosperity, but as the gentleman denies it I will enumerate briefly a few of the grounds on which I made my statement.

In 1860 the burdens of national taxation were light. All our revenues, including loans, amounted only to $76,000,000. Our expenditures were $77,000,000, and our whole public debt but $65,000,000. In the year 1860 the tonnage of our ships upon the seas was 5,353,868 tons, which was more by 140,000 tons than in any other year of our history before or since. Two-thirds of our imports were then carried in American bottoms, as were also more than two-thirds of our exports.

Our exports that year reached the aggregate value of $400,000,000, which was forty-three and a half millions more than during any previous year. Our imports were $362,000,000, decidedly more than any other year. And I make this statement on the authority of David A. Wells, that in 1860 we were exporting to foreign countries more American manufactures than in any other year of our history. In a table printed on page 10 of the report of the special commissioner of the revenue for 1869, it appears that in 1860 there came to this country 179,000 emigrants, 58,000 more than during the preceding year.

As an exhibit of the activity and industry of our people, 4,819 patents were issued at the Patent Office in 1860, 1,100 more than the average number for the three years preceding. In that year we built 1,846 miles of railroad, a slight increase above the preceding year. The people of the United States consumed 332,000 tons of sugar in 1857, and in 1860 they consumed the enormous amount of 464,000 tons, more than in any other year of our previous history. The mean annual consumption of tea in the United States, which was 16,000,000 pounds in the decade ending with 1850, was 27,000,000 pounds in the decade ending with 1860. This certainly is an indication that the people had something to buy with.

From 1831 to 1851 the cotton crop of the United States ranged from one million to two and one-third million bales per annum. In the year 1860 it had risen to the enormous crop of 4,675,770 bales, almost 1,000,000 more bales than were ever grown in the United States in any previous year of our history.

I find from the census reports that in 1850 our wheat crop was 100,000,000 bushels, and in 1860 it was 173,000,000 bushels. In 1850 we raised 592,000,000 bushels of corn; in 1860, 838,000,000 bushels, while in 1870 we raised but 760,000,000 bushels. The crop of 1860 was 78,000,000 bushels more than that of 1870, and 346,000,000 more than that of 1850. And so with several other of the great cereals. The crop of barley for 1860 was three times that of 1850. The crops of rye and buckwheat in 1860 exceeded those of 1870, as well as those of 1850.

In 1850 the value of the American farms was three and one-quarter billions of dollars; in 1860 it was $6,645,000,000 by the census, an increase of 103 per cent., while the population increased but 35 per cent. during the decade.

The value of farming implements in 1850 was $151,000,000; in 1860 it was $246,-

000,000, an increase of 70 per cent., while during the next decade it increased but 42 per cent. From the statistics of manufactures given in the census I find that in 1860 nine hundred and fifty-seven thousand hands were employed; in 1850, thirteen hundred and eleven thousand. In 1850 the products of manufactures amounted to $553,000,000; in 1860, $1,009,000,000, an increase of 90 per cent., while population increased but 35 per cent. The products of our manufactures increased in that decade $870,000,000. But the gentleman tells us it was a year of unusual distress.

He spoke of the condition of the iron interest in that year. Let me tell him what the iron and steel associations say in their report for 1877. I find on page 28 that in 1860 there were brought from Lake Superior to our mills in the East 116,000 tons of ore, 51,000 tons more than in any other year of our history.

On page 47 of the same report I learn that the production of anthracite coal in Pennsylvania in 1860 amounted to 9,807,000 tons, almost 800,000 tons more than in any previous year. On page 12 of the same report I find that the production of bituminous coal and coke for 1860 amounted to 122,000 tons, which was 38,000 tons more than the greatest product of any preceding year. And how much pig-iron did we produce in that year? I quote from page 302 of the volume of "Speeches and Addresses" by WILLIAM D. KELLEY, a speech made by him here January 11, 1870, in which he gives the product for seven or eight years; and, according to his speech, in the year 1860 the total product of pig-iron in this country was 913,000 tons. This was 130,000 tons more than the average of the six preceding years, yet he holds that 1860 was a year of unusual distress.

This is from an old debate between the gentleman from Pennsylvania and myself; a debate that we had eight years ago, when to justify his extreme views on the tariff (which I do not hesitate to say have done the cause of real protection more harm than the doctrines of the extreme free-traders) it was necessary for his argument to make it appear that because we then had a low tariff 1860 was a year of great distress.

We can find ample ground for the sufficient protection of American manufacturers without distorting the history of our country. The gentleman's position lays him open to this dangerous reply that if the low tariff and insufficient volume of currency of 1860 caused the alleged distress of that year, how will he account for what he admits the great distress of 1877, with a much higher tariff and three times the currency of 1860?

The fact is, Mr. Chairman, the decade from 1850 to 1860 was one of peace and general prosperity. The aggregate volume of real and personal property in the United States in 1850 was, in round millions, $7,135,000,000; in 1860 it was $16,159,000,000, an increase of 126 per cent. while the population increased but 35 per cent. Yet to suit a theory of finance we are told that 1860 was a year of great distress and depression of business equaled only by the distress of the present year.

I hold that the facts I have recited, establish, in so far as anything can be established by statistics, that the year 1860 was a year not only of general peace but of general prosperity in the United States; and the fact that there were frosts in some fields the year before, sheriff sales in Philadelphia, and unemployed laborers near some of the mills, not only does not overturn the proofs I have submitted, but these proofs show how limited were the disasters of which the gentleman speaks.

[Remarks of Hon. JOHN G. CARLISLE, House of Representatives, May 19, 1888.]

We have been told over and over again during this debate that the passage of the pending bill will destroy many valuable industries now flourishing in various parts of the country; that it will deprive thousands of laborers of employment and greatly reduce the wages of those who continue to work; and the gentleman from Maine, who has just spoken, has substantially repeated the gloomy predictions to which the House has listened so often during the last three weeks. Sir, if I believed that the passage of this measure would injure a single honest industry or reduce the wages of those who are employed in it, I would, notwithstanding the great emergency which confronts us, hesitate long before giving it my support. [Applause on the Democratic side.]

But in my opinion the reductions now proposed on dutiable imports, and the proposed additions to the free-list, will be beneficial to the manufacturers themselves as well as to their laborers and the consumers of their products; and as the Representatives from New England on the other side of the House appear to be especially alarmed concerning the injurious effects of this bill upon the great manufacturing industries in their part of the country, it may not be inappropriate to call their attention to a few historical facts connected with our tariff legislation in the past and the effects of low rates of duty upon the prosperity of their people.

The highest rate of duty imposed by the tariff act of 1846 upon any class of woolen goods, cotton fabrics, manufactures of leather and of hardware, was 30 per cent. ad valorem, and upon most kinds of cotton goods it was only 25 per cent. These were the industries in which New England was most largely engaged, and her Representatives here, except those from the State of Maine, who were divided upon the question, protested against the passage of that act, as they now protest against the passage of the pending bill, upon the ground that it would paralyze and ruin these great interests. The Representatives from Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont voted unanimously against the bill, with the exception of Mr. Collamer, of Vermont, who did not vote at all. But it passed, nevertheless, and became a law; and now, Mr. Chairman, let us see what its effect was upon the most important industries of these great manufacturing States, and what the subsequent action of their Representatives was, after an experience of eleven years under these moderate rates of duty.

We have no authentic statistics showing the progress made by manufacturing industries between 1846 and 1857 as a separate and distinct period of time, but it may be fairly assumed that the full force and effect of the new rates of duty were realized at least as early as the census year 1849, and we have the census returns of 1850 and 1860, the latter based upon the productions of the year 1859, to which I beg leave to invite the attention of gentlemen from New England and other gentlemen who believe that low tariffs destroy manufactures and pauperize labor. During the period mentioned the value of all our woolen manufactures increased more than 42 per cent., the number of hands employed increased 18¼ per cent., but the total amount of wages paid increased nearly 37 per cent. [applause], showing that the percentage of increase in the amount of wages paid was twice as great as the percentage of increase in the number of hands employed. [Applause.]

Taking all the New England States together, the increase in the value of the product in this industry was 62 per cent. The increase in Massachusetts was 54 per cent.; in Rhode Island, 176 per cent.; in Vermont 61¼ per cent., and in Maine, 83¼ per cent. In the manufacture of hosiery the progress during the ten years under consideration was almost marvelous. In the Eastern States the increase in the value of the product was 481 per cent. It was 523 per cent. in Connecticut, 377 per cent. in New Hampshire, and 373 per cent. in Massachusetts.

What was the effect upon the manufacture of cotton fabrics in New England and in the whole country? Why, sir, the value of the production in the United States increased 77 per cent., the number of hands employed increased 28¼ per cent., and the total amount of wages paid increased 39 per cent. [Applause.] In New England the increase in the value of the product was over 81 per cent., in the number of hands employed 28 per cent., and in the amount of wages paid 36 per cent. Massachusetts increased her product 77 per cent., New Hampshire 55 per cent., Rhode Island over 87 per cent., Connecticut 116 per cent., Maine 137 per cent., and Vermont 27¼ per cent.

In the six New England States the increase in the value of the product in the manufacture of boots and shoes was 83 per cent.; in Massachusetts the increase was 92 per cent., in Connecticut 10 per cent., in Maine 99 per cent., and in Rhode Island 537 per cent. The production in New England alone in 1860 was greater than the aggregate production of all the States of the Union in 1850. In the manufacture of hardware New England increased the value of her product 100 per cent., and in this industry also her product in 1860 was greater than the product of all the States in 1850.

Instead of paralyzing the industries and pauperizing labor in New England, or any other part of the country, for that matter, the tariff act of 1846 infused new life and vigor into our languishing manufactures and secured more constant employment and higher wages to our laboring people; and the consequence was that even the strong prejudices of New England were removed by actual experience, and in 1857 every Representative from that part of the country who voted at all voted for a bill making an almost uniform reduction of 20 per cent. from the rates imposed by the act of 1846, and placing many additional articles on the free-list.

It may not be irrelevant to print a single paragraph from "Twenty Years of Congress," by Mr. Blaine.

[From Twenty Years of Congress, page 196, volume I.]

The Whig victory of 1848 was not sufficiently decisive to warrant an attempt, even had there been desire, to change the tariff. General Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character.

Moreover, the tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition at the time his administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine. After 1852 the Democrats had almost undisputed control of the Government and had gradually become a free-trade party. The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any of the three parties which presented Presidental candidates.

As for this testimony I ask leave to quote from the letter of J. Q. Smith, printed in report No. 2848, from the Committee on Ways and Means during the first session of the Forty-ninth Congress:

By the census of 1850 the estimated value of farms in the United States was $3,271,575,426. In 1860 the value was estimated at $6,645,045,007, showing an increased value during the decade of $3,373,469,581, or more than 100 per cent. In 1870 the value of the farms was estimated at $9,262,803,861, showing an increase during the decade of $2,617,758,861, or less than 40 per cent. In 1880 the value of farms was estimated at $10,197,096,776, being an increase during the decade of $939,292,915, or only a fraction over 9 per cent. (See Compendium of the Census of 1880, page 658.)

The value of the live-stock in the United States in 1850 was estimated at $544,180,566. In 1860 it was valued at $1,089,329,915. The increase during the decade was $545,149,349, or over 100 per cent. In 1870 it was estimated at $1,525,276,547, being an increase during the decade of $435,946,542, or less than 4 per cent. In 1880 the live-stock was estimated at $1,500,464,609, being a decrease during the decade of nearly $25,000,000, or more than 1½ per cent.

The official valuation of taxable property in Ohio amounted in 1850 to $439,876,340. In 1860 it amounted to $888,302,601, showing an increase during the ten years of $448,426,261, or more than 100 per cent. In 1870 it amounted to $1,167,731,697, being an increase during the decade of $279,429,096, or less than 32 per cent. In 1884 the taxable property of the State amounted to $1,673,144,081, being an increase during the fourteen years of less than 44 per cent. (Official Statistical Report for 1884, page 655.)

The lands of Ohio, not including town lots, were valued on the books of the auditor of State, in 1850, at $266,751,102. In 1860, these lands were valued at $492,593,587, being an increase during ten years of $225,842,587, or 84 per cent. In 1884, they were valued at $708,312,772, being an increase in the twenty-four years of $215,719,185 or less than 44 per cent. During the last eight years, while the assessments have increased more than $100,000,000 there has been no increase in the value of lands, notwithstanding many millions of dollars have been expended in their improvement.

Since 1846 there has been no important change in the methods of valuing real or personal property in Ohio. All the changes which have been made have been in the direction of securing fuller returns. All assessors are sworn to return property at its "true value in money."

In 1850 the live-stock of Ohio was valued at $34,432,189. In 1860 it was valued at $69,583,000. The increase was $35,150,811. In 1880 the value was $69,583,000. The increase was in twenty years only $9,990,484. It was more than three and a half times as much between 1850 and 1860 as it was between 1860 and 1880.

In 1860, with 6,246,871 acres of improved land in Missouri, the valuation of the lands of that State was $232,821,716. In 1884, with nearly 17,000,000 acres of improved land, the lands of the State were valued at $244,262,931. The increased valuation of all the lands of Missouri in twenty-four years was only $11,441,215, or less than 1 per cent., although the increase of improved land was nearly 200 per cent.

By the assessed valuations, published in the census reports, the per capita wealth of the people of Indiana was $205 in 1850, and in 1860, $304. The increase in ten years was $99. In 1880, it was $367. The increase in twenty years was only $62. In 1850, the per capita wealth of Ohio was $222. In 1860, it was $379. The increase during ten years, $157; the increase during the next twenty years was just $100, or not two-thirds as much as it was in the previous ten years.

Without wearying you with further figures, do not all these statistics point strongly, if not conclusively, to the fact that from some cause or causes, there has been, since 1860, a great arrest in the prosperity of the country, and especially of those engaged in agriculture? Are not the statistical figures I have given such as to demand at the hands of your committee a careful and disinterested inquiry into the subject? There seems every reason to believe that between 1850 and 1860 there was a very rapid increase in wealth.

In the general prosperity of the country, the great farming community appears to have fully participated. Then, as now, it comprised about half of all our people. Starting in 1850 with less than $4,000,000,000, they increased their wealth by more than an equal amount in ten years. But since 1860, with far more than twice as much capital, and added millions of persons employed, they have scarcely been able, even by the highest estimates the census officers could possibly make, to add as much to their wealth in twenty years as they did in the preceding ten. In 1860 farmers owned half of the wealth of the country. In 1880 they owned but a quarter. By the census estimates, the other half of the community between 1860 and 1880 increased their wealth by more than $23,000,000,000. But farmers starting with an equal capital increased their wealth during the same time only a little more than $4,000,000,000.

No one is better aware than you that between 1850 and 1860 we had the lowest tariff that we have had for more than seventy years. And you are equally well aware that since 1860 we have had, almost all the time, the highest tariff we have ever had. Is there not good reason to believe that in that fact is to be found the secret of the terrible blight which has fallen on American agriculture?

Mr. GROSVENOR. Mr. Chairman, the question is on the motion

of Mr. PUGSLEY, of Ohio, to strike out the section placing wool on the free-list. I support that motion and I have no apology to offer for my position. I do it in the interest of a great interest in my district. I do it as a representative of all the people of my district, and in doing so I represent a great interest not alone of Republicans but of Democrats as well. And I claim for myself that I am quite as ready to do such battle as I may be able for all the people of my district alike. When it comes to a question like this the interest of the whole people should be paramount to partisan considerations.

But, Mr. Chairman, no matter how the question involved in the motion of the gentleman from Ohio [Mr. PUGSLEY] may be turned and shaped, it is a political question as here presented. I am glad the time has come that in the State which I have the honor in part to represent there can be no longer any dodging or shifting of position on the part of the gentlemen who represent the Democracy.

When I heard the speech of the gentleman from Ohio [Mr. OUTHWAITE] to-day I was reminded that he had made some progress in the development of a tendency toward the support of free wool. My mind runs back to the days in Ohio when fierce battles were waged on the stump and in the press and when Republican speakers were denounced as falsifiers of the record because they warned the people of Ohio that the tendency of the Democratic party was in the direction of free wool.

In their platform of 1883 they denounced the intimation of the Republican press and leaders of the Republican party and fiercely proclaimed in language that I will reproduce that the Democratic party of Ohio defended protection of the wool interest of that State.

In their platform of 1883 they denounced the lowering of the wool duties as follows:

> The act of the Republican Congress reducing the tariff on wool, while at the same time increasing it on woolen goods already highly protected, was iniquitous legislation * * * and ought to be corrected.

Later on, as late as 1885, after the present Administration had come into power, the Democratic party again, in August of that year, reasserted its fealty and loyalty in support of the wool tariff in language which I will also produce:

> The Democratic party is and always has been the party of the people and of the agricultural and wool-growing interests.

And in that same year there was circulated in Ohio a little circular, sent out by the Democratic headquarters at Columbus, affirming the loyalty of the Democratic party to the protection of wool and assailing the Republican party, and notably attacking the record of Senator SHERMAN, on that record, asserting that it was the Republican party in the Senate of the United States that had made possible the attack upon wool interest of the State of Ohio and of the country.

In that circular the Democratic party of Ohio placed itself on record in opposition to the position of my colleague from Ohio [Mr. OUTHWAITE], when he claimed that the reduction of the tariff on wool will enhance the value in the market. In that circular the Ohio Democracy said:

> It means the indorsement of the reduction of the tariff on wool, by which measure the wool-growers of Ohio have been robbed of millions of dollars.

This is quite a different statement from that of my Ohio friend. It is due to the truth of history to say that the attack upon Senator Sherman was a false, wicked, and malicious statement, and known to be such by the men who made it. Senator Sherman fought in that contest, as he has in all others, for the interests of the wool-growers and farmers, and his record in this regard will grow brighter and brighter when his maligners and traducers are forgotten, or remembered only to be condemned.

When I heard the gentleman from Ohio [Mr. OUTHWAITE] make the speech he did I was reminded of an incident in the Forty-ninth Congress, one which made a profound impression on my mind, and one made use of in the campaign in Ohio to injure the position of the Republican party and strengthen the position of the Democratic party. There was pending in Congress the Morrison bill, which did not put wool on the free-list but provided a horizontal reduction of the tariff only in a small degree. There came from Ohio a great delegation of wool-growers, headed by the president of the Ohio Wool-Growers Association, and also by a strong representation of Democratic workers and the secretary of the same organization.

Under their leadership twenty members of Congress from Ohio assembled in the lobby of the House of Representatives. All the Democratic members were there. My distinguished predecessor, General Warner, was there. My friend from Ohio [Mr. SENEY], who sits before me and who does me the honor to listen to me now, was also there. The gentleman from the central district of Ohio [Mr. OUTHWAITE] was also there. Also all the Democratic members, and all the Republican members, except the gentleman from Ohio [Mr. BUTTERWORTH], who was unavoidably absent, but whose position did not need any reaffirmation on that question, for he is always for protection to Ohio and all the other States. In solemn column we marched to the Ways and Means Committee room. That organization had not yet invented the star-chamber process of incubating tariff bills. That committee had not withdrawn itself into a cloister to produce an attack on the industrial interests of the country. They had not progressed so far in that direction, and they were willing to hear from the representatives of the people. We went in there.

The Democrats selected General Warner to speak for them, and the Republicans selected myself. General Warner made a speech in which he denounced in strong language any attempt to reduce the tariff on wool. He said the wool industry in the State of Ohio had stood the last possible reduction that it could stand and be saved from utter destruction. From this strong language no dissent was made by the gentleman from the central district of Ohio, or by any other Democrat. I insisted that the position of the Republican party on wool was in favor of the restoration of the wool tariff of 1867, and I supported our position as well as I could, and there was no dissent heard to what I said. The members of Congress from Ohio came from the room of the Committee on Ways and Means conscious of having done their duty, both sides saying we had represented not only the Republicans but the Democratic sentiment of the State of Ohio, and all insisting that Ohio in both parties was unalterably opposed to any reduction on the wool tariff.

Two years have passed away, Mr. Chairman, and the gentleman from the central district of Ohio has changed front materially. But I ought to say that in the campaign that followed the slaughter of the Morrison tariff bill, my friend made a most energetic and persistent canvass in Ohio, and, in my mind's eye, I can see him now gallantly riding among the "haw-eaters" of Hocking County and the hardy agriculturists and wool-growers of Perry County, declaring that his position on the wool tariff had been defined, when, in company of MCKINLEY, and Warner, and Judge TAYLOR, and other distinguished representatives of the protection of the wool interest, he gave his voice in protest against a reduction or alteration of the tariff on wool. So he secured the votes of his district and made a successful canvass. The Democratic wool men were happy and so was everybody else. But now he has changed front, as near as I can tell from his speech, I repeat.

What has caused it? I do not desire to be personal in my remarks; and I ought to say in this connection that I notified my colleague that I should refer to this subject, and he told me that he must go from the House upon a matter of important business. He is the only Representative of the Democracy of Ohio that not only has changed front, but is proud of having done so. Other Representatives of the Democracy from Ohio re taking this enforced "dish of crow," but they are doing it in silence. [Laughter.] How well they like it I do not know, and what the effect upon them at the fall election will be I can not say [laughter], but I refer to my colleague from the central district because he not only takes his dish of crow, but deliberately turns around and asserts that he always liked crow and always takes it in that form. [Laughter and applause on the Republican side.]

This year the Ohio Democracy in State convention assembled, with their record before their eyes, with the whole history of their false and fraudulent pretenses staring them in the face, and with the destruction of Ohio wool as a paying business assured, in their State platform comes out in strong language for the Mills bill, and free trade in wool. The Ohio delegation here, forgetting their position of two years ago, will, as I learn, all vote for free wool with only the honorable exception of my colleague, Mr. FORAN.

So the Democratic party of Ohio, following the Democracy of the country, and bowing to the fierce demand of the sectional committee of the House and the free-trade message of Mr. Cleveland, is for free wool. It is not important to discuss the question whether the Democrats are for free trade in general; it is enough to say that the whole party, headed by the President, is a free-trade party in wool.

What has been and what will be the effect of free wool upon the industry?

There has been and is now much confusion on this subject growing out of the multiplicity of authorities upon the effect of the decrease of the wool tariff on the industry in Ohio.

I produce here a table from Ohio statistics of 1868, with the introductory matter, as follows:

> Sheep-raising in Ohio has increased very rapidly, and we have now a much larger number than any State in the Union. The number and value in 1868 are as follows:

Number of sheep	7,688,845
Value of same	$14,819,353
Average value	$1.92

This shows an increase of 133,338 in the number of sheep. The number in a series of years was as follows:

1840	2,028,404
1850	3,942,916
1854	4,845,189
1860	3,368,174
1861	3,934,763
1862	4,448,227
1863	5,560,318
1865	6,395,796
1866	7,039,885
1867	7,555,508
1868	7,688,845

The wool clip in Ohio for 1868 was 24,848,624 pounds, being an increase over 1867 of 3,355,577 pounds.

In this year, the third of the reign of Mr. Cleveland, the flocks of Ohio have fallen to 4,101,340.

I can not better discuss the question of how the changes in the tariff

have affected wool than to reproduce some extracts from my own speech made April 30, 1888, in this House during the present discussion:

But, Mr. Chairman, I was speaking of wool. The gentleman from Indiana [Mr. BYNUM], candid man that he is, brave man as he is, too, to fight the industries of his State, destroy the best products of her magnificent growth in order that he may keep step with the reactionary Democracy, fell into the same mistake into which so many have fallen in regard to the effect that the changes of the tariff have had upon the wool production of the country. And, Mr. Chairman, I append here a statement which exactly illustrates the difficulty into which my friend fell. I give the table and will comment upon it:

"FACT AND FICTION ABOUT WOOL.

"The following tables are from the Pittsburgh Post, and are intended to show that sheep-raising in the States named has declined after twenty years of high tariff:

1860—Low tariff:
- Sheep in Pennsylvania....1,631,540
- Sheep in Ohio....3,546,767
- Sheep in New York....2,617,855
- Prices—
  - Fine....56 to 60 cents.
  - Medium....45 to 50 cents.
  - Coarse....40 to 42 cents.

1887—High tariff:
- Sheep in Pennsylvania....1,094,323
- Sheep in Ohio....4,562,913
- Sheep in New York....1,579,866
- Prices—
  - Fine....33 to 34 cents.
  - Medium....37 to 38 cents.
  - Coarse....33 to 35 cents.

Some of the results:
- Decrease of sheep in three States after twenty years' high prices....559,060
- Decrease in prices—
  - Fine wool....23 to 26 cents.
  - Medium wool....8 to 12 cents.
  - Coarse wool....7 cents.

"Now, the facts are exactly the reverse, if the cunning arithmetician of the paper had put them in their proper place, as follows:

	Low tariff, 1860.	High tariff, 1883.	Low tariff, 1888.
Sheep in Pennsylvania	1,631,540	1,803,336	984,891
Sheep in Ohio	3,456,767	5,050,541	4,106,622
Sheep in New York	2,617,855	1,732,332	1,564,067
Totals	7,706,162	8,586,209	6,655,580

"In 1883 the tariff was reduced so as to allow the yarn and goods (namely, worsted) which require the wool of these particular States for their production to come in at a lower figure than we can make them at home.

"SOME OF THE RESULTS.

Increase of sheep in three States after twenty years of high protection. 880,047
Decrease of sheep in three States after four years reduced tariff..... 1,050,582

"If worsted yarns and wools were restored to their position under the law of 1867 their importation would stop, our home mills get to work, and the wools of these three States be again in demand at such prices as would make sheep-raising profitable and result in a very great increase of their flocks.

"The decreased price was caused by the decreased demand. The reduction from 1860 to 1883 was a natural result of increased production under a high tariff, and sheep-growers were satisfied with the prices or they would not have added to their flocks. As a result of the tariff of 1883, however, the price declined to the ruinous figures which caused the decrease in the clip, and to that reduction only is the decrease due, and not to twenty years of high tariff, as claimed in the article quoted."

He avails himself of the figures which show the number of sheep in 1860 in certain of the sheep-growing States. Then he takes the figures of 1887 and gives prices, etc., but he forgot to divide this scope of time from 1860 to 1887 into three periods, and thereby hangs an absolute demonstration of the fact that figures will lie. It appears that under the low tariff the total number of sheep in Pennsylvania, Ohio, and New York was 7,706,162, and that under the high tariff up to 1883 they had increased to 8,586,209. Then, following the reduction of 1883, which was the first blow delivered upon the sheep-growing interest of this country by the Democratic party, the sheep fell down to 6,655,580. This straightens out my friend's figures and relieves him from the singular position that he got himself into. I append here the prices of wool under three classifications as given by George W. Bond & Co., of Boston, under the tariff of 1868 to 1883 and then from 1884 to 1886, inclusive:

Average prices under the free tariff.

Year.	Fine.	Medium.	Coarse.	Average.
	Cents.	Cents.	Cents.	Cents.
1868	37	36	35	36
1869	37	35	30	34
1870	36	35	33	35
1871	43	42	41	42
1872	64	62	58	61
1873	64	56	52	57
1874	49	47	41	46
1875	48	48	41	46
1876	42	43	37	41
1877	40	37	30	36
1878	45	48	31	43
1879	34	35	31	33
1880	47	47	43	46
1881	45	46	38	33
1882	42	45	35	41
1883	42	44	35	40
Average prices under the reduced tariff.				
1884	37	34	30	33
1885	34	32	28	33
1886	34	35	35	35

These figures tell the whole story, and demonstrate the fact that figures, while they may be made to lie, nevertheless very often spoil the force of the most impetuous argument. The wool-growers of this country are intelligent people, and they are not petitioning Congress at this time to restore the tax of 1867 without knowing what it is they are talking about. The effect of the reduction of 1883 upon the wool industry is better shown in the table which I now append, which shows the number of sheep in each group of States from 1880 to 1887, and the rise and fall of the industry. The States are grouped, first, reading downward, the whole United States, then the Western States, then the Southern States, then the Pacific coast, then the Territories and the Middle States, then the New England States. And this table, Mr. Chairman, exhibits in language more eloquent than I can use the effect that the tariff of 1867 had in stimulating the wool industry and the reduction of 1883 had in prostrating it:

Table showing the number of sheep in each group of States, 1880-1887.

	1880.	1881.	1882.	1883.
Total United States	40,765,900	43,569,899	45,016,224	49,237,291
Western States	12,212,600	12,728,939	13,845,938	15,638,829
Southern States	9,922,200	10,872,938	11,916,911	12,975,860
Pacific coast	8,911,900	8,670,297	8,685,306	9,067,837
Territories	4,019,600	5,426,499	5,351,247	6,320,000
Middle States	4,174,000	4,292,203	3,830,976	3,848,513
New England States	1,525,600	1,579,062	1,385,646	1,388,252

	1884.	1885.	1886.	1887.
Total United States	50,626,626	50,360,243	48,322,331	44,759,314
Western States	15,630,760	15,244,052	15,131,912	14,332,538
Southern States	12,950,761	12,468,301	11,534,652	9,241,449
Pacific coast	9,616,092	9,370,617	9,745,058	9,592,652
Territories	7,245,450	8,495,629	7,577,787	7,087,358
Middle States	3,792,675	3,498,425	3,083,594	2,908,632
New England States	1,384,888	1,283,809	1,249,328	1,237,085

The rate of increase, as shown by this exhibit, from 1878 to 1883 was 7 per cent. per annum. Projecting that ratio of increase through the years 1883 to 1887, we should have had for 1884 52,300,000; for 1885, 56,000,000; for 1886, 59,900,000; for 1887, 64,000,000; while, in fact, Mr. Chairman, the total number of sheep in 1887 was but, in round numbers, 44,000,000; a loss, as compared with the undoubted situation had the change not taken place, of 20,000,000 of sheep. Thus the small reduction of the tariff revenue has depleted the wool industry to the extent of 20,000,000 of sheep. And if that be true, what will be the effect of putting wool on the free-list?

There are 700,000 flock-owners in the United States. In 1850 we had but 21,000,000 sheep in the United States. In 1860, after ten years of Democratic administration, we had but 22,000,000 sheep. In 1870 we had 29,000,000; in 1880, in round numbers, 44,000,000; in 1883, 50,000,000, or more than double what we had in 1860. This industry furnished employment for 1,200,000 men. It employed more than $500,000,000 of capital, and was producing a product of about 3 per cent. net. Strike down this industry, and you destroy $500,000,000 of the wealth of the country only in so far as the carcasses of the sheep reduce the grand aggregate of destruction.

Mr. Chairman, under a Democratic administration, with wool on the free-list, substantially, I have seen in my own district thousands and tens of thousands of sheep slaughtered in the fall of the year for their hams and pelts. They were worth but a little over 50 cents a head, and there was but little profit on them at that price. I have seen this industry spring up as though touched by the lamp of Aladdin; I have seen intelligent farmers of my district search the world for improved breeds of sheep, and I have seen the flocks dotting the hillsides, grazing in the valleys, thriving and prospering everywhere. There was music in the friendly appeal of the sheep as it came "dumb before her shearers" and deposited in the treasury of the farm her fleecy contribution to the general prosperity of the country. I have seen this tide of industrial prosperity checked; it rose no higher; it stood still; it began to ebb, but it reached a point where if it could be let alone the farmer could live; the farmer could do something with it.

But I have seen the ruthless Democratic party, instigated thereto, as I am compelled to believe, by a spirit of envy and hostility to the section where the sheep industry has grown and prospered, lift its vandal hand and hold over the industry a sword more threatening than the fabled sword of Damocles. I have seen these flocks growing smaller and smaller, in many instances fading away; I have seen the farmer with blanched cheeks read of the assaults upon his industry by the Chief Magistrate of this nation, who was under an oath to God to administer his mighty office in the fear of the Almighty and for the benefit of the people of the whole country, and as I speak to-day, Mr. Chairman, the representatives of millions of dollars of this kind of property stand with their ear, figuratively, at the telegraph, as in the olden days when listening to ascertain how far north the flood of rebellion was coming, how near to Nashville the army of Hood had made its bloody track, how near to Cincinnati and Louisville the columns of Bragg and Kirby Smith had proceeded, how far into Pennsylvania the great army of Lee had come. So stand these farmers listening, listening, and their question is, How near to the farms of Ohio has the free-trade column of destruction advanced? Where is MILLS, with his spirit of destruction? How near is this vandal horde, with their weapons of inevitable disaster to the flocks in the fields of the wool-growers of the country?

Business is paralyzed, nobody will buy wool, nobody will raise sheep, nobody will trust in the hands of the Democratic party an industry so delicate, so grand, so intimately connected with the best interests of the agriculturists of this country as this. But pass this bill, Mr. Chairman, and I will tell you what they will do. The spirit of 1861 is not dead north of the Ohio River, and they will accept your assault upon that industry as a declaration that, with the Democratic party permanently in power, the people of the North are to be hewers of wood and drawers of water for the benefit of the people of the South; that the old cry to which I adverted in the early part of my speech, that our people are "small-fisted farmers and greasy mechanics," the "mud-sills of society," is again the dominating voice of the Democratic party. They have a weapon in their hands, and they know how to use it. That weapon in the hands of the freeman comes down—

"As snow-flakes fall upon the sod,
But execute the freeman's will as lightnings do the will of God."

They will drive from power this Democratic party, and they will re-establish the old Republican party that, through its benign legislation, built up these industries and made this land blossom like the rose.

After the publication of the figures above it was not necessary that our friends on the other side should now become lost in the various laby-

rinthine compilations with which we have been tortured during the last three months.

In the official report of the Ohio agricultural department, published only yesterday, it is shown that the wool clip of Ohio, as compared with the average for the past five years, is only 77 per cent.

I want to say here that I have no time to spend in an elaborate and philosophic argument upon the question involved. It is enough for me to know that in 1860 we had in Ohio a trifle over 2,000,000 sheep, and that in 1868 we had increased this to the enormous number of 7,608,485. This increase went on until the reduction of 1883. But from that time on down to the present the wool industry of Ohio has gone steadily down, until to-day the latest reports of the flocks in Ohio show that we have only about 4,100,000.

But the gentleman from Ohio says: What about the increase and decrease and fluctuation of the cattle of Ohio, and the horses of Ohio, and the mules of Ohio? Well, Mr. Chairman, my friend exposes his imperfections in this line of discussion when he makes such an argument. Every industry in Ohio that prospers affects the horse industry. Every time a new farm is broken, it increases the production of cattle. Every time a new railroad is projected, it increases the demand for mules; and every time you open a new coal bank you want more transportation for your product; and the horses and mules and the cattle of Ohio are not used for a single purpose, but for a multiplicity of purposes, and increase or decline as the industries of the State demand. But the sheep of Ohio, with the simple unimportant matter of their use as food product, are used for the sole purpose of producing wool. So when you find that the sheep of Ohio have run down from 7,000,000 to 4,000,000, you find that they have become unprofitable for the purpose of producing wool, and there is no escape from that argument.

Now, I am not going to argue so much about the cause as the effect on this occasion. I find the wool product of Ohio is being sold to-day at somewhere in the neighborhood of 22 to 23 cents a pound. I have here an extract from the Barnesville Enterprise, published in the district of my colleague [Mr. JOSEPH D. TAYLOR], in which it is stated that wool is selling in that neighborhood at 25 cents; that while it has not been active it will probably be purchased at about that figure. That two-thirds of the entire crop in that section has already been sold, and there has been a falling off in that township of about 1,000 sheep since last year.

One thousand sheep, Mr. Chairman, means $2,000 at the price, the average price, that the sheep of Ohio were estimated at last April.

Mr. JOSEPH D. TAYLOR. Let me state that the editor and publisher of that paper is a firm Democrat.

Mr. GROSVENOR. He is, within my personal knowledge, a Democrat; but he voices the sentiment of Ohio when he recognizes the fact that there has been stricken from the product of the sheep of Ohio one-third of the value of the whole crop this year.

Now, before this debate closes, will not some Democrat tell the country how that has happened? What has done that? And if I charge that the country has paid all these millions of dollars, millions of dollars enough to have run the expenses of this Government for an almost indefinite time, for the luxury of having a Democratic Congress here, I want some Democrat to answer that question if he can. March right up to this issue and answer me. Do not go to flying off about "trusts" and "robber tariffs," and all that, but answer.

What makes the wool this year nearly one-third less in value than it was last year? Is it the general depression in the country?

Mr. WHITING, of Michigan. It is not one-third less in price this year than it was last year.

Mr. GROSVENOR. If the gentleman had given me his attention he would have observed what I have just read, that the wool crop in Ohio sold last year for thirty-five and is selling this year at from twenty-three to twenty-five.

Mr. WHITING, of Michigan. It is not so in Michigan.

Mr. GROSVENOR. I find it is substantially so in Boston, and everywhere else. The gentleman knows more about salt than I do; but he can not have a product in Michigan that is of the character of wool unaffected by the same processes that affect the wool of Ohio. We raise the same kind of wool. We go to the same market. Our men are just as capable of selling the wool as the men of Michigan; and when I read from the public prints a statement of the sales of wool in Ohio it was an argument that could not be met by such a statement. Ohio men are not selling their wool at less than its value.

Mr. JACKSON. I have a letter which corroborates the statement of the gentleman from Ohio—a letter from the president of the Pennsylvania Wool-Growers' Association.

Mr. GROSVENOR. The price to which I refer is the current price for the triple X wool.

Mr. DINGLEY. In corroboration of the gentleman's assertion, I will say I have a letter from a woolen manufacturer in Maine stating that he is buying his wool at from 7 to 8 cents less than last summer.

Let me present to the gentleman from Michigan [Mr. WHITING] the following statement from Bradstreet, dated only yesterday:

WOOL MARKET.—THE MILLS BILL TRANSFERS ALL ACTIVE COMPETITION TO LONDON.

NEW YORK, *July* 13. [*Special.*]

Bradstreet's, in its review of the wool market, says: No increase of activity appears in the wool trade at any point. In the country holders are generally asking more than Eastern dealers are willing to pay. Until the course of the market is better developed buyers, both at first and second hands, bid fair to operate with the most caution.

While the manufacturers are preparing samples for light-weight goods, they are not yet bringing them out, and are uncertain about their future requirements in the way of stock. There is also a possibility that Congress will put wool on the free-list. In view of these circumstances no buying for future consumption is anticipated.

The most that the mills are doing, or seem likely to do for the present, is to take out additional supplies for running out goods already ordered. In Ohio and throughout the West generally there is comparatively little activity. A moderate increase in the movement of Michigan wool is reported. Shipments to some extent from the Territories are in progress.

An excellent attendance continues at the London sales, with active competition and a firm tone. The auctions close next Wednesday. Manufacturers have been looking through the Boston market in fair numbers this week, and have taken more or less new wool in order to test its quality. Buying for extensive consumption is still wanting.

A great deal of machinery is idle for repairs and orders. Prices are generally steady. Some inquiry for Michigan extra wool is noticed, and there is a moderate movement of new Territory stuff. Carpet wool is dull, but very firm. The receipts continue to run far below last year. Current quotations are as follows, with comparisons:

Grades.	July 16, 1886.	July 15, 1887.	July 13, 1888.
	Cents.	*Cents.*	*Cents.*
Ohio and Pennsylvania extra	33	32 to 33	27 to 28
Ohio and Pennsylvania XX	34 to 35	33 to 34	29
Ohio and Pennsylvania XX and above	35 to 36	34 to 35	29 to 30
Michigan extra	32	32 to 33	25½ to 26½
Fine Ohio delaine	35	36 to 37	30 to 31
No. 1 combing	38	38 to 40	35
Texas spring, twelve months	23 to 27	23 to 27	17 to 22

The sales of the week at Boston are reported at 2,871,500 pounds, as against 1,068,700 last week and 1,560,000 in the corresponding week a year ago. At Philadelphia wool is moving very slowly and mostly in small lots proportioned to the urgent wants of manufacturers.

The trade is unsettled by tariff uncertainties, and operators are anxiously awaiting a settlement of the question now before Congress.

Receipts are increasing a little, but are still small as compared with the arrivals at this period last year. The sales aggregate 483,000 pounds, as against 458,600 pounds last week, and 764,000 pounds for the corresponding week last year.

I put up these facts against the opinion of the gentleman from Michigan [Mr. WHITING].

Mr. GROSVENOR. That, then, Mr. Chairman, is the reduction. Take the wool crop of Ohio and we will compromise. I say 10 cents; it may be 8 cents. Multiply every pound of wool produced in the United States this year by the figure 8 and point it off into dollars and cents and you will find out how much the farmers of this country have paid for the luxury of a Democratic Congress.

Mr. SPRINGER. Has this Congress caused that?

Mr. GROSVENOR. I say the menace of the Mills bill has done just that.

Mr. SPRINGER. Ah!

Mr. GROSVENOR. Eight cents on 275,000,000 of wool amounts to $22,000,000, the reduction in a single year. Ohio produces about 25,000,000 pounds of wool this year. It has gone down fully 8 cents per pound, and that is $2,000,000 which we pay because we have a Democratic Congress and a free-trade President.

I hope the gentleman will go a little further and not sneer, because I can not stand his sneers; they are so extraordinary that they crush me. If he will go back to the time when the Republican party in this House, aided by all the Democrats in Ohio but one or two, struck out the enacting clause of the Morrison bill he will discover that the wool of the country sprang up within forty-eight hours in the markets of the country from 3 to 5 cents a pound. [Applause.]

Mr. WHITING, of Michigan. I would like to ask the gentleman another question. What fixes the price of wool?

Mr. GROSVENOR. We have discussed that question here indefinitely and interminably. No two men on your side of the House put it the same way. It is fixed as other prices are fixed. Present value fixes it if the article is needed now; if the purchase is for future use, then prospective conditions affect, regulate, and control it.

Mr. WHITING, of Michigan. It is fixed by the wool buyers in the markets before they close the buying. They fix the price. After the clip is purchased the price of the wool is so increased that the farmer pays a much higher rate for his woolen goods than he receives for his wool.

Mr. GROSVENOR. I admit all that, and that is the strongest argument against you that can possibly be made. Your statements should be revised before you launch them into the CONGRESSIONAL RECORD. It is exactly the presence of these enactments here that makes it possible for the wool buyers to combine together, fix the price, and force the farmers of the country to sell it to them.

Mr. WHITING, of Michigan. They do it through the tariff; in no other way.

Mr. GROSVENOR. Through the tariff?

Mr. WHITING, of Michigan. Yes.

Mr. GROSVENOR. Yes. You bring in bills assailing the protective laws and thus destroy prices, then you say the tariff did it—an argument on a par with the claim of the man who shoots his fellow-man and places the fault upon the gun.

Then the answer of the gentleman amounts to the claim that we must reduce the tariff when somebody threatens us, and if we refuse the injury is our fault.

Mr. WHITING, of Michigan. If they do not pay the high price made by the duty on imported wool they can pay a better price for the American clip.

Mr. GROSVENOR. The gentleman will live a long time before he will be able to get rid of the combinations that form when legislation threatens an industry or product of this country.

Mr. WHITING, of Michigan. Combinations could not form but for the tariff.

Mr. GROSVENOR. I know they have a way of making the farmers of Michigan tremble in their boots by saying, "Look out; the Democratic party proposes to turn loose the illimitable wool product of Australia and South America free of duty upon our markets."

Mr. WHITING, of Michigan. The Democratic party do not make the farmers tremble in their boots.

Mr. GROSVENOR. I want the gentleman in his own time—for I must confess with all due respect I am learning nothing—to tell me what has produced the situation in this country whereby the farmers are compelled to sell their wool at such a reduction. Let him do it in his own time; he will have plenty of time.

Mr. WHITING, of Michigan. I can tell you now.

Mr. GROSVENOR. If he says it is hard times, who brought them? I can remember that a few years ago it was the custom of gentlemen to charge hard times to the debit side of the ledger of the Republican party. I can remember very well whenever anybody failed in this country, no matter what the cause, the head-lines of the Democratic newspapers would show he had been "Shermanized;" so I think we can properly say now to these gentlemen, if they say the price of wool is run down because of hard times, who produced the hard times? My friend from Ohio, who represents with myself the Hocking Valley district and the great products of iron and coal, boasted to-day that already somebody had got in a charge that the Mills bill put iron and coal on the free-list. I hold in my hand an editorial from one of the leading Democratic newspapers of the day (the New York Sun), published under the head of "Wool is reached." I will print this editorial in my remarks. It is very short. The substantial effect of it is that when the President drew his original tariff message, which is to-day the platform of the Democratic party, he put on the free-list both iron and coal.

I do not know whether that is true or not. I do not care. I believe it is true, and I am told that in the first draught of the Mills bill iron ore and coal were both on the free-list, and I think I know that iron ore and coal is not now on the free-list because a delegation came here from Alabama and other Democratic States and notified the grand council of the Ways and Means Committee that if the change was not made there would be trouble on the Black Warrior, the Coosa, and elsewhere in the South: and so, for this reason and for no other reason, the assault is made first upon wool, and when that attack is successful iron ore and bituminous coal are to go next.

The editorial is as follows:

WOOL IS REACHED.

The consideration of the Mills bill in the House of Representatives has now reached the wool clause.

Free wool is regarded by the Mills forces, and we believe it was so regarded by Mr. Cleveland, as the king-post of the new tariff roof under which they propose that the country shall live until they can build a freer one. To demonstrate this statement, a very short consideration of Mr. Cleveland's message and of the history of the Mills bill will be sufficient.

It is universally understood that the first draught of the message showed several important staples upon the free-list which were not there finally. Coal and iron were on, among others, and the reason that they were removed was that such a programme would have been too startling and too comprehensive for practical use. Thus the recommendations actually submitted to Congress fell considerably short of the mark to which the President's policy would have gone had it been unrestrained by his estimate of the political difficulties in the way of attempting to go further.

The Mills bill has gone through the same moderating process in the Committee of the Whole, but it has been done publicly. Seventeen articles of import, which had been placed upon the free-list, have been taken off, and the statesmen particularly interested in their domestic production have been solidified for the assault upon the duty on wool. On many taxed articles higher duties have been imposed than those originally contemplated by the Mills bill. But wool is the key of the territory now in dispute between protection and free trade; and against it the free-trade brigade have been maneuvering to mass their entire force, volunteers and conscripts. They have yielded up one minor point after another with scarcely the sign of a struggle, all with the view of a combined and irresistible attack on wool.

As Mr. Webster said of Dartmouth College, "it is one of the lesser lights in the horizon of our country. You may put it out."

Nothing will be easier than to extinguish the wool interest, if you have votes enough; and then with the free-traders triumphant in the House of Representatives, a President in the White House whose economic policy consists primarily of tariff smashing, and a national condition of the finances which will make free trade easily and thoroughly practicable within twenty years or so, the protective system will be liable to come down by the run. Then statesmen like GAY of Louisiana or VANCE of Connecticut, to whose interests Mr. MILLS has specially, though we dare say only temporarily, surrendered his fundamental principle, will find that though they have saved their roof their foundation is gone.

The Mills tariff bill was in its conception and purpose a free-trade project. It has been immensely changed under the effect of discussion and of politics; but its pivotal element is still free wool.

It is for the interest of Democracy that the Mills tariff bill should be beaten.

Let the miners of the Hocking valley be not deceived. Their product is to come next. The hour is delayed; that is all.

But I know this: while I am glad, in the interest of my constituents, that coal and iron are for the present preserved from the destruction of the free-list, I will never cease to condemn the inconsistency of a committee that would dare to put wool on the free-list as a raw material and leave bituminous coal and iron ore protected. The only answer to this charge of inconsistency is the answer which was given frankly by the gentleman from Tennessee [Mr. MCMILLIN] in his opening speech in this debate. When confronted with this suggestion he said, "There are some things which we can do and there are some things which we can not do;" and I could have added for him, "There were some things which we dared to try to do, and there were some things we did not dare to try to do."

But the argument of this editorial is the argument which I adopt. We have reached wool, and that is to be stricken down. It would not do to attack the wool interest and the iron interest and the salt interest and the coal interest of this country all at once, and so these gentlemen, marching up here filled with a determination to ultimately obtain free trade, have reached wool, which they are going to put on the free-list, and, in the language of the New York Sun, a leading Democratic exponent of to-day, when they have accomplished that they will strike at the other great raw materials of the country, iron and coal.

One victory and the free-traders will be emboldened to assail other industries, and in the end all the Northern industries must go; and protection to all the Southern products will be increased.

Mr. Chairman, I insist upon this single proposition: The Congressional district which I represent has to-day about 300,000 sheep. One of the gentlemen who have argued vociferously here in favor of free wool spoke to me privately the other day and asked me whether many men in my district had more than 50 or 75 sheep. Why, Mr. Chairman, in a district of five counties, largely devoted to iron and salt and coal, there are nevertheless 300,000 sheep Their product ran up last year to nearly $500,000.

This year something over a hundred thousand dollars has been wiped out, and the future of the industry depends wholly upon the question whether or not the system of protection is to be maintained. The argument which was made some weeks ago by the gentleman from Massachusetts [Mr. RUSSELL], that the land of the country could not be used economically for the production of sheep and wool, exhibited a painful misunderstanding of the situation. In my district there are large tracts of valuable land, and I agree with the gentleman from Massachusetts that upon that land the sheep industry is not profitable. But there is in the same connection land constituting perhaps one-half the surface of the district, which is worth not exceeding $10 or $15 or $20 an acre, and it is worth that much only because 300,000 sheep are grazing upon it and getting their living upon it, and continuing the soil in at least as good condition at the end of the year as it was at the beginning.

Now take off the wool duty, destroy the wool industry, and you not only compel the wool-growers to seek another line of production, but you render that land substantially worthless, because it is practically worthless for any other purpose. That is a strong argument in favor of the wool tariff.

Among all the questions that have thronged upon us here in considering this bill we have the fact of the peculiar geographical character of this attack demonstrated in this wool item, and I want somebody sometime during this debate to tell us why it is they want to strike this protection down. I find in a publication which I hold in my hand, emanating from the Committee on Ways and Means, that this reduction will have the effect to reduce the value of wool and cheapen clothing in this country. On the other hand, I have the statement of the gentleman from Massachusetts [Mr. RUSSELL], as I understood it, that the effect of this would be to make the product of sheep in this country more valuable.

Mr. RUSSELL, of Massachusetts. Yes, sir.

Mr. GROSVENOR. I am glad that the gentleman stands by his position. Now, between the two, I want some one to explain what is the object to be gained by this proposed change. This bill purports to cut down the revenue. Certainly no sane man will claim that we can afford, for the difference of $5,000,000 which we get from the tariff on wool, to assail an industry like this and destroy it. We have had a good many predictions during the progress of this discussion, and I will make one now. I understand that this bill is to be passed. The gentleman from Kentucky [Mr. BRECKINRIDGE] has told us prophetically that it is to pass this House, and that he hopes it will pass the Senate. And I say pass it! Strike down an industry owned and operated by a million of voters in this country; strike down an industry that feeds and clothes five million people; strike it down and come back here next December, cast your eyes about this House, and then I say to you you will "feel like one who treads alone some banquet-hall deserted."

The people of the country recognize this not only as an unnecessary blow at a valuable industry, but as a stepping stone to the attack upon all the other industries. Do not undertake to flatter yourselves that you are to fight this battle out with the sheep owners of this country alone. You are to fight it out with the men coming up everywhere, with ballots in their hands, representing all the kindred industries of

this country which are to be taken one by one as fast as they are reached and consigned to the insatiable maw of the free-trade monster embodied in this bill. The people of this country understand that. They have watched this debate with wonderful interest; and they have seen no justification of this measure; they have heard no successful defense of it; and they will not hear any successful defense of it, because it is without necessity, without demand by the people—a gross attack upon a great industry which can stand no further reduction.

Mr. Chairman, no single industry of the American people can be wrongfully stricken down upon the demand of free-traders or their allies the destruction of which will not be revenged at the polls by every man who lives by an industry in this country, whether that industry is directly protected or otherwise. [Applause on the Republican side.]

Mr. FORD. Mr. Chairman, five years ago the Republican party of Michigan did not believe in the doctrine proclaimed by the Republican party of the nation to-day, favoring the repeal of the internal-revenue taxes rather than a surrender of any part of the protective system. That eminent Republican, James G. Blaine, in his essay called the "Paris Message," uses the following language:

The tax on whisky by the Federal Government, with its suppression of all illicit distillation and consequent enhancement of price, has been a powerful agent in the temperance reform by putting it beyond the reach of so many. To cheapen the price of whisky is to increase its consumption enormously. There would be no sense in urging the reform wrought by high license in many of the States if the National Government neutralizes the good effect by making whisky within the reach of every one at 20 cents a gallon.

The Republican platform favors the abolition of the whisky tax, which, as Mr. Blaine says, would cheapen its price and increase its consumption. But before that convention adjourned it passed a resolution sympathizing with "all wise and well-directed efforts for morality and temperance." They sympathize. How? According to Mr. Blaine they sympathize with temperance and morality by proposing to reduce the price of whisky.

In 1883 we were collecting an enormous surplus revenue. During the fiscal year ending June 30, 1882, our receipts exceeded our ordinary expenditures by over $146,000,000; and in the early part of 1883 the question as to the reduction of taxes was being extensively agitated. The Republican party of Michigan had not at that time gone over "body and soul and breeches" to the "trusts" that are kept alive by the tariff, and they expressed themselves through their Legislature in square, honest, unmistakable terms against free whisky and tobacco in any form. The Michigan Legislature of 1883 was largely Republican in both branches; and fearing that the growing surplus in the Treasury might induce Congress to abolish the internal-revenue taxes in whole or in part, they passed a resolution which was approved by a Republican governor, requesting their Senators and Representatives in Congress to oppose any effort to repeal the taxes on whisky and tobacco.

That resolution passed the house of representatives on the 17th day of January, and the title of it was "Joint resolution requesting our Senators and Representatives in Congress to vote against the removal of the internal-revenue tax upon intoxicating liquors and tobacco, or either." That resolution passed the senate on the 2d day of February, and was approved by a Republican governor. That does not sound much like the utterances of the Republican party of to-day, whose policy, if carried to its logical and legitimate outcome, would result in adding to and increasing the misery of our fellow-citizens by placing whisky before them at 2 cents a drink. To this has it come at last. Why, sir, I remember reading once of a man who said that his ideal country would be a place where whisky sold for 20 cents a gallon and there was no hanging for stealing. It is very obvious, and therefore I will not state what party the gentleman I have just mentioned ought to belong to.

Has my time expired?

The CHAIRMAN. The gentleman's five minutes has expired.

Mr. TARSNEY. I move, by unanimous consent, the gentleman's time be extended fifteen minutes.

Mr. LAIRD. With the understanding that the same courtesy shall be offered to this side from the other.

Mr. FORD. It has been offered to gentlemen on the other side, because they have taken up the whole afternoon.

There was no objection, and Mr. TARSNEY's motion was agreed to.

The CHAIRMAN. The gentleman's time has been extended for fifteen minutes.

Mr. FORD. I thank the committee for its courtesy.

Now, Mr. Chairman, after favoring cheaper whisky the Republican convention denounced the Democratic party for proposing free wool. It is conceded on all hands, sir, there should be some reduction of taxation. Where should that reduction take place? Certainly upon the taxes most burdensome. Is the tax on whisky burdensome? There can be but one answer to that question from any man who has not been seduced by selfishness and blinded by partisanship.

There is not a government on the face of the globe that does not tax whisky. Is the battle-cry to be cheap whisky and higher tax on clothing? If so, it will never succeed. Is the wool tax burdensome? Of course it is. It is a burden to the consumer while at the same time it is no benefit to the wool-grower.

It is startling to observe the zeal gentlemen on the other side of the House exhibit in order to save the wool-grower, as they say, from harm. All over the country the manufacturers who receive bounty from this tariff are greatly exercised over the reduction of the wool duty. They, as well as their subsidized journals and political organs, have been crying out about what? Not about copper, not about iron, not about glass, but altogether about wool. When we reached the copper schedule in this House during the progress of the consideration of the Mills bill there was not a flutter; when we reached the iron schedule there was scarcely a breeze; but, sir, just the moment we touched wool there was a rushing cyclone from the other side, and even now gentlemen are tumbling over one another in the anxiety of their superabundant zeal to save the imperiled interests as they allege of the wool-grower in this country from total destruction by the effort to put wool on the free-list.

Some people might doubt the sincerity of these manufacturers, who are new converts to the farmer's interest, and might suppose they were more anxious for their own projects than for the interest of anybody else. It looks very much as if they were using the interest of the farmer as a mere cat's-paw to promote and establish their own interest.

Let us inquire just exactly how this matter is. Is it a fact that the wool tariff does help the farmer?

The facts before this House prove the contrary. I do not believe the tariff on wool raises the price of the farmer's product. I do not believe it ever yielded to the farmers of the country a single dollar or even a single penny of advance in the price for which their wool sold in the markets. The price of wool depends upon the prosperity of the woolen manufacturer. He must be prosperous or there will be no demand for the wool of the farmer, and if the demand for the wool of the farmer be lessened, of course, the price depending upon the demand for it and the market being reduced or cut off, the price falls.

Our woolen manufacturers can not depend altogether upon the production of wool in this country. We can not produce the different kinds of wool in the United States necessary for successful manufacture of all sorts of woolen clothes from the lowest to the highest. For their success they must have within their control all kinds of wool. When they are successful their demand for the wool product of our own farmers is of course steady and increasing.

George William Bond, the greatest authority on wool and wool manufactures in the United States, uses this language:

None of the third-class wools (carpet wools) can be grown in this country to advantage.

In regard to fine wools, he says:

We may grow wool in some places equally fine and apparently as good in other respects as the wools that are imported, but they will not produce the same effect when finished. Such is the influence of climate and soil upon wool that no two places can grow wool exactly alike.

Now, you may put on protective tariff just as you please on wool, you may make it as high as you please, but we can not, however much we establish protective tariff in this country, raise the different sorts of wool necessary for our woolen manufacturers, because the Almighty has not given us the soil or climate with which to do it. Therefore, when you increase the price of the foreign wool you necessarily impose an additional burden upon the woolen manufacturer; but when you do that, instead of helping the farmers of [illegible] country, you only injure the farmers, because by imposing additional burdens upon the woolen manufacturers, who are the very best customers of the wool products of the farmers in this country, you therefore reduce the demand in our markets for the farmer's wool, and the demand being lessened I need not tell this House the price falls.

If the woolen manufacturing interest is depressed the demand is lessened and the price is reduced. That is as certain as that two and two make four or the shadow follows the substance. So true is it that the tariff on wool cheapens the price that the proposition has been denounced over and over again by leading Republicans. In 1883 the National Wool Growers' Association declared that the act of 1867, whereby the wool tariff had been increased, steadily, year by year, it reduced the price of wool from 51 cents in 1867 to 43 cents at the present time.

The Indiana Wool-Growers' Association in 1883 said:

The price of wool has steadily receded from 51 cents in 1867 to 42 cents in 1883.

Senator HAWLEY, in the Senate of the United States, in 1883, said that the effect of the wool tariff had been—

to reduce the price of wool.

And Senator SHERMAN also, in the Senate, in the same year, said:

The result of the policy of protecting the wool-grower has been to gradually reduce the price.

In 1857 the tariff upon wool was reduced, so much so that we had practically free wool. In 1867 the tariff was put up to almost the highest rate of tariff we have ever had on wool. What was the result? For the three years following 1857, under free wool, the price of wool in Boston was 44 cents a pound on an average; and for the three years following the high tariff of 1867 it was 36 cents a pound.

Again, in 1872 the wool tariff was reduced 10 per cent. Did this reduction decrease the price of wool? No, sir; by no means; for in 1872, under a reduction of this percentage of the wool tariff, wool sold in

Boston at an average price during the year of 62 cents in gold, the very highest price ever known for wool on this continent.

Now, some one said that the wool tariff increases the number of sheep.

A MEMBER. Makes more lambs live.

Mr. FORD. They claim that it not only raises the price of wool, but that it actually makes the sheep grow. Let us look into this for a moment.

What was our proportion of sheep to population before we had any tariff upon wool? Why, it was a great deal larger than it is to-day. In 1813, years before we had any tariff on wool, and at a time when we had 8,000,000 of population, we had 15,000,000 sheep, while in 1887, with a population numbering 60,000,000, we had but 44,000,000 sheep. In 1813 we had two sheep per capita, while in 1887 we had but four-fifths of a sheep to each person, not enough to go round and give every person one whole sheep. Now, the result is 100 per cent. more sheep under free wool, better prices under free wool, and greater prosperity.

From 1824 down to 1860 there was no time when we did not have a tariff on wool. The result was that the number of sheep declined enormously per capita of population. In 1857 the tariff on wool was reduced, so that we had practically free wool; but in 1861 the tariff was again raised.

In 1860 we had three years of practically free wool, but the wool-growing industry had not yet recovered from the blight produced by nearly forty years of high tariff, so that our proportion of sheep to population was very low. In 1860 we had 30,000,000 of population and 22,000,000 of sheep, exactly the relative proportions of to-day; and in 1860 the price of wool in Boston averaged 48 cents a pound, while in 1886 it was but 33 cents a pound, showing that since 1860, notwithstanding the imposition of an exorbitant tariff, the number of sheep per capita has not increased, while the price of wool has actually declined 15 cents a pound.

Now we are told, Mr. Chairman, that the object of imposing a high tariff on wool is to reduce the importations of foreign wool. But it does not, because our manufacturers have got to have the foreign wool that we do not produce or else they will close their factories and go out of the business. The wool tariff has not reduced the importations of wool at all scarcely, or to any extent worth speaking of.

In 1866, out of a total consumption of wool by the people of the United States, 30 per cent. was foreign wool, and in 1886, 29 per cent. was foreign wool.

Gentlemen say that the number of sheep increased in this country between 1869 and 1884 at a greater rate than ever before, and they attribute it to the tax on wool. Sir, where did that increase occur? Not in Ohio; not in Michigan. That increase was west of the Missouri River; it was in Texas, in California, in New Mexico. Was it the tariff that increased the number of sheep in those States? Not at all; it was the cheap land that could be procured, on which the sheep could roam and graze.

The number of sheep in Michigan in 1870 was 1,985,906. In a former speech I was misled by some erroneous statistics and stated the number at 4,000,000. That was a mistake. There were 1,985,906 in Michigan in 1870. The number of sheep in Michigan in 1887 was 2,156,157, or an increase of only 170,251 in seventeen years. The population of that State during that time increased 69 per cent., and the number of sheep increased but 8 per cent.

Now observe the difference under low tariffs. Between 1850 and 1860, under a low tariff, and part of the time free wool, the number of sheep in Michigan increased 70 per cent. Between 1860 and 1870, during which time there were only three years of a high tariff on wool, the number of sheep increased 56 per cent.

So long as suitable land for grazing sheep can be had in the West almost for the asking, the wool coming from that portion of our domain will prove a mighty competitor with the wool grown on high-priced land in Michigan and Ohio. If you are going to benefit the Michigan wool-grower by a tariff, that tariff should be against Texas, California, and the Territories, and not against South America or Australia.

Now, I would like to know where is the benefit to the farmer in this? It exists only in the vivid imagination of gentlemen on the other side. Has the wool tariff reduced the importation of wool? No, sir. I answer emphatically it has not. Has it increased the number of sheep? Not at all.

Mr. TARSNEY. It has decreased them.

Mr. FORD. Has it increased the price of wool? No, sir; the opposite has been the effect; the price has actually declined. Then where is the benefit to the farmer? It must be in the supreme satisfaction that he is doing hard work in order that certain manufacturers may grow rich out of his labor. [Applause on the Democratic side.]

The manufacturer has said to the farmer: "You work; I eat. You toil; I take a rest. You struggle and economize and pinch and save money and give it to me; and, Mr. Farmer, while you are making that donation to our wealth and prosperity you must be comforted by the consoling thought that there is a tariff on wool." [Applause on the Democratic side.]

This is the feast the farmers of the United States are invited to partake of by the Republican party; but it is a feast that, in my judgment, they will utterly repudiate and reject on the 6th of November next. [Applause on the Democratic side.]

Mr. COX. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. STAHLNECKER. I ask that the Committee of the Whole be discharged from the further consideration of House bill 1676, and that it be now considered in the House.

Mr. KILGORE. I object.

Mr. CRAIN. I ask that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 10165) for improving the mouth of the Brazos River in Texas, and that the same be now considered.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOVEY. I object.

Mr. T. H. B. BROWNE. I move to discharge the Committee of the Whole from the further consideration of the bill which I send to the Clerk's desk, and that the same be now considered.

The Clerk read as follows:

A bill (S. 1211) for the completion of the monument to Mary the mother of Washington at Fredericksburgh, Va.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. HOVEY. I object.

Mr. STONE, of Kentucky. There have been night sessions set apart for the consideration of bills coming from a number of committees. Quite a number of bills that have been reported from the Committee on War Claims have passed the Senate. I ask unanimous consent that next Wednesday night one week be set apart for the consideration of bills that have passed the Senate and been reported to the House by the Committee on War Claims.

Mr. HOVEY. I object.

Mr. McMILLIN. As it seems that no business can be done, I move that the House take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the House accordingly took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired the House reassembled at 8 o'clock p. m. The House was called to order by Mr. COX, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *July 14, 1888.*

SIR: Hon. S. S. COX is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will read also the order for this evening session.

The Clerk read as follows:

On motion of Mr. LANHAM,

Ordered, That a recess be taken to-morrow (Saturday) evening from 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Claims to which there shall be no objection.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Speaker, before moving that the House resolve itself into Committee of the Whole House for the consideration of bills under the special order, I desire to submit a brief statement for the consideration of the House. There are, I think, about one hundred and fifty bills on the Private Calendar reported from the Committee on Claims. A great many of those bills are, in my judgment, quite meritorious, and will provoke very little, if any, discussion. Under the order of the House we can consider only such bills as may not be objected to. It would require a great deal of time to call the bills regularly in their order on the Calendar, and I submit a request for unanimous consent that when the House does resolve itself into Committee of the Whole House gentlemen present may call up bills out of the regular order for consideration.

Mr. DOCKERY. Mr. Speaker, I think there is some objection to the method proposed by the gentleman from Texas, and, with his permission, I suggest that the most satisfactory plan that has ever yet been devised for facilitating business at these evening sessions is to have the bills read by their titles, and if the consideration of any bill is not asked for when its title is read to let it go over, not losing its place on the Calendar. In this case, however, in view of the special order, I would modify that so as to provide that each member shall have the right to ask for the consideration of only one bill until other members present shall each have had an opportunity to have one bill considered.

Mr. LANHAM. There are several gentlemen here whose bills are low down on the Calendar, so that it would take a long time to reach them, and I think that those who have been diligent enough to make their appearance here to-night ought to receive some consideration.

Mr. MCMILLIN. I concur fully in what the gentleman from Missouri [Mr. DOCKERY] has said. Various methods have been tried for the consideration of bills at these sessions, but I think the most satisfactory one we have ever adopted is the one suggested by him. Let the bills on the Calendar be called in their order, and if no gentleman present calls for the consideration of a bill when the title is read let it be passed over informally, not losing its place on the Calendar; but if any gentleman present desires the consideration of the bill, let him ask for it and let the bill be considered. I think we shall do more business in that way than in any other, and it will be satisfactory to every one.

Mr. LANHAM. I suggest that no member ought to be allowed to call up a bill for an absentee.

Mr. MCMILLIN. Let it be understood that no one shall be permitted to call up more than one bill until all gentlemen present have each had an opportunity to call up a bill.

Mr. LANHAM. Mr. Speaker, inasmuch as there seems to be some objection to the method of procedure proposed by myself, I will endeavor to conform to the suggestions of the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Tennessee [Mr. MCMILLIN], and I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, under the special order which has been read in the House. The Chair will entertain the proposition of the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that the bills be read by their titles in their order on the Calendar, and that when a bill is reached, unless some gentleman present calls for its consideration, it shall be passed over informally, not losing its place on the Calendar, each member present having the right to call up only one bill until others present have had a like opportunity to call up each one bill.

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair suggests that gentlemen watch the Calendar closely while the Clerk reads the bills by their titles only, so that as bills are called the consideration of which is not asked for they may be rapidly passed over. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 68) for the relief of Zeb Ward.

Mr. ROGERS. Mr. Chairman, I desire to have that bill considered.

Mr. LANHAM. That bill passed the Senate, came to the House, and was referred to the Committee on Claims. The Committee on Claims had previously reported the House bill, but they have since reported the Senate bill with the recommendation that the House bill be laid on the table.

Mr. ROGERS. I intended as soon as the title of the bill was announced to ask the consideration of the Senate bill instead.

ZEB WARD.

The first bill on the Calendar from the Committee on Claims (called up by Mr. ROGERS) was the bill (H. R. 68) for the relief of Zeb Ward.

Mr. ROGERS. I ask unanimous consent that, instead of considering this House bill, we consider Senate bill No. 321, which is an exact copy of this.

The CHAIRMAN. If there be no objection, the Senate bill will be considered in lieu of the House bill. The Chair hears no objection.

The bill was read, as follows:

A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Zeb Ward, of Little Rock, Ark., out of any moneys in the Treasury not otherwise appropriated, the sum of $19,615, balance of the account of said Ward for the keeping of United States prisoners in the State penitentiary of Arkansas from April 1, 1876, to March 31, 1883, the said Ward being the lessee of said penitentiary during that time.

The CHAIRMAN. Is there objection to the consideration of this bill? The Chair hears no objection, and the committee will proceed to its consideration.

Mr. KILGORE. I would like to hear the report read.

Mr. ROGERS. The report is somewhat lengthy. I will send it up to be read if the reading is insisted upon, but I can state the facts perhaps more briefly than they are stated in the report, though that presents, I think, the best argument which can be made on the subject.

Mr. MCMILLIN. Let the report be read.

The Clerk read as follows:

The Committee on Claims have considered Senate bill No. 321, for the relief of Zeb Ward, and report the same without amendment, and recommend its passage.

This bill is the same as House bill No. 68, reported from this committee January 24, 1888, and the report thereon of that date (No. 110) is adopted as a report on this Senate bill.

The committee recommend that said House bill do lie upon the table, and that Senate bill No. 321 be passed instead thereof.

Mr. ROGERS. This report refers to the very elaborate report upon the House bill which of course ought to be read, if gentlemen wish to hear the committee's statement of the case.

Mr. LONG. Why can not the gentleman from Arkansas state the case?

Mr. ROGERS. I can state it accurately; but the reading of the report seems to be desired.

Mr. MCMILLIN. I will not insist upon the reading of this report, because I do not wish to appear captious; but in matters of such importance as this I think it proper the record should show the report upon which the action of the House is founded. I have acted on that theory heretofore, and shall continue to do so.

Mr. ROGERS. Let the report be printed in the RECORD, and I will make a statement which I think will cover the points involved.

Mr. KILGORE. Does the gentleman from Tennessee withdraw his demand for the reading of the report?

Mr. MCMILLIN. I do.

Mr. KILGORE. I want to hear the report.

The Clerk read as follows:

The committee find that this bill was considered by the Committee on Claims in the Forty-ninth Congress and favorably reported, but the amount claimed being a considerable sum, the committee have carefully re-examined it and submit herewith the result thereof.

In the year 1873 Ward & Peck became the lessees of the Arkansas State penitentiary. At the date of their lease the United States prisoners in the eastern and western districts of Arkansas were being confined in that prison, at the sum of 75 cents a day per capita, which was the sum allowed by the State for keeping its prisoners in the county jails. Ward & Peck continued to receive and keep the prisoners for both districts of Arkansas upon the same terms and conditions as their predecessors had done. In a letter addressed by the First Comptroller of the Treasury to the United States marshal at Little Rock, dated August 19, 1884, in relation to the prisoners then kept at the Arkansas penitentiary, the following language was used:

"The sum of 75 cents per day will be allowed for guarding, subsisting, clothing, medicine, and providing medical attendance for each prisoner, in accordance with the rates heretofore allowed.

"R. W. TAYLER, *Comptroller.*"

In October, 1874, complaints were made to the Attorney-General of the United States touching the condition and management of the penitentiary of the State of Louisiana, at Baton Rouge, in that State, whereupon the Attorney-General opened correspondence with the United States marshal, Isaac C. Mills, of Little Rock, Ark., touching the condition and management of the Arkansas penitentiary, and the propriety of confining the United States prisoners sentenced by the United States courts for the district of Louisiana therein. The following is the answer of the marshal:

"OFFICE OF UNITED STATES MARSHAL,
"EASTERN DISTRICT OF ARKANSAS,
"*Little Rock, Ark., November* 7, 1874.

"SIR: Yours of the 29th October, in regard to confinement of convicts sentenced by the United States courts of the district of Louisiana, has been received; contents carefully noted. In reply I am of opinion that the Arkansas penitentiary is a suitable place for the purpose; Little Rock is a healthy locality; prison room for several hundred more convicts than they now have confined. The contractors, Messrs. Ward & Peck, are willing to contract at the same rates as are now paid them by the United States for like services.

"I have the honor to be, sir, your obedient servant,

"ISAAC C. MILLS,
"*United States Marshal for the Eastern District of Arkansas.*

"Hon. GEO. H. WILLIAMS,
"*Attorney-General, Washington, D. C.*"

On the receipt of this letter the Attorney-General wrote as follows:

"DEPARTMENT OF JUSTICE,
"*Washington, D. C., November* 12, 1874.

"SIR: I have received your letter of the 7th instant, informing me that, in your opinion, the Arkansas penitentiary is a suitable place for the confinement of United States prisoners, that Little Rock is a healthy locality, and that there is prison room in the penitentiary for several hundred more convicts than are now confined there. You further note that the contractors, Messrs. Ward & Peck, will contract to receive convicts sentenced by Federal courts in other districts than those of Arkansas, at such rates as are now paid by the United States for prisoners sentenced by the courts of the latter named district.

"I have designated this penitentiary as a place for the confinement, subsistence, and proper employment of such convicts as may hereafter be convicted by the United States courts for the district of Louisiana, and have so notified the officers of that district. You will please have a contract drawn up to be signed by these contractors on the one part and by myself for the United States on the other part, conditioned upon the payment of the same sum as is now paid for the support and maintenance of the United States convicts in that prison, that they will safely keep, subsist, clothe, and furnish the necessary medical attendance and medicine for such prisoners as may be sent by the courts of the district of Louisiana.

"When the contract shall have been signed by the contractors you will transmit it to this Department for my signature.

"Very respectfully,

"GEO. H. WILLIAMS, *Attorney-General.*

"J. C. MILLS, Esq.,
"*United States Marshal, Little Rock, Ark.*"

The contract was drawn and executed in pursuance of this letter, and is as follows:

"Articles of agreement made and entered into this 18th day of November, A. D. 1874, by and between Zeb. Ward and John M. Peck, partners under the style of Ward & Peck, lessees of the Arkansas State penitentiary, of the first part, and the United States of America by her Attorney-General, George H. Williams, of the second part.

"Whereas George H. Williams, Attorney-General of the United States of America, has designated the penitentiary of the State of Arkansas as a place for the confinement, subsistence, and proper employment of such convicts as may hereafter be convicted by the United States courts for the district of Louisiana—

"Witnesseth: That the said Ward & Peck, lessees as aforesaid, parties of the first part, for the consideration hereinafter mentioned, have agreed and by

these presents do covenant and agree to and with the said United States, party of the second part, that they, the said parties of the first part, shall and will safely keep, subsist, and clothe, and furnish the necessary medical attendance and medicine for all such prisoners as may be sent to the said penitentiary of the State of Arkansas by the courts of the United States for the district of Louisiana.

"And the said party of the second part doth hereby covenant and agree on her part that she will well and truly pay to the said parties of the first part the sum of 75 cents per day for each and every person so safely kept, subsisted, clothed, and furnished with medical attendance and medicine as aforesaid by said parties of the first part; said payment to be made at such times and upon the production of such vouchers as may be prescribed by the Department of Justice of the United States. And for the true and faithful performance of the covenants and agreements aforesaid the parties aforesaid hereby bind themselves firmly by these presents. In testimony whereof the parties of the first part have hereunto set their hands and seals, and the United States, party of the second part, has witnessed her assent thereto by the hand of her Attorney-General.

"WARD & PECK, [L. S.]
"*Lessees of Arkansas Penitentiary.*

"[Seal Department of Justice.]

"GEO. H. WILLIAMS. [L. S.]

"In the presence of—
"JOHN WASSELL.
"C. B. MOORE.
"A. J. FALLS, as to GEO. P. WILLIAMS."

As soon as the contract had been completed the Attorney-General made the following order:

"DEPARTMENT OF JUSTICE, *Washington, November* 10, 1874.

"SIR: Pursuant to the provisions of the acts of Congress approved May 13, 1864, and March 5, 1872, I have designated the Arkansas State penitentiary as a place for the confinement, subsistence, and proper employment, during the term of their sentence, of all persons who shall have been or may hereafter be convicted in the courts of the United States for the district of Louisiana of crimes against the United States and sentenced by said courts to imprisonment at hard labor.

"Very respectfully, "GEO. H. WILLIAMS,
"*Attorney-General.*

"J. R. BECKWITH, Esq.,
"*United States Attorney, New Orleans, La.*"

[NOTE.—Same sent to Judge Durell, at New Orleans, and Marshal Packard.]

After the date of this order the prisoners sentenced in the United States courts for the State of Louisiana were sent to the Arkansas State penitentiary and kept by its lessees under this agreement. In January, 1875, Ward, the claimant, purchased the interest of his co-partner, Peck, in the lease from the State and in the contracts aforesaid for keeping, subsisting, etc., the United States prisoners for the States of Arkansas and Louisiana, and thereby became the sole lessee of the State and the only contractor with the United States.

In the spring of 1875, only a few months after the said contract was executed, Mr. Ward, in conformity to established regulations of the Department of Justice under the law, presented his account for guarding, feeding, etc., the United States prisoners to the Hon. H. C. Caldwell, then and now the district judge of the United States for the eastern district of Arkansas, for his examination and approval; whereupon the said judge approved the account for 50 cents per day per capita, and refused to approve it for the other 25 cents per day per capita, as provided in the contracts between the United States and the lessee, and wrote the Attorney-General a letter containing, among other things, the following paragraph, explanatory of his action:

"The prisoners sentenced to imprisonment in this penitentiary are sentenced to 'hard labor' during the term of their imprisonment. This part of the sentence is faithfully executed by the lessees of the penitentiary. The earnings of the prisoners' labor under this sentence go to the lessees. Their labor is valuable, and ought to be taken into consideration in fixing the compensation of the lessees for subsisting, clothing, and furnishing medical attendance to the prisoners. I am satisfied that 50 cents per day would be a most liberal compensation for subsisting, clothing, furnishing medical attendance, etc., for prisoners sentenced to hard labor, and their accounts ought justly to be reduced to that sum at least. For prisoners put in the penitentiary for 'safe-keeping,' and who do not labor, 75 cents per day is not unreasonable.

"HENRY C. CALDWELL,
"*United States District Judge.*"

On the receipt of this letter the Attorney-General notified Mr. Ward that only 50 cents would be allowed. Ward protested against the violation by the United States of the contract. Correspondence ensued; but the Department continued to cut down the account from 75 to 50 cents, and to send the prisoners to Ward in a way hereafter explained, who received them, as he was compelled to do under the State statute, and also received the allowance made him by the Department, but always under protest, and always presenting each account made out at the contract price—75 cents a day per capita.

This state of things continued from April 30, 1876, until March 31, 1883—nearly seven years.

It should be stated at this point that in April, 1876, the Department made an order sending all the convicts thereafter convicted and sentenced by the United States courts in Arkansas and Louisiana for a longer term than one year to the penitentiary in West Virginia, and without any notice to Ward whatever, leaving with him only the sick, wounded, and short-term prisoners, whose services were of little value to him. It may be inquired why Judge Caldwell advised the disallowance of 75 cents per day. This is fully explained by his subsequent letter, as follows:

"LITTLE ROCK, ARK., *May* 11, 1886.

"MY DEAR SIR: In relation to Colonel Ward's claim for keeping United States prisoners I have this to say. When Colonel Ward first became the lessee of the penitentiary he had all the United States prisoners from this and the western district, aggregating a large number, and many of them long-term prisoners, sentenced to hard labor. In view of these facts, I thought then, and still think, that 50 cents per day for each prisoner, including all classes, was an adequate compensation; but afterwards, by an order of the Attorney-General, issued under authority of an act of Congress, all long-term prisoners were sentenced to imprisonment in the house of correction at Detroit, Mich. This left only the short-term prisoners, most of whom were not sentenced to labor at all, to be imprisoned in the Arkansas penitentiary. It is obvious that what would be a fair compensation per head for keeping all the United States prisoners, those sentenced to long terms and hard labor, as well as those sentenced to short terms and no labor, would not be an adequate compensation for keeping the last-named class alone.

"It is needless for me to say that I had no power to make a contract with Colonel Ward on this subject, or to revoke or modify any contract he had made with the Department, and I never assumed to do so. While the law then in force required me to examine the accounts paid by the marshal and approve or disapprove the same, my action went for nothing for any clerk in the Auditor's Office could then, as now, disregard my action. The approval or the disapproval of the judge settled nothing, and went for nothing, usually.

"Yours, truly, "HENRY C. CALDWELL,
"*United States District Judge.*

"Hon. J. H. ROGERS, M. C.,
"*Washington City.*"

It is fair to presume that Judge Caldwell did not know what Ward's contract with the United States was, or, knowing it, thought in what he did to invite the attention of the Department to what he considered an exorbitant charge, that it might make a new contract with Ward. It resulted, however, as has been seen, in not only cutting down Ward's pay one-third of the contract price, but in the immediate withdrawal also of all the long-term prisoners. He makes no claim for damages for the breach of the contract, but only for the service actually performed by him.

The committee have examined all the correspondence that the Department of Justice could find on its files touching this claim, and have fairly stated the substance of the facts, and submit that claimant has established his claim to the extent of $19,615.

Your committee recommend that the words "twenty thousand three hundred and ninety dollars and eighty cents" in the bill be stricken out and the words "nineteen thousand six hundred and fifteen dollars" be inserted in lieu thereof, and when so amended that the bill do pass.

Mr. KILGORE (during the reading of the report). I am willing that the further reading of the report be dispensed with, if the gentleman from Arkansas will state the substance of it.

Mr. SENEY. I think this matter is of enough importance to demand that the report be read.

The Clerk resumed and concluded the reading of the report.

Mr. ROGERS. Mr. Speaker, the Senate bill was made to conform to the recommendation contained in the House bill, so that the appropriation is now for $19,615, instead of the larger sum. There was a discrepancy of some five or six hundred dollars between the report made from the Treasury Department and the itemized accounts as furnished by Colonel Ward. I declined to undertake to adjust that difference, and allowed the report to be made according to the account as sent in by the Treasury Department. It is proper I should state that the report of the committee is, with the exception of a single matter, based solely and absolutely, I believe, upon the official records of the Department of Justice, embracing the contracts and correspondence between Colonel Ward and the different Attorneys-General, together with Judge Caldwell's letter, and other matters of that kind. The report is a full and fair statement of the circumstances of the case exactly as they appear upon the public records of the Department of Justice.

Now, if there are any circumstances about which any gentleman desires to make inquiry, I shall be glad to reply.

Mr. KILGORE. Is it customary to authorize by special act of Congress the payment of expenses of this kind? Are they not generally paid as part of the court expenses?

Mr. ROGERS. No, sir.

Mr. KILGORE. How are they usually paid?

Mr. ROGERS. These expenses are paid regularly by the Comptroller of the Treasury upon audited accounts of the marshal, which are submitted to the court for approval or disapproval. As Judge Caldwell says, the approval or disapproval of the court is the only safeguard of the Department; but this is subject, of course, to be overruled by the accounting officers of the Treasury.

Mr. KILGORE. Why were these accounts never paid in that way?

Mr. ROGERS. They were never made out in that way. Judge Caldwell stated to the Department of Justice that 50 cents per day for each prisoner was enough. Colonel Ward received this sum under protest.

Mr. KILGORE. Then he was paid 50 cents per day for each prisoner?

Mr. ROGERS. He was. The balance due is 25 cents per day for each of these prisoners, in conformity with the price named in the contract between Colonel Ward and the Government, this difference of 25 cents having been disallowed by action of the Department of Justice because of the recommendation of the judge of the court.

Mr. KILGORE. Does it appear in this investigation that the prisoners were employed at labor?

Mr. ROGERS. Oh, no.

Mr. KILGORE. The claimant was the lessee of the penitentiary, I believe.

Mr. ROGERS. Yes, sir.

Mr. KILGORE. And had the right to work the prisoners?

Mr. ROGERS. Not at all; only those who were sentenced, of course, to hard labor. A large class of those who were imprisoned there, as this report shows, or a considerable number of them, were disabled, by wounds or long confinement, from working. The short-time prisoners he had no right to work at all. He had to clothe, feed, take care of, and furnish medical attendance for all of them, but was not allowed to work any of them excepting those who were sentenced to hard labor. And, moreover, the hardship bore particularly hard upon Colonel Ward for this reason, that he could not break the contract with the Government because the State law compelled him to accept these prisoners.

Now, Judge Campbell, after the case had been before him, decided that he had no authority in the premises to revoke or modify the contract, but that it was a matter for the Department. The Department of Justice, however, as shown by the report, refused to do anything for the relief of Colonel Ward, and as a matter of fact they removed all the long-term prisoners, by an order of the Department, to Detroit, leaving him only the sick and wounded and those who were imprisoned for short terms; and for six years he was compelled to keep these in violation of the terms of the contract. He protested over and over

again to the Department, but they refused to reconsider the order. [Cries of "Vote!" "Vote!"]

Mr. SENEY. I would like to ask the gentleman from Arkansas a question in this connection.

Mr. ROGERS. Certainly.

Mr. SENEY. Is there any existing law under which Colonel Ward's claim may be audited?

Mr. ROGERS. There is not so far as I am aware.

Mr. BUCHANAN. Let me ask a question.

Mr. ROGERS. Certainly.

Mr. BUCHANAN. What was to prevent this gentleman from going into the Court of Claims and seeking his remedy there?

Mr. ROGERS. I do not know that there was any law at that time.

Mr. BUCHANAN. I think there was at this date, 1878.

Mr. ROGERS. I am not aware of that fact. It was long before I went to Congress. I did not know anything of it except what I found on the files of the Department, communications from ex-Senator Garland, ex-Senator Powell Clayton, and others, protesting against the injustice done to Colonel Ward. But I do not think he had a right to go into the Court of Claims at that time. If he had, I doubt if he knew the fact.

Mr. SENEY. Why would it not be a good move to send it there now?

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman, if my colleague will allow me——

Mr. ROGERS. Before I yield to my colleague, let me say there is not a particle of dispute between Colonel Ward and the Department on this bill.

There is no question as to the amount. The books correspond, except that there was a difference on the Treasury books in the amount of some five or six hundred dollars, which Colonel Ward abandoned, and he is perfectly willing to stand by the books of the Treasury. He makes no claim that is disputed in that respect.

Mr. SENEY. I understand from the reading of the report that there was a dispute between the accounting officers of the Government and the claimant as to the amount he was to receive under the contract.

Mr. ROGERS. No; that is a mistake.

Mr. SENEY. If I understand the reading of the report, he was allowed 50 cents per day.

Mr. ROGERS. No, sir; his contract says 75 cents.

Mr. SENEY. Yes; but he was allowed 50 cents.

Mr. ROGERS. That is true. The claim is for the amount withheld.

Mr. SENEY. And the contract called for seventy-five.

Mr. ROGERS. Yes, sir.

Mr. SENEY. But the accounting officers of the Treasury allowed him 50 cents only, and that he took, as the gentleman from Arkansas states, under protest?

Mr. ROGERS. Yes, sir.

Mr. SENEY. Now, it occurs to me that this is exactly the case to go to the Court of Claims, where that dispute between him and the accounting officers of the Treasury could be settled.

Mr. BRECKINRIDGE, of Arkansas. I will say to my friend from Ohio that I think he is in error as to any dispute existing between Colonel Ward and the accounting officers of the Treasury. There is no dispute.

While this matter is outside of my immediate district, yet the claimant is an old acquaintance of mine, and I understand very well about his business and I have looked carefully into this claim. There is no dispute about the amount. There is no dispute as to the facts set forth in the contract and no dispute as to the amount in this report and bill that Colonel Ward claims from the Department at all, none whatever.

The dispute was in reference to the first recommendation of Judge Caldwell that 50 cents was adequate for the prisoners as an entirety. Now, when Judge Caldwell found that the Government had taken all the prisoners that labored away from Colonel Ward, he then wrote the second letter set forth in the report, stating that the contract price was not excessive for the character of the prisoners left with the licensees. Hence there is no dispute anywhere in the bill.

He is now claiming 25 cents per day under the letter of the contract without regard to whether they had taken the long-term prisoners away from him or not, and leaving him only those unfit for labor; and the court, on a review of the question, revoked the previous recommendation and said the contract price should be allowed.

Mr. SENEY. A word in response to the gentleman from Arkansas. It is apparent that there is some reason why the Department did not allow Mr. Ward the entire claim he made. It is conceded here that he wanted 75 cents. It is claimed, I believe, that he was entitled to that under the contract; but the accounting officers of the Treasury thought otherwise.

Mr. BRECKINRIDGE, of Arkansas. No; I beg pardon; they did not think otherwise; not as to the contract. That question was not raised by the Department.

Mr. SENEY. The point I wish to make is simply this: There was some reason, whatever that reason may have been, why these accounting officers of the Government did not allow Mr. Ward his pay. I think for that reason—call it a legal dispute or call it what you please—we ought to send this man to the Court of Claims.

Mr. BRECKINRIDGE, of Arkansas. My friend will observe one consideration. The reason in the case is very plain. It is stated by the circuit judge. He states that he thought Ward was to continue to receive the sound as well as the unsound prisoners. That was the reason and that was the basis of the judge's recommendation. The judge distinctly states that reason was done away with. I think the gentleman is right as to there having been a reason, but the reason is perfectly clear. The judge leaves it no shadow of doubt. He withdraws entirely his former statement.

Mr. SENEY. There was a reason, but there is no reason now.

Mr. ROGERS. Allow me to make a statement to my friend from Ohio. When I examined this claim the first thing I did was to send a communication in writing to the Department of Justice, asking for every paper relating to the transaction. My friend will accept my statement when I say I have carefully read every paper in connection with the case; every letter and every paper; and they were before the committee. The reason, and the only reason that can be found upon the records of either Department, is this letter of Judge Caldwell which is set out in the report. That is explained away by his subsequent letter, showing the misapprehension upon his part as to the relations which obtained between Ward and the Department.

Mr. SENEY. What is the difficulty in the way of sending the case to the Court of Claims?

Mr. ROGERS. This last letter of Judge Caldwell explaining the case was addressed to me after I came to Congress; ten years after the transaction took place.

Mr. LANHAM. Judge Caldwell does not pretend to deny that the Government contracted to pay 75 cents, and only paid 50 cents.

Mr. ROGERS. In my judgment every material fact is contained in the report; and all the evidence was laid before the committee and carefully considered.

Mr. HOLMAN. I wish to inquire of the gentleman from Arkansas [Mr. ROGERS], as he has carefully examined these papers, how many years elapsed after the letter of Judge Caldwell was written before this contract was finally concluded?

Mr. ROGERS. The contract was finally signed in November, 1874, and the order of the Department taking the long-term prisoners away was made April 30, 1876, and continued until March, 1883, nearly seven years.

Mr. HOLMAN. One other question. I hope as my friend has examined these papers he will give the form of some one of those receipts made annually during that period of seven years.

Mr. ROGERS. Mr. Chairman, this report was made early in the present session. It is the sixty-sixth bill on the record. The report was made in January last. I have not read one of the accounts since, and do not remember the form; but I do know that every one of them was made under protest. [Cries of "Vote!"]

The CHAIRMAN. If there be no objection, the Senate bill——

Mr. BUCHANAN. There is objection until I know more about this case, although I do not wish to take the time of the committee.

Mr. HOLMAN. I am anxious to see the form of one of those receipts. I have had enough experience in the Claims Committee to know that the cases are necessarily largely *ex parte*.

Mr. LANHAM. I think that was not the case here.

Mr. HOLMAN. I think it is important to know what construction this claimant himself put upon the contract after the time the letter of Judge Caldwell was written.

It is said that the money was received under protest during those seven years. I should be glad to see the receipt. It must be an oversight on the part of the committee, because the form of the receipt of course enters very largely into this transaction.

I wish to add a single word to what I said on that point. The duties of Judge Caldwell were clear enough. All gentlemen understand exactly his relations to this contract. All gentlemen understand distinctly to what he had to certify to enable the settlement of accounts from his court. Judge Caldwell finding one fact omitted in that contract—any reference whatever to the right of the lessee to employ the labor of those who were able to work—states in his letter that as to those who were not able to labor 75 cents was a reasonable price to have been paid by the Government, but as to those who were employed by the lessee, 50 cents was reasonable compensation.

That was the statement of Judge Caldwell, if I understood the reading correctly. From that I infer that the persons who were not able to labor, if they were paid for on the basis of that letter, were paid for at the rate of 75 cents per man.

Mr. ROGERS. But they were not. The rate was cut down as to all.

Mr. HOLMAN. Then I ask that the letter of Judge Caldwell be read again.

Mr. ROGERS. The first letter or the second letter?

Mr. HOLMAN. The first letter. The second letter simply says what every judge would say in such a case—that it was not his contract; that he was simply bound by law to certify the accounts of the expenses paid by the marshal within his district, or that came within it by reason of the location of the penitentiary.

The extract from the first letter of Judge Caldwell, which is printed in the foregoing report of the Committee on Claims, was again read.

Mr. HOLMAN. That is the way I stated it. Now, the fact does not appear here whether or no the accounts were settled upon the basis there stated, but it is fair to presume that they were, and, if so, those persons who were able to labor were employed in labor——

Mr. ROGERS. Will the gentleman permit me to interrupt him?

Mr. HOLMAN. Certainly.

Mr. ROGERS. I state emphatically that they were not settled on that basis, and the Treasury Department does not pretend that they were.

Mr. HOLMAN. Why not?

Mr. ROGERS. Judge Caldwell's letter states all that I know about the reason. They were all paid for at 50 cents a day, those not sentenced to hard labor as well as the others, in violation of the specific terms of the contract.

Mr. LANHAM. In the original contract entered into between the lessees of the penitentiary and the Attorney-General of the United States there was nothing said as to long-term or short-term prisoners, but it was provided that they should take all prisoners——

Mr. HOLMAN (interrupting). I have already said that all of that was omitted. That was the basis on which the judge made his statement, in conflict with the terms of the contract itself, that 50 cents per head was a reasonable payment for those who could labor, upon the idea that in addition to the compensation paid by the Government the lessee was obtaining the benefit of the labor of those men, which benefit ought to inure not to the advantage of the lessee, but to the advantage of the United States.

Now, does my friend think it a proper thing, after a judge has passed upon the subject with the whole matter under his eye, charged with this duty, familiar with the contract, and bound to know the terms of the contract he was writing about—does my friend think it is a proper thing to ask this House to revise the judge's action?

Mr. BUCHANAN. If the gentleman will permit me, was not the contract executed subject to the laws of the land, and did not those laws require the judge to approve the accounts?

Mr. HOLMAN. Oh, of course.

Mr. LANHAM. Let me read what the judge says about that:

It is needless for me to say that I have no power to make a contract with Colonel Ward on this subject, or to revoke or modify any contract he had made with the Department, and I never assumed to do so.

Now, the contract makes this stipulation:

The said parties of the first part shall and will safely keep, subsist, and clothe and furnish the necessary medical attendance and medicine for all such persons as may be sent to the said penitentiary of the State of Arkansas for the district of Louisiana, and the said party of the second part doth hereby covenant and agree on her part that she will well and truly pay to the said parties of the second part the sum of 75 cents per day for each and every person so safely kept, subsisted, etc.

Mr. HOLMAN. The terms of the contract have been repeated over and over again, and I am obliged to my friend for repeating them now; but I do not think that the individual members of this House should be placed in the position that this places them in. I do not believe, for instance, that my friend in front of me [Mr. GLASS] should be called upon by his own silence—that silence being affirmative in this case—to overrule the decision of the judge who decided this matter with all the facts before him. It is an unpleasant position in which to place any member on this floor. That is all I have to say about it.

Mr. WHITE, of New York. Is there any allegation of fraud anywhere in reference to this contract?

Mr. HOLMAN. Of course not.

Mr. WHITE, of New York. Well, if the situation were reversed, if Mr. Ward had failed to keep his contract, and the matter were brought before the judge presiding in his court, would he not have compelled Mr. Ward to pay the utmost farthing?

Mr. HOLMAN. My friend from New York differs with Judge Caldwell.

Mr. WHITE, of New York. No, sir.

Mr. HOLMAN. Then, if he does not differ with him——

Mr. ROGERS (interposing). Oh, Mr. Chairman, I do not think that is a fair argument. I do not think the gentleman from Indiana ought to put the case in that way. It is not a judicial question. It was not a question that the judge had entered into except upon the face of the papers. He saw that 75 cents was charged for these prisoners, and he sat down, and, under the authority given him to approve or disapprove these accounts, simply cut down the accounts arbitrarily without a hearing. That is all there was about it. Then the accounts were sent here to the Department, and upon that simple statement the Department of Justice went beyond what the judge had done and deprived Mr. Ward not only of the short-term prisoners and those who were not required to labor at all, but also of the long-term prisoners whom he had a right to work under their sentences.

Now, there can not be any doubt at all that, when this contract was entered into, everybody knew the circumstances in regard to these prisoners being sentenced to labor. There is another fact which I can state from information furnished me by the Department of Justice, that from the very beginning, as shown in this correspondence, the Department of Justice, as well as the Senators then here from that State, had knowledge of Colonel Ward's protest against the action of the Department from time to time during this entire transaction. The correspondence is on file and was furnished to the committee.

Mr. HOLMAN. Has my friend any statement from the Department of Justice or elsewhere as to the number of prisoners imprisoned at this prison during the term of this contract who were able to work and did work, and the number who did not work?

Mr. ROGERS. No, sir; and that is not material, because all the long-term prisoners were sent away; and as to the others the allowance to Colonel Ward was cut down to 50 cents a day. The Government never paid more than 50 cents, that being all that Judge Caldwell thought ought to be paid.

Mr. BRECKINRIDGE, of Arkansas. We can cite conclusive evidence on that point. These transactions relate to what transpired after the first letter of Judge Caldwell; and my colleague [Mr. ROGERS] can cite the orders of the Department immediately after this first letter, taking away all these profitable prisoners.

Mr. ROGERS. These documents are in the record.

Mr. BRECKINRIDGE, of Arkansas. It also appears that if the Government had left the profitable prisoners there Colonel Ward would have been perfectly satisfied to have taken 50 cents a day for each prisoner as compensation for the entire time, but immediately after this first letter the Government, as shown by the orders which are in evidence, took away the profitable prisoners. Judge Caldwell's second letter states that after this action of the Government taking away all the profitable prisoners, the recommendation that he made did not apply.

Mr. WHITE, of New York. Mr. Chairman, I wish to say just one word on the general principle which seems to cover this case. In my view it is against the dignity of the United States to keep a citizen year after year out of his money due upon a contract, when there is no allegation of fraud, simply because the Government has the physical power thus to hang up a just claim through the action of an accounting officer. If the circumstances were reversed, the same Department of Justice would sell the man's property and compel him to make payment. Let this country do justice to the citizen whose case is submitted to its sovereign will, just as it exacts justice from him when it has the sovereign power to do so. This is a principle which should govern all cases of this kind in the absence of any fraud. [Cries of "Vote!" "Vote!"

Mr. LANHAM. I ask unanimous consent that the debate on the pending claim be now closed.

Mr. HOLMAN. I can not consent to that at this moment, though I would be glad to accommodate my friend from Texas. In reference to the remarks of the gentleman from New York [Mr. WHITE], I will say we have heard that same speech in other cases.

Mr. WHITE, of New York. It is a good one.

Mr. HOLMAN. When my friend from New York shall have served here half the length of time which I have served upon the Committee on Claims of this House, he will modify very much his views in regard to matters of this kind.

Now, let me say that this case was within the jurisdiction of the Court of Claims from the beginning. Of course all gentlemen know that.

Mr. ROGERS. I do not.

Mr. HOLMAN. It has been within the jurisdiction of the court ever since its organization in 1863.

Mr. SENEY. Do you mean under the general law?

Mr. HOLMAN. I mean under the general law. When the court was first organized, in 1853 or 1854, no final judgment could be rendered; but when the court was given jurisdiction of claims arising under contract, parties in cases of this kind were entitled to their day in court under the law. But there are two reasons, I imagine, why this case was not presented to the court. One was that these receipts were signed from time to time during this period of seven years, and were receipts in full.

Mr. BRECKINRIDGE, of Arkansas. Oh, no.

Mr. ROGERS. That is not the fact. I have so stated to my friend over and over again.

Mr. HOLMAN. How does it happen that all the facts do not appear on the face of these papers?

Mr. ROGERS. Why, Mr. Speaker, if I had published all this correspondence it would have made a book. I have set out every substantial fact; but if all the correspondence, embracing all the long letters which passed between the Department and Colonel Ward, had been printed here the report would have been so long that it would have taken all night to read it. I have read every line of the correspondence; and I state here now that the letters of Colonel Ward were the strongest possible appeals that the Government should observe its contract and keep faith with its citizens. But he got no relief. I do not think my friend from Indiana ought to undertake to question statements which I make over and over again as a matter of fact, and the evidence of which has been before the Committee on Claims in writing, copies of all the documents having been sent to the committee by the Department of Justice.

Mr. HOLMAN. I wish to inquire whether the papers in this case

are at the desk or on file. As I was remarking, receipts were no doubt given during the seven years, and these accounts were examined from year to year during that time. I assume that the judge who passed upon these accounts was more familiar with the facts than I am. I should have been very glad to have seen those receipts. If receipts were not given, or if payment was received under protest, which appeared on the face of the papers, the Court of Claims was open to this claimant all the time. [Cries of "Vote!" "Vote!"]

The question being taken on laying the bill aside to be reported to the House with the recommendation that it do pass, it was decided in the affirmative—ayes 39, noes 6.

Mr. HOLMAN. I do not intend to raise the point of no quorum inasmuch as the House seems to be so unanimous.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The House bill will be reported to the House with the recommendation that it be laid on the table.

JOHN J. BROWN.

The next business on the Private Calendar was the bill (H. R. 21) for the relief of John J. Brown.

The bill was read.

The CHAIRMAN. The Chair will state under the order of the House bills only are to be considered which are not objected to. The Clerk will read the report, subject to objection.

Mr. ENLOE. If we read every report through it will take up much more time than by making a statement of the facts.

Mr. KILGORE. To save all further expenditure of time unnecessarily I will object, Mr. Chairman, to taking up this case.

JOHN S. BRAXTON.

The next business on the Private Calendar was the bill (H. R. 613) for the relief John S. Braxton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of John S. Braxton, late collector of customs at Norfolk, in the State of Virginia, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,332.40, wrongfully taken by subordinates in his office, and the larger part of the same misapplied in payment of light-house keepers, whose salaries should have been paid by his predecessor, and for which the United States were liable, the said Braxton not having been at fault in the matter.

SEC. 2. That the Secretary of the Treasury be, and is hereby, directed to cause suit to be instituted against the sureties of Luther Lee, jr., the predecessor of said John S. Braxton, upon his official bond as disbursing agent of the United States or otherwise, if, in his opinion, such suit would be availing to recover any moneys taken from his successor and wrongfully misapplied in payment of his delinquencies or defalcations.

Mr. BOWDEN. I call up that case and ask for its consideration.

The CHAIRMAN. Is there objection?

Mr. MCMILLIN. Read the report of the committee.

Mr. LANHAM. This report is a long one, much of it being in small type, and if any gentleman contemplates objecting to the bill it had better be done at once.

Mr. MCMILLIN. To avoid the necessity of objection, I ask for the reading of the report.

Mr. BOWDEN. I can state the facts in the case in a minute.

The CHAIRMAN. The gentleman will proceed, subject to the right to object.

Mr. MCMILLIN. I dislike to seem to be captious, but here is a claim where it is proposed to pay back to an officer money either stolen or squandered by his subordinates. I think the facts should be clearly shown to authorize such repayment. For the purpose of getting at the facts I ask for the reading of the report of the committee.

Mr. BOWDEN. Of course, if the reading of the report is insisted upon, it is not necessary I should make any statement.

The fact is, the bill has already passed the House twice and the Senate once, but it never became the law. When Mr. Braxton was appointed collector of customs at Norfolk, Va., in 1877——

A MEMBER. Has the reading of the report been dispensed with?

The CHAIRMAN. It has not.

A MEMBER. Then I will insist upon it.

Mr. BOWDEN. If the report of the committee is to be read I will not insist on making any further statement.

The report (by Mr. BOWDEN) was read, as follows:

The Committee on Claims, to whom was referred the bill for the relief of John S. Braxton, late collector of customs at Norfolk, Va., for the reimbursement of the sum of $1,332.40, paid by him to cover alleged defalcation by subordinate officials in his office, having had the same under consideration, beg leave to report:

That having inquired into the facts, and finding that the matter had been reported favorably by the Committee on Claims of the Forty-fifth Congress, adopt that report with slight modifications, as follows:

That it appears from the petition of said collector, which is under oath, and from other affidavits and papers presented to the committee, that said John S. Braxton was appointed collector of customs at Norfolk, Va., in February, 1877; that he found in said office when he took possession of the same and entered upon his duties Charles E. Gettslich, deputy collector and clerk, and Henry Miller, warehouse and entry clerk; that these were responsible positions, by virtue of which these officers had virtual custody of the funds appertaining to said office, receiving the cash, depositing it, etc.

It further appears that the reputation of said Gettslich and Miller for honesty, integrity, and efficiency as officers was high in the community as well as at the Department; that said Gettslich had been a customs officer for twenty-two years and said Miller had been for eight years, and both were represented as being very familiar with their duties; and said collector states under oath that he was advised that the retention of these two officers, thus experienced, was a necessity; and, moreover, that the avowed policy of the Government was against the removal of officers unless charges were preferred and substantiated against them; and that for these reasons, although he was desirous of substituting other persons better known to him in their places, yet he was constrained to keep said Gettslich and Miller in office.

It further appears that after said John S. Braxton took possession of his said office and entered upon his duties as collector, the said Gettslich and Miller were guilty of taking from the public funds collected in said collector's office, and for which said John S. Braxton was responsible, the sum of $1,553.76, $778.50 of which was wrongfully and fraudulently applied by them in the payment of the salaries of certain light-house keepers, which accrued during the incumbency in office of Luther Lee, jr., the predecessor of said John S. Braxton in said collector's office; and the balance was applied to their own use.

As soon as the said John S. Braxton discovered the wrongful taking and embezzlement of this money, he deducted from the $1,553.76 taken the sum of $221.36, which was due to the said Gettslich and Miller on their salaries, and at once placed the sum of $1,332.40, the remainder of the sum embezzled and wrongfully taken by them, in bank, to the credit of the United States, out of his own private funds. The evidence clearly shows that of the amount wrongfully taken by the said Gettslich and Miller from the funds collected by the said John S. Braxton, and for which he was responsible, $778.50 was taken and wrongfully and fraudulently applied in payment of the salaries of light-house keepers, which had accrued during the incumbency of the said Luther Lee, jr., and for the payment of which funds had been previously furnished by the United States to him, the said Luther Lee, jr., but which had not been applied by him for that purpose.

Instead of using the money furnished for the payment of these salaries, overdrawn checks were issued by the said Gettslich, as special deputy, and after the said John S. Braxton became the collector, funds collected under him, and for which he was responsible, were taken by said Gettslich and Miller, and fraudulently applied in payment of said overdrawn checks, and of the salaries of said light-house keepers, as before stated. This amount, therefore, of $778.50, the committee are of the opinion was wrongfully and fraudulently applied in payment of salaries for which the United States Government was responsible, and that the same should be refunded to the said Braxton, and the amount recovered from the sureties of the said Lee on his official bond.

As to the balance of the said sum of $1,553.76 taken by said Gettslich and Miller, amounting to the sum of $553.90, it is claimed by the said John S. Braxton that he is not liable for the wrongful acts of the said Gettslich and Miller, his subordinates; and for the reason that he does not appoint them, but that he only nominates and the Secretary of the Treasury appoints his deputies and other subordinates and removes them at pleasure. Said Braxton further claims that even if liable in ordinary cases for the acts of his subordinates, he should not be in this case, for the reason, as he swears, that he wanted to substitute other officers who were better known to him in place of said Gettslich and Miller; but because of their high standing in the Department, their long experience in the customs service, and the civil service rules as to the changes of officers, he was constrained to keep them in office against his own judgment and wishes.

It appears that through the diligence and earnest efforts of Braxton in hunting up the wrongs and frauds committed in said collector's office under the administration of it by the said Luther Lee, jr., his predecessor, the Government has recovered judgment against Lee's sureties for $13,948.35, which, but for his efforts, would have been a loss to the Government. And your committee, relying upon the truth of these statements, and believing that said John S. Braxton has not been guilty of any want of care and prudence, of any negligence or wrong on his part, but, on the contrary, has shown himself to be an honest, faithful, and diligent officer, after a careful consideration of all the facts and circumstances, and without determining the question whether collectors of customs are legally liable for the wrongful acts of their subordinates when not at fault themselves or not, are of the opinion that it is but an act of justice to Mr. Braxton that he should be relieved from loss in this matter, and that the said sum of $1,332.40, which was wrongfully taken by the said Miller and Gettslich, and which, to save his own good name from suspicion, he at once, on discovery of the fraud and the amount taken, deposited in bank to the credit of the Government, should be refunded to him; and for that purpose the committee report the accompanying bill and recommend its passage.

The CHAIRMAN. Is there objection to the consideration of the bill now before the committee? [After a pause.] The Chair hears none.

Mr. MCMILLIN. I do not object to the consideration of the bill, but it seems to me there is no just ground stated to relieve this officer from the loss incurred by the acts of his subordinates. It seems this officer——

Mr. KILGORE. Do I understand the Chair to say it is too late for me to object to the consideration of the bill? I understood the reading of the report was called for, and that it was read subject to objection.

The CHAIRMAN. The report was read; after which the Chair asked for objection, and there was no objection.

Mr. KILGORE. I understood the gentleman from Tennessee [Mr. MCMILLIN] rose to make objection, or I should have done so.

Mr. LANHAM. The Chair asked for objection and there was none.

Mr. MCMILLIN. This officer does not claim he made any effort to discharge these subordinates. I noticed that part of the report particularly where it is worded with painstaking care. It does not appear there was any effort on the part of this officer to get rid of these subordinates. It was suggested he was constrained to keep them by reason of the fact of their long experience, and it being stated they were essential to the performance of the duties of the office. In my judgment we should hold these officers to strict accountability, and to the exercise of due diligence and proper control over their subordinates. Therefore, so far as I am concerned, I am constrained to oppose the bill.

Mr. BOWDEN. I will state for the information of the gentleman that in drawing the report——

Mr. MCMILLIN. If the gentleman will yield to me for a moment, it is also stated by a gentleman near me, as a matter bearing upon this question, that there is nothing from the Treasury Department show-

ing that it assumed the responsibility for the retention of these men or recommended the appointment.

Mr. BOWDEN. I was just going to say, Mr. Chairman, that in drawing the report I used a former report, which, inadvertently I presume, omitted the point to which attention has been called here, and it escaped my observation at the time.

So far as the papers are concerned it appears that Colonel Braxton did ask the removal of these subordinates, and was refused at the Department. It seems that the facts came out in a month or so after his appointment while organizing his office, and he suggested the appointment of other people and the displacement of these; and his efforts succeeded in unearthing these frauds, and also in securing the conviction of these parties, one of whom was sent to jail and the other to the penitentiary for a term. Through his efforts also the Government recovered some $13,000 against the sureties of his predecessor, which was collected.

Mr. COBB. To whom did he make the suggestion of the removal?

Mr. BOWDEN. To the Secretary of the Treasury. That comes out quite plainly in the testimony.

Mr. COBB. The report does not show it.

Mr. BOWDEN. No; I have just stated that I adopted a report made in a former Congress, and through inadvertence that was left out.

The CHAIRMAN. The question is on the motion to lay the bill aside with a favorable recommendation.

The question was taken; and on a division there were—ayes 27, noes 9.

Mr. KILGORE. No quorum.

Mr. LANHAM. There is evidently no quorum in the House; and I appeal to my colleague not to insist upon the point.

Mr. KILGORE. Why?

Mr. LANHAM. We are very axious to do some business to-night. Our Committee on Claims have been quite active and industrious during this whole session of Congress, and this is the very first opportunity for the consideration of any of the bills reported to this Congress except such as have been reported and acted upon by unanimous consent. The great majority of those present have voted in favor of laying this bill aside, and I hope my colleague will not insist upon his objection, but satisfy himself with voting against the bill.

Mr. KILGORE. I suppose this is all out of order.

Mr. TIMOTHY J. CAMPBELL. I wish to add, further, that we have accommodated every member on the floor of the House who appeared before us with meritorious measures. The committee treated them fairly and decently, and we have the right to expect the same treatment.

Mr. KILGORE. We are all out of order, but I wish to say this——

The CHAIRMAN. Debate is only proceeding by unanimous consent.

Mr. KILGORE. I want to say only this, that I have strong convictions in this case that the Government is not liable for the amount claimed, and, if that is my conviction, if every man in this House should vote for it I could not satisfy my conviction by contenting myself with that fact and allowing the matter to pass. If every man voted for it it would be my duty to sustain what I believe to be right in opposing it. That is all I claim. By passing this bill we simply transfer the responsibility on President Cleveland to veto it; and I am not willing to become a party to such a proceeding as that.

Mr. POST. Would not a single objection have caused this bill to be passed over?

The CHAIRMAN. It would. The Chair thought the gentleman from Tennessee had risen for that purpose, as he states.

Mr. McMILLIN. I think it is but due to the Chair to state this: I recognize the fact that the Chair called for objections, and that the time for objection had, in my opinion, been passed when I rose and addressed the Chair.

The CHAIRMAN. The Chair has so stated.

The point of no quorum being made——

Mr. BUCHANAN. A single word. I had just as strong conscientious convictions against the bill of the gentleman from Arkansas; but I did not raise the point of order of no quorum. I shall, however, if this course is to be pursued when this subject comes before the House.

Mr. KILGORE. I will join you in that.

Mr. LANHAM. I ask the gentleman from Virginia to withdraw the bill.

Mr. THOMAS H. B. BROWNE. I was just about to rise to make that request.

Mr. BRECKINRIDGE, of Kentucky. Allow me to say before that request is submitted in regard to this bill, and with reference to other bills upon the Calendar, in view of what the gentleman from Texas and the gentleman from New Jersey have said, that whenever a gentleman opposed a bill by voting against it I think his conscience ought to be satisfied that he has done his duty.

Mr. BUCHANAN. Mine was satisfied until it was tendered by the action of the gentleman from Texas. I do not want any one-sided business in the House.

Mr. KILGORE. I will stand by you in that.

Mr. BRECKINRIDGE, of Kentucky. I do not mean to criticise either gentleman—either the gentleman from Texas or the gentleman from New Jersey.

Mr. BUCHANAN. I understand that.

Mr. BRECKINRIDGE, of Kentucky. I only wanted to insist, in view of the possible action upon other bills on the Calendar, that I hope the gentlemen will satisfy their conscience by voting against the measure.

The CHAIRMAN. Is there objection to withdrawing the bill?

Mr. BRECKINRIDGE, of Kentucky. I do not want to object. I simply want to ask, if we can not all agree, that our consciences can be satisfied by voting against any bill that we do not approve without calling for a quorum.

Mr. BUCHANAN. I thought so.

Mr. BAKER, of New York. Regular order!

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. BOWDEN] that he be permitted to withdraw this bill?

There was no objection.

The CHAIRMAN. The Chair will again call attention to the fact that we are proceeding under an order which forbids the consideration of any bill when objection is made to it.

Mr. BYNUM. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BYNUM. The wording of the rule under which we are acting does not say that bills shall be considered to the consideration of which there is no objection; it says "bills to which there is no objection." Now, I submit that where there is serious opposition to a bill there is "objection" to it, and according to the spirit of the rule, at least, that objection ought to carry the bill over.

Mr. LANHAM. That is not the construction that was intended to be given to the order.

The CHAIRMAN. The Chair is clearly of opinion that there can not be objection and consideration at the same time. There must be a time when the bill is presented for consideration, and when that stage is reached the time for objection is past; so, after the reading of a bill the Chair asks for objections, and then, if the reading of the report is asked for, it is read subject to objection.

Mr. BYNUM. The Chair calls for objection to the consideration of the bill, but the order does not say bills the consideration of which shall be objected to; it says bills to which there is no objection, and whenever any objection is made by a member on the floor to a bill, I submit that it is the duty of the Chair to rule that that bill does not come within the special order for this evening session.

The CHAIRMAN. The Clerk will again report the order under which this session is held.

The Clerk again read the order as follows:

On motion of Mr. LANHAM,

Ordered, That a recess be taken to-morrow [Saturday] evening at 5 o'clock until 8 o'clock p. m.; the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Claims to which there shall be no objection.

The CHAIRMAN. The gentleman from Indiana will see that the order speaks of the "consideration of bills to which there shall be no objection." The Clerk will report the next bill.

JOHN J. COUGHLIN.

The next business upon the Private Calendar called up for consideration (by Mr. SHAW) was the bill (H. R. 5539) for the relief of John J. Coughlin.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, directed to pay John J. Coughlin the sum of $631.13, out of any money in the Treasury not otherwise appropriated, said sum being difference of pay from laborer, at $1.25 per day, to skilled laborer, at $4 per day, for two hundred and twenty-nine and one-half days, in arranging, cataloguing and classifying bound volumes of newspapers in the Library of Congress.

The CHAIRMAN. Is there objection to the consideration of this bill? If there be no objection, the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. McMILLIN. Let us have the report read.

Mr. COBB. I rise to a parliamentary inquiry. I wish to get some information.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. COBB. If we do not see proper to object to the consideration of the bill, is it therefore to be inferred that we are committed to its passage?

Mr. HOLMAN. Why not?

Mr. COBB. Why not? Well——

The CHAIRMAN. If the consideration of the bill is not objected to, the measure is then before the committee, and the after conduct of each member with reference to it must be left to his own judgment, subject to the rules.

Mr. HOLMAN. Under the old rule of the House, which was in force, I think, for half a century (I believe they have a similar rule now in the Senate), two days of every other week, Fridays and Saturdays, for instance, were set apart as objection days, the other Fridays and Saturdays being days in which measures came up in the regular order.

That was the old rule, and had been the rule uninterruptedly for a great many years prior to the adoption of the present rules a few years ago. When a case was reported——

Mr. LANHAM (interposing). Mr. Chairman, I dislike to interrupt my friend, but I must insist on the regular order. It is very interesting to hear these historical statements, but our time is too limited.

Mr. HOLMAN. I would not have occupied near so much time as the gentleman himself has occupied.

The CHAIRMAN. Of course the action of every member with reference to any bill is a matter for his own conscience, but the time to object is when the Chair asks whether there is objection to the consideration of the bill.

Mr. HOLMAN. That was all that I was going to state, that the objection must be made at once, otherwise no vote could be taken under such a rule as this. The matter is to be acted upon *nem. con.*, unless objection is promptly made. [Cries of "Regular order!"]

The report (by Mr. SHAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5539) for the relief of John J. Coughlin, report as follows:

That said John J. Coughlin was employed by the Architect of the Capitol, from March 6, 1883, to November 30, 1883, as a laborer at $1.25 per day; that he was assigned to duty under the Librarian of Congress during this period of two hundred and twenty-nine and one-half days, and engaged in a work requiring skilled and intelligent labor, in the cataloguing and arranging of newspapers published in the several States and Territories of the United States, in England, France, Spain, Portugal, Switzerland, Belgium, Russia, Cuba, India, Egypt, China, Mexico, and the Central and South American states, constituting a collection of rare historical value; that his pay was inadequate for the service rendered, and that he is entitled to a more equitable and just compensation.

During a portion of the time he was employed J. B. Fay was associated with him in the work, receiving pay as a laborer. That Congress, recognizing the value of his (Fay's) services, appropriated in the sundry civil appropriation bill approved July 7, 1884, the sum of $313.44, making the compensation of said Fay during the time he was employed $4 per day. (See Statutes at Large, volume 23, page 226.)

Your committee believe that, in justice and right, said John J. Coughlin should be paid an equal sum with that received by J. B. Fay—at the rate of $4 per day—especially in view of the statement by the Librarian of Congress that said Coughlin rendered valuable service and is justly entitled to more compensation than $1.25 per day, the pay of a laborer.

Your committee find that the difference of pay between $1.25 and $4 per day for 229½ days amounts to the sum of $631.13, and recommend the passage of the accompanying bill, which provides for the payment of the same.

This bill was favorably reported by the Committee on Claims for the Forty-ninth Congress, and passed the House, but failed to secure the approval of the Senate, as it was never reported to that body by the committee to which it was referred.

The committee herewith append the statement of Hon. A. R. Spofford, Librarian of Congress, as part of this report:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of John J. Coughlin respectfully represents that he was placed upon the rolls of Edward Clark, esq., Architect of the Capitol, on the 7th day of March, 1883, and assigned by him to duty under A. R. Spofford, esq., Librarian of Congress.

That said duty consisted in arranging, classifying, cataloguing, and placing in the rooms prepared for them, under the rotunda, all the bound volumes of newspapers which had accumulated in the State Department and been recently turned over to said Librarian, comprising many newspapers commencing in the last century, and belonging to the several States and Territories of the United States, to England, France, Spain, Portugal, Switzerland, Belgium, Russia, Cuba, India, Egypt, China, and the Central and South American States and Mexico, a collection of rare historical value.

That said newspapers, files, books, and pamphlets would have been materially damaged if allowed to long remain in the immense heaps in which they were piled upon the floors of the rooms occupied by them, and an early and systematic disposition of the same was absolutely necessary.

That your petitioner was engaged in said work continuously from the 7th day of March, 1883, up to and including the 30th day of November, 1883, and received for his services during said period the sum of $285.87, laborer's wages, Mr. Clark having no authority to pay more for temporary work, and the Librarian, Mr. Spofford, having no appropriation whatever out of which to pay for the work and labor performed, although so urgently necessary.

Your petitioner therefore respectfully prays your honorable body to allow him the sum per diem ($4) compensation which obtains in said Library for work of a similar nature, or which may be considered as fair and proper in the premises, deducting therefrom the nominal sum already paid, namely, $286.87, for two hundred and twenty-nine and one-half days.

And, as in duty bound, will ever pray.

JOHN J. COUGHLIN, *Petitioner.*

John J. Coughlin in account with A. R. Spofford, esq., Librarian of Congress.

By work performed, arranging, classifying, and cataloguing the bound volumes of newspapers in Congressional Library, from March 6, 1883, to November 30, 1883:

229½ days, at $4 per day	$918.00
To cash received, at $1.25 per day	286.87
Balance due your petitioner	631.13

JOHN J. COUGHLIN.

LIBRARY OF CONGRESS, *Washington, April 2, 1886.*

This will certify that the services of Mr. John J. Coughlin were employed for several weeks in the fiscal year 1883-'84 in arranging several thousand volumes of newspapers, which it became necessary to remove and arrange in the Library of Congress, in an emergency requiring prompt transfer. The work involved skilled and intelligent labor, but Mr. Coughlin received only day laborer's wages, and was justly entitled to more.

Very respectfully,

A. R. SPOFFORD,
Librarian of Congress.

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., April 15, 1888.

I hereby certify that John J. Coughlin was employed as laborer on the annual repairs United States Capitol from March 7, 1883, to November 30, 1883, two hundred and twenty-nine and one-half days, at $1.25 per day, $286.87.

WILLIAM McPYNCHEON,
Clerk, Architect's Office, United States Capitol.

Mr. BRECKINRIDGE, of Kentucky. I do not like to object, but this looks to me like a claim that ought not to be paid. It is simply a case like many others where a man goes into the service of the Government at a certain definite rate of compensation, is put upon the roll at that rate, accepts the employment and the pay, and then later comes in with a claim for extra compensation. The man, as in this case, goes upon the roll as a laborer, but gets an easier job in a certain sense, is on the roll for two hundred days, draws his pay for that time as a laborer under the contract, and then at a future time, because somebody else is successful in getting a bill through Congress giving him additional pay, comes and asks for $2.75 extra for each day he was on the roll. It seems to me that this is not the sort of claim that ought to be allowed. It is not a debt in any sense; it is a mere gratuity, and a gratuity upon false pretenses.

Mr. SHAW. The duty performed by this gentleman, as certified to by the Librarian of Congress, required a degree of intelligence such as is not often found among laborers. Mr. Coughlin, it is true, was employed as a "laborer" and put on the laborer's roll, but when he was so employed it was not contemplated that he should perform this special duty, and the evidence is that he did perform it intelligently and satisfactorily in connection with Mr. Fay. Mr. Coughlin received only laborer's pay, but Mr. Fay succeeded in getting $4 a day for the same service, though both men were performing like duty and were on the same roll. The Librarian of Congress certifies that the work was intelligently and well done, and that Mr. Coughlin was entitled to more pay for it than he received. If the gentleman [Mr. BRECKINRIDGE, of Kentucky] maintains, as I am sure he does not, that it is easier to work with the head than with the hand, then in a certain sense it is true that Mr. Coughlin had easier work than he would have had as a laborer, but in another sense it was more difficult work, and such work as an ordinary laborer could not have performed.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt that every statement of the gentleman from Maryland is accurate; but what he says only enforces the objection I have to claims of this kind. Each one of us knows that it is very common in all the Departments in Washington for persons to be put on the laborers' roll when the work to be done by such persons is not properly laborers' work. This is a mode by which public employment is given to persons to do other work than that of laborers. Consequently at every session of Congress for many years back (because these claims come up in accordance with some settled precedent in former Congresses) these persons, who were anxious to get employment and who contracted with the Government to do particular work to which they were assigned, and who received for it the pay which was promised to them, come in and plead that they are entitled to higher compensation because the service rendered by them was of a higher character. I say this is a bad precedent; and so far as it has become a precedent, it is one which is "more honored in the breach than in the observance."

While this is a small claim, it is a very good claim upon which to turn the lane. The saying has been that "it is a long lane which has no turning." Almost all these claims have heretofore been passed by Congress; but now it seems to me this is a very good claim on which to make the turn. The facts are simply that this man was put on the laborers' roll and executed work to which he was assigned.

Mr. SHAW. But he was employed in the office of the Architect, and he performed this service for the Librarian of Congress—a service which by virtue of his employment he was under no obligation to perform. [Cries of "Vote! Vote!"]

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative—ayes 29, noes 17.

SUFFERERS BY WRECK OF STEAMER TALLAPOOSA.

The next business on the Calendar reported from the Committee on Claims (called up by Mr. MCKINNEY) was the bill (H. R. 438) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa.

Mr. McKINNEY. I ask unanimous consent that the Senate bill on this subject, which is similar, be considered in lieu of the House bill.

Mr. TIMOTHY J. CAMPBELL. To facilitate business, I will state that the Senate bill as well as the House bill was considered carefully in the Committee on Claims, and it was decided to substitute the Senate bill.

The CHAIRMAN. If there be no objection, the Committee of the Whole will consider the Senate bill in lieu of the House bill.

There was no objection.

Senate bill 869, for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, was read, as follows:

Be it enacted, etc., That to reimburse the survivors of the officers and crew of the United States steamer Tallapoosa, wrecked at Vineyard Sound on the night of the 21st of August, 1884, for the losses incurred by them, respectively, in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, namely: To John F. Merry, lieutenant-commander; William H. Everett, lieutenant; Frank M.

Beatty, lieutenant, junior grade; Nathan P. Towne, passed assistant engineer; W. B. Whittlesey, ensign; O. C. Tiffany, passed assistant paymaster, each $1,000. To Hugh Kuhl, mate; James W. Baxter, mate; L. B. Gallagher, mate; Leonard Hanscom, carpenter; James Bishop, jr., pay-clerk; Thomas B. Kramer, apothecary, each $700. To Lieut. W. H. Jaques, for loss of portion of naval uniform, including epaulettes, sword, sword-belt, sword-knot, etc., $115.

To all the survivors of the crew, namely: Joseph Arnold, first-class fireman; William A. Brooks, landsman; J. G. Baker, blacksmith; Charles E. Brown, steward to commander-in-chief; John W. Brown, jack-of-the-dust; Thomas Brooks, coal-heaver; William R. Burke, bayman; Moses G. Berry, second-class machinist; James E. Booth, coal-heaver; Moses H. Baker, wardroom steward; Smith Berry, landsman; Albert Beyer, ordinary seaman; John C. Conway, ship's corporal; William H. Christian, ordinary seaman; Charles G. Carlson, carpenter's mate; John Carter, ordinary seaman; Charles H. Coates, landsman; Timothy J. Campbell, coal-heaver; Thomas Condon, coal-heaver; George E. Dodge, landsman; John F. Dugan, quartermaster; William Dinning, first-class fireman; Clarence D. Dronenburg, coal-heaver; Peter Duffy, first-class fireman; Robert H. Dickinson, cabin steward; William E. Dennore, landsman; Joshua Davis, landsman; James D'Arcy, ordinary seaman; Edwin Delph, ordinary seaman; James Dalhanty, second-class fireman; Patrick Eagan, first-class fireman; Denis Faley, landsman; John Fowler, ship's yeoman; Charles F. Fugett, second-class fireman; Charles Har, ordinary seaman; David Harrington, first-class fireman; John Hughes, boatswain's mate; Thomas Hubert, ship's cook; Thomas Howell, first-class fireman; Alexander Hutton, first-class fireman; Daniel W. Hickman, cook to commander-in-chief; Benson Humphreys, coal-heaver; Andrew Hahn, chief quartermaster; Gustaf Huldt, seaman; John Jones, ship's writer; Jacob Jacobson, seaman; Richard H. Johnson, landsman; William E. Jones, landsman; William Johnson, ordinary seaman; James F. Kelley, landsman; William G. Kidd, lamplighter; John J. C. Koch, seaman; Patrick H. Kane, coal-heaver; John Kinnoe, ordinary seaman; George H. Lee, landsman; Fillmore Lewis, ordinary seaman; Daniel Lane, landsman; Andrew A. Lund, seaman; James Letford, coal-heaver; John Leonard, coal-heaver; Jacob W. Leer, pay yeoman; Thomas Murphy, captain of forecastle; John McDermott, captain of hold; Frank McMurray, first-class fireman; John W. Magee, second-class man; William Middleton, steerage steward; Daniel McCarthy, coxswain; Patrick Morgan, captain of after-guard; James McCann, coal-heaver; Jacob Miller, landsman; Jules McLean, ordinary seaman; Felix Mackinsten, ordinary seaman; Michael O'Neil, second-class fireman; Timothy O'Reilly, first-class machinist; Peter Ostersen, chief gunner's mate; August Ohlinsen, master-at-arms; Patrick O'Brien, second-class fireman; Arthur O'Brien, coal-heaver; Joseph Padmore, ordinary seaman; Marshall Parker, landsman; John H. Palmer, cabin cook; James H. Richmond, painter; Horace Riley, ship's barber; William J. Redinmaker, seaman; William E. Rockett, landsman; George C. Rees, ordinary seaman; Frank Sherman, ordinary seaman: Fred. Scharff, bugler; James O. Smallwood, first-class fireman; Amandas Straub, chief boatswain's mate; Edward Shanklin, coal-heaver; Alex. H. Sewell, quartermaster; Frank Small, seaman; Henry K. Steever, first-class machinist; Charles F. Scott, coxswain to commander-in-chief; Patrick Sweeney, captain of forecastle; Edward Small, landsman; J. D. Skidmore, landsman; Christian A. Simon, landsman; Frank Sullivan, landsman; Peter Thompson, cox-swain; George Tinker, steerage cook; John Thompson, seaman; Herbert S. Trueman, captain of after-guard: Clarence D. Tippitt, second-class fireman; Daniel Tinsley, landsman; Jan C. Tinnman, ordinary seaman; James Taylor, seaman; William J. Turner, coal-heaver; Samuel W. Wells, engineer's yeoman; Isaac Williams, coal-heaver; Murray Williams, coal-heaver; Fred. Williams, landsman; Andrew White, wardroom cook; Charles Williams, ordinary seaman; Oscar Westerholm, seaman; Henry H. Walker, first-class machinist, each $100.

SEC. 2. That the widow, child, or children, or in case there be not such, then the parent or parents, and if there be no parents, the brothers and sisters of those in the service who were lost in the wreck of the United States steamer Tallapoosa, namely, Clarence E. Black, passed assistant surgeon; William O'Donnell, seaman; George A. Foster, landsman, shall be entitled to and shall receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives in the order named, of the persons connected with the United States steamer Tallapoosa hereinbefore referred to, a sum equal to twelve month's sea-pay of each person lost: *Provided*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death: *And provided further*, That there shall be deducted from the sums allowed each of the parties named in this act whatever amounts may have been paid them under the provisions of existing law.

SEC. 3. That the proper accounting officers of the Treasury of the United States be, and they are hereby, authorized and directed to settle, upon principles of justice and equity, the accounts of the officers and crew on board the said vessel when wrecked, and to assume the last quarterly return of the paymaster of said vessel as the basis of computation of the subsequent credits to those on board to the date of such loss, if there be no evidence to the contrary.

Passed the Senate March 29, 1888.

Attest: ANSON G. McCOOK, *Secretary.*
By CHAS. W. JOHNSON, *Chief Clerk.*

Mr. KILGORE. I would like to hear the report read, reserving the right to object.

The report (by Mr. KERR) was read, as follows:

The Committee on Claims, to whom was referred House bill No. 438, recommend that the bill be amended by adding after the proviso, in section 2, the words, "*And provided further*, That there shall be deducted from the sums allowed each of the parties named in the bill whatever amounts may have been paid them under the provisions of existing law."

And that when so amended the bill pass.

Your committee are satisfied from inquiry that the amounts recommended to be paid are only a fair and reasonable compensation for the losses sustained. That the sinking of the ship of war Tallapoosa was without fault of the claimants named in the bill, and so determined by a court of inquiry.

In further support of the recommendations of the committee, we add hereto a favorable report of the Senate Committee on Naval Affairs of the last Congress, as follows:

"This bill provides an appropriation simply sufficient to enable the officers to refurnish themselves with an outfit. We are assured that it will be just about sufficient for that purpose. The first section also provides for the payment of $100 to each of the surviving seamen, which we think will about cover the actual loss that each one of them sustained. Both officers and men were rescued destitute of everything, and all they ask is simply to be refurnished with an outfit suitable to the service to which they belong.

"For this bill there are many precedents. Under similar circumstances, in 1848, a bill was passed for the relief of the relatives of those who were lost on the brig Somers, the precise language of which has been copied in the second section of this bill. That precedent was followed in 1853 in the case of the brig Washington, and in 1854 in the case of the Grampus, and again in 1870 in the case of the Oneida, which was run down in the early part of that year near the coast of China, and also in the case of the United States steam-ship Huron, lost off the coast of North Carolina in 1877.

"The United States steamer Tallapoosa was run into and sunk at about 11 o'clock on the night of August 21, 1884, in Vineyard Sound. The officers were fully exonerated from any charge of carelessness or negligence, as will be readily seen by a careful perusal of the following communication from the Navy Department, which gives the findings of the board of inquiry convened to investigate the loss of that vessel, and in which is also expressed the opinion of the Department on the report of said board:

"'The findings of the court of inquiry, consisting of Captains D. B. Harmony, R. F. Bradford, and F. M. Bunce, concerning the collision between the naval steamer Tallapoosa and the schooner James S. Lowell, were in substance as follows:

"That on the night of the 21st of August, 1884, about 11 p. m., the Tallapoosa was on her way from Boston to Newport, R. I., off East Chop light in Vineyard Sound, steering her course by the lights; the navigating officer, the officer of the deck, and the commanding officer being on deck, the latter personally in charge of the conduct of the vessel; that the sky was clear, with a haze about the horizon, and a strong breeze blowing from the southwest; the tide flood setting to the eastward, from 1 to 1½ knots an hour; the Tallapoosa steaming against wind and tide, making about 8½ knots over the ground; that when entering the channel between the Hedge Fence and Squash Meadow Shoals, at the point between buoys about 1¾ miles in width, the schooner Lowell was reported one and a half to two points on the starboard bow; that the Lowell was of 700 tons, laden with coal; was moving at a speed of about 9 knots through the water and 10 over the ground, and in about three minutes the vessels were in collision; the Tallapoosa was sunk and the Lowell badly damaged; that on sighting the lights of the schooner the steamer's helm was put to starboard and the steamer steadied when she had fallen off about three-quarters of a point; that constant watch was kept upon the schooner's lights, and suddenly the green light disappeared and only the red could be seen; that the steamer's helm was then put hard to starboard, her whistle blown twice and then sounded repeatedly, but her speed was retained; that she was struck by the schooner about 40 feet from the bow, on the starboard side, at an angle of from 50° to 70° with the line of the keel from the bow; that the schooner on sighting the lights of the steamer one-half point on the port bow, as seen from leeward under the sails, kept her course until the green light of the steamer was seen, then put her helm to port and struck the steamer, as described; that the evidence that the red light of the steamer was seen by the schooner's people soon after her masthead light was disregarded by the court, as the relative positions of the two vessels, as established by each of them, would render it impossible for the red light of the steamer to be at any time visible from the schooner; that the steamer did all that she was able to do in her position to avoid the collision, and complied with the law in every and all respects, as she was in the direct course of the schooner when she first sighted her, and that the schooner, when she saw the green light of the steamer, instead of holding her course, did, by putting her helm to port and altering her course, violate section 4233, Revised Statutes (rules 23 and 24), for preventing collisions. The court is of the opinion, therefore, that the blame for the collision rests with the schooner. The court is glad to add the fact that every effort was made by the people of both vessels to save life.

"'The Navy Department approved the findings above referred to, not relying alone on the testimony of the officers and crew of the Tallapoosa, that they saw the schooner change her course and that her sails were actually shaking when she struck, and that therefore she caused the collision, but basing its approval also upon the admissions in the testimony of the witnesses on the schooner. Master Reed, of the Lowell, testified that before the vessels came together he ordered the helm hard down. Being asked why he gave this manifestly wrong order, he answered, absurdly, that it was because the steamer had shown her green light, from which fact he inferred that she had starboarded her helm. Being asked why he did not, therefore, if he took the responsibility of changing his course, put his helm hard up instead of luffing directly into the steamer, he gave no reason, except that his impression was that 'hardup' or 'hard to starboard' would cause the schooner to strike the steamer amidships, instead of forward, near the bow, when both vessels would go down. The boy at the wheel, twenty years of age, also testified that the captain gave him the order to put the helm hard down, and that he gave her a couple of spokes.

"The statement made and signed by the captain the second morning after the collision was as follows:

"'*Statement of Capt. F. K. Reed, schooner James S. Lowell, of Bath.*

"'We came into sound and going down on course SE. by E. ½ E., a red light was reported by the watch ahead; before this a white light had been reported ahead, and I knew it was a steamer, and I thought red to red go clear. Suddenly I saw a green light ahead, and I gave the order hard a-port, and we came together about S. from E. buoy on Hedge Fence about 11 p. m., August 21, 1884.

"'F. K. REED.'

"'From this testimony of the schooner's witnesses therefore, the Department decided that if the schooner had kept its course, as she was bound to do, there would have been no collision, and that the change of course on her part and the giving of the directly wrong order by her captain was the sole cause of the collision. The claim made at the trial that, although the order was given to put the helm hard down, this was not done before the collision, is treated by the Department as an aforethought and is disregarded.'

"Your committee report the bill back, with a recommendation that it do pass."

Mr. McKINNEY (during the reading of the report) said: A commission was appointed by the Navy Department to investigate this matter, and a considerable portion of the report is simply an account of the examination by that commission, showing that the crew of the Tallapoosa were in no way to blame for the sinking of the ship. It seems to me unnecessary to read that part of the report.

Mr. SENEY. I think we ought to hear a full statement of the case.

The Clerk resumed and concluded the reading of the report.

The CHAIRMAN. Is there objection to the consideration of this report?

Mr. SENEY. From the reading of this report I do not understand that the Government is under any sort of obligation to make payment in these cases. I would prefer, therefore, that this case should come up when it can be more fully discussed.

Mr. KERR. I do not understand that the gentleman from Ohio [Mr. SENEY] objects absolutely to the consideration of the bill.

Mr. SENEY. My object in rising was to object to the further consideration of the bill. If the Chair will indulge me a moment, I desire to state as my reason for objecting, that I am unable to perceive, from the reading of this report, upon what principle it can be claimed that the Government is liable to pay any of these men a single penny.

The CHAIRMAN. Objection is made.

DANIEL BOND.

The next business on the Private Calendar reported from the Committee on Claims (called up by Mr. GLASS) was the bill (H. R. 5853) for the relief of Daniel Bond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Daniel Bond, of Brownsville, Tenn., the sum of $61.80, out of any money in the Treasury not otherwise appropriated, on account of the robbing of the post-office at Brownsville, Tenn., of the above sum accruing from the sale of postal stamps.

The report (by Mr. FRENCH) was as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5853) for the relief of Daniel Bond, of Brownsville, Tenn., have considered the same, and beg leave to submit the following favorable report:

We find by an investigation of the evidence on file in the Post-Office Department that the affidavit of the postmaster discloses the fact that on the night of the 27th of September, 1887, a burglary was committed of the post-office at Brownsville, Tenn., by making an opening through the back door, and the safe in the office being blown to pieces, and that there was taken from the safe $211.10 worth of adhesive stamps and $26.68 of money-order funds, and $61.80 of postal funds. An inspector was sent to make an investigation, and finding the facts as stated in the affidavit of the postmaster recommended the payment of the two items of $211.10 and $26.68. And the same, under the law governing such cases, have been paid, there being no authority under the law to pay the third item of $61.80.

The subject-matter being submitted to the Assistant Attorney-General for the Post-Office Department, he replies as follows: "On examination of the papers filed in the case, this office was of the opinion that the loss had occurred without fault or negligence on the part of the postmaster, and so advised the Postmaster-General, who allowed Mr. Bond credits of $211.10 for stamps and stamped paper, and $26.68 for money-order funds lost by the burglary.

"There are no records in the possession of the Department from which the amount of postal funds in the possession of a postmaster at any given date can be ascertained; but in this instance the inspector appears to have been satisfied that the amount of postal funds stolen from the postmaster's safe by the burglars is $61.80."

We are of the opinion that the postmaster, Bond, is entitled to relief, and recommend the passage of the bill.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. BYNUM. I wish to inquire why this claim was never paid by the Department.

Mr. GLASS. The Department never pays claims of this class, and it is necessary to provide for their payment by special bills.

Mr. HOLMAN. A general bill covering cases of this kind has been recommended by the Postmaster-General, and is now pending, having passed the House of Representatives.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN T. ROBERSON.

The next business on the Private Calendar reported by the Committee on Claims (called up by Mr. MCMILLIN) was the bill (H. R. 5494) for the relief of John T. Roberson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to John T. Roberson, late consul at Beirut, Syria, Turkey, the sum of $600, with the interest thereon from the — day of ——, 1884, it being the amount paid by said consul for clerk-hire, as had been the custom at said consulate.

The amendments reported by the Committee on Claims were read, as follows:

In line 5, strike out "Roberson" and insert "Robeson."

After the word "dollars," in line 7, strike out "with the interest thereon from the — day of ——, 1884, it being the amount paid by said consul for clerk-hire, as had been the custom at said consulate."

Mr. MCMILLIN. Let the report be read.

The report (by Mr. SHAW) was read, as follows:

It appears from the papers filed in support of this claim that John T. Roberson was appointed United States consul at Beirut, Syria, in 1882, and served in that capacity until February, 1886. The papers also show that at the time he assumed the duties of the position, and up to July, 1884, $600 a year was expended for clerk-hire, that amount having been appropriated by Congress for that use. It also appears that the bill making appropriations for consular and diplomatic purposes for the fiscal year ending June 30, 1885, failed to provide for clerk-hire at the Beirut consulate; but the business of the consulate still requiring the clerical aid formerly given, the claimant was compelled to provide it at his own personal expense.

He appealed to the Department of State for reimbursement, but no provision having been made therefor, that Department could give him no aid, but he was advised that should he apply to Congress for relief the State Department was ready to recommend an appropriation for the amount claimed, which it has done by the following letter:

DEPARTMENT OF STATE, *Washington, D. C., January* 23, 1888.

SIR: In reply to your inquiry of the 19th instant, I have the honor to say that the statements made by Mr. John T. Robeson, late consul at Beirut, in his petition which accompanies your letter, are in accord with the facts as shown by the records of this Department. No provision was made by Congress for clerk-hire at the Beirut consulate for the fiscal year 1885, and the business of that office positively demanded clerical aid at all seasons. Mr. Robeson's vouchers for $600 for such service would have been accepted by this Department had there been funds to meet them, and I therefore suggest that the petition receive favorable consideration.

A similar inquiry was addressed to the Department by the Committee on Appropriations of the Senate nearly a year ago, and a similar answer was addressed to Senator ALLISON, as chairman of that committee, on February 23, 1887.

Returning your inclosures as requested.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. B. A. ENLOE,
House of Representatives.

In view of the foregoing facts your committee recommend that the bill be amended by striking out all that appears in lines 7, 8, 9, and 10, after the termination of the word "dollars," in line 7, and also the letter "r" wherever it occurs in the surname of the claimant and that the bill as thus amended do pass.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. KILGORE. I am inclined to object, but before doing so I would like to inquire why this payment was not provided for in some deficiency bill passed by Congress heretofore.

Mr. MCMILLIN. I do not know why it has not been done. All I know concerning the case is that Secretary Bayard has stated that it is proper the claim be paid; that both before and after the year for which this bill proposes to provide payment an appropriation was regularly made for clerk-hire. Why it was not made in that particular year I am unable to say; but Secretary Bayard states that these clerical services were essential to the proper conduct of the office.

Mr. KILGORE. Did not the failure to make an appropriation indicate an intention on the part of Congress to abolish the clerkship?

Mr. MCMILLIN. I can not state.

Mr. KILGORE. Was this clerkship continued after the failure to make the appropriation?

Mr. MCMILLIN. I understand that the appropriation was regularly made both before and after the particular year for which this bill proposes to provide. I will not undertake to say whether it was the intention of Congress in failing to make the appropriation to abolish the clerkship. I am not informed on that point, and would not, of course, mislead the House.

Mr. KILGORE. I believe I will object.

The CHAIRMAN. Does the Chair understand the gentleman as objecting?

Mr. KILGORE. Yes, sir.

A. B. NORTON.

The next business on the Private Calendar was the bill (H. R. 4805) for the relief of A. B. Norton.

Mr. LANHAM. This bill has already been passed and ought not to be on the Calendar.

The CHAIRMAN. If there be no objection, it will be reported to the House with the recommendation that it be laid upon the table.

There was no objection, and it was so ordered.

NEHEMIAH OSBURN.

The next business on the Private Calendar was the bill (H. R. 464) for the relief of Nehemiah Osburn.

Mr. BAKER, of New York. Let that bill be considered. There is no need on the part of the Clerk to read the preamble to the bill, as the report will give all the facts involved.

Mr. MCMILLIN. Does the gentleman propose to strike out the preamble?

Mr. BAKER, of New York. I simply ask that the preamble be not read at this time, in order to save time, because the report will state the facts.

The CHAIRMAN. The Chair hears no objection, and the bill will be read.

The bill is as follows:

Be it enacted, etc., That the Court of Claims, in the due course of business of that court, proceed, freed from any statute of limitations, to the hearing of the claim of Nehemiah Osburn for losses alleged to have been sustained by him in consequence of the suspension, by orders of the Secretary of the Treasury, from May 22, 1861, until April 23, 1862; of work under his contract with the said Secretary for the construction of the court-house at Baltimore, and in consequence of the payment for the work done upon said building, and materials furnished therefor by said Osburn, in Treasury notes, instead of the "coin of the United States," as provided by said contract, and to determine whether any and what sum is justly and equitably due to him on account of said claims; and upon such hearing the receipt of said Osburn for the sum of $54,859.79, bearing date the 18th day of April, 1866, and the acceptance of said sum, shall be evidence of the payment of that sum to him in Treasury notes at that date, upon said contract; but inasmuch as he expressly reserved his right to apply to Congress for relief, the said receipt and acceptance shall not be evidence to the acceptance by him of that sum in full payment of the amount due to him on account of said claims, or as a release by him of any right to sue for or otherwise prosecute any claim against the Government on account thereof.

Mr. BAKER, of New York. This claim was reported favorably by the Committee on Claims of the Forty-ninth Congress with certain amendments. It was again reported in this Congress with the same amendments, but through some inadvertence the bill is printed without the amendments. If there be no objection, I ask that those amendments be considered as pending and to be voted on.

To relieve the clerks I will read the report of the committee, if that be agreeable to members. It states facts and gives the reasons why this claimant should be authorized to go to the Court of Claims free from the statute of limitations in a matter involving about $60,000. The claimant is an old man, over eighty years of age, and a resident of my city.

Mr. LANHAM. I ask the gentleman from New York to refrain from reading the entire report. It involves no appropriation, merely referring the case to the Court of Claims.

Mr. MCMILLIN. But I understand from the gentleman from New York that it proposes to relieve this claimant from the statute of limitations.

Mr. BAKER, of New York. It does.

Mr. McMILLIN. I also understand the bill proposes to pay the difference between gold and greenbacks at a time when the soldiers were paid in greenbacks.

Mr. BAKER, of New York. But there is an amendment covering that part of the case.

Mr. McMILLIN. The reading of the preamble has been dispensed with, and if we are not to have the report read it will be difficult to understand just exactly what the facts are.

Mr. BAKER, of New York. I want to say that every single officer, from Howell Cobb, Secretary of the Treasury when the contract was made, down, have recommended the payment of this claim. Mr. McCulloch, who considered the claim, allowed it. It has been approved by the Supervising Architect and other officers. A technicality arose in court which necessitated his coming to Congress to be relieved from the statute of limitations.

Mr. WEAVER. Do I understand this proposition allows to the party the difference between gold and greenbacks?

Mr. BAKER, of New York. No, sir; the amendment strikes out the words in the bill which are indicated, and in lieu inserts "for any breach on the part of the United States."

Mr. WEAVER. If the Government agreed to pay in coin and paid in greenbacks, that would be a breach of contract.

Mr. BAKER, of New York. The contract provided he should be paid in gold.

Mr. WEAVER. So did mine when I went into the Army.

Mr. BAKER, of New York. As I have said, that portion is stricken out. The bill merely authorizes this claimant to go to the Court of Claims relieved from the effect of the statute of limitations, as a matter of pure equity.

Mr. PEEL. How came he to be barred by the statute of limitations?

The report (by Mr. LAIDLAW) is as follows:

The Committee on Claims, to whom was referred House bill 464, for the relief of Nehemiah Osburn, beg leave to submit the following report:

A bill in substance similar to the present bill was introduced into the House in the Forty-ninth Congress and referred to the Committee on Claims of that Congress. That committee reported said bill favorably to the House with certain amendments, which are embraced in the present bill. Said former report was numbered 3930 of the Forty-ninth Congress, second session, a copy of which is hereunto attached.

Your committee adopt said report as their own, except the amendments therein proposed, they being embodied in the present bill, and the committee recommend that the present bill do pass.

[House report No. 3930, Forty-ninth Congress, second session.]

This claim is for losses growing out of a suspension of work, by order of the Secretary of the Treasury, from May 22, 1861, to April 23, 1862, on the United States court-house in Baltimore, for the construction of which the claimant had entered into an agreement with the Secretary of the Treasury (Howell Cobb), on the 13th of July, 1860. Under this agreement the work was to be done according to plans and specifications which were to be furnished by the Treasury Department, and the court-house was to be delivered to the Government in complete order and condition on or before the 1st day of August, 1862, for the sum of $112,208.04. A copy of the contract, showing its various provisions, is hereto annexed, marked Exhibit A.

It appears that the claimant was a builder of large experience, approved skill, and high personal and financial standing, and that upon the execution of his agreement with the Government he commenced collecting the requisite tools and materials, and engaging a proper force of superintendents, foremen, mechanics, and laborers for the construction of the court-house in its various parts. Among the papers submitted to the committee is a contract, dated at Baltimore, on the 1st of September, 1860, between the claimant, of the one part, and J. B. Stillson as engineer, C. C. Moody as superintendent of granite work, and bookkeeper, Joseph McQuatters as superintendent of mason work, and James Appleyard as superintendent of carpenter and iron work, under which the first two were to receive salaries of $2,000 and the last two $1,500 per annum each for their entire time and services in their several capacities on the said building until its completion. Judging by the reports of the Treasury officers in regard to the manner in which the work was done, and the claimant's accounts were kept, these were men of first-rate ability in their several departments. The work was going on vigorously and prosperously, when it was stopped by direction of the Secretary of the Treasury, in a letter to the claimant from the chief clerk of the construction office, dated May 22, 1862, a copy of which is hereunto annexed, marked Exhibit B.

The claimant alleges that if it had not been for this suspension he would have finished the building and delivered it to the Government according to contract, and also that he would have had the benefit of the low rates for building materials and labor which prevailed during the period covered by his contract. On these points he is sustained by the acting assistant architect of the Treasury Department (Mr. B. Oertly), who, in a report which he was directed to make by Mr. J. Rogers, Supervising Architect of the same Department, said:

"The contract stipulated for the completion of the building on or before the 1st day of August, 1862. It is probable, if not certain, that the work would have been completed within that time had it not been suspended by direction of the Department, in the spring of 1861. Labor and materials were then abundant and of extraordinary cheapness, and continued so throughout 1861 and the first half of 1862. No difficulty was experienced during this period in procuring transportation for materials, nor from any depreciation of the national currency."

On the 23d of April, 1862, the Secretary of the Treasury ordered the work to be resumed, and within a week thereafter the work was again in progress. The claimant, and the various superintendents with whom he had contracted, as aforesaid, had held themselves in readiness to resume operations, not knowing when resumption would be ordered by the Secretary, and meanwhile the claimant had protested against the suspension, and given notice that he would hold the Government responsible for all the damages he might suffer from this breach of the contract. The claimant's affidavit, and the certificate of the acting engineer in charge of the office of construction (Mr. S. M. Clark) on this point, are printed in the appendix, marked Exhibit C.

In response to the claimant's representations, the Secretary (Mr. Chase) took the opinion of the Solicitor of the Treasury (Mr. Edward Jordan) upon a statement of facts, dated April 17, 1862, which had been prepared by the Acting Engineer of the Department in charge of the building in Baltimore (Mr. S. M. Clark), and, in answer to the question, "Will the Solicitor state whether the Government is liable to pay damages for the stoppage (contract within)?" the Solicitor replied, "I think the Government is so liable."

Shortly after the resumption of the work the claimant found all the conditions changed: Not only did the cost of labor and materials rapidly advance, and the Treasury notes in which he was paid (despite his protest, instead of "coin") keep declining in value, but transportation became more and more difficult to obtain, and the progress of the work was hindered, while all the expenses of superintendence and labor were prolonged. A brief quotation from the claimant's memorial will show the change which had occurred in the situation:

"Soon after resumption of operations it was found that great difficulties were to be encountered in the successful prosecution of the work, especially in the supply of granite. Previous to the suspension, I was obtaining granite of an approved quality from the Woodstock quarry on the Baltimore and Ohio Railroad (20 miles from Baltimore) at 45 cents per cubic foot, delivered in the city yard, but after resuming operations it was impossible to get it from that quarry at any price in sufficient quantities. I obtained permission from the Department to substitute Dix Island (Maine) granite at a cost of from 90 cents to $1 per cubic foot, delivered on the dock. The cost of all other labor and materials increased in about the same ratio."

Notwithstanding these difficulties the claimant continued to push forward the work, and in the fall of 1865 the new court-house was delivered in complete order and condition to the Treasury Department, and accepted by that branch of the Government. Thus the work that was to have been completed, and, in all probability, but for the suspension by order of the Secretary, would have been completed within two years from its commencement, occupied more than double that time. And while the work was in progress after the suspension, although its actual cost was largely in excess of the contract price, all payments to the claimant were made in Treasury notes on the basis of the figures which he had named in his contract, for the different kinds of materials and labor figures fixed by him in 1860 with reference to values in "coin." The last payment which he received under his contract, $6,615.01, on the 16th of June, 1865, would have purchased only $2,943.68, or less than half of the "coin" in which the contract provided that the building should be paid for.

But the differences in value between the Treasury notes in which payments were made to the claimant, while his work was in progress from the summer of 1862 to the summer of 1865, and the "coin" called for by the contract, do not enter into this claim at all, unless the claimant is entitled to interest on these differences from the dates of the various payments until the 18th of April, 1866, when the Treasury Department undertook to make a settlement with him, outside of the contract, by paying him $54,859.79 as a balance due on the actual cost of the work and some allowance for superintendence. The claimant alleges that after these years of arduous labor, embarrassment, and anxiety, during which the Government had the use of more than $100,000 of his capital invested in the increased cost of the court-house, the payment in question still left him loser to a large amount, and that he was compelled to accept the money and sign the release annexed below to save himself from impending financial ruin.

"WASHINGTON, *April* 18, 1866.

"I acknowledge to have received from the United States Treasury Department the sum of $54,859.79, in full of all claims for work done by me on the new United States court-house at Baltimore, Md., and I hereby agree that the payment of said sum shall be a final settlement of the amount claimed by me from the United States, hereby releasing all rights to sue or otherwise prosecute any claim against the Government, excepting only the right to apply to Congress for such equitable allowance in the premises for damages and loss under my contract with the Treasury Department for the performance of said work as Congress may see fit to make."

It will be noticed in what clear and unmistakable terms the claimant reserved his right to appeal to the equity of Congress.

It now remains to explain the circumstances under which the estimate was made by the Supervising Architect of the Treasury, upon which the foregoing settlement was had with the claimant.

In the summer of 1865, when the court-house was nearly completed, the Secretary of the Treasury (Mr. McCulloch), upon representations from the claimant, had ordered his accounts for all the work which he had done since the stoppage in 1861 to be examined by the Supervising Architect.

This was done and a report of the results was made on the 17th day of August, 1865, by Mr. B. Oertly, acting assistant architect. This report, which is printed in the appendix, marked Exhibit D, shows the total cost of the work from its resumption in May, 1862, until its substantial completion in August, 1865 (including $22,750 paid by the claimant for salaries to his four assistants already named), to have been $167,074.94. To this Mr. Oertly added 20 per cent. for builder's profits ($33,414.98)—the reasons for which allowance he states in his report—and $2,500 for claimant's loss of time and loss of use of tools, etc., during the suspension, making $202,989.92, to which was afterwards added $6,552.78, claimed by the four assistants as salary during the suspension, and making an aggregate of $209,542.70. Deducting for payments made to the claimant during the progress of the work, $100,266.53, there appeared to be a balance due to him of $109,276.17. The claimant's figures showed a balance in his favor of $126,092.67.

A careful examination of Mr. Oertly's report leaves the impression of thoroughness, fairness, and moderation. His percentage for builder's profits, under the circumstances which he states, being 5 per cent. less than the maximum and 5 per cent. more than the usual allowance, fell $7,000 short of the profits which the claimant shows by a tabulated statement he would have made on the original contract if the work had not been suspended.

On the recommendation of the Secretary of the Treasury, Congress appropriated $109,000 to pay the claimant; but the question having been raised while the bill was on its passage whether the Secretary had power to make such a settlement, a proviso was added that no part of the sum should be paid by way of damages (14 Stats., pp. 17-25). Subsequently—although nothing seems to have been allowed by way of damage in Mr. Oertly's computation, which was rather an ascertainment of the *quantum valebat*—another accounting was ordered, and the balance found due to the claimant was fixed at $54,859.79, and paid to him under the circumstances already stated.

The profits which he would have made on the original contract do not seem to have been of a speculative or uncertain kind. He was prevented from realizing these profits, or any profits, by no fault of his, but by the action of the Government; and under the settlement, to which, as he claims, he was compelled by his necessities to submit, he seems to have been left with nothing but his labor (and actual losses besides) for his pains.

The Secretary of the Treasury (Mr. McCulloch) earnestly recommended this claim to the favorable attention of the Committee on Claims. Three of his letters on the subject are printed in the appendix, marked Exhibit E. The Secretary, who made the settlement, says expressly that nothing was allowed for damages. The claimant immediately thereafter memorialized Congress, and a bill was introduced to pay him $60,209.93, but no action seems to have been taken upon it. Subsequently he was advised that the receipt and release of April 18, 1866 (*supra*), would not estop him, and he accordingly brought an action in the Court of Claims, which he was afterwards advised to abandon, on the ground that without an act of Congress relieving him from the effect of the receipt he would in all probability be defeated.

He accordingly discontinued his action, and betook himself again to Congress. Bills for his relief have been introduced at various sessions, but no ac-

tion has been taken until now. It seems to the committee that he is entitled to a judicial determination of his claim freed from the statute of limitation and the effect of the release.

The considerations which have brought your committee to this conclusion may be condensed as follows:

1. There is no controversy, and can be none, regarding the fact that the Government, by written orders, suspended this work as above indicated, and that this suspension resulted in extending the completion of the work from August 1, 1862, to November, 1865.

2. It is not disputed, and can not be, that the contractor was required to, and did, hold himself and his employés in readiness during this period of suspension to complete this work, and was subjected to the expenses incident to so holding himself in readiness.

3. He faithfully executed his contract in every particular, notwithstanding the hindrances to which he was subjected by the Government.

4. It is thoroughly settled by the decisions of the courts, that where the Government thus interferes with the execution of a contract, and by such interference makes the work more expensive to the contractor, or deprives him of the legitimate profits which he could have made and was entitled to make under his contract, there is a liability at common law resulting against the Government from such suspension of or interference with the contract. Among the many cases which might be cited are the following:

Smoot & Spicer's cases, 8 Court of Claims, 96, in which it was held (and afterwards affirmed on appeal to the Supreme Court, 15 Wallace, 36) that "the principles which must govern the liability of the Government in an action for breach of contract are the same as if the contract were between individuals." In Figh & Gindrat's case (8 Court of Claims 319) it was held that "where the Government suspends work under a contract, and the contractors comply with the Government's request, both in suspending work and subsequently resuming it, they may recover all their actual damages occasioned by the suspension, including loss occasioned by the non-employment of their hands, by an advance of wages, and by the loss of lumber washed away and stolen."

In Harvey & Livesey's case (8 Court of Claims, 501) it is held that where the Government wrongfully declares a contract forfeited the contractor's damages are "the profits which he might have made if allowed to perform." (See also United States *vs.* Smith, 94 United States, 214; Parish *vs.* United States, 100 United States, 500; and United States *vs.* Mueller, 113 United States, 153.)

In United States *vs.* Smith (*supra*) the Supreme Court held that "the United States can be required to make compensation for damages (to the contractor) which he had actually sustained by its default in the performance of its undertakings to him," and that the measure of damages was such a sum as "was necessary to place Smith in the same condition he would have been in if he had been allowed to proceed without interference."

5. The claimant in this case has been guilty of no laches, but has diligently prosecuted his claim in every way open to him.

6. From these facts it plainly results that if this interference of the Government has resulted in loss, which is not covered by what has been paid to him, then a right of action would exist against the Government for whatever that loss may be, and this upon the principles of familiar law as well as obvious equity.

The only question left, therefore, is whether, under the conditions stated, it is just for the Government to insist upon the alleged technical effect of the receipt above named and of the statute of limitations? Congress has frequently granted relief even when the Court of Claims or the Supreme Court of the United States, upon appeal, has rendered judgment against the claimants. One or two instances will suffice. In Adams's case (2 Court of Claims, 86) the claimant recovered judgment for $112,748.86, but the judgment was reversed on appeal to the Supreme Court (7 Wall., 463).

Congress, however, appropriated $112,748.86 for the relief of the claimant (17 Stats., 713). In that case the claimant had given a receipt "in full," which, the Supreme Court held, barred his right to recover. In Albert Grant's case (5 Court of Claims, 86) judgment on his claim of $46,493.73 "for all damages" was in favor of the United States, but Congress (17 Stats., 699) provided for relief to the plaintiff to the extent of $47,000 for those same damages.

The present bill does not decide anything in favor of Mr. Osburn, but leaves all questions of right of recovery to the Court of Claims, with an appeal by either party to the Supreme Court of the United States. The only thing which the pending bill accomplishes in favor of the claimant is to deliver him from the statute of limitations and from the alleged release. The committee, therefore, recommend the passage of the bill (H. R. 9252), amended so that it will read as indicated.

APPENDIX.

EXHIBIT A.—*Contract between Nehemiah Osburn and the United States of America.*

This contract made and entered into by and between Howell Cobb, Secretary of the Treasury, for and on account of the United States of America, of the first part, and Nehemiah Osburn, of Rochester, N. Y., to whom was awarded the contract for the entire construction of the building authorized to be constructed at Baltimore, Md., as a court-house for the United States courts, on his bid for the same, received under the advertisement of the Treasury Department, dated March 1, A. D. 1860, of the second part, witnesseth that the party of the second part covenants and agrees to and with the party of the first part, for himself, his heirs, executors, administrators, or assigns, to furnish and deliver all the materials and do and perform all the work required for the entire construction of the said court-house, agreeable to the original drawings and specifications, under the direction of the superintendent to be appointed by the Secretary of the Treasury for that purpose, and in conformity to the lithographed copies of the drawings of the several parts thereof, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and the printed specifications, according to the general conditions appended thereto, prepared at the office of the construction of buildings, under the Treasury Department, and dated April 14, A. D. 1860, a copy of which is hereunto attached, and which together with the drawings aforesaid, are made a part of this contract, equally binding as if more particularly incorporated herewith, the whole subject to such omissions, additions, and alterations as may be determined upon by the said party of the first part, as provided in the "general conditions" of the specifications hereto annexed.

And the said party of the second part further agrees and binds himself, his heirs, executors, administrators, or assigns, to do and complete the entire work according to the plans and specifications aforesaid, and to the approval and acceptance of the said superintendent, to be appointed as aforesaid, and deliver the same over to the said superintendent in complete and proper condition, conformably to the plans and specifications aforesaid, on or before the 1st day of August, 1862.

And the said party of the first part, acting for and in behalf of the United States, doth covenant, promise, and agree well and truly to pay, or cause to be paid, unto the said party of the second part, his heirs, executors, administrators, or assigns, the sum of $112,808.04, good and lawful money of the coin of the United States, the payments to be made in the following manner, namely:

Ninety per cent. (nine-tenths) of the value of work done and materials furnished (said amount to be ascertained and duly certified to the Department by the superintendent), will, in consideration of the premises, be paid from time to time as the work progresses; and 10 per cent. (one-tenth) will be retained until the completion of the work, and its approval and acceptance as aforesaid by the said superintendent, which shall be forfeited by said party of the second part in the event of the non-fulfillment to the entire satisfaction of said superintendent of this contract.

And it is further agreed by and between the parties to these presents that if, from any cause whatever, the said party of the second part should fail to carry on the work with the required promptness, in the opinion of the said superintendent, to insure its completion by the time specified above, it shall become the duty of the said superintendent, and he shall be, and is hereby, authorized and empowered, after eight days' due notice thereof in writing, left at the shop, office, or usual place of abode of the said party of the second part, or with his agent, without effect, to purchase and procure the necessary materials, and have the necessary work performed, to supply any deficiency caused by the delinquency of the said party of the second part, and the actual cost thereof, together with 15 per cent. thereon, shall be deducted from any moneys due or owing to the said party of the second part on account of this contract, and if there is not that amount due him, then his bondsmen are to be held liable for any deficiency, to be recovered of them by suit in the name of the United States.

It is also covenanted and agreed between the parties of this contract that the party of the second part shall execute, with two or more good and sufficient sureties, a bond to the United States in the sum of $30,000, to be paid in liquidated damages, conditioned for the faithful performance of this contract, and the agreements and covenants herein made by the said party of the second part.

It is also covenanted, agreed, and understood that no member of Congress or other person whose name is not at this time disclosed, shall be admitted to any interest in this contract; and in the event of the Department becoming satisfied that any other party or parties than the signer or signers hereto have either a contingent or direct interest therein, which may appear to the party of the first part to be prejudicial to the interest of the work or of the Government, then the said Secretary shall be, and he hereby is, empowered to cancel this contract and relet the same, and if any work shall have been performed or material delivered for the said building, on which 90 per cent. (nine-tenths) has been paid, the 10 per cent. (one-tenth) retained thereon shall be forfeited to the Government.

It is further covenanted and agreed by the parties hereto that this contract shall not be assigned except by consent of the Secretary of the Treasury; and that any assignment thereof, except as aforesaid, will be a forfeiture of the same, and shall subject the said party of the second part, and his bondsmen, to such damages, to be recovered of them by suit in the name of the United States, as shall have been suffered by the said party of the first part.

It is further agreed and understood that all the stones used in the said building shall be laid upon their natural or quarry beds, and whatever style of dressing shall be adopted shall be in the best manner of that style; and all the materials used shall be of the best quality of their kind, and the work thereon shall be of the best character, and to the entire satisfaction of the said superintendent.

It is also covenanted and agreed by and between the parties hereto that, in case any additions, omissions, or alterations are determined upon, the value thereof shall be estimated by the superintendent, in accordance, as near as practicable, with the original bid of the parties of the second part, and the amount so estimated by him shall be deemed and taken to be the agreed upon and liquidated sum to be added or deducted for such additions, omissions, or alterations, and shall be specifically noted hereon, and be final and conclusive between the parties hereto.

It is also covenanted and agreed by and between the parties hereto that if any material shall be delivered on the site of the said court-house at Baltimore, Md., by the party of the second part, and estimated and a percentage paid thereon by the party of the first part before they are put in the building, they shall become the property of the United States, and being delivered to the superintendent, shall be worked into the building as it progresses.

In witness whereof, the said Howell Cobb, Secretary of the Treasury as aforesaid, for and in behalf of the United States, hath hereunto subscribed his name, and caused the seal of the Treasury Department to be hereunto affixed, and the said Nehemiah Osburn has also subscribed his name and affixed his seal, this 30th day of July, A. D. 1860. HOWELL COBB.

Witnesses of the signature of the Secretary:
T. J. D. FULLER,
P. CLAYTON. N. OSBURN.

Witness of the signature of the contractor:
C. C. MOODY.

EXHIBIT B.—*Order suspending the work.*

BALTIMORE, MD., *May* 22, 1861.

SIR: I am instructed by the honorable Secretary of the Treasury to direct you to cease all work under your contract for the construction of the Baltimore court-house at the close of this day, Wednesday, 22d of May, 1861.

In thus directing a cessation of work under the contract it is deemed that your ultimate interest will be promoted, inasmuch as the present obstruction upon means of transport in your vicinity renders the conveyance of material to the building site a work of much hazard, difficulty, and delay.

Due notice will be given you when the work can be resumed, and the time for completing your contract will be extended a corresponding period.

The custody of the property now on the building site and on the lots on Holliday and Frederick streets is placed in the collector of the port, and you will please make an inventory thereof and hand it to the collector, together with the keys of the premises, taking his receipt therefor.

Very respectfully, S. M. CLARK, C. C.,
Office of Construction.

NEHEMIAH OSBURN, Esq.,
Contractor, Baltimore, Md.

EXHIBIT C.

I, N. Osburn, of Rochester, N. Y., do hereby testify that on the 1st day of June, 1860, a contract was awarded to me by the Treasury Department of the United States for building a new United States court-house at Baltimore, Md. That in pursuance thereof, on the 1st September, 1860, I commenced operations, and was progressing satisfactorily, when, on the 22d May, 1861, I was ordered to suspend work until further orders. That I protested against such stoppage, as I had prepared my outfit of tools, etc., to complete the work.

That on the 1st May, 1862, I was ordered to recommence the work, upon receipt of which I called upon the acting engineer in charge of the Treasury Department and protested verbally to him against being compelled to go on with the work, and was assured by him that I should be paid all damages arising out of the suspension of the work, and that my accounts could be adjusted satisfactorily on its completion.

N. OSBURN.

Sworn to and subscribed before me this day, the 30th January, 1868.
CHAS. C. COX, *J. P.*

Certificate of acting engineer in charge.

TREASURY DEPARTMENT, *January* 30, 1868.

I have read the within [above] affidavit, and hereby certify that the facts as to the contract, the suspension of the work, and its subsequent resumption are true as therein alleged.

As to the alleged conversation with me at the time of the resumption of the work, I can not, at this late date, make positive averment of its correctness, as the details of conversations have passed out of my memory. I recollect, however, that Mr. Osburn had many conversations with me at the time in reference

to the extra amount due him by reason of the suspension, and I also recollect that it was my decided impression at the time that an extra amount was due him (how much I expected to ascertain when the work was completed), and I therefore do not doubt that his allegations in that regard are also true.

S. M. CLARK,
Formerly Acting Engineer in Charge, Office of Construction.

EXHIBIT D.—*Report of Assistant Architect Oertly on claimant's account.*

TREASURY DEPARTMENT, OFFICE OF SUPERVISING ARCHITECT,
August 17, 1865.

SIR: In accordance with your request of the 26th ultimo, the contractor of the United States court-house at Baltimore, Md., N. Osburn, esq., submitted to me for inspection his account-books, subcontracts, vouchers, and other papers relating to the cost of the erection of the above court-house, with a view to facilitate the investigation of his claim, presented by him to the honorable Secretary on the 15th ultimo, and referred to this office. A schedule of the books and papers submitted by him is herewith attached, together with his affidavit testifying to their genuineness, and making oath that they fully exhibit the expenditures made and liabilities incurred by him on account of said work.

The documents begin with the starting of the work and extend up to the present time. The accounts seem to have been kept scrupulously careful. I have examined the same from the date of the suspension, May 22, 1861, thoroughly, assisted by C. C. Moody, esq., who acted as book-keeper and assistant to N. Osburn. The result of my examination is embodied in the tabular statement annexed to this, and shows expenditures and liabilities of N. Osburn on account of the work since its suspension; it also includes a few small amounts for sundry unfinished work, which will be completed within a few days.

To facilitate the comparison of the contractor's statement with mine, I arrange the subdivision of my table similar to his.

The expenditures and liabilities enumerated by items 1 to 17, both inclusive, constituted the total prime cost of the work, except contingent expenses, since its suspension, and amount to $144,324.94.

Tabular statement of expenditures made and liabilities incurred by N. Osburn, esq., contractor, on account of the erection of the United States court-house at Baltimore, Md., since the suspension of the work, May 22, 1861, until its completion, August, 1865.

Designation of expenditure or liability.	May, 1862.	June and July, 1862.	August and September, 1862.	October, November and December, 1862.	January, February, and March, 1863.	April, May, and June, 1863.	July, August, and September, 1863.	October, November, and December, 1863.	January, February, and March, 1864.	April, May, and June, 1864.	July, August, and September, 1864.	October, November, and December, 1864.	January, February, and March, 1865.	April, May, June, and July, 1865.	Total.
1. Mechanical and common labor	$75.14	$1,724.31	$2,245.19	$4,340.96	$1,597.57	$5,268.30	$3,311.96	$3,374.56	$1,344.61	$2,610.55	$8,818.99	$7,242.34	$4,245.15	$11,167.74	$57,367.37
2. Bricks						651.30								1,635.10	2,286.40
3. Granite stock		77.55	272.84	393.87	642.85	31.31	35.32	93.40	74.53	536.27	383.57	56.85	135.50	17,664.01	20,367.89
4. Lumber		22.95	15.06	535.04	3.43	.26	49.46	615.48	8.03		704.64	1,375.66	1,155.94	1,042.89	5,529.15
5. Iron		16.78	177.33	1,273.75	2,207.48	1,061.28	14.29	74.38	36.30	147.57	1,739.86	477.57	492.70	17,546.71	25,266.00
6. Plumbing	9.27			6.06	3.07	5.50								3,814.86	3,838.76
7. Marble work														3,819.54	3,819.54
8. Paints		1.99	.51	3.24	1.28	4.25	29.00	5.05			1,171.15	359.13	247.43	585.18	2,418.21
9. Lime, cement, and sand		387.05	125.80	303.49		51.92	125.48	85.00	169.63	106.00	338.98	537.45	74.00	3,543.10	6,052.90
10. Hardware	18.86	120.41	6.43	3.52		2.34	10.85	5.10		28.47	296.91	95.15	100.47	53.10	741.61
11. Heating apparatus														6,000.00	6,000.00
12. Excavation			*605.56											250.00	855.56
13. Teams	350.02	94.44	69.62	175.03	135.14	158.16	209.20	131.99	297.20	240.61	316.63	178.75	267.22	23.27	2,652.28
14. Miscellaneous	84.25	87.39	94.35	135.46	97.88	93.88	136.91	60.65	58.32	66.44	75.75	93.60	61.70	363.60	1,499.21
15. Stolen materials during suspension	*1,150.00														1,150.00
16. Expenses going to Washington and return	†12.00	12.75	22.55	28.04	23.60	15.00	2.50	12.70	19.55	3.60	6.00	23.35	37.50	101.75	323.29
17. Discount on notes	.83	10.18	19.67	387.80	73.49	52.45	103.69	151.55	209.90	138.43	420.07	306.31	211.11	1,822.62	2,708.07
Total															144,324.94

* At the time of the suspension of the work, the tools and building materials of the contractors were placed under the custody of the collector, who put a watchman over them. Notwithstanding this, a number of valuable tools and over 600 yards of sand were stolen, and some 40,000 bricks destroyed.

† No superintendent of the work was appointed since its resumption, and in consequence thereof the contractors were obliged to visit Washington very frequently for consultation about plans and the payment of monthly estimates. The Government saved some $6,000 by this arrangement.

Tabular statement of expenditures made, etc.—Continued.

	Names.	Employment.	Salaries per annum from May 1, 1882, to August 1, 1885.	Amount.
18	J. B. Stillson	Engineer	At $2,000	$6,500
	C. C. Moody	Book-keeper and architect	2,000	6,500
	——Appleyard	Foreman of iron work and carpentry	1,500	4,875
	——McQuatters	Foreman of masonry and labor	1,500	4,875
	Total			22,750

Item No. 18, amounting to $22,750, is for salaries to one engineer (J. B. Stillson), at $2,000 per annum; one book-keeper (C. C. Moody) and draughtsman, at $2,000 per annum; one foreman for masonry and labor, at $1,500 per annum (J. McQuatters); and one foreman for iron work and carpentry (J. Appleyard), at $1,500 per annum.

These gentlemen had been in the employ of Mr. Osburn for several years previous to the commencement of the Baltimore court-house, and when he received the contract for this work, entered into an agreement with him (copy of which is annexed to this), according to which they were to assist him at the above rates until the completion of the work. These salaries, paid to them by N. Osburn, were liberal, but not extravagant, and if the work had not been suspended, their total amount would not have exceeded the usual 10 per cent. on prime cost allowed for such services. The contract stipulated for the completion of the building on or before the 1st of August, 1862.

It is probable, if not certain, that the work would have been completed within that time had it not been suspended by direction of the Department in the spring of 1861.

Labor and materials were then abundant and of extraordinary cheapness, and continued so throughout 1861 and the first half of 1862.

No difficulty was experienced during this period in procuring transportation for materials, nor from any depreciation of the national currency.

When the work was resumed in May, 1863, matters had not materially changed, labor and materials were still low, and a speedy collapse of the rebellion was then confidently expected.

To these facts must it be attributed that Mr. Osburn did not decline to resume the work, and that he had made no new arrangements with the gentlemen named, he had, under the circumstances, reasons for expecting an early completion of the work.

Unfortunately all these premises should prove fallacious. The failure of the first campaign against Richmond and the subsequent invasion of Maryland suddenly and completely changed the state of business. Granite could no more be procured (except at long intervals) for want of transportation, the War Department assuming complete control of the Baltimore and Ohio Railroad, and labor became very scarce and high.

These difficulties, and especially the one from the depreciation of the currency, kept increasing until the beginning of this year. Even had Osburn not been financially embarrassed by the total insufficiency of the payments made to him he would have been powerless to overcome the obstacles, in consequence of which the completion of the work required three years and six months, in place of one year and three months as expected. Hence the heavy rates of 15.7 per cent. of the above contingent expenses to prime cost of the work.

The above gentlemen also claim payment for the time from the suspension of the work, May 22, 1861, up to its resumption, April 23, 1862 (amounting to $6,552.78). This claim is not included in my statement, though the contractor furnishes the opinion of counsel that he is liable for the amount.

The work done on and the materials furnished for the Baltimore United States court-house by Mr. Osburn are excellent, fully up to all the requirements of the contract and to his reputation as a conscientious builder; it also must be admitted that his bargains and transactions were economical and judicious.

Considering the length of time Mr. Osburn's money has been disadvantageously laid out for the benefit of the Government, and the many difficulties and anxieties he has been subjected to, I should think it but equitable to add a somewhat higher rate of builder's profit than the Department has been in the habit of allowing to contractors. Sworn measurers and standard guide-books on the value of artificers' work allow builder's profit varying from 10 to 25 per cent. on contractor's actual expenditures; the Department has heretofore been in the habit of allowing 15 per cent., and I think that in this case the rate ought to be increased to 20 per cent.

If it should be considered that the Department has the right to adjust N. Osburn's claim, I think that the following condensed statement would exhibit a fair, equitable settlement of his accounts, namely:

Actual cost of labor (other than for contingent services) performed on and of material furnished for the United States court-house at Baltimore, since the suspension of work, May 22, 1861, until its completion		$144,324.94
Contingent services from May 1, 1862, to August 1, 1865		22,750.00
Twenty per cent. of builders' profits		33,414.98
For loss of time and loss of his use of tools, etc., during the suspension		2,500.00
		202,989.92
Deduct total of payments made on the above since May 1, 1862		100,266.56
		102,723.39

To this should be added the amount for contingent services from May 22, 1861, to May 1, 1862, if it should be found that Mr. Osburn is really liable for the same.

The total amount claimed by the contractor is $126,002.67.

The original contract work remaining undone when the work was suspended, May 22, 1861, amounted to $91,951.39, and the extra work ordered at various times $9,314.96. From this it will be seen that if the account of N. Osburn, esq., should be settled on the basis of the above statement, that the cost (to the Government) of the work done since the suspension would be nearly double of its cost at the rates of the contract.

The balance of the appropriation remaining available is $17,893.54. Out of this amount $10,962.93 will shortly fall due to Messrs. Pottier & Stymus, for furniture, carpets, matting, and curtains, ordered May 12 last, leaving $6,846.61 towards the final settlement of N. Osburn's account.

Very respectfully,

B. OERTLY, *Acting Assistant Architect.*

J. ROGERS, Esq.,
Supervising Architect, Treasury Department.

EXHIBIT E.

Secretary McCulloch to the claimant.

JULY 23, 1866.

DEAR SIR: Upon carefully looking over the settlement heretofore made with you upon your claim as contractor for the building of the Baltimore court-house, I am forced to the conclusion that I have no authority to alter or waive the provisions of the release or receipt which you then executed. Nothing could be allowed to you under the appropriation act approved April 7, 1866, except it should be certified by the Attorney-General to be legal, just, and proper, and he, in an opinion given in another and similar case, as well as in conversation in regard to your case, seems to have been of the opinion that no claim of damages for the discontinuance of work upon the building could be legally allowed.

The settlement made with you, proceeding upon this basis, excluded those claims for damage, allowing you only for work actually done, which was all it was thought could be allowed under the Attorney-General's opinion, or which he could certify to be legally due. I can readily conceive that the discontinuance of the work caused you actual and real loss, but there seems to be no other course for you now to pursue except to make application to Congress for relief, in accordance with the right reserved in the release which you executed. If you desire to pursue this course, withdrawing your letter of the 29th of May last, I shall take pleasure in recommending your application to the favorable consideration of Congress.

Very respectfully,

H. MCCULLOCH,
Secretary.

N. OSBURN, Esq.

Secretary McCulloch to the chairman of the Committee on Claims.

TREASURY DEPARTMENT, *June* 5, 1866.

SIR: At the request of Mr. N. Osburn, I desire to call the attention of the Committee on Claims to his claim for damages, caused by the suspension of work on the United States court-house in Baltimore, Md., as shown by the papers herewith transmitted, from which it will be seen that while the claimant abandoned his right to apply to the courts for damages, he reserved his right to apply to Congress for such compensation as might seem equitable and just.

Very respectfully,

H. MCCULLOCH,
Secretary of the Treasury.

Hon. C. DELANO,
Chairman Committee on Claims, House of Representatives.

Second letter from Secretary McCulloch to the chairman of the Committee on Claims.

TREASURY DEPARTMENT, *January* 17, 1867.

SIR: On the 5th of June I inclosed for the consideration of your committee certain papers in regard to the claim of N. Osborn, contractor for the erection of the United States court-house in Baltimore, Md., for damages for the suspension of the work by the order of this Department, dated May 10, 1861, which suspension taking place at a time when material and labor was extremely low, prevented him from taking advantage of the favorable rates then current, and compelled him to complete the building at a time when the prices of both had much advanced, causing, I am satisfied, a material loss to him.

It will be seen from the receipt of Mr. Osburn (a copy of which was transmitted) that while the various claims arising under the contract have been finally adjusted, nothing has been paid him for the damages he has suffered from the action of the Department aforesaid.

The appropriation for the settlement of his accounts approved April 7, 1866, did not, in the opinion of this Department, authorize any payment whatever for damages.

Mr. Osburn having withdrawn his letter of the 29th of May, 1866, and satisfactorily explained the reasons that induced him to sign it, I desire to withdraw the letter of this Department, dated June 11, 1866, in relation thereto, and submit his claims to your favorable consideration.

Very respectfully,

H. MCCULLOCH,
Secretary of the Treasury.

Hon. C. DELANO, *Chairman Committee on Claims.*

Mr. BAKER, of New York. Now, the officers of the Government, every one of them, without exception, have recommended the payment of any legal indebtedness existing on the part of the United States Government to this claimant, but the difficulty in the way is the statute of limitations, and the effect of the release he gave for the fifty-odd thousand dollars paid him.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask a question of the gentleman from New York before consent is given to laying this bill aside. The gentleman stated, I believe, that Mr. Howell Cobb, a member of the Cabinet, recommended the allowance of the claim.

Mr. BAKER, of New York. No, I stated the contract was made by Howell Cobb in July, 1860, when he was a member of the Cabinet.

Mr. BRECKINRIDGE, of Arkansas. I did not so understand the statement. Will the gentleman please explain the release to which he has referred?

Mr. BAKER, of New York. I will read that portion of the report again.

[The portion of the report referred to by Mr. BAKER, was again read.]

Mr. BRECKINRIDGE, of Arkansas. This was in 1860, I believe?

Mr. BAKER, of New York. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. We have had no explanation as to the merits of this claim. I would like to know something about it.

The CHAIRMAN. The Chair will ask if there is objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Arkansas. I consent that an explanation shall be given, subject to the right to object.

Mr. BAKER, of New York. I wish it distinctly understood that after I have stated all the facts in connection with the case, if any gentleman objects to the consideration of the bill, I can only say "Amen," for I have examined it carefully, and know it to be only right and just.

Mr. TIMOTHY J. CAMPBELL. Let me ask my colleague if this bill is not simply for the purpose of giving his constituent a standing in court and a day in court?

Mr. BAKER, of New York. I can read that portion of the report which gives the facts in reference to the case perhaps in less time than it will take to explain it.

Mr. BYNUM. I object to the consideration of this bill. There is no use in taking up the time in discussing it further.

Mr. BAKER, of New York. I want to say that I am sorry to have my friend object without hearing the case.

Mr. BYNUM. I have heard the case. This party has received compensation, and gave a receipt in full for it.

Mr. BAKER, of New York. He gave a receipt in full, but that receipt, if the gentleman will examine it, reserves the right to ask Congress for relief for damages, and reserves the right to prosecute any claim against the Government.

Mr. BYNUM. I have heard the reading of that receipt.

Mr. BAKER, of New York. Then I know my friend does not mean to insist upon his objection.

Mr. BYNUM. I see no reason to withdraw the objection, and insist upon it.

Mr. BAKER, of New York. Will this bill retain its place upon the Calendar?

The CHAIRMAN. It will.

Some time subsequently

Mr. BAKER, of New York, said: I understand the gentleman from Indiana is willing to withdraw his objection to the consideration of the bill.

Mr. BYNUM. I will withdraw the objection.

Mr. COBB. I renew it.

JOHN T. ROBERSON.

Mr. KILGORE. Mr. Chairman, in regard to the bill to which I made objection just now, I find, on talking with some of my friends on this side, that it is a meritorious claim, in consequence of which I withdraw the objection.

Mr. BRECKINRIDGE, of Arkansas. What is the bill?

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6494) for the relief of John T. Roberson.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read.

Mr. LANHAM. It has been already reported at the request of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. CARUTH. This is a bill to pay for clerical hire at a consulate.

Mr. BRECKINRIDGE, of Arkansas. Very well; I have no objection.

The CHAIRMAN. The bill is before the committee and the question is on the amendments which have been submitted by the Committee on Claims, and which have been read.

Mr. MCMILLIN. I think it is proper to adopt the last amendment, because it has not been the policy of the Government to pay interest.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

G. W. M'ADAMS.

The next business on the Calendar (the consideration of which was asked by Mr. O'NEILL, of Missouri) was the bill (H. R. 4765) for the relief of G. W. McAdams.

The bill is as follows:

Be it enacted, etc., That the Postmaster-General of the United States is hereby authorized to release and relieve George W. McAdams, postmaster at Mount Pleasant, Iowa, and his sureties, of all responsibility and liability to the Government for funds and property of the Government stolen from said post-office on the night of July —, 1865, by burglars: *Provided*, That he shall, upon examination, find that such loss was without negligence, fault, or blame on the part of said postmaster.

The report (by Mr. KERR) is as follows:

Your committee being satisfied that no danger can arise to the Government under the provisions of the bill submitting the question of negligence, fault, and blame to the Postmaster-General for his determination, recommend the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN J. CROOKE.

The next bill on the Calendar (the consideration of which was asked by Mr. TIMOTHY J. CAMPBELL) was the bill (H. R. 2696) for the relief of John J. Crooke.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,611.44 to John J. Crooke, for services rendered in imprinting internal-revenue stamps upon tin-foil tobacco wrappers, from the 1st day of July, 1884, to the 7th day of October, 1884.

The report (by Mr. KERR) was read, as follows:

Your committee report that the bill herewith was referred to the Secretary of the Treasury, and the Secretary referred the same to the Commissioner, who reported that there was an equitable claim due the claimant of the amount provided in the bill.

Your committee therefore recommend the passage of the same.

Copy of report or letter of Commissioner is herewith attached.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, January 26, 1888.

SIR: In reply to your verbal inquiry at this office yesterday in regard to application of Mr. John J. Crooke, of New York, for relief from Congress on account of money stated to be due him for imprinting internal-revenue stamps upon foil wrappers for tobacco, I have to state that under a contract entered into between Mr. Crooke and this office, and which was in force July 1, 1884, Mr. Crooke was entitled to receive compensation at the rate of 14 cents per thousand for stamps so imprinted.

Upon presentation of his bill for such imprinting for the month of July, 1884, amounting to $463.74, it was referred August 14, 1884, to the accounting officers of the Treasury for payment.

Upon October 18, 1884, this office was notified by the First Comptroller of the Treasury of the disallowance of Mr. Crooke's bill for July, for the reason that the appropriation for printing stamps for the year ended June 30, 1885, provided for the payment for only such stamps as should be printed at the Bureau of Engraving and Printing. (23 Statutes, 204.)

It is found on examination of the records of this office that there is due Mr. Crooke for imprinting stamps, under his contract, the sum of $1,611.45 for stamps imprinted from July 1, 1884, to October 7, 1884, inclusive.

Mr. Crooke entered into a contract for the imprinting of internal-revenue stamps on and after October 8, 1884, without charge or expense to the Government.

I inclose a copy of a letter addressed by this office, under date of April 10, 1886, to the honorable Secretary of the Treasury, on the subject of applications of Mr. Crooke for relief from Congress (House bills 7341, 7342, 7343). I have no reason to change the recommendations made in that letter.

There are no papers on file in this office which will furnish any information other than is contained in this communication and that of April 10, inclosed.

Respectfully, yours,

JOS. S. MILLER, *Commissioner.*

Hon. TIMOTHY J. CAMPBELL,
House of Representatives, Washington, D. C.

Mr. MCMILLIN. I wish to ask the gentleman from New York as to what amount is recommended by the bill? I did not catch the reading of it.

Mr. TIMOTHY J. CAMPBELL. Sixteen hundred and eleven dollars.

Mr. MCMILLIN. I remember to have investigated the question in the last Congress, when it was before the Committee on Ways and Means, and we found that amount was due.

There being no objection, the bill was considered, and laid aside to be reported to the House with a favorable recommendation.

SUFFERERS BY WRECK OF STEAMER TALLAPOOSA.

Mr. MCKINNEY. The gentleman from Ohio [Mr. SENEY] withdraws his objection to the bill which I presented here awhile ago (S. 869) for the relief of sufferers by the wreck of the Tallapoosa.

Mr. SENEY. If it be the desire of the House to consider at this time the bill called up by the gentleman from New Hampshire [Mr. MCKINNEY] I will withdraw my objection.

The CHAIRMAN. Is there further objection?

Mr. COBB. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. I ask that the gentleman be permitted to make a statement, subject to the right to object to the consideration of the bill.

Mr. LONG. Regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 4573) to provide for the adjustment of the accounts of Edwin A. Merritt.

Mr. LONG. I withdraw the demand for the regular order.

Mr. KERR. I wish to say in regard to the bill called up by the gentleman from New Hampshire, that it was carefully examined by the committee, and that there are precedents for it. We examined testimony and found that the amounts allowed these various members of the crew was simply the value of their outfit, which was inevitably destroyed when the vessel went down.

Mr. HOLMAN. What was the outfit?

Mr. KERR. A thousand dollars for each of the officers.

Mr. HOLMAN. But what did that cover?

Mr. KERR. It covered in each case about a dozen suits of clothes, epaulettes, hammocks, and everything of that kind—the whole paraphernalia of a naval officer.

Mr. MCKINNEY. There were forty of these sailors.

Mr. KERR. There were four officers and forty sailors.

Mr. MCKINNEY. These forty sailors that lost their entire outfit were in the service of the Government. They were in no sense responsible for the sinking of the vessel, and I think they ought to be compensated for their loss.

Mr. KILGORE. I understand, Mr. Chairman, that this statement is made subject to the right to object to the consideration of the bill.

The CHAIRMAN. Certainly. The gentleman from New Hampshire will proceed.

Mr. MCKINNEY. These men, I say, lost their entire outfit. They were poor men, and it seems to me perfectly just that they should be allowed at least the value of the outfit which they lost. The vessel lay under the water long enough to destroy entirely everything they possessed. We do not ask that they shall be allowed for anything except what they absolutely lost while they were in the service of the Government. Now there is, or there will be, objection made to one part of the bill, and so far as that part is concerned I am willing that the bill shall be amended. It is where it says, "The widow, child, or children, or in case there be not such, then the parent or parents, or if there be no parents, then the brothers and sisters, etc." One gentleman on the floor has stated that he will object to including brothers and sisters, and if the committee will permit, I am willing that that shall be struck out, although if no objection were made to it I would rather let it stand so as to avoid the necessity for sending the bill back to the Senate.

Mr. BRECKINRIDGE, of Arkansas. Is there not a provision in the general law for compensating sailors who lose their effects by accidents of this kind?

Mr. KERR. I understand that there is.

Mr. BRECKINRIDGE, of Arkansas. What is it?

Mr. KERR. There is some sort of provision, but what it is I do not know exactly.

Mr. BUCHANAN. I searched for it a year ago, but could not find it.

Mr. HOLMAN. There is some provision on the subject.

Mr. TIMOTHY J. CAMPBELL. Mr. Chairman, I desire to say that there are two cases cited in the report where seamen lost their property and the Government reimbursed them.

Mr. KILGORE. Those were cases where the families of the men who were lost were reimbursed.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New York is speaking of property now.

Mr. TIMOTHY J. CAMPBELL. I desire to say, Mr. Chairman, that if there ever was a proper and charitable case presented to any Congress this is such a case, and the claim ought to be paid. The loss of the vessel was not any fault of these men, and they ought to be compensated for their loss.

Mr. BRECKINRIDGE, of Arkansas. What amounts were allowed to the sailors in the cases which are cited as precedents?

Mr. KERR. The same amount as in this bill.

Mr. MCKINNEY. The allowance in the bill for each officer is $1,000.

Mr. BRECKINRIDGE, of Arkansas. What is it based upon?

Mr. MCKINNEY. It is based upon the investigation of the facts. The testimony shows that it would require $1,000 to replace their clothes, their swords, and all the property that they lost. That is what the allowance is based upon.

Mr. BUCHANAN. We passed several such bills in the Forty-ninth Congress.

Mr. BRECKINRIDGE, of Arkansas. I think that is a very liberal allowance for personal effects. This kind of legislation carries the Government into the insurance business, and if officials take with them to sea more than is necessary for the actual service, I do not believe that the Government ought to insure their property. I suggest therefore to the gentleman from New Hampshire [Mr. MCKINNEY] that he let this allowance for the officers be fixed at $500, which perhaps may not cover all the property they lost, but will cover it so far as the Government could reasonably be expected to incur risks for their benefit.

Mr. MCKINNEY. If the committee do not object, I am willing to have the bill amended in line 13 by striking out "one thousand" and inserting "five hundred." That will make the allowance to each officer $500.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Alabama [Mr. COBB] is recognized.

Mr. COBB. I have been trying to get in a word on this matter for some time. I think this bill is wrong in principle. The gentleman from New York [Mr. TIMOTHY J. CAMPBELL] hit the nail squarely on the head when he said awhile ago that it was a very charitable case. That is what it is, and that is the whole of it.

Mr. LANHAM. He did not use the word "charitable" in the same sense that you do.

Mr. TIMOTHY J. CAMPBELL. No, I did not mean it in that sense. [Laughter.] These men were in the employ of the Government, and if the Secretary of the Navy had ordered that vessel to the most dangerous point on the ocean they would have had to obey orders.

Mr. COBB. Certainly.

Mr. TIMOTHY J. CAMPBELL. And they did obey orders, and

the result was that they lost all their property and very nearly lost their lives. The chief engineer was about nine hours in the rigging before he was taken off by a schooner. Furthermore, they were compelled by law to have a certain amount of clothing and equipment attached to their positions in the Navy when they went to sea. That statement was made and verified before the Committee on Claims, not only before the subcommittee, but before the full committee.

Mr. POST. Mr. Chairman, is this bill under consideration?

The CHAIRMAN. It is not. This entire proceeding is by unanimous consent. Is there further objection to the consideration of this bill, in view of the statement of the gentleman from New Hampshire [Mr. MCKINNEY] as to the amendments which he is willing to have made?

Mr. COBB. If the Chair will indulge me a moment, it is not exactly fair to members of this House to call upon them to make these peremptory objections without giving them an opportunity to state their reasons.

It puts them in a bad position, and the moment an objection is made the objector is surrounded by gentlemen specially interested, so that he can not hear what is going on because of the appeals that are made to him. It puts a member in a false attitude. Now, everything that the gentleman from New York has said may be true——

Mr. TIMOTHY J. CAMPBELL. It is true.

Mr. COBB. It may be true that this was a dangerous enterprise, but these men entered upon it knowing the danger and the responsibility. This bill simply proposes that the United States Government shall become an insurer of the property of officers of the Navy. That is the whole of it.

The CHAIRMAN. Does the gentleman object?

Mr. COBB. Yes, sir. I object.

The CHAIRMAN. The Clerk will report the next bill.

GEORGE F. ROBERTS AND OTHERS.

The next business on the Private Calendar reported from the Committee on Claims (called up by Mr. HOWARD) was the bill (H. R. 2127) for the relief of George F. Roberts and others.

The bill was read.

Mr. WASHINGTON. Let us hear the report, subject to objection.

Mr. FINLEY. I object to the bill.

Mr. HOLMAN. I hope before objection is made the report will be read.

The CHAIRMAN. The report covers six pages.

Mr. HOLMAN. Perhaps the chairman of the committee can explain the case briefly.

The CHAIRMAN. The gentleman from Kentucky [Mr. FINLEY] has objected.

GEORGE B. HANSELL.

The next business on the Private Calendar reported from the Committee on Claims (called up by Mr. VOORHEES) was the bill (H. R. 5336) for the relief of George B. Hansell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Hansell, of Washington, D. C., the sum of $373, or so much thereof as he may find to be required to pay the necessary and actual traveling expenses incurred by him in traveling from Sitka, Alaska, to Washington, D. C., after his discharge from the United States revenue-marine service, in 1870; and that the said sum of $373, or so much thereof as shall be necessary, be appropriated for the purposes of this act.

Mr. SENEY. I ask for the reading of the report.

Mr. VOORHEES. If the gentleman will allow me, I can state briefly the single point embraced in this case.

Mr. SENEY. I much prefer to have the report read.

The report (by Mr. SHAW) was read, as follows:

This bill was favorably reported by the Committee on Claims to the House of Representatives during the first session of the Forty-ninth Congress. That report so fully sets forth the facts upon which the claim is based, that your committee adopt said report and make it part hereof, and recommend that the bill do pass.

The Committee on Claims, to whom was referred the bill (H. R. 2915) for the relief of George B. Hansell, having carefully considered the same, report:

That the claimant in 1862 was a resident of Washington, D. C., and was commissioned third lieutenant in the United States revenue-marine service. In 1867 he was made a second lieutenant in the same service; that while serving as such second lieutenant he was ordered to report to Washington, D. C., for examination and promotion. He reported for examination; after the examination he was ordered to report for duty to the United States revenue-cutter Reliance, then on the Pacific coast. These orders he obeyed.

In September, 1870, while returning in the Reliance to Sitka, Alaska, from a cruise in the Arctic waters, he found awaiting him a letter from the Secretary of the Treasury dismissing him from the service. That letter was as follows:

TREASURY DEPARTMENT, *July* 19, 1870.

SIR: Having failed to pass the professional examination prescribed by this Department, and the Senate of the United States having confirmed the nomination of your successor, I am directed by the President to inform you that your commission as second lieutenant in the Revenue-Cutter Service of the United States is revoked, and your services as such will cease and terminate with the receipt of this letter.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury,

Second Lieut. G. B. HANSELL,
Revenue-Cutter Reliance, Sitka, Alaska.

Lieutenant Hansell thus found himself discharged at a point distant and remote from his home. He claims that he was compelled to expend the sum of $373 in order to reach his home (Washington, D. C.) from Sitka, Alaska, where he was dismissed.

The cause of his dismissal was "failure to pass the professional examination" prescribed by the Treasury Department. It will be observed that after he had reported to Washington for such examination, and had undergone the same, he was ordered for duty to the Pacific coast. He was discharged from the date of the receipt of the letter. Had he been discharged while at the most distant point while on the cruise to Alaska, it would seem that equity and fair dealing to this officer would entitle him to transportation to his home. He claimed his traveling expenses from the Treasury Department. The answer of the Department was:

"That he (Hansell) was dropped from the service at Sitka, Alaska, and that no authority for traveling expenses was contained in the letter of the Department sent to him at the time; there is accordingly no legal basis for his claim."

The committee are of the opinion, while there may be no legal basis for the claim, that justice demands that he be paid his actual and necessary traveling expenses from Sitka, Alaska, to his home at Washington, D. C.

Your committee recommend that the bill be amended as follows: After the word "dollars," in line 7, insert the words "or so much thereof as he may find to be required to pay the necessary and actual traveling," and in line 7 strike out the word "for," and after the word "dollars," in line 10, insert the words "or so much thereof as shall be necessary," and that, when so amended, recommend that the bill do pass.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

A. C. BRADFORD.

Mr. THOMPSON, of California. I desire to call up the bill (H. R. 649) for the relief of A. C. Bradford. This bill has been already reached on the Calendar this evening.

The CHAIRMAN. The bill referred to by the gentleman can only be recurred to by unanimous consent. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. C. Bradford, late a judge of the thirteenth judicial district in the State of California, out of any money in the Treasury not otherwise appropriated, the sum of $487.55, which sum was assessed as the income tax, and was collected from and paid by him to the Government of the United States, upon his salary as such district judge, for the years 1868 and 1869, such tax having been declared illegal and unconstitutional by the Supreme Court of the United States.

The report (by Mr. TAULBEE) is as follows:

The sum stated in the bill is the amount of income tax assessed on the salary of claimant as district judge of the thirteenth judicial district for the State of California for the years 1869 and 1868, and paid by him. The tax was illegal and unconstitutional, hence the committee recommends the passage of the bill.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. WASHINGTON. I do not know that I shall object; but I would like to ask a question or two, reserving the right to object. I see this bill proposes to refund income tax on the ground that the tax was declared unconstitutional by the Supreme Court of the United States. I wish the gentleman in charge of this bill would state whether the court so decided before this tax was assessed and collected, or whether this gentleman stands in the same category with thousands of other people who paid the income tax.

Mr. KERR. I believe the committee has adopted the rule of reporting in favor of repayment in all cases of this kind where a claim is filed.

Mr. HOLMAN. Was this a judicial officer?

Mr. FELTON. Yes, sir.

Mr. WASHINGTON. I am waiting for an answer to my inquiry. I must object, unless some one can answer the question.

Mr. FELTON. I can only state to the gentleman that this tax was declared by the Supreme Court of the United States to be unconstitutional; and in cases of this kind which have come before the House, bills for refund of the tax have invariably been passed; I have never supposed that the Government of the United States desired to take the money of the citizen in an unlawful or unconstitutional manner. In this instance the claimant happens to be a poor man, and is in need of the money.

Mr. WASHINGTON. The gentleman has not answered my question. I am not asking whether the beneficiary in this case is a rich or a poor man, or anything of that kind. My question is whether this tax was declared illegal before it was collected and paid in this instance?

Mr. HOUK. I think this matter can be readily explained. As I understand, after the Supreme Court declared the income tax on salaries of State officers unconstitutional, a statute was passed by Congress providing for a refund of the tax; but there was a limitation of time within which claims must be filed. In this case, from some cause the man did not make his application within the prescribed time, and the object of this bill is simply to relieve the claimant from the bar created in that way.

Mr. WASHINGTON. If this man comes in that category, I have no objection.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

SUFFERERS BY THE WRECK OF THE STEAMER TALLAPOOSA.

Mr. COBB. I call up for consideration the bill (S. 869) heretofore called up by the gentleman from New Hampshire [Mr. MCKINNEY],

who will move certain amendments to it to remove objections heretofore made.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That to reimburse the survivors of the officers and crew of the United States steamer Tallapoosa, wrecked at Vineyard Sound on the night of the 21st of August, 1884, for the losses incurred by them, respectively, in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, namely: To John F. Merry, lieutenant-commander; William H. Everett, lieutenant; Frank E. Beatty, lieutenant, junior grade; Nathan P. Towne, passed assistant engineer; W. B. Whittlesey, ensign; O. C. Tiffany, passed assistant paymaster, each $1,000. To Hugh Kuhl, mate; James W. Baxter, mate; L. B. Gallagher, mate; Leonard Hanscom, carpenter; James Bishop, junior, pay clerk; Thomas B. Kramer, apothecary, each $700. To Lieutenant W. H. Jaques, for loss of portion of naval uniform, including epaulettes, sword, sword-belt, sword-knot, and so forth, $150.

To all the survivors of the crew, namely: Joseph Arnold, first-class fireman; William A. Brooks, landsman; J. G. Baker, blacksmith; Charles E. Brown, steward to commander-in-chief; John W. Brown, jack-of-the-dust; Thomas Brooks, coal-heaver; William R. Burke, bayman; Moses G. Berry, second-class machinist; James E. Booth, coal-heaver; Moses H. Baker, wardroom steward; Smith Berry, landsman; Albert Beyer, ordinary seaman; John C. Conway, ship's corporal; William H. Christian, ordinary seaman; Charles G. Carlson, carpenter's mate; John Carter, ordinary seaman; Charles H. Coates, landsman; Timothy J. Campbell, coal-heaver; Thomas Condon, coal-heaver; George E. Dodge, landsman; John F. Dugan, quartermaster; William Dinning, first-class fireman; Clarence D. Dronenburg, coal-heaver; Peter Duffy, first-class fireman; Robert H. Dickinson, cabin steward; William E. Denmore, landsman; Joshua Davis, landsman; James D'Arcy, ordinary seaman; Edward Delph, ordinary seaman; James Dalhanty, second-class fireman; Patrick Eagan, first-class fireman; Dennis Faley, landsman; John Fowler, ship's yeoman; Charles F. Fugett, second-class fireman; Charles Har, ordinary seaman; David Harrington, first-class fireman; John Hughes, boatswain's mate; Thomas Hubert, ship's cook; Thomas Howell, first-class fireman; Alexander Hutton, first-class fireman; Daniel W. Hickman, cook to commander-in-chief; Benson Humphreys, coal-heaver; Andrew Hahn, chief quartermaster; Gustaf Huldt, seaman; John Jones, ship's writer; Jacob Jacobson, seaman; Richard H. Johnson, landsman; William E. Jones, landsman; William Johnson, ordinary seaman; James F. Kelley, landsman; William G. Kidd, lamp-lighter; John J. C. Koch, seaman; Patrick H. Kane, coal-heaver; John Kinnoe, ordinary seaman; George H. Lee, landsman; Fillmore Lewis, ordinary seaman; Daniel Lane, landsman; Andrew A. Lund, seaman; James Letford, coal-heaver; John J. Leonard, coal-heaver; Jacob W. Leer, pay yeoman; Thomas Murphy, captain of forecastle; John McDermott, captain of hold; Frank McMurray, first-class fireman; John W. Magee, second-class man; William Middleton, steerage-steward; Daniel McCarthy, coxswain; Patrick Morgan, captain of after-guard; James McCann, coal-heaver; Jacob Miller, landsman; Jules McLean, ordinary seaman; Felix Mackinsten, ordinary seaman; Michael O'Neil, second-class fireman; Timothy O'Reilly, first-class machinist; Peter Ostersen, chief gunner's mate; August Ohlinsen, master-at-arms; Patrick O'Brien, second-class fireman; Arthur O'Brien, coal-heaver; Joseph Padmore, ordinary seaman; Marshall Parker, landsman; John H. Palmer, cabin cook; James H. Richmond, painter; Horace Riley, ship's barber; William J. Redimaker, seaman; William E. Rockett, landsman; George C. Rees, ordinary seaman; Frank Sherman, ordinary seaman; Fred. Scharff, bugler; James O. Smallwood, first-class fireman; Amandas Straub, chief boatswain's mate; Edward Shanklin, coal-heaver; Alex. H. Sewell, quartermaster; Frank Small, seaman; Henry K. Steever, first-class machinist; Charles F. Scott, coxswain to commander-in-chief; Patrick Sweeney, captain of forecastle; Edward Small, landsman; J. D. Skidmore, landsman; Christian A. Simon, landsman; Frank Sullivan, landsman; Peter Thompson, coxswain; George Tinker, steerage cook; John Thompson, seaman; Herbert S. Trueman, captain of after-guard; Clarence D. Tippitt, second-class fireman; Daniel Tinsley, landsman; Jan C. Tinnman, ordinary seaman; James Taylor, seaman; William J. Turner, coal-heaver; Samuel W. Wells, engineer's yeoman; Isaac Williams, coal-heaver; Murray Williams, coal-heaver; Fred. Williams, landsman; Andrew White, wardroom cook; Charles Williams, ordinary seaman; Oscar Westerholm, seaman; Henry H. Walker, first-class machinist; each $100.

SEC. 2. That the widow, child, or children, or in case there be not such, then the parent or parents, and if there be no parents, the brothers and sisters of those in the service who were lost in the wreck of the United States steamer Tallapoosa, namely, Clarence E. Black, passed assistant surgeon; William O'Donnell, seaman; George A. Foster, landsman, shall be entitled to and shall receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives in the order named, of the persons connected with the United States steamer Tallapoosa hereinbefore referred to, a sum equal to twelve months' sea-pay of each person lost: *Provided*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death: *And provided further*, That there shall be deducted from the sums allowed each of the parties named in this act whatever amounts may have been paid them under the provisions of existing law.

SEC. 3. That the proper accounting officers of the Treasury of the United States be, and they are hereby, authorized and directed to settle, upon principles of justice and equity, the accounts of the officers and crew on board the said vessel when wrecked, and to assume the last quarterly return of the paymaster of said vessel as the basis of computation of the subsequent credits to those on board to the date of such loss, if there be no evidence to the contrary.

Mr. McKINNEY. I move in line 13 to strike out "one thousand" and insert "five hundred;" so it will read:

Passed assistant paymaster, each $500.

The amendment was agreed to.

Mr. McKINNEY. I move to strike out the words "brothers and sisters" in the second section.

Mr. BYNUM. I wish also to strike out "parents" before the words "brothers and sisters."

Mr. COBB. The question first recurs on the motion to strike out "brothers and sisters."

Mr. BYNUM. I move as amendment to that to strike out "parents," and on my motion I demand a division.

Mr. McKINNEY. I will accept the amendment of the gentleman from Indiana. I move to strike out the words in the second section, as follows:

Or in case there be not such, then the parent or parents, and if there be no parents the brothers and sisters.

So it will read:

SEC. 2. That the widow, child, or children of those in the service who were lost in the wreck of the United States steamer Tallapoosa, etc.

The amendment was agreed to.

Mr. McKINNEY. I now move that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

House bill 438 was reported to the House to be laid upon the table.

NEHEMIAH OSBURN.

Mr. BAKER, of New York. I call up for consideration the bill (H. R. 464) for the relief of Nehemiah Osburn.

The bill was read.

Mr. McMILLIN. Mr. Chairman, I have listened to the reading of the report in this case, and also to the reading of the bill. I would have been glad to have found some ground upon which this claim could go through. I will take one minute to state to the committee the reason why I shall insist upon my objection.

The contract in this case was drawn for the very purpose of preventing recourse to the courts as is now proposed. And while this claim may not be for a large amount of money, nevertheless it may establish a precedent which will lead to opening up cases arising out of the construction of gunboats and in reference to other matters during the war which may involve millions of dollars.

The President has vetoed during this very Congress a case of this character, and for reasons which are sound. The action proposed by this bill I believe to be one of doubtful expediency, and in view of the dangerous results to which it may lead I am compelled to insist upon my objection.

P. GOUGH EDELIN.

The next business on the Private Calendar was the bill (H. R. 6753) for the relief of P. Gough Edelin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to P. Gough Edelin, of Maryland, the sum of $42.96, this amount having been advanced by him to Nicy Taliaferro upon revenue check numbered 109066, for $2,205.06, presented to him by her, payment of said check having since been refused at the United States subtreasury in Baltimore upon the ground that the said Taliaferro was erroneously pensioned under certificate 3024 (Navy).

The report (by Mr. SHAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6753) for the relief of P. Gough Edelin, report:

That they find a favorable report was made on this claim by the Committee on Claims during the first session of the Forty-ninth Congress. That report so fully sets forth the facts upon which the claim is based that your committee make it part hereof, and recommend that the bill do pass.

The Committee on Claims, to whom was referred the bill (H. R. 8698) for the relief of P. Gough Edelin, make the following report:

This is a claim for money advanced upon a draft issued by the proper officer upon the subtreasurer at New York, in payment of a claim of one Nicy Taliaferro for pension. After said draft was issued it was discovered that the said Taliaferro was erroneously pensioned, and payment of the same was refused upon presentation.

The utter inability of the recipient of this advance to make good the same renders it incumbent upon the Government to indemnify Mr. Edelin against all loss caused by its own error and mistake.

Wherefore your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WEAVER. A draft was sent to this party for $250 from the Pension Bureau. Whatever faults there are in this matter arose out of the laches of the Government officers, and it is only just this bill should pass to refund the amount to Mr. Edelin.

ORDER OF BUSINESS.

Mr. LANHAM. It is now nearly a quarter past 11 o'clock, and we have several bills to be acted upon in the House.

Mr. BYNUM. Let us go on a little while longer.

Mr. CARUTH. We can not rise now; I have a bill I want to pass.

Mr. HOLMAN. It is getting quite late, and it is very hard upon the reading clerks and the officers of the House generally. It is very oppressive. I am entirely impartial in the matter, but I think in justice to the officers of the House I should make a motion for the committee to rise.

Mr. LANHAM. If the gentleman will withhold that motion I will make it myself in a few moments.

Mr. HOLMAN. Very well.

WILLIAM KNOWLAND.

The next business on the Private Calendar (the consideration of which was asked by Mr. KERR) was the bill (H. R. 2686) for the relief of William Knowland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to William Knowland, of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $193.17, being balance due for services as messenger to the Committee on Expenditures in the Department of Justice in the Forty-eighth Congress.

The report (by Mr. KERR) was read, as follows:

That in the year 1884 claimant was employed by the Committee on Expendi-

tures in the Department of Justice from September 6, 1884, to October 22, 1884, during recess, at the rate of $125 per month, under resolution of January 21, 1884. That said claim was not paid, for the reason that there were not sufficient funds to the credit of said committee to pay him.

Your committee therefore recommend that the bill pass for the payment of the claim.

There being no objection, the bill was considered and laid aside to be reported to the House with favorable recommendation.

DAVID A. HAYWOOD.

The next business on the Private Calendar (the consideration of which was asked by Mr. BYNUM) was the bill (H. R. 3132) for the relief of David A. Haywood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to David A. Haywood, of Indianapolis, Ind., the sum of $350.32, for grading and bowlding Market street, in said city, in front o the post-office and court-house building, as per estimate made by the civil en gineer of the city of Indianapolis; and a sum sufficient therefor is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. LANHAM. I made the report in this case, and have investigated it thoroughly. I know it to be a meritorious case.

Mr. BUCHANAN. Is it not a fact that the Committee on Appropriations have rejected similar bills for paving and grading around public buildings?

Mr. BYNUM. They can not include them in appropriation bills.

Mr. BUCHANAN. But every claim of that kind has been objected to.

Mr. O'NEILL, of Missouri. I beg the gentleman's pardon; they have paid for paving constantly.

Mr. BUCHANAN. I beg the gentleman's pardon; I know what I am saying.

Mr. O'NEILL, of Missouri. That the Government has not paid for paving around the public buildings.

Mr. BUCHANAN. I mean precisely that.

Mr. O'NEILL, of Missouri. I know that I have collected from Congress for paving around the public buildings in St. Louis.

Mr. BUCHANAN. Then you have been unusually lucky.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

J. R. JONES.

The next business on the Private Calendar (the consideration of which was asked by Mr. HOPKINS, of Virginia) was the bill (H. R. 4201) for the relief of J. R. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to J. R. Jones, out of any moneys in the Treasury not otherwise appropriated, the sum of eighty-four dollars and fifty-one cents.

There being no objection, the bill was considered and laid aside to be reported to the House with the recommendation that it do pass.

JAMES CALER.

The next business on the Private Calendar (the consideration of which was asked by Mr. BOWDEN) was the bill (H. R. 2661) for the relief of James Caler.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officer of the Treasury of the United States be, and he is hereby, authorized and directed to pay to James Caler, of Stamford, Conn., the sum of $8,445, for work done by him under a contract with the United States in the dredging and excavation of the bar at Rutherford Park, in the Passaic River, New Jersey.

Mr. HOLMAN. How much is involved in this claim?

Mr. BOWDEN. Eight thousand four hundred and forty-five dollars.

Mr. HOLMAN. There should be some statement, or else the report should be read.

Mr. McMILLIN. I call for the reading of the report.

The report (by Mr. BOWDEN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2661) for the relief of James Caler, submit the following report:

That the committee, finding the bill favorably reported by the House committee at the third session of the Forty-fifth Congress, adopt the same, as follows:

"That on the 25th day of June, 1873, the petitioner entered into a contract with the United States of America for dredging and excavating the bar at Rutherford Park, in the Passaic River, New Jersey. For this work he was to receive, when it was completed, the sum of $14,500. The work has been completed according to the requirements of the contract. In the specifications, which were made part of the contract, the material was represented as consisting 'of loose stones, bowlders, sand, and gravel.' After quite a large part of the work had been done it was discovered that the remaining portion of the material to be removed consisted in part of a hard blue clay and hardpan, the removal of which was attended with an expense much greater than would have attended the removal of such material as the contract specified. For this extra expense Mr. Caler claims compensation.

"Lieut. Col. John Newton, who was engineer in charge of the work, and who represented the United States in making said contract, and executed it for them, admits that there was a mistake made in the description in the contract of the character of the material to be removed, and that the claimant is entitled to some relief; and your committee are of that opinion. The question as to the amount that should be allowed him in full compensation is one of some difficulty.

"In a communication addressed to your committee, dated May 1, 1878, he says: 'In arriving at a conclusion as to the extent of Mr. Caler's claim against the Government, there must be some uncertainty in spite of all the care that can be taken. As to the fact that he has some claim there can be no dispute, because the materials—sand, gravel, broken stone, and bowlders—which he contracted to remove were underlaid in some parts by a hard clay very difficult to dredge, and which was not specified in the contract.'

"Colonel Newton has made, at the request of your committee, two computations of the amount to be paid to the claimant in full satisfaction. The first is upon a basis of a payment for the use of his dredge and scows used, and of the wages of the men required to handle them, with the other expenses incident to their use. Upon this basis he finds the amount to be paid to the claimant to be $11,709. Subsequently Colonel Newton submitted another estimate based upon payment to the claimant for the ordinary wear and repair of machinery, wages of the men employed, with interest upon the value of the dredge, scows, and other material used in the prosecution of the work, to which he adds $1,000 for the services of the claimant. Upon this basis he makes the amount to be paid $7,245.

"This computation leaves out all compensation for the use of property of the claimant in the prosecution of this work for a period of sixteen months, which is valued at the sum of $16,500, and for $18,471 advanced and paid out by him in the prosecution of the work (in all, the sum of $34,971), excepting 6 per cent. interest on his said disbursements and on the sum at which the property used was valued. This, your committee think, is not just, because it is apparent that 6 per cent. interest upon the value of such property is not sufficient compensation for its use. The property is used up and destroyed by its use; and this compensation makes no allowance for the rapid depreciation and final loss of the property.

It is well understood that vessels of this kind become of little or no value for use after a period of twelve or fifteen years, and if the owner receives but 6 per cent. interest on his investment for fifteen years and then suffers a loss of the sum invested, his investment can not be considered a profitable one. It is also manifest that no man can afford to invest $16,500 in dredges and scows and run them upon a work of this character for sixteen months at an expense to himself of $18,471 and receive as compensation only the sum of $1,000 for his services, with interest at 6 per cent. on his capital invested and money advanced, with payment of his cash advancements.

Your committee are of opinion that there should be added to this last estimate of Colonel Newton the sum of $1,200 as a further compensation for the claimant's services, use of his property, and interest upon his disbursements, making in all the sum of $8,445, to be paid to him in full satisfaction of his claim, and they therefore report the accompanying bill, and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHESAPEAKE BANK, BALTIMORE.

The next business on the Private Calendar (the consideration of which was asked by Mr. HOUK) was the bill (H. R. 4531) for the relief of the Chesapeake Bank of Baltimore, Md.

Mr. LANHAM. I move that the committee now rise.

Mr. FINLEY. Before that I would like to ask unanimous consent——

Mr. CARUTH. I hope the committee will not rise. I ask the consideration of a bill which is the next on the Calendar. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is on the motion that the committee now rise.

The committee divided; and there were—ayes 15, noes 14.

Before the announcement of the vote,

Mr. O'NEILL, of Missouri, said: I will withdraw my vote in the affirmative, and vote in the negative so as to give the gentleman from Kentucky a chance to get his bill in.

So the motion was rejected.

Mr. HOUK. I now demand the regular order—the consideration of the bill the title of which has just been read.

The bill was read at length.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I think the report should be read.

Mr. LANHAM. It will take a long time to read the report and the officers of the House have a great deal of work to do after the House adjourns. Much work has been done in committee, and it is now near 12 o'clock; so I move that the committee rise.

Mr. CARUTH. We have not had any intervening business.

The CHAIRMAN. A bill has been called up.

The motion was agreed to, there being on a division—ayes 22, noes 9.

Mr. FINLEY. I ask unanimous consent to call up a bill.

The CHAIRMAN. The Chair can not entertain a request now. The committee determines to rise.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

Mr. HOLMAN. Mr. Speaker, it is quite late, and I suggest that by unanimous consent the previous question be ordered upon the final passage of these bills.

The SPEAKER *pro tempore*. The Chair will state that that can not be done, as they are separate measures.

Mr. HOLMAN. The previous question can be ordered upon the final passage of each bill.

The SPEAKER *pro tempore*. It will take but a very short time to dispose of the bills separately.

BILLS PASSED.

Bills of the following titles, reported favorably from the Committee of the Whole, were severally ordered to be engrossed, and read a third

time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5539) for the relief of John J. Coughlin;
A bill (H. R. 5853) for the relief of Daniel Bond;
A bill (H. R. 4765) for the relief of G. W. McAdam;
A bill (H. R. 2696) for the relief of John J. Crooke;
A bill (H. R. 5336) for the relief of George B. Hansell;
A bill (H. R. 649) for the relief of A. C. Bradford;
A bill (H. R. 6753) for the relief of P. Gough Edelin;
A bill (H. R. 2686) for the relief of William Knowland;
A bill (H. R. 3132) for the relief of David A. Haywood; and
A bill (H. R. 4201) for the relief of J. R. Jones.

ZEB WARD.

The bill (S. 321) for the relief of Zeb Ward, reported favorably from the Committee of the Whole, was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill H. R. 68, of the same title, was laid on the table.

A. B. NORTON.

The bill H. R. 4805, reported from the Committee of the Whole, was laid on the table.

JOHN T. ROBESON.

The bill (H. R. 5494) for the relief of John T. Robeson was reported from the Committee of the Whole with an amendment. The amendment was agreed to, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of John T. Robeson."

SUFFERERS BY THE WRECK OF THE TALLAPOOSA.

The bill (S. 869) for the relief of sufferers by the wreck of United States steamer Tallapoosa was reported from the Committee of the Whole with amendments. The amendments were agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill H. R. 438, for the same purpose, was laid on the table.

Mr. COBB (pending the passage of the Senate bill). I objected to the consideration of this bill, but withdrew my objection because I was willing that the bill should be considered upon the statements that were made and with the amendment suggested. I have not, however, changed my view as to the principle involved.

Mr. LANHAM moved to reconsider the votes by which the bills were severally passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES CALER.

The bill (H. R. 2661) for the relief James Caler, reported from the Committee of the Whole with the recommendation that it do pass, was read by its title.

Mr. KILGORE. I demand the reading of an engrossed copy of that bill.

The SPEAKER *pro tempore*. The Chair will state that the engrossed bill is not here. The bill must therefore go over unless the House determines to remain in session until an engrossed copy can be obtained.

ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. DOCKERY. I rise to make a request for unanimous consent. The chairman of the Committee on Claims [Mr. LANHAM] has had no opportunity this evening to have a bill considered, and, on account of his faithful and efficient service, I ask that he be allowed the privilege of calling up one bill.

Mr. SAYERS. And I, too.

Mr. CARUTH. And I, too.

Several other members demanded the same privilege.

Mr. LANHAM. Mr. Speaker, the suggestion of the gentleman from Missouri [Mr. DOCKERY] was made without my knowledge or solicitation, and I appreciate it very highly, but——

Mr. DOCKERY. I withdraw the request.

ROBERT F. ARNOLD.

Mr. LANHAM. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8270) for the relief of Robert F. Arnold, and that the House proceed to consider the same.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Robert F. Arnold the sum of $1,000, for services rendered in behalf of the United States in the district court at Graham, Tex., and for this purpose the sum of $1,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. I hope that the facts will be stated briefly.

Mr. LANHAM. This gentleman assisted the district attorney of the United States court at Graham in the prosecution of some alleged train-robbers. The report is somewhat lengthy, and I will only read what the district judge says in regard to this claim:

I cordially and earnestly approve this account. The case was one in which any district attorney would need assistance. Mr. Arnold ably assisted. By any standard known to good lawyers $1,000 is a reasonable fee for the service performed.

A. P. McCORMICK,
United States District Judge.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M. V. B. SUTTON.

Mr. FINLEY. I ask unanimous consent for the present consideration of the bill (H. R. 5144) for the relief of M. V. B. Sutton, late postmaster at Williamsburgh, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay the claim of M. V. B. Sutton, late postmaster at Williamsburgh, Ky., for $209.88, money and stamps lost by him on account of the robbery of his safe, February 12, 1884.

There being no objection the House proceeded to the consideration of the bill.

The amendment, reported by the Committee on Claims, was read, as follows:

After the word "pay," in line 4, insert "out of any money in the Treasury not otherwise appropriated."

Mr. BYNUM. I would like to know whether the Post-Office Department does not adjust claims of this kind?

Mr. FINLEY. This matter comes here by the authority of the Post-Office Department, as the report shows. The Department sent out a special agent to investigate the case.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. SAMPSON AND BENJAMIN HENRICKS.

Mr. SAYERS. I ask unanimous consent for the present consideration of the bill (H. R. 4789) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Tex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasurer be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay $1,500 to George W. Sampson and Benjamin Henricks, of Austin, Tex., as compensation for the use of a court-room and offices for the marshal and clerk of the United States district court of the western district of Texas, from the 1st day of July, 1865, to the 1st day of July, 1866.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Claims was read, as follows:

In line 5, strike out "one thousand five hundred" before the word "dollars," and insert "one thousand."

Mr. HOLMAN. I desire to inquire under what circumstances this property was rented.

Mr. SAYERS. It was rented for the purpose of holding United States courts.

Mr. HOLMAN. Rented by whom?

Mr. SAYERS. By the proper authorities.

Mr. HOLMAN. Was there not an express agreement that if the bill establishing courts there should be passed, the court-house would be furnished without expense to the Government?

Mr. SAYERS. I never heard of any such agreement.

The amendment was agreed to.

Mr. SAYERS. I move to amend by inserting before the words "George W. Samson and Benjamin Henricks," the words "the heirs of," as both these parties are dead.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I ask that the title of the bill be amended by inserting after the words "relief of" the words "the heirs of," so as to correspond with the amendment made in the body of the bill.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be made.

There was no objection.

CAROLINE T. COCKLE.

Mr. POST. I ask unanimous consent for the present consideration of the bill (H. R. 736) for the relief of Caroline T. Cockle.

The bill was read, as follows:

Be it enacted, etc., That the sum of $199.80 be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse Caroline T. Cockle, executrix of Washington Cockle, late postmaster at Peoria, Ill., for money expended for lighting the Peoria post-office during the fiscal year 1884.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POST moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHAMBERS & BROWN.

Mr. CARUTH. I ask unanimous consent for the present consideration of the bill (H. R. 329) for the relief of Chambers & Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Chambers & Brown $270, being the amount overpaid by them for special licenses in the year 1874.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Claims was read, as follows:

Strike out, in line 5, the words "Chambers & Brown," and insert:

"Henry Chambers and George E. Brown, partners, trading and doing business under the name, firm, and style of Chambers & Brown, on the 14th day of August, 1874, at 299 West Main street, Louisville, Ky."

Mr. CARUTH. I move to amend that amendment by striking out "E." in the name "George E. Brown" and inserting "G." The correct name is "George G. Brown."

The amendment to the amendment was agreed to, and the amendment as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

S. T. MARSHALL.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 2196) for the relief of S. T. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay S. T. Marshall, of Keokuk, Iowa, out of any money in the Treasury not otherwise appropriated, and in full of all claim or demand of said S. T. Marshall, assignee of G. M. Marshall, in a contract made in 1850, to supply and furnish beef cattle to General Estill, purchasing and disbursing agent of the United States for the commission sent to California in 1850 to make treaties with the Indians, the sum of $6,598.49, with interest thereon at 6 per cent., but such allowance and payment to be subject to any and all credits to be shown or ascertained upon a fair and equitable settlement and adjustment of his accounts (as such assignee of said G. M. Marshall) with the Secretary of the Interior.

The amendment reported by the Committee on Claims was read, as follows:

In line 13, after the word "cents," strike out "with interest thereon at 6 per cent."

Mr. HOLMAN. The report should be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2196) for the relief of S. T. Marshall, report that in 1850 one G. M. Marshall took to California for the use of the Government 150 ranch cattle and 75 large American beeves, which were delivered to Redick McKee, United States Indian agent, for which the said agent gave a certificate, of which the following is a copy:

"SAN FRANCISCO, *December* 31, 1851.

"This is to certify that in the adjustment of the account of James M. Estel for beef cattle purchased in my late expedition through the Indian country, on the Klamath, there is due to G. M. Marshall, as per within order of said Estel, dated 15th instant, the sum of $6,598.49.

"At this time I have not funds in my hands applicable to this claim, but have confidence that Congress, during its present session, will provide the means for its payment at an early date, and, in my opinion, it should be paid out of the first moneys appropriated for such purposes in California.

"REDICK McKEE,
"*United States Indian Agent.*"

This certificate was in 1876, by the following instrument, assigned to this claimant:

"STATE OF IOWA, *Lee County:*

"For value received, I, G. M. Marshall, hereby sell, assign, and set over to S. T. Marshall the above certificate or paper signed by Redick McKee, Indian agent, and he is authorized to collect, settle, and receipt for whatever may be obtained on the same in as full faith and authority as I could do in my own proper person, having sold and transferred said paper or evidence of indebtedness to said S. T. Marshall in the A. D. 1856, and the original having been lost or placed in the hands of persons for collection and can not be found, the foregoing be a true copy of the original.

"G. M. MARSHALL."

"Done and subscribed in my presence this 3d day of January, A. D. 1876.
"[SEAL.] R. M. MARSHALL, *Notary Public.*

The full history of the claim was contained in a sworn statement of Redick McKee, disbursing agent of the Government; and in the debate in the House, in the first session of the Forty-fourth Congress, from which we quote as follows:

"DISBURSING AGENT'S STATEMENT.

"1334 G STREET, *Washington, January* 15, 1876.

"SIR: I have examined the papers you handed me touching the claim of G. M. Marshall, assigned to his brother, S. T. Marshall, of Keokuk, Iowa, and return the same herewith.

"My recollection of the transaction is distinct; and I think the copy of the certificate sent is an exact copy of the original issued to Marshall December 31, 1851, calling for $6,598.49. As the purchasing and disbursing agent of the commission sent to California in 1850 to make treaties with the hostile and discontented Indians of that State, I made a contract with General Estill, owner of the Sascol Ranch, to send with my expedition to the Klamath and Trinity River country a drove of cattle, to supply my own party—the accompanying escort, of United States troops—and for presents to the Indians.

"In pursuance of this contract General Estill did send some 100 or 150 ranch cattle and 70 or 75 large American beeves under the direction and charge of G. M. Marshall, as agent; I understood at the time that the same cattle belonged to Marshall, and that he was in some way interested in the contract. We started from Benicia, via Sonoma Valley and Russian River, I think, early in August, and I got back to San Francisco in the last days of December. Estill and Marshall settled their accounts, and the former drew an order on me in favor of the latter for the amount stated in the certificate, $6,598.49.

"Of the first appropriation made for the service in California ($25,000) I had to expend nearly half of it in the purchase of Indian goods in New York, under an assurance from the Department that at the next session of Congress $100,00 more would be estimated for, and no doubt sent me by mail at San Francisco Relying on this we commenced operation, and were happily successful in restoring peace in the central part of our field. During the session of 1850-'51 however, Commissioner Lea wrote me that the House Committee on Appropriations had cut down this estimate for the service in California from $100,000 to $75,000, and I must be governed accordingly. I obeyed instructions, made no contracts or engagements which I thought would exceed that sum, and none not absolutely necessary for the peace of the country.

"You can judge of our disappointment, especially my own, on finding that after all Congress appropriated for the service in the whole State but $42,500, and of this the Department sent me but $27,500! Of course I was unable to pay Marshall and other contractors, and had to resort to the issuance of certificates of indebtedness. By request of the Department I reported in February, and again in July, 1852, on remaining indebtedness in California, in both of which reports this claim of Marshall's is included. (*Vide* Senate Ex. Doc. No. 4, special session, 1853, pages 285 and 343.)

"Mr. Marshall being anxious to return home, I gave him a letter to the Commissioner to the effect that if the appropriation had not been remitted to me he might be paid here. And hearing nothing further from either the claimant or the Department, I took it for granted his claim had been settled. On inquiry at the Department I now find it has never been paid; and as I know it to be a just claim I hope Congress will pay it without any longer delay. If Congress shall treat Mr. Marshall as Col. J. C. Frémont was treated in the settlement of his cattle accounts (10 Stat. L., 804), the interest will give the poor man some amends for being kept out of his money for twenty-four years.

"If this statement should fail to satisfy the committee, or if it should be necessary that I verify it by a formal affidavit, let me know.

"In haste, but very respectfully, your most obedient servant,

"REDICK McKEE,
"*Late Disbursing Agent in California.*

"P. S.—If any question should be raised as to my status as commissioner, disbursing agent, etc., reference may be made to the Document No. 4, published by order of the Senate in 1853, above referred to. On page 8 you will see I was expressly instructed to pay the salaries of my colleagues, 'and all other expenses of the commission.'

"R. McKEE."

"Subscribed and sworn on this the 26th of January, 1876, before me.

"JOHN BAILEY,
"*Justice of the Peace within and for the District of Columbia.*"

RELIEF OF S. T. MARSHALL.

"The next business on the Private Calendar was the bill (H. R. 2695) for the relief of S. T. Marshall, of Lee County, Iowa.

"The bill was read. It authorizes and directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to S. T. Marshall, of Lee County, Iowa, whatever sum may be found to be due him on account of beef cattle furnished the United States for the use of the Indian Department in California in 1851, upon a fair and equitable settlement of his accounts (as assignee of G. M. Marshall) with the Secretary of the Interior.

"1877. Mr. HOLMAN. I call for the reading of the report.

"The report of the Committee on Indian Affairs accompanying the bill was read, as follows:

"'As the purchasing and disbursing agent of the commission which was sent to California in 1850 to make treaties with the hostile Indians in California, Redick McKee made a contract with General Estill to furnish beef cattle for the escort of United States soldiers which accompanied said McKee and party; that said Estill did furnish a large number of cattle under the contract in which the claimant seems to have been interested.'"

"In December, 1850, at San Francisco, the accounts of Estill and Marshall were settled, and the agent, McKee, gave to them a certificate of indebtedness, showing that there was due them on the beef contract the sum of $6,598.49, which said McKee said, and still says, he had not the money to pay, in consequence of the appropriation for the service in California having been reduced much below what he supposed it would be. As evidence of said indebtedness, however, said McKee gave to G. M. Marshall a certificate of indebtedness.

"A copy as sworn to by said McKee is herewith submitted, together with the other evidence in the case. And, confirmatory of this, said McKee in his official report to the Committee on Indian Affairs states that this amount is due to said Marshall, but qualified by an indorsement in these words: 'Subject to credit.' But your committee have not been able to ascertain the amount of the 'credit' to which said claim is 'subject,' nor on what account. Your committee are satisfied, however, that a part at least of this claim is just and ought to be paid.

"It may be, and your committee believe it is, true that the contract made by said McKee with Estill and Marshall to furnish beef to the expedition was made without authority of law; but the evidence shows very clearly that said McKee

was the accredited agent of the Government, and that these parties contracted with him under the belief that he had authority to contract with them for and on behalf of the Government, and that he himself believed he had authority to make the contract with them; and also that these parties, in good faith, furnished the beef cattle for the use of the Government, and that the Government got the benefit of them. It seems but just and equitable, therefore, that these parties should be paid a fair compensation for their property so furnished the Government. Your committee therefore recommend the passage of the accompanying bill, as a substitute for House bill No. 118 referred to them."

"The CHAIRMAN. The Clerk will again read the portion of the report showing the date of the transaction.

"The Clerk read as follows:

"'As the purchasing and disbursing agent of the commission which was sent to California in 1850 to make treaties with the hostile Indians in California, Redick McKee made a contract with General Estill to furnish beef cattle for the escort of United States soldiers which accompanied said McKee and party; that said Estill did furnish a large number of cattle under the contract, in which the claimant seems to have been interested."

"Mr. MCCRARY. The only objection that I understand the gentleman from Indiana to raise to the payment of this claim is that it has been due a long time, if due at all. Being familiar with the evidence in the case, I desire to state to the gentleman and to the House that this delay is fully explained by the evidence. The claim was made very soon after it accrued. The papers were placed in the hands of parties here in the city of Washington for the prosecution of the claim. They were held by those parties for some time without the money being collected, the action of Congress being required. When the war broke out the persons who had possession of the papers and charge of the claim went into the Southern army. The claimant has never been able to find them since, and his efforts to find those parties and the original papers have delayed him until within the last year or two, when he has procured duplicates from the original Indian agent himself, which are sworn to and filed in the evidence in this case.

"There is some little doubt as to the exact amount which is due to this claimant, as stated in the report. But that he furnished property to the United States for which he has never received a cent is entirely clear; and a fair settlement of his accounts at the Treasury Department will determine exactly what is due him. I hope, therefore, that the bill will not be passed over, but will be laid aside to be reported to the House.

"Mr. BOONE. I desire to state, Mr. Chairman, that this bill did undergo a very close examination by the Committee on Indian Affairs. It is true the report does not set forth all the evidence in support of the claim, and it is further true that this claim is an old one. But that is very easily accounted for. Now, there can be no possible doubt about this case. These parties furnished the Government with beef, which was consumed, and the Government got the benefit of it. It was furnished at the instance of an officer of the Government, Mr. McKee, who was the agent of the Government in California to treat with hostile Indians, and the reason he had not money to meet this debt arose from a misapprehension on his part as to what would be the appropriation."

It appearing from the above that the bill for the allowance of the claim was reported favorably in the Forty-fourth Congress, and your committee, being satisfied that the claim is just and ought to be paid, recommend the passage of the bill with an amendment striking out the allowance of interest in the thirteenth line of the bill.

During the reading of the report,

Mr. HOLMAN said: Mr. Speaker, I will not insist on reading the entire report. This bill was reported to the Forty-fourth Congress, and, while I do not remember the exact character of the measure, I can see the time consumed would postpone the bill.

Mr. GEAR. The goods were furnished and met with the approval of the officer in charge of the expedition, but Congress failed to make the appropriation.

Mr. HOLMAN. Why did it not pass the Senate in the Forty-fourth Congress?

Mr. GEAR. It failed for want of time.

Mr. COBB. Why has there been so much delay in the payment of this claim?

Mr. GEAR. It has been pending for years.

Mr. COBB. How does it come the assignee becomes possessed of the claim?

Mr. GEAR. The man who furnished the goods died.

Mr. COBB. What was the consideration of the transfer?

Mr. GEAR. The goods were furnished to the Government.

There was no objection; and the bill was taken up for consideration.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KERR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas, moved that the House adjourn.

The House divided; and there were—ayes 14, noes 14.

So the motion was disagreed to.

C. L. WILSON.

Mr. ABBOTT. I move, by unanimous consent, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 7232) for the relief of C. L. Wilson and it be taken up for present consideration.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to credit the account of C. L. Wilson, postmaster at Milford Ellis County, Texas, with the sum of $50, for money lost in transit.

The report of the committee (by Mr. LANHAM) was read, as follows:

The Committee on Claims, to whom was referred House bill No. 7232, for the relief of C. L. Wilson, find that said C. L. Wilson was postmaster at Milford, Ellis County, Texas, on the 27th day of April, A. D. 1886; that on said day he placed two ten-dollar bills and one fifty-dollar bill, with a letter of remittance, in a penalty envelope which was sealed and directed to the postmaster at Galveston, Tex., and was then placed in an official registered package, which was also sealed and directed to the postmaster at Galveston, Tex. This registered package was then placed in the box containing the balance of the mail for the day.

Mr. W. H. Hudson, a reputable citizen of Ellis County, Texas, was present and saw the money counted and placed in envelopes and directed as aforesaid. He also signed the letter of remittance as a witness.

Mr. Wilson swears that the said registered package was the same day placed in a locked pouch and delivered to the mail carrier. When the same reached Galveston the letter contained the two $10 bills, but the $50 bill had been extracted while in transit.

As soon as the loss was made known to him he made claim therefor under the act of March 17, 1882; but his claim was not allowed, for the reason that every step required by the regulations for remitting post-office funds had not been complied with, in this, that the witness, Mr. Hudson, did not see the registered packnge placed in the mail pouch and delivered to the mail carrier.

The committee are of opinion that the omission on the part of Mr. Wilson to comply with the regulations in making said remittance was due to his want of information of the requirements of the postal regulations at the time the same was remitted. It has been shown that Mr. Wilson is a man of good character and standing in his community, and it is believed by the committee that the loss of said money is not chargeable to any intentional neglect of duty of Mr. Wilson.

Wherefore your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ABBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I move the House do now adjourn.

Mr. BOWDEN. I hope not until I can get through one more case.

The House divided; and there were—ayes 13, noes 9.

So the motion was agreed to; and accordingly (at 12 o'clock midnight) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CANDLER: A bill (H. R. 10834) to correct the military record of Benny Atkins—to the Committee on Military Affairs.

Also, a bill (H. R. 10835) to correct the military record of Webster R. Atkins—to the Committee on Military Affairs.

By Mr. HIRES: A bill (H. R. 10836) to amend the military record of John Kirby—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 10837) to restore to the pension-roll the name of Mary E. Borke—to the Committee on Invalid Pensions.

By Mr. MCSHANE: A bill (H. R. 10838) to remove the charge of desertion from the naval record of Patrick McCourt—to the Committee on Naval Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. A. ANDERSON: Petition of labor organizations of Quincy, Ill., in favor of House bill No. 8716 to protect free from convict labor—to the Committee on Labor.

By Mr. BAYNE: Petition of Farragut Council, Junior Order United American Mechanics, of Bellevue, Pa., in favor of Senate bill 553—to the Committee on Foreign Affairs.

By Mr. BRUMM: Petition of John J. Gannon and others, citizens of Schuylkill County, Pennsylvania, for amendment of the interstate-commerce law—to the Committee on Commerce.

Also, petition of Knights of Labor of Branchdale, Pa., in favor of House bill 8716, to protect free from convict labor—to the Committee on Labor.

By Mr. CARUTH: Petition of the wool dealers and manufacturers of Louisville, Ky., against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of citizens of Linn County, Kansas, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. GIFFORD: Petition of Knights of Labor of Fargo, Dak., in favor of House bill 8716 to protect free from convict labor—to the Committee on Labor.

By Mr. D. B. HENDERSON: Petition of 36 manufacturers and wool merchants against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. KERR: Petition of soldiers of Troy Mills, Iowa, for action on general pension legislation before consideration of the Mills bill—to the Committee on Rules.

By Mr. LYMAN: Petition of Knights of Labor of Exira, Iowa, in favor of House bill 8716—to the Committee on Labor.

By Mr. MCCORMICK: Petition of Henry M. Barrett & Co. and others, against the passage of the Mills bill—to the Committee on Ways and Means.

Also, memorial of John Morton and 28 others, of McKean County, Pennsylvania, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

Also, a petition from Eldred, Pa., in favor of House bill 8716 to protect free labor against convict labor—to the Committee on Labor.

By Mr. NELSON: Petition of the Minneapolis Typographical Union, No. 42, in favor of the international copyright bill—to the Committee on Patents.

By Mr. PHELAN: Petition of Catharine A. Brown, of Helen R. Somerville, of Burwell Sauls, of Mary F. Murrell, of Zillah Hall, of John C. Lanier, and of S. W. Sturdevant, administrator of Robert L. Forbes, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PUGSLEY: Petition of woolen manufacturers and others against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. RICE: Petition of the Minneapolis Typographical Union, No. 42, in favor of the international copyright bill—to the Committee on Patents.

By Mr. SEYMOUR: Memorial of L. M. Tompkins and 38 others, of Grand Traverse, Mich., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. SHERMAN: Petition of Dana W. Bigelow and others, of the Twenty-third district of New York, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. J. D. STEWART: Petition of Marion H. Wesley, of De Kalb County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of E. G. C. Hughey, of Robert McWilliams, heir of William McWilliams, and of Moses Trimble, of Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the more effectual protection of agriculture, by the means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. S. T. HOPKINS: Of 18 farmers of Ulster County, New York.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. BLOUNT: Of Mallory & Taylor, L. W. Hunt, and others, citizens of Georgia.

SENATE.

MONDAY, *July* 16, 1888.

Prayer by Rev. FRANCIS T. INGALLS, D. D., President of Drury College, Springfield, Mo.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting correspondence on file in the Treasury Department in relation to traffic over the Detroit bridge, concerning duties; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of the cost for the repairs of the Kennebec arsenal at Augusta, Me.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE. I move that the letter of the United States Civil Service Commission, transmitting a list of appointments to the Post-Office, and the letter from the Secretary of the Interior transmitting, in response to a resolution of April 30, 1888, a list of the employés below the classified service since March, 1885, now on the table, be referred to the Select Committee to Examine into the Condition of the Civil Service.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two petitions of citizens of Duval, Fla., and a petition of citizens of Greene, Miss., praying for the passage of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Ohio, praying for the adoption of police regulations for the suppression of the adulteration of food, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES presented the petition of John O. Leary and 93 others, citizens of Cambridge, Mass., praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a petition of citizens of Hennepin County, Minnesota, praying for certain amendments to the interstate-commerce law; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of citizens of Laclede County, Missouri, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. WILSON, of Iowa, presented a petition of 33 citizens of Taylor County, Iowa, praying for the passage of additional amendments to the interstate-commerce act, prohibiting any railroad company from transporting merchandise in cars belonging to any shipper for such shippers; also in regard to fines and their disposition; which was referred to the Committee on Interstate Commerce.

Mr. EDMUNDS presented a petition of oyster packers of Baltimore, Md.; a petition of dealers in canned goods and others, of Cleveland, Ohio; a petition of salmon packers and others, of Portland, Oregon; a petition of the St. Paul (Minn.) Chamber of Commerce; and a petition of canners and packers of Baltimore, Md., praying for the repayment in full of duties paid on imported tin when made into cans and exported containing American products; which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Kansas City, Mo., remonstrating against the allowance of drawback on articles made from imported materials and exported to foreign markets after being manufactured here; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of 52 citizens of Highland County, Ohio, praying for certain amendments to the interstate-commerce law; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of David McDonald and 15 other druggists of Kalamazoo, Mich., praying for the repeal of the internal-revenue tax upon druggists as liquor sellers; which was referred to the Committee on Finance.

Mr. BECK presented a petition of citizens of Hopkins County, Kentucky, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. WILSON, of Maryland. I present a memorial of leading merchants of Baltimore, Md., engaged in trade between that port and Brazil, remonstrating against the passage of the bill now pending before the Senate, or any similar bill, granting subsidies to steam-ship lines between this country and Brazil, believing the same to be unjust, as tending to build up one interest at the expense of others. As the matter is now in conference between the two Houses I move that the memorial be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BROWN presented a petition of citizens of Macon, Ga., praying for the repeal of that portion of the internal-revenue law that classes druggists as liquor dealers, and also for reducing the tax on alcohol used in medicine and the arts; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9894) granting a pension to Myron Teachout;

A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll;

A bill (H. R. 2140) granting a pension to Eliza Smith;

A bill (H. R. 9878) granting a pension to Moses T. Coffey;

A bill (H. R. 9034) granting a pension to Lydia A. Heiny; and

A bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 2740) for the relief of the trustees of the German Evangelical Church, of Martinsburgh, W. Va., reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3305) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows, of Central City, Colo., reported it with an amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 2592) for the relief of Andrew Gleeson, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2484) for the relief of John Murphy and the Spalding Lumber Company, submitted a report thereon, and asked that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 878) for the relief of the estate of Thomas Niles, deceased, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of James Grace, praying reimbursement of expenses incurred by him in consequence of injuries received while in the discharge of his duties as a laborer at the Capitol, submitted a report, accompanied by a bill (S. 3328) for the relief of James Grace; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2019) to amend section 2 of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, reported adversely thereon; and the bill was indefinitely postponed.

Mr. MANDERSON. I am instructed by the Committee on Military Affairs to report favorably to the prayer of the petition of the Depart-

ment of Ohio, Grand Army of the Republic, praying that an appropriation be made for the purchase of head-stones for deceased soldiers' graves. I ask that the Committee on Military Affairs be discharged from its further consideration, and that the petition be referred to the Committee on Appropriations.

The report was agreed to.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 2068) for the relief of Jacob Kern, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8075) granting a pension to Anna M. Arnold, widow of John Arnold;

A bill (H. R. 7302) granting a pension to William C. Lord; and

A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 100) for the relief of Samuel Tate, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1668) for the relief of A. M. Woodruff, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3038) for the relief of P. E. Parker, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2187) to authorize the retirement of Lieut. John A. Payne, with the rank of major, reported adversely thereon, and the bill was postponed indefinitely.

SUNDRY CIVIL APPROPRIATION STATEMENTS.

Mr. VANCE. I am authorized by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Iowa [Mr. ALLISON], July 11, 1888, in relation to statements on the sundry civil appropriation bill, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That in the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, the Committee on Appropriations be authorized to employ a stenographer to take down such statements in regard to items therein as the committee may desire to have reported; and the committee may have such statements printed for its use.

PORT OF NEW ORLEANS.

Mr. GIBSON. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 3376) to extend the limits of the port of New Orleans, to report it favorably without amendment. The bill has already passed the House, and I ask that it be put on its passage at this time.

The PRESIDENT *pro tempore*. The bill having been this morning reported, the Senator from Louisiana asks that the Senate proceed to the consideration of the same. Is there objection?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information.

Mr. GIBSON. I will state that the bill has been approved by the Secretary of the Treasury, and that it has passed the House of Representatives.

The PRESIDENT *pro tempore*. It will be read at length for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the limits of the port of entry of New Orleans, La., shall be, and the same are hereby, extended so as to include that portion of the parish of Jefferson lying between the Mississippi River, Lake Pontchartrain, the upper line of the parish of Orleans, left bank, and a line running parallel thereto, commencing at the Mississippi River at a point 2 miles above the upper line of the said parish of Orleans and extending to Lake Pontchartrain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. HAWLEY. By instruction of the Committee on Military Affairs, I report favorably the joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, That Col. Leonard A. Harris, of the State of Ohio, General John A. Martin, of the State of Kansas, and General John F. Hartranft, of the State of Pennsylvania be, and they are hereby, elected managers of "The National Home for Disabled Volunteer Soldiers," to fill vacancies caused by expiration of the terms of office of members of the present board of managers on the 21st day of April, A. D., 1888.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHMOND AND DANVILLE RAILROAD COMPANY.

Mr. DANIEL. I am instructed by the Committee on the District of Columbia to report favorably, with amendments, the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia. If there be no objection, I should be very glad if the bill could be put upon its passage at this time.

The PRESIDENT *pro tempore*. The Senator from Virginia asks that the Senate now proceed to consider the bill this morning reported. Is there objection?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. If there be no objection, the amendment of the committee will be stated.

Mr. VEST. I should like to inquire of the Senator from Virginia, as I am not sufficiently acquainted with the localities here to locate those squares, where it is proposed that the depots shall be constructed under the bill?

Mr. DANIEL. The bill defines the localities.

Mr. VEST. But in what part of the city? Does this road come up to the vicinity of Pennsylvania avenue.

Mr. DANIEL. No, sir. It is not on Pennsylvania avenue, and it is not on any of the reservations. It has nothing to do with the question, as I understand it, of railroad locations on the reservations. They simply wish to connect some properties that they already own by crossing certain streets, so as to perfect their track. It has nothing to do with the question of buildings or reservations, which we have had up several times.

Mr. McPHERSON. I want to ask——

The PRESIDENT *pro tempore*. The Chair will first inquire if there is objection to the present consideration of the bill?

Mr. McPHERSON. I do not want to object to the consideration of the bill, except upon the ground that it seems to me from the location defined in the bill, if we propose now to grant the occupancy of certain land, it is likely to interfere with the general plan we had before the Senate about two weeks ago. I think the various propositions ought to be considered together, and each railroad ought to have some location set aside for it, so that one will not interfere with the other.

I suppose the Richmond and Danville road coming in from the South certainly wants to unite with both the railroads running north and east, the Pennsylvania and the Baltimore and Ohio, and I should think that the location of the Baltimore and Ohio and the Pennsylvania line, if new locations are to be given them, ought to be considered jointly with this bill, in order that all interests may be best subserved. I suggest, therefore, to the Senator from Virginia to let the bill go over.

Mr. DANIEL. I do not think the bill has any relation to the proposition or plans provided for other railroads. The blocks 269 and 300 and across Thirteen and a half street near E are in the lower corner of the city, and it does not interfere with the avenue or with the reservation or with any of the plans of the other railroads.

The Richmond and Danville Company have property down there that they have already bought, and they want to run their track across a few streets in order to perfect their line.

Mr. McPHERSON. The bill proposes, I believe, that the company shall occupy a part of Delaware avenue?

Mr. DANIEL. Maryland avenue.

Mr. McPHERSON. Running down to the Long Bridge?

Mr. DANIEL. Yes, sir.

Mr. McPHERSON. Part of Maryland avenue is already occupied by the Pennsylvania line; the Baltimore and Ohio have also asked permission to occupy a portion of Maryland avenue, and it is proposed that this road shall take possession of that particular location.

Mr. DANIEL. This is some distance from the proposed location.

Mr. VEST. I think the bill had better go over.

The PRESIDENT *pro tempore*. The bill goes over under objection, taking its place on the Calendar.

NEWBURGH CENTENNIAL CELEBRATION REPORT.

Mr. HAWLEY. The Committee on Printing instruct me to report favorably the joint resolution (S. R. 97) for the printing of the report of the Newburgh, N. Y., centennial celebration. They report a substitute, making it a concurrent resolution in accordance with the statute, and I ask action thereon.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Joint Select Committee of Congress on the Newburgh, N. Y., monument and centennial celebration of 1883, submitted on the 26th of June, 1886, be printed, and that 4,500 copies be printed and bound in cloth, of which 1,000 shall be for

the use of the Senate, 2,000 for the use of the House, and 1,500 for the use of the Joint Select Committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the concurrent resolution? The Chair hears none.

Mr. HAWLEY. I will say that the amendment not only changes the form to a concurrent resolution, but considerably reduces the number proposed to be printed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889; further insisted upon its disagreement to the seventh amendment of the Senate to the bill, insisted upon by the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. DOCKERY, and Mr. BINGHAM, managers at the conference on its part.

The message also returned to the Senate, in compliance with its request, the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 335) granting an increase of pension to C. R. Thomas; and

A bill (S. 869) for the relief of sufferers by the wreck of the United States steamer Tallapoosa.

The message also announced that the House had passed the following bills:

A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.;

A bill (S. 886) granting a pension to Sarah F. Jones;

A bill (S. 1009) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army;

A bill (S. 1111) granting a pension to Mary J. Davis;

A bill (S. 1124) to increase the pension of John W. January;

A bill (S. 1142) granting a pension to Keziah E. Strong;

A bill (S. 1288) granting a pension to John Child;

A bill (S. 1447) granting a pension to Bridget Foley;

A bill (S. 1495) granting a pension to Mrs. Mary McGee;

A bill (S. 2012) granting increase of pension to Marcus D. Raymond;

A bill (S. 2073) granting a pension to Margaret Blades;

A bill (S. 2089) for the relief of Mrs. Elizabeth White;

A bill (S. 2137) for the relief of Rosaloo Sage; and

A bill (S. 2890) granting a pension to Fannie A. Kimball.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 160) granting a pension to Elizabeth B. Sailer;

A bill (H. R. 817) granting a pension to Mary Foster;

A bill (H. R. 4098) granting a pension to Eliza Trefren;

A bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-kenzah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;

A bill (H. R. 7160) granting an increase of pension to A. W. Rose;

A bill (H. R. 7510) granting a pension to Stephen A. Seavey;

A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;

A bill (H. R. 8506) for the relief of Hannah H. Latham;

A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;

A bill (H. R. 8677) granting a pension to Mary E. Forren;

A bill (H. R. 8794) granting a pension to Levi Little;

A bill (H. R. 9119) granting a pension to George C. Chase;

A bill (H. R. 10318) granting a pension to Mary C. Davis;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 649) for the relief of A. C. Bradford;

A bill (H. R. 736) for the relief of Caroline T. Cockle;

A bill (H. R. 2196) for the relief of S. T. Marshall;

A bill (H. R. 2686) for the relief of William Knowland;

A bill (H. R. 2696) for the relief of John J. Crooke;

A bill (H. R. 3132) for the relief of David A. Haywood;

A bill (H. R. 4201) for the relief of J. R. Jones;

A bill (H. R. 4765) for the relief of G. W. McAdams;

A bill (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex.;

A bill (H. R. 5144) for the relief of M. V. B. Sutton, late postmaster at Williamsburgh, Ky.;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 5494) for the relief of John T. Robeson;

A bill (H. R. 5539) for the relief of John J. Coughlin;

A bill (H. R. 5853) for the relief of Daniel Bond;

A bill (H. R. 6753) for the relief of P. Gough Edelin;

A bill (H. R. 7232) for the relief of C. L. Wilson; and

A bill (H. R. 8270) for the relief of Robert F. Arnold.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 474) for the relief of General G. Cluseret;

A bill (H. R. 4423) relating to certain acts of the Twenty-seventh Legislative Assembly of New Mexico;

A bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.;

A bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes;

A bill (H. R. 8391) to authorize a location for a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes;

A bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes;

A bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; and

Joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia.

MONUMENT TO GEORGE ROGERS CLARK.

Mr. HOAR. I report from the Committee on the Library the bill (S. 2967) to provide for the erection of a monument to the memory of General George Rogers Clark. I ask unanimous consent to make a brief statement in regard to the bill, and then I shall ask unanimous consent for its present consideration.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Massachusetts will proceed.

Mr. HOAR. It is unnecessary, I suppose, to state for the information of any member of this body the brilliant service to this country of the gallant soldier and son of Virginia in whose memory this public honor is proposed. It is enough to say that by one of the most daring and gallant exploits in our military history, where General Clark not only risked his life to capture a superior British force intrenched in a strong fortification, but also took the responsibility of raising upon the country the supplies needed for his expedition, our boundary as against the British possessions in this country was made the lakes instead of the Ohio River.

There is to be this week in Ohio a celebration of the inauguration of civil government in the Northwestern Territory, and at that celebration suitable honor will be paid by the distinguished orators who will take part in it to the memory of this great warrior. It seems fitting that the celebration of this important centennial should be accompanied by this mark of honor to the memory of Clark by the Congress of the United States.

I therefore report back the bill with amendments, and ask unanimous consent that it be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill to provide for the erection of a monument to the memory of General George Rogers Clark. In recognition of the eminent services to his country of General George Rogers Clark, in the occupation and conquest of the Northwestern Territory during the Revolutionary war, it proposes to appropriate $25,000 for the purpose of erecting in the city of Washington a monument to his memory, to be expended under the direction and control of the Secretary of War.

Mr. HOAR. I move to amend the bill by striking out, in line 9, the word "Washington" and inserting the words "Louisville, in the State of Kentucky."

The amendment was agreed to.

Mr. HOAR. I move to amend the bill in the eleventh line by striking out all after the word "suitable" in the bill and inserting the words "site in said city, said site and the title thereto to be approved by the Secretary of War."

The amendment was agreed to.

Mr. SHERMAN. Before the passage of this bill I desire to place upon record, as reasons for its passage, a brief account of the great achievements performed by George Rogers Clark, written by Judge Burnet, of Cincinnati, in his famous notes on the Northwestern Territory, in which he describes his visit to George Rogers Clark, then living in Louisville, Ky. He says:

"At that time the exploits of General Clark, whose military talents were of a high order, were fresh in the recollection of the country. Early in the Revolutionary war, while a private citizen, holding no commission, civil or military, he distinguished himself by his efforts to protect the frontier settlements of Virginia and North Carolina against the incursions of the Indians.

"He led the party which made the first lodgment at the Falls of the Ohio, where an improvement was then commenced, from which the splendid city of Louisville has grown up. He was the leading com-

missioner in negotiating a treaty between the United States and the chiefs and warriors of the Shawnee Nation, including a part of the Delawares, at the mouth of the Big Miami, in January, 1786, by which the United States were acknowledged to be the sole and absolute sovereigns of all the territory ceded by the treaty of peace with Great Britain in 1783.

"His expedition to the Mississippi in 1778 was then a part of the unwritten history of the Revolution, but it was universally known and justly appreciated in the West, and it gave him a high rank among the military men of his day. When the Commonwealth of Virginia sent him a colonel's commission, accompanied with a warrant to raise a regiment of volunteers, and for that purpose to make contracts on the credit of the State, they did not furnish him with funds for the purpose, but left him to procure them in the best way he could, either on their credit or on his own. Yet such was his perseverance and so unbounded was his confidence in the honor of his native State, and such was his influence with the people of the West, who knew his bravery and his military talents, that he soon raised a regiment of hardy Kentuckians, whom he inspired with his own spirit, and, having attached them warmly to his person, led them to the Mississippi, and captured the post at Kaskaskias and Cahokia.

"The inhabitants of those villages, on receiving a promise of protection, declared allegiance to the United States. At that time Governor Hamilton was at Fort Vincennes, making his arrangements to capture Clark and his band of heroes, which he expected to accomplish with but little difficulty. Clark, however, was aware of the governor's purposes and also of the danger of his own situation, and determined to anticipate his enemy. Having left a sufficient number of men to insure the safety of the conquest he had already made, he proceeded with the residue by a forced march through swamps and quagmires to the Wabash, where he arrived without the loss of a man, though the country was so flooded that they sometimes were compelled to swim.

"The advance of the troops was so arranged as to bring them to the village before the dawn of day and before the governor was advised of their movement from the Mississippi. The consequence was that the post was carried by storm, and the governor and his troops made prisoners of war.

"That expedition was not excelled in difficulty and suffering or in daring courage by the memorable march of Arnold to Quebec in 1775."

This is the important paragraph that I wish to place upon record as the testimony of Judge Burnet, himself one of the most distinguished men of the Northwest Territory, and an eminent lawyer and for many years judge of the supreme court of Ohio.

"General Clark succeeded in retaining military possession of that extensive country till the close of the war, and by that means secured it to the United States. The fact is well known that in arranging the articles of the treaty of peace at Paris the British commissioners insisted on the Ohio River as part of the northern boundary of the United States, and that the Count de Vergennes favored that claim. It appears also from the diplomatic correspondence on that subject that the only tenable ground on which the American commissioners relied to sustain their claim to the lakes as the boundary was the fact that General Clark had conquered the country and was in the undisputed military possession of it at the time of the negotiation. That fact was affirmed and admitted, and was the chief ground on which the British commissioners reluctantly abandoned their claim."

Again he says: "It is a fact of importance in estimating the character and claims of General Clark on the American people that the Legislature of Virginia did not furnish him with money or other means to accomplish the service they had appointed him to perform. They merely sent him a commission, accompanied with power to recruit men and make contracts obligatory on the State. But the State having no credit he was cast on his own energy, and relied on his own personal efforts to raise and equip his troops, and to feed and clothe them during the time of their service, which continued to the end of the war. The task he undertook was a herculean one. There were but very few who could have accomplished it; and nothing but the most ardent attachment to his country could have prompted him to undertake it and to persevere as he did."

* * * * * *

"A person familiar with the lives and character of the military veterans of Rome, in the days of her greatest power, might readily have selected this remarkable man as a specimen of the model he had formed of them in his own mind; but he was rapidly falling a victim to his extreme sensibility, and to the ingratitude of his native State, under whose banner he had fought bravely and with great success.

"The time will certainly come when the enlightened and magnanimous citizens of Louisville will remember the debt of gratitude they owe the memory of that distinguished man.

"He was the leader of the pioneers who made the first lodgment on the site now covered by their rich and splendid city. He was its protector during the years of its infancy and in the period of its greatest danger. Yet the traveler who has read of his achievements, admired his character, and visited the theater of his brilliant deeds discovers nothing indicating the place where his remains are deposited, and where he can go and pay a tribute of respect to the memory of the departed and gallant hero."

This typical hero and founder of five great States was as distinguished in the neglect and injustice done him by his countrymen as in the brilliancy and importance of his service to his country. His native State was unable to pay the drafts drawn by their order for supplies. They were protested and the private property of Colonel Clark was sold to partially pay for public supplies, and impoverished and ruined by his spirited achievements he lived and died a dependant upon his brother.

I need not narrate the subsequent adventures of George Rogers Clark. It is sufficient to say that he held that territory without aid either from the United States or the State of Virginia, and became entirely impoverished as the result of his operations to secure to our country the magnificent Northwest country. He died at Louisville in poverty, and his grave is scarcely marked this day.

In introducing this bill my object was that some memorial might be made to recognize the important service of General George Rogers Clark. Yet, strange to say, so ignorant is a portion of the American people of its history that an English paper published in New York City, when this bill was introduced, said there was no such person as George Rogers Clark; that I must have meant Captain Clark, who in connection with Major Lewis conducted the expedition under the direction of Jefferson across the Mississippi and over the mountains to the Pacific Ocean. Thus the hero and founder of an empire is confounded with his less distinguished brother who near thirty years later explored the then unknown region west of the Missouri River.

Under these circumstances, when we are now celebrating in different parts of the country the acquisition of this territory and its settlement, the time is proper that a suitable monument should be erected over the grave of this distinguished and gallant soldier of the State of Virginia, more distinguished still as one of the chief defenders of the dark and bloody ground of the territory now comprising the State of Kentucky, and most of all for the conquest from British power of 260,000 square miles of the fairest portion of the globe, now filled with cities and towns innumerable and the home of sixteen million of among the most energetic and flourishing people of this great Republic.

My doubt is whether the amendment of the Senator from Massachusetts is a proper one. I think the monument should be erected in Washington. I do not choose to interpose in the matter against the judgment of the committee, yet I believe it would be better to place this memorial where the people of the United States can be more readily impressed with one of the greatest characters in American history. I hope the Senators from Virginia and Kentucky will see the propriety of letting the monument be erected here, although Louisville was undoubtedly the scene of his greatest distinction and where he lived and died. That city was founded by him and is his monument, but the Northwest territory was conquered by him, and the whole country was thus enriched by his brilliant achievements and should place his marble image among those selected to commemorate the few that were not born to die.

Mr. HOAR. Will the Senator pardon me for one observation?

It has been, I think, the policy of Congress, with the exception of the supreme name of Washington, to honor the great soldiers of the Revolution by monuments in the States where they dwelt or where their great fame was gained. In the case of George Rogers Clark—he was a native of Virginia, Kentucky then being a part of Virginia—Kentucky profited largely in the security of her frontier by his military services and Kentuckians were the sharers of his danger and his victory.

At this very session of Congress the Senate unanimously made an appropriation for a monument to General Joseph Warren, to be erected at Roxbury, Mass., now a part of the city of Boston, close to his birthplace, and it seemed to me that it was fitting that the monument of this representative Kentuckian should be erected by the nation on the soil of Kentucky beneath which General George Rogers Clark sleeps his last sleep.

It has been the singular good fortune of the people of Kentucky, both before that Territory became admitted to the Union and at a later day, in the war of 1812, to signalize the history of this country by two of the most brilliant martial exploits. One is that of George Rogers Clark, which the Senator from Ohio has just described. The other is its share in the battle of New Orleans, which is commemorated by that ballad more stirring and more like the sound of a trumpet to American ears than the ballad of Chevy Chase is to the ear of the Englishman:

> There stood John Bull in martial pomp,
> And here stood old Kentucky.

Mr. DANIEL. Mr. President, I was not aware that this bill to erect a monument to the memory of George Rogers Clark was pending until informed by the Senator from Massachusetts just before it was brought up, but I was exceedingly glad to know that such a bill was pending, and to hear the very excellent remarks in its favor which have just been made by the Senator from Massachusetts and the Senator from Ohio. They have very justly observed that the chapter of our national history in which George Rogers Clark appears as the principal and leading figure is one which has been much neglected and is little known.

On the 5th day of July, 1776, the day after the Declaration had been rung out at Philadelphia, Patrick Henry took the oath of office as governor of Virginia. A few years before that the battle of Point Pleasant had been won against the Indians on the Ohio River, and amongst the gallant young soldiers who fought there under Andrew Lewis was Capt. George Rogers Clark, a mere stripling of some twenty-two years of age, who had been born in Albemarle County, near the home of Jefferson. While out in that expedition on the Ohio River he observed that beautiful country and some visions of its great future may have floated through his mind. He went to Kentucky in 1774, and as soon as the Declaration of Independence was proclaimed, and Patrick Henry became governor, he rode over to the mountains to Williamsburgh, in Virginia, and laid before him a plan for striking the British in the Northwest.

It was the general belief at that time that the Indian irruptions upon our border were instigated by the British officers who held the military posts at Kaskaskia, at Vincennes, and at Detroit in the Northwest, and George Rogers Clark, though yet a very young man and with very little military experience, formed a plan which showed that he had the genius of a great general and the scope of thought of a great statesman.

He was furnished by Governor Henry with some £1,200. Powder was sent out to him by way of Pittsburgh to give ammunition to his men, and under a commission as colonel in the Virginia forces, for he was not an officer of the United States and had no connection with the Continental line, he first drove the Indians from their irruptions around Maysville, Ky., and then making his headquarters at the forks of the Ohio, he struck across and captured Kaskaskia without firing a gun; then moved upon Vincennes, captured Hamilton, the British governor of the Northwest, and carried him as a prisoner to Williamsburgh with all of his soldiers, and raised over the British fortification at Vincennes, and in what is now Indiana, the flag which has floated there ever since in triumph.

The Senator from Ohio has justly observed that the decisive fact which made the lakes the northern boundary of the United States was the fact that the conquest of the Northwest Territory by George Rogers Clark, under his commission from Virginia, was conceded by the commissioners who treated for peace to have put America in its possession; and the doctrine upon which the peace commissioners went when they framed that treaty was that the tree should lie as it had fallen, and that each Government should maintain its sway over that territory which its arms had maintained and held.

There is just one other page in the history of that expedition which George Rogers Clark led and planned, which I deem not unworthy of attention. The settlement at Marietta, in Ohio, on the 7th of April, 1788, and the establishment of civil government there on the 15th day of July, 1788, one hundred years ago, are generally regarded as the first colonial establishments of America in the Northwest, and as the first erections of civil government there. They are indeed the first colonial establishments of civil governments after the Revolution, but pending the Revolution, and while the attention of the civilized world was directed to the brilliant scenes which were transpiring upon the seaboard from Massachusetts to South Carolina, Patrick Henry had erected under an act of the Legislature of Virginia in 1778 the county of Illinois, in the Northwest, had appointed Todd, as lieutenant-commander, and as a Virginia officer he had established civil government, assisted by the arms of George Rogers Clark, in all the old French settlements. And at the conclusion of the Revolutionary War the Northwest Territory in all of its settlements was under Virginia's dominion, with its civil authority in the hands of Todd, the lieutenant-commander, and its military authority in the hands of George Rogers Clark.

So thoroughly had the sway of George Rogers Clark maintained and fixed itself upon that territory that although there had been some debate upon the question of the Virginia title to the Northwest in the various contests as to the distribution of territory after the Revolution, it was ere long universally conceded that whether by charter or by conquest or the extension of civil authority over the land, Virginia had fully substantiated her claim, and recognition of it was embodied in the ordinance of 1787 for the government of that territory, and for the gradual formation in it of not less than three nor more than five States.

Mr. President, there was no hero of the Revolution who did a cleaner or better piece of work than George Rogers Clark; and there is none who can stand by him or be mentioned on the same page with him who has been so much neglected. He came to Virginia during Arnold's expedition and fought under Steuben. He went back to the West and had many adventures, and was the founder of the city of Louisville. He was the brother of the William Clark who afterwards led with Lewis the expedition beyond the Mississippi away up to the land of the Dakotas.

At the end of the Revolution he was broken in health and in spirit and in pocket, and it is related that when Virginia, recognizing his great military distinction, sent him a sword, he took the sword in his hand and looked over it and said to the member of the Legislature who brought it to him, "Your speech is very handsome, and the sword is very handsome, too. When Virginia needed a sword I gave her one. I need bread now and she sends me a sword, and what can I do with it?"

He was buried, with simply his initials upon his tomb, at Locust Grove, in Kentucky. More recently his remains have been transferred to the cemetery at Louisville; but as yet nowhere in the United States has any monument arisen upon which his name is engraved. I shall be gratified indeed, sir, if before the people of Ohio have ceased to commemorate by their centennial celebration the great memories which are being revived before them now, that those who shall mingle with them shall be able to say that, although it was in the eleventh hour, yet here ere the stroke of twelve, the country which he so faithfully served has enacted a law under which a monument to the great hero, the Hannibal of the Northwest, who might have been called its father, is in process of erection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BECK. The amendment of the Senator from Massachusetts has been agreed to, has it not?

The PRESIDENT *pro tempore*. It has been, and is concurred in in the Senate.

Mr. HOAR Let the bill be read as it will stand amended.

The PRESIDENT *pro tempore*. The bill will be read as it stands amended.

The Chief Clerk read as follows:

Be it enacted, etc., That in recognition of the eminent services to his country of General George Rogers Clark, in the occupation and conquest of the Northwestern Territory during the Revolutionary war, the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting in the city of Louisville, in the State of Kentucky, a monument to his memory, to be expended under the direction and control of the Secretary of War. And said monument shall be located on a suitable site in said city, said site and the title thereto to be approved by the Secretary of War.

Mr. VOORHEES. Mr. President, I do not rise to antagonize the locality of this most merited monument to a great soldier. I do rise, however, to say that the bill ought not to pass without a word from the State of Indiana. On her soil culminated the greatest achievement of George Rogers Clark. At Vincennes he covered himself with a glory that can not perish and placed himself in the category of the foremost military captains of ancient or modern times.

It does seem to me, sir, that there his monument ought to be; there where he forded the Wabash River and with his little army environed the British post commanded by the infamous Hamilton; there where he addressed Hamilton in those immortal words of reproach, contempt, and aggressive menance as "the hair buyer of the British army;" there it would seem his country should erect his monument; there it should tower to the skies and bear witness to his fame.

The British Government, true to its barbarous instincts, at that time, as it is at all times, and would be again to-day if the opportunity presented itself, was in strict alliance with savages in making war on the American people.

In order to excite and inflame still further their ferocity and savagery, a price was offered to the Indians by this commanding officer of the British forces at Vincennes for the scalps of men, women, and children. Such were the allies of Great Britain in the Northwest, such they were along the lakes and rivers of the North and East, and throughout all the South during the whole war of the Revolution, and such again were the allies of this boasted Christian power during the war of 1812.

I know of no other power in ancient or modern history that has made alliances and treaties offensive and defensive with savage barbarians whose mode of warfare was the indiscriminate carnage and slaughter of the defenseless of all ages and both sexes.

Hamilton, in command at Vincennes, offered and had a standing offer circulated amongst the Indians that he would give a stated price for American scalps; and when the immortal hero, George Rogers Clark, with his starving army at his back, surrounded the British forces he did not address him as "Colonel Hamilton," he did not address him with terms of respect, but he styled him in writing as "Hair-buyer," and demanding his surrender at once, with the "alternative that he would storm the place and put its defenders to the sword;" and when Hamilton was forced to surrender he lay long in irons, and it is a satisfaction to know, even at this late day, that he would have been put to death if General Clark had been permitted to have his own way.

Sir, I live in a county named for the man who saved the army that captured Vincennes from starvation. When George Rogers Clark reached Kaskaskia, in his Northwestern expedition, his army had not a single ration. They were living on a scant allowance of parched corn, and Francis Vigo, a native, I believe, of Switzerland, a trader who had credit at New Orleans on two bills of exchange, one for $5,000 and the other for $4,000, secured supplies which saved that army from perishing in the wilderness. And may I not add that nearly one hundred years passed away before the money which thus saved an army and brought imperishable honor to the American arms was refunded to the descendants of the great public benefactor who advanced it? It was during the last term I served in the other end of the Capitol, then being a member of the Judiciary Committee, that I secured the passage of a bill to pay to the descendants of Francis Vigo the money, with interest, which he had expended in the cause of American independence, and I had the intense satisfaction of seeing this Government at last pay $50,000 on this glorious but long-neglected account.

Colonel Vigo died in the beautiful town where I live, very poor, but not neglected, directing by his will, if his claim was ever paid, that enough of it should be taken with which to buy a bell for the court-house in Terre Haute, in order, I presume, that its ringing tones might remind the people that he had lived and died in their midst. His request has been complied with in the last two years, and now the court-house bell daily proclaims that Vigo County, Indiana, is the last resting-place of the brave, the gentle, the patriotic friend of freedom and of humanity, Col. Francis Vigo.

With these and other events connected with the immortal campaign of General Clark in my mind, I did not feel, although only this moment coming into the Senate, and the bill being now on its passage, that I could remain entirely silent, coming here as I do from the banks of the Wabash, the theater of his greatest glory, and of his greatest usefulness to his country.

We have a county on the Ohio River, the county in which Jeffersonville stands, called for this great hero, Clark County. I am not going, however, to oppose my neighbors in Kentucky having the honor of his monument. He was their citizen, and lived and died with them. It ought indeed to be on both sides of the river were such a thing possible. There ought to be another monument at Vincennes; and in every State in the whole Northwest. Another should be erected for his brother, William Clark, who with Meriwether Lewis led that immortal expedition under Jefferson, discovered the headwaters of the Missouri, crossed the Rocky Mountains where the Northern Pacific Railway lies now, and looked upon the Pacific Ocean from the mouth of the Columbia River. Lost to civilization and lost to the knowledge of the world for more than two years, when they returned to St. Louis they returned laden with the spoils of great discoveries. They returned with more honor and utility than Xenophon with his ten thousand Greeks.

I have no more to say, except to concur with the eloquent Senator from Virginia [Mr. DANIEL] that this is tardy action upon a great subject. It is a reproach to the American people and to the Northwest that this movement has not been made long ago.

Mr. BLACKBURN. Mr. President, I am more than glad to see that there is an absolute concurrence of opinion as to the site to be selected for this monument. There is an eminent propriety in locating it in the city of Louisville. That city constituted the basis of this general's operations. He was the founder of the present metropolis of that Commonwealth; it was there that he spent the last years of his life, and it comes as near being the center as can well be selected of the territory that came to our public domain by reason of his military exploits.

All that has been said and so well said by the Senator from Massachusetts [Mr. HOAR] and the Senator from Ohio [Mr. SHERMAN] and the Senator from Virginia [Mr. DANIEL] and the Senator from Indiana [Mr. VOORHEES] can be substantiated and will not be controverted; but either of those Senators might have said one thing more with equal truth, that but for the military services of the man whom to-day we propose to honor the Alleghany chain would in all probability have been the basis of settlement between the United States and Great Britain, for before that the operations of the Federal Army were confined exclusively to the section of country between that chain of mountains, the Alleghanies, and the Atlantic Ocean. For this great and measureless empire that came to us in the Northwest we are indebted, in my judgment, to George Rogers Clark alone.

If that be true, as it is admitted, the great metropolis upon the Ohio's bank where he lived and died and of which he was the founder, which is as near to the center as you can get of this empire which he brought to the domain of the country, in my judgment is the most proper site that could possibly be selected, and I wish to express my gratification that there should have been no bickering East or West and that there should have been no hesitation either upon the part of the distinguished Senator from Massachusetts, or upon the part of the Senator from Ohio, or upon the part of the Senator from Virginia, whose State is justly proud as being his birthplace, or upon the part of the Senator from Indiana, who represents the one great Commonwealth in the Northwest that owed him most. I am more than gratified and pleased to find that all have agreed that the bill reported by the Senator from Massachusetts has properly selected the place, the spot on which this monument should be built to this great man's memory.

I thank all of the Senators for the selection they have made and the justice they have done both to the dead man and to the State that was honored by claiming him as a citizen.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CHACE introduced a bill (S. 3329) to reduce the postage on fourth-class mail matter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr SPOONER introduced a bill (S. 3330) for the relief of William H. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe lines across certain tracts of land; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON introduced a bill (S. 3332) to change the limit of appropriation for the public building at Paterson, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3333) for the relief of John Jordan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3334) for the erection of a public building at Perth Amboy, N. J.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3335) granting a pension to Thompson D. Hatfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3336) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BOWEN introduced a bill (S. 3337) granting a pension to Pha Tefft; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3338) granting an increase of pension to Joseph D. Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3339) granting an increase of pension to Charles H. Moore; which was read twice by its title, and referred to the Committee on Pensions.

NEW YORK POST-OFFICE EMPLOYÉS.

Mr. HALE. I submit the following resolution, and ask for its present consideration:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate, at as early a date as is practicable, copies of all testimony of letter-carriers in the New York post-office, taken by Henry Rogers, post-office inspector, or by his direction, on or about July 12, 1886; also copies of other testimony of letter-carriers and clerks in the New York post-office which was taken by a committee of post-office inspectors in the months of October and November, 1886, all of said testimony having been forwarded to Chief Post-Office Inspector West.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. McPHERSON. Let the resolution go over.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule and be printed.

COMMITTEE ON INDIAN TRADERS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Indian Traders be authorized to continue during the recess of Congress the investigations directed by the resolutions of the Senate of June 3, 1886, December 20, 1887, and March 5, 1888, with the authority and in the manner and to the extent provided in said resolutions, and also, if it is deemed necessary, to visit as a full committee or by such subcommittee as may be appointed by the chairman thereof, the Chippewa Indian reservations mentioned in said resolution of March 5, 1888, and said committee shall have power to employ a clerk and messenger during said recess; and the necessary expenses of such investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

J. T. VINCENT.

Mr. DAVIS. I move that the House of Representatives be requested to return to the Senate the bill (H. R. 10356) granting a pension to J. T. Vincent.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 160) granting a pension to Elizabeth B. Sailer;

A bill (H. R. 817) granting a pension to Mary Foster;

A bill (H. R. 4098) to grant a pension to Eliza Frefren;

A bill (H. R. 6764) granting pension to Muck-a-pec-wak-keu-zah, or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;

A bill (H. R. 7160) granting an increase of pension to A. W. Rose;

A bill (H. R. 7510) granting a pension to Stephen A. Seavey;

A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;

A bill (H. R. 8506) for the relief of Hannah H. Latham;

A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;

A bill (H. R. 8677) granting a pension to Mary E. Forren;

A bill (H. R. 8794) granting a pension to Levi Little;

A bill (H. R. 9119) granting a pension to George C. Chase; and

A bill (H. R. 10318) granting a pension to Mary C. Davis.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 649) for the relief of A. C. Bradford;
A bill (H. R. 2196) for the relief of S. T. Marshall;
A bill (H. R. 2686) for the relief of William Knowland;
A bill (H. R. 2696) for the relief of John J. Crooke;
A bill (H. R. 4201) for the relief of J. R. Jones;
A bill (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex; and
A bill (H. R. 5336) for the relief of George B. Hansell.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 736) for the relief of Caroline T. Cockle;
A bill (H. R. 4765) for the relief of G. W. McAdams;
A bill (H. R. 5144) for the relief of M. V. B. Sutton, late postmaster at Williamsburgh, Ky.;
A bill (H. R. 5853) for the relief of Daniel Bond; and
A bill (H. R. 7232) for the relief of C. L. Wilson.

The bill (H. R. 6753) for the relief of P. Gough Edelin was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3132) for the relief of David A. Haywood was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 8270) for the relief of Robert F. Arnold was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 5494) for the relief of John T. Robeson was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 5539) for the relief of John J. Coughlin was read twice by its title, and referred to the Committee on the Library.

ARKANSAS RIVER BRIDGE AT CUMMINGS' LANDING, ARKANSAS.

The PRESIDENT *pro tempore* laid before the Senate the message of the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings' Landing, Lincoln County, Arkansas.

Mr. BERRY. I ask unanimous consent that the vote by which the bill was passed, and also the vote by which it was ordered to a third reading, may be reconsidered, in order that I may correct a mistake in the bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent that the votes by which this bill was passed and by which it was ordered to a third reading may be reconsidered. It is so ordered, if there be no objection.

Mr. BERRY. Now I move, in the last line of section 4, before the word "proofs," to strike out the word "of" and insert "and;" so as to read:

And upon rules and condition which each shall perform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. R. THOMAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 335) granting an increase of pension to C. R. Thomas, which was at the end of the bill, to add, "and pay him a pension of $12 a month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to C. R. Thomas, whose pension certificate is numbered 120171, and pay him a pension of $12 a month.

Mr. DAVIS. I move that the Senate concur in the amendment.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 1258) granting a pension to Sarah Ann Waters;
An act (S. 1435) granting a pension to Emil Schattle;
An act (S. 1742) granting a pension to W. A. Hicks;
An act (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River, in Arkansas;
An act (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post road;
An act (S. 667) authorizing the construction of a bridge across the Red River of the North;
An act (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;
An act (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.;
An act (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee;
An act (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa;
An act (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;
An act (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou d'Arbonne, in Louisiana; and
An act (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed.

Mr. PUGH. I move that the Senate proceed in open executive session to the consideration of the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate do now proceed in open executive session to the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] and the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection, the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. Treaty (Executive M) between United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

Mr. PUGH. Mr. President, the fishery treaty now pending is the first ever considered and discussed in open executive session of the Senate. The Senate is about one hundred years old, and its rule requiring all treaties to be considered and disposed of in executive session with closed doors and under the injunction of secrecy is as old as the Government and has its foundation in the wisdom of our fathers, who adopted it for reasons that have withstood the trial and secured the sanction of a century of experience. The reasons on which the rule is founded grow out of and are inseparable from the nature of the negotiations to which they relate. A treaty is the act of two or more separate Governments for the adjustment of differences between them relating to common rights and interests. The reasons which induce each separate Government to make or reject treaties concern them alone. Neither of the negotiating governments has any right, or has ever claimed any right, to learn from the other why it proposes, ratifies, or rejects treaties. What each government proposes to do in treaty-making is its own business. No government has ever asked that her ministers be admitted to the councils of the President and his Cabinet or the deliberations of the Senate when a treaty is under consideration for ratification or rejection. The Government of the United States is a Government of the people, and its treaty-making power is vested in the President by and with the advice and consent of the Senate. The President negotiates with the representatives of foreign governments for the formation of treaties, and when he comes to his conclusion that a treaty he has negotiated with a foreign government is a proper one to be made by the United States, he submits that treaty to the Senate as a joint custodian of the power for its consideration.

When the treaty is before the Senate the question is, will the Senate agree to the treaty negotiated by the President, or will the Senate amend the treaty and put it in such terms as the Senate will sanction, or will the Senate decline to amend, or to exercise its power to improve the treaty, and reject it? It takes the vote of two-thirds of the Senate to ratify a treaty. One vote over one-third of the Senate can defeat a treaty. So that it is manifest the Senate has more power than the President in treaty-making. When the President undertakes to negotiate a treaty with a foreign government he considers the matter with his confidential adviser, the Secretary of State, and in the preparation of the terms of a treaty he intends submitting to another government he does so without making public his deliberations. When the President finishes what he has to do in making a treaty he sends it to the Senate in confidence in executive session. After the President submits the proposed treaty to the Senate he has nothing more to do with it until the Senate comes to its conclusion.

If the Senate makes no amendment by a majority vote, and less than two-thirds vote to ratify it, the treaty is killed. But if the Senate amends the treaty it is returned by the Senate to the President for his approval of the amendments, and if he approves them they are submitted by the President to the foreign government for its approval. It thus appears that the treaty now before the Senate is a long distance from its becoming one of the supreme laws of the land. The proposed treaty is in the earliest stages of its formation. It has no existence whatever. It is only under consideration, and is nothing more than the subject of negotiation between the Government of Great Britain and the Government of the United States. While in this transition or formative state the rule of the Senate requiring treaties to be considered and acted on with closed doors and under the injunction of secrecy has been suspended by a solid Republican against a solid Democratic vote, so as to open the doors of the executive session and conduct the future negotiation with Great Britain upon the subject of the proposed arrangement as to fisheries and fishing rights and commer-

cial privileges of fishing vessels and fishermen in Canadian bays and ports on the coast of British North America in the hearing of our adversaries, so that Her Majesty's Government and all the people of Canada, Nova Scotia, and Newfoundland may enjoy the advantage to them of the divisions among the people of the United States and their Senators and President as witnessed by our adversaries, who are invited to our public discussions of what shall be the terms of the proposed treaty.

Our forefathers decided, as all other civilized people had decided, that treaty discussions and treaty making should be conducted in secret, and that it would be unwise and detrimental to the public service to give our adversaries in treaty making the advantage of knowing what they would be glad to learn, all our views and opinions and divisions, and the reasons for them, before the terms of any settlement were finally adjusted. By the suspension of the rule and throwing the discussions among ourselves open to the hearing of our adversaries we certainly give them a great advantage they have no right to enjoy. If the terms of the treaty sent us by the President are not satisfactory to Senators, why not make known the grounds of objection to the Senate under the injunction of secrecy and endeavor to avoid the objections and remedy the defects in the treaty by proper amendments?

Is it a wise, judicious, and becoming exercise of a great constitutional power vested in the Senate of the United States as the tribunal of last resort in treaty making to refuse to advise with the President as to the terms of an important treaty he has negotiated and sent to the Senate for its consideration? The question before the Senate is, will we ratify the treaty without amendment? If the treaty is defective, the question is, can it be amended so as to improve it or make it satisfactory? If the treaty can not be amended, if it is not in the power of the Senate to propose changes that will make the treaty such as the Senate will approve, then it is certainly an admission by the Senate that it is not in the power of the President or the Senate to make any treaty the Senate would ratify.

If the President, with the aid of his able and accomplished Secretary of State, and the assistance of plenipotentiaries, whose skill and ability and uncorruptibility in treaty-making can not be questioned, have shown themselves unequal to the task of formulating a treaty that is satisfactory to the majority of the Senate, having the power to make amendments, how can that majority retire from its responsibility expressly imposed on it by the Constitution of so amending the defects, if any, in the treaty as to make it satisfactory to them, and instead of discharging its plain duty the majority arrest the negotiation in the midst of its progress for the manifest partisan purpose of arraigning the President and his Secretary and the plenipotentiaries, and putting them on trial before the British Government and the people of the United States for failing to formulate such a treaty as the Senate will ratify, when the Senate at the same time pronounces judgment against its own ability to frame any better treaty, or any treaty whatever, upon the same subject of contention between the two governments?

Here we stand as a Senate, before the world, engaged in a partisan trial of a joint custodian of the constitutional power to make treaties, and having prejudged the case against him in secret session, we throw open the doors of the Senate to make public our judgment of condemnation, forgetting that we expose our own dereliction of duty and convict ourselves of a much higher offense than we have undertaken to make out by the proof against the President and those who aided him in the negotiation. The President has exercised his best ability in good faith to discharge an important public duty and has submitted his work to the Senate to accept it or to amend its defects.

The President tells the Senate that he has done the best he could, and asks the Senate to examine his work fairly, as a joint custodian of the power to make the treaty, and, if found defective, to submit to him the defects and the amendments proposed to remedy them, and he will give them due consideration, and if he approves he will refer the amendments to the British Government. How does the Senate exercise its joint power and discharge its joint duty? Can the Senate go before the country to try a co-ordinate department of the Government for formulating a worthless treaty, and ask that the President be condemned and punished for not presenting a better treaty, when the Senate has as much power and is under the same obligation as is imposed on the President to make treaties that are free from objection, and has offered him no aid or assistance?

The President informs the Senate that he sees no defects in the treaty, and thinks it the best settlement that can be made of the differences. The Senate instantly assails the treaty, proceeds to expose its alleged defects in open session, and confessing to full knowledge of its imperfections, and having ample power and opportunity, offers no amendment, makes no effort to do what they condemn the President for doing so imperfectly, and only propose to exercise the power of rejecting the proposed treaty and closing the door to further negotiation.

Is it not manifest that the Republican majority have willfully shirked an important constitutional and sworn duty and placed the Senate before the country in the disreputable attitude I have described for no other than supposed political and partisan considerations? How can such a party be trusted with the custody of political power?

No Senator believes that any member of this body objects to making known to his constituents everything he knows about any treaty that comes before the Senate. It was for the protection and safety of our own people in treaty-making with foreign governments that the rule requiring secret sessions was adopted, and has been made sacred by the strict observance of great and honorable statesmen for a century. No case can be made strong enough to justify a suspension of the rule. There can be no treaty made with a foreign government under any circumstances that would make it safe or proper to invite our adversaries into the Senate to hear discussion among ourselves of the terms of any treaty with the United States. The moment the propriety of an exception to the rule is admitted the rule itself is destroyed. An exception once made, the precedent is established and political and partisan reasons will always be found for throwing treaty-making into the political arena, and the dignity, power, and efficiency of the Senate in discharging its important constitutional function will be greatly impaired.

But we are in open session, and the treaty and the President are on trial before the world by a co-ordinate department of our Government. The prosecution has been opened by the two Senators from Maine and one of the Senators from Massachusetts [Mr. HOAR], who have been selected to open the fire on the President with a broadside on account of their skill and experience in such warfare, and especially on account of their perfect familiarity with every inch of ground to be occupied in the conflict, and their relation as the immediate representatives of the only parties admitted to be really interested in the defeat of the pending treaty.

The first charge against the President and his "plenipotentiaries" is, that no one familiar with the subject of negotiation and qualified to give all useful and necessary information and to cope with the trained diplomats on the British side were invited into consultation when the terms of the treaty were being formulated.

How much truth and merit can be found in this charge? The President was aided in the negotiation by his Secretary of State, Mr. Bayard, and by William L. Putnam and James B. Angell. The ability of Mr. Bayard to comprehend and fully understand all the grounds of contention between the two governments and his fidelity to public duty are too well established to require any defense before the American people. The two distinguished gentlemen who aided Mr. Bayard in the negotiation are conceded by the Senators from Maine and Massachusetts to be eminent lawyers and well equipped in diplomatic ability. Mr. Putnam is an old resident of Maine, and having been associated with trials in the Dominion and other courts involving fishery rights and the fishery business of Americans in Canadian waters, was familiar with the questions to be settled by the negotiation.

Then, again, the whole field of contention and every aspect of all the grievances of our fishermen had been fully explored and illuminated by the Senate committee appointed for the special purpose and made up partly by the Senator from Vermont [Mr. EDMUNDS] and the Senator from Maine [Mr. FRY], who had called before them the life-long experts in the fishing business in Canadian waters and selected for examination on account of their thorough personal knowledge of the whole subject in all its relations, bearings, and aspects, theoretically and practically, and these skilled and interested and representative witnesses were subjected to examination and cross-examination by the able Senators and lawyers from Vermont and Maine, themselves familiar with the subjects upon which the Senate desired information.

All this testimony of a regiment of Maine and Massachusetts fishermen was reported to the Senate and printed in 1886, and had been in the possession of the President and Mr. Bayard long before they entered upon the negotiation of the pending treaty. All the correspondence between the two governments and all the treaties upon the subject exhaustive of fishery rights and fishery troubles and contention were familiar to the President and Mr. Bayard.

Mr. President, I feel constrained to declare my belief that the complaint made by the Senators from Maine and Massachusetts against the President and Mr. Bayard, that they had ignored those who could have been most useful to them in the negotiation, and acted in the dark and without illumination from Maine and Massachusetts, is utterly unfounded and entirely destitute of worth or merit.

But in what position do these Senators from Maine and Massachusetts leave themselves in arraigning the President and Secretary of State on the charge of having negotiated the pending treaty in ignorance of important information? These Senators have equal power with the President in making a proper treaty, and the amount of study they have devoted to the discovery of the many imperfections they allege against it has certainly qualified them in a most eminent degree to exercise judiciously and wisely their power of amending the pending treaty. Why not employ their exceptional advantages over the President and his Secretary of State in making a satisfactory treaty, and come to their assistance by offering such amendments as will supply the failures and remedy the defects of the present treaty?

What a pity it is that these Senators are not able to see the beam in their own eyes while pointing out the mote in the eyes of the President and his Secretary of State. The American people are watching this trial of the President from a different standpoint and with higher motives and purposes, and they will make no mistake in their verdict.

Mr. President, I listened with some pleasure and much regret to the remarkable speech of the Senator from Massachusetts on the pending treaty. I was pleased with the ability and learning exhibited in his elaborate oration. It was faultless in composition and admirable in scholarship. But with all these qualities the speech abounds in declamation and sophistry, and the subject that received the least of the Senator's attention was the one before the Senate.

The Senator paid a splendid and deserving tribute to the manly qualities of the New England fishermen, as illustrated in the history of our naval warfare. His description of the fishery industry, employing many thousand men, with a magnificent fleet, on the perilous coasts and waters of British North America, was imposing, and I can imagine no stupidity short of idiocy that would deny the inestimable value and importance of this training school for seamen in our preparation for naval warfare. But how much does all this eloquence have to do in rendering a correct judgment on the terms of the pending treaty? Who is so un-American, so unpatriotic, or so unworthy of common respect as to desire that anything shall be done to cripple or impair our fisheries or fishery industry, or to withhold from them the full measure of security and protection, and to see to it that they shall have and enjoy every right and privilege to which American citizens are entitled when engaged in an honorable pursuit under treaty stipulations or the obligations of international law?

If it can be shown that the present treaty falls short of what our fishermen have a clear right to demand, or deprives them of any valuable right to which they are entitled under existing laws or treaties, it can not get my support and certainly should be rejected. But how are we aided in our examination of the terms of the proposed treaty by eloquent and gratifying tributes to the gallantry and daring of the American fishermen? Then, again, the Senator entertained and startled us with the panoramic picture he drew of the magnitude and splendor of British dominion, and the wonderful progress she had made in wrapping her coil around the vitals of the globe. This is admitted to be the masterly achievement of English diplomacy and statesmanship. How has American statesmanship been employed in the mean time in full view of the giant strides of England to world-wide supremacy in commerce and industrial development?

We have had remarkable success in home growth and enterprise, on account of our marvelous resources and the extraordinary energies and capabilities of our people, and in a few years, under the cover of high taxation—imposed by the Republican party for the purpose of establishing a monopoly of American markets for a favored few, with the power, which they have greedily exercised, of measuring their own exactions of consumers—more millionaires have been manufactured and more wealth accumulated in corporations than can be found elsewhere in the world's history. The unprecedented wealth and its merciless power, brought into existence by an unconstitutional and oppressive prostitution of the taxing power of the Government, is to-day a standing menace to popular government and popular rights and liberty. The Senator from Massachusetts has devoted a long life and great ability and learning to the creation and service of this monopoly, and most faithfully and efficiently has he represented the conspiracy of Massachusetts manufacturers with the Republican party to seize the Federal Government and employ its taxing power in the interest of a few and against the welfare of the many.

He may stir the ashes of the dead past to find the fires of sectional hate that will always animate and warm the souls of some Republicans by the unfounded and wholly gratuitous charge of a "conspiracy of the old slaveholders of the South with British manufacturers" against American industry. Such low flings for petty partisan uses coming from the accomplished Senator from the great Commonwealth of Massachusetts, which has reaped such a rich harvest from Southern fields cultivated by "the old slaveholders," surprise me, and are strangely inconsistent with many manly and generous utterances I have heard from that Senator about "the old slaveholders of the South."

While Great Britain has been widening her dominions and planting her red-cross flag on every continent, island, and stronghold on the globe, and floating it over every sea, the American Government has been prostituted to the erection of iron walls around our markets and the withdrawal of the stripes and stars from every ocean so that a favored class may monopolize American markets and dictate prices to American consumers; and this is lauded as the American policy of protection.

The Senator from Massachusetts, as a part of his purpose to humiliate and degrade President Cleveland and his administration in the estimation of his countrymen and the world, contrasted the diplomacy of the President and Mr. Bayard with the diplomacy of the past century of our existence as a government. I challenge a comparison of our present relations with foreign countries and the efficiency, ability, and character of our representation in foreign courts under the administration of the State Department by Mr. Bayard with any administration under any Republican President or Secretary of State. I send back the charge that President Cleveland and Secretary Bayard have been unmindful of the rights of American fishing vessels in Canadian waters and tolerant of outrages against these vessels. In the language of the Senator from Massachusetts as to another matter, I say "it is no such thing." How long has it been that the fishing vessels of Maine and Massachusetts have been treated outrageously in Canadian waters?

I find in a letter of Richard D. Cutts to Mr. Seward, Secretary of State, dated April 7, 1865, the following language:

> As to the restrictions imposed by the Colonies to prevent the privileges of shelter, etc., from being abused by American fishermen: The fishermen of the United States are frequently compelled by rough weather, or by injuries to their vessels received in a gale, or in consequence of collision or other accident to seek the nearest port for shelter and repairs. And it is also necessary at stated intervals, while they are engaged during the summer and fall in following their avocation, that they should take on board a supply of wood and water; and for either of these purposes they have the right, so long as the treaty of 1818 continues in force, to resort to the bays and harbors of the different provinces.
>
> Some of the Colonial laws, especially those of Nova Scotia, enacted to prevent the abuse of these privileges, are of such a stringent character as to almost annul the right or make it at least hazardous for American fishermen to attempt to enjoy it. Seizures are made on the slightest suspicion or on false pretenses, or charges; heavy bonds are required before suit can be instituted to recover; the owner of the vessel must bring the charges, and if unsuccessful he is mulcted in treble costs beside the loss of vessel and cargo.

The above statute of Nova Scotia and the brutal, unchristian, and barbarious wrongs and outrages perpetrated on fishing vessels from Maine and Massachusetts under this statute were permitted to go unredressed, and this statute, more aggressive and outrageous than the one cited by the Senator from Massachusetts, has been permitted by Republican Presidents and Secretaries to continue in operation for twenty years before Mr. Cleveland became President.

The Senator from Massachusetts parades a long list of "American vessels seized, detained, or warned off from Canadian ports during the last year." The Senator omitted to state that this list included merchant as well as fishing vessels boarded. It also appears from the reported list that 700 of the vessels in 1886 and 1,362 in 1887 "were boarded to investigate their conduct," and out of the whole number 30 only were brought to the attention of the British Government, 400 were involved in seizures and other interferences growing out of disputed constructions of the treaty of 1818, and out of the whole number of seizures about 150 were reported to the Federal Government for examination and redress, and 115 of these have been the subject of diplomatic complaint to Great Britain by Secretary Bayard, who characterized the acts of Canadian officials in some of these cases as "outrageous," "brutal," "inhospitable," and "inhuman." Mr. Bayard is pledged to the owners of these vessels in his own language, that—

> Reparation for all losses unlawfully caused by foreign authority will be the subject of international presentation and demand.

Have the owners of the fishing vessels of Maine and Massachusets ever had any more attention or as much attention from Republican Presidents or Secretaries?

But the Senator from Massachusetts complains that—

> We are now quietly told in the corner of a report that these claims have not been considered, as some demands are made against us for interfering with seal fisheries in the North Pacific, and both subjects are adjourned to a future time.

Is it a just cause of complaint that the question of reparation to our fishing vessels is separated from the subjects of our differences about their fishery and commercial rights and privileges to be enjoyed hereafter in Canadian ports and postponed for future settlement?

It seems to me that the ratification of the pending treaty would determine the basis for future negotiation for "reparation for all losses unlawfully caused by foreign authority." If the pending treaty is defeated, then the whole field of contention is left open, and the question of reparation indefinitely postponed. Every step in the negotiation for damages claimed by our fishing vessels encounters questions decided by the pending treaty, and because the Senator from Massachusetts objects to his constituents being referred to the adjudications of the pending treaty to determine their right to recover damages, he protests against the separation of reparation and ratification, and demands that payment of damages to his constituents shall antedate any permanent adjustment of rules and regulations for future observance to secure peace and harmony.

The position and motives of the Republican majority in the Senate on the matters now before the Senate can not be misunderstood by the people. But we will try them on their position as they have defined it, and it is that the rights of fishing vessels of the United States when engaged in fishing in the bays of Canada, Nova Scotia, and Newfoundland are as clearly defined by the treaties of 1783 and 1818 as they can be by treaty, and, being already clearly defined by those treaties, it is useless to make another treaty upon the subject of fishery rights. It is also claimed by Republican Senators who oppose the pending treaty that by the act of Congress and the proclamation of the President and the British order in council in 1830, and the principles of international law, the fishing vessels of the United States having a trade permit to enter Canadian ports are thereby converted into merchant vessels as to all the rights and privileges of all vessels of every description of the most favored nations when they enter Canadian ports. In other words, that as to commercial rights our fishing vessels are no more restricted in privileges than merchant vessels in Canadian ports with trade permits under the act of 1830.

If the treaty of 1818 defines its own meaning, without leaving anything to construction, then it is settled that no other treaty can be made

to define the fishery rights that are already as clearly set forth as they can be by the treaty of 1818, construed in connection with the treaty of 1783 and contemporaneous opinion. If the power of language has been exhausted in the treaties of 1783 and 1818 to express the intention of the two governments as to fishery rights of American fishing vessels in Canadian or British fishing waters on the coasts or bays of Canada, Nova Scotia, and Newfoundland, then it is certainly useless to make another treaty in different language to express the same meaning. And so as to the intent, meaning, and purpose of the reciprocal act of 1830 and the force and effect of international law. If this contention of Republican Senators as to what is already certainly settled by the treaty of 1818 and the reciprocal act of 1830 is as well founded as they state, then it follows necessarily that there is nothing left to be done by further negotiation resulting in another treaty unless the two governments are willing to make another treaty to amend so as to enlarge or restrict the existing arrangements.

If we are to stand on the treaty of 1818 as a finality, as urged by Republican Senators, and also on the act of 1830 as they construe its meaning, it is manifest that the argument is exhausted, and nothing remains but for the Government of the United States to see to it that American fishing vessels enjoy all the rights, of every description, to which they are entitled according to the construction of Republican Senators of the treaty of 1818 and the reciprocal act of 1830. Should Her Majesty's Government differ with the opponents of the pending treaty as to the character and extent of the privileges of our fishing vessels in Canadian bays under the treaty of 1818 and the act of 1830, and should offer to come to some understanding on the points of difference to avoid the evils of non-intercourse and the consequent hostility that might endanger the peaceful relations of the two greatest governments in the world, then the Senate will be concluded by its action on the proposed treaty against further negotiation, and all the consequences, however serious, must be inevitable.

It is important, then, in this aspect of our present and future relations with the people of Canada, Nova Scotia, and Newfoundland, and of the British Government, that we pause and look ahead and survey the field we are invited to enter by Republican Senators for speculative political advantages. In the first place it may be well for us to inquire who are the parties really and materially interested in this serious contention about fishery rights and commercial privileges of American fishing vessels in Canadian waters, and what is really involved. We all understand that according to the forms and ceremonies of international negotiation the Government of Great Britain is one party and the Government of the United States is the other party to this controversy. But the people of the United States are a practical, manly, and courageous people, not afraid to do right or to resist wrong, and I apprehend they would like to be informed what this quarrel is about; who are making this fuss and for what.

It will not be denied that on the side called the United States those who are solely interested are that portion of the people of Maine and Massachusetts who are engaged in the fishing business—that is, catching fish in the bays or waters on the coasts of Canada, Nova Scotia, and Newfoundland. And on the other side, called the British side, the only people really interested are the people of Canada, Nova Scotia, and Newfoundland engaged in the same business in the same bays or waters. England, Ireland, and Scotland are separated from these fishing waters by 3,000 miles of ocean, and the people there enjoy no pecuniary benefits and suffer no injuries from anything claimed or denied by either side of this controversy. So the Irish voters the Republicans are fishing for will find nothing in the rejection of this treaty to mortify or punish England.

The people of thirty-six out of the thirty-eight United States would derive no more benefit nor suffer any more injury from what is claimed for our fishermen under the treaty of 1818 and the act of 1830 as they stand than what these people of the thirty-six States would enjoy under the pending treaty if it were ratified, and no living man can prove the contrary.

But it makes no difference whether the people engaged in fishing are the only persons interested. If these fishermen are really and honestly and fairly entitled to the rights and privileges claimed by them or for them under the treaty of 1818 and the reciprocal act of 1830, then all the people in every State of our Union are interested in having these rights and privileges protected and enforced by the Government of the United States.

But in considering the treaty before the Senate we should endeavor to look higher than the plane upon which we are invited by the Republican Senators in their reckless contests for political advantage, and try to discharge our duty as Senators invested with the power of peace and war in treaty-making with foreign governments, without subordinating the far-reaching questions involved in the pending treaty and the serious consequences of our action to petty partisan experiments for party benefit or advantage. Let us endeavor not to be misled into wrongdoing and reckless experiments by inflammatory appeals to American prejudice. On the contrary it is right and becoming in us to honestly examine that we may fully understand all the facts and all the rights and interests involved, and to be affected by the probable results of the contention between these two great countries.

Canada, Nova Scotia, and Newfoundland lie broadside of the United States on our northern boundary, and in extent of territory are about equal to the United States. The vast region of country and the millions of hardy and courageous people occupying it are under the jurisdiction of the Government of Great Britain. For purposes of local government Canada has her Dominion Parliament and Nova Scotia and Newfoundland have their provincial legislatures. These people live on our border and are our neighbors, engaged in the same pursuits, with similar productions, trade, and commerce, and have the same aspirations and destiny. Common sense, common honesty, and common interests would make the people of these provinces and the people of the United States friends and useful neighbors. Reciprocal trade and commerce would exchange millions in their neighboring markets.

There can be but one opinion as to the policy that is wisest and best for both of these neighboring countries in their intercourse with each other. It seems like the most extreme folly and the most unaccountable stupidity for either country to deliberately adopt a practice or treatment that can have no other effect than to inflame counter passions and prejudices, and feelings of distrust, hostility, and resentment, ending in commercial antagonism and estrangement and damaging non-intercourse. Practically the reasons for free and friendly trade between the several States of our Union are the same for like intercourse between the people of the provinces and the people of the United States. We should invite and cultivate friendly association and intercourse instead of rivalry, jealousy, and resentment.

We know all about the ambition of England for dominion, and especially for commercial supremacy. It can not escape the suggestion of common sense or ordinary intelligence that the greed and sagacity of England will discover in the conflicts and quarrels between the fishermen of Maine and Massachusetts, and the people of Canada, Nova Scotia, and Newfoundland, and in the policy commended and supported by Republican Senators, exactly what England needs and most desires to keep her subjects in these provinces from establishing intimate and friendly commercial intercourse and relations with the United States, which would be especially beneficial to the merchants, manufacturers, producers, and carriers of those States on the border of these provinces. England rejoices in our quarrels with our neighbors, not to make war, but to cause alienation, and to drive the people in these neighboring provinces as far from us as possible in their trade and commerce.

England has nothing to lose, but everything to gain by our non-intercourse. These people are naturally our friends and could be made so in practice by commercial intercourse. It is evidently our wisest and best policy to be liberal, tolerant, and forbearing with these neighboring people. The United States can afford to be generous to her neighbors north and south of her boundaries on the American continent. England watches with far-reaching statesmanship the conditions and relations of countries and governments, and there is nothing she fails to see and understand, and whatever is to her advantage is instantly appropriated. England watches our contention with Canada about fish and fishery rights and fish markets, and while she is ready to soften the asperities engendered by our quarrels, she takes advantage of the situation, and goes to work with all her power to centralize and bind these provinces together with great trunk railways from the Atlantic to the Pacific Oceans, constructed by unprecedented governmental subsidies, and made immensely tributary to her military and naval power, and to her political dominion and commercial supremacy.

While England is thus working out her marvelous destiny by stretching her power across this continent in full view of our border, and making her lodgement on the coast of the Pacific to grapple with us for eastern traffic and transportation, the United States is worrying and fretting and taxing her statesmanship in a quarrel with Canada about fish, and fish markets for free or taxed fish. We are in this humiliating attitude, and however mortifying the spectacle may be in history it is our duty to do the best we can to solve the problem and extricate ourselves from the perplexities of the situation. We have made four treaties with Great Britain for the purpose of settling these troubles about fish, and after thirty years' trial of the treaty of 1854, and fifteen years trial of the treaty of 1871, they were both abrogated by the United States for the sole reason that they allowed Canadian fish to be sold in our markets free of duty.

The abrogation of the treaties of 1854 and 1871 in relation to reciprocal fishery rights of fishing vessels in Canadian and American waters originated in and was caused by the same local quarrel between the fishermen of Maine and Massachusetts and the fishermen of Canada about fishery rights in Canadian waters and free fish in American markets. The inconsiderate and suicidal policy which terminated the treaties of 1854 and 1871 threw both countries back upon the treaty of 1818, with its renunciations and restrictions of American fishery rights and privileges in Canadian waters. And when we discovered the practical operation of the treaty of 1818, as compared with the treaties of 1854 and 1871, the fishermen of Maine and Massachusetts and their representatives conceived the idea for the first time in fifty years' existence of the reciprocal act of 1830 of resorting to that act for relief from the severe and irritating restrictions of the treaty of 1818, and the provincial legislation, which the treaty authorizes to enforce them, and prevent abuse by American fishermen.

The gravamen of the complaint against the pending treaty by the majority report and the Senators from Maine and Massachusetts is that it fails to secure to American fishing vessels the same commercial rights and privileges in Canadian ports that are enjoyed by merchant vessels in the ports of the most favored nations. I charge that this clamor about commercial rights and liberties of American fishing vessels in Canadian ports is nothing but the rattle of sheet-iron on the Republican stage, and is not real thunder. Who has undertaken to define these commercial rights? What are these commercial privileges? Who has authority to determine what are the commercial privileges desired by our fishing vessels in addition to shelter, repairs, wood, and water, reserved in the treaty of 1818?

What do we find in the preamble and resolutions adopted at a meeting of the Gloucester Master Mariners' Association at Gloucester, Mass., April 13, 1888, and it is the voice of all the fishermen of Maine and Massachusetts?

Whereas in every treaty between Great Britain and the United States since 1783 the rights of American fishermen have been sacrificed.

There is a wide difference between the Senator from Massachusetts and his constituents as to the effect of the treaty of 1818. But here is the milk in the cocoanut:

And whereas both treaty and protocol are but the initiatory steps towards the complete surrender of the markets of the United States, by which the fisheries of Canada will be developed and enlarged and those of the United States depleted and destroyed: Therefore,

Resolved, That this association, composed of the masters of American fishing vessels, who know by contact and experience the full significance of Canadian diplomacy, have neither used nor desired to use Canadian waters for practical fishing, but simply ask that our commercial rights therein shall be defined by our own Government, and when so defined, maintained.

Why are they not defined by amendment of the pending treaty? But again it is resolved—

That the American ocean fisheries are not dependent upon any favor or privilege to be granted by Canada, but, on the contrary, the natural resources of our own country and the high seas afford everything necessary for the prosecution of our business.

What becomes of the clamor for the privilege to American fishermen to enter Canadian ports to purchase bait and provisions and fishing outfits to carry on the fishing business on the deep seas? No, Mr. President, the sole reason for the opposition to the pending treaty is perfectly transparent. It is found nowhere else in the treaty except in the fifteenth article. In this article the fishermen of Maine and Massachusetts see free fish.

If the fifteenth article were eliminated from the treaty, and still better, if it never had appeared in the treaty, there would have been no fatal opposition to its ratification. The Gloucester master fishermen sounded the key-note, and all of Maine and Massachusetts joined in the chorus. "Both treaty and protocol are but the initiatory steps towards the complete surrender of the markets of the United States to Canadian fishermen" is the signal gun. Well do I remember what I saw and heard in secret session when the pending treaty was under consideration, and as everything has been uncovered and we are at liberty to make it public, I state that Republican Senators, and conspicuously the Senator from Ohio [Mr. SHERMAN] announced their intention to offer amendments to the pending treaty, and it was generally understood that amendments were to be offered.

I further state that it was on account of this announcement and understanding that the proposition for open sessions was reconsidered and voted down, only three votes having been given for open sessions. And it was not until the Republican Senators took the treaty out of the Senate and in secret caucus determined that no amendments should be offered that the proposition for open sessions was revived and carried. In the face of these facts it is amazing to me to hear the Senator from Massachusetts affect so much indignation at the intimation that political considerations should enter into the negotiation of the pending treaty. I further state that the Senator from Ohio in secret session announced the substance of the amendment he intended to offer, and it was to strike out the fifteenth article, thus removing the ground for the apprehension that free fish was in the treaty.

Had it not been for the fifteenth article and the menace of free fish we never would have heard of this outcry for commercial rights and reciprocity and this outburst of affected indignation against the sacrifices and surrenders of the pending treaty. It is exactly the same clamor that is raised against the Mills bill, and for the same reasons. There is not a manufacturer in the United States, capable of understanding the measure, who has any real fear that the passage of the Mills bill would harm any American protected industry or deprive them of the full measure of protection afforded by a revenue tariff necessary to make up and go 10 per cent. over the difference in the cost of American and European labor.

But the source of all the trouble is that while they know the Mills bill is harmless in itself and if anything an improvement of the present protective system, yet the apprehension remains that the Mills bill, like the pending treaty, is "but the initiatory step towards the complete surrender of the markets of the United States." All this sheet-iron thunder, all this ringing of gongs and fire-bells, and the outcry that the fires of free trade are approaching the palaces of protection will fail to rally the occupants of the cabins, shanties, and tenement houses to the rescue. We are now brought face to face with the treaty of 1818 and must take the responsibility of accepting or rejecting its plain meaning and obeying or disregarding its obligations.

The first part of Article I of the treaty of 1818 provides that—

The inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Romean Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice to the rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coasts of Newfoundland above described, and of the coast of Labrador (subject to the right of new settlers thereon to object to drying and curing, etc).

That part of the treaty of 1818, quoted above, describes the waters in which American fishermen are to enjoy forever the right to catch fish, and also the places where they can dry and cure fish.

It will be seen that in describing the waters and their boundaries by coasts and bays and harbors nothing is said about any 3-miles line or limitation on any coast, bay, or harbor in which the right to catch fish and dry and cure fish is granted or acknowledged.

In the last part of Article I comes the memorable renunciation clause—that is, the clause in which the right of American fishermen to catch fish, and dry and cure fish, in certain waters is forever renounced, given up, and excluded, and the following is its language:

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominion in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

If the language of the above renunciation clause were used in a contract, what would the parties to it be understood as intending and meaning? And, if the parties who used the language could not agree as to its meaning, what would any court, judge, or chancellor decide, if required to do so by the parties to the agreement? In the first place, it seems clear that the right to catch fish in the waters that are made common by the treaty of 1818 to Americans and Canadians is not restricted by any 3-mile limit from the shore of any bay or harbor or from the open seacoast of these British provinces. The 3-mile limitation was certainly in the mind of the parties to the treaty, as it was applied to the shores of bays and harbors from which the right of American fishermen to catch, dry, and cure fish was expressly renounced and excluded. And on every rule of construction the use of the 3-mile limit as to one place and not as to another confines the limitation to the place mentioned.

Next, as to the delimitation of the bays and harbors in which the right to take, dry, and cure fish is given up forever by American fishermen. In other words, what are the Canadian waters in which our fishermen can not fish, dry, or cure fish?

The 3-mile line out into the open sea along the coasts, where the renounced bays and harbors are found, and as they are named on the map, does not seem to have been subject to dispute. But when the 3-mile line along the open seacoast came to the mouth of a bay or harbor that is not over 6 miles wide, it had to run across the mouth of the bay or harbor 3 miles out into the open sea, leaving the bay or harbor closed to American fisherman, for the reason that if the 3-mile line were to be run into the bay 3 miles from the first headland of the mouth, when the line came out of the bay into the ocean 3 miles from the other headland of the mouth it would come in contact with the first line at the entrance and leave no sea margin. So that it was plain that the 3 marine miles mentioned in the renunciation clause of the treaty of 1818 excluded American fishermen from all bays and harbors in Canada, Nova Scotia, and Newfoundland that are not over 6 miles wide at their entrance from the ocean.

Then came the bays and harbors that were over 6 marine miles wide at their mouth and not included in the waters made common to fishermen by the first paragraph of the treaty of 1818. The British contention has been that American fishing vessels had no right to take, dry, or cure fish in any bay or harbor, except those within the limits expressly defined in said first paragraph; that the renunciation clause in the treaty covered all the waters "not included within the above-mentioned limits." Against this British construction of the treaty of 1818 it has been claimed, and is now claimed, that bays over 6 miles wide at their mouth are not Canadian bays within the meaning of the treaty, and are, therefore, not bays from which American fishermen are excluded by the treaty.

The diplomatic correspondence upon these conflicting claims as to bays over 6 miles wide at their mouth, founded on privileges enjoyed by us when we were colonial subjects of Great Britain, has evolved a large amount of curious and interesting opinion and argument. The most exhaustive, conclusive, and luminous argument ever made on that subject I read on yesterday from the Senator from Mississippi [Mr. GEORGE]. I have no desire to enter this field, as it has been

often explored by those scholarly gentleman who are fond of antediluvian literature, and is useful only to show how great men have differed, and have left their differences to time for final solution. Time has brought into existence new circumstances, conditions, and relations, and under their influence we shall be compelled to surrender on both sides some of our contentions and to confront each other squarely and fairly on the practical grounds upon which there is an honest difference between the two governments.

It appears to me that in relation to bays that are over 6 miles wide and not within the limits of common fishing grounds defined in the treaty of 1818, both governments must accept the conclusion that the 3 marine mile line, the national common law jurisdictional line on the ocean coast, when it comes to these bays must enter them from the ocean 3 miles from the first headland at the mouth, and run all round the bay 3 miles from the inland bay shore, and out again into the ocean 3 miles from the second headland, leaving the waters of the bay outside of the 3-mile line from the bay shore an open bay. Within the 3-mile line inside of the bay no American fishermen can catch, dry, or cure fish. Can American fishermen catch fish within the open bay outside the 3-mile limit from the bay shore where the bay is over 6 miles wide? Upon this question it is clear to my mind that the treaty of 1818 has no application or effect.

I am persuaded that the treaty of 1818 applies only to waters inside of bays less than 6 miles wide at their mouth, and to the waters next to the shores of bays over 6 miles wide and 3 miles from the inside bay shore. As to the waters of the open bay outside of the 3-mile line from the bay shore, fishery rights and privileges depend upon the territorial jurisdiction of the government whose territory surrounds the bay on all sides. I understand that some Republican Senators concede that over bays that are more than 6 miles wide and surrounded by the territory of the British provinces of Canada, Nova Scotia, and Newfoundland, these provincial governments have rightful jurisdiction. But they deny that in the excercise of this jurisdiction there is any power in these provincial governments to interfere with the right of American fishermen to catch fish in the waters of a bay that is over 6 miles wide and 3 miles from the inside bay shore.

I am troubled to understand how fishery rights of American citizens can coexist in harmony with territorial jurisdiction of the Dominion government of Canada in the bays that are over 6 miles wide at their mouth. What law in existence in the bay created American fishery rights and sustains them there against the territorial jurisdiction of Canada? Upon what law does American fishery rights stand independently of Canadian territorial jurisdiction over bays that are wider than 6 miles at their entrance? Is it natural law or international law? If either of these laws, then the same law would give to Canadians or any other foreigners fishery rights in Long Island Sound, Delaware and Chesapeake Bays, and American fishing waters on the Pacific coast. This question of territorial jurisdiction over fisheries in bays and sounds is of far-reaching importance to the United States.

The Government of the United States can never recognize the doctrine that the right to catch fish in our bays and sounds can be exercised by foreigners in defiance of the jurisdiction, State and Federal, of the United States. The assumption that fishery rights of foreigners in the bays and sounds of the United States can exist and be exercised against our jurisdiction over these bays and sounds is illogical, unsound, and against the decisions of our highest courts, State and Federal. The majority report of the Committee on Foreign Relations, on page 5, uses the following language on this question of territorial jurisdiction over Canadian waters:

> The right of the British to exclude such vessels (fishing vessels) and all others of the United States from her ports in British North America, as the matter stood until 1830, is fully conceded; and it is also conceded that during that time the only right of any vessel of the United States to enter the waters of British North America depended upon the treaty of 1818 alone.

The Government of the United States is fully committed time and again, by treaty and otherwise, to the rightful jurisdiction of Great Britain and the local governments of her provinces over the waters of the bays in question. Then comes the inquiry, has the conceded jurisdiction of Great Britain over these provincial bays or waters ever been exercised in favor of conferring upon American fishing vessels the right to catch fish in Canadian bays that are over 6 miles wide at their mouth?

It is claimed in the majority report of the Senate committee, and by all the opponents of the pending treaty, that the act of Congress, and the proclamation of President Jackson, and the British order in Council in 1830, created reciprocal trade relations between the two countries which are now existing and binding on both governments. Those who make this claim insist that the scope and legal effect of the act of 1830 and the proclamation to enforce it are co-extensive in their operation over bays that are less than 6 miles wide at their mouth and embraced in the renunciation clause of the treaty of 1818, so as to confer commercial rights on American fishing vessels that enter the renounced bays with permits to trade in Canadian ports.

It is also claimed that this reciprocal act of 1830 operates and confers commercial rights on American fishing vessels in Canadian bays that are over 6 miles wide at their mouth and not covered by the renunciation clause of the treaty of 1818. In other words, that when American fishing vessels have a permit under the laws of the United States to touch and trade at any port or place in the British Dominion of North America, they have the same right or privilege to enter such port or place, whether under or over 6 miles wide at its mouth, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nations. That is, that the United States, under the act of 1830, can give to one and the same vessel by a simple permit the double character of a fishing vessel and a trading vessel, with the same commercial rights and privileges in all Canadian waters, bays, ports, and places, whether renounced or not, in the treaty of 1818.

It is in this claim of right in American fishing vessels under the act of 1830 that is found the source and exciting cause of all the contention between the two governments in relation to the rights of American fishing vessels in Canadian waters. What, then, is the reciprocal act of 1830, fairly construed? In 1830 the United States, and especially New England, were anxious that Great Britain should—

> open the ports of her colonial possessions in the West Indies, on the continent of South America, the Bahama Islands and Bermuda Islands to the vessels of the United States, and especially those of Maine and Massachusetts, for an indefinite or for a limited term; and that the vessels of the United States, and especially those from New England, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes arriving in the said colonial vessels from the United States; that the vessels of the United States, and especially those from New England, may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States, and that the vessels of the United States, and especially those from New England, may export from the British colonies aforesaid, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions aforesaid, leaving the commercial intercourse of the United States with all other ports of the British dominions on a footing not less favorable to the United States than it now is?

It thus appears from the act of 1830 and the proclamation of President Jackson in pursuance of it that the only ports in which the United States asked or desired commercial intercourse and commercial rights and privileges for American vessels were the ports of the West Indies, the Bahama Islands, and the Islands of Bermuda. Not one word is in the act of 1830 or the proclamation of President Jackson that expresses any intention, expectation, or desire that any merchant vessel or fishing vessel of the United States should have any right or privilege under any permit or otherwise to enter, touch, or trade in any port or bay of Canada, Nova Scotia, or Newfoundland. On the contrary the Government of the United States asked nothing more than the act and proclamation recited, and for the rights thus specified and asked of the British Government for American vessels in the ports of the West Indies and the Bahama and Bermuda Islands the Government of the United States voluntarily offered to Great Britain that—

> the ports of the United States shall be opened indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions and their cargoes—

On the same terms applicable to vessels of the United States in the ports of the West Indies, etc., and the Government of the United States in the act of 1830, and the President in his proclamation, also offered to British vessels—

> coming from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and North or East of the United States—

The same rights and privileges in the ports of the United States that had been offered to the British vessels coming from ports in the West Indies and the Bermuda and Bahama Islands.

The United States, and especially New England, were so anxious to secure reciprocal trade with the West Indies and the Bermuda and Bahama Islands, in order to get cheap molasses free from duty for rum-making, that the offer was made to Great Britain in 1830 that if the vessels of the United States, and especially of New England, were allowed to trade with the West Indies and the Bermuda and Bahama Islands on the terms recited in the act, then British vessels from the West Indies and from Canada, Nova Scotia, and Newfoundland might enter on the same terms any American port. How, then, can the United States, and especially New England, now claim under the reciprocal act of 1830 what they intentionally omitted from the act when it was framed? The sum total of the reciprocity asked was that the United States vessels got the right to enter and trade in the ports of the West Indies and the Bermuda and Bahama Islands, and for that consideration alone British vessels from the West Indies and the Bahama and Bermuda Islands, and also from Canada, Nova Scotia, and Newfoundland, got the right to enter and trade in the ports of the United States.

Nothing can be found in the act of 1830 or the proclamation of President Jackson showing that there was any intention or purpose or desire to have conferred upon American fishing vessels any fishery or commercial rights or privileges in addition to the rights and privileges conferred or reserved in the renunciation clause of the treaty of 1818 in the renounced bays.

Then, as to bays over 6 miles wide at their mouth and not affected by the treaty of 1818, the question of fishery rights and commercial rights of American fishing vessels and American merchant vessels are subject to the territorial jurisdiction of the government having control and jurisdiction over the territory which surrounds these bays to the same extent that the sounds and bays surrounded by territory in the

United States are subject to the jurisdiction of our State and Federal governments.

The contention of the majority report is that the language of the British order in council descriptive of the vessels having the right to enter ports in British possessions would include fishing as well as merchant vessels. There is nothing in the negotiation and nothing in the character of the subject or object of the negotiation resulting in the reciprocal arrangement of 1830 to show that fishery rights, fish, or fishing vessels of the United States were ever mentioned, considered, or thought of in that transaction.

The treaty of 1818, relating alone to fish and fishery rights of American fishing vessels and fishermen, was in full operation and was the only arrangement desired by the United States with Great Britain about fish and fishery rights of American vessels in the ports of Canada, Nova Scotia, and Newfoundland. In the face of the fishery treaty of 1818, that had been in operation twelve years, is it not most remarkable that if the commercial or trading rights now claimed for American fishing vessels in Canadian bays, in addition to the rights renounced and reserved in the treaty of 1818, had been or were intended to be one of the subjects or objects of the arrangement of 1830, something would have been said or some allusion made to fishing vessels and their commercial rights in Canadian bays in the act of 1830 and the proclamation of President Jackson?

It is admitted in the majority report that American fishing vessels had no fishery rights or commercial rights in Canadian ports except those reserved in the renunciation clause of the treaty of 1818, and if the reciprocal arrangement of 1830 were intended to embrace fishing vessels, and to superadd commercial rights to their treaty rights by a Congressional act, why was the act specific as to the scope of its operation alone in the West Indies and in the Bahama and Bermuda Islands, and entirely silent as to fishery rights or commercial rights of fishing or merchant vessels in the bays of Canada, Nova Scotia, and Newfoundland?

The proclamation of President Jackson was responsive to the act and also silent as the grave about commercial or any other rights of American vessels in the ports of Canada, Nova Scotia, and Newfoundland. But the sole foundation of the late pretense or afterthought that American fishing vessels had been turned into merchant vessels and made double-headed in Canadian waters by the reciprocal arrangement of 1830 is the following language in the British order in council:

> That the ships of and belonging to the United States of America may import from the United States aforesaid into the British possessions abroad goods the produce of those States, and may export goods from the British possessions abroad to be carried to any foreign country whatever.

On the above language the majority report remarks:

> It is clear that under this act of Congress all British vessels, without regard to their occupation, whether fishing or other, coming from British North America, were entitled to admission into our ports for all purposes of trade and commerce. Canadian fishing vessels had the same rights as any other, for they fell within the general description stated in the statute. So, too, reciprocally, our fishing vessels fell within the general description of "ships of and belonging to the United States." Before this time all American vessels were excluded from British North American ports; then, under this arrangement, all ships of the United States were to be admitted into British North American ports. The former almost universal exclusion was abolished without reserve.

Mark the following language of the majority report in continuation of the above quotation:

> If any literal reading of this British order in council can be suggested as of a narrower construction, it would destroy the mutuality of the action of the two governments and be unworthy of a government. Surely no nation not in a state of vassalage would consent that its citizens or subjects should for a moment be treated in or by another nation in a less favorable way than it treated the citizens or subjects of the same class and occupation of such other nation.

How can the majority of the Foreign Relations Committee use the above language in the face of the undisputed fact within their knowledge that the Government of the United States in defining what it claimed for vessels of and belonging to the United States in British ports expressly limited and confined its claim to the right of entering and trading in the British ports in the West Indies and the Bahama and Bermuda Islands? Not one word is in the act of Congress, or in the proclamation of the President, indicating that the United States intended, expected, or desired that it should be a part of the mutuality or reciprocity arranged in 1830 between the two governments that American fishing vessels, whose rights had been the subject of treaty stipulations in 1818, should have commercial rights and privileges superadded thereto in Canadian waters.

The United States have received everything which they demanded in the act of 1830, and more than they demanded, in British ports, and Great Britain has received no more for her vessels in American ports than what was voluntarily offered by the United States in the reciprocal arrangement in 1830. I am unable to understand how we can, under the influence of partisan considerations, so far disregard or pervert our treaty obligations as to assume or demand that when our fishing vessels enter the renounced bays in Canadian dominions with a permit to trade, they have the right to buy bait, provisions, seines, hooks and lines, and employ new crews to carry on their fishing business in the deep seas and on the great banks, and do everything—except fish and cure and dry fish—that can be done by a merchant vessel.

We may appeal to the self-interest of American fishermen and stir the latent prejudices against British greed, but we can not escape from our own conscientious convictions and the moral sense of the world as to the scope and meaning of the reciprocal arrangement in 1830. We made a treaty in 1854 and in 1871 in relation to fishery rights of American and Canadian fishing vessels and fishermen, and never pretended that they had the rights and privileges now claimed for them under the reciprocal act of 1830. There is no dispute about commercial rights of American merchant vessels in any British port. The controversy is about the commercial rights of American fishing vessels under the act of 1830 when they enter Canadian bays less than 6 miles wide with trade permits.

I have often asked the question, what is the real value of the commercial rights thus claimed for our fishing vessels in Canadian waters? Is the right to buy bait worth all this contention? The testimony of fishermen is that fishing with bait has been pretty much abandoned for seine fishing in the deep seas. Is it to supply themselves with provisions or seines for use in carrying on their fishing on the great "banks," or is it to ship new and cheaper crews? If all or any of these rights are useful or valuable or necessary as fishing rights, which the Gloucester fishermen deny, why were they not expressly reserved in the treaty of 1818 with the other specified rights to enter Canadian bays for "shelter, repairs, wood, and water?"

It is a fact that when the treaty of 1818 was being framed the United States asked that the right to buy bait should be named in the treaty and it was refused. The treaty of 1818 specifies what rights are reserved to American fishing vessels in the renounced Canadian bays, and not being satisfied with the rights reserved to enter these bays for shelter, repairs, wood, and water, the treaty guards against any attempt to add to them by construction by using the following words of exclusion: "And for no other purpose whatever."

Mr. President, having disposed of the contention of the opponents of the pending treaty, "that the existing matters of difficulty are not subjects for treaty negotiation," as they are already clearly adjusted by the treaty of 1818 and the reciprocal act of 1830, I will proceed to inquire what the two Governments have concluded to offer each other in the exercise of their conceded jurisdiction over the subjects under consideration. What is the difference, if any, between what is claimed as being already secured and what is proposed in the pending treaty by way of an adjustment of important differences?

1. The first point of dispute dealt with in the proposed treaty is the designation or marking the boundaries or outlines of—

> the waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

The new treaty proposes that this dispute shall be settled as follows:

> The 3 marine miles mentioned in Article I shall be measured seaward from low-water mark; but that every bay, creek, or harbor not otherwise provided for in the treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

This provision covers only the area of renounced fishing waters. It must be admitted that as this matter now stands the renounced bays, creeks and harbors are only 6 miles wide at their entrance, and the proposed treaty includes as renounced bays, creeks, and harbors under the treaty of 1818 all those that are not over 10 miles wide at their entrance. Why does the proposed treaty make this change from 6 miles to 10 miles in the width of the outlets of bays into the ocean? It is known that the 3-mile line from the seashore out into the ocean was drawn that distance to put the seashore out of the range of cannon-shot, and the distance was increased to 5 miles on account of the modern improvements in the implements of warfare. The majority report makes the surprisingly liberal concession or suggestion that this increased range of cannon-shot "may make it politic for maritime nations to agree upon an enlargement of the boundaries of their territorial dominion seaward," but protests against this surrender of 4 miles in the width of bays that are to be renounced, when the treaty of 1818 plainly makes the width of these bays only 6 instead of 10 miles across the entrance. Great Britain also protested against Secretary Bayard's offer to make the bay mouth 10 miles. But the proposed delimitation of renounced bays, in any reasonable view that can be taken of its real effect, is, in my judgment, undeserving of serious resistance or consideration.

2. The proposed treaty next disposes of the dispute as to some bays that are over, and some bays that are under 6 miles wide at their mouths. It must not be forgotten that, according to British contention as to the renunciation of fishery rights in the treaty of 1818, the 3-mile line was never to run into any British bay, however wide at the mouth; but under the claim of the United States our fishing vessels were only excluded from the bays less than 6 miles wide. In my judgment, this difference between the friends and opponents of the pending treaty is practically immaterial under my view, herein presented, as to territorial waters and territorial jurisdiction.

The fourth article of the pending treaty names eleven bays, some over and some under 6 miles wide at their mouth, in which the limits of exclusion in the enjoyment of fishery rights are expressly defined;

and taking these delimitations, including the 10 miles enlargement of bay mouths, and the bays over 10 miles wide mentioned in the fourth article, and how is the account of profit and loss under the proposed settlement to be stated?

The total area of fishing waters in bays not more than 6 miles wide is about 6,600 square miles. The 3-mile line in bays over 6 miles wide would exclude our fishermen from an additional area of about 3,489 square miles, making the aggregate of 10,089 square miles in which our fishermen had renounced the common right of fishing according to British construction. In fact the total area of fishing waters given up under the proposed treaty is only 1,127 square miles.

The 3,489 square miles of fishing waters in open bays over 6 miles wide at their mouth, and over which the United States are committed to the existence of British and Canadian jurisdiction, as fully as we claim it over our own bays and sounds, are made common fishing waters by the pending treaty. Great Britain yields more than two-thirds of her waters from which we have admitted her right to exclude us, and we yield only one-third of fishing waters we claim the common right to enjoy with Canadian fishermen.

Mr. President, I am unable to understand how it can be claimed that there is any fishery right of American fishermen in Canadian waters that requires any more recognition, security, or protection than they are conceded to have and entitled to enjoy under the pending treaty. And as to the claim of commercial rights for our fishing vessels under the reciprocal act and proclamation and order in council in 1830, I am constrained to deny that such claim has any just foundation in the reciprocal arrangement of 1830. If such commercial rights of fishing vessels are ever to be recognized it must be done hereafter on international comity, and it is on that basis alone, whatever commercial privileges our fishing vessels are permitted to enjoy in Canadian ports, in addition to those rights reserved to them in the renounced bays covered by the treaty of 1818, must rest if the pending treaty is rejected.

If the rights and privileges claimed to be valuable to our fishing vessels in Canadian bays depend on international comity, then it follows that they can not be enjoyed or enforced except by the consent of the British Government. Whatever governments concede to each other on international comity is a matter absolutely and solely within their discretion, which they are free to exercise in their own way, and to shoulder the responsibility and the consequences. The President and Her Majesty have agreed upon a treaty which is claimed by them to be a fair adjustment of the matters in dispute about fishery rights and privileges of American and Canadian fishermen and their vessels, and the treaty is now before the Senate for consideration.

The first question is, will two-thirds of the Senate accept the treaty as it is? If no, then the next question is, will a majority amend the treaty by striking out any part of it that two-thirds will not approve, and inserting something that a majority supports, and in this way assist and advise and consult with the President, so as to get a better settlement if practicable. If the majority of the Senate refuse to make any effort to amend and improve the treaty, it is unquestionably the determination of the majority to compel the President to inaugurate non-intercourse along the whole lake and Atlantic shores and to maintain that non-intercourse with the people of Canada, Nova Scotia, and Newfoundland until the demands of Republican Senators are yielded to the fishermen of Maine and Massachusetts by Her Majesty's Government.

The Republican majority of this Senate seem to have become distracted in their desperate search for some issue with the President, and are so crazed by disappointment in the wild hunt for office and power to be exercised, as heretofore, to perpetuate over-taxation, to satiate the greed of monopoly, that they seem lost to all sense of propriety and constitutional obligation in passing upon the pending treaty, and taking their part, known to be greater than the President's, in treaty-making. The President has discharged his duty with due care for the rights of our fishermen and free from any partisan ends or considerations, and it is for the people to decide whether the President or the Senate is most to blame for keeping up this disturbing contention that is so full of ruinous consequences.

Mr. CHANDLER. Mr. President, the people of the West and South need not believe that the people of New England wish unnecessarily to prolong controversy between the United States and Canada concerning the rights and privileges of American fishing vessels, or are unwilling that a fair adjustment should be effected through appropriate methods. On the contrary they earnestly desire the speediest possible settlement that will reasonably protect the interest involved and maintain national dignity and honor in intercourse with Great Britain. The protection of that interest is required only by a section; the maintenance of national dignity and honor is demanded by the whole people.

A fair summary of the changes to be effected by the proposed treaty of February 15, 1888, is as follows:

1. After the rights of American fishermen, which were amply secured by the treaty of 1783, had been reduced by the treaty of 1818, they yet had the right to take fish in all the waters of Canada outside of 3 miles from the indented shore line of the various coasts, bays, creeks, and harbors; and to enter such bays or harbors for shelter, repairs, wood, or water. By the pending treaty, under a delimitation process, they are to be totally excluded from taking fish in certain specified bays which they have been wont to frequent, and across the mouth of every bay not more than 10 miles wide a straight line is to be drawn and from that the 3-mile line of exclusion is to be measured seaward. (Articles III and IV.)

Under this delimitation process substantially everything is given up by the United States; nothing valuable is received. No reasonable excuse is given for the enlargement of the exclusion from 6 miles across bays to 10 miles, except that Canada has in the past argued that she had the right to draw a line of exclusion across the headlands of bays. But it clearly appears that the headland theory has always been a technical and unsubstantial pretense; has never been seriously asserted; has always been scouted by the United States, and was decided against by an umpire in the only cases in which it was ever formally promulgated. It is sufficient to quote what Sir Charles Tupper said of this claim April 10, 1888, in the Canadian Parliament. He termed it a right "technically claimed but practically abandoned for forty years."

In making such a headland pretense a reason for retiring our fishermen from 10-mile bays when they have always entered 6-mile bays, the Administration proceeds upon the principle which it has been said in New Hampshire has usually governed the decisions of one of our most distinguished citizens, George W. Nesmith, of Franklin, a bosom friend of Daniel Webster, a magistrate for sixty-five years, now living in his eighty-eighth year, hale and hearty. Although a lawyer, he has not been litigious but always a peace-maker, and has been a referee in more controversies than any other citizen. It is said that a visitor to our State, riding through Franklin, expressed to the stage-driver great admiration for a beautiful farm and said he would much like to own it. The driver said, "I do not know how you can get the whole of it, but I can tell you how you can certainly get half of it. Stop here and bring a lawsuit against the owner for the whole, have the case referred to Judge Nesmith and he will award you one-half." The Secretary of State, on a recent visit to Dartmouth College, made the acquaintance of Judge Nesmith, and doubtless learned from him his principle of decision. But he has enlarged it in the delimitations in this treaty, for, instead of giving Canada half that she claimed without any right, he has given her nearly the whole.

2. The treaty provides, in Article X, that American fishing vessels entering Canadian bays or harbors for repairs, shelter, wood, or water shall be exempt from pilotage and harbor dues, and need not formally report at the custom-houses, except twenty-four hours after entering established ports.

The exemptions thus grudgingly granted to distressed vessels are slight favors, and could not be refused to any vessels according to the law of nations without resort to any treaty, as is clearly shown in Mr. Bayard's letter to Mr. Phelps of November 6, 1886.

3. If the treaty is confirmed, by Article XI American fishermen are to receive certain hospitable treatment which none but barbarous nations refuse to vessels on their coasts. If driven in by stress of weather and compelled to repair, they may, if it be necessary to the repairs, unload, reload, transship, or sell their fish; and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of sickness or death may be allowed all needful facilities, including the shipping of crews, and in all cases may have provisions and supplies for homeward voyages.

The privileges given by this article to fishing vessels only when they are in distress are properly termed by the Senator from Delaware [Mr. GRAY] "rights of hospitality." The London Times of February 23, 1888, says the treaty resolves itself "chiefly into a liberal extension of what may be called the humane provisos of the convention" of 1818, the American renunciation in which "was subject to certain exceptions dictated by humanity."

While we can afford to accept such exemption from barbarous treatment if freely granted by the Canadians without price, we can not afford to purchase it by the humiliations imposed upon us by this treaty.

4. There shall be a "conspicuous exhibition by every United States fishing vessel of its official number on each bow." (Article XIII.)

This is a petty humiliation, will be irritating to all Americans, and is of slight importance to the Canadian authorities.

5. Canadian penalties for unlawful fishing by American fishing vessels within forbidden waters may extend to the forfeiture of vessels and supplies and cargoes; while for other offenses against Canadian law penalties may be imposed not to exceed $3 for every ton of the vessel. Trials are to be summary and inexpensive at the place of detention unless a change is made for the convenience of the defendant. Reasonable bail is to be taken, and there is to be no appeal, except for the defense; and judgments are, before execution, to be reviewed by the superior Canadian authorities. (Article XIV.)

These stipulations against oppressive methods of criminal prosecution of our fishermen and their vessels are either too many or too few. It ought not to be necessary for us to attempt by treaty to secure for Americans actually offending against just laws exemption from the methods of trial prescribed by those laws; while if we really propose to protect by treaty our citizens and their property against the harsh and oppressive Canadian statutes enacted to harass us into opening our markets to Canadian producers, it will be necessary to go much further than does this Article XIV.

It expresses and recognizes the right of Canadian courts to forfeit our ships, cargoes, and supplies without adequately defining the offenses of "unlawfully fishing" and "preparing to unlawfully fish," or properly limiting the penalties which may be imposed. Canada is left free to declare any act unlawful not expressly allowed by the treaty. In addition to forfeitures she may fine and imprison the officers and crew. They can not appeal to London, to the Privy Council, nor to the Queen. The proceedings are to be summary, and the President can not interfere by diplomatic representation. The treaty fails to stipulate that intention or guilty knowledge must exist to constitute the offense, and the fisherman may be punished if he is the tenth of a mile or one foot, and that unwillingly, out of his intended course. Our own revenue and fishing laws carefully provide for remissions of penalties when there is no intention to do wrong and no guilty knowledge.

This treaty, if it entered this field of stipulation at all, should have expressly provided that the governor-general should have power to remit all penalties and to pardon all offenders, if satisfied that the offenses were committed without guilty knowledge on the part of those found fishing in forbidden waters. There is no provision that those seizing a vessel shall be punished by damages if it shall appear that there was no probable cause for the seizure. There is not even a stipulation that the accused Americans shall be tried only in a court of record. The article, while ingeniously framed to appear to grant exemption to our fishermen, expressly delivers them and their property into the hands of a cruel code and an unrelenting enemy. No New Englander will be willing to impose this crime-creating article upon the New England fishermen.

6. Whenever the United States shall remove its duties on fish-oil, whale-oil, seal-oil, and all fish (except those preserved in oil) coming from Canada, then United States fishing vessels shall have licenses to enter Canadian ports in order to purchase provisions, bait, and other supplies and outfits, to transship their catch by any means, and to ship crews; and they may obtain bait by barter, but not supplies in that mode. (Article XV.)

The restricted commercial privileges thus to be paid for by free fish and fish-oils our vessels are now fairly entitled to, in return for similar privileges freely enjoyed by Canadian vessels in American ports; and our fishermen are specially secured their right to transship their catch by the nineteenth article of the treaty of Washington.

This then is the arrangement, our confirmation of which is asked: The President dangerously enlarges the area of the waters from which our fishing vessels are to be excluded, or in which they are to be entrapped; in return, he obtains an agreement from England that such vessels while entering Canadian bays or harbors for repairs, shelter, wood, or water shall not be forced to make formal entry at custom-houses if it is impracticable to do so; that when they are shipwrecked or in perils of ocean, they shall not be brutally treated; that when they are seized for alleged offenses justice shall not be oppressively perverted to forfeit them, and the President also obtains a promise for such vessels of limited commercial rights in Canadian ports, to be performed only when Congress will so alter our tariff laws as to admit Canadian fish and fish-oils free of duty. Is such a treaty beneficial and satisfactory to the fishing interests, and if not ought it to be forced upon them? This is perhaps a comparatively small question. Is such a treaty with all its circumstances one befitting our character as a free and independent nation? This is possibly a large question.

That the treaty is not beneficial to the fishermen does not need lengthy demonstration. It surrenders access to waters which are valuable to them; it belittles and humiliates and endangers them; it gives them barely exemption from barbarous treatment and only promises them important and reasonable commercial facilities on condition that their home market for fish shall be opened to the competition of their Canadian rivals. The voices of the fishermen are unanimously against this one-sided bargain. They believe they are entitled to full commercial rights, and they wish the Government to take a firm stand in demanding them.

They do not wish to put great white figures on their bows, to pay in any way for licenses to buy bait and supplies, or to carry on their business under a ban with fewer rights than other commercial ships after having been in the early days of the Republic specially favored of all vessels on the sea. But the fishermen long for peace, and it may be that if they realize that they are to be neglected or sacrificed by their Government and to receive only the rights of an inferior class, their courage will at last fail them, and they will give up their unequal struggle against Canada, Great Britain, and their own Government. Such is evidently the hope of the administration which has sacrificed their interests.

The treaty is dishonoring to the nation in many points:

1. It is a national dishonor, because it has been negotiated after a series of wrongful seizures and other outrages perpetrated upon American fishing vessels for the very purpose of forcing upon us a disadvantageous bargain, and yet it does not include any acknowledgment of the wrongs done or provide reparation therefor. The long catalogue of unjustifiable assaults upon American rights has been often proclaimed to the world. The oppressions seem to have been purposely intended to be offensive to American honor. The flag of the Union has been hauled down on the deck of an American vessel by a British captain for the apparent purpose of degradation and insult.

The intent of Canada's whole course has been apparent from the beginning, to harass us into a new treaty of some sort. Therefore, no treaty should have been made as long as the outrages were continued, and the very first article of a treaty should have provided apology and ample reparation for the wrongs done. And yet no allusion to these occurrences is made in the treaty or in the President's accompanying letter; and the claims for damages for seizures and wrongs which were once valiantly presented are now at last left unadjusted and unnoticed. No independent nation should stoop to make a treaty under such circumstances and with such an omission.

2. The treaty is a national dishonor, because by it we are forced by Canada towards alterations in our customs duties desired by her. She wishes reciprocity treaties opening our markets to her products. We have declined so to open them. She begins to harass us on subjects not connected with customs duties, and we yield and negotiate a treaty looking to changes in those duties. This is degradation. A reciprocity treaty may be honorably made, each side giving what are natural and customary equivalents. But a treaty by which we change our customs duties and Canada gives no natural equivalent which we can honorably accept as such is not friendly reciprocity, but on our part a pusillanimous surrender.

We claim full commercial rights for our vessels in Canadian ports without regard to customs duties imposed by either country. She offers to give to those ships limited commercial rights on condition that we will remove our duties on fish, and we are asked to make that bargain. We can not afford to do it. The equivalent for commercial rights for our vessels in British ports is the similar rights now accorded their vessels in our ports. Thus let both stand or fall. Commercial rights for our ships, which we persistently claim and to which we believe we are entitled in return for like privileges given British ships, we can not safely purchase by alterations in our tariff. If we do, what shall we ask of Great Britain as an equivalent for the commercial rights of her vessels? It can not be too much emphasized that the whole controversy with Canada proceeds from her determination to reach our markets at reduced rates of duty or with duties removed. It is national injury, dishonor, and degradation to allow Canada, backed by Great Britain, to compel us in such ways as are proposed to alter our customs duties.

3. The treaty is a national dishonor because it is a part of a negotiation conducted by the representatives of England, not alone with the United States Government, but, avowedly, with one political party in this country.

When in 1885 Minister West first enticed Mr. Bayard into an unlawful agreement to extend the fishing articles of the treaty of Washington for six months and to ask Congress to submit the fishery question to another joint commission, and public outcry against this arrangement was made in behalf of the fishermen, Mr. West declared that of course a majority of the Republican Senate would assail any arrangement made by the Cleveland administration. Mr. Chamberlain has also been free in thinly veiled assaults upon the Republican party, and Mr. Bayard has followed in his wake, while Sir Charles Tupper discloses the whole purpose of the treaty negotiation to make an alliance with the Democratic party and through the agency of that party to secure the reduction or removal of customs duties and free trade for Canadian producers in our markets.

In his speech of April 10, 1888, Sir Charles Tupper first finds an identity of policy between Canada and the Democratic party of this country. He says:

Mr. Bayard states now and has stated throughout his great desire to have the freest commercial intercourse between us consistent with the position and interest of the two countries. He says if we want to see the policy of the Government of the United States you have it in the President's message to Congress; there is our policy. * * * I say, sir, after studying the policy of the United States, of the Democratic party * * * after reading the President's message, after reading the report of the Secretary of the Treasury, after reading the speech of Mr. CARLISLE, the Speaker of the House of Representatives, on taking the chair, I have come to the conclusion that their policy is just as close to the policy of the government of Canada as any two things can be.

Next, Sir Charles proceeds to utter libels upon the Republican party, saying:

I need not tell the House that one of the advantages we enjoy under British institutions is that we are saved from the extreme and violent antagonisms of party that every fourth year the Presidential election brings about in the United States. Now, any man who knows anything of the politics of the United States knows that however good a measure is, however valuable, however much it commends itself to the judgment of every intelligent statesman in that country, it is a matter almost of honor on the part of the party in opposition to prevent the government of the day from doing anything that would give them any credit or strengthen their hands in the country; that on the eve of a Presidential election it is next to impossible to induce a Republican majority in the Senate to sanction anything that a Democratic administration has carried through, however valuable that may be.

In another breath, however, Sir Charles appeals to the Republican party after this foolish fashion:

Let the Senate of the United States to-morrow reject this treaty. I trust they will not do so. I have a hope that there is independent statesmanship enough in the great Republican party of the United States, who have the power at their disposal to-day in the United States Senate, to allow that sentiment of patriotism to overweigh the party advantages they might hope to obtain by preventing the present Administration from settling this vexed question.

Apparently despairing, however, of the success of his appeal, he scolds a little and predicts the triumph of the Democratic party in the next election, thus:

Let a fisherman complain to-morrow of our interpretation of the treaty, of the enforcement of our most extreme construction of the treaty, the answer to him is this: Nobody is to blame for the inconvenience you suffer except the Senate of the United States. Your President, the Executive of your country, the Democratic party from end to end of the United States, declared it was a fair settlement. They represent an undoubted majority, in my judgment, of the people of the United States to-day, and I believe they will represent it to-morrow.

Having continued his Democratic allies in power, he tells how the Democratic party will slowly and securely give free trade with Canada. This is the way:

As I have said, Mr. Bayard told us, the American plenipotentiaries told us, that there was but one way of obtaining what we wished. You want greater freedom of commercial intercourse. You want relaxation in our tariff arrangements with respect to natural products in which you are so rich and abundant. There is but one way to obtain it. Let us by common concession be able to meet on common ground and remove this irritating cause of difficulty between the two countries out of the way, and you will find that the policy of this Government, the policy of the President and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose and accomplish steadily that which you would desire in the only way by which it can ever be attained. Those were not empty words; they were the sober utterances of distinguished statesmen who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said.

What has happened already? Already we have action by the financial exponent of the Administration of the United States—I mean Mr. MILLS—the gentleman who in the United States Congress represents the Government of the day, and stands in the position most analogous in the United States to the finance minister in this House, the chairman of the Committee on Ways and Means, who propounds the policy of the Administration in the House. How is he selected? The Democratic party sustaining the Government selects a man as Speaker of the House of Representatives who is in accord with the policy of the Administration, and Mr. CARLISLE, the Speaker of the House of Representatives, nominates the chairman of the Committee on Ways and Means and all the members of the committee, and therefore the chairman of that committee occupies the position of representing the Government in bringing forward such bills as will represent the views and sentiments of the Democratic party of the United States supporting the Administration. What have we seen? The ink is barely dry upon this treaty before he, as the representative of the Government, and the chairman of the Committee on Ways and Means brings forward a measure to do what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Having thus shown that the Democratic party and Mr. CARLISLE and Mr. MILLS propose to give Canada this $1,800,000 for this treaty he shows that this was his great object in the negotiation. He says:

We have pledged ourselves to the people to do everything that lay in our power to obtain a free market for the natural products of our country with the United States.

And, lastly, he says the Republican party is weak and that free trade is not far off. Mark the force of his words, friends of the Mills bill:

I say that under this bill which has been introduced, and which I believe will pass, for it does not require two-thirds of the Senate, where the Republican majority is only 1 in the whole House, to pass this bill, it requires a majority of 1 only, and I am very sanguine that this bill will pass during the present session. Modified it may be but I am inclined to think that the amendments will be still more in the interests of Canada than as the bill stands to-day. If this is the case I think we may congratulate ourselves upon securing the free admission of our lumber, upon which was paid during the last year no less than $1,315,450. On copper ore, made free by the Mills bill, we paid * * * $96,945. On salt, $21,992 duty was paid. This is rendered free by the Mills bill.

I am sorry to find, as I hoped would be the case from the first copy of the bill that came to me, that potatoes were not included amongst vegetables. I am sorry there is a doubt as to whether the term "vegetables not specially enumerated" will not exclude potatoes. In grappling with this policy of making the natural products of the two countries free, you do not expect any person who wants to carry a bill to put a heavier load upon his shoulders than he is able to carry, lest he may break down and do nothing. You expect him to take it in detail, and, as I believe, you will find the policy contained in this bill of making those natural products of Canada free carried out until you have perfect freedom of intercourse between the natural products of Canada and the United States of America. Of wool we sent last year 1,319,309 pounds of one kind, and a variety of other kinds, upon which a duty was paid to the extent of $193,892. Now, as I say, on articles of prime importance and interest to Canada the removal of duty by the Mills bill amounts to no less than $1,800,198.

No further evidence can be needed to prove the truth of the assertion that the agents of Great Britain have opened negotiations with the Democratic party to obtain for Canadians alterations in our customs laws and free access to our markets; and to give these is the whole purpose and object of this British-Democratic alliance. It is a most shameful procedure; discreditable to all parties, British and American, engaged in it. Never before in the history of this country did emissaries of foreign governments openly engage in negotiations and alliances with one political party. Citizen Genet attempted, not an appeal to one party, but what he called an appeal to the people, and Washington sent him back to France.

Mr. Van Buren, when Secretary of State, had in letters to Mr. McLane, minister to England, claimed credit with that power because the administration of Jackson entertained more friendly sentiments towards English colonial pretensions than the previous administration of Adams; and later, when Mr. Van Buren was himself nominated for minister to England he was rejected by the Senate, because, as Mr. Webster said, his expressions were derogatory to the national character, showing a disposition in the writer to persuade Lord Aberdeen that the English Government had an interest in maintaining in the United States the ascendency of the political party to which Mr. Van Buren belonged, thus establishing abroad a distinction between his country and his party.

Equally disgraced in this unprecedented business are Sir Charles Tupper, Mr. Joseph Chamberlain, and Mr. Secretary Bayard. The American Senate ought to find a way to tell them that while our party strifes are bitter enough they shall not, without rebuke, be made the open basis of diplomatic negotiations.

4. The treaty is a national dishonor, because two of the so-called plenipotentiaries, being appointed by the President without the consent of the Senate, were not constitutionally selected.

By section 2, of Article II of the Constitution, the President is given power by and with the advice and consent of the Senate to appoint ambassadors, other public ministers, and consuls. Without that consent (except temporarily in case of vacancies in offices previously established by law) he has no power to appoint officers of the United States to negotiate with foreign nations. But without the consent of the Senate and in defiance of the Constitution, Messrs. Angell and Putnam, two private citizens, were appointed plenipotentiaries to negotiate a fisheries treaty with Great Britain; and for months in Washington, directly in sight of Congress, they pursued their negotiations; and the wrong was the greater because the Senate had by a vote of 35 to 10 declared that no commission ought to be constituted for the negotiation of any treaty.

It can not be soundly contended that the power of the President in the first instance to negotiate treaties with foreign powers, to be submitted to the Senate, gives him the right without the consent of the Senate to appoint ambassadors or plenipotentiaries for any such negotiation. The public officers to whom he is in any case limited are those who have been or who specially may be appointed by the President and the Senate for such a duty. The President is not even expressly given the power to make preliminary negotiations without the consent of the Senate. The language of the Constitution (Article II, section 2) is as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls * * * which shall be established by law.

Nothing could be more guarded and restrained than the President's power to make treaties and to appoint ministers for that purpose. In view of the Constitution, how can it fairly be contended that the President had any right to commission as foreign ministers and plenipotentiaries Messrs. Angell and Putnam? It plainly seems to be a gross violation of the Constitution, wilfully, recklessly, and defiantly perpetrated; and the Senate might well have refused on this ground even to consider the terms of a treaty thus first introduced into its presence.

The weakness of the position of the minority of the committee on this point is strikingly shown by the elaborate yet feeble attempt which they make in their report to justify to the Senate and the country the wrong which has been done.

No one has ever disputed the privilege of the President to negotiate treaties, using the Secretary of State and the regularly appointed and confirmed foreign ministers for that purpose. Why, then, do the minority particularize and parade about 438 cases of that character? Simply to obscure the flagrant nature of the case now under review and censure, and to break the force of the one great and overwhelming precedent against it, to be shortly stated. In addition to these 438 cases the report gives a list of three persons appointed by the Secretary of State and a list of thirty-two appointed by the President, and specially confirmed by the Senate to negotiate treaties. But of the three appointed by the Secretary of State, two, Hughes and Bates, were already diplomatic officers, and the thirty-two are of course all precedents against the minority and not in their favor.

There is to be extracted from the list of 473 only the following cases which are of any value to the minority, being those where private citizens were employed in negotiations without the prior consent of the Senate:

1. G. Morris, private agent, October 13, 1789, to ascertain the intentions of Great Britain as to the treaty of 1783, and making a treaty of commerce.

2. John James Appleton, May 12, 1825, to arrange for the settlement of claims of citizens of the United States against the Kingdom of Naples.

3. Charles Rhind, September 12, 1829, to conclude a treaty of friendship and commerce with Turkey.

4. Edmund Roberts, January 26, 1832, to conclude treaties of navigation and commerce with Cochin China, Siam, and Muscat.

5. A. Dudley Mann, March 28, 1846, to conclude with Hanover, Hungary, Switzerland, etc., treaties of commerce and navigation.

6. Benjamin E. Greene, June 13, 1849, to conclude treaties of commerce with Hayti and the Dominican Republic.

7. Isaac E. Morse, December 5, 1856, to conclude a treaty with New Granada with reference to transit across the Isthmus of Panama.

What a pitiful list among the whole 473 which are set out with such elaboration in the minority report! It is sufficient to say in relation to these 7, in the face of the overwhelming precedents the other way—the 466 cases where treaties have been negotiated by officials who had been confirmed by the Senate as required by the Constitution—that they are few in number, that the negotiations were insignificant, that the

precedents were never acquiesced in, and that they constitute no real authority for or justification of the marked violation of the Constitution committed by the President in appointing Messrs. Angell and Putnam without the consent of the Senate.

I have stated that the object of the minority in cumbering their report with upward of 438 cases which have no bearing upon the point in controversy is simply to break the force of the one great and overwhelming precedent against them. It is impossible to resist this conclusion or a worse opinion upon the recorded facts.

On page 130 the minority give the case of the Joint High Commission which negotiated the Alabama Claims treaty, and they show Messrs. Ebenezer R. Hoar and George H. Williams as appointed while private citizens two of the five plenipotentiaries by the President alone; and the minority include the five in their number (on page 105) of 438 persons appointed by the President alone.

The minority, therefore, certainly thus appear to have found a pertinent precedent, especially as the High Joint Commission held its sessions, like the Bayard-Chamberlain commission, and with similar festivities, in the city of Washington. The only objection that can be made against this precedent is that the facts are directly the opposite of those stated in the minority report. Commissioners Hoar and Williams, as well as Secretary Fish, Minister Schenck, and Mr. Justice Nelson, were nominated to the Senate and were confirmed on the 10th day of February, 1871, before they acted.

It has doubtless been a deep humiliation for the learned and eloquent Senator who heads the minority report to conclude to advocate at the dictation of an imperious Secretary of State the adoption of a treaty which surrenders the claims of the New England fishermen which that Senator once so courageously espoused, and which has been negotiated against his declaration that no negotiation ought to be instituted; but it would seem as if he might have taken on the galling yoke and have misapplied his great powers of statement and argument against claims which he has so earnestly urged without placing his signature and securing those of his Democratic associates to a State paper in which the only pertinent assertion on an important point of an elaborate argument is a gross and inexcusable error.

It may be asked, of what real importance is this question; how can any real harm have been done by the appointment and action of Messrs. Angell and Putnam, when it is probable that the same treaty would have been negotiated by the Secretary of State and the President? The answer is, that the Senate had the right to have the treaty negotiated and presented for its consideration constitutionally, and especially to have the country protected, in case of its rejection, from the evil consequences of admissions made by persons claiming wrongfully to be its agents and plenipotentiaries. Of these consequences let Sir Charles Tupper speak:

> What, I repeat, is our position to-day? If that treaty were rejected by the Senate to-morrow, we have gained this vantage ground, that we stand in the position of having it declared by the Secretary of State of the United States and by the President of the United States that Canada has been ready to make and that Her Majesty's Government on behalf of Canada, through her plenipotentiaries, have made an arrangement with the plenipotentiaries of the United States that is fair, just, and equitable, and that leaves that country no possible cause of complaint.

The consequences, whatever they may be in future controversies, of the admissions made by the President and Secretary of State are inevitable; but against the admissions of the other miscalled plenipotentiaries, who were in fact only impertinent private citizens, the country had the right to be protected. The assumed character and office of those persons ought to be emphatically repudiated by the Senate.

5. The treaty is a national dishonor, because the American negotiators secure only the bare rights of hospitality for our fishing vessels in British ports and do not obtain for such vessels free entry and full commercial rights in those ports, such as are now and have been freely granted to the fishing vessels and other vessels of Canada and Great Britain in American ports.

This is the main contention. The United States can not with dignity and honor as a nation adopt a treaty under which any American vessels are to have fewer rights in British ports than similar British vessels are to have in ports of the United States, while with mutual and equal commercial rights conceded to vessels of both nations all the other contentions might be fairly adjusted.

As long, however, as the British attitude is this: "You now give us full commercial rights for our ships in your ports; in return we will give you the ordinary rights of hospitality for your ships in our ports: and we will give you some additional commercial rights when you will repeal your duties on fish"—so long the United States should refuse to come to an agreement. We could not assent to such a bargain without acknowledging our inferiority as a nation to Great Britain—yes, even to Canada; we should dishonor, disgrace, and degrade ourselves by treating on such terms of inequality.

It is of no avail to point to the treaty of 1818 and attempt to justify a narrow construction of that instrument. Eighteen hundred and eighteen is not 1888. Our fishermen are entitled to all the benefits which the treaty of 1818 secures, plus all those rights and privileges which modern rules o icommercial intercourse will add to them. The favored fishing vessel of 1818 (a time when no other American vessel could enter a Canadian port at all) is not to become the proscribed fishing vessel of 1888, when all other vessels of the United States have and exercise the free and full right to enter and buy and sell in all Canadian ports.

In 1818 our fishing vessels were entitled to enter Canadian ports for repairs, shelter, food, and water, but no other American vessels could enter Canadian ports for any purpose. Under the commercial convention which had been made July 3, 1815, American ships had been admitted to all British ports in Europe, but not to those in America. The article was as follows:

> ARTICLE I. There shall be between the territories of the United States of America and all the territories of His Britannic Majesty in Europe a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

But in progress of time there came the arrangements of 1830, under which free liberty of commerce in ships grew up between the United States and Canadian ports; and there came also the treaties concerning these fisheries, the reciprocity treaty of 1854 and in 1871 the treaty of Washington; and as a result of all this enlargement of the rules of intercourse the fishing vessels of the United States came to have and enjoy the rights of ordinary commercial vessels in Canadian ports, while certain it is that Canadian fishing vessels came to have and enjoy full commercial rights in United States ports. The contentions during all these years, whether years of strict or liberal relations, were rarely about entries into ports or rights and privileges while there, but were mainly about fishing or preparing to fish in forbidden waters.

And now that the treaty of 1871 is abrogated, after we have been unfairly compelled to pay $5,500,000 for benefits falsely assumed to have been derived from it, and have refused to pay the price any longer, are we to be driven back strictly upon the treaty of 1818 or are our fishing vessels to be entitled to full commercial privileges without being compelled to buy them by alterations in our customs laws? I believe that we are fairly entitled to them, and that at all events we can not safely or honorably pay for them the price demanded by Canada and Great Britain. The time has come for rising from any real or assumed position of inferiority to Great Britain and establishing relations between Canada and the United States on equal terms and on no others.

Mark how boldly Englishmen assume that America is to negotiate in a position of inferiority to England. Sir Charles Tupper says in his speech of April 10:

> Why is it that the fishermen of the United States of America can not obtain the same consideration in a Canadian port that a Canadian fisherman obtains in the United States ports? Well, sir, the answer is obvious. The American Government renounced the right to enter our waters, as England and Canada never did renounce the right to enter the waters of the United States of America.

This has been the language of the English diplomatists throughout, and yet nothing is more absurd than the oft-repeated assertion, made also by the American apologists of this treaty, that because the United States, in the treaty of 1818, renounced "forever" certain liberties theretofore enjoyed on the British North American coasts and agreed that our fishing vessels should enter Canadian bays and harbors for certain specific purposes, but "for no other purpose whatever," therefore there can now be no just claim for enlarged rights.

As well might the grantee in a deed plead the word "forever" against his grantor after a repurchase of the real estate by the latter. The renunciation "forever" and the limitation of the purposes for entering are of no avail against any enlargement of privileges which may have already grown up since 1818 or which it may now concern the interests, the dignity, and the honor of the United States to demand upon just grounds and upon fair equivalents.

That there has been such an enlargement of the privileges of American fishing vessels in Canadian ports since 1818, and independently of the treaties of 1854 and 1871, has been stoutly maintained by the present Secretary of State up to the time when it suited his purposes to make this treaty.

In Mr. Bayard's proposals of November 12, 1886, for an *ad interim* arrangement, was included the following:

> ART. 4. The fishing vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's dominions in America the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies.

To this reasonable proposal the Marquis of Salisbury was able only to reply as follows:

> This article is also open to grave objection. It proposes to give the United States fishing vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the convention of 1818 on behalf of fishing vessels, which were thereafter to be denied the right of access to Canadian waters for any purpose whatever except those of shelter, repairs, and purchase of wood and water.

Here again is the reiteration, as the Senator from Delaware well says, *usque ad nauseam*, "1818, 1818." But Mr. Bayard, July 12, 1887, well and unanswerably replied:

> The treaty of 1818 related solely to fisheries. It was not a commercial convention, and no commercial privileges were renounced by it. It contains no reference to "ports," of which it is believed the only ones then existing were Hal-

lfax, in Nova Scotia, and possibly one or two more in the other provinces; and these ports were not until long afterwards opened, by reciprocal commercial relations, to vessels of the United States engaged in trading.

The right to "obtain" (*i. e.*, take or fish for) bait, was not insisted upon by the American negotiators and was doubtless omitted from the treaty because, as it would have permitted fishing for that purpose, it was a partial reassertion of the right to fish within the limits as to which the right to take fish had already been expressly renounced.

The purchase of bait and other supplies by the American fishermen in the established ports of entry of Canada, as proposed in Article IV, is not regarded as inconsistent with any of the provisions of the treaty of 1818; and in this relation it is pertinent to note the declaration of the Earl of Kimberly in his letter of February 16, 1871, to Lord Lisgar, that "the exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter and of repairing damages therein, purchasing wood, and obtaining water, might be warranted by the letter of the treaty of 1818 and by the terms of the imperial act 59, George III, chapter 38, but Her Majesty's Government feel bound to state that it seems to them an extreme measure inconsistent with the general policy of the empire, and they were disposed to concede this point to the United States Government under such restrictions as may be necessary to prevent smuggling and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

It is not contended that the right to purchase bait and supplies, or any other privilege of trade, was given by the treaty of 1818. Neither was any such right or privilege stipulated for or given by the treaty of 1854, nor by the treaty of Washington; and the Halifax commission decided in 1877 that it was not competent for that tribunal to award compensation for commercial intercourse between the two countries, nor for purchasing bait, ice, supplies, etc., nor for permission to transship cargoes in British waters. And yet this Government is not aware that, during the existence of the treaty of 1854 or the treaty of Washington, question was ever made of the right of American fishermen to purchase bait and other supplies in Canadian ports, or that such privileges were ever denied them.

Moreover, in Mr. Bayard's letter to Minister West of May 10, 1886, he recites the—

gradual extension from time to time of the provisions of Article I of the convention of July 3, 1815, providing for reciprocal liberty of commerce between the United States and the territories of Great Britain in Europe so as gradually to include the colonial possessions of Great Britain in North America and the West Indies within the results of that treaty.

And then Mr. Bayard proceeds to make the following statement:

President Jackson's proclamation of October 5, 1830, created a reciprocal commercial intercourse, on terms of perfect equality of flag, between this country and the British American dependencies by repealing the navigation acts of April 18, 1818, May 15, 1820, and March 1, 1823, and admitting British vessels and their cargoes "to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the American continent and north or east of the United States."

And thereupon Mr. Bayard further says to Mr. West:

I ask you to consider the results of excluding American vessels, duly possessed of permits from their own Government to touch and trade at Canadian ports as well as to engage in deep-sea fishing, from exercising freely the customary and reasonable rights and privileges of trade in the ports of the British colonies as are freely allowed to British vessels in all the ports of the United States under the laws and regulations to which I have adverted.

Among these customary rights and privileges may be enumerated the purchase of ship supplies of every nature, making repairs, the shipment of crews in whole or part, and the purchase of ice and bait for use in deep-sea fishing.

Concurrently, these usual, rational, and convenient privileges are freely extended to and are fully enjoyed by the Canadian merchant marine of all occupations, including fishermen in the ports of the United States. The question therefore arises whether such a construction is admissible as would convert the treaty of 1818 from being an instrumentality for the protection of the inshore fisheries along the described ports of the British American coast into a pretext or means of obstructing the business of deep-sea fishing by citizens of the United States, and of interrupting and destroying the commercial intercourse that since the treaty of 1818, and independent of any treaty whatever, has grown up and now exists under the concurrent and friendly laws and mercantile regulations of the respective countries.

I may recall to your attention the fact that a proposition to exclude the vessels of the United States engaged in fishing from carrying also merchandise was made by the British negotiators of the treaty of 1818, but being resisted by the American negotiators was abandoned. This fact would seem clearly to indicate that the business of fishing did not then and does not now disqualify a vessel from also trading in the regular ports of entry.

In his speech of April 10 Sir Charles Tupper states this contention of Mr. Bayard and makes the best reply he can to it, as follows:

It was claimed by the Government of the United States in 1818 that as no commercial vessel could come into the waters of British North America from the United States, there was no intercourse; that those were privileges given to the fishing vessels by that treaty beyond anything that was enjoyed by any other class of vessels. And when a changed condition of things came about, when the commercial arrangement of 1830 had, as they contended, entirely changed the status of their fishing vessels in our waters—since, as they said, under that commercial arrangement it was provided that their trading vessels could enter freely the ports of British North America, and our trading vessels could enter their ports, as there was no exemption or exclusion of fishing vessels, they claimed that rights had been acquired by the fishing vessels that entirely took them out of the category of the treaty of 1818, under which they were restricted from going into our waters for any but the four purposes.

Sir Charles then proceeds to assert that the contention is unfounded, because the arrangement of 1830 was a commercial arrangement, and that the king's order in council was "silent as to fishing vessels." He then says:

The treaty solemnly declared that the people of the United States renounced forever the right to claim for a fishing vessel any such commercial privileges whatever. And under those circumstances it is a principle in law, constitutional as well as general law, and, I believe, accepted by all countries, that you can not repeal and change and alter a specific provision by a general one, unless some arrangement had been subsequently provided as to such specific provision. The general terms as to vessels in the commercial arrangement of 1830 and the absence of any reference to fishing vessels left fishing vessels exactly in the same position as they were before.

This argument of Sir Charles Tupper that a broad international arrangement giving absolute commercial freedom to all vessels does not include fishing vessels is quite as weak as the proposition that the word "forever" in an agreement can be pleaded against a different contract subsequently made.

The only answers made to Mr. Bayard's claim for commercial rights for fishing vessels by Mr. George E. Foster, the very able and intensely unfriendly Canadian minister of marine and fisheries, in his long report inclosed in Mr. Harding's note of August 2, 1886, and in his shorter report of June 5, 1886, are a bare denial that the later commercial arrangements either extended or restricted the terms of the convention of 1818, and a reference to the fact that no such allegation was set up when that convention was made the basis of further privileges in the treaty of Washington.

It is a sufficient reply to Mr. Foster to say that the further privileges secured by the treaty of Washington were an exact repetition of those of the reciprocity treaty of 1854, and in neither of those treaties were commercial rights for fishing vessels in the ports of Canada expressly stipulated for, because they had in fact never been refused after 1830, and are now only refused as a means of worrying the United States into another reciprocity treaty.

The claim for commercial privileges for all our American vessels in Canadian ports thus clearly and cogently stated by Secretary Bayard was ably re-enforced by all the other representations made to England which proceeded from the State Department and Minister Phelps, and was fully sustained by declarations from committees, Senators, and Representatives in Congress without dissent and without distinction of party. There is little reason to doubt that if it had been firmly adhered to it would have been allowed by the British Government, which would have overruled the unreasonable violence of Canada.

The first yielding of our Government was seen in the appointment of a commission to negotiate. Even after this mistake success might have been attained. It was a necessity to the political fortunes of Mr. Joseph Chamberlain that he should negotiate some treaty. He had abandoned the liberal party in Great Britain, betrayed the cause of Ireland, and made an unnatural alliance with his former political enemies, who sent him to this country to get him temporarily out of the way. If he had been obliged to return without negotiating a treaty he would have been the laughing-stock of England, and he knew it. His anxieties and his fears were apparent to all close observers; that he would concede substantially all that our Government had claimed there was no reasonable doubt.

But it happened that Mr. Bayard was even more anxious than Mr. Chamberlain. Perhaps the vanity of the aged statesman, the desire to be known as the negotiator of the Bayard-Chamberlain treaty, overcame any wish he had to protect the rights of the New England fishermen and to maintain the national honor: and so Mr. Chamberlain at last, suddenly and unexpectedly, obtained an easy victory.

But there must have been more in the surrender than the vanity and decrepitude of Mr. Bayard. It is impossible to resist the conclusion that a combination was formed between the leaders of the Democratic party to sacrifice the interests of the New England fishermen and to break down our tariff system. The utterances of Sir Charles Tupper, which I have quoted conclusively prove this. To carry out this plan diplomatic correspondence was dropped; an unconstitutional commission was created; the demand for commercial rights was abandoned; a surrender was made to all the Canadian theories concerning the fisheries, and the initial step in the main purpose of the alliance was taken in Article XV of the treaty, which is intended to force Congress to remove some of our customs duties. Southern Democrats gave the orders to Northern Democrats; the Democratic party abandoned its spasmodic attempt to defend the fishermen against Canadian aggression; and the great object of this Democratic-British alliance now is to pass the Mills bill, keep the Democratic party in power, and destroy the American tariff system.

These unpatriotic and injurious assaults upon American interests of the combined forces of English free-traders and Southern Democrats should be met at the threshold by the rejection of this discreditable treaty. The admissions made by its negotiators will doubtless make it more difficult to obtain from England our just rights. But asserted with moderation, patience and firmness they will surely be granted. England will not in 1888 refuse to grant us the article of the treaty of 1815 with the two words "in Europe" omitted, which is all we need desire, as follows:

ARTICLE 1. There shall be between the territories of the United States of America and all the territories of Her Britannic Majesty a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

The bugbear of war need not frighten any one. England never went to war with any nation to force the opening of ports for trade, except with China to compel the admission of opium. Even the excessive retaliation which it has been intimated the President will attempt if this pet treaty shall be rejected would be no cause for war. A decision to give to Canadian fishing vessels in American ports only

the same privileges which are given American vessels in Canadian ports, and to exclude Canadian fish from our markets, will at any time give the New England fishermen all they desire. Retaliation to this extent the President, who is not always under the control of Southern Democrats, will doubtless first adopt; there will probably never be occasion to resort to more.

The question of the rights and privileges of American fishermen in the waters, on the coasts, and in the harbors of Canada, in recently dealing with which the United States has occupied the position of an inferior nation, dealing with one vastly superior, if taken up for consideration by our Government in a spirit not sectional, but national, and treated in appropriate negotiations with England, as it should be dealt with in this era of international intercourse by two great nations, equal in dignity, honor, and power, may yet be, even by this Administration, satisfactorily and honorably settled; if it is not it certainly will be so adjusted by the administration which will come into power on the 4th of March, 1889.

In this connection it is interesting to notice the contrast between two distinguished New England Democrats. One of them, Mr. William L. Putnam, a lawyer of ability and amiability, employed by the United States to defend fishermen's rights, enters into a combination to sacrifice them; his head is enlarged by the novelty of his fictitious title of plenipotentiary; he is carried off his feet by association with British aristocrats; he officiates as an illegally appointed member of an unconstitutional commission; signs, when ordered, an ignominious treaty; and now pretentiously offers himself as a Democratic candidate for governor of Maine on the platform of the surrender of our fishery interests and the exemption of imported Canadian merchandise from our tariff duties.

The other, Mr. Charles Levi Woodbury, is a Democrat of the purest water. By age, inheritance, association, general professional learning, profound study of the question, Mr. Woodbury is entitled to speak with authority. He is one of the best admiralty and revenue lawyers we have. He was district attorney under President Buchanan; his father was Secretary of the Treasury under General Jackson. He knows this fishery question as he knows his alphabet. He was taught by his father; he has been familiar with it for forty years; his Democracy can never be questioned, nor can his patriotism. New Hampshire Democrats and Republicans alike regard him with respect and honor as one of the ablest and truest of the sons of the Granite State. I desire to read a letter written by Mr. Woodbury May 4 to the New York Sun:

To the Editor of the Sun:

SIR: The Chamberlain treaty is now before the Senate. It surrenders everything the United States have contended for since 1838, when the dispute on the 3-mile limit began, contentions which the British authorities have assented to or temporized about as often as pressed, so that really in no entire year since then have they insisted on enforcing their headland theory.

The commercial rights of the United States under the agreements of 1830 are utterly abandoned by Mr. Bayard after much previous insistance on their obligation.

The rights of common humanity toward our vessels in distress, accorded everywhere except on the Canadian coast, are hereafter to be allowed only upon the condition that the United States shall change its present registry laws by repealing them, and enacting such new ones as are acceptable to the British Government before going into effect. This of course leaves the humanity of Canada to vessels of the United States in distress withheld until the United States shall pay the consideration by repealing its laws and making such new ones.

Commercial intercourse by our fishing vessels is disallowed, but they may be permitted to buy a narrow line of supplies, whose extent would not exceed $50,000 a year, when the United States shall have repealed existing duties, now over $611,000 a year, on Canadian fish and oil, and made them free in our markets.

This is the substance of the treaty, all losses to the United States both in honor and profit. General Jackson and Mr. McLane, Van Buren and Forsyth, Stevenson and Everett, Webster, Rush, Grant, Evarts, and even Bayard and Phelps, for two of their official years, are buried beneath this treaty and their memories dishonored by its retreat from their patriotic contentions for American rights.

Cavilers have said the treaty of 1818 was wrung from our weakness, but this treaty, made in the hour of our strength, surrenders what that never did—our markets; and it doubles the waters from which it requires we shall be forever excluded.

The consequence of adopting this treaty would be the destruction of the fishery under the American flag, the paralysis of our hope of naval power, and a British monopoly of our markets, aggrandizing its dangerous naval power. Let the treaty be rejected.

CHARLES LEVI WOODBURY.

BOSTON, *May* 4, 1888.

Mr. Woodbury's is the courage for America of an Andrew Jackson Democrat. Mr. Putnam's is the subserviency towards England of a Grover Cleveland Democrat.

Mr. President, it is not alone in dealing with the New England fishery interests that the State Department has abandoned traditional American policy and humiliated the United States in the eyes of foreign nations. It has also formally surrendered the Monroe doctrine, and the surrender has been submitted to by Southern Democrats without one dissenting voice. Nothing so plainly shows the change that has come over the spirit of the Democracy of the South occasioned by their unsuccessful attempt at rebellion as their indifference to the encroachments of European nations on the North American continent. Once an assault upon the Monroe doctrine by a President, Whig or Democrat, would have brought every Democratic Senator to his feet with bold and patriotic denunciations. Now, not one of them so much as notices the ignominious betrayal of the interests of the United States in connection with the American Isthmus by their President and their Secretary of State.

Upon no one subject have American statesmen been more emphatic or so unanimous as they have in declaring that European powers shall obtain no new foothold in the western hemisphere.

John Quincy Adams when Secretary of State wrote to the Russian minister at Washington:

We should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishment.

Jefferson, on the 24th of October, 1823, wrote to President Monroe that the—

object is to introduce and establish the American system of keeping out of our land all foreign powers; of never permitting those of Europe to intermeddle with the affairs of our nation.

Madison, in a note to Jefferson early in November, 1823, said:

In the great struggle of the epoch between liberty and despotism we owe it to ourselves to sustain the former, in this hemisphere at least.

In July, 1823, Mr. Adams, in a letter to Mr. Middleton, further declared that the claim then pressed by Russia to possessions on the northwestern coast of North America was not conducive to the peace of the world.

He said:

With the exception of the British establishments north of the United States, the remainder of both the American continents must henceforth be left to the management of American hands.

President Monroe, in his annual message to Congress dated December 2, 1823, giving an account of the claims of Russia on the northwest and of Spain on her late colonies, declared that—

The occasion had been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

President Adams, in his message of March, 1826, speaking of advantages to be derived from independent American states, says that among the subjects of consultation proposed at Panama was—

the means of making effectual the assertion of that principle to permit no colonial lodgment or establishment of European jurisdiction upon its own soil.

The same policy was urged by Mr. Clay, as Secretary of State, in correspondence with Mexico, and it was adopted by the four states represented at Panama.

President Polk, in his message of December, 1845, after approving the Monroe declaration, says:

No future European colony or domain shall, with our consent, be planted or established on any part of the American continent.

President Grant was firmly in favor of the Monroe doctrine and of applying it to the case of any canal across the Isthmus. His position best appears from his message of July 14, 1870, transmitting to the Senate the report of Secretary Fish, which says:

The United States stand solemnly committed by repeated declarations and repeated acts to this doctrine and its application to the affairs of this continent. This policy is not a policy of aggression, but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when by the voluntary departure of European Governments from this continent and the adjacent islands America shall be wholly American.

A special message, sent by President Hayes to Congress on March 8, 1880, says:

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power or to any combination of European powers. * * * The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible.

If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work. * * * I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests. * * *

In June, 1881, Mr. Blaine, as Secretary of State for President Garfield, sent a circular note to the United States ministers in Europe stating what he understood to be the American view. The United States Government had already guarantied "positively and efficaciously" the neutrality of the Isthmus canal, and that guaranty—

Does not require re-enforcement or accession or assent from any other power. * * * Supplementing the guaranty * * * would necessarily be regarded by this Government as an uncalled-for intrusion into a field where the local and general interests of the United States of America must be considered before those of any other power save those of the United States of Columbia.

Any attempt—

Continues Mr. Blaine—

to supersede that guaranty by an agreement between European powers which maintain vast armies and patrol the seas with immense fleets, and whose interest in the canal and its operations can never be so vital and supreme as ours, would partake of the nature of an alliance against the United States. * * * It is the long-settled conviction of this Government that any extension to our shores of the political system by which the great powers have controlled and determined events in Europe, would be attended with danger to the peace and welfare of this nation.

And Mr. Blaine goes on:

A mere agreement on paper between the great powers of Europe might prove

ineffectual to preserve the canal in time of hostilities. The first sound of a cannon in a general European war would, in all probability, annul the treaty of neutrality, and the strategic canal would be held by the first power that would seize it—

To the incalculable loss of the United States. For these reasons the Isthmus should be placed—

under the control of that government least likely to be engaged in war, and able, in any and every event, to enforce the guardianship which she shall assume. For self-protection to their own interests, therefore, the United States, in the first instance, assert their right to control the Isthmus transit; and, secondly, they offer, by such control, that absolute neutralization of the canal as respects European powers which can in no other way be certainly attained and lastingly assured.

The administration of President Arthur came to realize, however, that in the progress of human enterprise in this wonderful era of the world's development the United States could not, as the application of the Monroe doctrine to the question of a canal across the Isthmus, merely oppose the construction of such a canal, or assert their intention to control the canal by whomever built, without making any effort to promote the construction of such a work. The President, therefore, as an affirmative policy, negotiated December 1, 1884, a treaty with the Government of Nicaragua, by which the United States obtained from that Republic the right to build a canal, railway, and telegraph line across the Isthmus by way of the San Juan River and Lake Nicaragua, upon such conditions as would give the absolute and exclusive control of the transit to the two Republics, would exclude European interference, and would completely vindicate the Monroe doctrine.

The treaty was submitted to the Senate during the session of 1884–'85, but being opposed by the Democrats, especially by Senator Bayard, then about to become Secretary of State, it failed to receive a two-thirds vote; but a motion to reconsider its rejection was entered.

On the 12th day of March, 1885, however, without giving an opportunity for final action by the Senate, President Cleveland withdrew the treaty, refused to resubmit it, and it has never since been heard of. In his message of December 8, 1885, he gives his reasons for his action. They are somewhat obscure, but may be stated in his own language, as follows:

That the treaty involves—

A policy of acquisition of new and distant territory and the incorporation of remote interests with our own—

The assertion of—

Paramount privileges of ownership or right outside of our own territory, coupled with absolute and unlimited engagements to defend the territorial integrity of the State where such interests lie—

And the combination of—

The construction, ownership, and operation of such a work by this Government with an offensive and defensive alliance for its protection with the foreign state whose responsibilities and rights we would share.

It seems clear that these propositions of President Cleveland are inconsistent with adherence to the Monroe doctrine as applicable to the canal. If European nations are to be excluded from any control of the canal and from any guaranty for its neutralization, such control must be exercised and such neutralization must be guarantied by the local State through which it runs, or by the United States in connection with such local State.

It will not for a moment be pretended that the control and guaranty of such local State alone will be sufficient either to insure the neutralization of the canal or to protect the paramount interests of the American people.

The United States, then, must exercise a certain control of the canal, and must in connection with the local State guaranty its neutralization. But this will be impossible without either acquiring territory and incorporating the interests of the other nation with our own, or making engagements to defend the territorial integrity of that other nation, or forming an alliance with the foreign State for the protection of the canal.

It is absolutely impossible to conceive of the maintenance of the Monroe doctrine in connection with the Isthmus canal and of an enforcement of the paramount interests of the United States therein which will not violate the conditions laid down by President Cleveland. Although the message contains the vague declaration that—

We should be jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments—

and an assertion of—

the necessity of a neutralization of any interoceanic transit,

yet as the President, while rejecting and condemning the method proposed by the previous administration, utterly fails to state any affirmative method of his own by which American interests can be protected, the conclusion is irresistible that the Monroe doctrine as applicable to the canal has been by the acts and declarations of this Administration formally and deliberately abandoned.

Thus does the Administration of Cleveland and Bayard discredit the United States in its foreign relations.

The dishonoring acts and omissions do not concern one section of the country alone.

South of us a French company, instigated and supported by the French Government, is slowly but surely pushing its canal from the Atlantic to the Pacific, and within five years the Isthmus of Panama is likely to become a French colony, while this Administration is opposing and defeating the Nicaragua Canal scheme, proposing no canal in its place, giving up all efforts to prevent or neutralize French aggression, and abandoning all assertions against either France or England of that traditional policy known as the Monroe doctrine, which has been cherished by all American statesmen, almost from the foundation of the Government down to the inauguration of this un-American Administration.

North of us the Dominion of Canada, aided by the British Empire, is growing stronger and more powerful than she ever dreamed she could become. Her transcontinental railroad and her naval stations are making her as formidable on the Pacific as on the Atlantic. She is boldly seizing our transportation business and forcing her way into our markets. She perpetrates outrages upon our fishing vessels, and thus compels us to treat with her upon unequal and degrading terms, and Great Britain backs all her demands, while President Cleveland submits to all these British aggressions, and in his last annual message, through an amazing solecism then perpetrated by a President for the first time in our history, he omits to treat of any question of foreign or domestic policy except one. He recommends to Congress to join with him in his alliance with Great Britain to strike down the American tariff system and to push on the plan of the Democratic party announced by its national conventions of 1856 and 1860 as "progressive free trade throughout the world," which, it may be added as a further part of the policy of the Administration, is to be carried on in British-built ships, while the flag of the American merchant marine disappears from the foreign carrying trade.

How long are the protection of American interests, North, South, East, West, at home and abroad, on sea and on land, and the defense of the national honor of the United States to be intrusted to hands like these?

Mr. HALE. I move that the Senate proceed to the consideration of——

Mr. TELLER. It has been my purpose to continue this discussion to-morrow immediately after the disposition of the morning business. I have been quite unwell for a day or two, but if I am sufficiently well to do so I propose to address the Senate to-morrow at the conclusion of the routine morning business.

Mr. BLAIR. I was unable to hear the motion of the Senator from Maine [Mr. HALE].

Mr. HALE. I will first move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. BLAIR. Mr. President——

Mr. HALE. Will the Senator give way to me for a moment, not to move to take up a bill, but to make an announcement?

Mr. BLAIR. Certainly.

Mr. HALE. I did not know that the bill just announced was to come before the Senate at this time.

The PRESIDENT *pro tempore*. It is the unfinished business, coming over from a previous day.

Mr. HALE. I do not propose to interfere with that bill, but after that is through with to-morrow morning I shall move to take up the Senate bill for the retirement of General John C. Frémont as a major-general. It is a matter that has gone over from week to week, largely at the request of the Senator from Texas [Mr. REAGAN], who has been absent, but who is now present. It is desirable that the bill should be considered and a conclusion reached upon it to-morrow, because the House Committee on Military Affairs has Wednesday evening for the consideration of its bills in the other branch, and a bill of this kind has been reported from that committee.

To-morrow morning, at the termination of the routine morning business, I shall endeavor to secure the assent of the Senate to proceed with the bill, which will take but little time, and will not interfere with other measures that would take more time of the Senate.

WRECK OF STEAMER TALLAPOOSA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa.

Mr. CHANDLER. I move that the Senate non-concur in the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CAMERON, Mr. CHANDLER, and Mr. BLACKBURN were appointed.

TOBIAS BANEY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 121, entitled "An act granting a pension to Tobias Baney."

This soldier was enrolled on the 28th day of February, 1865, and was discharged on the 31st day of January, 1866.

He filed an application for a pension in 1878, which was supplemented by statements from time to time, not always in exact agreement, but alleging uniformly that during his service, fixing the date at one time as in January, 1866, and at another time as in November, 1865, he was attacked in the city of Washington by palpitation of the heart, which increased after his discharge and resulted in disability. After a careful special examination by the Pension Bureau the claim was rejected upon the ground that origin of disability in the service and line of duty had not been shown, nor that the same existed for some time after discharge.

The beneficiary named in this bill enlisted shortly before the surrender of the Confederate forces, and it appears did little if anything more than garrison duty. He does not seem to have suffered any of the exposures usually incident to a soldier's service, and, as I understand his claim, does not himself give any instance of exposure or exertion from which his difficulty arose.

There is no record of any sickness or disability during the time he was in the Army nor any satisfactory proof that he was suffering with any ailment at the time of his discharge. His own statement, which some of the proof taken tends to show is not entirely reliable, goes no further than to claim that during his term of service his difficulty began.

On appeal from the rejection of the beneficiary's claim, the case was thoroughly examined at the Interior Department, and the rejection affirmed.

I am entirely satisfied that the case was properly determined.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 16, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill, with the veto message, be referred to the Committee on Pensions.

The motion was agreed to.

AMANDA F. DECK—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 470, entitled "An act granting a pension to Amanda F. Deck."

The husband of this beneficiary was pensioned for a gunshot wound in his right shoulder, which he received in 1864 in a battle with Indians.

The report of the committee to which the bill was referred states nothing concerning the death of the soldier, and gives no information as to the date or cause of the same; and the recommendation that a pension should be given the widow is based upon the service and injury of the soldier and the circumstances of the beneficiary.

No claim was filed in the Pension Bureau on behalf of the widow. This, perhaps, is accounted for by the fact that information is lodged in that bureau to the effect that the deceased soldier died on the 21st day of September, 1883, "from a pistol ball fired by Luther Cultor."

If he was killed in a personal encounter, as the report of his death would seem to indicate, I am unable to see how his death can be in any way attributed to his military service, or his widow be justly pensioned therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 16, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill, with the veto message, be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by Mr. WILSON, of Iowa, to the sundry civil appropriation bill, reported favorably thereon, and moved its reference to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 308) for the relief of Faran & McLean, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, submitted a report embodying the views of the majority and minority of the committee on the bill (S. 2556) for the relief of Charles B. Newton, heretofore reported.

AMENDMENT TO CLAIMS BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee on Claims, and ordered to be printed.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The PRESIDENT *pro tempore*. The pending amendment offered by the Senator from Nevada [Mr. STEWART] will be read.

The SECRETARY. It is proposed to add as an additional section:

SEC. 3. Any officer or agent of the United States who shall hereafter authorize any laborer under his charge or control to perform for the United States more than eight hours of manual labor in any one day shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500.

Mr. STEWART. I ask leave to offer a modification of the amendment.

Mr. BLAIR. Very well; but I suggest that I am on the floor and that I wish to say something about the bill. I have not taken the floor yet in regard to it, but the floor has been appropriated by others.

Mr. STEWART. I ask leave to modify the amendment by substituting what I send to the Chair.

The PRESIDENT *pro tempore*. The proposed modification of the amendment of the Senator from Nevada will be read.

The Secretary read as follows:

It shall be unlawful for any officer or agent of the United States to make any contract or arrangement whereby any laborer, workman, artisan, or mechanic shall perform more than eight hours' labor in any one day, or shall receive for his services performed in any one day more than the wages for one day's labor, except as herein otherwise provided; nor shall there be any deduction from the amount of the wages of any laborer, workman, artisan, or mechanic by reason of the limitation to eight hours' work. Whenever the laborers, workmen, artisans, or mechanics in the employ of the United States are unable to perform the labor required, working eight hours per day, other persons shall be employed to perform such extra or additional work: *Provided*, That in case of emergency where the laborers, workmen, artisans, or mechanics engaged on any particular work or undertaking are unable to perform the necessary labor in eight hours to meet the necessities of the case, and other persons can not be procured to perform such extra labor and to meet such emergency, a special contract may be made with the laborers, workmen, artisans, or mechanics engaged on such work to perform additional hours of labor and to receive a corresponding additional compensation. Any officer or agent of the United States who shall willfully violate the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding $500.

Mr. BLAIR. Mr. President, this bill has been pending before Congress for some six or eight years at least, and in provision substantially the same for a still longer period. It grows out of the fact that in the year 1868 Congress enacted a law in these words:

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.

That is section 3738 of the Revised Statutes.

After the enactment of this law by Congress great difficulty was found in its practical enforcement, so that those classes of our fellow-citizens in the employ of the Government were required to labor, in a great many instances, in nearly all the Departments, for a longer period than that which was prescribed by law.

The discussions which preceded the passing of the law, in which some of the Senators now present participated, as well as amendments offered to modify its form, demonstrated that the sense in which the law was understood by Congress at the time of its passage was that for eight hours' labor performed by parties in the employ of the Government in these capacities they were to receive the same compensation as was paid to parties outside the employ of the Government in the same vicinity; that is to say, the same compensation that parties in private employ received for a full day's work, whether it was eight, ten, twelve, or fifteen hours, regardless of its length; and that no diminution was to be made to the laborer, workman, or mechanic in the employ of the United States by reason of the fact that he labored for a shorter period of time than the hours constituting a day's labor in private employ.

As I said before, there was great difficulty found in the practical enforcement of the act. I should say that immediately after the passage of the act a proclamation was issued by the then President, Johnson, on the request of the Senate by a resolution unanimously passed, so that employers in behalf of the Government of the United States in all parts of the country understood the provisions of the law. Therefore any violation of it was and must be held to have been intentional on the part of the subagents of the United States, although the highest authority of the United States had taken pains to make proclamation to the whole country of the existence of the law; and the debate showed, if there was nothing else that could show it, and the language itself showed distinctly its meaning.

Time passed on, and the year following, in the month of May, 1869, President Grant, then being in the executive chair and his attention being called to the violation of the law, issued his proclamation requiring its observance, and it was better observed. In some of the Departments it was faithfully observed throughout the entire administration of General Grant.

But even his efforts were not completely successful during his entire administration in securing the observance of the law; and in the year 1872 there was an act of Congress passed growing out of its violation. By that act the Secretary of the Treasury was directed to pay whatever arrearages existed between the passage of the law and the date of President Grant's proclamation, which it has been estimated amounted to some $300,000 or $400,000; but since the passage of that law only a small amount of the actual dues has as yet been paid; it is stated at some $22,000 to $25,000 of the $300,000 or over which was supposed to be actually due in the way of these excesses, during the period that I have mentioned, which was a trifle less than a year. There have been other payments, so that I understand from the statement of the Senator from Massachusetts [Mr. DAWES], which he alluded to here the other day, but which I have not seen as yet, that some $600,000 or $700,000 have been paid from time to time on account of the excess of labor during General Grant's administration and the latter portion of that of President Johnson.

There have been from time to time Executive proclamations, efforts made by the Cabinet officers to secure the observance of this law, but during the entire period of President Hayes's administration and a large

part of the administration of General Garfield and of President Arthur, the law was violated. From 1877 to 1883, inclusive, for nearly eight years' time, the law was violated one-half of each year. This was almost entirely true of the Navy Department. It was to some extent true of the War Department. I do not understand that it was to any great extent true of the Interior or the Post-Office Departments, but there may be some arrearages in both Departments. As I said, during this period of eight years, for one half the year, that is, in the warm season, the employés of the United States in the Departments of War and Navy were compelled to labor ten hours for six months in each year instead of eight hours which the law required, and for those ten hours, labor they received precisely the same compensation as for eight hours' work.

This bill, making provision for the enforcement of the eight-hour law, and for the payment of these arrearages, has been acted upon by committees in both Houses of Congress for three Congresses in succession. Every time, upon full investigation, there has been a favorable and in many instances a unanimous report in favor of the bill. Yet it has never come up for discussion until the present time in either House of Congress, or at all events, if discussed, there has never been formal action taken by either House.

I shall not consume the time of the Senate in showing the construction which has been placed upon the law from time to time by executive officers and by the proclamations of Presidents. I will, however, take occasion to say that Secretary Chandler enforced the law, that Secretary Whitney has enforced the law, and that the present President, President Cleveland, in a declaration which is incorporated in one of the reports, states that he considers the true intent and meaning of the law to be that for eight hours the Government employés shall receive the same compensation as any private employé in the same vicinity is paid for a day's work of any length whatever; that he is unaware of any violation of his construction of the law under the present Administration, and if there be such violations and they are brought to his knowledge they shall cease, and that the law shall be enforced.

I shall take the liberty, with the consent of the Senate, after reading a small portion of the report of your committee, which states a few of the strongest points as it occurred to the committee in favor of the bill, to incorporate the report itself as a whole in the RECORD, because this is a very important bill and there are many points concerned that, I think, should be accessible to the Senate, and to the future, it may be, as well. The committee in making their report say:

The Committee on Education and Labor to whom was referred the bill (S. 1853)—

And for which the pending bill is reported as a substitute—

providing for the adjustment of the accounts of laborers and mechanics arising under the eight-hour law, having considered the same, report a bill back favorably with an amendment, to wit.

That amendment has been stricken out on motion of the Senator from Missouri [Mr. COCKRELL], and I am very glad of it. It was only placed there in order to meet an objection of an opponent of the bill, and when we were able to avoid it I was very glad to see it thus disposed of. I ask that the entire report be printed.

The PRESIDENT *pro tempore*. Is there objection to the request? The Chair hears none.

The report is as follows:

The Committee on Education and Labor, to whom was referred the bill (S. 1853) providing for the adjustment of accounts of laborers and mechanics arising under the eight-hour law, having considered the same, report the bill back favorably with an amendment, to wit:

Amend by striking out in the second section, from and after the word "limitation," in the ninth line, down to and including the word "act," in the eleventh line, and as amended recommend its passage.

The eight-hour law was enacted on the 25th day of June, 1868, and is in the following words:

"Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States." (Section 3738, Revised Statutes.)

Great difficulty has been found in securing compliance with this statute on the part of some of the executive officers of the Government, and in the War and Navy Departments especially claims have from time to time arisen on the part of wage-workers employed by the Government for labor rendered in excess of the daily eight hours which by law constituted a full day's work.

Some of these claims have been paid, while others remain outstanding, and from time to time they are pressed for payment.

The object of this bill is to refer the whole matter to the Court of Claims for adjudication upon the basis that eight hours constitute a day's work, and that each eight hours' labor performed shall entitle the worker to receive pay for a full day's work.

It seems to a majority of your committee that the real question involved is whether the supremacy of the law shall be maintained and its manifest intent carried out by the subordinate officers charged with its execution. But it is proper to say that in many instances the excess of labor was performed with knowledge of the law, and the question has been raised whether the acceptance of the opportunity to labor for a longer period than eight hours and the reception of the ordinary pay for a day's work does not constitute a payment in full for all the labor performed, including the excess of the eight hours required by law.

The claimants allege that the excess of labor was performed under compulsion, and that they at the time protested, and have from time to time demanded of the departments concerned and of the Congress compensation for the excess of work exacted from them under threat of deprivation of any employment whatever, which, to them and their families was, in effect, deprivation of the necessaries of life, since only with work could they avoid starvation.

This subject has been before Congress a long time with favorable action by both Houses, and your committee insert, as a part of this, the report of the committee in favor of these claims made in the last Congress, which recites most of the legislation and the substantial facts pertinent to the subject.

[Senate Report No. 450, Forty-ninth Congress, first session.]

The Committee on Education and Labor, to whom were referred sundry petitions and memorials of workmen, laborers, and mechanics, of Philadelphia, New York, and Brooklyn, also the bill (S. 1884) relating to the eight-hour law, beg leave respectfully to report:

On the 25th day of June, 1868, Congress passed an act, commonly known as the eight-hour law, fixing the number of hours which should thereafter constitute a day's work for certain classes of Government employés.

The act is in the following words:

"Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States." (See 15 Statutes at Large, page 77, now Revised Statutes, section 3738.

Your committee have made careful investigation into the conduct of the officers of the Government who have had charge of the employment of the men who are entitled to the benefits intended to be conferred by the passage of this act, from its passage to the present time, and find that from the beginning the law has been, by many of the officers of the Government, disregarded, evaded, and violated. As early as the beginning of the year 1869 complaint was made to the President of the United States that the law was not enforced or regarded by the officers of the Government having charge of the employment of these men. These complaints called forth from the President, on the 19th day of May, 1869, the following proclamation:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States and repealed all acts and parts of acts inconsistent therewith;

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such workmen, laborers, and mechanics on account of the reduction of the hours of labor.

"In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington, this 19th day of May, in the year of our Lord 1869, and of the Independence of the United States the ninety-third.

"U. S. GRANT.

"By the President:

"HAMILTON FISH,

"*Secretary of State.*"

This, however, had little or no effect, and the matter went on with little or no attention being paid to the law, the men either being required to work ten hours to earn their daily wages, or suffer a reduction of wages to correspond with the reduction of the hours of labor, until May, 1872, when the President issued a second proclamation, calling attention to the first, forbidding any reduction of wages in consequence of the reduction of the hours of labor. The proclamation is in the following words:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and

"Whereas on the 19th of May, 1869, by Executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and

"Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such workmen, laborers, and mechanics:

"Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor." (U. S. Stat. at Large, vol. 17, page 955.)

Meantime petitions and memorials had been sent to Congress praying for relief and for the enforcement of the law, and on the 18th day of May, 1872, Congress passed an act requiring the accounting officers of the Treasury to settle with and pay to their employés all sums withheld from them by reason of the reduction of the wages in consequence of the reduction of the hours of labor for the time intervening between the passage of the act constituting eight hours a day's work and the 19th of May, 1869, the date of the President's first proclamation, which act is in the following language:

"SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Under this act many of the parties were paid, while a considerable number of the claims for the above-named period, which were filed with the accounting officers, were not paid, but still remain on file in the Department. Your committee find that notwithstanding that the Executive had, in the two instances above cited, by his proclamation declared what the spirit and intent of the law was, and the further fact that Congress had by the act above referred to given a legislative construction to the act, still many of the officers of the Government whose duty it was to execute the law adopted various measures to avoid it, and to get from the men in the employ of the Government, under their control, ten hours' work for each calendar day. One of these means was to require these men to enter into special contracts to work ten hours per day; another was to employ them by the hour, and still another was, in cases where it was practicable, to have the work done by the piece.

Another was what is known as the 15 per cent. contracts, under which nearly all the granite for the various public buildings throughout the United States was cut. Under these contracts the men were employed by the day, under the control and superintendence of the Government, and paid on Government pay-rolls, and the contractors were paid 15 per cent. on the cost of cutting the stone. The men employed on this work claimed that it was Government work, and that they were employed on behalf of the Government, and entitled to the benefit of the eight-hour law. To settle the question a suit was brought in the Court of Claims, which went to the Supreme Court of the United States, and was decided against the claimant on the ground that there was no privity between the claimant and the Government; that the contractor was alone responsible to the claimant for his wages. This was the case of Driscoll *vs.* The United States, reported in 6th Otto, page 424.

The only other case decided by the Supreme Court under this law is that of Martin *vs.* The United States, reported in 4 Otto, page 400. In this case the claimant was at work under a special contract to work twelve hours per day from the 1st of October to the 1st of June for $2.50 per day, and ten hours per day from the 1st of June to the 1st of October at $2.25 per day. The court held that the act of June 25, 1868, constituting a day's work, was a direction by Congress to

the officers and agents of the Government, prescribing the length of time which should constitute a day where no special agreement was made on the subject, but as claimant had made a special agreement he must be bound by it. These embrace all the decisions of the Supreme Court under this law, and it will readily be seen that neither of them affects the rights of the claimants included in this bill.

None of these measures for evading the law, however, were uniformly adopted, nor was the law uniformly ignored. In some Departments the law was enforced, and notably so under the administration of President Grant, in many if not all of the navy-yards and arsenals, and also on the new State, War, and Navy building here in Washington the men were only required to work eight hours to earn their daily wages. But under the administration of President Hayes the law was practically ignored, and the men were required to work ten hours to earn the same pay that they had received under the administration of President Grant for eight hours' work.

Thus the matter has run on until the present time, some Departments ignoring the law and others enforcing it. The result, therefore, is that the Government has been requiring of a portion of its employés, laborers, workmen, and mechanics ten hours' work to earn the same amount of money that it has paid to others of the same class of labor for eight hours' work. This, your committee think, is an unfair and unjust discrimination which should not have been made. Whatever construction may be put upon the law, certainly no one will claim that it justifies such a discrimination. These men are either entitled to a full price of a day's work for eight hours' labor or they are not. If the act contemplated a reduction of the wages of labor to correspond with the reduction of the hours of labor, those who have been paid the full price of a day's work for eight hours of labor have been overpaid if such was not the intention of Congress in passing the act; if not, then the Government honestly owes these men for the difference between the value of eight and the value of ten hours' work, to be determined by the standard adopted by the Government in fixing the rate of wages paid to its employés of the class hereinbefore named.

In determining the question as to whether, under the act of June 25, 1868, these men are entitled to a full day's pay for eight hours' work, we have recourse not only to the proclamations of the President of the United States above quoted and the act of May 18, 1872, directly requiring the accounting officers of the Government to give the law this construction, but we are further enlightened by the debates in the Senate upon this act when the bill was before the Senate (page 3424, volume 68, Globe, second session Fortieth Congress). During this debate Mr. SHERMAN, of Ohio, offered an amendment to the effect that the wages should be reduced to correspond with the reduction of the hours of labor. This debate was participated in by Senators Morton, Wilson, Thurman, STEWART, and others. We quote from the remarks made by Senator Morton, as follows:

"Mr. MORTON. * * * As I understand the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of the bill.

"Mr. CONNESS. Of course it does.

"Mr. MORTON. It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages, because the time for labor is shortened that much."

The amendment was rejected by a vote of 21 to 16. We also quote from the debates in the Senate on the adoption of the House resolution, No. 47, which was incorporated in section 2 of the sundry civil bill, passed May 18, 1872, and referred to above (p. 124, vol. 87, Globe, second session Forty-second Congress):

"Mr. MORTON. Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut, as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio, behind me [Mr. SHERMAN], offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority."

Mr. Sumner, on the same resolution:

"It is unquestionably an act of justice; these workmen are out of their money, some of them are dead and are represented by their families, and to them this small allowance is of very great importance. I do not think it is advisable for us to take more time. I think we fairly owe the money, and, therefore, the sooner we pay it the better."

In the light of the legislation upon this subject, your committee have no hesitation in coming to the conclusion that Congress, in passing the act of June 25, 1868, intended to lessen the hours of labor without in any degree reducing the rate of wages, and they are consequently of the opinion that in all cases where the class of employés named in the act have been required to work more than eight hours to earn their daily wages, or where the wages have been reduced on account of the reduction of the hours of labor, the Government is justly indebted to the men for the deficiency.

No appropriation is asked for in this bill; the claimants only ask to be allowed to go to a court of competent jurisdiction, where they can have an opportunity to establish their claims upon the basis that they shall be paid the full price of a day's work for eight hours' labor. And this your committee think but a reasonable request, and ought to be granted, and therefore report the bill back without amendment and recommend that it do pass.

(As to the custom of the Government in fixing the rate of wages and the order and construction of the Secretary of War, and as to the report of committee appointed to investigate the 15 per cent. contracts being made to evade the eight-hour law and extracts from Senate debates, see appenix.)

APPENDIX A.

[Court of Claims. No. 8009. Eight-hour case. James Driscoll *vs.* The United States. Evidence for claimant.]

Deposition of William T. Dewdney, for plaintiff, taken in Washington, D. C., on the 3d day of March, 1877.

Q. 1. State your name, age, occupation, your place of residence the past year; and whether you have any, and, if any, what, interest, direct or indirect, in the claim which is the subject of inquiry; and whether you are related, and in what degree, to the claimant.

A. W. T. Dewdney; forty-two years; carpenter; No. 1414 Seventeenth street, Washington, D. C.; I have no interest in this claim, and I am not related.

Q. 2. How are you at present employed?

A. I am assistant superintendent of the new War, State, and Navy Department building.

Q. 3. How long have you been so employed?

A. Since June, 1872.

Q. 4. State, if you know, what the Government paid stone-cutters and granite-cutters on the work here in Washington during the years 1871 and 1872.

A. In 1872 we paid granite-cutters $4.50 per day for eight hours' work.

Q. 5. Did the Government observe the eight-hour law here in Washington?

A. They did.

Q. 6. By what rule, if any, did the Government establish the scale of prices paid for labor?

A. The price paid to the mechanics and laborers employed on the Government building is established by the market price paid by parties outside.

Q. 7. Do you mean to be understood that the Government pays the same price for eight hours' labor that private parties pay for ten? If not, state what you mean to be understood by it.

(Objected to as leading.)

A. I mean that they do pay the same.

Q. 8. Do you know of any other matter relative to the claim in question? If you do, state it.

A. I do not.

WM. T. DEWDNEY.

Subscribed and sworn to before me this 3d day of March, 1877.

[SEAL.] JNO. W. FRAZEE,
United States Commissioner, District of Columbia.

APPENDIX B.

EIGHT-HOUR LAW—SECRETARY LINCOLN'S LETTER OF INSTRUCTION THAT IT SHOULD BE ENFORCED.

Inquiry having been made at the War Department as to the truth of the repeated allegations that the eight-hour law has been disregarded by the Department, it is learned from the Acting Secretary of War, General Benét, that the charge was unfounded, as is shown by the following copy of a letter of instructions sent to him as Chief of Ordnance by Secretrry Lincoln:

WAR DEPARTMENT,
Washington City, December 26, 1883.

SIR: I transmit herewith separate petitions purporting to be signed by employés of the arsenal at Benicia, the arsenal at Rock Island, and the arsenal at Frankford, representing that the provisions of the "eight-hour law" (section 3733 of the Revised Statutes) are not complied with at those arsenals, and praying that they be enforced. The law referred to does not prohibit Government officers, for good reasons based on the peculiar character of the duty of the employé or upon the exigency of the public service, from making the agreement with an employé of the character named in the act, that he shall render his services for an agreed price during more or less than eight hours in a day, and it may be that some or all of the petitioners are employed under such an engagement. It is, however, my opinion that in the absence of a public exigency the continuance of active work at Government manufacturing establishments for more than eight hours a day is in violation of the intent of the statute, and you will please to instruct the commanding officers of the above-named arsenals accordingly.

I have the honor to be, very respectfully, your obedient servant,
ROBERT T. LINCOLN, *Secretary of War.*

To the CHIEF OF ORDNANCE.

APPENDIX C.

[House Report No. 93, second session Forty-second Congress, Seneca Sandstone Investigation, page 4.]

That by employing stone-cutters through contractor ten hours' labor are obtained per day instead of eight, a saving of 20 per cent., which more than covers on his contract the 15 per cent. allowed the contractor.

APPENDIX D.

[Senate, June 24, 1868. Globe, page 3424, volume 68, second session Fortieth Congress, 1868.]

First. SHERMAN'S amendment to H. R. bill to regulate hours of labor.
Second. Speech of Senator Conness.
Third. Speech of Senator SHERMAN.
Fourth. Speech of Senator Hendricks.
Fifth. Speech of Senator Morton, page 3425.
Sixth. Speech of Senator STEWART, page 3425.
Seventh. Speech of Senator BUCKALEW, page 3427.
Eighth. Rejection of SHERMAN'S amendment, page 3429. For amendment, 16; against, 21.
Ninth. Passage of bill without amendment. Yeas, 26; nays, 11.
Tenth. SHERMAN'S suggestion to change title of bill "to give Government employés 25 per cent. more wages than employés in private establishments receive. (Senate, Forty-second Congress, Globe, volume 87, page 122.)
Senator Wilson's explanation of violation of law of 1868.
Perry and Thurman, page 123.
Morton, 124.
Sumner, 124.

Extracts from speeches delivered in the Senate of the United States June 24, 1868, on H. R. bill No. 365, constituting eight hours a day's work for Government employés.

Senator CONNESS. Now, sir, I move to take up for consideration House bill No. 365 (page 3424, volume 68, Globe, second session Fortieth Congress).

* * * * * * *

Senator SHERMAN. I wish to offer an amendment:

"And unless otherwise provided by law, the rate of wages paid by the United States shall be the current rate for the same labor for the same time at the place of employment" (page 3424, volume 68, Globe, second session Fortieth Congress). * * *

Senator CONNESS. I hope this amendment will not be adopted. The passage of the bill with this amendment would amount to nothing. * * * It would simply be a reduction of two hours' labor. * * *

[SHERMAN'S speech on his amendment.]

All I desire is if the United States Government chooses to take the lead in making eight hours a day's work, that it shall not be compelled to pay for that eight hours' work more than any private individual would pay.

I have no objection to the bill (with this amendment), for then the same amount of work done for the United States will bear the same price as if done for an individual, no more and no less.

[Mr. Morton in reply.]

Mr. President, as I understand the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of this bill.

Mr. CONNESS. Of course it does.

Mr. MORTON. It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages, because the time for labor is shortened that much.

Upon the question that this law is to be an experiment to determine whether as much work would be performed in eight hours as in ten Mr. Morton said: "It can not be settled and the experiment can not be made if the wages in the very beginning are reduced 20 per cent., which would be the practical effect of the amendment of the Senator from Ohio, because, as I understand his amendment, it proposes that the wages shall be reduced as the hours are in point of time."

[Remarks of Senator STEWART.]

The amendment of the Senator from Ohio certainly on no theory would be right, and I think on a moment's reflection the Senator himself will see that, because I believe that it is admitted on all hands that men will do more work

per hour if they work eight hours than they will if they work ten hours a day. If not admitted, I think it is a self-evident proposition. I think it is one of those axioms that require very little demonstration. I say a man will do more per hour who is only required to work eight hours per day than will a man who is required to work ten hours. The less number of hours a man works, the more he can do in the hours that he does work. That, I believe, will be taken as true. This being so, it would not be fair to say that when we reduce the number of hours of work from ten hours to eight hours per day, the wages shall be reduced pro rata. Certainly, if a man only works a single hour a day, he can do more in that hour—make greater exertions—than if he had to work every hour of the day. So to adjust the wages pro rata according to the number of hours would not be fair.

[Remarks of Mr. Wilson.]

In this matter of manual labor I look only to the rights and interests of labor. In this country and in this age, as in other countries and in other ages, capital needs no champion. It will take care of itself, and will secure, if not the lion's share, at least its full share of profits in all departments of industry. * * * Whatever tends to dignify manual labor or to lighten its burdens, to increase its rewards or enlarge its knowledge, should receive our sympathies and command our support. Animated by these sentiments, I shall vote against the amendment and for the bill as it came from the representatives of the people.

[Senator BUCKALEW on the Sherman amendment.]

The operation of his (SHERMAN'S) amendment, therefore, when it comes to be applied practically, may be found to nullify the proposed law, or to embarrass the Government in the transaction of public business. * * *

Upon these considerations, in my judgment, it is perfectly clear that if we pass this bill at all we ought not to incumber and embarrass it with the amendment of the Senator from Ohio.

[Actions had upon the bill.]

Amendment rejected. (See Congressional Globe, volume 68, June 24, 1868, pages 3424 and 3429, inclusive.)

The bill passed the Senate as it came from the House—yeas 26, nays 11.

On July 1, 1868, five days after the passage of the bill in the Senate, Mr. Conness submitted the following resolution in the Senate, which was unanimously adopted, to wit:

Resolved, That the President be requested to direct the heads of the several Departments of the Government to promulgate the law limiting the hours of labor recently enacted, with such regulations as will lead to an immediate compliance with the law.

[Extracts from the debates in the Senate on the question of the adoption of House resolution No. 47, which was incorporated in section 2 of the sundry civil bill, passed on the 18th of May, 1872. See volume 87, Congressional Globe, second session Forty-second Congress, page 124. See section 2, page 2, report.]

[Remarks of Mr. Morton.]

Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio sitting behind me [Mr. SHERMAN] offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work, or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority.

[Mr. Sumner on the same resolution.]

It is unquestionably an act of justice. These workmen are out of their money. Some of them are dead, and are represented by their families, and to them this small allowance is of very great importance. I do not think it advisable for us to take more time; I think we fairly owe the money, and therefore the sooner we pay it the better.

HOUSE.

[Remarks of Mr. Robeson.]

Mr. Speaker, I favor this law because it is only the enforcement of a statute which is written upon the statute-book of this country, and has been there for many years, and which, when it was passed with a full understanding of all its scope and meaning, and was a full notice to the country and all the Departments of the Government, and to everybody that was employed under it; therefore, sir, I am in favor, as long as it stands upon the statute-book, of executing it by all the powers of the Government.

[Remarks of Mr. Wright, of Pennsylvania.]

I did not introduce this bill, but I am its advocate, and I will stand by it from the beginning to the end, according to the law. In plain language, the law is written in these words:

"Eight hours shall constitute a day's work by all laborers, workmen, and mechanics who may be employed by or in behalf of the Government of the United States."

Is there any difficulty in putting a construction upon that language? It is written as plainly as the English language can express an idea, and it does me good when the ex-Secretary of the Navy rises in his place on this floor and states that while he had charge of that Department he carried out the law. Ordinarily we do not give men credit for carrying out the law, but here there has been an attempt to evade the law, and it has been wantonly done. Gentlemen must not tell me that the Supreme Court have decided that this law does not mean eight hours for a day's work.

All that the court has said is that a man who does the labor may take a special contract and is bound by it; that is what the court has decided. With regard to the character of this law, if it be not the law of the land, strike it from your statute-book, but do not evade it, do not attempt to get around it because it favors a class of men who have not the means to defend themselves in courts of justice or have not the money to come here and lobby this House for the purpose of protecting their own rights. Let the law stand or let the law be repealed. It has been here for a period of some twelve years, for I think the law was passed in 1868. It has been regarded as almost a dead letter upon the statute-book. I tell you that a construction against labor and laboring men in the manner in which this thing is done is wrong, and I tell you so before God and in the sight of all men that the law should be carried out and enforced.

[References.]

(See also Wright, Phillips, Page, and Willis—pages 4542 to 4547, inclusive.)

Passed under suspension of the rules on the 14th of June, 1880, by yeas 130, nays 51.

(Extracts from the speech of Mr. TILLMAN, of South Carolina, on the eight-hour bill, in second session Forty-sixth Congress, Congressional Globe, volume 44, pages 4542 and 4543. See also Appendix.)

[Resolution as follows.]

Resolved, That according to the true intent and meaning of section 3733 of the Revised Statutes, all laborers, workmen, and mechanics employed by or on behalf of the Government shall hereafter receive a full day's pay for eight hours' work; and all heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as herein interpreted.

Your committee, in view of the importance of this bill, insert the following additional matter:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners respectfully represent that they are laborers, workmen, and mechanics who now are or who have been employed by or on behalf of the Government of the United States subsequent to the 25th day of June, 1868, the date of the act constituting eight hours a day's work; that from the 1st of July, 1877, to December, 1883, they were compelled in all the navy-yards in the United States to work ten hours to earn their daily wages, or to earn what they were paid up to and since that time for eight hours' labor, or submit to a reduction of 25 per cent. in their wages. This we regard as a direct violation of the eight-hour law above referred to, and in direct conflict with the construction put upon the law by the United States Senate at the time of the passage of the law; also with the two several proclamations of President Grant, which were in the following words:

"Whereas the act of Congress approved June 25, 1868, constituted on and after that day eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

"Now therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor." (16 Statutes at Large, 1127.)

"Whereas the act of Congress approved June 25, 1868, constituted on and after that day eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and

"Whereas on the 19th day of May, in the year 1869, by executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor; and

"Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all the officers of the Government having charge of such laborers, workmen, and mechanics:

"Now therefore I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor." (17 Statutes at Large, 955.)

It is also in direct conflict with the act of 18th May, 1872, which is in the following words:

"That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated." (17 Statutes at Large, 134.)

As well as the joint resolution of the House of Representatives, as follows:

"[In the Senate of the United States,' May 10, 1878. Read twice and referred to the Committee on Education and Labor. Joint resolution to provide for the enforcement of the eight-hour law.]

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That according to the true intent and meaning of the act of Congress approved June 25, 1868, entitled 'An act constituting eight hours a legal day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States,' eight hours constitute a day's work for all such laborers, workmen, and mechanics; and while said act remains upon the statute-book no reduction shall be made in the wages paid by the Government, by the day, to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and that all heads of departments, officers, and agents of the Government are hereby directed to enforce said law as long as the same is unrepealed.

"Passed the House of Representatives May 9, 1878.

"Attest: GEO. M. ADAMS, *Clerk*."

We, your humble petitioners, further respectfully represent that we feel that a great injury has been done us in requiring us to perform one-quarter more work in a calendar day than the law of the land required. We feel that we have been deprived of one-fourth of our wages by the action of the officers of the Government whose duty it was to enforce and obey the law in its letter and spirit, and we come to your honorable body as the only tribunal to which we have access, feeling that your honorable body will grant us simple justice. We do not ask a gratuity; we only ask what is honestly and justly our due, and which is now being withheld from us, as we think and fully believe, in violation of a solemn act of Congress which was intended for our benefit.

If we were to have all that the law allows us it would be but a pittance, and scarcely sufficient to enable us to provide the bare necessities of life for our families; and to deprive us of any part of it, while it would not be felt by those in affluent circumstances, is a serious matter to us. We could not refuse to work; that was to starve; and we preferred to take what we could get, render faithful performance of our services, and trust to your honorable body to do us justice in the future. We therefore do humbly but most earnestly pray that your honorable body will allow us the privilege of presenting our several claims to a competent tribunal to be adjudicated upon the basis that the full price of a day's work shall be paid for eight hours' labor, or that your honorable body will grant as such other relief as in the opinion of your honorable body will secure to your petitioners substantial justice in the premises; and your petitioners, as in duty bound, will ever pray.

EXHIBIT A I.

Report of men hired.

ROCK ISLAND ARSENAL.

——, ——, 188—.

To comply with the requirements of General Orders No. 53, Adjutant-General's Office, Washington, D. C., June 1, 1877, a day's work at this arsenal, when the length of the day will permit, is made to consist of ten hours; but to conform more strictly to the ruling custom in this vicinity as is required by law, one half hour of this time is allowed to the workmen for the longer walk to their work than is necessary in the cities, making the hours of labor 9½ hours per day. In winter, when the hours of daylight will not permit 9½ hours of labor, the number of hours fixed by orders from time to time will constitute a full day's work.

When a workman is employed only a part of a day he will be allowed for such part of a day's work the number of hours he works divided by the number of hours that constitute a day's work at the time. Special workmen, such as foreman, guards, firemen, shop attendants, etc., whose duties require their

presence more hours than other workmen, will be allowed only one day's labor for the full number of hours of service required of them in each twenty-four hours, and their wages shall be fixed accordingly. We, the undersigned, agree to the above.

Signature.	Name.	For what purpose.	Wages.

Respectfully submitted.

——— ———, *Foreman.*

Forwarded approved.

——— ———, ——— ——— *in charge.*

Approved.

——— ———, ——— ——— *Commanding.*

STATE OF ILLINOIS, *Rock Island County, ss:*

Personally appeared before me, a clerk of the county court in and for the county of Rock Island and State of Illinois aforesaid, Patrick J. Carey, who, being duly sworn, upon his oath doth say that he was employed at the United States arsenal at Rock Island, Ill., during the seven years from A. D. 1877 to A. D. 1884; that he as well as other employés at the said arsenal were required to sign the contract, a copy of which is hereto attached and marked Exhibit A, or get no employment at said arsenal; that he did, with other employés, sign the said contract under protest, knowing at the time of signing the same as aforesaid that eight hours were a legal day's work in Government employ, and that William Channon, a foreman at said arsenal, gave notice to the affiant, as well as other employés, that his instructions were to retain none of the employés that would not sign the aforesaid contract, and that any refusing so to do would be immediately discharged from the Government employ, and that he did sign the aforesaid contract under protest and continued to work at said arsenal under said contract until the night of April 2, A. D. 1884, believing that the United States Congress would give the benefit of the eight-hour law out of which he and the other employés were wronged.

That he has heretofore joined with other employés, and forwarded to the honorable Secretary of War, in a protest against the action of Col. D. W. Flagler, commandant at said Rock Island arsenal.

And further than this deponent saith not.

PATRICK J. CARY.

Subscribed and sworn to before me this 8th day of February, A. D. 1887.
[SEAL.] RICHARD A. DONALDSON,
Clerk County Court.

EXHIBIT A 2.

Report of men hired.

ROCK ISLAND ARSENAL.

———, ———, 188—.

To comply with the requirements of General Orders No. 53, Adjutant-General's Office, Washington, D. C., June 1, 1877, a day's work at this arsenal, when the length of the day will permit, is made to consist of ten hours; but to conform more strictly to the ruling custom in this vicinity, as is required by law, one-half hour of this time is allowed to the workmen for the longer walk to their work than is necessary in the cities, making the hours of labor nine and one-half hours per day. In the winter, when the hours of daylight will not permit nine and one-half hours of labor, the number of hours fixed by orders from time to time will constitute a full day's work. When a workman is employed only a part of a day, he will be allowed for such part of a day's work the number of hours he works divided by the number of hours that constitute a day's work at the time. Special workmen, such as foreman, guards, firemen, shop attendants, etc., whose duties require their presence more hours than other workmen, will be allowed only one day's labor for the full number of hours of service required of them in each twenty-four hours, and their wages will be fixed accordingly. We, the undersigned, agree to the above.

Signature.	Name.	For what purpose.	Wages.

Respectfully submitted.

——— ———, *Foreman.*

Forwarded approved.

——— ———, ———, *In charge.*

Approved.

——— ———, ———, *Commanding.*

STATE OF ILLINOIS, *Rock Island County, ss:*

Personally appeared before me, a clerk of the county and State aforesaid, Robert Bennett, who, being duly sworn upon his oath, does say that he was employed at the United States arsenal at Rock Island, Ill., during the years from A. D. 1877 to A. D. 1884, as well as other employés at the said arsenal, have been required to sign the contract (a copy of which is hereto attached and marked exhibit A) or get no employment at said arsenal; that said deponent, as well as other employés, did protest against signing the said contract, well knowing that eight hours were a legal day's work in Government employ; and that Robert McFarlane, foreman at said arsenal, gave notice to deponent, as well as other employés, that his instructions were that we, the said employés of said arsenal, must sign the said contract or leave the Government employ at once; and that deponent, as well as other employés, did sign the said contract, under protest, and did continue to work at said arsenal, under said contract, until the night of April 2, A. D. 1884, believing that the United States Congress would give the benefit of the eight-hour law, of which we were wronged out of; and, further, deponent says that he was elected one of a committee to visit Col. D. W. Flagler, commander of said arsenal, to protest against the violation of the eight-hour law, which duty he did perform, and was sent to Washington, D. C., in April, A. D. 1884, a delegate bv the employés of said arsenal, and there presented the grievance of said employés of the violation of the eight-hour law before the Committee of the House on Labor; also presented the same to the Hon. Senator BLAIR, of the Committee on Education and Labor of the Senate, and there endeavored to secure the wages which we are entitled to receive for work performed; and further, that deponent, as well as other employés, did forward a protest against the action of Col. D. W. Flagler, of said arsenal, to the honorable Secretary of War.

ROBERT BENNETT.

Subscribed and sworn to before me this 8th day of February, A. D. 1888.
[SEAL.] RICHARD A. DONALDSON,
Clerk County Court.

EXHIBIT B.

PHILADELPHIA, PA., *February* 7, 1888.

To all whom it may concern:

This is to certify that at a meeting of the employés of the League Island navy-yard held at Philadelphia, on February 22, 1878, I was duly elected as their representative to proceed to Washington for the purpose of getting Congress to pass a law to enforce the "eight-hour law," which had been violated by the honorable Secretary of the Navy, at that time, and also to claim extra compensation for the two hours worked per day in violation of the eight-hour law.

At that time the Boston, New York, Washington, and Norfolk navy-yards sent representatives to work in conjunction with myself. By proxy I was authorized to act for the employés of the Kittery and Mare Island (California) navy-yards, also Frankford arsenal, Philadelphia, and the arsenal at Rock Island, Ill., and finally was authorized to represent all the navy-yards.

I would state this committee worked at every session of Congress during the following three years, without obtaining the legislation that they asked for, when all but myself became disheartened and came to the conclusion that Congress passed the eight-hour law for the benefit of Government employés, but would do nothing to make the heads of Departments of the Government enforce the law after they had violated it.

Finding that Congress would take no action in regard to the enforcement of the law, after a three years' trial, I brought the matter to the attention of Presidents Garfield and Arthur and their Secretaries of the Army and Navy, and the great help that I received from Hon. A. C. HARMER, after working for two years more, succeeded in getting ex-Secretary of the Navy William E. Chandler to enforce the law, which was done on or about March 26, 1883; about ten months afterward succeeded in getting ex-Secretary of War Robert E. Lincoln to enforce the law. During all this time I, as the representative of these employés, protested against the violation of the law, and claimed compensation for the extra hours worked in excess of eight hours per day. I would state that at the navy-yards during the violation of the law the employés were compelled to work six months in the year eight hours per day and six months ten hours per day, and were paid the same rate of wages for eight hours' work per day as they received for ten hours' work per day, and at the navy-yards the employés signed no contracts; they had to work according to orders received or be discharged.

I was informed at the arsenals by the employés that they worked ten hours per day the whole year, during the violation of the law, and were compelled to sign contracts by the officers in charge or be forthwith discharged.

When elected to represent the Government employés I was rated as a laborer on the rolls at navy-yard, League Island, Philadelphia, Pa. Hon. HENRY W. BLAIR, United States Senator, ought to remember me well, as I had to appear before the committee several times on this matter; I also requested him to present in 1884 a resolution to pay Government employés for holidays, which was passed and approved January 6, 1885; also at last session of Congress requested him to present a resolution to pay Government employés for Decoration Day, which was passed and approved.

Hon. A. C. HARMER assisted me in the eight-hour business and can vouch for my statement.

JACOB M. DAVIS,
1031 *Frankford Road, Philadelphia, Pa.*

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

Before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, and residing in the city of Philadelphia, personally appeared Jacob M. Davis, who, being duly sworn according to law, did depose and say that the facts set forth in the within statement are true to the best of his knowledge and belief.

JACOB M. DAVIS.

Sworn and subscribed to before me this 7th day of February, A. D. 1888.
[SEAL.] MATHIAS SEDDINGER,
Notary Public.

DISTRICT OF COLUMBIA:

On this 8th day of February, 1888, personally appeared before me, a notary public in and for the aforesaid District, Richard Emmons and Joseph M. Padgett, of Washington, D. C., who, being sworn, state as follows, namely: That they have been employed twenty-seven and thirty years, respectively, in the ordnance department of the Washington navy-yard; that they were employed in that department in the year 1877, when, by an order of the Secretary of the Navy (Thompson) the workmen, mechanics and laborers, employed in said yard were ordered to work ten hours a day to earn their daily wages; that said employés in various ways protested against the enforcement of said order; that affiants, with others, were delegated to present and protest to the Secretary of the Navy and to ask Congress to pass a resolution defining the meaning and intent of the national eight-hour law, which had been passed by Congress June 25, 1868, and which, during most of President Grant's administration, had been enforced; that affiants, with other delegates from the Washington yard, and Jacob M. Davis, of Philadelphia, Pa., who represented the League Island yard and other yards, did present the case by way of protest to the Secretary of the Navy, and also presented the matter to Congress; that the House of Representatives did, in 1878, pass a favorable resolution on the subject, but that during the administration of President Hayes no change of Secretary Thompson's order compelling the said employés to work ten hours was promulgated at this yard, and the men were compelled to work ten hours per day until the order of Secretary Chandler fixing the time of a day's work at eight hours; further affiants saith not.

RICH'D EMMONS. [SEAL.]
JOS. M. PADGETT. [SEAL.]

Sworn to before me on the above date.
[SEAL.] HOWARD O. EMMONS,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

I, Edward H. Rogers, being duly sworn, do depose and say that I am a citizen of the State of Massachusetts, residing in the city of Chelsea in said State; that I am temporarily in the city of Washington, D. C.; that I am a ship-joiner by trade; that I have worked in the navy-yard at Charlestown, Mass., at intervals for twenty-six years now last past; that I am here as the representative of

the workingmen of said navy-yard who have claims for overtime under the eight-hour law.

I further state that on or about March 1, 1878, at Charlestown, in the said State, a meeting of the employés of the Government in said yard was held for the purpose of sending a delegate or representative to Washington to protest to the officers of the Government here against the action of the commandant of the yard in requiring the men to work ten hours per calendar day without increase of pay, when, by the act of June 25, 1868, they were only required to work eight hours for a full day's work, and to take such measures as would secure the enforcement of the eight-hour law.

I further state that I was secretary of that meeting; that Mr. Samuel C. Hunt, of Charlestown, Mass., an employé of the yard, was chosen as a delegate to perform that service; that he proceeded to Washington on or about the 9th day of the same month for that purpose, and worked diligently to that end for nearly three months, and that I assisted in raising some $300 to pay his expenses on that business and maintain his family.

I further state that he, in company with delegates from the other yards, had several interviews with the Secretary of the Navy, but that they were unsuccessful, as the increased hours were continued without corresponding payment during the five summer seasons from 1878 to 1882, inclusive. An interview which the delegation had with President Hayes brought no relief, and they finally turned their efforts towards Congress.

It further appears that a joint resolution declaratory of the intention of Congress concerning the eight-hour law passed the House of Representatives through their action on May 9, 1878. It declared that "eight hours should constitute a day's work," and that "no reduction should be made in the wages on account of the reduction of the hours of labor." Pending its consideration by the Senate, Mr. Hunt returned to his home, the other delegates doing the same, with the exception of Mr. Jacob M. Davis, the delegate from the League Island yard. Mr. Davis remained in Washington as the authorized agent of naval stations and arsenals of the whole country.

EDWARD H. ROGERS.

Subscribed and sworn to before me this 10th day of February, 1888.

[SEAL.] FRANK T. RAWLINGS,
Notary Public.

The following matter was also filed before the committee:

Now as to the amount involved in case this bill should pass. Of course we have no basis upon which we can estimate or base the amount with any positive degree of accuracy. But the act of Congress approved May 8, 1872 (see U. S. Stat. at Large, page 134), provided for the payment of all sums deducted from the pay of laborers, workmen, and mechanics, in consequence of the reduction in the hours of labor from the 25th day of June, 1868, until the 19th of May, 1869, a period of eleven months and twenty days; and, according to the estimate of the Third Auditor of the Treasury, it took about $300,000 to pay the men for that period. (See official letter of that officer to Senator Harvey, of Kansas, dated February 25, 1875, in reply to an inquiry as to the amount involved in the passage of a similar bill to this, then pending in the Senate). Taking this sum as the basis for the period of, say, one year (for it is within ten days of that time), and supposing that about the same number of men were employed by the Government during that year as have been on an average for the period since that time in which these parties claim pay, which is six months in each year from July, 1877, to the 1st of January, 1884, a period aggregating four years (see the order of Secretary Thompson, under President Hayes, dated June 30, 1877), and it would require about $1,200,000.

But according to the statement of the auditor there had been but $22,063.75 paid up to the 25th day of July, 1875, a period of nearly three years after the passage of the act authorizing payment as aforesaid; and the strong probability is that not one-half of that sum has ever been paid out on those claims. From this we may reasonably say that should this bill pass, not half of the claims would be presented within the period named in the bill for presenting these claims. But suppose it takes double or treble that amount, what has the amount to do with it if the claim is a just one? And it must be borne in mind that these claimants are not asking Congress to determine the justness of their claims; they only ask what is almost universally granted to capitalists and corporations, and that is that they may go before a competent tribunal and prove the justness of their claims if they can.

One other matter as to the facts in the case. The eight-hour law was passed on the 25th of June, 1868, but was entirely ignored by the officers of the Government who had charge of the employment of the men named in the act, either by requiring them to work ten hours to earn their daily wages, or submit to a reduction of their wages to correspond with the reduction in the hours of labor if they only worked eight hours per day. This state of things went on until the 19th of May, 1869, when President Grant issued his proclamation prohibiting any reduction of pay in consequence of the reduction of the hours of labor; and still things went on in the same way until 11th of May, 1872, when the President issued a second proclamation calling attention to the first and repeating it. Meantime complaint was made to Congress, petitions were sent in, and bills were introduced with the view of restraining the officers of the Government from violating the law, which finally resulted in the passage of section 2 of the act making appropriations for that current or fiscal year, requiring the accounting officers of the Treasury to resettle with the men, and to pay them all sums which had been withheld from them in consequence of the reduction of the hours of labor between the 25th day of June, 1868, the date of the passage of the eight-hour bill, and the 19th day of May, 1869, the date of the President's first proclamation, a period, as before stated, of about eleven months and twenty days; but this act made no provision for payment of the sums withheld from the date of the President's proclamation to the passage of the act, to wit, from the 19th day of May, 1869, to the 18th of May, 1872. But during this time General Grant enforced the law in the different navy-yards of the United States, so that from the date of his first proclamation to the end of his administration the employés of the navy-yards were only required to work eight hours to earn their daily wages. But on the coming in of the administration of President Hayes, Secretary Thompson, Secretary of the Navy, issued the following order, dated, as will be seen, on the 30th day of June, 1877:

"[General Order, No. 227.]

"NAVY DEPARTMENT, *Washington, June 30, 1877.*

"The following decision of the Supreme Court of the United States is published for the information of the Navy:

* * * * * * * *

"Under this construction of the law regulating public labor, given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

"R. W. THOMPSON,
"*Secretary of the Navy.*"

Thus requiring the superintendents of different navy-yards to employ the men on the basis of ten hours for each day's work, and if the men chose to work two hours less they were to receive less wages. Under this order the men were employed until the 21st of March, 1878, when this order was rescinded or revoked, and the following order was issued:

"[Circular No. 8.]

"NAVY DEPARTMENT, *Washington, March 21, 1878.*

"The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy-yards and shore stations:

"The working hours will be, from March 21 to September 21, form 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The Department will contract for the labor of mechanics, foremen, leadingmen, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

The commandants will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

So that it will be readily seen that under the last-named order the Government hired the men on a basis that eight hours constituted a day's work, and agreed if they worked ten hours per day it would pay them a corresponding increase of wages. Now, the fact is that the men did work ten hours per day until the date of the following order:

[Circular to the yards.]

NAVY DEPARTMENT, *Washington, March 23, 1883.*

The Department confirms its telegram to you of the 20th instant, which was in the following words: "Continue the present eight hours of labor until otherwise ordered."

The hours of labor should be from 8 to 12 m. and from 1 to 5 p. m.

W. E. CHANDLER,
Secretary of the Navy.

And that they have never been paid a single dollar of increase on account of such overwork, and now they ask to go to the Court of Claims and establish their claims. As it has been before stated, those men only worked half of the year under the orders of June 30, 1877, and of March 21, 1878, ten hours a day. They worked from the 21st of September to the 21st of March eight hours per day, and were paid the price of a day's work on the basis named in the order, namely, that of eight hours; but they then worked from the 21st of March to the 21st of September ten hours a day without increase of pay, although the honorable Secretary of the Navy, in the order above named, specifically agreed that they should be paid a corresponding increase whenever they worked ten hours per day. So that it appears that the order of the honorable Secretary was entirely ignored by the officers having the work in charge, and the Government owes these men by special agreement for this overwork in all these cases named.

Mr. PAYNE. I submit to the Senator that he has no authority for the averment in the report that the men were compelled to work or starve.

Mr. BLAIR. I have authority for it, having draughted the report; and the facts upon which I base that authority are, in effect, that the Government has the eight-hour law on the statute-book; the Government is under the necessity of having work; men come and tender their services, and the subordinate, not the Government itself, but the Government subordinate, without authority and in violation of the direction from his principal, says to a laborer asking for work, and who has to receive it, or some other laborer is to receive it, "You may have employment on condition that you work ten hours instead of eight for the same sum of money to which you are entitled under the law for eight hours' labor." The man, to be sure, in one sense, has power to refuse. He may go elsewhere; he may hunt for labor somewhere else; but the next man comes under precisely the same circumstances, and asks for employment in the same way, and is met with precisely the same unjust and wrongful demand on the part of the subagent, in violation of his instructions, who claims to represent the Government. So, unless this man submits to the wrongful demand, he has to step aside, and so of the next, and so on until all the laborers of the country capable of performing this work shall have presented themselves, and all of them have in turn declined to labor because of this wrongful act on the part of the subagent or subordinate of the United States. The result would be that the Government could get no labor whatever. Further, that is the position in which the Government would be left if these men did not labor, and thus the subordinate would be put in a position to violate the law and to repeal the action of Congress.

But I say that it was actual compulsion to these men who asked for work. It was compulsion in this sense, that without work they must starve, and that it was, as we all know, practically impossible for men to obtain labor, even including the labor of the Government, for everybody wants to obtain employment. The country many of these years was not only full, but abounding in tramps, and among those were many honest men who were not able to obtain work, and here was this vast amount of employment, with the best of pay, ready pay, in behalf of the United States, and these people asking for it, and asking for it on the terms laid down in the law; and I say in a most just and proper sense, as the report states, that these men were obliged, in order to work at all, in order to supply the necessities of their families, to accept it upon the illegal terms which were forced upon them or go without the labor that was to give them the means of life.

They protested; they said that was not according to law; they carried their complaints to the heads of Departments; they sent their committees to Congress; they asked for assistance; they asked for redress; and time after time this continual effort to secure a proper construction of the law during these eight years was unavailing. That they were right and that the Government was wrong is sufficiently demonstrated, as I said before, by the direct language of the statute,

by the contemporaneous explanations and the construction of its language, as shown in the debates and by the actual votes upon propositions to amend the law, and on a proposition offered by a Senator not now present to so amend the law that it should specifically provide that for eight hours they were only to receive that proportion of compensation for a day's work in the vicinity where they rendered the labor that eight hours was to the ten or twelve hours' ordinary labor constituting a day's work outside of the Government employment.

Now, Mr. President, I shall speak just a moment upon the legal construction made of this act during the time it has been on the statute-book. There have been two decisions, at least, but two of which I have knowledge, which have been made by the Supreme Court during this period of time bearing upon the law. One is that of the United States *vs.* Martin, which was cited by the Senator from Missouri [Mr. VEST] the other day as holding that where a man worked and received a compensation that was illegally forced upon him, or for which he was compelled to labor illegally beyond the eight hours in order to receive it—that having received that he was precluded from any further application for the excess. That is not the law; that is not the decision.

Mr. PLATT. Will the Senator permit me a moment?

Mr. BLAIR. Yes, sir.

Mr. PLATT. That certainly was the case where he was told that if he did not continue to work the twelve hours at the price he had been theretofore receiving he could not have employment.

Mr. BLAIR. Certainly; they were notified by those they were working under that they must work the ten or twelve hours or be discharged. That condition was imposed upon those already being employed and under contract with the Government at the time of the enactment of the law as well as upon those who applied for employment *de novo*.

His decision is of course good law only to the extent of the facts which it covers. I read those facts and conclusions in the debate the other night. I will read them once more to show that the scope of the decision does not cover any such construction of the law as is claimed by the Senator from Missouri. These are the facts:

In the year 1873 the claimant made a formal application in writing to the Fourth Auditor of the Treasury for arrears of pay claimed as due him under the second section of the act of May 18, 1872 (17 Statutes, 134), between the 25th of June, 1868, and the 19th of May, 1869, on account of his said employment.

The first act referred to is that of Congress requiring compensation to be paid where over the eight hours' labor had been exacted for the ordinary compensation after the law of Congress was passed wherever facts existed or similar facts existed which now exist, and to redress injury under and by virtue of the bill that is now before Congress, showing that Congress so construed their own act of 1868 by requiring in express terms the excess be paid to these men. This man came forward and made his claim under that law.

Mr. GEORGE. May I ask the Senator a question?

Mr. BLAIR. Let me finish this statement of facts.

Mr. GEORGE. Does the Senator refer to the act of 1872?

Mr. BLAIR. This man made his claim under that act, that his services were rendered between June 25, 1868, and May, 1869, or some day of May, 1869. Congress passed an act in 1872——

Mr. GEORGE. I have that before my mind now.

Mr. BLAIR. Yes, you have that before you. Congress passed an act in 1872 directing that where the employé had worked more than the eight hours for his compensation he should be paid for the excess between the date of the enactment of the law of June 25, 1868, and the period—some eleven months later—of the proclamation, in May, 1869. This man, after the enactment of the law of 1872, expressly affirming his right to such compensation, made his claim to the auditor, and these are the facts——

Mr. GEORGE. Are there any more than two acts of Congress on the subject, the act of 1868 and that of 1872?

Mr. BLAIR. I have no knowledge of any other. There was a proclamation of Grant, in 1869; there was an act of June 25, 1868, the original act; and then there was another act by Congress, in May, 1872, directing the excess of labor to be paid for between the date of the original act and the proclamation of May, 1869.

Mr. GEORGE. The act of 1868?

Mr. BLAIR. May 19, 1869, is the date of the proclamation of President Grant.

Mr. GEORGE. And the law you read from the Revised Statutes is the act of 1868?

Mr. BLAIR. Yes; and in the report I have read you will see the number of the section in the Revised Statutes.

Mr. GEORGE. I want that.

Mr. BLAIR. It is section 3738 of the Revised Statutes. That is the original act. The other act was a provision in an appropriation bill. It was approved May 18, 1872. Now for the facts in the case before the Supreme Court:

In the year 1873 the claimant made a formal application, in writing, to the Fourth Auditor of the Treasury for arrears of pay, claimed as due him under the second section of the act of May 18, 1872 (17 Statutes, 134) between the 25th of June, 1868, and the 19th of May, 1869—

That is the date of President Grant's proclamation—

on account of his said employment.

Now this is what I wish to call the attention of the Senate to:

The Auditor thereupon stated the account, and allowed the claimant $295.63, which was admitted by the Second Comptroller; and that amount was paid to the claimant, who receipted for the same, in writing, in full of the account.

The court below dismissed the petition, but on a subsequent day of the term made an order vacating the judgment, and directing, for the purpose of an appeal, a *pro forma* judgment to be entered in favor of the claimant in the sum of $1,019.49.

The Senate will observe that here is a controversy arising after all the facts existed which fix the rights of the parties, and that this controversy is adjudicated between them, and that the claimant accepts the adjudication or award; and that, under all the principles of law, of course, is an end of the litigation. That is all there is of the case. The court decided that a man may make a special agreement or he may settle a controversy, and that is all there is in it, so far as that decision is concerned.

But, Mr. President, the bill before the Senate is designed to give to those who have not by actual litigation adjusted their claims, and to give them beyond all controversy the right which the original act gave to them to receive compensation for this excess, and the first section of the act is designed to be so explicit upon that subject that there can be no controversy. To be sure, if a man has raised the question, if he has submitted to the jurisdiction of a court, of a tribunal, of a referee, and there has been an award made in good faith, and without any imposition or fraud he has accepted that as an end of the litigation, as an end of the controversy both of law and of fact, he should, I suppose, be concluded; but this bill is not designed to reach a case of that kind.

There are very few instances of that sort. So far as I know this is the only instance. I am not aware that there has ever been a litigation, except this one litigation, and nobody is bound by it save this single party, and if there were others I think it would be the duty of Congress to go further and to enact a law conferring a remedy for this equitable claim; for nobody can doubt, it seems to me, the correctness of the later construction of President Cleveland, and of President Arthur in the last part of his administration, and of Secretary Chandler, and of Secretary Whitney, and of Secretary Lincoln also, who had his attention called to this subject and whose letter affirming his views upon the matter in favor of these laborers is to be found in the report of the committee, which has been ordered to be printed as part of my remarks.

There is one other decision, and only one other decision, and that is what is known as the 15 per cent. cases. One of the ingenious subterfuges to which executive officers resorted to prevent the American people from having their way was invented, what are known as the 15 per cent. cases, arising under the contracts decided upon in the case of the United States *vs.* Driscoll, in 6 Otto, page 421. These are the only cases which have come before the Supreme Court.

In this latter case the United States furnished the money to perform the work; furnished the machinery, and generally the plant wherewith it was performed, but let the contract to perform the labor to a contractor, and he hired the labor, using the money advanced to him by the United States to pay the workmen, laborers, and mechanics employed by him.

It was finally held, there being no actual privity of contract between the workmen and this 15 per cent. contractor, that the United States was not liable; and he did succeed in evading the law in that way. The court has so decided, and of course this bill furnished no remedy as against those who had no privity of contract in their relation to the United States. That class of cases for quite a number of years covered a great mass of the Department work of the country in the construction of public buildings, and I suppose that was done in the way of the improvement of our rivers and harbors, and all that which was contract labor where there was no privity between the employés and the United States, and consequently this bill does not touch them at all, and it is not expected to do so.

It was suggested the other day by the Senator from Massachusetts [Mr. DAWES] that the propelling power behind this bill was simply a parcel of claim agents, or very largely so. He intimated that there was nobody but claim agents interested in the matter. During all the years this question has been pending before the Committee on Education and Labor I have never heard of but one agent, and he is a lawyer here in this city, of eminence and respectability, as I am informed, and he has never been before the committee but in a single instance.

Since that suggestion of the Senator I have had placed in my hands one of the petitions, a petition from the Norfolk navy-yard, of between four and five hundred employés, and those who bring it to me say there is no claim agent whatever representing these men. I have received since the public prints assailed this (as some parties assail every claim against the Government of any importance as being simply for the enrichment of claim agents) a large number of affidavits from men having claims in different parts of the country, in which they assert that they have employed no claim agents, that they are dealing directly with the Government, and I think it is substantially true that these claims are now in the hands of the men who rendered the service. Doubtless there may be here and there a claim agent interested, but that there is anything in these claims or the existing ownership of these claims that would justify the United States in repudiating an

honest or an equitable debt I do not believe. It has not come to my knowledge. I have not heard even remote suggestions of it, save only this general talk to which I have alluded.

The matter is a simple one. I can not make it any plainer. It is an appeal to the equity of Congress, and I hope that the bill will pass.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri. [Putting the question.] The ayes appear to have it.

Mr. BLAIR. I call for a division.

The question being put, there were on a division—ayes 21, noes 19.

Mr. BLAIR and Mr. STEWART called for the yeas and nays; and they were ordered.

Mr. BLAIR. I should like to say a word to the Senate, because it is not a matter to exhibit any feeling about, and I think they will see we ought to go further in this direction——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAIR. The only available opportunity for the consideration of this matter in the other House will be on Wednesday night, and we must pass it before then or let it go for the session.

The PRESIDENT *pro tempore*. The Senator will suspend. The motion is not debatable.

Mr. HOAR. I ask that the vote may be again taken by a division.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the vote may be again taken by a division. Is there objection? The Chair hears none.

The question being again put, there were—ayes 19——

Mr. COCKRELL. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. BLAIR. May I be permitted to say a word.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. BLAIR. I withdraw the call for the yeas and nays. I think it will lead simply to that sort of controversy over this bill which will be profitless, and I do not want that. I have stated to the Senate the necessity of our acting in season so as to get the bill to the House by Wednesday, and I will withdraw the call and ask as a matter of courtesy to these men, at least, that we may dispose of the bill to-morrow.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the call for the yeas and nays? The Chair hears none. The order is reconsidered. The question recurs on the motion of the Senator from Missouri [Mr. VEST] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 17, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 16, 1888.

CORPS OF ENGINEERS.

First Lieut. James L. Lusk, to be captain, June 15, 1888, *vice* Wheeler, retired from active service.

Second Lieut. Joseph E. Kuhn, to be first lieutenant, June 15, 1888, *vice* Lusk, promoted.

MEDICAL DEPARTMENT.

Capt. John V. Lauderdale, assistant surgeon, to be surgeon, with the rank of major, July 3, 1888, *vice* Bentley, retired from active service.

SIXTH REGIMENT OF CAVALRY.

First Lieut. Robert Hanna, to be captain, July 7, 1888, *vice* Chaffee, promoted to the Ninth Cavalry.

Second Lieut. Frederick G. Hodgson, to be first lieutenant, July 7, 1888, *vice* Hanna, promoted.

NINTH REGIMENT OF CAVALRY.

Capt. Adna R. Chaffee, of the Sixth Cavalry, to be major, July 7, 1888, *vice* Benteen, retired from active service.

UNITED STATES MARSHAL.

Peter T. Knight, of Florida, to be marshal of the United States for the southern district of Florida, *vice* F. J. Moreno, resigned.

The nomination of Peter F. Knight to the above-named position, transmitted to the Senate on July 2, 1888, is hereby withdrawn.

REVENUE SERVICE.

Third Lieut. August Y. Lowe, of Illinois, to be a second lieutenant in the revenue service of the United States, in the place of Second Lieut. James B. Butt, to be promoted.

POSTMASTER.

Thomas N. Poole, to be postmaster at Sidney, in the county of Delaware and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 16, 1888.

INDIAN AGENT.

Thomas H. B. Jones, to be agent for the Indians of the Berthold agency in Dakota.

POSTMASTERS.

John A. Sweeney, to be postmaster at Harvard, McHenry County, Illinois.

Robert A. Meier, to be postmaster at Colorado Springs, El Paso County, Colorado.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 16, 1888.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOUK, for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia;

A bill (H. R. 4423) relating to certain acts of the twenty-seventh Legislative Assembly of New Mexico;

A bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.;

A bill (H. R. 8039) providing for the appointment of police matrons in the District of Columbia, defining their duties, and for other purposes; and

A bill (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes.

EVENING SESSION FOR INDIAN DEPREDATION CLAIMS.

Mr. WHITTHORNE. Mr. Speaker, I ask unanimous consent that on next Saturday evening the House take a recess from 5 o'clock until 8 o'clock p. m., for the purpose of considering public measures reported by the Committee on Indian Depredation Claims, agreeing with the House officers that the adjournment on that evening shall take place at 10 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. BLAND. What is it?

The SPEAKER. That on next Saturday evening the House take a recess from 5 o'clock until 8 o'clock for the consideration of public measures from the Committee on Indian Depredation Claims, the evening session not to extend beyond 10 o'clock. Is there objection?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to dispense with the call of States and Territories for the introduction of bills.

Mr. OATES. I shall object to that unless gentlemen having bills to introduce are permitted to hand them in at the desk.

Mr. MILLS. I have no objection, if it can be done.

The SPEAKER. Then the gentleman couples his request with the further request that bills and joint resolutions coming within the rules may be presented at the desk, to be referred under the direction of the Speaker. Is there objection?

There was no objection, and it was so ordered.

INTRODUCTION OF BILLS.

The following bills were introduced by being handed in at the Clerk's desk:

ASSISTANT ATTORNEY-GENERAL.

Mr. OATES introduced a bill (H. R. 10839) to create the office of assistant attorney-general and editor of the statutes of the United States and prescribe the duties appertaining thereto; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

PUBLIC BUILDING, BELLEVILLE, ILL.

Mr. BAKER, of Illinois, introduced a bill (H. R. 10840) for the purchase of a site for and the erection of a public building at Belleville, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, ALTON, ILL.

Mr. BAKER, of Illinois, also introduced a bill (H. R. 10841) for the purchase of a site for and the erection of a public building at Alton, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY POLICY OF THE UNITED STATES.

Mr. TOWNSHEND introduced a joint resolution (H. Res. 198) providing for the printing of the "Military Policy of the United States," by the late Bvt. Maj. Gen. Emory Upton, United States Army; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

DRUSILLA A. SHERWOOD.

Mr. STRUBLE introduced a bill (H. R. 10842) granting a pension to Drusilla A. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESERVED LANDS, STATE OF MISSISSIPPI.

Mr. STOCKDALE introduced a bill (H. R. 10843) to restore to the public domain certain reserved lands in the county of Harrison, in the State of Mississippi; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRACTICE OF PHARMACY IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL introduced a bill (H. R. 10844) to regulate the practice of pharmacy in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PORTRAIT OF GENERAL GEORGE H. THOMAS.

Mr. FORAN introduced a bill (H. R. 10845) providing for the purchase of the portrait of General George H. Thomas, painted by Miss C. S. Ransom; which was referred to the Committee on the Library, and ordered to be printed.

SAMUEL D. CRAIG.

Mr. TARSNEY submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of $600 in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftieth Congress.

DOCUMENTS FOR PUBLIC, COLLEGE, AND SCHOOL LIBRARIES.

Mr. BAKER, of New York, offered the following resolution; which was referred to the Committee on Printing:

Resolved, That the superintendent of the folding-rooms of the House of Representatives be, and he is hereby, authorized and directed to deliver to the Department of the Interior all documents in his care which do not stand to the credit of and are not subject to distribution by members of the Fiftieth Congress; and the Secretary of the Interior shall use said documents in supplying deficiencies in public, college, and school libraries, and make full report of his action in the premises to the House.

C. F. HOLBROOK.

Mr. HENDERSON, of Illinois, offered the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to C. F. Holbrook the sum of $76, being the amount due him for services rendered as laborer of the House of Representatives from December 5, 1887, to January 11, 1888.

BIRTHPLACE OF WASHINGTON.

Mr. THOMAS H. B. BROWNE offered a resolution requesting the Secretary of State to inform the House of Representatives what action has been taken under resolution of June 14, 1879, appropriating $3,000 for monuments to mark the birthplace of George Washington; which was referred to the Committee on the Library.

ORDER OF BUSINESS.

Mr. ROGERS. I inquire whether we have a morning hour for making reports?

The SPEAKER. The Chair thinks not on the third Monday. This day by the rules is for the call of States and Territories.

Mr. ROGERS. I ask unanimous consent to make a report.

The SPEAKER. From what committee?

Mr. ROGERS. From the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BOOTHMAN. I object unless all gentlemen having reports are permitted to hand them in.

Mr. MILLS. I ask unanimous consent that all gentlemen having reports to make from committees may present them at the Clerk's desk for reference.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

GEORGE W. DICKINSON.

Mr. YODER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7827) granting a pension to George W. Dickinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB HAYMAN.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8293) granting a pension to Jacob Hayman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER BELT.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7826) granting a pension to Alexander Belt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGET CARROLL.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9296) granting a pension to Bridget Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MYRA SINCLAIR.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 10488) granting a pension to Myra Sinclair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY E. SAWYER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9776) for the relief of Nancy E. Sawyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE MULLIGAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10173) granting a pension to Catharine Mulligan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELI GARRETT.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9163) granting a pension to Eli Garrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENOCH B. VICE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9946) granting a pension to Enoch B. Vice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE JACKSON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9018) granting a pension to Jane Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP NEUMAN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10789) granting a pension to Philip Neuman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. T. VINCENT.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10356) granting a pension to J. T. Vincent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GILBERT REED.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8494) granting a pension to Gilbert Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET O'CONNOR, NOW SULLIVAN.

Mr. FINLEY, from the Committee on Pensions, reported back favorably the bill (H. R. 10485) granting a pension to Mrs. Margaret O'Connor, now Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STERLING H. TUCKER AND OTHERS.

Mr. ROGERS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8674) for the relief of Sterling H. Tucker and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BOOTHMAN, from the Committee on Accounts, reported back adversely the bill (H. R. 2150) for the relief of Luther F. Warder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF SALESWOMEN, DISTRICT OF COLUMBIA.

Mr. BUCHANAN, from the Committee on Labor, reported back favorably the bill (H. R. 10612) for the relief and protection of saleswomen in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHARTER, CITY OF COLFAX, WASH.

Mr. HAYES, from the Committee on the Territories, reported back with amendments the bill (H. R. 10602) providing a charter for the city of Colfax, Wash.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM KOCH.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2428) granting an increase of pension to William Koch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. M'NAMARA.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2593) granting a pension to Sarah E. McNamara; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRUS TUTTLE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2008) granting a pension to Cyrus Tuttle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES PARKER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3183) granting a pension to James Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT TO PENSION ACT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States, and become disabled;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUTHORITY TO ISSUE BONDS.

Mr. BAKER, of New York, from the Committee on the Territories, reported back with amendment the bill (H. R. 10792) conferring authority upon the county commissioners of Garfield County, Washington Territory, to issue bonds; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ZOROASTER SELMAN COOK.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 4914) granting an increase of pension to Zoroaster Selman Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES M'NEIL POTTER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1317) for the relief of Frances McNeil Potter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT T. WILLIAMS, DECEASED.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 9554) to authorize the Quartermaster-General of the United States Army to investigate the claims of the representatives of Robert T. Williams, deceased, against the United States, etc.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY ANN CROSS AND OTHERS.

Mr. RUSSELL, of Massachusetts, from the Committee on Pensions, reported back with amendment the bill (H. R. 5985) to increase the pension of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardner, and Mrs. Lillie May Pavy to $30 per month; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THE TARIFF.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue; but before submitting the motion I want to try if we can not reach some conclusion as to the limit of debate upon the pending schedule and amendments.

Mr. REED. I have an impression that it is not necessary. I rather think we shall be ready for a vote on the free-wool question very soon. I do not think there will be an hour's debate required on this side.

Mr. MILLS. Still we had better try to fix some limit to the debate. I move, pending the motion to go into Committee of the Whole, that all debate on the pending schedule and amendments be closed at 2 o'clock.

Mr. REED. I do not think you had better say the entire schedule and amendments.

Mr. MILLS. Well, we have debated it over and over again, and this will not preclude the offering of such amendments as gentlemen may desire to present.

Mr. REED. The proposition originally was in reference to the free-wool clause. That can be voted on after some little discussion this morning, and then if there are amendments which need explanation on other points in connection with the schedule—and I am free to say I do not know of anything that will take up any great amount of time—but if there are such amendments and gentlemen want an opportunity of explaining them, I think it only proper that they should be allowed to do so. I do not know that many will be offered.

Mr. MILLS. I do not either; but I will move at this time simply that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the pending tariff bill.

Mr. REED. I think that is the shortest course.

Mr. MILLS. Pending the motion I yield for a moment to my colleague from Texas, who desires to submit a request.

IMPROVEMENT OF BRAZOS RIVER, TEXAS.

Mr. CRAIN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of bill (H. R. 10165) for improving the mouth of the Brazos River, Texas, and put it upon its passage. This involves no appropriation of money; it has been read once and has been reported unanimously favorably by the Committee on Rivers and Harbors. I ask, therefore, that its reading be dispensed with to save time and that it be put upon its passage.

Mr. SPRINGER. I would like to have it read.

The SPEAKER. The bill will be read, subject to the right to object.

The Clerk proceeded to read the bill.

Mr. BLAND. Is that a privileged matter?

The SPEAKER. It is not. The gentleman from Texas has asked unanimous consent to consider the bill.

Mr. BLAND. I demand the regular order. Let these unanimous consents come in after the tariff bill is disposed of.

ORDER OF BUSINESS.

The SPEAKER. The regular order is on the motion of the gentleman from Texas, that the House resolve itself into Committee of the Whole to further consider revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union to further consider the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The pending question is to strike out section 3 of this bill.

Mr. EZRA B. TAYLOR. Mr. Chairman, I am fully aware that my amendment to take wool from the free-list will not only fail, but that it will not receive serious consideration. The caucus has so decreed, and I, in the name of my constituents, can only protest.

However much difference of opinion may exist in the minds of the majority in regard to the various items in the bill, there is little or none as to wool. This unanimity is strange and recent. Until last December a large proportion of the Democratic members of the House thought they were in favor of a duty on imported wool, but on reading the President's message they found that they were unacquainted with their own views. To show the change of front, I will not insult common sense by calling it change of opinion, I beg leave to read the resolutions of the Legislature of Ohio, the Democrats being in the majority, January 23, 1884:

Whereas the Forty-seventh Congress reduced the tariff on imported wool,

against the protest of every wool-grower of the State of Ohio and the United States; and

Whereas the said reduction of tariff on imported wool discriminates against the wool-growers of the West, in favor of the manufacturers of the East, thereby compelling the wool-growers of the West to compete with cheap wool of foreign countries, to their very great injury; and

Whereas that tariff was reasonable and not too high before the reduction, and stands now at a rate so low as to injuriously affect that large and respectable class of people who have devoted themselves to wool-growing; and

Whereas an Ohio Congressman has already introduced a bill in the House of Representatives of the Forty-eighth Congress to restore the tariff on wool as it stood prior to the recent reduction, which should be passed at the earliest time possible: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress be, and are hereby, instructed and our Representatives requested to use all honorable means and vote for the bill to restore the tariff on wool as it stood prior to the recent reduction, and that the governor be requested to send a copy of this resolution to each of our Senators and Representatives at Washington.

These resolutions received the vote of every Democratic member of the Legislature then present.

Moreover, on the 25th day of June, 1884, the Ohio Democratic State convention, which selected delegates to the national convention which nominated Grover Cleveland for President, adopted unanimously as the third resolution in its platform the following:

That the just demands of the wool-growers of Ohio and the country for an equitable readjustment of the duties on wool (unjustly reduced by a Republican Congress), so that this industry shall be fully and equally favored with other industries, ought to be complied with, and we indorse the action of the Democratic members from Ohio in their efforts to accomplish this result.

A like resolution was passed by the Democratic State convention of Ohio August 20, 1885.

The reduction of the tariff on wool in 1883 by the Forty-seventh Congress was denounced on the stump and in the press by the Democrats of Ohio, and by Democrats generally, as a wrong and an outrage.

On the 16th day of May, 1888, a Democratic State convention for Ohio, meeting for the purpose of selecting delegates to renominate Grover Cleveland, passed without a dissenting voice, I believe, the following resolution:

We approve the Mills tariff bill as the practical expression of the Democratic party, and request our Representatives in Congress to give it cordial support.

This Mills bill is the one now under discussion, and puts wool on the free-list. The reduction of 1883 was 1 cent and a fraction per pound. The Mills bill takes off all the remaining duty, substantially 10 cents per pound, and, so far as wool is concerned, establishes free trade, pure and simple.

If the law of 1883 was an outrage, what is the bill of 1888?

In view of the fact that no new facts have been discovered since 1883 bearing upon this subject, and absolutely not a new argument suggested or a new idea advanced, the people will inquire whether the leaders of the Democratic party were sincere and honest in 1883, 1884, 1885, and 1886, or whether they are now, or whether they merely sought votes then and are pursuing the same purpose now.

It will be remembered, also, that the convention which nominated Grover Cleveland for President in 1884 denounced the Republican party for the action to which I have referred, using this language:

The Republican party has depleted the revenues of American agriculture, an industry followed by half our people.

Again that convention resolved:

The Democratic party is pledged to revise the tariff in the spirit of fairness to all interests, but in making reduction of taxes it is not proposed to injure any domestic industries, but rather to promote their growth.

This bill is a change of direction in that regard, and I must think, Mr. Chairman, that it is one of the accidents which are occurring nowadays. It was not until last December that the Democratic members of this House had the opinion they have now on this question. Up to December last some, I know, of the Democratic members of this House were acting under pledges to restore the tarift on wool, pledges exacted from them by their constituents; but now those same members are here with changed minds in regard to this question.

Mr. Chairman, I protest against the provision in this bill in regard to wool. I protest against it in the interest of the farmer himself. But I have observed that when this question has been presented in this House it has been proclaimed and argued here that the tariff has lessened the price of wool. Not only did the Committee on Ways and Means of the Forty-ninth Congress report such a proposition, but over and over again it has been asserted in this House by men in favor of this bill that the higher the protection the lower wool has gone. If that be so, Mr. Chairman, it not only answers the argument in favor of free trade, but justifies the appeal I now make. I appeal not only in behalf of the farmers that this provision may be stricken out, but also in behalf of the consumers of wool products, the poor men who buy hats and blankets, the men who have excited the sympathy of our friends so much. If it be true that a tariff on wool, as gentlemen on the other side have asserted without stint, has reduced the price of wool, then I say do not take off the duty and thereby increase the cost of blankets, the cost of woolens, the cost of woolen hats, concerning the price of which our friends seem to be so greatly exercised.

Until 1867 the larger part of wool used in this country was grown abroad. Then the tariff enactment was made that put wool on a different footing; and from 22,000,000 sheep the number had increased in 1882 to 50,000,000, and from a clip of wool of 60,000,000 in 1867 there was a clip in 1883 of 350,000,000 pounds—an increase not only in the number of sheep, but a still greater increase in the proportionate number of pounds produced.

The price of wool depends upon the relation of supply and demand, as does that of other commodities, and inasmuch as a steady, reasonable protection assures safety to producers, as against foreign efforts to destroy an industry by a temporary reduction of prices, it was to have been expected that the law of 1867 should, as it did, give confidence to wool-growers and cause an increased production. This result followed to such an extent that, notwithstanding the vast increase of foreign production, owing to the opening up of the new cheap lands of Australia and New Zealand, our own flock-masters furnished nearly all the wool required by our people, excepting coarse carpet wools, up to the time of the change in the tariff by the law of 1883, notwithstanding the constantly-increasing demand.

This increase of production doubtless had its part in the following decline in prices. Such decline is looked for by protectionists as the result of protection legislation, and I may say is always found when such legislation touches articles which may be produced in sufficient quantities here to supply our demands.

The tariff is a shield against outside attacks made to clear the field with a view to ulterior increase of prices, and under its cover home competition is fostered until the final result is cheap goods to the consumer, fair and only fair profits to the producer, satisfactory remuneration to the laborer, retention of capital at home, and the industrial independence of our country.

The whole theory and reasoning of free trade involves the idea that tariff is tax, and that only.

Applied to tea, coffee, and such other articles as are unproducable in this country, the statement is true and the theory correct, as they are also when applied to sugar chiefly produced abroad. In such cases competition can not exist—I mean our country can offer none; but when all home demands may be met by home supply, competition at first lessens the tax and finally neutralizes it, so that the commodity is as low in price as though on the free-list, perhaps lower, and often sells in the market at a price less than the duty itself. The free-trader, however, never changes the formula of his cry, "A tariff is a tax." "High tariff is a high tax." "The tariff increases the price of commodities precisely to the extent of the amount of the impost." In the cases suggested by me heretofore the statements are absolutely correct; but in those cases to which protectionists invoke tariff laws, they are absolutely false. Then, it may be inquired, what is the need of protection laws if prices are not increased?

Please bear in mind that I have not said that prices are never increased by tariffs. At first they always are; but in the end prices are less under a system of protection than they are when fixed by foreign producers.

Iron, steel, woolen, and cotton fabrics are unquestionably lower than if they were unprotected. Take the tariff off those articles and they would be cheaper for a time, so cheap that our mills could only run at a loss and soon would stop. Then prices would go up and still up, for even free-traders believe in "buying cheap and selling dear." If our mills have not rusted out and our artisans lost their cunning, high prices will stimulate the restarting of the mills; but an immediate drop in the market will silence them and ruin their owners. We need the tariff, therefore, as a governor, literally as a protector, not as a tax nor an increaser of prices under normal and honest conditions.

The present tariff on wool would be a sufficient protection to wool-growing interest if its provisions were not systematically and dishonestly disregarded by the admission of foreign partially manufactured wools under the names of "ring waste" and "wool tops" at 10 cents per pound, instead of 60, which they should really bear; and notwithstanding that fraud, for it is nothing less, it is a partial protection?

If this bill becomes a law, and such protection to wool as now exists is lost, it can not be possible that fine and medium wool-raising will continue in this country. It will cease to exist, and the vast capital employed in that business will be mostly lost. Foreign wool will come in at prices so low as to drive the sheep to the slaughter-house at any price of mutton. But, says the free-trader, "the consumer of woolen goods will buy cheaper." Ah! there's the rub. Will he? When the wool syndicate of London, which controls all the wools of the world, save that produced in the United States, finds the markets of America in its hands, without competition, why should it sell at low prices? It will not, and wools and woolens will range higher than now, and the "science" of political economy will invent some new lie to cover the failure of its prophecy.

I have been at a loss to account for the determined assault upon the industry of wool-raising, made especially by the Democratic members of the House from the Southern States. It is understood that they insist upon putting wool on the free-list whatever else occurs. It is even said they are prepared to bargain everything else away, if necessary, for this. I noticed that a large amount of wool, of a coarse grade, was produced in the South, particularly in Texas, and had observed that Southern products had been kindly dealt with by this bill; notably rice and sugar—the first being protected by the bill as high as 100 per

cent. and the latter at the rate of 68 per cent.—whereas in both cases the tariff is a tax upon all the rice and sugar consumed in the country, of which less than 10 per cent. is produced here, while the average per cent. fixed by the law is 47 per cent., and the rate on wool now existing less than 30 per cent.

Mr. Chairman, under these circumstances I say the anxiety exhibited by these gentlemen to get wool on the free-list was, so far as I could see, without good cause. There was no principle involved that was not involved in the matters of rice and sugar. If it is wrong to tax the laboring man to use the deceptive words of these gentlemen, 30 per cent. for his clothing, it would appear to be farther from the right to tax him from 68 to 100 per cent. for his food.

I have carefully watched the debate for light upon this subject, but saw none till early in May, when the distinguished gentleman from Texas [Mr. LANHAM], who so ably represents his district, a district having, I think, within its limits a greater number of sheep than any other district in the United States, took the floor and made a speech in favor of the "Mills bill." The gentleman's known honesty and candor gave me hope of being able to solve the riddle. Nor was I disappointed. In that speech, to be found in the RECORD of May 5, and on page of the RECORD 3945, the gentleman used the following words:

It is, I think, worthy of note that while the average value of sheep per head for the whole country is placed at $2.05, the lowest average, where sheep-raising is of special importance, is given to Texas and New Mexico. The fleeces of this quality of sheep, however, would, it is believed, be in greater demand for purposes of manufacturing admixture with the finer wools that would be imported, as a result of the removal of the present duties on wools.

Look at it! Texas sheep are of low average value because the wool is of coarse fiber, but, as Mr. LANHAM says, the fleeces of this quality of sheep would be in greater demand—that is, of higher value—to mix with finer wools that would be imported as a result of the removal of the present duties on wool.

The gentleman understands the meaning of this bill. He does not propose to mix his coarse wool with fine Northern wool, but with the "finer wools that would be imported as a result of the removal of the present duties on wools."

The gentleman from Texas [Mr. LANHAM], as well as does the other distinguished gentleman from the same State [Mr. MILLS], knows that if this bill becomes a law it will be as impossible to raise wool for the market in Ohio, Pennsylvania, West Virginia, Indiana, and Michigan as it is to raise camels. The impending destruction, however, is viewed with great calmness, for Texas will be benefited by the ruin. Yet, sir, there are members of this House, from my State as well as from other States, who will vote for this damaging iniquity, although they were elected under personal pledges to support no such bill! The people alone can hold them to account for pledges as solemnly made as they are determinately broken.

Mr. Chairman, in some quarters this bill is claimed to be not a free-trade bill. So far as one great interest of my constituents is concerned it is in the full sense a free-trade measure, in fact as it concerns many interests of theirs, but the spirit of this great discussion has been one of free trade. No matter by what name it goes, it means free trade. It is understood to be a starting point, a step toward free trade. All the argument is to that end, from the President's message on. The argument in the press and on this floor has no basis if it be not that. The bill and the reasons given for its passage mean free trade in the ordinary and just sense of the term. No gentleman favoring the bill has said during all this discussion one word in favor even of incidental protection, an element heretofore thought to be found in a tariff for revenue only.

I regret that cunning or cowardice outside of Congress has to some extent sought to cloud the issue in some quarters.

The Oregon election was a day too early to promote honesty of expression.

I will make use of a sufficient number of extracts from this debate to prove that protection no longer has Democratic support. The opposite of protection is free trade. Mr. HEMPHILL in a very able speech on this floor, April 27, 1888, said:

Except in a humanitarian sense it can be a matter of no concern to the people of America as to how numerous the pauper laborers of Europe may be, nor how cheaply they work, nor what their condition is. As to these things we are and must be, in a financial and political sense, indifferent. It is only when the products of the labor of these workmen reach American workers and we are about to exchange the products of our labor for theirs that any real interest is awakened in these people, for it is then that the manufacturer begins to call upon the Government to protect him; it is then that he demands that he shall be surrounded by the law and safely guarded.

But against what? Not against the "pauper labor," for they are not here, and not against the products of their toil so long as these are not sold here; but the protection asked for is against allowing Americans to buy or exchange, *i. e.*, against the natural right of any free man to make his purchases where his taste inclines him or his judgment or interest dictates. So that it is not against the pauper labor of Europe or of any other country, but it is against the right of the American people to buy where and what they please that this protection is demanded. That is, they ask protection, not against any wrong, but against a right of their own countrymen, and demand that one citizen's privileges shall be increased by having those of another curtailed.

It is clear, therefore, that it is not against the "pauper labor of Europe," except in a very indirect and remote way, that our protection laws are aimed, for so long as he keeps his handiwork at home or sells it on the other side of the Atlantic he excites no interest whatever on this side of the water.

It is only when an American citizen, following his inclination or interest, starts to exchange the fruits of his honest and laborious toil, whether it be cotton, corn, wheat, or tobacco, that the Government lays its hand upon him and says, "No; for it has been solemnly decreed that certain of the citizens of this country shall be guarded and protected against the natural right of the others to dispose of the products of their own labor according to their own judgment."

And in the same speech—

it is used for the legitimate purpose of revenue only.

But against the perversion of this power of taxation to the unholy and unhallowed scheme erroneously called "protection" I do complain, and shall endeavor to show its illegality and injustice, and, if I can, some of the hollow pretenses on which it is founded and has been so long maintained.

And during the same speech the following colloquy took place:

Mr. PERKINS. Then, I will ask the gentleman a question. Do you believe in the doctrine that we should be permitted to buy where we can buy cheapest?

Mr. HEMPHILL. Yes, sir.

Mr. PERKINS. Then you believe in the doctrine that we should be permitted to hire where we can hire cheapest?

Mr. HEMPHILL. Who said so?

Mr. PERKINS. Does it not necessarily follow?

Mr. HEMPHILL. Well, I think so.

Mr. PERKINS. If we should be permitted to buy where we can buy cheapest, why should we not be permitted to hire where we can hire cheapest?

Mr. HEMPHILL. Exactly. I think that is right.

The gentleman from Mississippi, Colonel HOOKER, said (RECORD, page 4096):

I have said there is no gentleman on this side of the House who holds to the doctrine of protection for protection's sake under the taxing power of this Government. If there is such a one I have yet to hear him speak on this question.

The gentleman from Michigan [Mr. TARSNEY] said (RECORD, page 3642):

They may impose taxes, they may collect taxes upon the people for the purposes specified in that article of the Constitution, but for no other purpose. And such as I understand it, has been the teaching, the practice, and the training of that grand political organization of which I have the honor to be an humble member.

But my Republican friends will say to me, "You may go beyond the mere power, the mere purpose expressed in the Constitution of the United States, and you may levy and assess taxes not alone for the support and maintenance of the Government, economically administered as we understand it, but you may go further and assess taxes for the purpose of protection."

Now, Mr. Chairman, I desire to call the attention of the House for awhile to this view of the Constitution. I am frank to say to the gentlemen here who belong to the high-protection school of politics that I for one am prepared on the floor of this House to-day to say I do not believe in the doctrine of protection for protection's sake.

The gentleman from Kentucky [Mr. CARUTH] said (see RECORD, page 3846):

This tariff is a most insidious enemy. It works in silence and under cover; and whilst it pretends to be giving us "protection" it is really stealing our substance and destroying our lives. It is not the highwayman who boldly gallops up on the public road and demands "your money or your life," but the sneak-thief who in an unconscious moment filches your purse or the burglar who robs you of your possessions in sleep's unconscious hour. It holds to the false doctrine of Othello.

The gentleman from Indiana [Mr. BYNUM] said:

I will say to gentlemen on the other side of the House that if you are not willing to accept the present moderate bill, you will drive the people of this country to a much more extreme measure. In my judgment, if this very conservative measure is not accepted, the next House that comes here from the people will come instructed and ready to make a much more radical reduction than we now propose. The people are in earnest, and the longer the matter is delayed the more sweeping will be their demands.

The gentleman from Texas [Mr. MARTIN] is recorded on page 433, current RECORD:

In the battle to be waged this year there will come a charge from the great body of working people which will be made on the second Tuesday of next November, and so terrific will it be in its force that you protectionists will fall before it like grass before the scythe.

The day of the protectionist is fast drawing to a close. We are entering upon a new epoch in the history of our country.

The gentleman from North Carolina, Judge MCCLAMMY, said as follows (see RECORD, page 4662):

A protective tariff is an unjust and unfair discrimination by the Government in favor of one class of citizens against another class of citizens. It is an enforced contribution in which one man is made to contribute to the support of another man's business without a resulting benefit, and contrary to the spirit and letter of our Constitution. The Government has a right to tax people either directly or indirectly to raise money to carry on the Government, but Congress has no right under the Constitution to force A to support B in his business. What right has the Government to show such difference and such partiality as to pass a law to force one man, without value received, to give his money to the assistance of another man in his private business? And yet that is what those who advocate a protective tariff are doing, and that is what has been forced upon the working masses and poor toilers for lo! these many years, until injustice and wrong come up in sighs and groans from the oppressed poor in a greater grief and deeper woe than escaped from the hearts of the unhappy Jews when they toiled and endured Egyptian bondage.

I will close this class of quotations by a single sentence from the recent speech of the distinguished gentleman from New York [Mr. COX]:

It would be a glorious consummation of this debate could we only have gentlemen on the other side join in this invocation to paper and to type and to the hearts of honest men to clear the way for British Cobden free trade.

As further evidence of the nature and meaning of the controversy now here proceeding I will quote briefly from spectators, who, though interested in the result, are certainly capable of seeing the true meaning of the conflict.

Recently a prominent member of the British Parliament enthusiastically exclaimed:

To convert the United States is indeed a triumph. The Cobden Club will henceforth set up a special shrine for the worship of President Cleveland and send him all its publications gratis. Cobden founded free trade; Cleveland saved it.

[From the London Saturday Review.]

President Cleveland declines cautiously to dub himself a free-trader; but he caters up a free-trade position without disguise.

[From the London Pall Mall Gazette.]

English free-traders would be well advised if they moderated the ecstacy of their jubilation over President Cleveland's message. Every word which they say in its favor will be used as a powerful argument against the adoption of its recommendations.

[From the Chronicle, London.]

It is many years since such an important and suggestive message has been sent to Congress. If the policy of President Cleveland is adopted its effect on the trade of the world can not fail to be immense.

Another paper says:

The consensus of opinion is that should Congress adopt the suggestions so unequivocally made by Mr. Cleveland the first effect would be beneficial to a large number of English industries.

The London Saturday Review again says:

Nothing can be more explicit than the President's language. "The simple and plain duty which we owe the people is to reduce taxation to the necessary expenses of an economical operation of the Government and to restore to the business of the country the money which we hold in the Treasury." In America this means free trade.

The London Times says:

It is calculated that to give effect to Mr. Cleveland's policy duties to the amount of some £16,000,000 a year, about two-fifths of the entire customs revenue, must be surrendered. This operation may not establish free trade in the strict sense of the term, but it will to a great extent make trade free.

The London Post says:

We shall be much mistaken if the effect of this state communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles.

In two leading articles the London Colliery Guardian for December 16 says:

No event of greater magnitude has occurred in the iron, steel, and mining industries for a long time past than the proposal which is now made to effect a radical change in the fiscal policy of the United States. America has been of immense value as a market to the trade of this country. The effect which, on iron and steel making, the bare possibility even of the admittance of raw material free of duty, together with reductions in the duties of some descriptions of iron and steel, has produced upon our exchanges is a portent in itself. The Scotch warrant-holders took greater advantage of the occurrence than even the probabilities authorized. If President Cleveland should be able to carry out his plan for admission into America free of duty, one of the first effects which would be produced on the English iron trade would be the transference of much of the enormous stocks of pig in the Scotch and Cleveland markets to United States ports. Shipments of hematites from Scotland and from the west coast of England would also increase. The iron-ore mines of Lancashire and West Cumberland would be certain to do a greatly enlarged trade with the United States.

The future course of events will be watched with considerable interest by the British iron trade. It is, after all, circumstances which guide the destinies of nations, and it appears to us that the present circumstances favor the adoption by Congress of Mr. Cleveland's proposals for reducing import duties. If the duties now levied upon British rails entering American ports should be reduced to any appreciable extent, the reduction may exert a happy influence upon the British rail trade. Even as matters now stand, English rails have found some favor with American railroad companies during the last few months, and there can be little doubt that they will come into extended use in the United States if the adoption in whole or in part of Mr. Cleveland's views makes them more readily available for American consumption.

In an article on "The Coal Trade in 1887 and its Prospects for 1888," the London Times says:

If President Cleveland's tariff reforms are carried, English goods and iron and steel largely will go to the States in greatly increased proportions.

Free trade does not deny the right to tax imports, but in such taxation it eliminates protection. England has a revenue of more than one hundred millions from this source, all laid upon articles not produced in Great Britain, and so it is wholly unprotective.

The foundation principle of free trade the world over is that a tariff is a tax equal to the duty levied by it, and nothing more; that this tax is levied upon all articles included in the dutiable list, whether imported or home-produced, and increases the price of all regardless of the place of production. It is then argued that when applied to home-produced commodities it taxes the consumer for the benefit of the producer, and is thus partial and unjust. See the extract just read from Judge MCCLAMMY'S speech.

If the premise is sound the argument is just, and the result is inevitable, that imports can justly be placed only on foreign commodities.

To illustrate: Suppose the United States consumes $100,000,000 of tea yearly, a tax of 10 per cent. would raise a revenue of $10,000,000, as we import all our tea.

Suppose, again, that our people use $100,000,000 of sugar, and produce $10,000,000 of it, it is evident that a duty of 10 per cent. would turn only $9,000,000 into the Treasury, and $1,000,000 would go to the planter.

Still again, suppose we need $100,000,000 of iron and steel, of which we produce $90,000,000 and import $10,000,000, it is apparent that a 10 per cent. duty would bring but $1,000,000 revenue, and, according to this theory, distribute $9,000,000 among the producers; either the capitalist or laborer, or both.

It does not take a wise man to see what this argument means. Surely the principle is not changed by a change of the amount of the tariff charge. If it is wrong to steal $5, it is also wrong to steal four. Our friends must not drive us out of court on this argument and then take the position from which we have been driven. If a tariff of 47 per cent. is robbery, is not one of 40 per cent. at least larceny? The only possible standing place is to advocate a tariff, if any, on articles not produced in this country, such as tea, coffee, spices, etc., or to deny the soundness of the foundation principle of our trade.

But, Mr. Chairman, the entire history of our country demonstrates the utter falsity of the doctrine that a tariff is only a tax. Protection has caused a continuous decline in the prices of most of our staples, and at times when tariffs have lessened, prices have increased—always so when the reduction of the duty closed our factories.

The fact is undoubted, and the reason for it I have already given—to wit, home competition secured by the tariff.

The unexampled growth and development of the resources of the country for the last twenty-five years is a demonstration of the wisdom of the great American system of protection. Not the least of the advantages of that system is the retention of capital in the country. Nothwithstanding the unnecessary increase of the surplus there has occurred no stringency in the money market; in fact, during all the time that surplus has been accumulating the money in circulation has increased also, and at the rate of from forty to sixty millions a year.

Our exports are now about equal to our imports, but if the "Mills bill" had been a law during the last two years the balance of trade would have been largely against us, and would have been made good with gold and silver. Capital would then become lessened, circulation diminished, prices of farms, as well as of their products, depreciated, and our country would become poorer, in the way that an individual does whose expenses exceed his income.

The greatest advantage of protection, however, is to be seen in the condition of labor under its mantle. Wages are not only higher than in England, Ireland, Italy, Hungary, Poland, and other free-trade or semi-free-trade countries, but the condition of the laborer is infinitely more bearable and hopeful. He may live comfortably and respected, and he may educate his children and expect them to become worthy, useful, and leading citizens. They are eligible to all places under the Government, capable of any business enterprise, and may hold any social position. This state of things exists only where protection is general, and it is that only in the United States. Goods are cheap in Italy, in Hungary, and in Poland, but labor is cheaper, and the laborer can not buy. The laboring man emigrates from free-trade countries to protective ones, not from protective countries to free-trade ones.

By laborer I do not simply mean those engaged in masses in great centers of industry, but the farmer and farm laborer as well, the village and country mechanic, and the worker in any employment, alone or with others, everywhere.

It is time for all such to see to it that the system of protection which was commenced in the days of Washington and which has hitherto existed be not stricken down by open foes or pretended friends.

As an answer to the false cry that the Republicans are in favor of a continuation of "war tax" and are indisposed to reduce unnecessary revenue, I append a statement of the minority of the Ways and Means Committee, taken from their report on the "Mills bill:"

WHAT REDUCTIONS HAVE TAKEN PLACE.

It is a striking fact that all of the reductions of taxation which have occurred since the conclusion of the war, with the exception of the trifling ones made by the acts of March 1, 1879, and of May 20, 1880, aggregating a little over $5,000,000, were accomplished while the party now in the minority was in the majority and in control of legislation.

A brief summary of what has been done in this regard will be both suggestive and instructive.

By the act of July 14, 1870, the reduction of the revenue from customs duties was:

Free-list	$2,403,000
Estimated reduction from dutiable list	23,651,748
Total	26,054,748

By the act of May 1, 1872, tea and coffee were placed upon the free-list, making a reduction of $15,893,843

By the act of June, 1872, tariff duties were further reduced, and the reduction by the—

Free-list	$3,345,724
Estimated deduction from the dutiable list	11,933,191
Total	15,278,915

By the act of March 3, 1883, from tariff:

Free-list	$1,365,999
Estimated reduction from dutiable list	19,489,800
Total	20,855,799

The foregoing estimates were made when the several bills were passed.

Of internal taxes the following have been the reductions made by the party now in the minority since the conclusion of the war:

By the acts of July 13, 1866, and March 2, 1867	$103,381,199
By the acts of March 31, 1868, and February 3, 1869	54,802,578
By the act of July 14, 1870	55,315,321
By the act of December 21, 1871	14,436,862
By the act of June 6, 1872	15,807,618
By the act of March 3, 1883	40,677,682
Total	284,421,260

This we present as the result of Republican legislation from July 13, 1866, down to and including March 3, 1883.

The Republican party was in control of the House of Representatives from the first-named date to March 4, 1875. During that period it will be observed that taxation was reduced and revenue diminished in the aggregate sum of $284,421,260. On the 4th of March, 1875, the control of the House passed to the Democratic party and remained with it until the 4th day of March, 1881, a period of six years. During these years the internal revenue was reduced $6,368,965. On the 4th day of March, 1881, the Republican party was reinvested with control of the House of Representatives, holding it for two years, during which time it reduced taxation and the revenues from customs sources in the estimated sum, $20,855,799 and upon internal revenue $40,677,682, a grand total of $61,432,481.

Since the 4th day of March, 1883, the House of Representatives has been dominated by the present majority party, a period of five years, and no taxes have been reduced and no curtailment of the revenues has taken place, although warned of a threatened surplus not only by the present Administration but by the preceding one of President Arthur. It will be observed that from 1865 to 1888, a period of twenty-two years, the control of the House of Representatives has been equally divided between the two political parties, each having eleven years.

During the eleven years of Republican control the revenues were reduced (estimated)	$362,504,569
During the eleven years of Democratic control the revenues were reduced	6,368,935
Difference in favor of the present minority party in the House of	356,135,634

If it be claimed that for the most part during the Democratic control of the House the Senate was dominated by the Republican party, and therefore the responsibility of failure to reduce the revenues should be alike shared by them, we answer that under the Constitution of the United States the House alone can originate bills to reduce taxation, the Senate having no jurisdiction of the subject until it is given to it by a bill which passes the House, and that during all these years no such bill has gone from the House to the Senate, and therefore the sole responsibility for failure rests with the present majority in the House of Representatives.

Mr. MILLS. Mr. Chairman, I wish to have a time fixed which will suit the convenience of gentlemen on both sides of the House when the vote shall be taken on the free-wool paragraph of this bill, and I ask unanimous consent that it be taken at 1 o'clock to-day.

There was no objection, and it was so ordered.

Mr. BUCHANAN. The pending proposition is to put wool on the free-list. The President of the United States in his last annual message recommends this, and the majority of the Ways and Means Committee have followed this recommendation in formulating the bill. Why should wool be put on the free-list? The friends of this bill insist it shall be, and in fact seem to care more for this part of the bill than all the rest. Wool, as is well known, is a purely agricultural product. While to the manufacturer it is "raw material," to the farmer who raises the sheep, clips the wool, and sends it to market it is a finished product. If we take the capital, time, and labor requisite to produce a clip of wool into consideration, it will be found that it requires relatively as much capital and labor and far more time to produce a pound of wool than it does to produce a yard of cloth.

Are the farmers of this country growing rich too fast? Hardly. They know the depressed condition of their industry better than any member of this House can know it. I feel it to be my duty to oppose with all the power I possess any attempt to make that condition worse than it is now. It is said that if we make wool free, wools which we do not raise could be imported, and then our factories could be encouraged and a home market created for our home-grown wool. But the difficulty is in the fact that we do now raise the wools we need.

From the arid plains of New Mexico and Western Texas to the green and dewy hills of Vermont we have every variety of soil and climate, and the American farmer is able and ready if given proper encouragement to supply the whole home demand, both as regards quantity and quality. The condition of the wheat and corn market has become such that our farmers must diversify their products.

Wheat now bears a duty of 20 cents per bushel. India and Russia have become recently large producers of wheat, and from their competition in the London market wheat has fallen greatly in price. England, with her usual care for her own interests, has, at her own cost, constructed a vast mileage of railroads in India. The Indian farmer pays his ryots, or laborers, from 8 to 12 cents per day, and he can put his wheat in London at a profit of 70 cents per bushel. For the year ending June 30, 1887, the United States exported to all countries 101,971,949 bushels of wheat. For the year ending March 31, 1887, India exported 41,558,250 bushels of wheat.

The increase of this Indian competition and the competition from Russia must continue, as there remain in those countries yet rich tracts to be brought under cultivation. Our Eastern farmers, foreseeing this, have given attention to the production of other articles. But here, too, they find that the present protection is inadequate. I have here the "Summary statement of the imports and exports of the United States for the eleven months ending May 21, 1888." From this official document I compile the following statement of imports of farm products for that period:

Animals, free	$3,162,613
Animals, dutiable	4,401,145
Eggs	2,061,641
Farinaceous substances	852,286
Skins other than fur	21,489,912
Barley	8,959,087
Corn	19,928
Oats	21,802
Oatmeal	36,146
Rye	20
Wheat	314,979
Wheat flour	12,738
All other	113,623
Bristles	1,138,209
Flax	1,509,256
Hemp	6,165,657
Figs	495,740
Oranges	2,134,292
Plums and prunes	2,657,418
Hay	850,226
Hops	1,004,511
Barley malt	137,077
Prepared meats	300,632
All other meat products	148,409
Butter	24,549
Cheese	1,101,184
Milk, condensed	335,119
Flaxseed	1,386,535
Leaf-tobacco	10,218,665
Beans and pease	2,128,110
Potatoes	3,560,372
All other vegetables	1,013,077
Wool	14,540,663

By this bill nearly all the above have already been put on the free-list, and now it is proposed to do the same with wool. This line of policy is against the agriculturist of the East, and I must vote against it. January 1, 1888, there were but 105,276 sheep in New Jersey, of the value of $389,100. With proper attention this industry could be largely enlarged. It certainly should receive encouragement and not discouragement at the hands of the National Legislature. Deny it as you may, juggle with figures as you will, you can never convince the farmer of this country that putting wool on the free-list is not against his interest, and when he sees how you, in this bill, put nearly everything else he raises on the free-list he will be convinced, not only that you strike him, but that you mean to strike him.

Mr. BRECKINRIDGE, of Kentucky. I do not wish to take up the time of the committee, but I do desire to have put in the RECORD the tables which set forth the effect of the schedule proposed by the gentleman from Ohio [Mr. MCKINLEY] and prepared by the convention of woolen manufacturers and so-called wool-growers.

I therefore ask to have printed Table No. 1, prepared by one of the most expert of the officers in the customs service, and Table No. 2, also prepared by an expert.

No. 1.—*Statement showing the effect of the schedule of duties on wool and manufactures thereof, etc., presented by Mr. McKinley on the 17th of January, 1888, as compared with the present tariff and the importation for the fiscal year 1887.*

Articles.	Importations, fiscal year 1887.				Duties under proposed schedule.	Rates of duty.		Ad valorem equivalents.	
	Average value per unit of quantity.	Quantities.	Values.	Duties.		Present.	Proposed.	Present.	Proposed.
Wool:								*Per cent.*	*Per cent.*
Class 1 ..... lbs...	$0.19	23,195,734	$4,339,497.97	$2,395,536.78	$2,887,529.36	10 to 36 cts. per lb.	10 cts. per lb. and 11 per cent. to 36 cts. per lb. and 10 p. ct.	55.20	66.54
Class 2 ..... do.....	.23	9,703,962	2,270,058.00	974,179.26	1,223,345.38	10 to 36 cts. per lb.	....do.....	42.91	53.89
Class 3 for blankets, etc ..... do.....	.18	19,692,510	3,546,081.00	984,801.33	2,359,631.35	5 cts. to 15 cts.....	....do.....	27.70	66.35
Class 3 for carpets, etc ..... do.....	.10	61,811,967	6,185,733.00	1,545,299.26	1,854,963.75	2½ cts. per lb.....	3 cts. per lb.....	24.98	29.98
Wool waste ..... do...	.33	4,902,381	1,855,618.00	300,000.00	900,000.00	10 cts. per lb.....	30 cts. per lb.....	26.41	79.23
Shoddy and mungo ..... do...				100,000.00	200,000.00	.....do.....	20 cts. per lb.....	26.41	52.82
Woolen rags, flocks, etc ..... do...				90,238.10	90,238.10	.....do.....	10 cts. per lb.....	26.41	26.41
Goat skin, raw	.....	.....	5,835,716.00	.....	1,750,714.80	Free.....	30 per cent	Free.....	30.00
Hair of camel, goat, etc ..... do.....	.10	5,632,306	539,860.00	.....	622,614.66	.....do.....	10 cts. per lb. and 11 p. ct.	....do	123.39
Balmorals:									
Valued not above 60 cents per pound, pounds.	.46	1,733	796.00	530.00	889.40	12 to 18 cts. p. lb. and 35 p. ct.	20 to 40 cts. p. lb. and 50 p. ct.	66.58	111.73
Valued above 60 cents per pound..lbs...	1.07	2,086	2,243.00	1,499.67	2,164.50	24 to 35 cts. p. lb. and 35 and 40 p. ct.	50 cts. p. lb. and 50 p. ct.	67.00	96.50

No. 1.—*Statement showing the effect of the schedule of duties on wool and manufactures thereof, etc.*—Continued.

Articles.	Importations, fiscal year 1887.				Duties under proposed schedule.	Rates of duty.		Ad valorem equivalents.	
	Average value per unit of quantity.	Quantities	Values.	Duties.		Present.	Proposed.	Present.	Proposed.
Blankets:								*Per cent.*	*Per cent.*
Valued not above 60 cents per pound, pounds.	$0.30	531,950	$1,606.60	$1,187.10	$2,069.23	10 to 18 cts. p. lb. and 35 p. ct.	20 to 40 cts. p. lb. and 50 p. ct.	73.87	128.76
Valued above 60 cents per pound..lbs...	1.01	225,057	2,279.92	1,598.19	2,265.40	24 to 35 cts. p. lb. and 35 and 40 p. ct.	50 cts. p. lb. and 50 p. ct.	70.09	99.36
Woolen cloths:									
Valued not above 80 cents per pound, pounds.	.54	1,117,564	713,315.94	640,808.21	915,440.20	35 cts. p. lb. and 35 p. ct.	.....do.....	89.84	128.33
Valued above 80 cents per pound..lbs...	1.21	7,689,699	9,309,054.73	6,415,016.73	8,499,377.08	35 cts. p. lb. and 40 p. ct.	.....do.....	68.91	91.30
Worsted cloths:									
Valued not above 60 cents per pound, pounds.	.50	186,227,685	943,912.70	647,123.06	1,162,025.75	10 to 18 cts. p. lb. and 35 p. c.	20 to 40 cts. p. lb. and 50 p. ct.	68.55	123.10
Valued above 60 cents per pound..lbs...	.82	5,129,235	4,210,291.73	2,925,860.04	4,743,246.93	24 to 35 cts. p. lb. and 36 and 40 p. ct.	50 cts. p. lb. and and 50 p. ct.	70.00	112.65
Flannels:									
Valued not above 60 cents per pound, pounds.	.53	5,348	2,847.72	1,926.14	3,457.25	10 to 18 cts. p. lb. and 30 p. ct.	20 to 40 cts. p. lb. and 50 p. ct.	67.63	121.39
Valued above 60 cents per pound..lbs...	.85	213,986	182,355.78	127,748.06	198,150.98	24 to 35 cts. p. lb. and 35 and 40 p. ct.	50 cts. p. lb. and and 50 p. ct.	70.05	108.66
Knit goods:									
Valued not above 60 cents per pound, pounds.	.52	20,358	10,690.55	7,390.26	13,438.72	10 to 18 cts. and 35 p. ct.	20 to 40 cts. and 50 p. ct.	69.13	125.71
Valued above 60 cents per pound, pounds.	1.50	1,311,470	1,969,763.00	1,236,299.05	1,640,616.33	24 to 35 cts. and 35 and 40 p. ct.	50 cts. and 50 p. ct.	62.76	83.29
Shawls:									
Valued not above 80 cents per pound, pounds.	.66	42,604	27,903.34	24,677.68	35,253.78	35 cts. p. lb. and 35 p. ct.	50 cts. p. lb. and 50 p. ct.	88.44	126.32
Valued above 80 cents per pound, pounds.	1.46	685,283	1,002,094.85	629,330.32	843,688.64	35 cts. p. lb. and 40 p. ct.	.....do.....	62.80	84.19
Wool hats:									
Valued not above 60 cents per pound, pounds.	.47	818	387.00	282.69	520.70	18 cts. p. lb. and 35 p. ct.	40 cts. p. lb. and 50 p. ct.	73.04	134.54
Valued above 60 cents per pound, pounds.	2.53	2,455	6,207.98	3,279.08	4,331.71	24 to 35 cts. p. lb. and 35 and 40 p. ct.	50 cts. p. lb. and 50 p. ct.	52.82	69.77
Yarns:									
Valued not above 60 cents per pound, pounds.	.45	1,514,950	680,369.72	463,165.64	793,973.64	10 to 18 cts. per lb. and 35 p. ct.	20 to 40 cts. per lb. and 50 p. ct.	68.07	116.69
Value above 60 cents per pound...lbs...	.75	1,433,651	1,067,192.37	744,569.00	1,250,451.22	24 to 35 cts. per lb. and 35 to 40 p. ct.	50 cts. per lb. and 50 p. ct.	69.76	117.11
Manufactures of wool not otherwise provided for:									
Valued not above 80 cents per pound, pounds.	.65	123,783	80,510.00	71,502.76	102,146.80	35 cts. per lb. and 35 p. ct.	50 cts. per lb. and 50 p. ct.	88.81	126.87
Value above 80 cents per pound...lbs...	1.43	993,500	1,421,735.00	916,419.10	1,207,617.60	35 cts. per lb. and 40 p. ct.	50 cts. per lb. and 50 p. ct.	64.46	84.93
Ready-made clothing, cloaks, etc..lbs...	1.81	806,546	1,461,243.03	896,471.70	1,214,548.91	40 to 45 cts. per lb. and 35 to 40 p. ct.	60 cts. per lb. and 50 p. ct.	61.35	83.11
Webbings, gorings, suspenders, etc., pounds.	1.85	239,817	443,808.95	293,849.58	341,812.98	30 cts. per lb. and 50 p. ct.	50 cts. per lb. and 50 p. ct.	66.21	77.00
Endless belts and felts.....lbs...	.88	191,144	167,166.00	88,378.55	131,378.95	20 cts. per lb. and 30 p. ct.	25 cts. per lb. and 50 p. ct.	52.87	78.56
Women's and children's dress goods, etc:									
Composed in part of wool, etc., square yards	.15	26,929,225	4,094,463.06	2,779,502.28	4,201,539.48	5 cts. per yd. and 35 p. ct.	8 cts. per yd. and 50 p. ct.	67.89	102.61
Composed in part of wool, etc., square yards.	.37	9,701,047	3,562,967.99	2,104,260.54	2,557,567.81	7 cts. per yd. and 40 p. ct.	8 cts. per yd. and 50 p. ct.	59.06	71.78
Composed wholly of wool, etc., square yards.	.21	31,136,149	6,522,568.51	5,411,280.91	6,997,622.23	9 cts. per yd. and 40 p. ct.	12 cts. per yd. and 50 p. ct.	82.96	107.28
Weighing over 4 ounces per square yard, pounds.	1.18	2,560,716	3,019,201.46	2,103,931.19	2,789,958.73	35 cts. per lb. and 40 p. ct.	50 cts. per lb. and 50 p. ct.	69.68	92.40
Bunting.....square yards...	.22	243	53.00	42.80	50.75	10 cts. per yd. and 35 p. ct.	10 cts. per yard and 50 p. ct.	80.75	95.75
Carpets, etc.:									
Aubusson, Axminster, Moquette, etc., square yards.	2.63	162,245	425,924.46	200,787.53	310,309.17	45 cts. per yd. and 30 p. ct.	60 cts. per yd. and 50 p. ct.	47.14	72.85
Saxony, Wilton, and Tournay velvet, square yards.	1.85	53,615	99,410.56	53,949.70	81,874.15	.....do.....	.....do.....	54.27	82.36
Brussels, square yards.....	1.03	190,118	196,464.87	115,975.06	174,219.88	30 cts. per yd. and 30 p. ct.	40 cts. per yd. and 50 p. ct.	59.03	88.67
Patent velvet and tapestry velvet, square yards.	1.00	83,630	83,313.38	45,901.52	70,927.20	25 cts. per yd. and 30 p. ct.	35 cts. per yd. and 50 p. ct.	55.10	85.13
Tapestry Brussels.....square yards...	.64	106,378	68,348.04	41,779.98	69,768.48	29 cts. per yd. and 30 p. ct.	25 cts. per yd. and 50 p. ct.	61.13	28.76
Treble ingrain, 3-ply, Venetian, etc., square yards.	.76	25,437	19,332.00	8,352.04	13,481.55	12 cts. per yd. and 30 p. ct.	15 cts. per yd. and 50 p. ct.	45.79	69.73
Yarn Venetian and 2-ply ingrain, square yards.	.54	74,262	40,416.00	18,065.76	27,634.20	8 cts. per yd. and 30 p. ct.	10 cts. per yd. and 50 p. ct.	44.70	68.37
Druggets and bockings, square yards.	.34	3,962	1,353.00	1,000.20	1,667.00	15 cts. per yd. and 30 p. ct.	25 cts. per yd. and 50 p. ct.	73.92	123.20
Hemp and jute carpeting, square yds...	.24	282,725	68,502.00	16,963.50	54,041.74	6 cts. per yd.....	7 cts. per yd. and 50 p. ct.	24.76	79.03
Carpets and carpeting of wool, flax, etc., not otherwise provided for, square yards.	.99	35,433	35,203.82	14,081.52	19,373.65	40 per cent.....	5 cts. per yd. and 50 p. ct.	40.00	55.02
Mats, rugs, screens, etc., not exclusively of vegetable materials, square yards.	.....	.....	502,889.37	201,155.76	251,444.68	.....do.....	50 per cent.....	40.00	50.00
			67,030,691.42	35,646,497.63	52,610,384.80				
					35,646,497.63				
					16,963,887.17				

MEMORANDA.

It would be impracticable to administer the clause providing that "no wool shall be included in class 3 which shall be imported for any purpose other than for the manufacture of carpets or low grade of blankets," etc. The customs officers can not know the purpose for which any wool is imported. If imported for making blankets, how is the dividing line between low-grade and high-grade blankets to be determined? In all fleece wool designated as of class 3, there are portions fit for use other than the "manufacture of carpets or low grades of blankets." Must the customs officers assort all such wool and assess duty on each quality separately according to the uses to which it is adopted or for which they may think it is intended to be applied?

In the foregoing estimate it is assumed that carpet wool (class 3) upon which duty was assessed in 1887 at 5 cents to 15 cents per pound (costing upon an average over 18 cents per pound) would fall within the class "imported for purposes other than the manufacture of carpets or low grades of blankets," and would therefore pay the same duty as wools of classes 1 and 2.

Under the present law woolen rags, shoddy, mungo, waste, and flocks are subject to a uniform rate of duty of 10 cents per pound, and not being returned separately there is no data showing the importations of each of said articles, which are provided for in the proposed schedule at different rates. The amounts of each, as stated in the above table, are mere estimates, but are believed to be fair, as it is well known that the bulk of such information consist of ring waste, garneted waste, and purified shoddy.

The statement of "goat-skins, raw" represents the value of the importation of goat-skins only imported free during the fiscal year 1887. In estimating the quantity of camel llama, and other hair made dutiable under the proposed schedule, it is assumed that at least one-third of "cattle and other" hair imported during the last fiscal year free of duty, would fall within the provision.

No. 2.

We submit herewith a table showing equivalent ad valorem duties now paid on manufactures of wool, those proposed by the committee, and those proposed by the joint agreement of Wool-Growers' and Wool-Manufacturers' Association, adopted in Washington, D. C., January 14, 1888:

Articles.	Present equivalent ad valorem.	Proposed equivalent ad valorem.	Proposed by convention of wool dealers, growers, and manufacturers.
Wools, hair of the alpaca, goat, and other like animals:			
Manufactures—			
Balmorals—			
Valued at above 30 and not exceeding 40 cents per pound	Per ct. 67.72	Per ct. 40	Per ct.
Valued at above 40 and not exceeding 60 cents per pound	65.59	40	111.73
Valued at above 60 and not exceeding 80 cents per pound	68.15	40	
Valued at above 80 cents per pound	65.35	40	96.50
Belts or felts, endless, for paper or printing machines	52.87	30	78.59
Blankets—			
Valued at not exceeding 30 cents per pound	79.66	40	
Valued at above 30 and not exceeding 40 cents per pound	63.85	40	128.76
Valued at above 40 and not exceeding 60 cents per pound	69.56	40	
Valued at above 60 and not exceeding 80 cents per pound	69.36	40	99.36
Valued at above 80 cents per pound	70.30	40	
Bunting	80.75	40	95.75
Carpets and carpeting of all kinds—			
Aubusson, Axminster, and chenille carpets, and carpets woven whole for rooms	47.14	30	72.85
Brussels carpets	59.03	30	88.67
Druggets and bockings, printed, colored or otherwise	73.92	30	123.20
Mats, screens, hassocks, and rugs, not exclusively of vegetable material	40.00	30	60 00
Of wool, flax, or cotton, or parts of either, or other material not specially enumerated or provided for	40.00	30	55.03
Patent velvet and tapestry velvet carpets, printed on the warp or otherwise	55.10	30	85.13
Saxony, Wilton, and Tournay velvet carpets	54.27	30	82.36
Tapestry Brussels, printed on the warp or otherwise	61.13	30	88.76
Treble ingrain, three-ply, and worsted chain Venetian carpets	45.79	30	69.73
Yarn Venetian and two-ply ingrain carpets	44.70	30	68.37
Hemp and jute carpets	24.76	30	79.03
Clothing, ready-made, and wearing-apparel (except knit-goods), not specially enumerated or provided for, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other (like) animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer—			
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes	67.47	45	
Clothing, ready-made, and wearing apparel of every description not specially enumerated or provided for, and balmoral skirts and skirting, and goods of similar description or used for like purposes	54.18	45	83.11
Cloths, woolen—			
Valued at not exceeding 80 cents per pound	80.84	40	128.33
Valued at above 80 cents per pound	68.91	40	91.30
Wools, hair of the alpaca, goat, and other like animals:			
All manufactures of, etc.—continued.			
Dress goods, women's and children's coat linings, Italian cloths, and goods of like description—			
Composed in part of wool, worsted, the hair of the alpaca, goat, or other animals—	Per ct. 67.89	Per ct. 40	Per ct. 102.61
Valued at not exceeding 20 cents per square yard	59.06	40	71.78
Valued at above 20 cents per square yard			
Composed wholly of wool, worsted, the hair of the alpaca, goat, or other animals, or of a mixture of them, and all such goods of like description, with salvages made wholly or in part of other materials or with threads of other materials, introduced for the purpose of changing the classification—	82.96	40	107.28
Weighing 4 ounces or less per square yard	69.68	40	92.40
All weighing over 4 ounces per square yard	73.20	40	
Flannels—			
Valued at not exceeding 30 cents per pound	66.20	40	121.39
Valued at above 30 and not exceeding 40 cents per pound	67.69	40	
Valued at above 40 and not exceeding 60 cents per pound	67.65	40	
Valued at above 60 and not exceeding 80 cents per pound	73.02	40	108.66
Valued at above 80 cents per pound			
Hats of wool—		40	
Valued at above 30 and not exceeding 40 cents per pound	73.04	40	134.54
Valued at above 40 and not exceeding 60 cents per pound	66.22	40	
Valued at above 60 and not exceeding 80 cents per pound	52.07	40	69.77
Valued at above 80 cents per pound			
Knit goods and all goods made on knitting-frames—	88.33	40	
Valued at not exceeding 30 cents per pound	65.20	40	125.71
Valued at above 30 and not exceeding 40 cents per pound	69.14	40	
Valued at above 40 and not exceeding 60 cents per pound	69.62	40	
Valued at above 60 and not exceeding 80 cents per pound	62.58	40	83.29
Valued at above 80 cents per pound	88.44	40	126.32
Shawls, woolen—	65.41	40	84.19
Valued at not exceeding 80 cents per pound			
Valued at above 80 cents per pound	61.53	40	
Composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals			
Webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, head-nets, buttons or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, the hair of the alpaca, goat, or other animals, or of which wool, worsted, the hair of the alpaca, goat, or other animals is a component material	66.21	50	77.09
Yarns, woolen and worsted—	69.40	40	
Valued at not exceeding 30 cents per pound, lbs	67.90	40	116.69
Valued at above 30 and not exceeding 40 cents per pound	68.08	40	
Valued at above 40 and not exceeding 60 cents per pound	69.08	40	117.11
Valued at above 60 and not exceeding 80 cents per pound	68.79	40	
Valued at above 80 cents per pound			
All manufactures of every description not specially enumerated or provided for, made wholly or in part of—	88.81	40	126.87
Wool—	64.46	40	84.93
Valued at not exceeding 80 cents per pound			
Valued at above 80 cents per pound			
Worsted, the hair of the alpaca, goat, or other animals (except such as are composed in part of wool)—			
Valued at not exceeding 30 cents per pound	76.49	40	
Valued at above 30 and not exceeding 40 cents per pound	69.28	40	123.10
Valued at above 40 and not exceeding 60 cents per pound	68.28	40	
Valued at above 60 and not exceeding 80 cents per pound	68.15	40	112.65
Valued at above 80 cents per pound	71.99	40	

Mr. MILLS. Then at 1 o'clock the vote is to be taken.

The CHAIRMAN. The Chair will state that the pending question is on striking out the whole section; but that proposition is divisible.

Mr. DINGLEY. Is not the present question upon striking out that part relating to wool simply?

The CHAIRMAN. The pending motion is to strike out the whole section, but on that any gentleman can demand a division and have a vote upon striking out any separate clause.

Mr. ADAMS. I understood that the proposed limitation applied only to the time when the vote on the free-wool clause should be taken.

Mr. MILLS. That is right.

The CHAIRMAN. That is all.

Mr. ADAMS. My understanding is that unanimous consent was asked and given that a vote should be taken on the first lines of the paragraph.

Mr. MILLS. The understanding is that at 1 o'clock we will take a vote on the amendment offered on the other side of the House to strike out the free-wool clause.

Mr. ADAMS. I wish to say one word relating to the time of the year at which the free-wool clause and the clause providing for a lower duty on woolens shall take effect; and as I understand it it is a practical business proposition. I hold in my hand a letter transmitted to me by importers of woolen goods in the city where I reside, and I will ask the attention of all those who are willing to consider the question from a practical point of view.

This is not a question involving the subject of protection or anti-protection. Mr. Chairman, I saw some time ago an interview reported to have been had with Henry Watterson immediately after the St. Louis convention, in which he declared that the Democratic party would be very conservative in the way in which they brought the change in our fiscal policy to bear upon the industries of the country, and he is said to have used these words: "We will give notice to the tenants before we take the roof off the house."

That, Mr. Chairman, was the precise purpose with which I proposed at the beginning of the five-minute debate to change the time of the year at which the free-list clause should take effect. My argument was that it should take effect at the beginning or end of a manufacturing season. If I had at that time carefully studied this bill as far as the end of section 2 I should have found that the committee had adopted that identical principle with reference to flax, hemp, and jute and the manufactures thereof. We had before us a free-list, including these articles; that is, hemp, jute, flax, and many others; and it was provided that that should take effect on the 1st day of July. I insisted that in justice and fairness it should take effect at a different period of the year. At the very time when we were discussing that question there was a provision in this bill, as yet invisible, because it was at the end of a section which we had not reached, which applied that very principle to two of the articles which we were then discussing.

Now, Mr. Chairman, I wish to have applied to the change in the laws regarding wool and woolens that same principle of practical justice and fair play which the committee has seen fit to adopt with reference to jute and flax and hemp, and all substitutes for hemp. I send to the desk to be read a letter on this subject from a firm in Chicago, who are largely engaged in dealing in men's furnishing goods. They are not raisers of wool; they are not manufacturers of woolen goods, but they know the course of trade; they know the customs prevailing among business men in this country, and they believe that this bill should be modified in accordance with those existing customs. I now ask to have the letter read.

The Clerk read as follows:

CHICAGO, *April* 28, 1888.

DEAR SIR: In view of the possibility of the Mills tariff bill becoming a law there is one provision therein that has probably been inserted by Mr. MILLS without knowing how injurious such a law would be to all interested. We presume that he has no intention of seriously injuring any portion of the citizens of this country, yet he has made a very grave error in fixing the date of the entry of raw free wool as July 1, 1888, and also of reducing so seriously the import duties on woolen manufactured goods on the day of October 1, 1888.

All woolen manufacturers must make their contracts early in the beginning of the year for the following fall and winter business, and by the 1st of July to have manufactured at least three-quarters of their production for the season.

The importer is necessarily obliged to place his orders early in the year for the ensuing fall and winter business. Every importer has already so placed his orders, the samples are now out in the hands of traveling men, prices have been fixed, and goods are now being sold at such prices and must be delivered in August and September. Fully three-quarters of the entire fall and winter business of the importer and wholesaler is done before the middle of September.

These being facts, it clearly proves the great injustice that would result to manufacturers, importers, and wholesale dealers if the Mills bill, as it is framed, should become a law. It would prove seriously disastrous to the manufacturer as well as to the wholesale dealer. If it did not prove disastrous to these several parties there would be no benefit accrue to the consumer, and we presume that this is what Mr. MILLS has in mind in framing this bill.

If the bill is to pass can not Mr. MILLS be prevailed upon to so change it that the time for the reduction on free wool can be changed to take effect January 1, 1889, and the time for reduction on woolen manufactured goods take effect from July 1, 1889? With these changes no injuries would result to wholesale dealers and manufacturers, and the consumer will get every possible benefit from the reduced prices.

Very respectfully,

WILSON BROS.

Hon. GEORGE E. ADAMS,
House of Representatives, Washington, D. C.

[Here the hammer fell.]

Mr. ADAMS. I would like to have one minute more to state in one sentence the effect of the proposition.

The CHAIRMAN. If there be no objection, the gentleman will proceed for one minute longer.

Mr. ADAMS. Now, Mr. Chairman, I wish to call the special attention of the gentleman from Massachusetts [Mr. RUSSELL] to the purport of this letter, because I infer that he knows something of the wool business. It states what I believe to be true, that from January to July wool is finding its way into the woolen mills; and that the woolen cloth is finding its way from the woolen mills through the jobber and the wholesaler to the retailer during the latter part of the year. By October the woolen cloth may have reached the wholesaler; therefore the retailer will diminish his purchases if he understands there is to be a radical change in the law about that period in the year. Therefore, on the same principle of justice which the committee has applied to flax and jute, the change ought to take place in January rather than in October or July. The change in the duty on wool should take effect in January, at the beginning of the season in which the manufacturers are buying wool. The change in the duty on woolens should take effect six months later, that is, on July 1, 1889. That is the proposition of my constituents. It seems to me a reasonable one. At all events, the committee should have the same consideration for those who have made business engagements in wool and woolens as they take pains to show for those who are interested in hemp.

Mr. ALLEN, of Massachusetts. A statement having appeared in the newspapers, and also having been made on the floor of this House, that many wool manufacturers, especially in New England and the Middle States, are in favor of free foreign wool, I desire to submit the authoritative statement of Mr. William Whitman, president of the National Wool Manufacturers' Association, bearing upon this very point. I send to the desk to be read for the information of the House a letter received from that gentleman this morning.

The Clerk read as follows:

WASHINGTON, *July* 16, 1888.

DEAR SIR: The woolen manufacturers of the United States, especially those of the New England and Middle States, are opposed to the removal of the duty upon foreign wool.

They believe that the permanent success of the wool-manufacturing industry of the United States is dependent upon the growth in this country of their principal raw material, wool—a raw material which shall be indigenous to our soil and climate.

They also believe that the comfort, prosperity, and independence of our people are as dependent upon the growth of sheep in our country for food and for clothing, as they are upon the products of the soil for food, and of the mines for fuel and for use in the mechanic arts.

The number of New England manufacturers who favor free wool can be numbered by the fingers of my hands, and I believe by the fingers of one hand. On this I am in a position to speak with authority.

Yours, very truly,

WM. WHITMAN,
President National Association of Wool Manufacturers.

Hon. C. H. ALLEN,
House of Representatives, Washington, D. C.

Mr. JACKSON. Mr. Chairman, in May last in the course of the general debate on the bill now under consideration I was so generously treated in the allowance of time that I will now ask of the committee but a very brief hearing. I do not wish to repeat arguments I then made against the propriety of putting wool on the free-list, and will therefore confine myself, so far as I can, to replying to some things that have occurred in the course of the debate since that time. Nothing that I have yet heard has in the least changed my mind, and I believe as I did then, that it is bad policy to put wool on the free-list. To my mind the arguments are clear, plain, and unanswerable that the sheep-raiser and wool-grower is entitled to have his industry protected against foreign competition, and that this protection in its effects is a benefit to all the people of the United States.

Mr. Chairman, there is one feature of this discussion which, if I may be allowed to use the expression, is noticeable by its absence. No gentleman advocating the passage of the Mills bill has as yet, so far as I recollect, given as a reason for placing wool on the free-list that its effect will tend to the well-being of the whole country and the benefit of the entire people of the United States. No one has advocated it as a great national policy which is to make us stronger as a people, better prepared to meet our adversaries in war, or that will diversify our industries and enable our citizens to live better in time of peace. I am surprised, Mr. Chairman, that this new policy, this new departure from the system of protection, has not elicited from gentlemen on the other side arguments, or at least attempted arguments, in that direction.

But none have been given us. No gentleman has explained to us how the more than 1,000,000 of persons employed in this industry can be better employed after we have given Australia and South America free permission to supply our home markets with their wool. No one has told us what good, cheap, and wholesome meat our people can obtain to take the place of lamb and mutton when this bill shall have made the raising of sheep unprofitable.

Neither have we heard how the lands now covered with flocks can be adapted to a better use. No one has told us what we have or can produce that foreign countries will take from us in exchange for the wool we are expected to buy from them.

There is but one inference. We must year after year send gold and silver abroad to buy the wool we are now raising, send it where but little if any of it will ever return to us. How we could get a supply, even with coin, in case of war, can not be told, for all of the great powers of Europe are stronger on the ocean than we are, and the advocates of the Mills bill are opposed to our building a navy or even establishing mail lines of steam-ships.

All the arguments in favor of free wool can be reduced to this: that it will, for the time being, enable poor people to get cheaper clothing.

It is alleged, not even proven, that next year blankets will be cheaper, that a wool hat can be bought for less in Kentucky, that Arkansas constituents will thereby be enabled to purchase woolen clothes, and that the inhabitants of the cotton-growing States will be relieved of the terrible high prices they have been paying for what they wear.

These are the arguments that have been repeated to us over and over again by gentlemen who represent the old slave States, and who are the real fathers of this bill. Occasionally we have had a Democrat from the North, who, driven and scourged by the party lash, comes reluctantly to the support of the bill, and excuses himself to his constituents by alleging that it has been discovered that the same law that will make wool and woolens cheap to everybody else will enable the wool-grower to sell his wool dear and high.

Mr. Chairman, I observe a great change has come over the gentlemen who favor this bill in one respect. They no longer denounce protection as the sum of all villainies and a system of robbery, but, in fact, occasionally assert that they are not even free-traders themselves. I will not stop now to illustrate how the Oregon election and the very general denunciation that this bill is receiving throughout the country may be the cause of this. But gentlemen on the other side will allow me to say that this change comes too late.

By the message of your President, by the Mills bill itself, and by the resolutions of your national convention you have placed yourselves in direct and positive opposition to the entire system of protection. That is free trade as plain as language can make it. By your speeches two months since you left no doubt as to your true policy, and the American people care but little about the name you say you wish to be called.

So far as the wool schedule is concerned I suppose none of you are ready to deny that you are free-traders. No one will expect me in the discussion of this question to stop and inquire whether the new policy of this Administration under the Democratic party means ultimate free trade or not.

To the wool-grower and the men interested in that business the Mills bill is in express terms and without any qualifications absolute free trade. It is not a step in the right direction, as free-traders would describe some parts of the bill. No half-way measures about it. It is not an effort to lessen or lower the tariff under a pretext of reducing the income, but at once our ports and markets are made free to foreign wool of all kinds. The stranger pays nothing to stand on an equality with our citizens. It is free trade in wool. Perhaps, in this connection—lest some might infer that there was not much free trade in this bill beside wool—it may not be out of place to call attention to the fact that it is absolute free trade in many other industries of this country that give employment to thousands of our people. It proposes free trade in wool, free trade in wood, lumber, and timber of all kinds; free trade in salt; free trade in copper ores; free trade in hemp, manilla, and all vegetable fibers; free trade in tin-plate; free trade in fish; free trade in iron and steel cotton ties or hoops; free trade in vegetables; free trade in over one hundred other articles, with sweeping reductions in regard to many articles that are left dutiable.

During the general debate my colleague [Mr. BUCKALEW] gave as a reason for supporting the bill that he wanted free wool to benefit the manufacturers. Outside of the New England States Pennsylvania, and especially the city of Philadelphia, is more largely interested in the manufacture of woolen goods than any other part of the country. I was therefore much surprised that my colleague should give such a reason when he knew, or at least ought to know, the fact that the wool manufacturers of Philadelphia did not only not ask for free wool, but were uncompromisingly opposed to it.

A gentleman with as much experience and with as much general information as my colleague possesses should not have made such a mistake. I proposed at the time to ask him a question that would have called his attention to the matter, but he declined to yield. Mr. Chairman, I will call the attention of the committee to the evidence on this point. The wool manufacturers, wool-dealers, and wool-growers of the United States during the time this Congress has been in session, by representatives, met in this city and passed the strongest kind of resolutions, protesting against putting wool on the free-list. The associations of wool-growers of Pennsylvania, acting in harmony with the woolen manufacturers of our State, were represented in that meeting and united in this protest.

The woolen manufacturers of the city of Philadelphia have quite recently taken action on this matter, and to show that they have not changed their position on this subject I submit this extract of their proceedings:

[Extracts from the remarks of Mr. Theodore Justice, at a business men's meeting, Board of Trade room, Philadelphia, June 18, 1888.]

Mr. Chairman, as the President in his message to Congress singled out the wool industry for his attack, and as the majority of the Ways and Means Committee carry out his advice with the Mills bill, described by a Republican Congressman as a "viciously sectional scheme, full of malicious purpose toward the Northern States," it is proper that the wool men should be heard in regard to it. The President has thrown down the free-trade gauntlet, and, as a Republican business man, I say we willingly take it up and as freely accept the issue.

The wool men, embracing manufacturers as well as dealers and growers, are practically a unit against free wool, Democratic wool-growers being as outspoken as their Republican neighbors. The wool merchant, through their correspondents in every State and Territory, yes, in almost every county in the United States, hear but one voice, and they can speak advisedly of the opinions and intentions of wool men, Democrats as well as Republicans. * * *

Texas gave 80,000 majority for Cleveland, when his party said that the platform of 1884 did not mean free trade and meant no harm to any American industry. I ask you to take note of the next Texas majority for Mr. Cleveland. You can form some idea of it by the recent vote of the Democratic wool-growers in Oregon. The eastern part of that State was settled by Missourians and Kentuckians, whose sympathies and votes have always been with the South. These very men pooh-pooh'd the President's messages; they declared that it was only politics, and contained no menace to the wool industry. When the Mills bill was reported to the House they saw evidence that the President really meant what he said about free wool. Still they thought it could not be possible for an American Congress to cripple an important industry, and were not alarmed.

They were not convinced until the Oregon Democratic convention of Cleveland's office-holders, his civil service reform office-holders, indorsed the message, the Mills bill, and especially free wool. What was the result? The Republican managers in Oregon on figuring on the returns conceded to the Democrats the eastern or wool-growing portion of the State by their usual 1,500 majority; they never dreamed of any change of sentiment in that region. After making this allowance, they were rejoicing in a good 4,000 Republican majority, and were utterly surprised when the returns from the wool-growing counties of Eastern Oregon came in, to find that that heretofore Democratic section had given 1,500 Republican majority. The President's attack on wool had done it.

Mr. Chairman, protection is the very keystone of the arch of the wool business, both in wool growing and woolen manufacturing. The question of protection is bound up with the very life of the business. Wool growing in many sections of the United States has been fostered by and grown up under protection. I give a brief comparison of the cost of growing foreign and American wool:

The main cost of raising wool in foreign countries, where the sheep graze over the public domain, is the wages of the herder. In the Argentine Republic this quality of labor receives three Spanish dollars per month. In Montana, where the sheep also graze on the public domain, the wages of the herder, which is also the main cost of growing wool there, is $40 per month, as against $3 in South America.

This is an increase in the cost of growing American wool, otherwise under similar conditions, of 1,200 per cent. The freight on wool from Buenos Ayres to New York by sailing vessel is only one-quarter of a cent per pound, while the cheapest freight from Montana is 2 cents per pound to the same market. Here is an increase to the Montana grower in the cost of transportation of 700 per cent. over the cost to the South American grower. With this difference against the American grower on the free range, how much more must be the cost of raising wool on farms worth $50 to $75 per acre.

There are many erroneous opinions, Mr. Chairman, held by the press of Philadelphia as to the attitude of wool men toward free wool. I am sorry to say that at least three Philadelphia daily papers have had editorials on the subject which are wholly wrong. They could easily have obtained the truth from the Manufacturers' Club, or the Wool Merchants' Association, both of which (practically containing all who are in the business) are wonderfully united in opposition to free wool. Wool growers, wool dealers, and woolen manufacturers are almost unanimously opposed to free wool. They have so declared themselves in no uncertain words, through their associations and individually. This is the fact not here only, but throughout the whole country. It is the case in Massachusetts, where the woolen product of that State alone exceeds the entire amount of our importations of woolens.

Manufacturers throughout the United States, with the exception of scarcely more than 1½ per cent. of all of them, in spite of the seductive offer of the Mills bill of free raw material, say that they are for protection for wool growing from principle, and concede to the wool growers for their industry the protection which they demand for their own industry. They also believe that free wool is only the entering wedge for free goods later on.

In July, 1885, Hon. Daniel Manning, then Secretary of the Treasury, sent to the National Association of Wool Manufacturers a circular letter asking for information on the question of a possible revision of the tariff.

In reply the association, under date of October, 1885, among other things, said:

It will be observed that in this communication, which, we need not say, is addressed not only to you, but through you to Congress and the public, we have not urged, as has been customary with this association in former times, any argument for encouragement in behalf of the important industry most closely allied with our own, that of wool production. Circumstances, which we need not mention, seem to have made it expedient that each branch of the national wool industry should act independently in representing its interests as connected with tariff legislation.

As the domestic wool-grower, in view of the high cost of labor and the high scale of living required by American civilization, can not profitably send his wools abroad, and as every pound of foreign cloth imported, displacing a pound of American cloth which might be made here, at the same time displaces a quadruple weight of domestic wool, it might be claimed that the interests of our nearest allies are sufficiently served by securing defenses for the manufactures which constitute their only market. This was the narrow and selfish argument for exclusive protection to manufactures in former times.

A broader and more just policy now regards protection to any distinct interest but as a part of a universal system; and while we demand for our own finished products, and more imperatively still, for the labor by which they are wrought, the whole power of defense granted by the Constitution against other nations—defense against their policy, their pernicious trade, their extorted and pauper labor, no less than against their arms—we would extend the same defense to every home product, of the farm, the mine, and the forest, thus making our own identical with the national prosperity.

Mr. Chairman, a few days since the statement was made on this floor that the pendency of this bill and the menace of free wool had caused the loss of 10 cents per pound to the wool-grower on his clip for the present year; that its effect had been to lower the price of wool that much in the market.

An advocate of the Mills bill at once suggested that if the wool-grower lost 10 cents per pound on his wool the laborer of the country had gained that much in the reduced price at which he could buy his clothes.

But this is a fallacy easily answered. As yet the difference in price is so evenly distributed among the buyers, manufacturers, and merchants that it is scarcely appreciable by the man who buys clothes for himself and family. But the general depression in business, growing out of this state of affairs, has affected the wages and employment of

our people, so that they have less to buy clothes with than they would have had if wool was bringing a good price.

I should add to the able and complete answer given to this question this morning by the gentleman from Ohio [Mr. EZRA B. TAYLOR], that one class of our people can not gain by any injury or loss sustained by another class of people in the United States. We are bound together by a community of interest, and so we should be.

The prosperity of the individual citizen rises and falls with the general welfare of the country; you can not point out to-day any class of individuals who will eventually be better off because thousands and tens of thousands of our citizens who produce the present wool crop have suffered loss because of the apprehension brought about by the introduction of the Mills bill. It is true the wool-growers have suffered a severe loss, but they are really in no worse condition than those of many other industries. Nearly everything affected by this bill has been more or less harmed.

Many kinds of business throughout the country have directly suffered from precisely the same cause. Works are stopping, wages are being lowered, and but few new enterprises are being prosecuted. You hear "the rumble and grumble of disaster" in the distance, threatening every class of producers throughout the country.

But little attention, Mr. Chairman, has been given in this debate to the fact that a large part of the people of the United States are producers and not consumers. Those who favor this bill argue as if we were a nation of consumers who wanted everything cheap.

I can understand very well how a professor in a college at an annual fixed salary can argue in favor of free trade and low prices. It is easy to see how those who have regular fixed incomes from any source would be, for the time being, gainers by the passage of the bill. This is one of the reasons why English aristocracy with fixed ground-rents payable in money want free trade and low prices. But people with fixed incomes who do not labor are but a very small minority of the people of the United States. The large body of the consumers of our country, the bulk of our population, are also producers. We are an industrious, thrifty people, nearly all producers. The laws of our country must be made to do justice to the producers, and nothing short of protection is adapted to a nation like ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JACKSON. I ask unanimous consent to be permitted to proceed for a few minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BRECKINRIDGE, of Kentucky. I do not object if gentlemen on that side are satisfied; but the understanding is that a vote is to be taken at 1 o'clock, and I shall object to any extension of the time beyond that. It is also understood that the time was to be equally divided, if desired.

The CHAIRMAN. The Chair will endeavor to divide the time as equally as possible.

Mr. BREWER. I think it was understood that one-half of the time was to be allotted to each side if desired.

Mr. BRECKINRIDGE, of Kentucky. Certainly.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JACKSON. Mr. Chairman, in the brief time allotted to me I desire to confine myself to the wool question, for the purpose of making a reply to one or two suggestions which have been made during the course of this debate. The gentleman from Missouri [Mr. DOCKERY], inadvertently I presume, made a statement in his speech to the effect that we can not raise fine wool in this country which is necessary for our manufacturers, and that therefore we must have free wool in order to bring from abroad the fine wool necessary to supplement our coarser clip, so that our manufacturers may have both kinds in their business.

This is an entire mistake, and, as I have said, was no doubt inadvertently made by the gentleman from Missouri. His arguments, like most of those we hear in favor of this bill, are made to order. He starts out to make a speech in favor of free wool, and not having an opportunity to know much about the business falls into this error, and at once applies it as an argument in favor of the Mills bill. We do raise and can raise the very finest grades of wool; in fact, in that line our people excel. We do not want fine wool for any purpose, and least of all we want it free. The present tariff discriminates in favor of admitting some coarse goods at low duty on the ground we do not raise them here. Great frauds have been practiced by admitting fine wools under the pretense that they were coarse.

The question is really not whether we can raise the finer wools, but it has been raised as to whether we can raise profitably the coarser grades of wool, such as we call in late years in this country "carpet-wools." Fortunately the answer comes from the sheep-breeders and wool-growers throughout the country that there is no difficulty in raising that grade of wool if we are permitted to have adequate protection.

Another thing. Gentlemen seem to talk of the wool industry as if we could experiment with it; as if it was a matter with which we could exercise our discretion in the way of having free wool for a year or two, and if it was not found by experience desirable that we could revert to the old system of protection and resume the industry again the next year or the following year. No greater mistake was ever made. There is no industry in this whole country, even of the finest classes of manufacturing, that has required such long time and care in the development as the breeding of sheep and the bringing of the wool industry to its present condition. Wool is not a raw material. You never heard of the finer grades of sheep, the Southdown, the Merino sheep, and Black Top existing in a natural state. They are the result of many years of high breeding.

You have the Hottentot sheep and the coarse sheep of Mexico and of South America almost in a state of nature; but in order to produce fine grades of wool and a large, profitable fleece, careful breeding of sheep has been necessary. This condition has been brought about, as I have said, by many years of experiment and care, and I tell you, gentlemen, if you drive to the slaughter-pen the sheep of Pennsylvania, Ohio, Michigan, Vermont, and the Southwest, and destroy the finer grades, you can not in a generation return again to the position which you have lost.

Once more. I have tried, in looking over the arguments here, to find why it was that the gentlemen who started on this free-trade crusade should have selected the woolen industry as their objective point of attack, and think I am prepared to answer. It is this: Wool is an industry so uniformly distributed throughout the country that the gentlemen no doubt adopted the opinion that it was not extensive enough in any one particular locality to materially affect political questions. They evidently supposed that the people interested in it, being scattered over the whole country, would not be able to raise a very determined protest.

I do not think any man can give a good reason why free trade should be adopted in wool in preference to any other of the leading industries of the country. There is no argument that can be made to favor putting wool on the free-list that will not apply with equal force to sugar, rice, iron nails, glass, and many other things which are left protected by this bill.

The gentleman from Indiana [Mr. BYNUM] says this bill is a mild attack on the system of protection. It is the first attack, and it was supposed, no doubt, to be safest to make it upon wool for the reason I have stated. If this succeeds you will take some other industry next; or, grown bolder, may take several. But, gentlemen, let me give you a little warning. There is no industry outside of manufactories in any section of this country that has better organization than the sheep-breeders and the wool-growers; and I say to gentlemen on the other side, with some considerable knowledge upon the subject, that there is a large number of your party associates as well as Republicans who are deeply interested in this matter.

Sheep-raisers are an intelligent class of people, not generally largely interested in politics, as the phrase goes, but they are interested in their business affairs. I do know that there are many of the officers of the associations of which I speak that are Democrats; and if you gentlemen will take the resolutions passed by these associations and protests sent here to Congress by men engaged in this industry you will discover that it is one upon which they are taking a great deal of interest. You will allow me to add that you will be very apt to hear from these men in a way you can not misunderstand in the coming elections.

No, gentlemen, you can not resume this industry if it is once abandoned, except after long years, and there are more people interested in it than you perhaps in your philosophy have dreamed of. There are more interested than are engaged in merely raising sheep and clipping the wool. There are men interested in taking care of the flocks, in furnishing supplies of mutton for the markets and for the shambles, and in various other ways connected with this immense industry. Those who desire to see a good supply of wholesome meat to feed the people in this country are interested in the sheep industry just as well as those who are engaged in the production of wool. I shall incorporate in my remarks at this time some communications I have received which bear directly upon this subject, and I ask respectful attention to them. They represent truly the sentiment of the parties most interested in this question.

You gentlemen have made this a party question, and as such you will be held responsible. In the vote that will shortly be taken on this section you will find no vote in favor of it except Democrats; not a single Republican in this Congress. A few Democrats will oppose it; but only a few. Your party must take the responsibility of this measure, and with it the rebuke that the people will most certainly give it. The fact that many of you from Northern States who will vote for free wool are at heart opposed to it will not relieve your party.

WASHINGTON, PA., *July* 11, 1888.

DEAR SIR: What shall become of the wool-grower? Our industry is paralyzed. The wool-grower has not prospered under the present tariff of 1883. The proof of this is manifest in the reduction of the number of our sheep of near 7,000,000 in the States and Territories. The continuous tariff tinkering that followed the passage of the act of 1883 had much to do in driving men out of the business and causing all to reduce their flocks; some gradually, others rapidly down to no sheep at all.

I am free to say from an extensive acquaintance with the wool-growers of not only our own State of Pennsylvania, but of all the States and Territories,

that the passage of the Mills bill putting wool on the free-list will not meet with the approval of the wool-growers of the State of Pennsylvania, nor in any other State. The bill now before Congress, if passed, will be death, death, death, to the industry. The effect of this bill now before the House has destroyed our home market. Washington County, so long the banner wool county, yielding annually over 3,000,000 pounds of wool at living prices, now no longer prosperous, but shares the common fate of disaster with all other wool-growers in the States.

The actual cost of growing a pound of wool is 39 cents in Pennsylvania. Our market at present is 25 cents a pound for the highest, and much of our wool is bought at 18, 20, and 22 cents a pound. How can we live at such prices? It is simply impossible. Since the repeal of the act of 1867 and constant tariff tinkering to reduce the wool schedule the sheep of our own State have been reduced over 700,000. And why? Answer, the want of adequate protection.

I earnestly hope the Mills bill will not pass.

Yours, most truly,

JOHN McDOWELL.

President Pennsylvania State Wool-Growers' Association.

Hon. OSCAR L. JACKSON,
House of Representatives United States, Washington, D. C.

[Resolutions of Pennsylvania wool-growers, Twenty-fourth Pennsylvania district, passed in December, 1886.]

Resolved, That as wool-growers of Pennsylvania we pledge a determined resistance to the proposition to place wool on the free-list as a raw material.

Resolved, That in no just sense can a fleece of American-grown wool, requiring labor, capital, and skill for its high development as to quality and weight, be regarded a raw material.

Resolved, That the placing of carpet wools on the free-list, as suggested in some quarters apparently friendly to protection, which wools, with adequate protection, can be produced in America in sufficient quantities to meet our demands, would in practice result injuriously to wool-growing, opening new avenues to fraudulent valuation, and precluding the possibility of ever reaching the desirable point where we can produce all our needed wools.

Resolved, That a great national industry like that of wool-growing, so important as to be justly named the key to the protective system, should command such tariff duties as will fully protect it against the present large importations.

Resolved, That we favor the reduction of revenue by the increase of tariff duties, and the consequent decrease of importations which yield revenue.

Resolved, That we adhere without hesitation to our formerly expressed belief that wool-growing needs, and is fully entitled to, the protection afforded in the era in which that industry made its greatest progress in this country; and that, in a spirit of absolute fairness to the great twin industry of wool-manufacturing, we cheerfully accord to the manufacturing interest such a readjustment of duties, in the event of a tariff on wool being increased, as will be equitable and right.

Resolved, That we recognize as one of the greatest evils with which wool-growing has to contend, the constant menace with which both the measure of wool duties and their actual existence has been threatened in the last few years; and that we demand, above all things, a cessation of the Congressional agitation tending to the lowering or complete destruction of existing duties. If it is impracticable to secure at present the legislation we confidently claim as a right, the industry should at least have a period free from menace, in which to quietly recuperate.

LOUISVILLE, KY., *June*, 1888.

To the honorable members of the House of Representatives of the United States at Washington, D. C.:

We, the undersigned, woolen manufacturers, wool dealers, and others interested in the woolen business, do hereby petition your honorable body against the passage of what is known as the "Mills bill," believing that such an act will be greatly detrimental to and jeopardize the wool industry in this country, State, and city.

Henry W. Barret & Co., proprietors Eclipse Woolen Mills; L. Richardson, president Old Kentucky Woolen Mills Company; R. L. Whitney, secretary and treasurer Falls City Jeans and Woolen Company; Louisville and Madison Woolen Mills, J. W. Stine, president; Louisville (Ky.) Woolen Mills, George A. Robinson, secretary and treasurer; W. A. Hedden & Co., proprietors New Albany Hosiery Mills; New Albany Woolen Mill, J. F. Gebhart, superintendent; W. F. Robinson, vice-president Beargrass Woolen Mills; J. B. Halloway, secretary Beargrass Woolen Mills; W. E. Koop, treasurer Beargrass Woolen Mills; James Morning, superintendent Henderson Woolen Mill Company; Knoxville Woolen Mills, R. P. Gettys, secretary and treasurer; Richardson & Co., wool merchants; D. Davis, wool merchant; Samuel Dinkelspiels Sons, wool merchants; M. Sabel & Sons, wool merchants; Isaac Rosenbaum, wool dealer; L. Marx & Bro., wool dealers; E. A. Burford & Co.; D. A. Loud & Bro., Lexington, Ky., woolen manufacturers; L. Heacox & Sons, Jas. McCormick & Co., wool merchants; C. S. Brent, wool merchants; Sol. Cain, wool dealer; Laws Schneck, manager Seymour Woolen Mills, Albert N. Meyer, secretary and treasurer.

Mr. KERR. Mr. Chairman, when the tariff act of 1883 was passed the people of the whole country were interested in the wool schedule, and the Legislature of my own State of Iowa, in 1884, passed a resolution in favor of restoring the wool schedule of 1867. As a member of that Legislature I was the only person on the Republican side of the house who voted against that restoration. I did so for the reason that I believed the Tariff Commission having considered the matter it should remain as they recommended, in order that it might be given a fair test.

One of the reasons for the reduction of the wool tariff at that time was in order that the surplus revenue might be reduced. The gentleman from Ohio [Mr. TAYLOR] has shown us that as to five or six articles upon the wool schedule the revenues of the Government have been increased $11,000,000 by the reduction of the tariff of 1883, the importations having largely increased, and I think that fact ought to have some weight with the Democratic side of the House and with the country. They have reduced such a large number of articles on the pretense that the surplus revenue is too great; that there is too much surplus, too much money in the Treasury.

If the experience of the Government with reference to the wool schedule is worth anything, it establishes to a certainty the proposition that every reduction will, instead of reducing the surplus, have a tendency to increase it. Certainly the history of the Government since 1883 in regard to the wool schedule is an absolute proof of this proposition. So the Democratic party have wisely come to the conclusion with reference to the wool schedule that they can not again reduce the tariff with any hope of reducing the revenue, and consequently they have placed wool upon the free-list. That will serve to apprise the country of what will be the effect of the other reductions upon other schedules.

In regard to some other matters that have been brought up in this debate. Our worthy Chairman [Mr. DOCKERY] spoke the other day of the interest of the Democratic party in the laboring men of this country and made this extravagant proposition: The mother may forget her babe, but the Democratic party in this country will never forget the interests of the laboring man. I desire to know, Mr. Chairman, if the history of the Democratic party in this country warrants any such statement on the part of the Chairman of the committee? I tell you that throughout the whole history of the Democratic party in this country the interests of the laboring men have never been properly considered. I ask who is it that gave the laboring men in this country the right to obtain an education? Is it not a fact that until the Republican party came into control in this country the children of the poor men were allowed to go without any education? I believe the history of the Democratic party in this country establishes beyond doubt the proposition that the great mass of that organization that controled its action formerly believed the proper condition of the laboring man was that of a slave.

Mr. OUTHWAITE. Does the gentleman know the Democratic party is the party which organized the free-school system in the State of Ohio?

Mr. KERR. I do not know so much about the State of Ohio as the gentleman does, but I do know that the people of the State of Ohio do not indorse the gentleman's position in regard to the wool schedule, and he knows they do not indorse his position.

Mr. REED. What is the gentleman's position in regard to wool? We were unable to find out the other day.

Mr. KERR. I understand he is going to vote for this bill. That defines his position.

Mr. JACKSON. Oh, no; the gentleman went with the Ohio delegation to protest against this proposition only a couple of years ago.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KERR. I should like to have five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that he be allowed to proceed five minutes longer?

Mr. OUTHWAITE. I make no objection provided the gentleman confines himself to the subject under consideration.

Mr. KERR. I have confined myself very closely to the subject and to the remarks of the gentleman.

Now, Mr. Chairman, in regard to this wool schedule, the history of the legislation of 1883 not only shows that the revenues of the Government have increased since that time from the tariff upon wool and upon the articles in the wool schedule, but in addition to that it shows the number of sheep in this country has been reduced over six millions. Is that what we are to expect from the other reductions? Is it not what we may reasonably expect from the line of policy pursued by that side of the House? The revenues will be increased and our own industries injured. The foreign importations of articles are to be increased and the articles of American manufacture and American production are to be decreased by the policy pursued by that side of the House.

Something was said by a member of this House regarding the position of my colleague from Iowa in reference to blankets. The argument of my colleague went to show this: That the poor man's blanket was as cheap to-day within 10 per cent. as it is in England. The argument of the gentleman from Ohio [Mr. MCKINLEY] shows that the poor man's all-wool clothing is as cheap to-day in the United States, or within a trifle of it, as it is in Great Britain.

And that fact stands against all theories as a conclusive argument in favor of maintaining the present position. The gentleman from Michigan [Mr. FORD] said something here to the effect that the abolition of the internal revenue was proposed to save the tariff schedules. I wish to call the attention of gentlemen to the position taken in this House two years ago by the gentleman from Pennsylvania [Mr. RANDALL] upon that question and to the thorough indorsement of that position by the people of some districts in which a distinct issue was made. In a discussion between the gentleman from Pennsylvania, Mr. RANDALL, and the gentlemen from New York, Mr. Hewitt, the following took place:

Mr. HEWITT. Will the gentleman allow me a word? He has asked whether the measure introduced by the Committee on Ways and Means was in accordance with the pledges of the Chicago platform. I say that it was, and that is the question that I will go into his district and talk out with him and with his workingmen. [Applause on the Democratic side.]

Mr. RANDALL. I know well the conduct of the gentleman in the Chicago convention, and I know that neither he nor any other man subsequently went on the stump in his State or elsewhere and made declarations in the direction of the bill of the Ways and Means Committee as I conceive it to be. I not only know that, but I know also that, on the contrary, I was invited into his State and spoke there in the exact line of the declarations that I have made here and make now. [Applause on the Republican side.] I know more; I know that in the canvass last year which resulted in the election of Governor Hill they took care to invite me again, and they invited also many other men who agreed with

me in sentiment as to the construction of the Chicago platform, while they failed to invite any man to speak there who thought as the gentleman from New York [Mr. Hewitt] now declares. [Applause on the Republican side.] And what was the result? The result was that the Democratic majority in the State of New York increased from something over 1,000 in 1884 to 11,000 in 1885, and it was not on any free-trade doctrine. [Laughter and applause.]

I declare that I am ready and willing to vote with anybody who will seek intelligently to reform the inequalities of the tariff. But how have we been met in this particular? We have had to either take the bill of the Ways and Means Committee or nothing. It has been asserted that we can not put upon a customs bill anything that looks to the repeal of internal taxation. I believe that the system of internal taxation is un-American and undemocratic. It was so pronounced by the fathers of our country, and I shall never weary in seeking its repeal in part or altogether. [Applause.]

The theory of the Democrats two years ago was that they could not combine a bill for the reduction of duties with one for the reduction of internal-revenue taxes. They have abandoned that position now.

Mr. BLAND. And still you are not satisfied.

Mr. KERR. Mr. Chairman, the men who took issue prominently with Mr. RANDALL, when they went home to their constituents were sent to the shades of private life. That was the case with Mr. Bragg; that was the case with Mr. Morrison, and it came within a few votes of being the case with several other prominent men upon this floor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON, of Iowa. Mr. Chairman, a great deal has been said during this debate as to the pending measure being an assault upon American industries, and it seems to me that by dint of repetition on the part of these self-constituted champions of American industry and American labor, who offensively assume that every one who does not agree with them is an enemy of American industries, a false issue is being presented by this debate to the country. For my part, taking this bill in the average percentage of its protection to American industries, I can not for my life, from the old standpoint of Republicanism, see how it is that it is in the direction of an assault upon American industries; and when our self-constituted champions of American industries are driven into a corner on that point and forced to confess that a 40 per cent. tariff is ample for the purposes of protection they then seek refuge behind another statement that has no merit, which is that the bill is purely a sectional measure, and therefore ought to be rejected.

In this way there is an effort on the part of these men, who seem to think that the burden rests entirely upon their shoulders of defending American industries, to make this an unpopular measure before the people of the country. Now, I wish to say a few words in this connection with reference to the alleged sectional character of this bill. I do not like the bill in every part. I would like to see free sugar and free molasses and free lumber and free salt.

A MEMBER. How about rice?

Mr. ANDERSON, of Iowa. And free rice; and if that reduced the revenues of the country below an amount needed for the discharge of the obligation of the Government, I would re-enact the old tax upon the incomes of the rich men of this country and in that way revise our system of taxation. But, Mr. Chairman, I can not have my choice, and consequently I have to take such measures as I can find that do stand some show of practical success in the matter of reducing taxation.

But now, a word as to the sectional cry that has been raised against the pending measure. With all the imperfections that inhere in this bill I undertake to say that it is not as obnoxious to the charge of sectionalism as the law it seeks to revise, and which was enacted by its "friends," and that that is another false cry and another false issue set up by the self-constituted champions of American industries and the American people. I am an American, a thorough American, and expect to be for American institutions and American industries at every stage of my life, especially as against foreign industries.

Mr. JOSEPH D. TAYLOR. Are you self-constituted in that line? [Laughter.]

Mr. ANDERSON, of Iowa. A fair retort. Yes, sir; I am self-constituted in that line. I have nothing to disguise and no false assumptions to defend. I am for protection here and elsewhere, whenever in my judgment it can be given without extorting to an unwarrantable extent from another class of the people who are not interested in the particular industry concerned. Talk about the pending bill being sectional! I want to say to gentlemen that it is a matter of history, so far as our tariff legislation is concerned, that the tariff has always been the most sectional measure upon the statute-book.

It is a legislative garment which was cut originally for the back of New England, and has never been enlarged by the patch-work which has been put upon it in recent years further than to extend it to the State of Pennsylvania. It is true that wool has come in; it is true that lumber in Michigan and Wisconsin has come in since Mr. Blaine twenty years ago inveighed on this floor against a tax on lumber as he would against a tax on bread. But the great body of the country that has been the beneficiary of these laws have been the States of New England, New York, New Jersey, and Pennsylvania.

[Here the hammer fell.]

Mr. ANDERSON, of Iowa. I would like one or two minutes more.

Mr. KERR. Does the gentleman mean to say that Mr. Blaine ever inveighed against a tariff on lumber?

Mr. ANDERSON, of Iowa. He opposed the tax on lumber, and put his opposition on the ground that it was one of the necessaries of life, like bread.

Mr. KERR. Mr. Blaine's remarks were in regard to the internal-revenue tax on lumber.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Iowa?

There was no objection.

Mr. ANDERSON, of Iowa. A few words further on this sectional question; for it is not a question of party with me. While I have been a Republican all my life and wish that the position of the party was such that I could be in strict harmony with it now, I care more for the principle involved in this matter than I do for the consequences to the party.

Now, when gentlemen are talking about free sugar and free rice, I want to remind them of the fact that the men who cut this tariff garment for the country, and not the men who are now insisting on the revision, are those who put the tariff on sugar and rice, and put it higher than the Mills bill now puts it. Gentlemen here, let them come from where they may, whether the North or the South, the East or the West, had to tackle the question of the revision and modification of the tariff from the established order of things; and that established order was sectionalism in the extreme, as it had been fashioned and molded by its "friends." Gentlemen talk about the assault on manufactured lumber. That is one of the articles which have been referred to in order to show the sectional character of the measure. Gentlemen have talked about the lumber in Maine and Michigan and Wisconsin, seeming to forget in their zeal that several Southern States—among them Tennessee, Georgia, Alabama, and Arkansas—have the finest lumber forests in the world.

Gentlemen talk about putting wool on the free-list as another assault upon American industries; but they are as silent as the grave with reference to the fact that the great State of Texas, five times as large as the State of Ohio, has five times as many sheep scattered over her plains as the State of Ohio.

We hear a good deal in this connection about the reduction of duty on the metals, yet from what is said in this quarter you would never suspect that among the finest iron mines in the world are located in the Southern State of Alabama.

I say, then, Mr. Chairman, in the first place, that the charge that the pending measure is an assault on American industries is simply absurdly false; and the other charge—behind which, when driven from the first and principal charge, they find refuge—that this is a purely sectional measure, and therefore to be condemned and denounced at the North, is as false as the former, for this bill takes one-fifth of the $54,000,000, the amount of the entire tariff reduction, from sugar alone, which is entirely a Southern product, leaving out of consideration the primary fact that the existing law is purely a sectional measure, and the favored section the North and East chiefly. The truth of the matter is that these pretentious champions of protection, in advance of the appearance of the committee bill, took it for granted and heralded it to the country that it was to be a free-trade measure, and in that way they have diverted the attention of thousands and tens of thousands of their followers from even looking at the text of the bill itself to see whether the charge is true or not. These leaders know the force of party cries, and they are profiting by it here to the last degree. If we are to have tariff reduction, tariff duties, it seems to me, must at some point along the line be reduced.

In this connection, I want to say that our friends here, who arrogantly assume that they are the sole guardians of American industries, in assaulting the pending measure, are themselves open to criticism. They should remember the recent history and the record they have made with reference to this tariff question, which is that in the Forty-eighth Congress they united in support of a motion striking out the enacting clause in a bill for tariff revision, and on another occasion, in the Forty-ninth Congress, they joined in a motion to not consider the question of tariff at all.

This kind of record, coupled with the fact that the same interests have opposed the present measure as a whole and in detail, is not calculated to inspire the country with confidence in professions from this quarter as to what will be done either in the present or in future Congresses as to tariff reduction.

And, Mr. Chairman, in view of this record, it seems to me that the country should not accept without the closest scrutiny professions from such doubtful sources. And doing this the country will see that the charge of free trade and sectionalism in connection with the pending measure are both false and misleading charges, plied for the purpose of bringing about the same results that were brought about in the Forty-eighth and Forty-ninth Congresses by more direct and more honorable methods.

With our increased efficiency in all kinds of machinery, with our superior labor, one American laborer accomplishing in one day what it takes a foreign laborer a day and one-half to accomplish; with 3,000 miles of ocean transportation between our manufacturers and those most spoken of as their competitors, it is the grossest of misrepresentation to characterize as an assault on American industries a measure that grants them a 40 per cent. duty advantage over their competitors. The truth of this statement is so apparent that when attention is called to it the opponents of tax reduction concede it and assume that the measure is sectional and unfair in the adjustment of its details and therefore an unjust and dangerous measure.

But as we have already seen that the present law is sectional in its character, and that the Northeastern section of the Union has ever been the chief beneficiary under its provisions, we find this second charge as false and untenable as the first. It is no longer, in my opinion, a question of free trade or protection, but a question for protection to American industries on the one hand, or high war duties and unjust extortion in the interest of monopolies on the other. And I am at a loss to know what answer the member can make who votes against this measure in the absence of an honest, practical effort to supply a better one, when he is called to give an account of his stewardship to a constituency that have long been waiting for the redemption of pledges to revise the tariff and reduce taxation.

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Chairman, I have listened closely to the discussion on the Mills bill and observed the action of the Democratic majority in regard to the different amendments proposed, not in the spirit of political partisanship, but in the desire to honestly protect the industries of the nation from the clearly established mistakes of a majority of the Committee on Ways and Means until I am compelled against my desire, to conclude that all debate is useless. Valuable information is worthless. That the jury is packed, and regardless of arguments that are unanswerable, facts that can not be controverted, the Mills bill as reported by the majority of the Ways and Means Committee must be passed by this House with only such amendments and changes as political necessity requires to procure the votes necessary to complete the assassination of the business interests of this nation.

Under such circumstances arguments are useless, appeals are vain, and the language of denunciation that would do justice to the action of the majority would be so strong as to transgress the rules and perhaps insult the dignity of this House.

Therefore whatever I may say will be in the nature of a protest, and I do protest against the ruthless disregard of the interest of the farmers of Ohio and the Northwest, of the farmers of Texas, and the broad prairies of the Southwest in placing wool upon the free-list.

It is not denied that the farmers of the United States have more than $300,000,000 invested in the sheep industry of the country.

It is not denied that the effect of placing wool on the free-list will be the destruction of this branch of American husbandry. And if it is denied, I beg to submit the following clear and candid statement:

In the year 1885 the woolen manufacturers of the United States consumed about 424,404,109 pounds of wool, this being the largest amount ever consumed in any one year in the history of the Government, and larger than that consumed by Great Britain. Of this amount 129,084,958 pounds were imported.

Our imported wool came from Europe, Asia, Africa, South America, and Australia. In the year, 1886 Europe sent to this country 79,033,833 pounds of wool; South America sent 28,767,140; Australia, 7,960,443; Africa, 21,617,700. In 1887 we imported 12,767,850 pounds of wool from Asia.

Now, the question arises, can the American wool-grower successfully compete with these foreign countries in the production of wool to supply our factories? It is well known that in Asia, Africa, Australia, South America, and in some portions of Russia there are vast prairies and mountain-sides devoted to sheep-raising, where pasturing and feed cost little or nothing; where the sheep graze in the fields almost the entire year through; where they are sheared twice annually, the annual clip weighing from 6 to 8 pounds per sheep; where shepherds who tend the flocks can be hired in some of these countries for from 2 to 10 cents per day, and where the cost per pound of raising wool is not much more than one-quarter what it is in this country.

South America can place wool in the warehouses of New York, Boston, and Philadelphia, if there were no duties, at a cost of not more than 13 to 15 cents per pound, while in the older States of this country wool can not be raised and placed in these markets at less than 30 cents per pound. Most American fine wool is raised on high-priced land, worth from $40 to $100 an acre; hay is worth from $6 to $12 per ton; pasture lands costs from $4 to $8 per acre annually. The wages of employés vary from $12 to $25 per month, with board. Under such conditions competition with foreigners in supplying wool for our markets would be utterly impossible without adequate duties on wool; and if the duties are removed the wool and woolen industries in this country will be ruined, thus giving foreign wool-growers and manufacturers a monopoly of these industries, when the price of wool and woolen goods would immediately advance.

I ask my Democratic friends if they believe the farmers and flock-masters of the nation will silently submit to this most unjust discrimination against their interests. Their protests are already heard.

Texas has 6,800,000 sheep, and I respectfully invite the attention of the gentleman from Texas [Mr. MILLS] to the following resolutions of his constituents in convention assembled:

The cattlemen's convention, at Waco, Tex., in Mr. MILLS's district, the Ninth, passed resolutions declaring that Mr. MILLS "does not represent the Ninth district nor the State of Texas in his position, and that his course tends to destroy the material industries of his constituency." We quote further from the text of the resolutions adopted by Mr. MILLS's wool-raising constituents:

"We deprecate the course of Mr. MILLS and put ourselves on record in hearty condemnation of his conduct and his bill.

"Forsaken by our Representative, we urge upon our Senators and Representatives in Congress to work against the Mills bill, and we call upon all good men from other States to protect Texas if her own Representatives fail to do so.

"Protection on raw wool is purely a protection to the producer, the farmer, as well as the sheepman, and should be maintained; and, finally,

"If Mr. MILLS persists in and urges the proposed removal of the duty on wool, it is the sense of this, a representative body of his constituency, that he abdicate his seat, and hereafter we will withhold our support at the ballot-box and elsewhere."

[Here the hammer fell.]

Mr. MILLS obtained the floor, and said: I yield my five minutes to the gentleman from Ohio [Mr. WILLIAMS].

Mr. WILLIAMS. Missouri has 1,300,000 sheep, and I respectfully invite the attention of the eloquent gentleman from Missouri [Mr. DOCKERY] to the resolutions of the Missouri Wool-Growers' Association:

The Missouri Wool-Growers' Association at its last annual meeting adopted these resolutions among others:

"Whereas wool-growing adds to the welfare and happiness of the people by diversifying their occupations; and

"Whereas many natural resources of the country are thus utilized which would otherwise be wasted; and

"Whereas wool-growing not only adds to the comfort and prosperity of the whole people, but is essential to national independence and defense:

"*Resolved*, That it is the sense of this convention that wisdom and good public policy demand its extension and growth be fostered by every honorable means, either by the people or their representatives in legislatures assembled."

Mr. DOCKERY. Allow me to say that after two general discussions in my district on the question of reducing the duty on wool, the people of that district sustained me by increasing my majority from 1,800 to 4,219. [Applause on the Democratic side.]

Mr. WILLIAMS. Well, that was only a compliment to the gentleman's skill as a canvasser [laughter and applause on the Republican side], and not an indication of their sentiment on this question. I am afraid when you go before the people this fall you will find that the majority will not have increased.

Ohio has four millions of sheep, and I respectfully request my Democratic colleagues to heed the respectful but indignant protests that come to them from the wool-growers of their respective districts; and I invite them to redeem the pledges made to the people of Ohio when in the Democratic State convention they adopted resolutions demanding the restoration of the wool tariff of 1867. Our Democratic friends claim that the prime object of the Mills bill is to reduce the revenues for the benefit of the people, and that it will reduce the revenue $78,000,000. If that was their object, and if they sincerely desire to reduce the revenues to the injury of the few for the benefit of the many, why not take sugar, which is an article of food, found on the tables of the rich and poor alike, one of the absolute necessities of life, and produced only in a limited area in the United States? It is paying a revenue of $56,000,000 annually. Tobacco is a product of the soil North and South, and is paying a tax of over $30,000,000. By exempting sugar from duty and abolishing the tax on tobacco the revenue would be reduced $86,000,000, and no profitable industry of American toil and labor would be injured or destroyed, while the helping hand of wise statesmanship would be felt and blessed in every household in this broad land of ours. [Applause on the Republican side.]

Mr. KELLEY rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. KELLEY. I seek recognition from the Chair for two or three minutes only.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. KELLEY. Mr. Chairman, I learn from the RECORD that on Saturday last the member from the Erie district of Pennsylvania, WILLIAM L. SCOTT, indulged in an unusually reckless fanfaronade, in the course of which, after referring to me by name, he said—

That neither age nor association can cultivate in one what nature has not given him—those traits of character which gentlemen recognize both in public and private life as the best types of true manhood.

If that member's public and private life are governed by the traits to which he alludes, it is matter of great happiness to me that nature did not bestow them upon me; and if he alludes to those traits which permit him, in pursuit of his own advantage, to pervert and falsify statements made by gentlemen, or which, according to his code, require a man who is forced to hear a conversation, all the essential facts of which are falsified and perverted by a party to such conversation, to abstain from exposing such falsification and perversion, I humbly thank my Creator for having protected me against the domination of such traits.

It is not my purpose to pursue the gentleman through his labyrinth of imaginary facts, but to say that in a letter addressed by Andrew Carnegie to James M. Swank, on the 16th of May last, which letter I had not seen when I submitted my correction of the statement made by the member from Erie, Mr. Carnegie confirms with precision my statement of the vital questions at issue, as appears from the following extracts from that letter:

In reply to your inquiry I beg to state exactly what occurred between Mr. SCOTT and myself in the room of the Ways and Means Committee, at Washington.

I said to Mr. SCOTT: "You have been making speeches around the country saying that I would not consent to become an American citizen, and that I was a foreigner profiting by the high tariff." Mr. SCOTT said that he had made that statement "under a misapprehension," and he now knew "it was not true." He had "read Triumphant Democracy," and knew that I was an intensely patriotic American. He promised not to repeat it.

I said: "There is another statement you have made which is equally incorrect, namely, that I took a million and a half of dollars of dividends from my manufacturing interests in one year."

* * * * * * *

So far from ever having drawn a million and a half from our firm in any one year, I have never drawn a million, nor half a million, nor any sum approaching it.

In view of these concurrent statements by Mr. Carnegie and myself no question of veracity between the member from Erie and myself can be made. But there were in the committee-room three gentlemen who can not be heard on this floor. They were Mr. Uriah H. Painter,

Mr. Jesse H. Weirick, both of whom were in positions to hear what occurred, and Mr. Talbot, the accomplished clerk of the committee, who was, I think, too far removed from the place at which the interview was held to hear what was said. The member from Erie has given us his promise to endeavor to have the statements of these gentlemen printed. I hope he will redeem his promise. They are well known as gentlemen of veracity, and as his allegations are now expressly contradicted by two witnesses, Mr. Carnegie and myself, the publication of statements from these gentlemen will show with increased emphasis why I am so glad to have escaped the dominant traits of his character.

Mr. LANHAM. Mr. Chairman, in response to what the gentleman from Ohio said a few moments ago, with reference to certain resolutions adopted at Waco, Tex., I beg to say on behalf of my colleague, Colonel MILLS, that I do not think that was a very large or representative convention which passed the resolutions the gentleman read, nor do I believe it was composed very largely of representative Democrats.

His course has been subsequently indorsed by the assembled Democracy of Texas, and ratified by the national convention of the Democratic party.

As an evidence of how my distinguished colleague is considered in his own district I beg to read a brief extract from a recent daily paper published in my State, which contains the proceedings of one of his county conventions held on the 11th instant, and a very large convention at that, and I find this approval and indorsement of my colleague by the Democrats of Falls County:

The name of Hon. ROGER Q. MILLS fully aroused the unterrified, and the building resounded again and again to cheers, and the delegation to the Congressional convention was instructed to cast the vote of Falls County for him first, last, and all the time.

This is but the precursor of what the other counties will do in that Congressional district. [Applause on the Democratic side.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not want to discuss the free-wool question now distinctively as free wool, but to illustrate the effect of the adoption of this schedule by some observations upon an experiment which we have tried and of which we have a sufficient account to understand its good effects. In 1872 Congress put raw hides on the free-list. We had then the same predictions about placing raw hides on the free-list that my distinguished friend from Ohio, who has just taken his seat, makes, and which other gentlemen also have made with reference to free wool. It was not quite so large an industry, but it was to be ruined utterly, as the wool industry is to be ruined by putting wool upon the free-list. We have had free raw hides now for sixteen years. We have seen the experiment tried. It is not a matter of conjecture or of prophesy, but of history. It stood related to American industries almost precisely as free wool does to-day, though somewhat less important. Every industry connected with leather has prospered under this experiment.

I hold in my hand the tables prepared by the customs office, which show this result: We have now about 20,000,000 more of population than we had in 1872. It was estimated then that our population was about 40,000,000. It is now estimated at over 60,000,000.

Mr. MCMILLIN. A little over 60,000,000.

Mr. BRECKINRIDGE, of Kentucky. So there has been an increase of consumers of the various manufactures of leather to the extent of over 20,000,000 persons. In 1872 we imported $11,879,000 of leather. In 1887 we imported $10,936,000 worth; that is, the American manufacturers of leather goods supplied both the twenty-odd millions of increase of our population as well as those formerly supplied. Every additional consumer of every form of leather manufacture is provided for by an American manufacturer. As the people increase in population the American manufacturer of leather increases the amount of his product.

But that is only part of the story. In 1872 we exported $3,684,020 worth of the manufactures of leather and $1,445,178 worth of hides and skins. We now export $10,436,138 worth of the manufactured article and $765,655 worth of hides and skins—that is, we not only supplied the additional twenty million, but we have increased our exportation nearly 300 per cent. Not only that, but we have increased our importations of raw hides from fourteen millions in 1872 to twenty-four millions in 1887—that is, we have given that much more work to American workingmen. We have not only used every hide produced in America except $765,000 worth, but we have increased our importations of raw hide nearly 100 per cent., which represents that much more labor given to the American laborer, that much more wage earned by the American wage-worker, and that much more profit by the American manufacturer.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MCMILLIN. I ask unanimous consent that the gentleman be given five minutes more. If I can be recognized I will yield my time to the gentleman.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. Not only that, Mr. Chairman, but the importations of leather are divided almost equally into two classes. We have ceased to import almost all sorts of leather save gloves, of which we import $4,184,877 worth out of the ten million dollars' worth and odd of importation—nearly 50 per cent. We import $6,195,479.08 calf skins and skins for morocco and the upper dressed leather; those articles which are in an unfinished condition and have to be manufactured in America, so that our whole importation of leather are of gloves which we do not make, or are supposed not to make as well as they are made in Paris or elsewhere, and of leather which is manufactured in America. So that the result of this experiment is that the tanner has increased in prosperity by tanning twice as much foreign raw hide; that the manufacturer has increased his manufactures over 100 per cent.; that the importations have decreased until they have reached a point where they can probably decrease no longer, because we import finer calf-skins and morocco than we make, and import kid gloves and nothing else substantially, and our exportations have increased 300 per cent.

By this means we have built up a trade with South America and elsewhere, where we buy these raw hides. We sell to them our manufactures. In increasing the exportation of our goods we have increased our commerce with the countries to which we sell, and in purchasing the raw hides we have increased our commerce with the nations from which we buy.

Mr. BUTTERWORTH. Will the gentleman from Kentucky allow me to call his attention to the fact that the illustration is hardly fair? The hide is an incident of another great industry in this country, the production of meat being the main thing.

Mr. MCMILLIN. So is wool.

Mr. BUTTERWORTH. While wool is the basis of an industry and a separate industry itself, in which the carcass of the sheep is only an incident. The cases are hardly upon all fours.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly the gentleman's criticism is in part just and in part unjust. The analogy to which I desire to call attention is absolutely on all fours. It is that the introduction of free raw material necessarily has these consequences: First, the increased importation of the raw material in lieu of the finished product by which the amount of labor is increased, the amount of wage is increased, and the amount of profit to the manufacturer is increased. Secondly, that the importation of raw material increases in such a way that we find a market for our manufactured goods and sell our finished products to those countries that have the crude material, and buy from them their raw material. In the third place, if we will keep up that experiment, as has been done, it increases in exact proportion two things: First, the increased consumption of the country, so that we may furnish the entire amount needed by that increased consumption; and second, the increased exportation as rapidly as our commercial relations will allow it to be done. There is some difference between leather and wool on both sides.

We produce leather in America as incidental to the production of provisions. So, in a certain sense, do we produce wool. The sheep as food is as important as are cattle; it is growing in value in that aspect, and one of the largest profits derived from sheep-raising is in the sale of lambs in our great markets. It is also important because the hide upon the sheep, the sheep-skin, becomes an article of commerce and comes under this head of leather; and in the third place many of the woolens which we use in America are made in part of foreign wools, because as to these fabrics American wool must have foreign wool mixed with it. We are therefore in the condition that we can not produce all the wool we need. We produce, in round numbers, only 265,000,000 of pounds out of about 600,000,000 of pounds that we need.

Counting the finished product and the wool that comes in in the raw state, and counting the adulterants which the excessive protective duties require to be put into our clothing, we use about 300,000,000 pounds more than we raise.

Now, I have used this leather illustration because it illustrates what we claim will be the result of the operation of this bill in relation to wool. If you introduce free wool there may be a temporary depression in the price of American wool as there was a temporary depression in the price of raw hides, but immediately the reaction will begin. We shall begin to increase the amount of goods made by the mixture of our own wools with the cheap wools brought from abroad, wools which will come in at the price which they now cost the English manufacturer, wool which can be freely selected in all the markets of the world instead of being chosen as now for reasons connected with the tariff.

Those wools will come in, I say, at a price so cheap that there will be an increased demand for American wools, precisely as there is now for American raw hides. We will continue to import wool somewhat in the quantity that we do now, but in its raw state instead of the finished product. Instead of thousands of thousands of yards of woolens being made in England and brought here, fabrics on which the English wage-worker has earned his wage, the English manufacturer his profit, the English ship-owner his freightage, the material will come to this country in the shape of free raw wool, to be mixed with our own wools, and in the manufacture of the fabric our own laborer will obtain the wage, and our own woolen factories instead of running only six or seven months in the year will run the whole twelve months; our wool-growers will be prosperous because our woolen manufacturers will be prosperous and will give a stable market to our wool-growers. We shall then drive from the American market the foreign manufacturer, and some man standing here in Congress as I stand now will present figures similar in nature to show that our woolen industry, under the

stimulus of free wool demonstrated the value of that system which furnishes to labor, free from burden or exaction, the material which it turns to human use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OWEN. Mr. Chairman, more time has been consumed in the discussion of this question on this side of the House than on the other, and I ask that the time of the gentleman from Kentucky be extended.

There was no objection, and it was so ordered.

Mr. BUTTERWORTH. As my friend goes on I want to say to him that the English manufacturer does not adopt the view which he presents here.

Mr. BRECKINRIDGE, of Kentucky. It may be possible that he does not; but if the gentleman means that the English manufacturer wants our market in the sense that it is to his advantage that we should have free wool, I utterly deny it, and I can produce the evidence of Sir Lion Playfair, Mr. Gladstone, and other great thinkers to the effect that the reason the United States does not successfully compete in the markets of the world with England and the other European nations, with their enormous armaments, their enormous taxation, and their great armies subtracted from their productive population, is because of our unfortunate, unwise, foolish, protective laws, that so long as we manacle our hands and chain our feet they will run ahead of us in the great progressive industrial march, but that as soon as we unshackle our own limbs, bring the crude material in free, and put the machinery at work which will transform that crude material into the finished product, we shall be masters of the situation.

We propose by this bill to do that, to do in relation to wool precisely as we have done heretofore in relation to leather. As our population increases our manufactures will increase; as we increase our manufactures our exports will increase; our ships will be seen again in foreign ports; there will be American merchants with balances in foreign commercial cities; there will be American vessels owned by American capital carrying American cargoes to foreign nations and bringing back in return cargoes of crude materials to be sold to the American manufacturer, to be mixed with American materials, to be worked up into finished fabrics by American workingmen, the profits of which will remain in American pockets. That is the Democratic doctrine. [Applause on the Democratic side.]

In connection with the views I have here presented, I desire to have printed the following tables:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., July 13, 1888.

DEAR SIR: In reply to yours of the 10th instant, I forward to you a table showing the imports entered for consumption and the duties collected thereon, also the exports of domestic products of leather and manufactures of, and hides and skins other than furs, from 1872 to 1887, inclusive.

So far as can be determined from the censuses of 1870 and 1880, the capital invested and the value of the product of leather and manufactures of in the United States were as follows:

CENSUS OF 1880.

	Capital invested.	Value of product.
Leather, board	$856,200	$689,300
Leather, curried	16,878,520	71,351,297
Leather, dressed skins, including morocco	6,266,237	15,399,311
Leather goods	561,900	2,020,343
Leather, patent and enameled	17,100	166,000
Leather, tanned	50,222,054	113,348,336
Belting and hose leather	2,748,799	6,525,737
Boot and shoe cut stock	1,210,300	7,531,635
Boot and shoe uppers	209,264	790,842
Boots and shoes, including custom work and repairing	54,358,301	196,920,481
Saddlery and harness	16,508,019	38,081,643
Total	149,836,694	452,824,925

CENSUS OF 1870.

	Capital invested.	Value of product.
Leather, board	$268,000	$242,500
Leather, curried	12,303,788	54,191,167
Leather, dressed skins, including morocco	5,194,522	12,857,432
Leather goods	(*)	(*)
Leather, patent and enameled	906,000	4,018,115
Leather, tanned	42,720,505	86,170,883
Belting and hose leather	2,118,577	4,558,043
Boot and shoe cut stock	(*)	(*)
Boot and shoe uppers	(*)	(*)
Boots and shoes, including custom work and repairing	48,994,366	181,644,090
Saddlery and harness	13,935,961	32,709,981
Total	126,441,716	376,392,211

* Not stated.

Respectfully yours,

WM. F. SWITZLER, *Chief of Bureau.*

Hon. W. C. P. BRECKINRIDGE, M. C.,
House of Representatives, Washington, D. C.

Table showing the imports entered for consumption and the duties collected thereon; also the exports of domestic product of the following articles, from 1872 to 1887, inclusive.

Year ending June 30—	Imports and duties. Leather, and manufactures of. Entered for consumption.	Leather, and manufactures of. Duty received.	Hides and skins other than furs. Entered for consumption.	Hides and skins other than furs. Duty received.	Domestic exports. Leather, and manufactures of.	Hides and skins other than furs.
1872	$11,879,214	$4,404,711	$14,345,727	$1,134,859	$3,684,029	$1,445,178
1873	11,812,450	3,740,883	18,875,845	*14,373	5,305,494	3,605,023
1874	10,361,591	3,309,953	16,370,685	*1,532	4,786,518	2,560,382
1875	9,842,699	3,254,101	18,553,078	*4,827	7,324,796	4,729,725
1876	8,789,229	3,055,943	13,351,395	*4,528	10,008,985	2,905,921
1877	8,086,373	2,684,922	14,983,521	*3,004	8,167,301	2,480,427
1878	7,338,127	2,540,279	17,228,286	*8,257	8,080,030	1,286,840
1879	7,632,429	2,630,072	15,957,246	*5,606	7,762,069	1,171,523
1880	11,769,482	3,442,198	29,885,178	*12,874	6,760,186	649,074
1881	10,522,848	3,345,907	27,529,859	*5,618	8,088,445	903,464
1882	12,215,417	3,794,564	27,494,396	*4,993	8,999,927	1,449,737
1883	12,653,722	3,786,424	27,745,697	*1,693	7,923,602	1,220,158
1884	11,362,918	3,159,207	23,301,485	.....	8,305,779	1,304,329
1885	10,202,966	2,869,365	20,599,132	.....	9,692,408	1,822,058
1886	11,496,481	3,265,507	26,693,230	.....	8,737,682	873,925
1887	10,936,437	3,287,859	24,225,770	.....	10,436,138	765,655

* Discriminating duties and duties on goat-skins, Angora, and sheep-skins with the wool on (less the value of the wool).

TREASURY DEPARTMENT, *Bureau of Statistics, July 11, 1888.*

J. N. WHITNEY,
Acting Chief of Bureau.

Hon. WILLIAM C. P. BRECKINRIDGE, *M. C.*

Imports of leather for 1887.

Calf-skins, tanned, or tanned and dressed	$1,484,207.10
Skins for morocco, finished	457,284.99
Tanned, but unfinished	1,910,991.60
Upper leather of all other kinds	2,342,925.99
	6,195,479.68
Gloves, kid or leather, wholly or partly manufactured	4,184,877.00
	10,380,356.68
The entire value of dutiable importation	10,933,569.77
	553,213.09

Mr. WHITING, of Michigan. Mr. Chairman, the gentleman from Michigan [Mr. ALLEN] in his remarks on Thursday last said, regarding my colleague [Mr. TARSNEY] and myself, as follows:

If these gentlemen think they can with impunity strike at every industry in the great State of Michigan as they seem to think they can, they will find out more about that after the election than perhaps they know now.

Mr. Chairman, it is my opinion that by far the greater portion of the people, both in his district and in my own, as well as in every other district of our State, desire cheaper lumber, cheaper dairy salt, cheaper articles manufactured from copper, and cheaper clothing made from wool. I think the gentleman has not a single saw-mill, or a salt-block, or a copper mine in his district, and it occurs to me that if he opposes a policy which is of vital importance to the greatest wealth-producers of our State, the farmers, possibly he may be a wiser man after election.

The gentleman may have a very different idea of their needs and of the discrimination of the tariff against them than I have, but I have been in such relations with the farmers in my vicinity, having sold them goods for twenty years, that I am thoroughly convinced that there is no other industry which receives so small compensation for its investments and labor as agriculture, and I can not be swerved from the conclusion that this condition is the direct result of a law.

I do not believe that God designed that the farmer because he tills the soil should work harder and receive less than others with smaller investments, less judgment, and shorter hours. A slight desire to know the truth reveals the fact that the tariff laws discriminate very unjustly against him; 33.70 per cent. of the wheat crop was exported in 1887, the year ending July 30.

Had not the farmer had a foreign market for this surplus his wheat would have been almost valueless to him. Did he get any more for what he sold here than for what he sent abroad? Certainly not. The price of his entire crop was made in the open markets of the world, while for everything he buys he pays an increased price, for the reason that the very competition which he meets in selling is restricted when he comes to buy.

I claim that the farmer can not stand this always. Neither can we have general prosperity if we continue to impoverish that especial great branch of American industry which God designs to be both profitable and honorable. The sop of protection on wool, together with the claim that protection furnishes diversity and rotation of crops, will not longer delude the farmer. He has seen the lumbermen in Michigan grow very rapidly rich; he has seen the buyer and the transporter of his crops make more profit out of them than himself.

He knows that wool-raising is not very profitable, even with a high tariff, and that the advanced price he gets he has to part with as soon as he goes to the store to buy his woolen goods. Perchance is he able to buy woolens, so unprofitable in his business? Here is a farmer's opinion of wool in Illinois:

A chance is now offered for some all-wool, high-tariff plutocrat to make a spec. Isaac C. Whitlock, of Elwood Township, Vermillion County, owns fifty fine sheep whose fleeces he offers to donate, tied up nicely with protected twine, to any one who will furnish his family with necessary goods one year, duty free, not including whisky and tobacco. We rise to remark that farmers read and post themselves nowadays. This proposition remains good while the present tariff remains.

Now, Mr. Chairman, it seems to me that when gentlemen upon the other side attack the Mills bill and offer various amendments to it, when it is known that their platform commits them to free whisky and tobacco, rather than the surrender of any part of the protective system, they are simply trying to catch votes, and I believe that no one appreciates more keenly than themselves the awkward position which the prompt, courageous action of President Cleveland, and the long-continued neglect of duty on their own part, now places them in.

It is my opinion that through their absolute inability to meet the wants in Michigan they will not be able to hold the State in the coming Presidential election, and it would not surprise me if they did not have to exceed two Republican members from Michigan in the Fifty-first Congress. God knows that they should not have any.

Mr. HERMANN. Mr. Chairman, it has been found a vain hope during the consideration of this measure to accomplish any beneficial changes as they have been moved by this side of the Chamber. I am therefore admonished in advance that the brief observations I now have the honor to submit on the radical changes proposed in the schedule of duties on foreign wool importation will be without avail. My purpose, therefore, in rising at this time is rather to give voice to the prevailing sentiments of my constituency in protest of the legislation contemplated and which vitally affects one of their leading and most valued industries. In the form of petitions and memorials they are already of record.

The profound anxiety of our people is at once appreciated when it is understood that my State ranks fourth among the wool-growing States. California is first on the roll, with 5,462,728 sheep. Texas follows next in order, with 4,523,739 head; Ohio third, with 4,106,622, and Oregon fourth, with 2,930,123 head, the value of the same being $4,987,069 for this one State. The number of sheep in the three Pacific States amount to 9,053,847, to which add 2,127,783 in the Territories of Washington, Idaho, and Montana west of the Rocky Mountains, and we have on the Pacific Slope more than one-fourth of the total sheep flocks of the entire nation. This conveys, at the outset, a proof of the great importance of the wool industry to that section of the Union. Nor does this measure the possible maximum of its growth. The advancement of the last few years afford us assurances of a continued and greater development for the future.

With free wool into the United States and a competition with the cheapest of all cheap labor of the world it does not require argument to demonstrate that the cheaper product must soon supplant the more costly, and in the end we shall approach, and rapidly too, the destruction throughout the whole nation of a product which now yields to the country annually $75,000,000. To this may be added the disappearance of the flocks themselves which are valued at $90,000,000 and which now produce our mighty wool yield. That this will result, we have only to recur to past experience in our affairs. By the reduction of duties in the tariff act of 1883 we trace a falling off in the number of sheep from 50,626,626 in 1884, when the act took effect, to 44,759,314 head in 1887, only three years following. With free foreign wool they will all go. And what was the further consequences of this unfortunate reduction?

Our foreign wool importations increased from 70,575,478 pounds in 1883 to 129,084,958 pounds in 1886. The ostensible purpose of the pending bill is to reduce the revenue. If these were as great in amount on wool as are the duties on sugar, less surprise could exist, for the foreign wool duty only amounted to $5,899,817 last year.

It is for this, then, the great sacrifice must be made! To save sugar yielding $15,000,000 per annum we are yet to pay $45,000,000 under the proposed reduction, while to destroy wool yielding $75,000,000 to the country we avoid duties of about $6,000,000. And yet this is asserted to be unbiased, impartial legislation! Some have the effrontery to dignify it as statesmanship! But there is another injury which must follow this legislation. It is in the diminution of the meat supply, and the consequent increase of price. Mutton is now one of the cheapest as well as most nourishing of foods, and hence more in reach of the laboring man and the poorer classes. Reduce the price of wool and there will be less inducement to raise the mutton sheep. The cost will be greater. If it be argued that free wool brings cheaper clothing, it may be replied that the present cheaper cost of meat amply counterbalances the difference in duty on clothing. In this view of the matter it is not alone the wool-grower who is interested, but every member of society. The mutton sold in our home market annually amounts to $15,000,000.

Of the millions of American citizens who are now profitably engaged in sheep husbandry, and who must suffer a sacrifice largely of capital and entirely of occupation and employment, it is needless to comment. The loss to the country as well as the individuals in the wages received will be severely felt. The immense revenue now left with us and the property and earnings which go to make American homes prosperous, contented, and industrious will be transferred to foreign lands—to Australia, New Zealand, and South America, there to enrich English nabobs and Spanish grandees, and to feed, clothe, and shelter the cheap and degraded herders of those climes.

Their flocks will produce the wool for our consumption and manufacture. They will derive the profits and receive the wages now so richly the portion of our own people. Seventy-five millions of dollars, now our own earnings, must annually be sent out of the country to replace the destroyed product with a foreign supply necessary for our home demand, and this in the face of the fact that we are to-day the second greatest wool-producing nation on the globe, and with the further fact that we consume all the wool we produce. It is as Mr. Blaine so tersely and so well said:

To break down wool-growing and be dependent on foreign countries for the blankets under which we sleep and coats that cover our backs is not wise policy for the National Government to enforce.

But this will not close the enumeration of our probable losses. Much of our domain in the West utilized by wool-growers, and especially that portion distant from lines of transportation, is at present unfit for any other use. In the dry seasons water is distant and scarce, the soil incapable of tillage, and unfitted for the occupancy of the agriculturist, and yet a species of grass is found indigenous to the soil which affords nourishment to the sheep. To these waste and desert plains the herders resort with immese flocks, and it is on such otherwise valueless lands that a large per cent. of the American wool is produced and annually finds its way to the home market to become the manufactured fabric for our people. With free foreign wool to the American market and competition with a product of cheap foreign sheep, cheap foreign lands, cheaper foreign labor, and low foreign interest we render utterly useless a large part of our Western domain, and can say thrice farewell to the American wool industry.

It is such practical reflections as these which appeal more directly to the classes interested. You may theorize until doomsday upon the manufactures of our country which are to be stimulated to increased product of fabric by reason of cheaper wool and hence as a result an increased demand and better prices, but such absurdities are soon detected and react upon the designing or deluded politician who utters them. Lower duties and higher prices are demonstrated in practice to be a fallacy. No greater delusion was ever preached. The mere attempt at this time to lower the duties has so agitated the market that prices have reached a most unprofitable minimum. The wool-grower sadly turns his back upon the market and breathes inprecations upon the authors of his injury. Five cents loss in the market on every pound of his wool product does not inspire him with admiration for free trade. If he is a member of the dominant party his ardor is gone. He feels it to be his enemy, not his friend; the friend of England, not of America: the destroyer of home industries, the ally of foreign interests.

It is thus the people of the nation are thinking to-day and quietly resolving in November next to administer such a rebuke to free trade and by such a vote as has never had an equal before it.

Why, sir, what better illustration of popular condemnation of the pending measure can be found than in the vote recently cast in my own State? About one-fourth of the opposition evidently united with the Republicans to storm free trade. From a Republican plurality of 1,635 two years ago it is 7,504 plurality now. Over 60,000 votes were cast. It is humorously asserted that even the sheep voted on our side, for as it is said in holy writ: "A stranger will they not follow, but will flee from him, for they know not the voice of strangers."

The issue between the parties was sharply made. Shall the radical changes proposed in the Mills bill be approved? Shall the future policy of this Government be protection or free trade? The Democratic State Convention resolved—

That we most earnestly and unqualifiedly indorse the policy of tariff revision and a reduction of the surplus revenues to the needs of the Government economically administered, as set forth in the President's last annual message to Congress.

The Republican convention resolved:

That the policy of the Democratic administration which would place wool and lumber on the free-list, and woolen goods on the highly protected list; cotton-ties on the free-list, and other similar hoop-iron on the protected list, and which policy would continue the collection of $50,000,000 on sugar each year, while at the same time the majority applaud and claim to carry out the President's idea, that a tariff tax is a robbery of the people, constitutes a piece of unparalleled political dishonesty, having for its sole object the success of the Democratic party at the next election, even at the expense of the political destruction of many of our most important agricultural and manufacturing industries.

The leading Democratic paper of the State, on the day preceding the election, said:

They are trying to scare the Democracy of Oregon with the wolf-cry of wool. We can not afford longer to defer to the selfishness or blindness of even so valuable a class of men as the wool-growers. They must be taught, as many of them already understand, that an excessive high tariff is a curse rather than a benefit, even to them.

The Oregonian, the leading Republican paper of the State, said:

Until Oregon can be made to understand why Cleveland took a club to pound the wool industry to death while he continues to pat and stroke and feed the Louisiana-tiger sugar monopoly, Oregon will not be carried by the Democracy.

Every county and precinct was closely canvassed. Both parties sent out their ablest exponents, and eloquent orators from other States participated. Oregon was regarded as the battle ground whereon was to be fought the first conflict in the Presidential year for protection. This State was the precursor in the race. Shall American industries and American labor and American homes be protected? This was the rallying cry all along the line. The battle ended, and such a victory on a fair vote and an honest count was seldom before witnessed in our State elections. It took the place of an angry uprising of an indignant people. They resolved to administer such a rebuke as should resound throughout the nation. In defiant tones they roll back their answer: "Our industries and property shall not be destroyed."

It was a contest of long wool *versus* free wool. There are two shearings in that State, one in the spring and one in the fall. The June shearing was had with the yield referred to, and the next will be in November, with even more prolific results. Following the great victory the Wasco Sun, a prominent Democratic paper, said:

There are no doubt many reasons that could be advanced showing why the Democracy was defeated. As they are defeated, we do not propose to hold an inquest on the remains, partly because there are no remains. They were kicked by a mule. We have been downed handsomely, but we will be on hand when the next round is called. There is no denying the fact that large Republican gains are due to the effect of the Mills bill, and to us this result seems to measure the sentiment of the people on the question of the tariff, and as might makes right in this case, Oregon can be set down as being opposed to a reduction of it.

And the defeated Democrotic nominee for Congress, who ably canvassed the State, also says:

I attribute our defeat principally to the platform adopted at the Democratic State convention. * * * The result of the election shows that Oregon does not want free trade.

Much twaddle has been indulged in by free-traders to divert attention from the significance of this result, and every cause but the real one has been suggested for such a protest, some gentlemen on this floor becoming so reckless as to charge that railroad influences and lumber trusts and money controlled the result. In emphatic denial of such ingenious, yet desperate alternatives, I submit the plain issues on which the conflict was fought and then the candid acknowledgment of the Democratic leaders in the State as to the real cause. My State has neither lumber trusts nor political railroad jobbers, either great or small, and no election was ever more perfectly free from the corrupt use of monetary influences.

The true result must therefore be received unchallenged, and as like effects are threatened by the Mills bill upon similar and other industries in other States, let this decisive victory point a moral. Let it be the ominous index reaching out to that great tribunal which shall sit in November to pass in judgment upon the issues now being made up. Let it sternly admonish those misguided statesmen on the opposite side of this Chamber that the dignity of American labor is cherished by the American people and that the terrible calamity with which they threaten our marvelous resources and rich and varied industries must not and shall not have sway.

[Mr. MORROW withholds his remarks for revision. See APPENDIX.]

Mr. MILLS (at 1 o'clock p. m). Mr. Chairman, the time for taking the vote has arrived.

The CHAIRMAN. By an order of the committee heretofore made debate on this paragraph of the bill is exhausted. The Chair, under the arrangement which has been made, will assume that the division of this question has been asked. The Clerk will read that part of the bill now to be voted on.

The Clerk read as follows:

All wools, hair of the alpaca, goat, and other like animals.
Wools on the skin.
Woolen rags, shoddy, mungo, waste, and flocks.

The CHAIRMAN. The question is on striking out what has been read.

Mr. BOOTHMAN. I rise to a parliamentary inquiry. I wish to inquire whether the amendment offered by myself on the 11th instant is not first in order and must not first be disposed of?

Mr. MILLS. There was unanimous consent that we should take a vote on this question.

The CHAIRMAN. The amendment to which the gentleman refers was printed in the RECORD by unanimous consent, but was not considered as offered in its order. The first amendment submitted was that by the gentleman from Ohio [Mr. PUGSLEY], who moved to strike out the whole of section 3. That amendment is divisible, and the vote is now being taken on that part of the bill which relates to free wool.

Mr. BOOTHMAN. But I desire to call attention to the fact that my motion is to strike out and insert—a proposition to perfect the bill, which should have precedence over a motion merely to strike out.

The CHAIRMAN. The gentleman's motion is to strike out and insert—not to perfect the portion proposed to be stricken out. The motion to strike out takes precedence of the motion to strike out and insert.

Mr. WILKINS. I rise to a parliamentary inquiry. I would like to know whether any one has called for a division on striking out lines 4, 5, and 6.

The CHAIRMAN. The gentleman from Ohio [Mr. PUGSLEY] moved to strike out the whole section.

Mr. WILKINS. I call for a division of the question, so as to take the vote separately on striking out lines 4, 5, and 6.

The CHAIRMAN. That is the pending question. Those lines have just been read.

The question being taken on striking out lines 4, 5, and 6 as read, there were—ayes 93, noes 122. [Applause on the Democratic side.]

Mr. JACKSON, Mr. LEHLBACH, and others called for tellers.

Tellers were ordered.

Mr. BUTTERWORTH. Can there not be an understanding that a vote shall be taken in the House on this proposition?

Mr. DOCKERY and others. Regular order.

Mr. REED and Mr. MILLS were appointed as tellers.

The committee again divided; and there were—ayes 102, noes 120.

So the motion to strike out was rejected. [Applause on the Democratic side.]

Mr. BUTTERWORTH. I wish to say that I am paired on this question with my colleague from Ohio [Mr. CAMPBELL]. I do not know how he would vote on this proposition. If he were here, I should vote in the affirmative.

Mr. MILLS. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 56 to 59, as follows:

"All carpets and carpetings, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides of wool, flax, cotton, hemp, jute, or parts of either, or other material, 30 per cent. ad valorem."

And insert:

"Hemp and jute carpetings, 6 cents per square yard; floor matting and floor mats, exclusively of vegetable substances, 20 per cent. ad valorem; all other carpets and carpetings, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides of wool, flax, cotton, or parts of either, or other material, 40 per cent. ad valorem."

Mr. REED. Who offers that?

The CHAIRMAN. The gentleman from Texas [Mr. MILLS], the chairman of the Committee on Ways and Means.

Mr. REED. Is that the Connecticut amendment?

The CHAIRMAN. The Chair does not know.

Mr. MILLS. The object of this proposition is to restore the duty on hemp and jute carpetings to 6 cents per square yard, and on matting composed exclusively of vegetable substances to 20 per cent. ad valorem.

Mr. REED. I asked if this was the Connecticut amendment.

Mr. MILLS. No, that is the Texas amendment.

Mr. REED. But it is for Connecticut?

Mr. MILLS. It will do for Connecticut and all the rest of the country.

Mr. REED. I want to keep run of these things.

Mr. MILLS. Let us have a vote.

Mr. FARQUHAR. I ask a separate vote on each of these paragraphs.

The CHAIRMAN. This is a motion to strike out and insert, which is not divisible.

Mr. FARQUHAR. But the amendment is divisible. It proposes to insert one ad valorem as to several different classes of goods.

The CHAIRMAN. The Chair can not help that.

Mr. FARQUHAR. But certainly it is in order for the House to have a separate vote upon jute goods and carpetings, which are totally separate matters.

The CHAIRMAN. The motion to strike out and insert is indivisible; the question must be taken as one vote.

Mr. FARQUHAR. Then I move to amend that last paragraph by inserting "50 per cent. ad valorem."

The CHAIRMAN. The gentleman can move that as an amendment to the amendment.

The question being taken on the motion of Mr. FARQUHAR to strike out at the end of the amendment of Mr. MILLS the words "40 per cent. ad valorem" and insert "50 per cent. ad valorem," the motion was rejected.

Mr. LODGE. I move to amend the amendment by inserting after the clause "floor matting and floor mats, exclusively of vegetable substances, 20 per cent. ad valorem," the following:

Provided, That on mats or mattings made wholly or in part of cocoa yarn or cocoa fiber or rattan, 10 cents per square foot on mats and 15 cents per square yard on mattings.

Mr. LODGE. My amendment to the amendment provides that on mats or mattings made wholly or in part of cocoa yarn, or cocoa fiber, or rattan, shall be at the rate of 10 cents per square foot on mats, and 15 cents per square yard on matting. I wish to say, Mr. Chairman, that this industry, not a large industry, has had hard work to live between competition of our own prisons and the competition of cooly labor of India. This is an amendment offered in behalf of the manufacturers and the representatives of the mat-makers' union to equalize prices of labor here and in England; and I desire simply to put on record their statement of the case and of the comparative wages paid in

India and in this country, showing that a failure to relieve these men will destroy the industry, compel them to seek other employment, and give the entire market to the Calcutta manufacturers.

The statement to which I have referred is as follows:

July 10, 1888.

DEAR SIR: We are in thorough sympathy with the "Mat Makers' Protective Association" in their effort to have the duty adjusted, that their labor may be protected from unequal competition with the cooly labor of India and the convict labor of Europe. The present duty of 20 per cent. ad valorem does not equalize the cost of foreign labor with the labor of this country engaged in our industry, and for several years our factories have been running on half time, not having a market for our full production.

The annexed schedule shows the relative cost of cocoa mats and cocoa matting made here and in India, and from this exhibit you will see that it takes a specific duty of 10 cents per square foot on mats, and 15 cents per square yard on matting to place American labor and capital on a par with foreign. We therefore hope you will use every effort to have the tariff bill so amended as to provide for a specific duty of 10 cents per square foot on mats and 15 cents per square yard on matting made wholly or in part of cocoa yarn, or cocoa fiber, or rattan, and that cocoa yarn, cocoa fiber, and rattan remain on the free-list.

Yours, very respectfully,

W. & J. SLOANE, *New York.*
WAKEFIELD RATTAN CO., *Boston.*
LYNN & PETTIT, *Philadelphia.*
FRANK GREENLAND, *Brooklyn.*
JAMES SLOANE'S SONS, *West Farms.*
LAWRENCE MFG. CO., *New York.*

Exhibit showing comparative cost of cocoa mats and cocoa matting made here and in India.

	No. 3.	No. 4.	No. 5.
COCOA MATS.			
Grade M:			
Cost, made in America, per dozen	$8.38	$10.38	$12.51
Cost, made in India, per dozen	3.93	4.76	5.80
Ten cents specific duty per square foot, to equalize cost	4.50	5.50	6.60
Total	8.43	10.26	12.40
Grade E:			
Cost, made in America, per dozen	10.35	13.03	15.07
Cost, made in India, per dozen	5.70	7.06	8.32
Ten cents specific duty per square foot, to equalize cost	4.50	5.50	6.60
Total	10.20	12.56	14.92
Comparative cost of labor.			
Grade M:			
Cost, labor (India), making 1 dozen	.66	.82	1.00
Cost, labor (America), making 1 dozen	4.47	5.56	6.73
Grade E:			
Cost, labor (India), making 1 dozen	.90	1.10	1.32
Cost, labor (America), making 1 dozen	5.11	6.34	7.62
COCOA MATTING.			
Grade A:			
Fifty yards 4-4, made in America			21.75
Fifty yards 4-4, made in India			14.21
Fifteen cents specific duty per square yard to equalize cost.			7.50
Total			21.71
Comparative cost of labor.			
Grade A:			
Cost, labor (India), for making 50 yards			.75
Cost, labor (America), for making 50 yards			8.20

*The freight charges to New York are included in the cost of the India goods.

The question recurred on Mr. LODGE'S amendment to the amendment.

Mr. LODGE demanded a division.

The committee divided; and there were—ayes 86, noes 95.

So Mr. LODGE'S amendment to the amendment was disagreed to.

Mr. ALLEN, of Massachusetts. I move to strike out, in line 33, on page 27——

The CHAIRMAN. That amendment is not now in order.

The question recurred on Mr. MILLS'S amendment, and it was agreed to.

Mr. ALLEN, of Massachusetts. I move, in line 12 in the paragraph providing for 40 per cent. ad valorem, to strike out "shawls" and to insert in line 33 providing for 45 per cent. ad valorem, the word "shawls;" so it will read—

Clothing, shawls, ready-made, and wearing apparel, etc.

Mr. Chairman, the purpose of the amendment is to provide for a certain line of shawls in the manufacture of which a large amount of hand labor is employed by transferring it to the schedule providing for ready-made clothing. This class of shawls is as much an article of clothing as any of the articles enumerated in that paragraph. As the manufacturers are obliged to have this hand labor in the manufacture of these shawls this change ought to be made.

The amendment of Mr. ALLEN, of Massachusetts, was disagreed to.

Mr. BOOTHMAN. I submit the following amendment.

The Clerk read as follows:

Amend line 2, on page 27, by striking out the words "there shall be admitted" and in lieu thereof insert the words "all wools, hair of the alpaca, goat, and other like animals;" and after the words "when imported," in said line 2, insert the following:

"Shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

"*Class* 1, *clothing wools.*—That is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes 2 and 3.

"*Class* 2, *combing wools.*—That is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also all hair of the alpaca, goat, and other like animals.

"*Class* 3, *carpet wools and other similar wools.*—Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere.

"The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed. The duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than ordinary condition, as now and heretofore practiced, or shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

"Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 30 cents or less per pound, 10 cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 32 cents per pound, 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall be 32 cents or less per pound, 10 cents per pound, and in addition thereto 11 per cent. ad valorem; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 33 cents per pound, 12 cents per pound, and in addition thereto 10 per cent. ad valorem.

"Wools of the third class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be 12 cents or less per pound, 3 cents per pound; wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound, 6 cents per pound.

"Wools on the skin, the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe."

Also further amend by striking out lines 3, 4, 5, and 6.

Mr. BOOTHMAN demanded a division on his amendment.

The committee divided; and there were—ayes 59, noes 95.

So the amendment was disagreed to.

Mr. MILLS. I move to strike out in line 1 "July" and insert in lieu thereof "October;" so it will read:

SEC. 3. On and after October 1, 1888, etc.

The motion was agreed to.

Mr. MILLS. I move, in line 7, to strike out "October" and insert "January," and to strike out "eight" and insert "nine;" so it will read:

On and after January 1, 1889, in lieu of the duties heretofore imposed, etc.

The amendment was agreed to.

Mr. LONG. On page 29, line 55, I move to insert the following.

The Clerk read as follows:

Plushes composed wholly or in part of wool, worsted, hair of the alpaca, goat, or other animals, 60 per cent. ad valorem.

Mr. LONG. Mr. Chairman, this is comparatively a new industry. Under this bill the Committee on Ways and Means made raw material free, which reduces the cost of the cloth about 8 cents a yard. That, of course, is for the benefit of the manufacturer, but by removing the specific duty on manufactured goods they have reduced the cost of the imported article from 28 to 30 cents a yard. The result of that is, they discriminate against the American manufacturer to the extent of the difference, which is 22 or 20 cents a yard.

This is comparatively a new industry. It has been established some six or seven years. For the first four or five years it has been run at a loss. Since then it has begun to be profitable. But the result to the American manufacturer has been to reduce the cost of the imported article. Under the American manufacture the price has been reduced. The business is getting on its feet, employing American labor, and offering an opportunity for the investment of American capital; but while the Committee on Ways and Means have taken off the duty on raw material and thereby aided the manufacturer to the extent of 8 cents a yard, they have also taken off the tariff on the manufactured article to the extent of 28 or 30 cents a yard, thereby discriminating against the American manufacturer. And this discrimination against this American industry to the extent of 20 cents a yard will probably destroy it.

With these remarks I ask to submit a statement on the part of those engaged in this manufacturing interest.

The statement is as follows:

A FEW FACTS.

First. Mohair during the last four years has declined about 6 per cent.; that is, from 48 cents per pound in 1884 to 45 cents in 1888.

Second. Plushes of French and German manufacture are imported at 30 to 40 per cent. discount from prices ruling four years ago, when American plushes of same grades were first put on the market.

Third. Free raw material will reduce the cost of cloth about 8 cents per yard.

Fourth. The removal of specific duty, as proposed in House bill No. 9051, will reduce the cost of imported plushes 28 to 30 cents per yard.

Fifth. The proposed bill will therefore discriminate against the American manufacturer 29 to 22 cents per yard, and enable the importer to sell the goods at about cost to manufacture the goods in this country with free mohair.

The undersigned manufacturers of mohair plushes beg leave to submit the above facts for your consideration.

SANDFORD MILLS.
JOHN HOPENWELL, JR.,
Treasurer.

WASHINGTON, *July* 10, 1888.

We ask this on the following grounds: Under the bill as at present framed with free mohair, it will make a difference in the cost of plushes we manufacture of 8 to 8½ cents per yard. And with the specific pound duty left off on the manufactured goods, as provided in the bill, it will reduce the cost of foreign goods of the same class to importers from 28 to 30 cents per yard, or a net difference against us of 20 cents per yard; which difference is greater than the net profit to the domestic manufacturer to-day in competition with foreign goods. To make the duty equal to what it is to-day, which is very close work for us, it would have to be 70 per cent. ad valorem, and 60 per cent. is the lowest that we can see our way clear to work under.

We have been seven years perfecting our machinery for the manufacture of this goods, and the first five years were at a loss, so that it is only for two years that we have been able to see any profit in the production of these goods.

As the item of labor is not less than 40 per cent. of the cost, we can see no possibility of any profit in going on and manufacturing these goods should the bill pass in its present form, and we can not believe that it is the wish of the framers of this bill to kill a new industry of this kind, which, with reasonable protection, would steadily grow. Neither can we help feeling that the removal of the specific or weight duty is a very serious blow to our industry, as that was a duty that could not be avoided by undervaluation; and we have the best of evidence of considerable of this undervaluation being carried on.

We can furnish letters from importers of these goods stating that the price has declined from 30 to 40 per cent. during the four years the goods have been made in this country, while the price of mohair, from which they are manufactured, has declined only about 6 per cent., as per the following schedule copied from a letter from a party through whom we import stock.

During the past four years the prices have ranged as follows:

	Per pound.
1885	$0.48
1886	.46
1887–'88	.45

That the manufacture of these goods in this country has greatly reduced the cost to the American consumers is conceded by all familiar with this subject.

Yours, truly,

JOHN HOPEWELL, JR.

SANFORD MILLS.

Mr. FARQUHAR. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 61 strike out "30 per cent. ad valorem" and insert "20 cents per pound and 20 per cent. ad valorem."

The amendment was rejected.

The Clerk read as follows:

SEC. 4. That on and after the 1st day of July, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid the following rates of duty on said articles severally:

Paper, sized or glued, suitable only for printing paper, 15 per cent. ad valorem.

Mr. WHITING, of Massachusetts. I move to strike out lines 6 and 7.

The Committee of Ways and Means has touched the interests of the manufacturers of paper lightly, but why it should touch them at all I do not understand.

If an article is sold in the United States as low, or about as low as in any country, and of as good quality as can be made in any country, that ought to be a satisfactory condition to every one. My observation and inquiry lead me to the conclusion that the price of all grades of paper is on an average about the same as it is abroad, and the quality is not inferior to that made elsewhere. Before 1860, and for a few years subsequent to that time, there were large quantities of paper imported, but the manufacture of American paper has driven the foreign article out of the market. (There is hardly a person who does not admit that the American product is equal or superior to any, and this is true to such an extent that there is no demand in public or private for the foreign article, with a few exceptions.) Whatever is now imported consists largely of specialties, such as photograph paper, which as yet has not been made to any great extent by our manufacturers.

I recur to the question, "Why should the committee reduce the tariff on paper?" On book paper, such as is used in the publication of magazines and books, the duty is reduced by the Mills bill from 20 to 15 per cent., and on news paper from 15 to 12 per cent. You will observe, Mr. Chairman, that this is a reduction of the duty in each case of 25 per cent. If the price of paper was high in this country, if the quality was inferior so that there was a business demand for foreign paper, there might then be some justification for the proposed change, but, as I have already said, the quality is as good as can be found anywhere, and the price is as low. For the information of the House I will state the changes that have taken place in the price of paper since 1860.

At that time the ordinary grades of writing paper sold from 16 to 25 cents per pound, and now the same paper sells from 9½ to 16 cents, a decline of from 7½ to 9 cents, or 40 to 47 per cent. Book-paper sold in 1860 for 11 to 13 cents per pound, and now sells for 6½ to 7 cents, a decline of from 5 to 6 cents, or nearly 50 per cent. And news paper which sold from 8 to 10 cents per pound is now selling for 4 cents, or a decline of over 50 per cent.

You will observe that the price of paper has been reduced in twenty-eight years nearly 50 per cent., and it is also true that during that time the quality has improved, and that wages have advanced 40 per cent. To illustrate this point of the increase in wages, the skilled workman, who in 1860 received from $1.50 to $1.75 per day, now receives from $2.75 to $3.50 per day, an increase of more than 60 per cent. The same class of help in Great Britain receives from $1.25 to $1.75 per day, or not more than one-half the rate of wages here. The average increase of wages in the paper industry in the United States, including all kinds of labor, is 40 per cent., and more than balances any advantage the manufacturer may have received from the use of wood-pulp, or cheaper material of any kind.

This ought to be a satisfactory condition to the consumer of paper and to the laborer who makes it, and I repeat that I am at a loss to understand why, in the absence of any complaint on the part of the consumer, laborer, or manufacturer, there should be any proposition to change the tariff rate. It will be said in reply, If these things are so, why do you want a tariff on paper at all? My answer is that we want the tariff to prevent the European manufacturer from sending his surplus production here, thus breaking down our market, closing our mills and throwing our labor out of employment. We welcome home competition, but we do not want to compete with the whole world, and especially with that labor which does not receive one-half the compensation of American labor.

The advocates of the policy of protection to American manufactures claim that the consumer obtains the product at a reasonable price through competition among our own people, and the facts I have narrated furnish the most conclusive proof that the paper industry is a marvelous instance of the good result and practical effect of such a policy and of the correctness of the position taken by those who favor protection. When it is now proposed to reduce the duty on paper we confront you with a condition, not a theory—the condition being high wages, low cost to the consumer, constant improvement in quality, and no general demand for any change in the tariff. [Applause.]

The amendment was rejected.

Mr. BAKER, of New York. I offer the amendment I send to the desk.

The Clerk read as follows:

Page 29, section 4, after line 7, insert:

"Photographic print paper, 25 per cent. ad valorem."

"Photographic print paper which has undergone albumenizing or sensitizing shall be charged with a customs duty of 35 per cent. ad valorem: *Provided*, That nothing shall be deemed photographic print paper under either of the provisions of this act unless it has the name of the manufacturer stamped in watermark thereon."

Mr. BAKER, of New York. On the 20th day of June it was my privilege to offer an amendment to the free-list, proposing to put thereon photographic print paper, not albumnized or sensitized, but in the wisdom of the House, after the statement of the gentleman from Arkansas [Mr. BRECKINRIDGE] that he could see no force in the argument I offered, for he knew nothing about the matter, and therefore that it was better to leave it where it was, the House expressed a determination to maintain a duty upon it.

I submitted at that time some observations why there should be some protection afforded to the albuminizers and sensitizers of paper in this country, amongst others, suggesting that the paper was imported from Germany subject to duty only of 15 per cent. ad valorem, while the plain paper is subject, under a decision of the Treasury Department upon a ruling of an inferior court in New York, to a duty of 25 per cent. I desire to submit to the wisdom of the House the proposition that some regard should be had for the interests of the American dustry engaged in this particular branch of business; and that the plain paper should not be discriminated against in favor of the albumenized or sensitized articles. I read an article from a responsible establishment in my city giving the reasons why that should be done, and it appears in the remarks offered by me on the 29th of June, as before stated.

Now, the proposition is—and I submit to the good judgment and fairness of the gentlemen representing the majority that it is only reasonable and fair—the proposition is that there should be a distinction between the plain paper, which is raw material, and the manufactured article, which comes in in the form of albumenized and sensitized paper specially used in the manufacture of photographs. The proposition must commend itself to every one of my Democratic friends, I am sure, if they will consider it. They have refused to put the plain paper upon the free-list, perhaps wisely; and I think I am warranted in asking them now to put a reasonable duty on this, so that the interest of my friend here who preceded me may be reasonably protected by putting a duty on the manufactured article, so that the manufacturer in my city who is forced to come in competition with the manufacturers of France and Germany may have some opportunity of continuing his business. Is there anything unreasonable in that? I think not. But our friends on the other side will not listen to reason, so that we have almost despaired of having any amendments adopted by their consent.

The question was taken; and on a division there were—ayes 63, noes 75.

So the amendment was rejected.

The Clerk read as follows:

Printing-paper, unsized, used for books and newspapers exclusively, 12 per cent. ad valorem.

Mr. DINGLEY. I move to strike out lines 8 and 9.

Mr. Chairman, I will add only a single word to that which has been so well said by the gentleman from Massachusetts [Mr. WHITING]. When the Committee on Ways and Means framed this bill and reduced the duty on printing-paper used for newspapers from 15 to 12 per cent., they had placed the wood-pulp, which is a large constituent in the manufacture of paper, upon the free-list. Subsequently they changed the bill in that respect and retained the old duty of 10 per cent. upon the raw material of printing-paper, which certainly ought to lead the committee to change the figure of 12 per cent. back to the old rate of duty of 15 per cent.

I desire to speak more particularly. I am a purchaser of printing-paper, now used for newspapers; and if it could benefit any one, certainly I ought to come in for a portion of it at least. But I wish to bear testimony to the fact that a duty of 15 per cent. upon printing-paper, which has encouraged the manufacture of paper in this country to so large an extent, has been of prime and important benefit to every purchaser of white printing paper.

Before the war I paid 9 cents a pound for ordinary printing-paper. That is the lowest price it had ever reached at that time. To-day I am purchasing the same quality of paper at 4½ cents per pound, and I am satisfied from a thorough examination of the matter that it is our protective duty which has encouraged the manufacture of printing-paper in this country, and stimulated invention, at the same time paying to the operatives 40 per cent. more on an average than is paid abroad. If the reduction of this duty should result in the bringing in of large quantities of paper, the surplus of foreign manufacture, and that should injure our manufacturing interests in this country, I am satisfied, as a purchaser of printing-paper, it would result to our disadvantage, and that the price would be increased upon us as soon as our own industry should be thus injuriously affected and diminished. It seems to me, in view of this fact, that the low prices at which we purchase, the fact that 40 per cent. more is paid for wages, and the fact that the Committee on Ways and Means have restored the 10 per cent. duty upon the raw material of which printing-paper is made, ought to lead at the same time to the restoration of the small duty of 15 per cent. provided by existing law. I hope, therefore, the Committee of the House, with the approval of the Committee on Ways and Means, will see in these reasons an abundant cause for striking out these two lines and allowing the duty to remain as it is now, as has been done in the case of the raw material, wood-pulp.

The question was taken on the amendment, and the Chair stated that the "noes" seemed to have it.

Mr. DINGLEY. I call for a division.

The committee divided; and there were—ayes 53, noes 80.

So the amendment was rejected.

The Clerk read as follows:

Bonnets, hats, and hoods for men, women, and children, composed of hair, whalebone, or any vegetable material, and not specially enumerated or provided for, 30 per cent. ad valorem.

Mr. LEHLBACH. I ask unanimous consent that the paragraph beginning at line 23 and ending at line 26 be passed over until to-morrow.

Mr. MILLS. I agree to that.

There was no objection.

The Clerk read as follows:

Brooms of all kinds, 20 per cent. ad valorem.
Brushes of all kinds, 20 per cent. ad valorem.

Mr. LONG. I move to strike out line 28, and in that connection ask to have printed in the RECORD the following petition:

To the House of Representatives of the Congress of the United States:

Your petitioners respectfullly represent that they are engaged in the business of manufacturing brushes, and that in view of the proposed reduction of the import duties on brushes of foreign manufacture they earnestly and respectfully protest against such further reduction of duty for the following reasons:

That the brush-manufacturing business since the establishment of the tariff has largely increased, furnishing employment to many thousands, and has been attended by a large reduction in the price of goods, and also a marked improvement in their quality.

That the last reduction of duty some five years ago, from 40 per cent. to 30 per cent. had a disastrous effect upon our business, driving a number of manufacturers out of it, and causing the abandonment of one branch of manufacturing in which they were engaged, to wit, the manufacture of tooth-brushes.

That a still farther reduction of the duty from 30 per cent. to 20 per cent. will have a ruinous effect upon the industry, without doubt necessitating the closing of many factories, and thereby causing great hardship to the workmen and heavy losses to their employers, who have their capital invested in expensive machinery, worthless for other purposes.

That the last reduction of the duty on brushes was immediately followed by heavy importations of foreign-made goods, and it is certain that another reduction of the duties will cause a much larger importation than before, as the American manufacturer will then be still less capable of successfully competing with the foreign product.

That such increased importation will cause an increase of revenue to the Government, which your petitioners believe is not the object designed or desired by your honorable body.

That the placing of bristles on the free-list, thereby cutting off the present duty of 15 cents per pound, would be only a slight compensation to the brush manufacturer, supposing that the price of foreign bristles was not advanced.

That such a reduction would not effect a saving to your petitioners of more than 1 per cent. on the manufactured product, while the proposed reduction of one-third of the duty would enable the importer to land French or German brushes at a saving of at least 8 per cent., which at the present low prices prevailing would represent to your petitioners the difference between success or failure.

And your petitioners will ever pray,

JOHN L. WHITING & SON,
MURPHY, LEAVENS & CO,
A. & E. BURTON & CO.,
AUSTIN & FELLOWS,
A. WORCESTER & SONS,
CHAS. F. SHROUDS & CO.,
J. C. PASHEE & SONS,
JORDAN & CHRISTIE,
JOHN F. BOUDICH,
GEORGE EASTMAN,
(Of Boston Diatite Company).
All of Boston, Mass.

The Committee rose informally, and Mr. COX took the chair as Speaker *pro tempore*.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills, etc., of the following titles:

Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States.

An act (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama.

An act (H. R. 2530) granting a pension to John C. Wagoner;

An act (H. R. 6434) granting a pension to John F. G. Mittag;

An act (H. R. 7491) granting a pension to Lewis Telyea;

An act (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville Hospital;

An act (H. R. 9340) granting a pension to Lucy A. Noel;

An act (H. R. 9346) granting a pension to Frank H. Reed;

An act (H. R. 231) to increase the pension of Edmund Ashworth;

An act (H. R. 6057) to increase the pension of Edward Healy;

An act (H. R. 4788) granting an increase of pension to William Winans.

An act (H. R. 3722) for the relief of Jennie D. Rice; and

An act (H. R. 6273) for the relief of Hiram Chilson.

Also that the following bills presented to the President June 30, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 478) to place the name of Rev. Stephen M. Collison the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof; and

An act (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

THE TARIFF.

The Committee resumed its session.

The Clerk read as follows:

Card clothing, 15 cents per square foot; when manufactured from tempered steel wire, 25 cents per square foot.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 30, line 31, strike out "fifteen" and insert "twenty," and in line 32, strike out "twenty-five" and insert "forty;" making the paragraph read:

"Card clothing, 20 cents per square foot; when manufactured from tempered steel wire, 25 cents per square foot."

The amendment was agreed to.

The Clerk read as follows:

Gloves, of all descriptions, wholly or partially manufactured, 40 per cent. ad volorem: *Provided*, That gloves made of silk taffeta shall be taxed 50 per cent. ad valorem.

Mr. WEST. I move to strike out that paragraph.

The amendment was rejected.

The Clerk read as follows:

India-rubber fabrics, and articles composed wholly or in part of India rubber, and India rubber boots and shoes, 15 per cent. ad valorem.

Mr. MILLS. I move to strike out that paragraph, including lines 70, 71, and 72.

The amendment was agreed to.

The Clerk read as follows:

Japanned ware of all kinds not specially enumerated or provided for, 30 per per cent. ad valorem.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read the amendment, as follows:

After line 76, insert "kaolin, crude, $1 per ton; china clay, or wrought kaolin, $2 per ton."

The amendment was agreed to.

Mr. MILLS. I offer another amendment which I send to the desk to come in directly after the one just adopted.

The amendment was read, as follows:

After the amendment just adopted insert "marble of all kinds, in block, rough, or squared, 40 cents per cubic foot."

The amendment was agreed to.

The Clerk read as follows:

Pipes, pipe-bowls, and all smokers' articles whatsoever, not specially enumerated or provided for, 50 per cent. ad valorem; all common pipes of clay, 25 per cent. ad valorem.

Mr. YOST. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 87, page 32, strike out the word "fifty" and insert "seventy," and in lines 88 and 89 strike out the words "twenty-five per cent. ad valorem" and insert "25 cents per gross;" so that it shall read:

"Pipes, pipe-bowls, and all smoker's articles whatsoever, not specially enumerated or provided for, seventy per cent. ad valorem; all common pipes of clay, 25 cents per gross."

Mr. YOST. Mr. Chairman, there were less than $17,000 of duty collected on clay pipes last year, less than $48,000 worth of the articles having been imported. But that $48,000 represented nearly the whole trade in clay pipes, and meant the taking of that much money from the pockets of the working people of this country. More that 95 per cent. of the cost of clay pipes is paid for labor, and doubtless for this reason the importations are estimated at 98 per cent. of the whole consumption, leaving but 2 per cent. to be supplied by the domestic manufacturer.

In my district is a pipe factory capable of turning out 30,000 pipes per day. It is operated, however, but one-third or one-half of the time, for the simple reason that its employés are paid double the wages of those in the same line across the waters, and that means a double cost to the manufacturer, for, as I said, nothing but the question of labor is involved, the clay being right at the door of the factory. With a duty of even 25 cents per gross this whole market for their labor would be transferred to the American workmen, whilst the consumer would be in no wise injuriously affected thereby.

The cost of the article to the consumer is now at the lowest price within the medium of our currency, namely, one cent per piece for those in most general use.

The only possible tendency, therefore, of the committee's provision would be to exterminate the trade in this country altogether, whilst if the amendment I propose is adopted it would materially help our people, and hurt no one whose interests are identical with ours.

The amendment was rejected—ayes 52, noes 67.

The Clerk read as follows:

Watches, watch-cases, watch-movements, parts of watches, watch-glasses, and watch-keys, whether separately packed or otherwise, and watch materials not specially enumerated or provided for in this act, 25 per cent. ad valorem.

Mr. HOPKINS, of Illinois. I move to strike out all after the word "watches," in line 97, down to and including the words "packed or otherwise," in line 98.

Mr. BUCHANAN. Will the gentleman state why he offers that amendment?

Mr. HOPKINS, of Illinois. This paragraph changes the existing law, and the object of the amendment is to restore the existing law.

Mr. BUCHANAN. This is the existing law.

Mr. HOPKINS, of Illinois. I beg the gentleman's pardon, but he is mistaken.

Mr. BUCHANAN. Then the book which has been furnished us from the Committee on Ways and Means is incorrect.

Mr. ADAMS, of Illinois. It does not pretend to be correct.

Mr. BUCHANAN. It is a question between the book and the gentleman from Illinois [Mr. HOPKINS], and I do not know which is correct. The presumption, however, is in favor of the gentleman, judging from other parts of the book.

Mr. HOPKINS, of Illinois. I have the existing law before me.

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That the following amendments to and provisions for existing laws shall take effect on and after the passage and approval of this act.

Mr. BOUTELLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 3, page 33, insert:

"Section 6 of the act of March 3, 1883, Schedule G, is hereby amended by adding to the paragraphs fixing the duty on oranges and lemons the following: *Provided*, That when boxes in which oranges or lemons are imported shall be of material manufactured in the United States, and so verified in accordance with regulations established by the Secretary of the Treasury, there shall be a reduction of the duties provided by this act of 5 cents for each box and 3 cents for each half box containing the same."

Mr. MILLS. I make the point of order that we have passed the part of this bill which deals with rates, and that the amendments now in order are amendments in relation to the administrative features of the bill.

Mr. BOUTELLE. I consulted carefully with members of the Committee on Ways and Means in regard to the proper time to offer this amendment.

Mr. BRECKINRIDGE, of Kentucky. Is this the amendment about which the gentleman spoke?

Mr. BOUTELLE. This is the amendment to which I called the attention of members of the Ways and Means Committee, and it seems to me that this is the proper place to offer it.

The CHAIRMAN. It would be in order before section 5, which has just been read.

Mr. BOUTELLE. Then I ask that we go back, in order to allow this amendment to come in.

Mr. BRECKINRIDGE, of Kentucky. If this is the amendment the gentleman spoke to me about, I was under the impression that the proper place for it would be on page 39.

Mr. BOUTELLE. I think that is the place the gentleman from Kentucky suggested; but that is still further on. My impression was upon a more careful re-examination of the bill that it would come in more appropriately with the amendments now being considered, for the reason that this amendment of mine directly applies to a particular portion of the existing tariff law. In other words, it should be placed in direct connection with the paragraphs of the present law fixing the duty on oranges and lemons, because there the size of the boxes is specified. This amendment fixes the rate of rebate on boxes and half-boxes of oranges or lemons; and the existing law indicates the size of those boxes, so that this should properly be connected with that subject. I think this is the proper place for it to be considered.

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say that the gentleman is not correct. When he submitted the question to me, I was under the impression that the best place for it to come in was at the end of section 6.

Mr. MILLS. I withdraw the point of order, and the gentleman can offer his amendment.

Mr. BOUTELLE. This amendment is simply a provision of law which in substance was in force under the act of February 8, 1875, up to the time when the act of 1883 was passed. It was part of the clause which provided a rebate or a remission of the duties upon barrels, boxes, crates, and shooks manufactured in the United States exported to a foreign country and reimported filled with foreign products. In the tariff act of 1875, as continuing in force up to 1883, regulations were established by the Treasury Department which provided for the free importation of these American-manufactured boxes containing foreign fruit with a rebate amounting to about 5 cents a box. When the Tariff Commission reported in 1883 they unanimously favored the retention of this feature. The bill reported from the Ways and Means Committee of the House in the Forty-seventh Congress also contained a provision similar to that which I have now offered. Gentlemen will recollect that the House tariff act of 1883 was not adopted, but a Senate substitute was passed; and in some way in the hurry and confusion of the substitution this item was omitted, unintentionally, as no objection was made to it in any quarter.

This industry, the manufacture of box-shooks from the hard woods that were previously little used except for fuel, is one of considerable importance in my section of the country and in some other parts of the United States. Within a few years, since the Austrians have adopted the labor-saving machinery in use in this country, the competition has become so close with the underpaid labor of that country that the exportation of these boxes has almost entirely ceased and a large number of people have been thrown out of employment. We had already built up an industry which took from our forests woods which were otherwise of very little account, manufactured them into these boxes, and sold from our section something like $2,000,000 worth of them, forming a very important and useful industry. The people in my district have the machinery on hand and are all ready to continue the manufacture of these shooks. Messrs. Hathorn, Foss & Co., who carry on the business in my district, write me:

We have been for the past few years paying probably an average of two hundred men per day in our business the year through, and the time is approaching, and very soon, when we must abandon the enterprise unless we are protected from the direct competition of Austria, where labor receives less equivalent than in any other civilized country.

The exporting agent of the manufacturers writes me that he has paid as high as $5,000 for freight on these boxes in a single month, and that he has collected more than $1,750,000 for the shooks thus exported from this country, all of which came from the foreign purchaser and was distributed among the manufacturers, workmen, and farmers of my section. He says:

Under the law of 1875 the rebate on our American boxes exported in shooks and returned filled with fruit was about 5 cents a box, which gave our box a value in Sicily above the foreign-made box and enabled our manufacturers to compete with the pauper labor of Italy and Austria.

Now, as the tariff is under consideration, and as our Democratic friends wish to reduce the revenue and increase exports as a basis for more permanent employment for our laborers, we hope you will join them to the extent of our request for amendment.

The cost of this product is very largely for labor and transportation, and we can not compete with Italian and Austrian labor and pay American wages.

I would state, Mr. Chairman, that this remission of duty will not stimulate competition with California or Florida oranges, as the boxes are used for Mediterranean fruit that comes here at a season when it does not interfere with the domestic product, as would be the case with Jamaica or Porto Rico oranges that are imported in barrels.

Now, what is proposed by this amendment is not an increase of the revenue, but a decrease. It provides simply that when a cargo of oranges shall come from Sicily or Messina or other ports, bearing with it the verification of the American consul that those oranges are in boxes manufactured in the United States—and I will say that all the regulations have been carefully made by the Department, under the old

law, and carried out for years to prevent any difficulties in this regard—thereupon there shall be a remission of duty to the extent of 5 cents for each full box and 3 cents for each half box, giving to that extent an advantage to the manufacturer of the American boxes and thereby inciting the foreign fruit-grower to use the American shooks instead of the foreign shooks, thus giving to labor on this side of the ocean the advantage of carrying on that industry. I say this was the law from 1875 to 1883. It was intended to be reincorporated in the law of 1883; was reported favorably by the Tariff Commission and by the Ways and Means Committee of this House, but was omitted by inadvertence.

As no tariff bill was passed in either House during the previous two Congresses, since the passage of the act of 1883, it has been impossible until now to remedy the omission. I do not think there can be any valid objection by anybody to the amendment, and I therefore hope it will be unanimously agreed to.

The CHAIRMAN declared the amendment was rejected.

Mr. BOUTELLE demanded a division.

The committee divided; and there were—ayes 54, noes 72.

So the amendment was disagreed to.

Mr. MILLS. As this part of the bill was unanimously agreed to by the Committee on Ways and Means I do not think there will be any objection to it, and I hope the Clerk will read right on.

The Clerk read as follows:

Section 6 of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," providing a substitute for Title XXXIII of the Revised Statutes of the United States, is hereby amended as to certain of the sections and parts of sections or schedules in such substituted title so that they shall be as follows, respectively:

"SEC. 2499. Each and every imported article not enumerated or provided for in any schedule in this title, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this title as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated articles equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles, not otherwise provided for, manufactured from two or more materials, the duty shall be assessed at the rate at which the dutiable component material of chief value may be chargeable; and the words 'component material of chief value,' whenever used in this title, shall be held to mean that dutiable component material which shall exceed in value any other single component material found in the article; and the value of each component material shall be determined by the ascertained value of such material in its last form and condition before it became a component material of such article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates: *Provided*, That any non-enumerated article similar in material and quality and texture and the use to which it may be applied to any article on the free-list, and in the manufacture of which no dutiable materials are used, shall be free of duty."

Mr. DINGLEY. I move the following amendment:

The Clerk read as follows:

Amend by inserting after line 38:

"SEC. 2510. All lumber, timber, hemp, manila, wire rope, and iron and steel rods, bars, spikes, nails, plates, angles, bars and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, after the passage of this act, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account shall not be allowed to engage in the coastwise trade of the United States."

Mr. DINGLEY. Mr. Chairman, the amendment which I have offered simply extends and enlarges the principle adopted by Congress in the act of June 6, 1872, and the tariff act of 1883, so as to add "plates, angles, and bars" to the list of articles therein named. The act of 1872 provided that—

All lumber, timber, hemp, manilla, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, * * * may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose no duties shall be paid thereon, etc. (Section 2513, Revised Statutes.)

And also that—

All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe. (Section 2514 Revised Statutes.)

The tariff act of March 3, 1883, re-enacted these provisions and enlarged the list of materials by adding "wire rope," and extended the provision to vessels built for foreign account and ownership. It appears in the revision as section 2510. The shipping act of 1884 adds "supplies."

The object of the act of 1872 was to give the builder and owner of American vessels employed or to be employed in the foreign carrying trade whatever benefit might be derived from the privilege of importing free of duty materials for the construction, equipment, and repairs of such vessels. It did in fact cover all such materials for the wooden vessels, which at that time comprised almost the entire American fleet employed in the foreign trade.

The object of my amendment is to extend the same principle to the materials of iron vessels for the foreign trade. An examination of the state of facts which led the Forty-second and Forty-seventh Congresses to grant this apparently exceptional privilege to the builder and owner of an American vessel employed or to be employed in the foreign trade will show that it was just and proper in the circumstances in which our vessels in the foreign trade had been placed.

Since the principle of maritime reciprocity was adopted by Great Britain and the United States in 1850 the water carriage of the exports and imports of the United States has been open to the vessels of Great Britain and of most other foreign nations on the same terms as our own vessels. Unlike the builder of vessels for our coastwise trade, which is restricted to American vessels, and unlike every other domestic industry, which is given a home market from which foreign competition is barred to a certain extent by duties, the builder of American vessels for the foreign trade is obliged to manufacture for use in a market opened by our reciprocal maritime treaties to the vessels of other maritime nations on the same terms as to American vessels.

Inasmuch as the nation adopted in 1850 the policy of opening to foreign nations one business—to wit, the water carriage of our exports and imports—it is but just that it should give the builders and owners of vessels employed or to be employed in this unprotected business the privilege of obtaining their materials for construction, equipment, and supplies wherever it may be found most advantageous without the payment of duties.

This is not unjust to the home manufacturer of any of these materials, for he has a home market for his products for the multitude of ordinary uses, barred against foreign competition to the extent of the duty; and if he is not able to sell his products as cheap as they can be imported to the one industry which builds vessels that must enter into unrestricted competition with foreigners, then it is essential that in order to exist at all this industry must have free access to the markets of the world for materials; and the encouragement thus given to build up ship-yards for this trade will open a wider use of home products for this industry than would have otherwise been found. For it is certain that in any event more or less home materials will be used in connection with imported materials.

The principle of allowing practically free materials for the manufacture of articles that are to be used in a market which is open to unrestricted foreign competition, was adopted in 1799 by the founders of our Government, and from that time to the present has been retained as a wise feature of our revenue system under every tariff that has existed from that day to this. The principle is embodied in section 3019 of the Revised Statutes, which is as follows:

There shall be allowed on all articles wholly manufactured of materials imported on which duties have been paid when exported a drawback, equal in amount to the duty paid on such materials and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per cent. on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

This law, which has stood on our statute-books for eighty-five years, allows a drawback of 90 per cent of the duties on all imported materials for the manufacture in this country of a vessel or any other article wholly made of such imported material, for use by a foreigner in a foreign or an open market, and in case of many articles the drawback has been increased to 99 per cent. The act of June 6, 1872, authorizes the payment of such drawback as to imported materials in the case of a large number of articles manufactured partly of home materials, and a later act extends the same principle to canned goods; and there is no reason why the same principle should not be extended to all articles. Thus we see that a manufacturer may import materials, whether raw or manufactured, for making iron, woolen, wood, or other goods or articles for the foreign trade, and when these articles are exported will be entitled to receive back from 90 to 99 per cent. of the duties paid on the imported materials.

A ship-builder may import in the same manner materials for building a vessel for a foreigner to use in carrying American exports and imports; and will any one contend that the same American ship-builder should not have the same privilege when he is building a vessel for an American owner to sail in open competition with the vessel built for such foreigner?

I take it for granted that all regard it desirable, if not essential, to adopt such a policy as looks, ultimately at least, to the building of American vessels for the foreign trade in American ship-yards. This is essential for this reason, if for no other, that no nation can be regarded as reasonably protected from foreign invasion which has not within its own territory numerous well-established ship-yards and trained shipwrights and workmen that may be used by the Government at a day's notice to construct war vessels, floating batteries, and transports in the exigency of war. This necessity, if nothing more, requires that our policy should be directed to the construction of vessels at home.

There is a difference of opinion among ship-builders as to whether the extension of the act of 1872 so as to allow materials for iron vessels for the foreign trade to be imported free of duty, as materials for

wooden vessels have been for sixteen years, would give material aid to the successful construction of iron vessels, particularly steam-ships, in competition with the Clyde. All concede that it would often prove of some advantage. Some think that it would be a small benefit; others that it would afford encouragement for the establishment of new ship-yards, and after a lapse of sufficient time to obtain the requisite experience and development, would successfully solve the problem of building vessels, provided the other problem of profitably sailing them is also satisfactorily solved.

But whether of small or great advantage, and whatever else may be required to solve the problem of the successful construction of iron steam-ships for the foreign trade at substantially as low cost as on the Clyde, simple justice requires that whether our duties are high or low they should be entirely remitted on imported materials for the construction, equipment, repairs, and supplies of vessels employed or to be employed in the foreign carrying trade, which we have opened to foreign vessels on equal terms with our own.

It is for these reasons, Mr. Chairman, that I have offered this amendment, hoping that gentlemen on the other side who represent the majority will consent that this step forward may be taken in the important matter of encouraging iron-ship building for the foreign trade, divested of the proposition to also allow the free importation and registry of foreign-built vessels with which the majority have insisted in connecting it; for I trust they will see, as I do, that free ships connected with free materials destroy the value of the latter and make it impossible for us to build iron ships in this country for the foreign trade.

The following communication, addressed to me by the Bath (Me.) Board of Trade, representing the largest wooden-ship building center in this country, shows their views on this question:

BATH BOARD OF TRADE,
Bath, Me., July 14, 1888.

DEAR SIR: As a friend of the shipping interest and shipmen of New England we would like to call your attention for a few moments to that section of the tariff relating to the importation of iron.

Revised Statute No. 2513 allows the importation of all foreign material (duty free) that are used in the construction of wooden ships for the foreign trade, such as bolts, bars, bar-iron, copper composition, and, in fact, all the materials that are used, so that when we built the ship we could construct her lower than any other nation; but there is no longer any demand for the wooden ship; the world needs iron vessels, and we have either got to construct them or give up our carrying trade to other nations. In regulating the duties on iron in the new bill if Congress would allow it to be imported to be used in the construction of iron ships in the foreign trade (free of duty), subject to restrictions of the Treasury Department, similar to Revised Statute No. 2513, this would enable us to build the iron ships and would again revive our ship-yards and our flag on the ocean.

As there is a large surplus in the Treasury, the duty on this material is not needed, and if this clause could be entered in the bill employment could at once be given to thousands of skilled workmen now idle and seeking work for the support of their families.

In this section of New England, Mr. DINGLEY, as you are well aware, the decay of ship-building is felt to a greater extent than in any other, and as the mileage-subsidy plan seems to be objectionable to the shipping committee if this one could be substituted it would assist very materially in reviving this great industry.

Hoping this proposition may meet your approval, we are, sir, very respectfully, yours,

A. J. FULLER, *President.*
P. M. WHITMORE, *Vice-President.*
F. W. WEEKS, *Secretary.*

Hon. NELSON DINGLEY, Jr.,
Washington, D. C.

Mr. MILLS. I think we had better wait until the whole question comes up.

Mr. DINGLEY. This will be the only opportunity offered this session, and I trust the gentleman from Texas will not defeat a proposition which has been before the Committee on Ways and Means, on my motion, for four years, and for which no time has been found by the majority to present it to the House.

Mr. DINGLEY's amendment was rejected.

Mr. BAKER, of New York. I offer the amendment I send to the desk, to come in after line 38, on page 35.

The Clerk read as follows:

That ad valorem duties imposed by the laws of the United States on goods, wares, and merchandise imported from foreign countries shall be assessed upon the actual retail price or value at which such goods are sold for home consumption in the country of production or export, whenever in the country of such production or export ad valorem duties upon goods, wares, and merchandise imported into such country from the United States are assessed upon the retail price or value at which such goods are sold for home consumption in the United States.

Mr. BAKER, of New York. The purpose of this amendment is to meet a difficulty under which many of our people along the Canadian border have suffered during years past by the present law. I suppose it prevails to a considerable extent in all of our importations and exportations of goods, wares, and merchandise. The difficulty I can illustrate in this way: A manufacturer ships his products, for instance, to Canada by the car-load, and their freights, as I have occasion to know, are assessed at the retail valuation of the property where it is manufactured, while, on the contrary, that manufactured in Canada and shipped to this country has a duty imposed upon it according to the wholesale valuation in the country of production. You will see at once the injustice this condition of things imposes upon our people; their products coming here, availing themselves of our generous policy in our revenue laws, have duties levied upon them at their wholesale valuation, while shipments on our part into those countries are forced to pay duties at the retail price at which such commodities are selling in this country. This is unjust to us, and our people have labored and suffered under it for years. The purpose of the amendment is to change this order of things and to make our revenue laws conform in this respect to any discrimination that may be made against our people in foreign countries.

The amendment was rejected.

Mr. BUCHANAN. I offer the amendment I send to the desk.

The Clerk read as follows:

Page 35, line 38, after "duty," insert:

"*And provided further*, That no goods, wares, and merchandise the product in whole or in any material part of the labor of persons confined in any prison, jail, penitentiary, reformatory, or other penal institution, shall be imported for the purposes of sale or trade."

Mr. MILLS. I make the point of order on that amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. MILLS. That it is not pertinent to this portion of the bill; and besides that it is the substance of an amendment which has been already submitted and voted down. It does not belong to this part of the bill.

Mr. BUCHANAN. A word upon the point of order.

This amendment has not been offered before. I did offer an amendment at the end of the free-list, when that part of the bill had been completed, providing that any goods thereby specified, when produced by convict labor abroad, should not be admitted free of duty. At the beginning of the dutiable schedule I also offered an amendment referring to the duties on the articles named in that schedule.

This amendment, however, goes much farther; and it provides that hereafter no goods or commodities shall be imported, not simply the goods named in the schedule, but any goods, whether named in these schedules or coming in under the old law, and that all shall be affected by this provision. It is not, then, the amendment voted upon before, and it is perfectly germane to this section.

The CHAIRMAN. Does the gentleman from Texas desire to be heard upon the point of order?

Mr. MILLS. Only to say that the point of order is made that this provision does not belong to the portion of the bill which we are now discussing. It should have been offered to that portion of the bill fixing the rates of duty.

Mr. BUCHANAN. But this does not undertake to fix the rate of duty. It is an absolute prohibition of the importation of certain classes of goods. The clause to which it is offered is a clause which makes general regulations in reference to importations. It is a regulation providing that certain kinds of goods shall not come in, and therefore these regulations are amended to that extent.

The CHAIRMAN. The Chair is inclined to think that the point of order is good; but, if there is no objection, it will be submitted to the committee.

Mr. BUCHANAN. I ask for a ruling, because I am confident the amendment is germane to the section.

Mr. FARQUHAR. Why not take a vote upon it any way?

Mr. BUCHANAN. Let me put a query. While we are fixing rates, we are not prohibiting. If I had offered that to the section fixing the rates, it would not have been in consonance with the paragraph, because you say such goods when imported shall pay such and such duties, presupposing importation. On the contrary, my amendment in reference to a certain line of goods declares there shall be no importation; so it could not have been germane to that part of the bill.

The CHAIRMAN. The Chair is in doubt upon the question, and, in order to be perfectly fair, will submit the amendment to the committee.

The question was taken; and the Chairman declared that the "noes" appeared to prevail.

Mr. BUCHANAN. I demand a division. This is the Canadian law, and I want to see what this House will do with it.

The committee divided; and there were—ayes 41, noes 55.

So the amendment was rejected.

The Clerk read as follows:

Provided, however, That the limitation in value above specified shall not apply to wearing-apparel and other personal effects which may have been taken from the United States to foreign countries by the persons returning therefrom; and such last-named articles shall, upon production of evidence satisfactory to the collector and to the naval officer (if any) that they have been previously exported from the United States by such persons, and have not been advanced in value or improved in condition by any process of manufacture or labor thereon since so exported, be exempt from the payment of duty.

Mr. BRECKINRIDGE, of Arkansas. I offer the following amendment:

Page 36, line 83, strike out "and to the naval officer, if any" and insert "or officer acting as such."

The amendment was agreed to.

The Clerk read as follows:

Provided, That if there be used for covering or holding imported merchandise, whether dutiable or free, any material or article, other than the ordinary, usual, and necessary coverings used for covering or holding such merchandise, duty shall be levied and collected thereon at the rate to which such material or article would be subject if imported separately.

Mr. BRECKINRIDGE, of Arkansas. I offer the following amendment.

The Clerk read as follows:

Insert at the end of line 23, on page 39, the following:

"*Provided further*, That so much of the foregoing as relates to boxes, sacks, or coverings shall not apply to boxes, sacks, or such other covering as may be the usual and necessary boxing or covering for machinery or parts thereof."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That authority is hereby given to the Secretary of the Treasury, in his discretion, to dispense whenever expedient with the triplicate invoices and consular certificates now required by sections 2853, 2854, and 2855 of the Revised Statutes of the United States; and triplicate invoices and consular certificates shall in no case be required when the value of the merchandise shipped by any one consignor in any one vessel at one and the same time does not exceed $100; and the Secretary of the Treasury, with the concurrence of the Secretary of State, is hereby authorized to make such general regulations in regard to invoices and consular certificates as in his judgment the public interest may require.

Mr. BUCHANAN. I move to strike out the last paragraph, and do it for the purpose of inquiring of the committee why in the former part of this section they give the Secretary of the Treasury discretion to dispense whenever expedient with triplicate invoices. I can readily understand why they might not be required in the case of small importations; but, as I understand it, in the first part of the section absolute discretion is given to the Secretary of the Treasury to dispense with triplicate invoices in all cases. I would like to know the reason for that. Triplicate invoices, as they now stand, are a safeguard against fraud.

Mr. BRECKINRIDGE, of Arkansas. Gentlemen will observe that this provision dispenses with triplicate invoices where the consignments or purchases are very small in value.

Mr. BUCHANAN. No; I do not understand it so. I understand the former part of the section authorizes the Secretary of the Treasury, in his discretion, to dispense whenever expedient with the triplicate invoices; and the latter part of the section provides that the triplicate invoices shall in no case be required when the value of the merchandise shipped by any one consignor on any one vessel at one and the same time do not exceed $100. The discretion seems to be an absolute discretion over shipments of all sizes in the former part of the section. I would like to inquire why that discretion was given?

Mr. BRECKINRIDGE, of Arkansas. The prohibition applies to those that are small in amount. I remember a reason urged was to save expense. I will state to the gentleman that just at this moment, in regard to the other part, I do not recall the basis of the recommendation, as we have come very hurriedly to this section and I have not the papers relating to the matter before me now; but I will say that this is a recommendation by the Department and when the matter was under consideration all of this part of the bill was concurred in by the entire committee. As the papers are not at this time before me, nor the subject fresh in my mind, I can only give the gentleman upon the spur of the moment the assurance I have given him, which I recognize is not as full and definite a reply as he might reasonably desire.

Mr. MILLS. This provision was first recommended by Secretary Folger and concurred in by every subsequent Secretary and by the unanimous report of the Committee on Ways and Means twice. As my friend from Arkansas has said, we have come upon this section suddenly, and so the papers are not at hand.

Mr. BUCHANAN. Is it not sufficient for my purposes to be told that it was recommended by the different Secretaries of the Treasury. I want to know if the gentleman remembers what reasons they gave for making the recommendation.

Mr. BRECKINRIDGE, of Arkansas. I have answered frankly about it. If the gentleman will name some objection to the provision perhaps that will suggest the reasons which led to this recommendation.

Mr. BUCHANAN. My objection is that it will make it easier to evade the proper collection of the revenue.

Mr. BREWER. Mr. Chairman, I desire to ask the gentleman from Arkansas if the recommendation of the Secretary of the Treasury applied to anything more than where the amount was under $100.

Mr. BRECKINRIDGE, of Arkansas. Yes, the gentlemen will see that it relates to amounts, large and small. I will say to the gentleman that the committee in no case in the administrative part of the bill has adopted any provision that did not meet with the concurrence of the administrative branch of the Government. That is pretty generally the rule in regard to the administrative features of all bills. I do not mean to say that recommendations are always adopted; but I do mean to say that in no case have we ventured to set up our views in regard to what is the best mode of administering the law in opposition to the views of the administrative department of the Government. That has been the guide for both sides of the House.

Mr. BREWER. Only one word——

The CHAIRMAN. Debate is exhausted.

Mr. MILLS. The administrative features of this bill are substantially the same as were in the Hewitt administrative bill reported by the Committee on Ways and Means in the Forty-eighth and Forty-ninth Congresses; and these provisions were approved by Secretary Folger, and by the Secretaries of the Treasury who have succeeded him.

Mr. BREWER. I move to strike out the last word. I have only a word to say, because I have not examined the section. There are provisions now in the consular regulations which permit the importation of goods in amounts of less value than $100, and I apprehend that the recommendation of the Secretary of the Treasury applied only to importations of such amounts, because it does not seem possible that it could have applied to general importations.

In many cases these invoices are made out in quadruplicate. For instance, if goods are shipped in bond from Germany to the city of Detroit, one of the invoices, with a certificate attached, is sent to the consignee, one goes to the consignor who sends the goods, another goes to the collector of customs in New York, and the fourth to the collector of customs in the city of Detroit. These are often checks upon fraudulent importations, and it can not be possible that the Secretary of the Treasury has recommended that this safeguard shall be dispensed with where the amount of goods imported exceeds in value the sum of $100. If there is any such provision in the administrative part of this bill, in my judgment it ought not to be there; and I say this after four years' experience in taking the acknowledgments of certificates to invoices as consul in the service of the Government.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn, and the Clerk will continue the reading of the bill.

Mr. JOSEPH D. TAYLOR. I move to amend on page 47, line 8, by striking out the word "required" and inserting the words "dispensed with."

The amendment was rejected.

The Clerk read as follows:

SEC. 13 That section 2900 of the Revised Statutes be, and hereby is, amended so as to read as follows:

"SEC. 2900. The owner, consignee, or agent of any imported merchandise which has been actually purchased may at the time, and not afterward, when he shall make and verify his written entry of merchandise, make such addition in the entry to the cost or value given in the invoice, or *pro forma* invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise the same to the actual market value or wholesale price of such merchandise, at the period of exportation to the United States, in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise, whether the same has been actually purchased or procured otherwise than by purchase, may be imported or entered, shall cause such actual market value or wholesale price thereof to be appraised; and if such appraised value shall exceed by 10 per cent. or more the entered value, then, in addition to the duties imposed by law on the same, there shall be levied and collected a duty of 20 per cent. ad valorem on such appraised value. The duty shall not, however, be assessed upon an amount less than the invoice or entered value, except as elsewhere especially provided in this act."

Mr. BUCHANAN. I move to strike out in line 21 the word "appraised." I make this motion for the purpose of eliciting information and ascertaining whether I am correct in my reading of this section or not. The section provides that where goods are entered undervalued they shall be appraised, and if appraised at a value exceeding by 10 per cent. or more the entered value, then, in addition to the duties levied by law on the same, "there shall be levied and collected a duty of 20 per cent. on such appraised value."

Now, I want to know whether that means only the appraised value in excess of the entered value, or the total value of the goods. If it means the latter, my amendment is not needed, but it ought to be clear.

Mr. MILLS. This provision of the law was very carefully prepared. It was drawn by one of the best lawyers ever in the Treasury Department, Judge Folger, and it was drawn expressly to cover the point which the gentleman is talking about. The committee adopted the very language of the provision as drawn up by Secretary Folger.

Mr. BUCHANAN. I wish to know whether the construction of the gentlemen of the Committee on Ways and Means is that these words "appraised value" apply to the whole value of the goods, or simply to the excess above the entered value, because if they apply simply to the excess, then upon that portion of the importation there would be a duty collected of only 20 per cent., whereas under the general provision the duty on such goods would be 50 or 60 per cent.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, it seems to me that the language of this provision is quite clear. The extra duty is in the nature of a punishment——

Mr. BUCHANAN. I understand that, but I understand also the dexterity of these importers in getting around the law, and I want the construction of the committee upon the bill as we go along.

Mr. BRECKINRIDGE, of Arkansas. I think there is no doubt that the intent of the bill is that the extra duty shall be upon the increased appraised value.

Mr. LONG. Of the whole importation?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir; of the whole importation. It is intended to make the punishment one that will be felt. That was clearly my understanding at the time we adopted this.

Mr. BUCHANAN. I withdraw the amendment.

The Clerk read as follows:

SEC. 14. That all invoices of imported merchandise shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district from which the merchandise

is imported to the United States, and if there be no consul, vice-consul, or commercial agent for said district, then said invoices shall be produced to the consul, vice-consul, or commercial agent of the district nearest thereto, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to any one. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

Mr. JOSEPH D. TAYLOR. I move to amend on page 49, line 13, by inserting after the words, "state the time when and the place where," the words "and the person from whom." The object of having this indorsement upon the invoice is to give information to the consul so that he may be enabled to investigate the circumstances under which the purchase was made and be aided in preventing fraud or unfairness in the valuation. Now, it seems to me that the person who presents an invoice ought to be required to state not only where the purchase was made, but from whom it was made, because I think that as valuable information as the other, or even more so.

The amendment was rejected.

The committee rose informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had agreed to the amendment of the House to the bill (S. 335) granting an increase of pension to C. R. Thomas.

The message also announced that the Senate had directed its Secretary to request the House of Representatives to return to the Senate the bill (H. R. 10356) granting a pension to J. T. Vincent.

The message also announced that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, providing for the printing of the report of the Joint Select Committee of Congress on the Newburgh (N. Y.) Monument and Centennial Celebration.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 297) to provide for the erection of a monument to the memory of General George Rogers Clark; and

A bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

The message further announced that the Senate had passed without amendment a joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

The message further announced that the Senate had passed without amendment a bill (H. R. 3376) to extend the limits of the port of New Orleans.

The committee resumed its session.

The Clerk read as follows:

SEC. 15. That section 2931 of the Revised Statutes be, and hereby is, amended so as to read as follows:

"SEC. 2931. The decision of the collector of customs and of the naval officer, if any, at the port of importation and entry, as to the rate and amount of duties to be paid on any merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested in such merchandise, unless the owner, importer, consignee, or agent of the merchandise shall, within ten days after and not on any day before the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector, if dissatisfied with the aforesaid decision, setting forth therein, distinctly and specifically, and in respect to each entry, the reasons of his objection thereto, and shall also, within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury, who, on receiving such appeal, shall forthwith call upon the collector for a report thereon; and the collector shall thereupon, if he adheres to his decision, set forth, specifically and in detail, to the Secretary, the reasons therefor; and the decision of the Secretary on such appeal shall be final and conclusive, and such merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought, within ninety days after the decision of the Secretary of the Treasury on such appeal, for any duties which shall have been paid before the date of such decision on such merchandise, or costs and charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be begun or maintained for the recovery of any duties alleged to have been erroneously or illegally exacted until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal. And when a suit shall be brought by the United States to recover the additional duties found due on any ascertainment and liquidation thereof, and not paid, the defendant or defendants shall not be permitted to set up any plea or matter in defense excepting such as shall have been set forth in a protest and appeal made as herein prescribed."

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 50, section 15, lines 4 and 5, strike out the words "and of the naval officer, if any" and insert "or officer acting as such."

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That section 2927 of the Revised Statutes is hereby amended by the addition of the following words thereto:

"No allowances for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimation and liquidation of duties thereon; but the importer thereof may abandon to the Government all or any portion of goods, wares, and merchandise included in any invoice, and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent. or over of the total value of the invoice."

Mr. NUTTING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after the word "invoice," in line 12, on page 55 of the bill, the following: "*And provided*, No goods, property, wares, or merchandise imported or brought into this country which are dutiable under the law shall be changed from the packages or bottles in which the same were so imported or brought here into other packages or bottles until the duty on such importations by law provided shall be paid."

Mr. NUTTING. Mr. Chairman, as the law now stands dutiable merchandise may be brought into our country from a foreign country, and if these goods do not enter into the trade or consumption of this country they may be shipped out of the country again, and all this accomplished without paying the duty, or any part of the duty, by law imposed on the importation of such property.

This looks like a very innocent and harmless law, and if carried out in its full spirit and intention can do no harm. The usual practice on the part of the customs authorities in this country in regard to dutiable goods coming here which are intended to be shipped abroad again is not to allow such goods to be repacked or rewrapped, rebottled, or in any manner changed. So long as this regulation is adhered to it is quite difficult to see how harm can come from such practice. The law governing these matters, however, does not provide that such goods shall not be changed into other packages and wrappings. This being the fact, frauds have occurred and are likely to occur under this law in this way.

Peppermint oil is made largely in this country. The mint is grown and the oil distilled by farmers. This industry is carried on largely in the State of New York and in the State of Michigan. One county in the Congressional district which I have the honor to represent here—I refer to Wayne County, New York—yearly for many years has made $400,000 worth of this oil.

More than 10,000 acres of land in this one county are used to grow peppermint, and more than two thousand farmers are interested in the industry. The farmers not only grow the mint, but they distill the oil as well. This section of the county has become noted for the superior oil made. One man, Mr. Hotchkiss, has for twenty years handled all the oil made in this county. He has made a careful study of the business and has used good judgment and honest effort to make a success for himself and for the people, and has succeeded. He has all this time put this oil in bottles of uniform size and had them carefully branded and marked. He has insisted on handling only the very best and purest oils. He not only has supplied the markets here, but has shipped his oils abroad and sold them largely in Europe.

The Hotchkiss brand of peppermint oil has gained a reputation at home and abroad for purity and strength which no other oils of the kind ever gained. The importers in New York knew of the excellent reputations of these oils and desired to profit by it. So these importers last November procured the Secretary of the Treasury to make an order allowing them to bring into the port of New York Japanese peppermint oil of an inferior grade (worth no more than 75 cents a pound, while the Wayne County oil was worth nearly or quite $3 per pound), then to change that Japanese oil out of the Japanese bottles and put it into bottles of the size, shape, and appearance of the bottles in which the Wayne County oil was put up, and then this cheap Japanese oil so changed in packages was sent abroad into the markets where the Hotchkiss brand of oil had gained a reputation. This Japanese oil paid no duty at all, though there was a duty by our law upon such oil when imported.

This trick was discovered by Mr. Hotchkiss and the Wayne County farmers, and through their representations the order of the Treasury Department was revoked and the fraud stopped. But the business had been injured; Mr. Hotchkiss had been frightened and so had the farmers. And now, Mr. Chairman, I offer this amendment to prevent a recurrence of any such practice in the future. This resolution will prevent this practice not only with peppermint oil but with all other property shipped in here. Why, in this instance you see the cheap labor of Japan in the shape of inferior distilled Japanese oil come in competition with American farmers and an American product. This was done by a trick and a fraud, and this amendment will put a stop to such practices.

Mr. BRECKINRIDGE, of Arkansas. If I understand the gentleman, with the noise prevailing, he complains that the bottles paid no tax.

Mr. NUTTING. I beg pardon; there is a tax of 25 per cent.

Mr. BRECKINRIDGE, of Arkansas. Not if filled, under the present law, and this covering clause, as it is called, has given much trouble. It is repealed on page 38 of the bill, so that under this bill both coverings and contents are taxed.

Mr. NUTTING. I am not complaining about tariff on packages,

but about the law which allows goods shipped in here and the package changed and so reshipped without the goods paying duty.

Mr. BRECKINRIDGE, of Arkansas. We do not make it free. It is free now, and we propose to tax it.

Mr. NUTTING. By the law of 1883 on peppermint-oil there is a tariff of 25 per cent. ad valorem, but this bill makes it free. The majority of the Ways and Means Committee has agreed to strike out the clause making peppermint-oil free, and I hope it will be done.

The duty should be kept upon this oil, for the instance cited by me shows that this industry would be ruined if the cheap oils of Asia and Europe are allowed to come here free, as by this bill provided.

Mr. BRECKINRIDGE, of Arkansas. The gentleman says this bill makes peppermint oil free. I did not recollect that fact, and upon reflection I think he is mistaken. It comes under the drag-net clause about essential oils, expressed oils, etc., and that was stricken from the bill upon my motion. I was saying that under the present law articles come in without any duty on the packing or wrapping. Every article named comes in without tax on the wrapping, bottles, or whatever it may be, but under this bill they will all be taxed except the boxing for machinery comprehended in the amendment I offered a short time ago.

Mr. NUTTING. The difficulty is, the gentleman from Arkansas [Mr. BRECKINRIDGE] does not understand me. I wish to stop the practice of dutiable goods being allowed to come to our shores and here being changed in package and then being shipped abroad, without payment of duty, to the injury of our manufacturers and farmers, and I have in the peppermint-oil example which I have cited illustrated how fraud has been practiced and may be practiced under the law as it stands.

Mr. BRECKINRIDGE, of Arkansas. I see how that might apply, and evidently I did not at first understand the gentleman; but I am not prepared hastily to accept his amendment.

The question recurred on Mr. NUTTING's amendment.

Mr. NUTTING. I ask for a division.

The committee divided; and therre were—ayes 47, noes 66.

So the amendment was disagreed to.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 20. That any person who shall give, or offer to give, or promise to give, excepting for such duties or fees as have been levied or required according to the forms of law, any money or thing of value, directly or indirectly, to any officer or servant of the customs or of the United States, in connection with or pertaining to the importation, or appraisement, or entry, or examination, or inspection of goods, wares, or merchandise, including herein any baggage, or of the liquidation of the entry thereof, shall, on conviction thereof, be fined not less than $100 nor more than $5,000, or be imprisoned at hard labor not more than two years, or both, at the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as *prima facie* evidence that such giving, or offering, or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

SEC. 21. That any officer or servant of the customs or of the United States who shall, excepting for lawful duties or fees, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, shall, on conviction thereof, be fined not less than $100 nor more than $5,000, or be imprisoned at hard labor not more than two years, or both, at the discretion of the court; and evidence of such demanding, exacting, or receiving satisfactory to the court in which such trial is had shall be regarded as *prima facie* evidence that such demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

Mr. BUCHANAN. I move the following amendment.

The Clerk read as follows:

Page 57, line 16 of section 21, add:

"*Provided, however*, That if upon the trial of any person or persons charged with violating the provisions of section 20 of this act, in connection with any officer or servant of the customs, or of the United States, such officer or servant shall be a witness in behalf of the prosecution, and shall testify as to the facts and circumstances connected with such charge, such testimony so given shall not be then or thereafter used against such officer or servant."

Mr. BUCHANAN. Mr. Chairman, I offered the amendment for this reason, and it seems to me it is essential it should be adopted. Section 20 provides in case of any one bribing or attempting to bribe a Government official that he shall be tried, and on conviction imprisoned. Section 21 provides any customs official convicted of being bribed shall be subject to imprisonment. Where the briber and bribee are both convicted they are both punished, one by one section and the other by the other section. What is the result? The testimony of one can not be used as against the other. This same difficulty has been met in a number of States in case of bribery at elections. I know some of them have changed the law so as to provide that the person first complaining shall go scot-free and his testimony shall be used upon the trial of the other.

I have not been able to draught this amendment as I would like, but I have draughted it so as to provide that if upon the trial of any person accused of bribing or attempting to bribe a customs official goes upon the stand in behalf of the prosecution and testifies to the circumstances, that testimony shall not be used against him. It is difficult at best to obtain testimony to substantiate these charges, and it seems to me in the interest of justice this amendment should prevail.

I think it should go further and allow him to escape punishment altogether, but in a meritorious case the judge presiding at the trial or the prosecuting attorney would enter a nolle prosequi. I desire he shall understand when he testifies as to the bribery he shall thereby be exempt from the consequences of such testifying. I hope the amendment will be adopted.

Mr. MILLS. It is already provided in the law.

The committee divided; and there were—ayes 34, noes 65.

So the amendment was rejected.

Mr. BUCHANAN. I will not make the point of no quorum, but simply recommend the amendment to the next Democratic caucus. [Laughter.]

The Clerk read as follows:

SEC. 22. That section 2864 of the Revised Statutes be, and hereby is, amended so as to read as follows:

"SEC. 2864. That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make or attempt to make any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall for each offense be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both; and, in addition to such fine, such merchandise, or the value thereof, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise, or the value thereof, in the case or package containing the particular article or articles of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the forfeiture or confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed."

SEC. 23. That all imported goods, wares, and merchandise which may be in the public stores or bonded warehouses or on shipboard within the limits of any port of entry, or remaining in the customs offices, on the day and year when this act, or any provision thereof, shall go into effect, except as otherwise provided in this act, shall be subjected to no other duty, upon the entry thereof for consumption, than if the same were imported respectively after that day; and all goods, wares, and merchandise remaining in bonded warehouses on the day and year this act, or any provision thereof, shall take effect, and upon which the duties shall have been paid, shall be entitled to a refund of the difference between the amount of duties paid and the amount of duties said goods, wares, and merchandise would be subject to if the same were imported respectively after that date.

SEC. 24. That sections 3011 and 3013 of the Revised Statutes be, and hereby are, repealed as to all importations made after the date of this act; and all laws and parts of laws inconsistent with the other requirements and provisions of this act are also hereby repealed.

Mr. BYNUM. As this section affects all the other provisions of the bill, I ask that it be passed over informally, to be recurred to hereafter.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 25. That on and after the 1st day of July, 1888, all taxes on manufactured chewing tobacco, smoking tobacco, and snuff, all special taxes upon manufacturers of and dealers in said articles, and all taxes upon wholesale and retail dealers in leaf tobacco be, and are hereby, repealed: *Provided*, That there shall be allowed a drawback or rebate of the full amount of tax on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers, factors, jobbers, or dealers on said 1st day of July, if claim therefor shall be presented to the Commissioner of Internal Revenue prior to the 1st day of September, 1888, and not otherwise. No claim shall be allowed and no drawback shall be paid for an amount less than $5, and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations, and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

Mr. MILLS. I desire to amend the section by moving to strike out, in line 1, "July" and inserting "October."

The amendment was adopted.

Mr. MILLS. Also, in line 10, strike out "July" and insert "October."

The amendment was adopted.

Mr. MILLS. I move further to amend the paragraph by striking out, in the twelfth line, the words "September, 1888," and inserting "January, 1889;" so it will read, "prior to the first day of January, 1889."

The amendment was adopted.

Mr. WISE. I submit the amendment I send to the desk.

The Clerk read as follows:

Strike out, in line 3, the word "and" before the word "snuff" in that line, and add thereafter "cigars, cheroots, and cigarettes;" so that the clause when amended will read:

"That on and after the 1st day of October, 1888, all taxes on manufactured chewing tobacco, smoking tobacco, snuff, cigars, cheroots, and cigarettes," etc.

Mr. WISE. I do not propose to delay the committee very long upon this amendment. I have said heretofore upon the tobacco tax and the internal-revenue system generally all I desire to say in that regard. I want to call the attention of the committee to the fact that we raise from the internal-revenue tax on tobacco about $30,000,000 annually. The estimated reduction, under the provisions of the pending bill, of the revenue derived from that source is about $24,000,000. If this be correct, and I doubt not that it is, we will obtain in the future by the retention of the tax on cigars, cheroots, and cigarettes only about $6,000,000, a considerable portion of which will have to be expended in its collection.

In other words, we retain a portion of this tobacco tax, not for revenue, but to give the Government supervision of the subject; and I desire to say to my Democratic friends here that the use of the taxing

power for such a purpose is not in accordance either with Democratic traditions or Democratic principles.

It is proposed by the Mills bill to make certain changes in the tariff, whereby it is estimated by those who have examined the subject carefully, that the income of the Government will be reduced to the extent of $52,000,000. By the repeal of the tobacco tax it will be reduced $24,000,000 more, the total reduction amounting to some $76,000,000.

Now, I undertake to say, Mr. Chairman, that if the Mills bill shall become a law the reduction of the receipts from customs will not be, as gentlemen suppose, $52,000,000. In no other way can you be so certain of preventing the accumulation of a surplus, about which we have heard so much, as by the repeal of the tobacco tax. By lowering the rates of duty on certain articles it may be that the amount of revenue derived from the custom-houses of the country will be increased rather than diminished, and I believe that in many instances that would be the result.

What were the principal difficulties with which we were confronted when we came to this capital? The most important and pressing one was the presence in the Treasury of a rapidly-increasing surplus; and I repeat again that you can not be so certain in any other way of reducing it as by the repeal of the tobacco tax.

Thomas Jefferson, the father of Democracy, said, when he recommended the repeal of internal taxation, that it was the pride of an American citizen that he never saw a tax-collector. How changed the situation! The American citizen of this day not only sees him, but the tax-gatherer comes to his house armed with a revolver, a carbine, a rifle, or a shotgun.

Mr. HOPKINS, of Illinois. He not only sees but he feels him.

Mr. WISE. He feels him, too. The twelfth page of the last annual report of the Commissioner of Internal Revenue reads like an emanation from the War Department. [Laughter.] Just listen to it for a moment, and see what it embodies:

"Ordnance stores," "rifles," "revolvers," "carbines," "belts" [laughter], "Army chests."

With an overflowing Treasury there is no necessity for the continuance of this odious tax, and my constituents are loud in their demands for its repeal.

Gentlemen, it is not a question whether you will tax tobacco or what shall be the subjects of taxation. The question is whether you will vote to continue an internal-revenue tax or derive the means of the support of your Government by a tax upon commodities imported from foreign countries. I want it to be distinctly understood that I am in favor of deriving the revenue for the support of this Government by a tax upon foreign productions imported into the United States.

[Here the hammer fell.]

Mr. NELSON. I rise to oppose the amendment, and for the purpose of having time to do so I ask unanimous consent of the committee that I may be allowed to proceed ten minutes at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSON. I hold in my hand a well-considered article from Professor Richmond M. Smith, of Columbia College, upon the question of internal-revenue taxes. It contains a great many truths, and I agree with it entirely. It states the case much better and more clearly than I can, and I am sure it will do the House good to hear it read. I ask the Clerk to read it.

The Clerk read as follows:

The existence of the present surplus and its probable continuance bring up two questions demanding solution in the present session of Congress. The first is, what shall be done to get rid of the accumulation of money in the Federal Treasury, and the money which will accumulate before any laws looking to the final reduction of revenue can take effect? And the second is, in what way revenue can be permanently reduced so as to correspond with the demands of government? The first is a temporary difficulty and can be met by temporary measures. The second is much the more serious question, for it threatens to involve the whole future financial policy of the United States. I shall therefore consider it first, and devote only a few words at the close to the former. I shall also take it for granted that there should be no consideration paid to schemes for balancing accounts by extravagant expenditures made for the purpose of getting rid of the surplus, or to the absurd proposal to raise protective duties to a point where they would be prohibitive and there would be no income.

The permanent reduction of taxation is the only way of bringing the expenditures and the receipts of the Government into equilibrium. This brings us at once to the question whether this reduction shall take place in the internal revenues or in the customs duties. This question can best be approached by posing the further question: Do we want to abandon the present system of internal revenue on whisky, beer, and tobacco? They are articles which are taxed the world over as high as it is possible to tax them. They are recognized the world over as luxuries which people are perfectly able to do without. They are consumed in immense quantities, so that the revenue from them is always large. At the same time they possess in a remarkable degree the quality of elasticity, that is, when people are poor they can easily diminish their consumption of them, while in good times they can increase the quantity or the quality consumed. The burden of taxation thus naturally and automatically adjusts itself to the condition of the community. The burden decreases when people are less able to pay, while the revenue steadily increases with the prosperity of the country and its growth in wealth and population. The use of these articles is only slowly affected by changes in taste and fashion, and thus there is no danger of the revenue disappearing.

In the universality of their consumption they resemble articles of necessity, while in the possibility of the individual doing without them they are luxuries. Other articles which resemble them in the first respect, like sugar, coffee, tea, and salt are recognized as necessaries of life among all civilized nations, while other luxuries, like wine, laces, velvet, etc., are not largely enough consumed to give a great revenue and are subject to changes of taste and fashion.

It would seem to me a serious financial mistake for the Federal Government to give up such a source of revenue, which is large in itself, and which will always be a sure means of income. It is not well for the Government to rely exclusively on customs for its taxes. They depend for their imposition too much on other considerations, such as those of a protective system, and for their yield on the condition of commerce and the prosperity of trade. Many of them impose a much greater burden upon the people than they return to the Treasury. Many of them are most unequal in the way they rest on particular industries or particular classes. At any rate it is utterly impossible in many cases to determine what the exact burden is and where it really rests.

In the greater portion of our present tariff we are absolutely "going it blind" as far as the financial consequences of the impositions are concerned. No human mind can trace out the real effect of these customs duties on the industry and the social development of the people of the United States. This is said neither from the standpoint of a free-trader, nor of a protectionist, nor of a socialist. The present tariff is so complex that no one can tell how far it really aids the industries of the country and how far it cripples them. No one can tell how far it keeps up the wages of workingmen and how far it throws the burden of taxation on them. Is it not sufficient to raise two-thirds of the national revenue by these taxes, the burden of which and the incidents of which are so uncertain? Is it sound finance to abandon an income of $100,000,000 raised by a simple and easy tax on luxuries, the burden and incidents of which we do know, and raise it by taxes, the financial effects of which we do not know? To abandon the internal-revenue system means that the present revenue from customs will be insufficient or barely sufficient to meet the wants of the Government in time of peace. That means that any revision of the present tariff will be practically impossible for a long time to come, for no revision of the tariff is possible except in the presence of a surplus revenue or the means of providing a revenue in case of a deficit.

When the English revised their tariff it was with the help of the income tax. Our means of tiding over any deficiency following changes in the tariff is the internal revenue, and once destroy the organization and it will never be possible to restore it except in some great crisis like a war. But he would be a bold man who would affirm that the present tariff is perfect even from the standpoint of protection to home industries. He would be a still bolder man who would affirm that the present tariff is just in its burden on the poor man. And no man would be found bold enough to affirm that the present tariff has any claim to consideration as a financial measure. But why abandon the possibility of revision, either from the standpoint of a sound policy of encouragement to home industry, or of a sound social policy of the exemption of the poor from undue burdens, or of a sound financial policy of making the taxes as productive and as little burdensome as possible?

There is no danger of the overthrow of the doctrine of protection in this country. The Democracy is too powerful and finds representation in the legislative body too easily not to be sure to have all its wishes complied with the moment they are expressed. Democracy, too, always demands an immediate remedy for any evil it may be suffering under. Our tendency is and always will be to apply protection to any industry the moment it seems to be languishing. That has been the experience of France since the establishment of the republic. But what we want and what Democracy will want in the long is protection wisely applied. We do not want protection for everybody and for everything, for that means a burden on everybody and on everything. We do not want protection always because there has been protection once, for that means that we are to pay no attention to changes in industry and methods of protection. In other words, even from the protectionist standpoint, the tariff must be subject to more or less constant revision. It is not necessary to show that from the standpoint of social burdens and of financial policy we should also retain in our hands the power of revising our customs duties when necessary.

It would also, in my opinion, be a serious political blunder for the Federal Government to abandon the internal-revenue system. No one can tell what the future financial demands of the Government are to be. It is always well to have two strings to your bow. In case of failure of the revenue from duties owing to a depression of trade or interruption to commerce the internal revenue must make good the deficiency. In case of some financial emergency, like a war, the internal-revenue system is already established, the people are accustomed to it, and it is easy to increase the revenue by increasing the rate of taxation. In case it is abandoned the whole system will have to be re-established, and this will be a matter of time and probably of more or less friction and opposition. Some of the States will probably have appropriated the taxes, and they will have to be ousted and the United States resume the position which it ought never to have given up. It is said that the internal-revenue collector is hateful and that the man who represents simply the fiscal power of a distant government ought to be removed. I believe that is one reason why he should be retained.

The Government of the United States is the government of the whole people, and there is no reason why its officers should not be everywhere. The internal-revenue collector is no more hateful than the custom-house official, and if the frontier is to have the one why should not the interior have the other? The Secretary of the Treasury has said that the two services could be combined so that the expense would be no greater than is necessary for an efficient customs administration. It would be foolish to abandon these articles to be excised by the different States, for then we should have different rates of taxation, different administrative systems, and infinitely more expense.

Some persons advocate retaining the internal-tax revenue on whisky, but giving it up at least on tobacco. It is said that tobacco, if not a necessary of life is one of the comforts, and to the men who use it it has become practically a necessity. The tax on domestic tobacco rests on the poor and the men of moderate means, for the rich use imported tobacco. To give up the tax on tobacco would relieve the surplus to the extent of thirty millions, which would leave plenty of margin to reduce the customs.

I do not sympathize with this movement to take off the tax on tobacco. It is an attack on the internal-revenue system, and when the tobacco is gone it will be easy to remove the excise on beer and then on whisky. I do not believe that tobacco is a necessary of life in the sense that sugar, tea, coffee, and blankets are necessaries of life. I think that if we are going to help the poor man we had better give him free sugar, salt, iron tools, and woolen clothing for himself and his children. Would not the States immediately tax the tobacco if it were freed from Federal taxation, so that the poor man would still miss his cheap pipe? The tax is not a heavy one. By far the larger portion is paid on manufactured tobacco at the rate of 8 cents per pound, and on cigars at the rate of $3 per thousand. It is not a very severe burden upon the laboring man to pay to the Government one-half cent for each ounce of tobacco that he smokes and for the man of moderate means to pay one-third of a cent for each cigar.

The number of adult males in the United States is probably about 15,000,000, which would make a tax of less than $2 a head. We must also remember that this is a tax which the laboring man pays as a rule only on his own consumption, while the tax on sugar or on blankets and woolens he pays on the consumption of his whole family. If the tax is too heavy, reduce the rate. Sweep away the petty license taxes on the manufacturers, dealers, and peddlers, and make the tax simple and so that the price of the article will be increased only by the amount of the tax. I do not believe that any of the internal-revenue taxes

should be used for sumptuary purposes. That should be left to the States to regulate by the imposition of licenses or by prohibitory laws.

If now the internal revenue is to be retained, the reduction must occur in the customs duties. It has been indicated above where this reduction ought to take place. The sugar duties ought to be entirely removed, then the duties on raw wool, and gradually those on woolen goods. Then ought to come the duties on salt, lumber, and other raw materials. At the same time we ought to put on the free-list all articles the duties on which are not protective and the removal of which would not affect appreciably the protective system. The sugar duties alone would relieve us of fifty millions, and should be entirely removed, for a simple reduction in the rate would not necessarily reduce the revenue in the same proportion.

In regard to the question of what shall be done to get rid of the surplus which has already accumulated and which will accumulate before the new tax laws can go into effect, I see no objection to the plan of Mr. John J. Knox to anticipate the payment of a portion of the interest on the bonds and to substitute 2½ per cent. bonds for the present 4 and 4½ per cents.

Mr. NICHOLS. I offer the following amendment:

The amendment was read, as follows:

Amend by striking out all after the word "that" in line 1, section 25, and insert the following, so that the same shall read:

"SEC. 25. That all clauses of section 3140 to section 3465, both inclusive, of the Revised Statutes of the United States, and all other laws relating to internal-revenue taxes are hereby repealed to take effect on the 1st day of December, 1888: *Provided*, That all laws now in force shall have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when this section shall take effect: *Provided further*, That on all original and unbroken factory packages of smoking or manufactured tobacco, snuff, cigars, cheroots, or other forms of tobacco held by manufacturers, factors, jobbers, or dealers at such time as this section shall take effect, and upon all unbroken packages, kegs, barrels, or other receptacles of distilled spirits and brewed liquors, held by distillers, dealers, or other owners of such spirits or liquors at such time this section shall take effect, there shall be a drawback or rebate in favor of such manufacturer, factor, jobber, distiller, dealer, or other owner, as the case may be, to the full amount of the tax paid thereon. *Provided further*, That all special-tax stamps covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal; *Provided further*, That no claim for rebate under this section shall be for a less amount than $5, and all claims for rebate as herein provided for shall be presented within ninety days after this section shall take effect, otherwise the same shall be forever barred; and all sums required to satisfy claims under this section shall be paid out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury shall adopt such rules and regulations and furnish such blanks and forms as may be necessary to carry this section into effect."

SEC. 26. That this act shall be in force from and after December 1, 1888, and all laws and parts of laws in conflict herewith are hereby repealed.

Mr. COWLES. Mr. Chairman, I desire to offer a substitute for that amendment.

The CHAIRMAN. This is offered as a substitute for the section. It is a motion to strike out and insert.

Mr. COWLES. I propose to amend the substitute.

The CHAIRMAN. There is an amendment already pending to the section, which has been offered by the gentleman from Virginia [Mr. WISE], and is in order before the vote is taken on the section.

Mr. COWLES. But I offer a substitute for the whole section. I am satisfied, sir, that under our parliamentary law and practice I am entitled to offer this substitute for the pending section and all pending amendments.

The CHAIRMAN. The Chair is of opinion that this amendment is in the nature of a substitute for the section, because it is a proposition to strike out the whole section and insert in lieu thereof the words which have been read. The motion is indivisible——

Mr. COWLES. What becomes of the amendment of the gentleman from Virginia [Mr. WISE]?

The CHAIRMAN. That is first in order, because it is designed to perfect the text; and amendments to perfect the text are in order before a motion to strike out.

Mr. COWLES. I desire to offer a substitute for the amendment of the gentleman from Virginia [Mr. WISE]. Am I not entitled now to offer a substitute for both the section and the pending amendments?

The CHAIRMAN. The Chair is of opinion that under the rule for considering bills in Committee of the Whole on the state of the Union an amendment is in order, and then an amendment to that amendment, after which there must be a vote thereon.

Mr. COWLES. But a substitute is in order for the whole paragraph.

The CHAIRMAN. That would be in order in the House, but we are acting in committee under a special rule which confines us to amendments and amendments thereto. The Chair will first put the motion on the amendment of the gentleman from Virginia [Mr. WISE], and after that is disposed of——

Mr. JOHNSTON, of North Carolina. I wish to offer an amendment to the amendment of the gentleman from Virginia.

The CHAIRMAN. That is not in order.

Mr. JOHNSTON, of North Carolina. My amendment will accomplish the same object as the amendment of the gentleman from North Carolina [Mr. COWLES].

Mr. YOST. I desire to say, Mr. Chairman——

The CHAIRMAN. The Chair can recognize only one gentleman at a time.

Mr. GROSVENOR. I rise to a parliamentary inquiry. What is now the situation of the proposed amendment?

The CHAIRMAN. The Clerk will report the amendment submitted by the gentleman from North Carolina [Mr. JOHNSTON] to the amendment of the gentleman from Virginia.

Mr. YOST. I ask to be recognized on this question.

The CHAIRMAN. It is first in order to read the amendment of the gentleman from North Carolina.

The Clerk read as follows:

After the word "cigarettes" insert, "and all internal taxes on spirits distilled from grain or fruit of any kind."

The CHAIRMAN. The gentleman from North Carolina [Mr. JOHNSTON] is entitled to five minutes on his amendment.

Mr. JOHNSTON, of North Carolina. Mr. Chairman, the effect of this amendment which I have offered to the amendment of the gentleman from Virginia will be to extend the repeal of the internal-revenue law beyond the tobacco tax and to include the tax on whisky and brandy. I offer this proposition for the purpose of wiping from the statute-book the law which imposes internal-revenue tax on all spirits distilled from grain or fruit. I have heard a great deal said on this floor about "free whisky" and "free brandy," and recently the representatives of the Republican party assembled in Chicago pretended to be in favor of the repeal of the internal-revenue law. I desire to see the Republicans, as well as Democrats, vote upon that question here to-day. What I desire is not only free whisky and free brandy, but I wish more to see my people freed from the oppressions of a system spoken of by my friend from Virginia which imposes upon them almost a military surveillance.

Gentlemen who live in the mountain sections of this country know that we are constantly subjected to the most annoying kind of irritations in the execution of this law. It is a law which was put upon the statute-book during a period of war, and its framers had no regard apparently to the effect it might have upon the civil liberties of the people; they relied upon the patriotism of the country to submit to such a system during the continuance of a great war; and that reliance was well met. At that time the oppressive features attending the execution of the law were less thought of than the object of raising revenue. But we have long since reached a time of peace, and all parties declare in favor of taking from the statute-book everything partaking of war legislation.

Now, if there is anything which is essentially a war measure, this system of internal-revenue taxation is one, and I desire to see it wiped from the statute-book, because I wish to see my people relieved from the exactions and oppressions imposed upon them in connection with the enforcement of this taxation during the last twenty-five years.

Just think of it, Mr. Chairman. A Federal court organized by the Government, with all the dignity which a Federal court ought to have, setting in judgment on a poor man charged with selling a half pint of liquor, and dragging him perhaps two or three hundred miles from his helpless family for the purpose of trying him for such frivolous offenses. Why, sir, such a thing reflects shame upon the jurisdiction of the courts of the United States, and detracts from the high standing they should have among the people. Proceedings of that kind would better become the jurisdiction of a justice of the peace.

Mr. KERR. If this side of the House will vote with you to repeal the internal taxation, will you vote the Republican ticket? [Laughter.]

Mr. JOHNSTON, of North Carolina. I hope my friend from Iowa [Mr. KERR] will "ask me something hard." I want Republicans and Democrats to unite here in repealing this obnoxious law. I want to blot it out because it has done so much to excite the animosities of the people all through the country, and has been the instrument of more suffering to those who are least able to bear it than any other statute I know of. Besides it fosters a system of espionage and harsh treatment which is obnoxious to all ideas of free government. It has done more to engender bad feeling in communities, to encourage false swearing, to sap the very spirit of manhood from our people, to teach them to regard the Government as oppressive toward the citizens than all other laws. Let us eliminate from the statute-book of this great country every vestige of the unfortunate strife we have passed through, so that "peace and good will" shall prevail throughout its entire length and breadth.

Why, sir, so far as concerns the section of the country from which I come, many of the citizens there scarcely know this Government, except by the exactions visited upon them under this law. They know the Government only through the army of officers sent, as my friend from Virginia has said, with carbines and cartridge-boxes for the purpose of arresting them. I want to see this country, especially my section of it, governed through some other means.

[Here the hammer fell.]

Mr. MCMILLIN. Mr. Chairman, the gentleman from North Carolina [Mr. JOHNSTON] advocates the repeal of the whisky tax as well as other internal taxes. I will detain the House only a moment in making some comment upon the present situation so that we may see what would be wise and patriotic and practical in the matter now submitted to the House.

The internal-revenue system, if I remember correctly, yielded last year $118,000,000, and it is estimated that it will yield this year $120,000,000. The entire surplus does not amount to $70,000,000 per annum. So that if we were to embark upon a total repeal of the internal-revenue system, as proposed by the gentleman from North Carolina, we would have facing us at the threshold a deficiency of $50,000,000 per annum. So that there can only be a reduction of internal-revenue taxes if anything, and not a total repeal of the system.

Hence, in dealing with this subject of reduction of taxation, as we can not repeal the entire internal-revenue system, the question is whether we will reduce the tax on clothing and food and allow the internal-revenue system to continue, or whether we will reduce the tax on whisky. I speak my views, and I believe the views of this side of the House, when I say that in the contest between whisky and clothing, we are on the side of clothing. [Applause on the Democratic side.]

Now, I would be glad if gentlemen who propose a total repeal of the internal-revenue system of taxation would say upon what they propose to place the additional tax.

Mr. JOHNSTON, of North Carolina. If my amendment be adopted, I shall propose to put a tax upon the incomes of the country, and have an amendment prepared for that purpose.

Mr. McMILLIN. Such an amendment, unfortunately, while I should favor it, would stand no chance of adoption. I have favored that, but even when it existed it was repealed, and my friend from North Carolina must remember that that would be an internal-revenue tax and would be the extension of the system he pretends to despise.

The gentleman from North Carolina should get that adopted before he creates his deficiency. The wise man who ascends a tree to prune it does not cut off the limb between him and the body of the tree. You should see your way out before you begin the work of demolition.

Mr. Chairman, I know that occasionally gentlemen, either forgetting to study the laws of the country or ignoring them, have urged the repeal of the tax on whisky under the plea that they want the States to tax it and thereby get the revenues derived from it.

This is impractical, for the reason that many of the State constitutions require that all taxes shall be uniform, and thereby prevent the placing of a higher tax on whisky than is placed on other property of equal value. Other constitutions prevent its exclusive taxation or discriminate taxation because it is the manufacture of a product of the soil. At least half the States of the Union, under one constitutional provision or another, prevent the placing of a higher tax on whisky than is placed on other products, except the tax on the privilege of dealing in it. This is so in Tennessee, the State I have the honor in part to represent. It is in other States I could mention if my time permitted.

Besides all that, Mr. Chairman, the States have the same right to put a tax on whisky now that it would have if the internal-revenue system were entirely repealed. Why do the States not do it?

The result would be, if the system were repealed and the States could and did reimpose the tax on whisky, those States which did not tax it specially would do all the manufacturing and the other States would notg et any tax at all. It would therefore practically go untaxed. That would be the inevitable result.

Gentlemen have spoken of the injustice of the administration of the internal-revenue laws. The effort of the committee has been from first to last, and it has been I think attended with considerable success, to do away with those hardships and harshnesses which made the internal-revenue system obnoxious, and any unprejudiced mind who will look at the bill the Committee on Ways and Means has reported must admit that most of the hardships which have been complained of have been effectually done away with.

Mr. WISE. Yes, I do the Committee on Ways and Means the justice to say that the bill which they have reported does do away with them to a great extent, but still the tax is odious.

Mr. McMILLIN. I am glad my friend from Virginia admits we have accomplished the result in the pending measure which we attempted in doing away with the hardships of the system under the present law.

But we can not repeal the entire system. We have to have revenue. What is it we are asked to do? I will remind gentlemen it will take as much machinery, as much oppression, as much wrong to enforce the collection of 10 cents a gallon as it does to collect 90 cents a gallon; and for one I will oppose the reduction of the whisky tax. [Applause on the Democratic side.]

I have shown that we can not repeal the entire tax. Who, then, would reduce the tax on whisky rather than the tax on sugar? Who would take 50 cents a gallon tax from whisky rather than 29 per cent. from woolen clothes? Who would prefer to remove the tax from whisky rather than from salt? Who would rather cheapen his whisky than his blankets? If there be such, let him go forth proclaiming himself for free bungs and free barrels, and we meet him with a counter proposition for cheaper clothes and cheaper food, and defy him to discuss with us before a patriotic and long-suffering people the issue thus joined. [Loud applause.]

[Here the hammer fell.]

The question recurred on the amendment of Mr. JOHNSTON, of North Carolina, to the amendment.

Mr. JOHNSTON, of North Carolina. I demand a division on the amendment to the amendment.

The committee divided; and there were—ayes 27, noes 135.

Mr. JOHNSTON, of North Carolina. Mr. Chairman, what was the vote?

The CHAIRMAN. Twenty-seven ayes, 135 noes. [Laughter.]

Mr. JOHNSTON, of North Carolina. Is that all? What has become of the Republican party that they fail to vote for this amendment, when they claim to be pledged to do it? [Great laughter and applause.]

Mr. NICHOLS. What has become of the amendment?

The CHAIRMAN. The question will be put in regular order.

Mr. SOWDEN. I would like to have an opportunity to offer an amendment?

The CHAIRMAN. The Chair has recognized the gentleman from Virginia [Mr. YOST].

Mr. YOST. I move the following amendment.

The Clerk read as follows:

In lines 2 and 3, page 59, strike out the word "chewing" and the words "smoking tobacco," and in line 5 insert after the word "leaf" the words "or manufactured;" so that it shall read:

"All taxes on manufactured tobacco and snuff, all special taxes upon manufacturers or dealers in said articles, and all taxes upon wholesale and retail dealers in leaf or manufactured tobacco be, and are hereby, repealed."

The CHAIRMAN. The Chair thinks that the amendment is not an amendment to the pending amendment.

Mr. YOST. It covers the same points and also provides for a repeal of the tax on all dealers in tobacco as well as the manufacturers thereof.

The CHAIRMAN. The amendment only relates to cigarettes and cheroots.

Mr. YOST. This is intended to embrace cigarettes and cheroots, and it does embrace them, as it relates to all manufacturers of and dealers in tobacco.

Mr. WISE. I have not had the opportunity to examine the gentleman's amendment, but I presume his object is the same as mine; that is, a repeal of the tobacco tax.

Mr. YOST. Yes; that is the object of my amendment.

Mr. WISE. My object is to repeal the entire tobacco tax.

Mr. YOST. You do not state it then in your amendment.

Mr. WISE. But that is the object of the amendment.

The CHAIRMAN. The Chair will entertain the amendment of the gentleman from Virginia [Mr. YOST] as an amendment to the amendment upon the principle that the greater includes the less.

Mr. YOST. My colleague [Mr. WISE], in offering his amendment, of course had in view the same object which my amendment is designed to accomplish, and the truth is the gentleman has made about the same speech which I intended to make

If, Mr. Chairman, the representatives of Virginia stood as solidly on every single solitary item of the Mills bill as they stand on the tobacco feature it would be a great deal better for the State and for the people who are directly interested in the production of very many of the articles which that measure so disastrously affects. [Applause.]

Tobacco is just as much a product of the soil as corn or wheat or any other kind of grain, and why it should be insisted that you shall place such restrictions upon an agricultural product I can not understand. It is a restriction not imposed upon any other product of the soil. In time of war it is true we needed the money derived from this taxation. It then became a matter of public necessity. But that time has happily passed away, and the greatest difficulty we now have to contend with is how to get rid of our surplus revenues.

Here, as I said, is a strictly agricultural product which, it seems to me, every consideration of right demands should be placed upon a footing with other agricultural products. The burden imposed upon it should be removed. It is an unjust, inequitable discrimination which has already been too long tolerated and for the continued imposition of which no reasonable excuse can be given.

So far as the bill affects manufactured tobacco, and I refer now to the regular bill pending, it retains the tax on the manufacture of cheroots, cigars, and cigarettes. The rest of the tax is repealed. That may be all right so far as the interests of the large manufacturing establishments are involved. They doubtless want this restriction. But, Mr. Chairman, it is not all right so far as the small manufacturers in our tobacco districts throughout the Southern States are concerned.

Here are cigar-makers carrying on little establishments at many of the cross-roads—poor men, men who are dependent on their own labor—who are forced to sell their manufactured product on sixty and ninety days' time, and yet the revenue tax must be paid at once. It is not only unfair to them to be required to pay for the privilege of manufacturing, but it is a grievous wrong to compel them to pay the tax upon the product as soon as it is manufactured and yet have to wait two or three months for their money. They are not able to do it. Their capital is their skill and labor. This they must employ to the best advantage in order to gain a livelihood at all. They must sell their product and get a quick return for it or they must retire from the business. To remove practically all of the other restrictions upon the manufacture of tobacco and retain the tax on cigars means the crushing out of the individual cigar-maker and a concentration of the business in the hands of large establishments.

I know, Mr. Chairman, that cigar-makers of the North—those who live in the large cities—have petitioned Congress to retain the tax on cigars. It may be to their interest that this should be done, but it is not to the interest of the cigar-maker of the South, who owns his own

little establishment and wants to turn his time and skill to the best account. His desire and the desire of the people I represent is that the whole system of internal revenue, so far as it relates to tobacco, shall be wiped out.

They want this odious supervision of the General Government abolished. They want the privilege of raising tobacco and disposing of it as they may think best, and without having a Federal officer nosing around their doors or the fear of technical violation of law and consequent cost and trouble continually overshadowing them. This is a matter of simple justice to them, and I hope there will be no objection. [Applause.]

[Here the hammer fell.]

Mr. BYNUM. Mr. Chairman, I am free to say that as an abstract proposition I was and am still opposed to any reduction of the internal taxes. I consented to the reduction made in the bill under consideration because it was demanded by a considerable section. The section that I represent does not favor any reduction of internal taxes upon tobacco. They are willing, however, to submit to this reduction provided they can secure the benefits that they think will be derived by them by the enactment into law of the other provisions of the bill.

I can not consent, however, that we shall go further than was agreed upon by the committee. The tax upon cigars, cigarettes, and cheroots does not fall upon the farmers who raise the tobacco, but wholly upon the consumers of the same. I do not intend in the short time which, under the rules of the House, is given me to discuss the reasons as to why a tax should, in my judgment, be levied upon tobacco and liquors. I simply desire to call the attention of the committee to the fact that a repeal of the tax upon cigars, cheroots, and cigarettes would be a most serious blow to a large body of organized laborers. It would, in my opinion, completely destroy the cigar-makers' union. The internal-revenue system has proved a great benefit and protection to both the manufacturer and employé. Under its operation the brand of the manufacturer is protected and the tenement-house system, where women and children were compelled to labor in poverty and suffering, has been broken up. Take all the tax off of these articles and you at once deprive the laborers employed in this industry of any power to protect themselves.

Mr. TOWNSHEND. Let me ask if these people are opposed to this reduction?

Mr. BYNUM. Yes; they are opposed to it for the very reasons that I have given.

Mr. WISE. Will the gentleman allow me a question?

Mr. BYNUM. Certainly.

Mr. WISE. If you retain the tax on cigars, cheroots, and cigarettes do you not necessarily have to give to the Government supervision of the whole subject of tobacco?

Mr. BYNUM. Not of the whole subject, but only of the manufacture and sale of these articles.

Mr. WISE. It would be impossible to prevent frauds unless the Government had full supervision; and in order to collect the tax you must enable the Government officers to have full access, just as under the present law. You are compelled to give the Government authority to examine into it.

Mr. BYNUM. Certainly. The Government would have the same supervision over the manufacture and sale of cigars, etc., that it now has; but that does not extend over the whole subject of tobacco. The bill reduces the licenses, retaining only a nominal sum, and the law is otherwise modified for the benefit of the manufacturer. Every cigar-maker in the country, so far as I have any knowledge, is in favor of the retention of the tax and the continuation of the present system, and I am positive there is not a cigar-maker to be found but what is opposed to the total repeal of the present law.

I represent near five hundred employés engaged in these industries, and in their interests and in their behalf I hope this amendment and all others of like character will be voted down.

Mr. FARQUHAR. I move to strike out the last word.

The CHAIRMAN. Debate on the amendment is exhausted.

The question is on agreeing to the amendment to the amendment proposed by the gentleman from Virginia [Mr. YOST].

Mr. MILLS. If there is to be no further debate, I ask a vote. If there is, I move that the committee rise. [Cries of "Vote!"]

The question was taken on the amendment to the amendment submitted by Mr. YOST; and there was a division—ayes 68, noes 87.

Mr. YOST. I ask for tellers.

Tellers were ordered.

Mr. YOST and Mr. MILLS were appointed tellers.

The committee again divided; and the tellers reported—ayes 54, noes 85.

So (no further count being demanded) the amendment was rejected.

Mr. SOWDEN. I offer a further amendment to the amendment of the gentleman from Virginia, which I have already sent to the desk.

The Clerk read as follows:

Add to the amendment:

"And all internal-revenue taxes on spirits distilled from apples, peaches, and other fruits."

Mr. GROSVENOR. Is debate in order?

The CHAIRMAN. It is.

[Mr. GROSVENOR withholds his remarks for revision. See APPENDIX.]

[Mr. LANE withholds his remarks for revision. See APPENDIX.]

Mr. MILLS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

VETO MESSAGE—MARY FITZMORRIS.

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return without approval House bill 9520, entitled "An act for the relief of Mary Fitzmorris."

It is proposed by this bill to pension the beneficiary named therein as the widow of Edmund Fitzmorris under the provisions and limitations of the general pension laws. The name of the beneficiary is already upon the pension-roll, and she is now entitled to receive precisely the sum as a pensioner which is allowed her under this bill.

As her application to the Pension Bureau was quite lately favorably acted upon, it is supposed this special bill for her relief was passed by the Congress in ignorance of that fact.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 16, 1888.

Mr. MATSON. I move that the message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. Senate bill 2515, to provide pneumatic gun-carriages for the War Department, was erroneously referred to the Committee on Appropriations. It should have been referred to the Committee on Military Affairs, to which it will now go, and the Committee on Appropriations will be discharged from the further consideration of the bill.

SELECT COMMITTEE ON IMPORTATION OF CONTRACT LABOR, CONVICTS, AND PAUPERS.

The SPEAKER announced the following as the Select Committee to Inquire into the Importation of Contract Laborers, Convicts, and Paupers:

MELBOURNE H. FORD, of Michigan; W. C. OATES, of Alabama; F. B. SPINOLA, of New York; RICHARD GUENTHER, of Wisconsin, and W. W. MORROW, of California.

ORDER OF BUSINESS.

Mr. CLARDY. I ask unanimous consent that the House take a recess at 5 o'clock to-morrow until 8 o'clock, the evening session to be devoted to the consideration of bills reported by the Committee on Commerce for the establishment of light-houses, life-saving stations, and bridges.

Several members objected.

The SPEAKER. Objection is made.

Mr. MILLS. I move the House now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 10846) for the relief of Robert L. Tomson—to the Committee on War Claims.

By Mr. BARRY: A bill (H. R. 10847) to increase the pension of William B. Cobb—to the Committee on Pensions.

By Mr. BLISS: A bill (H. R. 10848) for the relief of Fanny Gordon, *née* Kelly—to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 10849) granting a pension to Jehu H. Greenway—to the Committee on Invalid Pensions.

By Mr. CONGER: A bill (H. R. 10850) granting a pension to J. W. Amlong—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 10851) granting a pension to Selor B. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10852) to authorize the appointment of Dr. Abraham P. Frick—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 10853) granting a pension to Rachel Hurd—to the Committee on Invalid Pensions.

By Mr. S. I. HOPKINS (by request): A bill (H. R. 10854) to provide that labor day shall be a legal holiday in the District of Columbia—to the Committee on Labor.

By Mr. LODGE: A bill (H. R. 10855) granting a pension to John Lahey—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 10856) for a pension to Eliza N. Aiken—to the Committee on Invalid Pensions.

By Mr. MCKINNEY: A bill (H. R. 10857) granting a pension to Catherine Tate—to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 10858) for the improvement of Bayou Castor—to the Committee on Rivers and Harbors.

By Mr. NICHOLS: A bill (H. R. 10859) for the relief of Charles Ward—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10860) granting a pension to Geo. D. Imel—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 10861) granting a pension to Francis M. Gibson—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10862) for the relief of Charles K. Erwin—to the Committee on War Claims.

By Mr. TOOLE: A bill (H. R. 10863) to grant a pension to Thomas Cushing—to the Committee on Invalid Pensions.

By Mr. VOORHEES: A bill (H. R. 10864) to validate an act of the Legislative Assembly of Washington Territory—to the Committee on the Territories.

By Mr. WHEELER: A bill (H. R. 10865) granting a pension to Lucy Whitman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of H. M. Barrett & Co. and others, against free wool—to the Committee on Ways and Means.

Also, memorial of W. R. Barnard and 6 others, of Cook County, Illinois, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. C. S. BAKER: Petition of Knights of Labor of Rochester, N. Y., in favor of House bill 8716—to the Committee on Labor.

By Mr. BINGHAM: Papers to accompany House bill 10683 for the relief of William Brice & Co. and others—to the Committee on Claims.

By Mr. BLAND: Petition of citizens of Laclede County, Missouri, for amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. BREWER: Remonstrance of 44 woolen manufacturers and wool dealers, against the Mills bill—to the Committee on Ways and Means.

By Mr. C. E. BROWN: Petitions of citizens of Cincinnati, Ohio, in favor of House bill 8716—to the Committee on Labor.

Also, petition of H. M. Barrett & Co., and others, of Louisville, Ky., against the Mills bill—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Petition of Eureka Assembly No. 4940, Knights of Labor, of Cincinnati, Ohio, in favor of House bill 8716—to the Committee on Labor.

By Mr. CHEADLE: Petition of citizens of Louisville, Ky., against the Mills bill—to the Committee on Ways and Means.

By Mr. COMPTON: Petition of Thomas Skinner, of Perry Rennoe, and of T. B. Burgess, administrators of F. B. F. Burgess, of Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DELANO: Petition of Charles A. Fuller, of Sherburne, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. DUNN: Petition of John P. Moore, of Phillips County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Protest of 32 woolen-mill owners and wool dealers, against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. GEST: Petition of 57 window-glass workers, of Rock Island, Ill., against the reduction of the tariff on glass—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of woolen manufacturers and dealers in wool, against the Mills bill—to the Committee on Ways and Means.

By Mr. GOFF: Petition of Andrew D. Coplin and of Martha A. Bender, executrix of Jacob Coplin, of West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Protest of H. M. Knox & Co. and other manufacturers and dealers in wool, of Louisville, Ky., against the Mills bill—to the Committee on Ways and Means,

By Mr. HEARD: Papers in the case of George McKinney, for relief—to the Committee on Military Affairs.

By Mr. HUDD: Petition of many citizens of Bayfield County, Wisconsin, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. T. D. JOHNSTON: Petition of Joseph W. Orr, of Henderson County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of citizens of Hillsdale, N. Y., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. LATHAM: Petition of Elisha Colbert, of Beaufort County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NICHOLS: Petition of W. T. Gunter, of Merry Oaks, N. C., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. OSBORNE: Petition of Wesley W. Taylor, late of Company D, Seventy-ninth Regiment Illinois Volunteers, for a pension—to the Committee on Invalid Pensions.

Also, petition of woolen manufacturers and wool-dealers, against the Mills bill—to the Committee on Ways and Means.

By Mr. PATTON: Petition of Knights of Labor of Karthaus, Pa., in favor of House bill 8716—to the Committee on Labor.

By Mr. PERKINS: Petition of the woolen manufacturers and wool-dealers, against the Mills bill—to the Committee on Ways and Means.

Also, petition of citizens of Girard, Kans., in favor of House bill 8716—to the Committee on Labor.

By Mr. PETERS: Petition of Knights of Labor of South Haven, Kans., in favor of House bill 8716—to the Committee on Labor.

Also, resolution of the Salina (Kans.) Board of Trade, in favor of the Union Pacific funding bill—to the Committee on Pacific Railroads

By Mr. RAYNER: Petition of Alex. Brown & Sons and other business firms of Baltimore, Md., against granting subsidies to steam-ship lines between this country and Brazil—to the Committee on the Post-Office and Post-Roads.

By Mr. RICE: Memorial of citizens of Hennepin County, Minnesota, for an amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of citizens of Manchester, Tenn., in favor of House bill 8716—to the Committee on Labor.

Also, petition of widow of A. G. Henderson, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCOTT: Petition of Benjamin Isaacs and 71 others, citizens of the Twenty-seventh district of Pennsylvania, against the removal of the internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, petition of Thomas Flynn and 34 others, voters of Venango County, Pennsylvania, for the passage of a bill to reduce taxes—to the Committee on Ways and Means.

Also, petition of the board of transportation of Nebraska, for the passage of House bill 8367—to the Committee on Pacific Railroads.

Also, petition of Robert Taggart and 133 others, citizens of the Twenty-seventh district of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Dr. G. W. Dills and 4 others, of W. O. Gilson and 24 others, and of Griffith & Brother, and 5 others, of Pennsylvania, for a change of the internal-revenue laws—to the Committee on Ways and Means.

By Mr. SHIVELY: Petition of citizens of La Porte County, Indiana, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HENRY SMITH: Petition of citizens of Milwaukee, Wis., in favor of House bill 8716—to the Committee on Labor.

By Mr. SNYDER: Petition of Albert Huddleston, of Charles W. Collison, of Christopher Burns, of James Knight, administrator of Francis H. Ludington, of Allen J. Moses, of C. L. Pyles, of J. R. J. Wilson, of Samuel Tuckwiller, of William Willard, of William H. Hill, of Susan F. Johnson, and of Matthew Arbuckle, of West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. T. L. THOMPSON: Petition of citizens of Smith's River, Cal., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. WARNER: Petition of Leven P. Scroggins and of Charles N. Wood, of Missouri, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WEAVER: Petition of Knights of Labor of Frederick, Iowa, in favor of House bill No. 8716—to the Committee on Labor.

By Mr. WEBER: Petition of Knights of Labor of Lockport, N. Y., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. WHEELER: Petition of James McPeters, administrator of Henry D. Allen, of Lauderdale County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of citizens of Columbia, Tenn., in favor of House bill No. 8716—to the Committee on Labor.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. SCOTT: Of William C. Jackson and 466 others, citizens of Erie County, Pennsylvania.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. FLOOD: Of J. B. Thomas and others.

By Mr. SCOTT: Of J. J. Ryan and 32 others, citizens of Erie County, Pennsylvania.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. SCOTT: Of D. P. Yate and 34 others, citizens of Belle Valley, Erie County, Pennsylvania.

SENATE.

TUESDAY, *July* 17, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented the petitions of the Junior Order of United American Mechanics, of Star Lodge Council, No. 68, of Harmony Council, No. 53, of Philadelphia, Pa.; of Mountaineer Council, No. 111, of Mahanoy City, Pa.; of Shawnee Council, No. 34, of Hazleton, Pa.; of Schuylkill Council, No. 12, of Philadelphia, Pa., and of Ross Council, No. 202, of Evergreen, Pa., praying for the passage of the bill (S. 553) to regulate and restrict immigration; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Schuylkill County, Pennsylvania, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of woolen manufacturers, wool dealers, and others engaged in the woolen business in Kentucky and Indiana, praying for the rejection of what is known as the Mills bill; which was referred to the Committee on Finance.

He also presented a petition of U. S. Grant Post, No. 327, Grand Army of the Republic, Department of New York, praying for the passage of Senate bill 2797, to authorize the President to advance Chief Engineer George W. Melville, United States Navy, one grade, with pay of chief engineer; which was referred to the Committee on Naval Affairs.

Mr. PLUMB presented a petition of citizens of Kansas calling attention to alleged violations of the interstate-commerce law by common carriers, and praying for such legislation as will prevent a recurrence of such violations; which was referred to the Committee on Interstate Commerce.

Mr. TELLER presented a petition of the Board of Trade of Greeley, Colo., praying for the passage of a bill providing terms on which the Union Pacific Railway Company shall be accorded an extension of time for the payment of its debt to the Government; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

He also presented a petition of citizens of Garfield County, Colorado, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.

The message further announced that the House had receded from its amendment to the bill (S. 2657) granting an increase of pension to Emily J. Stannard.

The message also returned to the Senate in compliance with its request the bill (H. R. 10356) granting a pension to J. T. Vincent.

CHANGE OF REFERENCE.

Mr. DOLPH. On the 28th of June I submitted two amendments intended to be proposed to the sundry civil appropriation bill, which the Journal shows should have gone to the Committee on Public Buildings and Grounds, but by some mistake they went directly to the Committee on Appropriations. I ask leave to change the reference, but as the amendments have been printed they may be referred to the Committee on Public Buildings and Grounds without further printing.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, reported it with an amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, reported it with amendments.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 2736) granting a pension to William E. Taylor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4270) granting a pension to William C. Tilly;

A bill (H. R. 945) granting a pension to Mary Kelly; and

A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse.

Mr. TURPIE, from the Committee on Pensions, to whom was recommitted the bill (S. 2626) granting a pension to Catlena Lyman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2803) granting an increase of pension to Jacob Logan; and

A bill (H. R. 8256) granting a pension to George W. Croop.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 2924) to increase the pension of Sterne H. Fowler, reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2712) to donate to the town of Tampa, in Florida, the Fort Brooke military reservation, for the benefit of free schools and other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 3340) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes; which was read twice by its title.

Mr. PLUMB. I ask the leave of the Senate to submit at a later day a written report to accompany the bill.

The PRESIDENT *pro tempore*. Leave will be granted.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2036) granting a pension to Mark F. Carter;

A bill (S. 2991) granting a pension to Augustus Pyle;

A bill (S. 1998) granting an increase of pension to Mary Sprague;

A bill (S. 866) granting a pension to Bridget Conroy; and

A bill (S. 3240) granting a pension to Benjamin P. Dobson.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1873) increasing the rate of pension of W. A. Shappee; and

A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3241) granting a pension to Easter A. Jackson;

A bill (S. 2913) granting a pension to Mary Sturgess;

A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;

A bill (H. R. 9732) granting a pension to Sarah Riddle;

A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;

A bill (H. R. 486) granting a pension to Lydia Calhoun;

A bill (H. R. 9731) granting a pension to William A. Humes;

A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson; and

A bill (H. R. 2776) granting a pension to William Jack.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 8031) to provide for the erection of a public building at Ottumwa, Iowa, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred an amendment proposed by Mr. DOLPH to the sundry civil appropriation bill, reported it with a favorable recommendation, and moved its reference to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Public Buildings and Grounds, to whom was referred an amendment proposed by Mr. DOLPH to the sundry civil appropriation bill, reported it with a favorable recommendation, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. SPOONER. The amendments have been already printed.

The PRESIDENT *pro tempore*. The order will not be made to print.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. VANCE on December 12, 1887, authorizing the printing of Goodloe's Digest of Internal-Revenue Laws, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the resolution.

He also, from the same committee, to whom was referred the joint resolution (S. R. 41) authorizing the publication of an edition of "The Treasury of the Confederate States; or documentary history of the financial, fiscal, and commercial measures of the Confederate States," edited by Raphael P. Thian, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3020) for the relief of John H. Claus, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 3764) for the relief of Mrs. Delilah Whipps, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas. I am directed by the Committee on Claims, to whom was referred the bill (S. 3039) for the relief of John T. Robe-

son, to report it favorably, with the recommendation that it be referred to the Committee on Appropriations, to be placed on the deficiency bill.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Appropriations, with the favorable recommendation of the Committee on Claims.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 160) granting a pension to Elizabeth B. Sailer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2894) granting a pension to Elizabeth B. Sailer, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by Mr. WILSON, of Iowa, to the sundry civil appropriation bill, reported it with a favorable recommendation, and moved its reference to the Committee on Appropriations, without printing; which was agreed to.

SITES OF PUBLIC BUILDINGS, ETC.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report favorably, with amendments, the bill (H. R. 6153) to authorize condemnation of land for sites of public buildings, and I ask unanimous consent that the bill may be considered at this time.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT *pro tempore*. The bill having been read at length, a further reading will be waived, if there be no objection. The amendments of the committee will be stated.

The first amendment of the Committee on Public Buildings and Grounds was, after the word "Treasury," in line 3, to insert "or any other officer of the Government;" in line 4, after the word "procure," to strike out "a site" and insert "real estate;" in line 5, after the word "building," to insert the word "or;" in the same line, after the word "for," to insert "other;" in the same line, to strike out the word "Government" and insert "public;" in line 10, to strike out the word "site" and insert "real estate;" and in line 14, after the word "act," to insert the words "or such other officer;" so as to read:

That in every case in which the Secretary of the Treasury, or any other officer of the Government, has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Treasury, under this act, or such other officer, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

The amendment was agreed to.

Mr. MANDERSON. I understand that the bill in its original text simply provides for the condemnation of property by the Secretary of the Treasury that is to be used for court-houses, post-offices, etc.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska desire to interfere with action on the amendments of the committee?

Mr. MANDERSON. No, sir, but simply to ask as to their character. It certainly would be desirable that the provisions of the bill should extend to other Departments, so that in the event that land may be taken for fortifications or for military posts condemnation as to such lands may also be had. I should like to ask the Senator from Wisconsin whether these amendments have that in view.

Mr. SPOONER. The Senator from Nebraska is correct in his statement that the bill as it came from the House confers the right of condemnation simply for the purpose of acquiring lands for public buildings, and is confined to the Secretary of the Treasury. The amendments read thus far proposed by the Committee on Public Lands extend the scope of the bill so as to bring any public officer within its provisions who is authorized by law to acquire property for any public use. It will embrace fortifications or any public use legally justifying the exercise of the power of eminent domain.

The next amendment, which will be read at the desk, is one which simply provides that the proceedings in the Federal courts shall conform, as is now the law as to actions at law generally throughout the country, to the practice and proceedings and methods in similar actions in the courts of the States for the time-being within which the Federal court is located.

Mr. MCPHERSON. I should like to ask the Senator who has charge of this bill a question for information. We have in the State of New Jersey two cases, I think, where it seems there was an omission in passing the bills in Congress to give the power of condemnation because it was not deemed necessary. It has been found to be necessary. There were bills passed at the present session of Congress in both cases. This bill, I presume, could not be retroactive sufficiently to cover those cases, and I wanted to inquire if there was in the amendments the committee has reported anything that would cover cases of that kind, where the purchases have not been made and the buildings have not been commenced.

Mr. SPOONER. I will say to the Senator from New Jersey that this bill will cover all cases where it is desirable to acquire land for public uses, no matter when the authority was conferred by Congress.

Mr. MCPHERSON. This, then, is a general act?

Mr. SPOONER. It is a general act.

Mr. MCPHERSON. It will make unnecessary in the future any power of condemnation being specially provided in such bills.

Mr. SPOONER. Undoubtedly.

The PRESIDENT *pro tempore*. The next amendment of the committee will be stated.

The CHIEF CLERK. It is proposed to add to the bill as a new section the following:

SEC. 2. The practice, pleadings, forms, and mode of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in courts of record in the States within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding.

The amendment was agreed to.

Mr. SPOONER. To answer an inquiry which has just been addressed to me by the Senator from Nebraska [Mr. MANDERSON], and to bring the fact to the attention of other Senators, I will say that this bill is drawn so as to bring it within the scope of the decision of the Supreme Court of the United States in the case of Kohl and others *vs.* The United States, found in 1 Otto, page 367.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize condemnation of land for sites of public buildings, and for other purposes."

Mr. SPOONER. I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. VEST, and Mr. PASCO were appointed.

LIST OF TREASURY DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. There came to the Senate a letter from the Secretary of the Treasury transmitting a list of the employés in his Department during the year 1887. The accompanying document is very voluminous, and in the opinion of the Committee on Printing it is not well to print it, but it should remain on the files of the Senate. I therefore ask that an order be made that the document be not printed, but remain upon the Senate files.

The PRESIDENT *pro tempore*. Do the Committee on Printing report an order in writing?

Mr. MANDERSON. No, sir; but I submit that order.

The PRESIDENT *pro tempore*. The order will be entered according to the suggestion of the Senator from Nebraska.

Mr. COCKRELL. What is it, Mr. President?

Mr. MANDERSON. It is a list of the employés of the Treasury Department for the year 1887, showing the amounts received by them and the time each one worked. All this information is, of course, in the books of the Treasury, and is also in the Biennial Register. It hardly seems necessary to go to the expense of printing it again. Therefore we report it adversely.

The report was agreed to.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 3341) for the relief of Cora A. Di Brazza; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GEORGE (by request) introduced a bill (S. 3342) granting a pension to David Myers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 3343) to provide for the organization and maintenance of the National Guard; which was read twice by its title.

Mr. MANDERSON. The purpose of the bill, as I understand it, is to convert the militia organizations of the country into a national guard under the control of the General Government. I am not at all in accord with the idea of the bill, but present it by request. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HEARST introduced a bill (S. 3344) for the relief of Jannette A. Gray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SABIN introduced a bill (S. 3345) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PASCO (by request) introduced a bill (S. 3346) granting to the

Canaveral and South Florida Railroad Company, for the construction of a railroad from Titusville, in Brevard County, Florida, to the Bight of Canaveral, with a branch to the Banana River in said State, the right of way through the public lands, with depot and terminal facilities; which was read twice by its title, and referred to the Committee on Public Lands.

SHIP ISLAND QUARANTINE STATION.

Mr. WALTHALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what steps, if any, have been taken for the removal of the National Quarantine Station from Ship Island to some other point in the Gulf of Mexico, under the provisions of the act of March 5, 1888, authorizing such removal and making an appropriation therefor.

CRAIG'S IMPROVEMENT IN TELEGRAPHY.

Mr. BLAIR. I offer the following resolution, and ask for immediate action thereon:

Resolved, That the Committee on Rules be directed to arrange with D. H. Craig, of New York City, a suitable place in the Capitol building for testing his improvements in the art of telegraphy, with a view to the protection of the interests of the American people in such improvements if they shall be found valuable and Congress shall deem the same to be expedient, the sole object of this resolution being to facilitate the convenient examination of said improvements in practical operation and to involve no expense to the United States.

The PRESIDENT *pro tempore*. Does the Senator desire to have the resolution referred to the Committee on Rules?

Mr. BLAIR. I should like to have it acted on at the present time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLATT. I do not know anything about the matter, but it seems to me a resolution of that kind ought to be referred to the Committee on Rules.

Mr. BLAIR. I will state in a moment what it is.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BLAIR. I hope the Senator from Connecticut will make no objection.

Mr. PLATT. I do not make an objection.

Mr. BLAIR. The Mr. Craig mentioned in the resolution was the founder of the Associated Press in this country. He is a gentleman about seventy years of age. For the last thirty years he has been practically connected with telegraphy, and he has made what are understood to be very great improvements in the art. He is in control of his inventions entirely, by which, it is said, by those competent to judge of the matter, that an ordinary message, which now is sent to different parts of the country for from 25 cents to a dollar, can be sent for from 15 cents to 25 or 30 cents anywhere within the country, and that where 400 words are now transmitted it is easy to transmit at least 2,000.

The matter is wholly in the control of this gentleman; and the only object of the resolution is that there may be an opportunity for such examination or inspection of the practical operation, as it now has been operated over a route of more than 400 miles, that if it is deemed best the Government may secure this great improvement, and it will not pass into the hands of private individuals. That is the object of the resolution.

Mr. PLUMB. I object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution lies over under objection.

THE FISHERIES TREATY.

Mr. TELLER. I gave notice yesterday that if I were well enough I would proceed with the discussion of the fisheries treaty this morning. I do not feel able to do so to-day, and I should like to have my notice stand for to-morrow on the same terms.

NEW YORK POST-OFFICE EMPLOYÉS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday.

The resolution submitted yesterday by Mr. HALE was read, as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate, at as early a date as is practicable, copies of all testimony of letter-carriers in the New York post-office, taken by Henry Rogers, post-office inspector, or by his direction, on or about July 12, 1886; also copies of other testimony of letter-carriers and clerks in the New York post-office which was taken by a committee of post-office inspectors in the months of October and November, 1886, all of said testimony having been forwarded to Chief Post-Office Inspector West.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. I should like to know what kind of an inquiry and testimony this was. What is the character of the testimony that is wanted? What was the investigation?

Mr. HALE. One of the objects of the resolution is to ascertain the character of the testimony. It was taken by the Department at the time indicated in the resolution and was followed by sweeping removals. The committee that is investigating this and kindred subjects matter believe it to be a subject of enough importance to call for the testimony taken, so as to see if in that testimony there is any justification for the sweeping removals which followed.

Mr. COCKRELL. It is to ascertain the cause of removal. As not enough of them were made, I have no objection to investigating the cause.

Mr. HALE. It may be that the testimony will show that the Department withheld its hands at once.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask leave at this time to report from the Committee on Appropriations, with amendments, the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes. I submit with the bill a report and also some testimony taken by the committee in the consideration of the bill and amendments proposed. I ask that the report and the testimony be printed.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. ALLISON. I also desire to give notice that at some early day I shall ask the Senate to consider the bill.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

RETIREMENT OF JOHN C. FRÉMONT.

Mr. HALE. In accordance with the notice I gave yesterday, I move that the Senate proceed to the consideration of the bill (S. 2395) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

Mr. BLAIR. The Senator from Maine informs me that he gave notice that he desired to call the bill up this morning at this time. I had given notice later in the day that I wished to press the bill which the Senate was discussing yesterday, which is the unfinished business. He assures me that this bill will take no discussion, and I do not wish to antagonize the bill with that understanding, because I think probably it would take less time time to pass it than to dispose of it otherwise by discussion.

Mr. HALE. I am aware how desirous, and properly desirous, the Senator from New Hampshire is to go on with his bill, and on that account I do not propose to take up any time of the Senate by any remarks on this bill. I have given some little attention to the subject and had some remarks to submit, but at this stage of the session I am more anxious for the progress of business than to make a speech, and I shall take no time of the Senate.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the bill moved by the Senator from Maine?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REAGAN. Mr. President, when this bill was called up on a former occasion I asked the Senator from Maine to let it go over until I could get a response to the Senate resolution of the 11th of May, calling for information from the Departments in relation to the number of officers, judicial officers, officers of the Army, and officers of the Navy and Marine Corps who had been placed upon the retired-list. I desired to get that information because I intended to make it the occasion for some general observations on the subject of the retired-list.

The Secretary of the Treasury has sent in the answer to the resolution of May 11 as to judicial officers, showing that twenty of the judges have been placed on the retired-list, and showing the amount of pay which had gone to each since his retirement, and the aggregate amount which had gone to all of them, which is some three hundred and sixty-odd thousand dollars. The list shows that one of the judges alone since his retirement has received $72,500.

The Secretary of War has also, in response to the resolution, sent in a statement of the number of Army officers who have been placed on the retired-list, the rank from which they were retired, and the rank in which they were retired (for many of them were promoted on retirement), the amount of longevity pay given to those who had received longevity pay since their retirement, and the aggregate amount of money paid to each, and the aggregate paid to all of them.

The report shows, I believe, that about seven hundred and ninety officers of the Army have been placed upon the retired-list. The aggregate amount of money which has been paid them up to March last was sixteen million five hundred and odd thousand dollars. Three of the officers have received since their retirement over $100,000 each.

The answer from the Navy Department has not yet been made. I inquired in the Navy Department two or three times about the delay, and was advised that the list was an extensive one and required a great deal of labor to get up a reliable report. When it went to the Treasury Department the Fourth Auditor advised the Secretary of the Navy that the information required could not probably be furnished during the life of this Congress with the clerical force at its command, and suggested the Congress be applied to for some additional force to facilitate the obtaining of the information. I went to the Department, for when the name of each officer was given, the date of his retirement, the rank which he had held before retirement, and that into which he was retired, and this information was all given, and there was nothing

to do but to indicate by figures the amount of pay and allowances, and longevity pay, I could not understand why it was that the delay should necessarily be so great, and I went to the Secretary of the Treasury with it. I was advised, however, that there were not personal accounts kept with the different officers of the Navy, and that it was necessary in order to make the answers reliable as to amounts that the auditorial force should go through the rolls of the various paymasters of the Navy. I have taken no steps so far to obtain additional clerical force, and I have been less inclined to do so because it seems that the Senate is committed to the idea of an extended retired-list, and I had some fears that no additional assistance could be obtained for that purpose.

As I recollect, the Fourth Auditor stated incidentally that there had been perhaps about fifteen hundred officers of the Navy and Marine Corps retired. As to what the amount of their pay will be I have no information, but undoubtedly very much larger than that of the Army, which is already over sixteen and a half million dollars.

When this information comes in it is my intention, more for the purpose of addressing the country than the Senate, to call attention to what I conceive to be the great dangers of the retired-list. The reports are to come up to the first of last March. A few weeks ago the Senate passed a bill authorizing the retirement of about eighty additional officers, with no specific limitation, and there is no telling how many will be retired under that authority. Then there were individual cases of retirement during this Congress, and Congress is augmenting the list continually.

The case now before the Senate of General Frémont is that of a citizen who has been distinguished in the service of his country. He stands high among the people of the United States, but he has been out of the service twenty-four years, and it has been twenty-six years since he rendered any military service, according to the report of the committee, the closing paragraph of which is that——

He was appointed major-general, United States Army, May 14, 1861, and commanded the Western Department from July 25 to November 19, 1861; unemployed to March 28, 1862; commanding the Mountain Department to June 28, 1862; unemployed to June 4, 1864, upon which date he resigned.

I do not intend to occupy the attention of the Senate at any great length at this time, because I expect in the future to try to make a much fuller exposition of this subject.

The practice of the Government and the theory of the Government from the beginning until about 1861 was that when officers entered the public service they performed their duties and accepted their pay, and when they retired they became citizens again, with no advantages over other citizens, with no special privileges not accorded to all. Now, if I am right about there being fifteen hundred on the naval-list—about which I am not absolutely certain—there are altogether some twenty-four or twenty-five hundred who have been placed on the retired-list. Many of these are persons of ample fortune; many of them are men as vigorous as almost any Senator here in physical ability to perform duty, and yet they are retired upon high pay. It seems to me that we have entered upon a course which, if persisted in, can not fail to change the character of our Government and to establish in it a privileged class, a class which in other countries is designated by the name of aristocracy, a class living off the labor of other people and rendering no service in recompense therefor.

I know, sir, that it is urged as to these officers that when they have been worn out in the service it is the duty of the Government to take care of them. I had a report in my hands and intended reading it on a former occasion, but under the five-minute rule I failed to do it, and I have mislaid the paper, in which it appears that the Senator from Vermont [Mr. EDMUNDS] inquired of the Navy Department the reasons for the creation of this Navy retired-list, and the answer of the Assistant Secretary of the Navy, Mr. Fox, as I remember it, was that it was for the purpose of improving the naval service and to get rid of the drunkards and imbeciles in the service. The report from the Navy Department was made two years ago, in which the cause for retirement was required to be stated. Frequently you see the statement "retired for moral unfitness for service," "mental unfitness," "moral and mental unfitness," which I suppose is that a man gets drunk and is not fit for anything. Men who so act, who so violate their duty to their country when in its pay have, it seems to me, no title to be a burden upon the American people for the rest of their lives upon high salaries.

I can conceive that there may be exceptional cases where it may be right for the Government to take care of persons who are no longer fitted for the public service; and a broad exception to the position I have taken is in relation to pensioners. I believe it to be the duty of this Government and of any government when its citizens have been disabled in the military service and rendered incapable of supporting themselves or their families to give them reasonable aid to take care of themselves. But public officers are persons who get privileges and favors that other people seek and can not get. When they have obtained those positions they have not only obtained official rank with Government pay, and generally high pay, for the services rendered, but they get social position and advantages in every way over the citizens of the country who can not obtain such employment.

Now, Mr. President, it seems to me hard that the thousands of men who can not obtain such employment, who remain in the walks of private life, although discharging their duties as citizens, rearing families and educate them by their own industry and toil, should have to be taxed for the support of men who have been favored above them by the Government. It seems to me hard. If we are entering upon a mission of charity, if this Government is to be turned into a mere eleemosynary establishment, it seems to me that there should be some discrimination, something like a Christian charity exercised by selecting the most helpless and the most needy for our benefices instead of bestowing them on those of the highest rank and best pay and best position in society. That would seem to me, if we are entering upon a mission of charity, the way we should go on. That is not, however, the way we are doing. We are rapidly building up a class which, through their influence and through that of the kindred of members on the retired-list, may exercise an influence too great for the control of Congress and may become the masters of the situation.

Why, sir, I saw in a newspaper a few months ago some town had been laid out in New Jersey expressly for the purpose of being a settlement for retired officers. So I suppose they must not be contaminated by an association with common people who have to work for their living. Think of it! A town laid out for the benefit of retired officers! Whether it was a trick to sell the lots or had some other end in view I do not pretend to say; but at any rate we are building up a privileged class in violation of the theory of our Government, in violation of the principles of common right, and it ought to be arrested.

If we are going to retire men simply because they have been eminent, perhaps General Frémont is as fit subject as any for retirement. But remember that he has for twenty-six years rendered no service to the Government. I do not know what claim he has over the thousands of other citizens, and millions I might say, who in public or in private life have discharged all their duties as good citizens and who though in private life, unlike him, have received no salaries, but have, by their own industry and energy, supported themselves and their families.

I simply desired to enter my protest against this as I have in every case involving retirement, not in the hope of arresting it at present; but I think that when the information comes from the Navy Department, if Senators will examine that which comes from the Treasury, the War, and the Navy Departments, they will see that the time has come when it is necessary for the welfare of this country that they should consider how far they are going to go in this business of retiring men and billeting them upon the country to be supported by the labor of men as good as themselves and who have to labor for their own support and for the support of this privileged class.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. On the 11th of this month the Senate appointed conferees at a further conference with the House of Representatives on the disagreeing votes upon the amendment to the Post-Office appropriation bill, known as the subsidy amendment. For the purpose of moving that the Senate recede from its amendment, I ask unanimous consent that the action of the Senate appointing conferees be reconsidered.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. PLUMB. I now move that the Senate recede from its seventh amendment to the Post-Office appropriation bill.

Before the motion is put I wish to say a word. I have here a slip which contains a quotation from the report of the British consul-general at Havana, recently made, in which he says:

Commercially speaking, the Americans have annexed the island.

Referring to the Island of Cuba.

They already take upwards of 90 per cent. of the exports, supply 20 per cent. of the imports, and have nearly one-third of the carrying trade. They run almost all the steamers between it and their ports, and are beginning to invest largely in mining and other enterprises; so much so that their good-will has to be considered in all matters of commercial policy. During the last financial year the declared value of Cuban products shipped to the United States from Havana alone exceeded $18,000,000.

I have the best of reasons for believing that a large portion of this result has been reached by reason of the policy of the Government of the United States by which intercourse between the United States and Havana has been quickened. We paid last year, as we paid the year before, $268,174.04 for special mail facilities between Philadelphia and Havana, which of course practically means between New York and Havana, $228,000 of which was paid to railroads in order to enable them to make greater speed than they had before that time made, and $40,000 was paid to a steam-ship line for running 200 miles from Tampa, via Key West, to Havana. We paid, therefore, more for the steam-ship service on the mail route between Tampa and Havana, a distance of 200 miles, than we paid for the steam-ship mail service rendered to the United States on all the lines between United States ports and South and Central American ports. I believe that if the United States would spend a reasonable sum of money in doing for the intercourse between the United States and Central America and South America just what it has done without opposition during the past five years for similar intercourse between the United States and Havana, all the British con-

suls at those ports would be able to place with their Government a similar record with that which I have read as given by the British consul at Havana to his Government in regard to the rapid increase of American influence and of American commerce with the Island of Cuba. But for some reason or other—I do not care to go into it now—the House of Representatives and the party which dominates it through its Executive have determined that they will not have any of this.

I therefore move, in view of the vote of the House of Representatives and the influence I have spoken of, which can not be overcome even under the pressure of a prospect of the kind of which I have spoken, that the Senate recede from its amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate recede from its amendment numbered 7 to the Post-Office appropriation bill.

Mr. PLATT. Mr. President, the Senator from Kansas in charge of this bill makes a motion that the Senate recede from its amendment, and then proceeds to make an argument showing that it should not recede. I suppose that he desires the Senate to vote to recede upon the supposition that it is impossible to obtain the amendment or obtain the appropriation for which it provides so long as this amendment is insisted upon by the Senate; and therefore I suppose the motion will pass without any decided opposition. I merely wish to say that I am not in favor of it and shall vote against receding.

The PRESIDENT *pro tempore*. The question is on the motion to recede.

The motion was agreed to.

RETIREMENT OF JOHN C. FRÉMONT.

The PRESIDENT *pro tempore*. The question recurs on the bill (S. 2395) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; which is open to amendment as in Committee of the Whole.

Mr. HALE. I understand the main objection urged by the Senator from Texas [Mr. REAGAN] to be not against this bill particularly, but against the system of retirement. I do not propose to go into that question on this occasion. I rise simply to ask that there be printed in the RECORD a statement of the public services of General Frémont; and content with that I ask for a vote.

The PRESIDENT *pro tempore*. It will be printed in connection with the remarks of the Senator from Maine.

The statement is as follows:

GENERAL JOHN CHARLES FRÉMONT.

Senator HALE recently introduced a bill authorizing the President to appoint General Frémont to the Army and then to place him on the retired-list with the rank of major-general. John Charles Frémont was born on the 21st of January, 1813, in Savannah, Ga., of French descent, his father having been a French emigrant to this country. Though left an orphan at the early age of four years, he received a good education, graduating at Charleston College, South Carolina, at the age of seventeen years. He taught mathematics and turned his attention to engineering, having received a commission as lieutenant of engineers in the United States Army.

Subsequently most of his time was for several years occupied in Government surveys and explorations in the Rocky Mountains. In 1842 he explored the South Pass, and his exploits during the Mexican war gave him much renowned distinction. Colonel Frémont was one of the first of the two Senators from California, serving from 1849 until 1851. In the year of 1856 he was the Republican candidate for President of the United States, in opposition to James Buchanan, the Democratic candidate. In 1861 and 1862 he was a Major-General of the United States Army, and became governor of the Territory of Arizona from 1878 until 1882. No man can claim the glory of the true American by a better title than Colonel Frémont, who has mad e the knowledge and the dev elopment of the resources of this continent the great end of all his exertions, and has pursued it with a self-sacrificing devotion. His name is stamped indelibly, with an imprint that can never be obliterated, over the whole breadth of its geography.

Mr. COCKRELL. Mr. President, I am opposed to this bill and all similar bills. There is no justice, equity, or right in it. It is against the rules and principles which ought to govern the organization of the Army. The retired-list of the Army was made for the benefit of those in actual service upon actual duty. It is not a pension-roll for anybody, however distinguished. It was intended for the benefit of the regular Army and to make it effective. Officers of the regular Army were liable to become disabled by reason of age or disease contracted in service in the line of duty or wounds received in battle. The youngest officers as well as the oldest were liable to these casualties. The question was what should be done with these officers so disabled for active duty. If they are retained in the service they will receive and be entitled to receive the full pay of their respective ranks and grades, and yet they will render no equivalent service to the Government. Fairly and legitimately they could not be promoted, particularly in the Navy, as there a physical examination is essential to promotion, while the same rule does not hold in the Army, though it should hold. Then in order to relieve the Army of this incubus, this weight, this load of incapacitated officers, provision was made for their retirement. They are to be taken out of the active-list and placed upon the retired-list; and there, instead of drawing their full pay, they receive three-fourths of their pay proper, and their places are then filled by promotion.

Mr. President, this retirement of officers is not a very ancient thing. The first law enacted upon that subject was the act of August 3, 1861, which is found in 12 Statutes at Large, page 289. The sections to which I refer, sections 15, 16, and 17 of that act, read:

SEC. 15. *And be it further enacted*, That any commissioned officer of the Army, or of the Marine Corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

SEC. 16. *And be it further enacted*, That if any commissioned officer of the Army, or of the Marine Corps, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired-list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: The pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the brevet lieutenant-general be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired-list at any one time more than 7 per cent. of the whole number of officers of the Army, as fixed by law.

SEC. 17. *And be it further enacted*, That, in order to carry out the provisions of this act, the Secretary of War or Secretary of the Navy, as the case may be, under the direction and approval of the President of the United States, shall, from time to time as occasion may require, assemble a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank, to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby invested with the powers of a court of inquiry and court-martial; and their decision shall be subject to like revision as that of such courts by the President of the United States. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired, as above, either with his pay proper alone or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register or Navy Register, as the case may be: *Provided, always*, That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the Army shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

And then sections 21 and 22 provide:

SEC. 21. *And be it further enacted*, That any officer of the Navy who has been forty years in the service of the United States may, upon his own application to the President of the United States, be placed upon the list of retired officers of the Navy, and shall receive the pay and emoluments allowed by this act.

SEC. 22. *And be it further enacted*, That if any officer of the Navy shall have become or shall hereafter become incapable of performing the duties of his office, he shall be placed upon the retired-list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely.

Mr. President, that was the beginning of the retired-list, and its object is plain; and the present law in respect to retirement is substantially the same as the sections of the act of 1861 I have quoted, except that the pay and allowances of retired officers are now three-fourths of the pay proper. Under that law a large number of officers have been retired. I hold in my hand Senate Executive Document 179, Fiftieth Congress, first session, being a letter from the Secretary of War, transmitting, in response to Senate resolution of April 11, 1888, a list of officers placed on the retired-list, which shows the names of the officers, their rank before retirement, the rank with which retired, the date of their retirement, the date of death, resignation, dismissal, etc., the cause for which retired, annual retired-pay and allowances when retired, the increase by reason of longevity, the aggregate annual pay last received, and the aggregate paid up to and including March 31, 1888. This is an interesting document and shows the extent to which the retired-list has now been carried.

Mr. President, I also hold in my hand House Executive Document No. 111, Forty-ninth Congress, first session, "Officers on the retired-list of the Navy," being a letter from the Secretary of the Navy, transmitting, in response to a resolution of the House, a list of the officers on the retired-list of the Navy on February 24, 1886, with a statement showing the relative rank of each officer, date of his retirement, annual pay, and reasons for retirement. My friend from Texas I suppose referred to this document when he was discussing this question, and giving the grounds upon which many officers have been retired.

Mr. REAGAN. I spoke particularly of the grounds upon which Navy officers were retired.

Mr. COCKRELL. This is the Navy list. It would be interesting, doubtless, to most of the tax-payers of the United States to read over this list of the number, relative rank, date of retirement, annual pay, and reasons or grounds for the retirement of naval officers, and I am sure that many would wonder how men could be pensioned upon the tax-payers of this country with the records staring them in the face that this document shows.

Mr. President, I also hold in my hand House of Representatives Miscellaneous Document No. 211, Forty-ninth Congress, first session, "Retired Army officers," letter of the Secretary of War in response to the resolution of the House of Representatives of March 16, 1886, request-

ing a full and complete list of officers now on the retired-list of the Army, with their respective ranks or relative ranks, annual pay and allowances. This seems to be almost a similar document to the one I first referred to, Senate Executive Document No. 179, Fiftieth Congress, first session. At first we limited the retired-list to three hundred; but if I mistake not in 1876 or 1877, or about that time (for I have not had an opportunity to refer to the statutes), a little amendment was tacked on to an appropriation bill without the knowledge of one solitary member of the Committee on Military Affairs, of which the distinguished Senator from Illinois, General John A. Logan, was then chairman, and of which I had the honor of being a member, by which amendment thus put into an appropriation bill the retired-list was increased to four hundred; and, strange to say, that additional increase of one hundred was made to the retired-list very largely from junior officers, and not from the oldest officers.

That bill is the existing law, providing for four hundred on the regular retired-list. At this session of Congress the Senate has passed a bill providing an increase of that list to the number of eighty, which is not to be a permanent part of the retired-list, but is a necessity in order to weed out from officers who are supposed to be on active duty in the Army those who are utterly and physically unable to perform duty. If Congress had not intervened through sympathy and friendship and personal feeling to fill that list as it has done in a number of instances by personal bills, there would have been more room for officers on active duty.

Mr. President, this is quite a large number, four hundred and eighty upon the regular retired-list of the Army, besides those who are retired by special act of Congress. Why should Congress pass these special bills? Does not the law provide for all the officers of the Army in the service? The law was passed for the officers of the Army in active service, and for them alone. Why do Senators come here and bring in these special bills to place a man back in the Army, and put him upon the retired-list? It is simply a resort to enable that citizen to draw money from the Treasury.

Mr. WILSON, of Iowa. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. WILSON, of Iowa. Does not the Senator from Missouri sometimes make exceptions himself, and was there not a notable exception made by the aid of his vote in the case of Fitz John Porter?

Mr. COCKRELL. Yes, sir, there was. That was purely an exceptional case. But suppose I did one wrong, does that justify me in doing two? Just admit that in that case——

Mr. WILSON, of Iowa. If the Senator from Missouri designs now to admit that he did wrong in that case, of course I have no objection to his saying so.

Mr. COCKRELL. I am not admitting anything of the kind, but take the theory the Senator is throwing at me that I once voted for a thing, is that any reason why if that was wrong I should turn around and do so again? No, Mr. President, if I did wrong then I ought to repudiate it at the first opportunity, and I have moral courage enough to do it too.

Mr. President, that is not the question. Fitz John Porter has nothing in the world to do with this case. There is no parallel. That was purely an exceptional case. In this case I say that this is simply a mode of pensioning a civilian upon the tax-payers of the United States, and as there is no precedent for pensioning a civilian in a civil position and giving him annually so much money from the Treasury this is a subterfuge to take him and make him an officer of the Army and then give him the pay.

Mr. WILSON, of Iowa. I should like to ask the Senator from Missouri whether Fitz John Porter was not a civilian when he was put on the retired-list?

Mr. COCKRELL. Oh, yes. Again we have that hobgoblin that always comes up, poor Fitz John Porter. If the distinguished Senator from Iowa will have a military commission appointed consisting of such distinguished officers as Schofield and others, which will examine the military record of John Charles Frémont, and come in here and say to the Senate under their official oaths that a great wrong has been perpetrated upon him, and that he has by reason of excitement and prejudice been deprived of an official position in the Army to which he is legally entitled to be reinstated, and then a distinguished Republican President, commander-in-chief of the armies and navies of the United States, like the lamented General Ulysses S. Grant, shall then present before the country his written indorsement and sanctification of that report of the military commission, and the matter shall come before the Senate in that shape, I will then vote for John C. Frémont as I did for Fitz John Porter.

Mr. WILSON, of Iowa. That case can not happen in regard to General Frémont.

Mr. COCKRELL. Then there is no parallel between them.

Mr. WILSON, of Iowa. No; General Frémont never was guilty of the failure that occurred in the other case.

Mr. COCKRELL. General Fitz John Porter was court-martialed once.

Mr. WILSON, of Iowa. That occurred in the other case.

Mr. COCKRELL. John C. Frémont was court-martialed and dismissed from the Army of the United States, as the record shows.

Mr. WILSON, of Iowa. He was afterwards in the Army.

Mr. COCKRELL. That is very true. He was afterwards put in the Army by favor and grace, just as this effort is made to put him on the retired-list.

Mr. WILSON, of Iowa. And a very distinguished Senator of the olden time from the State now in part represented by the Senator from Missouri, sought very earnestly to reinstate him on the ground that great wrong had been done.

Mr. COCKRELL. Yes; he thought a great injury had been done to his son-in-law. The great Benton thought that injury had been done to the gentleman who married his daughter against his wishes and consent. That is all there was of that. Who blames him for it? I am not criticising that; but that is the fact; everybody knows it; it is current history. As a matter of course Mr. Benton did what he could for the reinstatement of his son-in-law in the Army; no doubt about that, and nobody censures him for it.

Mr. WILSON, of Iowa. Doubtless the Senator from Missouri will not say that Mr. Benton did what he knew to be wrong; in other words, did not do what he believed to be right.

Mr. COCKRELL. I am not determining whether his action was guided by sympathy or by judgment. That is for the world to determine. I have nothing to do with that. That question does not come up here at all.

Now, Mr. President, all these efforts to place civilians upon the retired-list are an indirect way of giving them a pension, a gratuity of a certain amount. It is an indirect way, it is an evasive way of placing a civilian in such a position that he can draw a certain amount of money out of the Treasury without being called a pensioner. I am opposed to it *in toto*. I do not believe that it is just to the officers of the Army. I do not believe that it is just to the tax-payers of the country.

Mr. President, this thing of exercising the sympathy of Congress in this manner only originated in the memory of many Senators on this floor, some of whom were in the public service when it began. The first retirement that I can find in the list by special act of Congress was in 1872, only sixteen years ago. Then the system of operating upon the sympathies and social position of Senators and Representatives was inaugurated and efforts were made to place gentlemen on the retired-list, and quite a number have been placed upon the retired-list since that time. They have been placed there by special acts of Congress; and there are quite a number of them on the retired-list yet.

The aggregate amount paid for the retired-list of the Army since 1861 was $16,530,947.86 up to the 31st day of March, 1888. The increase in the pay of these officers by reason of longevity has been $889,774.71.

I see no reason why General Frémont should be placed upon the retired-list of the Army any more than hundreds of others who were once in the regular Army, and also in the volunteer Army, and hundreds of others who were in the volunteer Army alone. Others performed as distinguished services during the war of the rebellion, held as important commands, and rendered as effective services in behalf of the integrity of the Union and the Union cause. There is a distinguished citizen of Missouri, whose name is a household word among soldiers, General A. J. Smith. He is now a civilian. There are many others, hundreds of others I might say, whose names are as "familiar as household words" to the soldiers of the Army whose services were equally distinguished. I do not believe that Congress should be affected by mere sympathy, by mere friendship, by mere social influence. I am opposed to this bill, and I ask upon its passage that the yeas and nays may be had.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. On the passage of the bill the Senator from Missouri [Mr. COCKRELL] asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the senior Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "yea."

Mr. BATE (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA] on this question. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. PLATT (after having voted in the affirmative). I am paired for the day with the Senator from North Carolina [Mr. RANSOM], and not knowing how he would vote if present, and as I see many of his colleagues are voting nay, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Connecticut withdraws his vote.

Mr. CULLOM. I desire to announce that the Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Virginia [Mr. DANIEL], and the Senator from Pennsylvania [Mr. QUAY], as I understand, is paired with the Senator from West Virginia [Mr. FAULKNER].

The result was announced—yeas 29, nays 21; as follows:

YEAS—29.

Aldrich,	Cullom,	Hearst,	Sawyer,
Allison,	Davis,	Hiscock,	Spooner,
Blair,	Farwell,	Hoar,	Stewart,
Bowen,	Frye,	Ingalls,	Teller,
Butler,	Gibson,	Jones of Nevada,	Wilson of Iowa.
Call,	Gray,	Manderson,	
Cameron,	Hale,	Mitchell,	
Chandler,	Hawley,	Palmer,	

NAYS—21.

Bate,	Cockrell,	Pasco,	Vest,
Beck,	Coke,	Payne,	Walthall,
Berry,	Colquitt,	Pugh,	Wilson of Md.
Blackburn,	George,	Reagan,	
Blodgett,	Hampton,	Turpie,	
Brown,	Jones of Arkansas,	Vance,	

ABSENT—26.

Chace,	Faulkner,	Paddock,	Saulsbury,
Daniel,	Gorman,	Platt,	Sherman,
Dawes,	Harris,	Plumb,	Stanford,
Dolph,	Kenna,	Quay,	Stockbridge,
Edmunds,	McPherson,	Ransom,	Voorhees.
Eustis,	Morgan,	Riddleberger,	
Evarts,	Morrill,	Sabin,	

So the bill was passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 341) granting a pension to William Knight, Jacob Parrott, and John Whollam;

An act (S. 2385) granting a pension to Caroline R. Haseltine;

An act (S. 1307) to increase the pension of Washington T. Otey;

An act (S. 1539) to increase the pension of James E. Gott; and

An act (S. 2301) to increase the pension of Manhattan Pickett.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BLAIR. I move that the Senate proceed to the consideration of Senate bill 405, which is the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, the pending question being on the amendment proposed by Mr. STEWART.

Mr. REAGAN. Mr. President, I do not think there is any more sincere and earnest friend of the men who labor for their living than I am. I think my whole public life has demonstrated that fact. For the last twelve or fourteen years while I have been in Congress I have allowed no opportunity to pass where I might do anything towards striking down class legislation and towards securing to every man the fruits of his own labor—that I have not done what I could do in that direction.

We shall be told and have been told that this is a measure in the interest of laboring men. If it was a measure in the interest of all laboring men alike and involved no improper principle, it would have my support; but as a measure in favor of a few laboring men at the expense of a great many laboring men, it will not have my support.

It has been made apparent from what has been said upon this subject that the persons whom it is proposed to benefit by this bill have no legal rights, and I suppose that will not be controverted, because the bill itself is founded upon the idea that they have no legal rights. As they have no legal rights, we should inquire what equitable rights they have to such action by Congress as is here proposed.

In directing attention to that inquiry it is safe to say that all those who secure employment under the Government are considered by themselves and by others of their class to be fortunate and favored by the fact that they get employment under the Government. Hundreds and thousands seek such employment, and have always done it, who could not obtain it. Those who succeed in getting that employment prefer it, because as a rule the pay is better and because the pay is certain. Those who succeed in getting that employment under an arrangement which they have agreed to, and who have been paid according to their express and implied contract, come now and ask Congress for the passage of a law to go back for twenty years to take up the case of each one and inquire whether he labored more than eight hours a day, and if he did to authorize him to bring suit for the recovery of the pro rata amount which would be due for the time he served over eight hours of each day, and, as is suggested by a Senator near me, very likely and in a large measure the case is to be heard upon *ex parte* testimony.

If these persons when they obtained this employment were more fortunate than their neighbors, if their contract has been satisfied by payment, what right have they to ask that their brother laborers shall now be taxed to give them more than they bargained for and to give them an additional amount to that which they accepted for their services? It is too common, I think I am warranted in saying, that we seem in Congress never to know the rights or the claims of anybody but those who seek to plunder the Treasury. It seems to me that it is but seldom that we think of the men who labor and toil, who earn the money that goes into the Treasury. We seem only to exercise our liberality in giving away the public money to those who may chance to be our special favorites. Is there never to be an end of this? Are we to have such raids as this perpetrated upon the Treasury without limit, always in favor of those who can vote? Is it to be imagined that such a bill as this would ever have come here if it had not been for the number of votes it was supposed its passage would control; and do men forget, and will they continue to forget, that the time may come (and God grant it may be soon) when it will be found that the millions who are plundered have votes as well as the thousands for whose benefit they are plundered?

I have never represented a class that plundered the Treasury for any purpose. I have felt that my duty in Congress was to represent the people who support this Government by their taxes. I have felt it to be my duty to guard their interests and protect them, and I appeal to the masses of the people who support this Government against the few who plunder it.

How much is this to involve? The Senator from New Hampshire [Mr. BLAIR] suggested probably two or three, or possibly at the outside, four millions of dollars, I believe. The Senator from Massachusetts [Mr. DAWES], I believe, in speaking of this bill, said that between the passage of the law of 1868 to the period of the President's proclamation, less than a year after that, on this account there had been $700,000 for service of less than one year. Now, if you multiply that by 20——

Mr. BLAIR. The Senator will allow me to say that I did not understand that to be the statement of the Senator from Massachusetts.

Mr. REAGAN. If I have misstated it he will correct me.

Mr. BLAIR. I do not so understand it.

Mr. REAGAN. The Senator who made it will understand it. I wish to say——

Mr. DAWES. I have not looked at the RECORD, and therefore I do not know what I did say which is referred to; but I have a clear recollection of what was the estimate of the Department and of the general character of the reply. The estimate at the Department when the paragraph alluded to was inserted in an appropriation bill in 1872 was that it would take about $700,000 to meet the obligation. The report from the Treasury Department is that every one as to whose claim that he had worked more than eight hours a day there was no dispute had been paid, and without being able to find that report I have this general impression. I did not intend to state that there was actually paid out of the Treasury the sum of $700,000. I will not state that the Government said beforehand, before that section was introduced into the appropriation bill in 1872, that it would take that amount to respond to it.

Mr. BLAIR. If the Senator will allow me, on this point I can set him right. The report of the House committee on substantially this bill at the present Congress declares that after a personal examination of the matter by the member making the report, Mr. TARSNEY, the amount actually paid on that estimate of $700,000 was less than $25,000—some $23,000 and a fraction. That is the fact as it stands.

Mr. REAGAN. Mr. President, the other wing of this Capitol once passed a bill, the friends of which said it would not involve over $30,000,000 expenditure. The next report afterwards by the Commissioner of Pensions showed that it involved about $800,000,000. All that has been said on the subject of the amount due is purely speculative. The nearest to anything that can be relied upon is what was stated by the Senator from Massachusetts [Mr. DAWES], and that is that the liability stated in the most favorable form, the form in which he now puts it, would be about $700,000. If you multiply that by twenty it makes $14,000,000, and I doubt, if this bill is passed, if the Government get out of it for less than $10,000,000, though I do not speak from any accurate knowledge, nor can any other Senator speak from knowledge. Any of us may make speculations; but the number of men employed by the Government in various parts of the country through twenty years must be very great.

In considering the equities about this demand, there is another feature that ought not to be lost sight of. If men work eight hours in a day they ought to be paid for eight hours' work. Many men having families to support or obligations to meet or necessities of some kind to meet are anxious to work more than eight hours out of twenty-four. No law ought to deny them the privilege of working the number of hours they desire to work. If it is desired to say that a day's work is eight hours, I shall not object to that, but I shall object, if eight hours is put down, to saying that a man who works eight hours has earned as much as a man who has worked ten hours.

It has been advocated on this floor by the Senator from Nevada [Mr. STEWART] that we ought to absolutely limit the hours of work to eight hours, for the purpose of giving employment to a greater number of men. I do not understand the value or force of that sort of reasoning. Eight hours of faithful labor may be as much as men ordinarily should work; but many men, as I have suggested, will desire to work all the hours they are able to work to enable them to support their families and to enable them to meet their obligations, and no law that prevents them from doing so or prevents them from being paid for the number of hours they do work can be justified on any principle of right.

The Senator from New Hampshire [Mr. BLAIR] yesterday made an argument to show in substance that the man who worked eight hours ought to be paid as much as the man who worked the whole day's work at ten hours, and quoted various authorities for it, and among others he quoted the authority of President Cleveland. I was amazed, because I had never understood him to be a demagogue. I have always believed him to be a brave and honest man. When I came to look at the authority upon which the statement was made I found that it was second-hand authority. It may be that the statement was made, but I would rather hear it from him before I should come to the conclusion I must come to in reference to such a statement as that.

Why is it that we shall bind the Government to pay more for work than other people pay? Why is it that we shall fix the value of a day's work arbitrarily without reference to the question of supply and demand? Have Senators thought of the consequences of such a doctrine? If we do that, why not fix by law the value of corn, of wheat, of flour, of beef, of bacon, of clothes? Why not put it by law at a fixed price? Is there any more reason for fixing the value of a day's labor, independently of the amount of work done, at a specific price, than there would be for fixing the value of any other commodity at a fixed price? Is there any more reason for disregarding the law of supply and demand in the one case than there is in the other? I suppose when the Senators think of it they will hardly insist that we are to fix an arbitrary standard of value for labor or for anything else without reference to the law of supply and demand.

If Senators are anxious to relieve labor, to show their patriotic interest as to the needs of the poor and the humble, we have a broad field for statesmen and philanthropists before us. Let them begin by striking down the laws that rob the masses for the benefit of the few. Then the people will understand where their friends are; then the poor will understand that they do find some one who favors the poor and humble against the rich and powerful. The greatest work any patriot, any statesman, can do in this country now in my opinion would be to lead in the work of opposing class legislation that is building up millionaires on the one hand and multiplying paupers and tramps on the other.

I can understand very well when gentlemen mean to give every man the fruits of his own labor, when they mean that every man shall have the equal protection of the laws, and that no man shall have privileges and benefits not extended alike to all. That I comprehend; but this thing of selecting out a special class which has votes, and bestowing largesses upon them from the Treasury to secure party advantages, never commanded the approbation of my reason, nor does it command my respect.

How many suits will be brought? The bill says that as many of these claimants may combine in one suit as see proper, but there must be a separate judgment for each of them and a separate record for each of them. How many millions of dollars of costs is the Government to be mulcted in? How much is it to pay on *ex parte* testimony? When they are hunting for money there is a class of men who remember things twenty years off a great deal better than what occurred yesterday, and you will find that kind of memory abundant whenever you put this law in force and such men are called as witnesses.

Mr. President, I do not think I ever caught myself appealing to classes for the low purpose of catching votes, and it is almost too late in life for me to do it now. I do earnestly desire to see such laws passed as will give protection to all people alike and as will strike down the means of robbing and plundering the great mass of the people in order that we may build up a moneyed aristocracy in this land.

Take up the principles that involve the administration of this Government and the enactment of its laws for the last twenty-five years, and they have steadily and gradually tended to build up a strong government—stronger than Hamilton or Knox ever advocated—and to build up an aristocracy which will be as overpowering, if not checked, in a few more years as the aristocracy of Great Britain. That moneyed class control the press. They can control speakers; they can control popular elections; they can and do control, to a large extent, the policy of this country, and they control it against the interests of the great mass of the American people, against right, against reason, and against justice.

This is but one small step in the direction in which we are traveling to hunt up classes and to legislate for classes; and in this case, as I stated, a class which has no legal right, and the very bill before us admits that it has no legal standing and must rely upon this law before it can go into court at all, which has no equity. Because they obtained employment that others were not fortunate enough to obtain, they now ask, having been more fortunate than their neighbors, that their neighbors shall be taxed—neighbors who work as hard as they do, who work as many hours as they please, whether eight or ten or twelve—that they shall be taxed some millions of dollars for the benefit of these people.

Mr. President, the eight-hour law may do in factories; it may do in Government employment; but some persons advocate it indiscriminately. Adopt it generally, and what will be the result in this agricultural country of ours? You can not make crops on eight hours a day. The ground is too wet; you are delayed. When it gets into condition to plow and to hoe you must make up the hours you lost before it becomes too dry, and the farmer finds it necessary to work from the rising to the setting of the sun, and with no Government pay either, but to be plundered for the benefit of pets of privileged classes. When it is threatening rain the hay-maker and the gatherer of the crops, as all well understand, can not carry on their work by this eight-hour rule without great sacrifices. You can not get the people of this country to adopt it. It is so against their interests, it is so against their policy to adopt it.

I do not know that it is sought by any except those who work for the Government and those who work in the factories, and, perhaps a few friends of labor, so called, who never work, but go about through the country agitating and trying to make the people believe they are continual and great sufferers because to have to work at all. There are some very wild notions afloat just now, notions which if carried into effect will give serious trouble hereafter. True policy and justice require that we should pursue that course which will be just to all alike, and give special advantages to none, which will teach men that they are to earn the money they get, and that they are not to get up schemes to plunder the Treasury and enrich themselves at the expense of others.

I hope this bill will not pass.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I desire to explain the amendment, but before doing so——

Mr. SPOONER. If the Senator will permit I should like to have the amendment read before he proceeds.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add as section 3 the following:

It shall be unlawful for any officer or agent of the United States to make any contract or arrangement whereby any laborer, workman, artisan, or mechanic shall perform more than eight hours' labor in any one day, or shall receive for his services performed in any one day more than the wages for one day's labor, except as herein otherwise provided; nor shall there be any deduction from the amount of the wages of any laborer, workman, artisan, or mechanic by reason of the limitation to eight hours' work. Whenever the laborers, workmen, artisans, or mechanics in the employ of the United States are unable to perform the labor required working eight hours per day, other persons shall be employed to perform such extra or additional work: *Provided*, That in case of emergency where the laborers, workmen, artisans, or mechanics engaged on any particular work or undertaking are unable to perform the necessary labor in eight hours to meet the necessities of the case, and other persons can not be procured to perform such extra labor and meet such emergency, a special contract may be made with the laborers, workmen, artisans, or mechanics engaged on such work to perform additional hours of labor, and to receive a corresponding additional compensation. Any officer or agent of the United States who shall willfully violate the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding $500.

Mr. STEWART. Mr. President, without regard to votes, I am in favor of this bill. I disclaim advocating it on any such consideration. I have not changed my views with regard to this matter for the last twenty years. I advocated in the Senate the original law which fixed the hours for labor at eight hours per day, believing, as I did, that that was for the benefit of society, for the benefit of laborers, and for the elevation of the people.

I then believed, and still believe, that it is necessary for every laboring man to have some leisure, some hours for rest, some hours for study, some opportunity to improve himself, some opportunity to acquire an understanding of this Government, some opportunity to understand the manipulation of legislation by which monopolies are created, some opportunity to know how to cast his vote so that monopolies may not grow up and fatten upon his labor, and some opportunity to protect himself against schemes to enslave him. It is idle to talk against monopolies until the laboring men have sufficient leisure to acquire a knowledge of their rights and to defend them at the polls.

It is well that this bill has relation to voters. My object is to give the voters an opportunity to meet the issues of the day, for to them we must appeal—not to monopolies, but to voters—if we would correct the abuses in legislation which now exist. It is their verdict that must determine all political and economic questions depending on legislation. If they are worked as slaves, if they are worked ten, twelve, or fourteen hours a day, as has been the case, they can have no opportunity to meet the responsibilities of free men.

In my opinion eight hours will ultimately be found excessive. I hope the time will come in this country when no man will work in excess of eight hours per day. With the present machinery, with the improvements which are constantly being made in all the appliances for producing mechanical results, eight hours' labor will be more effective than slave labor for twelve or fourteen hours a day.

When we find hundreds and thousands out of employment, who need work to support their families, why impose excessive hours on those who are fortunate enough to obtain employment and deprive them of the opportunity of acquiring that knowledge necessary to defend themselves in this country as freemen from oppressive legislation, and exclude from the means of living a vast multitude of others who are forced to be tramps for the want of employment?

The original law, intended to set the example on the part of the United States to the whole country of fixing eight hours as a day's labor, has been misconstrued, trampled upon, and disregarded by special contracts and by jobbing arrangements. It has not had the intended effect of teaching the country the benefits of this system which

it would have had if it had been faithfully executed. Because it has not been faithfully executed this bill of relief is necessary. If the Government of the United States will allow for twenty years an act of this kind to be disregarded it ought to pay the penalty; it ought to show that we meant something by the original act; that it was not merely for political purposes.

The amendment which I have offered, I think, will remedy some of the difficulties and prevent the necessity of more bills of this kind. I will read it and explain its different provisions:

That it shall be unlawful for any officer or agent of the United States to make any contract or arrangement whereby any laborer, workman, artisan, or mechanic shall perform more than eight hours' labor in any one day.

That will prevent not only working more than eight hours, but it will prevent letting jobs whereby one man can get twelve, fourteen, or fifteen hours' labor in any one day. It was assumed and advocated here that it would be right to let them have piece-work and do three or four days' work in one day. What is the effect of that? The effect is to destroy the health of men by overworking them; and also to exclude others from obtaining work to support their families. This is wrong.

Let them have as much piecework as they please, provided the piecework does not amount to more than the compensation for a day's labor. If a man can do that in two hours, all the better. If he wants to do more work, then let him find another job. The United States will bear an even hand and will allow every man to have his labor evenly divided, so that every laborer who is required in the Government service shall have his eight hours' labor, and the few will not monopolize the work to the exclusion of others equally entitled to employment.

In every trade and in every pursuit in the country there is a constant tendency to the monopolizing of labor and crowding others out, to the injury of those who must labor to live. Let the work of the Government be fairly divided; let no man in the United States be paid for more than one day's labor in one day, whether he gets it by job work or otherwise.

This amendment further goes on:

Or shall receive for his services performed in any one day more than the wages for one day's labor, except as herein otherwise provided; nor shall there be any deduction from the amount of the wages of any laborer, workman, artisan, or mechanic by reason of the limitation to eight hours' work.

Nothing shall be deducted from his wages because he works only eight hours. It provides further that when the laborers on the Government works are not sufficient more shall be employed.

It meets the argument frequently used that a necessity may arise when the work of others can not be procured. The amendment provides for an emergency of that kind, as follows:

Whenever the laborers, workmen, artisans, or mechanics in the employ of the United States are unable to perform the labor required, working eight hours per day, other persons shall be employed to perform such extra or additional work: *Provided*, That in case of emergency, where the laborers, workmen, artisans, or mechanics engaged on any particular work or undertaking are unable to perform the necessary labor in eight hours to meet the necessities of the case, and other persons can not be procured to perform such extra labor and to meet such emergency, a special contract may be made with the laborers, workmen, artisans, or mechanics engaged on such work to perform additional hours of labor and to receive a corresponding additional compensation.

Mr. SPOONER. I should like to ask the Senator from Nevada a question, with his permission.

Mr. STEWART. Certainly.

Mr. SPOONER. Take the case of an engineer, a man who is employed about an engine with which he is entirely familiar. The machinery falls into disorder and breaks. Does the Senator mean that the superintending officer shall not employ the engineer out of hours, or the fireman on an engine which he is running from day to day, unless he shall first endeavor to secure outside men to do that work?

He might very well prefer, and so might the engineer or the fireman, to make the repairs on the engine which he is using and running every day; but under this amendment, as I understand it, in a case of that kind the superintending officer, the officer within whose jurisdiction this man is at work, would be obliged under penalty of imprisonment or fine——

Mr. GEORGE. We can not hear the Senator.

Mr. SPOONER. I say, that under this amendment, as I understand it, if an engine breaks down, and the superintending officer desires that it shall be repaired, and the interest of the Government demands that it shall be repaired, and it is for the interest of all that it should be done by the man who was at work day by day running that engine, the superintending officer would be obliged to seek some outside man to repair the engine under penalty of fine or imprisonment before he would be at liberty to employ the engineer having it it in daily care and charge to make the repair, no matter if it took but a half hour of his time or an hour of his time, and however willing he might be to render the service. Does the Senator intend that his amendment shall be as far-reaching as that?

Mr. STEWART. The language would not be as far-reaching as that.

Mr. SPOONER. I think so.

Mr. STEWART. No.

Mr. SPOONER. It says:

That in case of emergency, where the laborers, workmen, artisans, or mechanics engaged on any particular work or undertaking are unable to perform the necessary labor in eight hours to meet the necessities of the case, and other persons can not be procured to perform such extra labor—

Then and only in that event may the artisan or mechanic be employed out of hours. Under that, as I read it, there first must be an attempt, and an attempt in good faith, to secure some outside man to render that service.

Mr. HAWLEY. If the Senator will permit me, I think it would have to be done every day, because the engineer must be at work every day before the eight hours begin to get his engine in readiness. It requires two engineers to run a ten-horse engine.

Mr. SPOONER. Very likely.

Mr. STEWART. I do not think there is anything in that.

Mr. SPOONER. I feared the amendment might be altogether too restrictive.

Mr. STEWART. I do not think there will be any trouble about that.

Mr. SPOONER. Might there not be in the case I put?

Mr. STEWART. I suppose if a man washed off his engine there would not be any trouble about that. In case the engine should break down, of course the man understanding it would be the only man to take hold of it and do the work. If there was a break down and there was time to employ other men, let them do it. But they often work men to death in that way. I do not think there is any difficulty about that. I think it is sufficiently guarded.

It requires a very stringent law to carry this out when there is a disposition to evade it, a disposition on the part of employers to evade it and on the part of laborers to submit in order to get employment. I do not think, however, the Government of the United States is running any work that it can not do with eight hours' labor. In case of a breakdown, if nobody understands it sufficiently to take it up, of course there would be no violation of this law to have the man in charge go on and do the work. It would be practically impossible to get a man in time.

The law will be reasonably construed. I do not think it goes too far. You need rather strong language or it will be evaded as it was before.

It is very easy to talk about this as a buncombe measure, as a measure to catch votes. It is very easy to smother bills of this kind because the laborers are not here to advocate their adoption; they are not here to pass them; they are not organized for that purpose; they are not corporations with agents here. I am thankful that they are organizing and discussing labor questions, for I think good has come of it and good will come of it.

If we have liberal laws which do not discriminate against labor, the laborers will submit to rules and regulations which are reasonable in themselves, and there will be no fear of disorders or strikes. The more intelligence we have among the laborers, the less likely we shall be to have trouble. The more intelligent they are, the more they understand the situation, the less likely they are to give trouble, the less likely they are to rise in their wild power and destroy things.

Too frequently it happens when strikes occur that the laborers have had no opportunity to understand the situation; no voice in framing the laws which produced that situation. They are too often treated as machines to work out an end, and not as intelligent men to co-operate in great undertakings. The further the laboring man is removed from that vile servitude called slavery the more useful he will be to himself and his employer.

The laborers of this country are in the vast majority; they must be consulted; they must finally determine every question upon which the fate of this nation depends. What fair-minded man will say that it is proper for the laboring man to devote more than eight hours a day to toil when he is compelled to inform himself how to vote and preserve the liberties of this country? Time to acquire intelligence is necessary to prepare the voter to determine all the great and complicated questions arising in this Government. It is absurd to argue that drudgery alone will fit a man to discharge the high duties of American citizenship.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. I have in my mind one case of a skillful mechanic, a man of good health and of sober and industrious habits, whose wife is ill, is an invalid, and it is absolutely necessary that that man should work out of hours in order to pay for medicines and for a nurse and for medical attendance, and at the same time support his family. He is willing to do it. Should the law deprive him of the right to do it?

Mr. STEWART. I will suppose another case——

Mr. SPOONER. No; answer this. Should the law deprive him of the right to do it?

Mr. STEWART. Yes; if he worked for the Government.

Mr. SPOONER. If that is a good rule for the Government is it not a good rule for others?

Mr. STEWART. It is a good rule for anybody. Suppose ten men with sick wives and families to support have no employment whatever and no money to buy medicine, would you provide for only one sick family, or would you divide the work, so that each sick family might have some medicine? Besides, if a man has a sick wife and family he wants some time to nurse them.

It will not do; there is no way you can turn it that a human being

should be turned into a machine and worked longer than eight hours a day at manual labor. If he is an ambitious man and has a wife to support, there may be other things he can do. But I am fixing a rule that will elevate men and give them a chance to labor and to live. There is no chance for the laboring man to improve his condition if he has to work ten or twelve or fourteen hours a day. That is one reason why laborers have been kept down.

They have been working an unnecessary number of hours while hundreds of thousands have been deprived of bread altogether because there was no work for them. Wages in this country are such that if a man is economical eight hours' labor per day will support him, not as well as he ought to be supported perhaps, but better than in any other country on earth. You will not pay him any more if you require him to work twelve or fourteen hours, he will not be benefited by it, and it is by no means certain that his employer will be benefited. You make paupers or criminals of thousands of others for want of employment, whom the employer is taxed to feed or punish.

It is a fearful loss to crowd a large portion of the working community out of employment and cause them to become tramps or criminals. It is inconsistent and absurd. Eight hours is enough, and a man in eight hours will perform as much service in a lifetime, and perhaps a great deal more, than he will at twelve hours a day.

He will do nearly as much in a given day of eight hours as he will in twelve. He will do a great deal more per hour. He is fresh and able to labor, and his work is worth a great deal more. In the mines and elsewhere we find that the eight-hour shifts accomplish about as much as the ten-hour shifts. You get about all the vigor and force there is in a man in eight hours' active work, and that is enough; then let him rest.

The system of working men more than eight hours does two things. It overworks those who do work and renders them incapable of performing the dûties of citizens of the United States by depriving them of the means of intelligence and information, and it throws out of employment thousands of others to become a burden upon society. It is wrong in every aspect.

This amendment I hope will pass, not for political purposes, but for the elevation of the laboring classes of this country. It is time that we should commence to consider their rights and interests, because upon their intelligence and virtue the independence and perpetuity of this Government depend. They do not depend upon your rich men; they do not depend upon the monopolists; they depend upon the great mass of the laboring men of this country. Why should we set an example of exacting from them such burdens that they can not prepare themselves for the duties of American freemen? I say more than eight hours' work does destroy a man's capacity for the duties of an American freeman by depriving him of the means of informing himself and giving him the rest and recreation necessary in order to perform the duties of a citizen properly.

I should like to see a proper law passed upon the subject. As soon as Congress passed an eight-hour law Government officials and everybody attempted to do away with it by special contracts and by every conceivable device. Of course the laboring men who are obliged to labor to feed their families will submit to any arrangement that their employers will make. That has been the difficulty; it is the difficulty all over the world. Laboring men have been forced during all time to submit to the exactions of their employers. If the employers say twelve hours, as they do in Europe generally, twelve hours it is. If the employers say ten hours, ten hours it is. But when the employers say eight hours in this free America it will be eight hours, and eight hours will be more effective than twelve hours in any other part of the world.

With eight hours' labor our laborers would be doubly more effective than any other laborers on earth working twelve or fourteen hours. They would be men, and not slaves. It would be intelligent, and not degraded labor. That is what we must aim at, and that is what our legislation must be directed to.

I am tired of hearing men denounced as demagogues and as trying to catch votes whenever there is any legislation proposed for the mass of the people. There is no demagogism about this. If you give people time and do not work them to death they will understand their own interest and not be deceived by demagogues. But what chance has a man, after twelve hours' work, to discover the arts of demagogues and protect himself at the ballot-box? Do you talk about legislating against monopolies with a backing of overworked and depressed people behind you, who have no time to see what you are doing? I say nothing can be done for reform faster than the people demand it, and the people can not demand it until they understand it. They must have time.

Believing, as I said, in the eight-hour law, I hope my amendment will be adopted to make it effective.

Mr. HAWLEY. Mr. President, I do not see how this Government is to escape paying certain sums to certain laborers proposed to be relieved by the bill. The Government passed a law declaring that eight hours should be a day's work. It was a very simple proposition. In case men worked nine, ten, or eleven hours in the face of that law, were requested to do so, and did so for whatever reason, I do not see how we are to escape the plain letter of the law and refuse to pay them something; just exactly what it is to be I do not know. By the provision of this bill it is to be ascertained through an application to the Court of Claims. So far I am willing to go, and that whether I had been in favor of the eight-hour law in the first place or not. It has nothing to do with the general equity of that question at all. It seems to me to be simply a matter of legal obligation.

I did hope that the Senator from Nevada [Mr. STEWART] would withdraw his proposed amendment. It is not necessary. In a certain sense it may be said to be germane, but the bill itself aims only to pay a certain debt incurred many years ago. Now he proposes to enter into the general field of legislation concerning hours of labor, and has made remarks at great length addressed to the general considerations usually taken into mind on that subject.

I object to the amendment decidedly. It says that nobody shall work over eight hours, but that there shall be relays of men kept to take the place of regular workmen if it be necessary to go beyond, except in cases of emergency the same men may be employed to go on. Practically it says, "You shall not work more than eight hours." I think that can not commend itself to those who are specially studying the labor question, as it is called, and I do not know anybody in the United States who does not study it.

You talk about legislating for the mass of the people. That is what we are doing, and nothing else; and we are of the mass of the people.

I object to the continued attempt to distinguish between ordinary people and laboring people in a country like the United States. There is scarcely a Senator here who has not been called a laboring man at some time in his life. I look around me and I can not of my own knowledge make three exceptions. I have just heard a most interesting story about a premium taken by one Senator for the amount of work he did in making harness when he was a young man, and so if you go around this room gentlemen will tell you, and will be proud to tell you, similar stories of what occurred to them when they were younger and in different circumstances. Talk about an attempt to distinguish us from the mass of the people and the laboring people! I know about the dirty work on a farm and half a dozen other kinds of honest labor; and I worked as long as I was told to do so.

I say those who claim to have made a special study of the labor question make a mistake in going too often to the Government to be regulated. The regulation has two sides to it. One of them is the regulation of the employer and the other is the regulation of the laborer. It is not absolutely certain that the Government will be always exactly right or exactly on one side of that question. You may think you can trust it, because it is a republic, but do not make a mistake and depart from the proper functions of the Government.

If I were working by the day or by the hour, I think I should feel indignant at being told by any statute that I should not work over eight hours. It is none of your business, legislators, to say that I shall not work over eight hours. I am the judge of my own health, and my own strength, and my own necessities. At the same time I coincide with the general policy of having a regulated time of labor under many and most circumstances.

But my friend from Wisconsin [Mr. SPOONER] has partially indicated the personal injustice under a law like that, and it must occur to every man. In a factory, or a navy-yard, or an arsenal, or whatever it may be, after the eight hours are done there may be a pressure for work for an hour or two hours more in case of any of the necessities that often arise.

The superintendent sends word around through the foreman or puts up a notice that two hours' work is desired in addition. Sir, if it is among New England mechanics, you will find nineteen-twentieths of them shaking hands with each other on the prospect of getting 25 per cent. more a day, and the probability is there will be 5, 10, 15, or 20 per cent. of them who will need it by reason of extra expenses in the family on account of illness and who will be glad to get it. I say you have no right to come in. It is none of your business to forbid them to do it, and they make a mistake in asking us to feed them with a spoon and hold a whip over them, as if they really did not know enough to make a bargain. I do not think they ask it. They do not talk that way to me. I employ some of them, and they do not talk to me in such a way as that.

I think the general principle of the bill is good, and I wish the Senator from Nevada would not complicate it with the amendment. I shall have to vote against the amendment of course, and then I shall be bothered to know whether it is not my solemn duty to vote against the whole measure if the amendment is carried.

Mr. GEORGE. Mr. President, as a member of the Committee on Education and Labor, I dissented from the report of that committee in favor of this bill, and I propose very briefly to give the reasons of my dissent. In the first place, although the bill under consideration refers, or seemingly refers, the question to the courts, it in effect decides the whole matter itself.

Mr. BLAIR. The Senator will allow me to say that I do not understand that the bill purports to refer any question to the courts further

than the question of fact as to whether labor had been performed in excess of eight hours, and if so, by whom? That is all there is in the bill. If that is ascertained, I understand the case is made out.

Mr. GEORGE. Then we undertake to decide by the bill the question whether the United States is under a legal obligation to pay these parties an extra sum for their labor. We decide that, and we decide it without evidence upon which we shall act.

It is true the Committee on Education and Labor did hear some representatives of the laboring men who have been employed, but no hearing has been had on the part of the United States, that is, on the part of the great mass of the people of the United States by whose labor the taxes are put into the Treasury which are to be applied to the purpose of discharging this debt. They have not been heard, and the bill does not allow them to be heard. By the bill we take the case, decide it without evidence, and we refer it to the courts, as stated by the Senator from New Hampshire, merely for the purpose of ascertaining who worked and how many hours they worked in excess of the eight hours.

When we do that we do something right in the face of the statute under which this claim has been made. The statute of 1869, which I have before me, I will read to the Senate:

> Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.

In the case referred to by the Senator from Massachusetts [Mr. DAWES] several days ago, and which has been referred to by other Senators, that statute underwent judicial determination, its meaning was settled, and the meaning was, as was read by the Senator from Massachusetts the other day, that it imposed no obligation upon the Government to pay to the laborer anything outside of the contract which he made with the Government officer. I will read part of the decision. The court said:

> The statute of the United States does not interfere with this principle.
>
> The principle of everybody making his own contract.
>
> It does not specify any sum which shall be paid for the labor of eight hours, nor that the price shall be more when the hours are greater or less when the hours are fewer. It is silent as to everything except directions to its own officers that eight hours shall constitute a day's work for a laborer.
>
> Second. The statute does not provide that the employer and the laborer may not agree with each other as to what time shall constitute a day's work.

That is the statute under which this right is claimed, a statute which does not prescribe, in the language of the Supreme Court of the United States, that more money or less shall be paid for eight hours than for any other number of hours. It makes no reference whatever to the compensation to be paid. It does not provide that the United States officer employing the laborer and the laborer may not of themselves agree with each other as to what time shall constitute a day's work.

That is the foundation of this bill. The statute as construed by the Supreme Court of the United States is the law of the land. By the law of the land, then, as settled beyond controversy or dispute, there is no obligation on the part of the United States to pay these men who have worked more than eight hours a day one single cent for the extra hours.

Then this proposition comes up: Are we out of the Treasury, the money contributed by all the people of the United States, and largely by the laborers of the United States, who were not benefited by the statute, and who will not be benefited by the statute if the bill passes, to take the money from them and give it to these laborers? It is a pure gift in law. There is not a scintilla of legal obligation, and it was so decided by the Supreme Court of the United States, to pay these men one single cent. It is a pure gift; it is a pure donation.

Mr. President, ought we to do that? That is the question. Ought the Congress of the United States to make a donation of several millions of dollars for three or four thousand laborers who happened to be in a more favorable condition than any other laborers in the United States in getting into the workshops of the United States? That is the question.

There is no money in the Treasury which has not been put there by taxation. Money does not grow in the Treasury of the United States. The United States engages in no business by which it makes money. It simply levies money in the shape of taxes from everybody in the United States and puts it into the Treasury. When we propose to pay any money out of the Treasury to anybody as a pure gift, we ought certainly to determine beforehand that the parties are in some meritorious condition which authorized them to be the beneficiaries of the Government. These men are laborers, but are they in a worse condition, are they not in an infinitely better condition, than their neighbors who at the same time in the same town or city were working for private parties?

Mr. President, I have some evidence upon that subject. When I was a member of the Committee on Education and Labor some three or four years ago this question came before that committee, and General Butler, of Massachusetts, appeared in behalf of the laborers.

He made a very long and interesting speech in behalf of the payment of these claims. Before I state what occurred, however, I must say to the Senate that we had a stenographer to take down General Butler's speech and the colloquies between him and the various members of the committee. His statement was taken down. It was written out. It was sent to General Butler for correction, and it has never been returned. Upon that subject I desire the Secretary to read a letter which I will send to the desk.

The PRESIDENT *pro tempore*. The Secretary will read the letter.

The Secretary read as follows:

> OFFICIAL REPORTER'S OFFICE, UNITED STATES SENATE,
> *Washington, D. C., June 13, 1888.*
>
> DEAR SIR: In response to your inquiry, I have to say that the manuscript of the statement of General B. F. Butler before the Senate Committee on Education and Labor some four years ago, on the matter of claims of Government employés for working more than eight hours per day, was left at his office in this city with Mr. Barrett, who attended to his business. Mr. Barrett promised to forward it to General Butler, and undoubtedly did so, as it was the general's request that the manuscript should be left with Mr. Barrett in his own absence. The manuscript has never been returned. Application was several times made to Mr. Barrett for its return, and finally General Butler was written to, but no answer was received from him.
>
> The original shorthand notes of General Butler's statement have long since been used up. It is our habit to use the paper on which notes are taken by writing long-hand on the opposite side so as to economize in the use of paper. I have, at your request, made frequent search for those notes during the past three years, and am satisfied that they were long since disposed of in the manner stated.
>
> Yours, truly,
>
> D. F. MURPHY.
>
> Hon. J. Z. GEORGE, *United States Senate.*

Mr. GEORGE. I have had that letter read, not for the purpose of convicting General Butler of a willful suppression of the statement which he made before the committee—I disclaim any purpose of that sort—but to show that I have made every effort in my power to procure that statement as he made it, and as a justification to me for making a statement of what he said, as I remember it. I have done all I could to get the paper. I have applied over and over again, as Mr. Murphy says, for the original draught as written out, and then afterwards, when I learned that the paper was not returned by General Butler, I asked to have the paper reproduced from the stenographic notes, and you have the Reporter's answer.

I asked General Butler at the close of his speech, or very near the close of it, if it was not a fact well known to him that the laborers on the Government works had an exceptionally desirable position, much more so than those engaged in private establishments in the same community. His answer was substantially this: "You are correct. It is one of the great troubles and annoyances of a member of Congress, having one of these Government workshops in his district, to provide places in those workshops for his friends." That was the statement he made. So it appears that these laborers who were in the Government workshops had exceptionally good positions—positions that were sought for, positions which when received were regarded as advantages over their fellow-workmen in the same community engaged in the same class of work.

That is the position which these laborers now occupy. I do not object to their occupying as good a position as they can get. I am glad whenever a laborer can get a position which enables him to do better than he otherwise would; but when this class of men thus favored above their fellow-laborers in getting choice positions, getting them by favor of politicians and members of Congress, have voluntarily made contracts with the Government which are not onerous to them, which are not in violation of any law of Congress, as the Supreme Court decided in the case to which I called the Senate's attention—I say under all these circumstances when they come here and ask for a mere donation out of the Treasury, I inquire, Shall I give it to them? And on this point I want to quote General Butler again in that interview.

It is not a question of fact, but a question of political economy on which the general and I happened to agree.

I asked him if it was not a fact that in the main the taxes paid into the Treasury were paid by the labor of the country, and he, agreeing with me on that point in political economy, answered very properly, "yes." I then asked him, as I ask the Senate, where is the propriety, where is the justice of taxing the great mass of the laboring people of this country in order that the condition of those of their fellows, which without this donation is much better than theirs, should be made better still?

I put this to the Senate for their calm consideration, and whether you agree with General Butler and myself upon the point in political economy that taxes are paid almost uniformly and universally by the labor of this country, you must admit that under our taxing system they are very largely paid by them. I understand there are three or four thousand of these favored laborers.

Mr. BLAIR. Between 14,000 and 15,000.

Mr. GEORGE. Very well; there are between 14,000 and 15,000 favored employés of the Government, men who have got the plums, men who have got the desirable positions by the favor of politicians and members of Congress, men who are paid more according to their labor than the rest of the laborers of the country; 14,000 or 15,000 of them, without a single scintilla of legal right—because that has been disposed of by the Supreme Court of the United States—come in here and ask us to tax all the rest of the laborers of the country in order, not that they shall get what they contracted to get, not that they have not got what

every other laborer working with them got, a fair, an honest, and a liberal compensation for their labor, but that their advantages over their fellow laborers throughout this country should be more and more largely increased. You may talk about it as you please, but it comes down to that point at last. You can not evade it by any sort of argument.

Mr. President, what is this country without its laborers, and who are they? Sir, they are everywhere, all over this land. They are not only engaged in the Government workshops by the favor of the member of Congress from that district, but by stern necessity they are everywhere all over this land, in the mines, in the factories, in the workshops, in the fields, and what are those men getting? Go to the South, go to my own country, go to a class of people there who seem to have in some way or other very much the attention and love of a great many members of this body, and see how they are paid.

I will tell Senators somewhat of the gain of a laborer in the South in the fields, for I happen to know. I am not telling about wages. Agricultural wages in the State in which I live are rarely ever paid. Most farmers and planters who have paid wages for agricultural labor had to go through the bankruptcy court, so that now the system is almost universal in the State of Mississippi (and I think that to be a fair sample of the other cotton-growing States) that colored laborers not more than once in ten or twenty times are ever hired for wages to work on a farm; they work either for shares or for rent.

I want to tell Senators what a Southern laborer will gain in the course of a year by working his own land, paying no rent. A colored man working in the cotton-fields, if he has a wife and two or three little children who can help him at the picking-time, will raise five bales of cotton on very good land, and will probably have corn enough to use. He will work, as we say down there, thirteen months in the year, because they commence in January and continue to the following January with the crop of the preceding year. So the people have a way of saying down there, and it expresses the idea pretty well, that to make a cotton crop and gather it and get it to market takes thirteen months. If the cotton is cleanly gathered and well ginned it will bring at the nearest market-place, at which they always sell it, about $40 per bale, making $200 for the laborer with the aid of his wife and children, whom I will put in at about one-third of a hand altogether, because they do not work a great deal.

If he hires to the proprietor of a plantation and feeds himself he will not get $175 a year, and the man who pays, if he hires many of them, goes into the bankruptcy court.

Now, what does such a laborer get? Out of that he has to live. He must have a mule as capital, or he has to rent a mule, because he can not cultivate and raise the five bales of cotton without an animal of some sort to plow. He has to pay for the ginning of his cotton, which will cost him $3.50 a bale. He has to pay for the hauling of it to market, which will cost him something, unless he has a wagon and mule of his own. I am speaking now of the man who has only his own mule and does his own labor. At the end of the year, if he is economical, if he has not spent any money at the grocery or saloon, he finds that he has lived hard and has no money. That man is certainly entitled somewhat to the consideration of the Government.

The same thing will apply to white men, because there are many white men in the South engaged in raising cotton in the same way as the man I have just described. About the only difference is that there are fewer white men who have to pay rent on the land than there are colored men.

Mr. BLAIR. I should like to ask the Senator a question for information. This is exceedingly interesting and valuable. Do I understand him to say that probably as many white men as colored men work in the field raising cotton?

Mr. GEORGE. Oh, no; but only as an old Indian chief said down there when running for the senate of the State of Mississippi. He was a Whig and he was telling the people there that he had befriended more poor Democrats than he had poor Whigs, for the reason that there were more poor Democrats than there were poor Whigs. So, for the reason that there are more colored people in Mississippi than whites, there are more colored people engaged in raising cotton.

Mr. BLAIR. I referred to the whole cotton-growing country. Of course the Middle States do not grow cotton.

Mr. GEORGE. I do not know; I am speaking of Mississippi. Of course there are more colored laborers, especially in the black belts. Our State of Mississippi is divided into several belts, one where it is all black, another where it is nearly all white, another where it is divided more evenly between the two races. I submit to Senators, what is the justice of taxing that class of men in order that you may make a donation, because that is all it is?

Mr. BLAIR. The Senator has quoted General Butler to prove some abstract theory that labor pays the taxation, but I should like to have him point out how the colored man raising his five bales of cotton a year pays the wages of these Government laborers.

Mr. GEORGE. He pays his taxes to the Government. Is he not taxed on his hat? Is he not taxed on his shoes? Is he not taxed on his coat? Is he not taxed on everything he gets and wears?

Mr. BLAIR. Not on a thing the Senator has mentioned.

Mr. GEORGE. Then give it to them without taxation on account of the tariff.

Mr. BLAIR. He has to pay something for them, but he gets them a great deal cheaper than he would under any other tariff than our own.

Mr. GEORGE. It is because they are taxed. But I do not want to go into a discussion of the tariff in the little speech I am making here.

Mr. BLAIR. The Senator raised the question as to the propriety of taxing the poor colored men in Mississippi.

Mr. GEORGE. I can tell you in short that labor is taxed in this country. Everything produced in this country is produced by labor. Nothing is produced by the Government. Nothing is produced by the Senator from New Hampshire and the Senator from Mississippi now addressing you.

Mr. BLAIR. I beg the Senator's pardon. When we have a protective tariff we produce more cheaply.

Mr. GEORGE. We produce nothing; we toil not, neither do we spin; and yet, like the lilies of the field, Solomon in all his glory was not arrayed like one of us. I set it down as an indisputable fact in political economy that as all production comes from labor, all that is paid, not only of taxes, but of the follies and frivolities and luxuries of the rich, comes from labor.

Mr. BLAIR. A great proportion of the labor is done more and more by machinery.

Mr. GEORGE. How much would machinery be worth if you did not have a man to attend to it? A laborer made the machine, a laborer runs the machine, a laborer furnishes the coal and the steam by which the machinery is propelled.

Mr. BLAIR. I am exceedingly adverse to raising any discussion——

Mr. GEORGE. Do not let us go into the tariff now.

Mr. BLAIR. No Senator is more anxious than I am for action on this bill, but the argument the Senator from Mississippi is making all the way through is an argument against the eight-hour law itself. If the Government employé is any better off than any other employé in like work in the vicinity, it is because of the eight-hour law he works for a less period of time. Of course the position is more desirable, but the law exists, and the point is, there being such a law and all the questions such as the Senator now discusses being settled so far as this case is concerned by the enactment of the law, ought these men who have been obliged to work more than that time be paid for the extra time?

Mr. GEORGE. They have not been obliged to work.

Mr. BLAIR. They have done the work.

Mr. GEORGE. They did it because they wanted to do it. There is no slavery in this country. I think that was abolished some years ago, and I have understood that since that time, under the beneficent action of a protective tariff, there was more employment for laborers who desire to be hired than ever before.

Mr. BLAIR. I do not think slavery is abolished in this country. Theoretically it is abolished, but the consequences of slavery are just what the Senator has been depicting, that the laborer, by reason of the inferior condition to which he was reduced by force of a pre-existing state of things during the last quarter of a century, has not been brought out of those conditions in full as yet.

Mr. GEORGE. I told you that the white man was in the same condition down there.

Mr. BLAIR. The white man was affected by the condition of slavery as well as the colored man. When was the time that the white man at the South received anything like the wages that the white man at the North received?

Mr. GEORGE. Of course he was affected; but still, if these men actually get but that much, what is the justice of taxing them more to pay somebody else?

Mr. BLAIR. But the Senator——

Mr. GEORGE. I decline to be interrupted.

Mr. BLAIR. The Senator——

Mr. GEORGE. I decline to be further interrupted by the Senator.

Mr. BLAIR. The Senator is talking——

Mr. GEORGE. I decline to be further interrupted. I want to get through, and then you may reply to what I say.

Mr. BLAIR. Then I do not see how you can say any more.

Mr. GEORGE. I decline to be further interrupted, because I want to get through with what I have to say. You see how that is.

I have some other interesting testimony here to read. The Senator from New Hampshire was a little mistaken yesterday in supposing that the Committee on Education and Labor had uniformly reported in favor of this matter. I send a report to the Clerk's desk made by General Burnside May 24, 1878, on this subject. I shall also read the resolution upon which the report was made. Let the Secretary read the report, and then on the third page read the statement of the laborers in Boston, Mass.

The Secretary read as follows:

The Committee on Education and Labor, to whom was referred the joint resolution (H. Res. 176) to provide for the enforcement of the eight-hour law, have to report:

That, after mature consideration, recommendation is made that the Senate non-concur in the action of the House.

Without going into an argument as to the justice and propriety of the eight-hour law now upon the statute-books, and touching only the workingmen in Government employ, your committee are of the opinion that the law explains itself most distinctly. It means that Government labor shall be confined to eight hours each day, but has no reference whatever to the compensation for such labor. This opinion is fortified by the decision of the Supreme Court of the United States, opinion delivered by Justice Swayne, May 6, 1878, United States *vs.* Driscoll.

It is clear to your committee that the Government should employ its workingmen at the same rate as is paid for like labor outside of Government establishments in the same locality. A system under which it would pay higher wages than private concerns pay for like work would result in establishing favoritism in labor which would very naturally be offensive to all men outside Government employ, and would ultimately lead to the abandonment of the Government workshops.

It is well known that in these workshops men are often employed upon the recommendation of members of Congress, not always with reference to their qualifications.

The system of itself is sufficiently distasteful to the workingmen outside of the Government establishments, and any regulation or law giving to these Government employés the same wages for eight hours' work which the same class of workmen outside get for ten hours' work would make it still more distasteful. Your committee believe that the mass of workingmen of the country are not in sympathy with the spirit of this resolution.

Accompanying this report is the petition from some of the workingmen of Boston, which was referred to your committee for their consideration. Your committee ask to be relieved from further consideration of the same.

The following is a copy of the decision of the Supreme Court referred to above:

* * * * * * *

"*To the honorable the Senate and House of Representatives of the United States assembled at Washington:*

"The undersigned are mechanics of Boston and vicinity, and respectfully represent that they have seen presented in the House of Representatives a resolution to enforce what is known as the eight-hour law—that is, to pay laborers employed on Government works as much pay for eight hours' labor as the same class of men can get for ten hours' work elsewhere. We conceive this to be a great outrage to those of us mechanics who, from political or other reasons, have never been able to get employed in the navy-yard or other public works. The extra pay these few men get comes out of us in the way of taxes on the great body of the industry of the country. Not one in ten thousand of the mechanics or laborers of the country can be employed on Government works, and those that get this employment are the henchmen of the members of Congress, for whose election they work, as every one familar with the subject knows. They are not among the thriving laborers of the country.

"When it is seen that in all agricultural and farming occupations there can, from the necessity of the case, be no such thing as a regulation or limitation of the hours of labor, and that this department of industry requires more labor than all the other departments together, and that the burden of taxation falls more heavily on this interest than any other, it seems strange than any one fit to go to Congress should be demagogue enough to advocate paying the political laborers who get into the navy-yards and post-offices 20 per cent. more pay than better mechanics elsewhere can get. We respectfully pray that the eight-hour law be repealed, or so enforced as that men who get on Government work shall not be paid any more than others can get, or, if they can, that their extra pay shall come out of the salary of the member of Congress who got them the work.

"May 9, 1878.

"A. J. JOHNSON.
"WM. M. MERRILL.
"A. F. HEATH.
"THOS. R. HARRIMAN.
"AUSTIN P. CARTER.
"S. P. HALL.
"HORACE A. MILLS.

"P. S.—We believe every honest mechanic would sign if we had the time to present this to him."

Mr. GEORGE. That paper appended to the report was brought in by the Committee on Education and Labor at that time. Here is the joint resolution which the committee considered which passed the House of Representatives May 9, 1878:

That according to the true intent and meaning of the act of Congress approved June 25, 1868, entitled "An act constituting eight hours a legal day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States," eight hours constitute a day's work for all such laborers, workmen, and mechanics; and while said act remains upon the statute-book no reduction shall be made in the wages paid by the Government, by the day, to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and that all heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as long as the same is unrepealed.

That was the resolution which the Committee on Education and Labor had before them and upon which they made their report.

Mr. BLAIR. Will the Senator allow me to make an interruption, not to get into the discussion, which I see goes too far, but to correct his statement as to my inaccuracy? What I said was that this bill providing for the payment of arrears had been pending during three Congresses, with, so far as I know, favorable reports in each House during each Congress. That was, as the Senator will observe, a joint resolution declaratory of the true meaning of the act, and I did not take it into consideration. It was passed by the House and disapproved by the Senate in the year 1878.

Mr. GEORGE. I think the Senator from New Hampshire is correct. It was not a bill to pay the laborers, but a joint resolution declaratory of the meaning of the act. On that committee were the following gentlemen, who all joined in the report: Mr. Burnside, chairman, Mr. Patterson, Mr. MORRILL, Mr. Bruce, Mr. Sharon, Mr. Gordon, Mr. Maxey, Mr. Bailey, and Mr. Lamar. A debate grew up on that report, and I desire to read some extracts from it, especially from the speeches of Mr. Burnside and the Senator from Vermont [Mr. MORRILL] who I see is not present. Mr. Burnside said:

I should be glad to have the Senator refer to it.

That is, the law—

I can find no such law on the statute-book. That the Government of the United States shall pay men for eight hours' work the same amount of money that is paid by private establishments outside for ten hours' work is simply absurd. It is not honest and right. It is unjust to the other workmen of the United States. The main body of workingmen in the United States do not want any such measure as this passed. They do not want a privileged class of workmen in the Government workshops. No man in this Congress is more interested in the welfare of the workingman than I am; I give that as much thought almost as I do any other subject. There is nothing within reason that I can be called upon to do to relieve the wants of the workingmen of this country that I will not do; but I will not do an unjust act. I will not do a thing that is unjust to the workingmen of the United States as a body for the benefit of two or three thousand employés of the Government of the United States. The resolution on its face is absurd and unjust and wrong.

That is what General Burnside said upon it. Now, I will read what the venerable Senator from Vermont [Mr. MORRILL] said.

Mr. VANCE. Will the Senator give me the date of that speech?

Mr. GEORGE. It was in 1878.

Mr. VANCE. There was no Presidential election pending then?

Mr. GEORGE. No, sir; no Presidential election was pending. June 17 this matter came up again, and I will read an extract from the speech of the Senator from Vermont [Mr. MORRILL.] He said:

I think it is decidedly hostile to the interests of the workingman himself; it undermines his independence; it is saying that some legislative power may regulate the number of hours which he should work—

Very much like the Senator from Connecticut [Mr. HAWLEY] talked a little while ago—

when it ought to be left to the stern, self-independence of every man to make his own bargain and his own contract as to how he will work, when and where, and how long.

Here is what the Senator from Vermont [Mr. MORRILL] said June 12, 1878:

Mr. President, I desire to say a word or so on this subject, and if I had time and the Senate had time I think I could convince any workingman that this law was adverse to his interests. I am not sure that I can convince the Senate.

* * * * * * *

Now, Mr. President, I think that it is wrong for us to create fat places for a few of our people and make all the rest who contribute to their support discontented. Take the farmers and mechanics of my own State, or of any other State, and it will be found that they work more than twelve hours upon the average; and yet these men are called upon to work and contribute for the support of the men who only are to work eight hours.

Again he said:

The whole of my sympathies are altogether in favor of the laboring men; I belong to that class myself; but I do not like to have them deceived, humbugged I would say if it were a proper word, by any such measure as this. I do not believe it is in their interest. Our workingmen are in an entirely different position from the workingmen of Europe. They are not dependent; they can go where they please all over this country and find employment either in agriculture, manufactures, mining, or in the mechanic arts. They have had the benefit of schools and know how to take care of themselves. They are competent to make their own bargains.

When the Senator from Vermont was saying what these workmen could do, that they could go all over the country and get work where they were employed, I am sorry he could not say they could all get work in the Government shops at $2.50 or $3.50 a day and work only eight hours a day. I am sorry he was compelled to admit that there were only a few who could get this privilege, and that the great body of the workmen of this country were compelled to work longer hours in order to contribute to those who were more favored than they. I will read another extract from the speech of the Senator from Vermont. He said:

Under the law as it is now administered, while eight hours are prescribed for a day's work, we pay in proportion to what is paid outside for similar work. Is not that just? Is any one in favor of buying anything that the United States shall require for its use, ship-timber, iron, or anything else, and paying 20 per cent. more than anybody else pays. Is it not calculated to excite discontent over the whole country, and to make men over-anxious to get Government employment? I had a letter this very morning urging me to assist a man to get into one of these navy-yards. I do not think that it is right and proper that we should have these fat places secured—

How?—

by political influence and entirely against the interests of all the millions of other workingmen, solely for the benefit of three or four thousand men who are employed by Government.

That was the language of the venerable Senator from Vermont upon that subject.

Now, Mr. President, I have but very little further to say. I have put the facts before the Senate, and the Senate must perceive that it is but a proposition to make those who are less favored than these men in the Government shops contribute to make them even more favored than they were before, and that is all there is in it. If it were a proposition for the benefit and the welfare of the great mass of the laboring people of this country, and I could see it in that way, it would afford me the greatest pleasure to vote for it; but as it is a proposition simply to tax the underpaid laborers of this country, who are working longer hours in order to contribute to the favored few, who, as the Sen-

ator from Vermont said, secured their places by political influence, I am opposed to it.

Mr. DAWES. I shall detain the Senate but a moment. I would not interfere with the conduct of this bill by the committee to whom it was committed, being in entire harmony with the object the committee have in view, were it not for the fact that the bill discloses, and the discussion also discloses, that there are a variety of circumstances under which employés of the Government have been engaged to work, somewhat with the view of avoiding this very law.

This bill has been so drawn as to secure compensation for those who were employed in the navy-yards, and not, I suppose, with the view to exclude anybody else, but because those who were employed in the navy-yards had more to do with presenting it, and therefore the conditions under which they worked have been brought more clearly before the committee than those of any others.

The armorers of the country have had no voice in shaping this bill. I represented the district in which the Springfield Armory is located for many years in the House of Representatives and during the time that this law was enacted, and I have had personal knowledge of the manner in which the armorers have struggled with this law; and it is only because I desire to have this bill so worded in its phraseology as that they shall derive benefit from it that I venture to interfere at all in this discussion.

After the eight-hour law was passed it was submitted to three different Attorneys-General for their opinion. Two of them gave the opinion that the law had no reference to compensation, but only to the number of hours that each employé should be engaged in work for the Government. Thereupon President Grant issued the proclamation which I have before me and which I will read:

Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States and repealed all acts or parts of acts inconsistent therewith:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

In testimony whereof I have hereto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 19th day of May, in the year of our Lord 1869, and of the Independence of the United States the ninety-third.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

Thereupon the Secretary of War addressed a letter to another Attorney-General, asking him what was the condition of the United States after that proclamation. I have here the answer of Attorney-General Akerman to that inquiry:

DEPARTMENT OF JUSTICE, *May* 31, 1871.

SIR: Your letter of the 23d instant requests my opinion as to the interpretation to be placed upon the President's proclamation of May 19, 1869, directing that no reduction shall be made from and after that date in the per diem wages paid to laborers, workmen, and mechanics, on account of reduction of the number of working hours consequent upon the act of June 25, 1868, and whether or not workmen are entitled to extra compensation for extra working hours (over eight) from the passage of the act to the date of the President's proclamation.

The act of June 25, 1868 (15 U. S. Stat., p. 77) declared that "eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may be hereafter employed by or on behalf of the Government of the United States."

As this act was construed by Attorney-General Evarts (12 Opinions, page 530) and by Attorney-General Hoar in an unpublished opinion of April 20, 1869, it did not relate to compensation, but only to the hours of labor, and the compensation was left to be regulated upon the principles in force at the time of its passage. The President's proclamation of May 19, 1869, directed that from and after that date no reduction should be made in wages on account of the reduction wrought by that act in the hours of labor. The proclamation, by its terms, is to have effect from and after its date.

Persons serving the Government as laborers, workmen, and mechanics after that date received from that proclamation a notice that the statutory reduction of the hours of labor would not reduce their pay; and consequently this expectation entered into their contracts with the Government for labor. Previously to that proclamation there was no statutory or Executive announcement that they would receive the wages of a day of ten hours for working eight hours. They served the Government without any authorized expectation of receiving more than the customary wages, and nothing more is justly due to them. The subject of wages is a matter of contract, either expressed or implied, and while the Government should most scrupulously keep its faith by paying to persons in its service all that it engages to pay, it is under no obligation to pay more for the past because it has agreed to pay more for the future.

Very respectfully, your obedient servant,

A. T. AKERMAN, *Attorney-General.*

Hon. WILLIAM W. BELKNAP,
Secretary of War.

Thereupon the War Department resorted to another device by which to evade this law after the opinion of the Attorney-General was to the effect that the proclamation held out the promise that the men were to be paid by the hour at the rate of eight hours a day. It was a promise on the part of the Government, in the opinion of the Attorney-General, that they should have a full day's compensation for eight hours' labor. Then the War Department resorted to this method at the armories: They made every man who wanted to work for the Government sign this agreement:

We, the undersigned, employed at the National Armory, Springfield, Mass., on behalf of the United States, hereby agree to work ten hours each calendar day, or at the rate thereof, for the sums set opposite our respective names. This contract is made in conformity to General Orders No. 53, Headquarters of the Army, Adjutant-General's Office, June 1, 1887, and can be terminated at the pleasure of the United States or the subscribing party.

Under that they had this alternative, either not to work at all or to work under that agreement. They all worked under that agreement. Then there came another device, and that was that certain of them should work by the piece, and if a man did so many pieces during a day it was to be considered a full day's work, but he was to continue at work as long as the shop was running each day. Another class of the men were required to work by the task; that is, a man had to do a certain thing for a day's work.

Neither of these classes of employés of the Government is described in the bill that the committee has reported, and reasonably enough, because they were not called to the attention of the committee. I desire therefore to modify the Senator's bill so that it will bring in these two classes of laborers, those who worked by the piece and those who worked by the task, and I want to make sure that they will not be tripped up by this agreement. If the Senator from Mississippi will send me back the book I will show him why that was necessary.

Mr. GEORGE. The Ninety-fourth United States Reports?

Mr. DAWES. Yes. Here was a case where a man was told "You have been to work for ten hours at such a rate. Now, if you continue to work you must work at the same rate." If the Senator from New Hampshire bases his bill upon the conclusion he came to on reading this, I am afraid he will not get anything for the navy-yards. He thought that the reason why this man was tripped up was merely because he had accepted that pay. But this opinion, as read in full just now by the Senator from Mississippi, goes a good deal farther. It says that this act is only directory.

1. The act of Congress of June 25, 1868 (15 Stat., 77), declaring that eight hours shall constitute a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, is in the nature of a direction by the Government to its agents.

2. It is not a contract between the Government and its laborers that eight hours shall constitute a day's work. It neither prevents the Government from making agreements with them by which their labor may be more or less than eight hours a day nor does it prescribe the amount of compensation for that or any other number of hours' labor.

That is this case.

3. Where, therefore, a laborer, in the habit of working for the Government twelve hours a day for $2.50 a day, is informed by the proper authority that if he remains in the service at that compensation he must continue to work twelve hours a day, and he does so continue and is paid accordingly, he can not afterwards recover for the additional time over eight hours as a day's labor.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. BLAIR. What competent authority is there to give the laborer this information?

Mr. DAWES. I am not justifying this.

Mr. BLAIR. But what authority was there to discharge the man because he was not to work over eight hours a day? That is the point I made. Therefore the decision rests upon the fact, and it is the decisive fact, that there was an agreement to refer, under which there was an award, and the man accepted the award, and so it was all over.

Mr. DAWES. I suppose there was a proper authority. That is all I can say about that; and I do not think that alters the law.

Now, the court say:

In the case before us the claimant continued his work after understanding that eight hours would not be accepted as a day's labor, but that he must work twelve hours, as he had done before. He received his pay of $2.50 a day for the work of twelve hours a day as a calendar day's work during the period in question without protest or objection.

That is what every one of these men has done.

Mr. BLAIR. The Senator is mistaken; none of them did it without protest.

Mr. DAWES. Well, at any rate, the decision does not turn on the question of protest. At that time the claimant's contract was a voluntary and reasonable one, by which he must now be bound.

Now, therefore, in order to make the description of "laborer" in the bill apply to the whole of the armory laborers, and in order to "knock out," if I may use that homely expression, this device of making a laborer agree beforehand, or not work, that he shall not have what the law and the proclamation of the President said he should have, I wish the Senator would just take this substitute, which I ask the Secretary to read in the place of his provision.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

SECTION 1. That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 21st day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, whether engaged at a price per day or upon piecework or task-work, without any reduction of pay on account of the reduction of the hours of labor, any agreement between the United States and any such laborer, workman, or mechanic touching such compensation, imposed as a condition, to the contrary notwithstanding; and the proper accounting officers are hereby directed to readjust the accounts of all such laborers, workmen, or mechanics, and pay the same in conformity with the provisions of this act; and a sufficient sum of money for that purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. If any claim under the provisions of this act shall be rejected by the said proper accounting officers, the claimant is hereby authorized at any time within one year after such rejection to commence proceedings to recover the same in the Court of Claims, and the judgment in favor of such claim, if any, shall be paid out of the appropriation aforesaid.

Mr. DAWES. The difference between this and the bill the Senator reported is just this: It follows the language of his bill, and then adds:

Whether engaged by the day or in piece or task work, any agreement touching such compensation, imposed as a condition, to the contrary notwithstanding.

Then it directs the accounting officers to pay according to that method, and appropriates money for that purpose.

Then comes the second section, which gives every one that is rejected by the accounting officers a right to go to the Court of Claims and enforce his claim. It opens the door for every one that the accounting officers of the Treasury shall determine is entitled to it, and then gives every one that is rejected a right to go to the Court of Claims. That is the difference between this and the plan proposed by the Senator. If the plan proposed by the Senator is adopted all this large class of armorers will be counted out, for the reasons I have suggested.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. STEWART. Will the Senator yield for a moment so that I may modify my amendment?

Mr. EDMUNDS. I yield for a moment for that purpose.

Mr. HOAR. I do not think that is altogether fair.

Mr. EDMUNDS. Then I withdraw my motion altogether.

Mr. STEWART. I am now entitled to the floor to modify my amendment. The Senator from Vermont yielded to me for that purpose. After consultation with Senators I have modified my amendment.

The PRESIDENT *pro tempore*. The modification of the amendment of the Senator from Nevada will be read.

The Chief Clerk read as follows:

That it shall be unlawful for any officer or agent of the United States to make any contract with any laborer, workman, artisan, or mechanic to perform more than eight hours' labor in any one day: *Provided*, That where the laborers, workmen, artisans, or mechanics in the employ of the United States are desirous to work extra time or are unable to perform the necessary labor in eight hours to meet the necessities of the case it shall not be unlawful to make special contracts with the laborers, workmen, artisans, or mechanics so employed to perform additional hours of labor and to receive a corresponding additional compensation. Any officer or agent of the United States who shall willfully violate the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding $500. This section shall have no application to persons on board of vessels navigating the waters of the United States or the high seas.

Mr. COCKRELL. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask unanimous consent to remind the Senate that if we do not conclude the consideration of this bill at this time, it will, as I am informed by the chairman of the committee of the other House, probably prevent its consideration during the present session of that House. I have nothing more to say.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Missouri that the Senate do now proceed to the consideration of executive business.

The question being put, there were on a division—ayes 16, noes 16.

Mr. HOAR. No quorum.

The PRESIDENT *pro tempore*. The motion is not agreed to, although no quorum has voted.

Mr. STEWART. Let us have the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Nevada asks for the yeas and nays.

Mr. EDMUNDS. There is no quorum voting.

The PRESIDENT *pro tempore*. By consent the vote may be ordered to be taken by yeas and nays, so as to avoid the calling of the roll to show whether a quorum be present.

Mr. EDMUNDS. Certainly.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will put the question on ordering the yeas and nays.

Mr. EDMUNDS. I ask unanimous consent to inquire whether there was any understanding that this bill should be disposed of to-day? If there was, I shall be bound to stand by it.

The PRESIDENT *pro tempore*. As the Chair understands, there was not.

Mr. BLAIR. There was no understanding. There was simply the frequently announced state of affairs that in all human probability this bill can not be considered by the other House at this session unless we send it to them to-day. I have stated that. To go into executive session now would be probably to defeat it.

Mr. HOAR. I understood, for one, not that the Senate made an understanding which bound any Senator's honor, but that there was general consent that the Senator from New Hampshire gave up pressing his bill yesterday when he, I think, was entitled to proceed, stating that he was desirous to go on with it to-day for the reason that this was the last day when a vote upon it would do any good. Everybody acquiesced in that, and the statement was made in regard to other business which I will not now repeat that it was proposed to take up to-day. The Senator from Colorado [Mr. TELLER], who had the floor on the fisheries treaty this morning, stated, as I am informed, that he refrained from using his right to the floor to-day.

Mr. VEST. Because he was not able to proceed.

Mr. COCKRELL. Because he was not able, as we understood on this side of the Chamber.

Mr. TELLER. I will say that I stated last night in executive session (if I may be allowed to state it, as it was about a public matter) that I was not well, and that it was doubtful whether I ought to go on to-day, and that I would willingly give way for this bill. I myself supposed this bill, as the Senator from Massachusetts has said, was to be closed.

Mr. HOAR. I may be permitted to say that we have assigned to the honorable Senator from New Hampshire the chairmanship of this committee, and so the leadership of the Senate on this question, and it does seem to me that courtesy to that Senator, without any reference to the merits of the measure, requires us to give him an opportunity to bring the matter to a vote in the Senate.

Mr. COCKRELL. I desire to say that for myself, and as I believe for the Senators who are around me here, it was the farthest thing possible from our view that there was any agreement or understanding, direct or indirect, in any shape, manner, or form, that this bill should be taken up and disposed of to-day. The Senator from Texas, who sits by me, and myself discussed it and some one asked permission, and that request was withdrawn simply because it would not be agreed to. As the Senator from New Hampshire has stated, he gave his statement about it and announced his anxiety to press the bill, but there was no unanimous consent and no understanding and no agreement direct or indirect that this bill or any other measure should be determined to-day. In fact there was more notice given that another matter would be moved—the matter which I have moved now—that the Senate would proceed to the consideration of executive business—than there was that this bill should be disposed of.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. This debate proceeds by unanimous consent. Is there objection?

Mr. VOORHEES. My understanding was that this bill, if it was to have the right of way to-day, was to proceed until closed. That was my understanding, without pretending to say that it was the general understanding of the Senate. That understanding will govern my vote as far as going into executive session is concerned.

Mr. EDMUNDS. I ask unanimous consent to suggest to the Senator from Missouri that we might as well finish this day with this bill and go into executive session early to-morrow, and dispose of the executive business when we may, and let the Senator from New Hampshire go on now with his bill. I say this with the more freedom because as to the first part of the bill, relating to the claims, it is a matter of great doubt in my mind as to whether it should be passed, and as to the second part, I think it is a wrong and almost a crime against the workingman himself. So it is not on account of any zeal for my friend's bill that I speak, but I think that on the whole we had better finish it to-day, and I hope my friend from Missouri will withdraw his motion. It will save time.

Mr. HEARST. It was my understanding clearly that the Senator from New Hampshire gave way purposely to get his bill up to-day, and that he should have the floor until the bill should pass.

Mr. COCKRELL. I should like to know how such an agreement as that was made. The Senator on my left [Mr. COKE] was here as well as myself listening to every word that was said, and there was no pretense of anything of that kind.

Now, I propose to withdraw this motion for the time being, but not with any understanding that this bill is to be disposed of this evening. It has no more right of way than anything else. I do not propose to subordinate the business of the Senate to this bill or to individual zeal.

The PRESIDENT *pro tempore*. The Chair is embarrassed by the fact that the absence of a quorum was disclosed by the state of the vote just taken.

Mr. EDMUNDS. There is evidently a quorum here now. I ask unanimous consent that the Chair count the Senate again, so as to ascertain that there is a quorum here, as there evidently is, I think. That will save time.

The PRESIDENT *pro tempore* (after counting the Senators present). There is not a quorum present in the Chamber.

Mr. EDMUNDS. Then we shall have to call the roll.

The PRESIDENT *pro tempore*. The roll of the Senate will be called.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bate,	Colquitt,	Hawley,	Reagan,
Beck,	Cullom,	Hearst,	Sabin,
Berry,	Davis,	Hoar,	Spooner,
Blair,	Dawes,	Ingalls,	Stewart,
Blodgett,	Dolph,	Kenna,	Stockbridge,
Bowen,	Edmunds,	McPherson,	Teller,
Brown,	Farwell,	Manderson,	Turpie,
Call,	Faulkner,	Mitchell,	Vance,
Cameron,	Frye,	Palmer,	Voorhees,
Chace,	George,	Pasco,	Wilson of Iowa,
Chandler,	Gibson,	Payne,	Wilson of Md.
Cockrell,	Hale,	Platt,	
Coke,	Hampton,	Pugh,	

The PRESIDENT *pro tempore*. Fifty Senators have answered to their names. A quorum being present, the question recurs on the amendment proposed to the pending bill by the Senator from Nevada [Mr. STEWART]. Is the Senate ready for the question?

Mr. STEWART. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the senior Senator from Delaware [Mr. SAULSBURY]. I do not know how he would vote if he were present. I would vote "yea" if he were present.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were here I should vote "yea."

Mr. PAYNE (when his name was called). I am paired with the Senator from Nevada [Mr. JONES] on political questions. I do not know whether this is a political question or not. I inquire of the Senator from Nevada [Mr. STEWART] how his colleague would vote on this question.

Mr. STEWART. I think my colleague, if present, would vote "yea."

Mr. PAYNE. If the Senator from Nevada [Mr. JONES] were present, I should vote "nay," but not knowing how he would vote, I withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. I do not see him in the Chamber, and therefore I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 15, nays 29; as follows:

YEAS—15.

Blair,	Davis,	Palmer,	Teller,
Bowen,	Dolph,	Sabin,	Turpie,
Chace,	Farwell,	Stewart,	Voorhees.
Chandler,	Frye,	Stockbridge,	

NAYS—29.

Bate,	Cockrell,	Hawley,	Sawyer,
Beck,	Coke,	Hearst,	Vance,
Berry,	Colquitt,	Hoar,	Vest,
Blodgett,	Cullom,	Kenna,	Wilson of Iowa.
Brown,	Faulkner,	McPherson,	Wilson of Md.
Butler,	George,	Pasco,	
Call,	Gibson,	Pugh,	
Cameron,	Hampton,	Reagan,	

ABSENT—32.

Aldrich,	Gorman,	Manderson,	Quay,
Allison,	Gray,	Mitchell,	Ransom,
Blackburn,	Hale,	Morgan,	Riddleberger,
Daniel,	Harris,	Morrill,	Saulsbury,
Dawes,	Hiscock,	Paddock,	Sherman,
Edmunds,	Ingalls,	Payne,	Spooner,
Eustis,	Jones of Arkansas,	Platt,	Stanford,
Evarts,	Jones of Nevada,	Plumb,	Walthall.

So the amendment was rejected.

Mr. DAWES. I ask the Senator from New Hampshire if he will accept the amendment I sent up.

Mr. BLAIR. The amendment offered by the Senator from Massachusetts changes the whole basis and plan of the bill, and I do not see how, in justice to the measure, I can consent to accept it.

The PRESIDENT *pro tempore*. The amendment will be reported by the Clerk.

Mr. DAWES. If the Clerk will send the amendment to me I will explain it to the Senator. I ask him to accept as an amendment——

Mr. BLAIR. What I have given to the Senator is something that I wish to add to the first section of the pending bill.

Mr. DAWES. I ask the Senator to accept this: To insert after the words "full day's work," in the eighth line, the words:

Whether engaged at a price per day, or upon piece-work, or task-work.

That is the description in which the armorers would come.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from Massachusetts will be stated.

The CHIEF CLERK. In line 8, after the words "full day's work," it is proposed to insert "whether engaged at a price per day, or upon piece-work, or task-work."

The amendment was agreed to.

Mr. DAWES. Now I ask the Senate to insert immediately after those words the following——

Mr. BLAIR. Not after those words, but at the end of line 9 of section 1.

Mr. DAWES. Then at the end of section 1 I move to add these words:

Any assent or alleged agreement to receive a less amount or to work a longer time, required as a condition of being employed, to the contrary notwithstanding.

Mr. BLAIR. I feel authorized to accept that so far as the committee are concerned. It is in entire accordance with the bill.

The question being put, a division was called for; and the ayes were 20, the noes 20.

Mr. VEST. I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the yeas and nays on the adoption of the amendment.

Mr. VEST. I withdraw the call.

Mr. STEWART. I renew it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PLATT (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. I should vote for the amendment if he were present.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CULLOM. I desire to state that the Senator from Ohio [Mr. SHERMAN] and the Senator from Virginia [Mr. DANIEL] are both absent at the centennial in Cincinnati and are paired with each other until their return. I make this announcement once for all.

Mr. DAWES. I am paired with the senior Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 22, nays 23; as follows:

YEAS—22.

Blair,	Dolph,	Mitchell,	Teller,
Bowen,	Farwell,	Palmer,	Turpie,
Cameron,	Frye,	Sabin,	Voorhees,
Chandler,	Hale,	Sawyer,	Wilson of Iowa.
Cullom,	Hawley,	Stewart,	
Davis,	Hoar,	Stockbridge,	

NAYS—23.

Bate,	Call,	Gibson,	Pugh,
Beck,	Cockrell,	Gray,	Reagan,
Berry,	Coke,	Hampton,	Vance,
Blodgett,	Colquitt,	Kenna,	Vest,
Brown,	Faulkner,	McPherson,	Wilson of Md.
Butler,	George,	Pasco,	

ABSENT—31.

Aldrich,	Evarts,	Manderson,	Ransom,
Allison,	Gorman,	Morgan,	Riddleberger,
Blackburn,	Harris,	Morrill,	Saulsbury,
Chace,	Hearst,	Paddock,	Sherman,
Daniel,	Hiscock,	Payne,	Spooner,
Dawes,	Ingalls,	Platt,	Stanford,
Edmunds,	Jones of Arkansas,	Plumb,	Walthall.
Eustis,	Jones of Nevada,	Quay,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. I ask for the yeas and nays on the third reading of the bill.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading? On this question the Senator from Missouri asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY] or I should vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PAYNE (when his name was called). I am paired with the Senator from Nevada [Mr. JONES]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. WILSON, of Iowa (after having voted in the affirmative). I am paired with the Senator from Maryland [Mr. WILSON], and I therefore withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his vote.

Mr. MANDERSON. I announced my pair under the supposition that the Senator from Kentucky [Mr. BLACKBURN], if present, would vote "nay" on this bill. I should vote "yea" if I were not paired.

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Blair,	Dolph,	Hoar,	Stewart,
Bowen,	Farwell,	Kenna,	Stockbridge,
Cameron,	Faulkner,	Mitchell,	Teller,
Chandler,	Frye,	Palmer,	Turpie,
Cullom,	Hale,	Sabin,	Voorhees.
Davis,	Hawley,	Sawyer,	

NAYS—22.

Bate,	Call,	Gray,	Pugh,
Beck,	Cockrell,	Hampton,	Reagan,
Berry,	Coke,	Hearst,	Vance,
Blodgett,	Colquitt,	Jones of Arkansas,	Vest.
Brown,	George,	McPherson,	
Butler,	Gibson,	Pasco,	

ABSENT—31.

Aldrich,	Evarts,	Morrill,	Saulsbury,
Allison,	Gorman,	Paddock,	Sherman,
Blackburn,	Harris,	Payne,	Spooner,
Chace,	Hiscock,	Platt,	Stanford,
Daniel,	Ingalls,	Plumb,	Walthall,
Dawes,	Jones of Nevada,	Quay,	Wilson of Iowa,
Edmunds,	Manderson,	Ransom,	Wilson of Md.
Eustis,	Morgan,	Riddleberger,	

So the bill was ordered to be engrossed for a third reading; and it was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, the question now is, Shall the bill pass?

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I would vote "yea" if I were not paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. STEWART. I will transfer the pair of the Senator from Iowa [Mr. WILSON] to the Senator from California [Mr. STANFORD].

Mr. WILSON, of Iowa. Very well. Then I vote "yea."

The roll-call was concluded.

Mr. COLQUITT (after having voted in the negative). I am paired with the Senator from Rhode Island [Mr. CHACE], and I therefore withdraw my vote.

Mr. BATE. My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 25, nays 22; as follows:

YEAS—25.

Blair,	Farwell,	Mitchell,	Teller,
Bowen,	Faulkner,	Palmer,	Turpie,
Cameron,	Frye,	Sabin,	Voorhees,
Chandler,	Hale,	Sawyer,	Wilson of Iowa.
Cullom,	Hawley,	Spooner,	
Davis,	Hoar,	Stewart,	
Dolph,	Kenna,	Stockbridge,	

NAYS—22.

Bate,	Call,	Hampton,	Reagan,
Beck,	Cockrell,	Hearst,	Vance,
Berry,	Coke,	Jones of Arkansas,	Vest,
Blodgett,	George,	McPherson,	Walthall.
Brown,	Gibson,	Pasco,	
Butler,	Gray,	Pugh,	

ABSENT—29.

Aldrich,	Eustis,	Morgan,	Riddleberger,
Allison,	Evarts,	Morrill,	Saulsbury,
Blackburn,	Gorman,	Paddock,	Sherman,
Chace,	Harris,	Payne,	Stanford,
Colquitt,	Hiscock,	Platt,	Wilson of Md.
Daniel,	Ingalls,	Plumb,	
Dawes,	Jones of Nevada,	Quay,	
Edmunds,	Manderson,	Ransom,	

So the bill was passed.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next order of the day, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. STEWART. The substitute only need be read. It is not necessary to read the original bill.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Territories will be read.

Mr. CALL. Mr. President, pending that request, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate do now adjourn.

The question being put, there were on a division—ayes 26, noes 16.

Mr. STEWART. I give notice now before the result is declared that I will call the bill up immediately after the morning business to-morrow.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 18, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 17, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Monday was read and approved.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT WABASHA, MINN.

The SPEAKER laid before the House the bill (H. R. 7749), with Senate amendments, to authorize the construction of a bridge across the Mississippi River at Wabasha, Minn.

Mr. WILSON, of Minnesota. I ask unanimous consent that the House concur in the Senate amendment to this bill and the bill be put on its final passage.

There was no objection.

Mr. WILSON, of Minnesota. The amendments to this bill are merely formal and make no essential change in the bill—only making it correspond to the rules that have been adopted as to such bills. This bill merely pertains to the bridging of that part of the Mississippi River which is not navigable. It has been approved by the Secretary of War, and I think the reading of the amendments might be dispensed with. I ask unanimous consent to that effect.

There was no objection.

The Senate amendments were concurred in.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL GEORGE ROGERS CLARK.

The SPEAKER also laid before the House the bill (S. 2967) to provide for the erection of a monument to the memory of General George Rogers Clark; which was referred to the Committee on the Library, and, with the accompanying report, ordered to be printed.

PRINTING OF REPORT ON NEWBURGH (N. Y.) CENTENNIAL.

The SPEAKER also laid before the House the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

IN THE SENATE OF THE UNITED STATES, *July* 16, 1888.

Resolved by the Senate (the House of Representatives concurring), That the report of the Joint Select Committee of Congress on the Newburgh (N. Y.) Monument and Centennial Celebration of 1883, submitted on the 26th of June, 1886, be printed, and that 4,500 copies be printed and bound in cloth; of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 1,500 for the use of the Joint Select Committee.

BRIDGE ACROSS ARKANSAS RIVER AT OR NEAR CUMMINGS LANDING.

The SPEAKER also laid before the House the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

Mr. CLARDY. Mr. Speaker, that is identical with a House bill which has been reported for the same purpose, and I ask that the Senate bill be now considered. The bill is in the usual form, and I ask unanimous consent that the reading of it be dispensed with.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. T. VINCENT.

The SPEAKER also laid before the House an order of the Senate directing its Secretary to request the House of Representatives to return to the Senate the bill (H. R. 10356) granting a pension to J. T. Vincent.

The SPEAKER. If there be no objection, the request of the Senate will be complied with, and the Clerk will be directed to return the bill.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. BROWER, by unanimous consent, obtained indefinite leave of absence, on account of important business.

BUSINESS REPORTED FROM THE COMMITTEE ON COMMERCE.

Mr. CLARDY. Mr. Speaker, I now renew the request I made yesterday for an evening session to consider bills reported from the Committee on Commerce to which there is no objection, light-house bills, light-saving stations bills, bridge bills, and right of way bills.

Mr. BLAND. I ask, Mr. Speaker, that all night sessions shall be limited, so as not to continue later than half past 10 o'clock.

The SPEAKER. What evening does the gentleman from Missouri [Mr. CLARDY] suggest?

Mr. CLARDY. This evening.

The SPEAKER. The gentleman from Missouri [Mr. CLARDY] asks unanimous consent that a recess be taken this afternoon at

o'clock until 8 o'clock p. m.; the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Commerce, bridge bills, light-house bills, and life-saving stations bills; the evening session not to extend beyond half past 10 o'clock p. m. Is there objection?

Mr. HAUGEN. If the gentleman will strike out "bridge bills" from his request, I will not object; otherwise I must object.

Mr. BLAND. My request, Mr. Speaker, was for unanimous consent that all evening sessions hereafter be limited to half past 10 o'clock.

Mr. HAUGEN. I withdraw my objection to the request of the gentleman from Missouri [Mr. CLARDY].

The SPEAKER. Is there further objection?

Mr. FINLEY. I object.

Mr. BLAND. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

Mr. McMILLIN. I ask unanimous consent that gentlemen having reports to present be allowed to file them with the Clerk in the usual manner.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

JAMES T. HUGHES.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 3473) to perfect the military record of James T. Hughes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL JOHN M'CLAIN.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8922) for the relief of Michael John McClain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANAGER OF SOLDIERS' HOME.

Mr. TOWNSHEND also, from the Committee on Military Affairs, reported back favorably a House resolution concerning the re-election of General James S. Negley as manager of the Soldiers' Home; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS A. FIELD.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 10137) for the relief of Francis A. Field; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CUMBERLAND PRESBYTERIAN CHURCHES.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 10866) to refer the claims against the United States of the trustees of the Cumberland Presbyterian churches of Calhoun and Pulaski, Tenn.. to the War Department; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHLOE A. PAGE.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 10660) granting a pension to Chloe A. Page; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. BEDEL.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10691) to increase the pension of Mary A. Bedel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLARD A. JACKSON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1960) granting a pension to Willard A. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. HADLEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 2756) granting a pension to Andrew J. Hadley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON R. GILKISON.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7305) granting a pension to Aaron R. Gilkison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS J. GRAY.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4703) granting an increase of pension to Thomas J. Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY SOMMERS.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2839) granting a pension to Henry Sommers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LOU GOBRIGHT M'FALLS.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSEY WILLIAMS.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, a private, Company C, Eighth Regiment Michigan Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS DAVEY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6532) to pension Thomas Davey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JANE HINSDALL.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported a bill (H. R. 10867) granting a pension to Mrs. Jane Hinsdall; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE REILLY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2677) granting a pension to Jane Reilly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. STRONG.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2162) for the relief of Mary M. Strong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EZRA E. ANNIS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2746) granting a pension to Ezra E. Annis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ANN HOUGH.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9930) for the relief of Mary Ann Hough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS T. TEEPLE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10025) for the relief of Thomas T. Teeple; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER, WINONA, MINN.

Mr. PHELAN, from the Committee on Commerce, reported back with amendment the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPAIR OF PUBLIC WORKS, MINNEAPOLIS, MINN.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back favorably the bill (H. R. 9768) to authorize the city of Minneapolis, Minn., to repair, alter, and reconstruct certain public works; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS ALABAMA RIVER.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, GEORGIA.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River in the State of Georgia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL N. NALLEY.

Mr. LAWLER, from the Committee on War Claims, reported back the bill (H. R. 734) for the relief of Samuel N. Nalley; which was laid on the table.

Mr. LAWLER also, from the Committee on War Claims, reported, as a substitute for the foregoing bill, a bill (H. R. 10868) for the relief of Samuel N. Nalley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M'FARLAND.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (S. 2223) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the Department standing against John McFarland and to grant him an honorable discharge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. HANLEY.

Mr. GEAR also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5564) for the relief of William H. Hanley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOTEL, OLD POINT COMFORT, VIRGINIA.

Mr. FORD, from the Committee on Military Affairs, reported back the joint resolution (H. Res. 84) authorizing the erection of an inn at Fortress Monroe, Va.; which was laid on the table.

Mr. FORD also, from the Committee on Military Affairs, reported, as a substitute for the foregoing, a joint resolution (H. Res. 200) authorizing the Secretary of War to grant a permit to Harry Libbey and Philip T. Woodfin to erect a hotel upon the lands of the United States at Old Point Comfort, Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD OULAHAN.

Mr. FORD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3855) for the relief of Richard Oulahan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPAIR OF GOVERNMENT ROAD, VICKSBURG, MISS.

Mr. TILLMAN, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 10755) to provide for the repair of the road built by the Government from Vicksburg, Miss., to the national cemetery adjacent thereto; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ROAD FROM FLORENCE, S. C., TO NATIONAL CEMETERY.

Mr. TILLMAN also, from the Committee on Military Affairs, reported as a substitute for bill H. R. 9744 a bill (H. R. 10869) to construct a road from Florence, S. C., to the national cemetery adjacent thereto; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM J. SOWELL.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2025) to place William J. Sowell on the rolls of the Arkansas Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRANSPORTATION OF LIGHT-HOUSE SUPPLIES.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back favorably the bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE D. WILDER.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 10095) to correct the record as to the discharge of George D. Wilder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION.

Mr. TARSNEY, from the Committee on Commerce, reported back favorably the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AND LIFE-SAVING STATION, DETROIT RIVER.

Mr. CHIPMAN, by unanimous consent, submitted a joint resolution (H. Res. 199) instructing the Secretary of War to cause a survey and report to be made concerning the necessity of a light-house and life-saving station in the Detroit River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I now ask unanimous consent that the morning hour for the call of committees for reports be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TOWNSHEND. Will that interfere with a report upon a resolution of inquiry?

The SPEAKER. The report could not be considered, and the gentleman had better withhold it for the present. The report is a privileged one, which the gentleman can make notwithstanding this request.

By unanimous consent, the morning hour for the call of committees was dispensed with.

Mr. FINLEY. I withdraw my objection to the request of the gentleman from Missouri [Mr. CLARDY] for an evening session. My objection was based upon the idea that we have been asking for a night session for the consideration of war claims, and so far have not succeeded in getting one. I do not desire to block legislation upon other matters, but I think there ought to be a reasonable amount of concession all around.

Mr. HERBERT. I ask that the order for the evening session for the consideration of bills reported from the Committee on Commerce shall include right-of-way bills.

The SPEAKER. The Chair does not understand that the Committee on Commerce has reported any right-of-way bills.

Mr. CLARDY. The committee has reported one such bill.

Mr. PETERS. I shall object to the continuation of the night session until half past 10 o'clock. I shall not object if the session terminates at 10 o'clock.

Mr. CLARDY. Then I will modify the request so as to have the session end at 10 o'clock.

The SPEAKER. Is there further objection to the request of the gentleman from Missouri [Mr. CLARDY]?

There was no objection, and it was so ordered.

BUSINESS FROM COMMITTEE ON WAR CLAIMS.

Mr. STONE, of Kentucky. Mr. Speaker, I ask unanimous consent that a recess be taken from 5 to 8 o'clock p. m. on July 25, the evening session to be devoted to the consideration of Senate and House bills reported from the Committee on War Claims to which there is no objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PETERS. I shall object unless the session terminates at 10 o'clock.

Mr. STONE, of Kentucky. I will so modify the request.

The SPEAKER. Is there further objection to the request of the gentleman from Kentucky?

There was no objection, and it was so ordered.

ARMY AND NAVY OFFICERS, ETC., IN MEXICAN WAR.

Mr. TOWNSHEND. I rise to make a privileged report.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 14, 1888.

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives what action has been taken by him, if any, with reference to officers of the United States Army, Navy, and Marine Corps who served honorably throughout the Mexican war and whose names have been dropped from the rolls.

Mr. TOWNSHEND. The Committee on Military Affairs have authorized me to make a favorable report on that resolution and ask for its adoption.

The SPEAKER. Does the gentleman desire to have the report read?

Mr. TOWNSHEND. I do not unless the House desires it.

The resolution was adopted.

Mr. TOWNSHEND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANAGERS OF SOLDIERS' HOME.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND]

sends to the desk, as the Chair understands, another privileged resolution.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 21, 1888.

Whereas the term of James S. Negley is about to expire as manager of the Soldiers' Home, and a vacancy will be created in said board requiring a new appointment to be made: Therefore——

The SPEAKER. This is not a resolution of inquiry, and is not privileged.

Mr. TOWNSHEND. Then I withdraw it.

EMILY J. STANNARD.

Mr. GALLINGER submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2657) granting an increase of pension to Emily J. Stannard, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the said bill and agree to the same.

C. C. MATSON,
J. L. CHIPMAN,
J. H. GALLINGER,
Managers on the part of the House.
H. W. BLAIR,
C. L. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

The SPEAKER. The Chair desires to call attention to what seems to be an error in this report. It reads:

That the House recede from its amendment to the said bill and agree to the same.

Probably it was intended to read, "recede from its disagreement to the amendment."

Mr. GALLINGER. That was undoubtedly what was meant. The bill passed the Senate and the House amended it. I suggest that the necessary change be made.

The SPEAKER. Has the Senate agreed to the conference report?

Mr. GALLINGER. Yes, sir.

The SPEAKER. Then the Chair supposes it can not be corrected by the House. The report will probably be understood.

The following statement of the House conferees, submitted under the rule, was read:

Mr. GALLINGER, in behalf of the managers on the part of the House, made the following statement of facts:

The bill to pension Emily J. Stannard passed the Senate at $100 per month. The bill was amended by the House so as to reduce the amount to $75 per month. The Senate non-concurred in the amendment, and a conference committee was appointed. At that conference the managers on the part of the House receded from the amendment and agreed to the Senate bill in its original form. This they did because of the exceptional merits of the claim, so far as the soldier's services were concerned, and the deplorable condition of the claimant from poverty and incurable disease.

The report of the committee of conference was agreed to.

Mr. GALLINGER moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF.

Mr. MCMILLIN. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the tariff bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending amendment.

Mr. FARQUHAR. I rise to a parliamentary question. There are amendments under consideration that cover both sections 25 and 26 of the bill. The Clerk has only read section 25. Would it not be well to read section 26 now for the general consideration of this subject of revenue tax on tobacco?

The CHAIRMAN. If there be no objection the Clerk will read, in this connection, section 26.

Mr. MCMILLIN. What is the request?

The CHAIRMAN. That the twenty-sixth section be read, so that amendments can be offered to the two sections together, treating them as one paragraph.

Mr. MCMILLIN. We have already as many amendments pending as can be offered; and I have an amendment which I wish to offer to section 26 as soon as I can get the opportunity.

The CHAIRMAN. The proposition is simply to consider these two sections as one paragraph, that amendments may be offered to both at the same time.

Mr. FARQUHAR. By omitting to read the twenty-sixth section, it is not considered as under consideration; but there are amendments pending which cover both sections. I submit that it would be well to have both sections officially read, so as to be under consideration.

Mr. MCMILLIN. I have no objection to the reading, with the understanding that I can offer an amendment which the Committee on Ways and Means desire to propose.

The CHAIRMAN. The Clerk will read section 26.

The Clerk read as follows:

SEC. 26. That on and after the 1st day of July, 1888, manufacturers of cigars shall each pay a special tax of $3 annually, and dealers in tobacco shall each pay a special tax of $1 annually. Every person whose business it is to sell or offer for sale cigars, cheroots, or cigarettes shall, on and after the 1st day of May, 1888, be regarded as a dealer in tobacco, and the payment of any other special tax shall not relieve any person who sells cigars, cheroots, or cigarettes from the payment of this tax: *Provided*, That no manufacturer of cigars, cheroots, or cigarettes shall be required to pay a special tax as a dealer in tobacco, as above defined, for selling his own products at the place of manufacture.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SOWDEN] has an amendment pending.

Mr. MCMILLIN. Pursuant to the agreement under which the twenty-sixth section was read I wish to offer an amendment.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. SOWDEN] takes precedence.

Mr. MCMILLIN. I stated that there were all the amendments pending to the former paragraph which could be offered, but I consented to the reading of the twenty-sixth section, with the understanding that I could offer this amendment.

The CHAIRMAN. The Chair did not so understand; but accepts the gentleman's statement.

Mr. MCMILLIN. I will yield the floor to the gentleman from Pennsylvania [Mr. SOWDEN] as soon as this amendment is disposed of.

The Clerk read the amendment of Mr. MCMILLIN, as follows:

Insert at the close of section 26:

"*Provided further*, That the bond required to be given in conformity with the provisions of Title XXXV of the Revised Statutes of the United States, by every person engaged in the manufacture of cigars in the internal-revenue districts of the United States shall be in such penal sum as the collector of internal revenue may require, not less than $100, with an addition of $10 for each person proposed to be employed by such person in making cigars."

Mr. MCMILLIN. I now yield to the gentleman from Pennsylvania [Mr. SOWDEN].

The CHAIRMAN. The question will first be upon agreeing to the amendment which has just been reported.

Mr. BREWER. How does it happen that this amendment comes in ahead of the other.

The CHAIRMAN. By unanimous consent.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment submitted by the gentleman from Pennsylvania, which the Clerk will report, sections 25 and 26 now being under consideration and amendments being in order to either or both sections.

Mr. NICHOLS. I would like to have my substitute reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania to the amendment submitted by the gentleman from Virginia [Mr. WISE].

The Clerk read as follows:

Amend by adding: "And all internal-revenue taxes on spirits distilled from apples, peaches, and other fruits.

Mr. SOWDEN. I now submit the following, which I desire to have read by the Clerk.

The CHAIRMAN. No other amendment is in order until this is disposed of.

Mr. SOWDEN. I desire to have the amendment read in my time, as part of my remarks.

The Clerk read as follows:

Amend by inserting the following after section 25, and designate the same as section 27: "That all laws imposing any internal-revenue taxes on spirits distilled from apples, peaches, and other fruits are hereby repealed, and that on all original and unbroken hogsheads, barrels, or kegs of such spirits held by manufacturers or dealers at the time this act shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the tax so paid; but the same shall not apply in any case where the claim has not been ascertained or presented within ninety days following the date of the repeal. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations, and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect."

Mr. SOWDEN. I desire now that the amendment may be deemed as pending, so that it may be renewed at the proper time after the disposition of section 27 of the bill. I therefore withdraw the amendment which I offered to the amendment offered by the gentleman from Virginia.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw the amendment submitted by him yesterday to the amendment of the gentleman from Virginia; and gives notice that he will hereafter call up the amendment just read by the Clerk.

There was no objection.

The CHAIRMAN. The question recurs upon the amendment to the amendment to the text of this bill submitted by the gentleman from Virginia [Mr. WISE] yesterday.

Mr. MCMILLIN. If I may be indulged for a moment, I think it proper to correct the text of the bill before the amendment is voted upon. I therefore move to strike out, in section 25, line 1, the word "July" and insert "October."

The CHAIRMAN. That has already been done in section 25, but not in section 26.

Mr. MCMILLIN. Then I move to strike out, in line 1, section 26, the word "July" and insert "October;" and in the same section, in line 6, at the top of page 60, strike out "May" and insert "October."

The CHAIRMAN. The question recurs on the amendment submitted by the gentleman from Virginia [Mr. WISE] on yesterday, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 3, on page 59, the word "and" before the word "snuff," and add thereafter the words "cigars, cheroots, and cigarettes;" so that the clause when amended will read:

"That on and after the 1st day of October, 1888, all taxes on manufactured chewing tobacco, smoking tobacco, snuff, cigars, cheroots, and cigarettes."

The CHAIRMAN. Debate on this amendment is exhausted.

The question was taken, and the Chair declared the "noes" seemed to have it.

Mr. WISE. I ask for a division.

The committee divided; and there were—ayes 43, noes 78.

Mr. WISE. I ask for tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment submitted by the gentleman from North Carolina [Mr. NICHOLS].

The Clerk read as follows:

Amend by striking out all after the word "that," in line 1, section 25, and insert the following; so that the same shall read:

"SEC. 25. That all clauses of section 3140 to section 3465, both inclusive, of the Revised Statutes of the United States, and all other laws relating to internal-revenue taxes are hereby repealed to take effect on the 1st day of December, 1888: *Provided*, That all laws now in force shall have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when this section shall take effect: *Provided further*, That on all original and unbroken factory packages of smoking or manufactured tobacco, snuff, cigars, cheroots, or other forms of tobacco held by manufacturers, factors, jobbers, or dealers at such time as this section shall take effect, and upon all unbroken packages, kegs, barrels or other receptacles of distilled spirits and brewed liquors, held by distillers, dealers, or other owners of such spirits or liquors at such time this section shall take effect, there shall be a drawback or rebate in favor of such manufacturer, factor, jobber, distiller, dealer, or other owner, as the case may be, to the full amount of the tax paid thereon: *Provided further*, That all special-tax stamps covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal: *Provided further*, That no claim for rebate under this section shall be for a less amount than $5, and all claims for rebate as herein provided for shall be presented within ninety days after this section shall take effect, otherwise the same shall be forever barred; and all sums required to satisfy claims under this section shall be paid out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury shall adopt such rules and regulations and furnish such blanks and forms as may be necessary to carry this section into effect.

"SEC. 26. That this act shall be in force from and after December 1, 1888, and all laws and parts of laws in conflict herewith are hereby repealed."

Mr. MCMILLIN. I make the point that that is in substance the same amendment which has already been offered by the gentleman from North Carolina [Mr. JOHNSTON] and voted down by the committee.

The CHAIRMAN. This is a different proposition.

The amendment was rejected.

Mr. FARQUHAR. I move to amend section 26, line 3, by striking out "three" and inserting "two," so as to provide that manufacturers of cigars shall pay a tax of $2 annually. In the discussion of this question yesterday the gentleman from Indiana [Mr. BYNUM] called the attention of the House to a very large industry of organized labor, and I now send to the desk to be read resolutions adopted by the Cigar-Makers' International Union on the question which we have here under discussion.

The Clerk read as follows:

The Cigar-Makers' International Union of America adopted at the seventeenth session, held at Binghamton, N. Y., the following resolutions:

"Whereas an agitation is being vigorously prosecuted to abolish the internal revenue on cigars and tobacco;

"Whereas experience has demonstrated that the agitation, even, on this subject has had the effect of keeping thousands of workers of our trade out of employment for months at a time;

"Whereas the internal-revenue system, so far at least as it applies to the manufacture of cigars, has had the effect of developing it from a mere sporadic calling into a fully established industry by which nearly 75,000 of our people earn their livelihood;

"Whereas the abolition of the internal revenue on cigars would not benefit either producer or consumer by reason of its fractional bearing on each cigar: Therefore, be it

"*Resolved*, That we, the representatives of the cigar-makers of the country, in convention assembled, protest respectfully, but emphatically, against any interference with the internal revenue on cigars."

Mr. FARQUHAR. Mr. Chairman, I desire to say, in connection with these resolutions, that they speak the desires of a skilled labor union which embraces in its membership some thirty-five thousand men. That union also holds in its treasury, divided among the subordinate unions, over $300,000 per annum for sick relief, employment, and beneficent purposes. There are no tramps in this trade. The unions provide liberally and ungrudgingly for their sick and for those of their number who are out of employment. In the great battle that was fought in the State of New York not long ago this international union spent nearly $10,000 to regulate their own trade.

Without adventitious help from the outside those men, out of their own earnings and wise action, have brought their trade to the point where it is one of the best regulated and most firmly established in America, and I think it is due to this great organization of skilled labor, to the men who represent it, and to the expression they have made through their convention, that this Congress shall be cautious in whatever action it may take in respect to this internal-revenue legislation, deeply affecting it.

It is well known, Mr. Chairman, to those of us who were present in the Forty-ninth Congress how apt, how quick, how eager gentlemen were to have the oleomargarine business regulated. This bill as it stands now is in the line of a fair regulation of the cigar trade, for sustaining the credit of worth to be attached to brands of cigars, for the regulation of the manufacture, and for the keeping down of tenement-house work and two-thirds and even child labor; and it is due to these men who have spent so much time and money in perfecting their organization, and whose object is to keep their trade honest and fair for themselves as well as for those who employ them, that this Congress shall be conservative in its action upon this subject. I desire also to have printed in the RECORD, for the information of the House, an article which exactly shows the animus and selfishness back of the proposition to abolish the whole of the internal-revenue tax on cigars.

There are two States specially interested in it, Pennsylvania and California. The Six Chinese Companies of California desire nothing better than to open the doors for Chinese labor to flood the markets with cheap and inferior cigars, and to break down the standard brands that are regulated and sustained by the Cigar-makers' International Union.

The article referred to by Mr. FARQUHAR, from the "Cigar-makers' Official Journal," was read, as follows:

THE INTERNAL-REVENUE TAX.

A number of cigar-dealers favor a repeal of the internal-revenue laws who are actuated by motives of self-interest, to which nobody can object under existing conditions. The dealer favors the repeal in the prospect of compelling the manufacturer to sell at lower rates. He believes in buying in the lowest and selling in the highest market; hence he favors a more stringent competition both among workmen and manufacturers.

A Western cigar dealer who favors the repeal of the tax argues as follows:

"The cost of material is small, and if the workmen be allowed to use the deft fingers of wife and children in the preparation of the leaf all that he needs is to be let alone. In this way a home-made, genuine article can be put on the market at the lowest cost by the maker and in a small way."

The gist of his argument is in a nut-shell; it means the extension of the system of tenement-house cigar-factories all over the country; it means the adoption of the "sweating system" under which cheap clothing, overalls, and underwear of all kinds are manufactured in the dwelling-houses of the poorest among the poor.

Such absurd arguments are presented to members of Congress in the interest of workmen by leaf-dealers and cigar-dealers.

Another class that favors the repeal of the internal-revenue laws are the six Chinese companies and employers of cooly labor on the Pacific coast. The caution label and the branding of the boxes, as required by law, are obnoxious to them, because it enables the consumer to recognize Chinese-made cigars. This has not only diminished their sales, but has also reduced their price in the market. Remove the internal-revenue tax and cigar-making in the opium dens of Chinatown will double within six months; all obstacles for their sale will be removed.

During the calendar year 1885 California manufactured 137,679,023 cigars. During the calendar year of 1886 only 127,402,329 cigars were manufactured, showing a decrease of 10,276,694 cigars.

This has been accomplished by agitation against Chinese-made cigars, which could not be continued with success were the tax repealed.

The whole agitation for the repeal of the internal-revenue laws appears to be in favor of the Six Chinese Companies, employers of cooly labor and dealers in cigars manufactured in Chinatown of San Francisco.

Mr. FARQUHAR. I desire also to call the attention of the House to the following official communication from the Buffalo Central Labor Union:

The letter was read as follows:

BUFFALO, N. Y., *January* 24, 1888.

DEAR SIR: At a regular meeting of the Buffalo Central Labor Union the question of the abolition of the internal revenue on cigars was very thoroughly discussed, and by a unanimous vote I was instructed to respectfully but emphatically enter a protest against the removal of the tax on cigars. The Central Labor Union trusts you will use your influence and vote to retain the revenue on cigars, and do your utmost to defeat any and all measures which seek to abolish the internal revenue.

The cigar business of the country is now firmly established, and the abolition of the tax will bring disaster and ruination to the entire cigar industry.

The Cigar-makers' International Union at Binghamton, N. Y., and the cigar manufacturers of the United States at New York City, in their respective conventions, protested against the removal of the tax on cigars.

I remain, yours, respectfully,

JOHN C. DERNELL,
Secretary Buffalo Central Labor Union.

HON. JOHN M. FARQUHAR,
Member of Congress, Washington, D. C.

Mr. FARQUHAR. In addition to numerous protests from labor unions, composed of male members, against any action of Congress looking to the abolition of the wholesome Government regulations of cigar manufacture, I wish to present the following resolutions, adopted by the Working Women's Society of New York:

Whereas it has come to our knowledge that attempts are to be made by certain manufacturers to re-establish the making of cigars in tenement houses, and recognizing that this nefarious system of manufacture affects most heavily the health and comfort of women and children, and is destructive of the decency and morality of the families that engage in it, the Working Women's Society most earnestly protest against the re-establishment of this vile and pernicious system of manufacture, and in the name and for the sake of these helpless, suffering women and children, call upon an enlightened and humane public opinion to support us in this protest. We also offer the cigarmakers' unions our hearty sympathy and support in their contest with this evil against society.

The horrors of this system of manufacture have been fully exposed in the annual report of the State bureau of labor for 1885, page 178; also in volume I of the report of the senate committee on capital and labor, pages 271 to 275, and to these accounts we refer the public.

Mr. THOMAS H. B. BROWNE. Mr. Chairman, I send to the Clerk's desk a joint resolution of the Legislature of Virginia to be read in the debate upon this section.

The Clerk read as follows:

Joint resolution in regard to repeal of internal revenue, agreed to December 19, 1887.

Resolved (the house of delegates concurring), That our Senators in Congress be instructed, and our Representatives requested—

First. To use their best efforts to secure the immediate repeal of the internal-revenue system, a relic of the war and no longer necessary to meet the demands of the Government, and because it is oppressive, fosters monopolies, and is obnoxious to the interests of our people.

Second. To favor the revenue requisite for the support of the Government by a tariff upon imports limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive interests at home, the development of our natural resources, and afford just compensation to labor, but not to foster monopolies.

Mr. THOMAS H. B. BROWNE. I desire to say that this resolution represents not only the sentiments of the Democratic Legislature of Virginia, but is an extract from a platform of principles announced by a Democratic convention called at Roanoke, in Virginia, in August, 1887, and for no other purpose, apparently, than to emphasize the prevailing sentiment of the Democratic party upon such measures as were agitating the public mind, such as the repeal of the internal-revenue taxes and the passage of the Blair bill, which was also declared in favor of by the Virginia Legislature in the following resolution:

Resolved (the house of delegates concurring), That the Senators from Virginia be instructed, and the members of the House of Representatives in Congress from Virginia be requested to vote for Federal aid to public free schools, and to support the measure commonly known as the Blair bill, or some other better measure.

From this it may naturally be inferred that the reduction of the surplus in the Treasury is what was aimed at as well as the adoption of those measures which so far as common observation goes will receive no more consideration by this House than if they had never been thought of, certainly if we may judge the resolution read by the fate which that relating to the Blair bill has met here. More than a dozen bills covering its subject are now lying in the room of the Committee on Education yet unfolded, and a Senate bill for the object yet untouched for the want of a quorum of the committee to act on it. If this is the way the will of a sovereign State, and that sovereign State dominated by a Democratic government, is to be trifled with by a Democratic majority here, how long, may I ask, will the people submit to have their patience thus abused? And it may not be out of place here to quote Mr. Jefferson on the repeal of internal taxes and the surplus. In his first inaugural address, December 8, 1801, he said:

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption in a ratio far beyond that of population alone, and though the changes of foreign relations now taking place, so desirable for the world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all internal taxes.

In his second inaugural address, March 4, 1805, he said:

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These, covering our land with officers and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successfully every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the State authorities might adopt them instead of others less approved. The remaining revenue on the consumption of foreign articles is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, and being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and pride of an American to ask, "What farmer, what mechanic, what laborer ever sees a tax-gatherer of the United States?"

Now, Mr. Chairman, in what strange contrast is this with the utterances contained in the annual message of the Democratic President of December 6, 1887. Mr. Cleveland says:

It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessaries; there appears to be no just complaint of this taxation by the consumers of those articles and there seems to be nothing so well able to bear the burden without hardship to any portion of the people.

When we see that the President has in his mind only the welfare of the consumer he has none of that high regard for the producer, the farmer of the land, who is so grievously wronged by this system which Mr. Jefferson so severely criticised; and if we may judge from the extract just quoted and the action of the majority relating thereto as proposed by the pending bill, this system is here for all time and its subjects continually to be discriminated against and the States deprived of the fullness of their revenue from such of them as can afford to bear the tax.

Mr. McMILLIN. In regard to the amendment offered by the gentleman from New York [Mr. FARQUHAR], I wish to say that the special tax of $3 annually provided for in this bill, which he seeks to have reduced to $2, is itself a reduction of 50 per cent. from the present law. Prior to 1883 the law fixed this special tax at $10. The law of 1883 reduced it to $6. This bill proposes to reduce it to $3, and if the supervision which the gentleman from New York favors is to be kept up at all, the tax certainly ought to be kept at a point sufficiently high to pay the expenses of it. This tax all along the line has been reduced to a merely nominal rate, which will barely pay for the work necessary to be done, leaving the Government to derive its entire revenue from the tax upon the cigars themselves.

Mr. FARQUHAR. Mr. Chairman, in view of the explanation of the gentleman from Tennessee [Mr. McMILLIN], I ask unanimous consent to withdraw my amendment.

There was no objection.

Mr. SOWDEN. I move to strike out section 26. It seems to me quite unnecessary that this special tax on the manufacturers of cigars and tobacco should be maintained. It is alleged by the Committee on Ways and Means that their object in this bill is to do away with unnecessary taxation, yet they propose to keep up the special tax upon manufacturers of cigars and upon dealers in tobacco. The gentleman who has this matter practically in charge says that this tax is merely nominal. Admitting that to be true, is this "nominal" tax insisted upon merely for the purpose of retaining the vast machinery that is employed to collect it? We have nearly four thousand office-holders, at an expense to the tax-payers of nearly $5,000,000, in order to collect the internal-revenue taxes, taxes which admittedly we do not need for the economical and prudent administration of this Government. Is it not time to strike down these unnecessary offices? Ought we not to lop them off and save the tax-payers of the country the nearly $5,000,000 they entail upon them? The tax which my amendment, if adopted, would repeal can easily be dispensed with without any injury to the revenues of the country and at the same time would relieve a large class of producers from its unjust provisions.

Mr. OUTHWAITE. Would not the proposition which the gentleman makes reduce these four thousand office-holders below the level of "the pauper labor of Europe?" [Laughter.]

Mr. SOWDEN. The gentleman compares these office-holders to the pauper labor of Europe, but there is nothing in that. [Laughter.]

The amendment was rejected.

Mr. SOWDEN. I now call up my amendment to come in after section 26.

The amendment was read, as follows:

Amend by inserting the following after section 26, and designating it as section 27:

"That all laws imposing any internal taxes on spirits distilled from apples, peaches, and other fruits are hereby repealed, and that on all original and unbroken hogsheads, barrels, or kegs of such spirits held by manufacturers or dealers at the time this act shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the tax so paid; but the same shall not apply in any case where the claim has not been ascertained or presented within ninety days following the date of the repeal. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect."

Mr. SOWDEN. Mr. Chairman, $1,090,379 is the amount of the tax which the Government collected on spirits distilled from apples, peaches, grapes, and other fruits during the fiscal year ending June 30, 1887. This tax is a particularly severe one upon the farmers of the country and the growers of fruit, and since gentlemen on this side of the House are so tenderly devoted to the interests of the poor farmer, I hope they will see the necessity of coming to his relief now and of not robbing him of another million dollars by this tax during the next fiscal year, especially when we have such a large surplus in the Treasury, which is giving us so much concern and which we are so anxious to reduce. It seems to me, Mr. Chairman, that there ought to be no hesitation about adopting this amendment, and by its adoption relieve the farmers and the small distillers who distill spirits from apples, peaches, and grapes from the burden imposed upon them under existing law.

Mr. COWLES. Mr. Chairman, I am heartily in favor of this amendment and shall support it. It gives relief to a large body of people living in the mountain sections of this country especially. The amount of revenue involved, it is reasonable to say, is only a little more than a million dollars—$1,090,000, I believe, in round numbers. The necessity of getting rid of the surplus in the Treasury is urged on both sides of the House. Now, taking all the reduction that this bill will make in all its provisions, we can easily go this much further and still leave a large surplus. Why not do it? Why should not both sides of the House meet on this question? If there be any truth in the protestations of party, if there be any truth in the protestations of individuals, that we want to give relief to the people in this matter of taxation, why not come forward and embrace the first chance we have had to vote upon such a question during many sessions of Congress? Now is the time and this is the hour when every man should come forward, without regard to party and political affiliations, and vote for this relief to the people.

Sir, it was amusing on yesterday when my good friend from North Carolina [Mr. JOHNSTON] inquired with regard to the status of the vote taken on his amendment which proposed to wipe out the entire internal-tax system, and for which I voted most cheerfully. When the Chair stated that twenty-seven gentlemen only had voted in the affirmative my friend asked in a tone of astonishment, "What has become of the Republican party and the pledges of the Chicago convention?" Why, sir, it reminded me of the old song, "What has become of good old Daniel?" The Republican party almost to a man were on that occasion found seated in quiet, conscious peace with the "lions" of the Ways and Means Committee on this side of the House. They did not vote for the proposition.

Why, my friends, then was the opportunity for you to come forward if you meant to do what your platform pledges. Ah, but you say, the pledge was made with a condition. What is the condition? Simply this: provided you can find no means of spending this surplus in ill-deserved pensions and jobs of every kind that may be brought here in the way of wild-cat appropriations. From your history in the past who doubts your ability to do so? Who doubts your ability to scatter the whole of the surplus in the Treasury if the people of the country allow you to get hold of the purse strings. That is the only condition upon which you agree to abolish internal revenue—provided you are not able to spend the surplus otherwise. When will you ever take steps to abolish this internal revenue? Never. You had the opportunity yesterday to do it.

[Here the hammer fell.]

Mr. MILLIKEN obtained the floor and said: I will yield to the gentleman from North Carolina [Mr. COWLES] if I can be recognized when he gets through.

Mr. COWLES. I ask unanimous consent to be allowed five minutes more.

There was no objection.

Mr. COWLES. Sir, it is a good old maxim which says "Honesty is the best policy;" and the noblest sentiment ever uttered by Grover Cleveland was "Tell the truth."

I shall go home from here a good deal wiser than I came with regard to the status of the abolishment of the internal-revenue tax; and I shall tell my people that a large majority on both sides of this House are opposed to it, unless future events shall convince me of the contrary.

And, sir, if any man is opposed to any portion of this tax why can he not come forward and vote for this amendment? It takes only about $1,000,000 from the Treasury. It gives relief to a great class of people who need it; and it does not affect the supply of breadstuffs in this country at all. It only enables people to utilize the fruit which would otherwise be wasted, and thus to supplement the little profits on their farms and eke out a subsistence for their families. I am satisfied it will not be the means of such extensive frauds in the whisky tax as are alleged here.

The manufacture of brandy in this country is so small that it can not be the means of working such tremendous fraud in the whisky tax. Besides, when we read of the discoveries of science in this matter of detecting fraud in the manufacture of lard, butter, etc., why can there not be means of detecting the component parts that enter into distilled spirits? Why can not provisions of law be made to punish the persons who would use this license to assist in the commission of fraud in the manufacture of whisky or in evading the whisky tax? I am willing to vote for any measure of that kind. All I want is an honest, straightforward relief to my people. I ask this because they have been long-suffering and uncomplaining. As long as this tax was needed by the Government they bore it with commendable patience and rarely complained. But they always complained of the system—of its inquisitorial branches. They complained of spies entering their houses and domiciles and the most intricate nooks and corners, without regard to the privacy of the home of the citizen; and now that all necessity has long since passed, they ask its removal. This is a most onerous system in the section of country I represent.

The report of the Commissioner of Internal Revenue for 1887 says that in 1887, 1,155 fruit distilleries existed in the State of North Carolina and 1,054 in the State of my friend from Virginia [Mr. WISE], many more than exist and nearly twice as many as exist in all the other States of this Union; this is because we have large fruit-growing districts which must in "good years" furnish a large share of the small farmers' profits. They are unable, many of them, to comply with the requirements of law, and if by dint of hard begging and laying themselves under mighty obligations to their more wealthy neighbors thus are enabled to give the bonds they become liable to be mulcted in heavy penalties by some technical failure to comply with all the regulations.

That is the reason why our people complain so bitterly about this grievous burden.

Now, sir, I ask that they shall have some relief. I ask that the people of these sections of the country who are entitled to some consideration shall have this burden removed, and it will not militate against the passage of this bill to grant it. I, sir, am as much in favor of some of the provisions of this bill as any one can be. I am for reducing taxation, and for reducing it upon articles which as much concern my people as the people of other sections of the country, but at the same time I ask that you give them some relief from a burden which is not borne by the people of many other sections of the country, and which will in nowise interfere with the necessary revenue for the support of the Government.

[Here the hammer fell.]

Mr. MILLIKEN. Mr. Chairman, I am glad to have heard the remarks of my friend from North Carolina [Mr. COWLES] on this occasion; because while he does not occupy the floor often, or very frequently demand the attention of the House in debate, he is one of those who has the frankness to speak his opinion as to legislation which has been pending in this House relating to pensions, and has the candor in that respect to voice the sentiment of his party in disapproval of pensions.

Mr. COWLES. Allow me to say that the gentleman is mistaken.

Mr. MILLIKEN. He says that the Republican party are unwilling to reduce the revenues except they can do it by spending the money in the payment of "ill-deserved pensions."

Mr. COWLES. Do you want to pay ill-deserved pensions?

Mr. MILLIKEN. I was glad to hear it from him for one reason, and that is because it shows his opinion of what the duty of the country is to the soldiers——

Mr. COWLES. Allow me a moment.

Mr. MILLIKEN. Let me finish my sentence first.

Mr. COWLES. The gentleman mistakes my position.

Mr. MILLIKEN. The gentleman exhibits his opinion of what the duty of the country is towards the soldiers; and it is so well expressed in that sentence, which embodies what his party has shown to be their feelings, that I welcome it in that respect as being an authoritative expression of sentiment.

Mr. COWLES. If the gentleman will pardon me——

Mr. MILLIKEN. I hope my friend will keep quiet. I call my friend's attention to that expression because I have no doubt that before the morning sun shines the gentleman will, on reflection, see fit to strike it from the RECORD, because it is too bold and honest an expression of his party's position.

Mr. COWLES. The gentleman mistakes me altogether.

Mr. MILLIKEN. I do not desire it to be in the RECORD because he said it, but I do desire it to be there because, in two words, now here else to be found in the English language, can the position the Democratic party has occupied in this House since this Congress sat on the first Monday in December last, so well express what they have done and what they have shown to be their feeling upon the subject of pensions.

It is known here, if not to the country, that the Democracy, controlled by the late Confederates, consider all pensions to Union soldiers to be undeserved pensions. You give to the widows and dependents of the old Union soldiers and to the sick and wounded veterans some little crumb once in a long time, so as to save your credit as patriotic men; but every important measure presented to Congress for the relief of the soldiers, except one, the dependent-pension bill, you have defeated by parliamentary tactics or direct votes, and that measure your President vetoed, while he signed the Mexican pension bill, five-sixths of whose benefits go to ex-rebels. Your committee for effect among the soldiers has reported to this House pension bills which the Grand Army of the Republic have in their conventions recommended; but while you reported them to the House, with one single exception they have been denied consideration—one amendment to an appropriation bill which allows widows to draw their pensions from the time of the death of the husband instead of the date of the filing of the application, and that was but a confirmation of then existing law; with that single exception you have done nothing for the pensioners, and you do not mean to do anything.

You block the way of pension legislation and will not allow general pension bills to be considered in this House. No man can get recognition to call them up; or if, by the grace of the kind, courteous, and gentlemanly Speaker, who has sat in this House since I have been a member, any one does get recognition, some gentleman on the other side is swift to see that those bills are not taken up for consideration. He fights them, and, if necessary, uses all the sources of filibustering to smother them.

"Ill-deserved pensions." Yes; it was the real expression of the feeling of the Democratic party in the House in regard to all pensions, as shown by its action in this and prior Congresses.

Mr. COWLES. Allow me a moment.

Mr. MILLIKEN. Now, so far as that is concerned, I will leave my friend, when I get through, to explain himself in any manner he pleases; but I do congratulate him upon having that control of the English tongue, that conciseness of expression which has enabled him to put in two words the position of his party in this House upon the granting of pensions to Union soldiers—to the men who made it possible for him and for me to-day to stand under the flag of one country and to legislate here for a great republic that floats its banner more proudly in the faces of the nations of the earth than it ever did before. [Applause.]

[Here the hammer fell.]

Mr. MCMILLIN. I wish to say in regard to the amendment of the gentleman from Pennsylvania, and in response to what the gentleman from North Carolina said——

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MCMILLIN. Well, if we can have a vote I would rather have that than talk.

Mr. WILLIAMS. I move to strike out the last word.

I would like, Mr. Chairman, to have the RECORD read, so as to show the exact language of my friend from North Carolina [Mr. COWLES] in regard to what he stated about the squandering of the surplus upon "ill-deserved" pensions.

Mr. COWLES. Will my friend allow me to correct him?

Mr. WILLIAMS. Yes, sir; I want to know what the gentleman said.

Mr. COWLES. I had no reference to well-deserved pensions granted to Union soldiers of the late war. I had no reference to them at all. I am not opposed to pensioning them. It is but natural and right. My remarks applied——

Mr. WILLIAMS. What was the language the gentleman used?

Mr. MILLIKEN. The RECORD will tell.

Mr. COWLES. It was the granting of pensions to those who were not deserving of them; those pensions that were founded in fraud. I referred to those pensions that have called for the executive vetoes by our excellent Chief Magistrate.

Mr. MILLIKEN. If the gentleman will let his language go into the RECORD as he said it, that is all we ask.

Mr. WILLIAMS. The Republican party advocate the payment of pensions to the Union soldiers, and I want to say to the gentleman that the bills which are pending before this House, the bills for dependent pensions and service-pension bills, are the ones that we favor. I have been gratified in the past at the manifestation of warm interest in the welfare of the soldiers shown on that side of the Chamber.

Mr. COWLES. Allow me one question.

Mr. WILLIAMS. Wait until I get through.

Mr. COWLES. Are you in favor of granting pensions to soldiers who do not deserve them?

Mr. WILLIAMS. I am in favor of pensioning every soldier who obtained an honorable discharge from the late war, having served in the defense of his country. [Applause on the Republican side.]

Mr. COWLES. But answer my question. Are you in favor of pensions to soldiers who do not deserve them?

Mr. JOHNSTON, of Indiana. They all deserve them.

Mr. WILLIAMS. Every Union soldier who can produce or prove an honorable discharge deserves a pension.

Mr. COWLES. Are you, I ask again, in favor of the payment of pensions to soldiers who do not deserve them?

Mr. WILLIAMS. No, sir; but that was not your language. Your language was "spending this surplus in ill-deserved pensions."

Mr. COWLES. That was exactly the idea that I expressed in what I said. I am as much in favor of pensions as the gentleman is to those who deserve them.

Mr. WILLIAMS. We have sat here all this session asking the other side of the House to give us a day to consider pension legislation, and we have been refused. I want to say, Mr. Chairman, further that it is a subject which touches me on a tender spot when the just claims of soldiers of 1861 are branded as ill-deserved pensions, for I can not help remembering that the gentleman from North Carolina himself and many of his colleagues, in fact all of us, are enabled to hold seats on this floor by virtue of their bravery in the war of the rebellion. [Applause.]

Why, sir, I am one of those who are willing to forget if in a proper manner the animosities and the hatreds that were engendered by the strife of 1861 are buried. But I want to say that this nation owes a debt of gratitude to the soldiers that we never can repay. Twenty-three years have passed away and the green grass and the golden grain garland the hundred battlefields of the South. The rifle-pits have been filled up and the earthworks have been trodden down. But now gentlemen come upon this floor and say that we on this side are desirous of squandering the public money in ill-deserved pensions. What pensions are ill-deserved? I want the gentlemen to answer that question. I say boldly that it is the duty of the Republican party as it should be the pride of the Democratic party to pension the soldiers who saved and preserved the Union and made it possible for the gentleman and many of his colleagues to hold seats on this floor and that portion of the Democratic party which attempted in 1861 to destroy this nation to be represented in this Congress.

The eloquent gentleman from Kentucky some months ago stated, and I have heard other eloquent gentlemen on that side say, that they were glad the slaves were free; they were glad the Union was restored; and forgetting the past they wanted to go forward in the path of prosperity and future greatness of this nation. I was glad to hear sentiments so patriotic from the other side. But I want no sneers at the soldiers of 1861. I want no sneers against the Union soldiers that went from their homes and their hearthstones bravely and without hesitation, yea, and were glad to do and die in behalf of the Union that was attempted to be destroyed, of the nation whose very existence was threatened by the armed hosts of a causeless rebellion. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCMILLIN. I shall devote the time allotted to me in discussing the question under consideration. It is well known that if any member were to say this country was not liberal towards its soldiers he would not be believed, and ought not to be believed.

Now, what is the proposition under consideration? To take the tax entirely off from such spirits as are distilled from apples, peaches, and grapes.

Mr. BRECKINRIDGE, of Kentucky. Peaches and other fruit.

Mr. MCMILLIN. I wish to call the attention of the committee to one fact which stood in the way of the committee, and stands in the way of the House in this legislation. The Committee on Ways and Means went to the Treasury Department and gave very careful attention to the question now under consideration. We tried to see what would be right in the premises, and what could be done. We met with difficulty at the beginning. If you take 1 gallon of apple brandy and mix 2 gallons of pure whisky with it, it is all apple brandy and you can not tell the difference. There are no experts in this House [laughter], but if there were, Mr. Chairman, no expert could tell the difference by taste or appearance. It can not be detected. We could not devise any means of preventing frauds upon the revenue if we should free from taxation the spirits distilled from fruits.

Finding that difficulty, I went to the gentlemen from North Carolina who urged the proposition, and asked them if they would not offer an amendment which would do the work. I could not do it. The members of the committee could not do it. No man connected with the Treasury could do it. To this day no man who favors this amendment has offered any section that would begin to prevent frauds on the Government. That is the difficulty which stands in the way. You open the door to the freedom from taxation of spirits distilled from grain, and that may be mixed with brandy when you adopt this amendment. I would like the gentleman from Pennsylvania or any other gentleman who favors the proposition to submit an amendment which will prevent this fraud.

The CHAIRMAN. Debate upon the formal amendment is exhausted. If there be no objection the formal amendment will be considered as withdrawn.

Mr. SOWDEN. I renew it, Mr. Chairman. The argument of the gentleman from Tennessee is untenable. No one can pretend to say that large quantities of whisky would be removed to the small apple distilleries throughout the country and there mixed with spirits distilled from fruits. No member of this House will contend for one moment that he could not taste the difference between apple brandy and spirits distilled from grain, even if they were mixed half and half.

Mr. MCMILLIN. The gentleman is more expert than I thought any member of the House was.

Mr. SOWDEN. I do not think there is any member of this House, not even the gentleman from Tennessee [Mr. MCMILLIN], so entirely ignorant of the peculiar taste and smell which attach to apple brandy that he could not readily distinguish the difference between it and ordinary whisky.

Mr. RICHARDSON. Describe the difference to us.

Mr. SOWDEN. The gentleman's experience, I suppose, is such as not to require any description of the difference between them at my hands for his particular benefit.

Now, Mr. Chairman, it seems to me that the reasons advanced by the gentleman from Tennessee [Mr. MCMILLIN] in opposition to my amendment are not well grounded, and ought not to avail against its adoption. I contend that the farmers who use their surplus apples, peaches, and grapes in California, North Carolina, Virginia, Pennsylvania, and other States, in the distillation of spirits should not be compelled to pay a tax of over $1,000,000 annually into the public Treasury when the needs of the Government, honestly administered, do not require it. The members on this side of the House should be slow to vote against the pending amendment on the pretext furnished by the gentleman who has this bill in charge.

Mr. BREWER. Mr. Chairman, the question has been quite fully discussed here in regard to the removal of the internal-revenue tax upon brandies made from fruits as well as upon alcohol made from grain. There is a large class of people in this country who can not come here to speak for themselves, but can speak only through their petitions or letters which may be presented by those who represent them. I send to the desk to have read a communication which I have received expressing the views of thousands of the best women in the land touching the question of the removal of the tax upon all spirituous liquors.

The letter was read, as follows:

ELSIE, MICH., *June* 13, 1888.

DEAR SIR: I address you because I want you to give your whole influence towards "repeal of internal-revenue taxes." The time has come when it seems to me the United States Government can no longer be the senior partner in the liquor traffic of this land.

By this partnership we perpetuate and add respectability to the traffic, which is the source of three-fourths of all the crime of our land, besides the tears, the sorrows, the insanities, the pauperism, and the wretchedness untold. We want and ought not to have any complicity or connections with these ill-gotten gains. We protect every thing else but our children. They are exposed to the ravages of this foe to humanity. Greedy, fierce, heartless, relentless, the liquor traffic pursues, entraps, and destroys the innocent boys of our land. I need not tell you that this "internal revenue" stands in the way of better legislation, that it is the strong, impregnable fortress behind which the business of drunkard-making is intrenched. You know it.

Won't you as the Representative of the Sixth Michigan Congressional district do your utmost to secure the absolute and perpetual separation of the liquor crime and this Government?

Let us wash our hands and seek everlasting separation from that sort of traffic which destroys men, soul and body, for time and eternity.

MRS. ANNIE P. MOUNT,
Secretary W. C. T. U., Elsie, Mich.

Mr. MARK BREWER.

Mr. BREWER. I have presented that letter here, not only for the purpose of answering some of the arguments that have been made touching this question, but also because I know, as I have already said, that there are thousands and thousands of men and women in this country who believe that it is for the best interests of the people and for the

cause of temperance and humanity that the taxes upon alcohol of all kinds should be entirely wiped out. While I do not wish at the present time to commit myself to all the views that are expressed in this letter, yet I desire to say that I heartily concur with what is said in it in relation to the evils of intemperance.

Mr. JOSEPH D. TAYLOR. I rise to oppose the amendment.

The CHAIRMAN. Debate on this amendment is exhausted; but if there be no objection the formal amendment will be considered as withdrawn, and the gentleman can renew it.

Mr. JOSEPH D. TAYLOR. I renew the formal amendment. Mr. Chairman, a gentleman on the other side of the House made the remark a few moments since that if any man were to state that this country had not been liberal toward its soldiers he would not be believed. I desire to say, Mr. Chairman, for myself that in my judgment this country has not been liberal toward its soldiers.

How can a great Government like ours, with an overflowing Treasury, be said to be liberal towards its soldiers when thousands and thousands of them are in the almshouses of the country? Men who followed the nation's flag for three and four long and terrible years, men who were brave and valiant and true soldiers, and who obtained at the close of the war an honorable discharge, are to-day public paupers and are cared for as such.

Since this session of Congress began three of the men who appealed to me for help in the prosecution of their claims have died and were buried poor and penniless. Two of them were private soldiers. They were the kind of men who put down the rebellion—good men and true. It was shown by their neighbors that they were hale and healthy men when they entered the service and that they were never able-bodied men after the expiration of their term of service. Indeed, it was shown that from the time of their discharge to the time of their death they had never been able to perform a full day's work; and yet because they could not prove that they had some disability which they had incurred in the service they were permitted to live and die in want. The other claimant to whom I have referred was an old man, an itinerant Methodist preacher. A more patriotic man than he never lived. He was too old when the war began to enter the service himself, but he had three sons who caught the inspiration of the father and entered the Army at the opening of the war and went out to fight and die as heroes only dare to do. One fell in battle; another died in the hospital. One of these sleeps in the distant South and the other in the mountains of West Virginia. The third son returned home a physical wreck, and, I believe, is drawing a pension.

This old man was an applicant for a pension as a dependent parent, but failing to receive one I introduced a special act, and before it had been reached by the committee he passed away. He lived and died in poverty, although he had given his three sons to the country and although he had used his influence and had given his earnest support to the cause of the Union. I say it, and I say it with regret, that this country has not been generous toward its soldiers. Julius Cæsar, two thousand years ago, did more for his soldiers than we have ever done for ours. His army was more liberally rewarded than the soldiers of the late war have been. In a single campaign, after he had achieved a great victory, he doubled the compensation of every soldier in his army, and upon their return lands and houses and homes were generously given them. How can it be said that this country has been liberal toward its soldiers when there are thousands of them to-day who are in poverty and want; whose claims have been presented to the Department and rejected; whose bills are upon the Calendar of this Congress only to be denied? No one need tell me that this Government has been generous and liberal, when there are thousands of soldiers' widows bending over the wash-tub eking out a miserable existence for themselves and their children.

Mr. Chairman, the time has come when the very stones will cry out against the American people if they longer neglect the brave men whose claims are rejected on account of some trifling technicality, or the widows whose husbands sacrificed their lives on their country's altar, who are not pensioned because of some lack of testimony, or the orphans whose homes and lives have been made sad and desolate by the consequences of the war, or the dependent fathers and mothers who gave the idol of their hearts and the hope of their future to rescue the life of the nation. There are thousands of pension claims which have been rejected that are just as deserving as those which have been allowed, and some of those which have been rejected are more meritorious than some which have been allowed.

It is a shame and a disgrace that we have not met our obligations in this particular. The time has come when we ought to pension every honorably discharged soldier. We have already pensioned every Mexican soldier, including even those that subsequently entered the Confederate service and attempted to destroy the Republic. I have before me now a letter written by a soldier who is seventy-five years old, whose health is broken down and whose poverty and wants drive him almost to desperation. He says, "If another war were to come upon us, I would advise all the young men to feign sickness and get in the hospital so they would have a hospital record and have no trouble in geting a pension." How many of the best soldiers have been refused a pension because they never patronized the doctor or the hospital!

Mr. McMILLIN. On this question of the repeal of the tax on spirits I send to the desk to be read the utterance of a gentleman whose voice is always potent with his party.

The Clerk read as follows:

Mr. Blaine's "Paris message"——

Mr. McCLAMMY. I rise to a question of order. I desire to know whether it is in order to discuss the question of pensions upon a proposition to repeal the brandy tax. [Laughter.]

The CHAIRMAN. It is not in order to discuss any question except the question pending.

Mr. MILLIKEN. This question was raised on the other side of the House.

The CHAIRMAN. The Chair was deciding a point of order. It is not in order to discuss any question except that which is pending in the Committee of the Whole. The rule states that any gentleman offering an amendment in the Committee of the Whole House shall be entitled to five minutes to explain his amendment, and any gentleman recognized thereafter may be entitled to five minutes to oppose the amendment, and thereupon the debate thereon is exhausted. Hence it is in order to discuss only the question under consideration. But large latitude has been indulged upon this question. The gentleman from Tennessee [Mr. McMILLIN] desires to have read as part of his remarks an extract which he has sent to the desk.

The Clerk read as follows:

MR. BLAINE'S "PARIS MESSAGE."

I would not advise the repeal of the whisky tax——

Mr. BUCHANAN. I will inquire of the gentleman from Tennessee whether it is his purpose to have the whole of that letter incorporated in the RECORD.

Mr. McMILLIN. I only wish to have that portion read which bears on the repeal of the tax on whisky.

Mr. BUCHANAN. Rather than that it shall be mutilated I will ask unanimous consent that the whole be printed.

The CHAIRMAN. The Clerk will read.

Mr. BUCHANAN. I shall take the liberty of publishing the remainder of that letter.

The Clerk read as follows:

MR. BLAINE'S "PARIS MESSAGE."

I would not advise the repeal of the whisky tax. Other considerations than those of financial administration are to be taken into account with regard to whisky. There is a moral side to it. To cheapen the price of whisky is to increase its consumption enormously. There would be no sense in urging the reform wrought by high license in many States if the National Government neutralizes the good effect by making whisky within reach of every one, at 20 cents a gallon. Whisky would be everywhere distilled if the surveillance of the Government were withdrawn by the remission of the tax, and illicit sales could not then be prevented even by a policy as rigorous and searching as that with which Russia pursues the Nihilists. It would destroy high license at once in all the States.

The CHAIRMAN. If there be no objection the formal amendment will be withdrawn. The Chair recognizes the gentleman from Pennsylvania [Mr. KELLEY] to renew it.

Mr. KELLEY. Mr. Chairman, the wisest men fall into error sometimes, and while I admire the patriotism, the learning, the sound judgment of the experienced statesman from whose letter an extract has just been read, I think that in this case he fell into an error that he would hardly repeat at this time. What is the weight of moral principle involved in the spirit tax? It is but from one-eighth to five-eighths of a cent on the average drink taken in the fashionable club houses and leading saloons of the country. I do not believe that any man who is under the disease of alcoholism or who is cultivating an appetite for alcoholic beverages, who is periling his character and ultimately it may be his sanity, or his life, who is willing to risk home and wife and children and all that he once held dear—and our country, unhappily, constantly presents many tens of thousands of such cases—I do not believe, I say, that such victims can possibly be reclaimed from intemperance by the moral influence of so slight a tax upon a drink of whisky or of the vile decoctions sold under the name of whisky in the gin shops and doggeries of our country.

I think my distinguished and honored friend, Mr. Blaine, was carried away by enthusiasm when he indited that paragraph. For I can not persuade myself that consciousness of the fact that a man who vends a glass of whisky will make a fraction of a penny more than he would have done while the tax existed will tempt any ingenuous youth or discreet man to rush into inebriety. The cause is not on either side sufficient to produce the consequences which Mr. Blaine apprehended from the repeal of the spirit tax. On the other hand, that tax adds heavily to the price of every alcoholic drug prepared for the relief of disease or accident in this country. It adds $1.80 to the cost of every gallon of chloroform, whether used by the dentist or the operating surgeon in capital cases or in relief of patients distracted by pain. It adds $1.80 to the price of every gallon of collodion which is used in so many of the arts.

What is a gallon of collodion? It is a gallon of alcohol less the quantity displaced by a scarcely appreciable weight of gun-cotton. So through the whole range of the arts and sciences and in all the humanities of surgery and medicines, that tax imposes its burden upon the victims of disease and suffering. I think that when our distinguished countryman returns to the United States and finds that the supreme moral-

ists on the subject of temperance are demanding to be released from their participation in the crime of drunkenness by demanding, as prohibitionists, the repeal of the spirit taxes, and that the hundreds of thousands of women constituting the Woman's Christian Temperance Union are praying to man and God to relieve the Government from its criminal participation in profiting by the crimes produced by the spirit tax, he will repudiate this paragraph of his brilliant letter and say to these devoted reformers, I will labor with you in your good work. [Applause on the Republican side.]

Mr. BREWER. When Mr. Blaine arrives in this country he will find, I think, that the sentiment of 90 per cent. of the Republicans are in harmony with the views expressed by him in his letter. [Applause on the Democratic side.]

Mr. WILSON, of Minnesota. Mr. Chairman, the body of moralists to which the gentleman from Pennsylvania [Mr. KELLEY] has referred that is to change the views of Mr. Blaine is no doubt that body who sat in Chicago and adopted the Republican platform which declares in favor of removing all tax from whisky and brandy rather than remove it from the shoes, shirts, and blankets of the people.

Mr. Chairman, the single question before this committee now is, shall we remove all tax from brandy made of certain fruits? The objection given to this by the gentleman from Tennessee [Mr. MCMILLIN] is a sufficient reason why it should not be done. As he has shown, the removal of this tax would encourage illicit distillation and make difficult or impossible its detection.

The repeal of this tax would principally benefit the "moonshiner" and the brandy drinker. My friend from Pennsylvania [Mr. SOWDEN] should have added these two classes to the list which he says the repeal would benefit.

But, Mr. Chairman, my objection to this amendment is deeper and more radical even than that suggested by the gentleman from Tennessee [Mr. MCMILLIN].

This Government must each year raise a very large sum for revenue, and the question is, shall we abate the sum collected on fruit brandy and add it to the tax on the necessaries and comforts of the people?

When the gentleman from Pennsylvania [Mr. SOWDEN] affirms that we do not need this tax he must mean to be understood merely that we can collect the revenue from something else.

It can not be pretended that this amendment if adopted would lessen the manufacture of brandy. Its necessary tendency would, on the contrary, be to encourage and increase it, and as brandy is a luxury or worse, it is fit that it should bear a heavy percentage of the burdens of the Government. This is in accordance with the theory and practice of most enlightened nations. It would be strange indeed if those things necessary to the comfort—even to the existence—of the people should be unduly taxed and whisky and brandy be freed from any duty or burden. I believe it may be safely affirmed that except by the high-tariff monopolists of this country or their representatives no such position has ever been taken by legislators.

This new doctrine is in accordance with that plank of the Chicago platform that declares in favor of the entire repeal of the internal taxes (on whisky and brandy) rather than surrender in any degree the power to highly tax the common necessaries of life.

Justice and morality cry out against such a policy.

Mr. MILLIKEN rose.

Mr. MCMILLIN. I should like the committee to come to some agreement as to the length of time this debate is to run.

Mr. MILLIKEN. I will be through in one minute.

Mr. MCMILLIN. I suggest that it be extended ten minutes, five minutes on each side.

Mr. KERR. I object.

Mr. MILLIKEN. Mr. Chairman, my friend from North Carolina [Mr. JOHNSTON] and my other friend from North Carolina [Mr. MCCLAMMY] to-day cry out, where is the Republican party on this question of taking the tax off of alcohol? Why do they not cry out, where is the Democratic party? The proposition offered yesterday received but 27 votes in this committee, and two of those were my friends from North Carolina.

Now, Mr. Blaine is called in question again. My friend from Tennessee [Mr. MCMILLIN] had read an extract from his letter. I have no doubt that extract recites not only what the opinion of Mr. Blaine was when he wrote that letter, but also what his opinion is to-day and what his opinion will be when he arrives in this country. [Applause.]

I know Mr. Blaine. I have the honor of filling his place, not in this Hall, but to sit in the seat he once occupied. I have known him personally for twenty years on the street and in public, and I know he is accustomed to speak deliberately, to speak what he means, and small-sized men are not able to shake him from his belief. [Applause on the Democratic side of the House.]

Now, Mr. Chairman, what do you disclose by bringing out these facts? Why, my friend from Texas [Mr. MILLS], when the question is raised, says that the Republican party was the "whisky party," and called upon us to decide between the taxation of whisky and the taxation of shoes. In the face and eyes of the fact that the very votes taken in this House disclose beyond question that members representing nine-tenths of the men who vote the Republican ticket are opposed to such legislation, yet when you come to a direct question here of free whisky the charge is repeated against the Republican party and the attempt is persisted in to put us in what is very evident to all is a false position on that question.

Mr. WILSON, of Minnesota. The Republican party have put themselves in that position.

Mr. MILLIKEN. And you have a fair share of men on that side of the House—far more, I am convinced, than there are on this side—who are in favor of that proposition as a separate and independent question.

What are the facts? The Republican party says this, and I say it to-day, not that it is in favor of free whisky—you know better than that when you make the charge. If there is a party in this country who wants free whisky, it is our Democratic friends, for they need free whisky more than anybody else in this country. If there is a party in the United States north of Mason and Dixon's line that has stood up against prohibition and against restriction on the tens of thousands of grog shops and saloons, it is our good-natured friends on the other side; and when they attempt to put any party on record as a free-whisky party except themselves, it is simply a slander, and shows that they have got ashamed of their own position and desire somebody else to occupy it.

I repeat, what are the facts? The Republican party say this: that rather than have free trade, rather than have the cheap labor of Europe come in here to destroy our industries, that if it were necessary to reduce the revenues, then they would reduce them on whisky rather than permit the condition of things which a repeal of our tariff laws would bring about, and so would I. And I believe, Mr. Chairman, that the industries of this country, and a fair remuneration for labor, are worth more than anything that has come before Congress or that will come before Congress for its consideration.

Now the great problem has been presented by the President of the United States in his message and by gentlemen on this floor, and that is how to reduce the surplus. You say it must be reduced. Why? Because you allege it is gathered into the Treasury, and is not in circulation amongst the people. But if you have free trade you are going to send the volume of that currency to Europe. Will that relieve the difficulty? It is the protective tariff which put the great bulk of that currency into the Treasury. And a gentleman from California showed the other day in his speech that notwithstanding that increase in the surplus at the same time the circulating medium had increased, and that increase was steady from month to month. This is because the protective tariff keeps the money at home, furnishing your goods from your own resources by the hands of your own laborers.

[Here the hammer fell.]

Mr. SIMMONS. Mr. Chairman, my absence when the amendment offered by my colleague [Mr. JOHNSTON] for the repeal of the internal-revenue system was under consideration, is my excuse for now troubling the House with some general remarks upon the subject of that amendment.

I am, as I said in the course of my remarks submitted to this House during the month of May, in favor of the total repeal of every part and parcel of that odious system, and so are the people of the State which I in part represent here. But anxious as I am for the repeal of this system and the removal of the restrictions which it imposes upon the liberty of the individual citizen and upon the commerce of the country, I recognize the fact, as do many other gentlemen on this side of the House, who agree with me in wishing its abrogation, that under present financial conditions its repeal at this time is not only impracticable but out of the question.

It must be manifest to every mind should the Government surrender the $120,000,000 annually derived from this source, with an annual surplus of less than $70,000,000, there would be a deficit in the Treasury at the end of the present fiscal year of fully $50,000,000.

Of course no party responsible for the legislation of the country can be expected deliberately to provide for a deficit of such proportions, or by cold legal enactment to invite financial disaster. But worse than this, if this system should be totally abolished there would be no room, even to the extent of a penny, for the reduction of the extravagantly high and unjust taxes now imposed by vicious and inequitable tariff laws upon the necessaries of life consumed in every household in the land. When it comes to me, as has now come to me, to choose between cheap whisky and cheaper food and clothes for the masses of the people (which also means larger comforts and better education) do not morality, humanity, and sound policy require that I should make choice in favor of the latter? [Applause on the Democratic side.]

In so choosing, the Democratic party does not abate one iota its opposition to the internal-revenue system nor its fixed determination to release the people from its operation at the earliest possible moment.

I am satisfied when the people have come to understand that this bill removes $24,000,000 of the $30,000,000 of taxes now levied upon tobacco, that it repeals the license taxes, and that it greatly modifies the machinery of the system, effectually providing against many of the vexations and annoyances which have heretofore marked its enforcement, they will accept, if not with satisfaction, at least with good

grace the step which it makes in the direction of the repeal of the whole system. [Applause on the Democratic side.] They will accept it as an earnest on the part of the Democratic party that they will repeal the whole system when the opportunity offers.

From the Republican party we have nothing to expect. That party not only inaugurated this system of taxation, after a disuse of more than forty years, but has during the entire period of its supremacy in this country maintained it, with certain exceptions, in favor of capital, banks, manufacturers, and insurance companies.

If the platform of that party, recently adopted at Chicago, upon this subject is stripped of its disguise and subjected to a fair and honest interpretation it will be found to be a declaration against the repeal of this system, as well as a declaration in favor of high-tariff taxation. Fairly interpreted that platform means that the tax upon whisky will never be surrendered so long as that party can prevent it, and then only as a last resort to preserve its unholy system of protective taxes.

[Here the hammer fell.]

On motion of Mr. MCMILLIN, Mr. SIMMONS was allowed to proceed five minutes longer.

Mr. SIMMONS. The reasons which exist and which have been urged with such overpowering force by the Ways and Means Committee against the total repeal of the internal-revenue system can not, I think, with justice, be urged against the amendment of the gentleman from Virginia [Mr. WISE] to remove the tax from cigars, cigarettes, and cheroots, nor against the amendment of the gentleman from Pennsylvania [Mr. SOWDEN] for the repeal of the tax upon fruit brandy.

The revenue at present received by the Government from the taxes imposed upon the articles covered by these amendments amounts to but little over $7,000,000 per annum. This is a comparatively small amount, and I believe it can be surrendered without inconvenience to the Government or perceptibly interfering with the Democratic policy of reducing taxes upon necessaries.

I have been surprised at some of the arguments advanced on both sides of this House against these two amendments. Certain gentlemen of the Ways and Means Committee tell us that there is no way of distinguishing between whisky and brandy, and if the tax is retained upon the one and removed from the other frauds will be rife and the whole system demoralized. I think the gentlemen underrate the delicate taste of our deputy internal-revenue collectors. With the system of detectives, espionage, and surveillance which the Government employs in this system I can not believe that the fraud of substituting whisky for brandy one which will prove too formidable for the Government. If there is no scientific test (and my friend from Tennessee says there is none) for detecting the adulteration of whisky with brandy we may with good reason hope, if the amendment of my friend from Pennsylvania prevails, inventive genius will be stimulated and one will in due time be discovered.

The opposition of our Republican friends to the repeal of the tax on cigars and cigarettes is the same old argument which we have been accustomed to hear from them during the last two months.

The gentleman from New York [Mr. FARQUHAR] informs the House if these taxes are repealed it will ruin certain large factories in his State and throw their employés out of work. How much sameness there is in the arguments of these gentlemen. If we propose to reduce the taxes on imports they tell us it will ruin the industries concerned. If we propose to reduce direct taxes we are again threatened with calamities. Do the gentlemen mean to say that high taxes beget prosperity? Do they mean to say that every industry must be fostered by taxing its product?

I have no doubt the larger manufacturers of cigars and cigarettes are benefited by this tax and that they are loath to give up this advantage. The great whisky rings of the West are likewise, no doubt, benefited by keeping the tax upon the poor man's orchard and suppressing the competition which would be the result of the distillation of the fruits of those orchards, but neither the small manufacturers of cigars and cigarettes nor the producer of the weed out of which they are made, nor the poor man who owns an orchard in the districts of my colleagues and myself are benefited by these taxes.

Let us be done with arguing in favor of these millionaire manufacturers and these great whisky rings and combinations, and let us do for once some sort of justice to the small dealers, who are neither able nor disposed to combine into unlawful trusts or to influence legislation for the advancement of their selfish interests.

I hope both the amendment for the repeal of the tax on cigars, etc., and the amendment for the removal of taxes on fruit brandies will prevail.

[Here the hammer fell.]

Mr. MCMILLIN. It is suggested that we make it ten minutes on a side. If that is acceptable I will agree to it and withdraw my motion that the committee rise. If not, after the gentleman from North Carolina concludes, I will ask that the committee rise.

The CHAIRMAN. Is there objection to the proposition that debate on the pending section be closed in twenty minutes—ten minutes on each side?

Mr. ANDERSON, of Iowa. I object, unless the time is made fifteen minutes on each side.

Mr. MCMILLIN. We are very anxious to complete the consideration of this bill to-day in Committee of the Whole; but we will accept that proposition with the understanding that debate on the pending paragraph and all amendments thereto shall be closed in thirty minutes—fifteen minutes on a side.

Mr. WARNER. Upon that proposition I do not want more than a minute or two. I wish to offer a substantial amendment when we are through with the pending amendment.

The CHAIRMAN. Is there objection to limiting debate on this paragraph and all amendments thereto to thirty minutes?

Mr. CANNON. How is the time to be divided?

The CHAIRMAN. Fifteen minutes upon each side.

Mr. CANNON. The gentleman from New Hampshire [Mr. GALLINGER] wants five minutes.

The CHAIRMAN. The Chair will recognize the gentleman from New Hampshire for a part of the time.

There was no objection.

Mr. SIMMONS. Now, Mr. Chairman, the observations I have made with regard to the repeal of the entire internal-revenue system do not apply to a repeal of the tax upon tobacco and fruit brandy. That reduction will only amount to about $6,000,000 upon tobacco and $1,000,000 on fruit brandy. It is perfectly consistent with the policy of the Democratic party in the matter of reduction that this small amount of internal revenue should be cut off from the general receipts of the Government. I have been astonished at some of the arguments presented on both sides of this House why this needed reduction should not be made.

What are the reasons urged, Mr. Chairman, that this $6,000,000 of taxes should not be taken off of tobacco, and the restrictions which are to-day fettering and embarrassing that important trade of the country be removed? The gentleman from New York [Mr. FARQUHAR] has just addressed the House upon that subject, and has announced to the House what we have heard announced so often in the consideration of tariff taxation, the general proposition that if this tax is removed it will injure and destroy the business of certain large cigar-manufacturing establishments and their employés. I do not dispute the proposition that this tax is a benefit to the larger cigar and cigarette establishments in this country.

The same argument might be made here in favor of the large whisky establishments of this country. They receive a benefit from this taxation, and both the capitalists engaged in tobacco and the capitalists engaged in whisky are unalterably opposed to any interference with the tax. But that is not true with regard to the small dealers. That is not true with regard to the gentlemen who raise little orchards in the mountain districts represented by my friend Mr. COWLES and my friend Mr. JOHNSTON in North Carolina. They are injured every day of their lives by the imposition of this tax. The small cigar manufacturers in my district are also injured by the imposition of this tax.

What is the argument, Mr. Chairman? When we propose to reduce tariff taxation gentlemen arise over on the other side and say it will ruin the industries of the country. When we propose to reduce internal taxation gentlemen arise on the other side of the House and say it will ruin the industries of the country. Has it come to this, that we can not reduce taxation either upon imports or upon articles upon which the tax is imposed directly without injury? Has the proposition come to be accepted in an American Congress that a high taxation is necessary in order to preserve and protect and save from ruin the industries of this country?

I think it is not true, sir. I think the argument is made simply in behalf of concentrated capital engaged in the manufacture of cigarettes and concentrated capital engaged in the manufacture of whisky. It is against those organizations now combined into trusts that I feel it my duty to speak in the interest of the small dealers both in tobacco and in fruit brandy in my State and in my district. It may be that the removal of the tax upon fruit brandy will lead to frauds upon the legitimate manufacture of whisky; but I deny that the Government is not able, with the system of detectives, espionage, and surveillance which it throws around every man who deals in those articles, to protect the legitimate dealers from the wrongdoings of the illegitimate and fraudulent dealer. And I believe, sir, that if there be no scientific test now by which it may be made known whether a barrel contains whisky or brandy, or a mixture of the two, it would be only necessary to pass this remedial reformatory legislation in order to find a remedy.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. PERKINS withholds his remarks for revision. See APPENDIX.]

Mr. SHAW. Mr. Chairman, it seems to me that the arguments presented here against the internal-revenue system apply rather to the administrative features of the law than to the system itself; and these objectionable features, I submit, can be repealed or modified without repealing the system. The internal tax is a tax imposed not upon the necessaries of life, but it is a tax upon luxuries, a tax which every one may repeal for himself by abstaining from the use of whisky and tobacco. When I see the representatives of that great party which for so many years posed before the people of this country as the party of great moral ideas advocating the removal of the tax on whisky, and thereby the increase of all the evils which flow from the excessive use

of that article, it would seem as if that party is willing to sacrifice even the peace and good order of society, and to utterly ignore all its past professions in order to preserve the iniquitous protective system.

I can not believe, Mr. Chairman, that there is a member of this House, aside from some of the Representatives of the Southern States, to whom the administration of this law has made it so obnoxious, who, if it were not for the purpose of wiping out the surplus revenue and thereby preventing a reduction of tariff taxation, would advocate the abolition of this internal system of taxes.

There is another phase of this question to which I beg to call the attention of the House, which is very pertinently expressed by the Secretary of the Treasury when he asks—

Is it the part of statesmanship to give up a revenue so easily collected, to unaccustom our people to its payment, and to do away with all the machinery for its collection, when, unless we are more favored than other nations of the world, there will come a day when it will all be needed?

Mr. Chairman, this need was felt at the beginning of the war of 1812 and expressed by Mr. Dallas, then Secretary of the Treasury, in one of his reports in the following language:

It certainly furnishes a lesson of practical policy that there existed no system by which the internal resources of the country could be brought at once into action when the resources of its external commerce became incompetent to answer the exigencies of the time.

And that is always the case in time of war or disaster. The tariff system is a summer friend; it is only to be relied on in times of prosperity; when adversity overtakes the country it invariably fails. Continuing, the report says:

The existence of such a system would probably have invigorated the early movements of the war; might have preserved the public credit unimpaired, and would have rendered the pecuniary contributions of the people more equal as well as more effective. But owing to the want of such a system, a sudden and almost exclusive resort to the public credit was necessarily adopted as the chief instrument of finance.

This need was again felt in 1861, when millions were added to the cost of the war by the want of a proper internal-revenue system, and similar losses may occur if war should again find the Treasury dependent solely on customs duties for revenue. That risk it is gravely proposed to take in order that the consumers of spirits and tobacco may be freed from a self-imposed tax which burdens no industry and hinders no prosperity.

[Here the hammer fell.]

Mr. GALLINGER. Mr. Chairman, I have not occupied much of the time of the committee, and would not trespass now upon its attention but for the fact that I have several times listened to the astounding charge from the Democratic side of this House that the Republican party is in favor of free whisky. That charge is not true. Horace Greeley, who was afterward the Democratic candidate for President of the United States, once said in the columns of the New York Tribune that the two leading doctrines of the Democratic party were to love whisky and hate "niggers." It may be that the Democracy has since then become a temperance party, but I have seen nothing to warrant that conclusion. [Laughter.]

Now, I contend that the Republican party, neither in its national platform nor elsewhere, has said or done anything whatever that justifies any Democrat in making the charge that our party is the free-whisky party.

The utterance of the Chicago platform on this question has been utterly misquoted by many who have participated in this debate. The Republicans have not indorsed the idea of "free whisky," but have simply declared for a partial repeal of the internal-revenue tax on intoxicating drinks, as the following plank from their platform will show:

The Republican party would effect all needed reduction of the national revenue by repealing the taxes upon tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes, and by such revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to our labor, and release from import duties those articles of foreign production (except luxuries), the like of which can not be produced at home. If there shall still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes rather than the surrender of any part of our protective system at the joint behest of the whisky trusts and the agents of foreign manufactures.

Mr. Chairman, if the Republican party is a "free whisky" party, then the National Prohibition party of this country and the Woman's Christian Temperance Union are likewise in favor of "free whisky." I want my Democratic friends to listen to the fourth resolution of the National Prohibition platform, which reads as follows:

For the immediate abolition of the internal-revenue system, whereby our National Government is deriving support from our greatest national vice.

I ask my Democratic friends who, doubtless, are looking to the Prohibition party for a little comfort in the coming campaign, whether they are prepared to say here that that party is a "free whisky" party?

Let us now turn to the Woman's Christian Temperance Union. You will find in their platform which they adopted in their last national convention this resolution:

That we advocate the abolition of the internal revenue on alcoholic liquors and tobacco, for the reason that it operates to render more difficult the securing and enforcement of prohibitory laws, and so postpones the day of national deliverance. We also condemn the principle which permits a government to derive revenue from the vices of the people.

And one of the leading officers of that organization has said to me in a private letter:

Our organization is strongly in favor of the abolition of the tax on alcoholic liquors and tobacco.

Again, I ask my Democratic friends whether they are prepared to go before the country and denounce the Woman's Christian Temperance Union as an organization in favor of "free whisky?"

The following official communication from the Woman's Christian Temperance Union of my State will speak for itself, and I commend it to the thoughtful consideration of the Democratic party, which seems so greatly exercised because the Republican party favors the repeal of internal-revenue taxation rather than the overthrow of the tariff laws:

DEAR SIR: In view of the fact that the liquor traffic is wrong, hence no revenue should be received from it either in national or State governments, we, the Woman's Christian Temperance Union of New Hampshire, most earnestly and respectfully ask that you, who represent the people of New Hampshire in the United States Congress, will use your influence to the utmost to have the tax removed. "A public revenue from a public curse is a bribe to the public to perpetuate that curse."

Most respectfully,

Mrs. N. H. KNOX,
President.
Miss C. R. WENDELL,
Corresponding Secretary.
CLARA E. ROWELL,
Recording Secretary.
ABBY E. McINTIRE,
Treasurer.

Hon. J. H. GALLINGER.

Again, Mr. Chairman, I have received at least thirty letters from officers and members of this great organization urging the repeal of the internal-revenue tax on intoxicating drinks. One of them is from the wife of one of the most distinguished ministers of the Gospel in my State, which I will append:

AMHERST, N. H., *June* 23, 1888.

DEAR SIR: In behalf of our Woman's Christian Temperance Union, I write this asking that you will use your influence for the repeal of the internal-revenue taxes on liquors. We believe it is wrong in principle; that it is a legalizing, so far as the National Government can, a business that is the source of much of our crime and poverty, and a great hinderance to the removal of the traffic from the land.

Should the National Government be a stockholder in such a business?

Yours, sincerely,

MRS. EDWARD AIKEN,
Secretary of Amherst Woman's Christian Temperance Union.

Hon. J. H. GALLINGER.

Now, Mr. Chairman, I ask our Democratic friends again if they are prepared, on this floor and before the country, to denounce the Woman's Christian Temperance Union of New Hampshire, officered as it is by women whose lives have been devoted to works of Christian benevolence and practical religion, as being in favor of "free whisky" because they are in favor of repealing the taxes upon the manufacture of whisky?

It is certainly a novel thing for the Democratic party to pose as a temperance party. There is nothing in their record to justify this claim. The Republican party has, by its legislative acts, both State and national, proved itself to be the friend of morality and temperance. Its national platform, adopted in Chicago, gives no uncertain sound on this great question, while the Democratic platform has no word of comfort for the temperance men and women of the country. Throughout its entire history the Democratic party has truckled to the saloons, from whence its votes largely come, and it is the height of impudence for them now to charge the Republican party with being in favor of "free whisky," while they are opposed to it. "Satan rebuking sin" is a mild exhibition of hypocrisy compared with the assumptions of the Democratic side of this House on this question.

Mr. Chairman, I stand by the Republican platform. I stand for the repeal of the internal-revenue tax rather than the destruction of the tariff system, which is fundamental Republican doctrine.

On that issue the Republican party can safely go to the country, notwithstanding the cry of "free whisky" by the Democracy, and on that issue the election of Harrison and Morton as President and Vice-President is a moral certainty. [Applause on the Republican side. Cries of "Vote!"]

Mr. KERR. Mr. Chairman, I desire to say in regard to this matter of abolition of the internal-revenue system that the Democratic party was pledged to that measure four years ago. Why do they not keep that pledge to-day? The best reason is that they have all the internal-revenue offices. They have perhaps several thousand of them scattered all over the country, so that if they abolish the internal-revenue system they will lose the patronage of those appointments.

Mr. MACDONALD. And that is one of the reasons why you are in favor of the repeal of the internal-revenue system, because you do not have the appointment of those officers.

Mr. KERR. I have been in favor of the abolition of the internal-revenue system all the time.

The distinguished gentleman from New York [Mr. COX] said a few days ago that he was in favor of getting rid of the internal-revenue system, and he read extracts from speeches which he had made and in which he had expressed himself in favor of the repeal of the entire sys-

tem. Let me ask why, when he was formerly in favor of repeal, he is not in favor of it to-day?

They say you can not do it with safety to the Government; that they need the money. I ask the gentleman from Tennessee [Mr. MCMILLIN] whether there is not now a surplus of $125,000,000 in the Treasury, and whether there is likely to be a deficiency of more than $30,000,000 a year if you took off all the internal-revenue taxes. If you take every dollar of the internal-revenue tax of $125,000,000 it will take four years under the present system to consume the present surplus.

Mr. Chairman, I wish to reserve one minute of my time in order to give it to the gentleman from Missouri [Mr. WARNER].

If all of this surplus of $125,000,000 were, by the repeal of the internal-revenue taxes, allowed to go back into the pockets of the people in the United States in the next four years nothing would do more to advance the prosperity of the country. It would be a reversal of the policy of hoarding and contraction that has been pursued by this Administration since it came into power.

I ask you gentlemen on the other side of the House why the Democratic party did not keep the pledges it made to the country four years ago? Were you in favor of free whisky then because you were in favor of the abolition of the internal-revenue system? All of the Republican States of the North and West are either for Prohibition or high license coupled with local restriction. They are in sympathy, Mr. Chairman, with the movement on the part of the people to restrain and prohibit the use of alcoholic liquors as a beverage. I sympathize with them in that movement, and therefore I favor the abolition of the internal-revenue taxes on liquors, which it is sought to make a permanent source of revenue.

As I have already stated, I will now yield one minute of my time to the gentleman from Missouri [Mr. WARNER].

The CHAIRMAN. The gentleman from Missouri desires to offer an amendment and to reserve the one minute of time yielded to him for the purpose of explaining it. If there be no objection he will be permitted to do so.

Mr. WILSON, of West Virginia. Mr. Chairman, coming back to the point involved in the pending amendment, I can only repeat what has been so well said by my colleague from Tennessee [Mr. MCMILLIN], that the committee in charge of this bill would have been willing, for some reasons, to report in favor of the repeal of the tax upon fruit brandies, or at least for a diminution of that tax, but after a careful consideration of the question and a study of it with reference to practical legislation, they found themselves unable to devise any plan by which they could release this tax and save the tax upon whisky, with which they were unwilling to interfere.

No plan could be suggested by the Department charged with the collection of this tax, nor was any feasible plan ever offered by those who are most anxious for the repeal. Moreover, it is a much larger subject in its possibilities than appears upon its face. It is true, the tax collected to-day is not a very large one. It is a little over $1,200,000, a sum whose release would make no material difference so far as the revenues of the country are concerned. But when we take into consideration the possibilities of grape production in California and elsewhere, and the possibilities of the apple product in New York and in other parts of the country in the event of the release of this tax, it will be clearly seen that the question is one of much greater magnitude than would be indicated at the first glance.

Now, sir, I have been much interested in the efforts on the other side of the House to reach a proper understanding of the position their party holds to-day as to the repeal of the internal-revenue system, and particularly as to the release of the tax upon whisky and brandy, in view of the utterances of their last platform. This seems to have been a subject of infinite trouble and perplexity to our friends ever since their convention at Chicago. The actual fact is, Mr. Chairman, that the Republican party got drunk on the Oregon election, and the Chicago platform is the product of their "Dutch courage." [Laughter and applause on the Democratic side.] When that courage evaporates they come back to this House, and spend almost a week in endeavoring to scamper down from that platform, and in trying to prove that it does not mean what in black and white it clearly does mean. [Laughter.]

I rejoiced, sir, with my venerable friend from Pennsylvania [Mr. KELLEY]. When I read the utterances of his party at Chicago I congratulated him upon the fact that they had finally moved up to his position; and told him then what I say to you to-day, that the nomination of General Harrison or of anybody else on that platform save and except the gentleman from Pennsylvania himself was a plain *non sequiter*. [Laughter.] And I rejoiced that after years of waiting he could have one single day at least, when, looking to the right and to the left, he could find his party squarely dressed and in line with the advanced position he himself has been holding in this House for the last ten or fifteen years, sometimes almost "solitary and alone" so far as his party associates are concerned.

[Here the hammer fell.]

Mr. JACKSON. Mr. Chairman, no one disputes the fact that all internal taxes are paid by our own citizens. They are only justified on the ground that the Government needs the money, or in some exceptional cases to prevent frauds that it is for the best interest of society that some things like oleomargarine should be inspected. It is a form of tax not popular with our people, a necessity in time of war, but should be removed so far as possible in time of peace.

It is now imposed alone on tobacco and spirits. It ought at once to be removed entirely from tobacco, and as soon as we can do without the money and have paid our debts, it ought to a large extent at least be removed from spirits. By far the larger part of alcohol is used in manufactures and chemicals; the tax should first be removed from this part of the product the same as is done in most European countries. The tax on all other classes of spirits might after this be largely reduced. As it is now the high tax is a great advantage to the whisky trust. It would perhaps be an advantage to the orderly control of the business if it was kept under the inspection of Government by a small tax.

It has often been asserted in this debate that a removal of the tax on spirits is in the interest of free whisky and against the interest of temperance. There is no reason or truth in this charge. The most active temperance workers do not believe it. For the purpose of showing that no question of temperance is involved in the repeal of the internal taxes, I ask to have the following read:

The Clerk read as follows:

REPEAL OF INTERNAL-REVENUE TAX ON ALCOHOLIC LIQUORS.

[Extract from a paper prepared by Miss Frances E. Willard, president National Woman's Christian Temperance Union, in favor of the repeal, and published in The White Ribbon for February, 1888.]

The Woman's Christian Temperance Union has desired this long and earnestly. Our earliest resolution on the subject was adopted without a dissenting voice at the national convention in Louisville, 1882, and reads as follows:

"The Woman's National Christian Temperance Union desires to express its earnest sympathy with the movement favoring the total abolition of the internal-revenue taxes on all alcoholic beverages at present collected by the National Government, as we believe that the taxation of this business is wrong in principle, an outrage on the moral sentiment of the country, a quasi indorsement of a pernicious traffic, a legalizing, so far as the National Government can, of a business that is the source of most of our crime and poverty, and a great hindrance in the way of the removal of the traffic and its attendant evils out of the land.

"We further believe that this revenue is not needed by the Government, and that the large surplus that it brings into the Treasury is a standing menace to honesty, and a fruitful source of, if not an invitation to, corruption. For these reasons we earnestly urge the abolition of these taxes, and we invite the co-operation of all classes to this end. It is hereby ordered that a copy of the above, properly signed by the president and secretary of this convention, be forwarded to Congress, and that copies be furnished organizations in the country interested, with a request that they co-operate with us in this matter."

Our latest resolution on this subject was unanimously adopted at the Nashville convention in November, 1887, all of the States excepting Nevada and five of the Territories being represented:

"*Resolved*, That we advocate the abolition of the internal revenue on alcoholic liquors for the reason that it operates to render more difficult the securing and enforcement of prohibitory laws, and so postpones the day of national deliverance."

In my annual address before this convention the following passage occurs:

"I hope we shall distinctly declare ourselves in favor of removing the internal-revenue tax from all intoxicating liquors. It is a covenant with hell and a compact with damnation. To-day it stands as the strongest bulwark between the liquor traffic and annihilation. We want no monopolies in sin, least of all that the National Government should be the largest stockholder, getting 90 cents on every gallon of whisky and 93 cents, in round numbers, on every keg of beer. The amount of tax is about equal to the annual surplus in the United States Treasury; let both be wiped out together. I hope this may be one of our campaign battle-cries: 'Down with the tax that ties the nation tight to the vampire that is sucking out its blood.'"

Listen to Senator FRYE, of Maine, a stanch temperance man and Republican. He says:

"There is not a distiller or liquor-seller who wants the tax taken off. The pretended moral argument—largely advanced by brewers, saloon-keepers, and free-traders—that the removal of the tax would increase the consumption by making whisky cheaper to the drinker is absurd. A careful estimate shows that the reduction on an ordinary glass of whisky after it has been doctored and reduced for the drinker would not exceed seven-eighths of a cent."

Listen to that stanch Democrat, General "JOE" BROWN, United States Senator:

"I should think that the prohibitionists would very naturally desire the repeal of the revenue laws by the Congress of the United States, so as to leave the whole question under the control of the States, so that in case the prohibitionists should get the control of a State there would be no embarrassment growing out of license to distill and sell granted by the Government of the United States, as is now the case. Remove all Federal interference with the manufacture and vending of ardent spirits and you will have the matter entirely within the hands of the States, where a majority of the people of each State can control it. If the prohibitionists are right and the majority of the people are with them, then they could ask nothing better than for the Government of the United States to take its hands off this traffic and leave it entirely under the control of the States."

Listen to the Voice, chief champion of the Prohibition party:

"[Special correspondence.]

"LOUISVILLE, *December* 24.

"The Voice has obtained interviews with the most prominent representatives of the Kentucky whisky interests regarding the attitude of the manufacturers and wholesale dealers toward the proposed abolition or reduction of the Federal internal-revenue tax on distilled spirits. The whisky men interviewed, with but one exception, opposed abolition of the tax, urging that the tax is a powerful agency for the successful prosecution of the whisky business.

"[Special dispatch.]

"CINCINNATI, *December* 26.

"The distillers of this great distillery city unanimously agree that the Federal tax on whisky should not be stricken off. For the most part they assign as their reason that without the tax governmental supervision would be impossible, and the distilling would not be done, as heretofore, in great and responsible establishments under the eye of Uncle Sam, but anywhere and everywhere by irresponsible persons. The result, they say, would be deterioration of the distilled product and such other bad effects that there would be general revolt against the trade."

[From the New York Sun.]

The most ambitious and the most powerful of all trusts, the whisky trust, has just declared a dividend of 1½ per cent. This enormous income is directly connected with the maintenance of the internal-revenue system. With that out of the way there would be no whisky trusts of any such importance.

[Clinton B. Fisk.]

I believe that the Internal Revenue Department of the United States should be abolished forthwith, and the National Government no longer remain the chief partner in the distilling and brewing business. The repeal of the internal-revenue taxes on liquors and tobacco is the safest, most practicable and righteous way of reducing the surplus in the United States Treasury.

Mr. BRECKINRIDGE, of Kentucky. The Republican party claim the credit of large and repeated reductions of internal taxation. That the exact facts may be a matter of record and easy of access I ask leave to have printed the letter from Mr. Miller, Commissioner of Internal Revenue, to Speaker CARLISLE.

During the years in which these reductions were being made no burden has been removed from our tariff taxation, and the increased rates of duties imposed because of these internal taxes have not been removed, though the internal tax has been repealed.

And as this history given in this letter is carefully studied it will be perceived that as a rule these reductions removed burdens from capital and wealth, and rendered more improbable and difficult a revision of the tariff and a reduction of tariff taxation, and more firmly riveted the present system of excessive protective duties upon the tax-payers and consumers.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 2, 1888.

SIR: I have the honor to submit herewith, in compliance with your request, a statement of the amount of internal taxes abolished under the several acts of legislation from July 13, 1866, when the first act was passed "to reduce internal taxation," to March 3, 1883, the date of the last act to reduce such taxation, as shown—

First. By ascertaining the differences, when practicable, between the receipts from the several sources affected by the legislation for the years in which the acts were passed, at the rates of tax in force immediately prior to the passage of the acts, and the receipts that the new rates imposed by these acts would have yielded for the same years had they been in force.

Second. When, from want of necessary data, the foregoing method is impracticable, by giving the differences in the receipts for the years immediately preceding and following the years in which the acts were passed effecting the reduction or repeal of said taxes, except in cases where an act had not gone into full operation the first year after its passage, when the receipts for the next succeeding year are taken instead of those for the year before it, and

Third. In cases where the tax is wholly abolished by giving the largest amount of revenue collected from that source in any year as the measure of reduction.

Taxation under the present internal-revenue system culminated in 1866, the receipts for that year amounting to $310,906,984.17. Under the laws then in force taxes were levied on raw products, upon all manufactures; upon nearly all professions, trades, and occupations, upon the entire receipts of transportation, express, insurance, and telegraph companies, of advertisements, bridges, and toll roads, and of lotteries, theaters, and other places of amusement, upon auction sales and brokers' sales of merchandise, stocks, bonds, foreign exchange, promissory notes, gold and silver bullion and coin (and later upon sales of manufacturers, dealers, liquor dealers, etc.), upon the income of individuals, upon bank profits, dividends, and additions to surplus funds, upon canal, railroad, and turnpike companies' dividends, interest on bonds and additions to surplus funds, upon insurance companies' dividends and additions to surplus funds, and upon the salaries of United States officers and employés, upon articles of luxury kept for use, such as billiard tables, carriages, piano-fortes, and other parlor musical instruments, gold watches, yachts, gold and silver plate, upon nearly every kind of legal instrument, upon promissory notes, bank checks, friction matches and proprietary medicines, upon legacies and successions, upon passports, upon slaughtered cattle, sheep, and swine, and upon the capital, circulation, and deposits of banks, private, State, and national. In a word, every available source of revenue was laid under contribution to pay the interest on the public debt and to meet the other necessary expenses of the Government. This system was probably more far-reaching and comprehensive than any system of taxation ever before devised.

The work of reducing internal taxation began August 1, 1866, and went on more or less rapidly until 1883, when, according to the following statement, taxes to the amount of $320,717,187 per annum had been abolished, and the system relieved of its most burdensome provisions.

TAXES REPEALED UNDER ACTS OF JULY 13, 1866; MARCH 2, 1867; FEBRUARY 3, 1868; MARCH 31, 1868; JULY 20, 1868, AND JULY 14, 1870.

First. Manufactures and products: The largest and most important class of articles taxed during the fiscal year 1866 was that of manufactures and productions. Exclusive of the tax on distilled spirits, fermented liquors, chewing and smoking tobacco, snuff, and cigars it yielded that year $127,230,609. The articles included in it were almost innumerable. One hundred and twenty-five were enumerated in the "schedule of articles subject to tax." One other heading—"manufactures not enumerated"—included the rest. Under this class taxes were duplicated and reduplicated. Among the articles that yielded the largest amount of revenue may be mentioned the raw products—coal, cotton, crude petroleum, and sugar; and the manufactures—boots and shoes, cloths and other fabrics made of cotton, same made of wool, ready-made clothing, illuminating gas, manufactures of iron, oil distilled from crude petroleum, and coal.

Taxes in this class were reduced by acts of July 13, 1866, and March 2, 1867, and were finally abolished by acts of February 3, 1868, March 31, 1868, and July 20, 1868, with the exception of the tax on gas. This was not repealed until August 1, 1872. As a substitute for the tax on manufactures a tax of one-fifth of 1 per cent. was imposed on the sales of manufactures in excess of $5,000 per annum. Largest receipts in 1866; amount, $127,230,609.

Second. Gross receipts: Taxes varying from 1½ to 5 per cent. were imposed on the gross receipts of canal, railroad, steam-boat, express and insurance companies, of advertisements, bridges, ferries, stage coaches, etc. Taxes reduced by acts of July 13, 1866, March 2, 1867, and finally repealed by act of July 14, 1870. Largest receipts in fiscal year 1866; amount, $11,262,430.

Third. Sales: Sales of brokers on merchandise, produce, stocks, bonds, foreign exchange, gold and silver bullion and coin, auction sales, sales of dealers and liquor-dealers over $50,000 per annum were taxed at rates varying from one-twentieth to one-fourth of 1 per cent. up to 1870. Repealed by act of July 14, 1870. Largest receipts in fiscal year 1870; amount, $8,837,395.

Fourth. Special taxes not relating to spirits, beer, and tobacco: An annual tax varying from $5 to $500 was imposed on nearly all professions and occupations. Few reductions were made in these taxes before their repeal. Abolished May 1, 1871, by act of July 14, 1870. Largest receipts in fiscal year 1866; amount, $14,144,418.

Fifth. Income: The tax on incomes from individuals was reduced by acts of March 2, 1867, and July 14, 1870. It expired by limitation December 31, 1871.

The tax of 5 per cent. on dividends and additions to surplus of banks, insurance, railroad, and other corporations was reduced by act of July 14, 1870, to 2½ per cent. and expired by limitation at the same time as the tax on incomes from individuals. Largest receipts in fiscal year 1866: From individuals, $60,547,882; from corporations, $12,434,277; total, $72,982,159.

Sixth. Legacies and successions: No reduction in this class before its repeal by act of July 14, 1870. Largest receipts in fiscal year 1870; amount, $3,091,825.

Seventh. Articles of luxury kept for use: Reduction by act of July 13, 1866; taxes repealed by act of July 14, 1870; largest receipts in fiscal year 1867; amount, $2,116,674.

Eighth. Slaughtered animals: No reduction under this class; repealed by act of July 13, 1866; largest receipts in fiscal year 1866; amount, $1,291,571.

Ninth. Passports: The tax on passports was repealed by act of July 14, 1870; largest receipts in fiscal year 1866; amount, $31,149.

Tenth. Stamp taxes: The stamp tax imposed on promissory notes for a less sum than $100, and on receipts for any sum of money or for the payment of any debt, and the stamp tax imposed on canned and preserved fish were repealed October 1, 1870, by act of July 14, 1870.

Total receipts from stamp taxes for the fiscal year 1870	$16,544,043.00
And for the fiscal year 1872	16,177,321.00
Apparent reduction	366,722.00

Recapitulation of taxes repealed under the foregoing named acts.

Taxes repealed on—	Amount.
Manufactures and products	$127,230,609.00
Gross receipts	11,262,430.00
Sales	8,837,395.00
Special taxes not relating to spirits, tobacco, and beer	14,144,418.00
Income	72,982,159.00
Legacies and successions	3,091,825.00
Articles of luxury kept for use	2,116,674.00
Slaughtered animals	1,291,571.00
Passports	31,149.00
Total abolished	240,988,230.00
Add stamp taxes reduced	366,722.00
And for increase on gas from 1866 to 1872	989,076.00
And for increase on raw cotton from 1866 to 1867	5,359,424.00
Total repealed and reduced	247,703,452.00

The receipts from the tax on gas in 1866 were $1,822,643, and in 1872, the year of largest receipts from this source, $2,831,719, showing an increase in the tax during this time of $989,076. So, also, the receipts from raw cotton in 1866 were $18,409,655, and in 1867, the year when the largest receipts were returned from this source, $23,769,079, showing an increase of $5,359,424 over the receipts of the previous year. The sums then of $989,076 and of $5,359,424 have been added to the total of taxes repealed in accordance with the principle enunciated in paragraph 3, page 3.

The following is a brief synopsis of the leading provisions in the above-named acts that effected this reduction:

First. An act of July 13, 1866: The largest reductions under this act were made on manufactures and products, by the repeal of the provisions in section 5, act of March 3, 1865, which imposed a tax of 20 per cent. on all articles, with few exceptions, enumerated in section 94, act of June 30, 1864, in addition to the rates imposed in that section, and by repealing the tax altogether on certain articles in this class. The rate of tax on gross receipts of telegraph companies was reduced from 5 to 3 per cent., and on auction sales from one-fourth to one-tenth of 1 per cent., and on brokers' sales of merchandise from one-eighth to one-twentieth of 1 per cent. The tax of one-twentieth of 1 per cent. on brokers' sales of stocks, bonds, foreign exchange, promissory notes, or other securities, and of one-tenth of 1 per cent. on sales of gold and silver bullion and coin was reduced to one one-hundredth of 1 per cent., when such sales were made by a broker, bank, or banker who had paid a special tax as such. The tax was repealed on the gross receipts of railroad and other companies for transportation of freight, on slaughtered animals, on carriages valued at $300 and less, on piano-fortes and other parlor musical instruments, and on yachts, pleasure and racing boats kept for use.

Second. Act of March 2, 1867: The list of articles added to the free-list by act of July 13, 1866, was considerably increased by this act. The tax was repealed on the gross receipts of advertisements and toll roads, and was reduced on the gross receipts of bridges and ferries from 3 to 2½ per cent. A few additional taxes were imposed on sales.

The income tax of individuals was reduced by raising the exemption from $600 to $1,000, and by imposing a uniform rate of 5 per cent. on all taxable incomes over that amount, in lieu of the rates 5 per cent. on incomes over $600 and not over $5,000, and 10 per cent. on incomes over $5,000, an excess of $5,000 imposed by act of March 3, 1865.

Third. Act of February 3, 1868: By this act the tax on cotton grown in the United States after the year 1867 was repealed.

Fourth. Act of March 31, 1868: All taxes on manufactures and productions, except distilled spirits, fermented liquors, cigars, cigarettes, snuff, chewing and smoking tobacco, not before repealed, were abolished from the passage of this act, except the tax on gas, and mineral oils distilled from coal and crude petroleum. In lieu of these taxes repealed, however, a tax of one-fifth of 1 per cent. was imposed on manufacturers' sales in excess of $5,000 per annum.

Fifth. Act of July 2, 1868: The remainder of the tax on mineral oil distilled from crude petroleum, coal, etc., which was reduced one half by the act of March 31, 1868, was repealed by this act.

Sixth. Act of July 14, 1870: By the provisions of this act tax was repealed on special taxes not relating to spirits, fermented liquors, and tobacco, on gross receipts, sales, legacies, and successions, articles of luxury kept for use, not before abolished, and on passports.

The tax on income from individuals was reduced by raising the exemption from $1,000 to $2,000, and by imposing a tax of 2½ per cent. on all taxable incomes over $2,000, in place of 5 per cent. on all taxable incomes over $1,000, under act of March 2, 1867. This act also reduced the tax from 5 to 2½ per cent. on the dividends and additions to surplus funds of banks, canal, insurance, railroad, and turnpike companies, and on the interest on bonds of canal, railroad, and turnpike companies, and provided that the income tax should be levied and collected annually for the years 1870 and 1871, and no longer. It also reduced the stamp tax. (See paragraph 10, page 12.)

The amount of reduction in the several classes named under each of the foregoing acts can not be exactly determined for lack of necessary data in the returns. The largest receipts for any one year have, therefore, been taken as the measure of reduction.

Act of July 20, 1868, as amended by act of April 10, 1869: Among the more important provisions of this act were those reducing the rates of tax on distilled spirits from $2 to 50 cents per gallon, modifying the special taxes of distillers, and imposing a capacity tax on their distilleries and a tax of $4 per barrel on the annual production of spirits in excess of 100 barrels by each distiller.

Under these changes in the law the quantities of distilled spirits returned for taxation increased from 7,224,809 gallons in 1868 to 62,092,417 gallons in 1869, and 78,490,198 gallons in 1870, and the receipts from $18,655,631 in 1868 to $45,071,231, in 1869, and $55,606,094 in 1870.

The most important changes made in the rates of tax on tobacco and snuff were the reduction of the tax on snuff and the finer grades of chewing and smoking tobacco, constituting about two-thirds of the quantity of tobacco taxed, from 40 to 32 cents per pound, and the imposition of a tax of one-fifth of 1 per cent. on sales of cigars over $5,000 per annum, of manufactured tobacco over $1,000 per annum, of leaf-tobacco over $10,000 per annum, and on the excess over $5,000 of the penal sum of bonds of manufacturers of tobacco.

Under the operation of these and other modifications in the law the quantities of manufactured tobacco and snuff returned for taxation increased from 46,764,150 pounds in 1868 to 64,305,026 pounds in 1869, and 90,288,082 pounds in 1870, and the receipts from all sources relating to tobacco from $18,730,095 in 1868 to $23,430,708 in 1869, and $31,350,708 in 1870.

This act provided that the tax on distilled spirits, snuff, chewing and smoking tobacco should be paid by stamps. The tax on distilled spirits was accordingly first paid by stamps November 1, 1868, and on manufactured tobacco and snuff November 23, 1868.

Act of June 6, 1872: Under spirits this act repealed the special tax of distillers, the capacity or per diem tax on their distilleries, and the tax of $4 per barrel on every barrel produced by any distiller over 100 barrels a year, but increased the rate of tax per gallon from 50 to 70 cents. These changes were not probably made to affect the revenue from spirits, but to make the tax less burdensome to distillers.

The changes made by this act in the rates of tax on tobacco were the substitution of a uniform rate of 20 cents per pound on all chewing and smoking tobacco for the two rates, 16 and 32 cents, imposed by act of July 20, 1868, the repeal of the tax on sales of cigars over $5,000 per annum, of manufactured tobacco over $1,000 per annum, of leaf-tobacco over $10,000 per annum, and on excess of $5,000 of the penal sum of bonds of manufacturers of tobacco, and the imposition of a special tax on retail dealers in leaf-tobacco, and on peddlers of tobacco.

Estimated reduction under tobacco: The quantity of chewing and smoking tobacco returned for taxation during the fiscal year 1872 was 93,655,905 pounds. The actual receipts from this tobacco at 16 and 32 cents per pound imposed by act of July 20, 1868, were:

At 32 cents	$18,177,476.77
At 16 cents	5,896,206.33
Total	24,073,683.10
Estimated receipts on 93,655,905 pounds at 20 cents	18,731,181.00
Showing a reduction of	5,342,502.10
Add for receipts from sales of cigars, manufactured tobacco, etc., in 1872	363,137.00
Total	5,705,639.10
Deduct receipts of retail dealers in leaf-tobacco and peddlers of tobacco in 1873	58,698.00
Actual reduction in receipts from tobacco	5,646,941.10

This act also repealed all stamp taxes imposed under Schedule B (documentary stamps), act of June 30, 1864, except the 2-cent stamp on bank checks, drafts, or orders. Date of repeal, October 1, 1872. The receipts for the first entire fiscal year after the date of repeal were those for 1874.

Receipts from stamp taxes in 1872	$16,177,321
Receipts from stamp taxes in 1874	6,136,845
Showing a reduction of	10,040,476

This act raised the exemption on all sums deposited in savings banks, etc., in the name of one person from $500 to $2,000, and exempted certain borrowed capital. The annual reduction in the receipts from bank capital and deposits in consequence of these changes in the law was, as appears from a comparison of the receipts from them in 1872 and 1873, $873,111.

Amount of tax returned on bank capital and deposits:

In fiscal year 1872	4,619,364
In fiscal year 1873	3,746,253
Reduction	873,111

The tax on illuminating gas was repealed by this act.

Amount of reduction:

On the stamp tax	$10,040,476
On bank capital and deposits	873,111
On tobacco	5,646,941
By the repeal of the tax on gas (see page 14)	
Total, exclusive of gas	16,560,528

Act of March 1, 1879: This act imposed a uniform rate of 16 cents per pound on all snuff, chewing and smoking tobacco in lieu of 32 cents per pound imposed on snuff by act of July 20, 1868, and 24 cents per pound on chewing and smoking tobacco imposed by act of March 3, 1875. This act took effect May 1, 1879, hence the greater part of the receipts for the last two months of the fiscal year 1879 was collected at the new rates of tax.

The total quantity of manufactured tobacco and snuff returned for taxation during the fiscal year ended June 30, 1879, was 120,398,458 pounds, as follows:

	Pounds.	Pounds.
Snuff at 32 cents	2,215,111	
Snuff at 16 cents	1,208,124	
		3,423,235
Manufactured tobacco at 16 cents	42,127,203	
Manufactured tobacco at 20 cents	57	
Manufactured tobacco at 24 cents	74,847,963	
		116,975,223
Total		120,398,458

Estimate of tax on snuff and manufactured tobacco:

At new rates, 120,398,458 pounds at 16 cents		$19,263,753
At old rates, snuff 3,423,235 pounds at 32 cents	$1,095,435	
At old rates manufactured tobacco 116,975,223 pounds at 24 cents	28,074,054	
		29,169,489
Reduction		9,906,736

Act of May 28, 1880: This act abolished warehouse, rectifiers', wholesale liquor dealers', special bonded warehouse and imported spirit stamps, and the provision for the payment of 5 per cent. interest under joint resolution of March 28, 1878, on the tax upon spirits that had remained in warehouse more than one year, and provided certain allowances for leakage in packages of spirits when they were withdrawn from warehouse.

The receipts from the sale of the above-named stamps in 1880 were:

Interest amounted to	$330,689
Leakage, taking the average	158,994
Allowed for 1881, 1882 and 1883	1,300,144
Total	$1,789,827

Act of March 3, 1883: This act reduced the tax on tobacco and repealed the stamp-tax on checks, friction-matches, patent medicines, etc., and the tax on the capital and deposits of all banks and bankers, private, State, and National.

Under tobacco, the tax on cigars was reduced from $6 to $3 per thousand, on cigarettes from $1.75 to 50 cents per thousand, and on snuff, chewing, and smoking tobacco from 16 to 8 cents per pound, and the special taxes of manufacturers of and dealers in tobacco were reduced on an average nearly 50 per cent.

ESTIMATE OF THE REDUCTION ON TOBACCO.

As this act, so far as it relates to tobacco, took effect May 1, 1883, most of the collections on tobacco during the last two months of the fiscal year 1883 were made under this act.

The quantities of cigars, cigarettes, snuff, chewing and smoking tobacco returned for taxation during the fiscal year 1883 were as follows:

Cigars and cheroots	number...	2,227,888,992
Cigarettes	number...	640,021,658
Snuff and manufactured tobacco	pounds...	170,361,553

The number of special tax-payers were as follows: Manufacturers of cigars, 16,724; manufacturers of tobacco, 1,060; dealers in leaf-tobacco, 3,382; dealers in leaf-tobacco, not over 25,000 pounds, 1,208; retail dealers in leaf-tobacco, 3; dealers in manufactured tobacco, 449,612; peddlers of tobacco, first class, 7; second class, 528; third class, 647; fourth class, 221.

Estimate of receipts under rates of tax in force immediately prior to May 1, 1883.

Cigars, 3,227,888,992, at $6 per 1,000	$19,367,333.95
Cigarettes, weighing not over 3 pounds per 1,000, 639,902,503, at $1.75 per 1,000	1,119,829.38
Cigarettes, weighing over, pounds per 1,000, 119,150, at $6 per 1,000	714.90
Tobacco and snuff, 170,361,558, at 16 cents	27,257,849.28
Total manufactured tobacco, cigars etc.	47,745,727.51

SPECIAL TAXES.

Manufacturers of cigars, 16,724, at $10	167,240.00
Dealers in leaf-tobacco, 3,382, at $25	84,550.00
Dealers in leaf-tobacco, not over 24,000 pounds, 1,208, at $5	6,040.00
Retail dealers in leaf-tobacco, 3, at $500	1,500.00
Dealers in manufactured tobacco, 449,612, at $5	2,248,060.00
Manufacturers of tobacco, 1,060, at $10	10,600.00

PEDDLERS OF TOBACCO.

First class, 7, at $50	350.00
Second class, 528, at $25	13,200.00
Third class, 647, at $15	9,705.00
Fourth class, 221, at $10	2,210.00
Total special taxes	2,543,455.00
Total from all sources at old rates	50,289,182.51

Estimate of receipts under rates of tax imposed by act of March 3, 1883.

Cigars and cheroots, 3,227,888,992, at $3	$9,683,666.98
Cigarettes, weighing not over 3 pounds per 1,000, 639,902,503, at 50 cents per 1,000	319,951.25
Cigarettes, weighing over 3 pounds per 1,000, 119,150, at $3	357.45
Tobacco and snuff, 170,361,558, at 8 cents	13,628,924.64
Total manufactured tobacco, cigars, etc.	23,632,900.32

SPECIAL TAXES.

Manufacturers of cigars, 16,724, at $6	100,344.00
Dealers in leaf-tobacco, 3,382, at $12	40,584.00
Dealers in leaf-tobacco, not over 25,000 pounds, 1,208, at $5	9,040.00
Retail dealers in leaf-tobacco, 3, at $2.50	750.00
Dealers in manufactured tobacco, 449,612, at $2.40	1,079,068.80
Manufacturers of tobacco, 1,060, at $6	6,360.00

PEDDLERS OF TOBACCO.

First class, 7, at $30	210.00
Second class, 528, at $15	7,920.00
Third class, 647, at $7.20	4,658.40
Fourth class, 221, at $3.60	795.60
Total special taxes	1,246,730.80
Total from all sources at new rates	24,879,631.12
Total from all sources at old rates	50,289,182.51
Reduction	25,409,551.39

TAXES ABOLISHED.

Receipts in fiscal year 1882 from stamp-taxes	8,139,218
Capital and deposits of State banks and private bankers	5,249,173
Capital and deposits of national banks	5,959,702
Total taxes reduced and repealed	44,757,644.39

Taxes on the capital and deposits of national banks were by law returned to the Treasurer of the United States instead of the Commissioner of Internal Revenue, so that they were never included in the receipts of this office. They were, however, strictly an internal tax and should be included in the list of internal taxes repealed.

RECAPITULATION.

Date of approval of repealing and reducing acts.	Amount of taxes reduced and repealed.
July 13, 1866; March 2, 1867; February 3, 1868; March 31, 1868; July 20, 1868, and July 14, 1870	$247,703,452
June 6, 1872	16,560,528
March 1, 1879	9,905,736
May 28, 1880	1,789,827
March 3, 1883	44,757,644
Total	320,717,187

Respectfully, yours,

JOS. S. MILLER, *Commissioner.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives, Washington, D. C.

Mr. HOWARD. Mr. Chairman, in the discussion of the tariff bill now pending before the House there seems to be a determined purpose on the part of our Republican friends to augment the importance of our home market and to disparage and belittle our export trade with foreign nations. It is evident from the utterances of their leading men that the object is to educate, if possible, the people into the belief that the prosperity of our agricultural and mechanical industries depends almost exclusively upon our home market, and that the tariff should be so high as to give us exclusive control of the same, even though it annihilates our foreign trade, which they say amounts to very little in any event. In pursuance of this object, they are continually making statements professing to show the relative quantities of the agricultural productions annually disposed of in the home and foreign markets; and the statements thus made are at variance with the truth and calculated to mislead. The gentleman from Ohio [Mr. PUGSLEY], in his speech the other day on the tariff, while speaking of the farmers, said:

They know that if the mere 6 per cent. of their produce that is sold abroad and comes in competition with the cheaper labor and cheaper lands decreases the price of the 94 per cent. sold at home, it would be well for them if the fostering hand of the Government was still further extended to develop other manufactories that can be carried on successfully in the country, so that the increased number of employés and consumers would require the 6 per cent. now exported and relieve the farmers from that unworthy competition.

This is in harmony with the sentiments expressed by all the leading Republicans in the country, from Blaine and JOHN SHERMAN down to the foot of the list, and the method by which our Republican friends propose to relieve the farmers from the depression under which the agricultural industry is now languishing, notwithstanding we have been living under a high protective tariff for the last twenty-seven years.

What is the relief proposed for the farmer? High taxation, until manufactories are so increased in this country that they will employ enough men to consume at home all the agricultural productions of this the greatest producing country in the world—a proposition which appears so absurd, when it is investigated, that it is difficult to comprehend how any reasonable man could for a moment entertain it. Why, Mr. Chairman, what are the facts in the case? The annual export of agricultural products from this country is 15 per cent. of the entire production, instead of 6 per cent., as the gentleman from Ohio has stated, and more than 26 per cent. of what the farmers have left for the market after they have deducted from the whole production what they consume themselves. A vast difference between 26 per cent. and 6 per cent., as our Republican friends are in the habit of stating it.

Therefore, our Republican friends, in order to make their theory work, will have to provide a home market, not for 6 per cent. of our agricultural products, as they have stated, but for more than 26 per cent., or more than one-fourth of all the farmers raise for market; which is impossible to accomplish, and the sooner the insane idea is abandoned the better it will be for the country. Lest the correctness of this statement may be questioned, we will give the figures and calculations that will settle the question beyond peradventure. The annual value of our agricultural productions is $3,500,000,000, and we exported of our agricultural products in 1887 $523,000,000, which deducted from the whole amount produced leaves a balance of $2,977,000,000 to be consumed at home. Hence it will be seen at a glance that the whole amount of farm products consumed at home is only five and one-half times greater than the amount exported and sold abroad, instead of being sixteen-fold greater, as Senator SHERMAN stated in his speech to the Home Market Club in Boston, in February last.

But the $2,977,000,000 is consumed by 60,000,000 people, one-half of whom are the farmers and their families, who together are estimated to form half our population; hence one-half of the $2,977,000,000, to wit, $1,488,500,000, will be consumed by the agriculturists themselves, and the other half, to wit, $1,488,500,000, is left to the farmers to supply the home market, and which constitute the whole amount they sell in the home market. It thus appears that the amount the farmers sell in the home market is $121,500,000, less than three times as great as the quantity they export and sell in a foreign market. The $523,000,000 of farm products that were exported and sold in a foreign market, 1887, at the rate we consume at home, will supply the demands of 10,000,000 people in such products. This is the trade our Republican friends say is but a bagatelle, and ask the farmers, who compose 30,000,000 of our population, to surrender in the interest of a few hundred manufacturers, who employ, all told, not to exceed 1,500,000 men, many of whom have been imported under contract from foreign countries and are to return to their homes when the contract expires.

If it be true, as my Republican friend from Ohio says it is, that that portion of the farmers' products exported abroad and sold in a foreign market in competition with the pauper labor of Europe and other countries decreases the price of that portion sold at home (which statement I do not contradict), then I challenge any gentleman upon the floor of this House to show how it is possible for a high protective tariff to protect the farmer so long as he has to export any portion of his product to be sold in competition with such pauper labor. If the American farmer can afford to go 3,000 miles with his product, pay storage, freightage, insurance, and commission thereon, and sell in competition with the cheaper labor and cheaper lands of the Old World, and if these foreign producers, with the product of their pauper labor, can not drive the product of the American farmer out of their own markets at home, what earthly chance would they have to compete with the American farmer in his home market from three to five thousand miles away?

No sane man would presume they would have any. Hence this clamor for a home market does not come from the farmer, nor from the laborer, but from the owners of a few hundred tariff-protected industries. The farmers know that all they produce in excess of what is consumed at home has to be exported and sold in a foreign market; they know that in 1887 they produced in excess of the home demand and exported $523,000,000, enough to feed 10,000,000 people; they know that in 1882 they produced in excess of the home demand and exported more than $800,000,000 which is more than enough to feed 15,000,000 people; they know that no tariff however high could supply such a vast number of people at home, to consume so great a surplus as they now export; they know that their sole dependence for a market for this vast surplus is abroad; they know that the more extended the foreign market the better it is for them, and the more encouragement they have to increase their labor and productions; they know that the effect of a high protective tariff is to restrict the foreign market directly to the injury of every farmer in the country; they know that the United States last year sold to Mexico, our next-door neighbor, only $7,000,000 of her productions, while England, 3,000 miles away, sold to Mexico of her productions $750,000,000, more than one hundred times as much as the United States; they know, too, that under this high protective tariff England has monopolized the trade of South America and all the islands adjacent thereto, comprising over 50,000,000 of people, showing conclusively the injurious effect a high protective tariff has upon our foreign trade. England exports annually to Mexico and South America alone more than twice the amount the United States exports to all the world. The farmers know their financial condition has been worse during the last ten years than during any like period in the last forty years. They know that at no time in the last forty years was there so little to encourage the farmer as now; they know that the farmers can not get along without the foreign market, but that the tariff-protected manufacturers can, so long as a high tariff wards off foreign competition and enables them, by combining together, to limit their production to the consuming capacity of the home market, and fix their own price upon their goods, which the farmers, laborers, and artisans are compelled to pay, because the tariff will not permit them to buy abroad; they know that most of the protected industries can supply the demand in the home market for their product and remain idle one-half the time; they know that these privileges are enjoyed by this favored class at the expense of the great body of the people; they know that the owners of the tariff-protected industries are willing to be restricted to the home market, because the tariff gives them the monopoly of the same, and compels the farmers, laborers, and all other consumers to purchase in it.

The tariff-protected industries can limit their productions, and do, to the consuming capacity of the home market, and are thus entirely independent of the foreign markets; hence its decline does not affect them. But not so with the farmers; 9,000,000 men can not combine to limit their productions, and more than one-fourth of what they raise for sale has to seek a foreign market. Therefore, that same legislation which gives and secures to the owners of the tariff-protected industries a monopoly of the home market in which they dispose of all their productions, tends to destroy and emasculate the foreign market in which the farmers are compelled to dispose of their surplus products. It is said that the agriculturists represent one-half our population, or 30,000,000 people. Now the question arises, shall this 30,000,000 people who represent the great farming interest of this country be sacrificed in the interest of a few hundred owners of tariff-protected industries? Let the issue come; the sooner the better.

The gentleman from Michigan [Mr. O'DONNELL] in his eloquent speech the other day, in speaking of our national greatness, said:

The United States of America now stands in the front rank of the nations of the world—leads them all; the aggregate of its industries is larger than that of any other people. Mulhall, acknowledged to be the most eminent of all statisticians, in his Dictionary of Statistics, places the industries of the United States at $11,405,000,000 per annum, which is $2,205,000,000 greater than the United Kingdom of Great Britain; nearly double those of France; almost twice as large as those of Germany; nearly three times as large as those of Russia, and very nearly equal to the combined industries of Austria, Italy, Spain, Belgium, Holland, Australia, Canada, Sweden, and Norway. These figures photograph the mightiness of this nation, and fix its rank in the industrial world.

Mr. Chairman, this is true; this is a mighty nation; its annual production is equal to $190 for every man, woman, and child under the flag, while the annual productions of Europe amount to less than $40 per capita, and that of the whole world outside of the United States amount to less than $30 per capita, yet in the very face of these facts our Republican friends insist that the productive powers of this mighty Government shall be limited to the consuming capacity of 60,000,000 people when with proper encouragement it can produce enough for 400,000,000. But it is said we can not get other nations to buy from us. Why not? It is said we only sell $7,000,000 annually to Mexico as an evidence that foreign countries will not buy from us; yet Mexico

does buy annually from England $750,000,000, being more than one hundred times as much as it buys from the United States.

The same is true with South America and all other countries that buy annually from England near $2,000,000,000. Why should we confine our producers to a home market of only 60,000,000 people, while England furnishes to the markets of the world annually $2,000,000,000 of her productions? The truth is, England sells because she holds out inducements which the United States withholds. Hence the languishing condition of industries. While the annual productions of the United States are one-fifth greater than the annual production of England, yet England's export trade is annually five times greater than the export trade of the United States. Now, if we had an export trade equal to that of England, there would not be an idle laborer in the country and new life would be imparted to all the industries of the land.

The CHAIRMAN. The debate upon the pending amendment is exhausted, but it is in order to move additional amendments to be voted upon without debate.

Mr. COWLES. I submit the amendment which I send to the desk.

The Clerk read as follows:

That the tax on brandy distilled from apples or peaches be, and the same is hereby, repealed, and distillers of brandy made from apples or peaches are hereby exempt from any provisions of law restricting or limiting the manufacture or sale of distilled spirits except as hereinafter provided. That the places where such brandy is kept for sale, whether licensed or unlicensed, and the distilleries whereat such brandy is made, or the places whereat it is stored, as well as the vehicles used for its transportation, shall at all times, under provisions and restrictions of existing laws, be open to examination and search by the properly constituted authorities, and that it shall be unlawful for any person to mix or mingle whisky or other distilled spirits with brandy, or to change by any means whatsoever the flavor or other qualities of any whisky or other distilled spirits so as to cause it to resemble in any respect brandy, with intent to evade the payment of the tax on such mixture or on the whisky or other distilled spirits so intermixed or changed in flavor, taste, or other quality, and any person or persons who shall be duly convicted thereof shall in each and every case be punished by fine or imprisonment, one or both, in the discretion of the court; and it shall furthermore be unlawful for any person to use the license hereby given for the manufacture and sale of brandy distilled from apples and peaches in any way to evade the tax penalties and punishments imposed by law in respect to whisky and other distilled spirits, and any person so offending shall be punished by fine or imprisonment, one or both, in the discretion of the court. Any and all property now liable to forfeiture by reason of violations of internal-revenue laws involved in any violation of this act shall, under provision of existing law, be forfeited to the United States.

Mr. COWLES. I simply desire to state that this amendment is an answer to the request of gentlemen from the Ways and Means Committee. I think it is so guarded that even the most particular can find no objection to it.

The CHAIRMAN. The Chair will entertain the amendment proposed by the gentleman as a substitute for the proposition of the gentleman from Pennsylvania [Mr. SOWDEN], which is now pending as an additional section.

The question was taken; and on a division there were—ayes 12, noes 74.

So the amendment was rejected.

Mr. COWLES. Seventy-one Democrats and three Republicans against it. [Laughter.]

The CHAIRMAN. The Clerk will now report the amendment pending, proposed by the gentleman from Pennsylvania [Mr. SOWDEN] as an additional section, to be numbered 27.

The amendment was again read, as follows:

Amend by inserting the following after section 26, and designating same as section 27:

"That all laws imposing any internal-revenue taxes on spirits distilled from apples, peaches, and other fruits, are hereby repealed, and that on all original and unbroken hogsheads, barrels, or kegs of such spirits held by manufacturers or dealers at the time this act shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the tax so paid; but the same shall not apply in any case where the claim has not been ascertained or presented within ninety days following the date of the repeal. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect."

The question was taken; and on a division there were—ayes 44, noes 79.

Mr. SOWDEN. I demand tellers.

Tellers were refused, 12 members only voting therefor.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now report the next section.

Mr. WARNER. I wish to offer an amendment to this section before passing from it.

The CHAIRMAN. The gentleman from Missouri [Mr. WARNER] desires to offer an amendment to the pending section, and will be entitled to one minute reserved by him to explain it.

The amendment of Mr. WARNER was read, as follows:

Insert, after the word "manufacture," in line 13 of section 26, the following:

"That on and after the 1st day of January, 1889, wholesale dealers in oleomargarine shall pay a special tax of $10 annually.

"That on and after the 1st day of January, 1889, retail dealers in oleomargarine shall pay a special tax of $5 annually."

Mr. WARNER. It is known, Mr. Chairman, that on the last day of the first session of the last Congress we passed a law for the purpose of raising revenue when it was admitted that we did not want any more revenue, and when the purpose of the then dominant party was to decrease the revenues. They imposed a specific tax upon the manufacturers of oleomargarine of $600. That I leave as it is. In addition to that tax they fixed a specific tax on the wholesale dealer of $480, and it has been held that every man who sells a package of 10 pounds or over at any one time is a wholesale dealer. It also fixed a special tax upon the retail dealers of $48. This amendment, Mr. Chairman, leaves the tax of 2 cents a pound upon oleomargarine; leaves the tax upon the manufacturer of oleomargarine at $600, and simply permits the small retail dealers throughout the country to sell the commodity, whereas it is now a monopoly in the hands of a few.

The amendment was rejected.

Mr. WARNER. I will not ask for a division. I see they do not want to reduce the revenue.

Mr. MACDONALD. Not in that way.

The Clerk read as follows:

SEC. 28. That section 3361 of the Revised States, and all laws and parts of laws which impose restrictions upon the sale of leaf-tobacco be, and are hereby, repealed.

Mr. BOWDEN. Mr. Chairman, I move to strike out the last word. Mr. Samuel Weller, of facetious memory, tells us of a young woman who, having mastered the alphabet, complained that she had done so much to gain so little. I commend her conclusion to the consideration of our friends on the other side of the Chamber in respect to the pending bill, for aside from the emphatic disapproval which a Republican Senate will give, I indulge the confident expectation that the people will so emphasize this disapproval at the polls next November that even our Democratic friends, with all their temerity, will hesitate to take another first step toward the breaking down of American industries, the degradation of labor, and in my belief the unwonted entrance of the wedge of free trade with the British sledge-hammer behind it.

I can not permit this debate to close, Mr. Chairman, without putting myself on record as entirely opposed to the theory and doctrines of the pending measure. While it contains the clause abolishing the tax upon manufactured tobacco, which I favor, still there is scarcely a great interest in my State, and I may say in our whole country, that it does not affect and cripple, and I await an indorsement which I believe I shall receive at the hands of my people, when I cast my vote against it as a whole, preferring to lose the little good to be obtained by it to gaining the greater evil which its passage would entail.

But I hear my friends on the other side cry, the surplus! the surplus! and I reply, that if instead of placing the surplus already accumulated and now deposited in favored banks of the country without interest, this and future accumulations were applied to the payment of the honest debts of the Government, such, for instance, as the payment of claims of laborers under the eight-hour law, the refunding of the direct taxes, the payment of the thousands of honest claimants, who for years past have been knocking at the doors of Congress, provide proper coast defenses to protect our defenseless coasts from any third-rate power which may see fit to come down upon us, to build up a Navy to comport with the dignity of our nation, to provide for a liberal system of internal improvements, the passage of that most meritorious measure, the Blair educational bill. I say, these things done the cry of surplus, set up for partisan purposes, would disappear, and while the passage of this latter measure would doubtless considerably reduce in the future Democratic majorites, yet the country could stand it, and I do not know if after awhile those benighted regions, where the bull-dozer and ballot-box stuffer most do flourish, would not awake to the beauties of "a free ballot and a fair count."

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. YOST. I move the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Section 28, in line 3, after the word "leaf," add the words "and manufactured;" so it will read:

"All laws and parts of laws which impose restrictions upon the sale of leaf and manufactured tobacco be, and are hereby, repealed."

Mr. BRECKINRIDGE, of Kentucky. I reserve the point of order upon that amendment. Substantially, the same amendment has been offered and voted down in connection with section 25.

Mr. YOST. Then I will offer it as a formal amendment. I want to give you some good Democratic doctrine from the State of Virginia as laid down in an editorial from one of the leading Democratic papers, the Lynchburg Virginian. I want you all to know the sentiments of Democrats as well as Republicans in my State. If the majority of this House can afford to retain the duty on wood-screws for the poor prospect of saving Connecticut, I think possibly they may heed a warning voice from Virginia. If the argument of fact has no effect upon them, perhaps the argument of threat may have. I ask the Clerk to read the editorial which I send to the desk.

Mr. BRECKINRIDGE, of Kentucky. The last official information we had as to the opinion of the Democrats of Virginia was the election of General Lee for governor.

Mr. YOST. The confusion is such that I cannot hear the gentleman.

The Clerk read as follows:

THE TOBACCO TAX.

If it is found impracticable to pass the Mills bill, then let the Democrats of the House of Representatives pass a simple resolution repealing the tobacco tax,

and the sooner they do it the better. They have the power, and on their heads the blame will rest if the tobacco trade is not relieved of the paralyzing burden that is upon it. It can not be disguised that the people of the tobacco States are getting restive. Petition after petition from planters and manufacturers have gone to Congress for relief. They have seen the business on which they rely for support reduced to a state of prostration, not paying for the actual cost of production and manufacture.

They have seen their toil go unrewarded or pay the scantiest and most meager returns. They have seen this in the face of broken promises until patience is threadbare. There are murmurs loud and deep from the rural districts. There are murmurs loud and deep from the manufactories. Factory hands are without employment and farm hands are without living wages. Hundreds of thousands of people are more or less dependent on tobacco, either in the field or in the factory, for their living. They see this depression and they attribute it to the tax. They know that the needs of the Government do not require that tax. They know that a huge surplus is piled up in the Treasury, thus crippling trade and commerce. Yet this blighting tobacco tax—a war tax—remains twenty-odd years after the war.

Is it strange that there is widespread discontent, and will it be strange if Democrats who have never wavered before remain from the polls when the election comes which is to decide the fate of parties in November? Sick and sore, weary and worn—smarting under disappointments, straitened and cramped in their pecuniary conditions, will it be strange if party fealty fails and falters? The last feather may seem light, but it is that which breaks the camel's back.

It is simply an outrage that this tax is kept on a great but languishing industry. It is simply preposterous, because it is not needed. It is simply cruel, because it wrings from the sweat and toil of honest labor all the profit there is in it. It is simply stupid and silly, because it is alienating friends. If the Democratic party can afford to do without Virginia and North Carolina in the coming election, then let the tax remain. For we tell the representatives of the party at Washington that there is grave danger that these States may slip their moorings and glide into the Republican port if affairs remain as they are now. We know whereof we speak. We know the deep discontent that is abroad; and we call on the Democrats in Congress to remove the cause of it, or they may be responsible for defeat. Both wings of the party are pledged to repeal, and yet repeal does not come. What are pledges worth that bear no fruit?

Then what to do is simple and plain. Let the House pass the tobacco-tax repeal; let it go into the Senate, and if that body refuses to concur in the bill then the responsibility will be shifted from the Democratic to the Republican shoulders, and the dangers in our path will be removed. We hope these words may not be without effect where they will do the most good. Else when it is too late there may be unavailing repinings and reproaches.

During the reading of the foregoing article the following took place:

Mr. MACDONALD. I ask that the further reading be dispensed with. Every member has received one of those articles. It is a chestnut.

The CHAIRMAN. The communication is being read in the time of the gentleman from Virginia.

The amendment offered by the gentleman from Virginia [Mr. YOST] was rejected.

Mr. COWLES. I offer the amendment I send to the Clerk's desk.

Mr. ALLEN, of Michigan. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. I wish to inquire of the gentleman whether his amendment has been submitted to the caucus? If it has not, it will be a waste of time here to vote upon it. [Cries of "Regular order!"]

The CHAIRMAN. That is not a parliamentary inquiry. The Clerk will read the amendment.

The Clerk read as follows:

That the tax on distilled spirits shall be 50 cents on every proof gallon thereof, and all laws and clauses of laws fixing a greater tax on distilled spirits than 50 cents per gallon are hereby repealed: *Provided*, That all persons, manufacturers, rectifiers, and dealers who may have on hand at the period when this act shall go into effect packages of distilled spirits upon which the tax has been paid shall be entitled to a rebate of said tax so paid in excess of the amount of 50 cents per gallon.

The amendment was rejected.

The Clerk read as follows:

SEC. 29. That whenever in any statute denouncing any violation of the internal-revenue laws, as a felony, crime, or misdemeanor, there is prescribed in such statute a minimum punishment, less than which minimum no fine, penalty, imprisonment, or punishment is authorized to be imposed, every such minimum punishment is hereby abolished; and the court or judge in every such case shall have discretion to impose any fine, penalty, imprisonment, or punishment not exceeding the limit authorized by such statute, whether such fine, penalty, imprisonment, or punishment be less or greater than the said minimum so prescribed.

Mr. ADAMS. I move to strike out that section.

Mr. Chairman, it will be observed that section 29, with several following sections of the bill, represent, in all probability, the Democratic idea. They will not repeal the law abolishing or reducing the tax on whisky, but they will reduce the penalties imposed by existing law for the violation of that law. I for one am not now in favor of abolishing the internal-revenue law; but I do trust that when the Republican party for any reason shall see fit to do so, it will do it directly; that it will not do it by indirection; that will not let loose upon the country a flood of whisky which is not only free, but illegal and fraudulently free; free by the evasion of the law. The penalties imposed by existing statutes are necessary for the enforcement of the law. They will not apply to tobacco. We propose to abolish largely the internal-revenue laws relating to tobacco. They will relate solely to the violators of the law in regard to the manufacture and sale of whisky; and the people who are mainly interested in this part of the bill are the "moonshiners" of the United States.

What I say of this section will apply to almost every section from this point to the end of the bill. If you see fit to reduce the tax on whisky, do so directly.

But it is the evidence of almost every man familiar with the subject, that these laws, odious and inconvenient as they are, are essential incidents of the system, and you ought not to repeal the minimum penalty until you are prepared to change the law.

Mr. MCMILLIN. I want to make a plain, unvarnished statement of fact for the purpose of stirring up the pure mind of my friend from Illinois [Mr. ADAMS] by way of remembrance. That gentleman happens to be a member of the Judiciary Committee. I will change my phraseology. I will not say he happens to be a member of the Judiciary Committee, but that he is a member of the Judiciary Committee. The Judiciary Committee reported a bill containing this very clause.

I am informed that the gentleman was present when it was acted upon by the committee. A unanimous report was made to this House in favor of its passage. No man heard the gentleman open his mouth in opposition to that part of the bill; no man heard him open his mouth in opposition to it when it passed this House unanimously; and yet to-day, for the purpose—I will not say for what purpose, but we may presume for the purpose of trying to weaken this bill—he rises here and makes a speech more vehement than judicious or candid against this provision of the pending bill. Why did he not proclaim against this provision when his committee reported it? Why did he not proclaim against it when the House passed it? Why did he not then say that it was wrong, if it was wrong? No, sir; it was right then—the gentleman must have known it was right—and it is right to-day. Does this turn whisky loose? Does this prevent the imposition of the penalties heretofore imposed by the courts? Not a bit of it. It simply repeals the minimum-punishment part of the penal statute and leaves it in the discretion of the court to fix a less penalty if in the opinion of the court that ought to be done. Now, I want to have read here, in order that it may go into the RECORD, the section of the bill to which I have referred, which was reported by the Committee on the Judiciary, of which the gentleman from Illinois is a member, and was supported by him in committee and in this House.

Mr. ADAMS. I believe the gentleman is mistaken in his statement of fact.

Mr. MCMILLIN. I will stand by the RECORD. I ask the Clerk to read the first section of that bill.

The Clerk read as follows:

A bill to amend the internal-revenue laws, and for other purposes.

Be it enacted, etc., That whenever in any statute denouncing any violation of the internal-revenue laws as a felony, crime, or misdemeanor, there is prescribed in such statute a minimum punishment, less than which minimum no fine, penalty, imprisonment, or punishment is authorized to be imposed, every such minimum punishment is hereby abolished; and the court or judge in every such case shall have discretion to impose any fine, penalty, imprisonment, or punishment not exceeding the limit authorized by such statute, whether such fine, penalty, imprisonment, or punishment be less or greater than the said minimum so prescribed.

Mr. MCMILLIN. Now, Mr. Chairman, there is not one word in the section of the pending bill reported by the Committee on Ways and Means that is not in the section just read by the Clerk from the bill reported by the Judiciary Committee, of which the gentleman from Illinois is a member.

Mr. HOPKINS, of Illinois. Was there a yea-and-nay vote in the House on the passage of the bill from which that extract has just been read?

Mr. MCMILLIN. There was no yea-and-nay vote, and, so far as I know, there was not a single vote against the bill. I do not know whether the gentleman [Mr. ADAMS] was here or not, but if this was the outrageous proposition which he now claims it to be, it was his duty, a duty which he could not avoid without dereliction, to have raised his voice here against it. What shall we think of statesmanship which rises no higher than measures which, if it were parliamentary, I would say were simply demagogical in their nature?

Mr. ADAMS. I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. ADAMS. I moved before to strike out the paragraph.

The CHAIRMAN. The Chair misunderstood the gentleman.

Mr. ADAMS. It will be observed, Mr. Chairman, that the gentleman from Tennessee [Mr. MCMILLIN] confines himself to the question of my supposed inconsistency in criticising a series of sections in the pending bill, some of which are identical with bills reported from the Committee on the Judiciary, of which I have the honor to be a member. He does not venture to meet the statement which I have made that all this part of the bill from this point on is calculated to make it easier to violate the internal-revenue laws.

So far as the particular section now under consideration is concerned I am aware that it came from the Committee on the Judiciary. I make no answer to the charge of inconsistency. As to what took place in the committee I will not say ay nor no.

Further, I will freely admit that sometimes I sit silent here when the House takes action which I do not altogether approve. Is there no other gentleman on this floor who is ready to make the same confession?

Besides, the committee will remember that when I spoke awhile ago I did not speak of this section alone. I spoke of it in connection with the following sections of the bill. I will say further that when my attention was first drawn to this part of the bill it was mainly directed to the section which occurs later on in the bill, which relieves small

grain distilleries from the supervision of storekeepers and gaugers. That is the worst section in this part of the bill in my judgment.

It was my intention to speak only when we had arrived at that section. But when I looked back from that section to the others and found five or six sections of the bill apparently hanging together and forming a system by themselves with one object in view, I resolved to call the attention of the committee to the apparent character and purpose of these sections as soon as we reached the first one, which is the section under consideration. I did this having the impression that the substance of this section had come from the Judiciary Committee and that I had always been doubtful of the propriety of reducing the minimum penalties of the internal-revenue law.

Now, suppose I was wrong in that impression. Suppose that at the time this bill was reported from the Judiciary Committee I was strongly in favor of it. Does that prevent me from criticising it now when I find it in connection with other sections, one of which was exceedingly objectionable and dangerous, and all of them taken together seeming to conduce to fraudulent evasions of the internal-revenue laws relating to whisky? Does it prevent me from pointing out that all of these sections, and particularly that relating to small grain distilleries, seem to form part of the Democratic programme, by which gentlemen on the other side can make it easier for the people of the country, or of some parts of the country, to get free whisky, without taking upon themselves the responsibility of repealing or reducing the tax on whisky? I think not. At all events, I hope the gentleman will at some time, now or hereafter, speak to the other sections of the bill to which I have called his attention.

[Here the hammer fell.]

Mr. MCMILLIN. Mr. Chairman, yielding to the gentleman's invitation to speak at some time, I speak now when the "spirit moves me" upon the clauses which have so aroused the fears of the gentleman from Illinois. Upon examination of the bill which his committee reported to this House without complaint, and which he saw passed here without murmur, I find that section 29, which has just been read, section 30, which is next to be road, section 31, section 32, and section 33 all met with the gentleman's approval, or at least with his silent acquiescence. Every one of them was reported from his committee favorably, passed this House, and is now in the Senate for its action.

Now, it will not do for the gentleman to say that he was not here, because it appears upon an examination of the RECORD of February 8—the proceedings of February 7, when this bill was passed—that Mr. ADAMS, from the Committee on the Judiciary, reported back adversely the bill to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims." So he was here.

It never occurred to him that the country was going to ruin, that "free whisky" was going to flow all over the land in consequence of this legislation, until we got into the consideration and discussion of a tariff bill which he opposed on other grounds. The bill was debated; opportunity was given to the gentleman to speak upon it; it was a measure, as I have stated, from his committee, and if there was an obligation resting upon him to enlighten the House at all, that obligation applied to a measure about which he had peculiar knowledge from the fact that it came from his committee. Yet the gentleman never opened his mouth. None of this fear overtook him, none of this calamity threatened him, until the tariff bill happened to embody this as a part of the provisions proper to be made in changing the internal-revenue law.

Now, Mr. Chairman, as I stated, this proposition simply leaves with the courts a discretionary power; and it will be remembered that nine-tenths of our present Federal judges are members of the Republican party. They will have the discretion to fix a lower penalty than that now prescribed, but they will not be prevented from going to the full limit of the existing law.

Mr. ADAMS. I move to strike out the last two words, for the purpose simply of calling attention to the fact that the gentleman from Tennessee, notwithstanding my invitation and his apparent acceptance of that invitation, has not seen fit, as he said he would, to discuss the other sections of the bill to which I have referred. I simply ask him to do so hereafter when we shall come to them.

The question being taken on the motion of Mr. ADAMS to strike out the paragraph, it was rejected.

The Clerk read as follows:

SEC. 30. That no warrant, in any case under the internal-revenue laws, shall be issued upon an affidavit making charges upon information and belief, unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent; and, with the exception aforesaid, no warrant shall be issued except upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant. And the United States shall not be liable to pay any fees to marshals, clerks, commissioners, or other officers for any warrant issued or arrest made in prosecutions under the internal-revenue laws, unless there be a conviction or the prosecution has been approved, either before or after such arrest, by the attorney of the United States for the district where the offense is alleged to have been committed, or unless the prosecution was commenced by information or indictment.

SEC. 31. That whenever a warrant shall be issued by a commissioner or other judicial officer having jurisdiction for the arrest of any person charged with a criminal offense, such warrant, accompanied by the affidavit on which the same was issued, shall be returnable before some judicial officer named in section 1014 of the Revised Statutes residing in the county of arrest, or, if there be no such judicial officer in that county, before some such judicial officer residing in another county nearest to the place of arrest. And the judicial officer, before whom the warrant is made returnable as herein provided, shall have exclusive authority to make the preliminary examination of every person arrested as aforesaid, and to discharge him, admit him to bail, or commit him to prison, as the case may require: *Provided*, That this section shall not apply to the Indian Territory.

SEC. 32. That the circuit courts of the United States, and the district courts or judges thereof exercising circuit-court powers, and the district courts of the Territories, are authorized to appoint, in different parts of the several districts in which said courts are held, as many discreet persons to be commissioners of the circuit courts as may be deemed necessary. And said courts, or the judges thereof, shall have authority to remove at pleasure any commissioners heretofore or hereafter appointed in said districts.

SEC. 33. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may compromise any civil or criminal case, and may reduce or remit any fine, penalty, forfeiture, or assessment, under the internal-revenue laws.

SEC. 34. That section 3176 of the Revised Statutes be amended so as to read as follows:

"SEC. 3176. The collector or any deputy collector in any district shall enter into and upon the premises, if it be necessary, of any person therein who has taxable property and who refuses or neglects to render any return or list required, or who renders a false or fraudulent return or list, and make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax owned or possessed or under the care or management of such person, and the Commissioner of Internal Revenue shall assess the tax thereon, including the amount, if any, due for special tax, and a penalty of 25 per cent., and he may add to such tax interest at the rate of 10 per cent. per annum thereon from and after the date when such tax became due and payable. The interest so added to the tax shall be collected at the same time and in the same manner as the tax. And the list or return so made and subscribed by such collector or deputy collector shall be deemed good and sufficient for all legal purposes."

Mr. COX. Mr. Chairman, I make a *pro forma* amendment for the purpose simply of correcting some matters, not with the object of prolonging this debate. The gentleman from Iowa [Mr. KERR] a moment ago said that I favored the repeal of the internal-revenue system, or that I had referred approvingly to certain efforts made in that direction. Now, I wish my friend from Iowa had not taken from its context what I said in that regard.

I have always favored, as the first proposition in all these economic debates of late years, the prevention and then the reduction of a surplus. I began with that, and I pursue that in this bill as the capital idea. I would reduce the surplus, if not in one way, then in another. I would reduce it, if I can do so, by reducing the tariff.

I would reduce it by reducing internal-revenue taxation. In this bill we have somewhat of both. In it both methods of reduction are presented; but if there were no joining them, or no alternative, I would reduce the internal revenue to be rid of the perilous and corrupting surplus.

Is there any inconsistency in attempting to reduce the surplus either by repealing in part one system or the other or both? The objective point is the surplus. My remarks fully quoted explain the position so that it can not be misunderstood. Thus I relieve the gentleman from any possibility of misrepresentation hereafter. I know he did not intend to misrepresent me on this occasion. Here is the statement from my speech of May 17, 1888:

INTERNAL REVENUE.

In remarking upon the tariff in 1882 I was very frank to contend that I would forego the opposition which I made to the resolution of the gentleman from Pennsylvania [Mr. KELLEY] for the abolishment of the excise system. I was willing then to forego that opposition on the basis of a resolution which I offered in the House, and which is there quoted. But I desired to abolish the internal-revenue system only as a system or mode of collection, not as to the taxation of certain articles. I was willing to see the tax collected by the States. I think now, as I said then, that it would have worked like a charm. The protectionists were not, however, in favor of reducing taxation in the tariff, but they were in favor of a hasty riddance of the whole internal-revenue system and its Federal mode of collection. I regarded the tariff which we sought to revise as a monument of war necessity and of subsequent treachery. It was promised that it would be reformed after the war when the internal taxes were reduced on home manufactures.

I then inveighed against the Federal administration of the internal-revenue law and favored its abolition because of its cumbrous, corrupt, and spying system. Its officers were then in the habit of pursuing the offender into cigar and tobacco shops, and into stills, breweries, and factories, with threats and promises, in order to influence the voter in favor of the administration. Thanks to Democratic economy, that army of five thousand has since been many times decimated. Worse than the janizary or the mamaluke, it undertook by its occult machinery to intimidate and defraud, and I was willing to do away with it in the Federal system, as every speck of it on our body-politic was then a cancer.

There has been no time since the discussion of the tariff of 1864 when economic measures were before Congress that I have not protested against their excesses, and given the reason, which has been verified; and that is that the excesses would engender a surplus, which was corrupting to legislation and administration. At all times I have been willing to cut down the taxation to avoid this peril. I was willing to welcome relief from this surplus. And since we could not tear away the octopus which was preying upon the people in the indirect form of taxation, I was even willing to take the direct form and thrust it one side; and the more so because it was in the hands of the Republican party, which was using its emissaries and officers for espionage not only in New York City, but elsewhere, for sustaining their corrupt practices and perpetuating their supremacy.

But, sir, this bill is before us. It concerns more a surplus than it does a tariff reform. The surplus is now the principal object with me; the tax but the incident. If I can not apply the reduction at one point, I will hereafter to another. But for the present I believe that the committee that reports this bill, considering all the varied industries of this country, have done the best that was perhaps possible with a view to a successful accomplishment of the great object—the reduction of taxation—so as to avert future accumulations and avoid the paralysis of business.

My friend from Ohio [Mr. EZRA B. TAYLOR] prints in the RECORD

this morning a little extract from this same speech. It is also torn from its context. It reads as if I were committed, and the members on this side were committed, to the Cobden-Club system of British free trade. Every one here must know the associate sentences where the remark occurs. The sentence was copied by the gentleman from my remarks made in a playful, ironical way after quoting some Cobden free-trade British poetry, inadvertently used by the gentleman from Michigan [Mr. BURROWS]. I propose in this instance also to restore the context so as to show that in that passage I contended that in proposing by the pending bill to reduce the tariff only 7 per cent. we were not moving on to anything like free trade or any free trade at all, whether Cobden or British or otherwise. The gentleman from Michigan would have been in the attitude of proposing free trade had he known where the poem came from; and what was its meaning and inspiration. His quotation was an invocation to absolute free trade according to the British method and was unwittingly adopted and cheered by the Republican gentlemen.

This is the context and the paragraph quoted:

Was this invocation to free trade limited to my distinguished friend from Michigan? By no means. Other gentlemen, hearing him, arose. They also cried out to aid the dawn!—the same old dawn! But we gentlemen on this side of the House are content simply with a reform which relieves us of 7 per cent. out of the 47 burden, and for purposes of business to prevent the accumulations in the Treasury of the moneys of the people. This reform is hardly a twilight, much less a dawn.

Now, I propose, Mr. Chairman, to signalize this conversion of my friend from Michigan and his brethren who have echoed this song of the dawn of British free trade. I do not propose to be harsh toward them. I would like to see my friend not only assist but assisted in clearing out the way. He will have his troubles by the way. The dawn may be clouded and the paper and type too heavily laden with tax to be useful in a clearing.

It would be a glorious consummation of this debate could we only have *gentlemen on the other side* join in this invocation to paper and type and to the hearts of honest men to clear the way for British-Cobden free trade.

It was this last paragraph that the gentleman from Ohio, usually so just and fair in debate, so ruthlessly lacerated and dislocated.

Gentlemen should not wrest from their context any remarks on such a controverted issue so as to distort their meaning. When they do they give them a meaning not intended. Is this fair debate?

I know gentlemen on the other side of the House are under some sort of stress to act extraordinarily. I would not judge them harshly. Since their platform was made they have been in desperate straits. Democrats know a little what that means, for at times we, too, have been in the same condition. In making platforms each party juggles more or less; but there never was such a "paltering in a double sense" as in the Chicago platform on the spirit question. I commiserate the gentlemen on the other side. [Great laughter and applause.]

We all know what the Republican platform means. Their platform is in favor of the repeal of the tobacco tax altogether; but it goes further.

Mr. MILLIKEN. Do you know what your platform means? If you do, it is the first time.

Mr. COX. You said awhile ago that you defended Mr. Blaine.

Mr. MILLIKEN. He does not need any.

Mr. COX. You have defended him on account of what he said in his Paris letter against free whisky.

Mr. MILLIKEN. He defended himself.

Mr. COX. You know that letter is not in harmony with the Republican platform adopted at Chicago. Are you not fighting your own party? May God help you in that fight! [Great laughter and applause.]

Mr. Chairman, this is not a question of morality. It is not a question of prohibition. It is not a question of sex. It is not a question of religion. One party or class of men may be more virtuous, politic, sober, and gentle than another. That does not affect this question. This a question of economy, of reducing surplus by the best mode.

We propose one mode, your platform another. Mr. Blaine is not on the platform of Chicago. That allows no disturbance of protective duties, but calls rather for repeal of internal taxes. That includes whisky——

Mr. MILLIKEN rose.

Mr. COX. You are not treating me politely. I will try to make some remarks to show you wherein your platform does not favor the Blaine idea, for he does not propose to put whisky on the free-list.

Mr. MILLIKEN. He is a good Republican always.

Mr. COX. The gentleman is on the other side. Neither is he on the Republican platform.

Gentlemen, the gentleman from New Hampshire [Mr. GALLINGER] called up the women here in defense of the platform for untaxed whisky. He did it to show that they were contending against us who desire to keep up the whisky tax. Again I say it is not a matter of morality, or State police, or prohibition. It is not a matter of religion for Christian women to dabble in. It is a matter of "revenue only"—that, and nothing else. Is it not enough for us old Democrats to fight free whisky without fighting the women at the same time? [Laughter.] The gentleman from Maine [Mr. MILLIKEN], and the gentleman on the other side [Mr. KELLEY], and others, are all tangled up, like their platform. It is as if they had taken some tanglefoot. [Laughter.] But I suppose they took it believing it to be in conformity with their platform. [Laughter.]

How can you go out and answer the questions, pertinent to this campaign, without entangling alliances and confused ideas?

Some tax-payer, tired of your protective exactions, asks:

"Why should only 2,738,895 people, the pets of protection, be favored at the expense of over 70 per cent. of their 60,000,000 fellow-citizens?"

What for? The voice from the still—warm with the tears of widows and orphans—huskily answers, "For free whisky!"

"Why should we not cheapen clothes, blankets, and carpets by admitting wool free, since the woolen mills have a capacity for 600,000,000 pounds, and only 240,000,000 pounds are raised at home?"

The answer comes like the bleat of a thousand flocks, "Before clothes or blankets or carpets, take free whisky!"

But, says an honorable recusant Republican from Minnesota:

Worthier, better, and juster it seems to my mind would it be to give our people, the toiling masses, cheaper food, cheaper fuel, cheaper clothing, and cheaper shelter, cheaper because released from the heavy and unnecessary burden of high-tariff taxes.

"Pshaw!" says the hide-bound protectionist, "these articles must remain taxed to vindicate the American system." That system has as its genius, free whisky.

A tax-payer inquires of you:

"Have not the American people paid in sixty years over $20,000,000,000 in the hope of getting goods cheaper by and by, after the infants have attained their maturity? What, my Republican brother, will you now do?"

The brother answers, "Free whisky!"

"Has invention done nothing for us?" asks the impoverished mechanic. "What do you show us as the result of our American genius for a century in mechanics?"

The answer comes: "We tender you the worm in the still, the finest invention of the devil. It may take away your brains and impoverish your families; but protection must stand! We offer you, untaxed, cheap, free whisky."

Another inquirer asks, "Why do you not take the tax off of my coat of 'reversible nap?' "

The answer comes: "Protection first, but always free whisky."

An old lady of West Virginia asks with anxiety, "Why must I pay 60 cents in addition to every dollar for the crockery from which I drink my sassafras tea?"

"Ah!" says the protectionist, "is not whisky better than tea?"

A series of questions and answers might be fired off in the following order:

"Are you going to allow that reduction proposed by the Mills bill from 47 per cent. duty to 40 on carpets?"

"No, but we will repeal the tax on cigarettes for your young boys, and add free whisky."

"Won't you support that reduction of 10 per cent. on cotton goods?"

"No, but I would love to lower the whisky tax."

"Won't you reduce the tax on castor-oil below 194 per cent.—its present rate."

"No, I won't condescend to help anybody but those who want the cost of whisky reduced."

"Please help us reduce the tax on cheap woolen cloth from 89 per cent. to 40 per cent. as Mills proposes—will you not?"

"No; I do not want to engage in anything else till I have taken the tax of 90 cents a gallon from whisky."

"We are making a last effort to reduce the duty on wool hats from 54 per cent. Cheap hats. Won't you help us?"

"No, sir; the Republican platform don't say anything about cheap hats. It does advocate taking tax from whisky, and I stand by the platform."

"The worsted goods for my family is taxed 68 per cent. Help me pull that down to 40 per cent., will you not?"

"No, sir; let your worsted goods go to grass! Whisky is more than a dollar a gallon. I want to take the ninety-cent gallon tax off of it."

"Now, my friend, the Mills bill proposes to take eleven and one-half millions tax off of sugar; won't you help us pass it?"

"No, for it don't propose to cheapen whisky one cent."

"It makes salt free. Won't you favor that?"

"Is salt whisky? Salt ain't in our platform."

"It makes the tin, of which our tin stove-vessels, and cans, and roofs are made, free; won't you give us that?"

"Tin is not in the platform; whisky is."

"It makes lumber for our homes to keep us warm free. Won't you favor that?"

"No. I want to legislate to warm the inner man, not the outer man. Give us free whisky."

When these questions are answered let me read as a summing up to the gentleman what was said by an old farmer friend of mine in Iowa. He had evidently been perusing Sydney Smith on taxation:

I never wore any clothes that were not increased in price by this policy of making an almshouse of every possible factory. I used to rise on Sunday morning from my humble cot in a log farm-house, throwing off the bed-clothes taxed 40 to 100 per cent., and donning my clothing taxed 35 to 100 per cent., eat my taxed breakfast from dishes taxed 45 per cent. on a table-cloth taxed 40 per cent., and when the Sabbath bell taxed 35 per cent. sounded its inviting notes

I took my Bible taxed 25 per cent. and went to the church built of lumber taxed 20 per cent. and there in a Sunday-school song-book taxed 25 per cent. (and all these taxes paid to the objects of my charity, not to the Government) I read:

"Far out upon the prairie
How many children dwell
Who never read the Bible
Nor hear the Sabbath bell!"

[Great laughter and applause.]

What is the relief my old farmer friend receives from you and your platform?

"Free whisky."

Does this give comfort to his family, his purse, or his soul?

Now, you gentlemen want to go among the men, women, and children of this country and say:

"We will not take the tax off of cheap clothing, cheap lumber, cheap food, but we will take the tax off of whisky, to make it cheap and common and more hurtful to soul and body."

Is not that an inspiring issue for a party of moral elevation?

Oh, gentlemen, it is the old, old story. You gentlemen must often have heard it sung—

Oh, what a tangled web we weave
When first we practice to deceive!

[Laughter and applause, and cries of "Vote!"]

Mr. MILLIKEN. I desire to ask my friend from New York [Mr. COX] why he failed to read all there was in the schedule of the old farmer? Why did he omit in reading that schedule the tax of 100 per cent. on rice and 82 per cent. on sugar? [Applause on the Republican side.]

Mr. COX rose.

Mr. MILLIKEN. I will allow the gentleman, although he would not allow me.

Mr. COX. How could I read in five minutes the tax on four thousand articles? [Laughter and applause.]

Mr. MILLIKEN. My friend has tried to read in five minutes the taxes on particular articles he desires to quote, but he omits to read those like the tax on rice of 100 per cent. and the tax on sugar of 82 per cent.

My friend acknowledges himself he is willing to reduce the internal revenue if by that means he is going to reduce the surplus, but can not do it otherwise. All that the Republican party says upon that subject is that it would rather reduce taxation on sugar than to destroy the industries of this country.

Mr. WILSON, of Minnesota. That is what it says.

Mr. MILLIKEN. Now, gentlemen on the other side, including my friend from New York, are trying to draw parallels between free whisky and free wool, free whisky and free blankets, free whisky and free shoes; but from the first man to the last who has spoken on that side of the House I never heard one draw a parallel between free whisky and free sugar. You do not hear them drawing any parallel between free whisky and free rice. Why, gentlemen, do not some of you stand up here and tell the truth about that question?—that notwithstanding the fact the duties upon articles produced in the North must not bear taxation, and you have a list of fifty-three of them which you put on the free-list in this bill, remember less than 27 per cent. of the duty is paid by them, while of those that are peculiar to the South you get 75 per cent. duty; and yet you talk about free whisky or something else that pays 10, or 15, or 20 per cent., and you are not at the same time willing to reduce two of the great Southern products down to the average rate on products of 41 per cent.

And when my colleague the other day introduced an amendment to that effect every man upon the other side who is so entirely anxious to reduce taxation that he cries over the poor fellow that pays taxes upon his Bible—well, I do not know if my Democratic friends would pay very many taxes on Bibles anyhow—but who cries when a man pays taxes on his shoes, or on his lumber, or on his coat, does not seem to sympathize with him very materially when his sugar is put into his tea which comes in free, and in his coffee which comes in free, on which sugar he has to pay 82 per cent. tax, and if he had rice for breakfast, 118 per cent. on that, and you propose to leave it at 100 per cent.

Why do you not come out squarely and fairly about this matter? Why are you not willing to equalize the duties when you contend that that is your object, and when you know that our people are paying a duty of 47 per cent., and you propose to reduce them 7 per cent. and leave 75 per cent. and over on Southern products?

[Here the hammer fell.]

Mr. COX. I withdraw the *pro forma* amendment.

Mr. MASON. Mr. Chairman, the nervous anxiety on the part of gentlemen on the other side of the Chamber, and particularly that exhibited by the gentleman from New York who has just taken his seat, the night-mare that frightens his Democratic soul for fear the country may have free whisky, is something very amazing to people who understand the history and habits of Democrats. [Laughter and jeers on the Democratic side.]

Mr. MCCLAMMY. Bah! [Laughter and applause.]

Mr. MASON. Keep right on my friend, you will get there. [Laughter and applause.]

I know that in some States—and I advise the gentleman as a matter of kindness, if he does not want to lose the solid support he has had heretofore, not to try to make the people believe he is in favor of free whisky.

Mr. COX. My constituents drink beer. How much was drunk at Chicago?

Mr. MASON. There was a great deal drunk at Chicago, but more after the convention at St. Louis adjourned than ever before. They stopped on their way up. [Laughter.]

The truth of the matter is, we are getting very weary about hearing this talk of free whisky. [Laughter and applause on the Democratic side.]

Thank you gentlemen; that is the first time you ever did me the honor to applaud. I thank you.

Why, gentlemen, if you believed we were in favor of free whisky, every man on that side would move his seat over here, and you know it. You would be all glad of the chance to walk up the aisle and "smell the breath." [Laughter.]

You advertise to the people of this country that you are in favor of taxing whisky, when in this very bill you open the door to every species of fraud and collusion between the men who make the whisky, or have it made for their benefit; and then you gentlemen say the Republican party is in favor of free whisky. Put it in the platform if you will, and I tell you that the party that puts it directly in its platform will carry every Democratic State in this Union [laughter], and the first of all the gentlemen who would move his seat to this side of the House is the eloquent gentleman from New York [Mr. COX], and we will most cheerfully welcome him when he comes over.

Mr. COX. Oh, I have been here too long now to change. [Laughter.]

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. MASON. I withdraw it.

Mr. BUCHANAN. I renew it for the purpose of asking the committee whether they have knowledge of any treaties or treaty with any country which would be affected by this provision? I think, but I am not sure, that this is new legislation and I would like to have information, if they have it, as to what countries have treaties which would be affected by it.

The CHAIRMAN. The committee will be in order.

Mr. BUCHANAN. I repeat the question. I would ask the committee in charge of this bill, if they have that information, as to what countries we have treaties with, which treaties would be affected by the bill if section 35 were in it?

[After a pause.] I asked for the information because I do not possess it. As I receive no answer, I suppose the committee have no information to give; and therefore I move to strike out the section.

The amendment was rejected.

The committee rose informally.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries, who announced that the President had approved bills and resolutions of the following titles:

An act (H. R. 2064) granting a pension to Jacob F. Joseph;
An act (H. R. 2641) granting a pension to Emily W. Ogden;
An act (H. R. 3537) granting a pension to Cullen W. Green;
An act (H. R. 3836) granting a pension to Hiram Bateman;
An act (H. R. 4762) granting a pension to Benjamin F. Howard;
An act (H. R. 8984) granting a pension to Griswold Rogers;
An act (H. R. 9587) granting a pension to Louise F. D. Hoit;
An act (H. R. 362) to increase the pension of Charles W. Sanborn;
An act (H. R. 2046) for the relief of William E. Wheeler;
An act (H. R. 2495) for the relief of Ruth Clark;
An act (H. R. 8455) for the relief of Elizabeth Terralls;
An act (H. R. 8930) for the relief of J. H. Corn;
An act (H. R. 9523) for the relief of Margaret Lahey;
An act (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased;
An act (H. R. 10212) to amend an act granting a pension to John Etzill, approved March 3, 1879; and
Joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 28, 1888.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the bill (S. 2395) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; in which the concurrence of the House of Representatives was requested.

The message further announced that the Senate recedes from its amendment numbered 7 to the bill (H. R. 9345) making appropriations for the expenditures of the Post-Office Department for the fiscal year ending June 30, 1889.

The message further announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Talla-

poosa, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. CAMERON, Mr. CHANDLER, and Mr. BLACKBURN.

THE TARIFF.

The Committee of the Whole resumed its session.

The Clerk read section 361.

Mr. ADAMS. Mr. Chairman, I move to strike out that section. If I am correctly informed the new part of this section is, first, the insertion of the words "or other fruits" in the first part of it——

Mr. WILSON, of Minnesota. What line?

Mr. ADAMS. Line 8, "Apples, peaches, or other fruits."

I may be wrong, but my understanding is that those words "or other fruits" are not part of the existing law. The second and most important provision is the section in regard to exempting the small distilleries from supervision by storekeepers and gaugers. I am sincerely desirous of hastening a vote on this bill. I simply want to point out what I consider an objection in the pending bill. In the absence of explanation it seems to me it is a change in the wrong direction. I have no doubt the gentleman from Tennessee or some other member of the committee will explain the reason for making that change in the existing law. I shall be glad to have some gentleman show what is the necessity for the remainder of these two sections. As I understand the law—I may be misinformed—the distiller does not pay the salary of the storekeeper.

A small distiller wanting to run his distillery without the supervision of the storekeeper, if he desires the passage of this law, desires it from some other motive than to save the expense.

Let me say one thing more and then I will sit down. It is a matter of serious doubt whether a provision like this will reduce the surplus revenue. It may multiply the small distilleries. The amount of revenue derived from those distilleries when estimated by their capacity may bring more money into the Treasury than now comes by a tax upon the output; and yet if this change in the law does open the door to fraud, and I am sure it will, more whisky will be put upon the country in proportion to the tax paid than is produced under the existing law.

Mr. MCMILLIN. In response to the first inquiry made by the gentleman from Illinois, I will say that the paragraph simply gives the Government authority to license the still for distilling other fruits than apples, peaches, and grapes now provided for and for the collection of the tax thereon. For instance, it provides for the distillation of blackberries, cherries, persimmons, or other fruit. There is no law, as I understand, now authorizing the licensing of the distilleries and the collection of the tax thereon.

Mr. ADAMS. There was formerly a law.

Mr. MCMILLIN. None that I remember of now. I will say to the gentleman from Illinois that this phraseology was submitted to the Commissioner of Internal Revenue and approved by him.

Mr. ADAMS. Will the gentleman state what other fruits can be used besides those he has mentioned?

Mr. MCMILLIN. I have mentioned blackberries, persimmons, and cherries; and I might add plums and fruits of that kind.

In the second place, Mr. Chairman, as to that portion of the section beginning with line 11, and ending with line 33, I will state the simple object is to save expense in the administration of this law. The Secretary of the Treasury is given discretion to tax the capacity of the small distilleries, in place of causing them the expense of keeping a storekeeper or gauger at the distillery to watch over them.

It is not compulsory on the Treasury Department. It is not compulsory, even if he adopts this plan for other distilleries, that he shall do it for the small distilleries. The expense to a small distillery making no more than 15, 20, or 25 gallons of spirits per day is very great in proportion to the product, and it was thought by the committee that inasmuch as each bushel of grain yields about an equal amount of spirits, grain differing in that respect from fruit, it would be safe and wise to place in the discretion of the Treasury Department the power to permit the running of these distilleries without the presence of Government officers, thus saving the expense and fixing the tax by the capacity of the distilleries. It would be simply a matter of discretion with the Secretary.

Mr. ADAMS. Is it asked for by the Commissioner of Internal Revenue?

Mr. MCMILLIN. It was submitted to the Commissioner.

Mr. ADAMS. But it was not suggested by him.

Mr. MCMILLIN. I do not remember that it was asked for in his report.

Mr. ADAMS. Is it a fact that the distiller pays the storekeeper?

Mr. MCMILLIN. The distiller does not pay the storekeeper. The storekeeper is paid by the Government, and it was to get rid of these unnecessary officers and to save their salaries that this provision was inserted.

Mr. ADAMS. Did it occur to the gentleman to extend that provision to the large distilleries? There would be a larger saving.

Mr. MCMILLIN. There would not be a larger saving, because it costs not $2 a day more to place a guard at a distillery making ten, twenty, or thirty thousand gallons of spirits daily than to place a guard at one making only 20 gallons a day.

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the *pro forma* amendment will be regarded as withdrawn.

Mr. BUTTERWORTH. Mr. Chairman, I want to call the attention of my friend who is in charge of this bill to the fact that the provisions amending the internal-revenue law can not be in the interest of the general public. The people are not clamorous; indeed, nobody is demanding that all distilleries mashing 25 bushels of grain or less per day shall be released from the supervision of the officers of the law, namely, storekeepers and gaugers, whose duty it is to prevent fraud, in order that the Government may save the salaries of those officers. If the gentleman has had experience in the matter of prosecuting offenders against the internal-revenue laws, or in defending them, he must have learned that the real and only reliable safeguard against fraud is to be found in the fact that the storekeeper is constantly in charge of the distillery, and that the gauger is at hand to see that the law is enforced. Now, this provision authorizes the Secretary of the Treasury, through the Commissioner of Internal Revenue, to leave the distillers who mash not over 25 bushels of grain daily, which would be equivalent to not less than 4 gallons per bushel, to run their distilleries free from any supervision whatever by the officers of the law. And all this where there is greatest temptation to commit fraud, and where, as the record discloses, frauds are most frequently committed. It is no answer to say these distilleries will be taxed according to their capacity. That is already the law.

Every distillery is surveyed and its capacity determined, and the owner is required to pay a tax on at least 80 per cent. of the capacity of the still, no matter whether he returns a less quantity or not, and he is required to pay on the whole amount produced, whatever it is; but as stated, in no event less than 80 per cent. of the registered capacity of the still. But it is obvious that before the whole quantity produced can be taxed that quantity must be ascertained, and the amendments to the law, embodied in this bill, practically render the ascertainment of the quantity of spirits produced by certain stills, over thirteen hundred in number, impossible. And I say this for the reason that to enforce the law it has been found by years of experience to be not only indispensable to keep a storekeeper and gauger in charge of the distillery, but that the storekeeper be kept there on watch day and night. They are not permitted to sleep while on watch or to be away from the distillery while on duty, and that because it is so easy to divert the spirits from the cistern or from the conduit-pipe between the still and the cistern.

Hence it is found necessary to have not only an accurate survey of every distillery, but also to keep those officers in charge and to have them inspect daily everything pertaining to the distillery. I do not hesitate to say that every lawyer who has been employed to prosecute or defend in cases involving frauds against the internal-revenue law knows that experience has demonstrated that no officers are employed and no duty is exacted of them which is not indispensable to the prevention of fraud. And the only demand I have ever heard since I have been a member of this body for doing away with storekeepers at distilleries comes from districts where frauds are common, and where, of all places, storekeepers are most needed.

Mr. MCMILLIN. Will the gentleman permit a question?

Mr. BUTTERWORTH. Certainly.

Mr. MCMILLIN. Is it not a fact that the Government now adopts this plan in reference to distilleries making spirits from apples and other fruits?

Mr. BUTTERWORTH. So far as that is concerned, it is a sufficient answer to say that one of the main sources of fraud now in the distillation of spirits is in the very industry he mentions.

Mr. MCMILLIN. But is it not a fact that the Government now adopts this plan in reference to those distilleries?

Mr. BUTTERWORTH. It may be so.

Mr. MCMILLIN. It is so. Now, it is much more practicable to apply this plan to small grain distilleries than to apply it to fruit distilleries, because fruit in some years will make a great deal more brandy than it will in other years, so that so accurate an average product can not be established for fruit as for grain.

Mr. BUTTERWORTH. O, yes, there can. Grain yields all the way from 2½ gallons to 4½ gallons per bushel—it depends a good deal upon the ability and experience of the distiller, and, so far as the actual product is concerned, the law provides that the distiller shall pay a tax upon every gallon produced, if it can be ascertained how much that is, and in any event he must pay a tax upon 80 per cent. of the capacity of the still. Eighty per cent. of the capacity is as high as it has been deemed just to fix the assessment arbitrarily. Now, this provision is not in the interest of good law or good morals.

So far as I can gather from expressions on the other side of the House, this industry is one which ought not to find special favor or to be encouraged. Gentlemen on the Democratic side have shown signs of distress at the bare thought of free whisky. Whether they are disturbed or not may be determined by their effort in this clause of the pending bill to do two things. One to enable the distillers to defraud

the Government of the tax due on distilled spirits and at the same time provide a bountiful supply of free, that is to say untaxed, whisky; and this they do by removing the main if not the only safeguards against the manufacture and sale of "crooked whisky." The gentlemen on the other side have declared that the moral sentiment of the country is against the producer of whisky, and hence they say whisky must be taxed; and while saying this they provide by law for the encouragement of illicit distillation, and do it in the name of the people, affecting to reduce the burdens of taxation. It amounts to this, that while pretending to save from three to four dollars in the wages of a storekeeper they make it easy for the distiller to defraud the Government out of fifteen or twenty dollars. That is economy with a vengeance.

And, Mr. Chairman, I can not see how it is demanded. It opens the door to fraud and will make the blackmailing of distillers a fine art, and soon whisky-rings will abound in the land. So utterly defenseless is this provision that I do not hesitate to say that the Commissioner of Internal Revenue did not recommend such a measure; and if he did, and I feel assured that he did not—but if he did recommend it and I was President of the United States I would demand his resignation immediately and unconditionally.

I can not see why it is demanded. Since the distiller does not pay the salary of the storekeeper, what has he to find fault about? Who is asking the discharge of storekeepers, and the freedom of distilleries from supervision in order to save the salaries of those officers, whose duties mainly, and in fact solely, relate to the prevention of frauds? Since his property is safer when a storekeeper is employed, as that officer looks after the premises night and day and does not cost the distiller a cent, why should he grumble, unless he wants to violate the law and finds the officer in the way?

Mr. McMILLIN. We propose to do this to save the Government expense.

Mr. BUTTERWORTH. To save the Government expense indeed? But if the Government loses ten in order to save three or four dollars it will not prove a profitable investment. The object assigned is to save the cost of a storekeeper, but the storekeeper's presence is essential to the collection of the tax due the Government. And to save three dollars in salary and lose from ten to twenty-five dollars in taxes is not very wise legislation, and does not smack of economy. Who asks for this? Who has petitioned for it? You say the petitions come from the mountains. That is true, and strangely or naturally enough they come from the quarter where frauds are so common as to suggest the necessity of doubling the force rather than removing it altogether.

Manifestly, the distillers, if they are honest, would prefer to have storekeepers, since they are a safeguard and cost them nothing. And if it is in aid of fraud they are to be discontinued this House will not, or rather let me say ought not, sanction any legislation that tends in that direction.

Mr. Chairman, the honest distiller does not demand this; the taxpayers do not demand it. Then who does? This is a bid in what direction and for what purpose? It can serve no proper purpose to the honest men engaged in distilling. They have in no wise petitioned for it. Who upon this floor will deny that the power here conferred to levy taxes or remit them at pleasure is a dangerous power to be conferred upon any officer of this Government? I propose to inquire into the scope of this authority, and see where it would be exercised, if at all, and whether the history of the districts in the matter of observing the law has been such as to suggest that there is wisdom in the measure under consideration.

[Here the hammer fell.]

Mr. WILSON, of Minnesota. I would like to ask the gentleman from Tennessee [Mr. McMILLIN] one question: At whose instance is this proposition presented?

Mr. McMILLIN. The committee have submitted it in the belief that it would save the Government a large expense by doing away with a large number of officers with whom the Government can dispense.

Mr. WILSON, of Minnesota. That is not my question. At whose instance is the proposition made?

Mr. McMILLIN. If there has been any request for this measure from any distiller I do not know of the fact.

Mr. WILSON, of Minnesota. That is an answer. But, I will say, Mr. Chairman, I am afraid this measure is likely to encourage illicit distillation——

Mr. McMILLIN. Not at all.

Mr. WILSON, of Minnesota. I know that members of the Committee on Ways and Means would not favor it, if they anticipated such a result.

Mr. McMILLIN. Of course not. And the Secretary of the Treasury will have power to discontinue this method of proceeding at any time, and return to the old system if he desires to do so.

Mr. BUTTERWORTH. I wish to make a parliamentary inquiry in order to ascertain precisely what is pending. I understand there is a motion pending to strike from this paragraph the provision authorizing the Secretary of the Treasury or the Commissioner of Internal Revenue to enforce the law or not as he pleases.

The CHAIRMAN. The Chair may be in error, but he understood the gentleman from Illinois [Mr. ADAMS] to move simply a *pro forma* amendment.

Mr. ADAMS. I moved to strike out the whole paragraph. Afterward, when debate was exhausted, I moved a *pro forma* amendment. My substantial motion is to strike out section 36.

Mr. BUTTERWORTH. I wish to learn from my friend from Illinois the precise effect of his motion. As I understand, it leaves the law as it is to day?

Mr. ADAMS. Yes, sir.

Mr. BUTTERWORTH. I move to amend the gentleman's amendment so as to strike out that portion of the paragraph beginning with the word "the," in line 11, down to and including the word "gaugers," in line 19. I favor striking out the whole clause, but want a division so as to render the provision as little harmful as possible. If we can not strike it all out possibly we can a part.

If in order, I desire to call attention to the effect of my amendment to the amendment. The amendment I offer seeks to strike out the following words:

> The Secretary of the Treasury may exempt all distilleries which mash less than 25 bushels of grain per day from the operations of the provisions of this bill relating to the manufacture of distilled spirits, except as the payment of the tax, which said tax shall be levied and collected on the capacity of said distilleries; and said distilleries may, at the discretion of the said Secretary, then be run and operated without storekeepers, or storekeepers and gaugers.

The committee seem by this remarkable provision, judged in the light of experience, to be in favor of the law, but are against its enforcement.

They say he shall pay the tax, but in the same law provide for dodging payment without danger.

One clause in the section provides for exempting from tax all spirits produced from any kind of fruit. The present law applies only to apples, peaches, and grapes. The words "other fruits" are added.

Now, without stopping at this moment to discuss the effect of adding the words "or other fruit," or whether it is wisely proposed or not, the other clause, and which as a separate proposition I move to strike out, relates to this clothing the Secretary with discretionary power to rigidly enforce the law as against one class of distilleries and leave the others to be in large measure a law unto themselves. It provides that one class shall be so hedged about by the officers of the law as to be compelled to pay their taxes and others shall not. It provides that a certain class of distillers shall pay what might be termed a capacity tax and be exempt from all surveilance, so they may run double time or extra quantity, and in fact do largely as they please; while all other distillers shall have in their establishments the sworn officers of the law who shall supervise the running of their distilleries twenty-four hours a day and render fraud absolutely impossible. This law, or proposed law, opens up the fountains of apple-jack, apple-brandy, and all other kinds of spirits distilled from fruit, and makes it free, all supplemented by opportunity to add crooked whisky to the supply, always provided it is the product of a distillery mashing less than 25 bushels of grain per day.

The history of the administration of the internal-revenue law in the United States has satisfied every one here who is familiar with that history that there is no business in which there is such strong temptation to commit fraud as that of distilling, and it is because there is a clean profit of from 90 cents to $1 a gallon on every gallon produced which evades the payment of tax. While it ostensibly saves at the spigot, it loses at the bung-hole. In other words, you save three or four dollars a day for storekeeper, while you lose in the matter of tax on what is produced by these distilleries from $5 to $25 and upwards.

Mr. McCULLOGH. If the small distiller is permitted by the Secretary of the Treasury to run without a storekeeper, and nobody but a collector of customs or a deputy collector could make information against him, how could the internal-revenue tax be collected, and how could frauds be detected?

Mr. BUTTERWORTH. It is a grant of absolution to the small distillers who violate the law, and that is all there is of it. It is to place them above and beyond the reach of the law. They can not even be arrested, except on the oath of a man who had personal knowledge of the offense. The result is, taking the several clauses inserted here as amendments to the internal-revenue law, that it makes fraud on the revenue easy, and arrest and conviction of the person committing the fraud impossible. The small distiller is invited to commit the fraud by having the opportunity provided, and he is encouraged to commit it by the provision of the law (a part of the same act) which renders his arrest and conviction next to impossible.

To show that I am not overzealous in my opposition to the amendment to the internal-revenue law reported in this bill, I wish to call attention to a few facts of controlling importance in determining whether these amendments proposed by the committee are wisely ordered.

I have already called attention to the fact that in the light of experience there is no trace of economy in relieving these distillers from the surveillance of Government officials, but that the result would be that in saving one dollar we would lose four or five, which can hardly be regarded as economical.

What I desire to call especial attention to, however, is the fact that this effort in behalf of the distillers mashing less than 25 bushels of

grain per day, comes from a quarter where violation of the internal-revenue law seems to be the rule, and not the exception. North Carolina seems to be for it. North Carolina has over 700 stills that would be released from governmental supervision now provided by law. Georgia is for it. She has 113 stills that would be relieved from that supervision. Kentucky seems delighted with the arrangement. She has 268 stills that would be released from all the restraint which the presence of a storekeeper suggests. Tennessee has 102 stills that are anxious to be freed from supervision. Virginia, 55; Arkansas, 39.

And while this is true of those States, it is equally true that in the same localities violations of the internal-revenue law, accompanied by acts of violence, are of frequent occurrence.

Now, if we turn for a moment to the States that yield the larger revenue on distilled spirits we will find that Illinois has not a single still that will not remain subject to supervision by Government officials, and very properly so. Whether she will have when this bounty on fraud goes into operation remains to be seen.

Indiana has but 5; Massachusetts has none; Missouri has less than 30; New York has none; Ohio has less than a dozen; Pennsylvania has about 64. So that it occurs that the great spirit-producing States of Illinois, Missouri, Pennsylvania, Ohio, and New York have, all told, but about 100 of these distilleries. The sections where frauds are committed constantly, notwithstanding this surveillance which this bill would remove, have over 1,300.

So far as revenue is concerned this business is thoroughly self-sustaining. It more than pays its own way. In fact it leaves a balance in the Treasury, after paying all the expenses of enforcing the law and collecting the revenue, of over $50,000,000. And in this connection it is well to call attention to the fact that during the last fiscal year, in the territory especially interested in the passage of this bill as presented to the House relieving the distillers of that section from the supervision necessary to prevent fraud, there were 299 stills seized and destroyed and 157 removed, all for violating the internal-revenue law. Gentlemen may judge from this whether or not supervision in that section is necessary, and whether removing it is the highway to a successful administration of the law and the collection of the revenue. And further to show the influence of that supervision I cite the record, which shows that the number of stills seized grows constantly less. In 1880 there were nearly a thousand stills seized; in 1881, 756; in 1882, 397; in 1884, 377; in 1885, 245; but for some reason, possibly an anticipation of this relief, in 1886 the number ran up to 564, and in 1887 to 456.

Unless the purpose is to undo what has been accomplished in the last twenty years in the direction of perfecting the internal-revenue law and stopping its enforcement, certain paragraphs amending the internal-revenue law should be stricken from this bill.

I desire in conclusion to say that if the statement of the gentleman from Tennessee [Mr. MCMILLIN] is correct, and it certainly is, to the effect that if you take 2 gallons of pure whisky and add to it 1 gallon of apple brandy, there is no expert in the world that could tell that the resulting 3 gallons was not pure apple brandy, you can realize how apple brandy will abound in the neighborhood of these small distilleries when they are realeased from surveillance by Government officers as is proposed in this bill. The result will be that every gallon of apple brandy will be multiplied by three, and since the extension by this bill of the free-list to spirits manufactured not only from apples, peaches, and grapes, but from fruits of any and every kind, the range of fraud will be limitless.

In fact, if I was called upon to devise a law the direct tendency of which was to enable fraud to be committed profitably and with safety, and which would enable the officers of the law to form combines with certain distillers, I do not think it would be necessary to change a syllable in the measure reported by the majority of the Ways and Means Committee.

The result of the legislation proposed in the bill as presented must be that small distilleries will be established all through the country with convenient proximity to stills established for making apple brandy, peach brandy, etc., and compounding liquors and compounding fraud will become common as in the palmiest days of the whisky ring. And these gentlemen who affect to be disturbed because they have found in the Republican platform a statement which suggests that if it was necessary to protect and shield American industries they would strike down the internal-revenue system have in the very bill which they have reported, and which seeks to strike down a hundred industries—leading industries in the United States—opened the flood-gates to turn loose a swelling tide of free whisky and at the same time offer a premium on frauds upon the revenue. And this is done, too, in the presence of the fact shown by the record, that, with all the vigilance of the Government officials, nearly 25 per cent. of all the distilleries to be affected by this provision have been guilty of committing fraud during the last eighteen months.

A malicious person might imagine that this was a way to raise a campaign fund. Of course it is not, but as it has no useful mission on earth, and as it is not demanded by any persons who are engaged in legitimate and honest distilling, or who desire to conduct their business honestly, some other explanation should be offered for the remarkable measure beyond the matter of saving the salary of storekeepers.

It may be remarked with regard to that specious plea that the Democratic party is not likely to be swift in mustering its own appointees out of the service on the eve of a Presidential election. I had much rather believe (and the conditions under which this measure is proposed force that conviction upon me) that they will not be mustered out, but will be afforded opportunities for thrift which will only be limited by their consciences.

To say that the Secretary of the Treasury need not do this unless he thinks it will be in the interest of the Government is not an argument that rises to sufficient dignity to demand reply or consideration. It is equivalent to saying to the Secretary: In our judgment you should authorize sweeping opportunities provided for herein, but if you find the experiment unsatisfactory from any point of view, after the special advantage which may result during the next few months from this raid against the law and upon the Federal Treasury, and has been enjoyed by those who are specially interested in those violations, you may put a stop to it.

Of all the propositions submitted to this House with reference to the internal-revenue law, this is the least defensible and has the strongest flavor of a deliberate purpose to encourage those who are known to be habitual violators of law. And beyond that, it is another instance of lifting the burdens from an industry (if it may be called an industry) south of the Ohio and the Potomac and pack-saddling the same industry north of those rivers.

It possesses so little intrinsic merit that it is difficult to have patience while considering the proposition. If my language appears somewhat earnest, I appeal to the facts and the experience in regard to the administration of the law—internal-revenue law—in extenuation or defense of that earnestness, if such an extenuation or defense were needed.

Mr. BRECKINRIDGE, of Kentucky. The present system of internal revenue is based on the hypothesis that the persons engaged in business within the scope of that system are men desiring to cheat the Government. I think that is a mistaken basis upon which to build a system of business or taxation. I think it is unwise, and all laws passed since the introduction of the internal-revenue system have been based on the conception that they are for the purpose of preventing fraud.

It has grown to be an extensive system, consisting to-day of a very large army of office-holders. It is a system which depends largely on the fidelity of those officers, who are paid comparatively small salaries, who are brought into immediate, direct personal contract with the persons whom they are to watch and whose operations are very large.

Now, this is an experiment offered to the Government, not mandatory, not directory, but purely discretionary, that with the smaller distilleries the Secretary of the Treasury and the Commissioner of Internal Revenue shall have the privilege of devising and putting into operation a system, if one can be devised, which will not need the gauger and the storekeeper, and to see if the tax can not be collected by some less expensive, less arbitrary system, with less espionage and possible oppression. Whether it can be done or not I am not prepared to say. Whether the Secretary or the Commissioner of Internal Revenue will think it wise to use this discretionary power of course I can not foretell. It does not abolish the offices of gauger and storekeeper.

It will be remembered that at these small distilleries the "gauger and storekeeper" is a single officer, and it is this officer that is meant in this bill, and not those officers who are "gaugers" or those who are "storekeepers," which officers are for the larger distilleries. But as to those distilleries which mash less than 25 bushels per day the Secretary of the Treasury is given power to make such regulations and adopt such system as in his judgment——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I hope the gentleman will have additional time.

Mr. ADAMS. I ask unanimous consent that the gentleman from Kentucky be permitted to conclude his remarks.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. It provides that the Secretary of the Treasury and the Commissioner of Internal Revenue, as to these distilleries which mash 25 bushels and less, may see if a system can be devised to secure to the Government all the tax to which it is entitled, and yet relieve the Government from the expense and the distillers from the supervision of the storekeepers, and adopt the experiment to see whether the entire system of internal revenue may not be made less arbitrary, less oppressive, and less exacting.

Mr. WILSON, of Minnesota. Will the gentleman yield for a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. WILSON, of Minnesota. Is it not true and has not experience shown it to be the fact that the frauds which permeate this business from one end of the country to the other have shocked the moral sense of the country, and experience has proven that nothing but just such vigilance as we have will prevent such frauds?

Mr. BRECKINRIDGE, of Kentucky. I entirely disagree with the gentleman. The fraud was originally because of the enormous temptation that a tax of $2 a gallon furnished to fraud and to illicit distilling, and the mode in which the frauds were frequently committed was in the purchase and corruption of the supervising "vigilant" officer. The mode by which the Government was cheated was through the connivance of persons connected with the Government as officers or agents acting in their official capacities; but since the tax was put at 90 cents a gallon the frauds have largely decreased, and when the tax can be reduced, as indubitably it ought to be some day, say to 40 or 50 cents a gallon, which would be 200 per cent. upon the value of the article, the frauds would be almost unknown in connection with the business, especially if the indefinite extension of the bonded period was given, which is the true policy and ought to be done.

Our view of one method of modifying the present system so as to furnish less excuse for fraud and a less expensive system is embodied in the bill, and this paragraph is merely the substance of the bill reported to the Forty-ninth Congress and of the bill passed by the Forty-seventh Congress.

It was our hope that a system might be devised by which by the survey of the still and by the inspection of the books of the distiller the Government might know the amount of the material purchased and of the product, and thus collect the entire tax due to the Government with much less expense and without offensive espionage.

The large distillers, the distillers who produce thousands of gallons a day, and therefore do it at an expense running from 13½ to 17½ cents on the gallon, of course had the interest to freeze out the smaller distillers, who made a somewhat different article, but at a very much larger cost. I take it for granted that the average cost to the smaller brandy distiller is not less than from 32 to 45 cents a gallon, and to the smaller and less well-constructed distillers where whisky is made the cost is from 35 to 40 cents a gallon. It is the interest of the larger distillers to burden with as many restrictions in the way of exactions and supervision as possible their smaller competitors.

Mr. ADAMS. Let me ask the gentleman how it can be an exaction when it is only the presence of an officer of the Government?

Mr. BRECKINRIDGE, of Kentucky. But the gentleman will see that it is not merely that. It is that in part; but the section goes much further. It exempts these distillers from the operation of the provisions of this title relating to the manufacture of spirits, except as to the payment of the tax, which shall be levied and collected upon the capacity of the distilleries. So that it does not merely relate to the presence of the "gauger and storekeeper;" but it provides that the Secretary of the Treasury shall have power under it to devise a system not now in vogue.

I do not know that this change is a matter of real importance, but one of the reasons why I advocated this provision in the Forty-ninth Congress, and why I advocate it to-day in the Fiftieth Congress, I am frank to say, is a different reason from that which has been mostly given in its behalf. I believe that the payment of so much of the expenditures of the Government *as can be fairly, and without too much* burden, raised from spirits, ought to be thus raised. I believe the best way to accomplish that is to remove the unnecessary burdens and oppressions which the present system lays upon the persons who distill, and the persons who are involved in difficulties under this law. I have, since I have been in Congress, attempted to remove these annoyances so far as possible in every way so that the system might be a system free from the constant irritations which accompany its execution, and that it might produce larger revenue with a reduction of the rate of the tax; that is, the lower rate of the tax might be followed by an increase in production of the article.

Therefore, as this furnished a possibility (I do not know that it can be more than that) for the adoption of a system, or experimental trial of a system, which might be free from the irritations which mark the execution of the present law, I thought it worth while to give that power to the executive branch of the Government, whether to a Democratic administration or to a Republican administration was a matter that did not enter into my view; but that the executive department should be given the power to see whether a system might not be adopted which would give better results in the collection of the taxes and in the removal of exactions than the one we now have.

Mr. BUTTERWORTH. Will not my friend agree that the better legislation would be to have the Secretary recommend the system to the House and let it be embodied in the form of law.

Mr. BRECKINRIDGE, of Kentucky. The objection to that was twofold. It did exactly what the present system does. It made us enact with inflexible legislative statute whatever we chose to put into it. It gave, therefore, none of that flexibility of detail which this discretionary power gives. In the second place, it threw upon the Secretary of the Treasury the burden of recommendation of changes that he might not be willing to make. My experience has been, in my short public service, that when a system is once established every officer who undertakes to execute it wants it let alone. He understands its operation. He knows what the law means as it is. He views with alarm any change and is opposed to it. It seemed to me all we could do was to say to the Secretary of the Treasury and to the Commissioner of Internal Revenue, "Here is the problem, take it and see if it can be solved, and if it can not be solved nobody is hurt." The system is not changed. If it can be done it is to be tried in a comparatively narrow arena with small distilleries. It can not do much harm. If it fails to work the Secretary has the power to set it aside.

Mr. KELLEY. Mr. Chairman——

Mr. CHAIRMAN. Debate on the amendment is exhausted.

Mr. KELLEY. I move to amend the amendment.

The CHAIRMAN. No further amendments are in order.

Mr. KELLEY. Then I move to strike out the last word.

The CHAIRMAN. How much time does the gentleman want?

Mr. KELLEY. About as long as my friend from Kentucky had; a generous five minutes, or until I get to the rounding off of the closing period, as he did.

There was no objection.

Mr. KELLEY. I desire to say, Mr. Chairman, that sections 29, 30, 31, and possibly 32, struck me when introduced in the Committee on Ways and Means as a well-devised system of provisions for relieving moonshiners from responsibility, and as I have read them day by day and heard them discussed to-day I have been confirmed in that opinion.

Section 29 provides, as an opening to the system, that whenever in any statute denouncing any violation of the internal-revenue laws as a felony, crime, or misdemeanor there is prescribed in such statute a minimum punishment, less than which minimum no fine, penalty, imprisonment, or punishment is authorized to be imposed, every such minimum punishment is hereby abolished; and the court or judge in every such case shall have discretion to impose any fine, penalty, imprisonment, or punishment not exceeding the limit authorized by such statute, whether such fine, penalty, imprisonment, or punishment be less or greater than the said minimum so prescribed.

That is to say, that however guilty the moonshiner may be found the judge may relieve him by imposing the enormous penalty of 1 cent as a fine. I think we had better retain a well-defined system of punishments for offenses against the internal-revenue laws.

Section 30 provides that no warrant in any case under the internal-revenue laws shall be issued upon an affidavit making charges upon information and belief. Oh, no. We are to remove storekeepers, gaugers, and others who now watch the distilleries, and then we are to prohibit the issue of a warrant unless the party comes up with such personal information as a storekeeper might bring and swears "upon my actual knowledge crime has been committed." In all other matters information and belief will suffice. But under this proposed system of licensing illegal distilling information and belief will not do; and affidavit of positive knowledge must be made by one who can not once in a thousand times possibly have the certainty of knowledge; and unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent it will not answer. First, we remove those who might obtain the knowledge and then refuse to arrest the guilty moonshiner unless the positive oath be made.

Let us look a little further. The section provides as follows:

And the United States shall not be liable to pay any fees to marshals, clerks, commissioners, or other officers for any warrant issued or arrest made in prosecutions under the internal-revenue laws, unless there be a conviction or the prosecution has been approved, either before or after such arrest, by the attorney of the United States for the district where the offense is alleged to have been committed, or unless the prosecution was commenced by information or indictment.

It is a beautiful system, a well-devised and closely compacted system for giving moonshiners absolute immunity from internal taxes. So tender of the rights of those people are the framers of these provisions that they will not permit the present law requiring the destruction of illicit stills to be carried into effect, and they require the judges of county courts to watch over the health of the unfortunates who shall have been sent to prison for moonshining before these statutes for their relief go into effect. This is not exaggeration, though it sounds extremely like it.

Mr. McCULLOGH. And the Secretary of the Treasury takes it altogether out of the collector's hands. He dismisses the collector and gives free fruit brandy.

Mr. KELLEY. Section 38 proposes to amend section 332 of the Revised Statutes so as to provide that—

When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than 150 gallons a day, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be sold, as in case of other forfeited property, without being mutilated or destroyed.

The present law requires that they shall be not only mutilated, but destroyed. Now, sir, when these doublers, worms, worm-tubs, mash-tubs and fermenting-tubs shall be offered for sale under these provisions I should like to see the man who would dare to bid upon them at the mouth of their owner's rifle. The fellow from whose still-house they are taken will doubtless attend such sale and stand there with his rifle or shot-gun. The sale will take place, and he or his son Johnny will bid one dime, or a nickle, and, as nobody will at the risk of his life compete, the goods will be knocked down to Johnny and put back in the illicit still-house.

This section goes on to further provide, as follows:

And in case of seizure of a still, doubler, worm, worm-tub, fermenting-tub, mash-tub, or other distilling apparatus of any kind whatsoever, for any offense involving forfeiture of the same, it shall be the duty of the seizing officer to remove the same from the place where seized to a place of safe storage.

It will not do, if any part is made of iron, to put them in a damp or exposed building lest the iron should rust or corrode. This section requires them to be put in a place of safe storage.

And then comes the provision that said property so seized shall be sold as provided by law, but without being mutilated or destroyed.

Again, the fellow may curse the hard fortune which requires him to move them back to his distillery, but he need not add more than a dime to the expense of removal, because there will be no danger of competition. And then if, in spite of this liberal provision, a fellow should happen to be sent to jail for anything, section 39 provides:

That whenever it shall be made to appear to the United States court or judge having jurisdiction that the health or life of any person imprisoned for any offense, in a county jail or elsewhere, is endangered by close confinement, the said court or judge is hereby authorized to make such order and provision for the comfort and well-being of the person so imprisoned as shall be deemed reasonable and proper.

Mr. HOPKINS, of Illinois. Does that mean that he shall be lodged in the best hotel and fed on the best fare? [Laughter.]

Mr. KELLEY. That would be within the spirit of the act, but it is not so expressly provided. If one of the judges whose jurisdiction embraces Rowan County, Kentucky, or any county throughout the mountain region of the South, should hear that Johnny's father is likely to suffer in his health, and should refuse to make the order for his removal to more comfortable and salubrious quarters, the shot-gun might come into use upon the judge himself. At any rate, Mr. Chairman, I think it would be wise either to strike out these provisions or else to guard the rights of the Government and of the honest distiller a little more securely than they will be guarded by the provisions of this bill. To enact them into law would be to throw away twenty-five years of experience.

Mr. McMILLIN. Let us have a vote now.

Mr. BAYNE. I want to make a few brief observations.

Mr. McMILLIN. Well, let it be understood that debate shall close in ten minutes from this time, five minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. BOWDEN. I wish to offer an amendment.

The CHAIRMAN. This request will not interfere with the offering of an amendment.

There was no objection to the request of Mr. McMILLIN, and it was so ordered.

Mr. ROGERS. Mr. Chairman, there is a great deal in the observations just submitted by the gentleman from Pennsylvania [Mr. KELLEY] that I do not care to respond to at all. The Federal judiciary are pretty much all members of the Republican party. It is my pleasure to bear testimony, as to some of them at least, that they are men of high character, and earnest, faithful, and honorable in the administration of the law. It is right that I should say that I have no personal or representative interest of a local nature in these provisions of this bill, because very little of the business to which they relate, either licit or illicit, is carried on in the State where I reside. There is, however, a question involved in the remarks submitted by the gentleman from Pennsylvania in which I have a profound interest. That is, the preservation of those great cardinal principles which guaranty and protect the rights of the individual citizen which are found embodied in the Constitution which we have inherited from our fathers.

Article IV of the Constitution provides that—

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

And the great curse of this internal-revenue system, or rather the administrative features of it, has grown out of the abuse of this provision of the Constitution. I hold that every citizen of this country, whether under this or any other law, is entitled by the provision of the Constitution which I have cited to be secure from any arrest that is not based upon oath or affirmation, and that not resting upon "information or belief;" and if there is a statute to be found on the books this day which authorizes issuance of a warrant upon information or belief it ought to be repealed, as hostile to the personal liberty of the citizen, whether it relates to the internal-revenue laws or not. I speak, of course, of the criminal law of the land.

And so the Judiciary Committee, composed of such members from both sides of the House as the Speaker thought were worthy of a place upon it, united in the opinion that this provision of the law which the gentleman from Pennsylvania assailed was in accord with the constitutional theory of our Government and ought to be incorporated into public law.

Mr. WILSON, of Minnesota. Does not the gentleman know that this very statute to which objection is made here requires more than oath on information or belief?

Mr. ROGERS. I do not think so.

Mr. WILSON, of Minnesota. It clearly does.

Mr. ROGERS. Mr. Chairman, the main object for which I rose I have stated——

Mr. HOPKINS, of Illinois. I will call the attention of the gentleman to this language in section 30 of the bill:

No warrant, in any case under the internal-revenue laws, shall be issued upon an affidavit making charges upon information and belief, unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent; and, with the exception aforesaid, no warrant shall be issued except upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant.

Mr. ROGERS. As I now recollect, there is a provision in section 30 permitting the law to stand with relation to internal-revenue officers just as it now does, but making exception as to all other parties.

Mr. WILSON, of Minnesota. But suppose the officer of the law does not see the offense committed, as usually happens, why should not the arrest be made upon information or belief?

Mr. ROGERS. If I had my way no arrest of a citizen should be made except upon the oath or affirmation of a person having knowledge of the facts.

Mr. WILSON, of Minnesota. Then this kind of crime would go unwhipped of justice.

Mr. RYAN. Of course it would.

Mr. ROGERS. It is very much easier to make an assertion of what the result will be than it is to prove what I have stated is not the law. The provisions of the Constitution, the supreme law of the land, ought to be observed.

[Here the hammer fell.]

Mr. BAYNE. I do not think our friends on the other side, after having incorporated this provision in the present bill, can charge Republicans with being in favor of "free whisky." If this proposition does not mean "free whisky" it is impossible for me to imagine any legislation that would.

A MEMBER. It will only be free in certain localities.

Mr. HOPKINS, of Illinois. Free in the South. The distillers in the North will continue under the old law.

Mr. JOHNSTON, of North Carolina. Does the gentleman from Pennsylvania [Mr. BAYNE] oppose this provision because it favors free whisky?

Mr. BAYNE. I do. I am opposed to free whisky.

Mr. JOHNSTON, of North Carolina. Then you are against the platform of your party.

Mr. BAYNE. This proposition to exempt from taxation certain brandies made of fruit, and the other proposition to exempt distilleries from supervision by Government officials, simply open the road to free whisky. Under these provisions a large distillery in a Northern city will be compelled to pay the tax, while the multitude of smaller distilleries in the rural sections of the Southern country will be exempt altogether from this taxation.

The gentleman from Kentucky stated that since the tax on whisky had been reduced to 90 cents a gallon frauds were not frequent, and therefore the necessity for supervision is not so pressing now as it was when the tax was $2 a gallon. The gentleman can not surely have recurred to the report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1887, or he would not have made that statement. On page 15 of that report the Commissioner of Internal Revenue states that during the fiscal year there were criminal suits commenced to the number of 6,165.

Mr. BRECKINRIDGE, of Kentucky. How many of those were for violations of the law as to special licenses?

Mr. BAYNE. I do not know.

Mr. BRECKINRIDGE, of Kentucky. I think the gentleman will find that over 50 per cent. of them are for such violations of law.

Mr. BAYNE. Very well; assuming that to be the fact, then three thousand of these prosecutions have reference to the evasion of the tax in some other way.

Mr. BRECKINRIDGE, of Kentucky. Not exclusively in regard to whisky; cigars and beer are included.

Mr. BAYNE. But I imagine if only five hundred suits were brought against illicit distillers in this country during a year it would be a very large number in proportion to the number of persons engaged in this business—a very great percentage.

Mr. JOHNSTON, of North Carolina. How many of those prosecutions are reported to have gone to final judgment?

Mr. BAYNE. Seven hundred and ninety-nine.

Mr. JOHNSTON, of North Carolina. Exactly; and the rest were dismissed.

Mr. BAYNE. No, they were not.

Mr. JOHNSTON, of North Carolina. What became of them?

Mr. HOPKINS, of Illinois. They are probably on the docket for trial.

Mr. BAYNE. No; not even that. There are 799 of these cases where the judgments and costs have been paid, and 2,383 cases prosecuted to judgment where judgment and costs have not been paid.

Mr. JOHNSTON, of North Carolina. What became of the others?

Mr. BAYNE. Here are 179 that were settled by compromise, and there were 812 that were decided against the United States.

Mr. JOHNSTON, of North Carolina. Exactly.

Mr. BAYNE. In this great aggregate of cases the United States seem to have lost a very small percentage. Therefore, whether these prosecutions were made upon information or belief, or were the result of Government supervision, it is shown most conclusively to my mind that there is a pressing necessity for maintaining a strict surveillance of the manufacture of liquor. As my friend from Ohio said, it is a gross injustice to the men who pay their taxes and are willing to be supervised that others should be permitted to carry on the business without any such supervision.

I append to my remarks the table to which I have referred.

REPORTS OF DISTRICT ATTORNEYS.

The following is an abstract of reports of district attorneys for the fiscal year 1886–'87 of internal-revenue suits and prosecutions pending, commenced, and disposed of.

Suits and prosecutions.	Number of criminal actions.	Number of civil actions *in personam.*	Number of actions *in rem.*	Total.
Pending July 1, 1886	2,103	287	46	2,436
Commenced during fiscal year 1886–'87	6,165	304	27	6,496
Total	8,267	591	73	8,932
Decided in favor of United States:				
Judgments and costs paid	799	38	7	844
Judgments and costs not paid	2,383	156	4	2,543
Total	3,182	194	11	3,387
Settled by compromise	179	20	20	219
Decided against the United States	812	8	4	824
Dismissed, abandoned, consolidated, etc	1,043	36	1	1,080
Total suits disposed of	5,216	258	36	5,510
Pending July 1, 1887	3,052	333	37	3,422
Wherein sentence is suspended	790			790

The CHAIRMAN. Debate on this paragraph is now closed. The question is first upon the amendment of the gentleman from Ohio [Mr. BUTTERWORTH] to the amendment of the gentleman from Illinois [Mr. ADAMS]. It will be read.

The Clerk read as follows:

In section 36 strike out, commencing with line 11 down to and including the word "gaugers" in line 19.

The question being taken, there were—ayes 67, noes 81.

Mr. BUTTERWORTH. I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 73, noes 98.

So the amendment to the amendment was rejected.

The question recurring on the amendment of Mr. ADAMS, the committee divided; and there were—ayes 48, noes 82.

So the amendment was rejected.

Mr. BOWDEN. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after line 33, section 36:

"*And provided further*, That no tax for deficiency shall be assessed upon any distiller from fruit."

The amendment was rejected.

Mr. MCKENNA. I offer an amendment to be known as sections 38, 39, 40, 41, and 42.

The Clerk read as follows:

SEC. 38. There shall be an allowance of drawback of the tax represented by tax-paid stamps, on wine-spirits, the product resulting from the distillation of fermented grape-juice, including the product commonly known as grape-brandy, used in the fortification of sweet wines manufactured for exportation and actually exported. The wine-spirits to be used must be received on the premises of the manufacturer of the wine, in the original distiller's packages to which the tax-paid stamps are affixed. The use of the wine-spirits, the manufacture and exportation of the wine, and the allowance of drawbacks shall be under such regulations, bonds, and bills of lading as the Commissionsr of Internal Revenue, with the approval of the Secretary of the Treasury, shall from time to time prescribe. The penal sum of the bonds shall be equal to double the amount of the tax to be secured, and shall be with good and sufficient sureties, to be approved by the collector required by the regulations to take the bond. The sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States out of any money arising from internal duties not otherwise appropriated: *Provided*, That the allowance of drawback shall be computed on the quantity of brandy in taxable proof gallons actually used from each package for the purpose herein authorized. And no claim for such drawback shall be entertained or allowed unless accompanied by such portion of the tax-paid stamp from each such package as shows the serial number thereof, the number of the package from which it was removed, the date of payment of tax, the name of the distiller, and the quantity of brandy contained in the package upon which tax has been paid, such portion of the tax-paid stamp to be removed by the United States gauger who determines the actual contents of the package at the time it is mingled with the wine. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on wine-spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained; and shall be imprisoned not more than ten years; and every person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent shipment of, any wine-spirits or wine, shall be fined not exceeding $5,000 and imprisoned not more than one year. Every person who intentionally relands within the jurisdiction of the United States any wine which has been shipped for exportation under the provisions of this act, or who receives such relanded wine, and every person who aids and abets in such relanding or receiving of such wine, shall be fined not exceeding $5,000 and imprisonment not more than three years; and all wines so relanded, together with the vessel from which the same were relanded, within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such wines shall be forfeited to the United States.

SEC. 39. That wine-spirits as herein described may be withdrawn from special bonded warehouses at the instance of any person desiring to use the same to fortify any wines, in accordance with commercial demands of foreign markets, when such wines are intended for exportation, without the payment of tax on the amount of wine-spirits used in such fortification, under such regulations, and after making such entries, and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security to prevent the use of such wine-spirits free of tax otherwise than in the fortification of wine intended for exportation, and for the due exportation of the wine so fortified, as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and all of the provisions of law governing the exportation of distilled spirits free of tax, so far as applicable, shall apply to the withdrawal and use of wine-spirits and the exportation of the same in accordance with this section; and the Commissioner of Internal Revenue is authorized, subject to approval by the Secretary of the Treasury, to prescribe that wine-spirits intended for the fortification of wines under this section shall not be introduced into such wines except under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Whenever such wine-spirits are withdrawn as provided herein for the fortification of wines intended for exportation by sea, they shall be introduced into such wines only after removal from storage and arrival alongside of the vessel which is to transport the same; and whenever transportation of such wines is to be effected by land-carriage, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as to sealing packages and vehicles containing the same, and as to supervision of transportation from the point of departure, which point shall be determined as the place where such wine-spirits may be introduced into such wines, to the point of destination, as may be necessary to insure the due exportation of such fortified wines.

SEC. 40. That all provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same to the extent of the distilled spirits contained therein which were originally liable to internal-revenue tax; and in case it is impracticable to determine the exact amount of such distilled spirits liable to tax, the rule for levying the duty thereon at the port of entry shall be by considering all the alcohol in such wines, other than sweet wines, in excess of 15 per cent., to be subject to duty at the rate of 90 cents per proof gallon, or at the same rate for each fractional gallon; and all domestic wines containing more than 24 per cent. of alcohol sought to be reimported from foreign countries shall be classed as alcoholic liquors, and taxed at the port of entry at the rate of 90 cents per wine-gallon for each gallon of such liquors, if not exceeding in strength that of proof-spirits, and if exceeding the strength of proof-spirits, then at the rate of 90 cents per proof-gallon: *Provided, however*, That if any distilled spirits have been added to such wines of domestic growth after they have been exported to foreign ports, or if such wines have been compounded with any foreign wines or other substances not produced from grapes, the rate of duty levied and collected on the same, when reimported, shall be equal to that levied and collected on foreign products of a similar nature.

SEC. 41. That any person using wine-spirits or other spirits which have not been tax-paid, in fortifying wine otherwise than as provided for in this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not less than $200 nor more than $2,000, and for every offense other than the first also by imprisonment for not less than thirty days nor more than one year.

SEC. 42. That wine-spirits used in fortifying wines may be recovered from such wine only on the premises of a duly authorized grape-brandy distiller; and for the purpose of such recovery wines so fortified may be received as material on the premises of such a distiller, on a special permit of the collector of internal revenue in whose district the distillery is located; and the distiller will be held to pay the tax on a product from such wines as will include both the alcoholic strength therein produced by the fermentation of the grape-juice and that obtained from the added distilled spirits.

Mr. MCKENNA. This amendment now proposed passed the Senate in the Forty-ninth Congress. It was put on as an amendment upon what is called the "fractional-gallon bill." It came to the House, was referred to the Committee on Ways and Means, and was reported back to the House favorably with the recommendation that it pass. It has received the support of the Senate, it has received the approval of the Committee on Ways and Means as at present constituted, with the exception of Mr. Morrison. The amendment is a quotation from the conference report, and it will afford, if adopted, the producers of sweet wines of California and of the United States a decided benefit and advantage in foreign markets where their product now must compete with wine that has paid no tax.

The committee is probably aware of the fact that it is necessary in the production of this character of wines to add spirits of some kind in order to prevent their deterioration; in other words, for the fortification of the wine. The producer of the wine must now pay a tax of 90 cents a gallon to the Government. This amendment simply provides that upon the exportation of that wine this tax shall be refunded to him. That is the whole of it. It once passed the Senate, as I stated before, received the approval of the Committee on Ways and Means, and I see no reason why it should not pass the House now and become a part of this bill.

The question was taken, and on a division there were—ayes 57, noes 73.

So the amendment was rejected.

Mr. HITT. I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amend by inserting as an additional section to section 37:

"That the tax on all distilled spirits hereafter entered for deposit in distillery

warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within one year from the date of entry for deposit therein, and warehousing bonds hereafter taken under the provisions of section 3296 of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry before removal from the distillery warehouse, and within one year from the date of said bonds."

Mr. HITT. That amendment simply provides for restoring the bonded period to its former term of one year, the time which was given to the manufacturers of whisky for many years after the internal-revenue law was originally passed as the period during which they need not pay any tax upon that product. It was found by experience that this period of exemption from taxation was profitable, and a pressure began, which increased from year to year, and from month to month, until in 1878 a new three years' law was passed, which was pressed by some very powerful influences, and urged upon the ground that the whisky interest was distressed by overproduction, an overproduction stimulated by the very fact that it was so profitable. This pressure succeeded in securing an extension of the profitable bonded period to three years.

To protect the Government against the great loss on their part evident upon the face of the proposition, it was coupled with a provision that the distillers should pay 5 per cent. upon the deferred tax; in other words, upon the amount which the Government advanced; but it was not a great while before that provision was swept away. It has long since passed from the statute-books, and no interest whatever is now exacted on the millions upon millions of taxes owing to the Government from the vast volume of whisky resting in bonded warehouses for three years.

A still greater stimulus was given to whisky production in this country by that change of law, and then a new and stronger pressure was brought for a further extension; and all members who served here since the Forty-seventh Congress will remember the urgent and powerful influences brought to bear from time to time to extend the bonded period and give greater and greater advantages to the manufacturers of whisky by extending the period from three years to five years and then to seven years; and I suppose that those most deeply interested are sanguine in the hope that in the end there will be a complete removal of the bar, so that it will remain for an indefinite period exempt from tax in the warehouses or until the manufacturers choose to take it away.

The change of law was at first justified partly on the ground that importers of foreign spirits were allowed to hold it for a time in warehouse; but this great difference exists: the importer who puts foreign liquor in a Government warehouse is compelled to pay 10 per cent. on the tax or duty due and charges. The domestic manufacturer pays no interest. Nor is this exemption analogous to the time allowed for the tax on tobacco or beer, because tobacco and beer can not be improved by being kept like whisky, and therefore there is no profit in holding them. There is no investment by the Government in those for the profit of the manufacturer.

The curious effect of the law, bent about in this way, as the result of ingenuity and experience, so as to enrich whisky-producers by a tax apparently heavy, but with this extraordinary privilege, has produced the strange spectacle in this country to-day of a great interest, a closely organized body of rich men, who are themselves the most strenuous supporters of the law that imposes upon them one of the heaviest taxes known to our system. They do not care for the amount of the tax while they have this great exemption. The peculiarity in the way the tax is imposed and collected gives them an extraordinary privilege and an enormous profit.

That profit, contrived in the law for a business which the moral sentiment of the world condemns, is one that has led many good men to revolt at the whole system of taxing whisky and to ask for the repeal of the whisky tax, though themselves the most earnest temperance men. The gentleman from New Hampshire [Mr. GALLINGER] has just stated, and stated pointedly, the strong feeling that animates the Woman's Christian Temperance Union, and which animates a great many good men and women who undoubtedly represent largely the moral sentiment of the day, in calling for the repeal of the whole law, because their attention has been so intensely directed to its abuses. They see that it has been made an instrument for enormous profits by those who are supposed in theory to be burdened by it, whose business would seem to be discouraged by it——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask that the time of my colleague be extended.

The CHAIRMAN. For what time?

Mr. CANNON. For five minutes.

Mr. HITT. I will be very brief.

There was no objection.

Mr. HITT. I have said that the law as it stands was profitable to the whisky manufacturer. Let me state briefly in detail how ingeniously the bonded period was contrived to enrich men who make whisky. It costs but 15 cents a gallon to manufacture whisky. A barrel, containing 50 gallons, only costs $7.50 to make it. That is the whole capital that is to be laid out, the whole investment by the citizen engaged in this business. The tax upon it at 90 cents per gallon is $45, and that investment the Government puts up for three years without interest.

There is a loss at the end of three years of about 7 gallons by evaporation on a barrel of whisky, and the tax is deducted for that, and is never paid. That is $6.30. Then on the 43 gallons which are left the tax is $38.70, and the division of profit is about this: The whisky which has aged and mellowed and improved is worth about $1.90 a gallon, I am informed by those conversant with the business, when taken out of bond at the end of three years; that would be $81.70. He sells it for this when he takes it out of bond. Of that the tax would be $38.70, leaving $43 to the owner who has invested only $7.50, and realized as clear profit $35.50 in three years upon the investment of $7.50. Now, right there in the law is the life of the whisky trust. Many gentlemen have called upon us here in speeches appealing to our patriotic indignation at the wrongs of the mass of our people because of the colossal trusts and monopolies that have grown up.

There are oppressive trusts, and some of them have their roots in the law. This is one, and the amendment I offer would break it up. It was shown here in this debate a few days ago that the sugar trust was based upon and intrenched in the cunning provisions of the law, not upon the amount of duty levied, but upon the peculiar arrangement of the schedule of duties on sugars, admitting raw sugars which the trust import at low duties, and charging very high duties on refined sugars which the trust sell, thus excluding all foreign competition. That vicious schedule, so convenient for the sugar trust, is kept in the Mills bill. So it is with the internal-revenue law. It is because of this extraordinary privilege of whisky-makers; it is because of this singular exemption which experience has shown to be so profitable that production is crowded upon the market to such an extent that it has to be held down to-day by the iron hand of a trust; by the authority of a great combine. In many of your Congressional districts gentlemen know there are distillers to-day whose establishments are idle drawing enormous subsidies from the trust although doing nothing; paid for being idle that the whisky market may be absolutely controlled and these millions of profit realized under this most unfair and unjust law.

Such a law as this ought to be amended, and if this sting is taken out of it the vast support it now receives throughout the country from all those who seem to be burdened but are really benefited by it would be taken away. Then the Woman's Christian Temperance Union and the whisky combine would exchange positions. The ladies who labor for temperance and the clergymen who preach the suppression of evil would not call for the repeal of a tax that really burdened and discouraged what they all believe to be an accursed thing. Men would then say to one another, "Do not repeal the law and cheapen whisky, for that is virtually putting the cup to your neighbor's lips." Then the whisky manufacturer, compelled to pay the tax without exemption, would cry out, like all other taxed interests, and we would have no more of the whisky lobby here to press new and endless extensions of the bonded period. I earnestly hope we may adopt this amendment, which all on this side of the House will vote for, and cut down this bonded period of three years during which whisky pays nothing, while the Government, as a sort of trustee, guards it till it enriches the whisky maker.

Mr. BRECKINRIDGE, of Kentucky. I think it is proper under all the circumstances to put on record my protest against the doctrine announced by the gentleman from Illinois. The law as it now stands is not a proper law. I frankly admit that and agree with the gentleman, but not for the reason he gives; nor is the remedy in the direction of his amendment.

The present tax on whisky is about 400 per cent. on the best of beverage whisky or brandy, and about 500 per cent. on high wines. The high wines are better as they run from the still than they ever afterwards become. It is to the interest of the distillers to have the tax paid at once.

Therefore, if they could induce the gentleman from Illinois [Mr. ADAMS] and the House to require the tax to be paid once, they incidentally, by legislative ledgerdemain, destroy their competitors who make beverage whisky.

Mr. REED. High wines are not a beverage.

Mr. BRECKINRIDGE, of Kentucky. As a rule they are not, but to the great injury of life insurance companies they become such.

Now the objection to the present law is that it requires the tax to be paid before the article on which the tax is paid goes into consumption; it requires it to be paid at a fixed time before the article is fit for consumption, and therefore it is rather in the nature of a tax on production than a tax on consumption. The Committee on Ways and Means, however, did not see their way clear to recommend any change in the present law as between the various parties whose interests are different in regard to these matters. There was an interest in favor of the repeal of the extension for three years; there was an interest in favor of an indefinite extension of the bonded period; there was an interest in favor of the reduction of the taxes; there was an interest in favor of making fruit brandies free; there was an interest in favor of making alcohol used in the arts free; and, after going over the whole subject with very great care, the committee thought that all these matters had better be put into a separate bill and stand upon their own individual merits instead of being attached to a bill like this for the reduction of

taxation. Therefore, as between these various interests, the committee reported a bill which leaves the law as to those matters as it now is, as it was passed by preceding Congresses after very full debate.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. HITT].

The question was taken; and there were—ayes 66, noes 86.

Tellers were demanded and ordered.

The committee again divided; and the tellers reported—ayes 60, noes 87.

So the amendment was rejected.

The Clerk read as follows:

SEC. 38. That section 3332 of the Revised Statutes, and the supplement thereto, shall be amended so that said section shall read as follows:

"When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than 150 gallons a day, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be sold, as in case of other forfeited property, without being mutilated or destroyed. And in case of seizure of a still, doubler, worm, worm-tub, fermenting-tub, mash-tub, or other distilling apparatus of any kind whatsoever, for any offense involving forfeiture of the same, it shall be the duty of the seizing officer to remove the same from the place where seized to a place of safe storage; and said property so seized shall be sold as provided by law, but without being mutilated or destroyed."

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 66, lines 10, 11, 12, strike out "sold," in line 10, and all down to and including "or," in line 12; lines 17 and 18, strike out "sold," in line 17, down to and including "or," and insert in lieu thereof the words "after such judgment or forfeiture."

Mr. BUCHANAN. Mr. Chairman, under the law as it now stands when an illicit distillery is seized the apparatus is destroyed. This bill provides that it shall not be destroyed even after a judgment of forfeiture, but shall be sold. My amendment provides that it shall be destroyed after such a judgment. It would seem to be perfectly proper that after a judgment of forfeiture had passed the property should be destroyed and not be sold by the Government to be again applied to its unlawful purpose. Preserving it in this way is very much as if a police court should preserve the "jimmy" for the burglar after it had convicted him.

The amendment was rejected.

The Clerk read as follows:

SEC. 40. That all clauses of section 3244 of the Revised Statutes, and all laws amendatory thereof, and all other laws which impose any special taxes upon manufacturers of stills, retail dealers in liquors, and retail dealers in malt liquors, are hereby repealed.

Mr. SOWDEN. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 40 by striking it out and inserting in lieu thereof the following:

"Section 3244 of the Revised Statutes and all laws amendatory thereof, and all other laws imposing special taxes upon distillers, brewers, rectifiers, manufacturers of stills, and stills and worms, wholesale liquor-dealers, retail liquor-dealers, dealers in leaf-tobacco, dealers in manufactured tobacco, manufacturers of tobacco, manufacturers of cigars, peddlers of tobacco, wholesale dealers in malt liquors, and retail dealers in malt liquors, are hereby repealed."

Mr. SOWDEN. The committee propose to repeal only the special taxes collected from retail liquor dealers and retail dealers in malt liquors. The amounts of special taxes collected from those two sources during the fiscal year ending June 30, 1887, were, from retail liquor dealers, $4,587,268.21, and from retail dealers in malt liquors, $177,148.13. The committee have made an unfair distinction in this particular. I should like to know how they can justify their position when they seek to repeal the special internal-revenue taxes only so far as they relate to retail dealers in liquors and malt liquors, leaving the other special taxes undisturbed. Why not repeal all special taxes and remand the imposition of taxes for licenses to the different States under their several police regulations? It seems to me that it is inequitable to insist upon the brewers, the dealers in leaf-tobacco, and the others enumerated in my amendment paying special internal-revenue taxes and at the same time relieve those dealing in liquors and malt liquors from this iniquitous and unnecessary burden.

I agree with the committee in so far as they go, but complain because they did not wipe out all special internal-revenue taxes, which my amendment proposes to do. I do not believe that the Federal Government should collect any special taxes from retail dealers in spirituous or malt liquors or from any other source. These are proper subjects of taxation under the laws of the several States, and their respective Legislatures can safely be trusted with the control and regulation of the same.

During the fiscal year ending June 30, 1887, a special tax of $176,600.12 was collected from the rectifiers, $416,304.66 from the wholesale liquor-dealers, $860.86 from the manufacturers of stills, $2,860 on stills and worms, $51,891.14 from dealers in leaf-tobacco, $1,245,412.65 from dealers in manufactured tobacco, $5,563.75 from manufacturers of tobacco, $113,340 from manufacturers of cigars, $14,701.94 from peddlers of tobacco, $187,352.24 from the brewers, and $170,275.33 from the wholesale dealers in malt liquors, besides the $4,587,268.21 from the retail liquor-dealers and the $177,148.13 collected from the retail dealers in malt liquors, as already stated.

The total amount of special taxes collected during the period named was $7,149,579.03. The committee propose to relieve two classes of dealers, from whom was collected $4,764,416.34 last year, and leave unrepealed all other species of special internal-revenue taxes, from which was collected $2,385,162.69 during the same period, while my amendment proposes to repeal all these unnecessary taxes.

Why does the committee make the unfair discrimination pointed out? Why not put all these dealers in the same category? Why impose special taxes upon one class of dealers and not upon the others? Why discriminate against the brewers, rectifiers, wholesale liquor-dealers, wholesale dealers in malt liquors, and manufacturers of tobacco, etc.? Why not abolish the entire system of special internal-revenue taxes? I should like to hear some reason for the discrimination which the committee make in its proposition to repeal only a portion of these special taxes. The retention of any of these taxes seem to be unwarranted and inexcusable.

[Here the hammer fell.]

Mr. MCMILLIN. In response to the gentleman from Pennsylvania [Mr. SOWDEN], I will say that upon those articles on which taxation is imposed a certain supervision is necessary to be retained by the Government. The tax on dealers in leaf-tobacco has been repealed; there is now no such tax. The provision which misled the gentleman from Pennsylvania is retained in the bill in order to enable the Internal-Revenue Department to utilize very costly and valuable dies and other appliances used in the printing of stamps, etc.

So far as concerns wholesale dealers in spirits, the committee thought it proper to continue taxation upon them in order to maintain the supervision of the Government over whisky and prevent evasion of the tax. Provision has been made for the repeal of those special licenses under which most of the indictments and oppressive proceedings of which complaints have been made originated. I think when the gentleman examines the whole bill he will find it provides for the abolition of all taxes that can be abolished consistently with the integrity of the system and the proper collection of the revenue.

Mr. LAWLER. I desire to submit the following resolution adopted by the Cigar-Makers' International Union:

Resolution adopted at the seventeenth session of the Cigar-Makers' International Union of America, held at Binghamton, N. Y., September, 1887.

Whereas an agitation is being vigorously presented to abolish the internal-revenue on cigars and tobacco;

Whereas experience has demonstrated that the agitation even on this subject has had the effect of keeping thousands of workers in our trade out of employment for months at a time;

Whereas the internal-revenue system, so far at least as it applies to the manufacture of cigars, has had the effect of developing it from a mere sporadic calling into a fully-established industry by which nearly 75,000 of our people earn their livelihood; and

Whereas the abolition of the internal-revenue on cigars would not benefit either producer or consumer by reason of its fractional bearing on each cigar; Therefore,

Be it resolved, That we, the representatives of the cigar-makers of the country in convention assembled, protest respectfully, but emphatically, against any interference with the internal-revenue on cigars.

AUG. STRUMEL,
Cigar-Makers' Union, Chicago.

The question being taken on the amendment of Mr. SOWDEN, it was rejected; there being—ayes 41, noes 75.

Mr. LAWLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of section 40 the following:

"And so much of the act of August 2, 1886, which assesses and directs the collection of a tax of 2 cents per pound upon oleomargarine, namely, section 8 of said act, be, and the same is hereby, repealed."

Mr. LAWLER. Mr. Chairman, I have not occupied any time in the consideration of this bill, and I now ask consent to speak upon this amendment for ten or twelve minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. LAWLER. Mr. Chairman, I offer this amendment to repeal the per pound tax imposed upon oleomargarine in consonance with the several bills and resolutions previously presented by me looking to this end, which proposed measures, by the rules of the House, should have been referred to the Committee on Ways and Means, but which were nevertheless consigned to the not very tender mercies of the Committee on Agriculture. In the womb of this body they have been allowed to remain since the early days of the present session without delivery and "unhatched."

I maintain that every argument advanced in support of the bill to reduce taxation reported by the Ways and Means Committee is an argument in favor of this proposition to abrogate the pound tax on oleomargarine, and the views of the President as set forth in his message urging reduction of the surplus through lowering of customs dues find pronounced application in the matter of the relievement of this burden. To be consistent, every gentleman on this floor who has spoken in favor of the Mills bill should give assent to the amendment I have proposed.

The tax on oleomargarine was imposed upon the mistaken and vicious theory that being an alleged unhealthy and deleterious food product its production and consumption should be repressed, and in the mistaken judgment of a large proportion of the membership of the Forty-ninth Congress this end could only be secured by internal taxation upon the article itself and by requiring licenses from retail and wholesale dealers.

But it was not properly taken into consideration that these taxes were nothing more nor less than a tax upon the consumers, and that these consumers were mainly of the laboring class, wage-workers, living from hand to mouth, the humble proceeds of whose toil were too slender to permit their indulgence in butter at the high prices which that article commands in the common markets.

It seems it was necessary to "protect" the "dairy interest," as represented by the Dairymen's Association—a "trust" of the very worst description—and which association, during the debate on the oleomargarine bill, openly and undisguisedly maintained a well-paid lobby at Washington to influence legislation which, by taxing oleomargarine and imposing licenses, would enable this "trust" to "corner" the market and maintain the present high prices exacted for butter. The poor people were forgotten in this unseemly scramble to protect the dairymen's trust, and the statistics of the Internal-Revenue Department show that, since the passage of the oleomargarine monstrosity, these consumers have been robbed under color of a mischievous law to the amount of several millions through the enhanced price which they have been compelled to pay by addition of the oleomargarine pound tax, and to what end and to what good?

It is conceded that the Government does not need the money collected from this tax. It is conceded that the tax has not operated to destroy or lessen the manufacture of this food product; and I am prepared to assert positively that this tax has neither added to, diminished, nor in any wise affected the condition of the public health.

It is possible that unhealthy or bad oleomargarine, or a product purporting to be oleomargarine, may be put upon the market in limited or unlimited quantities, but the same is true of all food supplies. As a matter of fact, it is notorious that more bad butter than bad oleomargarine may be found commonly on sale in all the retail markets of the country. Moreover, the question of the public health, as affected by deleterious articles of food, is a matter of police regulation by State and local authorities, and my own State, Illinois, enforces and maintains commensurate health laws in this particular.

Why should the poor, or people of small means, be compelled to pay tribute of more than a million annually in the advanced price of this food-product only to enrich the dairymen's trust? Why should an internal tax of such dimensions be imposed under the fallacious idea of protecting the public health when it is notorious that no such protection is needed, and when the proposition is clear and unassailable that taxation alone, unaided by police regulations, is not, never was, and never can be a remedy for even an admitted public evil.

The certificates of our most distinguished and expert physicians and chemists show that oleomargarine proper is not an unhealthy food-product, but, on the contrary, their analyses demonstrate that it is entirely healthful and furnishes people of narrow resources with an excellent substitute for butter. Of course its manufacture should be carefully guarded to prevent adulteration, but Federal taxation does not accomplish that end.

My personal inspection of the markets at Washington shows that 35 cents per pound is asked for butter of ordinary quality, while as high as 75 cents per pound is readily obtained for fine Philadelphia Print butter. Good, sweet, wholesome oleomargarine, duly inspected and certified, can be purchased at from 18 to 25 cents per pound, and the most numerous, the poorer classes, are necessarily obliged to purchase and use this substitute for butter simply because they can not afford to pay the prices which butter commands in retail markets.

The logic of the proposed amendment is inexorable. The President insists that all taxes upon articles of prime necessity should be abrogated and the free-list greatly enlarged. The collection of the oleomargarine tax costs the Government a large annual outlay. The Treasury is plethoric with its hoard of money, and we are endeavoring to apply a remedy for this dangerous condition. The Ways and Means Committee propose a measure of relief in the bill under discussion. Take off the internal-revenue pound tax on oleomargarine, maintaining the license tax, if deemed proper, and you relieve the laboring classes and people of small means from the exaction of a million dollars or more annually, levied upon a food product, an article of prime necessity, which so far has been imposed for the mere gratification of the dairymen's trust, without adding to the public health, but swelling the plethoric surplus of the Treasury to that amount.

The shibboleth of the hour is to relieve the people of all unnecessary burdens, and I submit that the pound tax on oleomargarine is the most illogical, oppressive, and unnecessary item of taxation burden ever placed upon the community. It is a robbery without reason; a brigandage committed wholly in the interest of waste and wantonness, and, so far as I have been enabled to examine the underlying principles of taxation by the sovereign power, is without precedent in the history of the Republic. Carried to legitimate conclusion in application to other food products of home manufacture, this tax would become a monstrosity and abomination almost justifying resistance by revolution.

Why thus grind the face of the poor and place the Government in the position of filching the earnings of the laboring classes, or indeed those of any class, by wringing taxes not needed for its support and where no other public interest is honestly subserved thereby? The oleomargarine tax is a fraud, a delusion, a snare, and a wrong, and should be repealed at once.

Mr. Chairman, in offering and advocating this amendment I do not propose to interfere with the license system which has been adopted for the protection of the public in regard to this acknowledged food product, which has been recognized as such in the action of the Forty-ninth Congress in the passage of one of the most vicious laws embraced in our recent legislation. This is a food product which the laboring people of our country—those who receive, perhaps, but 90 cents a day—are compelled to use. My amendment does not attempt to interfere with the law in regard to licenses of manufacturers or wholesale and retail dealers.

The proposition I submit is in keeping with the principles of the President's message. It is in the interest of the toiling masses who are compelled to use this food product, and who are now obliged to pay 2 cents on every pound they purchase. All that this amendment asks is that they be relieved from this taxation.

I have listened to what has been said during this debate on both sides in regard to the toiling masses. Here is a tax against that very class. I say to members on both sides of the House they can vote for or against it as they like.

Mr. BLAND. What is the price of oleomargarine now as compared with what it was before the law was passed?

Mr. LAWLER. It is about the same—23 cents a pound.

Mr. WILSON, of Minnesota. Mr. Chairman, I wish to use the few minutes allowed me to oppose this amendment. I have for the first time heard that this honest product called oleomargarine is suffering from a "dairy trust."

The "trust" has become justly odious, and therefore this epithet is hurled at the diary interest here.

Mr. LAWLER. It is true they were here in the Forty-ninth Congress, and I charge that they were here as a trust. I charge it now.

Mr. WILSON, of Minnesota. Oh, yes. Charges are easily made, but in the absence of a circumstance or word of evidence to support such a charge they will mislead no one.

The influence which has been at work all this session to repeal this tax is the "trust" engaged in the manufacture of bogus butter from impure lard, which is palmed off on the people as the honest product of the dairy.

This tax favors pure against adulterated and unwholesome food, and its incidental effect is to protect the people against imposition.

That Congress has the right under the Constitution to impose such a tax is no longer an open question. That has been settled by the highest courts of the country. Nor do I think that the policy and propriety of such a tax admits of any doubt. The Federal Government has not power to prevent the manufacture of this product—but we can tax it. General Garfield in his speech on the tariff bill of 1870, said:

> First, we tax the vices of the people, if that term may properly be applied to some of their social habits. The smokes and drinks and chews of the people pay almost one-half of the taxes now collected under our internal-revenue laws.

Lard, and often impure lard at that, imposed on the people as wholesome butter should certainly pay its full share of the taxes.

To strike off this tax now would be an encouragement to expand this business to the detriment of the country and of the people generally. I feel sure this House will not countenance this. We should rather increase this tax than lessen or abate it. I yield my remaining two minutes time to the gentleman from New York [Mr. STAHLNECKER] to read some communications that throw some light on the nature and composition of the product called oleomargarine.

Mr. STAHLNECKER. In the interest of the workingman I desire to have the following letters read, caption and all.

The Clerk read as follows:

[G. Hutchison, analyst, soap and oil specialist, etc. 41 West Sixty-fifth street. Cable address: "Ingredient, New York." A. B. C. cable code used.]

NEW YORK, *July* 7, 1888.

DEAR SIR: Would it not be worth your while to purchase my bleaching process for the bleaching of palm oil, if for no other purpose? As by this means you can easily produce a fine, white, sweet material like lard, at half its cost.

Yours, truly,

GEO. HUTCHISON.

Messrs. JOHN P. SQUIRE & Co., *Boston*.

[G. Hutchison, analyst, soap and oil specialist, etc. 41 West Sixty-fifth street. Cable address: "Ingredient, New York." A. B. C. cable code used.]

NEW YORK, *July* 9, 1888.

DEAR SIRS: Referring to my bleaching process, would it not be well worth your while to purchase this process for the bleaching of "palm oil," if for no other purpose? As by this means you can easily produce a fine, white, and sweet material like lard, at half its price.

I am willing to let you have full working details for $250, strictly for your own use, which is the merest trifle in comparison to its value for bleaching off-colored tallow, grease, palm oil, olive oil, etc.

Waiting to hear from you, I am yours truly,

GEO. HUTCHISON.

Messrs. F. WHITTAKER & SONS,
East St. Louis, Ill.

Mr. LAWLER'S amendment was rejected.

The Clerk read as follows:

SEC. 41. That this act shall be in force from and after July 1, 1888, and all laws and parts of laws in conflict herewith are hereby repealed.

Mr. MILLS. I move to strike out "July" and insert "October."

The amendment was agreed to.

Mr. BYNUM. I move a substitute for the whole section. Before reading the substitute I will call attention to the fact that on yester-

day we passed over section 24 at the conclusion of the administrative features in relation to the collection of duties.

The CHAIRMAN. There is a number of sections which have been passed over.

Mr. BYNUM. I call this to the attention of the committee because it is a part of this matter. Section 24 as it now stands reads as follows:

SEC. 24. That sections 3011 and 3013 of the Revised Statutes be, and hereby are, repealed as to all importations made after the date of this act.

The part I move to strike out is as follows:

And all laws and parts of laws inconsistent with the other requirements and provisions of this act are also hereby repealed.

That provision applies to rates and duties in the revision of rates as one feature of administration.

The CHAIRMAN. The question will be first put on the gentleman's substitute for section 41.

Mr. BYNUM. Let my substitute for section 41 be read.

The Clerk read as follows:

SEC. 41. This act is intended and shall be construed as an act supplementary and amendatory to existing laws, and the rates of duty and modification of clauses, provisions, and sections as herein specifically made are intended and shall be construed as a repeal of all clauses, provisions, and sections in conflict herewith; but as to all clauses, provisions, and sections under existing laws not herein specifically changed, modified, or amended the rates of duty shall be and remain in full force and effect.

This act shall be in force from and after October 1, 1888, except as herein otherwise provided.

Mr. BYNUM's amendment was agreed to.

Mr. MILLS moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

VETO MESSAGE—THOMAS SHANNON.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the House of Representatives:

I return without my approval House bill No. 5913, entitled "An act granting a pension to Thomas Shannon."

The beneficiary enlisted on the 31st day of May, 1870, in the Tenth Regiment of United States Infantry. On the 4th day of July, 1872, he was upon leave at the city of Rio Grande, in the State of Texas. Some of the citizens were celebrating the day, and one of them had a can of powder in his hand, which, according to the report of the accident, "was about to explode." The soldier endeavored to knock the can from the hand of the person who held it, when the powder exploded, severely injuring the soldier and necessitating the amputation of his right forearm.

Though this was a most unfortunate accident, it is quite plain that it had no connection with the military service.

To grant a pension in such a case would be to establish a precedent in the appropriation of money from the public Treasury which I can hardly think we should be justified in following.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 17, 1888.

VETO MESSAGE—WOODFORD M. HOUCHIN.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, on motion of Mr. MATSON, was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9174, entitled "An act granting a pension to Woodford M. Houchin."

The beneficiary named in the bill was enrolled September 18, 1861, and discharged December 7, 1864. He filed a claim for pension in the Pension Bureau December 22, 1876, alleging that he had a sore or ulcer on his left leg, "which existed in a small way prior to enlistment," but was aggravated and enlarged by the exposures of the service. This claim was rejected in 1877 on the ground that the disability existed prior to enlistment. In September, 1879, he filed another application for pension, alleging a disability arising from an affection of his right eye, caused by an attack of measles in September, 1861, and also again alleging ulcerated varicose veins of his left leg.

In October, 1886, the rejection of this claim for ulcerated varicose veins was adhered to, and the added claim for disease of the eyes was rejected on the ground that it was not incurred in the service and line of duty. On appeal from the action of the Pension Bureau to the Secretary of the Interior the rejection of the claim was sustained. The claimant stated in support of his application that about three months before he enlisted a little yellow blister appeared on his left leg which made a small sore, which existed when he enlisted; that while he was in Central America with General Walker he received a wound in the temple from a musket ball, and that he had also before enlistment been sick with the dropsy.

The case was very thoroughly examined by officers of the Pension Bureau, and a great mass of testimony was taken from numerous witnesses. Three brothers of this claimant testified to the existence of all the disabilities before his enlistment, and two of them stated facts which go far towards accounting for such disabilities in a way very discreditable to the claimant. Many other witnesses, with good opportunities of knowledge on the subject, testified to the same effect. While testimony of a different character was also given tending to establish the theory that the disabilities alleged were, at least to some extent, attributable to military service, the overwhelming weight of proof seems to establish, that whatever disabilities exist, are the result of disease contracted by vicious habits, and that such disabilities had their origin prior to enlistment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 17, 1888.

VETO MESSAGE—THERESA HERBST.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, on motion of Mr. MATSON, was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 8078, entitled "An act granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers."

John Herbst, the husband of the beneficiary named in this bill, enlisted August 26, 1862. He was wounded in the head at the battle of Gettysburgh, July 2, 1863. He recovered from this wound, and on the 19th day of August, 1864, was captured by the enemy.

After his capture he joined the Confederate forces, and in 1865 was captured by General Stoneman while in arms against the United States Government. He was imprisoned and voluntarily made known the fact that he formerly belonged to the Union Army. Upon taking the oath of allegiance and explaining that he deserted to the enemy to escape the hardship and starvation of prison life, he was released and mustered out of the service on the 11th day of October, 1865.

He was regularly borne on the Confederate muster-rolls for probably nine or ten months. No record is furnished of the number of battles in which he fought against the soldiers of the Union, and we shall never know the death and the wounds which he inflicted upon his former comrades in arms.

He never applied for a pension, though it is claimed now that at the time of his discharge he was suffering from rheumatism and dropsy, and that he died in 1868 of heart disease. If such disabilities were incurred in military service, they were quite likely the result of exposure in the Confederate army; but it is not improbable that this soldier never asked a pension because he considered that the generosity of his Government had been sufficiently taxed when the full forfeit of his desertion was not exacted.

The greatest possible sympathy and consideration are due to those who bravely fought and being captured as bravely languished in rebel prisons, but I will take no part in putting a name upon our pension-roll, which represents a Union soldier found fighting against the cause he swore he would uphold nor should it be for a moment admitted that such desertion and treachery are excused when it avoids the rigors of honorable capture and confinement.

It would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 17, 1888.

(The reading of the foregoing message was greeted with applause on the Democratic side.)

Mr. BOUTELLE. I wish to make a parliamentary inquiry. Is this bill a Mexican pension bill?

Mr. OUTHWAITE. No, it is a Confederate pension bill.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled bills, reported that they had examined and found duly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same, namely:

A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.;

A bill (S. 335) granting an increase of pension to C. R. Thomas;

A bill (S. 886) granting a pension to Sarah F. Jones;

A bill (S. 1009) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army;

A bill (S. 1111) granting a pension of Mary J. Davis;

A bill (S. 1124) to increase the pension of John W. January;

A bill (S. 1142) granting a pension to Keziah E. Strong;

A bill (S. 1288) granting a pension to John Child;

A bill (S. 1447) granting a pension to Bridget Foley;

A bill (S. 1495) granting a pension to Mrs. Mary McGee;

A bill (S. 2012) granting an increase of pension to Marcus D. Raymond;

A bill (S. 2073) granting a pension to Margaret Blades;

A bill (S. 2089) for the relief of Mrs. Elizabeth White;

A bill (S. 2137) for the relief of Rosaloo Sage;

A bill (S. 2890) granting a pension to Fannie A. Kimball;

A bill (H. R. 3376) to extend the limits of the port of New Orleans; and

Joint resolution (H. Res. 195) electing managers of "the National Home for Disabled Volunteer Soldiers," to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

REVISED STATUTES RELATING TO THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request), by unanimous consent, introduced a bill (H. R. 10870) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FEES, ETC., RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, by unanimous consent, introduced a bill (H. R. 10871) to regulate the fees and limit the compensation of the recorder of deeds of the District of Columbia, and the register of wills of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING, PERTH AMBOY, N. J.

Mr. KEAN, by unanimous consent, introduced a bill (H. R. 10872) for the erection of a public building at Perth Amboy, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

And then, the hour of 5 o'clock having arrived, the Speaker, in accordance with its previous order, declared the House in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m., resumed its session.

DEFICIENCY IN APPROPRIATION FOR COLLECTION OF REVENUE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, submitting an estimate of $450,000 to supply an anticipated deficiency in the permanent appropriation for collecting the revenue from customs during the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTRACT LABOR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending further legislation for the better enforcement of the alien contract labor law, and submitting an estimate of $50,000 for carrying into effect the provisions of said law; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CLARDY. I move that the House resolve itself into the Committee of the Whole for the purpose of considering bills for the establishment of light-houses.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

ROE ISLAND, CALIFORNIA.

Mr. CLARDY. I call up the bill (H. R. 1249) making an appropriation for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California.

The committee recommend the following amendments:

Strike out all after the enacting clause and insert as follows:

"That a light-house and fog-signal be established on Roe Island, Suisun Bay, California, at a cost not to exceed $10,000."

Amend the title so as to read: "A bill for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California."

The amendment was agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GULL SHOAL, NORTH CAROLINA.

Mr. CLARDY. I call up the bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be appropriated, out of any money in the Treasury not otherwise appropriated, $30,000 for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina.

The committee recommend the following amendment:

Strike out all after the enacting clause and insert the following:

"That a light-house and fog-signal be established at or near Gull Shoal, Pamlico Sound, North Carolina."

Mr. CLARDY. I move to amend the amendment by adding:

At a cost not to exceed $30,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to; and the bill as amended was laid aside with the recommendation that it do pass.

SACRAMENTO AND SAN JOAQUIN RIVERS, CALIFORNIA.

Mr. CLARDY. I call up the bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California.

The Clerk read the bill, as follows:

Be it enacted, etc., That the jurisdiction of the Light-House Board is hereby extended to the Sacramento and San Joaquin Rivers, in the State of California, for the establishment of such beacon-lights, beacons, and buoys as may be necessary for the use of vessels navigating those streams, and the establishment of such lights on those rivers as may be found necessary by said board is hereby authorized: *Provided*, That no beacon shall be established on any site until cession of jurisdiction over the same has been made to the United States; and the said board is also authorized to lease the necessary ground for all such beacons as are used to point out changeable channels, and which in consequence can not be made permanent, the entire cost of which, including the leasing of sites, shall not exceed $15,000.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SQUAN INLET, NEW JERSEY.

Mr. CLARDY. I call up the bill (H. R. 1641) for the erection of a light-house at or near Squan Inlet, in the State of New Jersey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure, by purchase or condemnation, a plat of ground, not exceeding 4 acres in area, on the Atlantic coast, south of Squan Inlet, in the county of Ocean and State of New Jersey, and within 2 miles of said inlet, and to cause to be erected a light-house thereon; and that for that purpose the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The committee recommend the following amendment:

Strike out all after the enacting clause and insert:

"That a light-house be established on the Atlantic coast, at or near a point about midway between Barnegat and Navesink lights, in New Jersey, at a cost not to exceed $20,000."

Amend title so as to read: "A bill for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

TANGIER ISLAND, CHESAPEAKE BAY.

Mr. CLARDY. I call up the bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay.

The Clerk read the bill, as follows:

Be it enacted, etc., That a light-house be established at or near Tangier Island, Chesapeake Bay, at a cost not to exceed $25,000.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REVENUE CUTTER.

Mr. CLARDY. I call up the bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable revenue-cutter, to be stationed at New Berne, N. C., for service on the South Atlantic coast, in the place of the revenue-cutter Stevens, now in so dilapidated a condition as to be unequal to the requirements of the service; the sum of money required for its construction to be paid from an appropriation hereafter to be made, the cost of which shall not exceed $100,000.

The committee recommend the following amendment:

Strike out the word "the," in line 8, and all of lines 9, 10, and 11, and insert:

"The sum of $75,000, if so much be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury, for the purpose of building said new revenue-cutter."

Mr. CLARDY. That bill is, perhaps, not strictly within the order.

Mr. FARQUHAR. There is no objection.

Mr. CLARDY. I am disposed to take the action of the committee on it. If any gentleman chooses he can move to reconsider and then let the House pass on the question of our authority.

Mr. DINGLEY. I move the following amendment.

The Clerk read as follows:

Provided, That the construction of said cutter shall be let after advertisement to the lowest responsible bidder, and that it shall be built in American ship-yards.

Mr. COX. I would like to ask the gentleman from Maine to give some reason for his amendment.

Mr. DINGLEY. I think this amendment has been customary in a large proportion of the bills.

Mr. COX. Have we facilities or plants in our ship-yards for the purpose?

Mr. DINGLEY. An abundance. We have never yet gone abroad to build any Government vessel, and I trust we shall never do so.

Mr. COX. I do not refer to yards abroad, but to our Government yards.

Mr. ADAMS. Is there any authority to build a revenue-cutter in a Government yard?

Mr. DINGLEY. This work has always been done by private contract.

Mr. COX. If this is the customary amendment I will make no objection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to, and the bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

AIDS TO NAVIGATION, MOUTH OF MISSISSIPPI.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

The bill was read, as follows:

Be it enacted, etc., That there be established additional aids to navigation off and near the passes at the mouth of the Mississippi River, in the State of Louisiana, as follows: Higher and more powerful lights at or near the outer ends of the jetties at the South Pass, to replace those now in existence; a steam or hot-air fog-signal at or near the end of the east jetty; a higher and more powerful light on one of the jetties at the head of the passes; and a fog-signal at or near Cubit's Gap, in said Mississippi River; the entire cost of which shall not exceed the sum of $50,500.

The Committee on Commerce recommended an amendment in line 12 of the bill, striking out the words "fifty thousand" and inserting "twenty-seven thousand."

Mr. WILKINSON. That bill was passed last year appropriating $50,000, and the Senate amended it, but it came back to the House too late to be passed.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT-HOUSES AND FOG-SIGNALS ON LAKES.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River.

The bill is as follows:

Be it enacted, etc., That a fog-signal be established at Beaver Island, Lake Michigan, at a cost not to exceed $5,500.

That a fog-signal be established at Mackinac Point, Straits of Mackinac, at a cost not to exceed $5,500.

That a light-house be established at White Shoals, or at Simmons Reef, Lake Michigan, as the Light-House Board may determine, at a cost not to exceed $60,000.

That a fog-signal be established at Twin River Point, Lake Michigan, at a cost not exceeding $5,500.

That a fog-whistle be established on the breakwater at Chicago, Ill., at a cost not exceeding $5,200.

That range-lights be established in the channel of Detroit River, Michigan, between Fighting Island and Lime Kiln Crossing, at a cost not exceeding $7,000.

That a fog-whistle be established on the breakwater at Cleveland, Ohio, at a cost not exceeding $5,200.

That a fog-signal be established La Pointe (Point Chequamegon), entrance to Ashland Harbor, Lake Superior, at a cost not exceeding $5,500.

That a fog-signal be established at Point Iroquois, Lake Superior, at a cost not exceeding $5,500.

That a fog-signal be established at Cheboygan Point Light Station, Lake Huron, at a cost not exceeding $5,500.

That a fog-signal be established at Presque Isle, Lake Huron, at a cost not exceeding $5,500.

That range lights and stakes be established in Lake St. Clair from Grosse Point to the entrance of Detroit River, at a cost not to exceed $3 000.

That range-lights be established at Russel Island to St. Clair Flats Canal, Lake St. Clair, at a cost not exceeding $1,500.

That a fog-whistle be established at Two Harbors, Lake Superior, at a cost not exceeding $5,500.

That a light be established at Devil's Island, Apostle Group, Lake Superior, at a cost not exceeding $15,000.

That range-lights be established at Duluth Harbor, at a cost not to exceed $3,284.12.

Mr. CUTCHEON. I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

After line 14, insert "that a steam fog-signal be established at Manistee light-station, Lake Michigan, at a cost not exceeding $5,000."

Mr. CUTCHEON. This was recommended by the Light-House Board, but the recommendation came in too late to be incorporated in the bill.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT-HOUSE AT MOUTH OF GREAT WICOMICO RIVER, VIRGINIA.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 1912) making an appropriation for the establishment of a light-house at the mouth of the Great Wicomico River, Virginia.

The bill was read.

The committee recommended an amendment striking out all after the enacting clause and inserting the following:

That a light-house be established at or near the mouth of Great Wicomico River, Virginia, at a cost not exceeding $25,000.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title was amended so as to read: "A bill for the establishment of a light-house at the mouth of Great Wicomico River, Virginia."

LIGHT AT THE MOUTH OF OTTER CREEK, LAKE CHAMPLAIN.

The next business on the Calendar, reported from the Committee on Commerce, was a bill (H. R. 5716) making appropriation for establishing a light at the mouth of Otter Creek, Lake Champlain.

The bill was read.

The committee recommended an amendment striking out all after the enacting clause, and inserting the following:

That a light be established at or near the mouth of Otter Creek, Lake Champlain, in the State of Vermont, at a cost not to exceed $1,000.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title was amended so as to read: "A bill for establishing a light at the mouth of Otter Creek, Lake Champlain."

LIGHT OFF PAMLICO POINT, NORTH CAROLINA.

The next business on the Calendar, reported from the Committee on Commerce, was a bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina.

The bill was read.

The committee recommended an amendment striking out all after the enacting clause and inserting the following:

That a screw-pile light-house be established on the shoal at or near Pamlico Point, entrance to Pamlico River, Pamlico Sound, in North Carolina, at a cost not exceeding $25,000, to replace the present light on the shore at Pamlico Point.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT-SHIP AND FOG-SIGNAL, SANDY HOOK, NEW YORK.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor.

The bill was read, as follows:

Be it enacted, etc., That there be established off Sandy Hook, entrance to New York Harbor, a new light-ship with a steam fog-signal, the entire cost of which shall not exceed the sum of $60,000.

Mr. DINGLEY. I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Provided, That the construction of said light-ship shall be let, after advertisement, to the lowest responsible bidder, and that it shall be built in American ship-yards.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT-HOUSE, CROOKED RIVER, FLORIDA.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (S. 735) making an appropriation for the erection of a light-house on the highland (mainland) to the westward of Crooked River, Florida.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a light-house on the highland (mainland) to the westward of Crooked River, in Franklin County, Florida, said amount to be expended under the direction of the Secretary of the Treasury.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT AND FOG SIGNAL AT BALLAST POINT, CALIFORNIA.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 1228) making an appropriation for establishing a light or lights and a fog-signal on or near Ballast Point, entrance to San Diego Bay, California.

The bill was read.

The Committee on Commerce recommended an amendment, striking out all after the enacting clause and inserting the following:

That light or lights and a fog-signal be established on or near Ballast Point, entrance to San Diego Bay, California, at a cost not to exceed $25,000.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title was amended so as to read: "A bill for establishing light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California."

SHIP-LIGHT OFF GREAT ROUND SHOAL, NEAR NANTUCKET, MASS.

The next business on the Calendar was the bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.

The bill was read, as follows:

Be it enated by the Senate and House of Representatives of the United States of America in Congress assembled, That there be constructed and established a first-class light-ship, with a steam fog-signal, off Great Round Shoal, seacoast of Massachusetts, near Nantucket, the cost of which shall not exceed the sum of $60,000: *Provided*, That the construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in American ship-yards.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

TRANSPORTATION OF LIFE-SAVING AND LIGHT-HOUSE SUPPLIES.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia.

The bill was read, as follows:

Be it enacted, etc., That there be erected at the landing near the Hog Island light-house, in Virginia, a wharf, and that a road from the same to the said light-house and life-saving station be built, to facilitate the transportation of supplies: *Provided*, That the same shall not cost more than $5,000.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDITIONAL LIFE-SAVING STATIONS.

The next business on the Calendar, reported from the Committee on Commerce, was the bill (H. R. 8181) to establish additional life-saving stations.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations upon the sea and lake coasts of the United States, as follows: One at or near Walles Sands, New Hampshire; one at or near Plum Island, Massachusetts; one at or near Lynn Haven Inlet, Virginia; two between Ocracoke Inlet and Cape Lookout, North Carolina, at such points as the General Superintendent of the Life-Saving Service may recommend; one at or near Ashtabula, Ohio; one at or near Marquette, Mich.; one between the Ocean House, south of the entrance to the harbor of San Francisco, and Point San Pedro, California, at such point as the General Superintendent of the Life-Saving Service may recommend; one at or near the mouth of Umpqua River, Oregon; one at or near Yaquina Bay, Oregon; one on Ilwaco Beach, Washington Territory; one at or near Gray's Harbor, Washington Territory.

Mr. THOMAS H. B. BROWNE. Mr. Chairman, this is the first measure of the session that has come before this House relating to the Life-Saving Service, and in advocating its passage I take advantage of the opportunity to say that there is not a branch of the Government service more deserving of encouragement than that embraced in the life-saving system. While as such its establishment is of but brief or-

igin, dating back no further than 1871, yet in that short time we have seen it grow, under the able management of the chief here, with his efficient corps of superintendents, keepers, and surfmen on the coast, from a few small huts along the sand beaches of the seashore of the Atlantic, equipped only with ordinary surf-boats, to substantial and comfortable life saving houses, well appointed and supplied with all modern appliances in the shape of air-tight compartment surf-boats, life-preservers of the latest pattern, and manned by men whose skill and courage in the saving of life and property from storm and shipwreck has been not only the admiration but wonder of the country. We see from the last report of superintendent that the persons rescued from drowning and property saved is as follows:

FROM 1871 TO 1887.

Total number of disasters	3,852
Total value of vessels	$44,609,960
Total value of cargoes	$20,939,819
Total value of property involved	$65,549,779
Total value of property saved	$47,330,992
Total value of property lost	$18,218,787
Total number of persons involved	35,427
Total number of lives lost	544
Total number of persons succored	6,373
Total number of days' succor afforded	17,207

The loss of life includes 183 persons lost at the wrecks of the steamers Huron and Metropolis, and also 14 other persons, really not chargeable to the service, for reasons given in the report. This leaves the total number of lives lost during the sixteen years of the existence of the system only 347, out of 35,427 involved.

This is the return which the Government has received from the small outlay to put this service in operation. I say put it in operation, because it is not yet perfect, nor will it be so until every exposed point on both sides of this continent and the Great Lakes is supplied with stations, and more ample provision is made for compensating the skilled seamen employed and proper pensions granted to the widows and infant children of those who lose their lives in the service. To cover these and other needful legislations in the premises I have had the honor to introduce bills, most of which have received favorable consideration in appropriate committees and are now waiting the action of this House—notably that for the increase of the pay of keepers and surfmen—the former being raised from $600 to $900 per annum, and the latter from $50 to $75 per month—and there has been and can be no more meritorious measure for the consideration of this body than that for pensioning the class of sufferers named.

No sound argument has ever been brought against it. Such objections as have been advanced are purely technical and have no real foundation to rest on. They are such as that to recognize a person in any of the civil departments of the Government as a fit subject for pension would lead to the establishment of a civil list, which is undemocratic. With the example of the monarchical governments of Europe in this respect before us, there may be something in the objection so far as its general application is concerned; but when you have the grand spectacle of a man's losing his life for the saving of that of another, and doing it in the face of the risk and danger, and doing it at the bidding of his Government, there should be no halting and no delay in taking care of those near and dear to him left behind dependent upon the charities of a cold and indifferent world.

They are already in the land; on the coast of New Jersey they are to-day crying aloud, and from the land of Hatteras's fatal shoals the wail of the widow and the orphan is yet in the air; and now let us do justice to these and those who come after them, no matter whether undemocratic or not, and these brave men will be braver and the beautiful system more beautiful by the just act of a great and appreciative government.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BURNES. Mr. Chairman, I would like to inquire of the chairman of the Committee on Commerce what provision is made in that bill (H. R. 8181) as to the cost of these several light-houses.

Mr. TARSNEY. They will cost not over $5,000 each.

Mr. BURNES. What provision is made in the bill?

Mr. TARSNEY. There is none made in the bill, because the matter will go to the Committee on Appropriations for them to recommend an appropriation for the purpose.

Mr. BURNES. I insist, sir, that there ought to be some limitation, and that limitation ought to be based upon some estimate by the Light-House Board in each case.

Mr. CLARDY. I concur, Mr. Chairman, in the judgment of my colleague [Mr. BURNES]. The amount recommended is $5,000 in each case. I move to amend by inserting the words "at a cost not to exceed $5,000 in each case."

Mr. MORROW. I suggest the phrase "at each station," instead of "in each case."

Mr. WILSON, of Minnesota. I see no objection to fixing a maximum: but I supposed this matter would go to the Committee on Appropriations, who would report an appropriation after hearing——

Mr. TARSNEY. The Light-House Board makes the recommendation and adopts this limitation of $5,000.

Mr. WILSON, of Minnesota. But the Committee on Appropriations will act on that recommendation of the Light-House Board.

Mr. CLARDY. The Committee on Appropriations ought to have some maximum fixed.

Mr. WILSON, of Minnesota. I have no objection.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Missouri [Mr. CLARDY] as modified.

The Clerk read as follows:

Provided, That the cost at each station shall not exceed the sum of $5,000.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it pass.

Mr. WEBER. Mr. Chairman, I just came in and I would like to know the order of business under which we are proceeding.

The CHAIRMAN. We are acting under a special order for the consideration of bills authorizing the establishment of light-houses and life-saving stations, and right-of-way bills and bridge bills, reported from the Committee on Commerce.

Mr. WEBER. What is the bill laid aside just now? Is it not a bill in relation to life-saving stations?

The CHAIRMAN. It is.

Mr. WEBER. Then I desire to offer an amendment.

The CHAIRMAN. If there be no objection, the gentleman's amendment will be entertained.

Mr. CLARDY. We can not wait now.

The CHAIRMAN. The gentleman can offer his amendment later. This bill as amended has been laid aside to be reported to the House with a favorable recommendation.

LIFE-SAVING STATION.

Mr. CLARDY. I call up the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

The bill was read.

Mr. CLARDY. I move to amend by inserting the words "at a cost not to exceed $5,000."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

House bill No. 8505, of similar title, was laid aside to be reported to the House with the recommendation that it lie on the table.

LIFE-SAVING STATION, NANTUCKET ISLAND.

Mr. CLARDY. I call up the bill (H. R. 8752) to provide for the establishment of an additional life-saving station on Nantucket Island, Massachusetts. I ask that the reading of the bill be dispensed with.

There was no objection.

Mr. DAVIS. I move to amend by inserting the words "at a cost not to exceed $5,000."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WEBER. I desire to offer an amendment now to the bill H. R. 8181.

The CHAIRMAN. That bill has been laid aside with a favorable recommendation; but if there be no objection the amendment will be considered.

The Clerk read the amendment, as follows:

Provided, That none of the life-saving stations herein mentioned shall be established or constructed until all life-saving stations heretofore authorized by law to be established shall have been established and constructed, except in such cases where the establishing of a station has been or may be necessarily delayed to acquire or to perfect the title to land required for such stations.

Mr. CLARDY. I object.

Mr. ADAMS. I understood that the gentleman from New York [Mr. WEBER] came in just as the committee was acting on this bill. I understood him to rise in time to ask what was the bill under consideration, and the Chair said the gentleman could offer his amendment thereafter. My impression was that the bill was not laid aside to be reported to the House, because the gentleman interrupted that course of proceeding. It was laid aside because the gentleman from Missouri [Mr. CLARDY] said he could not afford to wait for the gentleman. I think it was laid over temporarily in order to allow him to put in his amendment.

The CHAIRMAN. The gentleman is in error in one respect. The gentleman from New York [Mr. WEBER] asked the order under which the Committee of the Whole was proceeding; the Chair stated the business covered by the special order. The bill, however, had been laid aside. Objection is made to the amendment.

Mr. WEBER. I desire unanimous consent to offer another amendment; and I will say to members of the committee that I hope they will not force me into using the power which any one member may exercise to stop the proceedings. I do not propose, however, to be cut off.

The CHAIRMAN. The gentleman asks unanimous consent to offer the amendment which the Clerk will read.

Mr. WEBER. If this amendment is acceptable, I withdraw the other amendment.

The Clerk read as follows:

Provided, That none of the life-saving stations herein mentioned shall be established or constructed until the life-saving station heretofore authorized by law to be established on Lake Ontario, New York, at or near the mouth of the Niagara River, shall have been established or constructed.

Mr. COX. Will the gentleman give us some reason for that?

Mr. WEBER. The law authorizing the construction of this life-saving station was passed two years ago, but nothing has been done towards its construction. I understand there are some twelve or fourteen others, possibly more, that are authorized, and that it is left within the discretion of the Superintendent of the Life-Saving Service to establish and construct these stations as he pleases. The station to which this amendment refers was authorized upon the recommendation of the Superintendent of the Life-Saving Service, based upon statistics that were considered at the time reasonable and such as justified the establishment of this station.

For some reason unknown to me there has been no effort to construct or establish this station. At the time the bill was passed it was stated on the floor of the House that the required authority in the department to construct these stations we asked might not be due to immediate necessity. Attention was called at the time to the fact there were then twenty life-saving stations authorized upon which no work had been commenced, but it was also said it was necessary to have stations authorized in advance in order to have the work move on regularly and smoothly.

The objection to establishing more life-saving stations in addition to those which have been authorized to be constructed is that we pass laws here, but the Superintendent of the Life-Saving Service has it in his power to practically nullify them. I do not know why it is this station has not been constructed; and I do not see why the Superintendent of the Life-Saving Service should have any such discretionary power.

Mr. CLARDY. Has the money been appropriated?

Mr. WEBER. Yes; the work has been authorized and appropriated for.

Mr. CLARDY. Has any appropriation been made for it?

Mr. WEBER. Yes; two years ago $50,000 was put in the appropriation bill, and the same amount, I think, was put in the last bill. Mr. RANDALL stated that all the money asked for had been granted. There was no attempt on the part of the Committee on Appropriations to reduce the amount or to cut the Life-Saving Service off. It is within the discretion of the Superintendent to construct this station or not to construct it. We have passed a law requiring the establishment of life-saving stations and he puts them off on the plea there are others that are more necessary.

Mr. CLARDY. Is he not a more competent judge than any one else in the Department?

Mr. WEBER. That is a plausible way to put it, but I say that when the law authorizes and requires the establishment of a station it ought to be constructed at once.

A MEMBER. Regular order.

Mr. WEBER. I think we are on the regular order.

The CHAIRMAN. This is proceeding by unanimous consent.

Mr. CLARDY. I do not make the point of order on the gentleman.

Mr. WEBER. This is the record, taken from Mr. Kimball's letter, in the report of the committee on the additional life station on Nantucket Island:

This office has a record of the stranding of fourteen vessels upon these obstacles within the ten years last past.

Here we have the stranding of fourteen vessels.

Mr. CLARDY. I do not make the point of order, but am willing to test the sense of the committee on the gentleman's amendment. I do not think other life-saving stations should be contingent on this particular one being constructed within a prescribed time. It must be apparent that the Department will complete the station as soon as it can do so in justice to other points.

Mr. WEBER. That is the reply I get from the Superintendent. The statistics show greater risks and greater necessity for the Niagara station than at other points where he has since recommended the construction of stations.

Mr. CLARDY. I recognize the fact we might embrace other stations which the people engaged in this dangerous service are asking.

Mr. WEBER. The record embraces other stations, but I see no other way to secure the rights of my people who have a better case. I do not see any reason why I should be set aside or that the construction of this station should be delayed.

Mr. COX. I wish to say to the gentleman from Buffalo that I think his amendment is unfortunately and unskillfully drawn. It cuts up other people without helping himself. He will find out when these life-saving stations are ordered to be built they are built at perilous points along the coast where vessels are being stranded, and when the money is given in bulk the Superintendent goes to work and places them where the necessity is greatest. In the absence of any report from the Superintendent of the Life-Saving Service, I would be inclined to fear my friend from Buffalo is mistaken in what he says. These shipwrecks develop the points where the stations are to be established.

Mr. WEBER. Does the gentleman want the statistics to prove what I have said?

Mr. COX. I should like to see them in official form. I have no doubt the gentleman by making his amendment in a different shape might carry out his idea. This service belongs more to the other side of the House than to this. I have known this Superintendent for many years, and I think the gentleman is wrong in making any imputation against him. But if he can draw his amendment in such a way as to call attention to the fact he states, I do not doubt that he will get his wish as to this construction within a reasonable time. I think that is the proper way.

Mr. WEBER. It is a matter that rests in the discretion of the Life-Saving Service, and I have done my duty by repeatedly calling the attention of the head of the bureau to it, but without avail.

Mr. COX. Well, let the gentleman draw up a joint resolution to give effect to the law already passed. I think that will accomplish his object, and I will be one of the very first to come to his support in the matter.

Mr. WEBER. I think this is the best time to get it done.

Mr. CLARDY. Let me suggest to the gentleman that I helped, myself, to pass that provision through; perhaps I drew it myself. I felt the same interest in that case as in any of the pending bills, and I trust he will not now insist upon the amendment, or at least that he will permit the committee to take a vote upon it.

Mr. WEBER. I regret that I can not accommodate the gentleman so far as permitting the committee to take a vote upon it is concerned.

Mr. CLARDY. Then I hope the gentleman will withdraw his amendment.

Mr. WEBER. I will not do that.

Mr. TARSNEY. You will not do that?

Mr. WEBER. No, sir.

Mr. TARSNEY. Then the gentleman is prepared to take the responsibility?

Mr. WEBER. I am.

Mr. ADAMS. Will the gentleman permit a suggestion from me?

Mr. WEBER. Certainly.

Mr. ADAMS. There is another way by which he can get justice, and that is in the form in which the appropriation is made. He says that an appropriation has already been made. Now, suppose it was made for the Life-Saving Service heretofore authorized by law, or in a certain order. It seems to me that the fair and proper remedy for the gentleman is before the Committee on Appropriations. It is the duty of the Committee on Commerce to provide for their establishment, but so far as the money to commence the work of construction and to complete it is concerned, it goes to an entirely different committee. The establishment has been authorized; now it is a matter for the Appropriations Committee.

Now, if the gentleman were to go to that committee and secure a change in the form of the appropriation, he should, if he persuaded them of the validity of the case, get an appropriation in such shape that the particular light-house in question would have to be built before the others hereafter recommended. I am inclined to think that the gentleman from New York would regret it himself, upon reflection, if he takes this course, thereby defeating the passage of other legitimate measures, when he could accomplish his object in another and more practical way.

Mr. WEBER. There is no practical way except by the grace of the gentleman who has charge of this work, and who pays no attention to any remonstrances or requests. The recommendations made to him have had no avail. He recognizes no authority but his own. This has become a law and he refuses to execute it.

Mr. ADAMS. In what form is the appropriation made this year?

Mr. WEBER. The appropriations are made in bulk; so many thousand dollars for the whole service.

Mr. ADAMS. Has the bill passed?

Mr. WEBER. I do not know.

Mr. ADAMS. Why not ascertain and have the appropriation fixed in the bill in proper form?

Mr. WEBER. I should hate to rely upon that bill.

Mr. DAVIS. Mr. Chairman, is it not a fact that this bill was laid aside?

The CHAIRMAN. It is.

Mr. ADAMS. That being the case, I make the point of order upon the amendment.

The CHAIRMAN. All this has been proceeding by unanimous consent.

Mr. CLARDY. I withdraw the point of order I made.

Mr. DAVIS. I renew it.

The CHAIRMAN. The point of order is well taken.

Mr. WEBER. Of course I understand that the point of order can be made; but it is also apparent that there is no quorum present, and I do not propose, gentlemen, to be choked off in that manner.

Mr. CLARDY. If the gentleman is willing to defeat the construction of all the life-saving stations by insisting upon the amendment——

Mr. TARSNEY. Then let him take the responsibility.

Mr. CLARDY. He will take the responsibility of endangering the lives of many people.

Mr. WEBER. If the gentleman is willing to take the responsibility of endangering the lives of my constituents, then he is welcome to take that responsibility. I will not do it if I can avoid it.

Mr. CLARDY. You can easily avoid it.

Mr. WEBER. You can easily avoid it by consenting to this amendment.

The CHAIRMAN. The point of order is made by the gentleman from Massachusetts that the gentleman's amendment is too late, the bill having been laid aside, which point of order is sustained.

Mr. DAVIS. The gentleman is indebted to the courtesy of the House for the introduction of the amendment out of order. Now, having had the courtesy of this House for that purpose, he refuses to abide by the action of the House and places himself in a position of antagonizing all other bills before the House for the purpose of securing this one thing. It seems to me that in that attitude of the case, he is not entitled to the courtesy he has demanded, for he shows us no courtesy. He thinks he has us in a position where he can control us, and stop the passage of these bills unless he can secure one particular thing. I know, when he reflects upon his position as a member of the House, who had fair play upon the bill, he will not insist. I know the action of the Committee on Commerce during the last session and during this session of Congress has been most liberal and fair in the consideration of these bills. The gentleman's bill had fair play; his bill passed with the other bills, and it does seem to me that his present attitude ought not to be sanctioned by the House, and that he himself will withdraw his objection when he sees the position in which he is placed.

Mr. HERBERT. Let me make a suggestion to the gentleman: that he change the form of his amendment, and simply put in it a provision for the immediate construction of this life-saving station. It seems to me it would be a fair compromise to put his amendment in that shape and allow the House to vote upon it, and then go on and attend to business.

Mr. WEBER. Is there any practical difference between the suggestion of the gentleman from Alabama and my amendment as it stands?

Mr. HERBERT. Simply that the gentleman will not put himself in the position of saying nothing else shall be done if this amendment is not passed.

Mr. WEBER. I have no objection to modifying my amendment in accordance with the suggestion of the gentleman from Alabama.

Mr. TARSNEY. I make the point of order that the bill has been passed in committee.

The CHAIRMAN. The Chair has so announced.

Mr. TARSNEY. And therefore the gentleman from New York is out of order.

The CHAIRMAN. That point of order has been sustained. The Chair has been indulging this proceeding by unanimous consent, in the hope that some agreement might be reached by which the public business could be transacted.

Mr. FARQUHAR. I ask the Clerk to read the amendment again, so that we may eliminate its objectionable feature and come to some basis of agreement.

The Clerk again reported the amendment.

Mr. DAVIS. Mr. Chairman, this is a very humiliating position in which to place this House—to take some one bill a gentleman may desire to have passed, segregate it from other bills, and say no other bills shall pass until this particular bill is passed.

The CHAIRMAN. The point of order being made against the proceeding, the Clerk will report the next bill. The Chair will call the attention of the committee to the fact that the gentleman from Massachusetts made the point of order, which was sustained by the Chair.

Mr. STEELE. The gentleman from New York accepts the modification proposed by the gentleman from Alabama. If that be agreeable to the committee we can go on with the business. Calling up the next bill will not facilitate matters at all.

Mr. HERBERT. I did not understand the exact situation; that this was an amendment to another bill. My suggestion to the gentleman from New York was that he insert a proviso that this life-saving station should be immediately constructed, without any reference whatever to the construction of others, and allow a vote to be taken upon that.

Mr. CLARDY. I, for one, would not assent to the amendment suggested by the gentleman from Alabama. I do not believe we ought, on the testimony before this committee, to say to the Department it has failed to perform its duty in the manner suggested by the gentleman from New York. I know it is true in many instances these buildings have not been constructed for three, four, and five years; but I do not believe the gentleman's constituents are in any worse condition than people of other localities. Under the law, but ten of these houses can be built in any one year.

Mr. WEBER. Will the gentleman say upon his knowledge that since the law was passed establishing this life-station, other laws establishing other life-stations have not been passed and the buildings constructed?

Mr. CLARDY. I will not say. There may have been points that required immediate attention.

Mr. MORROW. Only at points where there was great necessity.

Mr. CLARDY. I do not know, of course. But I believe this to be true, that in the last session of the Forty-ninth Congress the bill was reported establishing this house.

Mr. WEBER. The first session of the Forty-ninth Congress.

Mr. CLARDY. You had an appropriation in the last Congress of $50,000, and you are to get an appropriarion this year of $50,000, and still you are not satisfied.

Mr. WEBER. I do not understand the appropriations heretofore made or to be made at this session of Congress will be of any service to me unless my life-saving station is constructed. There is no prospect whatever for its construction until the gentleman in charge sees fit to do it. For some reason or other he has not thus far seen fit to do it.

Mr. CLARDY. Well, the gentleman in charge of it is not unitormly neglectful of his duty.

Mr. WEBER. I have not charged him with neglect. I simply say that he has a discretion that he ought not to have.

Mr. CLARDY. Then let the gentleman amend the law, but let him not embarrass this bill that we have before us, and in which other people are as deeply interested as he is in his particular measure.

Mr. DAVIS. Mr. Chairman, in the Forty-eighth Congress—two Congresses ago—two life-saving stations were ordered to be established upon a most exposed portion of the Atlantic coast in my district, and they are not yet erected. Still, I find no fault with Superintendent Kimball, because I believe the condition of the business of the office is such that they can not be constructed at present.

Mr. CLARDY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the special order and had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

The bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California, reported favorably from the Committee of the Whole, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Amendments reported from the Committee of the Whole to bills of the following titles were severally agreed to; the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1249) making an appropriation for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California;

The bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

The bill (H. R. 1641) to provide for the erection of a light-house at or near Squan Inlet in the State of New Jersey;

The bill (H. R. 8750) for the establishment of a light-house at or near Tangier Point, Chesapeake Bay;

The bill (H. R. 5670) to provide for the construction of a revenue cutter for New Berne, N.C.;

A bill (H. R. 5067) to establish additional aids to navigation at the mouth of the Mississippi River;

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 1912) making an appropriation for the establishment of a light-house at the mouth of the Great Wicomico River, Virginia;

A bill (H. R. 5716) making an appropriation for establishing a light at the mouth of Otter Creek, Lake Champlain; and

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina.

LIGHT-SHIP, ETC., SANDY HOOK, NEW YORK.

The bill (H. R. 8855) for the establishment of a light ship with a steam fog-signal at Sandy Hook, New York Harbor, was taken up, the amendments reported from the Committee of the Whole on the state of the Union agreed to, the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LIGHT-HOUSE WESTWARD OF CROOKED RIVER, FLORIDA.

The bill (S. 735) making appropriation for the erection of a light-house on the highland (mainland) to the westward of Crooked River, Florida, was taken up, ordered to a third reading, read the third time, and passed.

LIGHT AND FOG-SIGNAL, BALLAST POINT, CALIFORNIA.

The bill (H. R. 1228) making an appropriation for establishing a light or lights and a fog-signal on or near Ballast Point, entrance to San Diego Bay, California, was taken up, the amendments reported from the Committee of the Whole on the state of the Union concurred

in, the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LIFE-SAVING SUPPLIES, ETC., HOG ISLAND, VIRGINIA.

The bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia, was taken up, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ADDITIONAL LIFE-SAVING STATIONS.

The bill (H. R. 8181) to establish additional life-saving stations was taken up, and the amendment reported from the Committee of the Whole on the state of the Union adopted. The question being on ordering the bill as amended to be engrossed and read a third time—

Mr. WEBER called for a division.

Mr. DINGLEY. I think there are other light-ship bills on which there is no controversy. I hope this bill may be laid aside until we have disposed of the others.

The SPEAKER *pro tempore*. If there be no objection, this bill will be laid aside informally.

There was no objection.

LIGHT-SHIP OFF GREAT ROUND SHOAL, NANTUCKET, MASS.

The bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass., was taken up, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LIFE-SAVING STATION, COAST OF DELAWARE AND MARYLAND.

The bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., was taken up, the amendments reported from the Committee of the Whole on the state of the Union concurred in, the bill as amended ordered to a third reading, read the third time, and passed.

House bill No. 8505, of similar title, was laid on the table.

LIFE-SAVING STATION, NANTUCKET ISLAND, MASSACHUSETTS.

The bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts, was taken up, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ADDITIONAL LIFE-SAVING STATIONS.

The House proceeded to the consideration of the bill (H. R. 8181) to establish additional life-saving stations, reported from the Committee of the Whole House on the state of the Union with amendment.

Mr. TARSNEY. I ask that the amendment be reported.

Mr. CLARDY. I ask unanimous consent that we lay aside this bill for the present.

Mr. TARSNEY. I rise to a parliamentary inquiry. Suppose we pass this bill over, will it come up to-morrow in the House?

The SPEAKER *pro tempore*. It would not. This is a special session of the House, and the business left undisposed of to-night will not come up at the session of to-morrow.

Mr. TARSNEY. Then I move that if this bill be not reached to-night it be made a special order for to-morrow immediately after the reading of the Journal.

Mr. DOCKERY. We can not do that. I ask unanimous consent that this bill be passed over informally.

Mr. WEBER. I object. I want to know the purpose of the request.

Mr. CLARDY. I will say to the gentleman from New York [Mr. WEBER] that we have some other bills to which I know he will not object.

Mr. WEBER. I withdraw my objection.

ORDER OF BUSINESS.

Mr. DINGLEY. I move to reconsider the various votes by which bills reported from the Committee of the Whole have been passed.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection.

PORT OF DELIVERY, LINCOLN, NEBR.

Mr. CLARDY. I move that the House resolve itself into Committee of the Whole House on the Private Calendar.

The SPEAKER *pro tempore*. The Clerk informs the Chair that there are three or four bills from the Committee on Commerce on the House Calendar which can now be considered.

The Clerk read the following title:

A bill (H. R. 10636) to constitute Lincoln, Nebr., a port of delivery and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the said port of Lincoln.

Mr. CLARDY. I do not know whether that bill is comprehended by the order under which we meet to-night. It is a bill establishing a port of entry, and I hardly think it is embraced in the order. I will, however, agree that a little later in the evening it may be considered and passed, and the motion to reconsider made, so that if the House should hereafter think we had not jurisdiction under the order for this evening session it may undo our action.

The SPEAKER *pro tempore*. As the Chair understands, the gentleman withdraws the bill for the present.

Mr. CLARDY. Yes, sir.

The SPEAKER *pro tempore*. The Clerk will read the next bill on the House Calendar.

The Clerk read as follows:

A bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.

Mr. CLARDY. That is not embraced in the order. I understood there were some bridge bills on the House Calendar. I move that we now go into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

BRIDGE, HARBOR OF DULUTH.

The first business under the special order was the bill (H. R. 5191) for the construction of a bridge across the canal entrance to the harbor of Duluth, Minn.

Mr. HAUGEN. To save time I give notice I will object to that bill.

The CHAIRMAN. It will be passed over.

BRIDGE ACROSS THE BAY OF SUPERIOR.

The next business under the special order was the bill (H. R. 5192) for the construction of a bridge across the Bay of Superior from Rice's Point to Minnesota Point, Minnesota.

The CHAIRMAN. The Chair hears no request for the consideration of this bill, and it will be passed over.

CONDUIT PIPES ACROSS OHIO RIVER.

The next business under the special order was the bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio River.

Mr. CARUTH moved to insert after the word "Ohio," in line 5, the words "and Salt," and to add "s" to the word "River," in the same line; so it will read: "across the Ohio and Salt Rivers."

The amendment was agreed to.

The title was amended to conform with the amendment in the body of the bill.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGE AT PLATTSMOUTH, NEBR.

The next business under the special order was the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes.

The reading of the bill was dispensed with.

On motion of Mr. MCSHANE, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGES ACROSS THE FLINT AND CHATTAHOOCHEE RIVERS.

The next business under the special order was the bill (H. R. 10538) authorizing the construction of bridges across the Flint and Chattahoochee Rivers.

On motion of Mr. TURNER, of Georgia, the reading of the bill and amendments was dispensed with.

The amendments of the committee were adopted; and as amended the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGE ACROSS ALABAMA RIVER.

The next business under the special order was the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River.

The reading of the bill and amendments was dispensed with.

The amendments were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RIGHT OF WAY THROUGH MILITARY RESERVATION AT FORT MORGAN.

The next business under the special order was the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

The reading of the bill was dispensed with, and it was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGE ACROSS THE CHATTAHOOCHEE RIVER.

The next business under the special order was the bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia, reported from the Committee on Commerce with amendments.

On motion of Mr. CLARDY, the reading of the bill and amendments was dispensed with.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGE ACROSS ARKANSAS RIVER.

The next business under the special order was the bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas.

The bill was laid aside to be reported to the House with the recommendation that it do lie upon the table.

WINONA AND SOUTHWESTERN RAILWAY COMPANY.

Mr. CLARDY. I now call up for consideration the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn., and yield to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Chairman, I move to dispense with the reading of this bill. It is in the usual form of such bills, and has the necessary safeguards usual in such bills.

The reading of the bill was dispensed with.

The CHAIRMAN. There are amendments to this bill reported by the Committee on Commerce.

Mr. WILSON, of Minnesota. The amendments make the bill conform. I ask to dispense with the reading of the amendments.

There was no objection.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. CLARDY. There is a bill to constitute Lincoln, Nebr., a port of delivery, which I would like to call up. As I said awhile ago, the order under which the House meets to-night——

The CHAIRMAN. The Clerk informs the Chair that this bill is in the House.

Mr. CLARDY. Then I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments adopted, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio River (the title of said bill being amended to conform);

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River in the State of Georgia; and

A bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.

Bills of the following titles, reported from the Committee of the Whole, were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes; and

A bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

The recommendation of the Committee of the Whole, that the bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas, be laid on the table, was adopted.

Mr. CLARDY moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLARDY. Mr. Speaker, the order setting apart this evening for the consideration of bills reported from the Committee on Commerce does not, in its literal terms, embrace any other bills than those authorizing the construction of bridges, bills establishing light-houses and life-saving stations, and right-of-way bills. The request I submitted to the House to-day was that we might have authority to consider these bills and such other bills as there might be no objection to, but when it came to be ordered—on the question submitted really by the Speaker—it included only the bills in the order I have named.

I would like, inasmuch as it was the intention of the Committee on Commerce to have bills creating ports of entry considered, to have the bill to which I have referred by unanimous consent put on its passage to-night, and then have the motion to reconsider entered so that it may be called up hereafter, and the House can, if it sees proper, reconsider the action if in its judgment this bill was not included in the order. If there is any question then as to the authority to consider it to-night, that action can be set aside.

The SPEAKER *pro tempore*. The Chair is inclined to the opinion that the bill to which the gentleman refers does not come within the jurisdiction of the House this evening.

Mr. CLARDY. But I propose that the motion to reconsider be made, and if the action is not warranted in the judgment of the House it can be set aside.

The SPEAKER *pro tempore*. The Chair can not entertain any requests except such as are within the order of the House.

Mr. STEELE. I think it would be just as proper to pass this bill as to run a gas pipe across the Ohio River. It is a small bill, involving no expenditure.

Mr. CLARDY. I do not want to exceed the order made by the House or do anything that would indicate a disposition to do so.

I will ask what has become of the life-saving station bill, No. 8181?

The SPEAKER *pro tempore*. That was laid over informally.

Mr. DOCKERY. There is a question of fact connected with that bill which I desire to have settled by the notes of the Official Reporters. It was the impression of the Chair in Committee of the Whole that the gentleman from New York [Mr. WEBER] propounded his inquiry after this bill had been laid aside to be reported favorably to the House. The Chair is quite positive of that fact, and so stated at the time, but other gentlemen have different opinions, and I would like to have a reference to the official record to know the facts.

Mr. STEELE. There is no doubt that it was laid aside.

The SPEAKER *pro tempore*. The Chair would state that there were three bills——

Mr. DOCKERY. The Official Reporter advises me that my position was correct, and that the bill had been laid aside.

Mr. TARSNEY. I rise to a parliamentary inquiry. In what condition is the bill before the House at present?

The SPEAKER *pro tempore*. The bill was laid aside informally, and is now before the House for consideration.

Mr. TARSNEY. It is unfinished business.

The SPEAKER *pro tempore*. It is, if desired by the gentleman who represents the committee.

Mr. TARSNEY. I move that it be favorably reported.

The SPEAKER *pro tempore*. It has already been reported and is before the House for consideration.

Mr. CLARDY. I call for the previous question on the amendment.

Mr. WEBER. I rise to a parliamentary inquiry. I understand the committee voted upon the proposition and that a division was called for. That, I believe, is the condition of the bill; is it not?

The SPEAKER *pro tempore*. The bill was reported favorably with an amendment from the committee to the House. The amendment will now be voted on.

Mr. WEBER. I call for the reading of the amendment.

The amendment was read.

The previous question was ordered on the amendment, and the amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. WEBER. On that I call for a division.

The House divided; and there were—ayes 35, noes 4.

Mr. WEBER. No quorum.

The SPEAKER *pro tempore*. The point of no quorum being made, the Chair will appoint as tellers the gentleman from New York [Mr. WEBER] and the gentleman from Missouri [Mr. CLARDY].

While the House was dividing the following took place:

Mr. MORROW. While the House is dividing I will ask the Chair whether or not the bill I hold in my hand does not come within the order of the House. It is a bill relating to the transportation home by United States revenue vessels of shipwrecked seamen from the Arctic regions to the Territory of Alaska. As the law now stands, whenever an American vessel is shipwrecked anywhere in a foreign country, there is a provision of law for the return home of the shipwrecked sailors at the expense of the United States. But it so happens with reference to shipwrecked sailors in the Arctic seas that there is no provision for their return home.

The course of whaling in the Arctic seas is such that the last vessel that comes out is in danger of being wrecked, and sometimes is wrecked; and the result is that twenty-five or fifty sailors are left there and can only be brought out by the revenue-cutters. This bill provides that when the revenue-cutters bring out shipwrecked sailors, the expense attending their transportation shall be paid out of the funds for the revenue-cutter service.

The SPEAKER *pro tempore*. The Chair will cause the order for the evening session to be read by the Clerk.

The Clerk read the order.

The SPEAKER *pro tempore*. The Chair thinks the bill does not come within the order.

[Mr. BUCHANAN withholds his remarks for revision. See APPENDIX.]

Mr. TARSNEY. I ask unanimous consent that the pending bill be considered in the House to-morrow at 1 o'clock.

The SPEAKER *pro tempore*. That order can not be made.

Mr. DOCKERY. Mr. Speaker, I desire to make a suggestion which may possibly be satisfactory. I ask the gentleman from New York [Mr. WEBER] to withdraw his demand for a division on the motion to engross and read the bill a third time, submit his amendment, and

allow the previous question to be ordered on the passage of the bill, which will bring up the bill before a full House in the morning. Then the House can vote on his amendment. If they agree to it he will be content; and if they reject it, he ought to be content. In other words, my proposition is that the previous question be ordered on the passage of the bill, with the amendment pending.

Mr. WEBER. That proposition is not accepted.

[Mr. LATHAM withholds his remarks for revision. See APPENDIX.]

Mr. CLARDY. I ask unanimous consent that all gentlemen desiring to do so may print remarks upon the pending bill.

There was no objection.

The SPEAKER *pro tempore*. The tellers report—ayes 18, noes none.

Mr. CLARDY. I move the House adjourn.

The motion was agreed to; and accordingly (at 9.50 p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ATKINSON (by request): A bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOUTELLE: A bill (H. R. 10874) granting a pension to Mary A. Holland—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10875) for the relief of John H. Stearns—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 10876) for the relief of George Chambers—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 10877) for the relief of William Robinson—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10878) for the relief of Dr. D. Willard Bliss—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 10879) granting increase of pension to Permelia Smith—to the Committee on Pensions.

By Mr. A. J. HOPKINS: A bill (H. R. 10880) to place on the pension-roll the name of Elizabeth A. Stelle Tarble—to the Committee on Invalid Pensions.

By Mr SHIVELY: A bill (H. R. 10881) granting a pension to Nancy J. Conter—to the Committee on Invalid Pensions.

By Mr G. M. THOMAS: A bill (H. R. 10882) granting a pension to Nancy Hamilton—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 10883) to pension John Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10884) granting an increase of pension to William B. Barton—to the Committee on Invalid Pensions.

Changes in reference of bills improperly referred were made in the following cases, namely:

The bill (H. R. 7091) for the relief of the minor heirs of Orison S. Baldwin—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 7132) for the relief of John A. King—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 7130) for the relief of Philip Holdenried—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 7692) for the relief of John Barlow—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 8332) for the relief of Phillip Kopplin—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 8244) granting a pension to Robert Lahan—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 8120) granting a pension to Lavina Eastlick—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 7284) granting a pension to Isaac C. Butts—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 5831) granting a pension to M. T. Lindsey—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, the bill (H. R. 6604) for the relief of James S. Fansey—from the Committee on Pensions to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of Knights of Labor of Kane City, Pa., in favor of House bill 8716—to the Committee on Labor.

By Mr. J. R. BROWN: Petition of William Queensberry and of J. T. Conduff, administrators of S. G. Conduff, of Floyd County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. FELIX CAMPBELL: Petition of Knights of Labor of Brooklyn, N. Y., in favor of House bill 8716—to the Committee on Labor.

By Mr. CATCHINGS: Petition of John H. Odeneal and others, heirs of Ezekiel P. Odeneal, of Hinds County, Mississippi, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Knights of Labor, of Trenton, Mich., in favor of House bill 8716—to the Committee on Labor.

By Mr. COMPTON: Petition of estate of Otho Henson, of the estate of George Forbes, sr., of William Stewart, of Joseph Forrest, of Francis Folsom, and of Benjamin Caywood, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOLMES: Petition of citizens of Carroll, Iowa, in favor of House bill 8716—to the Committee on Labor.

By Mr. A. J. HOPKINS: Petition to accompany bill for the relief of Mrs. E. A. Tarble—to the Committee on War Claims.

Also, petition of citizens of De Kalb, Ill., in favor of House bill 8716—to the Committee on Labor.

By Mr. JACKSON: Petition of 51 farmers of West Findley, Washington County, Pennsylvania, in favor of protection—to the Committee on Ways and Means.

By Mr. KENNEDY: Petition of Knights of Labor of Springfield, Ohio, in favor of House bill 8716—to the Committee on Labor.

Also, petition of wool-dealers and manufacturers, against the Mills bill—to the Committee on Ways and Means.

By Mr. LEE: Petition of Knights of Labor of Washington, D. C., in favor of House bill 8716—to the Committee on Labor.

By Mr. PETERS: Petition of T. J. Worthington and others, citizens of Sedgewick County, Kansas, for an amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. ROGERS: Petition of Martha A. Payne, administratrix of Samuel H. Payne, of Sebastian County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPRINGER: Petition of Knights of Labor of Taylorsville, Ill., in favor of House bill 8716—to the Committee on Labor.

By Mr. WEST: Petition of wool-growers and woolen manufacturers of Montgomery County, New York, for protection for wool-growers—to the Committee on Ways and Means.

Also, petition of manufacturers and dealers in wool, against the Mills bill—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of Benjamin Grayson, William E. Hedrick, Samuel Hedrick, Hannah Bosworth, Laban B. Conrad, John S. Chenowith, John B. Morrison, heir of Samuel Morrison; John H. Shewbridge, administrator of Samuel Dobbins; John W. Vandiver, administrator of W. Vandiver; Asberry Stalnecker, W. B. Stump, John T. Hanoke, Daniel Judy, A. H. Tanquay, administrator of David Fry; James M. Westpall, John M. Harman, and of John H. Frout, administrator of George Frout, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. FELIX CAMPBELL: Of citizens of Brooklyn, N. Y.

SENATE.

WEDNESDAY, *July* 18, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN F. BALLIER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1613, entitled "An act granting an increase of pension to John F. Ballier."

This pensioner is now receiving the full amount of pension allowed for total disability to ex-soldiers of his rank.

Inasmuch as the bill herewith returned limits any increase to the rate fixed by law for cases of total disability, it appears to accomplish nothing of benefit to the beneficiary therein named.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 17, 1888.

The PRESIDENT *pro tempore*. The objections will be entered at large on the Journal. The question is, Shall the bill pass notwithstanding the objections of the President of the United States?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

J. T. VINCENT.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 10356) granting a pension to J. T. Vincent, returned from the House of Representatives in compliance with the request of the Senate.

Mr. DAVIS. I move that the vote by which the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. DAVIS. Let the bill lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table.

PETITIONS AND MEMORIALS.

Mr. REAGAN presented the petition of W. S. Shelton and 22 other citizens of Henderson County, Texas, and the petition of J. M. Perdue and 23 other citizens of Upshur County, Texas, praying for the passage of a law to prevent common carriers from transporting commodities in cars and other means of conveyance owned by the shippers, and to give informers the fines imposed for violations of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. DAVIS presented the petition of J. W. Lansing and 25 other citizens of Minneapolis, Minn., praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented the petition of George Beaumont and 29 other citizens of Allegany County, New York, praying that sections 3 and 10 of the interstate-commerce law may be further amended; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 736) for the relief of Caroline T. Cockle, reported it without amendment, and submitted a report thereon.

Mr. CHACE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3329) to reduce the postage on fourth-class mail matter, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Interstate Commerce, to whom was referred the bill (S. 1688) to regulate commerce carried on by telegraph, reported it with amendments.

Mr. SABIN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2560) to improve and encourage the cultivation and manufacture of flax and hemp, reported it with amendments, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1448) for the establishment of a bureau to be known as the bureau of harbor and water ways, and for other purposes, to report that, "having found it impracticable to give the proposed legislation during the present session of Congress the careful consideration which its importance demands, the committee report the bill back without recommendation, and submit herewith for the information of the Senate the accompanying documents relating to the subjects covered by the bill."

I desire that the report may be printed for the use of the Senate, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report will be printed.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7232) for the relief of C. L. Wilson, reported it without amendment.

Mr. SPOONER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4201) for the relief of J. R. Jones, to ask that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Post-Offices and Post-Roads. A similar bill was reported by that committee at the last Congress.

The report was agreed to.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 2611) for the relief of Joseph W. McClurg, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 3015) for the relief of C. M. Shaffer, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2524) for the relief of Clement A. Lounsberry, reported it without amendment, and submitted a report thereon.

Mr. COLQUITT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 779) for the relief of the New York, Lake Erie and Western Railroad Company, reported it with an amendment, and submitted a report thereon.

INTERSTATE-COMMERCE COMMITTEE.

Mr. CULLOM, from the Committee on Interstate Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, authorized and directed to inquire into and report upon the necessity and expediency of legislation for the regulation of the transportation of passengers and property between the several States by express companies and other agencies of transportation by railroad not subject to the provisions of the "Act to regulate commerce," approved February 4, 1887, with authority to sit during the recess of Congress, and with power to summon witnesses, and to make a full investigation of the subject by subcommittee, or otherwise. Said committee shall have power to employ a clerk and a stenographer, and the expenses of such investigation shall be paid from the appropriation for expenses of inquiries and investigations ordered by the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 869) for the relief of the sufferers of the wreck of the United States steamer Tallapoosa, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TIMOTHY J. CAMPBELL, Mr. MCKINNEY, and Mr. KEER managers at the conference on its part.

The message also announced that the House had passed the bill (S. 735) making appropriation for the erection of a light-house on the highland (mainland) to the westward of Crooked River, Florida.

The message further announced that the House had passed the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.;

A bill (S. 335) granting an increase of pension to C. R. Thomas;

A bill (S. 886) granting a pension to Sarah F. Jones;

A bill (S. 1003) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army;

A bill (S. 1111) granting a pension to Mary J. Davis;

A bill (S. 1124) to increase the pension of John W. January;

A bill (S. 1142) granting a pension to Keziah E. Strong;

A bill (S. 1288) granting a pension to John Child;

A bill (S. 1447) granting a pension to Bridget Foley;

A bill (S. 1495) granting a pension to Mrs. Mary McGee;

A bill (S. 2012) granting increase of pension to Marcus D. Raymond;

A bill (S. 2073) granting a pension to Margaret Blades;

A bill (S. 2089) for the relief of Mrs. Elizabeth White;

A bill (S. 2137) for the relief of Rosaloo Sage;

A bill (S. 2890) granting a pension to Fannie A. Kimball;

A bill (H. R. 3376) to extend the limits of the port of New Orleans; and

Joint resolution (H. Res. 195) electing managers of "the National Home for Disabled Volunteer Soldiers," to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 3347) for the relief of Hiram Johnson and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 3348) for the relief of George K. Otis; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GIBSON introduced a bill (S. 3349) establishing additional aids to navigation at the mouth of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIST OF RETIRED OFFICERS.

Mr. REAGAN. I move that the letter from the Acting Secretary of the Treasury, addressed to the President of the Senate, inclosing a letter of the Fourth Auditor, stating that he has not force enough to enable him to answer the resolution of the Senate of May 11, 1888, in relation to retired officers, be referred to the Committee on Finance.

The motion was agreed to.

CRAIG'S IMPROVEMENT IN TELEGRAPHY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. BLAIR] coming over from yesterday.

The Chief Clerk read the resolution submitted yesterday by Mr. BLAIR, as follows:

Resolved, That the Committee on Rules be directed to arrange with D. H. Craig, of New York City, a suitable place in the Capitol building for testing his improvements in the art of telegraphy, with a view to the protection of the interests of the American people in such improvements if they shall be found valuable and Congress shall deem the same to be expedient, the sole object of this resolution being to facilitate the convenient examination of said improvements in practical operation and to involve no expense to the United States.

Mr. BLAIR. I suppose perhaps the resolution had better be referred to the Committee on Rules. It is a mere formal matter, as I understand.

It is claimed by this inventor that his automatic system is, in substance, a transition from the old hand system of telegraphy to one by machinery, and that it is really, for all practical purposes, a new system of telegraphy, or telegraphy *de novo*, you might say, because the old system must be completely superseded by it for most purposes.

It would seem to me that as he has the control of his invention fully, and seems to be a citizen who desires mainly to give the advantages of the system to the country and to the world rather than to make money out of it, while it is entirely uncomplicated by personal ownership elsewhere, it had better be investigated by Congress; for I am one of those who believe that when telegraphy is so improved that practically it supersedes the use of the pen in the ordinary business of life, it should be available to the world at large and not locked up in the hands of private individuals for the purposes of private gain.

Nothing is desired but the opportunity, without expense to the United States, to let members of the House and Senate see it in operation. There is in the room occupied by the press, near the reporters' gallery, a place once occupied by the Baltimore and Ohio system of telegraphy, that is vacated, and it is applicable for all the purposes desired. The control of a line from New York to Washington is already in possession of Mr. Craig, and nothing would be required except to make the attachment, and then there would be opportunity for everybody who might be concerned in behalf of the country to witness its operations.

I may state in a word all that this improvement is. There is a wheel which is connected with the development of the electrical current. The wire coming from a distant point is brought in contact with that wheel by a termination in the form of a metallic brush, I think. That completes the circuit. The message is prepared upon paper in the ordinary way, except that the paper is perforated. The character of the indentation which communicates intelligence is complete and actual perforation, and that is accomplished by a machine something like the ordinary type-writer, which cuts through the ribbon of paper. The message is thus prepared, occupying from five to ten minutes ordinarily.

Then this ribbon of paper with the message thus prepared upon it is passed by the wheel between it and the metallic brush which terminates the wire, and thus the circuit is broken, excepting as the threads or bristles of the brush come in contact with the wheel. Whenever that is done, as of course it is done as the perforated sections pass over the circumference of the wheel, the current is again complete and the message is transmitted. The rapidity of transmission depends wholly upon the rapidity with which the ribbon is drawn through.

That is all there is to it. It is very simple, and it is a system of telegraphy which must be almost as cheap as ordinary correspondence. If we are ever to take possession of the telegraph for the people of the country and of the world it ought to be done, it seems to me, at a time when there is some great transition in the facility of the process itself.

The Senator from Vermont [Mr. EDMUNDS] knows in regard to this matter, and as he has done more than anybody else that I know of in the direction of helping the people of this country to this all-important method of communicating intelligence, I should be glad if he would give us his idea in regard to the propriety of giving the opportunity to try the experiment.

I learn that there is not the slightest difficulty in affording accommodation. The Committee on Rules, I suppose, might desire the sense of the Senate before allowing a thing of this kind to be done, and for that reason I introduced the resolution.

Mr. EDMUNDS. I hope the resolution will be adopted. The gentleman who has perfected this invention, as he thinks—and if it is what it appears to be, it is the most valuable and important addition to the art of telegraphy—is a person of respectability, credit, etc., and I think, in the public interest, looking to the future of postal telegraphy, the Senate of the United States might give this gentleman the accommodation of having a place to put this end of his wire in to try the experiment. I hope the Senate will adopt the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

THE FISHERIES TREATY.

Mr. TELLER. I gave notice yesterday that I would address the Senate on the fisheries treaty to-day. I find myself quite unwell and unable to do so. I will take occasion, however, to address the Senate on some subsequent day when I can do so without interfering with the business of the Senate. I understand that to-morrow is set apart for some special business in executive session, and therefore I can not do it then. I will not attempt to name now the time.

I will say that so far as the treaty is concerned, if it is the desire of its friends to press it to an early vote, I shall not interpose any objection for the purpose of making a speech. I am quite prepared myself, after the discussion which has been had upon the treaty, to vote; but if there should be an opportunity I shall desire at a subsequent time to say something on the treaty.

Mr. HOAR. I should like, with the leave of the Chair, to give a notice which I have been requested to give. The Senator from Colorado [Mr. TELLER] just now stated that he did not desire to address the Senate this morning in regard to the fisheries treaty by reason of the state of his health. I will give a notice which I have been requested to give by the Senator from Maine [Mr. FRYE], who has that measure in charge in the absence of the Senator from Ohio [Mr. SHERMAN], that he will ask the Senate to proceed with the consideration of that matter on Friday at the close of the routine morning business, and will then urge the Senate to continue the discussion until it is ended and until a vote shall be taken, without further interruption.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Senate resumes the consideration of the Calendar under Rule VIII, beginning at the point last reached. The first bill on the Calendar will be stated.

The CHIEF CLERK. Order of Business 1414, a bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill for the admission of Washington Territory. Let us get through with that to-day.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Territories with an amendment, to strike out all after the enacting clause and insert:

That the inhabitants of the Territory of Washington and of that part of the Territory of Idaho embraced within the hereinafter-described boundaries are hereby authorized to form for themselves, out of the Territory so bounded and described, a State government, with the name of the State of Washington: *Provided, however*, That no part of the Territory of Idaho shall be included in said State without the consent, as hereinafter provided, of a majority of the electors residing in that part of the Territory of Idaho embraced within the boundaries hereinafter first described.

SEC. 2. That if the electors of that part of the Territory of Idaho embraced within the boundaries hereinafter first described shall, by a majority vote, as hereinafter provided, decide in favor of including such part of Idaho Territory in the State of Washington, then and in that event said State shall consist of the territory embraced within the following boundaries, to wit: Beginning 1 marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon up said river to where the forty-sixth parallel of north latitude intersects the same; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence southerly along said channel of Snake River to the northwest corner of Washington County, Idaho Territory; thence southeasterly along the boundary line between Washington and Idaho Counties to the forty-fifth parallel of latitude; thence east along said parallel line to the west line of Lemhi County; thence north along the western boundary line of Lemhi County to the crest of the Bitter Root range of mountains; thence northwesterly along the crest of said mountains to where it intersects the thirty-ninth meridian west; thence north along said meridian to the boundary line between the United States and British Columbia; thence westerly along said line to a point 1 marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of 1 marine league west from the east shore of the Pacific Ocean to the place of beginning, including all islands and parts of islands within said boundaries within the jurisdiction of the United States, with concurrent jurisdiction on all rivers bordering on said State so far as such rivers form a common boundary to said State and any other State or Territory now or hereafter to be formed and bounded by the same. But if the electors residing in that part of Idaho Territory embraced within the boundaries above described shall by a majority vote, in the manner hereinafter described, decide against annexing such part of Idaho Territory to the State of Washington, then and in that event said State shall be limited to the Territory of Washington, and bounded as follows, to wit: Beginning 1 marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon up said river to where the forty-sixth parallel of north latitude intersects the same; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence down said channel of Snake River, following the boundary line between the Territories of Washington and Idaho, to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north, following said, boundary line to the boundary line, between the United States and British Columbia; thence westerly along said line to a point 1 marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of 1 marine league west from the east shore of the Pacific Ocean to the place of beginning, including all islands and parts of islands within said boundaries within the jurisdiction of the United States, with concurrent jurisdiction on all rivers bordering on said State, so far as such rivers form a common boundary to said State and any other State or Territory now or hereafter to be formed and bounded by the same.

SEC. 3. That in order to the formation of such State government the qualified electors resident within Washington Territory are hereby authorized after due proclamation by the governor of said Territory, and in conformity with the laws of said Territory relative to the election of members of the Legislative Assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations and at such time and places as said governor may prescribe, to elect seventy-two delegates, possessing the qualifications of electors of said Territory; and the qualified electors within that part of Idaho Territory embraced within the boundaries first described in section 2 of this act are hereby authorized to elect eleven such delegates, possessing the qualifications of electors under the laws of the Territory of Idaho, in like manner as is herein prescribed for the election of delegates in Washington Territory. The governor, United States district attorney, and United States marshal of Washington Territory shall constitute a board, whose duty it shall be to apportion, according to population, as nearly as practicable, the eighty-three delegates herein provided for among the several counties or election districts in the territory embraced within the boundaries first described in section 2 of this act, and such apportionment shall be stated in the proclamation of the governor above provided; said proclamation shall embrace and be applicable to Washington Territory and that part of Idaho Territory lying within the boundaries first described in section 2 of this act. And such proc-

lamation shall further authorize the electors in that part of Idaho Territory embraced within the said boundaries first described in section 2 of this act, at the time of electing the delegates as above provided, to vote for or against including that part of Idaho Territory in the State of Washington which lies north of a line commencing at the northwest corner of Washington County, Idaho Territory; thence running southeasterly along the boundary line between Washington and Idaho Counties to the forty-fifth parallel of latitude; thence, east along said parallel line to the west line of Lemhi County; thence north along the western boundary line of Lemhi County to the crest of the Bitter Root range of mountains. And the question shall be submitted on a separate ballot, in the following form: 1. For annexation. 2. Against annexation. And a return of the votes so cast on the question of annexation shall be made forthwith by the proper officers to the chief-justice of the supreme court of Washington Territory, who, together with the two associate justices of said supreme court, shall canvass said vote, declare the result, which declaration shall be final; and the same shall be transmitted to the governor of Washington Territory, who shall cause the same to be recorded in the proceedings of the convention. If a majority of all the votes cast on that question are for annexation, that part of Idaho Territory above described shall form a part of the State of Washington, and the eleven delegates elected therefrom shall be members of the constitutional convention; and the boundaries of the State of Washington shall be such as are first described in section 2 of this act. But if a majority of all the votes cast on that question are against annexation, the delegates elected from Washington Territory shall constitute the convention, and the delegates from Idaho Territory shall not be members of or attend said convention; and the boundaries of said State shall be such as are contained in the second description in section 2 of this act, and the boundaries of the Territory of Idaho shall remain unchanged.

SEC. 4. That said delegates shall meet in convention at the city of Walla Walla, at such time as said governor may designate in his said proclamation, and, when organized, shall declare, on behalf of the people of the territory embraced within the first or second boundaries in the second section of this act, as the case may be, that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for said Territory; *Provided, nevertheless*, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided, further*, That said convention shall provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State ever be molested in person or property on account of his or her mode of religious worship; that the inhabitants of the territory embraced within the boundaries of said State do agree and declare that they forever disclaim all right and title to the unappropriated public lands, and the lands the Indian title to which has not been extinguished by the United States, lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that all grants and patents heretofore made by the United States to settlers and purchasers of school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe, or Indian sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways, free to all citizens of the United States: *And provided further*, That all residents of any part of the Territory of Idaho which may be embraced within the boundaries of said State at the time of admission who are confined in an insane asylum, and who are maintained at such asylum at the expense of said Territory, shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State: *Provided further*, That the said State shall be liable for and shall pay to the Territory of Idaho one-fifth of the existing debt of said Territory, and also the cost of keeping the Territorial prisoners of said Territory under sentence and imprisoned at the date of the passage of this act, who at the time of conviction and sentence, were residents of any part of Idaho Territory which may be embraced within the boundaries of said State to the expiration of their terms of sentence; and the Territorial comptroller and Territorial treasurer of Idaho Territory, four times a year, and at the commencement of each quarter year shall make out an itemized bill of the cost of keeping said portion of prisoners, and for the payment of one-fifth of the principal and interest due on the present debt of the Territory of Idaho, and shall certify to the correctness thereof, and forward the same to the auditor of the State of Washington, who shall draw his warrant on the treasurer of said State, in favor of the Territorial treasurer of Idaho Territory, for the amount thereof, not to exceed the cost rate of maintainiug and keeping said proportion of prisoners at the date of the passage of this act, and one-fifth of the principal and interest as shall be due on the present debt of the Territory of Idaho.

SEC. 5. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their ratification or rejection, at an election to be held at such time and place and under such regulations as said convention may prescribe: *Provided*, That the time fixed for such election shall not be prior to the Tuesday next after the first Monday in November, 1888.

SEC. 6. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Washington Territory, who, with the secretary and chief-justice thereof and the president of said convention, or any three of them, shall canvass the same; and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances, and a copy of the result of the canvass of the vote on the question of annexation.

SEC. 7. That on receipt of such certification of the votes so cast at said election showing the adoption of said constitution by the people of said State as aforesaid, and of a copy of such constitution and ordinances, and the result of the canvass of the vote on the question of annexation, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States without any further action on the part of Congress.

SEC. 8. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 9. That such Representative and the governor and other officers that may be provided for in the constitution of said State shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid; and that until said State officers are elected and qualified the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 10. That in case a part of Idaho Territory shall become a part of said State under the provisions of this act, from and after the admission of said State as hereinbefore provided, the government of the Territory of Idaho shall continue unimpaired, with the boundaries of said Territory so changed as to include only that portion thereof not embraced within the limits of said State; and the part of Idaho County not embraced within the boundaries of the proposed State shall be, and is hereby, annexed to Washington County until otherwise provided by the laws of said Territory.

SEC. 11. That from and after the admission of said State into the Union in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, and be called the district of Washington; that for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in the other districts, except as herein otherwise provided; that said district of Washington shall be attached to and constitute a part of the ninth judicial circuit; and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of January and June in each year; and one grand jury and one petit jury only shall be summoned and served in both of said courts.

SEC. 12. That the circuit and district courts for the district of Washington, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 13. That the district judge appointed for the district of Washington shall receive as his compensation the sum of $3,500 per annum, payable in four equal installments, on the first days of January, April, July, and October of each year.

SEC. 14. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Washington, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possess and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

SEC. 15. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Washington, or the supreme court of the Territory of Idaho, which arose within any part of said Territory of Idaho which may form part of said State of Washington, or that hereafter may be lawfully prosecuted from either of said courts, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme courts of both of said Territories as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of said Territories, rendered prior to the admission of said State, the parties to such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

SEC. 16. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of either of the Territories of Washington or Idaho, at the time of the admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of both of said Territories; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 17. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territories of Washington and Idaho, at the time of the admission of said State into the Union, arising within the limits of said State, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State courts according to the laws thereof.

SEC. 18. That temporarily, in case any part of Idaho Territory shall be included in said State, and until otherwise provided by act of the Legislative Assembly of the Territory of Idaho, the governor, the judges of the supreme court, and the United States district attorney shall subdivide that part thereof not included within the boundaries of said State into as many judicial districts as there are judges of said court, and shall, in like manner, assign said judges severally thereto, and designate the places therein for the holding of courts for the trial of causes and the transaction of business arising under the laws of the United States, to take effect on the admission of said State.

SEC. 19. That sections 16 and 36 in every township within said State, and also all lands therein situate, by legal subdivisions of 40 acres, the larger portion of which is swampy or overflowed so as to render the same unfit for cultivation, or in case any of said lands have been disposed of under the provisions of any act of Congress to settlers or purchasers from the United States, or in case any of said sections 16 and 36 are fractional in quantity, or wanting by reason of the township being fractional, or shall be found, when surveyed, to be mineral lands, other lands equivalent in quantity thereto, in legal subdivisions of not less than 40 acres, to be selected within said State as the constitution and Legislature thereof may provide, with the approval of the Secretary of the Interior, are hereby granted to said State, when admitted, for school purposes.

SEC. 20. That the grant of 500,000 acres of unappropriated lands of the United States made to said State, on its admission, by the provisions of section 2378 of the Revised Statutes of the United States, may be used for school purposes; and said lands shall be selected within said State as provided in the preceding section of this act.

SEC. 21. That seventy-two other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 22. That fifty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative, executive, and judicial purposes.

SEC. 23. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of a State penitentiary therein.

SEC. 24. That ten other sections of such lands, to be selected as aforesaid, are

hereby likewise granted to said State for the erection of an asylum for the insane therein.

SEC. 25. That 5 per cent. of the net proceeds of the sales of public lands lying within said State shall be paid to said State for school purposes.

SEC. 26. That the lands granted by this act shall not be sold without the consent of Congress for less than $5 per acre; and the proceeds of lands granted by this act for school purposes, as well as all moneys paid to said State under provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

SEC. 27. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of the said proposed State, including such compensation to the officers and members of said convention as is allowed to the officers and members of the Territorial Legislatures; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Territories.

Mr. CULLOM. I am not aware whether the amendment I propose to offer is in order now, but I think it is. I desire now, or at the proper time, to offer an amendment to the proposed substitute which has just been read, the amendment being in the nature of a substitute for the amendment of the committee.

The PRESIDENT *pro tempore*. The amendment of the Committee on Territories is a motion to strike out and insert, which is not divisible, but the part proposed to be stricken out and the part proposed to be inserted are both subject to amendment. The Chair understands the Senator from Illinois to propose to amend the part intended to be inserted.

Mr. CULLOM. I propose to offer a substitute for the amendment which has just been read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Illinois to the amendment of the committee will be read.

Mr. PLATT. Before that is done, if I may have unanimous consent, the word "possess," in line 5 of section 14, at the top of the twenty-seventh page of the amendment which has just been read, should be "possessed." It is a little mistake in printing.

The PRESIDENT *pro tempore*. That is a verbal amendment and may be made without a formal motion.

Mr. PLATT. I ask that the clerks may correct it.

The PRESIDENT *pro tempore*. The correction will be made. The amendment proposed by the Senator from Illinois [Mr. CULLOM] to the amendment of the committee will be read.

The CHIEF CLERK. It is proposed to insert in lieu of the amendment:

That the inhabitants of the Territory of Washington are hereby authorized to form for themselves, out of the territory herein bounded and described, a State government, with the name of Washington.

SEC. 2. That said State shall consist of all the territory embraced within the following boundaries, to wit: Beginning one marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon up said river to where the forty-sixth parallel of north latitude intersects the same; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence down said channel of Snake River, following the boundary line between the Territories of Washington and Idaho, to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north, following said boundary line to the boundary line between the United States and British Columbia; thence westerly along said line to a point one marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of one marine league west from the east shore of the Pacific Ocean to the place of beginning, including all islands and parts of islands within said boundaries within the jurisdiction of the United States, with concurrent jurisdiction on all rivers bordering on said State, so far as such rivers form a common boundary to said State and any other State or Territory now or hereafter to be formed and bounded by the same.

SEC. 3. That in order to the formation of such State government the qualified electors resident within Washington Territory are hereby authorized, after due proclamation by the governor of said Territory, and in conformity with the laws of said Territory relative to the election of members of the Legislative Assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations, and at such time and places, as said governor may prescribe, to elect as many delegates, possessing the qualifications of such electors within said Territory, as there are members of said Legislative Assembly.

SEC. 4. That said delegates shall meet in convention at the city of Walla Walla, at such time as said governor may designate in his said proclamation, and, when organized, shall declare, on behalf of the people of the territory embraced within said boundaries of Washington Territory that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for said Territory: *Provided, nevertheless*, that such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided further*, that said convention shall provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State ever be molested in person or property on account of his or her mode of religious worship; that the inhabitants of the territory embraced within the boundaries of said State do agree and declare that they forever disclaim all right and title to the unappropriated public lands, and the lands the Indian title to which has not been extinguished by the United States, lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that all grants and patents heretofore made by the United States to settlers and purchasers of school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe, or Indian sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways, free to all citizens of the United States.

SEC. 5. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as said convention may prescribe, the time of holding said election to be not earlier than the Tuesday next after the first Monday of November, 1888.

SEC. 6. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Washington Territory, who, with the secretary and chief-justice thereof and the president of said convention, or any three of them, shall canvass the same; and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances.

SEC. 7. That on receipt of such certification of the votes so cast at said election showing the adoption of said constitution by the people of said State as aforesaid and of a copy of such constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States without any further action on the part of Congress.

SEC. 8. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 9. That such Representative, and the governor and other officers that may be provided for in the constitution of said State, shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid; and that until said State officers are elected and qualified, and until the proclamation of the President of the United States provided for in the seventh section of this act, the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 10. That from and after the admission of said State into the Union in pursuance of this act the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, and be called the district of Washington; that for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in the other districts, except as herein otherwise provided; that said district of Washington shall be attached to and constitute a part of the ninth judicial circuit; and a term of a circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of January and June in each year; and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 11. That the circuit and district courts for the district of Washington, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 12. That the district judge appointed for the district of Washington shall receive as his compensation the sum of $3,500 per annum, payable in four equal installments, on the 1st days of January, April, July, and October of each year.

SEC. 13. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Washington, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

SEC. 14. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Washington, or that hereafter may be lawfully prosecuted from said court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require; and said last-mentioned court shall be the successor of the supreme court of said Territory as to all such cases, with full power to proceed with the same and to award mesne for final process therein; and that from all judgments and decrees of the supreme court of said Territory, rendered prior to the admission of said State, the parties to such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission.

SEC. 15. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Washington, at the time of the admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 16. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Washington, at the time of the admission of said State into the Union, arising within the limits of said State, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State court according to the laws thereof.

SEC. 17. That sections 16 and 36 in every township within said State, and also all lands therein situate, by legal subdivisions of 40 acres, the larger portion of which is swampy or overflowed so as to render the same unfit for cultivation, or in case any of said lands have been disposed of under the provisions of any act of Congress to settlers or purchasers from the United States, or in case any of said sections 16 and 36 are fractional in quantity, or wanting by reason of the township being fractional, or shall be found, when surveyed, to be mineral lands, other lands equivalent in quantity thereto, in legal subdivisions of not less than 40 acres, to be selected within said State as the constitution and Legislature thereof may provide, with the approval of the Secretary of the Interior, are hereby granted to said State, when admitted, for school purposes.

SEC. 18. That the grant of 500,000 acres of unappropriated lands of the United States made to said State, on its admission, by the provisions of section 2378 of

the Revised Statutes of the United States, may be used for school purposes: and said land shall be selected within said State as provided in the preceding section of this act.

SEC. 19. That seventy-two other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 20. That fifty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative, executive, and judicial purposes.

SEC. 21. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of a State penitentiary therein.

SEC. 22. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of an asylum for the insane therein.

SEC. 23. That 5 per cent. of the net proceeds of the sales of public lands lying within said State shall be paid to said State for school purposes.

SEC. 24. That the lands granted by this act shall not be sold without the consent of Congress for less than $5 per acre; and the proceeds of lands granted by this act for school purposes, as well as all moneys paid to said State under provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

SEC. 25. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the officers and members of the Territorial Legislatures; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Mr. STEWART. Mr. President, I suppose it is unnecessary for me to state at any length the great inconvenience under which the people of a Territory labor while under a Territorial form of government, as it has been so often and so well stated by others; but I can not refrain from adding my testimony to what has been said. Having for near forty years been familiar with our Territories and having resided in one for a number of years, and practiced my profession in others, I have seen the operation and know the great inconveniences and hardships which are encountered by pioneer settlers in attempting to develop the Western country under Territorial forms of government.

These Territories very soon outgrow the form of government provided for them. Most of the Territories in the West are mining Territories. Immediately after their organization great interests spring up, important litigation is immediately inaugurated, requiring the highest skill and integrity for its determination. In fact, they become commonwealths almost at once, with as many interests to guard and as important interests as the older States. These mining Territories, I say, have important interests, at once requiring the very highest ability in the officers and acquaintance with the local customs and the people, and they could better be governed and they can only be governed by officers selected by the people themselves.

The two political parties have been declaring in their platforms that these Territories should have home rule, but neither party has ever fulfilled its promise. Men are constantly being sent to rule over them who are entirely ignorant of the locality and of the people, and of the matters to be considered; everything is new to them, and they are generally young men or men out of employment, who would not be assigned to like positions in the States from which they come; or, as a friend suggests, they are often broken-down politicians.

I am sorry to say that many of them are of that character. While I would not be willing to make a general assault upon these men, because some of them are very worthy, some have made good judges, some have made good officers, yet as a rule they are unprepared to meet the situation. They are poorly paid. Think of a judge receiving a salary of $2,500, which I believe is the average pay, sent out for a tenure of office not to exceed four years and liable to be removed by the President at any time, with questions involving millions to decide, in a new country where the expense of living is very great, far exceeding his salary! He is placed in a position that no judicial officer ought to occupy, a trying position, a position likely to involve suspicion. It is hard to make people believe until he has proved it by a long series of conduct that it is possible for him to be willing to sacrifice himself in a country like that, going there without sufficient compensation to pay his ordinary expenses. I say it is hard to make the people believe that he can be there for a good purpose. So he starts under great difficulties. There is universal distrust of him.

The poorly paid stranger who comes, if he is ever so honest a man, is unable to inspire that confidence which is necessary to insure good government.

The result is that the Territories are retarded in their development; that they are denied the ordinary administration of the law. They are treated as alien lands; as a sort of Botany Bay for the rest of the United States to which to banish broken-down politicians and needy individuals. They are treated in that way because they have no voice here; because their interests are not considered. There is much legislation that takes place in the Halls of Congress very prejudicial to the Territories, which never would take place, never would be enacted if they had representatives here and could defend their rights and present the situation to Congress.

Our land laws, of which there is so much complaint, might be remedied if these Territories were represented. Never in the history of the world was there such a confusion as there is in the administration of the land laws, and the country interested in them is generally not represented. Most of the States have disposed of their lands. It is not a living question in them. In the Territories it is a vital question with regard to their lands and their mines. If you look at the sundry civil bill, you will find in it an appropriation of $150,000, or thereabouts, for the purpose of investigating titles and prosecuting citizens, mostly of the Territories; prosecuting them by secret agents, and without a hearing, a system entirely foreign to all the traditions of the race to which we belong. Why they should be denied public trials in their own country, and subjected to secret tribunals, 3,000 miles away, nobody appears to know. The reason is, they are not represented in Congress.

It is said that this grows out of bad laws, and it is a necessity. Whether that is so or not this necessity ought not to exist, and would not exist if these people were here to represent themselves and see to it that the land laws were so framed as to enable settlers to acquire title and be protected in their homesteads. You do not want hundreds of thousands of dollars spent in litigation. What kind of a community do you think that would be with this amount of money spent to investigate their titles? Who can acquire title under those circumstances? I say the trouble is that there is nobody here to represent the situation.

Again, these Territories contain a vast amount of fertile land, but it is different from the land in the old States. The people of the public land States in the Mississippi Valley are unaccustomed to the situation. They are ignorant of it and unable to deal with it. This vast region occupied by the Territories, if cultivated at all, must be cultivated by means of irrigation, and a system of irrigation must be devised and laws must be passed which will enable the people to use the water in connection with the arable land, and by so doing homes for millions of people can be made. The lands when irrigated surpass any other in fertility, but under the present system nothing can be done in that direction. We want, I say, those Territories here to represent that great question.

Two-fifths nearly of the area of the United States and nearly nine-tenths of the public lands are in that situation and practically without representation. It is important that these Territories shall be brought in, and brought in at the earliest possible time.

As far as Washington Territory is concerned, there is a consensus of opinion that it ought to be admitted without delay. In round numbers it has a population of 200,000. I do not think that is an overestimate. I will not go into details. It has wealth and all the accompaniments of wealth to correspond; its educational institutions are well advanced.

It is inhabited by an enterprising, industrious people, who are developing the country. They are developing that country the best they can under existing circumstances and have built up a great commonwealth. It is out on the Northwest border. Probably there is no Territory in the United States with such diversified industries as Washington Territory. It has vast iron mines, coal-fields, and the finest timber of any part of the United States. It has the finest bays and harbors in the world. It has got over 3,000 square miles of bays and harbors which are unsurpassed in any part of the world either for beauty or for utility. The surrounding land about these harbors is covered with the finest timber in the world. It has much waste land in the mountains that can never be cultivated, but it has a vast area of good agricultural land, particularly on the east side of the Cascade Mountains, on which are the finest wheat fields almost in the world, raising every variety of crop.

It is fast growing, and should now at the earliest possible moment be allowed to take the place of a State and regulate its own interests. It should no longer be held as an alien land, to be subjected to all the disadvantages and inconveniences of a Territorial form of government. It has already outgrown that condition. It is an old Territory. There has been no sudden growth, but its growth has been steady and gradual; the development has been sure and substantial. It has railroads now. It has a system of railroads that is doing very much to populate the country. There are, as near as I can now remember, over 1,200 miles of railroad in the Territory, and that is enabling it to be populated rapidly.

Washington Territory proper has an area of 69,000 square miles and over 3,000 miles of water in the bays and harbors.

There is, however, in this bill a proposition to take a portion of Idaho, and that is the only controverted point in the bill. I wish to explain that matter to the Senate.

The Panhandle, as it is called, of Idaho extends as far north as the British Possessions It is a strip of land between Washington Territory and Montana Territory, averaging from 40 to 60 miles wide and about 300 miles long. It is on the western slope of the Bitter Root Mountains, which form the boundary line between Montana and Idaho.

The streams flow west from the Bitter Root Mountains into Washington Territory. The valleys of Washington Territory extend into the Panhandle, following these streams. The line between Washington Territory and the Panhandle of Idaho Territory cuts off the heads of these valleys and divides them. The market for this portion of

Idaho Territory is west, following the valleys, following the railroads that run east and west, as the principal railroads do. Its market is naturally there; its business is all there, and the convenience of the people will be greatly promoted by allowing them to have political relations to correspond with their necessary commercial and business relations.

Southern Idaho is separated from this Panhandle by a range of mountains. I will not discuss whether those mountains are impassable; I will not discuss whether roads can be built over them or not, because almost anything can be done nowadays; but it is perfectly manifest that it is inconvenient to go south and cross these ranges of mountains to Boisé City. It is a great inconvenience and always will be to the people of what is called North Idaho or the Panhandle.

This is a matter that has been discussed for about twenty years. The people of North Idaho have been anxious to be annexed to Washington Territory, so that their political and business associations might be the same, so as to avoid crossing these mountains for merely political purposes. They have been very anxious for annexation, and the right of annexation has been conceded to them by Southern Idaho for many years and until the present session of Congress.

A bill for that purpose passed both Houses of Congress at the last session. It was reported in the House by Mr. SPRINGER, from the Committee on Territories, and the reasons which I have assigned and many others were given why a separation should be had. The bill annexed North Idaho to Washington It passed the House on Mr. SPRINGER'S report, and with the approval of the Delegate from Idaho Territory.

I will not follow out in detail the efforts which have been made by North Idaho for separation. The question has been before Congress frequently on petitions from North Idaho, with the full consent and approval of South Idaho. The Legislature of Idaho has passed several memorials asking that North Idaho might be separated from South Idaho and annexed to Washington, and finally in the campaign of 1884 both parties declared in favor of the annexation of North Idaho to Washington in their platforms. In pursuance of that understanding, Mr. Hailey, the Democratic candidate for Delegate, who was elected, introduced the bill in the House which I have already mentioned, and which passed the House, annexing North Idaho to Washington Territory. It also passed the Senate with the unanimous approval of the Committee on Territories. It failed to receive the signature of the President for want of time for consideration; it went to him at a late hour and it did not become a law.

In the Forty-ninth Congress the Senate also had under consideration a bill for the admission of Washington Territory as a State, which annexed the Panhandle to Washington. It was reported unanimously and it passed the Senate, but failed in the House. There appeared to be a universal concurrence for many years that this was a proper and necessary thing to be done. The Delegate who was elected in 1886, Mr. DUBOIS, stated to the people of North Idaho that he would be governed by their wishes, or perhaps he used stronger language. His language is in the report of the testimony taken by the committee, and is in print. They voted for him, as they say, with the understanding that he would allow their wishes to be presented fairly to Congress. At that time the question of annexation was submitted to the people.

The result was an overwhelming majority in favor of annexation to Washington Territory, and it was supposed that that settled the question. Mr. Hailey, the Democratic Delegate who was in the last Congress, so regarded it and urged the passage of the bill.

It has been suggested, however, that there is a change of sentiment on this question and that Northern Idaho now prefers to remain a part of Idaho and not be annexed to Washington Territory. This suggestion I do not think has much foundation. In fact I do not think there is anything in it. It is true in the northeast part of the Territory a few miners who have not a very stable or permanent interest in the Territory have expressed an inclination to go to Montana, and have objected to Washington on the ground that that was not a mining State, not denying that nature had designed it to be a part of Washington.

The citizens of Idaho County, which is the southernmost county of the Panhandle, recently held a mass meeting and passed a series of resolutions asking that this bill be passed allowing them to be annexed to Washington Territory. Nez Percé County sent a memorial in favor of it. Nez Percé County is the richest county probably in either Washington or Idaho Territory. It is a great farming county. We divided it by a special act and made another county by the name of Latah, it being too large. The Legislature having adjourned, there being no Territorial Legislature to legislate on this subject speedily, we made an exception and passed the bill about a month ago.

Since the organization of Latah County its citizens held a mass meeting and passed a series of resolutions urging the passage of the bill as reported by the committee.

So I think the feeling is as it always has been. It is a mistake to suppose that there has been a change of sentiment in regard to this matter. In deference, however, to the suggestion that there is a change of sentiment and that there might be no mistake, the majority of the committee have prepared a bill whereby the question whether this Panhandle shall be annexed to Washington shall be submitted to the people of North Idaho at the same time that they vote for delegates to the constitutional convention to form a State constitution. They vote upon this question, and their vote will decide it. If the people of North Idaho desire to be a part of Washington under the committee's bill they have an opportunity to become such. Under the amendment of the Senator from Illinois [Mr. CULLOM] they are excluded, and in that narrow piece of land are to remain a part of Idaho Territory and to suffer during all time all the inconveniences of their situation, and they are great. It is a question not only for the present generation, but it is for all time.

These mountain ranges will not change, the rivers will continue to flow in the same direction, following the order of nature, and the business of North Idaho will always be with Washington. If that people have a political association forced upon them with South Idaho great inconvenience will always be experienced.

As to the formation of new States, I have a word to say. While I am very anxious that there should be as many States in the West as possible, and while I want all the political power in that section of the country we can have, still I am unwilling that any State should be created hereafter that has not sufficient of agricultural resources to sustain such a population as will compare favorably with other Western States.

There is an allusion in the minority report that might indicate that I had some selfish or improper motive for desiring the Panhandle to be annexed to Washington, and I read from that report for the purpose of making a remark in regard to it.

There is another proposition—

The minority of the committee say—

There is another proposition, also, which is the sequence of the one under consideration. The last Legislature of Nevada, 1886-'87, passed the following act, to wit:

"The consent of the State of Nevada is hereby given to annexation to this State of any part of the territory of the United States which Congress may deem proper, upon such terms and conditions as Congress shall prescribe."

The act is indexed, "to add the south part of Idaho Territory to the State of Nevada." It is well and fully understood both in Nevada and Idaho that the annexation of North Idaho to Washington means the annexation of South Idaho to Nevada, and the obliteration of Idaho. The people of South Idaho are as much interested in the fate of North Idaho as North Idaho itself.

So far as that is concerned I have this to say: I believe that it would be for the interest of South Idaho and of Nevada that they should be united and form a State which would compare favorably with the other Western States. I do not believe that Idaho, whether the Panhandle remains with it or not, contains sufficient agricultural land to make it a populous State that will bear a reasonable comparison with the great States of the West. It will be a very small State in population, if it should ever become a State. It has some exceedingly good land; it has a fine climate, and when irrigated is as fertile, and perhaps more so, than any land east of the Rocky Mountains. It has many resources; it has a vast area of good grazing land, and its mineral wealth is perhaps equal to that of any of the Territories. Agriculture must be the basis for sustaining a permanent population in our interior States, and the extent of agricultural lands in Idaho, whether the Panhandle is cut off or not, is not sufficient to sustain a population that will compare with Kansas, Nebraska, or the proposed new States to be carved out of Dakota.

Mr. VEST. Will the Senator permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. VEST. I have not the honor now to be a member of the Committee on Territories, but there is one question presented in this bill which is a very serious one to every lawyer, and I simply want to ask if the attention of the Committee on Territories was called to it? I presume it has been, but the Senator has not discussed it in the course of his speech. The substitute provides——

Mr. STEWART. I should prefer to go on with my remarks, if the Senator wants to make a speech.

Mr. VEST. I only wish to ask a question, and what I have to say about the bill I will reserve to another occasion.

The substitute for this bill provides that the portion of the act which cuts off a part of Idaho Territory and annexes it to Washington Territory shall not become a law without the consent of the people living in that part of Idaho. Did the Committee on Territories consider the legal aspect of that question? In other words, it is a very serious question, and I myself think that the weight of authority is decidedly against the power of Congress or any State legislation to remit to the people the question whether a law shall become operative or not. We have not the power to do that, in my judgment; and neither Congress nor a State Legislature has that power.

Mr. STEWART. I wish the Senator would put that in at some other time.

Mr. VEST. I want to know if the committee have considered that question; that is all. Did the committee consider it?

Mr. STEWART. Yes, sir; and I have no doubt that Congress can make a law to take effect upon the happening of a given event, and it is very common to do it, and if you want precedents we can furnish plenty of them no doubt. I do not think there is anything in the point; but I will address myself to it if it becomes important hereafter.

I was going on to say that I believe it would be for the interest of Nevada and of South Idaho to be joined and form a State, so that there could be no criticism as to its resources or population, because, although

Nevada has great mineral resources, although it has some very rich lands, although it is probably not exceeded in its capacity for raising stock by its rich grasses by any other part of the country, still the fact remains that the population must be small. I submit to the Senate if it would not be reasonable, while there is surrounding territory, to annex enough to Nevada to insure its comparative equality in population with other States. What object can the people of any portion of the United States have for keeping any State small and then deride it for being small? It is not the fault of Nevada that she has not a large population. Nevada was brought in by an act of Congress without her request. A movement was made in the Territory to make Nevada a State, and it was voted down by the people. Congress then passed an enabling act, and it was urged that it was important for the General Government that it should become a State, and under that view of the question the people voted for a State government, and they have maintained their State government honorably, honestly, and kept out of debt. They owe no debt now except the debt they incurred at the earnest solicitation of the Government, at the request of the War Department and of the President to furnish troops in the war of the rebellion, and they paid their money for them to keep the overland mail route open.

That is the only debt they owe, a debt which they contracted in aid of the suppression of the rebellion at the request of the Government when Nevada was a Territory, and they have paid the interest on it. They have paid cash for everything else since the State government was organized, and they are able to maintain a State government; but yet we frequently hear Nevada criticised. It does look like an anomaly for Nevada to be here with two Senators and New York with only two; but I say it is not the fault of Nevada, and it should not be made a matter of reproach if Nevada is willing to receive further territory and to become a larger State, so that there shall be no criticism of her unequal representation.

It certainly should not be a reproach to Nevada to be willing to conform to the manifest wishes of the rest of the country and avoid any criticism of any inequality of representation in the Senate. But as to the annexation of South Idaho to Nevada, I have this to say: As for myself, I never will advocate annexing any portion of Idaho to Nevada unless the people of that Territory desire it. I would not live with an unwilling people. I think we should be bad neighbors if we came together on such terms. But as to Northern Idaho, I think it for the interest of Southern Idaho and Northern Idaho and the whole country that it should be a part of Washington Territory.

It will be remembered that South Idaho is surrounded by Territories. It has a Territory on the north, a Territory on the east, a Territory on the south, except the part joining Nevada. If it ought not be joined to Nevada other territory can be united with it to form a State. It is a very serious proposition whether Wyoming Territory will not be a small State in population, although it has rich coal mines and many resources and fine agricultural lands, but the large mass of it is on high mountains where cultivation can not be had.

There is good pasture at certain seasons of the year; but there is a large portion of it in those mountains that must remain waste land. It is a serious consideration whether a portion of Idaho might not be well added to Wyoming. But that is not the question now under consideration. We are forming the State of Washington, and let us form the State of Washington so that it will accommodate the people and have natural boundaries. Let it have the Bitter Root Mountains on the east, let it have British Columbia on the north, let it have the ocean on the west, and Oregon, the Columbia River, and the Salmon River Mountains on the south. Let it have natural boundaries; let the people who naturally belong to the State of Washington be included in its boundaries.

Mr. MANDERSON. I do not like to interrupt the Senator; but will he, before he departs from this branch of his speech, state to the Senate the present population of the State of Nevada?

Mr. STEWART. I do not know that I can. I suppose the population of the State of Nevada is probably about 70,000.

Mr. MANDERSON. I see by the census of 1880 it was 62,000. Does the Senator think there has been no loss of population since the last census?

Mr. STEWART. I think not. That was rather a cool question. I admire that in a man who has the hardihood to make the insinuation in his report that Nevada desires more territory and more people, and reproaches her for it. I admire that, I say.

Mr. MANDERSON. In order to season the admiration of the Senator from Nevada, I should like to say that the quotation he made a short time ago is not complete without reading the legislation of the Legislature of the State of Nevada of 1886–'87. It then passed the following act:

> The consent of the State of Nevada is hereby given to annexation to this State of any part of the territory of the United States which Congress may deem proper, upon such terms and conditions as Congress shall prescribe.

The act is indexed to "add the south part of Idaho Territory to the State of Nevada." So the charge that Nevada wants a part of Idaho does not come from the report of the committee, but from the State Legislature of Nevada.

Mr. STEWART. I appreciate that, and appreciated it before, because when the Senator asked that question I suppose he asked it to show that we did not need territory. I suppose he asked the question as to population to show that we had sufficient population, without adding more, and that it would be a great incumbrance to have more territory and more population. He certainly could not have intended it as a slur upon Nevada. Why this proposition was rung into the report by the Senator from Nebraska, why he made a matter of jest that Nevada should be desirous of sufficient wealth and population to compare favorably with the great States of the West is fully appreciated. This weak attempt to belittle Nevada for the purpose of depriving the people of North Idaho of home rule is a new style of argument.

The fact that I or anybody else thought it proper to ask for further territory for Nevada is no reason why the people of the Panhandle of Idaho should be robbed of their natural and just rights. The desire of the Senator from Nebraska to violate every principle of justice, honor, and fair dealing with the people of North Idaho can not be justified by his labored effort to disparage the State I represent. Why should the Panhandle remain a part of Idaho after the platforms of both parties have declared it should not so remain; after the committees of both Houses of Congress have declared it should not so remain; after all the public buildings have been put in South Idaho with the expectation that it would ultimately be divided? I say there is no reason why the people of North Idaho should be deprived of their rights because Nevada has suggested that she might be willing to take more territory.

When that question comes up, and the people of South Idaho are willing to join Nevada, I can give many reasons why it would be desirable for them and for us. There are no high mountains between us. The pursuits of the two countries are precisely the same. We are a mining, agricultural, and grazing people, and the pursuits of both countries and everything connected with them are in harmony. The associations between us are in common. We ought to be united; there is no reason why we should not be.

There is no reason for making martyrs of the people in North Idaho for the purpose of having a Territory out of which a State may be formed. Other dispositions could be made of Idaho Territory.

What is the meaning of the talk about dismembering a Territory and destroying a Commonwealth? What is the object of it? The Territories are in a condition to be divided and redivided and formed into States. We are constantly changing their boundary lines. We are carving States out of Territories continually. There is nothing definitely settled until they become States. If more care had been exercised in forming these Territories; if there had been a better knowledge of the waste land of the Territories, of the proper boundaries, much evil might have been avoided; but when we come to form a State certainly these considerations ought to be taken into account, and we should not form a State in violation of them.

I would be perfectly willing to pass the bill as introduced by the Senator from Oregon [Mr. DOLPH], or to pass the bill which was passed at the last session making the boundary permanent, taking in North Idaho, as the Senate did a little over a year ago. I would be willing to pass that, but it was only a concession to the suggestion that there had been a change of sentiment in North Idaho that this proposition was made to leave it to the people. It seems to me it is impossible for us in justice to do less.

Mr. BLAIR. Will the Senator state—for I do not know—the number of square miles in Idaho and the number of square miles in the Panhandle.

Mr. STEWART. The number of square miles in the Panhandle is about 24,000 or 25,000, and the number of square miles in Washington with the Panhandle will be a little over 90,000. When the Panhandle is taken off there will be about 60,000 square miles left in Idaho. That would be ample for a State, provided it was all good land.

Mr. BLAIR. Upon that point, would the remaining part of Idaho be substantially the same as Nevada now is?

Mr. STEWART. Substantially the same—the same kind of land.

Mr. BLAIR. United they would hardly afford more than a population for an ordinary State?

Mr. STEWART. United they would not have as much good land as many of the States, but with their natural resources would make a very respectable State.

Mr. BLAIR. Has the Senator knowledge of the local feeling in the southern part of Idaho?

Mr. STEWART. I think the local feeling in the southern part of Idaho is to hold on to the northern part of Idaho, and have Idaho as it is become an independent State. I think that is the local feeling. There has been a good deal of agitation there. The governor has been on here urging that the northern part of Idaho may remain with Idaho with a view of becoming a separate State. That is the local feeling at present.

Mr. HEARST. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. HEARST. Are you perfectly familiar with the valleys of Idaho?

Mr. STEWART. I have been through them.

Mr. HEARST. Through what part of the country?

Mr. STEWART. I have followed the Snake River down to below the line and through those valleys. I have been in the Panhandle down to Lewiston. I have seen a large portion of the valley.

Mr. HEARST. Does the Senator not know that around Lewiston is one of the finest agricultural countries in the United States?

Mr. STEWART. Certainly.

Mr. HEARST. Leaving there and going up Snake River there is fine land, and when you get through the cañon there is a valley there about 600 miles long and 40 miles wide that would hold two or three million people. It has the finest land in all the world. Besides, there are many valleys running up into the mountains, which are fine agricultural lands, and that eastern portion does not need irrigation, as the Senator well knows.

Mr. STEWART. I should like to ask the Senator if there is any waste land in Idaho?

Mr. HEARST. There is very little waste land in Idaho. I should like the Senator to tell me where there is much waste land in Idaho. It abounds in rivers with large rich valleys, and the tops of the mountains are covered with the finest kind of timber. Take, for instance, the Owyhee River, with a valley 25 miles long and 6 or 8 miles wide, and Bruneau River putting into Snake River, with a valley 20 miles long and 5 or 6 miles wide. The Territory abounds in rivers such as Snake River, Clear Water, Pelouse, Pen d'Oreille, and Kootenai.

At the lower end of these rivers the hills and valleys are rich, and at the heads of the valleys there is the finest timber possible. The mountains, where there are mountains, are terrible mountains, but there is no better country for mining that I know of in the United States. But that is the very roughest portion of Idaho. I think it would make one of the grandest States in the Union.

Mr. STEWART. I am glad to hear such an estimate of it. It did not occur to me so.

Mr. HEARST. Certainly there is very little waste land there.

Mr. STEWART. I do not think you can irrigate at the very outside more than 10 per cent. of the land. I think if you could irrigate 10 per cent. of the land you would be doing exceedingly well. The other land is pasture land, ranges for stock. That does not make a State; it will sustain but a few people. We have had experience in Nevada of large stock ranges. You can not build up a State in that way. It is a very nice and a very lucrative business, but for stock ranges alone it is unnecessary to have a large population, and it is only the part which can be irrigated that can be brought under cultivation.

Mr. HEARST. But that is not the eastern portion. The eastern portion does not have to be irrigated, it is only the interior valleys, and the Senator will admit that it is one of the best watered regions in the whole United States.

Mr. STEWART. The Snake River is a magnificent river, and along that river for 100 miles or more on both sides the lava beds come near the surface, and there is a great deal of waste land there.

Mr. HEARST. That may be so, but Jack Gilmore staged over that country for ten years, and he tells me that the Snake River valley above the falls will carry 2,000,000 of people. Where that land is not rich it abounds in the best kinds of timber. It is the best timbered portion of the United States.

Mr. STEWART. I am glad to hear the good opinion of that Territory from the Senator from California, because he is a very good judge of those things. However, I think he overrates vastly the area of the country which can be brought under cultivation by means of water. It is a very mountainous country, and although the hills furnish good grazing, and it is a fine mining country and a rich country, I do not think it will ever sustain a population to compare favorably with the other Western States known as agricultural States. I think it will necessarily have a small population.

Mr. HEARST. If the Senator will allow me, I will state that I have been over all the Territories west of the Rocky Mountains as much perhaps as any other man, and I think Idaho has more agricultural land in it than all the other Territories there.

Mr. STEWART. I hope that is the case.

Mr. HEARST. I have traveled along all those rivers.

Mr. STEWART. I hope that is the case, and I hope it has enough to form a good State without inconveniencing the people in the north by retaining them in an unnatural political association. If South Idaho is not large enough, which it would be if the Senator from California is correct, and I wish he was, it is very easy to change the boundaries and give it more or annex it to some Territory adjoining.

Mr. MITCHELL. What proportion of the vote of Idaho is in the Panhandle?

Mr. STEWART. About one-fourth of the vote of the Territory is in the Panhandle, I understand. Whatever disposition is made of it or whatever reasons can be assigned, there can be no good reason why the people in Northern Idaho should be inconvenienced and placed in an unnatural position for the purpose of forming the State of Idaho or for any other purpose.

There is no reason why, when we are forming the State of Washington, we should not give it natural boundaries, as I said before, so as to have a good State. It will not be too large, but it will be a magnificent State with good boundaries, and when Idaho comes up for admission we will examine the resources of Idaho. I hope that they are all the Senator from California thinks they are. If they are I should like very well to join Nevada to it and make a good State, but if that can not be done, and if you want to make a State of Idaho, join something else to make a State, and do not do wrong now because something else may be done hereafter that is right. It is unreasonable to commit the outrage advocated in the minority report upon the people of North Idaho either for the purpose of keeping Nevada a small State or for the purpose of enabling Idaho to become a State, with unnatural boundaries, in view of the various adjustments that can be made beneficial to all parties concerned.

Mr. VEST and Mr. CULLOM addressed the Chair.

Mr. CULLOM. Does the Senator from Missouri desire to address the Senate?

Mr. VEST. Yes; briefly in regard to the point I made while the Senator from Nevada was speaking.

Mr. CULLOM. I am informed that the Senator from Oregon [Mr. DOLPH], who is on a conference committee, is desirous of making some remarks early, so that he may have an opportunity to go to the conference committee, and I had agreed to yield to him for that purpose. I am willing that the Senator from Missouri shall address the Senate if the Senator from Oregon does not wish to go on now.

Mr. VEST. I have no speech to make to the Senate. I only saw the substitute this morning.

Mr. CULLOM. I desire to address the Senate myself eventually.

Mr. VEST. I want to criticise some of its provisions.

Mr. DOLPH. If the Senator from Missouri wishes to go on now I shall not insist on the floor.

Mr. VEST. It would be just as convenient to me at any other time as now. Probably it would be better for the Senator from Oregon, if he proposes to defend the substitute, as he is a lawyer, that he should hear what I have to say about it.

Mr. DOLPH. I do not propose to speak specially upon that point, and my remarks are prepared.

Mr. VEST. I shall consult the Senator's convenience.

Mr. DOLPH. If just as convenient to the Senator from Missouri, I will proceed.

Mr. VEST. Very well.

Mr. DOLPH. Mr. President, at the first session of the Forty-ninth Congress, when the bill for the admission of Washington Territory into the Union was under consideration, I addressed the Senate at some length and endeavored to show that whether the action of Congress in admitting a new State should be governed by the precedents, or there is no rule that requires as a matter of right the admission of a Territory when possessed of a given population, there was in the case of Washington Territory no one thing wanting which could reasonably be required as a prerequisite to admission.

I then showed that the area of the proposed State would be in round numbers 90,000 square miles, an area exceeded only by five States of the Union; that by a careful estimate based upon the vote of the Territory for a number of years and upon the last census, the population of Washington Territory and that portion of Idaho included within the boundaries of the proposed State on the 4th day of November, 1884, was not less than 182,000, and that not one of the new States had had at the time of their admission a population as great as that of the proposed State of Washington.

I also endeavored to show that in intelligence, education, thrift, moral worth, and all the qualities which go to make good citizens, the people of Washington Territory compared favorably with the people of older communities; that the resources of the Territory were varied and great, and with its mild climate in winter, its considerable area of rich agricultural lands, its vast forests of valuable timber, its rich mines of coal, iron, and copper, as well as of the precious metals, and its splendid system of water transportation, it was bound to become one of the most wealthy and prosperous States of the Union.

I called attention to the great commercial importance of the Territory to the fact that Puget Sound was the western terminus of two great continental lines of railroad, and that it was situated on the direct line of commerce from China and Japan across the continent to New York, Boston, Liverpool, and the continent of Europe, and I endeavored to maintain the proposition that under the provisions of the organic act of the original Oregon Territory, which contained a clause guarantying to the people of the Territory the rights, privileges, and advantages granted and secured to the people of the Territory northwest of the Ohio by the ordinance of 1787, the people of Washington Territory had a right to admission as a State of the Union when the Territory possessed a population of 60,000. Since that time official and other reports more than confirm all that I then said about the growth and prosperity of the Territory. Its population has rapidly increased, and is at this time in round numbers 250,000; the development of its resources has continued; its agricultural, mining, and lumbering interests are flourishing, and new lines of railroad are being constructed.

I shall not at this time enter at length upon the subject of the fitness of the Territory for statehood. To do so would be, to a considerable

extent, to repeat what I then said, and there is not a member of either branch of Congress who will have the hardihood to deny that the Territory possesses all the qualifications which have heretofore been considered requisite to admission. Nevertheless the bill which passed the Senate during the last Congress failed to receive consideration in the House, and this one, I fear, will not be more fortunate. There is a more powerful argument for the continued rejection by the majority of the House of the application of the Territory for admission than any arguments which can be presented based upon the admitted facts showing its fitness for statehood. The Senator from South Carolina disclosed it in his speech upon the bill for the admission of South Dakota when he said that the adoption of the report of the majority of the committee would admit at once two Senators on this floor, and again, to quote his own words:

> Whilst I would not put my opposition to the admission of any Territory upon the ground that its people differed with me in political sentiment, I couple that statement with the further statement that I never will consent, if I can prevent it, to any party getting by a snap judgment a political advantage in a body where their political supremacy is rapidly waning.

Here lies the objection to the admission of Washington as well as of Dakota. Does any one imagine for a moment that if Senators upon the other side of this Chamber felt sure that the new State would elect Democratic Senators there would be any objection to authorizing the President by proclamation to admit her when she had adopted a constitution republican in form? What assurance would the people of the Territory have if Congress, instead of providing for the admission of the Territory, passes an enabling act, that after they had held a convention and adopted a constitution and applied for admission their application would not be treated as the one already made has been?

Is there any one who supposes that if she should present an unobjectionable constitution, but elect Republican Senators, she would be admitted with the two Houses of Congress constituted as they are now? I think not. The bill under consideration is fair to both parties. It leaves the people free to express their political sentiments at the polls without fear of their application for admission being refused on account of the result. It is in accordance with the precedents. What objection can be made to it if it is in good faith proposed to admit the Territory? The fact is the proposition to pass an enabling act is well adapted for the purpose of gaining time, making a show of doing something, but keeping the Territory out of the Union and experimenting to see if two Democratic Senators can not be secured.

Washington alone has sufficient territory for a great and powerful State, and while I have heretofore favored and am inclined to vote again for the incorporation of Northern Idaho in the new State, I consider the large area which the new State would have as the most important objection to it, an objection of the same character as that to the admission of Dakota as a whole. Equality is equity. Equality of representation in the House of Representatives is secured under the Constitution by representation based upon population. In the Senate the States are equal in representation, no matter what their area or population. When a State is once admitted into the Union neither the State nor the General Government alone can change its boundaries or increase or decrease its territory. The relation of the State to the Union is permanent. The original thirteen States were organized governments before the Union was formed and when the Constitution was adopted, and necessarily came into the Union with their then existing territory, but as to new States carved out of the territory ceded to the United States by the States or afterwards acquired by cession it is evident the question of the size of the new States is important not alone to the people of the new State but to every other State in the Union.

The great Northwest, which will in time become as densely populated as any portion of the Union, and which has equal demands upon the General Government, is entitled to such a division of the territory of the United States into States as will secure to it fair representation in the Senate.

I discussed this question to some extent in a speech while the bill for the admission of Washington Territory into the Union was under consideration during the Forty-ninth Congress, and showed that if Washington is admitted into the Union there will be three Pacific coast States with a shore line upon the Pacific of 1,620 miles with six Senators, while upon the Atlantic, from the northern boundary of Maine to the southern boundary of Georgia, a distance of 1,450 miles, there are thirteen States bounded in whole or in part by the Atlantic Ocean, and represented in the United States Senate by twenty-six Senators; that California has an area of 157,801 square miles; Oregon, 95,274; and Washington Territory, 69,994 square miles, an aggregate of 323,069 square miles, while the thirteen States upon the Atlantic coast, namely, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia have an area of nearly 309,652 square miles; that when Washington, Idaho, Utah, and Arizona Territories are admitted, there will be seven States west of the Rocky Mountains with an area of 776,334 square miles, while east of the Rocky Mountains there are at present thirty-five States, and that seven more will probably be created out of the Territories, and possibly three additional States by the division of Texas, in which case there would be seven Pacific States with 776,334 square miles and forty-five States with 2,232,283 square miles east of the Rocky Mountains and within the boundaries of New Mexico and Colorado.

This is an inequality of representation which can not be prevented, but which should not be extended to other portions of the Northwest.

Until a comparatively recent period the people of Northern Idaho have been practically unanimous for annexation to Washington Territory and in their desire for admission into the Union as a portion of the new State. They were dissatisfied with the boundaries of the Territory when Idaho was organized. As that Territory was organized the northern portion consisted of a narrow strip of land west of the Bitter Root Mountains. When Montana was organized, in 1864, including a portion of Idaho, the crest of the Bitter Root Mountains was made the boundary between Montana and Idaho, leaving the northern portion of Idaho only about 40 miles in width. A considerable portion of this narrow strip consists of spurs of the Bitter Root Mountains, not suitable for cultivation. This narrow strip is a portion of the basin of the Columbia River, and naturally belongs to Washington Territory.

In the act of the Legislative Assembly of Washington Territory, authorizing the calling of a convention to form a State constitution, delegates were invited from the northern counties of Idaho to participate in the convention, with a view to including those counties within the new States. Delegates were chosen and a constitution framed by the convention which included within the boundaries of the proposed State the three northern counties of Idaho. The constitution was submitted to the people of Washington and to the people of North Idaho. It was adopted by more than a two-thirds vote in Washington Territory, and in Northern Idaho only 38 votes out of 800 were cast against it.

The memorial adopted by the Legislative Assembly of the Territory of Washington in November, 1883, praying for admission into the Union, asked Congress to include within the boundaries of the new State the northern counties of Idaho.

The question of annexation of Idaho to Washington Territory when admitted as a State was again submitted to the people of North Idaho at the general election of 1880, and 1,216 votes were polled for annexation, and only 7 against it.

In 1884 the platforms adopted by both the Republican and Democratic Territorial conventions contained a resolution favoring annexation. The following is a copy of the resolution adopted by the Republican convention:

> *Resolved*, That the wishes of the people of North Idaho in regard to annexation to Washington Territory should be faithfully and justly represented. It is a question of local importance with the people of that section, and demands recognition and support in proportion to the unanimity of their expression of that subject.

Also, I read upon the same subject a resolution adopted by the Democratic Territorial convention of the same year, which is as follows:

> *Resolved*, That we recognize the full right, justness, importance, and final result of the claim of our citizens of Northern Idaho in their annexation views; and here in open convention, backed by an honest Democracy, we pledge to our northern neighbors a willingness and co-operation on our part to accede to their wishes on this proposition in a mutuality of feeling that shall bind us together fraternally now and sow the seeds of eternal friendship when the separation may come; and we ask our northern friends to accept this pledge in the honesty of its intention and with the full assurance that it is based upon the promise of a permanent resident political organization, and not the imported vibrations of homeless, faithless, wandering political mendicants.

The reasons for desiring that Northern Idaho should be annexed to Washington are stated in a petition of a committee of citizens of North Idaho, as follows:

> First. The union of North and South Idaho is, and always has been, disastrous to all the material interests of the people of the northern part of the Territory. If the imaginary line now constituting the western boundary of North Idaho were abrogated and this section restored to its original and natural position as a part of Washington, the value of the property of her citizens would be increased by hundreds of thousands of dollars. Immigration now stops within Washington Territory and crosses into Idaho with reluctance. With agricultural resources unsurpassed, except in extent, the development of these resources is retarded beyond a present power of computation by reason of our isolated condition consequent upon a political connection with a section with which we are as practically separated as from any State in the Union. To remain thus permanently severed from the basin of the Columbia, of which we are naturally a part, is and will always continue to be absolutely ruinous to our prosperity.
>
> Second. North and South Idaho are separated by natural boundaries. Between the two is a mountain range, impassable except on horseback or on foot over rugged mountain trails in the summer and in the winter except on snow-shoes. There never has been a wagon-road and never can be a practical one between the two. The Salmon River Mountains, which constitutes this barrier, are at least 60 miles in width, extending east and west, across the entire Territory.
>
> Third. The only routes of travel between the two, by private or public conveyance, except as before stated, is by a wide detour westward through Washington Territory and the State of Oregon, over the Blue Mountains, or still farther, by water and rail to Portland and San Francisco, through Washington Territory and the States of Oregon and California, via the Central Pacific road. Within the limits of the Territory there is no communication between the two sections except by mountain trail, as before stated.
>
> Fourth. Our remoteness from the seat of the Idaho Territorial government deprives us of all the protection which a government should afford to every section of its domain. North Idaho, with a comparatively small area, is the present home of a large number of Indians. In it are the Nez Percé, Cœur d'Alene, Pend d'Oreille, a part of Kootenai, permanently, and the Spokane roam through the northern portion thereof. There are no prospects of these tribes being removed to other localities. We are subject, therefore, in the future, as we have been in the past, to sudden and cruel savage outbreaks. When the Indian war under Chief Joseph broke upon our people in 1877 we appealed to the governor, an energetic and faithful executive, for aid, but his reply was, "That he had no

arms that he could spare for so long a distance, and that aid could reach us from other sources sooner than from Boisé, our capital." General Howard attempted to aid us by a command sent from South Idaho through the nearest and most accessible route. This command, under a brave and energetic officer, pushed forward with the utmost dispatch until it reached the southern base of the Salmon River Mountains, within 80 miles of our people. It sought to make a wagon-road and cross this barrier, but was obliged to turn back before the difficulties of this mountain range. Although within 80 miles of the point where men, women, and children were being massacred with savage cruelty this command was obliged to leave our people to their fate and to come to our rescue, if at all, by passing through Oregon and Washington, a distance of not less than 600 miles.

Governor Ferry, of Washington Territory, came at once to our aid, and though beyond the jurisdiction of his Territory loaned us arms and munitions of war. Thus this savage warfare was staid by aid from the Territory to which we ask to be annexed, and could naturally come from no other source. What occurred in 1877 may occur at any time in the future. The government in South Idaho can only draw a revenue from our taxable property, while it can afford us no protection from impending danger. The capital of the Territory was removed from Lewiston, in North Idaho, to Boisé, in South Idaho, in 1875. Since that time, a period of seventeen years, no Territorial officer has ever been within the limits of the territory sought to be annexed, and none have had any actual practical knowledge of our condition. This has not been the result of a want of energy or a lack of interest on the part of these gentlemen in the welfare of our people. It is simply the result of the difficulties of intercourse between the two sections which nature has made nearly insurmountable.

Fifth. The political union of these two sections of Idaho renders it necessary to travel over the above-described routes from this northern section to the capital at a great expense and at a great distance by stage, and in the winter season at considerable danger to life and health, while the union of North Idaho with the State of Washington would make access to the seat of government expeditious, easy, and convenient by rail or river navigation.

Sixth. Between North and South Idaho there is and can be no commercial intercourse. Neither has the products which find a market in the other, and no routes of transportation from either section to the markets of the world passes through the other. The products of North Idaho have hitherto passed westward to the Pacific, and will in future take the same course unless a portion pass over the North Pacific road to Eastern markets.

Seventh. No material or political interest of South Idaho will be affected by the annexation of North Idaho to Washington. All her resources could be harmoniously developed. It is claimed by those opposed to annexation that the severance of North Idaho would leave the Territory subject to Mormon rule. This plea is fallacious and designed simply to prejudice the minds of those not acquainted with the facts. Bear Lake County, in the extreme southeastern corner of the Territory, is the only one where the Mormon influence is dominant. In Oneida County, joining Bear Lake on the west, the political power of the Mormon and anti-Mormon, known there as the Gentile influence, has always been and now is nearly equally divided—so nearly equal that the county officers and representatives in the Territorial Legislature have been about equally divided. Cassia County, joining Oneida on the west, has a considerable but not a controlling Mormon vote. These three counties, located in the extreme southeastern portion of the Territory, contain the entire Mormon strength. In the counties of Owyhee, Ada, Washington, Boisé, Lemhi, Alturas, and Custer the Mormons have no power whatever.

At the last census, in 1880, Idaho Territory had a population of 32,713; of these North Idaho had 6,983 and South Idaho 25,730. At that time the Mormon population in Idaho did not exceed 7,000. Since then there has been no great increase of Mormons within the Territory, but the discovery of gold in the Wood River country in Alturas and Custer Counties has brought into the Territory, according to the most reliable estimates, not less than 20,000 people. Of this increase nearly all are anti-Mormon. In South Idaho, then, at this time, the relative population of what is known as Mormon and Gentile is 7,000 of the former and 38,682 Gentile, or in the ratio less than 1 to 5 in favor of the anti-Mormon influence.

Eighth. It has been claimed, as we are informed, that the annexation of North Idaho to the State of Washington would make the latter unshapely. An eminent statesman of our country, speaking of the boundaries of the States forming our Union, has said that the boundaries of the States should be such as God and nature have established. We presume that boundaries not conforming to this principle are not desirable. The boundaries of Idaho, as to all north of the Salmon River Mountains, are contrary to this principle and naturally sever us from Washington and unite us to Idaho. The truth is that the present awkward shape of Idaho and the consequent unfortunate condition of our section is the result of political intrigue of aspirants for office. Its present boundaries, as far as North Idaho is concerned, were established without the knowledge and against the wishes of the people directly interested, and since their establishment our efforts to restore our section of the territory to its former place have been constantly adhered to. We believe that all such political aspirations have been gratified, and that no citizen, either public or private, will be injured by the desired change.

Were the present eastern boundary of Washington Territory at the crest of the Bitter Root Mountains, including North Idaho, and southward to the crest of the Salmon River Range as a southern boundary, the natural boundaries would be restored and the entire Columbia River basin would be included within the State of Washington. This would leave the Territory of Idaho of a nearly rectangular shape, with all sections easily accessible from its center and with an area of 55,000 square miles, larger in extent than the State of Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Mississippi, New York, Ohio, Pennsylvania, South Carolina, North Carolina, Virginia, or Wisconsin, while the State of Washington would have an area of 90,000 square miles, smaller than the Territory of Arizona, Dakota, Montana, New Mexico, Wyoming, or the State of California, Colorado, Nevada, Texas, or Oregon.

Adversely to annexation, no reference is made by the committee to the people of North Idaho. Their condition is entirely ignored. It is this unfortunate disregard of all our rights and claims that has reduced us to a condition of political vassalage. We earnestly appeal to the honorable members of Congress to do us the justice to carefully examine our grievances. We feel it to be our duty to say that we are now, and for years have been, most unjustly misrepresented in Congress. We can only look for relief to members of other States and Territories. There is now a Territorial debt, a part of which we are under obligations to pay, of about $60,000. This is not payable until 1885 or most of it would have been paid at this time. We are ready to assume our proportion of this debt, and if indeed our "ransom can only be bought with a price," we will, if required, pay any proportion thereof that Congress may impose upon us. We most respectfully ask that our wishes may not be ignored. We were originally a part of Washington Territory; we were unjustly severed from it, and we can only be restored to political and commercial prosperity by being annexed to and becoming a part of the State of Washington.

H. W. HOWARD,
A. LELAND,
J. RAND,
M. A. KELLY,
J. M. HOWE,
I. N. MAXWELL,
C. E. MONTEITH,
Corresponding Committee.

In February, 1886, having received what purported to be the proceedings of a meeting held by the people of the Cœur d'Alene mining region protesting against annexation, I communicated with the Delegate from Idaho Territory to learn to what extent, in his judgment, the proceedings of that meeting represented the people of the Territory, and in reply to my inquiry I received the following:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 24, 1886.

DEAR SIR: Referring to our recent conversation touching the sentiment of the people of North Idaho on the proposition to annex that portion of Idaho to Washington Territory, we have to say that in our judgment the great majority earnestly desire the enactment of such a law.

The suggestion, which comes from the Cœur d'Alene mining region, to annex that portion of North Idaho which lies north of the forty-seventh parallel to Montana voices the desire of a very inconsiderable portion of the community. This suggestion comes from a small portion of a mining population which, as is well known, is migratory and unsettled. It may embrace possibly from two hundred to five hundred people. From no other quarter has any intimation of such a desire reached us.

There can be no doubt as to the propriety of the annexation of that part of Idaho Territory lying north of the Salmon River range of mountains to the Territory of Washington. Every interest of the inhabitants thereof will be properly subserved by such annexation.

We have the honor to be, your obedient servants,

C. S. VOORHEES,
JOHN HAILEY.

Hon. J. N. DOLPH,
United States Senate.

If it be true that there has been any considerable change in public sentiment in North Idaho recently on the question of annexation, the submission of the question to the people as provided for in this bill will give them an opportunity to express their desires in the matter.

The Senator from South Carolina, in his speech of the 10th of April upon the bill for the admission of Dakota, said:

I do not differ with the honorable Senator from Connecticut [Mr. PLATT] in much that he said yesterday in regard to that Territory. I do not take issue with him when he states that it has a population sufficient for statehood, that it has soil of sufficient productive capacity and resources to maintain a dense population. I do not take issue with him when he says that the condition of statehood is preferable to a Territorial condition. But, sir, when he goes a step further and claims, in effect at least, that the people of that Territory have an inherent right to be admitted into this Union as a State because of this condition of things, I can not agree with him.

As I understand the rule on that subject, it is entirely and solely within the discretion of Congress whether any Territorial community, any geographical area of this country, shall be admitted into the sisterhood of States.

Whether the right of the people of a Territory to admission into the Union can be called an inherent right or not, under our Constitution and theory of government the people of a Territory possessing a suitable area, with sufficient population to entitle them to representation, with sufficient resources to maintain a State government and institutions not repugnant to our form of government, have a moral right to admission, and it is the duty of Congress to admit them. Congress has no right to refuse their application except in the sense in which right is synonymous with legal power. Congress has the power, the majority of either House has the power to refuse to admit a State. It may exercise this power in its discretion, and however grossly it may abuse it there is no way in which it can be compelled to perform its duty. The same thing is true, however, in regard to the exercise of any other power conferred upon Congress which involves a corresponding duty. The exercise of its power to pass appropriation bills is as much in its discretion as the exercise of its power to admit a new State into the Union. In the case of Washington Territory I believe there is a legal right to admission, but it is a right without a remedy.

I have already alluded to the compact made between the States acting through Congress and the people of the original Oregon Territory in the organic act of that Territory.

The provision made in the fifth article of the compact contained in the ordinance of 1787 for the government of the Territory Northwest of the Ohio River, for the division of the Territory into States, and their admission into the Union, which was as follows, "Whenever any of said States have 60,000 free inhabitants therein, such States shall be admitted into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government," was adopted and made a part of the organic act of Oregon Territory, and thus became a compact between the States and the people of the Territory. In a speech in the Senate March 31 and April 1, 1886, upon the bill to admit the State of Washington into the Union, I said:

In the act of Congress of May 26, 1790, providing a Territorial government for the territory south of the Ohio River, it was declared that the inhabitants of that territory should "enjoy all the privileges set forth in the ordinance of the late Congress for the government of the territory northwest of the Ohio."

The debates in Congress upon the admission of Tennessee into the Union show that this clause was understood to be a compact with the people of that Territory; that a Territory of suitable dimensions, when it possessed 60,000 free inhabitants, should be admitted into the Union as a State. The organic act of Oregon Territory contained a similar clause guarantying to the people of that Territory the rights, privileges, and advantages granted and secured to the people of the territory northwest of the Ohio by the ordinance of 1787. This was claimed by some of the ablest statesmen in Congress, in the debate upon the bill for the admission of Oregon, to be a compact with the people of the Territory that when the Territory possessed 60,000 free inhabitants it should be entitled to admission as a State. If this was true in the case of Oregon, it needs no argument to show that it is equally so in the case of Washington. I shall only state this question and leave it. It is not so important at this time as it would have been at an earlier day. Washington now has not only 60,000 free inhabitants but three times that number, a population large enough to entitle her to admission under any rule that has ever been invoked as to population.

Of course, if the Territory was entitled under that compact to admission when it had a population of 60,000, it presents all the stronger case with three times that number. Here is a solemn agreement of this great Government made with its own citizens. It included all who were within original Oregon at the date of the organization of the Territory, and all who should afterward become resident citizens of the Territory. It stipulated for the admission of States of suitable dimensions to be carved out of the Territory when the population reached the number provided in the ordinance of 1787. Will we keep the stipulation? During the discussion of that bill in the House of Representatives Hon. Alexander H. Stephens made a speech, from which I quote. He said:

"I have this to say to the House, and especially to those who have any doubt about the population of Oregon, that for myself I hold that there can be no question but that there is sufficient population there to require us, under existing laws and compacts, to admit that Territory as a State into the Union. There must be at least 60,000 people there, and my own opinion is that there are at least 100,000 thousand.

"In the bill organizing the Territory of Oregon, which was passed in 1848, I find the following clause:

"'SEC. 14. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the Territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said Territory, on the 13th day of July, 1787; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of said Territory.' (Statutes at Large, volume 9, page 329.)

"This, sir, was a guaranty given in 1848, after the settlement of the controversy with England as to that Territory. Now I call the attention of the House to the ninth article of the ordinance of 1787:

"'And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.'

"If there were any question as to whether there were 90,000 people there, if there were any question as to whether Oregon comes up to the ratio of representation, yet, sir, I hold that there is a solemn guaranty and a compact made with those people which we ought not to disregard."

If this view of the organic law of the Territory is correct, as I think it is, these people who, in the face of great obstacles, hardships, and privations, have laid the foundations of a rich and powerful commonwealth do not come here as suppliants for favors at the hands of Congress. On the contrary, they demand that which of right is theirs, and to further deprive them of which will be a gross violation of a solemn compact—a compact under the provisions of which it has been held, and by some of the ablest and greatest men this country has produced, and whose counsel even now is worthy the consideration of those who seek to control and direct the destinies of the nation—it was held, I say, that a Territory to the people of which the guaranties of this compact had been extended became entitled to admission as a State *ipso facto* the moment its population amounted to 60,000.

The trouble is not that the people of Washington Territory have not a right to admission as a State of the Union, but that they have no remedy for the wrong which Congress commits by refusing their application for statehood.

The Senator from South Carolina in his speech said:

It is the imperialism of a concentrated, consolidated national power, if it should ever come—and God forbid—which will threaten and destroy the liberties of the people.

Sir, in the refusal to admit the Territories when they have sufficient population and sufficient resources to support State governments and institutions republican in form and not repugnant to our theory of government, there is, if not a usurpation of Federal power, a gross abuse of it and a palpable subversion of the liberties of the people.

The right of the United States to acquire, hold, and organize territory can not be referred to any clause or provision of the Federal Constitution, but depends upon its inherent power of sovereignty. This power can not, consistently with our system of State and National Government, be extended into a right to continue the newly-acquired territory under Territorial government after they are prepared for self-governing commonwealths and for their incorporation into the Federal system.

The plenary power which the General Government has and exercises to legislate for the Territories is necessary while their population is sparse and their resources insufficient to maintain a State government; and the Territorial governments are instituted for the double purpose of providing an organized society and good government for the people during the period which must elapse before they are prepared for statehood and of developing them into commonwealths capable of self-government and prepared for membership in the Federal Union. But when this period arrives, when a Territory has become fitted to assume the relations of a State to the Federal Union and share in the government, to longer keep it in the condition of a Territory is undemocratic, contrary to the spirit of our institutions, and is a bold and most dangerous assertion and exercise of national power.

In the manner provided by the Constitution nineteen Territories have been admitted as States. All these nineteen Territories were admitted with less population and resources than South Dakota and Washington have to-day. The power to keep these Territories which, so far as the right of self-government and their relation to the Federal Government are concerned, are States in embryo, but so far as territory, population, and resources are concerned, full-grown States, out of the Union rests with a majority of either branch of Congress. But it will be longer exercised as to Dakota and Washington in violation of the faith which has been pledged to the people of those Territories by a solemn compact and by the uniform course of Congress in dealing with the Territories, and will be a crime against republican institutions.

Mr. VEST. Mr. President, I simply wish to call the attention of the Senate to that provision of the substitute which proposes to submit to the people of the portion of Idaho that is proposed to be cut off and annexed to Washington Territory the question whether that legislation shall take effect or not. It is section 2, which provides:

That if the electors of that part of the Territory of Idaho embraced within the boundaries hereinafter first described shall, by a majority vote, as hereinafter provided, decide in favor of including such part of Idaho Territory in the State of Washington, then, and in that event, said State shall consist of the Territory embraced within the following boundaries, to wit:

There has been a vast amount of adjudication upon this question, turning upon the distinction between legislation which takes effect upon the happening of a certain event and the legislation which derives its vigor and existence from a tribunal other than the legislative department of the Government. The argument pro and con applies as well to the Congress of the United States as the Legislature of any State, because the principles involved are the same.

The Constitution of the United States vests the legislative power in the Congress. Congress has no more right to delegate that power to a popular election than has the Legislature of a State to delegate that power. Every act of Congress is *proprio vigore*, by reason of our votes, in existence. No law of the United States can be enacted or repealed except by an act of Congress.

The whole difficulty in the question arises from the subtlety and refinement of argument which has been indulged in by eminent lawyers and judges upon the distinction between legislation going into effect upon the happening of a future event and the question whether an act is in existence from the beginning or not. Here is a proposition in this bill which says that if in the event of a popular election the people of a Territory at that election shall decide in favor of becoming an integral portion of another Territory, then the law of Congress takes effect, but unless that vote eventuates in that way, then the law does not take effect.

Now, where is the law-making power? I know that judges in different States of the Union have decided this question pro and con upon the one side and the other. They have in my own State upon the local-option question decided that the people had a right in the different localities to vote as to whether an act of the Legislature should obtain in that locality and county or not. With very great respect to the judges who made that decision, or a majority of them, I do not think that the sentiment of the profession in the State sustains it. In my judgment, the weight of authority is unquestionably against this delegation of legislative power, for it is nothing else. Mr. Cooley in his work on Constitutional Limitations summarizes the whole matter in a very few sentences.

Mr. STEWART. Before the Senator proceeds to read from Mr. Cooley, I should like to know the difference in principle between that and an enabling act which allows the people of a Territory to form a State government and to be admitted if they will do certain acts.

Mr. VEST. There is a very great difference.

Mr. STEWART. I can not see it.

Mr. VEST. There is a very great difference. An enabling act is simply saying to the people of a Territory, "You can go on and form a constitution and submit it in proper republican form to the Congress of the United States, and if we choose we can then admit you with that constitution or we can reject you." But here is an act which says that if the people vote a certain way the law takes effect; if the people do not vote a certain way it does not take effect.

Mr. STEWART. Is not that the precise question in an enabling act which allows the people of a Territory to be admitted on a proclamation of the President if they do a certain act?

Mr. VEST. I think not. I think the enabling act is simply where Congress says, "If you do so and so, and conform to our will in the matter, not your own, we will decide in advance that if you do certain things then certain other things shall happen." That is the distinction. But when, I submit, did any lawyer who has any respect for himself or his profession say that the Congress of the United States could pass an act providing that the people of Missouri or of Nevada should vote whether an act of Congress was to take effect or not?

Mr. BLAIR. Is that this case?

Mr. VEST. That is this case.

Mr. BLAIR. Do they vote whether the act of Congress shall take effect?

Mr. VEST. Most unquestionably, or else the English language loses its meaning. In the event that the people of that Territory say that the law shall take effect it is a law; if they vote the other way it is not a law.

Mr. BLAIR. What would be the question submitted to the people? Would it not be simply whether they desired annexation to Washington Territory? Would not that be all that would be submitted to the people?

Mr. VEST. It makes no difference what the question is.

Mr. BLAIR. Certainly it makes a difference, because the other instance would be perhaps an act of legislation. All that is submitted is simply whether they will be annexed to the Territory of Washington to form a State, and they are to vote on that question. The Sen-

ator may be right, but it seems to me that it is not such legislation as he argues it to be.

Mr. VEST. The power is vested in the Congress of the United States to fix the boundaries of the Territories and to admit new States into the Union with certain boundaries. That is a question for us to determine. It is not a question for the people specifically of that Territory, but for the people of all the States and of all the other Territories. The Constitution vests that power in Congress. Have we the right to delegate that power to any locality, to any Territory? That is the only question, and I propose without further argument to read what Mr. Cooley summarizes. You may find authorities upon both sides of the question, but if you turn to Cooley's Constitutional Limitations, page 145, you will find the question exhaustively considered and the authorities cited. First he refers to the local question of taxation in townships, school laws, local option laws, and then he says, giving the decisions in the different States:

If the decision of the question is to depend upon the weight of judicial authority up to the present time, it must be held that there is no power to refer the adoption or rejection of a general law to the people of the State any more than there is to refer it to any other authority. The prevailing doctrine in the courts appears to be that, except in those cases where, by the Constitution, the people have expressly reserved to themselves a power of decision, the function of legislation can not be exercised by them, even to the extent of accepting or rejecting a law which has been framed for their consideration. The exercise of this power by the people in other cases is not expressly and in terms prohibited by the Constitution, but it is forbidden by necessary and unavoidable implication. The senate and assembly are the only bodies of men clothed with the power of general legislation. They possess the entire power, with the exception above stated.

The people reserved no part of it to themselves (with that exception), and can therefore exercise it in no other case. It is therefore held that the Legislature have no power to submit a proposed law to the people, nor have the people power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the Constitution.

* * * * * * *

Nor, it seems, can such legislation be sustained as legislation of a conditional character whose force is to depend upon the happening of some future event, or upon some future change of circumstances, etc.

The argument in this case is that this act is to take effect upon the happening of a future event, and that event is a popular election; but it is unquestionably true in this case that the law derives its vitality from that election. In other words, Congress, instead of saying that this portion of Idaho shall be cut off and annexed to Washington, says, "We will not exercise our legislative discretion, but we leave it to the people of that specific part of Idaho Territory to say whether they will be joined to Washington or not." That is exactly what the Constitution of the United States meant to prohibit. If Congress could delegate that legislative discretion to the people of that part of Idaho, then we can delegate our discretion as to any subject to the people of any portion of the United States, and that can not be done.

Mr. SPOONER. Will the Senator from Missouri permit me to ask him a question?

Mr. VEST. Certainly.

Mr. SPOONER. Is it not customary in the States to submit to a vote of the people of a county the question as to the location of the county seat or the change of the county seat?

Mr. VEST. I admit that that has been done.

Mr. SPOONER. It is done in nearly every State in the Union.

Mr. VEST. I admit it has been done. Mr. Cooley summarizes all these cases.

Mr. SPOONER. Is not that a delegation of legislative power in some sense?

Mr. VEST. To a certain extent it is, and the courts have decided pro and con upon that very question. Unquestionably that is so. The weight of authority, however, as Mr. Cooley says, is against it. I refer Senators who feel an interest in the matter to a very learned decision made by the supreme court of Delaware, found in 4th Delaware (Harrington's) Reports, in which the court considers this question and all the authorities, and summarizes the whole thing by stating that—

The legislative, executive and judicial powers compose the sovereign power of a State. The people of the State of Delaware have vested the legislative power in a general assembly, consisting of a senate and house of representatives; the supreme executive powers of the State in a governor; and the judicial power in the several courts mentioned in the sixth article. The sovereign power therefore, of this State, resides with the legislative, executive, and judicial departments. Having thus transferred the sovereign power, the people can not resume or exercise any portion of it.

I know that there has been a vast amount of very learned argument upon both sides of this question. My own opinion as a lawyer, and I give it for what it is worth, is against any legislation. We had it in the Dakota bill, and I opposed it then. When I was a member of the Committee on Territories I opposed it in every conceivable instance. If it is right that this part of Idaho Territory shall be cut off and annexed to Washington, we ought to do it; but we ought not to leave it to the people there to decide, and let all the caprices of a popular election and all the prejudices come in instead of the calm, deliberate judgment of the Congress of the United States.

Mr. STEWART. Mr. President, I think a fair reading of Judge Cooley will make a very clear case against the proposition of the Senator from Missouri, with all due respect. Going back a little further, Judge Cooley says, before coming to the part which the Senator from Missouri read:

But it is not always essential that a legislative act should be a completed statute which must in any event take effect as law at the time it leaves the hands of the legislative department. A statute may be conditional, and its taking effect may be made to depend upon some subsequent event. Affirmative legislation may in some cases be adopted, of which the parties interested are at liberty to avail themselves or not at their option.

That is the kind of a case this is. Judge Cooley proceeds:

"In these cases the legislative act is regarded as complete when it has passed through the constitutional formalities necessary to perfected legislation, notwithstanding its actually going into operation as law may depend upon its subsequent acceptance. We have elsewhere spoken of municipal corporations, and of the powers of legislation which may be and commonly are bestowed upon them, and the bestowal of which is not to be considered as trenching upon the maxim that legislative power is not to be delegated, since that maxim is to be understood in the light of the immemorial practice of this country and of England, which has always recognized the propriety of vesting in the municipal organizations certain powers of local regulation, in respect to which the parties immediately interested may fairly be supposed more competent to judge of their needs than any central authority. As municipal organizations are mere auxiliaries of the State government in the important business of municipal rule, the Legislature may create them at will from its own views of propriety or necessity, and without consulting the parties interested; and it also possesses the like power to abolish them, without stopping to inquire what may be the desire of the corporators on that subject.

"Nevertheless, as the incorporators have a special and peculiar interest in the terms and conditions of the charter, in the powers conferred, and liabilities imposed, as well as in the general question whether they shall originally be or afterwards remain incorporated at all or not, and as the burdens of municipal government must rest upon their shoulders, and especially as by becoming incorporated they are held in law to undertake to discharge the duties the charter imposes, it seems eminently proper that their voice should be heard on the question of their incorporation, and that their decision should be conclusive, unless for strong reasons of State policy or local necessity it should seem important for the State to overrule the opinion of the local majority. The right to refer any legislation of this character to the people peculiarly interested does not seem to be questioned, and the reference is by no means unusual.

For the like reasons the question whether a county or township shall be divided and a new one formed, or two townships or school districts formerly one be reunited, or a city charter be revised, or a county seat located at a particular place, or after its location removed elsewhere, or the municipality contract particular debts, or engage in a particular improvement, is always a question which may with propriety be referred to the voters of the municipality for decision.

The part read by the Senator from Missouri from Judge Cooley related to general laws—whether a general law, such as a criminal law, should have such an effect. That was trenching upon another matter; but here is a question whether these parties will become a part of the State of Washington. They are the parties interested. It is one of the natural things to submit to them; it is legitimately submitted to them; and it is not different from the whole tenor of the bill.

This bill, as the bill which was passed for the admission of Nevada and many other States, provides that the people shall vote to adopt a constitution and to fix certain boundaries, and if they consent to that, it shall become a law on the proclamation of the President finding those facts. That is the condition of this bill. We are reporting such provisions constantly in every bill which can properly be termed an enabling act, and which provides for the admission of a State. The enabling act itself never goes into effect until the people say so. The whole question whether it will become a State is a question depending upon the vote of the people, and to say that we can not submit the question of boundaries to the people of the Territory or of any locality in the Territory is not the ordinary thing to do. It seems to me an entirely new doctrine, never entertained before.

There never was any question but that Congress could make a proposition to be submitted in this way. Every day we are passing bills providing that the law shall go into effect settling an account, paying a man, upon condition that he will surrender his whole claim, it depending upon him to accept it or not. One-third of the legislation of Congress depends upon the acceptance by people of the conditions prescribed in the act. That is all this is. We say to the people of the Panhandle, "If you desire to be a part of this State, if you desire to be annexed, if you desire to come in, and make it manifest by your vote, it shall be done."

It is something for their benefit which they may accept or reject. It is a proposition to them. Here is a proposition to the people of Washington Territory whether they shall be admitted as a State or not. We say to them, "If you accept, you become a State without further legislation." That is provided by this bill, and that is the ordinary legislation. I can not possibly see any distinction. I think that the doctrine of Judge Cooley is clear and distinct, and covers the case exactly, and that there can be nothing in the point made by the Senator from Missouri.

Mr. CULLOM. Mr. President, I shall detain the Senate but a few moments. Unfortunately I do not feel like talking at all, and I am desirous to go on with the bill.

There is, I suppose, a pretty general desire on the part of the Senate at least, on both sides of the Chamber, that the Territory of Washington should finally and very soon come into the Union as a State. I apprehend that perhaps there is not any division of opinion upon that question. There is no reason that I know of why it should not come in at as early a date as the Congress of the United States can provide for it. It has the necessary population. It is admitted, I think, by all to have about 165,000 people, irrespective of the annexation of any portion of any other Territory to it. It has all the resources and characteristics that belong to a Territory which would justify the Congress of the United States in making it a State at as early a date as we can pass the bill. I think myself that it ought to have been done before now.

So there is no question involved in this controversy as to the admis-

sion of Washington Territory. The only question, I apprehend, is the question whether we will annex a portion of Idaho Territory to it as one of the conditions of admission. My position is that that should not be done. The only difference between the two measures before the Senate, with some little amendments in the substitute which I offered, is that the bill of the Senator from Nevada is so framed as to take in four counties in the north part of Idaho, depending upon a popular vote of the people of those four counties, and no other portion of the Territory. The amendment which I introduced as a substitute for it proposes simply to admit Washington Territory, pure and simple, as we find its territorial lines or boundaries, as it was created into a Territory by the Congress of the United States.

It seems to me that the Congress of the United States is doing an act of injustice to the people of Idaho and doing wrong with reference to itself in segregating, if you please—although the Senator from Nevada objects to that word—any portion of Idaho Territory and annexing it to the Territory of Washington. I know of no reason for it. The Senator, it is true, has said that the trade of the people of those northern counties goes west instead of coming south into the Territory of Idaho. That may be true as it is now, but it is true the same fact might be stated of portions of many of the States of the Union. Take, for instance, the State of Indiana, a portion of the State of Indiana trades in the State of Illinois, or at Chicago, if you please, almost universally, and yet that furnishes no reason why a tier of counties in Indiana that lie nearest to Chicago should be segregated from the State of Indiana and added to the State of Illinois.

Their general community of interest outside of going to the city of Chicago to trade is in their own State. So, taking the people of Idaho, while at present and for years past there has been that difficulty in traveling from one portion of the Territory of Idaho to another, in traveling from the south to the north, or from the north to the south, yet those difficulties are disappearing, and it will be but a very short time before the counties now proposed to be annexed to Washington Territory will be so connected by means of communication and transportation by railroad connections as that their interests will be in common just as they are in other States and Territories of the Union.

So there is nothing in the proposition of the Senator from Nevada as regards the question of difficulty of communication between the two sections of the country.

The Territory of Idaho has about 100,000 people, perhaps a few more than that. The Territory has been going forward, not rapidly, not suddenly springing into a population of 100,000, but by a steady, regular, constant growth, which is the best growth known in this country or any other for any community to enjoy. They have gone on year after year, and year after year, increasing in population and increasing in wealth, increasing in development, and increasing also in their means of communication from one section of the Territory to another.

As a matter of fact nearly all the counties in the Territory of Idaho are cut off by what fifty years ago would have been regarded as insurmountable obstacles to communication, as the Senator from Nevada regards the mountain ranges between the north and south portions of the Territory of Idaho; but time, and industry, and enterprise, and a little money have connected all those counties in the southern portion below the range of mountains referred to, so that there is nothing involved now in the question of communication from one county to another, or from any of those counties to the metropolis of the Territory, Boisé City.

There is another fact which I desire to suggest. I want to call the attention of the Senate to the fact that there is not anybody, so far as officials are concerned, in the Territory who is demanding a segregation of those counties and their annexation to the Territory of Washington. I say that there is nobody here appealing to the Congress of the United States, who in any way represents the Territory of Idaho, asking for the division of Idaho Territory, or the annexation of those four counties to the Territory of Washington.

Mr. STEWART. Did not those four counties vote to annex themselves to Washington at the last election?

Mr. CULLOM. The Senator from Nevada is talking about ancient history.

Mr. STEWART. Did they not do so at the last election?

Mr. CULLOM. No, sir; they did not do it at the last election. I have evidence here before me of the most recent date, furnished during this year of our Lord 1888, which shows that perhaps every county in the State except the county of Nez Perces, in which the town of Lewiston is located, is protesting against the annexation of these counties to the Territory of Washington or to their being segregated in any way.

Mr. STEWART. Why were they induced to vote for it then?

Mr. CULLOM. I assert that it is an outrage on the rest of the Territory to say that we will leave it to one portion of the Territory of Idaho to say whether they will go off or not, and not allow the people of the Territory generally to give expression to what they think about it irrespective of what a portion of the Territory may wish to do in the premises.

Allow me to show what the exact facts are in regard to it. January 11 of the present year a protest of the governor, chief-justice, United States marshal, attorney-general, and all Federal Territorial officers of Idaho was filed here against any division of Idaho Territory. January 16, a protest of two hundred and fifty citizens of Cassia County was filed against any division. January 23, a protest of two hundred and fifty citizens of Idaho County was filed. I believe that is one of the proposed counties that is to be taken off.

January 23, a protest of the board of trade, Hailey County, was filed. January 23, there was a protest of the board of county commissioners of Cassia County. January 27, there was a protest of county commissioners of Boisé County. January 27, there was a protest of fifty citizens of Kootenai County. That is another one of the counties that is proposed to be annexed to Washington Territory. February 6, there was a protest of the county commissioners of Idaho County. That is one of the counties referred to as being in the portion of the Territory which is sought to be annexed to Washington Territory. February 6, there was a protest of the Democratic central committee of the Territory of Idaho. I have the protest here. It is as follows:

A protest from Idaho against dismemberment.—Proceedings of special meeting of the Democratic Territorial central committee of Idaho.

BOISÉ CITY, IDAHO TERRITORY, *January* 26, 1888.

At a special meeting of the Democratic Territorial central committee, held at the Territorial capitol building, the following proceedings were had, namely:

"Whereas Idaho Territory, upon the advent of railroads and the consequent development, has entered upon a career of advancement and prosperity hitherto almost unparalleled in the history of Western States and Territories, and which is rapidly developing her great natural resources, and will, if undisturbed by dismemberment or other adverse legislation, soon fit her in wealth and population to take the proud position of a sovereign State of the American Union; and

"Whereas with better means of inter-communication all parts of the Territory are fast becoming homogeneous and united in interests, industries, and aspirations, while the interests of the people of Northern Idaho and of Washington Territory are diverse and dissimilar in every respect—

The Senator from Nevada states that all the interests of the people of Northern Idaho are connected and identified with the interests of Washington Territory, while these resolutions assert exactly the opposite—

Washington Territory being an agricultural region while Northern Idaho is principally a mining country; and

"Whereas Washington is now a Territory of vast geographical extent, and the proposed annexation of Northern Idaho would increase its area to within a fraction of 90,000 square miles, and make it greater in extent by 9,000 square miles than the combined States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware and Maryland; and

"Whereas but a small portion of the people of North Idaho, and these principally residents of one county; and—

I will stop here long enough to say that the trouble which has been brought upon the Territory of Idaho has been brought upon the Territory substantially by the people of this county referred to, because at one time it was the capital of the Territory, and since that time it has lost its position as the capital, and it has been dissatisfied ever since—

"Whereas but a small portion of the people of North Idaho—and these principally residents of one county—favor annexation to Washington Territory, while the people of all other portions of the Territory are almost unanimously opposed to any scheme of segregation, therefore the Democratic territorial central committee, assembled at the capital, and representing the Democratic party of the Territory, do unanimously

"*Resolve*, First, that the Democratic party of Idaho, in the exercise as in duty bound of the utmost solicitude for the welfare of the people of the whole Territory, is unalterably opposed to any division whatever of the Territory, and does solemnly protest against all measures and schemes looking towards the segregation, partition, parceling out, or annihilation of the Territory. And in the name and upon the eternal principles of our party we call upon the Democracy of the Union to save us from the fate of Poland and the crafty schemes of covetous neighbors and designing politicians."

That was passed by the central committee of the Democratic party of the Territory of Idaho.

Mr. MANDERSON. I ask the Senator from Illinois whether it is not the fact that the members of that committee from these four counties were present at that meeting?

Mr. CULLOM. I think that is true, but this paper does not disclose the fact. I have in my hand a dispatch from the Republican committee and members of the Territorial convention. It is as follows:

BOISÉ CITY, IDAHO, *May* 3, 1888.

To Senator SHELBY M. CULLOM, *Washington, D. C.*:

The following was passed by the Republican convention here to-day:

"*Resolved*, That the Republican party of Idaho in convention assembled Declares itself to be unalterably opposed to any division of the Territory of Idaho.

"*Resolved*, That we call upon the Congress of the United States to defeat the bill of Senator STEWART, of Nevada, relating to the division of Idaho Territory, as it is unfair and unjust to the people of the Territory and is in conflict with the wishes of the people, and that he has never been called upon by any authorized body of citizens to express the wishes of the people of Idaho.

"*Resolved*, That we indorse without qualification the position which our Delegate in Congress has so firmly taken to preserve and protect our Territory from spoliation."

H. M. BENNETT,

Chairman Territorial Republican Committee, and members of convention.

Mr. STEWART. Is the Senator aware that a delegate from Northern Idaho was excluded so as to make that unanimous?

Mr. CULLOM. No, sir; I am not aware that any such fact existed. I have no information upon that subject.

Mr. STEWART. I have.

Mr. CULLOM. I have here the proceedings of the board of county commissioners of Boisé County, as follows:

To the Senate of the United States:

The board of county commissioners of Boise County, Territory of Idaho, would respectfully represent to your honorable body—

First. That the citizens of our county are unanimously opposed to the segregation of any portion of the Territory of Idaho.

Second. That we deem it unfair to the remaining portion of the Territory to submit to a vote of certain counties whether or not they will go to some other State or Territory.

Third. We would respectfully represent that there are thousands of people in the Territory of Idaho who have been here since its organization, more than twenty-five years ago; that they have endured the hardships and privations incident to the settlement of a new State; that they have had pride in developing the resources of the Territory and in building up a code of laws such as the experience of years has demonstrated to be specially adapted to the needs of the country; that these laws have been recently amended and codified at great expense; that during a quarter of a century these old settlers have looked with pride upon our gradual and sure growth and increase in population, relying during all this time upon the good faith of the United States (implied if not formally pledged) that when her population should warrant, the "Gem of the Mountains" would be admitted to the sisterhood of sovereign States as the State of Idaho.

We think if segregation in any form and to any extent is to be submitted to a vote, it should be to a vote of the whole Territory.

We are contented to be let alone.

We have unshaken confidence in the ultimate outcome of Idaho if she can be left as she is.

The Territory is not unduly large, and yet is of sufficient size to make a respectable State.

We ask only to be permited to rise or fall, to survive or perish with an intact Idaho.

MARTIN CATHCART,
S. A. CLARKSON,
JOHN KENNEDY,
Commissioners of Boisé County, Territory of Idaho, in session April 9, 1888.

TERRITORY OF IDAHO, COUNTY OF BOISÉ, *ss:*

I, the undersigned auditor and recorder of said county of Boisé, and clerk of the board of county commissioners thereof, do hereby certify that the above and foregoing instrument was signed by the chairman and members of said board in open session, at the regular meeting of said board held at Idaho City, the county seat of said county, on Monday, April 9, A. D. 1888.

In testimony whereof I have hereto set my hand and seal of office on this the date aforesaid.

[SEAL.]
TIM. CARROLL,
Clerk Board County Commissioners of Boisé County, Idaho.

We, the undersigned, have read the foregoing, and concur therein.

GEO. AINSLIE,
Delegate to the Forty-sixth and Forty-seventh Congresses.
T. S. HART,
Probate Judge.
BEN T. DAVIS,
Assessor and Tax Collector.
C. C. HAVIRD,
Sheriff.
TIM. CARROLL,
Auditor and Recorder.
JOHN GARRECHT,
Treasurer (by Isidor Smith, deputy).
C. S. KINGSLEY,
District Attorney.

The Senator from Nevada refers to the fact that a bill annexing these four counties has already passed the Senate. That is true, and I believe it is also true that I voted for it, but the situation of affairs in that Territory has materially changed within a very brief period of time. It is true that for a good while there did not seem to be in the minds of the people of the northern portion of the Territory of Idaho a very great certainty that they were going to be able to get communication such as they desired between their portion of the Territory and the central portion, especially the capital; but it has been ascertained within a year that there will be no difficulty whatever in building railroads so as to connect the two portions of the Territory as I have indicated. The Territory is already appealing to the Congress of the United States for the passage of a law allowing it to spend money for the purpose of building wagon-roads over the mountains between the two sections. It is true, as I shall show directly, that there are letters and maps here from railroad men indicating that a railroad can be built without any difficulty betwen the two sections of the Territory.

But I was going to refer to the fact that we passed a bill a year or two ago, I have forgotten just when, admitting the Territory of Washington with these counties annexed. The bill, it will be remembered, was vetoed by the President.

Mr. MANDERSON. Let me correct the Senator. That was not the bill vetoed. It was simply a bill annexing these four counties of the Territory of Idaho to the Territory of Washington, which was a very different proposition.

Mr. CULLOM. I was thinking that it was the bill admitting Washington that was vetoed.

Mr. PLATT. May I make an explanation?

Mr. CULLOM. Certainly.

Mr. PLATT. In the bill which provided for the admission of the State of Washington we did include substantially that part of Northern Idaho which the Senator from Nevada now proposes to include in the pending bill. That bill was not acted on in the other House. Then we passed a bill attaching this portion of Idaho to Washington Territory, and that bill was not signed by the President. It was not vetoed by him, but he received it within less than ten days before the final adjournment of Congress and did not act upon it.

Mr. CULLOM. He exercised what we call the "pocket veto." The President failed to sign the bill. At first I thought it was a bill for admitting Washington Territory with these counties annexed that was vetoed, but I stand corrected upon that point. I remember now that it was simply a bill proposing the annexation of these four counties, or this portion of the Territory of Idaho, to Washington Territory, which was passed and went to the President, as the Senator says, too late for him to examine it. At any rate he failed to sign the bill, and I have in my hand a vote of thanks tendered to President Cleveland by the board of commissioners of Idaho County, which is one of the counties now proposed to be annexed, for his action in vetoing the segregation bill passed by the last Congress, and I will read it. It is as follows:

VOTE OF THANKS TENDERED TO PRESIDENT CLEVELAND BY THE BOARD OF COMMISSIONERS OF IDAHO COUNTY, IDAHO TERRITORY, FOR HIS ACTION IN VETOING THE SEGREGATION BILL PASSED BY THE LAST SESSION OF CONGRESS.

On the 13th day of April, 1887, the honorable board of county commissioners met in regular session at Mount Idaho and passed the following vote of thanks to President Cleveland for his action in vetoing the bill which passed the last Congress annexing the four northern counties of Idaho Territory to Washington Territory. Present: James Witt, chairman; Phil Cleary, Henry S. Jones, commissioners; T. J. Rhoads, clerk.

Whereas if the bill which recently passed Congress annexing the northern counties of Idaho to Washington Territory had become a law Idaho County would have been dismembered and rendered almost hopelessly bankrupt:

It is ordered, That the thanks of this board be respectfully tendered to His Excellency, President Cleveland, for vetoing the said bill, and also to Governor E. A. Stevenson for his prompt action in the matter.

By order of the board of county commissioners of Idaho County, Idaho Territory.

JAS. WITT, *Chairman*,
PHIL. CLEARY,
HENRY S. JONES.

Attest:
[SEAL.]
T. J. RHOADS,
Auditor and Recorder and ex officio Clerk of the Board.

MOUNT IDAHO, IDAHO, *April* 13, 1887.

I also have in my hand a protest from the commissioners of Kootenai County, which is also one of the counties proposed to be annexed to Washington Territory. It is as follows:

Protest against annexation from the county commissioners of Kootenai County, Idaho, recently adopted, protesting against any division of Idaho or annexation of any portion of the Territory to any other State or Territory.

To the Senate and House of Representatives of the United States:

We, the board of commissioners of Kootenai County, Idaho Territory, in session assembled, January 3, 1888, most respectfully and earnestly protest against any legislation by your honorable bodies that would divide the Territory of Idaho, or set off any portion thereof to any State or Territory. We would respectfully call your attention to the report of his excellency E. A. Stevenson, governor of this Territory, showing the rapid growth of the Territory in wealth and population. Any legislation looking to the segregation of the Territory at this time will, in our opinion, greatly retard our future development.

JOHN RUSSELL, *Chairman.*
JOHN FERNAN.
LOUIS LEE.

[SEAL OF KOOTENAI COUNTY.]

I have in my hand a protest from the board of commissioners of Idaho County, which I believe I have not read. It is as follows:

ANTI-ANNEXATION.

Protest from the board of county commissioners of Idaho County, Idaho Territory, against annexation.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, the board of county commissioners of Idaho County, Idaho Territory, in regular session assembled, do hereby most earnestly and respectfully protest against the proposed annexation of the northern counties of Idaho Territory to Washington Territory or against any division of Idaho Territory whatsoever.

We would most respectfully represent that the sentiment formerly existing in this county in favor of annexation to Washington Territory has been largely changed since 1882 by the construction of railroads through the unsettled portions of Idaho Territory, and by the increase of material prosperity and wealth consequent thereon, and that with the construction of other contemplated lines of railroad over the alleged "impassable mountain barriers," for which the surveys have already been made, permanent and easy facility of intercourse between the most extreme and isolated sections of Idaho Territory will be afforded.

We would further represent that our commercial, social, and other relations are not identical with, and that we have no such interests in common with Washington Territory as have been erroneously alleged, nor have any satisfactory reasons been advanced to justify, or benefits proposed, to offset the inconvenience, disquietude, and confusion which would naturally result to our people from their transfer from one political jurisdiction, to whose laws all their business and other relations have become adjusted, to that of another, to whose code they are aliens, and where the experimental feature in legislature predominates.

We therefore respectfully and earnestly petition the Congress of the United States to enact no legislation which would divide Idaho Territory.

JAMES WITT,
Chairman Board County Commissioners Idaho County.
[SEAL IDAHO COUNTY.] T. J. RHOADS, *Clerk.*
Attest:
MOUNT IDAHO, I. T., *January* 11, 1888.

The burden of the honorable Senator's argument or appeal to the Senate of the United States for the passage of his bill annexing these four counties to Washington is based on the proposition that they naturally belong there, and that their trade, their commerce, their communication, social, business, and otherwise, all run to Washington Territory, while one of the counties through its board of officers asserts directly the opposite of that proposition.

The Senator also refers to the action that was taken by the Territory and by the Territorial Delegate, Mr. Hailey, some time ago. We all remember Mr. Hailey as being an honorable gentleman, who was the Delegate from that Territory for a number of years, for more than one term I believe, and who always seemed to desire to represent the real interests of the Territory. It is true, as he admits, that at one time he was in favor of the annexation of these four counties to Wash-

ington Territory, but I find in the testimony that was taken before the Committee on Territories the following letter from Mr. Hailey dated January 10, 1888, written at Spring Creek Ranch, Alturas County, Idaho, to the governor of the Territory.

SPRING CREEK RANCH, ALTURAS COUNTY, IDAHO,
January 10, 1888.

DEAR SIR: Herewith I send you some statistics of the area of land in the thirty-two States east of the Missouri River, including Texas; also the number of electoral votes those thirty-two States have.

Also the area of land contained in the six States and eight Territories west of the Missouri River (leaving out Alaska), with the number of electoral votes the West have. The figures I send are substantially correct. You will see by the statement that the six States and eight Territories in the West have a much larger area of land than the thirty-two States East, South, and North have.

You will see that these thirty-two States have 370 electoral votes, while the West have 31. Of course these thirty-two States now have complete control of the election for President and Vice-President, and of both branches of Congress; certainly they have the right to all this now, on account of having so much more population than what the West has. I am fully satisfied that the six Western States and Territories will, in the course of time, have as large a population as the thirty-two States named. Certainly the resources of the West, when developed, are fully as good and as great as of the East.

It is true that when we get as much population in the West as they have in the East, under our present system of apportionment, we will have, or at least be entitled to, as many members in the House of Representatives of Congress as the thirty-two States; but as it now stands they will then have their 64 Senators, and we will only have 28. So when that time comes we, or our posterity, will be short 36 Senators, and also short about the same number of electoral votes. To take a reasonable view of the near future, it looks rather bad for the West at best. But when we hear of attempts being made by Western Senators to divide up and obliterate our Territory (Idaho), thereby destroying our chances for two Senators and one or more members in the near future, I must conclude that they are acting hastily, without having given the matter that consideration that is due before such rash steps should be taken.

There was a time a few years ago when a portion of the people of Idaho wished to be annexed to Washington Territory. Their claims were pressed in political conventions, and both political parties in Idaho indorsed the right of three northern counties in Idaho to be annexed to Washington Territory. These conventions doubtless indorsed this move of the three northern counties for political purposes to get votes, as the northern counties held a balance of political power.

I was elected to the Forty-ninth Congress on a platform that indorsed the annexation of three northern counties of Idaho to Washington. While I did not approve of this division, I felt that it was my duty to try and carry out the provisions of the platform; which I did. On my return home I found that in so doing I had incurred the displeasure of a great many friends; in fact I am fully satisfied now that full nine-tenths or more of the resident citizens of Idaho are opposed to any division of Idaho whatever. They desire to be left as they are. We are in a prosperous condition and will soon have all the requisites for statehood.

Yours, truly,

JOHN HAILEY.

Governor E. A. STEVENSON,
Washington, D. C.

That is the testimony of Mr. Hailey, who had, as most of us had, voted for the annexation of these counties. He states there were three that he was in favor of annexing, but there are four included in the amendment which is proposed and which I believe passed the Senate some time ago at a former session.

I have been giving the opinions of people who are opposed to annexation, who are residents of the portion of Idaho which is proposed to be segregated, and I have given the account of the commissioners, State officers, Government officers, etc., as well as the representatives of the two great parties of the country. Now, I desire to continue a little further.

On February 6 the anti-Mormon central committee of Bingham County filed a protest against the annexation of these counties to Washington Territory; also the county commissioners of Ada County; also 100 citizens of Oneida County; also 200 citizens of Idaho County, which I have before referred to; also the Board of Trade of Boisé City, as well as the board of commissioners of Boisé County; and I think my memoranda somewhere state that, in addition to all those, there have not been less than ten or twelve thousand persons, individual citizens, protesting against the annexation of these four counties to Washington Territory.

So, then, it comes down to this, that all the Territorial, county, and United States officers, with the exception, perhaps, of the county officers of one county, or at the most two counties, have protested against the segregation of this Territory by the annexation of these four counties to the Territory of Washington.

The Senator says he does not propose to do that unless the people of those four counties desire it. Well, sir, even if they did desire it, which I deny, after these people have lived and grown up now for these twenty or twenty-five years, each and all of them working to build up a territory and make it worthy of statehood, so that at some not far distant day they might be permitted to come into the union on an equality with the States already in, I submit that it is unfair to those people to say by an act of Congress that, even upon a vote of a majority of the four counties, we will take a portion of your Territory away, when it can not be denied that everybody in all the other counties in the Territory, men, women, and children, is against the annexation of that portion of the Territory, unless it may be a portion of the Mormons of the Territory, who have been under the control of the Gentiles and very many of them have been sent to the penitentiary by the vigilance and proper action of the authorities of the United States Government in enforcing the laws there. So, then, I do not deem it necessary for me to take up very much more time in talking upon this question.

I might read some other evidence that I have here, and I will read a portion of an article from what is called the Cœur d'Alene Record, published in Kootenai County, one of the counties proposed to be annexed. The editor says in the article:

In case of a vote on the question we believe there would be a considerable majority against annexation in every county except Nez Perces—

Which is the county in which Lewiston, the county seat, is located, and which formerly was the capital of the Territory—

and even there—

The editor says—

the division sentiment is much weaker than it was a few months ago. Nez Perces County's interests are entirely agricultural, while those of the other counties are not. Considerations which would have much weight there have very little here, and yet the desire to acquire the Panhandle is so great in Eastern Washington that influences might be brought to bear among the hundreds of newcomers in this county which would reduce the anti-division vote to such a point as to give the annexationists, owing to their strength in Nez Perces County, a small majority in the Panhandle as a whole, though they would be beaten in Shoshone, Kootenai, and Idaho Counties. The last two mentioned are but sparsely settled, and even if the majorities were large in proportion to the population they would be small as compared with the annexation majority in Nez Perces.

This is from an editorial published in the paper from which I have quoted. There is some more perhaps that I ought to read. It continues:

Thus, contrary to the most earnest wishes of more than nine-tenths of her people, might the utter political annihilation of Idaho be accomplished by the votes of a few malcontents in a single county; thus might a conspiracy as unworthy of support as that of Catiline succeed, and imperial Idaho, ruthlessly robbed of all political power and prestige, be as unwarrantably partitioned between Washington and Nevada as Poland was partitioned between Russia and Prussia one hundred years ago.

If the Senate gives to the question the consideration that its importance merits, the Stewart scheme will die the death and Idaho will remain intact, and in a few years demand of Congress as a right the power and dignity of statehood.

This is an editorial from a newspaper published in one of these counties, and I think I have some other items here, if I have not mislaid them. I desire now to read a portion of a letter from the governor of Idaho Territory, dated May 3, addressed to myself:

EXECUTIVE OFFICE, IDAHO, *Boisé City, May* 3, 1888.

DEAR SIR: I have been watching with great interest the proceedings of the Senate on the Stewart bill, which attaches a part of Idaho to Washington.

It does not seem possible that the Senate of the United States will attempt to obliterate and divide this Territory against the memorial of the Territorial Legislature, and the protests of both political parties, backed by at least nine-tenths of the people of Idaho, and including the Delegate in Congress, the governor, and all the Federal and Territorial officers.

All the people of Idaho ask is that Congress will let us remain as we are, undivided and entire, until in our own good time we come in the full consciousness of the justice and merit of our claim, requesting the admission of Idaho into the sisterhood of States.

Hon. S. M. CULLOM,
United States Senate, Washington, D. C.:

The remainder of the letter I believe refers to myself, and I will not read it.

What is the ground, then, for the annexation of this portion of Idaho to the Territory of Washington? It is not because Washington needs it, for Washington Territory as it at present stands, as has been stated, covers an area that equals many of the New England States. It is not because Washington Territory needs it on the score of population, for it already has a population of 165,000 and more. It is not because of its want of capacity to make a great State, for already many men on both sides of the Senate have made eloquent speeches here, which have shown to the country that Washington Territory is perhaps a Territory with greater capacity for development than any other Territory in the Union.

I was glad to hear the honorable Senator from California [Mr. HEARST] talk as he did about the Territory of Idaho. I had heard the same thing before. I had heard the honorable gentleman who now so ably represents that Territory in the House of Representatives [Mr. DUBOIS] talk about the capacities of Idaho, and I had heard others, but I was glad to be strengthened in what I believed to be true, having heard it from these gentlemen, by the declaration of the honorable Senator from California when he said that it was the best Territory in the Union in many respects.

So there is no reason for the annexation of these counties on any account so far as Washington Territory is concerned, unless it may be that the people of Washington Territory, represented by its Delegate in Congress, are anxious to make it a greater State than it would be made with the Territorial limits as they now stand.

I am not going to complain of anybody in any State or Territory for desiring these counties. I think it is a laudable ambition, if you please, for a representative either in this branch or in the other branch of Congress to make his State as great as possible by the acquisition of more territory or by a system of legislation that will develop the Territory's resources as they exist; but I submit whether it is right for us as a Congress of the United States to accommodate anybody else outside, whether in the Territory of Washington or in the State of Nevada, to segregate a portion of one of the Territories to help out and make great some other State or Territory in the Union.

While I say that, I do not deny the proposition that it is within the power of Congress. We have the power to obliterate that Territory if we choose; we have the power to take away four or a dozen of its coun-

ties if we choose; and we have the power to keep all these Territories from becoming States in the Union as long as we choose. We have that technical constitutional power. But there is an element of right and wrong in these matters, which the Congress of the United States ought to consider when it has before it such bills as this or the question of the admission of a Territory as a State.

After twenty-five years of continuous effort on the part of the people of Idaho Territory, after they have been enduring the privations that belong to frontier life before railroads were built, and enduring them freely, in the hope that at some time not far off they would arrive at that point in power and population and wealth and development that would entitle them to be admitted into the Union. I say it is not right, just as they are beginning to see the daylight dawn, and they have the right to ask admission into the Union as a State, for Congress to step in and say, "We will take off 20,000 people and 25,000 square miles of land, or about that, and attach you to some other Territory and put you back twenty years longer," after the long, tedious waiting and working and enduring that the people of Idaho Territory have gone through.

I submit, sir, that we have no business to do any such thing. If it was apparent that this Territory of Idaho was a poor, miserable patch of territory that had nothing in it that would enable enterprise and energy to develop it so that at any future time, or within reasonable limits, if you please, it could not arrive at that point of development and population which would entitle it to admission as a State, then we might properly consider, perhaps, whether or not we would dismember it and attach a portion of it to Washington Territory or somewhere else, and give some of it to the little State of Nevada, which my honorable friend so ably represents on this floor, if he wants it, so that he may represent a greater State in the Union.

But so long as it has before it this prospect of constant growth, and at no distant time will be in condition when it will have a right to petition Congress for admission into the Union as a State, I do think we ought to let it alone, and rather give encouragement to those people who have been developing the Territory, opening roads there from one county to another and from one portion of the Territory to another, and making sacrifices that we in the States know nothing about. I say we do wrong by them if we discourage them and put them back just as they are getting almost to the door, and at a time when they are in a condition to knock for admission into the Union with the right to expect admission as a State.

Another word or two and I shall close. There has been a good deal said about the difficulty in getting from the northern portion to the southern portion of the Territory, and *vice versa*. I hold in my hand a letter written by Thomas L. Kimball, acting general manager of the Union Pacific Railroad Company, and addressed to C. F. Adams, esq., president of the Union Pacific Railway, Boston, Mass., and other correspondence which I will read. Mr. Kimball's letter is as follows:

OMAHA, *March* 23, 1888.

DEAR SIR: In response to your dispatch of yesterday I am able to send you herewith a brief statement from Chief Engineer Bogue, indorsed by Mr. Blickensderfer, with a map of Idaho, showing tracings in red of practicable lines we have surveyed to connect Northern and Southern Idaho. We have full notes of these surveys, from which a detailed report could be made up, but this would take considerable time.

Hoping inclosures will fully cover your present wants, I am, very truly,

THOS. L. KIMBALL,
Acting General Manager.

C. F. ADAMS, Esq.,
President Union Pacific Railway, Boston, Mass.

OMAHA, NEBR., *March* 23, 1888.

DEAR SIR: The foregoing having been submitted to me by Mr. Bogue, I fully concur in all he says.

Yours, respectfully,

(Signed) J. BLICKENSDERFER,
Chief Engineer Union Pacific Railway Company.

T. L. KIMBALL, Esq.,
Assistant to General Manager.

OMAHA, NEBR., *March* 23, 1888.

DEAR SIR: Replying to your question whether there is anything in the topographical features of Idaho that precludes railroad communication between the northern and southern portions of the Territory, I beg to say—

1. The southern portion of Idaho is already connected with the Panhandle of Idaho by the Utah and Northern and Northern Pacific Railways, which form a connected line which leaves the Oregon Short Line at Pocatello and runs north through portions of Idaho and Montana, cutting across the Panhandle of Idaho at Pend d'Oreille Lake.

2. Our surveys show that an excellent railroad route exists from Huntington, the terminus of the Oregon Short Line, down Snake River to Lewiston, at the mouth of Clear Water River; and that thence the country tributary to Clear Water River may be reached by railroad up the Clear Water and one of its forks in the direction of Missoula, Mont. These are lines that our people will be obliged to build in the near future if they wish to hold the business of the Northwest.

3. We have also found a practicable route from Weiser, on the Oregon Short Line, up Weiser River; thence down the Little Salmon and Salmon Rivers to the mouth of the Salmon River. It is not likely that all of this will be built for many years to come, but portions of it may be built as branches to the main stem extending down Snake River.

4. The Upper Salmon country can be reached by a line running northwesterly from Camas, on the Utah and Northern Railroad, crossing the range, and thence passing down Lemhi River to Salmon City.

5. The Upper Salmon River region may also be reached by extending our line from Ketchum northwardly, crossing the Sawtooth Range, and thence probably extending down Rock Creek and beyond.

By inspecting the map inclosed herewith, upon which the lines above mentioned have been indicated, you will see that the different sections of Idaho Territory are well situated as regards projected lines of transportation, and that communication between the northern and southern portions of the Territory will be good. No detailed surveys of the Upper Salmon River country have ever been made by this company, there having arisen no demand for such surveys.

There is every probability that railroad communication between Northern and Southern Idaho will be perfected long before it will be between Idaho and Nevada.

Southern Idaho is traversed by the Oregon Short Line, which, with the projected extension down the Snake River, will in the near future be the great trunk line to the Northwest; and it will form with its tributary lines good communication between the northern and southern portions of the Territory.

Yours, respectfully,

V. G. BOGUE, *C. E.*

T. L. KIMBALL, Esq., *Acting General Manager.*

I have a map here which shows the line marked out by the railroad. When you come to the examination of the facts connected with this subject, there seems to my mind to be no reason in any direction why any part of this Territory should be segregated and attached to Washington Territory. The only thing that can be said, in my judgment, is that this panhandle, if it may be so called, would seem to make the Territory awkward in its boundary and shape; but that may be said of many States which have already been admitted into the Union. Therefore I do not regard the suggestion as to the shape of the State as affording any reason why any portion of Idaho Territory should be annexed to any other Territory or State.

Mr. President, I shall not take up the time of the Senate in discussing the propositions further, except that I would like to say, if it be in order, that in another body its committee have submitted a report on this subject, and, without reading the report at length, it concludes with the following language:

Without going further into the Territorial, mining, and agricultural interests to be affected by this proposed legislation, your committee are of the opinion that there is such a preponderance of public sentiment within the limits of the four counties to be affected and such an overwhelming objection to it in the remainder of the Territory as to constitute all-sufficient reasons why the proposed legislation should not be favored.

That was a bill to annex the counties to which I have referred to the Territory of Washington.

Your committee do therefore unanimously recommend that the aforesaid bills be laid upon the table and do not pass.

I have no feeling about this. There is nothing in it except a question of right or wrong, and possible the question of law which the honorable Senator from Missouri [Mr. VEST] has suggested, and I confess that he has presented authorities that would seem to be very strongly in favor of the position which he has taken upon the question. But certainly, so far as the merits of the case are concerned, if we are disposed to pay any attention whatever to the people of Idaho Territory and to do as they desire in any regard, we ought not to pass the bill reported by the honorable Senator from Nevada from the Committee on Territories, and I hope that it will not be passed, but that the substitute which I have introduced on the part of a minority of the committee, and which simply proposes to admit Washington Territory as its boundaries now exist, without any incumbrances or questions involved outside of it, may pass instead of the bill reported by the Senator from Nevada.

Mr. STEWART. Mr. President——

Mr. PLATT. Will the Senator from Nevada yield to me for a moment that I may suggest a formal amendment in the amendment proposed by the Senator from Illinois [Mr. CULLOM]? It will only take a moment?

On page 8 I would suggest striking out, in section 15, line 4, the words "arising within the limits of said State."

That evidently was drawn following a bill which proposed to join the two sections, and in a measure which simply proposes to admit Washington Territory as it is, it is unnecessary and improper.

The PRESIDENT *pro tempore*. The Chief Clerk will report the proposed amendment.

The CHIEF CLERK. On page 8, in section 15, line 4, after the word "Union," it is proposed to strike out the words "arising within the limits of said State."

The PRESIDENT *pro tempore*. By unanimous consent these words will be stricken out.

Mr. PLATT. And in section 16, line 6, strike out a similar clause, "arising within the limits of said State and."

The PRESIDENT *pro tempore*. These words will be stricken out by unanimous consent.

Mr. STEWART. I did not suppose, Mr. President, that there could be so much said on the side of noise—so much noise made without truth, and so much misrepresentation crowded into so short a speech. I congratulate the Senator from Illinois for his capacity to befog and misrepresent the question, and get up a brood of other questions that are not now before the Senate, as if we were going to commit some great outrage. It was never intended that this Panhandle should be a part of Idaho Territory when it should become a State. In creating the Territory of Idaho, conscious, undoubtedly, as the framers of the law must have been, that they were making very irregular boundaries, they put this provision into the act:

Provided, That nothing in this act contained shall be construed to inhibit

the Government of the United States from dividing said Territory or changing its boundaries in such manner and at such time as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory in the United States.

The history of the attempt to hold these people in this unnatural political position reflects on the parties who attempt to do it.

I hold in my hand a letter from Judge Buck, one of the judges of the supreme court of Idaho Territory, which gives something of the history of this proceeding. I will ask the Clerk to read the portion of it beginning with the words "The annexation." I think it would be well to have it before the Senate.

The Chief Clerk read as follows:

The annexation of North Idaho to Washington Territory would take from Idaho Territory but $6,776.24 of taxes annually, and but $4,092,103 of taxable property. If it is true that this loss of revenue is a good reason why the wishes of North Idaho for such annexation should not be gratified, then it follows that citizens of one State should not be allowed to migrate from that State to another, because they might diminish the taxable property of one State for the benefit of another. Yet South Idaho claims that for the small revenue of $6,776.24 fifteen thousand people in North Idaho must be held in connection with a country removed from them by ranges of mountains over which a wagon-road can not be successfully made and with which they have no interest in common.

I also refer briefly to the financial condition of the Territory, as is shown by the comptroller's report, page 46. The indebtedness is $155,494.77. Of this $46,715.06 is due December 1, 1891. This debt has existed since 1877 or 1878. By reference to the comptroller's report for 1883-'84, hereto attached, page 26, it will be seen that in November of 1884 there was in the Territorial treasury $56,490.54, which if applied at that time to the payment of our indebtedness as appears on page 29 of said report would have left only a debt of $12,758.

This, however, was not done, but expensive buildings, consisting of a capital building at Boisé City and an insane asylum at Blackfoot, both in South Idaho, were built by legislative appropriation. South Idaho having four-fifths of the population, can, of course, control the expenditure of the public money for her own benefit. Not one dollar has ever been expended for any public improvement in North Idaho, and the reason assigned has always been, "North Idaho will be annexed to Washington, and we ought not to expend the public funds for improvements which will soon belong to another Territory." We accept the soundness of the reasoning, and now ask simply that, having contributed for improvements in South Idaho, we be permitted to go to Washington as in good faith we are entitled to do. As I have said, our present indebtedness is $155,494.77.

The comptroller's report, 1885-'86, attached hereto, page 46, shows this indebtedness to be as follows:

Bonds, due 1891	$46,715.06
Capitol building bonds of 1885	80,000.00
Insane asylum bonds of 1885	20,000.00
On warrants outstanding	8,779.71

In 1884 both the Republican and Democratic parties in our Territory, by a distinct plank in their platforms, approved of the annexation of North Idaho to Washington Territory. At that time, as I have before shown, the indebtedness of the Territory above the money in the treasury was but $12,758.06.

Since that pledge was made the Territory has issued its bonds to the amount of $10,000,000 for capital buildings and insane asylum in South Idaho, and, instead of expending the surplus of 1884 in paying the indebtedness then existing against the Territory, have expended said surplus in furnishing and equipping the capital building and insane asylum. Thus it will be seen that the present indebtedness of the Territory has been nearly all contracted since both political parties pledged themselves to support and accede to the annexation of North Idaho to Washington Territory, and that it has all been expended in South Idaho. I refer to the expressions of both parties on this subject in their platforms in 1884 and to the council memorial of the Legislature adopted in 1884-'85, here inserted:

This was the Republican plank:

"*Resolved*, That the wishes of North Idaho in regard to annexation to Washington Territory should be faithfully and justly represented in Congress. It is a question of local importance with that section and demands recognition and support in proportion to the unanimity of their expression on that subject."

This was the Democratic plank:

"*Resolved*, That we recognize the full weight, justice, importance, and final result of the claim of our citizens of Northern Idaho in their annexation views, and here in open convention, backed by an honest Democracy, we pledge to our northern neighbors a willingness and co-operation on our part to accede to their wishes on this proposition in a mutuality of feeling that shall bind us together fraternally now and sow the seed of eternal friendship when the separation may come, and we ask our northern friends to accept this pledge in the honesty of its intentions and with the full assurance it is based upon the promise of a permanent, resident, political organization and not the imported vibrations of homeless, faithless, wandering political mendicants."

In the political conventions of 1886 of both parties, after consultation, both conventions decided that no new expressions on the question of annexation should be made by either party, and the present Delegate in Congress, Mr. DUBOIS, went before the people and sought their votes. In North Idaho he stated to the people in Nez Perces that while he, as a South Idaho man, was personally opposed to annexation, as Delegate, if elected, would not oppose their wishes in reference thereto officially.

His manuscript speech containing this pledge is now in the hands of the Hon. CHARLES VOORHEES, Delegate from Washington Territory. The wishes of the people was expressed at the election at which he was elected in Nez Perces County by a vote of 1,450 for annexation to 50 against it. In Kootenai by a vote of 165 for annexation to Washington, 26 for Montana, and 14 to remain in Idaho. In Shoshone County and in Idaho County no record of the vote was kept, but by petitions now before you, and by personal knowledge I believe that Shoshone County is in favor of it by a majority, and I know that Idaho County is nearly unanimous for it. In addition to this Mr. DUBOIS publicly voted for the annexation of North Idaho to Washington at said election. In view of his present efforts on this question it is apparent that Mr. DUBOIS does not present fairly all the phases of this controversy.

At the last session of our Legislature I am informed and believe that a memorial was passed against such annexation. I have not been able to find it and have never seen it. I am informed, however, that Mr. DUBOIS, our Delegate, has presented it to your honorable bodies. I notice that he did not present the platforms of both political parties favoring it or the memorial of the legislative council in favor of it. I presume that the memorial of the last Legislature opposing annexation is an expressed opposition to annexation without refuting the statement of the prior Legislature as expressed in the council memorial herewith submitted as to the location of the two sections and the inaccessible region.

This can not truthfully be denied, and the remonstrance of the last Legislature, expressing simply an expression of change of sentiment without refuting the facts which justified the first memorial, indicates only that selfish regard to personal interest has overcome their sense of justice. Upon the facts vouched for and expressed in the memorial hereto attached I respectfully submitted that the annexation of North Idaho to Washington Territory is necessary to their happiness and prosperity, and to refuse the request would inflict an enduring hardship upon her people.

I have the honor to be, respectfully,

NORMAN BUCK.

Now, the speech to which Judge Buck refers I have. It will be seen that the vote was almost unanimously in favor of annexation—the vote which was taken at the time that Mr. DUBOIS was elected—and Mr. DUBOIS made this speech to the people at the time of his election, and put it in written manuscript so that there should be no mistake about it. It is as follows:

The annexation question is the most perplexing issue in your politics.

Personally, as you know, I am opposed to the segregation of this Territory. So is my opponent, Mr. Hailey. I will not pledge myself to work officially for the passage of a bill annexing these four northern counties to Washington or Montana. I could not if I would; I would not if I could. There is a bill now pending in the Senate, based on the platforms submitted by both parties two years ago. I had nothing to do with that bill. I will not oppose it, nor have I ever opposed it.

If I am elected I do not take my seat until March 4, 1887. If the present bill becomes a law then the question is settled, and I shall not be called upon to act in the premises.

If it is not settled by the present Congress, it must be presented to the newly elected body as a new measure. In Shoshone County the question of annexation to Washington or Montana will be submitted to a vote of the people this fall. They will settle the question themselves, and if the measure is presented to Congress next year, I suppose they will demand that their wishes be respected. I concede that in this county and in Idaho County the people desire annexation to Washington.

I can only say to you that if I am elected I will represent to Congress fairly and impartially your wishes in this matter. I will present to the committees of Congress, without prejudice, any petitions you may send; I will introduce to committees any gentlemen you may send to Washington to advocate the measure as responsible and reliable, and as correctly representing the wishes of your people. I must and will do the same thing for any other section of the Territory. Officially, I must and will represent fairly and impartially every section of Idaho and the wishes of its people. I can not do less than represent all sections of the Territory, and I can not do more. If by vote Shoshone County decides in favor of Montana, I should expect the new bill to respect that choice.

I will not oppose your wishes officially; I will see officially that you are fairly heard and your claims justly represented.

There is so much conflict now on this question that, in my judgment, you should send delegations of business men, irrespective of party, to Washington to present your wishes, and then let Congress decide the issue between you.

I consider this my duty in the premises. I would not do more or less, whether you give me one vote or a thousand.

You are at liberty to publish my position all over the Territory. I do not shirk any responsibility, and demand that Mr. Hailey come forward and define his position, and that he come in time to give his views to the whole Territory.

I might go further than this. The Mormon question is the all-absorbing topic with the people of South Idaho, and that is the question which they will vote upon. It is a fight with us for existence. I could pledge myself to work for annexation, and it would not cost me 100 votes in South Idaho.

But there is not an honest man in South Idaho who would work for annexation before this question is settled; and there is not an honest man in South Idaho who would oppose annexation if the Mormon question were settled, conditions remaining as they now are.

After this speech was made a vote was taken, and the people of North Idaho agreed to annexation. It is said they have changed their views, and that nobody is now asking for annexation. That is a mistake. They are as anxious now as they ever have been. They have gone through with this contest for over twenty years. The history of this contest is a most deplorable one.

These people have been dragged from their homes and compelled to do their official business at a distant point; and all this talk about there ever being any convenient communication between them and Boisé City or Southern Idaho is nonsense. You can go around about. You can go east from the capital about 200 miles; then you can go north three or four hundred miles, and then west, and go around from Montana, or you can go west through Oregon and Washington Territories several hundred miles, and get to the capital of Idaho Territory; but to say or to pretend that there ever will be a line of railroad over the ranges of mountains that jut out from the Bitter Root range or over the Salmon River range is the merest bosh. This man who writes from the Union Pacific knows that there is no occasion to build a railroad that way. They may get around by the Snake River and get into that country, but whether there is a railroad there or not, these people, by geographical location and business interest, belong to Washington Territory, and they have had a solemn promise for many years that their wishes would no longer be opposed. This is a fight of twenty years.

I will read some resolutions recently passed at a meeting of the citizens of Moscow in the county of Latah, in North Idaho:

At a mass meeting of the citizens of Moscow, the county seat of Latah County, Territory of Idaho, held on the 5th day of June, 1888, called for the purpose of giving expression of the citizens of said county upon the subject of the annexation of North Idaho to the Territory of Washington, the following statement of facts was unanimously adopted:

"First. That we deem the annexation of North Idaho to Washington Territory so essential to the future prosperity of our people that a failure of Congress to make such annexation would, in our opinion, be a continuing disaster.

"Second. That the vote of Nez Perces County, including what is now Latah County, at the last general election for Delegate to Congress, 1885, 1,500 votes were cast for such annexation and not to exceed 50 against it. That at the same election there were cast in this city of Moscow 368 votes for said annexation and 6 votes against it. That at said election Mr. DUBOIS, our present Delegate in Congress, said to our people in a public speech, "If elected I will not oppose your wishes officially upon the subject of annexation."

Upon that promise Mr. DUBOIS received his party vote. We now declare that the wishes of our people are more earnestly in favor of annexation than ever before, and the people of Latah County call upon Mr. DUBOIS to consider his promise made to us at said election and to use his influence as our representa-

tive in Congress to secure the passage of Mr. STEWART'S bill submitting the question of such annexation to the voters of North Idaho.

Third. That whereas Governor Stevenson, our present executive, stated to the Committee on Territories of the United States Senate on the 23rd of January, 1888, "I think a majority of the people in North Idaho are opposed to such annexation" and whereas it has been claimed by our present Delegate in Congress that the sentiments of our people have changed on this subject, and that "the advent of the railroads, the development of the country, and prospect of statehood have practically united our people against such annexation: Therefore,

Resolved, That we ask that Mr. STEWART'S bill for the admission of Washington Territory as a State and providing for a submission of such annexation to our people may be enacted by Congress, that we may determine this question by a vote of the people of North Idaho.

Fourth. That the statement that the desire of our people for such annexation has grown out of a feeling of hostility of the citizens of Lewistown resulting from the removal of the capital of our Territory from Lewistown to South Idaho twenty years ago is without any foundation in fact. That our city of Moscow has ever since its existence been a rival of the city of Lewistown, and certainly we can not be charged with sympathy with any special grievance of said city, and yet our people are more unanimous if possible in favor of annexation than are the people of Lewistown. The truth is that the desire for such annexation has its inception and development in the daily life of our people, and any charge that its origin is in any feeling of jealousy or hostility to South Idaho is wholly without foundation.

Fifth. *Resolved*, That the statement before the Senate Committee and elsewhere by those opposed to annexation that the memorials of our Legislature and expressions in favor of annexation in the platforms of our political parties were made with the purpose of catching votes and without consideration by the parties making them, and may be disregarded at pleasure, is unworthy of an intelligent people and reflect only the dishonor of those who make them. We denounce such statements as dishonorable and unjust. It is such action by the people of South Idaho that has created dissension between the people of North and South Idaho and rendered it impossible for us to act in harmony with them. In this spirit of want of faith in the declarations of the people of South Idaho we approve the action of L. P. Brown and C. B. Reynolds in withdrawing from the late Republican convention and thus preventing our people from being compromised by the action of a convention who regard their most solemn promise and pledges as mere party tricks made to entrap our voters.

W. J. MCCONNELL, *Chairman*.
JOHN MOORE, *Secretary*.

The other resolutions read by the Senator from Illinois of the Republican convention held last May in Boisé City were passed without the consent of North Idaho and do not represent their views.

I have a similar set of resolutions to those I have just read which were passed in Latah County, adopted last month at a mass-meeting held in Idaho County, the southernmost county of the Panhandle. They are equally emphatic on the subject. I have a memorial here which is lengthy and which I have not attempted to read, but which gives a history of the persecutions of the people of North Idaho by the people of South Idaho—the manner in which they have been used, the pledges which have been broken, etc.

Talk about "Poland," talk about "dismemberment," when here are a people that have been promised for twenty years that they would be relieved from this unnatural association, that they should have the association of their business friends, and that they would have the benefit of political and commercial relations with the same people; when both parties in their platforms agreed that this should be done; when the representative that is now here went before them and said that their wishes should be respected officially and in every other way; when those people, on that declaration by Mr. DUBOIS, voted for him and voted for annexation, we did not expect any opposition from that source. How can we be charged with bad faith when the bad faith is all on the other side? It is said that they have not agreed that this division should be made. Has not that been the understanding by both political parties? It is admitted that that was the public sentiment for years and that in justice it ought to be done.

In order that the Senate may understand this question, I will read a little more of this history to see how it corresponds with the story of the Senator from Illinois. I read from the memorial of the convention of citizens representing the various counties of Northern Idaho:

To the honorable the Senate and House of Representatives in Congress assembled:

Washington Territory originally included what is now North Idaho. In 1863 the one hundred and seventeenth meridian was made the dividing line between Washington and Idaho, through the action of the then Delegate from Washington. In 1863-'64 the Territory of Montana was organized out of a part of Idaho, with other territory, making its western boundary the crest of the Bitter Root Mountains. This left the northern portion of Idaho only about 40 miles in width, and the greater portion of this width was the spurs of the Bitter Roots—rugged and unsuitable for settlement. Immediately after these unnatural limits for North Idaho were fixed efforts were made to change them to better suit our condition.

It was first proposed to form a new Territory east of the Columbia River so as to include North Idaho. This failing, we then made efforts to be detached from South Idaho and become attached to Washington, and these efforts have been persistently continued up to the present time by petitions from the people, memorials from our Legislature and that of Washington.

The Legislature of Washington in the winter of 1877-'78 passed an act authorizing the calling of a convention to frame a constitution for the State of Washington. To that convention they invited a delegate from the northern counties of Idaho, with the view to include them within the boundaries of the proposed State.

These counties responded and unanimously chose a delegate to represent them in that convention, and Washington paid the expenses of that delegate. The convention assembled at Walla Walla and framed a constitution, including within the limits of the proposed State the northern counties of Idaho (the same boundaries as proposed in the Brents bill and now proposed in our memorials), and made provisions for the submission of said constitution to the people of both Washington and North Idaho. The people of both sections, at a special election for that purpose, adopted the constitution by more than a two-thirds vote of all the votes polled, while among all the people of North Idaho only 34 votes out of nearly 800 were polled against the constitution.

Mr. Brents, then Delegate from Washington, in the succeeding Congress introduced a bill to admit the State of Washington under that constitution, but consideration of that bill did not induce any report from the committee, because of the deemed insufficient population.

The Legislature of Washington in 1881-'82 passed a memorial for an enabling act to include the northern counties of Idaho, and the lower house of the Idaho Legislature passed a memorial to the effect that when Washington should be admitted that the northern counties of Idaho should become a part of the new State.

Again, to convince Congress and the world that the people of North Idaho had not changed in opinion since voting upon the constitution in the fall of 1878, the question was again submitted to them at the general election of 1880, and the result showed 1,216 votes for annexation and only 7 against. But a time still more auspicious came in the election of 1882, when the question became the vital issue, Mr. Ainslie opposing and Mr. Singiser advocating. The people of the north had called a convention for the purpose of nominating an independent candidate who would represent their wishes. When the convention assembled Mr. Singiser was present, and by a written pledge secured the indorsement of the convention.

He then took the field and made an open and square fight both north and south on that issue. He carried the election by a majority in the south of 1,500, while in the north he received a majority of 1,443 votes out of 1,853 that were polled, giving him an aggregate majority in the Territory of about 3,000, showing conclusively that not only were the people of the north for it, but that the south, as well, were convinced of the justice of our cause and were willing to do right and let us go.

Again, in 1884, Mr. Singiser was nominated by the Republicans and Mr. Hailey by the Democrats. Both conventions, in which South Idaho had a large majority, inserted in their platforms an annexation plank—by the Republican, as a matter of course, for Singiser had previously won upon that issue; by the Democratic, as a matter of force, in order to regain its party vote in the North. This was the Republican plank:

"*Resolved*, That the wishes of North Idaho, in regard to annexation to Washington Territory, should be faithfully and justly represented in Congress. It is a question of local importance with that section, and demands recognition and support in proportion to the unanimity of their expression on that subject."

This was the Democratic plank:

Resolved, That we recognize the full weight, justice, importance, and final result of the claim of our citizens of Northern Idaho in their annexation views, and here in open convention, backed by an honest Democracy, we pledge to our northern neighbors a willingness and co-operation on our part to accede to their wishes on this proposition in a mutuality of feeling that shall bind us together fraternally now and sow the seed of eternal friendship when the separation may come, and we ask our northern friends to accept this pledge in the honesty of its intentions, and with the full assurance it is based upon the promise of a permanent resident political organization, and not the imported vibrations of homeless, faithless, wandering political mendicants.

That is putting it pretty strong. They talk about this being "trumped up" and "trying to dismember." Again:

Resolved, That the nominee of this convention pledge himself to support the principles herein promulgated.

So Mr. Hailey went before the people upon such plank and pledge, and because of such received the support of his party in the north and was elected. Here, then, the edict went forth from the whole people of the Territory that the north should be allowed to go. We say, therefore, that whatever opposition there may be is but the nursings of rings—the traitorous machinations of a sordid crew. These unscrupulous tricksters have repeatedly falsified our sentiments and vilified our character, and with unbounded effrontery have ignored the wishes and solemn expressions of our section and the Territory at large. The people generally, true to their pledges, have stood nobly by us. During the second session of the Forty-ninth Congress a bill for annexation passed both Houses, and failed to become a law only by the inaction of the President.

During the pendency of that bill a diversion was attempted in favor of annexation to Montana, but it most signally failed, it being seen that the efforts of our friends in Congress were sustained by very extensive memorials from our people, and we have never failed at any opportunity to manifest our unwavering demand for this great boon. Now, at this time, do we make this added appeal in all the strength of our manhood, in the sovereignty of our American citizenship, and plead that the voice of a wronged and oppressed people may once more be heard and finally and favorably answered. Our enemies have resorted to every method to defeat our wishes—sending false messages, stealing our petitions, and traducing our character.

Again in 1886 this question having been settled so far as the sentiment of the people is concerned, the parties settled back to the support of their respective candidates to a great extent; still there was enough connected with this question to make the north alive to its interests in this regard. For instance, Mr. Hailey had not appeared before us in the campaign to reaffirm his position, which caused many Democrats and Republicans both to doubt him, while Mr. DUBOIS had pledged himself not to oppose our wishes on annexation to Washington, thus gaining the support of those of both parties who doubted Mr. Hailey; still the distrust of Mr. DUBOIS, who had said that he could not advocate it, gave Mr. Hailey, who had advocated it in Congress, a majority in the north of 530. Other forces had operated in the south, among them the Mormon question, sufficiently to give the election to Mr. DUBOIS. At that election the people of Nez Perces County had been invited to vote on the question, and the return showed 1,679 votes in favor and only 26 opposed.

The reasons for desiring that North Idaho be annexed to Washington are:

1. The union of North and South Idaho is and always has been disastrous to all the material interests of the people of the northern section. If the imaginary line now constituting the western boundary of North Idaho were abrogated, and this section restored to its original and natural position as a part of Washington, the value of the property of her citizens would be increased by hundreds of thousands of dollars. Immigration now stops within Washington Territory and crosses into Idaho with reluctance, because of the remoteness of her prospects for statehood. With agricultural resources unsurpassed, except in extent, the development of them is retarded beyond a present power of computation by reason of our isolated condition consequent upon a political connection with a section from which we are practically separated as from any State in the Union. To remain thus permanently separated from the basin of the Columbia, of which we are naturally a part, is and always will be absolutely ruinous to our prosperity.

2. North and South Idaho are separated by natural boundaries. Between the two is a mountain range impassable except on horseback or on foot over rugged mountain trails in summer, and in winter except on snow-shoes. There has never been a wagon-road and never can be a practicable one. The Salmon River Mountains, which constitute this range, are at least 60 miles wide, extending east and west across the entire Territory.

3. The only route of travel between the two, by private or public conveyance, except as before stated, is by a wide detour westward through Washington Territory and the State of Oregon over the Blue Mountains, or northward through Washington and Montana.

4. Our remoteness from and inaccessibility to the seat of the Territorial government deprives us of all the protection a government should afford to every

section of its domain. North Idaho, with comparatively small area, is the present home of a large number of Indians. In it are the Nez Percé, Cour d'Alenes, Pend d'Oreilles, a part of Kootenais, permanently, and the Spokanes roam through the northern portion thereof. There is no prospect of these tribes being removed therefrom. We are subject, therefore, in the future, as we have been in the past, to sudden and cruel savage outbreaks.

When the Indian war under Chief Joseph broke upon our people in 1877 we appealed to the governor for aid, but his reply was: "We have no arms to spare for so long a distance, and that aid could reach us from other sources sooner than from Boisé, our capital." General Howard attempted to aid us by a command sent from South Idaho through the nearest and most accessible route. This command, under a brave and energetic officer, pushed forward with the utmost dispatch until it reached the southern base of the Salmon River Mountains, within 80 miles of our people.

It sought to make a wagon-road and cross this barrier, but was obliged to turn back before the difficulties of this mountain range. Although within 80 miles of the point where men, women, and children were being massacred with ruthless cruelty, this command was obliged to leave our people to their fate, and to come to the rescue, if at all, by passing through Oregon and Washington, a distance of not less than 600 miles. Governor Ferry, of Washington Territory, came at once to our aid, and, though beyond the jurisdiction of his Territory, loaned us arms and munitions of war.

Thus this savage warfare was stayed by aid from the Territory to which we ask to be annexed, and could naturally come from no other source. We take the broad ground that the south has no right to speak in this matter; themselves wards of the Government, they have no right to ask that we of the north shall suffer a lifetime of obnoxious servitude that they may be benefited. Here we are, practically a united people, telling you that our social, commercial, and political welfare demands our attachment to Washington.

We claim this in accordance with the principles of popular sovereignty. We stand in like position as did the district of Maine, which struggled for thirty years for her independence, which was accorded her upon a vote of five-ninths of her people; as did West Virginia, which came in a creature of circumstances. Have we less rights than they? We came from those States, relinquishing for the time our status as sovereigns to develop the resources of this Western land for the benefit of ourselves and our Government. Has the Government no return to make for this sacrifice?

What occurred in 1877 may occur at any time in the future. The Government in South Idaho can only draw revenue from our taxable property. It can afford no protection from impending danger. Between the two sections there can be no commercial intercourse. Neither has products which find a market in the other, and no transportation routes from either to the markets of the world passes through the other. The products have heretofore passed westward to the Pacific, and will in the future take the same course, except such as may find eastern markets passing over the Northern Pacific. No political or material interests of South Idaho will be affected by the annexation of North Idaho to Washington.

All her resources could be harmoniously developed by herself. It is claimed by those who oppose annexation that the severance of North Idaho would leave South Idaho subservient to Mormon rule. This plea is fallacious and designed simply to prejudice the minds of those not acquainted with the facts. That this is true we have only to point to the fact that this question has been settled both by Congressional and legislative enactment in the disfranchisement of the polygamists. It has been said that the annexation of North Idaho to Washington would make the proposed State of Washington unstately.

An eminent statesman has said that the boundaries of States should be as God and nature designed them, and you may look all over this great nation and you will ever find that wherever practicable this principle has been adhered to. We presume that boundaries not conformable to this principle are not desirable. The boundaries of North Idaho as to all north of the Salmon River range are contrary to this principle and unnaturally sever us from Washington and unite us to Idaho.

The truth is that the present awkward shape of Idaho and the consequent unfortunate condition of our boundaries are the result of political intrigue of aspirants for office. Its present boundaries, as far as North Idaho is concerned, were established without the knowledge and against the wishes of the people directly interested, and since their establishment our efforts to restore our section of the Territory to its former state have been constantly adhered to.

Were the present eastern boundary of Washington Territory at the crest of the Bitter Root Mountains, including North Idaho, and southward to the crest of the Salmon River range, as a southern boundary, the natural boundaries would be restored, and the entire Columbia River basin would be included within the State of Washington. This would leave Idaho of a nearly rectangular shape, with all sections easily accessible from its center, and with an area of 60,000 square miles; larger in extent than either Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, New York, Pennsylvania, or Wisconsin. While the State of Washington would have an area about 90,000 square miles, smaller than Arizona, Wyoming, Colorado, Montana, Dakota, New Mexico, Oregon, Nevada, and California.

It will be claimed that a divided sentiment exists among our people; that no inconsiderable part desire to go to Montana. We assert that while a few indicated last winter such a disposition, even many of those now are convinced of the impracticability of that scheme, and now join in our petition for annexation to Washington, and were the question now submitted to a vote would be carried overwhelmingly. There are petitions duly authenticated by affidavits now on file before you, and which will speak for our cause; affidavits of the theft of memorials, and other data to which we urgently invite your most candid concern.

We would add more, but is it necessary? The action of your honorable body at the very last session in passing this measure would seem to render a further discussion superfluous, and we submit our cause and pray for favorable action.

J. W. POE,
J. M. HOWE,
I. N. MAXWELL,
A. LELAND,
D. D. BUNNELL,
Nez Perces County, Idaho.
THOS. F. SINGLETON,
A. McGREGOR,
I. B. COWEN,
Shoshone County.
L. P. BROWN,
A. SHUMWAY,
W. S. M. WILLIAMS,
T. W. GIRTON,
Idaho County,
Executive Committee.

Now, there is a history of the transaction. All that has been got up since is in bad faith and in violation of the promises of twenty years. However vehemently it may be uttered, and however thoroughly it may be lobbied by the ambitious governor of Idaho Territory, who wants to be a Senator, I say however he may lobby this thing (he has been here through the winter), whatever may be done in that way, the fact remains—nature made this a part of Washington.

It is in the great Columbia basin. The common consent of all decent people for the last twenty years has been given to it. The idea of attempting to reverse that judgment now, after it has passed this body two or three times, and after it has passed the other body, to change the basis of the thing without a further hearing and giving the people of North Idaho a chance to say one word about it, is monstrous.

In view of the suggestion that there was a change of sentiment and that they ought to be heard, the majority of the committee have provided that this question shall be presented to the people interested and the only people interested—the people of North Idaho. The people of South Idaho have no interest in it whatever, because they have no right to tax the people of North Idaho without their consent. So I say there is every reason of sentiment, of good faith, and of honor in favor of the committee's bill.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the following bills, having been presented to the President of the United States July 5, 1888, and not having been returned by him to the House in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 996) granting a pension to Caroline Ruppert;

An act (S. 898) for the relief of Frank Ouradnik;

An act (S. 1935) for the relief of Andrew T. McReynolds; and

An act (S. 1404) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

EXECUTIVE MESSAGES.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion, with the indulgence of the Senator from Vermont, the Chair will lay before the Senate some executive documents.

Mr. EDMUNDS. Certainly.

EMPLOYÉS IN CUSTOMS SERVICE AT BALTIMORE, MD.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of May 8, 1888, certain information in relation to employés in the customs service at the port of Baltimore, Md.; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

CENTRAL AND SOUTH AMERICAN COFFEE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State and accompanying documents, being reports from the consuls of the United States on the production of and trade in coffee among the Central and South American States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

CONSULAR REPORTS ON TAXATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, submitting a series of reports on taxation, prepared by the consular officers of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

CONSULAR REPORTS ON FOREIGN TRADE AND INDUSTRIES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying the annual reports of the consuls of the United States on the trade and industries of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

RAILROADS THROUGH INDIAN RESERVATIONS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Be it resolved, That the Secretary of the Interior be, and is hereby, instructed and directed to furnish to this body, for the information and use of the Committee on Indian Affairs, true copies of the certificates of incorporation filed in the Department of the Interior by such railroad companies as have been granted the right of way, and for other purposes, through Indian reservations by acts passed in the Forty-ninth or Fiftieth Congresses, together with those for any

other road for which similar bills are now pending before Congress, not including, however, extensions to roads incorporated prior to December 1, 1885.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. GRAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 19, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 18, 1888.

UNITED STATES MINISTERS.

Lambert Tree, of Illinois, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to Belgium.

Robert B. Roosevelt, of New York, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

Rufus Magee, of Indiana, now minister resident, to be envoy extraordinary and minister plenipotentiary of the United States to Sweden and Norway.

Charles L. Scott, of Alabama, now minister resident and consul-general, to be envoy extraordinary and minister plenipotentiary of the United States to Venezuela.

John E. Bacon, of South Carolina, now chargé d'affaires, to be minister resident of the United States to Paraguay and Uruguay.

INDIAN AGENT.

Samuel S. Sears, of Elko County, Nevada, to be agent for the Indians of the Nevada Agency in Nevada, *vice* William D. C. Gibson, term expired.

RECEIVER OF PUBLIC MONEYS.

Frank Galbraith, of Albion, Nebr., to be receiver of public moneys at Neligh, Nebr., *vice* William B. Lambert, term expired.

POSTMASTERS.

Walter B. Tedford, to be postmaster at Santa Ana, in the county of Los Angeles and State of California, in the place of Granville Spurgeon, resigned.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts, in the place of Augustus F. Cummings, resigned.

William A. Woodson, to be postmaster at Troy, in the county of Lincoln and State of Missouri, in the place of George W. Mohr, whose commission expired July 5, 1888.

John S. Stuff, to be postmaster at Livingston, in the county of Park and Territory of Montana, in the place of Joseph J. McBride, removed.

Washington C. Denny, to be postmaster at High Point, in the county of Guilford and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1888.

Horatio L. Church, to be postmaster at Union City, in the county of Erie and State of Pennsylvania, in the place of William O. Black, whose commission expired March 26, 1888.

Christian Hess, to be postmaster at Steelton, in the county of Dauphin and State of Pennsylvania, in the place of W. H. H. Sieg, removed.

I withdraw the nomination which was sent to the Senate on the 9th of July, 1888, of Henry Mertz, to be postmaster at Uvalde, in the State of Texas, the office having been relegated to the fourth class, to take effect July 1, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 9, 1888.

POSTMASTER.

Fred W. Morse, to be postmaster at Montpelier, Washington County, Vermont.

RECEIVER OF PUBLIC MONEYS.

Varnum M. Babcock, of Wagon Landing, Wisconsin, to be receiver of public moneys at St. Croix Falls, Wis.

Executive nominations confirmed by the Senate July 18, 1888.

UNITED STATES MARSHAL.

Peter T. Knight, of Florida, to be marshal of the United States for the southern district of Florida.

COLLECTORS OF CUSTOMS.

Henry M. Barlow, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware.

James E. Otis, of New Jersey, to be collector of customs for the district of Little Egg Harbor, in the State of New Jersey.

POSTMASTERS.

Charles H. Loud, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Alonzo C. Allen, to be postmaster at Suffield, in the county of Hartford and State of Connecticut.

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut.

Fredrick Swain, to be postmaster at Washburn, in the county of Bayfield and State of Wisconsin.

John R. Mathews, to be postmaster at Menomonee, in the county of Dunn and State of Wisconsin.

Charles F. Kalk, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin.

Benjamin S. Thompson, to be postmaster at Hinton, in the county of Summers and State of West Virginia.

William C. Weaver, to be postmaster at Front Royal, in the county of Warren and State of Virginia.

James Stratton, to be postmaster at Auburndale, in the county of Lucas and State of Ohio.

Wesley A. Savage, to be postmaster at Paulding, in the county of Paulding and State of Ohio.

William W. Montgomery, to be postmaster at Port Clinton, in the county of Ottawa and State of Ohio.

Martin Walrath, jr., to be postmaster at St. Johnsville, in the county of Montgomery and State of New York.

Walter E. Northrup, to be postmaster at Oneida, in the county of Madison and State of New York.

James S. Logan, to be postmaster at Port Chester, in the county of Westchester and State of New York.

William B. Carpenter, to be postmaster at Flushing, in the county of Queens and State of New York.

Eugene R. Savage, to be postmaster at Mancelona, in the county of Antrim and State of Michigan.

Cornelius Cronin, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan.

Patrick H. Wilson, to be postmaster at Worthington, in the county of Greene and State of Indiana.

James R. Williams, to be postmaster at Danville, in the county of Hendricks and State of Indiana.

William Swint, to be postmaster at Boonville, in the county of Warwick and State of Indiana.

Drake H. Vancil, to be postmaster at Cobden, in the county of Union and State of Illinois.

William Marshall, to be postmaster at Farmington, in the county of Fulton and State of Illinois.

John W. Spaight, to be postmaster at Fishkill-on-the-Hudson, in the county of Dutchess and State of New York.

Franklin Swift, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York.

Caspar Horwickholst, to be postmaster at Hays City, in the county of Ellis and State of Kansas.

Levin Perry, to be postmaster at Jefferson, in the county of Marion and State of Texas.

Henry Mertz, to be postmaster at Uvalde, in the county of Uvalde and State of Texas.

Charles R. Haynie, to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

Alexander Elson, to be postmaster at Unionville, in the county of Putnam and State of Missouri.

William A. Hall, to be postmaster at Phœnix, in the county of Maricopa and Territory of Arizona.

PROMOTIONS IN THE REVENUE SERVICE.

First Lieut. Washington C. Coulson, of Indiana, to be captain in the revenue service of the United States.

Third Lieut. John C. Cantwell, of North Carolina, to be a second lieutenant in the revenue service of the United States.

Second Lieut. James B. Butt, of Pennsylvania, to be a first lieutenant in the revenue service of the United States.

Eugene Vallat, jr., of Michigan, to be a second assistant engineer in the revenue service of the United States.

Preston H. Uberroth, of Pennsylvania, to be a third lieutenant in the revenue service of the United States.

Frank L. Smith, of Massachusetts, to be a third lieutenant in the revenue service of the United States.

Staley M. Landrey, of Indiana, to be a third lieutenant in the revenue service of the United States.

William V. E. Jacobs, of Maryland, to be a third lieutenant in the revenue service of the United States.

Godfrey L. Carden, of Illinois, to be a third lieutenant in the revenue service of the United States.

Andrew J. Henderson, of the District of Columbia, to be a third lieutenant in the revenue service of the United States.

PROMOTIONS IN THE ARMY.

Ordnance Department.

First Lieut. Orin B. Mitcham, to be captain, June 17, 1888.

Medical Department.

Charles F. Mason, of Virginia (late assistant surgeon), to be assistant surgeon with the rank of first lieutenant.

TO BE SECOND LIEUTENANTS.

Class rank.

First Regiment of Cavalry.

20. Cadet John D. L. Hartman, *vice* Foltz, promoted.

Second Regiment of Cavalry.

9. Cadet John S. Winn, *vice* Rucker, promoted.

Third Regiment of Cavalry.

14. Cadet Charles A. Hedekin, *vice* Isham, resigned.

Fourth Regiment of Cavalry.

21. Cadet Clough Overton, *vice* Benson, promoted.

Fifth Regiment of Cavalry.

13. Cadet Solomon P. Vestal, *vice* Hunter, transferred to the Fourth Artillery.
18. Cadet Claiborne L. Foster, *vice* Waite, promoted.

Tenth Regiment of Cavalry.

15. Cadet Francis J. Koester, *vice* Trippe, promoted.

First Regiment of Artillery.

4. Cadet George W. Burr, *vice* Bailey, promoted.
6. Cadet John L. Hayden.

Fourth Regiment of Artillery.

7. Cadet Charles D. Palmer, *vice* Townsley, promoted.

Fifth Regiment of Artillery.

5. Cadet Charles C. Gallup, *vice* Carbaugh, promoted.

Second Regiment of Infantry.

24. Cadet Edward R. Chrisman, *vice* Mallory, promoted.

Ninth Regiment of Infantry.

19. Cadet Charles W. Fenton, *vice* Wassell, resigned.

Tenth Regiment of Infantry.

35. Cadet William H. Wilhelm, *vice* Stottler, promoted.

Eleventh Regiment of Infantry.

17. Cadet Charles P. Russ, *vice* Clayton, resigned.

Thirteenth Regiment of Infantry.

16. Cadet John S. Grisard, *vice* Buck, promoted.
31. Cadet Peter C. Harris, *vice* Dade, transferred to the Tenth Cavalry.

Fifteenth Regiment of Infantry.

30. Cadet Edward Anderson, *vice* May, promoted.

Nineteenth Regiment of Infantry.

34. Cadet William T. Wilder, *vice* French, promoted.

Twentieth Regiment of Infantry.

33. Cadet William H. Hart, *vice* Waters, resigned.

Twenty-first Regiment of Infantry.

12. Cadet James W. McAndrew, *vice* Brook, promoted.
32. Cadet Munroe McFarland, to fill a vacancy to be created by the appointment of a regimental adjutant.

Twenty-fourth Regiment of Infantry.

36. Cadet Charles V. Donaldson, *vice* Hovey, promoted.

Twenty-fifth Regiment of Infantry.

37. Cadet George E. Stockle, *vice* Webb, promoted.

TO BE ADDITIONAL SECOND LIEUTENANTS.

Attached to the Corps of Engineers.

1. Cadet Henry Jervey.
2. Cadet Charles H. McKinstry.
3. Cadet William V. Judson.

Attached to the Cavalry Arm.

22. Cadet William J. D. Horne to the Ninth Cavalry.
23. Cadet Robert L. Howze to the Fifth Cavalry.
25. Cadet Guy H. Preston to the First Cavalry.
26. Cadet Edwin M. Suplee to the Second Cavalry.
27. Cadet Andrew G. C. Quay to the Eighth Cavalry.
28. Cadet John P. Ryan to the Third Cavalry.

Attached to the Artillery Arm.

8. Cadet William S. Pierce to the First Artillery.
10. Cadet Peyton C. March to the Third Artillery.
11. Cadet Eugene T. Wilson to the Fifth Artillery.

Class rank.

Attached to the Infantry Arm.

29. Cadet William R. Sample to the Fourteenth Infantry.
38. Cadet William R. Dashiell to the Eighth Infantry.
39. Cadet Eli A. Helmick to the Eleventh Infantry.
40. Cadet Alexander W. Perry to the First Infantry.
41. Cadet William T. Littebrant to the Nineteenth Infantry.
42. Cadet Charles G. French to the Twentieth Infantry.
43. Cadet Capers D. Vance to the Twenty-first Infantry.
44. Cadet Matthew C. Butler, jr., to the Fourteenth Infantry.

Fifth Regiment of Cavalry.

Second Lieut. Henry De H. Waite, to be first lieutenant, June 4, 1888.

Ninth Regiment of Cavalry.

First Lieut. F. Beers Taylor, to be captain, June 15, 1888.
Second Lieut. John H. Gardner, to be first lieutenant, June 15, 1888.

Fourteenth Regiment of Infantry.

First Lieut. Joseph A. Sladen, regimental quartermaster, to be captain, June 15, 1888.

APPOINTMENT IN THE NAVY.

Albert Montgomery Duprey McCormick, to be an assistant surgeon in the Navy to fill an existing vacancy.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 18, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

GENERAL JOHN C. FRÉMONT.

The SPEAKER laid before the House the bill (S. 2395) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army; which was read twice and referred to the Committee on Military Affairs.

SUFFERERS BY THE WRECK OF THE TALLAPOOSA.

The SPEAKER also laid before the House a bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, with the disagreement of the Senate to the amendments of the House, and a request for a committee of conference.

The SPEAKER. If there be no objection, the House will agree to a conference as requested by the Senate, and the Chair will appoint as managers of the conference on the part of the House the gentleman from New York, Mr. TIMOTHY J. CAMPBELL, the gentleman from New Hampshire, Mr. MCKINNEY, and the gentleman from Iowa, Mr. KERR.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HIESTAND, for twelve days, on account of business.

To Mr. WHITING, of Michigan, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. COMPTON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of E. C. Carrington.

BUSINESS REPORTED FROM THE COMMITTEE ON THE JUDICIARY.

Mr. CULBERSON. On behalf of the Committee on the Judiciary I ask unanimous consent that the House take a recess at 5 o'clock on the 26th of July until 8 o'clock, p. m., the evening session not to extend beyond the hour of 10.30 p. m., and to be devoted exclusively to bills reported from the Committee on the Judiciary to which there may be no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PETERS. I have no objection if the evening session is made to terminate at 10 o'clock instead of at 10.30.

Mr. CULBERSON. I will so modify the request.

There was no objection to the request for the evening session, and it was ordered.

PUBLIC BUILDING, YONKERS, N. Y.

Mr. STAHLNECKER. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 1676) to erect a public building at Yonkers, N. Y., and that it be now considered in the House.

The bill was read, with the amendments recommended by the Committee on Public Buildings and Grounds.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GLASS. I object.

PUBLIC BUILDING, KALAMAZOO, MICH.

Mr. BURROWS. I ask unanimous consent that the Committee of

the Whole be discharged from the further consideration of the bill (H. R. 7595) for the erection of a public building at the city of Kalamazoo, Mich., and that the bill be now considered in the House.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COBB. I would like to hear the report read.

Mr. SPRINGER. Then I object.

Mr. BURROWS. Mr. Speaker, is there objection made to this bill?

Mr. SPRINGER. Yes. The gentleman from Alabama demands the reading of the report, and that would take too long at this time.

Mr. BURROWS. I do not think my friend from Alabama will insist upon the reading of the report. The receipts from the office at Kalamazoo are over $40,000 annually.

Mr. COBB. I do not understand, Mr. Speaker, why the Committee of the Whole is to be discharged from the consideration of bills of this kind and they are to be put through here in this expeditious manner.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has objected, and the matter is not before the House.

SELECT COMMITTEE ON CONTRACT LABOR, ETC.

Mr. FORD. I ask unanimous consent to offer the resolution which I send to the Clerk's desk, and to have it considered at this time.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the select committee to inquire into the importation of contract laborers, convicts, and paupers be, and they are hereby, authorized to employ such additional messengers and other assistants as may, in the judgment of said committee, be deemed necessary; and that the sum of —— thousand dollars, or so much thereof as may be necessary, to pay the expenses of said committee shall be immediately available and payable out of the contingent fund of the House on the order of the chairman and one member of said committee, in sums not exceeding $1,000 at one time; and all vouchers for any such expenditure shall be likewise certified to by the chairman and one member of the committee; and said committee may report at any time.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. JOSEPH D. TAYLOR. I object.

Mr. BLAND. Regular order.

Mr. FORD. I ask the gentleman from Missouri [Mr. BLAND] to withdraw that demand, so that I may introduce this resoultion for reference.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I object, for the reason that an investigation that goes no further than the investigation of contract labor will amount to nothing. This has been done over and over. There are other classes of immigration that should be embraced in any investigation that is undertaken by this House, and unless this is proposed in some efficient way I am opposed to incurring the expense of a committee.

Mr. FORD. Does the gentleman object to the resolution being referred?

Mr. JOSEPH D. TAYLOR. I object to its reference to the Committee on Military Affairs.

Mr. FORD. I ask unanimous consent that it be referred to the Committee on Accounts.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. BLAND. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

Mr. MILLS. I ask unanimous consent that the morning hour for the call of committees be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MILLS]?

Mr. WILLIAMS. I shall object unless some arrangement is made by which reports can be filed with the Clerk.

Mr. MILLS. I have always included that in the request, and I do so now.

The SPEAKER. The gentleman from Texas [Mr. MILLS] asks unanimous consent that the morning hour be dispensed with, and that gentlemen having reports to make may have leave to file them with the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

GEORGE MAXWELL AND OTHERS.

Mr. WILLIAMS, from the Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 8596) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GOFF A. HALL.

Mr. WILKINSON, from the Committee on War Claims, reported back adversely the bill (H. R. 2092) for the relief of Goff A. Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH H. WOOD.

Mr. WILKINSON also, from the Committee on War Claims, reported back favorably the bill (S. 1257) for the relief of Sarah H. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. M. WOODRUFF.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 10885) for the relief of A. M. Woodruff; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH W. DABBS AND OTHERS.

Mr. BUNNELL, from the Committee on Indian Depredation Claims, reported back with amendment the bill (H. R. 5557) for the relief of Elijah W. Dabbs, Mariano G. Samaniego, and H. C. Hooker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. LUFF.

Mr. BUNNELL also, from the Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 7544) for the relief of John S. Luff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPITAL, NORTH O STREET, ETC., RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 10758) to amend the charter of the Capital, North O Street and South Washington Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM W. ANDERSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 10886) for the relief of William W. Anderson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GRAVE OF COL. JOHN SEVIER.

Mr. STAHLNECKER, from the Committee on the Library, reported back with amendment the bill (H. R. 8098) to preserve the grave of Col. John Sevier, and erect a monument over the same; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. ARMSTRONG.

Mr. FORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9681) to amend the muster-rolls of Company B, Ninth Regiment Pennsylvania Volunteers, so as to place thereon the name of William C. Armstrong, late a private in said company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that bills of the following titles, having been presented to the President July 5, 1888, and not having been returned by him to the House in which they originated within the ten days prescribed by the Constitution, had become laws without his approval:

An act (H. R. 964) granting a pension to James Turner;
An act (H. R. 2193) granting a pension to Elisha Wilkins;
An act (H. R. 3772) granting a pension to Perry D. Martin;
An act (H. R. 9649) granting a pension to Milton Merwin;
An act (H. R. 2640) for the relief of Judith A. Kinsey; and
An act (H. R. 9679) for the relief of William N. Robb.

ORDER OF BUSINESS.

Mr. MILLS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. By unanimous consent the Committee of the Whole will now return to such portions of this bill as have been passed over informally during its consideration. The first paragraph is that in the beginning of the bill in regard to the date at which the bill shall take effect.

Mr. MILLS. I move to amend by striking out "July" and inserting "October."

Mr. ADAMS. I move to amend the amendment by striking out "October" and inserting "January, 1889."

The amendment of Mr. ADAMS to the amendment of Mr. MILLS was rejected.

The question recurring on the amendment of Mr. MILLS, it was agreed to.

Mr. TRACEY. Mr. Chairman, I desire to move an amendment to the amendment already adopted on motion of the gentleman from Massachusetts [Mr. RUSSELL]. The amendment, as adopted, reads: "Alizarine, natural or artificial, and other dyes or colors produced from anthracine." I move to amend by striking out in that amendment all after the word "artificial;" so as to read: "Alizarine, natural or artificial."

The CHAIRMAN. The gentleman from New York [Mr. TRACEY] asks unanimous consent to submit the amendment which has been stated. Is there objection? The Chair hears none.

Mr. FARQUHAR. I wish to state to my colleague [Mr. TRACEY] that under the present law alizarine, natural or artificial, is on the free-list, so that if he allows those words to stand in the bill they are simply a repetition of the existing law. Why not make the motion to strike out the whole amendment as already adopted? That would be a proper motion.

Mr. TRACEY. The gentleman is correct in his suggestion. I move to strike out the entire amendment.

Mr. FARQUHAR. That is correct. We are then in line with the law.

Mr. DINGLEY. I would like to hear from the gentleman from New York [Mr. TRACEY] the reasons for this amendment.

Mr. TRACEY. The reason is that if we permit the other colors produced from anthracine to come in free, five colors now on the dutiable-list will be placed on the free-list; and this interferes with the entire arrangement of the law.

Mr. REED. How does it interfere with the arrangement of the law? I hope the gentleman will explain the effect of the amendment.

Mr. TRACEY. There are five colors produced from anthracine which would be placed on the free-list if the amendment, as already adopted, should become the law.

Mr. REED. And that would be for the benefit of the consumers.

Mr. TRACEY. Perhaps it would be; but it would be inconsistent with the present law.

Mr. REED. The whole bill is inconsistent with the present law.

Mr. TRACEY. I am not going to enter into a discussion about that. I presume that my present amendment, which puts on the dutiable-list five colors which otherwise under this bill would be on the free-list, is in accord with what the gentleman from Maine would desire.

Mr. REED. What is the reason for making a distinction in favor of these and not of others?

Mr. TRACEY. There is no distinction being made. Alizarine is at present on the free-list. Now, if you bring in anthracine and its colors you increase the free-list.

Mr. REED. Is that what you want to do, or not?

Mr. TRACEY. I do not want to do it in this case.

Mr. REED. Why not in this case? It is one of the "raw materials" of manufacture, is it not?

Mr. TRACEY. Anthracine?

Mr. REED. Yes, sir.

Mr. TRACEY. No; it is not a raw material.

Mr. REED. In what does it differ from raw material?

Mr. DINGLEY. It is a raw material in the manufacture of textile fabrics.

Mr. REED. I want to get at the difference between these and other colors—the difference which constitutes a reason why these should be dutiable and the others not.

Mr. TRACEY. The difference, Mr. Chairman, is this: All dye colors are dutiable, but coal-tar products are the raw material from which the dyes are made; and this bill has put those coal-tar products on the free-list, so that the manufacturer of these dyes in this country will be able to produce them without paying a duty on the raw material. In the tariff bill of 1883 the duties on coal-tar dyes were decreased, but the coal-tar product, the raw material, was left with a duty of 20 per cent. Now, in the State in which I live and the district I represent there was a large aniline company carrying on business which was entirely destroyed by reason of the injudicious change in the bill which took the duties off of the manufactured article and left it on the raw material. The Mills bill wisely takes it from the coal-tar product, the 20 per cent. duty, and leaves the industry in a condition to be again built up in this country.

Mr. REED. This industry is in your district?

Mr. TRACEY. There is an aniline manufacturing company in my district.

Mr. REED. And that is the industry you desire to have protected at the expense of the consumers in your district?

Mr. TRACEY. Not all. It does not affect the consumers in my district, because——

Mr. REED. Well, what is the geographical situation of the industry? Where is it?

Mr. TRACEY. It does not seem to me that that pertains to the matter under discussion.

Mr. REED. Well, will you not have the kindness, then, to give the information we seek as to its locality?

Mr. TRACEY. I decline to state anything further. It is not necessary to take the time of the committee.

Mr. REED. You decline to state the geographical location of the industry? I leave you, then, to the tender mercies of your colleague [Mr. COX], who sits in front of you. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was adopted.

Mr. TRACEY. I want to offer one further amendment by consent, in this same line of duties.

The CHAIRMAN. The amendment will be read subject to the right of objection.

The Clerk read as follows:

After line 184 strike out the word "primuline."

Mr. BAYNE. We have not got over to that part of the bill yet.

The CHAIRMAN. This is a request for unanimous consent.

Mr. TRACEY. It is in the same line as the amendment just adopted.

Mr. BAYNE. Oh! you are jumping around. All right.

Mr. REED. I do not know what the amendment is, but if we can have the geography of it we will probably give our consent to the request.

The CHAIRMAN. Is there objection to returning to this part of the bill?

Mr. WARNER. I have no objection if the gentleman will frankly state that this amendment like the other is for the purpose of securing votes in his district.

Mr. TRACEY. Primuline, Mr. Chairman, is a dye that comes in the same as the aniline dyes. It is at present subject to a duty of 35 per cent. Putting it on the free-list would enable the importers to bring in this dye and use it in connection with the raw material to interfere with the production of dye in this country. It seems to me there is no reason that it should be on the free-list any more than any aniline dyes.

Referring to the remarks of the gentleman from Missouri [Mr. WARNER], I desire to state that my motive in offering these amendments was not to change the bill for the purpose of securing votes in my district. But, Mr. Chairman, I do not deem it improper for this committee to bear in mind the interests and wishes of voters. Great efforts are being made on the part of opponents of this bill to alarm the people who labor, and many untruthful statements are being circulated.

I believe, however, that when this bill has been completed and laid before the country the workingmen will appreciate the thoughtful care the framers of it have taken in guarding proper interests of both capital and labor, and if votes be gained to the Democratic party it will be because they have been deserved. I trust that throughout the entire country people will study this bill and read the arguments made for and against it. What we want is an examination of it in connection with the existing law.

It will be found that the case I have cited of injury having been done an industry by the tariff made by a Republican Congress in 1883 is not an isolated one.

The workingmen will discover that with increased work and materials cheapened their employers should be ready to pay more liberal wages when the entire cost of the article produced is lessened. They will learn that while trusts now exist, some of them having nothing to do with the tariff, the yet unborn trusts that must follow prohibitory duties will make the monopolist absolutely independent of the laborer, and that with a conservative tariff this can not take place.

The cry of our forming a bill to catch votes will do us no injury. It gave me great pleasure, although not affecting my district, to urge the Committee on Ways and Means to continue duties on lime, cement, and other articles. It is to the credit of the gentleman from Texas [Mr. MILLS] and his associates, that they seek to avoid such mistakes as occurred when the 1883 tariff was forced through the House in a shameful manner.

I am anxious for the passage of this bill, because it will be a benefit to the country with its free wool, free unmanufactured lumber, etc.; but if the Senate in its examination should discover mistakes, corrections can be made in conference. It would be a benefit to this country to increase the export trade, and this bill has that in view.

Mr. Gladstone spoke at Leeds, England, in 1881. I quote from a newspaper:

WHAT GLADSTONE SAYS—THE AMERICAN SYSTEM OF PROTECTION FAVORS BRITISH COMMERCE.

Well, now, there is also an idea that America is pursuing a course of profound wisdom in regard to its protective system, and we are told that under the blessed shelter of a system of that kind the tender infancy of trades is cherished, which afterwards, having obtained vigor, will go forth into neutral markets and possess the world. Gentlemen, is that true? America has been too long in various degrees a protective country.

Have the manufacturers of America gone forth and possessed the world? How do they compete with you in those quarters of the world which are, speaking generally, outside the influences of protection? Gentlemen, to the whole of Asia, to the whole of Africa, and to the whole of Australasia—which in the main are outside this question and may fairly be described in the rough as presenting to us neutral markets, where we meet America without fear or favor one way or the other—the whole of the exports of the United States of manufactured goods of those countries amount to £4,751,000, while the exports to those same quarters from the United Kingdom were £78,140,000.

Gentlemen, the fact is this: America is a young country, with enormous vigor and enormous internal resources. She has committed—I say it, I hope, not with disrespect; I say it with strong and cordial sympathy, but with much regret—she is committing errors of which we set her an example. But from the enormous resources of her home market, the development of which internally is not touched by protection, she is able to commit those errors with less fatal consequences upon her people than we experienced when we committed them; and the enormous development of American resources within casts almost entirely into the shade the puny character of the export of her manufactures to the neutral markets of the world. * * * I will say this, that as long as America adheres to the protective system your commercial primacy is secure. Nothing in the world can wrest it from you while America continues to fetter her own strong hands and arms, and with these fettered arms is content to compete with you, who are free, in neutral markets.

This quotation appears to me to give food for earnest reflection. A visitor to this House might suppose that the gentlemen who are constantly abusing the Mills bill and any idea of tariff reform were sent here to speak for labor alone. I believe that I can truthfully say the laboring people in my district are most friendly to me, and I would vote for no bill that would injure them. I am glad to be able to print in the RECORD two most interesting interviews with gentlemen to whom alone will I yield a right greater than my privilege of speaking for labor's interest.

LABOR'S INTEREST—REPRESENTATIVE WORKINGMEN FAVOR TARIFF REFORM—THE CONTEST AGAINST MONOPOLY—VIEWS OF THE TWO KNIGHTS OF LABOR MEMBERS OF CONGRESS—STRAIGHTFORWARD WORDS TO LABOR.

[Correspondence of the Argus.]

WASHINGTON, D. C., *June* 15, 1888.

Organized labor has two representatives on the floor of the House of Representatives, and the steady support which these men give the bill to reduce tariff taxes, known as the Mills bill, has already convinced many Republican Congressmen that the attempt to get up a "workingmen's scare," as they call it among themselves, will be a failure. These two labor representatives are Congressmen HENRY SMITH, of the Fourth Wisconsin district, and Congressman SAMUEL J. HOPKINS, of the Sixth Virginia district.

Mr. SMITH is about fifty years of age, and is a carpenter and millwright by trade. He has a common-school education and plenty of common sense, industry, and acquaintance with men and facts, worth more than a college education. He is the State master workman of the Knights of Labor of Wisconsin, and as a representative workingman he has several times been chosen to responsible public offices, having been a member of the Milwaukee common council and of the Wisconsin Legislature. He was elected to Congress as the candidate of the Labor party, polling 13,355 votes, against 9,645 for the Republican nominee and 8,233 for the Democratic nominee.

At the previous election the district had elected a Republican by a vote of 16,783 to 15,967 for the Democrat. Congressman SMITH sits on the Republican side of the House of Representatives. Congressman HOPKINS was a carpenter and is a dealer in merchant saddlery. He is forty-five years old, and for several years has been one of the most influential members of the Knights of Labor in Virginia. He is and always has been a Democrat, but was elected to Congress as the candidate of the Knights of Labor by a vote of 9,470 to 9,020 over the regular Democratic nominee. At the previous election the district gave 3,000 straight Democratic majority. Congressman HOPKINS is influential, not only among the labor organizations of his own State, but is known to labor organizations throughout the country.

The Argus correspondent obtained an introduction to and then secured interviews with the two representatives of organized labor in the Fiftieth Congress on the tariff-reduction bill. Both have spoken in the House in support of separate items of the bill, but their general views on the measure, as it relates to labor and employment, are of interest throughout the country. The interviews follow:

REDUCE THE TAXES ON LABORING MEN.

Congressman SMITH, when asked his views on tariff legislation and the Mills bill, said: "My opinions on this matter are the result of careful, conscientious, and, I hope, intelligent study of what are the needs of the country and especially of laboring men, who make up the country's strength. The tariff is a tax and no amount of talking in Congress or in the newspapers or anywhere else can make it seem to be anything else. The people of this country can not be made happy or prosperous by taxing them, and until the last few years any one who maintained that this could be done would be laughed at. As the tariff is a tax it should be levied on luxuries and thus the tax put on those who can best afford to pay the taxes.

"That is the true way to reform the present tariff. The Mills bill, as it is called, is a moderate effort to reduce taxes on the necessaries of life and I shall vote, if I have a chance, to go even further, and shall support all measures to lighten the load of taxes on the shoulders of labor, which is both the producing and the consuming element of our population. I shall vote for free coal and free sugar as I have already voted for free lumber. Tariff taxation, to my way of thinking, is not a blessing, and men who work for wages and have thought about it, as I have, always reach this same conclusion.

"THE TWIN MONOPOLIES.

"Tariff taxation is not the only obstacle the producing element—by which, of course, I mean labor—has to contend against in this country. I may say, in passing, that the matter of transportation and the absorption of our public lands by aggregated capital, foreign or domestic, is of as great importance to labor as the tariff, and perhaps of greater importance. Excessive railroad freights and discriminations in charges weigh down upon American labor as heavily as tariff taxation.

"I will go so far as to say that if the railroads of the country were put in the same condition as our rivers and national water ways, if they were not controlled by corporations, bound to make traffic pay every cent it can stagger under, American labor would need no tariff at all. It could not only defy the whole world at home, but compete with the whole world. This is an extreme position, but a moment's reflection will show you that excessive railroad charges are an obstacle in the way of American production which do much to hamper its development. The profit to be made in railroads is one reason for the decadence of our merchant marine. When men make more money out of transportation companies on stable American soil than they can from ships on the uncertain ocean, of course they will put their money in railroads. This problem is an important one to labor, though often overlooked.

"PUBLIC LANDS MUST BE RESERVED.

"The absorption of public lands in the West by railroad companies and by foreign corporations is a matter of great consequence to all who have at heart the interests of labor, not only for this generation but for the future. Those lands must be reserved for actual settlers. This subject and the matter of the currency are important. But to return to the tariff.

"WAGES AND THE TARIFF.

"I believe all the necessaries of life should be made as cheap as possible to the consumer by reduced taxation. It is not true that a reduction of the tariff will reduce the wages of either skilled or unskilled labor.

"The cry that wages will be reduced is started by combinations of capital for their own selfish purposes, and this is so evident that I am surprised men should not clearly see the fact. I have no Blackstonian sheepskin as a certificate to my seat in Congress. I am here because laboring men in my district thought I would fairly represent them and would care for their interests.

"I have worked in the shop, and when eloquent lawyers tell me that in supporting a reduction of tariff taxes upon the people I am voting to reduce wages, I say I know better. I know that there are millions of men in this country under the present system who do not get six months' steady employment out of a year.

"I know that trusts and combinations, formed to restrict production and compel high prices, shut down their shops and throw men out of employment, and that the tariff as it exists is the cause. I have never had any doubt on this subject, and the investigation of trusts by the Committee on Manufactures, of which I am a member, has fortified my conviction. Page after page of the testimony we have obtained shows that the tariff is an incentive to the formation of these trusts and combinations of capital, and has been so used for years. The combination of tariff 'protection,' as they call it, and railroad monopoly leads to trusts. The tariff and railroad monopoly may be 'wholesome' for trusts, but by them labor gets 'shelved' every time. My experience in Congress confirms my original belief in this matter every day.

"THE TARIFF BREAKS DOWN SMALL SHOPS.

"There is another matter not often spoken of in debate on this subject, but well worth the study of our people. The tariff not only creates trusts, but it also tends to create big shops and factories and to crowd out of existence smaller shops. This tendency is rapidly doing away with good mechanics, especially in the industries which they call 'protected.' In the small shop the employé becomes familiar with different branches of the work, and he is daily acquiring that knowledge which will enable him in time by industry and economy to set up in business for himself if he wishes.

"He becomes not only educated in his trade, but an educated man and a better and more independent citizen. Wherever he may move to he can find employment because he knows his whole business. He is self-reliant, intelligent, prudent, the right kind of citizen for this country. But if the same man goes into a big factory, the foreman puts him at one machine, doing only one kind of work, and he can bend over that machine until he is gray, never making any progress, and should he lose that place or move away, he is trained for no work and can do none until he finds a vacant place at the same machine in some other establishment. He is the slave of his machine. You will realize how this tariff we have now is creating big establishments at the expense of smaller ones when you look at the figures and find that against about 270,000 manufacturing establishments in 1870 we now have less than 260,000, although the number of employés has increased by a million.

"AMERICAN AND FOREIGN LABOR.

"I take up the gauntlet thrown down by Congressman W. D. KELLEY, and I declare that a Chinese wall about this country is unnatural. That nation grows richest, happiest, and most prosperous which has intercourse with its neighbors. In the Bible you will find it said that Israel was most prosperous under King Solomon, and then 'it traded with all the nations.' My experience with workingmen is that we have no such hatred against our fellow laborers in other countries as is now sought to be created and stirred up.

"We commiserate the condition of workingmen in other lands and attribute it to class legislation for the benefit of the rich and against the poor. We see the same tendency in this country, not only in the high tariff, but in railroad monopoly and other matters I have spoken of, and we should be the first and most active in preventing such legislation hereafter, and removing it where it exists. The success of the trusts in defeating a reduction of taxes now would probably lead them to make still further demands for legislation for their benefit against the country's good.

"THE POOR PAY THE TAXES.

"After all, the weight of taxation falls on the man at the plow-handle and in the shop. The first duty of legislation is to make their burdens as light as possible. If the farmer fares well all the country prospers, and more especially does labor in the cities. If the farmer is robbed labor lags and is stagnant in all the walks of life."

CONGRESSMAN SAMUEL J. HOPKINS'S VIEWS.

Congressman HOPKINS said on the subject of the tariff-reform bill:

"My support of tariff reduction and of the bill before Congress is based on the firm conviction that the tariff is a tax upon laboring men, who are the real wealth-producers of the country. Under the present tariff the wealth-producers, the men whose hard labor takes material and works it up into manufactured products, get little or no advantage, and so far as labor is concerned the word 'protection' is falsely used. Here and there the tariff as it stands may, perhaps, develop some industries, but it does not increase wages by one dollar, and any one who honestly investigates the subject, as my duty as a member of Congress has led me to do, must reach that conclusion.

"WAGES AND TRUSTS.

"The charge that the Mills bill will reduce wages is purely political buncombe on the Republican side, and is inspired by the great organizations of capital which we call trusts. I am more moderate in my belief than many, and I do not charge that the present tariff, which we wish to reform in the interests of labor, was framed for the express purpose of creating and protecting trusts. Those who framed it may have had other and good motives, but I have no hesitation in saying that the present tariff now and for several years past has encouraged and protected these trusts.

"The trusts and combinations of capital have been quick to seize the many opportunities the tariff has offered them, and they raise the false cry about lower wages to draw attention, and especially the attention of laboring men, away from themselves and their reaching out after greater gains and greater power. We all recognize that it is not the employment, wages, or welfare of

American workingmen which inspires trusts. The greater and more numerous they become the less will be the opportunities for labor. What they aim at is the absolute control of American labor and of its output, and instances are abundant where they have reduced wages in order to compel their men to strike merely because they wished to limit production for the time.

"DESPOTISM OF COMBINED CAPITAL.

"The tariff as it stands is the one great incentive in our legislation to the establishment of a moneyed despotism in this country, and that is to be feared and fought against by labor more than any one thing. Such a moneyed despotism, which we already see growing up under the 'protection' of the present tariff, with its power firmly fastened on production and distribution (through railroads), and with consumption the servant of its commands is not merely worse than the military, aristocratic, or land despotism of the Old World, to escape which many workingmen have sought refuge in this country; it is as bad as or worse than chattel slavery.

"Now, I believe it is inevitable that if the Democratic party shall be stopped by these aggregations of capital in its effort to reduce taxation and to curtail the growing power of these trusts, these combinations will be emboldened to come to Congress and demand still greater privileges and will secure a still stronger grip upon the production of the country. When they tell me that there are trusts, like the Standard Oil trust, outside the 'protection' of the tariff, I acknowledge it and say that they are illegitimate results of the system.

"The tariff has tended to bring into the control of trusts, pools, and combinations all production within its scope. Following the example thus furnished, capital and industries outside the tariff combine in the same manner. In view of all these facts brought before me almost daily, the cry that the tariff pays me my wages or pays the wages of any one else I know to be worse than nonsense.

"OTHER QUESTIONS OF GOVERNMENT.

"As the tariff restricts production by putting its control in the hands of combinations of capital, so the railroads exert too strong a control over distribution. The railroad problem is of equal importance with the reduction of the tariff to laboring men and of equal importance, also, is the preservation of the public lands for actual settlers against the encroachments of land-grant railroads and of foreign capital.

"These matters all demand the earnest study of laboring men, and I regret that I can not speak now more fully upon them. I was elected on the issue of the reduction of the tariff over the Democratic nominee in a Democratic district, but the other issues to which I have barely alluded I regard of as equal importance in meeting my Congressional duties."

Congressman HOPKINS was called back to the floor of the House at this juncture by his duties and was unable to add to his words on the subjects referred to.

The CHAIRMAN. Is there objection to the consideration of the amendment?

There was no objection.

The amendment was adopted.

Mr. MILLS. Mr. Chairman, the next paragraph of the bill, which was passed over by unanimous consent because of the absence of the gentleman from Ohio [Mr. MCKINLEY], was the provision in reference to iron and steel cotton-ties.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Iron and steel cotton-ties or hoops for baling purposes, not thinner than No. 20 wire gauge.

Mr. SOWDEN. I send to the desk to have read an article from the American Manufacturer, of Pittsburgh, dated May 18, 1888.

The CHAIRMAN. There is no motion pending.

Mr. SOWDEN. I move to strike out that clause, and ask the Clerk to read this article.

The Clerk read as follows:

The following is from the Telegraph, of Macon, Ga. The more reckless of the Northern free-trade editors should read it carefully, and then for the remainder of their lives maintain strict silence on the subject of which it treats:

"It is well known that the most profitable feature connected with a bale of cotton is the difference in price that he buys at and the price at which he sells his cotton-ties. The price of the latter the past season averaged about $1.75 per bundle. There are forty bundles to the ton, and hence the price per ton of ties to the cotton planter was $70. This is the long ton of 2,240 pounds.

"These ties are sold at the price of cotton, and at 10 cents per pound they bring $224 per ton. As they cost only $70 per ton the net profit on every ton of ties sold by the planters of the South was $154. This shows they make a clear profit of 124 per cent., or about $4,600,000 on their annual consumption of cotton-ties. There is no class of people in the country who can better afford to see such a rate of duty levied upon cotton-ties as will enable our manufacturers to produce them at a profit."

Verily, the Telegraph talks sensibly.

Mr. TURNER, of Georgia. Mr. Chairman, the familiar question involved in the pending item of the bill and the amendment proposed by the honorable gentleman from Pennsylvania [Mr. SOWDEN] can not require any extended elaboration at my hands.

Within recent memory cotton was baled and bound with ropes. In the progress of other industries, as well as under the decadence of the hemp and flax industries, it was found that cotton ties could be made of iron and used at a less cost than rope, and this discovery led to their adoption.

As soon as the imports of these ties began the question arose as to the duty which the law imposed on them. Hoop-iron at that time paid a duty of 1½ cents a pound; but the Treasury Department held that as this tie was new and not specifically mentioned it came under one of the miscellaneous clauses and was allowed to enter at 35 per cent., which was a rate, of course, much less than the hoop-iron paid out of which the cotton-tie was made.

The Forty-seventh Congress, which was Republican in both branches, after an examination and discussion of the subject, placed cotton-ties by name for the first time in the tariff schedules at the rate of duty (35 per cent.) which had been fixed by the decision of the Secretary of the Treasury.

The Republican party, when charged with the responsibility of legislation, refused to raise this duty, and the consequence has been that usually all the iron ties used in the country are imported from abroad. The foreign cost of this article is about 1 cent and 2 mills per pound. The duty on hoop-iron proposed by this bill is fixed at 1.10 cents per pound. To make the duty on the ties equal to that imposed on hoop-iron would therefore increase the burden on ties to nearly 100 per cent.

I ask, are gentlemen on this side of the House prepared to make that increase? The present duty does not protect any American industry, and the revenue derived from it is unnecessary to the Government. The only sensible course for revenue reformers is to repeal this duty altogether; thus reducing the surplus and diminishing the burdens of the planters. These planters receive no benefits whatever under the existing tariff system, while the repeal will work no detriment to those who are already engaged in the thousand and one industries by which iron products are made in this country. Why, sir, the people who make this cotton to the amount of six or seven million bales annually, and who contribute to our foreign trade over $200,000,000, are not allowed, under the present law, to import into this country even the bagging and the ties with which they clothe their cotton to send it abroad.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, the time of Mr. TURNER, of Georgia, was extended for five minutes.

Mr. TURNER, of Georgia. These producers of cotton not only make this immense contribution to our export trade, but their cotton pays for the vast imports from which our greatest revenue is derived, and yet they can not even bring back from the markets in which they sell their product, without paying a fine to the Government, a single article that is made out of the cotton they send abroad.

The article which has just been read at the Clerk's desk at the instance of the gentleman from Pennsylvania [Mr. SOWDEN] presents a fallacious argument which can be very easily refuted. The statement is that the planters buy their cotton-ties at a nominal price as compared with cotton, and are allowed, under the conditions of our trade, to sell the ties with their cotton at the price which they receive for the cotton itself. The market for our cotton is fixed by the regulations which prevail on the other side of the ocean. The Liverpool price is determined in accordance with a custom of the trade which deducts a tare of 6 per cent. from every bale. That tare is a deduction on account of the bagging and the ties. That deduction aggregates 27 pounds on every commercial bale of cotton sold on the other side of the ocean.

The buyer of cotton in New York looks at the condition of the market throughout the world, and notes the price at which cotton is quoted in Liverpool, in order that he may procure his cotton on terms which, if he is an exporter, will enable him to compete with the Liverpool price, or will enable him, if he is a manufacturer, to compete with other manufacturers at home or abroad. Under the conditions stated, certainly no sane man would buy cotton-ties and bagging at the price at which the net cotton is sold on the other side.

And the fact is that if any gentleman will take the quotations of cotton in Liverpool and compare them on any given day with those in New York, he will find that, converting American money into English pence, there is still a sufficient margin between the two prices to account for this trade regulation which exists in Liverpool. Therefore the proposition contained in the article which has been read here is a flagrant and palpable fallacy, which no man ought to repeat under the state of information which now prevails. I yield now to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. EZRA B. TAYLOR. I move to strike out the last word. I have no doubt, Mr. Chairman, that the position taken by the gentleman from Georgia upon the last point stated by him is well taken. I have no idea that the fact is that cotton-ties are sold as cotton. But cotton-ties, Mr. Chairman, are nothing but hoop-iron with some little additional labor put upon them. They are cut with a slot and a button, and, aside from that, they are simply hoop-iron. By this bill it is proposed to put them on the free-list, while the hoop-iron itself is still borne on the taxable list at the rate of 1 cent per pound and 1.1 cents per pound. Now, there is no justice and no equality in that. Cotton-ties, with more labor on them but substantially the same article as hoop-iron, should not be allowed to come in free, while the hoop-iron, upon which there is less work (only a trifle less, however), is on the dutiable-list at the rate fixed in this bill. When the law was passed, which existed prior to the enactment of 1883, there was no such thing known commercially as "cotton-ties." They were then made from hoop-iron, but on there being a miscellaneous clause inserted in the law which gave the opportunity, as was supposed, the importers cut and prepared the "cotton-ties" and then asked for a ruling of the Treasury Department under that miscellaneous provision of the law and received a favorable one. So that, while hoop-iron was highly protected, "cotton-ties," which were nothing but hoop-iron, were much less protected.

In 1883, when the House of Representatives was endeavoring to pass a tariff law, an effort was made to equalize the duties; but under the circumstances then existing it was impossible to bring about the equality of these two kinds of iron which ought to have obtained. Now, Mr. Chairman, I wish some good reason might be given why cotton-ties

should come in free while hoop-iron should be protected 1 cent a pound and 1.1 cents a pound. To me a good reason does not exist in the statement made by gentlemen here that in the Forty-seventh Congress the Republican party failed to correct this inequality. I admit, Mr. Chairman, that in some cases the Republican party has failed to do to the full extent what might have been done, but I do not recognize that as a good reason why a greater inequality should be made to exist. I find that our friends on the other side of the Chamber, while they continue, apparently with great earnestness, to condemn the action of the Republican party, seem perfectly content if they can find in any matter under consideration that the Republican party at one time did what they propose to do, or that some leading Republican has at some time said something in its favor. They seem to feel that that is a shield which can not be penetrated, and that they are not required to go beyond the statement that the Republican party has at some time failed to do all that Republicans said they would like to do.

Now, Mr. Chairman, I wish somebody to tell me what reason there is that cotton-ties should be on the free-list while hoop-iron is taxed 1 cent and a fraction per pound. It is said that the cotton-ties are all imported. They were not imported until this ruling of the Department. They were made in this country; they were made in my vicinity. Hoop-iron is made there now. The importation of cotton-ties free will injure still further that large industry, which is already crippled by the present law. I wish some reason could be given why cotton-ties should be on the free-list and hoop-iron not. The reason has not yet been given. I would like to amend this provision by putting cotton-ties upon an equality with hoop-iron and including both in the tariff schedule at 1 cent per pound.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the gentleman from Ohio will be permitted to continue his remarks for five minutes.

There was no objection.

Mr. OUTHWAITE. In order that cotton-ties and hoop-iron may be put on an equality, how would it do to let hoop-iron come in free?

Mr. EZRA B. TAYLOR. If I were in the position of the gentleman I would certainly say that would be the best way.

Mr. OUTHWAITE. If you will offer that proposition, we will vote for it.

Mr. EZRA B. TAYLOR. I can not support that proposition unless you can convince me that on this subject, as you claim to be the case on wool, the more tariff you take off the better the price of the domestic article.

Mr. OUTHWAITE. I am afraid the gentleman would not be convinced.

Mr. EZRA B. TAYLOR. I do not think the gentleman can convince himself or any of his constituents. I withdraw the *pro forma* amendment.

Mr. BAYNE. I renew the *pro forma* amendment. The inquiry of the gentleman from Ohio ought to be suggestive, it seems to me, to every Democrat representing a district outside of the cotton region of this country. How the gentleman from Ohio [Mr. OUTHWAITE] and other gentlemen from Northern districts, Democratic districts, can afford to vote in favor of making hoop-iron, when thinner than 20 wire gauge, pay a duty of 1.1 cents a pound if imported by their constituents, and can at the same time vote in favor of that identical hoop-iron going to the cotton planter of the South entirely free of duty, is a mystery to me, unless cotton is again "king," and unless the Northern Democracy is being dominated by "King Cotton," as it was before the war.

Mr. TURNER, of Georgia. Will the gentleman allow me to make a suggestion?

Mr. BAYNE. Yes, sir.

Mr. TURNER, of Georgia. I want to suggest that upon articles which, having previously been imported, are exported, the law in a great many cases allows a drawback equal to the amount of the original duty.

Mr. BAYNE. Yes, I understand that.

Mr. TURNER, of Georgia. Now, two-thirds of these cotton-ties are exported, and no drawback is allowed. Is not that a reason why they should come in free at the outset?

Mr. BAYNE. I think not.

The gentleman speaks of two-thirds of the cotton-ties being exported. The other third of these ties goes to the consumers at Providence, R. I., and other places, who pay at the rate of 10 cents a pound, or whatever rate may be paid for the cotton; and they get no drawback. This illustrates the effect of the Mills bill all the way through. You discriminate against the American in favor of the foreigner. You discriminate against the American manufacturer in this country when you compel him to pay that duty of 35 per cent. ad valorem; and he gets no drawback. Throughout this whole bill there is a discrimination against American interests and in favor of foreign interests.

The following proposition from the address of the Amalgamated Association of Iron and Steel Workers succintly explains the question of cotton ties:

> Third. The importation of cotton-ties, hoops, bands, and scrolls of iron and steel was in the neighborhood of 19,800 tons. This amount would have given employment to 250 men per day, at 300 days per year.
>
> The cotton-ties especially have given cause to considerable trouble among the men employed in mills making a specialty of cotton-ties. Because of the ad valorem rate of 35 per cent. we have almost every year to contend with a reduction in the price per ton of the imported article that caused prices to be established here from which the American manufacturer and workingman suffered alike. The Mills bill provides that cotton-ties be placed on the free-list. We positively object, as such action will deprive our workmen of the opportunity of making the limited amount of cotton-ties they now make, and in addition, it will very materially injure our hoop-iron trade. When cotton-ties were admitted under a specific duty, the unit of value was a fraction over 2 cents per pound. Since the introduction of the ad valorem rate, the unit of value has declined every year, until now it is 1.2 cents per pound.

As to the production of cotton-ties in this country there is a mill in my district that produces large quantities of them—not so large as were produced some years ago. With the 35 per cent. duty placed on cotton-ties by the present law there is a considerable manufacture in this country. The manufacturers do not want this slight protection stricken down, and it seems to me that gentlemen who represent the cotton industries and the cotton planters of the South, when they come to look at the interests represented by their colleagues and political associates from the Northern States and from the West, representing farmers who need hoop-iron to bind their hay, and for other purposes, should not make a discrimination of this sort. If there were a provision in the Constitution which forbade taxes being levied in such a way as to effect a discrimination, this would be unconstitutional; but the Supreme Court having decided that the adjustment of tariff laws with a view to protection is as much an element of those laws as the raising of revenue, this matter of discrimination must be left to the discretion of Congress. But it seems to me that gentlemen who represent these Northern States, and who vote against the farmers——

Mr. BLAND. If the farmers could take advantage of the constitutional question they would remedy a great many discriminations against them in the tariff.

Mr. BAYNE. The gentleman of silver fame [Mr. BLAND] will vote for a duty of 1.1 cents per pound upon cotton-ties which his people in the West consume in the baling of hay, and he will vote for free cotton-ties to the gentlemen who live down South. That is the way the gentleman serves his constituents.

Mr. BLAND. The gentleman would not vote for this bill if it had free ties and free hoop-iron in it.

Mr. BAYNE. I would not take an unfair advantage of any class of the people. I would not give to one class and withhold from another an advantage at the behest of the majority of a party, in the control of which king cotton is again asserting himself and again making Northern "doughfaces." You will find the coming fall when the vote is taken the people of the West will remember these things. They are going to say that the South shall not again sit in the saddle and dominate the Northern States and control legislation in the interest of the South as against the North.

Mr. TOWNSHEND. Let the gentleman from Pennsylvania be candid and frank for one moment. Let him answer the question plainly which I put to him.

Mr. BAYNE. What is your question?

Mr. TOWNSHEND. Is the gentleman willing to vote to put upon the free-list hoop-iron used as binders in baling the hay raised by the farmers of the country?

Mr. BAYNE. No; I am not.

Mr. TOWNSHEND. I did not suppose you were. It is therefore a mere pretext on the part of the gentleman in what he says to prejudice this bill.

Mr. BAYNE. Why did you not offer an amendment to accomplish that purpose and not take my time with any such question?

Mr. TOWNSHEND. This illustrates the position of the gentleman from Pennsylvania. In his district there is a manufactory of hoop-iron and cotton-ties, and he wants to impose a tax on every farmer in the South and West. In behalf of that manufactory he wants to keep up a high tariff on cotton-ties and hoop-iron for baling hay to benefit the men in his district who are engaged in that business. That is the kind of legislation Republicans are trying to force on the country in behalf of the protected classes. That legislation is against the interest of the many and in the interest of the few. It is in the interest of monopolies. The gentlemen on the other side of the House desire to keep up these monopolies and to tax the farmers of the South and throughout the country upon cotton-ties and hoop-iron which they use in baling their cotton, hay, and other products. [Applause on the Democratic side.]

Mr. BAYNE. Let me ask the gentleman from Illinois a question?

Mr. TOWNSHEND. When I put the question to the gentleman from Pennsylvania whether he was willing, in the interest of his own farmers, to give them hoop-iron free of duty in order to bind their hay, he tells me flatly and plainly he will not. He protects the men engaged in the manufacture of hoop-iron in his district as it does those who manufacture cotton-ties, and he does it against the men who earn their bread by the sweat of their brow. [Applause.]

Mr. BAYNE. Why did not the gentleman offer a proposition proposing an amendment to the bill preventing a discrimination against those farmers of his district who use hoop-iron? Why did he allow his constituents to be discriminated against in that regard? That is, that those who consume this hoop-iron in baling their products to pay 1.1 cents higher duty than on cotton-ties?

Mr. TOWNSHEND. This bill was not prepared in a caucus where it could be amended.

Mr. BAYNE. Why did not you offer an amendment to do away with that unjust discrimination in the bill in favor of the cotton-ties of the South and against the hoop-iron used by your constituents?

Mr. TOWNSHEND. In the Forty-seventh Congress a bill was prepared by a Republican Congress of this House and brought in here and forced upon them. That bill was fashioned and framed in a Republican caucus by the leader of the Republican party of this House—Judge KELLEY. This bill was not prepared in a Democratic caucus. It was prepared in the committee in the service of the House and organized to prepare this bill. It was prepared in the Committee on Ways and Means, and I had no such opportunity to amend that the gentlemen on the other side had in the bill prepared by the Republican caucus. I had no such opportunity as the gentleman from Pennsylvania had and the Republicans on the other side of the House in the Forty-seventh Congress. That bill then reported to the Republican House presented mere Republican caucus action, and it was put through at that time under the whip and spur, under the lash of caucus demand and dictation. [Applause on the Democratic side.]

Mr. HOPKINS, of Illinois. Now answer the question of the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. In addition to the proposition of the Amalgamated Association of Iron and Steel Workers, I wish to incorporate as a part of my remarks the following, published in the Philadelphia Press from the London Times:

FOR FREE TRADE IN FACT AND THEORY—THE LEADING NEWSPAPER OF GREAT BRITAIN EXPRESSES THE UNANIMOUS ENGLISH OPINION OF CLEVELAND.

[Editorial in London Times of July 6, 1888.]

Though the President's celebrated message to Congress showed his intentions beyond the possibility of mistake, the St. Louis convention, it will be remembered, did not bring tariff reform very prominently forward. It was thought to be delicate ground, and the managers had hopes that the Democratic platform might still attract some protectionists. But when the Republicans met at Chicago it soon became plain that the battle was mainly to be fought on the protectionist issue. * * * In this way President Cleveland was forced to take up in a still more decided way his old position, and his Tammany Hall letter is the most definite statement that he has yet made of his reforming views. His language is extremely strong, and to many it can hardly fail to be convincing. * * * It would hardly be possible to put the free-trade case more clearly or more strongly; and yet—such is the force of words—President Cleveland shrinks from the use of the term "free trade." In fact, he declares that those who taunt him with being a free-trader are deceiving the country. "Free-trader" appears to be equivalent, in the language of American political controversy, to "enemy of workingmen and industrial enterprises." * * * It is certain that the arguments which President Cleveland urges are those which Cobden used to employ forty-five years ago, and which any English free-trader would employ now.

The CHAIRMAN. The formal amendments will be considered as withdrawn, and the question recurs on the amendment of the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. WARNER. I move to strike out the last word.

Mr. Chairman, the gentleman from Georgia [Mr. TURNER] in his first five minutes made a statement, the substance of which was that the cotton planters of the South had added largely to our exports and thereby enhanced the prosperity of our country. To that proposition I fully consent. Coupled with that statement was the complaint that the cotton planters were not permitted to import into this country the bagging for the covering of their cotton or the ties for binding their cotton without paying a duty.

Mr. Chairman, my only purpose in saying a word now is to emphasize what I said the other day on the question of bagging for covering cotton, and to couple it with the remark of the gentleman from Georgia [Mr. TURNER] "that the duty should not be placed on cotton-ties, because we do not need the revenue which would be collected therefrom." I think I have stated the gentleman's position correctly.

I find no fault with the gentleman for advocating and getting the most favorable legislation he possibly can for every industry in his district or section of the country. But when I reflect that a few days since bagging for covering cotton, an industry greatly affecting the city of St. Louis, which manufactures one-half of the bagging for covering the cotton used in the United States, and when it is further admitted on this floor that the Southern planter gets that bagging cheaper than he ever got it before, and when it is still further admitted not one pound of that bagging is imported into the United States and that we are not collecting one cent of duty on it, I am filled with wonder that the Representatives of my State, unlike the gentleman from Georgia [Mr. TURNER], remain silent and see that industry stricken down, and open our markets to the product of the foreign mill—of the foreign labor in Dundee and Calcutta—not for the purpose of reducing the surplus, but to put $375,000 customs duties into the Treasury each year at the cost of the destruction of an industry of my State. This action can only be justified on the ground of free trade.

I say I honor the gentleman for advocating the industries of his own State, and I would that gentlemen representing industries in other districts that are stricken down by the provisions of this bill, instead of being in a combine for taking the duty off of everything, would stand by their interest.

Mr. BLAND. Will the gentleman yield for an inquiry?

Mr. WARNER. Yes, sir.

Mr. BLAND. Where do the farmers of Missouri get a market for their mules, their horses, their meat product, and all other products? Are they not dependent largely upon the cotton-fields of the South? Yet the gentleman would strike down the farmers of Missouri in his attempt to strike down the cotton-raisers of the South.

Mr. WARNER. The gentleman asked a question and made a speech in which he placed me in a position I do not occupy. That the gentleman felt uneasy under my remarks, I do not wonder. I do not wonder at all that the Representatives of Missouri should feel uneasy when they have sat here in their seats and never uttered a protest, save in a private caucus, if at all, against any of the measures of this bill affecting her interest. I repeat, I do not wonder that the gentleman should feel uneasy when he stated on the floor of this House that he was in a "combine"—a combine for what purpose? To take the duty off of everything that he could. This is free trade to the fullest extent of the term. The gentleman may defend free trade in his district, but let me say to him that there are districts in Missouri where that doctrine will not do. His "combine," as he stated its purpose, is to take the duty off of lead, and to take the duty off of everything; that is the gentleman's position. "Where do we find a market for our mules, our horses, and our meat products?" he asks me. Does the gentleman assume by his question that we will sell one mule less, or one horse less, or one pound of our meat product less to the South if ties for cotton shall be taxed 35 per cent. ad valorem, or cotton-bagging 3 cents a yard, when it is sold to them cheaper than it ever was before? Does the gentleman assume that? Has he no regard for the industries of Missouri?

[Here the hammer fell.]

Mr. HOPKINS, of Illinois. I ask unanimous consent that the gentleman be permitted to occupy three minutes more time.

Mr. WARNER. I shall not consume further time of the committee.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, in regard to the question of making cotton-ties it may be well for gentlemen to bear in mind that it is not in fact an established industry in this country. If gentlemen will look at the record on this subject they will find that the cotton-tie industry can hardly be said to have existed since 1882, and it did not amount to much in 1879. By the census of 1880 there were one hundred and thirty-one people employed distinctively in making cotton-ties.

The duty upon the one hand and the subsidy upon the other, by the time they were paid by the consumer, amount to a tax of about 10 cents a bale on cotton. I say that there were one hundred and thirty-one people engaged separately and distinctively in this employment, and in that are included the workmen, large and small. But a tax of 10 cents a bale on the cotton was at that time a tax of $400,000 or $560,000, and at this time would be a tax of $600,000 or $700,000 upon the people for the purpose of maintaining the wages of, as far as the census show, only one hundred and thirty-one people.

But there has been a marked change in the industry since then. Our imports in 1882 were but little over $20,000 worth of this article. The bill of 1883 changed the status of cotton-ties, and our imports immediately jumped to $723,000 worth, and the next year to $822,000 worth, having jumped from 1,080,000 pounds to 42,000,000 and 49,000,000 pounds of this commodity, respectively, in the years mentioned. That has been substantially the state of the industry ever since the tariff bill of 1883 went into effect.

Now, sir, gentlemen say if we put cotton-ties on the free-list why not put band-iron on the free-list? But the condition of band-iron is exactly the reverse of cotton-ties. If gentlemen will look at the imports of hoop and band iron they will find them but nominal in amount, and while I do not read the figures in the various descriptions of band-iron, an article used to an enormous extent in this country, the imports amounted to but a few thousand dollars, being practically nominal; and of the description corresponding to these ties, thinner than No. 20 wire gauge, the imports in 1886 were exactly $1 in value, and in 1887 there were no imports at all. The use of this is doubtless large, the imports none, and hence labor is now employed in making it. It is an existing industry.

But, sir, there is another marked difference in addition to this one between these industries. There is a marked difference in addition to the fact that one industry exists and the other does not, and that difference is found in the fact that the use of band-iron is permanent, while the use of cotton-ties is but a temporary use. The only permanent feature about the use of cotton-ties is that it is a recurring waste and loss. Every year it is a dead loss, and we can get no drawbacks, even for imported ties.

In my country we know this practically. In shipping cotton to New Orleans, New York, or Liverpool the net returns are practically the same on a bale of cotton. If the cotton be sold in New Orleans or New York it is sold at the gross weight, while if sold in Liverpool it is sold at the net weight; and a 500-pound bale of cotton sold in New Orleans at 10 cents a pound will bring $50, while if sold in Liverpool, and sold at the net weight, which would be 476 pounds, it still brings $50. Every dollar paid, therefore, for the bagging and ties is stricken off as tare from the bale, and the tare is so returned in the account of sale if sold abroad, and goes to the debit of profit and loss. If sold in this country it is deducted in fixing the gross price.

The people get nothing for it whatever. Therefore those who seek

the interests of the people should seek carefully so large an element of waste as this; and it is calculated to attract the attention of gentlemen when they realize that this is an article that has no industrial interest in this country except at the cost of all classes.

But gentlemen say it is sectional. But what of that if it be just? If gentlemen will take the time to look at the two sections of the country they might make a comparison which would be profitable. There is the article of tin-plate, of which we import sixteen to seventeen millions a year, and upon which we pay over $5,000,000 revenue, used to a large extent for canning purposes in the enormous industry which has grown up in this country and which might well be placed upon the free-list on the same basis as cotton-ties. These great industries are nearly all in the North.

Do we not remove this great tax and waste from these Northern industries? One may fairly be said to offset the other. If we repeal $121,000 of revenue from cotton-ties, and never, of course, counting the subsidy, and especially up to the time it reaches the consumer, for the South, if you please, to almost the entire extent it may be said that we repeal almost in equal degree over $5,000,000 of the revenue from tin-plate for the North, This does not estimate what it is by the time the consumer gets it and pays for it. This looks to me to be very fair and liberal, yet gentlemen ignore facts of this kind and charge that a matter of this sort is sectional in its character. They still pursue the policy which they have uniformly pursued down to this time; they do not go to the bottom facts and seek to demonstrate their proposition. It is all declamation and assertion in the very teeth of the facts as set forth in the bill and in the official reports.

I now wish to call attention to the class of people upon whom this needless burden mainly falls.

[Here the hammer fell.]

Mr. MILLS. Mr. Chairman, I desire that we shall get through with this bill to-day, and I therefore move that the committee now rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

Mr. MILLS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 9051; and, pending that, I move that all debate on the pending paragraph and the amendments thereto be limited to ten minutes, five minutes on each side; and upon that I demand the previous question.

Mr. BURROWS. I hope the gentleman will not do that.

Mr. BUCHANAN. If you do that you will require to have a quorum.

Mr. MCKINLEY. I suggest to the gentleman from Texas that debate be not limited to ten minutes.

Mr. MILLS. I will withdraw the demand for the previous question.

Mr. MCKINLEY. I do not know how many gentlemen desire to speak upon this question, but it seems to me that to insist upon closing the debate in ten minutes is not, at this stage of proceeding, exactly a fair thing. I want to speak three or four minutes at some time during the debate, and there are doubtless other gentlemen on this side of the House who wish to speak. I suggest, therefore, that the time be fixed at thirty minutes, fifteen minutes on each side, if that is agreeable to my friends on this side of the House.

Mr. MILLS. I will accept that suggestion; but I want to say to my friend from Ohio [Mr. MCKINLEY], whom I am glad to see back in his seat again, that I have been urged by gentlemen on both sides to hurry this bill up and try to get through with it, and that it is in response to those appeals from gentlemen on both sides that I am trying to have it finished to-day.

Mr. MCKINLEY. Well, if my colleagues on this side are satisfied to have the debate close in ten minutes, I am.

Mr. MILLS. No, we will give you thirty minutes.

The SPEAKER. The gentleman from Texas modifies his motion, and moves that debate on the pending paragraph and all amendments thereto be closed in thirty minutes, fifteen minutes to be allowed to each side.

Mr. JOSEPH D. TAYLOR. Say twenty minutes on either side. There are several gentlemen here who want to speak.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. MILLS] to limit the debate to thirty minutes, upon which he demands the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Texas [Mr. MILLS], to limit debate upon the paragraph under consideration and on all amendments thereto to thirty minutes, the understanding being that the time shall be divided equally between the two sides of the House.

The motion was agreed to.

Mr. MILLS. I move that the House now resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. All debate on the pending paragraph and amendments thereto has been limited to thirty minutes. The gentleman from Georgia [Mr. TURNER] will be recognized to control the time on one side, and the gentleman from Ohio [Mr. EZRA B. TAYLOR] on the other.

Mr. TURNER, of Georgia. Mr. Chairman, the gentleman from Missouri [Mr. WARNER], who addressed the House awhile ago, propounded to me certain questions which I desire to answer in the brief time allowed me. While the gentleman from Pennsylvania [Mr. BAYNE] had the floor I endeavored to show that on articles which pay a duty on being imported the law allows a drawback to the amount of the duty when they are exported.

This drawback is not allowed in the case of cotton-ties or bagging, although two-thirds of these articles are exported. This disposes, of course, of the argument as to two-thirds of the cotton-ties. Now, upon cotton bagging, by this bill a duty of three-eighths of 1 cent, which is equivalent to 15 per cent. ad valorem, is retained, which will represent a sum much larger than the revenue derived for the ties which are not exported. When it is considered that there is allowed to the planter no drawback when the bagging is exported on the cotton it will be found, looking over the whole field, that the farmers of this country who produce cotton should at least have these ties free. This arrangement is simply a substitute for the drawback which other industries receive—besides, the ties are a dead loss to the planter, whether his cotton is sold at home or abroad.

The gentleman from Missouri [Mr. WARNER] asked how I could justify the vote which I gave the other day to reduce cotton bagging to a specific duty equivalent to 15 per cent. In reply, allow me to say that during the Forty-eighth Congress, when this subject was under consideration by the able Committee on Ways and Means as then organized, a gentleman from New York, Mr. William Marshall, who was the pioneer in this industry, and who introduced into this country and manufactured the first jute butts ever imported, declared, in answer to a question of the gentleman from Ohio [Mr. MCKINLEY], who was then cross-examining him, that a duty of 15 per cent. on bagging was sufficient protection if he could be allowed jute free; and that this bill allows.

I now yield two minutes to my colleague [Mr. STEWART].

Mr. STEWART, of Georgia. Mr. Chairman, in the few minutes of time allotted me I will not be able to do justice to the subject under consideration.

By the provisions of the Mills bill hoop-iron, used as cotton-ties, has been placed upon the free-list. A motion has been made (coming from the Republican side of the House) to take cotton-ties from the free-list and place upon them a heavy duty. The distinct point to which I wish to call the attention of the House is this: From the close of the war down to this very hour the Republican party has made all kinds of professions of sympathy and friendship for the colored people. Through the public press, in the legislative halls, and upon the rostrum the Republican party has declared that they were the true friends of the colored people, and, Mr. Chairman, I rejoice to-day that we are confronted with a proposition which will test the sincerity of the Republican party; for, sir, it will be remembered that of the 6,000,000 bales of cotton produced in the South, one-half if not two-thirds of the labor engaged in this industry is contributed by the colored people. Under our system of growing cotton, as a general rule, the white people furnish the land and stock and the colored people furnish the labor. The cotton when prepared for market is subject to a deduction of the amount necessary to pay for the bagging and ties.

The duty on cotton-ties amounts to several hundred thousands of dollars and is a burden, borne in a large measure by the labor and toil of the colored people. I desire here upon this floor to serve notice upon the Republican party, as represented in this House, that if they vote to impose this tax upon the colored people we will see to it that they shall be made acquainted with your conduct touching this matter.

Now, gentlemen, if you are the friends of the laboring man, as you profess to be, here is an opportunity to get in your work. If your twenty-five years of professions of kindness toward the colored people is sincere, the present occasion is a fit time to demonstrate your fidelity. The colored people are not so ignorant as you might suppose, and if you deceive them they will find it out.

When an opportunity to lift a burden from their shoulders is so clearly presented how can you be consistent and vote to place a heavy duty on cotton-ties and thereby take from the hard earnings of every poor colored man who makes a bale of cotton a sum of money which should go to the support of the colored man and his family? The issue is clearly made, and you may feel assured that the colored man has sufficient information to determine who his true friends are; and if the Republican party shall to-day demonstrate that they prefer a high protective tariff rather than the good of the colored people, how can you expect them longer to affiliate with your party.

While the duty on cotton-ties will be a source of profit to a few favored industries which have grown rich under the system of high protective tariff, is it not true on the other hand if we place cotton-ties on

the free-list we will have the satisfaction of knowing that we have to some extent lightened the burden which has been imposed upon the farmers of this country—a class among all the people of the United States that have received less benefit at the hands of the Government.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, representing as I do a large agricultural district, on behalf of the farmers I desire to protest against this unjust discrimination against them and against their interests. While cotton-ties are placed on the free-list the hoop-iron used in making wash-tubs, meat-tubs, lard-tubs, butter-tubs, horse-buckets, etc., is retained on the dutiable-list. The iron hoops used on oil barrels, cider barrels, rain barrels, and everything of this kind are made to pay a duty, while cotton-ties are placed upon the free-list. Water-tanks, so largely used in manufacturing and in many other forms of industry, are made with strap-iron hoops, which are retained on the dutiable-list, while the iron hoops that go around a bale of cotton are made free by this bill. It is admitted that the cotton-planter buys this strap-iron at a little over 2 cents a pound and sells it with his cotton at the price of cotton, 8 or 10 cents per pound, no deduction ever being made for the strap-iron around the bale called cotton-ties, and yet cotton-ties are placed on the free-list, while all the strap-iron used by the farmer and manufacturer is made to pay a duty. This is as unjust as it is sectional.

Mr. OUTHWAITE. Will my colleague vote to put these things on the free-list with me? I will vote to do so.

Mr. JOSEPH D. TAYLOR. I will not vote to put the product of any American labor on the free-list, I do not care whether it is in my district or the district of any other gentleman on this floor.

The gentleman from Illinois [Mr. TOWNSHEND], who is so eager to put his questions, can not deceive the intelligent constituents in his district when he says that he considers the protective policy, which we insist protects American labor and American manufacturers, is in the interest of the few and in opposition to the welfare of the many. The cotton-planters of the South in this case are the many in his judgment and the people of the North are the few. The latter have some rights and should be protected in a measure of this kind.

I wish the farmers of the country to understand this unjust discrimination made against them and in favor of cotton-ties. It is unfair, it is unjust, it is palpably wrong.

It is a discrimination against the people of my district as well as against the entire North and against all farmers who are not cotton-planters. Farmers and manufacturers use large quantities of strap-iron, and it is used largely in the manufacture of agricultural tools and implements, and I see no reason why strap-iron should be free for one purpose and not free for another.

Mr. TOWNSHEND. Let me ask my colleague whether he is not interested in the stock of one of the manufactories of hoop-iron?

Mr. JOSEPH D. TAYLOR. What of it? [Great laughter and applause.] I will say to the gentleman that I am not. Let me ask the gentleman whether he was serving his constituency or his country as a Representative on this floor when he was spending two months of his time out in his district securing his renomination? [Laughter and applause.] Do you propose to draw your salary when you were absent from your seat in this House during all that time? [Laughter and applause on the Republican side.]

Mr. REED. You ought not to complain of his being at home. [Laughter.]

Mr. TOWNSHEND. The men who use butter-tubs and who use hoop-iron for other purposes understand this matter perfectly. They know that they have to pay a tribute to the manufacturers of hoop-iron.

Mr. JOSEPH D. TAYLOR. The farmers know their friends and who are for them and who are against them, and they will vote accordingly at the election next November.

Now, Mr. Chairman, I had occasion the other day to correct a statement in regard to the Forty-seventh Congress, and I propose now to correct another.

Both of these statements were made on the other side of this House. The last statement, the one made only a few minutes since, was that a tariff bill was framed by a Republican caucus of the Forty-seventh Congress. This is not true. The tariff bill of the Forty-seventh Congress was never considered by a Republican caucus or any other caucus. I undertake to say that no line or word of the tariff act of 1883, or of any other tariff act or bill, was framed or modified or changed or considered by a Republican caucus of the Forty-seventh Congress. Nothing of the kind was done in the Forty-seventh Congress. A caucus, or some sort of an informal meeting, was held for some purpose after the bill had been completed by the committee, at which there was some talk in regard to the consideration of the bill, but nothing was done; no change in the bill was made, nor was any proposed; no vote was taken on any matter; and this was the only meeting of the Republican members after or while the bill was being prepared.

The preparation of a tariff bill by a political caucus is the invention of the Democratic party. This bill, known as the Mills bill, was prepared by a Democratic caucus before it ever came before this House or the Ways and Means Committee, and while the bill has been changed to accomplish certain political ends, doubtless to secure the necessary number of votes to carry it through this House, no motion to amend made by any Republican has ever prevailed. This bill is the product of a Democratic caucus, where no hearing was given to any industry, where no member was acting under oath, and where the welfare and prosperity of sixty millions of people were made subservient only to party ends and party purposes. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. McKINLEY. I yield three minutes to the gentleman from Massachusetts [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I wish simply to emphasize the fact that American manufacturers pay for the cotton-ties and bagging, as well as for the cotton, and to state further it is extremely improbable as a practical proposition that the price is returned to them. I shall be willing to admit that if all other things were equal for a long period of time, it is probable that at last the manufacturer would be able to deduct this and purchase his cotton at the same rate as the Englishman pays. Every one practically acquainted with the business knows this has been regarded always as a grievance by the manufacturer in this country. He pays 8 and 10 cents for cotton-ties, and in England the Englishman pays nothing for them.

Attempts have been made to remove what is regarded as a great grievance, but without success. The Southern planter, even if he makes nothing out of it, as the gentleman from Georgia [Mr. TURNER] asserts, is reluctant to give up the opportunity of being paid for his cotton-ties and cotton-bagging. I think it will be admitted that in all cases where gross prices are paid the advantage is always against the purchaser. Varying conditions independent of this one fact affect the price of cotton here as compared with the price abroad, and will prevent the American purchaser securing the result claimed by the gentleman from Georgia. That can only be secured by purchasing the cotton net, as is the practice in Great Britain.

[Here the hammer fell.]

Mr. TURNER, of Georgia. I ask the gentleman from Ohio to finish the debate on his side. There are eight minutes remaining on this, I believe.

Mr. McKINLEY. Mr. Chairman, the language under discussion is found in lines 120 and 121 of the bill, and reads:

Iron and steel cotton-ties or hoops for baling purposes, not thinner than No. 20 wire gauge—

and such are declared under the provisions of this bill to be admitted free of duty.

I turn to page 17 of the bill and I find that hoop-iron of exactly the same gauge (and I refer to line 211) as described in line 120 is made dutiable at 1.1 cents a pound. Now, of all the indefensible features of this bill there is none, in my judgment, so indefensible as the one under consideration. In the remainder of the free-list—in the free-list generally—that which is made free is made free to everybody and for every purpose. While I am opposed to this entire free-list, yet with the exception I have named, that of cotton-ties, it falls equally upon every citizen and upon every section of the country. Salt is made free. It is not free simply to the Northern people, but to the Southern people as well. It is not free for one industry that uses salt, but it is free to all. Lumber is made free, and it is free alike to every citizen and to every section of the country. It is made free to all of our people. But when you come to hoop-iron not less than No. 20 wire gauge, then its freedom is limited, and it is limited to certain producers and sections of the United States. For every other purpose it is made dutiable at 1.1 cents a pound. So I say here that of all the indefensible features of this bill it is the most indefensible that can be found in it.

Now, if I was a Democrat, if I was a revenue tariff reformer, if I was a free-trader, and I proposed to have hoop-iron of a gauge not less than No. 20 made free for any purpose, I would make it free for all purposes. I would make it free to the balers of hay and I would make it free for every other purpose and in every other industry to which it can be applied, and not free for only one part of the citizens or for one class of people. I am opposed—for I anticipate the question that my friend from Ohio [Mr. OUTHWAITE] will put to me—to free hoop-iron for any purpose, because the duty we put on it in the past has made it cheaper to the consumers of the country than it would have been possible if we had free trade in hoop-iron.

And so I move you, Mr. Chairman, without detaining the committee a single moment longer, that cotton-ties not thinner than No. 20 wire gauge shall be transferred from the free-list to page 17 and put into line 211, and made dutiable at precisely the same rate of duty as every other class of hoop-iron is made dutiable.

Mr. OUTHWAITE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OUTHWAITE. Would it be proper to move an amendment to the amendment of the gentleman from Ohio that hoop-iron thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge be put on the free-list?

The CHAIRMAN. The Chair thinks that would be in order.

Mr. OUTHWAITE. Then I make the motion.

The CHAIRMAN. The Chair will entertain the motion at the proper time.

Mr. OUTHWAITE. I mean to make it correspond to the provision of the bill in reference to cotton-ties.

Mr. TURNER, of Georgia. Has the gentleman from Ohio exhausted his time?

Mr. MCKINLEY. I have no desire to occupy any further time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BRECKINRIDGE, of Arkansas. I understood the gentleman from Ohio to say that the duty on hoop and band iron, as it has existed, has made that material cheaper than it ever was before to the consumers of the country?

Mr. MCKINLEY. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Then I understand him to argue that free trade in cotton-ties will increase the cost of the cotton-ties?

Mr. MCKINLEY. No, sir; not at all.

Mr. BRECKINRIDGE, of Arkansas. Does not that follow as a necessary and logical sequence from the gentleman's argument?

Mr. MCKINLEY. By no means. That is not the logic of my argument.

Mr. BRECKINRIDGE, of Arkansas. Then what is?

Mr. MCKINLEY. If it were not for the duty on plain hoop-iron to-day you would pay much more for cotton-ties in the South than you do. It is because every other class of hoop-iron for every other purpose is made dutiable that you get the advantage of the low prices; and the greater advantage you will get when ties are made free.

Mr. BRECKINRIDGE, of Arkansas. Then let me put the question to the gentleman in this form: Suppose you put the duty you propose on cotton-ties, will that also make them cheaper than they are now?

Mr. MCKINLEY. The duty on cotton-ties?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. MCKINLEY. In my judgment, if a duty on cotton-ties is made the same as on hoop-iron, we will have them cheaper to the Southern people in less than two years than you have them to-day.

Mr. BRECKINRIDGE, of Arkansas. Very well. If free trade will make it higher, how can that hurt the manufacturer here?

Mr. MCKINLEY. Oh, that is the old question.

Mr. BRECKINRIDGE, of Arkansas. Of course; and yours is the old proposition, but you have never attempted to demonstrate how it can consist.

Mr. MCKINLEY. But I am glad that the gentleman admits that he is a free-trader and that his party is a free-trade party, for I have discovered that in the last few weeks they have been endeavoring to evade that issue.

Mr. BRECKINRIDGE, of Arkansas. The gentleman's definition of free trade and mine are perhaps two different definitions, but I am unable to see how he can argue that the increase in price will hurt the manufacturer in this country.

Mr. REED. The gentleman from Arkansas [Mr. BRECKINRIDGE] never takes any opportunity to deny that he is a free-trader, and he has had plenty of them.

The CHAIRMAN. The gentleman from Nebraska [Mr. MCSHANE] is recognized for two minutes.

Mr. MCSHANE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out, in line 120, the words "cotton-ties or," and the words "for baling purposes;" so that the paragraph will read: "iron and steel hoops not thinner than No. 20 wire gauge."

Mr. MCSHANE. I am in favor of admitting hoop-iron of the class mentioned in this paragraph free of duty, provided that when admitted it may be used for any purpose whatever. The amendment that I offer will accomplish that object and admit iron and steel hoops not thinner than No. 20 wire gauge free of duty and will allow the same to be used for whatever purpose parties may choose to use them.

Mr. BAYNE. I suggest to the gentleman that he will not fully accomplish his purpose by his amendment, because they use more wire than hoop-iron for baling.

Mr. MCSHANE. I want them to have the privilege of using hoop-iron if they see fit, and I merely want to say now, because I do not wish to take up the time of the House, that upon a failure to allow this hoop-iron to be used for any purpose for which people desire to use it, I shall vote to strike out from this bill the paragraph under consideration, thus leaving the duty as it exists under the present law.

Mr. TURNER, of Georgia. I yield two minutes to the gentleman from Alabama [Mr. WHEELER].

[Mr. WHEELER withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Georgia [Mr. TURNER] has four minutes remaining.

Mr. TURNER. I yield that time to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I am obliged to the gentleman from Georgia, but I desire the floor only for a few minutes for the purpose of replying briefly to my colleague, Mr. WARNER, who saw proper to comment somewhat upon a few remarks which I made a short time ago upon this bill, when I claimed, as I do now, that I am not an agent or attorney upon this floor for any particular industry or interest.

As I said before, I am willing to vote for this bill, or for any other fair bill, even if it puts things that are made in my district upon the free-list. And for what reason? Because, as we sit here we are reminded, as we have been for years in the past, that the tax-payers of this country, the farmers of this country, the cotton-growers, the wheat-growers, the meat-growers of this country, who produce the whole of the commodities that we export, are taxed and fined at the rate of $200,000,000 a year simply because they are unable to obtain a home market for what they produce, and these taxes and fines are being laid up in the Federal Treasury, and as a result the property of the people is reduced in value, the money is taken from circulation, and in many instances it is wasted here upon improvident appropriations. It is for their relief that I stand here, and not for the relief that is pleaded for, especially by my colleague and others on that side of the House, who come here representing simply the industrial interests in their own districts and ready to vote for them at the expense of the great mass of the people of this country.

Mr. WARNER. I will ask my colleague whether either of the industrial interests of which I have spoken, either the bagging industry or the lead industry, is in my district?

Mr. BLAND. Mr. Chairman, the gentleman undertook to arraign the Democratic party because it was in favor of, to some extent, relieving the farmers of the South——

Mr. WARNER. No, because it was in favor of free trade.

Mr. BLAND. And when I asked him what would become of the farmers of Missouri whose market for their cattle and their mules and their breadstuffs is found to a considerable extent in the cotton-fields of the South, he was unable to answer that question, but he undertook to arraign me here for a speech that I had made in the interest of the masses of the American people and against the special interests which are the object of so much tender care on the other side of the House.

Mr. WARNER. Did not the gentleman state, and does he not hold to-day, that he is here for the purpose of voting to take the duty off every article that he can? Did he not state that he was in a "combine" for that purpose?

Mr. BLAND. I have made no such statement. I said I was here for the purpose of organizing a "combine," if necessary, to reduce the surplus to the needs of the Government, and for that reason I was willing to sacrifice any personal interest, and stand, not as a representative of classes and monopolies, but as a representative of an overtaxed and overburdened people. [Applause on the Democratic side.]

[Here the hammer fell.]

The CHAIRMAN. The first question is upon the amendment offered by the gentleman from Nebraska [Mr. MCSHANE], which the Clerk will read.

The Clerk read as follows:

Strike out, in line 120, the words "cotton-ties or," and also the words "for baling purposes;" so that the paragraph will read: "Iron and steel hoops not thinner than No. 20 wire gauge."

The amendment was agreed to; there being—ayes 80, noes 71.

The question recurred on the following amendment, offered by Mr. SOWDEN:

Strike out lines 120 and 121.

Mr. MCKINLEY. This question is on striking out the lines as amended.

The CHAIRMAN. That must be the form of the question. The Clerk will read the paragraph as it now stands since the amendment.

The Clerk read as follows:

Iron and steel hoops not thinner than No. 20 wire gauge.

The CHAIRMAN. The question is on striking out these words.

Mr. BYNUM. What is the effect of the amendment of the gentleman from Ohio?

The CHAIRMAN. The gentleman from Ohio did not offer an amendment.

Mr. BYNUM. What became of the amendment of the gentleman from Ohio [Mr. OUTHWAITE]?

The CHAIRMAN. It was not offered.

Mr. OUTHWAITE. I intended to have it considered as pending.

The CHAIRMAN. The gentleman proposed to offer an amendment, but at the time he stated his proposition it was not in order.

The question being taken on the amendment of Mr. SOWDEN, there were—ayes 92, noes 96.

Mr. SOWDEN called for tellers.

Tellers were not ordered.

So the amendment was rejected.

The Clerk read the following paragraphs:

Cement, Roman, Portland, and all other, 10 per cent. ad valorem.
Whiting and Paris white, 20 per cent. ad valorem.

Mr. MILLS. I move to strike out those lines.

Mr. MCCOMAS. I make the point of order that there is now an amendment pending to those lines.

Mr. MILLS. These lines were passed over. I had them passed over.

Mr. MCCOMAS. The gentleman has forgotten there is now an amendment pending.

Mr. MILLS. No; I have offered the first amendment.

The CHAIRMAN. The Chair was endeavoring to ascertain whether any amendment was already pending.

Mr. McCOMAS. On July 1, as will be found by reference to the RECORD, an amendment was offered by the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. MILLS. It was not recognized.

The CHAIRMAN. The Clerk will ascertain the status of this matter.

Mr. MILLS. The member who has charge of a bill in the House is entitled first to be recognized; the Chair always observes that rule; and though a gentleman may rise in his place and say he offers his amendment and get his name in the RECORD, yet he may not be recognized by the Chair for that purpose.

Mr. McCOMAS. My point is that the gentleman from Texas [Mr. MILLS] got his name in the RECORD in the wrong way; that on July 1 the gentleman from Pennsylvania was recognized to move an amendment which has now been pending for eighteen days. Although the gentleman from Texas may have charge of this matter, he must remember the rules of procedure.

The CHAIRMAN. The Clerk will report the status of this matter when passed over.

The Clerk read as follows:

It is proposed by Mr. SOWDEN to amend lines 16 and 17 by striking out, in those lines, "10 per cent. ad valorem" and inserting "10 cents per 100 pounds."

The CHAIRMAN. The amendment just read is the amendment pending. The proposition of the gentleman from Texas is in order.

Mr. SOWDEN. At the time this question was passed over informally the amendment just read had been offered by myself and was pending. In support of it I send to the Clerk's desk a letter which I desire to have read.

The Clerk read as follows:

SEIGFRIED'S BRIDGE, *July* 16, 1888.

DEAR SIR: Allow us to give you some facts relating to the cement business and the way the people who work in the industry abroad live. Professor Henry Reid, in his work entitled "Natural and Artificial Concrete," on page 305, says that the works of the Star Portland Cement Factory at Stettin, in Pomerania, is a model one. In 1878 heir annual product was 240,000 casks, equivalent in quantity to 300,000 barrels of American Rosendale cement.

If we turn to volume 1 of the Consular Reports, entitled "Labor in Europe," on page 512 we will find that the average wages paid in a Portland cement manufactory in Stettin, and it is presumably this one, was $3.57 per week of sixty hours, equal to 59½ cents per day of ten hours.

Consul Keifer, of Stettin, in his report to the Department of State in July, 1884, in speaking of the condition of the working people in and around Stettin, where these works are, says:

"The working people either live in cellars or in upper rooms, often in yards; mostly in old buildings without water, sewerage, or ventilation. New buildings, tenement houses, are better provided for in this regard, but there are only a limited number. The men often have to walk five to eight English miles every morning in order to get to work."

The same report says that the men live on coffee, mostly a decoction of chicory or roasted barley, rye bread with lard or goose grease, they seldom have a piece of cheap sausage, and a drink of cheap whisky distilled from potatoes, comprise a meal. At certain times fishes are cheap and form part of the meal.

The consul further says:

Butter, sirup, meat, tea, etc., the daily fare of our American laborer, are regarded as luxuries. Once, or in better situated families, twice a week, a pound of cheap meat must do for four or five persons; the husband mostly enjoying the taste of it, the rest of the family only the smell. When the consul asked one of these laboring men how he got along, he smiled gloomily and said: "I must get along with it or steal."

The total amount of cement that has been imported into this country for the past ten years would be equal in quantity to 5,366,775 barrels of American cement of 300 pounds each. If American cement had been used and the foreign article excluded by a suitable tariff, it would have employed 670 additional men working 200 days a year for ten years to have produced that amount. There would have been paid out to them at the lowest calculation, $2,144,000 for labor alone, and it would have required $912,351.75 worth of cooperage, which would have come from Maine and Michigan, to have barreled it, to say nothing of the $328,006, that would have been paid to coopers to make the barrels, or the 53,622 reams of paper, worth $32,197, that would have been necessary to line them with. At least 7,328 kegs of nails, worth $23,912, would have been used to cooper the barrels, while it would have required 825 barrels of paste, worth $1,650, simply to have affixed the labels to the barrels.

The importations of foreign cement have increased at the rate of 34 per cent. for the last ten years, and for the last fiscal year ending June 30, 1887, the importations increased 64 per cent. over the previous year, while the invoiced price of the foreign article has declined on an average of 12 per cent. a year.

Enough mill capacity now exists to supply all demands, but to-day some mills are closed and others are running on reduced time. The reports of the engineering committee of the District of Columbia for 1885 contain evidence to prove that just as good cement can be made in this country as abroad, but when labor is on an average over twice here what it is abroad, and in some cases six and eight times as much, and as labor constitutes 87 per cent. of the cost of a barrel of cement, the industry should certainly be protected by an adequate duty.

Very respectfully,

ROCK LOCK ROSENDALE CEMENT COMPANY.

Hon. W. H. SOWDEN,
House of Representatives, Washington, D. C.

Mr. SOWDEN. The amendment just submitted by the gentleman from Texas [Mr. MILLS] will, if adopted, leave the present duty on cement undisturbed, and accomplished substantially the purposes of my amendment. There is very little difference between a duty on cement of 20 per cent. ad valorem and one of 10 cents per hundred pounds, excepting that a specific duty is more preferable than an ad valorem duty on account of undervaluations.

[Here the hammer fell.]

Mr. NELSON. Mr. Chairman, inasmuch as the subsidy amendment to the Post-Office appropriation bill has been eliminated by the agreement of the Senate to the position of the House on that subject, inasmuch as that question is not likely to come up again, and inasmuch as since that time I have been put in the possession of some very valuable testimony, I ask to have it read in my time for the benefit of the House.

The Clerk read as follows:

BALTIMORE, *July* 14, 1888.

DEAR SIR: We have noticed with much interest your opposition in the House yesterday to the proposal for a subsidy to a line of steamers to Brazil, and as such a measure would seriously affect a large and valuable interest in this port in sailing vessels, trading regularly between Baltimore and Brazil, built without any subsidies, those interested in the trade here have addressed a formal remonstrance against the measure, a copy of which we beg to inclose.

Yours faithfully,

F. W. WILLSON & SON.

Hon. KNUTE NELSON,
Washington, D. C.

To the honorable the Senate and House of Representatives, Washington, D. C.:

The undersigned, merchants of Baltimore engaged in trade between this port and Brazil, would respectfully and earnestly remonstrate against the passage of the bill now before the Senate, or any similar bill, granting subsidies to steamship lines between this country and Brazil, believing same to be unjust, as tending to build up one interest at the expense of others, and quite unnecessary, in view of the well-known fact that almost all the business between the two countries is transacted by cable messages, making the mails of comparatively little value, except for the transmission of confirmatory advices and accounts. Even were it otherwise, the mail facilities at present existing are quite ample; there being three regular lines to Brazil from United States, one to the northern and southern ports of that country, one to the northern ports only, and one to the southern only, each clearing on the average one steamer a month. In addition to these various lines bringing mails from Brazil to this country on their return trips, there are frequently as many as two outside steamers per week from Brazil bringing the mails to United States. That there is no need for a subsidy outside of the question of mail facilities is pretty well demonstrated by two facts, first, that the present business of the "United States and Brazilian Steamship Company" is so flattering that they either have arranged or are about to arrange to build two additional steamers; and, secondly, that a line started tentatively a year or more ago, called the Hammonia Line running three steamers, has been sufficiently successful as to cause the parties interested to announce that the line will be a permanent one.

Your petitioners, representing as they do the second city in point of commercial intercourse with Brazil, do not hesitate to say that it is their opinion that the passage of said subsidy would not increase existing mail facilities, for which, for the reasons above stated, there is little or no need, but would result virtually in a donation by the Government of the major part, if not the whole of the amount authorized to a company already in existence and prospering. And further, that the proposed subsidy would not increase the business between the two countries, which can only be done, as it is being done, by the active application of well-known and recognized commercial principles; and finally, that the real advocacy of said measure has for its basis more the hope of private emolument than the general good of the entire country.

ALEXANDER BROWN & SONS.
HOFFMAN, LEE & CO.
THOMAS PIERCE & CO.
P. T. GEORGE & CO.
THEODOR G. LURMAN & CO.
TAYLOR & LEVERING.
FINK BROS. & CO.
THE C. A. GAMBRIL MANUFACTURING COMPANY,
P. H. McGILL, *Vice-President.*
W M. E. WOODYEAR & CO.
JACKSON & SMITH.
E. LEVERING & CO.
C. MORTON STEWART & CO.
F. W. WILSON & SON.
H. L. WHITRIDGE & SON.
JAS. CORNER & SONS.
LAWRENCE & CRANE.
THORNTON ROLLINS.
WHEDBEE & DICKINSON.
STEPHEN BONSAL.
BENEDICT & CO.
J. OLNEY NORRIS.

BALTIMORE, *July* 13, 1888.

Mr. HOPKINS, of New York. Mr. Chairman, I want to say that when the committee informally rose my amendment was pending with the understanding that when the subject was recurred to for action my amendment should be considered with the first amendment of the gentleman from Pennsylvania [Mr. SOWDEN]. My amendment was to strike out lines 16 and 17.

The CHAIRMAN. Debate is exhausted.

Mr. MILLS. I move that the committee rise, for the purpose of closing debate.

Mr. McCOMAS. I wish to make an amendment to the amendment.

The question recurred on Mr. MILLS's motion, and it was agreed to.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having, according to order, had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws for the collection of the revenue, had come to no resolution thereon.

Mr. MILLS. I ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the tariff bill, and, pending that motion, that all debate on the pending paragraph and all amendments thereto be closed in ten minutes.

Mr. McCOMAS. Is the amendment of the gentleman from Pennsylvania [Mr. SOWDEN] now pending; and, if so, what other amendment is pending?

The SPEAKER *pro tempore*. That information will be furnished at the proper time.

Mr. McCOMAS. I ask that the time be extended to twenty minutes.

Mr. MILLS. I move the previous question on my motion.

The previous question was ordered.

Mr. MILLS. I propose five minutes on each side, and that is enough.
Mr. MCCOMAS. Make it twenty minutes.
Mr. BAYNE. I hope the gentleman will not object to making it twenty minutes.
Mr. REED. I suggest to the gentleman from Texas to make it twenty minutes. It is not much to ask in the way of extension of debate.
Mr. MILLS. We will not get through to-day.
Mr. BAYNE. Oh, yes; we will get through to-day.
The SPEAKER *pro tempore*. The ayes seem to have it.
Mr. MCCOMAS demanded a division.
The House divided; and there were—ayes 92, noes 1.
Mr. MCCOMAS. No quorum. Twenty minutes is all we ask, ten minutes on each side.
Mr. MILLS. I move there be a call of the House.
Mr. REED. This is not a large amount of time that is asked.
Mr. MILLS. We are proposing to leave the law as it is, and there is nothing to discuss. I have proposed to strike out these three lines and leave the law as it is.
Mr. ROGERS. Regular order.
Mr. MCCOMAS. The gentleman says he proposes to restore the duty as it is now.
Mr. MILLS. That is what is proposed. I move to strike out the three lines and leave the law as it is.
Mr. MCCOMAS. On that statement I withdraw the point of no quorum.
Mr. MILLS's motion to close debate in ten minutes was then agreed to.
The question recurred on the motion that the House resolve itself into Committee of the Whole on the state of the Union.
The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.
The CHAIRMAN. The House resumes the consideration of the pending bill. By order of the House all debate on this paragraph of the bill and all amendments thereto is limited to ten minutes.
Mr. MILLS. I ask that the amendment be adopted without debate.
Mr. MCCOMAS. That is right.
The CHAIRMAN. The Clerk will report the pending amendment, which takes precedence.
The Clerk read as follows:
In line 16 strike out "10 per cent. ad valorem" and insert "10 cents per hundred pounds."
The question was taken; and on a division there were—ayes 63, noes 83.
So the amendment was rejected.
The motion of Mr. MILLS to strike out the lines was then agreed to.
Mr. MILLS. In section 2, page 8, I move to strike out the date "July," in line 1 of that section, and insert "October."
The amendment was adopted.
Mr. FARQUHAR. I desire to ask a question for information. What is the status of line 167, on page 8?
The CHAIRMAN. It was stricken from the bill.
Mr. FARQUHAR. I think if the RECORD is carefully examined it will show that no legislation was taken to strike it out.
The CHAIRMAN. The Clerk's minutes show that this line was stricken out.
Mr. FARQUHAR. I know it was agreed to; but upon the RECORD there is nothing to show that it was stricken out.
The CHAIRMAN. The Chair will repeat that the minutes of the Clerk will show that it was stricken out. That of course guides the Chair in the matter and also in the making of the report. It is out of the amended bill.
The Clerk will read the next clause.
Mr. FARQUHAR. I simply say that there was no vote taken, as shown by the RECORD. Judge WILSON, I recollect, was on the floor at the time, but you will find in the CONGRESSIONAL RECORD that there was no action whatever taken upon it.
The CHAIRMAN. It is possible that there may be a mistake in the RECORD in that respect, but the Chair has a positive recollection that it was stricken out.
Mr. MILLS. So have I.
Mr. WILSON, of Minnesota. Whatever the RECORD may show, I remember distinctly that it was voted upon.
The CHAIRMAN. The Clerk will report the next paragraph which was passed over.
The Clerk read as follows:
China, porcelain, parian, and bisque, earthen, stone, or crockery ware composed of earthy or mineral substance, including plaques, ornaments, charms, vases, and statuettes, painted, printed, enameled, or gilded, or otherwise decorated in any manner, 45 per cent. ad valorem.
China, porcelain, parian, and bisque ware not decorated in any manner, 40 per cent. ad valorem.
White granite, common ware, plain white or cream colored, lustered or printed under glaze in a single color; sponged, dipped, or edged ware, 35 per cent. ad valorem.
Brown earthenware, common stoneware, gas-retorts, and roofing tiles, not specially enumerated or provided for, and not decorated in any manner, 20 per cent. ad valorem.
All other earthen, stone, and crockery ware, white, colored, or bisque, composed of earthy or mineral substances, not specially enumerated or provided for in this act, and not decorated in any manner, 35 per cent. ad valorem.
Mr. BYNUM. On page 12, line 80, I move to strike out "forty-five" and insert "fifty;" so that it will read "50 per cent. ad valorem."
Mr. BUCHANAN. I suppose it will be in order to move to strike out the whole paragraph?
The CHAIRMAN. The amendments to the paragraph will take precedence of the motion to strike out.
Mr. BUCHANAN. This is the pottery schedule, and I would like to make this statement:
There are five paragraphs which together constitute the schedule, and I would like to ask that they may be considered together, and that I be allowed twenty minutes or twenty-five minutes, five minutes on each, for discussion. But I would like to move to strike out all of the five and have a vote upon that proposition as an entirety.
The CHAIRMAN. The gentleman from New Jersey asks that the lines of this bill from 76 to 94, inclusive, be considered as one paragraph and he be allowed to address the committee for twenty minutes on this paragraph. Is there objection?
Mr. BYNUM. The gentleman from Arkansas [Mr. BRECKINRIDGE] wishes to offer an amendment preceding the amendment which I have submitted, and I therefore withhold that for the present.
The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?
There was no objection.
Mr. MILLS. There is another amendment to be offered by the gentleman from Arkansas.
The CHAIRMAN. The first question is on the amendment of the gentleman from Indiana, to strike out, in line 80, "forty-five" and insert "fifty."
Mr. BRECKINRIDGE, of Arkansas. But before that I wish to offer an amendment.
The CHAIRMAN. The gentleman will send it to the desk.
The Clerk read as follows:
On page 10, after line 47, insert:
"Paris green, 12½ per cent. ad valorem."
Mr. MILLS. Let us have a vote.
Mr. WARNER. I rise to enter a formal objection.
The CHAIRMAN. Does the gentleman oppose the amendment?
Mr. WARNER. I shall occupy but a moment's time.
The CHAIRMAN. Well, then, will the gentleman permit the vote to be taken and occupy the time on the next paragraph?
Mr. WARNER. I shall take but a few moments.
While my colleague from Missouri [Mr. BLAND] was upon the floor I asked him a question; the gentleman's answer intimated that my question misrepresented what he had said in this House as reported in the RECORD of June 10; certain it is that I do not wish to misrepresent in the slightest the position of the gentleman, as I think he well understands—I recognize the leading position he holds in the councils of his party and in the Missouri delegation.
The question I asked was, in substance, if he did not, in his remarks of June 9, say that he was here for the purpose of taking the duty off lead and off everything that he could.
Mr. BLAND. Will my colleague yield to me a moment?
Mr. WARNER. Certainly, with pleasure.
Mr. BLAND. How much time do you propose to take?
Mr. WARNER. Not more than two minutes.
Mr. BLAND. Let my speech be read. [Laughter.] The gentleman undertook to make me say on this floor that I was in favor of putting everything on the free-list and going for free trade. I said in the speech to which my colleague has reference that I was here to reduce the taxes, to take them off the people, and that for that purpose I would vote for free lead or free anything else; but the gentleman undertook to make me say that I wanted the tariff taken off everything.
Mr. WARNER. I have yielded to the gentleman nearly one-half of my time——
Mr. MILLS. I hope these gentlemen will settle this difference elsewhere. Our friends on both sides are very impatient to have a vote.
Mr. WARNER. I believe I have the floor, Mr. Chairman.
Mr. MILLS. I understand that. I am just appealing to the gentlemen.
Mr. WARNER. I will not occupy much time. On page 5490 of the RECORD of June 10, where the speech of my colleague is reported, I find that he said——
Mr. BLAND. Read the whole speech. [Laughter.]
Mr. WARNER. Wait a moment; be patient. The gentleman said what I now read:
I am not here for the purpose of voting for a tariff on lead, or a tariff on flax, or a tariff on anything, but I am here to get the tariff off everything I can.
That sentence is complete within itself. Does the gentleman stand by that declaration to-day?
Mr. BLAND. I have asked the gentleman to have my speech read in which I said that I stood here to reduce taxation.
Mr. WARNER. Does the gentleman stand by what I have just read? I challenge him for an answer.

Mr. BLAND. And I challenge the gentleman to read my whole speech. [Laughter.]

Mr. WARNER. I say, Mr. Chairman, that the declaration of my colleague in his speech of last June is free trade pure and simple, without a single qualification. That is a sentence, the enunciation of a principle, which the RECORD shows was applauded upon the other side of this Chamber. The majority of this House indorsed it. There was no qualification. When it was applauded there was only the simple, naked declaration which I have given; no addition, no word of explanation, no word qualifying it in the least; no word about the surplus, no word about taxation; it was a bold free-trade declaration, and yet, sir, on the 9th of last month your colleagues [addressing Mr. BLAND] applauded it.

After the applause the gentleman went on to say:

We have to-day, sir, in this country a taxing system that is robbing the tax-producer and every one else.

Not satisfied with stating that it robbed the tax-producer, my colleague gave the wings of his imagination full play and stated that everything else, including the dwellers in the uttermost parts of the earth, were robbed by our "taxing system."

I come to the "combine" part of my colleague's speech, for I wish to do the gentleman justice. [Laughter.] He said:

I am in a combine for the purpose of reducing taxes——

Mr. BLAND. That is it.

Mr. WARNER. Oh, that is a separate statement, separated by several sentences from the statement I have already read. My colleague said—wait until I read the entire sentence:

I am in a combine for the purpose of reducing taxes, and I will vote for a bill with free lead or free anything else in it to accomplish that purpose.

The gentleman was indiscriminate in his statement. He was for free lead, he was for free wool, he was for free anything in the world, without distinction or limitation.

The gentleman in his utterances was as a man blinded with passion and prejudice in his wild delirium, striking indiscriminately at every industry fostered by our American system of protection. He is in a combine against every protected industry. To accomplish the purpose of the combine he announces his willingness to "vote for a bill with free lead or free anything."

Mr. DINGLEY. Except the tax on sugar. [Laughter.]

Mr. BLAND. No; I did not except anything at all. When the gentleman [Mr. WARNER] reads the speech he shows that he was trying to misrepresent me, and he has read enough already to show that.

Mr. WARNER. My colleague's own language I have given. At the same time he was asked if he would vote for free lead. His answer was:

I will vote for it if it is in this bill.

[Laughter.]

Mr. BLAND. Well, I say so now; and you will not vote for it because you are the agent of the monopolies that oppress the people.

Mr. WARNER. Oh, the lead industry in Missouri is a monopoly, is it? Are the lead-miners of Missouri robbing the people? Does the gentleman envy them the wages they receive? It would be well for him to turn the efforts of his combine against something else. This combine means to throttle home industries that those of England may prosper. It means lower wages to the American wage-worker. It means lower prices for the product of the farm. It is a combine against American labor, American industries. As far as the effect of this "combine" on Missouri and her industries is concerned I might truthfully say to my colleague—

You with her foes combine,
And seem her destruction to design.

[Applause.]

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. I move that the committee now rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the tariff bill, a bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue; and pending that I move that all debate on the pending paragraph and the amendments thereto be closed in one minute. I will say to the gentleman from New Jersey [Mr. BUCHANAN] that this does not include his amendment. I am going to give him twenty minutes.

Mr. BUCHANAN. I understand that the gentleman's motion refers to the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE].

The motion of Mr. MILLS was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments thereto is limited to one minute. The Clerk will report the amendment.

The Clerk read as follows:

After line 47 insert, "Paris green 12½ per cent. ad valorem."

The amendment was agreed to.

The CHAIRMAN. The committee will now recur to the amendment of the gentleman from Indiana [Mr. BYNUM], which will be reported.

The Clerk read as follows:

In line 80, page 12, strike out "forty-five" and insert "fifty."

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Pages 11 and 12, strike out lines 76 to 94 inclusive, and in lieu thereof insert:

"Brown earthenware, common stoneware, gas-retorts, and stoneware not ornamented, 25 per cent. ad valorem.

"China, porcelain, parian, and bisque, earthen, stone, and crockery ware, including plaques, ornaments, charms, vases, and statuettes, painted, printed, or gilded, or otherwise decorated or ornamented in any manner, 60 per cent. ad valorem.

"China, porcelain, parian, and bisque ware, plain white, and not ornamented or decorated in any manner, 55 per cent. ad valorem.

"All other earthen, stone, and crockery ware, white, glazed, or edged, composed of earthy or mineral substances, not especially enumerated or provided for in this act, 55 per cent. ad valorem."

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. BYNUM] takes precedence of that of the gentleman from New Jersey, as it is an amendment to perfect the text. If there be no objection, the amendment of the gentleman from Indiana [Mr. BYNUM] will be considered as agreed to.

There was no objection.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New Jersey, to strike out all of the lines indicated and insert what has been read. Under the order previously made by the committee, the gentleman from New Jersey [Mr. BUCHANAN] is now entitled to be heard for twenty minutes.

Mr. BUCHANAN. Mr. Chairman, the pending motion is practically to strike out of the proposed bill:

China, porcelain, parian, and bisque, earthen, stone, or crockery ware composed of earthy or mineral substance, including plaques, ornaments, charms, vases, and statuettes, painted, printed, enameled, or gilded, or otherwise decorated in any manner, 45 per cent. ad valorem.

China, porcelain, parian, and bisque ware not decorated in any manner, 40 per cent. ad valorem.

White granite, common ware, plain white or cream-colored, lustered or printed under glaze in a single color; sponged, dipped, or edged ware, 35 per cent. ad valorem.

All other earthen, stone, and crockery ware, white, colored, or bisque, composed of earthy or mineral substances, not specially enumerated or provided for in this act, and not decorated in any manner, 35 per cent. ad valorem.

And in lieu thereof insert the following:

China, porcelain, parian, and bisque, earthen, stone, and crockery ware, including plaques, ornaments, charms, vases, and statuettes, painted, printed, or gilded, or otherwise decorated or ornamented in any manner, 60 per cent. ad valorem.

China, porcelain, parian, and bisque ware, plain white, and not ornamented or decorated in any manner, 55 per cent. ad valorem.

All other earthen, stone, and crockerey ware, white, glazed, or edged, composed of eathy or mineral substances, not specially enumerated or provided for in this act, 55 per cent. ad valorem.

These latter words being taken from the law as it now stands. Perhaps in no one part of this so-called "Mills bill" is there to be found shrewder work done by the enemies of home industry than in the schedule relating to earthenware. Not only is there a reduction much larger than the average in the rate, but by an ingenious reclassification the reduction is made in fact much greater than it would be by the change in rate alone. For example, in the old law two separate classes were made.

In the proposed law these classes are divided into three. So, too, lustered and underglaze print ware (in one color) are taken from the higher class and put in the very lowest class, along with "common ware and plain white."

For the operation of lustering or of printing no allowance whatever is made. These examples are sufficient to show even those who know nothing about the art of pottery, that the reclassification in this bill results, as I have said, in a practical reduction far beyond the reduction in rate alone.

This schedule shows the mark of an ingenious hand, and an ingenious hand was engaged in its preparation. Whatever member of the Ways and Means Committee may have written the actual words in this part of the bill, I charge, here and now, that the matter and ideas as to classification were furnished by a Boston importer. Of course the lower he can get the rate the more goods he can bring in, and what matters it to him if he fill his pockets with profits on foreign-made goods whether our own factories fill up with unbought goods or not.

The whole philosophy of this bill seems to be that it is better to still further enrich the "swell-front" importer of Boston, or the Fifth avenue "brown-stone front" importer of New York, than to so legislate as to secure employment to our own labor here at home. The consumption of crockery is at a practically fixed rate, and the more there is brought into this country from abroad, the less can be sold of the home product. The consumption of crockery yearly in the United States is from $10,000,000 to $12,000,000. At the present time about

one-half of this is produced in this country, and about one-half imported.

If we so legislate as that three-fourths will be imported, it follows that we will have but one-fourth of the market left for us to supply instead of one-half, and our production, for want of a market, must be reduced 50 per cent. That such a result is eagerly hoped for across the ocean, from the passage of this bill, is apparent. I read from a recent issue of the Pottery Gazette (England). Speaking of the prospects of the English manufacturers, that paper says:

American merchants, by the way, are said to be holding back orders just now on account of the proposed alteration in the tariff. If this is so, stocks will soon decrease, and should the duty be reduced 15 per cent., as it is proposed, then those directly in that trade will have good times to report.

It will be noted that this paper speaks of the proposed reduction as being 15 per cent. Even with that it hopes for good times for those in the American trade. With an actual reduction, as I have shown this bill proposes, of nearly one-half its hopes must rise correspondingly.

Why, even the bare introduction of this bill has had a most harmful effect upon the home production. Our potters do not sell to any great extent to the jobbers. They prefer to sell direct to the retailers, and thus bring producer and consumer one degree nearer together and dispense with all intermediate commissions, storage, and other charges. This necessitates the keeping on hand at all times of a large stock from which to fill the varied orders as they come in.

The agitation about this bill has caused a great falling off in orders, and stocks have accumulated until the warerooms are overcrowded and production is being limited more and more, and consequently employment ceases. I select the following as a sample of its effects in my own city:

The editor of the State Gazette a few days ago addressed the following note to a number of the leading manufacturers of the city:

"DEAR SIR: Please inform me, at your earliest convenience, what effect the tariff agitation and the threatened passage of the Mills bill are having upon your business."

The following answers have been received among others:

"THE POTTERY TRADE PARALYZED.

"UNION POTTERY COMPANY, *Trenton, May* 21, 1888.

"DEAR SIR: The tariff agitation this spring has, in our judgment, unsettled the crockery trade to the extent of decreasing sales from 30 to 40 per cent. as compared with last year. The orders given are in the main only for necessities.

"I have not known as dull a spring business in ten years. We have authentic information from Staffordshire, England, that a jubilant feeling prevails in the potteries over the expected passage of the Mills bill, and brilliant promises are made to employés by manufacturers after its passage.

"Yours, etc.,

"UNION POTTERY COMPANY,
"JAMES G. LEE, *President.*

"WILLIAM CLOKE, *Editor State Gazette.*"

The following is from the mayor of my city:

[Empire Pottery, Alpaugh & Magowan, proprietors.]

Replying to your inquiry, what effect the tariff agitation and threatened passage of Mills bill has upon our business, I will say it has decreased sales about 25 per cent. We have not produced as many goods this year as formerly, but our stock has accumulated to such an extent that we have no more room for storage, and we will be obliged soon to shut down our works and throw out of employment hundreds of men, women, and children.

This will be the first time during my connection with the pottery business that we are obliged to close our works at this time of the year. No use trying to sell the goods. Buyers all over the country tell the same story—that they will wait until Congress takes a vote on the Mills bill, "for if it passes," they say, "we will buy crockery of American manufacture at 25 per cent. less prices, or imported goods for still less money."

FRANK A. MAGOWAN.

While these buyers are in fact mistaken, as the history of the pottery trade shows, in supposing they will be able to buy foreign goods cheaper after legislation has closed our home factories and so home competition will have been crushed out, the fact remains that they are waiting the progress of events.

The following is from a former member of this House, personally known to many of you as a gentleman thoroughly informed as to the pottery trade in all its aspects:

OTT & BREWER COMPANY, *Trenton, May* 25, 1888.

MR. EDITOR: In reply to your inquiry about the effect of the agitation over the Mills bill upon the pottery trade, I will say that business is very dull and our customers all agree that it is in consequence of this agitation. Capital is sensitive, and the uncertainty of the present situation has a very depressing effect.

OTT & BREWER COMPANY,
J. H. BREWER, *President.*

Next to Trenton, East Liverpool, Ohio, is the largest producing point in pottery in the United States. From thence comes one consensus of opinion as to the effect of this agitation.

An East Liverpool, Ohio, dispatch to the Cleveland Plaindealer of recent date says:

"When calling upon Goodwin Bros., Mr. James Goodwin, the senior member, who had just returned from the post-office, showed me his mail, consisting of one letter, and said the orders this week consisted of two assorted packages. For the last month orders have been gradually dropping off until he had been compelled to close down. The reason is because the trade consists largely of jobbing trade, and in view of the pending Mills bill they are holding off to await developments, for its passage will mean cheaper foreign goods, which can be met only by reducing labor, as they now pay 125 per cent. more wages than the English. He said, 'Give us the English rate of wages and they may take off all the duty on crockery.'

"In conclusion Mr. Goodwin stated: 'Our order-books are open for inspection by any one, and to-day show three orders, or about three casks. One hundred and fifty hands are unemployed. During the past year we have torn down some old frame buildings that have stood for twenty years and have put up brick instead, but it was simply a question of tearing down or falling down.'

"William Brunt, Son & Co. were next seen and report a large falling off of orders the past month. They said, 'Allow us to pay English prices to our men and we want no tariff.

"George S. Harker & Co. being called upon, said: 'We have no orders at all, and are only running in order to assort up our stock.' Will Harker, of this firm, showed a letter from a large Western jobber, who stated that the reason he was not handling more goods was that he wanted to see the fate of the Mills bill, and would allow his stock to run down until then, as he would be able to buy English goods much cheaper if it passed.

"Wallace & Chetwynd reported orders were very slack and gradually falling off.

"Cartwright Brothers declared that their orders were getting scarcer every day. Knowles, Taylor & Knowles report that they are running at half capacity now, although trade was good in the early part of the year. The contracts for the new building were let last year, otherwise they would not build. Homer Laughlin says that if it were not for the orders contracted for last year, they would have shut down. Vodrey Brothers report very few orders, and said the jobbers were waiting the result of the Mills bill."

The manufacture of pottery has peculiarities all its own, and I doubt if there are five men in this House who have the remotest idea in relation to the processes employed. I have not time to speak of them in detail, but can only advert to a few of the leading features:

First. It is one of the most ancient of arts. In a recent speech in my city by Mr. John D. McCormack (himself a potter, working at the wheel, welcoming the annual convention of the Operative Potters, he said:

The ancient and venerable potters' art, in which we are engaged, is the oldest and most honorable art known to history. It was old when the Crusaders went forth to battle in defense of their firesides and of European civilization against the code of Mohammed in 1098 A. D. It was old when Jesus of Nazareth came and died to redeem mankind. It was old when Julius Cæsar was born, in the year 96 B. C. It was old when Rome was built, 753 years B. C. It was old when Solomon's Temple was built, 1,000 years B. C. It was old when Moses delivered the Israelites from Egyptian bondage, 1487 B. C. It was old when the Tower of Babel was commenced, 2230 B. C. It was old when the pyramids of Egypt were built. It was old when the ark of Noah floated upon the turbulent waters of the flood and preserved the human race from complete destruction, 2,464 years B. C. It is older than the Old Testament itself.

Second. The art is one which must always from its nature be carried on by hand labor. In some of the coarser lines of goods machinery may be employed to press or fashion into shape; some improvements in reducing the flints and spars to powder have been made, and some machinery has been introduced to mix and dry the materials (I am talking with as few technical terms as possible); but, after all, the potter's wheel as spoken of by the Prophet Jeremiah and as painted in the tombs of the Pharoahs is in use to-day. There seems to be a delicacy and fineness of touch of the human hand which responds to the nature of the material which no inanimate machine can equal.

Third. The processes are many and difficult, and great wastage occurs at every step. After all the time and labor expended in mining and washing the clays, in mining, calcining, and grinding to powder the flint and the spar (and it is labor and expense every step of the way), these materials must be tested, mixed, dried, and prepared for the wheel or the mold. Take a common, white, undecorated dinner plate. From the time it leaves the hand of the workman who shapes it until it is packed ready for shipment it is handled more than a score of separate times by hand labor.

At every stage of its progress a percentage of breakage occurs, and this is a total loss. Into the drying-room and out of the drying-room; into the kiln shed; thence into the saggers in which it is burned; thence through the fervent heat of the kiln; out of the kiln to the dipping-room; through the dipping-tub again to the kiln shed, the sagger, and the heat of the kiln; from the kiln to those who inspect and assort; to the wareroom; thence to the packing shed; into the package—at every handling, labor must be expended and loss occurs, not the loss of the material simply but of the labor previously expended upon the piece. Six hundred years before the time of our Saviour the Prophet Jeremiah wrote:

The word which came to Jeremiah from the Lord, saying, Arise and go down to the potter's house—

[Derisive applause on the Democratic side.]

I am glad gentlemen over there applaud Jeremiah; he is good authority. I presume they hear of him now for the first time. [Laughter on the Republican side.]

and there I will cause thee to hear my words. Then I went down to the potter's house, and behold, he wrought a work on the wheels; and the vessel that he made of clay was marred in the hand of the potter, so he made it again another vessel as seemed good to the potter to make it. (Jeremiah XVIII, 1-6.)

Or, as the Douay version tersely puts it:

And the vessel was broken which he was making of clay with his hands; and turning, he made another vessel as it seemed good in his eyes to make it.

Take a more artistic and highly finished piece of ware. Here is a cup. It is not made for use, but for ornament, though it can be used. See these raised decorations of metal. They are laid on a smooth surface by repeated applications of the brush—built up as it were. This cup has been in the kiln eight separate times. It has been handled between fifty and one hundred separate times.

At the last moment, when placed on the shelf to await packing for shipment, this flaw was noticed. Had it been perfect with its saucer it would have been worth in the packing-room $4.50. As it is, it is worthless for purposes of sale. Take this vase, made in the same way.

It is worth $12. The handles are of open work. At the last firing its mate was ruined. Thus I have given examples from the plainest ware and the most costly—that which is used every day and that which is only and solely for ornament. A broken plate or cup or vase is total loss of material and all the labor from the clay pit or quarry to the place of breakage.

Fourth. This labor is not common drudgery, which simply lifts or strikes or guides. The potter is in the true sense an artist. Look at the thousand forms of beauty and grace he designs and shapes. Look at the rich decorations with which he covers plate and cup and vase. Observe the fineness of the drawing, the harmony of color, and the rich and tasteful effects of the whole. This labor is more valuable than the labor merely of muscle and sinew. It demands more and should receive more. It is the labor of intelligent men. Take the speech of Mr. McCormack, from which I have quoted, and no gentleman on this floor would be unwilling to be accounted its author. When, the past winter, a member of the British Parliament visited my city, the address of welcome was made by an operative potter.

John O'Neil, another operative potter, and president of their national union, speaking of the aims of that order, says:

For the edification of those not familiar with the order, it is proper for us to state that we have three objects at heart—the first is the maintenance of a fair rate of wages; the second, the encouragement of good workmen; and third, the elevation of the operative potter in the social scale of life and the advancement of the art.

Could any gentleman here put it better?

A daily paper, speaking of the meeting of the union, says of these workingmen:

The potters that assembled in convention here were a fine-looking body of men, active, intelligent, and bearing the marks of prosperity.

A working potter represents the district in which I reside in our State Legislature. Two, at least, are in our city council, and a very large proportion own the houses they live in.

Mr. Chairman, these are the people this bill strikes at. These are the men and women whose wages you would reduce. These are the honest, intelligent citizens whose interests you would imperil.

Even under the law as it now stands the importations of crockery are increasing. The importations of crockery into the United States for the eleven months ending May 31, 1887, were $5,148,219. In the eleven months ending May 31, 1888, they were $5,847,088, an increase of $698,879. Every plate, every saucer, every cup so imported could have been made here, and by its coming supplanted a plate, a saucer, a cup which an American workman could and would have made. If the importations continue at this rate the remaining month to be reported, the imports for the year ending June 30, 1888, will be $6,334,345. For 1887 it was $5,716,927.

While pottery is an ancient art, it is in its exercise here new. I am speaking, of course, exclusively of the white-ware production. In 1860 there was, practically, no white or decorated ware produced here. It was the common-yellow ware. To-day one-half of all the pottery sold in the United States is made here. In the older countries where the material beds have been resorted to for centuries their working qualities are well known. Here we are compelled to resort constantly to new deposits, the working of which can only be ascertained by experiment. Want of knowledge of the working qualities of our materials at first resulted in deficient wares, and a prejudice against them grew up which it has taken years of effort and careful experiment and has cost much expenditure of money to surmount. But in spite of all drawbacks our people have persevered, until now we make as fine goods as the world can produce.

We have in our city four banks. I have here a letter from the cashier of one of these banks, in which he gives the amount of money paid out the past year by that bank on pay-roll checks for the potteries having accounts at that bank at the sum of $1,096,316, or the sum of $21,083 per week.

I have not the exact data from the other banks, but have sufficient to show that the annual payment of wages in this one branch in my city alone is nearly or quite $3,000,000.

These are the workmen, this is the interest you would crush. At whose behest? It is well known that an importer from Boston took a leading part in suggesting this portion of the Mills bill.

By samples he furnished and information he gave this reclassification was framed, without any opportunity given to the producers to cross-examine him as to his allegations, and how are you passing this bill? You listen to no arguments. While the facts are being brought out which demonstrate the injurious effect the bill will have on the workingmen of the country you retire to the cloak-rooms to smoke your cigars and tell yarns, only to rush out and vote when the signal is given, and the gentleman from Texas [Mr. MILLS] throws his arms up in the air and cries "all up." Oh, it will soon be "all up" with him if he perseveres. I clip the following from the Philadelphia Press of March 20 last:

FREE-TRADERS FEASTING.—THE FATHER OF THE MILLS TARIFF BILL BANQUETS THE DEMOCRATIC MEMBERS.

WASHINGTON, *March* 21 (special).

A distinguished company sat down to dinner at Chamberlain's this evening. The host was Mr. "Parsee" Moore, who came to this country some years ago as the agent of a firm of English manufacturers and succeeded so well that, if he did not actually write the President's last message, he certainly held the ink bottle, and did it so well that he was the one expert consulted by the Democratic members of the Ways and Means Committee when they set to work to frame a tariff.

It is quite well understood that he is the real author of the bill promulgated under the *nom de plume* of ROGER Q. MILLS, and nobody can dispute the fitness of his giving a dinner to-night to celebrate its getting through the committee. Besides, Mr. MILLS has to make a report on the bill now, and Mr. Moore had to tell him what to say. His guests this evening were Speaker CARLISLE and the Democratic members of the Ways and Means Committee.

The feast was of the fattest and the finest, and the whole affair passed off with great éclat. Many of the viands were American products, but Mr. Moore's assurance that the cook was imported removed all objection. The bill of fare was ornately printed in French, and as Mr. MILLS took up the consideration of it section by section, without the least notion of what it all meant, it reminded him so forcibly of the proceedings in the tariff bill that he startled the waiters by moving to save time by adopting it as a whole.

I presume the account is somewhat colored, but that the feast did take place there is no doubt. Sir, these gentlemen may feast now; to-day they are voting; but the workingman is reading and thinking and he will have his turn by and by. Well do I remember a scene a few years ago in the room of the Committee on Ways and Means, when an iron-worker was pleading in vain with a member of that committee to amend his bill. He received scant courtesy, and finally, drawing his form to his full height, his eye lighted with the fire of defiance, he said in earnest tones: "Well, sir, we make Congressmen, and if we can not get our rights here we will get them elsewhere;" and the warning was, in that instance, not an idle one.

That this reduction proposed in this bill will seriously affect this industry can not be successfully denied. Lustered ware, and under glaze print in a single color suffer, as already shown, a reduction of nearly one-half. All the finer ware of at least one-fourth, and plain white almost two-fifths. Any one at all familiar with the industry will know that these extensive reductions will wipe out all possible margin over cost of production and beside cut into such cost, including wages and very seriously so. Capital will not be likely to continue to produce at a loss, and, so if production continues under the terms imposed by this bill, this lost margin as well as any profit upon production must be made up by a reduction in the present cost of production.

For whose benefit and at whose request is this reduction to be made? The consumers do not ask it. I have failed to hear of one petition from them for it. I have the protest of thousands against it. The importer no doubt wants it; for the sake of the profit he makes in handling the goods he is willing that the nation should send its gold abroad to buy what we ought to make at home. The foreign manufacturer wants it. He wants to empty his overloaded shelves on our market. He has his resident agent here, to whom he invoices the goods at any figure he chooses, and who is now intently watching the progress of this bill.

In behalf of the men of enterprise, energy, and courage who have put years of hardest thought and toil into the task of making this industry a success here, and whose business energy and judgment have been the occasion of employment to so many of our people, I plead for my amendment.

In behalf of this labor, working as some of it must in damp clay and mixing rooms; working as some of it does in the flying dust of the pressers' room, and contracting as it often does the "potter's asthma;" working as some of it does in the dipping room, and exposed to the horrors of lead poisoning—deserving as it all is, I plead for my amendment.

In behalf of my city, whose prosperity has been so enhanced by the existence in its midst of this interest, whose trade is enlivened by this constant stream of wages percolating through all the channels of business, as it is expended for the necessaries and comforts of life, and whose population has received such an addition of industrious, intelligent, useful citizens, I plead for my amendment.

In behalf of my country, whose welfare depends upon the continued existence in her borders of a contented, well-paid wage-earning people, whose interests are best conserved as she reaches the position of producing within her own bounds all she needs to use, and whose people are second to none in their ability to produce anything the wit of man can devise or the wants of the world may require, I plead for my amendment.

[During the delivery of the foregoing remarks, when twenty minutes had expired, unanimous consent was granted, on motion of Mr. BURROWS, that Mr. BUCHANAN be allowed five minutes additional to conclude his remarks.]

Mr. WILSON, of West Virginia. Mr. Chairman, the gentleman from New Jersey [Mr. BUCHANAN] has made such an excursion into ancient history, going back to the days of Jeremiah the Prophet, that he has had no time to examine the bill upon which he has spoken. The assertions he has made as to the effect of the bill and as to its details can not be sustained by any reference to the bill itself.

And, Mr. Chairman, I would suggest to the gentleman that it might occur to some people that an industry as old as he represents this one to be should appoint some time when it would cease to ask bounties and subsidies for its support at the hands of the tax-payers of the country.

Mr. BUCHANAN. When wages and other conditions are even the world over; that is the time.

Mr. WILSON, of West Virginia. Let me say to the gentleman that the rates of duty imposed in these schedules will pay all the wages given to the workmen in New Jersey or elsewhere engaged in the production of pottery.

Now, Mr. Chairman, I make the assertion here, after some study of this pottery schedule and some time spent in its preparation, that in point of fact, with the exception of a reduction in a single class, it operates no real reduction in the present rates on pottery. In the tariff provision of 1883, when Congress repealed the duty on coverings and crates, it was stated by Mr. MORRILL that it was equivalent to 10 per cent., and the repeal was made the excuse for a like advance in the rates of the pottery schedule.

The gentleman from New Jersey, if he had been accurately informed as to the provisions of this bill and had been as desirous of making a speech which would give the House correct information as he was of bringing up past history and the lamentations of Jeremiah, would have told the committee that this bill restores the duty on crates and coverings; he would also have told the committee, as in fairness he should have done, that this bill takes from the importer the drawback heretofore allowed for damage to pottery imported into this country.

There are two substantial advantages, each one of which operates an increase of protection on pottery, which are kept entirely out of view by the gentleman from New Jersey, if indeed he was at all aware of them. Moreover, Mr. Chairman, if the gentleman from New Jersey had looked a little deeper into this matter, and read the report of the Secretary of the Treasury on the "Collection of Duties," made to Congress in 1885, he would have found that the pottery schedule is one in which undervaluations are most marked, and that Treasury special agents at both New York and Boston, whose reports are contained in this volume, go so far as to estimate that undervaluation as high as 10 per cent., or even 20 per cent.

We offer here in this bill the best that could be accomplished by the efforts of three successive Secretaries of the Treasury engaged in the administration of this law, by the work of our late eminent colleague, Mr. Hewitt, and by the work of our own committee to prevent these undervaluations in the future.

So, Mr. Chairman, the fact is as I stated in the beginning, there is a seeming but scarcely any real reduction proposed in this pottery schedule, except in the common class of pottery, which, through some error in the revision of 1883, was jumped up into the 60 per cent. class.

Mr. BUCHANAN. Will the gentleman be kind enough to state to the House what the packages are? Are they not old hogsheads or crates?

Mr. WILSON, of West Virginia. I answer by asking that the letter I send up to the Clerk be read.

The Clerk read as follows:

NEW YORK, *June*, 1888.

DEAR SIR: Permit me to ask your attention to the following actual transaction, as exemplifying the increased duty which would be levied upon plain white and decorated earthenware, if such were assessed in the cost of crates in addition to that now paid upon the goods only:

I imported 484 crates of earthenware April 3, 1888, ex steamer Duke of Buckingham, at Newport News, Va., paying duty thereon as follows:

261 crates plain white, value $7,513.51, at 55 per cent	$4,132.43
223 crates decorated, value $10,970.71, at 60 per cent	6,582.43
Total duty paid	10,714.86

With the cost of crates added I would be assessed on 261 crates plain white, value $8,542.35, at 55 per cent., $4,698.28, or 68.7 per cent., additional 13.7 per cent.; 223 crates decorated, value $11,867.46, at 60 per cent., $7,120.47, or 68⅛ per cent., additional 8⅛ per cent. All these figures can be verified by reference to my entry on file at Newport News.

Were your bill passed as originally introduced, the reduction from present rates would only be on plain white, 6.3 per cent.; on decorated, 6⅜ per cent.

The importation specified is a fair and impartial example, and the result is correct and unprejudiced.

Respectfully,

THOMAS H. TAYLOR.

Hon. R. Q. MILLS,
Chairman Ways and Means Committee, Washington.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BUCHANAN. I am not surprised they have that kind of information, and I challenge it here and now.

Mr. GOFF. Mr. Chairman, my colleague submits in his remarks that this bill throughout makes no reduction of import duty so far as this whole schedule is concerned. My colleague is not correct in that particular. We have an extraordinary statement submitted to the House by the Committee on Ways and Means relative to the reductions proposed by this bill. My colleague, I judge from his remarks, took part in the preparation of this statement and I infer from what he has said he had the preparation of this schedule. He tells us so far as this schedule is concerned there is to be no reduction, and I find by the statement submitted to the country there is reduction so far as chinaware is concerned from $2,565,000 to $1,223,000 import duties.

That is the estimate of the Committee on Ways and Means on this isolated item, and yet we are told by that committee that the bill we are now debating on this schedule makes no reduction.

I have cited one instance. We also find in reference to earthenware and stone and crockery, the Committee on Ways and Means find under the present import duty the revenue amounts to $576,328.96, and they estimate the reduction in this particular item alone will be $187,755.99. And so on all through this schedule. But I have not time to take up all the items one by one.

So we see that there is reduction and a very material reduction. I will not say the Committee on Ways and Means did not take into consideration the very questions which the gentleman alluded to a moment ago when he said the matter of packing had not been considered by the gentleman from New Jersey. Surely the members of the Committee on Ways and Means did not omit that very important item.

This is a most important reduction made here and all through this bill. Whatever my friends on the other side may claim, I say that the statistics of the country, I say that the reports of our consuls in foreign lands, I say the pay-rolls of our factories demonstrate beyond all question that the labor of this country is paid 100 per cent. more than the labor in any other country in this particular industry.

Seventy-five per cent. has been conceded in former discussions on this schedule; and yet we are told now that the reduction is not material. And my friend facetiously and eloquently alludes to the "age" of this industry. It may be that it has reached a mature age in foreign lands, where these articles are manufactured that are now to flood this land in competition with those made by our own people. I concede that. But it is against those established and ancient industries that we ask protection.

Nobody knows better than my colleague that this industry has not been protected in this country twenty years. He knows it well. He knows that in his own State the industry is now prosperous, but can not afford the reduction which is proposed, and that it is only within fifteen years that it has been successfully established there. And my colleague knows also that the men who toil in this industry there and are making that young State what it is, receive 80 per cent. more than the wages of those who labor in the Old World, and with whom he is so anxious to invite this competition. [Applause on the Republican side.]

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. WILSON, of West Virginia. I renew it.

My colleague has misunderstood the point in controversy between myself and the gentleman from New Jersey. I made no reference to the reduction of the revenue; that was not a point to which my attention was at all directed, but it was in reference to the reduction of the protection that I was speaking. I made the assertion then, and I repeat it, that with the exception of the common grade of pottery, which ought never to have been put into the highest schedule—that grade of pottery which is used by the poor people of the country, and in the manufacture of which no special skill is required—with that exception the reductions made in this schedule, when taken in connection with the items I mentioned, will diminish very slightly, if at all, the existing rates upon pottery in this country.

And so far as the difference of labor in the United States and in Europe is concerned, I would be perfectly willing, for the sake of argument, to accept the figures given by my colleague. I would agree for the sake of the argument what I would not agree to as a fact, that wages here are 100 per cent. greater in this industry than in Staffordshire, England; still the rates of duty given in this bill will compensate, as a rule, for the entire labor cost in the production of pottery in this country.

Now, the gentleman from New Jersey, in seeking to restore the rates of the old schedule, is perfectly willing to accept all the advantages secured by this bill—the advantage of bringing again under duty the crates and coverings, equal, in the common grades of pottery, as I have shown by actual transactions, to 10 per cent at least, the abolition of drawbacks for damages, and the improved method of appraisement by which undervaluations are prevented—all of which add substantially to his protection, and in addition to demand the present schedule of rates.

One more sentence from a letter of Secretary Fairchild bearing upon this subject and I am done.

While the effect—

Says the Secretary in his letter contained in the report on this bill—

of section 6 would be to increase the dutiable value of merchandise subject to ad valorem duties—

It is the assessment of the coverings to which he is alluding, the number of the section being different from what it was when he wrote his letter—

its tendency at the same time would be to restrict speculative importations which have been stimulated by the opportunities for evasion afforded by the present law as interpreted by the Supreme Court and construed by the Attorney-General.

And it is exactly at that point, from the speculative importations of pottery possible under the undervaluations, that the pottery interest has suffered its greatest competition.

Mr. MILLS. I now ask a vote.

The CHAIRMAN. The *pro forma* amendment will be considered as withdrawn.

Mr. BUCHANAN. I move to strike out the last word.

Mr. MILLS. If we can not have a vote, I shall move that the committee rise.

Mr. BUCHANAN. I only want five minutes.

Mr. MILLS. If that be all, then I shall not object.

The CHAIRMAN. Is there objection to closing the debate in five minutes?

Mr. GOFF. We can not accept that.

Mr. BUCHANAN. With reference to the question of packages——

Mr. MILLS. I want to know if that suggestion is accepted.

The CHAIRMAN. The Chair heard no objection.

Mr. GOFF. I did object.

Mr. MILLS. We are anxious to close the bill.

Mr. BURROWS. The gentleman from West Virginia, I understand, wants five minutes. I think that will be all the discussion.

Mr. BUCHANAN. We are practically through.

Mr. MILLS. Very well; I will say ten minutes in all.

Mr. BUCHANAN. With reference to the question of packages, I want to say that I do know what I was talking about. I live in a city that makes the goods, and I see these packages every day when I am at home, and the packages which are used for the packing of pottery are either old sugar hogsheads or open-work crates made of rough boughs and withes twisted together. Gentlemen can see what the value of these is.

Mr. WILSON, of West Virginia. That is what you are sending off your pottery in, is it not?

Mr. BUCHANAN. What was the gentleman saying?

Mr. MILLS. They are such packages as are used in this country, are they not?

Mr. BUCHANAN. Certainly, sir; and we buy some of the men who bring them over.

Mr. WILSON, of West Virginia. Some of the pottery made in this country is sent off in the cars without any covering at all.

Mr. BUCHANAN. Loaded in bulk?

Mr. WILSON, of West Virginia. Yes.

Mr. BUCHANAN. That may be so in some thriftless localities, but it is not done in my city.

Mr. WILSON, of West Virginia. It is done in Trenton.

Mr. BUCHANAN. What? Loaded in bulk? Good crockery?

Mr. WILSON, of West Virginia. I did not say good crockery.

Mr. BUCHANAN. After hearing you make that statement I do not wonder that you believed anything that Boston man told you. [Laughter.]

Mr. WILSON, of West Virginia. This comes from a Trenton man.

Mr. BUCHANAN. Mr. Chairman, I know these packages, and I know what they are.

Now, as to undervaluation, it is true that in the past we have suffered from undervaluation. That has been a gross and persistent abuse at the custom-house, and I do not hesitate to say that under the provisions of this bill, carefully guarded as they are, those undervaluations will continue. It seems to be impossible to make legislation so stringent that some sharp-witted importer and some fellow in the custom-house who is ready to be bribed will not be able to evade its provisions.

It will be remembered that all crockery comes in under an ad valorem rate. It must be, or at least it ought to be, known to this House that to-day almost every manufacturer on the other side has his brother or his son or his confidential agent on this side, to whom he bills his goods without any actual sale whatever, at any price that the conscience of the consul on the other side will pass and his own conscience will allow.

And as to the drawback for damages, I know something about it. At the request of producers in my city I have inspected these cargoes as they were opened at the custom-house, and the drawbacks for damages are practically nominal. The trouble is in the evasions of the law in packing the goods in these packages. They will place—I state what my own eyes have seen—they will place good pieces of ware among those of an inferior grade, so that all will be admitted at the lower rate. That practice will continue, I say, as long as there is a dishonest importer and a dishonest customs official, and when every importer is honest and every customs official is honest we shall need no legislation, for the millennium will have come. [Laughter.]

Mr. GOFF. My colleague [Mr. WILSON, of West Virginia] insists that I misunderstood him in his use of the word "reduction," and claims that he referred not to the question of revenue, but to the question of protection. Now, as I showed before, my colleague's statement on behalf of the Committee on Ways and Means disposed of the question of protection as well as of the question of revenue, and surely the logic of the argument submitted by my colleague is that, owing to excessive protection, these manufacturers or "monopolists" have been enabled to place this difference in their own pockets, so that the consumer or the American purchaser has been compelled to pay an enhanced price for the article. My colleague's concession that this statement from the Ways and Means Committee is true—for he virtually concedes that in his argument—also disposes effectually of his claim that there is no reduction in the protection, provided always that we give full force and effect to the argument which he and his colleagues of the Ways and Means Committee have submitted to the House.

Now, I want to go further and say that the effect of this reduction of 15 per cent. in this first item under consideration will not make the reduction in the revenue that my colleague claims.

Mr. BYNUM. The gentleman is mistaken. It is now 10 per cent.

Mr. GOFF. Well, it is 15 per cent. in the bill and 10 per cent. in the amendment agreed upon in the Democratic caucus and submitted now. The very same argument made before the committee by those interested in this industry when this bill was reported at 45 per cent. is just as applicable to-day upon the change that has been made by the committee; because, while you have conceded a part of the claim, you have not conceded sufficient to enable these industries to work successfully in the future.

Surely you want to accomplish that which from your own standpoint will result in the reduction of the cost of these articles to purchasers in this country. Now, the entire industrial history of this country demonstrates that if you lower the import duties, as you are here endeavoring to do, the result will be to increase the revenue. In other words, the china, crockery, and earthen ware that we manufacture in this country now by virtue of the protection given to our labor can no longer be manufactured here if this bill becomes law. Our importers will send across the sea for it, and it will come into our ports from abroad, and the result will be in the future, as it has been in the past, that the English manufacturer will shove his prices up as soon as he has disposed of the American producer. The history which my colleague is so fond of alluding to demonstrates that beyond all reasonable doubt.

There are just as noted rich and powerful "trusts," especially in this china trade, on the other side of the water as any of those on this side against which gentlemen on the other side of the House have raised their voices in protest. My friend will not deny that.

My colleague tells us that he studied this question carefully in the preparation of this schedule. Other members of the Committee on Ways and Means doubtless did the same. I would like any one of them to tell me under what classification this vase [holding up a vase] would come in. The committee had such vases before them; as a matter of course they took the testimony of experts. I would not question that they wanted to reach a just and wise conclusion in order to properly care for the industries of this country. Therefore the gentlemen of that committee are no doubt able at once, without a moment's hesitation, to tell me under which classification this vase would come in.

Mr. WILSON, of West Virginia. I will state to the gentleman, and I would like to make this reply also to the gentleman from New Jersey [Mr. BUCHANAN], that the charge that we took the testimony of importers alone is entirely unfounded.

Mr. BUCHANAN. I did not say that. I said you did not allow our manufacturers to cross-examine them.

Mr. WILSON, of West Virginia. We had no manufacturers before us.

Mr. BUCHANAN. Because they did not know the importers were there. If you had held open sessions we could then have had an open field and a fair fight.

Mr. WILSON, of West Virginia. They were able to take care of themselves.

Mr. BUCHANAN. The importers seem to be able to take care of themselves.

Mr. WILSON, of West Virginia. I had long conversations with Mr. Brewer, formerly a member of the House, from whom I obtained information, and also with Mr. Pearson, of Wheeling——

Mr. GOFF. A very estimable gentleman.

Mr. WILSON, of West Virginia. These gentlemen, as my colleague will admit, are well informed on this subject.

Mr. GOFF. That is the very reason my colleague can answer my question.

Mr. WILSON, of West Virginia. We had all kinds of pottery before us, and had those gentlemen make their explanations in regard to them. I could not, of course, carry all those explanations in my memory. I am not an expert, but when we were dealing with this subject we had before us gentlemen who knew much more on the subject than any member of the House, to explain the different points.

Mr. GOFF. Will the chairman of the Committee on Ways and Means tell me under what classification this vase would come?

Mr. BUCHANAN. Oh, that is cruelty.

Mr. MILLS. If the gentleman from West Virginia had not been posted about this matter about ten or fifteen minutes ago by a pottery man he could not have answered the question himself.

Mr. GOFF. I think I know something about the subject. If you think I do not, try me.

Mr. BYNUM (holding up a plate). Will the gentleman tell me what kind of ware this is?

Mr. GOFF. It is a long way off, but from here it looks like common earthenware,

Mr. BYNUM. Come over and examine it.

Mr. GOFF. I think I can answer the gentleman's question; but I want to state that I am not professing to have all the wisdom on this question that gentlemen on the other side of the House claim to have. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. GOFF. As gentlemen on the other side have had extensions of time, I think I am entitled to a five-minutes extension.

The CHAIRMAN. Debate on this proposition is exhausted. The question is on agreeing to the amendment submitted by the gentleman from New Jersey [Mr. BUCHANAN]. [Cries of "Vote!" "Vote!"]

The amendment was read, as follows:

Pages 11 and 12, strike out lines 76 to 94, inclusive, and in lieu thereof insert:

"Brown earthenware, common stoneware, gas retorts, and stoneware not ornamented, 25 per cent. ad valorem.

"China, porcelain, parian, and bisque, earthen, stone, and crockery ware, including plaques, ornaments, charms, vases, and statuettes, painted, printed, or gilded, or otherwise decorated or ornamented in any manner, 60 per cent. ad valorem.

"China, porcelain, parian, and bisque ware, plain white, and not ornamented or decorated in any manner, 55 per cent. ad valorem.

"All other earthen, stone, and crockery ware, white, glazed, or edged, composed of earthy or mineral substances, not especially enumerated or provided for in this act, 55 per cent. ad valorem."

The question being taken, the amendment was rejected—there being ayes 85, noes 90.

The CHAIRMAN. The Clerk will read the next paragraph which was passed over.

The Clerk read as follows:

Green and colored glass bottles, vials, demijohns and carboys (covered or uncovered), pickle or preserve jars, and other plain, molded, or pressed green and colored bottle-glass, not cut, engraved or painted, and not specially enumerated or provided for, three-fourths of 1 cent per pound; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such bottles, vials, or other vessels shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled and not otherwise provided for, and the contents are not subject to an ad valorem duty or to a rate of duty based on their value, they shall pay a duty of three-fourths of 1 cent per pound in addition to the duty, if any, on their contents.

The CHAIRMAN. There is an amendment pending to strike out, in line 107, "three-fourths of 1 cent" and insert "1 cent."

Mr. GUENTHER. Mr. Chairman, when this paragraph was reached in the discussion which was had during my absence, the committee kindly consented to pass over the paragraph informally in order to give me a chance to be heard, assuming that I knew something about this question which it might be worth while for the committee to hear.

Mr. Chairman, I have heard it stated over and over again that one of the objects in presenting this bill to the House was to correct existing incongruities in the present tariff. On reading over the RECORD, I find that the gentleman from Tennessee [Mr. MCMILLIN], a member of the Committee on Ways and Means, moved to strike out the whole paragraph, the result of which would be to leave the duty as it is at present on both empty and filled bottles.

And the amendment of the gentleman from Texas is of the same purport. I do not know whether he intends to offer another amendment covering filled bottles.

There is a glaring inconsistency in the present tariff in regard to these bottles; and it is not chargeable either to the Republican or Democratic party. Gentlemen who were here in the Forty-seventh Congress will remember that when the tariff bill was under discussion in the Senate that the Committee on Finance recommended the duty on green bottles covered by this paragraph, that theretofore in the Morrill tariff bill up to 1883 had been 35 per cent. ad valorem on empty and filled bottles should be reduced to 30 per cent. ad valorem in both cases.

The Committee of the Whole of the Senate changed the rate and placed in its stead a specific duty of 1½ cents per pound, but when it came up in the Senate the Senate again restored the duty of 30 per cent. ad valorem as recommended by the Committee on Finance of the Senate. When the tariff bill came up in the House in the Forty-seventh Congress it contained a specific duty of 1½ cents per pound as recommended by the Committee on Ways and Means. And gentlemen of the Forty-seventh Congress will remember that on my motion the rate of the Morrill tariff of 35 per cent. ad valorem was inserted instead, and on motion of the gentleman from Kentucky [Mr. CARLISLE] the rate in regard to filled bottles was made to conform with it, and also put at 35 per cent. ad valorem.

But you also remember this bill in the last days of the session went to a conference, and the conference committee, by oversight or otherwise (I could never find out), placed the duty on empty bottles at 1 cent per pound specific duty, and left the duty on filled bottles at 30 per cent. ad valorem. The specific duty on empty bottles of 1 per cent. amounted to about 70 per cent. ad valorem against 30 per cent. on bottles when imported filled.

Now this Mills bill places, for instance, the mineral waters, whether natural or artificial, on the free-list. It places articles of luxury on the free-list. It places, for instance, Apollinaris water on the free-list, which is simply an article of luxury, and only used by the wealthy as a superior table water. The manufacturers of Apollinaris water have this advantage over the American manufacturers of mineral water: the American manufacturer has to pay, in the first instance, a higher rate for wages.

That is conceded by everybody. The American manufacturer of mineral water has to pay 25 per cent. ad valorem on corks. I do not complain about the duty on corks; I simply state the facts. He also pays a duty on wire and labels. In addition to this advantage you give to the foreign manufacturer, you make the American manufacturer pay a duty of about 70 per cent. ad valorem on the bottles he uses, while you allow the foreign manufacturer to import his bottles under this bill at 30 per cent. ad valorem.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOPKINS, of Illinois. I ask that the gentleman from Wisconsin [Mr. GUENTHER] be allowed more time.

Mr. MILLS. I must object; he has had his five minutes.

Mr. GUENTHER. I only ask five minutes longer. This is a glaring inconsistency and it should be corrected. The inconsistency is that you place a duty of 1 per cent. ad valorem on the empty bottles and allow the same bottles filled with mineral water or some other substance to come in at 30 per cent. ad valorem. The difference is between 30 per cent. ad valorem and 70 per cent. ad valorem.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is entirely in error as to the facts.

Mr. GUENTHER. I have read the RECORD of two or three weeks ago, when Mr. MCMILLIN moved to strike out the paragraph, and it was kindly consented to pass it over to give me a chance to be heard, for which I am very thankful.

Mr. BRECKINRIDGE, of Arkansas. The gentleman will find that it is not an ad valorem rate at all. It is a proposed specific duty.

Mr. GUENTHER. Ah! I read the RECORD and know what I am about.

Mr. BRECKINRIDGE, of Arkansas. No; the gentleman is mistaken.

Mr. GUENTHER. I so understand it, and the RECORD verifies my statement.

Mr. BRECKINRIDGE, of Arkansas. That may be, but there may be an error in the RECORD in that respect. It is proposed in line 115 to change it to 1 cent per pound.

Mr. GUENTHER. Ah! On that very point I wish just here to say a word. I want to know why when the Mills bill came before the House in one form the committee found occasion to change it to another? The Mills bill as it came from the House placed the duty at three-quarters of a cent per pound, and I can not understand what change came over the spirit of their dreams to induce them to make such a remarkable change without assigning a reason for it.

Mr. BRECKINRIDGE, of Arkansas. Well, that is not a pending proposition for a vote of the House.

Mr. GUENTHER. No, but it is a question as to what caused this change in the minds of Democrats.

Mr. BRECKINRIDGE, of Arkansas. The gentleman wants a political debate. I must decline most respectfully to indulge him in that wish at present.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Arkansas, which the Clerk will again report.

The amendment was again read.

The amendment was adopted.

Mr. BRECKINRIDGE, of Arkansas. Now, in line 115, in order to conform to that, I move to strike out "three-quarters" and insert "one."

Mr. GUENTHER. I want to be heard on the amendment.

The CHAIRMAN. The Chair will recognize the gentleman in opposition.

Mr. GUENTHER. Mr. Chairman, about two or three months ago a petition came to this House signed by many hundreds of bottlers of liquor and beer—I do not care so much for that, for I do not use these articles very much [laughter]—and also by the bottlers of mineral waters (this is my favorite drink), asking that the proposed duty of the Mills bill of three-quarters of a cent per pound on empty bottles should be reduced to one-quarter of a cent per pound. Now, I was opposed to that reduction as being too large, but I believe that a duty of one-half cent a pound is sufficient, because that as a specific duty is about equivalent to a duty of 35 per cent. ad valorem.

And this is the same duty that was in force under the Morrill tariff, remember, up to 1883, but by some proceeding in conference committee it was changed. The deliberate action, however, of the House of Representatives and of the Senate in the Forty-seventh Congress in 1883 was to sustain and continue in force the old duty under the Morrill tariff.

Now the Mills bill came into this House and it put the duty at three-quarters of a cent a pound specific, which is 50 per cent. higher on bottles than under the Morrill tariff bill. I, as a protectionist, do not object so much to that, though I consider this duty too high as compared with that on other manufactures. I am willing that the glass-blowers should be protected; still, one-half a cent would do that.

Now, for the sake of information, I would like to know the reason why gentlemen, after deliberately going to work—for I infer, at least that is the presumption, that they have carefully considered these different items in the Committee on Ways and Means—why they should now go to work and change the rate of duty and place it at 1 cent per pound? Instead of lowering the duty as asked by the hundreds of bottlers, you raise it.

Mr. MILLS. We left it exactly where the Republican party did in the tariff of March 3, 1883.

Mr. GUENTHER. Who left it?

Mr. MILLS. You and your party. You explain why your party put it there, and you will have an answer to your own question.

Mr. GUENTHER. The gentleman was a member of the Forty-seventh Congress——

Mr. MILLS. I voted against it.

Mr. GUENTHER. The gentleman knows, having been a member of that Congress, that the deliberate action of the House of Representatives was to place a duty of 35 per cent. ad valorem, leaving it just as under the Morrill tariff; and the Senate put it down to 30.

Mr. BRECKINRIDGE, of Arkansas. How did it get to be changed?

Mr. GUENTHER. By some hocus-pocus in conference committee. [Laughter.] I do not know how.

Mr. McMILLIN. And your side did that.

Mr. GUENTHER. We could not help ourselves; because, as the gentleman knows, it came here on March 3, one day prior to adjournment, and we could not help ourselves, but had to take it in the aggregate, and this provision had gotten into it by some means or other. But why should the incongruity remain? I do not charge that the Democratic party is responsible, and I claim that the Republican party is not responsible. It was perhaps one member of the conference committee, and one member does not constitute either the Republican or Democratic party. But I would like to know, and that is the point, what change came over you to so suddenly raise the duty from three-fourths of a cent to 1 cent without giving any explanation.

Mr. BRECKINRIDGE, of Arkansas. The gentleman will find, if he looks, that this is not a higher ad valorem equivalent than prevails generally along in articles of glassware. If he will run his eye down the schedule he will find that to be the case.

Mr. GUENTHER. I know all about it. It is equivalent to 70 per cent. ad valorem.

Mr. BRECKINRIDGE, of Arkansas. No, sir; 56 per cent.

Mr. GUENTHER. No, sir; 56 per cent. is the average on all the articles embraced in that schedule; but on glass bottles it is equivalent to 70 per cent.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will look at the schedule——

Mr. GUENTHER. I do not care; I know it. I know all about these glass bottles. I looked the matter up with accuracy.

Mr. BRECKINRIDGE, of Arkansas. Very well.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I now ask that we may have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRECKINRIDGE].

The amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out from line 118, on page 13, to line 130, on page 14, inclusive.

Mr. BRECKINRIDGE, of Arkansas. Has that paragraph been read?

The CHAIRMAN. That was not passed over. It was considered.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next paragraph that was passed over.

Mr. BRECKINRIDGE, of Arkansas. What is the next paragraph?

The CLERK. The next paragraph is lines 135 to 141, inclusive, on page 14.

Mr. BRECKINRIDGE, of Arkansas. Before we get to that I have an amendment which comes in on line 133.

The amendment was read, as follows:

Amend on page 14, line 133, by striking out the word "fifteen" and inserting "twenty."

The amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I offer another amendment, which I send to the desk.

The amendment was read, as follows:

Amend on page 14, line 134, by striking out the words "twenty-five," and inserting "thirty."

The amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the pending amendment now at the desk relates to what lines?

The CHAIRMAN. To lines 135 to 141.

Mr. BRECKINRIDGE, of Arkansas. Let that paragraph be read.

The Clerk read as follows:

Unpolished cylinder, crown, and common window glass, not exceeding 10 by 15 inches square, 1 cent per pound; above that, and not exceeding 16 by 24 inches square, 1½ cents per pound; above that, and not exceeding 24 by 30 inches square, 1¾ cents per pound; all above that, 1¾ cents per pound.

The CHAIRMAN. There is an amendment pending to strike out in line 140 the words "one and one-half," and insert "two;" and also to strike out "one and three-fourths," in line 141, and insert "two and a half."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I send to the desk an amendment to come in ahead of the first of those.

The Clerk read as follows:

Amend, on page 14, by striking out, in line 136, the words "one cent" and inserting "one and three-eighths cents."

Mr. DINGLEY. I would like to have some explanation of this increase of the "tax."

Mr. BRECKINRIDGE, of Arkansas. This is simply a restoration of the present law.

Mr. DINGLEY. But I thought it was proposed by your bill to reduce the tax now resting on the consumer.

Mr. BRECKINRIDGE, of Arkansas. This is the exact rate that is in the present law; and as to that general proposition, I do not see that it is involved in this detail.

Mr. REED. The consumer is interested in it.

Mr. BRECKINRIDGE, of Arkansas. But the distinguished gentleman from Maine does not represent the consumer. [Laughter.]

Mr. REED. The gentleman from Arkansas [Mr. BRECKINRIDGE] proposes to raise the amount of the tariff tax upon this article above what it was in the original bill, and when I ask him what the reasons are which induce him thus to impose upon the consumer, repeating some things which he has repeated so often during this debate, he replies that I do not represent the consumer. Now, I think the gentleman said that in perfect sincerity. I think he has the idea that gentlemen on our side of the House do not represent both sides of this question, and I think he made the statement in perfect good faith.

It is part and parcel of the fallacy which has governed this whole bill; part and parcel of the fallacy that is attempted to be foisted upon this country, that one side of this Chamber alone represents the consumer. As I have already pointed out, and as every man of sense knows, this nation is made up, all parts of it, of consumers and of producers, and everybody knows that the only consumers who are not really producers are the sole class that this bill can by possibility benefit, namely, men who are living upon fortunes already accumulated, with incomes that are fixed from the very nature of their fortunes.

All the rest of the consumers of this country are thoroughly interested in the question of production, because they are producers, and their means of consumption depend upon what they are able to gain by producing articles for themselves and the rest of the community to use.

Now, there has been a statement continuously made on this side [the Democratic side, on which Mr. REED was standing] that all these things are tariff taxes; that they are nothing but taxes; and the gentleman from Arkansas [Mr. BRECKINRIDGE] has used that phraseology more than any other man on this side of the Chamber. He has taken a peculiar pride and pleasure in forming his lips over the words "tariff taxes;" yet he comes here and, with no explanation except a jest, proposes to change the deliberate judgment of his committee as to what was due to the consumer by adopting the old tariff which he has again and again denounced. Now, I do not imagine he would give the House any explanation of this; but there is not a man sitting here who does not know that the only explanation he can really give consistently with any one of his former declarations must be a political reason. I should like to see him have the manliness to avow that that is the object, and that he is using the laws of the United States for political purposes, and not for industrial and economic reasons. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I suppose it would hardly be profitable or satisfactory to the House for the gentleman from Maine and myself to get into a general political discussion at this time. He will find that of the amendments I am now offering, every one provides for a substantial reduction of the tax, except the one which was just offered. That one leaves the duty upon the article in question at a less rate than the majority of the other articles following it and belonging to the same schedule. That the gentleman might have found out while looking for "industrial reasons."

But the gentleman seems to have gotten upon his feet for the purpose of falling into a line of errors. I did not say that nobody on the other side was a representative of consumers. I do not believe that his side of the House represents consumers in the way that this side of the House considers to their best interests. My remark related solely to the gentleman from Maine, that he was not a representative of consumers; and he makes a mistake when he assumes that he is the entire side of the House with which he aligns himself; and when he stood on our side he got decidedly on the wrong side of the House to undertake to appropriate to himself the position of being one of the sides of this House.

Now, let us have a vote.

Mr. REED. I call the attention of the House again for a moment to the fact that even in this proposition, so thoroughly inconsistent with the language which has been used on the other side, no answer is vouchsafed to us giving the reasons for the proposed change. It is a part and parcel of the whole system which has been adopted throughout on this bill—a bill geographical, political, but in no sense economic. I take this last opportunity to reiteratingly call the attention of the House to the method which has been adopted, and the utter lack of information from gentlemen on the other side. It is plain that they are acting for political reasons. I have made the distinct charge against

them; and the gentleman from Arkansas, who is naturally a straightforward man, and practically so, has not taken occasion to deny it.

The charge was made in a full House; and he no more denied it than did the chairman of the Ways and Means Committee his free-trade speech of four years ago. I do not believe with regard to the gentleman from Arkansas that even the distance of New York would make him derogate from his position on this subject. He has had two opportunities which I have known—one this very afternoon, and one at the time when the chairman's speech of four years ago was brought up—to deny that he was a free-trader and meant free trade, and he has not availed himself of either opportunity. Gentlemen on the other side have been charged this afternoon and now with making this amendment and other amendments affecting the industries of this country for political reasons and political purposes, and there was not one word of denial.

The CHAIRMAN. The question is upon agreeing to the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE]. If there be no objection, it will be considered as agreed to. The Chair hears no objection.

Mr. BRECKINRIDGE, of Arkansas. On page 14, line 138, I move to strike out "one and one-fourth" and insert "one and five-eighths;" so it will read: "1⅝ cents per pound."

The amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I believe there is an amendment pending in line 141 to strike out——

The CHAIRMAN. That amendment has already been agreed to.

Mr. BRECKINRIDGE, of Arkansas. When was it agreed to?

The CHAIRMAN. The Chair put the question to the committee, and there was no objection.

Mr. SOWDEN. I desire to call the attention of the committee to the fact that when the metal schedule was under consideration there were very few members present when the vote was taken on the amendment offered by the gentleman from Ohio [Mr. MCKINLEY], to insert "seventy-two" after the word "six," in line 156, on page 15. I therefore ask unanimous consent to move to amend by striking out line 156.

Mr. MILLS. I have no objection, provided there is no debate and the vote is taken at once.

Mr. SOWDEN. I move to strike out line 156, on page 15, and ask the Clerk to read it.

The Clerk read as follows:

Iron in pigs, iron kentledge, $6 per ton.

A MEMBER. What is it now?

Mr. SOWDEN. If this line is struck out it will leave the duty as it is under the present law, $6.72 per ton.

The question was put to the committee.

Mr. SOWDEN demanded a division.

The committee divided; and there were—ayes 79, noes 84.

So the amendment was disagreed to.

Mr. SOWDEN. I now ask unanimous consent to move to amend line 161, on page 15, by striking out "$11" and inserting "$15;" so that the paragraph will read: "Steel railway bars and railway bars made in part of steel, weighing more than 25 pounds to the yard, $15 per ton," the words "and slabs and billets of steel" having already been stricken out.

Mr. MILLS. I object to going back.

The CHAIRMAN. The Clerk will read the next paragraph to the bill which has been passed over.

Mr. JOSEPH D. TAYLOR. I desire to move to strike out the paragraph beginning at line 135, which is as follows:

Unpolished cylinder, crown, and common window glass, not exceeding 10 by 15 inches square, 1 cent per pound; above that, and not exceeding 16 by 24 inches square, 1¼ cents per pound; above that, and not exceeding 24 by 30 inches square, 1½ cents per pound; all above that, 1¾ cents per pound.

Mr. MILLS. We have passed by that, and I object.

Mr. JOSEPH D. TAYLOR. I wish to have read some petitions which I have received.

Mr. MILLS. I call for the regular order.

Mr. JOSEPH D. TAYLOR. I asked recognition in time and before we had passed over that paragraph.

The CHAIRMAN. We have passed to another matter.

Mr. JOSEPH D. TAYLOR. I know we have, but that was done by unanimous consent.

I only wish to say to the committee that I hold in my hand a bundle of petitions embracing the names of several hundred workingmen now employed in glass factories in my district who are not only protesting against the passage of the Mills bill, but who are asking for a restoration of the duties as they existed prior to the year 1883. I desire to say that the revenues have been largely increased by that reduction.

I shall ask leave to print a letter which will fully explain the situation of this industry. I call the attention of the committee to the immense increase of importations and consequent increase of duties since the reduction of the duty in 1883. Since this reduction of duty the imports have been swelled many millions of dollars, and more than $1,000,000 has been added to the surplus, and the wages of the workingmen have been materially reduced. The most earnest appeals have been made, not only by the manufacturers of window-glass, but by the workingmen engaged in this great industry, to this House to restore the former duty, which experience has shown to be absolutely necessary to the prosperity of this industry and to the well-being of all who are engaged in it. There is no reason why all the window-glass that we use in this country should not be made by our own people. The letter to which I have referred I shall hand to the Clerk and ask to have it printed with my remarks.

The CHAIRMAN. The gentleman has that right under general leave.

Mr. JOSEPH D. TAYLOR. The petitions I shall not print, but file with the committee.

The following is the letter referred to in the remarks of Mr. JOSEPH D. TAYLOR:

PITTSBURGH, PA., *March* 30, 1888.

I herewith submit to you a statement in relation to the tariff on window-glass, and reasons why it should not be reduced as proposed by Mills bill, as reported by the Ways and Means Committee.

First. The present tariff schedule on common window-glass was adopted in 1842. At that time 24 by 30 inches in common window-glass was as large as was made anywhere in the world, while at the present time there is common window-glass made as large as 50 by 76 inches, and the schedule that would apply to common window-glass forty-six years ago will not answer as a criterion in determining as to what is a just and fair measure at the present time, the surroundings of the case are so much changed in the period of forty-six years.

Second. There was a reduction of the tariff on window glass in 1883, and since the reduction the importation of window glass has increased very materially, thereby increasing the revenue in the Treasury from this source.

Third. The workingmen engaged in this branch of industry have had to work for less wages in consequence of the reduction of the tariff in 1883, and from the large increase in the imported article and the cheapness of the same. Even at the present time, with the present duty, one-fourth of the glass consumed in this country is imported from Europe. It is but natural to suppose that with a decrease in the duty that these imports would increase, and also, as a natural result, the imported article would displace that made at home, and must of necessity cause the workmen to lay idle, or suffer a further reduction in order to meet the competition from the imported article.

Fourth. The wages in Europe in this industry are exceedingly low. Two years ago, while passing through Belgium on a tour of observation in the interest of the window-glass workers' organization, I saw women wheeling in coal, carrying in glass in the sheet. Their wages ranged from $2 to $3 per week, while here in America this class of work is performed by men whose wages range from $9 to $12 per week; and about the same ratio of difference prevails in all the skilled branches of the industry between the prices paid in Europe and America. I feel, in view of this fact, that with a reduction of 35 per cent. as proposed by the Mills bill, the difference will have to be met by a large reduction in the matter of wages by the workmen in the window-glass industry of this country.

In the annual report of the chief of the bureau of imported merchandise for the years 1886 and 1887 you will find the following statement of the importation of window-glass for the year 1887: Glass of the dimensions of 10 by 15 inches amounted to 14,117,875 pounds, valued at $319,798.94; value per unit quantity, .023; ad valorem rate, 60.71. The price of the glass of the 10 by 15 inches ranges from $9.50 up to $14.50 per box. The amount imported in the class that runs from 24 by 30 inches up to 50 by 76 was 17,608,435 pounds, valued at $466,603.55; value per unit of quantity, .026; ad valorem rate, 108⅛.

The price of the glass in the 24 by 30 inches up to 50 by 76 ranges from $15 up to $76 and upwards per box. The value of unit of quantity in the 10 by 15 inches is 2.3 cents, and the price does not go above $14.50. The 24 by 30 inches up to 50 by 76 is valued at 2.6 cents, which only makes a difference of three-tenths cents per value, while the price runs from $15 to upwards of $76 above. There is imported of the class of 24 by 30 inches up to 50 by 76, 3,490,560 pounds more than there was of the 10 by 15 inch grade, and is only valued at $146,804.61 more than the cheaper glass. For what reason it is done no one can dispute; it is undervaluation in order to make the ad valorem duty higher.

If the Mills bill should become a law, with the low wages in Europe, the cheapness of ocean freights between Europe and America, with a 35 per cent. reduction in the tariff duties, there will be no other alternative for the American workmen but to accept a reduction in wages or surrender the market to the goods imported from abroad.

As before stated, more than one-fourth of the window-glass consumed in this country is imported, and from the above statement of facts there is no doubt but what the tariff should be increased in order to better foster and protect home industry.

These facts that I have stated I feel can not be successfully controverted, and I submit them to you for your careful consideration.

I remain yours, respectfully,

JAMES CAMPBELL,
President of the Window-Glass Workers' Association of America.

Hon. JOSEPH D. TAYLOR,
Washington, D. C.

The CHAIRMAN. The Clerk will read the next paragraph passed over.

The Clerk read as follows:

All tobacco in leaf, manufactured, and not stemmed, 35 cents per pound.

The CHAIRMAN. The pending amendment is that of the gentleman from Texas [Mr. MILLS] to strike out that paragraph.

[Mr. BUTTERWORTH withholds his remarks for revision. See APPENDIX.]

[Mr. CAREY withholds his remarks for revision. See APPENDIX.]

Mr. LA FOLLETTE addressed the Chair.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the paragraph.

Mr. LA FOLLETTE. I wish to perfect the paragraph before the motion to strike out is acted upon. I move to substitute what I send to the desk for the lines under consideration.

The Clerk read as follows:

Strike out lines 362 and 363 inclusive, and insert instead:

"All leaf-tobacco contained in any package, bale, box, or in bulk, or shipped

in any form whatsoever, any part or portion of which is suitable for wrappers, if not stemmed, 75 cents per pound; if stemmed, $1 per pound, on the whole contents of such package, bale, box, or bulk of tobacco."

[Mr. LA FOLLETTE addressed the Committee. His remarks (withheld for revision) appear in full in the succeeding day's proceedings.]

The CHAIRMAN. The time of the gentleman has expired.

The committee will rise informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, a bill (H. R. 6153) to authorize the condemnation of land for sites of public buildings, requested a conference on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. VEST, and Mr. PASCO.

TARIFF.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. STRUBLE. The gentleman from Wisconsin [Mr. LA FOLLETTE] asked unanimous consent for five minutes' additional time.

Several members on the Democratic side objected.

The CHAIRMAN. The question is upon the amendment of the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. MCKENNA. Mr. Chairman, I move to strike out the last word, in order to give my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

The CHAIRMAN. No further amendment is in order, there being an amendment to an amendment now pending.

Mr. MILLS. I hope we shall have a vote on this paragraph now.

The CHAIRMAN. The question is on the motion to strike out this paragraph and insert the words which the Clerk has read.

The amendment of Mr. LA FOLLETTE was rejected.

The CHAIRMAN. The question now recurs upon the motion of the gentleman from Texas [Mr. MILLS] to strike out this paragraph.

Mr. LA FOLLETTE. Mr. Chairman, I would like to be heard upon that.

Mr. MILLS. I move that the committee rise to close debate upon this paragraph.

The question was taken; and there were—ayes 82, noes 64.

So the motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

Mr. MILLS. I now move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue; and, pending that motion, I move that all debate upon the pending paragraph be closed in one minute, and on that I demand the previous question.

Mr. MCKINLEY. I move to amend so as to make the time six minutes.

Mr. MILLS. You can not do it. I have demanded the previous question.

Mr. MCKINLEY. I wish to say to the chairman of the Committee on Ways and Means that I think he will save time by letting the gentleman from Wisconsin [Mr. LA FOLLETTE] have the time he desires.

Mr. MILLS. I will not.

Mr. MCKINLEY. The gentleman from Wisconsin wants only five minutes.

Mr. MILLS. I have yielded to every request made on that side of the House.

Mr. MCKINLEY. This is a very important matter, and I think the gentleman from Wisconsin should have five minutes longer.

Mr. MCCULLOGH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCULLOGH. What is the paragraph under consideration?

The SPEAKER. The present occupant of the chair does not preside in the Committee of the Whole on the state of the Union.

Mr. MCCULLOGH. Well, the report is made to the House, and I make the point that there is no paragraph pending before the House.

The SPEAKER. The paragraph under consideration in Committee of the Whole is what the motion refers to. The question is on ordering the previous question.

The question was taken; and the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 83, noes 2.

Mr. MCKINLEY. No quorum.

Mr. MILLS. I ask for the yeas and nays.

Mr. MCKINLEY. It does seem to me that if the gentleman from Texas [Mr. MILLS] will give the gentleman from Wisconsin five minutes more he will save time. That is all we ask.

Mr. MILLS. I have extended courtesies to that side of the House from the beginning of this debate, and they have not been returned, and I will not now yield to a demand for an unconditional surrender. [Jeers on the Republican side.]

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 2, not voting 201; as follows:

YEAS—121.

Abbott,	Enloe,	Lawler,	Simmons,
Allen, Miss.	Fisher,	Lee,	Smith,
Anderson, Ill.	Foran,	Lynch,	Snyder,
Bacon,	Ford,	Macdonald,	Sowden,
Bankhead,	Forney,	Mahoney,	Spinola,
Barnes,	French,	Martin,	Springer,
Blanchard,	Gay,	Matson,	Stahlnecker,
Bland,	Gibson,	McAdoo,	Stewart, Tex.
Breckinridge, Ark.	Glass,	McClammy,	Stewart, Ga.
Breckinridge, Ky.	Grimes,	McCreary,	Stockdale,
Bryce,	Hall,	McKinney,	Stone, Ky.
Burnett,	Hare,	McMillin,	Stone, Mo.
Bynum,	Hatch,	McRae,	Tarsney,
Campbell, F., N. Y.	Hayes,	McShane,	Thompson, Cal.
Candler,	Heard,	Merriman,	Tillman,
Carlton,	Hemphill,	Mills,	Tracey,
Caruth,	Henderson, N. C.	Moore,	Townshend,
Clardy,	Herbert,	Morgan,	Turner, Ga.
Clements,	Holman,	Neal,	Vance,
Cobb,	Hooker,	Newton,	Walker,
Compton,	Hopkins, Va.	Oates,	Washington,
Cothran,	Howard,	Peel,	Weaver,
Cox,	Hudd,	Phelan,	Wheeler,
Culberson,	Hutton,	Rice,	Whitthorne,
Cummings,	Johnston, N. C.	Robertson,	Wilkinson,
Dargan,	Kilgore,	Rogers,	Wilson, Minn.
Davidson, Ala.	Lafloon,	Rowland,	Wise,
Dockery,	Landes,	Russell, Mass.	Yoder.
Dougherty,	Lane,	Sayers,	
Dunn,	Lanham,	Seney,	
Elliott,	Latham,	Shively,	

NAYS—2.

Davis,	Kerr.	

NOT VOTING—201.

Adams,	Crain,	Kean,	Pugsley,
Allen, Mass.	Crisp,	Kelley,	Randall,
Allen, Mich.	Crouse,	Kennedy,	Rayner,
Anderson, Iowa	Cutcheon,	Ketcham,	Reed,
Anderson, Miss.	Dalzell,	La Follette,	Richardson,
Anderson, Kans.	Darlington,	Logan,	Rockwell,
Arnold,	Davenport,	Laidlaw,	Romeis,
Atkinson,	Davidson, Fla.	Laird,	Rowell,
Baker, N. Y.	De Lano,	Lehlbach,	Russell, Conn.
Baker, Ill.	Dibble,	Lind,	Rusk,
Barry,	Dingley,	Lodge,	Ryan,
Bayne,	Dorsey,	Long,	Sawyer,
Belden,	Dunham,	Lyman,	Scott,
Belmont,	Ermentrout,	Maffett,	Scull,
Biggs,	Farquhar,	Maish,	Seymour,
Bingham,	Felton,	Mansur,	Shaw,
Bliss,	Finley,	Mason,	Sherman,
Blount,	Fitch,	McComas,	Spooner,
Boothman,	Flood,	McCormick,	Steele,
Bound,	Fuller,	McCullogh,	Stephenson,
Boutelle,	Funston,	McKenna,	Stewart, Vt.
Bowden,	Gaines,	McKinley,	Struble,
Bowen,	Gallinger,	Milliken,	Symes,
Brewer,	Gear,	Moffitt,	Tambke,
Brower,	Gest,	Montgomery,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Glover,	Morrow,	Taylor, J. D., Ohio
Browne, Ind.	Goff,	Morrill,	Thomas, Ky.
Brown, Ohio	Granger,	Morse,	Thomas, Ill.
Brown, J. R., Va.	Greenman,	Nelson,	Thomas, Wis.
Brumm,	Grosvenor,	Nichols,	Thompson, Ohio
Buchanan,	Grout,	Norwood,	Turner, Kans.
Buckalew,	Guenther,	Nutting,	Vandever,
Bunnell,	Harmer,	O'Donnell,	Wade,
Burnes,	Haugen,	O'Ferrall,	Warner,
Burrows,	Hayden,	O'Neall, Ind.	Weber,
Butler,	Henderson, Iowa	O'Neill, Pa.	West,
Butterworth,	Henderson, Ill.	O'Neill, Mo.	White, Ind.
Campbell, Ohio	Hermann,	Osborne,	White, N. Y.
Campbell, T. J., N. Y.	Hiestand,	Outhwaite,	Whiting, Mich.
Cannon,	Hires,	Owen,	Whiting, Mass.
Caswell,	Hitt,	Parker,	Wickham,
Catchings,	Hogg,	Patton,	Wilber,
Cheadle,	Holmes,	Payson,	Wilkins,
Chipman,	Hopkins, Ill.	Pennington,	Williams,
Clark,	Hopkins, N. Y.	Perkins,	Wilson, W. Va.
Cockran,	Houk,	Perry,	Woodburn,
Cogswell,	Hovey,	Peters,	Yardley,
Collins,	Hunter,	Phelps,	Yost.
Conger,	Jackson,	Pidcock,	
Cooper,	Johnston, Ind.	Plumb,	
Cowles,	Jones.	Post,	

Mr. MCKINLEY (during the first roll-call) said: In order that we may make some progress, I ask unanimous consent to dispense with the further call of the roll, and that five minutes be granted to this side to discuss the question under consideration in Committee of the Whole. [Cries of "Regular order!"] This roll-call will occupy some twenty-five minutes. All we are asking is five minutes. [Cries of "Regular order!"]

The roll-call was then continued.

Mr. CANNON (at the conclusion of the first roll-call) said: I want to ask as a compromise that four minutes be given to this side.

Mr. MILLS and others. Regular order.

The call of the roll was resumed and concluded

Mr. BLAND. I ask unanimous consent to dispense with the reading of the names.

Mr. HOPKINS, of New York. I object.

The names were recapitulated.

Mr. PENINGTON. I am paired with the gentleman from Pennsylvania [Mr. HIESTAND]. Having voted to make a quorum, I desire to withdraw my vote, inasmuch as I understand there is not a quorum voting.

The following-named members were announced as paired on all political questions until further notice:

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. BELMONT with Mr. DAVENPORT.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. BIGGS with Mr. FELTON.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. GRANGER with Mr. HOUK.
Mr. CATCHINGS with Mr. COGSWELL.
Mr. RUSK with Mr. SPOONER.
Mr. COLLINS with Mr. DUNHAM.
Mr. PIDCOCK with Mr. DE LANO.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. MCKINLEY with Mr. SCOTT.
Mr. PENINGTON with Mr. HIESTAND.
Mr. PERRY with Mr. HAYDEN.
Mr. CRISP with Mr. ROWELL.

The following-named members were announced as paired for this day:

Mr. RAYNER with Mr. MCCOMAS.
Mr. MONTGOMERY with Mr. GEST.
Mr. DIBBLE with Mr. MILLIKEN.
Mr. O'FERRALL with Mr. FUNSTON.
Mr. OUTHWAITE with Mr. SYMES.
Mr. HATCH with Mr. PUGSLEY.
Mr. WILSON, of West Virginia, with Mr. KELLEY.
Mr. BARRY with Mr. JOHNSTON, of Indiana.
Mr. RICHARDSON with Mr. STEELE.
Mr. BLOUNT with Mr. LIND.
Mr. HOGG with Mr. BINGHAM.
Mr. MAISH with Mr. DALZELL.
Mr. ERMENTROUT with Mr. GAINES.
Mr. WHITING, of Michigan, with Mr. PARKER.
Mr. CHIPMAN with Mr. BROWER.
Mr. ANDERSON, of Mississippi, with Mr. PETERS.

The SPEAKER. On this question the yeas are 121, the noes 2. No quorum has voted.

Mr. MCKINLEY. I renew my request that five minutes be allowed on this side.

Mr. MILLS. Is the point made that no quorum voted?

The SPEAKER. The record shows no quorum.

Mr. MILLS. Then, Mr. Speaker, as by prior order of the House to-night was set apart for business of the Committee on Labor, I move that the House take a recess until 8 o'clock.

The SPEAKER. The House can not take a recess in the absence of a quorum. The Journal of the House, which contains its official proceedings, shows that there is no quorum present.

Mr. MILLS. I move, then, that the House adjourn.

Mr. REED. If the gentleman wants to waste the afternoon, there is nothing to prevent him; he has the majority with him.

The SPEAKER (having put the question on the motion to adjourn). The Chair is unable to decide.

Mr. REED. I call for the yeas and nays.

The SPEAKER. The Chair will state that if a count should be taken on the pending motion, and a quorum should appear, it would obviate the difficulty. If the House, by the vote of a quorum, should decide not to adjourn, it could then take a recess. But the yeas and nays are demanded.

Mr. REED. Then I withdraw the call.

The SPEAKER. The gentleman withdraws the demand for the yeas and nays till after the count.

Mr. REED. Yes, sir.

The question being again taken on the motion to adjourn, there were—ayes 85, noes 76.

Mr. WARNER. I call for the yeas and nays.

The SPEAKER. Not one-fifth has voted in the affirmative.

Several MEMBERS. Count the other side.

The House divided; and there were—ayes 25, noes 71.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. MILLS. I will withdraw my motion to adjourn and move to take a recess.

The SPEAKER. The yeas and nays have been ordered.

Mr. MILLS. I move to reconsider the vote by which the yeas and nays were ordered.

Several MEMBERS. Division.

The House divided; and there were—ayes 72, noes 2.

So the motion to reconsider the vote by which the yeas and nays were ordered was agreed to.

The SPEAKER. The question recurs on ordering the yeas and nays.

Mr. WARNER. I withdraw the demand for the yeas and nays on the condition that the evening session shall be saved for the Labor Committee.

Mr. REED. We should allow Mr. LA FOLLETTE to have his five minutes, and thereupon we can take a recess so as to allow the Labor Committee to have their evening session.

Mr. MILLS. I move the House take a recess.

The SPEAKER. Want of a quorum has been disclosed by the count.

Mr. MILLS. I withdraw the motion to adjourn at any rate. The Labor Committee have to-night.

The SPEAKER. The House stands adjourned unless by unanimous consent the gentleman withdraws his motion to adjourn.

Mr. MILLS. I do withdraw my motion to adjourn.

The SPEAKER. Is there objection? [Cries of "Object!" and "Too late!"]

Mr. SOWDEN. I demand tellers on the motion to adjourn.

The SPEAKER. The point is made that it is too late, as the result has been announced, and therefore the House stands adjourned.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. JEHU BAKER: A bill (H. R. 10887) granting a pension to Katharina Killian—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 10888) for the relief of N. B. Lanier—to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 10889) granting a pension to Sophia Weis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10890) granting a pension to Robert Nickle—to the Committee on Invalid Pensions.

By Mr. GLOVER: A bill (H. R. 10891) for the relief of Elijah Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10892) granting a pension to John Merritt—to the Committee on Invalid Pensions.

By Mr. MACDONALD: A bill (H. R. 10893) granting a pension to George Weggeman—to the Committee on Invalid Pensions.

By Mr. T. L. THOMPSON: A bill (H. R. 10894) for the relief of Isaac H. Bush—to the Select Committee on Indian Depredation Claims.

By Mr. WEAVER: A bill (H. R. 10895) for the relief of J. W. Jacobs—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of H. D. Wells and twenty-four others, citizens of the Fourth district of Illinois, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. JEHU BAKER: Petition of Katharina Kilian, for a pension—to the Committee on Invalid Pensions.

By Mr. BARNES: Petition of the Knights of Labor, of Augusta, Ga., in favor of House bill 8716—to the Committee on Labor.

By Mr. BARRY: Memorial of Sam Johnson and 86 others, of Warren, Ga., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BAYNE: Resolution of Taventurn Council, Junior Order United American Mechanics, of Taventurn, Pa., for the passage of Senate bill 553—to the Committee on Foreign Affairs.

By Mr. DINGLEY: Petition of Francis E. Willard and other officers of the Woman's Christian Temperance Union, for a prohibitory amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GIFFORD: Petition of the Woman's Christian Temperance Union of Dakota, for a prohibitory amendment to the Constitution—to the Select Committee on the Alchoholic Liquor Traffic.

Also, petition of Mrs. J. L. Bennett, president of the Woman's Christian Temperance Union, of Centreville, Dakota, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HEARD: Petition of M. G. Bennett, of Dallas County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOPKINS: Petition of 532 citizens of the Seventeenth district of New York, against the Mills bill as regards cement—to the Committee on Ways and Means.

By Mr. HOVEY (by request): Petition of F. L. Davis, M. D., and 27 others, citizens of the First district of Indiana, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOWARD: Petition of Knights of Labor of New Albany, Ind., in favor of House bill No. 8716—to the Committee on Labor.

Also, a petition of the Grand Army of the Republic of Jackson County

and of Clarke County, Indiana, for the establishment of a home in Indiana—to the Committee on Military Affairs.

Also, petitions of citizens of Indiana for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. HUNTER: Resolution of the Association of Fully Disabled Veterans of the Union Army and Navy, of Pittsburgh, Pa., in favor of Senate bill to increase pensions in certain cases and Senate bill to grant arrears of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition of the Woman's Christian Temperance Union of New Mexico, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. KEAN: Petition of the Woman's Christian Temperance Union of New Jersey, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petitions of citizens of Perth Amboy, N. J., for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. LYMAN: Petition of C. A. Carson and others, citizens of the Ninth district of Iowa, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCOMAS: Petition of James Grant and 97 other workers in the cement industry—to the Committee on Ways and Means.

By Mr. McCORMICK: Petition of citizens of McKean County, Pennsylvania, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. McCREARY: Petition of Mrs. Eliza A. Carson, for relief—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Gowan Lane Corbin, of Oxford, Miss., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NICHOLS: Petition of the Woman's Christian Temperance Union of North Carolina, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. O'DONNELL: Petition of the Woman's Christian Temperance Union of Michigan, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PENINGTON: Petition of the Woman's Christian Temperance Union of Delaware, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of sundry citizens of the First district of Delaware, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. C. A. RUSSELL: Petition of wool-dealers and woolen manufacturers, against the passage of the Mills bill—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Mrs. Fanny H. Rastall and other officers of the Woman's Christian Temperance Union of Kansas, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CHARLES STEWART: Petition of the Woman's Christian Temperance Union of Texas, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. J. W. STEWART: Petition of Rev. J. K. Williams and others, citizens of the First district of Vermont, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. A. C. THOMPSON: Petition of Henry W. Barrett & Co. and others, of Louisville, Ky., and Albany, Ind., against the Mills bill—to the Committee on Ways and Means.

By Mr. TOOLE: Petition of the Montana Woman's Christian Temperance Union, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. VANCE: Petition relating to certain claims against the Government—to the Committee on Claims.

By Mr. WARNER: Petition of Clara Hoffman and other officers of the Woman's Christian Temperance Union of Missouri, for a prohibitory amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WASHINGTON: Petition of A. C. Womack, of Davidson County, and of John B. Nicholls, of Houston County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of woolen manufacturers of New York, against the passage of House bill 9051—to the Committee on Ways and Means.

By Mr. YOST: Petition of Belmer & Co. and others, against the reduction of the duty on wire rods, etc.—to the Committee on Ways and Means.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. WILBER: Of citizens of Gilboa N. Y.

SENATE.

THURSDAY, *July* 19, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITION.

Mr. PAYNE presented a petition of 31 citizens of Cuyahoga County, Ohio, praying for the enactment of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3191) to amend section 4 of the act of March 3, 1875, as amended in section 2 of the act of March 3, 1877, in relation to the issue of supplies to Indians, reported it without amendment.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6922) for the relief of George W. Graham, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3090) authorizing the Secretary of War to accept the resignation of Maj. D. H. David, of the Fourteenth Regiment Kansas Cavalry Volunteers, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1859) for the relief of Felicitas Salinas and the heirs of Miguel Salinas, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 3199) to donate to the State Soldiers and Sailors' Monument Commission one hundred pieces of captured or condemned cannon, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 477) for the relief of Allen Gunter; and

A bill (S. 3101) for the relief of William Mackey.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 2887) granting a pension to George H. Johnson; and

A bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-kenzah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (H. R. 5539) for the relief of John J. Coughlin, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2863) to provide for the erection of a public building in the town of Smyrna, Del., reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2163) for the relief of Alfred J. Worcester, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1608) for the relief of Charles E. Wheeler, has instructed me to report it back adversely, recommending that the bill be indefinitely postponed, and that the claimant apply to the War Department, which can afford him proper relief.

The report was agreed to, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2358) for the relief of G. W. McCulloh, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

HARRISON SWANGO.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 2351) for the relief of Harrison Swango, reported the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the bill (H. R. 2351) entitled "A bill for the relief of Harrison Swango," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of the acts entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, and "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such acts, and report to the Senate in accordance therewith.

FORT HALL RESERVATION.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report back with an amendment the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of right of way through said reservation to the Utah and Northern Railway Company, and for other purposes. It is the same bill which passed the Senate some time since except a small amendment that was introduced in the Senate, which while the House were unable to get hold of the Senate bill they were very desirous of incorporating into their bill. Therefore I take the liberty of asking the Senate to pass the House bill with that amendment added at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Indian Affairs was, in section 11, line 16, after the word "Interior," to insert:

Except that at and near its station at Pocatello, in Idaho Territory, said railway company is granted for its use for station grounds, depot buildings, shops, tracks, side-tracks, turnouts, yards, and for water purposes, not to exceed 150 acres, as shown by maps and plats of the definite location thereof, and said company shall pay for said 150 acres, in addition to the $8 an acre provided in said agreement, a further sum equal to the average appraisal of each acre of town lots in the proposed town site of Pocatello, outside of said 150 acres provided for in section 4 of this act, said $8 per acre to be paid within one year from the passage of this act, and said additional sum upon the completion of the appraisement aforesaid.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WILSON, of Iowa. I move to amend the bill by striking out the last section. It is wholly immaterial.

The PRESIDENT *pro tempore*. The section proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out the following section:

SEC. 17. That this act shall be in force from its passage.

Mr. WILSON, of Iowa. The proposed act will have that effect without such a provision.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. JONES of Arkansas, and Mr. PLATT were appointed.

GEOLOGICAL SURVEY REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back adversely the joint resolution (S. R. 94) providing for printing additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey, and in lieu thereof to report a concurrent resolution to the same effect, for which I ask present consideration.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be indefinitely postponed. The concurrent resolution reported by the Senator from Nebraska will be read.

The Chief Clerk read the concurrent resolution, as follows:

Concurrent resolution to authorize the printing of additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies of the eighth and ninth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the concurrent resolution?

The resolution was considered by unanimous consent, and agreed to.

REPORTS ON ETHNOLOGY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 93) providing for printing the eighth and ninth annual reports of the Director of the Bureau of Ethnology, to report it adversely, with the recommendation that it be indefinitely postponed, and in lieu thereof I report a concurrent resolution, and ask for its present consideration.

The PRESIDENT *pro tempore*. The adverse report will be agreed to if there be no objection, and the joint resolution will be indefinitely postponed. The concurrent resolution reported by the Senator from Nebraska will be read.

The Chief Clerk read as follows:

Concurrent resolution to provide for printing the eighth and ninth annual reports of the Director of the Bureau of Ethnology.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 15,500 copies each of the eighth and ninth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series, of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the concurrent resolution?

The resolution was considered by unanimous consent, and agreed to.

EMILY J. STANNARD.

Mr. BLAIR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2657) granting an increase of pension to Emily J. Stannard, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the said bill, and agree to the same.

H. W. BLAIR,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

C. C. MATSON,
J. LOGAN CHIPMAN,
J. H. GALLINGER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. No further action is required on the part of the Senate.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 3350) for the relief of C. B. Bryan & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 3351) for the relief of Samuel Hein; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 3352) granting an increase of pension to Daniel L. Robinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3353) granting a pension to Mrs. Eliza N. Aiken; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3354) for the establishment of a light-house, and life-saving station in the Detroit River, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CHACE (by request) introduced a bill (S. 3355) defining certain acts of Congress for the relief of owners of real estate in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLAIR introduced a bill (S. 3356) to amend the naturalization laws; which was read twice by its title, and ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. REAGAN. I was requested by W. Hawkins, delegate for the Chickasaw Indians, to present a paper which I submit as an amendment to the deficiency appropriation bill and ask its reference to the Committee on Appropriations. I desire to say that the letter of the Secretary of the Treasury of December 20, 1887, shows that the amount which he believed to be due to the Chickasaws is $240,164.58. The letter of the Secretary of the Treasury of January 5, of this year, submits the estimate of an appropriation for the amount due to the Chickasaw Indians. I propose to refer with the amendment House Executive Document No. 42, first session Fiftieth Congress. I ask that both be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed. Does the Senator desire to have the accompanying document printed?

Mr. REAGAN. No, sir. I do not know that it will be necessary to print the amendment. Let it be referred simply.

The PRESIDENT *pro tempore*. The order to print will not be made.

Mr. BLAIR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California;

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey;

A bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia;

A bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River;

A bill (H. R. 5670) for the construction of a revenue cutter for New Berne, N. C., to replace the revenue cutter Stevens;

A bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain;

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay;

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor;

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers;

A bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.;

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers; and

Joint resolution (H. Res. 201) to correct an error in the "act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes."

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States.

The message also requested the Senate to return to the House the bill (H. R. 10356) granting a pension to J. T. Vincent.

The message further announced that the House had agreed to the amendments of the Senate to the bill (S. 6153) to authorize condemnation of land for sites of public buildings.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.;

A bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889;

A bill (H. R. 2657) granting an increase of pension to Emily J. Stannard; and

A bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings' Landing, Lincoln County, Arkansas.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. GIBSON. I ask unanimous consent to call up the bill (H. R. 8183) for the erection of a public building at Opelousas, La.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN DAKOTA.

Mr. WILSON, of Iowa. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That hereafter the supreme court of the Territory of Dakota shall consist of a chief-justice and seven associate justices, any five of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint two additional associate justices of said supreme court in manner now provided by law, who shall hold their offices for the term of four years and until their successors are appointed and qualified.

SEC. 3. That the Territory of Dakota shall be divided into eight judicial districts, and a district court for the trial of all cases arising under the laws of said Territory, or which may be within the jurisdiction of said courts under the laws of said Territory, shall be held in each district by one of the justices of said supreme court, at such time and place as may be provided by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the fifth judicial district of said Territory, as defined by act of Congress approved July 4, 1884, shall be divided into two judicial districts, which shall be known as the fifth and seventh judicial districts of said Territory; and the third judicial district of said Territory shall be divided into two judicial districts, which shall be known and called the third and eighth judicial districts of said Territory.

SEC. 5. That the fifth judicial district of said Territory shall consist of the counties of Beadle, Kingsbury, Brookings, Hughes, Hyde Hand, Sully, Faulk, Clarke, Potter, Codington, Hamlin, and Deuel.

SEC. 6. That the seventh judicial district of said Territory shall consist of the counties of Spink, Brown, Day, Marshall, Grant, Roberts, Edmunds, Walworth, McPherson, Campbell, and the Sisseton and Wahpeton Indian reservation, and also shall include the following portion of the Great Sioux Indian reservation, to wit: All that portion lying northward of the counties Presho and Pratt, and a line extending the north line of the county of Pratt to the twenty-fifth degree of longitude west from Washington, and eastward of said degree of longitude, and southward of the north line of Bozeman and Schnasse Counties.

SEC. 7. That the eighth judicial district of said Territory shall consist of the counties of Grand Forks, Walsh, Pembina, Nelson, Ramsey, Cavalier, and Towner.

SEC. 8. That the third judicial district of said Territory shall consist of the counties now constituting the same, except as it may be affected by the formation of the eighth judicial district therein provided for.

SEC. 9. That temporarily, and until otherwise ordered by law, the additional associate justices herein provided for shall be assigned to the seventh and eighth judicial districts, respectively; and it shall be the duty of said judges to appoint and fix the terms of holding courts in each of the counties of their respective districts until the Legislative Assembly of said Territory shall fix said terms.

SEC. 10. That the district court in each of said districts shall have jurisdiction to try, hear, and determine all matters and causes that the court of any district of said Territory possesses, excepting as hereinafter mentioned, and all causes and matters now pending in the old districts affecting persons or things which properly belong to the new districts hereby created shall be certified for disposition to said new districts by the judge of the old district; and section 6 of the act entitled "An act providing for an additional associate justice of the supreme court of the Territory of Dakota," approved March 3, 1879, and section 7 of the act entitled "An act providing for two additional associate justices of supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884, be, and the same are hereby, repealed.

SEC. 11. That the associate justice of each judicial district shall hold at least one term of the United States district court in each year, at such place in his judicial district as he may select, and grand and petit juries shall be summoned thereto as now provided by law, and said associate justice shall hold at least one term of court in each judicial subdivision of his district in each year.

SEC. 12. That no justice of the supreme court of said Territory shall sit as a member of said court at the trial of any question decided by him in his district or wherein he has any interest directly or indirectly.

SEC. 13. That nothing in this act shall be so construed as to prevent the legislative assembly of said Territory at any time from changing and arranging the boundary lines of the judicial districts of said Territory, nor from fixing the time and place of holding the several terms of court in said district.

SEC. 14. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not been passed.

SEC. 15. That all unorganized counties lying west of said eighth judicial district are hereby annexed, for judicial purposes, to the sixth judicial district of said Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. VEST were appointed.

POSTAL CRIMES.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 3303) amendatory of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June 18, 1888.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act of June 18, 1888, so as to provide that all matter otherwise mailable by law, upon the envelope, or outside cover or wrapper of which, or upon any part of which, either exterior or interior, or postal card, upon which indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening delineations, epithets, terms, or language, or reflecting injuriously upon the character or conduct of another, may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit or cause to be deposited, for mailing or delivery, anything declared herein to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall, for each and every offense, be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court.

Mr. HAWLEY. It occurs to me from just listening to the bill as it was read that the penalty is very severe; that the minimum penalty is larger than necessary.

Mr. VEST. That is the penalty under the existing law. There is no change in the punishment. The bill is simply to enlarge the scope and operation of the law. I had occasion the other day to explain this matter, if the Senator did me the honor to hear me.

Mr. HAWLEY. I heard the Senator make that explanation.

Mr. VEST. This is the same punishment prescribed in the general statute. There is no change in the penalty at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

Mr. BECK. Mr. President, I rose to move that the Senate proceed to the Calendar under Rule VIII, at the point where we left off in the regular call the last time it was under consideration, and that we continue with the Calendar until 2 o'clock. There are half a dozen bills that I am urged by members of the House of Representatives to have passed if I possibly can. I can not very properly ask to have precedence given to them over everything else, but if we keep up the regular call of the Calendar we shall all get our cases through with something like fair play, whereas if we try to get bills in wherever we can it will not be fair to those who can not be present. I can not be here very much of the time; I have been ten days in committee now; and those who happen to be here will get bills in unless we proceed regularly with the Calendar.

Mr. SAWYER. I hope the Senate will adopt the suggestion of the Senator from Kentucky.

Mr. BECK. It is the only proper way to dispose of the business on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the Senate proceed to the consideration of the Calendar under Rule VIII and continue its consideration until 2 o'clock. Is there objection?

Mr. JONES, of Arkansas. I suggest to the Senator from Kentucky to propose to continue the order from day to day until the Calendar is gone through with.

Mr. BECK. I should be glad to do that, but perhaps that would not be acceded to.

Mr. JONES, of Arkansas. I think it would be agreed to unanimously.

Mr. BECK. I should be very glad if it could be done.

Mr. JONES, of Arkansas. After the morning business each day, until 2 o'clock, let us proceed with the Calendar.

Mr. BECK. I will accept the Senator's suggestion. I ask that the order be made to continue from day to day until the Calendar is gone through with.

Mr. PLATT. I should not like to agree to that. We may have business which would make it necessary to supersede such an order.

Mr. BECK. I was afraid of that. Therefore I will simply ask that the Calendar be proceeded with to-day until 2 o'clock.

Mr. VEST. That ought to be done. There are a number of bridge bills on the Calendar. It is necessary to pass them, and I was about to ask when the Senator from Kentucky took the floor that the Senate devote whatever may be left of the morning hour to-morrow and the next day to the consideration of bridge bills exclusively; but if this is made a continuing order of course I do not care about any such arrangement. We always have the power at any time, if exigencies arise, to change our order of business. If the Senator from Kentucky would modify his request so that we can go through the Calendar regularly, it would be perfectly fair to everybody; and at any time we could set that order aside.

Mr. PLATT. I do not suppose I would object to it to-morrow or any other day; yet I do not want to restrain the Senate from considering some important matter to-morrow if it should be deemed necessary.

Mr. VEST. I hope the order will be made to continue the Calendar from day to day, and then we can change it if necessary.

Mr. CULLOM. It is proposed to consider the Calendar until 2 o'clock?

Mr. VEST. Until 2 o'clock.

The PRESIDENT *pro tempore*. That does not require any order, because it is the rule of the Senate already.

Mr. VEST. Then let us enforce it.

Mr. BROWN. Let us have the rule enforced.

The PRESIDENT *pro tempore*. But it is in the power of any Senator to move to proceed to the consideration of a bill notwithstanding the requirement of Rule VIII. The Senator from Kentucky asks unanimous consent that the Senate proceed to the consideration of the Calendar under Rule VIII this morning, and continue the consideration until 2 o'clock. Is there objection?

Mr. BROWN. I object to that.

Mr. STEWART. I hope that will not be done.

Mr. BROWN. I object, because I think it is only fair to continue with the Calendar in this way from day to day until all have a chance.

Mr. BECK. I propose that we shall have an hour for the Calendar to-day, and we can continue it from day to day, unless there is objection.

Mr. BROWN. The rule as announced by the Chair is that the Calendar is now in order, and we can go on to-day without any motion.

Mr. BECK. We can do that every day without a motion.

Mr. BROWN. Very well; I want the Senate to do that.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Kentucky to move the consideration of any bill he desires on the Calendar.

Mr. COCKRELL. I call for the regular order, the Calendar.

Mr. BROWN. Let us have the regular order.

Mr. COCKRELL. I hope the regular order will now be proceeded with.

Mr. CHANDLER. I ask the unanimous consent of the Senate to dispose of a matter of privilege, which will take but a moment, before the Calendar is proceeded with.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will state his matter of privilege.

SENATOR FROM LOUISIANA.

Mr. CHANDLER. I desire to call up the resolution which is on the table with regard to the credentials of the Senator from Louisiana [Mr. GIBSON], and their reference to the Committee on Privileges and Elections, to substitute another resolution therefor, to be printed and lie over, and to allow the credentials to be disposed of in the regular course.

The PRESIDENT *pro tempore*. The Chair supposes the Senator from New Hampshire would have the right, before action by the Senate, to modify his own resolution. The Chair hears no objection. The modification of the resolution will be read, if any Senator desires. Otherwise, it will be printed and lie over under the rule.

Mr. CHANDLER. I offer the resolution for that purpose.

Mr. COCKRELL. Let it be printed and lie over under the rule.

The PRESIDENT *pro tempore*. It will be printed and lie over under the rule.

Mr. CHANDLER. I desire, instead of its being printed and lying over under the rule, that it be printed and laid on the table, and I give notice that I shall move to take it up some time next week.

The resolution as modified was ordered to lie on the table, as follows:

Resolved, That the Committee on Privileges and Elections be instructed to inquire (1) into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there were chosen State officers and also a Legislature which has since elected two United States Senators; and specially to ascertain and report whether the 136,746 votes returned for the candidate of the dominant party for governor were actually cast, in view of the fact that at no previous election had the votes for such candidate of such party exceeded 88,794; and also why in the parish of Madison there were returned 3,530 votes for one party and none for the other; in East Feliciana Parish, 2,276 for one party and only 5 for the other; in Morehouse Parish, 1,584 for one party and only 14 for the other; in Ouachita Parish, 2,994 for one party and only 5 for the other; in Sabine Parish, 1,441 for one party and only 2 for the other; in Tensas Parish, 4,627 for one party and only 113 for the other; and why there were similar returns from other parishes; and also to ascertain and report whether or not at said State election there was any violence, intimidation, or fraud which prevented a fair election, and particularly whether or not there were any false canvasses or false returns made by the local election officers or included in the final canvass of the votes; and in case said committee shall find that such illegalities as violence, intimidation, or fraud, false canvasses, or false returns prevailed in connection with such election, then said committee shall further inquire

2. Whether any of the acts or omissions of the officials or other persons responsible for or connected with such illegalities were contrary to the Constitution of the United States or the amendments thereof, or were violations of any of the statutes of the United States, especially the provisions of chapter 7, Title LXX of the Revised Statutes, punishing crimes against the elective franchise and civil rights of citizens; and, if so, whether any prosecutions have been or ought to be commenced in the United States courts for such offenses.

3. Whether such illegalities are likely to be repeated in connection with the election to be held in said State on the 6th of November next of Representatives in Congress; and, if so, whether there is occasion for the alteration by Congress of any of the regulations prescribed by said State for holding elections for such Representatives in Congress.

4. And said committee shall also inquire whether there were in connection with the aforesaid State election illegalities, frauds, false canvasses, and false returns, so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and, if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors of President and Vice-President of the United States.

Mr. BLACKBURN. Under the modification of the resolution as made by the Senator from New Hampshire I move that the credentials therein referred to of the Senator-elect from Louisiana be placed upon the files of the Senate and printed in the RECORD.

The PRESIDENT *pro tempore*. They are already on file, the Chair thinks.

Mr. BLACKBURN. Does that carry the order to print?

The PRESIDENT *pro tempore*. The Chair is unable to state definitely about these particlar credentials, but the uniform practice is to have credentials read when presented, and they are then placed upon the files of the Senate.

Mr. CHANDLER. The credentials were laid on the table, I think, on the motion of the Senator from Wisconsin [Mr. SPOONER].

Mr. BLACKBURN. The credentials were laid on the table.

The PRESIDENT *pro tempore*. The Chair presumes there will be no objection to their being printed in the RECORD.

Mr. BLACKBURN. I simply ask that the credentials be taken from the table, placed on the files of the Senate, and be printed in the RECORD.

Mr. CHANDLER. There is no objection to that.

The PRESIDENT *pro tempore*. There is no objection, and it is so ordered.

Mr. MANDERSON. I happened to be the occupant of the chair at the time the credentials were presented, and I will state the course pursued. The credentials were read, and by reason of being read, were of course printed in the RECORD. Then on motion of some Senator they were laid on the table.

The PRESIDENT *pro tempore*. The Chair is informed by the Official Reporter that they were not printed in full in the RECORD.

Mr. BLACKBURN. Such is my information.

Mr. MANDERSON. The credentials were not referred or placed on the files of the Senate, but were laid upon the table at that time.

The PRESIDENT *pro tempore*. If there be no objection, the credentials will be printed in full in the RECORD, and placed on the files of the Senate.

The credentials are as follows:

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA.

To the President of the Senate of the United States:

I, Francis Tillou Nicholls, governor of the State of Louisiana, do hereby certify that Randall Lee Gibson, of the city of New Orleans, in this State, a duly qualified person under the Constitution of the United States, has been duly elected a Senator in Congress from the said State, for the term of six years commencing on the 4th day of March, 1889; that pursuant to the provisions of an act of Congress entitled "An act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, the General Assembly of the State of Louisiana, which was chosen at the general election held on the 17th day of April, 1888, for the constitutional term of four years, and being the Legislature chosen next preceding the expiration of the Senatorial term which ends on the 4th day of March, 1889, proceeded on Tuesday, the 22d day of May, 1888 (it being the second Tuesday after the meeting and organization thereof), in their respective chambers, a quorum being present in each, by a *viva voce* vote to name a person for Senator for the term aforesaid; that a ballot was taken in the senate on the day aforesaid, when it appeared that the Honorable Randall Lee Gibson received 33 votes; and that on the same day a ballot was also taken in the house of representatives, when it appeared that the Honorable Randall Lee Gibson received 89 votes, and the Honorable Henry Demas received 1 vote; that at 12 o'clock meridian, upon the following day, being Wednesday, the 24th day of May, 1888, the same day, month, and year as above stated, the members of the two houses of the General Assembly of this State, convened in joint session, in the hall of the house of representatives, at the State House, in the city of Baton Rouge, in this State, and the journal of each house was read showing the votes cast on the day previous, whereupon the president of the senate declared that the Honorable Randall Lee Gibson having received a majority of the votes of the members of both houses of the General Assembly of this State, was declared duly elected Senator to represent the State of Louisiana in the United States Senate for the term beginning on the 4th day of March, 1889.

Therefore, I do hereby certify that Randall Lee Gibson was declared duly elected Senator in Congress for the State of Louisiana for the term of six years, commencing on and to date from the 4th day of March, 1889.

In testimony whereof I have hereunto set my hand as governor of the State of Louisiana, and caused the seal of the State to be hereunto affixed. Done at the city of Baton Rouge this 31st day of May, A. D. 1888.

FRANCIS T. NICHOLLS, *Governor of Louisiana.*

By the governor:
[SEAL.] L. F. MASON, *Secretary of State.*

DAVID MERIWETHER.

Mr. JONES, of Arkansas. The Senate some time since passed with amendments the bill (H. R. 331) for the relief of David Meriwether, which had previously passed the House of Representatives. The House has refused to concur in the amendments and has asked for a conference. I move that the Senate insist on its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. JONES, of Arkansas, were appointed.

ORDER OF BUSINESS.

Mr. DOLPH. I move to take up for present consideration the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

The PRESIDENT *pro tempore*. The Senate has just agreed by unanimous consent to proceed until 2 o'clock with the consideration of the Calendar under Rule VIII.

Mr. COCKRELL. Let us proceed under that rule.

PUNISHMENT OF RAPE.

Mr. FAULKNER. When the Senate was on the regular call of the Calendar under Rule VIII I was absent the morning the bill (H. R. 870) to amend the Revised Statutes relating to the District of Columbia or the protection of girls and for the punishment of the crime of rape was reached. According to a request I made previous to my leaving, the bill was passed over, but no objection was made to its consideration. I suggest that that case be called in commencing with the Calendar to-day.

The PRESIDENT *pro tempore*. The order of business to which the Senator refers is the point last reached when the Calendar was under consideration under Rule VIII; and it will now be read.

The bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact, shall be guilty of rape, and when convicted thereof shall be punished by imprisonment at hard labor, for the first offense not more than five years, and for the second or other offense for not more than ten years.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. FAULKNER. I move to amend the amendment reported by the committee by striking out in line 6, after the words "guilty of," the word "rape" and insert the words "a felony;" so as to read:

That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact, shall be guilty of a felony, and when convicted thereof shall be punished by imprisonment at hard labor, for the first offense not more than five years, and for the second or other offense for not more than ten years.

The amendment to the amendment was agreed to.

Mr. FAULKNER. I desire to offer a further amendment to the amendment of the committee. I move to insert, in line 6, after the word "fact," the words "in any Territory, the District of Columbia, or other place over which the United States has exclusive jurisdiction, or on any vessel within the admiralty or maritime jurisdiction of the United States and out of the jurisdiction of any State."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EVARTS. Ought not the title to be changed in consequence of the amendment?

The PRESIDENT *pro tempore*. The title has not yet been reached.

Mr. HAWLEY. It occurs to me that a person guilty of the offense described here may also be a person under sixteen years of age, and that you are making what in the common law is simply fornication, a penitentiary offense, and making it punishable very severely as rape. If the bill provided for punishing an adult, a person over twenty-one years of age, guilty of unlawful connection with a girl under sixteen, I should not make any particular objection; but it seems to me that it is a little bit harsh and liable to be abused as it now stands. I submit the point to the consideration of the Senator who has charge of the bill.

Mr. FAULKNER. I will state that the age was fixed by the committee after considerable discussion and an examination of the laws of the several States. Some of the States have changed their laws. A number of the States have fixed the age of sixteen. Some of them have fixed as high as eighteen. Mississippi, Colorado, and Alabama have fixed as high as eighteen.

Mr. HAWLEY. The Senator perhaps did not comprehend my suggestion. I was making no objection to the age of sixteen; but it will occur to any Senator that this applies to a boy under sixteen, and that he is punished for rape by a heavy sentence, and the girl, who may be the blameworthy person, escapes. I was suggesting that if the bill said that an adult or a man of twenty-one years and over, if guilty of this offense, should be punished in this way described, I should have less to say. I made the suggestion that possibly it was harsh to punish one person with five years in the penitentiary, while the other person participating in the crime, equally guilty, or more guilty it may be, in many cases escapes.

Mr. FAULKNER. The Senator will find that the minimum punishment is not fixed in the bill, so that cases brought before the court can be dealt with according to the facts. If the party is not morally guilty, though technically so, it is in the power of the court to make the punishment exceedingly lenient, or there may be a mere nominal punishment imposed.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I think the title should be made to correspond with the bill as it now stands.

On motion of Mr. FAULKNER, the title was amended so as to read: "A bill to amend the Revised Statutes relating to the District of Columbia, for the protection of girls under sixteen years of age in any Territory, the District of Columbia, or other place over which the United States has exclusive jurisdiction, and for other purposes."

Mr. FAULKNER. I move that the Senate insist on its amendments to the bill and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. SPOONER, and Mr. FARWELL were appointed.

OFFICE-HOLDING BY MEMBERS OF TERRITORIAL LEGISLATURES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1951) to prohibit members of Territorial Legislatures holding office.

The bill was reported from the Committee on Territories with an amendment to strike out all after the enacting clause and insert:

That no person elected a member of the Legislative Assembly of any Territory shall, during the term for which he shall have been elected, hold any civil office by appointment of the governor of such Territory or from the council or Legislative Assembly of such Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. I think the title had better be changed "to prohibit members of Territorial Legislatures from holding certain offices."

The title was amended so as to read: "A bill to prohibit members of Territorial Legislatures holding certain offices."

TRANSFER OF COURT ROOMS TO CITY OF UTICA.

Joint resolution (H. Res. 103) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials to the city of Utica, N. Y., was considered as in Committee of the Whole. It is a direction to the Department of Justice to transfer and relinquish to the city of Utica, N. Y., all the right, title, and claim of the United States to the rooms in what is described as the City Hall, in Utica, formerly used for the United States courts and officials thereof under a deed or lease executed on the 25th of May, 1857, the same having been entirely abandoned by these courts and their officials, a new building having been erected by the Government for the convenience and occupancy of the United States courts.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL LOT FOR SENATE STABLES.

The bill (S. 2539) to authorize and direct the purchase of part of a lot adjoining the Senate stables for their ventilation, and for other purposes, was considered as in Committee of the Whole. The Secretary of the Interior is to purchase, for the use of the United States, that part of lot 11, in square 683, in the city of Washington, District of Columbia, as laid out and recorded in the original plat of the city and District, lying directly north of the Senate stables, and containing 6,087 square feet, at a sum not to exceed $6,087, upon proof of a perfect title and the execution to the United States of a deed good and sufficient in law and in form approved by the Attorney-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. MILLER.

The PRESIDENT *pro tempore* Order of Business 1442, being the bill (S. 33) for the relief of Thomas J. Miller, will be passed over, as it is adversely reported.

BRIGHTWOOD RAILWAY COMPANY.

The bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 21, after the word "Columbia," to strike out "either or;" and in the same line, after the word "companies," to strike out "may" and insert "shall;" and after the word "tracks," in line 21, to strike out:

When, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the commissioners of the District of Columbia to be necessary; and in such case they may use such tracks in common.

So as to read:

Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street-railway company in the District of Columbia, both companies shall use the same tracks, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor.

The amendment was agreed to.

The next amendment was, in section 2, line 23, after the word "assessments," to strike out "of personal taxes," and in line 24, before the word "property," to insert "personal;" so as to read:

And said per cent. of its gross earnings shall be in lieu of all other assessments upon its personal property, used solely and exclusively in the operation and management of said railway.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "laid," to strike out "in the center of the avenue as near as may be, to," and insert "upon such part of the road as may be designated by the commissioners of the District, and must;" so as to make the section read:

SEC. 3. That the said railway shall be laid upon such part of the road as may be designated by the commissioners of the District, and must be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

The amendment was agreed to.

The next amendment was, in section 6, line 15, after the word "corporation," to strike out "and;" so as to read:

It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, to such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, subject to the approval of the commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operation of an electric or cable-motor railroad.

The amendment was agreed to.

The next amendment was, at the end of section 12, to add the words "after five days' notice;" so as to make the section read:

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company may sell the same after five days' notice.

The amendment was agreed to.

The next amendment was, in section 14, line 2, before the word "board," to strike out "the" and insert "a;" so as to read:

SEC. 14. That the government and direction of the affairs of the company shall be vested in a board of nine directors, who shall be stockholders of record.

The amendment was agreed to.

The next amendment was, in section 15, line 2, before the word "such," to strike out "and prescribe;" and in line 5, after the word "to," to strike out "the" and insert "this;" so as to make the section read:

The amendment was agreed to.

SEC. 15. That the directors shall have the power to make such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to this charter or to the laws of the United States and the ordinance of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 16, line 2, after the word "stockholders," to strike out "for choice of" and insert "to choose;" so as to make the section read:

SEC. 16. That there shall be an annual meeting of the stockholders to choose directors, to be holden at such time and place, under such conditions and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

The amendment was agreed to.

The next amendment was, in section 19, line 2, after the word "act," to strike out "at any time;" so as to make the section read:

SEC. 19. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company was announced as next in order.

Mr. VANCE. I object to the consideration of that bill.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The bill will be passed over, retaining its place on the Calendar.

WILLIAM M'GARRAHAN.

The bill (S. 1030) to submit to the Court of Claims for adjudication the title of William McGarrahan to the mineral interest of the rancho "Panoche Grande," in the State of Colorado, and for other purposes, was announced as next in order.

Mr. TELLER. I desire that that shall keep its place on the Calendar, so that when we next go to the Calendar it shall be called.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

AGREEMENT WITH SHOSHONES, BANNOCKS, AND SHEEPEATERS.

The bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. An amendment to this bill has been proposed by the Senator from Alabama [Mr. MORGAN]. He is not here to present it.

Mr. DAWES. The bill was reported by the Committee on Indian Affairs without amendment, according to the Calendar. I do not remember any amendment.

The PRESIDING OFFICER. An amendment intended to be proposed was submitted by the Senator from Alabama [Mr. MORGAN], who is not now in his seat, and ordered to be printed.

Mr. DAWES. What is the amendment?

The PRESIDING OFFICER. There are no committee amendments to the bill. The bill is in Committee of the Whole and open to amendment.

Mr. DAWES. I think it would be better to let it go over without prejudice until the Senator from Alabama is in his seat. I am not quite familiar with the amendment which he proposes.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

JULIET C. PALMER.

Mr. CAMERON. I ask that the Senate proceed to the consideration of a bill which was passed over some time since. It is Order of Business 252, Senate bill 607.

Mr. COCKRELL. Let us go on with the regular Calendar under the unanimous agreement.

Mr. CAMERON. This will only take a few minutes. It was passed over some time since.

Mr. TELLER. Let us go on with the Calendar.

Mr. COCKRELL. There was unanimous consent given to go on with the Calendar regularly until 2 o'clock.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate proceed to consider the bill (S. 607) for the relief of Juliet C. Palmer, widow and administratrix of James C. Palmer, late Surgeon-General United States Navy. Is there objection to the consideration of the bill?

Mr. COCKRELL. Was the bill objected to when it was called up in its regular order?

Mr. CAMERON. I was not present when it was called before.

Mr. COCKRELL. I reserve the right to object to it. Can the Chair inform me whether it was objected to before?

The PRESIDING OFFICER. It was objected to, but allowed to retain its place on the Calendar under Rule VIII, the Chair is informed by the Secretary.

Mr. COCKRELL. I hope the Senator from Pennsylvania will not insist upon considering that bill this morning. Let us go on regularly until 2 o'clock and then the Senator can call it up at the end of the business.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CAMERON. I would rather it should be passed now unless there is objection.

Mr. COCKRELL. I reserve the right to object when I shall have looked at the report.

The PRESIDING OFFICER. No objection being made to the consideration of the bill, it will be read.

The Chief Clerk proceeded to read the bill; but before concluding—

Mr. COCKRELL. I object to that bill. It involves a very intricate question about the distribution of prize money. We have had a number of bills of that kind here, and it will lead to considerable discussion. I trust its consideration will not be insisted on this morning.

The PRESIDING OFFICER. The bill being objected to, will be passed over, and the next order of business will be stated.

W. J. MOBERLY.

The next business on the Calendar was the resolution reported by Mr. BATE, from the Committee on Military Affairs, May 31, 1888, referring the petition of W. J. Moberly to the Court of Claims.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Be it resolved, That the claim of W. J. Moberly, late first lieutenant Fourth United States Cavalry, for $776.95, alleged to have been erroneously withheld from his salary as lieutenant aforesaid, be, and the same is hereby, referred to the Court of Claims for adjustment under the various provisions of law for such cases made and provided.

The resolution was agreed to.

TERRITORIAL MUNICIPAL BONDS.

The bill (S. 3058) relieving municipalities in the Territories in certain cases was considered as in Committee of the Whole. It proposes to authorize all village and city corporations within the Territories to issue bonds in due form for necessary improvements, such as public buildings, water-works, and general sewers, to an amount not exceeding 4 per cent. of the assessed valuation of the city or village corporation, in addition to their bonded indebtedness of January 1, 1888; but this shall not be construed to authorize any city or village corporation to lend its credit to any person or corporation to aid in the building of water-works. The net income arising from water-works thus constructed is to be set aside and held as a sinking fund to pay the bonds issued for the building of water-works in any village or city corporation; and whenever there shall be $1,000 in such sinking fund the money shall be invested in United States bonds or in purchasing the outstanding bonds of the city or village corporation issued for the building of the water-works, as the proper authorities of the village or city corporation shall determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. DAVENPORT.

The bill (H. R. 882) to correct the muster of and for the relief of George W. Davenport was announced as next in order.

Mr. COCKRELL. I ask that that bill may be passed by for the present, retaining its place.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

SARAH K. M'LEAN.

The bill (S. 1284) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, was announced as next in order.

Mr. COCKRELL. I make the same objection to that. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

TELEGRAPHIC FRANCHISES OF PACIFIC RAILROADS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first named act.

The bill was reported from the Committee on Interstate Commerce with amendments.

The first amendment was, in section 1, line 11, before the word "maintain," to strike out "construct;" so as to make the section read:

That all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall forthwith and henceforward, by and through their own respective corporate officers and employés, maintain and operate, for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

The amendment was agreed to.

The next amendment was, in section 3, line 4, before the word "maintain," to strike out "construct;" so as to read:

That if any such railroad or telegraph company referred to in the first section of this act, or company operating such railroad or telegraph line, shall refuse or fail, in whole or in part, to maintain and operate a telegraph line as provided in this act and acts to which this is supplementary, for the use of the Government or the public, for commercial and other purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CULLOM. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. PLATT, and Mr. GORMAN were appointed.

LOREN W. HASTINGS.

The bill (S. 2384) to remove the charge of desertion from the military record of Loren W. Hastings was considered as in Committee of the Whole.

The Committee on Military Affairs reported amendments, in line 5, after the name "Hastings," to strike out "who was" and insert "as;" and in line 6, after the word "Infantry," to strike out "and who was subsequently honorably discharged from the naval service with the thanks of the Department" and insert "and enter thereon in lieu thereof the words 'absented himself without leave on the 29th day of March, 1862, at Pittsburgh, Tenn., and enlisted on the 6th day of April, 1862, at Cairo, Ill., as a seaman on board of the United States steamer Cairo, and was on December 1, 1865, honorably discharged from the naval service, as shown by the records of the Navy Department;'" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion standing against the record of Loren W. Hastings, as a private in Company G, Sixth Iowa Volunteer Infantry, and enter thereon in lieu thereof the words "absented himself without leave on the 29th day of March, 1862, at Pittsburgh, Tenn., and enlisted on the 6th day of April, 1862, at Cario, Ill., as a seaman on board of the United States steamer Cario, and was on December 1, 1865, honorably discharged from the naval service, as shown by the records of the Navy Department.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS REPORTED ADVERSELY.

The bill (S. 1953) to provide for the payment of the passage of General de Lafayette and family from France to the United States in 1824, as the guest of the nation, etc., was announced as next in order.

Mr. PLATT. That is reported adversely, and, although I should like to have it passed, I suppose I can not have it done now.

Mr. JONES, of Arkansas. The practice of the Chair has been to pass over those bills which are reported adversely, but it seems to me they ought to be considered, unless where there is a minority report, and be indefinitely postponed. Where there is a unanimous adverse report, and there is no objection to its being done, the bill ought to be disposed of and gotten off the Calendar; and for the purpose of moving that this bill be indefinitely postponed, I ask that the Senate proceed to its consideration.

Mr. PLATT. It can not be considered under the five-minute rule, I wish the Senator to understand.

The PRESIDING OFFICER. The Chair understands that the unanimous consent was to consider bills favorably reported and on the Calendar and not objected to, under Rule VIII.

Mr. JONES, of Arkansas. I did not understand it that way.

Mr. PLATT. Let me say with regard to this particular bill as illustrating the matter——

Mr. JONES, of Arkansas. I withdraw my suggestion.

Mr. PLATT. I think the bill ought to pass, and I should not be content to have it disposed of without a thorough statement of the circumstances of the case. I do not, however, ask to do that now.

The PRESIDING OFFICER. The bill will be passed over.

BUREAU OF EDUCATION.

Mr. BLAIR. I this morning submitted an amendment to the sundry civil bill, the design of which is to modify the law now existing, so that the Bureau of Education may not be moved, if, on consideration by Congress, the law requiring the removal be thought to be a bad law. The Commissioner thinks it will be greatly destructive to the bureau to remove it, especially where he is required to, and as the bureau has prepared a very short statement of the injury that will be done to it by its removal to the Pension Office, which it desires to have printed in the RECORD that Senators may look into the matter, I ask that it be printed in the RECORD. It is only three pages of type-written copy.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the paper presented by him be printed in the RECORD. Is there objection? The Chair hears none.

The paper is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., July 19, 1888.

DEAR SIR: I beg leave to present to you, as chairman of the Senate Committee on Education and Labor, a summary statement of the Bureau of Education in case of its removal to the Pension building.

On March 31, 1888, the following estimates were given to the Commissioner of Pensions, showing the amount of space that would be required: For museum, 3,500 square feet; for the library, 2,500 square feet; for storing and handling documents, 2,000 square feet; for the Commissioner and the clerical force, 3,600 square feet; total, 11,60 square feet. The above estimates were based as nearly as possible upon the present requirements of the office, not allowing for any increase in clerical force, collections, or facilities.

A statement regarding the character and extent of the collections owned by the bureau wi show how moderate those estimates are.

The library of the bureau is a growth of twenty-one years, acquired by gift and by exchange and purchase from many different countries. It has been selected with care, with the design that it should be strictly pædagogical in character. The result is that the Government has acquired, at a very moderate cost, the largest and best purely educational library in the world, embracing original works, journals, magazines, and official reports in all civilized languages. The number of bound volumes exceeds 20,000, and the pamphlets 75,000, besides many duplicates to be used in exchanges.

The bureau has made an excellent beginning toward the formation of a complete pædagogical museum, which is intended to contain material illustrating every step, process, and apparatus useful in every grade of instruction. It now possesses a very extensive collection, perhaps unequaled anywhere else in the world, embracing globes, maps, telluriums, botanical, chemical, and zoological specimens; casts, photographs, drawings, engravings, etchings, models, specimens of lacquer, bronze, marble, and other artistic material; a large amount of very valuable and delicate optical and physical apparatus; a quantity of kindergarten material; and a rare and beautiful collection of Japanese needlework and school literature and apparatus, presented by the Japanese Government.

To properly protect and use these two unequaled collections, the library and the museum; to make them available to the working force of the bureau, whose tools they are, and accessible to the educational public who resort to them for study and research, the amount of space above estimated is barely sufficient. By actual measurement the shelves and cases containing the books and files of the bureau extend to 538 feet, not including the basement in which the publications are stacked. The thirty or more glass cases of the museum measure 240 feet. If, therefore, the shelves and cases of the bureau were placed end to end they would form a line that would reach more than three average squares, the greater part of it being 10 feet high.

The general argument against removal, being a full and clear statement of the kind of work done in this office, and the special kind of accommodations and facilities required, together with an exposition of the damage to property, the interruption and delay of work, the inconvenience suffered, and expense incurred in a former removal may be found in a letter of the Commissioner to the Secretary of the Interior, of April 6, 1888, of which a copy can be furnished if needed.

Very respectfully, yours,

J. W. HOLCOMBE,
Acting Commissioner.

Hon. H. W. BLAIR,
United States Senate.

Mr. BLAIR. I also ask that the amendment be printed in the RECORD. It is very brief.

The PRESIDING OFFICER. It will be so ordered, if there be no objection.

The proposed amendment is as follows:

Amend by inserting in line 5, of page 57, after the words "General Land Office," the words "and the Bureau of Education."

PUBLIC-LAND LAWS.

The bill (S. 3077) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, was announced as next in order.

Mr. TELLER. That can not be considered under the five-minute rule. I do not want to object to it, but it may stand over.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

JACOB D. FELTHOUSEN AND OTHERS.

The bill (S. 463) for the relief of Jacob D. Felthousen and the heirs of William H. Akins, deceased, was announced as next in order.

Mr. PLATT. That is a bill for the extension of a patent which would cover all sewing-machine patents, and I do not suppose it can be disposed of now. I ask that it may go over, retaining its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

P. A. LEATHERBURY.

The bill (H. R. 3008) for the relief of P. A. Leatherbury was considered as in Committee of the Whole. It empowers the Secretary of the Treasury to pay P. A. Leatherbury, of Accomac County, Virginia, $601.27, the amount paid by him to Lucy Roberts, on pension-checks numbered 6863 and 6864, which were afterward recalled and canceled and returned to the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. PUGH. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Before putting the motion the Chair will lay before the Senate bills from the House of Representatives.

Mr. EDMUNDS. I hope the Senator will withdraw the motion until the regular order is laid before the Senate. When that should have been done, I was about to make the same motion myself.

Mr. PUGH. Very well.

J. T. VINCENT.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution of the House of Representatives; which will be read.

The Chief Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 10356) granting a pension to J. T. Vincent.

The PRESIDING OFFICER. The request of the House of Representatives will be complied with and the bill be returned, unless there be objection. It is so ordered.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California;

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey;

A bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia;

A bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River;

A bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens;

A bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain;

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor;

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers.

A bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.;

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River, at or near the city of Plattsmouth, Nebr., and for other purposes;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River; and

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers.

ADMISSION OF WASHINGTON.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished busi-

ness, which is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty-four minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 20, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 16, 1888.

RECEIVER OF PUBLIC MONEYS.

Joseph J. Rogers, of Lisbon, Dak., to be receiver of public moneys at Grand Forks, Dak.

INDIAN AGENT.

Wm. D. Myers, of Pleasant Hill, Mo., to be agent for the Indians of the Kiowa, Comanche, and Wichita Agency in the Indian Territory.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 19, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSULAR REPORT ON TAXATION.

The SPEAKER laid before the House the following communication from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, submitting a series of reports on taxation, prepared by the consular officers of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

CONSULAR REPORTS ON COFFEE.

The SPEAKER also laid before the House the following communication from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State, with accompanying documents, being reports of the consuls of the United States of production of and trade in coffee among the Central and South American States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

CONSULAR REPORTS ON FOREIGN TRADE AND INDUSTRY.

The SPEAKER also laid before the House the following communication from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying the annual reports of the consuls of the United States on the trade and industry of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 18, 1888.

CONDEMNATION OF LANDS FOR PUBLIC-BUILDING SITES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6153) to authorize the condemnation of lands for sites for public buildings.

Mr. DIBBLE. I ask unanimous consent that the House concur in the amendments of the Senate to that bill.

The SPEAKER. The amendments had better be read, subject to the right of objection.

The amendments of the Senate were read at length.

There being no objection, the amendments of the Senate were concurred in.

Mr. DIBBLE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EIGHT-HOUR LAW.

The SPEAKER also laid before the House the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read twice, and referred to the Committee on Labor.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OUTHWAITE until Saturday, the 21st instant, on account of important business.

RETURN OF BILLS FROM THE SENATE.

The SPEAKER also laid before the House the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill (H. R. 10556) granting a pension to J. T. Vincent.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 2657) granting an increase of pension to Emily J. Stannard;

A bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings's Landing, Lincoln County, Arkansas;

A bill (H. R. 7749) authorizing the building of a bridge across the Mississippi River at Wabasha, Minn.; and

A bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889.

BUSINESS FROM THE COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri. Mr. Speaker, I ask unanimous consent that Tuesday, July 31, immediately after the reading of the Journal, be set apart for the consideration of measures reported from the Committee on Labor.

Mr. ROGERS. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. If that order be made in these terms, will the House still operate under the 5 o'clock adjournment, or will it suspend that indefinitely during the consideration of that business?

The SPEAKER. Of course, unless that order is revoked or rescinded, it will operate on that day as on any other day.

Is there objection to the request of the gentleman from Missouri?

Mr. OATES. If the gentleman will exclude from that order the bill to prohibit the transportation or sale of convict-made goods from one State to another I will not object; otherwise I shall.

Mr. MILLS. I hope the gentleman from Alabama will not object. We have lost the night session allotted to the committee.

Mr. OATES. Unless that bill is excluded, I shall feel it my duty to object.

Mr. O'NEILL, of Missouri. Under the circumstances I shall depend upon the Committee on Rules reporting to this House a resolution setting apart that day, and I am confident the friends of labor legislation in this House will not fetter the resolution with other matters, but that we can depend on having the day named set apart for that business.

The SPEAKER. The gentleman from Alabama objects.

Mr. HOLMAN. I hope the gentleman from Alabama will withdraw his objection.

Mr. OATES. Exclude that bill, and I will not object.

Mr. O'NEILL, of Missouri. Then I would ask unanimous consent to offer the resolution for reference to the Committee on Rules.

The SPEAKER. Is there objection to the introduction of the resolution for reference to the Committee on Rules?

Mr. OATES. I have no objection to that.

There being no objection, the resolution was referred to the Committee on Rules.

ORDER OF BUSINESS.

Mr. MILLS. I demand the regular order.

Mr. GEAR. I ask unanimous consent to consider the bill which I now send to the desk.

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. MILLS. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

AMERICAN ASSOCIATION OF INSTRUCTORS OF THE BLIND.

Mr. MORRILL. I ask the gentleman from Texas to yield to me for a moment to have printed in the RECORD a brief memorial from the American Association of Instructors of the Blind.

Mr. MILLS. I have no objection to that.

Mr. MORRILL. Then I ask unanimous consent to have printed in the RECORD the memorial I send to the desk.

There was no objection.

The memorial is as follows:

MARYLAND SCHOOL FOR THE BLIND,
North Boundary Avenue, Baltimore, July 12, 1888.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The American Association of Instructors of the Blind, now holding its tenth biennial session in the city of Baltimore, hereby respectfully, but urgently, ask

that your honorable body will at an early day consider favorably, and enact into a law, the bill to promote the higher education of the blind, now pending before the Committee on Education of the House.

Wm. B. Wait, superintendent New York Institute for the Blind, New York City; Frank Battles, principal Pennsylvania Institute for the Blind, Philadelphia; W. D. Williams, principal Georgia Academy for the Blind, Macon; F. D. Morrison, superintendent Maryland School for the Blind; W. S. Phillips, superintendent Illinois Institution for the Education of the Blind; C. H. Miller, superintendent Ohio Institute for the Blind; W. J. Young, principal North Carolina Institute for the Deaf and Dumb and the Blind; S. A. Link, superintendent Tennessee School for the Blind; Geo. H. Miller, superintendent Kansas Institute for the Blind; H. B. Jacobs, superintendent Indiana Institute for the Blind; A. G. Clement, superintendent New York State Institute for Blind; Frank T. Barrington School for the Blind, Baltimore, Md.; Wallace P. Day School for the Blind, Jacksonville, Ill.; Jno. H. Dye, superintendent School for the Blind, Little Rock, Ark.; J. B. Parmelee, superintendent School for the Blind, Nebraska City, Nebr.; B. B. Huntern, superintendent Kentucky Institute for the Blind, Louisville, Ky.; Jno. T. Sibley, superintendent Missouri School for the Blind, St. Louis, Mo.; C. E. Faulkner, secretary board trustees Kansas State Charitable Institution; H. S. Hall, superintendent and financial agent Pennsylvania Working Home for Blind Men.

BUSINESS REPORTED FROM COMMITTEE ON THE PUBLIC LANDS.

Mr. HOLMAN. Mr. Speaker, there are several bills reported from the Committee on the Public Lands in relation to public schools and other matters, to which I think there will be no objection. I ask unanimous consent that on next Tuesday the House take a recess at 5 o'clock until 8 o'clock p. m.; the evening session to be devoted exclusively to the consideration of bills reported from the Committee on the Public Lands, to which there shall be no objection.

Mr. DINGLEY. I suggest that some day be set apart. We have time enough now.

Mr. WEAVER. Is the Public Land Strip bill included in that request?

Mr. HOLMAN. It is not.

Mr. McCREARY. I desire to amend the proposition.

The SPEAKER. It is not amendable. This is a request for unanimous consent. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN]?

Mr. ROGERS. If the evening session be limited to half past 10 o'clock, I have no objection.

Mr. HOLMAN. I will agree to that.

Mr. CLARDY. I suggest that it be limited to 10 o'clock.

Mr. HOLMAN. I have no objection to that.

There was no objection to the request of Mr. HOLMAN, and it was so ordered.

ERROR IN AGRICULTURAL APPROPRIATION BILL.

Mr. MORROW, by unanimous consent, introduced a joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; which was read a first and second time, as follows:

Resolved by the Senate and House of Representatives, etc., That an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, designating the Ladies' Silk Culture Society of California as the "California Ladies' Silk Culture Association of California," be corrected so that the name shall read: "Ladies' Silk Culture Society of California."

Mr. MORROW. I ask for the present consideration of this joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. McCREARY. I ask by unanimous consent that next Thursday evening, between the hours of 8 and 10 p. m., be set apart for the consideration of bills reported from the Committee on Private Land Claims.

The SPEAKER. That evening is already taken.

Mr. McCREARY. Is Wednesday evening taken?

The SPEAKER. Wednesday evening also.

Mr. McCREARY. Then I ask unanimous consent that next Wednesday, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Private Land Claims.

There was no objection, and it was so ordered.

DEFICIENCY BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BURNES. Mr. Speaker, I wish to reserve all points of order on the bill. Accompanying it there is a report expressing the views of the majority of the committee, which I ask to have printed in the RECORD to-morrow morning.

There was no objection, and it was so ordered.

The report is as follows:

In presenting the bill making appropriations to supply deficiencies in the appropriations for the fiscal year 1888 and for prior years, the Committee on Appropriations submit the following report in explanation thereof:

The bill is mainly based upon estimates contained in House Executive Documents Nos. 332, 376, 377, 383, 395, and 396, Senate Executive Document No. 186, of this session, and House Miscellaneous Document No. 6, Forty-ninth Congress, second session, and House Miscellaneous Documents Nos. 294 and 401, and Senate Miscellaneous Documents Nos. 5, 121, 123, 143, 145, 147, 148, and 149, of this session, and appropriates in all $3,539,434.49.

Section 1 of the bill makes appropriations to supply deficiencies on account of the fiscal year 1888 and prior years, as follows:

State Department	$4,617.90
Treasury Department	559,290.10
District of Columbia	24,123.96
War Department	76,684.43
Navy Department	7,039.66
Interior Department	70,953.41
Post-Office Department	475,113.72
Department of Agriculture	251.28
Department of Justice	330,801.59
Government Printing Office	6,300.00
House of Representatives	44,097.68
Judgments Court of Claims	346,239.31
Fox and Wisconsin River improvement	15,518.26
	1,958,231.39

Sections 2, 3, and 4 of the bill provide for the payment of claims audited by the accounting officers of the Treasury and certified to Congress pursuant to law and for the payment of French spoliation claims as follows:

Section 2, under Senate Executive Document No. 186	$252,411.56
Section 3, under House Executive Document No. 377	587,185.00
Section 4, French Spoliation Claims	741,606.63
Total amount in the bill	3,539,434.49

There is no new legislation in the bill except the following on pages 3 and 4, which is urgently recommended by the Secretary of the Treasury for the better enforcement of the alien contract labor law, namely:

"That the act approved February 23, 1887, entitled 'An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia,' be, and the same is hereby, so amended as to authorize the Secretary of the Treasury, in case he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant within a reasonable time, say one year, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

"That the act approved February 26, 1885, entitled 'An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia,' be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent., where it appears that the recovery was had in consequence of the information thus furnished."

In obedience to the order of the House, expressed in the following resolution, adopted December 19, 1887, provision is made for the payment of all claims which have been reported by the Court of Claims under the act of January 20, 1885:

"*Resolved*, That the reports of the Court of Claims under the act of Congress entitled 'An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801,' approved January 20, 1885, be referred to the Committee on Appropriations when appointed, with instructions to report to this House all such claims as have been decided favorably to the claimants and so reported by the Court of Claims in the general deficiency bill for the consideration of the House."

It will be for the House to determine whether the appropriations contained in the bill for the payment of these claims, or any part of them, shall now be made, the Committee on Appropriations having no discretion in the premises, except to report provision for their payment under the terms of the above resolution.

The undersigned members of the committee submit the following views touching the

FRENCH SPOLIATION CLAIMS.

The resolution declares that they shall be reported for the consideration of the House, and the avowed object of its passage announced in debate was to secure a hearing for the claims at the present session of Congress. Their great magnitude, and the interesting and important questions involved in their consideration, render it proper and necessary that the committee should furnish to the House all pertinent information in their power upon the subject of these claims, and should state the questions regarding them which will arise for the decision of the House.

Under the reference act of January 20, 1885, by which these claims were referred to the Court of Claims for investigation and report, it was provided that the findings and reports of the court should be taken to be merely advisory as to the law and facts found, and should not conclude either the claimants or Congress, and that nothing in the act should be construed as committing the United States to the payment of any of the claims. The responsibility, therefore, rests upon Congress to determine these cases of claim upon their merits, accepting the reports thereon from the Court of Claims as advisory merely and not conclusive. The findings of the court in the several cases puts the House in possession of facts which are indispensable to its intelligent action, while the conclusions at which the court arrives upon points of law involved in their investigation are entitled to most respectful attention. Still, the findings of the court, whether of fact or law, are not judgments of the court in a judicial sense, and can not therefore be reviewed in the Supreme Court or take rank as authority in the consideration of the claims by Congress.

The first fact that attracts attention in coming to the consideration of these claims is their great magnitude. The law officers of the Government inform us that upon computation of them as filed in the Court of Claims they exceed the sum of $40,000,000, and the number of vessels seized or detained, as set forth in petitions filed, is 2,300. Mr. Webster, speaking for the claimants in the Senate in 1836, declared that "the papers showed that American citizens had claims against the French Government for 615 vessels unlawfully seized and confiscated," and the estimates heretofore made of the total amount of the claims

have ranged from one-fourth to one-eighth only of the amount now demanded. From the best means of information at hand the committee are of opinion that after all deductions and rejections by the Court of Claims the aggregate amount will exceed $30,000,000. The amount already reported by the court and included in the present bill is therefore but a small part of the whole, but a decision by Congress to pay the reported items or any one of them will in principle commit the Government fully upon the whole question of payment.

Before the passage of the reference act of 1885 the position of the claimants was quite different from that assigned to them by the present bill. For half a century or more bills for their relief, presented from time to time, provided for an appropriation of $5,000,000, to be distributed among them pro rata in extinguishment of their demands, being about one-sixth of the probable amount of expenditure to which the Government will be committed by approving the items of appropriation contained in the present bill. Inasmuch, however, as the act of 1885 did not commit the Government to any principle of action upon the claims, the whole question of their allowance, and, if allowed, the manner of paying them, and the amount to be paid, remain open for the deliberate and intelligent judgment of Congress.

It is understood that of these claims one-half or more in amount is demanded by insurance companies, or by receivers representing them, being for insurance moneys paid in cases of loss, or upon assignments made by original claimants. It will be for Congress to determine whether any distinction shall be made between insurance companies and individual claimants with reference to the merit of their demands, respectively, and generally as to assigned claims, whether the provision of the third section of the reference act of 1885, that the court shall ascertain in the case of assigned claims the actual consideration paid therefor, shall be regarded as important, and its apparent purpose be enforced.

FRENCH SPOLIATIONS.

The claims in question originated mostly in the years 1798 and 1799, and were the subject of negotiation between the United States and France in the year 1800. Eventually a convention treaty was signed by the negotiators on the 30th day of September, 1800, which was subsequently, 3d February, 1801, amended by the United States Senate by striking out the second article and substituting therefor a provision that the treaty should continue in force for eight years.

The second article, so expunged by the Senate, was in the following language:

"SEC. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further upon those subjects at a convenient time, and until they may have agreed upon those points the said treaties and convention shall have no operation."

It will be seen by this section that certain differences between the two countries regarding claims and old treaties were postponed, accompanied by the declaration that negotiation upon them should be resumed at a convenient time, and that until such negotiation and an agreement to revive them the old treaties should have no operation.

The claims now in controversy are presented mainly upon the following grounds:

First. That they were valid claims against France when the treaty of 1800 was made, and that France had acknowledged their justice and legality.

Second. That further negotiation between the United States and France for their consideration was provided for by the second article of the treaty, above recited.

Third. That by striking out that article from the treaty in the United States Senate the claims were abandoned or released to France.

Fourth. That this abandonment or release was in consideration of the abandonment or release by France of her pretensions under the old treaties of 1778 and was an equivalent therefor.

And, lastly, that the transaction was a virtual appropriation by the United States of private property to public use, entitling the claimants to just compensation therefor upon a familiar principle of justice recognized by American constitutional law.

RULE OF COMPENSATION.

Before considering the several grounds of claim above presented it will be important to understand clearly the rule of compensation which the claimants will be entitled to invoke in case their claims shall be admitted for payment by the United States. If they have a right to recover, what will be just compensation to them for the alleged appropriation of their property for public use? It is undoubtedly a principle of law that where private property is taken for public use, and the appropriation is total and permanent, the value of the property at the time of appropriation is to be paid to the owner. If, therefore, the claims against France were in the nature of property and were appropriated to public use by our Government, their pecuniary value at the time they were so used will be the standard of compensation to the claimants.

It would be an affectation of learning to cite authority in support of this rule, it being one of general acceptance and of undoubted justice. The value, if any, to the claimants of the possibility of renewed and successful negotiation on their behalf under the expunged article of the treaty of 1800 measures exactly the extent of their alleged loss by the action of our Government. For at the utmost their claims at the time of alleged appropriation were worth no more than the estimated value of their chance of recovering them under the second article of the treaty. By their own argument they were deprived only of the chance of indemnity from France by negotiation in the future, at some time convenient to both Governments, and when France should be disposed or be coerced or persuaded to pay. But that this chance or possibility of renewed negotiation, and of obtaining indemnities from France thereby, in the contemplation and belief of our envoys, and presumably also of the Senate, was wholly unreal and illusory can be clearly shown, and that this belief was well founded appears not only from an examination of the facts then known, but from the history of subsequent events.

Bonaparte refused indemnities after Marengo, and dictated a treaty which excluded them from allowance. Would he have admitted them after Austerlitz, or Jena, or Tilsit? Much less would he have found a convenient time for considering them after Moscow and Leipsic, in the days of his declining power. Alike in the days of glory and disaster, his selfishness, arrogance, and insensibility to human suffering and human needs (outside the circle of dependents and supporters) fitted him to be an inflexible, unsympathetic enemy to the American claims. Even those claimswhich were provided for by the treaty of 1800 in the fourth and fifth articles remained unpaid, the subject of urgent demand by us, until the convention treaty of 30th April, 1803, accompanying the Louisiana purchase, was made.

In fact, the American minister, Mr. Livingston, congratulated himself upon his success in touching the pride of Bonaparte by a direct communication to him on the subject of those acknowledged claims and obtaining from him a promise of speedy payment. The French treasury, however, was not in a condition to pay nearly $4,000,000, the estimated amount of those claims, and this circumstance probably facilitated the sale to us of the Territory of Louisiana, out of the purchase-money for which those claims were ultimately paid.

But the official correspondence preceding the Louisiana purchase shows how idle and useless would have been any attempt at renewed negotiation with Bonaparte for payment of war claims antedating the treaty of 1800, even if that treaty had left them open for consideration. Still more decisive is the fact, that under Bonaparte as emperor fresh and severe depredations were committed upon our commerce, for which no redress could be obtained for more than twenty years. By his Berlin and Milan decrees, and by other measures of his government, he struck at our rights as a neutral power, broke his treaty obligations with us, and let loose upon our merchant ships the spoilers of the sea. During his great struggle with England his attitude towards us was wholly selfish and unjust, preceding all possibility of successful negotiation with him for redress of wrongs.

MR. CLAY'S REPORT.

In Mr. Clay's report as Secretary of State, to the United States Senate, dated 20th of May, 1826, he set forth the grounds on which the claimants presented their demands, now in controversy, against our Government, and submitted to the Senate the question, "Whether equitable considerations do not require some compensation to be made to the claimants?" He added, however:

"The Senate is also best able to estimate the probability which existed of an ultimate recovery from France of the amount due for those indemnities if they had not been renounced [abandoned]; in making which estimate it will give just weight to the painful consideration that repeated and urgent appeals have been in vain made to the justice of France for satisfaction of flagrant wrongs committed upon property of other citizens of the United States subsequent to the period of 30th September, 1800."

These observations by Mr. Clay are extremely important, in two points of view:

1. They show that upon the grounds of claim set forth by the claimants, assuming their full force and validity, Mr. Clay was of opinion that the claimants should not be paid by our Government the full amount of their claims. It was for the Senate to decide whether, upon the alleged facts, "some compensation" should not be made. It was doubtless in accordance with this view that the claimants, their counsel in Washington, and their supporters in Congress, at various times, and persistently, proposed an appropriation of $5,000,000 as the compensation which the claimants would accept, and which it would be reasonable or proper for the Government to pay, in full extinguishment of their claims. A great many reports have been made and bills introduced into Congress and urged upon public attention, fixing that sum of $5,000,000 as the whole amount to be paid. The "some compensation" has now, however, risen from the $5,000,000 of former times to $30,000,000, under the impetus given to the claims by the reference act of 1885. But as that act provided only for an investigation of the claims and reports thereon, expressly reserving to Congress full freedom of action and judgment after reports were made, it follows that the $5,000,000 limitation has not been waived by Congress nor, in fact, been formally withdrawn by the claimants.

2. But by the report of 1826 the Senate were also invited to consider the probability of a recovery of the claims from France if they had been left open and expressly subject to after negotiation by the treaty of 1800; and upon that point the Secretary referred the Senate to the continued failure of our Government to secure satisfaction from France for flagrant wrongs committed upon our commerce by her subsequent to the date of that treaty.

The Secretary's reference was undoubtedly to the claims above referred to, for depredations under the imperial decrees and authority of Bonaparte subsequent to 1800, which were in open violation of existing treaties and neutral rights, and which had been made the subject of unavailing remonstrance and negotiation by our Government under three Presidents—Jefferson, Madison, and Monroe—and were then being continued under the younger Adams. All attempts to obtain redress had failed, and continued efforts then being made did not promise success. Mr. Clay had therefore good reason to submit to the Senate the pertinent and significant question, Is it probable that France would have agreed to pay the old contested claims prior in date to 1800, if negotiations upon them at a convenient time had been reserved by the treaty of that year in its final form? If she will not pay or agree to pay more recent claims of undoubted validity—of uncontested merit—would she have ever found a convenient time to pay, or even promise to pay, the old ones? There could be but one answer to these questions, namely, an emphatic negative.

It only remains to mention upon this point that settlement and ultimate payment of the claims subsequent to 1800 were only secured by the great energy and determination of President Jackson, devoted to that object during nearly the whole eight years of his administration, and then only to the extent of 58 per cent. In his annual message of 1835 he gave an exhaustive and instructive narrative of the steps taken and difficulties encountered by him in enforcing those virtually uncontested demands upon France; and no reasonable man can rise from reading that message without a strong conviction that any attempt by us at any time to coax or coerce France to acknowledge or pay the older and disputed claims would have entirely failed, and that the original second article of the treaty of 1800 for a convenient time of negotiation thereon was utterly worthless. (See Benton's Thirty Years' View, pages 569, 588, 602.)

OPINION OF ENVOYS.

In this connection the opinion of our envoys who were concerned in the negotiation of the treaty is entitled to high consideration. In their private journal, under date of July 7, 1800, they declared:

"It was also clearly perceived that unless indemnities were secured by some means in the present negotiation they would be forever lost."

Again, pending proceedings upon the ratification of the treaty, after its amendment, William Vans Murray, our minister at The Hague (who had been one of our envoys in the negotiation of the treaty), fully and strongly expressed his deliberate judgment that the claims were without pecuniary value under the second article of the treaty. In a letter to the Secretary of State, dated at Paris, July 2, 1801, speaking of the claim for indemnities against France, he said, "I do not consider it as worth a quarter per cent.;" and in a subsequent letter to the Secretary of State, dated August 3, 1801 (after exchange of ratifications of the treaty), he said, "If the Senate meant, as I hope, to consider indemnities as worth nothing, then the business, I presume, is closed."

And again, in the same letter, he declared that in accepting the French ratification he had taken into account "the absolute want of value in the prospect of indemnities" under the second article of the treaty. This is strong evidence from a most competent witness upon the question of the value of the claims, and it also tends to prove that the second article of the treaty was originally obtained by our envoys for diplomatic and personal reasons, rather than with any expectation that it was or would be of value to American claimants.

THE NEGOTIATION AT PARIS.

The treaty of 1800, amended and ratified by the United States Senate February 3, 1801, does not, in its final form, contain any provision upon the subject of these claims. It passed them by unprovided for, although they were an object of negotiation before that treaty was made, and were referred to in the second article of the treaty when signed. Undoubtedly the claims were dropped or abandoned by our Government as a subject of negotiation with France; but under what circumstances, with what objects in view? Those who defend the action of our Government declare that the claims were abandoned simply because they could not be enforced upon France at the date of the treaty, nor was there any reasonable prospect that any future negotiation in their behalf would be successful. If this be true there is an end to controversy, for it is undeniable that our Government had performed its whole duty to the claimants up to the date of the treaty.

It had acted with great energy and had incurred heavy expense for their protection in the preceding years, and its instruction to its envoys was urgent and imperative to insist upon the claims and to agree to no treaty with France which

should not provide for them; and our envoys had been for many months diligently engaged in an unsuccessful attempt to secure a recognition of the claims from France. If, therefore, it was impossible to secure their allowance by treaty, and it was evident that future negotiation in their behalf would be equally fruitless, it was just to conclude the treaty upon the basis upon which it was made—in the final form given to it by the American Senate.

But here comes into view a decisive explanation of the second article of the treaty of 1800, in both its original and its amended form, which disposes of the main argument made in former reports and still urged in behalf of these claims.

When the treaty was under consideration in our Senate, in secret session, as already mentioned the second article was expunged, and in its stead a provision inserted that the treaty should continue in force for eight years. Conjecture has been busy over this action of the Senate (in which France concurred), but as will presently appear, a perfectly natural and reasonable explanation of the fact challenges attention and acceptance. The Senate had before them the correspondence of the negotiators on both sides and the journal of proceedings and consultations of our envoys, and acted with intelligence in their amendment of the treaty, and certainly with no intention of assuming for their own country the payment of these claims. If such consequence had been presented to them as a possible effect of their amendment, it is quite certain the amendment would not have been made. But such consequence being neither a legal, natural, proper, or conceivable consequence of their amendment, that amendment was evidently made for the reasons which we shall now proceed to mention.

In the first place, the Senate, unlike our envoys, were not bound by instructions; they could give to the treaty such form as they judged advisable with due reference to existing conditions in our relations with France, and with a wise forecast of the future; they were well informed that the second article was not asked for by France, but was a diplomatic device to relieve our envoys from an apparent breach of instructions and usurpation of authority in signing the treaty, and the Senate must have been convinced of the utter uselessness of the article, and of its liability to create with claimants unfounded or delusive hopes of future negotiation in the interest of their claims. While it was no doubt firmly believed that the article could do no good—could secure no advantage to our Government or to the claimants in future—it might do harm, because it was misleading.

That the reservation of future negotiation in the second article of the treaty, in its original form, was a diplomatic device of the negotiators, as already stated, and was not intended by them to be a substantial or practically operative provision in future, sufficiently appears from their official correspondence to be presently cited; and that the provision was worthless to the claimants, and therefore properly rejected by the Senate, will also appear from an examination of the provision itself and from the history of succeeding times.

The ultimatum of Bonaparte, presented to our envoys after protracted correspondence and conferences, consisted of two alternative propositions, either one of which might be accepted as the basis of a new treaty, but the acceptance of either one necessarily involved the rejection of the other. Both could not stand. All that was left to our envoys was a choice between them. That ultimatum (maintained by France with slight modifications of detail in the subsequent course of the negotiation) was clearly stated by the French negotiators to our envoys in a letter dated 11th August, 1800. (Report of 1826, page 616.) In that communication they proceeded to state their first proposition, which was—

"To stipulate a full and entire recognition of the treaties and the reciprocal engagement of compensation for damages resulting on both sides from their infraction; but if the American envoys should continue to think it is impossible for them to acknowledge the treaties with the advantage of their date * * * the French Government would consent to the abolition of the treaties."

And therefore their second proposition was—

"The abolition of ancient treaties, the formation of a new treaty in which the French nation, laying aside a privilege disagreeable to the United States, would treat for its political and commercial relations as the most favored nation, and in which there would be no demand of compensation."

And they concluded by restating these alternatives in condensed form:

"Either the ancient treaties with the privileges resulting from priority, and the stipulations of reciprocal indemnities; or a new treaty assuming equality without indemnity."

Our envoys were greatly embarrassed by this communication, the outcome of all their efforts to obtain terms from France and to secure the objects of their mission. The acceptance of the first alternative was plainly impossible for several most commanding reasons; nor is there any ground to believe that the French negotiators expected its acceptance. It was in flat contempt of our act of Congress which had abrogated those treaties, which act Congress alone could repeal. It was wholly inconsistent with the existing Jay treaty with Great Britain, and would embroil us with that country, and by its revival of exclusive privileges to French cruisers in our ports would have destroyed our declared position as a neutral power. There were other objections, but these alone were decisive. Besides, it was not within their power, under their instructions, to revive or renew the old treaties; nor, if they had possessed greater powers, could they have overcome the insuperable obstacles which stood in the way of a renewal treaty and its ratification.

All this was well known to the French negotiators, and their renewed proposition, coupled with claims adjusted on both sides, was doubtless diplomatic, to make their offer consistent with their prior attitude in the negotiation, and to recommend, by way of contrast, the second proposition of the alternative to the American envoys. It is now known that this ultimatum was the result of very careful consideration between the French negotiators and their own Government, and it was adroitly drawn to its intended purpose. The First Consul, then fresh from the field of Marengo, made up his mind with his accustomed decision upon the American dispute. He would agree to an unconditional peace, by-gones to be by-gones, and that amity and free commerce should obtain between his country and ours for the future. His negotiators enveloped his determination in many words, but it was plainly enough expressed in the second alternative proposition above cited.

Our negotiators gave to this proposal most earnest and anxious consideration. They were surrounded by difficulties. No desirable course lay open before them. But they were patriotic men, and they determined to do their duty, to do the best they could under the circumstances, and take the responsibility of a treaty upon the terms last proposed. Thereby they would open the ports of France to our merchants and shippers, would stop captures of our vessels upon the ocean, and would save to our merchants no less than forty ships and their valuable cargoes already seized by French cruisers but not finally condemned. These were great advantages to our commerce and to the men engaged in carrying it on, while at the same time our Government was secured from burdensome outlays under acts of Congress passed for the protection of our citizens against France. But all this could not be secured under the French offer now in question without an abandonment of the American claims; in other words, without ceasing to urge them in the negotiation. Was peace, open ports, restitution of forty ships and cargoes, and national interests all to be sacrificed to further an utterly fruitless negotiation in favor of the claims?

Their decision is shown by their journal under date of 13th September, 1800 (Report of 1826, p. 684), where they say that they were then "convinced that the door was properly closed against all hopes of obtaining indemnities with any modification of the old treaties, and it only remained to be determined whether under all the circumstances it would not be expedient to attempt a temporary arrangement which would extricate the United States from this war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure as far as possible our commerce against the abuses of capture during the war."

They therefore resolved to submit to the French negotiators certain propositions as the basis of an agreement, one of which was the postponement of the subject of old treaties and indemnities in very nearly the form which it assumed afterwards in the second article of the new treaty. It is not material to trace the negotiation further to its conclusion in the signing of the new treaty on the 30th of September, nor to infer from their official correspondence the motives operating upon the negotiators in adopting the second article of that treaty.

It is plain enough, upon a consideration of all the facts recorded, that for good and sufficient reasons the American envoys accepted the second proposition of the Bonaparte ultimatum, which involved the abandonment of indemnity claims in controversy, and that the formal postponement of them along with the old treaty pretensions was with no expectation that negotiation thereon would ever be resumed; and it is evident also that the French negotiators agreed to this formal provision at the urgent request of the American envoys, and not because they attached any importance to it as a provision for the future.

Distinct and reliable evidence upon this subject is furnished by the letter of M. Fleurieu, one of the French negotiators, to M. Talleyrand, dated 11th June, 1802, and appended to this report. It was because the American envoys were bound by instructions against a formal abandonment of the American claims, and because they apprehended "the clamors of the ship-owners and merchants of the United States" that no formal renunciation of indemnity was inserted in the treaty, and the second article for an indefinite postponement of the subject inserted; but both sides to the negotiation perfectly well understood that they were agreeing upon the Bonaparte ultimatum of the 11th of August, which had conclusively defined the position of France, and which the American envoys had been compelled to accept.

For the reasons above shown the American envoys were fully justified in accepting a new treaty, with a virtual abandonment of the controverted American claims. The treaty they made was largely advantageous to our merchants and shipping interests, and it secured the ultimate payment of all the claims which could be recovered at that time from the Government of France. Nor are they to be condemned for inserting in the treaty a claims-postponement provision under the circumstances in which they were placed. Their draught of the treaty was subject to the approval, modification, or rejection of their own Government, and it was perfectly competent for the President and Senate, by rejecting or amending the treaty, to reopen negotiation with France in order to obtain more favorable terms.

In this point of view the second article might be expedient, by furnishing occasion for further correspondence. It was their intention to leave their Government as free as possible with reference to the course it would adopt, no matter what were their own fixed opinions as to the inutility of continued or renewed negotiation upon the subjects embraced by the treaty. Perhaps this consideration, in addition to those mentioned by M. Fleurieu, influenced them in obtaining the second article of the treaty. But the whole subject of the treaty was remitted to their own Government for its deliberate judgment, and they transmitted to the home authorities all the correspondence with the French negotiators and the private journal of their own consultations and proceedings for the information of the President and Senate.

AMENDMENT OF THE TREATY.

The Senate had no motive to strike out the second article of the treaty in order to get rid of the old treaties of 1778, for by that article those treaties were to have no operation in future unless readopted. We were completely free from them by the article itself, unless and until we chose to renew negotiations and voluntarily accept them. It is therefore preposterous to say that the Senate struck out the article in order to get rid of the treaties.

It is true that if both parties chose to find a convenient time to renew negotiation France might renew her "pretension" that the old treaties constituted a topic for consideration, but such pretension would not impose those treaties upon us, or give to them in any manner the force of existing obligations. We would be at perfect liberty to reject them. Besides, as will be hereafter shown, those old treaties had been abrogated for legal and just cause by the United States, and they had also been set aside by public maritime war.

Nor did the Senate strike out the article to avoid any prospective demand by France for renewed negotiation respecting them; in other words, to avoid any renewal of these pretensions by which France had sought to complicate and baffle the negotiation just closed, France had proposed in the ultimatum of 11th August to abandon all her pretensions regarding those treaties, and make a treaty of amity and commerce, regardless of them; and the second article of the new treaty, which formally reserved a chance for future negotiation, was not proposed by her, but by the American envoys. The treaty without the second article was conformed to her ultimatum, and she asked for no reservation to preserve her old treaty pretensions. The American envoys had sought and secured the second article because it saved to them the point of honor under their instructions, while their own Government was left free to accept or reject, in whole or in part, the bargain proposed. France conceded the article, not because she desired it, but because it was harmless; because it bound her to nothing in the future, not even to negotiate except when she chose, and then according to her own sovereign pleasure. It was therefore morally certain that she would never importune us to reopen negotiation under the second article, and the Senate did not strike out that article to avoid future annoyance from her upon old treaty pretensions.

Nor did the Senate strike out the second article in order to release France from the American claims, to discharge her from a legal obligation to pay them. There was no legal obligation to discharge, because the claims were war claims, which, like counter claims of France for losses on her side during hostilities, had no legal standing in any forum of debate.

It has sometimes been said that the claims, if not strictly legal, were equitable, but we are not to be misled by words. We are not here considering a question of moral obligation or of abstract justice as against France, but an obligation upon her under the sanction of international law.

But as a question under international law there was truth and force in the position of the French negotiators, declared by them in conference 12th September, 1800, that—

"If the question could be determined by an indifferent nation they were satisfied such tribunal would say that the state of things then existing was war on the side of America (they might have added on the side of France also), and that no indemnities could be claimed."

The same view as to existing war was, about the same time, announced by our Supreme Court, and was repeated by that court in cases subsequently decided, as is fully shown at another place in this present report.

The Senate, therefore, in striking out the second article of the treaty did not intend to release, and did not in fact release, France from any legal obligation to pay their claims, because no such obligation then existed.

Nor did the Senate strike out the second article with any intent of imposing the payment of the claims upon our own Government. There is no evidence that they had such a purpose, nor has it ever been imputed to them in argument. They were intelligent and able men, well informed upon the whole French controversy and upon all the details of treaty negotiation, and were fully competent to decide upon the utility of the second article, and to forsee the consequence of expunging it. That they did expunge it is strong evidence

that it was worthless to the claimants (whose interests had been the main object of the negotiation), and that its elimination was not an assumption of claims payment by the United States. For if the Senate had considered the article to be of actual value to the claimants they would most certainly have retained it, inasmuch as there is good reason to believe they were friendly to the claimants and had been in full accord with the executive administration in all the prior measures adopted for their protection and relief; and whether they considered the article to be valuable or worthless, they would not, as reasonable and patriotic men, have struck it out, and thereby consciously have imposed upon our own Government a mass of claims for which it was not justly responsible, and which it was unable to pay.

If, then, the purpose of the Senate in striking out the second article was not to get rid of the old and defunct treaties, nor to avoid French demand for renewed negotiation, nor to release her from legal obligations under international law, nor to impose claims payment upon the United States, there remains but one reasonable explanation of their action, namely, the one already given in the present report. They struck out the article because it was both worthless and misleading, and therefore unfit for continuance in the text of the treaty.

Assuming that they were right in this view (and strong proof that they were so has been produced) the argument is closed; for subsequent proceedings upon the exchange of ratifications did not affect the treaty. The treaty has always remained precisely in the form in which the Senate ratified it, with the second article expunged, and in that form it is still found among the public records of our treaties and laws. In that form it was promulgated to the people of the United States by proclamation of the President, and in that form only did it ever take effect or become an instrument for legal interpretation or construction.

But a pretext for argument has been found in the form of treaty ratification adopted by Bonaparte as First Consul of the French Republic, or rather in a remark appended by him to his unqualified ratification of the instrument. An error of translation has represented that remark as a proviso to the ratification, whereas the original French indicates no condition or qualification of ratification, but only a declaration of opinion or understanding by Bonaparte, correctly described by Mr. Jefferson as simply an inference, and which, whether well or ill founded, could not affect the construction of the treaty or qualify its acceptance. This was the view taken by the Senate when the treaty was again before them; for they advised the President that it was sufficiently ratified, and of course required no further consideration. Bonaparte's added remark was treated as surplusage, requiring no attention from our Government. Claims negotiation abandonment is not denied, but Bonaparte's remark makes it no more certain than before.

FRANCE DID NOT ACKNOWLEDGE THE CLAIMS.

Much has been said in argument about an alleged recognition of the claims by the French negotiators and an acceptance by them of the principle of negotiation for their allowance; and sometimes it has been boldly asserted that the French negotiators acknowledged the justice of the claims and admitted the liability of France to pay them. This was one of the grounds upon which the Webster argument of 1836 proceeded, and was essential to its support. On the other hand, it has been asserted that there was no such recognition of the claims by the French negotiators, nor admission of their justice and of French liability for their payment. This was substantially the position taken by Silas Wright in the debate of 1835, and by General Dix ten years afterwards. Upon this question the facts are plainly set forth by the American envoys in their final report to the Secretary of State, dated 4th October, 1800, in which report they trace the course and results of the negotiations. They say:

"The claim for indemnities brought forward by them [us] was early in the negotiation connected by the French ministers with that of a restoration of treaties for the infraction of which the indemnities were principally claimed. To obviate this embarrassment, which it had not been difficult to foresee, the American ministers urged in the spirit of their instructions that the treaties having been violated by one party and renounced by the other, a priority had attached in favor of the treaty with Great Britain, etc."

After stating the considerations which led them subsequently to offer a re-adoption with limitations of the seventeenth article of the commercial treaty of 1778, relating to mutual port privileges for prizes of war, which they say the French ministers "had particularly insisted on" as essential to the honor of France, and which "they had given reason to expect would be deemed satisfactory," they add:

"The overture, however, finally produced no other effect than to enlarge the demand of the French ministers from a partial to a total renewal of the treaties, which brought the negotiation a second time to a stand."

They then proceed to state that after a deliberation of some days they made another proposition, "going the whole length of what had been insisted on," namely:

"An unlimited recognition of the former treaties, but with a right to extinguish such privileges under them as were detrimental to the United States by a pecuniary equivalent, to be made out of the indemnities which should be awarded to American citizens; a compensation which, though it might have canceled but a small portion of the indemnities, was nevertheless a liberal one for privileges which the French ministers had often admitted to be of little use to France under the construction which the American Government had given to the treaties."

They add:

"This offer, though it covered the avowed objects of the French Government, secured an engagement to pay indemnities, as well as the power to extinguish the obnoxious parts of the treaties. To avoid any engagement of this kind the French ministers now made an entire departure from the principles upon which the negotiation had proceeded for some time, and resumed the simple, unqualified ground of their overture of the 23d of Thermidor, declaring that it was indispensable to the granting of indemnities not only that the treaties should have an unqualified recognition, but that their future operation should not be varied in any particular for any consideration or compensation whatever. In short, they thought proper to add, what was quite unnecessary, that their real object was to avoid indemnities, and that it was not in the power of France to pay them. No time was requisite for the American ministers to intimate that it had become useless to pursue the negotiation further."

We have also seen by an extract from the journal of the American envoys (given elsewhere) that the French negotiators declared that the claims were barred by actual war between the two nations, and that the fact that a state of war had existed would be held by any independent power to which the question might be submitted—a view supported by our own Supreme Court in decisions subsequently rendered.

From the foregoing facts recited by the American envoys the conclusion is evident that the French negotiators did not admit the validity of the American claims against France now in controversy, or ever propose or intend to pay them. Their diplomatic dexterity in the negotiation embarrassed the American envoys; they were not entirely consistent in position throughout the correspondence, nor apparently frank and sincere in its earlier stages in announcing their determination and purpose. But it can not be fairly said that they at any time admitted liability or intended payment; on the contrary, they denied such liability or intention in express terms before the close of the negotiation.

The Webster argument of 1836 upon this point infers an acknowledgment of the claims as just and legal obligations against France from the earlier notes which passed between the negotiators, and particularly those of 7th and 9th April, 1800, which the argument recites at length. But the inference is unwarranted as applied to the present claims, and if it could be so applied would nevertheless be repelled by the subsequent correspondence.

In their letter of 7th April the American envoys proposed—

"An arrangement, such as shall be compatible with national honor and existing circumstances, to ascertain and discharge the equitable claims of the citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations."

This was a carefully-drawn paper, the full significance of which will appear only when particular attention is paid to the language employed, and when proper classification of the American claims referred to is fairly understood. The proposition related to private claims on either side (excluding public or national ones), and defined those claims as equitable which would include claims of imperfect legal obligation. But the most important point is the classification of the claims, namely, those arising upon contract, those arising upon treaties, and those arising upon international law. This threefold division of the American citizen claims was not merely theoretical, a refinement of scientific analysis, but was a practical one, and was necessary to their orderly and intelligent examination.

Now, the contract claims of our citizens against France had not been denied, but had been vexatiously delayed, and it was an object of the negotiation to secure their adjustment as to amount and also provision for their payment. The second class of claims covered French appropriations of American property by seizures and embargoes prior to July 7, 1798, in violation of the treaties of 1778 (and particularly the commercial treaty of that year). As to most of those seizures and detentions, it may be said that they were in the nature of forced loans under the French decrees which authorized them, and contemplated future indemnities or payments therefor. In some cases indemnities had been voluntarily made, but the great mass of those claims remained open and unadjusted at the time of the negotiation. But that part of these so-called treaty claims which arose upon seizures between the French decree of January 18, 1798, and July 7 following, which were in the nature of reprisals upon American commerce, or so claimed to be, stood upon a different footing from most of the prior ones of the second class in the particular that France had not admitted liability or promised indemnity therefor.

With this distinction kept in view we may conveniently follow the example of the American envoys and speak of this second class as treaty claims. The third class comprised the claims for seizures between the 7th July, 1798 (when the treaties were abrogated by act of Congress), and the time of the negotiation in the year 1800. The American envoys justly held that during that period of time the treaties had no existence, and that the relations of the two countries, whatever they were, were subject to the law of nations, or, in modern language, to international law. This period of time includes the great bulk of the claims now in controversy, and as it has been shown to have been a time of public war the claims which fall within it may be correctly described as war claims.

Whether the period of hostilities, at least on the part of France, shall be carried back of the 7th July, 1798, to the date of the French decree of January 18, 1798, or even an earlier date, is a question for separate examination; at present we are concerned only with the classification of claims as made by the American envoys with reference to the abrogation of treaties by act of Congress.

It may be added that the classification is further shown by their project of a new treaty, proposed to the French negotiators April 18, 1800, by the second article of which five commissioners were to be appointed to adjust claims of citizens of the United States and of the French Republic for losses or damage sustained, and who should "decide the claims in question according to the original merits of the several cases and to justice and equity and the law of nations; and in all cases of complaint existing prior to the 7th of July, 1798, according to the treaties and consular convention then existing between France and the United States."

Having now examined the first note of the American envoys to the French negotiators, the reply thereto is next to be considered. In that reply the French negotiators said that an object of the negotiation "ought to be the determination of the regulations and the steps to be followed for the estimation and indemnification of injuries for which either nation may make claim for itself or for any of its citizens;" and another object was "to assure the execution of treaties of friendship and commerce made between the two nations, and the accomplishment of the views of reciprocal advantages which suggested them."

Now, it can not be fairly inferred from this communication that all classes of claims of American citizens against France, or of French citizens against the United States, which should be presented for consideration should be allowed and paid. They conceded that one object of the negotiation ought to be to fix the regulations and steps for estimating and satisfying both public and private claims on either side, but this did not reasonably imply that all claims were to be accepted and paid. It can only be claimed that by this note they virtually acknowledged that there were just American claims to be estimated and allowed, without defining what they were or excluding objection to particular classes of claims. It is to be remembered in this connection that a large mass of the American claims falling within the first and second classes above mentioned were not disputed in principle, were in fact admitted by the treaty of 1800, and were subsequently ascertained and paid.

But this note of the French negotiators proposed to extend the negotiation to public claims, and made the recognition of the old treaties a principle on which the negotiation should proceed; and in a subsequent note (May 6) they declared that their mission pointed out to them the treaties "as the only foundation of their negotiation." Again, on May 23 they informed the American envoys that "the tenor of their instructions made the acknowledgment of former treaties the basis of negotiation and the condition of compensation."

It has been already shown in the present paper that it was not possible for the American envoys to accept the old treaties as still in force, against the known facts of their violation by France and abrogation by us, and in view of the intervening treaty with Great Britain of 1795, and of actual hostilities between the two countries by virtue of French decrees and acts of Congress, and that such acceptance, if otherwise possible, would be in disregard of their instructions and opposed to the interests of their country.

When, therefore, the recognition of the old treaties as uninterrupted and subsisting obligations was presented by the French negotiators as the condition-precedent to entering upon the subject of indemnities, the American envoys were greatly embarrassed, as their report shows, and thenceforward they struggled unavailingly to extricate themselves from the difficulties of the situation. Finally they were compelled to accept substantially the alternative ultimatum of Bonaparte of 23d Thermidor (11th August) as the basis of a new treaty, in which, however, undisputed American claims of the first and second classes were recognized, and a formal provision for renewing negotiations about treaties and claims, "at a convenient time," was inserted.

That the French negotiators and their government were insincere in claiming that the old treaties be considered unbroken and of continued force, and their recognition in that view the condition of entering upon the consideration of private and public claims, can not be doubted by any one who has fairly examined the official documents and penetrated the motives of those who made them. It was to embarrass and baffle the American envoys that the pretense of their continued existence and importance to France was presented, and their full recognition demanded as a preliminary to claims negotiation. Well knowing that the American envoys could not accept them in the sense proposed as the basis of negotiation, they were made the *sine qua non* to any effective conference or agreement.

Their motive, however, was fully disclosed in the ultimatum note of 11th of

August and by their open avowal to the American envoys on the 12th of September, noted by the latter upon their journal and referred to in their final report to the Secretary of State. The marks of their insincerity are also to be seen in the treatment of propositions from the American envoys for money or supply equivalents for former privileges under the treaties of 1778—extreme concessions invited or entertained by them, and afterwards rejected. Upon the whole, it is plain that they never acknowledged our citizen claims, now in question, nor ever intended to pay them, nor ever agreed to open a negotiation which might include them, except upon a condition which they knew could not be accepted by the envoys of the United States. The contract and treaty claims of our citizens theretofore acknowledged by France were not controverted in principle, but claims subsequent to the Jay treaty, and especially after the retaliatory French decree of January, 1798, they neither acknowledged nor intended to acknowledge or pay.

If there could remain difficulty, doubt, or question upon this point, after an examination of the official documents heretofore published, it would disappear upon a perusal of the papers recently obtained from the French archives and appended to this report. The motives and action of the French negotiators in their opposition to the contested American claims are therein fully disclosed.

WAR CLAIMS.

In the Webster argument of 1836, it was declared that the question involved in the consideration of the claims was "essentially a judicial question; not a question of public policy but of private right" between the Government and the claimants, a position absolutely necessary to include insurance company claims along with those of individuals; for the insurance companies must stand upon a ground of legal right, and not of mere moral obligation or general considerations of equity.

In the course of his speech Mr. Webster contended that there had been no public war between France and the United States in 1798 and afterwards; that France had acknowledged in negotiation the validity and justice of the claims; that we discharged France from paying the claims in consideration that she would discharge us from the old treaties between the two countries, and that this bargain was worked out or produced by the American Senate in expunging the original second article of the treaty of 1800. The conclusion drawn from these premises was that our Government had made itself liable to the claimants, including insurance companies, and should appropriate $5,000,000 to be distributed pro rata among them.

Inasmuch as the first advisory report of the Court of Claims upon the general question of governmental liability is mainly based upon the propositions of that speech, and follows the lines of observation contained therein, an examination of the speech will be virtually an examination of that report, and will dispense with the necessity of formally subjecting the report to analysis and reply.

The first proposition of the speech, that there were only "disturbed relations" between us and France prior to the treaty of 1800, but no actual war, must be abandoned in all present and future debate; for the evidence which proves the contrary has been produced and is decisive. There was actual public war between the two countries in 1798 and afterwards, suspended by consent on both sides pending negotiations in 1800, and completely terminated by the treaty of 30th of September of the same year.

The war was limited in extent though not in character, because it was mostly maritime, being confined to the ocean; but within the sphere of its operations, as to the subjects it embraced, the laws of war applied to it with complete force. It superseded treaty regulations of commercial intercourse between the two countries, and in its prosecution the losses suffered by individuals on either side were without redress, unless provided for in the treaty of peace.

It follows that the treaties of 1778, if otherwise existing, were abrogated by war, and that the claims now in question, being mostly war claims, claims for losses incurred from hostile force upon the ocean and prize condemnations on land, had no legal validity as demands against France. They might be properly made the subject of negotiation at the end of the war, but the true argument at such a time for their allowance would be that France had been wrong in the war and should pay indemnities to those who had suffered by her misconduct—an acknowledgment which France could not be expected to make.

Our envoys did not venture to make this argument; they proposed mutual indemnities, not upon one side, but upon both; from which, as our claims exceeded those of France in amount, would result a balance in our favor. They were driven to this position by necessity, and throughout the negotiation were embarrassed by standing upon false ground. War was mildly described as "a misunderstanding," until the French negotiators threw off the mask near the end of the negotiation (12th September) and declared, in substance, that in their opinion the claims were barred by war, and they did not intend to pay them.

[French plenipotentiaries to American envoys, 11th August, 1800.]

At all times the ministers of France, in acquiescing in this annihilation of treaties, can not conceal that the act by which the United States have declared their nullity has been a just provocation of war; that the hostile acts which have followed this provocation, those which have been nullified with so much éclat even since the French Government had caused every pretext of complaint on the part of the United States to cease, have been war itself. That France disguised the true state of her relations with the United States when she recognized them as a simple, temporary, and reparable misunderstanding; in a word, that a new treaty between France and the United States ought, before all, to be a treaty of peace. From this observation, therefore, it appears to them that the two Governments should no longer occupy themselves with their respective accounts, considering that the right of war dispenses with repairing its ravages, and that the honor of the national arms forbids even to be employed about them, since that state which should have a balance to pay the other in discharging it would acknowledge a conqueror and would purchase a peace.

[Journal of American envoys, September 12, 1800. Conference with French negotiators.]

They (the French plenipotentiaries) now openly avowed that their real object was to avoid by every means any engagement to pay indemnities, giving us as one reason the utter inability of France to pay them in the situation in which she would be left by the present war. The subject of the modification of the guaranty was now particularly pressed in the manner agreed. The conversation on this subject closed by a declaration of the president of the French commission (Joseph Bonaparte) that such a modification could not be acceded to without new instructions; that they had no power to assent to such stipulation; but that if the Government should think proper to instruct them to make a treaty on the basis of indemnities and a modified renewal of the old treaties, he would resign sooner than sign such a treaty, adding that if the question could be determined by an indifferent nation he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemities could be claimed. The other two commissioners made similar declarations.

And in the communication of our envoys to John Marshall, Secretary of State, dated at Paris, October 4, 1800, they repeat this statement as to the final position assumed by the French negotiators. They say that the latter declared "that it was indispensable to the granting of indemnities not only that the treaties should have an unqualified recognition but that their future operation should not be varied in any particular for any consideration or compensation whatever. In short, they thought proper to add, what was quite unnecessary, that their real object was to avoid indemnities, and that it was not in the power of France to pay them."

The case of Talbot *vs.* Seeman appears in 4 Dallas, page 34, having been argued at August term, 1800. It was reargued at August term, 1801, and the opinion of the court, by Chief-Justice Marshall, is contained in 1 Cranch, page 1. The case was that of the ship Amelia, of Holland, a neutral power, which sailed from Calcutta, in the East Indies, in April, 1799, loaded with productions of that country and bound to Hamburg. The ship was captured 6th September, 1797, by the French national corvette La Diligente, a prize-master and French sailors were placed in charge of the captured vessel, and she was ordered to St. Domingo to be judged by a prize court according to the laws of war. The Amelia had on board eight iron cannon and eight wooden guns when captured. On 15th September, 1799, the Amelia was recaptured from the French by Captain Talbot, of the Constitution, who ordered her into New York for adjudication, and in subsequent legal proceedings claimed salvage for her rescue as the condition of her return to her owners. This claim was eventually sustained by the Supreme Court, the opinion by Judge Marshall being elaborate and based mainly upon the fact that a state of war existed at the time of recapture between the United States and France under the several acts of Congress relating to France passed in 1798 and 1799. He said:

"In order to decide on the right of Captain Talbot it becomes necessary to examine the relative situation of the United States and France at the date of recapture [15th September, 1799]. The whole power of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry. It is not denied, nor in the course of the argument has it been denied, that Congress may authorize general hostilities, in which case the general laws of war apply to our situation, or partial hostilities, in which case the laws of war, so far as they actually apply to our situation, must be noticed."

He then proceeds to cite and examine four acts of Congress authorizing and regulating hostilities against France upon the ocean, and an act passed 3d March, 1800, relating to salvage in certain cases of recapture, and holds:

"That 'one direct and declared object of the war, which was the protection of the American commerce, would as certainly require the capture of such a vessel [as the Amelia] as of others more determinately specified.'"

He then cites the decree of the French Government of 18th January, 1798, which ordained "that the character of vessels relative to their quality of neuter or enemy shall be determined by their cargo. In consequence, every vessel found at sea loaded in whole or in part with merchandise the production of England or her possessions shall be declared good prize, whoever the owner of those goods or merchandise may be;" and declares that under that decree there was danger of condemnation of the Amelia by France, from which danger the recapture saved the vessel.

Further extracts from the opinion are as follows:

"America did remonstrate, most earnestly remonstrate to France, against the injuries committed on her, but remonstrances having failed she appealed to a higher tribunal, and authorized limited hostilities. This was not violating the law of nations, but conforming to it. In the course of these limited hostilities the Amelia has been recaptured."

* * * * * * *

"It is not the authority given by the French Government to capture neutrals which is legalizing the recapture made by Captain Talbot: it is the state of hostility between the two nations which is considered as having authorized that act. The recapture having been made lawfully, then the right to salvage on general principles depends on the service rendered."

He also speaks of the time "before hostilities between the United States and France were terminated by a treaty," evidently meaning the treaty of 30th September, 1800.

In this opinion the Chief-Justice plainly uses the term "hostilities" as synonymous and interchangeable with the word "war." But what is most material to our present purpose is the announced doctrine that the laws of war took effect in a case of partial hostilities, such as then existed, so far as they applied to the situation.

In the case of Bass *vs.* Tingy (4th Dallas, 37), which was heard by the Supreme Court at the August term 1800, the four judges of the court present delivered opinions *seriatim* (Chief-Justice Ellsworth being absent in Europe as one of our envoys in the negotiation of the treaty), in which they held, in substance, that the relation of public war existed between the United States and France, although it was mainly confined to hostilities upon the ocean, and that France was in legal contemplation, as well as in fact, the enemy of the United States. Although this was a salvage case, involving only the question of individual right to compensation for the recapture of an American vessel which had been taken by a French privateer, it involved the general question of the existence of war between the two countries.

Concurrent with the foregoing opinions of the Supreme Court was that of the American envoys (including Chief-Justice Ellsworth), expressed in their communication to the Secretary of State, dated 4th of October, 1800. They said:

"Doubtless the Congressional act authorizing the reduction of French cruisers by force was an authorization of war, limited in its extent, but not in its nature.

"Clearly also, their subsequent act declaring that the treaties had ceased to be obligatory, however proper it might be for the removal of doubts, was but declaratory of the actual state of things."

THE OLD TREATIES WERE BROKEN BY FRANCE AND ABROGATED BY THE UNITED STATES.

1. By the French decree in 1793 and the seizures under it, and by the Bordeaux embargo. American property was taken by force and appropriated to public use, in most cases upon promises of payment unfulfilled until 1803-'04. In some cases no payment has ever been made. These seizures were in the nature of forced loans, produced great hardships, and were in plain violation of the treaties of 1778.

2. By the French decree of 1796, by which the commercial treaty of 1778 was openly defied, and the main advantages to America therefrom destroyed; under which decree pillage and confiscation of our merchant ships and their cargoes was authorized and carried out upon a large scale upon the European coasts, on the ocean, and in the West Indies.

3. By other French decrees which, openly abandoning amity and commercial right, as defined and guarantied by the treaties of 1778, made war upon our commerce, letting loose thereon the public war ships and innumerable privateers of France, whose seizures were followed by prize condemnations in French tribunals upon land, and appropriations of property to glut the rapacity of the captors and of the French Government.

Now, independent of the question of public war in 1798 and 1799, and its effect upon the old treaties, we have in this record abundant evidence that those treaties were over and over again broken by France in their material provisions, with most disastrous consequences to the commerce and interests of the United States. Practically and in fact France set the treaties aside, refusing to be bound thereby, and substituted for them her own lawless will. By the plainest rules of justice they could not thereafter be held to operate in her favor or to have any continued existence, except by the acquiescence and consent of the United States. And public law in this case follows the rule of justice and gives to it an effectual sanction. As contracts, the treaties being broken in their material provisions by France, no longer bound the United States in 1798, it was not at all necessary for the United States to resort to war to rid herself of their obligations; she was already freed and discharged therefrom by the action of France.

It was under these circumstances that our Congress passed the declaratory act of July 7, 1798, which was as follows:

"An act to declare the treaties heretofore concluded with France no longer obligatory on the United States.

"Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claim of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and

Whereas under authority of the French Government there is yet pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation:

"*Be it enacted, etc.*, That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not hereafter be regarded as legally obligatory upon the Government or citizens of the United States."

That act was good law when it passed, and it still remains among our statutes to define and fix conclusively and forever the position of our Government toward those ancient treaties with France. In brief, those treaties had been shamefully broken and set aside by France, and they were formally abrogated by us on the 7th July, 1798. Thenceforth they had no obligation, validity, standing, or force as treaty contracts between France and the United States.

It is thus established that by the separate but concurring action of both Governments, as well as by actual war waged between them, the old treaties had no legal existence in the year 1800. They were defunct and could be revived only by a new agreement between the parties. But the negotiation of any new agreement which should revive them was expressly forbidden to our envoys by their instructions from the Department of State (October 22, 1799), and the prohibition was classed among the ultimata of the negotation. The prohibition was in the following language:

"That the treaties and consular convention, declared to be no longer obligatory by act of Congress, be not in whole or in part revived by the new treaty; but that all the engagements to which the United States are to become parties be specified in the new treaty."

The old treaties, the revival of which was thus forbidden, had been already spoken of by the Secretary of State in a prior part of the same letter of instructions, were, after referring to certain articles of the commercial treaty of 1778, he added:

"The dissolution of that and other treaties with France leaves us at liberty with respect to future arrangements."

It is clear, then, that not only were the old treaties dead treaties, but our envoys had no power to revive or restore them, and were, in fact, forbidden to do so; and it is equally clear that they obeyed their instructions and did not attempt to usurp a power they did not possess.

There is, therefore, no foundation in truth for the assertion, so often and boldly made, that the American claims were given up or abandoned to get rid of the old treaties; and much less for the still more extreme and groundless assertion that the claims were set off against the obligations imposed upon us by those treaties. Equally unfounded is still another form of assertion, that a surrender by France of the old treaties was the consideration, and a valuable one, for the surrender of the American claims.

There were no treaties or treaty obligations in force at the end of hostilities in 1800 which were valuable to France or onerous upon us and which it was our interest and desire to escape. The treaties had gone down amid scenes of violence, pillage, and bloodshed upon the ocean, followed by confiscation and outrage on land; they had been broken by French decrees, carried into ruthless execution by French officials and employés, and their utter abrogation had been rightfully pronounced by the law-making power of the United States.

THE OLD TREATIES.

Having shown that the old treaties were extinct at the time of the negotiation in 1800, it follows that all claims by France under them, as continuing obligations, were merely pretenses, unfounded in fact and in law. Bonaparte himself correctly described them as "pretensions" in ratifying the treaty of 1880, and such was undoubtedly their true character. Nor was it allowable for France to allege that prior to the abrogation of the treaties by Congress, on July 7, 1798, she has suffered wrongs from the United States for which she was entitled to redress. She was estopped by her own conduct and acts from taking that ground, and, besides, the allegation was untrue. Neither the Washington proclamation of neutrality of December 3, 1793, nor its subsequent enforcement, nor the Jay treaty of 1795, nor any failure of the United States to defend the French islands of the West Indies from capture, nor restrictions upon French war vessels or privateers in American ports, authorized France to make reclamations, demands, or complaints against the United States in the treaty negotiation of 1800; nor were any pretensions by France on either of these grounds ever acknowledged by the United States to be just.

1. The Washington proclamation of neutrality in 1793 was the exercise of a clear national right, and did not violate any treaty obligation with France. Nor did France object to that proclamation when issued, and the conduct of her minister, Genet, in antagonism to it subsequently, was not supported by his own Government; on the contrary, he was recalled.

2. The Jay treaty, ratified in 1795, was one which the United States had a right to make, and the making of it was a necessity to the United States in the circumstances in which they were placed. It has been characterized as unfriendly to France; it was greatly contested in a memorable debate in the House of Representatives, and was reluctantly accepted by our Executive as containing the best terms then obtainable from one of the belligerent powers. Passing into the field of political controversy, it was greatly decried, bitterly denounced, but it was accepted by Jefferson as preferable to the alternative of war, and impartial history must approve his judgment.

It is said that that treaty extended privileges in American ports to British vessels which were inconsistent with certain exclusive privileges of French vessels under the seventeenth and twenty-second articles of our commercial French treaty of 1778. But upon this point the answers given to France by Mr. Pickering, Secretary of State, and by Mr. Monroe, our minister at Paris, are in the main sound and satisfactory, and leave no material ground of complaint undisposed of which would impeach the good faith and fidelity of the United States. The Jay treaty in its twenty-fifth article reserved the prior treaty rights of France, and although there were British encroachments upon both French and American rights, as defined by treaty and the law of nations, which greatly embarrassed our foreign relations, we yet maintained toward France consistently the position of a just and friendly power. It was only in subsequent years, under the pressure of actual hostilities waged by her against us, that our attitude toward her was changed.

3. Nor were the United States in fault in not protecting the French West India islands from British capture and occupation. The mutual and reciprocal guaranties of the eleventh article of the treaty of alliance with France of 6th February, 1778, were never broken or violated by the United States. No demand was made by France upon the United States to defend the islands from capture, nor to assist her in defending or recapturing them, without which we were under no obligation to interpose in their defense or for their restoration. The treaty did not require us to volunteer aid to France, but to yield it when required. The argument, then, does not rest merely upon the ground that we had no sufficient naval power or military force to prevent the capture of the islands or to restore them by force, but upon the higher and better ground that France did not call upon us to execute the guaranty obligation. And that she had a good and sufficient reason for withholding such demand has been clearly shown in the third general report of the Court of Claims. It is manifest that it was to her interest and according to her desire that we should remain a neutral power and furnish her with provisions and other supplies, which she sorely needed in the great wars in which she was engaged. But interference in the West Indies by the United States meant our embroilment in a war for which we were unprepared, and the certain destruction of our rights, privileges, and position as a neutral nation.

There were therefore no grounds upon which France could claim, in the negotiation of 1800, that prior to the treaty repeal of 7th July, 1798, we had broken our treaties with her and made ourselves liable to account to her for injuries arising therefrom. Much less could it be claimed that the acts of Congress in 1798 and 1799, which abrogated the old treaties and authorized hostilities against her, were unwarranted, or that those acts of Congress did not establish the relation of war between the two nations and wholly extinguish the treaties. In fact, the one argument France could soundly make, and did finally make through her negotiators on the 12th September, 1800, was that the relation of the two nations was the relation of war, and that, of consequence, no indemnity for losses could be claimed.

THE MADISON EXTRACT.

The advocates of these claims have placed great stress upon an observation made by Mr. Madison in a letter of instructions to Mr. Pinckney, our minister to Spain, in February, 1 04, in which he said that the claims "were admitted by France," and that their release by us "was for a valuable consideration in the corresponding release of the United States from certain claims on them." And it is probable that this passage from Mr. Madison's correspondence is the source of the argument so often made in behalf of the claims, and which it has been one object of the present paper to answer. It is not claimed that Mr. Madison expressed any opinion upon the main question of the liability of the United States, but the extract from the Pinckney letter appears favorable to the claimant's argument.

The remarks of General Dix upon this point in his speech of 1846 (Speeches, volume 1, page 97) may be consulted with advantage in this place, but the best and the decisive answer to Mr. Madison's observation upon the treaty of 1800, is that it was inaccurate, and that it must have been made without due examination of official correspondence, and without the exercise of that cautious, deliberate judgment which commonly preceded and characterized his expression of opinion upon public questions. All this is plainly apparent upon a review of the negotiation which led up to the treaty of 1800, and of the circumstances attendant upon the amendment and ratification of that treaty as they have been detailed or referred to in the present report.

It is to be remembered that Mr. Madison retired from Congress at the close of the session of 1796-'97, and was absent from the seat of Government until the summer of 1801, when he assumed the duties of Secretary under President Jefferson. The treaty had then assumed its final form, and there was no occasion for exploring the mass of papers relating to it, although on file in his Department. The negotiation of the treaty belonged to the past; the instrument was to be taken and executed as it had been made. But it is quite conceivable that a certain amount of prejudice or of bias against the preceding administration and all its works was entertained by the men who came into power by virtue of the exciting and heated election of 1800. Was not the surrender or abandonment of American rights, and particularly of American claims by the French treaty, a topic of complaint in that election, of assault upon the Adams administration and the Federal Senate? Political parties are not always just to each other in great election contests.

These considerations tend to abate that confidence in Mr. Madison's observations about the treaty of 1800 which might otherwise be indulged in by us, and naturally lead to an examination of those facts of historical record by which that observation will be supported or overthrown. But this examination having been already made by General Dix in his Senate speech of 1846, and also made in the present report, need not in this place be again entered upon or pursued.

Another point relied upon as pursuasive evidence in favor of the claims is the large number of reports from committees of Congress during the last fifty years. Here again the speech of General Dix (Speeches, volume 1, page 63) may be referred to, in which he explains fully the manner and circumstances under which those reports have been procured. They have been uniformly referred to friendly committees, and when the proper standing committee has been known to be adverse a select committee has been asked for and obtained, as was the case at the Senate session of 1846. Thus, by withholding the spoliation bill from unfriendly committees and always sending it to friendly and selected ones, a large number of favorable reports may be accumulated in process of time, without, however, adding any real strength to the argument in support of the claims.

RÉSUMÉ.

Upon the whole question of Government liability for the claims we have come to the following conclusions:

First. That upon the argument for the claimants, accepting that argument in its full force, the claimants would be entitled to claim against the United States only the pecuniary value of their claims as claims against France at the date of the amendment of the treaty of 1800 by the United States Senate, and that the claims were then of no appreciable value to the claimants under the original second article of that treaty, and would never have been admitted or paid by France if no amendment of the treaty had been made.

Second. That the abandonment of the further prosecution of the claims by the United States was not a release of the claims for a valuable consideration or equivalent received from France, or in the nature of a set-off of the claims against the obligations of the old treaties of 1778:

a. Because there was simply a giving up or abandonment by us of negotiation, present or prospective, and not an agreement about, or settlement of, acknowledged demands on either side.

b. Because there was no valuable consideration to us in a French abandonment of the pretension that the old treaties were still in force, for those treaties had been broken by France in their material provisions, had been for that reason lawfully and justly abrogated by us, and, besides, they had been extinguished by actual war.

Third. There were no counter-claims of France, just in themselves or acknowledged by us, founded upon the Washington neutrality proclamation of 1793, the Jay treaty of 1795, or upon the guaranty and port-privilege provisions of the treaties of 1778.

Fourth. The breaches by France of her treaties with us, set forth in the preamble to the treaty-abrogation act of Congress of 7th July, 1798, are truly stated therein; and that act, based upon those breaches, was a rightful and valid exercise of power by us under the law of nations, and removed all ground of claim that the old treaties had any validity, force, or operation after that date.

Fifth. The evidence is now made complete by papers from the French archives in connection with official papers of our own Government heretofore published, that in the negotiation of the year 1800 the French negotiators did not acknowledge the validity of the American claims now in controversy or propose or intend their payment; that their pretension about the continuance of the old treaties made to our envoys was not made in good faith or sincerely, but to embarrass negotiation, and while excluding claims recognition or negotia-

tion, to secure to France the advantages of restored amity and reciprocal trade with the United States.

Sixth. That by persistent negotiation, several times renewed, and by resort to actual defensive war against France upon the ocean, the Government of the United States performed its whole duty to the claimants, securing to them, as far as possible, protection against seizure and confiscation of their property, restoration of many ships and cargoes by virtue of the treaty of 1800, and allowance of their claims to an amount of several millions of dollars by the same treaty, which were afterwards paid to them in the adjustment of the purchase-money for Louisiana.

Seventh. That the amendment of the treaty of 1800, by the United States Senate, in the striking out of the second article thereof, was not an assumption of claims payment by our Government, nor an appropriation of private property to public use, but was an exercise of political power by the Senate, presumably in good faith to the claimants, and for the following substantial reasons, to wit:

1. Because it was apparent upon the evidence before them that France would not voluntarily pay the contested claims, and could not be compelled to pay them by the exercise by us of any practicable means of coercion or force.

2. Because, by the contemporaneous opinion of our Supreme Court, the relations between the two countries had been, as contended for by France, a relation of war, which, *arguendo*, barred claims for losses suffered on either side during its continuance. Added to these considerations was the additional one, that the article, if retained, would be mischievous, because it would hold out false, delusive hopes to claimants which in all probability could never be realized.

We ask attention to the following papers printed as an appendix to this statement.

JAS. N. BURNES.
WM. H. FORNEY.
M. A. FORAN.
JOSEPH D. SAYERS.
J. C. CLEMENTS.
FELIX CAMPBELL.
EDWARD J. GAY.
EDMUND RICE.
SAM. J. RANDALL.

APPENDIX.

C. P. Claret Fleurieu, councillor of state, to the minister of foreign affairs.

PARIS, LE 22, *Prairial, An.* 10 (*June* 11, 1802).

CITIZEN MINISTER: * * * I do not know what other kinds of claims to indemnity can be made by the United States, for in all the course of the negotiation there was never a question on the part of their plenipotentiaries of any but those which individual Americans believed they had a right to make for vessels which they pretended to have been captured contrary to the law of nations; because they supposed that the United States could declare war on the French Republic in pronouncing the abrogation of the treaties, but that for all that the state of war had not existed. This pretension on their part requires no answer, and if one was necessary it is found in the letter you have done me the honor to write me.

You saw at the time, citizen minister, by the accounts given you by the French plenipotentiaries and notably by that of 7 Vendémiaire, year 9, that the negotiation was to take and had taken successively different directions; for the American plenipotentiaries did not always follow the same line, and we were forced to follow them in their excursions to study the motives of each change and to oppose constantly to their pretensions, which changed only in form, measures which would bring us to our aim, that of refusing decisively all indemnity in money.

To attain this end, to their demand of indemnity for which they presented themselves armed with documents, we opposed the demand for the re-establishment of the treaties in their integrity. We had clearly forseen that they were not authorized to and that they never would consent to this demand. The treaty which the United States had concluded with England, subsequently to ours, not to mention considerations of less importance, opposed to this an obstacle which may be called invincible; but their refusal would authorize us to refuse, and the balance being established, if we demanded the re-establishment of the treaties, if we made much of the guaranty stipulated by these treaties, for the failure to execute which the United States had given us a right to demand ourselves a larger indemnity, this was not because we regarded that re-establishment as very advantageous to France, but it was our arm of defense and of attack, and in order to put as much force in claiming it as our adversaries put advantage in refusing it.

After long discussions, sometimes lively enough, whereof the principles and details are known to you, citizen minister, we arrived at a solution which may be regarded as a *mezzo termine*, which fully satisfied neither party, but which, if it did not recognize the rights of their respective claims, seemed at least to reserve them in leaving an opening for an ulterior negotiation upon the reciprocal pretensions.

In effect, article 2 of the convention recalled the treaties without rendering them obligatory for the moment, and postponed to another time the negotiation, both as to the treaties and as to the indemnities mutually due or claimed. By this arrangement we reserved to ourselves to return to the treaties if the Americans ever wished to return to the indemnities by the demand they could make for a reopening of negotiation. In plain terms, article 2 of the convention is nothing but an indefinite postponement, but that postponement is to our advantage, for, having stipulated in the convention of the 8th Vendémiaire all that can truly interest us as to our commercial relations, as well as the safety and property of French citizens in the United States, we can leave in oblivion some articles of ancient treaties either practically indifferent or whose execution, such as that of the article which stipulates the guaranty by the United States of our possessions in America, is, properly speaking, but a matter of words and of illusions. The Americans, on their side, clearly foresaw, thoroughly felt, that they would never obtain even a discussion of the indemnities, still less their payment, and they profited by the occasion to exonerate themselves from treaties, which in various circumstances might give rise to difficulties in negotiations they wished to open either with England or with other powers.

Such was the state of affairs at the signature of the convention; such it was well understood on one side and the other to be; and if it is not presented thus clearly and expressed in a manner thus explicit, this was from condescension, so to speak, and to arrange things for the American plenipotentiaries, who appeared to dread exceedingly the clamors of the ship-owners and merchants of the United States, if the convention should stipulate a formal renunciation of indemnities.

FROM JOURNAL OF FRENCH NEGOTIATORS.

[Translation.]

Conference 4 Vendémiaire, An. 9 (*September* 25, 1800).

This conference has been very important for the objects treated of in it. The American ministers demanded of the French ministers whether they had any articles to propose; for themselves, they said, they had nothing further to ask; they had finished as to what concerned the United States and their interests.

The French ministers answered this interpolation by remarking that the stipulations thus far arranged were limited to regulating affairs of the moment and for the existing war; that such an arrangement restrained within such limits had only a transitory aspect; that the questions of neutrality were themselves decided only according to this transient and limited view; that this was leaving the relations of the two States on an incomplete and arbitrary basis, putting in the prospect a compulsory and necessary return to the question of indemnities and treaties, which the one party and the other well understood they were abandoning forever (*entendait bien abandonner pour toujours*); that it was necessary, and that the dignity of the two states required that they should treat on the essential matters commonly contained in treaties of commerce, excepting stipulations truly commercial, which for the moment the French Government preferred to omit; in fine, that the ministers of the Republic desired a treaty of amity and commerce complete in form and in title.

The ministers of the United States were vehemently opposed to this pretension. They reminded us that the negotiation, since we had agreed upon the basis of their note of 19 Fructidor, had proceeded upon the theory of a provisional arrangement, and could not be given an aspect as extended as we wished to give it; that they had positively expressed in that note that, the discussion of indemnities and treaties being postponed, the next thing was to make a temporary arrangement under the name of convention; that this basis had been agreed to; that their instructions forbade them to make a treaty in which indemnities were not stipulated for; that they absolutely could not consent to the propositions of the French ministers, and if insisted upon the negotiation would be once again broken off. According to these principles they rejected the article concerning successions; that concerning the establishment of a consular system; that concerning the proclamation of peace and friendship, a formula by which all treaties of amity and commerce commence; in fine, all that which went beyond the present and the absolutely necessary. They added that all the stipulations to be introduced could only turn upon matters of common right, which needed no treaties to sanction them.

The French ministers in turn became warm; they insisted on the indecency of a transaction which bore all the marks of ill-humor and dislike; that it was not becoming in the United States to rigorously oppose that article and to appear to reject the friendship of France, and to repulse her from the circle of nations allied by treaty, leaving her to the law of nations, pure and simple; and that France would not likely pass over the sentiments which that wish and the transaction which would result from it would cause all Europe to understand; that it was time for confidence to take the place of jealousy, to dissembled ill-will, to all kinds of uncandid views, and that to persist in dispositions which bore only that character was to respond very ill to the frankness and the earnestness which the French Government had not ceased to display through its ministers in the negotiation; in fine, leaving considerations of propriety for those of interest, that whatever exalted notion the United States may have conceived of their future power and their influence, they could not so diminish in their own eyes both the strength and influence of France as to regard her with utter indifference, and believe that no time would ever come when that influence could be of service to them.

The American ministers withdrew to deliberate, and the French ministers, remaining by themselves, were confirmed by discussion in the opinions they had expressed and sustained with so much heat.

The American ministers having returned to the conference-room, declared that they could not accept the title of Treaty of Amity and Commerce; they would not refuse to discuss any articles the French ministers might present; they would voluntarily yield as to the realities, but they could not yield as to the names of things. They represented that it would be to sacrifice their personal consideration to push any further the abandonment of all indemnity; that under the form of a convention, although it was quite real, it was, however, less absolute, and preserved some appearance of dignity; that the word "treaty" once pronounced, they would have to drink the chalice heretofore agreed about. From these considerations, from which they could not depart, and which they submitted, inasmuch as they were personally interested, to the fairness of the French ministers, they offered to split the difference and give the treaty the name of Amity and Commerce, the word "treaty" to be qualified and softened by the word "provisional."

The French ministers took this proposition under consideration. They considered that from the manner in which the American ministers expressed themselves it was to be believed that if their hands were really tied, as they said (which, indeed, was very doubtful, considering the declarations of that kind which they had falsified in the course of the negotiation), it would at least be personally disadvantageous to them to yield on this point in the present state of the negotiation, and upon the terms to which it was reduced we ought to make mutual concessions, there being no more capital points on which it was absolutely necessary for one of the parties to yield. These points were embraced in the abandonment of indemnities, in the assurance of equality with other nations for our privateers, in the restitution of vessels of war, and very recently in the consent that the treaty might contain all the usual stipulations of a treaty of amity and commerce.

We had now the realities: was there any very strong reason to insist on mere forms? Ought we to insist on having the word "treaty" pure and simple? This was to risk delays and to push one's advantages too far. It was necessary, then, to choose between the word "convention" and that of "treaty" qualified. The word "convention" conveys the idea of a very limited transaction both as to time and scope; it applies to stipulations concerning a single point and to a passing moment. The expression applies perfectly to the arrangement as the American ministers had proposed to make it. It no longer was appropriate after they had abandoned their idea and admitted all the ordinary stipulations of treaties. The qualification by the word "provisional" did not alter the sense of the word "treaty," since every day treaties are limited to five, six, or twelve years. On the contrary, the present treaty had no term, although having the qualification of provisional; it had a character more permanent than the majority of treaties, and this provisional treaty would last as long as there was no agreement to make an end of it.

This was, then, to give the American a pure satisfaction of words, while we had the irrevocability of the treaty assured as a reality. One could raise difficulties only on account of the odium attached to the word "provisional" during the mutations and vicissitudes of our Revolution, where every administration for a long time was provisional. But in English it was not this sense; and if it is necessary to abandon words on account of the sad use made of them in the course of our agitations, it will be necessary to stop speaking. Finally, the qualification suited the idea which the ministers had often conceived, not to appear to abandon absolutely the treaties, and this idea agreed with that of the Americans of preserving some appearance upon the sacrifice of the indemnities. From all these considerations we preferred the word "treaty" with the qualification of "provisional" to the title of "convention," because there was no example of such a word being applied to treaties as extensive as the present one, and because that generic expression had originally in public law but a limited signification, and had been replaced by the word "treaty." The French ministers returned and consented to the word "provisional." This discussion terminated, we drew up the articles which are in the treaty, the first, seventh, tenth, and twenty-fourth. * * * L. A. PICHON.

BUSINESS FROM COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

Mr. BLOUNT. I ask, by unanimous consent, that Tuesday week, im-

mediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on the Post-Office and Post-Roads.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. BLOUNT]?

Mr. BURROWS. Why do we not have a report from the Committee on Rules fixing days for each of these committees, including the Committee on Invalid Pensions, so that we may have some pension legislation? It seems that by this process we are going to shut out the Committee on Invalid Pensions entirely. I must object.

Mr. TOWNSHEND. The Committee on Invalid Pensions has every Friday evening.

The SPEAKER. Objection is made.

Mr. BURROWS. I will not object to the request, Mr. Speaker, if we can have unanimous consent for a day to be set apart for the consideration of general pension legislation. [Cries of "Regular order!" on the Democratic side.]

Mr. TOWNSHEND. My friend from Michigan [Mr. BURROWS] forgets that the Committee on Invalid Pensions has every Friday night.

Mr. RYAN. That is only for private pension bills.

Mr. BURROWS. Unless that can be done, I give notice that I shall object.

LIENS OF JUDGMENTS, ETC.

Mr. HENDERSON, of North Carolina, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JOHN S. HENDERSON,
WILLIAM E. FULLER,
JOHN H. ROGERS,
Managers on the part of the House.
JAMES F. WILSON,
WILLIAM M. EVARTS,
J. Z. GEORGE,
Managers on the part of the Senate.

Mr. HENDERSON, of North Carolina. I submit, on behalf of the House conferees, a statement of the effect of the action of the conference committee.

The bill as amended reads as follows:

An act to regulate the liens of judgments and decrees of the courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That judgments and decrees rendered in a circuit or district court of the United States within any State shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State: *Provided*, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross-indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

SEC. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county (or parish in the State of Louisiana), in which the judgment or decree is rendered, in order that such judgment may be a lien on any property within such county.

The question being taken, the report of the committee of conference was agreed to.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. MILLS] that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Strike out lines 362 and 363, as follows:

"All tobacco in leaf, unmanufactured and not stemmed, 35 cents per pound."

Mr. LA FOLLETTE. I desire to be heard further upon this amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LA FOLLETTE] is recognized and will proceed.

Mr. LA FOLLETTE. I move to substitute what I send to the desk for the lines under consideration.

The Clerk read as follows:

Strike out lines 362 and 363, inclusive, and insert instead:

"All leaf-tobacco contained in any package, bale, box, or in bulk, or shipped in any form whatever, any part or portion of which is suitable for wrappers, if not stemmed, 75 cents per pound; if stemmed, $1 per pound, on the whole contents of such package, bale, box, or bulk of tobacco."

Mr. LA FOLLETTE. No better illustration of the evils which this bill seems designed to work can be found than in the paragraph under consideration. This paragraph reduces the duty on a class of tobacco which competes with that grown in the States of Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, and Wisconsin.

The history of the growth of this industry and its relation to tariff legislation presents an interesting and instructive lesson in protection. In 1875 the value of the crop was little more than $7,000,000; in 1880 more than eleven and a half millions, and in 1886 something over $13,000,000.

In my own State and Congressional district the crop in 1885 (the last census year) was as follows:

Tobacco crop—1885.

	Acres.	Value.
State of Wisconsin	29,594	$2,959,462
Third Congressional district, Wisconsin	13,408	1,351,075

From the first this crop promised new resources to agriculture. As I have stated, its cultivation had attained a substantial and encouraging development nearly ten years ago. In the States named the farmer turned with new hope and zeal from the overworked soil of his large grain fields, turned from his reduced yield and depressed market to the cultivation of a few acres of tobacco as well. This diversified his labor. It yielded employment almost the year round. It reduced competition and pressure in the old lines of production, and so benefited agriculture in all the States. It laid heavy burdens of expense upon the beginner, but it offered fairly liberal returns, and where soil and climate seemed favorable it was tried and began speedily to fulfill its promise. The farmer came to feel a confidence in the situation. He soon understood the cultivation of the crop; he knew his market. It was a home market; it was a reliable market. It depended upon a constant and "increasing consumption" upon which he could calculate. He felt secure.

But foreign capital saw its opportunity. Directly under the equator lay a group of islands belonging to the Netherlands, washed on one side by the Pacific Ocean, on the other by the sea of China. On one of these islands were gathering the forces, directed by a rich and powerful syndicate, destined to reach half way round the earth and pluck the American market away from the American farmer. Upon that island they had discovered that they could produce a peculiar tobacco-leaf, small, flexible, thin as tissue-paper, fine as silk. It did not matter that it was inferior in all other respects to the American leaf, that it did not burn so well, that it did not taste so well. In working up as a wrapper for cigars it proved cheaper than the American leaf, and therefore the cigar manufacturer would buy and use it instead. This foreign syndicate found that they could grow three crops a season; that they could employ cooly and Chinese labor at 7 to 10 cents per day; that they could cultivate, harvest, and prepare the leaf for the market at a cost—taking into account the peculiar quality of the tobacco—which would absolutely displace 4 pounds grown by the American farmer with every pound they could raise and ship from this island of Sumatra.

Mark what followed! In 1880 only 38 pounds of that tobacco found its way from the Netherlands to the United States. The following year 200,602 pounds, the next it more than trebled, running up to 782,763 pounds, and by the next year, 1883, the enormous amount of 3,818,931 pounds came from the same source to crowd four times that amount, or nearly 16,000,000 pounds, grown on our own soil out of our own market.

The farmers could not stand the competition, and they appealed to Congress to increase the tariff on this tobacco. For a score of years all unmanufactured leaf-tobacco had paid a duty of 35 cents per pound, but these new competitors paid that duty and laughed at the trifling obstacle it offered to their advancing monopoly. There was at that time a Republican administration and a Republican Congress, and the appeal was heard and responded to. In March, 1883, a law was passed designed to increase the duty on leaf-tobacco suitable for wrappers from 35 to 75 cents per pound. In this House it received the vote and support of Republican members, and met the opposing influence and vote of Democratic members.

The effect of the increased protection given by that Congress was at once manifest. The importations of Sumatra tobacco decreased more than three and a quarter million pounds. It really seemed that our own

market was to be given to our own farmers. They were encouraged, not because the law gave them a subsidy or bounty, not because of any advantage given them over any competitors on our own soil, but because the law furnished a protection against a foreign article produced by cheap labor under different circumstances and conditions. They returned to the cultivation of this product. They re-enforced their skill with intelligent experiment. They invested their money. They built tobacco barns and store-houses. They increased the quality and value of the American product—not to the depression of the market, but by a healthy and normal growth.

But no one had suspected the power, the determination, the dishonesty of the foreign enemy. The law had been framed to apply to the foreign leaf as it was then produced, assorted, packed, and sold.

As enacted, and as it now stands, it reads as follows:

Leaf-tobacco, of which 85 per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers, and of which more than 100 leaves are required to weigh a pound, if not stemmed 75 cents per pound; if stemmed $1 per pound. All other tobacco in leaf unmanufactured and not stemmed, 35 cents per pound.

Under that law, as this tobacco was then produced, assorted, packed, and shipped to this country, it would substantially all be subject to the 75-cent rate, as it was and is practically all suitable for wrappers. It was the intention of Congress that it should pay the higher rate. It was to secure the protection which the higher rate gave to the American farmer that the law was passed.

Almost immediately the foreign importers sought to evade the statute. By its terms the tobacco must meet two requirements to be assessed the higher or 75-cent rate. It must be:

First. Leaf tobacco 85 per cent. of which is suitable for wrappers; and

Second. More than one hundred leaves must be required to weigh a pound.

Avoiding either test it would escape the 75 and only pay the 35 cent rate of duty.

The first attempt to evade the law was by invoicing. The tobacco was shipped from Sumatra to Amsterdam, where out of the entire invoice of say one hundred packages or bales of wrapper-leaf tobacco sixteen bales or packages would be replaced with inferior tobacco not "suitable for wrappers," so that less than 85 per cent. of the invoice would be suitable for wrappers. This was anticipated and met at the custom-house at New York by Treasury Department ruling that the invoice would not be taken as the unit on which to compute the per cent., but that each bale of wrapper-leaf must pay the 75-cent rate.

Then came a new and more successful fraud. Each bale or package weighing, say, 200 pounds, was opened at Amsterdam and a number of the little bundles of leaves, called "hands," of which the package or bale is composed, weighing about 37 pounds, were taken out and 37 pounds of tobacco not suitable for wrappers substituted, thus reducing the percentage of wrapper-leaf in each bale or package below 85 per cent.

This was followed by the decision of Secretary Folger, May 1, 1884, directing the custom-house inspector to break open bales or packages and assess the wrapper-leaf at 75 cents per pound. These lawless invaders of our market carried their opposition to the courts, protracting the fight, and contesting the enforcement of the law openly as well as secretly. The decision was sustained.

Then this syndicate carried the cheat down to the collection of leaves in the "hands." Their labor is so cheap that they can afford any expenditure of it to beat the law. They then placed leaves enough not suitable for wrappers into the little bundle or "hand" to bring the percentage of wrapper-leaf below 85 per cent.

In August last Assistant Secretary Maynard ruled in accordance with the decision of Secretary Folger that the bale or package or "hand" is not the unit under the law, but that the "leaf-tobacco suitable for wrappers" must pay the 75-cent rate without reference to the form or vehicle of shipment.

The slow and laborious process required to collect this duty renders the existing law exceedingly difficult of enforcement. Since 1884 the evasions under it have been simply enormous. The total amount of this tobacco entered for consumption from the Netherlands at the New York custom-house for the last three years is as follows:

Year.	Total number of pounds entered at 35 cents per pound.	Total number of pounds entered at 75 cents per pound.
1885	2,217,917	88,016
1886	4,000,519	29,994
1887	4,213,336	28,756

This discloses the fact that the great bulk of this tobacco only pays the lower or 35-cent rate.

When it is remembered that every single pound of it displaces 4 pounds of that grown in this country it will be seen that in both 1886 and 1887 these foreign gentlemen took away from our own farmers the market for more than 16,000,000 pounds, or more than one-fourth of the annual crop of American wrapper-leaf.

The effect of this unfair and unlawful appropriation of our market has been to give this industry a most serious injury and discourage and dishearten those engaged in the business. I know farmers in my own neighborhood who have old crops of two and three years on hand awaiting buyers who do not come. In a single year the crop fell off 3,000 acres in Wisconsin. Great and expensive tobacco barns and store-houses stand empty or only partially used, while a crop which ought to have a permanent and prominent place with the farm staples maintains a doubtful and uncertain existence.

How is it with the Sumatra competitors? The question is scarcely necessary. Paying next to nothing for the hands employed, they are able to expend so much labor in the cultivation, selection, and assortment of the leaf that they rule the market and gather in certain and large profits.

Hon. Isaac Bell, jr., our minister at The Hague, in a communication to Secretary Bayard December 22, 1885, notes the fact that—

Some of the Sumatra tobacco companies had declared annual dividends of over 100 per cent.

And I am informed that in 1887 their profits were nearly 200 per cent.

The producers of American wrapper-leaf tobacco have pressed this matter for consideration in Congress with great earnestness for the last three years. Until very recently they have not succeeded in getting the party in power here to make any audible answer to their urgent appeals. A few weeks ago, however, the New England Homestead published the reply of the chairman of the Ways and Means Committee [Mr. MILLS] to a request to clear the present law of the clauses which make its evasion possible and leave the rate at 75 cents per pound. I read what the gentleman [Mr. MILLS] said in response to that request from the farmers:

A NOTE FROM MR. MILLS.

[New England Homestead, Saturday, May 19, 1888.]

* * * * * * * *

On the subject of tobacco we can not accept your request. Thirty-five cents per pound is a high enough duty on tobacco; 75 cents is prohibition and no revenue, and we can not afford to destroy our foreign trade in tobacco or any other article. The Sumatra tobacco is now smuggled in at 35 cents.

R. Q. MILLS.

HOUSE OF REPRESENTATIVES, *Washington, D. C.*

In this note it will be observed that the gentleman says that "75 cents is prohibition and no revenue." What does he mean by that? Does he want more revenue? Have not the people been told through all these weary months that ruin could only be averted by reducing the revenue at once? And now the gentleman refuses relief in this instance on the ground that the rate asked by the producer of this product of the soil will prohibit the importation of Sumatra tobacco and have the disastrous effect of producing no revenue. For that reason he condemns it. No plea is advanced by him that Sumatra tobacco is one of the much talked of "necessaries of life," and for that reason the duty must be reduced, but the farmers are told in a curt little note that the 75 cent rate if retained and enforced will keep the Sumatra tobacco out altogether and yield no duty to the Government—that it is "prohibition and no revenue." To one industry these gentlemen say, "We lower the duty because the revenue must be reduced." Here the duty is reduced to increase and insure revenue. This bill puts vegetables on the free-list because they are necessaries of life, and because the accumulation of the surplus must be stopped; and it reduces the duty on Sumatra tobacco because it is a luxury and because the present rate enforced will not assist in increasing the surplus.

But the gentleman assigns another reason. He says "we can not afford to destroy our foreign trade in tobacco or any other article." Here is the chronic trouble with the free-trader. He can see nothing near to him. His vision is peculiarly defective. It renders him totally blind to what is going on around him in his own country, while the dreamy "far-sightedness" which keeps his gaze constantly fixed on distant foreign objects plays strange tricks with his processes of reasoning.

The gentleman from Texas [Mr. MILLS] says "we can not afford to destroy our foreign trade in tobacco." He entirely ignores the importance of our home trade in tobacco. It appears to be a matter of utter indifference to the gentleman how quickly and completely this shall be annihilated, but Heaven save the "foreign trade in tobacco." It gives him no concern that our farmers have on their hands one-fourth of the wrapper crops of 1886 and 1887 awaiting a market which has been appropriated by this imported tobacco. It does not worry him because the foreign syndicate has more than $8,045,505 of money which should have gone to our own people, who have instead their unsold crops. He is happy because he has the "foreign trade" in Sumatra left. This "foreign trade in tobacco" with the Netherlands must be saved at any sacrifice. And yet it all amounts to just this: that for every single dollar which they leave in this country in that trade they take three dollars out. This is the "foreign trade in tobacco" which the gentleman would buy at the cost of an important agricultural industry. Sir, it is too high a price to pay for the luxury.

But the gentleman has still another reason. He says the "Sumatra tobacco is now smuggled in at 35 cents."

True, Mr. Chairman, a great quantity of it is smuggled in at 35 cents, but does that furnish a reason for reducing the tariff? Are laws to be repealed because they are evaded or defied? Is there to be a premium put on crime? Why should these foreign law-breakers be rewarded?

Here the issue is at last distinctly made. Let there be no more misunderstanding. Here is a contest between the American farmer and the foreign smuggler, and the gentleman from Texas arrays himself and his party against the farmer. He takes away from the agriculturists of the United States a promising industry and bestows its valuable and coveted market on the Netherlands. He smites with heavy hand the plain, patient, toiling supporters of this Government, and generously gives millions to rich foreign syndicates employing labor scarcely a grade above absolute slavery. And this is a fair sample of Democratic tariff revision.

Mr. Chairman, ever since the beginning of the Forty-ninth Congress I have tried to secure the amendment to the existing law which I have offered to this paragraph.

There is no ambiguity in its terms. It would put an end to all attempts to violate the law. Under it if the tobacco were mixed, as it now is to cheat the Government and steal into our market, "the entire bale, box, package, or bulk" would be assessed the higher rate of duty. This would be the imposition of such a penalty as the importer would be careful never to invite or provoke. Though urged since the first days of the Forty-ninth Congress, the Democratic Ways and Means Committee of the last House and this have persistently refused to report that bill for the relief of this industry.

And after all the protests and pleading for the tobacco-growers this tariff bill was reported here containing a proposition to take away from them even the imperfect protection afforded by the present law. Though only a portion of this tobacco pays the higher rate, when all ought to pay it, still the winding, devious course which the importer has to pursue to perpetrate his cheat and sneak through the custom-house, is in itself something of a hindrance and check to the importation. But the bill, as it came from this Democratic Committee on Ways and Means, proposed at one stroke to reduce the duty on all leaf tobacco to 35 cents per pound.

Now, at the last moment, there is a sudden change in the attitude of the committee—not that they are more friendly to the farmers who produce the domestic leaf, but that they evince a little less zeal for the Sumatra producer. The gentleman from Texas now moves to strike out these lines in the bill and leave the present law unchanged. Why does he do this? It surely can not be that he wants to give our tobacco-growers the protection of a 75 cent rate of duty, because he says in his letter which I have just read that—

> Thirty-five cents a pound is a high enough duty on tobacco.

It is not because he wants the Sumatra importers to pay the higher rate of duty, for he says in the same letter that—

> The Sumatra tobacco is now smuggled in at 35 cents.

Of course if the law is unchanged it will continue to be "smuggled in at 35 cents." If friendly consideration for this great American interest moved the gentleman he would not oppose and with all the other gentlemen on that side vote down my amendment, which would stop the smuggling he admits is practiced now. No; but an explanation for this action I think can be found in the necessities of the political situation. The farmers of Connecticut cultivate annually about 8,000 acres of this tobacco. They with other growers want protection; they want the law changed so there can be no evasion; they do not want the paragraph in this bill now under consideration. It is against the principles and practice of the Democratic party to give them this protection. So gentlemen on the other side refuse to change the law and stop the smuggling.

But as the absolute necessity of carrying Connecticut in order to elect a Democratic President has lately become so apparent the gentleman from Texas shrinks from the responsibility of further angering the farmers of Connecticut just at this time. He shrinks from putting into his bill the affirmative proof of his hostility to protecting the tobacco growers. He shrinks here on the eve of this great political contest from thus openly relieving the Sumatra importers of the trouble of mixing and packing their tobacco to evade the law. By refraining just now from making the law a little harder on the Connecticut farmer and a little easier for the Sumatra importer, gentlemen on the other side hope to be able to make enough of a show of friendliness to hold on to the farmer vote until after the 6th of November.

Mr. Chairman, I saw an interesting paragraph in the New York Sun a few days ago, taken from the St. Paul Globe (Democratic) of July 9. It was entitled "Mills and Vance Lock Horns Again." This time it was not about the paragraph on "wood-screws," but it was over this very clause on leaf tobacco now under consideration. The paragraph concluded with the statement that Congressman VANCE said to-day openly:

> Unless that clause is stricken out we can not hope to carry Connecticut.

It is just possible that this may explain the strange motion which the gentleman from Texas [Mr. MILLS] now makes to strike out the clause.

The clever and genial gentleman from Connecticut [Mr. VANCE] may succeed in making his Democratic constituents believe that he rendered them a valuable service in persuading the gentleman from Texas that it was not safe this year to declare openly in the tariff bill against our tobacco-growers, but if he has power enough with his Democratic friends on the Ways and Means Committee to work this change, I apprehend that his farmer constituents will ask him to explain why he did not secure some amendment to the law that would be of value to them; why he did not secure an amendment that would stop this foreign competitor from smuggling in annually 4,213,336 pounds of Sumatra at 35 cents a pound to crowd four times that amount of American leaf out of the market.

Mr. Chairman, I trust that the time has at last come when the farmers, not only of Connecticut but of the United States, will plainly understand that their interests are not with a party that would ruin its home industries to build up a "foreign trade."

You Democrats have the majority here. You have the power to change this law and give the farmers the relief they ask, and you refuse to do it. It is your fixed purpose to give this with other American industries over to your foreign idol. You may ignore petitions and refuse to listen to all pleas here, but, gentlemen, there is another court and another day, and from your tyrannical majority both here and in committee we appeal to the people.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired. Does the gentleman withdraw his formal amendment?

Mr. LA FOLLETTE. I do.

Mr. BAKER, of Illinois. I renew it.

[Mr. BAKER, of Illinois, withholds his remarks for revision. See APPENDIX.]

Mr. MILLIKEN. Mr. Chairman, the double-headed proposition made by our Democratic friends upon the wool question is amusing in its absurdity. They tell us that to put wool on the free-list will give the farmer higher prices for his products and at the same time afford the people cheaper woolen blankets and clothing. Just how a finished article is to be made cheaper by increasing the cost of the material of which it is composed they do not explain, though they have been many times in this House challenged to do so. Indeed, the proposition would seem to the ordinary human intellect to be the climax of nonsense.

But our friends on the other side are in a desperate situation. They want the votes of the laboring man, so they argue to him that the duty on wool is just so much added to its cost, and as a consequence so much added to the cost of his blankets and clothes, and hence in his interest it should be repealed.

But our Democratic friends want the votes of the farmers and wool-growers also, and so they argue that by striking off the duty which protects them from competing with cheap wool grown by foreign cheap labor and on cheap lands the price of wool will be advanced.

You see how well they suit them to the necessities of their condition. It is true they say this in defiance of all logic and common sense, but when was the time when the Democracy was not equal to the cheeky and impudent task of endeavoring to make the people believe that black is white and white is black if their case appeared to demand it?

There can be no doubt that the repeal of the duty on wool will make the price of wool higher, but not to the American wool-grower. It will be the American consumer of wool, the laborer, and others, who buy blankets and woolen cloths who will pay the higher price. For when the duty on wool shall be repealed the cheap wools of Australia and South America will flow into our markets and so reduce the price of American wool as to drive our farmers to slaughter their flocks. By that means the fleeces of forty-four million American sheep will be lost to us. That alone will necessarily enhance the price of wool. We shall also by that means be left entirely to the mercy of foreign wool-growers, who will make such prices as they please.

That is the true picture of what the free-trade Democracy have in store for both the farmers and consumers of the country—the destruction of the product of the one and the increase of price to the other.

But one other serious question arises in this connection. If the wool industry in America is protected and our farmers are encouraged to increase their flocks, so as to afford us wool for our wants, where will the money go which paid for it? It goes to our own people. It remains here to be circulated among our people and thus increases the volume of our currency, while if the duty is repealed and the industry is destroyed we shall buy abroad, send our money abroad to pay, and so decrease our circulating medium. And what is true in this respect of wool is true of all our products.

The more we produce at home the more of the people's money we shall keep at home for their use. Every new industry created among us is a source of wealth to the people. Every industry destroyed leaves a gap to be filled by foreign producers and opens the way to sending the people's money out of the country.

This fact demonstrates the utter absurdity of the declared purpose of the Mills bill—that is, to reduce the revenue so as to prevent any further surplus accumulating in the Treasury. This was the reason given by the President, and is the reason or excuse given by the free-

trade Democracy in this House for assaulting the industries and labor of the country.

When we have remonstrated against placing lumber on the free-list we have been answered that there is a great surplus in the Treasury which threatens a business panic and general financial disaster.

When we ask that building stone, vegetables, fish, and fifty-three important industries in the North be not sacrificed or given over into foreign control to enrich people not owing allegiance to our flag nor paying any of the expenses of our Government, we have been met with the same reply, and so have we been when we have resisted the reduction of duties upon our manufactures and farm products in the North to so low a figure as to place our people in unequal competition with cheap labor on our northern border and across the sea. Although, when we have raised our voices against taxing the people $60,000,000 to maintain a small industry in Louisiana which has never produced more than one-tenth of the sugar the country consumes, and when we ask why rice should pay a duty of 100 per cent. in order to protect a few rice-growers in South Carolina and Georgia, though it is shown that by placing these two articles on the free-list the revenues would be sufficiently reduced to prevent any further accumulation of surplus in the Treasury, the only reply we get is a solid vote of the Democracy in the House to retain these extraordinary duties.

The truth is that the reduction of the surplus is not the purpose, but the pretense of the Democratic free-trade party. It is made a cloak to cover the attack of that party upon Northern industries except in some few favored Democratic districts. The surplus has grown up under a Democratic administration. Purposely it has been allowed to accumulate when under existing law it might have been applied, and now it is sought to be used as a menace to frighten us into the ranks of free-traders.

But this scheme will not work, for every intelligent man knows that the Mills bill will augment to indefinite dimensions the very danger which its friends pretend to fear.

What danger is there in the accumulation of a surplus of revenue in the Treasury? What is the hurtful effect which it may have upon the country? How can it produce business panic and financial disaster? Only in one way certainly, that is by keeping out of circulation the money which should be among the people.

I would like to see the surplus disbursed, and I would gladly vote for a sensible bill which would accomplish that purpose without injuring our industries. But such a bill will have to be framed by the friends of America, by men who believe in her institutions, in the independence of her position, in the genius of her people and the power of her workingmen, in all pursuits, to make her the producer of all that her wants demand. Yes, by men who know a better way to distribute her surplus than the Mills bill provides, which is to send it across the sea to fill the treasuries of foreign nations and the pockets of foreign manufacturers; for all that the distribution of our present surplus would increase the volume of our circulating currency would be but a fraction of the amount which our circulation would be decreased by our loss of the money which the Mills bill would send out of the country to purchase foreign manufactures and products to take the place of those which the destruction of our industries would prevent us from furnishing at home.

The gentleman from California a few days ago presented the tables which show that notwithstanding the surplus has increased in our Treasury, the circulation of money among our people has at the same time increased from month to month. How has this occurred? It is wholly due to protection, which has kept our mechanics and farmers and all our producers at work and thus kept our money at home.

Should the Mills bill become a law, how long would it be before the balance of trade would be against us? How long before the volume of our money pouring out of our country to foreign lands to buy what we now produce would exceed by twofold the surplus which runs into our Treasury? Whatever the disadvantages of the surplus may be I would rather risk it in our own Treasury, where it is the property of our own countrymen, than in the pockets of British merchants and manufacturers who are, if not the enemies, certainly are the competitors of our people in the great battle for national prosperity and progress.

The effect of low duties, amounting practically to free trade, upon the volume of money among the people was so keenly experienced and bitterly felt by our forefathers during the time of the Confederation that it should never be forgotten, but remain in men's memories as a sad and salutary lesson to those who would see their country cursed by such mischievous legislation as the free-trade Democracy propose to enact in the Mills bill.

Then our forefathers had what this bill provides in part at least and what the Democrats in this debate have again and again urged and argued for—practical free trade. What was then the result? Cheap goods flowed in from Europe; the money of the people poured over the sea to pay for them, until all trade became barter. There was no currency left for circulation in the country; people trafficked in cattle and sheep and most everything, except silver and gold coin or any kind of money.

The general disaster which fell upon all classes and every kind of industry has formed too many sad pictures in the descriptions of statesmen and historians to admit of repetition here. It was arrested only by the formation of a Constitution for all the colonies, the establishment of a new and stronger Government, and the enactment of a protective tariff which encouraged new industries that gave labor to the people and kept their money at home.

The same principles will operate to-day as then. Like causes will produce like effects, and it will be found always that in a country where labor is high, as in our own, the best assurance of a sufficient volume of currency is that protection to domestic industries which shall give employment to the toilers and stimulate the development of all the varied resources with which God has enriched the nation. Under such protection our country has had a degree of prosperity unknown in the history of mankind. Let us maintain it, whether it be assailed by the theories of doctrinaires, old prejudices, sectional envy, or the alliance of British greed with Democratic ambition for political power.

Mr. FORAN. Mr. Chairman, while the general debate was pending I gave my views, at considerable length, upon the measure under consideration. Since that time the bill has been so modified and amended that many of the objections I then entertained against the proposition no longer exist. There still remain in the bill, however, a few important provisions and sections, which are so utterly at variance with my convictions of duty and the pledges made my constituents that I can not consistently or conscientiously vote for it. I regret this exceedingly because it has always been my aim and my desire to be in line with my party upon all important questions of public policy. Besides, the "condition" mentioned by the President in his message to this Congress still confronts us. Our patriotism as citizens and our official oaths alike require and demand at our hands the solution and removal of this "condition."

The collection by the Government and retention in the United States Treasury of a sum annually equal to one dollar for every man, women, and child in the Republic can not long continue, except at the cost of the most direful consequences to the prosperity and business interests of the country. The contraction of the circulating medium of a country always results in enhancing the value of money, while it invariably decreases the wage of the laborer. The "condition"—the surplus—ought to be and must be removed, and at once. The Mills bill seeks to accomplish this result. It diverges, in a few essential details, from the line of policy I would follow were the entire responsibility upon me; yet I am not prepared to say that the Ways and Means Committee, upon the whole, especially in the amendments allowed since the bill was introduced, have not honestly endeavored to formulate and perfect a bill that would relieve the people from unnecessary burdens and at the same time do justice to the various conflicting interests of our greatly diversified industries.

If the committee failed in some instances it is because the tariff question, in the very nature of things, can not be delocalized or nationalized. I had hoped that our friends upon the other side of the Chamber would formulate and present a measure that would more nearly meet my views; but in this hope I have been disappointed. Their policy has been to point out alleged defects in the bill in speeches, which were not calculated or intended to create a healthy public opinion or sentiment upon the vital and the main question—the reduction of the surplus—but which were calculated and intended solely to influence and affect and create Republican sentiment for the November election. Much as I differ with the majority of my party upon the tariff question, I can not consistently, as a Democrat, aid the Republican party in creating an issue that is illusory and misleading.

The present condition of the Treasury—the surplus and the giant evils it is bound to precipitate upon the country—brings us face to face with a public, not a political question. This question is so grave and far-reaching and so liable to affect injuriously the best interests of the whole people, that it ought to be approached, discussed, and considered by patriots, not partisans; it is above and beyond mere party considerations. The Republican minority, however, have not seen fit to so regard it. The President's message was hailed by Republican leaders, not so much in the light of a menace to the industries of the country as in the light of outlining a policy which they believed they could, by judicious twisting and appeals to local prejudice, turn to their advantage politically. These gentlemen will vote against this bill, not because they honestly believe it is a vicious measure, but because some injudicious utterances by gentlemen on this side of the House will enable them to tell their constituents it is a free-trade measure, and in support of that contention they will cite, not the bill itself or its contents, but the remarks of gentlemen who have supported it.

How any bill which provides for average duties of 40 per cent. can be called a free-trade measure passes human comprehension; but that fact will be carefully obscured by the bewildering denunciations which will be hurled at the bill and the Democratic party, because a few gentlemen have permitted themselves in the discussion on this bill to indulge in the glittering generalities of free-trade philosophy. Now, while I can not vote for this bill, for the reasons already stated, I certainly can not have any sympathy with the opposition to it, which springs from the selfish and partisan motives which dominate the Republican party.

To vote against the bill would be to countenance and commend the unpatriotic and selfish policy of the Republican party. My own party fealty as well as my convictions of right and duty make such action impossible. I have, by my votes, entered my protest against those items in the bill which my judgment lead me to believe were illogical or wrong, while I have uniformly voted for all items, clauses, and sections I believed to be sound and right. I am sorry the bill is not in such shape as would prompt me to vote for it, but it is too near my position, and the opposition to it is of so selfish and purblind a character that it is impossible for me to vote against it.

One word more. As a Democrat, I do not regard the tariff as a party question. It is local in character, a business question that should be dealt with in a non-partisan spirit.

The principles of the Democratic party are too broad, too deep, too far-reaching to be even temporarily put out of sight for a question that, in details, is far better understood by manufacturers and merchants than by statesmen. The difference between the two great parties now contending for supremacy in this country is as vast and as wide as space. I am a Democrat. I mean by that, as I said upon another occasion, that a Democrat is a

FREE RESPONSIBLE SOUL.

A Democrat is a man who would increase by all lawful means, to the highest attainable limit, the power of the individual, without sacrificing the requirements of public order; he believes that there should be no inequality of condition except that which springs from the inequality of talents, and he aims at removing all inequality except such as is absolutely necessary to the progress and development of humanity; he believes that men are responsible solely as men, have rights simply because they are men, and should be valued solely as men, and that every man has the right to raise himself to the highest point of excellence of which his soul and mentality are capable. In a word, the Democrat believes that merit is everything, birth nothing.

Politically a Democrat is a citizen who believes in a government by the people, while a Republican is a citizen who believes in a government of the people. The Democratic citizen believes in the largest possible limit of direct popular control in the government, consistent with social order and progress, while the Republican citizen would limit and circumscribe this direct popular control, believing that better government can be secured by placing governmental power only in the hands of the so-called well-born or privileged class. Again, the Democratic citizen believes in limiting the powers of the Federal Government and conserving to the States, at all hazards, every right and power reserved to them by the Constitution. In other words, the Democrat would maintain the binding force of the exact literal language of the Constitution, and would oppose at all times, by all means, the enlargement of Federal powers by interpretation. The Republican believes in the reverse of all this. Here is the correct, the exact dividing line between the two parties.

It is upon these lines that I have always contended that the wage-worker, the toiler, and the man of limited means is out of place in the Republican party. The traditions and the inherited principles of the Republican party are those of Hamilton, while the Democrat believes in the teachings of Jefferson. Parties sometimes swerve from the straight line of principle and follow the devious line of expediency. The Democratic party is no exception to this rule. Parties are merely aggregations of men, and all men are selfish, and the prospect of present success often lures them from the path that leads to a success which may be remote, but is always certain.

Through all the trials, through every crisis of the Democratic party, the principles upon which it was founded by Jefferson always survived, for principles never die. The party may have erred, it may have swerved from its path, but its faith, its principles as above outlined, are as pure and as just to-day as when first the lovers of free popular government made them the creed and dogmas of a political party. Here is a platform upon which all Democrats can stand. Questions of expediency and policy—side issues—sink into obscurity and insignificance when contrasted with the great essentials of human liberty upon which the Democratic party is founded. Divergence of opinion upon questions of party expediency furnish no excuse for desertion to the enemy. While I will not vote for this bill, while I could not vote for it under any circumstances in its present shape, yet will I be found this fall—and at all times while life lasts—in the ranks of my party, in the forefront of the fight for Democratic ascendency and the perpetuation of Democratic principles in this Republic. I can see no hope for the people in Republican ascendency. If the principles of the Democratic party are sound—based on justice and right—and so I believe, I feel it my duty to combat errors into which it may fall from within, not from without.

The CHAIRMAN. There being no objection, the formal amendments will be withdrawn. The Clerk will read the pending paragraph under consideration.

The Clerk read as follows:

All tobacco in leaf, unmanufactured, and not stemmed, 35 cents per pound.

The CHAIRMAN. The question is on striking out the paragraph which has been read, the motion having been made by the gentleman from Texas [Mr. MILLS].

The motion was agreed to.

Mr. HITT. What has become of the amendment proposed by the gentleman from Wisconsin [Mr. LA FOLLETTE] on yesterday.

The CHAIRMAN. It has been disposed of.

Mr. MILLS. I move, on page 29, line 1 of section 4, to strike out "July" and insert "October;" so as to read:

SEC. 4. That on and after the 1st day of October, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid the following rates of duty on said articles severally.

The amendment was agreed to.

Mr. SPINOLA. I move, on page 32, to strike out lines 86, 87, 88, and 89, as follows:

Pipes, pipe-bowls, and all smokers' articles whatsoever, not specially enumerated or provided for, 50 per cent. ad valorem; all common pipes of clay, 25 per cent. ad valorem.

The CHAIRMAN. Is there objection to going back to that paragraph?

There was no objection.

The question recurred on Mr. SPINOLA'S amendment, and it was adopted.

The CHAIRMAN. The Clerk will read the next paragraph, which was passed over at the suggestion of the gentleman from New Jersey [Mr. LEHLBACH].

The Clerk read as follows:

Bonnets, hats, and hoods for men, women, and children, composed of hair, whalebone, or any vegetable material, and not specially enumerated or provided for, 30 per cent. ad valorem.

Mr. BYNUM. Before we proceed with the debate on that paragraph I ask to move a mere formal amendment on page 58, which is a part of the repealing clause.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

SEC. 24. That sections 3011 and 3013 of the Revised Statutes be, and hereby are, repealed as to all importations made after the date of this act; and all laws and parts of laws inconsistent with the other requirements and provisions of this act are also hereby repealed.

Mr. BYNUM. I move to strike out the words:

And all laws and parts of laws inconsistent with the other requirements and provisions of this act are also hereby repealed.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the paragraph passed over on motion of the gentleman from New Jersey [Mr. LEHLBACH], which has already been read, and the Clerk will now report the amendment moved by Mr. LEHLBACH to that paragraph.

The Clerk read as follows:

Add to the paragraph the following:

"Buttons called by and known among manufacturers as pearl buttons, a specific duty of 4 cents per line per gross (English measurement)."

Mr. MILLS. I ask that debate on this paragraph be limited to two hours, one hour on each side.

Mr. REED. I object. I think we had better go on with the five-minute debate.

Mr. MILLS. I ask that an hour be given on this side.

Mr. REED. I object.

Mr. BUCHANAN. Possibly an hour will not be needed.

Mr. MILLS. We gave twenty minutes yesterday to the other side and fifteen minutes this morning, and I do not see why gentlemen should object to the time asked for on this side.

Mr. BUCHANAN. But my colleague desires to speak to a substantial amendment, and I suggest that the gentlemen wait until my colleague gets through before fixing the limit.

Mr. MILLS. I am perfectly content that the gentleman shall have all the time he wants within reasonable limits.

The CHAIRMAN. The Chair understands objection is made.

Mr. SPRINGER. I wish to submit a request for unanimous consent to the House, and with a view of doing so I submit a formal amendment to strike out the last word of the pending paragraph.

The CHAIRMAN (Mr. DOCKERY). The gentleman from Illinois will proceed.

Mr. SPRINGER. I have listened with great patience to all gentlemen in this House during all of this long and protracted debate, and I believe that during this discussion every gentleman has been permitted to speak as long as he desired. I now ask the indulgence of the committee that I may be permitted to address myself to that part of the bill which relates to the tariff on wool, with the assurance that I will confine myself exclusively to that subject; and I ask unanimous consent that I may be permitted, after the gentleman from New Jersey shall have concluded his remarks, to address the committee for a period not to exceed one hour.

Mr. REED. It does not seem to me to be a fair proposition after the debate is closed that a gentleman should come here with a prepared speech and ask additional time for the purpose of delivering it. Had we been notified a reasonable time in advance it would have been granted, and probably would have been granted with the greatest pleasure. But I do not think it is desirable now to reopen the subject.

Mr. SPRINGER. On the subject of wool permit me to state that gentlemen on the other side of the Chamber occupied one hour and forty-five minutes more than was occupied on this side; and this order, if granted, would not even equalize the debate on that question. I have no desire to depart from the legitimate subject under consideration or indulge in any political matters.

Mr. MCMILLIN. If the gentleman from Illinois will yield to me for a moment I will remind my friend from Maine that the gentlemam from Wisconsin [Mr. LA FOLLETTE] was given fifty minutes consecutively, as a matter of courtesy to him and that side of the House, on this schedule—the woolen schedule—uninterruptedly, within ten minutes of the time asked by the gentleman from Illinois on this side.

The CHAIRMAN. The Chair will state the request of the gentleman from Illinois.

Mr. REED. If there is a proposition for an hour on each side I should not make special objection to it, after having called attention to the way that this thing is done. I do not think it is a satisfactory method of doing business in committee.

Mr. MCMILLIN. The first request of the gentleman from Illinois was for an hour.

Mr. REED. And I objected to the first request.

Mr. SPRINGER. Will the gentleman from Maine object to two hours, then, one on each side?

The CHAIRMAN. The Chair will submit the request to the committee.

Is there objection to allowing debate for two hours on the woolen schedule of the bill, that time to be equally divided between the two sides of the House?

There was no objection.

Mr. SPRINGER. Now let the gentleman from New Jersey occupy such time as he desires on his amendments.

The CHAIRMAN. If there be no objection, the gentleman from Maine will be allowed to control the hour on the left. Does the gentleman desire to proceed now?

Mr. REED. No; the gentleman from Illinois will take his hour first.

Mr. SPRINGER. After the gentleman from New Jersey has concluded his remarks I will proceed.

Mr. LEHLBACH. Of course I know nothing of this arrangement. The time should be given me to offer two substantial amendments, which I propose and on which I ask to be heard.

The CHAIRMAN. The gentleman will send his amendments up.

Mr. REED. This does not come out of any time that we may have on this side under the new arrangement.

The CHAIRMAN. It does not. The time occupied by the gentleman from New Jersey will be on his own amendments.

Mr. BLAND. That is, for five minutes, under the rule?

The CHAIRMAN. Of course the gentleman occupies the floor, if at all, under the rule.

Mr. BLAND. But I understand it is only for five minutes.

The CHAIRMAN. He speaks under the rule of course. If the gentleman gets more time that will be by the consent of the committee.

Mr. LEHLBACH. My first amendment is to strike out "thirty," in line 26 of this paragraph, and insert "fifty;" so that it will read "50 per cent. ad valorem."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New Jersey.

Mr. LEHLBACH. Mr. Chairman, I offer this amendment at the request of the hatters of my district, and it seems to me, after having considered their reasons for this change, that it would be wise to increase the duty on these articles. I will briefly state to the committee the facts. The consumption of these articles in this country is not so great but that those engaged in their production are able to supply the demand. Until within the last ten years few hats were imported, and our workingmen engaged in this industry were kept busily employed. Of late years the importation has steadily increased, and where formerly an imported hat was a novelty, it is now a thing of common use. These large importations have had the result of lowering the wages of those employed, and of compelling idleness at certain portions of the year. In order to prevent further increase in importation it will be necessary to increase the duty on these articles. This is the effect of my amendment, namely, an increase from 30 to 50 per cent. I had the honor to present a petition to the House, signed by 2,170 hatters of my district, asking for this legislation.

In a letter inclosing the petition Mr. Daniel McCarthy, of Orange Valley, N. J., secretary of the United Hatters of Essex County, says as follows:

> Our reason for asking this legislation is that a few years ago an imported hat was a novelty, but now they are seen everywhere, and the importation is yearly on the increase. Taking the importation of 1887 as a basis, the wages for making 42,365 dozen hats, which, at $8 per dozen, amounts to $338,920, is in reality $33 per annum each from the 10,000 people employed in the hatting industry in this country, or about one-sixteenth of the average earnings for the entire year. In this country alone there are nearly 4,000 men employed at hatting, who would all have signed the petition if the committee who had it in charge had taken a few days more to circulate it, but we were afraid to delay it. Now, we are compelled through lack of work to lose at least three months in the year which could be partly remedied by an increase to 50 per cent.

If the rate of duty is not changed the hatters fear that the importations will not decrease, but rather increase, and that it will condemn them to idleness for a longer period during the year. With this brief statement, I ask for a favorable consideration.

The question was taken on the amendment of Mr. LEHLBACH; and on a division there were—ayes 72, noes 84.

So the amendment was rejected.

Mr. LEHLBACH. I now offer the amendment I send to the desk.

The Clerk read as follows:

> Insert after line 26:
> "Buttons, called by and known among manufacturers as 'pearl buttons,' a specific duty of 4 cents per line per gross (English measurement)."

Mr. LEHLBACK. Mr. Chairman, this amendment proposes a specific duty which will, as I am informed, be equivalent to about 50 per cent. ad valorem, or double the present duty. But a few years ago the pearl-button industry was a flourishing one in the city of Newark. The competition at that time was entirely with English manufacturers, and the duty of 25 per cent. was sufficient to make up the difference of wages between the two countries. At that time there were few or none manufactured in Austria. At present the importations to this country, according to the report of Consul-General Jussan, made December 30, 1887, amount, in round figures, to $2,300,000, and of this amount nearly $1,700,000 comes from Austria, the bulk of the balance coming from France. The hand labor in Austria, as well as in France, is performed at the low rate of from 5 to 7 florins per week (or from $2 to $2.80 per week). In the manufacture of pearl buttons no machinery can be used; it is all hand work. It is hardly necessary, therefore, to state that since this has become an industry in Austria and France, and the bulk of their manufactured articles have been exported to this country, that most of our manufacturers have been compelled to close their factories, and those yet remaining are engaged only part of the time, and then only at the highest grade of goods.

The petition which I will present to the House and ask to have read states that in Vienna and the suburbs there are several thousand convicts employed in making pearl buttons, and the sale of these goods being prohibited in Austria they are exported to the United States. If this be true, and I do not doubt it, then it is high time that we, having in most of the States protected honest labor from our own convict labor, should take steps to protect it from infinitely worse competition, the convict labor of Austrian prisons. This is not the first attempt that those engaged in this industry made to obtain relief. Six years ago my predecessor introduced a bill for their relief. It was referred to the Committee on Ways and Means, and nothing was done. In the last Congress I introduced a bill increasing the duty. It was referred to the same committee. A chance for proper explanation was given by that committee, but no tariff legislation being had during the Forty-ninth Congress, of course no relief was given. If Congress will not soon do something for these people an industry will be wiped out of existence which would in a short time have given employment to thousands of our people. This is a very peculiar case, and I hope that the petition of the committee of the pearl-button makers, which I now send to the Clerk's desk to have read, will result in causing favorable action.

The Clerk read the petition, as follows:

NEWARK, N. J., *December* 21, 1887.

HONORABLE SIR: The petition of the undersigned, who are a committee of the National Pearl-Button Makers' Association, appointed by them to present to your honorable self, praying that they may have your support in advocating a bill of the pearl-button manufacturers, which is about being presented to Congress, asking for such relief that will enable us to be on an equality with other mechanical industries in this country. We beg you to allow us to present to you a few facts, which we think, after your perusal, we shall have your support and sympathy.

We are a body of mechanics, who some ten or fifteen years ago represented thousands, our occupation was such that we were enabled to have steady employment, our principal competitor in pearl buttons was England, and the competition was such that we could favorably compete, but since that time Austria and Germany commenced making pearl buttons; and where there was one thousand gross of pearl buttons made in those two countries alone there are now to-day one hundred thousand, till the competition is so great that two-thirds of the workmen in this country are doing nothing, and what few have work, only get two or three days per week. The wages we get when at work averages from $12 to $15 per week, which we think you will agree is not too much for a skilled mechanic who has had to labor for several years before he becomes proficient, but as the case now is this labor has been entirely thrown away.

Our chief competitor now is Austria, as there we have not only the regular workmen to contend against but in Vienna and the suburbs there are several thousand convicts employed making pearl buttons, and there is a law prohibiting the sale of such goods in their own country, and which goods find a ready market here. Again, the wages of a regular mechanic in Austria are exactly in our money $2.83 per week, so you can readily see the comparison of the wages of the foreign and domestic mechanic. Our wages, taking it at the lowest basis, is four or five times as much as theirs, and the duty that is imposed on such goods is 25 per cent. ad valorem. Now it can readily be seen the disadvantage we labor under. How can our employers find work for us to do when importers in this country have their agents in Europe who buy goods that are the result of convict and pauper labor, or, in other words, how can it be expected that they will buy goods in this country of which the labor alone costs $1 when in a foreign country it costs 30 cents?

Things have gone so far with us that it is only a question of a little time when the climax will come. We have labored hard for a long time to keep the wolf from the door and looking with longing eyes for a bright sun to rise which would break forth into a glorious morning; but we have hoped in vain; the tide does not seem to turn, and as a last resort we appeal to you, most honorable sir, to help us in our great difficulty. We are well aware that Congress has the inclination to reduce the tariff instead of raising it, but we feel we are justified by our condition in asking that an exception be made in our case. In fact, our trade has been in such extreme necessity that the whole press of this mechanical city and the press of New York have taken it up and from observation have made prolonged articles upon it. Our employers are also in a bad condition; two-thirds of the factories are completely closed, and the others, on an average, do not run two days per week.

Now, honorable sir, we have endeavored to state our case to you in a plain and truthful manner, praying that you will give us your valuable assistance so that we can make an honest living at our own legitimate occupation, as we feel we have to work against more competition and have less protection than any other industry in the whole country, as our goods are made exclusively by hand and can not be made in any way by improved machinery; the same process of manufacture has to be gone through in Austria as in this country; and we can assure you that the contents of this letter we can vouch for, as a great many of your humble petitioners have followed their occupation in Europe.

The lathes that are used in this business can not be utilized for any other purpose, which is another great disadvantage we labor under; in fact, we labor under every disadvantage and have nothing to encourage us. We pray that you may see the condition that we are placed in and that something will be done at this session of Congress to give us that relief that will extricate us from our unfortunate position and enable us to support our wives and families as it becomes every honest and respectable mechanic. We do not ask for extortionate wages, but we pray for a duty which will protect us and give us steady employment.

Respectfully yours, etc.,

JOHN H. COMPSTOCK.
HARRY TONKS.
JOSEPH WOLFF.
DANIEL BLAKEMAN.
JOSEPH LANG.
JOHN F. HEALEY.
MICHAEL J. DEGNAN, *Secretary.*

To Hon. HERMAN LEHLBACH.

Mr. LEHLBACH. I simply wish to state that to my personal knowledge these facts are not exaggerated in this petition. The shops in my city have been closed for want of work and the people are walking the streets in idleness. It is simply a question here whether this industry shall longer exist in this country or not.

Mr. BLOUNT. I would like to ask the gentleman from New Jersey a question. This petition recites the fact that these men only get employment for about two days in a week. Is that a correct statement?

Mr. LEHLBACH. They do now; but they did formerly, when they were coming in competition with England alone, work full time at full wages.

Mr. BLOUNT. Does my friend mean to say that since Austria began to manufacture this class of merchandise, these persons have but two days work in the week?

Mr. LEHLBACH. That is substantially correct.

Mr. BLOUNT. How long has that been going on?

Mr. LEHLBACH. For the last six years. Most of the buttons sold in this country now are made in Austria.

Mr. BLOUNT. And that condition of your labor has existed for a series of years?

Mr. LEHLBACH. I will state to the gentleman that they make only the higher grades of goods here.

Mr. BLOUNT. And these people only find employment two days in the week?

Mr. LEHLBACH. In that industry. The balance of the time they are working in some other line of industry where they can get employment. Now, the question is whether you are going to strike that industry down or not.

[Mr. WHEELER withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. The question is on the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

The question was put; and there were—ayes 67, noes 83.

So the amendment was rejected.

Mr. SPRINGER. Mr. Chairman, the debate on the pending bill began on the 17th day of April last; since that time the committee has been occupied in general debate twenty-three day and eight evening sessions. There were consumed in the general debate one hundred and eleven hours and fifty-four minutes—fifty-six hours and eighteen minutes by Democrats and fifty-five hours and thirty-six minutes by Republicans, or those opposed to the bill. In all one hundred and fifty-one speeches were made during the general debate on this bill. The debate upon the bill by paragraphs began May 31, since which time there have been occupied twenty-eight days or one hundred and twenty-eight hours and ten minutes, including the time that will be consumed to-day. The whole number of days devoted to the debate and consideration of the bill has been fifty-one, and the number of hours two hundred and forty. This debate will perhaps be known as the most remarkable that ever occurred in our parliamentary history. It has awakened an interest not only throughout the length and breadth of our own country, but throughout the civilized world; and henceforth, as long as our Government shall endure, it shall be known as "The Great Tariff Debate of 1888."

The House in Committee of the Whole on Monday last voted on the question of striking out of the pending bill the paragraph which placed all wools imported into this country after the 1st day of October next on the free-list. The vote by tellers showed that 120 members voted for free wool and 102 voted to retain the present tax. It was my intention before that vote was taken to have addressed the committee in opposition to striking out the paragraph; but on account of a slight cold I was unable to do so at that time without personal discomfort. But as the motion to strike out did not prevail, and the clause securing free wool still remains in the bill, and must be voted on as a part of it on the final passage, I beg the indulgence of the committee at this time to express some views on the subject.

CHANGE IN WOOL TARIFF IN 1883.

On the 3d day of May, 1882, I had the honor to address the Committee of the Whole House on the bill to provide for the appointment of the Tariff commission. In my remarks at that time I referred to the tariff on wool at some length, and advocated the placing of wool on the free-list. That Congress passed at its second session the tariff act of March 3, 1883, which slightly reduced the duty on wool. It repealed the ad valorem duty of 10 and 11 per cent., but retained the specific duty of 10 and 12 cents a pound on unwashed wool of the first and second class. The specific duty on coarse carpet wools was reduced one-half. It is claimed by gentlemen on the other side of the Chamber that these reductions worked disaster to the wool-growers of the country. I do not concede this. On the contrary, I hold that the reduction of the duties on wool did not produce the changes in the prices of wool or number of sheep which followed. First as to the number of the sheep in the country before and after the change, take the four years immediately preceding the change and the four years succeeding it. The act of 1883 took effect July 1 of that year. The number of sheep in the United States in 1883 was 49,237,291.

The number in each of the four years preceding this year was as follows:

	Sheep.
1879	38,123,800
1880	40,765,900
1881	43,569,899
1882	45,016,224
Total	167,475,823

Or on average of 41,868,955 sheep for each year.

The number in each of the four years succeeding the change was as follows:

	Sheep.
1884	50,626,626
1885	50,360,243
1886	48,322,331
1887	44,759,314
Total	194,068,514

Or an average of 48,517,128 sheep for each year.

This shows an average of 6,648,173 more sheep in each of the four years succeeding the change than there were in each of the four years preceding the change. If the change in the tariff in 1883 had any effect in this respect it was to increase the number of sheep in the country. Gentlemen on the other side are in the habit of pointing to the number of sheep in 1883 and in 1887, and assuming that these two items determine the whole question.

And in this connection I desire to call attention to the resolution adopted in this city in January, 1888, at the conference of wool-growers, wool-dealers, and wool-manufacturers. Those resolutionswere addressed to Congress as a remonstrance on the part of the representatives of the National Association of Wool Manufacturers and of the Wool Growers' National Association against the passage of the Mills bill, and assumed to furnish Congress information upon the condition of wool-growing and wool-manufacturing in the United States.

I quote from the Bulletin of the National Association of Wool Manufacturers, dated Boston, 1887, one of the resolutions adopted, which is found on page 336 of that bulletin, as follows:

> The fact that the reduction in the tariff on wool in 1883 was immediately followed by a decrease in the number of sheep in the country from 50,626,626 in 1884, to 44,759,314 in 1887, gives warning that the abolition of duties on wool would seriously cripple the raising of sheep in this country, which is the third producer in quantity among the nations, and would thus increase the price of wool all over the world, while the consequent destruction of sheep would materially affect the supply and the price of meat, and, to a considerable degree, of all provisions.

A person reading this resolution would naturally infer that there had been a great destruction of sheep in the United States since the reduction of the tariff on wool by the act of March 3, 1883. These honorable gentlemen, assuming to furnish the representatives of the people with valuable information upon interests represented by themselves, assume that the condition of wool-growing in the United States after the passage of the act of 1883 gives warning that the abolition of duties on wool would seriously cripple the raising of sheep in this country. They assume with a positiveness which amounts to assertion that there was a great falling off of sheep in this country after the passage of that act, while, as I have shown, there were in the United States on an average for each of the four years which have elapsed since 1883, 6,000,000 sheep more than there were on an average for the four years preceding the change. What confidence can we place hereafter in the representations of interested parties on this subject?

There are fluctuations in all business. Sheep-raising is no exception to the rule But general conditions can only be reached by taking the average for several years. The average of four years preceding and succeeding shows a large increase in the number of sheep after the tariff reduction on wool in 1883.

Now, in the second place, as to prices of wool. There was a decrease in the average price of fine wool of about 10 cents a pound during the four years succeeding the change as compared with the four years preceding the change. There was a corresponding decrease as to other classes of wools. The average price of fine wools in January for the years 1879, 1880, 1881, and 1882 was 46.25 cents per pound. For the succeeding four years, 1884 to 1887, the average was only 35.50. But there had been a gradual decline in the average price of wool from 1867, when the high protective tariff on wool was passed, until the present time. In 1867 the price was 68 cents a pound.

In 1869 it was 50 cents, in 1873 it was 70 cents, and then it dropped

each year thereafter to 58, 55, 48, 46, 44, and to 34 in 1879, or about the same price it now commands. What caused the decline in 1879 to 34 cents a pound while the tariff was unchanged? What caused the decline from 70 to 34 cents a pound on wool during the highest tariff era ever known in this country? Gentlemen must find other causes for these changes than the raising or the lowering of the tariff on wool. I concede that such changes of the tariff do affect prices remotely, but not directly. Prices of all commodities are controlled by the inexorable law of supply and demand. There was a greater supply of wool in this country during the four years succeeding the change in the tariff in 1883 than during the four years preceeding the change. The statistics prove this. But the average number of sheep each year was 6,648,000 greater. If each produced a fleece of 6 pounds, the wool supply would, from the home clip only, exceed by 40,000,000 pounds each year that of the preceeding four years.

This would materially depress prices, unless there was a corresponding increase in demand. We have no statistics since 1880 that would accurately determine this fact. The probabilities are, however, that there has been in recent years a large overproduction of woolen goods in this country. As such goods are loaded down with the taxes on the raw material, they can not be shipped abroad and sold in competition with goods manufactured out of untaxed raw material. Hence they must overcrowd our home market, and thus depress not only the prices of woolen goods, but also of wool itself. Overproduction is the inevitable consequence of high tariffs. In many branches of business combinations or trusts have been formed for the purpose of limiting production and controlling the prices of their products. Thus high tariffs produce overproduction and overproduction produces the combine and the trust.

I do not charge that there has been a trust formed by those engaged in woolen interests. But it is conceded that the high tariff on wool has restricted our wool-growers to the home market; they can not ship their wool, under present conditions, to other countries. A restricted market places their products at the mercy of the manufacturers of woolen goods in this country. When they overstock the market, they must shut down their mills or work them on limited time and with less force. This diminishes the demand for wool, and a fall in prices is the inevitable result.

NOT AN INFANT INDUSTRY.

On yesterday we heard the gentleman from New Jersey [Mr. BUCHANAN] speak of the potter's art as one of the oldest industries known to man, but the raising of sheep is of even greater antiquity.

The stereotyped pretext of protecting an infant industry can not be set up in defense of taxing either wool or pottery. The very earliest industry known to man was that of raising sheep. Abel, the second son of Adam, was "a keeper of sheep." [Laughter.] The offering of the firstlings of his flock as a sacrifice to the Lord proved more acceptable than did the offering of his brother, and the murderous jealousy ensued, which caused Abel's death. In Exodus (22, 1) the penalty for stealing sheep was the restoration to the owner of four sheep for each one stolen. In Deuteronomy (22, 1) is found the injunction "not to see thy brother's sheep go astray." The law required every shepherd to look after the welfare of his neighbor's flock as well as his own, and not to permit his sheep to go astray. On the occasion of great assemblies of people sheep were slaughtered for their food. We are told in I Chronicles (5, 21) that the sons of Reuben took from the Hagarites in war 250,000 sheep. This was 1,300 years B. C., and indicates that there was a large sheep-growing industry more than three thousand years ago.

Mr. MCCREARY. Did they have free wool in those days? [Laughter.]

Mr. SPRINGER. Yes; they had free wool in those days.

The Scriptures are filled with references to sheep. Abel and David were shepherds. The Savior of the World is called the Good Shepherd, and his birth was first announced "to the shepherds who watched their flocks by night" on the plains of Judea. What excuse can there be for placing the business of raising sheep and growing wool in the category of infant industries? What nonsense to assert that this industry can not exist in the United States of America, where the soil and climate are unsurpassed, unless Congress imposes a high tariff on wool! What folly to load down with taxes that article of all others which most contributes to the health and comfort of mankind!

A CONDITION CONFRONTS US.

At the beginning of this session of Congress we were confronted with a condition of affairs which demanded a revision of the tariff and a reduction of the surplus revenue in the Treasury. The President, in his annual message to Congress in December last, called attention to this condition, and recommended the immediate passage of a bill to correct the inequalities of the tariff and reduce the surplus, characterizing our tariff laws as "the vicious, inequitable, and illogical source of unnecessary taxation." At that time the excess of revenue for the fiscal year ending June 30, 1887, amounted to $55,000,000, and the estimated surplus at the end of the fiscal year was placed at $140,000,000. According to the statement made by the gentleman from Missouri [Mr. DOCKERY] in the House on July 3, last, the surplus at the close of the last fiscal year (June 30, 1887), was $129,272,205.90, notwithstanding a purchase of bonds during the year up to that time to the amount of $32,386,800.

THE PRESIDENT'S MESSAGE ON FREE WOOL.

In view of these facts the President was justified in departing from the usual custom of sending in a message on the leading topics of home and foreign affairs and devoting the whole paper to the subject of the surplus and suggesting the proper means for its reduction. He urged the reduction of tariff taxes and a revision of the customs laws as essential to the removal of unnecessary burdens on the people and in order to promote the general welfare. Among other subjects referred to by him was the tariff on wool, and he urged the reduction or removal of this duty in any revision of the tariff laws that might be made. This part of his message is clear, forcible, and convincing, and deserves the careful consideration of every person in the United States, and especially of the voters who are to pass upon this question at the polls in November next.

The following are the portions of the message on this subject:

The farmer and the agriculturist, who manufacture nothing, but who pay the increased price which the tariff imposes, upon every agricultural implement, upon all he wears and upon all he uses and owns, except the increase of his flocks and herds and such things as his husbandry produces from the soil, is invited to aid in maintaining the present situation; and he is told that a high duty on imported wool is necessary for the benefit of those who have sheep to shear, in order that the price of their wool may be increased. They of course are not reminded that the farmer who has no sheep is by this means obliged, in his purchases of clothing and woolen goods, to pay a tribute to his fellow farmer as well as to the manufacturer and merchant; nor is any mention made of the fact that the sheep-owners themselves and their households must wear clothing and use other articles manufactured from the wool they sell at tariff prices, and thus as consumers must return their share of this increased price to the tradesman.

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks numbering from twenty-five to fifty. The duty on the grade of imported wool which these sheep yield is 10 cents each pound if of the value of 30 cents or less, and 12 cents if of the value of more than 30 cents. If the liberal estimate of 6 pounds be allowed for each fleece, the duty thereon would be 60 or 72 cents, and this may be taken as the utmost enhancement of its price to the farmer by reason of this duty. Eighteen dollars would thus represent the increased price of the wool from twenty-five sheep and $36 that from the wool of fifty sheep; and at present values this addition would amount to about one-third of its price. If upon its sale the farmer receives this or a less tariff profit, the wool leaves his hands charged with precisely that sum, which in all its changes will adhere to it, until it reaches the consumer.

When manufactured into cloth and other goods and material for use, its cost is not only increased to the extent of the farmer's tariff profit, but a further sum has been added for the benefit of the manufacturer under the operation of other tariff laws. In the mean time the day arrives when the farmer finds it necessary to purchase woolen goods and material to clothe himself and family for the winter. When he faces the tradesman for that purpose he discovers that he is obliged not only to return in the way of increased prices, his tariff profit on the wool he sold, and which then perhaps lies before him in manufactured form, but that he must add a considerable sum thereto to meet a further increase in cost caused by a tariff duty on the manufacture. Thus in the end he is aroused to the fact that he has paid upon a moderate purchase, as a result of the tariff scheme, which, when he sold his wool seemed so profitable, an increase in price more than sufficient to sweep away all the tariff profit he received upon the wool he produced and sold.

When the number of farmers engaged in wool-raising is compared with all the farmers in the country, and the small proportion they bear to our population is considered; when it is made apparent that, in the case of a large part of those who own sheep, the benefit of the present tariff on wool is illusory; and, above all, when it must be conceded that the increase of the cost of living caused by such tariff becomes a burden upon those with moderate means and the poor, the employed and unemployed, the sick and well, and the young and old, and that it constitutes a tax which, with relentless grasp, is fastened upon the clothing of every man, woman, and child in the land, reasons are suggested why the removal or reduction of this duty should be included in a revision of our tariff laws.

CONSUMPTION OF WOOL AND WOOLEN GOODS.

The manufactures of wool enter into universal consumption. No other element enters so largely into domestic affairs as does wool. From the cradle to the grave it is around and about us. In the Northern portions of our country human existence would be intolerable and vast areas would be comparatively depopulated if woolen goods were eliminated from our domestic economy. The health, comfort, and prosperity of the people largely depend upon a liberal supply of the productions of wool, or those of which wool is the chief component.

The production of wool in the United States for the year 1886 was 285,000,000 pounds. The imports of wool for that year were 129,084,950. It is estimated that the woolen goods which were imported into the United States for the fiscal year ending June 30, 1887, contained raw wool to the amount of 196,000,000 pounds. This would show that the amount of raw wool consumed in the United States for the year 1886–'87 amounted to 610,084,958 pounds. Assuming that the population of the United States at this time is 60,000,000, this would show that the consumption of raw wool per capita for the past year was 10 pounds, or for a family of five persons 50 pounds of wool was consumed. The average price of raw wool at this time is 34 cents a pound, and the 50 pounds consumed by each family would therefore amount to $17, which would represent the cost to each family of five persons in the United States of raw wool for the past year. If we multiply the whole number of pounds of raw wool consumed by the price of wool at this time, it will show that there were $207,428,885 worth of raw wool and wool in manufactured woolen products consumed in the United States in the year 1886–'87.

The value of manufactures of woolen goods consumed in the United

States in 1880 is estimated as follows: The domestic production of woolen fabrics, according to the census of 1880, was valued at $267,252,913. There were imported during the year 1880 woolen goods to the amount of $35,013,255. The duties paid upon the imported goods amounted to $21,152,070. The manufactures of men's and women's clothing in the United States for the census year 1880, less the cost of materials used therein, were valued at $90,630,745. I deduct the materials used in the manufacture of clothing for the reason that they were composed of the domestic productions and importations already estimated. The aggregate of these amounts would represent the total value of woolen goods consumed in the United States in 1880 in the hands of the manufacturers, or at the port of entry, plus the duty upon the imported goods. It is well known, however, that the cost of bringing these goods to the consumers of the country will add at least 25 per cent. to their value in the hands of the importers and manufacturers. The 25 per cent. thus added would amount to $103,512,245, making a grand aggregate of cost for that year of woolen goods to the people of the United States of $517,561,228.

There were in the United States in 1880, in round numbers, fifty millions of people, and if we divide the aggregate of woolen goods consumed by the whole number of the population it will show that the cost for woolen goods to each person was $10, or for a family of five persons, $50.

There is an element in this cost which is attributable to the tariff on wool and woolen goods. It will be interesting to determine how far the aggregate of cost of woolen goods was increased on that account.

I do not claim that the whole amount of the duty paid on foreign importations is in all cases added to the cost to the consumers of like products produced in this country; but where the home product does not exceed the home demand for consumption and foreign productions must come in to supply the deficiency, the cost of the home product is fixed by the cost of the foreign product plus the duty. In the case of woolen goods, the supply did not equal the demand, as it appears that $25,000,000 worth of woolen goods were imported into the United States in 1880, upon which duties were actually paid to the amount of $21,000,000.

TARIFF INCREASES COST OF WOOLEN GOODS.

It is safe to estimate that the woolen goods manufactured in this country were enhanced in value on account of the tariff on imported goods of like quality to the extent of at least 40 per cent., or on this account to the amount of $106,873,165. There were actually paid in duties on imported woolen goods for that year $21,152,070. This amount was necessarily added to the cost of the imported articles. This would make a total increase of the cost of the domestic product of woolen goods in the hands of the manufacturers and importers to the amount of $128,025,235. If we add to this amount 25 per cent. as commissions and expenses necessarily incurred before the goods reach the consumers, making $32,006,308, we will find that the total cost to consumers in the United States in 1880 on account of the tariff on woolen goods amounted to $160,031,543. At that time, as stated before, there were 50,000,000 inhabitants in the United States, and the cost of protection to wool and woolen goods would therefore amount to $3.20 per capita, or to a family of five persons, $16.

If each Congressional district contained at that time 150,000 inhabitants, which is about the ratio, the woolen goods consumed in each district would have cost the consumers in 1880, $1,500,000. The tariff burden per capita, as before stated, for that year was estimated at $3.20. The amount of tariff burden, therefore, to each district would be $480,000.

These estimates are based on the statistics of 1880 for the reason that we have no statistics since that time of the amount and value of domestic manufactures of woolen goods. It is safe to say that there has been an increase in domestic manufactures of woolen goods since that time equal to the increase of population, and perhaps greater, as our wants are continually expanding. The ratio of tariff burdens on woolen goods consumed has at least been preserved since 1880, and in all probability increased. It is therefore safe to estimate that there has been an increase in each item of at least 10 per cent.

The account in 1880 would then stand as follows: The whole amount of woolen goods consumed in 1880 was $517,561,228. Ten per cent. of this amount would be $51,756,122. Our total cost in 1880 of woolen goods consumed was $569,316,350. The tariff burden in 1880, as before stated, was $160,031,543. If we add 10 per cent. to this, namely, $16,003,154, we will have a total of tariff burdens in the United States in 1888 amounting to $176,034,697. The tariff burden in each Congressional district in 1880 was estimated at $480,000. If we add 10 per cent. to this, namely, $48,000, we would have a tariff burden to each Congressional district of $528,000 on account of the tariff on wool and woolen goods.

WHAT PROTECTION TO WOOL-GROWERS COSTS.

The gentleman from Maine [Mr. DINGLEY] said on Thursday last (see CONGRESSIONAL RECORD, page 6757):

Nothing can be clearer than that if wool is admitted free of duty it will result in a decline of wool nearly to the extent of the duty.

This means that the domestic product of wool is increased in value or price to the purchaser to an amount equal to the duty on the imported article. This will be true as long as the duty remains.

The average rate of duty on imported unwashed wool for 1887 was 35.10 per cent. ad valorem, or about 10 cents a pound.

The production of wool for 1886 was 285,000,000 pounds.

If the wool-growers in 1886 realized an increased price on their wool to the amount of 10 cents a pound the gain would amount to $28,500,000. They do not, however, realize the full amount of 10 cents a pound.

But for the sake of argument let us concede a loss the first year to the wool-growers of $28,500,000 on their wool product in case of a repeal of the duties on wool.

This would be a loss to the wool-growers of each Congressional district, assuming (which is only approximately the fact) that the wool-growers were equally distributed to each district, of the whole sum divided by the number of districts, including Delegates, or only $85,585.

It appears also that in order to afford the wool-growers a protection on their wool product of 1886 of only $28,500,000 the consumers of wool in the United States were subjected to a tax equal to $176,034,697.

This tariff burden on account of the protection to wool-growers amounted in each Congressional district to $528,000, while the average amount of protection realized to each district was only $85,585, a net loss to each district of $442,415. Assuming that the wool-growers receive all the protection which is claimed, we submit that such protection is an expensive luxury to the consumers of woolen goods in this country.

It is not true, as stated by the gentleman from Maine [Mr. DINGLEY], that "to admit wool free of duty would result in a decline in wool nearly to the extent of the duty." It is true that during the continuance of the protective duty the price may be advanced after the business of the country has become adjusted to the duty, to the extent of the tax, or nearly so.

But if we abolish the duty, and place wool on the free-list, there will be a variety of conditions or circumstances which would result therefrom, which would all tend to increase again the price of wool, and that, too, within a very short period of time.

TARIFF ACT OF 1867 AND ITS RESULTS.

In 1867 the wool-growers of the country and the manufacturers of woolen goods succeeded in inducing Congress to impose protective duties on the importation of foreign wools, and also to impose such additional duties upon importations of foreign woolen goods as would compensate them for the loss they would sustain by reason of the duties on the raw material. The tariff upon wool prior to 1867 had been fluctuating under various acts of Congress from 1824 to 1865. Some of these acts place the duties very low. From 1858 to 1861 wool costing 20 cents per pound or less was on the free-list, and all other wools paid a duty of 24 per cent. ad valorem. From 1862 to 1864 the duty on wools costing 18 cents per pound and less was but 5 per cent. ad valorem; and over 18 cents and less than 24 cents it was 3 cents per pound; and over 24 cents per pound in price, 9 cents per pound in duty.

Between 1865 and 1866 the tariff on wool costing 12 cents per pound and less was 3 cents per pound, and costing over 12 cents up to 24 cents per pound the duty was 6 cents per pound, and between 24 cents per pound and 32 cents per pound the duty was 10 cents per pound and 10 per cent. ad valorem; and all wools costing over 32 cents per pound the duty was 12 cents per pound and 10 per cent. ad valorem. The act of August 22, 1866, slightly changed these duties, but they remained substantially the same until the taking effect of the act of March 2, 1867.

The duties were very unequally distributed by the act of 1867 on the different classes of wool, carpet wools being taxed at the rate of from 18 to 39 per cent. ad valorem, while fine wool pays from 37 to 88 per cent. in the grease, and from 31 to 96 per cent. if washed, and from 73 to 110 per cent. if in scoured condition. It will be seen that the high tariff upon fine washed and scoured wools has had a marked effect upon the manufacture of woolen goods in this country, and has worked greatly to the injury of both the wool growers and manufacturers, as will be seen as I proceed further.

The wool-growers felicitated themselves after the passage of the act of 1867 upon the success which had attended their efforts in securing a protective tariff on their product; but we will see how far their expectations have been realized. Their object in securing tariff legislation was to prevent foreign wools from competing with their products. They desired to practically exclude many classes of wool from our markets in order that they might receive greater prices for all they might raise. I shall be able to prove that, so far from realizing their expectations, the market was actually depressed; that in the States east of the Mississippi and Missouri Rivers the number of sheep vastly decreased, and that the price of wool averaged less per pound after the high tariffs were imposed than prevailed previously under low tariffs.

HOW TARIFFS AFFECT PRICE OF WOOL.

The American wool-growers are not the only persons who have been disappointed in this respect, and our Government is not the only government that has imposed protective duties on wool at the instance of

wool-growers to realize later that the object had in view was not only not accomplished but the opposite of public expectation occurred. The history of protective tariffs on wool in this country and in France and England shows how wrong in theory is the idea that tariffs of themselves control prices. Tariffs may contribute to raise or to lower, as other circumstances may contribute to produce results, but they are not the sole cause of high prices or low prices. It has frequently happened in the history of our country, and in the history of other countries, that protectionists have secured high tariffs on particular articles only to realize low prices at home for articles intended to be protected; while, on the other hand, free-traders hoping to secure low prices by taking off duties have been disappointed to find the prices higher after than before. I have the authority of Mr. Bastiat (Sophisms of Protection, page 211) for the following information in reference to protective tariffs on wool in France and in England:

For instance—

Says Mr. Bastiat—

In France, to protect the farmer, a law was passed imposing a duty of 22 per cent. upon imported wools, and the result has been that native wools have sold for much lower prices than before the passage of the law. In England a law in behalf of the consumers was passed exempting foreign wools from duty, and the consequence has been that native wools have sold higher than ever before.

History has repeated itself in the United States on this subject; and this leads us to consider how prices are affected by tariffs. The reason a protective tariff may result in diminishing the price of the home product is from the fact that while the supply may have diminished by cutting off the foreign importation of the raw material the embarrassment to manufacturers resulting from this may have caused a diminished demand; and if the demand should diminish in greater proportion than the supply should diminish the price would fall instead of increase. On this subject I may be permitted to quote again from Mr. Bastiat. He says:

1. Prices rise either on account of augmented demand or diminished supply.
2. They fall by reason of an augmentation of the supply or diminution of the demand.

There are two kinds of dearness and two kinds of cheapness. There is a bad dearness, which results from diminution of supply, for it implies scarcity and privation. There is a good dearness, that which results from an increase of demand, for this indicates the augmentation of general wealth.

There is also a good cheapness, resulting from abundance, and there is a baleful cheapness, such as results from the cessation of demand or the inability of consumers to purchase.—*Sophisms*, page 214.

Applying these general principles to the facts in relation to the wool interest of the United States, the complications concerning the subject will be easily understood.

The average price of medium American washed clothing fleece wool in New York for the fifteen years preceding 1867, the date of the passage of the act of that year, placing high protective duties on wool, was 52.8 cents per pound. The average price for the fifteen years succeeding the passage of that act was 48.6 cents per pound. This shows that there was a depreciation in prices for fifteen years after the passage of the high tariff duties on wool equal to 4.2 cents per pound.

The whole amount of wool produced from 1867 to 1881 was 2,796,750,000 pounds, upon every pound of which the American wool-growers have averaged a loss of 4.2 cents. The average production for each of the fifteen years would amount to 186,450,000 pounds, and the average annual loss amounted to $7,830,900, while the grand aggregate of fifteen years' loss amounted to $117,463,500.

I refer in this connection to the pamphlet recently published by Dr. E. P. Miller, an eminent writer on economic questions, of the protection school, entitled "Facts About Wool and Woolens," page 10. His testimony on this subject is important, and is as follows:

A significant fact in connection with this subject is this: In 1833 wool under 8 cents a pound was admitted free of duty; the price of fine wool in January of that year was 55 cents a pound, while in January, 1834, it was 70 cents, a rise of 15 cents per pound; the price of coarse wool in January, 1833, was 33 cents a pound; in April it was 38 cents; in July, 40; in October, 45; and in January, 1834, it was 48 cents a pound, showing an advance of 15 cents a pound in one year after putting wool on the free-list. Again, in 1857, when wool valued at 20 cents a pound or less was put upon the free-list, although it fell off a little in 1858, it was 2 cents a pound higher in January, 1859, than in January, 1857.

In 1824, after thirty-five years of free wool, the price of fine wool in January was 68 cents, and in April 70 cents a pound. In May of that year a tariff of 15 and 20 per cent. was placed on wool, but the price instead of going up went down, for fine wool sold in July at 55 cents; in October at 60 cents; in January, 1826, at 55 cents; and in January, 1827, at 36 cents. Again, in 1842, after ten years of nearly free wool, a tariff was placed on low-priced wool, and in January of that year fine wool was sold at 48 cents and coarse at 35 cents; in January, 1843, fine at 35 cents and coarse at 25 cents per pound. After the increase of tariff in 1861, wool, like all other articles, went up in price, owing to general inflation of prices resulting from the large volume of paper money circulated during the war.

After the tariff act of March, 1867, the highest in the history of the country, the price of wool declined instead of advancing, for it sold in January, 1866, at 70 cents; in January, 1867, at 68 cents; in April, at 60; in July, at 55; in October, at 48; and in January, 1868, at 48 cents a pound; in April, at 50; in July, at 46; and in October, at 48—a decline in one year of 20 cents a pound.

There was not only a great fall in the price of wool after the passage of the act of 1867, but there was an immense reduction in the number of sheep in the country.

DISASTROUS RESULTS.

There were other striking results which followed the high protective tariff of 1867. I asked the Bureau of Statistics to furnish some figures on this subject showing the number of sheep in the States east of the Mississippi and Missouri Rivers for 1860 to 1888, that being the portion of the country which was principally interested in procuring the high protective tariff on wool. From this table, which I will print in connection with my remarks, it appears that in 1860, after the period of free trade in wool which preceded that time, there were in the States east of the Mississippi and the Missouri 19,221,714 sheep, while in 1888 in the same States there were only 18,696,719, showing a falling off of over a half million sheep in the States east of the Missouri River since 1860.

But that is not all. Between 1860 and 1867, when the tariff duties were very low and scarcely affected the production or the price of wool at all, there was an increase of from 19,000,000 to 38,991,912 sheep in all the United States, and in the States east of Mississippi and Missouri there was an increase to 37,864,609. That was the number in this country when the wool-growers formed a combination with the woolen manufacturers and secured a high protective tariff on wool. Immediately after the passage of the act of 1867 there began a decline in the wool interests in all of the States which had invoked that change, from the Missouri River east to the Atlantic Ocean.

The fall was so great that at this time (1888) in the same States east of the Missouri River we have only 18,000,000 of sheep, whereas in 1867 there were 37,000,000. In other words, we have now less than one-half as many sheep in this portion of the country as we had at that time. It will be interesting for gentlemen upon this floor to compare the figures in this table showing the number of sheep in their own States at different periods and to see what a besom of destruction was visited upon the flocks east of the Mississippi and the Missouri after the tariff of 1867 was passed. I desire especially to call the attention of the Republican Representatives from the State of Ohio, a State that has a large sheep-growing interest, and one which contributed, perhaps, more than any other to secure the tariff legislation of 1867 for the protection of wool-growers.

In that State in 1867 there were 6,730,126 sheep. In 1875 the number had decreased to 4,592,600; in 1878 to 3,783,000, a loss in ten years of nearly one-half the sheep of the State. There has been a gradual increase from 1878 to the present time, 1888, when the number in the State is put down at 4,106,622, which shows that there are now in Ohio 2,623,504 sheep less than there were twenty-one years ago, when a protective tariff was invoked by the sheep-growers of that State to protect their industry. I hope the gentleman from Ohio [Mr. MCKINLEY] and his colleagues will be able to explain to their constituents during the ensuing vacation how it is that the protective tariff has reduced the number of sheep in Ohio in twenty-one years nearly 33 per cent., when by natural causes there should have been at least an increase to that extent. I will also ask the gentlemen who represent the State of Pennsylvania on this floor, and who are so clamorous for protection for wool-growers, to consider the effects of the tariff of 1867 upon the sheep industry of Pennsylvania. In 1867 there were in that State 3,422,002. There are in that State to-day the beggarly amount of 984,891, being a loss in that State in twenty-one years of 2,437,311, a loss exceeding two-thirds of the entire number in the State.

The eloquent gentleman from Michigan [Mr. BURROWS] has raised his voice on this floor on many occasions in behalf of a high protective tariff on wool, presumably in the interest of the wool-growers of Michigan. Let us see how that State has flourished under the protective régime. There were in Michigan, in 1867, 3,948,191 sheep, while in 1888 there are only 2,113,004, a loss in that State, in twenty-one years, of 1,824,987, nearly half of the entire number in the State. If this protective system can remain in force another twenty-one years, the entire number will be wiped out of the States, with the same ratio of decrease.

I perhaps ought to refer to the State which I have the honor in part to represent, Illinois. That State is represented on this floor by fourteen Republicans, all of whom are opposed to putting wool on the free-list, presumably in the interest of the wool-growers of our great State. Let us see how Illinois has fared during the era of high protection on wool-growing. In 1867 there were in that State 2,736,431 sheep, while in the year 1888 the number is put down at 814,177, showing a loss of 1,922,254.

Neither ought I to neglect the State of Maine in this connection, although the number of sheep raised in that State is scarcely worth mentioning. In 1867 the number of sheep in that State was 752,542; the number in 1888 is 547,725, showing a loss in this State of 204,817 sheep; not great in numbers, but being a proportionate reduction of nearly one-third, thus showing that the general average of reduction is preserved along the whole line. I have already referred to the fact that during this same period the price of wool has fallen from 68 cents a pound in 1867 to 34 cents a pound in 1888, a fall of just one-half in the number of sheep east of the Missouri and Mississippi Rivers and just one-half in the price of the wool which they bear. I will print in this connection a statement, taken from the special Treasury report, 1887, on Wool and Wool Manufactures, page 109, showing the price of wool in New York from 1860 to 1887. (See appendix.)

I commend these facts to the careful consideration of the gentlemen

on the other side of the Chamber. They will have plenty of time between this and the reassembling of Congress in December to explain to their constituents how it happened that after the Republican party, at the instance of the wool-growers, placed a high protective tariff on wool in 1867, that immediately in the States interested in that protection the number of sheep feel off, the price came down, and now, after twenty-one years of sad experience, they have reduced the number and the price one-half. So much for the benefits of protection to the wool-growers of the country.

It will be seen from these statistics that after twenty-one years of protective tariffs on wool the number of sheep in the States intended to be benefited have fallen off one-half, notwithstanding the fact that the population of the country during that time increased over 30 per cent. and railroads penetrated all the Western States and Territories and immense agricultural interests grew up everywhere. Contrast these facts with the sheep interests in Great Britian. The whole number of sheep in Great Britian in 1866 was 25,795,000, in 1874 it was 35,000,000, an increase in eight years of 35 per cent. under absolute free trade in wool, and with an area no greater than some of our larger States.

I desire to explain as clearly as I am able to do the remarkable results following the passage of the protective tariff on wool in 1867. I know that protectionists are slow to believe facts so unwelcome to them as those which I have presented, but facts are facts and must be accepted as true. These facts are consistent with all other facts which have taken place since the passage of the act of 1867. I have stated that prices are sometimes affected by other causes than by the imposition of customs duties to protect the home product; but in the case of the tariff on wool passed in 1867, which instead of increasing the price of the home product diminished it, the explanation is found in connection with other facts to which I will call attention.

As I said before, prices may be enhanced by diminishing the supply, or prices may be reduced by limiting the demand; in other words, prices are controlled by the inexorable law of demand and supply.

The immediate effect of the passage of the act of 1867, placing high tariffs on wool, was to encourage sheep-raising, and the productions of wool in the United States increased from 168,000,000 pounds in 1867 to 180,000,000 pounds in 1868, being an increase of 12,000,000 pounds. This overproduction of wool immediately depressed prices of wool, and reacted on wool-growing. The number of sheep fell off rapidly, as already explained, especially in the States east of the Mississippi and Missouri Rivers. The production of wool began to fall off, and in 1871 the product was only 150,000,000 pounds. But the disaster to wool-growing was taken advantage of by the importers, and the imports of wool increased from 25,000,000 pounds in 1868 to 126,507,000 pounds in 1872.

But the prices of wool have never reached on an average the prices which prevailed in 1867, when the high tariff on wool was first imposed. The price of fine wool in January, 1867, was 68 cents a pound in New York; of medium, 53 cents, and of coarse, 50 cents. In January, 1883, the prices of the same grades were 40, 43, and 33, and in January, 1887, they were 33, 38, and 33.

Reference is made to a statement which will be found of interest in this connection, and which I will print in the Appendix, showing the quantities of wool produced, imported, exported, and retained for consumption in the United States, from 1839 to 1886, inclusive.

Neither the wool-growers nor the wool-manufacturers were benefited by the high-tariff act of 1867.

THE ACTS OF 1867 AND 1883 COMPARED.

It is claimed and has been frequently asserted since this debate began that the slight reduction of the wool duties by the act of 1883 produced disastrous results to the wool-growers of the country. The reduction was very slight, only about 10 per cent. ad valorem. The ad valorem duty was dropped and the specific duty of 10 and 12 cents a pound was retained. The greatest reduction was on the high-priced wool, as will be seen by the following tables:

Table showing the rate of duty on wools of the first and second class, reduced to ad valorem figures, under the tariff in force previous to July 1, 1883, and the tariff of July 1, 1883.

Net cost in England.		Under tariff in force previous to July 1, 1883.		Under tariff of July 1, 1883.	
Pence.	Cents.	Rate of duty.	Equal to—	Rate of duty.	Equal to—
			Per cent.		*Per cent.*
6	12½	10 cents per pound and 11 per cent.	93½	10 cents per pound.	82½
9	18¾	.....do.....	65¾	.....do.....	54¾
12	25	.....do.....	52	.....do.....	41
15	30 7/8	.....do.....	43¾	12 cents per pound.	39½
18	36½	12 cents per pound and 10 per cent.	43	.....do.....	33
21	42 7/8	.....do.....	38¾	.....do.....	28½
24	48¾	.....do.....	34¾	.....do.....	24¾
30	60 5/8	.....do.....	29¾	.....do.....	19¾
36	73	.....do.....	26¼	.....do.....	16¼
40	81½	.....do.....	24¾	.....do.....	14¾

Table showing the rate of duty on carpet wools, reduced to ad valorem figures, under the tariff in force prior to July 1, 1883, and the tariff of July 1, 1883.

Net cost in England.		Under tariff in force prior to July 1, 1883.		Under tariff of July 1, 1883.	
Pence.	Cents.	Rate of duty.	Equal to—	Rate of duty.	Equal to—
			Per cent.		*Per cent.*
3	6 1/8	3 cents per pound	49½	2½ cents per pound	41½
3½	7⅛	.....do.....	42	.....do.....	35½
4	8⅛	.....do.....	37	.....do.....	30½
4½	9⅛	.....do.....	32¾	.....do.....	27
5	10⅛	.....do.....	29½	.....do.....	24½
5½	11⅛	.....do.....	27	.....do.....	22½
5½	11⅛	.....do.....	25½	.....do.....	21
6	12⅛	6 cents per pound	49½	5 cents per pound	41½
7	14 3/8	.....do.....	42½	.....do.....	35½
8	16⅛	.....do.....	37	.....do.....	30½
9	18 3/8	.....do.....	33	.....do.....	27½
10	20⅛	.....do.....	29½	.....do.....	24½
11	22⅛	.....do.....	27	.....do.....	22½
12	24⅛	.....do.....	24½	.....do.....	20½

The average rate of duties imposed on unwashed wool by the act of 1883 was, on the importations of 1887, equivalent to 35.10 per cent. ad valorem, surely a sufficient protection to prevent disastrous or even injurious competition. This duty is on the unwashed product. If washed the duties are doubled, and if scoured the duties are trebled. This assumes that unwashed wools have only 33 per cent. of pure wool—the rest is dirt and grease. The dirt and grease constitute no part of the wool, and the duty is therefore the treble duty on scoured wool, namely, under the present law, on first and second class wools, 30 and 36 cents a pound, and on the carpet wools, or third class, 7½ cents and 15 cents a pound. The average duty on the scoured wools of the first and second classes was, on the basis of the importations of 1887, 67 per cent. reduced to an ad valorem basis.

It will be seen by reference to the Treasury report of imports anp exports for 1887 that the amount of scoured wool imported was valued at only about $78,000, and the washed wools at only about $131,000, while the total value of wools imported during that year (1887) was $18,206,987.

DIRT AND GREASE.

There is a great outrage concealed in this classification of wools under the tariff laws.

I call attention of members to the definitions of "washed" and "scoured" wools, and to the percentages of scoured wool, as given in the special report of the Treasury Department (1887) on "wool and manufactures of wool," pages XXV and XXVI:

Washed wool.—Washed wool is wool washed on the back of the animal by a bath or by spout-washing, or washed upon the pelt or hide of the slaughtered animal.

Scoured wool.—All wools that are washed after they are shorn or pulled from the pelt or hide of the animal are called scoured wools. This term is generally applied where the use of warm or hot water is made.

Percentage of scoured wool.—Unwashed merino wool shrinks from 50 to 80 per cent. in scouring. The lightest and choicest Australian medium, unwashed, will yield 50 per cent. less of scoured wool, and the heaviest mestiza buck's fleeces will yield about 2/ per cent. of pure scoured wool. Most unwashed wools yield less than 50 per cent. of scoured wool. The light, open, coarse, unwashed wools of the carpet class yield from 50 to 70 per cent. of scoured wool. Fine Ohio full-blood merino unwashed wool, exclusive of buck's fleeces, yields from 35 to 40 per cent. of scoured wool. The merino fleeces grown in Texas and on the Western prairies of the United States yield from 25 to 30 per cent. of scoured wool. Unmerchantable Ohio fleeces yield from 37 to 40 per cent. of scoured wool. British and Canada wools yield from 70 to 85 per cent. of scoured wool. Cross-bred, washed Ohio fleeces yield from 60 to 80 per cent. of scoured wool. Cross-bred Western American prairie fleeces yield from 30 to 50 per cent. of scoured wool. Tub-washed wools and cross-bred sheep generally yield from 80 to 90 per cent. of scoured wool. Scoured wools, as usually manufactured or as scoured for sale, yield from 85 to 90 per cent. of scoured wool in rewashing.

It will thus be seen that the Australian wools, such as are required in this country to mix with our native wools, will yield 50 per cent. and the British and Canadian wools from 70 to 85 per cent. of scoured wool. Hence, it pays the importer better to import wool in the grease or in its natural state than after scouring. Australian wool, if imported in the grease, would pay a duty of 10 cents a pound, if valued at less than 30 cents a pound; if valued over 30 cents a pound, 12 cents a pound. In 100 pounds of this unwashed wool there would be 50 pounds of scoured wool.

The duty on the 100 pounds would be, if imported unwashed, ten or twelve dollars. If scoured, the duty would be thirty or thirty-six dollars. Or on a package that would yield 50 pounds of pure wool, the duty would be, if imported in the grease, $10 if valued before scouring at 30 cents or less per pound, or $12 if valued at over 30 cents a pound; but if imported as pure wool the duty would be $15 or $18, according to the same classification. Hence the importer requires his customers, the producers of the imported wool, to ship it in the grease. Or in other words, the producer is required to ship and pay freight on 100 pounds of dirt and grease in order to ship 100 pounds of wool to market. Thus Congress throws a great obstacle in the way of com-

merce in wool by requiring a pound of dirt to be shipped with every pound of wool which may come into our country from abroad. This is precisely the same in effect as raising the freights 100 per cent. on all imported wools, without any benefit to any one except the owners of ships, whose freightage is thus increased. As imported wool is consumed by our own people, the burden thus artificially created is borne by the American consumers of woolen goods. Can legislative folly be carried to greater extent?

Suppose a law should be passed requiring the Western farmer, when he ships a bushel of wheat to England, to ship at the same time a bushel of sand, and to pay the same freights on both; would not everybody cry out against it as iniquitous in the extreme? Yet that is strictly analogous to the law now in force on the subject of importing wools. [Derisive laughter on the Republican side.] Gentlemen may laugh, but the law remains as I have stated it, and they can not deny it.

DEPRESSIONS, HARDSHIPS, AND DISASTERS.

But notwithstanding the folly of Congress and the insatiate greed of private interests, the tariff on wool has not resulted in the benefits to woolen manufacturers that they anticipated and confidently expected. Since the imposition of the high protective duties by the act of 1867 there have been many seasons of depression, hard times, and even disasters.

In 1874 a committee of the New York Wool Trade made a report to the committee of the Chamber of Commerce of New York on the revision of the tariff, in which it was stated "that our woolen interest is depressed and suffering, and that in reality it has never reached that degree of stability and security which would be commensurate with its magnitude and importance; that the amount of capital invested in it and that the indomitable energy which has so far preserved it from serious decline are facts too well known to require any proof at our hands." This report then proceeds to explain some of the difficulties which beset the wool interests of the country. It says:

Our manufacturers are prone to rush into the production of such classes of goods as a momentary demand has rendered profitable, and the invariable result is an overproduction of those fabrics. Such an overproduction sometimes happens to manufacturers in Europe, but they can relieve themselves of their surplus stock at a comparatively small sacrifice by consigning their goods to foreign markets, where their cheapness has already introduced them. Our manufacturer, having made his goods out of highly taxed wool, has no such outlet for them, and is compelled to await the slow operation of time or submit to a heavy sacrifice by forcing his surplus on the home market in competition with his similarly situated neighbors.

This argument applies with equal force to all other manufacturing interests. But I quote further from the same report:

Before we enter upon an examination of the effects of our tariff on the wool-growing interest it will be well to consider that neither our country nor any country in the world does or can produce to advantage wools of all kinds and grades. It must further be borne in mind that in order to produce the endless variety of woolen fabrics demanded by our times, with the highly improved machinery now in use, and with the active competition among all manufacturing nations, the free and unrestricted selection of the most suitable classes and grades of wool has grown to be a matter of much more importance to the manufacturer of every country than it used to be in old times. Nor will it be denied that but few of our mills can at this day be run to advantage without using to some extent wools of such working quality as can not be produced in this country, or are not produced here in sufficient quantity. The simple fact that even under our present tariff we have annually imported from fifteen to sixty million pounds of fine wool sufficiently proves these positions. The question of duty on fine wool can therefore never be a simple question of protection or no protection to the wool-grower.

The report points out wherein the tariff of 1867 failed to accomplish the object for which it was established, as follows:

These facts show most conclusively that the object ostensibly aimed at by the tariff of 1867, namely, the protection and encouragement of the wool-growers, has most signally failed. The wool-grower must be blind, indeed, if by this time he has not learned the lesson that he can not prosper as long as the woolen interest does not flourish; why should he not also understand that our industry can not permanently flourish until it is relieved of the present heavy burden of obstructive tariff legislation? By helping the manufacturer he would certainly help himself, and secure a better reward for his labor and investment than he could ever expect to derive from the illusive protection of any tariff.

The conclusion reached by this report is as follows:

Facts, indeed, as well as sound reasoning, call loudly for the abolition of all duties on wool. In the light of past experience it is clear that neither the wool-grower nor any other special interest ought to plead any injury as likely to result in our country from a policy that has had the most encouraging effect in all other parts of the civilized world. No perfectly safe and solid ground will be reached until wool takes its permanent place on the free-list, and this must be the goal of the manufacturer as well as of the wool-grower—in fact, of the whole people.

The foregoing report was published in 1874. In 1878 the leading manufacturers of woolen goods in the United States united in a petition to Congress in favor of a revision of the tariff on woolen goods, in which they requested that the duties on all wools may be largely reduced, if not wholly removed; that wools not produced in this country be put on the free-list, and that the duties on woolens may be fixed at a moderate rate, corresponding with the scale adopted in other manufactures.

They represented to Congress in their petition that for several years past their industry had "suffered great and general depression;" also that "many failures have occurred, many mills have stopped, and many others continue to run without adequate remuneration to their owners." They say:

We believe that one great cause for this widespread depression is to be found in the present high rates of duty on wool.

And again:

High cost of our fabrics has limited consumption and entirely prevented exportation, while low-cost foreign goods have forced their way into our markets through both legitimate and illegitimate channels.

After pointing out the facts that the shrinkage of values since 1867 had impaired the ability of consumers to pay the high prices contemplated by the tariff; that the number of those who can afford to purchase at a given price is lessened; that the wool-growers had not realized the advantages from the act of 1867 which they expected; that the depressed condition of woolen industry had given the wool-growers a poor market; that the production of fine wools has absolutely declined; that manufacturers of woolen goods must be left free to select their raw materials with reference to the goods they wish to make, the petitioners conclude by expressing their "deliberate conviction, after ten years' experiment, that the tariff of 1867 has not promoted the interests of the wool-manufacturers, has not promoted the interest of the wool-growers, and has been a great burden upon all the consuming classes, in return for which it has yielded no adequate revenue to the Government."

This petition is dated at Boston, January 17, 1878, and is signed by over one hundred of the leading woolen-manufacturing establishments in the United States.

What more could be said against any tariff law than the leading manufacturers of the country have said in this petition? When the manufacturers, for whose benefit the high tariffs have been enacted, learn from sad experience that their coveted protection has ceased to protect, the great mass of consumers and tax-payers may hope and confidently expect relief.

HOW TARIFF ON WOOL EMBARRASSES AMERICAN WOOL MANUFACTURERS.

Secretary Manning in 1885 sent out circular letters to our manufacturers and merchants requesting their co-operation in the improvement of our fiscal policy. The replies received were all transmitted to Congress, and were printed in Senate Executive Document No. 72, first session Forty-ninth Congress. On pages 299 to 322 of that report will be found the communication of the National Association of Wool Manufacturers. It is signed by William Whitman, Boston, president of the association, and by D. L. Einstein, New York, Thomas Dolan, Philadelphia, and Samuel R. Payson, Boston, vice presidents; Benjamin Phipps, Boston, treasurer, and by the members of the executive committee, namely, Rufus S. Frost and Joseph Sawyer, Boston; John L. Houston, Hartford; Charles F. Fairbanks, Boston; George Maxwell, Connecticut; John N. Carpenter, New Jersey; James Dobson, Philadelphia; Lewis N. Gilbert, Massachusetts, and John L. Hayes, secretary.

This statement should receive the careful consideration of every member of Congress and of the voters of the country. It is an unanswerable argument in favor of free wool. I say it is an unanswerable argument in favor of free wool, not that it advocates free wool in terms, but because it forcibly points out the evils of a high tariff tax on raw materials. I quote the following extracts:

The American manufacturer is engaged in a perpetual struggle with the manufacturers of Europe for the possession of the markets of this country. As before said, the advantages of our competitors are our obstacles. In this strife the European manufacturer possesses the advantage, which would be overwhelming if not counteracted by special legislation, of having the raw material of his manufacture free from duty—no duties on wool existing in Great Britain, France, Belgium, the Netherlands, and very slight duties, if any, in other manufacturing nations. Our European competitors are exempt from the direct enhancement, by a duty, of the cost of wool, thus requiring less capital to supply their mills, and no cost of interest on the duty required in carrying their stocks of wool and goods. They are free from the apprehension of changes in the value of wool, such as have taken place in this country in consequence of no less than seventeen changes in the tariff on wools within the memory of living manufacturers.

They are exempt from the duties on wool substitutes, so usefully employed to mix with wool in the manufacture of the cheaper and heavier cloths—duties which with us are absolutely prohibitory. They are able, from the lower cost of their raw material, to relieve themselves from overproduction by consigning their surplus stock at comparatively slight sacrifice to foreign markets, to which their cheapness has already introduced them. They are not compelled, as we are, to discriminate in their choice of wool to avoid the effect of the duty, and are able to select their wools in any condition, whether unwashed, washed, or scoured, with reference only to their desirable qualities. Through freedom of importation they have near markets—as at London, Havre, Antwerp, and Berlin—offering vast assortments and a steady supply of all kinds of wool—advantages especially favorable to the small manufacturer.

This exemption from all restrictions in the selection of raw material, together with the facilities for supply and the certainty that values will not be disturbed by legislation, is believed to be the chief cause of a characteristic of the European woolen industry, namely, that the manufacturer abroad obtains success by adhering with steady attention to the special fabrics he has undertaken to make, and in which he has acquired excellence, while diversification of manufactures, so necessary to prevent overproduction, is encouraged by the equal availability of all varieties and conditions of raw material. The effect of this policy upon the agricultural interests and the labor of the countries which adopt it we are not at present called upon to consider.

* * * * * * *

The high duty is not the only difficulty with which our manufacturers requiring foreign wools have to contend. It is held that complete protection to the most important branch of our wool-growing industry, the merino sheep hus-

handry, requires that washed wools in class 1 should be subject to double the duty of unwashed wool, and the duty on scoured wool should be three times the amount upon the unwashed wools—an arrangement which compels the importations of class 1 wools to be in the greasy state, necessitating the transportation charges on from two and a quarter to three pounds of grease and dirt in the wool required for a pound of cloth. The effect of the compulsion to buy greasy wool and pay a heavy specific duty on its impurities is that the American manufacturers are thereby obliged to give undue preference to light condition over fineness and the other valuable qualities of wools offering in foreign markets. Our manufacturers, moreover, are obliged by this restriction to concentrate their competition in foreign markets upon the always small proportion of the lightest unwashed wools, while our foreign competitors, having to pay duty neither upon wool nor on grease and dirt, can buy the heavy wools in the market to much better advantage.

To these considerations it should be added that the high specific duty on clothing wools—a duty irrespective of the cost—practically excludes the cheap and abundant clothing wools of South America, and by freeing them from our competition for their purchase makes them much cheaper than they would otherwise be to the manufacturers of France, Belgium, and Germany, who work them up into cloths and stuffs by the cheapest labor in Europe.

* * * * * * *

It may be said that a remedy for these difficulties is to be found in the exclusive use of the domestic wools, which will be abundantly supplied under due protection. To this we reply that neither our own country nor any other in the world does or can produce to advantage wools of all kinds and grades. Experience under high protection of wool in this country for over thirty years had demonstrated that our domestic wool-growers find it to their advantage to produce only the staple wools required for the ordinary range of woolen fabrics, and as these fabrics will always be in demand they build up their flocks—a work of time—for the production only of the fleeces which will be profitable for a long series of years.

This system, although providing admirable raw material for common goods, is incompatible with the variety required for the diversified and highly advanced manufacture which should be our aim. The American manufacturer, to compete with the fabrics of other nations in the endless variety demanded by our times, must have the power of selecting a portion of his raw material from all the world's sources of supply. The sudden and exceptional demand for more or new raw material must be supplied by importation.

The communication from which the foregoing extracts are taken has appended thereto, in addition to the signatures of the gentlemen mentioned, the following:

At the annual meeting of the National Association of Wool Manufacturers in the city of New York, on the 7th of October instant [1885], the above paper was read at length, and by a resolution of the association was unanimously approved.

Attest: JOHN L. HAYES, *Secretary.*

I regret that I can not quote further extracts from this communication, but these will serve to point some of the disadvantages of highly-taxed wool.

A NEW DEPARTURE.

Since the imposition of high protective duties on wool has resulted so unsatisfactorily to the interests intended to be protected, why not try a new departure, as proposed in the Mills bill, and put all wool on the free-list and reduce duties on manufactured goods to 40 per cent. ad valorem, as this bill provides?

What would be the probable effect of such a policy?

First. It would result in a large reduction in the price of woolen goods and goods into which wool enters as a component part to any extent. I have already pointed out the probable saving in dollars and cents. But there would be another advantage.

ADULTERANTS IN WOOLEN GOODS.

Our woolen goods would be of better quality. According to the statistics of the Tenth Census, 1880, the total amount of raw material consumed in the manufacture of woolen goods was as follows:

	Pounds.
Domestic wool	222,991,531
Foreign wool	73,200,698
Camel's hair	1,583,119
Mohair	159,678
Buffalo hair	671,027
Hair of other animals	5,664,142
Cotton	48,000,857
Shoddy	52,163,926
Total raw material	404,434,978

The wool used is reported as wool in the grease, and should be reduced at least 60 per cent. to obtain the amount of pure wool consumed. The legal ratio of loss is 66.66 per cent. Thus only 118,476,891 pounds of pure wool were consumed. This shows that the adulterants of woolen goods made in 1880 were as 108 parts of adulterants to 118 parts of pure wool, or that 118 pounds of pure wool were mixed with 108 pounds of hair, shoddy, cotton, etc. Any one acquainted with the internal workings of our woolen factories will recognize the truth of this statement.

And I presume that if the truth were known that ten-dollar "all-wool" suit which the honorable gentleman from Ohio [Mr. McKINLEY] presented for the inspection of the House some time ago was composed of these adulterants in that ratio and sold out as "all wool." [Laughter.] That, however, implies no fault on the part of the gentleman who sold it, because that is the way those goods are rated in the market.

I quote from a petition of workingmen in woolen mills in Philadelphia, presented by the gentleman from Kentucky [Mr. BRECKINRIDGE] and printed in the RECORD of June 30, page 6253. This petition represents the views of those who work in the Philadelphia woolen mills, and the facts therein stated can not be disputed:

It is no stretch of the truth to say that these discriminations against the manufacturing industries have very materially discouraged the use of wool and promoted the substitution of adulterants, most manufacturers having for some time given more attention to the manipulation of substitutes, so as to give them the appearance and touch of wool, than to the matter of improvements in the making of pure woolens in order to compete in quality with their foreign rivals. This has given rise to the impression that we are less skilled than the European workmen, yet it is self-evident that it requires as much if not more skill to work up the adulterants so as to give them a marketable appearance as to manipulate the genuine materials.

A great deal of stuff is put upon the markets now as cassimeres, etc., that does not contain over 10 per cent. of wool. Manufacturers who attempt to make nothing but pure woolens are compelled to close their mills. To make stuffs that shall compete in the markets with foreign makes in textures and variety it is almost invariably necessary to use some wools of foreign growth for mixing with the domestic; but as the tariff enhances the cost of these wools by from 25 to 150 per cent. there is no possibility of the American manufacturer using them in competition, and hence we are forced to give over to the foreign manufacturers the monopoly of all the markets and allow them to supply our own people with goods into which not a pound of American wool enters. Thus the woolen manufactures imported in 1887 amounted to 49,000,000 pounds, which, at 4 pounds of raw wool to the pound of finished product, represented 196,000,000 pounds of wool, which, with the 115,000,000 pounds of raw wool, makes a total importation of 311,000,000 pounds, or considerably more than the entire wool-clip of the United States. If all this had come in free in the raw state it would have absorbed for mixture a large quantity of domestic wool, instead of every pound that did come in anyhow displacing a pound of American wool and at the same time depriving American labor of employment and our poor people of the comfort of woolen clothing.

From a statement recently made public by a leading carpet manufacturer we glean the fact that ingrain carpets which formerly were made largely of wool are now made of an average of one-fifth wool and four-fifths adulterants, and in the whole of the carpet industry probably not a million pounds of domestic wool is now used. There is no carpet wool raised in this country, and yet a tax of over 26 per cent., which far exceeds all the wages paid in the manufacture of carpets, is still imposed upon the wool which is necessarily brought in from the outside. If this wool were admitted free, a greater quantity would be used, and probably not less than 10,000,000 pounds of domestic wool would be absorbed for mixture.

For these reasons we fail to see how the wool-growers are benefited by the tariff on wool, as it inevitably restricts the market for their wool both by forcing the use of substitutes and by promoting the importation of wool in the manufactured state, all of which must redound to the injury of both the wool-grower and the woolen-worker.

TAILORS AND WORKERS IN WOOLEN GOODS.

The tariff on wool and woolen goods bears with peculiar force and hardships upon American tailors, tailoresses, milliners, seamstresses, and those engaged in the manufacture of clothing. The high prices of cloths, thread, linings, and all materials used, by reason of the tariff thereon, raises their products to such a high price that the margin of compensation for the labor, both skilled and otherwise, is very small. According to the census of 1880 there were in the United States at that time 430,980 persons employed as tailors, tailoresses, seamstresses, and like industries, and in the manufacture of clothing, men's and women's, there were 186,000 employed. It appears from the census that the materials used by those employed in making clothing were valued at more than three times the amount of wages paid to employés. This poor remuneration to labor is attributable in great measure to the high price paid for the materials.

WOOL AND WHEAT.

Much has been said during this discussion about the relative prices of wheat, wool, and other farm products at various periods in the history of our country. The price of wheat in 1860 in New York was, highest, $1.70; lowest, $1.35; average, $1.52 a bushel. Six and thirty-five sixtieths bushels of wheat would buy a $10-suit of clothes at that time. The price of wheat in 1886 in New York was, highest, 95¼ cents; lowest, 83 cents; an average of 89¼ cents a bushel. Hence it would require $11\frac{1}{4}\frac{2}{5}$ bushels to buy a $10-suit of clothes in 1886, the difference in favor of 1860 being $4\frac{3}{6}\frac{7}{0}$ bushels. In other words, it required $4\frac{3}{6}\frac{7}{0}$ bushels less in 1860 to purchase a $10-suit of woolen clothes than it requires at this time, 1888. If the price of woolen goods had not been increased by the high protective tariff on wool and woolens a Western wheat-grower would probably be able to-day to purchase a $10-suit with $6\frac{3}{6}\frac{5}{0}$ bushels of wheat, as he did in 1860.

THE AVERAGE CLIP.

Much has been said during this debate about the average number of pounds of each fleece of wool. There has been in all parts of the world marked improvement in the wool product per capita. In 1840 the average weight of each fleece was only 1.85 pounds, in 1850 it was 2.42 pounds, in 1860 it was 2.68 pounds, in 1870 it was 3.52 pounds, in 1880 it was 4.79 pounds, and in 1887 it was about 6 pounds. Strange and preposterous as it may seem, gentlemen on the other side of the Chamber have claimed repeatedly that this increase was owing to the protective tariff on wool! It was all on account of the tariff!

The same gentlemen, in their zeal to sustain their pet theories, attribute all the blessings, or most of them, that we enjoy in this country to protection. Nothing is attributed to the skill of our workingmen, the perfection of our machinery, the productiveness of our soil, and the salubrity of our climate. If the protective tariff produced the large increase in the average clip in this country from 1.85 pounds in 1840 to 6 pounds in 1887, what has produced a much greater increase in the weight of the clip in Australia. In 1880 there were in that

country 51,000,000 sheep, and the wool crop amounted to 392,000,000 pounds, or 8 pounds per fleece. In 1886 the number of sheep had increased to 86,254,000, and the wool crop of that year at 8 pounds per fleece would amount to 690,000,000 pounds. In Australia there is free trade in wool, and the industry, both as to the number of the sheep and the weight of the fleece, is even more prosperous than in this country. The increase in the weight of the clip is accounted for in both cases by the improvement in the science of sheep-breeding, the mixing of different breeds and varieties, and the proper care and treatment of the sheep so as to produce the best results. It is science and not subsidies that produces the change. It is proper treatment, and not protective tariff!

CALAMITIES PREDICTED.

Since this debate began we have heard the same iteration and reiteration from day to day. The burden of the argument, if it can be dignified by that name, is that if we pass the Mills bill the particular industry under discussion will be ruined. The petitions from manufacturers and other interested parties are to the same purport. Ruin, swift and complete, will follow as to every item touched by the bill. It makes no difference whether the item be put on the free-list or whether a prohibitory duty be reduced within the possibility of a slight competition, the result will be the same. Ruin to the industry is inevitable! The persons employed will be thrown out of employment, the factories or mills will be closed, and bankruptcy and financial depression will ensue. It would be invidious to quote from any one on the other side to illustrate the character of their lamentations and forebodings in case this bill should pass. In reference to wool, they all agree on the other side of the Chamber (with a few exceptions) that the placing of wool on the free-list and the reduction of the duties on manufactured woolen goods to 40 per cent. ad valorem will wreck wool-growing and wool-manufacturing in this country.

They can see nothing, after the passage of this bill, so far as the wool interests are concerned, except the slaughter of our sheep for mutton, closing of our woolen mills, and the flooding of our country with the manufactured woolen goods of free-trade England, whose manufacturers, in view of the destruction of our own sheep and mills, will charge their own prices. We will then be without the home supply and at the mercy of the enemy. Do gentlemen really believe what they say? Are they so blinded to every fact which controls the subject that they can not reach a logical conclusion? Do they ignorantly follow the teachings of interested parties, and protected classes, who are growing rich by the protective system? Perhaps there are some who seek to blind the eyes of the people for partisan purposes and advantages. But for the sake of this argument I will assume that gentlemen supporting the other side of this question are honest in their views, and that they are merely mistaken.

FREE WOOL IN OTHER COUNTRIES.

Fortunately for the friends of this bill the raising of sheep and the manufacturing of woolen goods are not left to the experience of this country. In June, 1887, the population of the United Kingdom of Great Britain was 37,000,000, about two thirds of the population of the United States. The total cultivatable area of land is only 47,874,369 acres, yet there were 29,401,750 sheep in Great Britain at that time raised and supported on land worth from $500 to $1,000 an acre. The wool imported into England in 1886 amounted to 596,470,995 pounds, and the amount exported amounted to 312,006,380 pounds; retained for home consumption 248,464,615 pounds. There were in England at that time 2,751 woolen, shoddy, and worsted factories, 6,144,594 spindles, and 282,255 persons employed in woolen manufactories. The exports from Great Britain for 1887 of woolen and worsted goods were valued at a hundred million dollars. Thus have flourished the wool and woolen industries of Great Britain under perfect free trade in wool and woolen goods. Compare this condition of the woolen interests in free-trade England with the same interests in the United States.

Here we had in 1880, the last census on the subject, 2,689 factories; 161,557 persons employed, and no exports worth mentioning of wool or woolen goods, but imports of wool in 1887 valued at $18,206,000, and of woolen goods valued at $40,000,000. The number of sheep in this country in 1887 was 44,759,314, or about three-fourths of one sheep to each inhabitant, while in England the number of sheep was 29,401,750, and the population only 37,000,000, or about four-fifths of one sheep to each inhabitant. In this country there were in 1880, according to the census, 536,081,835 acres in farms, of which 284,771,042 acres were improved, or cultivated, or about 6 acres of improved land to each sheep, and about 12 acres of farm lands to each sheep. This does not include an estimate of the ranch sheep that pasture on plains in the Western States and Territories. The cultivable area of lands in Great Britain is only 47,874,369 acres, or about one and six tenths acres to each sheep.

If free trade in wool and woolen goods in England will support a sheep on every acre and six-tenths of an acre of cultivatable land, what have we to fear in this country if wool is put on the free-list? Under a high protection on wool we have only an average of one sheep on 12 acres of farm lands, while in England, with free wool, the number of sheep has reached one for every acre and six-tenths.

TAXES HIGHEST ON CLOTHING OF THE POOR.

Gentlemen on the other side who are opposing free wool continually assert that tariffs are imposed for the benefit of the workingmen; that they are highest on luxuries and lowest on articles of general consumption. Let us examine this claim. Eighty-five per cent. of the women and children of the country, in fact all the laboring classes, wear more or less of worsted and cotton dress goods. I have obtained from a prominent merchant in New York a table showing the rate of duty on this class of goods weighing under 4 ounces to the square yard. A careful examination of this table will prove very interesting. It will be seen that the highest tax is on the lowest-priced goods. Under the old law in force prior to June 30, 1883, the duty on the cheapest qualities of these goods was 125 per cent., and this exorbitant rate was reduced to 110 per cent. by the new law. As the price increases the tax decreases step by step until the highest-priced goods, those worn by the wealthier portion of the community, are reached, where we find the tax only 60 per cent. under the old and 58 under the new law. The goods of the very poorest classes are taxed 100 per cent. more than are the goods worn by the rich. This discrimination against the poor and in favor of the rich is preserved in all the schedules imposing duties on wearing-apparel, except that there is a uniform tax of 60 per cent. on all classes of silk goods. The table to which I have referred is as follows:

Table showing the rate of duty on worsted and cotton dress goods under the old tariff and the act of March 3, 1883—goods 22 inches wide weighing under 4 ounces to the square yard.

Cost in England per yard.	Equal in currency to—	Net cost to land under old tariff.	Being an ad valorem rate of—	Net cost to land under act of March 3, 1883.	Being an ad valorem rate of—	Reduction.
	Cents.	*Cents.*	*Per ct.*	*Cents.*	*Per ct.*	*Per ct.*
2 pence	4.05	9.32	125	8.72	110	15
2½ pence	5.07	10.75	107	10.15	95	12
3 pence	6.08	12.17	95	11.57	85	10
4 pence	8.11	15.02	80	14.42	73	7
4½ pence	9.12	16.43	75	15.83	69	6
5 pence	10.14	17.86	71	17.26	66	5
6 pence	12.17	20.70	65	20.10	60	5
7 pence	14.19	25.47	75	24.85	70	5
8 pence	16.22	28.41	70	27.79	66	4
9 pence	18.25	31.35	67	30.73	63	4
10 pence	20.28	34.29	64	33.67	61	3
11 pence	22.30	37.23	62	36.61	59	3
12 pence	24.33	40.18	60	39.55	58	2

Five per cent. for freight and charges added to the cost in Europe to make cost to land here.

Before the war the duty on these goods was 19 per cent. ad valorem.

I have another table, showing the duty on woolen dress-goods weighing under 4 ounces to the square yard. The same peculiarity is observed in this table as to the rates. The highest tax is on the cheapest goods, those worn by the poor. And not content with imposing a tax of 74½ per cent. under the old law, the protectionists in the last Congress raised this tax to 99½ per cent. But as the goods rise in price the taxes are reduced, until the fine goods of the rich come in at 43 per cent.

This table is worthy of careful examination. It has been prepared by a merchant of long experience and is based upon the actual transactions and prices at the time it was prepared (September 29, 1883). I will print it in the appendix to my remarks. It is worthy of careful consideration.

SHEEP ON THE RANCHES AND IN THE TERRITORIES.

It will be seen from the examination of the tables of statistics which I have furnished that there has been a constant increase of sheep on the ranches and in the Territories, and in the States west of the Missouri and Mississippi Rivers, while in the States east thereof there has been a falling off, since 1867, when high tariffs were enacted to protect wool-growers. The States east of those rivers procured the tariff legislation to protect them not only from foreign wools but also from the wools grown on the ranches and plains west of those rivers. The Western sheep interests were not taken into the protected circle and have received no practical benefit from the tariff. The tariff was intended to keep out the fine wools of Australia, which come in competition with the wools grown in Ohio and the States east of the Missouri River. It would vastly improve the condition of sheep husbandry in the Territories and extreme Western States if the fine wools of Australia could come in free.

This would increase largely the demand for our coarse Territorial and Western wools, to mix with the finer grades in making desirable qualities of cloth. An increased demand would cause an advance in prices, and thus the conditions would be greatly improved by admitting wool free of duty. But there would also be an increased demand for all grades

of wool, as the manufacture of woolen fabrics would be greatly stimulated and increased by lowering the prices of woolen goods and bringing more of them and better qualities within the reach of consumers, who constitute the great mass of our people.

THE WORLD'S SUPPLY OF WOOL.

All calculations in reference to the production and prices of wool should take into consideration the world's supply of that article. In recent years there has been an immense development of this industry in Australasia and South America. By referring to table No. 3, which I will print in the appendix to my remarks, it will be seen that the number of sheep in Australasia in 1860 was only 20,000,000, and the number of pounds of wool exported was less than 70,000,000. The statistics for 1886 show that there were in Australasia at that time 86,352,020 sheep, and that the exports amounted to nearly 400,000,000 pounds of wool.

It will be remembered that there are in Australasia only 3,552,602 inhabitants, showing that there were nearly 25 sheep to each inhabitant. It must also be remembered that there is perfect free trade in wool in all Australasia, and that this vast industry has grown up without the stimulus of a protective tariff. The contribution of Australasia to the wool product of the world is so important that the increase of the industry in that country will be eagerly watched by business interests in all parts of the world.

I will also print a table in the appendix to my remarks showing the wool exported from the Argentine Republic during each year from 1870 to 1886. The number of sheep in that republic in 1885 was estimated at 75,000,000, as appears by a report of the Agricultural Department for January and February, 1887. There is a small tax upon importations of wool into South America, but it does not affect in any way the price of the domestic product, as there is an immense export of wool, as will be seen by a reference to the table already referred to. The number of inhabitants in the Argentine Republic in 1887 was 3,435,286, which shows 21½ sheep to each inhabitant.

The next largest sheep-growing country in the world is Russia, the number in that empire being put down in 1882 at 47,500,00. The United States comes next in order with 44,759,314 sheep in 1887. Great Britain is next in importance so far as the number of sheep is concerned, the number in the United Kingdom being put down for the year 1887 at 25,858,000. There has been a falling off in recent years in Great Britain, attributable to local causes and in no way affected by commercial restrictions as there is perfect free trade in England in reference to wool and the manufactures of wool.

FREE HIDES.

The gentleman from Massachusetts [Mr. RUSSELL] has called the attention of the committee already to the fact that Congress in 1872 placed hides on the free-list, and that the leather and boot and shoe industries of the country had vastly improved since that time on that account, and that the farmers were also benefited by the greatly reduced cost of the leather and boots and shoes they must use. Mr. Switzler, the Chief of the Bureau of Statistics, has furnished me at my request a table showing the vast increase in those industries (see Appendix No. 1). I call attention also to the fact that the number of pairs of boots and shoes made at the factories in 1870, namely, 80,627,244, was increased in 1880 to 125,478,511 pairs, and the number of persons employed in the factories increased from 91,702 in 1870 to 111,052 in 1880, being an increase in ten years of over 55 per cent. in the output and an increase of nearly 20 per cent. in the number of hands employed. So much for free hides.

TAXED WOOL.

Contrast the flourishing condition of the leather and boot and shoe industries, brought about through untaxed hides, with the languishing condition of the wool manufacturers of the country, as shown by the census of 1870 and 1880.

WOOLEN MANUFACTORIES, 1870 AND 1880.

Census reports show the following facts in respect to woolen manufactures in the United States for the above decades:

	1870.	1880.
Establishments	2,891	1,990
Capital invested	$98,824,531	$96,005,564
Hands	80,053	86,504
Spindles	1,845,496	1,755,740
Wages	$26,877,679	$25,893,392
Material	$96,432,601	$100,845,611
Product	$155,405,358	$160,606,721

Comment on these facts is unnecessary. The facts tell the whole story.

MR. SWITZLER'S LETTER.

Reference in this connection is made to the letter from Mr. Switzler, Chief of the Bureau of Statistics, which I will also print in the appendix to my remarks, in which it is stated on the authority of Mr. J. R. Dodge, Statistician of the Department of Agriculture, that the price of farming land in Great Britain ranges from $500 to $1,000 an acre. It is also stated that the cash rental for lands at this time in Great Britain is 30 shillings peracre, or about $7.50.

If the people of England with land worth $500 to $1,000 an acre, and renting for $7.50 an acre, can raise sheep profitably without the aid of a protective tariff, why can not the people of the United States do so, also our lands are worth from $20 to $75 an acre, and rents from $3 to $5 an acre, and we have in addition, west of the Missouri and Mississippi Rivers, immense plains and public lands upon which sheep are grazed the year round. We have also the advantage of a richer soil.

In Russia raw wool pays a customs duty of less than 2 cents a pound—a purely revenue tariff. In Germany and France wool is admitted free. There is no reason, either in the past experience of our country, or in the history and condition of wool-growing in other countries, why the United States can not raise sheep and wool with profit without the aid of protective tariffs.

ADVANTAGES TO FOLLOW.

The putting of wool on the free-list will result in a large reduction, as already stated, in the price of woolen goods. This will create a larger demand for them. A larger demand will cause an advance in prices of raw wools for manufacturing purposes. This increased demand and consequent increase in price of wool will soon restore the prices prevailing under protection without increasing the cost of woolen goods. This statement at first consideration may seem paradoxical, but it is confirmed by the truth of history in England, France, and the United States, as already shown. The reduction of the tariff on wool or its abolition has more frequently resulted in increasing the price of raw wool than in reducing it. The tax or duty being taken off of the foreign product, a greater proportion of free untaxed wool would be used. Better opportunities would be afforded the manufacturer to mix to advantage the native with the foreign wool, fewer adulterants would be used, and a cheaper and better cloth or manufactured article would be produced. With a larger percentage of cheap foreign wools, with free dye-stuffs, with mills running on full time, with quick sales, and with a steadily-increasing demand, woolen manufacturers could well afford to pay the prices they now pay for native wools and still sell their products at lower prices and realize better profits.

Putting wool on the free-list will result in innumerable blessings to the American people. It will bring increased health and comfort to every home in the land. It will bring cheap and abundant woolen clothing to our workingmen during the rigors of our Northern winters. It will cover the floors of the poor man's house with a woolen carpet. It will furnish his children with suitable apparel for the school and the church. It will cover the beds of the people with all-wool blankets in the winter time, and furnish the workingman, his wife, daughters, and sons with more solid enjoyment than any other act of legislation that can be devised. It will stimulate manufactures. It will create a demand for labor, for machinery, and for fuel. Every branch of industry will feel the healthful impetus, and new life and vigor will be infused into all trades, professions, and employments.

There will be no falling off in the production of wool in this country; no hands now employed can possibly be thrown out of employment; no wheel that now moves can possibly be checked or hindered. It will result in benefits to all, in injury to none.

Pass this bill and a new era of industrial prosperity will dawn upon us. Factories will spring up in the States of the South and West and in the Territories. Those already in existence in all parts of the country will run on full time and increase their plants from year to year. Instead of importing into this country $40,000,000 worth of woolen goods, as was done in 1887, we will soon be able to supply the home market with woolen goods and export immense quantities to other nations.

Pass this bill. Let it become the law of the land. It will result in good to all. The people will be better fed, better clothed, and will live in better houses, and sleep in better beds. In after years, when the full measure of its countless blessings shall have been realized, the generations then living and those who may come after them will rise up and invoke the blessings of Providence upon those who originated it and upon those who gave to it the force and power of law! [Great applause.]

APPENDIX.

Following are the tabular statements referred to in the foregoing speech of Mr. SPRINGER, preceded by the letter of the Chief of the Bureau of Statistics transmitting them:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., July 16, 1888.

DEAR SIR: In reply to your request of Saturday I transmit to you the following tables:

Table 1, showing the values of imported leather and manufactures of leather, and of hides and skins, other than fur skins, entered for consumption in, and of like domestic products exported from the United States during each year ending June 30, from 1870 to 1887, inclusive.

Table 2, showing the number of sheep in the United Kingdom each year from 1867 to 1887.

Accurate official records of the number of sheep in the United Kingdom were not kept prior to that date.

Table 3, showing the number of sheep and pounds of domestic wool exported from British Australasia for each year from 1860 to 1886, inclusive.

Table 4, showing the number of sheep in the States of the United States east of the Mississippi and Missouri Rivers at various periods since 1860.

I will say with respect to your inquiries in regard to the wool clip of the United Kingdom, Argentine Republic, and Australasia, that no accurate statistics showing the growth or decline of the wool clip of those countries for a series of years can be procured. The best indication of the wool clip of the Argentine Republic and Australasia is the exports, there being very little manufactured in those countries.

I am informed by Mr. J. R. Dodge, Statistician of the Department of Agriculture, that the price of farming land in Great Britain ranges from $500 to $1,000 an acre, but inasmuch as the greater portion of the land is under rental, I am unable to procure data which would afford an idea of the approximate value of the land throughout the Kingdom.

Mr. Michael G. Mulhall, fellow of the Statistical Society of London, etc., states that the price of land in the United Kingdom is £33 sterling.

Mr. James Caird, C. B., F. R. S., gives the rent of cultivated land per acre in Great Britain as follows: Thirteen shillings in 1770, 27 shillings in 1850, and 30 shillings in 1878.

Maj. P. G. Craigie, secretary Central Chamber of Agriculture, in an article read before the Statistical Society of London January 15, 1883, states as follows:

"According to Professor Lowe there were 35,000,000 sheep in the United Kingdom in 1845; average weight per fleece, 4½ pounds, giving the weight of clip 157,500,000 pounds. According to Mr. E. Baines, at British Association, Leeds, the wool-clip in 1858 was 190,000,000 pounds. According to Mr. Archibald Hamilton, from Messrs. Hubbard's tables, the wool-clip in 1870 was 159,952,000 pounds. According to Earl Cathcart, from Messrs. Hubbard's tables, the wool-clip in 1875 was 124,000,000 pounds. According to Mr. J. A. Clark, from Messrs. Hubbard's tables, the wool-clip in 1878 was 119,473,000 pounds. According to Sir James Caird the wool-clip in 1878 was 136,000,000 pounds. According to Messrs. Helmuth, Segwartze & Co.'s wool circular the wool-clip in 1880 was 157,000,000 pounds. According to Bradford Observer the wool-clip in 1882 was 129,000,000 pounds."

The following information, given by Sir James Caird, in his work entitled "The Landed Interest and the Supply of Food," may be of service to you:

Gross annual value of land assessed to the income tax of 1857 and 1875.

	1857.	1875.	Increase.	Increase.	Capital value on increase at thirty years' purchase.
				Per cent.	
England	£41,177,000	£50,125,000	£8,948,000	21	£268,440,000
Scotland	5,932,000	7,493,000	1,561,000	26	46,830,000
Ireland (from 1862)	8,747,000	9,293,000	546,000	6	16,380,000
Total	55,856,000	66,911,000	11,055,000		331,650,000

Mr. Caird adds:

"The total rise within a period of eighteen years has been little over 20 per cent.; but, as will be seen by the annexed table, the proportion of increase on the Scotch rental has been greater than that of England. The small rise in Ireland presents a striking contrast to England and Scotland. The capital value of land in this country (the United Kingdom) will be reckoned something prodigious, especially by those of us who are old enough to recall the dismal prophecies of the agricultural ruin which would surely follow the free admission of foreign corn.

"This vast increase in the value of landed property within the short period of twenty years is very remarkable. It has been already shown that the improvement expenditure effected by loans has been fifteen millions. If we assume that even three times as much has been effected during the same period by private capital without loans, we here see that the capital wealth of the owners of landed property has been increased by three hundred and thirty-one millions sterling in these twenty years, at a cost to them which probably has not exceeded sixty millions. This increase, as elsewhere explained, has arisen chiefly from the great advance in the consumption and value of meat and dairy produce, and is thus only in part the result of land improvement.

"But though in the aggregate the land owners of England have become richer by more than one-fifth, and those of Scotland by more than one-fourth, the progress has not been uniform. In the purely corn districts and on the chalk and sands of the drier counties, where grass does not thrive, the increase has been small. On the poor clays there has been none. It has been greatest in the grazing counties and in the West and North. The increase shown in Scotland deserves special attention. In that country the larger proportion of grazing land no doubt partly explains this; but, on the other hand, entails are more strict, and the land is understood to be more heavily mortgaged than in England, so that in these respects Scotland has no advantage."

I am unable to procure any information for a series of years showing the wool clip in Australasia. The best indication, as I have stated above, is the table on raw wool exported, inclosed.

The number of sheep in the Argentine Republic in 1883, according to the Department of Agriculture, was 75,000,000. I am unable to procure data as to the number of sheep in that country for a series of years.

An article on the wool supply read before the Statistical Society of London by Archibald Hamilton, esq., gives an approximate estimate of the number of sheep and lambs and weight of wool in the following countries:

Countries.	Date of returns.	Sheep and lambs.	Weight of wool.
United Kingdom	1867-1870	34,133,000*	154,169,000
Australia	1868	37,441,000	152,100,000
Tasmania	1868	1,742,000	6,136,000
New Zealand	1868	8,418,000	28,875,000
River Plate	1866	Unknown.	138,070,000

Respectfully, yours,

WM. F. SWITZLER, *Chief of Bureau.*

Hon. WM. M. SPRINGER, M. C.,
House of Representatives, Washington, D. C.

No. 1.—*Values of imported leather and manufactures of leather and of hides and skins, other than fur skins, entered for consumption in, and of like domestic products exported from, the United States during each year ending June 30, from 1870 to 1887, inclusive.*

Years.	Entered for consumption.		Exported.	
	Leather, and manufactures of.	Hides and skins, other than fur skins.	Leather, and manufactures of.	Hides and skins, other than fur skins.
1870	$10,154,187	$12,835,477	$673,331	$365,212
1871	10,552,155	14,638,463	1,897,395	700,604
1872	11,879,214	14,345,727	3,684,029	1,445,178
1873	11,812,450	18,875,845	5,305,494	3,605,023
1874	10,361,591	15,370,685	4,786,518	2,560,382
1875	9,842,699	18,553,078	7,324,796	4,729,725
1876	8,789,929	13,351,395	10,008,985	2,905,921
1877	8,088,373	14,983,521	8,167,301	2,480,427
1878	7,338,127	17,228,286	8,080,030	1,286,840
1879	7,532,429	15,957,246	7,769,069	1,171,523
1880	11,769,482	29,885,178	6,760,186	649,074
1881	10,522,848	27,529,859	8,088,445	903,464
1882	12,215,417	27,494,396	8,999,927	1,449,737
1883	12,653,722	27,745,697	7,923,662	1,220,158
1884	11,362,919	22,301,485	8,305,779	1,304,329
1885	10,262,966	20,599,132	9,692,408	1,822,058
1886	11,466,481	26,693,230	8,737,682	873,925
1887	10,936,437	24,225,776	10,436,138	765,655

WM. F. SWITZLER, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., July 14, 1888.

No. 2—*Number of sheep in the United Kingdom.*

[From official British publications.]

June 25:	
1867	33,817,951
1868	35,607,812
1869	34,250,272
1870	32,786,783
1871	31,403,500
1872	32,246,642
1873	33,982,404
1874	34,837,597
1875	33,491,948
1876	32,252,579
June 4:	
1877	32,220,067
1878	32,571,018
1879	32,237,956
1880	30,239,620
1881	27,896,273
June 5:	
1882	27,448,220
1883	28,347,560
June 4:	
1884	29,376,787
1885	30,086,200
1886	*28,888,440
1887	25,958,768

*Ireland not stated.

No. 3.—*Number of sheep in and pounds of domestic wool exported from British Australasia for each year from 1860 to 1886, inclusive.*

[From official British publications.]

Year.	Number of sheep.	Pounds of wool exported.
1860	*20,135,286	69,305,494
1861	23,741,506	73,294,839
1862	*22,644,294	81,000,757
1863	*26,630,123	93,395,263
1864	33,507,009	118,470,567
1865	*29,539,928	126,912,739
1866	*33,989,526	134,370,164
1867	47,284,677	158,368,161
1868	*41,061,625	189,678,993
1869	*40,176,654	184,888,210
1870	51,294,241	177,728,247
1871	49,773,534	224,792,715
1872	51,508,133	198,817,595
1873	45,439,322	209,739,473
1874	61,227,122	231,779,119
1875	53,124,209	232,932,196
1876	52,665,292	279,520,873
1877	46,625,935	290,455,316
1878	62,645,700	301,518,670
1879	53,883,945	297,939,084
1880	75,158,683	345,010,328
1881	65,078,341	325,209,385
1882	67,826,571	341,015,397
1883	83,369,372	401,774,926
1884	75,626,404	415,518,258
1885	77,525,856	404,068,149
1886	86,352,020	394,362,498

*Exclusive of New Zealand.

TREASURY DEPARTMENT, BUREAU OF STATISTICS.
Washington, D. C., July 14, 1888.

No. 4—Statement showing the number of sheep in States east of the Mississippi and Missouri Rivers during the years named.

States.	1860.	February, 1868.	1870.	1875.	1876.	1877.	1878.	1879.	1880.
Alabama	370,156	257,151	241,934	182,300	185,900	195,100	270,000	204,000	214,200
Connecticut	117,107	173,243	83,864	88,100	92,500	92,500	92,500	96,200	97,100
Delaware	18,857	17,072	22,714	24,200	23,600	23,600	35,000	37,400	38,800
Florida	30,158	5,005	26,599	31,500	37,800	40,400	56,500	50,900	59,900
Georgia	512,618	314,875	419,465	375,000	371,200	378,600	382,300	374,400	374,400
Illinois	769,135	2,736,431	1,568,286	1,380,000	1,311,000	1,258,500	1,258,500	1,089,000	1,110,800
Indiana	991,175	2,882,176	1,612,680	1,300,000	1,250,000	1,175,000	1,092,700	1,039,500	1,019,000
Iowa	259,041	2,591,379	855,493	1,697,900	1,663,900	1,680,500	560,000	445,500	454,400
Kentucky	938,990	896,865	936,765	759,600	683,600	690,400	900,000	1,020,000	1,040,800
Maine	452,472	752,542	434,666	491,500	525,900	520,600	525,800	557,300	596,300
Maryland	155,765	275,542	129,697	138,500	141,200	144,000	151,200	152,700	152,700
Massachusetts	114,829	175,149	78,560	76,300	76,300	61,000	60,300	60,900	63,300
Michigan	1,271,743	3,948,191	1,985,906	3,416,500	3,450,600	2,100,000	1,750,000	1,820,000	1,856,400
Minnesota	13,044	129,010	132,343	176,200	190,200	209,200	300,000	307,500	307,500
Mississippi	352,632	192,960	232,732	147,400	151,800	163,900	250,000	192,600	200,300
Missouri	937,445	1,377,547	1,252,001	1,366,200	1,284,200	1,237,600	1,271,000	1,296,400	1,523,300
New Hampshire	310,534	529,865	248,760	242,400	242,400	242,400	230,900	235,100	242,100
New Jersey	135,228	193,952	120,067	127,100	125,800	125,800	128,300	127,000	127,400
New York	2,617,855	4,996,894	2,181,578	1,996,400	1,936,500	1,897,700	1,518,100	2,121,000	2,205,800
North Carolina	546,749	325,684	463,435	275,700	283,900	281,000	400,000	425,000	425,000
Ohio	3,546,767	6,730,126	4,928,635	4,502,600	4,546,600	3,939,000	3,783,000	4,040,000	4,080,400
Pennsylvania	1,631,540	3,422,002	1,794,301	1,674,000	1,640,500	1,607,600	1,607,600	1,666,000	1,649,300
Rhode Island	32,624	36,588	23,938	25,300	25,300	25,000	24,500	24,500	28,200
South Carolina	233,509	179,864	124,594	147,200	142,700	144,100	175,000	182,000	176,500
Tennessee	733,317	264,041	826,783	325,500	341,700	345,100	850,000	858,500	858,500
Vermont	752,201	1,042,064	580,347	516,400	490,500	475,700	461,400	466,000	498,600
Virginia	1,043,269	658,624	370,145	397,500	356,400	367,000	422,000	417,800	426,100
West Virginia		880,000	552,327	539,200	544,500	544,500	549,900	571,900	600,500
Wisconsin	332,954	1,880,758	1,069,282	1,211,300	1,162,800	1,151,100	1,323,700	1,313,000	1,316,100
Total	19,221,714	*37,864,609	23,397,917	23,690,800	23,279,300	21,113,700	20,529,200	21,201,100	21,712,700

* Total number of sheep of all ages, February, 1868, in the above States and five other States reported, was 38,991,912, and their aggregate value was $98,407,809, but in the States east of the Mississippi and Missouri Rivers the total number was 37,864,609.

No. 4—Statement showing the number of sheep in States east of the Mississippi and Missouri Rivers during the years named—Continued.

States.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.
Alabama	224,910	354,489	350,944	343,925	343,925	337,047	323,565	310,622
Connecticut	98,071	60,025	59,425	58,831	59,419	53,477	53,477	49,199
Delaware	38,800	22,077	22,077	22,077	22,519	22,294	22,294	22,294
Florida	70,083	58,382	102,000	98,940	97,951	91,094	90,183	92,898
Georgia	378,144	538,141	532,760	543,415	532,547	500,594	465,552	442,274
Illinois	1,155,232	1,026,702	1,149,506	1,126,908	1,093,101	1,005,653	925,201	814,177
Indiana	1,029,570	1,111,516	1,122,631	1,145,684	1,122,182	1,088,517	1,034,091	1,003,068
Iowa	463,498	482,681	497,161	497,161	472,303	467,580	425,498	408,478
Kentucky	1,020,996	990,266	1,000,169	980,166	950,761	903,223	858,062	797,998
Maine	632,078	577,236	577,236	577,236	548,374	537,407	526,659	547,725
Maryland	152,700	172,896	173,760	172,022	172,022	168,582	165,210	160,254
Massachusetts	65,199	68,659	69,346	69,346	67,959	64,561	63,270	62,637
Michigan	1,930,656	2,320,752	2,436,790	2,412,422	2,364,174	2,269,607	2,156,127	2,113,094
Minnesota	313,650	278,302	281,085	275,463	272,708	278,162	278,162	283,725
Mississippi	202,303	290,571	293,477	293,477	281,738	276,103	242,971	247,830
Missouri	1,619,931	1,425,411	1,453,919	1,439,380	1,338,623	1,285,078	1,182,272	1,087,690
New Hampshire	246,942	213,943	211,804	209,686	201,299	195,290	195,290	205,023
New Jersey	129,748	118,190	117,008	117,008	119,348	107,413	106,339	105,276
New York	2,338,148	1,732,332	1,732,332	1,732,332	1,697,683	1,595,824	1,579,866	1,564,067
North Carolina	395,900	470,871	466,162	452,176	488,350	468,816	450,063	427,560
Ohio	4,243,617	4,951,511	5,050,541	5,000,036	4,900,035	4,753,034	4,562,913	4,105,622
Pennsylvania	1,632,807	1,785,481	1,803,336	1,749,236	1,486,857	1,189,481	1,094,323	984,891
Rhode Island	28,200	21,514	21,729	21,077	20,866	20,449	20,245	20,852
South Carolina	187,090	120,078	120,078	116,476	117,641	112,935	108,418	107,334
Tennessee	858,500	675,478	675,478	655,214	635,558	603,780	561,515	516,594
Vermont	508,572	444,269	448,712	448,712	395,892	378,174	378,174	393,501
Virginia	447,405	502,262	502,262	487,194	477,450	463,127	449,233	444,741
West Virginia	660,550	681,517	684,925	671,226	637,665	624,912	593,666	474,933
Wisconsin	1,329,261	1,350,175	1,363,677	1,336,403	1,282,947	1,218,800	1,072,544	911,662
Total	22,392,551	22,845,727	23,320,730	23,052,629	22,281,897	21,037,984	19,985,153	18,696,719

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *July* 14, 1888.

WM. F. SWITZLER, *Chief of Bureau.*

Reference has been made to the following statements taken from the special Treasury report on wool and manufacture of wool 1887:

No. 5.—Statement showing the number of sheep in the States and Territories West of the Missouri and Mississippi Rivers from 1860 *to* 1887.

States and Territories.	1860.	1870.	1880.	1887.
Louisiana	181,253	118,602	135,631	111,730
Texas	753,353	714,351	2,411,633	4,761,831
Arkansas	202,753	161,077	246,757	224,660
Kansas	17,569	109,088	499,671	1,105,852
Nebraska	2,355	22,725	199,453	439,700
Colorado		120,928	746,443	1,149,178
California	1,088,602	2,768,187	4,152,349	6,069,698
Nevada	376	11,018	133,695	674,485
Oregon	86,052	318,123	1,083,162	2,563,029
Washington Territory	10,157	44,063	292,883	555,439
Dakota	193	1,901	30,244	256,209
Idaho		1,021	27,326	231,413
Montana		2,024	184,277	754,688
New Mexico	830,116	619,438	2,088,831	4,025,742
Arizona		803	76,524	627,201
Utah	37,382	59,672	233,121	658,285
Wyoming		6,409	140,225	534,029
Total	3,209,531	5,079,430	12,682,225	24,774,261

No. 6.—*Statement showing the quantities of wool produced, imported, exported, and retained for consumption in the United States, from 1839 to 1886, inclusive.*

Calendar year.	Production.	Year ending June 30—	Imports.	Total production and imports.	Exports.			Retained for home consumption.	Imports.
					Domestic.	Foreign.	Total.		
	Pounds.		*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pr. ct.*
1839	35,802,114	1840*	9,898,740	45,700,854		85,528	85,528	45,020,578	21.7
1849	52,516,959	1850	18,695,294	71,212,253	35,898		35,898	71,176,355	26.3
1859	60,264,913	1860	26,282,935	86,547,848	389,512	133,493	523,005	65,749,635	30.4
1862	106,000,000	1863	75,121,728	181,121,728	355,722	708,850	1,064,572	180,057,156	41.1
1863	123,000,000	1864	91,250,114	214,250,114	155,482	223,475	378,957	213,871,157	42.4
1864	142,000,000	1865	44,420,375	186,420,374	466,182	679,261	1,145,463	185,274,912	23.6
1865	155,000,000	1866	71,287,988	226,287,988	973,075	851,645	1,824,720	224,463,268	33.1
1866	160,000,000	1867	38,158,382	198,158,382	307,418	619,550	926,164	197,231,414	9.4
1867	168,000,000	1868	25,462,197	193,462,197	558,435	2,801,852	3,360,287	190,101,910	12.6
1868	180,000,000	1869	39,275,926	219,275,926	444,387	342,417	786,804	218,489,122	17.9
1869	162,000,000	1870	49,230,199	211,230,199	152,892	1,710,053	1,862,945	209,367,254	23.3
1870	160,000,000	1871	68,058,028	228,058,028	25,195	1,305,311	1,330,506	226,727,552	29.9
1871	150,000,000	1872	126,507,409	276,507,409	140,515	2,266,393	2,406,908	274,100,501	44.9
1872	158,000,000	1873	85,496,049	243,496,049	75,129	7,040,386	7,115,515	236,380,534	35.1
1873	170,000,600	1874	42,939,541	212,939,541	319,600	6,816,157	7,135,757	205,803,784	20.2
1874	181,000,000	1875	54,901,760	235,991,760	178,034	3,567,627	3,745,661	232,156,099	23.3
1875	192,000,000	1876	44,642,836	236,692,836	104,768	1,518,426	1,623,194	235,019,642	18.9
1876	200,000,000	1877	42,171,193	242,171,192	79,599	3,088,847	3,168,556	239,002,636	17.4
1877	208,250,000	1878	48,449,079	256,699,079	347,854	5,952,221	6,300,075	250,399,004	18.9
1878	211,000,000	1879	39,005,155	250,005,155	60,784	4,104,616	4,165,400	245,839,755	15.6
1879	232,500,000	1880	128,131,747	360,631,747	191,551	3,648,520	3,840,071	356,791,676	35.5
1880	240,000,000	1881	55,964,236	295,964,236	71,455	5,507,534	5,578,989	290,385,247	18.9
1881	272,000,000	1882	67,861,744	339,861,744	116,179	3,831,836	3,948,015	335,913,729	20.0
1882	290,000,000	1883	70,575,478	360,575,478	64,474	4,010,043	4,074,517	356,500,961	19.6
1883	300,000,000	1884	78,350,651	378,350,651	10,393	2,304,701	2,315,094	376,035,557	20.7
1884	308,000,000	1885	70,596,170	378,596,170	88,006	3,015,339	3,103,345	375,492,825	18.7
1885	302,000,000	1886	129,084,958	431,084,958	146,423	6,534,426	6,680,849	424,404,109	29.9
1886	285,000,000	1887	114,038,030	399,038,030	257,940	6,728,242	6,986,232	392,051,798	29.1

* Year ended September 30, 1840.

NOTE.—The data as to the production have been furnished by Mr. J. R. Dodge, statistician of the Department of Agriculture.

No. 7.—*Statement showing the duties on woolen dress goods weighing under 4 ounces to the square yard, as imposed under the tariff act prior to July 1, 1883, and the act which took effect on that date (act of March 3, 1883).*

[The duty on all these goods was 24 per cent. ad valorem before the war.]

Net cost in France per meter.	Width, inches.	Cost in France per yard.	Tariff in force prior to July 1, 1883.		Tariff of July 1, 1883.	
			Rate of duty.	Equal to—	Rate of duty.	Equal to—
		Cents.		*Per ct.*		*Per ct.*
50 centimes	21	8.829	6 cents per square yard and 35 per cent	74½	9 cents per square yard and 40 per cent	99½
55 centimes	21	9.712	do	71	do	94
60 centimes	21	10.595	do	68	do	89½
70 centimes	21	12.360	8 cents per square yard and 40 per cent	77½	do	82½
80 centimes	21	14.126	do	73	do	77
90 centimes	21	15.892	do	69½	do	73
1 franc	42	17.658	6 cents per square yard and 35 per cent	74½	do	99½
1 franc 10 centimes	42	19.424	do	71	do	94
1 franc 20 centimes	42	21.19	do	68	do	89½
1 franc 31 centimes	42	23.132	do	65	do	86
1 franc 50 centimes	42	26.487	8 cents per square yard and 40 per cent	75½	do	80
1 franc 75 centimes	42	30.902	do	70	do	74
2 francs	42	35.316	do	66½	do	69½
4 francs	42	70.632	do	53½	do	55
6 francs	42	105.968	do	48½	do	50
8 francs	42	141.264	do	46½	do	47½
10 francs	42	176.50	do	45½	do	46
20 francs	42	353.16	do	42½	do	43

No. 8.—*Quantity of domestic wool exported from the Argentine Republic during each year from 1870 to 1886, inclusive.*

[From the fiscal "Estadistica de Comercio y de la Navigacion de la Republica Argentina."]

Years.	Raw wool.	Washed wool.
	Pounds.	*Pounds.*
1870	144,551,191	300,315
1871	157,681,729	90,766
1872	202,552,077	1,210,984
1873	184,554,197	44,315
1874	176,784,810	38,774
1875	200,002,211	(*)
1876	197,000,500	36,978
1877	214,531,447	73,894
1878	180,134,289	410,007
1879	202,715,782	355,703
1880	214,168,433	820,746
1881	229,007,335	(*)
1882	244,732,596	(*)
1883	261,032,927	(*)
1884	252,083,810	(*)
1885	283,055,910	(*)
1886	291,294,691	(*)

* None enumerated; if exported, included under "miscellaneous articles."
The kilo has been computed at 2.2046 pounds.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
July 16, 1888.

No. 9.—*Price of fine, medium, and coarse washed clothing fleece wool in the markets of New York (1860–1887) and Philadelphia (1865–1887, inclusive).*

[From Mauger & Avery's Annual Wool Circular.]

Year.	January.			July.		
	Fine.	Medium.	Coarse	Fine.	Medium.	Coarse.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1860	60	50	42	55	50	40
1861	45	40	37	38	30	22
1862	48	50	50	48	47	45
1863	75	68	70	75	70	65
1864	80	78	76	100	100	90
1 65	102	100	95	75	73	65
1866	70	65	50	70	67	60
1867	68	53	50	55	49	45
1868	48	43	38	46	45	43
1869	50	50	48	48	48	47
1870	48	46	44	46	45	43
1871	47	46	43	62	60	55
1872	70	72	66	72	70	65
1873	70	68	65	50	48	44
1874	58	54	47	53	53	46
1875	55	56	47	52	49	46
1876	48	52	42	38	35	31
1877	46	43	36	50	44	37
1878	44	45	38	36	36	32
1879	34	35	32	37	38	34
1880	50	55	48	46	48	42
18 1	47	49	43	42	44	36
1882	44	46	47	42	45	34
1 83	40	43	33	39	41	43
1884	40	40	34	35	34	30
1885	34	33	29	32	31	28
1886	35	36	32	36	33	29
1887	33	38	33	34	38	35

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has not consumed by five minutes the whole of the time belonging to his side of the House. The Chair will recognize the gentleman from Maine [Mr. REED], if he is in the Hall, to control the time on the other side. If not, the gentleman from Michigan [Mr. BURROWS] will be recognized for that purpose.

Mr. BURROWS. I yield ten minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I have listened to the speech of my distinguished friend from Illinois [Mr. SPRINGER], who is always lively if not exact, with a great deal of interest; and I have observed that as the basis of his remarks he assumes that whatever duty may be imposed upon an imported article increases the burden to the consumer not only on the imported article itself, but on all similar products made in this country to the extent of the duty. That was the burden of his argument; and unless the assumption is true, the argument itself falls to the ground. The gentleman was pleased to tell us that the duty upon wool and woolens increased the cost of three hundred millions of woolens manufactured in this country and imported in 1880 to the extent of $176,000,000, reaching his result by multiplying the total amount imported and the total amount produced in this country by the amount of duty. It was surprising to me that my friend from Illinois had not hesitated for a moment in presenting this argument in view of the possible conclusions that would result from such an assumption.

If it is true that the cost of woolens to the people of this country in 1880 was increased both on the imported articles and on the domestic product to the extent of the duty—namely, $176,000,000—then the same is true as to every other article manufactured in this country on which duties are imposed——

Mr. SPRINGER. That does not follow.

Mr. DINGLEY. Certainly it does. Indeed my friend from Illinois will remember that he published in the North American Review a few years ago a table, based on this assumption, in which he figured out that the people of the United States paid a tax of over $600,000,000 in that year by means of duties imposed on articles which we produced in this country. He included cottons, woolens, and iron goods in his tables. A Senator from Texas, on the same assumption, has figured the amount at $1,000,000,000, and President Cleveland has repeated the assertion.

Mr. WILSON, of West Virginia. Will the gentleman allow me to ask a question?

Mr. DINGLEY. Certainly.

Mr. WILSON, of West Virginia. As I understand, the argument of the gentleman from Maine, both to-day and heretofore, has been that where there is an imported article which comes into competition with an article produced in this country——

Mr. DINGLEY. To the extent of our wants.

Mr. WILSON, of West Virginia. The consumer does not pay the tax.

Mr. DINGLEY. That is, a duty on such an article does not increase the burden of the consumer.

Mr. WILSON, of West Virginia. Then I ask the gentleman why in framing the wool tariff there is allowed to the manufacturer a compensating duty for the duty he has paid on the wool?

Mr. DINGLEY. I will answer that question before I conclude.

I wonder, Mr. Chairman, that my distinguished friend from Illinois did not feel a tinge of suspicion that there was some error in the assumption on which he based his destructive figures, when he compared such fearful burdens imposed by his arithmetic on the tax-payers through protection, with the most prosperous country on the face of the earth. [Laughter.]

Mr. SPRINGER. Will the gentleman allow me a moment?

Mr. DINGLEY. Certainly.

Mr. SPRINGER. I did not state that the proposition applied to all other articles of like character.

Mr. DINGLEY. Why not, if it applies at all?

Mr. SPRINGER. I will tell my friend. The honorable gentleman from Ohio [Mr. MCKINLEY] stated the rule very fairly, and it has been stated here frequently, that where the home product does not equal the home demand for the goods——

Mr. DINGLEY. And where they can not be produced here to the extent of our wants.

Mr. SPRINGER. Where they are not produced, and where the foreign goods must come in to supply the deficiency, the price of the foreign product plus the duty fixes the price in the home market.

Mr. DINGLEY. But the gentleman understands that we can produce all the woolen goods that this country consumes, with our present mills, and are producing 85 per cent.

Mr. SPRINGER rose.

Mr. DINGLEY. I do not desire to yield all my time.

Mr. SPRINGER. I simply wanted to avoid being misrepresented. The principle does not apply as the gentleman states at all.

Mr. DINGLEY. I wonder, too, that it did not flash on my friend's mind that if 47 per cent. of "robbery"—for that is the gentle phrase which our Democratic friends apply to a duty imposed on articles which we can produce here—if 47 per cent. average duty under the present tariff "robbed" the people of $176,000,000 on their woolens, and $600,000,000 on all articles, then the 40 per cent. "average duty" of the Mills bill would "rob" only 7 per cent. less—still leaving the whole "robbery" $558,000,000. [Laughter.]

I want to ask my friend from Illinois how he justifies 40 per cent. "robbery" in the Mills bill, for if his assumption and the assumption of every gentleman who has spoken on the other side be true—that a duty imposed on an article that can be made here to the extent of our wants increases the cost of both imported and domestic articles to the amount of the duty—then the only difference between the present law and the Mills bill is that the former "robs" six hundred millions and the latter five hundred and fifty-eight millions.

Mr. SPRINGER. Has it not been reduced?

Mr. DINGLEY. You say the whole system is wrong. But this bill puts 40 per cent. on woolens, and how do you justify 40 per cent. of robbery?

Mr. SPRINGER. I justify it in this way: The interests of this country have grown up under this system which was imposed upon the people.

Mr. REED. Why not buy them out? Two years would capitalize the whole of them.

Mr. SPRINGER. We have no power to buy them.

Mr. DINGLEY. But if your assumption is correct how can you justify your 40 per cent. of robbery?

Mr. SPRINGER. This bill is not a free-trade bill; it is for the reduction of excessive duties upon certain articles.

Mr. DINGLEY. On your theory it is a robbery bill. A tariff of 47 per cent. you say is 47 per cent. robbery, and you propose one of 40 per cent. You ought to quit higgling on it. [Applause on the Republican side.] You have put the per cent. at 40, and do not you believe that to be robbery?

Such an excuse as that made by a gentleman who holds that a duty imposed on an article which can be made here to the extent of our wants, is a tax which increases the burdens of the consumer of both imported and domestic articles to the extent of the duty, for cutting down 47 per cent. of "robbery" to only 40 per cent. instead of crushing entirely out of existence such a monstrous imposition, is utterly unworthy the gentleman from Illinois. I can not believe that he would consent to this if he really believed as he says he does. Certainly if I believed what the gentleman from Illinois has declared—what most of the gentlemen who have spoken on the other side have repeated—as to the effect of a protective duty, I never would vote for a duty on any article that can be produced here to the extent of our wants.

Mr. Chairman, I believe, Republicans believe, that a duty imposed on an article which can be produced here to the extent of our wants does not impose burdens upon the consumer. On the contrary, we believe it so encourages home industries by restricting the importations of similar foreign products and holding our own markets for the products of our own labor, that its general effect is to give greater opportunities and better rewards to labor and greater prosperity to the whole people—in short, that all citizens find that it takes less labor, less service, and less of the products of the farm and workshop to buy each of the protected articles than it would cost under free trade. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BURROWS. I yield two minutes more.

Mr. DINGLEY. And experience has demonstrated the correctness of this view. The present tariff imposes a duty of 40 per cent. on common cotton sheeting and prints; yet any one can buy sheeting or common prints as cheap in any town of the United States as he can buy in Great Britain in the face of 40 per cent. duty. The price here is not the foreign plus the duty, but the lowest price for which the goods can be made here, using our higher cost of labor. The protection to our industry has reduced the cost of these goods 30 per cent. less than they were before the war. So with common clothing. It can be bought nearly as low here as in England; and even where the proportion of labor in any commodity is large such an article can always be bought here for less labor service or products than it could have been if we had free trade.

To apply this principle to the case in hand, Republicans hold that by protecting our wool-growers and wool-manufacturers, we encourage the home production of wool, induce our farmers to improve their breeds, and thus increase the weight and quality of fleece, give them increased prosperity, and make them better customers of every other class of producers, and at the same time so increase the world's supply of wool as to reduce the price all over the world, although still retaining our own markets for our own wool, and thus reduce the cost of clothing. [Applause on the Republican side.]

Thus we see that under the workings of this protective principle we have cheaper wool and cheaper cloth than we had before the war, while at the same time the farmer (until the Mills bill forced down prices by its threat of free wool) obtains more for his wool, because he has been encouraged to improve his flocks and treble the weight of the fleece.

The gentleman from Illinois has quoted part of a statement which I made the other day that the first effect of free wool would be to seriously reduce the price of wool, but he omitted to add the other part of the statement, that after free wool had destroyed our flocks and one-sixth of the world's product had fallen out, then foreigners would advance the price and we should be obliged to pay more than before for wool and for clothing, and more for our mutton, while our farmers would be obliged to curtail their purchases to the extent of loss of revenue from their wool.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURROWS. I will yield to the gentleman five minutes longer.

Mr. DINGLEY. There is another point to which I wish to refer. I have not time to go into any lengthy argument. I wish I had. The gentleman from Illinois [Mr. SPRINGER] has claimed the effect of the duty on wool has been to encourage and to drive our manufacturers into the use of adulterants. Does not my friend know that no countries use a larger proportion of adulterants than England and Belgium, and that we in this country have less adulterants than any other nation on the face of the earth? Our goods are purer and better than any others. That is the experience in reference to the goods which are imported, and the goods which we manufacture here. Goods imported into this country, like cheviots, when they came to be thoroughly examined, attention having been called to the fact that they had been valued so much below what was supposed to be the cost, were found to be largely dog's hair.

Now, there is nothing in the experience of our manufacturing interests to support the theory upon which the gentleman from Illinois has made his speech. On the contrary our experience has been that our manufacturing industries have prospered and have been diversified, and our agricultural interests have prospered just in proportion as by our protective policy we have developed and retained our home markets for our industries. In that proportion has our prosperity gone on. More than that. In the same proportion the cost of the articles of clothing consumed by our people measured in labor becomes less than ever before. That is one of the strong reasons why to-day we have the most prosperous country on the face of the earth. It is for that reason we have to-day a home market which furnishes more products of a better quality and at a cheaper rate, measured in labor, than the home markets of Great Britain. It is our protective policy which has accomplished this thing, and it is our protective policy in reference to wool-growing that has developed this industry in this country, and if we continue to protect and support it we will be able to supply all that will be needed by the consumers of this country.

The entire amount of clothing wool imported last year was 23,000,000 pounds, while the production of the country was 250,000,000 pounds. The other wools imported were the coarse carpet wools. There is not a single article produced in this country but can be made of the wool grown here.

The argument is that we can not grow them all, that we must have imported wools to mix with those raised here. That simply means this, that we must have a wool which can be obtained at a cheaper rate to be mixed with our wools for the purpose of deteriorating the quality of the goods and decreasing the cost. There is nothing in that position.

Mr. WILSON, of West Virginia. Let me propound a question to the gentleman.

Mr. DINGLEY. Certainly.

Mr. WILSON, of West Virginia. If the gentleman's contention be true, that the consumer of the article does not pay the tariff tax on it, why in making up that woolen schedule does he always allow the manufacturer of the goods to exact the tax he is supposed to have paid on the wool consumed, and in addition a protective tax for himself?

Mr. DINGLEY. But the gentleman must bear in mind this fact, that the difference in price to-day between this market and any foreign market is constantly maintained. But the foreign price has been reduced by the fact that protection has developed the industry in this country. If this industry had not been developed in this country under a protective system, the foreign price would have been higher.

Mr. WILSON, of West Virginia. But the point is this: If he, as a consumer of wool, has not paid the tariff tax under the law, why do you allow him, or affect to allow him, his protective duty? You give a specific duty first, and that tax he is supposed to have paid; and then you add an ad valorem tax as a further protection. Now, if he has not paid the first tax, why do you allow him the latter?

Mr. DINGLEY. The gentleman goes upon the old assumption that the duty adds to the price to the consumer. For the purpose of protecting against the foreign markets the specific duty is given equal to the value of the imported commodity. It does not follow that when the goods are sold all that is added; because the manufacturer does not import his wool. He uses domestic wool, and the price is hardly ever, I may say almost never, the foreign price with the duty added. It is a price between the two, and made by competition.

Mr. BYNUM. Do I understand the gentleman to hold that the domestic manufacturers do not consume foreign wool?

Mr. DINGLEY. To a certain extent they do.

Mr. BYNUM. I understood his argument to be that they only used the domestic wool.

Mr. DINGLEY. There is but a small percentage of foreign clothing wool consumed, only 23,000,000 pounds last year, as against 250,000,000 pounds of domestic wool.

Mr. BYNUM. Is it not true that the great complaint of the manufacturers of this country is that a part, and a very large part, too, of the carpet wool goes into the manufacture of clothing?

Mr. DINGLEY. Under the name of "waste" a very considerable amount of "noils" and "wool-tops" has been imported at a duty of only 10 cents a pound. It was imported under the name of waste, and should have paid a duty of 30 cents a pound.

Mr. BYNUM. Well, is it not true that there are about $45,000,000 of manufactured woolen goods imported?

Mr. DINGLEY. Nearly that amount.

But the gentleman from Illinois [Mr. SPRINGER] stated that he would print with his speech the protest of the woolen-manufacturing association, of which Mr. Whitman is president, against the present tariff.

Mr. SPRINGER. I beg the gentleman's pardon. I said that a statement was made by him to the Secretary of the Treasury in regard to the difficulties under which the woolen manufacturers are now laboring——

Mr. DINGLEY. Yes, and by a regulation of the Treasury Department holding that worsteds are not woolens. Mr. Whitman made an argument to the Secretary of the Treasury, and he ruled that worsteds—and they are simply combed wool, and cassimeres and ordinary goods are carded wool; one is carded and the other combed, that is the only difference between them—but the Secretary of the Treasury ruled that worsteds are not woolen goods.

Mr. BYNUM. That is not the ruling of the Secretary of the Treasury.

Mr. DINGLEY. Well, however that decision came it has been made.

Mr. BYNUM. The Secretary of the Treasury ruled that worsteds are worsteds.

Mr. DINGLEY. Precisely; but a fair interpretation of the ruling is that worsteds are woolens, and if that interpretation had been corrected, instead of forty-four millions of goods imported last year there would not have been twenty millions. And it is in view of that, which all agree ought to have been corrected, that the woolen manufacturers are suffering to such an extent to-day.

Mr. SPRINGER. The statement to which I alluded, and which I will publish in my remarks, did not relate to that subject at all.

Mr. DINGLEY. Oh, I beg the gentleman's pardon, I think it did.

Mr. SPRINGER. It did not. It will appear in the RECORD.

Mr. DINGLEY. I do not know what the gentleman will print in the RECORD; but I understood him to say that Mr. William Whitman had presented a memorial to the Treasury Department.

Mr. SPRINGER. We can end the matter at once if the gentleman will just take the trouble to read that speech.

Mr. DINGLEY. I heard what the gentleman said.

Mr. SPRINGER. I hope the gentleman will read and carefully digest the speech. He will find it useful information.

Mr. DINGLEY. Mr. Chairman, the gentleman from Illinois, in closing his speech, spoke in glowing words of the beneficent results which would flow from the Mills bill when enacted into law. According to that gentleman it is to lift heavy burdens from the people, sweep away taxes on food and necessaries of life, remove the "restrictions" of commerce, set the wheels of industry into more active motion, and make even our desert places blossom like the rose.

As I listened to the prophecies of my exuberant friend, my eyes fell on the paragraphs in the Mills bill imposing a duty of 68 per cent. on sugar—an article of food as necessary as flour in every poor man's family, and produced to so small an extent in this country that home competition does not materially affect the price, and therefore an article to whose price the duty is inevitably added. Is sugar the article of food to which my friend referred when he spoke of the Mills bill as sweeping away "taxes on food?"

Or perhaps my friend refers to rice, on which the Mills bill places a duty of 100 per cent.

Oh! no. My friend is thinking only of articles which we can produce in this country to the extent of our wants, where the duty is not added to the cost, but has the effect to hold our own markets for the products of our own labor, and to make every one of them cost less in labor, less in service, and less in any kind of products than would have been possible if protective duties had not been imposed.

Mr. WILSON, of West Virginia. We have cut down both these duties more than most things in the bill.

Mr. REED. Cut them down! Why do you not stop "robbery" entirely?

Mr. BYNUM. I wish to ask the gentleman whether the rates fixed in the Mills bill are not far below the rates that were fixed by the Republican party in the revision of 1883?

Mr. DINGLEY. No, not reduced from the equivalent ad valorem rate intended when the revision of 1883 was made. The House first fixed the duty on raw sugar, such as is imported, at a specific rate equivalent to about 44 per cent. The Senate was forced by the fact that a Louisiana Senator held the balance of power to consent to an increase of the rate, supposed then to be but little more than 50 per cent., although, in consequence of the decline of sugar, the ad valorem

equivalent proved a little more than that in the fiscal year ending June 30, 1884. So that in fact the equivalent 68 per cent. duty proposed by the Mills bill on raw sugar, such as is imported, is more than the equivalent ad valorem on such sugar intended in the revision of 1883. No reason can be given for reducing advanced manufactures to 40 per cent. ad valorem, which gives no more protection than 30 per cent. specific, and keeping sugar at 68 per cent. specific.

Mr. BYNUM. Is not what you have stated about sugar true of every other article, and therefore does not the bill which we have reported here contain higher rates of duty than your own party said were high enough in 1883? And yet you are fighting against a reduction of rates which you yourself say are higher than those in your act of 1883. [Applause on the Democratic side.]

Mr. DINGLEY. I am here fighting against reductions that tend to destroy the industries of this country [applause on the Republican side], and I am here fighting to cut down duties on food-products not produced in this country to any considerable extent. In other words, I am here fighting for a protective tariff that will give our home market to our own industries. You are fighting for a tariff that shall allow foreigners to come in here and obtain control of our market. [Applause on the Republican side.]

Mr. WILSON, of West Virginia. Why do you oppose every tariff for the benefit of the farmer and that does not benefit the monopolist and manufacturer?

Mr. DINGLEY. Talk about benefiting the farmer! Here is a bill brought in here to slaughter all the farming interests in the North [applause on the Republican side], and then having slaughtered all our Northern farming interests you impose upon them a tax of 68 per cent. on sugar and 100 per cent. on rice. Do you call that a bill for the interest of the farmer? [Applause on the Republican side.]

Mr. SOWDEN. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SOWDEN. The point of order I make is that gentlemen should address themselves to the Chair.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYNUM. He can have more time.

Mr. DINGLEY. If I only had the time I would be very glad to answer all questions that may be put on the other side.

The CHAIRMAN. The time is controlled by the gentleman from Michigan [Mr. BURROWS].

Mr. DINGLEY. What I have said, Mr. Chairman, explains the difference between the Mills bill and such a protective bill as the amendments offered by the Republicans would have changed this bill into—such as will be ultimately framed as a substitute for it.

The Mills bill cuts to the point of danger or places on the free-list articles which we can produce here to the extent of our wants, and thereby invites importations to come in and take the place of domestic products or goods, and places its highest duties on articles which can not be produced here to the extent of our demand, and which are necessary as food.

A Republican protective tariff removes entirely duties on articles which can not be produced here, like tea, coffee, etc.; reduces duties on articles which can be produced here in small proportion of our wants, especially where they are articles of common necessity, like sugar, and places duties on articles which can be produced here to the extent of our wants at such a point as will practically hold our own markets for our own industries and labor.

Gentlemen have held up the fact that the Mills bill bears an "average" duty of 40 per cent., against 47 per cent. under the present tariff, and this rate increased from 41 per cent. by the heavy duties on sugar and rice, as evidence that it is still sufficiently protective. Indeed, within a few days it has been given out that the Mills bill is really a protective tariff, notwithstanding the gentlemen who framed it and have advocated it have all been denouncing protection as "robbery."

Mr. Chairman, I desire to call attention to the fact that a tariff can be easily framed with an "average" duty of 40 per cent. and still be essentially non-protective; in fact, in its essential features carry out the free-trade idea of removing largely restrictions on importations, or another bill may be framed with the same "average" duty and yet be thoroughly protective. The "average" duty indicates nothing; it is how the rates are distributed, and especially how the free-list is made up, that tells the story.

The Mills bill is the first one that I have described, and in its main features it is designed to encourage importations and to move in free-trade directions.

Note, first, that it places on the free-list fifty industries heretofore protected. Among these industries the products of the farm stand first. Wool, meats, beans, pease, and all vegetables except potatoes are given up to free trade. Manufactured lumber, shingles, clapboards, staves, bricks, undressed building stone, jute bags, hoop-iron for ties, and many other articles are also given up to free trade.

Not only this, but the duties on manufactured articles are changed to ad valorem duties, which invite undervaluations and practically make such duties 10 per cent. less than they appear on the face, and then even these are cut to the point where importation will be inevitably increased, and to the extent that they are increased the demand for our own products and our own labor reduced.

And the extent of this cut is skillfully covered up by retaining such large duties as 68 per cent. on sugar and 100 per cent. on rice—twice the rates given articles which we can produce here to the extent of our wants—which serve to keep the "average" up to 40 per cent., while if the duty on these articles should be reduced to 40 per cent. the "average" would go down to 35 per cent.

On the other hand, a truly protective bill which should give an average duty of 40 per cent. would restore to the dutiable list a large part of the articles put on the free-list by the Mills bill, would reduce the duty on sugar and rice to 40 per cent., the average of the protected lists, and would thus yield adequate protection to those industries of our country which can supply our wants; would cut down the enormous duty on necessary articles of food, would discourage importations of goods that we can make ourselves, and increase the prosperity of the people.

Mr. REED. I yield fifteen minutes to the gentleman from Iowa [Mr. GEAR].

Mr. GEAR. Mr. Chairman, I ask the Clerk to read the first three paragraphs of the letter which I send to the desk, the whole of which may be published in the RECORD.

The Clerk read a portion of the following letter:

OFFICE OF ISAIAH MEEK, *Bonaparte, Iowa, May 21, 1888.*

DEAR SIR: In reply to yours of the 19th instant, I would say:

1. That our factory commenced operations in 1854 and was in full blast in 1859, and we have been running continuously since that time, except from July, 1863, to March, 1864, which time, having been burned out, we were rebuilding our factory. We have run continuously since then, except short stops in the winter for repairs.

2. The volume of our business is larger than before the war, because we have a great deal more machinery and better facilities for manufacturing. Taking, however, the amount of machinery we had before the war and our facilities for conducting the business, we had proportionately as large, if not a larger, amount of business then, and I know with more profit to us.

4. Our business was much more profitable before the war than now.

5. If the Mills bill passed with its provisions for the reduction of the wool tariff, it is my opinion it would not reduce the volume of our business, but have a tendency to increase it. It would, if passed, increase our profits, and consequently our ability to increase wages of operatives. In our experience, however, the question of wages is regulated by the law of supply and demand wholly, and not affected by the tariff.

In my opinion the number of sheep has largely decreased in VanBuren County since 1860. I am a sheep breeder, and while the sheep industry, taken for a succession of years, is always a profitable business, the profit before the tariff was put on wool was as great, and some years greater than now.

6. With reference to wages paid before the war and now I have forgotten, and am unable to answer. I find on reference to my books that we paid our boss carder in 1865 the same wages we pay now.

Truly yours,

ISAIAH MEEK.

Mr. GEAR. Mr. Chairman, that letter covers a period of thirty-four years. It has been read in the House heretofore upon the request of the gentleman from New Hampshire [Mr. MCKINNEY]. He arraigned me, I think, very unfairly and unjustly in regard to the remarks I made some time ago on the subject of the tariff. He intimated that I knew nothing about manufacturing—perhaps not as much as the gentleman who wrote that letter. I do not claim to know very much about manufacturing, although I have had some experience in that direction. But, as I said, that letter covers the long period of thirty-four years, embracing action under the tariff of 1846, the tariff of 1857, and the tariff of 1861—the Morrill tariff. Now, I will undertake to show so clearly that "he who runs may read," that under the tariff of 1846 and the tariff of 1857 Mr. Meeks sold goods higher and bought wool lower than he is doing to-day under the present tariff.

The gentleman from Texas [Mr. MILLS], the chairman of the Committee on Ways and Means, made in my judgment, the most bald and naked statement in regard to the manufacture of blankets that I ever heard in my life from any man on a legislative floor. In my former remarks I illustrated this. He said, in substance, given a pair of blankets of which the cost of manufacture was $2.55, the "robber baron tariff" added thereto, $1.90, making the cost $4.45; and in the case of another pair of blankets which he used as an illustration, he said the cost was $2.70, and the "robber baron tariff" added to the price $2.55, making in all $5.25 the cost, thereby leaving the impression by inference that to these figures he gave, an additional amount was added by way of profit.

But you may look through the gentleman's speech from beginning to end, and you can not find one line where he gives the price at which the blankets were sold by the manufacturer, either at wholesale or retail.

In the illustration which I gave to the House and the country, I took the amount of wool and the cost of the blankets at his own figures, and I showed conclusively, in my judgment, and I think in the judgment of the House, that the wholesale or retail price, adding the tariff, was less than the price given by the distinguished gentleman from Texas, and that the prices clear through, both at wholesale and retail, were less. In evidence of that fact and of the fact that the cost of material was less and the price of the product higher during the period to which I have referred, 1846 to 1861, I send to the desk a dispatch to be read. Before it is read I wish to make this remark: My friend Meeks is an

iron-clad, rock-rooted Democrat. He has voted the Democratic ticket ever since he has been a voter, in season and out of season. He voted the Democratic ticket all through the crucial period of the war. As a matter of course, he would be expected to stand up and vote the Democratic ticket to-day and defend every measure of his party, as he and his friends expect, as I understand, that he will be placed in nomination for Congress this year on that blanket letter. At the time he started he had a poor mill, as he states himself. It was almost the only mill in that country. He had but little or no competition. He had the old-fashioned single looms. (I call the attention of my friend from New Hampshire [Mr. MCKINNEY] to this. He preaches, I understand, the doctrine that in the future there are rewards, but no punishment—a good doctrine—and therefore he is at liberty to make any statement he pleases.) [Laughter.] My friend, Mr. Meeks, had that kind of a mill—poor in quality. He had looms which had in them only one or two harnesses to the loom, as they are known technically to the trade (and I speak whereof I know), throwing one or two shuttles at a time, on which but few varieties of goods could be made—looms which can not compare at all with those of modern times which have six, fifteen, and twenty-seven harnesses, throwing four, six, and eight shuttles, and making a large variety of goods. His goods cost him something more at that time to make than now, but he got for them a much higher price than he gets now, and he bought his material cheaper. Now I ask the Clerk to read that telegram.

The Clerk read as follows:

KEOSAUQUA, IOWA, *June* 20, 1888.

Hon. JOHN H. GEAR:

Meek and his old clerk examined the firm books and can only find one entry between dates described; one pair blankets sold for $7.50 in 185 , which was about average price. Weight not given; wool worth that time, 20 to 22 cents.

J. W. ROWLEY.

Mr. GEAR. I ask the Clerk to read this dispatch from another mill in an adjoining county, which gives more specific proof of the truth of my argument.

The Clerk read as follows:

MEDIAPOLIS, IOWA, *July* 6, 1888.

Hon. JNO. H. GEAR, *Washington:*

The Northfield Woolen Mills in 1859 sold 9-ounce jeans at 79 to 80 cents per yard; 5-ounce flannel, 50 to 60 cents, and 5-pound blankets, $6.70 per pair, and paid for unwashed wool 15 to 18 cents per pound. Now, 9-ounce jeans 50 to 60 cents per yard; 5-ounce flannel, 35 to 38 cents, and 5-pound blankets, $5 per pair, and pay for unwashed wool 20 to 24 cents per pound.

ROBINSON & DAVIS.

Mr. GEAR. This Robinson & Davis mill has been in operation longer than has Mr. Meek's. I know the firm well; have known them over forty years. Their telegram shows clearly that under the tariff of 1846 and 1857 they bought their wool at 30 to 40 per cent. less than they do now, and that they sold blankets and other products at 30 or 40 per cent. higher rates than now. This evidence is also confirmed by a letter from D. W. Jones, of Delaware County, Iowa, written to my colleague [Mr. D. B. HENDERSON] in which he states that he is selling blankets and other products of his mill at 33 per cent. less than in 1859–'60. Mr. Jones, my colleague tells me, has been engaged in manufacturing for many years and furnishes at the mills in his section of the State a sure home market for the wool grown in his vicinity. Their statement also proves the truth of the protection theory in a nutshell: that by a fair protection the Iowa and other wool-growers are to-day getting better prices for wool than under the Walker tariff. It also proves conclusively that under the protection theory of giving the American market to the American manufacturer he has, under the stimulus of home competition, introduced better machinery and better methods whereby he has been able to manufacture better goods and sell them at less rates to the consumer than at any time in the history of the country.

Now, Mr. Chairman, this proves the position I took at the start, that the men who grow the wool under protection do get a higher price for their wool product, while, at the same time, the manufacturers of woolen goods are able to sell their goods at a lower price to the consumers.

In the tariff of 1846 wool was 30 per cent. ad valorem. Under the tariff of 1857 it was 24 per cent. It seems to me the argument is clear and conclusive that they who oppose this Mills bill, which my friend from Illinois [Mr. SPRINGER] says is not a free-trade bill, although it puts wool on the free-list, if the effect of protecting the product of wool in this country has been to increase the price of wool to our farmers, while at the same time it has reduced the price of woolen goods to the consumer, then by parity of reasoning, judging from past results, wool being placed upon the free-list, the result will be that while the price of wool will be lower, the price of woolen goods to the consumer will be higher.

Mr. Chairman, the farmers of my district have an interest in this question of free wool. They own nearly one hundred thousand sheep, and the bare threat of passing the Mills bill has already reduced the price of this year's clip of wool over 15 per cent. It naturally follows that the Iowa farmers are not in favor of this measure, and they ask me to oppose it by my vote, which I shall do as long as I am here to protect their interests.

I am necessarily hurried in the limited time allowed me and must pass along rapidly. But I wish to say a word to the House in reference to the tariff of 1846, to which the Speaker of this House referred in words of eulogy in reference to the effect of that tariff upon the country. I will not attempt to analyze his speech, as it was done most forcibly by the gentleman from Wisconsin [Mr. LA FOLLETTE] the other day. But I wish to call attention to this one fact: that during those years that produce was low throughout the West, lower in fact than it had been since the great financial crash of 1837.

During the period of the Walker tariff occurred the terrible famine in Ireland, and the continent of Europe was convulsed by the Crimean war. This state of affairs made an abnormal demand for our breadstuffs and meat products.

Again, Mr. Chairman, during that memorable epoch in American history California was acquired and yielded to the hardy pioneers her untold millions of treasure. Yet, sir, notwithstanding all these adventitious circumstances the balance of trade was largely against us during the years of the Walker tariff. Sir, it required to settle that balance of trade which had accumulated during those fifteen years two hundred and fifty millions of dollars in addition to our exports of farm products.

But our friends on the Democratic side claim that the balance of trade being against us is not a subject worthy of attention.

I was educated in a different school. My business preceptor was a Democrat, a bosom friend of Douglas and the father-in-law of the recently appointed Chief-Justice. He taught me, sir, that the prudent business man, whether merchant or farmer, when he wanted to find out at the end of the year the condition of his business affairs, put down on one side his receipts and on the other side his expenditures. If he found that his receipts were more than his expenditures the result was that he had made money; or, in other words, the balance of trade was in his favor. If, on the contrary, his expenditures exceeded his receipts, the result was that he had lost money and that the balance of trade was against him. Now, Mr. Chairman, what is true in regard to the business of an individual is equally true in regard to the nation.

It seems, therefore, that when the balance of trade is against a nation, as it always has been against this nation from 1832, whenever we had these tariffs for revenue only or a quasi free-trade tariff we have been in debt to foreign nations and have had to export our coin to settle the balance of trade. I am frank to say that I prefer a policy which tends to bring the coin of the world to us in return for our products rather than the policy put in operation by the Democratic tariff of 1846 to 1857.

I had intended to reply to a letter which my distinguished friend from Iowa [Mr. WEAVER] said he received from Mr. Meek, the manufacturer of those blankets. I have asked him again and again to produce the letter, but with that lack of candor which is his political characteristic he has refused to do so every time. [Laughter.]

He charged me in his speech with having changed front on the protection question. I stand here, as I have always stood in my own State as a member of the Republican party, in favor of fair protection to the industries in this country, and in my message sent to the General Assembly of my State some years ago, from which the gentleman quoted, on the question of the reduction of the duty on steel rails, I had investigated that question with some care. I found that we had paid a duty of $28 a ton on steel rails; that when this duty was levied the manufacture was an experiment in this country. Although many of the establishments which began manufacturing steel rails were unfortunate, yet better methods having been introduced in the manufacture of rails thereby increasing the output and thus cheapening the product and increasing the demand so that under the protection of $28 per ton rails had declined from $155 to $42 or $44 per ton, therefore it seemed to me that the time had come for a reduction, and that under the stimulus of invention rails and better methods could be produced at less cost. I urged the reduction.

Mr. Chairman, it is not the first time that the voice of Republican Iowa has given tone to Republican legislation on this and other questions; and in accordance with that suggestion a Republican Congress reduced the rate to the existing duty of $17 per ton. The result has been that the American manufacturers, having the home market for their product, have been enabled by competition to produce the best rail known at the lowest rate ever produced. And this result, Mr. Chairman, is another argument in favor of a fair degree of protection to American industries.

Sir, I am, in common with the Republican party of Iowa, in favor of a fair protection to American industries and productions of all kinds. I am ready by my vote at any time to aid in revising the tariff in such manner as may be found to be both for the interests of the producer, the wage-worker, and consumer; and I am in favor of such an adjustment as will give the American manufacturer the benefit of the American market, and at the same time give the American workman "a fair days' wage for a fair days' work," rather than to adopt a policy that will bring our wage-worker to a level with those of Great Britain or Europe. Sir, the bill under consideration does not do this; on the contrary, it is an assault on many of the industries and productions of the country, which under the protection policy of the Republican party

for the past quarter of a century, have grown and developed and placed us in the front rank of nations in regard to wealth, prosperity, and comfort among all our people.

Mr. WEAVER. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine has control of the time; to whom does he yield?

Mr. REED. I yield five minutes to the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Mr. Chairman, I would not again occupy the time of the committee were it not that the discussion of free wool—on which subject I had intended to submit some observations when it was before under discussion—has been reopened by the Democratic side. Apparently, not content with having already voted to put wool on the free-list, they seem exceedingly anxious to hold a *post mortem* on this important industry which they have done their best to destroy, and have called the gentleman from Illinois to their aid. It is barely possible that they have already heard rumblings from the wool-growers of the Northern States, and have resolved by false figures and deflected logic to attempt to mislead those whose industries are threatened with destruction.

Among others, my colleague [Mr. MCKINNEY] raised his voice for free wool. From a hurried reading of his remarks, he seems to have spoken from the Ohio standpoint, in which State, he says, he was once engaged in wool-growing. I do not know how much of a granger my clerical friend may have been in his early years, or how much correct knowledge he may have on sheep-husbandry in Ohio, but I will venture to call his attention to the fact that New Hampshire is greatly interested in the wool question, having nearly as many sheep per capita as Ohio.

New Hampshire in 1880 had 211,825 sheep, and the wool clip for that year was 1,060,589 pounds.

It is, however, a significant circumstance that out of the 211,825 sheep in the State, only about 30,000 of them are in my colleague's district, the remaining 181,000 being in the district I have the honor to represent.

I will not say that this is the reason why my colleague is so valiant an advocate of free wool, but I will say that whether he knows it or not, the farmers of New Hampshire are almost unanimously against placing wool on the free-list, as will be demonstrated when the question is submitted to them next November.

After advocating free wool my colleague declared that placing that product on the free-list will not cheapen it, but that it will make clothing cheaper. That kind of logic is too much for my obtuse intellect and I will not try to master it.

Mr. Chairman, my colleague's attitude on this question suits me exactly from a political standpoint, and I am gratified to know that, in addition to favoring free lumber, free brick, free agricultural products, and other important industries of New Hampshire, he is also for free wool.

A friend of mine, who travels all over New Hampshire, wrote recently that—

> Many farmers who are large wool-growers will vote the Republican ticket this fall for the first time, on account of the tariff question, and there are not a few mechanics similarly situated.

The people of New Hampshire are not indifferent to what is going on in Congress, and will in due time give practical expression to their convictions.

I notice that an importing house in New York City has lately received a consignment of British manufactured woolen goods with the following instructions:

> Have these goods deposited in the United States bonded warehouse, there to await the passage of the Mills bill. In case that bill does not become a law, then hold the goods in bond until the re-election of Cleveland and a Congress that will assure us of a free-trade tariff. You will then put them on the market for sale.

Mr. Chairman, American workingmen will have something to say about the "re-election of Cleveland and a Congress that will assure us of a free-trade tariff," and their decision is liable not to please the British manufacturers who are getting ready to flood our country with cheap goods. [Applause.]

On the issue of free lumber, free agricultural products, and free wool I venture to modestly suggest that New Hampshire will not fail to add one additional Republican to the next Congress, and I doubt not that on this issue other sections of the country will give enough gains to make the next Congress politically in harmony with the administration of President Harrison. [Applause.]

The following words of the lamented Garfield, in the last report he made to this House, are timely and significant. Garfield said:

> Should it (the removal or unjust change of the wool tariff) become a law, it will be impossible for our farmers to compete in the market with the mestiza wools of South America; and it will be equally impossible for our manufacturers to compete with those of France and England. Of course, any legislation that destroys the woolen manufactures is equally destructive to sheep husbandry, for the farmer would no longer have a market for his wool. The nation can hardly be called independent which does not possess the materials and the skill to clothe its own people.

Mr. Chairman, I prefer Garfield to SPRINGER on this subject, and the American people are anxiously waiting for an opportunity to so express themselves at the ballot-box. [Applause.]

Mr. BUTTERWORTH. Mr. Chairman, whether it be for good or for ill the discussion on the Mills bill is approaching a termination. Upon next Saturday we will vote upon that measure. It will pass this House, as I am informed and believe, and against the protest of every Republican Representative, with possibly one or two exceptions. It will receive the support of every Democrat in this House, with a very few exceptions.

A MEMBER on the Republican side. Honorable exceptions.

Mr. BUTTERWORTH. I only desire now to call the attention of the House and of the country to one or two facts in that behalf, and to those facts I invite careful consideration. One is that no industry in this country to be affected by this tariff measure has been accorded a hearing by the Committee on Ways and Means, and that although the industry, now prosperous, will be immediately and disastrously affected by its influence should it become a law.

I call attention to the fact again that no workman in this country whose wages are to be reduced by the operation of the Mills bill has been vouchsafed a hearing before that committee. I call attention to the fact also that no class of our people, no interests affected by the proposed legislation, has been accorded an audience to petition for relief or protest against threatened disaster; but, on the contrary, this bill has been framed and passed without the slightest consultaton with those who represent the vast and growing interests of the United States. But, Mr. Chairman, the day set apart by the Constitution, not only for a hearing, but for final judgment, is approaching; it will be early in November.

Mr. Chairman, I wish to call attention to another fact. It is this, that it is not pretended that this so-called revision of the tariff has been made except from the standpoint of those who favor a tariff for revenue only, which is merely another name for the doctrine of free trade.

It is known to all members on this floor and to the country that this side of the House has from first to last desired and endeavored to revise the tariff with reference to the maintenance of the protective system, and from the standpoint of protectionists, recognizing what that system has done for the country and for the people. The Democratic majority in this House has denied to us the opportunity and defeated all attempts to secure such revision. And from their decision we now appeal to our masters, the people. The issue is fairly presented, and should not be changed, but be referred to the final arbiters, the voters of the country.

I call attention to the fact that so far from reducing the surplus revenues in the Treasury, that accumulation will be increased under the operation of the Mills bill if it shall ever become a law, since importations will be increased under the influence of the peculiar reduction of duties proposed.

I wish to call the attention of the country to another fact in this same behalf. In November next the people of the United States will sit in judgment upon the issue joined between this side of the House and the Democratic majority who are the authors and finishers of this tariff measure. If it is the desire of the people that the tariff shall be revised, as confessedly it ought to be, from the standpoint of protecting the industries of this country, and in a manner consistent therewith, they will transfer the majority from that side of the House to this. If it is their purpose to strike down these great industries of the country as they have the wool and other industries, they will retain the majority on that side of this central aisle.

Rejecting every proposition of the Republican minority, the Democratic majority, having the power, will vote the Mills bill through next Saturday at the hour appointed, and it will go to the Senate, and there I trust it will be referred to a committee that will sit during the recess, in order that the great interests which are to be affected by this measure, which, in its influence, reaches to every hearthstone in the Republic, may be accorded a full and fair hearing, that those who represent the fields, the shops, the mills, mines, furnaces, and factories may all be heard before that committee, even as they will at the polls, and the bill be reported back at the opening of the next session, so modified and changed as to fairly and fully reflect the will of the people of the United States, and in pursuance of the requests of those whose interests are to be immediately affected; and that then, upon the reassembling of Congress in its December session, we may truly and properly respond to the requirements of our constituents, for before that assembling we will receive at the polls in November instructions which we can not fail to understand, and which it will not be wise or safe to disregard. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. REED. Mr. Chairman, we have now reached the end of our discussion upon this bill, except in so far as the chairman of the Committee on Ways and Means shall himself in person administer to our enlightenment on next Saturday, and it is very curious to contrast the situation and the appearance of the Democracy at the beginning of the discussion with the utterances which they have made to-day.

Throughout the whole general debate not a single speech that I remember was delivered upon the other side which did not contain the

principles of free trade as plain as they were ever enunciated by the gentleman from New York [Mr. COX], who is to-day, perhaps, alone on that side not afraid to express his sentiments. [Laughter on the Republican side.] There has been no discussion under the five-minute rule which has not involved the principles of free trade. There has never been an opportunity omitted where a Democrat could mouth about "tariff taxes" where he has not put his tongue around it with affectionate attention, and yet we have to-day the gentleman who was chosen to preside over the deliberations of this committee submitting to us some ideas which indicate that he is a little afraid of being a free-trader himself. Why he, the very inventor of the schedule which showed the amount of robbery that was perpetrated by the "tariff tax" is faltering in his weary task of freeing the American people from the bondage of those infamous creatures who manufacture things that can be used by those who can pay for them.

Why is it that this change has come over their feelings? Why are they so anxious to show that they are not much in favor of free trade? Why are detachments sent over to New York to give reassurance to the doubtful brethren? Why is it that the chairman of the Committee on Ways and Means, that lofty and courageous citizen of Texas, who dares to explain his views elsewhere, has gone over to New York and declared that they need not fear any free trade from him? Why is it that he has swallowed words that are only four years old, and why is it that he comes back here where he is known and tries neither to swallow them nor to deny them? Why is it that the entire crowd of Democratic newspapers are to-day endeavoring to explain that after all they have great yearning for 40 per cent. of robbery? [Laughter on the Republican side.] Why is it that the gentleman from Indiana was all agog and shaken with emotion in his eagerness to show that the principle on which this bill was framed is as near protective robbery as ever we were? Why is it that he violated the whole courtesy of parliamentary debate in order to thrust that idea upon the public? Why is it that they give him one minute for debate, one minute to ask a question, and nobody else a minute to make an answer? It is because they have begun to hear from the people of the United States. It is because they recognize the fact that the people of the United States are in favor of the American doctrine of protection [applause on the Republican side]; that they are in favor of having the articles which the people of America use made by American workingmen; and from now until election time their greatest effort on the other side will be to explain away the declarations which they so bravely made, and to say that even Mr. Cleveland himself is a genuine protectionist and never meant anything else. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. SPRINGER. The gentleman from Iowa [Mr. WEAVER] desires me to yield him one minute of my time, which I do.

Mr. WEAVER. Mr. Chairman, I was very much astonished to find my colleague from the first district of Iowa [Mr. GEAR] so perturbed and excited over this debate. In contrast with his usual fairness and courtesy he took occasion while upon the floor, in a perfectly unjustifiable manner, to make a personal allusion to myself. I can say truthfully that I have never treated my colleagues on this floor in any such manner, and the remark of the gentleman was entirely out of place and in bad taste. I did say in the speech which I delivered on the floor that I had written to Mr. Meek about a pair of blankets which the gentleman exhibited, and that I would in my time during the five-minute debate read Mr. Meek's reply. Now, what right has the gentleman to complain that I did not read it? I will read an extract from what the gentleman said in his speech, and then I will read the letter. The gentleman, after exhibiting the pair of blankets, said:

> Now, Mr. Chairman, I want to call the attention of this House to the fact that the passage of the pending tariff bill will not only seriously injure the wool-grower of my State, but it will also close up the mill where that blanket was made, and put out of employment the labor engaged in its manufacture.

Before receiving my letter Mr. Meek had already written to a friend of mine concerning the above statement made by my colleague, and a copy of his letter was furnished me. I now print the same without comment:

BONAPARTE, IOWA, *May* 15, 1888.

DEAR SIR: In reply to yours of the 11th instant, just received, would say that I sold to Mr. John Rowley, editor of the Republican paper at Keosauqua, one pair of blankets, which he informed me were for ex-Governor GEAR. As to my stating to Mr. GEAR, or any one else, that I was opposed to a reduction of the present tariff, I would say that such representation is positively untrue. I did say to him, however, that if the tariff was taken from wool it would greatly benefit me as a manufacturer. I am not only not opposed to the Mills tariff bill, but I hope it will pass and lead to still further reduction of the unnecessary and burdensome war tariff.

In conclusion, I would say that I am heartily in sympathy with the President in his endeavors to reform the administration of the Government, and especially so with all efforts to reduce taxation to the necessities of a Government economically conducted.

Joining with you in desiring the nomination and re-election of Cleveland, I am,

Very truly, yours,

ISAIAH MEEK.

L. A. PALMER, Esq., *Washington, D. C.*

Mr. GEAR. I ask leave to reply, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, as stated on the other side, this debate, long protracted, is now about to come to a conclusion, and I had hoped that in these last moments there would be a feeling of kindliness pervading the hearts of gentlemen on both sides of the House. [Laughter on the Republican side.] But on the contrary the gentleman from Maine has shown his usual peculiarity of sneering and scolding at this side of the House. He reminds me of the character of Pooh Bah in the Mikado. He was born with a sneer on him and he kept that peculiar facial expression to the day of his death. [Laughter and applause on the Democratic side.] The gentleman has alluded to this side of the House as if we had not maintained our professions made at the beginning of this debate. I call attention to the fact that the gentleman himself, as a member of the Ways and Means Committee, came into this House at the commencement of this discussion with a minority report signed by all the Republican members of that committee, and with a flourish of trumpets promised the House that they would seek to have the bill modified and amended in Committee of the Whole, and that if those efforts failed they would offer a substitute which would surely diminish the revenues without impairing the American system of protection. [Applause on the Republican side.]

Where, oh where, is that substitute?

> Gone glimmering through the dream of things that were—
> A school-boy's tale, the wonder of an hour!

[Laughter and applause on the Democratic side.]

If they have ever incubated one, they have not had the courage to bring it to the light of day.

A MEMBER on the Republican side. It will come.

Mr. SPRINGER. Let it come and we will be ready to meet it. And in addition to that we are not afraid to go to the country on this issue. [Applause on the Democratic side.] On Saturday next the roll will be called on the passage of this bill, and that roll-call will be heard around the world. It will indicate to the people of this country that their Representatives have been equal to the great emergency that now confronts them of reducing this "vicious, inequitable, and illogical source of unnecessary taxation." [Applause on the Democratic side.] And when we have passed that bill in this House we will meet you on the hustings, gentlemen; we will go to the country with you, and mark my word that in November next the people's voice will be heard in the triumphant re-election of Grover Cleveland. [Applause on the Democratic side.]

The gentleman from Maine [Mr. REED] spoke about "rumblings" from the people being heard on this subject, and in reply to that suggestion I will have printed as part of my remarks a letter written by Mr. Arthur T. Lyman, treasurer of the Hadley Thread Company, of Holyoke, as well as of the Lowell Manufacturing Company, of Lowell. Mr. Lyman is a Republican and his letter appears in the New York Times. It is as follows:

[New York Times, July 19, 1888.]

IT IS NOT FREE TRADE—AN OLD REPUBLICAN'S SOUND VIEWS OF THE MILLS BILL.

BOSTON, *July* 18.

The Republicans are not having the best success in soliciting funds from manufacturers. The chairman of the finance committee of the Holyoke Republican Club recently solicited a contribution from Mr. Arthur T. Lyman, who is the treasurer of the Hadley Thread Company, of Holyoke, as well as of the Lowell Manufacturing Company, of Lowell. In reply Mr. Lyman wrote the following letter:

BOSTON, *July* 13.

"*Chairman of the Finance Committee of the Holyoke Republican Club:*

"DEAR SIR: I have yours of the 12th, asking for a contribution for the Republican Club. I am of course deeply interested in the tariff as regards the Hadley Company, and also in its bearing on many other cotton and woolen manufactures in which I am interested, but in my opinion the Republican members of Congress from New England and the Home Market Club and the Woolen Manufacturers' Association have practically done more harm to the cause of protection and to the protected (so-called) industries of Massachusetts than the Democratic members of the Ways and Means Committee.

"I have had occasion to see some of the Democratic members of the Ways and Means Committee, and to hear of the plans and views of others, and I am convinced that but for the action of the Republican members of Congress from New England and of the greater part of the Republican manufacturers of New England we could have had in the Mills bill satisfactory schedules for woolens and cottons. As it is, at the request of some manufacturers (Republicans) made through the Democratic members from Massachusetts the Democrats of the Ways and Means Committee altered and advanced rates on some important items, while we were met, I am informed, by Republican members of the House, saying: "Leave the schedule as it is; it is better for the election." The Republicans now refuse to aid in putting raw materials on the free list, and certainly in New England free raw material has been considered as an element in protection almost as essential as the duty on manufactured articles.

"From my business experience in both importing and manufacturing, I am fully aware of the necessity of protection for the maintenance here of certain manufactures, and I very much regret that the Republican party, with which I have acted from its beginning, has, for political success, taken a position which I consider hostile in its practical effects to the protected industries of Massachusetts.

"The Democratic members of the Ways and Means Committee take broad, and on the whole reasonable, views of the tariff question, and while of course they look at the interest of the United states as a whole they do not ignore the fact that many great industries have grown up in this country under the high duties made necessary by the war of the rebellion, and that it is only fair and proper that consideration should be paid to their existence and condition. Neither do they ignore the fact that the working people in the protected industries are very largely members of the Democratic party.

"Besides the consideration that my manufacturing interests have been put at needless risk by the partisan action of the Republicans, I must also take into consideration the interests of the whole country, in which we are all involved, and I can not feel it to be right to vote for any one who can honestly stand on

the Republican platform. Most of the Republicans with whom I have spoken about it have told me that they have not read it. I can readily believe that it would be disagreeable reading to Republicans, who in the past have in all honesty desired to have raw materials and food products on the free-list. But the exigencies of practical politics have forced the party into a false position as regards the tariff, and into many unwise and dangerous relations in regard to the domestic and foreign affairs of the country.

"There is practically no party in this country in favor of free trade in any reasonable sense of the term, and it is as unfair to call the Mills bill a free-trade bill as it is to say that the Republicans are in favor of free drinking of whisky, because the manufacturers of protected articles have several years insisted that all internal taxes should be taken off in order that it should be impossible to alter the duties on imports. While the Mills bill is not a bill that wholly commends itself to me, it is correct, and for the interest of Massachusetts in many particulars, notably in the matter of free wool. Every manufacturing country in the world of any consequence except the United States has wool on the free-list. The position which the Republican party has taken makes it well for the country, as it seems to me, that it should not have the control of the Government for the next four years.

"ARTHUR T. LYMAN."

Mr. MILLS. I move that the committee now rise and report this bill to the House with the recommendation that it do pass.

Mr. MCKINLEY. I ask that there be printed, for the use of the House, the original text of this bill, with the amendments which have been adopted by the Committee of the Whole in italics.

The CHAIRMAN (Mr. SPRINGER). The Chair thinks that should be done in the House.

Mr. MCKINLEY. Then I will make the request there.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, pending the motion of the gentleman from Texas I ask unanimous consent to recur to page 6 of the bill to amend the provision relating to band-iron. I send my amendment to the desk.

Mr. REED. That is some back town just heard from, I suppose. [Laughter on the Republican side.]

The amendment was read, as follows:

Page 6, line 12, add after the word "baling," the words "or other;" so that it will read: "Iron and steel cotton-ties or hoops, for baling or other purposes, not thinner than No. 20 wire gauge."

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas to return to this part of the bill for the purpose indicated by him?

There was no objection.

The amendment was agreed to.

Mr. MILLS. I now move that the committee rise and report the bill with the amendments to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and

Mr. SPRINGER, the Chairman, said: The Committee of the Whole on the state of the Union has had under consideration House bill No. 9051, to reduce taxation and simplify the laws in relation to the collection of the revenue, and has instructed me to report the same back with sundry amendments and with the recommendation that the amendments be agreed to, and the bill so amended passed. [Applause on the Democratic side.]

Mr. MILLS. I desire to move that the further consideration of this bill be postponed until Saturday next, at half past 11 o'clock.

Mr. MCKINLEY. Before that motion is put, I ask unanimous consent that 2,000 copies of this bill, with the amendments adopted by the Committee of the Whole, be printed at once.

Mr. FARQUHAR. I hope the gentleman will accept as an amendment that the printing be done in pamphlet form.

Mr. SPRINGER. That is better.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that of the bill just reported, with the amendments recommended by the Committee of the Whole on the state of the Union, there be printed 2,000 copies.

Several MEMBERS. Five thousand.

Mr. MCKINLEY. I accept the suggestion of several gentlemen, and will say 5,000 copies.

Mr. BUTTERWORTH. How are these to be distributed?

Mr. MCKINLEY. My purpose is to have them distributed equally among members of the House.

Mr. BUTTERWORTH. I think the order should so state.

The SPEAKER. The Chair will state the request. The gentleman from Ohio asks unanimous consent that 5,000 copies of this bill, with the amendments recommended by the Committee of the Whole House on the state of the Union, be printed in document form and furnished to the document-room for distribution among members of the House equally. If there be no objection that order will be made.

There being no objection, it was ordered accordingly.

Mr. MILLS. I now move that the further consideration of this bill, with the amendments reported, be postponed until half past 11 o'clock on Saturday next.

Mr. MCKINLEY. Will the chairman of the Committee on Ways and Means indicate his purpose as to taking a vote on Saturday?

Mr. MILLS. I propose that we shall take a vote as soon as it can be reached—as soon as the debate is closed—to do which I am entitled to one hour under the rules.

Mr. MCKINLEY. On Saturday next?

Mr. MILLS. Yes, sir; on next Saturday I propose that a vote be taken—first on the amendments and then on the bill.

The motion of Mr. MILLS was agreed to.

Mr. MILLS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING OF REPORTS.

Mr. MILLS. In moving to go into Committee of the Whole on the state of the Union to-day I omitted to make, and I now make, the usual request that gentlemen having reports to present from committees may file them at the Clerk's desk for appropriate reference.

There being no objection leave was granted.

The following reports were filed by being handed in at the Clerk's desk:

THEODORE C. LEWIS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10735) for the removal of the political disabilities of Theodore C. Lewis, of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. PARKER.

Mr. CULBERSON also, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10621) for the removal of the political disabilities of John H. Parker, of Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEMIMA STERLING.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4648) granting a pension to Jemima Sterling; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL WILLBOURG.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2073) granting increase of pension to Daniel Willbourg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EUGENIA A. HELSTON.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10806) granting a pension to Eugenia A. Helston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MEYNELL.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 6000) for the relief of Henry Meynell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD CLORE.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 8082) for the relief of Richard Clore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. W. HARDIN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 8081) for the relief of A. W. Hardin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. SPEER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 8079) for the benefit of D. G. and A. P. Perry, administrators of D. G. Perry, and to Thomas Gayle, of Owen County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS C. YAGER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 8080) for the benefit of Thomas C. Yager; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROBATE COURTS, WYOMING.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HANNAH CUMMINS.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 10197) granting a pension to Hannah Cummins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES JURAT.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10687) granting a pension to Charles Jurat; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IMPORTATION OF CONTRACT LABOR.

Mr. COX, by unanimous consent, introduced a bill (H. R. 10897) to amend chapter 184 of the laws of 1885, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia as the same was amended by chapter 22 of the laws of 1887," approved February 23, 1887; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ROAD TO UNITED STATES CEMETERY, PENSACOLA, FLA.

Mr. MAISH, from the Committee on Military Affairs, reported back the bill (H. R. 3311) making appropriation for the construction of a macadamized road to the United States cemetery near Pensacola, Fla.; which was laid on the table.

Mr. MAISH also, from the Committee on Military Affairs, reported as a substitute for the foregoing a bill (H. R. 10898) to construct a macadamized road from the city of Pensacola to the United States cemetery near Fort Barrancas, Florida; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. DIBBLE. I rise to a question of privilege, and call up for present consideration House bill 4357, with the veto message of the President of the United States thereon.

Mr. MILLS. I ask unanimous consent that the House now take a recess until 8 o'clock to-night.

Mr. DIBBLE. I object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4357) to erect a public building at Allentown, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses, at the city of Allentown, in the State of Pennsylvania. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Pennsylvania shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. This bill was referred to the Committee on Public Buildings and Grounds.

Mr. DIBBLE. That committee has made a report, which is now on the Calendar.

The SPEAKER. The Clerk will read the report.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the message from the President of the United States returning House bill No. 4357, entitled "An act to erect a public building at Allentown, Pa.," with his objections thereto, have had the same under consideration and respectfully submit the following report:

The efficiency of the postal service depends in a great degree on the condition of the accommodations afforded. The Post-Office Department can only succeed in reducing the percentage of delay, miscarriage, and loss of mail matter if Congress will remove one of the leading causes, the inefficient accommodations. Your committee have again carefully considered the Allentown case, as due respect to the message of the President demands, and have come to the unanimous conclusion that the necessity for a public building exists. The post-office is now located in a building not fire-proof, insufficient in space, and incapable of being so arranged as to properly conduct the service.

Allentown is rapidly increasing in population, and the evidence before the committee is that at the present time a suitable site can not be purchased for less than $30,000, leaving not more than $70,000 for the construction of the building. The objections of the President are as to the amount appropriated. Your committee are of the opinion that further delay in the purchase of a site would be false economy, for the price of land is steadily increasing, and that in the construction of the building some regard should be had for the steady increase of the postal business and the certain necessity for more room in the near future. It would be unwise to provide only for the present wants.

Your committee are of the opinion that the amount appropriated in the bill is not excessive and that the efficiency of the public service will be promoted by its passage; and therefore respectfully recommend that the bill be passed notwithstanding the objection by the President.

Mr. DIBBLE. Mr. Speaker, the Committee on Public Buildings and Grounds have given very careful consideration to this case. The message of the President of the United States indicates that the veto is upon the ground that the appropriation is too large. There is nothing in the message to indicate the President would not have signed a bill appropriating a smaller amount of money. The expression used by the President is as follows:

But I am thoroughly convinced that there is no present necessity for the expenditure of $100,000 for any purpose connected with the public business at this place.

It was to that question the committee directed their attention. They found, Mr. Speaker, from the best information they could obtain, that a site for a public building would cost about $30,000, which would leave about $70,000 for the erection of the building. In view of the fact that Allentown is a place of some 30,000 people and is a place now growing very rapidly, it was the opinion of the committee that for the erection of a building providing not simply for the office of Allentown to-day, but for the next ten or fifteen years in the future, which would be wise economy, that the sum of $70,000 was not too large for the building, and the appropriation, therefore, of $100,000 did not appear to the committee to be excessive.

Mr. WISE. Is this building required for any other purpose than a post-office?

Mr. DIBBLE. It is not. It is simply required for a post-office. There are other Government offices there, but they are not of such a nature that the Government is obliged to provide accommodation for them, though they are of such a nature as are commonly accommodated when the public building is erected.

Mr. WISE. How many employés are in the post-office at Allentown?

Mr. DIBBLE. I have not the data, but I will get them for the gentleman.

Mr. BLOUNT. What are the gross receipts at this post-office?

Mr. DIBBLE. The gross receipts for the postal year ending June 30, 1887, were $23,397.54, which was an increase over the receipts of the prior year of about $2,500. I understand the receipts of the year just closed exceed the receipts of 1887 by some $4,000.

Mr. HERBERT. How much does the Government pay for rent?

Mr. DIBBLE. The Government is paying $1,300 rent.

Mr. HERBERT. Do you think we ought to have a $100,000 building?

Mr. DIBBLE. That lease will expire on 1st day of April, 1889, and at that time we are informed the Government will have to pay a higher rent; of course about a year hence. Does the gentleman desire to know the number of employés?

A MEMBER. The gentleman from Virginia is not now present.

Mr. DIBBLE. The annual receipts of the office have been $23,000, but are now $27,000 a year, which is a good deal more than the amount of revenue of some post-offices for which public buildings have been erected. It is clearly within the range of those cases where past Congresses have been in the habit of voting for the erection of public buildings. The other public offices which will be accommodated there are a deputy collector of internal revenue and a board of pension examiners.

That, Mr. Speaker, is about the case; and unless some member desires to discuss the question I will call for a vote.

Mr. TURNER, of Georgia. I should like to have a moment.

Mr. DIBBLE. How much?

Mr. TURNER, of Georgia. I will not take more time than is absolutely necessary.

Mr. DIBBLE. I will yield for five minutes to the gentleman from Georgia.

Mr. TURNER, of Georgia. As a part of my remarks, I ask the message of the President on this matter be read.

The Clerk read as follows:

PUBLIC BUILDING AT ALLENTOWN, PA.

Message from the President of the United States, returning House bill No. 4357, with his objections thereto.

To the House of Representatives:

I return without approval House bill No. 4357, entitled "An act to erect a public building at Allentown, Pa."

The accommodation of the postal business is the only public purpose for which the Government can be called on to provide, which is suggested as a pretext for the erection of this building. It is proposed to expend $100,000 for a structure to be used as a post-office. It is said that a deputy collector of internal revenue and a board of pension examiners are located at Allentown; but I do not understand that the Government is obliged to provide quarters for these officers.

The usual statement is made in support of this bill setting forth the growth of the city where it is proposed to locate the building and the amount and variety of the business which is there transacted. And the postmaster in stereotyped phrase represents the desirability of an increased accommodation for the transaction of the business under his charge.

But I am thoroughly convinced that there is no present necessity for the expenditure of $100,000 for any purpose connected with the public business at this place.

The annual rent now paid for the post-office is $1,300.

The interest at 3 per cent. upon the amount now asked for this new building is $3,000. As soon as it is undertaken the pay of a superintendent of its construction will begin, and after its completion the compensation of janitors and other expenses of its maintenance will follow.

The plan now pursued for the erection of public buildings is in my opinion very objectionable. They are often built where they are not needed, of dimen-

sions and at a cost entirely disproportionate to any public use to which they can be applied, and as a consequence they frequently serve more to demonstrate the activity and pertinacity of those who represent localities desiring this kind of decoration at public expense than to meet any necessity of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 9, 1888.

Mr. DIBBLE. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, one of the reasons of the Committee on Public Buildings and Grounds for passing this bill over the veto of the President of the United States, which has just been read from the Clerk's desk, is that it is needed on account of the lack of proper postal facilities at that place. I do not know what methods the Committee on Public Buildings and Grounds have resorted to for the purpose of ascertaining that there were not sufficient accommodations for the postal service there. The report does not disclose the facts which would show their familiarity with the service at that place and the inconvenience resulting from the lack of accommodations. My friend was not able to state, although chairman of the committee, the number of employés which were at work in that building. He did state that the gross receipts, obtained from the official statements, were about $23,000, and there was a conjectural estimate that that would be increased to about $27,000.

Now, it does not require a very large office to accommodate mail matter which only yields about $23,000 of gross receipts, and therefore it does not appear in the statement of the receipts or in anything else to indicate that at this small second-class post-office there is any occasion for this House deliberately to condemn the President of the United States by overriding the veto of this measure when he had by his side the officer at the head of the postal service of the United States, who naturally has the best sources of information as to the needs of the service in every part of the country.

I say, sir, that I trust the House will not on the invitation of a committee which has not had consideration of postal questions referred to it, and no peculiar advantages, deliberately adopt such a course, and pass the bill over the veto of the President of the United States.

What says that high official:

The usual statement is made in support of this bill setting forth the growth of the city where it is proposed to locate the building and the amount and variety of the business which is there transacted. And the postmaster in stereotyped phrase represents the desirability of increased accommodation for the transaction of the business under his charge.

This is the language of the Chief Executive, who perhaps gives more attention to the consideration of legislation than almost any of his predecessors, whose high character, whose integrity, and whose wisdom, so far as this side of the House is concerned and the party they represent, have had the highest sanction possible in his renomination to the high office he now holds. But the spectacle is presented here of a unanimous committee of this House on this small matter with its insignificant reasons overriding a Presidential veto.

Mr. Speaker, this House may see fit to adopt that course, but the judgment of the country will not be with us, but with the President; and I trust, sir, gentlemen will pause before they take such a step as this. We all know with what little care these bills have been passed, how lightly they are considered, how much personal interest so many of us have in them, and how likely we are to be misled by those considerations, and how much superior is the attitude of the President to enable him to form a just judgment in regard to them.

[Here the hammer fell.]

Mr. DIBBLE. I now yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Mr. Speaker, I regret very much that the gentleman from Georgia [Mr. BLOUNT] should have introduced politics into this discussion, and that he should have referred to the fact of the renomination by the Democratic party of the President whose veto message is now under consideration as a reason for this side of the Chamber to vote to sustain it.

Politics should have nothing to do with this matter, and the only object the gentleman could possibly have had in introducing them must have been to prejudice the minds of the Democratic members of this body and cause them to vote to sustain the President regardless of the fact as to whether he erred or not.

The question before the House is, whether or not the bill now being reconsidered shall pass, the veto of the President to the contrary notwithstanding. The right of the President to interpose the veto power to prevent profligate and ill-considered legislation no one will dispute. It is one of his constitutional prerogatives. Its exercise, however, should not be invoked unless it is clear that Congress failed to exercise proper care in the passage of the legislation vetoed. When the wisdom of the two Houses is united on a question involving no great constitutional principles nor grave questions of public policy, it seems to me that the President should be slow to use the veto power.

The committee to whom the message and bill now before the House were referred, after a careful examination came to the unanimous conclusion that the President had erred in vetoing this measure, and unanimously recommended its passage over his veto. The language used by the President in his message may or may not be of very doubtful propriety. I shall make no criticism upon its general tenor, although the gentleman from Georgia [Mr. BLOUNT] has opened the door to it. I shall leave it uncriticised; the only question for our inquiry being whether the President's reasons are sound, and whether the facts involved warrant his conclusion.

The committee to whom the message was referred, in their report to the House find that the facts do not warrant the President in his conclusion, and therefore recommend the passage of the bill over his veto. Who is right—the President or the committee? The only reason urged by the gentleman from Georgia [Mr. BLOUNT] in support of the message is that this side of the House ought to stand by the President because he was renominated for the high office which he so creditably fills. There is neither sense nor logic in this position. To advance such an argument is not only unworthy of the gentleman from Georgia [Mr. BLOUNT], but is an insult to the intelligence of this House. I hope no member will be misled by it.

Allentown is one of the most flourishing manufacturing cities in Pennsylvania and has a population of about 28,000. Its gross postal receipts for the year ending June 30, 1887, were $23,397.54; the total expenses $12,547.49, and the net income nearly $11,000. The receipts were increased nearly $4,000 during the postal year ending June 30, 1888. There are twelve or fifteen employés in the postal service at the Allentown office. The postmaster has continuously on hand from 200,000 to 300,000 postage-stamps, and from 70,000 to 100,000 postal-cards at this office with no vault in which safely to keep them. This of itself furnishes a strong reason for the necessity of a public building with a fire-proof vault in which safely to keep and protect the public property.

The postmaster is compelled to employ a man to sleep in the office every night to watch and guard the Government's property from theft or destruction by fire.

There is no new departure in the passage of this kind of legislation. It has become the settled policy of this Government to erect public buildings of this character wherever and whenever the necessity of the public service seemed to justify it. A large number of bills similar to that now being reconsidered were passed in the last and present Congresses, and with very few exceptions were approved by the Executive.

If there had been no precedents for the erection of public buildings that were to be used exclusively for the transaction of the postal business, I should not be here advocating the passage of this bill over the veto of the President.

A large number of these measures have passed Congress and been approved by the Executive. The President approved several such bills since he vetoed the one now before the House that were of far less merit. A large number of public buildings are now being built in cities that have less than one-half of the population of Allentown and where the postal receipts are not as large as those of the Allentown office.

There are many cases where the rent paid by the Government for post-office purposes is not nearly so high as that paid for the Allentown office, and where larger sums of money were appropriated for the erection of public buildings than is appropriated in the bill now being reconsidered. I could give many instances of this character if I had the time in which to do so, but I have not.

If the President had adopted the same reasoning he employed in his veto message of the Allentown bill in the Hoboken case, logic would have led him to veto that measure. He approved the bill for the erection of a public building in the city of Lancaster, Pa., since he vetoed this bill. That building, like those in Paterson and Hoboken, is to be used exclusively for the transaction of the postal business. The net postal receipts of the Hoboken office for the fiscal year ending June 30, 1887, were less than $7,000, and the President approved a bill appropriating $60,000 for the erection of a public building in that city. It would appear from this that he did not consider an appropriation of $10,000 too high for every $1,000 net postal receipts, and had he been governed by the same principle in the consideration of the Allentown bill it could not have escaped his approval. Had the President assigned any well-founded reasons for disapproving this bill the committee to whom his message was referred would surely not have been unanimous in recommending its passage over his veto.

His message and the bill should receive the most careful consideration of this House, and should be fairly discussed since we are called upon to discharge a constitutional duty of the highest possible character. If the gentleman from Georgia had confined himself to the discussion of the merits of the bill and the reasons given by the President for withholding his signature I should not complain, but to interject politics into a discussion of this high constitutional character is most questionable, and should have very little weight with right-thinking men.

I appeal to the members on this side of the House to disregard politics in this matter. It is a plain business proposition and should be so regarded by every member of this House. I hope that every member on this side of the House will support the report of the committee and vote to pass the bill now being reconsidered, the President's veto to the

contrary notwithstanding, if only to show that the Democratic party is grand enough to rise superior to the errors of its leaders.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. DIBBLE. I yield five minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, the question in its first aspect is purely a business one. Here is a proposition to erect a building worth $100,000 to accommodate a post-office in a city where we now procure a building sufficient for the purposes at a rental of $1,300 only.

Mr. LEHLBACH. Will the gentleman excuse me?

The CHAIRMAN. Does the gentleman yield?

Mr. HERBERT. I decline to yield.

Mr. LEHLBACH. I merely wish to say that it is not sufficient.

Mr. HERBERT. The gentleman must excuse me. I take it for granted that it is sufficient. A town of 30,000 inhabitants, which this city is said to have, can certainly furnish sufficient accommodations for its post-office; and any postmaster fit for his place will certainly procure, when to be had, proper accommodations; and we have the testimony of this committee that only $1,300 rental is paid. Now, if this bill proposed an expenditure of only $45,000 for the erection of this building it could not be justified as a business proposition. The interest on $45,000 at 3 per cent. would be $1,250, nearly the rental. The annual repairs would amount to fully $200 more, and besides this there would follow the appointment of a janitor or some other official to take care of the building, at a cost of $800 or $1,000.

A $100,000 building, a janitor at $1,000 to take care of it, and two or three hundred dollars a year for repairs! All this for a post-office now obtained for $1,300. Can any gentleman justify himself to his constituency for such a vote? But there is another, and a political aspect of this case. The President of the United States, when he was elected, was bound by his party platform, bound by his own promises, bound as a Democrat to administer his high office with due regard to economy. Seeing clearly how extravagant it was, and having the courage of his convictions, he has interposed between the Treasury and Congress his veto of this proposition.

Now the question is, will this Democratic House dare to condemn that veto? For one I am glad that the vote is under the Constitution to be taken by yeas and nays. I have no doubt that every Republican on this floor will march up with alacrity to sanction this extravagance and to condemn a Democratic President for arresting it with his veto, but I rejoice to know that the RECORD will show to the constituency of every Democrat how he is to vote on this occasion. What Democrats are there here to march up side by side with Republicans to condemn President Cleveland for this righteous veto, and who are the Democrats that will dodge and shirk this vote?

Mr. DIBBLE. I yield to the gentleman from Kentucky [Mr. MONTGOMERY].

Mr. MONTGOMERY. I agree with the gentleman from Alabama that this is a business proposition. Indeed, all these bills for public buildings ought to be considered as business propositions. To carry out the idea that there ought to be some uniform and just rule which would obviate this great waste of public money and do justice to small as well as larger towns, there has been reported and is now on the Calendar of this House a bill which proposes, if we intend to continue this system of erecting buildings for post-offices, to establish a uniform system in this country for building them.

That bill is on the Calendar with a favorable report of the committee, and I will ask that the second and third sections of that bill be read from the Clerk's desk, in order that the House may have information and understand what, in the judgment of the committee which formulated and reported it, would be a fair expenditure for a building in a town of the size of the one under discussion, where the gross receipts from the post-office amount to less than $25,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIBBLE. I yield sufficient time for the reading of that bill.

The Clerk read as follows:

SEC. 2. That the Postmaster-General shall cause to be prepared by the Architect of the Post-Office Department, with the assistance of the Supervising Architect of the Treasury, who is directed to furnish his counsel and aid thereto, a design for post-office buildings, which, being adopted, shall be approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; that such design and plans shall be so devised as to enable the construction of post-offices of such variable size as may be required at the Presidential offices, so that additions or extensions to their capacity may be constructed from time to time in the future without injury to the harmony of the design or the usefulness of the constructed portion; that such design and plans shall be of uniform general character and exterior appearance, and, so far as may be most expedient for the service to be performed in them, of interior arrangement; and that all such buildings shall be constructed with a view to being fire-proof.

SEC. 3. That the Postmaster-General is authorized from time to time to construct, in his discretion, post-office buildings in accordance with the general design and plans so to be provided as aforesaid, at any place at which the gross receipts of the post-office for two years or more preceding shall have exceeded the sum of $3,000 in each year, but not in excess of the amounts which may be from time to time appropriated for such purpose by Congress; and for that purpose the Postmaster-General shall cause the proper working drawings for any such buildings as he shall so determine to construct to be prepared in accordance with the general design and plans aforesaid, and shall determine of what materials any particular building shall be built: *Provided*, That the cost of no such building shall exceed to the United States $25,000, and that the cost of no such building at any place where the post-office receipts for each of the two preceding years shall have been no more than $25,000 shall exceed to the United States $20,000, and that the cost of no such building at any place where the receipts for each of the two preceding years shall have been more than $20,000 shall exceed to the United States $15,000. That all contracts for the construction of such buildings and for materials, fixtures, or apparatus to be used in such construction shall be let to the lowest bidder after such advertisement for proposals as the Postmaster-General shall direct shall have been made for not less that three weeks, at least one of which such advertisements shall be printed in a newspaper published at the place where such building is intended to be constructed, if any such there be.

Mr. MONTGOMERY. The House will see that under that bill $20,000 would be the amount allowed to build a post-office in this town; and that bill can be passed at any time if the House should so desire, and ought to be passed if we intend to persist in this system of building post-offices.

Mr. DIBBLE. I would ask the gentleman how $20,000 is going to erect a building where the site will cost $30,000?

Mr. MONTGOMERY. If the gentleman will examine the fourth section of this bill he will find out how that would be done.

Mr. Speaker, I will never have a better opportunity than this, when the Committee on Public Buildings and Grounds are attempting to pass a bill over the veto of the President, to enter my earnest protest not only to the extravagance but the manner of the expenditures of the public revenues for public buildings intended only to beautify and adorn favored cities. I have been protesting with this side of the House against four-fifths of the taxes that are levied on the consumers of this country under our present tariff never reaching the Treasury but going directly into the pockets of the favored few of favored localities. I now protest against the fifth, that does reach the Treasury, being squandered in extravagant appropriations for public buildings in favored cities. One hundred thousand dollars for a post-office in a town for which only 30,000 inhabitants are claimed looks rather extravagant to a member from an agricultural district in which not one dollar out of the millions wasted under this and similar legislation is ever expended. Those who get no benefit from these expenditures have a right to demand either that this system of public buildings cease or that some uniform system be adopted, in the benefits of which all parts of the country can share alike and in which uniformity, economy, and the demands of the public service shall alone be consulted.

Mr. BUCKALEW. It is with some reluctance that I vote against the passage of this bill, for it would be agreeable to me to accommodate my neighbors in the city of Allentown, who desire a beautiful public building to be erected within its limits, and they can plead, I suppose with truth, that some other towns in the United States with no greater merit than theirs have been so accommodated. But this bill proposes a building for post-office purposes alone, and not for the use of the courts of the United States nor for any more extended purpose, and it therefore does not fall within the class of public buildings which we readily pass, where a double purpose of the Government is to be subserved. In the next place, I am entirely convinced that the reason assigned for the veto in this bill, to wit, an unnecessary amount of expenditure, is true and well taken.

I have no doubt, sir, that a good building, of fair proportions, of beautiful architectural design, and of ample extent for all post-office purposes could be erected for one-half of the money which, under the provisions of this bill, can be devoted to that purpose; and this bill will constitute a scale or standard for other cases which shall hereafter arise. Therefore I think we ought to object to the erection of this standard, and confine ourselves to one more adapted to the purposes of economy and the necessities of the Government. I will conclude by saying, as my time is limited, that with considerable reluctance on account of neighborship and personal association, but with clear convictions upon public grounds for reasons which apply to this measure, I shall be compelled to vote against it.

Mr. DIBBLE. Mr. Speaker, this is a pure business question. The gentleman from Georgia [Mr. BLOUNT] was pleased to depart from its business aspects and to introduce some political references. Now, sir, on all political questions, I am proud to say to the gentleman from Georgia that I have always found I could conscientiously support the President of the United States. But this is simply a case where the President, in the exercise of his undoubted prerogative, has said to the House of Representatives: "I think you have voted too large an amount for this public building, and I therefore return the bill with that objection."

What is the effect of that, Mr. Speaker? Does it mean that the President of the United States says to his political friends in the House of Representatives, "I tell you to support me in that view?" That certainly is not the position which the President would take; that is not the constitutional position; and no one who has ever been elevated to the high office of President would for a moment take such a position in a message to the Houses of Congress. Is it in violation of party fealty to differ on a business question of dollars and cents involving no political principle, and does the gentleman from Georgia mean to intimate that a Democratic President would attempt in a message to dictate to a House with a Democratic majority? I, for one, would dislike to entertain such a charge against a President in whom I have the confidence that I have in the present Executive of the United States.

The President has simply done what he thinks is his duty. He has asked the House to reconsider this measure, and that is what the Constitution requires the House to do.

And, Mr. Speaker, in what way did the House proceed to reconsider this measure? Hastily? Not at all. They referred it to the committee which had reported the bill, and that committee took it up as a new proposition. They considered the message of the President. The objection which he had stated was that $100,000 was too much. They devoted themselves to that question irrespective of party, without any intention to do other than to consider it anew as a business proposition, without any prejudice, without any influence from the Executive or from any other source. It is the constitutional prerogative of this House, when a measure is returned by the President, to consider it without influence and on its merits, and in that way only can legislative independence be preserved. As I stated before, the Executive in this veto message does not address instructions to the majority of this House; simply asks the House to reconsider this matter. He says in substance, "I think a hundred thousand dollars is too much for this purpose; reconsider the matter under the Constitution."

The committee took the bill up deliberately and referred it to a subcommittee, that subcommittee investigated, and they found on that investigation that in numerous instances under acts of Congress buildings had been erected which cost more than $100,000 in places where fewer facilities were required to transact the public business than in Allentown. They found that public buildings had been erected in places where the rental was no more than the rental at Allentown; in fact, they found, Mr. Speaker, that the Allentown bill had numerous precedents in this and in previous Congresses.

They formed their judgment and they have submitted it now to the House for its decision. They came to the conclusion as business men that the amount provided in the bill was not excessive. Their information is that a proper site for this building will cost $30,000. That leaves $70,000 for the erection of the building. Now, Mr. Speaker, I have here the report of the Supervising Architect of the Treasury, in which will be found several buildings for post-offices simply, and there is scarcely a public building anywhere in this country that has been erected for so small an amount as $70,000. There is no public building in the country in a place of the size of Allentown which, whatever the original limit of cost may have been, has been erected for less than $70,000—I mean within the last twenty years. This bill might have been reported for $50,000; it might have passed for $50,000; it might have been approved for $50,000. Undoubtedly, from the tenor of the President's message, if the bill had been for $50,000 or $60,000 he would have approved it.

He has approved at this session a bill for a public building for a much smaller place, involving an appropriation of $60,000. What would have been the result? This bill, with an insufficient appropriation, would have gone upon the statute-book as a law; $30,000 of the money would have been expended for the site and only $30,000 would have remained for the building. Then next session there would be a bill to increase the limit of cost, a foothold having been gained by the first small appropriation of $50,000 or $60,000, and on investigation we would have had to report $30,000 insufficient for the purpose, and the consequence would have been that the building would have cost $100,000 before it was completed. Now, sir, I am in favor of making these appropriations large enough in the first instance, and then holding the executive officers strictly down to the limit.

It has been the purpose of the committee at this session so to shape their recommendations as to subserve that end; and this amount, according to the experience with all the buildings now being erected and which have heretofore been erected, will not do more than put up such a public building as the city of Allentown requires for the accommodation of the public business in the next ten or fifteen years.

In view of these considerations, Mr. Speaker, we submit the matter to the House, and I call the previous question upon this whole matter.

The previous question was ordered.

The SPEAKER. The question is, Shall this bill pass, the objections of the President to the contrary notwithstanding? According to the requirement of the Constitution, this question must be taken by yeas and nays.

The question was taken; and there were—yeas 140, nays 82, not voting 102; as follows:

YEAS—140.

Adams,	Buchanan,	Dibble,	Guenther,
Allen, Mass.	Bunnell,	Dingley,	Hall,
Allen, Mich.	Butler,	Dorsey,	Harmer,
Anderson, Iowa	Butterworth,	Ermentrout,	Haugen,
Anderson, Kans.	Campbell, Ohio	Farquhar,	Henderson, Ill.
Arnold,	Cheadle,	Finley,	Hermann,
Atkinson,	Clark,	Flood,	Hires,
Baker, N. Y.	Conger,	French,	Hitt,
Bayne,	Cooper,	Fuller,	Holmes,
Bound,	Cox,	Gallinger,	Hopkins, Ill.
Boutelle,	Crouse,	Gay,	Hopkins, Va.
Bowden,	Cutcheon,	Gear,	Hopkins, N. Y.
Brewer,	Dalzell,	Gest,	Hovey,
Browne, T. H. B., Va.	Darlington,	Goff,	Hunter,
Brown, Ohio.	Davis,	Grimes,	Jackson,
Brumm,	De Lano,	Grout,	Johnston, Ind.
Johnston, N. C.	Neal,	Rowell,	Thomas, Ky.
Kean,	Nelson,	Russell, Conn.	Thomas, Wis.
Kennedy,	Newton,	Rusk,	Turner, Kans.
Kerr,	Nichols,	Ryan,	Vance,
Laidlaw,	O'Donnell,	Sawyer,	Vandever,
Laird,	Osborne,	Scull,	Wade,
Lehlbach,	Owen,	Seney,	Warner,
Lind,	Patton,	Seymour,	Weber,
Lodge,	Payson,	Smith,	West,
Long,	Penington,	Snyder,	White, Ind.
Lynch,	Perkins,	Sowden,	White, N. Y.
McAdoo,	Peters,	Steele,	Whiting, Mass.
McCullogh,	Phelps,	Stephenson,	Wickham,
McKenna,	Plumb,	Stewart, Tex.	Wilber,
McShane,	Post,	Stewart, Vt.	Wilkinson,
Milliken,	Reed,	Struble,	Williams,
Moffitt,	Rice,	Tarsney,	Woodburn,
Morrow,	Rockwell.	Taylor, E. B., Ohio	Yardley,
Morrill,	Romeis,	Taylor, J. D., Ohio	Yost.

NAYS—82.

Abbott,	Cothran,	Hudd,	O'Neall, Ind.
Allen, Miss.	Crisp,	Jones,	O'Neill, Mo.
Anderson, Miss.	Culberson,	Kilgore,	Phelan,
Anderson, Ill.	Cummings,	Landes,	Richardson,
Bacon,	Dargan,	Lane,	Rogers,
Baker, Ill.	Davidson, Ala.	Lanham,	Rowland,
Barnes,	Dockery,	Latham,	Spinola,
Blanchard,	Dunn,	Macdonald,	Springer,
Bland,	Elliott,	Maish,	Stahlnecker,
Blount,	Enloe,	Mansur,	Stewart, Ga.
Breckinridge, Ark.	Forney,	Martin,	Stockdale,
Breckinridge, Ky.	Gibson,	Matson,	Thompson, Cal.
Bryce,	Glass,	McClammy,	Tillman,
Buckalew,	Hare,	McCreary,	Townshend,
Burnett,	Hatch,	McKinney,	Turner, Ga.
Bynum,	Heard,	McRae,	Walker,
Candler,	Hemphill,	Mills,	Washington,
Carlton,	Henderson, N. C.	Montgomery,	Wheeler,
Caruth,	Herbert,	Moore,	Wilson, Minn.
Clements,	Holman,	Morgan,	
Cobb,	Hooker,	Oates,	

NOT VOTING—102.

Bankhead,	Crain,	Laffoon,	Rayner,
Barry,	Davenport,	La Follette,	Robertson,
Belden,	Davidson, Fla.	Lagan,	Russell, Mass.
Belmont,	Dougherty,	Lawler,	Sayers,
Biggs,	Dunham,	Lee,	Scott,
Bingham,	Felton,	Lyman,	Shaw,
Bliss,	Fisher,	Maffett,	Sherman,
Boothman,	Fitch,	Mahoney,	Shively,
Bowen,	Foran,	Mason,	Simmons,
Brower,	Ford,	McComas,	Spooner,
Browne, Ind.	Funston,	McCormick,	Stone, Ky.
Brown, J. R., Va.	Gaines,	McKinley,	Stone, Mo.
Burnes,	Glover,	McMillin,	Symes,
Burrows,	Granger,	Merriman,	Taulbee,
Campbell, F., N. Y.	Greenman,	Morse,	Thomas, Ill.
Campbell, T. J., N. Y.	Grosvenor,	Norwood,	Thompson, Ohio
Cannon,	Hayden,	Nutting,	Tracey,
Caswell,	Hayes,	O'Ferrall,	Weaver,
Catchings,	Henderson, Iowa	O'Neill, Penn.	Whiting, Mich.
Chipman,	Hiestand,	Outhwaite,	Whitthorne,
Clardy,	Hogg,	Parker,	Wilkins,
Cockran,	Houk,	Peel,	Wilson, W. Va.
Cogswell,	Howard,	Perry,	Wise,
Collins,	Hutton,	Pidcock,	Yoder.
Compton,	Kelley,	Pugsley,	
Cowles,	Ketcham,	Randall,	

So (two-thirds not voting in favor thereof) the bill was not passed.

Mr. COWLES. On this bill I am paired with the gentleman from Ohio, Mr. THOMPSON. If he were present, I would vote "no."

Mr. TIMOTHY J. CAMPBELL. I am paired with my colleague, Mr. BELDEN. If at liberty to vote, I should vote "no."

The following-named members were announced as paired on all political questions until further notice:

Mr. BIGGS with Mr. FELTON.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. GRANGER with Mr. HOUK.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. CATCHINGS with Mr. COGSWELL.
Mr. BELMONT with Mr. DAVENPORT.
Mr. COLLINS with Mr. DUNHAM.
Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. PERRY with Mr. HAYDEN.
Mr. MCKINLEY with Mr. SCOTT.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. TIMOTHY J. CAMPBELL with Mr BELDEN.
Mr. WHITING, of Michigan, with Mr. HIESTAND.
Mr. O'FERRALL with Mr. FUNSTON.

The following-named members were announced as paired for this day:

Mr. CRAIN with Mr. MCCOMAS.
Mr. WEAVER with Mr. RAYNER.
Mr. FORD with Mr. BROWER.
Mr. LAWLER with Mr. BINGHAM.
Mr. SHAW with Mr. BOOTHMAN.
Mr. COCKRAN with Mr. GAINES.
Mr. SHIVELY with Mr. SPOONER.
Mr. TRACEY with Mr. MCCORMICK.
Mr. SAYERS with Mr. CANNON.
Mr. CHIPMAN with Mr. KETCHAM.
Mr. FITCH with Mr. ALLEN, of Michigan.

Mr. PIDCOCK with Mr. PARKER.
Mr. STONE, of Kentucky, with Mr. NUTTING.
Mr. TAULBEE with Mr. PUGSLEY.
The following pairs were also announced:
Mr. HOGG with Mr. BINGHAM, on this bill.
Mr. RANDALL with Mr. WISE, on this vote.
Mr. OUTHWAITE with Mr. SYMES, till Saturday.
Mr. COWLES with Mr. THOMPSON, of Ohio, on this bill.
Mr. WILSON, of West Virginia. I am paired for the day with Judge KELLEY, of Pennsylvania.
Mr. WISE. If I were not paired on this question with the gentleman from Pennsylvania [Mr. RANDALL], I would vote "no."
Mr. ALLEN, of Michigan. I observe by the announcements that I am paired with the gentleman from New York, Mr. FITCH. I paired simply on political questions, and supposed my pair was with the gentleman from New York, Mr. BLISS. I have voted on this question, and I want my vote to stand.
Mr. BRECKINRIDGE, of Arkansas. A number of gentlemen on this side of the House who are paired on political questions have refrained from voting, construing this to be such a question. If it is not to be so construed, we ought to know it.
Mr. ALLEN, of Michigan. Without my own knowledge I was paired. I propose, of course, to observe the pair in order to accommodate the gentleman from New York [Mr. FITCH]. I supposed the pair was with the gentleman from New York [Mr. BLISS], but I now find that it is with his colleague [Mr. FITCH] who is, of course, of the same political faith as myself on general principles. But I do not consider this a political question, and I wish my vote to stand as recorded.
Mr. BURROWS. I am paired with the gentleman from Tennessee [Mr. MCMILLIN].
The result of the vote was announced as above stated.
[Applause on the Democratic side.]

EXPLANATION OF A VOTE.

Mr. HATCH. Mr. Speaker, I rise to a question of personal privilege.
The SPEAKER. The gentleman will state it.
Mr. HATCH. On yesterday, on the motion to adjourn, on the demand for the yeas and nays I voted, having been informed by the Assistant Sergeant-at-Arms that my pair with the gentleman from Ohio [Mr. PUGSLEY], which had been in operation for some three or four days, had been withdrawn by him. Under that statement I allowed my vote to stand. The RECORD this morning shows that I voted in the affirmative, but that the pair had also been announced from the Clerk's desk, and I want the necessary correction to be made.
The SPEAKER. The correction will be made.

SELECT COMMITTEE ON CONTRACT LABOR, ETC.

Mr. SHAW. Mr. Speaker, I submit a privileged report from the Committee on Accounts.
The SPEAKER. The report will be read.
The Clerk read as follows:

The Committee on Accounts, to whom was referred the accompanying resolution:

"*Resolved*, That the select committee to inquire into the importation of contract laborers, convicts, and paupers be, and they are hereby, authorized to employ such additional messengers and other assistants as may, in the judgment of said committee, be deemed necessary; and that the sum of —— thousand dollars, or so so much thereof as may be necessary, to pay the expenses of said committee shall be immediately available and payable out of the contingent fund of the House on the order of the chairman and one member of said committee, in sums not exceeding $1,000 at one time; and all vouchers for any such expenditure shall be likewise certified to by the chairman and one member of the committee; and said committee may report at any time"—

having considered the same, report it back, and recommend the adoption of the following amendments:

In line 3, after the word "paupers," insert the words "appointed under resolution of the House passed July 12, 1888;" and in line 8, after the word "of," insert the word "five" to fill the blank.

And as amended the committee recommend its adoption.

The SPEAKER. The question is on agreeing to the report.
Mr. BURROWS. Mr. Speaker, I notice in the reading of the report that the Committee on Accounts has undertaken to change the rules of the House by giving to this select committee the right to report at any time. I make the point of order that the committee can not do so, and that that matter must be referred to the Committee on Rules, the Committee on Accounts having no jurisdiction of the subject.
The SPEAKER. The Chair thinks the point of order is well taken. The only matter referred to the Committee on Accounts, and the only matter over which the committee has jurisdiction, under the rules of the House, is the appropriation out of the contingent fund of the House.
Mr. BURROWS. To that I have no objection, but to the other I have.
The SPEAKER. The Chair begs the indulgence of the gentleman for a moment to examine the resolution. [After a pause.] The Chair finds these words to which the gentleman objects were embodied in the original resolution, a fact which the Chair had overlooked in answering the gentleman's first suggestion, and supposes also that they were overlooked by the House in referring the resolution.
Mr. BURROWS. Undoubtedly it was an oversight. The question is whether they now have jurisdiction of the matter having been referred in that manner.
The SPEAKER. Having been referred to the committee the Chair supposes they have jurisdiction. However, that can be striken out on the point of order.
Mr. BURROWS. How is it reported at this time as a matter of privilege?
The SPEAKER. Simply because it is an appropriation to pay out of the contingent fund of the House. If, however, the point of order is made that it contains matters not privileged, the Chair would have to hold that the report in that form does not present a question of privilege. If that point of order is made, therefore, the Chair would have to sustain it, because the Chair has frequently decided that reports which contain matters not privileged lose whatever privilege they may otherwise have had.
Mr. BURROWS. I make that point of order.
Mr. SHAW. Can the change not be made by striking out these words?
The SPEAKER. That may be done by consent.
Mr. BURROWS. If that portion of the resolution is stricken out, I shall not object.
The SPEAKER. Without objection, then, those words will be stricken out.
Mr. HOLMAN. What part of the resolution?
The SPEAKER. That portion of the resolution allowing the committee to report at any time.
There being no objection, the following words were stricken from the resolution:

And said committee may report at any time.

Mr. SHAW. I now ask the adoption of the resolution as amended.
The resolution was adopted.
Mr. SHAW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

PAYMENT OF FUNERAL EXPENSES.

Mr. BLANCHARD submitted the following resolution; which was read and referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House, to the widow of James K. Edwards, deceased (late one of the Official Reporters of the House), the expenses of his last illness and funeral, not to exceed the sum of $500.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House do now adjourn.
Mr. TOWNSHEND. I hope that motion will not be entertained. To-night has been set apart for the consideration of matters reported from the Committee on Military Affairs.
Mr. MCMILLIN. I would suggest to the gentleman from Illinois to try to get an arrangement for a day session now, in lieu of this evening. It would seem from the present condition of the business of the House that the matters to which he refers might be considered during the day instead of at night. The House is wearied out by the long strain upon it, the officers of the House, and especially the reporters, are tired out, and I hope the gentleman will consent to such an arrangement.
Mr. TOWNSHEND. I have consulted the members of the Committee on Military Affairs, and we are unanimously of the opinion that it would not be wise to adopt that course. The various conference reports will be coming in on appropriation and other bills and other matters which will take up every day.
Mr. MCMILLIN. I am satisfied the gentleman can get time for the consideration of his bills.
Mr. TOWNSHEND. I think not.
Mr. BLAND. I insist on the motion.
Mr. TOWNSHEND. I hope the gentleman will either withdraw the motion, or that the House will vote it down.
The question being taken on the motion of Mr. BLAND, there were, on a division—ayes 87, noes 72.
Mr. TOWNSHEND. I demand the yeas and nays.
The yeas and nays were ordered.
Mr. BURROWS. It is now 4 o'clock, and it will take over half an hour to call the roll; I therefore ask unanimous consent to vacate the order for the yeas and nays and that the House now take a recess until 8 o'clock. [Cries of "That is right."]
Mr. BLAND. Regular order.
The SPEAKER. The regular order is the question on the motion to adjourn, and the Clerk will call the roll.
The question was taken, and it was decided in the negative—yeas 24, nays 184, not voting 116; as follows:

YEAS—24.

Abbott,	Clements,	Grimes,	McMillin,
Allen, Mass.	Cobb,	Hall,	Mills,
Allen, Miss.	Davidson, Ala.	Hatch,	Oates,
Bankhead,	Dunn,	Hopkins, N. Y.	Turner, Ga.
Bland,	Elliott,	Lane,	Walker,
Buckalew,	Forney,	Latham,	West.

NAYS—184.

Adams,	Davis,	Lanham,	Russell, Conn.
Allen, Mich.	De Lano,	Lehlbach,	Ryan,
Anderson, Iowa	Dibble,	Lind,	Scull,
Anderson, Miss.	Dockery,	Lodge,	Seney,
Anderson, Ill.	Dorsey,	Long,	Shaw,
Anderson, Kans.	Enloe,	Macdonald,	Smith,
Arnold,	Ermentrout,	Maish,	Snyder,
Atkinson,	Farquhar,	Mansur,	Sowden,
Baker, N. Y.	Felton,	Martin,	Spinola,
Baker, Ill.	Flood,	Mason,	Springer,
Barnes,	French,	McAdoo,	Stahlnecker,
Bayne,	Fuller,	McClammy,	Steele,
Blanchard,	Gallinger,	McCreary,	Stephenson,
Blount,	Gay,	McCullogh,	Stewart, Ga.
Bound,	Gear,	McKenna,	Stewart, Vt.
Boutelle,	Gest,	McRae,	Stockdale,
Bowden,	Gibson,	McShane,	Stone, Ky.
Breckinridge, Ark.	Glass,	Milliken,	Stone, Mo.
Breckinridge, Ky.	Grout,	Moffitt,	Struble,
Browne, T. H. B., Va.	Guenther,	Montgomery,	Tarsney,
Brown, Ohio	Hare,	Morgan,	Taylor, J. D., Ohio
Bryce,	Haugen,	Morrill,	Thomas, Ky.
Buchanan,	Heard,	Morrow,	Thomas, Wis.
Bunnell,	Hemphill,	Neal,	Thompson, Ohio
Burnes,	Henderson, N. C.	Nelson,	Thompson, Cal.
Burnett,	Henderson, Ill.	Newton,	Tillman,
Burrows,	Herbert,	Nichols,	Tracey,
Butler,	Hermann,	Norwood,	Townshend,
Bynum,	Hires,	O'Donnell,	Vance,
Campbell, Ohio	Hitt,	O'Neall, Ind.	Vandever,
Campbell, T. J., N. Y.	Holman,	O'Neill, Mo.	Wade,
Candler,	Holmes,	Osborne,	Warner,
Carlton,	Hooker,	Owen,	Washington,
Caruth,	Hopkins, Ill.	Patton.	Weaver,
Cheadle,	Hopkins, Va.	Peel,	Weber,
Clark,	Hovey,	Penington,	Wheeler,
Conger,	Hunter,	Perkins,	White, Ind.
Cothran,	Jackson,	Phelan,	White, N. Y.
Cox,	Johnston, N. C.	Post,	Whitthorne,
Crouse,	Jones,	Rayner,	Wickham,
Culberson,	Kean,	Rice,	Wilber,
Cummings,	Kennedy,	Richardson,	Williams.
Cutcheon,	Kerr,	Rockwell,	Wilson, Minn.
Dalzell,	Kilgore,	Rogers,	Wise,
Dargan,	Laidlaw,	Rowell,	Yardley.
Darlington,	Landes,	Rowland,	Yoder.

NOT VOTING—116.

Bacon,	Davenport,	Ketcham,	Plumb,
Barry,	Davidson, Fla.	Laffoon,	Pugsley,
Belden,	Dingley,	La Follette,	Randall,
Belmont,	Dougherty,	Lagan,	Reed,
Biggs,	Dunham,	Laird,	Robertson,
Bingham,	Finley,	Lawler,	Romeis,
Bliss,	Fisher,	Lee,	Russell, Mass.
Boothman,	Fitch,	Lyman,	Rusk,
Bowen,	Foran,	Lynch,	Sawyer,
Brewer,	Ford,	Maffett,	Sayers,
Brower,	Funston,	Mahoney,	Scott,
Browne, Ind.	Gaines,	Matson,	Seymour,
Brown, J. R., Va.	Glover,	McComas,	Sherman,
Brumm,	Goff,	McCormick,	Shively,
Butterworth,	Granger,	McKinley,	Simmons,
Campbell, F., N. Y.	Greenman,	McKinney,	Spooner,
Cannon,	Grosvenor,	Merriman,	Stewart, Tex.
Caswell,	Harmer,	Moore,	Symes,
Catchings,	Hayden,	Morse.	Taulbee,
Chipman,	Hayes,	Nutting,	Taylor, E. B., Ohio
Clardy,	Henderson, Iowa	O'Ferrall,	Thomas, Ill.
Cockran,	Hiestand,	O'Neill, Pa.	Turner, Kans.
Cogswell,	Hogg,	Outhwaite,	Whiting, Mich.
Collins,	Houk,	Parker,	Whiting, Mass.
Compton,	Howard,	Payson,	Wilkins,
Cooper,	Hudd,	Perry,	Wilkinson,
Cowles,	Hutton,	Peters,	Wilson, W. Va.
Crain,	Johnston, Ind.	Phelps,	Woodburn,
Crisp,	Kelley,	Pidcock,	Yost.

So the House refused to adjourn.

During the roll-call,

On motion of Mr. HOPKINS, of New York, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. BARRY with Mr. JOHNSTON, of Indiana, for the balance of the day.

The result of the vote was then announced, as above recorded.

Mr. McMILLIN. I move that the House take a recess until 8 o'clock.

Mr. BAKER, of New York. Pending that motion, I ask unanimous consent to offer a bill for present consideration.

The SPEAKER. That can only be done by the withdrawal of the motion to take a recess.

Mr. HOPKINS, of New York. I call for the yeas and nays on the motion for a recess.

The yeas and nays were refused.

Mr. McMILLIN's motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. McCREARY, Speaker *pro tempore*, who directed the Clerk to read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1888.

SIR: Hon. JAMES B. McCREARY is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will now read the special order.

The Clerk read as follows:

Resolved, That on Thursday of next week the House take a recess at 5 p. m. until 8 p. m., the evening session being set apart for the consideration of bills reported from the Committee on Military Affairs.

Mr. TOWNSHEND. I move that the House go into Committee of the Whole House on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House go into Committee of the Whole to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. DOCKERY in the chair.

GENERAL WILLIAM F. SMITH.

The first business in order was the bill (H. R. 9396) for the relief of General William F. Smith; which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William F. Smith, late major-general United States Volunteers, to the position of major-general in the Army of the United States, and to place him on the retired list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William F. Smith, but this proviso shall be no bar to any claims for pension that the widow or children or other heirs of said William F. Smith may have after his decease.

The report (by Mr. TOWNSHEND) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9396) for the relief of General William F. Smith, have carefully examined the same and submit the following report:

William F. Smith graduated at West Point in July, 1841, and was assigned to duty in the Corps of Topographical Engineers, with which he served continuously till it was consolidated with the Corps of Engineers, when he resigned his commission of major, in 1867. His service included duty on the survey of the Northern Lakes, at West Point as assistant professor of mathematics, in Texas on explorations, as engineer of the eleventh light-house district, and as engineer secretary of the Light-House Board.

At the outbreak of the rebellion he served as mustering officer in New York, on the staff of General Butler at Fort Monroe, and on that of General McDowell. He was appointed colonel of the Third Vermont Volunteers in July, 1861, and took part in the battle of Bull Run and the defense of Washington.

He was appointed brigadier-general of volunteers in August, 1861, and as such commanded a division of McClellan's army from March to August, 1862, being engaged in the siege of Yorktown, the skirmish of Lee's Mills, the battles of Williamsburgh, Fair Oaks, White Oak Swamps, Savage Station, Glendale, and Malvern Hill.

He was breveted lieutenant-colonel United States Army, June 28, 1862 for gallant and meritorious services in the battle of White Oak Swamp, Virginia.

He was appointed major-general of volunteers July 4, 1862, and as such commanded a division in the Antietam campaign, taking part in the battles of South Mountain and Antietam, and was breveted colonel for gallantry and meritorious services in the last-mentioned battle. He commanded the Sixth Corps in the Rappahannock campaign and the Ninth Corps in the Fredericksburgh campaign. He commanded a division in the Department of the Susquehanna, taking an active part in the pursuit of Lee's army on its retreat from Gettysburgh.

In October, 1863, he was transferred to the West, where he in turn became chief engineer of the Department of the Cumberland, on the staff of General George H. Thomas, and of the military division of the Mississippi, on the staff of General Grant. As such he devised the plan of operations by which the Army of the Cumberland was saved from starvation and capture at Chattanooga, and was duly credited with the same by General Thomas. He also devised the plan of operations by which Bragg's army was overthrown and driven back from Missionary Ridge, for which services he was again appointed and (this time) confirmed as major-general of volunteers, also as brevet brigadier-general United States Army.

When General Grant was appointed Lieutenant-General and assigned to the command of all the loyal armies, he took General Smith East with him and assigned him to the command of the Eighteenth Army Corps, with which he took part in the battles of Cold Harbor and the siege of Petersburgh.

He was assigned to special duty under the Secretery of War in November, 1864, and continued thereon till December, 1865, and finally resigned from the Army in 1867, after twenty-two years' continuous service. At that time he held the rank of major of engineers and brevet major-general United States Army.

In civil life he was president of the International Ocean Telegraph Company, president of the board of police commissioners New York, and now holds the position of Government agent in charge of a district of internal improvements in Delaware and Maryland, of which (the former) State he is a citizen.

General Smith is now past the age of retirement, and is fully entitled to that favor at the hands of the Government, for a lifetime of hard and conspicuous service in which he has always displayed the most incorruptible honesty, the most outspoken patriotism and devotion, and the highest ability.

It has been the good fortune of but few men in any age or in any country to save an army and direct it to victory from a subordinate position. Such a service in Europe would secure honor and riches: in ours it should certainly result in assignment to a place on the retired-list of the Army with the rank of major-general and the appropriate pay for the remaining years of his life.

The committee therefore unanimously recommend the passage of the bill.

The CHAIRMAN. The question is on laying aside the bill with the recommendation that it do pass.

Mr. McMILLIN. Let the bill be read again.

The bill was read again.

Mr. McMILLIN. I would like to ask the gentleman from Illinois, as I did not catch it in the reading of the report, on account of the confusion around here, what his rank is now.

Mr. TOWNSHEND. He is out of the service.

Mr. McMILLIN. How did he get out?

Mr. TOWNSHEND. He resigned in 1867.

Mr. McMILLIN. Then he has been out of the service twenty years all but one?

Mr. TOWNSHEND. I will say to my friend from Tennessee that no man served his country more effectively during the late war than did General "Baldy" Smith. He entered the Army in 1841 as a West

Point graduate, and continued in the service until 1867. Prior to the war he was a teacher at West Point, and rendered distinguished service in the Engineer Corps. At the beginning of the war he entered the Army as a colonel, and during the war he was brigade commander, he was division commander, he was corps commander, and he commanded the army of the James. It was believed by General Thomas, and it has been stated by others, that General Smith planned the campaign which saved the army at Chattanooga. He is now an old man, beyond the age for retirement; he is poor and is in need of the assistance of his Government, and it does seem to me that an officer who has rendered his country such great service, who was in at the beginning of the war and served from the beginning to the end, is certainly entitled in his old age to be placed on the retired-list and to receive the small pay that will thus come to him to save himself and his family from want.

Mr. STEWART, of Georgia. What will be his pay?

Mr. TOWNSHEND. He will be retired as a major-general.

Mr. SENEY. Where is he employed now?

Mr. TOWNSHEND. He is employed by the Government on engineer work.

Mr. SENEY. At what compensation?

Mr. TOWNSHEND. I do not know, but the compensation is very small.

Mr. MATSON. Can the gentleman tell us whether General Smith is now drawing a pension?

Mr. TOWNSHEND. He is not. He is now in the civil employment of the Government in connection with engineering work.

Mr. MATSON. Does the gentleman say that he has no information as to the amount of pay that General Smith would receive under this bill?

Mr. TOWNSHEND. I believe it is two-thirds of the regular pay.

Mr. McMILLIN. No, it is three-fourths. But what is the regular pay?

Mr. SPINOLA. It amounts to between $5,000 and $6,000 a year.

Mr. TOWNSHEND. And the amount that he would receive under this bill would be only three-fourths of that.

Mr. McMILLIN. Would he not receive about that amount under this bill?

Mr. SPINOLA. No. That is about the pay of a major-general.

Mr. MATSON. What was his rank in the regular Army?

Mr. TOWNSHEND. He was appointed a brigadier-general and breveted major-general of volunteers during the war.

Mr. MATSON. But in the regular Army, I believe, he was never more than a colonel.

Mr. TOWNSHEND. He was a colonel in the regular Army, but for gallant services on the battle-field he was promoted as I have stated. It would take too much time to enumerate all the battle-fields on which General Smith commanded. He was with McClellan when he first moved from Richmond, and he was with Meade at Gettysburgh.

Mr. MATSON. Mr. Chairman, I move to amend by striking out the word "major-general" where it occurs and inserting "colonel."

Mr. TOWNSHEND. I hope the gentleman will not do that. The distinguished services of General Smith certainly entitle him to be retired with the rank of major-general, the rank which he held when he resigned. I do not believe there is another instance in the history of this country where a particular man saved an army as General Smith did at Chattanooga. If he had been serving a foreign country he would have been rewarded far beyond our power to reward him here. He would have been promoted to the highest rank, and would probably have had nobility conferred upon him.

Mr. McMILLIN. That is the difference between a republic and a despotism.

Mr. TOWNSHEND. Another difference is that republics are often found to be very ungrateful, and, no matter what services a man may have rendered, he is often turned out to suffer in poverty and in want in his old age. I do not believe any officer has ever received recognition from this Government who deserved it more richly than does General "Baldy" Smith.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] moves to strike out the word "major-general," where it occurs in the bill, and insert the word "colonel."

Mr. TOWNSHEND. Will my friend allow me, before he insists upon that motion, to read an extract from a letter from General Corse? We all know who General Corse is. He writes:

I remember hearing General Grant say that "Baldy Smith" (as we knew him more familiarly) was the only man he knew competent to succeed him in the command of the Army.

I have another letter from a gentleman, saying that he remembers hearing General Thomas say that General "Baldy" Smith saved the Army at Chattanooga. Now, Mr. Chairman, here is a man who saved an army, a man who enjoyed the rank of major-general when he retired from the service, and I do not think it is the proper thing to degrade him now to the rank of colonel in his old age.

I ask leave to present the following statements of the services rendered by General Smith during the campaigns at and near Gettysburgh and Chattanooga. These statements have been furnished to me by gentlemen who participated in those campaigns.

MOVEMENT OF A MILITIA DIVISION UNDER THE COMMAND OF BRIG. GEN. WILLIAM F. SMITH, UNITED STATES VOLUNTEERS, DURING THE GETTYSBURGH CAMPAIGN.

Toward the end of June, 1863, Brig. Gen. W. F. Smith was in command of a division of militia assembled on the right bank of the Susquehanna River opposite Harrisburg, Pa. The Army of Northern Virginia, under General R. E. Lee, was invading Maryland and Pennsylvania, its destination being then unknown. On the afternoon of June 30 the right of General Smith's position was assailed by a force of the enemy, showing cavalry, infantry, and artillery. This movement at the time was thought by some to be made by the advance guard of General Lee's army. General Smith thought otherwise, and made dispositions to capture the force, but the enemy evidently discovering this in time hastily departed. It proved to be General Imboden's command.

Permission to make an advance was granted by General D. N. Couch, the department commander, and the command started July 1 for Carlisle, General Smith reaching that point with an advance guard of about eighteen hundred men, shortly before General Fitzhugh Lee's division of Confederate cavalry arrived; dispositions were at once made for defending the town; the advance guard was shortly after cut off from the main body of militia; several demands for surrender were made, but were declined; the town was shelled during the night (July 1, 2), and Carlisle barracks, a lumber yard, and a gasometer, were fired by the enemy, the illumination from which increased the alarm at Harrisburg; some loss was suffered by the militia; the enemy left on the morning of July 2.

General Smith soon brought together his command, and without wagon-trains, moved toward the South Mountain; up to his arrival at the foot of the mountains he had no knowledge of the whereabouts of General R. E. Lee's main army, or of the battle of Gettysburgh having been commenced, no sound of battle even having been heard; on the morning of the 4th of July he learned for the first time, through an unofficial source, that a battle was in progress at or near Gettysburgh; he sent me at once to find General Meade and tell him that he "would be at Watt's Furnace (Pine Grove) with four brigades of militia, with artillery, that day;" a glance at the accompanying relief map will show that Pine Grove was in the rear of Lee's army, and a force there seriously threatened that army and its communications over the main road by which it had advanced. I found General Meade at his headquarters that afternoon and reported, in accordance with my instructions.

At his request I pointed out on the map the position of General Smith's command. The topography of that region admitted of concealing a small force, or of displaying it so it might appear an immense one. General Meade was made aware of General Smith's desire to plant his command across the Chambersburgh road. He ordered me to ride back at once to General Smith and "tell him to get out of there," saying, "I never ordered him there. He will be captured." Having been in the saddle many hours, my horse was played out, and I asked General Seth Williams, adjutant-general Army of Potomac, for an order for a remount. There were several general officers present, one of whom (Sedgwick, I think) remarked that Smith could take care of his command; whereupon, after a short consultation, General Meade directed me to remain in calling distance, which I did. I reported early on the 5th, but the retreat of Lee was announced shortly afterward, and I returned to General Smith, but General Meade sent written orders to him as well by a shorter road (covered by the enemy when I started), and which reached him before I did, preventing him from effecting his purpose of seizing the Chambersburgh road.

During this trip to the Army of the Potomac, on the 4th of July, I saw nothing at headquarters or anywhere else that indicated to me that an assured victory had been gained, and I had had previous experience with that army in several campaigns, and knew the feelings engendered by success or reverse. On the morning of the 5th, after word had been received of General Lee's retreat, and not until then, did I notice any elation, such as assured victory occasions to the successful army.

General Lee's main army retreated through the Fairfield Pass and a part under Imboden, with wagon trains, by the Chambersburgh road; the former was followed by Neill's brigade of the Sixth Corps, and General Smith moved down the mountains, reaching Waynesborough before Neill. For the first time after leaving Harrisburg rations were drawn, and from Neill's command; Smith's command subsisting during the march in such irregular ways as to barely prevent starving.

At Waynesborough the militia were associated with the Army of the Potomac, and a portion of them were engaged in battle at Hagerstown, losing men, but behaving well; after Lee crossed into Virginia they returned north.

The merits of this campaign may be summed up in the boldness of General Smith's advance immediately after General Imboden's attack at Harrisburg, in the midst of the consternation and alarm, which prevailed there as well as through the entire North, which nothing but his scientific military judgment would seem to justify; his defense of Carlisle, with a small force of raw militia, against a large command of veteran troops; his refusals to surrender (in fact, the militia at Carlisle was the magnet that attracted the sabers of Lee's army and kept them away at a time when, many writers on Gettysburgh admit, General R. E. Lee needed them most; General Smith held them there by refusing to surrender, and "with his nose between their teeth," as it were); his movement toward a large army in a position at first unknown to him; his occupying a position of great strategical and tactical importance in the rear of that army when its position was known to him; his avowed purpose of planting his command across the line of Lee's communications, from which he was prevented only by direct orders from General Meade; his reaching Waynesborough, in pursuit of Lee, in advance of the Army of the Potomac, and all this without subsistence trains and with half-starved men.

He undoubtedly made an earnest endeavor to render to the Army of the Potomac and the country the best service that could be rendered with the militia under his command during a very trying period.

PRESTON C. F. WEST,
Formerly Captain, A. D. C., and Topographical Engineer, Staff of General William F. Smith.

THE CAPTURE OF LOOKOUT VALLEY, TENNESSEE, BY THE SURPRISE AT BROWN'S FERRY, AND THE OPENING OF THE TENNESSEE RIVER, OCTOBER 27, 1863.

Of the condition of affairs at Chattanooga in October, 1863, General Grant in his Memoirs, says: "A retreat at this time would have been a terrible disaster. It would not only have been the loss of a most important strategic position to us, but it would have been attended with the loss of all the artillery still left with the Army of the Cumberland, and the annihilation of that army itself either by capture or demoralization.

"All supplies for Rosecrans had to be brought from Nashville. The railroad between this base and the army was in possession of the Government up to Bridgeport, the point at which the road crosses to the south side of the Tennessee River; but Bragg, holding Lookout and Raccoon Mountains, west of Chattanooga, commanded the railroad, the river, and the shortest and best wagon roads both south and north of the Tennessee, between Chattanooga and Bridgeport. The distance between these two places is but 26 miles by rail, but owing to the position of Bragg all supplies for Rosecrans had to be hauled by a circuitous route north of the river, and over a mountainous country, increasing the distance to over 60 miles.

"This country afforded but little food for his animals, nearly ten thousand of which had already starved, and not enough were left to draw a single piece of

artillery or even the ambulances to convey the sick. The men had been on half rations of hard bread for a considerable time, with but few other supplies, except beef driven from Nashville across the country. * * * Nothing could be transported but food, and the troops were without sufficient shoes or other clothing suitable for the advancing season. What they had on was well worn. The fuel within the Federal lines was exhausted, even to the stumps of trees. There were no wagons to draw it from the opposite bank where it was abundant.

"If a retreat had occurred at that time it is not probable that any of the army would have reached the railroad as an organized body if followed by the enemy."

Of the plan for recovering the short line of supplies between Bridgeport and Chattanooga, Van Horne, the able historian of the Army of the Cumberland, in his "Life of General George H. Thomas," says that on the night of the 23d of October after the arrival of General Grant, General Thomas "made known to General Grant at once the scheme which had been devised for the relief of the Army. The plan had been perfected in all the details and needed only the approval of General Grant."

General Hooker had been ordered by General Rosecrans to concentrate all his available troops at Bridgeport, with a view to moving on the passes of Raccoon Mountain; but says Van Horne, "General Hooker could not move with safety from Bridgeport until measures had been taken to drive the enemy from the left bank of the Tennessee River. Had his command moved into Lookout valley before support was practicable from Chattanooga, General Bragg could have sent an overwhelming force against him, and the Army at Chattanooga would only have witnessed the failure of the effort to avert starvation."

General W. F. Smith made a reconnaissance of the river below Chattanooga on the 19th of October, and on the morning of the 20th submitted to General Thomas a plan for a co-operative movement by Hooker and forces from Chattanooga. This plan for the capture of Lookout Valley, if successful, allowed the Army of the Cumberland to strike in flank any force sent by Bragg to dispute the possession of the passes in Raccoon Mountain, and when Hooker entered Lookout Valley he would be in reality connected with the Army of the Cumberland by the bridge at Brown's Ferry and the troops holding the bridge head. Hooker was to move from Bridgeport at daylight on the 27th of October. Van Horne says this plan "provided that fifteen hundred men with a sufficient force of pontoniers should embark on pontons, and at night glide past Lookout Mountain, held almost to the edge of the water by the enemy's pickets, and debark on the left bank of the river just above Brown's Ferry."

For this service a part of General Hazen's brigade, under his own command, was taken. The remainder of this brigade, General Turchin's brigade, and the artillery were ordered to march across the peninsula formed by the course of the river, and take position on the wooded hill near the ferry to cover the troops on the pontons, should they fail to land on the left bank, or to join them on that bank in the event of their success. This expedition was eminently successful. The pontons hugging the right bank of the Tennessee glided by the frowning mountain, gleaming here and there with the evening's camp-fires, and the troops with slight opposition gained the left bank at the designated place.

A ponton bridge has soon thrown * * * and fortifications for the two brigades were constructed on the enemy's side of the river. Having accomplished all that the plan of operations required of them, these troops were in position to welcome Hooker's column to Lookout Valley in the evening. And then the Tennessee River from Bridgeport to Chattanooga was held by the co-operating forces. * * * The problem of supplies was thus brilliantly solved. The boldness of the plan, the nice adjustment of all its details, and the importance of the results place these operations among the prominent achievements of the war.

TO WHOM BELONGS THE CREDIT.

Van Horne, in his Life of General Thomas, says: "The definite plan was so evidently originated by General Smith that General Thomas gave him credit for its conception and execution. In his report to the Joint Committee on the Conduct of the War, he said: 'To Brig. Gen. W. F. Smith should be accorded great praise for the ingenuity which conceived, and the ability which executed the movement at Brown's Ferry. The preparations were all made in secrecy, as was also the boat expedition which passed under the overhanging cliffs of Lookout, so much so that when the bridge was thrown at Brown's Ferry, on the morning of the 27th, the surprise was as great to the army within Chattanooga as it was to the army besieging it from without.' General Bragg did not at first discover its full significance. * * * An open river and short lines of supply. * * * General Grant was as explicit as Thomas in denying any connection with the plan beyond approval. On the 26th of October he sent the following dispatch to Washington:

"'MAJOR-GENERAL HALLECK: * * * General Thomas had also set on foot, before my arrival, a plan for getting possession of the river from a point below Lookout Mountain to Bridgeport. If successful, and I think it will be, the question of supplies will be fully settled.'

"'U. S. GRANT, *Major-General*.'"

Two days later he again telegraphed in relation to this plan:

"'General Thomas's plan for securing the river and south side road hence to Bridgeport has proved eminently successful.'

"'U. S. GRANT, *Major-General*.'"

In a late criticism on the "Civil War in America," a most impartial work by the Comte de Paris, John C. Ropes, the able lawyer and distinguished military writer and critic, says: "For instance, in the account of the operations which resulted in the storming of Missionary Ridge, we are pleased to see that the count has adhered strictly to the exact facts, and has not been induced by his admiration of General Grant to overstate, as have some of his admirers, the part which that distinguished officer played in the success of the Federal Army. We find a cordial recognition of the important services rendered by General W. F. Smith in the planning and carrying out of the Brown's Ferry movement, which alone rendered it possible, not only to maintain the Army of the Cumberland at Chattanooga, but to bring to its assistance, first the corps of Hooker, and then that of Sherman. We find due recognition of the sound and sure judgment of the commanding general in availing himself at once of this skillful plan."

Mr. MATSON. Mr. Chairman, I admit all that my friend from Illinois [Mr. TOWNSHEND] has said in relation to the distinguished services and great merits of General Smith. It may all be properly admitted, because it can not be denied. But General Smith at the time of his resignation, which was a voluntary act on his part, was holding the rank of colonel.

Mr. TOWNSHEND. And brevet brigadier-general.

Mr. MATSON. Which was complimentary of course, but not a rank. If he had remained in the service, it is possible, as my friend has well said, that he would have become a major-general. But he did not remain in the service. The Government has not had his services since he was colonel. It seems to me it is a great deal to do to put him on the retired-list as a colonel, the rank which he held when he resigned from the Army. After all the distinguished service he rendered, that was his rank; and I submit that if this be done, it is doing a very great deal.

I think, Mr. Chairman, that distinguished officers, soldiers, and others who have rendered great service to the country ought to be treated well. But to put a man on the retired-list means a great deal more than giving him even a very large pension. It means in this case a pension (for it is nothing more nor less than a pension) of about $500 a month. If General Smith is placed on the retired-list as a colonel his retired pay will, I suppose, amount to $4,000 a year, at least $3,600—$300 a month—which is very large pay.

Mr. TOWNSHEND. A retired officer gets only three-quarters of the regular pay.

Mr. MATSON. I know that. But it seems to me the provision I have just suggested would be quite generous. I have no disposition to be captious. I think if General Smith be placed on the retired-list as a colonel he will have been very well treated by the Government.

Mr. MCMILLIN. Mr. Chairman, I do not believe it proper or wise to pass this bill in any form, for the reason that, in my judgment, when a soldier whom the Government has educated sees fit after some years given to its service to be lured out into the walks of private employment to spend there the flower of his life, it is improper after twenty-one years' absence on his part from the service of the Government to discriminate between him and all other citizens, to lift him up and put him back nominally in the service as a barnacle on the remainder of the community.

In saying this I do not mean any offense toward this soldier. I have no doubt he was a good soldier; I have no doubt he is a gentleman; I have no doubt he has that fine sense of honor and patriotism which is characteristic of so many of our people, and which is the great boast of American citizenship. Sir, the way to keep high the standard of American citizenship is to let every citizen feel that in the struggle of life he has an equal advantage with every other citizen, and that his Government is not going to tax a citizen who is making $300 or $400 a year by the sweat of his brow to pay a salary not earned in service to some other citizen at the rate of $4,000 or $5,000 or $6,000 a year.

It is wrong in principle; and if such a practice had never been adopted in any case it would have been better for the country. Having been adopted, the sooner it is abandoned the better.

In saying this I feel no opposition toward this soldier. This is the position I have taken in every one of these cases, because I believed it was sound. I opposed General Grant's retirement on the same ground. For similar reasons I opposed taking General Pleasonton from private life and bringing him forward for a position on the retired-list. There is no principle upon which a proceeding of this kind can be justified.

How many citizens of the United States are there who do not earn and can not earn $600 per annum, even if they should work their fingerends off? Yet we are asked to come forward here and take one citizen, put him in this favored position above the mass of other citizens, and pay him a salary of $4,000 or $5,000 per annum as holding a rank that he never held in the regular Army. You are putting him back into the Army, not for service but for retirement, for nothig else but that he may draw a large salary from the people. I do not believe this is right; I do not think patriotism demands it.

I listened with interest to the remarks of my distinguished friend from Illinois [Mr. TOWNSHEND] when he spoke of what would have been this man's experience if he had lived in some of the countries of Europe. Sir, our ancestors fought and bled and many of them died to break down the effete systems of Europe, where governments were pinned together with bayonets and manhood stood no chance.

I do not think this measure right, and for one I shall not favor it. If it is to be passed, certainly all that can be reasonably asked is that the amendment offered by the gentleman from Indiana [Mr. MATSON] be adopted. And there is another amendment, to which I shall call attention later on, which ought to be adopted. But, as I have remarked, I do not believe measures of this kind right in principle. I think we should stop at the threshold. This House may not agree with me in the position I take. Members here may conclude that it is right to put one class of citizens on the necks of others and let them go riding over those who have to labor for their living. For one I do not favor any such principle. I think we ought to stop such a system quickly and effectually here, now, and forever.

The question recurred on Mr. MATSON's amendment.

Mr. TOWNSHEND. I demand a division.

The committee divided; and there were—ayes 48, noes 1.

So the amendment was agreed to.

Mr. MCMILLIN. I move to strike out the provision which increases the retired-list to that extent.

Mr. TOWNSHEND. That would simply defeat the purpose of the bill if adopted.

Mr. MCMILLIN. The law fixes the number to go on the retired-list

Mr. TOWNSHEND. It would utterly destroy the bill. I do not wish to take up the time of the committee. Let the vote be taken.

Mr. McMILLIN. The question is whether the retired-list shall be swelled beyond its present proportions.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. McMILLIN] to strike out these words: "the retired-list being thereby increased in number to that extent."

Mr. McMILLIN. I ask for a division on that amendment

The committee divided; and there were—ayes 22, noes 49.

So the amendment was rejected.

Mr. McMILLIN. I move to strike out the words on the second page, which the Clerk will read.

The Clerk read as follows:

But this proviso shall be no bar to any claim for pension that the widow or children or other heirs of said William F. Smith may have after his decease.

Mr. McMILLIN. My reason for offering this amendment is this: Under existing law the widow of a retired officer is not entitled to pension; but here it is proposed by this bill to reverse the whole policy of the law, to reverse the action heretofore taken by the Government, and I do not think it wise or proper.

Mr. TOWNSHEND. To save the bill I will accept the amendment of the gentleman from Tennessee.

The amendment was agreed to.

Mr. TOWNSHEND. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. McMILLIN. I ask for a division.

The committee divided; and there were—ayes 50, noes 19.

So the motion was agreed to, and the bill was laid aside to be reported to the House with the recommendation that it do pass as amended.

Mr. TOWNSHEND. The next bill is not in the Committee of the Whole. I therefore move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration the bill (H. R. 9396) for the relief of General William F. Smith, and had directed him to report the same back to the House with amendments.

Mr. McMILLIN. Let this bill lie over for a little while.

Mr. TOWNSHEND. I would rather have it disposed of. It is where it can be voted on.

Mr. McMILLIN. It will retain its present status.

Mr. TOWNSHEND. I understand it comes up as unfinished business.

Mr. McMILLIN. I only want it passed over for the present.

Mr. TOWNSHEND. What is its status? Does it hold its place?

The SPEAKER *pro tempore*. It retains its status at this evening session. The Chair hears no objection, and it is passed over for the present.

ORDER OF BUSINESS.

Mr. TOWNSHEND. In order to save time I move that the bills be considered in the House as in Committee of the Whole.

Mr. ROGERS. The gentleman can not appreciate the work which this imposes upon the clerks at the desk. It confuses everything.

The SPEAKER *pro tempore*. Does the gentleman ask for a vote on his motion.

Mr. TOWNSHEND. No, I do not.

Mr. STEELE. I call up for consideration the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond.

The SPEAKER *pro tempore*. The bill is in Committee of the Whole.

Mr. STEELE. I ask unanimous consent to consider these bills in the House.

Mr. McMILLIN. I suggest to the gentleman that we are simply working our clerks well-nigh to death at the very best we can do, and it increases their labor a great deal to consider these bills in the House. For the relief of the clerks I ask that we consider them in the proper way, in the Committee of the Whole.

Mr. TOWNSHEND. That is the reason I made the motion——

Mr. DOCKERY. Let me suggest to the gentleman that a good part of this evening's session will be taken up by going in and out of committee. I would suggest, therefore, that all the bills in Committee of the Whole be considered before the committee rises.

Mr. TOWNSHEND. That will somewhat disarrange our plans.

Mr. McMILLIN. My suggestion is to save the clerks from the amount of work in journalizing the business. We are working them very hard.

Mr. STEELE. Then I move that the House resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. DOCKERY in the chair.

ESTATE OF ASHER R. EDDY.

Mr. STEELE. I now call up for present consideration the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond.

The bill was read, as follows:

Be it enacted, etc., That the estate of the late Asher R. Eddy, late lieutenant-colonel and deputy quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties of the said late Asher R. Eddy on his official bond to the United States, bearing date September 5, A. D. 1872, be, and they are hereby, released from any liability that may have accrued in the office of said lieutenant-colonel and deputy quartermaster-general United States Army during his term of service, and the proper officer of the United States Treasury Department be, and he is hereby, authorized and directed to cancel and discharge said liability, whether the same be pending in court or has become a judgment.

Mr. McMILLIN. Let us have the report.

The report (by Mr. STEELE) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9298) for the relief of the estate of Asher R. Eddy, late lieutenant-colonel and deputy quartermaster-general United States Army, have carefully considered the same and agree with the Secretary of War and the Quartermaster-General of the Army that the passage of the bill "would be but an act of simple justice."

WAR DEPARTMENT, *Washington City, June 2, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, inclosing a communication from the Department of Justice, and Department letter of the 30th of April last, on the subject of House bill 9298, Fiftieth Congress, first session, to release the estate and sureties of the late Col. A. R. Eddy, and requesting an opinion as to the advisability of the passage of the bill.

In reply I beg to invite attention to the inclosed copy of an additional report on the subject from the Quartermaster-General, dated the 31st ultimo, and to inclose a copy of General Orders No. 10, Headquarters of the Army, Adjutant-General's Office, 1887.

I am of the opinion that under the circumstances of this case as they appear of record, the passage of the bill in question is desirable as an act of justice.

The papers accompanying your letter are herewith returned.

Very respectfully,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs,
House of Representatives.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 31, 1888.

Respectfully returned to the honorable the Secretary of War.

In the opinion of the undersigned, the bill relieving the bondsmen of Lieutenant-Colonel Eddy should pass as an act of simple justice. I am strengthened and confirmed in this opinion by the fact that Order No. 10, 1877, of the War Department, practically exonerated the principal, Lieutenant-Colonel Eddy, when the subject was under review and the facts were fresh in the minds of the authorities. Further, by the fact that a sum of money was secured by the Government from the real offender in the case exceeding in amount the liabilities of the bondsmen who seek relief under this bill.

S. B. HOLABIRD,
Quartermaster-General, United States Army.

Mr. MATSON. I would like to know as to the facts on which this report is based. What was the charge against this officer and his sureties?

Mr. STEELE. Colonel Eddy was a department quartermaster of the Army of California. Under him was a military storekeeper, and under the storekeeper was a clerk. The clerk got the checks for transportation, forged the signatures of the parties to whom they were made payable, and drew the money.

Mr. MATSON. What is the amount, about, of the deficit?

Mr. STEELE. I can not give the exact amount.

Mr. PERKINS. The Quartermaster-General says that more money was recovered by the Government than the amount of the claim.

Mr. MATSON. I am satisfied with the explanation.

Mr. COBB. I do not think there is a single fact disclosed in this report why it is that it is just and equitable to release these parties.

Mr. JOSEPH D. TAYLOR. Did not the gentleman notice the statement that a larger amount had been recovered than the claim itself. Is that not enough?

Mr. MORROW. It is a formal release merely.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NATIONAL CEMETERY, FLORENCE, S. C.

Mr. TOWNSHEND. I now yield to the gentleman from South Carolina [Mr. TILLMAN.]

Mr. TILLMAN. I move to take up the bill (H. R. 10869)——

The CHAIRMAN. The Chair is advised that this bill is in Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. Can we not consider it now, as we are in Committee of the Whole?

The CHAIRMAN. We are in Committee of the Whole on the Private Calendar. It could not be done now even by unanimous consent.

Mr. TOWNSHEND. Then, if necessary, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the bill

H. R. 9298, had directed him to report the same to the House with the recommendation that it do pass.

Mr. TOWNSHEND. I hope, in order to avoid going back into Committee, that we may have unanimous consent to consider these bills as in Committee of the Whole. The clerks tell me that it will convenience them by that arrangement.

Mr. McMILLIN. What is the bill? I will not agree to the request as to all of these bills.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10869) to construct a road from Florence, S. C., to the national cemetery adjacent thereto.

Mr. McMILLIN. I have no objection to considering that in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there further objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, to be used in the construction of a macadam or gravel road leading from the town of Florence, S. C., to the national cemetery in the vicinity of said town, the same to be expended under the direction of the Secretary of War: *Provided*, That no part of the money so appropriated shall be expended until the town of Florence shall, by proper ordinances, grant to the United States the right, without expense, to grade and macadamize the streets along the route selected for the construction or repair of said road, and also provide in said ordinance that when said road is constructed that said town will keep the same in repair within the incorporated limits of said town: *And provided further*, That no part of said money shall be expended until the county of Darlington shall, by proper orders duly entered of record in the proper court, widen the county road, if any, along the route selected, so as that it shall correspond in width to such streets of said town as may be selected for the purpose aforesaid: *And provided further*, That the contract to construct said road shall be awarded to the lowest bidder, after due advertisement, the Secretary of War to have authority to reject any and all bids.

Mr. McMILLIN. Let the report be read.

The Clerk proceeded to read the report (by Mr. TILLMAN), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9744) appropriating $10,000 for building a road from the town of Florence, S. C., to the national cemetery near said town, having had under consideration said bill, find that there are buried in the national cemetery at Florence, S. C., 3,005 Union soldiers. The grounds are inclosed within a brick wall, and embrace 3¾ acres of land, and are located about 1½ miles southeast of the railroad station. The civil engineer of the Quartermaster's Department reports that one of two routes is suggested: "The first being from the railway station via Church street, and the second is from the railway station via post-office and Dargan street."

The first route is 7,700 feet long; the second about 10,000. The last is preferred by the citizens of Florence. There would be somewhat less grading to do on it, but the cost would be about in proportion to the distance, as the cost of grading is a small item.

The total cost of the road on the first route suggested, it is estimated, would cost $18,000, and on the second route $22,200, as will be seen by the following letter from Quartermaster-General of the United States Army:

Mr. TILLMAN. I will simply say that the Quartermaster-General and the Secretary of War have recommended the passage of this bill. Only $15,000 is appropriated, whereas $18,000 was supposed to be the lowest estimate for building a good macadam or gravel road. I do not think it necessary, therefore, to consume the time of the House to have the letters of the Quartermaster-General and Secretary, which are appended to the report, read.

Mr. McMILLIN. The bill is ambiguous in one respect; that is, as to the construction of the road inside of the corporate limits of the town. Who does that, the Government or the town?

Mr. TILLMAN. Why, the town, of course; and the town is required to keep that portion of the road in repair.

Mr. McMILLIN. I saw as to the keeping in repair, but was uncertain as to the original construction.

Mr. TILLMAN. The original construction is also imposed upon the town.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ESTATE OF ASHER R. EDDY.

Mr. STEELE. I now call up the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond, reported from the Committee of the Whole House.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATE HOMES.

Mr. TOWNSHEND. I yield to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. I ask that the Committee of the Whole be discharged from the consideration of the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, and that the same be considered in the House. It is a substitute for the bill H. R. 7939, which has been reported by the Committee on Military Affairs and is identical with it. I ask that the House bill lie on the table and that the Senate bill be considered.

The SPEAKER *pro tempore*. The gentleman from Nebraska asks that the Committee of the Whole be discharged from the further consideration of the bill (S. 2116).

Mr. McMILLIN. The bill makes a considerable appropriation and I think it ought to receive consideration.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. LAIRD. I move that the House resolve itself into Committee of the Whole to consider the bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all States which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the war of the rebellion, or in any previous war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $100 per annum. The number of such persons for whose care any State shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as it may prescribe, but the said State homes shall be exclusively under the control of the respective State authorities, and the Board of Managers shall not have nor assume any management or control of said State homes. The Board of Managers of the National Home shall, however, have power to have the said State homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report.

SEC. 2. That the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, and payments to the States under it shall be made quarterly by the said Board of Managers for the National Home for Disabled Volunteers to the officers of the respective States entitled, duly authorized to receive such payments, and shall be accounted for as are the appropriations for the support of the National Home for Disabled Volunteer Soldiers.

Amend the title so as to read: "A bill to provide aid to State homes for the support of disabled soldiers and sailors of the United States."

The House report on the Senate bill (by Mr. LAIRD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2116) to provide aid to State homes for the support of soldiers and sailors of the United States, having considered the same, report:

The bill (S. 2116) as amended and passed by the Senate is precisely identical with H. R. 7939, reported by this committee; therefore your committee recommend that S. 2116 be substituted for H. R. 7939 and passed, and that H. R. 7939 lay on the table.

Mr. LAIRD. The report in this instance is quite lengthy and contains a number of tables. If I can have the consent of the House I could state the substance in one fourth of the time that it will take the House to hear it read.

Mr. McMILLIN. I think it is a matter of so much importance and makes an appropriation of so much money that it ought to be read. We do not know how much.

Mr. LAIRD. We do know how much.

Mr. McMILLIN. How much?

Mr. LAIRD. Twenty-five thousand dollars.

Mr. McMILLIN. I do not think the time of the House will be wasted by the reading of the report.

Mr. COBB. Have we passed beyond the point of objection?

The CHAIRMAN. Objections can not be made to the consideration of bills under the order on which we are acting to-night, but such orders have been adopted heretofore. Under the order of to-night there is no such provision.

Mr. LAIRD. I ask that the report of the House bill be read, but there are a number of tables, the substance of which is contained in the body of the report, and I ask that the Clerk may be excused from reading these tables, which will take almost as much time to read as the reading of the body of the report.

Mr. McMILLIN. I have no desire to consume the time of the House by reading tables if the information contained in the body of the report is given.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7939) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, their widows and orphans, having considered the same, submit the following report:

There are now in existence, supported by appropriations by the General Government, the following national homes for the care of volunteer ex-soldiers and sailors of the United States, disabled in any war, namely: Dayton, Ohio; Milwaukee, Wis.; Leavenworth, Kans.; Togus, Me.; Hampton, Va., and the recently-located branch of the National Home at Los Angeles, Cal.

The following report, taken from the 1887 report of the Board of Managers of these homes, shows the number of soldiers furnished from the various States and Territories of the Union during the war, and the number of the survivors thereof now being cared for at the National Homes:

Comparative statement of the number of men furnished by the States during the civil war and the number cared for by the National Home from date of organization to June 30, 1887.

Whole number furnished by the States	2,778,304
Whole number cared for by the National Home	42,605
Percentage of whole number furnished by the States cared for by the National Home	1,533

States, Territories, etc.	Furnished by States.		Cared for by National Home.			
	Enlisted in.	Percentage.	Enlisted in.	Percentage.	Admitted from.	Percentage.
Alabama	7,545	0.272	3	0.007	15	0.035
Arizona			1	0.002	4	0.012
Arkansas	13,815	0.497	8	0.019	59	0.138
California	15,725	0.566	131	0.307	98	0.230
Colorado	4,998	0.180	44	0.103	77	0.184
Connecticut	55,864	2.011	667	1.566	620	1.455
Dakota	206	0.007	2	0.005	67	0.157
Delaware	12,284	0.442	136	0.319	171	0.401
District of Columbia	16,534	0.595	573	1.345	845	1.983
Florida	2,3 4	0.084			1	0.002
Georgia	3,486	0.125	2	0.005	5	0.012
Idaho			1	0.002	3	0.007
Illinois	259,092	9.326	2,580	6.056	2,941	6.903
Indiana	196,363	7.068	2,662	6.248	2,330	5.469
Indian Territory			1	0.003	7	0.016
Iowa	76,242	2.744	508	1.192	562	1.319
Kansas	20,149	0.725	286	0.671	803	1.884
Kentucky	75,760	2.727	869	2.040	796	1.868
Louisiana	29,276	1.053	82	0.192	109	0.256
Maine	70,107	2.523	1,103	2.589	1,036	2.432
Maryland	46,638	1.679	670	1.573	737	1.730
Massachusetts	146,730	5.281	3,513	8.246	3,345	7.851
Michigan	87,364	3.145	1,169	2.744	1,419	3.331
Minnesota	24,020	0 865	261	0.473	296	0.695
Mississippi	18,414	0.663	5	0.012	41	0.098
Missouri	109,111	3.927	1,062	2.493	1,227	2.880
Montana					17	0.039
Nebraska	3,157	0.115	43	0.100	208	0.488
Nevada	1,080	0.039	1	0.003	5	0.012
New Hampshire	33,937	1.223	588	1.380	529	1.242
New Jersey	76,814	2.765	1,157	2.716	1,017	2.387
New Mexico	6,561	0.236	4	0.009	12	0.028
New York	448,850	16.156	8,045	18.881	6,617	15.529
North Carolina	8,191	0.295	2	0.005	17	0.039
Ohio	313,180	11.272	7,990	18.754	7,436	17.454
Oregon	1,810	0.065	14	0.033	22	0.051
Pennsylvania	337,936	12.164	5,728	13.445	5,878	13.797
Rhode Island	23,236	0.836	484	1.134	474	1.112
South Carolina	5,462	0.196	1	0.003		
Tennessee	51,225	1.844	69	0.161	91	0.211
Texas	2,012	0.073	10	0.023	66	0.155
Utah			2	0.005	8	0.019
Vermont	33,288	1.198	181	0.425	150	0.352
Virginia	5,723	0.206	200	0.469	220	0.516
Washington Territory	964	0.035	14	0.033	15	0.035
West Virginia	32,068	1.154	191	0.448	136	0.320
Wisconsin	91,237	3.284	1,600	3.756	2,050	4.812
Wyoming			2	0.005	11	0.026
At large	9,426	0.339			12	0.028
Total	2,778,304	100.000	42,605	100.000	42,605	100.000

From this it appears that in the period covered by the table the number so cared for amounts to 42,605.

The following statement, taken from the same authority, shows the increase and the ratio of the increase in the number cared for at the homes from 1883 to 1887:

"The average numbers of members present during the last five fiscal years are as follows:

Year ending June 30—

1883	6,738
1884	7,494
1885	8,118
1886	8,758
1887	9,718

"It appears, therefore, that the actual number present through the whole year has increased in five years 2,980, or 44 per cent. The number present and absent has increased in the same period from 8,480 during the year ending June 30, 1883, to 12,168 for the year ending June 30, 1887."

An inquiry into the capacity of the present homes to care for those entitled to admission therein under existing law shows that at the present time every branch home, unless it be the Western Branch, is so crowded that inmates are compelled to sleep on the floors. And this is true notwithstanding the fact that the capacity of the homes has been increased by the erection during the last year of temporary barracks for the accommodation of 1,000 additional men.

Speaking on the subject of the number of ex-soldiers and sailors entitled under the law to admission to the homes and to the want of capacity to care for them, the Board of Managers, in their report for 1885, say this:

"The increase in the membership of the National Home (and branches) has been constant, and for reasons referred to hereafter the percentage of increase has been greater than it has been for many years. * * *

"Four branches of the Home (all except that at Leavenworth) now contain more than double the number of men for which they were originally built. The capacities of these branches should not, in the opinion of the Board, be further increased, and the limit of size of the branches now existing should be considered to have been reached, a membership of 1,500 being, from the experience of the Board, as large as any branch should have.

"It is impossible to tell how long the membership of the Home will increase under the present law. It is safe to say, however, that it is not probable that the number will begin to diminish for at least ten years, and that there will be an increase up to that time at least. There are now fully one thousand men who have applied for admission to the Home who are fully entitled to admission under the law. They can not be admitted, first, because there are no places for them; and, second, because there is not enough money appropriated for their support."

Again the board, in their report for 1886 (June 30), says:

"The question, how long the membership of the Home will increase, still remains unsolved. Under the law every soldier who is disabled and who can not earn his living is entitled to admission to the home whether his disability can be traced to service in the Army or not. This law was enacted on July 5, 1884. During the past three years the number of those admitted on account of wounds received in action or disability incurred in service has materially fallen off.

"On the other hand, the number admitted on account of age and disability incurred since the war has increased, so that the annual number of admissions continually increases. These causes of increase will continue as the soldiers grow older, and the membership of the Home must increase for an indeterminate series of years so long as Congress furnishes the means for such increase. The existing branches of the Home are now filled to their utmost capacity, and, in the opinion of the board, only one, or at most two, of them should be further enlarged."

It will be remembered in connection with the above extract that until the passage of the act of July 5, 1884, no sailor, however wounded or helpless, could be admitted to any home for disabled soldiers; and, indeed, could be cared for only at one place in the United States, and that the marine hospital in Philadelphia. Nor could any soldier be received into a home except for disabilities contracted in the line of duty in the service.

So overcrowded are the national homes at present that the managers, at their annual meeting for 1888, recommended the appropriation of $150,000 to be used in the construction of temporary barracks at the several branches of the Home, humanity in their judgment demanding that some additional effort be made by the Government to care for the disabled veterans, as it had agreed to do by law. This bill has passed the Senate of the United States, and is now pending on the Calendar of the House, having been unanimously reported from this committee.

The data so far presented demonstrates the incapacity of the present homes to provide for the increasing demand under existing law for hospitality. A reference to the extracts cited from the various board reports shows, first, that the number of those dependent and entitled to care under the law will increase for at least five to seven years yet; and second, that an increase in the number of dependents at the demonstrated rate stated by the board would add some twenty thousand to the list of those now received into, or known to be entitled to be received into, the homes under existing law.

In the opinion of your committee the number above stated will not cover the number of those entited to relief, and is less than the actual number will be, by thousands; and we base our conclusion on this fact, that of the 2,700,000 men enrolled for the war at least 1,000,000 are now alive. Taking the average age of a soldier at the expiration of the war to be thirty years, these survivors are now fifty-three years of age, and upon them, from this age to the end of life, time, aided by the hardships of war, will tell terribly upon constitutions undermined in the service of the country, and as a consequence drive them, where dependent, to seek the protection which a great Government ought justly and generously to give.

Two facts, in a very marked degree, confirm the conclusion of your committee that the country is now entering upon the period when it is to see the maximum of the suffering of its defenders, and must, in consequence, widen its policy to meet the increasing demand, or narrow it, and deserting the men that saved it, leave them to the mercy of private or municipal charity. Your committee do not believe the lives of these patriots were spared for such a fate. This is a Christian and civilized nation, and it will do its duty by these men as they did their duty by it.

The first of the facts referred to is the number of veterans dependent on public charity in the several States and Territories, as shown by the following table:

Veterans in charitable institutions because of their poverty, and dependents, at noon October 15, 1886.

	Veterans.	Dependents.	Total.
Arkansas			6
California	274	1	275
Colorado	11	4	15
Connecticut	274	91	365
Dakota	15	2	17
Delaware	17	1	18
District of Columbia	21	51	72
Florida	3	1	4
Georgia	14	6	20
Idaho			2
Illinois	827	167	994
Indiana	208	116	324
Iowa	229	119	348
Kansas	66	9	75
Kentucky	100	50	150
Louisiana	8	6	14
Maine	1,097	113	1,110
Maryland			36
Massachusetts	8,798	112	8,910
Michigan	473	96	569
Minnesota	77	15	92
Mississippi			7
Missouri	138	62	200
Nebraska	16	1	17
Nevada			1
New Hampshire	266	95	361
New Jersey	346	15	361
New Mexico			7
New York	1,782	206	1,988
North Carolina	12	2	14
Ohio	732	480	1,212
Oregon			10
Pennsylvania	721	2,958	3,679
Rhode Island	15	4	19
Tennessee	27	20	47
Texas	12	5	17
Vermont	99	75	174
Virginia	12	2	14
Washington Territory	11	1	12
West Virginia	44	14	58
Wisconsin	125	45	170
Wyoming			1
	16,856	4,945	21,801
Deduct Massachusetts	*8,000		*8,000
	8,856		13,801
Add national homes			15,152
Total			28,953

* Eight thousand are deducted, being those receiving State aid in Massachusetts who are not actual inmates of the poor-houses.

And the second is the necessity which has impelled the various States to expend the following sums of money in providing local State protection for the disabled veterans residing within their limits:

In California	$75,000
For support, probably annually	15,000
In Connecticut, buildings and support for only two years	147,000
In Illinois, annually, for support	430,000
And that State has expended on Soldier's Orphan Home and support thereof	1,155,446
In Iowa, for buildings	100,000
And for buildings and support of orphans	1,188,555
In Kansas, for orphans of and soldiers, and for buildings (and has but just opened a Soldiers' home; no figures at hand)	80,000
In Michigan, for buildings	160,000
For support, annually	145,000
In Minnesota, Orphans' Home and support (has just erected a State home)	110,000
In Missouri (no State home) for orphans	42,500
In New Jersey, Newark State home	695,000
For a new State home building	125,000
In New York, buildings and grounds	203,000
For support per annum, about	100,000
In Ohio, buildings and grounds	150,000
In Pennsylvania, buildings, State home	250,000
For support, per annum (estimated)	230,000
And for orphans	625,000

To this can be added Nebraska, which is just completing a home for its veterans at a cost of $75,000.

In addition to these sums, aggregating over $6,000,000, expended in plants by the States named, it appears from data that has come under your committee's observation that the State of Massachusetts has expended in providing for her veterans, their widows and orphans, the sum of $18,000,000, and Wisconsin, for the same purpose, $11,000,000. These facts not only tell the story of the needs of the class in question, but they demonstrate by example the duty of the General Government. The argument of these millions points, if not to the neglect, then to the oversight of the General Government, and its force should hasten considerate action. When the patriotism of the States answers the appeal of its soldier citizens for relief to the extent of from $30,000,000 to $40,000,000 in payment of an obligation resting primarily upon the people as a nation, it is time for Congress, representing the whole people, to act, and assume at least a part of a responsibility wholly national.

Your committee believe that both justice to the soldier and the tax-payer demand that the nation should charge itself with the protection of these men in their need, who in its need protected it. Nor will this obligation of honor and patriotism ever be lessened in the estimation of high-minded persons by the fact that the beneficiaries of this bill, while defending their country, were often overtaken by disaster in their business, which now, through years of varying struggle and lapsing powers of mind and body, has at last ripened into utter and hopeless ruin, leaving them stricken with age and the infirmities begotten of exposure and service, stranded and desolate, with no hand, save that of chance or public charity, to stay them as they totter down the slope of life toward the grave.

Your committee dismisses at once any thought that Congress will refuse to adopt some policy of relief, and submits that if it proposes to meet the responsibilities of the occasion and provide for such soldiers as are entitled to admission to the homes under existing law, legislation is required—

1. To establish additional branches of the Home; or
2. To materially enlarge existing branches; or
3. To encourage the States to establish State homes; or
4. To make appropriations for outdoor relief to those who can not be admitted to existing homes.

Of these obvious alternatives, your committee has selected the one which in their considerate judgment promises the most satisfactory, as well as the speediest, solution of the problem, namely, "To encourage the States to establish State homes."

In this conclusion the committee has the unqualified support of the present Board of Managers of the National Homes, all of whom concurred in the opinion expressed by General Franklin, its president, which is as follows:

"The board, is opposed, totally opposed, to the construction of other permanent homes, provided Congress will relieve existing homes and care for those entitled to care under the law, by granting aid to State homes. And it is the unanimous judgment of the board that national aid to the States is the true policy."

As early as June 30, 1886, the Board of Managers outlined the policy of aid to States as follows:

"The survivors of the war are growing old, their disabilities are severer, and the number who are unable to support themselves is for these reasons rapidly increasing. Notwithstanding the fact that a new home, capable of providing for 1,500 additional members, has recently been completed at Leavenworth, Kans., there are yet many disabled and destitute soldiers cared for in the almshouses of the country. Several of the States have endeavored to provide for this emergency by the erection of State homes. Illinois, Ohio, Iowa, Michigan, and Pennsylvania have recently established State homes, and such homes have for some time been established in New York, California, Massachusetts, Vermont, New Jersey, Connecticut, and in a few other States. If Congress should provide by law for assisting in maintaining the soldiers admitted to these State homes by authorizing the Board of Managers to pay one-half of the cost of supporting each soldier thus provided for, the necessity of building additional homes might be avoided, except in the case of that recommended for the Pacific slope."

In recommending the adoption of this policy and the passage of this bill your committee is not unmindful of the important evidence and opinion bearing on the matter furnished to this committee through exhibits attached to the Senate report on this subject, and which are hereto attached and made a part hereof.

As the provisions for the distribution of the sum covered in this bill would be complex and intricate, your committee have decided to leave that matter to the Board of Managers of the existing soldiers' homes, whose experience and accountability guaranty safety to the fund, and its practical application to the object sought.

For the reasons set forth herein, your committee recommend that the bill do pass with the following amendments:

Amend the title by striking out the words "their widows and orphans."

Amend line 6 of the bill by adding, after the word "war" therein, the words "who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not received in service against the United States."

Amend line 7 by striking out the following words therein, "and widow and orphan thereof."

Amend line 8 by striking out the words "for one year the sum" where the same appear therein, and insert in lieu thereof the following: "At the rate of."

Amend line 9 by adding, after the word "dollars" therein, the words "per annum."

APPENDIX.

EXHIBIT A.

STATE OF CONNECTICUT, ADJUTANT-GENERAL'S OFFICE,
Hartford, March 16, 1888.

DEAR SIR: Your letter of March 1, to his excellency Governor Lounsbury of Connecticut, inclosing copy of Senate bill No. 2116, has been referred to me by the governor for reply.

This State has a soldiers' home, which was first established by private benevolence for soldiers and children of soldiers. It was incorporated by the Legislature of this State in 1874, and was continued in a small way until 1883, when it was first aided by the State paying weekly board for inmates and so continued until the State assumed control. In 1886 the sum of $15,000 was appropriated for additional buildings. In January, 1887, the Legislature provided for the transfer of the management to the State, appropriating $17,000 for additional land and buildings, and in addition thereto appropriated $147,000 for the care of soldiers in home and State hospitals for two years, ending June 30, 1889.

The home was transferred to State control May 1, 1887, and is managed by a board called the Soldiers' Hospital Board, composed of the governor, adjutant-general, surgeon-general *ex officio*, and three Grand Army of the Republic veterans nominated by the department commander and appointed by the governor. The governor and all present members of the board, except surgeon-general, are members of the Grand Army of the Republic.

The average number present at the home during the first four months of the year 1887, under the old management, was 103; for the last nine months of the year the average was 125. In addition to the above the State supported in hospitals during the year an average of 50 at a cost of $6 per week each, and an average of 20 in the State Hospital for Insane. This State makes no provision for the care of soldiers outside of the above-named institutions.

A fund of $20,000, which came from private benevolence, is kept as a permanent fund, the income to be used for the benefit of the home.

The foregoing information comprises, I think, all that is asked for in your letter, but as you requested suggestions from the governor, I take the liberty of offering a few for your consideration.

Your bill is, in my opinion, an eminently just one, placing the cost of caring for the disabled veteran on the General Government, where it rightly belongs, and making the States lately in rebellion, who caused all the expense, pay a portion (a very small one it is true) of the cost.

1. I wish that the sum appropriated might be increased to $150 per man. The cost to this State at the home for last six months of 1887 was about $3 per week per man, which included board, clothing, tobacco, and medicines.

2. The cost for those in hospitals as stated above was $6 per week, and I think whatever amount is fixed upon the bill should be made to include those supported in hospitals as well as in the homes.

3. The inmates of the Home are transient, the number being much larger in winter than in summer, and comparatively few remain steadily a year.

Should not the bill be made to pay so much per average number present during each quarter?

I have the honor to be, very respectfully, your obedient servant,

FREDERICK E. CAMP,
Adjutant-General and Executive Officer Soldiers' Hospital Board.

Hon. CHARLES F. MANDERSON,
United States Senate.

STATE OF ILLINOIS, EXECUTIVE OFFICE,
Springfield, March 5, 1888.

DEAR SIR: Your communication of the 1st instant, inclosing copy of a bill "to provide aid to State homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received.

I have this day directed the superintendent of the Soldiers' and Sailors' Home at Quincy, Ill., Maj. J. G. Rowland, to transmit to you at the earliest practicable day the information you desire in regard to the date of the establishment of the home, the number of its inmates, etc. I think the passage of such a bill would be a judicious appropriation of public moneys, especially any surplus revenue which may be lying idle in the Treasury at the present moment.

The United States could in no more acceptable way testify its regard for the soldiers of the Republic than by such a measure. I ought perhaps to state that the act of our Legislature of 1885, creating the home, makes no provision for caring for the widows and orphans of soldiers. We have provided excellent cottages for their accommodation, and therefore have an excellent home admirably equipped in every respect for the purpose for which the Legislature created it. It is very prudently and economically managed, and all of our Illinois soldiers find comfortable homes there.

My impression is that the number present and absent is not far from 600. I believe there are over 500 present in the institution at this time. Major Rowland will, however, communicate with you on the subject.

Yours, respectfully,

R. J. OGLESBY.

Hon. CHARLES F. MANDERSON,
United States Senator, Washington, D. C.

ILLINOIS SOLDIERS AND SAILORS' HOME,
Quincy, Ill., March 7, 1888.

SIR: The governor of Illinois has referred to me your letter of 1st instant concerning this home, with the request that I supply the desired information.

The Illinois Soldiers and Sailors' Home was established by act of general assembly June 26, 1885. It was opened for reception of soldiers March 15, 1887, and is supported exclusively by State appropriations.

Total number of members admitted to date	700
Present enrollment	598
Members present	525

I will cheerfully furnish any other information which may be deemed of service to you.

Very respectfully, yours,

J. G. ROWLAND, *Superintendent.*

Hon. CHARLES F. MANDERSON,
United States Senate, Washington, D. C.

IOWA EXECUTIVE OFFICE,
Des Moines, March 7, 1888.

DEAR SIR: I am instructed by Governor Larrabee to acknowledge the receipt of your letter of the 1st instant, and to state in reply that our general assembly of 1886 passed a bill for the establishment of an Iowa Soldiers' Home. The home was subsequently located at Marshalltown; it was completed last year and formally opened for the reception of inmates on the 30th of November. The report of the commandant for January shows that 91 inmates were being cared for in the home on the last day of that month.

The home was built at a cost of about $75,000, and it is supported by a direct appropriation made by the State.

I am also instructed to assure you that the governor is in hearty sympathy

with the object of your bill, and that he hopes you may succeed in having it enacted into law.

Very respectfully, yours.

FRED'K W. HOSSELD,
Private Secretary.

Hon. CHAS. F. MANDERSON,
United States Senate, Washington, D. C.

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Topeka, March 5, 1888.

MY DEAR SIR: I acknowledge the receipt of your letter of March 1, inclosing a copy of Senate bill No. 2116.

There is no State home for soldiers in Kansas. We have established a home for sold ers' orphans, and it now has about 100 inmates. But we have no home for soldiers that is maintained by the State.

I heartily approve of your bill to provide aid for State homes for the support of disabled soldiers and sailors of the United States. The Board of Managers has recommended such action in its annual report to Congress. This recommendation was made at my suggestion and on my motion. I had noticed that homes have been established in a number of States, and it seemed to me unjust that the State should be taxed to support men who were disabled in the service of the United States.

Yours, very respectfully,

JOHN A. MARTIN.

Hon. CHARLES F. MANDERSON,
United States Senator, Washington, D. C.

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, March 10, 1888.

DEAR SIR: Your letter of 1st instant, inclosing copy of Senate bill No. 2116, was duly received. For reply I would state that Kentucky has no "State Soldiers' Home." While I sympathize with the soldiers of our Republic who may have incurred any of the various forms of disability incident to military service, I think such persons are peculiarly the wards of the nation, and as such should be liberally provided for at the national expense.

I have the honor to be, very respectfully,

S. B. BUCKNER,
Governor of Kentucky.

Hon. CHARLES F. MANDERSON,
United States Senate, Washington, D. C.

MINNESOTA SOLDIERS' HOME, *St. Paul, Minn., March 9, 1888.*

DEAR SIR: Your letter of March 2 to Governor McGill has been referred to me for reply.

The State of Minnesota has a State Soldiers' Home, established by a law passed in March, 1887. It is now located in temporary quarters at Minnehaha Falls (between St. Paul and Minneapolis), and near the permanent grounds on which buildings will at once be erected. The temporary home was opened November 15, 1887, and now has fifty-eight inmates, its full capacity of accommodation. We have at least forty more applications, which we have been obliged to decline on account of lack of room, but we are helping the applicants from our "outside relief fund," at various places, until we can provide for them.

It is safe to say that there are at least one hundred and fifty homeless ex-soldiers (without families) in this State, who should be immediately gathered into our State home, and will be as soon as buildings can be provided. And the number will rapidly increase. We shall build with a view to a maximum capacity of eight hundred or one thousand men. The State does not regard it as primarily its duty to care for these veterans, but the National Homes can not take them, and as soon as it was found that many of them were drifting into poorhouses the Grand Army of the Republic took the matter up, and this is the result.

I inclose copies of the report of the secretary of our board. From this you will see that we have an outside relief fund from which we are caring for hundreds of men living at home with their families, who would otherwise be eligible for admission to the home. It is a very valuable feature, but is also doing the work which should beldone by the National Government, and which we will be largely released from if the Senate pension bill becomes a law.

Both the governor and myself think very highly of the principle of your law. But we think that the allowance to the States should be increased to at least $150 per annum for each inmate. Even then it would reach less than half the cost of maintenance, counting interest and repairs of buildings, etc. We are keeping there men confortably, not as paupers to be starved, but as invalids to be nourished. The average age of our inmates is about sixty years, and 40 per cent. of them are fit subjects for medical treatment.

The report of the secretary, which I inclose, was made February 13. Since then the number of inmates has increased, as stated, to fifty-eight, and the applications for outside relief and disbursements of same have increased in still greater proportion. The fact is that the facts as to the law and its operation have only just begun to be disseminated throughout the State, and it is only when the work is fully organized in every county that its full necessity and benefits will be appreciated.

I will be glad at any time to furnish any information in my power on this subject.

Very truly, yours,

HENRY A. CASTLE.

Senator C. F. MANDERSON.

STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
Lincoln, March 7, 1888.

DEAR SIR: Your favor of the 2d instant, inclosing copy of bill to provide aid for State homes for support of disabled soldiers, sailors, etc., has been received. In reply to your inquiries I have the honor to state that the Legislature of this State one year ago enacted a law providing for the establishment of a soldiers' home at Grand Island, Nebr. The main building is now nearly completed. No one has yet been received into it. When occupied the inmates are to be supported by appropriations from the State.

The act provides for receiving into the institution all soldiers and sailors "who have become disabled 'by reason of such service' in the late war of the rebellion," old age, or other causes, from earning a livelihood, and who would be dependent on public and private charity; and also wives of such soldiers and sailors, and their children under the age of fifteen years, and the widows, and children under the age of fifteen years, of soldiers, sailors, and marines who died while in the service of the United States, or who were honorably discharged from such service and who have since died, etc.

The act establishing this home contemplates the erection of cottages, each on a lot of 2½ acres, so that the veterans who are able may do a little in the way of cultivation.

The act creating the home was approved March 4, 1887.

I have no suggestions to make in reference to the bill, except to call attention to the word "disabled." I trust that that word as used in this act does not refer alone to soldiers disabled by wounds, but to such also as are disabled by reason of service in the war of the rebellion, or by old age and other causes, from earning a livelihood.

I most heartily indorse this measure, and trust that in the interest of justice this will become a law.

Very truly, yours,

JOHN M. THAYER.

Hon. C. F. MANDERSON,
United States Senator, Washington, D. C.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
Columbus, March 14, 1888.

SIR: Answering your communication of the 2d instant, the State of Ohio is now building a Soldiers' and Sailors' home at Sandusky, Ohio. We are building it on what is known as the cottage plan. The administration building and a number of cottages will be completed and ready for occupation by June 1 next. It was provided for by act of the General Assembly of date April 30, 1886. The State has appropriated for its construction $150,000. More will be appropriated as needed until it is finished, at which time it is expected to accommodate about 1,200 inmates.

We have also at Xenia, Ohio, a home for the orphans of soldiers and sailors, which accommodated during the year 1887 about seven hundred inmates.

Allow me to suggest that your bill should be amended so as to reimburse each State for each soldier's orphan it is supporting in a home such as ours at Xenia.

I have the honor to be, very respectfully,

J. B. FORAKER.

Hon. CHAS. F. MANDERSON,
Washington, D. C.

COMMONWEALTH OF PENNSYLVANIA, EXECUTIVE CHAMBER,
Harrisburg, March 3, 1888.

MY DEAR SENATOR: Your letter of the 2d instant, inclosing copy of Senate bill 2116, entitled "A bill to provide aid to State homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received. We have a State home in Pennsylvania, located in the city of Erie. It was established in pursuance of the provisions of the act of June 3, 1885. It has been in active operation for nearly two years. The number of inmates at present is about 250. Of these some 10 to 15 are absent on leave, making the actual number present in the home about 240.

We are making large additions to the buildings just now, so that we expect to be able to accommodate within the next six months about six hundred in all. It is a distinctively State institution, built with State funds, managed by a board of trustees provided for in the original act establishing the home, and is maintained by State appropriations. No one is admitted to the home except those who served in Pennsylvania regiments during the war of the rebellion and have been honorably discharged from the service and are without means of livelihood. Great care is exercised when admitting the inmates to see that their record of service is all right. I can not see, under the circumstances, why the General Government should not provide for the men who are there assembled, and it seems to me that the provisions of your bill are entirely proper.

We will probably expend $250,000 in buildings and equipment, in addition to the value of the ground and buildings which the State had on hand, and which had been intended originally for a marine hospital.

The provisions of your bill do not, as far as I can see, conflict in any way with the proper management of our home, or of any other which may have been or may hereafter be established under State supervision and authority. The beneficial effects of the bill will, in my judgment, be better than an indiscriminate service pension, or even a general dependent pension bill, inasmuch as the bounty of the Government will go to the men who are in actual and pressing need of it.

Whilst our State will not hesitate to provide for these men in the manner in which it is now doing it, it is nevertheless true that the provision should be made by the General Government, and the State in contributing toward this worthy object is simply lifting so much of legitimate burden from the shoulders of the Government.

Very cordially, yours,

JAMES A. BEAVER.

Hon. CHARLES F. MANDERSON,
United States Senate, Washington, D. C.

EXECUTIVE OFFICE, MICHIGAN, *Lansing, March 9, 1888.*

DEAR SIR: Yours of the 1st instant, making inquiries in relation to the Michigan Soldiers' Home, at hand. A home for disabled Michigan soldiers and sailors was established by act of our Legislature in June, 1885. It was completed and dedicated on the 31st of December, 1886. The building, furniture, and equipments have cost $160,000. It has provisions for three hundred and eighty inmates, but is now overcrowded, and four hundred are accommodated.

About $145,000 for the current expenses of 1887 and 1886 were appropriated, making an annual average expense of about $200 each. The plan works to the general satisfaction of the old soldiers and citizens of the State.

Very truly, yours,

C. G. LUCE, *Governor.*

Hon. CHARLES F. MANDERSON,
Washington, D. C.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 6, 1888.

MY DEAR SENATOR: I send you the last annual report of the managers of the New Jersey Home for Disabled Soldiers. It was organized under an act passed in 1866, and has a permanent annual appropriation of $25,000 for its support. An additional amount of $10,000 has been appropriated this year for its proper maintenance.

The State has made an appropriation of $125,000 for the purchase of property and the erection of suitable buildings, which are now about completed, and will be occupied in the spring.

I also send extracts from my annual message and from the report of the comptroller, which will give you more in detail the statistics.

Very truly, yours,

ROBERT S. GREEN.

Hon. CHARLES F. MANDERSON,
Washington, D. C.

[Extract from message.]

SOLDIERS' HOME.

By the report of the managers it appears that there were 328 inmates on the 31st of October, 1887. There were admitted during the year 329; discharged, 269; expelled, 12; died, 35. The average number of inmates was 329 per day. Of the inmates of the home during the year 513 served in New Jersey regiments.

Fourteen thousand seven hundred and twenty-five have been cared for since the home was opened. The total receipts for the year, including the balance on hand October 31, 1886, was $33,814.29. The expenses for the same time were $32,592.79. Balance on hand October 31, 1887, $1,221.50. The value of farm and dairy products consumed was $1,557.22. The additional amount needed for the proper maintenance of the home during the present fiscal year is $20,000.

One hundred and twenty-five thousand dollars was appropriated for the purpose of the erection of a Home for Disabled Soldiers, and the purchase of the necessary property on which to build the same. The managers, to whom this important work was intrusted, secured an excellent plot of ground upon the banks of the Passaic River, and have been engaged during the year in the erection of the buildings necessary for that purpose.

The care of those who are disabled from earning their own livelihood, in consequence of wounds received or of sickness contracted in the service of their country in time of war, is a sacred trust upon the people of the State. They gave up all the comforts of home, abandoned the pursuit of business, and devoted their lives, health, and energies to the defense of the Union. They should be the wards of the State, and it should be our care, when they become and are unable to provide for themselves or their families, to look after them, make their future pathway in life as pleasant as possible, and do all that we can to secure their comfort and alleviate their suffering.

[The New York State Soldiers' and Sailors' Home, Bath, Steuben County, New York.]

BATH, STEUBEN COUNTY, NEW YORK, *March* 12, 1888.

DEAR GENERAL: Absence at Albany on official business has prevented an earlier reply to your favor of the 2d instant, and I take pleasure in answering your queries in their order, namely:

The New York State Soldiers' and Sailors' home is a State institution and was originally organized by the Grand Army of the Republic, Department of New York, and the original building erected under its auspices by voluntary contributions from members of the order and citizens of the State.

It was opened on Christmas day in the year 1878, and early in 1879 was turned over to the State on condition that the Legislature would provide for its maintenance, which it has done liberally up to this time.

Three years ago an appropriation of $50,000 was also made for the construction of additional barracks. Previous to the erection of the new barracks the capacity of the home was about 700. We can now accommodate 1,000, with a number of applications which we have been compelled to deny.

We have applied to the Legislature for an appropriation for additional buildings, which will no doubt be granted.

The number present and absent September 30, 1887, was	924
Present September 30, 1887	759
Discharged and dropped during year ending September 30, 1887	498
Died during year ending September 30, 1887	68
Admitted during year ending September 30, 1887	554
Average number present daily during year ending September 30, 1887	852
Present and absent March 12, 1888	1,062
Present March 12, 1888	991
Number of acres of land, 350; value	$21,600.00
Cost of buildings	182,305.50
Total	203,905.50

The appropriation by the Legislature for the fiscal year ending September 30, 1888, for maintenance and ordinary repairs was $110,000.

As your bill provides that the sum to be awarded to the State homes shall be made under such regulations as may be established by the Board of Managers of the National Home, I have no suggestions to offer. I have no doubt they will carry out the intent of Congress in a satisfactory manner.

I have the honor to be, general, very respectfully, your obedient servant,

WM. F. ROGERS, *Superintendent.*

HON. CHARLES F. MANDERSON,
Senate Chamber, Washington, D. C.

STATE OF VERMONT, EXECUTIVE CHAMBER,
Brandon, March 15, 1888.

DEAR SIR: Your favor having reference to and making inquiry as to the subject of soldiers' home in Vermont, with inclosure, was duly received, and in reply I have to say that there is a soldiers' home at Bennington, in this State, established and maintained by the State, the same having been established under the provisions of act No. 189 of the session laws of Vermont, A. D. 1884, entitled "An act to incorporate the trustees of the soldiers' home in Vermont," and by act No. 228 of the same session of the Legislature, entitled "An act making appropriation for the trustees of the soldiers' home," the sum of $10,000 was appropriated by the State for the use of said trustees, and by act No. 214 of the session laws of 1886 a further appropriation of a like sum for the same purpose was made by the State.

Through the generosity and liberality of individuals the State has a home, a fine farm containing about 200 acres, formerly the residence of a retired gentleman, which makes a pleasant and beautiful place for our disabled and needy veterans. Nearly all of the first appropriation was required to reconstruct, repair, and furnish the building. The home was not in condition to receive applicants until May, 1887, when it was opened. Up to this time there have been thirty-nine inmates, two of whom have died, one furloughed, and one discharged, so that there are now thirty-five inmates, with a large number of applicants who can not be received, only as vacancies occur, for want of room.

The trustees intend to so enlarge the accommodations by erecting additional buildings by early summer that they can accommodate from eighty to one hundred in all. It is my opinion that by next summer we shall be in great need for room and accommodations to the full extent contemplated by the trustees, *i. e.*, from eighty to one hundred, and it seems to me that the number must increase from year to year for from fifteen to twenty-five years to come, unless the pension laws of the United States shall be so changed as to include a class not now covered by laws having reference to pensions.

It is gratifying, indeed, to see a move in the direction contemplated by Senate bill 2116. Our veterans should and must be so provided for as to keep them from the doors of the poor-house, and this duty can not be in better hands than that of the General Government they helped to save. You ask me to make suggestions. Very well. Let me call your attention to the language in section 1, line 7, "and widow or orphan thereof who may be admitted and cared for in such home," etc. I am at a loss to conclude what is meant or intended by this language. Is it intended to render this aid for the "widow or orphan" at the home? If not, then wherein and under what regulations, etc., is the proposed act broad enough to accomplish the purpose in view, having reference to the "widows and orphans?"

I am, sir, very truly, yours,

EBENEZER J. ORMESBEE,
Governor of Vermont.

HON. CHAS. F. MANDERSON,
United States Senator.

STATE OF WISCONSIN,
STATE BOARD OF CHARITIES AND REFORM,
Madison, March 23, 1888.

DEAR SIR: At the request of the governor's private secretary, I write you in relation to the Wisconsin Veterans' Home. He tells me that you have introduced a bill in the Senate giving aid to State soldiers' homes.

The Wisconsin Veteran's Home was proposed by the department encampment of the Grand Army of the Republic February 15, 1887. I was a member of the committee to which the subject was referred of asking for a State soldiers' home. As secretary of the State Board of Charities and Reform I was able to assure the committee that no State institution of any kind would be built during this financial period on account of the condition of the State finances and the demands of the State University. On my advice it was decided to establish a home of our own, asking for State aid. We secured such legislation without any difficulty.

We now have 70 acres of land on a beautiful lake at Waupaca, and buildings which now contain 51 inmates, nearly the full capacity at present.

We received $3 a week from the State for each inmate who was an honorably discharged soldier, sailor, or marine of the civil war, or for a woman who was the wife of such during the war. We shall ask to have this extended to the wives and widows of soldiers who were married since the war, with some precautions to prevent imposition.

We have a fair sized central building, and six cottages for two each, usually a soldier and his wife. We expect to enlarge this summer by adding cottages, which will be contributed by posts of the Grand Army of the Republic and corps of the Woman's Relief Corps. We hope to build twenty-five such cottages this summer.

The appropriation from the State is ample to cover all current expenses and make some minor improvements, but not to put up buildings. For these we expect to rely upon the Grand Army of the Republic, the Woman's Relief Corps, and citizens like Senators SAWYER and SPOONER, who have each contributed liberally.

We expect to make it a home as nearly as it is possible to make any institution a home. Our specialty will be to receive the soldiers with their wives. Single men are well provided for in the national homes, except for two evils, the overcrowding and the unnecessary expense in providing elegance rather than comfort, which is the great fault of most public institutions. But married men must leave their wives to enter a national home. We shall also receive the widows of soldiers, most of whom do not get pensions.

Will you do us the favor to so arrange your bill as to include us in it, if we are not already so included? The title to the property is in a corporation called the Wisconsin Veterans' Home. The members of the Department Encampment of Wisconsin, Grand Army of the Republic, are members of the corporation, which is managed by a board of trustees, elected by them.

Yours, respectfully,

A. O. WRIGHT, *Secretary Trustees.*

HON. C. F. MANDERSON.

Letters have also been received from many other governors of States where State soldiers' homes have not been established, and it is a fact worthy of note that in no instance has there been adverse criticism of the bill herewith reported.

General W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in a letter dated January 31, 1888, to Senator HAWLEY, says:

"Some legislation is necessary in the direction of increasing the number of the branches of the national homes or in giving national aid to State homes, with such restrictions as to the expenditures of the money as may be found to be proper. But the legislation should not be confined to a home in one State. It should be general, and apply to all of the State homes, and there are now many of them. It seems to me, therefore, that legislation giving money to one State home is objectionable, considering the large number of State homes that have been long established and supported at the cost of the various States which have hitherto received no help from Congress."

In another letter, dated February 2, 1888, to General T. S. Peck, of Burlington, Vt., General Franklin says:

"We have 12,500 old soldiers in the National Home to-day. Every foot of space is occupied, and yet hundreds are kept out from want of room. I believe the best way to supplement the National Home is to assist the State homes, but I think the assistance should be given to all of them and be a general law."

General M. T. McMahon, of New York, writes as follows to General Peck:

"OFFICE OF THE UNITED STATES MARSHAL,
"SOUTHERN DISTRICT OF NEW YORK,
"*New York, February* 2, 1888.

"MY DEAR GENERAL: Your letter of the 31st is received. I expect to see General Franklin and go with him to Washington in a few days, and will do what I can to carry out your views. The trouble as to the State homes has been that with the exception of the State of New York the appropriations necessary for their support are not to be counted on, and I have frequently, in conversation with General Franklin and other members of the board, discussed the matter, and I think the sentiment of the board is in favor of an act of Congress authorizing the board to pay a certain sum towards the support of those institutions per capita for the number of the men maintained in them.

"The National Homes are overcrowded, and while I think myself it would be better that a larger number of branches of the National Home should be created, yet while the States are willing to establish and maintain homes for their own soldiers it would be wise for the General Government to render them certain assistance.

"Very sincerely, yours,

"M. T. McMAHON.

"General T. S. PECK."

During the reading of the above report the following occurred:

Mr. MAISH. I ask unanimous consent that the further reading of this report be not insisted on.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the further reading of the report be dispensed with.

Mr. MAISH. It will simply have the effect of defeating the bill, for the bill will be withdrawn.

Mr. MCMILLIN. I simply wanted to know the facts. This is a new process of caring for the soldiers. It is quite a lengthy report, and I think the facts upon which it is made should be read.

Mr. MAISH. All of that could have been stated in five minutes; there is nothing new in it.

Mr. MCMILLIN. Why was the report so long, then?

Mr. MAISH. I did not write the report, or it would have been brief.

Mr. MCMILLIN. I think that it ought to be read. The gentleman

from Pennsylvania has stated that it interferes with the business of the House. I have no desire to do that, and on that account I withdraw the demand for the further reading; but it ought to be inserted in the RECORD. Let the gentleman make his statement, if it can be made in five minutes, and let us have the grounds upon which this action is sought.

Mr. LAIRD. This report, if it had the attention of the House, will be seen to demonstrate from the figures presented by the Board of Managers of Soldiers' Homes that there were two million seven hundred and odd thousand soldiers enrolled in the Army of the United States during the war. It appears that there are at least one million of them surviving. It states that forty-two thousand of these soldiers have been entertained at these homes established by law. There are five, and the one at Los Angeles makes the sixth, but it is not yet completed. It shows the average of these soldiers to be about ten thousand who are received and cared for at these five homes.

The report of the managers demonstrates that either we must build additional homes, we must enlarge the capacity of those in existence, or we must grant aid to the States and encourage them in caring for these veterans, or refuse to do anything, and let these men take care of themselves to the end of life.

I have not been the champion of reckless legislation in the committee, but have favored this bill as a means of escaping from the expenditure of vast sums of the public money for the erection of flats called soldiers' homes, the usefulness of which must diminish in a short time—about ten years—and leave upon the hands of the Government vast properties that either will be valueless or lessened in value, when the necessity for caring for the soldiers in them is diminished.

The recommendation of the Board of Managers is clear, distinct, and practical. They ask us to give them as much money to add to the capacity of the present soldiers' homes, or to pass this law and encourage the States to care for their own men. And from the statements of the officers and governors of the States it appears that there had been expended in all the States for the caring of soldiers, which, I submit, belongs to the Government of the United States, as a matter of public spirit and patriotism, the extraordinary sum of $40,000,000. The great State of Massachusetts leads with an expenditure, creditably in her favor, of $18,000,000. The State of Wisconsin follows with an expenditure of $11,000,000; and so on until the vast sum of $40,000,000 has been expended for the caring of these men by the States.

So, then, the proposition comes down to this, and is fairly presented to the House, as to whether we shall pursue a policy which will encourage the States to care for these soldiers or expend this sum in enlarging the present capacity of the soldiers' homes now in existence, or refuse to do anything.

Mr. MATSON. Does the bill apply only to homes now established?

Mr. LAIRD. It applies to those established now and those to be established hereafter.

Mr. PERKINS. I will ask the gentleman from Nebraska [Mr. LAIRD] whether it will not cost the Government under this proposed plan about one-quarter of what it would cost to construct national soldiers' homes and maintain them?

Mr. LAIRD. I will answer that in this way. The original cost of the maintenance of a soldier at the soldiers' homes is upwards of $200 a year, so the Government here assumes but one-half of the responsibility it would have to assume if it proposes to continue to support the soldiers at the national homes.

Mr. ROGERS. Before the gentleman sits down there are one or two points that I would like some information about. Do I understand that soldiers who are disabled but who are drawing pensions from the Government are entitled also to the privileges of these homes?

Mr. LAIRD. If the pension is over $24, no. If it is under $24, then, under the rules of the Board of Managers, it is subject to distribution to the families of the men, if they have families; otherwise it is paid into the treasury of the home.

Mr. ROGERS. By the rules of the Board of Managers, the gentleman says.

Mr. LAIRD. Yes.

Mr. ROGERS. Then, if the limit is fixed at $24 by the authority of the Board of Managers, what reason is there why they should not change it and extend it to $54 or $504, or any other figure?

Mr. LAIRD. It is the law that fixes the limit. The law provides that if a soldier receives a pension above that amount, $24, he can not go into a home.

Mr. ROGERS. I understood you to say a moment ago that it was fixed by authority of the Board of Managers.

Mr. LAIRD. No. The character of the disability and the class of men who shall receive the benefit of this aid are determined by the regulations of the Board of Managers.

Mr. ROGERS. I have my friend's construction of that, and now, if he will pardon me, I will read the provision of the bill:

> That all States which have established, or which shall hereafter establish, homes for disabled soldiers and sailors of the United States who served in the war of the rebellion, or in any previous war, who are disabled by age and by reason of such disability are incapable of earning a living.

Thus the disability may be the result of habitual drunkenness, it may be the case of some young man who was twenty-five or thirty years of age when the war closed, and who by a reckless life has become an inebriate or otherwise diseased or disabled, and such a man will have the benefit of the home under this bill.

Mr. CUTCHEON. That is the language of the existing law in regard to admission to the National Homes.

Mr. ROGERS. The gentleman will pardon me a moment. I can not grind two axes at once. The bill proceeds:

> And by reason of such disability are incapable of earning a living.

Your bill has no sort of limitation whatever. It would embrace within its terms a man who had become a complete wreck by reason of drunkenness or any other vice.

Mr. CUTCHEON. The language which the gentleman has read is the existing law.

Mr. MAISH. This bill does not propose to change the existing law. What the gentleman has read is the law as it now exists in relation to admission to national soldiers' homes for disabled soldiers, and this bill simply recites the law as it exists.

Mr. ROGERS. I do not know what the committee think this bill proposes; I am looking at the bill.

Mr. MAISH. But what I am trying to impress upon the gentleman is that this bill does not propose to change the existing law which applies to national homes for disabled soldiers.

Mr. ROGERS. What does the gentleman mean by the "existing law?"

Mr. MAISH. I mean that the language which you have read is the existing law.

Mr. ROGERS. Do I understand that under the existing law a man who has become disabled and incapable of taking care of himself, by reason of his own recklessness, drunkenness, or other vice or crime, may be admitted to the home and cared for there?

Mr. MAISH. If that is the interpretation of the law, I say yes.

Mr. HOPKINS, of Illinois. You mean that that is the gentleman's interpretation.

Mr. ROGERS. Well, if that is the general law now, I do not see any necessity for enacting this bill.

Mr. MAISH. That is another of the gentleman's mistakes. We propose simply to admit into the State homes for disabled soldiers upon the same terms on which they are now admitted to the national homes and at the same time save the Government $100 a year in each case.

Mr. TOWNSHEND. This is a measure of economy to the General Government.

Mr. ROGERS. Well, with me it is not a matter of economy; it is a matter of principle.

Mr. WARNER. If the gentleman from Arkansas will allow a suggestion, this law was amended in 1884, when Congress authorized the establishment of the soldiers' home at Leavenworth. What the gentleman has read is the general law, and if this bill simply read that the same class of soldiers with the same disabilities should be admitted into the homes which the States establish as are admitted into the national homes for disabled soldiers, the effect would be the same. The language of the existing law is simply copied in this bill.

Mr. LAIRD. Let me call the attention of the gentleman from Arkansas to a provision which I think checks the danger that he seems to anticipate. I read, beginning in the twelfth line of the bill:

> The number of such persons for whose care any State shall receive the said payment under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe.

Now, if any fault is to be found with the possible abuse of power by the board, that of course is not a thing for which the Committee on Military Affairs or the Congress of the United States is responsible.

Mr. ROGERS. I do not want to consume time, but I have just a word or two to say. There are many provisions in this bill which do not meet my approbation. In the first place, I dislike very much to see Congress enter into a co-partnership with the States. In my judgment we had better keep the lines between the States and the General Government well delineated. The second objection that I have to the bill is that we make a surrender of the money of the General Government to the States, without any such control of the management of these homes as will enable the General Government to see that the money is properly expended and the parties properly taken care of.

On the other hand, if a power of regulation and control on the part of the General Government be asserted, then you are doing a thing which the Constitution does not warrant; you are undertaking to control the institutions of a State. So that upon either horn of the dilemma this matter is to me seriously objectionable.

It is true I do not profess to know anything about the management of these homes, and I have had very little to do with matters connected with the military arm of the service. It is with much diffidence that I consume a moment upon a matter of this kind. But to my mind this bill is seriously objectionable from every aspect in which it can be viewed, and I can not vote for it.

Mr. TOWNSHEND. Now, let us have a vote.

Mr. GIFFORD. There are two or three formal amendments which I would like to offer.

Mr. TOWNSHEND. I want to say to my friend from Dakota [Mr. GIFFORD] that by submitting amendments now he is simply imperiling the bill, because according to the understanding among members of the committee this bill must be withdrawn unless it be acted upon very shortly.

Mr. GIFFORD. I only desire to insert the word "Territory."

The CHAIRMAN. Does the gentleman offer that amendment?

Mr. GIFFORD. At the suggestion of gentlemen of the Military Committee, who think the bill may be imperiled by offering amendments, I withhold my amendment.

Mr. ADAMS. I wish to call the attention of the gentleman from Nebraska [Mr. LAIRD], who, I believe, has control of this bill, to what seems to me to be a very awkward and inaccurate wording in the first section. The language is: "Provided such disabilities were not incurred in any war against the United States," or words substantially like those.

Now, the gentleman knows, and I know——

Mr. TOWNSHEND. My colleague [Mr. ADAMS] will allow me to make a suggestion. There is an understanding on the part of the Committee on Military Affairs that any bill, the consideration of which shall occupy more than fifteen minutes, shall be withdrawn. This bill has now occupied half an hour, and if the time is to be consumed by continued argument or inquiry I shall feel it incumbent upon me, in the interest of many other bills which I think will meet with no serious opposition, to withdraw the bill.

Mr. ADAMS. I do not propose to make any argument. If my colleague had waited patiently for a moment he would have found——

Mr. LAIRD. I appreciate the point of the gentleman. My answer is that under our instructions we have made this bill in accordance with the Senate bill.

Mr. ADAMS. Well, it is inaccurately drawn.

Mr. MACDONALD. Then, it ought not to be passed.

Mr. LAIRD. It is not so inaccurate as to be objectionable.

Mr. Chairman, I desire to offer an amendment. Under the bill in its present form the State of Massachusetts, which has expended, in caring for its soldiers, something like $18,000,000, may not be comprehended. I therefore move to amend by inserting, in line 4, after the word "establish," the words "or which support wholly or in part."

Mr. BAKER, of New York. I wish to ask the gentleman from Nebraska whether this bill in its terms applies to the Territories?

Mr. GIFFORD. That is the amendment I desired to offer.

Mr. LAIRD. That does not affect this amendment.

Mr. McMILLIN. What is the object of this amendment?

Mr. LAIRD. The object is this: It allows the State of Massachusetts to receive such benefit as it may be entitled to receive under the general provisions of this bill, but which without the amendment it might not receive or which it might be questionable whether it would receive. It does not enlarge the bill at all. [Cries of "Vote!" "Vote!"]

Mr. McMILLIN. I do not understand yet the evil which the gentleman seeks to correct. What is the remedy desired?

Mr. LODGE. The State home of Massachusetts was established largely by private benevolence, in the first place, and afterwards chartered by the State, there being over $200,000 of private subscriptions to establish the home. It was established as a private home at first. The State gives to the home $20,000 a year, but the bill would exclude it because $200,000 were given by private subscriptions.

Mr. McMILLIN. Is that the object of the amendment?

Mr. LODGE. Yes; that is the object of the amendment.

Mr. LAIRD's amendment was agreed to.

Mr. BAKER, of New York. I move to insert, after the word "States" wherever it occurs, the words "or Territories."

The amendment was agreed to.

Mr. STEELE. I move, after line 4, to insert "and orphans of soldiers and sailors."

The amendment was agreed to.

The CHAIRMAN. The question recurs on laying the bill aside with the recommendation that it do pass as amended.

The committee divided; and there were—ayes 69, noes 13.

Mr. KILGORE. No quorum has voted.

Mr. TOWNSHEND. The point of no quorum practically destroys the session for this evening, and if it is insisted upon I must withdraw the bill and take up some other business.

Mr. DORSEY. The gentleman from Texas agrees to let the committee rise, when he will ask for a vote in a full House.

The CHAIRMAN. Does the gentleman withdraw his point of no quorum?

Mr. KILGORE. I do, with the understanding that the bill shall go over to be voted on in a full House.

Mr. LAIRD. Let the bill be reported to the House.

Mr. KILGORE. I do not object to that.

So the motion to lay the bill aside to be reported to the House with the recommendation that it do pass as amended was agreed to.

The CHAIRMAN. There being no objection, the bill (H. R. 7939) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, their widows and orphans, will be reported to the House with the recommendation that it be laid on the table.

There was no objection, and it was ordered accordingly.

Mr. TOWNSHEND moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had under consideration the special order, and had directed him to report back with amendments the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States; and also the bill (H. R. 7939) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, their widows and orphans, with the recommendation that it be laid on the table.

ALFRED PLEASONTON.

Mr. TOWNSHEND. I will yield now to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. I call up for consideration the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton a brigadier-general, with the rank and grade of colonel, which has been returned from the Senate with an amendment. I propose to move to non-concur in the amendment of the Senate and agree to the conference asked on the disagreeing votes of the two Houses.

The amendment of the Senate was read, as follows:

Page 1, line 5, strike out all after the word "States," down to and including the word "State," in line 6, and insert "major." Page 1, line 8, strike out "colonel" and insert "major;" also amend the title.

Mr. HOOKER. This bill which comes from the Senate with an amendment is precisely the same sort of a bill the House has passed in reference to General P. F. Smith. Both were generals in the Army at the close of the war. General Pleasonton served forty-four years and was retired as major-general of volunteers precisely as in the case just passed.

Mr. McMILLIN. I have examined the case which has passed, and I find when he resigned he was only a major.

Mr. TOWNSHEND. The gentleman is mistaken.

Mr. McMILLIN. That is in the report.

Mr. HOOKER. I refer to the case of General Pleasonton. I concede he was a major at the time he entered into the Army, but was retired as a major-general at the close of the war. He served from his graduation at West Point up to the conclusion of the war.

When the bill left the House it proposed to retire him as a colonel. It came back from the Senate with an amendment to retire him as a major.

Mr. HOPKINS, of Illinois. What was his rank at the time he retired from the Army?

Mr. HOOKER. He was a colonel at the time he retired, but he was a major-general in the volunteers.

Mr. HOPKINS, of Illinois. I understand the Military Committee of the Senate have a rule which governs them in these matters, and that is the reason it has changed it from colonel to major.

Mr. HOOKER. Precisely; and exactly the same might apply to the other case which has just been acted upon.

Mr. HOPKINS, of Illinois. That may be——

Mr. HOOKER. And I insist, as the House passed a bill retiring him with the rank of colonel for his long service, that whatever may be the rule of the Senate in regard to these matters, as suggested by the gentleman, I hope the House will insist upon its own action and nonconcur. The Senate has appointed a committee of conference, and asked a conference with the House. This shows that it is an open question to be considered between the two Houses. [Cries of "Vote!" "Vote!"]

Mr. HOPKINS, of Illinois. If the Senate has passed upon the matter and the statement is correct that this gentleman only held the rank of major at the time of retiring, it seems to me that is as high a rank as he should hold under this bill.

Mr. HOOKER. Well, let it be settled in the conference.

Mr. HOPKINS, of Illinois. Why not settle it right here?

Mr. KEAN. I move that the House concur in the Senate amendment.

The SPEAKER *pro tempore*. That motion takes precedence.

Mr. HOOKER. The Senate asks a conference with the House upon the amendment.

Mr. HOPKINS, of Illinois. But that will be done away with if the House concurs in the Senate amendment; and I see no reason why he should not be retired simply as a major.

Mr HOOKER. This is not an isolated case. We have retired many other officers upon a higher rank than they had at the time of leaving the Army. We have retired them on the rank they held in the volunteer service.

Mr. HOPKINS, of Illinois. Well, if we have done wrong before I hope we will not repeat it now.

Mr. O'NEILL, of Missouri. As I understand it, this will grant some measure of relief in conference.

Mr. HOPKINS, of Illinois. I move to concur in the Senate amendment.

The SPEAKER *pro tempore*. The gentleman from New Jersey has already submitted that motion.

Mr. HOOKER. I hope the House will vote the proposition down.

Mr. HOPKINS, of Illinois. I hope the House will not. There is no reason why he should be retired at a higher grade than he held in the regular Army.

The question was taken on the motion of Mr. KEAN to concur in the Senate amendment.

The House divided; and there were—ayes 39, noes 49.

So the motion was rejected.

Mr. HOOKER. I now renew my motion to non-concur in the Senate amendment and agree to the conference asked by the Senate.

The motion was agreed to.

Mr. HOOKER moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AID TO STATE HOMES FOR SUPPORT OF DISABLED SOLDIERS.

Mr. TOWNSHEND. I now yield to the gentleman from Michigan [Mr. CUTCHEON].

Mr. LAIRD. Let me first dispose of the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, reported from the Committee of the Whole a few moments ago.

Mr. SPINOLA. Let that come up with the rest of the batch. I object to taking up any further time in its consideration now.

Mr. LAIRD. It will take but a few moments. Let it pass its third reading, and after the previous question is ordered upon its passage, let it go over to the full House on the objection made by the gentleman from Texas. I ask unanimous consent that that course be pursued.

Mr. KILGORE. I desire to reserve the right to amend this bill also.

Mr. LAIRD. Then I ask unanimous consent that this bill may be taken up, read the third time, and the previous question be ordered upon its passage, accompanied with the right of amendment, and then go over.

Mr. KILGORE. I understand that when the bill passes to its engrossment and third reading, the right of amendment is cut off.

Mr. LAIRD. But I ask consent to have that right granted to the gentleman, notwithstanding the operation of the previous question. That will be reserved.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Nebraska that this bill be now ordered to a third reading?

There was no objection.

The bill was read the third time.

The SPEAKER *pro tempore*. The question now recurs on the passage of the bill; and the gentleman from Nebraska asks unanimous consent that the previous question be considered as ordered upon the bill, and that it go over to be called up hereafter with the right of amendment. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. If there be no objection, the bill H. R. 7939, of the same title with the bill just acted upon, will be laid upon the table.

There was no objection, and it was so ordered.

BONDS OF DISBURSING OFFICERS.

Mr. CUTCHEON. By direction of the committee I now call up the bill (H. R. 8873) in relation to bonds of disbursing officers and to monthly payments of the Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War may accept a personal bond, or the bond of an incorporated guaranty company, for the faithful discharge of the duties of any disbursing officer of the Army, and such bond shall be in lieu of former bonds of such officer in respect to liabilities accruing subsequent to date of approval of said bond.

SEC. 2. That the number of paymasters in the Army with the rank of major shall be fixed at forty, and the Army shall hereafter be paid monthly, whenever the Secretary of War shall in his discretion so direct.

Mr. CUTCHEON. The report in this case is quite lengthy, covering four closely-printed pages; but I think I can make a statement of one minute that will cover the entire case.

Mr. ABBOTT. I ask for the reading of the report.

Mr. CUTCHEON. This is urgently recommended by the Secretary of War and the Paymaster-General in their last annual reports, and specially recommended in letters shown in the report. It will take fifteen minutes to read the report, at least.

Mr. TOWNSHEND. I hope the gentleman from Texas will allow a statement to be made in place of the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Texas has demanded the reading of the report.

The report (by Mr. CUTCHEON) was read, as follows:

The bill in question has been submitted to the Secretary of War, and the responses of the Secretary and the Paymaster-General are herewith submitted.

Section 1 provides for the substitution of a bond of an incorporated guaranty company for the personal bond of such officer, and that the said bond shall be in lieu of former bonds.

At present all bonds are cumulative, and no matter how many bonds may be subsequently given the original bondsmen are still held.

This seems to be an unnecessary hardship on disbursing officers. The Government can fully protect itself by having a full settlement with the officer on accepting a new bond.

The present system makes it almost impossible for an Army disbursing officer to procure bonds.

The second section fixes the number of paymasters in the Army at forty, which was the number at the beginning of this year. On March 9, one paymaster was retired, leaving thirty-nine in service.

Attention is directed to the report of the Paymaster-General.

By the act of July 5, 1884, it was provided that the number of paymasters with the rank of major should be limited to twenty-nine, and that no vacancies should be filled until the number is reduced to twenty-eight.

The Paymaster-General says: "This Department is crippled by the reduction of its force." He concludes by saying, "I earnestly recommend the passage of the bill."

The provision in regard to monthly payments is not mandatory, but permissory only; and, in fact, is no more than a legislative approval of a power already conferred upon the Secretary of War.

In this connection the following extracts from the annual report of the Paymaster-General are appended:

"As there seemed to be a constant and pressing demand from the enlisted men of the Army for more frequent payments, and it was urged by many officers that payments to the troops at short intervals would tend to check desertion and improve the *morale* of the Army, I addressed a letter to the Adjutant-General of the Army, requesting that the necessary orders directing that the troops at the twenty-nine following-named posts be mustered for pay on July 31, 1887, and monthly thereafter:

"*List of posts to be paid monthly.*

"1. Fort Wood, New York Harbor.
"2. Fort Columbus, New York Harbor.
"3. Fort Wadsworth, New York Harbor.
"4. Fort Hamilton, New York Harbor.
"5. Fort Schuyler, New York Harbor.
"6. David's Island, New York Harbor.
"7. Willet's Point, New York Harbor.
"8. Sandy Hook, New Jersey.
"9. Fort Warren, Boston Harbor, Massachusetts.
"10. Fort Niagara, New York.
"11. Fort Porter, New York.
"12. Fort Wayne, Michigan.
"13. Newport Barracks, Kentucky.
"14. Washington Barracks, District of Columbia.
"15. Fort Leavenworth, Kansas.
"16. Leavenworth Military Prison.
"17. Jefferson Barracks, Missouri.
"18. Fort Omaha, Nebraska.
"19. Salt Lake City Barracks, Utah.
"20. Fort Douglas, Utah.
"21. Fort Snelling, Minnesota.
"22. Post of San Antonio, Texas.
"23. Fort Bliss, Texas.
"24. San Diego Barracks, California.
"25. Fort Lowell, Arizona.
"26. Fort Mason, California.
"27. Presidio of San Francisco, California.
"28. Vancouver Barracks, Washington Territory.
"29. Fort Walla Walla, Washington Territory.

"To this list at subsequent dates were added the following six posts:

"30. Fort Myer, Virginia;
"31. Watertown Arsenal, Massachusetts;
"32. Angel Island, California;
"33. Alcatraz Island, California;
"34. Fort McHenry, Maryland;
"35. Fortress Monroe, Virginia;

"and the various recruiting rendezvous.

"The posts selected were those in the vicinity of the stations of paymasters, and were so chosen because the additional payments could be made without any additional cost to the Government except a slight outlay in a few instances where a small amount of travel expenses would be incurred.

"Since the system has been inaugurated I have had numerous requests to extend it to the more isolated posts, where it was claimed that the advantages to be derived from it would be more sensibly felt, but I was forced to deny them, as with my present available force of officers it would be impossible to pay all the posts so situated owing to time necessarily consumed in traveling to and from them.

"If it is deemed to be in the interests of the service that the system of monthly payments be extended to the entire Army, I would recommend that the act of July 5, 1884, be so amended as to limit the number of paymasters to forty, the number now in the Department. I would further recommend that the proviso of said act be amended so as to read: 'That hereafter any paymaster of the rank of major who has served twenty years in the United States Army as a commissioned officer shall, upon his own application, or by direction of the President, be placed upon the retired-list of the Army.'

"I would again invite attention to a recommendation in a former report in the matter of paymasters' bonds. It is held by the accounting officers of the Treasury that each bond given by a paymaster is a continuing bond from the date of its approval so long as the officer is in service under his current commission, notwithstanding a new bond is required from him every four years or oftener if the interests of the service demand it. Under such a ruling paymasters experience great difficulty in obtaining sureties.

"While a person may be willing to assume a responsibility which will extend through a limited period, he will hesitate to assume one to which no limit is fixed, and from which he can obtain no release. The legislation which has been enacted to remedy this evil in the matter of bonds of collectors of internal revenue (20 Statutes, page 327) and of postmasters (Revised Statutes, 3827) should be extended to the bonds of paymasters. I would further recommend, as a matter of relief to paymasters, that the bond of an approved guaranty company be accepted as security.

"The bonds of such companies are accepted by very many of our leading railroad and express companies, banking and insurance institutions, for the faithful discharge of the financial trust of their employés. If this facility to bond were extended to paymasters, the Department could then with propriety ask the enactment of the legislation necessary to require the paymaster to rebond within a specified date, or in the event of his failure to do so to declare his commission vacated. As the law now stands, the Department has no option in case an officer declines to bond beyond placing him on waiting orders with full pay."

The following extracts from the annual report of the Secretary of War are also appended:

"[Extracts from the annual report of the Secretary of War, 1887.]

"On the subject of paymasters's bonds, I quote the remarks of the Paymas-

ter-General, with the recommendation that the change be extended to all officers of the Department and the Army who are required to give bond.

"It is held by the accounting officers of the Treasury that each bond given by a paymaster is a continuing bond from the date of its approval so long as the officer is in service under his current commission, notwithstanding a new bond is required from him every four years, or oftener, if the interests of the service demand.

"Under such a ruling paymasters experience great difficulty in obtaining securities. While a person may be willing to assume a responsibility which will extend through a limited period, he will hesitate to assume one to which no limit is fixed, and from which he can obtain no release. The legislation which has been enacted to remedy this evil in the matter of bonds of collectors of internal revenue (20 Stats., page 327) and of postmasters (Rev. Stat., sec. 3827) should be extended to the bonds of paymasters. As a matter of relief to paymasters, I would further recommend that the bond of an approved guaranty company be accepted as security."

* * * * * * *

"For many years it has been the custom to pay the Army on the bi-monthly muster. Numerous requests have been made for more frequent payments, and in order to comply as far as practicable with this expressed desire, monthly payments were made at thirty-five posts in the vicinity of the stations of paymasters, and there appears to be a general wish that this system be extended to the more isolated posts. The service of forty paymasters will be required to carry out this recommendation."

In view of the recommendations of the Paymaster-General and the approval thereof by the Secretary of War, and believing that the relief provided by the bill is just and sound in policy, the committee recommend that the bill do pass.

The communications with the War Department are attached as a part hereof.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, March 16, 1888.

SIR: I have the honor to return herewith the letter of Hon. B. M. CUTCHEON, of the 12th instant, inclosing a copy of a proposed bill providing for monthly payments to the Army and fixing the number of paymasters at forty, referred to this office, with the following remarks:

The number of paymasters in service January 1, 1888, was forty. On the 9th instant, by retirement of one, this number was reduced to thirty-nine.

The act of July 5, 1884, limits the number to twenty-nine majors, and provides that no vacancies can be filled until that number is reduced to twenty-eight.

The effect of section 2 of the proposed bill will be to stop further depletion in the number, and permit the appointment, when vacancies occur, of such numbers as will be required to maintain the number of majors at forty.

This Department is crippled by the reduction of its force. It is not possible, with the number reduced, to pay the Army promptly each month and to supply the other demands upon it.

The available force is now actively employed on disbursing duty. While all other bureaus of the War Department have from one to four officers on bureau duty in this city the pay department has none.

The only available officer who could, without injury to the service, be taken from the duty paying troops is now overburdened with his disbursing duties in paying claims for back pay and bounty under the recent deficiency bills.

There are now over 12,000 of these claims, recently received from the auditor, who has notified the claimants that the pay department is now ready to pay them. All these claimants expect immediate remittance.

It is not within the range of possibilities for the single officer available for this duty to pay these claims until late in the coming summer.

I earnestly recommend the passage of the bill, as the efficiency of the Department can not be maintained if the act of July 5, 1884, continues in force.

Very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General, United States Army.

The SECRETARY OF WAR.

Official copy.

WM. B. ROCHESTER,
Paymaster-General, United States Army.

WAR DEPARTMENT, *Washington City, May 2, 1888.*

SIR: In reply to your request of the 24th ultimo for the views of this Department upon House bill 8873, Fiftieth Congress, first session, "in relation to bonds of disbursing officers and to monthly payments of the Army," I have the honor to invite attention to the inclosed report of the 30th ultimo, on the subject, with its accompanying papers, from the Paymaster-General, expressing the opinion that the provision for accepting from disbursing officers personal bonds, or the bonds of incorporated guaranty companies, would afford a much needed relief to those officers, which view is concurred in by this Department.

In regard to fixing the number of paymasters, as provided by section 2 of the bill, I inclose a copy of Department letter of the 23d of March last to Hon. B. M. CUTCHEON, expressing the views of the Department on the subject.

It may be added that legislation to effect monthly payments of the Army is unnecessary, as it is in the power of the Secretary of War to direct such payments, as has been done in many cases.

Very respectfully,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance, and Acting Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, April 30, 1888.

SIR: I have the honor to return herewith H. R. 8873, a bill in relation to bonds of disbursing officers; fixing the number of paymasters in the Army at forty, and paying the Army monthly, referred to me for report.

I am of opinion that the legislation asked in relation to the bonds of disbursing officers will afford a much-needed relief to the disbursing officers of this Department. I have in repeated reports urged that the attention of Congress should be called to this subject, and would invite attention to my remarks thereon in my last annual report (page 5), and to your recommendation that the benefits be extended to all disbursing officers of the War Department and the Army in your report for 1887, page 23.

In the matter of monthly payments to the Army, I inclose a copy of my letter in reply to the letter of Hon. M. B. CUTCHEON on this subject, and to pages 2 and 3 of my last report.

Very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General, United States Army.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, *Washington City, March 23, 1888.*

SIR: I have the honor to return herewith the proposed bill providing for monthly payments to the Army, and fixing the number of paymasters at forty, sent me on March 12 for information with regard to the second section.

The report of the Paymaster-General, which accompanies this, will, it is believed, explain this section fully.

As in the course of the reduction called for by the act of July 5, 1884, the Pay Department has only recently been reduced below the number at which it is proposed by this bill to fix it, longer experience will be wanted before report can be made as to whether the extreme limit of reduction consistent with efficiency has been reached.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. B. M. CUTCHEON,
House of Representatives.

Mr. ROGERS. I want to ask the gentleman how many paymasters we have now in the Army?

Mr. TOWNSHEND. Thirty-nine.

Mr. CUTCHEON. There were forty, but there are now thirty-nine.

Mr. ROGERS. I will yield to the gentleman from Tennessee.

Mr. McMILLIN. If I may be indulged one moment, I would like to state that I remember when I first came to Congress, about nine years ago, there was an effort to reduce the number of these paymasters. It was attempted by many, and claimed by a portion at least, and I am not sure but the majority, of the Committee on Military Affairs that forty were not needed. We struggled and struggled along and never could repeal the law; they had too much influence to permit that to be done. Finally we did repeal it, and there was a provision made that when, on account of accidents, deaths, or retirements, there were any vacancies occurring, they should not be filled until it reached the limit of twenty-eight. Now, this bill proposes to break that limit and to put it back to forty. I suppose the object is not on the part of the committee, but on the part of others, and that the War Department may want to fill vacancies. There is a vacancy there, and if this limit can be removed any vacancies will be filled.

The gentleman from Missouri will remember the struggle we had to get that limit cut down, and it could not be claimed by any military man in the United States that it will take forty men to pay twenty-odd thousand soldiers.

Mr. ROGERS rose.

Mr. CUTCHEON. As I called up the bill and have made no statement concerning it, perhaps the gentleman from Arkansas [Mr. ROGERS] will permit me to make a statement.

Mr. ROGERS. I yield to the gentleman to make a statement.

Mr. CUTCHEON. This bill attempts to do two things: First, to relieve paymasters of the Army in respect to their bonds. At the present time paymasters' bonds are cumulative. He may be required to give an addition as often as the Department may call upon him.

Under the present system he gives bonds when he enters upon the service, and a few years afterwards he gives another bond, and then a few years later another, but all the time the first bond remains in force, even to the end of his period of service, and there is no possibility of being relieved of it. By reason of this it has become very difficult indeed for paymasters and other disbursing officers of the Army to secure bonds. The first feature of the bill is that it allows a paymaster, instead of giving a personal or individual bond, to give the bond of an indemnity corporation.

That is recommended by the Paymaster-General and assented to by the Secretary of War. The second feature of the bill is in respect to monthly payments instead of bimonthly payments. Heretofore for a long period of time the Army has been paid bimonthly, once in sixty days. Within the past two or three years a movement has been inaugurated in favor of monthly payments, and the Secretary of War has tried that plan with great satisfaction to the Army and to all concerned.

Last year, as will be seen by the statement of the Department, such payments were made at thirty-five posts, and it is now proposed to extend the system of monthly payments to all the posts; in other words, to double the amount of work heretofore done by the paymasters of the Army. That is the second feature of the bill, and it is desired by the Army, by the Paymaster-General, and by all concerned. Following that, the third feature is to retain the number of paymasters at forty. At the time the act of 1884 spoken of by the gentleman from Tennessee [Mr. McMILLIN] was passed, I think the number of paymasters in the service was fifty-two, and it was proposed by that bill that no vacancies should be filled until the whole number had been reduced to twenty-nine.

Mr. MACDONALD. What is the present number of the Army?

Mr. CUTCHEON. The present number is limited to twenty-five thousand men—forty regiments besides the posts.

Mr. SPINOLA. There are eighteen thousand on the rolls.

Mr. CUTCHEON. The Army is scattered, of course, over a vast extent of territory. I was about to say that at the beginning of this year the number of paymasters was forty. Since the beginning of the year, and before this report was prepared, one had been retired, leaving the number thirty-nine. The Paymaster-General in his response to the committee says:

It is not within the range of possibility for the single officer available for this duty to pay these claims until late in the coming summer. I earnestly recommend the passage of the bill, as the efficiency of the Department can not be maintained if the act of July 5, 1884, continues in force.

Mr. ROGERS. What is that act?

Mr. CUTCHEON. The one that forbade filling of vacancies until

the total number of paymasters should have been reduced to twenty-nine.

Mr. ROGERS. I want to ask one question for information, because, as I said before, I am not very familiar with the military arm of the Government. Are these paymasters officers in the Army?

Mr. CUTCHEON. They are majors in the Army.

Mr. ROGERS. And their salaries are increased by reason of their acting as paymasters?

Mr. CUTCHEON. I think not. They have the rank of major.

Mr. ROGERS. But their pay is increased, is it not, by reason of their acting as paymasters?

Mr. MAISH. No; they are appointed from civil life.

Mr. McMILLIN. But they are put on the retired-list.

Mr. TOWNSHEND. I am satisfied this bill will not pass to-night; and I therefore ask my friend from Michigan not to insist upon its present consideration.

Mr. ROGERS. With two amendments, I should not object to the bill.

Mr. CUTCHEON. I think that to a part of the bill there will be no objection whatever—the feature in regard to the bond, and the enactment of that will be a great relief.

Mr. ROGERS. Let us go on with the bill for a moment. Would not the gentleman from Michigan [Mr. CUTCHEON] accept an amendment inserting, after the word "company," in section 1, the words "or both," so as to allow the Department to take the bond of an indemnity company or an individual bond, or both?

Mr. CUTCHEON. I will accept that. It will then be in the discretion of the Secretary.

Mr. ROGERS. Then I propose to amend section 2 so as to make it read: "That the Army shall hereafter be paid monthly whenever the Secretary of War, in his discretion, shall so direct."

Mr. CUTCHEON. I would rather accept that than not have any legislation on this subject.

Mr. SPINOLA. Does this bill propose to increase the number of paymasters?

Mr. ROGERS. It makes an increase of one, as I understand it.

Mr. SPINOLA. I am opposed to it if it increases the number a single one.

Mr. CUTCHEON. With the amendment it would not affect the number at all.

The CHAIRMAN. The Clerk will report the first amendment proposed by the gentleman from Arkansas [Mr. ROGERS].

The Clerk read as follows:

In section 1, after the word "company," insert the words "or both."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out in section 2, the words "the number of paymasters in the Army with the rank of paymaster shall be fixed at forty and;" so as to make it read: "That the Army shall be paid hereafter monthly whenever the Secretary of War in his discretion shall so direct."

The amendment was agreed to.

Mr. BAKER, of New York. I move to amend by inserting after the word "disbursing," in line 5, of section 1, the words "or other." Other officers than disbursing officers are required, as I understand, to give bonds. Let them have the same privilege of giving a personal bond, or the bond of a guaranty company.

The amendment of Mr. BAKER, of New York, was agreed to.

Mr. MACDONALD. I wish to inquire what is the necessity of authorizing the Secretary of War to accept a personal bond, or the bond of an incorporated guaranty company? Does that change the existing law? Can he not do so now?

Mr. CUTCHEON. This provision is in the alternative; the Secretary of War may accept either or may require both.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER, of New York. I move to amend the title of the bill by inserting, after the word "disbursing," the words "or other."

The amendment was agreed to.

GENERAL WILLIAM F. SMITH.

Mr. TOWNSHEND. I now ask that final action be taken on the bill (H. R. 9396) for the relief of General William F. Smith.

The amendments reported from the Committee of the Whole were read, as follows:

In line 6 strike out "major-general" and insert "colonel."

Strike out the last three lines of the bill, as follows:

"But this proviso shall be no bar to claims for pension that the widow or children or other heirs of said William F. Smith may have after his decease."

The amendments were adopted.

The bill as amended was ordered to be engrossed for a third reading.

Mr. KILGORE. I call for the reading of the engrossed copy of the bill.

Mr. TOWNSHEND. I hope the gentleman will not stop our proceedings by making such a demand. He knows very well that the bill is not engrossed, and can not be engrossed to-night.

Mr. KILGORE. I think a bill of this importance ought to be considered by the House when a quorum is present.

Mr. TOWNSHEND. If the gentleman raises the question of a quorum, we may as well know it now. I did not suppose the gentleman would stop our proceedings in this way.

Mr. KILGORE. I am willing to let the bill go over to be voted on when a quorum is present.

Mr. TOWNSHEND. If the previous question may be recognized as ordered on the passage of the bill, I am willing that the vote be taken to-morrow morning in the House.

Mr. KILGORE. Reserving the right to present amendments.

Mr. TOWNSHEND. With the understanding that the previous question is ordered on the passage of the bill, if the gentleman wants to offer an amendment in the House, I will even consent to that.

The SPEAKER *pro tempore*. Will the gentleman from Texas [Mr. KILGORE] state the proposition?

Mr. KILGORE. The gentleman from Illinois can state it.

Mr. TOWNSHEND. As I understand, the gentleman is willing that the previous question be considered as ordered upon the passage of the bill, provided he may have the right to offer an amendment, and that the vote be taken in the House to-morrow.

The SPEAKER *pro tempore*. As the Chair understands, the demand for the reading of the engrossed bill is withdrawn.

Mr. KILGORE. Yes, sir.

The bill was read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. TOWNSHEND. On that question it was the understanding that the previous question be ordered——

The SPEAKER *pro tempore*. The gentleman from Illinois moves the previous question——

Mr. KILGORE. Reserving the right to amend.

Mr. TOWNSHEND. And that the previous question be considered as ordered upon such amendment as may be offered by the gentleman from Texas.

The SPEAKER *pro tempore*. In the absence of objection that order will be made. The Chair hears no objection.

GENERAL ALFRED PLEASONTON.

The SPEAKER *pro tempore* announced the appointment of Mr. HOOKER, Mr. TOWNSHEND, and Mr. GEAR as conferees on the part of the House upon the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton a brigadier-general.

WILLIAM W. AVERELL.

Mr. MAISH. I move that the Committee of the Whole House be discharged from the further consideration of the bill (S. 1650) for the relief of Maj. Gen. W. W. Averell, and that the House now consider the same as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER *pro tempore*. The question is on discharging the Committee of the Whole House from the further consideration of this bill.

Mr. MACDONALD. Let us hear the bill read.

The Clerk read as follows:

Be it enacted, etc., That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battle, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general United States Army and late brigadier-general United States Volunteers, to the position of captain in the Army of the United States, and to place him on the retired list of the Army as of that grade, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William W. Averell, nor shall any compensation be paid to him for any period prior to his appointment under this act; but this proviso shall be no bar to any claims for pension that the widow or children or other heirs of the said William W. Averell may have after his decease.

Mr. MACDONALD. I desire to say something upon this question.

Mr. MAISH. I do not surrender the floor.

Mr. MACDONALD. I will make my remarks very brief.

Mr. MAISH. Before the gentleman proceeds, I desire to explain briefly that the bill on this subject reported by the House committee proposed to retire General Averell with the rank of colonel. This Senate bill proposes to retire him with the rank of captain. We are satisfied to allow the Senate bill to pass, retiring General Averell with the rank of captain, the rank which he had when he entered the volunteer service and the rank which he held in the regular Army.

Mr. MACDONALD. I wish to say a word in explanation of my position here. In the early part of the session I introduced a bill in the nature of a general law providing for placing distinguished officers on the retired-list. That bill has not been reported to the House. Neither has the bill of a general nature introduced by the gentleman from New York [Mr. SPINOLA]. In the mean time several bills have been introduced here in favor of particular officers and passed. I give notice that I shall insist hereafter that there shall be a general law covering all

these cases, so that there can be no partiality shown to any particular officer.

Mr. MAISH. Mr. Chairman, this case has merits not possessed by others. General Averell retired from the Army in 1865 from wounds received in battle. At the time he resigned there was no retired-list in the Army. In less than one year and three months afterwards a law was passed providing for placing distinguished officers, as General Averell when he resigned, on the retired-list.

In my judgment General Averell has a right to ask to be retired. He resigned from wounds received in the service of his country. He asks to be put in the same position he would have been in if he had postponed his resignation for one year and three months longer.

There is a principle in this case which does not exist in the other bills which have been passed to-night. The case of General Averell presents merits not possessed by other cases, and I hope he will be accorded the same consideration at least which has been granted to the cases of other officers to-night. I am willing that this case shall be put upon the same footing with the other cases and that it shall go over if necessary. I think it is unjust, however, not to allow this to go through when the other bills were permitted to pass.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania moves to discharge the Committee of the Whole from the further consideration of the bill indicated. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. McMILLIN. I rise for the purpose of offering the same amendment to this bill which I have offered to the other. I do not think it would be well to vary from the custom of not allowing pensions to widows of officers on the retired-list.

Mr. MAISH. Let the gentleman indicate his amendment.

Mr. McMILLIN. I move to strike out the words which I ask the Clerk to read.

The Clerk read as follows:

Strike out the following words:

"But this proviso shall be no bar to any claim for pension that the widow or children or other heirs of the said William W. Averell may have after his decease."

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on ordering the bill as amended to a third reading.

Mr. MACDONALD. Is it proposed to press this bill to-night notwithstanding what I have said?

The SPEAKER *pro tempore*. It is.

Mr. MACDONALD. I give notice, then, that I shall call for a quorum.

Mr. MAISH. As a matter of course if the gentleman persists in treating this bill differently from other bills he can do so; but it seems to me it should have as much consideration as bills in the other cases which have not as great merits as is possessed by the case of General Averell.

Mr. MACDONALD. I supposed when I heard the case of General Pleasonton that that would be the only one which would be pending. The next case was that of General Smith. Now we have the case of General Averell. As soon as that has been gotten rid of I am appealed to in behalf of the case of General A. J. Smith. I must object to the whole Smith family getting in and the favorites of others, when my friends, having as gallant a record as any, are left out.

Mr. SPINOLA. Will the gentleman give way to me for a moment?

Mr. MACDONALD. Yes, sir.

Mr. SPINOLA. I will state for the information of the gentleman that the Committee on Military Affairs has authorized me to report a general bill. It is now being prepared and will be submitted to the House in a few days. I will advise my friend from Minnesota when it will be ready.

Mr. MACDONALD. By that time all of these favorites of gentlemen here will be through.

Mr. SPINOLA. Oh! bless your soul, no; not a quarter of them.

Mr. MACDONALD. This bill has been pending for two months.

Mr. SPINOLA. Well, let poor old Averell get through this time. We will take care of the rest in the general bill.

Mr. MACDONALD. Well, I have stated my objections.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

The question was taken, and on a division there were—ayes 50, noes, 5.

Mr. MACDONALD. No quorum.

Mr. MAISH. Mr. Speaker, let me ask if the gentleman objects to the same order being made in reference to this bill as in the others; that is, that the previous question be considered as ordered, and that the bill go over with the right to amend?

Mr. MACDONALD. I will let that go, but I give notice that I will object to all the rest.

The SPEAKER *pro tempore*. Does the gentleman withdraw the point of no quorum?

Mr. MACDONALD. I do.

The SPEAKER *pro tempore*. Then the ayes have it, and the bill is ordered to a third reading.

The bill was read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The bill was passed.

Mr. MAISH. I move to reconsider the vote by which the bill was passed——

Mr. MATSON. I understood that the previous question was to be considered as ordered, but that the vote on the passage of the bill was not to be taken to-night.

The SPEAKER *pro tempore*. That was the understanding.

Mr. WEAVER. The previous question to be ordered and the vote to be taken to-morrow.

The SPEAKER *pro tempore*. Then the gentleman must move to reconsider the vote by which the bill was passed.

Mr. MAISH. If my friend insists——

Mr. MACDONALD. I did not agree that this bill might be voted on, and did not suppose that that action was being taken.

Mr. MAISH. Then I will ask that the other order be made.

The SPEAKER *pro tempore*. Without objection, the vote by which this bill was passed will be reconsidered.

There was no objection, and it was so ordered.

Mr. MAISH. Now, I ask unanimous consent that the same order be made with reference to this bill, that is to say, that the previous question be considered as ordered on the final passage of the bill with the right to amend.

Mr. TOWNSHEND. It is understood that the previous question is to be ordered upon the bill and upon such amendments as may be offered by the gentleman from Minnesota.

Mr. STEELE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STEELE. The agreement was that amendments might be offered by any gentleman, not alone by the gentleman from Minnesota.

The SPEAKER *pro tempore*. The Chair understands that to have been the order made. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The bill H. R. 5239 of the same title will be laid on the table.

ANDREW J. SMITH.

Mr. TOWNSHEND. I yield to the gentleman from Iowa [Mr. GEAR].

Mr. GEAR. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers; and that the same be considered in the House.

Mr. MACDONALD. I object to that.

Mr. GEAR. Then I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. GEAR. I now ask that the bill which I have called up may be read.

The bill was read, as follows:

Be it enacted, etc., That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers, a brigadier-general in the Army of the United States, and thereupon to place him, the said Andrew J. Smith, upon the retired-list of the Army as such brigadier-general without regard and in addition to the number now authorized by law of said retired-list.

Mr. McMILLIN. I ask for the reading of the report.

The report (by Mr. GEAR) was read, as follows:

Andrew J. Smith as a soldier is well known to the entire country. Nothing that can be said in this report can add to his distinguished name. He is now over seventy-three years of age. His military service is given in the following communication from the Adjutant-General, United States Army:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, February 8, 1886.*

"Statement of the military service of Andrew J. Smith, late of the United States Army, compiled from the records of this office.

"He was graduated at the United States Military Academy at the age of twenty-three years and two months, and was appointed second lieutenant First Dragoons July 1, 1838; was promoted first lieutenant March 4, 1845; captain, February 16, 1847; major, May 13, 1861, and lieutenant-colonel Fifth Cavalry May 9, 1864; appointed colonel Seventh Cavalry July 28, 1866.

"He was mustered in as colonel Second California Cavalry October 2, 1861, and resigned November 13, 1861.

"He was appointed brigadier-general United States Volunteers March 17, 1862, and major-general United States Volunteers May 12, 1864.

"He received the brevet of colonel United States Army April 10, 1864, 'for gallant and meritorious services at the battle of Pleasant Hill, La.;' of brigadier-general United States Army March 13, 1865, 'for gallant and meritorious services at the battle of Tupelo, Miss.;' and of major-general United States Army March 13, 1865, 'for gallant and meritorious services at the battle of Nashville, Tenn.'

"He served with his regiment on the Western frontier and Pacific coast, excepting short intervals of detached duty and leaves of absence, from 1838 to 1861; with the Second California Cavalry October 2, 1861, to November 13, 1861, when he resigned and was ordered to report to the Adjutant-General United States Army, under his commission as major Fifth United States Cavalry.

"He served as chief of cavalry, Department of the Missouri, from February 11 to March 11, 1862, and of the Department of the Mississippi to July 11, 1862, being engaged in the advance upon and siege of Corinth, April 15 to May 30,

1862; commanding troops at Covington, Ky., and vicinity, September 9 to October 9, 1862; commanding Tenth Division, Thirteenth Army Corps, in movements through Kentucky, October to November, 1862; at Memphis, Tenn., November 28 to December 21, 1862; on expedition with General Grant's army to the Yazoo River, Mississippi, December, 1862, being engaged in the assault of Chickasaw Bluffs, December 27-29, 1862, and on the expedition to Arkansas Post, to January 11, 1863; in the Vicksburg campaign and operations against Jackson, Miss., to August 5, 1863; commanding the Sixth Division, Sixteenth Army Corps, and District of Columbus, Kentucky, to January 21, 1864, and Third Division, Sixteenth Army Corps, to March 6, 1864; commanding detachments (two divisions), Sixteenth and Seventeenth Army Corps, in the Red River campaign, to May 22, 1864; commanding right wing Sixteenth Army Corps, in Mississippi and Tennessee, to September, 1864, and in pursuit of the rebel General Price, in Missouri, to November, 1864; commanding detachment of the Army of the Tennessee to February, 1865, participating in the operations about Nashville Tenn., under Major-General Thomas; commanding Sixteenth Army Corps (in the Mobile campaign and siege of Spansh Fort, Alabama), to August 8, 1865, District of Montgomery, Ala., to October 25, 1865, and District of Western Louisiana until honorably mustered out of the volunteer service, January 15, 1866; on leave of absence and permission to delay joining his command (Seventh United States Cavalry), to November 26, 1866; commanding regiment and District of Upper Arkansas, at Forts Riley and Harker, Kansas, to September 14, 1887; commanding Department of the Missouri to March 2, 1868; on leave to May 6, 1869, whenhe resigned.

"R. C. DRUM, *Adjutant-General.*"

It will be seen that at the date of his resignation (May 6, 1869) he had served thirty years and ten months.

On the 15th of July, 1870, the law was amended, providing that—

"Where an officer has been thirty years in the service, he may, upon his own application, in the discretion of the President, be so retired and placed on the retired-list." (Sec. 1243.)

Had General Smith remained in the Army until the passage of that law he would have served over thirty-two years and could have been placed upon the retired-list on his own application.

At the time of his resignation an act of Congress reduced the Army from 45 colonels and 45 lieutenant-colonels to 25 colonels and 25 lieutenant-colonels.

"It was the most ungrateful task imposed upon us by Congress," writes General W. T. Sherman. Then it was that General A. J. Smith, with a soldier's generosity, to make way for younger men, resigned as colonel of the Seventh Cavalry.

The following letter from General W. T. Sherman needs no explanation:

"ST. LOUIS, MO., *March* 3, 1886.

"DEAR WARNER: Having been requested to bear testimony as to the value of the services rendered to the Government by General Andrew J. Smith, now a citizen of St. Louis, I beg to state that I have had special opportunities to observe his conduct during the past fifty years.

"He was a cadet at West Point when I went there in 1836. He graduated in 1838 and went to the frontier, where he served till the Mexican war, 1846, when he came out to California with Cooke's battalion, and continued there and in Oregon up to the civil war, which he was quick to enter; and came to us at Shiloh in April, 1862, as a brigadier-general of volunteers, and marched with us to Corinth, from which time to the end of the war he was one of the pluckiest and best fighters of our western army.

"For details I refer to Cullum's Register (volume 1, pages 566 and 567). Not a soldier of the western army but remembers "Old A. J." He was with me at Chickasaw and Vicksburg on my Meridian march, and after was sent by me in command of the two divisions detached to General Banks up Red River. His conduct there is described as peculiarly brilliant. After coming out of Red River he was sent to Tupelo, Miss., where he fairly defeated Forrest, and then was called to Missouri to drive Price out of the State, immediately after which he hastened to Nashville, where he gave material help to General Thomas in the great victory of Nashvill. Without rest he was sent to Mobile, which he assisted to capture, and at the end of the war was found at Montgomery, Ala. His service in the civil war was simply invaluable and can not be measured by dollars and cents.

"As soon as the war was over he returned to his rank in the regular Army as colonel of the Seventh Cavalry, on the plains, fighting the Cheyennes, Arapahoes, and Kiowas to clear the way for the Kansas Pacific Railroad.

"I do not remember that General Smith ever lost a day in the field from sickness; and in California, in Oregon, on the plains, and throughout the civil war he had the reputation of being the hardest worker and hardest fighter in the army.

"I believe a million of men would sign a petition that this now old, but most honest, faithful, uncomplaining soldier and gentleman should be restored to his old place on the Army Register, and retired with any rank Congress may think appropriate. He was a corp commander, which the world over is that of lieutenant-general, but I am told he will be satisfied with that of brigadier-general. I surely recommend it.

"Yours, very truly,

"W. T. SHERMAN, *General.*

"HON. WILLIAM WARNER,
"*Member of Congress, of Missouri, Washington, D. C.*"

Your committee report the bill back, with the recommendation that the same do pass with the following amendment, namely:

To strike out in line 11 the words "as such brigadier-general," and insert the following words in lieu thereof: "With the rank and grade of colonel."

Mr. MATSON. I wish to know what the rank is.

Mr. GEAR. He had the rank of colonel of the Seventh Cavalry.

Mr. MATSON. But I mean the rank provided by this bill.

Mr. GEAR. The same rank that he had in the regular Army.

The CHAIRMAN. The bill as amended provides for that.

The question is on agreeing to the amendment reported by the Committee.

Mr. McMILLIN. I believe a colonel gets $3,600 a year?

Mr. WARNER. No; $2,600.

Mr. CHEADLE. Twenty-six hundred and twenty-five.

Mr. McMILLIN. I believe that the rates of wages show that the average earning capacity of men in this country, taking the laboring people together, is about or not above $300. Some get more of course, but taking the farmers and laboring people generally, if I remember accurately, the census report places the average at about that figure. Has this House thought at that rate of the number of men, American citizens, that are to be set to work to keep one man in luxury? If not, it is very well for them to think of it now. There is no man in whose behalf I believe a legislator of the United States will be justified in assigning fifty or seventy-five other citizens of the United States to labor for his support, especially after he gets out of the Army and spends a good part of the active portion of his life in callings looking to his own financial and other advantages. I do not believe it is right.

Mr. GEAR. He spent the days of his youth in behalf of his country.

Mr. MACDONALD. I will not make the point of no quorum in reference to this or insist further upon the objections I have heretofore made. I do not wish to appear captious, because I favor bills of this kind in meritorious cases, but I hope that the bill will take the same course as the others acted upon recently.

Mr. WARNER. Certainly; I do not want the bill to have any advantage over the others, and I am willing for that.

Mr. ROGERS. I only wish to submit a single word. The record shows to-night that I am here, and I do not care to be captious and put obstacles in the way of measures. I have not voted for any one of these bills, believing it a bad principle, and I am going to vote against this and all others of a like character.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MONUMENT AT FORT GREENE, BROOKLYN.

Mr. SPINOLA. I have got in quite late, and I am going to ask the indulgence of the committee to call up the bill H. R. 1687. You have heard all about the rebellion and other wars, and now I propose to call the attention of the committee for a few minutes to the war of the Revolution.

The Clerk read as follows:

Be it enacted, etc., That the sum of $50,000 be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the erection and completion of a monument to the memory of the victims of prison-ships, to be placed at Fort Greene, Brooklyn, State of New York: *Provided*, That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and design for such monument shall, before any of the money so appropriated is expended, be first approved by the Secretary of War.

Mr. ROGERS. I do not ask for the reading of the report, but I wish my distinguished and venerable friend would state the facts.

Mr. SPINOLA. I will state the facts, but will first offer an amendment to restore the amount in the bill to one hundred thousand dollars, the sum that was in the bill when it was first reported, instead of fifty thousand, as it is now; and then I have one or two other amendments that I wish to offer.

The CHAIRMAN. The Chair will state to the gentleman from New York that this bill seems to have been considered April 3 in Committee of the Whole House on the state of the Union, and amended by striking out "one hundred thousand" and inserting "fifty thousand."

Mr. SPINOLA. I want to move to reconsider the vote by which that amendment was made.

The CHAIRMAN. The committee will have to rise before that motion can be considered, as this bill is on the Calendar of the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. I move that the committee do now rise.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had under consideration the bill (H. R. 2579) and had directed him to report the same back with an amendment.

ANDREW J. SMITH.

Mr. TOWNSHEND. The question is now on the amendment.

Mr. MACDONALD. I understood that these bills were to go over until to-morrow.

The amendment was agreed to.

Mr. TOWNSHEND. I move that, by unanimous consent, the previous question be considered as ordered upon the bill and such amendments as may be offered, the right to amend to be reserved.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves that the previous question be considered as ordered on this bill, and that the right to amend be reserved. Is there objection? The Chair hears none, and it is so ordered.

Mr. KILGORE. I move that the House do now adjourn.

The motion was disagreed to.

MONUMENT AT FORT GREENE, BROOKLYN.

Mr. SPINOLA. I move that the House go into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of the prison-ships at Fort Greene, Brooklyn.

Mr. TOWNSHEND. The bill is in the House, and I will ask the House to resolve itself into Committee of the Whole.

Mr. STEELE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. TOWNSHEND. I withdraw my motion.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none; and it is so ordered.

Mr. FELIX CAMPBELL. As one of the Representatives in this honorable body, I had the honor to present this bill. This is the only bill I have had the honor to present in the Fiftieth Congress, and it was done on solicitation, and on a resolution passed by the senate and

assembly of the State of New York, signed by the governor, unanimously petitioning Congress in its favor. I also have the honor of stating that it was passed by the board of aldermen of the city of Brooklyn, a city containing nearly a million of population, and it was also passed by the board of supervisors of that city, and by the Association of old Brooklynites, numbering four or five hundred. I would state that no man can enter that society unless he has been a resident of Brooklyn for fifty years.

This petition was procured by going from house to house and being signed by the tax-payers and other citizens of King's County. The most of the old Brooklynites are tax-payers; and I presume out of the 17,000 tax-payers in the city of Brooklyn and the County of Kings it is fair to say that some 8,000 or 10,000 of those tax-payers have put their names to the petition that these gentlemen send here, numbering nearly 20,000. Now, I do not wish to occupy the time of the committee.

The bones of 11,500 men are lying there, and I think it is a standing disgrace to this great country that these 11,500 veterans during that memorable war should lie there without any monument to cover their bones.

The city has procured an elegant site on Fort Greene, that old place where the last battle on Long Island was fought under Washington, and where he made that celebrated retreat in the fog in the early morning. They have procured this place, and it is requested of this honorable body to make this appropriation in order that we may have a suitable monument to cover the place where these veterans lost their lives; and in a more inhuman way lives were never lost in this world.

I will not occupy the time of the House any further, as my colleague [Mr. SPINOLA] and other gentlemen want to be heard on this question, but I will ask leave to print with my remarks a letter from my colleague [Hon. S. S. COX] and a petition of the "Society of Old Brooklynites," on this subject. [Applause.]

The letter and petition are as follows:

1408 NEW HAMPSHIRE AVENUE, *July* 19, 1888.

MY BELOVED COLLEAGUE: RICHARD TOWNSHEND, Mr. FORD, and others of the Military Committee were anxious to-day that I should accede to your wish and come up to the House to-night to preside. Mr. Speaker CARLISLE indicated the same wish. One inducement these gentlemen presented, namely, to assist in passing your splendid tribute to the Revolutionary soldiers, who were only prevented from fighting by the cruel imprisonment within the precincts of your district.

A hundred years have gone, and you propose to honor those suffering patriots by a fit and tasteful monument. I trust that you will have no impediment for so patriotic and laudable a measure.

I was sorry to hear that you intended after this Congress to retire from public life. If your intention be not reconsidered, I give you my heart, and vote for a retiracy with such a patriotic "act" as the monument you propose.

It will forever commemorate your memory also among the good people you have served so faithfully.

You may not know, and no one may care to know, that all the blood I have is from Revolutionary folk.

When some one asked Joseph Hopkinson, the auther of "Hail, Columbia," what was the inspiration of that national lyric, he replied "that it was to inspire an American spirit which should be independent of and above the interests and passion and policy of parties, so that we might look and feel exclusively for our honor and our rights."

This song, which, I may say with pride, was penned by one of my own blood, although written for a theatrical representation in Philadelphia, had much to do with harmonizing the American spirit and the American Congress, which was sitting in that city at the time. It is even said that it was sung by members of Congress in the streets at night, to show their devotion to the one great thought of the American unity.

Without inquiring into the lyric and other habits of early Congressmen, may I hope that the members of the Fiftieth Congress—the centenary Congress, in fact—if they can not to-night sing my ancestral "Hail, Columbia," will think in all gentleness of the miseries of the imprisoned patriots, and build by your law a monumental thought in enduring material, that will serve to glorify our elder patriotism.

It is only a previous engagement, which I can not break, that prevents my presence to aid your generous wishes.

With esteem,

S. S. COX.

Hon. FELIX CAMPBELL.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your petitioners, an incorporated society of the city of Brooklyn, under the title of the "Society of Old Brooklynites," would respectfully represent:

That the remains of more than 11,500 martyrs to the cause of liberty lie entombed in this city who died during our Revolutionary war on board the prison-ships of the British at the Wallabout, and which were buried on our shores during that memorable struggle, many of which were by the action of the waves washed out of their shallow graves, their bones scattered along the beach, exposed to the summer's sun and winter's storms, until the year 1808, when the Tammany Society of Columbian Order, of the city of New York, had them collected and buried with imposing ceremonies, in which the governors of several States, mayors of cities, and civil, military, and ecclesiastical dignitaries from all parts of the country took part.

The place of burial was on Jackson street, in this city, and the tomb, a temporary wooden structure, in which they were placed, became so dilapidated by reason of changes made in the surroundings and from natural decay that the sacred remains were again exposed to the gaze of the multitude, until the park commissioners of this city, with the sanction of the city government, prepared with great care and expense a permanent and imperishable tomb for their reception on the historic ground of Fort Greene, a charming elevation in Washington Park, in this city, overlocking the scene of their sufferings and death, to which the sacred remains were carefully removed and deposited.

Those devoted patriots, from every one of the original thirteen States, were prisoners of war, taken by the British army and navy, and numbered more than were killed in all the battles, both by sea and land, in that long and desperate struggle for freedom.

When it is remembered that constant and unremitting efforts were made by the British officers to induce these prisoners to purchase their freedom and save their lives by enlisting in the service of the enemy; that many, probably the majority of them, had families who were suffering by reason of their absence; that to remain in these horrible prisons was almost certain death, and that under all these circumstances they remained faithful to the cause in which they had enlisted, and preferred death to dishonor, we must concede that they earned the title of "Martyrs of the Prison Ships," and deserve such recognition from the Government, to aid in the establishment of which they sacrificed their lives, as will show to the world that republics are not ungrateful, but that we cherish their memories, honor their devotion to their country, and will erect such an enduring monument to commemorate their virtues as will stimulate future generations to emulate their patriotism.

We therefore most respectfully ask that your honorable body will make an appropriation of not less than $100,000 toward the erection of a suitable monument to be erected at or near the spot where their sacred remains now lie, the site for which will be donated for that purpose by the city of Brooklyn.

This society will most cheerfully give all the aid in their power toward the accomplishment of the object of this petition.

Very respectfully,

JOHN W. HUNTER,
President.
SAMUEL A. HAYNES,
Secretary.

BROOKLYN, *January* 5, 1888.

To the Senate and House of Representatives in Congress assembled:

Your petitioners, citizens of the United States, do respectfully and earnestly pray your honorable body to hear and grant the petition of the Society of Old Brooklynites, and to cause the erection of the long-delayed monument to the "Martyrs of the Prison-Ships."

Descendants of Timothy Dorgan, patriot, and martyr of prison-ship Old Jersey:

REBECCA D. MANNIE,
ANDREW D. HOBDAY,
CHARLES HOBDAY,
Great-grandchildren.

GEORGE A. MANNIE,
FRANK MANNIE,
LOUISE MANNIE,
JOSEPHINE HARTT,
ROSALIE BURT,
Great-great-grandchildren.

Mr. SPINOLA. I wish to offer an amendment to the bill.

The amendment was read, as follows:

Insert in line 7, after the words "memory of," the words "the British;" and after "ships," in line 8, insert "at New York during the war of the American Revolution."

Mr. SPINOLA. Mr. Speaker, history establishes the fact that there were more lives sacrificed in the prison-ships in which the British confined the prisoners of the American Revolution than were lost in all the battles of that war. Eleven thousand and five hundred were sacrificed, men who had their liberty at command on any day when they would consent to abandon the cause of the colonies and enter the British army. There was no one day during their long confinement and suffering but the provost guard approached them and offered them their freedom if they would embrace the British cause; and, to the credit of twenty thousand American patriots who suffered on board those prison-ships, there never was but a single one who betrayed his country and left his associates and joined the British service. [Applause.] Now, sir, I will ask attention for a minute or two while I read from the history of the Wallabout prison-ships and the martyrs who died there.

I will cite one case where the British had captured a company of American soldiers in South Carolina, and the Hessian captain who commanded the enemy offered those men their freedom if they would go into the British service. Said he, after they had refused his offer:

Go, then, to your dungeons in the prison-ships where you shall perish and rot. But first let me tell you that rations which have been hitherto allowed to your wives and children shall from this moment cease forever, and you shall die assured that they are starving in the public streets and that you are the authors of their fate.

That was the declaration of that British officer to the company of American patriots that had been captured in South Carolina. A sentence so terribly awful appalled the firm soul of every listening hero.

A solemn silence followed the declaration. They cast their wondering eyes one upon the other, and valor for a moment hung suspended between love of family and love of country. Love of country at length rose superior to every other consideration, and, moved by one impulse, this glorious band of patriots thundered in the astonished ears of their persecutors: "The prison-ships and death, or Washington and our coubtry!"

[Applause and cries of "Vote!" "Vote!"]

Mr. Speaker, I think if I had the time I could get a unanimous vote to put the sum back to $100,000, although we will accept temporarily the $50,000. [Laughter and cries of "Vote!" "Vote!"]

I propose to read a little further before we vote. I will pass over several things which I had intended to refer to, and I will tell you how and why it is that the remains of these patriots are in the possession of the General Government. They are to-day the property of the United States.

Perhaps, however, before I come to that point I had better state that the bones of these patriots were strewn along the shores of Wallabout Bay, in the East River, where the tide had washed them out of the narrow and shallow trenches into which the British had thrown them. They were there exposed, and the Tammany Society of New York, in 1808, took the necessary steps to gather them up and see that they were properly entombed. There was a grand procession on the day on which the interment took place. There were thirteen immense coffins, each representing one of the thirteen original States, and eight pall-bearers surrounded each coffin, men who had served in the war of the Revolution.

The bones were put in a temporary tomb which was erected by Ben-

jamin Romaine, the grand sachem, who had been instrumental in gathering them together and who owned the ground on which the tomb was erected. In 1842 the city of Brooklyn asked to have the bones turned over to it for appropriate sepulture. In reply to that application Mr. Romaine wrote:

I have guarded these sacred remains, with a reverence which perhaps at this day all may not appreciate or feel, for more than thirty years. They are now in their right place, near the Wallabout and adjoining the navy-yard. They are my property. I have expended more than $900 in and about their protection and preservation. I commend them to the protection of the General Government. I bequeath them to my country.

Thus it will be seen he gave them to the United States; he gave them to his country.

This concern is sacred to me. It lies near my heart. I suffered with those whose bones I venerate. I fought beside them. I bled with them.

This man belonged to the Army himself; he went through the whole seven years' service under Washington. He has given the remains of these men to the Americam Republic. If they had not died the martyrs' death that they did, we would have had, in my humble judgment, no American Republic to-night. Those men died to create the Union. We respect and venerate those who, in later years have died to protect and preserve the Union; why should we not remember those by means of whose sufferings the Republic itself was established?

This monument, where it is proposed to erect it, will overlook the very spot on which these men died. It will overlook the battle-field of Long Island; it will overlook the place where the gallant Maryland Regiment suffered death when the British drove them into the water. It will overlook New York Bay, the East River, and the Sound. There is no more fitting place on earth for such a monument to be erected than that proposed by the bill under consideration. I appeal to the generosity and patriotism of the American people. I ask gentlemen here to-night, in the name of justice and right, to join in perpetuating the memory of these men who died as martyrs for their country.

There is nothing so indelibly fixed on my mind as that which was painted there the first time I saw the tomb of these men. It was over sixty years ago, when I was a small boy. For fifty years the society which gathered these bones raised the flag over them on the Fourth of July. That ceremony ceased to be observed because the city of Brooklyn took possession of these remains, and they are in its charge now. I believe that the American people, if this question were submitted to them, would vote almost unanimously for any sum which might be named for this purpose. We are paying to-day $160,000 a year for the maintenance of the cemeteries in which sleep our Union dead. That is right. We are paying $40,000 or $50,000 to provide monuments or gravestones for those who have died in the service of the country. We are spending $60,000 or $80,000 a year for the construction and maintenance of roads by which those cemeteries can be approached.

All this is right. Sir, on the passage of this bill, if the thing were possible, I would have the name of George Washington called. He would vote "ay." So would his compatriot, Lafayette. [Applause.] Everybody will vote for this measure, except that British officer in the corner yonder [pointing to the picture on one side of the Hall], and the Hessians who stand behind him. They will not vote with us. I do not believe there is a Hessian on the floor of this House; therefore I expect a unanimous vote in favor of the passage of this bill. [Applause.]

Mr. FITCH. Mr. Speaker, after the presentation that my friend [Mr. SPINOLA] has made of the claim upon us of these soldiers who have no votes behind them, who have nobody to speak here as their representatives; after all that we have done for the soldiers of every war who have any friends in our districts, I think it unnecessary for me to say another word.

I am glad that my veteran colleague has presented the claims of these men in his eloquent and soul-stirring remarks, and I join my appeal to his that no gentleman will object to the recognition of the claims of these men who, a hundred years ago, served us so faithfully. We have voted pensions for the men who served us in the last war against England; we have voted pensions to the men who served us in Mexico; we have voted pensions generously to the men who served us in the last war. All we can do for these men is to put a monument over their bones, and for God's sake let us do that.

Mr. ROGERS. I ask unanimous consent that such gentlemen as desire to do so may print remarks on this subject in the RECORD.

There was no objection, and leave was accordingly granted.

Mr. SPINOLA. I ask unanimous consent that the sum named in the bill be made $100,000. Let us make the appropriation one worthy of the object.

The SPEAKER *pro tempore*. There is already one amendment pending, the amendment heretofore offered by the gentleman from New York [Mr. SPINOLA].

The amendment was agreed to.

Mr. WHITE, of New York. On the proposition of my colleague [Mr. SPINOLA] that this appropriation be made $100,000, I desire to make a statement of the circumstances under which the amount just proposed was reduced; and I believe that after the statement presented by my colleague, General SPINOLA, there will be no possibility of any one objecting to his proposition. At the time this matter came up before a suggestion was made by gentlemen who felt opposed on principle to giving away money for an object of this kind, that if the sum were reduced to $50,000 no objection would be interposed. That suggestion as a compromise was adopted. Then there was objection made by one gentleman that there was no quorum; and so the bill failed for want of a quorum.

Mr. TOWNSHEND. I think we can reach the object of the gentleman from New York [Mr. SPINOLA] in this way: The amendment reducing the appropriation to $50,000 was adopted in Committee of the Whole. If that amendment be now voted down, the original provision for $100,000 will stand.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, strike out "$100,000" and insert "$50,000."

The question being taken on agreeing to the amendment, it was rejected.

Mr. BAKER, of New York. As I understand it, the appropriation now stands at $100,000.

The SPEAKER *pro tempore*. The bill will be read as it has been amended.

The bill was read as amended.

The question recurred on ordering the bill to be engrossed and read a third time.

Mr. KILGORE. I demand a division.

The House divided; and there were—ayes 54, noes 1.

Mr. KILGORE. No quorum.

Mr. SPINOLA. I appeal to the gentleman from Texas to allow this bill to go over and follow the same course as other bills, the previous question being ordered and the bill to be voted on in a full House.

Mr. KILGORE. No, sir.

Mr. SPINOLA. Then I move there be a call of the House.

Mr. WILLIAMS. I move that the House adjourn.

Mr. TOWNSHEND. I hope that motion will be withdrawn.

The motion to adjourn was withdrawn.

The SPEAKER *pro tempore*. It is proper that the Chair should allow the Journal Clerk to call attention to just what was done, as stated in the Journal, in reference to the pending measure.

The Clerk read as follows:

On motion of Mr. FITCH, by unanimous consent, the Committee of the Whole House was discharged from the further consideration of the bill of the House (H. R. 1687) for the erection and completion of a monument to the memory of the victims of prison-ships at Fort Greene, Brooklyn, and the amendment reported from the Committee on Military Affairs, and also an amendment submitted by Mr. BRECKINRIDGE, of Arkansas, was agreed to.

The SPEAKER *pro tempore*. The Chair stated on the information of the Clerk that the amendment reducing the amount from $100,000 to $50,000 had only been adopted in the Committee of the Whole, but on examining the record it is found that it was also adopted in the House.

Mr. SPINOLA. I move to reconsider the vote by which the amount was reduced from $100,000 to $50,000.

The motion was agreed to.

Mr. SPINOLA. If we are to die let us die with our flags flying.

The SPEAKER *pro tempore*. The question recurs on the amendment reducing the amount from $100,000 to $50,000.

The amendment was rejected.

The question recurred on ordering the bill to be engrossed and read the third time.

Mr. KILGORE. Division.

Several MEMBERS. Let the vote be taken on the engrossment of the bill.

Mr. KILGORE. Very well.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. KILGORE. Division.

The House divided; and there were—ayes 54, noes 1.

Mr. KILGORE. No quorum.

Mr. WILSON, of Minnesota. Is there not a possibility of having some understanding so this bill may go over as in the other cases with the previous question ordered?

Mr. MATSON. The bill is already on its passage.

Mr. TOWNSHEND. I understand the gentleman from Texas will withdraw his point of no quorum if the amount is reduced to $50,000 and the bill is allowed to go over with the previous question ordered on the passage of the bill.

Mr. SPINOLA. I move the previous question on the passage of the bill. I do not agree to the reduction of the amount. I ask for a vote on my demand for the previous question.

Mr. WHITE, of New York. Pending that I move that the House do now adjourn.

Mr. TOWNSHEND. I hope the gentleman from New York will give me his attention for a moment. The Committee on Military Affairs adopted a resolution that after fifteen minutes had been bestowed upon any contested bill the chairman should have the power of withdrawing the bill from the further consideration of the House if there was further objection made to it.

The gentleman from Texas proposes a compromise, which I am willing on behalf of the committee should be accepted, and I hope my

friend will accept that compromise, or else I shall be compelled, in view of the action of the committee and in obedience to its order, to withdraw the pending bill. The gentleman from Texas proposes that it may go over with the previous question ordered upon its passage, with the right to amend, provided that the sum is reduced to $50,000.

Mr. SPINOLA. I am perfectly willing to wait here for a week, if it be necessary, to pass this bill.

Mr. WARNER. I rise to a parliamentary inquiry. I understand the point of order is raised by the gentleman from Texas that no quorum is present. In view of this point can any business be transacted?

Mr. WEAVER. But that point has been withdrawn conditionally.

Mr. WARNER. But can any business be transacted until a quorum is obtained in the House, save a call of the House or an adjournment?

The SPEAKER *pro tempore*. It can not.

Mr. TOWNSHEND. The gentleman is willing to withdraw the point of order on the conditions suggested.

Mr. SPINOLA. I understand he is willing to withdraw the point of order for the present, but——

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Texas makes the point of order that no quorum has voted, and the Chair will appoint tellers.

Mr. TOWNSHEND. One moment, Mr. Speaker. I am placed in a position where I shall be compelled, in compliance with the order of the committee, to withdraw this bill.

Mr. SPINOLA. I raise the point of order that it is too late to withdraw the bill.

Mr. TOWNSHEND. I submit to the Chair that the previous question has not been ordered upon the bill.

Mr. ROGERS. Regular order.

Mr. TOWNSHEND. The previous question has not been ordered, and no vote has been taken upon it. It is in order, I think, to withdraw the bill, and I trust that my friend from New York will not wish me to disregard the order of the committee, which he and all of the other members agreed to. Good faith, I think, demands that such action should be taken. We have already exhausted more than the time allowed by the committee on this bill.

Mr. SPINOLA. You spent an hour and a quarter here on one bill.

Mr. TOWNSHEND. Well, there has been a great deal more time taken up on this one. I withdraw the bill.

Mr. SPINOLA. And I make the point of order that it can not be done.

The SPEAKER *pro tempore*. The Chair sustains the point of order. Votes have been taken upon the bill and amendments, and it has been ordered to its third reading, and it can only be withdrawn now by unanimous consent.

Mr. TOWNSHEND. Then I appeal to the gentleman from New York to aid me in carrying out the order of the committee. We have obtained as good a compromise as we can obtain, and I trust the gentleman will allow the bill to go over under that order.

Mr. SPINOLA. I can not consent to that.

Mr. CARUTH. If I rightly understood the extract read by the venerable gentleman from New York, a proposition was made to these persons imprisoned in the ships to desert the cause of their country and enlist under the British flag in order to escape the privation of prison life——

Mr. WHEELER. And death.

Mr. CARUTH. And death; and that it was to the credit of the prisoners, that out of all the number, but one man was willing to desert his country's flag. Now, let it go into the history of this country that when it was proposed by the American Congress to erect a monument over the bones of the dead patriots, but one man in the American Congress raised his voice in opposition to it. [Loud applause.]

Mr. KILGORE. I withdraw my proposition for a compromise.

Mr. CARUTH. Yes; withdraw it and let the people know it.

Mr. KILGORE. Yes; I do it.

Mr. FITCH. I move that the House do now adjourn.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Do I understand the Chair to hold that it is not in order to withdraw the bill at this time?

The SPEAKER *pro tempore*. The Chair so holds, except by unanimous consent.

Mr. TOWNSHEND. In order to keep faith with the committee, I ask unanimous consent to withdraw the bill.

Mr. SPINOLA and other members objected.

The question being taken on the motion to adjourn, it was rejected.

Mr. MATSON. I move a call of the House.

The question being taken, there were on a division—ayes 43, noes 12.

So a call of the House was ordered.

Mr. DOCKERY. Mr. Speaker, I renew the motion to adjourn, in view of the fact that it is evident no other business can be transacted here to-night.

Several MEMBERS. Go on with the call.

The SPEAKER *pro tempore*. Does the gentleman from Missouri insist upon his motion?

Mr. DOCKERY. In deference to the wishes of members around me I will withdraw it.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The roll was called, and the following members failed to answer to their names:

Adams,	Dargan,	Jones,	Rayner,
Allen, Mass.	Darlington,	Kelley,	Reed,
Allen, Mich.	Davenport,	Kennedy,	Rice,
Allen, Miss.	Davidson, Ala.	Kerr,	Richardson,
Anderson, Iowa	Davidson, Fla.	Ketcham,	Robertson,
Anderson, Ill.	Davis,	Kilgore,	Romeis,
Anderson, Kans.	De Lano,	Laffoon,	Rowell,
Arnold,	Dibble,	La Follette,	Rowland,
Atkinson,	Dingley,	Lagan,	Russell, Conn.
Baker, Ill.	Dougherty,	Laidlaw,	Russell, Mass.
Bankhead,	Dunham,	Lane,	Rusk,
Barnes,	Dunn,	Lanham,	Ryan,
Barry,	Elliott,	Latham,	Sawyer,
Bayne,	Enloe,	Lawler,	Sayers,
Belden,	Ermentrout,	Lee,	Scott,
Belmont,	Farquhar,	Lehlbach,	Scull,
Biggs,	Finley,	Lind,	Seney,
Bingham,	Fisher,	Long,	Seymour,
Blanchard,	Foran,	Lyman,	Shaw,
Bland,	Forney,	Lynch,	Sherman,
Blount,	French,	Macdonald,	Shively,
Boothman,	Fuller,	Maffett,	Simmons,
Bound,	Funston,	Mason,	Snyder,
Boutelle,	Gaines,	McAdoo,	Sowden,
Bowden,	Gay,	McClammy,	Spooner,
Bowen,	Gest,	McComas,	Springer,
Breckinridge, Ark.	Gibson,	McCormick,	Stahlnecker,
Breckinridge, Ky.	Glass,	McCullogh,	Stephenson,
Brewer,	Glover,	McKenna,	Stewart, Tex.
Brower,	Goff,	McKinley,	Stewart, Ga.
Browne, Ind.	Granger,	McKinney,	Stewart, Vt.
Brown, Ohio	Greenman,	McRae,	Stockdale,
Brown, J. R., Va.	Grosvenor,	Merriman,	Stone, Ky.
Brumm,	Grout,	Milliken,	Stone, Mo.
Buchanan,	Guenther,	Mills,	Symes,
Buckalew,	Hall,	Moore,	Tarsney,
Bunnell,	Hare,	Morgan,	Taulbee,
Burnett,	Harmer,	Morse,	Taylor, E. B., Ohio
Burrows,	Hatch,	Neal,	Taylor, J. D., Ohio
Butler,	Haugen,	Nelson,	Thomas, Ky.
Butterworth,	Hayden,	Newton,	Thomas, Ill.
Campbell, Ohio	Hayes,	Nichols,	Thomas, Wis.
Campbell, T. J., N. Y.	Heard,	Norwood,	Thompson, Ohio
Candler,	Hemphill,	Nutting,	Thompson, Cal.
Cannon,	Henderson, Iowa	Oates,	Turner, Ga.
Caswell,	Henderson, Ill.	O'Donnell,	Turner, Kans.
Chipman,	Herbert,	O'Ferrall,	Vandever,
Clardy,	Hermann,	O'Neall, Ind.	Wade,
Clark,	Hiestand,	O'Neill, Pa.	Walker,
Clements,	Hires,	Osborne,	West,
Cobb,	Hitt,	Outhwaite,	Whiting, Mich.
Cockran,	Hogg,	Owen,	Whiting, Mass.
Cogswell,	Holman,	Parker,	Whitthorne,
Collins,	Holmes,	Patton,	Wickham,
Compton,	Hopkins, Ill.	Payson,	Wilber,
Cooper,	Hopkins, Va.	Peel,	Wilkins,
Cothran,	Hopkins, N. Y.	Pennington,	Wilkinson,
Cowles,	Houk,	Perry,	Wilson, W. Va.
Cox,	Hovey,	Peters,	Wise,
Crain,	Howard,	Phelps,	Woodburn,
Crisp,	Hudd,	Pidcock,	Yardley,
Crouse,	Hutton,	Plumb,	Yost.
Culberson,	Jackson,	Post,	
Cutcheon,	Johnston, Ind.	Pugsley,	
Dalzell,	Johnston, N. C.	Randall,	

The SPEAKER *pro tempore*. The Sergeant-at-Arms will close the doors.

Mr. BAKER, of New York. Mr. Speaker, first stating that I am authorized by the gentleman from Texas [Mr. KILGORE] to withdraw the point of no quorum, I ask unanimous consent that the action in relation to the $100,000 shall be reconsidered——

The SPEAKER *pro tempore*. The Chair will state to the gentleman that that is not in order during a call of the House.

Mr. BAKER, of New York. Not by unanimous consent?

Mr. MORRILL. I move to dispense with further proceedings under the call.

The motion was agreed to; and further proceedings under the call were dispensed with.

Mr. BAKER, of New York. Now, Mr. Speaker, I am authorized by the gentleman from Texas [Mr. KILGORE] to withdraw the point of "no quorum," provided unanimous consent be given that the action upon the $100,000 may be reconsidered; that the yeas and nays may be considered as ordered upon it; that the previous question may be considered as ordered, and the whole subject go over until to-morrow morning.

Mr. TOWNSHEND. I accept that.

Mr. MATSON. Mr. Speaker, I make the point of order that no business of any kind is in order until a quorum is present.

Mr. TOWNSHEND. The point of no quorum has been withdrawn.

Mr. MATSON. It can not be withdrawn after the record shows no quorum present until the record again shows that there is a quorum.

The SPEAKER *pro tempore*. The Chair will state that the record shows that there is not a quorum present.

Mr. GEAR. I make the point of order that the roll does not disclose the fact that there is not a quorum present, because the roll has not been called a second time.

The SPEAKER *pro tempore*. The Chair will state that when a call of the House is ordered it requires only one call of the roll. The roll has been called and 61 members have answered to their names.

Mr. GEAR. But the roll has not been called a second time.

The SPEAKER *pro tempore*. The rule does not require that the roll shall be called a second time when there is a call of the House.

Mr. GEAR. The absentees must be called.

The SPEAKER *pro tempore*. The Chair will have the rule read.

Mr. GEAR. I will not give the Chair that trouble. I withdraw the point.

Mr. MAISH. If the second roll-call is proceeded with, and then further proceedings under the call are dispensed with——

The SPEAKER *pro tempore*. The Chair has distinctly stated that it is not necessary to call the roll a second time.

Mr. MAISH. I understand that; but if, notwithstanding the statement of the Chair, we are in the process of calling the second roll, and the proceedings under the call are then dispensed with, the fact that there is not a quorum present will not be disclosed prior to the completion of the call. If, under the custom of the House, we proceed to call the roll a second time, and in the midst of that second roll-call the proceedings under the call of the House are dispensed with, the call will not disclose the fact that there is no quorum present.

Mr. MATSON. I make the point of order that after the record shows that there is no quorum present no business can be transacted, even by unanimous consent.

The SPEAKER *pro tempore*. That point of order was sustained by the Chair.

Mr. MATSON. Then we must either proceed with the call or adjourn, and I move that the House adjourn.

The motion was rejected.

Mr. MAISH. Now we can proceed with the second roll-call.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania [Mr. MAISH] that all proceedings under the call have been dispensed with.

Mr. WEAVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. A vote was taken by a division and it was ascertained that there was not a quorum present, and the point of no quorum having voted was made. Then a call of the House was ordered, and then all further proceedings under the call were dispensed with. It does not appear now to the Chair that there is no quorum present, because other business has intervened, and it is perfectly proper for the House to proceed at this time with any other business, until it again appears that there is not a quorum present.

Mr. BAKER, of New York. The point of no quorum has been withdrawn.

Mr. MATSON. The point was withdrawn, and other business has intervened.

The SPEAKER *pro tempore*. There has been no intervening business.

Mr. SPINOLA. I move that the House take a recess until to-morrow morning at 11 o'clock.

A MEMBER. Ten o'clock.

The SPEAKER *pro tempore*. A quorum is necessary to take a recess; and there is no quorum present.

Mr. FITCH. I move a call of the House.

Mr. BAKER, of New York. I wish to inquire whether if we should suspend further proceedings under the call and adjourn, this bill would not come up to-morrow morning as unfinished business immediately after the reading of the Journal?

The SPEAKER *pro tempore*. In accordance with the uniform usage the Speaker, who will occupy the chair in the morning, will pass upon the question as to what is then in order. The present occupant of the chair will, however, remark that the House to-night is acting under a special order; and to-morrow, being Friday, is set apart for the consideration of private business.

Mr. FITCH. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is to vote upon the motion for a call of the House.

Mr. McSHANE. I suggest that this special session of the House, not being limited as to duration, may extend over to-morrow.

A MEMBER. If we continue to sit here.

Mr. McSHANE. We can take a recess to any time that may be named. [Cries of "Regular order!"]

Mr. WEBER. I rise to a parliamentary inquiry. The last motion on which we voted I believe was a motion to adjourn.

The SPEAKER *pro tempore*. It was.

Mr. WEBER. And under the rule another motion to adjourn is not in order until business has intervened.

The SPEAKER *pro tempore*. One motion to adjourn having been negatived, another motion to adjourn is not in order until there is some intervening business.

Mr. WEBER. In order to bring properly before the House a motion to adjourn, it is necessary that a vote be taken on this motion for a call of the House; and if we vote down the motion, it will then be in order, as I understand, to move to adjourn.

The SPEAKER *pro tempore*. It will be. The question is on the motion of the gentleman from New York for a call of the House.

The question being taken, there were—ayes 27, noes 6.

So the motion for a call of the House was agreed to.

Mr. STEELE. Can we not take a recess by unanimous consent until to-morrow?

The SPEAKER *pro tempore*. The rule is imperative——

Mr. TOWNSHEND. There is no doubt whatever that the ruling of the Chair is absolutely correct and that there are now but two things we can do—either order a call or adjourn. I think for the benefit of all who are here we should determine which course we are going to pursue and adhere to it. My own judgment is that nothing will result from a call of the House.

Mr. WEAVER. I desire to suggest that as no quorum has voted and a call of the House has been ordered——

Mr. GALLINGER. I think we had better have the regular order.

Mr. WEAVER. I hope the gentleman will let me go on.

The SPEAKER *pro tempore*. The gentleman from New Hampshire calls for the regular order, which is the call of the roll.

The roll was called, and the following members failed to answer to their names:

Adams,	Culberson,	Jackson,	Randall,
Allen, Mass.	Cutcheon,	Johnston, Ind.	Rayner,
Allen, Mich.	Dalzell,	Johnston, N. C.	Reed,
Allen, Miss.	Dargan,	Jones,	Rice,
Anderson, Iowa	Darlington,	Kelley,	Richardson,
Anderson, Miss.	Davenport,	Kennedy,	Rockwell,
Anderson, Ill.	Davidson, Ala.	Kerr,	Rogers,
Anderson, Kans.	Davidson, Fla.	Ketcham,	Romeis,
Arnold,	Davis,	Laffoon,	Rowell,
Atkinson,	De Lano,	La Follette,	Rowland,
Baker, Ill.	Dibble,	Lagan,	Russell, Conn.
Bankhead,	Dingley,	Laidlaw,	Rusk,
Barnes,	Dockery,	Landes,	Ryan,
Barry,	Dunham,	Lane,	Sawyer,
Bayne,	Dunn,	Lanham,	Sayers,
Belden,	Elliott,	Latham,	Scott,
Belmont,	Enloe,	Lawler,	Scull,
Biggs,	Ermentrout,	Lee,	Seney,
Bingham,	Farquhar,	Lind,	Seymour,
Blanchard,	Finley,	Long,	Sherman,
Bland,	Fisher,	Lyman,	Shively,
Blount,	Foran,	Lynch,	Simmons,
Boothman,	Ford,	Macdonald,	Snyder,
Bound,	Forney,	Maffett,	Sowden,
Boutelle,	French,	Mason,	Spooner,
Bowen,	Fuller,	McAdoo,	Springer,
Breckinridge, Ark.	Funston,	McClammy,	Stephenson,
Breckinridge, Ky.	Gaines,	McComas,	Stewart, Tex.
Brewer,	Gay,	McCormick,	Stewart, Ga.
Brower,	Gest,	McCullogh,	Stewart, Vt.
Browne, Ind.	Gibson,	McKenna,	Stockdale,
Brown, Ohio	Glass,	McKinley,	Stone, Ky.
Brown, J. E., Va.	Glover,	McKinney,	Stone, Mo.
Brumm,	Goff,	McRae,	Struble,
Buchanan,	Granger,	Merriman,	Symes,
Buckalew,	Greenman,	Milliken,	Tarsney,
Bunnell,	Grosvenor,	Mills,	Taulbee,
Burnes,	Grout,	Moore,	Taylor, E. B., Ohio
Burnett,	Guenther,	Morgan,	Taylor, J. D., Ohio
Burrows,	Hall,	Morse,	Thomas, Ill.
Butler,	Hare,	Neal,	Thomas, Wis.
Butterworth,	Harmer,	Nelson,	Thompson, Ohio
Bynum,	Hatch,	Newton,	Thompson, Cal.
Campbell, Ohio.	Haugen,	Nichols,	Turner, Kans.
Campbell, T J., N. Y.	Hayden,	Norwood,	Turner, Ga.
Candler,	Hayes,	Nutting,	Vandever,
Cannon,	Heard,	Oates,	Wade,
Carlton,	Hemphill,	O'Donnell,	Walker,
Caswell,	Henderson, Iowa	O'Ferrall,	West,
Catchings,	Henderson, Ill.	O'Neall, Ind.	White, Ind.
Chipman,	Herbert,	O'Neill, Pa.	White, N. Y.
Clardy,	Hermann,	Osborne,	Whiting, Mich.
Clark,	Hiestand,	Outhwaite,	Whiting, Mass.
Clements,	Hires,	Owen,	Whitthorne,
Cobb,	Hitt,	Parker,	Wickham,
Cockran,	Hogg,	Patton,	Wilber,
Cogswell,	Holman,	Payson,	Wilkins,
Collins,	Holmes,	Peel,	Wilkinson,
Compton,	Hopkins, Ill.	Penington,	Wilson, Minn.
Conger,	Hopkins, Va.	Perkins,	Wilson, W. Va.
Cooper,	Hopkins, N. Y.	Perry,	Wise,
Cothran,	Houk,	Peters,	Woodburn,
Cowles,	Hovey,	Phelps,	Yardley,
Cox,	Howard,	Pidcock,	Yost.
Crain,	Hudd,	Plumb,	
Crisp,	Hunter,	Post,	
Crouse,	Hutton,	Pugsley,	

The SPEAKER *pro tempore*. Fifty-one members have answered to their names. The Clerk will now note the absentees; and the Sergeant-at-Arms will close the doors.

Mr. TOWNSHEND. The Clerk has called over the names but once. Should there not be a second call, which is usually had before the roll-call is considered as concluded?

The SPEAKER *pro tempore*. The regular practice is being followed. The Digest states—

At the conclusion of the call of the roll—which is called but once—the absentees are noted, and the doors closed; the names of the absentees are called over, and a list of those for whom no sufficient excuse is made is furnished the Sergeant-at-Arms by the Clerk.

The names of the absentees will now be called for the presentation of excuses.

Mr. ADAMS: No excuse offered.

Mr. ALLEN, of Massachusetts: No excuse offered.

Mr. ALLEN, of Michigan: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ANDERSON, of Iowa: No excuse offered.

Mr. ANDERSON, of Mississippi: No excuse offered.
Mr. ANDERSON, of Illinois: No excuse offered.
Mr. ANDERSON, of Kansas: No excuse offered.
Mr. ARNOLD: No excuse offered.
Mr. ATKINSON: No excuse offered.
Mr. BAKER, of Illinois: No excuse offered.
Mr. BANKHEAD: No excuse offered.
Mr. BARNES: No excuse offered.
Mr. BARRY: No excuse offered.
Mr. BAYNE: No excuse offered.
Mr. BELDEN: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BIGGS.
Mr. MANSUR. I desire to ask that Mr. BIGGS be excused. He boards at the same house with myself, and I know that he is sick. He has been so for four or five days. Indeed, I advised him to-day not to think of coming here to-morrow, but to wait until Saturday. I think his condition is such that it would seriously imperil his health if he should be brought here to-night. I move that he be excused.
There being no objection, Mr. BIGGS was excused.
Mr. BINGHAM: No excuse offered.
Mr. BLANCHARD: No excuse offered.
Mr. BLAND: No excuse offered.
Mr. BLOUNT: No excuse offered.
Mr. BOOTHMAN.
Mr. YODER. My colleague [Mr. BOOTHMAN] is not able to be here to-night. I ask that he be excused.
There being no objection, Mr. BOOTHMAN was excused.
Mr. BOUND: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BOWEN: No excuse offered.
Mr. BRECKINRIDGE, of Arkansas: No excuse offered.
Mr. BRECKINRIDGE, of Kentucky: No excuse offered.
Mr. BREWER: No excuse offered.
Mr. BROWER: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BROWN, of Ohio.
Mr. CHEADLE moved that Mr. BROWN, of Ohio, be excused, and there being no objection, it was agreed to.
Mr. JOHN R. BROWN: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCHANAN: No excuse offered.
Mr. BUCKALEW: No excuse offered.
Mr. BUNNELL: No excuse offered,
Mr. BURNES: No excuse offered.
Mr. BURNETT: No excuse offered.
Mr. BURROWS: No excuse offered.
Mr. BUTLER: No excuse offered.
Mr. BUTTERWORTH: No excuse offered.
Mr. BYNUM: No excuse offered.
Mr. CAMPBELL, of Ohio: No excuse offered.
Mr. TIMOTHY J. CAMPBELL: No excuse offered.
Mr. CANDLER: No excuse offered.
Mr. CANNON: No excuse offered.
Mr. CARLTON: No excuse offered.
Mr. CASWELL: No excuse offered.
Mr. CATCHINGS: No excure offered.
Mr. CHIPMAN: No excuse offered.
Mr. CLARDY: No excuse offered.
Mr. CLARK: No excuse offered.
Mr. CLEMENTS: No excuse offered.
Mr. COBB: No excuse offered.
Mr. COCKRAN: No excuse offered.
Mr. COGSWELL: No excuse offered.
Mr. COLLINS: No excuse offered.
Mr. COMPTON: No excuse offered.
Mr. CONGER: No excuse offered.
Mr. COOPER: No excuse offered.
Mr. COTHRAN: No excuse offered.
Mr. COWLES: No excuse offered.
Mr. HENDERSON, of North Carolina. My colleague, Mr. COWLES, has been detained from the House by the sickness of his wife, and I move he be excused.
The motion was agreed to.
Mr. COX.
Mr. MAHONEY. I move that my colleague, Mr. COX, be excused.
The motion was agreed to.
Mr. CRAIN: No excuse offered.
Mr. CRISP: No excuse offered.
Mr. CROUSE.
Mr. WILLIAMS moved that Mr. CROUSE be excused.
The motion was agreed to.
Mr. CULBERSON: No excuse offered.
Mr. CUTCHEON.
Mr. TRACEY moved that Mr. CUTCHEON be excused.
The motion was agreed to.

Mr. DALZELL: No excuse offered.
Mr. DARGAN: No excuse offered.
Mr. DARLINGTON: No excuse offered.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Alabama.
Mr. WHEELER. I move my colleague be excused.
The motion was agreed to.
Mr. DAVIDSON, of Florida.
Mr. DOUGHERTY. I move my colleague be excused.
A MEMBER. For what reason?
Mr. DOUGHERTY. The gentleman asks for what reason. I am not aware he knows there has been a call of the House. [Laughter.] I will not state to this House my colleague is unwell, but I will state that he is usually in attendance on the meetings of this House when his presence is necessary. I make the motion and leave the House to do as it pleases.
Mr. TRACEY. I object.
The CHAIRMAN. The noes seem to have it.
The House divided; and there were—ayes 20, noes 12.
So the motion was agreed to.
Mr. DAVIS: No excuse offered.
Mr. DE LANO: No excuse offered.
Mr. DIBBLE: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DOCKERY: No excuse offered.
Mr. DUNHAM: No excuse offered.
Mr. DUNN: No excuse offered.
Mr. ELLIOT: No excuse offered.
Mr. ENLOE: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FARQUHAR: No excuse offered
Mr. FINLEY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FORNEY: No excuse offered.
Mr. FRENCH: No excuse offered.
Mr. FULLER: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. GAY.
Mr. ROBERTSON. I move my colleague be excused.
The motion was agreed to.
Mr. GAINES.
Mr. BOWDEN. I move Mr. GAINES be excused.
The motion was agreed to.
Mr. GEST: No excuse offered.
Mr. GIBSON: No excuse offered.
Mr. GLASS: No excuse offered.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GRANGER: No excuse offered.
Mr. GREENMAN: No excuse offered.
Mr. GROSVENOR: No excuse offered.
Mr. GROUT: No excuse offered.
Mr. GUENTHER: No excuse offered.
Mr. HALL: No excuse offered.
Mr. HARE: No excuse offered.
Mr. HARMER: No excuse offered.
Mr. HATCH: No excuse offered.
Mr. HAUGEN: No excused offered.
Mr. HAYDEN: No excuse offered.
Mr. HAYES: No excuse offered.
Mr. HEARD: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HENDERSON, of Iowa: No excuse offered.
Mr. HENDERSON, of Illinois: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HERMANN: No excuse offered.
Mr. HIESTAND: No excuse offered.
Mr. HIRES: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HOGG: No excuse offered.
Mr. HOLMAN: No excuse offered.
Mr. HOLMES: No excuse offered.
Mr. HOPKINS, of Illinois: No excuse offered.
Mr. HOPKINS, of Virginia: No excuse offered.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HOUK: No excuse offered.
Mr. HOVEY: No excuse offered.
Mr. HOWARD: No excuse offered.
Mr. HUDD: No excuse offered.
Mr. HUNTER: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. JACKSON: No excuse offered.
Mr. JOHNSTON, of Indiana: No excuse offered.
Mr. JOHNSTON, of North Carolina: No excuse offered.

Mr. HENDERSON, of North Carolina, Mr. JOHNSTON has been unwell for several weeks and not able to attend the session of the House this evening, and I ask he be excused.

The motion was agreed to.

Mr. FELTON. I ask my colleague, Mr. BIGGS, be excused.

The SPEAKER *pro tempore*. He has been excused.

Mr. JONES: No excuse offered.
Mr. KELLEY: No excuse offered.
Mr. KERR: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LAFFOON: No excuse offered.
Mr. LA FOLLETTE: No excuse offered.
Mr. LAGAN: No excuse offered.
Mr. LAIDLAW: No excuse offered.
Mr. LANDES: No excuse offered.
Mr. LANE: No excuse offered.
Mr. LANHAM: No excuse offered.
Mr. LATHAM: No excuse offered.
Mr. LAWLER: No excuse offered.
Mr. LEE: No excuse offered.
Mr. LIND: No excuse offered.
Mr. LONG: No excuse offered.
Mr. LYMAN: No excuse offered.
Mr. LYNCH: No excuse offered.
Mr. MACDONALD: No excuse offered.
Mr. MAFFETT: No excuse offered.

Mr. GEAR. I ask that my colleague, Mr. LYMAN, be excused on account of sickness.

There was no objection.

Mr. MASON: No excuse offered.
Mr. MCADOO: No excuse offered.
Mr. MCCLAMMY: No excuse offered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCORMICK: No excuse offered.
Mr. MCCULLOGH: No excuse offered.
Mr. MCKENNA.

Mr. MORROW. I ask that my colleague, Mr. MCKENNA, be excused.

There was no objection.

Mr. MCKINLEY.

Mr. WILLIAMS. I ask that Mr. MCKINLEY be excused.

Mr. TRACEY. I object.

Mr. WILLIAMS. I move that he be excused.

The motion was agreed to.

Mr. MCSHANE. Is it in order to move to dispense with further proceedings under the call?

The SPEAKER *pro tempore*. That motion is in order.

Mr. WILLIAMS. I move to dispense with further proceedings.

Mr. MCSHANE. If in order, I desire to submit that motion. I move that all further proceedings under the call be dispensed with.

The question was taken; and on a division there were—ayes 12, noes 21.

So the motion was rejected.

Mr. MCSHANE. My object in dispensing with the call was to move an adjournment.

Mr. MCKINNEY: No excuse offered.
Mr. MCRAE: No excuse offered.
Mr. MERRIMAN: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MILLS.

Mr. ABBOTT. I ask unanimous consent that my colleague, Mr. MILLS, be excused. He has not been well lately.

There was no objection.

Mr. MOORE: No excuse offered.
Mr. MORGAN: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NEAL: No excuse offered.
Mr. NELSON: No excuse offered.
Mr. NEWTON: No excuse offered.
Mr. NICHOLS: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. NUTTING: No excuse offered.
Mr. OATES: No excuse offered.
Mr. O'DONNELL: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. O'NEALL, of Indiana: No excuse offered.
Mr. O'NEILL, of Pennsylvania: No excuse offered.
Mr. OSBORNE: No excuse offered.
Mr. OUTHWAITE: No excuse offered.
Mr. OWEN: No excuse offered.
Mr. PARKER: No excuse offered.
Mr. PATTON: No excuse offered.
Mr. PAYSON: No excuse offered.
Mr. PEEL: No excuse offered.
Mr. PENINGTON: No excuse offered.
Mr. PERKINS: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PETERS: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. PLUMB: No excuse offered.
Mr. POST: No excuse offered.
Mr. PUGSLEY: No excuse offered.
Mr. RANDALL.

Mr. BACON. I do not know whether Mr. RANDALL is excused on account of illness or not; but I ask that he be excused.

There was no objection.

Mr. RAYNER: No excuse offered.
Mr. REED: No excuse offered.
Mr. RICE: No excuse offered.
Mr. RICHARDSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROGERS: No excuse offered.
Mr. ROMEIS: No excuse offered.
Mr. ROWELL: No excuse offered.
Mr. ROWLAND: No excuse offered.
Mr. RUSSELL, of Connecticut: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. RYAN: No excuse offered.
Mr. SAWYER: No excuse offered.
Mr. SAYERS: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SCULL: No excuse offered.
Mr. SENEY: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHERMAN.

Mr. GEAR. I ask unanimous consent that Mr. SHERMAN be excused on account of sickness.

There was no objection.

Mr. SHIVELY: No excuse offered.
Mr. SIMMONS: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SOWDEN: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. SPRINGER: No excuse offered.
Mr. STEPHENSON: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Vermont: No excuse offered.
Mr. STOCKDALE: No excuse offered.
Mr. STONE, of Kentucky.

Mr. STEELE. I ask that Mr. STONE, of Kentucky, be excused.

There was no objection.

Mr. STONE, of Missouri.

Mr. WILLIAMS. I ask that Mr. STONE, of Missouri, be excused. I know personally his health is very poor.

There was no objection.

Mr. SYMES: No excuse offered.
Mr. TARSNEY: No excuse offered.
Mr. TAULBEE.

Mr. WHEELER. Mr. TAULBEE, I understand, is quite ill, and I ask that he be excused.

There was no objection.

Mr. WARNER. I did not think of it when the name was called, but I ask that Mr. BROWN, of Ohio, be excused.

The SPEAKER *pro tempore*. He has been already excused.

Mr. EZRA B. TAYLOR.

Mr. WILLIAMS. I ask that Mr. EZRA B. TAYLOR be excused. He is a man advanced in years.

Mr. RUSSELL, of Massachusetts. I object.

Mr. WILLIAMS. Then I move that he be excused.

Mr. GEAR. He is quite feeble.

Mr. RUSSELL, of Massachusetts. So is Mr. RICE.

The House divided; and there were—ayes 17, noes 10.

So the motion of Mr. WILLIAMS was agreed to.

Mr. JOSEPH D. TAYLOR: No excuse offered.
Mr. THOMAS, of Kentucky: No excuse offered.
Mr. THOMAS, of Illinois.

Mr. STEELE. I ask that Mr. THOMAS, of Illinois, be excused.

There was no objection.

Mr. THOMAS, of Wisconsin: No excuse offered.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.
Mr. TURNER, of Kansas: No excuse offered.
Mr. TURNER, of Georgia: No excuse offered.
Mr. VANDEVER: No excuse offered.
Mr. WADE.

Mr. WARNER. I ask that Mr. WADE be excused.

Mr. STEELE. On what account?

Mr. WARNER. On account of sickness in his family.

Mr. RUSSELL, of Massachusetts. I object. If he is sick I am willing he shall be excused.

Mr. WARNER. He is not ill himself, but there is sickness in his family.

Mr. RUSSELL, of Massachusetts. I withdraw the objection.

The SPEAKER *pro tempore*. Is there further objection?

There was no objection.

Mr. MORROW. I ask that my colleague, Mr. VANDEVER, be excused.

There was no objection.

Mr. WEST: No excuse offered.

Mr. WHITE, of Indiana: No excuse offered.

Mr. WHITE, of New York: No excuse offered.

Mr. WHITING, of Michigan: No excuse offered.

Mr. WHITING, of Massachusetts: No excuse offered.

Mr. WHITTHORNE: No excuse offered.

Mr. WICKHAM: No excuse offered.

Mr. WILBER.

Mr. MOFFITT. I ask that my colleague, Mr. WILBER, of New York, be excused on account of illness.

There was no objection.

Mr. WILKINS: No excuse offered.

Mr. WILKINSON: No excuse offered.

Mr. WILSON, of Minnesota: No excuse offered.

Mr. WILSON, of West Virginia: No excuse offered.

Mr. WISE: No excuse offered.

Mr. WOODBURN: No excuse offered.

Mr. YARDLEY: No excuse offered.

Mr. YOST: No excuse offered.

Mr. ABBOTT. I ask that Mr. CULBERSON be excused. I saw him this afternoon at the hotel and he told me that he was not well.

Mr. FITCH. I object.

Mr. HENDERSON, of North Carolina. I know he is not well.

Mr. ABBOTT. I move that he be excused.

The question was taken; and there were on a division—ayes 20, noes 0.

So the motion was adopted.

Mr. MORROW. I am requested to ask for the excuse of Mr. ATKINSON, of Pennsylvania.

There was no objection.

Mr. MOFFITT. I ask that Mr. MCCORMICK, of Pennsylvania, be excused. He was called home yesterday on business.

There was no objection.

Mr. MCSHANE. Mr. Speaker, there have been excuses given to about 35 members. There are nearly 100 members absent from the city, so that it is impossible to secure a quorum at this time. It requires the enforced attendance of 112 members. Now it is very easily seen that it is impossible to secure the attendance, in addition to the number here present, of 112 members, or anything like that number, and therefore I move that the House adjourn.

Mr. FITCH. Is debate in order?

The SPEAKER *pro tempore*. It is not.

Mr. FITCH. The gentleman has stated his reasons.

The SPEAKER *pro tempore*. The Chair did not understand the statement of the gentleman from Nebraska.

Mr. MCSHANE. I made a motion that the House adjourn.

The SPEAKER *pro tempore*. The motion is in order. The question is upon the motion to adjourn.

The House divided; and there were—ayes 18, noes 21.

So the House refused to adjourn.

Mr. LEHLBACH. Is it in order to call for tellers?

Mr. FELIX CAMPBELL. There is a resolution on the Clerk's desk I wish to offer.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody, and bring to the bar of the House, such of the members as are now absent without leave of the House.

The SPEAKER *pro tempore*. The question is on the resolution of the gentleman from New York.

Mr. KILGORE. I make the point of order on this. [Cries of "Regular Order!"] Does it require an order of the House for the Sergeant-at-Arms to enforce the attendance of members?

Several MEMBERS. It does.

The SPEAKER *pro tempore*. The question is upon the resolution of the gentleman from New York.

The resolution was adopted.

Mr. SHAW. Is it in order to move that further proceedings under the call be dispensed with?

The SPEAKER *pro tempore*. It is.

Mr. SHAW. I make that motion, and trust that it will be agreed to.

The question was taken; and there were—ayes 20, noes 24.

So the House refused to dispense with further proceedings under the call.

Mr. MCSHANE. I move that the House do now adjourn.

Tellers were demanded, but were not ordered, only 16 voting in favor thereof.

On the motion to adjourn there were—ayes 22, noes 21.

So the motion was agreed to; and accordingly (at 12 o'clock and 45 minutes a. m., Friday, July 20, 1888) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BACON: A bill (H. R. 10899) granting a pension to James Corcoran—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 10900) granting a pension to John Dillon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) granting a pension to Sarah Boden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10902) granting a pension to Melvina Greenya—to the Committee on Invalid Pensions.

By Mr. FELIX CAMPBELL: A bill (H. R. 10903) for the relief of John H. Percival—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 10904) to provide an American register for the steamer Saginaw, of New York—to the Committee on Merchant Marine and Fisheries.

By Mr. GAY: A bill (H. R. 10905) for the relief of Odon Deucatte—to the Committee on War Claims.

By Mr. MATSON: A bill (H. R. 10906) granting a pension to Fidel Gates—to the Committee on Invalid Pensions.

Mr. MCRAE: A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood—to the Committee on Pensions.

By Mr. WEBER: A bill (H. R. 10908) granting a pension to Mrs. Elmira J. Towner—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10909) granting a pension to Moses A. Smith—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 10910) granting a pension to Abraham A. Fowler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BANKHEAD: Petition of 156 citizens of Jefferson County, and of 40 citizens of Fayette County, Alabama, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BAYNE: Petition of Knights of Labor, Local Assembly No. 1630, in favor of House bill 8716—to the Committee on Labor.

Also, resolution of Association of Disabled Veterans of Pittsburgh, Pa., for the passage of Senate bill 1127—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: Petition of the Woman's Christian Temperance Union of Kentucky, for a prohibatory amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Henry M. Barrett & Co. and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of Rev. B. F. Larabee and 30 others, citizens of the Fifteenth district of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BURNETT: Petition of citizens of Middlesex County and of Worcester County, Massachusetts, in favor of pure food—to the Committee on Agriculture.

By Mr. CLARDY: Petition of citizens of De Soto, Mo., asking that dentists' instruments be admitted free of duty—to the Committee on Ways and Means.

By Mr. COBB: Memorial of Harry White and 50 others, of Bibb County, Alabama, for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. CONGER: Memorial of Garfield Assembly, of Dallas County, Iowa, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. DALZELL: Petition of North Side, Lincoln, Dravosburgh, General Marion, Sherwood, Birmingham, General Putnam, Wilkinsburgh, Laurel, Duquesne, and Eureka Councils, Junior Order of United American Mechanics, in favor of the passage of Senate bill 553, to regulate and restrict immigration—to the Committee on Foreign Affairs.

By Mr. GROUT: Petition of 160 manufacturers and drawers of wire in the United States, without regard to party, for a duty of three-tenths of 1 cent per pound on all iron and steel wires—to the Committee on Ways and Means.

By Mr. HEARD: Petition of citizens of the Sixth district of Missouri, in favor of amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of citizens of the Sixth district of Missouri, for removal of tariff on dentist's tools, goods, etc.—to the Committee on Ways and Means.

By Mr. HOVEY: Petition of J. M. White and 57 others, of Pike County, Indiana, in favor of House bill 2165—to the Committee on Invalid Pensions.

By Mr. LEE: Papers in the case of Edwin C. Fitzhugh, for relief—to the Committee on War Claims.

By Mr. MANSUR: Petition of 38 citizens, and of D. S. Scott and others, citizens of Missouri, for removal of duty on dental supplies and instruments—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolution of Association of Fully-disabled Vet-

erans of the Union Army and Navy, of Pittsburgh, Pa., for immediate passage of Senate bill 1127 and of House bill 4356—to the Committee on Invalid Pensions.

By Mr. RICE: Petition of the Woman's Christian Temperance Union of Minnesota, for prohibitory amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition of T. W. Turner, of Coffee County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of woolen manufacturers and wool dealers against the Mills bill—to the Committee on Ways and Means.

By Mr. SCULL: Resolutions of the Turnverein of Johnstown, Pa., urging that the existing law prohibiting the importation of contract labor, criminals, insane or paupers, be enforced—to the Committee on Labor.

By Mr. SIMMONS: Memorial of H. L. Lassiter and 31 others, of Northampton County, North Carolina, for certain amendments to the interstate-commerce act—to the Committee on Commerce.

Also, petition of Gray Newsom and others, of Wilson, N. C., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. STEELE: Petition of Ed. S. Stewart and 100 other glass manufacturers and laboring men of Marion, Ind., for restoration of the tariff of 1883, and especially that the Mills schedule on glass be not passed—to the Committee on Ways and Means.

Also, papers in the case of James A. Russell—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES STEWART: Memorial of J. P. Wolf and 86 others, of Tyler, Tex., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. A. C. THOMPSON: Petition for the passage of House bills for increase of pensions, and to pay arrears, etc.—to the Committee on Invalid Pensions.

By Mr. J. B. WHITE: Petition of Rev. J. N. McCurdy and 25 others, citizens of the Twelfth district of Indiana, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. W. L. WILSON: Petition of W. A. Donaldson, in favor of House bill 9517—to the Committee on Military Affairs.

The following petition for the more efficient protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. JACKSON: Of M. A. Wilson and 31 others, of Buffalo, Pa.

The following petition indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. BAYNE: Of veterans of Pittsburgh and of citizens of Allegheny County, Pennsylvania.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. CANDLER: Of the board of education and 171 citizens of Gwinnett County, Georgia.

SENATE.

FRIDAY, *July* 20, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 8, 1888, papers containing certain information in relation to employés in the internal-revenue service, district of Maryland; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of June 25, 1888, a statement showing the full complement of officers and the full complement of men which will be required for the Chicago and each of the other fourteen vessels, and for the Puritan and each of the other ironclads mentioned in the Department's report for 1887; which, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Jefferson County, Alabama, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented petitions of the Junior Order of United American Mechanics, of Industry Council, No. 163, of Reading, Pa.; of Chester Council, No. 36, of Chester, Pa.; of Washington Council, No. 1, of Germantown, Pa.; of Phillipsburgh Council, No. 24, of Water Cure, Pa.; of Rochester Council, No. 140, of Rochester, Pa.; of American Council, No. 30, of Philadelphia, Pa.; of Belmont Council, No. 190, of Philadelphia, Pa.; of Lackawanna Council, No. 81, of Taylorport, Pa.; of Alliquippa Council, No. 67, of McKee's Rocks, Pa.; of Schuylkill Council, No. 12, of Philadelphia, Pa.; of Farragut Council, No. 146, of Bellevue, Pa.; of Reliable Council, No. 90, of Allegheny, Pa.; of Bainbridge Council, No. 128, of Pittsburgh, Pa.; of Summit Council, No. 173, Lemont Furnace, Fayette County, Pennsylvania; of Susquehanna Council, No. 89, of Wrightsville, Pa.; of Mayflower Council, No. 159, of Derry, Pa.; of Iron City Council, No. 171, of Pittsburgh, Pa.; of Riverside Council, No. 87, of Pittsburgh, Pa.; of Penn Council, No. 106, of Penn's Station, Pa.; of Tarentum Council, No. 91, of Tarentum, Pa.; of Smoky City Council, No. 119, of Pittsburgh, Pa.; of Scranton Council, No. 197, of Scranton, Pa.; of Hazel Glen Council, No. 208, of Pittsburgh, Pa., and of Americus Council, No. 218, of Pittsburgh, Pa., praying for the passage of Senate bill 553, to regulate immigration; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Schuylkill County, Pennsylvania, praying for certain amendments of the interstate-commerce law; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Dr. M. V. Johnson, Dr. A. B. Peak, and Dr. Frank Y. Herbert, citizens of Holden, Johnson County, Missouri, engaged in the practice of dentistry, praying for the removal or reduction of duties on dental instruments, teeth, gold foil, alloys, cements, and other articles used in the dental profession; which was referred to the Committee on Finance.

He also presented the petition of John M. Sneed, J. S. Stephens, I. M. Palmer, and other citizens of Pettis County, Missouri, praying for the passage of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VANCE presented a petition of citizens of Wayne County, North Carolina, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of 58 citizens of Logan County, Ohio; a petition of 108 citizens of Noble County, Ohio; a petition of 51 citizens of Mitchell, Kans.; a petition of 32 citizens of San Francisco, Cal.; a petition of 14 citizens of Karnes, Tex.; a petition of 14 citizens of Kendall, Tex.; a petition of 14 citizens of Lake, Ill.; a petition of 30 citizens of Hamilton, Tex.; a petition of 32 citizens of Kenosha, Wis.; a petition of 36 citizens of Bandera, Tex.; and a petition of citizens of El Paso, Tex., praying for the passage of legislation affording protection to the wool-growing and woolen-manufacturing industries of the country; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 2998) for the relief of Lieut. Col. Charles G. Sawtelle, Deputy Quartermaster-General, United States Army; and

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University.

Mr. FARWELL, from the Committee on the District of Columbia, to whom was referred the bill (S. 441) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, reported adversely thereon and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7160) granting an increase of pension to A. W. Rose;

A bill (H. R. 8677) granting a pension to Mary E. Forren;

A bill (H. R. 817) granting a pension to Mary Foster;

A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward; and

A bill (H. R. 8794) granting a pension to Levi Little.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1620) for the relief of Esther A. Keyser, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1917) for the relief of John R. Reynolds, reported it with amendments.

Mr. HALE. I report from the Committee on Appropriations with amendments the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes. I ask that the bill may be printed as reported, and I give notice that I shall call it up at an early day.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

NORTH AMERICAN INDIANS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back adversely the joint resolution (S. R. 95) providing for printing matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians, and in lieu thereof to report a concurrent resolution. I ask for the present consideration of the concurrent resolution.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be indefinitely postponed. The concurrent resolution reported by the Senator from Nebraska will be read.

The Chief Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 6,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians; the same to be issued in parts and the whole to form an annual volume of bulletins; 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for distribution by the Bureau of Ethnology.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the concurrent resolution?

The resolution was considered by unanimous consent, and agreed to.

DECORATION DAY.

Mr. RIDDLEBERGER. I report from the Committee on the District of Columbia without amendment the bill (H. R. 10053) making May 30 a holiday in the District of Columbia. I ask, unless there be objection from some Senator, that the bill be passed. I shall offer nothing except the report that comes from the committee of the House of Representatives, and I think it is embodied in only eight lines.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent for the present consideration of the bill just reported by him. It will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the 30th day of May in each year, usually called "Decoration Day," shall be, and hereby is, made a holiday within the District of Columbia as fully in all respects as are the days mentioned as holidays in section 993 of the Revised Statutes of the District of Columbia.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3357) referring the claim of William E. Wilson to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHERMAN. I present an amendment intended to be proposed to the sundry civil appropriation bill—the amendment providing for the allowance of certain claims for stores and supplies taken and used by the United States Army. I move that the amendment be printed, and that it be referred, with the accompanying documents, to the Committee on Appropriations.

The motion was agreed to.

POSTAL TABLET.

Mr. CULLOM submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, directed to inquire into and report upon the expediency of allowing an article known as the postal tablet or private postal card, the weight of which shall not exceed half an ounce, to pass through the mails at the rate of 1 cent for postage.

Mr. CULLOM. I present papers to accompany the resolution, which I move be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

LIENS OF JUDGMENTS AND DECREES.

Mr. WILSON, of Iowa, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JAMES F. WILSON,
WM. M. EVARTS,
J. Z. GEORGE,
Managers on the part of the Senate.
JOHN S. HENDERSON,
WM. E. FULLER,
JNO. H. ROGERS,
Managers on the part of the House.

Mr. WILSON, of Iowa. As the House of Representatives has receded from its disagreement to the Senate amendments and agreed to the same, I suppose there is no necessity for action upon the conference report.

The PRESIDENT *pro tempore*. No action is required on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8873) in relation to bonds of disbursing or other officers, and to monthly payment of the Army;

A bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond;

A bill (H. R. 10624) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.; and

A bill (H. R. 10869) to construct a road from Florence, S. C., to the national cemetery adjacent thereto.

The message also announced that the House had passed the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 735) making an appropriation for the erection of a light-house on the highland (mainland) to the westward of Crooked River, Florida; and it was thereupon signed by the President *pro tempore*.

PUBLIC BUILDING AT BROWNSVILLE, TEXAS.

Mr. COKE. I move that the Senate proceed to the consideration of the bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COKE. In line 4, after the word "authorized," the word "any" instead of "and" occurs. It should read "authorized and directed." It is evidently a clerical mistake, the letter "y" having been put where there should have been a "d."

Mr. COCKRELL. It is not worth while to make that amendment. The clerks can correct that.

The PRESIDENT *pro tempore*. The Chair would suggest that the engrossed bill is probably correct and that the error occurs only in the printed bill. If it should appear to be otherwise the amendment will be made.

If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND COURT.

Mr. RANSOM. I desire to give notice that on Monday next, immediately after the morning business, I shall ask the Senate to take up and consider the bill (S. 2042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. In connection with that motion, I should like to suggest and move that the Chair cause the rooms around the galleries to be cleared so that the doors there may be opened during the executive session.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont [Mr. EDMUNDS] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and sixteen minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; in which it requested the concurrence of the Senate.

LIFE-SAVING STATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives on the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

Mr. GRAY. I move that the Senate non-concur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. JONES, of Nevada, Mr. FRYE, and Mr. GRAY were appointed.

STATE SOLDIERS' HOMES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States.

Mr. MANDERSON. I move that the Senate non-concur in the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 8873) in relation to bonds of disbursing or other officers, and to monthly payments of the Army;

A bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general, United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond;

A bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.;

A bill (H. R. 10869) to construct a road from Florence, S. C., to the national cemetery adjacent thereto; and

A bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

REPORT OF COMMITTEE.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1465) for the erection of a public building in the city of Chicago, Ill., reported it without amendment.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 3358) for the relief of M. S. Hellman, of Canyon City, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3359) to prevent discrimination in the selling of literary matter, newspapers, journals, periodicals, or magazines on railway trains, in railway stations, on steam-ships, or steam-ship docks; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. EDMUNDS introduced a bill (S. 3360) to provide for a road along Rock Creek; which was read twice by its title, and referred to the Committee on the District of Columbia.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of Washington, and for other purposes.

Mr. DOLPH. I appeal to the Senator from Nevada [Mr. STEWART] to allow his bill to continue to be the unfinished business and to be temporarily laid aside. It is not probable that it can be disposed of this afternoon, and I understand that some Senators who wish to speak upon it are not ready. I ask that it may be temporarily laid aside, and that unanimous consent be given to take up the bill reported from the Committee on Foreign Relations, Senate bill 3304, to prohibit the coming of Chinese laborers to the United States, which may be disposed of in an hour or probably less.

THE FISHERIES TREATY.

Mr. SHERMAN. I wish to say, after conferring with Senators, that to-morrow and from that time on I shall feel it my duty to insist upon the consideration of the fisheries treaty.

Mr. COCKRELL. We could not hear on this side what notice the Senator from Ohio gave.

Mr. SHERMAN. I said that to-morrow, Saturday, I propose that the Senate shall proceed with the consideration of the fisheries treaty, upon which the Senator from Colorado [Mr. TELLER] has the floor, and on which other Senators are prepared to speak. In order to close it so as to get it out of the way, I shall ask the Senate to proceed with it to-morrow and so on from day to day until it is disposed of.

Mr. TELLER. I only wish to say that I shall be prepared to go on to-morrow, immediately after the disposition of the formal morning business.

Mr. CHANDLER. In this connection I desire to offer a resolution intended to be proposed by me in connection with the treaty, and I ask that it be printed and lie over.

The PRESIDENT *pro tempore*. It will lie over under the rule.

Mr. BUTLER. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved. That the power to make treaties and to appoint all high public officers of the United States being vested in the President and Senate jointly, the President has no right under his implied power of making preliminary negotiations of treaties to appoint, without the concurrence of the Senate, private citizens as plenipotentiaries to make and sign such treaties in behalf of the United States; and that the recent appointment by the President, without the consent of the Senate, of James B. Angell and William L. Putnam as special plenipotentiaries to make and sign the proposed fishery treaty with Great Britain, dated February 15, 1888, was unwarranted by the Constitution.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule and be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMING OF CHINESE LABORERS.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] asks unanimous consent that the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, be informally laid inside for the purpose of enabling him to move the consideration of Order of Business 1801, being the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DOLPH. Mr. President, it will help to an understanding of the necessity for the legislation proposed by this bill to state the substance of existing legislation on the subject of Chinese immigration, and to call attention to the defects in such legislation which have been disclosed by experience.

When the sentiment upon the Pacific coast in favor of the exclusion of Chinese laborers had become so strong as to force recognition by the Government, the treaty of November 17, 1880, was negotiated, by which the United States was authorized to limit or suspend the coming of Chinese laborers into the United States, but not wholly to prohibit it. It was provided in the treaty that Chinese laborers who were then in the United States should be allowed to go and come at their own free will, and should be accorded all the rights, privileges, and immunities which are accorded by this Government to the citizens and subjects of the most favored nations.

By the act of May 6, 1882, the coming of Chinese laborers to this country was suspended for the period of ten years, but by section 2 of the act it was provided such suspension should not apply to Chinese laborers who were in the United States on the 17th of November, 1880, or who should come into the United States before the expiration of ninety days next after the passage of the act. The act further provided for the issuing of certificates to departing Chinese for the purpose of identification and as evidence of a right to return.

The amendatory act of 1884 also provided that Chinese laborers who were in the United States when the treaty took effect, and who came into the United States within ninety days after the passage of the act of May 6, 1882, should be entitled to depart from this country and to return again. As to those laborers who departed after November 17, 1880, and before the act of May 6, 1882, went into effect, there was no record or official evidence of their right to return, and when they returned they were held by the courts to be entitled to prove their right to land in the same manner as any other question of fact is established in court.

The question was raised by the collector of customs at San Francisco whether the act of 1882 was retrospective or prospective only, whether Chinese laborers departing from the United States after November 17, 1880, but before the certificates were issued under the act of May 6, 1882, could return without certificates. The collector claimed that they could not, and the courts decided that they could.

The controversy was renewed under the act of 1884, which declared the certificate to be conclusive of the right to return. The collector contended that the courts had no authority or jurisdiction to interfere by habeas corpus to discharge Chinese who departed before the act of May 6, 1882, could be put into operation and had no certificate and who were refused permission to land by him. The United States courts held that every Chinaman claiming the right to land on account of residence in the United States prior to the date when the act of May 6, 1882, went into effect had a right to have the question of previous residence tried in court as a question of fact. The Supreme Court of the United States recently affirmed the judgment of the court below in one of these cases. This controversy caused great inconvenience to the courts and business community. In a letter which was before the Committee on Foreign Relations when the subject of Chinese restriction was considered, United States District Judge Hoffman states that there were at the time, when the letter was written, five hundred Chinese waiting to try their right to land in the United States in the United States courts in San Francisco by habeas corpus, and that two more vessels were due with others. I find in one of the San Francisco papers a copy of a letter from Judge Hoffman to Representative FELTON, of California, dated January 10, 1888, which so forcibly presents the situation that I will present it in full.

The letter is as follows:

"SAN FRANCISCO, *January* 16, 1888.

"MY DEAR FELTON: The newspapers announce that you have introduced a bill for the abrogation of the treaty stipulations with China respecting Chinese immigration. You know the temper of Congress better than I do, but I have serious misgivings as to your ability to induce it to pass an act in open and avowed violation of the Burlingame and Switt treaties. It is surely not good statesmanship to forego what is practicable and attainable by attempting what may be desirable but in fact is unattainable.

"It is of paramount and indispensable importance that something should be done to relieve the courts of the intolerable nuisance and obstruction to their regular business caused by the Chinese cases. If they continue in the future as numerous as in the past, it is not too much to say that the constant services of one judge will be necessary to dispose of them.

"Judge Sabin has been here on a summons of Judge Sawyer for one month, almost exclusively engaged in trying Chinese habeas corpus cases. There still remain on the calendars of the two courts in the neighborhood of two hundred and fifty cases undisposed of. The steamers arrive tri-monthly, and it may be anticipated that they will continue to bring their usual complement of Chinese passengers, especially when news shall have reached China that a law forbidding their coming has been proposed, and may be passed, unless something is done speedily.

"I know not how courts can deal with this mass of business. Judge Sabin and Judge Ross have both their own duties to attend to, and further work, except when they occasionally devote some weeks to our relief, will fall upon the circuit judges and myself.

"The prospect fills we with dismay and almost with despair. It appears to me if you even think you can succeed in inducing Congress to abrogate the treaty, it can only be done after preliminary negotiations with China, or at least after some notice to that Government of our intention to no longer be bound by our solemn treaty stipulations, and I need not remind you that Chinese negotiations once entered upon will postpone all prospects of relief for an almost indefinite period.

"Judge Sawyer and myself have both pointed out some simple measures which I presume could be readily got through Congress, and which will effect the object we are so anxious to attain.

"The first is to pass a law providing that after a reasonable notice, say of two or three months' notice, the right to enter the country on ground of previous residence shall no longer be recognized. This simple act would at once dispose of perhaps three-quarters or more of the cases presented to us. I think there can be no objection to such a law on the ground of breach of public faith. When it goes into effect, even if passed at once, the Chinese will have had six years to exercise the privilege of returning on the ground of previous residence.

"It is not unreasonable that when the courts have devoted so much time and the Government has incurred so much expense in investigating the validity of these claims, and the courts have been in so many cases the victims of perjury and fraud, which it is impossible to detect, we should say that we can not longer afford to occupy the time of our tribunals in these investigations, and we have a right to notify the Chinese that if the privilege is not availed of within a short and designated period, to be fixed by law, it shall be deemed to have been waived.

"If you could have attended court and listened to the hearing of any of these cases, you would have recognized how completely the court is at the mercy of Chinese testimony and how impossible it is to distinguish a genuine case from a fraudulent one.

"The other suggestion relates to the form of certificates. To simply enact that the Secretary of the Treasury shall prescribe the form of the red certificate to be delivered to outgoing Chinamen would, I think, put a stop to the frauds which have been practiced with regard to these papers on so extensive a scale. If such a law can be passed the Secretary should direct that the certificates should be all blank but the number. It will, therefore, contain on its face no information to the party fraudulently procuring it as to age, occupation, physical peculiarities, or even name or sex of the person to whom it was issued. All these particulars should be taken and recorded in the custom-house book at the time the certificate is issued.

"On the presentation, therefore, of any certificate, none but the person to whom it was issued could be able to answer a single question showing he was the person to whom the certificate was issued. A few questions put to the person presenting it would at once show that the certificate had been issued to another party whom he was attempting to personate.

"These provisions, I think, and especially the first, would relieve us to such an extent that we might, without great inconvenience, grapple with the remaining cases. I invite your most careful attention to this, and unless you are sure you can get the bill through which you proposed, I beg you to direct your attention to these two matters which, upon proper explanation, ought to encounter no opposition, and which would, as I have said, effectually relieve us of this intolerable burden. I hope you will consider these suggestions very seriously.

"I am deeply interested in the matter, and unless something is done I do not see how Judge Sawyer or myself can discharge the ordinary duties of our office. Sickness and disability of any kind on the part of either of us for any length of time would produce an accumulation of cases on the calendar which would be simply appalling.

"I am authorized by Judge Sawyer to say that he entirely concurs in the foregoing suggestions.

"Very truly, yours,

"OGDEN HOFFMAN."

To cure defects in previous legislation restricting Chinese immigration the Senate Committee on Foreign Relations during the first session of the Forty-ninth Congress reported a bill which passed the Senate, but did not receive consideration in the House. Early in the present session there was reported to the Senate from the same committee another bill more simple but more effective in its provisions than the one reported at the last Congress, which has not been acted upon on account of the pendency of the treaty with the Chinese Government negotiated since the bill was reported.

That bill in my judgment, if it had become a law, would have been a substantial improvement upon existing laws. Its provisions, in the opinion of many, would have accomplished substantially what will have been secured if the pending treaty is ratified. The second section of that bill is what may be termed a statute of limitations upon the exercise of the right of Chinese laborers to return to the United States who were in the United States when the treaty of November 17, 1880, took effect, or who afterwards came into the United States and departed prior to August 6, 1882, without a return certificate. Such a limitation was believed by the circuit judge of the United States for the ninth circuit and by the United States district judge for the northern district of California to be a reasonable restriction, and not a violation of treaty stipulations, and would have afforded relief to the United States courts at San Francisco, which are now overwhelmed with habeas-corpus cases brought by Chinese seeking to land in the United States on the ground of prior residence, and which obstruct the regular business of the court and greatly inconvenience the public.

In the mean time the pending treaty with the Chinese Government was negotiated, which will, if ratified, and it seems probable it will be, with appropriate legislation, cut off the right to return to the United States of Chinese laborers who have not availed themselves of that right under existing laws at the date of the ratification of the treaty, and to some extent will restrict the right of Chinese laborers residing in the United States and leaving the country after the date of the treaty to return again. The important provisions of the treaty are as follows:

ARTICLE I.

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited; and this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

ARTICLE II.

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government or the Government where they last resided, visaed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

These provisions relating to the right of Chinese laborers who have been in the United States, and have departed to return again, and the right of Chinese laborers now in the United States to depart and return, take effect upon the exchange of ratifications, and in order to provide the necessary regulations for executing them it is important that an act should be passed to take effect when the treaty goes into operation. This is provided for in the bill now under consideration. I will not discuss the bill in detail unless some question arises in regard to some of its provisions.

It is intended to carry into effect the provisions of the treaty to provide necessary regulations to prevent the abuse of their privilege by the classes of Chinese authorized under the treaty to come to, and reside in, or pass through, the United States and to provide against the evasion of its provisions by the classes prohibited from entering the United States. Neither the treaty nor this bill is all that was desired by the majority of the people of the Pacific coast, but in my judgment, if this bill becomes a law and is faithfully executed, it will go far to remedy the evils complained of.

The proposition to pass a bill to take effect upon the exchange of ratifications is approved by the State Department, and it is understood that the bill introduced in the House by the chairman of the Committee on Foreign Affairs was either prepared or sanctioned by the Department. The Chinese Government understand that Chinese laborers are to be excluded from and after the date of the ratification of the treaty, and much annoyance and trouble will be avoided both to Chinese subjects and to our Government if the necessary legislation for carrying the provisions of the treaty into execution is had before it takes effect. The Chinese Government has undertaken to prevent its subjects from emigration to the United States. By an edict of that Government Chinese subjects who have not been in this country are forbidden to emigrate, and Chinese subjects who have once been here and returned to China are prohibited from returning unless they have left behind them a family or property. The Chinese immigration to this country is not to any considerable extent from Chinese ports, but is mainly from British ports in China.

I do not propose to discuss the Chinese question at length at this

time. A very large majority of the people of the Pacific coast believe that the immigration of Chinese laborers into this country is an unmixed evil and that it should be at once prohibited. The reasons urged for this are numerous. I shall allude but to a few of them. All Chinese laborers in this country belong to one of six Chinese companies, are coolies under contract with the companies to which they belong, and are virtually slaves, and Chinese women in San Francisco and Portland are as much a merchantable commodity as slaves were in the slave-holding States in the ante-bellum days.

My own experience and observation lead me to the belief that the Chinese laborers and lower classes of Chinese in this country do not regard either our laws or the obligation of an oath as administered in our courts of justice as binding upon them, and that our judicial tribunals are more likely to be resorted to and our laws invoked by them for the purpose of revenge or to compel obedience to the decrees of their own secret and unlawful tribunals than for a legitimate purpose. It is notorious that the Chinese on the Pacific coast maintain a Chinese government of their own, which enforces in its own way its own laws and regulations.

The importation of Chinese into this country is the introduction of a non-assimilating element; a people separated from ours by an impassable gulf; the bringing together of diverse civilization which can not blend; the introduction of a source of irritation calculated to arouse in the laboring classes violent passions to disturb the peace of communities and lead to disorders and outrages which can neither be prevented nor properly punished.

There is danger also to be apprehended to our national prosperity from the unrestricted immigration into this country of Chinese. With the 404,000,000 of the inhabitants of China struggling for existence, the increased and increasing facilities for reaching the Pacific coast from her shores, and the increasing demand for cheap labor by our great manufacturing institutions, if immigration had not been restricted until this time it is more than possible that to-day the industrial interests of the coast would have been largely in the possession of that people, who work cheaper and live upon less than the Caucasian race, and who therefore naturally supplant that race in the labor markets of the world whenever they come in competition with it.

The controlling reason with me for the exclusion of Chinese labor is that the characteristics of the race are such that Chinese laborers in the United States, no matter how limited their number, are necessarily in competition with the white laborer. The Chinaman works for one-half the wages necessary for the support of the American laborer. He is a mere sojourner here, and is not a consumer to any considerable extent of American products. He hoards his earnings, but not to enrich this country. He supplants white labor, the rewards of which would be kept in this country, and carries away with him his accumulated gains.

I will not discuss his vices nor dwell upon the demoralization and ruin caused by the opium joints and gambling dens and other centers of vice and immorality he brings with him. It has been said, and there is truth in the saying, that the virtues of the Chinese are more harmful to us than their vices. Their economy, their simple wants, which enable them to live on one-fourth the amount required to support an American laborer, make their competition with white laborers in the labor markets of the Pacific coast the most serious objection to their presence. The sentiment so long prevailing in this country that America should be the asylum of the oppressed and down-trodden, if not of the refuse of all other nations, is fast losing its hold upon the American people. We are being educated up to the idea that with governments as with individuals, self-preservation is the first law of nature. The Chinese laborer, considered with reference to our institutions, is nothing but a productive machine. The American laborer is much more. Under our political system he is an integral part of the Government. His vote counts for as much as that of the millionaire, and, theoretically at least, he has an equal voice with him in public affairs.

The people established and control and will continue to give direction to the Government, and if republican institutions are to be preserved the laboring man must be protected and his wages must not be reduced to the level of the wages of Asiatic coolies. He will be a safe depositary of the power of controlling the destiny of the Government no longer than he is able to command for his labor such remuneration as will enable him to live in comfort and to maintain his independence.

Every argument which is made upon this floor for the protection of the laboring man against the cheap labor of Europe is an argument against the admission of coolie labor into this country. So long as the masses in any country can be kept in ignorance and want, without the means of bettering their condition and without the power of asserting their rights—mere hewers of wood and drawers of water, the slaves of the governing classes, the rich and the powerful—monarchies and aristocracies will continue, and tyranny of the governing classes and the oppression of the laboring classes will be the rule. We will do more for the oppressed of other nations and more for humanity by preserving the independence and promoting the intelligence and virtue of our own people, perpetuating our free institutions, and giving the world the influence of our example, than we can do by admitting to our shores in accordance with a mere sentiment those whose presence will degrade American labor and deprive the laborer of his just reward.

Power to be safely used must be accompanied by intelligence. Everywhere the tendency is to the distribution of power among the people. The men who toil on the farm, in the shop and factory, and in the mines, who operate the railroads, navigate the ships, and carry on the commerce of the world—the laboring men—are yet to control the political affairs of all nations and to give direction to all the governments of the earth. Not this year or this century perhaps, but as sure as intelligence and capacity for self-government is increasing among men and love of liberty is spreading among the nations, just so sure will republican governments—"governments of the people, by the people, and for the people"—some day take the place of the monarchies of the earth. This is not to be brought about by leveling down the rewards of labor in America and reducing the condition of the laborer here to that of the laborer in other countries, but power of self-government to the masses of other countries will be preceded by an improvement in their condition, increased compensation for their labor, increased intelligence, and greater independence, all of which must be mainly worked out by the people of each country for themselves.

Not only the future of this country and the prosperity of our people but the future destiny of the race is inseparably connected with the condition of the men and women who toil with their hands.

Mr. MITCHELL. Mr. President, the object of this bill is to enforce the provisions of a treaty heretofore made between the United States and his Imperial Majesty the Emperor of China, and which treaty was ratified with certain amendments proposed by the Committee on Foreign Relations of this body and agreed to by the Senate, some time ago, and which was forwarded, as I understand, to the Chinese Government for its rejection or approval of the amendments proposed by the Senate. This bill provides in terms that it shall only become operative from and after the date of exchange of the ratification of the treaty between the two Governments. As an act of legislation for the purpose intended, that is to say, the enforcement of the provisions of the treaty referred to, I regard it as the very best possible bill that could be presented.

So far as I am concerned personally, I have no faith in the treaty itself. I never did have any faith in it; I have no faith in it now. I believe it will be a failure in so far as it may be considered as a means of prohibiting Chinese immigration.

The treaty as it came to the Senate originally and before it was amended by the Senate was, in my judgment, a step backward, and a long step backward from the position we occupied under existing treaties and under existing laws. As amended by the Senate, however, I consider the treaty at least no worse than the existing treaty; but I am unable to bring myself to the conclusion that it is any better.

But, as I said, conceding that this treaty so ratified by the Senate will meet the approval of the Chinese Government, I regard this bill as the very best possible bill that could be presented and passed by Congress, and at the same time keep within the provisions of the new treaty, as the purpose of this bill is to legislate under the provisions of the new treaty. In fact, if the amendments made by the Senate to the new treaty are not accepted by the Chinese Government, this legislation never becomes operative.

Mr. DOLPH. The bill is to take effect on the exchange of ratifications of the treaty.

Mr. MITCHELL. That is what I have just said, that the bill only becomes operative on the agreement of the Chinese Government to the Senate amendments to the treaty.

I shall vote for this bill because it is the very best possible measure that we can hope to have enacted into law. It is the very best possible measure, as I said before, that can be devised, in my judgment, and keep within the provisions of the proposed treaty; but the treaty itself, in my judgment, is a sham, a fraud, and a deception, and will not meet the expectations either of the President of the United States or of his Secretary of State, or of the members of the Senate on either side of the Chamber who gave it their approval with the amendments adopted by the Senate.

This seems to be the opinion of the leading journals of the Pacific coast. I have here an editorial from the San Francisco Call, a leading journal of San Francisco, which I will ask to have read, that expresses what seems to be the view of the people generally of the Pacific coast in reference to this new treaty. I ask to have it read.

The PRESIDING OFFICER (Mr. BERRY in the chair). The paper will be read.

The Secretary read as follows:

THE TWO CHINESE TREATIES CONTRASTED.

The Swift-Angell Chinese treaty is the one now in existence. It has two weak points—one which provides that "Chinese laborers now in the United States shall be allowed to go and come of their own free will and accord," and one which admits teachers, students, merchants, and travelers in such terms that laborers have been included in one class or another. The second or amended restriction act provided for the enforcement of the treaty in terms which re-enforced the two weak points in the treaty we have referred to. The act provided that prior residents must come with certificates to show the fact of such prior residence, and also placed safeguards around the admission of Chinese laborers under pretense of being merchants, students, or travelers.

This second or amended restriction act would be, fairly executed, a tolerable solution of the Chinese question. The friends of white labor would have preferred that Chinese once departing should stay departed, but with the safeguards the law set up to prevent Chinese from "returning" who had never been here we would have got along very well.

The action of the Federal courts in admitting Chinese on the plea of prior residence without the evidence the law required greatly impaired the efficiency of the law. The action of the Treasury Department in letting in Chinese in transit made another hole in the act. Instead of seeking to enforce the act in the spirit in which it had been passed, the Administration conceived the idea of negotiating a new treaty. This new treaty, as the Call has before said, is a sham. It does not permit of a law which will keep out a single Chinaman whom the employers of that class of labor desire to let in.

The new treaty provides in the second article that the prohibition clause in the first article shall not apply to any Chinese laborer who has a lawful wife in the United States.

To any Chinese laborer who has a child in the United States.

To any Chinese laborer who has a parent in the United States.

To any Chinese laborer who has $1,000 worth of property in the United States, which property may be in the form of credits—that is, of debts due the applicant.

The third article of the treaty provides that the new treaty shall not affect the rights at present enjoyed by Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity or pleasure, of coming to the United States. The third article also provides that "Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries." The last provision is putting in the form of an express stipulation the privilege Chinese laborers had enjoyed by virtue of a ruling of the Treasury Department. An opening which the Treasury Department had made was thus recognized and confirmed by the new treaty.

A Senate amendment to the treaty provides that this prohibition shall extend to the return of the Chinese laborers who are not now in the United States, whether holding return certificates under the law or not.

Whatever value this amendment may have had when it was adopted is lost in the fact that the greater part of the Chinese then in China will be in the United States before a law can be enforced carrying out the conditions of the treaty. They are coming now so fast that duplicate courts are established to pass them in. Once in, there will not be the slightest difficulty in getting return certificates on one of the four conditions that the treaty provides as establishing the right to such return certificate.

The transit clause holds open a door wide enough to let in all China. Any Chinese laborer may land on that plea, and any Chinese laborer found in the United States can pretend that he is in transit.

It should be borne in mind that the new law, if one is passed, will be subjected to the judicial intelligence which has destroyed the law now nominally in force. It will have to stand a hostile construction. It will be administered by courts which have shown their determination to admit Chinese, law or no law.

For these reasons the Call repeats that the work Congress should now take in hand is to see that the present law is executed rather than to enact new laws for the courts to tear to pieces.—*The Morning Call*, San Francisco, July 13, 1888.

Mr. MITCHELL. As further illustrating the views taken by the leading journals on the Pacific coast, I submit a short editorial from the San Francisco Bulletin, another leading paper of that city.

Mr. MORGAN. What is the date of that?

Mr. MITCHELL. This was published in the issue of July 12, 1888—the present month.

Mr. MORGAN. What is the date of the other?

Mr. MITCHELL. July 13, 1888, about the same date.

The PRESIDING OFFICER. The paper sent up by the Senator from Oregon will be read.

The Secretary read as follows:

TOO GOOD TO BE TRUE.

It is rumored that there is some doubt whether the Chinese Government will approve the new treaty because of the amendments introduced by the Senate. These amendments are the only valuable parts of the measure. But we are afraid that no such good luck is before us. The scarcely concealed bribe of $276,000 to the Chinese Government will secure the ratification. If the treaty were rejected the Administration would no longer have any excuse to oppose the only legislation that will reach the root of the Chinese evil. The treaty, even as amended, can lead to nothing but the gravest complications. The fisheries treaty, which has already been cut to pieces in the Senate, was wise diplomacy in comparison with the Chinese treaty. The latter is, in fact, the most outrageous sell-out of the present Administration.

It may be regarded as a treaty to facilitate Chinese immigration. Under it this country will be flooded with Chinese. Every cooly now ashore can be duplicated as often as he departs, while new hordes can be introduced by the transit privilege. Improvised traders, students, teachers, and travelers can be brought on the scene when everything else fails. There will be no check on the latter but the visé of our consuls, and what sort of a check that will be everybody knows. If this treaty had been considered in open Senate, like the fisheries treaty, it would have been defeated, provided our representatives exhibited as much industry and ability as the New England representatives of the fishing interests of the Northeast.—*Daily Evening Bulletin*, San Francisco, Thursday, July 12, 1888.

Mr. MITCHELL. That represents the view, as I believe, of the people generally of the Pacific coast in regard to this treaty. Treaties have proved failures so far as inhibiting Chinese immigration is concerned. We have a treaty now with China looking to the restriction of Chinese immigration. That treaty went into effect November 17, 1881. Since then there have been 92,654 arrivals of Chinese at the port of San Francisco alone. Since January 1 last, to and including June 18, last month, 7,422 Mongols have arrived at the port of San Francisco alone. Of the arrivals 4,218 were landed on return certificates issued by the custom-house, and 3,204 on writs of habeas corpus.

There are now pending in the United States courts of San Francisco 4,000 habeas corpus cases for the release of Chinese, and more than 5,691 have arrived than departed in San Francisco in the last five and a half months.

The present treaty, the one under which we are now legislating, and which has not yet been ratified by the Chinese Government, is no improvement, in my judgment, and that seems to be the judgment of the leading journals of the Pacific coast, on the existing treaty. For that reason I opposed the treaty when it was under consideration in executive session in this body. I am opposed to it now because I do not believe it will effect the purpose intended. While that is all so, and while in all probability, as stated by my colleague, the amendments proposed by the Senate will receive the approval of the Chinese Government, in which event it will become the law of the land, then the legislation proposed is the only thing we can do and the very best thing we can do under the circumstances. Therefore I shall vote for the bill.

Mr. MORGAN. Mr. President, I can not understand why the Senator from Oregon [Mr. MITCHELL] would vote for a bill to carry into effect a treaty which he says is a sham and a fraud. I do not think I have ever before heard as broad a declaration as that.

Mr. MITCHELL. I did not hear the Senator from Alabama.

Mr. MORGAN. I said that I could not understand why the Senator from Oregon would vote for a bill to carry into effect a treaty that he said was a sham and a fraud. I do not remember to have ever heard such a statement as that made by any gentleman on this floor. If I believed that a treaty was a sham and a fraud I would never give any vote to carry it into effect. I might give votes, and I think I certainly would, to abrogate that treaty and to take it away from the statute-book.

Mr. MITCHELL. I have not had the opportunity.

Mr. MORGAN. The Senator from Oregon says he would vote to abrogate this last treaty and take it off the statute-book if he had the opportunity to do it. An opportunity, Mr. President, is never wanting to a Senator to offer a bill in this body to avail himself or his constituents of that very high power, which has been declared by the Supreme Court of the United States to exist on the part of Congress, to abrogate any treaty. So the opportunity has been always present to the Senator from Oregon to offer a bill, and to press a bill to abrogate the treaty.

Mr. MITCHELL. And the Senator from Oregon availed himself of that opportunity and introduced a bill at this session for that very purpose, and the committee, of which the honorable Senator from Alabama is a member, smothered it in committee and never reported it.

Mr. MORGAN. Not being in the majority I am not responsible for the smothering of that infant if there was any smothering done. It is his own friends that have smothered it if any persons have, and if they did I expect they did an act of great mercy to the Senator, not to say to the Senate. But notwithstanding his having offered a bill, which he says was smothered in committee, to repeal and abrogate all Chinese treaties relating to immigration, he is here to-day to announce his purpose to support a bill to carry the last treaty into effect, which he says is a fraud and a sham.

Now, his constituency on the Pacific coast will perhaps be able to understand whether or not the Senator is sincerely the friend of proper treaty relations between the United States and China, or whether this is an effort by gathering up scraps out of newspapers to cast some odium or some slur upon gentlemen engaged in negotiations between this country and a foreign country. Without quoting a familiar adage, which relates to the condition of the bird that is not very careful about its domicile, I say that I deprecate very much indeed that constant disposition which appears on the floor of this body to disparage in the presence of mankind, of the whole world, the honor, the integrity, the wisdom, the uprightness, the forecast of our executive administration.

I have been in this body under several Republican administrations and I have yet to hear any Democrat in this body undertake merely the effort to disparage a Republican administration, no matter how much we differed with it in respect of foreign policies. I was here at an era when jingoism prevailed in the administration of this country to a very alarming extent, the effects of which we have not yet quite escaped from, certainly not the moral effects; and yet due faith and credit were given to the integrity, to the honorable purpose, to the high intention of all those Republican Presidents who negotiated treaties, whether the Democrats thought they were correct ones or not, and I think we had better return to that state of feeling, and from that sense of respect that we owe to our own country, we ought to inform the outside world that we still have negotiators who are able to handle our diplomatic affairs and that we have statesmen who are at least in love with their own country.

The history of Chinese immigration to this country, so far as it is affected by treaty, is a somewhat peculiar one. The Senator from Oregon, being a Republican, takes occasion to felicitate himself upon the progress of affairs; but I wish to read just two treaties in contrast with each other to show how under the present régime there has been an absolute reversal of that policy which was the inauguration, the beginning of the immigration of the Chinese into this land. Anson Burlingame was a distinguished American who went to China as American minister, and there commended himself by his wisdom and his ability and by his integrity to the Chinese Government to that extent that they sent him back here with plenary powers of negotiating treaties with us on subjects which had never before that time been alluded to in our treaties with China.

Mr. Burlingame came here and negotiated treaties, and the ministers who came with him on that grand errand were received on the Pacific coast with princely honors. Their purpose was declared, was perfectly

well known, their coming was heralded to this capital, and the United States made a point of showing more of the magnificence of its hospitality in the welcoming of this commission to this country for the purpose of making this treaty than I remember that they have ever shown to the Prince of Wales or to any other distinguished character who has ever visited the country. Mr. Burlingame and his colleagues were received with royal honors, as far as we know how to bestow royal honors, certainly with royal hospitality. They went into conference here with Mr. Seward, who was then our Secretary of State, and in 1868 they matured and sent to the Senate of the United States for its ratification a treaty which contained these provisions:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

The Chinese came; they came in floods, in torrents. They poured over the Pacific coast.

Mr. TELLER. Will the Senator give me the date of the treaty?

Mr. MORGAN. Eighteen hundred and sixty-eight; the Burlingame treaty.

This treaty, Mr. President, was based upon the idea, which I thought a very mistaken one indeed, that by bringing the Chinaman in contact with American civilization and American institutions, the Ethiopian would change his skin and the leopard his spots; that they would widen up into our civilization and become convertible elements in our social fabric, as well as proper factors under certain conditions even in our political institutions.

This Burlingame treaty was heralded through the Christian world as opening really the doors of salvation to the whole Chinese people. A great many preachers argued strenuously, and I hope then with great effect (but it turned out that they were mistaken about it), in favor of the proposition that if we would allow free, unobstructed immigration of the Chinese into this land, and allow them to assume here all the privileges of citizenship which belong to residence and domicile, they would incorporate themselves into our church establishments; that they would take up from us the spirit of Christianity, and would carry it abroad across the Pacific Ocean; and that the banner of the Cross would be planted upon the plains of China by Chinese hands. That was a very beautiful picture, and very attractive and charming to the American people, and I regret deeply, sir, that it has not been realized.

But they got over there among the Oregonians and the Californians and the Indians and the Mexicans, and they took to the American idea of money-making, if they did not have it before they came; and the Chinaman began to lay up treasure, not in heaven, but on earth, "the same like a Melican man," as my friend from North Carolina [Mr. VANCE] very humorously suggests. The Chinaman soon by his burrowing and his cheap method of living became not only a very important factor on that coast in all its mining, railroad, and agricultural enterprises, but he became a rival of the American laborer, and a very fierce rival.

Therefore, afterwards, a new era of American Christianity arose. It was headed by Dennis Kearney and the disciples of the Sand Lots. The Chinaman and the Kearney party had it up and down, and the political parties of this country, never being oblivious to the fact of where votes are to be found, espoused the side of Dennis Kearney, because he had votes and the Chinaman did not have any. In that controversy the political tide commenced to turn against the Chinaman, and he began to go under and under.

More than that, the vicious practices of Chinese civilization, if you may call it such, barbarity really, in its lower grade, commenced to develop themselves upon that coast in such a way as that the decency of the country was severely offended. But there grew up in that country large owners of vineyards and the constructors and owners of enormous lines of railway, and Chinese cheap labor was in demand, just as foreign cheap labor is in demand on the Atlantic coast to-day, merely because it is cheap.

The employer of Chinese labor in that country had no sympathy with the man at all. He was willing to see him lie down and die when he got through his contract. It made no difference to him whether the Chinaman got anything out of his contract or not, even a living, so he was able to do his work.

Parties on the Pacific coast commenced to divide a little upon this question. The rich and the powerful few were in favor of having Chinese laborers to work their vineyards and gather the fruits of their orchards, and also to help burrow into the earth after the precious metals, to build their railroads and keep them in repair. They were found to be an extremely convenient commodity, for they were little else, in all the different employments and a vocations of life on the Pacific coast.

It began to be apparent that the Chinaman was not going to avail himself of this broad declaration of Mr. Seward and Mr. Burlingame in favor of the progress of Christianity and its development, etc., but that he was going to anchor upon the money, upon the gold dust; that after he was dead he intended to have his body taken back to his native land; and that he had no affection for this country; that you could not inspire him with it. That was the situation, and that was the state of progress in regard to the Chinese.

Nevertheless, gentlemen the world over, as far as I have ever heard of them, men of wealth, men of polite habits and manners, men who live luxuriously, want body servants. There is not a gentleman in the Senate to-day who will consent to wait upon himself in all the menial offices of life. Every man bred in this polite manner, as we call it, wants a body servant, and he is going to have him if he can get him. If he can not get an African negro in the South, he will get a Chinaman; if he can not get a Chinaman, he will get some German immigrant. It is hard to work an Irishman into it, but they sometimes even get an Irishman to put upon the decks of their carriages with their pompons and livery. Sometimes you can get an Englishman to do it.

Gentlemen will have these luxuries, and whoever has visited one of those magnificent homes in California, than which there exists nowhere in the world anything more exquisite, more beautiful, or better ordered or more luxurious, has always found the neat and tidy Chinaman going about with his white clothes on, not able to speak anything but a little pigeon English, and never forgetting to do the bidding of the lady of the house, to carry on all culinary work, all the work of table service, all the work of menial service. Everything of the kind that requires care, and precision, and neatness, and diligence, and faithfulness, the Chinaman was engaged in, and he is engaged in that yet.

The parties in Oregon and California who are unwilling to give up the Chinese laborer to-day are the men who are able to pay a Chinaman $30 to $50 a month for waiting around the house. You can not get an Irishman to do that; you can not get a German to do it. The German or the Irishman has to go out in the field and labor; he must work on the railroad in the hot sun; and he becomes envious and jealous of the high position of the Chinaman who gets $30, $40, or $50 a month for this menial but very pleasant service about the great palatial residences of the nabobs of the Pacific coast.

So the nabobs of the Pacific coast are really at heart against any treaty that keeps the Chinese from coming here, and they have their representatives in the halls of Congress. The great railroad kings and the great money controllers, the men of power and the men of means, have their representatives in Congress.

If you pass over one of the Pacific railroads through Oregon, or California, or Arizona, I think that you can estimate that at least two-thirds of all the laborers engaged in repairing and rebuilding those roads to-day are Chinamen. The companies do not want to give them up. Hence it is now, when modifications are being made in treaties, we never can get any modification that suits those gentlemen. They want to repeal, they say, all treaties with China.

Before I call the attention of the Senate to the progress of treaty-making with the Chinese Empire, I wish to call its further attention to the fact that our annual trade with China of imports is $19,976,789, and that our annual exports amount to $6,248,626. There is over $26,000,000 of annual traffic between the United States and China, the larger part of which comes to the Pacific coast and yields its tribute to our capitalists and our laborers as it passes over the railroads to the Atlantic coast. That, Mr. President, is a very large trade, and it has been increased enormously within a few years past.

A number of gentlemen were invited before the Committee on Foreign Relations, not for the purpose of smothering anything, but for the purpose of getting full and exact information as to what were the needs and wants of the people of the Pacific coast in regard to Chinese immigration and the best methods that were possible to accomplish that by legislation. I think that every member of the House of Representatives from that coast but one, and every Senator from that coast but one—and he was a Democrat—was present at that interview; and in a very able manner and in a very kind way they communicated to that committee what was necessary to be done in the way of legislation to prevent this influx of Chinese into this country.

That was before the treaty which the Senator from Oregon [Mr. MITCHELL] says was a fraud and a sham had been negotiated, but it was in process of negotiation, although we did not know it; at least I did not. Those gentlemen communicated to us that they desired that some law should be passed that would absolutely exclude the coming of Chinese laborers here. We called their attention to the phraseology that I have just read in Article VI of the Burlingame treaty which was brought down into the treaty of 1880. We said to them, being a treaty-obeying people, we can not possibly pass a law which will shut

out from this country persons who have the right of immigration when we have promised them sacredly in a treaty that they should be put here upon a footing with the people of the most favored nation. We could not do that, and it was a great puzzle and a great embarrassment.

Then it was that some of the distinguished statesmen who were present before the committee insisted that laws should be passed abrogating treaties entirely. The question was put by a member of that committee to those gentlemen, and I think it is in print, "Are you willing to abrogate the treaty by act of law when the result of it will be to take $25,000,000 of trade annually from the United States that is now enjoyed, a larger part of which comes to the Pacific coast?" They announced, some of them, that they were entirely willing to do so.

I thought that the Republican doctrine promulgated by Mr. Seward and Mr. Burlingame had become very unpopular between 1868 and 1887 or 1888, and I wondered in my own mind what was the cause of this great revulsion there. I could not understand why it was that after all the people on the Pacific coast persisted in holding on to their house-servants and body-servants against the tremendous tide of opinion which had so increased in these few years. The Senators and Representatives from there declared that they were willing absolutely to give up every dollar of the trade with China.

It was suggested that *uberrima fides* on the part of the people on the Pacific coast ought to be the maxim which would justify us on this side of the Rocky Mountains in throwing away a trade of that kind. Whether they were willing to yield their interest in the Chinese trade or not, the people on the east side of the Rocky Mountains might perhaps not be willing to do it, especially when they saw that the division over there was between the sand-lotter and his retainers on one side and the merchant prince or the railroad prince or the vineyard prince on the other side with his retainers.

While we were mooting these questions the present Secretary of State, who enjoys so much of the contempt of the Senator from Oregon, was negotiating a treaty which was afterwards confirmed by the Senate with a few unimportant, inconsequential, unnecessary, and really unmeaning amendments. In the declaration which precedes that treaty, and which I will read, you will find a very strange contrast between the opinions of this Administration and of the Emperor of China at this moment and the declaration which I have just read from Article V and Article VI of the Burlingame treaty. Intermediate, however, between these two treaties was the treaty of 1880. Its Article VI was incorporated literally from the Burlingame treaty, which I will read again:

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation—

That provision stands yet in our favor—

and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

That was carried into the next Republican treaty in 1880. While we were trying to cogitate bills and do something that would not forfeit $25,000,000 a year to gratify some peculiar prejudice represented on this floor to-day by the Senator from Oregon, this Administration was proceeding with a treaty the recital of which is as follows:

Whereas on the 17th day of November, A. D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States; and

Whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States,

That is what the Emperor of China desires.

And whereas the Government of the United States and the Government of China desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries:

Now, therefore, the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States, as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, minister of the third rank of the imperial court, civil president of the board of imperial cavalry, and envoy extraordinary and minister plenipotentiary, as his plenipotentiary; and the said plenipotentiaries, having exhibited their respective full powers found to be in due and good form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

The gentlemen who are very high up in grammar, especially in that great and accurate system which finds expression in great statutes and in treaties, thought that they could improve that when it came into the Senate, and they added:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

The Senate thought that was the proper thing to put in. It certainly was not consulting the Christian spirit of the fifth article of the Burlingame treaty when it put it in, for when a man goes abroad from the United States with a certificate in his pocket that entitles him to return, and that certificate recites that it is in virtue of a treaty with the Government of the United States, it looks to me as if it was at least rather heroic treatment to say to that man, "You shall not come back, notwithstanding you have a certificate." If he was a British subject he would come, because the British Crown could not consent under its constitution to a provision that would take from one of its subjects a right inherent in him and guarantied to him by a foreign government under a treaty.

But a Chinese subject is not a British subject. He is a subject of an absolutely imperial power, and that power had resolved, as is stated in the recitals to this treaty, that in consequence of these disorders, etc., the Emperor of China, the Government of China, desires to prohibit the emigration of such laborers from China to the United States. Therefore, we could afford to put that provision, by way of amendment, into this treaty, for the reason that it executed the purpose which the Chinese Government itself had expressed in its recital, and we did it.

When we came to Article II of the treaty (which I shall not stop to read, for I do not feel quite strong enough to read everything that I should like to read), we appended to the final clause in that article the following words:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of customs the return certificate herein required.

That looked to be a little hard. Nobody would ever have thought about that, I think, unless it was some gentleman who had some very decided political interest in tying to himself by hooks of steel somebody or other who had a vote to cast in a ballot-box, who might imagine that that was another proper restriction to put upon a John Chinaman. But we believed, and we yet believe, that the Emperor of China in his desire to prohibit those people from coming here will ratify that part of our action. However, I do not think that Senators have a right to find fault with and to cast slurs upon Secretaries of State, merely because they did not imagine that it was a thing to put in these treaty stipulations.

Mr. MITCHELL. Will the Senator allow me just a moment?

Mr. MORGAN. Yes, sir.

Mr. MITCHELL. The Senator has repeated over and over again that the Senator from Oregon has cast slurs upon the Secretary of State; that he has treated the Secretary with contempt, and other phrases to that effect. Now, I have done nothing of the kind, Mr. President. I have made no unkind allusion even to the honorable Secretary of State, for whom I have the very highest respect. I have said that this treaty, made in entire good faith, I have no doubt, so far as the Secretary of State and the President of the United States are concerned, is in my judgment (which does not amount to very much, I admit) a sham and a fraud in so far as it is a means of accomplishing what was intended by the parties who made it. That was all I said.

Now, one other point. Would it be proper for me to inquire of the Senator from Alabama whether he favored the Senate amendments he has just referred to?

Mr. MORGAN. I voted for them.

Mr. MITCHELL. Then, if the Senator has studied the question and understands it, as I take it he has, he must admit that the effect of the first amendment proposed by the Senate Committee on Foreign Relations, and which was adopted by the Senate, will be to exclude from this country at least 36,500 Chinese who would have been permitted to come in under the treaty as sent here by the President of the United States, had it been ratified as signed, without amendment.

Mr. MORGAN. The Senator says I must admit it. He draws a logical conclusion of his own from the vote which I gave in this body after I thought I had demonstrated that this amendment was entirely unnecessary. It was not improper, but it was entirely unnecessary. The treaty as it stood excluded them. There was a difference between grammarians about the meaning of words in the treaty, and that was all. I understood it to be a full and complete exclusion of these people. The Senator from Oregon did not understand it in that way, and in order to carry out the wishes of the Emperor of China, as well as of the Democratic President of the United States, I consented that he might have his way, and I assisted him by voting for his proposed amendment. That is the state of the case. Therefore I did not admit any imperfectness at all in the text of this treaty by the vote that I gave—very far from it. I thought I had demonstrated that there was nothing imperfect in it.

There was one other part of this last amendment that I did not like at all. It did not seem to me that any government in the world which had much self-respect would ratify it. It was that no Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the certificate therein described. He must bring the very paper. If I had a bill of exchange on the honorable Senator from Oregon for $100,000, we all know that it would be perfectly good. If I should fall into a pond of water somewhere and get it washed up in my pocket so that it was entirely illegible, and I could not produce it, I might not even be able to produce the pulp out of which it had previously been fabricated, yet I could sue him in any court in any Christian country and recover on proof of the existence of the contents and loss of that paper. But if a Chinaman gets to the Seal Islands opposite the Golden Gate with a paper in his

pocket, and the ship strikes the island and goes under the water, and the poor fellow is ducked in the sea until his paper is lost, when he gets ashore he must produce the very paper to the custom-house officer or else he must go back to China, although he has our guaranty, our certificate, and has conformed in every particular to our law.

Mr. President, there is such a thing as going to extremity. It is not wisdom, neither can it be called justice. It is a pretty hard strain on words to call it decency. We got very near across the line in yielding to the demand of those gentlemen, who may themselves, as far as we know, have Chinese servants in their own houses, that the Chinaman who carried our certificate out in his pocket in due form and by authority of law must bring the very paper back and present it, or otherwise he is prevented from the privilege of returning to his property, it may be to his family, or whatever he has in the United States.

I have seen some Chinese in the United States for whom I have very great respect; I have seen a great many negroes in the South for whom I have very great respect; but I can not say that I have any respect for the great body of the lower class of Chinese who are brought from Hong Kong here, imported into this country by the Six Companies or by whoever it may be that bring them here.

I do not know that it detracts at all from the Chinaman's respectability that he is a laborer. He may be a laborer in some highly ornamental branch of art. He may be a laborer upon some of the beautiful ceramics that we exhibit with so much pride in our parlors and halls. Nevertheless he is a laborer.

There are honorable men among the Chinese. God would not allow five hundred millions of people to occupy so beautiful a country as that is, and for so many centuries without interruption, unless there was some integrity amongst them. He has never allowed the earth to be cursed in that way by a body of people all of whom are bad and corrupt. So I think we may assume that there are still some honorable Chinese in the world.

I do not want them to come here, because I do not want them to marry our women. I do not want them to incorporate their blood in the Anglo-American veins. I have the same objection to that that I have to miscegenation between negroes and white people. I do not want to increase or encourage the immigration into this country of the lower classes or races of earth, the yellow and the dark men. It does not do any good to them or any good to us. That is my principal objection to their coming here, for in many respects they are very useful people, as we all know. We should have been without many thousand miles of railroad in this country to-day if the Chinese had not come and with their picks and spades helped us to build it. There is no question about that.

Mr. BECK. Will the Senator from Alabama yield to me to submit a motion?

Mr. MORGAN. If the Senator will allow me to make just one more remark I shall then yield.

When a Chinaman who is a laborer comes here with a certificate in his pocket, and he is shipwrecked before he gets ashore, and that certificate was issued by the Government of the United States in good faith, I have thought all the time that we ought at least to leave it to Congress to say whether that man's paper might be substituted by oral proof of its contents when it is lost; but no, it must be put in the body of the irrevocable and supreme statute law—and that was one of my objections to these two amendments—that is, that you put into the body of this supreme law certain specific provisions and details which may be found to be very unjust in their operation, and Congress can not relieve them.

If the Senate will indulge me one moment longer, I do not believe in the doctrine that in the formation of constitutions we should put in those details that belong properly to the legislative power. Put in your principles, your restrictions, your authority, your limits into the bodies of constitutions, and compel your legislators to respect all of this general authority. So in a treaty, the power and function of the legislator should be regarded, and you should not put these specific details in the body of the treaty so as to prevent Congress afterwards from securing justice.

That was the view I took of this treaty. Nevertheless when we put these amendments in, as I am informed, not officially—I speak by general rumor—when we put these details into this treaty and made it as harsh as it is (for it is now a very harsh treaty, reversing absolutely and in every particular the policy with which we set out in the Burlingame treaty), still the Secretary of State went on and executed the will of the Senate in a respect which he thought was unjust; he went on to execute it, and it is on its way now to find ratification, and this eager bid is brought here, I expect the first one that was ever brought into any legislative body in the world, for the purpose of carrying out by Congressional details a treaty that China has not yet ratified.

Mr. BECK. Mr. President, as we all know, the Senator from Alabama has been complaining for some time, and unless he desires to be heard further now I ask him to give way for me to make a motion to adjourn.

Mr. DOLPH. I hope the Senator will let us have a vote on the bill. I think we are all in favor of it.

Mr. BECK. We can not have a vote to-night. The Senator from Alabama is not nearly through his speech.

Mr. STEWART. Let us finish it; let us vote.

Mr. BECK. It is now 5 o'clock.

Mr. STEWART. I want to make a few remarks to-night.

Mr. BECK. You can make them to-morrow.

Mr. STEWART. No; I want to make them to-night.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. MORGAN. Yes, sir.

Mr. BECK. I move that the Senate do now adjourn.

Mr. MORGAN. I yield for that purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 21, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 18, 1888.

REGISTER OF LAND OFFICE.

Oscar E. Rea, of Canton, Dak., to be register of the land office at Bismarck, Dak.

POSTMASTER.

Thomas Parker, to be postmaster at Albion, Orleans County, New York.

Executive nominations confirmed by the Senate July 19, 1888.

INDIAN AGENT.

Henry George, of Wingo, Ky., to be agent for the Indians of the Colorado River Agency in Arizona.

TERRITORIAL CHIEF-JUSTICE.

Hugh W. Weir, of Pennsylvania, to be chief-justice of the supreme court of the Territory of Idaho.

TERRITORIAL JUDGES.

John H. Keatley, of Iowa, to be United States judge for the district of Alaska.

John W. Judd, of Tennessee, to be associate justice of the supreme court of the Territory of Utah.

Charles H. Berry, of Minnesota, to be associate justice of the supreme court of the Territory of Idaho.

Roderick Rose, of Dakota Territory, to be associate justice of the supreme court of the Territory of Dakota.

POSTMASTERS.

Charles W. Main, to be postmaster at Tracy, in the county of Lyon and State of Minnesota.

Otto A. Kohler, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota.

Frank P. Smith, to be postmaster at Faulkton, in the county of Faulk, and Territory of Dakota.

William L. Smith, to be postmaster at Selma, in the county of Fresno and State of California.

Robert J. Pauli, to be postmaster at Sonoma, in the county of Sonoma and State of California.

Josiah B. Moores, to be postmaster at Ontario, in the county of San Bernardino and State of California.

Margaret A. Finn, to be postmaster at Santa Monica, in the county of Los Angeles and State of California.

John Field, to be postmaster at Cloverdale, in the county of Sonoma and State of California.

Hugh A. Clark, to be postmaster at San Jacinto, in the county of San Diego and State of California.

Catherine W. Baker, to be postmaster at Millington, in the county of Morris and State of New Jersey.

David H. Applegate, to be postmaster at Red Bank, in the county of Monmouth and State of New Jersey.

Executive nominations confirmed by the Senate July 20, 1888.

CHIEF-JUSTICE.

Melville W. Fuller, of Illinois, to be Chief-Justice of the United States.

TERRITORIAL CHIEF-JUSTICE.

Elliott Sandford, of New York, to be chief-justice of the supreme court of the Territory of Utah.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. James L. Lusk, to be captain.

Second Lieut. Joseph E. Kuhn, to be first lieutenant.

Col. Thomas L. Casey, to be Chief of Engineers with the rank of brigadier-general.

Medical Department.

Capt. John V. Lauderdale, assistant surgeon, to be surgeon, with the rank of major.

Sixth Regiment of Cavalry.

First Lieut. Robert Hanna, to be captain.

Second Lieut. Frederick G. Hodgson, to be first lieutenant.

Ninth Regiment of Cavalry.

Capt. Adna R. Chaffee, of the Sixth Cavalry, to be major.

INDIAN AGENT.

Edwin Eells, of Washington Territory, to be agent for the Indians of the Puyallup Agency (consolidated), in Washington Territory.

INDIAN INSPECTOR.

Edmond Mallet, of Owego, N. Y., to be an Indian inspector.

SURVEYOR OF CUSTOMS.

Andrew F. Shafer, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan.

REJECTION.

Executive nomination rejected by the Senate July 19, 1888.

DISTRICT ATTORNEY.

Samuel F. Bigelow, of New Jersey, to be United States district attorney for the district of New Jersey.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 20, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRODUCTION OF PRECIOUS METALS IN THE UNITED STATES.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report of the Director of the Mint upon the statistics of the production of precious metals in the United States during the year 1887; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Mr. MCKENNA, by unanimous consent, offered a resolution to print the report of the Director of the Mint on the production of precious metals in the United States during the year 1887; which was read, and referred to the Committee on Printing.

JUDGMENTS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a supplementary list of judgments of the Court of Claims; which was referred to the Committee on Appropriations and ordered to be printed.

EXPERIMENTS IN THE MANUFACTURE OF SUGAR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Agriculture of an appropriation for experimenting in the manufacture of sugar for the fiscal year 1887–'88; which was referred to the Committee on Agriculture, and ordered to be printed.

CORRECTION OF RECORD.

Mr. SPINOLA. I rise to a privileged question. I ask to have the RECORD corrected.

The SPEAKER. The gentleman will state the correction required.

Mr. SPINOLA. The RECORD reads:

Mr. SPINOLA. I move, on page 32, to strike out lines 86, 87, 88, and 89, as follows: "Pipes, pipe-bowls, and all smokers' articles whatsoever, not specially enumerated or provided for, 50 per cent. ad valorem; all common pipes of clay, 25 per cent. ad valorem."

The CHAIRMAN. Is there objection to going back to that paragraph?

There was no objection.

The question recurred on Mr. SPINOLA's amendment, and it was rejected.

That is an error; the amendment was adopted.

The SPEAKER. Was it an amendment to the revenue bill?

Mr. SPINOLA. Yes, sir; the amendment was adopted, though it appears by the RECORD as having been rejected.

The SPEAKER. The bill is not here, and it is impossible for the Chair to ascertain whether the RECORD is correct or not. The Chair will cause the bill to be examined, and if there be an error the correction will be made.

[Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

STATE HOMES FOR SOLDIERS.

Mr. TOWNSHEND. The first question is on the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2116) to provide aid to State homes for the support of the disabled soldiers and sailors of the United States, with amendment.

The SPEAKER. The question is, shall this bill pass?

Mr. ROGERS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Is that one of the bills on which the right to amend was reserved?

The SPEAKER. On this bill the right to amend is reserved.

Mr. ROGERS. I desire to know its parliamentary status.

The SPEAKER. It seems that by the unanimous consent of the House in the evening session the previous question was ordered on the passage of the bill, and the right was reserved to offer amendments, as is stated in the Journal.

Mr. TOWNSHEND. And the previous question operates on any amendment that may be offered.

Mr. KILGORE. The arrangement made is in the RECORD; I do not know whether the Journal shows it.

The SPEAKER. The Chair is advised that all amendments heretofore offered have been agreed to.

Mr. KILGORE. The understanding was that this bill should be reported to the House, and that the right of debate should be reserved as well as the right to amend.

Mr. TOWNSHEND. The gentleman is in error. The right of debate was not reserved, but the right to amend was reserved. It was so stated, and that fifteen minutes would be allowed for debate.

Mr. KILGORE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KILGORE. The right to amend carries with it, as I understand, the right to debate the amendment.

The SPEAKER. The Chair believes that the right to amend would carry with it the right to debate the amendment unless there was an understanding to the contrary when the previous question was ordered.

Mr. MAISH. The understanding was that the previous question was ordered upon the amendments to be offered as well as upon those already offered.

The SPEAKER. The order made is an unusual one, and somewhat difficult to construe.

Mr. HEARD. I ask that the Journal be read.

The SPEAKER. The Chair has sent for the Journal.

Mr. BLAND. I move to reconsider the vote by which the previous question was ordered. Let us have some debate on this matter.

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Consent was given that this bill should come over, and that the previous question should operate not only upon the bill and the amendments offered, but also upon such amendments as might be offered. That having been done by unanimous consent, the motion of the gentleman is not in order.

The SPEAKER. Unanimous consent can have no more effect than a unanimous vote would have.

Mr. BLAND. That arrangement was made last night when there was no quorum here, and it is well enough to have a little debate on this matter.

The SPEAKER. The point of the gentleman from Illinois is not well taken.

The question was taken on the motion of Mr. BLAND to reconsider, and the Speaker declared that the noes seemed to have it.

Mr. TOWNSHEND. I call for a division.

The House divided; and there were—ayes 31, noes 68.

Mr. BLAND. No quorum. I move that the House do now adjourn.

Mr. TOWNSHEND. Mr. Speaker, I understand that the gentleman from Missouri is filibustering in order to obtain time for debate. Therefore, with a view of coming to an agreement by which time may be saved, I will ask the gentleman how much time he wants for debate?

Mr. BLAND. The gentleman from Texas [Mr. KILGORE] says that the agreement was that there should be time for debate.

Mr. TOWNSHEND. There was no agreement, but I understand that the gentleman from Texas [Mr. KILGORE] was informed by a member of the House that he would be entitled to fifteen minutes for debate. In view of that fact I am perfectly willing that he should have that time.

Mr. LAIRD. That is correct. That was the understanding.

Mr. DOCKERY. I sincerely hope that the gentleman from Texas [Mr. KILGORE] will be allowed fifteen minutes, because he was informed by a member of the House in my presence last night that he would have that time for debate.

Mr. TOWNSHEND. Under the circumstances, we are perfectly willing to agree to that.

The SPEAKER. What is the proposition?

Mr. TOWNSHEND. That the gentleman from Texas [Mr. KILGORE] be allowed fifteen minutes in opposition to the bill, and the gentleman from Nebraska [Mr. LAIRD] fifteen minutes in support of it.

The SPEAKER. There is a motion to adjourn pending.

Mr. BLAND. I withdraw that motion, and also the point of "no quorum." All I desired was that there should be time allowed for debate.

The SPEAKER. Unanimous consent is asked that there be thirty

minutes allowed for debate, fifteen minutes in support of the bill and fifteen minutes in opposition to it.

There was no objection, and it was so ordered.

Mr. KILGORE. I want to offer an amendment to section 2 of the bill, reducing the amount from $250,000 to $100,000.

The Clerk read the amendment, as follows:

In line 1 of section 2, strike out "two hundred and fifty" and insert "one hundred."

Mr. KILGORE. Mr. Speaker, what I desire to say on this bill I can say in connection with this amendment.

The SPEAKER. The question is on the amendment of the gentleman from Texas [Mr. KILGORE].

Mr. LAIRD. Mr. Speaker, I wish to say for the information of the House——

Mr. KILGORE. Mr. Speaker, I desire to submit upon this amendment the observations I have to make upon the bill.

The SPEAKER. Then the gentleman will proceed now.

Mr. KILGORE. Mr. Speaker, the amendment just presented affords me an opportunity to express briefly my reasons for opposing the principle of this bill. Its simple purpose is to contribute out of the Treasury of the United States a quarter of a million of dollars to the various State homes for soldiers and sailors who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, the amount so contributed to be expended under the supervision of the Board of Managers for the National Home for Disabled Volunteer Soldiers.

In these "piping times of peace" there is a growing tendency to centralization; and the most efficient and ingenious methods of reaching that point are found in the effort to make the Government of the United States a great eleemosynary institution that it may dispense gifts to the few at the expense of the many, and all in the name of charity, or patriotism, or labor. Such legislation by the Federal Government engenders a spirit of dependence upon the bounty of the Government, a disposition to look to the Federal Government for such things as are usually the result of individual effort, and for that protection which ought to be accorded by the States.

When it is the purpose to plunder the mass for the benefit of a class, an infinite deal of patriotic "gush" is poured out in praise of sweet charity. The rule of all civilized countries whose institutions get their inspiration from the principles of the common law is that the people of each municipal subdivision of the government must care for their own paupers, and it is especially the duty of the people of the States to provide for the indigent residing within the limits of any State. This bill seeks to change that rule by directing the Federal Government to enter into a sort of partnership with the States—that it may share with them the duties and obligations which belong exclusively to the States. It seeks to make further aggressions upon the powers of the States by assuming obligations which rest alone with State governments.

Now, there is a deliberate, settled purpose in the mind of the Republican party to shape the policy of the Federal Government so as to enlarge Federal authority to the detriment of the rights which belong to the States. That this is true does not excite any wonder, for this is the fundamental theory of that party as it was its predecessors. And the Democratic party, believing that the many evils of which the people so justly complain have grown up under the Republican theory of the Government, has ever been found in opposition to such theory. If the Government can do anything it chooses, can exercise any authority which the dominant party may deem to be in the interest of the public, then it may, in fact, take charge of the individual citizen of the States or a limited class of citizens and bestow benefits upon them. It may disregard the aggregate welfare of the masses of the people and devote itself to the interest of the favored few who happen to enjoy the smiles of the party in power.

If it can take care of the indigent of one class it can do so for all classes. If it possesses such authority it can control the education and the appetites, too, of people.

It does not surprise me to find the gentlemen on the other side standing by the principles of their party, but I am astonished to see Democrats contending for the administration of the Government on any such theory.

There is as much Christian charity in the State governments as in the Federal Government, and the States ought to dispense charity to its own people, and thus the burden of caring for those who can not care for themselves is uniformly distributed where it properly belongs, and economy will ever attend expenditures for such purposes when made by the State government.

The SPEAKER *pro tempore* (Mr. HATCH). Does the gentleman from Texas desire to reserve the remainder of his time?

Mr. KILGORE. Yes, sir.

The SPEAKER *pro tempore*. The gentleman has ten minutes remaining.

Mr. KILGORE. I yield to the gentleman from Tennessee [Mr. ENLOE] whatever time he may desire to occupy.

The SPEAKER *pro tempore*. The gentleman from Tennessee will be recognized in the time of the gentleman from Texas.

Mr. KILGORE. I ask unanimous consent to be allowed to extend my remarks in the RECORD.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

Mr. LAIRD objected, but subsequently withdrew his objection; and, there being no further objection, leave was granted.

Mr. ENLOE. I desire to offer an amendment to the first section of the bill. I ask the Clerk to read it.

The Clerk read as follows:

After the word "otherwise," in line 7, insert "except in cases where such disability is the result of the evil and vicious habits of the applicant."

Mr. ENLOE. I wish to state briefly my reason for offering this amendment. The bill provides for admitting to the soldiers' homes in the States, under the regulations prescribed in the bill, soldiers disabled from any cause and incapable of earning a living. This amendment proposes to provide against the admission of those who have not been disabled in the service of the Government, but have been disabled on account of their vices and evil habits contracted since they retired from the service of the country. I do not think the Government is under any obligation to make provision against the consequences of a man's evil habits because he has at one time served the Government. I offer this amendment in order to cover that point. I hope it will be adopted if the bill is to become a law.

The SPEAKER *pro tempore*. To whom does the gentleman from Texas [Mr. KILGORE] yield the remainder of his time?

Mr. KILGORE. I reserve it.

The SPEAKER *pro tempore*. The gentleman has eight minutes remaining. The gentleman from Nebraska [Mr. LAIRD] is now recognized for ten minutes.

[Mr. LAIRD withholds his remarks for revision. See APPENDIX.]

The SPEAKER. The gentleman has twelve minutes of his time remaining.

Mr. LAIRD. Then I yield five minutes to the gentleman from Illinois, the chairman of the committee.

Mr. TOWNSHEND. I will reserve that time.

Mr. LAIRD. I yield three minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, the merits of the question before the House have been clearly stated by the gentleman from Nebraska [Mr. LAIRD]. But the gentleman from Texas [Mr. KILGORE] has manifested a very extraordinary degree of surprise that any Democrat should favor this measure. If the gentleman from Texas lived in a different clime than that from which he comes, he would readily understand why Northern Democrats should favor a measure of this kind, the effect of which is to reduce taxation upon the people.

Mr. KILGORE. Mr. Speaker——

Mr. SPINOLA. Not a minute; not a second of my time.

Mr. KILGORE. Very well.

Mr. SPINOLA. Then, again, sir, the brave men who took the field to save the Union and marched and bivouacked and fought in defense of the flag of our country he brands as "paupers!" I hurl that assertion back into the dirty throat from which it emanated. No man, sir, shall stand upon the floor of this House while I occupy a seat in it and brand the Northern soldiers as paupers without my resenting it; and I am only amazed that an intelligent gentleman, coming from the very southern extreme of our country, should entertain sentiments of that kind against the men who fought and bled to save the Union.

I had a taste of him last night when I appealed to the House in the name of the whole people of this country to yield an appropriation for the erection of a monument in memory of eleven thousand five hundred martyrs who perished in defense of American liberty; and, sir, while the House stood as a unit in support of that measure——

A MEMBER. Eleven thousand five hundred perished?

Mr. SPINOLA. Yes, sir; eleven thousand five hundred on the prison-ships, martyred, suffering, starving, poisoned by representatives of the English Government; and I say, while the House stood as a unit in favor of the measure, the gentleman from Texas raised the question of no quorum, and kept us here until after midnight. If the gentleman supposes for a moment that he is uttering Democratic sentiments by such conduct, I would inform my friend that he is mistaken. Northern Democrats will never hew to that line. [Applause.]

Mr. KILGORE. Mr. Speaker, as to the proposition that I expressed myself as surprised that any Democrat from the North should favor this measure, the gentleman puts into my mouth words that I never used. What I say is that it is the tendency of the Republican party to enlarge the powers of the Federal Government and to counteract the powers of the State governments; and this measure is in the direct line of that policy. It is the policy of the Democratic party to resist that theory of encroachments inaugurated by the Republican party. It has been the policy of the Democratic party from the foundation of this Government to resist the aggressions made by the party that saw proper to enlarge the powers and duties of the Federal Government at the expense of the States.

As to the offensive personal language used by the gentleman from New York, he is too old a man for me to characterize it in the manner such language deserves——

Mr. SPINOLA. I am young enough to take care of myself.

Mr. KILGORE. I can not reply to such language; but if the gentleman has got any henchman here who will do his bidding in this Hall, and who is willing on his behalf to use that language, then, Mr. Speaker, I will denounce him as a liar on the floor of the House.

He says "he had a taste" of me last night when he appealed to 60,000,000 of people to appropriate a hundred thousand dollars to beautify a park in the city of Brooklyn, N. Y. That "he had a taste" of me when I stood up alone in behalf—I suppose that there are some 5,000,000 of people in New York; how many have you?

Mr. SPINOLA. The State of New York has 6,000,000 of people.

Mr. KILGORE. He stood up in behalf of 6,000,000 of people and demanded that the people of the United States should contribute—the working people, the tax-paying people, the people who furnish the money—to beautify a portion of New York by a monument, and I, in the name of the other 54,000,000 of people in the United States, objected and resisted it.

Mr. DALZELL. Do not speak for Pennsylvania.

Mr. ALLEN, of Michigan. Nor for Michigan.

Mr. KILGORE. Mr. Speaker, I have a very few words to say in reply to the patriotic observations of the gentleman from New York [Mr. SPINOLA]. He has put words into my mouth which I never uttered, and then from his own statement he attacks me quite bitterly. He constitutes himself the defender of the Union soldiers when no one has attacked them. In fact the practice of making such attacks lapsed more than twenty years ago. He pours out his indignation on me for opposing this measure, and for referring to the intended beneficiaries under the bill as paupers. I simply deal with them as the bill deals with them. It is intended to include the indigent and none others. It does not propose to provide homes for people who have them—for the rich and poor alike. I did not say a single word calculated to reflect on any soldier, and he knows it full well. No such observation would have been pertinent to the question. I said it was the theory of the Republican party to enlarge the powers and duties and obligations of the Federal Government, and to limit to a corresponding extent the powers and duties of the States, and this measure was in the line of that policy.

Now, with reference to the charge made by the gentleman from New York which called forth the offensive language used by him, I have to say that his age and the respect I have for old men prevent me from denouncing him and his statements as they deserve. But if he has a henchman in this House ready to do his bidding who would make such charge and use such language I will denounce him here or elsewhere as a liar and wholly unworthy of respect. He says he had a taste of me at the session of the House last night, when I stood alone and defeated his bill to appropriate $100,000 to build a monument in Brooklyn.

We did meet last night. He demanded of Congress a hundred thousand dollars of the people's money to beautify a park in Brooklyn. I did not think the people ought to be robbed for any such purpose and resisted his scheme. I did not believe in it and opposed it, and thus gave mortal offense. He demanded it in the name of 6,000,000 people in New York. I opposed it in the name of the other 54,000,000 people of the country at large.

A MEMBER. You do not speak for Pennsylvania and Michigan.

Mr. KILGORE. I have the right and it is my solemn duty to speak for the people who earn their daily bread by their daily labor—I represent just such people—and particularly when I think their money is being squandered by schemes and jobs, I hope to always be found resisting, and the fact that I stood alone in my opposition does not make the slightest difference with me. Now, sir, because I saw proper to speak out for my people who have no interest in building monuments in New York, and who I know do not want their money squandered in any such way, because I saw fit to dissent from the views of the majority of the House I am assailed in the most bitter terms, and under circumstances which preclude any resenting of the offense. The discussion of the question now before the House does not affect the question of parties, it does not affect any soldier or his standing, and so far as I am concerned I did not say a single word calculated to reflect on any soldier.

For myself I can say I was as much opposed to secession and the bringing on of the war as any man in this Chamber, but my first duty was with my people, and I went with them and endeavored to do my whole duty. If there had been no war, there would have been no heroes and no heroic deeds. It produced great men and made the country great. Many men are here now whose distinguished services in the Army inspired the confidence of the people and they promoted them——

Mr. STRUBLE. On your side.

Mr. KILGORE. They are on both sides of this Chamber, and belong to each of the political parties, and many of them fought in each army.

The war is over with me, as are the animosities engendered by that great struggle, and I do not hesitate to say, as an American, that I am proud of the splendid achievements of the Federal Army and of the Confederate army alike, and their glorious deeds, which filled the world with their fame and shed unfading luster on the pages of American history, is the common pride and the common heritage of a great and free people.

Mr. SPINOLA. I used an expression when I addressed the House last which perhaps is unparliamentary, and I desire to withdraw that portion of it in which I said: "I would drive that statement down the dirty throat of the gentleman who uttered it." And I wish to withdraw that remark, which is unparliamentary in my judgment.

Mr. TOWNSHEND. The gentleman from Texas is laboring under a delusion in reference to the nature of this bill. I think if he thoroughly understood it he would support instead of antagonizing it. It is a bill in the interest of economy. Under the present law the average cost of the care of disabled soldiers in the National Soldiers' Homes is something over $200 per man. The object of the bill is to encourage——

Mr. STEELE. Where does the gentleman get the authority for making that statement?

Mr. TOWNSHEND. I understand the managers so state.

Mr. LAIRD. It has ranged from $230 down to $140.

Mr. TOWNSHEND. Now, this bill is for the purpose of encouraging the States to build soldiers' homes and take care of the soldiers of the various States who have served in the Army during any war for the Government. This bill offers State homes $100 for each soldier for whom they provide homes. To the extent of $100 on each soldier, therefore, the drain upon the Treasury of the United States is avoided, and the Federal Treasury is relieved of the burden of about $100 on each soldier. The bill, therefore, is in the interest of the tax-payer and in the interest of the National Treasury.

I do not think that the gentleman from Texas [Mr. KILGORE] intended such construction to be placed on his language as has been imputed to it, but the language used by him is calculated to mislead some to imagine that he does not regard it as sound Democratic doctrine to make such legislation as will properly provide for the disabled soldiers of the Republic and which looks to the promotion of the welfare of the laboring classes of this country, which embraces farmers, mechanics, and laborers of all kinds. The history of the Democratic party from its foundation to this day will show that it has been the friend of the soldiery of the Republic and labor. It has ever been faithful to the interests of the loyal soldiers and honest laborers. You will find that in all its platforms it has advocated liberal provision for the disabled soldiers of the Republic, and that no party ever in power, from the revolutionary war down to the last war, has provided such liberal pensions and bounty lands for all the soldiers of the Republic. I say that it has been the policy of the Democratic party and it is in accordance with its principles to provide liberally for every disabled soldier of this Republic, no matter in what war he may have followed the flag.

This bill before the House in its language clearly indicates that the soldiers' homes here recognized are not only intended for relief to the loyal soldiers who fought for the Union in the late war but those who fought for the Republic in all its previous wars.

Mr. STEELE. Will my colleague in his exuberance now yield to me to ask unanimous consent to take up the pension bill?

Mr. TOWNSHEND. Now, then, Mr. Speaker, I wish it distinctly understood that if the gentleman here wishes to convey the impression that the Democratic party is unfriendly to any class of laborers in this country or any loyal class of soldiers, I deny any such intimation on his part; and, on the contrary, I assert that in its administration it has been the truest, warmest friend of every laboring class in this country and of every loyal soldier of the Republic. It is not only right but it is our solemn duty to promote and guard the interest of these classes wherever and whenever we can properly do so.

[Here the hammer fell.]

Mr. LAIRD. Mr. Speaker, there are two amendments other than those that were attached to the bill before it was taken up in the House for consideration under this hour, one affecting the qualification of those who seek admission to the homes and the other the amendment offered by the gentleman from Texas [Mr. KILGORE] reducing the appropriation from $250,000 to $100,000. The House might as well understand that, so far as practical results are concerned, it would be just as well to defeat the bill entirely as to adopt the amendment of the gentleman from Texas. This is manifest from the fact that some ten States have established homes and are now caring for upwards of forty thousand indigent and disabled soldiers, in which work they have expended some $40,000,000.

As to the proposition submitted by the gentleman from Tennessee [Mr. ENLOE] changing the conditions of admission to the homes, I submit to the House that under this bill the Board of Managers of the Soldiers' Homes of the United States are charged with fixing the conditions upon which the money appropriated by this bill shall be paid out, and that is a sufficient check upon any abuse of the fund. Under the regulations which the board may impose this money will be expended, and the Committee on Military Affairs thought it was wiser to leave the matter in their hands than to attempt to encumber the bill with a mass of detail.

Mr. MAISH. Mr. Speaker, I ask that the amendment of the gentleman from Tennessee [Mr. ENLOE] be again read.

The Clerk read as follows:

After the word "otherwise," in line 7, section 1, insert "except in cases where such disability is the result of the evil and vicious habits of the applicant."

Mr. MAISH. Mr. Speaker——

The SPEAKER. The gentleman has one minute remaining.

Mr. MAISH. The effect of the amendment of the gentleman from Tennessee [Mr. ENLOE] would be to establish different qualifications for admission into State homes from those now existing for the national home. The law as it now exists, and as it applies to the national homes for disabled soldiers, is in the same language as is found in the bill now before the House. I read from the act of 1884:

That all honorably discharged soldiers and sailors who served in the war of the rebellion, and volunteer soldiers and sailors of the war of 1812, and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living shall be admitted into the home for disabled volunteer soldiers.

Now, it seems to me that the same disabilities that would admit a soldier into a national home for disabled soldiers ought to entitle him to be admitted to the State homes which it is proposed shall receive aid under the pending bill. That was the reason the language of the act of 1884 was copied in this bill, so that there might be no distinction between the State homes and the national homes.

Mr. ENLOE. I wish to ask the gentleman a question.

The SPEAKER. The time of debate has expired.

Mr. ENLOE. I should like to have sufficient time to ask the gentleman a question.

The SPEAKER. How much time does the gentleman require?

Mr. ENLOE. One minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time for debate be extended one minute.

There was no objection, and it was so ordered.

Mr. ENLOE. If this bill passes without the amendment which I have offered, might not a State make a more liberal provision for the admission of persons to these homes and admit a class that might be termed paupers, thereby making an improper charge upon the Treasury of the United States. My object is to keep out such persons as would not be admitted to the national homes for disabled soldiers.

Mr. MAISH. The State homes could admit, and could receive payment from the Government of the United States for, only such soldiers as would come within the regulations established by the Board of Managers.

Mr. LAIRD. The check upon the danger which the gentleman from Tennessee fears is to be found in the provision that the Board of Managers have discretion to make rules to guard against such abuses.

The SPEAKER. The question is on the amendment of the gentleman from Texas [Mr. KILGORE], which the Clerk will read.

The Clerk read as follows:

In line 1, section 2, strike out "two hundred and fifty thousand" and insert "one hundred thousand."

The amendment was rejected, only 10 members voting in favor thereof.

The SPEAKER. The Clerk will report the next amendment of the gentleman from Tennessee [Mr. ENLOE].

The Clerk read as follows:

After the word "otherwise," in line 7 of section 1, insert "except in cases where such disability is the result of the evil and vicious habits of the applicant."

The amendment was rejected.

Mr. MARTIN. Mr. Speaker, I would like to make a few remarks——

Mr. HEARD. Regular order.

The SPEAKER. The time for debate has expired.

Mr. STEELE. I ask unanimous consent that the gentleman from Texas [Mr. MARTIN] be allowed to address the House.

Mr. HEARD. I object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title was amended so as to read: "A bill to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States."

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (S. 735) making an appropriation for the erection of a light-house on the high land (mainland) westward of Crooked River, Florida; when the Speaker signed the same.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BLANCHARD. I rise to present a privileged report. I send to the Clerk's desk the report of the committee of conference on the disagreeing votes of the two Houses on the bill known as the river and harbor bill.

Mr. TOWNSHEND. I rise to a parliamentary inquiry: Is it in the power of the gentleman from Louisiana [Mr. BLANCHARD] to suspend the proceedings of the House on bills upon which the previous question has already been ordered?

The SPEAKER. Under the rules of the House, a conference report can be made even when a motion to adjourn is pending. Such a report has precedence over all other business of the House.

Mr. TOWNSHEND. If my friend from Louisiana will withhold his report for a short time, we can soon dispose of these other bills.

Mr. BLANCHARD. I do not think it will take very long to dispose of this report; and I think it had better be considered at once.

The Clerk proceeded to read the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 20, 27, 39, 64, 65, 82, 94, 99, 101, 111, 112, 115, 119, 120, 121, 122, 133, 134, 135, 136, 137, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 160, 173, 180, 181, 184, 186, 192, 193, 194, 196, 197, 198, 199, 201, 202, 203, 205, 206, 216, 217, 232, 233, 234, 235, 236, 254.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 34, 37, 40, 41, 42, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 81, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 114, 116, 117, 118, 123, 125, 126, 127, 128, 129, 131, 138, 139, 140, 141, 148, 155, 159, 161, 162, 163, 164, 165, 166, 167, 168, 171, 172, 174, 175, 177, 178, 179, 182, 185, 187, 191, 195, 207, 208, 209, 211, 212, 213, 214, 215, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 319, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out the words added at the end of the paragraph and in lieu of the matter proposed to be stricken out by the amendment insert: "*Provided*, That no part of the sum shall be expended until the title to the lands forming said islands shall be acquired and vested in the United States, without charge to the latter beyond $300,000 of the sum herein appropriated;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Add at the end of the amendment proposed: "*Provided*, That nothing herein contained shall be construed to prevent the expenditure of this appropriation;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed amend so as to read: "Improving harbor at Savannah, Ga.: To complete existing project;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$180,000;" and the Senate agree to the same.

Amendments numbered 48 and 49: That the House recede from its disagreement to the amendments of the Senate numbered 48 and 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted, amend the paragraph so as to read: "Improving harbor at Tampa Bay, Fla., from outer bar to Mangrove or Busby Point;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted the words "if approved by the Secretary of War;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, substitute and add after line 13, page 24, of the bill, the following: "The Secretary

of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to thoroughly examine the Ohio River below Pittsburgh as to the practicability of the improvement of the navigation of said river by means of movable dams; and said board shall report on or before the first Monday of December next as to the feasibility and advisability of such project of improvement, the number of dams required, their location, with the cost of same, together with the cost of maintaining them after completion of the project. The Secretary of War shall transmit said report to Congress at its next session, together with the views of himself and the Chief of Engineers of the United States Army thereon. The sum of $10,000, or as much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay expenses of said board and survey;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert, "Romerly Marsh, Georgia: to pay for completing the existing project, $4,633.77;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Add to the words proposed to be inserted the words "including the channel over the bar at the mouth;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with amendments as follows: Strike out the semicolon after the word river in line 2, page 35 of the bill, and insert a comma. Strike out the word "also" in the first line of the matter to be inserted. Strike out the semicolon at the end of the matter proposed to be inserted, and insert a comma. Strike out the word "also" in line 2, page 35 of the bill, and insert the word "and;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: Strike out all the matter proposed to be inserted down to and including the word "shore" in line 5 of the amendment. Amend the last clause of the matter proposed to be inserted so that it shall read: "if in the opinion of the Secretary of War the interests of commerce require it;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: After the word "and," in line 9 of the said amendment, insert the word "further;" strike out all after the word "cities," in line 10, down to the end of the amendment; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Add at the end of said amendment the words "by the river and harbor act approved August 5, 1886, for the examination of said canal and of the Illinois and Michigan Canal, by a board of engineers;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out, and amend by striking out the words "and fifty," in line 24 of page 4 of the bill; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with amendments as follows: Strike out the period after the word "navigation," in line 22, page 42 of the bill, and insert a semicolon; and in lieu of the matter proposed to be inserted in said amendment insert "and $50,000 of said sum, or so much thereof as may be necessary, may be expended in improving and strengthening Luy Island Levee, where it crosses Surcarte Slough and other sloughs, and in repairing wash-outs in said levee;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out and add, after line 4, page 4 of the bill, "at Helena, Ark., $75,000;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the matter stricken out, with an amendment changing the sum appropriated to $250,000; and the Senate agree to the same.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000;" and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert under surveys, after line 8, page 53 of the bill, the following: "The Secretary of War is hereby directed to make an examination and report to Congress as to the necessity for the establishment and maintenance of public moorings for the protection of shipping in the open and exposed ports on the northern coast of California at Fort Ross, Fish's Mill, Fish Rock, Shelter Cove, Trinidad, and such other places as may be deemed advisable by him;" and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In line 6 of said amendment strike out "one" and insert "two;" and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: Amend said paragraph so as to read "Trent River, to upper Quaker bridge;" and the Senate agree to the same.

Amendment numbered 318: That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: Amend the paragraph so as to read, "For a survey of Minnesota Point, at Superior, at the west end of Lake Superior, to ascertain what, if anything, should be done to preserve the same from the inroads of the Lake, and for the protection of the harbor, together with the cost thereof;" and the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows: Add the following proviso after the word "engineer" in line 26, page 62 of the bill: "*And provided further*, That the Government shall not be deemed to have entered upon any project for the construction or improvement of any water way, harbor, or canal mentioned in this bill unless or until the work of construction shall have been actually appropriated for;" and the Senate agree to the same.

NEWTON C. BLANCHARD,
THOS. J. HENDERSON,
T. C. CATCHINGS,
Managers on the part of the House.
WM. P. FRYE,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. HOLMAN (after the reading of the report had begun) said: Inasmuch as the reference to amendments by numbers gives no information to the House, I suggest that the reading of this report be omitted and the statement of the House conferees read instead.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that the formal report, which merely refers to the amendments by numbers, be printed in the RECORD without reading, and that the statement of the House conferees showing the effect of the amendments be read instead. Is there objection? The Chair hears none.

Mr. TOWNSHEND. Can we not still further economize time by allowing the gentleman from Louisiana to make a statement without having any document read? I ask unanimous consent that the reading of the written statement be dispensed with, and the gentleman from Louisiana be permitted to make an explanation.

Mr. WEAVER. This is a very important bill——

Mr. SOWDEN. Let us have the report read.

The following statement of the House conferees, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859), known as "the river and harbor bill," submit the following statement:

The Senate amendments to the bill were three hundred and twenty in number.

Of these one hundred and seventeen were merely verbal amendments in the sense that they neither increased nor decreased the aggregate of the bill, sixty-nine were orders of survey added by the Senate, forty-three were reductions in amounts as allowed by the bill as it passed the House, and ninety-one were increases in amounts as fixed by the House bill, or additions to the bill.

The bill as it passed the House appropriated the sum of $19,902,783.13.

As agreed upon in conference it aggregates $22,277,116.90, being a net increase of $2,374,333.77.

This increase consists principally of the following items:

Potomac River at Washington	$300,000
Harbor of Philadelphia	293,000
Harbor of Baltimore	50,000
Harbor of Savannah	50,000
Harbor of Oakland, Cal	1[illegible]
Gowanus Bay, Harbor of New York	[illegible]
Breakwater at Mount Desert, Me	[illegible]
Harbor of Charlotte, N. Y	[illegible]
Harbor at Yaquina Bay, Oregon	[illegible]
Harbor of Buffalo, N. Y	[illegible]
Missouri River	[illegible]
Cape Fear River	[illegible]
Columbia River at the Cascades	[illegible]
Kennebec River	[illegible]
Great Kanawha River	[illegible]
Thames River, Connecticut	[illegible]
Penobscot River	[illegible]
Housatonic River	[illegible]
Roanoke River, North Carolina	[illegible]
St. Clair Flats Ship-canal	[illegible]
Lower Willamette River	[illegible]
Green and Barren Rivers	[illegible]
Mississippi River between the Des Moines Rapids and mouth of Illinois	50,000
Harbor of Norwalk, Conn	25,000
Harbor of Oconto, Wis	18,000
Harbor of Helena, Ark	75,000
White River, Arkansas	17,000
St. John's River, Florida	55,000
For examinations, surveys, etc	75,000

All the Senate's reductions of the amounts as fixed by the House were restored except five, and these five aggregated $15,500.

The Senate receded from its amendment striking out the appropriation for the purchase of the lock and dam on the Monongahela River.

The Senate amendment for the purchase of the improvement known as the Green and Barren Rivers improvement was agreed to.

There is no appropriation in the bill for any canal project.

The Senate receded from its amendment providing for the purchase of the Portage Lake Canal and the Lake Superior Ship-Canal, Railway and Iron Company Canal.

The Senate amendment for a survey of a canal from Lake Michigan to the Illinois and Desplaines Rivers was agreed to.

Also, the Senate amendment providing for a survey and location of a canal from the Illinois River, at or near the town of Hennepin, to the Mississippi River.

Also, the Senate amendment for a survey of a canal connecting the waters of Lake Michigan with the Calumet River.

But the Government is not to be deemed committed to these projects, nor indeed to any other project for which a survey is ordered in this bill, as will be seen by the following clause added to that section of the bill, making an appropriation for examinations, surveys, contingencies, etc., namely:

"*And provided further*, That the Government shall not be deemed to have entered upon any project for the construction or improvement of any water way, harbor, or canal mentioned in this bill, unless or until the work of construction shall have been actually appropriated for."

The last river and harbor bill to become a law was that approved August 5, 1886, and covered appropriations for the fiscal year ended June 30, 1887.

Two years have elapsed without a river and harbor bill.

The present bill, therefore, really carries appropriations for two years, namely, the fiscal year ended June 30, 1888, and the fiscal year ending June 30, 1889, making the amount for each year a little over $11,000,000.

NEWTON C. BLANCHARD,
T. C. CATCHINGS,
THOS. J. HENDERSON,
Managers on the part of the House.

Mr. BLANCHARD. I call for the previous question on the adoption of the report.

Mr. WISE. I wish to ask the gentleman what has been the action of the conferees in regard to the amendment of the Senate striking out the appropriation for Norfolk Harbor, Virginia.

Mr. BLANCHARD. The Senate receded from its amendment striking out that appropriation.

Mr. WISE. That is perfectly satisfactory to me.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] demands the previous question.

Mr. SOWDEN. I desire to ask the gentleman from Louisiana a question.

The SPEAKER. The Chair will state that, if there is no debate before the previous question is ordered, there will be thirty minutes allowed for debate afterward. But if the report is debated before the previous question is ordered there will be no subsequent debate.

Mr. SOWDEN. I wish to ask the gentleman from Louisiana a question.

Mr. BLANCHARD. I will be glad to answer any question propounded by any gentleman.

Mr. SOWDEN. I would like the gentleman to state to the House the amount of the aggregate appropriations for all purposes contained in this bill.

Mr. BLANCHARD. Twenty-two million two hundred and seventy thousand dollars. I will add that this is for two fiscal years, as we have not had a river and harbor bill passed for two years.

Mr. TURNER, of Georgia. What about the canal schemes put in the bill by the Senate?

Mr. BLANCHARD. The gentleman from Georgia [Mr. TURNER] asks what has become of the canal schemes which were added to the bill by the Senate. I will state that there is now no appropriation in the bill for any canal project. The Senate put on an appropriation for the purchase of the Portage Lake Canal, but receded in conference from that amendment, and it goes out of the bill. The Senate also put on an amendment providing for the survey of what is known as the Hennepin Canal, the Lake Michigan and Illinois River Canal, and for a canal to connect the waters of Lake Michigan with the Calumet River. The House conferees agreed to those amendments, since they provided only for surveys, but did so with an amendment adding a clause which provides that the Government is not to be deemed committed to any of these canal projects.

The SPEAKER. The question is on ordering the previous question upon agreeing to the report

The previous question was ordered.

The SPEAKER (having put the question on agreeing to the report). The ayes seem to have it.

Mr. SOWDEN. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 26, noes 110 (less than one-fifth voting in the affirmative).

Mr. BLAND. I call for tellers on ordering the yeas and nays. I think this bill ought not to pass without our having a record upon it.

Tellers were not ordered, only 19 voting in favor thereof.

The SPEAKER. Tellers are refused, and the yeas and nays are refused.

Mr. WEAVER. I call for a division on the question of agreeing to the report.

The question being again taken, there were—ayes 114, noes 14.

Mr. WEAVER. No quorum.

Tellers were ordered; and Mr. WEAVER and Mr. BLANCHARD were appointed.

The House again divided; and the tellers reported—ayes 154, noes 44.

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. Other business having intervened, is it not now in order to demand the yeas and nays on the adoption of this report?

The SPEAKER. The Chair thinks the only way to reach that result would be to reconsider the vote by which the yeas and nays were refused.

Mr. WEAVER. Then I move to reconsider the vote by which the yeas and nays were refused.

Mr. BAYNE. And I move to lay that motion on the table.

Mr. WEAVER. On that I demand the yeas and nays.

The yeas and nays were ordered, there being 29 in favor of the demand and 114 opposed to it—the affirmative being more than one-fifth of the whole vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed with amendments House bills of the following titles in which concurrence was requested, namely:

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannock Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes;

A bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape; and

A bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes.

It further announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. 331) for the relief of David Meriweather, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. SPOONER, Mr. HOAR, and Mr. JONES of Arkansas, conferees on the part of the Senate.

Also, that the Senate had passed the joint resolution (H. Res. 103) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials to the city of Utica, N. Y.;

A bill (H. R. 3008) for the relief of P. A. Leatherbury; and

A bill (H. R. 8183) for the erection of a public building at Opelousas, La.

Also, that the Senate, in compliance with the request of the House, returned the bill (H. R. 10356) granting a pension to J. T. Vincent.

The message further announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 1951) to prohibit members of Territorial Legislatures holding certain offices;

A bill (S. 2384) to remove the charge of desertion from the military record of Loren W. Hastings;

A bill (S. 2539) to authorize and direct the purchase of a part of a lot adjoining the Senate stables for their ventilation, and for other purposes;

A bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia;

A bill (S. 3058) relieving the municipalities in the Territories in certain cases;

A bill (S. 3303) amendatory of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June 18, 1888;

Concurrent resolution to provide for the printing of the eighth and ninth annual reports of the Director of the Bureau of Ethnology; and

Concurrent resolution to authorize the printing of additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The question is on the motion to lay on the table the motion of the gentleman from Iowa to reconsider the vote by which the yeas and nays were refused.

Mr. RICHARDSON. I would suggest, as a compromise, that the yeas and nays be taken on the adoption of the report of the conference committee instead of on the motion to lay on the table.

Mr. SOWDEN. Regular order.

Mr. BLAND. You had better accept that.

Mr. BAYNE. Let us have the regular order.

Mr. BLAND. The gentleman may as well agree to that, for I give notice that you will have to do it before you get this report through.

Mr. SPRINGER. I think, Mr. Speaker, there will be no objection to taking the vote directly upon the passage of the bill.

Mr. BAYNE and others demanded the regular order.

Mr. HOPKINS, of New York. Go on with the roll-call.

Mr. DUNN. This is not a vote on the passage of the bill, but on agreeing to the report of the committee of conference.

The SPEAKER. That is correct.

Mr. HOPKINS, of New York. I demand the regular order.

Mr. SPRINGER. There will be no objection, I am sure, to taking the vote on the main question instead of on this motion to lay on the table.

The SPEAKER. But several members have demanded the regular order.

Mr. ANDERSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Iowa. Why is it that when $22,000,000 of the people's money is involved in a question the privilege of a yea-and-nay vote is refused?

Mr. SOWDEN. I demand the regular order.

The SPEAKER. The Chair thinks the gentleman does not submit a parliamentary inquiry.

Mr. WISE. What is the pending question?

The SPEAKER. On the motion of the gentleman from Pennsylvania to lay on the table the motion of the gentleman from Iowa to reconsider the vote by which the yeas and nays were refused.

Upon this question the yeas and nays have been ordered, and the Clerk will call the roll.

Mr. WEAVER. Our vote is "no."

Mr. BLANCHARD. Our vote is "ay." [Laughter.]

The question was taken; and there were—yeas 172, nays 74, not voting 78; as follows:

YEAS—172.

Abbott,	Dargan,	Laidlaw,	Rockwell,
Adams,	Davidson, Fla.	Landes,	Rogers,
Allen, Mass.	Dibble,	Lane,	Romeis,
Allen, Mich.	Dunn,	Lanham,	Rowland,
Anderson, Miss.	Elliott,	Lind,	Sawyer,
Arnold,	Enloe,	Lodge,	Sayers,
Baker, N. Y.	Farquhar,	Long,	Scott,
Baker, Ill.	Felton,	Macdonald,	Scull,
Bankhead,	Finley,	Mansur,	Seney,
Barnes,	Foran,	Martin,	Seymour,
Bayne,	Ford,	Mason,	Shaw,
Blanchard,	Forney,	McClammy,	Sherman,
Blount,	French,	McCreary,	Shively,
Boothman,	Gaines,	McKenna,	Simmons,
Bowden,	Gay,	McKinley,	Snyder,
Bowen,	Gest,	McRae,	Stephenson,
Breckinridge, Ark.	Gibson,	McShane,	Stewart, Tex.
Breckinridge, Ky.	Goff,	Milliken,	Stewart, Ga.
Brewer,	Granger,	Moffitt,	Stewart, Vt.
Browne, T. H. B., Va.	Grimes,	Moore,	Stockdale,
Brown, Ohio	Grosvenor,	Morgan,	Stone, Ky.
Brown, J. R., Va.	Guenther,	Morrill,	Taylor, E. B., Ohio
Bryce,	Hare,	Morrow,	Thomas, Ky.
Burnett,	Harmer,	Neal,	Thompson, Cal.
Burrows,	Hatch,	Nelson,	Tillman,
Butler,	Haugen,	Newton,	Tracey,
Butterworth,	Heard,	Norwood,	Townshend,
Carlton,	Hemphill,	Nutting,	Turner, Ga.
Caruth,	Henderson, Ill.	Oates,	Vandever,
Catchings,	Herbert,	O'Donnell,	Walker,
Chipman,	Hermann,	O'Ferrall,	Warner,
Clardy,	Hires,	O'Neill, Mo.	Washington,
Clark,	Hooker,	Owen,	Weber,
Cobb,	Hopkins, Va.	Patton,	Wheeler,
Compton,	Hopkins, N. Y.	Peel,	Whiting, Mass.
Cothran,	Howard,	Penington,	Wickham,
Cox,	Hudd,	Phelan,	Wilber,
Crain,	Hunter,	Phelps,	Wilkinson,
Crisp,	Hutton,	Plumb,	Wilson, Minn.
Crouse,	Jackson,	Pugsley,	Wise,
Culberson,	Jones,	Reed,	Woodburn,
Cutcheon,	Kennedy,	Rice,	Yoder,
Dalzell,	Laffoon,	Robertson,	Yost.

NAYS—74.

Allen, Miss.	Darlington,	Kerr,	Rowell,
Anderson, Iowa	De Lano,	Ketcham,	Ryan,
Anderson, Ill.	Dockery,	Kilgore,	Sowden,
Anderson, Kans.	Dorsey,	La Follette,	Spinola,
Atkinson,	Ermentrout,	Latham,	Springer,
Bland,	Fuller,	Lehlbach,	Steele,
Bliss,	Gallinger,	Lyman,	Stone, Mo.
Bound,	Gear,	Lynch,	Taylor, J. D., Ohio
Brumm,	Grout,	Maish,	Thomas, Wis.
Bunnell,	Hall,	Matson,	Turner, Kans.
Bynum,	Hayes,	McAdoo,	Vance,
Campbell, F., N. Y.	Henderson, N. C.	McComas,	Weaver,
Campbell, Ohio	Hitt,	Merriman,	West,
Cannon,	Holman,	Montgomery,	White, N. Y.
Cheadle,	Holmes,	O'Neall, Ind.	Whitthorne,
Conger,	Hovey,	Osborne,	Williams,
Cooper,	Johnston, Ind.	Perkins,	Yardley.
Cowles,	Johnston, N. C.	Peters,	
Cummings,	Kean,	Richardson,	

NOT VOTING—78.

Bacon,	Davidson, Ala.	Laird,	Rayner,
Barry,	Davis,	Lawler,	Russell, Conn.
Belden,	Dingley,	Lee,	Russell, Mass.
Belmont,	Dougherty,	Maffett,	Rusk,
Biggs,	Dunham,	Mahoney,	Smith,
Bingham,	Fisher,	McCormick,	Spooner.
Bouteille,	Fitch,	McCullogh,	Stahlnecker,
Brower,	Flood,	McKinney,	Struble,
Browne, Ind.	Funston,	McMillin,	Symes,
Buchanan,	Glass,	Mills,	Tarsney,
Buckalew,	Glover,	Morse,	Taulbee.
Burnes,	Greenman,	Nichols,	Thomas, Ill.
Campbell, T. J., N. Y.	Hayden,	O'Neill, Pa.	Thompson, Ohio
Candler,	Henderson, Iowa	Outhwaite,	Wade,
Caswell,	Hiestand,	Parker,	White, Ind.
Clements,	Hogg,	Payson,	Whiting, Mich.
Cockran,	Hopkins, Ill.	Perry,	Wilkins,
Cogswell,	Houk,	Pidcock,	Wilson, W. Va.
Collins,	Kelley,	Post,	
Davenport,	Lagan,	Randall,	

So the motion to lay on the table was agreed to.

On motion of Mr. BLANCHARD, by unanimous consent, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired for the day:

Mr. DINGLEY with Mr. WILKINS.

Mr. WILSON, of West Virginia, with Mr. KELLEY.

Mr. PIDCOCK with Mr. PARKER.

Mr. TAULBEE with Mr. SPOONER.

Mr. COCKRAN with Mr. BROWER.

Mr. RUSK with Mr. STRUBLE.

Mr. LAWLER with Mr. O'NEILL, of Pennsylvania.

Mr. HOGG with Mr. BINGHAM.

The following were announced as paired on this vote:

Mr. MCKINNEY with Mr. BUCHANAN.

Mr. RAYNER with Mr. HOPKINS, of Illinois.

The following were announced as paired until Saturday:

Mr. OUTHWAITE with Mr. SYMES.

Mr. HARE with Mr. NELSON.

The following were announced as paired until further notice:

Mr. GREENMAN with Mr. THOMAS, of Illinois.

Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN, from June 16.

Mr. PENINGTON with Mr. WHITING, of Michigan, from this day, July 12, 1888.

Mr. PERRY with Mr. HAYDEN.

Mr. BRIGGS with Mr. FELTON.

Mr. GLOVER with Mr. BROWNE, of Indiana.

Mr. GRANGER with Mr. HOUK.

Mr. CATCHINGS with Mr. COGSWELL.

Mr. COLLINS with Mr. DUNHAM.

Mr. BURNES with Mr. HENDERSON, of Iowa.

Mr. BELMONT with Mr. DAVENPORT.

Mr. WILKINS. I desire to withdraw my vote, as I am paired.

The result of the vote was then announced as above stated.

The SPEAKER. The motion to reconsider the vote by which the yeas and nays were refused has been laid upon the table. The tellers report ayes 154, noes 44. So the report of the conference committee is agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GLASS, for to-day, on account of important business.

To Mr. ALLEN, of Massachusetts, for ten days, from Monday, July 23, on account of important business.

CORRECTION.

Mr. BYNUM. I notice in the RECORD of this morning a statement that I am paired with Mr. HOGG. I was not paired with that gentleman; and I notice Mr. HOGG is paired on the list of the Sergeant-at-Arms with Mr. BINGHAM.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. The regular order is demanded. The Clerk will report the title of the first bill.

WILLIAM F. SMITH.

The Clerk read the title of the bill, as follows:

A bill (H. R. 396) for the relief of General William F. Smith.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL W. W. AVERELL.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read the title of the next bill, as follows:

A bill (S. 1650) for the relief of Maj. Gen. W. W. Averell.

Mr. STEELE. The right to offer amendments was reserved on this bill, and I move to strike out the word "captain" and insert the word "major."

Mr. SPINOLA. Mr. Speaker, General Averell is willing to accept the rank of captain and I think we had better accept that and not send the bill back with an amendment. I have his letter saying that he would be satisfied with that rank.

The question was put; and there were—yeas 39, noes 44.

So the amendment was not agreed to.

Mr. WISE. Is it in order to call for the reading of the bill?

The SPEAKER. That is in the nature of debate and it can be read only by unanimous consent. The gentleman from Virginia [Mr. WISE] asks unanimous consent for the reading of the bill. Is there objection?

Several members objected.

Mr. WISE. I call for the yeas and nays.

The yeas and nays were not ordered.

The SPEAKER. The question is upon the passage of the bill.

The House divided; and there were—ayes 91, noes 21.

Mr. COWLES. No quorum.

The SPEAKER. The point of no quorum is made.

Mr. WISE. I will say to the House if unanimous consent to the yeas and nays be given there will be no objection. The point of "no quorum" will not be made. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. BLAND. Is it in order to reconsider the vote by which the yeas and nays were refused? If it is I move to reconsider that vote.

The SPEAKER. That is in order.

The motion to reconsider was agreed to.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN, of Michigan. I find by looking at the RECORD that a number of members were absent last night when the bill was considsidered, and I would like to have the bill read.

The bill was read, as follows:

Be it enacted, etc., That in view of the long and faithful services of Bvt. Maj.

Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battle, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general United States Army and late brigadier-general United States Volunteers, to the position of captain in the Army of the United States, and to place him on the retired-list of the Army of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William W. Averell, nor shall any compensation be paid to him for any period prior to his appointment under this act; but this proviso shall be no bar to any claims for pension that the widow or children or other heirs of the said William W. Averell may have after his decease.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 143, nays 74, not voting 107; as follows:

YEAS—143.

Adams,	Cummings,	Lane,	Sawyer,
Allen, Mass.	Dalzell,	Lee,	Scott,
Allen, Mich.	Darlington,	Lehlbach,	Scull,
Anderson, Iowa	Dorsey,	Lind,	Seney,
Anderson, Ill.	Ermentrout,	Lodge,	Seymour,
Anderson, Kans.	Farquhar,	Lyman,	Sherman,
Arnold,	Finley,	Macdonald,	Snyder,
Atkinson,	Ford,	Maish,	Sowden,
Baker, N. Y.	French,	Mason,	Spinola,
Baker, Ill.	Funston,	McAdoo,	Springer,
Bayne,	Gaines,	McComas,	Steele,
Bliss,	Gallinger,	McKenna,	Stephenson,
Boothman,	Gear,	McKinley,	Stewart, Vt.
Bound,	Gest,	McShane,	Taylor, J. D., Ohio
Boutelle,	Goff,	Merriman,	Thomas, Ky.
Bowden,	Grosvenor,	Milliken,	Thomas, Wis.
Bowen,	Grout,	Moffitt,	Thompson, Cal.
Breckinridge, Ky.	Hall,	Morrill,	Tracey,
Browne, T. H. B., Va.	Harmer,	Morrow,	Townshend,
Brown, Ohio	Hayes,	Nutting,	Turner, Kans.
Brown, J. R., Va.	Henderson, Ill.	O'Donnell,	Vance,
Brumm,	Hermann,	O'Neill, Mo.	Vandever,
Bunnell,	Hires,	Osborne,	Warner,
Burnett,	Hitt,	Owen,	Washington,
Burrows,	Holman,	Patton,	Weaver,
Butler,	Holmes,	Penington,	Weber,
Butterworth,	Hooker,	Perkins,	West,
Campbell, F., N. Y.	Hopkins, Va.	Phelps,	White, N. Y.
Campbell, Ohio	Hovey,	Pugsley,	Wilber,
Campbell, T. J., N. Y.	Howard,	Rice,	Wilkinson,
Caruth,	Hunter,	Robertson,	Williams,
Chipman,	Jackson,	Rockwell,	Wilson, Minn.
Clark,	Ketcham,	Romeis,	Yardley,
Compton,	La Follette,	Rowell,	Yoder,
Cooper,	Laidlaw,	Russell, Conn.	Yost.
Crouse,	Laird,	Ryan,	

NAYS—74.

Abbott,	Dargan,	Lanham,	Pidcock,
Allen, Miss.	Davidson, Fla.	Latham,	Richardson,
Anderson, Miss.	Dockery,	Lynch,	Rogers,
Bankhead,	Elliott,	Mansur,	Rowland,
Barnes,	Enloe,	Martin,	Sayers,
Bland,	Fisher,	Matson,	Shaw,
Blount,	Forney,	McClammy,	Shively,
Brewer,	Fuller,	McCreary,	Simmons,
Bynum,	Hatch,	McRae,	Stewart, Tex.
Candler,	Haugen,	Montgomery,	Stewart, Ga.
Cannon,	Hemphill,	Moore,	Stockdale,
Carlton,	Henderson, N. C.	Morgan,	Stone, Ky.
Chendle,	Herbert,	Neal,	Stone, Mo.
Clardy,	Hutton,	Newton,	Tillman,
Cobb,	Johnston, Ind.	Oates,	Turner, Ga.
Conger,	Johnston, N. C.	O'Ferrall,	Walker,
Cothran,	Jones,	O'Neall, Ind.	Wise.
Cowles,	Kilgore,	Peel,	
Culberson,	Landes,	Peters,	

NOT VOTING—107.

Bacon,	De Lano,	Hudd,	Post,
Barry,	Dibble,	Kean,	Randall,
Belden,	Dingley,	Kelley,	Rayner,
Belmont,	Dougherty,	Kennedy,	Reed,
Biggs,	Dunham,	Kerr,	Russell, Mass.
Bingham,	Dunn,	Laffoon,	Rusk,
Blanchard,	Felton,	Lagan,	Smith,
Breckinridge, Ark.	Fitch,	Lawler,	Spooner,
Brower,	Flood,	Long,	Stahlnecker,
Browne, Ind.	Foran,	Maffett,	Struble,
Bryce,	Gay,	Mahoney,	Symes,
Buchanan,	Gibson,	McCormick,	Tarsney,
Buckalew,	Glass,	McCullogh,	Taulbee,
Burnes,	Glover,	McKinney,	Taylor, E. B., Ohio
Caswell,	Granger,	McMillin,	Thomas, Ill.
Catchings,	Greenman,	Mills,	Thompson, Ohio
Clements,	Grimes,	Morse,	Wade,
Cockran,	Guenther,	Nelson,	Wheeler,
Cogswell,	Hare,	Nichols,	White, Ind.
Collins,	Hayden,	Norwood,	Whiting, Mich.
Cox,	Heard,	O'Neill, Pa.	Whiting, Mass.
Crain,	Henderson, Iowa	Outhwaite,	Whitthorne,
Crisp,	Hiestand,	Parker,	Wickham,
Cutcheon,	Hogg,	Payson,	Wilkins,
Davenport,	Hopkins, Ill.	Perry,	Wilson, W. Va.
Davidson, Ala.	Hopkins, N. Y.	Phelan,	Woodburn.
Davis,	Houk,	Plumb,	

So the bill was passed.

Mr. NELSON. Mr. Speaker, when the roll was called I voted, having forgotten that I was paired with Mr. HARE, of Texas. I withdraw my vote.

The following additional pairs were announced:

Mr. HOPKINS, of Illinois, with Mr. RAYNER, on this vote.

Mr. HARE with Mr. NELSON, for the remainder of the day.

The result of the vote was then announced as above recorded.

Mr. MAISH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANDREW J. SMITH.

Mr. MAISH. I call for the regular order.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late a colonel of the Seventh United States Cavalry and a major-general of volunteers.

The bill was read, as follows:

Be it enacted, etc., That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers, a brigadier-general in the Army of the United States, and thereupon to place him, the said Andrew J. Smith, upon the retired-list of the Army as such brigadier-general without regard and in addition to the number now authorized by law of said retired-list.

The SPEAKER. The Clerk will report the amendment agreed to in Committee of the Whole.

The Clerk read as follows:

In line 11, strike out the words "as such brigadier-general" and insert "with the rank and grade of colonel."

The amendment was adopted.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, many of us were absent last evening, and I desire to ask a question for information. I wish to know whether this soldier left the Army voluntarily.

Mr. WARNER. Mr. Speaker, if the House will give consent to have the report read, it will give the desired information. The report consists of a letter from the Adjutant-General of the Army and a letter from General Sherman.

Mr. MAISH. The gentleman can probably state the substance of it in less time than it would take to read the report.

The SPEAKER. No debate is in order, the previous question having been ordered. The gentleman from Missouri [Mr. WARNER] asks unanimous consent to have the report in this case read.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I was under the impression that there was an understanding that a certain time was to be allowed for debate.

The SPEAKER. It seems not, from the Journal.

Mr. CHEADLE. There was to be the right to amend, and the right to debate also.

The SPEAKER. The right to amend was reserved, but the right to debate seems not to have been reserved. Of course the Chair knows only what the record shows.

Mr. O'NEILL, of Missouri. The bill is open to amendment.

"Old A. J. Smith," as he is familiarly called by the soldiers who braved many a hard-fought field under his gallant leadership, belongs to the city I in part represent here. He is loved by all our people, who admire his character as a soldier and a citizen. I but voice their unanimous sentiment in asking for the passage of this bill. In the committee's report is a letter from General Sherman in regard to this bill. His concluding remarks epitomize the whole story:

I believe a million of men would sign a petition that this now old, but most honest, faithful, uncomplaining soldier and gentleman, General Andrew J. Smith, should be restored to his old place on the Army Register, and retired with any rank Congress may think appropriate. He was a corps commander, which the world over is that of lieutenant-general, but I am told he will be satisfied with that of brigadier-general. I surely recommend it.

Yours, very truly,

W. T. SHERMAN, *General*.

Mr. CLARDY. There was no more gallant, no more brilliant officer in the American Army than General Andrew J. Smith, who, becoming a soldier in 1838, continued in his country's service until 1869, when an act of Congress having passed reducing the number of colonels and lieutenant-colonels from forty-five in each grade to twenty-five, he performed one of the most graceful, one of the most heroic, one of the most chivalric acts of his eventful life in resigning his commission as colonel of the Seventh Cavalry to make room for a younger man.

If a long and meritorious service in the Army entitles a soldier to the recognition sought for General Smith there can be no question as to the merit of the pending bill, and I shall vote for it with pleasure increased by the act of self-abnegation that took him out of the Army.

The SPEAKER. The report will be read.

The Clerk read as follows:

Andrew J. Smith as a soldier is well known to the entire country. Nothing that can be said in this report can add to his distinguished name. He is now over seventy-three years of age. His military service is given in the following communication from the Adjutant-General, United States Army:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, February* 8, 1886.

"Statement of the military service of Andrew J. Smith, late of the United States Army, compiled from the records of this office.

"He was graduated at the United States Military Academy at the age of twenty-three years and two months, and was appointed second lieutenant First Dragoons July 1, 1838; was promoted first lieutenant March 4, 1845; captain, Feb-

ruary 16, 1847; major, May 13, 1851, and lieutenant-colonel Fifth Cavalry May 9, 1864; appointed colonel Seventh Cavalry July 28, 1866.

"He was mustered in as colonel Second California Cavalry October 2, 1861, and resigned November 13, 1861.

"He was appointed brigadier-general United States Volunteers March 17, 1862, and major-general United States Volunteers May 12, 1864.

"He received the brevet of colonel United States Army April 10, 1864, 'for gallant and meritorious services at the battle of Pleasant Hill, La.;' of brigadier-general United States Army March 13, 1865, 'for gallant and meritorious services at the battle of Tupelo, Miss.;' and of major-general United States Army March 13, 1865, 'for gallant and meritorious services at the battle of Nashville, Tenn.'

"He served with his regiment on the Western frontier and Pacific coast, excepting short intervals of detached duty and leaves of absence, from 1838 to 1861; with the Second California Cavalry October 2, 1861, to November 13, 1861, when he resigned and was ordered to report to the Adjutant-General United States Army under his commission as major Fifth United States Cavalry.

"He served as chief of cavalry, Department of the Missouri, from February 11 to March 11, 1862, and of the Department of the Mississippi to July 11, 1862, being engaged in the advance upon and siege of Corinth, April 15 to May 30, 1862; commanding troops at Covington, Ky., and vicinity, September 9 to October 9, 1862; commanding Tenth Division, Thirteenth Army Corps, in movements through Kentucky, October to November, 1862; at Memphis, Tenn., November 28 to December 21, 1862; on expedition with General Grant's Army to the Yazoo River, Mississippi, December, 1862, being engaged in the assault of Chickasaw Bluffs, December 27–29, 1862, and on the expedition to Arkansas Post to January 11, 1863; in the Vicksburg campaign and operations against Jackson, Miss., to August 5, 1863; commanding the Sixth Division, Sixteenth Army Corps, and district of Columbus, Ky., to January 21, 1864, and Third Division, Sixteenth Army Corps, to March 6, 1864; commanding detachments (two divisions) Sixteenth and Seventeenth Army Corps in the Red River campaign to May 22, 1864; commanding right wing Sixteenth Army Corps in Mississippi and Tennessee to September, 1864, and in the pursuit of the rebel General Price in Missouri to November, 1864; commanding detachment of the Army of the Tennessee to February, 1865, participating in the operations about Nashville, Tenn., under Major-General Thomas; commanding Sixteenth Army Corps (in the Mobile campaign and siege of Spanish Fort, Alabama) to August 8, 1865; district of Montgomery, Ala., to October 25, 1865, and district of Western Louisiana until honorably mustered out of the volunteer service, January 15, 1866; on leave of absence and permission to delay joining his command (Seventh United States Cavalry) to November 26, 1866; commanding regiment and district of Upper Arkansas, at Forts Riley and Harker, Kans., to September 15, 1867; commanding Department of the Missouri to March 2, 1868; on leave to May 6, 1869, when he resigned.

"R. C. DRUM, *Adjutant-General.*"

It will be seen that at the date of his resignation (May 6, 1869) he had served thirty years and ten months.

On the 15th of July, 1870, the law was amended, providing that—

"Where an officer has been thirty years in the service, he may, upon his own application, in the discretion of the President, be so retired and placed on the retired-list." (Sec. 1243.)

Had General Smith remained in the Army until the passage of that law he would have served over thirty-two years and could have been placed upon the retired-list on his own application.

At the time of his resignation an act of Congress reduced the Army from 45 colonels and 45 lieutenant-colonels to 25 colonels and 25 lieutenant-colonels.

"It was the most ungrateful task imposed upon us by Congress," writes General W. T. Sherman. Then it was that General A. J. Smith, with a soldier's generosity, to make way for younger men, resigned as colonel of the Seventh Cavalry.

The following letter from General W. T. Sherman needs no explanation:

"ST. LOUIS, MO., *March 3*, 1886.

"DEAR WARNER: Having been requested to bear testimony as to the value of the service rendered to the Government by General Andrew J. Smith, now a citizen of St. Louis, I beg to state that I have had special opportunities to observe his conduct during the past fifty years. He was a cadet at West Point when I went there in 1836. He graduated in 1838 and went to the frontier, where he served till the Mexican war, 1846, when he came out to California with Cooke's battalion and continued there and in Oregon up to the civil war, which he was quick to enter, and came to us at Shiloh in April, 1862, as a brigadier-general of volunteers, and marched with us to Corinth, from which time to the end of the war he was one of the pluckiest and best fighters of our Western Army.

"For details I refer to Cullum's Register (vol. I, pages 566 and 567). Not a soldier of the Western Army but remembers 'Old A. J.' He was with me at Chickasaw and Vicksburg on my Meridian march, and was afterwards sent by me in command of the two divisions detached to General Banks up Red River. His conduct there is described as peculiarly brilliant. After coming out of Red River he was sent to Tupelo, Miss., where he fairly defeated Forrest, and then was called to Missouri to drive Price out of the State, immediately after which he hastened to Nashville, where he gave material help to General Thomas in the great victory of Nashville. Without rest he was sent to Mobile, which he assisted to capture, and at the end of the war was found at Montgomery, Ala. His service in the civil war was simply invaluable, and can not be measured by dollars and cents.

"As soon as the war was over he returned to his rank in the regular Army as colonel of the Seventh Cavalry, on the plains, fighting the Cheyennes, Arapahoes, and Kiowas, to clear the way for the Kansas Pacific Railroad.

"I do not remember that General Smith ever lost a day in the field from sickness; and in California, in Oregon, on the plains, and throughout the civil war he had the reputation of being the hardest worker and hardest fighter in the Army.

"I believe a million of men would sign a petition that this now old, but most honest, faithful, uncomplaining soldier and gentleman should be restored to his old place on the Army Register, and retired with any rank Congress may think appropriate. He was a corps commander, which the world over is that of lieutenant-general, but I am told he will be satisfied with that of brigadier-general. I surely recommend it.

"Yours, very truly,

"W. T. SHERMAN, *General.*

"Hon. WILLIAM WARNER,
"*Member of Congress, of Missouri, Washington, D. C.*"

Your committee report the bill back, with the recommendation that the same do pass with the following amendment, namely:

To strike out in line 11 the words "as such brigadier-general" and insert the following words in lieu thereof: "With the rank and grade of colonel."

The SPEAKER. The question is on the passage of the bill.

Mr. BLAND. On that I demand the yeas and nays. I think this is a bill of the kind on which we ought to make a record.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 118, nays 65, not voting 141; as follows:

YEAS—118.

Allen, Mich.	Dorsey,	Lee,	Russell, Conn.
Anderson, Iowa	Ermentrout,	Lehlbach,	Ryan,
Anderson, Ill.	Farquhar,	Lind,	Scull,
Anderson, Kans.	Finley,	Lyman,	Seney,
Arnold,	Flood,	Macdonald,	Seymour,
Atkinson,	Foran,	Mason,	Sherman,
Baker, Ill.	French,	McAdoo,	Sowden,
Bayne,	Funston,	McComas,	Spinola,
Bliss,	Gaines,	McKenna,	Stephenson,
Bound,	Gallinger,	McShane,	Taylor, J. D., Ohio
Bouteile,	Gear,	Merriman,	Thomas, Ky.
Bowden,	Gest,	Moffitt,	Thomas, Wis.
Bowen,	Grout,	Morrill,	Tracey,
Browne, T. H. B., Va.	Guenther,	Morrow,	Townshend,
Brown, Ohio	Hall,	Nutting,	Turner, Kans.
Brown, J. R., Va.	Harmer,	O'Donnell,	Vance,
Burrows,	Haugen,	O'Neill, Mo.	Vandever,
Butler,	Hermann,	Osborne,	Warner,
Butterworth,	Holman,	Patton,	Weaver,
Campbell, F., N. Y.	Hooker,	Penington,	Weber,
Campbell, Ohio	Hopkins, Ill.	Perkins,	West,
Caruth,	Hopkins, Va.	Peters,	White, Ind.
Catchings,	Hopkins, N. Y.	Phelps,	Wickham,
Chipman,	Hovey,	Plumb,	Wilbur,
Clardy,	Howard,	Pugsley,	Wilkinson,
Clark,	Hunter,	Rice,	Yardley,
Cooper,	Jackson,	Robertson,	Yoder,
Cummings,	Kerr,	Rockwell,	Yost.
Cutcheon,	La Follette,	Romeis,	
Darlington,	Lane,	Rowell,	

NAYS—65.

Abbott,	Dargan,	Lynch,	Rowland,
Adams,	Dibble,	Martin,	Sayers,
Allen, Miss.	Elliott,	Matson,	Shaw,
Anderson, Miss.	Enloe,	McClammy,	Simmons,
Bankhead,	Fisher,	McCreary,	Snyder,
Bland,	Forney,	McRae,	Stewart, Tex.
Blount,	Hatch,	Montgomery,	Stewart, Ga.
Breckinridge, Ark.	Hemphill,	Moore,	Stockdale,
Brewer,	Henderson, N. C.	Neal,	Stone, Ky.
Bynum,	Herbert,	Newton,	Stone, Mo.
Candler,	Hutton,	Oates,	Tillman,
Carlton,	Johnston, Ind.	O'Ferrall,	Walker,
Cheadle,	Johnston, N. C.	O'Neall, Ind.	Washington,
Cobb,	Jones,	Peel,	Wise.
Cothran,	Kilgore,	Phelan,	
Cowles,	Lanham,	Richardson,	
Culberson,	Latham,	Rogers,	

NOT VOTING—141.

Allen, Mass.	Davidson, Ala.	Kelley,	Rayner,
Bacon,	Davidson, Fla.	Kennedy,	Reed,
Baker, N. Y.	Davis,	Ketcham,	Russell, Mass.
Barnes,	De Lano,	Laffoon,	Rusk,
Barry,	Dingley,	Lagan,	Sawyer,
Belden,	Dockery,	Laidlaw,	Scott,
Belmont,	Dougherty,	Laird,	Shively,
Biggs,	Dunham,	Landes,	Smith,
Bingham,	Dunn,	Lawler,	Spooner,
Blanchard,	Felton,	Lodge,	Springer,
Boothman,	Fitch,	Long,	Stahlnecker,
Breckinridge, Ky.	Ford,	Maffett,	Steele,
Brower,	Fuller,	Mahoney,	Stewart, Vt.
Browne, Ind.	Gay,	Maish,	Struble,
Brumm,	Gibson,	Mansur,	Symes,
Bryce,	Glass,	McCormick,	Tarsney,
Buchanan,	Glover,	McCullogh,	Taulbee,
Buckalew,	Goff,	McKinley,	Taylor, E. B., Ohio
Bunnell,	Granger,	McKinney,	Thomas, Ill.
Burnes,	Greenman,	McMillin,	Thompson, Ohio
Burnett,	Grimes,	Milliken,	Thompson, Cal.
Campbell, T. J., N. Y.	Grosvenor,	Mills,	Turner, Ga.
Cannon,	Hare,	Morgan,	Wade,
Caswell,	Hayden,	Morse,	Wheeler,
Clements,	Hayes,	Nelson,	White, N. Y.
Cockran,	Heard,	Nichols,	Whiting, Mich.
Cogswell,	Henderson, Iowa	Norwood,	Whiting, Mass.
Collins,	Henderson, Ill.	O'Neill, Pa.	Whitthorne,
Compton,	Hiestand,	Outhwaite,	Wilkins,
Conger,	Hires,	Owen,	Williams,
Cox,	Hitt,	Parker,	Wilson, Minn.
Crain,	Hogg,	Payson,	Wilson, W. Va.
Crisp,	Holmes,	Perry,	Woodburn.
Crouse,	Houk,	Pidcock,	
Dalzell,	Hudd,	Post,	
Davenport,	Kean,	Randall,	

So the bill was passed.

The following additional pairs were announced:

Mr. ALLEN, of Massachusetts, with Mr. BURNETT, on all political questions for the rest of the day.

Mr. MORGAN with Mr. MILLIKEN, on all political questions for the rest of the day.

Mr. DAVIDSON, of Florida, with Mr. KETCHAM, on all political questions for the rest of the day.

Mr. CRAIN with Mr. HENDERSON, of Illinois, on all political questions for the rest of the day.

Mr. BAKER, of New York, with Mr. TURNER, of Georgia, on this vote.

Mr. REED with Mr. STEELE, on this bill.

The result of the vote was announced as above stated.

Mr. GEAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. Before moving that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of business on the Private Calendar, I desire to submit a request for unanimous consent that the rest of this day be devoted to the consideration of bills from the Committee on Claims to which there may be no objection.

Mr. BLAND. Pending that proposition, I move that the House adjourn. I think that after our long session of last night, if we now adjourn we shall be fresher for to-morrow.

The motion of Mr. BLAND was not agreed to, there being ayes 1, noes 59.

The SPEAKER. The gentleman from Texas asks unanimous consent that the remainder of this day be devoted to the consideration of bills from the Committee on Claims to which there may be no objection.

Mr. O'FERRALL. I object.

Mr. LANHAM. I will renew the request with this addition—that next Friday be devoted to the consideration of bills reported from the Committee on War Claims to which there may be no objection.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] now accompanies his previous request with the further request that next Friday be devoted to the consideration of bills reported from the Committee on War Claims to which there is no objection. Is there objection to these two requests?

Mr. MATSON. If the proposed order includes the whole of this legislative day, it would interfere with the regular order of the Friday evening session.

The SPEAKER. The Chair does not so understand the proposition.

Mr. BAKER, of New York, and Mr. O'FERRALL objected.

Mr. LANHAM. I move to dispense with the call of committees for to-day, the usual leave being granted to file reports with the Clerk.

There being no objection the motion was agreed to, and leave granted as requested.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

RICHARD JOBES.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8748) to increase the pension of Richard Jobes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD D. M'KINNEY.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 752) granting a pension to Richard D. McKinney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL TANNER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4649) granting a pension to Daniel Tanner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JANE POTTS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 525) granting a pension to Mrs. Jane Potts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA ANN WILBER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8200) granting a pension to Lydia Ann Wilber; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH HOLMES.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9388) granting a pension to Joseph Holmes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNATION OF LAND ON ROCK CREEK, ETC.

Mr. ROWELL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 3328) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park to be called Rock Creek Park; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT HOLLAND'S ISLAND BAR, MARYLAND.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back favorably the bill (S. 2398) to provide for a light-house at Holland's Island Bar, near the entrance to Kedge's Straits, in the Chesapeake Bay, Maryland; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COL. JAMES C. DUANE.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (S. 45) for the relief of Col. James C. Duane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA A. THOMAS.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably a resolution for the relief of Julia A. Thomas, administratrix to I. S. O. G. Greer, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. C. MORDECAI.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (S. 1521) for the relief of M. C. Mordecai; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON. I ask unanimous consent that on Saturday, the 28th instant, immediately after the reading of the Journal, the Committee on Printing be allowed one hour in which to present for consideration measures reported by them. These matters involve simply printing for the two Houses of Congress, which is not privileged, and can only be considered under some such order as that now proposed.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that on Saturday, the 28th instant, immediately after the reading of the Journal, one hour be set apart for the consideration of reports from the Committee on Printing not of a privileged character. Is there objection?

Mr. BURROWS. There is a general expectation on this side of the House that the Committee on Rules will report a resolution fixing time for all of these committees, and until that is done I shall feel called upon to object.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider bills on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 9872) for the relief of Perez Dickinson.

Mr. LANHAM. I think when the committee last rose that we had under consideration the bill (H. R. 53) for the relief of Samuel Noble, reported from the Committee on the Judiciary.

Mr. COMPTON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. COMPTON. It is, sir, that the bill to be first considered at this time is the bill H. R. 6347; and if allowed to do so, I would like to state the grounds upon which I base the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. COMPTON. On the 16th of March last the bill to which I have referred was under consideration in the House. It is a bill reported from the Court of Claims which went through the usual channel of the Committee on War Claims, and was reported to the House. Under the provisions of the Bowman act and the decisions of the Speaker of this House, this bill, coming over from the Forty-ninth Congress, had preference on the Calendar. This will be discovered by reference to page 103 of the Journal of the present House, where the point was made by my colleague from Maryland [Mr. MCCOMAS], and the Speaker ruled that such bills had preference on the Calendar.

On the 16th of March, sir, this bill was being considered and was referred back by the Committee of the Whole to the House, and subsequently to the Committee on War Claims. The point was made then that the bill, when it came back to the House from the Committee on War Claims would not take its place on the Calendar, and the then occupant of the chair so maintained. I stated at that time distinctly that I would consent to the reference of the bill to the Committee on War Claims, accepting the motion made by a gentleman from Ohio to that effect, and would take my chance when this bill came back from the committee of securing its proper place on the Calendar.

That bill has been reported back from the Committee on War Claims. My point now is that under the ruling of the Chair, and in view of the provisions of the Bowman act, the bill necessarily takes its place at the head of the Calendar by reason of the preference given it by that act, and hence is the first bill for consideration to-day.

Mr. LANHAM. The bill to which the gentleman from Maryland refers was discussed and considered at some length in Committee of

the Whole, and my recollection is that it was referred to the Committee on War Claims after considerable discussion.

Mr. STONE, of Kentucky. I will suggest that a reference to the RECORD will show what was done on that occasion.

Mr. GALLINGER. I raise the point of order that on Thursday evening last the House was in session under a special order of the House for consideration of pension bills, and adjourned because of the want of a quorum. My point is that they have precedence under the rule.

The CHAIRMAN. They would have when the committee rises and goes back into the House; but the consideration has been completed in Committee of the Whole.

The Chair will direct——

Mr. GALLINGER. The Chair then holds, I understand, that when we go into the House these bills will have precedence.

Mr. BAKER, of New York. I suggest that an understanding should be reached in reference to that matter.

The CHAIRMAN. The Chair will state that its opinion was simply in the nature of information. Of course the Chairman of the Committee of the Whole can not make a ruling upon a question which is to govern the House.

Mr. COMPTON. Now, Mr. Chairman——

The CHAIRMAN. If the gentleman from Maryland will allow the Chair to learn from the Clerk the exact status of the bill to which he has referred, it will expedite the consideration of the point he makes. The Chair is endeavoring to ascertain the facts.

Mr. OATES. When the House was last in Committee of the Whole on the Private Calendar the committee rose during the consideration of a bill for the relief of Samuel Noble at the point where the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] demanded to be heard, and we did not have sufficient time to allow him to proceed with the debate. The committee then rose, and under the circumstances I insist that the bill is first in order.

Mr. COMPTON. As the unfinished business?

Mr. LANHAM. My recollection is exactly in accord with that of the gentleman from Alabama.

Mr. COMPTON. I withdraw my point of order in view of the statement of the gentleman from Alabama and agree that the unfinished business may be considered, but reserving the right to make the point of order when it is concluded.

The CHAIRMAN. The bill to which the gentleman from Alabama refers appears on the Calendar as the sixth bill.

Mr. STONE, of Kentucky. When we were last considering these bills a number were passed over because the persons interested in their consideration were not present, and the Samuel Noble bill was reached.

The CHAIRMAN. The Chair is compelled to take the Calendar in the order in which the bills appear upon it.

Mr. STONE, of Kentucky. In calling attention to the fact that this was unfinished business, my idea is that after the completion of it we then go back and take up the Calendar in its order.

The CHAIRMAN. If there be no objection, that order will be pursued, and the Clerk will report the bill to which the gentleman from Alabama has called attention.

The bill was read, as follows:

Be it enacted, etc., That Samuel Noble, formerly of Rome, Ga., but now a citizen of Anniston, in the State of Alabama, may, notwithstanding the decision heretofore made, and the law of the statute by lapse of time, prosecute his claim to the net proceeds of sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of an act of Congress entitled "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863, and this act.

The amendment of the committee was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That Samuel Noble, a citizen of the State of Alabama, may, notwithstanding the bar of the statute of limitation, or other legal impediment hitherto existing, prosecute his claim to the net proceeds of the sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of this act and 'An act to provide for the collection of abandoned or captured property, and the prevention of frauds in the insurrectionary districts of the United States,' approved March 12, 1863."

The CHAIRMAN. The Chair is advised that there seems to be not only a committee amendment but also two other amendments. Both amendments can not be entertained at one and the same time. The Clerk will read the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN].

The Clerk read as follows:

Add to line 14, page 2, the words "but no judgment shall pass in favor of said Samuel Noble until his loyalty during the late war shall have been established to the satisfaction of said court; and he shall further prove that during said war he did not in any way afford aid and comfort to the late rebellion."

Mr. OATES. I do not wish to address the committee, but will give my time to the gentleman from Ohio [Mr. SENEY], who presented the minority report and who was absent at the time the bill was considered.

Mr. SENEY. Mr. Chairman, is it in order to discuss the merits of the original bill as well as the pending amendments?

The CHAIRMAN. It is, and the gentleman will be recognized for one hour.

Mr. SENEY. This claim of Samuel Noble is not a new one. The report of the majority of the Judiciary Committee tells us that it has been considered by Congressional committees at different times for the last twelve years. In the RECORD of June 16, 1888, may be found the minority report. A similar report was made by me from the Committee on the Judiciary in the Forty-eighth and Forty-ninth Congresses.

The minority report starts out with the statement that Samuel Noble was in 1865, and for ten years prior thereto, a loyal citizen of the United States, and a resident of the city of Rome, in the State of Georgia.

I can not say, Mr. Chairman, at this time what facts were before me five years ago when I wrote the first minority report. I think it is more than probable that, so far as the loyalty of this gentleman is concerned, I assumed that to be so on the strength of certain statements contained in the papers that were before the committee when it was considering this claim. I am not prepared at this time to question his loyalty. It is asserted by my friend from Alabama [Mr. OATES] that during the entire rebellion period he was a loyal citizen of the United States. I know of no satisfactory evidence proving or disproving the truth of my friend's assertion.

In order that the House may have a correct understanding of this claim I will state that this claimant, Samuel Noble, some time in the year 1864 entered into a contract with the Secretary of the Treasury, with the approval of the then President of the United States, Mr. Lincoln, by which he undertook to deliver to the United States Government, at various points in the insurrectionary districts of the South, 250,000 bales of cotton.

A copy of the contract referred to is found in volume 11, page 600, Court of Claims Reports. The contract shows that Mr. Noble represented to the Treasury Department, and no doubt to the President of the United States, that he was the owner of 7,000 or 8,000 bales of cotton. Mr. Noble also represented that 800 of these bales were in Selma, Ala.; 1,256 in Mobile, Ala.; 200 in Rome, Ga.; 1,800 in Savannah, Ga., and between 4,000 and 5,000 in and about the city of Augusta, Ga.

The House will notice that this contract is one of no mean proportions. It was proposed by this man to go into the insurrectionary districts and procure by purchase, or by whatever means he chose, 250,000 bales of cotton; and if we are to measure the value of the contract by what was then the probable price of cotton, it will be seen that the contract had a money value of about $50,000,000. By the terms of this contract the United States was to furnish Mr. Noble transportation from the insurrectionary districts to the points of shipment, and the cotton was to be transported from those points to the city of New York and there sold. The proceeds of the sale were to be covered into the Treasury, and, by the terms of the contract, Mr. Noble was to receive three-fourths of the proceeds and the Government was to retain the remaining one-fourth.

Whether Mr. Noble was a loyal or a disloyal citizen of the United States at the time he and the Government made this contract is perhaps not a question of much importance in this debate.

That he was a mere adventurer is very plainly shown by the papers before me. That he was without means and had no ability to perform his contract can not be seriously questioned.

This contract Mr. Noble could not perform unless he had at his command many millions of dollars. Upon the evidence before me I am satisfied that he did not have enough money to pay for a single bale of cotton.

The Court of Claims found that when this contract was made there were 802 bales of cotton at Savannah which Mr. Noble claimed to have purchased, from John W. Anderson (171 bales), from Roswell Manufacturing Company (247 bales), from William Duncan (112 bales), and from Home Insurance Company (272 bales).

Nothing was before the court to show that Mr. Noble had cotton at any other point in the South, and hence we must conclude that his statement in the contract that he had 800 bales at Selma, 1,256 at Mobile, 200 at Rome, 1,800 at Savannah, and 4,000 to 5,000 at Augusta is untrue.

The 802 bales referred to, Mr. Noble claimed as his property, but before I take my seat I trust that I shall be able to convince the House that he was not the owner of a pound of this cotton.

It is claimed that Mr. Noble delivered to the Government these 802 bales of cotton upon his contract. He did no such thing. These bales were in a warehouse in Savannah and were seized by the Federal forces and as captured property was turned over to the United States Treasury agents by whom it was sold in New York and the proceeds, $144,922.85, covered into the Treasury.

Thus stands the case. What led to the legal dispute between the United States on the one hand, and Mr. Noble upon the other, respecting the contract, does not appear.

In June, 1870, Mr. Noble commenced a suit against the Government, upon the contract, in the Court of Claims, and in this suit he claimed that the Government had broken the contract and for this he ought to be paid $309,795.67, which sum he alleged to be the value of the cotton.

Damages resulting from the breach of the contract Mr. Noble did not claim. His idea at that time evidently was that he was entitled to the full value of the cotton, which he alleged to be $309,795.67, and he was unwilling to take the price ($144,922.85) for which the 802 bales were sold.

Upon the hearing of the case in the Court of Claims the court held the contract to be illegal, and turned Mr. Noble out of court.

This cotton was seized by the United States forces in 1865, and from the moment it was seized until August, 1868, a period of three years and more, Mr. Noble had the right under the captured and abandoned property act of March 12, 1863, to sue in the Court of Claims for the proceeds of this cotton. Why he did not seek the proceeds of this property in that court we are not informed. He brought no such suit, and his neglect in this particular is to me a mystery, and is not explained by anything which appears in his case. Within two years after his right to sue for the proceeds of this cotton was barred by the act of March 12, 1863, he appeared in the Court of Claims with a suit to recover the value of the cotton, which he alleged exceeded the proceeds in the sum of $164,872.82. This neglect to sue under the captured and abandoned property act for the proceeds of the cotton needs explanation. That he had a right to so sue is not questioned. That this right existed from 1865, when the cotton was seized, until August, 1868, when by the act the right was barred, is conceded.

Sir, I repeat, why this neglect, this gross, if not willful, neglect. The only explanation of this neglect is found by way of argument in the report from the Judiciary Committee made by the honorable gentleman from Alabama [Mr. OATES].

This report says that, until the decision of the Supreme Court of the United States in the Lane case (8 Wallace, 185), Mr. Noble had the right to assume that his remedy was upon his contract and not under the abandoned and captured property act, for so the law had been held by the Court of Claims, not only in Lane's case, but in Burnside's case (3 Court of Claims, 367), and that the limitation of a suit upon his contract was six years. Very well; a suit upon his contract would have been barred in 1871, and it was June 15, 1870, when the suit upon the contract was brought.

It is impossible to state the day or the month in 1865 that the cotton was seized by the military forces of the United States; but the seizure was alleged by Mr. Noble to be a breach of the contract upon the part of the Government, and therefore, adopting his own theories, his right to sue upon his contract accrued in 1865, and in six years thereafter would be barred. In other words, he delayed suing upon his contract until very near the time when his right to sue would expire by limitation. When it is considered that he was claiming the Government was his debtor in a sum exceeding $300,000, his apparent indifference to his interests shows a want of confidence in the justice of his claim.

Is the neglect of Noble to sue under the captured and abandoned property act to be excused because the decision in Lane's case was reversed in the Supreme Court of the United States? The reversal was made, says the Judiciary Committee's report, on the 29th day of November, 1867. The right of Mr. Noble to sue under the captured and abandoned property act expired August 20, 1868. Before us then is the fact that the right to sue under the act referred to existed for near nine months after Lane's case was reversed in the Supreme Court. Still, no suit was brought under that act. Why not? The suit then pending upon the contract in the Court of Claims might have been dismissed at any moment within those nine months and a suit under the act immediately brought. This was not done.

Without dismissing the suit upon the contract another suit under the act might have been brought, and both suits be pending for trial and the one await the disposition made of the other. What was in the way of pursuing this course? Nothing, whatever.

Why did he not bring a suit for the proceeds rather than persist in his pending suit for the value of the cotton? The difference between the proceeds of the cotton and the value of the cotton was large ($144,922.85), and the difference possibly was controlling in suing for the value rather than for the proceeds of the cotton.

The failure to sue for the proceeds of the cotton under the captured and abandoned property act arose out of no mistake as to the remedy, and it is wrong to so claim. The remedy under this act was unquestioned, while a suit upon the contract for the value of the cotton was at best doubtful and uncertain. Between these two remedies—one for the value and the other for the proceeds—Mr. Noble elected, and to that election he ought to be held. But more time need not be spent on this feature of the case.

Mr. Chairman, there are three separate bills now pending before the House, each one of which has the purpose of getting for Mr. Noble the proceeds, if not the value, of these 802 bales of cotton. There is the bill which was introduced in the House by my honorable friend from Alabama [Mr. FORNEY], the bill which is now before the committee and which proposes to send this man to the Court of Claims to have his rights adjudicated. Then there comes to us from the Senate a bill proposing to relieve Samuel Noble, not as the House bill proposes to relieve him, by sending him to the Court of Claims to have his claim there adjudicated, but by sending him to the accounting officers of the Treasury, whoever they may be, for his money. In addition to these two measures for his relief my honorable friend from Texas, the chairman of the Committee on the Judiciary [Mr. CULBERSON], proposes to relieve not only Samuel Noble, but also every other cotton claimant in like situation, by substituting for the bill for the relief of Samuel Noble a general bill for the relief of all cotton claimants by providing that they shall go to the Court of Claims to litigate their claims.

Mr. CULBERSON. The substitute to which the gentleman refers is not before the House, as it was objected to by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. SENEY. I was not in my seat at the time the substitute was offered. I read in the RECORD that my friend from Texas [Mr. CULBERSON] offered his general bill as a substitute for the bill introduced by the gentleman from Alabama.

Mr. CULBERSON. While this matter was under consideration I asked unanimous consent to substitute the general bill for the bill for the relief of Mr. Noble. It required unanimous consent, and the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] objected. So the substitute is not before the House.

Mr. SENEY. I do not claim, Mr. Chairman, that the substitute is before the House.

Mr. CULBERSON. I thought you made that statement.

Mr. SENEY. No, sir; and I do not claim that the Senate bill is before us at this time. When, two weeks or more ago, this matter was before the House for consideration, the gentleman from Alabama offered the Senate bill as a substitute for the House bill; but I do not understand that we have anything else before us to-day than the House bill for the relief of Samuel Noble. I do not understand it to be claimed by the gentleman from Alabama that his motion to substitute the Senate bill for the House bill is now pending before the committee.

Mr. Chairman, I do not think that the Government of the United States is indebted to Samuel Noble to the extent of a single farthing. I do not believe that the claim he has been urging for twelve years in Congress, and which he is now urging this House to pass, has the least particle of merit. I do not think that in this whole enterprise from its beginning to the present moment Samuel Noble ever owned one bale of this cotton; not even a pound or an ounce. I do not believe that he ever at any time invested in this enterprise the value of a single penny.

What the real facts may be in this case I do not know. I take as the groundwork of my argument the majority report of the Committee on the Judiciary and the findings of fact made by the Court of Claims in the case to which Samuel Noble was a party. I have said that his contract was one that contemplated the use of $50,000,000; and if at any time during the rebellion period Samuel Noble was possessed of 10 cents to buy cotton or to buy bread or meat, it nowhere appears in the record which has been presented to Congress.

Why, sir, it is asserted by the gentleman from Alabama [Mr. OATES] that Mr. Noble was a loyal citizen of the city of Rome during the rebellion; and up to the time when General Sherman occupied that city, which I believe was in July, 1864, that he was in Rome; but what he was doing in Rome nowhere in this record appears. Whether he was aiding the enemy or whether he was then claiming to be, as his friends now claim he was, a loyal citizen of the Government, we have no information anywhere in the facts which have turned up in this case.

I have said that he was a mere adventurer, without means, without ability to buy even a single bale of cotton; yet we find him engaging to deliver to the Government cotton of the value of $50,000,000. This property he undertook to get by hook or by crook in the insurrectionary districts, and when obtained to turn it over to the authorities of the United States, upon a contract to divide up the proceeds, three-fourths to be retained by himself and the residue to remain in the Treasury.

Now, Mr. Chairman, a few words in further support of what I am claiming. Permit me to say I am moved by no feeling of unkindness toward Mr. Noble; for he is a gentleman I never saw; I do not know where he lives; and if he has an agent or an attorney at the Capitol looking after his claim I want to say to the House that although I have been opposing and resisting this claim for five years my eyes have never been gratified by even a sight of that gentleman. I do not know that that ought to detract from the merit of his claim.

Mr. FORNEY. Do you not think that ought to be in his favor?

Mr. SENEY. No, sir. If he wants $144,000 out of the Federal Treasury, he ought to show a personal interest in his case by appearing before a committee of this body and tell them upon what his claim is founded.

Mr. FORNEY. He simply asks now to go into court. He does not ask for money, but merely the privilege of showing in court that the Government has seized his cotton and retains the proceeds.

Mr. SENEY. Sir, he was once in the courts and the courts turned him out.

Mr. FORNEY. That was on account of the mistake of his lawyer in bringing the wrong suit.

Mr. SENEY. He was once in court reaching out with his greedy hands to filch from the Treasury $309,795.67, when the evidence in his case is that he never had a cent invested in the enterprise, never

owned or had an interest measurable by dollars and cents or by legal rules in a single bale of this cotton.

Mr. HERBERT. Will the gentleman allow me to interrupt him just there?

Mr. SENEY. Certainly. If I am not correct in my statement I shall be very glad to be corrected.

Mr. HERBERT. While I do not know much about the case, I do know that Mr. Noble is a gentleman who is not ashamed to show himself anywhere. He has been very closely engaged in the past few years in developing the industries of the State of Alabama, and is much devoted to his business. If he had had any idea that it was a proper thing for him to do to appear here in person and use his personal influence to carry this claim through the committee or through Congress, he would undoubtedly have been here. But he is at home attending to his own business, and relying simply upon the justice of the case. And to me it does not seem a fair objection to make that he has not come here personally to lobby in favor of his own case.

Mr. SENEY. Well, as I have already said, I know nothing of the claimant personally, and perhaps it is best that I should know nothing. It is probably best that we should look at his claim upon the facts that those who support the claim have presented to the House; and it is upon these facts, Mr. Chairman, that I stand here to discuss the claim, and to insist that it is entirely destitute of merit.

I want to call the attention of the committee to the report in Samuel Noble's case, made by the Court of Claims, and found in volume 11, at page 608:

At the request of claimant—

Says the court, Chief-Justice Drake delivering the opinion—

the court finds the following additional facts:

First, that all of the cotton purchased by claimant from the several parties as herein stated was seized by the United States military authorities at Savannah, Ga., and subsequent to said seizure shipped to Simeon Draper, United States cotton agent in New York, by whom the said several lots of cotton were sold, and the proceeds thereof accounted for to the Treasury of the United States.

Second—

This is a more material matter—

that the amount of the proceeds of the cotton which the claimant purchased from the Roswell Manufacturing Company, from John W. Anderson, from Aaron Wilbur (Home Insurance Company), and from William Duncan, and paid into the Treasury of the United States, was and is the sum of $144,922.85, and of which the proceeds of the cotton purchased by the claimant from John W. Anderson and from the Roswell Manufacturing Company was and is the sum of $82,434.76.

Now, Mr. Chairman, it appears from these findings that Mr. Samuel Noble purchased a portion of these 802 bales of cotton from John W. Anderson and from the Roswell Manufacturing Company, and that the proceeds of these two purchases (418 bales) are $82,434.76. Now, what interest had Samuel Noble in the cotton that he purchased from Anderson and in the cotton he purchased from the Roswell Manufacturing Company? These two purchases represent, say the Court of Claims, $82,434.76 of the fund Mr. Noble is pursuing. This sum is more than one-half of the amount Mr. Noble is claiming.

Mr. Chairman, I assert that Samuel Noble had no more interest in these two lots of cotton, the Anderson lot and the Roswell Manufacturing Company lot, or right to the proceeds, than have you. As a part of his case I read further from this report:

On the 25th of March, 1863, the petitioner (Noble) purchased of the Roswell Manufacturing Company 247 bales of upland cotton then stored in Savannah, in the State of Georgia; that on the 8th day of December, 1863, the petitioner (Noble) purchased of John W. Anderson 162 bales of sea island cotton and 9 of upland cotton, then stored in Savannah.

I read further:

On the 18th of March, 1865, the memorandum inclosed and marked "A" was made and signed by Mr. Noble, and by him delivered to and received by said Anderson.

SAVANNAH, 18th *March*, 1865.

The above cotton having been registered by John W. Anderson in the office of Colonel Ransom, United States Army, as my cotton, and having been furnished by the said John W. with a bill of sale of said cotton, bearing date December 8, 1863, but the consideration of said bill of sale having never been paid to the said John W., I do hereby promise and agree to sell said cotton in the city of New York by virtue of my contract with the Treasury agent of the United States, and when said cotton shall have been so sold to pay to the said John W. 70 per cent. of the net proceeds of said sale, which said 70 per cent. shall be the true consideration of said bill of sale.

(Signed) SAMUEL NOBLE.

Now, Mr. Chairman, here are two lots of cotton—the Anderson lot and the Roswell Manufacturing Company lot, representing 418 bales, for which Mr. Noble eighteen years ago asked the Court of Claims to pay him, and which he is now asking through the pending bill that the Court of Claims allow him. Is it not perfectly plain that in these 418 bales of cotton Mr. Noble had not invested a dollar? In the memorandum just read, Mr. Noble so states: It is true, sir, that the Court of Claims found that Noble made these two purchases in March, 1863, but, in the memorandum I have read, Noble admits that as late as March, 1865, no part of the purchase money had been paid. Sir, this admission of Mr. Noble is conclusive proof that he had no money invested in the Anderson and Roswell cotton. Two years after the purchase he still owed every dollar of the purchase money.

Mr. Chairman, this memorandum tells us that whatever were the rights of Anderson, Roswell, and Noble respecting the 418 bales of cotton in 1863, they were changed by this memorandum in March, 1865. From the date of the purchase in March, 1863, to the date of the memorandum in March, 1865, it may be that Mr. Noble was the owner of the cotton. This property during this entire period was in a wareroom in Savannah, and was there under circumstances which required its presence at that place to be kept a secret from all of the world, saving and excepting only Anderson, Roswell, and Noble. In this memorandum Mr. Noble tells us that he purchased this cotton in March and December, 1863. Mr. Chairman, if my recollection is not at fault, at that time the people with whom he was dealing were in open and armed rebellion against the Government of the United States. Claiming as he does that he was loyal to the Government from the beginning to the end of the war, will the advocates of this bill for his relief inform the House whether in buying cotton from these people and engaging to furnish them with money for that product he was on the Union or Confederate side of that angry and bitter strife?

The memorandum to which I refer shows that these parties made a second deal respecting this cotton. Under the first deal it may be that Mr. Noble was for two years the owner of the cotton. If so, his ownership ceased in March, 1865. The memorandum shows a rescission of the sale by Anderson and Roswell and of purchase by Noble. It shows that Noble was no longer a debtor and Anderson and Roswell no longer were creditors. The memorandum shows that the sum in which Noble was indebted to Anderson and Roswell for the cotton was released and that the cotton from and after March, 1865, was the property of Anderson and Roswell.

By making the memorandum and delivering it to Anderson any and all right of ownership before then in Noble became vested in Anderson and Roswell. After March, 1865, Anderson and Roswell were the owners of the cotton, and consequently their right to the proceeds admits of no question. Why, then, send Mr. Noble to the Court of Claims to litigate for the proceeds of the Roswell and Anderson cotton?

Again, this memorandum shows a promise and agreement of Noble to deliver the cotton to the Government of the United States, for the purpose of sale, by its agent, in New York, and a further agreement to pay Anderson and Roswell 70 per cent. of the proceeds. Why such an agreement if Anderson and Roswell were not then the owners of the cotton, in possession of it, dictating and directing the disposition to be made of the property?

Again, the memorandum shows that to 70 per cent. of the proceeds of this cotton Mr. Noble has no claim whatever. This share of the proceeds, by his own admission, does not belong to him, but belongs to Anderson and Roswell Manufacturing Company. Will this House send Mr. Noble to the Court of Claims to get this portion of the proceeds? That court now knows that it is not his. Congress knows the same thing. The Treasury Department knows it belongs to others.

Again: Twenty-five per cent. of the proceeds of this cotton under Mr. Noble's contract with the Government is the rightful property of the United States. Surely Mr. Noble has no right to have any portion of this fourth part of the proceeds. What interest, then, has he in the proceeds of the Anderson and Roswell cotton? The memorandum says that 70 per cent. of the proceeds shall be paid to Anderson and Roswell, but it is silent as to the remaining 30 per cent. Of this 30 per cent., as stated a moment ago, the Government is the rightful claimant to all except 5 per cent. Is 5 per cent., then, the extent of Mr. Noble's interest in the proceeds of the Anderson and Roswell cotton? If so, it can not be that he owned the cotton, or that he ought to be sent to the courts to swear for all of the proceeds.

If, in this transaction, from first to last, Noble was the agent of the owners of the cotton, and the 5 per cent. represents his commission, this portion of the proceeds shall not go out of the Treasury by my vote. Sir, if we authorize even by indirection that the proceeds of these two lots of cotton, amounting to $82,434.76, be paid to Mr. Noble, is there anything in the way of Anderson and the Roswell Manufacturing Company asserting their claim to the same money?

Why, Mr. Chairman, upon every legal and equitable principle this memorandum when signed and delivered by Mr. Noble created a trust as to the cotton and its proceeds, and the beneficiaries to the extent of 95 per cent. are Roswell and Anderson and the Government of the United States. To the proceeds, or 95 per cent. thereof, Noble by his memorandum divested himself of all right or claim.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. SENEY. Certainly.

Mr. HOOKER. Is there any claim set up now before the Treasury Department against the fund by the other parties to whom you allude?

Mr. SENEY. I do not know how that is. I am arguing as to the legal rights of Samuel Noble. Has he the right to this money?

Mr. HOOKER. There is no claim, then.

Mr. SENEY. The question with me is not whether the Roswell Manufacturing Company or Anderson may claim this money, but what right has Samuel Noble to the money? And if he has no right, it is a matter of supreme indifference to me who has the right.

Mr. HERBERT. On your theory that there was a trust, is not the trustee entitled to recover the money?

Mr. SENEY. Mr. Noble could not be his own trustee, and in this case the Government is the trustee, and holds the fund for the beneficiaries, Anderson and the Roswell Manufacturing Company.

Mr. HERBERT. As trustee, with the right to recover the property

himself, if it belonged to him, or to the other parties that he had promised to pay them, was not he the trustee and would he not have the right to recover?

Mr. SENEY. I ask you what interest this man had in these two lots of cotton. Clearly, unmistakably none; for he by the terms of the memorandum referred to was to give to Anderson and the Roswell Manufacturing Company 70 per cent. of the proceeds, and therefore he has no legal or equitable interest in the 70 per cent. What interest has he, then, in the remaining 30 per cent? None whatever. Under his contract in 1865 the Government was to retain of the proceeds of that cotton 25 per cent. Now, when you take the Anderson cotton and the Roswell Manufacturing Company's cotton and give to the Government its 25 per cent. and to the Anderson and Roswell Manufacturing Company their 70 per cent., tell me, will you, what remains for Samuel Noble? An agent's commission of 5 per cent.

Mr. Chairman, it is difficult to think of this claim and resist the conviction that Mr. Noble was not the merest and sheerest of adventurers, and without the least ability to perform his engagement with the Government.

Mr. HOOKER. Will the gentleman allow a question?

Mr. SENEY. Yes, sir.

Mr. HOOKER. In point of fact did Mr. Noble perform his engagement? Did he deliver the cotton?

Mr. SENEY. No, sir, he did not deliver the cotton. As I said before, he had but 802 bales of cotton that he claimed to be his own. When the Federal troops at Savannah seized upon that cotton it was stored in a warehouse in that city, and over that warehouse and over the cotton in it Mr. Samuel Noble had absolute, complete, and entire control. He had not delivered the cotton; he had never offered to deliver it; the cotton in the warehouse had never been appropriated to or turned over upon the contract; it was still ostensibly the property of Mr. Noble, and of nobody else.

Mr. WILSON, of Minnesota. Do you mean that it was the property of Noble?

Mr. SENEY. I mean that Mr. Noble claimed it to be his property. Certain it is that it had not been turned over to the Government or did the Government receive it from him.

Mr. FORNEY. Did not Mr. Noble make a contract with the Government of the United States that he would deliver them so much cotton at Savannah?

Mr. SENEY. No, sir; he made a contract with the Government of the United States to deliver 250,000 bales of cotton, and as an inducement to that contract he misrepresented to the Treasury officials the number of bales of cotton that he then owned and had on hand to turn over on his contract.

Mr. FORNEY. I do not know anything about his misrepresenting.

Mr. SENEY. The Court of Claims says so. That is all I know about it.

Mr. FORNEY. What was his contract with the Government? Was it not to deliver so much cotton at Savannah?

Mr. SENEY. He made a contract to deliver 250,000 bales of cotton at different points in the South.

Mr. FORNEY. And you say he had 802 bales in Savannah; now, did not he deliver those?

Mr. SENEY. No; he delivered none.

Mr. FORNEY. Was he to carry the cotton to Savannah?

Mr. SENEY. It was in Savannah that he made his contract.

Mr. FORNEY. And was not he to turn it over to the Government?

Mr. SENEY. But he never did turn it over.

Mr. FORNEY. Because the Government took it.

Mr. SENEY. The Federal troops seized it.

Mr. FORNEY. They took it, and the proceeds are now in the Treasury.

Mr. SENEY. I am not disputing that they took the cotton, and I am not disputing that the proceeds of it are in the Treasury. The point that I wish to impress upon the House is that Mr. Samuel Noble has no more right to a single penny of the proceeds of the cotton of which you speak than I have myself.

Mr. FORNEY. Then you admit that if Noble has not, Anderson and the Roswell Manufacturing Company have?

Mr. SENEY. Certainly. They are the parties.

Mr. FORNEY. And what does Mr. Noble propose to do?

Mr. SENEY. O, Lord! I don't know what he proposes to do. [Laughter.]

Mr. FORNEY. He proposes to go into court to show that it was his cotton.

Mr. SENEY. All I know as to what your friend, Mr. Noble, proposes to do is from the bill put forward here in his behalf.

Mr. FORNEY. Well, that is what the bill proposes, that he shall have his day in court to show that this cotton was his.

Mr. SENEY. But he has had his day in court.

Mr. FORNEY. Certainly; but now he wants another day. [Laughter.]

Mr. SENEY. Yes; and that is where the trouble comes in. The gentleman from Alabama understands very well that one day in court is the rule, not two, not one day this year and another day next year. When a man has once been in court his claim is adjudicated and litigation respecting it is at an end; to use a technical expression, it is *res adjudicata*.

Mr. WHEELER. Is that so in all kinds of cases?

Mr. SENEY. I think so.

Mr. WHEELER. Not in ejectments. Under the English law they have sometimes two or three trials of ejectments.

Mr. SENEY. Well, general, you and I will talk about the law generally at some other time.

Mr. WHEELER. But your statement was too broad; and in these cases two trials are sometimes given, just as in cases of other kinds.

Mr. SENEY. Well, hereafter you and I will discuss the general legal question. Mr. Chairman, there is every reason to believe that Mr. Noble was used as a mere cover by men who could not assert their rights to the cotton they had on hand in the insurrectionary districts. I think that is the secret of the whole business. Clearly he had nothing with which to buy cotton. How he got his contract from the Treasury officials is a mystery, and only the Lord knows how he persuaded that good man, President Lincoln, to give him an indorsement and to write upon the back of his contract a permit to go at will through the lines, and give him an order to those then in command for transportation.

Can you, sir, imagine that this man could in 1863 buy of the Roswell Manufacturing Company and of Anderson $82,000 worth of property for which confessedly he did not pay one cent. What was that for? Why, sir, I judge from the memoranda referred to that Anderson and the Roswell Manufacturing Company were disloyal; and that if they should have registered their cotton with the Government officer in the South it would have been forfeited to the Government. So they cast about; and here was this convenient man, Mr. Noble; he could be used; he was a loyal citizen; he had a contract; he had the order of the President giving him protection and ordering that transportation be given him. He was just the man of all men for those cotton men in the South who could not claim their own cotton. He was the man to step in and claim it for them, taking it upon joint account—upon a sort of speculation, and turning it over upon his Government contract. Of the proceeds he, in his great strait, gave to Anderson and the manufacturing company 75 per cent., the Government, of course, retaining under its contract 25 per cent.

But this is not all. There is another matter to be considered. The Court of Claims say:

On the 11th day of March, 1865, the said petitioner (Mr. Noble) purchased of the Home Insurance Company 203 bales of Sea Island cotton and 69 bales of upland cotton then stored in the city of Savannah.

And this cotton is a part of the 802 bales for which eighteen years ago Mr. Noble wanted to be paid over $309,000, and for which, by the bill which is now being pressed in this House, it is sought to help him to $144,000.

Mr. WILSON, of Minnesota. The gentleman has spoken of the Home Insurance Company. That is a company of what State?

Mr. SENEY. Of the State of Georgia, I believe. At first it occurred to me it was the Home Insurance Company of New York but afterward I concluded it was some local company in the South.

Mr. BLOUNT. Did not the permit given to Mr. Noble by President Lincoln contemplate the purchase of cotton from disloyal citizens?

Mr. SENEY. Yes; I think so. That is my notion about it. I think President Lincoln took that course to cripple the enemy—to deprive them of the means of prosecuting the war—to get from them the products they were raising, and disable them in that way. That is my notion; I do not know whether it is correct.

Mr. ROGERS. To paralyze "the sinews of war."

Mr. SENEY. Yes, to paralyze the sinews of war.

Now, let us see for a moment what interest Mr. Noble had in the cotton which he claims to have purchased from the Home Insurance Company. Why, sir, I am able to assert that he did not pay a penny to the Home Insurance Company on the contract made with them in March, 1863. As I understand the facts, that purchase amounted to $40,000; yet the Home Insurance Company seemingly sold that cotton to Mr. Noble and did not exact from him even a penny upon the purchase. There was no advance money, no earnest money, no security whatever. Certainly it will not be claimed that Mr. Noble has such an interest in the Home Insurance Company's cotton that his friends ought to be here asking this House to pass a bill for his relief.

Mr. Chairman, I hold in my hand a communication from the Secretary of the Treasury addressed to myself, bearing date June 28, 1888, from which, with the indulgence of the House, I will read one paragraph:

Attention is called to the fact that at the December term, 1872, the Home Insurance company obtained a judgment in the Court of Claims, volume 8, page 449, Court of Claims Reports) for the net proceeds of 202 bales of sea-island cotton captured by the military forces at Savannah in 1865, which judgment, amounting to the sum of $35,529.58, was afterward, on April 3, 1875, duly paid from the appropriation, "Return of proceeds of captured and abandoned property."

Mr. WILSON, of Minnesota. That judgment was against whom?

Mr. SENEY. Against the Government of the United States for this very cotton.

These 202 bales, the proceeds of which were paid to the insurance company, appear to be the same cotton designated as 203 bales which make up in part the

802 bales alleged to be owned by this claimant, and the net proceeds of which he now claims.

Sir, I look through the report of the majority of the Committee on the Judiciary, but find no statement respecting this payment—$35,529.58. I repeat, eighteen years ago Mr. Noble wanted from the Treasury the value of the Home Insurance Company cotton. It was not his cotton; another claimed it and got the proceeds. This $35,000 constituted a part of the $309,000 he asked the Court of Claims to give him, and constitutes a part of the $144,000 that his friends are now insisting to be his due from the Treasury of the United States. Strange that this man, if he was loyal, strange if he be a good citizen, strange if he be an honest man, that he did not put into the ear of those advocating his pretensions that $35,000 of his claim had been reduced by a payment made to the Home Insurance Company eleven years ago.

Now, one thing more, and I have done.

The CHAIRMAN. The gentleman has five minutes of his time remaining.

Mr. SENEY. I think I have shown to the House, and demonstrated beyond the possibility of doubt, that in the three lots of cotton Mr. Noble had not a single stiver of interest.

Now, then, as to the fourth lot of cotton. On the 16th of January, 1865, he purchased of William Duncan 62 bales of sea island and 50 bales of upland cotton, then stored in the city of Savannah, say the Court of Claims, and for this he wants pay. Some of his friends want to send him to the Court of Claims and have his rights there adjudicated, and the remaining portion are trying to get him into the very vaults of the Treasury with authority to take the money. With respect to the fourth lot of cotton—the Duncan cotton—do I hazard anything when I say that he paid no more to Duncan on that purchase than he paid to Anderson, to the Roswell Manufacturing Company, or to the Home Insurance Company upon the purchases claimed to have been made from them? It is safe to assume that if there be a claimant to this fund—the Duncan fund—that the claimant is not Samuel Noble, but is Duncan himself.

Mr. Chairman, if the House refuses to send this claimant to the Court of Claims he ought not to complain, and if in the late civil strife he was, and still is, loyal to the Government of the United States, surely he will not complain. The Government of the United States has been good to Samuel Noble—better to him than to any other citizen whose name I am now able to recall, and this goodness ought to go far in satisfying him for any failure upon his part to make money in buying and selling cotton at a time when every other citizen at the North and at the South, whether loyal or disloyal, was sacrificing so much in treasure or in blood to meet the exigencies occasioned by the war.

The Government was good to Mr. Noble, better, perhaps, than he deserved, in not exacting from him military service—and better still in making for him an opportunity which at the time promised to fill his pockets with many millions of dollars. The necessities of war compelled the forcible seizure of this cotton. The Government was good to Mr. Noble, and good to all others from whom property was captured, in not declaring it forfeited for their rebellion against lawful authority. The Government was good to these erring people when during the war and for two years after its close it opened wide the door of one of her judicial tribunals and bid them enter and prove their claims to what had been captured or to the proceeds then in the Treasury.

The Government did wisely and well in declaring to all from whom property had been captured during the war, that unless they submitted their claims for adjudication to one of her courts within two years after the close of the war they would be forever barred. For twenty years these claims for captured cotton have been barred. To remove this bar and again open the courts for their adjudication, either by a special act for a single claimant or by a general law for all claimants, would be unwise, and with my vote it will never be done.

The CHAIRMAN. The Chair has caused an examination of the record of this case to be made, and it appears from that that the amendment of the gentleman from New Jersey [Mr. BUCHANAN] was adopted by the committee. The amendment, therefore, of the gentleman from Texas to the committee's amendment is now in order, and the Clerk will report that amendment to the committee's amendment, in order that members present may understand the exact status of the question.

The Clerk read as follows:

Provided, That a greater amount of money shall not be paid in satisfaction of this claim than the amount actually received into the Treasury as the net proceeds of the sale of cotton alleged to have been taken.

Mr. OATES. I would like that amendment to be adopted at once, for I think it is an entirely proper one.

The amendment to the amendment was adopted.

Mr. OATES. Mr. Chairman, the gentleman from Ohio in the greater part of his remarks has thrown a good deal of fog over this case. The latter part, with reference to the matter concerning which he introduced a letter from the Secretary of the Treasury, is a question which requires consideration and is the only point he has made against the bill which seems to have merit.

Now, if gentlemen will give me their attention, I will endeavor to state the facts of this case, all that are pertinent, as succinctly as possible; so that the committee may be placed in full possession of all that is involved.

Samuel Noble was a citizen of Rome, Ga., during the war, and claimed to have been a Union man and loyal to the Union during that period. When they undertook to enforce the conscript act as to him, he passed through the Confederate lines and took the oath of loyalty to the Union. He came to Washington and made a contract with an agent of the Treasury, a man named Risley, alluded to by the gentleman from Ohio, and returned within the Confederate lines for the purchase of cotton for shipment through the Confederate lines and into the Union. It was at that time the policy of the Government of the United States to get all the cotton that could be obtained within the Confederate lines, as it was regarded as one of the important sinews of war.

Now, in order to facilitate Noble's operations on that line President Lincoln gave him a paper as a safe conduct, addressed to the commanders of the Union armies everywhere, to pass him and any cotton he might obtain through their lines and into the Union lines. I do not know how much cotton he owned or bought or how much he obtained. He claims to have owned 802 bales which were seized by the military forces at Savannah, Ga., in 1865. After the war he brought a suit in the Court of Claims, which was decided in 1875 at the December term adversely to him for the reason that the suit was brought to recover damages for violation or breach of contract which Risley had entered into with him by the seizure of the 802 bales of cotton, which were shipped to New York and sold. The proceeds of that cotton are now in the Treasury to the credit of the captured and abandoned property fund. He petitions to be allowed to bring a new suit, because the court held that the contract which he had entered into with Risley was not a lawful one; that Risley exceeded his authority under the statutes of the United States in respect to that contract. Notwithstanding it was recognized by Mr. Lincoln as lawful it was not in accordance with the law and rulings of the Treasury Department, and hence he could not recover damages for the breach of it.

The gentleman from Ohio says, "Why did he not proceed to obtain the net proceeds of the sale of the cotton under the captured and abandoned property act?" That is a question that is very easily answered. The law was to the effect that the United States by their armies should take possession of captured or abandoned property to be sold and the net proceeds turned into the Treasury to be paid out to loyal citizens of the United States at any time within two years after the close of the war upon their going before the Court of Claims and proving that it was their property.

Now, mark you, the President of the United States published his proclamation declaring that the war was terminated August 20, 1866; consequently on the 20th of August, 1868, that law expired of its own limitation, and no man, loyal or disloyal, could bring any suit under it since. Noble could not bring any suit in the Court of Claims except in pursuance of a statute, and there has been none since 1868, the clause in the captured-and-abandoned-property act which authorized such suits having expired at that time.

Since that time there has been no law, except where Congress has passed one in each particular case, by which a man could go into the Court of Claims and establish his rights to the proceeds of the sales of his property which the United States holds in trust for him and does not claim. To-day there is in the Treasury of the United States about $10,500,000 which the United States does not claim, and the Supreme Court in three or four well-considered cases has said so. The United States holds that money simply as trustee. The seizure was not a confiscation of the property at all. It was sold and the proceeds covered into the Treasury to be held for the owner of the property to prove before the Court of Claims that he was entitled to the proceeds.

But the claimants can not get before the Court of Claims until we authorize them to go there by the enactment of a statute.

The judgment of the Court of Claims was given in December, 1875; whereas the law which authorized the claim of the net proceeds had expired on the 20th of August 1868. Now, Mr. Noble is not a lawyer, but he is a reputable citizen. He did not agree with me in politics during the war, nor does he now, but he is a gentleman, and I intend so far as I can to secure to him his personal rights, and if he has not an interest in this cotton to the extent named in this bill, he has certainly to a large extent.

Now, the gentleman says the evidence before the Court of Claims shows that he has no interest in this cotton; that he has no claim whatever. The gentleman from Ohio has undertaken to try and determine here every question that we want to refer to the Court of Claims. I want the Court of Claims to try Noble's right to the money that cotton sold for, but the gentleman from Ohio insists that he and not the court shall try the claim.

Since the adoption of the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN] this claimant must prove his loyalty and that he never gave aid and comfort to the Confederate cause, before he can recover. What else? He must necessarily prove that he was the owner of this cotton and trace the proceeds or he can not recover. No man can. Does the gentleman assert the proposition that any claimant before the Court of Claims under that law can recover unless

he proves to the satisfaction of the court that he was the owner of the property, that it was sold, and that its proceeds were covered into the Treasury?

Mr. SENEY. Certainly not; but if he has no claim at all, what then?

Mr. OATES. If he has no claim at all the court will decide against him, and no one is hurt. Is there any harm in that? Why should he not have his day in court?

Mr. SENEY. Under the terms of his contract he has no claim.

Mr. OATES. Ah, yes; you figure up that there were about $80,000 of the proceeds for these two lots which he bought and then there were $65,000 left.

Mr. SENEY. Thirty-five thousand has been paid. You are claiming something that he does not claim. He admits now that he has no claim.

Mr. OATES. I deny that proposition; and you have no proof of it.

Mr. SENEY. I read from his own statement that is contained in that volume of the report of the Court of Claims. That is all I know about it.

Mr. OATES. Now, before the court would give a judgment the judges would have to be convinced that he was the owner of the cotton or they would not entertain the demand. But suppose that he proves that he was the owner of one-half or any other portion; that is a question for the court to determine. But the gentleman from Ohio undertakes to settle that question here and now by his judgment simply from some things which he extracts from the record which was made in the case heretofore decided. I submit that this is not a fair test.

That is no way to administer justice to this man. Give him his day in court; that is what he asks for. The gentleman from Ohio claims that the case is *res adjudicata*, but he knows that doctrine does not apply. Let Noble go to the Court of Claims and submit his evidence. He must prove that he was the owner of the cotton, and if he fails to prove that, if he was not the owner of any part of it, he can not get judgment for a dollar of the proceeds.

He must not only do that, but he must show that his cotton—not another man's, but his own cotton—was sold, and that the proceeds went into the Treasury, before he would be entitled to a judgment for any part of it.

Mr. WILSON, of Minnesota. Was his ownership or interest in the property changed by the last suit?

Mr. OATES. Not at all; the case turned on a different question.

Mr. SENEY. He did not have any to be changed; he will not claim that it was changed. I will submit this further: This man under his own hand in the Court of Claims has acknowledged that he has no interest in that cotton. That is the point.

Mr. OATES. Ah! that was when he was claiming that it was the property of the United States; when he was suing for damages for a breach of contract; but when he failed in that, he, like every other citizen, ought to have the right to go before the court and let the court decide whether he was the owner of any of this cotton the proceeds of the sale of which he now claims.

The plea of my friend from Ohio amounts to nothing except the statute of limitations. That is what it is in effect, though the statute of limitation does not apply. This is simply the case of a trust fund lying in the Treasury with no means provided by law for getting it out, and this bill proposes to allow this man to go before the Court of Claims and submit his evidence to show his ownership, to show that this cotton was sold and that the proceeds of it are in the Treasury, and, with the amendment which has been adopted, he is required to show more, namely, that he was a loyal citizen of the United States.

So far as the status of a party before the court is concerned loyalty does not cut any figure in the law; but the Congress have the right, if they see proper, and they have seen proper thus far, to put a provision in the act allowing a party to go before the Court of Claims, requiring him to prove his loyalty.

This is all that I can see in this case. The letter of the Secretary of the Treasury states that in his opinion 203 bales of the cotton—the proceeds of which this man is claiming—have been recovered by another claimant.

If that be true, the court will ascertain the fact and will not give Noble judgment for that. I would not have them adjudge one dollar of it to Mr. Noble that did not belong to him, and I have too high an opinion of that gentleman to believe that he would accept a dollar of it if he did not believe it was his.

I now yield ten minutes to the gentleman from Georgia [Mr. STEWART.]

Mr. STEWART, of Georgia. Mr. Chairman, I would not claim the attention of the committee if this question rested alone upon the disposition of the rights of Mr. Noble, but it will be remembered that this claim involves a part of a fund of nearly $11,000,000, which is now in the Treasury of the United States and the legal status of which has been settled by the highest court in the country, which court has declared that this fund is not the property of the United States, but that it belongs to the parties whose property was seized and sold, and that the Government holds it as a trust fund. There are many reasons connected with this case, so far as Mr. Noble is concerned, why I might feel opposed to his claim.

While I personally know him, and while I am here to say that he is a good citizen, intelligent and upright, yet, differing from him in so many respects so far as our past relations to the Government are concerned, it might naturally be supposed I would oppose his claim. But we are here to deal justly, and I desire to ask the attention of the committee to the consideration of this question. Here is a fund, the status of which has already been adjudicated and settled, namely, that this money and other money in the United States Treasury does not belong to the United States Government. It is the proceeds of property seized and sold by Federal authority, and when the question is raised by claimants whether they can recover any portion of this money or not they are met with the plea of the statutes of limitation, or with the plea, as in this case, that the claimant has no title. My friend has labored to show that Mr. Noble has only a contingent interest, if any at all, and that is one of the questions which should be left to the court, and is a good reason for supporting this bill.

If the question of parties and the extent of claimant's interest are a legal reason why this case should not be heard in the courts, then this fund is to remain in the Treasury forever. The United States Government is a sovereign invested with sovereign power, and can not be sued except by legislative act; yet when claimants come here and ask for such authority, ask for the privilege of being allowed to sue for the establishment of their rights, my distinguished friend from Ohio [Mr. SENEY] says to them, "Your rights shall not be adjudicated in court for the reason that there appears to be some question about your ownership of the property, and the extent of your interests is not certain." Mr. Chairman, where shall we test the question of ownership? In what tribunal?

Is it not a well-established rule, in regard to which no lawyer or wise legislator would hesitate for a moment, that if there be a *prima facie* case of right, the question should be sent to the court and the court be left to determine whether the right to the property is complete in the claimant or not? If this claimant is to be barred from going into court simply because the Home Insurance Company claim a part of this property, or some other party claims a portion of it, what becomes of his rights? We can not adjudicate those questions here. Will the gentleman from Ohio claim that we should be invested with the high prerogative of a petit jury to settle these questions of fact? Sir, I was amazed at the distinguished gentleman seeking to place this House in the attitude of a jury, and, worse than that, calling upon them to decide the case without examination and to say to this claimant, "We turn you away when you appeal for justice, because possibly your right to the property is only a right to one-half or one-third of it."

Mr. SENEY. What disposition do you make now of the report of the Court of Claims, and of the facts which that report found in the case?

Mr. STEWART, of Georgia. The question before the Court of Claims was this: Mr. Noble insisted that a contract had been made with him by the officials of the Government, and he claimed that he had performed his part of the contract, had purchased the property and carried it to the place where he was to deliver it; that thereupon the Government seized it, and that thereby a right of action for damages accrued to him.

And upon a hearing of the case for damages for breach of contract as contended for by Mr. Noble; the court simply held that the Government having seized this with other property, no right of action arose upon that contract as an action sounding in damages.

Mr. SENEY. As a predicate of that holding of the court, the court was bound, was it not, to find some facts? Now, what disposition do you make of those facts in your argument?

Mr. STEWART, of Georgia. I make this disposition of them: The court did find he had a contract; the court did find that he purchased cotton; the court did find that the strong arm of the Government seized the cotton; the court did find that the proceeds of the cotton are lying to-day in the Treasury doing no good, and that the Government has no title to them. That is what the court found, and those are the facts upon which the claim is now based.

Mr. OATES. Let me suggest to the gentleman that now it does not make any difference whether he had any contract or not. This was cotton of his which was taken, and the question now is simply whether we will allow him to go into court and assert his claim.

Mr. STEWART, of Georgia. I desire to present an additional reason why Noble's case should be heard: this question having been adjudicated that the Government is not liable for damages, the next question to be adjudicated is this: Did the Government get this cotton, and had Mr. Noble an interest in it; and has he made such a showing as would justify us in sending his claim to a court for adjudication?

Mr. SENEY. There I take issue with the gentleman. The Government found that he had no interest.

Mr. STEWART, of Georgia. And I rejoice that we are not a petit jury, as we might sit up all night upon a disagreement on that question. We will leave that matter to the courts, where it properly belongs.

Mr. HOPKINS, of Illinois (to Mr. STEWART, of Georgia). Do you accede to the statement that the Government found he had no interest in it?

Mr. STEWART, of Georgia. Oh, no!

Mr. SENEY. What I mean to say is that written admissions which were in evidence before the Court of Claims show clearly and unequivocally that he had no interest in the cotton.

Mr. HOPKINS, of Illinois. Of course he could not prosecute for damages.

Mr. STEWART, of Georgia. He could not prosecute for damages under the contract, for want of delivery, and the paper referred to shows he had an interest.

Mr. OATES. On the ground that the contract was not in conformity with the rules and requirements of the Treasury Department was a ground upon which the Court of Claims held against him.

Mr. STEWART, of Georgia. I want to present to this committee but one other view of this case. The money is in the Treasury, proceeds of the cotton sold; there is no controversy about that. Now, shall we here to-day, because we represent the Government in all its sovereignty, say to a humble citizen "You shall not be heard." He is not asking for any money; he is simply making his appeal to this branch of the Government, saying, "I have a claim upon a fund in the hands of the Government, and only by your action can I be heard as to my right to recover what is due me." That is all he asks. Although, as a citizen of the Southern portion of the country, I may feel that when he went through the lines he ought not to have done so; yet as a matter of abstract justice and right toward a humble citizen, when he comes and says, "This money is mine; my claim is just; my sovereign Government holds it; I can not sue the Government, but Congress can authorize me to bring an action in the courts," shall we shut the door of justice forever against him and say "You shall not be heard?" That is the whole issue in this case.

I again repeat, I would not have said thus much, but I want members of the House to bear in mind that this $11,000,000, of which this fund is a part, much of it, as I am informed, belongs to widows and orphans, to the helpless and defenseless; and I want to know whether we are to establish the precedent here to-day that these widows and orphans shall not be heard, that these defenseless women and children shall not have an opportunity to adjudicate the question in regard to their right to a portion of this fund, when the Government has already said: "We do not own it; it belongs to those persons whose property we seized and sold."

[Here the hammer fell.]

Mr. OATES. I yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Chairman, I shall vote against this bill, but not for the reasons assigned by the gentleman from Ohio [Mr. SENEY]. It may be a proper and just claim, and for the purpose of my argument I will admit that it is, but I am constrained to oppose it for the reason that its passage possibly may, to some extent at least, trench upon the captured and abandoned property fund which is held by the Government in trust for a large number of claimants, some of whom live in my district and State. It is alleged that this claimant was loyal. He may have been. My constituents as a rule were not loyal between 1861 and 1865, but they have as much right to this fund as those who were, under the law and the Supreme Court decisions, and I intend to see as far as I can that the real owners and producers of the cotton seized are not discriminated against in favor of agents of the Government and speculators who may be able to show their loyalty. In disbursing this trust-money Congress should be more concerned about the fairness and honesty of its own acts and the doings of Government officials than about forgiven disloyalty.

Out of a fund of nearly $32,000,000, over $10,000,000 was paid out as expenses and released on the orders of Secretaries, prior to March 30, 1872, before the money was ever covered into the Treasury. Under the resolution of that date there was covered into the Treasury the sum of $20,971,790.96. Since that time the sum of $10,459,783 has been paid out, on special acts, judgments, and for expenses. So we see, Mr. Chairman, that this trust-money is going very fast. Two-thirds of it has been disbursed and I think much of it to those who had no right to it either in law or equity. I believe in passing a general bill removing the statute bar, and if that is not done I intend, as far as I can, to see that the money of my constituents is not given to men of questionable methods as a reward for that kind of affidavit loyalty that we hear so much about on this floor.

The people who raised the cotton, though disloyal for a time, were honest, and the survivors are as loyal to-day as any man in this House; and I deny the right of any member to question it in view of the proclamations of Presidents Lincoln and Johnson and the Supreme Court decisions based thereon. Much of the cotton was seized long after the cessation of hostilities, and was forcibly taken from the possession of the owners by the "regularly documented" agents of the Government, who got 25 per cent. of all they could find. Some of them took all they found. The sales were irregular and unfair, and the fund has been illegally used. It has been a sort of lick-log for the hangers-on around the Treasury.

I know something about how this money has been disbursed, because I have made a point to go through all the testimony that has been taken, touching the seizure, sale, and disposition; and I say now that there never has been connected with the Government more rascality, or more recklessness in connection with any fund, than there has been with this. You can scarcely find an honest claim that has been paid. They have all been paid on the basis of loyalty, and at the expense of honesty. This ought to stop; and I hope that this Congress will see that the remaining $10,000,000 of that fund shall be either kept in the Treasury of the United States or paid to the men who are entitled to it, in accordance with the decision in Paddlefords' case.

I did not intend to speak against the bill until it was so amended as to require proof of loyalty, but was satisfied to quietly vote against it; but now with that amendment, which may be used against my constituents, I can not remain silent. This claim may be honest, but at the same time I do not have much faith in the average cotton agent whose patriotism and loyalty in times of war leads him within the lines of the enemy "for revenue." I am willing to give him a chance with all the balance of the claimants, but I will not consent to give him any advantage over as good men.

Mr. HOPKINS, of Illinois. Your opinion is that there should be a general bill covering all of these cases, and not let it little by little all be taken up in these private bills?

Mr. MCRAE. Yes, I want the statute bar of two years removed as to all so as to give them all the same chance.

Mr. WILSON, of Minnesota. And that is the only way to do it.

Mr. MCRAE. It is the only honest way to do it. Now, Mr. Chairman, I ask the Clerk to read the portion of the special message of President Lincoln touching the proclamations he had issued, and that he had the right to issue under the Constitution. And I will remark, Mr. Chairman, that these proclamations were after a suggestion from Congress that it would aid in the suppression of the rebellion to make such an offer. It did. It was a proper and manly thing for him to do, and no just man would destroy the effect of such action of his.

The Clerk read as follows:

Laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give their fullest effect there had to be a pledge for their maintenance. In my judgment they have aided and will further aid the cause for which they were intended. To now abandon them would not only be to relinquish a lever of power, but would also be a cruel and astounding breach of faith. For these and other reasons it is thought best that support of these measures shall be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether or grant upon the terms which he shall deem wisest for the public interest.

Mr. MCRAE. Now, Mr. Chairman, before the Clerk reads the next I want to say that the amnesty proclamations of Mr. Lincoln offered a restoration of all property rights, except as to slaves, upon condition that they would take the amnesty oath. By this the title to this money vested in loyal and disloyal alike.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCRAE. I would like to have additional time to complete this reading. I do not want to occupy any unnecessary time, and have not, therefore, sought to get an hour, as I might do under the rules.

Mr. SENEY. Allow me to ask whether or not the gentleman has not the right to take the floor in his own time?

The CHAIRMAN. Not at this time; the gentleman from Alabama is entitled to the floor.

Mr. MCRAE. I do not desire to obstruct the consideration of the Calendar by taking up any additional time, but I want two or three minutes in order to have read a portion of President Johnson's proclamation. I will insist upon this even if I have to take the floor in my own right later. I shall only want a few minutes to finish, and would much prefer to do so now with the consent of my friend from Alabama.

Mr. OATES. I yield to the gentleman a few minutes longer.

Mr. MCRAE. I now ask the Clerk to read the final proclamation of President Johnson, which is full and unconditional. I have indicated in the RECORD by pencil marks the part to be read.

The Clerk read as follows:

A PROCLAMATION.

Whereas the President of the United States has heretofore set forth several proclamations, offering amnesty and pardon to persons who had been or were concerned in the late rebellion against the lawful authority of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July, in the present year; and

Whereas the authority of the Federal Government having been re-established in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said several proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that a universal amnesty and pardon for participation in said rebellion extended to all who have borne any part therein will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government, designed by its patriotic founders for the general good:

Now, therefore, be it known, that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare unconditionally, and without reservation, to all and to every person

who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

Mr. MCRAE. There was no oath required by this. Construing these pardons the Supreme Court on the 30th day of April, 1870, in the case of Padelford, in 9 Wall., 531, held that participation in the late rebellion was no bar to a recovery. No proof of loyalty was necessary. Here is what it said.

The Clerk read:

In the case of Garland this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense;" and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States.

As to the effect of the pardon the court said:

If, in other respects, the petitioner made the proof which under the act entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

In the case of Klein, in 13 Wall., the same doctrine was announced and has since been adhered to. It is good law and common honesty, and he who is not willing to abide by it is not willing to do as he would be done by, in my opinion. The Clerk read:

Now it is clear that the Legislature can not change the effect of such a pardon any more than the Executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt, and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the executive authority and directs the court to be instrumental to that end.

In the same opinion the doctrine announced in Padelford's case was reasserted with such force by the Chief-Justice that it ought to be regarded as settled. I make a few citations from it upon that point:

"1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.

"2. That the proceeds of the property should go into the Treasury without change of ownership.

"3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

"4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

"5. That the President's proclamations of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.

"6. And that 'the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled.'"

Continuing, the court say:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act."

And concludes with this strong language:

"The title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. * * *

"The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment.

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

This proclamation of President Johnson was simply in keeping with the policy inaugurated by President Lincoln, and was in the nature of a national contract. It has been so construed by the Supreme Court in various cases, beginning with that of Padelford. The people whose property was thus wrongfully seized and recklessly squandered have honestly and industriously performed their part of the contract, and it remains to be seen whether the Government as trustee will plead the statute of limitations against its own citizens. It ought not to do so. I do not think it can afford to say that it will. For a time it may do nothing, but in the end justice will be done to these worthy people, many of whom are widows and children of those brave and gallant men of the South who staked all they had on the issue of 1861 and lost.

This money either belongs to them or it belongs to the Government, and, as we have seen, over twenty millions of it has been disposed of, and some of it to people not entitled to it, in ways that, to say the least of them, are doubtful and suspicious. A clerk in the Treasury Department stated that the fund was "held by F. E. Spinner as special agent, and it was lying there loose, and whoever could rake up a little claim could get it."

One of the Secretaries of the Treasury, in his reports in relation to this fund, said:

While thus engaged in making collections of the aforesaid property contractors frequently seized the property of private individuals, who complained to the Department for redress, which upon clear proof was fully afforded.

The same official boasts that—

in no case, however, it is believed, was the property or its proceeds restored to any unpardoned rebel.

So it has all gone to the loyal men and none to the rebels. Now, as far as my influence goes, and I hope this House will agree with me, I mean to see that the law as declared by the Supreme Court is enforced and the money paid to the people to whom it properly belongs, without reference to which side they were on in the late civil war. The Southern claimants shall be treated fairly or it shall remain in the Treasury of the United States. The Government, through a lot of mean agents and a regular system of pillage and plunder in time of peace, has robbed my constituents, but it shall not with my consent give the booty to a lot of camp followers and agents who if loyal have no scars to prove it.

[Here the hammer fell.]

Mr. OATES. I now yield five minutes to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Chairman, when a bill similar to this was up a month or so ago, I took occasion to express my doubts about the principle involved and the method of dealing with the subject it presents, and I entertain the same views at this time. I shall now ask attention only to what I think is a misleading idea that is often expressed upon the floor of this House. We hear it said over and over again that all we are asking is to permit this man to go into the court, and that if we can trust the court what harm would be done? I say, Mr. Chairman, that that is essentially a misleading and deceptive opinion applied to a case like this. Here is a fund aggregating about $10,000,000 belonging to some person or persons.

The question is, how shall we discover the owners? Those gentlemen who would secure that fund, or any part of it, are inaugurating proceedings in the nature of proceedings *in rem* for the purpose of settling the ownership. But when we give a party a status in court without bringing in the adversary party we have no trial at all. It is a mere farce. A judgment in such a case would bind no adverse claimant. We may have a trial and an adjudication in favor of a claimant to-day, but to-morrow another claimant comes in and says "that was my property." He has as much right to be heard as the other, and the proceedings in the preceding case can not bar his right, as he was not a party to the litigation.

If we are to have an adjudication which is final, we must have all the adverse claimants present in court, so that it will bind all. Therefore I shall vote for such a bill as I have heretofore indicated. The bar of the statute of limitation should be removed for a period of one year, for instance, within which time all parties may come forward and file their claims, all claims not filed within that time to be forever barred. If for any part of the fund there shall appear more than one claimant, let them interplead, and then the judgment will bar all and settle the rights of all as against the Government and *inter se*. We shall then have a finality of these cases, because all parties to the claim will be present, and those who shall not have availed themselves of the privileges of the act will be forever barred. No lawyer certainly can doubt but that this is the only way in which this matter can be definitely settled.

Mr. HOPKINS, of Illinois. With a provision by which the rights of the Government will be thereafter forever protected against such claimants.

Mr. WILSON, of Minnesota. The act should provide that all claims should be barred if not filed within a year, and that no judgment should be rendered until after that time. The proceeding here, however, in this bill is simply a proceeding *in rem;* one claimant present, all the rest absent. It would not bind any of the claimants who are not present.

Mr. SENEY. If the gentleman from Minnesota will allow me, I desire to say to him that there is a bill of the description he has indicated before the House.

Mr. WILSON, of Minnesota. I shall not vote for any other kind of a bill.

Mr. SENEY. This is a bill to remove the statutory bar for one year.

Mr. WILSON, of Minnesota. There are suspicious circumstances about this case that make me a little wary. I am not ready now, because I do not know enough about the facts to discuss it *res adjudicata*. I place my opposition on the grounds above stated.

Mr. BUCKALEW. I am strongly of the opinion from the moral and presumptive evidence surrounding this case that the only parties in interest are masquerading under the name of this man Noble; that they are not presented in their proper person, but are seeking through him or in his name to have a hearing from the Government of the United States, and I can conceive it possible that he is interested only to the extent of some commission or compensation as an agent for the use of his name. I confess that is the general impression left upon my mind from such examination as I have been able to give to the case. I am equally of opinion that this money in the Treasury of the United States by the action of our Government and by the decision of our highest court belongs to individuals and not to the Government.

Why, sir, we are committed in honor and good faith to that principle on the highest possible sanction; the sanction of the Executive, the sanction of the courts, and the sanction of the Supreme Court.

Well, why do we not provide for the payment of this money to the actual owners of that fund under our law by the action of our Government? Because we can not do it now, as the question of loyalty is interjected into the case. What has that to do with it? The Supreme Court decided that that question does not arise at all. Then by law we are bound to pay it. But why do not claimants apply? Because they did not know the court would so decide. They were under the impression that the time had expired.

Now it will be but justice to the people of the United States, but it will not be done at this session, to pass a law providing justly for the distribution of this trust-money to the real parties owning the cotton.

Mr. OATES. My friend from Pennsylvania [Mr. BUCKALEW] suspects that there may be other parties from whom this cotton was bought who are the real claimants, but who are covering their disloyalty behind Noble. The question of disloyalty does not affect the status of any man before the courts of this country. The Supreme Court has decided in more than one case that the President's proclamation of amnesty and pardon restored all to their legal rights, and the question as to whether the man was disloyal or loyal cuts no figure in such a case.

It is only when we come to pass a bill here allowing the party to go before the Court of Claims that such provision is put in. Some gentleman always offers an amendment, which is adopted, that he shall establish his loyalty, when it should only be a question as to whether he is the real owner, and if he is he should have the right to go before the Court of Claims.

Now, no one has any right at all until there is a law which enables him to go before the Court of Claims. So that that amounts to nothing, and again I repeat that this bill requires Noble to prove his loyalty, to prove his ownership, and to trace the proceeds to the Treasury, and the bill, after the amendment offered by the gentleman from Texas [Mr. CULBERSON] had been adopted, as any gentleman will see, whatever it is held he may be entitled to can only be obtained out of the proceeds of his cotton, not out of any other man's cotton. This is not a bill offered in which there are numerous claimants. There is some part of it, as my friend from Minnesota will find, if he gives an examination to the case, that belongs to this claimant.

Mr. SENEY. The gentleman from Alabama certainly does not wish to be understood as saying that Mr. Noble's is the only one of these cotton claims.

Mr. OATES. Oh, no; there are numerous claims. I had just said that these ten millions are held there as a fund to which there are numerous claimants; and where any claimant fails to show that the cotton was sold he can not recover unless he proves that the proceeds of his cotton were covered into the Treasury.

Mr. WILSON, of Minnesota. What would there be to prevent any one else from proving that this property was his? Could not John Smith go in to-morrow and prove that it was his?

Mr. OATES. No man could get a judgment against the United States except in pursuance of a statute. We are only asking that Noble may have an opportunity to make the necessary proof, and it does not affect John Smith or Richard Roe. If it belonged to them they could make the proof.

Mr. WILSON, of Minnesota. What right have we to legislate here in that way? If John Smith says it is his property, what right have we to refuse him an opportunity to go into court?

Mr. OATES. The gentleman seems to want to try the question here. All we ask is an opportunity to go into court.

Mr. WILSON, of Minnesota. What right have we to refuse to let a man go there if he can prove that the property is his?

Mr. OATES. I will vote to give every man the opportunity to go there.

Mr. SENEY. Will the gentleman from Alabama [Mr. OATES] allow me to ask him another question; whether it is not proposed either in this bill, or by the Senate bill, to make Samuel Noble a competent witness in his own case?

Mr. OATES. Is not that the general statute?

Mr. SENEY. I do not so understand.

Mr. OATES. Oh, yes.

Mr. SENEY. It may be so. That question was discussed here a few days ago, but I do not know what conclusion was reached. It certainly is the law in many of the States. But that does not answer my question. My question is whether the Senate bill or the pending bill does not provide that Mr. Noble shall be a witness in his own behalf?

Mr. OATES. Well, suppose he is?

Mr. SENEY. Then, is there any other proof needed by Mr. Noble, save and except his own testimony, to establish his case if he can get into the Court of Claims?

Mr. OATES. Yes, sir.

Mr. SENEY. Would not that be sufficient upon which to carry his case?

Mr. WILSON, of Minnesota. Of course it would.

Mr. OATES. I will say to the gentleman from Ohio that if he knew Samuel Noble as well as I and my colleagues know him, and if the gentleman were put into the jury-box, he would hang a man on Mr. Noble's evidence.

Mr. SENEY. Oh, that is not an argument. That does not answer my question.

Mr. OATES. You are supposing a case that does not exist.

Mr. SENEY. I am asking whether you do not propose by this bill to make him a competent witness, so that if he gets into the Court of Claims he can by his own oath carry his case through?

Mr. OATES. The court must require evidence that will satisfy them, and it is to be presumed they will do that. If my friend from Ohio was on the bench and the case was before him it would be for him to determine what evidence, whether it was Mr. Noble's or any other, would be sufficient. We do not undertake here to determine in advance what shall satisfy the conscience of the court.

Mr. SENEY. Well, I want to assert here upon my responsibility that I believe the purpose in view is simply to clothe Mr. Noble with the right to testify in his own behalf, so that upon his own naked, unsupported testimony he may carry his case through the Court of Claims and take this money out of the Treasury. That is the purpose of the whole bill, in my judgment.

Mr. OATES. Well, Mr. Chairman, I am not at all responsible for the convictions of my friend from Ohio. He may feel that he has sufficient evidence to warrant that kind of a conclusion, but I do not know of any other gentleman who has reached the same conclusion. If he had looked into the proofs in this case he would not so conclude.

Mr. SENEY. Wait until the vote is taken and you will find that there are more who think as I do.

Mr. OATES. The gentleman, I undertake to say, has never looked into the proofs of this case, except what he has found in the report of the case as it was tried in 1875.

Mr. HOPKINS, of Illinois. Was there any hearing before the Judiciary Committee, and did Mr. Noble produce any proof?

Mr. OATES. There was a stack of letters and papers as high as this book is long. I have made the report in two Congresses, after having looked carefully into the proofs and become familiar with the facts of the case.

Mr. BRECKINRIDGE, of Kentucky. Is it not a fact that the amendment requiring Mr. Noble to prove his loyalty has been put upon the bill since it came from the Judiciary Committee?

Mr. OATES. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. That was not one of the requirements of the original bill as it came from the committee?

Mr. OATES. No, sir; because the general law does not require it. That was an amendment which was offered here by the gentleman from New Jersey [Mr. BUCHANAN].

Mr. MASON. Is there any other claimant to this money?

Mr. OATES. This particular money?

Mr. MASON. Yes.

Mr. OATES. No, sir.

Mr. WILSON, of Minnesota. Nobody can tell yet.

Mr. OATES. The gentleman from Ohio [Mr. SENEY] has produced a letter from the Secretary of the Treasury in which the Secretary states that some other party or parties recovered a judgment for the proceeds of 203 bales of cotton, which he believes is part of this lot. That, however, is a question for the court to determine.

Mr. MASON. Certainly.

Mr. OATES. If it has been adjudged that that much of the cotton belongs to others, I take it for granted that the Court of Claims would not again render a judgment for that amount to be paid to Mr. Noble.

Mr. McCULLOGH. If, as the gentleman from Alabama states, there is a pile of testimony as high as the Revised Statutes are long, why must there be a special provision as to evidence in this case? Why not let it go to trial under the regular rules of evidence?

Mr. OATES. If the gentleman will submit an amendment to the bill suggesting any other course of proof, anything that will reach the truth, I will vote for it. The gentleman, however, must certainly be aware of the fact that the Court of Claims is not a common-law tribunal and has no common-law jurisdiction. It must proceed by virtue of a statute. Otherwise its judgment is a nullity.

Mr. McCULLOGH. If nothing is said in the bill, does not that court proceed by the common-law rules of evidence?

Mr. OATES. It has no jurisdiction of anything, except by virtue of a statute.

Mr. McCULLOGH. But after the jurisdiction is granted, do not the common-law rules of evidence obtain and prevail?

Mr. OATES. Oh, I presume so.

Mr. McCULLOGH. Then why put a special rule of evidence in this bill?

Mr. OATES. There is no special rule of evidence in the bill.

Mr. McCULLOGH. The claimant is made a witness.

Mr. OATES. What harm does that do? By virtue of the general statute he is a competent witness.

Mr. McCULLOGH. The question is not what harm it does. What better right has this man than any other to have this privilege?

Mr. OATES. If every man in the United States has a right to testify in his own behalf, does it add to or enlarge Noble's right to say, in an act authorizing him to go into court, that he shall be a competent witness?

Mr. STEWART, of Georgia. That provision was put upon the bill here, I believe?

Mr. SENEY. I move that the further consideration of this bill be postponed until the third Monday of December next. Is that motion in order?

The CHAIRMAN. The Chair inclines to think it is.

Mr. OATES. I submit, Mr. Chairman, that——

Mr. TOWNSHEND. Let us take a vote on the merits of the matter now.

Mr. SENEY. If it is the purpose of the gentleman from Alabama [Mr. OATES] to move that the bill be laid aside to be favorably reported to the House, I will, on reflection, withdraw my motion, and join with him in securing the sense of the Committee of the Whole upon his proposition.

Mr. OATES. I hope the gentleman from Ohio will allow the substitute, which goes simply to the form of the bill, to be adopted, and then I will make the motion indicated.

Mr. SENEY. Does the gentleman mean the Senate substitute?

Mr. OATES. No, sir; I would not support the Senate substitute. The bill as referred to the Judiciary Committee of this House was not, in the opinion of that committee, in proper form; and they reported a substitute which I hope may be adopted before we take the question of laying the bill aside to be reported favorably to the House.

The CHAIRMAN. The only proposition now before the committee is upon agreeing to the substitute as amended on motion of the gentleman from New Jersey [Mr. BUCHANAN] and the gentleman from Texas [Mr. CULBERSON].

Several MEMBERS. Let the substitute as amended be read.

The Clerk read as follows:

That Samuel Noble, a citizen of the State of Alabama, may, notwithstanding the bar of the statute of limitation, or other legal impediment hitherto existing, prosecute his claim to the net proceeds of the sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of this act and "An act to provide for the collection of abandoned or captured property, and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863. But no judgment shall pass in favor of said Samuel Noble until his loyalty during the late war shall have been established to the satisfaction of the said court, and he shall have further proved that during said war he did not in any way afford aid or comfort to the late rebellion: *Provided*, That a greater amount of money shall not be paid in satisfaction of this claim than the amount actually received into the Treasury as net proceeds of the sale of the cotton alleged to have been taken.

The question being taken on agreeing to the substitute as amended, it was agreed to.

Mr. OATES. I now move that the bill as amended be laid aside to be reported to the House favorably.

The question being taken, it was decided in the negative—ayes 23, noes 66.

The CHAIRMAN. The effect of the action just taken is to leave the bill still on the Calendar.

Mr. HOLMAN. In view of this vote, I suggest that the measure had better be reported to the House with an adverse recommendation.

Mr. OATES. I am willing it should remain on the Calendar just as it is.

Mr. HOLMAN. I do not think that it should stand in the way of other business. I move that it be reported to the House adversely.

Mr. OATES. I hope the gentleman will not insist on that motion.

Mr. HOLMAN. I will not insist if the bill goes to the foot of the Calendar.

Mr. SENEY. I renew the motion that the bill be reported to the House with an adverse recommendation.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. Is it now in order to move as an amendment to the motion of the gentleman from Ohio that the bill be reported to the House with the recommendation that it be recommitted to the Judiciary Committee?

The CHAIRMAN. The Chair will entertain that motion.

Mr. SENEY. I hope that motion will not prevail.

Mr. DUNN. I rise to a point of order. I submit that the recommitment of a bill is a function of the House itself, and the motion to recommit can be made in the House even after the previous question is ordered on a bill, but can not be made in Committee of the Whole.

The CHAIRMAN. This is simply a proposed recommendation of the Committee of the Whole to the House; of course the question will come up afterwards for the decision of the House itself.

Mr. DUNN. Is this a legitimate subject for the Committee of the Whole to make a report upon?

The CHAIRMAN. Certainly it is.

The gentleman from Ohio [Mr. SENEY] has moved that this bill be reported to the House with an adverse recommendation. The gentleman from Kentucky [Mr. BRECKINRIDGE], as an amendment to that motion, moves that the bill be reported, not with an adverse recommendation, but with a recommendation that it be recommitted to the Committee on the Judiciary. The question is on the motion of the gentleman from Kentucky.

Mr. SENEY. I would like to inquire of the gentleman from Kentucky for what reason he wants to send this matter back to the Judiciary Committee?

Mr. BRECKINRIDGE, of Kentucky. My answer to that question shall be perfectly frank. I make the motion for two reasons: First, to let the claim down as easily as I can without hurting anybody's feelings; in the second place, I think a good many members of the House are in the same position as myself; they could not quite see their way clear to vote for the bill, yet felt that it might be a just claim which upon further examination ought not to be rejected; therefore I want the bill to go back to the committee for re-examination.

Mr. OATES. I ask my friend from Ohio [Mr. SENEY] to withdraw his motion and let the bill remain on the Calendar.

Mr. SENEY. I desire that the House shall not be troubled with this bill further.

Mr. OATES. Why, you have won a good deal of glory in opposing it

Mr. SENEY. I want to move to amend the amendment of the gentleman from Kentucky so as to provide that the bill be reported to the House with the recommendation that the enacting clause be struck out.

The CHAIRMAN. The original motion of the gentleman from Ohio has that effect, and accomplishes all that could be accomplished in the way of killing the bill.

Mr. SENEY. Is it in order at this time to move to strike out the enacting clause?

The CHAIRMAN. It would be if the other motion was not pending.

Mr. SENEY. Then I will withdraw my former motion, and move that this bill be reported to the House with the recommendation that the enacting clause be stricken out. It is suggested to me that that is the proper way to reach what I desire.

Mr. BRECKINRIDGE, of Kentucky. I would make the same amendment to that motion.

Mr. NELSON. I suggest that it be reported back with the recommendation that it be simply indefinitely postponed.

The CHAIRMAN. There is a proposition pending.

Mr. McCULLOGH. I wish to move a further amendment.

The CHAIRMAN. No further amendment is in order.

Mr. BRUMM. There is but one amendment pending, and that is the amendment of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Ohio moves that this bill be reported back with the recommendation that the enacting clause be stricken out. The gentleman from Kentucky moves as an amendment that it be reported back with the recommendation that it be recommitted to the Committee on the Judiciary.

Mr. McCULLOGH. I wish to move that it be reported to the House with the recommendation to recommit it with instructions.

Mr. LANHAM. I rise to a parliamentary inquiry. In consequence of the difference of opinion that seems to exist as to the parliamentary procedure on this bill, is a motion that the committee rise in order?

The CHAIRMAN. It is.

Mr. LANHAM. I make that motion.

Mr. GROSVENOR. Is not the motion pending to report this bill back with an adverse recommendation?

The CHAIRMAN. But the motion of the gentleman from Texas takes precedence, being of higher privilege.

Mr. SENEY. Does the motion of the gentleman from Texas that the committee rise have precedence over the motion I made awhile ago?

The CHAIRMAN. It has preference; it is equivalent to a motion to adjourn, and is privileged over all other motions.

The question was taken; and on a division there were—ayes 32, noes 61.

So the committee refused to rise.

The question being taken on the amendment of Mr. BRECKINRIDGE, of Kentucky, the committee divided; and there were—ayes 36, noes 52.

So the amendment was rejected.

The question recurring on the amendment of Mr. SENEY that the bill be reported to the House with the recommendation that the enacting clause be stricken out, there were on a division—ayes 61, noes 20.

Mr. OATES. No quorum.

Mr. SENEY. Now let us have two weeks' deadlock.

Mr. LANHAM. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the bill H. R. 53, had come to no resolution thereon.

Mr. BLAND. I move that the House now adjourn. [Cries of "No!"]

Mr. BURROWS. This is pension night.

The motion to adjourn was rejected.

Mr. FARQUHAR. I move that the House take a recess until 8 o'clock.

The motion was agreed to.

And accordingly (at 4 o'clock and 32 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 20, 1888.

SIR: Hon. BENTON MCMILLIN is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

LOUISE PAUL.

Mr. LAFFOON. I ask unanimous consent to take up for present consideration the bill (S. 749) granting a pension to Louise Paul, reported from the Committee of the Whole favorably.

The SPEAKER *pro tempore*. The Chair will state that this bill has been reported from the Committee of the Whole and is now before the House. Is there objection to the request of the gentleman from Kentucky? The Chair will state that this is a portion of the unfinished business on which the House was engaged on the 12th instant.

The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louise Paul, widow of Brig. Gen. Gabriel R. Paul, United States Army, and to pay her a pension of $100 a month, in lieu of the pension she is now receiving.

There was no objection.

The SPEAKER *pro tempore*. This bill having been already passed to its engrossment and third reading, the question now is on its passage.

The bill was passed.

Mr. LAFFOON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole for consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MATSON. I ask unanimous consent that bills may be taken in their order upon the Calendar, beginning from the place where we left off on last Friday night, and as the bills are read by their title, if no one asks for their consideration, that they be informally passed over, retaining their places; with the reservation that if any bills have been passed over which gentlemen desire to call up during the evening they may be permitted to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

JOSEPH VERBISKY.

The first business on the Calendar (the consideration of which was asked by Mr. MORRILL) was the bill (S. 2105) granting an increase of pension to Joseph Verbisky.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Verbisky, late of the Second Regiment United States Infantry, and pay him a pension at the rate of $50 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) is as follows:

The report of the Senate Committee on Pensions shows fully the facts in this case and the condition of the claimant. Your committee adopt that report and recommend the passage of the bill.

[Senate Report No. 892, Fiftieth Congress, first session.]

The claimant under this bill enlisted in the regular Army of the United States as a private in Company I, Second Regiment of Infantry, on the 8th day of October, 1851, and was honorably discharged January 18, 1853. He was pensioned October 8, 1853, from January 18, 1853, "for amputation of left arm and fracture of right wrist," which has been increased at sundry times until the present, and he is now in receipt of $36 per month. He made application for increase under the act of August 4, 1886, which was rejected by the Commissioner of Pensions on the ground "that his arm was not amputated at the shoulder joint or so near the joint as to prevent the use of an artificial limb."

Assistant Surgeon C. Ewen, United States Army, certifies "that upon examination of claimant, he finds that he has lost his left arm at the elbow; the use of the right arm is impaired from a fracture of the ulna, and the arm is weak; there is great difficulty of speech (partial paralysis), apparently resulting from gunshot wound of head." Margaret J. Verbisky, wife of claimant, testifies "that for eleven years claimant has been helpless, unable to dress or feed himself; one side is paralyzed, and he has to be covered and turned over in bed; that he requires the constant care and attention of another person."

Henry Hamborg and Max Haselby swear that the claimant requires the help of his wife in dressing and washing himself, and in cutting his victuals. Under the statement of facts presented your committee are of the opinion that the claimant is very nearly totally disabled, and that if a rating was allowed for this disability to right arm, that the pension would exceed the amount proposed by the bill, and they therefore report the bill with a favorable recommendation.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

EXPLANATION.

Mr. CHEADLE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHEADLE. Heretofore when a bill was called up for consideration I raised a point of order as to the presence of a quorum and it went over to a full House. Several bills have taken that course, as the committee will remember. My inquiry now is whether having gone over to be considered in a full House, such bills can be considered here at this session under this special order?

The CHAIRMAN. That is not a matter for the Chairman of the Committee of the Whole to determine.

Mr. CHEADLE. I wish to make a parliamentary inquiry as to the status of the bill when it is sent over to a full House under the special order, whether in the judgment of the Chair it can be taken up at this session or not?

The CHAIRMAN. No action can be taken here at this time, because the bill has already been considered in Committee of the Whole, and the present occupant of the chair is not the Speaker and he can not pass upon the question.

[Mr. CHEADLE withholds his remarks for revision. See APPENDIX.]

Mr. GALLINGER. The gentleman is discussing a matter that occurred in the House, and I demand the regular order.

The CHAIRMAN. The explanation was proceeding by unanimous consent, and the Chair thinks the gentleman will not detain the committee long.

Mr. GALLINGER. I object to any further discussion of the case.

Mr. CHEADLE. I wanted to make this explanation, and I shall call for a quorum on all of these cases—every one of them.

Mr. FARQUHAR. There is nothing new in that expression of the gentleman.

NANCY BALDWIN.

The next business on the Calendar (consideration of which was asked by Mr. HOVEY) was the bill (H. R. 4504) granting a pension to Nancy Baldwin.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Baldwin, widow of Reuben Baldwin, deceased, late of Company B, Fifty-eighth Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4504) granting a pension to Nancy Baldwin, have had the same under consideration, and submit the following report:

Nancy Baldwin is the widow of Reuben Baldwin, deceased. She made application for pension as soldier's widow, and the same was rejected on the ground—

"That the disease of which the soldier died (typhoid fever) was not contracted in nor due to his military service, nor due to the hernia for which he was pensioned, said fever occurring six years after his discharge from the service."

The soldier was pensioned for inguinal hernia, which he contracted by falling through a bridge while on picket duty before Corinth, Miss., about May 6, 1862.

The examining surgeon, Dr. Hugh H. Patten, says:

"He finds hernia in left groin produced by a fall. The rupture is very large, and often very painful; it is several inches long. Soldier is unable to do any kind of labor; disability permanent, and in my opinion equivalent to an amputation."

Dr. J. A. Malone testifies that soldier came under his professional treatment (date not stated) suffering with inguinal hernia of right side.

"I thought there was ulceration in the bowels, for he sunk down suddenly shortly after the hernia made its appearance in the right side, and there was no time for a surgical operation, as death followed soon after, September 3, 1868."

In a later affidavit he testifies:

"The cause of his death September 3, 1868, was from typhoid fever and the inguinal hernia, of which he sunk suddenly before an operation could be had."

Two years later, August 19, 1879, Dr. Malone again testifies:

"That the prime cause of the soldier's death was inguinal hernia of the right side, causing perforation of the bowels. Typhoid fever was secondary to the above trouble. The inflammation of the hernia was made very active by the fever during the last two or three days of his sickness and he sank down and died on or about the 3d of September, 1868."

Dr. West testified that soldier never had but one hernia that he knows of, the one of which he died.

All the evidence tends to show, in the opinion of the committee, that the death of the soldier may reasonably be traced to the hernia contracted in the Army. True he might have died of typhoid fever had hernia not existed, but the medical testimony shows that death must have been produced by hernia and typhoid fever combined.

While there may be a doubt as to the actual cause of death, the committee are disposed to give the widow the benefit of the doubt, and therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES RITCHEY.

The next business on the Calendar (consideration of which was asked by Mr. DUNHAM) was the bill (H. R. 5123) to increase the pension of Charles Ritchey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the invalid pension-roll of the United States the name of Charles Ritchey, late a sergeant of Company K, Thirty-ninth Indiana Infantry Volunteers, at the increased rate of $72 per month, for the loss of both lower limbs.

SEC. 2. That such rate of pension shall commence from the date of his former application for increase made under the general pension laws, to wit: November 13, 1886.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5123) for the relief of Charles Ritchey, have considered the same, and submit the following report:

The record in this case shows that the soldier enlisted in the Army August, 1861, in the Thirty-ninth Regiment of Indiana Infantry Volunteers, and was honorably discharged therefrom in April, 1862, by the reason of disability incurred in the line of duty as a soldier, and that he is now drawing a pension of $16 per month for such disability, which is paralysis. He makes application now for an increase of his pension on the ground of total disability in the loss of both of his lower limbs, which occurred since he has been drawing his pension, by being run over by a railway engine while crossing the track, he being unable to get out of the way on account of the paralysis from which he was pensioned. His claim was rejected in the Pension Office on the ground that he was drawing all the law would allow for paralysis.

The committee find from the testimony in this case that it is reasonably certain that if the soldier was not suffering from paralysis he would not be injured by the engine aforesaid, and he being now totally incapacitated for any manual labor whatever, and is so helpless as to require the constant aid and attention of others.

The committee therefore recommend that said bill be amended by striking out the words "seventy-two," in the seventh line of the first section, and to insert in lieu thereof the word "forty," and to strike out all of section 2 of said bill, and that the bill so amended do pass.

Mr. MCMILLIN. Is the second section the section which gives arrears?

Mr. DUNHAM. Yes.

Mr. MCMILLIN. That is all right.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

A. F. SAINT SURE LINDEFELT.

The next business on the Calendar (consideration of which was asked by Mr. HUDD) was the bill (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to hear and determine the claim of A. F. Saint Sure Lindefelt, late surgeon of the Fifteenth Wisconsin Volunteers, for pension, and, upon proper case made, to pension him the same as if he had been regularly mustered as assistant surgeon of the Twelfth Wisconsin Volunteers, May 1, 1862.

Mr. MCMILLIN. I call for the reading of the report.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1151) for the relief of the legal representatives of A. F. Saint Sure Lindefelt, submit the following report:

This bill in substance was reported from the Military Committee in the House of Representatives for the Forty-ninth Congress. General Bragg, chairman of said Military Committee, made the report thereon, which is hereto annexed and made part of this report.

[House Report No. 4049, Forty-ninth Congress, second session.]

The committee have carefully considered this bill, and have procured from the office of the Adjutant-General a mass of testimony concerning this officer, which is hereto appended and made part of this report.

There is no doubt that service was done by the officer, who seems to have occupied the anomalous position of an assistant surgeon with troops in the field, but a portion of the time being a supernumerary, acting under a State commission and being under pay of the State of Wisconsin, while subject to the orders and direction of officers commanding troops who were regularly enlisted and mustered into the service of the United States.

There appears to be nothing in his record which would warrant the committee to authorize at this late day his muster under his supernumerary commission, and thereby give him a claim for pay as an officer against the United States. But it has been brought to the notice of the committee, by the record in the Pension Office, that this person, while so acting under Federal authority, irregularly, it is true, sustained some severe injuries which are pensionable had they been sustained by an officer regularly mustered. Your committee, having the subject of his relief regularly before them by the bill referred to, feel justified in disposing of the whole subject without putting the claimant to the delay and trouble of waiting the action of a subsequent Congress on another bill. They therefore recommend that this bill do lie upon the table, and report as a substitute therefor the following bill, which it is recommended do pass:

A bill for the relief of A. F. Saint Sure Lindefelt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to hear and determine the claim of A. F. Saint Sure Lindefelt, late a surgeon of the Fifteenth Wisconsin Volunteers, for pension, and upon proper case made to pension him the same as if he had been regularly mustered as assistant surgeon of the Twelfth Wisconsin Volunteers, May 1, 1862.

The following is the evidence from the office of the Adjutant-General referred to in the former part of the report:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
February 5, 1887.

The SECRETARY OF WAR:

SIR: I have the honor to return herewith House bill No. 8282, Forty-ninth Congress, first session, "directing the Secretary of War to correct the muster-roll of A. F. Saint Sure Lindefelt, late surgeon of the Fifteenth Wisconsin Volunteers, so as to include September 28, 1861, the date at which he was enrolled and commissioned by Governor Randall as second assistant surgeon of the Twelfth Wisconsin Volunteers," and to report as follows:

The records of this office fail to furnish any evidence of service rendered by A. F. Saint Sure Lindefelt as a medical officer of the Twelfth Wisconsin Volunteers, his name failing to appear on any of the duly certified muster-rolls of that organization.

There is on file, however, a muster-in-roll of him as assistant surgeon Twelfth Wisconsin Volunteers, which reports him "joined for duty and enrolled May 1, 1862, at Weston, Mo., and mustered in November 18, 1862, at Louisville, Ky., to date from September 30, 1862, for three years, commissioned by Governor Randall, September 30, 1862."

Attached to this roll is a note and an order, of which the following are copies:

BARDSTOWN, KY., *November 16*, 1862.

Asst. Surg. A. F. St. Sure Lindefelt will proceed to Louisville, Ky., for the purpose of being mustered into the service of the United States Volunteers, and return to this post without unnecessary delay.

W. H. NEWMAN
In charge hospital, N. Bardstown, Ky.

[Special Orders No. 135.]
[Extract.]

2. Asst. Surg. A. F. St. Sure Lindefelt, Eighth Battery Wisconsin Volunteers, and mustered into Twelfth Wisconsin Volunteers, September 30, 1862, is hereby mustered out of service from date of muster-in, he having been irregularly commissioned and mustered, there being no place provided by law for him.

By order of the Secretary of War.

L. THOMAS, *Adjutant-General.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
March 23, 1863.

The following are copies of orders on file referring to Dr. Lindefelt:

[Special Orders No. 13.]

HEADQUARTERS NEW MEXICO BRIGADE,
Fort Riley, Kans., May 16, 1862.

III. Surgeon A. F. St. Sure Lindefelt, Wisconsin Volunteers, is hereby relieved from duty in his regiment, and will immediately report to Colonel Howe, Third United States Cavalry, at his encampment, and will proceed with the paymaster's escort to Fort Union, N. Mex.

* * * * * * *

By order Brig. Gen. Robert B. Mitchell, commanding New Mexico Brigade.

JOHN PRATT,
First Lieutenant Second Kansas Volunteers, A. D. C. and A. A. A. G.

[Special Orders No. 14.]

HEADQUARTERS NEW MEXICO BRIGADE,
Fort Riley, May 17, 1862.

II. In the absence of any medical officer of the Eighth Wisconsin Battery, the acting brigade surgeon will furnish the men of that command with the necessary medicine and attendance.

By order of Brig. Gen. Robert B. Mitchell, commanding New Mexico Brigade.

JOHN PRATT,
First Lieutenant Second Kansas Volunteers, A. D. C. and A. A. A. G.

[Special Orders No. 17.]

HEADQUARTERS NEW MEXICO BRIGADE,
Fort Riley, Kans., May 19, 1862.

* * * * * * *

V. Citizen Surgeon A. F. St. Sure Lindefelt, ordered to proceed with the paymaster's escort from the Seventh Kansas Volunteers, will proceed with the escort now detailed from the Second Kansas Volunteers to New Mexico.

* * * * * * *

By order of Brig. Gen. Robert B. Mitchell, commanding New Mexico Brigade.

JOHN PRATT,
First Lieutenant Second Kansas Volunteers, A. D. C. and A. A. A. G.

[Special Orders No. 19.]

HEADQUARTERS TROOPS IN THE FIELD,
Camp Bryant, 8 miles from Leavenworth, May 26, 1862.

* * * * * * *

VI. Assistant State Surgeon St. Sure Lindefelt, Twelfth Regiment Wisconsin Volunteers, is hereby relieved from duty with the paymaster's escort to New Mexico, and assigned to duty with the Eighth Wisconsin Battery.

* * * * * * *

By order of Brigadier-General Mitchell, commanding.

JNO. PRATT,
First Lieutenant, Second Kansas Volunteers, A. D. C. and A. A. A. G.

In March, 1863, Dr. Lindefelt applied to the Department for recognition as surgeon of the Eighth Battery Wisconsin Light Artillery Volunteers, and submitted a commission issued to him by Governor Solomon, as of said grade and battery, dated June 4, 1862, to take rank from May 26, 1862.

This application was not favorably entertained, for the reason that an independent battery of artillery was not, under the laws and regulations of the Army, entitled to a medical officer.

On March 23, 1863, a letter from this officer was forwarded to the commanding general Department of the Ohio, inclosing a copy of Special Orders No. 135, War Department, Adjutant-General's Office, series of 1863, mustering out of service Assistant Surgeon Lindefelt, and requesting to know who was responsible for keeping this supernumerary officer in service in violation of General Orders No. 126, of 1862.

The following letter was received in response thereto:

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Murfreesborough, April 19, 1863.

GENERAL: In answer to an inquiry from your office as to who is responsible for keeping Assistant Surgeon Lindefelt, Eighth Battery Wisconsin Volunteers, in service, in violation of General Orders 126, of 1862, I have the honor to state that it appears from the inclosed papers that Assistant Surgeon Lindefelt has been a surgeon under the orders and pay of the State, and that it was not intended he should be mustered into service.

Very respectfully, your obedient servant,

W. S. ROSECRANS,
Major-General, Commanding.

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. A., Washington, D. C.

The inclosures referred to by General Rosecrans are as follows:

HEADQUARTERS EIGHTH WISCONSIN BATTERY,
THIRD BRIGADE, FIRST DIVISION, TWENTIETH ARMY CORPS,
Camp near Murfreesborough, April 14, 1863.

ADJUTANT: I have the honor to report, in obedience to indorsement on Special Order No. 135, War Department, Dr. A. F. St. Sure Lindefelt was assigned to duty in this command (by) Special Order No. 70, Wisconsin State department, a certified copy of which I have the honor to inclose. Assistant Surgeon Lindefelt was left sick at hospital, Bardstown, Ky., October 4, 1862; was afterwards detailed in charge of that hospital, and has not been with this command since that date. He has never been carried on any muster-rolls of this command, but on the muster-roll of hospital. All of which is respectfully submitted.

Respectfully, your obedient servant,

H. E. STILES,
Captain, Commanding Eighth Wisconsin Battery.

ASSISTANT ADJUTANT-GENERAL,
Department Cumberland.

[Special Order No. 70.]

ADJUTANT-GENERAL'S OFFICE, *Madison, Wis., June 4, 1864.*

Dr. A. Saint Sure Lindefelt is hereby transferred from the position of State surgeon of the Twelfth Regiment Wisconsin Volunteers to the same post in the Eighth Battery Wisconsin Artillery, Captain Carpenter commanding, said transfer to take effect from May 26, 1862.

By order of commander-in-chief.

AUG. GAYLORD, *Adjutant-General.*

By a letter from this office dated April 29, 1863, General Rosecrans was directed by the Secretary of War to cause Dr. Lindefelt to cease doing any duty in the Department of the Cumberland.

Dr. Lindefelt joined for duty, and was mustered into service as surgeon, Fifteenth Wisconsin Volunteers, on December 6, 1863, and is borne as of that grade in said regiment to date of his discharge, February 10, 1865.

The foregoing embraces all the information afforded by the records of this office relative to the services of Dr. Lindefelt.

The records of the Surgeon-General's Office report him as follows:

"Dr. A. F. St. Sure Lindefelt entered into contract with Brig. Gen. R. B. Mitchell, at Fort Riley, Kans., May 16, 1862, for duty as acting assistant surgeon, United States Army, with Seventh Kansas Volunteers. No reports of service nor date of enrollment appears. He is next reported on returns of medical officers serving with right wing Fourteenth Army Corps for November, 1862, on duty with Eighth Wisconsin Battery. Remarks: 'Left at Bardstown sick October 5, and in charge of hospital No. 1.' He is next reported on returns, Department of the Cumberland, for January, 1863, with Eighth Wisconsin Battery, Twentieth Army Corps, 'sick at Bardstown, Ky., October 15, 1862;' on returns, Department of the Ohio, from February to October, 1863, as assistant surgeon Twelfth Wisconsin Volunteers, with regiment at Bardstown, Ky., except from March, 1863, when he is reported as on duty at hospital, Bardstown, Ky., and as belonging to Fifteenth Wisconsin Volunteers, a pencil-mark having been drawn through Twelfth Wisconsin Volunteers."

He is also reported from July to November, 1863, inclusive, as acting assistant surgeon with Eighth Wisconsin Battery.

In a letter to this office dated January 15, 1887, the adjutant-general of Wisconsin states that the records of his office show that Dr. Lindefelt was commissioned assistant surgeon Twelfth Wisconsin Infantry Volunteers, September 30, 1861, to rank from September 28, 1861, and that he has paid by the State, as such, the sum of $196.40 on account of pay, subsistence, forage, and clothing to cover period September 28, 1861, to November 15, 1861, and that he was transferred from the position of State surgeon of the Twelfth Regiment to same post in Eighth Battery to date May 26, 1862, by special (State) order No. 70, dated June 4, 1862.

Dr. Lindefelt was paid as assistant surgeon Twelfth Wisconsin Infantry Volunteers, from July 2, 1862, to April 30, 1863, both dates inclusive.

On his first voucher to February 28, 1863, he certifies that he is on detached service, by order of Brig. Gen. Robert B. Mitchell, Major Holbrook, paymaster, certifying that he has seen the order, and noted the payment thereon. On his voucher for March and April, 1863, he certifies that he was detailed to Bardstown hospital, Kentucky, in October, 1862, by order of General R. B. Mitchell; Maj. Jacob A. Camp, paymaster, certifies that he has seen the order, and noted the payment thereon.

From the foregoing it will be seen that Dr. Lindefelt, prior to muster as surgeon Fifteenth Wisconsin Infantry Volunteers, was regarded as under the entire direction and control of the State of Wisconsin.

That he considered himself as in the service of the State and not of the General Government is evidenced by the fact that from and after April 30, 1863, to date of his muster into service as surgeon Fifteenth Wisconsin Volunteers, December 6, 1863, he continued to perform the duties of a medical officer in violation of the orders of the Secretary of War.

The position he held as a medical officer was anomalous. He appears to have been paid as assistant surgeon Twelfth Wisconsin Volunteers for services rendered as a surgeon of an independent battery of artillery, an organization that was not entitled under the laws to a medical officer of any grade.

There is nothing of record in the Department to sustain the action proposed by this bill.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington City, January 12, 1887.*

SIR: In accordance with your request I have the honor to inclose herewith a report of the Adjutant-General of yesterday's date, relative to House bill No. 8282, Forty-ninth Congress, first session, for the relief of A. F. S. S. Lindefelt, late of the Fifteenth Wisconsin Volunteers. From this report it will be seen that it can not be established from the records of the Adjutant-General's Office alone whether this person is entitled to further recognition under the provisions of the act approved June 3, 1884, and that a prompt report in the case will be made as soon as data is received from the adjutant-general of the State of Wisconsin, who has been communicated with.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. E. S. BRAGG,
Chairman Committee on Military Affairs,
House of Representatives.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 12, 1887.

SIR: Referring to House bill No. 8282, Forty-ninth Congress, first session, for the relief of A. F. Saint Sure Lindefelt, late of the Fifteenth Wisconsin Volunteers, submitted by Hon. E. S. Bragg, chairman Committee on Military Affairs, House of Representatives, with request for information relative thereto, I have the honor to report that it can not be definitely determined from the records of this office alone whether or not this officer is entitled to further recognition under the provisions of the act approved June 3, 1884.

A letter calling for more specific data has this day been forwarded to the adjutant-general of Wisconsin, and as soon as a reply has been received thereto a prompt report will be made in the case.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The SECRETARY OF WAR.

WAR DEPARTMENT, *Washington City, February 8, 1887.*

SIR: In connection with previous correspondence on the subject, I have now the honor to inclose a report of the 5th instant, from the Adjutant-General's Office, which affords the information requested by you on House bill 8282, Forty-ninth Congress, first session, providing for the relief of A. F. Saint Sure Lindefelt, late surgeon of the Fifteenth Wisconsin Volunteers.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. E. S. BRAGG,
Chairman Committee on Military Affairs, House of Representatives.

Therefore your committee recommend that the bill do pass.

During the reading of the report

Mr. FARQUHAR said: I move to dispense with the reading of the transcript of the evidence from the office of the Adjutant-General, and that it be printed with the report.

There was no objection, and it was so ordered.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH WIRTH.

Mr. MCKINNEY. I ask consideration of the bill (S. 2033) granting a pension to Joseph Wirth; which has heretofore been passed over. It is on page 62 of the Calendar.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wirth, late quartermaster-sergeant in Company L, Third New Jersey Cavalry, and pay him at the rate of $30 per month, from and after the passage of this act, in lieu of the pension now received by him.

The report (by Mr. THOMPSON, of California) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2033) granting a pension to Joseph Wirth, have had the same under consideration, and beg leave to submit the following report:

Joseph Wirth is a pensioner at $24 a month, under the first clause of the act of March 3, 1883, which provides that all persons who "shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall receive a pension of $24 per month."

The disability for which the pensioner was awarded this pension is a gunshot wound in the right hand.

The last board examination is as follows:

"The wrist is completely anchylosed, with considerable deformity, partial anchylosis of metacarpophalangian articulation of thumb. Other joints are not anchylosed, but he is unable to flex fingers in palm; has very little motion in little and ring fingers; middle and index fingers can be flexed about one-half; can approximate thumb and index finger, and can make some use of hand in eating and writing. He is, in our opinion, entitled to a third-grade rating for the disability caused by gunshot wound of right hand, and total for that caused by piles, and one-quarter caused by exostosis and fracture of ribs."

By reason of the wound of right hand pensioner is totally disqualified for the pursuit of his occupation, that of draughtsman and civil engineer, in which capacity he was employed a part of the period of his service.

In addition to this disability he alleges injury to side and leg, and piles. These disabilities are not established to the satisfaction of the Pension Bureau, and, as appears in letter from that Bureau to Senator HEARST, if established, would not increase the present rate of pension. There is record of the injury to side, and a rating therefor is made by the board of medical examiners.

While it is true that the act of August 4, 1886, does not provide an increase for a disability equivalent to the loss of a hand, and therefore the Pension Bureau is estopped from granting an increase, unless the hand is totally disabled, which the medical referee does not concede, yet your committee are of opinion that inasmuch as the usefulness of the hand has been entirely destroyed for the purposes of claimant's occupation, and as he is suffering from other disabilities, as above stated, the relief asked for should be granted, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by inserting after the word "act," in line 6, the words "in lieu of the pension now received by him."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ENOCH G. ADAMS.

Mr. HERMANN. I ask consideration of the bill (S. 692) granting an increase of pension to Enoch G. Adams, which has been heretofore passed over. It is on page 62 of the Calendar.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Enoch G. Adams, late captain of Company D, First Regiment United States Infantry, at the rate of $24 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

The report (by Mr. THOMPSON, of California) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 692) granting an increase of pension to Enoch G. Adams, have had the same under consideration and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"Enoch G. Adams was wounded in the line of duty while sergeant of Company D, Second Regiment New Hampshire Volunteers.

"His wound was in the left side of the neck, causing nervous derangement. He was pensioned at the rate of $4 a month, commencing March 4, 1878; at $8 per month commencing April 13, 1878; at $16 per month commencing May 28, 1886.

"An examination of the soldier was made by a board of examiners on May 26, 1886, and in their judgment, giving to the applicant the benefit of every doubt, they were of the opinion that 'his disability equaled one-third grade rating, equal to loss of a hand or foot.'

"In addition to the ordinary report made by the board of examiners they forwarded a letter to the Pension Bureau, signed by all the members of the board, giving more fully their views of the condition of the petitioner. In addition to this, there is testimony in the papers, satisfactory to the minds of your committee, showing that the petitioner's mind has been seriously affected, whether from the fact of his wound or not the examining board express themselves as unable to decide with certainty, holding that this question can only be satisfactorily ascertained by a *post mortem* examination. As that can not take place until after the death of the petitioner, the committee is of the opinion that they should give to the applicant the benefit of the doubt, as suggested by the board of examiners, and rate him, as recommended in their report, as though he had lost a hand or a foot. This rating would give him a pension of $24 per month.

"The committee would recommend that Senate bill 692 be amended in the seventh line by striking out the word seventy-two and inserting in lieu thereof the word twenty-four, and as so amended would recommend that the bill do pass.

"The committee further recommend that Senate bill 696, for the relief of the same soldier, and which must have been introduced through some mistake, be indefinitely postponed."

Your committee have carefully examined the papers in the case and wish to add the following additional statements:

The pensioner served from May 25, 1861, to November 27, 1865, when mustered out as captain of Company D, First United States Volunteers.

The description of the wound is as follows: Scar, lineal in character, vertically about a quarter of an inch long on left side of neck, about midway between lobe of left ear and center line of spine. Two small scars, about 2 inches lower down and nearer the spine, each about a third of an inch in diameter, and nearly round. Claims that the missile has not been removed. Board of examining surgeons say: "Pensioner appears to be very much depressed in spirits, and his appearance is that of poor health. He flinches upon pressure over clavicle and dorsal vertebræ. Heart's action irregular. His mental condition is such as to unfit him for transaction of business. If there is no missile there the wounds are trivial, but as the presence of a foreign body might account for the various nervous manifestations of which he complains, the board give him the benefit of the doubt and rate his disability as equal to the loss of a hand or foot."

As far back as April, 1878, an examining surgeon certifies that the wound has evidently affected pensioner's mental condition, and from information obtained is convinced that he is incapable of performing any manual labor.

The evidence clearly shows that the disability in the case is greater than recognized by the Pension Office, and your committee can discover no good reason why the rating made by the examining surgeons should be ignored by the Pension Bureau simply because there is doubt about the presence of a foreign body near the spine. If there is not, why recognize a part of the nervous derangement to the otherwise slight gunshot wound of left side of neck, and not all the disability shown by the medical examination?

Your committee are of opinion that pensioner is entitled to the rating fixed in the bill, and therefore return the same with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GUSTAVE E. PETERS.

The next bill on the Private Calendar (consideration of which was asked by Mr. MORRILL) was the bill (S. 2652) granting a pension to Gustave E. Peters.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gustave E. Peters, late of Company K, Twenty-ninth Michigan Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2652) granting a pension to Gustave E. Peters, submit the following report:

The facts in this case are fully set forth in the report of the Senate Committee on Pensions, which is hereto attached.

There seems to be no reason for doubting the incurrence of the disability in the service, and your committee therefore recommend the passage of the bill.

[Senate Report No. 917, Fiftieth Congress, first session.]

This claimant enlisted September 4, 1864, as a private in Company K, Twenty-ninth Michigan Volunteers, and served until September 6, 1865. His application was rejected by the Pension Office on the ground that his disabilities, double inguinal hernia, wound of left leg, etc., were not connected with his military service by competent testimony.

The claimant alleges that during the latter part of November, 1864, while on a night march, he fell into a ditch and was ruptured on the left side; and that in April, 1865, he was ruptured on the other side by falling, with a number of his comrades, through a rotten bridge, and being precipitated onto the rocks below. He also alleges gunshot wounds of the head and left leg, and bayonet wound of right hand.

John Flake, a comrade of claimant, testifies that he was marching behind him one night in November, 1864, and that claimant fell into a ditch; he did not see him fall, but did help him out; after daylight claimant showed him where he had been ruptured, on the left side; as he remembers it the rupture was then about the size of his fist. Flake also testifies that he recollects indistinctly claimant's subsequently being ruptured on the other side.

The surgeon of the regiment, Dr. Elmore Palmer, says he has "a faint recollection that Peters was ruptured while scouting for bushwhackers, some time in the spring of 1865."

John Land and Charles Peterson, comrades of Peters, testify to having known claimant well before and after enlistment (in Sweden and America), and to Peters having been "sound in limb and body" prior to the receipt of the injuries above mentioned. Isaac A. Wohlstrom, another comrade, testifies that Peters was entirely free from hernia at enlistment; that he knew the said injury of November, 1864, was incurred in line of duty, and that he knew of claimant receiving medical attention therefor.

Axel Tillstrom, another comrade, who knew claimant before coming to America, testifies that claimant was healthy at enlistment, and found fit for service on examination at that time. Peters showed him his rupture, incurred in November, 1864, and Tillstrom says it was about the size of a walnut. He also testifies as to claimant's incurring a second rupture, while pursuing bushwhackers, by falling through a rotten bridge. He also saw this rupture; he knew of Peters getting a truss from the surgeon; after their discharge he went with claimant to buy a second truss; claimant did not go to hospital, for he was a good soldier, and the captain, with whom he was a favorite, made his duties easy for him.

Peters is now sixty-four years old; his double hernia is so severe as to preclude his earning a living by manual labor, and he is a worthy object of relief. His soundness at enlistment is shown; his disability at discharge is also shown, and your committee draw only a reasonable conclusion when they presume that the disability was incurred in line of duty.

The passage of the bill reported herewith is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ERASTUS B. BURNHAM.

The next pension business on the Private Calendar called up for consideration was the bill (S. 1629) granting a pension to Erastus B. Burnham.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Erastus B. Burnham, late a member of Company F, Fifty-second Regiment Massachusetts Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1629) granting a pension to Erastus B. Burnham, have had the same under consideration and beg leave to submit the following report:

The facts in the case are set forth in the report of the Committee on Pensions, United States Senate, which is as follows:

"Erastus B. Burnham was mustered into the service on the 11th day of September, 1862, as private in Company F of the Fifty-second Massachusetts Volunteers, and remained until the 14th August, 1863, when he was discharged. During such service, in February, 1863, after he had contracted measles, he was placed on picket duty, and kept on such duty for three days and two nights, of which a part was spent in a rain storm, resulting in a serious sickness, the effects of which have impaired his health from that time to the present. Upon these facts he based an application for a pension.

"Examinations before medical boards have failed to establish disability to a pensionable degree as resulting from the attack of measles, while in different respects such boards have conceded greater or less disability from causes which they were unable to connect with his army service. Their reports have therefore been against the allowance of a pension, and his claim stands rejected in the Pension Office.

"Testimony of a different character is filed in the case from Dr. Pease, of claimant's town, his family physician and neighbor, who testifies, on the 28th day of July, 1884:

"'That he has been acquainted with said soldier for about twenty-three years, and that he knew him before he enlisted; that he was a sound, healthy man; that he knew him to be such; that immediately on his return after being discharged from the United States service, in August, 1863, was called to render him medical treatment. Found him suffering from a complication of diseases, resulting from an aggravated case of measles and the hardships and exposures of the camp. There was great prostration and debility; there was also much gastric and intestinal disease and derangement of the liver. Chronic diarrhea was a very obstinate and troublesome complication in his case. He was for a long time in a low, feeble condition, requiring constant and close medical attendance. He has been a confirmed invalid from the time of his discharge to the present.'

"Dr. E. C. Coy testifies, on the 23d November, 1886:

"'Have been acquainted with said soldier for about seven or eight years, and that on the 1st of March, 1885, he called on me at my office. I found him suffering great pain and weakness in lower or lumbar portion of his back, an enfeebled digestion, also a low and demoralized condition of the blood, and a worn and haggard countenance, as of one who had suffered much pain. From that time to the present I have seen and prescribed for him as often as two or three times a month, and I can not see that his condition has improved, but remains about the same. He has been disabled from manual labor a greater part of the time.'

"Dr. A. V. Bowker testifies, on the 7th June, 1887, to treating claimant for disease of the eyes, which had not been able to bear the light for six weeks, and which had not permitted him to read evenings for a year; and mentions other indications of weakness which need not be repeated here.

"There is also the testimony of a number of the immediate neighbors of the claimant, farmers, and most of whom have known him from boyhood, who agree in testifying that he was a sound, rugged man before enlistment; that he returned from the service broken down; that he has since continued an invalid; and rating his disability at from one-half to three-quarters.

"It is impossible to disregard the force of disinterested testimony of this character, from reputable physicians and neighbors, whose knowledge, taken together, covers the whole period of claimant's life. Whatever differences may exist as to particular diseases, and the date and proximate cause of their development, it would appear that there can be no doubt as to the general facts that claimant entered the Army as a strong man, that he came out of it a weak man, and that he has remained a sick man ever since.

"Your committee recommend the passage of the bill."

It may be added that the testimony of the regimental surgeon, based upon records in his possession, shows that claimant was treated for measles in February, 1863; for diarrhea in July, 1863; and for some other trouble, nature not stated, in the latter part of said month. One medical examination revealed disease of heart; another, disease of kidneys; while the personal description of claimant at every one of these examinations points to a much debilitated system.

The committee are clearly of opinion that this condition is due to the claimant's military service, and that he should be pensioned for the diseases shown to exist by the medical examinations heretofore referred to, and therefore report favorably on the accompanying bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN J. GODFREY.

The next pension business on the Private Calendar (consideration of which was asked by Mr. MCKINNEY) was the bill (H. R. 9366) granting a pension to Edwin J. Godfrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll subject to the provisions and limitations of the pension laws, the name of Edwin J. Godfrey, late of Company B, Second New Hampshire Volunteer Infantry.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9363) granting a pension to Edwin J. Godfrey, having considered the same, report as follows:

Claimant was a private in Company B, Second New Hampshire Volunteer Infantry. He enlisted in May, 1861, and was discharged August, 1861, for disability (heart disease), which the regimental surgeon said existed prior to enlistment. Soldier, on the other hand, claims that the heart trouble was induced by fatigue and overheating at the first battle of Bull Run. The rolls show him to have been in battle at Bull Run July 21, 1861, and also his discharge as above. On the point of prior soundness soldier furnishes the affidavits of several reputable witnesses, all of whom swear that they knew him intimately before enlistment, and never heard him complain of any heart trouble, and the examining surgeon before whom he appeared for examination for pension says that—

"From his present condition and from the evidence before me it is my belief that the said disability did wholly originate in the service and in the line of duty."

The rejection of the claim was based wholly on the surgeon's certificate of discharge, no other witness swearing to the existence of the disease prior to enlistment.

Claimant is indorsed by the leading citizens of his town as a man of high integrity and incapable of a fraud upon the Government.

Every medical man knows that heart disease frequently follows undue exertion, caused probably by local congestions. This soldier could certainly have

contracted the disease in the manner alleged, and in the absence of proof to the contrary it is presumable that he did. The opinion of the regimental surgeon is not entitled to much weight as proof, it being a well-known fact that no physician can possibly tell by a physical examination how long or how short a period a disease of that kind has existed.

Believing that the equities in the case are strongly in favor of the soldier, your committee report the bill back favorably and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MERCY A. CUTTS.

Mr. GALLINGER. I ask consideration of a bill heretofore passed over (S. 888), granting a pension to Mercy A. Cutts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mercy A. Cutts, mother of Enoch F. Cutts, deceased, late of Company A, Thirty-first Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 888) granting a pension to Mercy A. Cutts, having considered the same, report as follows:

The Senate report fully explains the merits of the case, and is herewith appended:

"The claimant petitions for a special act granting her a pension as the mother of Enoch F. Cutts, who was a private in Company A, Thirty-first Regiment of Maine Volunteers. He enlisted, as shown by the report of the Adjutant-General, on the 29th of February, 1864, and died while a prisoner of war at Danville, Va., February 15, 1865. The father made application for a pension in 1867, and filed evidence in support of his claim. The file does not show any action by the Pension Office, except the indorsement of the single word 'Rejected.' The Pension Office letter transmitting the papers says no application for a pension has been filed by the mother. Referring to the father's application, it says it was rejected 'on the ground that he was only an adopted son.'

"The evidence shows that Enoch F. Cutts was adopted by Enoch B. Cutts and his wife, Mercy A. Cutts, when he was an infant one year old; that he took their name of Cutts and was called Enoch, after the father; that he was brought up as their child; that the obligations incurred by the relationship were mutually observed; that before he enlisted he gave them his earnings; that after he enlisted he contributed to their support liberally from his army pay. On this point there are numerous letters from the son. One of these letters only is quoted to show how he regarded the relationship. He says:

"DEAR PARENTS: I wrote home over a week ago and have received no answer, and now I will try it again. I don't find any fault, you know, for if father was home he would write. I am afraid you are sick and can't write. Charlie got a letter a day or two ago and said you was some better. I hope you are quite smart now. I am quite anxious to hear from home, and so you must contrive to write as soon as you receive this, or get Florence to. * * * I sent home $65 in care of L. D. Andrews. I should have sent more, but I used some. * * * Tell father not to work too hard.

"I remain, as ever, your affectionate son,

"ENOCH F. CUTTS.

"There can be no question as to the relationship legally and as recognized by the parties. It is shown that the father, on account of his infirmities, needed and was entitled to the pension for which he applied.

"The mother, having knowledge of the grounds of rejection of her husband's claim, made no application to the Pension Office, but appeals to Congress. Her petition describes the relationship, and it is supplemented by an appeal from numerous neighbors, who describe her worthiness, her advanced age, and consequent need.

"The bill is reported favorably, with a recommendation that it do pass."

Your committee adopt the report of the Senate committee as its own, and recommend the passage of the bill, after being amended by adding, before the word "mother," in the fourth line, the word "foster," and also by striking out the words "subject to the provisions and limitations of the pension laws," and adding at the end of the bill the words "and pay her a pension at the rate of $12 per month."

The amendments of the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES HALE.

The next pension business on the Private Calendar (called up for consideration by Mr. GALLINGER) was the bill (S. 734) granting a pension to James Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Hale, Company F, First New Hampshire Heavy Artillery.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 734) granting a pension to James Hale, having considered the same, report as follows:

The report of the Senate committee fully sets forth the facts in this case, which report your committee adopt as their own and recommend the passage of the bill, amended by adding at the end of the bill, after the word "artillery," the words "and pay him a pension at the rate of $16 per month in lieu of that which he is now receiving."

The soldier enlisted August 29, 1864, and was mustered out May 16, 1865. He applied for a pension January 13, 1882, on account of disease of lungs, double inguinal hernia, and malarial poisoning.

A certificate was issued August 23, 1886, allowing him $4 a month for disease of lungs. The claim for hernia was rejected for want of sufficient evidence connecting the same with the service.

There is abundant proof of the facts that the soldier was a sound man when he entered the service, that he contracted disease of the lungs while in the service, for which he is receiving but $4 per month, and that very soon after he was mustered out he was afflicted with double hernia.

James B. Greeley, late surgeon of the First Rhode Island Cavalry, swears as follows:

That he has been acquainted with claimant for forty years, and knows that previous to his enlistment he was a sound and healthy man, and he was always a hard-working, robust man, and that after his return home from the service in the summer of 1867 he treated claimant for hernia, and at that time furnished and fitted claimant with a double truss. And further, that he has seen claimant at short intervals during each year since to the present time and knows that he has continually suffered from hernia.

Oliver B. Green swears:

"That he has known the claimant twenty-five years, and knows that at the time he returned home from the Army in 1865 claimant was suffering from double inguinal hernia, and constantly suffered from said disability until the summer of 1867, when his hernia was somewhat reduced by Dr. James B. Greeley, with a double truss, and, further, that said hernia has got to be so bad that claimant is now wholly disqualified for the performance of any manual labor. Affiant further says that he knows these facts of his own personal knowledge and observation and from often having seen claimant's hernia, and has heard him constantly complaining of his hernia, and from having seen claimant two or three times each week from his discharge up to the present time."

James W. Blood swears:

"That he has known claimant for thirty years, and knows that at the time of claimant's enlistment he was a sound and rugged man and free from any disease whatever; and that at the time of claimant's discharge and return home from the Army he was suffering with hernia on both sides and has constantly suffered from said disability. It has grown much worse each year, until he is at present wholly disqualified for the performance of manual labor. And further, that during the time from his discharge to the summer of 1867 he saw claimant frequently and often heard him complain of his hernia, and at different times saw the same; and that in the summer of 1867 Dr. James B. Greeley, of Thornton's Ferry, N. H., reduced the hernia and fitted him with a truss."

Claimant swears:

"I first became aware of my hernia while in hospital at Manchester, N. H., before my discharge. No commissioned officer or orderly sergeant of my company was there, nor enlisted men, nor surgeon or assistant surgeon of my regiment, and my hernia could not have been within their knowledge.

"The hernia was brought on by coughing, as I understand, and I showed it to Dr. Webster, who was in charge of the hospital, and he thought it would not amount to much. I understand he is dead. Dr. Eaton, who attended me the next day after my discharge, is also dead."

Two medical examining boards have rated claimant's disability at $4 for lung disease and $12 for hernia.

In view of all the evidence your committee think this is a just claim, and recommend the passage of the bill.

The amendment of the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA A. WILLIAMSON.

The next pension business on the Private Calendar (consideration of which was asked by Mr. JOHN R. BROWN) was the bill (H. R. 9672) granting a pension to Eliza A. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Mrs. Eliza A. Williamson, widow of Eustace Hunt, an ensign in Fifth Regiment Virginia Militia, who served in the Army of the United States in the war of 1812, notwithstanding her marriage to George Williamson, now deceased about thirty-two years.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred a bill granting a pension to Mrs. Eliza A. Williamson, submit the following report:

Mrs. Eliza A. Williamson is an old lady in greatly reduced circumstances. She has now been a widow about thirty-two years. Her first husband, Eustace Hunt, was an ensign in the Fifth Regiment Virginia Militia, who served in the war of 1812. But for her second marriage to her late husband, George Williamson, she would be entitled to a pension under the general law.

Your committee think, under all the circumstances, that Mrs. Williamson's name should be placed upon the pension-roll, and therefore recommend the adoption of the accompanying substitute, and that the original bill (H. R. 6494) lie on the table.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY L. RISTINE.

The next pension business on the Private Calendar (consideration of which was asked by Mr. GEAR) was the bill (S. 1867) granting a pension to Mrs. Mary L. Ristine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Mrs. Mary L. Ristine, widow of Barnett E. Ristine, late a member of Company F of the Third Regiment of Iowa Cavalry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1867) granting a pension to Mary L. Ristine, respectfully report:

That they adopt the following Senate report as their own, and recommend the passage of the bill:

[Senate Report No. 795, Fiftieth Congress, first session.]

The claimant is the widow of Barnett E. Ristine, who was a private in Company F, Third Iowa Cavalry. He was pensioned for a gunshot wound in left elbow in 1866, and his pension was subsequently increased to $15 and again to $24 a month.

From the history of the case it appears that his was a painful and distressing disability. The wound caused him constant suffering, frequently discharged, and severely taxed his physical endurance. In 1885 he met with an accident which was in the nature of a compound fracture of his ankle. Mortification set in the third day after this injury and he died the fourth.

The widow filed a claim for pension, and alleged that "for a long time her husband had been suffering from blood poison, resulting from the gunshot wound of his left elbow; his general health had been very poor, and in consequence his friends think he could have lived but a short time. On the 3d of September he received the injury to his ankle, and, owing to the condition of his system, he never rallied from the shock of the injury, and died in one week; that had it not been for the condition of his system above described the injury to the ankle would have been a comparatively trivial matter." This theory is corroborated by the physicians who attended him.

Dr. R. J. Mohr, examining surgeon, and late surgeon of the Tenth Iowa Volunteers, testifies that the injured ankle became mortified on the third day after the accident; four days later he died of exhaustion; that it is his opinion that a

healthy person would not have died of this injury; and it is also his conviction that while the injury to his ankle was in a small degree contributory, the principal factor in the cause of his death was the direct result of the wound.

Dr. Calvin Snook testifies that he had known the soldier about twenty-five years; that soldier's poor health was attributed to the wound in his arm, which was painful and would at times become inflamed and discharge pus; that he had a conversation with the soldier the day before he received the injury to his foot, and from his appearance, and from what he told affiant, he was suffering from septicemia, caused by said wound; and that he examined him after the injury of foot, and in his opinion the wound in foot was not sufficient to have caused the death of a healthy person.

The physician's certificate of death, signed by Richard J. Mohr, M. D., the attending physician, shows that the cause of death was "septicemia from wound of elbow of long standing, complicated by crushing injury of right ankle; death from shock."

The Pension Office rejected the widow's claim on the opinion of the medical referee that the soldier's death was caused by the injury to his right ankle and was not a result of his wound.

In the appeal of the claimant to the Secretary of the Interior the claimant states that by the evidence on file it is shown that for months prior to the soldier's death, and before the injury to his ankle, he had been suffering from septicemia, the result of the absorption of the poisonous products of the wounded arm.

It is apparent to the committee that the man was in a very low condition when the accident to his ankle occurred. His blood was poisoned, and the injury to his ankle only hastened his death, which would inevitably have ensued in a short time had he been spared the last infliction.

The rejection of the widow's claim is based upon the opinion of the medical referee. It is the basis of the affirmation of the Commissioner's decision by the Secretary. In our opinion the weight of testimony does not justify this. The soldier's physicians have delivered with confidence a very different opinion. They saw the soldier, treated him, one of them twenty-five years. The medical referee's opinion is inferential. It is not a strained conclusion to say that the testimony amply justifies the belief that the soldier's death was mainly referable to his wound.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARY L. WILLIAMS.

The next pension business on the Private Calendar (consideration of which was asked by Mr. CASWELL) was the bill (S. 1716) granting a pension to Mary L. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Williams, widow of Reuben Williams, late a private in Company C, One hundred and forty-seventh Regiment New York Volunteer Infantry.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1716) granting a pension to Mary L. Williams, have had the same under consideration, and beg leave to submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"The claimant is the widow of Reuben Williams, late a private in Company C, One hundred and forty-seventh New York Volunteers. He enlisted August 22, 1862, and was discharged January 8, 1864. He was pensioned at the rate of $2 a month for chronic diarrhea from the date of his discharge. On the 3d of March, 1865, he was dropped from the rolls, on the certificate of an examining surgeon, who reported that the disability had ceased to exist.

"He died February 12, 1879. The widow filed an application for pension in June, 1880, and it was rejected nearly three years after, on the ground that he died of pneumonia and not of chronic diarrhea. The testimony in the case shows that chronic diarrhea existed to a greater or less extent until he died; and in the opinion of the committee his allowance of pension was inadequate and should never have been discontinued.

"The widow appealed from the decision of the Commissioner of Pensions and experienced the disappointment usual in such cases.

"As to the connection of the disease of the soldier with his death, his attending physician, Dr. Staples, says:

"'He was the family physician of the soldier for nine years, during which time he had occasionally been called upon to treat him for diarrhea or disease of the bowels; that said Williams died on the 12th of February, 1879, from pneumonia, complicated with enteric or bowel disease, which contributed largely toward the fatal result.'

"In another affidavit the affiant says:

"'The soldier came to his death from an attack of acute pneumonia, which confined him to his bed about three weeks, and he emphatically connects chronic diarrhea with the fatal result.'"

"The Pension Office decision is that death was not the result of chronic diarrhea, because he died of pneumonia.

"This man had suffered from chronic diarrhea from the time of his discharge, January, 1864, and previous, to the day of his death, February 12, 1879, covering a period of more than fifteen years. He had been allowed the pitiful pension of $2 a month, which did not pay for his medicine, and that was taken from him in a little over a year after it was granted.

"The soldier was a painter. Two witnesses who knew him well, and one of them a companion mechanic from 1871 to 1879, says he was never free from chronic diarrhea, and that he was greatly debilitated thereby. From their description he was unfit to labor, but he was compelled to do it because he was denied a pension, except the meager sum of $2 per month, which was paid him a short time and was then taken from him.

"It is in evidence that he had pneumonia three weeks. He also had chronic diarrhea. The latter had dragged him down fifteen years. It was a struggle between the two diseases which should prove the fatal one. His attending physician says he died from pneumonia complicated with enteric or bowel disease, and the Pension Office says, 'No, it was pneumonia.'

"The committee believe this man should have a pension without interval, and a rating adequate to his disability; that chronic diarrhea and pneumonia are jointly responsible for his death, one as much as the other; and that the widow is entitled to a pension.

"The bill is reported favorably, with a recommendation that it do pass."

Your committee concur in the conclusions reached in the foregoing report, and therefore return the bill with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LOUISE SILVERS.

The next pension business on the Private Calendar (consideration of which was asked by Mr. HUDD) was the bill (S. 896) for the relief of Mrs. Louise Silvers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Louise Silvers, widow of Frank Silvers, late of Company F, Fourteenth Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 896) for the relief of Mrs. Louise Silvers, have had the same under consideration, and beg leave to submit the following report:

The Senate Committee on Pensions report as follows:

"The husband of the claimant was a private in Company H, Fourteenth Wisconsin Infantry. He died in March, 1880. Some years before his death he applied for an invalid pension, which was not allowed. After his death his widow applied, and her claim was rejected on the ground that the diseases of which he died were not due to his military service. The number of special examinations and the time and money spent show that the claim has been resisted with more than ordinary determination. It is a simple case, in which there are no visible intricacies except such as are referable to the inconsistencies practiced by the Army in enlisting men and the contradictory testimoney for and against the claim.

"In his declaration for invalid pension the man makes oath that while in the service he was seriously injured by being run over by a heavy commissary wagon, the wheels passing over his chest and producing disease of heart and lungs. It appears from the evidence that he was affected by these disabilities from the time of his discharge. It appears that he died from these diseases, for which he was treated continuously from the time of his discharge until he died. A number of witnesses testify to their personal knowledge of the occurrence of the accident. They were his comrades in service, and saw the mark of the wheel.

"Dr. William H. Burtman, of Fort Howard, the home of the soldier, testifies that he has practiced medicine and surgery twenty-five years; that he was called to see Frank Silvers the 3d day of March, 1880, the day before he died; that he found him suffering from disease of heart and lungs; that he had been injured in the chest by having a wagon run over him, which, in affiant's opinion, was of such a nature and locality as to produce disease of the heart and lungs. Affiant further deposes and says that he found a scar on the front side of the chest over the heart and lungs, which was the result of some severe injury, and from affiant's best knowledge and belief was received in the service and in the line of duty.

"There is much proof in corroboration of this, but the Pension Office, which has had made eleven special examinations, procured the affidavit of the captain of the company, who swears that Silvers was not fit for a soldier when he enlisted; he thinks he was enlisted for a cook; he was upward of fifty years old; he had some kind of ailment at the time; was an habitual drinker; does not remember any accident to him; he does not know how he was disabled or what was his disability; whatever it was, he thinks he received it while he was in the Navy.

"This affidavit is too carelessly prepared to be of any value as evidence. He thinks the man, being old, infirm, and a drunkard, must have been enlisted for a cook. The military department does not enlist cooks, and, if it did, it would not select one of the quality described by this captain.

"The Pension Office assumes that the soldier was in the Navy, and it attempts, unsuccessfully, to prove it; and it premises that his injury from being run over is referable to his Navy service. There is proof, ample in quantity and quality, to show that the man was sound when he entered the service, that his habits were good, and his enlistment papers show that he was only thirty-two years old.

"If he was old, dilapidated, intemperate, disqualified by his disabilities, it is very strange that he was accepted, and that the marks upon his breast, which were the proofs of his disqualifying injuries, were not discovered by the recruiting officers whose duty it was to enlist only men of suitable age and sound in body."

Your committee have very carefully examined the voluminous evidence in the case, and, as usual in this class of cases, find much conflicting testimony. It may be proper to state, however, that, while soldier may have been slightly, if any, over military-service age at time of his enlistment in October, 1861, the fact remains that he was captured at the battle of Shiloh, Tenn., served after release without any evidence of disability, until February, 1863, when he came under treatment for chronic diarrhea. Later on he was transferred to the Veteran Reserve Corps, and in November, 1864, he is shown by the records to have suffered from chronic rheumatism. He was discharged upon surgeon's certificate of disability, which sets forth that the soldier is incapable of performing military duty, because of chronic rheumatism and an injury received in the United States Navy when nineteen years of age, also old age, he being fifty-three years of age. Soldier is shown to have been a complete wreck at discharge and ever thereafter until he died, of heart disease, on March 3, 1880.

Soldier applied for pension on account of injury to chest by being thrown from and run over by a commissary wagon in May, 1863. In this he is corroborated by eye-witnesses. He is also shown to have suffered from frequent hemorrhages from the lungs after discharge.

It is not probable that the injury alleged to have been received in the Navy at the age of nineteen years had any connection with his death-cause. Your committee are inclined to the opinion that the rheumatism in service was the principal factor in the death-cause, while the injury to the chest was the cause of disease of lungs, from which soldier suffered continuously until death.

The widow is left without any means whatever, and being over sixty years of age and feeble, must depend upon others for support.

Your committee return the bill with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. FREDERICKA HAUSER.

The next pension business on the Private Calendar (consideration of which was asked by Mr. GUENTHER) was the bill (S. 1110) granting a pension to Mrs. Fredericka Hauser.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Fredericka Hauser, widow of John F. Hauser, late of Company H, Sixth Wisconsin Infantry.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1110) granting a pension to Mrs. Fredericka Hauser, submit the following report:

The committee has carefully examined the papers on file in this case, and after such examination they adopt the Senate report as their own and recommend that the bill do pass.

[Senate report No. 648, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1110) granting a pension to Mrs. Fredericka Hauser, have examined the same, and report:

The husband of the claimant was Maj. John F. Hauser, who was mustered into the service of the United States as captain of Company H, Sixth Regiment Wisconsin Volunteers, July 16, 1861, and was mustered in as major of the regiment to date March 24, 1863, and was honorably discharged March 18, 1864, on tender of resignation on account of death in his family. The record shows that he was accorded leave on account of sickness, but there is no cloud upon his service from the beginning to the end.

The Surgeon-General's report shows that he entered Seminary General Hospital, Georgetown, D. C., September 17, 1862, with debility, but soon returned to duty. He applied for a pension, claiming that in 1863, on a march through Pennsylvania, he became afflicted with neuralgia of the head and epileptic fits, caused by exposure and physical and mental excitement while in the service.

There are two witnesses who testify in the case, both members of his company, and both citizens of Alma, Buffalo County, where Major Hauser resided. They are "reputable and entitled to credit." They say they were well acquainted with Major Hauser; that when he was commissioned captain of their company, in 1861, he was robust and enjoyed the best of health; that he continued in command of said company from its organization till August 1, 1862, when he was taken sick while the regiment was making a raid on Frederick Hall's Station, in Virginia, and was sent to general hospital, Alexandria; that he rejoined his regiment in November, 1862, and continued in command of his company until promoted major in the spring of 1863, which position he held when the battle of Gettysburgh was fought; that he returned to Fountain City, Buffalo County, in 1869.

Dr. S. J. F. Miller, surgeon of the Milwaukee Soldiers' Home, says, under date of March 13, 1863:

"The records of this hospital show that Maj. John F. Hauser, late of the Sixth Wisconsin Volunteers, was admitted to this branch of the National Home for Disabled Volunteer Soldiers on the 21st of May, 1880, and to the hospital on the same date, complaining of intense neuralgia about the head, and stating that he suffered from occasional epileptic fits. He was returned to quarters June 1, 1880, to enable him to accept a detail as a corporal of a company. He was readmitted to the hospital July 22, 1880, since when to the present time he has been constantly a patient in the hospital, suffering from occasional fits of epilepsy and from frequent attacks of more or less severe pain in the head. There is no probability that he will ever recover his health sufficiently to take care of himself and earn a living."

The same surgeon, under date of May 12, 1885, gives the hospital records as follows:

"His disability at the date of admission (May, 1880) was due to epilepsy from neuralgia, never free from pain longer than two or three days at a time. Removed the second branch of the fifth pair of nerves in hopes of giving relief, but without result of benefit from the operation. He was admitted to the hospital on the 21st day of May, 1880, suffering with epilepsy the most of the time up to June 8, 1883, when he died from exhaustion. His habits could not be better."

The examining surgeon at Milwaukee, speaking for the board, relates the statement of Major Hauser, namely, that he was struck with an epileptic fit in August, 1862, near Frederick Hall Station, Virginia; that he was taken to Alexandria Hospital, where he was treated until he returned to his regiment, and says:

"The board has reason to believe that the foregoing statement is untrue; that the neuralgia and epileptic fits to which he is subject are of *post bellum* origin. At the same time the rating for his disability is total."

This is a bare statement, without explanation or corroboration; whereas his two comrades swear to their knowledge of his admission to hospital for the disability incurred at Frederick Hall Station, and to the fact that he was a healthy man before he entered the service.

The Pension Office sent out letters in search of confidential information, with a view to prejudicing the claim by discovering some moral delinquency on the part of the claimant. One of these confidential correspondents refers the office to Joseph Leicht, a German editor at Winona, Minn., who says:

"I know J. F. Hauser since fall of 1879. He was a strong and well-built man, and had, according to the statement of men who knew him before he enlisted, an iron constitution. He complained when I worked with him in 1870-'71 of neuralgia. I saw Hauser last in Soldiers' Home, near Milwaukee, a total wreck, in all probability in consequence of his service."

Not a word in this letter prejudicial to him in any way, but confirming his broken-down condition and referring it to that service.

Otto Schorse, a druggist in Milwaukee, certifies that—

"He served in the same regiment with Hauser; to his prior good health; that after the war he found him in the Soldiers' Home a cripple. His wife is now at the home, for several years, earning hardly enough to support her. I therefore recommend the old lady to the support the Government is able to grant."

The committee have investigated this case solely with reference to the widow's rights, and they are convinced that her husband was a healthy man when he entered the service, and that his disability and death are due to the service. He was an educated German gentleman, and there is evidence that he was much respected. His widow is a lady of refinement and intelligence, worthy of respect and consideration. In her old age she is compelled to do manual labor to procure a bare subsistence. The committee are of the opinion that she should have a pension according to the rank her husband held at the time of his discharge.

The bill is reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ABRAHAM J. BUCKLES.

The next pension business on the Private Calendar (called up for consideration by Mr. THOMPSON, of California) was the bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Abraham J. Buckles, late second lieutenant Company E, Twentieth Regiment Indiana Volunteers, to $45 per month.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles, have had the same under consideration and beg leave to submit the following report:

The beneficiary named in the bill enlisted in Company E, Nineteenth Indiana Volunteers, June 29, 1861, transferred to Company E, Twentieth Indiana Volunteers, and mustered into said company as first lieutenant February 27, 1865; mustered out May 15, 1865. He filed an application for pension June 24, 1865, based upon amputation of right leg above the knee, caused by a gunshot wound received near Petersburgh, Va., March 25, 1865, and was pensioned for same disability June, 1866, at $15 per month from May 15, 1865.

In application filed September 16, 1870, he also claims for gunshot wound of right shoulder received at battle of Gettysburgh, July, 1863, and for gunshot wound of right side, fracturing two ribs, received in the battle of the Wilderness, May 5, 1864. All of these wounds are established by record and testimony.

In August, 1871, his pension was increased to $20 per month for gunshot wound in the right side and shoulder and loss of right leg, commencing March 14, 1871, based upon a medical examination made March 14, 1871, which describes the wounds as follows:

"First. Wound of right shoulder; ball struck the clavicle about 1½ inches from outer end and fracturing the bone, deforming and weaking the shoulder. Second. Wound of right side; ball struck last true rib just at its union with the cartilage, and passing through the first false rib fractured it about 4 inches from the spine, causing internal soreness in the region of the wound and having a tendency to inflame and form abscesses. Third. Amputation of right leg about the middle."

He was rated three-fourths for wounds of shoulder and side.

The committee have received from the honorable Commissioner of Pensions a letter through the honorable Secretary of the Interior, as follows:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
"*Washington, D. C., March 30, 1888.*

"SIR: I have the honor to submit herewith the papers in the claim above cited, for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case, for such action in the premises, under provisions of joint resolution approved May 29, 1830, as that honorable body may deem just and proper.

"The pensioner lost his right leg above the knee at the battle of Petersburgh, Va., March 28, 1865, and received wounds in the right shoulder and right side, fracturing two ribs, at the battles of Gettysburgh and the Wilderness, and is now drawing a pension of $36 per month by reason of said wounds, which amount, however, is only that allowed by law for one of his wounds, namely, amputation of leg above the knee, the combined disabilities not being such as to require the constant aid of another person.

"It is believed that this is a case wherein relief should be sought at the hands of Congress, this Bureau being unable to allow an increased rating under existing laws, and the passage of a special act increasing the rate of pension in this case from $36 to $50 per month from the date of the passage of such act is recommended.

"Very respectfully,

"JOHN C. BLACK, *Commissioner.*

"The SECRETARY OF THE INTERIOR."

Your committee are of opinion that the recommendation contained in the above-quoted letter should receive favorable consideration at the hands of Congress, and therefore return the accompanying bill, which fixes the proposed increase at $45, in accordance with the usual practice in this class of cases, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE SMALLRIDGE.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. GEAR) was the bill (H. R. 2190) granting a pension to Jane Smallridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, instructed to place on the pension-roll the name of Jane Smallridge, of Fairfield, Iowa, widow of John Smallridge, late a private of Company F, Third Regiment Iowa Cavalry, and pay her a pension subject to the provisions and limitations of the pension laws.

The report (by Mr. SPOONER) was read, as follows:

That Jane Smallridge, widow of John Smallridge, who was a private in Company F, Third Regiment Iowa Cavalry Volunteers, was an army nurse, and performed efficient service in that capacity during the late war, as is established by the affidavits, filed with her petition, of Capt. B. F. Crail, Lieut. Richard Gaines, Acting Assistant Surgeon J. W. Hayden, William H. Sullivan, and other members of said regiment.

It also appears from the affidavits of said Dr. Hayden and Lieutenant Gaines that Mrs. Smallridge's health and constitution were impaired in the exposure of such service, and that she has since been and now is feeble and broken in constitution and health.

She is now over seventy-eight years of age, feeble in mind and body, without means of support, and dependent upon the charity of those not legally bound for her support for her means of subsistence. Her husband, said John Smallridge, died in 1887, depriving her of her last reliance for maintenance.

Your committee recommend the passage of the bill, with amendments, as follows:

Strike out all after the word "pension," in line 7, and insert at the end of the bill the words, "of $12 per month, from and after the passage of this act."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMANUEL H. CUSTER.

The next pension business on the Private Calendar (the consideration of which was asked for by Mr. CHIPMAN) was the bill (H. R. 9387) for the relief of Emanuel H. Custer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emanuel H. Custer, dependent father of Thomas W. Custer, who was a captain in Company C, Seventh United States Cavalry, subject to the provisions and limitations of pension laws, and pay to him a pension of $50 a month, in lieu of the pension he is now receiving.

Mr. CHEADLE. I am perfectly willing that that shall go over to a full House.

Mr. CHIPMAN. I hope the gentleman will not insist upon that.

Mr. CHEADLE. I certainly shall.

Mr. CHIPMAN. Why, the gentleman has not even heard the report read.

Mr. CHEADLE. I have read the report.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. CHIPMAN) was read, as follows:

Emanuel H. Custer is the father of General George Custer, and of Thomas Custer, late of the Seventh United States Cavalry, both of whom, as well as three sons-in-law of Mr. Custer, were killed in the battle of Big Horn.

He is a man of more than eighty years of age and in very reduced circumstances. The committee do not feel that it is necessary to recount the great services of the Custer family during the war of the rebellion in the armies of the Union. Braver and better soldiers never served.

Mr. Custer is now stripped of all support. Those who would have cared for his old age have given their lives for their country.

Your committee recommend the passage of the bill.

Mr. MATSON. I would like to hear the provisions of the bill read again.

The CHAIRMAN. It provides $50 a month as the proposed increase.

Mr. MATSON. The widow of General Custer is now drawing a pension on account of his death.

Mr. CHEADLE. I ask that this bill may go over until the morning with the usual order, otherwise I shall be compelled to call a quorum upon it.

Mr. McMILLIN. Let the bill be again reported.

The bill was again read.

The CHAIRMAN. What is the proposition of the gentleman from Michigan?

Mr. CHIPMAN. I hope the gentleman from Indiana will withdraw his objection.

Mr. LAIDLAW. This old man is very aged and I understand is in very feeble health.

Mr. CHIPMAN. I know very well that the gentleman from Indiana would not like to see that old man working at his advanced age to make a living for himself and family. Does the gentleman still insist upon his objection?

Mr. CHEADLE. Certainly I do.

Mr. CHIPMAN. Very well; I do not suppose there is another man in this whole world who would make that objection to this bill.

Mr. CHEADLE. That may be.

The CHAIRMAN. The gentleman has the right to object.

Mr. MORRILL. I ask unanimous consent that this bill be passed over, as evidently we can not do anything with it to-night.

Mr. ALLEN, of Michigan. Wait a little and let us see.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. CHEADLE. Allow me to make a suggestion. I ask unanimous consent that this bill be reported to the House with the recommendation that the previous question be ordered, and that the vote be taken on it in the morning in a full House.

The CHAIRMAN. That would be impracticable, owing to another order of the House.

Mr. CHIPMAN. If it can be done I am perfectly willing.

Mr. MATSON. There is a special order, and a very important one, for to-morrow, the consideration of the tariff bill, and I shall object to anything that is likely to interfere with that.

Mr. McMILLIN. I had just risen to make the same objection made by the gentleman from Indiana. We do not know how many roll-calls may be required before that bill is disposed of.

Mr. CHEADLE. Then I ask unanimous consent that it go over until next Wednesday.

Mr. McMILLIN. I think the gentleman from Indiana is correct in his opposition to the bill. The widow of this soldier has been already getting a large pension, on account of the death of the soldier, by a special act of Congress.

Mr. CHIPMAN. Will the gentleman allow a correction?

Mr. McMILLIN. Certainly, with pleasure.

Mr. CHIPMAN. There were two sons and a grandson; all were killed. The soldier for whom this old man is pensioned is Thomas Custer, a brother of General Custer, and he left no widow.

Mr. McMILLIN. But he is getting a pension of $50 a month.

Mr. CHIPMAN. No; he is getting only a pension of $20 a month now; a captain's pension. So that it is not General Custer at all, but a brother of his, who left no widow.

I am willing that it should go over until Wednesday, if that be the desire of the House.

Mr. McMILLIN. I noticed that General Custer's name was mentioned, and I presumed that it was intended for a member of his family.

Mr. CHEADLE. I would suggest Thursday morning.

Mr. CHIPMAN. Very well; I do not object to that.

The CHAIRMAN. The Chair would suggest Friday, that being the day usually fixed for private bills.

Mr. CHEADLE. All right.

Mr. CHIPMAN. I do not object to that. I request, therefore, that the bill be reported to the House with the recommendation that the previous question be ordered upon its passage, with fifteen minutes for debate allowed on each side, and that its further consideration be postponed until Friday morning next immediately after the reading of the Journal.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BRECKINRIDGE, of Kentucky. I object. I think that there are now not less than fifteen to eighteen—the gentleman from Indiana on my left, the chairman of the Committee on Invalid Pensions, informs me that there are twenty just such cases on the Calendar.

Mr. CHIPMAN. There is not another such case. Probably there is not one in the history of the country.

Mr. BRECKINRIDGE, of Kentucky. I do not mean precisely such a case as this, where a father is to be pensioned who was dependent upon his dead son, but I mean pension cases which have gone over from night sessions under the agreement that they should be considered in a full House, the previous question ordered, and fifteen minutes' debate allowed.

I think when we have given this night to this class of cases that they ought to be disposed of here. We ought not to put these cases over into the business of the day. They are accumulating on the Calendars until we now have fifteen or twenty cases which obstruct the consideration of other business.

Mr. CHIPMAN. I suggest to the gentleman that there are no cases like this.

Mr. BRECKINRIDGE, of Kentucky. Why not consider the case this evening and dispose of it?

Mr. CHEADLE. Because the gentleman from Indiana objects and calls a quorum on it.

Mr. BRECKINRIDGE, of Kentucky. Why not allow this case to take the same course as all the other cases on which a quorum has been called?

Mr. CHIPMAN. That is what we are proposing to do—to set this bill for Friday morning. We propose it shall be acted on after ten minutes' debate.

Mr. BRECKINRIDGE, of Kentucky. I do not object with reference to the time to be occupied in debate. My objection is to taking the business to which Friday night is allotted and turning it over to the day sessions of the House, which are devoted to other business.

Mr. ALLEN, of Michigan. The trouble is that this particular bill is objected to by one member only. We are blocked at this point. He is willing that it be voted on at a day session of the House without debate. This is different from other bills in that respect.

Mr. BRECKINRIDGE, of Kentucky. There are, I understand, about fifteen or eighteen such cases.

Mr. ALLEN, of Michigan. I think the gentleman is in error.

Mr. BRECKINRIDGE, of Kentucky. I may be mistaken; but there are the cases of Mrs. General Price, Mrs. General Paul, and others.

Mr. ALLEN, of Michigan. Allow me a word of explanation. The applicant for a pension in this case is no general. He is a man eighty years old—not a general, but a father of a general. I know him, and I know that he is in destitute circumstances, though he is the father of George A. Custer.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Michigan does not understand the point I make. I am perfectly willing that this bill shall be taken up and considered. I wish the gentleman from Michigan to understand that I am not objecting to the passage of the bill. What I object to is the arrangement made every Friday night by which twenty cases or more which were on the Calendar as business of Friday night have been transferred from the night sessions to the day sessions.

Mr. CHIPMAN. The gentleman will pardon me if I suggest that there is no day set, as I understand, for those other cases. This case, if consent be now given, will be the only case fixed for next Friday. There is no other day set for the other cases.

Mr. BRECKINRIDGE, of Kentucky. Is such a discrimination just to those cases which precede this?

Mr. CHIPMAN. Well, I can not see any injustice in it. I would like to do something for this old man before he dies.

Mr. BRECKINRIDGE, of Kentucky. I am perfectly willing that his case be considered and passed; but the point I want to emphasize is that business set apart for Friday night ought to be transacted on Friday night.

Mr. CHIPMAN. But a single member is objecting.

Mr. ALLEN, of Michigan. We would like to pass the bill to-night, but we can not.

Mr. BRECKINRIDGE, of Kentucky. If it is in the power of one member to put off cases to a particular day, I think it is a bad precedent. If this bill can not be acted upon, let it be passed over on the Calendar exactly as any other case would be.

Mr. ALLEN, of Michigan. That is equivalent to defeating it.

Mr. BRECKINRIDGE, of Kentucky. Why should not this man be put on the same footing as other soldiers on whose cases a quorum has been called?

Mr. CHIPMAN. This is not the case of a soldier, but the father of a soldier—a very old man.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to the bill; I do not wish to be understood as opposing it.

Mr. CHIPMAN. Your objection may end in defeating it.

Mr. ALLEN, of Michigan. If you will give us ten minutes——

Mr. BRECKINRIDGE, of Kentucky. There is no trouble about the time.

Mr. CHIPMAN. I hope the gentleman will withdraw his objection.

Mr. BRECKINRIDGE, of Kentucky. I will not stand in the way of the proposition.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that this bill be reported to the House with the recommendation that its further consideration be postponed until next Friday, immediately after the reading of the Journal, the previous question to be ordered on the bill, and fifteen minutes allowed on each side for debate. Is there objection to the request? The Chair hears none, and it is so ordered.

JOHN S. BRYANT.

The next pension business on the Private Calendar (called up by Mr. DINGLEY) was the bill (H. R. 5155) granting a pension to John S. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of John S. Bryant, late a private in Company G, Twenty-ninth Maine Regiment Infantry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

According to the record in the Adjutant-General's Office it appears that soldier enlisted December 7, 1863, and was discharged for disability January 14, 1865. The records in the adjutant-general's office at Augusta, Me., show the date of discharge to have been September 10, 1864, but the discrepancy on this point is immaterial.

The facts in the case are that some time after enlistment, and while soldier's company was still at Augusta, Me., he was granted a furlough, and went to his home at Chatham, N. H. As the furlough was about to expire he started in a carriage with three comrades for the headquarters of his regiment. On the way the carriage was overturned and soldier seriously injured. He was conveyed to a hospital, and not reporting at the expiration of his furlough was marked as a deserter, but when the facts became known this charge was promptly canceled, and as soon as able he was allowed to resume his military duties without trial.

The fact of the incurrence of the injury as alleged is sworn to by his three comrades, but claim for pension was rejected on the ground that soldier was not strictly in line of duty when the accident occurred.

This is a purely technical objection, and as the case seems meritorious in every other particular, your committee report the bill back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA PROVOST.

The next pension business on the Private Calendar (called up by Mr. GALLINGER) was the bill (S. 1884) granting a pension to Louisa Provost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa Provost, widow of Peter Provost, late a soldier in Company B, Seventeenth Vermont.

The report (by Mr. GALLINGER) was read, as follows:

This is a Senate bill, the report in the case being as follows:

"The soldier rendered brave and efficient service for some two years, during which time, at the battle of Spottsylvania, he was severely wounded in the left ankle by a shell and taken prisoner. He remained a prisoner for about three months and was then exchanged. This wound never healed, and for it he was pensioned until his death, which occurred in 1882.

"The only question in the case is whether the wound was the cause of death. It appears from the statement of his attending physician, Dr. Fisk, of Roxbury, Vt., a regular practitioner in good standing, that thirty-six hours before his death he found the soldier in a cramped and doubled-up condition, suffering great pain from the wounded foot, which was greatly swollen and inflamed. It appears that the wound was ragged and dark-colored, with symptoms of mortification. All these symptoms continued to grow worse until his death. The inflammation in the bowels became specially aggravated, and the cause of death is spoken of as inflammation of the bowels. We can see no reason to question the opinion of his attending physician that the wound was the direct cause of the inflammation and death."

Not being fully satisfied with the Senate report, your committee carefully examined the papers on file in the Pension Office in this case.

The certificate of the attending physician, evidently written by an ignorant man, is something of a curiosity, and it is difficult from that paper to intelligently determine the real facts in the case. It does appear, however, that the wound was a very ugly one; that on the day of the soldier's death it was terribly inflamed and painful, and the presumption is that it was the cause of death.

As the bill is for a widow in needy circumstances, your committee give her the benefit of whatever doubt there may be in the case, and report the bill back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LACHLAN H. M'INTOSH.

The next pension business on the Private Calendar (called up by Mr. CARLTON) was the bill (H. R. 9830) for the relief of Lachlan H. McIntosh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Lachlan H. McIntosh, late captain's clerk United States steamer Scourge, war with Mexico the restoration to take effect from and after the passage hereof.

The report (by Mr. CARLTON) was read, as follows:

The claimant was made a pensioner of the United States under the act of January 29, 1887, by a certificate issued by the Pension Bureau July 12, 1887. He was pensioned as a captain's clerk, United States steamer Scourge. On February 6, 1888, his name was dropped from the rolls upon a decision of the Commissioner of Pensions in a similar case, that a captain's clerk was neither an enlisted man nor a commissioned officer, and hence did not come within the provisions of the act of January, 1887, granting pensions to Mexican veterans. The claimant therefore applies to Congress for relief.

The records of the Departments show that the claimant reported for duty as clerk to Lieut. C. G. Hunter, commanding the United States steamer Scourge, on February 16, 1847, and is borne on the list of officers of that vessel on her sailing from New York March 4, 1847, for the home squadron; that he continued to serve in that capacity on board that vessel until the following April, when he returned to the United States with the commanding officer, Lieutenant Hunter; and that meanwhile the Scourge had proceeded to the Gulf of Mexico and assisted in the capture of Vera Cruz, Alvarado, and Fla-co-tal-pam.

These facts also appear from the testimony of Admirals William G. Temple and Melancthon Smith, of the United States Navy, and from other evidence obtained by your committee.

It appears from the record of events of the Mexican war that—

"April 2, 1847, Alvarado and Fla-co-tal-pam surrendered to Lieutenant Hunter, United States steamer Scourge."

In the capture of Alvarado the steamer was compelled to open fire on the town, and in the surrender of Fla-co-tal-pam the claimant took an active and important part, being made bearer of the order demanding surrender of said place.

Mr. McIntosh was allowed his extra pay as an officer engaged in the Mexican war, and the Pension Bureau allowed him a land warrant under the act of 1855.

Your committee recommend, in view of the naval service of the claimant, and of his meritorious conduct therein, that his name be restored to the pension-roll, and that the following bill be adopted as a substitute for the one now before them, namely:

A bill for the relief of Lachlan H. McIntosh.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Lachlan H. McIntosh, late captain's clerk United States steamer Scourge, war with Mexico, the restoration to take effect from and after the passage hereof.

Mr. GALLINGER. I move to amend this bill by striking out, in line 3, the word "Treasury," in the phrase "Secretary of the Treasury," and inserting "Interior."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSALIE O'SULLIVAN.

The next business on the Private Calendar (consideration of which was asked for by Mr. CARUTH) was the bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to pay to Rosalie O'Sullivan, widow of Eugene O'Sullivan, who was a soldier in Company A, Fourth Kentucky Infantry, during the Mexican war, in addition to the pension now received by her, the sum of $2 for each of her two minor children, Mary Eugenia O'Sullivan, who was born June 14, 1879, and Joseph E. O'Sullivan, born January 30, 1879, and he is authorized and directed to pay the same until each child shall arrive at the age of sixteen years, when said additional payments shall cease and determine.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan, have considered the same and report as follows:

Rosalie O'Sullivan is now in receipt of a pension at the rate of $8 per month under the Mexican service-pension act of January 29, 1887, she being the widow of Eugene O'Sullivan, late a private in Company A, Fourth Kentucky Volunteers, who served from October 4, 1847, to July 25, 1848. The present bill proposes to increase her pension to the extent of $2 for each of her two minor children until they shall arrive at the age of sixteen years.

It appears that the widow, Mrs. O'Sullivan, is in ill health, and is often compelled to call upon her neighbors and upon the Association of Mexican Veterans for assistance in obtaining the necessaries of life for herself and the two minor children of the soldier.

The act of January 29, 1887, apparently did not contemplate the existence of minor children of a Mexican veteran, and made no provision therefor.

The committee recommend the passage of the bill, amended, however, by striking out all in the bill after the word "children," in line 8, and inserting in lieu thereof the words "by the soldier, until each child shall arrive at the age of sixteen years, when said additional payments shall cease and determine."

Mr. CARUTH. I offer the following amendment.

The Clerk read as follows:

In line 7, after the words, "two dollars," insert "per month."

The amendment was agreed to, as was also the amendment of the committee.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HELPLESS SOLDIERS AND SAILORS.

The next business on the Calendar was the bill (S. 1000) to increase the pensions of certain soldiers and sailors who are utterly helpless from injuries received or diseases contracted while in the service of the United States.

The CHAIRMAN. This bill is improperly on the Private Calendar, and if there be no objection, it will be referred to the Calendar of the Committee of the Whole House on the state of the Union.

There was no objection, and it was so ordered.

JOSEPH W. M'CONNELL.

The next business on the Calendar (consideration of which was asked by Mr. CHEADLE) was the bill (H. R. 3544) granting a pension to Joseph W. McConnell.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. McConnell, late a sergeant of Company E, Fifteenth Regiment, Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R.

3544) granting a pension to Joseph W. McConnell, have considered the same and submit the following report:

The petition of the claimant states that he enlisted in Company E, Fifteenth Regiment Indiana Infantry, June 14, 1861, and was discharged for disability August 2, 1862. He alleges that while in camp at Elkwater Valley, West Virginia, while carrying a log of wood for the purpose of building a fire in said camp, and when in the act of unloading said log from his shoulder, he felt a sharp, keen pain in his left side, in front of the hip, 2½ inches to the left of the center line of his abdomen, and about 1¼ inches above the penis.

The surgeon (whose name he does not know) examined him and pronounced it rupture, and he states that said disability has troubled him more or less ever since. He says he has not applied to the Pension Department for a pension by reason of said injury because after making inquiry for evidence of all said facts he has failed to find any surgeons, officers, and comrades who know said facts; and the reason he can not find them is that soon after said rupture he was sent to hospitals other than his regimental hospital; was in the care and under the treatment of strange surgeons, and in the company of and associated with sick and wounded soldiers who were strangers to him, and all of whose names he has forgotten or never knew.

A petition and two or three letters from neighbors and acquaintances state that the claimant is in feeble health, and unable to earn a living by manual labor; and that he is a man of exemplary habits and good moral character, and that his statements may be relied upon as truthful. This is all the evidence, if the same may be called evidence, submitted to the committee.

No medical evidence, either prior to enlistment, during his term of service, or during all the years that have elapsed since that time, is furnished, nor is there any evidence such as is necessary to base a favorable report upon, and your committee must therefore submit an adverse report and recommend that the bill do lie upon the table.

Mr. MATSON. I move that the bill be laid upon the table.

Mr. CHEADLE. I ask consideration of that bill notwithstanding the adverse report of the committee. The claimant in this case was seventy-two years of age last month. In 1861 he volunteered in the Fifteenth Indiana Regiment. Soon thereafter, while in the line of duty, and carrying wood to make a fire, in crossing a small branch he slipped on a log and fell, and was ruptured.

There was nobody with him when the disability was incurred. He was sent to the hospital. We all know that in the early stages of the war hospital records were very incomplete. He was sent among strangers—strange comrades and strange surgeons—and he does not know the names of the comrades with him, nor the surgeon who treated him. He was discharged; and the discharge paper simply gives the words, "for disability." I have known the claimant since 1862, and I say that there is no more honorable man living than Joseph W. McConnell, but under the law granting pensions the statement of the claimant can not be taken at all. Therefore it was physically impossible for him to submit to the Department such evidence as would entitle him to a pension. He has been a sufferer since he was ruptured in 1861 until this hour.

He is an old man of seventy-two years; all his people are dead; and the question presents itself as to whether the Government will give him the relief to which he is entitled, or whether he shall go over the hill to the poor-house. In cases like this one, where there is no doubt of the disability, where no one was present when the disability was incurred, when no evidence can be obtained under the law, it is the highest privilege of Congress to exercise the right of granting the claimant a pension. He asks that it be granted according to the rating of the law.

I wish to make one further statement. My colleague [Mr. JOHNSTON] knows this gentleman, and, if it were necessary, we could bring the certificate of five hundred persons in Vermillion County who know the character of this man. I know there is no medical evidence on file of the rupture, and it could not be obtained.

Mr. MORRILL. Is there any evidence of any kind on file?

Mr. CHEADLE. None except his own statement.

Mr. MORRILL. Is there a particle of any other evidence?

Mr. CHEADLE. There can not be any evidence except his own statement.

Mr. MORRILL. Why can he not show his condition before he went into the service and after he came out of it?

Mr. STRUBLE. Has he made a personal statement?

Mr. MORRILL. Was he an able-bodied man before he went into the service?

Mr. CHEADLE. I do not know; I did not live in that county at the time and can not state that fact.

Mr. MATSON. I think I may safely say that there are no adverse reports from the Committee on Invalid Pensions if a favorable report can reasonably be made.

Now, in this case I have no doubt that, as my colleague says, the claimant is a very worthy citizen and was a very good soldier. I do not question that, though I do not know how long he served. I think my colleague did not state that fact. The main reason why an adverse report is made in this case is because he has never filed an application for pension in the Pension Office, because he has failed to follow the ordinary channel of the law. If Congress undertakes to grant pensions in all these cases upon original applications, they will increase the business of Congress very largely. There is no pretense on the part of my friend that this man can not show what his condition was when he came out of the service.

He certainly could show if he was a sound man when he went into the service and could show whether he was a disabled man when he came out of the service. On that kind of proof thousands of pensions have been granted by the Pension Office; and there is no reason why an exception should be made in the case of this man. Why should my constituent or your constituent be required to go to the Pension Office and have his claim passed upon before he can come to Congress and an exception made in this case, when the claimant has not exhausted his remedy at all? That is the ground upon which the adverse report is based.

Mr. ALLEN, of Michigan. Is it not the fact in this case that the law is such that it will be no earthly use for him to go there?

Mr. MATSON. I think not. I think if he would go to the Pension Office and show, as he could show according to the statement made by my colleague [Mr. CHEADLE], that he was sound when he went into the service and was ruptured when he came out he could probably get his pension. At any rate, ought he not to be required to try? All the rest of the soldiers are required to do it. Congress does not take original jurisdiction except in some case where the man was not mustered in, or where there is some other good reason, where it is clear and certain that he could not get a pension at the Pension Office; but this is not such a case. This is a case where the man probably could get a pension, and, no matter how good a man he is, or how good a soldier he was, his case ought not to be taken up by Congress in this irregular way and he be preferred above all the other million of soldiers who survived the war. That is the ground of the adverse report. There is nothing in the report that reflects upon the claimant, nothing that makes his case any worse at the Pension Office. He can have the benefit there of his own statement and of whatever proof he can produce that he was sound when he went into the service and unsound when he came out. Besides that, there is no testimony here from a single physician that he is an unsound man now. There is no sort of evidence of it, except his own bare statement that he was ruptured while he was in the service.

Mr. ALLEN, of Michigan. Does the gentleman from Indiana [Mr. MATSON] forget that his own colleague [Mr. CHEADLE] says that he knows that the man is ruptured?

Mr. MATSON. Does he say he has ever examined him?

Mr. ALLEN, of Michigan. No; but any one knows enough to say that if he knows that the man wears a truss.

Mr. MATSON. However that may be, ought this man to be treated differently from all the other soldiers? Ought not he be required to show by a medical examination, as all other applicants are required to show, that he is ruptured? Why should he be treated differently from other soldiers?

Mr. CHEADLE. Will my colleague let me have one minute to make a statement which I ought to have made before?

Mr. MATSON. Certainly.

Mr. CHEADLE. I forgot to state that this old gentleman and his attorneys have corresponded with all his surviving comrades and have satisfied themselves that there is not a living soul who was with him at the time he was injured or who knows that the disability was incurred in the service. Now, his own statement would not be taken at the Pension Office, and therefore how could he go there with any prospect of success? His own statement would not be accepted as evidence, and he says himself that after diligent inquiry he finds it is impossible to obtain the evidence of any of his comrades who know the facts.

Mr. MATSON. But by the statement of my colleague the very record itself shows that this man was discharged for disability. The law makes a *prima facie* presumption that he was sound when he went into the service, and here is a discharge which this man says he has showing that he was discharged for disability; yet he says that he does not want to go to the Pension Office even with a *prima facie* record, but comes here and asks Congress to select him out from all the other soldiers and give him a pension without doing what we require all the other soldiers to do.

Mr. ALLEN, of Michigan. I do not want to interfere in this matter, but on general principles here is a case where a man for whose honor and uprightness his Representative in Congress vouches, who asserts that he has attempted to do just exactly what the Pension Office would require, to wit, to find the evidence of his comrades or officers, and that he can not do it. Now, it is not a very hard thing to imagine an old man out in Indiana who has lost all his relatives, who has drifted away from his comrades, and is, so to speak, isolated, and here is a man seventy-two years of age, in regard to whom we are asked to assume that he is committing perjury for this paltry pension—a man who has to go around holding himself together with a truss! I do not believe it is such an extraordinary case that we can not do justice to it here. The trouble is that we do not do justice to the soldiers, and we need not be alarmed about making a mistake if it is on the right side. We know two things in this case; first, that the man was sound when he went into the service; and, second, that he is unsound now.

Mr. KERR. How do you know that?

Mr. ALLEN, of Michigan. First by his own statement, and second by the statement of his Representative on this floor.

Mr. KERR. Let him go and make his statement to the Commissioner of Pensions.

Mr. ALLEN, of Michigan. He can just as well make it here. We have the power to pass laws here. That is what we are here for.

Mr. GALLINGER. I am glad to be able to agree with our distinguished chairman [Mr. MATSON]. The Committee on Invalid Pensions does not make unfavorable reports in cases that justify favorable

ones. There is one other thing which I think the chairman of the committee forgot to state; that is, that there is a rule in the Committee on Invalid Pensions that they will not take action in cases that have not been submitted to the Pension Office where there is any reasonable ground for such submission. They absolutely refuse to give such a case consideration in the committee unless there be some special reason why it should not have been submitted to the Pension Office; or, if submitted, why favorable action could not be obtained. This case comes under that rule of the committee, and I think they were justified in their action, and that this bill ought not to pass.

Mr. STRUBLE. Has not that rule been followed by the committee in the action in this case?

Mr. GALLINGER. It has.

Mr. CHEADLE. One word more, Mr. Chairman. To-night, contrary to the law of the land, a bill has been passed—I will not say how—to increase the pension of a widow from $50 to $100 a month, and, after the technicalities of the law have been thus disregarded here, I appeal to the members of this committee to say whether, when a Representative upon this floor makes such a statement as I have made in regard to this case and when an old soldier, who was disabled in the service and who says that he is unable to make the technical proof that is required in the Pension Office, comes into this tribunal of the people and asks for a pension, his claim is to be disregarded? I want to see if this House, which has this very night increased a pension contrary to law, will deny a hearing to Joseph W. McConnell, an old man, seventy-two years of age, who must have been forty-five years old when the war broke out, and who is now an invalid as the result of his service, or whether they will say to the Commissioner of Pensions: "Have this man examined and pension him according to the ratings of the law."

The CHAIRMAN. What motion does the gentleman submit?

Mr. CHEADLE. That this bill be laid aside to be reported favorably, notwithstanding the adverse report of the committee.

The question being taken on the motion of Mr. CHEADLE, it was not agreed to, there being—ayes 16, noes 23.

The question then recurred on laying the bill aside to be reported to the House adversely; which was agreed to.

JESSE M. STILWELL.

The next pension business on the Private Calendar was the bill (H. R. 6371) granting a pension to Jesse M. Stilwell.

The CHAIRMAN. The bill has been reported from the Committee on Invalid Pensions adversely.

Mr. CHEADLE. I ask that the bill be passed over, retaining its place.

Mr. MATSON. I think I can please the gentleman better. I propose to ask the House to pass this bill, notwithstanding the adverse report. I neglected to notify my colleague, as I intended to do, that the committee has reconsidered its report in this case, and now recommends favorable action.

Mr. CHEADLE. It is a meritorious case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to place the name of Jesse M. Stilwell, of Lionsville, Boone County, Indiana, late of Company A of the Seventieth Regiment Ohio Volunteers, upon the pension-roll, at the rate of $16 a month, subject to the regulations of the Pension Department.

The report (by Mr. MATSON) was as follows:

The claimant in this case filed declaration May 6, 1885, alleging that while at or near Stevenson, Ala., about December 24, 1863, he was struck in the small of the back by a comrade, Joseph E. Carr, with a hickory stick, which greatly disabled him and still disables him. The claim was rejected on the ground that the alleged injury to back was not received in the line of duty, and was not due to the service in contemplation of law, under ruling 133. From this decision an appeal was taken to the Secretary of the Interior, who says:

"It is shown that appellant was off duty and in front of his tent in camp when assaulted by Joseph E. Carr, another soldier, and the disability alleged to have been incurred was in no manner incident to or connected with his military duty as a soldier; therefore he was not in the line of duty as contemplated by the pension law, and the action of rejection is not error and should not be disturbed."

The decision in this case has also been affirmed by the President in a veto message recently sent to Congress, and the committee therefore submit an adverse report and recommend that the bill do lie upon the table.

Mr. MATSON. This is a case where a man was injured while sitting in his tent. After he had come off guard duty and while he was engaged in preparing to go to bed—taking off his shoes—a comrade struck him without warning and without provocation. In the original examination of the case there seemed to be some circumstances pointing in the direction of a quarrel, but after careful investigation I became satisfied there was nothing of that kind in the case, and so reported to the committee, which directed me to make a favorable report to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADVERSE REPORTS.

Bills of the following titles, reported from the Committee on Invalid Pensions adversely, were severally laid aside to be reported to the House with the recommendation that they be indefinitely postponed:

A bill (S. 1007) granting a pension to John S. Coleman;

A bill (S. 2447) granting a pension to Mary J. Goslee;

A bill (S. 2330) granting increase of pension to William Gallagher;

A bill (S. 776) granting an increase of pension to John Moore; and

A bill (S. 2084) to restore to the pension-roll the name of Joseph Lews.

SUSAN SINGLETON.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (H. R. 9130) granting a pension to Susan Singleton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Singleton, dependent mother of Dudley P. Singleton, late a private in Company H, Fifty-ninth Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

Claimant was the dependent mother of Dudley P. Singleton, a private of Company H, Fifty-ninth Indiana Volunteers, who died in Memphis Hospital in January, 1863, of measles contracted in the service and in line of duty. Claimant filed her application for pension as dependent mother March 5, 1879, which was rejected on the ground of nondependence at the time of soldier's death.

The evidence shows that the time the soldier died claimant's husband was possessed of a farm which was of little value, and that by reason of sickness from the date of his son's death up until his own the value of his earnings per month could not exceed $5, and that the value of his property would not exceed $800, and at his death was divided among his heirs, and that the value of the property of claimant would not exceed $250.

There are many affidavits of neighbors who have known the claimant for twenty years, who testify to her present helpless condition. She is now sixty-six years of age, broken in health, without any means of support, and requires the aid and attention of another person.

Your committee believe the claim to be a meritorious one and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA A. RHOADS.

The next business on the Private Calendar (called up by Mr. BYNUM) was the bill (S. 842) granting a pension to Julia A. Rhoads.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Rhoads, widow of James R. Rhoads, a soldier in the late war of the rebellion.

The report (by Mr. MATSON) was read, as follows:

The claimant is the widow of James R. Rhodes, who was drafted some time in September, 1864, and reported at Camp Carrington, Indianapolis, where he remained some time. While there he was taken sick, as alleged, from exposure, which resulted in a severe cold and an affection of the kidneys. November 14, 1864, he furnished a substitute and went home sick, where he remained under the care of a physician, when he died.

He was never mustered into any company or regiment, for the reason, probably, that he was unable to do military duty for the causes above stated; but the records of the War Department show that he was drafted and furnished a substitute after he was prostrated by sickness. He was treated while in camp by a surgeon whose name is unknown; and Dr. Allen testifies that he was laboring under disease of kidneys after his return home, and was treated therefor until he died. He says "he became delirious and unconscious before death from uræmic poison, and died from that cause, the result of disease of the kidneys." The marriage is fully proven; and it is shown that he was a man of good health before and at the time he was drafted into the service.

We believe that the bill ought to pass, and therefore submit a favorable report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee now rise.

Mr. WISE. I ask the gentleman to yield a moment to me.

Mr. MORRILL. Regular order.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

LOUISE PAUL.

Mr. CHEADLE. I ask unanimous consent that the motion to reconsider and lay on the table the vote by which the bill of the Senate No. 749, granting a pension to Louise Paul, was passed be withdrawn.

Mr. LAFFOON. I object.

Mr. CHEADLE. Then I want to say this——

Mr. MORRILL. Regular order.

Mr. CHEADLE. I rise to a question of privilege. I have raised on a Friday night session the question of a quorum on this bill, and it went over to a full House. It was brought up and considered to-night when a quorum was not present. I desire this statement to go on record.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole without amendment, were considered, ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 4504) granting a pension to Nancy Baldwin;

A bill (H. R. 3055) for the relief of A. F. St. Sure Lindefelt;

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;

A bill (H. R. 9672) granting a pension to Eliza A. Williamson;
A bill (H. R. 9263) granting a pension to Abraham J. Buckles;
A bill (H. R. 5155) granting a pension to John S. Bryant;
A bill (H. R. 6371) granting a pension to Jesse M. Stillwell; and
A bill (H. R. 9130) granting a pension to Susan Singleton.

Bills of the following titles, reported from the Committee of the Whole with amendments, were considered, the amendments adopted, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 5123) to increase the pension of Charles Ritchey;
A bill (H. R. 2190) granting a pension to Jane Smallridge;
A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and
A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan.

EMANUEL H. CUSTER.

The bill (H. R. 9387) for the relief of Emanuel H. Custer, reported from the Committee of the Whole with the recommendation that the previous question be considered as ordered thereon, and that the bill be fixed as a special order for consideration on the 26th instant, with the right of debate for fifteen minutes on each side, was considered, the recommendation concurred in, and the order made in accordance therewith.

ADVERSE REPORT.

The bill (H. R. 3544) granting a pension to Joseph W. McConnell, reported from the Committee of the Whole with an adverse recommendation, was ordered to be laid on the table.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading; and being read the third time, were passed, namely:

A bill (S. 2105) granting an increase of pension to Joseph Verbisky;
A bill (S. 692) granting an increase of pension to Enoch G. Adams;
A bill (S. 2652) granting a pension to Gustave E. Peters;
A bill (S. 1629) granting a pension to Erastus B. Burnham;
A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;
A bill (S. 1716) granting a pension to Mary L. Williams;
A bill (S. 896) for the relief of Mrs. Louise Silvers;
A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser;
A bill (S. 1884) granting a pension to Louise Provost; and
A bill (S. 842) granting a pension to Julia A. Rhoads.

The following Senate bills, reported from the Committee of the Whole with amendments, were considered, the amendments adopted, and the bills as amended ordered to a third reading; and being read the third time, were passed, namely:

A bill (S. 2033) granting a pension to Joseph Wirth;
A bill (S. 888) granting a pension to Mercy A. Cutts; and
A bill (S. 734) granting a pension to James Hale.

CHANGE OF REFERENCE.

The Committee of the Whole House was discharged from the further consideration of the bill (S. 1000) to increase the pension of certain soldiers who are utterly helpless from injuries received or diseases contracted while in the service of the United States; and the same was referred to the Committee of the Whole House on the state of the Union.

BILLS REPORTED ADVERSELY.

Senate bills of the following titles, reported from the Committee of the Whole House with an adverse recommendation, were considered and ordered to be indefinitely postponed, namely:

A bill (S. 1007) granting a pension to John S. Colman;
A bill (S. 2447) granting a pension to Mary J. Goslee;
A bill (S. 2330) granting an increase of pension to William Gallagher;
A bill (S. 776) granting an increase of pension to John Moore; and
A bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (the hour of 10 o'clock and 30 minutes having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. J. A. ANDERSON: A bill (H. R. 10911) granting a pension to Ira E. Baldwin—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 10912) granting a pension to Nancy P. Brown—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 10913) granting a pension to William H. Littel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10914) granting a pension to John Lossing—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 10915) for the relief of James D. Walthal—to the Committee on Claims.

By Mr. LANDES: A bill (H. R. 10916) increasing the pension of James Gullett—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: A bill (H. R. 10917) granting a pension to Lorenzo D. Austin—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 10918) for the relief of the legal representatives of Jacob A. Meek—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of N. L. Charman, of Newton County, Mississippi, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUTELLE: Petition of the Woman's Christian Temperance Union, of Maine, for a prohibitory amendment to the Constitution—to the Committee on the Judiciary.

By Mr. C. R. BRECKINRIDGE: Memorial of E. G. Ferguson and 86 others, of Woodruff County, Arkansas, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BUTTERWORTH: Petition of William Brown and 40 others, citizens of Morgan County, and of Jackson Grange, No. 341, of Allen County, Ohio, in favor of pure food—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of John W. Cato, heir of John D. Cato, deceased, of Warren County, and of John L. Hyland, heir of W. S. Hyland, of Warren County, Mississippi, for the reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. ENLOE: Petition of Robert H. Chester, of Madison County; of John H. Moss, administrator of Willian Gordon, deceased, of Madison County, and of William F. Brooks, administrator of William Brooks, deceased, of Henderson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of E. A. Wells, of Reading, Pa., for payment to soldiers of the late war the difference between gold and greenbacks in their pay—to the Committee on Appropriations.

By Mr. FUNSTON: Petition of 46 citizens of the Second district of Kansas, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GAINES: Petition of citizens of Dinwiddie County, Virginia, for protection against fraudulent evasions of the interstate-commerce law—to the Committee on Commerce.

By Mr. GLASS: Petition of the heir of John Childs, deceased, of Obion County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Memorial of Local Assembly, No. 562, Knights of Labor, of Washington County, Ohio, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HATCH: Petition of citizens of Kirkville, Mo., in favor of House bill 8716—to the Committee on Labor.

By Mr. HERMANN: Petition of Woman's Christian Temperance Union of Oregon, for a prohibitory amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Oregon, in favor of pure food—to the Committee on Agriculture.

By Mr. HOOKER: Petition of J. B. Greaves, mayor of Edwards, Miss., and other citizens, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. T. D. JOHNSTON: Petition of Andrew J. Loflis, of Transylvania County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LEE: Petition of James H. Clark, of Fairfax County, Virginia, for payment of his war claim—to the Committee on War Claims.

By Mr. MORGAN: Petition of William L. Hawkins, of Tate County, and of William J. Hargiss, heir of James Hargiss, deceased, of Lafayette County, Mississippi, for the reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Resolutions of Grant Post, Grand Army of the Republic, of New York City, in favor of promoting Chief Engineer George Wallace Melville—to the Committee on Naval Affairs.

By Mr. PEEL: Petition of 48 citizens of the Sixth district of Arkansas, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. ROGERS: Petition of Margaret A. Singleton, widow of A. J. Singleton, of Franklin County, Arkansas, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. SNYDER: Petition of the Woman's Christian Temperance Union of Virginia, for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. J. D. STEWART: Petition of Mrs. G. G. Fisher, of Fulton County, Georgia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Samuel J. Lee and others, heirs of Samuel Lee, and of Samuel J. Lee, administrator of William C. Lee, of Henry County, and of John F. Morris and A. De Foor, executors of Christopher C. Morris, of Fulton County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STOCKDALE: Petition of Eliza L. Rivers, of Natchez, Adams County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. TRACEY: Petition of the Woman's Christian Temperance Union of New York, for a prohibitory amendment to the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WARNER: Petition of C. V. Huff, of Knob Noster, Mo., relative to duty on dentists' instruments, etc.—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of R. S. Skelton, administrator estate of James T. Skelton, of Jackson County, and of Thomas M. Hobbs, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. HOLMAN: Of Boone and Crockett Club of New York.

SENATE.

SATURDAY, *July* 21, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CUSTOMS SERVICE EMPLOYÉS AT NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 1, 1888, papers containing certain information in relation to employés in the customs service at the port of New York; which, with the accompanying documents, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented a petition of citizens of Blue Earth County, Minnesota, praying for the passage of certain amendments of the interstate-commerce law; which was ordered to lie on the table.

Mr. FRYE. I present the petition of L. H. Moulton and others—where they reside the petition does not indicate—praying for the passage of certain amendments to the interstate-commerce law. I move the reference of the petition to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. EVARTS presented the petition of C. L. Saunders and 17 others, praying for the removal of the duty on tin-plate; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10318) granting a pension to Mary C. Davis;

A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll; and

A bill (H. R. 9314) granting a pension to Mrs. Judith Deig.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4098) granting a pension to Eliza Trefren;

A bill (H. R. 8506) for the relief of Hannah H. Latham;

A bill (H. R. 7510) granting a pension to Stephen A. Seavey; and

A bill (H. R. 9119) granting a pension to George C. Chase.

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3361) for the relief of George W. Graham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 3362) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 3363) for the relief of Michael Loeb and Frederick Munzenheimer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. EVARTS (by request) introduced a bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York; which was read by its title, and referred to the Committee on Commerce.

AMENDMENTS TO CLAIMS BILL.

Mr. GIBSON submitted two amendments intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

The PRESIDENT *pro tempore*. If there is no further morning business, that order is closed.

Mr. COCKRELL. The Calendar.

Mr. SHERMAN. There is a bill on the Calendar which I should like to have passed. It was reported with unanimity by the Committee on Finance. I refer to the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

Mr. COCKRELL. The Senator from Kentucky [Mr. BECK] wanted to be here when that was considered.

Mr. SHERMAN. Will the Senator send for him?

Mr. COCKRELL. I will see if he is in the room of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] had previously submitted a motion.

Mr. SHERMAN. I will let the motion be pending, and pass it over informally until the Senator from Kentucky comes in.

The PRESIDENT *pro tempore*. The Senator from Nevada first took the floor to move the consideration of the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Mr. STEWART. I understand that the Senator from Colorado [Mr. TELLER] desires to go on with his speech on the fisheries treaty, and if that is the case I ask leave to withdraw my motion.

The PRESIDENT *pro tempore*. The Senator from Ohio, then, is recognized by the Chair.

Mr. SHERMAN. If the Senator from Colorado desires now to go on, I shall withdraw my request.

Mr. TELLER. I am willing to have the bill considered if it does not lead to debate.

Mr. DAWES. While the Senator from Ohio is sending for the Senator from Kentucky I should like to call up a matter.

Mr. COCKRELL. The Senator from Kentucky will be here in a minute.

Mr. STEWART. If other business is to go on, I shall insist on my motion to proceed with Senate bill 3304.

Mr. SHERMAN. I do not want to yield the Freedman's Bank bill, as the Senator from Kentucky will be here in a moment.

The PRESIDENT *pro tempore*. The motion of the Senator from Nevada [Mr. STEWART] has priority.

Mr. SHERMAN. All right, then.

Mr. HOAR. What has become of the fisheries treaty?

The PRESIDENT *pro tempore*. The treaty is pending before the Senate in open executive session whenever it is moved. Does the Senator from Nevada yield?

Mr. STEWART. No, I ask that Senate bill 3304 be taken up.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States.

Mr. HOAR. A motion to go into open executive session is in order?

Mr. DAWES. I ask the Senator from Alabama [Mr. MORGAN] to give way for that motion.

Mr. SHERMAN. Has the Senator from Alabama the floor?

Mr. MORGAN. I have on the business that is now about to be taken up by the Senate.

The PRESIDENT *pro tempore*. The motion is not debatable under the rules. The Senator can proceed by unanimous consent.

Mr. DAWES. Does a motion to go into executive session on the treaty take precedence of the motion of the Senator from Nevada?

The PRESIDENT *pro tempore*. Such a motion has not yet been made.

Mr. DAWES. I make the motion, if it will take precedence.

Mr. MORGAN. The Chair anticipated my desire. I did not rise to

debate the motion. I suppose the business that is now proposed to be taken up is the regular business of the Senate at 2 o'clock.

The PRESIDENT *pro tempore*. It is. The unfinished business at 2 o'clock would be the bill now moved by the Senator from Nevada.

Mr. DAWES. I make the motion——

Mr. MORGAN. I wish to make an inquiry of the Chair.

Mr. PLATT. Is not the unfinished business the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes?

The PRESIDENT *pro tempore*. The Chair was mistaken. Senate bill No. 12 was laid aside informally and therefore its consideration was resumed at the close of yesterday's session, and that will be the unfinished business at 2 o'clock to-day.

Mr. DAWES. I make the motion that we proceed to the consideration of executive business on the treaty in open session.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the resolutions offered by the Senator from Alabama [Mr. MORGAN] and the fisheries treaty in open executive session.

Mr. VOORHEES. The Senator from Massachusetts, I think, will concur with me in asking for a few minutes of executive session with closed doors. There is a matter that calls for attention, and I therefore make that request.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts modify his motion?

Mr. DAWES. I do.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 692) granting an increase of pension to Enoch G. Adams;

A bill (S. 749) granting a pension to Louise Paul;

A bill (S. 842) granting a pension to Julia A. Rhoads;

A bill (S. 896) for the relief of Mrs. Louise Silvers;

A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser;

A bill (S. 1629) granting a pension to Erastus B. Burnham;

A bill (S. 1716) granting a pension to Mary L. Williams;

A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;

A bill (S. 1884) granting a pension to Louise Provost;

A bill (S. 2105) granting an increase of pension to Joseph Verbisky; and

A bill (S. 2652) granting a pension to Gustave E. Peters.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1734) granting a pension to James Hale;

A bill (S. 888) granting a pension to Mercy A. Cutts;

A bill (S. 1450) for the relief of Maj. Gen. W. W. Averell; and

A bill (S. 2033) granting a pension to Joseph Wirth.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton, with the rank and grade of colonel, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. HOOKER, Mr. TOWNSHEND, and Mr. GEAR managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers; and

A bill (H. R. 9396) for the relief of General William F. Smith.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army;

A bill (H. R. 3008) for the relief of P. A. Leatherbury;

A bill (H. R. 6153) to authorize condemnation of land for sites of public buildings, and for other purposes;

A bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States;

A bill (H. R. 8183) for the erection of a public building at Opelousas, La.; and

Joint resolution (H. Res. 103) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials, to the city of Utica, N. Y.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN. If the Senator from Colorado [Mr. TELLER] will allow me, I ask the unanimous consent of the Senate that we may proceed to consider and finish the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company. The Senator from Kentucky [Mr. BECK] is present, and says he is in favor of the bill. It will take but a moment, I think, to pass it.

Mr. TELLER. I have no objection unless it leads to debate.

Mr. SHERMAN. If it leads to debate, or if any Senator objects to the passage of the bill, modified as it is, I shall not press it now.

Mr. EDMUNDS. We are in executive session, I believe, Mr. President, with open doors.

Mr. SHERMAN. It can be done by unanimous consent.

The PRESIDENT *pro tempore*. It creates great embarrassment in journalizing to have these irregular proceedings in open executive session or closed executive session. If there be no objection, the Chair will hold that there is unanimous consent given for the consideration of legislative business, and the Senator from Ohio will be recognized.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. Subject to a call for the regular order.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Finance with amendments.

The first amendment was, in line 11, after the word "representatives," to insert "as hereinafter provided;" so as to read:

That the commissioner of the Freedman's Savings and Trust Company, and his successors in office, be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all depositors of the Freedman's Savings and Trust Company whose accounts have been properly verified and balanced under existing laws, or to their legal representatives, as hereinafter provided, a sum of money equal to the verified balances due said depositors from said company at the time of its failure, less the amount of dividends which have been or may be declared from the assets of said company.

The amendment was agreed to.

Mr. EDMUNDS. I should like to be informed a little about this bill. Who is "the commissioner of the Freedman's Savings and Trust Company?"

Mr. SHERMAN. The Comptroller of the Currency is that officer. There was formerly an independent officer; Mr. Leopold held the office; but those duties have been imposed on the Comptroller of the Currency for a number of years.

Mr. EDMUNDS. So I supposed; but my doubt was whether the Comptroller of the Currency is the commissioner or whether the duty of the commissioner has merely been transferred to him.

Mr. SHERMAN. It is so understood. The bill was framed in the Treasury Department.

Mr. BECK. A report was made to us which shows that the Comptroller of the Currency is the commissioner and was made so by law. I have sent for the report and will get it in a few minutes.

Mr. EDMUNDS. If made so by law, then the phraseology of the bill is probably right; but if the duties of commissioner were merely transferred to him as Comptroller of the Currency, then the language of the bill does not appear to be adequate to the purpose. The first two lines of it are probably right as they are, because it takes in "the commissioner of the Freedman's Savings and Trust Company and his successors in office;" but the next provision is confined entirely to the action of the commissioner himself, and it depends upon the precise nature of his office. I do not want to interfere with the passage of the bill.

Mr. SHERMAN. That duty was conferred upon him by law.

Mr. EDMUNDS. The duties were conferred upon him, but the point is as to the title.

Mr. SHERMAN. The bill was prepared in the Treasury Department.

Mr. EDMUNDS. The Senator in charge of the bill says that the Comptroller of the Currency is the commissioner of the Freedman's Savings and Trust Company, so that I have nothing further to say on that point.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The next amendment of the Committee on Finance was, in line 16, after the word "million," to strike out "two hundred thousand;" and

in line 26, after the word "representatives," to insert "as hereinafter provided;" so as to read:

And for this purpose the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, said amount to be placed in the Treasury to the credit of said commissioner by the Secretary of the Treasury for the purposes in this act specified, but no part of the money hereby appropriated shall be paid to any assignee of any such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, and to their heirs and legal representatives, as hereinafter provided.

The amendment was agreed to.

The next amendment was to add to the bill:

No payment shall be made under the provisions of this act to any person without the commissioners being first satisfied that the person receiving the same is the original depositor, entitled to the same under the provisions of this act, or the widow, children, or grandchildren, if there be any; if not, then to the father or mother, if any; and if not, then to the brothers and sisters, if any, and none other shall inherit. The money herein appropriated shall be applied only to the payment of the claims of such persons in whole or in part of African descent, whose accounts have been properly verified and balanced under existing laws.

Mr. EDMUNDS. I should be glad to be informed why this race distinction is made in the amendment. If there was a lawful depositor who can not prove that he or she in whole or in part was of African descent, why should a discrimination be made against him?

Mr. SHERMAN. The answer is that the law itself which created this institution made the distinction. No one really is entitled to the benefits of the law, and no one was entitled to deposit money in the Freedman's Bank by express provision except he was of African descent.

Mr. EDMUNDS. Then, in order to get rid of the "race" business, and still cover the point of the Senator so as to give the money only to those who were lawful depositors, I move to amend the amendment in line 34, by inserting before the word "original" the word "lawful," so that it will only cover those who were entitled to deposit in the bank. Then I shall move to strike out the words in line 40, "in whole or in part of African descent."

The PRESIDENT *pro tempore*. Before submitting that question the Chair will ask the Senator from Ohio whether the word "commissioners," at the end of line 32, should be in the singular or plural?

Mr. EDMUNDS. It should be in the possessive case.

Mr. SHERMAN. That amendment was prepared by the Senator from Missouri [Mr. VEST].

Mr. EDMUNDS. It is a mere misprint in point of punctuation. It is printed in the plural, "commissioners." It is intended to be in the possessive case, so as to read "without the commissioner" or "commissioner's being first satisfied." "Commissioner" would be the best form of the word. It is a typographical mistake.

The PRESIDENT *pro tempore*. The typographical change will be made.

Mr. SHERMAN. As to the language of the original law, the Senator from Kentucky, I think, has that before him.

Mr. BECK. No, I think not. I sent for it, but received a general statement without the law.

Mr. SHERMAN. The original act limited the benefits of the Freedman's Savings and Trust Company to persons of African descent.

Mr. EDMUNDS. I take that for granted, and accordingly move to reach that point of only paying the lawful depositors by putting in the word "lawful" before "original." If that is agreed to, I shall then move to strike out the words "in whole or in part of African descent," and that will give the lawful depositors who make proof the money.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont to the amendment of the Committee on Finance will be stated.

The SECRETARY. At the beginning of line 34 insert the word "lawful," so as to read:

Without the commissioner being first satisfied that the person receiving the same is the lawful original depositor.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment proposed by the Senator from Vermont to the amendment of the Committee will be stated.

The SECRETARY. In line 40, after the word "persons," strike out the words "in whole or in part of African descent;" so as to read:

The money herein appropriated shall be applied only to the payment of the claims of such persons whose accounts have been properly verified and balanced under existing laws.

Mr. BECK. I hope those words will not be stricken out, if for no other purpose than to make it perfectly certain what is the intention of the proposed law. The original act limited depositors to persons of African descent, and so did one or two amendments of that act which were afterwards made. Subsequently a number of white men became depositors and ran the bank, and ran it to destruction, which is at the bottom of all the trouble we are now in.

If the words "in whole or in part of African descent" be stricken out and the phrase "lawful depositor" retained, it will be a question whether the very men who brought all the trouble upon the bank, who were themselves the principal beneficiaries, while the original colored depositors were ruined and only got 62 per cent. of the whole, will not insist that they, too, having balanced their books with two-thirds of the whole amount outstanding, shall be the principal beneficiaries.

The committee were endeavoring to guard against that by inserting these words at the suggestion of Mr. Trenholm himself, who is the commissioner, as shown by his statement, so as to limit it strictly to the purpose of the original law and to the only persons to whom we are bound to make it good.

The only reason why the United States is in equity bound to make good the deposits is because those colored people believed that it was a Government institution, managed by Government officers, and run for their benefit. Their money was deposited upon the faith of that, and as they have lost, none of them being very large depositors, indeed all very small, perhaps $50 being away above the average, the white men should not by any construction or misconstruction of the law be entitled to set up their claims. We make it good to the colored people and then we have done our duty.

The bill as amended is drawn so as to meet the views of the commissioner, and the committee were very careful in endeavoring to limit it to the proper beneficiaries and to extend it no further. Striking out those words which have been inserted would beyond all question cause all the white depositors to claim that they come in under the bill, which we did not intend should be the case.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Finance.

Mr. HOAR. I call for the regular order.

Mr. SHERMAN. I have done my duty.

Mr. HOAR. I waive the call. I understood there was to be a division, and I thought that that would be in contravention of the spirit of the arrangement under which the bill was taken up. I withdraw the demand for the regular order.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont to the amendment of the Committee on Finance.

The amendment to the amendment was rejected.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. VANCE. Mr. President, I should like to inquire of the author of the bill what distinguishes this from any other banking institution of the country? If we pay the depositors of this institution for the losses that they have incurred by the failure of the institution, why should we not pay all other depositors of all other banking institutions chartered under the authority of the United States?

I confess, sir, that I can see no reason for it, and before I vote upon the bill, disposing of over a million dollars of money to make good the defalcations of some dishonest men connected with this institution, I should be glad to have a reason given to me for a vote in its favor.

Mr. SHERMAN. That reason has been given so often to the Senator in committee and in the Senate that the Senator will pardon me for not repeating it. The reasons have been given as growing out of the peculiar institution and the peculiar circumstances connected with the institution. It is not necessary to repeat them here.

Mr. VANCE. I have not received the answer to my question that I expected and hoped that I would get. The Senator contents himself by saying that the reasons have been given so often in committee that he declines to give them publicly.

Mr. SHERMAN. The Senator does not quite quote what I said. I said they have been given so often in committee and in the Senate that it is not necessary to repeat them. When this subject was discussed the other day by the Senate there were quite a number of gentlemen on that side of the Chamber and on this side who gave reasons why the bill should pass, although it would not be a good rule for us to pay all depositors of broken national banks.

Mr. VANCE. I was not present when the discussion was had in the Senate. I was not aware that one had taken place.

The peculiar circumstances seem to be that the colored people were the wards of the nation, I suppose, and that they were led to believe that this was a Government institution managed by Government officers, and that the faith of the Government was pledged to make good their deposits, and to see that they were properly treated, etc.

The kindest and the best thing that can be done with the colored race in this country is to teach them to depend upon themselves. The ward business began at a very early period. It is time that they should either be the wards of the nation or that they should be independent freemen, learning to depend upon themselves and not to depend upon the Government—one or the other.

As wards it is assumed that these persons were so ignorant that they did not know the risk they were running when they deposited their money in a chartered institution; that they believed, in their trusting and implicit ignorance, that they were to be taken care of by the faith of the nation, and that everything that had the Government of the United States attached to it meant a solemn guaranty to them of their rights and privileges and property, etc.

That has all gone by, sir, and at the same time that we are now asked, in consideration of their ignorant condition, their condition of

inchoate citizenship, to make good all the losses incurred in this bank, they were as freemen thought to be wise enough and statesmanlike enough and freemen enough to intrust with the destinies of whole States in this country, to take charge of the laws, the property, the rights, the liberties and the civilization of my State for one, and of many others, and were placed over the heads of the white people in those governments. If they were able and sufficiently enlightened to take charge of the destinies of a free, civilized Commonwealth, surely they were able to deposit their money in a banking institution and to take the risks there like any one else.

To hold them as wards wherever a defalcation of a bank is to be made good, and to hold them as enlightened and civilized freemen wherever a political purpose is to be maintained by giving them full charge of a whole State and its destinies, I think is entirely inconsistent.

When this bill was introduced it contained a general provision to make good all the depositors who had not been satisfied by the assets of the bank. It turned out that quite a number of those depositors were white people. Now, the bill is amended so as to strike them out, and we are absolutely to make a distinction in violation of the Constitution of the United States, which says that no distinction shall be made on account of race, color, or previous condition of servitude. We are to pay the colored man all that he was robbed of by the officers of this bank, and the white man is to look out for himself and gets nothing because he should have known better.

Sir, the whole business is wrong. These colored people must learn to distinguish in their business risks just as the white people have learned to distinguish. They must learn the great truth that every man who calls himself a philanthropist and friend of the colored man is not necessarily so, and that the louder in fact he talks philanthropy and love of them the more likely he is to steal what they intrust to him. They have that lesson to learn. If one is to be paid I am in favor of paying the other. There is no justice in any other course.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and it was read the third time.

Mr. VANCE. Let us have the yeas and nays on the passage of the bill.

Mr. SHERMAN. If the Senator wants the yeas and nays I would rather that the bill should go over until Monday. I am afraid too many Senators are absent. I hope the Senator will withdraw the demand and let the bill take its course.

Mr. VANCE. I have no objection to withdrawing the demand for the yeas and nays. I supposed that a quorum was present.

Mr. SHERMAN. I doubt very much whether there is a quorum, on account of the number of pairs. There is more than a quorum present in the Senate, for I have counted, but on account of the pairs and so forth there might be difficulty in getting a quorum on the call of the roll.

The PRESIDENT *pro tempore*. Shall the bill pass?

The bill was passed.

PUBLIC BUILDING IN CHICAGO, ILL.

Mr. FARWELL. I ask unanimous consent to have considered at this time the bill (S. 1465) for the erection of a public building in the city of Chicago, Ill. It will provoke no discussion, and will not take more than a minute.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. TELLER] being entitled to the floor, is there objection to the present consideration of the bill indicated by the Senator from Illinois?

Mr. TELLER. I do not object, unless it leads to debate.

The PRESIDENT *pro tempore*. The bill will be read at length.

Mr. EDMUNDS. Subject to a call for the regular order.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any moneys of the Treasury of the United States not otherwise appropriated, for the purpose of erecting upon the lot, already owned by the United States of America, on the corner of Hamson and Sherman streets, in the said city of Chicago, a Government building, to be used as an appraiser's warehouse and for other offices required by the officers or agents of the United States of America in said city of Chicago.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF BRIDGE BILLS.

Mr. MANDERSON. Mr. President——

Mr. EDMUNDS. I call for the regular order.

Mr. MANDERSON. I merely wish to make a request.

Mr. EDMUNDS. I withdraw the call for a moment.

Mr. MANDERSON. I simply desire to make a request for unanimous consent. There are on the Calendar a large number of bridge bills, mostly House bills, favorably reported by the Committee on Commerce. I know that in the case of several bridges that span the Missouri River, on the boundary of my own State, it is important that those bills should become laws at the earliest day, so as to get the advantage of this season for construction. I ask unanimous consent that at the conclusion of the remarks of the Senator from Colorado [Mr. TELLER] those bills shall be taken up in their order and receive the consideration of the Senate.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that at the conclusion of the observations of the Senator from Colorado [Mr. TELLER] on the fisheries treaty the Senate proceed to consider the bridge bills favorably reported upon the Calendar. Is there objection?

Mr. WILSON, of Iowa. I suppose those bills will be subject to objection?

Mr. MANDERSON. Certainly; that would be understood. They will be under the eighth rule and subject to objection.

The PRESIDENT *pro tempore*. Under Rule VIII.

Mr. EDMUNDS. I call for the regular order.

Mr. MANDERSON. I ask for unanimous consent for the proposition I have made.

The PRESIDENT *pro tempore*. The Chair understands there is no objection to the request of the Senator from Nebraska, and it is so ordered.

Mr. EDMUNDS. The bills being subject to objection under Rule VIII.

PUBLIC BUILDINGS AT CHICAGO, ILL.

Mr. VEST. I rise to enter a motion to reconsider the vote by which the bill for the erection of a public building at Chicago just passed. I must make the confession that I have no recollection that I consented to the passage of this bill, except in an informal sort of way. There has been no meeting of the Committee on Public Buildings and Grounds for some time, the chairman being absent in Europe; and the custom has grown up of asking Senators on the floor if they will agree to report certain bills, and, as I am a very good-natured gentleman, I suppose I consented; but I notice that this bill has none of the restrictions and safeguards which are usually put in such bills.

Mr. FARWELL. What bill is the Senator speaking of?

Mr. VEST. The bill for the erection of a public building in the city of Chicago which we have just passed.

Mr. FARWELL. I can explain it in a moment.

Mr. VEST. I have no doubt the object is entirely a proper one and that the building ought to be erected, but we have certain rules in the Committee on Public Buildings and Grounds which restrict the erection of these buildings. There is no provision here that this shall be done according to the plans of the Supervising Architect of the Treasury Department; there is no provision that a certain space shall be left between this and other buildings, which we always require in the interest of the United States so as to protect the building from fire.

Mr. FARWELL. That is all provided for in this case by Mr. Freret.

Mr. EDMUNDS. It ought to be in the bill.

Mr. VEST. It is not in the bill; and according to the rule of our committee we require those limitations. They are absolutely necessary. We can not trust these matters to any public architect, no matter how worthy a person he is, and we have never done so. I do not want to obstruct the bill, except that I suggest to my friend that the bill be reconstructed.

The PRESIDENT *pro tempore*. Does the Senator from Missouri enter a motion to reconsider?

Mr. VEST. I enter a motion to reconsider, and then we can fix the bill up.

The PRESIDENT *pro tempore*. The motion to reconsider the vote by which the bill (S. 1465) for the erection of a public building in the city of Chicago, Ill., was passed, will be entered.

RIVER AND HARBOR BILL.

Mr. DOLPH. Is a conference report in order, Mr. President?

The PRESIDENT *pro tempore*. Conference reports are privileged.

Mr. EDMUNDS. Before I call for the regular order, I move that that conference report be printed so that we can see exactly what it is.

The PRESIDENT *pro tempore*. The Chair does not know to what conference report the Senator from Vermont refers. The title of the bill on which the conference report submitted by the Senator from Oregon is made will be reported by the Secretary.

The Chief Clerk read as follows:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that this report be printed.

The motion was agreed to.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. If there be no further morning business, the Senate resumes the consideration, by unanimous consent, of the fisheries treaty as in open executive session. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, I congratulate the Senate and I congratulate the country that we approach the discussion of this case from what I consider a proper business standpoint; that we are discussing

this question in the presence of the whole American people; that we, the agents of the people, are giving our reasons for and against this treaty, the reasons that shall govern our votes, in their hearing, and in so doing we are recognizing our obligation to them.

The Senators who have favored this treaty have, without exception I believe in this discussion, alluded to the fact that we had taken, or were taking, into our councils not only the American people, but all the people of Great Britain interested in this subject, and the Senators who have favored by their speeches in this Chamber the ratification of this treaty have been pronounced in their opinion that such discussion in open session was contrary to the great interests of the American people. They have put it, I suppose, on the ground that we are notifying the English Government of the weakness of our case. The President of the United States notified the people of Great Britain of the weakness of our case in his message to the Senate. The Secretary of State, in his communication to the President and in his public utterances made from time to time, either by letter or in public speeches, or in interviews through the newspapers, has given the English-speaking people of the world to understand that this treaty is more than we are entitled to under the convention of 1818. Sir, when the English people and the American people shall attempt to negotiate another convention, they will not refer to the speeches made in this Chamber in support of the proposition that the offers made in this treaty are all that we are entitled to and more, but they will recur to the official language of the Executive of the nation, to the official language of the Secretary of State; and it is folly to say that this treaty can not be discussed in the open Senate by the American Senate for fear that our utterances will be used against this Government hereafter when the Executive and the Department of the Government charged with this branch of the public service have been so free with their utterances, both official and otherwise.

I notice, I think, that every Senator who approaches this subject from the other side has declared his objection to its discussion in public. I notice also that every Senator who has approached the subject from that side at least has declared that inasmuch as the discussion was to be in open Senate it should be free and it should be full, and that so far as he was concerned there should be no withholding from the public and from the world the views that were entertained of this subject; and yet when we have got these declarations of the several Senators who have addressed the Senate we have discovered nothing that might not have been proclaimed from the housetops. We have heard nothing that the President had not already said; we have heard nothing that the Secretary of State had not said; we have heard nothing that had not been said by the public press of the Democratic party in defense of this treaty.

So, Mr. President, after all, while I admit that this case is *sui generis*, while I admit that it does not stand in its relations to a public discussion on the same basis with some of the treaties we make, while I admit that there are reasons for the public discussion of this treaty that do not exist as to all others, I think it may be said that this instance has demonstrated at least that no danger will come to the Republic by an open discussion of a treaty in the United States Senate in the presence of the sixty-odd millions of American people. It has been discussed in Great Britain; it has been discussed in Canada; it has been ratified, I understand, by the Canadian government, ratified and approved by the British Government.

I believe I will mention the fact, as my attention is called to it by the Senator from Vermont who sits in front of me [Mr. EDMUNDS], that it had the unanimous approval when the vote was taken of the Canadian Parliament. I have not been informed and am not able to state because I do not know and have not heard of any objection to this treaty that was made in the British Parliament.

The Senator who first addressed the Senate on this subject on the other side was free to talk about the influence of caucus. He told us that there was a caucus combination to bring the Senate first to reject the treaty and then to consider it in open session. Now, I venture to say that neither the Senator from Alabama [Mr. MORGAN] nor any other Senator can point to a Senator on this side of the Chamber who has ever at any time given any intimation that he proposed to support this treaty; and inasmuch as this question of caucus domination and caucus control has been freely discussed by at least three Senators on the other side, I propose to say that that point was never discussed in our caucus. The Republican party, indeed, were against this treaty from its very first publication.

I may say more, that a great many Senators sitting on the other side of the Chamber were likewise against it at its first publication. The Republican Senators; I say, without exception were against it, and a very respectable number of the Senators on the other side were against it.

I understand that the Senators on the other side also caucused about this matter. They caucused as to whether they would discuss it in open session, and I believe a very considerable number of them advocated in caucus and voted in caucus—as we were told by a Democratic Senator in executive session, the proceedings of which have been made public, and of which I have a right to speak—in favor of its discussion in the open Senate.

A Senator in my hearing suggests that it is safe to say that two-thirds of the American Senate were opposed to this treaty. Mr. President, I said in executive session, and I repeat it here, that if this treaty had come from a Republican administration I do not believe there is a Republican on this side of the Chamber who would have supported it, and I know that there is not a Democrat on that side of the Chamber who would have supported it if it had not come from a Democratic administration; and I know more than that, that there is not any considerable number of Senators on that side of the Chamber who would have supported this treaty but for the fact that the power of the Administration was brought upon that body to compel support of this treaty.

If any Senator desires proof that the Administration is the active propagandist of this treaty, I will furnish it. If not, I think I can rest upon the general assertion. Surely when you see the Secretary of State writing letters for publication, when you see the members of this commission, who were connected with the Administration, making public addresses in its defense and support, when you find the Secretary of State submitting to newspaper interviews in order that he may give the public his views of this treaty, I do not need to go to further proof to show that the whole force of this Administration has been brought to bear to compel the Democratic Senators and the Democratic party to accept this as a Democratic measure.

The Senator from Alabama [Mr. MORGAN] attempted to give a history of the way in which this treaty came into open session. Now, I may say in the presence of my fellow-Senators of my side, that I was perhaps as active as any man on our side in bringing this question before the open Senate, and I think I am not mistaken as to how this matter stood. The Senator from Alabama said, as I recollect, that there had been originally forty-one votes in favor of its discussion in secret, and three only in favor of its discussion in the open Senate, the three consisting of the Senator who sits on my left, from Massachusetts [Mr. DAWES], the Senator from Ohio [Mr. SHERMAN], and myself. No member of the Senate has forgotten that when that proposition came before the Senate in secret session the Senator from Alabama declared in substance that if this treaty was to be attacked by the Republican Senators as a treaty as a whole, without amendment, he was in favor of its discussion in open Senate. I would say that there were several Senators, including the Senator from Connecticut [Mr. PLATT], the Senator from Virginia [Mr. RIDDLEBERGER], the Senator from Oregon [Mr. MITCHELL], and others, who had always voted in favor of open sessions who were not here when that vote was taken. I will say further that when the Republican caucus voted upon this question there were only three men in it who voted against the open discussion of this treaty.

I know that several of the Senators put it upon the ground that the case was *sui generis*. I know several of them reserved for themselves the right to insist that this was not a precedent binding on them in the future. But upon this question we were practically unanimous. The Senator knows very well, as do all the Senators who were in that executive session, that that vote was not a test whether this treaty should be discussed in open session or not. He knows very well that the Democratic side of the Senate were presented to us in the attitude of being ready to go into open executive session if we did not propose to amend the treaty. He knows it was said then and there by a number of Senators on this side that the treaty was of such a character that no amendment could be properly made to it, I myself saying in executive session that it was a treaty unfit to be amended, and incapable of being amended to be consistent and harmonious with the purpose and object declared by the State Department. So, Mr. President, the Republican Senators are not in condition to be criticised or castigated on this account.

Then came later the vote in executive session by which practically the whole matter was decided by the Senator from Maine [Mr. HALE]. When that vote was taken, at least six men on the other side of the Chamber voted with us for an open session. When they saw that the Republicans meant open session (which they did not believe before), then these six withdrew their votes before the result was announced. Included in that number are some of the Senators who are to-day criticising us for discussing this question in open Senate.

So, Mr. President, we are here to discuss this question as I believe all questions of this kind ought to be discussed, where we can face the sentiment of the American people; and since the discussion has begun I believe there has been practically but one sentiment in the country upon this treaty. Although the attempt has been made by the Administration to commit the Democratic party to it, it has met with very little success, for with the exception perhaps of a few persons in certain sections, there has been no interest in its ratification expressed by anybody.

The question of our fishery rights on the northern coast is not a small question, and it is not a local question. The people of Colorado who never avail themselves of these rights have as much interest in them in one sense as the people of Maine, Massachusetts, or any of the New England States. So far as they concern our honor, our dignity, and our rights they have the same interest in them as any other citizens can have, although they may have a pecuniary benefit in the use of the property belonging to the United States, for that is what this fishery claim is.

We in the Western country would not be willing that the United States should part with its rights and its privileges because we receive no pecuniary benefit, because we can not start out fishing smacks and fishing fleets. If the fishery is a right that belongs to the people of the United States we want it maintained, and we are in favor of its maintenance, as we are in favor of maintaining every other right.

We recognize the fact that when the treaty of 1783 was made there were three things that stood out paramount in that treaty. First, our independence; second, the establishment of our boundaries; and third, and not least closely connected therewith, our fishery rights; and we should as quickly think of surrendering a portion of the State of Maine at the dictation or the bidding of British greed as we would think of surrendering a single foot of fishing ground that properly belongs to the nation. And I am glad to say that we do not belong to the class of men who purchase peace by the surrender of that which is unquestionably ours. Willing always as we are, as are all the American people, to concede questions of doubtful authority, of a doubtful character, we are never to be intimidated by threats of war or suggestions of difficulties that will be incurred in the maintenance of that which we all agree rightfully belongs to us.

Mr. President, Great Britain might call upon us to surrender a piece of Maine that would be so small and so worthless as to be insignificant in comparison with the great cost it would be to us to insist upon our rights by war, and yet is there anywhere in this country a citizen so mean and of so little spirit that he would surrender an acre of the rocks of New England at the demand of Great Britain or of all the world? And if so, why should we surrender that which is of equal value and the surrender of which would be equal degradation and disgrace?

Mr. President, we came to these fishery rights exactly as we came to our boundary rights, exactly as we came to our territorial boundaries, exactly as we came to our independence. It has been said again and again that there is not a rod of that country that our ancestors had not fought for. If Great Britain succeeded in dominating that northern sea and compelling her great rival of that time to yield to her it was because the American fisherman made it possible, and made it possible too when British love of peace was in favor of its surrender.

If there is a great British dominion growing up upon our Northern border, it is because the New England fishermen, prior to the Revolution, made it possible for Great Britain to build and rear this great political structure on our north. And so, when our ancestors came to this question, they did not say to Britain, "We want you should give us this;" they said, "It is ours of right;" and from that day to this there has never been anybody until it has been heard in this Senate—and that, too, within the last two months—who has denied our right. The right of Great Britain has been uniformly considered exactly as that of a copartner, a cotenant, the United States and Great Britain being owners in common. These terms have all been used again and again by American authorities in the defense of our rights. Nay, they have never been denied. No English authority has ever questioned our rights as equal in all respects except as we surrendered them by the treaty of 1818, and what we did not there surrender is ours to this day as much as it ever was, not by virtue of a treaty any more than our independence is conceded by virtue of a treaty, not any more by treaty than the boundaries fixed between Great Britain's dominion on this continent and ours were fixed by treaty.

In 1818 we modified the treaty of 1783. We surrendered some things that were ours, but, as the Senator from Massachusetts [Mr. HOAR] showed, not without consideration in return. We gave up some things and we got others that were considered then an equivalent. It was not, as has been said, a surrender; it was not a yielding, for the American people at that time were not in the habit of surrendering that which belonged to them. They had gone to war with Great Britain for the purpose of denying a right that the British asserted, the right of search by sea; and when the war was over, and when this question came to be settled, our people insisted that we were, so far as the fisheries were concerned, as we had been before, and when the negotiations were going on for the subsequent treaty it was everywhere insisted in the United States that we would not surrender an inch of territory, nor would we surrender a single privilege that was ours under the treaty of 1783.

Nobody who has studied this question can forget the letter of Mr. Adams which he wrote to Mr. Madison, in which he said that he would continue the war forever before he would surrender the fisheries. We never did surrender. We exchanged with the British for what privileges we did not have under the treaty of 1783; we took some that we did not have, and we gave up some that we did have. And from that time up to 1830, a period of twelve years, there does not appear anywhere in history that I can find an instance where our rights were questioned or doubted to be exactly what we insist now they are. Practically they were never disputed until 1841 by any authority that was worthy of attention, and practically I might say not seriously until 1843.

Contemporaneous exposition, then, of the treaty of 1818 is on the American side; it is according to our view—a view that has been maintained by everybody connected with this question. Notwithstanding the assertion that the great Secretary of State, Daniel Webster, gave away our case, notwithstanding the assertion made in this Chamber that Edward Everett gave away this case, I assert here without fear of successful contradiction that nothing of the kind can be found, that every act of every administration, from the day the convention of 1818 was ratified up to the time that this treaty was signed, had been in favor of the American idea and the American construction of the treaty of 1818.

Mr. President, in 1841, or perhaps in 1839, one of the British provinces made claim of a character inconsistent with the construction put upon the treaty by the American Government, a claim which practically appears to have slept until about 1843. I do not intend to go into the general headland theory. I do not intend to discuss the question of bays with the Senator from Delaware [Mr. GRAY], whom I do not see present. It is enough for me to know that all of the public authorities in this country have uniformly held one way upon this subject, and it is enough for me to know that Great Britain, the real and respectable party in the case, had acquiesced in that, and had abandoned practically any claim set up either under the headland theory or the broad-bay theory.

Senators who have preceded me have spoken of the Argus and the Washington cases as having thoroughly and completely established our position. I know the Senator from Delaware who addressed the Senate some time since on this subject insisted that the case of the Washington did not settle anything; and yet the British Government acquiesced in that as a determination not only whether we had a right to fish in the Bay of Fundy, but in all other bays of like character and similarly situated. And if there is any headland theory to-day in existence in the minds of the British authorities, it is because this Administration has revived it; it is because this Administration has brought out from the old rubbish of the past this exploded theory that the right existed to include as British ground all the sea that was within a line drawn from headland to headland, no matter how long it might be or how great. But the American Senate and the American people are not likely to accept this new discovery of this Administration, and are not likely to avail themselves of this old and exploded theory.

Mr. President, from 1843, the time of the decision in the Washington case, down to 1852 there was practical quiet over this disputed question. In 1852 the British Government sent several armed vessels to the northern seas where these issues were liable to arise. In 1850, before this was done, we had overtures from the British Government for reciprocity with Canada. Our people had not taken kindly to the idea, and it was thought perhaps then, as seems to be thought now, that a little coercion would be valuable; that a little pressure might be brought upon us to compel us to yield to their demand, and so a British fleet was sent there with orders to look out for the American fishermen.

The matter came into the American Senate, and I wish to call the attention of the Senate very briefly to some observations then made. The discussion was participated in by the most prominent and leading men of that day, notably by Mr. Rusk, of Texas; Mr. Borland, of Arkansas; Mr. Davis, of Massachusetts; Mr. Toucey, of Connecticut; Mr. Mason, of Virginia; Mr. Hamlin, of Maine; Mr. Cass, of Michigan; Mr. Soulé, of Louisiana, and a great many others.

It was asserted then that some of these vessels had been sent into the Canadian waters for the purpose of intimidating the Government of the United States into the execution of a reciprocity treaty. It is somewhat interesting to compare now with then the utterances of the principal and leading Democrats of this body. To-day I find, so far as there has been any discussion of this question on the Democratic side, every Democratic Senator who has arisen has presented the extreme British view of the case. Every worn-out and exploded theory, every fallacious argument, every absurdity that has been put forth by Canada and repudiated by Great Britain finds its advocates on this floor. And I confess myself to some degree of humiliation when I hear a statement made by a Senator of the United States as to the rights of this Government that is in perfect antagonism to that which has been declared by every Secretary of State who has ever passed upon the question, the present Secretary of State included; and my disgust, if I may use the term properly in this body, is not modified by the fact that each Senator, as he thus advocates British doctrine and the British side of the question, declares with his hand upon his breast that he is actuated and influenced only by the highest patriotism while his opponents are influenced and actuated by only the basest partisan purposes.

Oh, Mr. President, the Democratic party here and elsewhere will not be able to make the American people believe that the long line of honorable men who have been heard upon this question, and who have stood here and advocated the doctrine that we advocate as to the construction of the treaty of 1818, were actuated solely by partisan purposes. Let them explain why it is that they have within a twelvemonth changed their position on this subject, and in so doing are actuated by only high and patriotic resolves.

Now, Mr. President, I will submit without reading all of them some of the remarks made in the Senate in 1852. I wish it would not encumber the RECORD too much to put in all that Lewis Cass said in a speech of great length on this subject. No Democrat rose in the Senate in 1852 to defend the British Government, to apologize for its outrages, or to defend its construction of the treaty of 1818. Nay, more; there

was no man of any political faith who did that. It was left for the later day and for the Administration of Grover Cleveland to find men willing to stand here and assert that all their predecessors had been wrong and that we had always been in the wrong and the British Government and the Canadian provinces in their claims had been in the right.

Mr. Borland, of Arkansas, in 1852, said:

It is a remarkable fact that in looking back through the history of our Government, especially to the war period of 1812, and since that time in every dispute or hostile collision with a foreign country, without an exception that now occurs to me, there has been a party in our country and represented in the two Houses of Congress which has invariably taken sides with that foreign country and against our own.—*Hon. Solon Borland* (Arkansas), July 23, 1852.

Yet, notwithstanding that assertion, I repeat that an examination of the records will show that nobody asserted on this floor, nobody asserted in any branch of the Government that the British construction was right. With one accord those men asserted that it was beneath the dignity of the United States to treat with Great Britain while Great Britain had a hostile fleet on our borders, and with one united voice they declared that it was the duty of the Government of the United States to put in those seas gun for gun and ship for ship. We may be excused to-day from making that assertion or that claim. We can not well do it, and we can not do it because the votes on the other side of the Chamber and the Democratic party as represented in the other branch of Congress for years have rendered it impossible for us so to do.

I now ask to have these extracts from that debate inserted without reading.

DEBATE OF 1852.

The conduct of Great Britain in this business should be met promptly on our side. It is supposed by some Senators to be designed to bring about an enactment for reciprocity of trade on our part with the British colonies. If that be so I will never give a vote for such a measure under such circumstances, no matter what may be the consequences. I will never yield to any threats made by the British Government.

It is said upon the other hand that it is for the purpose of bringing about a negotiation by which the British Government will acquire rights in another quarter similar to those which they have acceded to us on the northern coast, and which we claim there. Sir, is this the way to negotiate?

It is due to ourselves to protect our rights. I would do nothing to bring on war, but I would not submit to this domineering spirit which has manifested itself too much in all the conduct of Great Britain with other nations.—*Hon. Thomas J. Rusk* (Texas), July 23.

It may be true that the proposition for reciprocal trade between the British colonies and the United States is at the bottom of this. But I ask if such a course as has been pursued is the way to open negotiations with us? Has it ever happened before in the whole history of our country, from the day when our independence was acknowledged by Great Britain until this administration, that negotiations have been opened with us through the medium of cannon pointed against our citizens and our ships? If there be such an instance in our history, I confess my ignorance of it, and I would gladly have remained in ignorance to my dying day that such a thing could be.—*Hon. Solon Borland* (Arkansas), July 23.

I do not believe that in all the great interests of the country there is one that merits protection more. From that nursery springs the great body of navigators and men of enterprise who adorn and embellish the country. If you take away that protecting arm of the Government you take that which is more essential to you in the defense of the country than any other thing that can be named. The enterprise, the skill, and the courage of these men are manifest as far as our name and fame extend. * * * This is the nursery of the skill and strength which are indispensable to success on the ocean.—*Hon. John Davis* (Massachusetts), July 23.

I concur most fully in the sentiments of the Senator from Massachusetts, with regard to the magnitude of the fishing industry. It has ever been cherished by the Government and the people of this country, as one of the very highest importance, not only as a profitable employment, but as a nursery for seamen. I feel confident that nothing which has been said, or that will be said in this Senate, will operate adversely to that interest. I must say, however, that if it be proposed to open now a negotiation on that subject under the mouths of British cannon, it is a mode of initiating it that does not commend itself to my judgment as a citizen of this country, or as a member of this Senate. I trust, sir, that no Government of this country will ever open a negotiation in regard to any interest in this exceptionable, and, I may say, humiliating manner.—*Hon. Isaac Toucey* (Connecticut), July 23.

I know not what these regulations are, but if it means anything it means that we are to negotiate under duress. Aye, sir, at this day that this great people, covering a continent and numbering five and twenty millions, are to negotiate with a foreign fleet on our coast. I know not what the President has done; I claim to know what the American people expect of him. I know that if he has done his duty his reply will be, "I have ordered the whole naval force of the country into those seas to protect the rights of American fishermen against British cannon."—*Hon. James M. Mason* (Virginia), July 23.

We shall need these men hereafter; we shall need them, as we have needed them, to fight our battles upon the ocean and upon the lakes. * * * When that time shall come it is the American fisherman who will fight your battles, as he fought them in the war of 1812. Then, when the British Government threatened to sweep our little but gallant Navy from the ocean and to annihilate our commerce, it was the fishermen from Marblehead and all along our coast who rallied with patriotic hearts and with ready hands to sustain the Stars and Stripes of our country; and it was by their prowess that Great Britain was made to feel the force of a freeman's arm whenever wielded in a holy cause. Whenever the cross of St. George went down before the Stars and Stripes we were indebted mainly to them for that victory. We shall be faithless to the trust that has been reposed in us if we do not sustain and stand by what are their legal, their international, and their treaty rights. Stand by them, as they have always stood by their country. They ask no more.—*Hon. Hannibal Hamlin* (Maine), August 5.

We did not get the right to fish on the ocean from England or any other earthly power. We got it from Almighty God, and we mean to hold on to it through the whole extent of the great deep, now in the days of our strength, as our fathers held on to it in the days of our weakness. * * * I desire no war with England. Far from us and them—from the world, indeed—far be such a calamity. But, sir, the way to avoid war is to stand up firmly and temperately for our clear rights. Submission never yet brought safety, and never will. To yield when clearly right is to abandon at once our interests and our honor, and to show the world how the finger of scorn can be best pointed at us.—*Hon. Lewis Cass* (Michigan), August 3.

There is that with nations whose fortune it is to have thriven and prospered under the assumption and exercise of rights which are not theirs, that they grow infatuated with their too-easily earned successes and become rash and daring and reckless in the extravagant conceit that whatever they wish to attain it is in their power to grasp, and that whatever they grasp is legitimately theirs. Such is England. She knows where lies the secret in the fountain of your power. She loathes to see those naval nurseries of yours, those hives of busy seamen pitched upon the waters of what she would have you call her seas, her gulfs, her bays, as so many advanced posts, watching over the deep. She can not but look with extreme jealousy and concern on the growing prosperity of this country, and think it were well for her if she could bar its progress while it has not yet reached its acme. * * *

Sir, what does England mean? What is she after? But, hush! She is negotiating. * * * She is negotiating. * * * To negotiate under such circumstances were to sink in the dust what of pride, what of dignity, what of honor, we have grown to since we became a nation. * * * Until England has withdrawn her squadron, and gives satisfaction for what wrongs she may have perpetrated, let no negotiation be entertained, and if contrary to my expectation any has been entertained, let it be dropped at once and abandoned.—*Hon. Pierre Soulé* (Louisiana), August 12.

No patriots responded more readily to their country's call than the fishermen of New England. Who were the seamen in the two wars that guarded our coasts and captured the gallant ships of the British navy? They were mostly the fishermen of our country. Where were they educated for their duties? In the free schools of New England, on the banks of Newfoundland, and in the Gulf of St. Lawrence. Whence could these seamen have been supplied had not Congress, in its wisdom, encouraged the fishing industry?

In the small town of Marblehead alone "at the close of the Revolution there were more than thirteen hundred widows and fatherless children" who had been so rendered by deeds of war. At the close of the war of 1812 it is said that more than five hundred citizens of this town were released from one British prison. A celebrated fisherman of the State of Maine, Skipper Tucker, as he was called, captured more guns during the Revolutionary war than any naval commander in the service.

This, sir, is the class of men for whom I speak and whose industry I ask the Government to protect.—*Hon. Enoch Scudder* (New Hampshire), August 12.

At this time the public of Canada were excited, and finally we came to the reciprocity treaty of 1854, a reciprocity treaty which I heard the honorable Senator from Alabama say that he regretted, as I understood him, was not in force now, a treaty that gave to the Canadian Government 94 per cent, of the advantage of the whole transaction as against 42 per cent. for us—94 per cent. on import duties was their advantage as against 42 per cent. for us. Subsequently that treaty was abandoned, and then came the treaty of 1871.

The treaty of 1871 is so familiar to everybody in the country that I shall not detain the Senate with any extended remarks upon it. Suffice it to say that we found that we had done just what the Senator from Texas [Mr. REAGAN] said as a member of the House a short time ago before he came into this body we always did. He said we had never made a treaty with Great Britain that we did not get the worst of it, although I have no doubt he will vote for this treaty. We found we had the worst of the treaty of 1871, and we found that we were ultimately compelled to pay at the rate of $500,000 a year for a privilege which, if the proof showed anything, it showed was of very little, if any, value at all. Then we abrogated that treaty. We abrogated it as soon as we could. We abrogated it by the course provided for in the treaty. In 1883 Congress passed a resolution in favor of its abrogation that took effect on the 1st of July, 1885.

When this Administration came into power it came in with this question clear, as far as they were concerned without vexation. Congress had said that the treaty of 1871 should be abrogated, and notice had been given, and the 1st of July following the treaty was to be at an end, or at least such portions of it as related to the fisheries.

There had been no demand made by anybody after the treaty of 1871 had been abrogated, by the men interested in fisheries, by the merchants upon that coast or anywhere; nobody had suggested that we had made a mistake, and nobody seemed to be anxious for the continuation of the old relations except the Canadians themselves. Seven years before that time, in 1878, we had attempted to retire from it and they had declined to allow us to do so; but nobody in 1885 wanted a continuation of the treaty of 1871 save and except the Canadian Government and the British Government because the Canadians did.

So when this Administration came into power they came in untrammelled. There was no treaty; there was nothing to disturb them. All they had to do was to do what their predecessors had done, insist upon the same construction of the treaty of 1818 that we had always contended for.

I do not forget that while the distinguished Senator from New York [Mr. EVARTS] was serving the people in the capacity of Secretary of State a difficulty arose with reference to this question, and I have not forgotten and I think the country has not forgotten with what masterly skill he handled the question, and how he brought the Canadians and the British power to acknowledge the correctness of his position in accordance and in line with that of his illustrious predecessors, and how he secured from the British Government a large payment of money to indemnify the fishermen for losses they had sustained under an improper construction of the treaty.

I know that the Senator from Alabama said that there had been no redress furnished, that these outrages had been going on. Why, Mr. President, the outrages were stopped when it was found that there was a determination that they should stop, and the British not only quit, but they paid for the damages they had caused.

Now, sir, what is our complaint against the Canadian and the British Governments? I would not venture myself to formulate it, but in the correspondence between our minister, Mr. Phelps, and the British authorities I find an admirable statement of our complaint, which I de-

sire to read to the Senate. In writing to the Marquis of Salisbury on the 26th day of July, 1887, Mr. Phelps, among other things, said:

But what the United States Government complain of in these cases is that existing regulations have been construed with a technical strictness, and enforced with a severity, in cases of inadvertent and accidental violation where no harm was done, which is both unusual and unnecessary, whereby the voyages of vessels have been broken up and heavy penalties incurred. That the liberal and reasonable construction of these laws that had prevailed for many years, and to which the fishermen had become accustomed, was changed without any notice given. And that every opportunity of unnecessary interference with the American fishing vessels, to the prejudice and destruction of their business, has been availed of.

That is the gist of the complaints as made by our minister to England. I will present some other portions of this letter which bear on the same subject, and also an extract from his letter of June 2, 1886, as not only showing what we complain of, but the purpose for which these outrages are committed.

[Complaint of Mr. Phelps to the Marquis of Salisbury, July 26, 1887.]

Whether, in any of these cases, a technical violation of some requirement of law had, upon close and severe construction, taken place, it is not easy to determine. But if such rules were generally enforced in such a manner in the ports of the world, no vessel could sail in safety without carrying a solicitor versed in the intricacies of revenue and port regulations.

It is unnecessary to specify the various cases referred to, as the facts in many of them have been already laid before Her Majesty's Government.

Since the receipt of Lord Iddesleigh's note the United States Government has learned with grave regret that Her Majesty's assent has been given to the act of the Parliament of Canada, passed at its late session, entitled "An act further to amend the act respecting fishing by foreign vessels," which has been the subject of observation in the previous correspondence on the subject between the Governments of the United States and of Great Britain.

By the provisions of this act any foreign ship, vessel, or boat (whether engaged in fishing or not) found within any harbor in Canada, or within 3 marine miles of "any of the coasts, bays, or creeks of Canada," may be brought into port by any of the officers or persons mentioned in the act, her cargo searched, and her master examined upon oath touching the cargo and voyage under a heavy penalty if the questions asked are not truly answered; and if such ship has entered such waters "for any purpose not permitted by treaty or convention, or by law of the United Kingdom or of Canada, for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited."

It has been pointed out in my note to Lord Iddesleigh, above mentioned, that the 3-mile limit referred to in this act is claimed by the Canadian Government to include considerable portions of the high seas, such as the Bay of Fundy, the Bay of Chaleur, and similar waters, by drawing the line from headland to headland, and that American fishermen had been excluded from those waters accordingly.

It has been seen also that the term "any purpose not permitted by treaty" is held by that Government to comprehend every possible act of human intercourse, except only the four purposes named in the treaty—shelter, repairs, wood, and water.

Under the provisions of the recent act, therefore, and the Canadian interpretation of the treaty, any American fishing vessel that may venture into a Canadian harbor, or may have occasion to pass through the very extensive waters thus comprehended, may be seized at the discretion of any one of numerous subordinate officers, carried into port, subjected to search and the examination of her master upon oath, her voyage broken up, and the vessel and cargo confiscated, if it shall be determined by the local authorities that she has ever even posted or received a letter or landed a passenger in any part of Her Majesty's dominions in America.

And it is publicly announced in Canada that a larger fleet of cruisers is being prepared by the authorities and that greater vigilance will be exerted on their part in the next fishing season than in the last.

It is in the act to which the one above referred to is an amendment that is found the provision to which I drew attention in a note to Lord Iddesleigh of December 2, 1886, by which it is enacted that in case a dispute arises as to whether any seizure has or has not been legally made, the burden of proving the illegality of the seizure shall be upon the owner or claimant.

In his reply to that note of January 11, 1887, his lordship intimates that this provision is intended only to impose upon a person claiming a license the burden of proving it. But a reference to the act shows that such is by no means the restriction of the enactment. It refers in the broadest and clearest terms to any seizure that is made under the provisions of the act, which covers the whole subject of protection against illegal fishing; and it applies not only to the proof of a license to fish, but to all questions of fact whatever, necessary to a determination as to the legality of a seizure or the authority of the person making it.

[Complaint of Mr. Phelps to Lord Rosebery, June 2, 1886.]

Recurring, then, to the only real question in the case, whether the vessel is to be forfeited for purchasing bait of an inhabitant of Nova Scotia, to be used in lawful fishing, it may be readily admitted that if the language of the treaty of 1818 is to be interpreted literally, rather than according to its spirit and plain intent, a vessel engaged in fishing would be prohibited from entering a Canadian port "for any purpose whatever" except to obtain wood or water, to repair damages, or to seek shelter. Whether it would be liable to the extreme penalty of confiscation for a breach of this prohibition in a trifling and harmless instance might be quite another question.

Such a literal construction is best refuted by considering its preposterous consequences. If a vessel enters a port to post a letter, or send a telegram, or buy a newspaper, to obtain a physician in case of illness, or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence, it would, upon this construction, be held to violate the treaty stipulations maintained between two enlightened maritime and most friendly nations, whose ports are freely open to each other in all other places and under all other circumstances. If a vessel is not engaged in fishing she may enter all ports; but if employed in fishing, not denied to be lawful, she is excluded, though on the most innocent errand. She may buy water, but not food or medicine; wood, but not coal. She may repair rigging, but not purchase a new rope, though the inhabitants are desirous to sell it. If she even entered the port (having no other business) to report herself to the custom-house, as the vessel in question is now seized for not doing, she would be equally within the interdiction of the treaty. If it be said these are extreme instances of violation of the treaty not likely to be insisted on, I reply that no one of them is more extreme than the one relied upon in this case.

Mr. President, the question comes, What are the Canadians after? Why have they boarded within two years more than two thousand American fishing vessels? Why have they gone upon American vessels in number more than two thousand, charging them with violation of either international law, or the treaty, or local law? For what purpose? It has been asserted here, and it is not denied, that it was for the purpose of compelling us to accept a reciprocity treaty from them, as they did get one from us in 1854 and 1871. The Senator from Maine [Mr. FRYE] asserted that; the Senator from Alabama [Mr. MORGAN] admitted it; but we have authority equally good. The Democratic Administration has asserted it and declared that that was the purpose. Mr. Bayard, in a letter to Mr. Phelps, of February 8, 1887, amongst other things, said:

At page 15 of the printed inclosure and in the last paragraph will be found the explicit avowal of claim by the Canadian Government to employ the convention of 1818 as an instrument of interference with the exercise of open-sea fishing by citizens of the United States, and to give it such a construction as will enable the fishermen of the provinces better to compete at less "disadvantage in the markets of the United States" in the pursuit of the deep-sea fisheries.

At the outset of this discussion, in my note to Sir Lionel West, of May 10, 1886, I said:

"The question, therefore, arises whether such a construction is admissible as would convert the treaty of 1818 from being an instrumentality for the protection of the inshore fisheries along the described parts of the British American coasts into a pretext or means of obstructing the business of deep-sea fishing by citizens of the United States, and of interrupting and destroying the commercial intercourse that since the treaty of 1818, and independent of any treaty whatever, has grown up and now exists under the concurrent and friendly laws and mercantile regulations of the respective countries."

When I wrote this I hardly expected that the motives I suggested, rather than imputed, would be admitted by the authorities of the provinces, and was entirely unprepared for a distinct avowal thereof, not only as regards the obstruction of deep-sea fishing operations by our fishermen, but also in respect of their independent commercial intercourse, yet it will be seen that the Canadian minister of justice avers that it is "most prejudicial" to the interests of the provinces "that United States fishermen should be permitted to come into their harbors on any pretext."

The correspondence now sent to you, together with others relating to the same subject that has taken place since the President's message of December 8, communicating the same to Congress, will be laid before Congress without delay, and will assist the two Houses materially in the legislation proposed for the security of the rights of American fishing vessels under treaty and international law and comity.

I am, etc.,

T. F. BAYARD

Mr. Phelps, the American minister, in a letter to Lord Rosebery of June 2, 1886, which will be found in Senate Executive Document No. 113, page 415, amongst other things, said:

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

He adds:

It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. In terminating the treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the treaty itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one, nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is, not what fresh treaty may or might be desirable, but what is the true and just construction as between the two nations of the treaty that already exists.

That was the sentiment of the American Senate as expressed in the Frye resolution, and which found advocacy on the other side of the Chamber, notably by the Senator from Alabama, who declared over and over again in his speech, as I propose to quote before I quit, that we needed no new treaty; that all we needed and all we wanted was a proper construction of the treaty of 1818, which he declared was not difficult to make; and he went further and said, as I will show, that if it was left to him to add to it, he knew nothing that he could add that would make it more certain.

Again, on page 36 of the same document, Mr. Phelps to the Marquis of Salisbury, in his letter of January 26, 1887, said:

The United States Government is not able to concur in the favorable view taken by Lord Iddesleigh of the efforts of the Canadian Government "to promote a friendly negotiation." That the conduct of that Government has been directed to obtaining a revision of the existing treaty is not to be doubted; but its efforts have been of such a character as to preclude the prospect of a successful negotiation so long as they continue, and seriously to endanger the friendly relations between the United States and Great Britain.

Aside from the question as to the right of American vessels to purchase bait in Canadian ports, such a construction has been given to the treaty between the United States and Great Britain as amounts virtually to a declaration of almost complete non-intercourse with American vessels. The usual comity between friendly nations has been refused in their case, and in one instance, at least, the ordinary offices of humanity. The treaty of friendship and amity which, in return for very important concessions by the United States to Great Britain, reserved to the American vessels certain specified privileges has been construed to exclude them from all other intercourse common to civilized life and to universal maritime usage among nations not at war, as well as from the right to touch and trade accorded to all other vessels.

And quite aside from any question arising upon construction of the treaty, the provisions of the custom-house acts and regulations have been systematically enforced against American ships for alleged petty and technical violations of legal requirements in a manner so unreasonable, unfriendly, and unjust as to render the privileges accorded by the treaty practically nugatory.

* * * * * * *

It has been seen also that the term "any purpose not permitted by treaty" is held by that Government to comprehend every possible act of human intercourse, except only the four purposes named in the treaty—shelter, repairs, wood, and water.

Under the provisions of the recent act, therefore, and the Canadian interpretation of the treaty, any American fishing vessel that may venture into a Canadian harbor, or may have occasion to pass through the very extensive waters

thus comprehended, may be seized at the discretion of any one of numerous subordinate officers, carried into port, subjected to search and the examination of her master upon oath, her voyage broken up, and the vessel and cargo confiscated, if it shall be determined by the local authorities that she has ever even posted or received a letter or landed a passenger in any part of Her Majesty's dominions in America.

In a letter of Mr. Phelps to Earl Iddesleigh, September 11, 1886, page 433, our minister said:

The conduct of the provincial officers toward these vessels was therefore not merely unfriendly and injurious, but in clear and plain violation of the terms of the treaty. And I am instructed to say that reparation for the losses sustained by it to the owners of the vessels will be claimed by the United States Government on their behalf as soon as the amount can be accurately ascertained.

It will be observed that interference with American fishing vessels by Canadian authorities is becoming more and more frequent, and more and more flagrant in its disregard of treaty obligations and of the principles of comity and friendly intercourse. The forbearance and moderation of the United States Government in respect to them appear to have been misunderstood and to have been taken advantage of by the provincial government. The course of the United States has been dictated, not only by an anxious desire to preserve friendly relations, but by the full confidence that the interposition of Her Majesty's Government would be such as to put a stop to the transactions complained of, and to afford reparation for what has already taken place. The subject has become one of grave importance, and I earnestly solicit the immediate attention of your lordship to the question it involves, and to the views presented in my former note and in those of the Secretary of State.

Again on June 2, 1886, in a letter to Lord Rosebery, Mr. Phelps used this language, on page 419 of the document to which I have already referred:

From all the circumstances attending this case, and other recent cases like it, it seems to me very apparent that the seizure was not made for the purpose of enforcing any right or redressing any wrong. As I have before remarked, it is not pretended that the vessel had been engaged in fishing, or was intending to fish in the prohibited waters, or that it had done or was intending to do any other injurious act. It was proceeding upon its regular and lawful business of fishing in the deep sea. It had received no request, and of course could have disregarded no request, to depart, and was, in fact, departing when seized; nor had its master refused to answer any questions put by the authorities. It had violated no existing law, and had incurred no penalty that any known statute imposed.

It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. And the injury, which would have been a serious one, if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.

I am instructed by my Government earnestly to protest against these proceedings as wholly unwarranted by the treaty of 1818, and altogether inconsistent with the friendly relations hitherto existing between the United States and Her Majesty's Government; to request that the David J. Adams, and the other American fishing vessels now under seizure in Canadian ports, be immediately released, and that proper orders may be issued to prevent similar proceedings in the future. And I am also instructed to inform you that the United States will hold Her Majesty's Government responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within the territorial waters of British North America.

The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty was in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. In terminating the treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the treaty itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one. Nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is, not what fresh treaty may or might be desirable, but what is the true and just construction, as between the two nations, of the treaty that already exists?

The Government of the United States, approaching this question in the most friendly spirit, can not doubt that it will be met by Her Majesty's Government in the same spirit, and feels every confidence that the action of Her Majesty's Government in the premises will be such as to maintain the cordial relations between the two countries that have so long happily prevailed.

I have the honor to be, etc.,

E. J. PHELPS.

Mr. President, it can not be denied in regard to these outrages perpetrated upon the American fishermen, by which they have been seized and taken into British ports and outraged generally—conduct of which the late Secretary of the Treasury, Mr. Manning, in a letter that he addressed the House of Representatives in 1886, declared over his official signature was brutal; that has been characterized by the Secretary of State and by our minister to London to the very extreme of diplomatic language as being in violation of treaty, contrary to good morals, and an indignity to this great and independent people—it can not be denied (because you have the authority of the Administration as well as the consensus of all that have been interested and have studied and discussed the question) that this movement is not for the purpose of enforcing the treaty stipulations of 1818, but to compel us to make a treaty, whether we will or not, that they think is in the interest of Canada and the British dominion on our north.

Can we afford under such circumstances to negotiate? Could we afford to call a commission to our national capital to consider subjects of dispute when the Secretary of State himself is on record and his minister is on record that these are outrages perpetrated for the purpose of creating a necessity in the minds of the American people for a new treaty? Was not Mr. Phelps right when he said we do not want any new treaty under existing circumstances? Was he not correct when he said it is not now a question what kind of treaty is desirable provided we were in a condition to treat, but what is the proper construction of the treaty of 1818?

But, Mr. President, I say, and believe the American people will say with one voice when they understand this question, that it was beneath the dignity of the United States to enter into negotiation until at least the other side should have ceased to commit these grievances against us. We should not complain of an honest construction, although wrong, but when the Secretary of State tells them and his minister tells them that they know that this is but a pretense on their part; that there is not any such construction in their view of the law; that these are not proceedings instigated by a desire to protect their rights, but to inflict injuries upon us to compel us to pursue a course that they think will inure to their benefit, I say that we can not and ought not to have treated, and so said the Administration. Mr. Phelps, in a letter to Lord Iddesleigh on September 11, 1886, says, on page 433:

The proposal in your lordship's note that a revision of the treaty stipulations bearing upon the subject of the fisheries should be attempted by the Government upon the basis of mutual concessions is one that under other circumstances would merit and receive serious consideration. Such a revision was desired by the Government of the United States before the present disputes arose, and when there was a reasonable prospect that it might have been carried into effect. Various reasons not within its control now concur to make the present time inopportune for that purpose, and greatly to diminish the hope of a favorable result to such an effort. Not the least of them is the irritation produced in the United States by the course of the Canadian Government, and the belief thereby engendered that a new treaty is attempted to be forced upon the United States Government.

It seems apparent that the questions now presented and the transactions that are the subject of present complaint must be considered and adjusted upon the provisions of the existing treaty, and upon the construction that is to be given to them.

A just construction of these stipulations, and such as would consist with the dignity, the interests, and the friendly relations of the two countries, ought not to be difficult, and can doubtless be arrived at.

Later, on January 26, 1887, page 437, speaking of this same subject, whether the Government of the United States could now treat, he said:

The reasons why a revision of the treaty of 1818 can not now, in the opinion of the United States Government, be hopefully undertaken, and which are set forth in my note to Lord Iddesleigh of September 11, have increased in force since that note was written.

Thus, Mr. President, we have the authority of the Administration itself, that until redress for these outrages had been in some way obtained by us, or they had been overlooked or forgiven at the request of the people who committed them, we ought not to have any treaty at all.

I must retrace my steps a little, and come back to the condition of affairs when the Administration came into power.

As I said before, this Administration was met by an expiring treaty on July 1, 1885. Eight days after this Administration came into power the British minister addressed a most remarkable note to the Secretary of State.

Congress had declared that the treaty of 1871 should come to an end; there had been practical unanimity everywhere on the subject; and yet the British minister on the 12th day of March, 1885, eight days after the Administration came into power, makes a suggestion to the Administration substantially that Congress did not know what it wanted, that the great Government of the United States represented in its legislative department was not capable of determining these questions as they ought to be, and that the State Department and he might be able to work out something that would be better. Can anybody believe, does anybody believe that this letter which I shall read could ever have been submitted by Mr. West of his own volition? Would there have been that temerity on the part of any representative from abroad to have said to an executive officer of the United States, "Your Government has made a mistake in a matter of internal policy," with which he had no concern? I think it may be fairly presumed that he got his idea from the Administration, that they were prepared to negotiate upon this subject with a view to a change of status. He said—I read from page 484 of the same document:

1.—*Mr. West's memorandum of March 12, 1885.*

[Memorandum.—Confidential.]

The fishery clauses of the treaty of Washington of 1871 will expire on the 1st of July next. It has been represented by the Canadian Government that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period.

When the time comes (1st of July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, under pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides, which it is clearly the interest of both Governments to avert.

It seems, therefore, desirable, in order to avoid such possible complications, that both Governments should come to an agreement under which the clauses might be in effect extended until the 1st of January, 1886.

If this were done the existing state of things would come to an end at a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would be thus avoided.

WASHINGTON, *March* 12, 1885.

The solicitude of the Canadian Government for our fishermen was hardly in keeping with their subsequent conduct, hardly in keeping

with their conduct years ago, and it can not be misunderstood that this negotiation was commenced and carried on for an entirely different purpose, as I shall show in a moment as briefly as I can, for the purpose of getting from us that which the Canadian Government had been demanding, a reciprocity treaty, and that the Administration were parties to this, and that the Secretary of State understood it. His letters show that it was not a simple question of fishing, but it was more than that.

On the 22d day of April, 1885, Mr. Bayard replied. Whether there had been any other correspondence I know not, except that it is not found in the diplomatic correspondence sent to the Senate.

2.—*Mr. Bayard to Mr. West, April 22, 1885.*

[Memorandum of April 22, 1885.—Personal.]

DEPARTMENT OF STATE, *Washington, April 22, 1885.*

DEAR MR. WEST: I have on several occasions lately, in conversation, acquainted you with my interest in the fisheries memorandum which accompanied your personal letter of March 12.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your earliest convenience.

I am, my dear Mr. West, very sincerely yours,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, etc.

I do not know very much about the intricacies of diplomacy and I do not know very much about the negotiation of treaties, but it struck me as a very singular proposition that the Secretary of State, upon a subject which had engrossed the attention of all his predecessors for several years on and off, that had engrossed the attention of Congress, should have needed the views of Sir Ambrose Shea, who, I understand, is a member of the cabinet of one of the British provinces. At all events the memorandum is the result of informal talks of the Secretary with Sir Ambrose Shea. How much of it is the work of Sir Ambrose Shea and how much of it is the work of the Administration I do not know. So I am unable to give the proper credit.

I find on June 13, 1885, another memorandum:

3.—*Mr. West's memoranda of June 13, 1885.*

[Memoranda.]

It is proposed to state in notes according temporary arrangements respecting fisheries that an agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America—

That is the whole question in a nut-shell—

affording prospect of negotiation for development and extension of trade between the United States and British North America.

I submit that means reciprocity and does not mean anything else. This was the initiatory step towards a reciprocity treaty with Great Britain. Mr. West added:

The government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed agreement, but they rely on it having due consideration before the international commission which may be appointed.

To that Mr. Bayard replied, June 19, 1885:

[Confidential.]

DEPARTMENT OF STATE, *Washington, June 19, 1885.*

MY DEAR MR. WEST: I assume that the two confidential memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British-American coast provinces of the general features of my memorandum of April 21, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

To such a contingent understanding I can have no objection. Indeed, I regard it as covered by the statement in my memorandum of May 21, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

The equities of the question being before such a mixed commission would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighborhood and intercourse between the two countries, the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration. I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested commission on behalf of either party.

I believe this statement will be satisfactory to you, and I should be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and memoranda the agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British-American Atlantic coast.

I have the honor to be, with the highest respect, sir, your obedient servant,

T. F. BAYARD.

Hon. L. S. SACKVILLE WEST.

That was not entirely satisfactory to Mr. West, and he replied on the 20th:

Mr. West to Mr. Bayard, June 20, 1885.

[Confidential.]

BRITISH LEGATION, *Washington, June 20, 1885.*

MY DEAR MR. BAYARD: I beg to acknowledge the receipt of your confidential note of yesterday's date, concerning the proposed temporary arrangement respecting the fisheries, which I am authorized by Her Majesty's Government to negotiate with you on behalf of the Government of the Dominion of Canada and the government of Newfoundland, to be effected by an exchange of notes founded on your memorandum of the 21st of April last.

The two confidential memoranda which I handed to you on the 13th instant contain, as you assume, the acceptance by the Dominion and the British-American coast provinces of the general features of your above-mentioned memorandum, with the understanding expressed on their side that the agreement has been arrived at under circumstances affording prospects of negotiation for the development and extension of trade between the United States and British North America, a contingent understanding to which, as you state, you can have no objection, as you regard it as covered by the terms of your memorandum of April 21.

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the colonial governments in the course of the negotiation for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty's Government and the colonial governments have consented to the arrangement solely as a mark of good-will to the Government and people of the United States—

A remarkable exhibition of good-will to the people of the United States to give them that which they had declared without dissent, through the only organ through which they could properly declare it, that they did not want it continued—

and to avoid difficulties which might be raised by the termination of the fishery articles in the midst of a fishing season; and also the acceptance of such a *modus vivendi* does not, by any implication, affect the value of the inshore fisheries by the Governments of Canada and Newfoundland. I had occasion to remark to you that while the colonial governments are asked to guaranty immunity from interference to American vessels resorting to Canadian waters, no such immunity is offered in your memorandum to Canadian vessels resorting to American waters, but that the Dominion government presumed that the agreement in this respect would be mutual. As you accepted this view, it would, I think, be as well that mention should be made to this effect in the notes.

Under the reservations, as above indicated, in which I believe you acquiesce, I am prepared to accept the understanding on behalf of British North America, and to exchange notes in the above sense.

I have the honor to be, with the highest respect, sir, your obedient servant,

L. S. SACKVILLE WEST.

Hon. T. E. BAYARD, etc.

So, Mr. President, I think it may be assumed that the initiative of this proposed treaty was not for the purpose of making a treaty on the fishery question, but a reciprocity treaty. The President of the United States, agreeable to his agreement with the British Government, submitted a proposition to Congress for the appointment of a commission. I need not go into that at any great length, except to show the action of certain members of the Senate of the United States upon that proposition. The Senator from Maine [Mr. FRYE] offered this resolution:

Resolved, That, in the opinion of the Senate, the appointment of a commission in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments, on the coasts of the United States and British North America, ought not to be provided for by Congress.

When that resolution was before the Senate the Committee on Foreign Relations were represented not in a partisan way at all. The Senator from Maine made some remarks, which were followed by the Senator from Alabama, a member, and I may say the leading member of the committee upon the Democratic side. Mr. MORGAN said:

In listening to the remarks of the Senator from Maine, and also in what investigation I have been able to give this subject, I am unable to ascertain that there is really any unsettled question between the United States and Great Britain in regard to the fisheries of the northeastern coast. I have inquired of Senators who have had long experience in diplomatic affairs of the country, to ascertain, if I could, whether there was any open question of damages, any claim of damages arising between the Governments respectively out of any supposed breach of our fisheries treaties or our fisheries laws; and I can hear nothing of that kind. The Halifax Commission seems to have settled for good and all every controversy, sounding in damages at least, which has been promoted or urged by the citizens of the countries on either side.

I conceive that there is no want of certainty in our treaty relations, and there is scarcely room for a difference in interpretation of what our treaty relations actually are. The two treaties which have settled the actual and what we might term the permanent rights of the people of the United States and of the Dominion country in regard to the fisheries are the treaties of 1783 and 1818. No other treaties we have made at all in respect to the fisheries have undertaken to define the permanent enduring rights either of the British people or of our people in respect of the fisheries. We have had two other treaties on this subject, the treaty of 1854 and the treaty of 1871, but they were both temporary in their character and both made liable to be suspended by the action of either government after they had run for ten years, and both have been abrogated. So that the field is entirely clear in respect of the actual state of treaty relations between the United States and Great Britain, and those treaty relations rest upon the treaties of 1783 and 1818.

He then discussed the question whether the treaty of 1783 had been superseded by the treaty of 1818, and he differed from the Senator from Delaware [Mr. GRAY] and some others, and asserted that it had not been. He quoted the treaty of 1783, and declared:

That was all that was said about it. A broader right of fishery than that can not be conceived of; no restriction or restraint upon it at all, except that in conducting their business they should not trespass or intrude on private property on the shore in drawing their fish or mending their nets or whatever other use they might have for the shore.

He went on to say in substance that it was an entire perversion of the treaty of 1818 to give it the construction that the British or Canadian authorities were contending for. Then he said, speaking of the British statute:

If that is so, it seems to me there is no difficulty at all either in construing or in handling this matter. As I remarked before, I can not see that there is any difficulty in the construction of the treaty of 1818 taken by itself. All the rights that are guarantied there and that have not been enlarged by statute of Great Britain obtain, and there is no difficulty in the construction of them. There is no difficulty in the construction of the British statutes on this subject. But, then, we are not called upon to construe them. What we are called upon to do is to protect our people against any wrong construction that they may put upon their own laws, by a power that we reserve expressly in the hands of the President of the United States.

I do not wish to volunteer any opinions about this subject before a question gets before the Senate and I am compelled to act upon it; but my convictions are very strong; they are fixed; indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provision of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect of the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States so as to put the control of this intricate subject more completely in the hands of our own Government I could not frame the amendment to the statutes. I would not know how to do it. I believe that both the treaty stipulations and the situation under the statutes are about as complete as we are ever able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much indeed to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of, any improvement that we could make under existing conditions of our rights in the fisheries of that Northeastern coast.

Speaking on another point he said:

Therefore I think that the Government should leave the matter just where it is, and I do not think Congress can be persuaded to repeal that act.

That was an act which gave the President power to interfere if our ships were not properly treated.

That was the opinion of the Senator from Alabama when he declared that our commercial rights were derived from the act of Great Britain of 1830 in conjunction with our own, when he declared in unequivocal terms that the right to purchase bait and ice were guarantied to us by that commercial arrangement, and as long as Great Britain did not retire from that arrangement made between the British Government and ours by which we were to pass certain legislation and they were to have certain orders made in council, there was no question at all about our right to buy ice and bait. He went on to say that it was beneath the dignity of the Government of the United States to put in a treaty a provision that we might buy bait and ice.

This resolution, as everybody remembers, passed with practical unanimity or nearly so, there being but ten votes against it in the Senate and the Senator from Alabama being one of those who voted for it.

However, Mr. President, these violations of our treaty rights continued and it was thought best to arm the Government of the United States with more extended powers than the acts already on the statute-book gave. A bill was introduced, if I recollect aright, by the Senator from Vermont [Mr. EDMUNDS] and referred to the Committee on Foreign Relations, of which the Senator from Alabama, as I have before said, is a member, and when the bill came before the Senate the Senator from Alabama said:

Mr. President, I was a member of the committee who reported this bill, and it received my cordial approbation. I was also a member of the subcommittee which formulated the bill, and it was carefully considered there in connection with the evidence which had been collected not only from their own investigations under the order of the Senate but also from the archives of the State Department as far as we had access to those archives.

Mr. President, I call the attention of the Senate to this statement made by the Senator from Alabama that he was one of the originators of this act that armed the President with power to suspend Canadian commerce if he saw fit.

I call the attention of the Senate to that because I propose to notice his complaint made in the Senate that we had acted cowardly in this matter; that we were not willing to take the responsibility of determining whether there were violations of the treaty of 1818, and were not willing ourselves to declare non-intercourse, either limited or to an extended degree, but that we had imposed this upon the President, as he said, for the purpose of getting the President into difficulty, or words to that effect. Yet he announced to the Senate that he was one of the originators of it, and that it had his unqualified support; and he defended it in a lengthy speech, I need not say in an able speech. He took the American side of the question, and when the Senator from Maryland [Mr. GORMAN] attempted to amend the statute of March 3, 1887, by giving it more force, as he said, and extending it further, the Senator from Alabama was again heard. On all occasions it received his unqualified approbation as it received the unqualified approbation of every member of the Democratic party in the Senate. No man on that side either lifted his voice against the bill or voted against it; and yet we are told now that the statute was enacted for the purpose of getting the Democratic Administration into difficulty.

When the bill went to the House of Representatives it was ably discussed, as the RECORD will show. Not wishing to detain the Senate, I shall not advert to each particular statement made by the members of the House. I presume Senators have looked up that debate. There was no objection to the bill. There was a controversy between the House and the Senate as to which particular bill should be adopted, whether it should be the bill of the Senate or the bill of the House. It was contended in the House that the House bill was the most vigorous, that it put more power in the hands of the Administration, and therefore they favored it. In the House at that time there was the present Senator from Virginia [Mr. DANIEL], who made an able speech in defense of the American idea of the treaty of 1818; there was the junior Senator from Texas [Mr. REAGAN], who declared that we ought to be careful how we dealt with Great Britain, for in all our dealings with Great Britain we had been always overreached; there were Mr. CLEMENTS, Mr. COX, and other distinguished Democrats, all of them, including Mr. MILLS, supporting the measure, not simply by their votes, but by their speeches, every one of them insisting then that the American construction of the treaty of 1818 was the construction we should insist upon at all times. That bill passed the Senate with one dissenting vote, and he was not a Democrat.

Mr. FRYE. That was a vote cast by mistake.

Mr. TELLER. The Senator from Maine says that was a vote cast by mistake. The bill passed the House with one dissenting vote, and I do not know whose vote that was.

I desire to submit several letters of the Secretary of State for the purpose of showing that when we complain and say that the conduct of the Canadian officials has been in violation of the treaty we are supported by the Secretary of State. I find that in a letter to Mr. West, written May 10, 1886, he declares that the British construction of the treaty, if allowed, would be in effect to utterly destroy all our rights under the treaty of 1818. He was insisting in the letter as to our commercial rights that they had been enlarged by the action of Congress, the proclamation of the President and the action of the British Government in 1830, and that they included fishing vessels as well as othe vessels. He said, on page 290:

President Jackson's proclamation of October 5, 1830, created a reciprocal commercial intercourse, on terms of perfect equality of flag, between this country and the British American dependencies, by repealing the navigation acts of April 18, 1818, May 15, 1820, and March 1, 1823, and admitting British vessels and their cargoes "to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the American continent, and north or east of the United States." These commercial privileges have since received a large extension in the interests of propinquity, and in some cases favors have been granted by the United States without equivalent concession. Of the latter class is the exemption granted by the shipping act of June 26, 1884, amounting to one-half of the regular tonnage dues on all vessels from the British North American and West Indian possessions entering ports of the United States. Of the reciprocal class are the arrangements for transit of goods, and the remission, by proclamation, as to certain British ports and places of the remainder of the tonnage-tax, on evidence of equal treatment being shown to our vessels.

On the other side, British and colonial legislation, as notably in the case of the imperial shipping and navigation act of June 26, 1849, has contributed its share toward building up an intimate intercourse and beneficial traffic between the two countries founded on mutual interest and convenience.

Again he said, on page 291:

The effect of this colonial legislation and Executive interpretation, if executed according to the letter, would be not only to expand the restrictions and renunciations of the treaty of 1818, which related solely to inshore fishery within the 3-mile limit, so as to affect the deep-sea fisheries, the right to which remained unquestioned and unimpaired for the enjoyment of the citizens of the United States, but further to diminish and practically to destroy the privileges expressly secured to American fishing vessels to visit those inshore waters for the objects of shelter, repair of damages, and purchasing wood and obtaining water.

Again he said, on page 292:

I may recall to your attention the fact that a proposition to exclude the vessels of the United States engaged in fishing from carrying also merchandise was made by the British negotiators of the treaty of 1818, but, being resisted by the American negotiators, was abandoned. This fact would seem clearly to indicate that the business of fishing did not then and does not now disqualify a vessel from also trading in the regular ports of entry.

On the 29th of May, 1886, in a letter to Mr. West, Mr. Bayard used this language, on page 297:

SIR: I have just received an official imprint of House of Commons bill No. 136, now pending in the Canadian Parliament, entitled "An act further to amend the act respecting fishing by foreign vessels," and am informed that it has passed the house and is now pending in the senate.

This bill proposes the forcible search, seizure, and forfeiture of any foreign vessel within any harbor in Canada, or hovering within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, where such vessel has entered such waters for any purpose not permitted by the laws of nations, or by treaty or convention, or by any law of the United Kingdom or of Canada now in force.

* * * * * * *

Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citizens of the United States are lawfully entitled under statutes of Great Britain and the well-defined and publicly proclaimed authority of both countries, besides being in respect of the existing conventions between the two countries an assumption of jurisdiction entirely unwarranted and which is wholly denied by the United States.

The contention of the Department of State is now that we never had any commercial rights for our fishing vessels. What did the Secretary of State mean when he was thus addressing the British authorities as the representative of the Government of the United States? Was he in earnest? Did he believe that we had commercial rights?

It will be seen that the Secretary of State notified the citizens of the United States that their right to buy bait in the Canadian ports was unquestioned under the law; and to-day we are told by the President, by

the Secretary of State, and by all his adherents on the other side of the Chamber, that it is a right we never had at all. If we assert that the right exists by virtue of the treaty, we are told that our partisan zeal to secure votes in certain quarters is so great that we can not approach this subject in the judicial temper with which they are approaching it. Again, the Secretary of State said on the 7th of June, 1886, page 298:

SIR: I regret exceedingly to communicate that report is to-day made to me, accompanied by affidavit, of the refusal of the collector of customs at the port of St. Andrews, New Brunswick, to allow the master of the American schooner Annie M. Jordan, of Gloucester, Mass., to enter the said vessel at that port, although properly documented as a fishing vessel with permission to touch and trade at any foreign port or place during her voyage.

The object of such entry was explained by the master to be the purchase and exportation of "certain merchandise" (possibly fresh fish for food, or bait for deep-sea fishing).

The vessel was threatened with seizure by the Canadian authorities, and her owners allege that they have sustained damage from this refusal of commercial rights.

I earnestly protest against this unwarranted withholding of lawful commercial privileges from an American vessel and her owners, and for the loss and damage consequent thereon the Government of Great Britain will be held liable.

I have, etc.,

T. F. BAYARD.

How much we shall get will be readily seen when they now meet us at all times with the declarations of the President and the Secretary of State that no such commercial privileges ever existed for our fishing vessels, and that a fishing vessel could not be a fishing vessel and a commercial vessel at the same time.

The Canadian authorities in 1886 warned off all our vessels, threatened them if they did not keep away from that coast. June 14, 1886, Mr. Bayard addressed this letter to Sir Lionel West concerning this matter:

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE, *Washington, June 14, 1886.*

SIR: The consul-general of the United States at Halifax communicated to me the information derived by him from the collector of customs at that port to the effect that American fishing vessels will not be permitted to land fish at that port of entry for transportation in bond across the province.

I have also to inform you that the masters of the four American fishing vessels of Gloucester, Mass., Martha A. Bradley, Rattler, Eliza Boynton, and Pioneer, have severally reported to the consul-general at Halifax that the subcollector of customs at Canso had warned them to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point 3 miles outside St. Esprit, on the Cape Breton coast, a distance of 40 miles. This line for nearly its entire continuance is distant 12 to 25 miles from the coast.

The same masters also report that they were warned against going inside an imaginary line drawn from a point 3 miles outside North Cape, on Prince Edward Island, to a point 3 miles outside of East Point, on the same island, a distance of over 100 miles, and that this last-named line was for nearly that entire distance about 30 miles from the shore.

The same authority informed the masters of the vessels referred to that they would not be permitted to enter Bay Chaleur.

Such warnings are, as you must be well aware, wholly unwarranted pretentions of extraterritorial authority and usurpations of jurisdiction by the provincial officials.

It becomes my duty, in bringing this information to your notice, to request that if any such orders for interference with the unquestionable rights of the American fishermen to pursue their business without molestation at any point not within 3 marine miles of the shores, and within the defined limits as to which renunciation of the liberty to fish was expressed in the treaty of 1818, may have been issued, the same may at once be revoked as violative of the rights of citizens of the United States under convention with Great Britain.

I will ask you to bring this subject to the immediate attention of Her Britannic Majesty's Government, to the end that proper remedial orders may be forthwith issued.

It seems most unfortunate and regretable that questions which have been long since settled between the United States and Great Britain should now be sought to be revived.

I have, etc.,

T. F. BAYARD.

Mr. President, I was not mistaken when I said he had revived the obsolete headland theory. Here is his own statement that it had been abandoned. I will show before I get through that Sir Charles Tupper declared to the Canadian Parliament that it had been abandoned, and every man familiar with the history of these transactions knows that it had been practically abandoned.

Some time in April, 1886, Messrs. Cushing and McKenney, New England men doing business in those waters, addressed a telegram to the Secretary of State seeking to know what their rights were. I have not the telegram here, but the answer is sufficient to show what it was. They asked, "Are we entitled to go in these waters, and what are our rights when we get there?" The reply of the State Department was as follows:

Mr. Bayard to Messrs. Cushing and McKenney.

[Telegram.]

STATE DEPARTMENT, *April 9, 1886.*

The question of the right of American vessels engaged in fishing on the high seas to enter Canadian ports for the purpose of shipping crews may possibly involve construction of treaty with Great Britain. I expect to attain such an understanding as will relieve our fishermen from all doubts or risk in the exercise of the ordinary commercial privileges of friendly ports, to which, under existing laws of both countries, I consider their citizens to be mutually entitled, free from molestation.

T. F. BAYARD.

The Secretary of State expressed his opinion that while it might be difficult to say whether we could ship crews, we could buy bait and we could buy ice and we could buy provisions if the ship was in distress or needed them. Yet to-day we are told that no such rights exist, that they never did exist, and that he who asserts it asserts it simply because he is blind and can not see.

Again, in a letter to Mr. West of May 10, 1886, Mr. Bayard complained of the seizure of vessels as follows, on page 290:

The seizure of the vessels I have mentioned, and certain published "warnings" purporting to have been issued by the colonial authorities, would appear to have been made under a supposed delegation of jurisdiction by the Imperial Government of Great Britain, and to be intended to include authority to interpret and enforce the provisions of the treaty of 1818, to which, as I have remarked, the United States and Great Britain are the contracting parties, who can alone deal responsibly with questions arising thereunder.

The effect of this colonial legislation and executive interpretation, if executed according to the letter, would be not only to expand the restrictions and renunciations of the treaty of 1818, which related solely to inshore fishery within the 3-mile limit, so as to affect the deep-sea fisheries, the right to which remained unquestioned and unimpaired for the employment of the citizens of the United States, but further to diminish and practically to destroy the privileges expressly secured to American fishing vessels to visit those inshore waters for the objects of shelter, repair of damages, and purchasing wood, and obtaining water.

July 2, 1886, Mr. Bayard complained to Mr. West in the following language:

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE, *Washington, July 2, 1886.*

SIR: It is my unpleasant duty promptly to communicate to you the telegraphic report to me by the United States consul-general at Halifax, that the schooner City Point, of Portland, Me., arrived at the port of Shelburne, Nova Scotia, landed two men, obtained water, and is detained by the authorities until further instructions are received from Ottawa.

The case as thus reported is an infringement on the ordinary rights of international hospitality, and constitutes a violation of treaty stipulations and commercial privileges, evincing such unfriendliness to the citizens of the United States as is greatly to be deplored, and which I hold it to be the responsible duty of the Government of Great Britain promptly to correct.

I have, etc.,

T. F. BAYARD.

At a later date, July 10, 1886, Mr. Bayard recited another outrage, as follows:

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE, *Washington, July 10, 1886.*

SIR: I have the honor to inform you that I am in receipt of a report from the consul-general of the United States at Halifax, accompanied by sworn testimony stating that the Novelty, a duly registered merchant steam-vessel of the United States, has been denied the right to take in steam-coal, or purchase ice, or transship fish in bond to the United States, at Pictou, Nova Scotia.

It appears that, having reached that port on the 1st instant and finding the customs office closed on account of a holiday, the master of the Novelty telegraphed to the minister of marine and fisheries at Ottawa, asking if he would be permitted to do any of the three things mentioned above; that he received in reply a telegram reciting with certain inaccurate and extended application the language of Article I of the treaty of 1818, the limitations upon the significance of which are in pending discussion between the Government of the United States and that of Her Britannic Majesty; that on entering and clearing the Novelty on the following day at the custom-house, the collector stated that his instructions were contained in the telegram the master had received; and that, the privilege of coaling being denied, the Novelty was compelled to leave Pictou without being allowed to obtain fuel necessary for her lawful voyage on a dangerous coast.

Against this treatment I make instant and formal protest as an unwarranted interpretation and application of the treaty by the officers of the Dominion of Canada and the Province of Nova Scotia, as an infraction of the laws of commercial and maritime intercourse existing between the two countries, and as a violation of hospitality, and for any loss or injury resulting therefrom the Government of Her Britannic Majesty will be held liable.

I have, etc.,

T. F. BAYARD.

On the same day, July 10, 1886, Mr. Bayard wrote to Mr. West as follows:

To-day Mr. C. A. BOUTELLE, M. C. from Maine, informs me that American boats visiting St. Andrews, New Brunswick, for the purpose of there purchasing herring from the Canadian weirs, for canning, had been driven away by the Dominion cruiser Middleton.

Such inhibition of usual and legitimate commercial contracts and intercourse is assuredly without warrant of law, and I draw your attention to it in order that the commercial rights of citizens of the United States may not be thus invaded and subjected to unfriendly discrimination.

I have, etc.,

T. F. BAYARD.

July 16, 1886, Mr. Bayard wrote to Mr. Hardinge as follows:

DEPARTMENT OF STATE, *Washington, July 16, 1886.*

SIR: I have just received through the honorable C. A. BOUTELLE, M. C., the affidavit of Stephen R. Balkam, alleging his expulsion from the harbor of St. Andrews, New Brunswick, by Captain Kent, of the Dominion cruiser Middleton, and the refusal to permit him to purchase fish caught and sold by Canadians, for the purpose of canning as sardines.

The action of Captain Kent seems to be a gross violation of ordinary commercial privileges against an American citizen proposing to transact his customary and lawful trade and not prepared or intending in any way to fish or violate any local law or regulation or treaty stipulation.

I trust instant instructions to prevent the recurrence of such unfriendly and unlawful treatment of American citizens may be given to the offending officials at St. Andrews, and reparation be made to Mr. Balkam.

I have, etc.,

T. F. BAYARD.

Again, July 30, 1886, Mr. Bayard wrote to Sir Lionel West as follows:

DEPARTMENT OF STATE, *Washington, July 30, 1886.*

SIR: It is my duty to draw your attention to an infraction of the stipulations of the treaty between the United States of America and Great Britain, concluded October 20, 1818.

* * * * * * *

I am also in possession of the affidavit of Alexander T. Eachern, master of the American fishing schooner Mascot, who entered Port Amherst, Magdalen Islands, and was there threatened by the customs official with seizure of his vessel if he attempted to obtain bait for fishing or to take a pilot.

These are flagrant violations of treaty rights of their citizens for which the United States expect prompt remedial action by Her Majesty's Government; and I have to ask that such instructions may be issued forthwith to the provin-

cial officials of Newfoundland and of the Magdalen Islands as will cause the treaty rights of citizens of the United States to be duly respected.

For the losses occasioned in the two cases I have mentioned, compensation will hereafter be expected from Her Majesty's Government when the amount shall have been accurately ascertained.

I have, etc.,

T. F. BAYARD.

Later, August 9, 1886, there seems still to have been trouble, and Mr. Bayard addressed Mr. Hardinge, as follows:

Mr. Bayard to Mr. Hardinge.

DEPARTMENT OF STATE, *Washington, August* 9, 1886.

SIR: I regret that it has become my duty to draw the attention of Her Majesty's Government to the unwarrantable and unfriendly treatment, reported to me this day by the United States consul-general at Halifax, experienced by the American fishing schooner Rattler, of Gloucester, Mass., on the 3d instant, upon the occasion of her being driven by stress of weather to find shelter in the harbor of Shelburne, Nova Scotia.

* * * * * * *

The vessel was then detained until the captain reported at the custom-house, after which she was permitted to sail.

The hospitality which all civilized nations prescribe has thus been violated and the stipulations of a treaty grossly infracted.

A fishing vessel, denied all the usual commercial privileges in a port, has been compelled strictly to perform commercial obligations.

In the interests of amity, I ask that this misconduct may be properly rebuked by the government of Her Majesty.

I have, etc.,

T. F. BAYARD.

Later, on August 17, 1886, Mr. Bayard, in a letter to Mr. West, used this language, speaking of another transaction:

I have further the honor to ask with all earnestness that the Government of Her Britannic Majesty will cause steps to be forthwith taken to prevent and rebuke acts so violative of treaty and of the common rites of hospitality.

And on the next day, August 18, 1886, Mr. Bayard, in a letter to the same gentleman, used the following language, speaking of the vessel Rattler:

Such conduct can not be defended on any just ground, and I draw your attention to it in order that Her Britannic Majesty's Government may reprimand Captain Quigley for his unwarranted and rude act.

It was simply impossible for this officer to suppose that any invasion of the fishing privileges of Canada was intended by these vessels under the circumstances.

The firing of a gun across their bows was a most unusual and wholly uncalled for exhibition of hostility, and equally so was the placing of armed men on board the peaceful and lawful craft of a friendly nation.

Speaking of the Molly Adams, in his letter of September 10, 1886, Mr. Bayard said to Mr. West:

This inhospitable, indeed inhuman, conduct on the part of the customs officer in question should be severely reprimanded, and for the infraction of treaty rights and commercial privileges compensation equivalent to the injuries sustained will be claimed from Her Majesty's Government.

Complaining of another transaction, Mr. Bayard, in a letter to Mr. West, said September 23, 1886:

Mr. Bayard to Sir L. West.

DEPARTMENT OF STATE, *Washington, September* 23, 1886.

SIR: I have the honor to bring to your attention an instance which has been brought to my knowledge of an alleged denial of one of the rights guarantied by the convention of 1818, in the case of an American vessel.

Capt. Joseph E. Graham, of the fishing schooner A. R. Crittenden, of Gloucester, Mass., states under oath that on or about the 21st of July last, on a return trip from the open-sea fishing grounds to his home port, and while passing through the Strait of Canso, he stopped at Steep Creek for water. The customs officer at that place told him that if he took in water his vessel would be seized; whereupon he sailed without obtaining the needed supply, and was obliged to put his men on short allowance of water during the passage homeward.

I have the honor to ask that Her Britannic Majesty's Government cause investigation to be made of the reported action of the customs officer at Steep Creek, and if the facts be as stated, that he be promptly rebuked for his unlawful and inhumane conduct in denying to a vessel of a friendly nation a general privilege, which is not only held sacred under the maritime law of nations, but which is expressly confirmed to the fishermen of the United States throughout the Atlantic coasts of British North America by the first article of the convention of 1818.

It does not appear that the A. R. Crittenden suffered other damage by this alleged inhospitable treatment, but reserving that point the incident affords an illustration of the vexatious spirit in which the officers of the Dominion of Canada appear to seek to penalize and oppress those fishing vessels of the United States, lawfully engaged in fishing, which from any cause are brought within their reach.

I have, etc.,

T. F. BAYARD.

I shall not encumber the RECORD by putting in all these letters. Suffice it to say that up to the time these negotiations began, the Secretary of State on and off, again and again, declared that the Canadian authorities were violating the treaty, and not only violating the treaty but violating the common courtesies that were due from one friendly nation to another. Not only did he so assert to the British Government, but he instructed our minister at London to so assert, and he did so assert on various occasions. As suggested by the Senator from Connecticut [Mr. PLATT], he did that to American citizens who were demanding to know what their rights were, that they might not be led into a trap. He said: "Your rights are to go in there and buy." Now he asserts that no such right ever existed. When did he get the new light?

In a letter to Mr. Phelps on November 6, 1886, Mr. Bayard asserted this same right and directed him to assert it. He said, on page 437:

From Her Majesty's Government redress is asked. And that redress, as I shall have occasion to say hereafter, is not merely the indemnification of the parties suffering by Captain Quigley's actions, but his withdrawal from the waters where the outrages I represent to you have been committed.

I have already said that the claims thus presented could be abundantly sustained by the law of nations, aside from treaty and other rights. But I am not willing to rest the case on the law of nations. It is essential that the issue between United States fishing vessels and the "cruiser Terror" should be examined in all its bearings, and settled in regard not merely to the general law of nations, but to the particular rights of the parties aggrieved.

It is a fact that the fishing vessel Marion Grimes had as much right under the special relations of Great Britain and the United States to enter the harbor of Shelburne as had the Canadian cruiser. The fact that the Grimes was liable to penalties for the abuse of such right of entrance does not disprove its existence. Captain Quigley is certainly liable to penalties for his misconduct on the occasion referred to. Captain Landry was not guilty of misconduct in entering and seeking to leave that harbor, and had abused no privilege. But whether liable or not for subsequent abuse of the rights, I maintain that the right of free entrance into that port to obtain shelter, and whatever is incident thereto, belonged as much to the American fishing vessel as to the Canadian cruiser.

The basis of this right is thus declared by an eminent jurist and statesman, Mr. R. R. Livingston, the first Secretary of State appointed by the Continental Congress, in instructions issued on January 7, 1782, to Dr. Franklin, then at Paris, intrusted by the United States with the negotiation of articles of peace with Great Britain:

"The arguments on which the people of America found their claim to fish on the banks of Newfoundland arise, first, from their having once formed a part of the British Empire, in which state they always enjoyed as fully as the people of Britain themselves the right of fishing on those banks. They have shared in all the wars for the extension of that right, and Britain could with no more justice have excluded them from the enjoyment of it (even supposing that one nation could possess it to the exclusion of another) while they formed a part of that empire than they could exclude the people of London or Bristol.

"If so, the only inquiry is, how have we lost this right? If we were tenants in common with Great Britain while united with her, we still continue so, unless by our own act we have relinquished our title. Had we parted with mutual consent, we should doubtless have made partition of our common rights by treaty. But the oppressions of Great Britain forced us to a separation (which must be admitted, or we have no right to be independent); and it can not certainly be contended that those oppressions abridged our rights or gave new ones to Britain. Our rights, then, are not invalidated by this separation, more particularly as we have kept up our claim from the commencement of the war, and assigned the attempt of Great Britain to exclude us from the fisheries as one of the causes of our recurring to arms."

* * * * * * *

At present it is sufficient to say that the placing an armed cruiser at the mouth of a harbor in which the United States fishing vessels are accustomed and are entitled to seek shelter on their voyages, such cruiser being authorized to arrest and board our fishing vessels seeking such shelter, is an infraction not merely of the law of nations, but of a solemn treaty stipulation. That, so far as concerns the fishermen so affected, its consequences are far-reaching and destructive, it is not necessary here to argue. Fishing vessels only carry provisions enough for each particular voyage. If they are detained several days on their way to the fishing banks, the venture is broken up. The arrest and detention of one or two operates upon all. They can not, as a class, with their limited capital and resources, afford to run risks so ruinous.

Hence, rather than subject themselves to even the chances of suffering the wrongs inflicted by Captain Quigley, "of the Canadian cruiser Terror," on some of their associates, they might prefer to abandon their just claim to the shelter consecrated to them alike by humanity, ancient title, the law of nations, and by treaty, and face the gravest peril and the wildest seas in order to reach their fishing grounds. You will therefore represent to Her Majesty's Government that the placing Captain Quigley in the harbor of Shelburne to inflict wrongs and humiliation on United States fishermen there seeking shelter is, in connection with other methods of annoyance and injury, expelling United States fishermen from waters, access to which, of great importance in the pursuit of their trade, is pledged to them by Great Britain, not merely as an ancient right, but as part of a system of international settlement.

Here I should like to say that I have gone carefully over the correspondence of the American minister, Mr. Phelps, and I believe that he presented the case with great force. I do not know whether he has changed base, too. I do not know whether he will now be the apologist, like the Secretary of State and the Democratic Senate, of the Canadian officials; but I know that from time to time he asserted in language, as I have before said, verging to the extreme of diplomatic courtesy, that these transactions were without authority of law and were violative of the treaty. He said to Lord Iddesleigh, September 11, 1886:

To two recent instances of interference by Canadian officers with American fishermen, of a somewhat different character, I am specially instructed by my Government to ask your lordship's attention, those of the schooners Thomas F. Bayard and Mascot.

These vessels were proposing to fish in waters in which the right to fish is expressly secured to Americans by the terms of the treaty of 1818; the former in Bonne Bay, on the northwest coast of Newfoundland, and the latter near the shores of the Magdalen Islands.

For this purpose the Bayard attempted to purchase bait in the port of Bonne Bay, having reported at the custom-house and announced its object. The Mascot made a similar attempt at Port Amherst in the Magdalen Islands, and also desired to take on board a pilot. Both vessels were refused permission by the authorities to purchase bait, and the Mascot to take a pilot, and were notified to leave the ports within twenty-four hours on penalty of seizure. They were therefore compelled to depart, to break up their voyages, and to return home, to their very great loss. I append copies of the affidavits of the masters of these vessels stating the facts.

Your lordship will observe, upon reference to the treaty, not only that the right to fish in these waters is conferred by it, but that the clause prohibiting entry by American fishermen into Canadian ports, except for certain specified purposes, which is relied on by the Canadian Government in the cases of the Adams and of some other vessels, has no application whatever to the ports from which the Bayard and the Mascot were excluded. The only prohibition in the treaty having reference to those ports is against curing and drying fish there, without leave of the inhabitants, which the vessels excluded had no intention of doing.

The conduct of the provincial officers toward these vessels was therefore not merely unfriendly and injurious, but in clear and plain violation of the terms of the treaty. And I am instructed to say that reparation for the losses sustained by it to the owners of the vessels will be claimed by the United States Government on their behalf as soon as the amount can be accurately ascertained.

There are several letters from this minister of the same character asserting that our fishermen had rights there.

Mr. President, these assertions are in harmony with the construction given to the treaty of 1818 by the British Government themselves

from time to time. I propose briefly to call the attention of the Senate to this point. I submit the letter of Mr. Phelps to Lord Roseberry of June 2, 1886, page 415, in which he details particularly the cases wherein the British Government had surrendered the headland theory and the right to exclude our fishermen from the bays.

* * * * * * *

The British Government has repeatedly refused to allow interference with American fishing vessels, unless for illegal fishing, and has given explicit orders to the contrary.

On the 26th of May, 1870, Mr. Thornton, the British minister at Washington, communicated officially to the Secretary of State of the United States copies of the orders addressed by the British Admiralty to Admiral Wellesley, commanding Her Majesty's naval forces on the North American station, and of a letter from the colonial department to the foreign office, in order that the Secretary might "see the nature of the instructions to be given to Her Majesty's and the Canadian officers employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada." Among the documents thus transmitted is a letter from the foreign office to the secretary of the Admiralty, in which the following language is contained:

"The Canadian Government has recently determined, with the concurrence of Her Majesty's ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given, and seizing at once any vessel detected in violation of the law.

"In view of this change and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their lordships to instruct the officers of Her Majesty's ships employed in the protection of the fisheries that they are not to seize any vessel unless it is evident and can be clearly proved that the offense of fishing has been committed and the vessel itself captured within 3 miles of land."

In the letter from the lords of the Admiralty to Vice-Admiral Wellesley of May 5, 1870, in accordance with the foregoing request, and transmitting the letter above quoted from, there occurs the following language:

"My lords desire me to remind you of the extreme importance of commanding officers of the ships selected to protect the fisheries exercising the utmost discretion in carrying out their instructions, paying special attention to Lord Granville's observation that no vessel should be seized unless it is evident and can be clearly proved that the offense of fishing has been committed and that the vessel is captured within 3 miles of land."

Lord Granville, in transmitting to Sir John Young the aforesaid instructions, makes use of the following language:

"Her Majesty's Government do not doubt that your ministers will agree with them as to the propriety of these instructions, and will give corresponding instructions to the vessels employed by them."

These instructions were again officially stated by the British minister at Washington to the Secretary of State of the United States in a letter dated June 11, 1870.

Again, in February, 1871, Lord Kimberly, colonial secretary, wrote to the governor-general of Canada as follows:

"The exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter, and of repairing damages therein, purchasing wood, and of obtaining water, might be warranted by the letter of the treaty of 1818, and by the terms of the imperial act 59 George III, chapter 38, but Her Majesty's Government feel bound to state that it seems to them an extreme measure, inconsistent with the general policy of the empire, and they are disposed to concede this point to the United States Government under such restrictions as may be necessary to prevent smuggling, and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

And in a subsequent letter from the same source to the governor-general, the following language is used:

"I think it right, however, to add that the responsibility of determining what is the true construction of a treaty made by Her Majesty with any foreign power must remain with Her Majesty's Government, and that the degree to which this country would make itself a party to the strict enforcement of the treaty rights may depend not only on the literal construction of the treaty, but on the moderation and reasonableness with which these rights are asserted."

I am not aware that any modification of these instructions or any different rule from that therein contained has ever been adopted or sanctioned by Her Majesty's Government.

Judicial authority upon this question is to the same effect. That the purchase of bait by American fishermen in the provincial ports has been a common practice is well known. But in no case, so far as I can ascertain, has a seizure of an American vessel ever been enforced on the ground of the purchase of bait, or of any other supplies. On the hearing before the Halifax Fisheries Commission in 1877 this question was discussed, and no case could be produced of any such condemnation. Vessels shown to have been condemned were in all cases adjudged guilty, either of fishing, or preparing to fish, within the prohibited limit. And in the case of the White Fawn, tried in the admiralty court of New Brunswick before Judge Hazen in 1870, I understand it to have been distinctly held that the purchase of bait, unless proved to have been in preparation for illegal fishing, was not a violation of the treaty, nor of any existing law, and afforded no ground for proceedings against the vessel.

I also submit a paper found in Executive Document No. 113, marked Appendix B, showing the construction put upon the treaty by the British authorities:

APPENDIX B.

In such capacity your jurisdiction must be strictly confined within the limits of "3 marine miles of any of the coasts, bays, creeks, or harbors" of Canada, with respect to any action you may take against American fishing vessels and United States citizens engaged in fishing. Where any of the bays, creeks, or harbors shall not exceed 6 geographical miles in width, you will consider that the line of demarcation extends from headland to headland, either at the entrance to such bay, creek, or harbor, or from and between given points on both sides thereof, at any place nearest the mouth where the shores are less than 6 miles apart; and may exclude foreign fishermen and fishing vessels therefrom, or seize if found within 3 marine miles of the coast.

Jurisdiction.—The limits within which you will, if necessary, exercise the power to exclude the United States fishermen, or to detain American fishing vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbors. Her Majesty's Government are clearly of opinion that by the convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek.

It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or a creek which, though in parts more than 6 miles wide, is less than 6 geographical miles in widthat its mouth. In the case of any other bay, as the Bay des Chaleurs for example, you will not interfere with any United States fishing vessel or boat, or any American fishermen, unless they are found within 3 miles of the shore.

"*Action.*—You will accost every United States vessel or boat actually within 3 marine miles of the shore along any other part of the coast except Labrador and around the Magdalen Islands, or within 3 marine miles of the entrance of any bay, harbor, or creek which is less than 6 geographical miles in width, or inside of a line drawn across any part of such bay harbor, or creek at points nearest to the mouth thereof not wider apart than 6 geographical miles, and if either fishing, preparing to fish, or having obviously fished within the exclusive limits, you will, in accordance with the above-recited acts, seize at once any vessel detected in violating the law, and send or take her into port for condemnation; but you are not to do so unless it is evident, and can be clearly proved, that the offense of fishing has been committed, and that the vessel is captured within the prohibited limits." (Session Papers, volume IV, No. 4, 1871.)

APPENDIX C.—*The secretary of state for the colonies to the governor-general.*

DOWNING STREET, *October* 10, 1870.

SIR: I inclose a copy of a memorandum, which I have requested Lord Granville to transmit to Sir E. Thornton, with instructions to communicate with you before addressing himself to the Government of United States on the subject to which the memorandum relates.

The object of Her Majesty's Government is, as you will observe, to give effect to the wishes of your Government, by appointing a joint commission, on which Great Britain, the United States, and Canada are to be represented, with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American colonies. In accordance with the understood desire of your advisers it is proposed that the inquiry should be held in America.

The proposal contained in the last paragraph is made with a view to avoid diplomatic difficulties, which might otherwise attend the negotiation.

I have, etc.,

KIMBERLY.

Governor-General the Right Hon. Sir JOHN YOUNG, G. C. B., G. C. M. G.

We have both Houses of Congress and we have the Department of State in favor of our construction of the treaty of 1818. We have in addition to that the fact that the claim either to exclude us from bays or from lines drawn from headland to headland was not set up for many years after; that it was referred to by Secretary Everett in 1843 as a new claim made by the Canadians, and then not made by the British. We have all these things to justify us in insisting that the construction put upon the treaty by our predecessors is correct.

I think that is a sufficient answer to the Senators who have accused us of partisanship and a desire to antagonize this Administration, as well as a reply to the undignified interview in which the Secretary of State recently said, if the Baltimore Sun correctly reports him, that the Republican Senators were actuated only by a desire to embarrass the Administration. There is not a position that we have taken on this subject which has not been taken by the Secretary of State himself. There is not a position that we have taken on the treaty of 1818 that has not been taken by his minister to Great Britain.

What do Senators on the other side say? Do they suppose that the Secretary of State and the American minister were simply making a claim that they in truth knew did not in fact exist, or have they seen a new light under the manipulation or the advice of Sir Ambrose Shea, Joseph Chamberlain, and Sir Lionel West?

I said I would not take time to discuss the headland theory. It has been abandoned by Great Britain practically for years. It is abandoned now, or would have been but for this treaty. Mr. Tupper in discussing this question before the Canadian Parliament admitted that it had been abandoned.

So I think I may come to the treaty itself, and see whether there is anything in the treaty that is an improvement on the existing order of things.

I do not desire to go into any discussion of the right of the Secretary of State, or of the President, more properly speaking, to initiate this proceeding. I say that it was a most remarkable transaction, and I think it has no precedent in history, with the Senate of the United States about to convene, within ten days of its session, that the President should select a commission which should sit here for months during the session, and that he should not send in their names to the Senate for confirmation. But if the treaty was a good treaty, one commending itself to the American people and the American Senate, I should be in favor of waiving all these irregularities and of taking the treaty as it is. But such is not the case.

In the first place, we ought not to treat with Great Britain at all at this time. Such was almost the unanimous sense of the American Senate. It would have been unanimously held a year later, had the question been submitted, that we ought not to treat at all with all these outrages unredressed, with our ships boarded, taken into port, fined, hindered, injured, ruined in their business, and further, the American flag pulled down and insulted. Yet that has been done without an apology worthy of the name for these insults to the flag and the nation. We are asked to treat with Great Britain upon this question, to surrender that which was incontestably ours, as I intend to show when I take up the treaty in detail. We have under this proposed treaty nothing that we did not have without it. We have no opportunity for redress for the wrongs inflicted. We have, it is true, for the lowering of the flag what they call an apology.

Mr. President, I wish to say a word on that point, because on two or three occasions when this question has been up it has been said that Great Britain has apologized. I assert that Great Britain has never indicated the slightest compunction as to the Canadian conduct, and I

do not know that Great Britain supposes she is liable for anything. Yet we do not deal with Canada. If an apology came at all, it should come from Great Britain. But let us hear what kind of an apology we got. I remember a year ago and more, when this matter was under discussion, the Senator from Missouri [Mr. VEST] said that there had been an apology. The Senator from Maryland [Mr. GORMAN], who was discussing the question a little later, said that there had been an apology, but he said it was a very unsatisfactory apology. I say it was no apology at all. Let us hear what they said:

WASHINGTON, *December* 7, 1886.

SIR: I am instructed by the Earl of Iddesleigh to communicate to you the inclosed copy of a dispatch, with its inclosures, from the officer administering the Government of Canada, expressing the regret of the Dominion Government at the action of the captain of the Canadian cutter Terror in lowering the United States flag from the United States fishing schooner Marion Grimes, of Gloucester, Mass., while that vessel was under detention at Shelburne, Nova Scotia.

I have, etc.,

L. S. SACKVILLE WEST.

Here is the inclosure:

Acting Governor Lord A. G. Russell to Mr. Stanhope.

HALIFAX, NOVA SCOTIA, *October* 27, 1886.

SIR: I have the honor to transmit herewith a copy of an approved minute of the privy council of Canada, expressing the regret of my Government at the action of the captain of the Canadian cutter Terror in lowering the United States flag from the United States fishing schooner Marion Grimes, of Gloucester, Mass., while that vessel was under detention at Shelburne, Nova Scotia, by the collector of customs at that port for an infraction of the customs regulations.

I have communicated a copy of this order in council to Her Majesty's minister at Washington.

I have, etc.,

A. G. RUSSELL, *General.*

This is the next inclosure:

[Inclosure 2 in No. 57.]

Report of a committee of the honorable the privy council for Canada, approved by his excellency the administrator of the Government in council on the 26th October, 1886.

On a report, dated the 14th October, 1886, from Hon. Mackenzie Bowell, for the minister of marine and fisheries, stating that on Monday, the 11th October instant, the United States fishing schooner Marion Grimes, of Gloucester, Mass., was under detention at Shelburne, Nova Scotia, by the collector of customs at that port for an infraction of the customs regulations; that while so detained, and under the surveillance of the Canadian Government cutter Terror, the captain of the Marion Grimes hoisted the United States flag.

The minister further states that it appears that Captain Quigley, of the Terror, considered such act as an intimation that there was an intention to rescue the vessel, and requested Captain Landry to take the flag down. This request was complied with. An hour later, however, the flag was again hoisted, and on Captain Landry being asked if his vessel had been released, and replying that she had not, Captain Quigley again requested that the flag be lowered. This was refused, when Captain Quigley himself lowered the flag, acting under the belief that while the Marion Grimes was in possession of the customs authorities, and until her case had been adjudicated upon, the vessel had no right to fly the United States flag.

Now, here is the apology, Mr. President.

The minister regrets that he should have acted with undue zeal, although Captain Quigley may have been technically within his right while the vessel was in the custody of the law.

The committee advise that your excellency be moved to forward a copy of this minute, if approved, to the right honorable the secretary of state for the colonies, and to Her Majesty's minister at Washington, expressing the regret of the Canadian Government at the occurrence.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk, Privy Council.

Mr. President, I assert that no international lawyer in the Senate or anywhere will stand up and claim that before adjudication there is any right in the Government seizing a vessel to take down its flag. It is a universal law of the world that the flag flies until the adjudication determines the question of the right of seizure. So these Canadian authorities simply regretted that Captain Quigley acted with undue zeal, and then asserted the right to pull down the American flag whenever they seized a vessel, and it is only a question with them of policy and not a question of law.

The State Department knew that that was not the international law, for the Secretary of State himself, in one of his letters to Mr. Phelps, declares that the Canadians had no right to take down the flag until it was determined there was a rightful and proper seizure of the vessel.

Mr. President, how long do you think they would have been without an apology of a proper kind if we had pulled down the British flag floating over a Canadian fisherman? How long do you think it would have been before we should have been notified that we were to disavow the act of that officer or to make an humble apology?

Great Britain does not proceed in that way when her flag is insulted. She does not wait. Neither have we been wont to wait when the American flag was assailed. It is left for this Administration to accept an apology which says, "We had a right to take down your flag; you ought not to complain; we think it was a little undue zeal on the part of our officer, and yet the right exists." Out upon such an apology, Mr. President! It ought to make every American ashamed, and it does. I know that there are men in the Democratic party who are ashamed of it. I am sorry to say that they seem to have lost the courage to say what they must think, and what all honest, upright, brave people must think of such a transaction.

Once upon an occasion an overzealous United States naval officer seized two Confederate messengers going abroad. You may remember it. It was in the fall of 1861. He seized a British ship because it was carrying contraband passengers, but instead of complying with the law of nations and bringing in the ship, he let the ship go and took out of it the men, and thus put himself beyond the pale of international law. What did the British Government do with us then? They gave us notice that we should return those men to British control and authority inside of seven days or there would be war. They did not wait seven days before they started by the quickest transportation in their power their troops to the Canadian provinces.

There is not a man here who does not know that there is not any nation in the world who would dare to do such a thing to Great Britain; and are they to get off with an apology of the character I have read? I do not wonder that the Senator from Maryland said that it was not a satisfactory apology.

But, Mr. President, it is in keeping with the whole course of this Administration on this question. It is in keeping with the whole course of the Administration in its dealings with the British Government. I can not assume that the Administration was afraid to demand a sufficient apology. I must assume that the Administration is not sufficiently alive to indignities inflicted upon this country. That is the excuse, and that probably is the only one. If it had been sufficiently alive to the wrongs inflicted no treaty would have been made, no negotiation would have been entered into until there had been some redress at least promised for all the wrongs inflicted upon us by the Canadian officials.

I desire to call the attention of the Senate briefly to some provisions of the new treaty and then I shall not detain the Senate longer upon this subject. The treaty comes here with the President's approval. The Senator from Delaware [Mr. GRAY] says it comes with great presumptive weight. He says that a treaty always comes with great presumptive weight from an administration, and it always has it. Time and again a Republican administration has sent to a Republican Senate treaties which have been rejected, and rejected, too, by Republican votes. When was it that the American Senate became subordinate to the executive department in considering these subjects and determining what treaties ought and what ought not to be ratified? With great presumptive weight! The President, after detailing the treaty, says:

The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates.

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful; and with the lapse of time the difficulty and obscurity have only increased.

* * * * * * *

But I believe the treaty will be found to contain a just, honorable, and therefore satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

Especially satisfactory do I believe the proposed arrangement will be found by those of our citizens who are engaged in the open-sea fisheries, adjacent to the Canadian coast, and resorting to those ports and harbors under the treaty provisions and rules of international law.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field; the headland theory of imaginary lines is abandoned by Great Britain, and the specifications in the treaty of certain named bays especially provided for gives satisfaction to the inhabitants of the shores, without subtracting materially from the value or convenience of the fishery rights of Americans.

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed.

I shall show that the President could not have read the treaty with care or he would not have made that assertion—

and the four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of 3 marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

I do not wonder that Mr. Tupper pointed to this and said with great glee, "What will that do for us when we come to negotiate again?" Here is the President of the United States telling the whole world that our interpretation of the treaty is a fair, honorable, and just one; and that the treaty is all that the Americans can expect. Then the President follows with his explanations. Now, let us see what the President says about the commercial rights that the Secretary of State had declared to American citizens existed, and which they had been encouraged to assert under this Administration:

The right of our fishermen under the treaty of 1818 did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors; and one item, supposed to be essential, to wit, bait, was plainly denied them by the explicit and definite words of the treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty.

Who is at fault, the President of the United States or the Secretary of State? Both can not be right.

I now desire to briefly call attention to the proposed treaty itself. I shall speak of only one or two sections to any extent, and I shall not dwell very much on those.

In brief, the treaty provides for a commission, two commissioners to be selected by the Government of the United States, and two to be selected by the British Government, and in case of a disagreement an umpire to be selected. These commissioners are to be appointed for the purpose of delimiting the several bays. Without, however, waiting for that, the treaty proposes that the delimitation shall be made in

the manner described, and then proceeds to make some of the delimitations without waiting for the commission.

The delimitation shall be made in the following manner, and shall be accepted by both the high contracting parties as applicable for all purposes under Article I of the convention of October 20, 1818, between the United States and Great Britain.

The 3 marine miles mentioned in Article I of the convention of October 20, 1818, shall be measured seaward from low-water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed 10 miles.

The Senator from Delaware went into an extended argument to show that 3 marine miles was not the present international law, and the Senator from Mississippi [Mr. GEORGE] went into an extended argument to show that the British owned all the country up there, and therefore allowing us to come within the 10 miles was quite a favor.

It is not necessary for us to consider what the international law is upon this subject. We had a treaty. We had fixed 3 miles. That had received its construction, which was, that the smaller bays that were 6 miles or less were included in the prohibited waters; but now bays that are 10 miles wide are to be included in the prohibited waters. Bays that are much wider than that are prohibited by the delimitation in this treaty, and yet the President of the United States says that these delimitations "will give certainty and security" to the people of the United States who want to fish in those waters.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field.

Mr. President, is that possible? How can a fisherman see who is to keep outside of 3 miles, the line drawn from another invisible line that is 10 miles long, being more than 6 or 8 miles out from shore, and how can it benefit him any to have these delimitations? It only opens the door for more difficulty and more confusion and more trouble on the part of the fisherman. What he could see and might escape before, he can not see now and can not escape. To say nothing of the great surrender of a large area of fishing ground that is rightfully ours, we are adding to the embarrassment of every man who goes into those waters to fish by lengthening the line so as to keep him from the shore, making it more difficult for him to determine where he is.

Then follow, in Article IV, the bays which are delimited, of which I have not time to speak at any length. Then comes Article V:

ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

I wish to call the attention of the Senate to what Sir Charles Tupper says about that, and why he says that was put in. Mr. Mills, of Bothwell, asked him why this provision was inserted, and he said:

Sir CHARLES TUPPER. I am obliged to my honorable friend for his question, and I will give him a most explicit and, I am quite sure, a satisfactory answer. I hold the delineation of a bay in my hands. It is imaginary, it is true, but it is none the less just what you may meet with at the mouth of any bay. This bay is 15 miles from mainland to mainland, and yet under the instructions of my honorable friend from Northumberland [Mr. Mitchell] not to go within 3 miles of the shore they could not get into that bay. Why? Because there are islands in the mouth of the bay, and the island carries its 3 miles of marine jurisdiction stretched around it, the same as the mainland. I will send it over to my honorable friend to show him just what that article means, and the reason why it was necessary, in order to provide for a possible contingency by which a bay being 15 miles wide they could not get into it now. I said: You do not propose by that 10-mile arrangement to enter a bay that you could not enter under the 6-mile arrangement, do you? Certainly not. Then I gave them this delineation, and that clause was put in the treaty for the purpose of giving effect to it, and to prevent giving any possible uncertainty. Now, sir, as I said before, we were met in a broad and liberal spirit, and I think the sentiment that animated us on both sides was that we owed it to each other and to the countries we represented not to quarrel over points that could be satisfactorily adjusted.

That was put in there, it seems, for the benefit of the Canadians, and not for us.

I do not care to look at the other articles, except Article IX, which refers to the Strait of Canso.

ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

The President of the United States declares in his message to Congress that this guaranties to us some rights that we did not have before. It has simply said as to the Strait of Canso that it leaves it right where it is. Any claim that the British Government ever made to that strait they can make to-day notwithstanding this treaty. What claims they have made in the past I do not care at this late hour to undertake to cite, and I shall not speak of the character of their claims.

We come now to Article X, which is supposed to have great merit. It was much dwelt on by some of the Senators who have discussed this question. It provides, speaking of our vessels, that—

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers. * * *

Mr. President, is there very much in that? Is there very much in the provision that they need enter and clear except under certain circumstances? Mr. Tupper says that if they communicate with the shore for any purpose they must enter and clear. Mr. Tupper said that he did not think it was worth while to insist upon their entering and clearing; that we did not do that with the British vessels which came into our ports under like circumstances; and he said they took the testimony of one of the oldest collectors in the country, the collector of the port of Portland, who asserted that for thirty years he had never known a vessel to be disturbed for remaining more than twenty-four hours without entering and clearing. Whatever might be the statute which was recited by the Senator from Delaware, it has been a dead letter as applied to Canadian vessels. If the fisherman communicates with the shore to get wood, or water, or a doctor, or for any other purpose whatever, he must enter and clear. There is no concession there at all. That is the very extent that any nation requires of people coming into its ports. This article refers to those who come for shelter and repairing damages, for the purchase of wood, or to obtain water, and then they need not, unless they communicate, and as they must communicate it amounts to saying that they shall enter and clear.

Article X also provides that—

They shall not be liable in any such bays or harbors for compulsory pilotage.

Mr. Tupper said that the Canadian fishermen were not subject to that in American ports, and I understand that to be the rule. They are not in New England. The Senator from Massachusetts [Mr. HOAR] thinks they are perhaps in some of the Southern ports. Perhaps there was a reservation some years ago in a statute to that effect. However, I think Mr. Tupper made the statement that there were no compulsory pilotage dues exacted here. I have a reference to it.

Article XI is claimed to have great merit, and to be a very great concession by the Canadian Government to us. It is one of the strong points in this treaty; it is one of the things on account of which it is urged upon our attention. That article provides:

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada, or of the coasts of Newfoundland under stress of weather or other casualty, may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

In 1794, when we were denied commercial relations with Great Britain, not only in Canada, but in all British colonies, we made a treaty with Great Britain which contained stipulations of greater value than this. The stipulation then was not only that we might do all that is now proposed to be done, but we might go further and barter our merchandise for such things as we needed.

There is nothing in this provision of the treaty, as Mr. Tupper says. He says the Canadian Government ought to be ashamed to deny to any foreigners the privileges that are conceded here, not the privileges conceded here as claimed by the Senator from Delaware, not the privileges conceded if the President and Secretary of State are correct, but according to his interpretation, which is in accordance with the interpretation put upon it by the Senator from Massachusetts [Mr. HOAR] the other day when he addressed the Senate.

The article refers only to vessels that go in there under stress of weather or other casualty, and when they so go in they may do what? Unload, reload, transship, or sell, subject to customs laws and regulations? Oh, no, not that. They may do all that when such unloading, transshipment, or sale is necessary as incidental to repairs. When they are in such distress that they can not keep their cargo afloat in their vessels, then they may apply to the British authorities, and if the British authorities think it is a case of distress, of casualty, they may be allowed to ship, provided they show that it is necessary as incidental to repairs. If they can not make their repairs without it, then they may do it. It is a barren right. It is of no earthly account, and was not intended to be.

"In case of death or sickness" they shall have "all needful facilities, including the shipping of crews." All this is dependent, first, upon the fact that they are driven in by stress of weather; then that the Canadian authorities think it is incidental to repairs, or that it is necessary. With the disposition that the Canadian authorities have shown toward our fishermen for the last few years, how much benefit do you suppose our fishermen will derive under that provision of the treaty?

There is another clause in Article XI which the Senator from Delaware insisted was an unrestricted license to trade by fishermen, or that at least was the theory upon which he went.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels having obtained licenses in the manner aforesaid shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

The Senator from Delaware insisted the other day that this was an unlimited right to purchase for the homeward voyage such provisions as were ordinarily sold to trading vessels. This license only applies to

vessels that have gone into these ports in stress of weather. It only applies to such vessels as go there because they could not keep out, to such vessels as come in in distress or by reason of some disaster that has occurred or will occur if they stay out. It is only to that class of vessels that this license is granted.

Then what are they to buy? For the homeward voyage only. If they come in in the beginning of their fishing season, before they have had time to fish and get ready to return, and if they meet disaster and lose a portion of their supplies, they can not go in and buy. It is only when they can satisfy the Canadian Government that they are on the homeward move, and that they will starve to death, as suggested by the Senator from Connecticut [Mr. PLATT], before they get home if they can not buy.

Between two great nations speaking the same language, having so many things in common, do we need a treaty for things like that? Can Great Britain afford to deny to the distressed fishermen of this country or any other that come into her ports the right to purchase supplies to take them home? There is no nation to-day on earth that denies that to the distressed mariner. Yet that provision is put in this treaty and it is held up to us as a great merit, one which we should surrender almost anything to secure, and because we do not see it in that light we are moved wholly and solely by partisan zeal and by a desire to embarrass the Administration!

I said that Mr. Tupper did not entertain the same views about this that the Senator from Delaware entertains. I will call attention now to what Mr. Tupper said about it. After quoting Article XI of the treaty, he said:

That was another concession. There is no doubt at all, sir, that these were rights which under the strict terms of the treaty of 1818 they could not demand, nor could they insist upon them being granted; but at the same time I think I am within the judgment of the house on both sides when I say that in the case of a vessel which is homeward bound and requires provisions or needful supplies to take her home, if, for instance, she has some of her rigging carried away, or some of her salt washed overboard, and is obliged to lose her voyage in going back to a distant port to refit, a provision that she may obtain casual and needful supplies of that kind was demanded in the interests of good neighborhood, and it was not going too far to say that we would allow them to enjoy those advantages. Therefore, sir, I am glad to belive that Article XI will meet with the hearty approval of the house and the country, and that they will feel that we have only acted with a wise judgment, and with due regard to the best interests of Canada for the sake of removing an international unpleasantness, in putting these provisions into this treaty.

It is very clear that Mr. Tupper does not understand it as the Senator from Delaware does; it is very clear that if this treaty is ratified it opens the door for further controversy, for when the man who made it on the part of the Canadian Government gives it one construction and the Senator from Delaware, representing the Administration, gives it another, it is fair to presume that this will not cease to be a subject of controversy, but will hereafter continue to be a subject of controversy as others have been heretofore.

So there is nothing in that which has not been granted for more than fifty years to every Canadian vessel in the United States wherever she has gone.

I come now to a remarkable section as to the numbering of fishing vessels. I do not desire to spend much time upon it. I find that we are to number in a conspicuous manner every United States vessel, to have "its official number on each bow." It shall be plainly marked, be conspicuous, so that all can see it, and we shall make such regulations concerning it as we may think proper; but before they take effect we are to submit them to Her Majesty's Government; I do not know for what, whether for approval or disapproval, but the regulations can not take effect, at all events, until we have submitted them. How long is it since we have submitted questions of this kind to a foreign power? Some years ago, about 1852, when there was some trouble up on the Canadian border, an English cruiser was called upon to seize some American vessels that the Canadian authorities said were intruding and violating the provisions of the treaty, or if not the treaty, some of their local statutes, and the British officer replied, "How am I to know whether they are American vessels or not? Are they marked?" Now it is proposed that there shall be no trouble of that kind hereafter. They are to be marked. They will be marked if this treaty should become operative; but it will not.

Now I come to Article XIV, which I think is a very remarkable one. I confess, if everything else had been according to my judgment, that the reading of this article alone would render it utterly impossible for me, with my ideas of right and duty, to vote for this treaty.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing, and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for penalties and forfeitures.

We were told by Senators who addressed the Senate that this was a valuable provision, because we knew just the penalties to be attached; we knew just what the fishermen would suffer. When the Barbary State pirates went out from the African coast and seized a vessel that was sailing by, they confiscated the cargo and they confiscated the ship and sold the men into slavery; and there is nothing more left for the British Government to do, unless when it gets a ship and the cargo it should propose to sell the men.

Somebody said when this was under discussion heretofore, that the men escaped with their lives. They take all a man has got; they take his ship, they take his stock in trade, his fish, and everything on the vessel. For what? For fishing in waters as to which he can not tell when he goes out without a marine-glass, and frequently can not tell with a glass, whether he is within the prohibited waters or not. No matter how he gets there, anxious as he may be to keep within the waters that are unquestionably his, to keep out of the forbidden waters, if by wind or tide he finds himself, or a Canadian official asserts that he is, within the forbidden waters, he loses his ship and he loses his cargo. He does not lose his life! What a wonderful condescension after they take all the poor devil has.

The offense of fishing in English waters willfully and corruptly might justify the forfeiture of the vessel; but does it justify it where it is done by mistake? There is no saving clause; there is no assertion that if he purposely goes there he shall suffer; there is no way that he can get out by pleading that he was carried in by the great tides that rise twenty-odd feet and flow with a velocity which will carry fishermen out of their soundings and beyond their reckonings; and yet if a fisherman goes in there perforce of wind and weather he is to be seized by these people who have for years shown themselves to be the deadly enemies of our fishermen, and who have declared officially that every American fisherman who came into those waters is an injury to Canadian interests, and that they intend, if they can, to deprive us of the privilege of fishing in those waters. And yet we are told that this is a treaty that the American Senate ought to ratify in this year 1888!

Mr. President, I say it is a barbarism to punish any man with forfeiture of his boat and the forfeiture of his cargo who does not go there with willful intention to violate the law, and there ought to have been a provision in this treaty that only in case of willful violation of the law should fishermen be amenable to such extreme penalties.

Then, "preparing to fish," mending his nets within the waters with intent "to unlawfully fish therein."

I do not know whether this means unlawfully fishing within the forbidden waters, but I will assume that it does for this argument. I will concede that it does.

What is "preparing to fish?" Mending his nets, getting ready his lines, fixing up his ship; and who is to determine whether he is preparing to fish in the forbidden waters, and if he is found guilty, what is the penalty? They were careful to say "for unlawful fishing."

For preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing.

So for preparing to fish they may forfeit his vessel, they may forfeit his cargo, they may turn him adrift in a Canadian port to get home as best he may, and they may do it upon the testimony of the men who become the owners of one-half of his ship and one-half of his cargo; and when he is seized for preparing to fish and taken into a British port he must prove that he was not preparing to fish, and he must prove that he was not preparing to fish within the forbidden waters. The burden of proof is on him. Every fact that is necessary to establish his defense he must prove affirmatively.

The Senator from Delaware and other Senators have attempted to make it appear that this is but the usual customs law. This is not true. It is a different thing. The rule is that where a man has a license to do a certain thing and he is arrested and it is charged that he had not a license, he must produce the license, and the burden of proof is on him because the proof is supposed to be with him. But when a vessel is seized for being over the line, when it is seized for preparing to fish or unlawfully fishing, he has the burden of proof on him. Can he better produce the proof than the other party? Do we not reverse all the ordinary rules of courts and all the ordinary rules that apply to transactions between men, and put him in a hostile court away from home with the witnesses interested in securing his condemnation, and put him upon the proof? Why, sir, it is a most outrageous provision in the treaty, and I have the authority of the Secretary of State that it is an outrageous provision in the statute; I have the authority of his minister to Great Britain that it is outrageous to thus proceed.

Mr. Phelps, speaking of this very principle, said in a letter of December 2, 1886:

Mr. Phelps to Lord Iddesleigh.

LEGATION OF THE UNITED STATES, *London, December 2, 1886.*

MY LORD: Referring to the conversation I had the honor to hold with your lordship on the 30th November, relative to the request of my Government that the owners of the David J. Adams may be furnished with a copy of the original reports, stating the charges on which that vessel was seized by the Canadian authorities, I desire now to place before you in writing the grounds upon which this request is preferred.

In the suit that is now going on in the admiralty court at Halifax, for the purpose of condemning the vessel, still further charges have been added. And the Government of Canada seek to avail themselves of a clause in the act of the Canadian Parliament of May 22, 1868, which is in these words: "In case a dispute arises as to whether any seizure has or has not been legally made or as to whether the person seizing was or was not authorized to seize under this act * * * the burden of proving the illegality of the seizure shall be on the owner or claimant."

I can not quote this provision without saying that it is, in my judgment, in violation of the principles of natural justice, as well as of those of the common law. That a man should be charged by police or executive officers with the commission of an offense and then be condemned upon trial unless he can prove himself to be innocent is a proposition that is incompatible with the fundamental ideas upon which the administration of justice proceeds. But it is sought in the present case to carry the proposition much further, and to hold that the party inculpated must not only prove himself innocent of the offense on which his vessel was seized, but also of all other charges upon which it might have been seized that may be afterward brought forward and set up at the trial.

What will be the opportunity of the American fisherman to escape condemnation in a Canadian court—seizing him for one thing and compelling him to prove that he was not guilty of another? Why, Mr. President, it is a cunningly-devised scheme to confiscate the property of American citizens. It is not much better in my judgment, nay, I doubt whether it is any better, than the system by which the pirates went out and seized the vessels as they passed by. For them, at least, there was a chance for a fair fight, but there is none given to these men, either before or after. Lord Iddesleigh replied to this by saying it was the usual customs law. Mr. Phelps denied it. I quote what Lord Iddesleigh said:

With respect to the statement in your note that a clause in the Canadian act of May 22, 1868, to the effect that, "in case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this act, the burden of proving the illegality of the seizure shall be on the owner or claimant," is in violation of the principles of national justice, as well as those of the common law, I have to observe that the statutes referred to is cap. 61 of 1868, which provides for the issue of licenses to foreign fishing vessels, and for the forfeiture of such vessels fishing without a license; and that the provisions of Article X, to which you take exception, are commonly found in laws against smuggling, and are based on the rule of law that a man who pleads that he holds a license or other similar document shall be put to the proof of his plea and required to produce the document.

I beg leave to add that the provisions of that statute, so far as they relate to the issue of licenses, has been in operation since the year 1870.

I have, etc.,

IDDESLEIGH.

To this Mr. Phelps replied:

It is in the act to which the one above referred to is an amendment that is found the provision to which I drew attention in a note to Lord Iddesleigh of December 2, 1886, by which it is enacted that in case a dispute arises as to whether any seizure has or has not been legally made, the burden of proving *the illegality of the seizure shall be upon the owner or claimant.*

In his reply to that note of January 11, 1887, his lordship intimates that this provision is intended only to impose upon a person claiming a license the burden of proving it. But a reference to the act shows that such is by no means the restriction of the enactment. It refers in the broadest and clearest terms to any seizure that is made under the provisions of the act, which covers the whole subject of protection against illegal fishing; and it applies not only to the proof of a license to fish, but to all questions of fact whatever, necessary to a determination as to the legality of a seizure or the authority of the person making it.

There is no mistaking what this act means. It is not in accordance with our acts. We have nothing of that kind on our statute-books. Mr. Bayard's attention was called to it, and in a letter to Mr. Phelps, of January 27, 1887, Mr. Bayard said:

Mr. Bayard to Mr. Phelps.

DEPARTMENT OF STATE, *Washington, January 27, 1887.*

SIR: Your dispatch No. 416, of the 12th instant, transmitting a copy of the note dated the 11th, received by you from the late Lord Iddesleigh, in response to your note of December 2, 1886, requesting copies of the papers in the case of the David J. Adams, has been received.

* * * * * * *

The concluding part of Lord Iddesleigh's note seems to demand attention, inasmuch as the argument employed to justify the provisions of article 10 of the Canadian Statutes, cap. 61 of 1868, which throw on the claimant the burden of proving the illegality of a seizure, appears to rest upon the continued operation of article 1 of that statute, relative to the issue of licenses to foreign fishing vessels. The note in question states "that the provisions of that statute, so far as they relate to the issues of licenses, has [have?] been in operation since the year 1870."

It appears from the correspondence exchanged in 1870 between this Department and Her Majesty's minister in Washington (see the volume of Foreign Relations, 1870, pages 407–411) that on the 8th of January, 1870, an order in council of the Canadian Government decreed "that the system of granting fishing license to foreign vessels under the act 31 Vic., cap. 61, be discontinued, and that henceforth all foreign fishermen be prevented from fishing in the waters of Canada."

During the continuance of the fishery articles of the treaty of Washington Canadian fishing licenses were not required for fishermen of the United States, and since the termination of those articles, July 1, 1885, this Department has not been advised of the resumption of the licensing system under the statute aforesaid.

This is an old statute. I desire to call attention to what has been said about it heretofore. It does not seem necessary that anybody should be cited as authority on a question of that kind. It does seem to me that every fair-minded man will see that the law is an odious law, that it is liable to great abuse, and to bring our fishermen within that law is to expose them to great disaster. I have here Mr. Forsyth's letter to Lord Aberdeen commenting on this, and I will read it from Sabine's Report on Fisheries, because it is the handiest book to read. He says:

Well did Mr. Forsyth say that some of its provisions were "violations of well-established principles of the common law of England and of the principles of all just powers and all civilized nations, and seemed to be expressly designed to enable Her Majesty's authorities with perfect impunity to seize and confiscate American vessels, and to embezzle, almost indiscriminately, the property of our citizens employed in the fisheries on the coast of the British possessions." Well, too, did Mr. Everett stigmatize it as possessing "none of the qualities of the law of civilized states but its forms;" and Mr. Davis, as being "a law of shameful character," and "evidently designed to legalize marauding upon an industrious, enterprising class of men, who have no means to contend with such sharp and unwarrantable weapons of warfare."

So, Mr. President, the provision that they shall take nothing from these people who are guilty of unlawful fishing, and those who are preparing to fish, etc., but their fishing vessels and cargoes, is, under the circumstances the way the law is administered, an extremely harsh provision. But they were not satisfied with that, and further penalties are provided:

And for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

This is the first time that the United States has anywhere recognized the right of the Canadian authorities to legislate in such a way as to interfere with the rights of American fishermen under the treaty of 1818. We have asserted over and over again that all this legislation was without authority of law, that we would not submit to have the Canadian authorities providing what we might do or what we might not do, except so far as provided for in treaty; and it is a notable fact that Great Britain never ratified or approved any acts of this character until 1886—until within the history of this present Administration.

When this Administration came into power they were not attempting and did not dare to attempt to enforce these Canadian laws. It was out of an attempt to enforce these Canadian laws as to fishing on Sunday that the controversy arose in which the Secretary of State, Mr. Evarts, compelled a payment by the British Government. Now we have agreed in this treaty, if it becomes the law, that every petty British North American province and Canada and Great Britain can pass any law upon the subject of fishing that they see fit, and we are bound by it. They fix the size of the meshes of the seine; they fix when it may be thrown and when it may be drawn; they tell us that we can not fish on Sunday or on the Queen's holidays, or any other time; and for the violation of such laws the American fisherman is liable to punishment in a Canadian court, administered, as I said before, by a hostile people.

They may fish, as it is suggested, in the open seas, as they have done, to which we have paid no attention so far; but our men are liable to be punished for violations of this kind of legislation, which we shall be estopped from complaining of, because we here say they have a right to made it if they see fit, and we reserve to ourselves no right of criticism. They may be taken into a Canadian court where they can be fined $3 per ton on their vessel, and a vessel of 100 tons could be fined $300, and how often may that be repeated? As often as any officious Canada official, moved by his desire to get part of the plunder that shall be taken from these fishermen, institutes a prosecution in the Canadian courts.

It is true they have provided in this treaty that "the proceedings shall be summary and as inexpensive as practicable." But what of that? It may be of some advantage to a poor fisherman who is to be ruined to know how quickly he is to be ruined. It may be also of some advantage to his Canadian opponent to put him through the court on quick time, that he may try him again, because he can be picked up for all sorts of complaints. I think there is quite as much for Canada in that as there is for us, so far as the prompt proceedings are concerned.

Is there anybody living who has studied this question and who knows the temper of the Canadians, who knows the difficulties surrounding the fishermen, who does not know that where there has heretofore been one case of conflict between the Canadians and our fishermen there will be a hundred such conflicts under this treaty? Does not everybody know that we are opening the door for continued agitation and continued trouble?

It must be evident to everybody that when we surrender to the British Government the right to fix the season in which we may fish, the methods by which we may fish, the character of the fish that we may put in our barrels, and all this, we have subjected our people to such a condition of things as renders fishing absolutely worthless, and I do not hesitate to say here that, in my judgment—and I believe in the judgment of men better qualified to judge than I—that in two years they will make it impossible for American fishermen under this treaty to fish in waters where our rights are as unquestioned as they are in the Delaware Bay.

There is one other provision in the treaty of which I will not speak at length, and that is Article XV. That is where we agree to buy commercial privileges at an expense, Mr. Tupper says, of about $1,800,000 a year.

Mr. FRYE. Limited commericial privileges.

Mr. TELLER. Limited commercial privileges, commercial privileges which I insist Canadian vessels have had for fifty years everywhere in our ports, unless it may be in some few of the South Atlantic ports, and I do not believe they have ever been disturbed in them there, but on all the New England coast and in all the great harbors of this country they can go and do what we propose to pay to the British Government $1,800,000 a year for, in the removal of import duties.

The fifteenth article is what they started out for when they began this negotiation. Mr. Tupper declared that he came here, and he supposed that what they were to do was to get up a reciprocity treaty, and he cites Mr. Bayard's letter in proof of it, and nobody can doubt it. I do not know that anybody disputes it. So there is a combination,

a union, between the Democratic party and the British party to secure to them legislation through this fisheries excitement that they could not hope and could not expect otherwise to obtain.

I will not go through with this matter in detail. The Senator from Massachusetts [Mr. HOAR] touched it with great power and presented it in a way that it seemed to me ought to have made every American blush for his Government. One thing is certain, Mr. President. The masterly way in which he presented it caused the Secretary of State, usually calm and collected, to forget the high position which he occupies, and induced him to submit himself to a newspaper interview, wherein he speaks of the speech made by the Senator from Massachusetts in terms more consistent with a fish-market than with a diplomatic position, and in that same interview he takes occasion to say that the Republican members of the American Senate are not honest, that we are not truthful when we say that we do not regard this as a proper treaty, that we are moved simply by our hatred of the Democratic Administration, and then he slaps himself on the chest and declares that he is above partisanship, and he only of all people is above such small and wicked things.

Mr. President, if there is a disgraceful chapter in American history it is in connection with this negotiation, by which it is undertaken by the Secretary of State to aid and assist the Democratic party by allying it with the Canadian party and the British party. It is fortunate for us that in a hundred years no such exhibition has been made heretofore, and it is to be hoped that it will not occur again. It was not intended that it should be known; there was nothing said about it, and if Mr. Tupper had not, in his innocence, mentioned the subject in the Canadian Parliamant, I suppose it would have escaped observation except in a general way. Those who believed this treaty was a surrender of American rights without equivalents might have believed that there were some reasons for it, I do not know what; I am unable to state.

I know that here is a treaty made by the present Administration which, if it had remained of the opinion that it was all through the year 1886 and through a good portion of the year 1887, it would not have sent to the Senate. I do not know what influences were brought to bear. I do not know whether it was supposed it would be popular with Great Britain and Canada and whether it would or would not assist in the coming election. I know that it is a treaty unfit to be made, and the transaction is one for which the Department and the whole country, so far as it has had any connection with it, ought to be ashamed.

Mr. Tupper told us that this was but the beginning, in substance that they could not carry this load all at once, but we were coming to the question of free fish and free intercourse between the United States and Great Britain.

The President told us in his message that he did not think it was worth while to pass upon that question in the treaty, but to make it contingent. Why, sir, the President of the United States knew that he could not modify or change the impost duty laws. He knew that the duty on fish was part of the law of the land. The Democratic House of Representatives referred that matter in the Forthy-eighth Congress to its Judiciary Committee, and its Judiciary Committee with one accord, without exception, both political parties concurring, reported that it was not in the power of the executive department to negotiate a treaty that should amend, modify, or change the import laws. But there was an understanding that the Democratic party should work in the House for this purpose, and they did so work.

I desire to submit some portions of Mr. Tupper's remarks upon this question, which have already been read in part, and, therefore, I will ask to put them in without reading:

Sir CHARLES TUPPER. I do not intend to insult both the great political parties of this country who have since 1854 and long before maintained that the interests of Canada—the interests of British North America—were intimately bound up in obtaining free intercourse with the United States for our natural products—I do not intend to insult the two great parties in this country by telling them that they were fools, that they did not know what they were doing. Down to the present hour we have adopted the policy on both sides of the House, and we have pledged ourselves to the people to do everything that lay in our power to obtain a free market for the natural products of our country with the United State, and I say you must answer me the question as to whether that was an act of supreme folly, or whether it was wise statesmanship on the part of both parties in this country to adopt that policy, before you ask me such a question as "who pays the duty?"

I say that under this bill which has been introduced and which I believe will pass, for it does not require two-thirds of the Senate, where the Republican majority is only one in the whole House, to pass the bill, it requires a majority of one only, and I am very sanguine that this bill will pass during the present session. Modified it may be, but I am inclined to think the amendments will be still more in the interests of Canada than as the bill stands to-day. If this is the case I think we may congratulate ourselves upon securing the free admission of our lumber, upon which was paid during the last year no less than $1,315,450. On coppor-ore, made free by the Mills bill, we paid, or there was paid—to make it meet the views of the honorable gentlemen opposite more correctly—$96,945. On salt, $21,992 duty was paid. This is rendered free by the Mills bill. I am sorry to find, as I hoped would be the case, from the first copy of the bill that came to me, that potatoes were not included amongst vegetables. I am sorry to find there is a doubt as to whether the term "vegetables not specially enumerated" will not exclude potatoes.

In grappling with this policy of making the natural products of the two countries free, you do not expect any person who wants to carry a bill to put a heavier load upon his shoulders than he is able to carry, lest he may break down and do nothing. You expect him to take it in detail, and, as I believe, you will find the policy contained in this bill of making those natural products of Canada free, carried out until you have perfect freedom of intercourse between the natural products of Canada and the United States of America. Of wool we sent last year 1,319,309 pounds of one kind and a variety of other kinds, upon which a duty was paid to the extent of $183,852. Now, as I say on articles of prime importance and interest to Canada the removal of duty by the Mills bill amounts to no less than $1,890,193. You will be glad to hear that I do not intend to detain the house any longer. In discharge of the duties—the very onerous and important duties—of one of Her Majesty's plenipotentiaries at that conference, I have steadily kept in view what, in my heart and judgment, I believed were the best interests of Canada. In the measure which I have the honor to submit to this house I believe will be found embodied a bill which it is of the most vital importance to Canada to pass.

As it stands to-day the Government of the United States have only my signature to sustain the course that has been taken. I was not there as the representative of the Government of Canada, nor can my signature to the treaty necessarily imply the approval and support of even the Government of Canada. I occupied on that occasion the position of one of Her Majesty's plenipotentiaries, charged not only with the responsibility of what I owed to Canada, but also the responsibility of my duty to the empire. I can only say, sir, that I felt I would best discharge my duty to the empire by steadily keeping in view the interest of Canada. I believe, sir, that there is no way in which any public man in this country can promote the interests of the great empire of which we form a part, better, or as well, as by taking such a course of public action as will build up a great British community on this northern portion of the continent of America.

I believe, sir, that we owe it to the empire as well as to ourselves steadily to keep in view every measure that will conduce to the rapid progress of Canada, the development of our inexhaustible resources, and the building up of a great and powerful British dominion on this side of the Atlantic. I say, sir, that in the discharge of my duty I have steadily kept that conviction in view, and I believe the course which has been pursued will not only commend itself to the judgment and the support of the great majority in this house, but that the great majority of the people in this country will feel that in the adoption of this treaty we are taking a step that is calculated to conduce to the progress and greatness and best interests of Canada.

Mr. Tupper tells us that the whole Democratic party of the United States is in sympathy and accord with this view. It would look very much as if that was the fact. Democrats on this floor who last year took the position that there was no necessity for any further legislation, that there was no necessity for any further treaty, are now upbraiding us because we do not see the necessity of this treaty. They upbraid us because we do not approve of the provisions of this treaty. The Secretary of State, who had declared through his minister that it was not a question of a new treaty, but a question of the construction of the present treaty, says that it is a valuable treaty and one that ought to be ratified by the Senate.

I denied before that it was a construction of the treaty of 1818 and I declared then that it was a new treaty. I desire to read just a few words from a letter of Mr. Trescott, a prominent Democrat, upon that point. Mr. Trescott is well known in this country as an able diplomat, and passing upon this question he says:

There is not in this treaty an article, a phrase, a word, which recognizes our construction. It is absolutely rejected. The consequence is that this is a new treaty, not a construction of an old one. Whatever it may do for the future, it can not help the past, and thus the position taken by the country through Congress as to our reciprocal commercial rights and the protests by Mr. Bayard against those rights can find no support in any of its provisions, and our claims for compensation must either be abandoned or we must begin over again the angry and useless reclamations of the last two or three years. It is indeed a very curious fact that, although the necessity for any treaty sprang from the violent, persistent, and annoying seizures by the Canadian and Newfoundland authorities, there is not in the whole treaty a reference to these seizures or a suggestion of any right to or any method of compensation.

Mr. President, I have alluded to an interview of the Secretary of State. This interview purports to have been on the 11th of July of this year. I would not willingly do injustice to the Secretary of State, and I would not assume that any newspaper article expressed his views if there were not good reasons to suppose that such was the fact; but this publication in the Sun, of the city of Baltimore, has been before the country for some time, and I am not aware that the Secretary has ever in any manner indicated his disapproval of the sentiments put in his mouth and said to have been uttered by him.

The editor of this paper proceeds, before he reaches the interview, to castigate the Senate, undoubtedly upon information furnished him by the Secretary of State, and then he reaches a point where he says the Secretary was interviewed and made "the following statement." It is too long to read, and I propose, unless there is objection, to put the whole interview, including the comments of the newspaper, in my speech. I propose, if this article is not true, to put it in official form so that the Secretary of State may, if he desires, contradict it. He may think it beneath his dignity to deny a newspaper report, but it is a report so unjust to him if untrue, and so unjust to the Senate if true, that I do not think he can afford to overlook it. Therefore I will insert it in the RECORD:

THE FISHERIES DISCUSSION—MR. BAYARD REPLIES TO SENATOR HOAR—THE ADMINISTRATION JEALOUS OF THE RIGHTS OF AMERICAN SEAMEN, AND HAS MAINTAINED THEM.

[Special dispatch to the Baltimore Sun.]

WASHINGTON, *July* 11.

The elaborate production with which Mr. HOAR occupied the Senate yesterday afternoon bears the marks of most careful preparation. It is undeniably able and ingenious, although anything but ingenuous. It will be used as a campaign document, as will various of the speeches of other Republican Senators on the fisheries treaty. The crusade against the treaty inaugurated on the Republican side of the Senate is palpably dishonest. The evidences are thick that had it been negotiated by a Republican administration it would have been defended as solidly by them as it is now denounced.

Unbiased public sentiment in New England, according to all reliable reports, steadily tends to approve of its provisions. But with the desire and hope of making political capital and preventing a Democratic Administration from having the honor of reconciling international differences, which at one time threatened to lead to such serious results, the Senate Republicans have deliberately addressed themselves to the task of falsifying facts, perverting argument, and

obstructing a settlement which they know in their hearts abates not one jot or tittle of American rights and American honor. If they were sincere in their denunciation of the treaty they would reject it outright, as they have the full power to do. To the contrary, the programme is said to be to exhaust all the vocabulary of vituperation and misrepresentation upon it, to be used as campaign literature, and then postpone its further consideration until December next. Should the Senate reject the treaty, there are good grounds for belief that the President would immediately put into execution the provisions of the retaliation act.

Although so much stress has been laid upon this act and the failure of the Executive to avail of it by Republican Senators and members from New England, it is the very last thing they want him to do, for it would injure New England ten times more than it would Canada. In all probability Senators FRYE and HOAR would be among the first to rush to the White House and beseech the President to withdraw his proclamation. A very striking illustration of honest sentiment in New England on the subject of the treaty is found in the action of the Democrats of Maine. Their nominee for governor is Mr. Putnam, one of the commissioners who negotiated it, and their platform indorses the treaty in length and breadth, without qualification or amendment. Mr. Putnam is making one of the most lively and animated canvasses that has ever occurred in the State of Maine, and wherever he speaks he makes the treaty a distinct issue. He writes here that there have never been larger or more enthusiastic meetings in the State.

Other Maine Democrats send word here that the Republican majority will be materially cut down, if not entirely wiped out. Perhaps these predictions may be regarded as too sanguine, but the fact of big Democratic meetings and intense public enthusiasm is quite sufficient proof that there is not a universal desire in Maine to crucify Cleveland and Bayard for surrendering everything to Canada, as Senator FRYE wants us to believe. Senator HOAR'S remarkable misstatement of facts will, of course, be replied to in due time by Senators on the other side. He seemed to take especial pleasure in attacking and misrepresenting the action of Secretary Bayard. In view of the important questions involved and the public interest the comments of the Secretary on Mr. HOAR'S speech will be eagerly read. In conversation with your correspondent on the subject to-day Mr. Bayard said:

"It is hardly worth the trouble to deny the utterances of men who willfully pervert the truth to suit their own purposes.

"The remarks of Senator HOAR are disengenuous in the extreme; the speech is a hysterical scream from beginning to end. His statements are most untrue, most unfair. He makes charges which he must know to be without foundation, as the full records concerning them are in the archives of the Senate in the form of executive documents. His discourse is more barren of fairness and honesty than any document I have known, which consumed three weeks in the preparation, and supposed to be the result of research for the truth only. It is not to be wondered that we failed to consult with the New England Senators as to the nature of the negotiations with the British and Canadian protocolists. We hardly seek roses where thorns only abide, nor do we go to enemies for friendly advice. Mr. INGALLS on one occasion asked whether it should be blood or negotiation. Mr. EDMUNDS replied, 'Neither.' These men were sworn to defeat any attempt to settle existing difficulty. Evidently their purpose was, and is, to embarrass the Administration. Was it to such men that we should turn for friendly counsel?

"Mr. HOAR avers that this Department declined to furnish the Senate, in response to resolution calling therefor, the proposal and counter proposals made while the joint commission was in session. This is absolutely untrue. As is usual in such cases it was agreed that the proceedings of the commission should be regarded as of a strictly confidential nature. The meetings were to be of a purely informal character, and when it was deemed advisable to publish any of the conclusions reached or proposals made, it was not to be done until the written statement had been signed by all the protocolists. I have already answered this charge. My statement is printed in Executive Document 127, published by the Senate March 26, 1888, it being an answer to a Senate resolution calling for the transmission of copies of the minutes and daily protocols of the meeting of the commissioners who negotiated the treaty with Great Britain.

"In that letter I stated: 'In conformity with the invariable course pursued in previous negotiations when the conference met it was agreed that an honorable confidence should be maintained in its deliberations, and that only results should be announced, and such other matters as the joint protocolists should sign under the direction of the plenipotentiaries. With this understanding, which was strictly kept, the discussions of the conference proceeded, through its numerous and prolonged sessions, with that freedo and uniformity in the exchange of views which the nature of the negotiation required, and without which its progress would have been materially hampered and any agreement rendered very difficult of attainment. No stenographer was employed, and no minutes or daily protocols were agreed upon and signed by the joint protcolists other than those already transmitted to the Senate.

"'Upon the conclusion of the treaty some members of the conference at once left the city under the pressure of other duties, and it is thus probable that some statements were excluded that otherwise might have been placed in the joint protocols. After the conference had finally adjourned and Sir Charles Tupper had returned to Ottawa a request was received through the British minister that assent be given to the publication of a certain proposal which had been submitted by the British plenipotentiaries and declined by the American. I inclose a copy of the papers referred to, and they were printed in the executive document. These were at the disposal of Senator HOAR, and prove his charge to have been utterly unfounded. I will explain to you the reasons which led me to grant the permission to print the proposal made by Sir Charles Tupper, which is as follows:

"'That with the view of removing all causes of difference in connection with the fisheries it is proposed by Her Majesty's plenipotentiaries that the fishermen of both countries shall have all the privileges enjoyed during the existence of the fisheries articles of the Washington treaty, in consideration of a mutual arrangement providing for greater freedom of commercial intercourse between the United States and Canada and Newfoundland.'

"This proposition was declined because it necessitated an adjustment of the present tariff of the United States by Congressional action, which adjustment was considered to be manifestly impracticable of accomplishment through the form of treaty under the circumstances then existing.

"'Sir Charles Tupper was greatly interested in the acceptance of this proposal, which had for its object the abolishment of the duty on fish and fish oil. His government greatly desired that an arrangement to this end should be made. Therefore, when Sir Charles Tupper returned home, he was confronted with the demand, 'Where is the free fish and free fish oil you promised to obtain for us?' 'I did not succeed,' he was obliged to answer, 'but I made the effort.' To prove that he had endeavored to accomplish that which the people so greatly desired he asked for permission to print his proposal and our declination. It was but fair to grant the request, and it was granted. These facts were known to Mr. HOAR, or could have been learned with no trouble whatever.

"It is true that I made no attempt to secure the right to fish in the jurisdictional waters of Canada. To obtain this concession it was required that we accede to the demand of the Canadian Government that its fish and fish-oil be allowed to enter into our ports free of duty. I for one did not propose to accede to any demand. We determined to obtain our rights, nothing more, and it has cost the United States nothing to do so. What a contrast to the result of the Halifax commission which met in 1871, and of which Senator HOAR'S brother was a member. On that occasion the American protocolists paid for the privilege of fishing within the 3-mile limit for twelve years $5,000,000 and abolished the duty on fish and fish-oil. Previous to the meeting of the commission a British fleet had seized a number of American vessels, but no redress was obtained or even demanded. The ratification of this treaty was agreed upon by a Republican Senate. The charming consistency of Senator HOAR is here apparent. While at one time he favored free fish and free oil, when he learned that negotiations were to be entered into concerning the fisheries he introduced the following resolution in the Senate, February 24, 1887:

"'*Resolved*, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.'

"Now the Senator censures the Department for failing to obtain the concession, which he knew depended upon the abolition of the duty on fish and fish-oil. It was a most impudent resolution, as well as inconsistent, for the President was at liberty to enter into any negotiation he saw fit. As a matter of fact, no sane man would give $50,000 a year for the privilege of fishing within the 3-mile limit, notwithstanding the enormous sum paid for the concession by the commission of 1871. I did not consult with the New England Senators, but I did hear the opinions on this point of men known to be thoroughly conversant with the subject. Professor Baird told me that the men I had here in connection with the 3-mile limit question knew more about the fishery question than any one else in New England. They told me the privilege was valueless. Moreover, there is a report which Mr. HOAR might have read coming from a committee of Republican Senators, which also avows the privilege to be of no value. I therefore had the best of information and advice as to the worth of the concession which once cost $5,500,000.

"It is not true that the State Department does not press claims for damages. The case referred to by Mr. HOAR is that which was covered by the following paragraph of my letter to the Senate published in Executive Document No. 127, March 26, 1888: 'Every point submitted to the conference is covered by the paper now in possession of the Senate, excepting the question of damages sustained by our fishermen, which, being met by the counter claim for damages to British vessels in Bering Sea, was left for future settlement.' This was determined the best course that could be pursued by the commission. As their claim exceeded ours I was very willing to agree to this. Senator HOAR also refers to the case of the Bridgewater. Within two days after the case was reported to this Department the claim for damages presented by the owners of the vessel was on its way to England.

"The British Government is now investigating the case. Again he charges that I allowed the flag of an American vessel to be hauled down by the officers of a British cruiser. For that act this country received a full apology from England. As much can not be said when indignities were heaped upon American seamen in years gone by. The Administration is jealous of the rights of American seamen and has maintained them. There was more trouble of this character during General Grant's administrations than there has been in Mr. Cleveland's.

"No provision was inserted in the treaty to prevent the ordering off of American vessels from the jurisdictional waters of Canada, because the surrendering of the headland right by the British plenipotentiaries rendered such provision unnecessary. Imagine a line drawn from one headland of Prince Edward's Island to the other. It would be about 100 miles long. It would inclose at the farthest point from shore about 50 miles of water. Under the old rights the Canadian Government could order beyond that line any American vessel that happened to get within it. This right has been surrendered. For this reason it was not necessary to provide against the ordering off of vessels.

"Senator HOAR did not read Sir Charles Tupper's statement with the proper knowledge of the meaning of English words or he would not have made the rash statement that that gentleman said I made promises for the President, House of Representatives, and Democratic party as to what would be done for Great Britain and Canada. Sir Charles's speech contains no such statement. I did tell Sir Charles Tupper that when Canada treated American citizens fairly he might then expect some steps looking to the establishment of more friendly relations between the two countries.

"For my own part I favor reciprocity with Canada. The existing conditions are absurd. We pay Canada for our coal and we pay her for hers. A duty is paid us on Canadian fish and we have to pay Canada a duty on our fish. It is manifestly wrong. Reciprocity has been favored by such men as Webster, Marcy, Everett, Arthur, Frelinghuysen, and many others. Some of the Republicans go so far as to favor commercial union.

"There is one statement I wish to make particularly emphatic, and that is, the American fishermen have under the treaty every right of value to them, and the Government has been put to no expense thereby. Their interests will be guarded and no attempt to deprive them of their rights tolerated. It is my hope that all trouble will be ended by the establishment of full reciprocity between Canada and the United States. I had hoped, as a step toward this end, free fish and free oil would have been one of the provisions of the Mills bill, and trust that it may yet be inserted."—*Baltimore Sun*, July 12, 1888.

The Senator from New Hampshire [Mr. CHANDLER] the other day introduced in the Senate a letter from Hon. Charles Levi Woodbury concerning this matter, which is such high authority on this subject that I am inclined to add it also to the letters that appear upon this question. The Senator from New Hampshire explained to the Senate and to the country who Charles Levi Woodbury was and who he is. I suppose there are few men in the country, if there are any, who are as well qualified to speak on this subject as Mr. Woodbury; probably no one unless it be Mr. Trescott, who is also a Democratic diplomat and who has spoken in the same general direction that Mr. Woodbury has. So when Mr. Tupper says the entire Democratic party of the country are in accord with the ideas of this treaty he is mistaken. That is not the fact.

The letter of Mr. Woodbury is as follows:

To the Editor of the Sun:

SIR: The Chamberlain treaty is now before the Senate. It surrenders everything the United States have contended for since 1838, when the dispute on the 3-mile limit began, contentions which the British authorities have assented to or temporized about as often as pressed, so that really in no entire year since then have they insisted on enforcing their headland theory.

The commercial rights of the United States under the agreements of 1830 were utterly abandoned by Mr. Bayard after much previous insistence on their obligation.

The rights of common humanity toward our vessels in distress, accorded everywhere except on the Canadian coast, are hereafter to be allowed only upon the condition that the United States shall change its present registry laws by repealing them, and enacting such new ones as are acceptable to the British Government before going into effect. This of course leaves the humanity of Canada to vessels of the United States in distress withheld until the United

States shall pay the consideration by repealing its laws and making such new ones.

Commercial intercourse by our fishing vessels is disallowed, but they may be permitted to buy a narrow line of supplies, whose extent would not exceed $50,000 a year, when the United States shall have repealed existing duties, now over $611,000 a year, on Canadian fish and oil, and made them free in our markets.

This is the substance of the treaty, all losses to the United States both in honor and profit. General Jackson and Mr. McLane, Van Buren and Forsyth, Stevenson and Everett, Webster, Rush, Grant, Evarts, and even Bayard and Phelps, for two of their official years, are buried beneath this treaty and their memories dishonored by its retreat from their patriotic contentions for American rights.

Cavilers have said the treaty of 1818 was wrung from our weakness, but this treaty, made in the hour of our strength, surrenders what that never did—our markets; and it doubles the waters from which it requires we shall be forever excluded.

The consequence of adopting this treaty would be the destruction of the fishery under the American flag, the paralysis of our hope of naval power, and a British monopoly of our markets, aggrandizing its dangerous naval power. Let the treaty be rejected.

CHARLES LEVI WOODBURY.

BOSTON, *May 4*, 1888.

Mr. President, there are some provisions of this treaty the details of which I should like to have gone into more extensively, and there are several things in connection with the history of the transactions of early times that I should like to refer to if I had not already detained the Senate to an unusual length on this subject. Suffice it to say that it is one that the American people have interest in; it is one that the American people do not consider a local question; it is one, as was said by more than one member of the House of Representatives in 1887, that does not concern a few fish. It is not a local controversy, said they; it is not a skirmish about fish, said two members at least, one of whom is now an honored member of this body; it is not a question of property, but a question of honor, of dignity, and of right, and a question whether we are to surrender for the purpose of escaping a threat of war or to escape evils of any other kind.

Mr. President, we were told here and we have been told elsewhere, that the President of the United States would put in force the act of 1887; that he would put it in force in such a way, we have been told in substance, as to disturb and destroy the business of the country; that we had armed him with a power which was very dangerous. Why, sir, if the President of the United States chooses to disturb business for the purpose of compelling decent treatment to our seamen on the northern seas, very well, let him do it.

If any other method can be devised by which the seamen may be protected in their rights, let him put us in a position of complete noncommercial intercourse, and the people of the United States will not complain. If the exclusion of fresh fish from Canada will do it, the people will not justify him in going beyond that. He can not by way of punishment to the Senate disturb the business of the country, and the Senate will not be influenced by any suggestions of newspapers, whether they get their ideas from the Secretary of State, as the Baltimore Sun seems to have done, or from anywhere else, that the business of the country is to be disturbed if we do not accept this treaty.

The Senator from Mississippi [Mr. GEORGE] said it is foredoomed to defeat. Undoubtedly, and it is foredoomed to defeat at this session, I want to say to the Senator; and if the President of the United States declines to put in force in any proper manner the statute that we enacted for that purpose, he must take the responsibility if disturbances arise, and not we. We can not be moved by threats of disturbed business any more than we can by the suggestion made by the Senator from Alabama [Mr. MORGAN] that this might lead to war, that commercial war was close on to real war. When the act of 1887 was before the Senate, the Senator from Alabama said it does not mean war, it means peace. Now, we are told that it may mean war. Who has the right to threaten the American Senate with war? Who makes war? Certainly nobody in the Senate individually and nobody in the executive department is likely to make war. Great Britain is not likely to go to war with us for that which she has absolutely abandoned and surrendered and for that which she has never vigorously enforced at any time in the history of this claim by the Canadian authorities.

Great Britain does not go to war without cause, unless she knows that she has it in her power to acquire great good to herself by so doing. It is simply absurd to talk about a war with Great Britain; it is folly. But we are as ready for war as Great Britain. We may not have as many guns, but we would have means for maintaining the honor and the dignity of the American people in a war with Great Britain or with any other country, and we will not surrender one jot or one tittle of that which belongs to us for fear of war, nor under covert threats that if we do not accept this treaty something will follow it that will be worse and the business of the country will be disturbed. We can say for ourselves on this side of the Chamber that we approach this question with as much patriotism as Senators on the other side, and we can point to the fact that until recently the legislative department of the Government and the executive department of the Government were in perfect harmony with us upon this question.

Mr. DAWES. Mr. President——

Mr. PLATT. I move that the Senate do now adjourn.

Mr. DAWES. I give way for that purpose, with the understanding that I may have the floor upon the treaty when its consideration is resumed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] is recognized, and will be entitled to the floor when the consideration of the treaty is next resumed.

If there be no objection, the open executive session will stand adjourned and the Senate resumes the consideration of legislative business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue; in which it requested the concurrence of the Senate.

PUBLIC BUILDING IN CHICAGO, ILL.

Mr. VEST. I report, from the Committee on Public Buildings and Grounds, a bill as a substitute for the one called up this morning by the Senator from Illinois [Mr. FARWELL] in regard to a public building at Chicago. I have drawn a bill which I think has the necessary limitation.

The bill (S. 3365) for the erection of a public building in the city of Chicago, Ill., to be used as an appraiser's warehouse and other public purposes, was read the first time by its title.

Mr. FARWELL. I ask for the present consideration of the bill. It is a substitute for the one that was passed this morning and afterwards reconsidered.

The PRESIDENT *pro tempore*. The Senator desires to have the bill just reported passed and the other bill indefinitely postponed, the Chair presumes.

Mr. VEST. Yes, I was going to suggest that that be done.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill was read a second time at length, as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a public building upon the lot of ground, owned by the United States of America, on the corner of Harrison and Sherman streets, in the city of Chicago, Ill., said building to be used as an appraiser's warehouse and for other Government purposes. Said building shall be constructed upon plans and specifications to be furnished by the Supervising Architect of the Treasury Department and approved by the Secretary of the Treasury; and the said building shall be protected from danger by fire by having an open space on every side of at least 40 feet, including streets and alleys: *Provided*, That no part of the sum hereby appropriated shall be expended until the State of Illinois shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 1465) for the erection of a public building in the city of Chicago, Ill., will be indefinitely postponed, if there be no objection.

HOUSE BILLS REFERRED.

The bill (H. R 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue was read twice by its title, and referred to the Committee on Finance.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 9396) for the relief of General William F. Smith; and

A bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers.

JOSEPH WIRTH.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2033) granting a pension to Joseph Wirth; which was, at the end of line 6, to add:

In lieu of the pension now received by him.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wirth, late quartermaster-sergeant in Company L, Third New Jersey Cavalry, and pay him at the rate of $30 per month, from and after the passage of this act, in lieu of the pension now received by him.

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MAJ. GEN. W. W. AVERELL.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1650) for the relief of Maj. Gen. W. W. Averell, which was, in line 19, after the word "act," to strike out all down to and including the word "decease," in line 22, as follows:

But this proviso shall be no bar to any claims for pension that the widow or

children or other heirs of the said William W. Averell may have after his decease.

So as to make the bill read:

Be it enacted, etc., That in view of the long and faithful services of Bvt. Maj. Gen. William W. Averell, United States Army, before and during the late war, and of severe wounds received by him in battle, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William W. Averell, brevet major-general United States Army and late brigadier-general United States Volunteers, to the position of captain in the Army of the United States, and to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William W. Averell, nor shall any compensation be paid to him for any period prior to his appointment under this act.

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MERCY A. CUTTS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 888) granting a pension to Mercy A. Cutts, which were, in line 2, after the word "pension-roll," to strike out "subject to the provisions and limitations of the pension laws;" in line 4, before the word "mother," to insert "foster;" and in line 5, after the word "volunteers," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mercy A. Cutts, foster mother of Enoch F. Cutts, deceased, late of Company A, Thirty-first Maine Volunteers, and pay her a pension at the rate of $12 per month.

Mr. SAWYER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

JAMES HALE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 734) granting a pension to James Hale, which was, at the end of the bill, to add "and pay him a pension at the rate of $16 per month in lieu of that which he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Hale, Company F, First New Hampshire Heavy Artillery, and pay him a pension at the rate of $16 per month in lieu of that which he is now receiving.

Mr. CHANDLER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CONSIDERATION OF BRIDGE BILLS.

Mr. PLATT. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Unanimous consent was given that at the conclusion of the observations of the Senator from Colorado [Mr. TELLER], and the resumption of legislative business, the consideration of bridge bills on the Calendar should be proceeded with. The Senator from Connecticut moves that the Senate do now adjourn.

Mr. MANDERSON. Before the motion is put, I hope unanimous consent may be given for the consideration of the bridge bills on some future day. As I suggested this afternoon, it is of very great importance that these bridge bills should be passed soon. They are nearly all House bills, and the work upon the structures should be commenced during this session.

Mr. PLATT. If the Senate desires to go on with these bills at this time, I shall withdraw the motion to adjourn; but I have been in my seat since 12 o'clock, and paying attention to the speech which has been delivered by the Senator from Colorado, and I should like myself to be permitted to leave.

Mr. MANDERSON. The bills are in charge of the Senator from Missouri [Mr. VEST]. As far as I am concerned, I feel like acting in accordance with his wishes in regard to the matter whether we should go on with them now or postpone them until another day.

Mr. VEST. The bridge bills ought to be disposed of. I have not any special charge over them. I simply reported them from the Committee on Commerce. I am ready to take them up at any time.

Mr. PLATT. I withdraw the motion to adjourn.

The PRESIDENT *pro tempore*. The motion to adjourn is withdrawn.

Mr. FRYE. There is no division of opinion about the bridge bills. They only have to be read to secure prompt action.

Mr. MANDERSON. That is all. I think we can dispose of them in an hour or an hour and a half.

Mr. VEST. I have no special interest in these bills, but I should like to clean off the Calendar. I receive letters every day in regard to them, but I have no bills in which I am specially interested.

Mr. MANDERSON. I ask unanimous consent that the bridge bills may be taken up under the eighth rule at the close of the morning business on Monday next, and that their consideration be continued until 2 o'clock.

Mr. DOLPH. I object to that. Let us stay here and finish them this evening.

Mr. FRYE. We may just as well do it this afternoon.

Mr. MANDERSON. I hope we shall.

MISSOURI RIVER BRIDGE BETWEEN IOWA AND NEBRASKA.

The PRESIDENT *pro tempore*. Pursuant to the unanimous consent hitherto given, the Senate, as in Committee of the Whole, proceeds to the consideration of Order of Business No. 1650, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River, in the county of Monona, in the State of Iowa, and in the county of Burt, State of Nebraska, and to make the same a post-route.

The PRESIDENT *pro tempore*. The memorandum upon the Calendar before the Chair indicates that the Senator from Iowa desires that this bill may be passed over. Is there objection?

Mr. MANDERSON. That is a bill in which I am concerned, but the Senator from Iowa intimated to me that, if present, he would object to its consideration. In view of that fact I do not press its present consideration, but I ask that it be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. It will be passed over, retaining its place on the Calendar.

MISSOURI RIVER BRIDGE AT PONCA, NEBR.

The bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr., was announced as next in order.

The PRESIDENT *pro tempore*. This bill appears to be reported adversely with a memorandum that the chairman of the committee consents to it with an amendment.

Mr. VEST. The difficulty about that bill was that there was no corporation named in it, but merely an association of individuals.

Mr. MANDERSON. Since the adverse report the individuals named have incorporated under the laws of the State of Nebraska, and the amendment, which I will offer, proposes to put in the name of the corporation instead of the names of the individuals.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. I move to insert the amendment which I send to the desk, commencing after the word "for," in line 3.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 3, after the word "for," it is proposed to strike out "John Stough, F. M. Dorsey, Baily Davenport, S. K. Bittenbender, J. W. Radford, J. G. Massie, and D. P. Sherwood, their executors, administrators, and," and insert "the Nebraska and Dakota Bridge Company, a corporation organized under the laws of Nebraska, or its successors or;" so as to read:

That it shall be lawful for the Nebraska and Dakota Bridge Company, a corporation organized under the laws of Nebraska, or its successors or assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a bridge across the Missouri River at or near Ponca City, Nebr.

The amendment was agreed to.

Mr. VEST. In line 25, of section 1, after the word "that," I move to strike out the word "Congress," and insert "the Secretary of War;" so as to read:

Provided, That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

The amendment was agreed to.

Mr. VEST. In section 3, line 2, after the word "time," I move to strike out the words "substantially and materially;" so as to read:

That no bridge shall be erected or maintained under the authority of this act which shall at any time obstruct the free navigation of said river.

The amendment was agreed to.

Mr. VEST. In section 3, after the word "obstruction," at the end of line 13, I move to insert "or its entire removal;" so as to read:

And whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction or its entire removal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

RAILROAD BRIDGE ACROSS OCONEE RIVER, GEORGIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad

and Banking and Navigation Company across the Oconee River in Laurens County, State of Georgia.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 17, after the word "bridge," to insert "construction of said;" and in line 18, after the words "not be," to strike out "built" and insert "commenced;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 2, line 22, after the word "boats," to insert "barges and rafts;" so as to read:

Provided, That said bridge shall be built with draw spans giving 80 feet clear width at low water on either side of the pivot pier in main channel and that the draw shall be opened promptly upon reasonable signal for the passage of boats, barges, and rafts, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, line 16, after "United States," to strike out "of the district where" and insert "within whose jurisdiction;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States within whose jurisdiction said bridge or any part thereof is located.

The amendment was agreed to.

The next amendment was, in section 7, line 1, after the word "that," to strike out "Congress shall have power" and insert "the Secretary of War may;" in line 2, after the word "time," to strike out "to alter or amend this act, so as to" and insert "cause the owners of said bridge to alter the same so as to;" so as to make the section read:

SEC. 7. That the Secretary of War may at any time cause the owners of said bridge to alter the same so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be borne by the owners of or persons controlling such bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

MISSOURI RIVER BRIDGE NEAR WINONA, DAK.

The bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 13, before the word "bridge," to insert "construction of said;" and in line 14, after the word "be," to strike out "built" and insert "commenced;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 2, line 35, after the word "boats," to insert "barges and rafts;" so as to read:

That said draw shall be opened promptly upon reasonable signal for the passing of boats, barges, and rafts, and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

TENNESSEE RIVER BRIDGE AT LAMB'S FERRY, ALABAMA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 30, before the word "court," to strike out "district" and insert "circuit;" and in line 31, after the word "in," to strike out "which" and insert "whose jurisdiction;" so as to make the proviso read:

That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the cause may be brought in the circuit court of the United States of the State of Alabama in whose jurisdiction any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The next amendment was, in section 5, line 16, before the word "bridge," to insert "construction of said;" and in line 17, after the word "be," to strike out "built" and insert "commenced;" so as to make the section read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

MISSOURI RIVER BRIDGE, IN MONTANA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 17, after the words "Secretary of War," to insert "the building of;" and in line 18, after the word "be," to strike out "built" and insert "commenced;" so as to read:

That any bridge built under this act shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted. And in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and of all accessory works for its protection, and a map of the location, for the space one-half mile above and the same below the proposed location, showing the topography of the banks of the river, the shore-line at highand low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the building of the bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 5, line 4, after the word "whenever," to strike out "Congress" and insert "Secretary of War;" so as to make the section read:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in the said structure or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interests require it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

OCMULGEE RIVER BRIDGE IN GEORGIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 4, line 12, after the words "Secretary of War," to insert "the building of," and in line 13, after the word "be," to strike out "built" and insert "commenced;" so as to make the section read:

SEC. 4. That said bridge shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge are approved by the Secretary of War the building of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after "whenever," to strike out "Congress" and insert "Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its removal, at the expense of the owners thereof, whenever Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

MISSOURI RIVER BRIDGE AT PARKVILLE, MO.

The bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 4, after the word "arising," to strike out "therefrom" and insert "under the provisions of this act;" and in line 6, after the word "by," to strike out "any district court of the United States whose jurisdiction embraces either terminus of said bridge," and to insert "the circuit court of the United States within whose jurisdiction said bridge or any part thereof is located;" so as to make the section read:

SEC. 2. That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted; and in case of any litigation arising under the provisions of this act, such litigation may be tried and determined by the circuit court of the United States within whose jurisdiction said bridge, or any part thereof, is located.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "same," to strike out "of" and insert "including;" and in line 4, after the word "also," to strike out "of;" so as to make the section read:

SEC. 5. That all railway companies desiring to use said bridge shall be entitled to equal rights and privileges in using the same, including the machinery and fixtures thereto belonging, and also the approaches thereto, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest, in case the parties in interest shall not be able to agree upon such terms and conditions.

The amendment was agreed to.

The next amendment was, at the end of section 6, to insert the words "or made;" so as to read:

The said railway company may at any time make any alterations deemed advisable to be made in said bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be authorized or made.

The amendment was agreed to.

The next amendment was, in section 7, line 3, after the word "vessels," to insert "barges or rafts;" in line 8, after the word "as," to strike out "Congress" and insert "the Secretary of War;" and in line 12, after the word "of," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 7. That the said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts under it both by day and night. There shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Light-House Board. And such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said railway, in order the more effectually to preserve the free navigation of said river, or the said structure shall be altogether removed if in the judgment of the Secretary of War the public good may require such removal, and without expense or charge to the United States.

The amendment was agreed to.

The next amendment was to strike out section 9 in the following words:

SEC. 9. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

BRIDGES OVER BLACK WARRIOR AND TOMBIGBEE RIVERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River, and the Tombigbee River, in Alabama.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SIOUX CITY.

The bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at Sioux City, Iowa, was announced as next in order.

The PRESIDENT *pro tempore*. This being a bill which has passed the House of Representatives with an amendment in the nature of a substitute, the Committee on Commerce report sundry amendments to the amendment of the House of Representatives, which will be stated in their order.

The first amendment was, in section 2, line 13, before the word "bridge," to insert "construction of said;" and in line 14, after the word "be," to strike out "built" and insert "commenced;" so as to read:

That the said bridge shall be constructed without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge, and a map of the proposed location, giving, for the space of 1 mile above and 1 mile below such proposed location, the topography of the banks of the river, with shore-lines and soundings, and such other information as may be required for a full understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment to the amendment was agreed to.

The next amendment was, in section 2, after the word "boats," in line 34, to insert "barges, or rafts;" so as to read:

That if any bridge built under this act be constructed as a draw-bridge, it shall have a draw over the main channel of the river at an accessible and navigable point, and with a span or spans not less than 300 feet in length in the clear; and no river spans shall be less than 300 feet in length in the clear and the head-room under such spans shall not be less than 10 feet above extreme high-water mark; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto; that said draw shall be opened promptly upon reasonable signal for the passing of boats, barges, or rafts, and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment to the amendment was agreed to.

The next amendment was, in section 6, after the word "act," in line 2, to strike out "so as" and insert "and the Secretary of War, whenever he deems it necessary, may cause the owners of said bridge;" so as to make the section read:

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, and the Secretary of War, whenever he deems it necessary, may cause the owners of said bridge to remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works, or to prevent such obstruction; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of such bridge.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The bill will be returned to the House of Representatives with notice of the action of the Senate upon the amendment of the House; and no committee of conference at present will be requested.

HALIFAX RIVER BRIDGE AT DAYTONA, FLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BURLINGTON, IOWA.

The bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 21, after the word "obstruction," to strike out "touches" and insert "is located;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located.

The amendment was agreed to.

The next amendment was, in section 1, line 25, after the word "war," to strike out the following proviso:

Provided, That the proviso regarding wagons, animals, foot passengers, etc., shall not influence the location of said bridge in its relation to the interests of navigation.

The amendment was agreed to.

The next amendment was, at the end of section 2, to add:

And such lights and sign-boards shall be placed upon said bridge when constructed as the Light-House Board may require.

The amendment was agreed to.

The next amendment was, in section 5, line 16, before the word "affect," to strike out "materially;" so as to read:

And until the said plan and location of the bridge are decided by the Secretary of War to be such as will not affect the interests of navigation, the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 5, line 35, after the words "prescribed by the," to strike out "Secretary of War" and insert "Light-House Board;" in line 37, after the word "thereof," to strike out "from time to time;" and in the same line, after the word "as," to strike out "Congress" and insert "the Secretary of War;" so as to read:

And the said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than 1 mile above the bridge location, and for the guiding of rafts, steamboats, and other water-craft safely through the draw and raft spans, as the Secretary of War shall prescribe, and order to be contructed and maintained at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structures; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed or removed at the cost and expense of the owners thereof, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good shall, in the judgment of Congress, so require, without any expense to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

MISSOURI RIVER BRIDGE AT FOREST CITY, DAK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company.

The bill was reported from the Committee on Commerce with an amendment, in section 6, line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

HILLSBOROUGH RIVER BRIDGE AT NEW SMYRNA, FLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River, at a point in the town of New Smyrna, in the county of Volusia and State of Florida.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 8, after the word "Florida," to strike out "as" and insert "at;" so as to read:

That the Atlantic and Western Railroad Company, a corporation organized under the laws of the State of Florida, its successors and assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Hillsborough River, in the county of Volusia, State of Florida, at the most accessible point on said river, in the town of New Smyrna, in said county and State.

The amendment was agreed to.

The next amendment was, in section 2, line 2, before the word "interference," to strike out "material;" and in line 3, after the word "river," to strike out "beyond what is necessary to carry into effect the rights and privileges hereby granted;" so as to read:

That any bridge built under this act shall be constructed without interference with the security and convenience of navigation of said river.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "structure," to insert "or entire removal;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

ST. JOHN'S RIVER BRIDGE IN FLORIDA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 2, before the word "interference," to strike out "material;" and in line 3, after the word "river," to strike out "beyond what is necessary to carry into effect the rights and privileges hereby granted;" so as to read:

That any bridge built under this act shall be constructed without interference with the security and convenience of navigation of said river.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "prescribed," to strike out "condition" and insert "conditions;" in line 11, before the word "notify," to insert "shall;" and in line 12, before the word "built," to insert "commenced or;" so as to read:

That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information and upon being satisfied that a bridge built on such plan with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same, and, upon receiving such notification, the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approves the plan and location of said bridge and accessory works and shall notify the company of the same, the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "structure," to insert "or its removal;" and in line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interests require it, is also expressly reserved.

The amendment was concurred in.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

TENNESSEE RIVER BRIDGE AT KNOXVILLE, TENN.

The bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "company," to insert "a corporation;" so as to read:

That the Knoxville Southern Railroad Company, a corporation organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain a bridge, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after "United States," to strike out: "That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route;" so as to read:

That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and the same is hereby declared to be a post-route.

The amendment was agreed to.

The next amendment was, in section 4, line 16, before the word "bridge," to insert "construction of said;" and in line 17, after the word "be," to strike out "built" and insert "commenced;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile below and 1 mile above the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "act," to strike out "so as to prevent or remove all material and substantial obstruction to the navigation of said river by the construction of the said bridge;" in line 5, after the word "by," to strike out "Congress" and insert "the Secretary of War;" and in line 7, after the word "act," to insert "or its entire removal;" so as to make the section read:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same, at its own expense. Furthermore, if the construction of said bridge shall not be commenced within two and completed within four years after the passage of this act, all privileges conferred hereby, and this act, shall become null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

OOSTENAULA RIVER BRIDGE, AT ROME, GA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River, at or near Rome, Ga.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 4, after the word "company," to insert "a corporation," and in line 8, after the word "Georgia," to strike out "said bridge shall be constructed to provide;" so as to make the section read:

That the Chattanooga, Rome and Columbus Railroad Company, a corporation organized under the laws of the State of Georgia, be, and the same is hereby, authorized to construct and maintain a bridge across the Oostenaula River, and approaches to said bridge, at or near Rome, in the county of Floyd and State of Georgia, for the passage of railway trains.

The amendment was agreed to.

The next amendment was, in section 4, line 16, before the word "bridge," to insert "construction of said," and in line 17, after the word "be," to strike out "built" and insert "commenced;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile below and 1 mile above the proposed location, the topography of the bank of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "act," to strike out "so as to prevent or remove all material and substantial obstruction to the navigation of said river by the construction of the said bridge;" in line 5, after the word "by," to strike out "Congress" and insert "the Secretary of War;" and in line 7, after the word "act," to insert "or its entire removal;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same, at its own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

BRIDGES OVER RIVERS IN LOUISIANA.

The bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers in Louisiana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 3, line 9, before the word "owner," to insert "the;" so as to read:

That if said bridge or bridges erected and maintained under the authority of this act shall at any time substantially or materially obstruct the free navigation of said bayou or river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge or bridges to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstruction be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said bayou or rivers, or either of them, the case may be brought in the district court of the United States of the State of Louisiana in which any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

BAYOU BARTHOLOMEW BRIDGE AT WARD'S FERRY, LOUISIANA.

The bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 4, line 17, after the word "be," to insert "commenced or;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile below and 1 mile above the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "by," to strike out "Congress" and insert "the Secretary of War;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved, and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same at its own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENSAS RIVER BRIDGE AT KIRK'S FERRY, LA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, La.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 4, line 17, before the word "bridge," to insert "construction of said;" and in line 18, after the word "be," to strike out "built" and insert "commenced;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving for the space of 1 mile below and 1 mile above the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish any other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "by," to strike out "Congress" and insert "the Secretary of War;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same, at its own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT PLATTSMOUTH, NEBR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River, at or near the city of Plattsmouth, Nebr., and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 16, after the word "ways," to insert "on said bridge;" in line 17, before the word "foot-passengers," to strike out "for;" in line 20, after the word "bridge," to strike out "and all the property belonging thereto or connected therewith;" in line 21, after the word "used," to strike out "as a wagon bridge" and insert "also;" in line 23, before "cable," to strike out the words "wagons, carriages, stock, steam;" and after the word "cars," in the same line, to strike out "foot-passengers, and all road travel;" so as to read:

And said corporation, its successors or assigns, shall construct and maintain ways on said bridge for carriages, wagons, and foot-passengers, and may charge and receive such reasonable toll therefor as may be approved from time to time by the Secretary of War: *Provided*, That said bridge may be constructed, maintained, and used also for the safe and convenient passage of cable and street cars.

The amendment was agreed to.

The next amendment was, in section 2, line 5, before the word "shall," to strike out "it" and insert "the construction;" and in line 6, after the word "be," to strike out "built" and insert "commenced;" so as to read:

SEC. 2. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge the construction shall not be commenced.

The amendment was agreed to.

The next amendment was, at the end of section 3, to add:

The United States shall have the right of way for a postal telegraph across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph companies: *Provided, also*, That the said bridge may be used by all railroad companies for the passage of their cars over the same upon such terms as may be fixed by such company or companies and the corporation owning or controlling said bridge; and if they can not agree, then the charges for the use of said bridge by such other company or companies shall be established by the Secretary of War after hearing the parties.

The amendment was agreed to.

The next amendment was, in section 5, line 1, before the word "bridge," to strike out "this" and insert "said;" so as to make the section read:

SEC. 5. That unless the construction of said bridge be commenced within one and completed within three years after the passage of this act, all privileges conferred hereby shall become null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

CHATTAHOOCHEE RIVER BRIDGE IN GEORGIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 13, before the word "bridge," to strike out "said;" so as to read:

And until said plan and location of said bridge are approved by the Secretary of War said bridge shall not be commenced or built; and should any change be made in the plan of bridge, during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was to add to section 3 the following proviso:

Provided, also, That other railroad companies shall have the right to run their cars over said bridge upon such just and reasonable terms as may be agreed upon by them and the corporation owning or controlling said bridge; and if the parties can not agree, then the terms shall be determined by the Secretary War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

BRIDGES ACROSS THE FLINT AND CHATTAHOOCHEE RIVERS.

The bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in section 2, line 2, before the word "interference," to strike out "material;" in line 23, before the word "interfere," to strike out "materially;" in line 29, after "navigation," to insert "or its entire removal;" and in line 30, after the word "owners," to insert "and if any litigation shall be necessary to collect from such owners the expense of making the necessary changes in said bridge or of its entire removal, the same shall be had in the district court of the United States in whose territorial jurisdiction said bridge or any part thereof is located;" so as to read:

That any bridge built under this act shall be constructed and built without interference with the security and convenience of navigation of said rivers, or either of them, beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions, the corporation, previous to commencing the construction of the bridges, or of the accessory works in the booms, dikes, or piers designed to secure the best practical channel-way for navigation and confine the flow of the water to a permanent channel, and for the guiding of steam-boats and rafts safely through the draw-spans at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act; that, as nearly as practicable, the said bridge shall be at right angles to, and the piers parallel with, the current of said river; and should it be found hereafter that the said bridge or accessory works interfere with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, by reason of any defect or failure in the accessory works aforesaid to accomplish the purpose for which they are designed, it shall be the duty of the Secretary of War to require the necessary changes to be made therein in the interest of navigation, or its entire removal, at the expense of the owners; and if any litigation shall be necessary to collect from such owners the expense of making the necessary changes in said bridge or of its entire removal, the same shall be had in the district court of the United States in whose territorial jurisdiction said bridge or any part thereof is located.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

ALABAMA RIVER BRIDGE AT MONTGOMERY, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 2, before the word "interference," to strike out "material;" in line 22, after the word "works," to strike out the word "materially;" in line 34, before the word "superstructure," to insert the word "the;" in line 40, before the word "spans," to strike out "width" and insert "with;" in the same line, after the word "such," to strike out "with" and insert "width;" and before the word "elevation," in the same line, to strike out "such;" so as to read:

That any bridge built under this act shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions the corporation, previous to commencing the construction of the said bridge, or of the necessory works, in the booms, dikes, or piers designed to secure the best practical channel-way for navigation and confine the flow of the water to a permanent channel, and for the guiding of steam-boats and rafts safely through the draw-spans at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge, and for a distance of a mile above and below the site, together with all other information touching said bridge and river and necessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform the prescribed conditions of this act; that, as nearly as practicable, the said bridge shall be at right angles to, and the piers parallel with, the current of said river; and should it be found hereafter that the said bridge or accessory works interferes with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, by reason of any defect or failure in the accessory works aforesaid to accomplish the purpose for which they are designed, it shall be the duty of the Secretary of War to require the necessary changes to be made therein in the interest of navigation, at the expense of the owners: *Provided*, That as to any bridge built under this act, if the said bridge shall be made with unbroken and continuous spans, it shall be of such elevation above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of the bridge, and the spans of said bridge shall be of such width as may be prescribed by the Secretary of War: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of such width and elevation above extreme high water at the point of location as may be required by the Secretary of War.

The amendment was agreed to.

The next amendment was to add to section 3:

The Secretary of War may, at any time, when in his judgment necessary, require the company owning or controlling said bridge to change the same in any respect or to entirely remove the structure, all such changes or the entire removal to be at the expense of said company; and if refusal shall be made to comply with his requirements, the Secretary of War shall cause said changes to be made, or the entire removal of said bridge, and cause proceedings to be instituted in the name of the United States in the district court of the United States in whose territorial jurisdiction said bridge or any part thereof is located for the purpose of recovering from the parties owning said bridge the amount expended in such changes or removal, together with all costs of such litigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. MANDERSON were appointed.

REPORT ON LIQUOR TRAFFIC.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That —— extra copies of Senate Report No. 1727, upon the "joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors," be printed for the use of the Senate.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, July 23, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 21, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS DURING MEXICAN WAR.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in response to a resolution calling for information relative to officers who served in the Mexican war and whose names have been dropped from the pension-rolls.

The SPEAKER. This communication will be referred to the Committee on Pensions.

Mr. LEE. I would ask that this reply of the Secretary of the Interior be laid on the Speaker's table for the present.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

PACIFIC RAILROAD AND TELEGRAPH LINE.

The SPEAKER also laid before the House the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act; with the amendments of the Senate thereto.

Mr. DOCKERY. I ask unanimous consent to non-concur in the amendments of the Senate and to agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

The SPEAKER appointed as managers of the conference on the part of the House, Mr. DOCKERY, Mr. ANDERSON, of Mississippi, and Mr. PETERS.

ADDITIONAL JUSTICES SUPREME COURT, DAKOTA.

The SPEAKER also laid before the House the bill (H. R. 10573) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes; with Senate amendments thereto.

Mr. GIFFORD. I ask unanimous consent to non-concur in the Senate amendments, and agree to the conference requested by the Senate.

Mr. SPRINGER. I hope that will be done.

There was no objection, and it was so ordered.

The SPEAKER appointed as managers of the conference on the part of the House, Mr. SPRINGER, Mr. KILGORE, and Mr. WARNER.

SHOSHONE AND BANNACK INDIANS.

The SPEAKER also laid before the House the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, with Senate amendments thereto; which was referred to the Committee on Indian Affairs.

AMENDMENT OF REVISED STATUTES.

The SPEAKER also laid before the House the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape, murder, etc., with Senate amendments thereto; which was referred to the Committee on the District of Columbia.

SENATE BILLS AND RESOLUTIONS REFERRED.

The SPEAKER also laid before the House the following Senate bills, which were severally read a first and second time and referred as indicated:

The bill (S. 82) for the relief of the legal representatives of Henry S. French—to the Committee on War Claims.

The bill (S. 1951) to prohibit members of Territorial Legislatures holding certain offices—to the Committee on the Territories.

The bill (S. 2384) to remove the charge of desertion from the military record of Loren W. Hastings—to the Committee on Military Affairs.

The bill (S. 2539) to authorize and direct the purchase of part of a lot adjoining the Senate stables for their ventilation, and for other purposes—to the Committee on Public Buildings and Grounds.

The bill (S. 2742) to incorporate the Brightwood Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 3058) relieving municipalities in the Territories in certain cases—to the Committee on the Territories.

The SPEAKER also laid before the House the following concurrent resolutions of the Senate; which were referred to the Committee on Printing:

Resolution to authorize the printing of additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey; and

Resolution to provide for the printing of the eighth and ninth annual reports of the Bureau of Ethnology.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAYNE, indefinitely, on account of illness.

To Mr. LODGE, for ten days from Monday, July 23, on account of important business.

To Mr. SPOONER, indefinitely, on account of sickness.

To Mr. CLEMENTS, for a few days after to-day.

LEAVE TO PRINT.

Mr. WARNER. I ask unanimous consent to print in the RECORD remarks on the bill placing Andrew J. Smith on the retired-list.

There was no objection, and leave was granted.

Leave was granted the Select Committee to Inquire into the Enforcement of the Immigration Laws to have printed for the use of the committee 100 copies of portions of treaties with foreign powers, the laws of the United States relating to immigration, and the rules of the Secretary of the Treasury in relation to the enforcement of such laws.

CHANGES OF REFERENCE.

The SPEAKER. Senate resolution No. 59, authorizing Brig. Gen. Absalom Baird to accept from the French Republic a diploma, etc., was improperly referred to the Committee on Military Affairs. It should have been referred to the Committee on Foreign Affairs, and if there be no objection, that reference will be made.

There was no objection, and it was so ordered.

The SPEAKER. A communication from the Secretary of the Treasury was laid before the House yesterday morning transmitting a report from the Director of the Mint, and was referred to the Committee on Coinage, Weights, and Measures. At the same time a resolution to print the report was referred to the Committee on Printing. The Chair thinks that the report itself should also go to the Committee on Printing in order that it may be examined by the committee.

Mr. BLAND. I think it belongs there.

The SPEAKER. If there be no objection that reference will be made.

There was no objection, and it was so ordered.

LEAVE TO PRINT.

Mr. DIBBLE. I ask unanimous consent to print in the RECORD the opinions of the members of the Court of Claims on French spoliations.

There was no objection, and it was so ordered.

The opinions are as follows:

COURT OF CLAIMS. FRENCH SPOLIATIONS. OPINIONS OF THE COURT DELIVERED MAY 17 AND MAY 24, 1886, BY JUDGE JOHN DAVIS.

William Gray, administrator, with the will annexed, of the estate not already administered of William Gray, deceased, testate, *vs.* The United States.

Davis, J., delivered the opinion of the court.

This claim is one of the class popularly called "French spoliations," and springs from the policy of the French revolutionary government between the execution of King Louis XVI and the year 1801, a policy which led to the detention, seizure, condemnation, and confiscation of our merchant vessels peacefully pursuing legitimate voyages upon the high seas. Over ninety years have these claims been the subject of discussion and agitation, first between the two nations, and then between the individuals injured and the Government of the United States. Prolonged and heated negotiation resulted in the treaty of 1800, by which it is urged on behalf of the claimants, their rights were surrendered to France for a consideration valuable to this Government. Their claims being valid obligations admitted by the French Government, they contend that the United States through this agreement, in which demands of the one nation were set off against those of the other, assumed as against their citizens these obligations and should pay them. This position is denied by the Government, which in addition presents other defenses based upon subsequent transactions between the two countries, urging that thereby were destroyed any beneficial rights possibly vested in the claimants, if their contention as to the treaty of 1800 be correct.

THE ACT OF JANUARY 20, 1885.

The act sending the claims to this court, while the third that has passed both Houses of Congress, is the first that has received the approval of a President, as one was vetoed by President Polk, another by President Pierce, while this, the third, was signed by President Arthur.

Whatever the rights of the claimants they are without remedy other than that which Congress may have seen fit to give them; and our power to grant redress, be our opinion as to the justice of their claims what it may, is limited by the terms of the remedial statute. The force and effect of the act, by virtue of which the claimants appear at this bar seeking relief, must then be examined at the threshold of the discussion.

The act authorizes "citizens of the United States or their legal representatives," having "valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations," prior to the ratification of the convention of 1800 with France, to apply here within a time limited (section 1), that (section 3) this court may "examine and determine the validity and amount" of their claims, the present ownership, and, if owned by an assignee, certain details in regard thereto. The act excludes from its benefits claims embraced in certain conventions with France and Spain, concluded in 1803, 1819, and 1831, and with provisions as to rules of court, defense of the United States, evidence, and other matters not important for our immediate purpose, directs this court, as to the claims thus placed within our jurisdiction, to report to Congress the first Monday of each December the facts found by us and our conclusions, which are to be taken, both as to law and facts, as advisory and not conclusive upon either party, the claimants or the Government.

So peculiar a jurisdiction was probably never before conferred upon a strictly judicial tribunal. The rights of the claimants, if any exist, arise from the acts of the political branch of the Government done in the protection and aid of the nation. For such rights there can be no remedy other than that granted by the legislature; in this instance the legislature has elected to transmit to the judiciary, under certain restrictions, the examination of the claimant's demands, with the proviso that the conclusion reached in this forum shall not be finally binding upon either party, but that the defendants, as well as the claimants, have reserved to them an appeal, not in the regular line of judicial procedure to the Supreme Court of the United States, but back again to that body from which alone any remedy can come to the citizen from wrongs done him by his Government.

The reason for this peculiar grant of remedy is found in the nature of the claims which spring from international controversies of the gravest character intimately entwined with the history of our struggle for independence; also in the age of the claims; and, lastly, in the absolutely indeterminate amount of financial responsibility which will be thrown upon the Government should the claims be found to exist as valid obligations due from the United States to their citizens. Good or bad, not one of these claims is enforceable but by the consent of Congress, and the Congress can affix to that consent such condition as in their wisdom seems just and for the best interests of the Republic. The remedy now granted is an examination and advisory report by the judiciary, to be followed by a decision by the legislative branch of the Government.

It has been said that the validity of the claims as a class is admitted by the act, and this court should confine the examination to each individual claim for the purpose only of determining whether it falls within the class. This is understood to be in effect the argument on behalf of some of the claimants. Our labor and responsibility would be greatly lightened could we agree with this proposition, but the act of Congress seems clearly to negative the contention, and to throw upon us the duty of investigating the validity of these claims against France and the assumption of them by the United States. It requires us to examine, not claims in a specified category or known by a generic name, not even "claims" simply, but "valid" claims against France, and valid claims arising not merely from captures, detentions, seizures, condemnations, and confiscations, but from acts of this nature which were "illegal." The validity of the claims, as against France, is the very first condition imposed by the legislature upon the grant of remedy.

The claims must have been "valid" obligations existing at the time, and which this Government had the right to enforce diplomatically before they come within the purport of the statute. To grant as correct the contention that we are to examine in each case whether, and only whether, the seized or detained vessel had violated the law of nations or the treaties—as, for illustration, drawn from the argument, whether she carried contraband of war, or attempted to break an actual blockade, or failed to carry proper papers—if we are to examine only into this, then effect is perhaps given to the word "illegal," found in the statute defining the nature of the acts from which the claims arise, but the word "valid," of equal if not superior force, is entirely ignored.

Clearly Congress expects from us an opinion as to the validity of claims of this class as against France, and the third section of the act, which requires us to receive "historic and documentary evidence," "to decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same," and to report "all such conclusions of fact and law as in [our] judgment may affect the liability of the United States therefor," is not only confirmatory of this conclusion, but obliges us to go farther and to examine into the resultant liability claimed to exist in the Government of the United States to compensate the claimants for the injuries alleged to have been sustained at the hands of the French Republic. This involves an examination of the history of the relations between the two countries from 1777, when negotiations for the treaties of alliance and commerce began, as the whole contention starts with the treaties of 1778 with France, which came to us during the darkest hours of the struggle for independence, and when we were hoping against hope for the aid which there was no prospect of receiving.

TREATIES OF 1778.

Burgoyne had capitulated, Howe had been driven from New Jersey, and, after the drawn battle of Germantown, was shut up in Philadelphia, where the ease and luxury of a city camp were but occasionally interrupted by an excursion against the enemy on land or an encounter upon the river. Curiously enough, at the end of a successful campaign, the American cause was, barring the indomitable spirit of the patriots, in the direst straits.

Gates, excited by his success at the North and become the president of the executive board of war, had broken with Washington, and had used his influence successfully in securing the appointment as inspector-general, against Washington's earnest protest, of a man who had openly defied the commander-in-chief. Washington's army of less than nine thousand men lying at Valley Forge was violently assailed by the State of Pennsylvania for not prosecuting an active winter campaign, while even in Congress, to which the remonstrance of the State's council and assembly had been addressed, there was deep discontent as to the policy of the commander-in-chief and sharp criticism upon his conduct. In Philadelphia the British, lodged in comfortable houses, were surrounded by every luxury which a full purse and communication with the outer world could afford, while in the Continental camp, as Washington wrote to Congress, the army was so reduced by cold and starvation that unless some capital change took place it must "starve, dissolve, or disperse."

In Philadelphia there was every comfort and almost every means of dissipation; at Valley Forge nearly three thousand men were unfit for duty because they were barefooted "and otherwise naked" (Sparks's Washington, volume 5, page 197–203), while many were in the hospitals and farm-houses wanting clothes and shoes (*ibid.*). So desperate was the situation that General Huntington preferred fighting to starving, his brigade being out of provisions, while General Varnum, quoting the saying of Solomon that "hunger will break through a stone wall," added "three days successively we have been destitute of bread; two days we have been entirely without meat. The men must be supplied or they can not be commanded." (*Ibid.*, page 193.)

This condition of his severely-tried army Washington represented to Congress eloquently and repeatedly; practically that body did nothing to remedy the evil, but on the other hand suggested the propriety of attacking Philadelphia, while an expedition of 1,000 men was, against Washington's judgment, detached for an invasion of Canada; an expedition abundantly supplied with commanders in the persons of three major-generals, but unfortunately lacking in such necessary military details as food, clothing, and transportation (Bancroft, volume 9, chapter 27). The financial condition of the country was in harmony with the physical condition of the army, and the issue of eight and one-half millions of paper money caused an enormous depreciation in the value of the currency, increased the feeling of financial insecurity, and necessarily impaired the credit of the Government. The army was small, insufficiently fed, paid, and clad; before them was a strong, rich, and prosperous enemy; the Government was weak, the currency suspected, while disaffection, discontent, and jealousy were prevalent among the highest officers.

Such was the close of the year 1777 at home. Hardy, determined, patriotic, self-sacrificing as the sturdy revolutionists were, probably some way would have been found out of these apparently overwhelming misfortunes: how, no one at that time could possibly foresee. Relief was, however, after weary waiting, to come from a quarter where it had long been expected with hope constantly deferred.

Franklin had early established indirect and secret relations with the court of France through his friend Dumas, a Swiss man of letters residing chiefly in Holland, who was a devoted adherent of the American cause, and who early advised an alliance with France and Spain, it being to their interest that the United States should be independent of England, "whose enormous maritime power [filled] them with apprehensions." In 1776 Silas Deane was sent out as a political agent, and he soon opened secret and informal relations with the French department of foreign affairs. He could not succeed in obtaining from France any open action, but his purchase of munitions of war and supplies, and his many other acts in direct violation of strict neutrality were permitted, winked

at, and encouraged. He was told that it was for the interest of both countries "to have the most free and uninterrupted intercourse," but that, the understanding with Britain being good, there could not be recognition of the shipping of military supplies and stores.

Practically in this condition did matters remain after the arrival of the commissioners, Franklin and Lee, although they also constantly pressed the argument contained in the instructions to Deane, namely, France is the country it is fittest for us to obtain and cultivate; the commercial advantages Britain has enjoyed with the colonies have greatly contributed to her wealth and importance; a great part of that commerce will fall to France, especially, and (here is the key of the negotiation) if she favors us now, for our trade is rapidly increasing, our population is rapidly increasing, we are waxing strong and rich, with a great future before us, why not step in now, even at the cost of war with England, a war which under any circumstances you momentarily expect?

French popular sentiment was with us, but to the popular clamor, delicately excited by the astute diplomacy of Franklin and his colleagues, was opposed the clear and calm judgment of the King's advisers, men who conceived it their duty to obtain for their master every advantage possible from the struggling colonies at the least possible expense and risk. Supplies and stores were furnished but the assistance was not acknowledged; munitions of war found their way across the Atlantic while the fact was denied to England, and, although some of these very supplies came from the arsenals of the Government, that fact even was denied to our own representatives who had forwarded them, and who, as a matter of course, knew as much of the transaction as the minister who permitted and disavowed it. Day after day without tiring did Dumas, Deane, Franklin, and Lee press for open action on the part of France. Steadily did they receive promises and secret aid, but always were they postponed as to the great step which should produce France openly to the world as the ally of the colonies and the avowed enemy of England. Before the eyes of Count Vergennes was successfully dangled the bait of a practically exclusive share in American commerce, but still he hoped to secure this advantage without an open rupture with England.

In this condition did matters rest until the news arrived of Burgoyne's defeat. This news, which reached France early in December, 1777, "apparently occasioned as much general joy as if it had been a victory of their own troops over their own enemies." (The commissioners to Committee on Foreign Affairs, Paris, December 18, 1777.) The negotiations instantly took so long a stride forward that before the 18th of December it was decided to conclude a treaty of amity and commerce, the King becoming fixed in his determination to acknowledge and support the independence of the colonies by every means in his power. Nothing could be more generous and liberal than the whole tone and manner of the French negotiations from this time. Once decided and committed as to the policy of openly supporting the colonies, there were no half-spirited measures, no halting at petty details, no discussion of unimportant trifles, but a generous and open support; nevertheless, it was not until Gates's victory at Saratoga had seemed to turn the tide of events, and while still in ignorance of the want and suffering at Valley Forge, that this action so vital to the future of the American Republic was taken. The war for independence was with the assistance of France prosecuted to a successful issue, and at Yorktown the surrender of Cornwallis was made to the combined armies of Washington and Rochambeau under the guns of the fleet of De Grasse.

This brief view of the situation, rehearsing as it does details of most familiar history, is only of importance as it relates to what may be called sentimental points made in the argument. The treaties of 1778 were made in obedience to a popular demand in France; they were made for a consideration then deemed valuable by France, and at a moment which then seemed opportune to France; but they came to us when the tide was apparently turning against us and the aid they promised was generously given us.

The 30th day of November, 1782, provisional articles of peace acknowledging the thirteen former colonies "to be free and independent" were signed at Paris by the representatives of the United States and Great Britain; the 20th of January, 1783, a cessation of hostilities was declared, and the 3d of September, 1783, the definitive treaty of peace was concluded. France had thus given the major portion of the consideration offered by her for the contract of 1778, and the United States were free, sovereign, and independent, as she had stipulated they should be.

The treaties of 1778 were two in number, that of "alliance," the one of the most immediate, and, in fact, at the time, of absolutely vital importance to the United States; and that of "amity and commerce." While separate instruments, they were concluded upon the same day, were the result of the same negotiation, signed by the same plenipotentiaries, and are, in diplomatic effect, one instrument. The treaty of alliance, after referring to its companion, the treaty of commerce, states that the two powers "have thought it necessary to take into consideration the means of strengthening the engagements therein made," and of "rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain, in resentment of that connection, * * * should break the peace with France, either by direct hostilities or by hindering her commerce and navigation in a manner contrary to the rights of nations and the peace subsisting between the two crowns;" and the two powers resolving in such case to join against the common enemy determined upon the treaty, which provided that if war should break out between France and Great Britain during the war for American independence, each party should aid the other, according to the exigencies, as good and faithful allies; that the essential end of the alliance, called a "defensive" alliance, was the "liberty, sovereignty, and independence, absolute and unlimited, of the United States."

Provision was also made for a possible conquest of Canada, Bermuda, and the islands in the Gulf of Mexico, and each party was forbidden to conclude a truce or peace with Great Britain without the consent of the other. It was further agreed that neither should lay down arms until the independence of the United States was assured by treaties terminating the war. No claim was to be made by one against the other for compensation, whatever the result, and then came the guaranty, out of which afterwards arose so serious complications, national and international, which not only drove our country, weak and exhausted from seven years' strife, to the verge of war, but also stirred up at home a bitter political contest, carried even into the intimacy of a President's Cabinet.

These stipulations are contained in the eleventh and twelfth articles, whereby each party guarantied "forever against all other powers"—first, the United States to France: all the possessions of France in America as well as those it might acquire by any future treaty of peace; second, France to the United States: "their liberty, sovereignty, and independence absolute and unlimited," together with their possessions and their additions or conquests made from Great Britain during the war. Such, in substance, was the treaty of alliance; it has never been contended, so far as known to us, that France did not fulfill the requirements which this instrument imposed upon her during our contest with Great Britain.

The provisions of the other agreement, the treaty of commerce, of importance in this case—alluding to them briefly—required protection of merchantmen; required ships of war or privateers of the one party to do no injury to the other; and provided especial, purely exceptional, and exclusive privileges by each party to the other as to ships of war and privateers bringing prizes into port.

The treaty of alliance was not one-sided, for it imposed upon the United States a possible duty and burden in the fulfillment of the guaranty of French possessions in America "forever" against all other powers. This issue was presented without delay. The French revolution began; in 1793 the king was beheaded, when France was instantly brought face to face with the powers of Europe, and her possessions in America were soon wrested from her.

HISTORY OF THE SPOLIATIONS.

England was in the vanguard of the war, and concluded twenty-three treaties with her allies, in which they agreed to starve out the common enemy. To this end was it stipulated that all the ports should be shut against France; that no provisions should be permitted to be exported to France, and that these measures should be continued and others employed for the purpose of injuring French commerce and to bring that nation to just conditions of peace. (Treaty between Great Britain and Prussia, July 14, 1793.) The animus of the alliance is further shown in the instruction of the Czar, who directed his admiral, in fulfillment of stipulations with Great Britain, to prevent the French from receiving supplies, and to that end to seize all French vessels and to send back to their own ports all neutral vessels bound to France, stating that while these measures were not "strictly conformable to the natural laws of war," they were justifiable when employed against "those arrant villains who have overturned all duties observed towards God, the laws, and the Government; who have even gone so far as to take the life of their own sovereign."

All Europe, except Sweden and Norway, was now arrayed against the new Republic in a bitterness of warfare scarcely with parallel, and which openly descended to an attempt to starve the French people into submission through an attack upon neutral commerce; a course admittedly unjustified by the laws of war. Naturally France looked to the United States for aid, relying upon the pledge of the treaty of 1778, and the assistance rendered us in our scarcely-concluded struggle by her fleet, armies, and treasury.

The commercial relations between France and the United States were already most unsatisfactory. Exceptional favors granted the United States in 1787 and 1788 (1 Foreign Relations, pp. 113–116) had been withdrawn and the equality upon which French and British vessels were put in our ports had excited jealousy. "No exceptional advantages had come to France from the war of the Revolution, and American commerce had reverted to its old British channels." (Treaties and Conventions, etc., Bancroft Davis, p. 985.)

Jefferson, who had been transferred from the legation in Paris to the office of Secretary of State, endeavored to secure the conclusion of a new commercial treaty, but unsuccessfully, and in April, 1792, we find him instructing Mr. Morris that "it will be impossible to defer longer than the next session of Congress some counter regulations for the protection of our navigation and commerce. I must entreat you therefore to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us we are ready to enter into it." (3 Jefferson's Works, p. 356.) In June he again writes that "we can not consent to the late innovations without taking measures to do justice to our own navigation" (*ibid.*, p. 449), and after the imprisonment of the King he informed Morris that some matters, such "as reforming the unfriendly restrictions on our commerce and navigation," might be transacted even by the revolutionary government, as a government *de facto* (*ibid.*, p. 489).

The new French minister, M. Genet, started for the United States in the spring of 1793 armed with three hundred blank commissions "to distribute to such as [would] fit out cruisers in our ports to prey on the British commerce." (1 Foreign Relations, p. 354.) Finally, the condition of affairs caused by the war led to the President's proclamation of neutrality, from which, curiously, and by way of compromise, the word "neutrality" was omitted. (3 Jefferson's Works, 591.)

Genet arrived in the United States the 8th of April, and on the 22d of that month the proclamation was issued declaring that "the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial towards the belligerent powers."

Already at Charleston, where he landed, Genet had commissioned privateers and sent them to sea, asserting this action to be authorized by the treaty of 1778, and informing the Secretary of State of his wish that the Federal Government "should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct they will give at least to the world the example of a true neutrality which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them." (Foreign Relations, vol. 1, p. 151.)

In September following Genet asked for fire-arms and cannon to protect the French possessions guarantied by the United States, but he was answered by the Secretary of War with what he terms "an ironical carelessness" that "the principles established by the President in his proclamation did not permit him to lend us so much as a 'pistol.'" (Nineteenth Congress, first session, Senate Doc. 102, p. 219.)

The French law of May 15, 1791, which "inhibited Americans from introducing, selling, and arming their vessels," in France, and "from enjoying all the advantages allowed to those built in the ship-yards of the Republic," was suspended by the national convention the 19th day of February, 1793, when extensive privileges were granted our commerce (*ibid*, p. 35), but in less than three months (9th May, 1793) seventeen days after the date of the President's proclamation, but before news of its contents could have been received, the national convention issued a decree ordering the arrest of any neutral vessels laden with provisions bound to an enemy's port. That this was an open and palpable violation of neutral rights was not denied, for it was a measure understood to be retaliatory to the course pursued by Great Britain, and compensation was promised to those neutrals who should suffer by its operation. (*Ibid*, p. 42.)

This decree of May 9, 1793, authorized French vessels of war and privateers to arrest neutral vessels laden with provisions, the property of neutrals, but destined to an enemy's port, or laden with enemy's merchandise, the merchandise to be prize, and the neutral provisions to be paid for, together with proper freight and indemnity for delay. The 23d of the same month American vessels were exempted from the operation of this decree (1 Foreign Relations, p. 244); five days later this second decree was suspended; July 1 it was again put in force; and July 27 it was repealed, leaving the decree of May 9 finally in force as against American commerce (3 Foreign Relations, p. 284). Our minister remonstrated, and the national assembly vacillated; nevertheless the decree was executed in plain and admitted violation of neutral rights.

The decree of May 9, 1793, and that of November 18, 1794, directed the seizure of neutral vessels containing enemy's goods, although the treaty of 1778 expressly provided that "free ships make free goods" (Art. XVIII, Treaty of Commerce); and further, under an ordinance of 1744 revived for the purpose, a foreign vessel having on board a supercargo or officer from an enemy's country, or whose crew was by more than one-third subjects of an enemy, was adjud ed prize. Mere clearance for some of the West India Islands, by decree of February 1, 1797, subjected neutral vessels to capture. The decree of January 18, 1798, issued by the council of five hundred, condemned neutral vessels carrying any British merchandise, and March 2, 1797, came into force the requirement of the crew list or "*rôle d'équipage*," which will be more fully considered hereafter. (Doc. 102, p. 160.)

President Washington, in 1793 (message December 5), spoke of the vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent powers as requiring attention, and suggested that on receipt of proofs, "due measures would be taken to obtain redress of the past and more effectual provisions against the future;" whereupon proof began immediately to be furnished.

Before this, the Secretary of State, then Mr. Jefferson, had advertised to the world assurances of governmental protection and aid.

"I have it in charge from the President [he said in his circular of August 27, 1793] to assure the merchants of the United States concerned in foreign commerce or navigation, that our attention will be paid to any injuries they may suffer on the high seas or in foreign countries, contrary to the laws of nations and existing treaties, and that on their forwarding hither well authenticated evidence of the same, proper proceedings will be adopted for their relief."

Mr. Morris had already brought to the attention of the French minister of foreign affairs "the obnoxious acts of the late assembly," but without securing redress, as "the attention of the Government was too strongly directed towards itself" to think of exterior interests, "and the assembly, at open war with the executive, would certainly reject whatever should now be presented to them." (Document 102, p. 31.)

Meantime our relations with Great Britain had become extremely threatening, various questions growing out of the Revolution still remained unadjusted, and when the instructions given by the admiralty June 8, 1793, became known in the United States it was felt that decisive action could not be longer delayed. These instructions directed the commanders of His Majesty's ships of war and privateers to seize all vessels loaded with corn, flour, or meal bound to any port in France, or to any port occupied by French armies, and to send the vessels thus seized into any convenient harbor that the cargo might be purchased by the British Government and the ships released; also to seize all ships, whatever their cargo, bound to a blockaded port; also to warn off under penalty of seizure any vessel destined to a port not actually blockaded, but "declared" to be blockaded. (Foreign Relations, vol. 1, p. 240.)

Great Britain, when complaint was made of these orders, attempted to justify them upon the insufficient plea that provisions were contraband of war. (Foreign Relations, vol. 1, pp. 240, 448 *et seq.*) Correspondence leading to no prospect of a satisfactory result, the President nominated Mr. Jay as minister, saying to the Senate (April 16, 1794) that "as peace ought to be pursued with unremitted zeal before the last resource, which has so often been the scourge of nations, and can not fail to check the advanced prosperity of the United States, is contemplated," he had concluded to take this action. (Foreign Relations, vol. 1, p. 447.) The instructions given Mr. Jay are not of importance in this connection, as it is sufficient to note the result of his negotiation in the treaty that bears his name, and to compare its important provisions with our agreement made in 1778 with the King of France.

We had promised France that their ships of war and privateers might freely carry whithersoever they pleased the ships and goods taken from their enemies; that these prizes should not be arrested, or seized, or examined, or searched in our ports, but might at any time freely leave, while no shelter or refuge was to be given to vessels having made prize of her "subjects, people, or property." (Article 17, treaty of commerce, 1778.) The United States had thus given France, and for consideration, not only a valuable but an exclusive right; yet the Jay treaty in the twenty-fifth article gave these same privileges to Great Britain, excluding all vessels which "should have made prize upon [her] subjects."

The conflict of the treaties is evident, and of course was fully appreciated at the time.

While the Jay treaty was concluded in November, 1794, its ratifications were not exchanged until October the following year, and mean time the British orders in council directing seizure of our vessels and provisions bound to France were so enforced as to call forth from Mr. Randolph, then Secretary of State, the warning, as late as July, 1795, that the Jay treaty had not yet been ratified by the President; "the late British order in council for seizing provisions is a weighty obstacle to ratification. I do not suppose that such an attempt to starve France will be countenanced." (Foreign Relations, vol. 1, p. 719.) Every endeavor was made by the United States to secure a repeal of the admiralty order, but without success, and finally our minister in London, Mr. Adams, was instructed that if, after every prudent effort, he found it could not be removed, its continuance was not to be an obstacle to the exchange of ratifications. The order was not removed or modified; nevertheless ratifications of the treaty were exchanged the following October.

It should here be noted that soon after the exchange a commission was organized which, among other subjects, was to ascertain the amount of the claims of American citizens on Great Britain for captures made in violation of international law. After various interruptions the labors of this tribunal closed in February, 1804, when awards considerably exceeding a million and a quarter pounds sterling had been made in favor of the United States on account of these claims. (Treaties and Conventions, Bancroft Davis, p. 1014-1016.) This commission existed by virtue of the sixth and seventh articles of the Jay treaty, the latter of which provided that whereas complaints had been made by citizens of the United States that during the course of the war "in which His Majesty is now engaged they have sustained considerable losses and damage by reason of irregular or illegal captures or condemnations of their vessels and other property under color of authority or commissions from His Majesty," it was agreed that where adequate compensation could not then be actually obtained in the ordinary course of justice full compensation would be made by the British Government.

Note further that these claims were for spoliations committed by England to starve the French, as the claims now before us are for spoliations committed by France to feed her people, and, again, remember, by way of explanation, that the remedy alluded to in the Jay treaty, as being perhaps obtainable in due course of justice, was a possible recovery by the captured vessel in an action against the privateer upon his bond.

Mr. Morris, proving unacceptable to the French Government, was recalled at their request, and succeeded by Mr. Monroe, who endeavored to secure from his colleague, Mr. Jay, information as to the latter's negotiation, which was refused, as Monroe declined to pledge himself not to communicate it to the French Government. (1 Foreign Relations, pp. 517, 700.) France was restive under the situation, and, shortly after the ratification of the treaty, asked whether the President had caused orders to be given to prevent the sale of prizes conducted into ports of the United States by vessels of the Republic or privateers armed under its authority. As to this question the Secretary of State informed the President—

"That the twenty-fifth article of the British treaty having explicitly forbidden the arming of [French] privateers, and the selling of their prizes in the ports of the United States, the Secretary of the Treasury prepared, as a matter of course, circular letters to the collectors to conform to the restriction contained in that [article of the British treaty] as the law of the land. This was the more necessary as formerly the collectors were instructed to admit to an entry and sale the prizes brought into our ports by the French."

The Secretary also wrote our minister in London that orders had been given to prevent the sale of prizes brought into United States ports by French privateers, "conformably with the twenty-fifth article" of the Jay treaty. So we had finally and openly transferred any exclusive rights of France under the treaty of commerce to her bitter enemy, Great Britain.

But we had another obligation towards our former ally, that of guarantying her West India Islands.

Long prior to this, Jefferson, while in Paris, had told the British minister there, during a discussion as to the effect of the treaties of 1778 in case of war between France and Great Britain, and told him "frankly and without hesitation," that the dispositions of the United States would then be neutral, and that this would be to the interest of both powers, because it would relieve both from all anxiety as to feeding their West India Islands; that England, too, by suffering us to remain so, would avoid a heavy land war on our continent, which might very much cripple her proceedings elsewhere; that our treaty [with France], indeed, obliged us to receive into our ports the armed vessels of France, with their prizes, and to refuse admission to the prizes made on her by her enemies; that there was a clause also by which we guarantied to France her American possessions, and which might perhaps force us into the war if these were attacked. "Then it will be war," said the minister, "for they will assuredly be attacked."

In 1780 another American minister informed the English secretary of state for foreign affairs "that in a war between Great Britain and the House of Bourbon (a thing which must happen at some time) we [the United States] can give the West India Islands to whom we please, without engaging in the war ourselves, and our conduct must be governed by our interest" (Waite's American State Papers, vol. 10, p. 97); and this in face of a treaty concluded but twelve years before, wherein we pledged ourselves to a guaranty "forever" of the possessions in America of that very House of Bourbon. Early in 1794, Mr. Jefferson, then Secretary of State, said, as to this subject, that he had no doubt we should interpose at the proper time "and declare both to England and France that these islands are to rest with France, and that we will make a common cause with the latter for that object." (Jefferson to Madison, April 3, 1794, Jefferson's Works, vol. 4, p. 103.)

The understanding, therefore, seems to have been clear, yet the West India Islands went to England.

The French spoliations began heedlessly through the mistaken action of subordinates, who confounded Americans with English, because of the identity of race and language. In October, 1793, Mr. Deforgues wrote to Mr. Morris:

"We hope that the Government of the United States will attribute to their true cause the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty in the course of the present war. It must perceive how difficult it is to contain within just limits the indignation of our marines, and, in general, of all the French patriots against a people speaking the same language and having the same habits as the free Americans. The difficulty of distinguishing our allies from our enemies has often been the cause of offenses committed on board your vessels. All that the Administration can do is to order indemnification to those who have suffered and to punish the guilty." (Doc. 102, p. 70.)

Not long, however, could this plaintive response suffice as an excuse for the outrages committed upon our citizens and their property, for, as we have seen by the decrees already cited (and there were many more), the Assembly soon joined in the attack, authorized it, and rendered it governmental.

A single mistaken capture might be forgiven, provided proper compensation were made for injury to the citizen; but, when wholesale seizures were directed by the legislature and thereupon made by the Executive, the matter assumed a much more serious and difficult aspect. To use the words of Mr. Sumner:

"As intelligence of these spoliations reached the United States our whole commerce was fluttered. Merchants hesitated to expose ships and cargoes to such cruel hazards, and thereupon appeared the circular letter of the Secretary of State and the President's proclamation encouraging, by the promise of protection, those injured by the spoliators."

So ended the first phase of this controversy with a nation to whom we were bound by the strongest treaty ties, a nation engaged in war against an apparently overwhelming force and whose enemies used means of attack openly admitted to be contrary to the laws of civilized warfare; in alleged self-defense, it pursued an equally if not more indefensible, course which resulted in severe and unjustifiable loss to our citizens. That this system of seizures or spoliations was forbidden by every principle of civilized warfare was frankly admitted at the time, and later, England, which had pursued a similar course, made ample amends, and Spain, which had countenanced the policy of France and lent her ports in aid of it, did the same.

Nor were we altogether clear of blame. We had not complied, so far as appears, with the stipulations of the treaties of 1778, intended to provide for possible war; we had not protected the West India Islands, and not only had we refrained from acting as the ally of France, but, by the Jay treaty, we had given to her enemy the exclusive port privileges which she most valued, and which were secured to her by the treaty of amity and commerce.

It is not for us to criticise the patriotism and wisdom of the American statesmen of that day, the leading figures of our history, the men who bore the brunt of the fight which brought thirteen struggling colonies through a war with one of the mightiest and bravest nations of Europe to the successful issue which made possible the United States of to-day, with its thirty-eight States, eight Territories, and population of not far from 60,000,000.

Responsible for the welfare and future of a little republic of some two and a half millions of inhabitants, exhausted by seven years' warfare, and environed on this continent by the three great monarchies of Europe; their country poor in finance, weak in population, and an object of jealousy and distrust to every sovereign, these eminent men dealt in a spirit of enlightened patriotism and high courage with the political questions presented to them, according to their best and well-trained judgment, in the light of the information they then had. We now, as a judicial body, treat the facts as they are presented in relation to private rights, and no judgment of ours can properly be held, as it has been argued it would be, to reflect in any manner upon the course pursued by the President, his advisers and subordinates in the anxious period between 1789 and 1800. Upon their diplomatic foresight and ability no decision of ours can cast a shadow, and it must be clearly understood that we deal only with those private rights which may possibly have been invaded in the pursuit of a policy aiming at the life and prosperity of the nation.

The French complained of our course during the war then progressing, while we complained of spoliation and maltreatment of our vessels at sea, losses by the embargo at Bordeaux, non-payment of drafts drawn by the colonial administration, seizures of cargoes of vessels, non-performance of contracts by Government agents, condemnation of vessels and their cargoes in violation of the treaties of 1778, and captures under the decree of 1793. (1 Foreign Relations, p. 748 *et seq.*)

Pinckney was ordered out to replace Monroe under particular instructions to "look into" the claims of our citizens (*ibid.*, 742), but before he arrived the decree of October 31, 1796, was made public, which prohibited the importation of manufactured articles, whether of English make or English commerce (6 Garden, 117), and Pinckney upon his arrival was not recognized or received, but ordered to leave France, as that government would receive no minister from the United States "until after a reparation of the grievances demanded of the American Government, and which the French Republic had a right to expect." (1 Foreign Relations, p. 746.)

The strained relations between the two countries can not be better illustrated than by an extract from the speech of the president of the directory made to Monroe in the presence of the diplomatic corps, when the latter, on the 30th December, 1796, took his official leave. Upon that occasion the president said:

"By presenting this day to the executive directory your letters of recall you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to its ancient tyrants. The French Republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous friendship of the French people with the crafty caresses of perfidious men who meditate to bring them again under their former yoke. Assure the good people of America, Mr. Minister, that, like them, we adore lib-

erty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace as well as to cause its sovereignty to be respected." (1 Foreign Relations, 747.)

The speech, as President Adams said, discloses sentiments—

"More alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government. * * * Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest." (Foreign Relations, page 40.)

The President added that, having no diplomatic representative in France, he had no means of obtaining official information, but believing that a decree had been passed contravening in part the commercial treaty of 1778, he laid a copy of that instrument before the Congress, stating that it was his "indispensable duty to recommend to [their] consideration effectual measures of defense." Congress were, however, peacefully inclined, although before adjourning they passed the law providing passports for American vessels. (1 Stat. L., 489.)

PINCKNEY MISSION.

Soon after the adjournment (June 22) Pinckney, Marshall, and Gerry were commissioned envoys to France for the purpose of endeavoring to renew relations with that country.

Jefferson, then Vice-President, immediately wrote Gerry:

"That peace is undoubtedly at present the first object of our nation. Interest and honor are also national considerations. But interest duly weighed, is in favor of peace, even at the expense of spoliations, past and future, and honor can not now be an object. The insults and injuries committed on us by both the belligerent parties from the beginning of 1793 to this day, and still continuing, can not be wiped off by engaging in war with one of them. Our countrymen have divided themselves by such strong affections to the French and the English that nothing will secure us internally but a divorce from both nations." (Jefferson's Works, volume 4, page 187.)

The tone and intent of the instructions to these envoys may be understood from one paragraph in Mr. Pickering's letter to them (Doc. 102, p. 464, July 15, 1797):

"Finally, the great object of the Government being to do justice to France and her citizens, if in anything we have injured them; to obtain justice for the multiplied injuries they have committed against us, and to preserve peace; your style and manner of proceeding will be such as shall most directly tend to secure these objects."

The envoys had hardly reached Paris when another decree was aimed against our suffering merchants which prohibited every vessel that had entered an English port from being admitted into any port of the French Republic, and handed over to condemnation every vessel laden in whole or in part with merchandise coming out of England or her possessions. (Doc. 102, p. 483.) The American ministers protested, saying that the decree attacked the interests and independence of neutral powers; that it took from them the profits of an honest and lawful industry, as well as an inestimable privilege of conducting their own affairs as their judgment might direct, and added that acquiescence in it would establish a precedent for national degradation which would authorize any measures power might be disposed to practice. (Doc. 102, p. 483, *et seq.*)

France leaned to dictation, not negotiation. With Bonaparte successful in Italy and Talleyrand at the head of foreign affairs, she was in a far from conciliatory temper. The result was that without ever being received officially, the envoys returned, not, however, before Talleyrand had, as a set-off to their demands, presented the counter-claims of France. (2 Foreign Relations, 190.)

During this mission occurred the notorious X. Y. Z. episode when demands were made upon the ministers by individuals, veiled in the dispatches under these mysterious letters, for a large sum of money as a *douceur* to the directory, and an additional and much larger amount, as a loan to France. Talleyrand later, and over his own signature, proposed a loan, omitting reference to the *douceur*, and in the same note complained of the Jay treaty as a principal grievance. The dispatches containing an account of the X. Y. Z. episode coming back from the United States in print, Gerry, the only envoy then remaining, left Paris on the 26th July, 1798. (Treaties and Conventions, Bancroft Davis, pp. 997-8.)

The return of the mission created an effect at home very inimical to France; the President said he would never send another minister without assurances that he would be received, respected, and honored as "the representative of a great, free, powerful, and independent nation," (2 Foreign Relations, page 199); but before this (June 21, 1798), Congress had passed the act "to more effectually protect the commerce and coasts of the United States" (May 18, 1798, 1 Stat. L., 561), the act suspending commercial relations with France (June 13, 1798), and various other laws of similar import, which will be considered hereafter in connection with another branch of this case.

Washington was put in command of the Army as Lieutenant-General and Commander-in-Chief, and in accepting said (Annals, 5 Cong., 622):

"The conduct of the directory of France towards our country; their insidious hostility to its Government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the law of nations; their war upon our defenseless commerce; their treatment of our ministers of peace; and their demands amounting to tribute, could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed."

ELLSWORTH MISSION.

This state of affairs could not long continue. Talleyrand, appreciating the dangers of the situation, soon opened indirect communication with the United States, and, on the 28th September, said that our plenipotentiary, if sent, would be "received with the respect due to the representative of a free, independent, and powerful nation." (Foreign Relations, 2, p. 212.) This was an exact compliance with the President's condition precedent, and thereupon Oliver Ellsworth, Chief-Justice of the United States; William R. Davie, late governor of North Carolina (Patrick Henry declining to serve); and William Vans Murray, minister resident at the Hague, were commissioned envoys extraordinary and ministers plenipotentiary "to discuss and settle by a treaty all controversies between the United States and France." (2 Foreign Relations, p. 243.) This mission, appointed in March, 1799, closed its labors by the treaty signed September 30, 1800.

Arriving in France they found the Directory no longer in existence, but treated with Napoleon, then become First Consul. Ministers were appointed to meet them, and on the 7th April, 1800, powers were exchanged and negotiations began. (Doc. 102, p. 579.)

The Americans were instructed to inform the French ministers at the opening that we expected, "as an indispensable condition of the treaty," a stipulation to make our citizens "full compensation for all losses and damage which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents;" other points were urged upon them, but for the purpose of this case it is necessary only to note that they were to obtain a claims commission, to refuse recognition of the treaties of 1778, to refuse a guaranty, to refuse any aid or loan, and to make no engagement contrary to the Jay treaty. (2 Foreign Relations, p. 305.)

The Secretary of State said in his instructions:

"Instead of relief, instead of justice, instead of indemnity for past wrongs, our very moderate demands have been immediately followed by new aggressions and more extended depredations, while our ministers, seeking redress and reconciliation, have been refused a reception, treated with indignities, and finally driven from its territories. This conduct * * * would well have justified an immediate declaration of war, but * * * the United States contented themselves with preparations for defense, and measures calculated to protect their commerce."

At the close of his instruction the Secretary sets out certain points to be considered as ultimata, of which the following only is now important:

"1. That there be established a board to determine the claims of our citizens, which France should bind herself to pay."

VALIDITY OF CLAIMS AGAINST FRANCE.

Having carried the history of the claims down to this point let us look back upon it and see what rights we had at that time as against France, laying aside for the moment certain defenses set up by the defendants, such as the existence of war, and the abrogation of old treaties. Apart from these points, which have been urged upon us with great ability by the learned counsel for the Government, were the claims at the opening of the negotiations in 1800 valid international obligations against France?

That nation had seized upon the high seas neutral vessels laden with neutral cargo. In the case at bar, for example, the American schooner Sally, owned by citizens of the United States, commanded by a citizen of the United States, duly registered under the laws of the United States, bound from Massachusetts to Spain, laden with cargo belonging to American citizens, was seized upon the high seas, taken into a French port, condemned, and confiscated for the benefit of the privateer which seized her; and all this, not upon the ground that she had violated the law of nations, but because she had violated the French regulations "concerning the navigation of neutrals." It seems hardly necessary to discuss the proposition that such a proceeding was unwarranted; the French themselves admitted it in their decrees and correspondence; the Russian Czar, in ordering his admiral to pursue a similar course, said it was not "strictly conformable to the natural laws of war." England paid for damages thus committed, as did Spain, which had countenanced the acts of French consuls in condemning American vessels brought into Spanish ports. (Treaty of 1819.)

Senator Livingston in the Twenty-first Congress (first session) said in the report made by him:

"The committee does not recollect that the justice of the claims has ever been denied. * * * To deny [it] would be an assertion of a right on the part of France to indiscriminate plunder of neutral property. * * * But the justice of the claims was not denied, and the necessity of providing indemnity was expressly acknowledged."

This is true as a matter of pure international law; how much more true is it in the face of a treaty which guarantied the protection to our vessels (Article VI) of French ships of war; which made free ships free goods (Article XXIII); which prohibited opening hatches or disturbing packages when the vessel had a passport (Articles XII and XIII); which directed the commanders of French ships to do no "injury or damage" to vessels of the United States (Article XV), and which contained other provisions insuring an exceptional amount of protection to our commerce and guardianship of our commercial rights?

Mr. Jefferson thought this class of claims valid when he issued his circular of August, 1793, assuring the mercantile community that due attention would be paid to these injuries and proper proceedings adopted for their relief. The President thought them valid when later in the same year he wrote to Congress that due measures would be taken to "obtain redress of the past and more effective provisions against the future." Pickering thought them valid when he made their settlement an ultimatum, and the French Government thought them worthy of consideration when they proposed a commission to decide upon them, coupled with the counter proposition that the United States indemnify American creditors then existing, or to be created through the agency of this commission, by way of a loan to France, which that country was to be pledged to repay. (Doc. 102, p. 467.)

STATE OF WAR.

The defendants contend that the seizures were justified, as war existed between this country and France during the period in question; and, as we could have no claim against France for seizure of private property in time of war, the claimants could have no resulting claim against their own Government; that is, the claims, being invalid, could not form a subject of set-off as it is urged these claims did in the second article of the treaty of 1800. It therefore becomes of great importance to determine whether there was a state of war between the two countries.

It is urged that the political and judicial departments of each Government recognized the other as an enemy; that battles were fought and blood shed on the high seas; that property was captured by each from the other and condemned as prize; that diplomatic and consular intercourse was suspended, and that prisoners had been taken by each Government from the other and "held for exchange, punishment, or retaliation, according to the laws and usages of war." While these statements may be in substance admitted and constitute very strong evidence of the existence of war, still they are not conclusive, and the facts, even if they existed to the extent claimed, may not be inconsistent with a state of reprisals straining the relations of the states to their utmost tension, daily threatening hostilities of a more serious nature, but still short of that war which abrogates treaties, and after the conclusion of which the parties must, as between themselves, begin international life anew.

The French issued decree after decree against our peaceful commerce, but on the ground of military necessity incident to the war with Great Britain and her allies; they refused to receive our minister, but in that refusal, insolent though it was, there is nothing to show that war was intended, and the mere refusal to receive a minister does not in itself constitute a ground for hostilities.

The Attorney-General, Mr. Lee, in August, 1798, very strongly sustained the defendants' position, for he wrote the Secretary of State that there existed with France "not only an actual maritime war," but "a maritime war authorized by both nations;" that consequently France was an enemy, to aid and assist whom would be treason on the part of a citizen of the United States; but we can not agree that this extreme position was authorized by the facts or the law.

Congress enacted the various statutes hereinafter referred to in detail, and when one of them, the act providing an additional armament, was passed in the House, Edward Livingston, who opposed it, said:

"Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case."

Those were times of great excitement; between danger of international contest and the heat of internal partisan conflict statesmen could not look at the situation with the calmness possessed by their successors, and those successors, with some exceptions, to be sure, regarded the relations between the countries as not amounting to war.

The question has been carefully examined by authorized and competent officers of the political department of the Government, and we may turn to their statements as expository of the views of that branch upon the subject.

In 1827 Senator Holmes reported that there had been a "partial war," but no

"such actual open war as would absolve us from treaty stipulations. * * * It was never understood here that this was such a war as would annul a treaty." (Nineteenth Congress, second session, Senate Report, February 8, 1827, p. 8.)

Mr. Giles, reporting to the House of Representatives as early as 1802, called it a "partial state of hostility" between the United States and France.

Mr. Chambers reported to the Senate in 1828 that—

"The relations which existed between the two nations in the interval between the passage of the several acts of Congress before referred to and the convention of 1800 were very peculiar, but in the opinion of your committee can not be considered as placing the two nations in the attitude of a war which would destroy the obligations of previously existing treaties."

Mr. Livingstone reported to the Senate in 1830 that—

"This was not a case of war, and the stipulations which reconciled the two nations was not a treaty of peace; it was a convention for the putting an end to certain differences. * * * Nowhere is the slightest expression on either side that a state of war existed, which would exonerate either party from the obligations of making those indemnities to the other. * * * The convention which was the result of these negotiations is not only in its form different from a treaty of peace, but it contains stipulations which would be disgraceful to our country on the supposition that it terminated a state of war. * * * Neither party considered then they were in a state of war." (Rep. 4, 445.)

Mr. Everett made a statement in the House of Representatives on the 21st February, 1835, in which he said:

"The extreme violence of the measures of the French Government and the accumulated injuries heaped upon our citizens would have amply justified the Government of the United States in a recourse to war; but peaceful remedies and measures of defense were preferred; [and, after referring to the acts of Congress, he adds]: These vigorous acts of defense and preparation, evincing that, if necessary, the United States were determined to proceed still further and go to war for the protection of their citizens, had the happy effect of precluding a resort to that extreme measure of redress."

Finally, Mr. Sumner considered the acts of Congress as "vigorous measures," putting the country "in an attitude of defense;" and that the "painful condition of things, though naturally causing great anxiety, did not constitute war." (Thirty-eighth Congress, first session, Rep. Com. No. 41, 1864.)

The judiciary also had occasion to consider the situation, and the learned counsel for defendants cites us to the opinion of Mr. Justice Moore delivered in the case of Bass against Tingy (4 Dallas, 37), wherein the facts were as follows: Tingy, commander of the public armed ship the Ganges, had libelled the American ship Eliza, Bass, master, setting forth that she had been taken on the high seas by a French privateer the 31st March, 1799, and retaken by him late in the following April, wherefore salvage was claimed and allowed below. Upon appeal the judgment was affirmed. Each of the four justices present delivered an opinion.

Justice Moore, answering the contention that the word "enemy" could not be applied to the French, says:

"How can the character of the parties engaged in hostility or war be otherwise described than by the denomination of enemies? It is for the honor and dignity of both nations, therefore, they should be called enemies; for it is by that description alone that either could justify or excuse the scene of bloodshed, depredation, and confiscation which has unhappily occurred, and surely Congress could only employ the language of the act of June 13, 1798, towards a nation whom she considered as an enemy."

Justice Washington considers the very point now in dispute, saying (p. 40):

"The decision of the question must depend upon * * * whether, at the time of passing the act of Congress of the 2d of March, 1799, there subsisted a state of war between two nations. It may, I believe, be safely laid down that every contention by force between two nations in external matters under the authority of their respective Governments is not only war, but public war. If it be decreed in form it is called solemn and is of the perfect kind, because one whole nation is at war with another whole nation, and all the members of the nation declaring war are authorized to commit hostilities against the members of the other in every place and under every circumstance.

"In such a war all the members act under a general authority, and all the rights and consequences of war attach to their condition. But hostilities may subsist between two nations more confined in its nature and extent, being limited as to places, persons, and things, and this is more properly termed imperfect war, because not solemn, and because those who are authorized to commit hostilities act under special authority and can go no further than to the extent of their commission. Still, however, it is public war, because it is an external contention by force between some of the members of the two nations, authorized by the legitimate powers. It is a war between the two nations, though all the members are not authorized to commit hostilities such as in a solemn war where the Government restrain the general power."

Applying this rule he held that "an American and French armed vessel, combating on the high seas, were enemies," but added that France was not styled "an enemy" in the statutes, because "the degree of hostility meant to be carried on was sufficiently described without declaring war or declaring that we were at war. Such a declaration by Congress might have constituted a perfect state of war, which was not intended by the Government."

Justice Chase, who had tried the case below, said:

"It is a limited, partial war. Congress has not declared war in general terms, but Congress has authorized hostilities on the high seas by certain persons in certain cases. There is no authority given to commit hostilities on land, to capture unarmed French vessels, nor even to capture French armed vessels in a French port, and the authority is not given indiscriminately to every citizen of America against every citizen of France, but only to citizens appointed by commissions or exposed to immediate outrage and violence. * * * If Congress had chosen to declare a general war, France would have been a general enemy; having chosen to wage a partial war, France was * * * only a partial enemy."

Justice Patterson concurred, holding that the United States and France were "in a qualified state of hostility"—war "*quoad hoc*." As far as Congress tolerated and authorized it, so far might we proceed in hostile operations, and the word "enemy" proceeds the full length of this qualified war, and no further.

The Supreme Court, therefore, held the state of affairs now under discussion to constitute partial warfare, limited by the acts of Congress.

The instructions to Ellsworth, Davie, and Murray, dated October 22, 1799, did not recognize a state of war as existing, or as having existed, for they said the conduct of France would have justified an immediate declaration of war, but the United States, desirous of maintaining peace, contented themselves "with preparations for defense and measures calculated to defend their commerce." (Doc. 102, p. 561). Yet all the measures relied upon as evidence of existing war had taken effect prior to the date of these instructions. So the ministers, in a communication to the French authorities, said, as to the acts of Congress, "which the hard alternative of abandoning their commerce to ruin imposed," that "far from contemplating a co-operation with the enemies of the Republic [they] did not even authorize reprisals upon her merchantmen, but were restricted simply to the giving of safety to their own, till a moment should arrive when their sufferings could be heard and redressed." (Doc. 102, p. 583.)

France did not consider that war existed, for her minister said that the suspensions of his functions was not to be regarded as a rupture between the countries, "but as a mark of just discontent" (15 November, 1796, 1 Foreign Relations, 533), while J. Bonaparte and his colleagues termed it a "transient misunderstanding" (Doc. 102, p. 590), a state of "misunderstanding" which had existed "through the acts of some agents rather than by the will of the respective "Governments," and which had not been a state of war, at least on the side of France (*ibid.*, p. 616).

The opinion of Congress at the time is best gleaned from the laws which it passed. The important statute in this connection is that of May 28, 1798 (1 Stat. L., p. 561), entitled "An act more effectually to protect the commerce and coasts of the United States." Certainly there was nothing aggressive or warlike in this title.

The act recites that, whereas French armed vessels have committed depredations on American commerce in violation of the law of nations and treaties between the United States and France, the President is authorized—not to declare war, but to direct naval commanders to bring into our ports, to be proceeded against according to the law of nations, any such vessels "which shall have committed, or which shall be found hovering on the coasts of the United States for the purpose of committing depredations on the vessels belonging to the citizens thereof; and also to retake any ship or vessel of any citizen or citizens of the United States which may have been captured by any such armed vessel."

This law contains no declaration or threat of war; it is distinctly an act to protect our coasts and commerce. It says that our vessels may arrest a vessel raiding or intending to raid upon that commerce, and that such vessel shall not be either held by executive authority or confiscated, but turned over to the admiralty courts—recognized international tribunals—for trial, not according to municipal statutes, as was being done in France, but according to the law of nations. Such a statute hardly seems necessary, for if it extended at all the police powers of naval commanders upon the high seas it was in the very slightest degree, and it is highly improbable that then or now, with or without specific statutory or other authority, an American naval commander would in fact allow a vessel rightfully flying the flag of the United States to be seized on the high seas or near our coasts by the cruiser of another government. But if the act did enlarge the power of such officers, and give to them authority not theretofore possessed, it tied them down to specified action in regard to specified vessels.

They might seize armed vessels only, and only those armed vessels which had already committed depredations, or those which were on our coast for the purpose of committing depredations, and they might retake an American vessel captured by such an armed vessel. This statute is a fair illustration of the class of laws enacted at this time; they directed suspension of commercial relations until the end of the next session of Congress, not indefinitely (June 13, 1798, *ibid.*, sec. 4 p. 556); they gave power to the President to apprehend the subjects of hostile nations whenever he should make "public proclamation" of war (July 6, 1798, *ibid.*, p. 577), and no such proclamation was made; they gave him authority to instruct our armed vessels to seize French "armed," not merchant, vessels (July 9, 1798, *ibid.*, p. 578), together with contingent authority to augment the Army in case war should break out, or in case of imminent danger of invasion (March 2, 1799, *ibid.*, p. 725). Within a few months after this last act of Congress the Ellsworth mission was on its way to France to begin the negotiations which resulted in the treaty of 1800, and even the act abrogating the treaties of 1778 does not speak of war as existing, but of "the system of predatory violence * * * hostile to the rights of a free and independent nation." (July 7, 1798, *ibid.*, p. 578.)

If war existed why authorize our armed vessels to seize French armed vessels? War itself gave that right, as well as the right to seize merchantmen, which the statutes did not permit. If war existed why empower the President to apprehend foreign enemies? War itself placed that duty upon him as a necessary and inherent incident of military command. Why, if there was war, should a suspension of commercial intercourse be authorized, for what more complete suspension of that intercourse could there be than the very fact of war; and why, if war did exist, should the President so late as March, 1799, be empowered to increase the Army upon one of two conditions, namely, that war should break out or invasion be imminent—that is, if war should break out in the future or invasion become imminent in the future?

Upon these acts of Congress alone it seems difficult to found a state of war up to March, 1799, while in February, 1800, we find a statute suspending enlistments, unless, during the recess of Congress, "war should break out with France." This is proof positive that Congress did not then consider war as existing, and in fact Ellsworth, Davie, and Murray were at the time hard at work in Paris. In May following the President was instructed to suspend action under the act providing for military organization, although the treaty was not concluded until the following September.

This legislation shows that war was imminent; that protection of our commerce was ordered, but distinctly shows that, in the opinion of the legislature, war did not in fact exist.

Wheaton draws a distinction between two classes of war, saying:

"A perfect war is where one whole nation is at war with another nation, and all the members of both nations are authorized to commit hostilities against all the members of the other, in every case, and under every circumstance permitted by the general laws of war. An imperfect war is limited as to places, persons, and things [to which the editor adds:] Such were the limited hostilities authorized by the United States against France in 1798." (Lawrence Wheaton, p. 518).

There was no declaration of war; the tribunals of each country were open to the other—an impossibility were war in progress; diplomatic and commercial intercourse were admittedly suspended; but during many years there was no intercourse between England and Mexico, which were not at war; there was retaliation and reprisal, but such retaliations and reprisals have often occurred between nations at peace; there was a near approach to war, but at no time was one of the nations turned into an enemy of the other in such manner that every citizen of the one became the enemy of every citizen of the other; finally, there was not that kind of war which abrogated treaties and wiped out, at least temporarily, all pending rights and contracts, individual and national.

In cases like this "the judicial is bound to follow the action of the political department of the Government, and is concluded by it" (Phillips *vs.* Phillips, 92 U. S., 130); and we do not find an act of Congress or the Executive between the years 1793 and 1801 which recognizes an existing state of solemn war, although we find statutory provisions authorizing a certain course "in the event of a declaration of war," or "whenever there shall be a declared war," or during the existing "differences." One act provides for an increase of the Army "in case war shall break out," while another restrains this increase "unless war shall break out" (1 Stat. L., pp. 558, 577, 725, 759; see also acts of February 10, 1800, and May 14, 1800).

We have already referred to the instructions of the Executive, which show that branch of the Government in thorough accord with the legislative on this subject, and the negotiations of our representatives hereinafter referred to were marked by the same views, while the treaty itself—a treaty of amity and commerce of limited duration—is strong proof that what were called "differences" did not amount to war. We are therefore of opinion that no such war existed as operated to abrogate treaties, to suspend private rights, or to authorize indiscriminate seizures and condemnations; that, in short, there was no public general war, but limited war in its nature similar to a prolonged series of reprisals.

NEGOTIATION OF THE TREATY OF 1800.

The general effect and purpose of the treaty of 1800 can be clearly gleaned from the negotiations preceding its signiture, which will next be considered.

The treaties of 1778 provided that French men-of-war should protect our vessels and citizens (treaty of commerce, article 6); that our merchantmen having

passports and certificates showing their cargoes not to be contraband should not have their hatches opened, their packages disturbed, or the "smallest parcels of goods" removed (articles 12 and 13); that a French man-of-war meeting an American merchantman should remain out of cannon shot, and send on board not more than three men, when, should the merchantman have a passport, he might proceed (article 27); freedom of trade was secured and contraband defined.

Soon after the French revolution the series of attacks upon our commerce began, at first veiled under the excuse of mistake, then of a necessary self-defense, coupled with promise of compensation, and finally open and undisguised. First it was said that the seizures were accidental, as the two English-speaking nations could not be distinguished by the French sailors. Soon after all neutral vessels laden with provisions and bound to an enemy's port were ordered seized as a war measure, but compensation was promised; and it was then that the President and Secretary of State, having already issued the proclamation of neutrality, which greatly incensed France, voluntarily promised protection and redress to citizens of the United States thus injured by our former ally.

At this point, therefore, we have on both sides an admission of the validity of claims arising from the spoliations—the President, in the proclamation and circular letter, the French, in their decrees, as well as in a letter to the Secretary of State (March 27, 1794), in which the French minister wrote that "if any of your merchants have suffered any injury by the conduct of our privateers * * * they may with confidence address themselves to the French Government." (Doc. 102, p. 264.) Nearly four months later the French commissioner of foreign relations informed our minister that there should not be a doubt of the disposition of the convention and Government to "make good the losses which circumstances inseparable from a great revolution may have caused some American navigators to experience." (July 5, 1794; *ibid.*, p. 77.) Then came Genet's dismissal; Jay was sent to England, and Monroe, succeeding Morris, seemed to have progressed so successfully that Washington announced to Congress (February 20, 1795) "that these claims are in a train of being discussed with candor, and amicably adjusted." (Waite's American State Papers, vol. 3, p. 402.)

The Jay treaty entirely changed the situation; France violently remonstrated, treated Monroe with insult, refused to receive Pinckney, threw off the last restraints upon its cruisers and privateers, and its colonial agents joined with so much vigor in the illegal attack upon a peaceful neutral commerce, that "American vessels no longer entered the French ports unless carried in by force." (Doc. 102, pp. 434, 435.)

Just complaint was not, however, confined to one side, for we had failed in performance of obligations imposed upon us by the treaties of 1778. We had undertaken a guaranty of French possessions in America and pledged ourselves that "in case of a rupture between France and England the reciprocal guaranty * * * shall have its full force and effect the moment such war shall break out." (Article 12, treaty of alliance.) This guaranty was to endure "forever." It was contended by us that the *casus fœderis* could never occur except in a defensive war. As Secretary Pickering said:

"The nature of this obligation is understood to be that when a war really and truly defensive exists the engaging nation is bound to furnish an effectual and adequate defense in co-operation with the power attacked." (Doc. 102, p. 457, Pickering to Pinckney *et al.*, July 15, 1797.)

Whether the treaty so limited the obligation, or whether France in her struggle with the allied powers was waging a defensive war, is not now important. France certainly believed herself entitled to demand our aid, and understood the *casus fœderis* to have occurred.

At the opening of the war France possessed the fertile islands of St. Domingo, Martinique, Guadeloupe, St. Lucia, St. Vincent, Tobago, Deseada, Mariegalante, St. Pierre, Miquelon, and Grenada, with a colony on the main land at Cayenne, and "in little more than a month the French were entirely dispossessed of their West India possessions, with hardly any loss to the victorious nation." (Alison's History, vol 3, p. 396.)

The French colonists urged us to intervene, but the French Government thought it wiser for us not then to embark in the war, as it might diminish their supplies from America; they would, however, they said, leave us to act according to our wishes, looking to us meantime for financial aid. (1 Foreign Relations, p. 688.) This was not a renunciation of the guaranty, nor was it so regarded here.

A study of the correspondence shows that these provisions of the two treaties, especially the guaranty, constantly hampered our ministers, and Jefferson said he had no doubt "we should interpose at the proper time" (Jefferson's Works, vol. 43 p. 102), while the French Government dwelt upon the "inexecution of the treaties" (1 Foreign Relations, p. 658) said "they had much cause of complaint against us" (*ibid.*, p. 731), and finally refused to receive Pinckney "until after a reparation of grievances," while their minister here demanded "in the name of American honor, in the name of the faith of the treaties, the execution of that contract which assured to the United States their existence and which France regarded as the pledge of the most sacred union between two people the freest upon earth." (1 Foreign Affairs, pp. 579 *et seq.*)

The claims of France, national in their nature, were thus set up again against the claims of the United States, individual in their inception, but made national by their presentation through the diplomatic department of the Government.

It is not for us to say whether the claims of France had any validity in international law, because for the purpose of this case it need only be observed that they were urged in diplomacy with every apparent belief that the French position was tenable. Whether valid or not, they were an efficient arm of defense against our contentions, and were so used with ability, skill, and success. In fact there is a recognition of apparent justness in these demands found in the instructions to the Pinckney mission, who were directed, while urging our claims, to propose a substitute for the mutual guaranty "or some modification of it," as "instead of troops or ships of war" "to stipulate for a moderate sum of money or quantity of provisions" to be delivered in any future defensive war "not exceeding $200,000 a year during any such war" (2 Foreign Relations, p. 155), and Talleyrand on the other side told Mr. Gerry (June 15) that the Republic desired to be restored to the rights which the treaties conferred upon it, and through these means to assure the rights of the United States. "You claim indemnities," he said, we "equally demand them, and this disposition being as sincere on the part of the United States as it is on its, [the Republic] will speedily remove all the difficulties." (Doc. 102, p. 529.)

Such was the situation when the Ellsworth mission arrived in France.

The instructions to this legation directed them as an "indispensable condition" to obtain full compensation for all losses and damages sustained by citizens of the United States from irregular or illegal captures or condemnations.

The French representatives did not dispute the validity of the claims, but stood upon the treaties of 1778. To their opening propositions the American envoys received a courteous response, which, however, put a new phase upon the negotiation, and placed them in a most embarrassing position. Bonaparte and his colleagues said in substance (6 May, 1800, Doc. 102, p. 590): The discharge of damages between the two nations resulting from the "transient misunderstanding" can be "considered only as a consequence of the interpretation" given by mutual consent to the treaties. They agreed "upon the expediency of compensation," and suggested that the discussion had become confined to two points, the principles which ought to govern the political and commercial relations of the two countries and the most suitable form for liquidating and discharging the indemnities due.

The examination of principles should come first in order, they said, for "indemnification can only result from an avowed violation of an acknowledged obligation," and an "agreement upon principles can alone assure peace and maintain friendship." The French ministers then, alluding to the treaties, referred to the second article of the draught submitted by the Americans, which provided that the commission suggested should decide claims "conformably to justice and the law of nations, and in all cases of complaint prior to the 7th of July 1798, they should pronounce agreeably to the treaties and consular convention then existing between France and the United States."

Now, this second article of the draft applied only to claims of citizens of each country, while July 7, 1798, was the date of the act of Congress annulling the treaties; but the French ministers ignoring this said that they saw no reasons for the distinction, as the treaties and convention are "the only foundations of the negotiations;" that from them arose the misunderstanding, and upon them "union and friendship should be established;" and they thus significantly concluded, "when the undersigned hastened to acknowledge the principle of compensation, it was in order to give an unequivocal evidence of the fidelity of the French Government to its ancient engagements, every pecuniary stipulation appearing to it expedient as a consequence of ancient treaties, and not as the preliminary of a new one." So the French were planted squarely on the treaties which the Americans were forbidden to consider as existing after July, 1798.

Two days later our ministers explained their position (*ibid.*, 592), and nine days later wrote to the Secretary of State (*ibid.*, 607) that their success was still doubtful, as the "French think it hard to indemnify for violating engagements unless they can thereby be restored to the benefits of them." Soon followed a conference between the plenipotentiaries, when the negotiations were brought to a halt, as no further progress could be had until other "powers" or "instructions," for the two words seem to have been used synonymously, were received from the first consul.

The French ministers had frequently mentioned the insuperable repugnance of their Government to surrender the claim to priority assured to it in the "commercial treaty of 1778," urging:

"The equivalent alleged to be accorded by France for this stipulation, the meritorious ground on which they generally represented the treaty stood, denying strenuously the power of the American Government to annul the treaties by a simple legislative act; and always concluding that it was perfectly incompatible with the honor and dignity of France to assent to the extinction of a right in favor of an enemy, and as much so to appear to acquiesce in the establishment of that right in favor of Great Britain. The priority with respect to the right of asylum for privateers and prizes was the only point in the old treaty on which they had anxiously insisted, and which they agreed could not be as well provided for by a new stipulation." (Doc. 102, p. 608.)

The American envoys (July 23, 1800), in answer to the French arguments, reducing to writing the substance of two conferences, said (Doc. 102, p. 612):

"As to the proposition of placing France, with respect to an asylum for privateers and prizes, upon the footing of equality with Great Britain, it was remarked that the right which had accrued to Great Britain in that respect was that of an asylum for her own privateers and prizes, to the exclusion of her enemies, wherefore it was physically impossible that her enemies should at the same time have a similar right. With regard to the observation that by the terms of the British treaty the rights of France were reserved, and therefore the rights of Great Britain existed with such limitation as would admit of both nations being placed on a footing which should be equal, it was observed by the envoys of the United States that the saving in the British treaty was only of the rights of France resulting from her then existing treaty, and that that treaty having ceased to exist the saving necessarily ceased also, and the rights which before that event were only contingent immediately attached and became operative."

Admission of the continuing force of the old treaties might involve admission of France's national claims, and in any event would put her ministers into a most advantageous position, giving them as consideration, to be surrendered at her pleasure in the new negotiation, what would then be a vested, existing, and acknowledged right to the guaranty, the alliance, and the use of our ports. Placed in this position, France would be without incentive to action. She would start in the discussion of a new treaty with more surrendered to her at the outset than she had hoped to obtain at the conclusion, and all that she afterwards gave up would be by way of generous concession. Whatever the law, whether the treaties were or were not abrogated by the act of Congress or the acts of parties, the American envoys were not permitted to admit the French contention, but were in duty bound to argue that the treaties were without continuing force. They followed this course, saying:

"A treaty being a mutual compact, a palpable violation of it by one party did, by the law of nature and of nations, leave it optional with the other to renounce and declare the same to be no longer obligatory. * * * The remaining party must decide whether there had been such violation on the other part as to justify its renunciation. For a wrong decision it would doubtless be responsible to the injured party, and might give cause for war; but even in such case, its act of public renunciation being an act within its competence would not be a void but a valid act, and other nations whose rights might thereby be beneficially affected would so regard it." (Doc. 102, p. 612.)

After further argument, they added that as it was the opinion of the French ministers that "it did not comport with the honor of France" to admit the American contentions, and at the same time be called upon for compensation, they offered "as their last effort" a proposition which suspended payment of compensation for spoliations "until France could be put into complete possession of the privileges she contended for, and at the same time they offered to give that security which a great pecuniary pledge would amount to for her having the privilege as soon as it could be given with good faith, which might perhaps be in a little more than two years; at any rate within seven." (*Ibid.*, p. 612.)

The French answered (Doc. 102, p. 615) that they still found no reason to consider the treaties of 1778 as broken; the act of 1798, being that of one party, could not destroy, they said, "otherwise than by war and victory," that which was the engagement of two. After some further argument they wrote that they would not push further their observations, as—

"Those which they have repeated suffice to establish the rights of France, and to her the honor of a sacrifice which she would make in renouncing the exclusive right of entry into the ports of America for French privateers accompanied with their prizes." (*Ibid.*, p. 615.)

As to the proposal of a money indemnity for delay they said:

"The proposition of the American ministers offers to the Republic at a distant time the hope of exclusive advantages, and for the present, and perhaps for seven years, an humiliating forfeiture of those rights, and a shameful inferiority with regard to a state [Great Britain] over which she had acquired these privileges by the services she had rendered to America when it made war with such state. When the ministers of France can subscribe to a condition unworthy the French nation the price which they would put upon their humiliation, would it not be the continuance of a subjection, which they consider to be contrary to the interest of the United States? The dependence of her ally can not be for her an indemnity for a national suffering. The French ministers believing it to be their duty to insist with their Government upon the immediate renunciation of a privilege well acquired, it would be contradictory that they should provide for its return at a distant time." (*Ibid.*, pp. 615, 616.)

Some two weeks later the French again insisted that the treaties were not broken by the state of "misunderstanding" which had existed "through the acts of some agents rather than by the will of the respective governments" and which had not been a state of war, at least on the side of France. (*Ibid.*, p. 616.)

Yet, after this opening, the ministers use language in apparent antagonism with the position thus and before advanced that the treaties were still existent; their tone towards the United States is marked by extreme bitterness, but they finish by consenting to an abolition of the treaties and the conclusion of a new one. The alternative proposition is thus put:

"Either the ancient treaties, with the privileges resulting from priority and the stipulation of reciprocal indemnities, or a new treaty, assuring equality without indemnity." (*Ibid.*, p. 618.)

To the first of these proposals our ministers were forbidden to assent, as it involved an admission of the continuing force of the treaties; to the second they could not assent, for their first duty was to obtain indemnity. The time had come when they must go beyond their instructions and assume personal responsibility. (Doc. 102, pp. 619, 620.)

In August, after some delay and apparent friction, the Americans, saying that "while nothing would be more grateful to America than to acquit herself of any just claims of France, nothing could be more vain than an attempt to discourse to her reasons for the rejection of her own," made the following propositions (*ibid.*, pp. 623-625):

"(1) Let it be declared that the former treaties are renewed and confirmed and shall have the same effect as if no misunderstanding between the two powers had intervened, except so far as they are derogated from by the present treaty.

"(2) It shall be optional with either party to pay to the other within seven years 3,000,000 of francs in money or securities which may be issued for indemnities, and thereby to reduce the rights of the other as to privateers and prizes to those of the most favored nation. And during the said term allowed for option the right of both parties shall be limited by the line of the most favored nation."

The third proposition looked to such modification of the mutual guaranty that military stores should be furnished by the one party to the value of 1,000,000 francs to the other when attacked, but either might within the seven years pay the lump sum of 5,000,000 francs to be freed from the obligation. The fifth proposition provided indemnities for individuals, and that "public ships taken on either side [should] be restored or paid for;" and the sixth that all property seized by either party and not yet "definitely condemned" should be restored on reasonable proof of it belonging to the other. So they finally agreed to recognize the existence of the treaties, the right of France to the guaranty and exclusive port privileges, and proposed to pay a lump sum to be free of their obligation in the future, for the propositions on this subject, while on their face mutual, were in effect for the benefit of the United States alone, France much prefering to revert to the *statu quo*.

Later during the negotiations an offer was made by us "to extinguish by an equivalent of 8,000,000 francs certain claims of France under the former treaties" (*ibid.*, pp. 626 and 629); but even after all these concessions there was still no satisfactory promise of a result, although the existence of the treaties had in effect been recognized and "indemnity on either side in substance agreed to." The French now made a counter proposition continuing "the ancient treaties" "as if no misunderstanding had occurred," providing commissioners "to liquidate the respective losses," amending the article as to the use of ports by privateers, which was naturally a capital subject of difference, and providing that if after seven years the seventeenth and twenty-second articles of the treaty of commerce were not re-established no indemnities should be paid, and, further, that the guaranty be converted into a "grant of succor for two millions" redeemable by a capital sum of ten millions. (*Ibid.*, pp. 627, 628.)

The Americans made a counter proposal, renewing their offer of 8,000,000 francs to be paid within seven years in consideration that the United States "be forever exonerated of the obligation, on their part, to furnish succors or aid under the mutual guaranty," and that the rights of the French Republic be forever limited to those of the most favored nation. (*Ibid.*, p. 629.) To this the French tersely answered (*Ibid.*, p. 630):

"We shall have the right to take our prizes into our ports; a commission shall regulate the indemnities owed by either nation to the citizens of the other; the indemnities which shall be due by France to the citizens of the United States shall be paid for by the United States; in return for which France yields the exclusive privileges resulting from the seventeenth and twenty-second articles of the treaty of commerce and "from the rights of the guaranty of the eleventh article of the treaty of alliance."

Matters now again reached a halting point; neither side would yield; France acknowledged her real object to be to avoid payment of indemnity; while the United States, on the other hand, could not assent to her views as to the guaranty and use of ports. In considerable heat the ministers parted. (*Ibid.*, 632, 633.) The next day the Americans made another effort, because, as they wrote in their journal (*ibid.*, p. 634), "being now convinced that the door was perfectly closed against all hope of obtaining indemnities with any modifications of the treaty, it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a temporary arrangement which would extricate the United States from the war or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now pending before the council of prizes, and secure, as far as possible, our commerce against the abuses of capture during the present war;" therefore they proposed (*ibid.*, 635) that as to the treaties and indemnities the question should be left open; that intercourse should be free; then, with suggestions as to property captured and not definitively condemned, and property which might thereafter be captured, they asked an early interview.

The French still insisted that a stipulation of indemnities involved an admission of the force of the treaties (*ibid.*, pp. 935-637), and after argument proposed that the discussion of the indemnities, together with the discussion of article 11 of the treaty of alliance and articles 17 and 22 of the treaty of commerce, be postponed, but with the admission that the two treaties are "acknowledged and confirmed * * * as well as the consular convention of 1788;" that national ships and privateers be treated as those of the most favored nation; that national ships be restored and paid for, and that the "property of individuals not yet tried shall be so according to the treaty of amity and commerce of 1778, in consequence of which a rôle d'équipage shall not be exacted, nor any other proof which this treaty could not exact." So after months of negotiation the French ministers come back flat-footed upon the treaties as still existing, something which our representatives were forbidden by their instructions to admit. Nevertheless this proposal formed the text for discussion, and upon so slight a foundation was built the treaty of 1800.

After prolonged negotiation, and after striking out the word "provisional" in the name or description of the new treaty, the American commissioners signed it, although with great reluctance, "because they were profoundly convinced that, considering the relations of the two countries politically, the nature of our demands, the state of France, and the state of things in Europe, it was [their] duty, and for the honor and interest of the Government and people of the United States, that [they] should agree to the treaty rather than make none." (*Ibid.*, p. 640.)

The vital effect of this negotiation as explanatory of the treaty of 1800, upon which the rights of these claimants are founded, explains the rehearsal of its details during which the so-called ultimatum of our Government was abandoned and the contention of the French Government as to the existence of the treaties was admitted.

Starting under their instructions, events had forced the ministers to offer unlimited recognition of the treaties of 1778, coupled with a pecuniary equivalent to extinguish in the future their most onerous provisions (*ibid.*, 643); even this was not accepted, and the French, returning to their original ground, said that no indemnity could be granted unless the treaties were recognized without qualification as to the future, and this, they said, with the avowed object of avoiding the payment of indemnity. (*Ibid.*) The American ministers had then but two courses open to them, either to quit France, leaving the United States involved in a dangerous contest, or to propose a temporary arrangement, reserving for later adjustment points which could not then be satisfactorily settled. (*Ibid.*, p. 644.) They elected the latter course, and the treaty signed at Paris the 30th day of Septembr, in the year 1800, by Ellsworth, Davie, and Murray, on the one hand, and J. Bonaparte, Fleurieu, and Roederer on the other, became part of the supreme law of the land, and was so proclaimed by the President upon the 21st day of December, 1801.

ASSUMPTION OF THE CLAIMS BY THE UNITED STATES.

But between its signature and proclamation a very important history intervened, one extremely interesting to the claimants at this bar, and which has been the cause of much argument and contention.

The compromise by our ministers, to which they were forced by the position of the French Government, was contained in the second article, which read:

"The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and conventions shall have no operation, and the relations of the two countries shall be regulated as follows."

It is apparent that this article makes the treaty temporary and provisional in its nature. It admits that the existence or non-existence of the treaties of 1778, with the liabilities thereby imposed, is open to discussion, and that the indemnities are not provided for; that is, that the very first of the so-called "ultimata" of Secretary Pickering was temporarily abandoned. The Senate advised and consented to the ratification of the treaty, provided this article be expunged and in its place the following article be inserted:

"It is agreed that the present convention shall be in force for the term of eight years from the time of exchange of ratifications."

Napoleon thereupon consented (July 31, 1801) "to accept, ratify, and confirm" the convention, with an addition importing that it should be in force for the space of eight years, and with the retrenchment of the second article:

"*Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article."

The ratifications were exchanged in Paris July 31, 1801. The treaty, with its addenda, was again submitted to the Senate, and in that form received the approval of that body (December 19, 1801), when it declared that it considered the convention "fully ratified," and returned it to the President for promulgation.

What the respective pretensions were which were the object of the second article does not admit of a shadow of doubt. On the one hand, the alleged continuing existence of the treaties incidentally involving national claims for past acts on our part and more particularly a right to future privileges; on the other hand, indemnity to our citizens for spoliations.

Our claims were good by the law of nations, and we had no need to turn back to the treaties for a foundation upon which to rest our arguments. Not so with France. Her national claims must necessarily rest on treaty provisions, and the future privileges she desired above all else could in no way be so easily or fully secured as by an admission of the continuing force of those instruments. She therefore insisted that for indemnity we must give treaty recognition. This we absolutely refused to do, and upon this rock twice did the negotiations split, only to be renewed by the patience and patriotism of our ministers. After months of weary discussion the parties stood as to this point exactly where they started, and to save their young and struggling country from further contest the American ministers consented to the compromise. Then the Senate struck the compromise out, and France said in effect, "Yes, we agree, if it is understood that we mutually renounce the pretensions which are the object of that article," to which the Senate and the President, by their official action, assented.

So died the treaties of 1778, with all the obligations which they imposed, and with them passed from the field of international contention the claims of American citizens for French spoliation.

In this whole transaction the treaties were urged on the one side against indemnities on the other. Admission of the continuing force of the treaties was the great desire of France to which she subordinated all else, even her national claims; on the other hand, the United States could by no possibility admit such a contention, for to do so would set them instantly at odds with their former enemy. Having given, in 1794, to Great Britain the exclusive port privileges secured to France in 1778, they could not in 1800 again reverse their policy, and, by returning these privileges to France, infringe their agreement with Great Britain.

Yet this was the issue, an issue never retreated from by the French; as they put it, "either the ancient treaties with indemnity [for spoliations] or a new treaty without indemnity." Article 2 of the treaty of 1800 still presents these counter propositions linked together when it postpones the discussion of the treaties, and at the same time postpones the discussion of the indemnities.

When the United States struck out that second article and assented to Napoleon's proviso that by so doing both states renounced the pretensions which were its object (that is, the treaties and these claims), the contract was complete. That there was a "bargain," to use Madison's word, is apparent from the instrument and the negotiations which have been recited as preceding it.

Four years later, Mr. Madison, then Secretary of State, instructed Mr. Pinckney, minister in Spain, that "the claims from which France were released were admitted by France, and the release was for a valuable consideration in a correspondent release of the United States from certain claims on them. The claims we make on Spain were never admitted by France nor made on France by the United States. They made, therefore, no part of the bargain with her, and could not be included in the release."

The counsel for defendants contends that Mr. Madison referred in this letter to "national" claims on the part of the United States for national injury, in the destruction of commerce, the increased cost of the Army and Navy, and the insult to the flag. It should be noted, in answer to this position, that the claims against Spain then under discussion, were exactly these claims now at bar, except that Spain was the party defendant instead of France. As against France captures made by French privateers under French decrees were taken into French ports and there condemned. As against Spain captures made by French privateers under French decrees were taken into Spanish ports and there condemned by French consuls under the authority and protection of Spain. Spain plead that these claims were settled by the second article of the treaty of 1800, and it was in answer to this plea that Mr. Madison wrote his letter.

The subject-matter of the instruction to Pinckney was these claims and nothing else, for we were not urging "national" claims on Spain, but the claims subsequently described in the Spanish treaty as those "on account of prizes made by French privateers and condemned by French consuls, within the territory and jurisdiction of Spain." (Treaty of 1819, Article IX.) These claims were finally recognized, and paid through the Florida purchase. (*Ibid.*, Art. XI; see also treaty of 1802.)

But the negotiations of the Ellsworth mission are conclusive that the claims were not "national" in the sense of governmental as opposed to individual. It is unnecessary to repeat extracts from the correspondence already given, and we need only refer to the project submitted by our ministers, the 18th of April

1800, which describes the claims as those "of divers merchants and other citizens of the United States" (Doc. 102, pp. 585–589), thus following their instructions, which called them "claims of our citizens." (*Ibid.*, p. 575.)

Mr. Pickering, Secretary of State under the first two Presidents, and who, above all others, was familiar with the situation and with the rights of the parties, said that we bartered "the just claims of our merchants" to obtain a relinquishment of the French demand, and that—

"It would seem that the merchants have an equitable claim for indemnity from the United States. * * * The relinquishment by our Government having been made in consideration that the French Government relinquished its demand for a renewal of the old treaties, then it seems clear that, as our Government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed." (Mr. Clayton's speech, 1846.)

Mr. Madison, as we have seen, said to Spain that the claims were admitted by France, and were released "for a valuable consideration," and he termed the transaction a "bargain."

Mr. Clay, in the Meade case, in which his opinion was given in 1821, five years prior to his report upon French spoliations, said that while a country might not be bound to go to war in support of the rights of its citizens, and while a treaty extinction of those rights is probably binding, it appears—

"That the rule of equity furnished by our Constitution, and which provides that private property shall not be taken for public use without just compensation, applies and entitles the injured citizen to consider his own country a substitute for the foreign power."

In this conclusion Chief-Justice Marshall strongly concurred, saying to Mr. Preston that—

"Having been connected with the events of the period and conversant with the circumstances under which the claims arose, he was, from his own knowledge, satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations." (Clayton's speech, 1846.)

And he repeated to Mr. Leigh distinctly and positively "that the United States ought to make payment of these claims."

This view of the distinguished jurist and diplomatist is sustained by forty-five reports favorable to these claims, made in the Congress, against which stand but three adverse reports, all of which were made prior to the publication of the correspondence by Mr. Clay in 1826. Besides Marshall, Madison, Pickering, and Clay, the validity of the claims has been recognized by Clinton, Edward Livingston, Everett, Webster, Cushing, Choate, Sumner, and many other of the most distinguished statesmen known to American history, and while opponents have not been wanting, among the most eminent of whom were Forsyth, Calhoun, Polk, Pierce, Silas Wright, and Benton, still the vast weight of authority in the political division of the Government has been strenuous in favor of the contention made here by the claimants.

The judiciary has seldom occasion to deal with the abstract right of the citizen against his Government; for in a case raising such a question the individual is without remedy other than that granted by the legislature. The question of right, therefore, is usually passed upon by the political branch of the Government, leaving to the courts the power only to construe the amount and nature of the remedy given. Still judicial authority is not wanting in support of the position that by the agreement with France the United States became liable over to their individual citizens. Lord Truro laid down in the House of Lords as admitted law—

"That if the subject of a country is spoliated by a foreign Government he is entitled to redress through the means of his own Government. But if from weakness, timidity, or any other cause on the part of his own Government no redress is obtained from the foreign one, then he has a claim against his own country." (De Bode *vs.* The Queen 3 Clarke's House of Lords, p. 464.)

The same position is sustained by that eminent writer upon the public law, Vattel, who held that while the sovereign may dispose of either the person or the property of a subject by treaty with a foreign power, still, "as it is for the public advantage that he thus disposes of them, the State is bound to indemnify the citizens who are sufferers by the transaction." (Book 4, chap. 2.)

Napoleon, from his retirement in St. Helena, testified that by the suppression of the second article of the treaty of 1800 the privileges which France had possessed by the treaty of 1778 were ended, and the "just claims which America might have made for injuries done in time of peace" were annulled, adding that this was exactly what he had proposed to himself in fixing these two points "as equi-ponderating each other." (Gourgaud, Memoirs, vol. 2, p. 129.)

Finally, Senator Livingston, familiar with the whole subject as a contemporary, in his report upon it to the Senate, said:

"The committee think it sufficiently shown that the claim for indemnities was surrendered as an equivalent for the discharge of the United States from its heavy national obligations, and for the damages that were due for their preceding nonperformance of them. If so, can there be a doubt, independent of the constitutional provision, that the sufferers are entitled to indemnity? Under that provision, is not this right converted into one that we are under the most solemn obligations to satisfy? To lessen the public expenditure is a great legislative duty; to lessen it at the expense of justice, public faith, and constitutional right would be a crime. Conceiving that all these require that relief should be granted to the petitioners, they beg leave to bring in a bill for that purpose."

The word "national" has been largely used in argument in allusion to the different kinds of claims at different periods brought into the discussion, and is a convenient word if clearly understood in the connection in which it is used. All claims are "national" in the sense of the *jus gentium*, for no nation deals as to questions of tort with an alien individual; the rights of that individual are against his Government, and not until that Government has undertaken to urge his claim—not until that Government has approved it as at least *prima facie* valid—does it become a matter of international contention; then, by adoption, it is the claim of the nation, and as such only is it regarded by the other country.

The name of the individual claimant may be used as a convenient designation of the particular discussion, but as between the nations it is never his individual claim, but the claim of his Government founded upon injury to its citizen. Nations negotiate and settle with nations; individuals have relations only with their own governments. Other claims, sometimes the subject of argument, rest upon injury to the State as a whole; of these an apt illustration is found in the so-called "indirect" claims against Great Britain, disposed of in the arbitration of 1872, and in the claims advanced by France for injury caused by noncompliance with the treaties of 1778.

Thus, while all claims urged by one nation upon another are, technically speaking, "national," it is convenient to use colloquially the words "national" and "individual" as distinguishing claims founded upon injury to the whole people from those founded upon injury to particular citizens. Using the words in this sense, it appears that in the negotiations prior to the treaty of 1800, and in effect in the instrument itself, national claims were advanced by France against individual claims advanced by the United States. France urged that she had been wronged as a nation; we urged that our citizens' rights had been invaded. If "national" claims had been used against "national" claims, and the one class had been set off against the other in the compromise, of course the agreement would have been final in every way, as the surrender and the consideration therefor would have been national, and no rights between the individual and his own Government could have complicated the matter.

But in the negotiation of 1800 we used "individual" claims against "national" claims, and the set-off was of French national claims against American individual claims. That any government has the right to do this, as it has the right to refuse war in protection of a wronged citizen, or to take other action which, at the expense of the individual, is most beneficial to the whole people, is too clear for discussion. Nevertheless, the citizen whose property is thus sacrificed for the safety and welfare of his country has his claim against that country; he has a right to compensation, which exists even if no remedy in the courts or elsewhere is given him. A right often exists where there is no remedy, and a most frequent illustration of this is found in the relation of the subject to his sovereign, the citizen to his government.

It seems to us that this "bargain" (again using Madison's word), by which the present peace and quiet of the United States, as well as their future prosperity and greatness, were largely secured, and which was brought about by the sacrifice of the interests of individual citizens, falls within the intent and meaning of the Constitution, which prohibits the taking of private property for public use without just compensation. We do not say that for all purposes these claims were "property" in the ordinarily-accepted and in the legal sense of the word; but they were rights which had value, a value inchoate, to be sure, and entirely dependent upon adoption and enforcement by the Government, but an actual money value capable of ascertainment the moment the Government had adopted them and promised to enforce them, as it did in August, 1793, and constantly thereafter. That the use to which the claims were put was a public use can not admit of a doubt, for it solved the problem of strained relations with France and forever put out of existence the treaties of 1778, which formed an insuperable obstacle to our advance in paths of peace to the achievement of commercial greatness.

TREATY OF 1803.

The defendants urge further that the treaty of 1803 finally disposed of all pretensions of citizens of the United States in regard to these spoliations.

One of the principal objects of this treaty is found in the instructions to Mr. Livingston, our minister, wherein the Secretary of State directed his particular attention to claims embraced in the fourth article of the treaty of 1800, describing them as arising from: "(1) Cases of capture wherein no judicial proceedings have been had; (2) cases carried before French tribunals, and not definitively decided on the 30th September, 1800; (3) captures made subsequent to that date." (Madison to Livingston, September 28, 1801, Doc. 102, p. 701.)

Accordingly Mr. Livingston, in January following, complained to the French Government of infractions of the existing treaty (of 1800) in relation to "vessels taken after its signature," "vessels previously taken where no judicial proceedings had been had," "vessels on which no definitive sentence had been given before that day," or which were removable to the council of prizes; these are fourth-article claims embraced in the *modus vivendi* therein provided. Claims for vessels which were to have been restored are clearly not claims which had matured prior to September 30, 1800, when the treaty was signed. (*Ibid.*, p. 704.)

In the next month (February 24, 1802) Mr. Livingston speaks of the differences as "debts," about which he must transmit to his Government a statement of the measures about to be adopted by France, "with a view either to afford it the satisfaction that it will always feel in contributing to the interests of France * * * or of putting a stop to credits that must be ruinous to its citizens already suffering under heavy losses sustained by the detention of a considerable capital in the hands of the French Government." (*Ibid.*, 708.) It is thus apparent that these claims, in the view of the negotiator, rested substantially on contract, and it is further apparent from the text of the note that these contracts were for supplies to the French fleets and armies.

This is the first subject of negotiation; the second is as to the council of prizes, about which there were "daily complaints of their entire disregard of the treaty," so much so that when a vessel was ordered restored it was sent back in a damaged state and charged with cost of "detention, storage, etc." Fourth-article claims these, as we have already seen.

Livingston later (April 17, 1802), in discussing the fifth and second articles of the treaty of 1800, says:

"The fifth article expressly stipulates that all debts due by either Government to the individuals of the other shall be paid, but as this would also have included the indemnities for captures and condemnations previously made, and it was the intention of the contracting parties, by the second article, to preclude this payment as depending on a future negotiation, it was necessary to except from this promise of payment all that made the subject of the second article. * * * On its [the second article] being erased, the fifth article stands alone as a promise to pay, with the single exception of indemnities for captures and condemnations." (*Ibid.*, 717.)

And he adds that so far as relates to indemnities for captures and condemnations which had been made previous to the signature of the treaty his demands could not be supported.

It seems hardly necessary to quote further from the correspondence, which shows that Mr. Livingston not only never had in mind, but expressly excluded second-article claims, directing his attention first to debts, "confirmed by treaty," as he says (*ibid.*, 729), and second, to vessels seized during or after the negotiation of the treaty of 1800; that is, claims "confirmed," to use his word, by that treaty's fourth and fifth articles.

The distinction between different classes of claims then existing between the United States and France must be clearly marked out before the treaty of 1803 can be properly understood. The second article of the treaty of 1800 covered claims for illegal seizures and condemnations which were tied to the treaties of 1778. But all the illegal captures were not covered by that second article, for the fourth article treated of others; that is, of "property captured, and not yet definitely condemned, or which may be captured before the exchange of ratifications;" and this property, it was agreed, should be restored; that is, while the negotiations of the Ellsworth mission were proceeding the French decrees remained in force and spoliations had not stopped; the cases of some seized American vessels were then pending before the French tribunals, and these were the ones to be restored if not "definitely condemned" by the time the treaty became a law; others might be seized pending the discussion and before exchange of ratifications, in fact such seizures were made, and these also were to be restored.

Additional proof that this fourth article was in effect a mere *modus vivendi* is found in its concluding paragraph, which provides that it shall take effect from the date of signature, not from the exchange of ratifications, and that if any property should be condemned—that is, condemned in the future—before knowledge of the stipulation "shall be obtained, the property shall without delay be restored or paid for."

Now, the property covered by this article, to wit, that then before the tribunals, or which might thereafter come before the tribunals before the new treaty took effect, never was restored or paid for, although spoliations continued for some time. It is important here to note the distinction between the position as against the French Government, of cases pending during the negotiation or which might thereafter arise, and that now before this court wherein the condemnation had occurred before.

This case and those like it were "claims to indemnity" merely; the property had disappeared and could not be restored, the French tribunals had definitively acted and payment for it would be made only upon admission by the United States of the continuing force of the ancient treaties; while, as to then pending cases the property could be restored, or in case of mistaken sale its value could be easily and immediately ascertained, and the fourth article absolutely promised restoration of payment.

The agreement of 1803 is contained in three instruments forming the contract by which we acquired Louisiana; they give no rights to these claimants, as is

popularly supposed; on the contrary, it is contended by the Government that any rights which ever existed were destroyed by them. The third treaty providing for the payment of "sums due by France to the citizens of the United States" is the only one bearing upon these cases.

Article I provides that these "sums" called "debts" contracted before September 30, 1800 (the date of the prior treaty), shall be paid, with interest.

Article II describes the debts as those set forth in an annexed conjectural note, which is a list of claims allowed by the French accounting officers for such articles as rice, flour, salt, beef, cloth, leather, cotton, and indigo, wines and spirits; while Article IV limits the preceding articles to debts still due American citizens yet creditors of France "for supplies, for embargoes, and prizes made at sea in which the appeal has been properly lodged within the time mentioned in the convention" of 1800. But there is no such time mentioned in that convention, nor is there a word in it looking to any appeal whatever from decisions of inferior tribunals; the only provision about prizes in that treaty is that contained in its fourth article, directing that in the future they be restored.

Proceeding now to Article V of this somewhat mysterious instrument of 1803, we find another limitation upon the preceding articles, to wit, that they shall cover only captures wherein the council of prizes has ordered restitution if the claim was valid against France, and then only in case of "insufficiency of the captors," *i. e.*, that the privateer's bond was not good. Further, it shall apply to debts mentioned in the fifth article of the treaty of 1800; that is, "debts" (not claims for damage by tort) due by one nation to citizens of the other, and this fifth article of 1800 expressly bars claims for captures or confiscations, while the fifth article of 1803 expressly does not comprehend "prizes whose condemnation has been or shall be confirmed." Therefore, by these series of limitations, the scope of the treaty of 1803 is confined on its face, and so far as the cases at bar are interested in it, "to captures, of which the council of prizes shall have ordered restitution," provided the claim was a valid one, and the captor insufficient. Really, there does not seem to be very much left of it, so far as "embargoes and prizes made at sea" (Article IV) are concerned.

The significant fact is stated to us by counsel in this connection that there were presented to the commission formed under the treaty of 1831, which we shall soon have occasion to examine, claims for four vessels, the Dominick Terry, the Nancy, the Nathaniel, and the Traveller, taken between September 30, 1800, and July 31, 1801, and not paid for. These claims were rejected because the vessels were captured before July 31, 1801, the date when ratifications of the treaty of 1800 were exchanged. Further, the report of the board under the treaty of 1803 shows that only eight captures at sea were allowed, a ridiculously small number if the class of claims now at bar were within the jurisdiction of that tribunal.

That the settlement and payment of "debts," not of claims for tort, was the primary object of the treaty of 1803 is explained in its preamble and is apparent from its text, while the treaty of 1800 dealt with torts and indemnities for wrongs committed upon our commerce. The claim for debts was not sacrificed by the treaty of 1800, but kept alive by the fifth article, which, in further proof of the abandonment of claims for tort, explicitly excepted from the benefits of its provisions all "indemnities claimed on account of captures and confiscations." But these "debts contracted by one of the two nations with individuals of the other" were not paid as the treaty of 1800 promised, nor, as Mr. Livingston said to the French Government in 1802, was there the most "distant hope of their payment." (Doc. 102, p. 714.)

The association of the second and fifth articles of the treaty of 1800 in the preamble of the treaty of 1803 has been deemed significant as showing an intention to revive and settle the second-article claims now commonly known as "spoliation" claims, whereas the allusion was intended to reaffirm the exclusion of these claims already made by the second article; for the fifth article (1800) includes "debts" which are to be settled and expressly excludes "indemnities;" that is, excludes the subject-matter of the second article, which was not to be settled; so that France, being desirous in 1803, as the preamble says, "in compliance with the second and fifth articles of the convention of 1800 to secure the payment of the sums due by France to the citizens of the United States," covenanted to pay "debts," not indemnity for torts other than those specified, and which had been turned into debts by the fourth article of the treaty of 1800.

To put it in another form: as the original second article had ceased to exist, and was replaced by a provision that the treaty should last eight years, of course a reference to this new second article in the treaty of 1803 would have been absurd; so we must conclude that the negotiators referred to the original second article, the article which had been expunged by agreement. That article, so far as claims of citizens were concerned, referred to torts and nothing else; the fifth article referred to "debts," and provided that payment should be made therefor; and then went on to make an express exclusion from its benefits of claims for captures and confiscations, that is, claims arising from torts which were covered by the second article as it then stood. What more natural than that, in rehearsing the objects of the treaty of 1803, the two articles should be brought together in the preamble, the fifth article as embracing the debts due and the second article as covering the express exception made in the fifth article, which "includes debts contracted," and excludes "indemnities claimed on account of captures and confiscations?" The language of the preamble is, therefore, in compliance with the second as well as with the fifth articles of the treaty of 1800.

We are of opinion that the treaty of 1803 had no reference to the claims embraced in the second article of the treaty of 1800.

CREW LIST.

Turning to the particular case now on trial we consider it with the principle admitted that the claims popularly known as "French spoliation claims" were, as a class, and if embraced in the description of the second article of the treaty of 1800, valid claims against France, which were surrendered by our Government for the valuable consideration found in a release from the obligations of the treaties of 1778, and that, by this action, the Government of the United States assumed the liabilities of France in regard to them, and is in duty bound to recompense the individuals who suffered loss by the illegal captures and condemnations.

The findings show that the schooner Sally, owned by Americans, commanded by an American, and laden with an American cargo, while on a commercial voyage from Massachusetts to Spain, was, on the 5th day of June, 1797, seized by the French privateer Intrépide, taken to the port of Nantes, there condemned by a French tribunal, and "confiscated" for the benefit of the privateer. It was not alleged that she had violated the law of nations, either by attempting a blockade or by carrying contraband, or in any other manner, but that she had violated a local French municipal regulation "concerning the navigation of neutrals." It appears upon the face of the decree that the Government of France, through laws passed by its own legislature, valid within its territorial jurisdiction and upon its own ships, but not elsewhere, attempted to regulate the conduct of neutral merchantmen upon the high seas, where they were subject only to the laws of their own country and that law of abstract right and justice which by mutual consent has become crystallized into the law of nations.

To learn wherein the schooner violated the French decree we must turn to the findings, which rehearse the judgment of the tribunal, as follows:

"That while the master may be correct in the sum total of his clearance papers he is flagrantly at fault as to his crew-list," and "considering that the obligation common to the French nation and to the United States, and which constitutes the safety of their respective navigation, is defined by the treaty of February 6, 1778, which decides, articles 25 and 27, that every captain who receives a passport must be provided with a list, signed and attested by witnesses, containing the names and surnames and place of birth and residence of the persons composing the crew of his ship and of all persons embarking upon her, which he will not receive without the knowledge and permission of the naval officers.

"Considering that the memorandum or crew-list fulfills none of these formalities, inasmuch as it is unsigned, that the places of birth and residence of the men composing the crew are not declared, and the permission of the naval officer is not given; considering that article 6 of section 7 of the marine regulations of 1781 declares to be lawful prize the cargoes of confiscated ships," and "considering finally that article 4 of the decree of the executive directory of the 12th Ventose, year 5, is clear and precise, and that it declares to be a good and lawful prize every American ship which shall not have a crew-list in due form such as is described by the model annexed to the treaty of February 6, 1778," therefore the court, in conformity with these laws, and especially with article 4 of the said decree, declared valid the capture of the Sally and her cargo, and declared the captain to belong to "the enemies of the republic" because he did not have a crew-list in conformity with the French decree.

The vessel and cargo were confiscated because the crew-list, the "*rôle d'équipage*," was not in form, although there is not a word or sentence, as the French afterwards admitted (Doc. 102, p. 637), in the treaties of 1778 requiring any such document. The French decree required it, but we can not admit that the government of a foreign country may stretch its arm over the ocean, and, seizing an American vessel, direct it as to the papers it shall carry, under penalty of confiscation. There is no allegation in the proceeding that the Sally did not have all the papers, other than this crew-list, required by the treaty of 1778 and the laws of the United States. In fact, the court itself admits this in saying that the captain is correct "in the sum total of his clearance papers, * * * but flagrantly in fault as to his crew-list." How flagrantly at fault? He had complied with the laws of his country, he had not violated a provision of the treaties of 1778, and it is not hinted that he infringed the law of nations or intended to do so.

The confiscation rests upon the decree of March 2, 1797, authorizing the seizure and condemnation of every American vessel not having on board "a *rôle d'équipage*, in proper form, such as is prescribed by the model annexed to the treaty of the 6th of February, 1778." A "*rôle d'équipage*" is for all practical purposes a "crew-list," although technically, under French regulations, it contains the names of all on board, including the passengers. Still "crew-list" is a sufficient translation for the purposes of this case.

The treaty of 1778 required vessels of each party to be furnished with a passport and a certificate as to her cargo and destination, but no mention whatever is made of a crew-list. Seizures on account of the lack of this instrument were, however, made even before the decree of March, 1797, and our consul-general, in calling attention to this fact, said to the minister of foreign affairs (February 23, 1797, *ibid.*, p. 155):

"By no regulations of the United States are our ships subjected to this formality; and not one of our vessels has (*rôle d'équipage*) a crew-list thus countersigned. Moreover, in the different treaties and conventions that connect France with America there is not found a single article sufficient to justify the doctrine set forth by the privateer. * * * I consider it unnecessary for me to communicate on this subject the right and supreme law of nations, being persuaded that you will think with me that every free and independent nation should possess the exclusive right to establish regulations for the management of their own navigation; and that no nation possesses the right to subject the citizens of another power to formalities to be observed in a foreign country not exacted by the laws of said country or by to those to which said citizens belong. * * * The principle which the captain [of the privateer] desires to see established would lead to the condemnation of all the ships belonging to my nation actually found in the different ports of France, under the faith of treaties, and to authorize the cruisers of the Republic to capture all our merchantmen."

Mr. Pinckney afterwards (May 15, 1797, *ibid.*, p. 171) writes:

"Our papers are, as they ought to be, according to the maritime laws of our country."

And again (June 28, 1797, *ibid.*, p. 176):

"Mr. Adet [the French minister] arrived at Havre in an American ship without a *rôle d'équipage*. The Courrier Maritime du Havre * * * infers that Mr. Adet must have been convinced, with all other publicists, that a *rôle d'équipage* was not necessary, and that all that was requisite was a passport conformable to the model annexed to the treaty of 1778."

Mr. Pickering, then Secretary of State, wrote the next year (December 13, 1798, *ibid.*, p. 429):

"There is no shadow of foundation for the claims set up by the French Government of the necessity of our vessels being provided with a *rôle d'équipage*."

In default of express treaty provision no Government can prescribe to our merchantmen navigating the high seas, the detailed form and number of the papers they are to carry, nor seize or confiscate those merchantmen for noncompliance with that nation's municipal statutes. The seizure of this vessel, and of others under like conditions, was clearly illegal and unjustifiable.

PRIZE COURTS.

The defendants say, further, the condemnation can not be illegal because made by a prize court having jurisdiction, and the decisions of such courts are final and binding. This proposition is of course admitted so far as the *res* is concerned; the decision of the court, as to that, is undoubtedly final, and vests good title in the purchaser at the sale; not so as to the diplomatic claim, for that claim has its very foundation in the judicial decision, and its validity depends upon the justice of the court's proceedings and conclusion. It is an elementary doctrine of diplomacy that the citizen must exhaust his remedy in the local courts before he can fall back upon his Government for diplomatic redress; he must then present such a case as will authorize that Government to urge that there has been a failure of justice.

The diplomatic claim, therefore, is based not so much upon the original wrong upon which the court decided, as upon the action and conclusion of the court itself, and, diplomatically speaking, there is no claim until the courts have decided. That decision, then, is not only not final, but, on the contrary, is the beginning, the very corner-stone, of the international controversy. This leads us naturally to another point made by the defense, in that the claimant did not "exhaust his remedy" because he did not prosecute an appeal. We, of course, admit that usually there is no foundation for diplomatic action until a case cognizable by the local courts is prosecuted to that of last resort; but this doctrine involves the admission that there are courts freely open to the claimant, and that he is unhampered in the protection of his rights therein, including his right of appeal. It is within the knowledge of every casual reader of the history of the time that no such condition of affairs, in fact, then existed.

The very valuable report of Mr. Broadhead shows that prior to March 27, 1800, there was no appeal except to the department of the Loire-Inférieure, and in the then existing state of bad feeling and modified hostilities, and under the surrounding circumstances, this was to the captains of the seized vessels, in most if not in all cases, a physical impossibility. Nor prior to the agreement of 1800 was there any practical reason for appealing to a court when the result, as our seamen believed, whether rightly or not, but still honestly, was a foregone conclusion, and while negotiations were progressing for a settlement; nor is there anything in these negotiations showing that a technical exhaustion of legal remedy would be required. We are of opinion that the claimant was not, under these purely exceptional circumstances, obliged to prosecute his case through the highest court, even if he could have done so, which we doubt.

TREATIES OF 1819 AND 1831.

This court is forbidden by the act conferring jurisdiction not only to examine claims embraced in the treaty of 1803, which we have considered, but also those allowed and paid in whole or in part under the treaty of 1819 with Spain and those allowed in whole or in part under the treaty of 1831 with France.

The reference heretofore made in this opinion to the Spanish treaty is sufficient to show its inapplicability to vessels seized on the high seas by a French privateer, taken to a French port and there illegally condemned and confiscated; so that treaty may be thrown out of the consideration of this case.

The treaty of 1831 is a claims treaty, by which the French Government, "in order to liberate itself completely from all the reclamations preferred against citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property," agreed to pay 25,000,000 francs to the United States for distribution (Article I), while the United States on their part agreed to pay to France for claims, described in language somewhat similar, the sum of 1,500,000 francs (Article III). As to other claims each country opened its courts to the citizens of the other, and finally France abandoned its demands under the eighth article of the Louisiana treaty in return for a reduction of duties upon French wines.

The wording of this treaty is broad enough at first glance to sustain the defendants' contention that these claims are included in it; but treaties and statutes, like every other document, must be read in the light of the facts as they existed at the time. A treaty now made with Great Britain providing a settlement of "all claims" could not be held to reopen the proceedings of the Geneva arbitration and to authorize payment of claims there dismissed, for the award was final, both as to what was allowed and as to what was refused. Nor could a similar general convention with France permit an opening of the proceedings of the Franco-American Commission with possible payment of claims there refused and declared forever barred.

Such treaties look not to dead issues, but to living, pending claims, forming at the time a subject of contention between the Governments, and not to those universally regarded as finally settled. Claims of the class of the one at bar had been disposed of in 1801, when the President and Senate concurred in Napoleon's stipulation as to the second article, and since that time, although they had been constantly pressed upon the United States as an obligation of that Government to its citizens, they nowhere appear as a subject of discussion between the nations. France, by the treaty of 1831, desired to liberate itself from claims "preferred against it" by citizens of the United States, but these spoliation claims were not then being preferred against it; on the contrary, since 1801 the claimants had turned their attention exclusively to the United States, recognizing the force and effect of what was called the "retrenchment of the second article." The French Government clearly understood this treaty of 1831 as excluding all American claims of every description originating prior to the treaties of 1803. (Ex. Doc., 22d Cong., 2d sess., No. 147, p. 165.)

Our commissioners who distributed the fund also so understood it, and required every claimant to show that his "claim remained unimpaired and in full force against France" in 1831. (Ex. Doc. H. R., Twenty-fourth Congress, first session, No. 117, p. 4.) But these spoliation claims had not only been impaired but destroyed as a French obligation by the treaty of 1800. One hundred and five cases of captures made prior to September 30, 1800, were presented to the board and rejected.

A broad distinction is made in the remedial statute (January 20, 1885), between the claims described in these different treaties of 1803, 1819, and 1831. As to the treaty of 1803 the act does not extend to claims "embraced" in its provisions; as to the treaty of 1819 the act does not extend to claims "allowed and paid in whole or in part" under its provisions; as to the treaty of 1831 the act does not extend to claims "allowed in whole or in part" under its provisions. It is not contended that this claim was "allowed in whole or in part" under the provisions of the treaty of 1831.

ABROGATION OF TREATIES OF 1778.

We have not considered the point that the treaties of 1778 were abrogated by the act of Congress passed in 1798. That question, which the ablest minds of the period were unable to solve, and which proved an ever present and enduring obstacle to all negotiation until forcibly removed by Napoleon, with our concurrence, we fortunately are not forced to deal with. The rights of this claimant rest upon no convention, but are founded upon international law. Treaty or no treaty, a foreign nation can not be permitted to confiscate an American merchantman engaged in legitimate commerce upon the high seas because his crew-list does not fulfill the requirements of that nation's local ordinances.

That the act of Congress was binding within the jurisdiction of the United States and was necessarily to be so regarded by our courts does not now admit of question. The treaties were, however, not only part of the supreme law of the land wherein they were replaced, within the jurisdiction of the Constitution, by a later supreme law, to wit, a statute; but they were also, as between the two republics, contracts, which one of the parties attempted to annul. Treaties containing no clause fixing their duration are, under certain circumstances, voidable at the option of one party; whether there existed in 1798 such circumstances as authorized and made valid an abrogation of the treaties of 1778 by the United States was the very question left unsettled by the treaty of 1800, the one question upon which by no possibility apparently could the parties agree.

For the same reason we find it unnecessary to examine how far the French violated the agreement by their treaty of 1786 with Great Britain (15 Martens Recueil de Traités, 2d edition, vol. 4, p. 155), or the effect, by way of abrogation of these agreements, of the Jay treaty, or the change in the form of government in France.

TITLE.

Some argument has been made as to the ownership of this claim, based upon the provision of the statute that the court shall determine "the present ownership, and if by assignee, the date of the assignment, with the consideration paid therefor." (Sec. 3.)

Whatever may have been the intention of Congress in inserting this provision, its terms are perfectly clear; the findings of fact show in this case that the claimant is the administrator with the will annexed of the owner of the Sally, and show all other facts necessary to a decision upon the subject, except as to one of the defendant's points; as to this we can not agree that Congress intended this court to perform what is in effect a physical impossibility and to throw upon us the task of probate courts in the investigation of the rights of thousands of descendants and devisees of the original claimants, who are now scattered, in all human probability, to the four quarters of the globe. To ask this court to go back to the year 1800 and follow from that time down the succession of every then existing claimant is to ask us to do that which under our jurisdiction and powers would be an impossibility.

A much more reasonable interpretation of the act appears upon its face, and applying that interpretation to this case we have found that the claimant, as administrator of the owner of the schooner Sally, is the owner of the claim. We consider it no part of our duty under the statute to place ourselves in the position of a court of probate and report to Congress the manner in which any ultimate recovery should under the laws of the thirty-eight States and eight Territories of this Union be distributed among the numerous next of kin or devisees of the original claimants and their descendants. The administrators are officers of those probate courts subject to their jurisdiction and control, and presumably have filed adequate bonds for the honest and proper performance of the trust reposed in them.

Congress asks us for two facts: First, the present ownership. The owner, both in law and equity, the Supreme Court has said, is the administrator (Villelonga's case, 23 Wal., p. 35), and that suffices for this particular case. Secondly, Congress asks, where there has been an assignment, not only the name of the present owner, but the date of the assignment and the consideration paid therefor. Of course these facts will be reported when such a case is presented.

So we reach the end of this opinion as unlike the usual judicial expression in its form and supporting authorities as are the cases before us unlike those ordinarily submitted to a tribunal of the law. We are, however, for the moment invested with some of the powers and jurisdiction belonging to the political branch of the Government, and upon us is imposed an examination not usually or naturally committed to a judicial body. We have been required not to investigate legal rights, based upon the doctrines and principles of the common law, but to inquire into and to report upon the ethical rights of a citizen against his Government; rights which are never enforceable except by the consent of the sovereign—in this country the legislature—as whose substitute we act to the limited extent prescribed and marked out by the remedial statute.

The result which we have reached is supported by resolutions passed in each of the thirteen original States, by twenty-four reports made to the Senate by its committees, by over twenty similar reports made to the House of Representatives, by the fact that while three adverse reports have been made, one to the Senate and two to the House, no adverse report has been made in either body since the publication of the correspondence in 1826, and by the further facts that the Senate has passed eight bills in favor of these claimants, and the House has passed three of these, of which one is the present law, the other two having been vetoed, one by President Polk, substantially upon grounds not at this time important; the other by President Pierce for reasons which we have considered very fully in this opinion, and with which, after the most careful and painstaking consideration, we can not agree.

The arguments of counsel for claimant, marked as they were by ability, industry, and a frank desire for a just ascertainment of the rights involved, have been of great assistance to us; while the learned assistant attorney for the United States has presented the defense with a zeal and force of argument which we do not find in the history of the long discussions it has heretofore received.

The Chief-Justice and all the judges concur in this opinion, and we shall, in accordance with the statute, report to Congress the conclusions of fact and law in this claim, together with a copy of this opinion, which contains (using the words of the statute) the conclusions which, in our judgment, affect the liability of the United States therefor.

No. 505.—George Holbrook, administrator *de bonis non*, estate of Edward Holbrook, deceased, *vs.* The United States.

Nos. 249 and 252.—Charles Francis Adams, administrator *de bonis non*, estate of Peter C. Brooks, deceased, *vs.* The United States.

Davis, J., delivered the opinion of the court.

The defendants demur generally in these cases upon the ground that the petitions do not state facts sufficient to constitute a cause of action, and they also move to strike out certain evidence as inadmissible. The argument, which was very general in its nature, has proceeded upon the understanding that the details of each case are to be considered at a later stage of the proceedings. It is unusual for general principles to be presented in a particular case when the case itself is not to abide the result reached by the court, yet, in view of the novelty of these claims, their age, their number, the peculiar jurisdiction conferred by the remedial statute, and in view of the importance to counsel of some light from the court in aid of the novel responsibilities cast upon them, we think it our duty to somewhat overstep the usual forms of judicial procedure in support of substantial right and justice.

Three cases are presented together—one on behalf of the owners of the schooner Delight, the other two on behalf of the insurer of the vessel and cargo.

The demurrer applies to all of these. Taking the petition of the owner's administrator as a model upon which to discuss the general question of form, we find it alleges the Delight to have been a duly registered vessel of the United States; that the claimant is, and his intestate was, a citizen of the United States; that the schooner sailed from Boston for Saint Bartholomew's, and during the prosecution of her voyage was "illegally captured on or about the 19th day of July, 1799, by a French privateer called the Courageuse," and, with her cargo, condemned as prize at Guadeloupe by a French tribunal, in violation of the law of nations and the treaties between the United States and France.

In considering the demurrer to this petition it must be remembered that we are not here to enter judgment under this act, but to advise Congress; to report to that body our conclusions of fact and law. In performance of this duty we do not feel authorized to throw a case out of court because of some technical defect in form not going to the merits, and which may be remedied without injury to the defendants.

It is urged that the use of the word "illegally" before the word "captured" is bad pleading, as involving a conclusion of law. This point may be passed with the observation that in our opinion the word is at most mere surplusage. The averment that the vessel was seized by a French privateer during a commercial voyage, at a date when, as we have heretofore held, this nation was at peace with France, and that she was afterwards condemned, is sufficient allegation of illegality in the capture.

We are not quite so clear about the averment of place of seizure, which it is urged should affirmatively appear as upon the high seas, and at this early stage do not think it advisable to announce any opinion as to the presumption contended for by the claimants that a vessel prosecuting a voyage across the ocean, and seized during that voyage, is seized upon the high seas.

Should future argument show this point to be important, the claimant will have leave to amend in accordance with the facts developed. We conclude the petition to be sufficient in form, and the argument made for the defense as to the validity of claims of this class against France and their assumption by the United States having been fully considered in the case of William Gray, administrator, decided after the argument of the case at bar, we overrule the demurrer upon these points.

There remain to be considered in this connection the position and rights of insurers. One of the petitions alleges that Brooks, as agent of underwriters, insured the Delight against loss "from dangers of the sea, fires, enemies, pirates, assailing thieves, restraints, and detainments of all kings, princes, and people of what nation and quality soever, barratry of the master, and of the mariner and all other losses and misfortunes that have or shall come" to the vessel, and alleges further that insurance was paid after capture, that said Brooks repaid to each underwriter the amount underwritten by him, receiving in return an assignment of all the interest of such underwriter.

The other important allegations, such as those concerning ownership and condemnation, are substantially the same as in the owner's petition.

The only interest the Government appears to have in a question of this kind is that there shall not be a double payment or an overpayment on account of any one loss, so that in effect we have but to solve the rights of the owners and insurers as between themselves, which are determined by principles of insurance law already well settled by the courts.

Insurance is a contract whose object is indemnity, for which the consideration received by the insurer is twofold: first, his premium; second, his hope of recovery should a loss occur, his *spes recuperandi*.

This hope can not exist unless there is a reasonable prospect of some recovery. It can not exist where a vessel has sunk at sea, but it does exist where a vessel is simply stranded but not become a total wreck, "where any part of the prop-

erty exists in specie, * * * as when the vessel is stranded and still alive." Where something may be possibly saved, the owner claiming absolute loss must "abandon" to the insurer, relinquishing thereby all his rights to any possible future recovery from the thing insured. Abandonment is always based upon the existence of some hope of recovery, and where the hope does not exist it is an unnecessary form.

When abandonment is made and the insurance paid the insurer stands in the place of the insured, and is entitled to all the advantages resulting from that situation, and this right relates back to the loss. (Park on Ins., 143; 1 Wash., C. C., 443; 12 Peters, 378; 1 Sumner, 328 and 400; Phillips on Ins., 1707; 2 Parsons on Marine Ins., 194; 104 Mass., 107; 12 Pick., 348.)

"When a total loss has been paid there passes to the insurer not only what remains of the ship in a material form, but likewise all rights incident to the property of whatever kind. When a loss of any kind, whether total or partial, has been paid the insurer so far stands in the place of the assured that he is entitled to recover whatever compensation for the loss the assured may be able to recover from any third party." (Lowndes, Marine Insurance, 223; Phillips on Ins., secs. 1712 and 1723.)

The Supreme Court supports this doctrine, saying it is a mistake to assert that the right of a marine insurer to proceed against a carrier after payment of total loss "grows wholly or even principally out of any abandonment; payment of a total loss without abandonment being sufficient to vest in the insurer the rights of the insured" (Hall and Long *vs.* Railroad Company, 13 Wall., 367); while Phillips states the rule to be that "a mere payment of a loss, whether partial or total, gives the insurers an equitable title to what may be afterwards recovered from other parties on account of the loss. The effect of a payment of a loss is equivalent in this respect to that of an abandonment." (Sec. 1723.)

In capture and condemnation there can be no *spes recuperandi*, for the vessel, so far as the owners are concerned, has disappeared, and there exists no reasonable prospect that anything will at any time be recovered. "There is no existing hope," to use Chancellor Kent's language, "of recovery in this case [of capture], * * * and an abandonment * * * would have been as idle as if the property had perished at sea" (Gracie *vs.* The N. Y. Ins. Co., 8 Johnson, 245), and since the time of Lord Mansfield the capture of a neutral merchantman upon the high seas, especially when followed by confiscation, amounts to total loss and abandonment. (Goss *vs.* Withers, 2 Burr., 683; 4 Cranch, 29; 4 Dallas, 421; 3 Wheaton, 183; 1 Wash. C. C., 145; 3 Mass., 238.)

In the case of the Vermont, in which the opinion already cited was delivered by Chancellor Kent, the vessel had been captured, the capture declared illegal by the French tribunal; pending an appeal by the captors, the cargo was delivered to the consignee upon bond given by them larger in amount than the insurance. The appeal was heard and the vessel with her cargo condemned, whereupon the insured sued upon the policy after expressly refusing to abandon. The court holding abandonment to be unnecessary, shows that any claim against the captors could only be prosecuted by the national Government, which, if compensation were obtained, would become trustee for the party having the equitable title to the reimbursement, and that this party is the insurance company, "if they should pay the amount of the bond;" that is, the insurer would be entitled to what he paid. This is in accordance with the general doctrine of insurance law laid down by Lord Cockburn in the following language:

I take it to be clearly established in the case of a total loss that whatever remains of the vessel in the shape of salvage, or whatever rights accrue to the owner of the thing insured and lost, they pass to the underwriter the moment he is called upon to satisfy the exigency of the policy, and he does satisfy it.

(North of England I. S. Ins. Co. *vs.* Armstrong, L. R. 5 Q. B., 244; see also Propeller Monticello *vs.* Mollison, 17 How., 152; Mercantile Marine Ins. Co. *vs.* Clark, *et al.*, 118 Mass., 288; Shaw *vs.* United States, 8 C. Cls., 488; Dozier *vs.* United States, 9 C. Cls., 342.)

As long ago as 1 Vesey, sr., Lord Hardwicke, in case of an illegal seizure, held that the person originally sustaining the loss was the owner, but after satisfaction made to him, the insurer, so that if compensation be made for the seizure the assured stands as trustee for the insurer in proportion to what he has paid. (Randal *vs.* Cochran, 1 Ves. Sen., 97.) In another English case recovery was had in the court of commissioners of Alabama claims for the loss of a vessel by a Confederate cruiser, whereupon the insurer sued the claimant, the owner, and recovered. (Burnand *vs.* Rodocanachi, L. R. 5, C. P. Div., 424.)

In one New York case(United Ins. Co. *vs.* Scott, 1 Johns., 106) the court held that right of ownership in a captured vessel passed to the underwriters upon abandonment and payment of total loss; in another similar case (Robinson *vs.* United Ins. Co. 1 Johns., 592) the insurers were sustained in their endeavor to bring trover against the owners for a cargo captured, abandoned, and paid for, while the case of Gracie held abandonment useless, and in the Chinese indemnity claims this court ruled (Hubbel *vs.* United States, 15 C. Cls., 546) that underwriters who had paid losses sustained by reason of the capture and plunder of a vessel and cargo by Chinese pirates could participate in an indemnity fund paid therefor.

In some cases after payment of the insurance the assured executed an instrument, called a cession, in the nature of an assignment, by which they transferred to the insurer all rights to the property, and to any recovery on account of it; but the insurer's right is not based upon that instrument, as the Supreme Court held in Comegys *vs.* Vasse (1 Peters, 193) where the absence of an assignment was set up against the underwriter. The court said that—

"The law gives to the act of abandonment, when accepted, all the effects which the most accurately drawn assignment would accomplish."

So Justice Washington held in Hurtin *vs.* The Phœnix Insurance Company (1 Wash. C. C., 400):

"If a cession, as it is called, had been necessary to make the abandonment complete there might be something in the argument; but this is not the case. The abandonment amounts to a legal transfer of the rights of the insured, so as to enable the underwriters to pursue, to manage, and to recover the property, as effectually as if a regular deed had been made to them. * * * When it comes to be made a question whether the abandonment is invalid, if the cession is refused, we must say it is not; because such an instrument is not necessary to pass the right of the insured to the underwriters."

The authorities are entirely united on this point, and there can be no doubt of the validity of claims made by insurers who have paid loss by illegal capture, condemnation, and confiscation of vessels included in the descriptions of the act of January 20, 1885.

Remembering that the loss in cases where the vessel has been captured, condemned, and confiscated is a total loss, a "constructive" total loss, as it is sometimes called, and that abandonment is, therefore, unnecessary, we have a clear rule for our guidance in determining the amount of compensation coming to the underwriters. Kent said they were entitled to reimbursement; the Supreme Court that they were entitled to be reimbursed the amount paid; Lord Hardwicke that they should recover in proportion to what they paid; the Supreme Court, again, "the insurers are entitled only to damages to be recovered from an injury for which they have paid, and to such proportion only of those damages as the amount insured bears to the valuation in the policies (The Potomac, 105 U. S., 635), the underlying principle in the whole matter being the contract of insurance, which is one of indemnity (*ibid.*), therefore the insurer stands in the place of the insured to this extent, that he can recover indemnity or satisfaction; that is, what he paid under his contract. He has the right to be made whole, but nothing further.

There is no substantial contention as to the fact that the premium received, being part of the interest insured and paid, constitutes part of the insurer's loss, which he is entitled to recover. It is therefore unnecessary to discuss this point further. (1 Parsons, Marine Ins., p. 243; 2 *ibid.*, p. 344; 2 Phillips on Insurance, sec. 1221.)

It has also been suggested that the underwriters should sue here in the name of the insured. If this point be well taken it would in effect defeat their claims, as the parties are dead, the next of kin and devisees are scattered, and to require each one to be found, or to require administration to be raised upon the estate of each of the original parties for use merely in fulfillment of some strictly technical requirement of the common law, which has no substantial value in the administration of this act, and does not tend to the protection either of claimants or of the Government, would be to defeat the very purpose of the legislature. Congress requires us to examine those valid claims of citizens of the United States which they had prior to a certain date; that is, claims then valid against France.

Underwriters who had fulfilled their contracts had such claims which would then undoubtedly have been recognized by the President, by Congress, and by France, without the intervention of the insured as mere figure-heads. We are also to find the present ownership; that is, the ownership in fact; the party entitled to receive the money should payment be made, the beneficiary of what Kent called the trust in the Government. Congress also, in case of assignment, requires the name of the assignee, the date of the assignment, and the consideration therefor. To hold that a distinction is to be made between what are termed equitable rights, as in this case, and technical common-law rights, might require us possibly to force the assignee to sue under the old rule in the name of his assignor, a construction manifestly not permitted by the language of the remedial statute.

We do not understand that we are to act as a court of common law under this act, which gives us simply advisory powers. So far as possible we shall follow the principles and doctrines of that law as affording a safe and proper guide, but it will be, doubtless, necessary under these very peculiar circumstances to depart from those principles and doctrines where an enforcement of their requirements, especially those technical in their nature, would result in substantial denial of justice. In the Chinese indemnity cases, under an act much stricter in its provisions than this is, we held the jurisdiction to be of an extraordinary nature, not limited and restrained by the ordinary rules applicable in most cases, and we entertained the claims of underwriters presented in their own names, as we shall do in these cases; therefore we do not examine the argument based upon the origin and nature of an insurer's rights.

Other points have been advanced in the argument in relation to the rights and equities of insurers, the effect of precedents established by international commissions, the value of the insurable interest, and similar questions, which it does not seem to us need be ruled upon in this preliminary discussion; what we have indicated herein as our opinion upon the general questions at issue will, we believe, afford a sufficient guide to parties for the present in the preparation of cases for trial.

The Government moves to strike out certain evidence as inadmissable, a motion which would be immediately granted were the case within the ordinary jurisdiction of the court; but the statute makes a material change in the law of evidence when it directs us to receive all suitable testimony, on oath or affirmation, and all other proper evidence, historic and documentary, concerning the claims. The construction of the words "suitable," as applied to testimony, and "proper," as qualifying evidence, may become of very serious importance hereafter. In this case, however, claimants urge that they have sufficient evidence without that objected to, and upon settlement of the facts we shall have, perhaps, occasion to verify that position, meantime it is impossible in advance to indicate any general rule as to the "proper" historic and documentary evidence, or as to the "suitable" testimony which may be received and considered.

Each claim and each document will probably present a different question. As to an ancient document, for example, the absence of suspicious circumstances surrounding it, the evidence of genuineness contained in it, its history, and its appearance, may all become important, and can only be settled by an examination of the paper itself with its antecedents and the circumstances peculiar to it. Nor is a general rule of evidence necessary to be announced in advance for the protection of either party's rights, as it is to be assumed that each side will in any event in cases of this nature produce all the evidence attainable.

The motion to strike out is denied without prejudice to defendants' right to renew it at the trial on the merits. The demurrer is overruled.

APPENDIX.

FRENCH SPOLIATION ACT OF 1885.

CHAPTER 25.—An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

Be it enacted, etc. [SECTION 1]. That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided:

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803.

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819:

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor:

Provided, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad, which, together with the like evi-

dence and documents on file in the Department of State, or which may be filed in the Department, may be used before the court by the claimants interested therein or by the United States; but the same shall not be removed from the files of the court;

And after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress for final action the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported.

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress;

And all claims not finally presented to said court within the period of two years limited by this act shall be forever barred;

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

January 20, 1885.

COURT OF CLAIMS. No. 3694 AND OTHERS.

William Q. Hooper, administrator, *vs.* The United States, and other cases.

Davis, J., delivered the opinion of the court:

This court has now delivered three opinions upon general issues raised in the French spoliations cases. The first related to the broad questions as to the validity against France of the claims as a class, and the resulting liability of the United States to the claimants; the second was directed more especially to forms of pleading, the value of evidence, and rights of insurers; while the third disposed of a motion made by the defendants for a rehearing of the general questions discussed in the first opinion. (Gray, administrator, *vs.* The United States, 21 C. Cls. R., p. 340; Holbrook, administrator, *vs.* The United States, 21 C. Cls. R., p. 334; Cushing, administrator, *vs.* The United States, 22 C. Cls. R., *supra*.)

A large number of cases have since been argued and submitted to the court, and certain general questions are found raised in many of them. Those questions we shall now proceed to discuss, as well as two points which were sent back by the court for further argument.

DURATION OF THE TREATIES OF 1778.

It is urged by the claimants that the treaties of 1778 remained in force, notwithstanding the abrogating act of July 7, 1798, until the final ratification of the treaty of 1800, and that these treaties prescribed the rule by which all the spoliation claims are to be measured. This position is denied by the Government.

For the purpose of this branch of the case the period of the spoliations may be divided into two parts, that prior to July 7, 1798, and that subsequent thereto and prior to the ratification of the treaty of 1800.

As to the first period, we find the position on both sides to have been consistent, which a few citations covering different years will clearly show.

In February, 1793, the national convention granted substantial favors to the United States, among them opening the ports of the colonies to American ships, and granting to produce carried in American bottoms duties the same as those imposed upon French vessels (Senate, Nineteenth Congress, First session, Document No. 102, p. 35). This was followed by the decree of March 26, 1793, granting new favors to what the convention called their "ally nation" (*ibid.*, p. 36). Soon after this M. Le Brun, the minister of foreign affairs, replying to a complaint from our minister, Mr. Morris, said that he had requested the minister of marine "to prevent in the future the vessels of our good allies from being exposed to the attacks of our ships of war and privateers" (*ibid.*, p. 38). Upon the 9th May, 1793 (*ibid.*, p. 42), the convention passed a decree authorizing the arrest of neutral vessels laden wholly or in part with neutral property and bound to an enemy port, or laden with enemy merchandise.

Mr. Morris immediately demanded that the United States be exempted from the operation of this decree as contrary to the terms of the treaty of commerce (*ibid.*, p. 44). His request was complied with, the convention's action in this regard being based upon the sixteenth article of that treaty (*ibid.*, p. 46). Now occurred a curious incident in legislative history. Five days after the passage of the exemption the convention reversed its action. Mr. Morris protested (*ibid.*, p. 47), and the 1st July the convention again decreed "that the vessels of the United States are not comprised in the dispositions of the decree of the 9th May, conformably to the sixteenth article of the treaty concluded the 6th of February, 1778." July 27th this exception was annulled and the United States were again thrown under the effect of the original decree of the preceding May (*ibid.*, p. 50). Morris wrote Jefferson, then Secretary of State: "The decree respecting neutral bottoms, so far as it respects the vessels of the United States, has, you will see, been bandied about in a shameful manner. I am told, from Havre, that it is by the force of money that the determinations which violate our rights have been obtained; and, in comparing dates, events, and circumstances this idea seems to be but too well supported" (*ibid.*, p. 52). Prior to this Mr. Morris had written the minister of foreign affairs asking that the matter be fixed definitely, otherwise "we must expect to see that species of dispute multiplied, in which cupidity on the one hand and fear on the other will give place to calumnious insinuations, which lead uninformed persons to think that the interests of individuals might influence the national decisions" (*ibid.*, p. 47). This note was followed by the exemption of July, soon after which Morris laid before the foreign office more specific charges (*ibid.*, p. 51), notwithstanding which the exemption was again reversed. In all this transaction the existing force of the treaties of 1778 was nowhere denied, and in the two exceptions was expressly admitted.

At this time Genêt was carrying on his objectionable course in the United States under the shelter, as he contended, of the treaties, whose binding effect Mr. Jefferson did not deny, while he disputed Genêt's construction of them (*ibid.*, p. 53 *et seq.*).

Mr. Morris still endeavored to secure exemption from the May decree, but without success, and finally he wrote, during October, 1793, that in effect the minister of foreign affairs had acknowledged and lamented to him the impropriety of the decree, "but unable to prevail over the greater influence for the repeal of it, he is driven to the necessity of exercising a step which it is not possible to justify. There is no use in arguing with those who are already convinced, and where no good is to be expected some evil may follow. I have, therefore, only stated the question on its true ground, and leave to you in America to insist on a rigid performance of the treaty or slide back to the equal state of unfettered neutrality" (*ibid.*, p. 75).

Mr. Monroe now succeeded Mr. Morris in Paris, and writing home that he "felt extremely embarrassed how to touch again upon their [the French] infringement of the treaty of commerce, whether to call on them to execute it or leave that question on the ground I had first placed it. * * * Upon full consideration I concluded that it was the most safe and sound policy to leave this point where it was before" (*ibid*, p 85). He evidently made a distinction between "advising and pressing" the execution of the treaty and insisting upon its execution. Instead of demanding its execution as a right he advised it as a politic act on the part of France, fearing that a more decided course on his part would lead to a counter demand for the execution by the United States of the guaranty clause. To this communication Monroe received from the Secretary of State a rather tart response, of which this is the important paragraph (*ibid.*, p. 87).

"The fourth head of inquiry stated in your letter shows that you were possessed of cases which turned entirely upon the impropriety of the decree, and such, too, was certainly the fact. Now, without the abrogation of the decree, so far as it represented those cases, the redress which you were instructed to demand could not be obtained. In truth there was no cause or pretense for asking relief but upon the ground of that decree having violated the treaty. Does not this view lead to the inevitable conclusion that the decree, if operative in future instances, would be no less disagreeable, and consequently that its operation in future instances ought to be prevented, a circumstance which could be accomplished only by a total repeal?"

Soon after this the convention resolved to carry into strict execution the treaty of commerce of 1778 (*ibid.*, p. 88), so that the year 1795 opened with a similar understanding on each side as to the enduring force of the treaty.

At this time commenced to circulate in France reports as to what Mr. Jay had been doing in England. Mr. Monroe thought the utmost cordiality had been restored between the two Republics, and yet feared that the prospect had become clouded by the rumors from England. In August, 1795, newspapers reached Paris which contained the text of the Jay treaty (*ibid.*, p. 127), and so much feeling was aroused that, after considerable delay, it was decided to send an envoy to the United States to declare to our Government the dissatisfaction of the French in "respect to our treaty with Great Britain and other acts which they deemed unfriendly to them" (*ibid.*, p. 129); a course which Monroe endeavored to prevent.

Thereupon followed, in March, 1796 (*ibid.*, p. 131), a "summary exposition of the complaints of the French Government against the Government of the United States," in which an infraction of the treaties is relied upon as a legitimate grievance, and in answering which Monroe (*ibid.*, p. 135) tacitly admits by his argument the enduring force of those treaties.

The Jay treaty was ratified, news thereof reached Paris (*ibid.*, p. 142), and the threatening cloud burst.

The minister of foreign affairs informed Mr. Monroe that the directory regarded the Jay treaty as a breach of friendship, and saw "in the stipulations which respect the neutrality of the flag an abandonment of the tacit engagement which subsisted between the two nations on this point since the treaty of commerce of 1778. * * *

"After this, citizen minister, the executive directory thinks itself founded in regarding the stipulations of the treaty of 1778 which concern the neutrality of the flag as altered and suspended in their most essential parts by this act, and that it would fail in its duty if it did not modify a state of things which would never have been consented to upon the condition of the most strict reciprocity" (*ibid.*, p. 143). Monroe argued in reply that the treaty of 1778 had not been violated, closing with a renewal of his complaints of French conduct in regard to American commerce.

Pinckney was now ordered out to succeed Monroe, but before he reached Paris France gave notice of intended reprisals (*ibid.*, p. 147), and in October (1796) Monroe received a copy of the Executive Directory's decree of July 2, 1796, with notice that it would be applied to the United States, and that his functions as minister were suspended (*ibid.*, p. 148). The decree provided that France should treat all "neutral vessels, either as to confiscations, as to searches or captures, in the same manner as they shall suffer the English to treat them." In communicating the decision of his Government, however, the French minister was careful to state that "the ordinary relations subsisting between the two people, in virtue of the conventions and treaties, shall not on this account be suspended." Pinckney arrived, but was not received, and Monroe was dismissed with language which Mr. Adams described as "studiously marked with indignities towards the Government of the United States."

This brings us to the close of 1796, and however strained the relations of the two countries had become, neither had yet endeavored to throw off the yoke of the treaties; on the contrary, all discussion was founded upon them as still in force.

In February, 1797, the French minister of foreign affairs claimed the benefit of the treaty in a fallacious argument as to the rôle d'équipage, suggesting incidentally that "the Federal Government doubtless had never ceased to look upon the treaty of 1778 as obligatory upon the two nations" (*ibid.*, p. 156).

The decree of the Executive Directory of March 2, 1797, which is very harsh upon neutrals, speaks of the treaties as existing in a shape modified by the Jay treaty (*ibid.*, p. 160). In April succeeding, the condemnation of an American vessel is excused as in accordance with treaty; and this is again done in the following November. The instructions to Pinckney, Marshall, and Gerry (July 15, 1797) recognized the treaties as still in force (*ibid.*, p. 453); and the 18th March, 1798, Talleyrand based his complaints upon them (*ibid.*, p. 493). Finally Congress found it necessary by statute to declare the treaties abrogated; an action clearly useless if they were non-existent; an action which in effect admitted their continuing force to that day.

The treaties of 1778, particularly the treaty of commerce, which is the important one for our purposes, were in existence until the passage of the abrogating act. Whatever disputes occurred between this country and France during the disturbed period following the conclusion of the Jay treaty arose from differences of interpretation of various clauses of the Franco-American treaty, and on neither side do we find seriously advanced a contention that the treaties were not in existence and were not binding upon both nations. The United States distinctly urged their enduring force, while the French departed from this position only in this (if it be a departure), that the Jay treaty introduced a modification into their treaty with us, of which they were entitled to the benefit.

We are of opinion that the treaties of 1778, so far as they modified the law of nations, constituted the rule by which all differences between the two nations were to be measured after February 6, 1778, and before July 7, 1798.

As to the period after July 7, 1798: On that date the abrogating act passed by the Congress was approved by the President and became a law within the jurisdiction of the Constitution; a law replacing to that extent the treaties, and binding upon all subordinate agents of the nation, including its courts, but not necessarily final as the annulment of an existing contract between two sovereign powers.

A treaty which on its face is of indefinite duration and which contains no clause providing for its termination may be annulled by one of the parties under certain circumstances. As between the nations it is in its nature a contract, and if the consideration fail, for example, or if its important provisions be broken by one party, the other may, at its option, declare it terminated. The United States have so held in regard to the Clayton-Bulwer treaty, as to which Mr. Frelinghuysen, then Secretary of State, wrote Mr. Hall, minister in Central America (July 19, 1884):

"The Clayton-Bulwer treaty was voidable at the option of the United States. This, I think, has been demonstrated fully on two grounds. First, that the consideration of the treaty having failed, its object never having been accomplished, the United States did not receive that for which they covenanted; and, second, that Great Britain has persistently violated her agreement not to colonize the Central American coast."

Here concur two clear reasons for annulment, failure of consideration and an active breach of contract.

Abrogation of a treaty may occur by change of circumstances, as—

"When a state of things which was the basis of the treaty, and one of its tacit conditions, no longer exists. In most of the old treaties were inserted the *clausula rebus sic stantibus*, by which the treaty might be construed as abrogated when material circumstances on which it rested changed. To work this effect it is not necessary that the facts alleged to have changed should be material condi-

tions. It is enough if they were strong inducements to the party asking abrogation.

"The maxim '*Conventio omnis intelligitur rebus sic stantibus*' is held to apply to all cases in which the reason for a treaty has failed, or there has been such a change of circumstances as to make its performance impracticable except at an unreasonable sacrifice." (Wharton's Com. Am. Law., § 161.)

"Treaties, like other contracts, are violated when one party neglects or refuses to do that which moved the other party to engage in the transaction. * * * When a treaty is violated by one party in one or more of its articles, the other can regard it as broken and demand redress, or can still require its observance." (Woolsey, § 112.)

The United States annulled, or at least attempted to annul, the treaties with France upon the grounds, stated in the preamble of the statute, that the treaties had been repeatedly violated by France, that the claims of the United States for reparation of the injuries committed against them had been refused, that attempts to negotiate had been repelled with indignity, and that there was still being pursued against this country a system of "predatory violence infracting the said treaties and hostile to the rights of a free and independent nation." Such were the charges upon which was based the enactment that "the United States are of right freed and exonerated from the stipulations of the treaty and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

The treaties therefore ceased to be a part of the supreme law of the land, and when Chief-Justice Marshall stated, in July, 1799 (Chirac *vs.* Chirac, 2 Wheaton, 272), that there was no treaty in existence between the two nations, he meant only that within the jurisdiction of the Constitution the treaties had ceased to exist, and did not mean to decide, what it was exclusively within the power of the political branch of the Government to decide, that, as a contract between two nations, the treaties had ceased to exist by the act of one party, a result which the French ministers afterward said could be reached only by a successful war.

The only question we have now to consider is that of the international relation. The annulling act issued from competent authority and was the official act of the Government of the United States. So far as it was within the power of one party to abrogate these treaties it was indisputably done by the act of July 7, 1798. Notwithstanding this statute did not the treaties remain in effect to this extent, if no further, that they furnish a scale by which the acts of France, which we are charged to examine, are to be weighed; and in considering the legality of those acts, are we not to follow the treaties where they vary the law of nations? The claimants in very learned and philosophical arguments contend for the affirmative.

In the first place we are referred by them to the course of the Executive; this, it is said, is binding upon the judiciary, and is favorable to their contention. This position we will first examine.

In 1829 the Supreme Court had occasion to construe the treaties relating to the purchase of Louisiana, particularly that of San Ildefonso. The Executive had already given an interpretation to that instrument, and Marshall, C. J., who delivered the opinion of the court, said on this point (Foster *et al. vs.* Nelsion, 2 Peters, 253):

"In a controversy between two nations concerning national boundary, it is scarcely possible that the courts of either should refuse to abide by the measures adopted by its own Government. There being no common tribunal to decide between them, each determines for itself on its own rights, and if they can not adjust their differences peaceably, the right remains with the strongest. The judiciary is not that department of the Government to which the assertion of its interests against foreign powers is confided; and its duty commonly is to decide upon individual rights, according to those principles which the political departments of the nation have established. If the course of the nation has been a plain one, its courts would hesitate to pronounce it erroneous. We think then, however, individual judges might construe the treaty of San Ildefonso, it is the province of the court to conform its decisions to the will of the legislature if that will has been clearly expressed" (p. 307).

In United States *vs.* Arredondo (6 Peters, 711) and in Garcia *vs.* Lee (12 Peters 511) this principle was acknowledged and affirmed, while later in Williams *vs.* Suffolk Insurance Company (13 Peters, 415) the court said as to the recognition of Buenos Ayres (p. 420):

"And can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him it is obligatory on the people and Government of the Union. * * * In the cases of Foster and Nelson (2 Peters, 253, 307) and Garcia *vs.* Lee (12 Peters, 511) this court have laid down the rule that the action of the political branches of the Government in a matter that belongs to them is conclusive."

We find in Phillips *vs.* Phillips an even stronger affirmance of this position when the court say that in cases like it "the judicial is bound to follow the action of the political department of the Government and is concluded by it" (92 U. S. R., 130).

The action of the Executive is, then, conclusive upon the judiciary when that action is taken within the jurisdiction given by the Constitution. That instrument marks out with marvelous clearness and foresight the duties assigned to each of the three branches of Government therein created; within its own domain each of these branches is supreme, the executive no less than the legislative, the legislative no less than the judiciary, and the judiciary no less than either of the other two.

How does this rule apply to the cases now before us? The Legislature, with the President who approved the bill, have annulled the treaties to the extent of whatever power they may have had in the premises, which is all the power possessed by the United States over the subject-matter. Do subsequent acts of the Executive alone under these circumstances, acts done in an effort to procure compensation for injured citizens, statements made and positions assumed in a negotiation, many of them perhaps taken argumentatively, others perhaps advanced in an effort to reach a middle ground upon which both parties could stand and which would result in substantial advantage to the nation and its individual citizens; do such acts, statements, or positions necessarily bind us here?

The statute which gives us all the jurisdiction we have over these claims requires us to examine, not those claims which the United States advanced, but those claims of specified classes which were "valid" "upon the French Government." It can not be seriously contended that because the Executive pressed a claim that the claim was therefore "valid" as between the nations. The act clears any doubt on this point, if there could be any, by prescribing the test we are to apply in ascertaining the validity of a claim; that test is, "the rules of law, municipal and international, and the treaties of the United States applicable to the same."

The distinction we have heretofore made must be emphasized between the position and jurisdiction of this court under this very exceptional statute, and their position and jurisdiction, or those of any other court of the United States, when acting under general laws, whether statutory or unwritten.

Because the President urged a claim upon France it did not necessarily become as between France and the United States a "valid" claim. The rule as to the effect of executive decision applies as well in France as in the United States; France resisting the claim may contend with equal force that her position is correct, and yet one of the parties to the dispute must be wrong. This *reductio ad absurdum* seems hardly necessary, and yet it serves to illustrate the distinction we seek to make clear as to this court's peculiar jurisdiction.

Suppose the decision of the Executive, even in the case assumed, be binding upon the judiciary administering the law within the United States, and the authorities do not go to this extent, still it does not follow that such a decision upon any of these claims is binding upon us now. We are instructed to discover, not what the Executive believed or contended for or argued, but what claims were in fact and in law "valid" as against France, and valid by the rules of law, municipal and international, and the treaties.

The contention has, however, other aspects, which must have serious examination; and it therefore becomes necessary to see what was the contention of this Government as to the treaty rules after the passage of the annulling statute. For this purpose we must again turn to the correspondence.

It is well to bear in mind that the question of the guaranty had well-nigh been eliminated from discussion. France had never formally asked its enforcement; on the contrary, had preferred that we should remain at least nominally neutral, that she might reap the benefit of our food supply. Monroe had feared that too strong a position on our part might bring about a demand for the aid pledged; but Pickering had no apprehension, and clearly regarded the obligation as without practical danger. Fear of the guaranty hampered our officers, but the real, practical difficulty on the French side was the Jay treaty; on ours, the spoliations.

Monroe was dismissed; Pinckney was not received; the Pinckney, Marshall, Gerry mission was not officially recognized, and they had returned home, when, in October, 1799, Mr. Pickering, Secretary of State, addressed to Messrs. Ellsworth, Davies, and Vans Murray, the newly-appointed ministers to France, their instructions, in which under thirty different heads, concluding with seven *ultimata*, he set forth the position of the United States. He told them that the conduct of France would well have justified an immediate declaration of war, but desirous of maintaining peace and being willing to leave open the door of reconciliation, the "United States contented themselves with preparations for defense, and measures calculated to protect their commerce" (Doc. 102, p. 561). The claims for "spoliation" are to be advanced immediately as an indispensable condition of a treaty, and all captures and condemnations are to be deemed "irregular or illegal when contrary to the law of nations generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th of February, 1778, fairly and ingenuously interpreted, while that treaty remained in force, especially when made and pronounced."

In this instruction, then, Mr. Pickering draws the line very distinctly between the standard of demand as to claims arising prior to the annulling statute and those founded upon acts committed subsequent thereto. Further on he says (*ibid.*, p. 570):

"The seventeenth and twenty-second articles of the commercial treaty between the United States and France of February 6, 1778, have been the source of much altercation between the two nations during the present war. The dissolution of that and our other treaties with France leaves us at liberty with respect to future arrangements; with the exception of the now preferable right secured to Great Britain by the twenty-fifth article of the treaty of amity and commerce. In that article we promise mutually that while we continue in amity, neither party will in future make any treaty that shall be inconsistent with that article or the one preceding it. We can not, therefore, renew with France the seventeenth and twenty-second articles of the treaty of 1778. Her aggressions, which occasioned the dissolution of that treaty, have deprived her of the priority of rights and advantages therein stipulated."

He speaks of the "dissolution" of the treaties as of an existing fact, says the United States can make no treaty, that is, no new treaty inconsistent with the Jay treaty, that therefore they can not "renew"—note the word—certain articles of the French treaty; in short, the whole instruction is founded upon an admission at least, if not an assertion, that the treaties no longer were in force.

The newly-appointed ministers, acting under these instructions, opened negotiations by proposing to arrange, first, claims of citizens of either nation, whether founded on contract, treaty, or the law of nations, and then to stipulate for reciprocity and freedom of commercial intercourse (*ibid.*, p. 580). The French, however, thought the first object of negotiations should be "the determination of the regulations and the steps to be followed for the estimation and indemnification of injuries for which either nation may make claim for itself, or for any of its citizens. And the second object is to assure the execution of treaties of friendship and commerce made between the two nations" (*ibid.*, p. 581). We have already so fully considered the details of this long negotiation (21 C. Cls. R., pp. 340 *et seq.*) that they need not now be repeated. A careful rereading of all the correspondence which we have been able to obtain on this subject but confirms our previous conclusion that:

"Starting under their instructions, events had forced the ministers to offer unlimited recognition of the treaties of 1778, coupled with a pecuniary equivalent to extinguish in the future their most onerous provisions; even this was not accepted, and the French, returning to their original ground, said that no indemnity could be granted unless the treaties were recognized without qualification as to the future, and this they said with the avowed object of avoiding the payment of indemnity."

The American ministers recognized that the French contention had substantial value, so much so that they offered 8,000,000 francs to settle it; but they did not recognize that it was correct in fact or law, or that the annulling act was without effect. On the contrary they argued:

"A treaty being a mutual compact, a palpable violation of it by one party did, by the law of nature and of nations, leave it optional with the other to renounce and declare the same to be no longer obligatory. * * * For a wrong decision it would doubtless be responsible to the injured party, and might give cause for war; but even in such case, its act of public renunciation being an act within its competence would not be a void but a valid act, and other nations whose rights might thereby be beneficially affected would so regard it." (Doc. 102, p. 612.)

Finally, the second article of the treaty of 1800, as signed in Paris, expressly stated that the ministers plenipotentiary of the two parties were not able to agree respecting either the treaties or indemnities. These points then remained as they were at the opening of the negotiation.

We fail to find that the Executive did, after the passage of the annulling statute, recognize the existing force of the treaties as an international obligation, whatever value may have been accorded to the claim of France that one party was without power to abrogate them.

The course of the Executive in the long contentions with France is not binding upon us now under the jurisdiction given by the statute of January, 1885. That statute grants a very peculiar power, imposes upon us a very original duty—that of examining in the light of law, municipal and international, and in the light of the treaties, the validity of the claims of this Government against that of France. Such a grant of jurisdictional power necessarily negatives any binding presumption founded upon Executive action. The President, individually and through the Secretary of State, expressly and repeatedly demanded satisfaction of the spoliation claims; this was of course known to the Legislature which directed us to investigate these very claims.

The Congress does not do a vain act, and to require us to examine the validity of claims under a rule of law which presupposes them to be valid because the Executive urged them in diplomatic negotiation would be vain. The intention of the

statute is that we shall not be concluded by the President's position in these negotiations, but shall, under the standard set for us, inquire afresh as to claims' "validity" against France. Even if this were not so, still there is nothing in the action of the Executive, after the act of 1798, tending to show an intention to recognize the continuing existence of the treaties. On the contrary, the whole argument proceeded upon the opposite hypothesis.

Claimants contend that not the act of 1798, but the agreement to expunge the second article of the treaty of 1800 terminated the treaties of 1778. The rescission of that article undoubtedly terminated the dispute as to the existence of these treaties and removed that dispute from the forum of international discussion. We are not prepared to admit that it recognized as valid the contention of France as to the treaties, although it recognized that the contention had substantial value. A claim may be admitted to have value for purposes of negotiation or compromise without an admission of its validity in fact or law. This is true in private affairs, and is especially true in diplomacy where questions of national pride, tradition, custom, and pique have to be considered most carefully and often are of most serious importance.

Counsel urge that France insisting the treaties remained in force should be bound by them, and they make the apt illustration that if the two nations had agreed at the time upon mutual indemnities France would have been held to the treaty rules. This assumption is probably correct. France having obtained the benefit she desired would in justice be bound by the corresponding obligation. "*Qui sentit commodum sentire debet et onus.*" But that is not this case, for France entirely failed to secure a recognition of the continuing force of the treaty.

The treaty of 1800 contained a provision that "property captured and not yet definitely condemned" should be restored upon production alone of the passport of 1778. These captures must, in almost all instances if not in all, have taken place subsequent to the annulling statute, and it is urged with much force that if the treaties were non-existent France was entitled to demand the proofs required by the general law of nations; as she expressly yielded this point and, as to these cases, agreed to abide by the treaty rule, therefore it can not be doubted (urge counsel) that had these claims now before us been taken into the treaty of 1800 they would have been subjected to the same standard.

Perhaps they would have been. France, obtaining treaty recognition, would have been bound by treaty rules; but this did not occur, and as France failed to obtain treaty recognition is she therefore to be bound by treaty rules because in one instance she made a special exception in specific terms? We think not. A treaty changes the law of nations only in so far as it contains provisions to that effect. The parties may covenant that as between themselves the law of nations shall not apply in particular instances; except in those instances that law remains in force.

The treaties had served their purpose; the conditions which they contemplated had changed. Whatever may have been the justice of French complaints of our course with Great Britain, and whatever may have been her rights under the circumstances, still she had so invaded the rights of the United States to free commerce in innocent cargoes upon the high seas that a case was presented of such failure of consideration and of such active infraction of the treaties that this country was in a position to proclaim them ended.

Free ships, free goods, had become a dead letter. The passport which the treaty prescribed as a sufficient protection was disregarded, and various other aggressions upon the shipping of the United States were committed, aggressions admittedly forbidden by the treaty provisions.

We are of opinion that the circumstances justified the United States in annulling the treaties of 1778; that the act was a valid one, not only as a municipal statute but as between the nations; and that thereafter the compacts were ended. We fail to find any agreement by France as to these claims to submit to the treaty rules after July 7, 1798, the treaties not being recognized by us, and we conclude that the validity of claims not expressly mentioned in the treaty of 1800, which arose after July 7, 1798, is to be ascertained by the principles of the law of nations recognized at that time, and not by exceptional provisions found in the treaties of 1778.

INSURANCE TO COVER.

Insurance to cover is that amount of insurance which in case of accident will entirely reimburse the insured for his loss. It includes not only the value of the property, but also the cost of the insurance procured to protect it.

Phillips in his work on insurance thus states the question argued here (§ 1221):

"The premium on the premium is to be included in computing the amount to be insured in order to cover the interest and replace the exact value of the subject in case of total loss."

Some of the claimants ask that they be allowed unpaid premiums of insurance as an element of the value of property lost, and if so that such premium be allowed upon the theory of insurance to cover.

The able arguments and briefs of counsel for claimants on these questions have been listened to and examined with great care. Whatever difficulty we might find were the matter here presented for the first time is removed by the precedents established by the Supreme Court. In the Anna Maria (2 Wharton, 325) the court allowed "The value of the vessel and the prime cost of the cargo with all charges, and the premium of insurance, where it has been paid, with interest." In Malley *vs.* Shattuck (2 Cranch, 458) the court said (citing The Charming Betsey):

"In pursuance of that rule the rejection of the premium for insurance, that premium not having been paid, is approved; but the rejection of the claim for outfits of the vessel and the necessary advance to the crew is disapproved. Although the general terms used in the case of The Charming Betsey would seem to exclude this item from the account, yet the particular question was not under the consideration of the court, and it is conceived to stand on the same principle with the premium of the insurance, if actually paid, which was expressly allowed."

Following the Supreme Court we shall allow premiums of insurance when actually paid, and not otherwise.

ARMED VESSELS.

In cases heretofore submitted a question arose as to the effect upon claimants' rights of the following facts, or either of them, should they or either of them be found to exist:

A. That the vessel acted as a privateer.

B. That the vessel possessed the license or authority described in either the act of June 25, 1798, or in the act of July 9, 1798, authorizing the class of seizure described in those acts or in the act of May 28, 1798.

These questions were ordered to be and have been reargued.

The provisions of the three laws above recited are very different in effect, that of the latest date being the one most important in the consideration of these cases. The act of May 28 (1 Stat. L., 561), "to more effectually protect the commerce and coasts of the United States" empowered the President to give certain orders to the armed vessels of the nation and contained no illusion to vessels owned by individuals. The act of June 25 (*ibid.*, p. 572) authorized "the defense of the merchant vessels of the United States against French depredations," and to that end allowed the commanders and crews of such vessels to "oppose and defend against any search, restraint, or seizure" attempted by a French vessel, to "repel by force any assault or hostility" on the part of such French vessel, to "subdue and capture the same" and to retake any American vessel captured by the French.

The act of July 9 (*ibid.*, p. 578), gave to private armed vessels specially commissioned the same license and authority "for the subduing, seizing, and capturing any armed French vessel, and for the recapture of the vessels, goods, and effects of the people of the United States, as the public armed vessels of the United States may by law have" (§ 2). This statute, therefore, authorized private armed vessels to take any armed French vessel "found within the jurisdictional limits of the United States or elsewhere on the high seas" (§ 1), and to recapture American vessels taken by the French. (See acts May 28 and June 25, 1798.)

Many of the vessels whose cases are before us carried armament of some kind, and several are shown to have had a special license, commission, or authority, issued probably by virtue of the power given the President in the last two acts of Congress.

The marked distinction between the act of June and that of July is in this: The former permitted defense only except in the matter of recapture, while the latter authorized attack, but attack only on armed vessels. Nowhere in the statutes is there any permission given to molest French merchantmen, although France was then engaged in the acts of illegal seizure and condemnation from which the spoliation claims arose. Defendants urge that the arming of a merchantman and the presence on board of a special license under the acts cited destroyed any right of recovery as against France and consequently as against the United States.

We have held (Gray's case, 21 C. Cls. R., 375) as to the relations between the two countries during the period in question that "no such war existed as operated to abrogate treaties, to suspend private rights, or to authorize indiscriminate seizures and condemnations; that, in short, there was no public general war, but limited war, in its nature similar to a prolonged series of reprisals." There was not what Wheaton calls "a perfect war," but a war "limited as to places, persons, and things;" the Congress authorized hostilities, but only on the high seas or within the jurisdictional limits of the United States, and then only by certain specified vessels on certain specified vessels.

As far as Congress authorized and tolerated it so far might we proceed in hostile operations, and the word "enemy" goes the full length of this qualified war and no further (21 C. Cls. R., 371). The hostilities were confined on the one side of the United States to attack on French armed ships and to recapture of our own. The capture of enemy mercantile shipping is an important mark of a state of war, one of its principal incidents, and it is significant of the relations between the two Governments that not a movement was made by Congress or the Executive in this direction.

A privateer is an armed vessel belonging to one or more private individuals, licensed by Government to take prizes from an enemy; its authority in this regard must depend altogether upon the extent of the commission issued to it, and is qualified and limited by the laws under which the commission is issued. (The Thomas Gibbons, 8 Cranch, 421.)

Letters of marque and reprisal may theoretically issue in time of peace (articles of confederation signed 1778, article 9), as they form a "mode of redress for some specific injury which is considered to be compatible with a state of peace and permitted by the law of nations" (Kent, vol. I, p. 61). The commission authorizes "the seizure of the property of the subjects as well as of the sovereign of the offending nation, and to bring it in to be detained as a pledge or disposed of under judicial sanction, in like manner as if it were a process of distress under national authority for some debt or duty withheld" (*ibid.*). Speaking very technically, a letter of marque is merely a permission to pass the frontier, while a letter of reprisal authorizes a "taking in return," a taking by way of retaliation, a *captio rei unius in alterius satisfactionem.* The colloquial use together of the two names, letter of marque and letter of reprisals, leads sometimes to misunderstanding as to the differing effect of each, one being a simple authority to depart, the other an authority to seize property in compensation for an injury committed.

The licenses or commissions of 1798 contained no hint of intended reprisals, for no authority to seize a French merchantman is contained in them, although the French had long been capturing our commercial marine. There was, however, express authority to seize armed vessels and to recapture American vessels; that is, in its essence, authority to defend, not to attack.

Within the limits prescribed by the Congress there was war; limited, imperfect war, not general public war, but war complete as to the vessels engaged in it to the extent only of the powers given by the Congress. Following in the path marked out by the Supreme Court in the prize cases which came before them during this period, and of which Bass *vs.* Tingey is a fair example, we are led to the conclusion that where a private vessel was fitted for the purpose of attacking armed French vessels, and of recapturing American vessels seized, she fell within the rules of war, and if captured, became legitimate prize. The relations of the two nations being strained to hostilities within certain distinctly defined bounds, within those bounds the active agents of either Government were subject to the rules of war, and vessels intending to seize must submit to seizure.

It does not, however, follow that every vessel having a special license under the acts of 1798, or every vessel having some armament on board, falls within this rule. Long within the memory of men now living many portions of the ocean since freely opened to commerce were infested by pirates who boarded peaceful merchantmen, plundered the vessels, and murdered the crews, or dragged them to the horrors of slavery. The literature relating to the early part of the century is filled with anecdotes based upon the outrages of such freebooters, and the heroic deeds of those sent out by the different Governments to capture or destroy them. Vessels tempting these waters found it advisable to carry some armament, so that failing efficient convoy, or in case of other accident, they might be prepared to cope on comparatively equal terms with these robbers of the sea.

At the particular period we now are considering, to the danger from pirates in some parts of the world was added the danger from French privateers who acted in so illegal and unjustifiable manner as to call from Lord Stowell this opinion:

"It has certainly been the practice of this court, lately, to grant salvage on recapture of neutral property out of the hands of the French, and I see no reason at the present moment to depart from it. I know perfectly well that it is not the modern practice of the law of nations to grant salvage on recapture of neutral vessels, and upon this plain principle, that the liberation of a clear neutral from the hand of the enemy is no essential service rendered to him, inasmuch as that same enemy would be compelled by the tribunals of his own country, after he had carried the neutral into port, to release him, with costs and damages for the injurious seizure and detention. This proceeds upon the supposition that those tribunals would duly respect the obligations of the law of nations; a presumption which, in the wars of civilized nations, each belligerent is bound to entertain in their respective dealings with neutrals.

"But it being notorious to all Europe, in the present war, that there has been a constant struggle maintained between the governing powers of France, for the time being, and its maritime tribunals, which should most outrage the rights of neutral property—the one by its decrees, or the other by its decisions—the liberation of neutral property out of their possession has been deemed, not only in the judgment of our courts, but in that of neutrals themselves, a most substantial benefit conferred upon them, in a delivery from danger against which no clearness and innocence of conduct could afford any protection. And a salvage for such service has not only been decreed, but thankfully paid, ever since these wild hostilities have been declared and practiced by France, against all acknowledged principles of the law of nations and of natural justice. When these lawless and irregular practices are shown to have ceased, the rule of paying salvage for the liberation of neutral property must cease likewise.

* * * * * * *

"No proof is offered that the maritime tribunals of France have, in any degree, corrected either the spirit or the form of their proceedings respecting neutral property generally; and, therefore, I shall not think myself authorized to depart

from the practice that has been pursued, of awarding a salvage to the captors." (The Onskan, 2 Robinson, pp. 300, 301.)

And later he said:

"It is certainly true that the standing doctrine of the court has been that neutral property, taken out of the possession of the enemy, is not liable to salvage. It is the doctrine to which the court has invariably adhered till it was forced out of its course by the notorious irregularities of the French cruisers and of the French Government, which proceeded, without any pretense of sanction from the law of nations, to condemn neutral property.

"On these grounds it was deemed not unreasonable by neutrals themselves that salvage should be paid for a deliverance from French capture. The rule obtained early in the war, and has continued to the present time. It is said that a great alteration has taken place in the French proceedings, and that we are now to acknowledge a sort of return of '*Saturnia regna*.' This court is not informed, in a satisfactory manner, that any such beneficial change has taken place in the administration of prize law in the tribunals of France; and, therefore, it will continue to make the same decree till the instructions of the superior court shall establish a different rule." (Eleonora Catharina, 4 Rob., 157. See also Talbot *vs.* Seeman, 1 Cranch, 1.)

In the Gulf of Mexico the danger of seizure by small vessels, technically French privateers, but actually so irresponsible to governing power as to be in form only superior to freebooters, made the possession of some armament by an innocent trader a matter of wise precaution, if not of necessity, especially as in some instances the danger from the French tribunals was nearly as great as from the privateers. We are told, for example, that vessels were condemned by such tribunals because the ship's compass had an English brand, because the cooking utensils were of English manufacture, or because the vessel was destined to an English port. The Secretary of State thus characterized the situation:

"American property had even been taken when in their own ports, without any pretense, or no other than that they wanted it. At the same time their cruisers are guilty of wanton and barbarous excesses, by detaining, plundering, firing at, burning, and distressing American vessels."

The acts of the French privateers were so illegal as to be stigmatized as "piracies" both by Mr. Pickering and in the two Legislative Councils of France (Doc. 102, p. 410)

As early as June, 1793, Morris complains "of the plundering of our ships, of which complaints are daily made to me and which the present Government of the country is too feeble to prevent" (*ibid.*, p. 48), and he writes to the French minister "that it will be very difficult, and perhaps impossible, to prevent your privateers from committing illegal and outrageous acts as long as they are permitted to bring into your ports all the American vessels laden with articles of food for countries at war with France (*ibid.*, p. 49). Later he informs the Secretary of State that "in the present state of the country the laws are but little respected; and it would seem as if pompous declarations of the rights of man were reiterated only to render the daily violation of them more shocking" (*ibid.*, p. 52).

In October he says "the courts chicane very much here," and he speaks of their proceedings as "iniquitous" (*ibid.*, p. 367). In December, 1796 (*ibid.*, p. 151), Major Mountflorence, in his general report as to American commercial interests in France, says that on the 27th of the preceding April power had been given to the tribunals of commerce in every port of France to take cognizance in the first instance of every matter relative to captures at sea, with an appeal to the civil tribunals of the different departments, and with a reference in certain instances to the minister of justice.

He adds:

"The tribunals of commerce are chiefly composed of merchants, and most of them are directly or indirectly more or less interested in the fitting out of privateers, and, therefore, are often parties concerned in the controversies they are to determine upon."

In illustration he cites the condemnation of the Royal Captain, saying that most of the "judges were concerned in the capturing privateer."

In January, 1797, Mr. Pickering wrote to Mr. Pinckney as follows:

"The commissioners and special agents of the French Republic in the West Indies are destroying our commerce in the most wanton manner. They have issued orders for taking all American vessels bound to or from English ports—not those only which the English occupy in St. Domingo, but those of their own islands. They condemn without the formality of a trial. These orders appear from the information I have received to have been issued in consequence of letters from Mr. Adet, who, you will see in his note of November 15, said the French armed vessels were not merely to capture American vessels, but to practice vexations toward them; and who, I am further informed, wrote to the commissioners that they could not treat the American vessels too badly. This state of things can not continue long. It makes little difference whether our vessels go voluntarily to French ports or are carried in as prizes. In the latter case they condemn without ceremony, and in the former they forcibly take the cargoes, heretofore with promises of payment, which they generally broke; and now, I am told, without even deigning to give their faithless promises" (*Ibid.*, p. 154).

In the following February he writes again to Pinckney, saying (*Ibid.*, p. 154):

"The spoliations on our commerce by French privateers are daily increasing in a manner to set every just principle at defiance. If their acts were simply the violation of our treaty with France the injuries would be comparatively trifling, but their outrages extend to the capture of our vessels merely because going to or from a British port. Nay, more, they take them when going from a neutral to a French port. In truth, there is, in a multitude of cases, little difference whether our vessels are carried in as prizes or go voluntarily to the French ports in the islands for the purposes of traffic; the public agents take the cargoes by force and fix their own terms, giving promises of distant payment, which are seldom duly performed.

"With regard to the vessels carried in as prizes, the agents and tribunals of the French Government act in concert with the privateers. The captured are not admitted to defend their property before the tribunals; the proceedings are wholly *ex parte*. We can account for such conduct only on the principle of plunder, and were not the privateers acting under the protection of commissions from the French Government, they would be pronounced pirates. Britain has furnished no precedents of such abominable rapine."

In April, he writes again (*ibid.*, p. 164) that "the depredations of the French in the West Indies are continued with increased outrage, and we have advices of captures and condemnations in Europe which apply to no principle heretofore known and acknowledged in the civilized world." (See also *ibid.*, pp. 166, 171, 173, 174, 177.)

Citations of this kind might be multiplied, but it seems useless to do so, as the situation is familiar history. Certainly, under these circumstances, some attempt at defense was natural and excusable, if not justifiable.

Judges "are not to shut their eyes to what is generally passing in the world" (Blatchford Prize Cases, page 443), nor as to what has already taken place. In danger from native pirates, in danger from French privateers often as irresponsible (Cushing's Ad. *vs.* United States, 22 C. Cls. R., *supra*), the mere possession of some armament by a merchantman is devoid of marked significance. It is improbable that any important venture was sent to sea without an effort on the part of the ship-owner to protect his property and that laden on his vessel; cannon enough or muskets enough he would put on board to give his crew a fair chance of escape from a small force. The statute, however, said that no armed merchantman should receive a clearance or permit, or be suffered to depart unless the owners and the master gave bond conditioned, among other things, that the vessel should not commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas against the vessel of any nation in amity with the United States (1 Stat. L., page 573).

Under this act no vessel having any armament could proceed to sea without bond first given, and this bond, being coupled in the acts with the issuance of special orders or license, what more natural than for the innocent merchantman, desiring only safe transit of a commercial venture, to receive in return the commission which the act provided should be given him. The act of July 9 (*ibid*, p. 578) contains a similar provision, and the result of both statutes is that no private vessel carrying armament could proceed to sea without bond filed in return for which a commission might be issued.

In our view of the case it is vital to note the distinction between armament for protection simply and armament for attack upon armed vessels or for attack upon captured American vessels necessarily in charge of prize crews. A privateer is maintained for profit; the venture is most speculative in its nature, bringing large returns for great risk. Given the right to prey upon the mercantile marine, great armament is not necessary, as combat may be avoided by speed and quickness in maneuver. The privateering authorized by the acts of 1798 was of no such nature; not a prize could be taken without conflict, for only armed vessels or vessels in charge of prize crews could be seized; not a merchantman was allowed to be molested.

A vessel, then, fitting out under the acts of 1798 for the purpose of waging the limited hostility therein permitted, must have been prepared for battle; must have been ready to wage war. She could not mount a few guns and carry a few dozen muskets, with a small crew, when the success of her voyage depended upon the number of well-defended vessels she should send into port for condemnation. A vessel intended to act aggressively under the laws of 1798 would have to fight for every dollar brought into the pockets of the owners, master, and crew, and, knowing this, would proceed to sea with an equipment sufficient for the very serious work contemplated.

One of the vessels holding a commission under the acts of 1798 was a schooner of about 111 tons, old measurement. She had a crew of seven men, carried what was called a letter of marque, two guns, and a cargo of merchandise; she was duly cleared on a trading voyage, with instructions to the master as to the sale of the cargo and the purchase of a return venture. Such a vessel as this could not have been seriously intended to seize French armed vessels or captured American vessels defended by French prize crews. Seven men, all told, were barely enough to navigate the schooner; aside from the master, there were but three to a watch, and on an emergency it is extremely doubtful whether the total force was sufficient to handle the two guns and the vessel at the same time. Possibly some defense might have been made against a boat-load of pirates putting off from the shore while the schooner lay becalmed near it, but it is not within the bounds of possibility that such a vessel, with so slight a crew and so insignificant an armament, should contemplate attack upon a well-defended vessel.

We are told that 365 vessels, of 66,691 tonnage, carrying 6,847 men and 2,723 guns, received commissions under the acts of 1798, prior to March 2, 1799. The average tonnage per vessel was then 185 tons, the average crew 16, and the average armament 7 guns. On the other hand, one Government armed vessel (taken for illustration) of 190 tons burthen carried 18 guns and 140 men, while another of 200 tons carried the same armament and crew. So far as has yet appeared to us no private armed merchantman made a single capture from the French, and we are assured that no such capture was made. So far as concerns the cases now before us, it would be practically impossible for such a capture to be made, for most of the vessels were small, and they were manned only for ordinary navigation and not for war, with an armament insufficient to cope with organized military force. Neither seven nor even sixteen men is a crew for a vessel intended to attack French armed ships or to recapture those manned by prize crews, and no merchantman with so small a crew and laden with valuable cargo would undergo such risk.

That Congress did not contemplate the employment in attack of small or undermanned vessels is shown by the proviso in the act of July 9, 1798, that the bond should be doubled in case "the vessel be provided with more than one hundred and fifty men," from which an inference may not unfairly be drawn that not far from one hundred and fifty was considered a fair equipment for a vessel designed to fight. We have seen that the Government war vessel about equivalent in tonnage to the average licensed merchantman carried about one hundred and forty men, and coupling this fact with the act of Congress we reach the result already indicated by common sense, that Congress had in mind, so far as privateers were concerned, fighting ships—those able to attack a French privateer with reasonable hope of success, and not vessels with insignificant crew and armament, bound on a trading voyage, and provided with those slight means of defense which were at the time ordinarily carried by merchantmen for protection.

That armament, when carried by strictly commercial vessels bound upon trading voyages, was intended for defense is shown by the report of the House committee, made January 17, 1799 (American State Papers, Naval Affairs, vol. 1, p. 69). They said:

"Your committee begs leave to report further, that about the time of the sailing of our ships of war, and before the merchant ships were permitted to arm for their defense, our trade was in such jeopardy at sea and on the coast from French privateers, that but few vessels escaped them; that ruin stared in the face all concerned in shipping, and that it was difficult to get property insured."

Hamilton, then Secretary of the Treasury, officially expressed the opinion of his Government as to armed merchantment in his circular of August 4, 1793, as follows:

"The term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us letters of marque, nor, of course, to vessels of war in the immediate service of the government of either of the powers at war."

Twelve days later Jefferson, in an instruction to Morris as to the English ship Jane, which Genet has requested might be ordered to sail, a request authorized, Genet contended, by the twenty-second article of the treaty of commerce, said (Doc. 102, p. 58):

"The ship Jane is an English merchant vessel, employed in the commerce between Jamaica and these States. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defense, and took one of those commissions usually called letters of marque. She arrived here safely without having had any rencontre of any sort. Can it be necessary to say that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer than a husbandman following his plow in time of war with a knife or pistol in his pocket is thereby made a soldier."

"The occupation of a privateer is to attack and plunder; that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports and from selling what she has taken; that is, what she has acquired by war, to show that it did not mean the merchant vessel and what she had acquired by commerce. Were the merchant vessels coming for our produce forbidden to have any arms for their defense, every adventurer who has a boat or money enough to buy one would make her a privateer; our coasts would swarm with them, foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away; our plows must be laid aside, and

agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term privateers."

This matter has also been specifically passed upon by the French courts. The ship Fame, Rust, master, was in June, 1799, tried by the tribunal of commerce sitting at Bayonne. Several grounds were relied upon by the captors as authorizing condemnation, all of which were overruled by the tribunal. Among them was the following:

"Is the letter of marque, of which the vessel was the bearer, sufficient to cause it to be considered as an enemy?"

This question was thus answered:

"Considering the point relative to the letter of marque of which the ship was the bearer. That the French Government without doubt is not ignorant of the delivery of like letters by the Government of the United States to the vessels of the said United States nor of the terms in which these letters are conceived. That now and up to the present time it has not been manifested that it regarded this circumstance and the act of Congress of the United States of the month of July, 1798, either as a declaration of war, or as hostilities against France, since it has not asked of the legislative body a law declaring the French nation to be in a state of war with the United States of North America. That a state of war can not be established or declared without a law of the legislative body. That it does not belong to the tribunals to take notice of any step that a foreign power may take as constituting a state of war between France and itself.

"That the condemnation demanded of the said ship Fame and of her cargo because of the said letter of marque can not be founded upon any law, and can not and ought not to be pronounced. The said ship besides, not having opposed any resistance, suffered itself to be visited at the summons which was made to it by the said privateer. There is, then, no occasion to accede to the demand of the captors upon this point." (See Record in case Nathaniel Richardson, executor of Joshua Richardson *et al. vs.* The United States, No. 5343.)

This case was appealed to the civil tribunal of the department, and thence to the council of prizes, which latter tribunal, on the 13th December, 1800, released the vessel and cargo in accordance with the judgment of the two lower tribunals.

The Pégou carried ten cannon. She was provided with muskets and munitions of war.

The law officer of the French Government having charge of the case made the following points among others (see Pistoye et Duverdy, Prises Maritimes, vol. 2, p. 51):

"It is not enough to have or carry arms to deserve the reproach of being armed for war (p. 52).

"War armament is for purely offensive use. This is shown when there is no object in the armament but attack, or at least when everything tends to prove that such is the principal object of the enterprise * * * But defense is a natural right, and means of defense are legitimate in sea-voyages as in all other occurrences perilous to life. A vessel having but a small crew, whose cargo was considerable, was evidently intended for commerce, not for war. The arms found in this vessel were not intended for violence or hostility, but to prevent them; not to attack, but to defend. The point as to war armament, then, seems to me unfounded."

The Pégou was discharged with damages to her captain.

In the case of the Friend, of Boston, a letter of marque had been found on board; the vessel was armed for defense; there was no resistance; summons from the privateer was obeyed, and the master's instructions directed him to avoid acts of offense and to be prudent. The commissaire of the Government urged that these were not reasons for capture. The vessel was condemned on other grounds. (Pistoye et Duverdy, vol. 1, p. 501.)

Further, Article IV of the treaty of 1800, which relates to "armed" and "unarmed" merchantmen, shows that France did not stand upon the point urged here by the defense, but admitted the right of armament to the extent at least of the cases now before us, as its courts did in the cases cited above.

It is worthy of remark that two classes of license or commission were allowed by the acts of Congress. The first act authorized instructions from the President as to defense only, except that the recapture of American vessels was permitted. The second act allowed capture of armed Frenchmen. In the absence of proof as to which document a vessel possessed there can be no presumption that it was issued under the latter rather than under the former statute; in fact, the presumption, which always favors what is natural, might lean towards the possession of instructions under the first act when it appears that the crew was small, the armament light, and the object of the voyage commercial in its nature.

The distinction must not be forgotten between a legal and justifiable seizure and an illegal and unjustifiable condemnation. The seizure of a vessel may be successfully defended upon grounds which would not support a subsequent condemnation, and "prize courts deny damages when there was probable cause for the seizure, and are often justified in awarding to the captors their costs and expenses," even when the vessel and cargo are decided not good prize and are returned to their owners. (The Thompson, 3 Wall., 155; Jecker *vs.* Montgomery, 13 How., 498; Murray *vs.* The Charming Betsey, 2 Cr., 64.)

We conclude that a vessel fitted for the purpose of seizing French armed vessels and of recapturing American vessels was, when taken, legitimate prize as an actor in the limited war defined by Congress; but that the mere arming of a merchantman whose object was trade, subordinate to which was the provision for protection, did not authorize seizure and condemnation even if an instruction or license under either of the acts of 1798 were found on board. In these cases, as in every case arising between nations, technicalities must be thrown aside, and the very essence and spirit of the transaction must be discovered by the light of the facts peculiar to each case.

BLOCKADE IN WEST INDIES.

It is urged by the defendants that the British possessions in the West Indies were in a state of blockade, and occupied in such a manner as properly to be regarded in a state of siege. That, therefore, the condemnations of vessels bound for those ports with cargoes otherwise innocent were legal and justifiable. The argument has turned more particularly upon vessels bound for Martinique so that for purpose of illustration we will consider the case of that island, formerly a French possession and captured by England during the war.

The defendant's argument assumes that Martinique was blockaded; that it was practically in a state of siege; that its predominant character was that of a port of military naval equipment; and therefore the seizure of neutral vessels bound to that port was justified, although the cargo was otherwise innocent.

The law of blockade is so clear that while a few citations may be given for the sake of illustration they seem to us hardly necessary.

Kent says:

"The law of blockade is, however, so harsh and severe in its operation that in order to apply it the fact of the actual blockade must be established by clear and unequivocal evidence; and the neutral must have had due previous notice of its existence; and the squadron allotted for the purpose of its execution must be competent to cut off all communication with the interdicted place or port; and the neutral must have been guilty of some act of violation, either by going in or attempting to enter, or by coming out with a cargo laden after the commencement of the blockade. The failure of either of the points requisite to establish the existence of a legal blockade amounts to an entire defeasance of the measure, even though the notification of the blockade has issued from the authority of the Government itself.

"A blockade must be existing in point of fact, and in order to constitute that existence, there must be a power present to enforce it. All decrees and orders declaring extensive coasts and whole countries in a state of blockade, without the presence of an adequate naval force to support it, are manifestly illegal and void, and have no sanction in public law. The ancient authorities all referred to a strict and actual siege and blockade. The language of Grotius is *oppidum obsessum vel portus clausus*, and the investing power must be able to apply its force to every point of the blockaded place, so as to render it dangerous to attempt to enter, and there is no blockade of that part where its power can not be brought to bear." (Vol. 1, pp. 144-5.)

The United States have contended that a blockade must be effective to be valid (note b. to Kent, vol. 1, p. 145) and admitted the principle even as to its own ports during the late war. This question has been very ably discussed in a late note from the Secretary of State, Mr. Bayard, to the minister representing the United States of Colombia, in which, after citing authorities, the Secretary reaches the following conclusions:

"After careful examination of the authorities and precedents bearing upon this important question, I am bound to conclude as a general principle that a decree by a sovereign power closing to neutral commerce ports held by its enemies, whether foreign or domestic, can have no international validity and no extraterritorial effect in the direction of imposing any obligation upon the governments of neutral powers to recognize it or to contribute towards its enforcement by any domestic action on their part.

"Such a decree may indeed be necessary as a municipal enactment of the state which proclaims it, in order to clothe the executive with authority to proceed to the institution of a formal and effective blockade, but when that purpose is attained its power is exhausted. If the sovereign decreeing such closure have a naval force sufficient to maintain a blockade, and if he duly proclaim such a blockade, then he may seize, and subject to the adjudication of a prize court, vessels which may attempt to run the blockade. If he lay an embargo, then vessels attempting to evade such embargo may be forcibly repelled by him if he be in possession of the port so closed. But his decree closing ports which are held adversely to him is, by itself, entitled to no international respect. Were it otherwise, the *de facto* and titular sovereigns of any determinate country or region might between them exclude all merchant ships whatever from their ports, and in this way not only ruin those engaged in trade with such states, but cause much discomfort to the nations of the world by the exclusion of necessary products found in no other market." (Note, dated April 24, 1885. See also Hall, International Law, §§ 257 and 260; 3 Phillimore, 311 and 516; case of The Sarah Star, Blatchford's Prize Cases, 69-87; Lawrence's Wheaton, pp. 575 *et seq.*)

Sir William Scott thus laid down the rule:

"To constitute a violation of blockade three things must be proved: First, the existence of an actual blockade; second, the knowledge of the party supposed to have offended; and, third, some act of violation, either by going in or coming out with a cargo laden after the commencement of blockade." (The Betsey, 1 Rob. Adm., p. 92. As to Berlin and Milan decrees see Woolsey, § 206.)

Therefore to justify seizure the blockade must be effective, notice must have been given and there must be an attempt to violate it.

Was Martinique effectively blockaded?

Defendants have referred us to no authority to show that it was, and we have made such examination as the sources of historical investigation on this subject afforded without finding any statement to that effect. The records of the numerous spoliation cases in this court which have been brought to our attention throw no light on the subject, as they proceed upon the fact that the condemned vessel was bound to an enemy port or laden with enemy produce and the condemnations rest upon French decrees.

An examination of the history of Anglo-French naval operations directly affecting the West Indies discloses the following events:

February 2, 1794, an English expedition sailed from the Barbadoes to attempt the capture of Martinique, then under the command of General Rochambeau. This expedition consisted of three ships of the line, eight frigates, four sloops, two store-ships, and one bomb, under command of Vice-Admiral Sir John Jervis, carrying something less than 6,100 troops, commanded by Lieut. Gen. Sir Charles Grey. The French garrison was insignificant in number, consisting only of some 600 men, including 400 militia, while at Fort Royal was a 28-gun frigate, and at St. Pierre an 18-gun corvette. Possibly a privateer or two was also available. The British arrived off the island the 5th of February, and some idea may be gained of the heroic defense of the French from the fact that with the overwhelming force at their command the British did not obtain a surrender until the 22d of March.

The forts were garrisoned, Lieutenant-General Prescott was given command, a small squadron, under Commodore Thompson, was left to co-operate with him in case of attack, and the rest of the expedition embarked the 31st March to attack St. Lucie (James's Naval History, volume 1, page 217 *et seq.*), which surrendered without the loss of a life upon the 4th of April. Then followed the conquest of Grande-Terre, another expedition having taken the three small islands adjacent to Guadeloupe, called the "Saintes," and on the 20th April all Guadeloupe and its dependencies surrendered, comprising the islands of Marie Galante, Desirade, and the Saintes, at an expense of two British rank and file killed, four rank and file wounded, and five missing. A French 16-gun corvette was captured in this expedition, but was not deemed fit for service.

Early in June a French squadron of two frigates, one corvette, two large ships, armed *en flûte*, and five transports anchored off the village of Gosier, Guadeloupe, and began disembarking troops commanded by Victor Hugues, bearing the title of commissaire civil. After skirmishes with the British garrison and French royalists, in which Hugues's troops were successful, a considerable force of vessels and men were sent by the British to dislodge them. The result was the withdrawal of the British from Grande-Terre the 3d July, just one month after Hugues's arrival. In October the French received re-enforcements, took Basse-Terre, and the 6th October, 1794, were again masters of Guadeloupe, except a small port called Fort Matilda, which, so tenacious was the resistance, they did not capture until December 10.

At the close of the preceding year the British had obtained possession of Cape Nicolas Mole, Jérémie, and other French villages in San Domingo, and in February, 1794, other places on the island fell into their hands after trifling resistance. In May a strong force was sent by the British against Port au Prince, which surrendered June 4. In December the British post at Cape Tiburion was attacked and captured by French troops, assisted by three armed vessels (*ibid.*). As soon as news of Hugue's victory reached France there were dispatched to his assistance a 50-gun frigate, a 36-gun frigate, two corvettes, an armed ship or two, and eight or ten transports, with three thousand troops and suitable stores.

"The arrival of this important re-enforcements inspired Victor Hugues with designs against the other ceded islands. Having not only troops but transports to convey and ships of war to protect them, this demon of republicanism, whose barbarity, as fully accredited on several occasions, was of the most revolting description, readily contrived to land soldiers at Sainte Lucie, St. Vincent, Grenada, and Dominique. Artful emissaries accompanied the troops, and soon succeeded in raising a ferment in the islands which they visited. The negroes, Caribs, and many of the old French inhabitants revolted, and dreadful were the atrocities perpetrated upon the well affected. * * * The British troops, thinly distributed from the first and since reduced by fatigue and sickness, could offer in general but a feeble resistance to the numbers of different enemies opposed to them. The garrison of Sainte Lucie, numbering 2,000 men, evacuated the island on the 19th of June" (1795). By the 27th of June the "rebellion" in Dominique had been quelled "by the few British troops stationed there, as-

sisted by the bulk of the inhabitants," St. Vincent and a part of Grenada remaining in a revolted state. (*Ibid.* 298., *et seq.*)

In April and May, 1796, the English took, without conflict, the Dutch settlements of Demerara, Essequibo, and Berbice. On the 24th May, after a stubborn combat of over a month, Sainte Lucie was captured by the British troops and vessels. June 11 St. Vincent surrendered, as a few days later did Grenada. So far as appears the French had no armed ships at either of these islands. In the preceding March the British made an unsuccessful attack upon the town and fort of Léogane, San Domingo, and a successful one upon the fort and parish of Bombarde. No French ships appear in these actions, but a squadron arrived at Cape François May 12, but returned immediately to France. (*Ibid.*, 367, *et seq.*)

February, 1797, a British squadron left Port Royal, Martinique, for the purpose of attacking the Spanish colonies. Trinidad soon fell into their hands, and, touching at Martinique on the way, the squadron proceeded to Porto Rico, the attack upon which was unsuccessful. In April the French 36-gun frigate Harmonie was destroyed by the English near Jean Babel while sailing under orders to convoy to Cape François, from Port au Prince and Jean Babel, a number of provision-laden American vessels captured by French privateers. An action between three of the British fleet, a French privateer, and a French battery in Carcasse Bay, is the only other engagement noted as having taken place in the West Indies during this year. (*Ibid.*, Vol. II, p. 97 *et seq.*)

The year 1798 opened with the evacuation by the British in April of Port au Prince, St. Marc, and Arcahaye, all in San Domingo, shortly after which three French 36-gun frigates landed supplies at Cape François and returned home. An engagement between the British and Spanish was the only other important naval event of this year in the Gulf. In August, 1799, the British took the Dutch island of Surinam, finding in the river a French corvette, the Hussar, which was added to the British navy. (*Ibid.*, p. 373.) September 13, 1800, the island of Curaçoa surrendered to the British, and fourty-four vessels were found lying in the harbor, but no war ships. (*Ibid.*, Vol. II, p. 59.)

In May, 1793, the Hyena, of 24 guns, and La Concorde, of 40 guns (the advance frigate of a French squadron of some six vessels), had an engagement off Cape Tiburion, which resulted in the defeat of the former. In July the English frigate Boston, after capturing the first lieutenant of the French frigate Embuscade, then lying in the harbor of New York, challenged the Frenchman to battle, a challenge which was accepted; the battle took place without decided result, and during it what was supposed to be a large French squadron appeared in the offing, while two French frigates were afterwards found by the Boston lying in the mouth of the Delaware, where she sought refuge. In November a combat took place between Penelope and Iphigenia on the one side and the Insurgente on the other, in the bight of Léogane, island of San Domingo, resulting in the defeat of the French frigate. (*Ibia.*, Vol. I, p. 88 *et seq.*)

In December, 1794, the British frigate Blanche, cruising off the island of Désirade, a dependency of Guadeloupe, then in French possession, cut out a government armed schooner of 8 guns, which, to escape, had anchored in the bottom of the bay of Désirade. Later the Blanche had an encounter with the French 36-gun frigate Pique off Point-à-Pitre, in which, after a battle most gallant on both sides, the Pique was captured. In May there was a battle in Chesapeake Bay between two English frigates and five lightly-armed Frenchmen, most of them store-ships. (*Ibid.*, 274 *et seq.*)

On the 4th of May, 1796, the Spencer engaged and captured the French gunbrig Vulcan in latitude 28° north, longitude 69° west.

In July, 1796, a combat without definite result took place between the frigates Aimable (English) and Pensée (French), beginning off "Englishman's Head," Guadeloupe, while in August the Mermaid attacked the Vengeance within gun fire from Guadeloupe batteries, and in July the Quebec was chased by two French frigates when not far from Port au Prince.

August 25, 1796, the British 20-gun ship Raison engaged the Vengeance, the Mermaid's former opponent, in latitude 41° 39′ north and longitude 66° 24′ west, without definite result. Later in the same month an English squadron captured the French frigate Elizabeth off Cape Henry. In September the Médée engaged the Pelican off Guadeloupe. The action had no definite result, and it appears that at this time the Thetis (French) and either the Pensée or the Concorde were at anchor in Guadeloupe. The Pelican was so much inferior to the Médée in armament that Hugues sent an aid-de-camp under a flag of truce to the Saintes to inspect her as she lay there at anchor.

On the 10th August, 1797, the 38-gun British frigate Arethusa captured, after stern resistance, the French corvette Galeté, sighting at about the same time the brig-corvette Espoir, of 14 guns, and a third vessel supposed to be a small French war vessel. Five days later the Alexandrian, schooner of 6 guns, acting as tender to the flag-ship at Martinique and engaged in quest of French privateers, captured a privateer schooner and chased another, which escaped. September 17, the Pelican destroyed the French privateer Trompeuse off Cape St. Nicholas Mole. The 4th October, the Alexandrian captured the French privateer Epicharis. January 3, 1798, the British armed sloop George, of 6 guns, while on a passage from Demerara to Martinique, was captured by two Spanish privateers. Thirteen days later boats from the 20-gun ship Babet, then cruising between Martinique and Dominique, captured the French armed schooner Desirée.

April 17 the British schooner Recovery, cruising in the West Indies, fell in with the privateer Revanche and compelled her to surrender. May 7 the British brig-sloop Victorieuse, while passing to leeward of Guadeloupe, was attacked without success by two French privateers. The same vessel during the following December, aided by the 14-gun brig-sloop Zephyr and some troops, after an attack upon the Spanish in the island of Margarita, took out the privateer Couleuvre, of 6 guns and 80 men, from the port of Gurupano. July 11 boats from the British 44-gun ship Reguius cut out three vessels at anchor in Aquada Bay, Porto Rico. December 11 the British 22-gun ship Perdrix captured the French privateer Armée d'Italie not far from St. Thomas.

March 30, 1799, boats from the British frigate Trent and cutter Sparrow cut out a Spanish merchant ship and schooner which they found in a bay of Porto Rico, at the same time storming and carrying a small Spanish battery. April 13, the Amaranthe, a British 14-gun brig-sloop, captured the French letter-of-marque schooner Vengeur after the latter had made a noble resistance.

The officers and crew of the Abergavenny, stationary flag-ship at Port Royal, tired of inaction during the whole of 1797 and part of 1798, fitted out on their own account, a frigate launch which was so successful in prize-taking that its proprietors were enabled to purchase with their prize-money a small schooner named the Ferret, which became the tender of the Abergavenny.

The Ferret early in October, 1799, had a very sharp encounter with a Spanish privateer without decisive result. Later in the same month the British brig-sloop Echo cruising off Porto Rico, chased a French letter-of-marque into Laguadille Bay and cut her out, and not long after occurred the daring capture of the Hermione in the harbor of Puerto Cabello. In November the Crescent and Calypso adroitly saved their convoy from a Spanish squadron. Still later in that month the Solebay cruising off San Domingo, encountered a French squadron recently arrived at Cape François from France and bound to Jacmel. Strange to say, this 32-gun frigate captured all the French vessels without casualty on either side.

The squadron consisted of 4 vessels mounting 58 guns, manned with 431 men, while the frigate carried 38 guns and about 212 men. In December an indecisive conflict took place off the island of Porto Santo between the Glenmore and Amiable in charge of an outward bound British West India convoy, and the Sirene and Bergere bound from Rochelle to Cayenne with 450 troops and Victor Hugues on board. (James, Vol. II, pp. 79 *et seq.*; 198 *et seq.*; 313 *et seq.*)

Early in April, 1800, boats from the sloop Calypso off Cape Tiberion, carried the French privateer Diligente. In August the 38-gun frigate Seine cruising in the Mona passage, sighted the Vengeance bound from Curaçoa to France, which, after a sharp combat, surrendered. In October the schooner Gypsie (British) cruising off Guadaloupe, captured the Quidproquo of 8 guns. (James, Vol. III, p. 27 *et seq.*)

(Consult also Life of Decatur, Sparks' series of Biography, 31; Cooper's Naval History United States, Vol. I.)

We have now set forth in this catalogue at somewhat tedious but necessary length every naval action (except some few unimportant combats with privateers) of which we can find record, which took place from 1793 to 1800, both years inclusive, between British and French or Spanish naval forces, on or near the eastern coast of America, between the latitude of Boston and the northern coast of South America. The reason for so voluminous a list, which, while probably not without omissions, we believe to be sufficiently correct, is that from it alone can any conclusion be drawn as to the amount of the French naval force and its uses during the period in dispute. For convenience to those whose interest or duty it may be to investigate this question we have cited but from one authority, and one which while not without fault of national prejudice, is carefully and conveniently compiled. Other authorities examined by the court re-enforce the conclusions we draw from the citations already made.

Martinique, it is alleged, was effectively blockaded. This is not affirmatively shown, and perhaps we might rest here; but in this class of cases we have thought it right to go further and to endeavor to throw all the light in our power upon the exact situation.

From the citations made and also from the history of the American Navy certain facts clearly appear as worthy of notice.

First, the very small number of encounters between vessels of the English navy and French vessels of war.

Second, that no such encounter took place near Martinique, the two captures of privateers by the Alexandrian being the only combats mentioned as occurring in the vicinity of that port after its occupation by the English.

Third, that not a word is said, or an allusion made, in any attainable authority as to a blockade, or an attempted blockade in fact, of any West Indian English port. It does not appear that any armed vessel, English or American, was ordered to, or attempted to, break any such blockade although the English force was at times very large in the West Indies and was actively engaged. Neither in Cooper's Naval History nor in the Life of Decatur, nor in any other work relating either to the English or American Navy which we have been able to consult, nor in the diplomatic correspondence of the period, do we find any statement tending to show that there existed anything other than a paper blockade, a blockade useless and void in so far as neutral rights were affected.

Further proof of this absence of effective blockade is found in the large number of merchant vessels which safely traded with these ports during the period in question, and in the lack of contention on the part of France, notwithstanding Mr. Pickering's vigorous language (Doc. 102, pp. 408, 410), that they were maintaining or endeavoring to maintain an effective blockade.

We have already seen that the French Government did not desire the fulfillment of the treaty's guaranty clause, deeming it wiser on their own account that we should not embark in the war. Genet and the colonists complained of our course on this subject, but the home Government did not agree with them. As late as March, 1798, Talleyrand wrote to Pinekney and his colleagues that "the Republic was hardly constituted when a minister was sent to Philadelphia, whose first act was to declare to the United States that they would not be pressed to execute the defensive clauses of the treaty of alliance, although the circumstance, in the least equivocal manner, exhibited the *casus fœderis*" (4 Wait's Am. State Papers, p. 97).

We find no claim by France that the treaty was abrogated by a failure by the United States to fulfill the guaranty clause. During and soon after 1794 the West India Islands fell into the hands of Great Britain, yet in 1795 (January 3) a French decree reciting the law of December, 1794, ordering the treaties of 1778 to be respected as in force, declared, in favor of the United States, the principle of free ships, free goods, except as to ports actually blockaded. As against this position of his superiors, Hugués, in February, 1797, issued his order subjecting to capture and confiscation vessels and cargoes destined to the captured islands, giving as a reason the failure of the guaranty.

The fact, then, that some of the West India Islands had been taken from France does not seem to complicate the legal question.

It is urged that provisions bound for Martinique were properly condemned, on the ground, substantially, that as the port was in possession of an enemy force, it must be assumed they were intended to feed that force, and therefore were contraband by destination. (Citing The Peterhoof, 5 Wal., p. 58; 2 Black., 671 and 672, "The Prize Cases;" Desty on Shipping, § 423; Letens Droits. Recip., p. 114; Blatchford's Prize Cases, p. 464.)

As far back as Grotius the distinction was made between things useful only for war, the carriage of which by neutrals is prohibited, things which serve merely for pleasure, the carriage of which is permitted, and things useful both in peace and war, as money or provisions, which are sometimes lawful articles of neutral commerce, and sometimes not, according to the circumstances existing at the time. Thus provisions would be contraband if bound to a besieged camp or port. Kent, who seems to be the most liberal of the writers towards defendants' position, thus lays down the rule:

"The modern established rule is, that provisions are not generally contraband, but may become so under circumstances arising out of the particular situation of the war, or the condition of the parties engaged in it. Among the circumstances which tend to preserve provisions from being liable to be treated as contraband, one is that they are the growth of the country which produces them. Another circumstance to which some indulgence is shown by the practice of nations is when the articles are in their native and manufactured state. Thus iron is treated with indulgence, though anchors and other instruments fabricated out of it are directly contraband. Hemp is more favorably considered than cordage; and wheat is not considered as so objectionable a commodity, when going to an enemy's country, as any of the final preparations of t for human use. The most important distinction is, whether the articles were intended for the ordinary use of life or even for mercantile ships' use, or whether they were going with a highly probable distination to military use.

"The nature and quality of the port to which the articles are going is not an irrational test. If the port be a general commercial one, it is presumed the articles are going for civil use, though occasionally a ship of war may be constructed in that port. But if the great predominant character of that port, like Brest in France, or Portsmouth in England, be that of a port of military naval equipment it will be presumed that the articles were going for military use, although it is possible that the articles might have been applied to civil consumption. As it is impossible to ascertain positively the final use of an article *ancipitis usus*, it is not an injurious rule which deduces the final use from the immediate destination, and the presumption of a hostile use, founded on its destination to a military port, is very much inflamed, if, at the time when the articles were going, a considerable armament was notoriously preparing, to which a supply of those articles would be eminently useful." (Vol. I, p. 139.)

The Supreme Court has decided that provisions the growth of the enemy's country, but the property of a neutral, and carried in a neutral vessel, are good prize because destined to supply the enemy's forces; and the court added that provisions are not generally contraband, but may become so because of their destination or the particular situation of the war. If intended for the ordinary use of life, they are innocent; if intended for the enemy's forces or his ports of

warlike equipment, then their seizure is justifiable. (The Comerccen, 1 Wheaton, 382.)

Bluntschli thinks it against "*gute sitte*" to treat trade in provisions as contraband even if it serves the hostile army's use (Mod. Völkerrecht, § 807). Heffter (Europäisches Völkerrecht, § 160) holds that belligerents may take measures against the export by neutrals of doubtful articles, articles occasionally contraband, only when a destination for the enemy's government and military forces can be shown on adequate grounds. Ortolan denies that provisions and objects of prime necessity may be considered contraband, except in cases not pertinent to this discussion (Vol. II, 179). Hautefeuille goes much further and admits as contraband only arms and munitions of war ready for immediate use, fit to be used as such and for no other purpose. (Droits des Nations Neutres, II, 419.)

Klüber leans the same way and holds that presumptions are in favor of freedom of trade (§ 288), and Martens states that the law in Europe prior to the first armed neutrality, 1780, considered as contraband only articles of direct use in war. Vattel sanctions the seizure of provisions "in certain junctures when we have hopes of reducing the enemy by famine" (Liv. III., ch. 7, sec. 112), but Wheaton believes he intended to carry the principle no further than to the case of a besieged city; and commenting on Grotius, Wheaton reaches the conclusion that the latter sanctions the seizure of provisions, not bound to a port besieged or blockaded, only when made for preservation or defense "under the pressure of that imperious and unequivocal necessity which breaks down the distinctions of property," and this power should not be exercised until all other possible means have been used, then not if the right owner is under a like necessity, and even then restitution shall be made as soon as possible. Bynkershoek and Rutherfurth concur in this view. (Wheaton, pp. 556 to 558.)

Wheaton expresses no definite opinion for himself, but clearly leans to the side of freedom towards the neutral.

In 1793 (May 7), Mr. Jefferson instructed Mr. Pinckney in relation to a fear expressed by the latter that the belligerent powers might stop our vessels going with grain to enemy ports, that "such a stoppage to an unblockaded port would be so unequivocal an infringement of the neutral rights that we can not conceive it will be attempted." This instruction was followed by another dated September 7, 1793, in which Mr. Jefferson, after stating that in time of war neutrals are free to pursue their ordinary avocations of agriculture, manufacture, and commerce, with the exception of not furnishing to either belligerent "implements merely of war for the annoyance of the other, nor anything whatever to a place blockaded by its enemy," proceeds to define these "implements" as follows:

"There does not exist, perhaps, a nation in our common hemisphere, which has not made a particular enumeration of them in some or all of their treaties under the name of contraband. It suffices for the present occasion to say that corn, flour, and meal are not of the class of contraband, and consequently remain articles of free commerce. A culture which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think it proper to go to war. * * * If any nation whatever has a right to shut up to our produce all the ports of the earth except her own and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree, at the mere will or interest of another, to have its peaceable industry suspended and its citizens reduced to idleness and want. * * *

"It is not enough for a nation to say we and our frends will buy your produce. We have a right to answer that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty. They go to exchange the surplus of one product which we can spare for surpluses of other kinds which they can spare and we want; which they can furnish on better terms and more to our mind than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid us the enjoyment of the necessaries and comforts which we may obtain from any other independent country."

Mr. Randolph, denying that food can be universally ranked "among military engines," admitted that corn, meal, and flour are so in case of "blockade, siege, or investment." In the late Franco-Chinese war France endeavored to make "rice" contraband, and, referring to this contention, Mr. Kasson, our minister in Berlin, wrote as follows to the Secretary of State:

* * * "But more especially I beg your attention to the importance of the principle involved in this declaration, as it concerns our American interests. We are neutrals in European wars. Food constitutes an immense portion of our exports. Every European war produces an increased demand for these supplies from neutral countries. The French doctrine declares them contraband, not only when destined directly for military consumption, but when going in the ordinary course of trade as food for the civil population of the belligerent government.

"If food can be thus excluded and captured, still more can clothing, the instruments of industry, and all less vital supplies be cut off on the ground that they tend to support the efforts of the belligerent nation. Indeed, the real principle involved goes to this extent, that everything the want of which will increase the distress of the civil population of the belligerent country may be declared contraband of war. The entire trade of neutrals with belligerents may thus be destroyed, irrespective of an effective blockade of ports. War itself would become more fatal to neutral States than to belligerent interests.

"The rule of feudal times, the starvation of beleaguered and fortified towns, might be extended to an entire population of an open country. It is a return to barbaric habits of war. It might equally be claimed that all peaceful men of arms-bearing age could be deported, because otherwise they might be added to the military forces of the country."

Martinique was neither blockaded nor besieged. It undoubtedly had a British garrison and was a refuge and sometimes a rendezvous for British armed vessels; at the same time it had a large civil population to be fed then, as it is now, largely by the products of the temperate zone. Its predominant character was not that of a port of naval or military equipment.

We do not consider that a provision-laden ship bound for Martinique was properly condemned on the ground alone that she was bound to a British port, nor do we consider the fact that the port had once been French complicates the situation. There is nothing in the law of nations which justifies or makes valid as against neutrals such decrees as those issued during this war by the French and English. Russia admitted these decrees were contrary to the law of nations. France promised to pay for captures made under them. England and Spain did pay the United States. (See authorities cited in Gray, adm'r, *v.* U. S., 21 C. Cls. R., p. 340.)

If either party desired to reduce the other by starvation there was a plain and acknowledged legal method to obtain that end; that is, by the establishment of an effective blockade. That neither was able to take this course is not a reason that the commerce of neutrals should be suspended on the penalty of having their merchant vessels and cargoes confiscated. To admit such a doctrine would be to impose in time of war a worse burden upon the neutral than that borne by either belligerent, and would shut it up in its own ports, or oblige it to furnish, in protection of its commerce, a naval force competent to compete with the belligerent, which by paper decrees, unsupported by effective acts by its municipal law, attempts to interfere with the recognized and natural rights of neutral trade.

We do not understand that in the negotiations of 1800 the French denied the justice of claims similar in principle to the one now suggested, and the treaty of 1778 in terms conceded the right to trade with the enemy. The commerce of the United States was principally in agricultural products, certainly not in munitions of war. A most important complaint was as to that part of the belligerent decrees which directed seizure of neutral property on the sole ground of destination to an enemy port without regard to the character of the cargo. (See Treaty Commerce 1778, Articles XII, XIII, XXIII, XXIV.)

It seems to us clear that this class of claims was contemplated by the treaty of 1800 and the act of 1885.

BURDEN OF PROOF IN PRIZE PROCEEDINGS.

The burden of proof in prize proceedings is on the seized vessel. The authorities concur in this general statement, but the principle is not technical and is not to be pushed beyond its proper natural intent. Seized vessels always appear before the court under the taint of suspicion; that taint it is incumbent upon them to remove, as it is in their power alone to do so. What the court looks for is the fact. If it appear that the vessel was innocently pursuing an honest and legal voyage, whether that appear by papers or otherwise, then the vessel should be released. No particular papers, no specified character of evidence is marked out and defined as indispensable to attain this end.

A case is easily supposable in which a merchant vessel has lost its papers by an accident, or by theft, or by robbery committed by a pirate or privateer, or through suppression by the captor, and it would not be admitted—the fact of their non-production being explained, and the vessel's honest character being shown—that because some particular document was not on board she therefore should be condemned and confiscated. The *onus probandi* is on the captured vessel; which means no more than that she must explain away suspicious circumstances.

REPRISALS.

The learned counsel for the defense contend that the United States first violated the treaties of 1778 by the proclamation of neutrality of 1793, by refusing to guaranty the French possessions, by refusing to grant the promised harbor privileges, and by concluding the Jay treaty. Therefore "it was the right of France to retaliate upon the United States for these violations; and whatever she did, or whatever was done by her authority in such retaliation prior to and during the limited war existing between the two countries, whether by captures, seizures, condemnations, or confiscations of American property, vessels or cargoes, was justifiably done."

In another form substantially the same contention is made, defendants claiming that the acts of France complained of by the United States were authorized by the law of nations; that whether reparation was to be made by France depended upon compliance with her demands; that as the United States did not acquiesce in those demands, but by the annulling act of July, 1798, practically notified France that they would not do so, "from that moment France owed no compensation for those confiscations and the matter was *res judicata*."

In considering these propositions it will strike any one who has studied the correspondence or will refer to the extracts made from it by us in this and our previous opinions on the spoliations question, that France never took this point. It will be remembered that the decrees at the outset were admitted by all parties to be illegal, and excusable only on the ground of necessity; that while this admission was not by any means consistently adhered to, still England and Spain came back to it in effect when they compensated the United States for losses—England through a commission organized under the provision of the Jay treaty, Spain in the treaties relative to the Florida purchase.

France did not seriously ask us to enforce the guaranty and apparently did not wish us to do so, however much we may have feared such a demand on her part, and however much some of her agents and her colonists may have desired it. The vital point of difference was the Jay treaty. We have already discussed that instrument and stated that it was in conflict with the provisions in the Franco-American treaties of 1778. France did not contend that the Jay treaty abrogated the treaties of 1778; on the contrary, her whole argument, down to the ratification of the treaty of 1800, was based upon the premise that the treaties were of enduring force. The decree itself which ordered seizure of neutral property bound in United States vessels to enemy ports, set forth as a reason for its enactment that the Jay treaty modified, not annulled, the treaties with France, and that France was entitled under the treaties to any benefit this modification might give her.

France did not deny at any point of the negotiations which led to the treaty of 1800 her liability for claims known by the generic name of "spoliations," but claimed in return for payment recognition of treaties, a demand which was not granted, and the contention remained embodied in the second article, which was stricken out. Thus was completed what Madison called the "bargain" by which we released "spoliations" in consideration of release from all obligations founded upon the treaties of 1778. A striking illustration of the French position, if any is needed after the detailed statement of the negotiations which has heretofore been made, is found in Article IV of the treaty of 1800, which agrees to return prizes captured under the decrees, now termed by the defense decrees of retaliation, when those prizes had not been already definitively condemned.

Acts of retaliation are admitted to be justifiable under certain circumstances. They may exist when the two nations are otherwise at peace, but they are in their nature acts of warfare. They depart from the field of negotiation into that of force, and, as is war, are justified by a successful result. To term the decrees of France and the acts of their privateers under them "acts of reprisal" does not alter the facts or the legal position. That position has been defined by the Supreme Court of the United States as limited partial war. We, following the path indicated by that tribunal, have defined it as "limited war in its nature similar to a prolonged series of reprisals."

The result of that partial limited war, the result of the negotiations for settlement, the agreement reached by the two parties which made the Government of the United States liable over to its citizens, we have heretofore considered so much in detail that we shall not now repeat it, and we need only state briefly the result heretofore reached by us, and in which we, after re-examination, are confirmed, that the acts of France now in question, whether called "reprisals" or acts of limited warfare, were contended by the United States to be illegal, were admitted so to be by France; that France stood ready to make the compensation made by England and Spain for similar acts on their part, provided we would admit certain claims of her own, which we declined to do; and finally, by the substitution of the existing second article of the treaty for that agreed upon by the negotiators, these claims were surrendered in consideration of a release from the French demand.

SALVAGE.

The case of the Two Brothers presents a claim for salvage paid an American man-of-war for rescue from a French privateer.

The broad principle of prize law forbids an allowance by way of salvage to the captor of a neutral in possession of a belligerent. The reason of the rule is plain: salvage is remuneration for aid in case of danger, and a neutral vessel in the hands of a civilized belligerent is not in danger, for it is to be presumed that, if innocent, she will be discharged by the prize-court with damages for detention. Some of the prize-courts in France were at certain times during the disturbed period between 1792 and 1801 very fair and just in their treatment of neutral property. We have in our opinions on the spoliations cited instances of a reasonable judicial application of the law.

Unfortunately, however, the fair administration of justice, which before the Revolution and since has characterized the learned and able officials who have there filled the offices of the magistrature, was interrupted during the period now under consideration. Setting aside the charges made of ulterior and im-

proper motives on the part of individual magistrates of which illustrations are found in the letters of Monroe, Mountflorence, and Pickering (*supra*), we need only recall that the decrees of the French or colonial governments were binding upon the prize tribunals, and those tribunals were obliged to enforce them. Many of the decrees were in conflict with the law of nations and were an invasion of the rights of neutrals. The position assumed by the French authorities placed neutrals prosecuting innocent voyages in a most dangerous position. If taken by a French privateer they were not to expect a trial under the recognized law of nations, but a trial under arbitrary and illegal municipal enactments; a trial which would necessarily result in condemnation, even if the local tribunal were above suspicion of improper prejudice.

Under these circumstances the reason fails for the rule as to salvage in case of recapture of a neutral from a belligerent. As the neutral was in danger of condemnation, so the recapturing vessel was entitled to salvage. We have already cited the opinion of Lord Stowell, who, at the time of the occurrences from which these claims arose, found it just and necessary to adopt this rule.

The Supreme Court of the United States have declared that to support a demand for salvage two circumstances must concur—the taking must be lawful and there must be a meritorious service rendered to the recaptured. Commenting on Lord Stowell's opinion as to the necessity for meritorious service, the court say:

"The principle is that without benefit salvage is not payable; and it is merely a consequence from this principle which exempts recaptured neutrals from its payment. But let a nation change its laws and its practice on this subject; let its legislation be such as to subject to condemnation all neutrals captured by its cruisers, and who will say that no benefit is conferred by a recapture? In such a course of things the state of the neutral is completely changed. So far from being safe, he is in as much danger of condemnation as if captured by his own declared enemy. A series of decisions then, and of rules founded on his supposed safety, no longer apply. Only those rules are applicable which regulate a situation of actual danger. This is not, as it has been termed, a change of principle, but a preservation of principle by a practical application of it according to the original, substantial good sense of the rule."

The court then inquire whether the laws of France were such as to have rendered the condemnation of a neutral in possession of a French prize crew so probable as to create a case of such real danger that her recapture must be considered as a meritorious service authorizing allowance as salvage. On this point the conclusion is reached that the danger of loss was real and imminent.

"The captured vessel was of such description that the law by which she was to be tried condemned her as good prize to the captor. Her danger then was real and imminent. The service rendered her was an essential service, and the court is therefore of opinion that the recaptor is entitled to salvage." (Talbot *vs.* Seeman, case of the Amelia, 1 Cr., p. 1.)

We see no reason why a rule laid down by such eminent authority, so just in principle, and the result of such sound judicial reasoning, should not be applied to the cases now before us.

FREIGHT.

The Nancy was under charter to sail from Baltimore to Jamaica, there to discharge cargo, reload, and return to Baltimore. While on her way to Jamaica under this charter-party she was seized on the high seas by a French privateer and lost to her owners. The question is now presented as to the basis upon which an allowance for freight should be computed.

It is evident that freight earned is an element of value in the property lost. The ship-owner has a right to expect a reasonable return upon his venture, and this return he finds only in the freight money. As between the vessel and the cargo-owner the freight is regarded as an entirety due in no part until the arrival of the vessel at the port of destination. Between these two alone does this rule prevail—as to them the law has placed a certain construction upon the contract of affreightment to which they are parties—a construction well understood, admitted, and certain.

As to third parties no such rule prevails, and as against them freight is often recoverable, even when the vessel does not reach her destination. In cases of tort, such as collision, Dr. Lushington says: "The party who had suffered the injury is clearly entitled to an adequate compensation for any loss he may sustain for the detention of the vessel during the period which is necessary for the completion of the repairs and furnishing the new articles (2 W. Robinson, 279), and he allowed gross freight less the ordinary ship's expenses necessary to earn it. As a broad rule this is well enough, but it is not without possible exception, for we may imagine an injury at a time when the vessel is not engaged in freight earning, although even then we probably look to the market for a proper measure of damages.

The case of The Amiable Nancy (3 Wheaton, 560), and Smith *vs.* Condry (1 Howard, 35), allowed only the "actual damage sustained by the party at the time and place of injury" without allowance for detention. In Williamson *vs.* Barrett (13 Howard, 101), a collision case, the court allowed damages for demurrage, adopting the rate of freight, less expenses, as a proper measure, three justices dissenting on the ground that the majority rule introduced too much uncertainty into the case and tended to increase the "stringency, tediousness, and charges of litigation in collision cases." They therefore preferred a rule granting full damages at the time and place of collision, with legal interest on the amount thus ascertained.

The case of the Baltimore, arising from collision, was decided in 1869 (8 Wall., 377), the court holding that the suffering party is not limited to compensation for the immediate effects of the injury inflicted, but the claim for compensation may extend to loss of freight, necessary expenses incurred in making repairs, and unavoidable detention. *Restitutio in integram* is the leading maxim in such cases, say the court, and in respect to materials for repairs where repairs are practicable there shall not, as in insurance cases, be any deduction for new materials in place of old, for this reason, that "the claim of the injured party arises by reason of the wrongful act of the party by whom the damage was occasioned, and the measure of the indemnity is not limited by any contract, but is coextensive with the amount of damage. * * * Allowance for freight is made in such a case, reckoning the gross freight less the charges which would necessarily have been incurred in earning the same, and which were saved to the owner by the accident, together with interest on the same from the date of the probable termination of the voyage."

In case of capture the general rule is that the neutral carrier of enemy's property is entitled to his freight (Story, J., in the Comerceen, 1 Gallison, 264). Sir William Scott held very firmly by this rule in the case of Der Mohr (3 C. Rob., 129, and 4 C. Rob., 315), a case of great hardship, appealing strongly to the sympathy of the court. In that case he said:

"In an unfortunate case like the present the court would certainly be disposed to give the captor all possible relief. I need not add that no relief is possible which can not be given consistently with the justice due to the claimant. The demand of freight is, I apprehend, an absolute demand in cases where the ship is pronounced to be innocently employed. * * *

"The freight is as much a part of the loss as the ship, for he (the captor) was bound to answer equally for both. The captor has, by taking possession of the whole cargo, deprived the claimant of the fund to which his security was fixed. He was bound to bring in that cargo subject to the demand for freight. He was just as answerable for the freight of the voyage as for the ship which was to earn it, or which was rather to be considered as having already earned it. In the room of this fund the captor has substituted his own personal responsibility, for loss accrues by the fault of his agent. I see no distinction under which I can pronounce that the claimant is not as much entitled to the freight as to the vessel." (See also 1 Gallison, 274, the Anna Green.)

Upon an open insurance policy gross freight is recoverable (2 Phillips Ins., § 1238). As to insurance, the inchoate right to freight vests directly "the ship has broken ground on the voyage described in the charter-party," and there is an insurable interest "where there is an expectancy coupled with a present existing title" (Lucena *vs.* Crawford, 2 Boss. and Pull. N. R., 269; 1 Phillips Ins., § 334, p. 192).

Freight, then, is properly insurable and collectible. It has value, although the right as against the freighter may be inchoate until delivery. As to the freighter the ship-owner is without redress, unless there be delivery in accordance with the contract, but as to an insurer or a tort-feasor, there is a right to redress upon the happening of an interruption of the voyage.

The amount of that redress and the method of computing it in the cases now submitted to us of illegal capture are now to be decided. The ship-owner has a right to a reasonable return upon his investment, for the risk to which his property is subjected, for its depreciation while engaged in the undertaking, and for the expenses to which he is subjected in carrying it out. The measure of that return, based upon the theory of a completed voyage, he has himself fixed in his contract of affreightment. If his voyage be not completed, but be interrupted and his property lost by the act of a wrongdoer, then, as against that wrongdoer, the maxim *restitutio in integrum* applies.

If the voyage were completed the difficulty would not be serious, for as a guide we should have a contract made by parties opposed in interest and familiar with the business. As the voyage has not been completed, an allowance of gross freight would be more than a *restitutio in integrum*, and would neglect a deduction for expenses necessarily to be incurred in completing the contract and in conveying the cargo to the point of delivery. To allow gross freight under these circumstances would in effect not merely reimburse the owner, but render the seizure a matter of profit to him, and we do not understand that punitive damages should be recovered in the cases now before us. The vessel having been destroyed before the completion of the voyage, has not been so long employed as the contract contemplated, her crew have received less wages, and her hull and outfit have received less deterioration. She has only earned freight *pro tanto*.

On the other hand, the expenses of freight earning are much greater at the beginning of the voyage than at any other period, for then advances are made seamen, stores are shipped, port charges and the cost of loading have to be met. Therefore, to divide the total freight by the number of days out of port would not be fair to the ship-owner; to deduct from the total freight the cost of the voyage from the place of destruction to port of destination would be a fairer rule, could those expenses be ascertained.

To compute the amount of this freight in each instance is practically impossible, so that the court is forced to the adoption of some general rule which in our opinion is fair in result. The difficulty is not a novel one, and the method of solution not without precedent. Those familiar with the proceedings of prize courts know that a substantially arbitrary rule is there often adopted in practice to enforce justice, and now, nearly a hundred years after the events from which these claims arise, when all witnesses are dead and many records destroyed, we are forced to this course, as it is evidently impossible to estimate in every instance precisely the proportion of freight earned. Where such an estimate can be made we shall make it, in other cases we shall adopt a general rule.

In seeking for such a rule, we learn that in commercial cities, in the adjustment of average losses, there is a practice to award arbitrarily two-thirds of the full freight on the immediate voyage. This course was in effect followed by the commissioners under the treaty of 1831 with France, who made a similar allowance as a fair measure of the increase in value of the cargo by reason of the distance to which it had been transported at the time of capture; and the award was made to the shipper if he had paid freight; to the ship-owner if the freight had not been paid.

After carefully examining the cases before us we conclude that this rule is substantially just, and we adopt it.

This brings us to another point. The Nancy was under charter for a round voyage—Baltimore to Jamaica and return. She was destroyed on the outward voyage. Is she entitled to an allowance for freight based upon the entire contract contained in the charter-party?

As against an insurer or tort-feasor the inchoate right to freight vests when the vessel breaks ground "on the voyage described in the charter-party" (*supra*). An insurable interest in freight can not spring from a mere "expectancy," but may spring from an "expectancy" when this is coupled with "a present existing title." (Lucena *vs.* Crawford, *supra.*)

In cases of general average for jettison, Lowndes states the rule to be that "when a ship is chartered to fetch or carry a cargo belonging to the charterer, the freight under the charter must contribute to the general average, whether or not the cargo is on board the ship at the time of the general average act, since the loss of the chartered ship, whether laden or not, would deprive the ship-owner of his expected freight." (Lowndes on General Average, 236.)

It has been held in this country that where a gross sum was to be paid as freight for a voyage out and return, the principal object of the voyage being to obtain a return cargo, the freight for the whole trip must contribute to general average on the outward voyage. (The Mary, 1 Sprague's Decisions, 17.) The same rule has been adopted in cases of salvage. (The Nathanial Hooper, 3 Sumner, 542; The Progress, Edwards, 210; The Dorothy Foster, 6 C. Rob., 88; see also Livingston *vs.* Columbia Insurance Company, 3 Johns N. Y., 49; Hart *vs.* Delaware Insurance Company, 2 Wash. C. C., 346).

The decisions on this question in the United States do not go so far as those in England, but we lean to the doctrine of Sir William Scott and Dr. Lushington, as better applicable to the cases now before us, that when a vessel is actually under contract for a voyage from one port to another, thence to proceed to a third, she has such "a present existing title" in the freight money of the entire voyage as to authorize a recovery based upon the total freight money for the round trip.

Of course she is not entitled to gross freight, and we must not be understood as intending any application of this principle to a vessel proceeding under a mere "expectancy" of finding cargo at her first port of call. The principle only covers those cases where there is an assurance of freight from her first port of call to her second, and a price stipulated to be paid therefor.

We have discussed and ruled upon as many of the general questions submitted in the argument as it seems to us wise now to decide, either for counsels' convenience or in justice to the Government or the claimants. Other points which have arisen in the long argument we shall consider as they are brought before us in specific cases. The object of obtaining from the court a ruling upon general principles is in our opinion now sufficiently attained.

We file herewith, that they may be reported to Congress, our conclusions of fact and law in many cases. This opinion, with those already delivered, contain the conclusions which in our judgment affect the liability of the United States therefor.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army;

A bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States;

A bill (H. R. 6153) to authorize condemnation of land for sites of public buildings, and for other purposes;

Joint resolution (H. Res. 163) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials to the city of Utica, N. Y.;

A bill (H. R. 8183) for the erection of a public building at Opelousas, La.; and

A bill (H. R. 3008) for the relief of P. A. Leatherbury.

CHANGE OF REFERENCE.

The SPEAKER. The bill (S. 2713) granting a pension to Pierre Bottineau has been improperly referred to the Committee on Invalid Pensions. It should go to the Committee on Pensions, and if there be no objection that reference will be made.

There was no objection, and it was so ordered.

VENTILATION OF THE HALL.

Mr. LANE, from the Committee on Ventilation and Acoustics, presented the following report:

IN THE HOUSE OF REPRESENTATIVES, *July* 2, 1888.

Resolved, That the Architect of the Capitol be directed to close all perforations in the floor of the Hall of Representatives where such may be practicable and to enlarge the openings in the floor along the walls of the Hall, and to procure seats or sofas to be placed along those walls. The cost of said work and the purchase of seats shall not exceed $,000, to be paid for out of the contingent fund of the House.

Your committee is impressed with the impossibility of keeping the air-ducts of the Hall free from dust and other sources of defilement under the present arrangement. It is proposed, in order to correct this evil, to close all the openings in the floor which may be practicable, and, in order not to cut off the influx of fresh air, to increase the openings in the floor around the walls of the Hall, and such other places as may be found suitable, to an extent at least equal to the area of those closed. The openings around the wall should be covered with seats or sofas similar to those which run diagonally across the floor outside the railing. It is thought that this change will greatly lessen the danger of the air-ducts becoming fouled, as sometimes now happens. The cost of the improvement is estimated at $3,000. Your committee recommend the passage of the resolution.

Mr. LANDES. I ask that the report be printed and laid on the table for the present.

There was no objection, and it was so ordered.

ROOMS FOR SELECT COMMITTEES.

Mr. COX, by unanimous consent, offered the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Select Committee on Indian Depredation Claims and the Select Committee on the Eleventh Census be authorized and empowered to retain the use of the committee-room now occupied by them in the Butler Building during the recess and during the second session of this Congress at the same rent as is now paid; and that the Committee on Expenditures in the Treasury Department be also authorized to occupy a room in the said building at the rate of $50 per month during the balance of this session and during the recess and the second session of this Congress; and the Clerk of the House is hereby directed to pay all of said rent out of the contingent fund of the House.

BUSINESS OF COMMITTEE ON PRINTING.

Mr. RICHARDSON. I ask unanimous consent that on Saturday next, immediately after the reading of the Journal, two hours be set apart for the consideration of such measures as may be called up by the Committee on Printing.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that on next Saturday, immediately after the reading of the Journal, two hours be set apart for the consideration of measures reported from the Committee on Printing. Is there objection? The Chair hears none.

PATRICK H. WINSTON, JR.

Mr. OATES. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (S. 212) for the relief of Patrick H. Winston, jr., and that it be now considered in the House.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLOUNT. I object.

PERSONAL EXPLANATION.

Mr. DUBOIS. In a debate in which I took part a few days ago, in arguing in favor of the amendment introduced by myself, that "a combination of lead ore with silver or gold ore shall not exempt such lead ore from payment of said duty," I inadvertently alluded to the honorable Delegate from Montana in such a way as to give the inference either that he was not in favor of the amendment or that for some reason he did not care to express himself on this floor.

In previous and lengthy conversations with the gentleman from Montana I knew that his sympathies were not only with the amendment but that he intended to so express himself fully. Had he not been unavoidably absent from the Chamber on that day he no doubt would have corrected me at the time.

The interests of his Territory and my own are identical, and I make this correction in fairness to the gentleman and in justice to myself.

PERSONAL EXPLANATION.

Mr. McSHANE. Mr. Speaker, before the tariff bill is disposed of I desire to correct a statement made by myself on June 28, when the gentleman from California [Mr. FELTON] occupied the floor making some remarks with reference to the paragraph placing quicksilver on the free-list. During that discussion I made the statement that quicksilver was selling in the San Francisco market at $50 per flask. Upon investigation I find that I was mistaken in that regard, and should have stated, as I intended to state, that it was selling at 50 cents per pound. It is proper that I should make this correction.

TARIFF.

Several members called for the regular order.

The SPEAKER. The special order for to-day at half past 11 o'clock is the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

Mr. MILLS. I ask unanimous consent to correct a verbal mistake in the bill. During the consideration of the bill in Committee of the Whole cotton-seed oil was by inadvertence put on the free-list in two places—in line 67 and line 96. I ask unanimous consent to strike out line 67.

The SPEAKER. The gentleman from Texas [Mr. MILLS] asks unanimous consent to strike out line 67 of the bill.

Mr. MILLS. The same language has been put in in two places.

Mr. BREWER. I object.

Mr. MILLS. I move to amend by striking out the line already indicated, and also by striking out the word "per" in line 191, which is another verbal mistake. It ought to read "one-tenth of 1 cent per pound," but now reads "one-tenth of 1 per cent. per pound." I offer this amendment and move the previous question.

Mr. GROSVENOR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. Is it in order to move an amendment to this bill now?

The SPEAKER. Amendments are in order prior to the demand for the previous question. The gentleman from Texas has offered an amendment and demanded the previous question.

Mr. GROSVENOR. Was his amendment in order?

The SPEAKER. It is in order to offer amendments prior to the demand for the previous question. The gentleman has moved his amendment, and now demands the previous question.

The previous question was ordered.

The SPEAKER. The question is now upon agreeing to the amendment proposed by the gentleman from Texas.

Mr. GROSVENOR. We do not understand what it is.

The SPEAKER. It will be reported.

The Clerk read as follows:

In line 67 of the bill strikes out the words "oil, cotton-seed;" and in line 191 strike out the word "per," making it read "one-tenth of 1 cent per pound."

Mr. MILLS. These amendments merely correct clerical errors.

The amendments were agreed to.

Mr. MILLS. Mr. Speaker, the report of the Treasury Department shows that we have now in the United States over $1,900,000,000 in gold, silver, and paper money. Of this amount, exclusive of bullion, there is securely locked within the vaults of the Treasury the sum of $600,000,000. Of this latter sum one hundred million is set apart to secure the redemption of the Government Treasury notes; one hundred and nineteen millions is set apart to secure the redemption of gold certificates; two hundred millions is set apart to secure the redemption of silver certificates, and ninety-eight millions to secure the redemption of banks which have failed or are in liquidation. After all demands against the Government have been provided for there is left a balance of $129,000,000, which represents the sum wrung from the people by excessive and unjust taxation.

When I make this statement, sir, I have said enough to arrest the attention not only of Congress but of the whole country. But this is not all. Under the rates of taxation now existing the excess of receipts over expenditures is increasing over nine millions of dollars per month. To take from the people this large excess not required for any just and necessary expenditure of government, even if done by a just and equitable system of taxation, would be vicious and hurtful enough; but when we remember that taxation is levied not upon the wealth of the country, not upon its lands and houses, its bonds and stocks, its gold and silver, but upon the products of labor, as they go from production to consumption, and consumption necessary to sustain human existence; when we remember that the burden falls heaviest upon those least able to bear it, and that the amount required by law is so much taken from the annual supply that must satisfy the necessary wants of life, and that the sum of the exaction so required is equal to $47.10 on every $100 of taxed articles, it is enough to startle the country and arouse it to action.

But this is not all of the vicious consequences that flow from unjust and excessive taxation. Wrongs never go alone. They are gregari-

ous. They hunt in flocks. This large sum of money extracted from the channels of business circulation and locked up in the Treasury is constantly lowering the price of the products of labor not protected against competition, and while increasing the demands of the tax-gatherer it decreases the ability of the tax-payer to comply with those demands. Every one knows that the price of commodities in the market is fixed by the amount of money in actual circulation, and when the circulation is depleted prices fall, property shrinks in value, and loans and mortgages increase. The load grows heavier on the back of the debtor, and his pathway grows darker and his struggle harder day by day.

Those who have means, and who have been excused from sharing with their fellow-citizens the burdens of taxation, find their fortunes improved, while the less favored citizen, who must live by his daily toil, finds himself anxiously inquiring how he is to obtain employment and support for himself and those dependent on him. Depleting the channels of circulation necessarily arrests consumption. When ability to buy the things that want requires is decreasing the demand for them will decrease in the same proportion, and when the demand decreases the production will correspondingly decrease. Then employment is restricted, laborers are reduced or discharged, and suffering, distress, and discontent are seen on every hand.

What, then, is to become of the manufacturing laborer? He has no income to draw upon. If he has, it is a small one he has laid up with a frugal hand, and it is soon gone. He must wander around and hunt employment, and in its stead find hunger confronting him at every corner. What is to become of that large body of laborers engaged in carrying the products of labor from the producer to the consumer when production and consumption are restricted and dwarfed? This, sir, is the peril that menaces the country to-day. With the one hundred and twenty-nine millions now piled up in the Treasury, and with contraction of the circulation going on at the rate of more than nine millions a month, how long will it be before stagnation and death will follow, and bankruptcy and ruin stalk together through the land?

Sir, that is a question we must consider. If this contraction continues at the present rate it can not be long before the threatened disaster reaches us; but the time of its coming none can tell. It is enough for us to know that the country is in a perilous situation and that it is yet in our power to avert the peril. Aptly and well did the President in his message define the situation when he said it was not a question of theory, but a question of condition, that confronted us. On this side we have made an honest effort to relieve this condition of affairs. We have brought before the House a bill which will lessen the inflow of money into the public treasury and permit the excess to remain where it rightfully belongs, in the pockets of the people. By existing law the average rate of taxation on dutiable goods imported is $47.10 on every $100 worth.

The bill now pending when reported by the Committee on Ways and Means reduced the average rate from $47.10 to $40. But the amendments which have been adopted in the Committee of the Whole have restored to the dutiable list many articles which we had placed upon the free list, and raised the duties on other articles which we had reduced, so that the average rate of duty on dutiable goods by the bill as amended is now $42.49 on every $100 worth imported. This is $4.61 reduction on the present average rates on each $100 worth imported.

The total reductions on the revenues derived from imports by the bill as amended amounts to $50,591,636, of which $30,832,791 are reductions on the dutiable list and $19,758,845 are reductions from articles placed on the free list. These are small reductions exceedingly moderate, yet this bill has been stigmatized as a free-trade measure. A proposition to make a reduction amounting to less than $5 in a hundred is met with a storm of denunciation and characterized by the combined interest protected against competition as a free trade proposition that is to ruin all the manufacturing interests of the country. Is $42.29 of taxation on every $100 worth of dutiable goods imported free trade? It seems to me an enormous rate of taxation. It is a rate of taxation that if levied on the wealth of the country would not be permitted to stand for one hour. What State in the Union imposes a rate of taxation equal to 5 per cent.?

Taxation in the States is levied on lands, houses, bonds, stocks, notes, horses, cattle; in short, on all kinds of property. The owner sees and realizes fully what he is doing when he pays taxes on his property, and no party and no administration could remain in power one hour in any State in the Union that would impose a tax of $5 on the $100 of property. It could not be collected. It would produce insurrection. But a tax of $42.49 levied on the products of labor, and concealed and disguised by the methods of indirection adopted in its collection is boldly proclaimed a free-trade measure. In a majority of the States the rate of taxation does not reach $1 on the $100 for State and county purposes, and there are but few cities in the United States, extravagant as they generally are in their municipal administrations, that support a taxation of 3 per cent.

And yet this bill, carrying a taxation of $42.49 per cent., is characterized as a "free-trade measure." The term "free-trade" seems to have a double meaning. Some gentlemen seem to understand that free-trade means an absolute exemption of our foreign commerce from all taxation. Gentlemen on this side of the House and the Democratic party in all its history have used the term free-trade to mean freedom of our foreign commerce from all obstruction save that of just and necessary taxation for the support of an honest and economical administration of the Government. [Applause.]

The tariff of 1846 was framed to raise revenue and for that purpose only, and it was called by both parties a free-trade tariff. The tariff of 1857 was a still lower tariff and framed for revenue purposes alone, and it was called a free-trade tariff. But nobody ever contended for the abandonment of the policy born with the Government of raising revenue by duties on imports. I have often spoken of these tariffs as free-trade tariffs, and the decade from 1850 to 1860 as a free-trade decade, because under these tariffs and during that time the foreign commerce of the United States was not then fettered by obstructions in the interest of individuals and monopolists. [Applause.]

But let us examine the schedule of this bill and see if we can find any free trade concealed in them. We have not touched the liquor schedule, nor the silk schedule, because we thought that those who used the articles embraced in these could afford to pay the duties levied on them by existing law. The tobacco schedule has been stricken from the bill in the Committee of the Whole.

We have tried to reduce the duties upon the necessaries of life, because the great body of the people are compelled to have them.

The first schedule is that of drugs and chemicals. The average rate of duty by existing law is 32.87 per cent. We reduce it to 28.17, or a reduction of $4.70 in the hundred. They say that will destroy the domestic manufacture. Why? Because labor is so much cheaper in foreign countries. But the whole labor cost is only 10.9 per cent. If the labor cost here was 100 per cent. higher than in foreign countries, which it is not, then 6 per cent. would fully cover the difference, but we leave 28.17, more than twice the entire labor cost. Is there any danger to chemical industry in a reduction of 4.7 per cent.? The demand of the Government for revenue will more than double the entire labor cost, so that the labor is not endangered. But it seems a little strange that as the tariff is levied to protect American labor and the protection is 32.87, that the laborer only gets 10.9. There seems to be a leak somewhere.

The next is earthen and glass ware. The duty under the existing law is $59.55 on every $100; by this bill it is $52.17. And this is free trade, too. A reduction of $7.38 on a hundred, and leaving a tax upon the consumer of $52.17 in every $100 worth of product imported into the country, will shut up the glass and earthen ware business they say, and they call that free trade.

Mr. Speaker, if $52.17 taxation on $100 worth of property imported into the United States from foreign countries is free trade, in God's name will some one tell me what is meant by the term protection? [Applause.] Well, these manufacturers are alarmed about cheap foreign labor, too, and they want protection enough, they say, to cover the difference between wages in Europe and here. One of our consuls in England tells us that the average labor cost of earthenware in the United States in 1882 was 46½ per cent., and in Staffordshire, England, 47½ per cent. If this be true, our labor is cheaper than the foreign. But if the foreign labor cost nothing, then we have left per cent. enough to pay the whole labor cost of our manufactures. The labor cost of earthen and glass ware, as shown by the census of 1880, was 41 per cent. and we have left 52.17 per cent. Why is it that all of that 59.55 per cent. did not get to the laborer, only 41 per cent. having found its way to his pocket?

The next schedule is metals. We have reduced the duties from an average of 40.77 per cent. under the present tariff to 38.47 under the pending bill. This is a reduction of $2.30 on $100 worth of imported metals. There is nothing revolutionary in that, nothing to excite alarm, and it is a long way yet to free-trade. A reduction on pig-iron from 56.00 to 50.50 per cent. still leaves it with a heavy duty, and the tax of $6 per ton which we propose is the war tariff rate of 1863. The reduction of the duty on steel rails from 84.33 per cent. to 54.57 leaves a duty higher than it was from 1865 to 1870. It was then 45 per cent. In 1870 the duty was changed to a specific rate of $28 per ton. The equivalent ad valorem was then about 28 per cent. It seemed a reduction. Doubtless it was done under the pretense of preventing undervaluation and fraud; that is the false pretense under which specific duties masquerade; but when English rails came down to $26.69 per ton in 1879 the duty on steel rails, though remaining the same per ton, amounted to 104 per cent. Why should the present exorbitant duty be retained? Steel rails can be made as cheaply in this country as in England or elsewhere.

I received a letter a few days ago from a gentleman engaged in steel manufacture who said he could make the best cutlery steel in Alabama at a total cost of $16 per ton and at a labor cost of $3 per ton. The average price of the steel rails imported last year was $20.16 per ton. From 1875 to 1878, inclusive, steel rails were cheaper in the United States than in England, and cheaper here because they could be produced at a lower cost here than in Europe. And if they could be made cheaper here for four years, why not all the time? From 1875 to 1878 the importation fell from 43,000 tons to 2 tons. The average English price last year was $20.16; the average American price for the same time was $37.13; difference in price, $16.97; tariff

duty, $17! Now, if the Steel Rail Association could make rails as cheap in the United States in 1878 as they could be made in England, they could do it in 1887, and the $16.97 difference in price was put in the pockets of the manufacturer. It is claimed to be in the interest of the laborer, but he only gets from $3 to $5 per ton; the balance goes to the manufacturer to make millionaires of men that they may build castles in Scotland and go coaching through her mountains. [Applause on the Democratic side.]

We have reduced the duty on steel rails to $11 per ton. It is equivalent to more than double the entire labor cost of the rails. Why should not this reduction be made. There is but one reply all along the line. It is free trade. On wood and woodenware we found the present rates averaging 18 per cent. and we reduced them to 17.40 per cent. That is too small to require further notice.

On sugar we reduced the rate from 78.15 per cent. to 62.31 per cent. This is the largest reduction made on any schedule except the woolen. The reduction of the revenue on sugar proposed by the bill is $11,759,799, and excepting the woolen schedule is nearly twice as much as all the others combined. That is a heavy cut, but nobody seems to be distressed about it.

The complaint about sugar is that we did not reduce enough. We have dealt more harshly with sugar than with any article we have left on the dutiable list. Yet gentlemen on the other side tell us we have been sectional; that we have protected sugar and rice and aimed at the destruction of Northern industries. The charge is absurd. We have not looked at the section where any article is produced in order to determine what we would do. We have tried to deal fairly with all, and in doing it we find that we have cut it far heavier than iron, or glass, or earthenware, or woolens, or cottons, or hemp, or jute, or flax. In short, the cut on sugar is nearly twice as much as all the others put together, except woolens. [Applause.] But, on correct principles of taxation, there ought to be a higher duty on sugar than on any other article on the dutiable list.

As Democrats, we believe that a tax is a tribute from the private property of a citizen exacted by law for the support of Government. We believe, with the commentators and economists, that it is a burden, and that it ought to be so laid as to be as light as possible on the tax-payer.

Now, Mr. Speaker, we get by the present duty on sugar and molasses about $58,000,000 per annum. According to the estimate of the gentleman on the other side who offered the amendment providing for free sugar and a bounty to the sugar-grower, the present rate of duty affords protection to the domestic sugar-grower equal to $6,000,000; so that the whole cost to the people is $64,000,000. In order to get $62,000,000 of revenue from manufactures of iron and steel, and woolen and cotton goods, the people have to pay $500,000,000 to $600,000,000. We produced in 1880 $670,000,000 of all manufactures of iron and steel. It is certainly over $700,000,000 now. We produced about $275,000,000 each of cotton and woolen goods. These figures I have from the Bureau of Statistics.

Now if protection protects, and that is what it is for, it increases the price of the domestic product nearly as much as the price of the imported product plus the duty. This is admitted by the gentlemen who offered the proposition for the sugar bounty and by those who supported him. This is admitted by the constant arguments made by the other side, that if we reduce cottons and woolens and iron and steel to 40 per cent. they will be ruined. This argument admits they are getting more than that now. Of these three branches of manufactures we are producing to-day fully $1,400,000,000 worth. If they are protected 40 per cent. it costs the people $560,000,000 to get $60,000,000.

Now, which is the better tax to keep, the one that brings $58,000,000 with $6,000,000 of bounty, or that which brings $60,000,000 of revenue with $560,000,000 of bounty. Believing that a tax is a burden, and that it ought to be as light as possible to the tax-payers, I would keep a high duty on sugar and lower the duties on cotton goods, woolens, and manufactures of iron and steel. If the rate of 40 per cent. on these three articles only raised the price of the domestic produce 30 per cent. it would increase their cost to the people over $400,000,000. Why then should we repeal the duty on sugar and keep the high duties on the others. The duties on the others ought to be lowered and the duty on sugar ought to be put at the revenue standard and kept there.

The duty on provisions by existing law is 24.33 per cent., and we leave it at 23.39. The reduction is 94 cents in a hundred dollars. This is a very moderate reduction. We might have gone further without injury to any interest.

The average rate of duty on manufactures of cotton by existing law is 39.99 per cent. We leave it by the pending bill at 39.07. A difference of 92 cents in a hundred dollars will hardly drive the cotton manufacturing industry off this continent. The whole labor cost in cotton manufactures averages 21.6 per cent., and there is but little difference between this country and England in the labor cost of cotton goods. But if England paid nothing for her labor, we have left duty enough to nearly double the labor cost here. The present revennes from cotton goods is nearly $12,000,000. We reduce it $277,000. Where does the free-trade skeleton hide in this schedule?

Hemp, jute, and flax goods we found at $28.10 in the existing law, and we leave them at $21.94. There is a reduction of something over $6 in the hundred, but that occurs by putting a large number of items of hemp, flax, jute, manilla, and sun and sisal grass on the free list. Still the reduction is very small.

Now we come to wools and woolens. We found the duty on that schedule under the existing law averaging $58.81, and we have left it at $38.69; a reduction of $20 on every $100 worth. This reduction seems large, but it was caused by eliminating wool from the calculation and putting it on the free list. The reduction on dutiable woolen goods amounts to $12,000,000. But the woolen manufacturer is not injured; he is benefited. The woolen manufacturer by the existing law gets compensation for the taxation on wool and 35 per cent. protection for the manufactured product. By our bill we give him free wool and 40 per cent. protection on his manufactured goods. Instead of being injured, he is positively benefited to the amount of $5 in the hundred more than he is by the existing law. I want to read at this point what the woolen manufacturers said to Congress a number of years ago. In 1866 they addressed a communication to the United States Revenue Commissioner to be submitted to Congress, in which they said:

> The committee do not hesitate to affirm that, independently of considerations of general public policy demanding a duty on wool, the woolen manufacturers of this country would prefer the total abolition of the specific duties, provided they could have all their raw material duty free and an actual net protection of 25 per cent. [Applause on the Democratic side.]

This is signed by the executive committee of the National Association of Wool Manufacturers, and by John L. Hayes, their secretary.

After the internal-revenue tax was placed upon the domestic production the manufacturers came and said to Congress: "Now we want compensation for this, too." They had compensation for the tax on wool, and now they wanted compensation for the tax of 10 per cent. imposed by the internal-revenue laws. The duty was raised to 35 per cent.; but they are fine diplomatists, and a short time after that they came before Congress and got the internal-revenue tax on woolen goods repealed. But the 35 per cent. still remains, although they had said that 25 per cent. protection was all they wanted. Now we give them free wool and 40 per cent. protection, and still they say to us "Your bill is a free-trade measure." [Laughter on the Democratic side.]

On the schedule embracing books, papers, etc., the duty under existing law is $22.13, and we left it at $22.06, a reduction of less than 10 cents on a hundred dollars.

Now, Mr. Speaker, I have gone through with the schedules of the bill and I come to the free list. We have placed upon the free list articles amounting in round numbers to $20,000,000. The largest item is wool, $6,390,000. Why have we put wool on the free list? They say that this is full free-trade. They say to us, "When you strike wool out of the taxable list you have shot out the middle link in the chain and the chain is parted." Is that true? Why, sir, somebody put cotton on the free list a few years ago. They shot the middle link out and parted the chain then. There were millions of our fellow-citizens who were affected by that missing link in the chain of protection, but the chain was parted, and parted by gentlemen on the other side of the House, who have been so loudly crying free-trade at us. It is our greatest exporting product; it gives employment to millions of laborers. It had a duty of 3 cents a pound, but they removed it and put cotton on the free list, and they did right. There could be no justification for its tax, as there can be none for a tax on wool.

In 1872 hides were put on the free list and by the same party that boasts itself the special champion and friend of protection. Did the chains part then? This is a great cattle-growing country. It is a great sheep-growing country. We produce all sorts of hides.

But when we propose to touch wool, which affords in winter the clothing of 60,000,000 people, we strike at the combination that has made this protective tariff, and they say, "You shall not touch it; that is free trade." Let us see whether it is or not. The first tariff law that ever was enacted by this Government after the Constitution was adopted—the joint product of Alexander Hamilton, James Madison, Thomas Jefferson, and George Washington—embraced in its title the declaration of the principle that it was made to encourage home industries; and the method adopted by them to carry out that policy was to put wool on the free list. There it remained until 1824, the fathers and founders of this Government never proposing to disturb it during all that time. And in all that grand array of talent there was only one, perhaps, who could have been accused of leaning toward free trade; and that was he who wrote the great Declaration, and in one line o fit indicted the King of Great Britain and arraigned him before the bar of mankind for cutting off our trade with all parts of the world. [Applause on the Democratic side.]

We are proposing to reduce the price of woolen goods by taking the tax off wool. It is not raised by skilled labor. It scarcely employs any labor at all. There has been a great deal of sympathy manifested on the other side for the sheep. They tell us by heavily taxing the wool more wool will grow on the back of the sheep. It is the back of the man we are caring for on this side of the House, and we propose to bring down the price of woolen clothing so that

poor people can get enough to wear in winter. But we are met at the threshhold with a proposition from the other side to increase the duties on wool and woolen manufactures $16,000,000. This would practically prohibit the importation of either wool or woolen goods.

Embraced in this schedule which they demand is one of the most remarkable propositions that has ever been submitted to a legislative body, and that is that the cheap wool that now comes in as carpet wool shall not be manufactured into clothing, as it is being done to day, because the better wool is kept out of the country now by high duties. How is this law if enacted to be carried out? Are we to have Pinkerton detectives examining people's clothing, and if some garments are made of carpet wool, instead of clothing wool grown on American ranches by alien flock-masters, are the garments to be taken off the back of the people and confiscated? Our people are to day wearing carpet wool in their clothing because the duty on the clothing wool keeps it out. Out of 114,000,000 pounds of wool imported in 1887, over 80,000,000 pounds was carpet wool.

And now the wool manufacturers and wool-growers' associations, and their allies are determined that we shall not even wear carpet wool. On the 14th day of last January they met in this city, in "a dark-lantern room," and agreed on a schedule that raises the duties on wool and woolen goods so high that neither can be imported. Now, what are our people to do for woolen clothing? Mr. Dodge, the statistician of the Agricultural Department, and a protectionist, says in his official report that we only grow 265,000,000 pounds of wool. Others say more, but we put it safely when we say our product does not exceed 300,000,000 pounds. Our annual consumption is about 600,000,000 pounds. Now if we refuse the importation of the foreign wool to satisfy the wool growers, and refuse the importation of woolen goods to satisfy the wool manufacturers, what are we to do for clothing? I suppose they expect the people to go naked and vote the Republican ticket. [Applause.] But we say to you we shall have plenty of good woolen clothes. Serve the Lord and vote the Democratic ticket. [Renewed applause on the Democratic side.]

Mr. Speaker, we have put wool on the free list not only to cheapen the clothing of the people, but also in order that we may give to our own workmen in this country the making of the $44,000,000 worth of woolen goods that are annually imported. [Applause.] Instead of importing from $45,000,000 to $50,000,000 worth of woolen goods, which we are now compelled to do because you will not let us import the wool, we propose to admit free all the wool that our people require and let our own people make these woolen goods, and thus increase the demand for their work, and in increasing the demand for their work increase their wages. [Applause.]

Sir, the main object in this bill, the great central feature, is that it is a bill to better the condition and increase the wages of our laboring people. [Applause.] We are the greatest manufacturing people in the world. We are the greatest agricultural people in the world. We are the most skilled people in the world. We are the most intelligent people in the world. We have the handsomest men and the prettiest women in the world. [Laughter and applause.] All we want is for our Government to take its meddling hand out of our business. [Applause on the Democratic side and cries of "That's it," "That's the point."]

We say to the Government: Call upon the people and tell them how much you want to support an honest, economical administration. We will give you what you want for that purpose; we will give it to you cheerfully; but we are not going to be standing around as paupers, craving the protection of political power, when our own intellects are superior to the intellects of any people on the globe. [Applause.] We can not only manufacture all these woolen goods, but we can manufacture our own cotton, two-thirds of which we are now exporting to foreign countries for manufacture and then buying back a large amount of it in the shape of cotton goods.

We are the greatest cotton-growing country in the world; we are the greatest ore-producing nation in the world; we have got all the elements to make us the greatest manufacturing nation on earth. We can give employment, additional employment, to all our wage-workers at fair wages and keep them constantly employed if Congress will only let us alone. [Great applause on the Democratic side.] We ask you to remove as far as you can these barriers. Let us have free raw materials that we may reduce the cost of the product, for the cost of the product is to determine the standing of our goods in the market, and if we can produce an article cheaper than anybody else in the world can produce it we will take the market away from them and hold it against them. [Applause.]

Why, then, should not we have all these raw materials free? Why should not we put our manufacturers upon the same basis with the manufacturers of other countries? Why should not we have the opportunity to contest with them in all the markets of the world? Why should not we demand that this Congress shall undo the work of previous Congresses who have imitated George III, as Mr. Jefferson says in the Declaration of Independence, by cutting off our trade with all parts of the world? Give us a fair field and an open fight and that is all we ask. [Applause on the Democratic side.] And, Mr. Speaker, that fair field and open fight we intend to have. [Renewed applause.] We are going to have it, and without trying to "fry the fat" out of anybody either. [Laughter and applause on the Democratic side.]

We do not intend to try to debauch the American people with money in order to buy their votes at the polls. We intend to appeal to the intelligence and the virtue of our fellow-citizens. That is the great corner-stone upon which the Republic is founded, and it has been found adequate to all trials in all times in the past, and it will not be wanting now. We intend to appeal to their good common sense and ask for a verdict of approval, and we shall appeal to that great tribunal with an unshaken confidence that it will speak for the welfare and prosperity of the country. [Applause.]

The next largest item is tin-plates, the amount of reduction being $5,700,000. Not a pound of tin-plate is made in the United States. That has been repeatedly stated on this floor; stated from the other side as well as this side. It is clearly an article of revenue. To put tin-plate on the free list does not deprive any man in this country of employment. It does not take a dollar of profit from any manufacturer in the country. In order to meet the condition of the Treasury, which is so alarming, we have taken off this amount of $5,700,000 and given it to the consumers of tin-plate. Gentlemen on the other side say that is free trade, too.

Have you thought how many people are interested in tin-plate? You will find it in the homes of all your poor people. You will find all your workingmen going to their work with tin buckets in their hands carrying their dinners. You will find the manfacturing and canning business of this country carried on by the use of foreign tin-plate. You will find this article everywhere, paying now a duty which does not disturb anybody at all but which is piling too much money into the Treasury and congesting the circulation needed in the channels of business. To remedy this disturbing condition we propose to put this $5,700,000 back into the pockets of the poor people of this country. If that is free trade make the most of it. [Applause on the Democratic side.]

The next item is salt. Salt was put on the free list for the first time by the measure which Thomas Jefferson took part in framing. Salt is not a product of the skill of the human mind or hand. The Builder of the universe has made salt. Salt is in all the multitudinous waters of the sea; salt is beneath our feet in the bowels of the earth; God, in His providence, has made it for man. It is necessary for animal existence. It ought not to be taxed. We have put salt on the free list, so that salt may be free for our great packeries of pork and beef, for our butter makers who are exporting butter largely, for those who cure pork, either for their own use or for the market. This removal of duty affects especially the North and the Northwest. It should commend itself especially to you gentlemen who represent Northwestern constituents who send into the market bacon and pork which we buy from you. But because a few people are interested in having a monopoly of the salt business we are branded before the bar of the country as free-traders when we consent to remove the duty on this article, and give back to the people this bounty which God has prepared for them. [Applause on the Democratic side.]

Next is the item of burlaps, on which we make a reduction of $978,000. Every yard of this is made in Dundee or in Calcutta, as I am informed. Not a yard of it is made in the United States. The duty upon this article brings money into our coffers which is not needed. It is better that the people who use these burlaps should have this money in the channels of business. The Government does not want it. Money thus unnecessarily placed in the Treasury is injuring the prosperity of the country; and we propose, without disturbing anybody, to reduce this duty on burlaps. They tell us this is free-trade. Every reduction of the tariff which we propose to make is charged as free-trade, and nothing commends itself to the judgment of those who make this charge except that we would couple with reductions on a few little things in the tariff some free whisky. [Applause on the Democratic side.]

Now, Mr. Speaker, what further have we done? We put flax, hemp, and jute on the free list, from which was derived a revenue of $1,700,000. Well, our friends say we ought not to have done that. They say "You are ruining the flax and the hemp industries of this country; "you are ruining industries in which a very large amount of capital has been invested, and we are going to extend these industries and produce sunn and sisal grass after awhile, and we will make a vast field of employment for our people and a profitable industry for the country."

What is the fact? We have been trying this thing for many years, and the industry is passing away with all the fostering care we can bestow upon it. With all the milk we can give to the babe it has refused to prosper, and but a short time ago a gentleman on the other side of the House, when they had made up their minds to starve the little infant sugar that they have nursed so long, said they found that the money they had expended upon it had been utterly thrown away and wasted; sugar refused to be nourished, the little infant was dying, there was not a ghost of a chance for its recovery, and the reason they wanted to throw it aside was that it had ceased to prosper, and they felt justified in slaughtering it. [Applause on the Democratic side.] Now, acting on the principle of their own philosophy, here we have found that the flax, hemp, and jute business, that for years we have been nursing; that for years with all of the paternal care and tenderness that could be bestowed upon it has not prospered, and is passing away; it is dying, it soon must depart; and hence I repeat, in the light of their own philosophy, and learning the lesson from

that side of the House, we took it and put it on the free list. [Applause on the Democratic side.]

Another thing: we have taken opium, $468,000 worth of medicinal opium, a medicine for the relief of the sick and the suffering, not an ounce of it grown in the United States, and that also we put upon the free list. But they do not want free opium; it is whisky they want; they refuse opium altogether. [Applause on the Democratic side.] Have we endangered any one industry by this change? Have we hurt anybody? is there a business enterprise in the United States that will be harmed by it because we give the people cheap medicine, and of the best kind, for the suffering, sick, and perhaps the dying? And yet they demand that the duty shall be put upon opium too, because by releasing the duty it might be considered a step in the direction of "free-trade."

Well, what next? We have got cotton-ties on the free list. The duty collected on these is $121,000 annually. Nearly all these cotton-ties are made in foreign countries, as I am informed. They can not be made as cheaply here as in other countries and brought here with 35 per cent. duty. That was the rate prior to the tariff of 1883. That rate was retained in the tariff of 1883. There was some gentleman on the other side who said cotton-ties could not be made at 35 per cent., and proposed to increase the duty in order to keep out cotton-ties and give our manufacturers the right to make them; but Mr. Morrill, the great living father of protection, refused to disturb the duty of 35 per cent. on cotton-ties. The consequence is that it is a mere revenue duty, and the revenues are not needed, but they still continue to come, and the surplus revenues continues to increase. The result is that we get $121,000, not needed in the present condition or the Treasury, and we propose to help to relieve this condition by removing the duty to the extent of $121,000 on cotton-ties. Yet, because we do that, we are called sectional.

My friends out through the Northwest, have you ever realized the fact that to a very large extent your prosperity is dependent upon the prosperity of the Southern planter? Have you ever thought that it might be well to enable these poor people to buy more horses and more mules and more hogs and more of your bacon and lard and flour? For years and years you have been sending these things to us as the chief consumers of your great products, and we have been enabled to purchase them from you by the profits we make on the production of cotton. But just in proportion as you overtax your customers to that extent do you cripple their capacity to buy; for just in proportion as their capacity to buy is crippled, your capacity to sell is crippled.

We have bristles, $174,000. These we put on the free list to help manufacturers make brushes and give more employment to our people and give them better wages. These bristles, I am told, though I do not know whether it is true or not, come chiefly from Russia. They have a certain quality of stiffness which makes them superior to other kinds and better than any that can be produced here. As I say, we have put them on the free list. Does that injure any industry? Who is hurt by such an arrangement? Not one. And yet our friends on the other side turn up their eyes in horror and say, here is another evidence of free-trade that we are forcing upon the people. [Applause on the Democratic side.]

And then we come to the article of currants, Zante, or other kind. These do not grow in this country, either. They come from but one spot on the whole globe. My friend over there [Mr. COX] knows where they come from. He has been on this little island in the Gulf of Corinth. It has a peculiar climate and soil solely adapted to produce them, and with temperature and other conditions that make it possible to produce them. There alone are they produced, and they are brought to this country and placed upon our market. We propose to put them on the free list. It does not disturb a single laborer employed in the production of currants in this country; not one. None of them are grown here; none can be produced here, and yet our friends on the other side cry out again, "Another evidence of free-trade." You must tax the people in their food; you must tax the people in their clothing; you must tax them in their implements of labor, and if you want anything free, take a free drink of whisky. [Great laughter and applause on the Democratic side.]

Here is lumber. We have put it on the free list to shelter the people in the Northwest from the terrible and rigorous climate of that region. We Democrats say to our poor people it is time for you to be considered. Prior Congresses have released the taxes on banks, the tax on domestic manufactures, the taxes on railroads, the taxes on telegraph companies, the taxes on express companies, and the taxes for buying and selling exchanges. All the wealth of the country has been released, now the Democratic party is again doing business at the old stand and says we intend to hunt the men who are living in sod houses and give them free lumber. [Applause.]

Well, we found ostrich feathers with a tax of $25.07. There are no ostriches in this country. This is not yet an infant industry in the United States. Ostriches are not found on the western prairies, nor in the northern woods, nor along the Gulf coast, but our ladies want to wear the ostrich feathers sometimes in their bonnets, and we do not need the money, and why should we not let them come in free?

When we again inaugurate Grover Cleveland on the 4th of March next we will want all the ostrich feathers to adorn the hats and bonnets of our ladies as they join in the procession and keep up with the band-wagon. [Applause.]

I have been told, Mr. Speaker, and I see evidences of it, that my poor scalp is marked as a trophy to adorn the belts of those who "receive the sole benefits of the tariff;" that my head, too, is doomed to the basket. In my district the enemies of the Democratic party and the friends of this combination are mustering their clans for a tremendous effort, and they say that they intend to vacate the seat I have held so long. I see from the public prints that money is being poured into the district I represent, and all the elements of opposition are organizing and mustering for the fray; but I want to say to them here, once for all, that the people of the Ninth Congressional district of Texas are not for sale. [Great applause on the Democratic side.]

I have political enemies in my district; there are men there who have given me many hard blows in former contests, which I have returned in kind. They will vote against me; they will do their best to defeat my return to the Fifty-first Congress. Their opposition comes from principle. But all the tortures of the Inquisition could not induce them to exchange their manhood for money, and all the money that can be extorted from the combination could not buy one of their votes. [Applause on the Democratic side.]

Mr. Speaker, before I conclude I want to refer to the celebrated suit of clothes which the gentleman from Ohio [Mr. MCKINLEY] exhibited to the House during the delivery of his speech on the 17th of May. In the speech which I made in the opening of this debate I said if a laborer who was earning $1 a day finds a suit of clothes which he could buy for $10 without the tariff tax, the suit could be procured by ten days' work, but if Congress at the instance of the manufacturer puts a duty of 100 per cent. on the clothes, he would be required to work twenty days to get the same suit. The gentleman from Ohio [Mr. MCKINLEY], when he came to answer me, produced a suit of clothes which he said was identical with the suit of which I spoke, and which he said could be bought in the city of Boston, Philadelphia, New York, Chicago, and Pittsburgh for $10.

I have been at great pains to trace that very suit, and have followed it back to the manufacturer and procured all the items of its cost. I have got its exact cost and its exact weight. Its total cost was $6.68. Its labor cost was $1.65. Its weight was 4 pounds and 4 ounces. It required, so say the wool manufacturers, 4 pounds of wool in the grease to make 1 pound of wool cloth, then it required 17 pounds of greasy wool to make the 4 pounds and 4 ounces of goods. The duty on that wool is 10 cents a pound, or $1.70 for the suit. Therefore the cost of that suit "without the tariff tax" was $4.98. Instead of that being a $10 suit of clothes "without the tariff tax," it was a $4.98 suit. Now for the protection of that suit that cost, with the wool duty added, $6.68, there is a tariff tax of 40 cents per pound for compensating the manufacturer for the duty he advanced on the wool that amounts to $1.70; then there is a tax of 35 per cent. for his own protection which amounts to $2.33, the whole protection amounting to $4.03, which added to the $6.68 makes $10.71. Of course the manufacturer had to undersell the foreign suit, and to do so dropped under him 71 cents, and sold his $4.98 suit for $10 with the help of the tariff.

These are the facts about your suit of clothes. I am told that suit of clothes is to be photographed and sent out as a campaign document. All I ask is that the fact be photographed on the brain of every voter that the actual cost of that $10 suit of clothes was less than $5; and that the tariff made it cost $10 worth of labor to purchase it; and but for the tariff it would have cost only $5. [Applause on the Democratic side.]

My friend from Ohio, when referring to that subject, said it was "the old, old story" that he had read in Adam Smith. This reminds me of the incident in regard to the boy who had stolen his brother's marbles. The little fellow who had been wronged went to his mother in tears and said, "Brother has stolen all my marbles." The mother, addressing the culprit, said, "My son, don't you know you have done wrong? Don't you know the Lord will be angry with you for taking your brother's property without his consent? You found him asleep and you rifled his pockets. Are you not ashamed of yourself? Don't you know you have done very wrong? Don't the Bible say, 'Thou shalt not steal'?" "Yes, mother," the boy replied, "that is the old, old story; Moses said that 4,000 years ago." [Laughter.]

Yes, Mr. Speaker, it is the old, old story. The story of wrong and oppression. The story of the strong spoiling the weak. It is the old story that has come down to us through all the ages. We are commanded not to steal nor to take our brother's goods by wrong, but to do unto him as we would have him do unto us. We stand here to-day in the eyes of the American people, and in their name, and demand that the Government shall stop taking their property and giving it to others; shall stop taking their money not needed for the support of the Government. From every part of the country they are calling upon us for justice. They are appealing to us for protection in its better and higher sense. They are appealing to us to take the hand of the robbers out of their pockets and let them have the benefits of their own labor and enjoy the rewards of their own toil; and, Mr. Speaker, we intend to do it. [Loud and prolonged applause on the Democratic side.]

Schedules.	Total importations of fiscal year 1887 of dutiable articles.		Amount of duties remitted by this bill.	Estimated amount of duties under this bill	Average ad valorem rate of duty under—	
	Values.	Duties received.			Present.	Proposed.
A. Chemicals	$18,864,257.96	$6,199,811.99	$785,153.68	$1,020,103.79	32.87	28.17
B. Earthenware and glassware	13,056,150.43	7,776,202.42	970,243.29	4,593,210.69	59.55	52.17
C. Metals	55,111,922.37	22,469,401.89	1,267,288.97	6,478,680.88	40.77	38.47
D. Wood and woodenware	7,697,357.06	1,385,356.19	45,587.18	260,217.95	18.00	17.40
E. Sugar	74,242,279.20	58,016,686.34	11,759,799.76	46,252,492.51	78.15	62.31
G. Provisions	39,165,566.07	9,529,091.81	369,600.10	1,494,666.22	24.33	23.39
I. Cotton and cotton goods.	30,208,851.83	12,084,297.43	277,610.29	955,989.28	39.59	39.07
J. Hemp, jute, and flax goods.	33,807,282.55	9,497,981.74	2,079,456.11	4,198,321.39	28.10	21.94
K. Wool and woolens.	60,586,613.61	35,629,534.13	12,186,902.75	17,069,540.15	58.81	38.69
M. Books, papers, etc.	5,214,635.21	1,154,369.41	3,556.90	10,425.35	22.13	22.06
N. Sundries	59,580,006.83	16,031,597.26	1,087,693.23	4,131,134.87	26.86	25.03
Total dutiable	397,534,923.17	179,741,330.71	30,832,791.38	86,534,783.08	45.21	37.46
Total free-list	.....	.....	19,758,815.51	.....	.....	.....
Total	397,534,923.17	179,741,330.71	50,591,606.89	86,534,783.08	(*)	.....

*Average, 45.21

The average rate of duty on dutiable goods under existing law was, on importations of 1887, 47.10 per cent.; under proposed bill the average rate of duty on dutiable goods, based on same importations, would be 42.49 per cent.

NOTE.—Schedules F (tobacco), H (liquors), and I (silk goods) are not affected by the bill.

WM. F. SWITZLER,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., July, 1888.

The SPEAKER. The time allowed for debate under the rule has expired.

Mr. MILLS. I demand the previous question upon the engrossment and third reading of the bill and amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any of the amendments?

Mr. McKINLEY. I demand a separate vote, and a yea-and-nay vote on the cotton-tie amendment.

Mr. MILLS. I would state to my friend from Ohio that a separate vote on the cotton-tie amendment, if carried, would simply have the effect of leaving the provision in the bill as reported by the Ways and Means Committee.

Mr. McKINLEY. I understand the condition. I demand a separate vote on that by yeas and nays.

The SPEAKER. If there be no further demand for a separate vote, the question will be taken in gross upon the remainder of the amendments.

The remaining amendments reported from the Committee of the Whole were adopted.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is demanded by the gentleman from Ohio.

The Clerk read as follows:

In line 120, after the word "baling," insert "and other;" so that the clause as amended will read:

"Iron and steel cotton-ties or hoops for baling or other purposes, not thinner than number 20 wire gauge."

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. MILLS. Let the amendment be clearly stated, Mr. Speaker, so that the House may understand the question.

The amendment was again read.

Mr. KELLEY. May I ask the precise form of the vote, so that there may be no mistake on this question?

The SPEAKER. The Committee of the Whole on the state of the Union amended the item in relation to cotton-ties by inserting the words "or other purposes" after the words "for baling," used in the bill reported from the committee; and this vote is being taken upon agreeing to that amendment recommended by the Committee of the Whole on the state of the Union.

Mr. TOWNSHEND. Do I understand that hoop-iron for other purposes than cotton-ties was placed upon the free-list?

The SPEAKER. The gentleman must construe the language for himself. The committee inserted the words in that connection "or other purposes." [Cries of "Question!"]

The question is on agreeing to the amendment which has just been read, on which the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 170, nays 128, not voting 26; as follows:

YEAS—170.

Abbott,	Cummings,	Lagan,	Robertson,
Allen, Miss.	Dargan,	Laird,	Rogers,
Anderson, Iowa	Davidson, Ala.	Lasdes,	Rowland,
Anderson, Miss.	Davidson, Fla.	Lane,	Russell, Mass.
Anderson, Ill.	Dibble,	Lanham,	Rusk,
Bacon,	Dockery,	Latham,	Sayers,
Bankhead,	Dougherty,	Lawler,	Scott,
Barnes,	Dunn,	Lee,	Seney,
Barry,	Elliott,	Lynch,	Shaw,
Biggs,	Enloe,	Macdonald,	Shively,
Blanchard,	Ermentrout,	Mahoney,	Simmons,
Bland,	Fisher,	Maish,	Smith,
Bliss,	Fitch,	Mansur,	Snyder,
Blount,	Ford,	Martin,	Spinola,
Breckinridge, Ark.	Forney,	Matson,	Springer,
Breckinridge, Ky.	French,	McAdoo,	Stahlnecker,
Bryce,	Fuller,	McClammy,	Stewart, Tex.
Buckalew,	Gay,	McCreary,	Stewart, Ga.
Burnes,	Gear,	McKinney,	Stockdale,
Burnett,	Gibson,	McMillin,	Stone, Ky.
Bynum,	Glass,	McRae,	Stone, Mo.
Campbell, F., N.Y.	Grimes,	McShane,	Tarsney,
Campbell, Ohio	Hare,	Merriman,	Taulbee,
Campbell, T.J., N.Y.	Hatch,	Mills,	Thompson, Cal.
Candler,	Haugen,	Montgomery,	Tillman,
Carlton,	Hayes,	Moore,	Tracey,
Caruth,	Heard,	Morgan,	Townshend,
Catchings,	Hemphill,	Morse,	Turner, Ga.
Chipman,	Henderson, Iowa	Neal,	Vance,
Clardy,	Henderson, N. C.	Nelson,	Walker,
Clements,	Herbert,	Newton,	Warner,
Cobb,	Holman,	Norwood,	Washington,
Cockran,	Hooker,	Oates,	Weaver,
Collins,	Hopkins, Va.	O'Ferrall,	Wheeler.
Compton,	Howard,	O'Neall, Ind.	Whitthorne,
Conger,	Hudd,	Outhwaite,	Wilkins,
Cooper,	Hutton,	Peel,	Wilkinson,
Cothran,	Johnston, N. C.	Penington,	Wilson, Minn.
Cowles,	Jones,	Phelan,	Wilson, W. Va.
Cox,	Kerr,	Pidcock,	Wise,
Crain,	Kilgore,	Rayner,	Yoder.
Crisp,	Laffoon,	Rice,	
Culberson,	La Follette,	Richardson,	

NAYS—128.

Adams,	Darlington,	Jackson,	Reed,
Allen, Mass.	Davis,	Johnston, Ind.	Rockwell,
Allen, Mich.	De Lano,	Kean,	Romeis,
Arnold,	Dingley,	Kelley,	Rowell,
Atkinson,	Dorsey,	Kennedy,	Russell, Conn.
Baker, N. Y.	Dunham,	Ketcham,	Sawyer,
Baker, Ill.	Farquhar,	Laidlaw,	Scull,
Bayne,	Felton,	Lehlbach,	Seymour,
Belden,	Finley,	Lind,	Sherman,
Bingham,	Flood,	Lodge,	Sowden,
Boothman,	Foran,	Lyman,	Steele,
Bound,	Funston,	Mason,	Stephenson,
Boutelle,	Gaines,	McComas,	Stewart, Vt.
Bowden,	Gallinger,	McCormick,	Struble,
Bowen,	Gest,	McCullogh,	Symes,
Brewer,	Goff,	McKenna,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Greenman,	McKinley,	Taylor, J. D., Ohio
Brown, Ohio	Grosvenor,	Milliken,	Thomas, Ky.
Brown, J. R., Va.	Grout,	Moffitt,	Thomas, Ill.
Brumm,	Guenther,	Morrill,	Thomas, Wis.
Bunnell,	Hall,	Morrow,	Thompson, Ohio
Burrows,	Harmer,	Nichols,	Vandever,
Butler,	Hayden,	Nutting,	Wade,
Butterworth,	Henderson, Ill.	O'Donnell,	Weber,
Cannon,	Hermann,	O'Neill, Pa.	West,
Caswell,	Hires,	Osborne,	White, Ind.
Chendle,	Hitt,	Owen,	White, N. Y.
Clark,	Holmes,	Patton,	Wickham,
Cogswell,	Hopkins, Ill.	Phelps,	Wilber,
Crouse,	Hopkins, N.Y.	Plumb,	Williams,
Cutcheon,	Hovey,	Post,	Yardley,
Dalzell,	Hunter,	Pugsley,	Yost.

NOT VOTING—26.

Anderson, Kans.	Granger,	Parker,	Spooner,
Belmont,	Hiestand,	Payson,	Turner, Kans.
Brower,	Hogg,	Perkins,	Whiting, Mich.
Browne, Ind.	Houk,	Perry,	Whiting, Mass.
Buchanan,	Long,	Peters,	Woodburn.
Davenport,	Maffett,	Randall,	
Glover,	O'Neill, Mo.	Ryan,	

So the amendment was adopted.

During the roll-call,

Mr. ANDERSON, of Kansas, said: I withdraw my vote.

Mr. WILBER. I desire to change my vote from "ay" to "no."

Mr. KERR. I change my vote from "no" to "ay." [Loud applause on the Democratic side.]

The following pairs were announced from the Clerk's desk:

Mr. HOGG with Mr. RANDALL, on the tariff bill. If present, Mr. HOGG would vote for the bill and Mr. RANDALL against it. [Applause on the Republican side.]

Mr. WHITING, of Michigan, with Mr. HIESTAND, until further notice. If present, Mr. WHITING would vote for and Mr. HIESTAND against the pending bill.

The following were announced as being paired on all questions until further notice:

Mr. BELMONT with Mr. DAVENPORT.

Mr. PERRY with Mr. SPOONER.

Mr. GLOVER with Mr. BROWNE, of Indiana.

Mr. GRANGER with Mr. HOUK.

The result of the vote was then announced as above recorded. [Loud applause on the Democratic side.]

Mr. MILLS. I now demand the previous question——

The SPEAKER. The previous question is still operating up to the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. MILLS. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is now, Shall the bill pass?

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SOWDEN. Mr. Speaker, my distinguished colleague from Pennsylvania [Mr. RANDALL] is absent from the House by reason of severe illness. He sent me the letter which I hold in my hand, with the request that I have it read at this time. I therefore ask the unanimous consent of the House to have it read before the roll-call is begun, and for that purpose I send it to the Clerk's desk.

The SPEAKER. Is there objection to the reading? [After a pause.] The Chair hears none, and the Clerk will read the letter.

The Clerk read as follows:

WASHINGTON, D. C., *July* 19, 1888.

MY DEAR SIR: If a vote on Mr. MILLS's tariff bill is to be taken on Saturday, the 21st instant, I fear my strength, by reason of recent illness, will not permit my presence in the House on that day; and, if absent, I want you to secure me a pair with some one who favors that bill, as I would, if present, record my vote in opposition to it. Give this immediate care, as I do not wish to be misunderstood. I want it announced and distinctly known that I am opposed to the passage of the bill in question.

Yours, truly,

SAM. J. RANDALL.

Hon. WILLIAM H. SOWDEN,
House of Representatives.

[Great applause on the Republican side.]

The SPEAKER. The Clerk will proceed to call the roll.

The question was taken on the passage of the bill; and it was decided in the affirmative—yeas 162, nays 149, not voting 14; as follows:

YEAS—162.

Abbott,	Cummings,	Lanham,	Rowland,
Allen, Miss.	Dargan,	Latham,	Russell, Mass.
Anderson, Iowa	Davidson, Ala.	Lawler,	Rusk,
Anderson, Miss.	Davidson, Fla.	Lee,	Sayers,
Anderson, Ill.	Dibble,	Lynch,	Scott,
Bacon,	Dockery,	Macdonald,	Seney,
Bankhead,	Dougherty,	Mahoney,	Shaw,
Barnes,	Dunn,	Maish,	Shively,
Barry,	Elliott,	Mansur,	Simmons,
Biggs,	Enloe,	Martin,	Smith,
Blanchard,	Ermentrout,	Matson,	Snyder,
Bland,	Fisher,	McAdoo,	Spinola,
Blount,	Fitch,	McClammy,	Springer,
Breckinridge, Ark.	Ford,	McCreary,	Stahlnecker,
Breckinridge, Ky.	Forney,	McKinney,	Stewart, Tex.
Brower,	French,	McMillin,	Stewart, Ga.
Bryce,	Gay,	McRae,	Stockdale,
Buckalew,	Gibson,	McShane,	Stone, Ky.
Burnes,	Glass,	Mills,	Stone, Mo.
Burnett,	Grimes,	Montgomery,	Tarsney,
Bynum,	Hall,	Moore,	Taulbee,
Campbell, F., N. Y.	Hare,	Morgan,	Thompson, Cal.
Campbell, Ohio	Hatch,	Morse,	Tillman,
Campbell, T. J., N. Y.	Hayes,	Neal,	Tracey,
Candler,	Heard,	Nelson,	Townshend,
Carlton,	Hemphill,	Newton,	Turner, Ga.
Caruth,	Henderson, N. C.	Norwood,	Vance,
Catchings,	Herbert,	Oates,	Walker,
Chipman,	Holman,	O'Ferrall,	Washington,
Clardy,	Hooker,	O'Neall, Ind.	Weaver,
Clements,	Hopkins, Va.	O'Neill, Mo.	Wheeler,
Cobb,	Howard,	Outhwaite,	Whitthorne,
Cockran,	Hudd,	Peel,	Wilkins,
Collins,	Hutton,	Penington,	Wilkinson,
Compton,	Johnston, N. C.	Phelan,	Wilson, Minn.
Cothran,	Jones,	Pidcock,	Wilson, W. Va.
Cowles,	Kilgore,	Rayner,	Wise,
Cox,	Laffoon,	Rice,	Yoder,
Crain,	Lagan,	Richardson,	Carlisle, Speaker.
Crisp,	Landes,	Robertson,	
Culberson,	Lane,	Rogers,	

NAYS—149.

Adams,	Brown, J. R., Va.	Dingley,	Hayden,
Allen, Mass.	Brumm,	Dorsey,	Henderson, Iowa
Allen, Mich.	Buchanan,	Dunham,	Henderson, Ill.
Anderson, Kans.	Bunnell,	Farquhar,	Hermann,
Arnold,	Burrows,	Felton,	Hires,
Atkinson,	Butler,	Finley,	Hitt,
Baker, N. Y.	Butterworth,	Flood,	Holmes,
Baker, Ill.	Cannon,	Fuller,	Hopkins, Ill.
Bayne,	Caswell,	Funston,	Hopkins, N. Y.
Belden,	Cheadle,	Gaines,	Houk,
Bingham,	Clark,	Gallinger,	Hovey,
Bliss,	Cogswell,	Gear,	Hunter,
Boothman,	Conger,	Gest,	Jackson,
Bound,	Cooper,	Goff,	Johnston, Ind.
Boutelle,	Crouse,	Greenman,	Kean,
Bowden,	Cutcheon,	Grosvenor,	Kelley,
Bowen,	Dalzell,	Grout,	Kennedy,
Brewer,	Darlington,	Guenther,	Kerr,
Browne, T. H. B., Va.	Davis,	Harmer,	Ketcham,
Brown, Ohio,	De Lano,	Haugen,	La Follette,
Laidlaw,	Nichols,	Rowell,	Thompson, Ohio
Laird,	Nutting,	Russell, Conn.	Turner, Kans.
Lehlbach,	O'Donnell,	Ryan,	Vandever,
Lind,	O'Neill, Pa.	Sawyer,	Wade,
Lodge,	Osborne,	Scull,	Warner,
Long,	Owen,	Seymour,	Weber,
Lyman,	Parker,	Sherman,	West,
Mason,	Patton,	Sowden,	White, Ind.
McComas,	Payson,	Steele,	White, N. Y.
McCormick,	Perkins,	Stephenson,	Whiting, Mass.
McCullogh,	Peters,	Stewart, Vt.	Wickham,
McKenna,	Phelps,	Struble,	Wilber,
McKinley,	Plumb,	Symes,	Williams,
Merriman,	Post,	Taylor, E. B., Ohio	Yardley,
Milliken,	Pugsley,	Taylor, J. D., Ohio	Yost.
Moffitt,	Reed,	Thomas, Ky.	
Morrill,	Rockwell,	Thomas, Ill.	
Morrow,	Romeis,	Thomas, Wis.	

NOT VOTING—14.

Belmont,	Glover,	Maffett,	Whiting, Mich.
Browne, Ind.	Granger,	Perry,	Woodburn.
Davenport,	Hiestand,	Randall,	
Foran,	Hogg,	Spooner,	

So the bill was passed.

When the names of Mr. ANDERSON of Iowa, Mr. BROWER, Mr. FITCH, Mr. HOPKINS of Virginia, Mr. SMITH of Wisconsin, and Mr. NELSON were called and they voted in favor of the bill, there was applause on the Democratic side.

When the names of Mr. BLISS, Mr. GREENMAN, Mr. MERRIMAN, and Mr. SOWDEN were called and they voted against the bill, there was applause on the Republican side.

When the roll-call was concluded, the Speaker directed his name to be called, and he voted in the affirmative. [Applause on the Democratic side.]

After the recapitulation of the vote the following additional pair was announced:

Mr. GRANGER with Mr. WOODBURN, on all political questions and on the tariff bill. If present, Mr. GRANGER would vote for the bill and Mr. WOODBURN would vote against the bill.

Mr. CHEADLE. My colleague, Mr. THOMAS M. BROWNE, is absent, by reason of sickness, at Capon Springs, W. Va. If he were present he would vote "no."

The result of the vote was then announced as above stated. [Prolonged applause on the Democratic side.]

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS moved the previous question on the adoption of the title of the bill.

The previous question was ordered; and the title was agreed to.

Mr. MILLS moved to reconsider the vote by which the title of the bill was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING OF REPORTS.

Mr. MCCREARY. Mr. Speaker, I ask unanimous consent that gentlemen having reports to make from committees be allowed to deliver them to the Clerk for reference to appropriate Calendars.

There was no objection, and it was so ordered.

The following reports were filed by being handed in at the Clerk's desk:

LIFE-SAVING STATION.

Mr. TARSNEY, from the Committee on Commerce, reported back with Senate amendments the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wisconsin, and at other places therein named, in which non-concurrence was recommended; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. COMPTON, from the Committee on the District of Columbia, reported back favorably the bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILROAD COMPANY.

Mr. COMPTON also, from the Committee on the District of Columbia, reported back with amendment the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator and Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH FRANCIS.

Mr. STAHLNECKER, from the Committee on the Library, reported back favorably the joint resolution (S. R. 62) in recognition of the services of Joseph Francis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL JOSEPH WARREN.

Mr. STAHLNECKER also, from the Committee on the Library, reported back favorably the bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH POTTS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM FAIRBANKS.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10103) granting a pension to William Fairbanks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. TIBBITS.

Mr. DORSEY, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 3830) for the relief of W H. Tibbits; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL J. OCKERSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 9794) for the relief of Daniel J. Ockerson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HARRIET N. CAMPBELL.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3141) for the relief of Mrs. Harriet N. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIMON T. IRWIN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 10300) for the relief of Simon T. Irwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. F. VANCE.

Mr. McCREARY, from the Committee on Private Land Claims, reported back favorably the bill (S. 2009) to restore the homestead right to M. F. Vance, of Akron, Colo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE A. CORN.

Mr. McCREARY also, from the Committee on Private Land Claims, reported back favorably the bill (S. 2316) restoring the right of preemption to Jesse A. Corn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROPOSED ADJOURNMENT TILL WEDNESDAY.

Mr. McMILLIN. I move that when the House adjourns to-day, it be to meet on Wednesday next. I make that motion in compliance with the request of a number of the members on both sides of the House.

Mr. McCREARY. I ask unanimous consent that gentlemen having reports to make from committees be allowed to hand them to the Clerk. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. BOUTELLE. As this is the twenty-seventh anniversary of the first battle of Bull Run, I move that the House take a recess until 8 o'clock this evening. [Applause on the Republican side of the House.]

Mr. ROGERS. This is a Waterloo.

Mr. PERKINS. I ask unanimous consent that Monday and Tuesday be set aside for the consideration of legislation reported by the Committee on Invalid Pensions.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. McMILLIN] that when the House adjourn to-day it be to meet on Wednesday next.

Several MEMBERS. Yeas and nays.

The SPEAKER. On this question the yeas and nays are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 205, not voting 40; as follows:

YEAS—79.

Allen, Mass.	Belden,	Browne, T. H. B., Va.	Burnett,
Allen, Miss.	Bland,	Brown, J. R., Va.	Cheadle,
Anderson, Ill.	Blount,	Bryce,	Clements,
Atkinson,	Bowen,	Buckalew,	Cobb,
Bankhead,	Breckinridge, Ark.	Burnes,	Cockran,
Collins,	Gaines,	Lodge,	Plumb,
Compton,	Gay,	Long,	Rayner,
Cothran,	Gibson,	Lynch,	Rice,
Cox,	Glass,	Mahoney,	Rogers,
Crain,	Greenman,	Maish,	Scott,
Dargan,	Grimes,	Martin,	Snyder,
Davidson, Ala.	Hall,	McKinney,	Stewart, Tex.
Dibble,	Hatch,	McMillin,	Stone, Ky.
Dockery,	Herbert,	Morgan,	Tillman,
Dunn,	Hooker,	Neal,	Turner, Ga.
Elliott,	Howard,	Newton,	Wilkins,
Enloe,	Hudd,	Nichols,	Wilson, Minn.
Felton,	Jones,	Norwood,	Wilson, W. Va.
Forney,	Lawler,	O'Ferrall,	Wise.
French,	Lee,	Pidcock,	

NAYS—205.

Abbott,	Dorsey,	Lane,	Rusk,
Adams,	Dougherty,	Lanham,	Ryan,
Allen, Mich.	Dunham,	Latham,	Sayers,
Anderson, Iowa	Ermentrout,	Lehlbach,	Scull,
Anderson, Miss.	Farquhar,	Lind,	Seney,
Anderson, Kans.	Finley,	Lyman,	Seymour,
Arnold,	Fisher,	Macdonald,	Shaw,
Bacon,	Fitch,	Mansur,	Sherman,
Baker, N. Y.	Flood,	Mason,	Shively,
Baker, Ill.	Ford,	Matson,	Simmons,
Barnes,	Fuller,	McAdoo,	Smith,
Bayne,	Funston,	McClammy,	Sowden,
Biggs,	Gallinger,	McCormick,	Spinola,
Bingham,	Gear,	McCreary,	Springer,
Blanchard,	Gest,	McCullogh,	Stahlnecker,
Bliss,	Goff,	McKenna,	Steele,
Boothman,	Grosvenor,	McKinley,	Stephenson,
Bound,	Grout,	McRae,	Stewart, Ga.
Boutelle,	Guenther,	McShane,	Stewart, Vt.
Bowden,	Hare,	Merriman,	Stockdale,
Brewer,	Harmer,	Milliken,	Stone, Mo.
Brower,	Hayden,	Moffitt,	Struble,
Brown, Ohio	Hayes,	Montgomery,	Tarsney,
Brumm,	Hemphill,	Moore,	Taylor, E. B., Ohio
Buchanan,	Henderson, Iowa	Morrill,	Taylor, J. D., Ohio
Bunnell,	Henderson, N. C.	Morrow,	Thomas, Ky.
Burrows,	Henderson, Ill.	Nelson,	Thompson, Ohio
Butler,	Hermann,	Nutting,	Thompson, Cal.
Bynum,	Hires,	Oates,	Tracey,
Campbell, F., N. Y.	Hitt,	O'Neall, Ind.	Townshend,
Campbell, Ohio	Hopkins, Ill.	O'Neill, Mo.	Turner, Kans.
Campbell, T. J., N. Y.	Hopkins, Va.	Osborne,	Vandever,
Cannon,	Hopkins, N. Y.	Outhwaite,	Wade,
Carlton,	Houk,	Ower,	Walker,
Caruth,	Hovey,	Parker,	Warner,
Caswell,	Hunter,	Patton,	Washington,
Catchings,	Hutton,	Payson,	Weaver,
Chipman,	Jackson,	Peel,	Weber,
Clardy,	Johnston, Ind.	Penington,	West,
Clark,	Johnston, N. C.	Perkins,	Wheeler,
Cogswell,	Kean,	Peters,	White, N. Y.
Cooper,	Kelley,	Phelan,	Whitthorne,
Cowles,	Kennedy,	Phelps,	Wilber,
Crisp,	Kerr,	Post,	Wilkinson,
Crouse,	Ketcham,	Pugsley,	Williams,
Culberson,	Kilgore,	Reed,	Woodburn,
Cummings,	Laffoon,	Richardson,	Yardley,
Dalzell,	La Follette,	Robertson,	Yoder,
Davidson, Fla.	Lagan,	Rowell,	Yost.
Davis,	Laidlaw,	Rowland,	
De Lano,	Laird,	Russell, Conn.	
Dingley,	Landes,	Russell, Mass.	

NOT VOTING—40.

Barry,	Foran,	McComas,	Spooner,
Belmont,	Glover,	Mills,	Symes,
Breckinridge, Ky.	Granger,	Morse,	Taulbee,
Browne, Ind.	Haugen,	O'Donnell,	Thomas, Ill.
Butterworth,	Heard,	O'Neill, Pa.	Thomas, Wis.
Candler,	Hiestand,	Perry,	Vance,
Conger,	Hogg,	Randall,	White, Ind.
Cutcheon,	Holman,	Rockwell,	Whiting, Mass.
Darlington,	Holmes,	Romeis,	Whiting, Mich.
Davenport,	Maffett,	Sawyer,	Wickham.

So the motion of Mr. McMILLIN was not agreed to.

On motion of Mr. LONG, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. ROCKWELL with Mr. GRANGER, on this vote.

Mr. McCOMAS with Mr. HOGG, until Friday next.

The result of the vote was then announced as above recorded.

Mr. BLAND. I move that the House take a recess until 8 o'clock p. m.

A MEMBER. Mr. Speaker, what is the business assigned for the evening session?

The SPEAKER. This evening has been set apart for the consideration of bills of a general nature reported from the Committee on Indian Depredation Claims.

Mr. LAWLER. I hope the gentleman from Missouri [Mr. BLAND] will not press his motion.

The question was taken on the motion of Mr. BLAND, and it was agreed to—ayes 105, noes 10.

The House accordingly (at 2 p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. The House was called to order by Mr. McMILLIN as Speaker *pro tempore*, who directed the Clerk to read the following communication:

HOUSE OF REPRESENTATIVES, *Washington, D. C., July* 21, 1888.

I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JNO. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore.* The Clerk will read the special order under which this evening session is held.

The Clerk read as follows:

Resolved, That on Saturday next the House take a recess from 5 until 8 o'clock, p. m., for the purpose of considering public measures reported by the Committee on Indian Depredation Claims; the said session to terminate not later than 10 p. m.

ADJUDICATION AND PAYMENT OF INDIAN DEPREDATION CLAIMS.

Mr. WHITTHORNE. Mr. Speaker, if it be the pleasure of the House, I call up for consideration the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations, and move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that it be put upon its passage.

The SPEAKER *pro tempore.* The Clerk will read the title of the bill, after which the Chair will ask for objections.

The Clerk read the bill by title.

The SPEAKER *pro tempore.* Is there objection to the request of the gentleman from Tennessee [Mr. WHITTHORNE]?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore.* The Clerk will report the bill.

Mr. WHITTHORNE. Mr. Speaker, before the House proceeds to the consideration of this bill I desire to say that it is the only one that I shall call up for consideration to-night, and if it meets the approbation of the House, I shall ask that the Committee on Indian Depredation Claims be discharged from the further consideration of various bills and petitions upon this subject which have been referred to it. I suppose the next thing in order is the reading of the bill.

The SPEAKER *pro tempore.* Does the gentleman from Tennessee ask unanimous consent that the first reading of the bill be dispensed with, and that the bill be considered by sections?

Mr. WHITTHORNE. I desire to have the bill read, because I wish to make a motion that the amendments recommended by the committee may be acted upon as an entire proposition and disposed of by one vote.

The bill was read.

Mr. WHITTHORNE. I ask that the amendments recommended by the committee be read.

The amendments were read.

Mr. WHITTHORNE. Mr. Speaker, before asking further action on the bill I propose that the House now agree to the amendments reported by the committee.

The SPEAKER *pro tempore.* Is a separate vote demanded upon the amendments or any of them?

Mr. BUTTERWORTH. Mr. Speaker, I would like to hear a statement in explanation of this bill, because it is quite an important measure.

Mr. WHITTHORNE. After the amendments are acted upon so as to perfect the bill, I will either make a statement or the report can be read in explanation of the bill.

Mr. BLOUNT. I hope that we shall have the explanation before we are asked to act upon the amendments.

Mr. WHITTHORNE. Then let the report be read.

The report was read, as follows:

The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 8990) "to provide for the adjudication and payment of claims arising from Indian depredations," have duly considered the same, and report thereon as follows:

"That with certain amendments thereto, which are indicated in writing attached to the printed bill herewith submitted, the committee recommend the passage of the bill."

Early after the foundation of the Government, Congress, with a view to promote and secure tranquility and peace with the Indian tribes, and to discourage from private and personal revenge the citizens of the States and Territories who might suffer by the crimes and misdemeanors of the Indians, undertook, on behalf of the Government, to redress such crimes and misdemeanors, and to guaranty to such citizens indemnity for any loss of property. This wise and proper policy upon the part of Congress and the executive department has been adhered to, except only in partial indemnity to suffering citizens of the States and Territories in which the Indians reside. This adherence is shown in the acts of Congress from May 19, 1796, down to the present time, and as well also in treaties with various Indian tribes made by the executive department. (See Appendix A.)

In the promotion of this general policy the Government placed itself under similar obligations, by general laws and treaties, to the Indians against whom depredations may be committed. (See Appendix B; see Appendix C for reference to treaties.)

Under these laws and treaties a vast number of claims have arisen. These claimants have appealed for years to the Government to redeem its solemnly plighted faith for indemnity and compensation for their losses.

Prior to 1859, through the agency of the War and Interior Departments, a few citizens were paid and compensated. In the year 1859, by act of Congress, February 28, the pledge of indemnification out of the Treasury of the United States, as then existing, was repealed, but the obligation to pay for depredations out of annuities due to tribes, members of which had committed the same, was continued; yet, by joint resolution of Congress of date June 25, 1860, it was declared that the act of Congress referred to "shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal."

By all of the acts of Congress subsequent to that date the Government either directly or impliedly assumes the responsibility of indemnification to its citizens who "in its peace," and in the lawful pursuit of his or their business, incur losses of property from depredations committed by Indians.

But since 1859 the Government has (and even when the citizen is invited by its legislation to file his claim with one of the Departments for examination) inhibited payment "on account of said claims" unless a "specific appropriation therefor by Congress" has been made.

In the later acts of Congress special provision has been made for the examination of this class of claims by the Interior Department, and report thereof and thereon required to be made to Congress. From time to time these reports have been made, but action on said reports has been slow; indeed, so slow and limited as practically to deny these claimants the justice of payment to which they are entitled. And yet it is due to this Congress and its immediate predecessors to say that the delay is not occasioned by any want of sympathy for the claimants or any denial of the merits of their claims.

The change of policy in the mode of payment made in 1859, and continued since, has resulted in the accumulation in the Interior Department of a large number of claims, estimated as high as——in number, aggregating in amount about $15,000,000.

By this policy it is evident that a final judicial examination of these claims is devolved upon Congress. Hence is witnessed an amount of work thrown upon that body that a conscientious discharge of the labor so imposed would absorb not only the constant attention of any committee, but of the body of Congress, and to the exclusion of all other business, if pursued as the interests and merits of the claimants would seem to require.

This examination and allowance of claims by Congress is and will be necessarily embarrassed by the fact that in adjusting and providing payment from annuities due to various tribes of Indians for depredations committed by members thereof Congress should know not only the amount of the fund drawn on, but in making a present draft should further know the amount existing and likely to follow of the same character.

Another result of postponed action in consequence of this change of policy in payment since 1859 is the unquestioned fact that, with the exception of two or three tribes, the payment of admittedly meritorious claims would exhaust the annuity funds, due and to become due to the Indians, for years. The exaction of payment under this state of facts would involve possibly the domestic peace and security of a large part of the country; if not, it would devolve the duty and burden of their support upon the Government. In this aspect of the question the committee invoke the attention of the House and the country to the views and opinions of the honorable Secretary of the Interior as expressed in a letter addressed to this committee. (See Appendix C.)

Fully appreciating the justice of the demands of the claimants, now before Congress and the Departments of the Government, for depredations committed by Indians, and recognizing the moral and legal responsibility of the United States for their indemnification and payment, and being satisfied that a proper and speedy adjustment of the amounts due each party, as well as the determination of relevant and important adjunct questions, can not be had, at least for years, under existing modes of considering them, this committee has reached the conclusion that justice to the claimants, justice to Congress, and justice to the Government concur in demanding that a tribunal distinct and judicial in character, whose decisions, deliberately and judicially had, would command the respect and confidence alike of Congress and of the country, should be organized and charged with this duty, and hence the committee have carefully prepared and do recommend this bill, amended as proposed, to the favorable consideration of the House.

The committee in framing this bill have sought to be as liberal in securing for this class of claimants a speedy hearing and adjudication of their claims as in their opinion was possible, in view of all the embarrassments by which their consideration is environed.

To no class of its citizens is the American Government more indebted than to the heroic men and women who, as pioneers of our civilization, abandoning homes of comfort and ease, risked life and property to secure homes, wealth, and progress as the heritage of those who should follow in their pathway. A cheerful compensation for their losses, so incurred under the guaranty of the Government, is the deserved reward of their sacrifices.

APPENDIX A.

GENERAL LEGISLATION ON CLAIMS FOR DEPREDATIONS COMMITTED BY INDIANS.

I.—*Act of May* 19, 1796, *sec.* 14 (1 *Stat. L.*, 742).

And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury. And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing here contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

II.—*Act of March* 3, 1799, *sec.* 14 (1 *Stat. L.*, 747).

And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, or horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for

that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction, in reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

III.—*Act of March 30, 1802, sec. 14 (2 Stat. L., 143).*

And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person, authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And further provided*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

IV.—*Act of June 30, 1834, sec. 17 (4 Stat. L., 731).*

And be it further enacted, That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

V.—*Act of February 28, 1859, sec. 8 (11 Stat. L., 401).*

And be it further enacted, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and preserve peace on the frontiers," approved June 13, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

VI.—*Joint resolution of June 25, 1860 (12 Stat. L., 120).*

That the repeal of [by] the eighth section of the act of Congress, approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 13, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

VII.—*Act of July 15, 1870, sec. 4 (16 Stat. L., 360). Sec. 2098, Revised Statutes.*

And be it further enacted, That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof; and no claims for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor; and all acts and parts of acts inconsistent herewith are hereby repealed.

VIII.—*Act of May 29, 1872, sec. 7 (17 Stat. L., 190). Secs. 445 and 466, Revised Statutes.*

That it shall be the duty of the Secretary of the Interior to *to* prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claims shall be made without a specific appropriation therefor by Congress.

IX.—*Section 2156, Revised Statutes.*

If any Indian belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

X.—*Act of March 3, 1885 (23 Stat. L., 376).*

INDIAN DEPREDATION CLAIMS.

For the investigation of certain Indian depredation claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States, on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredation aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

XI.—*Act of May 15, 1886 (not yet published).*

Indian depredation claims: For continuing the investigation and examination of certain Indian depredation claims, originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March 3, 1885, $20,000; and the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report; and all claims whose examination shall be completed by January 1, 1887, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto.

APPENDIX B.

GENERAL LEGISLATION ON CLAIMS FOR DEPREDATIONS COMMITTED BY WHITES ON THE PROPERTY OF INDIANS.

I.—*Act of May 19, 1796, sec. 4 (1 Stat. L., 470).*

And be it further enacted, That if any such citizen, or other person, shall go into any town, settlement, or territory belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crimes against the person or property of any friendly Indian or Indians which would be punishable, if committed within the jurisdiction of any State, against a citizen of the United States, or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding $100, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians to whom the property taken or destroyed belongs a sum equal to twice the just value of the property so taken or destroyed; and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

II.—*Act of March 3, 1799, sec. 4 (1 Stat. L., 744).*

And be it further enacted, That if any such citizen or person shall go into any town, settlement, or territory belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime against the person or property of any friendly Indian or Indians, which would be punishable if committed within the jurisdiction of any State against a citizen of the United States, or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding $100 and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed. And if such offender shall be unable to pay a sum equal at least to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States for any such

property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

III.—*Act of March 30, 1802, sec. 4 (2 Stat. L., 141).*

And be it further enacted, That if any such citizen, or other person, shall go into any town, settlement, or territory belonging or secured by treaty with the United States to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any State against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding $100, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians to whom the property taken and destroyed belongs a sum equal to twice the just value of the property so taken or destroyed; and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States for such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

IV.—*Act of June 30, 1834, sec. 16 (4 Stat. L., 731).*

And be it further enacted, That where, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States: *Provided*, That no such Indian shall be entitled to any payment, out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence: *And provided also*, That if such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury as aforesaid.

V.—*Sections 2154 and 2155, Revised Statutes.*

Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States for any such property if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

APPENDIX C.

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of 16th instant, inclosing, with request for the views and opinion of the Department thereon, the following resolution adopted by the Select Committee on Indian Depredation Claims, House of Representatives:

"*Resolved*, That the Secretary of the Interior be requested to give his views as to the wisdom and policy of providing in bills which may be passed by Congress for the relief of individual claimants, or in bills of a general character for claims on account of depredations committed by Indians, that payment may be made out of any moneys in the Treasury not otherwise appropriated, without regard to the fact that, under treaty obligations, some of said claims may be paid from annuity funds.

"*And further*, That the Secretary be requested to inform this committee as to the status of the annuity funds belonging to, or which may under existing laws belong to, any tribe or tribes of Indians; which funds may be held subject to claims on the part of citizens of the United States for depredations committed."

In response thereto I transmit herewith a copy of a report, dated 22d instant, from the Commissioner of Indian Affairs, wherein he states "that the annuity funds of all of the Indian tribes, except the five civilized tribes and the Osages, are such that if taken from them for the payment of any claim, however just, would subject them to conditions of such dependency and want as would tend to drive them to acts of hostility and crime, and thereby necessitate additional appropriations for their support."

The Commissioner gives a tabulated statement showing the liabilities of the United States to Indian tribes under treaty stipulations, taken from his annual report for 1887.

The non-payment of the claims of citizens of the United States for depredations committed by Indians can not, to any very large extent, be chargeable to neglect on the part of the claimants in presenting their claims for adjudication. Many of these claims have been reported by this Department from time to time to Congress for allowance, for which no provision or authority of law for their payment has been made. The use of small sums from time to time from the annuities of Indians for the payment of just claims for depredations committed by the tribe or members thereof would not have wrought such hardships and embarrassment as will result from absorbing the whole or the larger portion of their annuities as they may hereafter be appropriated in the payment of the accumulated amounts of such claims charged against them. The disappearance of game and the attention and efforts that the Indians are now giving to industrial pursuits have increased their necessities for the use for their benefit of the funds payable to them under existing treaties and laws. The progress of their civilization would be interrupted by the diversion of their funds wholly or to any very large extent for the payment of such claims at this time.

The delay in making final adjudication of such claims has been a severe hardship upon such of the claimants whose claims are just and who were entitled to be protected by the Government from the depredation upon their property by Indians.

I do not think that there should be any further unnecessary delay in the payment of such sums as have been and shall hereafter be ascertained to be justly due on such claims. If the Indians have no funds or annuities, or, if they have such funds which will not, all things considered, bear the draft of such payments as may be justly charged against them, I think the payments should be made out of moneys in the Treasury not otherwise appropriated, and an account be kept of such payments under the head of the tribes or bands committing the depredations, to the end that such payments may be charged up against any funds that may hereafter accrue to them as proceeds of sales of any surplus lands within their reservation which may be disposed of for them under the general allotment act of February 8, 1887 (24 Stat., 388), or otherwise.

Very respectfully,

WM. F. VILAS, *Secretary.*

THE CHAIRMAN SELECT COMMITTEE ON INDIAN DEPREDATION CLAIMS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 22, 1888.

SIR: I have the honor to acknowledge the receipt of your reference, the inclosed letter and resolution of House Select Committee on Indian Depredation Claims, and in reply thereto would respectfully submit the following report:

First. That the annuity funds of all the Indian tribes, except the five civilized tribes and the Osages, are such that if taken from them for the payment of any claim, however just, would subject them to conditions of such dependency and want as would tend to drive them to acts of hostility and crime, and thereby necessitate additional appropriations for their support.

Second. For further answer to said resolution, I herewith inclose a tabulated statement taken from my annual report for the year 1887, pages 293, 294, 295, 296, 297, and 298, showing the liabilities of the United States to Indian tribes under treaty stipulations.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

TABLE R.—*Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations.*

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Apaches, Kiowas, and Comanches.	Thirty installments, provided to be expended under the tenth article treaty of October 21, 1867.	Ten installments, unappropriated, at $90,000 each.	Vol. 15, p. 584, § 10.	.....	$300,000.00	.....	.....
Do.....	Purchase of clothing.....	Tenth article treaty of October 21, 1867.	.....do.....	$12,000.00	.....	.....	.....
Do.....	Pay of carpenter, farmer, blacksmith, miller, and engineer.	Fourteenth article treaty of October 21, 1867.	Vol. 15, p. 585, § 14.	4,500.00	.....	.....	.....
Do.....	Pay of physician and teacher.....	.....do.....	.....do.....	2,500.00	.....	.....	.....
Arickarees, Gros Ventres, and Mandans.	Amount to be expended in such goods, etc., as the President may from time to time determine.	Seventh article treaty of July 27, 1866.	Treaty not published.	30,000.00	.....	.....	.....
Assinaboines.....	.....do.....	.....do.....	.....do.....	30,000.00	.....	.....	.....
Blackfeet, Bloods, and Piegans.	.....do.....	Eighth article treaty of September 1, 1868.	.....do.....	75,000.00	.....	.....	.....
Cheyennes and Arapahoes.	Thirty installments, provided to be expended under tenth article treaty of October 28, 1867.	Ten installments, unappropriated, at $20,000 each.	Vol. 15, p. 596, § 13.	.....	200,000.00	.....	.....
Do.....	Purchase of clothing, same article.....	.....	.....do.....	12,000.00	.....	.....	.....
Do.....	Pay of physician, carpenter, farmer, blacksmith, miller, engineer and teacher.	.....	Vol. 15, p. 597, § 13.	6,500.00	.....	.....	.....
Chickasaw.....	Permanent annuity in goods.....	.....	Vol. 1, p. 619....	.....	.....	$3,000.00	.....
Chippewas of the Mississippi.	Forty-six installments, to be paid to the chiefs of the Mississippi Indians.	Five installments, of $1,000 each, due.	Vol. 9, p. 904, § 3.	.....	5,000.00	.....	.....

TABLE R.—*Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations*—Continued.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Chippewas, Pillager and Lake Winnebagoshish bands.	Forty installments: in money, $10,666.66; goods, $8,000; and for purposes of utility, $4,000.	Seven installments, of $22,666.66 each, due.	Vol. 10, p. 1168, § 3; vol. 13, p. 691, § 3.	.....	$158,666.62	.....	.....
Choctaws	Permanent annuities	Second article treaty of November 16, 1805, $3,000; thirteenth article treaty of October 18, 1820, $600; second article treaty of January 20, 1825, $6,000.	Vol. 7, p. 99, § 2; vol. 11, p. 614, § 13; vol. 7, p. 213, § 13; vol. 7, p. 235, § 2.	.....	.....	$9,600.00	.....
Choctaws	Provisions for smiths, etc	Sixth article treaty of October 18, 1820; ninth article treaty of January 20, 1825.	Vol. 7, p. 212, § 6; vol. 7, p. 236, § 9; vol. 7, p. 614, § 13.	.....	.....	920.00	.....
Do	Interest on $390,257.92, articles 10 and 13, treaty of January 22, 1855.	.....	Vol. 11, p. 614, § 13.	.....	.....	19,512.89	$390,257.92
Creeks	Permanent annuities	Treaty of August 7, 1790	Vol. 7, p. 36, § 4	.....	.....	1,500.00	.....
Do	....do	Treaty of June 16, 1802	Vol. 7, p. 69, § 2	.....	.....	3,000.00	.....
Do	....do	Treaty of January 24, 1826	Vol. 7, p. 287, § 4.	.....	.....	20,000.00	400,000.00
Do	Smiths, shops, etc	....do	Vol. 7, p. 287, § 8	.....	.....	1,110.00	22,200.00
Do	Wheelright, permanent	Treaty of January 24, 1826, and August 7, 1856.	Vol. 7, p. 287, § 8, vol. 11, p. 700, § 5.	.....	.....	600.00	12,000.00
Do	Allowance, during the pleasure of the President, for blacksmiths, assistants, shops and tools, iron and steel, wagonmaker, education, and assistants in agricultural operations, etc.	Treaty of February 14, 1833, and treaty of August 7, 1856.	Vol. 7, p. 419, § 5, vol. 11, p. 700, § 5.	$840.00 270.00 600.00 1,000.00 2,000.00	.....	.....	.....
Do	Interest on $200,000 held in trust, sixth article treaty August 7, 1856.	Treaty of August 7, 1856	Vol. 11, p. 700, § 3.	.....	.....	10,000.00	200,000.00
Do	Interest on $675,168 held in trust, third treaty June 14, 1866, to be expended under the direction of the Secretary of the Interior.	Expended under the direction of the Secretary of the Interior.	Vol. 14, p. 786, § 3.	.....	.....	33,758.40	675,168.00
Crows	For supplying male persons over fourteen years of age with a suit of good, substantial woolen clothing; females over twelve years of age a flannel skirt or goods to make the same, a pair of woolen hose, calico, and domestic; and boys and girls under the ages named such flannel and cotton goods as their necessities may require.	Treaty of May 7, 1868; eleven installments, of $15,000 each, due; estimated.	Vol. 15, p. 651, § 9.	.....	165,000.00	.....	.....
Do	For pay of physician, carpenter, miller, engineer, farmer, and blacksmith.	Treaty of May 7, 1868	Vol. 15, p. 651, § 9.	4,500.00	.....	.....	.....
Do	Twenty installments, for pay of teacher and for books and stationery.	Two installments, of $1,500 each, due.	Vol. 15, p. 651, § 7.	.....	3,000.00	.....	.....
Do	Blacksmith, iron and steel, and for seeds and agricultural implements.	Estimated at	Vol. 15, p. 651, § 8.	1,500.00	.....	.....	.....
Do	Twenty-five installments, of $30,000 each, in cash or otherwise, under the direction of the President.	Nineteen installments, of $30,000 each, due.	Act of April 11, 1882.	.....	570,000.00	.....	.....
Gross Ventres	Amounts to be expended in such goods, provisions, etc., as the President may from time to time determine as necessary.	Treaty not published (eighth article, July 13, 1868).	.....	30,000.00	.....	.....	.....
Iowas	Interest on $57,500, being the balance on $157,500.	.....	Vol. 10, p. 1071, § 9.	.....	.....	2,875.00	57,500.00
Kansas	Interest on $200,000, at 5 per cent	.....	Vol. 9, p. 842, § 2.	.....	.....	10,000.00	200,000.00
Kickapoos	Interest on $88,175.68, at 5 per cent	.....	Vol. 10, p. 1079, § 2.	.....	.....	4,408.78	88,175.68
Miamies of Kansas	Permanent provision for smith's shops and miller, etc.	Say $411.43 for shop and $262.62 for miller.	Vol. 7, p. 191, § 5.	.....	.....	674.05	13,481.00
Do	Interest on $21,884.81, at the rate of 5 per cent., as per third article treaty of June 5, 1854.	.....	Vol. 10, p. 1094, § 3.	.....	.....	1,094.24	21,884.81
Miamies of Eel River.	Permanent annuities	Fourth article treaty of 1795; third article treaty of 1805; third article treaty of 1809.	Vol. 7, p. 51, § 4; vol. 7, p. 91, § 3; vol. 7, p. 114, § 3; vol. 7, p. 116.	.....	.....	1,100.00	22,000.00
Molels	Pay of teacher to manual-labor school and subsistence of pupils, etc.	Treaty of December 21, 1855	Vol. 12, p. 982, § 2.	3,000.00	.....	.....	.....
Nez Percés	Salary of two matrons for schools, two assistant teachers, farmer, carpenter, and two millers.	Treaty of June 9, 1863	Vol. 14, p. 650, § 5.	3,500.00	.....	.....	.....
Northern Cheyennes and Arapahoes.	Thirty installments, for purchase of clothing, as per sixth article of treaty May 10, 1868.	Eleven installments, of $12,000 each, due.	Vol. 15, p. 657, § 6.	.....	132,000.00	.....	.....
Do	Ten installments, to be expended by the Secretary of the Interior, for Indians engaged in agriculture.	One installment, of $30,000, due	..... do	.....	30,000.00	.....	.....
Do	Pay of two teachers, two carpenters, two farmers, miller, blacksmith, engineer, and physician.	Estimated at	Vol. 15, p. 658, § 7.	9,000.00	.....	.....	.....
Omahas	Twelve installments, fourth series, in money or otherwise.	Seven installments, fourth series, of $10,000 each, due.	Vol. 10, p. 1044, § 4.	.....	70,000.00	.....	.....
Osages	Interest on $69,120, at 5 per cent., for educational purposes.	Resolution of the Senate to treaty January 2, 1825.	Vol. 7, p. 242, § 6.	.....	.....	3,456.00	69,120.00
Do	Interest on $300,000, at 5 per cent., to be paid semi-annually, in money or such articles as the Secretary of the Interior may direct.	Treaty of September 29, 1865	Vol. 14, p. 687, § 1.	.....	.....	15,000.00	300,000.00

TABLE R.—*Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations*—Continued.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Otoes and Missourias.	Twelve installments, last series, in money or otherwise.	Seven installments, of $5,000 each, due.	Vol. 10, p. 1039, § 4.		$35,000.00		
Pawnees	Annuity goods, and such articles as may be necessary.	Treaty of September 24, 1857	Vol. 11, p. 729, § 2.			$30,000.00	
Do	Support of two manual-labor schools and pay of teachers.	do	Vol. 11, p. 729, § 3.	$10,000.00			
Do	For iron and steel and other necessary articles for shops, and pay of two blacksmiths, one of whom is to be tin and gun smith; and compensation of two strikers and apprentices.	Estimated for iron and steel, $500; two blacksmiths, $1,200; and two strikers, $480.	Vol. 11, p. 729, § 4.	2,180.00			
Pawnees	Farming utensils and stock, pay of farmer, miller, and engineer, and compensation of apprentices to assist in working in the mill and keeping in repair grist and saw mill.	Estimated	Vol. 11, p. 730, § 4.	4,400.00			
Ponchas	Fifteen installments, last series, to be paid to them or expended for their benefit.	One installment, of $8,000, due	Vol. 12, p. 997, § 2.		8,000.00		
Do	Amount to be expended during the pleasure of the President for purposes of civilization.	Treaty of March 12, 1868	Vol. 12, p. 998, § 2.	20,000.00			
Pottawatomies	Permanent annuity in money	August 3, 1795	Vol. 7, p. 51, § 4			357.80	$7,156.00
Do	do	September 30, 1809	Vol. 7, p. 114, § 3.			178.90	3,578.00
Do	do	October 2, 1818	Vol. 7, p. 185, § 3.			894.50	17,890.00
Do	do	September 20, 1828	Vol. 7, p. 317, § 2.			715.60	14,312.00
Do	do	July 29, 1829	Vol. 7, p. 330, § 2.			5,724.77	114,495.40
Do	Permanent provision for three blacksmiths and assistants, iron and steel.	October 16, 1826; September 20, 1828; July 29, 1829.	Vol. 7, p. 296, § 3; vol. 7, p. 318, § 2; vol. 7, p. 321, § 2.			1,008.99	20,179.80
Do	Permanent provision for furnishing salt	July 29, 1829	Vol. 7, p. 320, § 2.			156.54	3,120.80
Do	Permanent provision for payment of money in lieu of tobacco, iron, and steel.	September 20, 1828; June 5 and 17, 1846.	Vol. 7, p. 318, § 2; vol. 9, p. 855, § 10.			107.34	2,146.80
Do	For interest on $230,064.20, at 5 per cent	June 5 and 17, 1846	Vol. 9, p. 855, § 7.			11,503.21	230,064.20
Pottawatomies of Huron.	Permanent annuities	November 17, 1808	Vol. 7, p. 106, § 2.			400.00	8,000.00
Quapaws	For education, smith, farmer, and smith-shop during the pleasure of the President.	$1,000 for education, $500 for smith, etc.	Vol. 7, p. 425, § 3.	1,500.00			
Sacs and Foxes of Mississippi.	Permanent annuity	Treaty of November 3, 1804	Vol. 7, p. 85, § 3.			1,000.00	20,000.00
Do	Interest on $200,000, at 5 per cent	Treaty of October 21, 1837	Vol. 7, p. 541, § 2.			10,000.00	200,000.00
Do	Interest on $800,000, at 5 per cent	Treaty of October 21, 1842	Vol. 7, p. 596, § 2.			40,000.00	800,000.00
Sacs and Foxes of Missouri.	Interest on $157,400, at 5 per cent	Treaty of October 21, 1837	Vol. 7, p. 543, § 2.			7,870.00	157,400.00
Do	For support of school	Treaty of March 6, 1861	Vol. 12, p. 1172, § 5.	200.00			
Seminoles	Interest on $500,000, eighth article of treaty of August 7, 1856.	$25,000 annual annuity	Vol. 11, p. 702, § 8.			25,000.00	500,000.00
Do	Interest on $70,000, at 5 per cent	Support of schools, etc	Vol. 14, p. 757, § 3.			3,500.00	70,000.00
Senecas	Permanent annuity	September 9 and 17, 1817	Vol. 7, p. 161, § 4; vol. 7, 179, § 4.			1,000.00	20,000.00
Do	Smith and smith-shop and miller, permanent.	February 28, 1821	Vol. 7, p. 349, § 4.			1,660.00	33,200.00
Senecas of New York.	Permanent annuities	February 19, 1841	Vol. 4, p. 442.			6,000.00	120,000.00
Do	Interest on $75,000, at 5 per cent	Act of June 27, 1846	Vol. 9, p. 35, § 2.			3,750.00	75,000.00
Do	Interest on $43,050, transferred from the Ontario Bank to the United States Treasury.	do	Vol. 9, p. 35, § 3.			2,152.50	43r050.00
Senecas and Shawnees.	Permanent annuity	Treaty of September 17, 1818	Vol. 7, p. 179, § 4.			1,000.00	20,000.00
Do	Support of smith and smith-shops	Treaty of July 20, 1831	Vol. 7, p. 352, § 4.	1,060.00			
Shawnees	Permanent annuity for education	August 3, 1795; September 29, 1817	Vol. 7, p. 51, § 4			3,000.00	60,000.00
Do	Interest on $40,000, at 5 per cent	August 3, 1795; May 10, 1854	Vol. 10, p. 1056, § 3.			2,000.00	40,000.00
Shoshones and Bannacks:							
Shoshones	For the purchase of clothing for men, women, and children, thirty installments.	Twelve installments due, estimated at $10,000 each.	Vol. 15, p. 676, § 9.		120,000.00		
Do	For pay of physicians, carpenter, teacher, engineer, farmer, and blacksmith.	Estimated	Vol. 15, p. 676, § 10.	5,000.00			
Do	Blacksmith, and for iron and steel for shops.	do	Vol. 15, p. 676, § 3.	1,000.00			
Bannacks	For the purchase of clothing for men, women, and children, thirty installments.	Twelve installments due, estimated at $5,000 each.	Vol. 15, p. 676, § 9.		60,000.00		
Do	Pay of physician, carpenter, miller, teacher, engineer, farmer, and blacksmith.	Estimated	Vol. 15, p. 676, § 10.	5,000.00			

TABLE R.—*Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations*—Continued.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Six Nations of New York.	Permanent annuities in clothing, etc.....	Treaty November 11, 1794.....	Vol. 7, p. 64, § 6.	.....	.....	$4,500.00	$90,000.00
Sioux of different tribes, including Santee Sioux of Nebraska.	Purchase of clothing for men, women, and children.	Twelve installments, of $130,000 each, due; estimated.	Vol. 15, p. 638, § 10.	.....	$1,560,000.00	.....	.....
Do.....	Blacksmith, and for iron and steel.....	Estimated.....	.....do	$2,000.00	.....	.....	.....
Do.....	For such articles as may be considered necessary by the Secretary of the Interior for persons roaming.	Twelve installments, of $200,000 each, due; estimated.	.....do.....	.....	2,400,000.00	.....	.....
Do.....	Physician, five teachers, carpenter, miller, engineer, farmer, and blacksmith.	Estimated.....	Vol. 15, p. 638, § 13.	10,400.00	.....	.....	.....
Do.....	Purchase of rations, etc., as per article 5, agreement of September 26, 1876.	.....do.....	Vol. 19, p. 256, § 5.	1,100,000.00	.....	.....	.....
Tabequache band of Utes.	Pay of blacksmith.....	.....do.....	Vol. 13, p. 673, § 10.	720.00	.....	.....	.....
Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes.	For iron and steel and necessary tools for blacksmith shop.	.....do.....	Vol. 15, p. 627, § 9	220.00	.....	.....	.....
Do.....	Two carpenters, two millers, two farmers, one blacksmith, and two teachers.	.....do	Vol. 15, p. 622, § 15.	7,800.00	.....	.....	.....
Do.....	Thirty installments, of $30,000 each, to be expended, under the direction of the Secretary of the Interior, for clothing, blankets, etc.	Eleven installments, each $30,000, due.	Vol. 15, p. 622, § 11.	.....	330,000.000	.....	.....
Do.....	Annual amount to be expended, under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, etc.	....	Vol. 15, p. 622, § 12.	30,000.00	.....	.....	.....
Winnebagoes	Interest on $804,909.17, at 5 per cent. per annum.	November 1, 1837, and Senate amendment July 17, 1862.	Vol. 7, p. 546, § 4; vol. 12, p. 628, § 4.	.....	.....	40,245.45	804,909.17
Do.....	Interest on $78,340.41, at 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior.	July 15, 1870.....	Vol. 16, p. 355, § 1.	.....	.....	3,917.02	78,340.41
Yankton tribe of Sioux.	Ten installments, of $25,000 each, being third series, to be paid to them or expended for their benefit.	One installment due, of $25,000.	Vol. 11, p. 744, § 4.	.....	25,000.00	.....	.....
Do.....	Twenty installments, of $15,000 each, fourth series, to be paid to them, or expended for their benefit.	Twenty installments, of $15,000 each, due.	.....do.....	.....	300,000.00	.....	.....
Total	.....	.....	.....	1,430,190.00	6,471,666.62	349,251.98	6,624,629.99

Mr. WHITTHORNE. Mr. Speaker——

Mr. BLAND. Before the gentleman proceeds I would like to ask him how these claims are to be paid after they are adjudicated. Are they to be certified to Congress?

Mr. WHITTHORNE. They are to be paid by appropriation.

Mr. BLAND. I did not notice any provision in the bill requiring them to be certified to Congress.

Mr. WHITTHORNE. Mr. Speaker, in explaining the details of this bill I desire to be as brief and at the same time as explicit as possible.

Mr. BUTTERWORTH. I would like to know, as others would, the class of claims to which this bill applies, their scope, just how they arise, etc.

Mr. WHITTHORNE. Mr. Speaker, under various acts of Congress commencing almost with the history of the Government, the first act having been passed in 1796, the Government of the United States, intending to secure peace and tranquillity to its citizens upon the borders, said to them: "Observe all your obligations to the Indians; preserve peaceable relations with them; proceed lawfully with your business, and if any destruction of property should occur, we, desiring that you refrain from any attempt at private revenge or any personal effort to recover compensation from the Indians, undertake to guaranty you indemnification." The language of the law, as first passed, was this:

And in the mean time, in respect to property so taken, stolen, or destroyed, the United States guaranty to the party injured eventual indemnification.

This policy enunciated in 1796 was reaffirmed in the act of 1834 and continued to be the declared policy of the Government by its enactments down to 1859, when, Mr. Speaker, the policy of the Government was changed—not in reference to its duty to the citizen, but in this respect: At and prior to that period the Government of the United States was and had been making treaties with the Indians by which indemnification or payment for property stolen or destroyed was provided to be made out of funds promised to be paid by the United States to the Indians as annuities or treaty funds. In 1859 the Government of the United States in legal effect said to its citizens, "Observe the law, follow your lawful avocations peaceably; and we undertake to declare that, having in our hands as trustee money due to these Indians, we will undertake your indemnification and payment out of said funds."

The Government of the United States from that time to the present has failed to make payment to various citizens of the United States whose property has been destroyed or carried away by Indian depredations. The Government having in its possession as trustee funds which legally and morally, as any court would say, ought to have been paid over promptly to the parties injured, has applied these funds to meet the needs of the Indians, and in supplying their wants and necessities has, I submit, so far as it could be done, preserved the peace and tranquillity of the country, but in doing so has become and is, omitting every other view, liable to the honest claimants.

Mr. BLOUNT. I would like to ask the gentleman a question, if he will allow me.

Mr. WHITTHORNE. Certainly.

Mr. BLOUNT. I find in the bill this language:

Provided, That in determining the liability of the United States to pay these claims or any part thereof the question of limitation as to time and manner of presenting them as prescribed by statutes shall be waived by the court.

Now, does my friend say that this act shall cover all claims from the beginning, from the passage of the act of 1796, of which he speaks, until the present time?

Mr. WHITTHORNE. The claims up to the year 1834, it is believed, have been paid. There is no liability beyond 1834; very little beyond the year 18 9. But the citizens of the United States have never been provided with a suitable tribunal in which to file their

claims. This is a matter of simple justice to these poor claimants distant from the seat of Government, many of whose claims are now on file informally; yet if the plea of the statute of limitations should be made it is feared a number of honest, just claims might be excluded. Some of these parties injured have filed their claims with the Indian agent, to whom at first under the law complaint was required to be made. Hence many parties who have made their complaints with the Indian agent have ignorantly supposed that this was a formal filing of the claim.

Now, it was the opinion of the committee that these parties in coming before a court should not be held by any technical rule——

Mr. PETERS. There is one case in which the claim was never filed with the Commissioner of Indian Affairs or even with the Indian agent; but the party had a bill presented to Congress, which was passed by this House in the Forty-third or Forty-fourth Congress, but never passed the Senate.

Mr. BLOUNT. Some of these claims have been rejected by the Interior Department, some of them have come to this House and been rejected here. I suppose under the terms of this bill all those cases will come in.

Mr. BUTTERWORTH. This bill removes the bar absolutely, as I understand. I may be wrong.

Mr. WHITTHORNE. The intention of the committee was to place these parties, who have, in one way or another, appealed to the Government, appealed to its agents, in some shape that they shall through some tribunal have a hearing of their just claims. They can not, and I regret to say it—I regret that the history of your proceedings in Congress shows it—they can not or have not been able at least to obtain justice from Congress, the last tribunal to which an appeal could be made. And in saying that in behalf of the committee I do not wish to reflect upon Congress. I have data, and in proper shape will apply it, for I had occasion to turn recently to the remarks of our distinguished Speaker at the close of the Forty-eighth Congress, when he alluded to the fact that during that Congress about ten thousand bills and joint resolutions had been presented, and he called the attention of the country to the fact that owing to the number of private claims and demands being made, it was impossible, in the very nature and order of things, that these claims could be heard in Congress. And he spoke, and voicing the honest sentiment of the House, and the honest sentiment of the country, when responsive to the demands of individuals for justice, of the necessity for the appointment of tribunals that ought to be provided by law for the hearing and adjudication of these claims. I submit the following extracts of the Speaker's remarks as pertinent to this proposed legislation:

[Extract from RECORD, Forty-eighth Congress, second session, page 2572.]

In the first Congress the House of Representatives consisted of only sixty-seven members, less than the present membership of the Senate. Now there are three hundred and twenty-five, besides the delegates from the Territories. From the organization of the Government to the close of the Twenty-fifth Congress, a period of fifty years, there were introduced into the House, as shown by its records, 8,777 bills and joint resolutions, while during the two sessions of the present Congress 8,630 bills and joint resolutions have been introduced—almost as many as during that half century.

[Extract. Forty-eighth Congress, second session, pages 2572-3.]

It is evident that unless some constitutional or legislative provision can be adopted which will relieve Congress from the consideration of all, or at least a large part, of the local and private measures which now occupy the time of the committees and fill the Calendars of the two Houses, the percentage of business left undisposed of at each adjournment must continue to increase from year to year. It is not reasonable to suppose that an alteration of the Constitution can be effected, but it is worthy of serious consideration, whether a general law might not be enacted which would authorize the several Executive Departments and the courts of justice to hear and determine these matters under such rules and regulations as would amply protect the interests of the Government, and at the same time secure to the citizen a more expeditious and appropriate remedy than is now afforded. If this shall be done time and opportunity will be afforded here for the deliberate consideration of those great public questions which the Constitution has committed to the legislative department, and something might be done to promote the welfare of the whole people without neglecting the special interests of any.

Mr. BLOUNT. Will the gentleman permit me just there?

Mr. WHITTHORNE. Before answering the gentleman from Georgia, let me say that I have further turned during this session to the proceedings, and I find that up to this date nearly fifteen thousand bills and joint resolutions have been presented to the Fiftieth Congress. I exhibit here an official statement, prepared in the Clerk's office, showing the exact number:

[First session Fiftieth Congress, July 19, 1888.]

House bills introduced	10,896	
House joint resolutions introduced	201	
		11,097
Senate bills introduced	3,356	
Senate joint resolutions introduced	99	
		3,455
Total both Houses		14,552

The great body of these represent private claims. The percentage of increase since the close of the Forty-eighth Congress shows the wisdom of Mr. Speaker CARLISLE'S suggestions.

The allowance of ten hours' daily work in the consideration of each of these bills and joint resolutions would require several years' constant and uninterrupted labor.

I speak the voice of the committee when I say that when we came to the consideration of these claims, on looking over the field we knew that in justice to ourselves, in justice to the House, in justice to these claimants and to the Government, we could not possibly devote that time to the examination that their merits and a stern sense of duty and justice demanded. It was utterly impossible.

Mr. HERMANN. Let me say to the gentleman right there that the clerk of our committee has tabulated the claims recommended by the Secretary of the Interior, and shows that over six thousand claims have been certified.

Mr. WHITTHORNE. Not certified, but that is the number of claims existing on file.

Mr. BLOUNT. I would like to know whether the gentleman can state the amount covered by these claims in dollars?

Mr. WHITTHORNE. The amount is mentioned in the report at $15,000,000.

Mr. BLOUNT. Is my friend sure that that is what they will amount to, or does he state only what appears of record? Does my friend undertake to speak of claims outside of the record?

Mr. WHITTHORNE. I do not suppose that outside of that there will be many, because since 1885, when Congress provided for the filing of these claims in the Interior Department, during that year and 1886 and 1887, and up to the present time, they have been filed. I think practically they are all in.

Mr. BLOUNT. It is most likely that the claim agents will find a good many more when this bill gets through.

Mr. RYAN. I think not; I think the great bulk of these claims has been presented.

Mr. SYMES. I am confident that there are but a few more of them.

Mr. DUNN. That is the impression of all who have examined the subject.

Mr. WILLIAMS. Permit me to say, I do not believe there will be that when the whole question is opened and the liabilities ascertained, over three or four million dollars found justly due to claimants of all classes.

Mr. BLOUNT. I would like to ask——

Mr. BUTTERWORTH. I wish my friend from Tennessee to state—not that I am hostile to this measure——

Mr. BLOUNT. Who has the floor?

The SPEAKER *pro tempore*. The gentleman from Tennessee is entitled to the floor.

Mr. WHITTHORNE. I yield to the gentleman from Ohio for a suggestion.

Mr. BUTTERWORTH. I wish to see if I have a correct apprehension of this measure. The question of amount, whatever it may be, if justly due, ought to cut no figure——

Mr. HEARD. That is exactly my view.

Mr. BUTTERWORTH. For I would rather see an empty Treasury with honor to the Government than an overflowing Treasury with the Government claims dishonored by a disregard of its just obligations.

Now, this Government, from the foundation of it up to the present time, has been paying certain Indians——

Mr. WHITTHORNE. Not from the foundation of the Government.

Mr. BUTTERWORTH. Well, for a great many years, I understand, by treaties and by statutes, we have held these Indians liable for depredations committed by any member of the tribe upon the property of other Indians or upon the property of white men.

Mr. WHITTHORNE. Yes, sir.

Mr. BUTTERWORTH. And have agreed to indemnify them for trespasses committed by the white people.

Mr. WHITTHORNE. That is correct. *Ita lex scripta.*

Mr. BUTTERWORTH. Exactly. Now, during that time no tribunal has been organized for the purpose of adjudicating these claims, and they have been acted upon, as far as any action has been taken, in this House. Hence they are referred here, and the result is that they are not permitted to have such examination as ought to be made of them.

Mr. WHITTHORNE. It is impossible to examine them.

Mr. BUTTERWORTH. I understand the purpose of this bill is to establish a tribunal which shall take up—first removing the bar of the statute of limitations—take up the cases in their order, and endeavor to determine how much shall be paid to the whites for depredations committed by the Indians, and how much is due to the Indian tribes for trespasses committed by the whites, and that the findings of the court upon the evidence so taken shall be reported to Congress for its action.

Mr. WHITTHORNE. No. Let me interrupt the gentleman.

Mr. BUTTERWORTH. A moment. I see I was in error there, and that their adjudication shall be final. If the judgments they may find, for I may call them judgments, are against the tribes, then the payment may be taken out of their indemnity funds.

Mr. SYMES. Not necessarily.

Mr. BUTTERWORTH. Then how would it be paid?

Mr. SAYERS. If the gentleman will permit me——

Mr. WHITTHORNE. Pardon me a moment. I have my mind running on this just now, and will state that when these findings of the court are submitted to the Department, as provided in the bill, the

Secretary of the Interior shall annually transmit to Congress a list of such findings, and report what trust or other funds of the Indians are available for the liquidation of any claims found justly due by them.

Mr. BUTTERWORTH. I understood that the bar of the statute of limitations, if I may describe it in that way, is to be removed——

Mr. WHITTHORNE. There is no statute of limitations.

Mr. LAIRD. Will the gentleman from Tennessee [Mr. WHITTHORNE] allow me to make a partial answer to the gentleman from Ohio?

Mr. BUTTERWORTH. And then, when the judgment is rendered and when the finding is made, that out of the annuity, out of this trust fund, to which my friend called attention, these claims are to be paid. Now, the only objection that occurred to me is this: In the first place, there is some question as to not having the statute of limitations removed; and in the next place there may be some objection to having the court to sit in Washington to settle these claims; and if we pay these claims out of the annuity, we may absolutely deprive the Indians of what is due to them for their maintenance.

Mr. SYMES. This does not provide for paying them out the annuities.

Mr. WHITTHORNE. There is no statute of limitation upon this indemnity; that is more a term than anything else.

Mr. BLOUNT. Then has my friend any objection to it going out?

Mr. WHITTHORNE. Now, under the law as it is, certain Indian tribes are protected from depredations committed by whites, the Government being responsible to the Indian tribes. The white man is also indemnified for depredations committed by the Indians. Now, the fact that the indemnification has not been made is not the fault of the claimants, because they have appealed to every tribunal they could. When the matter was under the control of the War Department they appealed to the Secretary of War, and then when it was brought under the Interior Department they appealed to the officers thereof, and then to Congress. They have made every appeal. It has been no fault of theirs; it has been no fault of individual members of Congress, but it is a fault which arises from the want of time on the part of Congress and the officers of the Government to determine these claims. Now, this indemnification is by the Government out of its funds, and since the act of 1859 out of moneys due to Indians.

Mr. SYMES. If you read the report it states the fact about it. You will see it does not remove at all the obligation of the Government to eventually determine the controversy as to whether the claim should be paid by the Government or not. It only removes that under the act of 1834 had provided that under the order of the President or by the direction of the officers of the Interior Department the money should be paid out of the Treasury, Congress having nothing to do with it.

It left that class of claims against the Government of the United States under the solemn terms of these different acts of Congress that the Government will in the mean time consider this controversy as to how they should be paid the indemnity from the Government.

Mr. WHITTHORNE. In keeping up with the inquiry of the gentleman from Ohio, I want to say that although the Government has had this annuity or trust fund in its hand, the payment of these claims can not now be made to the claimants out of that, because you have reached a point where, if you attempt to pay honest claimants out of the annuity fund, it will leave the Indians as paupers and dependent upon the Government for their support.

There are but a few tribes with which it can be done. The Secretary of the Interior suggests that in the future, out of the funds going to the Indians and from lands which by the act of 1887 it is provided may be sold of their reservation, the Government of the United States can indemnify itself and pay the claims out of the common Treasury; wherefore it is provided in this bill that this judicial tribunal shall make a report to the Secretary of the Interior that he may keep an account of the fund, and when he makes a debit there is a credit given for it in such fund as may be on hand or accrue as stated, and after doing that the Secretary of the Interior reports the condition of the fund, and his suggestion of how and in what manner it can be paid, and it comes to Congress in that shape. You can see very well how the interests of the Government are protected in seeking to do justice with these claims.

Now, Mr. Speaker, in doing all this, and in bringing this measure before Congress with a view of a speedy relief to the claimants, and doing justice to all parties, economy has been consulted. Here is a provision for the sum of $40,000 per annum to be appropriated for the support of the entire court and its officers annually. Under the general provision of existing laws there are $20,000 appropriated for the conduct of an investigation which lacks the formalities of a legal investigation, which fails to reach final justice, and which loads Congress and consumes its time; and when you eliminate the $20,000 now paid to this investigating bureau of the Indian Department, and come to sum up all, you will find that in providing for the expenditure of $40,000, as is done in this bill, you are making no extravagant increase of expenditure, indeed no actual increase except *co nomine* in the officers provided for the adjudication and payment of these claims.

Mr. SAYERS. The court is only temporary.

Mr. WHITTHORNE. The court is intended to be only temporary.

Mr. BUTTERWORTH. How much do you propose to pay the judges?

Mr. WHITTHORNE. Four thousand dollars a year; and that is with the view of getting a tribunal whose finding and adjudication, in the language of the report of the committee, shall command alike the confidence of Congress and of the country. And I submit to the judgment of gentlemen that the interests of the Government are further protected here. Under the present mode of investigation no agent of the Department is authorized to administer an oath; all the testimony taken for or against the Government is *ex parte;* but under this tribunal, judicial in its character, the officers and agents employed and sent out are authorized by law to take the testimony of witnesses under oath, and their reports are to be made under oath.

Mr. DUNN. And the Secretary says that his action upon the reports of the agents now employed in these cases in approving them is entirely perfunctory.

Mr. SYMES. That is what he told us when we conferred with him.

Mr. WHITTHORNE. Yes. The gentleman from Colorado [Mr. SYMES] and I were appointed a subcommittee to confer with the Secretary of the Interior and the Commissioner of Indian Affairs, and the Secretary told us that necessarily, with the volume of business committed to him and to the Commissioner of Indian Affairs, the approval of these reports was in a great degree a perfunctory work. He also assured us that the Department needed this tribunal, and that he was of the opinion that every department of the Government needed the sanction of such a tribunal. Mr. Speaker, I will conclude my explanation of this bill by stating that it comes here with the unanimous report of the committee and with the approval of the Secretary. In fact, the bill is in large part the work of the Secretary of the Interior. It has also the approval of the Commissioner of Indian Affairs. These officers have looked over the whole field and recommend this as the best and most just method of disposing of these claims.

Mr. Speaker, the Government is quick in its generosity to the soldier who defends its honor and integrity. The Government moves in hot haste to discharge its obligations to the holders of its bonds. Why then should it halt in slow steps to do simple justice to the pioneer of its laws and civilization, who, invited by the plighted faith of that same Government, has offered his life and sacrificed his property to promote the power, wealth, and happiness of its citizens, for whom alone it exists?

Mr. HERMANN. In further answer to the doubt expressed by the gentleman from Ohio, I wish to read a provision of the bill:

And the Secretary of the Interior shall, at the same time, report what funds exist from which any amounts adjudicated by the court to be chargeable to any Indian tribes may be paid, and whether, in his opinion, the amounts so found chargeable should be paid by the United States or taken from such funds, together with his reasons therefor.

Mr. PETERS. Does this bill provide for any appeal in case the commission should find adversely to the claimant?

Mr. WHITTHORNE. No, sir.

Mr. BUTTERWORTH. It provides that the judgment shall be final.

Mr. RYAN. If I understand the bill, it provides that an adverse judgment shall be a perpetual bar to the further prosecution of the claim.

Mr. SYMES. That is what it does.

A MEMBER. The claimant is entitled to a rehearing.

Mr. SYMES. Yes, he may move for a rehearing.

Mr. PETERS. That is the point to which I wish to call attention. If the claimant presents his claim to this commission and the commission finds that something is due him, then he has a right to come to Congress and get the money appropriated to pay him. If, however, the commission should find that nothing is due him, then he has no opportunity to appeal to any higher tribunal, either the Supreme Court or Congress. Is that right?

Mr. WHITTHORNE. The right to appeal to Congress is one of the rights of the American citizen of which he can not be deprived.

Mr. BUTTERWORTH. But he will not have any show here.

Mr. RYAN. What sort of a show would he stand here with an adverse judgment of this tribunal?

Mr. PETERS. I was about to say that the decision of the court, together with this law which makes it a final adjudication, would leave the party but little show in this House.

Mr. HEARD. The party would be in the same position as one presenting his case here upon a report from the Court of Claims.

Mr. PETERS. I suggest that where the decision of the commission is adverse to the claimant, he should have the right to appeal, if he sees fit, to the Supreme Court of the United States.

Mr. PERKINS. No; to the Court of Claims.

Mr. PETERS. He should have the right to appeal to some tribunal, so that if injustice had been done him (and there is no tribunal that does not occasionally commit injustice) he may have his case re-examined.

Mr. HERMANN. There is a provision in the bill for a recall of the report by the court and a rehearing. The language is as follows:

At any time before the reported judgment upon any claim shall have been included by the Secretary of the Interior in an estimate, or have been transmitted to Congress, the said court may, in its discretion, recall such report, with the accompanying papers, and grant a rehearing.

Mr. PETERS. I am aware of that provision in the bill; but nowhere in the United States is a *nisi prius* court permitted to give a final de-

cision upon any question, and this commission is nothing more nor less than a *nisi prius* court; that is, a court that finds in the first instance the facts and the law. There should certainly be some appellate tribunal to which the party may apply if the decision is adverse to him.

Mr. MORROW. The gentleman from Tennessee [Mr. WHITTHORNE] alluded to the fact of a commission having been created by the law providing appropriations for the support of the Indian Department. That commission, I believe, was created in 1885.

Mr. WHITTHORNE. There was no commission created; but there was given an authority to investigate.

Mr. MORROW. That investigation has been going on, as I understand, up to the present time. I would like to inquire whether there have been any reports based upon that inquiry, and, if so, whether Congress has acted upon any such reports and paid the money declared to be due?

Mr. WHITTHORNE. Since the authority given in 1885, I do not think a single such claim has been passed by Congress—possibly three or four.

Mr. PERKINS. A great many have been considered and reported.

Mr. WHITTHORNE. Yes, sir.

Mr. PERKINS. But no appropriation has been made for the relief of the claimants.

Mr WHITTHORNE. No, sir A great many reports have been made by committees on such cases, but none have been finally acted on by both Houses. Possibly, as I have said, three or four may have been. I now yield to my friend from Arkansas [Mr. DUNN].

Mr. DUNN. Mr. Speaker, those of us who have been in Congress any considerable length of time have learned (if we have learned anything) that this is the worst tribunal in the world in which a claimant against the Government can seek for justice; not because Congress is disposed to be unfair or unjust, not because it is indisposed to do right, but because the very conscientiousness of members teaches them the absolute impossibility of their doing exact justice between claimants and the Government.

When I was assigned by the Speaker as a member of this Committee on Indian Depredation Claims I intended to enter upon the work, as I have always entered upon all committee work, with great earnestness and seriousness. I have been zealous and industrious in attending to my committee duties ever since I have been in Congress. I have rarely ever missed a meeting of any committee to which I have been assigned. I have never left unreported any committee work assigned to me for report. But when a basket full of these claims came to me as my share at the first assignment after the organization of this committee, and when I commenced going through them, I found it an absolute impossibility for me to verify the *ex parte* proof which accompanied them. I am a lawyer, and I require legal evidence on all matters of this kind presented to me for determination as a member of the House or as a member of a committee. Sir, the means have not been placed at my disposal or at the disposal of the committee to try these cases. No member can undertake to do it. That is why the Secretary of the Interior has said that his expression of approval or disapproval upon these claims is absolutely perfunctory.

The Government has assumed the responsibility of indemnification in these cases. These depredations have been committed both upon the Indians and by Indians upon the citizens of the United States. Justice is absolutely denied the sufferers; and unless Congress shall organize a tribunal with full and final jurisdiction to determine these matters justice will be forever denied and the Calendars of Congress will remain forever loaded with these claims. Once in awhile a dexterous, shrewd, smart, managing member. or agent operating on a member, may get a case through, perhaps one case in a Congress, while justice is denied to all others, and even a hearing is refused to all the rest.

Now, Mr. Speaker, gentlemen talk about the bar of limitations. It is neither right nor just to allow any bar of limitations to be set up in these cases. We were asked in the consideration of this bill to allow the findings of the Secretary of the Interior in any case to be made conclusive upon the court; that is, if he approved a claim and recommended payment, that the court should be compelled to found a judgment upon that recommendation. Of course we could not permit such a provision to go into the bill.

When our committee met to consider the matter, we gave a full and patient investigation to the subject, and concluded that we ought not to permit any bar of limitations to be set up. There would be a resulting wrong against somebody if that were permitted. We concluded in the committee, concluded after consulting together and examining the mass of claims before us so far as we could, that but one course was possible for us to pursue, and that was to report a provision creating a tribunal for the adjudication and trial of these cases. We limit its existence to a period in the year 1891. It is entirely possible for the work to be finished by that time, and entirely possible for justice to be done. When Congress finds itself unable to perform its duties in respect to the liabilities which had been deliberately assumed by the Government, and continued to be assumed by it from year to year and from period to period, then Congress should create some other tribunal which can hear and determine the cases and administer justice.

It has been asserted, moreover, by members of Congress that this Government has but one single class of creditors to whom it pretended to be just, and that is the bondholders. No other claim against the Government has any assurance whatever that it will ever get a hearing or an adjudication. Congress has been laboring through three terms to enable itself to unload all of these claims and send claimants where they can get justice. It will be a great deal for the claimants to get their money appropriated even after they get a judgment on the claim. It will be a great deal and a great labor. The work of appropriations must be left to Congress, where the Constitution places it.

Mr. ADAMS. Will the gentleman permit me to ask him a question in regard to the formation of this bill?

Mr. DUNN. With pleasure.

Mr. ADAMS. I desire to direct the attention of the gentleman to the words in italics at the top of page 4.

And whehever in the opinion of the court——

Mr. DUNN. I am not sure that I have a copy of the bill printed in that form. I have the original bill.

Mr. ADAMS. I will direct the attention of the gentleman to this language:

And whenever in the opinion of the court the interest of the Government or Indians may require it—

Notice is to be given to the Attorney-General of the United States, who shall cause an appearance to be entered on behalf of the Government. As the bill was originally drawn it required the defense, who is either the Government or the tribe owing the annuity, or the Government as a holder of the annuity, to be invited by the court, and the Attorney-General to cause an appearance to be made on behalf of the defense. This bill has been amended by the words in italics, which I have read, where provision is made that this shall only be done when in the opinion of the court the interest of the Government or the Indians may demand it.

It occurs to me, as there is always a defense, this being a judicial proceeding—the Government being the defendant in proper person when it is to pay a claim out of its own money, and a defendant of the trust fund when the money is to be paid out of the funds of the Indians held by the Government—that in either case there should be an appearance on the part of the Government through the Attorney-General.

Mr. HEARD. To what part of the bill does the gentleman refer?

Mr. ADAMS. To the top of page 4.

Mr. LANHAM. Before the gentleman from Arkansas answers the question will he permit a suggestion?

Mr. DUNN. Certainly.

Mr. LANHAM. As an unqualified friend of the bill, I merely wish to say that one-half of the time allotted to us this evening has expired, and if we do not pass the bill within the next hour the probabilities are it will not be passed.

Mr. BLOUNT. My friend certainly does not expect to pass an important bill like this without proper inquiry.

Mr. LANHAM. Certainly not; but it has been explained, the report is quite explicit, and that is all the time we have.

Mr. BLOUNT. I know; but still it is a matter on which we are to vote, and of course it is proper that we should understand its effect.

Mr. LANHAM. It has been carefully considered by the Committee on Depredation Claims; it meets the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. BLOUNT. But as a member of this House called to cast a vote upon it, I want to have a careful consideration of the measure.

Mr. DUNN. The point raised by the gentleman from Illinois is a matter of detail, which I presume the committee will not stickle about. It was a point that was discussed at some length, and it was thought best to provide in this way. It will perhaps save a good deal of expense to the Government to dispense with the employment of special attorneys in certain cases where it is manifest that the Government will not need them.

Mr. ADAMS. Precisely.

Mr. DUNN. And the court on looking over the case can determine whether or not it is necessary.

Mr. ADAMS. In cases where the amount is small or where the facts are so clear as to admit of no question.

Mr. DUNN. Yes, sir.

Mr. ADAMS. That is satisfactory.

Mr. WHITTHORNE. Mr. Speaker, I ask the previous question upon the passage of the bill and amendments.

Mr. BLOUNT. I understood this bill was to be considered in the House as in Committee of the Whole?

The SPEAKER *pro tempore*. The Chair will state that such was the arrangement made by consent of the House.

Mr. BLOUNT. Then I hope the gentleman will not ask the previous question on the bill until the amendments have been considered.

The SPEAKER *pro tempore*. If it is demanded, the bill will have to be considered by paragraphs.

Mr. WHITTHORNE. I hope the House will proceed to the consideration of the bill, and that there shall be no further debate, only as the bill may require explanation.

Mr. BLOUNT. I feel some hesitation in supporting this measure. It is said, feelingly, in behalf of the Indian that he is ignorant, and that there ought to be no limitation on his claim. I think the Indian in the matter of these claims has been taken care of pretty well by claim agents. I think it has been an industry and it is quite an old one in this country. The claim agents have long been pressing these claims here and are pressing them all the while before the Departments. Many years ago, I remember, some distinguished gentlemen in this country, whose names I will not designate now, were here before Congress with a claim of $250,000 for attorney's fees in reference to certain lands. It was not strictly a matter of depredation as designated in this bill.

I happened to be on the Committee on Appropriations at that time. They were seeking to have an appropriation made for such claims in some of the appropriation bills, and I called at the Interior Department with a view of investigating the matter. One of the counsel for the claimants, it appeared, had filed a paper there many years before that. Mr. Chandler, a very upright and able man, who was the Secretary of the Interior, called my attention to a letter of one of those very men, which had been filed there many years previously, denouncing it as an infamous fraud, and giving many plausible reasons in support of that statement. But as soon as he got an interest in the matter he proposed to rob these poor Indians here, and he was pressing the claim here and at the Department.

Mr. MORGAN. Circumstances alter cases.

Mr. BLOUNT. Yes; circumstances do alter cases; and there are a great many circumstances, I think, surrounding this bill which make me hesitate in its support.

I know the activity and fertility of resource of these agents, and that a great many depredation claims have been filed with the Secretary of the Interior for many years past, and have been disapproved. Now then, sir, the proposition is——

Mr. SYMES. Will the gentlemen allow me an inquiry there?

Mr. BLOUNT. Yes.

Mr. SYMES. If I were going to discuss this matter very fully I would follow the line of argument of my friend on the futility of pressing claims to the political departments of the Government instead of to a judicial tribunal, so that the claimants may have justice done to them.

Mr. LANHAM. The Secretary of the Interior, in a letter of March 24, 1888, directed to the chairman of the Committee on Indian Depredation Claims, says: "I do not think that there should be any further unnecessary delay in the payment of such sums as have been and shall hereafter be ascertained to be justly due on such claims." He recommends that there be some provision made for the settlement of these claims.

Mr. BLOUNT. That is all very good.

Mr. LANHAM. Open the door for them so that these people may have an opportunity of presenting their claims.

Mr. BLOUNT. Where they have been before the Secretary of the Interior and have been rejected, I do not believe in bringing them back here for consideration by this court.

Mr. LANHAM. They are liable to be rejected there.

Mr. BLOUNT. I do not know what will be done when these claim agents can have an opportunity to bring other evidence to this court.

Mr. SAYERS. Does the gentleman not know that there are treaty stipulations with various tribes, under which the Government of the United States has bound itself to pay the Indians for any depredations that might have been committed upon them by white men; and does he not know that these depredations, if proved, are carried to the Secretary of the Treasury for him to have the claim audited in the proper Auditor's office, and there sent to the Appropriations Committee to make provision for them, and this Congress has paid a claim of $40,000 for the depredation of a white man upon some Indians.

Mr. BLOUNT. I do not know by what authority the Appropriations Committee can make such a payment.

Mr. HEARD. In pursuance of law.

Mr. SAYERS. Under treaty stipulations with some of the Indians if a depredation or robbery or anything of the kind is committed on the Indians and it is proven, the Government of the United States becomes responsible, and the claim, when proven fully, is sent to the Treasury and audited in the proper office, and then sent to Congress to be paid by the Committee on Appropriations as an audited claim.

Mr. BLOUNT. I wish to know of my friend whether he says that these Indian depredation claims are audited by the Treasury Department?

Mr. SAYERS. I do not say that the claims for which this bill provides have been so audited, but I say that there are treaty stipulations with certain tribes——

Mr. BLOUNT. But we are talking about these claims, and I have never understood that these claims have been audited by any officer of the Treasury Department. On the contrary, my information is that they never have been audited.

Mr. SAYERS. The gentleman must not misunderstand me. I do not say that these claims have been audited.

Mr. BLOUNT. Then why talk about other matters? We are discussing these claims now.

Mr. SAYERS. I do not think that an Indian ought to have a better chance before Congress than a white man.

Mr. BLOUNT. Oh, I am not going into that discussion at this time. My friend and I would probably agree if we compared views as to the rights of the white man, but there is a class of white men whose alleged "rights" I am disposed to scrutinize very closely, these claim agents who get hold of these Indian claims and who have been hanging around this Capitol ever since I have known anything about it, and around the Interior Department, presenting all manner of fraudulent and rascally claims.

Mr. DUNN. And honest ones, too.

Mr. BLOUNT. Yes, honest ones, too.

Mr. SYMES. And (if my friend will pardon me) they will be hanging around here continually until you get three judges sitting there to pass upon these claims, and then they will desist.

Mr. BLOUNT. But I do not propose to help them in their business by giving them an opportunity to reopen these old claims that the Interior Department has decided against and bring them before this commission.

Mr. DUNN. Propose an amendment, then.

Mr. STEELE. I do not believe in the one-man power.

Mr. BLOUNT. Well, I am not now discussing the question of one-man power. I am discussing the question whether, when there has been a judgment against these claims, the claim agents shall be enabled to renew them before this proposed commission, and I am not to be diverted from that question by a sneer about "the one-man power."

Mr. LAIRD. What authority has an executive officer to render a judgment?

Mr. BLOUNT. Mr. Speaker, I can not get through even by 10 o'clock unless gentlemen will allow me to proceed with less interruption.

It is said by some gentlemen that they care nothing about the amount of these claims. In so far as the question whether or not the Government shall pay a proper claim is concerned, I concede the correctness of that position; but when I inquired as to the amount, I had in mind simply the question whether or not all the claims that had been heretofore passed upon by the Interior Department were to be brought before this court. So far as I am concerned, I do hope that this House will not allow this bill to pass in a form which will permit those claims that have been passed upon to be reopened. I trust that, on the contrary, the House will specifically prescribe that those cases shall not be heard by this tribunal. It can not be pretended, sir, that these claimants have not been properly represented in the past. They have been ably represented. The men who have represented these claims about this capital and elsewhere are, some of them, men of national reputation, and it is not worth while for us to deceive ourselves by statements to the contrary. I will not occupy further time in the general debate, but I shall take occasion as the bill is considered by sections to make such observations as seem to me proper under the circumstances.

Mr. McSHANE. The idea of the gentleman from Georgia [Mr. BLOUNT], as I understand him, is to defeat the claim agents, and I would suggest that he propose an amendment prohibiting the allowance of these claims to anybody but the claimants themselves or their legal representatives.

Mr. BLOUNT. That I agree to; but I would go farther than that. Where an officer of the Government has examined into these claims through special agents provided by law as a means of gathering information about them, and where the Department has passed upon the claims and decided against them, I would treat that action as final.

So far as the auditing of claims in the Treasury Department is concerned, the action of the various Auditors can not be reversed even by the Secretary of the Treasury. Now, I am perfectly willing that any reasonable claims shall be submitted to this commission. So far as regards the mode of ascertaining what is right between the Government and these parties, I am not here to set up my judgment against that of the committee reporting the bill. But I shall certainly protest against any provision in the bill by which cases of this class heretofore disposed of in the Interior Department by virtue of law shall be placed in any better status than the claims of other persons which have been acted on in a similar way.

Mr. HEARD. As I understand, the gentleman from Georgia has no objection to the establishment of this commission if we limit its jurisdiction to claims which have not been adjudicated. Now, if we consent to such a limitation and thereby bar the consideration of claims which have heretofore been considered and rejected, we would still allow to claimants who have not had their claims considered even by the head of a Department an opportunity for a hearing before this commission. Even that, it seems to me, is a big gain in the interest of honesty and justice.

Mr. BLOUNT. I would like to have another "gain in the interest of honesty and justice." I would like to see struck out the proviso which repeals the statute of limitations as to these claims.

Mr. HEARD. Very well; let the gentleman formulate his amendment.

Mr. BLOUNT. I will take great pleasure in doing so when it is in order.

[Cries of "Read!" "Read!"]

The SPEAKER *pro tempore*. If there be no objection, general debate will now be regarded as closed, and the bill will be read by sections for amendment.

There was no objection.

Mr. PERKINS. I ask that the bill with the amendments reported by the committee be regarded as the measure now under consideration, rather than the bill as originally introduced.

Mr. BLOUNT. I think we had better go on in the regular way.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to nominate, and, by and with the advice and consent of the Senate, to appoint, three commissioners, one of whom shall be designated as chairman, and who shall hold their offices until the 31st day of December, 1891, when the same shall expire and all the functions and privileges thereof shall cease. If either of said commissioners shall not be so appointed during the present session of the Senate, the President may make such appointment during the recess thereof, but the appointee shall hold no longer than until the end of the next session thereafter ensuing during which the President shall nominate to the Senate as aforesaid. In like manner any vacancy subsequently occurring shall be filled. Each commissioner so appointed shall receive a salary at the rate of $4,000 per annum. Each of said commissioners shall, before entering upon the duties of his office, take and subscribe the oath required by law.

SEC. 2. That such commissioners shall constitute a court to be known as the "Court of Indian depredations," and as such shall possses jurisdiction and authority to inquire into and adjudicate, in the manner provided in this act, all claims of the following classes, namely:

First. All claims now authorized to be made or presented by any act of Congress, remaining in force, to the Secretary of the Interior or to any other officer of the Government.

Mr. BLOUNT. Mr. Speaker——

The SPEAKER *pro tempore*. The Clerk has not completed the reading of the section.

Mr. BLOUNT. I am willing that the whole section be read, but I supposed that under the rule the bill would be considered by paragraphs; that the several clauses in this section would be treated as separate paragraphs. With that understanding, I was about to address myself to the first subdivision.

The SPEAKER *pro tempore*. The Chair understands that when the reading of the section has been completed, amendments can be offered to any part of it.

Mr. BLOUNT. I accept that ruling of the Chair, though I have seen a different practice.

The Clerk concluded the reading of section 2, as follows:

Second. All claims by Indians, under the protection of any treaty with the United States, who, while residing and being upon any lawful reservation provided for them, shall have suffered a loss of property through unlawful destruction or taking by white men, or by Indians of another tribe or nation then belonging to the United States and not authorized to be upon the reservation where such destruction or taking occurred.

Third. All just offsets and counter-claims to any claim of either of the preceding classes which may be before such court for determination.

For such purposes, the said court shall have authority to issue subpœnas for witnesses, to be signed by its clerk or one of said commissioners and attested in the name of the chairman; to make rules and regulations, not inconsistent with law, to govern the methods of procedure and practice in and before such court, the appearance of parties in person or by attorney, and all matters pertaining and needful to the due performance of the duties of said court; and to preserve order and punish for contempt. Such regulations of practice shall be so prescribed as to provide for the expeditious, just, and fair disposition of such claims as may come before the court, without unnecessary technicalities, according to the rights of claimants upon the merits. No claimant shall be required to appear by attorney, and every case submitted by the claimant in person shall receive prompt and careful consideration in its order. But if any claim shall be prosecuted by attorney, notice shall be given by the court, in such form as it may prescribe, to the Attorney-General of the United States, and it shall thereupon be his duty to cause his appearance to be entered on behalf of the Government or of the Indians charged with liability and thereafter properly to represent and defend the interests involved.

The amendments reported by the committee to section 2 were read, as follows:

In line 6, strike out "now," and insert "for Indian depredations."

After the word "Government," in the third line of the second paragraph, insert: "*Provided*, That in determining the liability of the United States to pay these claims, or any part thereof, the question of limitation as to the time and manner of presenting them as prescribed by statutes shall be waived by the court."

Before the word "notice," in line 36, insert, "and wherever in the opinion of the court the interest of the Government or Indians may require it."

Mr. BLOUNT. I hope, Mr. Speaker, my friend from Tennessee [Mr. WHITTHORNE] will allow the proviso submitted as an amendment to the second paragraph of section 2 to be struck out. That is the proviso in these words:

Provided, That in determining the liability of the United States to pay these claims, or any part thereof, the question of limitation as to time and manner of presenting them as prescribed by statutes shall be waived by the court.

Mr. WHITTHORNE. I agree to the gentleman's suggestion.

Mr. PERKINS. It occurs to me that this amendment should not go out.

Mr. BLOUNT. You had better allow it to go out, if you want the bill to pass.

The SPEAKER *pro tempore*. If there be no objection, the amendment to insert the proviso just read will be disagreed to.

There was no objection.

Mr. STOCKDALE. I move to strike out the second paragraph, commencing with line 14, down to line 21.

Mr. SMITH, of Arizona. I would like to ask the chairman of the committee whether or not there is a statute of limitations against these claims.

Mr. WHITTHORNE. No, sir.

Mr. SMITH, of Arizona. Was not a statute of limitations passed in the Forty-seventh Congress?

Mr. WHITTHORNE. Never.

The SPEAKER *pro tempore*. The pending question is on the remaining amendments proposed by the committee.

The amendments to the section were adopted.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi insist upon his amendment?

Mr. STOCKDALE. I withdraw it.

Mr. BLOUNT. Mr. Speaker, I wish to offer a further amendment, as a separate paragraph, to come in after line 24, after the word "determination," as follows:

And the aforesaid court shall not consider any claim which has been rejected by any officer authorized by law to consider the same.

Mr. HEARD. I would suggest the word "adjudicate" in place of "consider."

Mr. BLOUNT. Very well; if that is more in accordance with the legal phraseology of the bill, I have no objection to that change.

Mr. SAYERS. That might prove an injustice in many cases, for instance in the case of a claim that was filed too late. There are a great many just claims which may not have been filed within the time, and were rejected solely on that ground.

Mr. BLOUNT. I do not know how many there are; they may be fifty years old. There ought to be some limit, and not reopen all adjudicated claims.

Mr. STOCKDALE. I propose a further amendment to the amendment, which I send to the desk.

The SPEAKER *pro tempore*. The Clerk will read the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

The aforesaid court shall not consider any claim which has been heard and rejected by any Department or officer of the Government authorized by law to adjudicate the same.

Mr. STOCKDALE. I now offer an amendment to the amendment of the gentleman from Georgia.

The Clerk read as follows:

That said court shall not have jurisdiction of any claim that has been heretofore adjudicated by an authorized officer of the Government, unless it be shown to the satisfaction of the court that injustice has been done the claimant.

[Mr. STOCKDALE withholds his remarks for revision. See APPENDIX.]

Mr. BLOUNT. I have a word to say, and shall occupy but a moment. That amendment changes materially the effect of the amendment I have offered. I do not see why that provision should apply to this class of claims any more than to the claim of a white man, as my friend has seen fit to suggest, who has a claim before any officer of the Government.

Mr. WHITTHORNE. I trust the gentleman from Mississippi will withdraw his amendment and permit us to accept that of the gentleman from Georgia.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment proposed by the gentleman from Mississippi.

The amendment of Mr. STOCKDALE was rejected.

The amendment proposed by Mr. BLOUNT was adopted.

Section 3 of the bill was read, as follows:

SEC. 3. That the said court shall hold its sessions in the city of Washington, in the District of Columbia, and the Secretary of the Interior shall provide for the said court, its clerks, and employés, hereinafter authorized, suitable rooms, with necessary furniture, fuel, lights, books, and stationery. Two commissioners shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest, directly or indirectly, or in which he is of kin to any claimant. A docket of all claims, showing the date of presentation, number, name of claimant, subject-matter, amount of claim, and the adjudication, and also a record of the proceedings of the commission shall be kept by the clerk. Subject to the approval of the Secretary of the Interior, the said court may appoint a secretary, a stenographer, and messenger, and such additional clerks as may be from time to time found necessary. The secretary shall receive a salary of $2,000, the stenographer a salary of $1,200, the messenger a salary of $840; and additional clerks, if any, such compensation as shall be fixed by the Secretary of the Interior.

The committee recommend the adoption of the following amendments:

After the word "stationery," in line 4, insert as a proviso:

"*Provided*, That whenever in the opinion of said commissioners the interests of the Government may require it, the said court may hold a session or sessions at or near the scene of the alleged site of the depredations for which a claim or claims are filed before it."

In line 14, strike out the words "subject to the approval of the Secretary of the Interior." Begin a new paragraph with "The," where it occurs at the end of line 14. Add to line 20, after the word "and," where it occurs the second time, the words "subject to the approval of the Secretary of the Interior;" and in line 20, after the word "dollars," insert "per annum."

Mr. JOSEPH D. TAYLOR. I ask that the section be read as proposed to be amended. There are quite a number of amendments.

Mr. PERKINS. I can hand the gentlemen a bill with the printed amendments incorporated. We have but a little time left now to dispose of the bill.

Mr. JOSEPH D. TAYLOR. Very well; I withdraw the demand.

The amendments proposed by the committee were adopted.

Mr. PERKINS. I desire now to offer a substitute for a part of the section, beginning with the first line and ending with line 14. I move to strike out the portion of the section I have indicated, and insert what I send to the desk.

The Clerk read as follows:

That a majority of said commission shall constitute a quorum to do business, and they shall hold their regular sessions in the city of Washington, District of Columbia, commencing on the first Monday in September and ending on the 31st of May of each year. That from the 1st day of June until the 31st day of August of each year, said commissioners shall each visit such separate portions of the country, to be arranged by themselves, within which Indian depredations have been committed, for the purpose of investigating and taking additional testimony, when such evidence may, in the opinion of the commissioners, be necessary to a just determination of the claims, and said commissioners, before taking such additional evidence, shall give thirty days' notice by publication in some newspaper most convenient and most liable to be read by the claimants, of the time and place of the taking of said additional testimony.

The amendment was rejected.

Section 4 of the bill was read, as follows:

SEC. 4. That immediately upon the organization of said court the Secretary of the Interior shall cause to be delivered to it all papers, reports, evidence, and proceedings now on file or of record in the Department of the Interior, or the office of the Commissioner of Indian Affairs, and the Secretary of War shall, in like manner, deliver all such papers, records, and proceedings in the Department of War, relating to any claims not heretofore adjudicated by Congress of the nature hereinbefore indicated. Other and additional claims may be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, including the circumstances immediately connected with the commission of the wrongs complained of, the persons by whom committed, the property lost or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the cases involved; and may be required to be verified by the affidavit of the claimant, his agent, or attorney, as shall be prescribed by the court. In considering the merits of the claims presented to the court, all testimony and reports of special agents, and other papers now on file in either of the Departments aforesaid, or in the office of the Commissioner of Indian Affairs, and all such testimony as may be taken pursuant to the regulations of the commission, and all reports of special agents, as hereinafter provided, shall be entertained by the court, and such value awarded thereto as in its judgment is right and proper, without limitation by the technical rules of evidence in courts of law. But every case shall be heard by a quorum, at least, of the court, acting jointly and not by individual commissioners; and the conclusion in respect to facts and of law thereon shall be so jointly found and determined. Each of said commissioners and their secretary is authorized to administer oaths to witnesses.

The committee recommend the adoption of the following amendments:

After the word "affairs," in line 5, insert "or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives."

Also in line 16 insert after the word "persons" the words "class of persons, tribe, or tribes;" and in line 27 strike out the word "commission" and insert "court."

The amendments were adopted.

The Clerk read section 5, as follows:

SEC. 5. That the Secretary of the Interior may appoint not to exceed five special agents, who shall each be paid a salary of $2,000 per annum, and the further sum of $3 per day for traveling expenses for each day actually employed in traveling or absence from home upon official duty. Each such agent shall have power to administer oaths, to take depositions, and to procure investigations; and they shall perform such duties as may be required by the court and under its direction, and shall make report to the court in writing of their proceedings, and of all evidence taken in any case which they shall be directed to investigate.

The amendments reported by the committee were read, as follows:

In line 1, after the word "Interior," insert "upon the requirement of the said court."

In line 8 strike out "procure" and insert "prosecute."

In line 12, after the word "investigate," insert "The Secretary of the Interior shall cause the accounts of said agents to be audited and approved, such accounts to be sworn to by the agents and vouchers produced showing how many days they were so employed, and each item of such necessary expenses."

Mr. STOCKDALE. I move to strike out section 5.

[Mr. STOCKDALE withholds his remarks for revision. See APPENDIX.]

The SPEAKER *pro tempore*. The gentleman from Mississippi moves to strike out section 5.

The motion to strike out the section was rejected.

The amendments of the committee were agreed to.

The Clerk read section 6, as follows:

SEC. 6. That the court shall make, after inquiry and adjudication, a special and separate report upon each claim before it, in which shall be succinctly stated the facts found by the court in respect to the loss or destruction of the property, or other circumstances of the injury which forms the basis of the claim, and the nature and quantity of property lost or destroyed, the value thereof in detail, the tribe of Indians or other persons by whom the wrong was committed, and the amount determined to be due to the claimant, if any, by reason of the facts; and such amount shall not in any case exceed the value of the property lost or destroyed at the time of such loss or destruction; and shall adjudge the liability of the United States, or of any tribe of Indians, for the payment of the amount so found due. If any such claim be disallowed, such conclusion shall be reported in like manner; and any claim so adjudged to be disallowed shall be thereafter forever determined and barred accordingly. Such reports shall be addressed to, and filed with, the Secretary of the Interior, and be accompanied by all the testimony and papers on file in the said court in relation thereto; and the Secretary of the Interior shall annually submit, through the Secretary of the Treasury, to Congress, an estimate for the payment of the amounts allowed against the United States, and when, in his opinion, the amounts adjudged to be chargeable against any tribe of Indians should be paid by the United States, a separate estimate for such sums; and the Secretary of the Interior shall annually transmit to Congress, by communication to the Speaker of the House of Representatives, a list of the claims embraced in such estimates, giving the general particulars of each case, and there with the several reports of the court aforesaid adjudicating the same, but not transmitting the papers and testimony accompanying, except as may be specially required; and the Secretary of the Interior shall, at the same time, report what funds exist from which any amounts adjudicated by the court to be chargeable to any Indian tribes may be paid, and whether, in his opinion, the amounts so found chargeable should be paid by the United States or taken from such funds, together with his reasons therefor. The amounts so adjudged by the said court shall be a final and conclusive determination of the full and true amounts due the several claimants, respectively, on account of such claims, and upon the payment thereof, pursuant to any act of appropriation therefor, all such claims shall be finally satisfied. At any time before the reported judgment upon any claim shall have been included by the Secretary of the Interior in an estimate, or have been transmitted to Congress, the said court may, in its discretion, recall such report, with the accompanying papers, and grant a rehearing; but after either of the acts aforesaid in any case by the Secretary of the Interior the jurisdiction of the said court shall be determined as to such claims.

Mr. PERKINS. I wish to offer an amendment to this section, but desire that the bill may be read through, and I can offer it if there is time after the bill has been read.

The amendments reported by the committee are as follows:

In line 8, after the word "persons," insert "or class of persons;" and in line 51, after the word "determined," insert "and final."

The amendments were agreed to.

The Clerk read section 7, as follows:

SEC. 7. That all claims of the character mentioned in this act, which shall not be presented to the said court within three years after the passage hereof, shall be forever barred.

The Clerk read the following amendment:

After section 7, insert section 8, as follows:

"SEC. 8. That said court shall hold two regular sessions each year in the city of Washington, D. C.; the first session shall commence on the second Monday in January and end on the 31st day of May; the second session shall commence on the first Monday in September and end on the 20th day of December of each year."

The amendment was agreed to.

The committee recommended an amendment, which was agreed to, changing section 8 of the original bill to section 9; which was read, as follows:

SEC. 9. That there be, and hereby is, appropriated from the Treasury of the United States, out of any moneys not otherwise appropriated, $40,000, or so much thereof as may be necessary, to pay the salaries of the commissioners and other officers and employés herein provided for, and such other expenses as are authorized to be made by this act, which shall be disbursed by the disbursing clerk of the Department of the Interior in the same manner in which salaries and expenses of that Department are authorized to be paid.

Mr. WHITTHORNE. I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SYMES. I ask unanimous consent that gentlemen may have leave to print remarks in regard to this bill in the RECORD.

There was no objection, and it was so ordered.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLOUNT: A bill (H. R. 10919) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson—to the Committee on the Judiciary.

By Mr. BOUTELLE: A bill (H. R. 10920) granting a pension to Martha Wine—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10921) granting a pension to Julia Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10922) granting a pension to William Harper—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 10923) granting a pension to Charles J. Brickert—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 10924) for the relief of William M. Cox—to the Committee on War Claims.

By Mr. WILSON, of Minnesota: A bill (H. R. 10925) for the relief of Henry Menhenitt—to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

The bill (H. R. 10511) for the relief of William N. H. Mack—from the Committee on Invalid Pensions to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Sewickly Council, No. 170, and of Vesuvius Council, Junior Order of United American Mechanics of Sharpsburgh, Pa., in favor of Senate bill 553—to the Committee on Foreign Affairs.

By Mr. BURNES: Memorial of J. G. Hollingsworth, for reduction of certain taxation—to the Committee on Ways and Means.

By Mr. CATCHINGS: Petition of W. D. Andrews and 101 others, citizens of Bolivar County, Mississippi, for amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. CHEADLE: Petition of 17 ex-soldiers of Clinton County, Indiana, in favor of the $8 a month service-pension law—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union, of Indiana, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

Also, petition of William Becker and 25 others, citizens of the Ninth district of Indiana, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CROUSE: Petition of citizens of Cuyahoga Falls, Ohio, in favor of House bill 8716—to the Committee on Labor.

By Mr. LAGAN: Petition of Local Assembly No. 8386, and of Local Assembly No. 102 of New Orleans, La., in favor of House bill 8716—to the Committee on Labor.

By Mr. LEE (by request): Petition of W. G. Steother, heir of Elizabeth M. Steother, of Fauquier County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCREARY: Petition of Morris J. Harris, jr., administrator of M. J. Harris, Creek Orchard, Lincoln County Kentukey, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McMILLIN: Petition of O. T. Butler, for increase of pension—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Petition of woolen manufacturers, wool dealers, and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. POST: Petition of Duncan H. McPhail and 27 others, citizens of Peoria County, Illinois, in favor of the passage of certain amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of A. D. Metcalf and 41 others, citizens of the Tenth district of Illinois, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SCOTT: Petition of the wage-workers of Beaver Falls, Pa., praying that the tariff be revised, and the taxes on the necessaries of life be reduced—to the Committee on Ways and Means.

By Mr. STONE, of Missouri: Petition of William M. Cox, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSHEND: Resolutions of the Odin Township Democratic Club, of Odin, Ill., in favor of the Mills bill—to the Committee on Ways and Means.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means.

By Mr. GROUT: Of J. R. Crane and 19 others, of Bridport, Vt.

SENATE.

MONDAY, *July* 23, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of July 17, 1888, certain information in respect to the removal of the National Quarantine Station from Ship Island to some other point in the Gulf of Mexico under the provisions of the act of March 15, 1888, authorizing such removal and making an appropriation therefor; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Commissioner of Education, transmitting resolutions adopted at the annual session of the National Educational Association of the United States, recently held in San Francisco, Cal., indorsing the work done by the Bureau of Education, and favoring the erection of a suitable building exclusively for the use of that bureau; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

He also presented a petition of citizens of Tangipahoa Parish, Louisiana, and a petition of citizens of Travis and Williamson Counties, Texas, praying for the passage of certain amendments of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. CALL. I present a memorial of the Board of Trade, of Jacksonville, Fla., remonstrating against any legislation to the end of giving some protection or trade-mark right to Key West manufacturers of cigars in the use of the words "Key West." I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. PLUMB. I present a petition of certain citizens of the county of Osage, in the State of Kansas, calling attention to the alleged violations of the interstate-commerce act, and suggesting an amendment especially providing that no railroad subject to the provisions of the interstate-commerce act shall transport any commodity in any car owned by the shipper. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens of Hillsborough County, Florida, praying for such disposition of the Fort Brooke military reservation in that county as will not conflict with the rights of settlers thereon; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments and submitted reports thereon:

A bill (H. R. 9920) granting a pension to Daniel K. Harris;

A bill (H. R. 881) granting a pension to Hiram R. Ellis;

A bill (H. R. 965) granting a pension to George E. Wells; and

A bill (H. R. 9029) for the relief of Marshall Burtrum.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe lines across certain tracts of land, reported it with an amendment.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2715) for the relief of certain parties who have paid $2.50 per acre for United States Government lands reduced in price to $1.25 per acre by the act of Congress approved June 15, 1880, reported it with amendments.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1585) providing for the location of scrip issued under the acts of August 31, 1852, and June 22, 1860, reported adversely thereon, and the bill was postponed indefinitely.

BILL INTRODUCED.

Mr. GRAY introduced a bill (S. 3366) to provide for an American register for the steamer Saginaw, of New York; which was read twice by its title, and referred to the Committee on Commerce.

JOHN F. COOK.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to report the balance due, if any, to John F. Cook, as collector of taxes, for the fiscal year ending June 30, 1880.

PRINTING OF TARIFF BILL.

Mr. MANDERSON. I offer the following resolution, and ask for its present consideration:

Resolved, That there be printed for the use of the Senate 500 additional copies of House bill No. 9051, "to reduce taxation and simplify the laws in relation to the collection of the revenue," as passed by the House of Representatives, said copies to be delivered to the document-room of the Senate.

Mr. BECK. How many copies does the resolution propose to print?

Mr. MANDERSON. Five hundred copies of the bill as it passed the House of Representatives. They will be placed in the document-room.

Mr. BECK. Is not that very few for us to have? There is demand for it.

Mr. MANDERSON. The reason for fixing that number is that there has been a large distribution of the bill from the House, and the Senate Committee on Printing thought it would delay until later in the session, and then perhaps recommend the printing of more copies.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

TORPEDOES AND TORPEDO EXPERIMENTS.

Mr. CHANDLER. The Committee on Naval Affairs have reported an amendment of the Naval appropriation bill proposing to appropriate $100,000 for torpedoes and torpedo experiments. I ask unanimous consent to have printed for the use of the Senate a paper on that subject prepared by Lieutenant Jaques, of the Navy.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BLAIR. I move that the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law be printed as it passed the Senate, there being several amendments.

The motion was agreed to.

HANNAH H. LATHAM.

Mr. BLAIR. I ask unanimous consent to take up the bill (H. R. 8506) for the relief of Hannah H. Latham. It is a pension bill on

the Calendar reported favorably. The pension has just been allowed by the Pension Office. Fearing that there may be some mistake, I ask that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2190) granting a pension to Jane Smallridge;
A bill (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt;
A bill (H. R. 4504) granting a pension to Nancy Baldwin;
A bill (H. R. 5123) to increase the pension of Charles Ritchey;
A bill (H. R. 5155) granting a pension to John S. Bryant;
A bill (H. R. 6371) granting a pension to Jesse M. Stilwell;
A bill (H. R. 9130) granting a pension to Susan Singleton;
A bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles;
A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan;
A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;
A bill (H. R. 9672) granting a pension to Eliza A. Williamson; and
A bill (H. R. 9830) for the relief of Lachlan H. McIntosh.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOCKERY, Mr. ANDERSON of Mississippi, and Mr. PETERS managers of the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPRINGER, Mr. KILGORE, and Mr. WARNER managers of the conference on the part of the House.

PERSONAL EXPLANATION.

Mr. DOLPH. I was not in to hear the Journal read this morning, but I observe in the RECORD the following:

RIVER AND HARBOR BILL.

Mr. DOLPH. Is a conference report in order, Mr. President?
The PRESIDENT *pro tempore*. The conference reports are privileged.
Mr. EDMUNDS. Before I call for the regular order, I move that that conference report be printed, so that we can see exactly what it is.
The PRESIDENT *pro tempore*. The Chair does not know to what conference report the Senator from Vermont refers. The title of the bill on which the conference report submitted by the Senator from Oregon is made will be reported by the Secretary.
The Chief Clerk read as follows:
"Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

What occurred was that the Senator from Nebraska [Mr. MANDERSON] asked unanimous consent that after the conclusion of the speech of the Senator from Colorado [Mr. TELLER] on the fisheries treaty the bridge bills on the Calendar might be considered. I was not aware that the conference report had come from the House of Representatives, or whether the conference report had been submitted to the Senate or not, and not seeing the Senator from Maine [Mr. FRYE] in his seat, I simply wanted to ascertain whether, if the order was made for the consideration of bridge bills, it would prevent the consideration of that conference report. It looks as if I had in some way interfered with the conduct of the conference report by the chairman of the Committee on Commerce. I desired to make a statement of what occurred. It is quite natural that this should have occurred, because when I asked the question the Senator from Vermont [Mr. EDMUNDS] treated it as if something had been done about a conference report, but I was not aware that any such conference report was before the Senate.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed.

Mr. DAWES. I move that the Senate proceed, as in open executive session, to the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] in reference to the fisheries treaty.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration, in open executive session, of the resolutions of the Senator from Alabama and the fisheries treaty.

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MORGAN. I raise a question of order upon the motion. My resolutions were offered in open legislative session. They are legislative resolutions, and I am not aware of any rule of the Senate that authorizes us to transfer legislative business to either open or closed executive session.

Mr. DAWES. All I know is that that is the usual form in which the motion has been made heretofore. Whether in legislative or executive session, I suppose is a matter of indifference.

The PRESIDENT *pro tempore*. Upon the question of order the Chair takes the liberty to observe that the resolutions of the Senator from Alabama have been treated as a portion of the subject to be considered in open executive session, and it is the recollection of the Chair that the order of the Senate was that they should be considered together. If a mistake has been made it was inadvertent.

The recollection of the Chair also is that whenever the fisheries treaty has been called up for consideration it has been the claim of the Senator from Alabama that his resolutions were entitled to priority and precedence, and he has insisted on several occasions that that order should not be disturbed. The resolutions of the Senator from Alabama have been journalized as legislative business, the Chair is informed, and the difficulty has arisen from the claim the Senator from Alabama has made whenever the fisheries treaty has been under consideration that his resolutions were entitled to priority of consideration. Does the Senator from Alabama desire any further ruling upon the point of order?

Mr. MORGAN. I desire to make a statement about it.

The PRESIDENT *pro tempore*. The Chair will listen to the Senator from Alabama.

Mr. MORGAN. The RECORD does not show that I have ever said one word on that subject—not a word. The RECORD ought to show it if I have ever said anything on the subject; and I deny the recollection of the Chair as to putting me in a correct attitude upon that proposition. I offered the resolutions as legislative resolutions——

The PRESIDENT *pro tempore*. They will be so treated.

Mr. MORGAN. And not with my consent or on my motion or on my advice at any time at all have those resolutions ever been carried into the executive session.

Mr. SHERMAN. If the Senator from Alabama will allow me, I will say that in his absence and to favor his proposition the precise thing was done that the President of the Senate stated.

Mr. MORGAN. But it was not done by me.

Mr. SHERMAN. Perhaps it was not done by you, but it was done by your friends on your side of the Chamber, and it was supposed to give your resolutions priority.

Mr. MORGAN. *No*——

Mr. SHERMAN. I wish to state that whenever the time comes to vote on the treaty I propose to move to lay the resolutions of the Senator from Alabama on the table as a question absolutely indifferent and irrelevant to the matter pending; but I do not wish to do it until the debate is closed. Then, instead of voting for or against these moot resolutions, as I call them (for they are nothing but moot resolutions; they are not before us), I shall take the sense of the Senate upon the motion to lay them on the table. But the position of the resolutions is precisely as the Senator was supposed to desire it. However, if that is not the case, I will vote to let them go wherever he desires to place them.

Mr. MORGAN. If the Senate desires to consider the resolutions I have no objection to their being considered in open executive session; but in open executive session I should have a very indefinite line of action marked out for me to pursue by any precedent or rule of the Senate. I do not know how to handle a matter of that kind, a resolution respecting a report of a majority of the Committee on Foreign Relations upon a treaty, as a matter that belongs to the treaty in any sense whatever.

The Senator from Ohio says it is a moot question. It may be a moot question, Mr. President, but it is not a mute one by any means, and will not be a mute one either, and his motion to lay the resolutions on the table will not make them mute. The resolutions will be discussed here in some form, or in some place, or at some time, and a vote of the Senate will be had upon them. A motion to lay the resolutions upon the table will not get rid of them lightly. Senators will have to declare themselves upon the yeas and nays whether the time for negotiation with Great Britain upon the subject of the fisheries has passed. That is the great proposition in the resolutions, and this country will want to know whether that time has passed or not.

The Senator from New Hampshire [Mr. CHANDLER] has also a resolution on the same subject, which might be characterized as dealing with precisely the same proposition that is embodied in my resolutions. I have two and he has one. What becomes of his resolution? It stands on the legislative Calendar. Mine go into executive session. I propose, when the Senator from New Hampshire offers his resolution for consideration by the Senate, to offer mine as a substitute. I can not take them out of executive session to offer them in legislative session as a substitute without first obtaining the consent of the Senate.

The Senator from New Hampshire is evidently as anxious about this moot question as I am, and when he brings forward for consideration his resolution, which is now upon the table, I shall desire to discuss it with him and to have the ordinary opportunity of testing the sense of the Senate, whether my resolutions are not a good substitute for his.

So I do not want to get the matter into a tangle. If my resolutions go into open executive session, let that of the Senator from New Hampshire go in likewise.

Mr. CHANDLER. Will the Senator allow me?

Mr. MORGAN. Yes.

Mr. CHANDLER. After, I think, the remarks on the treaty by the Senator from Maine [Mr. HALE], when the Senator from Alabama moved that his resolutions be postponed until the next Monday when the treaty was to come up in regular order, I certainly understood it to be his desire that his resolutions should be considered in connection with the treaty. The Chair has that impression; I think that was the impression of the Senate; and also the Senator from Ohio is correct when he says that he understood distinctly that the precedence of the resolutions presented by the Senator from Alabama was reserved.

I offered the resolution which I presented in order to bring it before the Senate, expecting it to be considered in connection with the treaty and the resolutions of the Senator from Alabama, and I intended whenever the Senate came to a vote on the resolutions of the Senator from Alabama to move my resolution as a substitute for one of his.

Under these circumstances, I can not understand why the Senator from Alabama is not willing to allow his resolutions and the resolution which I presented to be considered in connection with the treaty, and to allow the Senator from Massachusetts [Mr. DAWES] to go on with his remarks.

Mr. MORGAN. It is only a question of order; nothing else. I am willing to have it in one form of open session or another form of open session; it makes no difference with me. But when we get to questions under our rules which arise upon this treaty we shall find ourselves very much embarrassed, or at least I would, in getting the Senate to consider my resolutions at all.

The treaty is before the Senate for consideration and nothing else. The rules of the Senate are very specific as to the manner of our action in considering treaties. They are to be considered as in Committee of the Whole, and open to amendment, and when the Senate has come to a final conclusion as to what the text of the treaty ought to be to suit its judgment, then a separate resolution is to be moved, which is to lie over for one day unless by unanimous consent it is taken up sooner, and on that resolution the question of ratification is taken. I do not know how I could interject my resolutions into a proceeding of that kind. It would be entirely irregular.

So it has been my purpose all the time to keep the resolutions where they belong, in the legislative session. I think we had better discuss and determine the resolutions, which relate to the report of the majority of the committee on a question of great policy and public duty that is presented in that report, on the legislative Calendar, and not put them into this new-fangled idea of an open executive session. You can not work them in; there is no way that you can get consideration of them that I can understand under parliamentary rules.

Mr. DAWES. I will inquire of the Senator what is to hinder him, whether it be in open executive session or in legislative session, from moving the words of his resolutions, wherever they may be, as a substitute for the resolution of the Senator from New Hampshire?

Mr. MORGAN. I can do that as a matter of course, but why should I wait for three or four weeks to get a chance to debate my resolutions, and then have them put in where the Senator from New Hampshire may choose to call them up or not?

Mr. DAWES. I understood the Senator to anticipate some point of order, that after his resolutions were in executive session he could not move the same resolutions.

Mr. MORGAN. I can move the same resolutions in legislative session, as a matter of course.

Mr. DAWES. I do not see any difficulty.

Mr. MORGAN. I can do that, but I do not care to put myself entirely under the control of any Senator here in what I conceive to be a part of my public duty. I insist that my resolutions are legislative resolutions, and have not gone by the vote or consent of the Senate into open executive session.

The PRESIDENT *pro tempore*. The Senator from Alabama took occasion, the Chair thought, with something of asperity, to deny the correctness of the recollection of the Chair. The Chair can only say that he has been actuated by a sincere and scrupulous desire to protect what he conceived to be the rights of the Senator from Alabama as suggested by him. If there was an error it was unintentional. In the absence of the Senator from Alabama the Chair repeatedly announced the precedence of the resolutions of the Senator from Alabama, believing that to be what he desired.

The Senator from Alabama stating that his resolutions are not to be hereafter considered in connection with the treaty, but are to be placed upon the legislative Calendar where they were first assigned, that order will be pursued.

The Senator from Massachusetts [Mr. DAWES] moves that the Senate proceed to the consideration, in open executive session, of the fisheries treaty. The question is on agreeing to the motion.

Mr. FRYE. Pending that I desire to submit a conference report.

Mr. MORGAN. Will the Senator allow me just one moment to say to the Chair that I had not the slightest idea of reflecting in any feeling or term of asperity upon the action of the Chair? I merely wished to take issue with the Chair upon what I saw was a very clear mistake, as I thought, that I had made a motion to carry my resolutions into the open executive session. I entirely exonerate the Chair from any sort of intention or purpose to embarrass me or my resolutions in regard to this matter.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Massachusetts [Mr. DAWES] the Senator from Maine [Mr. FRYE] desires to submit the report of a committee of conference. Is there objection? The Chair hears none.

RIVER AND HARBOR BILL.

Mr. FRYE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 20, 27, 39, 64, 65, 82, 94, 99, 101, 111, 112, 115, 119, 120, 121, 122, 133, 134, 135, 136, 137, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 160, 173, 180, 181, 184, 186, 192, 193, 194, 196, 197, 198, 199, 201, 202, 203, 205, 206, 216, 217, 232, 233, 234, 235, 236, 254.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 34, 37, 40, 41, 42, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 81, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 114, 116, 117, 118, 123, 125, 126, 127, 128, 129, 131, 138, 139, 140, 141, 148, 156, 159, 161, 162, 163, 164, 165, 166, 167, 168, 171, 172, 174, 175, 177, 178, 179, 182, 185, 187, 191, 195, 207, 208, 209, 211, 212, 213, 214, 215, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 251, 252, 253, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 319.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out the words added at the end of the paragraph, and in lieu of the matter proposed to be stricken out by the amendment insert: "*Provided*, That no part of this sum shall be expended until the title to the lands forming said islands shall be acquired and vested in the United States, without charge to the latter beyond $300,000 of the sum herein appropriated;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Add at the end of the amendment proposed: "*Provided*, That nothing herein contained shall be construed to prevent the expenditure of this appropriation;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed amend so as to read: "Improving harbor at Savannah, Ga.: To complete existing project;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$180,000;" and the Senate agree to the same.

Amendment numbered 48 and 49: That the House recede from its disagreement to the amendment of the Senate numbered 48 and 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted amend the paragraph so as to read: "Improving harbor at Tampa Bay, Florida, from outer bar to Mangrove or Busby Point;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted the words: "if approved by the Secretary of War;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted substitute

and add after line 13, page 24, of the bill, the following: "The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to thoroughly examine the Ohio River, below Pittsburgh, as to the practicability of the improvement of the navigation of said river by means of movable dams; and said board shall report on or before the first Monday in December next as to the feasibility and advisability of such project of improvement, the number of dams required, their location, with cost of same, together with cost of maintaining them after completion of the project. The Secretary of War shall transmit said report to Congress at its next session, together with the views of himself and the Chief of Engineers of the United States Army thereon. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay expenses of said board and survey;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert: "Romerly Marsh, Georgia: To pay for completing the existing project, $4,633.77;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Add to the words proposed to be inserted the words "Including the channel over the bar at the mouth;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with amendments as follows: Strike out the semicolon after the word "river" in line 2, page 35 of the bill, and insert a comma. Strike out the word "also" in the first line of the matter to be inserted. Strike out the semicolon at the end of the matter proposed to be inserted, and insert a comma. Strike out the word "also" in line 2, page 35 of the bill, and insert the word "and;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with amendments as follows: Strike out all of the matter proposed to be inserted down to and including the word "shore" in line 5 of the amendment. Amend the last clause of the matter proposed to be inserted so that it shall read "if in the opinion of the Secretary of War the interests of commerce require it;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: After the word "and" in line 9 of said amendment insert the word "further;" strike out all after the word "cities," in line 10, down to the end of the amendment; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Add at the end of said amendment the words "by the river and harbor act approved August 5, 1886, for the examination of said canal, and of the Illinois and Michigan Canal by a Board of Engineers;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out and amend by striking out the words "and fifty" in line 24 of page 41 of the bill; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreemeet to the amendment of the Senate numbered 190, and agree to the same with amendments as follows: Strike out the period after the word "navigation," in line 22, page 42 of the bill, and insert a semicolon, and in lieu of the matter proposed to be inserted in said amendment insert "and $50,000 of said sum, or so much thereof as may be necessary, may be expended in improving and strengthening Sny Island Levee, where it crosses Snicarte Slough or other sloughs, and in repairing washouts in said levee;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out and add after line 4, page 44 of the bill, "at Helena, Ark., $75,000;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the matter stricken out with an amendment changing the sum appropriated to "$250,000;" and the Senate agree to the same.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000;" and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert under surveys, after line 8, page 53, of the bill the following: "The Secretary of War is hereby directed to make an examination and report to Congress as to the necessity for the establishment and maintenance of public moorings for the protection of shipping in the open and exposed ports on the nortern coast of California, at Fort Ross, Fish's Mill, Fish Rock, Shelter Cove, Trinidad, and such other places as may be deemed advisable by him;" and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In line 6 of said amendment strike out "one" and insert "two;" and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: Amend said paragraph so as to read "Trent River, to Upper Quaker Bridge;" and the Senate agree to the same.

Amendment numbered 318: That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: Amend the paragraph so as to read: "For a survey of Minnesota Point, at Superior, at the west end of Lake Superior, to ascertain what, if anything, should be done to preserve the same from the inroads of the lake, and for the protection of the harbor, together with the cost thereof;" and the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with an amendment as follows: Add the following proviso after the word "engineers," in line 26, page 62 of the bill: "*And provided further*, That the Government shall not be deemed to have entered upon any project for the construction or improvement of any water way, harbor, or canal mentioned in this bill unless or until the work of construction shall have been actually appropriated for;" and the Senate agree to the same.

WM. P. FRYE,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.
NEWTON C. BLANCHARD,
THOS. J. HENDERSON,
T. C. CATCHINGS,
Managers on the part of the House.

The report was concurred in.

CHURCH OF THE ASCENSION.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia. It is a very brief bill, and will require no discussion.

The PRESIDENT *pro tempore*. The Chair can entertain the motion only with the consent of the Senator from Massachusetts [Mr. DAWES], who has moved an executive session.

Mr. BUTLER. I ask the Senator from Massachusetts to allow me to call up this bill. I am obliged to be absent.

Mr. DAWES. I understand the Senator is about to leave, and therefore I will yield.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1099) for the relief of the Church of the Ascension of the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That all taxes and assessments, general and special, with the interest and penalties now due and unpaid theron upon lots 1, 2, and 3, in square 282, in the city of Washington, D. C., now owned and occupied by the Church of the Ascension, be, and the same hereby are, remitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BUTLER. I am much obliged to the Senator from Massachusetts.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following acts and joint resolution:

An act (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.;

An act (S. 123) granting a pension to Mrs. Virginia Grier;

An act (S. 1173) increasing the pension of Jeptha A. Jones;

An act (S. 1556) granting a pension to Martha N. Kellogg;

An act (S. 2274) granting a pension to Mrs. Catherine K. Whittlesey;

An act (S. 2604) granting a pension to Mrs. Loanda Sherman;

An act (S. 2866) granting a pension to Abel G. Rankin;

An act (S. 3021) granting a pension to Carrie V. Miller; and

Joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin.

The message also announced that the President had, on the 23d instant, approved and signed the following acts:

An act (S. 1540) granting a pension to Hannah Babb Hutchins;

An act (S. 671) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon; and

An act (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] moves that the Senate proceed to the consideration in open executive session of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with, if there be no objection. The Chief Clerk will report the treaty by title.

The CHIEF CLERK. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. The question is on agreeing to the first article thereof.

Mr. DAWES. Mr. President, I am aware that the debate upon this subject is well-nigh exhausted, and ordinarily I should feel that propriety required that it be now turned over to those who have it in charge for such considerations as they might desire to submit in conclusion before the vote is taken. But there are some reasons which

may occur to Senators why I have felt that the Senate might indulge me in a few remarks upon the treaty, notwithstanding the condition of the debate to which I have alluded. I therefore venture to tax still further the heated weariness of Senators while I ask them to listen to a few observations upon one feature of this discussion.

There has been much debate upon the text of the treaty, its meaning, and its scope. I shall dismiss that point with the single remark that in my judgment it does not become us in this day to approve any treaty about the meaning and scope of the phraseology of which there can be honest debate in the Senate of the United States.

As to the historical argument, until the elaborate and in my opinion unanswerable arguments drawn from that source by my colleague [Mr. HOAR] and others who have pursued the debate in that line shall find some answer, I shall not venture to trouble the Senate with any remarks in that field.

As to the rum and molasses argument of the Senator from Mississippi [Mr. GEORGE], in which he found so much delight, about which he lingered so long, and which he left so reluctantly, I have only to say that I shall not contend with him in that controversy. I shall let his rum and molasses argument remain where he left it, for I can assure him that whether it reels with the one or sticks in the other, it is alike impotent in this debate.

I can assure him that the title of the United States to the northeastern fisheries has about it no uncertainty either as to its date or its origin. Long after the treaty of Utrecht, on which he dwelt and behind which the Senator concealed so much of what he had to say, the French Government erected a fortress at Louisburg for the avowed purpose of destroying the fishing rights of the British nation in those waters. They were thirty years in building it, and spent $5,000,000 in erecting a fortress for that purpose more formidable than any that has since been erected upon this continent.

But in 1745, 4,000 New England men, exactly 4,070, of which Connecticut furnished 516, New Hampshire 304, and Massachusetts 3,250, organized an expedition at their own expense and under their own commander and captured that fortress. Its guns were spiked by the garrison which fled at their approach. A blacksmith from my own county, whose descendants are now my own neighbors, with twenty men under him, drilled out the spikes of the cannon and turned them upon the town.

Years afterwards, when that fortress had gone back into the hands of the French, it was again retaken by New England men, who followed from their victory there Wolfe to the siege of Quebec, where there were more men from the New England colonies than from all the other British colonies on this continent.

The blood and prowess of the New England fishermen won for the British crown whatever fishing rights it ever had in those waters, and the same man who planned the siege of Louisburg in the first fight threw up the intrenchments thirty years later at Bunker Hill, and the very same drums that headed the column in the triumphal march into that city in 1745 were heard again at Bunker Hill. It was at Bunker Hill, at Saratoga, and at Yorktown that the United States won from Great Britain what their same blood won for Great Britain thirty years before.

The Declaration of Independence is the title of the United States to the fisheries in the northern ocean. The treaty of 1783 is but the recital. When that treaty was adopted the rights of the United States in those waters were precisely the same as the rights of the British crown. Whatever a British fisherman could do there, a citizen of the United States could do, and wherever a British subject could drop a line, by his side could stand an American citizen and do likewise. Whoever could measure the rights of Great Britain in those waters measured at the same time the rights of the United States there. They were tenants in common.

Mr. MORGAN. This is a very interesting statement of the Senator, in which I fully concur. I desire to ask the Senator from Massachusetts if his information of the rights of the colonies in regard to fishing is that Canadians prior to the Revolutionary war had the same fishing rights upon all of the coasts down to Georgia that we had up in Canadian waters? Were they mutual colonial rights?

Mr. DAWES. Some time when the Senator and I have leisure and I am not otherwise engaged, as I am just at this moment, I will sit at his feet, and, as I know, learn about that feature of the case.

Mr. MORGAN. I beg pardon for the interruption. I did not suppose it would be regarded as such.

Mr. DAWES. What I propose to say to-day will have no reference to that point, and therefore the Senator will know, without any disrespect, that I desire not to be turned off from the line of my remarks.

If to-day the title of the United States to fishing rights in those waters falls short one particle of the title which the United States had when the treaty of 1783 was signed, it is the result of our diplomacy. The map to-day will enable any one to discern whether we have succeeded in maintaining the rights we then unquestionably had, and it will determine whether we are to-day standing where we did then in the possession of co-equal and co-extensive rights in those waters with Great Britain herself.

To those who keep in mind just how we obtained those rights it is not a pleasant sight to look on the different colors on that map. If by the approval of this treaty the condition of things shall undergo on that map still another change, like the changes which it has undergone up to now, it will be the result also of diplomacy. You see the colors now. By and by, if this treaty shall be approved, other colors also must be substituted upon the points indicated by the red lines, and he who shall hereafter look upon that map and then upon the map that our fathers delivered to us, will comprehend the value to the United States in this regard of the diplomacy which has dominated in those waters.

The first departure, the first surrender, was in the treaty of 1818, and out of it has grown all our woe. I quite agree with those who have discussed the question heretofore in saying that we made the concessions which have brought upon us all the controversy and all the trouble that have followed from 1818 to this day. We made it for what we termed, what we believed then, was an equivalent consideration. We bought for the 3-mile limit the right of fishing vessels to go into harbors for the purpose of shelter and repairing damages therein, of purchasing wood and obtaining water, and for no other purposes. Reading that at the present day, and in the light of the liberalized commerce of these times, it sounds like a beggarly consideration for this renunciation:

> And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits.

It was thought at the time to be an equivalent consideration. As I have said, the negotiators on the part of the United States were sadly mistaken. They had, as Sir Charles Tupper said to Sir John A. Macdonald, but to wait. Everything comes to him who waits in a good cause. The ports of the colonies would have been open not only to the fishermen, but to all the full privileges and hospitalities of commerce in a few years had they been content to wait and abide the irresistible progress of events.

But, sir, that treaty was ratified. That treaty is the bond of to-day. It was a hard bargain, but those whom it affects most seriously are willing to abide by it to the letter. Whatever was nominated in the bond, the pound of flesh exacted of our commissioners and the American people at that time, is theirs, it shall be faithfully rendered; but if there is anything on which the American people entertain one settled fixed purpose, it is that it is only to the letter that the bond shall be exacted.

The present treaty is an experiment of a new administration in this field where so few laurels have been gathered heretofore by the diplomacy of the United States. It were well worthy of any administration to contemplate all the difficulties that have arisen, all the demands of Great Britain that have been set up and opposed and condemned by every statesman and administration since 1818 under that treaty. It were well worthy the ambition of any Administration to consider whether it is not in their power to recover ground heretofore lost, and if possible restore, if not absolutely, as nearly as may be the condition of things which our fathers delivered over to us. If the present Administration had entered into the negotiation with any such purpose as that, and with any such spirit as gave notice to those whom it met that they were not there for further concession, but that they were there for observance of the mutual obligations the two countries had entered into, in my opinion a far different result would have been attained than the treaty before us.

The treaty before us is not put by either its negotiators or its friends on this floor upon any such consideration as that it was an attempt to recover, least of all that it had succeeded in recovering, one foot of the ground lost in the past, and lost under circumstances and conditions which have brought upon the country all of its embarrassments. It is put upon the condition that concessions have been added to the concessions heretofore made, and those concessions, it is thought by its negotiators on our part and the friends of the treaty here, are to be justified upon the ground of the extravagance and enormity of the unjustifiable demands which the British Government has been making for seventy years—demands that no American statesman, until the consideration of this treaty, ever sought to justify or failed to denounce. This treaty is commended to the Senate of the United States and to the country as a treaty of peace; that it composes difficulties without attempting to show that they are composed by maintaining the ground we have hitherto maintained, by compelling Great Britain to recede from any of her attempts at encroachment hitherto persisted in; but, on the contrary, it is commended as a treaty of peace because the consequences will otherwise be most disastrous, and this without regard to what we have conceded to obtain it. If this is not accepted, the continuance of Great Britain in these annoyances and aggravations more intense and more persistent are held up here as the result of a rejection of this treaty.

Mr. GRAY. Mr. President, will the Senator from Massachusetts kindly tell us who that has favored the ratification of this treaty has made any such argument as that? On the contrary, every one who has spoken in defense of this treaty and in favor of its ratification, as I know, has contended that there has been no concession, actual or in-

tended, on the part of the United States for what has been obtained in the way of favorable interpretation of the treaty of 1818.

Mr. DAWES. Then, Mr. President, the Senator has misread his Secretary of State, and I have misread him and all those who have advocated the ratification of the treaty.

Mr. GRAY. I think you have.

Mr. DAWES. The Secretary of State says from beginning to end that it is a treaty of mutual concession, that he could not expect a treaty of peace with England, who had maintained a certain contention for seventy years, without conceding something on our side; and if the Senator will possess his soul in patience and my strength holds out, I will endeavor to show him what it is that the Secretary has conceded to avoid these results.

The disastrous consequences have been repeated over and over again here until war has been intimated to be the result of a persistence longer on the part of the United States in its contention with Great Britain that its construction of this treaty was wrong.

Sir, this method of commending this treaty is not satisfactory to me. I should rather hear, as I have said, some one hold up to us what has been gained or what is to be gained by this treaty of peace. I would like to know how many of the rights for which we have contended for seventy years are secured by this treaty and conceded to us. This idea of the terrible consequences that shall come out of our longer persistence in maintaining our contention against the unjustifiable claims of Great Britain has but one parallel that I know of on the records of Congress.

I remember on one occasion just such a demand set up as the justification of an attempt to obtain peace and silence. It was in the record of those dark and gloomy days of the session next preceding the inauguration of Lincoln, when, as early as January of that year, the Pensacola navy-yard was surrendered to demands not a whit less justifiable, not a whit less tenable in the eyes of the people of the United States than the demands to which this treaty is a surrender; and when a Government official, whose duty it was to guard and protect the navy-yards of the nation, was called before a committee of the House of Representatives and the inquiry made of him why he surrendered the Pensacola navy-yard without a blow, his answer was, like the answer of to-day, "It was the only way to preserve the peace."

Mr. GRAY. Of course the Senator knows no such answer has been made to-day.

Mr. DAWES. The only way to preserve the peace! "Why, sir," said he, "you have no idea of the extravagant demands that are made by those men down there upon us. If we had fired a gun or struck a blow there would have been, as certainly as we live, bloodshed;" and, with a pious aspect, he lifted up his hands and said, "I thank God that by a surrender of that navy-yard I have saved this nation from bloodshed." A sorry and spiritless—I will not say cowardly—parallel is in the exclamation, "We have obtained peace" to-day; "we have saved the people of this country from a continuance of the annoyances, the harassments of the past, but we do not stop to say whether we have gained anything."

As a treaty of peace, Mr. President, this treaty is an utter failure, and it is to that point I desire to confine, as near as may be, what I propose to say on this occasion. If we could forget the humiliating conditions, if we could pass over the strange and inexplicable manner in which it has been negotiated, and if we could shut our eyes to everything but the result, I venture to say that it is utterly impossible to defend this treaty as a treaty of peace. There can be no peace under it. Those who negotiated it on the one side and those who negotiated on the other, though for very different reasons, will find their dissatisfaction with it so increased that the occasions for strife will multiply on either side until, if it were the treaty to-day, not a twelvemonth would pass before by common consent we should wish it in our power to retrace our steps to the time before it was negotiated.

One reason why it can never be a treaty of peace is because it is not the treaty it pretends to be. In discussing the treaty under this head, it is pretty difficult for us to ascertain with very great clearness what the treaty does pretend to do, for it comes to us under circumstances and under a cover, the like of which has never occurred in my memory of public affairs, and, so far as I have been able to investigate, in the annals of American diplomacy. It was sprung upon the Senate. So far as the Senate was aware, the first knowledge it had of it was the message of the President conveying it to us and asking us to ratify it. We were in session, we knew that the general opinion and *consensus* of public men here at the Capitol proclaimed on both sides of this Chamber with clearness and distinctness and with the approval of almost the entire Chamber, was that there was no need of any treaty. The position was taken that all that was demanded of the British Government was to keep the treaty she had made.

It was known that the Senate, who must be the adviser of the President as to any treaty that can take effect, had publicly and officially declared against any commission for the negotiation of a treaty, and that was all we knew until we heard from Great Britain that Joseph Chamberlain had been appointed a commissioner to come over to this country and join a commission here for the negotiation of a new treaty. He came, he was here, there were others here, but the Senate knew nothing of them, and what they were doing the Senate was not informed. Whether they were treating of matters that pertained to the interests of any particular section of this country the Senate was totally ignorant, except as rumor in the newspapers kept them informed.

All of a sudden, as I have said, the treaty appeared here in the Senate, made by men in whose appointment we had no voice, whose selection was made without consulting us, and we very naturally, before we gave the advice to the President upon the propriety of this treaty, asked him to be good enough to inform his constitutional advisers of the several steps which led to this treaty, so that we could the better judge of the propriety of the treaty itself, and we were coolly informed that these negotiators, meeting with closed doors, self-appointed so far as we were concerned, had agreed among themselves that nobody should know these steps, not even the Senate which was to advise as to the wisdom of the result to which the several steps had led; that they had agreed that nobody should know what they were and that we should deal with the result, and the result alone, and take that or take nothing.

But it so happened, Mr. President, that the Canadian negotiator, when he came before the Canadian Parliament to justify his course in the negotiation, found it necessary, being a member of the Parliament and compelled to answer, to disclose what were the steps, so that those who sent him here could judge whether he was justified or not, and he adjourned the debate till he could telegraph to the British minister here to get from Mr. Bayard one of the propositions which he made preliminary to the result to which after several months he was induced to give his consent. When he got that which Mr. Bayard refused to let the Senate have, he came before the Canadian Parliament and made a reply to this statement of Mr. Bayard that they had agreed that nobody should know these steps.

I desire to put upon the record side by side the statement of Mr. Bayard that these men had agreed that nobody should know these steps, and the statement of Sir Charles Tupper upon the same subject, so that hereafter those who care to look into the diplomacy of this time shall have the material to make up a correct record. Mr. Bayard says:

> In conformity with the invariable course pursued in previous negotiations, when the conference met it was agreed that an honorable confidence should be maintained in its deliberations, and that only results should be announced, and such other matters as the joint protocolists should sign under the direction of the plenipotentiaries.
>
> With this understanding, which was strictly kept, the discussions of the conference proceeded, through its numerous and prolonged sessions, with that freedom and informality in the exchange of views which the nature of the negotiation required, and without which its progress would have been materially hampered and any agreement rendered very difficult of attainment. No stenographer was admitted to the conference, and no minutes or daily protocols were agreed upon and signed by the joint protocolists other than those already transmitted to the Senate.

Now, hear what Sir Charles Tupper says about it after he got, through the British minister, one of his proposals made in that negotiation, and was ready to go before his constituents and defend his course:

> I have explained to the house my great surprise at finding they did not give what I assumed that the purely formal protocols to which I assented would give, that is to say, all the proposals made, and the counter proposals and the replies on both sides. I assumed that the protocols would contain those.

Now, sir, it appears that the only parties who agreed to keep secret the several proposals were those that were engaged in this negotiation on the side of the United States. They for some reason agreed to keep secret their proposals and that was done, but there was no such agreement with the others. I leave these two statements to stand in the record side by side.

It is pretended that by this treaty the British Government has abandoned the headland theory. The President in his message says they have abandoned the headland theory. Mr. Bayard says they have surrendered the headland theory. I do not intend to indulge in language that can be construed as disrespectful to the high officials who make these statements. It is enough for me to express my amazement that anybody standing in the relation that these officials do to the Senate of the United States, should advise an approval of the act they are seeking and should make so bald a statement that in this treaty the British Government have either abandoned or surrendered the headland theory. On the other hand they sold it to us, and then went away and boasted that they had sold us a mess of pottage. I desire to put upon record the evidence, first, that it was a mess of pottage, and, next, that what I have said is that they sold it to us and then boasted of how much they got for it.

In presenting the fact that it was not a theory living, abiding, and maintained at all to-day, except as a technical theory by the Government of Great Britain, I am obliged to read what has been put into the RECORD by others before me, but they have put it in for a different purpose, and I desire to use it now for a purpose for which it has not been used heretofore according to my recollection. I quote from Sir Charles Tupper, to whom we have been compelled, in the studied silence of our own negotiators, to turn for what little information we have been able to obtain in reference to the steps that have led to this singular treaty. I want here publicly to return my thanks to Sir Charles Tupper for the obligations he has put the American people under for furnishing them the material to form a proper judgment of this work, which has been withheld from them by our own negotiators. He is as frank as he is bold and able. He is determined, whatever

may be the effect upon this work here in this Senate, that the Canadian people shall know that he in all the steps taken was true to their traditions and to their policy, and he says to the Canadian parliament:

The Americans have maintained that what we termed our exclusive right to shut them out of all bays was not well founded in the treaty. They have maintained that they had an indefeasible right under that treaty to approach within 3 miles of the shore of any bay or indentation.

My honorable friend shakes his head—

That was Mr. Mitchell—

but I hold in my hand authorities, and I could give them to him by the score, in which they have again and again maintained that position and demanded that right.

Mr. MITCHELL. Did not Great Britain for forty years enforce her construction of that treaty of 1818?

Sir CHARLES TUPPER. I can only say that nobody knows better than my honorable friend that Great Britain induced him to recall his regulations and instructions, after he had issued them, and restricted his jurisdiction, to within 3 miles of the shore.

Mr. MITCHELL. And why? Because Great Britain could control the Government of this country, and I had to do it; that is why.

Sir CHARLES TUPPER. Never mind, my honorable friend's inquiry was as to the position of Great Britain, and I give it to him. Great Britain has always contended, and has rightly contended, for technical exclusion from any bay, and the crown officers of England have sustained that contention. But my honorable friend knows that it is one thing to hold a technical construction, and it is another to undertake to enforce it.

Mr. MITCHELL. Will the honorable gentleman let me put one question to him? He states that Great Britain has held a technical construction of the treaty of 1818. I would say that Great Britain has actually enforced her technical construction for forty years. And with reference to what the honorable gentleman says about exclusion from bays, the first decision—

The attention of the Senator from Delaware may be attracted by this—

and with reference to what the honorable gentleman says about exclusion from bays, the first decision was given in reference to the Bay of Fundy, where the headland on one side was American and the headland on the other was Canadian or Nova Scotian. That was the first give away of our treaty rights.

Sir CHARLES TUPPER. My honorable friend then means that for the first forty years Great Britain held a particular view which she has abandoned for the last forty years.

You will observe, Mr. President, with how much more ability the case of the Washington is argued in this Senate Chamber than it is before the Canadian Parliament.

Mr. MITCHELL. I do not mean that. I will say what I mean if the honorable gentleman will let me. I say that for the first forty years Great Britain legitimately enforced that contention and the Americans recognized it. Under the decision in the case of the Bay of Fundy, one side of which was American and the other side Nova Scotian, it was held that bay was not exclusively an English bay, and upon the decision in that case our rights were given away and suspended by England, and were not enforced as strictly as they had been before.

Sir CHARLES TUPPER. Well, I do not intend to be drawn into a discussion by my honorable friend, because I do not question very much his statement; but I want to ask him whether he thinks a right which is technically claimed but practically abandoned for forty years, is gaining in strength. I take a different view.

Then he goes on to quote authorities which have been already read here, and I will take no time to repeat them, authorities sustaining the statement that Great Britain, without formally giving up, had abandoned the headland theory, and which led Sir Charles Tupper to say "practically that what was done in the Bay of Fundy was to be the rule," and quotes Mr. Everett, who was our minister at the time that case arose, as saying:

Mr. Everett thought that the negotiations were now in a most favorable state That is—

Interpolates Sir Charles—

after the Bay of Fundy was given up Mr. Everett thought that the negotiations were in a most favorable state for a full and satisfactory adjustment of the dispute.

Mr. Everett "had the fullest assurance"—

Sir Charles Tupper is quoting him—

that the British Government contemplated a further extension of the same policy by the adoption of a general regulation that American fishermen should be allowed freely to enter all bays of which the mouths were not more than 6 miles in width.

And the home government thereupon, in 1870, by special instructions, which I shall put in, directed the then Government of Canada to permit a fishing vessel to go anywhere in all the waters of the northern coast except within 3 miles of the shore.

The instructions are as follows:

DISPATCH FROM HOME GOVERNMENT TO CANADA, JUNE 6, 1870.

With those objects, they think it advisable that United States fishermen should not be excluded from any waters except within 3 miles from the shore, or in the unusual case of a bay which is less than 6 miles wide at its mouth but spreads to a greater width within. It will, of course, be understood and explained to the United States Government that this liberty is conceded temporarily and without prejudice to the rights of Great Britain to fall back on her treaty rights, if the prospect of an arrangement lessens, or if the concession is found to interfere practically with the protection of the Canadian fisheries.

All this Sir Charles Tupper puts in support of this declaration:

I think I have satisfied my honorable friend that, as far as Her Majesty's Government were concerned, while they maintained the abstract right under the treaty, they were unwilling to raise the question of bays, and the result is, as my honorable friend knows, that for the last thirty-four years, certainly since 1854—and I will not go further back than 1854—there has been no practical interference with American fishing vessels unless they were within 3 miles of the shore, in bays or elsewhere.

This was the statement to the Canadian Parliament of what was the condition of the headland theory when these negotiators met. If there has been anything in American politics which could justly be said to have fallen into "innocuous desuetude" it is this headland theory, and nobody can doubt that a spirited stand in any negotiation touching the treaty difficulties and misunderstandings between this Government and Great Britain on the part of our negotiators would have brought at once its public renunciation. Yet, sir, instead of that, what was done?

Sir Charles Tupper, with the frankness which I have had occasion to commend, tells us what was done with this headland theory.

Mr. GRAY. Give us the date of that.

Mr. DAWES. This is the speech of Sir Charles Tupper in the Canadian Parliament, April 10, 1888.

I say, when we met these gentlemen and they proposed to us this 10-mile limit—

Instead of attempting to recover what we lost in the unfortunate treaty of 1818, instead of an effort to regain anything, the first thing that the American negotiators did was to extend the 3-mile limit to 5.

I say, when we met these gentlemen and they proposed to us this 10-mile limit and said "if you give up the extreme contention that no bay, however broad its mouth, can be entered by an American fisherman, we will agree to take the 10-mile limit," and when they met us further and said that in addition to that they would take up and consider the question of any special bays we thought ought not to be open to foreigners, then we took this question up, as we were bound to take it up, and found a solution by mutual concession. Instead of giving in to their contention that they could go into the Baie des Chaleurs within 3 miles of the shore we made a treaty by which they can not enter the Baie des Chaleurs at all. And the honorable gentleman knows that the Miramichi Bay and a number of other bays that we consider of vital importance to be kept free from any kind of intrusion have been conceded to us.

* * * * * * * * *

When we accepted this 10-mile delimitation, which was all that appears to have been aimed at by any Canadian Government, the extreme limit that any person had proposed as a matter of delimitation, we made it a condition of the acceptance of that restriction that certain bays should be exempt from its operation.

What is the consequence, Mr. President? Here are bays; look at the Bay of Chaleurs [indicating on the map], 16 miles across, from which we absolutely are excluded by this treaty. They have no claim at all to exclude us from the Bay of Chaleurs, except by the headland theory, and they have either had conceded to them that to which they had no right whatever or they have had established the headland theory so far as that bay is concerned. So of the Bay of Egmont, 17½ miles across. Nothing but the headland theory ever gave them any exclusive claim in the Bay of Egmont, and if they have by this treaty exclusive right there it is because they have revived the dead headland theory. So of Miramichi Bay, which is 14½ miles wide.

It is proposed by this treaty to exclude us absolutely from that bay. They have never had any claim to exclude us absolutely from it except by the headland theory, and by the headland theory revived, voluntarily offered by our commissioners, we are to be excluded absolutely from it. So of Fortune Bay, which is 11½ miles and 10⅞ miles—over 21 miles across. Just look how that is measured [indicating] running like the letter V so as to strike an island which would be excluded absolutely if it had run straight across. They never had a right to exclude us from Fortune Bay, except under the doctrine of the headland theory; and yet our commissioners have negotiated and voluntarily yielded the headland theory to the exclusion of Fortune Bay, and so with the other bays. Methinks that if I had been one of the negotiators, Fortune Bay, the scene of the last and almost only brilliant achievement of our diplomacy in those waters, would have been the last to be given up to the exclusive occupation of those from whom one spirited stand at least of one of our diplomats wrung from England justice to us in that bay. But, no; all of these bays 10, 15, 16, 17 miles across, in which they never asserted any right except under the headland theory, are given up to their exclusive occupation.

Mr. GRAY rose.

Mr. DAWES. The Bay of Chaleurs, which by name——

Mr. GRAY. Does the Senator object to my interrupting him?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. DAWES. In one minute. The Bay of Chaleurs; there is one other, which by express order of the home government, the Canadian authorities were forbidden to hinder our fishing in, which has gone into this negotiation and been sold to the British Government.

Mr. GRAY. The Senator says that the Bay of Chaleurs, the Bay of Miramichi, the Bay of Egmont, and all those bays which he indicated on the map, had been claimed by Canada on the headland theory. I do not exactly understand what he means by "headland theory." If he has an interpretation in regard to that theory which admits of a remark like that, we differ entirely as to what the headland theory is.

But I wish to ask the attention of the Senator to the language of the specification in the treaty of 1818. We renounced the right to take or cure fish within 3 miles of the bays of His British Majesty's dominion, and the bays of Chaleurs, Miramichi, and Egmont, and all the bays he has indicated, are bays *nominatim*, are known as bays and come under that classification, and, therefore, come within the word and letter, to use the language of the Senator just now, of the treaty of 1818, and we are excluded by the treaty of 1818, not upon any headland theory, but by the express language of that treaty, the letter of our bond, to use the expression of the Senator from Massachusetts.

Mr. DAWES. I promised the Senator, as well as I might be able, that I should talk to the point that this was not a treaty of peace and that I would not vex the Senate with any discussion of the meaning of terms, but I read what the home government instructed the Canadian Government in respect to their bays and such bays *eo nomine*, to use the Senator's phrase:

Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek which, though in parts more than 6 miles wide, is less than 6 geographical miles in width at its mouth. In the case of any other bay—at Bay des Chaleurs, for example—you will not interfere with any United States fishing vessel or boat, or any American fishermen, unless they are found within 3 miles of the shore.

My argument is that the British Government had for forty years determined not to exclude American fishermen from any waters that were not within 3 miles of the shore.

Mr. HOAR. My colleague will permit me to make one suggestion there, which I know has not escaped his knowledge, for he knows it as well as I do, but which I would like to have him state at this point.

Not only is this the concession of Sir Charles Tupper in regard to the practice and demands of the British Government for the last forty years, but Mr. Rush, who was our minister to England at the time of the treaty of 1818 and for several years thereafter, Mr. Stevenson, who soon followed him, and Mr. Marcy, our Secretary of State, all averred that England made no such claim for the first forty years after the treaty of 1818. The claim was never heard of in all that time; so you have the entire period from 1818 down to the present time—a period of seventy years—with the single exception of the seizures of the Argus and the Washington, where we had the judgment of the British Government absolutely renouncing this claim.

Mr. DAWES. I am obliged to my colleague for the suggestion. I know that the claim was only technical all the time and never enforced, but what my colleague says is a very strong aid to the argument I have been making.

Now, I want to call back the attention of the Senate to what was done with this headland theory, with this 3-mile limit, and all that. It came from our negotiators; it was a voluntary concession, not asked for by the other side, if there is any truth in the statement of Sir Charles Tupper, who said:

I say when we met these gentlemen and they proposed to us this 10-mile limit, and said: "If you give up the extreme contention that no bay, however broad its mouth, can be entered by an American fisherman we will agree to take the 10-mile limit;" and when they met us further and said that in addition to that they would take up and consider the question of any special bays we thought ought not to be open to foreigners, then we took this question up, as we were bound to take it up, and found a solution by mutual concession. Instead of giving in to their contention that they could go into the Baie des Chaleurs within 3 miles of the shore, we made a treaty by which they can not enter the Baie des Chaleurs at all.

Then he turns around to Mr. Mitchell and says:

And the honorable gentleman knows that the Miramichi Bay, and a number of other bays that we consider of vital importance to be kept free from any kind of intrusion, have been conceded to us.

And for what? For this old, defunct claim of the headland theory and for a voluntary extension of the 3-mile limit to 5 miles! I do not know that I wonder at a desire to keep from the knowledge of the Senate any of the steps which led up to the result.

The President of the United States, in communicating this treaty to us, said:

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed.

I want to read this once more because there is in it much for comment.

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed.

Permit me to say that it is no such thing. The language of the treaty is this (mark the difference between it and the language of the President):

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

That is all. Does it mean that no other vessels of the United States can be permitted to navigate the Straits of Canso? Is it proposed by this treaty that whenever a merchant vessel of the United States shall pass the Straits of Canso it must get leave of Great Britain? Does the merchant vessel that passes the Straits of Gibraltar stop and get leave of Great Britain, or does the merchant vessel that passes the Straits of Magellan stop and get permission of Great Britain that it may navigate those waters?

Yet Sir Charles Tupper says expressly to the Canadian Parliament that—

They confined it to fishing vessels.

We provided simply that nothing in this treaty should interrupt the free navigation of the Straits of Canso, as previously enjoyed by fishing vessels to which we confined it.

I have said that I am not to vote for a treaty in this day the phraseology of which is open to honest debate in an American Senate. Who is right as to the construction of this clause in reference to the Straits of Canso, the President of the United States, who says that it secures the free navigation of those straits, or Sir Charles Tupper, who says it is confined, as the treaty says it is, to fishing vessels that enjoyed it before?

Mr. MORGAN. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. DAWES. Certainly.

Mr. MORGAN. I ask whether he has any amendments that he proposes to offer to this treaty so as to make the language satisfactory to himself? If there is any obscurity or doubt about any feature of it, it is now amendable, and I would like to know whether the Senator is under any obligation not to make any amendment?

Mr. DAWES. I am under no obligation not to make an amendment of a treaty which, in my opinion, is not a treaty of peace, but a treaty full of strife, and contention, and disorder, and disturbance.

Mr. MORGAN. I will state to the Senator that it is quite easy, if there is any difficulty about that matter, to have an amendment to that or any other clause in the treaty to suit the views of the Senator, as we are now negotiating this treaty with Great Britain.

Mr. DAWES. I know the Senator owes me no ill will; but I do not see why the Senator from Delaware and the Senator from Alabama are so determined to draw me off the track.

Mr. GRAY. I beg the Senator's pardon; I want to draw him on the track.

Mr. DAWES. After all, Mr. President, it is neither the one nor the other. This treaty does not, as the President seems to think it does, affirm the free navigation of the Straits of Canso. It says that nothing in the treaty shall be construed to interfere with the passage by fishing vessels there. If I own a tract of land across which the king's highway has run, and all the king's subjects have traveled thereon from a time whereof the memory of man runneth not to the contrary, and I convey it to you and I put into the deed "that nothing in this deed shall be construed to interfere with the right of the king's subjects to travel to and fro upon and along the king's highway across this tract of land," I might as well say to you, "Sir, I have granted you this, and I have secured to the king's subjects a right they never had before." The absurdity of the claim when all vessels from time immemorial had passed unobjected to through the Straits of Canso, that because they shut up one end of it and said that shutting up that end should not interfere with the passage of these straits, therefore the right to pass these Straits had been obtained from Great Britain!

Great Britain never since the Declaration of Independence had the power to interfere with the free passage of the Straits of Canso by any vessels of the United States. The encroachments upon the letter of the treaty of 1818 are not more visible than they are in this very thing. The treaty of 1818 does not exclude fishing vessels from going within 3 miles of the shore; it only prohibits them from fishing within 3 miles of the shore, and there was nothing in the treaty of 1818 that prevented a fishing vessel from going within 3 miles of any shore or from going through the Straits of Canso, provided they did not fish in the Straits of Canso or within 3 miles of the shore; and yet it is among the pretenses upon which we are asked to approve of this treaty that something valuable has been conceded to us by Great Britain in this exception in relation to the Straits of Canso.

Now, sir, I propose briefly to allude to those articles of the treaty which are held up here as commendable because they provide for an amelioration of the administration of justice in the colonies. I have to say in reference to them what Sir Charles Tupper himself confessed in the Canadian Parliament, that every one of them was no more nor less than what was due to good neighborhood. Are we, sir, to negotiate with Great Britain and buy good neighborhood? Have we spirit enough to resent the proposition, if it should come to us, "If you will give us so much we will be decent in our courts?" Have we not spirit enough to say, "We do not treat with you for fair dealing in your courts. If you are disposed to deny it to us, we will hold you up to the judgment of mankind and we will bide our time." "Everything that is right comes to him who waits."

I will not take up much time in reading the comments on these clauses made by the Canadian negotiator when he was trying to satisfy the Canadian Parliament that what he had conceded did not amount to much. It is all summed up in this phrase:

A provision—

Said he—

that she may obtain casual and needful supplies of that kind was demanded in the interests of good neighborhood, and it was not going too far to say that we would allow them to enjoy those advantages.

But, sir, of what worth is it all to us so long as there is a provision in this treaty that subjects it all to the local laws? We are to enjoy whatever we enjoy in reference to these provisions ameliorating the administration of justice there, subject to such rules and regulations as shall hereafter be made. It is not worth as a security the paper that it is written on. We are subject, if the treaty is ratified, to the caprice, to the prejudice, to the hostility of local legislation. Already, sir, since this debate has begun an instance of it has occurred illustrating the emptiness of all this provision.

One of our fishing vessels has taken out a license under the *modus vivendi*, which authorized the captain to purchase bait, and he purchased bait, and in a Newfoundland harbor divided his bait with a

French fishing vessel and was immediately prosecuted for violation of a local law that forbade the selling of bait to foreigners. They might to-morrow determine that there should be only so much bait purchased, and we have agreed to conform to it. They might to-morrow pass a local law in Newfoundland, or in Nova Scotia, or in the Dominion, that bait should only be purchased within certain periods of close season, as it is called, and we are bound to submit, and we are asked by American negotiators to surrender what I have stated, and to accept this among the concessions. In reference to it I would like to have the Senate take note of what Sir Charles Tupper says of the idea of submitting to the local law:

I am glad to know that Mr. Bayard had too much respect for the people of Canada—and he has since learned in the most conclusive manner that his views were well founded—to come to any other conclusion than that no Canadian would ever consent to be legislated for by any other country in the world.

But we are asked to submit our rights pertaining to the fishing in these waters, that we once enjoyed as the price of our blood and valor, to the local law of Canada and the Provinces.

There is one more reason why I think this can never be a treaty of peace. The reciprocity treaty of 1854 admitted free of duty "fish of all kinds, products of fish, and all other creatures living in the water, being the growth and produce of the said Provinces of Canada, New Brunswick, Nova Scotia, Prince Edward's Island," and after that, Newfoundland.

The treaty of 1871 admitted free of duty fish-oil and fish of all kinds (except the fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island.

The present treaty proposes that when we admit free of duty fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil) being the produce of the fisheries—mark the difference—carried on by the fishermen of Canada, Newfoundland, and Labrador, wherever carried on, we shall receive the privilege of entering the ports, bays, and harbors of Canada and Newfoundland for these three purposes:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

How came this difference to creep into the treaty? The other treaties confined free fish to the fisheries the produce of the Dominion. In this treaty it is provided that the produce of the fisheries, of the fishermen of Canada, wherever those fisheries may be, are to be admitted; and put alongside of it are two other things in this treaty for the first time, "whale-oil" and "seal-oil."

How came whale-oil and seal-oil to be inserted for the first time in this treaty? When the treaties of 1854 and 1871 were negotiated, whale-oil and seal-oil had almost passed out of the pursuits of fishermen. There was no product of whale-oil or seal-oil at that time. But since then the whales of the Northern Pacific have yielded wonderful and marvelous products to the daring fishermen of the United States, and seal on that coast are coming to enter into the pursuits of most of the enterprising fishermen of the country. Here the provision creeps for the first time into this treaty, that the Canadians shall be permitted to bring whale-oil and seal-oil free of duty into our markets.

They are looking to the Northern Pacific. They are looking to the wealth that is there in those cold ocean inlets, where the whale is coming to be abundant, and they are providing that the fishermen of Canada shall side by side with our fishermen bring them into the ports of Portland and San Francisco free of duty; and whenever seal-oil shall come to be a valuable article of merchandise they are to bring it in free of duty. Whenever the time shall come that this provision shall develop, if it becomes a treaty, into the full significance of those words, then it will be found, if not before, that the treaty will cease to be a treaty of peace.

But, sir, the treaty will fail utterly as a treaty of peace for another reason. Canada herself has failed of obtaining that for which she entered into this negotiation, and she will not rest till she has obtained it. She is boasting, it is true, of what she has got so far as the fisheries are concerned, like the man who whistles while he passes through a graveyard; but the people of Canada will find no consolation or satisfaction when they come to consider also that they have utterly failed in that for which they entered into the negotiation. Sir Charles Tupper has stated in the Canadian Parliament that he is responsible for this negotiation. He said:

In regard to my position in that conference, I have already shown the House how largely I am responsible for what has taken place. The conference was initiated from the interview which took place between myself and Mr. Bayard. I was subsequently asked to serve as one of Her Majesty's plenipotentiaries on that important mission.

I think Sir Charles Tupper is mistaken in imagining that he initiated this negotiation. However large a share he had in the negotiation and management, and however largely his impress from beginning to end is left upon the whole transaction, nevertheless there was another official here before him. Somehow it came to be understood simultaneously in the different parts of the British dominions on our north, and among all those interested in British dominion on our north, that the accession of the present Administration to power was their opportunity. It was not that they had any grievance about the fisheries. No, they were the last people to complain of their own outrages in the matter of the fisheries; but simultaneously, I say, it came to be understood that the accession of the present Administration to power was Canada's opportunity. Sir Ambrose Shea, an official of the Government of Newfoundland, was on his way to this capital, if not simultaneously with the inauguration, almost immediately upon it, confessedly for the purpose of instituting commercial negotiations on account of his own province alone, under cover of fisheries difficulties. He made no secret on his way here of his errand. He talked with whomsoever he came in contact about the purpose. He came here and was introduced to this Administration by the British minister.

About the same time Mr. Wiman, a Canadian, whose residence is in Brooklyn, a man of large enterprise and efficiency and executive ability, devoted entirely to the expansion of commercial relations between the Dominion of Canada and this country, appeared here and had a conversation with the Secretary of State. Thereupon Mr. West, the British minister, took the matter up and proposed, what has been so often read here, the proposition by which a temporary arrangement would be made, provided the President of the United States would recommend to Congress a commission for the purpose, under the cover of the fishery difficulties, of arranging commercial relations with Canada. Mr. Wiman went to Canada after this interview and had an interview with Sir Charles Tupper, and Sir Charles Tupper's account of it I will read:

I do not know that the speech I made had any connection with it; but I know this, that a mutual friend—I have no objection to mentioning that it was Mr. Wiman—at an early day after this speech was delivered intimated to me that he had had a long conversation with the Secretary of State of the United States, Mr. Bayard, and that that gentleman had said that he would be very glad to have an opportunity of discussing the mutual relations of Canada and the United States with either my right honorable friend the premier of Canada or myself. I brought that statement under the notice of his excellency the governor-general and my right honorable friend; and as it was quite impossible for him to leave his place in parliament at that time I took advantage of the Easter holidays to accept this formal invitation. I went down to Washington and was presented to Mr. Bayard by Her Majesty's minister there.

Then Sir Charles Tupper went home, and Mr. Bayard wrote him a letter:

Mr. Bayard to Sir Charles Tupper.

[Personal and unofficial.]

WASHINGTON, D. C., *May* 31, 1887.

MY DEAR SIR CHARLES: The delay in writing you has been unavoidable.

After saying some other things, he proceeded:

It is evident that the commercial intercourse between the inhabitants of Canada and those of the United States has grown into too vast proportion to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to.

* * * * * * *

The immediate difficulty to be settled is found in the treaty of 1818 between the United States and Great Britain, which has been *questio vexata* ever since it was concluded, and to-day is suffered to interfere with and seriously embarrass the good understanding of both countries in the important commercial relations and interests which have come into being since its ratification, and for the adjustment of which it is wholly inadequate, as has been unhappily proved by the events of the past two years.

I am confident we both seek to attain a just and permanent settlement, and there is but one way to procure it, and that is by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries.

* * * * * * *

T. F. BAYARD.

Sir Charles Tupper immediately answered:

* * * * * * *

I entirely concur in your statement that "We both seek to attain a just and permanent settlement, and that there is but one way to procure it, and that is by a straightforward treatment, on a liberal and statesman-like plan, of the entire commercial relations of the two countries.

Thereupon Lord Salisbury immediately telegraphed Minister West:

If Secretary of State will formally propose the appointment of commission as suggested by him in his correspondence with Sir Charles Tupper, Her Majesty's Government will agree with great pleasure.

SALISBURY.

Some time after this, July 12, 1887, in a letter to Mr. Phelps, Mr. Bayard emphasizes the clear understanding of the parties to this negotiation in the outset, that it was commercial privileges for Canadians in our market, to be secured under cover of negotiations over the fisheries, and in the same letter he explains why he, without communication with the other side, abandoned the original purpose of the negotiation:

I delayed my response to Mr. White's dispatch of March 30, and on May 21 Sir Charles Tupper, the Canadian minister of finance, called upon me at this Department, introduced by the British minister at this capital.

The object of this visit was to discuss informally the present condition and prospects of commercial relations between the United States and the Dominion of Canada, especially in connection with the fisheries and the commercial questions involved.

The visit here of Sir Charles Tupper, on behalf of the Canadian Government, was received with cordiality, and expressions were exchanged of a mutual desire for the settlement of all existing difficulties, and for an increased freedom of commercial intercourse between the United States and Canada.

In consequence of the statements made by Sir Charles Tupper on the occasion referred to, I wrote to him a personal and unofficial letter on the 31st of May, and received on June 10 his reply, and copies of this correspondence were duly sent to you.

Then he explains why he abandoned it:

By reason of the action of the Senate on April 15, 1886, in regard to the recommendation of the President for the appointment of a joint commission to

take into consideration the entire question of fishing rights of the two Governments and their citizens on the coast of British North America, the formation of a joint commission was not again proposed by me, but in the discharge of his constitutional functions negotiations with a view to a settlement were not abandoned, but have been proceeded with by this Department under the direction of the President.

Without anything to do with the Senate. These were the purposes. I have omitted to read, what will be found in these letters, that Sir Lionel West demanded of Mr. Bayard and received an explicit interpretation of the arrangement entered into by them, that it included commercial relations. Sir Charles Tupper said:

I can only say, sir, that when I came to meet them in conference, I was greatly surprised, and you will not be surprised to learn that such was the case after reading the papers I shall read with reference to commercial intercourse. After the statement of the President of the United States in his message of 1885, asking for a commission, after the letters which passed between Mr. Bayard and myself, you will readily understand that I went there.

Senators who want to know what Sir Charles Tupper came here for in this negotiation will listen to his own statement.

I went there expecting and looking forward to a settlement of this question on very much the same lines as those upon which it had been settled in 1854, and to some extent in 1871. I am right in saying that the instructions with which I was charged by this Government were to obtain, if it were possible, as near an approach to the reciprocity treaty of 1854 as I could obtain; that is, the policy of carrying out free exchange in the natural products of the countries.

And the very first proposition made by him when the negotiators met, that proposition which he found it absolutely necessary to get hold of before he went before his constituents for justification, was in these words:

That with the view of removing all causes of difference in connection with the fisheries, it is proposed by Her Majesty's plenipotentiaries, that the fishermen of both countries shall have all the privileges enjoyed during the existence of the fisheries articles of the Washington treaty, in consideration of a mutual arrangement providing for greater freedom of commercial intercourse between the United States and Canada and Newfoundland.

Commissioner Angell in the quiet retreat of his university at home in Michigan, not having the fear of the Secretary of State before his eyes, has been telling what they did. He said:

We were a long time getting down to the real work of the commission, all the parties interested were so varied. The British and Canadian commissioners were especially anxious to make a reciprocal free-trade treaty a part of the treaty before they would settle on the fishery question. More than one-half the time was occupied in this manner. The real work has been done within the last month.

Can there be any doubt that Canada has failed of her purpose in entering into this negotiation, and that that purpose, paramount to any fishery question, still remains as a persistent, an abiding, and a moving policy of Canada, while they may, to break the force of their failure, claim that they sold out their old idea of headland theory, and got the 3-mile limit extended to 5 miles, and got us shut out of valuable bays that we were never really shut out of before, and did a capital thing under the fishery clause? Yet what is all that so long as Mordecai sits at the king's gate? "Unless we can have the markets of the United States, all we have done goes for naught. What boots it to us whether the American fishermen shall fish in the Bay of Chaleurs or not, if we can not take our fish into their market when we have obtained them; all goes for naught unless we obtain this."

Sir, not less Canada than the United States will find this treaty not a treaty of peace with the United States, because it is a pusillanimous surrender by us of valuable rights, and because, though the Canadians have obtained concessions, yet in the greater and the larger object for the attainment of which they used this only as an instrument they have utterly failed.

One thing more I omitted as a reason why we should never approve this treaty, that I should like some one to tell me what the twelfth article means.

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to the United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

On all "the Atlantic coast of the United States." What those rights will be, what will be exacted under this head of the treaty, I have heard no friend of the treaty expound. It is a significant fact that when Sir Charles Tupper expounded the treaty section by section to the Canadian parliament for their approval he expounded article 11, and skipped to article 13, an ominous silence which can only be interpreted that there was nothing in it worth commenting on or too much to expose to the American Senate.

Mr. GRAY. Does the Senator mind reading the twelfth article? I do not want to interrupt him.

Mr. DAWES. It is as follows:

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

Mr. GRAY. Has the Senator from Massachusetts any real doubt as to what that means? I will ask him that, if it is a fair question.

Mr. DAWES. The Senator from Massachusetts, in his ignorance of the diplomacy of the present day as to what it means and what it does not mean, will confess that he can not tell what will be claimed by the fishing vessels of Canada under that article of the treaty.

Mr. GRAY. I do not wish to interrupt the Senator or detain him, because he has expressed a desire not to be interrupted——

Mr. DAWES. The Senator will excuse me.

Mr. GRAY. But I will ask him, if he has any real doubt, whether he ought not, in behalf of the interests involved, to offer an amendment to make clear what he says is obscure?

Mr. DAWES. When I am invited into the councils of these negotiators and not told that it is none of my business what were the steps which led to this result, I shall consider the proposition made by the Senator from Delaware.

Mr. GRAY. Are we not negotiators ourselves under the Constitution?

Mr. DAWES. Then I should like to know why we are not permitted to see and hear what has been done up to this time in the negotiation.

Mr. GRAY. We have been permitted to see and hear all that has been done.

Mr. DAWES. Yes, and we are indebted to Sir Charles Tupper in the Canadian parliament for it, in the face of an absolute refusal by our own Secretary of State to give us anything except the result. We have got into it pretty thoroughly, and I repeat the obligations of the American people to that foreign negotiator for the benefit of it.

Mr. GRAY. Does the Senator object to my interrupting him further?

Mr. DAWES. He does somewhat.

Mr. GRAY. Very well.

Mr. DAWES. As the negotiation was undertaken on our part for one thing, and on their part for another, neither of which has been accomplished, upon what ground does anybody expect that a ratification would compose the difficulties that exist under the treaty of 1818?

What was our complaint, sir? Why did the American people demand that there should be any effort on the part of this Administration to obtain redress? It was not because of the 3-mile limit. That, as I have said, was in the bond. Hard as it was, the universal judgment of those whom it affected was, "We will abide by it." It was not because the headland theory had troubled us. That had passed among the things that were. It was because the people of Canada did not observe the treaty Great Britain had made, because they had instituted a system of annoying and harassing us, and committing injuries upon our vessels, and we demanded of the Administration that they should see to it that two things were brought about—that the British Government should keep the treaty they had made, and should make compensation for the damages that they had committed in violation of it. That was all that those affected by the treaty ever demanded of the Government. It is quite as much and a little more than they can hope to obtain from the Government until after the 4th of March.

Yet, two or three long years has the Secretary of State been employed in pronouncing those outrages brutal and inhuman and unjustifiable, and when he was driven into a negotiation by the Canadian government, driven, however, for another purpose, he abandoned altogether the claims for compensation, abandoned the demand that they should adhere to the 3-mile limit, abandoned any complaint for the insult to the flag of the country, and contented himself with this treaty, which deals with subjects that to any American cognizant of the manner in which the rights he gave away were obtained is looked upon with the utmost concern and indignation.

But what does he say is the reason why he did not insist upon the damages? In his interview in the Baltimore Sun he tells us why he gave them up, and I should like to have the men upon whom these outrages were committed hear what has become of their claims. He said:

Every point submitted to the conference is covered by the paper now in possession of the Senate, excepting the question of damages sustained by our fishermen, which, being met by the counter claim for damages to British vessels in Behring Sea, was left for future settlement. This was determined the best course that could be pursued by the commission. As their claim exceeded ours, I was very willing to agree to this.

He was willing to give up the claims for damages for the outrages upon two thousand fishing vessels of the United States, and cease to press them because in answer Great Britain set up a bigger claim.

Mr. HOAR. If we have done England such injustice as that we want to meet it and settle at once.

Mr. DAWES. Will the claim be any the less that Great Britain sets up about Behring Sea to-morrow than it was yesterday? If to set up a bigger claim can drive us off once, will they lack the temptation or the ability to set it up again? When will the time come, according to this standard, that we can insist upon our just claims being adjusted, claims which Mr. Bayard himself has pronounced just? Oh, some time when Great Britain will not set up a bigger claim!

If Great Britain has a claim against us in Behring Sea it is quite time we knew what it is, and if it is founded in justice and law, we will pay it. It is no answer to these claims that England pretends to have a bigger one somewhere else. Let her bring forward her claims in Behring Sea, and whatever may be their justice or their amount they will be met according to the law and the right, and paid if due. But the demands upon England for the outrages committed on our fishing vessels, in present hands, under present diplomatic policy, have

gone never, so long as such a reason as this is to be deemed valid, to return.

In the interview published in the Baltimore Sun, Mr. Bayard speaks of another thing which perhaps was dwelt on sufficiently by the Senator from Colorado [Mr. TELLER] on Saturday afternoon, but still I can not omit calling attention to it once more. I desire that my constituents shall see and know what is the estimate put by this Administration upon the American flag when it floats at the mast-head of a fishing schooner. I want them to know what this Administration considers a full apology when a British officer tears down on the deck of a fishing schooner in the presence of its master the flag of his country and casts it at his feet. Mr. Bayard says:

Again he charges—

That is, my wicked colleague—

Again he charges that I allowed the flag of an American vessel to be hauled down by the officers of a British cruiser. For that act this country received a full apology from England. As much can not be said when indignities were heaped upon American seamen in years gone by.

Mr. Bayard says, in a letter in reference to this subject to Mr. Phelps November 6, 1886:

Under the fourteenth section of the twentieth chapter of the Navy Regulations of the United States the rule in such cases is laid down as follows:
"A neutral vessel seized is to wear the flag of her own country until she is adjudged to be a lawful prize by a competent court."

He made demand for an apology for this insult to our flag. He communicated the law to the British Government that the flag had a right to float at the mast-head until after the condemnation.

Mr. GRAY. If the Senator will indulge me a moment, I know he will be satisfied to do so when I tell him for what purpose I ask leave to interrupt him. He alluded to an interview purporting to have been had with Mr. Bayard, published in the Baltimore Sun. I think that was the paper. I see that it was alluded to on Saturday by the Senator from Colorado [Mr. TELLER]. Of course, neither the Senator from Colorado nor the Senator from Massachusetts was aware that Mr. Bayard disavowed that interview, that he said it was unauthorized, and did not truly represent him. I, of course, know that the Senator would desire that Mr. Bayard should have the opportunity through me of stating what I have said of that statement in the Sun, and that is all I wish to say.

Mr. TELLER. I should like to say that this is the first time I have ever heard of a disavowal. It has been a matter of discussion in the Senate, privately at least, ever since its appearance, and this is the first intimation that I have ever had that it was disavowed.

Mr. GRAY. I said I presumed that it was the first intimation the Senator from Colorado had had, otherwise he would not have alluded to an interview which the party interviewed disavowed.

Mr. HOAR. I should like to ask the Senator from Delaware, with my colleague's permission, as it is somewhat interesting, whether the Senator from Delaware is authorized by Mr. Bayard to disavow it?

Mr. GRAY. No; I have had no direct authorization; but I saw the disavowal published in the Baltimore Sun.

Mr. HOAR. Perhaps my colleague will allow me to say (as that interview contains a good deal of reference to me, I should not have alluded to it at all anywhere in public if it had not been alluded to by others first in the Senate), that I read it with profoundest pity, with no other sensation. The misstatements, the anger, the feeble and impotent rage which somebody has imputed to a high officer of our Government could only make any patriotic American citizen experience a sensation of mortification and not of anger. If that interview be true, the Secretary of State has learned nothing in relation to the fishing interest except the language of the fish market, and that the language of the London fish market. I am very glad that there is a report somewhere that the Secretary of State has disavowed it.

Mr. GRAY. The Senator from Massachusetts who has just taken his seat could not forego the opportunity, I suppose, of expressing himself in regard to this purported interview, inasmuch as it alluded to himself, but after what I have stated, that the interview was unauthorized by Mr. Bayard, and that it was so stated in the paper, and from the same source from which the interview came, I think all that he said was very much out of place, and I do not understand what the sense of propriety is which will allow any Senator to comment upon language imputed to another which he disavows himself.

Mr. HOAR. I do not understand that the word "unauthorized" contains a disavowal.

Mr. GRAY. Whatever the Senator understands, such is the publication in the paper coming from the same source from which the purported interview came.

Mr. HOAR. There is no contradiction. There is no statement that the Secretary of State did not utter it.

Mr. GRAY. I am content. Among those with whom I have associated such a disavowal is always sufficient.

Mr. DAWES. I am sorry this interlude got into my speech. Does the Senator from Delaware think I do not know why men sometimes choose interviews rather than communications to the public over their own signatures? Has the public become acquainted with this new method of getting one's views before the public and not know why it has superseded the open and frank and unreserved communication over one's own signature? I assume that the Senator is correct, that this got out without the authority of the Secretary of State, and that is all there is to it.

Mr. FRYE. It is no worse than the Boston Herald interview.

Mr. DAWES. If there were words to be disavowed they should be disavowed to the man they affected, and not in a way to arm another with the material the moment they are commented on here to get up with the remarkable assertion that the statement got out without authority. I would like to ask the Senator from Delaware if he means by his remarks to assert that the Secretary of State never said anywhere that England had made a full apology for this insult upon the flag? If that is so I am sorry for him. I am not sorry that he has not said that it was a full apology, but I am sorry that he had not said something about this apology if he takes back this.

Mr. GRAY. The Senator from Massachusetts asks me a question, and I suppose he will permit me to reply. I was not listening to what the Senator said about the matter to which he has just referred. I was merely attracted by the remark he made, that the interview to which he referred was in the Baltimore Sun, and I only rose to state nothing more than that in the same paper in which that purported interview was published and from the same source a statement was made that that interview was unauthorized, and that Mr. Bayard disavowed it. I have nothing more to say about that. I have not been accustomed to debate with Senators or gentlemen anywhere in regard to what was imputed to them when they disavowed it, and I leave that to the Senator from Massachusetts to do if he chooses.

Mr. DAWES. If the Secretary of State has not said something about this apology it is high time he did. It is high time the public knew his opinion about this apology. It has been in his possession now for well-nigh two years. He tells Mr. Phelps that the indignity to our flag has caused great excitement and indignation among our people, and Mr. Phelps was instructed to lay it before the British Government, not before a satrap down in Nova Scotia or Newfoundland, and the British Government has from that day to this never expressed the slightest opinion one way or the other upon this flag business. It has simply made itself a mail-bag through which to transmit what a provincial official in the provinces has said about it, without expressing its opinion of regret or otherwise about this insult to our flag. I will put in the RECORD every word of what is called an apology, and if it is not considered by this Administration a full and ample apology, as the Senator from Ohio [Mr. PAYNE] once in his seat pronounced it to be, then it is high time there was on the record something from this Administration to show its appreciation of an insult to the flag. This is all there is to it.

The minister regrets that he—

That is, Captain Quigley, the British officer—

should have acted with undue zeal, although Captain Quigley may have been technically within his right while the vessel was in the custody of the law.

All this official down there regrets is that Captain Quigley, doing what he had a right to do, did not take more time to do it. That is the regret. Captain Quigley, he says, had a right to pull down the flag of the United States in the presence of the master of the vessel and cast it at his feet, if he had only taken more time to do it!

There is only one other apology that I ever heard of that was in any way parallel to this, and I think that this goes even beyond that. There was a church member once arraigned for accusing another church member of stealing, and being compelled to apologize said: "Brethren, I have accused Brother Smith of stealing, and I can not prove it, and I am sorry for it." This man says he can prove it if he would only take a little more time to do it.

If the Secretary of State has not called this a full apology, he has let it sleep, and the captains of the schooners engaged in the fishing interest are to understand that under this Administration any British official who chooses may pull down their flag on any charge that they have committed an offense, if he will only take time enough to do it.

As to Mr. Bayard's explanation of why he did not consult those interested in the matters affected by this treaty, why he did not consult the New England Senators, or anybody who was conversant with the nature of the subject-matter, the public prints declare that he has said this:

I did not consult with the New England Senators, but I did hear the opinions on this point of men known to be thoroughly conversant with the subject. Professor Baird told me that the men I had here in connection with the 3-mile limit question knew more about the fishery question than any one else in New England. They told me the privilege was valueless.

I do not know that Mr. Bayard made that statement. I am sorry, if he did, that he conceived the idea in this negotiation that it was no bigger question than hatching fish at Wood's Holl. If the Secretary of State went no further than to Professor Baird, however accomplished a man he may have been in hatching fish, I do not wonder at the mistakes and the blunders that were made if that was the conception of the Secretary and if he went no further for his sources of information.

It is not so much a source of astonishment to me that such a treaty has been what Mr. Bayard calls the result of such methods and such negotiations, as it is that such methods and negotiations should have entered into at all.

Sir, we are asked now to approve this treaty. What are we to ex-

pect if we reject it, the question is asked? What is to be the consequence? I expect that will follow, that will be which has been; I expect that when this treaty is rejected the same course will be pursued by the Canadian officials as has been pursued in the past. The purpose for which they entered into the negotiation was promoted and stimulated by a course in the past, which Mr. Phelps fittingly described in a letter sent by him to the British minister, which received the approval and commendation of Mr. Bayard himself, and which outlines not only clearly the purpose of these men in the past, but what I suppose they will resort to in the future. He says to Lord Rosebery June 2, 1886, in discussing the outrage committed upon the David J. Adams:

From all the circumstances attending this case, and other recent cases like it, it seems to me very apparent that the seizure was not made for the purpose of enforcing any right or redressing any wrong.

* * * * * * *

It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. And the injury, which would have been a serious one, if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.

* * * * * * *

The real source of the difficuluy that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle.

Alas! victim of misplaced confidence, "put not your trust in princes, nor in the son of man."

In terminating the treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the treaty itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one.

What would he say now?

Nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is, not what fresh treaty may or might be desirable, but what is the true and just construction, as between the two nations, of the treaty that already exists.

This, as I have said, was indorsed and commended as the true diagnosis of the trouble in Canada by Mr. Bayard himself. This is what I expect to see when the vote shall be taken on this treaty, but I expect that hereafter, as Mr. Phelps said then, negotiation that has its origin in such irritation will not be promising of success. That it will be tried there can be no manner of doubt. What will be the consequence no man can tell. Congress has clothed the President with ample power to meet the exigency. It is given out in a sort of threatening way by the friends of this treaty that unless it is approved the President will do more than his duty under that law. I am ready to commit it to his custody and to leave the responsibility with him. He has the power to tell these people, "You shall obey and keep the treaty of 1818 or you shall keep out of our ports till you do." If beyond this he has any power under the law and chooses to assert it, the responsibility is with him. Let him meet this question as the question was met in Fortune Bay. Let it be understood that negotiations go no further until present damages are redressed and security for the future given, and all the trouble will end.

But, sir, no man can in my judgment cast his vote for the ratification of this treaty as a treaty of peace. It is full of strife and contention and disturbance, and will multiply trouble on all hands. For that reason I can not give it my vote.

Mr. STEWART. Mr. President, the destruction of life and property by war is so terrible to contemplate and so unreasonable that people in time of peace are apt to regard so great a folly impossible. No sane man in 1860 believed the North and South would be engaged in deadly conflict in 1861. No Frenchman believed in 1868 that a German army would occupy Paris in 1870. Immediate war is seldom anticipated, still the history of the world demonstrates that wars are inevitable. The progress of civilization has not restrained the tendency of nations to engage in war; on the contrary, the wars of the last generation have exceeded in magnitude and destruction the wars of any age. The preparations for war and the expenditures in organizing armies and navies and manufacturing instruments of destruction are beyond computation.

The navy of Great Britain dominates all the navigable waters of the globe. The sun never sets upon her harbors abundantly supplied with the materials of war and fortifications for defense. Unnatural as it is, she is our only enemy. There has been no time since the battle of Bunker Hill when she would not, if she could, have destroyed freedom in America and reduced the people of the United States to a dependency of her imperial power. Notwithstanding the vast commerce between the two nations, no act of the Government of Great Britain can be cited during the one hundred and twelve years of our independence indicating a desire for the perpetuity of our institutions; on the contrary, her conduct towards the United States has been always arrogant, aggressive, and insolent, and she has lost no opportunity to take advantage of our misfortunes and give aid and comfort to our enemies. In the war of the Revolution she disregarded the laws of modern warfare, employing the savages of America to massacre and outrage the defenseless families of our frontier, and treating prisoners of war with brutality and cruelty unparalleled in the annals of history. In the war of 1812 she violated every principle of modern warfare and in a spirit of wanton cruelty burned and destroyed the Capitol of the United States.

She labored for years to destroy the union of the States by organizing abolition societies, writing books, and issuing pamphlets to excite the sympathies of the North for the slaves in the South, and to arouse such indignation against the institution of human slavery on the part of the liberty-loving people of the free States as to make them demand the abolition of the institution of slavery, while she encouraged the South to maintain that institution and demand concessions and guaranties from the North, and when war between the two sections was imminent she hastened to recognize belligerent rights of the South and to patrol the ocean with her cruisers in the name of the Confederate States. She drove our commerce from the seas, ran our blockades, and carried on a profitable trade with the enemy. She sought every possible pretext for insulting our flag to provoke the United States into some act which would furnish an excuse for a declaration of war. She reluctantly made a treaty at the close of the war, in fear of our ironclads, against which she had no war vessels to compete, and gave us the pittance of $15,000,000 for her depredations on our commerce, after she had injured the people of the United States more than one thousand millions by her unfriendly conduct during our struggle for national existence. From this $15,000,000 she received back $5,500,000 for pretended grants of fishing privileges which already belonged to the United States by the law of nations and by every principle of comity and fair dealing.

She is now mistress of the seas. Her ironclads patrol our coasts in both oceans and menace all our seaboard towns. There is near 4,000 miles of crooked and unnatural boundary between us and her possessions on the north. She has constructed a national highway from the Atlantic to the Pacific, and a network of railways tapping our commercial centers and competing with the railways of the United States. She demands free access to our markets, not only for the people of England, but also for the Dominion of Canada, while she is building up a rival nation on the north requiring standing armies, navies, forts, fortifications, and all the appliances of war to resist. She is building forts and arsenals from Halifax to Victoria, threatening the peace and security of the people of the United States.

The complications that will necessarily grow out of the rights and interests of Canada and the United States along this almost unlimited extent of ill-defined boundary must result in war. History furnishes no example of continued peace under such circumstances. It will not do to assume that such a war is impossible because its consequences would be so calamitous to the English-speaking race. Wherever the conditions which ordinarily produce war between neighboring nations exist, such as unnatural boundaries, national ambition, greed of conquest, real or imaginary insults, conflict of interest, and the like, sooner or later war is inevitable. The relations between the United States and Great Britain, complicated as they will continue to be by her occupancy of the vast region to the north, which of right should belong to the United States, and the larger part of which was obtained from our Government through duress and threats of war, must inevitably result in a conflict of arms.

The question is, will the United States in time of peace prepare for the coming war, or will she suffer Great Britain and Canada to destroy thousands of millions of her property and sacrifice the best blood of her citizens while she is preparing for the conflict? I am aware that many conscientious citizens of both countries are discussing means to secure universal peace and abolish war; that the enlightenment of the age is opposed to war; that many leading British statesmen desire a lasting peace between the United States and England, and that they are taking the initiative in a movement for the arbitration of all possible matters of dispute. All this sounds well to the ear, and is creditable to the heads and hearts of those engaged in this grand humanitarian and philanthropic enterprise. But all this is of little consequence in view of the warlike preparations of every nation on earth but our own. The governmental acts of every civilized country on the globe mean war. The advocates of peace are always silenced by the first gun fired in war. When other nations disarm and pursue only the arts of peace, then the United States may do the same, and not till then.

If the statesmen of Great Britain and the United States who advocate a union of the English-speaking nations in the interests of humanity, peace, civilization, and progress have any hope of success they must remove every cause of dispute which now exists. Great Britain already either rules or dominates nearly half the earth's surface. Her dominion is ample without trespassing on North American soil. She can well afford to allow the United States, which already contains more than half of the English-speaking people, to occupy North America. The United States is able, and, in view of the danger to free government growing out of the necessity of a standing army to guard the north, among other dangers to be avoided and advantages to be gained, ought to be willing

to pay any compensation in money Great Britain may desire, if she will relinquish her sovereignty over the Dominion of Canada. In addition to that the United States can assume and pay all the debts of the Dominion, and receive the people of that country as friends and co-workers in the development and civilization of a continent, and extend to them all the rights and privileges of our free institutions on equal terms and conditions with the several States of the Union. Such a treaty would be in the interest of peace, in the interest of civilization, in the interest of human progress, and in the interest of the great Anglo-Saxon, English-speaking people, and would advance and promote the interests of mankind more than any other event that could possibly happen in any part of the civilized world. Such a consummation would unite all English-speaking people and remove every irritating cause which could mar the happiness, disturb the friendship, or retard the progress of the great progressive and dominant Anglo-Saxon race.

The most favorable construction of the fisheries treaty claimed for it by its friends removes no cause of irritation and gives no guaranty of more friendly relations between the contracting parties; on the contrary, the small, unfair, not to say mean, advantages secured by it to Canada add another grievance to the long list of aggressive and unfriendly acts which point to an ultimate conflict of arms. The success of English diplomatists in overreaching or outwitting the representatives of the United States has no tendency to heal the wounds inflicted upon the American people by the insolent outrages of Great Britain committed for a hundred years.

The time may come, if it has not yet arrived, when Great Britain shall consider seriously whether it is important for England to enjoy the friendship of the United States, or whether she will continue by arrogant, though, perhaps, petty aggressions, to badger and exasperate the people of America until some overt act of one country or the other shall culminate in a conflict which will set back the wheels of progress for a century and destroy the power and prestige of a race that has had no equal in the annals of history. It is impossible to predict all the results of a war between the United States and Great Britain. If precipitated now Great Britain would destroy thousands of millions of property and much human life while we were preparing for the struggle. The frenzy of wrath which such horrors would excite would produce such retaliation upon the commerce and dominion of Great Britain as the world has never seen.

The Dominion of Canada would be the theater of war, and the greatest sufferer, and whatever else might occur the war could not end while the British flag floated over an acre of land on the continent of America. In natural resources, in mechanical genius, in everything that constitutes the wealth of nations, the United States is to-day the superior of Great Britain, and however unprepared she might be at the beginning of the conflict she would ultimately have all the appliances of war on land and on sea necessary to conduct the war till her enemy was exhausted.

The United States has no enemy but Great Britain. The British Empire having enemies in Asia, Africa, and Europe, war with the United States would be a signal for a general settlement of accounts. However men may differ about the result of such a war, every friend of humanity must shudder at the prospect of such a catastrophe and exert every honorable precaution to avert it. It can now be easily averted. The people of Canada are, as a rule, friends of the United States. Their interest and destiny are joined with ours by race, by geographical position, and by the strongest ties of commercial and material intercourse.

A union with the United States would more than double the value of all property of the Dominion, relieve the people of the burdens of taxation, secure to them all the blessings of our free institutions, and provide for their products the best market in the world, and the only market which can render possible the development of the resources of the Dominion. The people of the United States would be vastly benefited by the great natural resources of coal, iron, lumber, fish, grain, hay, and other products of the Dominion, while both countries would be relieved from the necessity of standing armies, and a line of forts, arsenals, custom-houses, more than 4,000 miles in extent, and the imminent danger of all the horrors of impending war.

The sovereignty which Great Britain exercises over Canada adds nothing to her revenue or her military strength. On the contrary, it is a source of weakness and danger to the mother country. Why may not statesmen arise in the two countries equal to the occasion, who by honorable negotiation can blot out the history of all the wrongs and imaginary wrongs which both nations have suffered, or think they have suffered, from each other, and lay the foundation for a union of the great English speaking race. No price would be too dear for either nation to pay for a consummation so important to the Anglo-Saxon race and the civilization of the world. There should be no advantages of diplomacy on either side. Each should approach the great negotiation with a disposition to excel the other in generosity and concession. Let England name the sum which America shall pay.

Let the Dominion of Canada name the conditions of union and fellowship. Let the United States respond in a spirit of concession and generosity, asking no consideration for the benefits she would confer other than the acceptance by the people of Canada of the rights and privileges equal in all respects to those enjoyed by the people of the United States. If no treaty can be made with Great Britain and Canada upon these terms let all negotiations cease until there has been time for reflection and for consideration of the consequences of the results of the growing irritation between the United States and Great Britain and Canada.

If no negotiation can be had securing lasting peace, the dignity and honor of the United States, as well as her prosperity and safety, demand vigilance, activity, and energy in providing for the calamities which must result from our complicated relations with Great Britain.

Mr. TELLER. I notice the remarks of the Senator from Delaware with reference to the newspaper article that I inserted in the RECORD of yesterday, purporting to be an interview with the Secretary of State. I said before introducing this article, if I may be allowed to read what I said:

> Mr. President, I have alluded to an interview of the Secretary of State. This interview purports to have been on the 11th of July of this year. I would not willingly do injustice to the Secretary of State, and I would not assume that any newspaper article expressed his views if there were not good reasons to suppose that such was the fact; but this publication in the Sun, of the city of Baltimore, has been before the country for some time, and I am not aware that the Secretary has ever in any manner indicated his disapproval of the sentiments put in his mouth and said to have been uttered by him.

And then I added, after some other things:

> I propose, if this article is not true, to put it in official form, so that the Secretary of State may, if he desires, contradict it. He may think it beneath his dignity to deny a newspaper report, but it is a report so unjust to him if untrue, and so unjust to the Senate if true, that I do not think he can afford to overlook it.

Mr. President, if there is one thing in my life, public and private, that I have been particularly careful about, it has been not to bear false witness. I have been particularly careful in all my private and public life to make no charges upon a political opponent that I did not have every reason to believe to be true. I have said here in the Senate, and I repeat, that I would no more for political advantage charge a political opponent with that which I did not think he was guilty of than I would in the personal and private affairs of life. I produced this article supposing it to contain unquestionably the sentiments uttered by the Secretary of State. It had been bruited before the Senate a number of days, ten days before this publication, and had been discussed, and I had never heard a suggestion that it was not the work of the Secretary.

There seemed to be such particularity about it, and such knowledge of the case and of the circumstances, as to make it seem impossible that any newspaper man could have suggested it of his own motion. It was in keeping with some things said by the Secretary of State in his admitted letter to the Board of Trade of Boston. It contained things no more severe or discourteous to the Senate or the members of this body than were contained in that authentic letter of his.

Mr. FRYE. No worse than the interview published in the Boston Herald.

Mr. TELLER. No worse, as is suggested by the Senator from Maine, than the interview published in the Boston Herald, which I have not yet heard denied. I felt a sense of humiliation and disgrace when I read this interview. I had a feeling of indignation that a high official should thus speak of the members of a co-ordinate branch of the Government. I do not know now, Mr. President, that the Secretary of State disavows the sentiments of this interview.

I am not able to gather from what the Senator from Delaware [Mr. GRAY] says now whether the Secretary of State proposes to disavow it, to say that these are not his sentiments, that he did not say what is there said, or whether he means simply to say that he did not authorize the publication as coming from him. That seemed to me as near as the Senator from Delaware made it in his statement. I only want to say that when the Secretary of State disavows this in a way that shall come to me properly accredited, if I have done him any injustice, I shall be the first man to stand up here and say so. I shall let no pride of opinion or of position or place deter me at any time from taking back that which I have said if I was not justified in saying it. But I must wait until the Secretary of State now (this having become a matter of so much notoriety) shall in some authentic manner, either directly or through some friend in whom I can place entire confidence, disavow it.

Mr. GRAY. I do not care to make any answer to the Senator from Colorado further at this time. I can only repeat what I have already said, with the additional statement that I think the position of the Senator from Colorado is unfair to the Secretary of State in separating the publication of the article from the subsequent statement of the same paper to the effect that the article was not authorized by the Secretary of State. I have called attention to that subsequent statement made in the same paper. It is hardly worth while to repeat again the substance of that article published by that same paper, the next day but one I think it was, after the publication of what purported to be this interview.

But I do not intend to prolong this debate. As I said before, I do not care to go further with the matter, because I think I have done all that is necessary. After what I had stated, and after what I had declared as emphatically as I could that the same paper which had

published the reported interview (not a statement of the Secretary of State, but a statement coming from the same source that published the interview), that it was unauthorized and inaccurate—and whether accurate or not, that it was unauthorized—the Senator from Massachusetts saw fit, after notice of the disavowal, and not before, to answer what purported to be the language of that interview. I have nothing further to say.

Mr. DAWES. I wish to put upon record my disavowal of any intent to do any injustice to the Secretary of State. My own personal relations with him for a great many years have been such as would disarm any attempt or any desire on my part to do such a thing. The use I made of the interview published in the Baltimore Sun was after it had been before the public for over ten days and after it had appeared in the RECORD published yesterday morning. What struck me as singular was that if these were not the views or the ideas of the Secretary of State, he should not have taken the earliest opportunity to have as publicly disavowed them and censured them as they were publicly proclaimed, and especially to the men affected by the interview. And, if he did not desire to have any use made of it, such as I ventured to make, he had the amplest opportunity, after seeing the RECORD yesterday, to have communicated that fact in a way which would have disarmed everybody who holds for him, as I do, the highest respect. But nobody said a word of all this until after I brought out what I did to-day. Then the Senator from Delaware made the remark that this was an unauthorized publication. I do not hear yet anybody say that it is a publication of anything which Mr. Bayard disapproved.

The PRESIDENT *pro tempore*. The treaty will be read by articles. The first article will be read.

Mr. EVARTS. Mr. President——

Mr. MORGAN. May I ask whether this is on the motion I made to postpone the consideration of this treaty until December?

The PRESIDENT *pro tempore*. The motion to postpone is on the Executive Calendar.

Mr. MORGAN. And that is the question before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. EVARTS. Mr. President, as this debate is to proceed, it is quite desirable as promptly and as clearly as possible that it should be ascertained what, in the judgment of the Secretary of State, is his true relation to that publication in the Baltimore Sun. When on this floor a publication is imputed to a member of the Senate, and he arises and disavows it, that is the end of the matter. But when we have a newspaper in one of its issues giving to its readers an elaborate and complete statement of the views of the Secretary of State, and when all that we have to meet that is a subsequent statement of an editor, the same editor, and in the same paper, and only in an editorial form—a statement of the degree and measure that has been declared to the Senate here—it still leaves it to turn entirely upon the editor's first and second publication.

When the Senator from Delaware was asked as to what he said on this floor in disavowal or in correction of the imputation of the first publication in the Sun, I understood him to say that he did not speak by any authority from the Secretary of State. Am I right in that?

Mr. GRAY nodded assent.

Mr. EVARTS. Now, as I propose to comment on the relations between this Government and that of Great Britain in this treaty and in all its negotiations, it is but fair that we should know from this time forward—not upon two contradictory statements and views of a newspaper—what the relation of the Secretary of State to that first publication is.

Mr. HAMPTON. I have not seen the interview to which the Senators from Massachusetts and New York have referred, but I understand that the Secretary of State has said that the interview was unauthorized, and I think among gentlemen that ought to be sufficient for them.

Mr. TELLER. I have yet to hear from anybody speaking by authority that the Secretary of State has said that it was unauthorized.

Mr. HAMPTON. The paper said it.

Mr. TELLER. I understand it is said that the paper said it, but I understand that those who have looked into the paper have not yet found that the paper said so.

Mr. HOAR. It does not say that the Secretary said so.

Mr. TELLER. I do not understand that the Secretary has said so, but that the paper has said so. I will wait until I hear from the Secretary of State.

Mr. MORGAN and Mr. EVARTS addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Alabama.

Mr. MORGAN. I will give way to the Senator from New York. I do not wish to take part in this particular wrangle that is now going on.

Mr. EVARTS. Does the Senator from Alabama wish to speak to the question of this publication?

Mr. MORGAN. No.

Mr. EVARTS. I understand that a number, if not a very large number, of Senators on both sides of the Chamber expect to address the Senate on this treaty. So far as any arrangement on this side of the Chamber could be or should be made, I am expected to close the debate on our side; and as far as I can measure the expectation and wish of the Senators who are to take part in the debate, Monday next is the earliest day that I can name as the time when I shall address the Senate with the expectation that my observations will be the concluding observations from this side of the Chamber.

Mr. GIBSON. I have no desire to protract the discussion upon the subject of the alleged interview of the Secretary of State on the pending treaty with Great Britain, which I confess I have not read.

But I think the Senator from Massachusetts and my friend, the Senator from New York, should not treat the interview as if it were a letter in a newspaper signed by the Secretary of State. While they are generally circumspect and careful, we all know that some reporters for the newspapers do not hesitate to manufacture interviews with public men on questions that are attracting public attention, and that others put together the odds and ends of conversations and insert them in the newspapers as the matured opinions of gentlemen in public life.

It has often happened to me, in traveling and sometimes while I was in Washington, that alleged interviews were published as coming from me to which I was an entire stranger; and I heard my colleague say that during the past year six or seven interviews had appeared in the newspapers as from him which had not been held with him.

I submit that an interview should not be treated with the same weight and authenticity as speeches delivered in either House of Congress or as communications signed by Senators and Representatives or the high officers in the co-ordinate branches of the Government.

Now, sir, if this interview had been signed by the Secretary of State, criticising in a harsh and indecorous manner the Senators in this Chamber, it would be right and proper for them to resent it; for I hold that nothing is more important than that dignity and decorum should mark our relations, not only with one another, but with all the gentlemen in the public employment, each one of whom in some measure represents the good manners and courtesy that characterize our people.

But the interview is not signed by the Secretary of State. The sole authority for it is the newspaper in which it appeared.

The very authority by which it was given to the public declares it was done without the authority of the Secretary—that it was unauthorized by him. Hence the Secretary is without the slightest responsibility in the matter.

Not being responsible for it he can not be held to the obligation to disavow it. Nor do I believe any Senator could properly criticise the Secretary on account of the interview until he had first taken the pains to ascertain from the Secretary whether it appeared by his authority or not.

Would Senators have the Secretary of State, whose profound regard for the proprieties of life are well known by association with him in this Chamber—would Senators have him, whenever any newspaper attributed to him any particular sentiment reflecting upon them, to address a formal communication to them or to our Presiding Officer disowning and disavowing them?

Sir, it is sufficient that the newspaper which promulgated the interview and by whose authority it appeared should declare that it alone was responsible for it, and that the Secretary of State had not authorized it and was therefore not responsible. That is a complete disavowal by the newspaper for Mr. Bayard, and should satisfy the most sensitive Senators, even those whose minds are agitated by the heat and passions of a Presidential campaign.

Mr. EVARTS. I can not allow my friend from Louisiana to withdraw attention from the question that is now before us. I have not expressed one word of disapproval of that interview of Mr. Bayard. I have not commented on it. I have stated that it was to be the subject, as this debate went on, of further remark, and I desired that it should be definitely put before us what the relations of the Secretary of State to that publication were.

The Senator from Delaware is not able to speak by any authority from the Secretary, and we have nothing before us except an alleged interview, which very few of us perhaps have seen; but let us suppose it has been correctly enough stated—and an editorial statement that that publication was not authorized by Mr. Bayard. Now, that is the proposition. The Senator has, I think, some qualifying phrases which are suitable and which I do not comment upon. If it is made to me apparent that the publication is disavowed by Mr. Bayard, then I shall take no note of it and make no reference to it whatever.

But is this dealing fairly with us? When an elaborate, consecutive, deliberative, argumentative concatenation of ideas is spread out in the name of a Secretary of State by a newspaper in friendly relations and those not of disparagement or involving him in difficulty, it is not enough to my mind that the editor says "this publication that appeared the other day was not authorized by the Secretary of State."

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion to postpone the further consideration of this treaty until the first Monday in December next?

Mr. MORGAN. Inasmuch as the Senator from New York has indicated his desire to speak, and other Senators wish to participate in this debate, I move that the Senate do now proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2190) granting a pension to Jane Smallridge;
A bill (H. R. 3055) for the relief of A. F. St. Sure Lindefelt;
A bill (H. R. 4504) granting a pension to Nancy Baldwin;
A bill (H. R. 5123) to increase the pension of Charles Ritchey;
A bill (H. R. 5155) granting a pension to John S. Bryant;
A bill (H. R. 6371) granting a pension to Jesse M. Stilwell;
A bill (H. R. 9130) granting a pension to Susan Singleton;
A bill (H. R. 9263) granting increase of pension to Abraham J. Buckles;
A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan;
A bill (H. R. 9363) granting a pension to Edwin J. Godfrey;
A bill (H. R. 9672) granting a pension to Eliza A. Williamson; and
A bill (H. R. 9830) for the relief of Lachlan H. McIntosh.

FOURTH ANNUAL REPORT OF CIVIL-SERVICE COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Congress of the United States:

Pursuant to the second section of chapter 27 of the laws of 1883, entitled "An act to regulate and improve the civil service of the United States," I herewith transmit the fourth report of the United States Civil-Service Commission, covering the period between the 16th day of January, 1886, and the 1st day of July, 1887.

While this report has especial reference to the operations of the Commission during the period above mentioned, it contains, with its accompanying appendices, much valuable information concerning the inception of civil-service reform and its growth and progress, which can not fail to be interesting and instructive to all who desire improvement in administrative methods.

During the time covered by the report 15,852 persons were examined for admission in the classified civil service of the Government in all its branches; of whom 10,746 passed the examination and 5,106 failed. Of those who passed the examination, 2,977 were applicants for admission to the departmental service at Washington, 2,547 were examined for admission to the customs service, and 5,222 for admission to the postal service. During the same period 547 appointments were made from the eligible lists to the departmental service, 641 to the customs service, and 3,254 to the postal service.

Concerning separations from the classified service, the report only informs us of such as have occurred among employés in the public service who had been appointed from eligible lists under civil-service rules. When these rules took effect they did not apply to the persons then in the service, comprising a full complement of employés who obtained their positions independently of the new law. The commission has no record of the separations in this numerous class, and the discrepancy apparent in the report between the number of appointments made in the respective branches of the service from the lists of the commission, and the small number of separations mentioned, is, to a great extent, accounted for by vacancies of which no report was made to the Commission, occurring among those who held their places without examination and certification, which vacancies were filled by appointment from the eligible lists.

In the departmental service there occurred between the 16th day of January, 1886, and the 30th day of June, 1887, among the employés appointed from the eligible lists under civil-service rules, seventeen removals, thirty-six resignations, and five deaths. This does not include fourteen separations in the grade of special examiners, four by removal, five by resignation, and five by death.

In the classified customs and postal service the number of separations among those who received absolute appointments under civil-service rules are given for the period between the 1st day of January, 1886, and the 30th day of June, 1887. It appears that such separations in the customs service for the time mentioned embraced twenty-one removals, five deaths, and eighteen resignations, and in the postal service two hundred and fifty-six removals, twenty-three deaths, and four hundred and sixty-nine resignations.

More than a year has passed since the expiration of the period covered by the report of the commission. Within the time which has thus elapsed many important changes have taken place in furtherance of a reform in our civil service. The rules and regulations governing the execution of the law upon the subject have been completely remodeled in such manner as to render the enforcement of the statute more effective and greatly increase its usefulness.

Among other things, the scope of the examinations prescribed for those who seek to enter the classified service has been better defined and made more practical, the number of names to be certified from the eligible lists to the appointing officers from which a selection is made has been reduced from four to three, the maximum limitation of the age of persons seeking entrance to the classified service to forty-five years has been changed, and reasonable provision has been made for the transfer of employés from one Department to another in proper cases. A plan has also been devised providing for the examination of applicants for promotion in the service, which, when in full operation, will eliminate all chance of favoritism in the advancement of employés, by making promotion a reward of merit and faithful discharge of duty.

Until within a few weeks there was no uniform classification of employés in the different Executive Departments of the Government. As a result of this condition, in some of the Departments positions could be obtained without civil-service examination because they were not within the classification of such Department, while in other Departments an examination and certification were necessary to obtain positions of the same grade, because such positions were embraced in the classifications applicable to those Departments.

The exception of laborers, watchmen, and messengers from examination and classification gave opportunity, in the absence of any rule guarding against it, for the employment, free from civil-service restrictions, of persons under these designations who were immediately detailed to do clerical work.

All this has been obviated by the application to all the Departments of an extended and uniform classification embracing grades of employés not heretofore included, and by the adoption of a rule prohibiting the detail of laborers, watchmen, or messengers to clerical duty.

The path of civil-service reform has not at all times been pleasant nor easy. The scope and purpose of the reform have been much misapprehended; and this has not only given rise to strong opposition, but has led to its invocation by its friends to compass objects not in the least related to it. Thus partisans of the patronage system have naturally condemned it. Those who do not understand its meaning either mistrust it, or when disappointed because in its present stage it is not applied to every real or imaginary ill, accuse those charged with its enforcement with faithlessness to civil-service reform.

Its importance has frequently been underestimated; and the support of good men has thus been lost by their lack of interest in its success. Besides all these difficulties, those responsible for the administration of the Government in its executive branches have been and still are often annoyed and irritated by the disloyalty to the service and the insolence of employés who remain in place as the beneficiaries, and the relics and reminders of the vicious system of appointment which civil-service reform was intended to displace.

And yet these are but the incidents of an advance movement, which is radical and far-reaching. The people are, notwithstanding, to be congratulated upon the progress which has been made, and upon the firm, practical, and sensible foundation upon which this reform now rests.

With a continuation of the intelligent fidelity which has hitherto characterized the work of the commission, with a continuation and increase of the favor and liberality which have lately been evinced by the Congress in the proper equipment of the commission for its work, with a firm but conservative and reasonable support of the reform by all its friends, and with the disappearance of opposition which must inevitably follow its better understanding, the execution of the civil-service law can not fail to ultimately answer the hopes in which it had its origin.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 21, 1888.

The PRESIDENT *pro tempore*. There are three committees, to either of which this message and the accompanying documents may be referred—that on Civil Service and Retrenchment, of which the Senator from Rhode Island [Mr. CHACE] is chairman; that to Examine the Several Branches of the Civil Service, of which the Senator from Pennsylvania [Mr. QUAY] is chairman; and the Select Committee to Examine into the Condition of Civil Service, of which the Senator from Maine [Mr. HALE] is chairman. The Chair will await a motion as to which committee the Senate desires the message to be referred.

Mr. HARRIS. I think it should be referred to the standing Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the message, with its accompanying documents, be referred to the Committee on Civil Service and Retrenchment.

Mr. PLATT. Is that the committee of which the Senator from Rhode Island [Mr. CHACE] is chairman?

The PRESIDENT *pro tempore*. It is.

Mr. HAWLEY. That is the committee with which the bill on civil service originated.

The motion was agreed to; and the message was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 3234) to provide for writs of error to the district court of the United States for the western district of Arkansas in certain cases, reported it with amendments.

Mr. HAWLEY. I desire to report back from the Committee on Military Affairs the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn., which, by some clerical or other mistake, an unusual thing I am happy to say, was referred to that committee. I ask that the committee be discharged from its further consideration and that it be referred to the Committee on Commerce.

The report was agreed to.

JACKSON (MISS.) MUNICIPAL ELECTION.

Mr. WILSON, of Iowa. On the 12th of January last the Senate passed the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the suppression of the votes of the colored citizens of Jackson, Miss., at the recent municipal election in that city, and into the alleged participation in such suppression by the United States district attorney and by a deputy collector of internal revenue and a deputy United States marshal; and to report the facts to the Senate.

By direction of the Committee on the Judiciary I now submit the report. I will state that within a day or two the evidence taken by the committee will be submitted to the Senate. It is withheld for the present until the index can be completed.

The PRESIDENT *pro tempore*. The report will be received and printed.

Mr. PLATT. Printed with the evidence.

Mr. WILSON, of Iowa. I desire, of course, that the evidence be printed.

Mr. GEORGE. It was the desire of the Senator from Alabama [Mr. PUGH], who is the senior member of the minority of the Committee on the Judiciary, and who is not present, I see, to announce the dissent of the minority of the committee, and to ask leave to file the views of the minority. I give the notice now in his behalf.

The PRESIDENT *pro tempore*. The views of the minority will be received when presented, and printed with the report of the majority, if not otherwise ordered.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 3367) for the relief of the legal representatives of James Hale; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 3368) for the relief of Thomas G. Mackie and the heirs-at-law of William A. Hyde, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. STEWART and Mr. CULLOM addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Nevada is entitled to the floor. The Senate will now resume the consideration of the unfinished business, which is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. That bill has been postponed from time to time, and I think it would be well to have it disposed of, but if it is desired that other matters should be taken up, I do not care to say who shall have the floor and who not. If this bill can have its position to-morrow, I am willing that it should be laid aside for the present without losing its place.

The PRESIDENT *pro tempore*. That will be agreed to if there be no objection.

PUBLIC BUILDING AT OTTUMWA, IOWA.

Mr. WILSON, of Iowa. I ask unanimous consent to take up House bill 9771, Order of Business 1875.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. M. WOODRUFF.

Mr. BERRY. I move that the Senate now proceed to the consideration of Order of Business No. 1849, being the bill (S. 1668) for the relief of A. M. Woodruff.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to A. M. Woodruff, of Pulaski County, Arkansas, $933.33, for wood sold by him for fuel for the Fifty-fourth Regiment of United States Infantry, colored, during the years 1865 and 1866, and for which proper vouchers were issued and delivered to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN ILLINOIS NORMAL UNIVERSITY.

Mr. CULLOM. I move that the Senate proceed to the consideration of Order of Business 1898, being the bill (H. R. 7452) for the relief of the Southern Illinois Normal University.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the Southern Illinois Normal University, at Carbondale, Ill., from all money responsibility for so much of the ordnance and ordnance stores issued to the university under bond dated August 21, 1878, as was destroyed by fire on November 26, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES O'BRIEN.

Mr. HARRIS. I ask unanimous consent that the Senate proceed at this time to consider Order of Business No. 1630, being the bill (H. R. 6602) for the relief of James Obrion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with an amendment, in line 5, after the word "James," to strike out "Obrion" and insert "O'Brien;" so as make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to James O'Brien, late a deputy collector of the First Tennessee district, the sum of $210.10, the amount paid by him under the direction of the collector in suppressing illicit distilleries in said district, as is fully shown by the records in the Internal Revenue Office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James O'Brien."

THOMAS W. LORD.

Mr. PALMER. I ask unanimous consent that the Senate now proceed to the consideration of Order of Business 1606, being House bill No. 409.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 409) for the relief of Thomas W. Lord. It proposes to authorize the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint First Lieut. Thomas W. Lord, United States Army, retired, a captain on the retired-list of the Army, with the retired pay of that grade from the date of such appointment.

Mr. COCKRELL. Let the report in that case be read.

The Secretary proceeded to read the report submitted by Mr. MANDERSON June 14, 1888, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 409) for the relief of Thomas W. Lord, have duly considered the same, and report it back favorably and recommend its passage.

The rule adopted by your committee in cases of this character has been that the applicant will not be authorized to be retired in rank above that held by him at the time of his resignation or retirement, or have his rank on the retired-list raised; from which it would follow that no relief would be granted to Lieutenant Lord.

But from the fact that the circumstances here are exceptional such would be the conclusion of your committee.

Lieutenant Lord was mustered as sergeant in Company K, Seventeenth Maine Infantry Volunteers, July, 1882.

Mr. PALMER. I would suggest that that should be 1862. It is a misprint.

The Secretary resumed and concluded the reading of the report, as follows:

He served at Fredericksburgh December, 1862; was promoted to a second lieutenancy March, 1863; lost his left leg and was severely wounded in his right foot at the battle of Chancellorsville May, 1863, being specially mentioned in general orders for gallantry during that engagement, and subsequently received the brevet of captain for services there.

He was discharged September, 1863, on account of his wounds. In December, 1863, was appointed a second lieutenant in the Invalid Corps, serving on the staff of General A. P. Hovey. In 1866 he was appointed a second lieutenant in the Forty-third United States Infantry, and acted as adjutant until 1869 when he was assigned to the Twentieth United States Infantry. In 1871 he became regimental quartermaster, holding that position nearly twelve years, serving at important posts on the frontier. He was retired August 25, 1887, as a first lieutenant, being then senior in that grade, and but for his being retired at that time, because of a vacancy which would have occurred in the rank of captain six days only thereafter, he would have been retired as captain.

An effort to stay the order for his retirement until August 31 was not successful, because the President had established the precedent that officers who had been recommended for retirement should not be promoted. No notice was taken of the exceptional circumstances surrounding Lieutenant Lord's case, and because of this and some other facts surrounding the same Lieutenant Lord appeals to Congress.

In this connection it is proper to note that Lieutenant Lord was recommended for retirement by a board in 1871, but the order was revoked, to enable him to accept the position of regimental quartermaster. He was thereafter promoted to first lieutenant, and was in active service fourteen years. These circumstances seem to render this case exceptional in character.

The conclusion reached by your committee is not without precedent to support it—from naval affairs. In the Forty-eighth Congress, first session, Lieut. W. P. Randall asked Congress to authorize the President to appoint him a lieutenant-commander on the retired-list of the Navy. The board had rejected his application for promotion because of physical disabilities received in service and line of duty; but the relief asked for was granted, and he was retired as a lieutenant-commander. (24 Stat. at Large, page 14, chapter 27.)

In the Senate Report (S. 367) No. 53 in that case the Committee on Naval Affairs say:

"To summarize the case, it appears that Mr. Randall entered the service in July, 1861, as acting master; that he was an officer of conspicuous gallantry and ability, winning promotion from grade to grade until, in March, 1865, he became a lieutenant-commander, with which rank he was honorably discharged from the volunteer service December 19, 1865. Less than a year later he was appointed in the regular Navy, and, beginning again at the foot, had, in 1870, reached the rank of lieutenant. After twelve years' service in that grade he was ordered before a medical board to be examined for promotion, and was rejected for reasons stated.

"The committee is especially impressed with the fact that the disabilities which prevented his promotion to the rank he now seeks had existed during practically the entire period of his service; that the hernia and deafness were caused by injuries received in the line of duty aboard the Cumberland, and that throughout his twenty years of service they had not interfered with the prompt and entirely efficient performance of his whole duty."

Your committee agree, therefore, in the conclusion reached by the House committee on this bill. They say:

"Had he been allowed to remain in the service six days more a vacancy would have occurred, and Lord entitled to promotion as captain; but had he remained, under the ruling of the President Mr. Lord would not have been promoted, because of his being recommended for retirement some years ago on account of the loss of his leg in battle.

"Now, while your committee agree with the President that officers who, on account of wounds or disabilities incurred in the service, had better be placed upon the retired-list, it thinks that where officers have performed gallant and meritorious service, and have been retained in active service for over twenty years, and have performed said service efficiently, as several of Lieutenant Lord's superior officers say of him, 'with unusual efficiency,' they should not be retired upon the eve of a merited promotion."

The service of Lieutenant Lord is hereto annexed and made a part of this report.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 26, 1888.

Statement of the military service of Thomas W. Lord, of the United States Army, compiled from the records of this office.

VOLUNTEER RECORD.

He served as sergeant, Company K, Seventeenth Maine Infantry, from July 21, 1862, to February 23, 1863, when he was mustered in as second lieutenant of his company.

He was wounded in action at Chancellorsville, Va., May 2, 1863, resulting in amputation of his left leg, and was honorably mustered out September 8, 1863.

He received the brevet of captain March 13, 1865, "for gallant and meritorious services in the battle of Chancellorsville, Va."

He was appointed second lieutenant, Veteran Reserve Corps, December 8, 1863; first lieutenant June 5, 1865, and honorably mustered out October 3, 1866.

REGULAR ARMY RECORD.

He was appointed second lieutenant, Forty-third Infantry, July 28, 1866; unassigned April 8, 1869; assigned to Twentieth Infantry July 14, 1869, and promoted first lieutenant October 1, 1871.

He was adjutant, Forty-third Infantry, January 12, 1867, to April 8, 1869, and regimental quartermaster, Twentieth Infantry, October 1, 1871, to June 30, 1883.

He received the brevet of first lieutenant March 2, 1867, "for gallant and meritorious services in the battle of Chancellorsville, Va."

He was on regimental recruiting service November 6, 1866, to January, 1867; with regiment in Michigan to March 22, 1868; on leave on April 12, 1868; with regiment in Michigan to April 12, 1869; awaiting orders to July, 1869; on duty at Yankton Indian agency, Dak., to June, 1870; with regiment in Dakota to October 4, 1870; before retiring board at Fort Leavenworth, Kans., to November, 1870; with regiment in Dakota to August 29, 1871; on sick leave to (retired

by Special Orders No. 351, Adjutant-General's Office, September 8, 1871; order retiring him revoked by Special Orders No. 374, Adjutant-General's Office, September 23, 1871) October 27, 1871; with regiment in Minnesota to May 16, 1872; on leave to June 7, 1872; with regiment in Minnesota to January 6, 1873; on leave to February 6, 1873; with regiment in Minnesota to June 8, 1874; on detached service at Davenport, Iowa, to July 12, 1874; with regiment in Minnesota to September 4, 1874; on leave to October 14, 1874; with regiment in Minnesota to June 4, 1875; member of board for purchase of horses to July 12, 1875; with regiment in Minnesota to December 3, 1875; on leave to January 6, 1876; with regiment in Minnesota to October 10, 1876; on leave to November 10, 1876; with regiment in Minnesota to December 20, 1877, and in Texas to May 27, 1879; on leave to September 26, 1879; with regiment in Texas to July 17, 1880; on leave to August 25, 1880; with regiment in Texas to August 19, 1881; on sick leave and surgeon's certificate of disability to September 29, 1882; with regiment in Kansas to August 6, 1883, and in the Indian Territory to March 7, 1884; on leave to May 13, 1884; on surgeon's certificate of disability to May 16, 1884; with regiment in the Indian Territory to May 6, 1885; at Fort Assinniboine, Mont., to June 20, 1885; on detached service at Coal Banks, Mont., to August 7, 1885; with company at Fort Assinniboine, Mont., to (being sick in quarters January 31, to February 5, 1886) March 16, 1886; on sick leave to August 25, 1887, upon which date he was retired from active service.

J. C. KELTON,
Acting Adjutant-General.

Mr. COCKRELL. I ask the Senator whether this officer is getting a pension now or not?

Mr. MANDERSON. He could not possibly be getting a pension, being on the retired-list now with the rank of lieutenant. While I do not recall ever asking that question, I am very positive that he is not. In fact he could not, under the law, be in receipt of a pension, being, as I have said, on the retired-list now, with the rank of lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. L. WILSON.

Mr. REAGAN. I move that the Senate proceed to the consideration of Calendar number 1883, being the bill (H. R. 7232) for the relief of C. L. Wilson.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit the account of C. L. Wilson, postmaster at Milford, Ellis County, Texas, with $50, for money lost in transit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYÉS IN GOVERNMENT PRINTING OFFICE.

Mr. MANDERSON. I ask unanimous consent that the Senate proceed to the consideration of Calendar number 1701, being House bill 1338.

There being no objection, the bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act granting leave of absence to employés in the Government Printing Office," approved June 30, 1886, so as to extend the annual leave of absence therein described to thirty days in each fiscal year; and provides that it shall be lawful to allow pro rata leave to those serving fractional parts of a year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTIE S. WHITNEY.

Mr. PASCO. I ask unanimous consent that Order of Business 487, Senate bill 2185, be now taken up and considered. It has passed the Senate once during this session and placed on the deficiency bill, as will be seen by the Record. The House, however, refused to concur in the amendment, and so it was lost.

Mr. COCKRELL. What is the order of business?

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The CHIEF CLERK. Order of Business 487, being the bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, $22,224, in full satisfaction of her claim against the United States, for supplies furnished to the Army and Navy, the same being the amount found to be due her by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. HOFFMAN.

Mr. SAWYER. I move that the Senate proceed to the consideration of Calendar No. 1565, being the bill (S. 2636) for the relief of Thomas L. Hoffman.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Thomas L. Hoffman $625, in payment of his claim for money paid by him for the United States for rent of the post-office at Fairfield, Iowa, in accordance with the terms of a lease held by the United States, and in pursuance of the instructions of the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE PENSION BILLS.

Mr. SAWYER. I ask unanimous consent that the Senate may take up the individual pension bills to-morrow morning after the morning business, and spend an hour on them, if necessary.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that to-morrow, after the morning business, the Senate take up for consideration private pension bills upon the Calendar favorably reported.

Mr. HOAR. I think that matter ought to be understood with the Senator who has the floor on the treaty, because these pension cases always go through. There will be no difficulty about them.

Mr. SAWYER. We have over a hundred cases.

Mr. HOAR. I would inquire of the Chair what Senator has the floor on the treaty?

The PRESIDENT *pro tempore*. No Senator has been recognized on the treaty. The Senator from New York [Mr. EVARTS] has given notice that he will take the floor on Monday next. The Senator from Wisconsin asks unanimous consent——

Mr. HOAR. I will interpose an objection at this time.

Mr. PAYNE. Mr. President——

Mr. STEWART. I am very anxious to finish the Chinese bill. The Senator from Alabama [Mr. MORGAN] has not finished his speech on that.

The PRESIDENT *pro tempore*. Objection being interposed, the Senator from Ohio is recognized.

Mr. SAWYER. Then I ask that we consider private pension bills the day after to-morrow, and that unanimous consent be now given to take them up at that time.

Mr. HOAR. Let the Senator ask unanimous consent to-morrow morning, and I presume there will be no difficulty.

Mr. SAWYER. Very well; I will try to-morrow morning.

FARAN AND M'LEAN.

Mr. PAYNE. I ask unanimous consent that the Senate now proceed to the consideration of Order of Business 1851, being the bill (S. 308) for the relief of Faran & McLean.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to reopen and reconsider the claim of Faran & McLean for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected, namely, for $2,260, as claimed by them in the papers now on file in the Treasury Department; and if, upon reopening and reconsidering the claim, the Commissioner of Internal Revenue shall find these taxes, or any part of the same, to have been illegally or improperly assessed and collected from the claimants, he is to audit and ascertain the amount of taxes so illegally and improperly collected, deducting, however, any legal unpaid taxes which they should have paid and did not, if any such there be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes;" and the Secretary of the Treasury is to pay the amount of taxes so found by the Commissioner of Internal Revenue to have been illegally and improperly assessed and collected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF THOMAS NILES.

Mr. HOAR. I move that the Senate proceed to the consideration of Calendar number 1840, being the bill (S. 878) for the relief of the estate of Thomas Niles, deceased.

The bill was reported from the Committee on Claims with an amendment, in line 4, before the word "personal," to strike out "estate and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of Thomas Niles, deceased, late of Gloucester, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $6,760, in full compensation for damages to the land of the said Thomas Niles, deceased, near Gloucester, Mass., by the erection of a permanent fort thereon by the United States, in 1863, for the defense of the harbor of Gloucester.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFONSO ROBERTS.

Mr. TELLER. I ask unanimous consent to take up Calendar No. 1837, being the bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize Alfonso Roberts to pre-empt the land in Colorado for which he filed a claim in 1884, on making the proofs required by the provisions of the pre-emption law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON PAVING AND CONTRACT COMPANY.

Mr. MITCHELL. I ask unanimous consent for the consideration of Order of Business 1800, being Senate bill 3159, for the relief of the Oregon Paving and Contract Company.

There being no objection, the Senate proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment in line 8, before the word "day," to insert "second;" in the same line, after the word "of," to insert "June;" and in line 9, after the word "eighty," to insert "seven;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cancel a certain contract entered into by and between the Oregon Paving and Contract Company, of the one part, and Capt. Charles F. Powell, United States engineer, acting for and on behalf of the United States, of the other part, and dated the 2d day of June, A. D. 1887, whereby said Oregon Paving and Contract Company contracted to furnish a certain amount of stone of certain dimensions to be used in the improvement of the mouth of the Columbia River, Oregon, on such terms as he may deem equitable and just.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 24, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 23, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

By unanimous consent, leave of absence was granted as follows:

To Mr. MANSUR, indefinitely, on account of business.

To Mr. GALLINGER, for this day, on account of illness.

To Mr. MCMILLIN, for four days, on account of sickness in his family.

To Mr. LANDES, indefinitely, on account of important business.

To Mr. BOOTHMAN, until the 30th instant, on account of important business.

To Mr. JONES, indefinitely, on account of important business.

To Mr. O'NEILL, of Missouri, for twelve days, on account of important business.

ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

Mr. CRISP. Mr. Speaker, I ask the gentleman to withdraw that demand for a few minutes, in the interest of a measure of great public importance, which the Department is pressing upon Congress. I mean the bill to perfect the quarantine service of the United States. It is a Senate bill; it passed the Senate unanimously; it has been reported from the House Committee on Commerce unanimously, and is on the Calendar, and there are reasons suggested in the public press this morning why it should be passed without delay. I therefore ask unanimous consent that the House proceed to the consideration of the bill at this time.

Mr. DINGLEY. I hope that may be done, Mr. Speaker. It is a bill of great importance.

Mr. DAVIDSON, of Florida. I hope the gentleman from Georgia [Mr. CRISP] will permit me to join with him in the request for the immediate consideration of this quarantine bill, as my State is directly interested in its passage.

Mr. DINGLEY. The country generally is interested.

Mr. DAVIDSON, of Florida. Yes, the whole country is interested in it, but my State is directly interested.

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. HEMPHILL. I will yield for that bill.

QUARANTINE SERVICE.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

A bill (S. 2493) to perfect the quarantine service of the United States.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That whenever any person shall trespass upon the grounds belonging to any quarantine reservation, or whenever any person, master, pilot, or owner of a vessel entering any port of the United States, shall so enter in violation of section 1 of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April 29, 1878, or in violation of the quarantine regulations framed under said act, such person trespassing, or such master, pilot, or other person in command of a vessel shall, upon conviction thereof, pay a fine of not more than $300, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Marine Hospital Service, or by any officer of the customs service, or by any State officer acting under authority of section 5 of said act.

SEC. 2. That as soon after the passage of this act as practicable, the Secretary of the Treasury shall cause to be established, in addition to the quarantine established by the act approved March 5, 1888, quarantine stations, as follows: One at the mouth of the Delaware Bay; one near Cape Charles, at the entrance of the Chesapeake Bay; one on the Georgia coast; one at or near Key West; one in San Diego Harbor; one in San Francisco Harbor; and one at or near Port Townsend, at the entrance to Puget Sound; and the said quarantine stations when so established shall be conducted by the Marine Hospital Service under regulations framed in accordance with the act of April 29, 1878.

SEC. 3. That there are appropriated for the purposes of this act the following sums, out of any money in the Treasury not otherwise appropriated, for the construction, equipment, and necessary expenses of maintaining the same for the fiscal year ending June 30, 1889.

For the Delaware Breakwater quarantine: Construction of disinfecting machinery, steam-tug, warehouse, officers' quarters, and expenses of maintenance for the fiscal year 1889, $75,000.

For the quarantine station near Cape Charles, Virginia: For the purchase of site, construction of wharf, repair of present hospital buildings and officers' quarters, disinfecting machinery, steam-tug, expenses of maintenance for the year 1889, $112,000.

For the South Atlantic Station (Sapelo Sound): Construction of disinfecting machinery, warehouse, wharf, small boats, and expenses of maintenance for the year 1889, $38,500.

For the quarantine near Key West: Purchase of site, construction of disinfecting machinery, warehouse, small boats, steam-tug, hospital buildings and officers' quarters, expenses of maintenance for the year 1889, $88,000.

For the Gulf quarantine (formerly Ship Island), provided for by the act of March 5, 1888, in addition to the amount appropriated by the act approved March 5, 1888: For the expenses for the year ending June 30, 1889, $15,000.

Quarantine station, San Diego Harbor, California: For the purchase of site and the construction of disinfecting machinery, warehouse, small boats, hospital buildings, officers' quarters, and for expenses of maintenance for 1889, $55,500.

For the quarantine station at San Francisco, Cal.: Hospital buildings and officers' quarters, disinfecting machinery, warehouse and warf, steam-tug, small boats, expenses for the fiscal year 1889, $103,000.

For the quarantine station at Port Townsend: For the purchase of site, construction of disinfecting machinery, warehouse, small boats, hospital buildings, and officers' quarters, for expenses of maintenance for the fiscal year 1889, $55,500.

Passed the Senate May 3, 1888.

Attest:

ANSON G. MCCOOK,
Secretary.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that the bill be now considered in the House. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. Now, Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the call of States and Territories for the consideration and reference of bills and resolutions.

Mr. HEMPHILL. I ask unanimous consent that the call be dispensed with, and that gentlemen having bills or resolutions to introduce may have leave to send them to the Clerk's desk for reference to the appropriate committees.

There was no objection, and it was so ordered.

INTRODUCTION OF BILLS.

The following bills were filed by being handed in at the Clerk's desk:

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. SOWDEN introduced a bill (H. R. 10927) for the erection of a public building at Allentown, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRODUCTS OF TRUSTS.

Mr. SPRINGER introduced a bill (H. R. 10928) to tax the products of trusts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. M. BIVINS.

Mr. ROWLAND introduced a bill (H. R. 10929) for the relief of J. M. Bivins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GUNS AND AMMUNITION FOR THE NAVY.

Mr. SHIVELY (by request) introduced a bill (H. R. 10930) to authorize and empower the Secretary of the Navy to contract for certain guns and ammunition therefor; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LANDS FOR QUARANTINE PURPOSES.

Mr. WILKINSON introduced a bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River, belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper Department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NATIONAL DEBT.

Mr. HATCH introduced a bill (H. R. 10932) to authorize the refunding of the national debt into a uniform consolidated bond; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SWORDS OF GENERAL JAMES SHIELDS.

Mr. MANSUR introduced a joint resolution (H. Res. 202) to construe an act passed at this session, entitled "An act to purchase of the widow and children of the late General James Shields certain swords;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WHARF ON THE POTOMAC RIVER.

Mr. SNYDER introduced a bill (H. R. 10933) to authorize the commissioners of the District of Columbia to construct a suitable city wharf on the Potomac River; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TOWNSHIP MAPS.

Mr. RICHARDSON also, from the Committee on Printing, reported back adversely the bill (H. R. 4945) authorizing the Commissioner of Public Lands to furnish citizens maps at cost; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL MILITARY AND NAVAL MUSEUM.

Mr. TOWNSHEND submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War and the Secretary of the Navy be directed to inform the House of Representatives what collections suitable to be embodied in a national military and naval museum are now in existence in their respective Departments, and what materials for such collections can be found in any of the arsenals, posts, navy-yards, and stations, and what further steps should be taken in order that an effective permanent exhibition may be made in this city illustrative of the history of military and naval invention, organization, construction, and equipment in the United States and of the principal battles in which United States troops have been engaged, and they are respectively authorized in their discretion to detail one or more officers to aid in the preparation of the reports called for in this resolution, which reports shall contain any suggestions they may desire to make in regard to the establishment of a national and military and naval museum in the city of Washington of a scope and character similar to the museums now in existence in the principal cities of Europe.

MILITARY AND NAVAL CADETS.

Mr. OATES introduced a bill (H. R. 10935) to require an additional oath of cadets to the United States Military and Naval Academies; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AGREEMENT WITH INDIAN TRIBES, IDAHO.

Mr. DUBOIS introduced a bill (H. R. 10936) to accept and ratify the agreement submitted by the Shoshones, Bannacks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRINTING OF REPORTS OF COMMISSIONER OF LABOR.

Mr. GIBSON introduced a joint resolution (H. Res. 203) providing for the printing of the first and second annual reports of the Commissioner of Labor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REGULATING FEDERAL ELECTIONS, ETC.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 10937) regulating Federal elections and to promote the purity of the ballot; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the fourth Monday of the month, it is set apart for the consideration of bills reported from the Committee on the District of Columbia, if claimed by that committee.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is there a call this morning for reports from committees?

The SPEAKER. There is none under the rule on this Monday.

REPORTS FROM COMMITTEE ON PRINTING.

Mr. RICHARDSON. Then, Mr. Speaker, inasmuch as the House has given the Committee on Printing leave on next Saturday to call up certain business reported from that committee, I ask unanimous consent to present three or four reports, so that they may be referred and printed.

There was no objection, and it was so ordered.

SPECIAL REPORT UPON INSECTS, ETC.

Mr. RICHARDSON, from the Committee on Printing, reported back favorably the resolution to print second edition of special report upon insects affecting the orange crop; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SPECIAL REPORT ON WHITE SCALE AND OTHER INSECTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably the resolution to print special report on white scale and other insects; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF CAPTAIN HEALY OF 1884 AND 1885.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably the concurrent resolution of the House of Representatives to print 5,000 copies of report of Captain Healy, of revenue-steamer Corwin, in Arctic Ocean, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably the concurrent resolution of the House of Representatives to print 5,000 copies of report of Captain Healy, of revenue-steamer Corwin, in Arctic Ocean, 1884; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF CHIEF OF BUREAU OF STATISTICS, ETC.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably the joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual Report of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected;" which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING COMMITTEE REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably joint resolution (H. Res. 142) authorizing the printing of committee reports; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT ON WOOL, ETC.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably the concurrent resolution to print 17,000 copies of the recent report of Chief of Bureau of Statistics, Treasury Department, on wool, etc.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUPPLEMENT TO WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably joint resolution (S. R. 27) providing for the printing of a supplement to Wharton's Digest of International Law; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMPILATION OF SENATE AND HOUSE REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed.

He also, from the same committee, reported back adversely concurrent resolution providing for a duplicate of the compilation of the reports of committees, etc.; which was laid on the table.

FIRE-ESCAPES IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 10346) providing for the erection of fire-escapes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia are hereby empowered to make such regulations as they may deem necessary for the erection and maintenance of fire-escapes and stand-pipes, of iron or other incombustible material, as the said commissioners may require, on every building in said District now or hereafter used principally as a hotel, factory, manufactory, theater, tenement-house, seminary, college, academy, hospital, asylum, or hall or place of amusement, and upon the neglect or failure of the owner or owners or the persons, corporations, agents, trustees, or board of directors representing the ownership of any such building or buildings, to comply with such regulations, after thirty days' notice so to do, the commissioners shall cause to be erected upon any such building such of said appliances as in their judgment may be necessary, the cost of which shall be paid by the Treasurer of the United States, on the warrant of the said commissioners, out of any funds in the Treasury of the United States to the credit of the District of Columbia and not otherwise appropriated; and for such cost the commissioners of the District of Columbia, or their successors, shall, within ten days after payment of the same as aforesaid, issue a certificate of indebtedness against the building on which said

appliances shall so have been erected and the ground on which said building may stand, which certificate shall bear interest until paid at the rate of 10 per cent. per annum, and until paid said certificate and the cost represented thereby shall be and remain a lien upon the property on or against which the same shall so have been issued as aforesaid; and if the amount of any such certificate shall not be paid within one year from the issue thereof, the said commissioners, or their successors, upon the application of the holder of such certificate, shall, after advertisement twice a week for three successive weeks in the regular issue of some daily newspaper published in the District of Columbia, proceed to sell at public auction to the highest bidder the property against which said certificate shall so have been issued; and a deed signed and acknowledged by the said commissioners, or their successors, and countersigned by the Secretary to the commissioners of the District of Columbia, or his successor, shall be given to the purchaser at such sale, conveying to him in fee-simple absolute the property by him purchased, which deed shall be deemed and held to give a good and perfect title to any property sold as hereby authorized.

SEC. 2. That the amount realized by any such sale as hereinbefore provided over and above the sum required to pay the amount of the certificate aforesaid and all proper costs and expenses of sale shall be paid to the owner or owners of such building, or to the person or persons representing the ownership thereof, as aforesaid, for the benefit of the person or persons by law entitled thereto; and that at any time within two years from the date of sale the owner or owners of any property sold in conformity with the provisions of this act shall have the right to redeem the property so sold by paying the amount of the purchase money, and all taxes or other public charges against said property that may have been paid thereon by the purchaser, his heirs or assigns, or that may have become due and remain unpaid, between said day of sale and the day of such redemption, with interest at the rate of 10 per cent. per annum on such purchase money, taxes, and charges, and also the full value of any improvements which may have been made or erected on such property by said purchaser, his heirs or assigns, while the same was in his or their possession: *Provided, however*, That minors and other persons under legal disability shall be allowed one year after coming of age or having such disability removed to redeem such property as aforesaid.

SEC. 3. That on the collection, by sale as aforesaid or otherwise, of the cost of erecting any such appliances as aforesaid the same shall, by said commissioners or their successors, be deposited in the Treasury of the United States to the credit of the District of Columbia and the fund from which the same shall have originally been paid as hereinbefore provided.

SEC. 4. That in all hotels, factories, manufactories, workshops, schools, seminaries, colleges, hospitals, asylums, halls, or places of amusements, or other places mentioned in this act, the hall-ways and stair-ways shall be properly lighted when occupied at night; and at the head and foot of each flight of stairs, and at the intersection of all hall-ways with the main corridors, and at each exit to fire-escapes provided for in this act, shall be kept during the night, a red light. One or more proper alarms or gongs, capable of being heard throughout the building, shall always remain easy of access and ready for use in each of said buildings to give notice to the inmates in case of fire; and there shall be kept posted in a conspicuous place in every sleeping-room a notice descriptive of such means of escape. That all doors leading out of buildings used for places of amusement, where large crowds congregate, shall open outward. That the inspector of buildings and chief engineer of the fire department shall have the right to designate the location of said fire-escapes and stand-pipes in conformity with this act, and shall grant certificates of approval to every person, firm, corporation, trustee and board of school trustees complying with the requirements of this act, which certificate shall relieve the party or parties from the liabilities of fines or damages imposed by this act.

SEC. 5. That in case of fire occurring in any such building not provided with said appliances as may be required by the inspector of buildings and chief of engineers of the fire department in the District of Columbia, and in accordance with the requirements of the second section of this act, the person, persons, trustee, trustees, corporations, or school directors who or which neglected to provide such building with said appliances as aforesaid, shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building; and such actions may be maintained by any person or persons now authorized by law to sue, as in other cases, for injuries caused by neglect of duty.

SEC. 6. That the act entitled "An act for the further protection of property from fire and safety of lives in the District of Columbia," approved January 26, 1887, and all acts or parts of acts inconsistent herewith, be, and the same are hereby, repealed.

Mr. HEMPHILL. I send to the desk an amendment intended to correct an error in the bill.

The Clerk read as follows:

In line 5, section 5, strike out the word "second," and insert "first;" so that the clause will read, "and in accordance with the requirements of the first section of this act."

The amendment was agreed to,

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC DRUNKENNESS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 9769) to punish public drunkenness in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That any person who shall be found intoxicated upon any street, or highway, or in any public place in the District of Columbia shall pay a fine not exceeding $20, or be imprisoned for not more than twenty days, or both, in the discretion of the court.

The amendments reported by the committee were read, as follows:

In line 4 after the word "street" insert "alley."

After the word "shall" in line 5 insert "upon conviction."

At the end of the bill add, "but convicts under this act shall not be put to work upon the public streets in prison garb."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

F. H. BATES.

Mr. HEMPHILL. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business reported from the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. MCCREARY in the chair.

Mr. HEMPHILL. I call up the bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay to F. H. Bates the sum of $300, in full for his services as military instructor at the Washington High School in the District of Columbia, for the school term ending in June, 1884, one-half of said sum to be paid from the funds of the District of Columbia and the other from the Treasury of the United States.

Mr. DINGLEY. I hope the gentleman from South Carolina [Mr. HEMPHILL] will give us some explanation of this bill.

Mr. HEMPHILL. According to our information, which I have no doubt is correct, this gentleman presented this claim some years ago; and it passed the House at one time, the Senate at another time. He had an idea that whenever you start a bill in Congress it goes through of its own motion. He has since learned that such is not the case. There is no doubt that this man performed the work, and that he has not been paid.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SPECIAL ASSESSMENTS AGAINST CERTAIN LOTS.

Mr. HEMPHILL. I call up the bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to remove from the records of the District all evidence of indebtedness against lot G and part of lot F, in square 226, in the city of Washington, D. C., so far as the said indebtedness relates to special assessment against said lots levied in the year 1870 for special improvements along Pennsylvania avenue northwest; the owners of the said lots to give bond in double the sum of said assessment to indemnify the District against any loss in consequence of the operations of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

INDUSTRIAL HOME SCHOOL.

Mr. HEMPHILL. I call up the bill (H. R. 7083) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That when a guardian or parent of an infant shall, by an instrument in writing duly signed, executed, and acknowledged before a notary public of the District of Columbia or the clerk of the supreme court of said District, surrender said infant to the custody of the board of trustees of the Industrial Home School of the District of Columbia, the said undertaking shall be binding upon said parent or guardian for the time named in said undertaking as the time during which the said infant is to remain in the custody of the said board.

SEC. 2. That upon application or consent of the president of the said board of managers of the Industrial Home School of the District of Columbia, the supreme court of the District of Columbia may appoint the said corporation to be the guardian of an infant ward, and the said corporation may take and exercise said guardianship so far as relates to the person of such ward to the same extent and under the same obligations and conditions as is now provided by law in the case of natural persons.

The amendments reported by the Committee on the District of Columbia were read, as follows:

In line 5, strike out "an infant ward" and insert "the person of any infant inmate of said school."

After the word "guardianship," in line 7, strike out "so far as relates to the person of such ward."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GERMAN LUTHERAN TRINITY CONGREGATION.

Mr. HEMPHILL. I call up the bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands.

The bill was read, as follows:

Be it enacted, etc., That the trustees of the German Lutheran Trinity Congregation in the city of Washington, D. C., be, and they are hereby, empowered to convey in fee-simple that portion of their cemetery grounds in said District, comprising 2 acres and 38½ perches of ground, and more fully described in a certain deed of trust by Jacob Huster and wife to George Emmert, bearing date the 19th day of March, A. D. 1881, and recorded March 22, A. D. 1881, in liber numbered 964, folio 341 *et sequentes*, one of the land records for the District of Columbia.

SEC. 2. That this act shall take effect from and after its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BALTIMORE AND POTOMAC RAILROAD.

Mr. HEMPHILL. I call up the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025 in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Baltimore and Potomac Railroad Company is hereby granted permission to extend a side-track from the main line of its track, in the city of Washington, into square No. 1025, between Twelfth and Thirteenth streets and M and N streets southeast, under such conditions and regulations as may be imposed by the commissioners of the District of Columbia for the protection of the public in the use of streets affected and otherwise.

Mr. BLAND. As this bill appears to affect the streets occupied by railroads entering this city, I desire to know whether the passage of the bill will interfere with the proposition to remove the present depots. I ask that the report be read.

The report (by Mr. HEARD) was read, as follows:

The company merely desires to run a side-track from the line of its road into square No. 1025. The proposed track will leave the line of the road on the lands owned by said railroad company, cross one street, which will not interfere with the rights of public travel, and enter square No. 1025, with the consent and at the request of the owners of said square.

A subcommittee of your committee has made a personal inspection of the premises, and can see no objection to granting the authority asked for. The right granted is to be exercised under such conditions and regulations as may be imposed by the commissioners of the District.

Your committee report the bill back to the House, and recommend that it do pass.

Mr. BLOUNT. I would like to have some explanation in regard to this matter.

Mr. HEMPHILL. I yield to the gentleman from Missouri [Mr. HEARD], who is familiar with the facts.

Mr. HEARD. Mr. Chairman, my colleague from Michigan [Mr. BREWER] and myself, at the request of our committee, made a personal investigation of this ground. It is down under the bluffs on this side of the Congressional Cemetery, and just at the mouth of the tunnel through which the Baltimore and Potomac goes on towards the Eastern Branch, and on this side. The railroad goes through a cut perhaps 25 feet in depth; and the proposition is to grant an extension or spur of the road to go off on their own right of way to a square that belongs to the Washington and Georgetown Gas Company, which is building at this place some very extensive works, at a cost of some $400,000, right under the bluff. This gives the railroad company the right of way to reach this square where the works are located. It is a matter of mutual convenience to the railroad company and the gas company; it interferes with nobody's rights, and meets with the approval of the commissioners of the District of Columbia.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CLOSING OF ALLEYS, SQUARE 132, WASHINGTON.

Mr. HEMPHILL. I now call up the bill (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia are hereby authorized and instructed, on the petition of all the owners of property abutting on those parts of the two 10-feet wide alleys running east and west through square 132, in the city of Washington, D. C., for a distance of 96.04 feet, beginning at, and running east, from the east side of Nineteenth street (being that portion lying between lots 161 and 162 and 169 and 170, in the subdivision placed on record in the surveyor's office in the District of Columbia, in book 15, page 27), to declare said parts of said 10-feet wide alleys closed: *Provided*, That the owners of the land abutting on that portion of said alleys to be closed in said square shall, as a condition precedent to such action on the part of the commissioners, file in the office of the surveyor of the District of Columbia a plat to be approved by the commissioners, dedicating to the use of the public, as a public alley, an area of ground equal to the area of the parts of alley-ways declared to be closed, and sufficient for the purpose of connecting said alleys with, and making an outlet to T street and S street at least 10 feet wide.

SEC. 2. That the owners of the property abutting on the portion of said alleys which may be closed as aforesaid shall be held to have acquired all the right and title of the District of Columbia, or the city of Washington, in and to the portion of the alleys which may be closed under the provisions of the first section of this act, and which may be included within the extension of their several bounds to the lines of the new alley.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALLEY, SQUARE NO. 493.

Mr. HEMPHILL. I now call up the bill (H. R. 7864) to reappropriate to pay for alley condemned in square No. 493.

The bill was read, as follows:

Be it enacted, That of the surplus that has been covered into the Treasury of the sum appropriated by the act approved June 30, 1880, entitled, "An act making appropriations for the District of Columbia for the year ending June 30, 1881," for amount due property owners for ground condemned and used for alleys, there be, and the same is hereby, reappropriated so much as will be sufficient to pay, with interest at the rate of 6 per cent. per annum from August 6, 1870, to the date of the approval of this act, the persons entitled to the amount awarded by the jury of condemnation for the land taken for an alley through square No. 493, in the city of Washington, in the District of Columbia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPITOL, NORTH O STREET, ETC., RAILWAY COMPANY.

Mr. HEMPHILL. I now call up the bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company.

The bill was read, as follows:

Be it enacted, etc., That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its tracks and run its cars thereon through and along the following-named street: Beginning at Fourteenth and B streets southwest, east along B street southwest to Twelfth street southwest, to an intersection with its present line on said Twelfth street.

SEC. 2. That section 3 of the act entitled "An act to amend the charter of the Capitol, North O Street and South Washington Railway Company," approved March 3, 1881, be, and the same is hereby, repealed.

SEC. 3. That for the purpose of the construction of said extension, the erection of machine and carpenter shops and additional stables said Capitol, North O Street and South Washington Railway Company is hereby authorized to increase its capital stock in a sum not exceeding $50,000.

SEC. 4 3. That unless said extension is completed and the cars run thereon within six months from the passage and approval of this act, the authority herein granted shall be void.

The committee recommended the adoption of the following amendment:

Strike out section 3 of the bill.

Mr. ADAMS. I would like to have the report read in connection with this bill.

Mr. HEMPHILL. I will ask the gentleman from Illinois [Mr. ROWELL] who is thoroughly familiar with this subject, to make a statement, which I think will meet the wishes of the gentleman from Illinois.

Mr. ROWELL. This bill is simply to authorize the connection of the Belt Line Railroad across two blocks down in Southwest Washington.

Mr. ADAMS. How far?

Mr. ROWELL. Just two blocks. They have a little 2-cent line that runs down in that portion of the city, and they propose to connect the end of that line with the main line, so that passengers for one fare may ride over the entire length of the route.

Mr. ADAMS. What provision of law is repealed by this bill?

Mr. ROWELL. We do not repeal any.

Mr. ADAMS. There is a section of this bill which repeals some law; section 2, I think.

Mr. HEMPHILL. We recommend that section 3 be stricken out.

Mr. ADAMS. I know; but there is a section which repeals some law to which reference is made; section 2, I think, of the bill.

Mr. ROWELL. I do not recollect exactly the language of the law incorporating the company that is stricken out; but it necessarily has reference to the point that this bill is intended to reach.

Mr. ROCKWELL. I understand the gentleman to say that this is in the lower part of the city, and is to connect the little 2-cent line with the main line.

Mr. ROWELL. Yes, that is the object.

Mr. CANNON. I have no desire to object to the consideration or passage of this bill, but simply rise to ask, although I suppose there is nothing in this bill which will permit it, whether steps have been taken by the committee to incorporate a company, or to bring the present companies under the operation of a law so as to secure or compel them to use some new method for the propulsion of street cars, either by electricity or the cable system, so that we can have in this city the same advantages in that respect that other communities are permitted to enjoy?

Mr. ROWELL. I will say to my colleague that we have already reported a bill authorizing the incorporation of a company with new motors. One of the objects of the bill is also to compel other companies to adopt that method. The reason it has not been brought forward is that it takes two or three days with the antagonisms which such measures meet to get it through the House, and we have not had the time.

Mr. CANNON. We have power to so amend existing charters, as I understand it, so as to compel them to use other motors.

Mr. ROWELL. I think so.

Mr. CANNON. I would desire or rather express the hope of seeing some time when the committee would recommend such legislation; and as a member of the House I would vote to give the committee three or four days if necessary to consider such a bill.

Mr. HEARD. We have recommended such a bill as this, and it is now on the Calendar.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was adopted.

Mr. BLAND. Before the bill is laid aside, I wish to ask a question: whether in these charters there is a recognition of the right of Congress to alter or repeal the law?

Mr. HEARD. In every one of them that condition is embodied. Congress has the right to alter or repeal.

Mr. BLAND. Because there was a bill passed a few moments ago in regard to the Baltimore and Potomac Railroad which did not contain such a provision.

Mr. ROWELL. That is another thing; that is not a street railroad.

Mr. BLAND. It is just the same, and the same principle ought to apply. This reservation should be embodied in all of these bills.

Mr. HEARD. I have no objection to putting it in when it comes before the House.

Mr. BLAND. I hope when that bill is reported to the House the amendment will be made providing that Congress shall have the right to alter, amend, or repeal the law.

Mr. ROWELL. In this bill that right already exists.

Mr. BLAND. I am speaking of another bill. I refer to that bill passed a few moments ago in reference to the Baltimore and Potomac Railroad.

Mr. GAY. Does that company run one-horse or two-horse cars on that line?

Several MEMBERS. One-horse cars.

Mr. ROWELL. This is the Belt-Line road.

Mr. GAY. I want to offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

That this privilege be granted on the condition that all cars shall carry a conductor to collect fares.

Mr. GAY. I want to say, Mr. Chairman, that the privilege of these companies in this city is wonderfully abused by the use of cars in which passengers are made collectors of fares, and I hope that this line is sufficiently remunerative to enable the company to use conductors on every car. I think that with these privileges ought to be incorporated a provision that they should be required to have a conductor on the cars to collect fares.

Mr. ROWELL. I hope that this little amendment to the charter of the Belt Line will not be prevented by the incorporation of that amendment. This is really very largely in the interest of the public. It is made to cut out this little 2-cent line that runs down and stops, and to enable that to be made part of the main line by connecting across two blocks so that the public will get the privilege of riding over all this Belt Line at one fare instead of having to pay an additional 2 cents fare on this short line. It is in a section where the travel is light, and where they use one-horse cars. To oblige them to put conductors on their cars would be to add considerably to their expenses; and to pass this amendment would be simply to prevent their building that little line, which the public are more interested in than the company.

Mr. WILKINS. Where is it?

Mr. ROWELL. It is in the southwest, in the neighborhood of the Bureau of Printing and Engraving. It is demanded more by the public than by the railroad company.

The amendment was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HEMPHILL. I move that the committee rise and report the various bills to the House.

The motion was agreed to; and accordingly the committee rose, and the Speaker *pro tempore*, Mr. HATCH, having resumed the chair, Mr. ROGERS reported that the Committee of the Whole on the Private Calendar having had under consideration sundry bills, they had directed him to report them back with various recommendations.

BILLS PASSED.

The first bill reported from the Committee of the Whole House was the bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, in the District of Columbia.

Mr. SMITH, of Wisconsin. I ask that the bill be read.

The bill was again read.

The question recurred on the engrossment and third reading of the bill; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (H. R. 2307) to correct the records of the District of Columbia relative to certain real estate therein.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (H. R. 7083) to regulate the powers of the trustees of the Industrial Home School, in the District of Columbia, in respect to infant wards and scholars, and for other purposes.

The amendment reported from the Committee of the Whole House was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (S. 1727) granting to the trustees of the German Lutheran Trinity Congregation, of the District of Columbia, the right to sell a portion of their cemetery land.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square 1025, in the city of Washington.

Mr. BLAND. I desire to offer an amendment to the bill, which I send to the Clerk's desk.

The amendment was read, as follows:

Insert the following as a new section:

"SEC. 2. The right of Congress to alter, amend, or repeal the franchises herein granted is hereby expressly reserved."

Mr. HEARD. I ask unanimous consent to have the amendment offered by the gentleman from Missouri [Mr. BLAND] incorporated in the bill. It is the practice of the committee to incorporate such a provision in similar bills, but there was an omission in this instance.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (S. 1612) to provide for the closing of parts of two alleys in square 1327, in the city of Washington, and for the relief of Charles Early and Coburn Warwick.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (H. R. 7864) to reappropriate to pay for an alley condemned in square 493, in the city of Washington.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The next bill reported from the Committee of the Whole House was the bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railroad Company.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the several votes by which the bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEMPHILL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District business.

The SPEAKER *pro tempore*. Before putting that motion to the House the Chair will submit to the House certain personal requests.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COX, for ten days.

To Mr. DAVIDSON, of Alabama, until August 15, on account of important business.

To Mr. CROUSE, for six days, on account of important business.

To Mr. SCOTT, indefinitely.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills relating to the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ROGERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering such bills as may be called up by the Committee on the District of Columbia.

ATTENDANTS IN INSANE ASYLUM, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Chairman, I desire to call up the bill (H. R. 7785) for the relief of attendants on the insane at the Hospital for the Insane in the District of Columbia, which has been reported from the committee with amendments.

The bill was read, as follows:

Be it enacted, etc., That the pay of the attendants on the insane at the Hospital for the Insane in the District of Columbia shall be $60 per month, including board, and when living in the hospital that a day's labor in said hospital shall consist of eight hours.

The amendments recommended by the committee were read, as follows:

Strike out in line 4, 5, 6, and 7 the words "Sixty dollars per month, including board, and when living in the hospital that a day's labor in said hospital shall consist of eight hours," and insert: "Divided into three classes; the first class shall receive $45 per month, the second class $35 per month, and the third class $25 per month, including board; and the eight-hour law shall not apply to the services of these attendants."

The amendments were agreed to.

Mr. ATKINSON. I send up an amendment which is merely verbal.

The amendment was read, as follows:

In line 3 strike out "the pay of."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HEMPHILL. I move that the committee now rise and report that bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the Chair as Speaker *pro tempore*, Mr. ROGERS, from the Committee of the Whole on the state of the Union, reported that they had had under consideration the bill (H. R. 7785) for the relief of the attendants on the insane at the Hospital for the Insane in the District of Columbia, and had instructed him to report it to the House with amendments.

The SPEAKER *pro tempore*. The question is on agreeing to the amendments reported from the Committee of the Whole.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHURCH OF THE ASCENSION, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 3004) for the relief of the Church of the Ascension, in the District of Columbia, and I ask unanimous consent that the committee be allowed at this time to report a substitute for the bill.

There was no objection.

Mr. HEMPHILL, by unanimous consent, reported from the Committee on the District of Columbia, as a substitute for House bill 3004, the bill (H. R. 10926) for the relief of the Church of the Ascension in the District of Columbia; which was read a first and second time.

Mr. HEMPHILL. I ask unanimous consent that the bill just reported as a substitute be now considered.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That all taxes and assessments together with the interest and penalties now due and unpaid for the years 1873, 1874, 1875, upon lots 1, 2, and 3, in square 282, in the city of Washington, District of Columbia, now owned and occupied by the Church of the Ascension, be, and the same are hereby, remitted.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of this bill.

Mr. JOSEPH D. TAYLOR. I will ask the chairman of the committee whether any other churches are in a like situation with this one in this respect?

Mr. HEMPHILL. I do not know that there is any other church in exactly the same situation. Other churches have applied to the committee, and we have made liberal allowances in such cases.

Mr. JOSEPH D. TAYLOR. I was talking with the pastor of another church the other day, and he said that there were some charges of this kind against his church and wanted to know whether they were to be remitted.

Mr. HEMPHILL. I do not know whether we have taken any action as to the church to which the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] refers, but I do know that we have been quite liberal in this direction and have reported several such bills as this.

Mr. JOSEPH D. TAYLOR. But the committee have reported no general bill?

Mr. HEMPHILL. No.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 3004 was, by unanimous consent, laid on the table.

ORDER OF BUSINESS.

Mr. HEMPHILL. I move to go into Committee of the Whole on the Private Calendar for the purpose of taking up House bill 6264 and other bills reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. ROGERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the Private Calendar for the purpose of considering bills called up by the Committee on the District of Columbia.

WASHINGTON AND HIGHLANDS STREET RAILWAY.

Mr. HEMPHILL. I call up the bill (H. R. 6264) to incorporate the Washington and Highlands Street Railway Company of the District of Columbia.

Mr. ATKINSON. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLOUNT. I object.

Mr. HEMPHILL. Let the bill be read by sections for amendment. The object of the request of the gentleman from Pennsylvania [Mr. ATKINSON] is merely to save time.

Mr. BLOUNT withdrew his objection; and, by unanimous consent, the first reading of the bill was dispensed with.

The Clerk read section 1, as follows:

Be it enacted, etc., That Frank Hume, S. Taylor Suit, William A. Gordon, L. G. Hine, and John F. Waggaman, and their associates and assigns, be, and they are hereby, created a body corporate under the name of "The Washington and Highland Street Railroad Company of Washington, District of Columbia," with power to sue and subject to being sued, to plead and being impleaded, and cause to be made for the use of the said company a seal, and the same to change at pleasure, with authority to construct and lay down a single or double track railway, with the necessary switches and turn-outs, in the county of Washington, District of Columbia, through and along the following road: Commencing at the intersection of Boundary, H street, Maryland avenue, Fifteenth street, and Benning's road; thence eastwardly over the Bladensburgh road to the District line, with the right to run public carriages thereon, drawn by horse or other power, except steam, receiving a rate of fare not exceeding 10 cents a passenger for any distance on said road: *Provided*, That whenever the foregoing route may coincide with any other duly incorporated street railroad company in the District of Columbia, or connect portions of such route, but one set of tracks shall be used by both companies, which are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms and conditions upon which and the regulations under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street railway company, and the amount and manner of compensation to be paid therefor: *And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary halts for the taking up and dropping of passengers.

The committee recommended the following amendments:

Section 1, line 8, strike out "being" and insert "be."

Section 1, lines 35, 36, 37, 38, 39, and 40, strike out the following: "*And provided further*, That neither of the companies using such track in common shall be permitted to make the track so used in common the depot or general stopping place to await passengers, but shall only be entitled to use the same for the ordinary halts for the taking up and dropping of passengers."

The Clerk read as follows:

SEC. 2. That the road of said company, with all its property and franchises, shall be liable to taxation as is or may be provided by law, and their cars or vehicles be subject to the provisions of such laws as to license and fees therefor.

SEC. 3. That the said railway shall be laid as near the center of the Bladensburgh road as practicable.

The amendments reported by the committee were read, as follows:

Strike out, in section 3, the words "as near the center of" and insert "on."

Strike out the words "as practicable" and insert "outside of the traveled track of said road."

The amendments were agreed to.

The Clerk read as follows:

SEC. 4. That the said corporation hereby created shall be bound to keep said tracks, and the space of 2 feet beyond the outer rails thereof, and also the space beyond the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the board of commissioners of the District of Columbia, and if there be at any time no such board, then by the Secretary of War, without expense to the United States or said city; that when any street through which the said railway runs shall be paved, said railway company shall bear all of the expenses for that portion of the work lying between the exterior rails of the track of said road, and for a distance of 2 feet from the exterior of such track or tracks on each side thereof, and of keeping the same in repair; but the said railway company, having conformed to the grades established by the commissioners, may use such cobble-stones or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct.

The amendment reported by the committee was read, as follows:

After the word "thereof," in line 3, strike out "and also the space beyond the tracks."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That whenever the said company, in the construction of its railroad as authorized by this act, shall find it necessary to cross or intersect any established road, street, or other way, it shall be the duty of said company so to construct the said railroad across such established road, street, or other way as not to impede the passage or transportation of persons or property along the same; and where it shall be necessary to pass the said railroad through the land of any individual within the said District it shall be the duty of said company to provide for such individual wagon-ways across the said railroad as may be necessary and proper from one part of his land to another; but nothing herein contained shall be so construed as to authorize the said company to enter upon any lot or square, or part thereof, owned by the United States, within the limits of the city of Washington, for the purpose of locating or constructing the said railroad or for the purpose of excavating the same or taking therefrom any materials, or for any other purposes and uses whatsoever; and the said Washington and Highlands Street Railroad Company may connect within said District with any street railroad company chartered, or hereafter to be chartered, by such route or routes within said District as may be hereafter determined by Congress, and upon such terms as may be agreed upon by the said companies, respectively, or as may be prescribed by Congress.

SEC. 6. That nothing in this act shall prevent the Government or the proper authorities of the District of Columbia, at any time, at its option, from altering the grade or otherwise improving all streets and roads occupied by said railway, or the said District from so altering and improving such streets and roads and sewerage thereof as may be under their respective authority or control, and in such event it shall be the duty of said company, at its own expense, to change the said railway so as to conform to such grade and pavement.

SEC. 7. That the capital stock of said company shall not be less than $50,000 nor more than $100,000, and the said stock shall be divided into shares of $100 each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

SEC. 8. That the said company shall place first-class cars on said railway, with all modern improvements for the convenience of passengers, and shall run cars thereon during the day and as late as 11 o'clock p. m.

Mr. BLAND. I offer the following amendment:

Add to section 8 the following:

"That a conductor shall be placed on each car, and not less than two-horse power shall be used in running each of said cars."

Mr. COMPTON. We are willing to accept that amendment.

The amendment was agreed to.

Mr. MCADOO. I move to amend by inserting after the amendment just adopted the following:

That no passenger shall be charged fare unless he or she shall be seated.

Mr. Chairman, I have drawn this amendment hastily. If I had had time I would have added a provision that no conductor or agent of this company shall take on any passenger for whom there is not a seat. I

think one of the greatest outrages inflicted on the traveling public in large cities is the overcrowding of the street-cars. No company has a right to stop its cars and take on passengers when there are no seats provided for them—when the cars are already filled. There ought to be a penalty of $50 or $100 imposed every time a car is stopped for the purpose of taking on a passenger for whom there is no seat and who pays 5 cents for the privilege of hanging on a strap or brace.

Mr. COMPTON. I hope this amendment will not be adopted. While I concur in the general policy which the gentleman from New Jersey advocates, I respectfully submit to him, and to the Committee of the Whole, that in view of the fact that no such provision has been attached to the charter of any other street-car company within the limits of this District, it is hardly fair that such a requirement should be imposed upon this little corporation which at any rate will have to struggle for some time to maintain itself after it has been started.

Mr. MCADOO. If it can be agreed that this section be passed over now to be recurred to hereafter, I will withdraw my amendment, and offer it when the section is again considered.

Mr. COMPTON. All right.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that this section be passed over for the present, with the privilege of recurring to it later. The Chair hears no objection, and that order is made.

Mr. MACDONALD. I wish to offer the following amendment to come in after that adopted on motion of the gentleman from Missouri [Mr. BLAND]:

And said company shall operate the cars of said railroad at and during such hours as the commissioners of the District of Columbia or other proper authorities thereof, or Congress, may prescribe.

Mr. HEMPHILL. I suggest to the gentleman to strike out the words "or other proper authorities," as they are rather indefinite.

Mr. MACDONALD. I accept the gentleman's suggestion, and modify my amendment in that way.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. MACDONALD].

Mr. BREWER. I understand that the section to which the amendment of the gentleman from Minnesota [Mr. MACDONALD] applies has already been passed over for the present upon the request of the gentleman from New Jersey. I suggest that action on the amendment of the gentleman from Minnesota be postponed until we recur to the section.

The CHAIRMAN. The gentleman from Minnesota will have to withdraw his amendment temporarily. The Committee of the Whole has agreed to pass over this section and consider it at a later period.

The Clerk read as follows:

SEC. 9. That the said company shall provide such passenger-rooms, offices, stables, and depots at such points as the business of the road and the convenience of the public may require; and said company is hereby authorized to lay such rails through transverse streets or avenues as may be necessary, not exceeding 300 yards in distance in any one place, for connecting said stables, depots, and offices with the main tracks; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passengers and freight rooms, ticket-offices, stables, and depots above named, and not to exceed $25,000 in value.

SEC. 10. That within sixty days after the passage of and approval of this act, the corporators named in the first section, or a majority of them, or if any of them refuses to act, then a majority of the remainder, shall cause books of subscription to be opened and kept open in some convenient and accessible place or places in the city of Washington, for a period to be fixed by the said corporators, not less than two days; and the said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and place where said books shall be opened; and subscribers on said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing 5 per cent. of the amount by him subscribed to the treasurer of said company. And when the books of the subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse to act, then a majority of the remainder, shall, within five days thereafter, call the first meeting of the stockholders of said company to meet within five days thereafter for the choice of seven directors, of which public notice shall be given for two days in not less than two newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the secretary or clerk of said corporation, and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

The following amendment, reported by the Committee on the District of Columbia, was read:

After the word "subscribing," in line 14, strike out "five" and insert "ten."

The amendment was agreed to.

Sections 11 and 12 of the bill were read.

Section 13 was read, as follows:

SEC. 13. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such times and place, and under such conditions and upon such notice, as the said company in their by-laws prescribe; and said directors shall annually make a report of their doings to the stockholders in general meeting.

The committee recommend the adoption of the following amendment:

Add, at the end of the section, the words "and to the commissioners of the District of Columbia."

The amendment was adopted.

Section 14 was read, as follows:

SEC. 14. That if any person or persons shall willfully or unnecessarily obstruct or impede the passage of the cars of said railway, or destroy or injure the cars, depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense the sum of $50 to the said company, to be recovered and disposed of as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage sustained by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

The committee recommend the adoption of the following amendment:

Amend line 6 to read: "A sum not exceeding $50;" so that the paragraph will read:

"The person or persons so offending shall forfeit and pay for each such offense a sum not exceeding $50, to be recovered," etc.

The amendment was adopted.

Section 15 was read, as follows:

SEC. 15. That unless the said corporators shall commence work within six months and complete their said railway to the city limits within three years from and after the passage of this act, then this act shall be null and void, and no rights whatever shall be acquired under it.

The committee recommend the adoption of the following amendments:

In line 2, strike out "six" and insert "three."
In line 3, strike out "three" and insert "two."

The amendments were adopted.

Section 16 was read.

Section 17 was read, as follows:

SEC. 17. That said company shall make such reports of expenditures, earnings, or otherwise to the authorities of the Government as may be required by law.

The committee recommend the adoption of the following amendment:

Amend the section so that it will read as follows:

SEC. 17. That said company shall make full reports of expenditures and earnings annually to Congress.

The amendment was adopted.

Mr. LYNCH. I move a further amendment to this section.

The Clerk read as follows:

Add after the word "Congress:"

"And that whenever the net income shall exceed 10 per cent. of the amount of the capital stock paid in actual cash, one-half of such excess of income shall be equally divided between said company and the District of Columbia."

Mr. HEMPHILL. Mr. Chairman, the House committee undertook to provide for the taxation of these railroads in that way by directing that they should pay the balance of their gross incomes, after a certain percentage was paid to the stockholders, into the treasury of the District. But after consideration and further consultation with the members of the Senate, who had been considering bills upon which a similar provision has been attached by the House, the committee of the House receded, and the House agreed with them; because if the company makes more than a reasonable sum the people of the District ought to have the benefit of it by a reduction in the price of fare; and I believe it is provided in this bill that such shall be the case. If not, it is a provision that ought to be here, and I shall offer such an amendment so that the fares to be paid by passengers shall be subject to the control of the commissioners of the District of Columbia. In that event, if the company makes more than a reasonable income, the proper way and the fairest way to get at it is to reduce the fare; and that law is expected to apply to all the railroads in the District. It is fair that they ought to be treated in the same way.

Mr. WARNER. Is that provision in this bill?

Mr. HEMPHILL. If it is not, I will move an amendment to put it in. I will offer that amendment now; that is to say, that the rate of fare shall be subject to the control of the commissioners of the District of Columbia, and that, I think, ought to satisfy the gentleman from Pennsylvania.

Mr. SPINOLA. With the addition that it shall not at any time exceed 5 cents.

Mr. LYNCH. What is the objection to the provision I have suggested?

Mr. HEMPHILL. Well, sir, in the first place, to get at what the income of a railroad company is, is almost an impossibility. That is one of the difficulties that arises. The second is, that there ought not to be a different rule applied to this road than that which applies to any of the others. Now, as I say, the Senate committee is preparing a general bill for the taxation of all of the railroads. This road is more in the nature of a public enterprise, so far as the benefits to be conferred upon the public, or as between the railroad and the public is concerned, than any of the railroads occupying the more important portions of the city and passing through prominent thoroughfares. Those roads within the limits of the city make a great deal of money. There is no prospect of this road making any money for a long time. It is an unsettled portion of the District, and while it is a great accommodation to the people living along the proposed line of the road, it will be some time before the stockholders can hope to realize any benefit from their investment.

Mr. MCADOO. Mr. Chairman, I wish to be heard for a few moments on the amendment proposed by the gentleman from Pennsylvania. I think the whole system of granting these special charters is unjust and wrong. What do you do in this bill? And in making these remarks I want to go on record as a general principle in opposition to this character of legislation.

What does this bill propose? Like all others, we propose to give to a number of men selected by name a special right to run a railroad through certain of the streets and avenues in the city of Washington. That is undoubtedly a very valuable privilege. When a certain number of selected men are given the right to make money in that manner, by the use of the public property and public streets of the city of Washington, there ought to be some distinct compensating advantage to the people of the District and to the public treasury in exchange for that privilege. Now, in the city of New York one of the greatest public scandals that has ever disgraced this country was the granting of the franchise for the Broadway Railroad, and every citizen knows that that great franchise, if it had been honestly disposed of, or if it had been sold at public auction, would have produced an exceedingly large sum of money to be paid into the public treasury.

For myself I do not believe that Congress ought to incorporate any set of men into a railroad company, with a special charter or special control over the public avenues or streets of the city. If there is such a public demand that in the city of Washington there is to be built a horse railroad or other railroad through any portion of the public property, the better plan, in my opinion, and the proper way would be to put that franchise up at public auction, to be disposed of on the best terms for the benefit of the people of the District and of the treasury thereof.

Now, Mr. Chairman, the people of the United States are paying a very large sum of money to beautify this magnificent capital; and there seems a spirit in all local enterprises that find voice here in Congress that the same care shall not be exercised that would be the case in other cities to get from these corporations for the public franchise as much money as may be a legitimate compensation in order that the burden of taxation might be lightened in the city of Washington, and in order that the charge upon the Treasury of the United States which now goes to make up the difference between the annual expenses of the District and the tax levied here, shall not fall, as it now does, largely on the whole people of the United States.

The gentleman from South Carolina says that it will be some time before this railroad would come under the amendment offered by the gentleman from Pennsylvania, and he thinks that an argument against the amendment. Now, the amendment, if adopted, would be a part of the act incorporating this company, and would not be effective until such time as the receipts of this company would bring it under this amendment and bring money into the treasury of this District.

The proper way, and the only way by which you can avoid public scandal and do justice to the citizens of this District, would be to sell by auction to the highest bidder the franchises of these great public carrying companies and gas companies, so that the public could get the benefit; and failing in that there is one remedy which you have here in Congress, and that is to fix in the charter of these great corporations a clause that the fare shall not exceed a certain amount, and then the traveling public will get the benefit of the advantages and immunities which you are granting by legislation to the men who constitute these companies.

Mr. COMPTON. A provision to limit the amount of the fare is in this bill.

Mr. MCADOO. At what figure does it fix the maximum?

Mr. COMPTON. At 10 cents.

Mr. MCADOO. That maximum is too high. I would like to lower the maximum.

Mr. COMPTON. I would say that the gentleman from South Carolina [Mr. HEMPHILL] is now preparing an amendment that will put the whole thing into the hands of the District commissioners for control.

Mr. MCADOO. That is better than nothing. The amendment of the gentleman from Pennsylvania is a wise one. It will give some benefit to the public for the franchises accorded to these companies, and I hope it will be approved.

MESSAGE FROM THE PRESIDENT.

The committee informally rose, and Mr. HATCH took the chair as Speaker *pro tempore*.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolution of the following titles:

An act (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes;

An act (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes;

An act (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812;

An act (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;

An act (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.;

An act (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico;

An act (H. R. 1387) for the relief of certain volunteer soldiers;

An act (H. R. 4423) relating to certain acts of the Twenty-seventh Legislative Assembly of the Territory of New Mexico;

An act (H. R. 3376) to extend the limits of the port of New Orleans;

An act (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes;

An act (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes;

An act (H. R. 10328) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city;

An act (H. R. 474) for the relief of General G. Cluseret; and

Joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia.

WASHINGTON AND HIGHLANDS STREET RAILWAY.

The Committee of the Whole resumed its session, Mr. ROGERS in the chair.

Mr. MACDONALD. I desire to offer an amendment to the bill, to be inserted at the proper place.

The Clerk read the amendment, as follows:

The right is reserved to alter or amend this act, and to control said company as to the rates to be charged on said railroad.

Mr. COMPTON. If the gentleman had read the bill through, he would have found a clause which gives Congress power to alter or amend the charter.

Mr. LYNCH. The only objections offered to my amendment are two. The first is that it is almost impossible to ascertain what is the income of a street railroad. I would respectfully submit to the gentleman from South Carolina [Mr. HEMPHILL] that that is one very good reason for the adoption of the amendment. It seems to me that there should be some power or some provision to ascertain how much should be turned into the treasury of the city. The second is that there seems to be no prospect whatever of this company making any large sum, or having much income for years to come. Now, if the amendment be adopted, the city will receive a benefit from the running of the cars and the occupancy of the streets; and the company will expend the income by supplying better facilities for the traveling public.

The amendment of Mr. LYNCH was adopted; ayes 15, noes 11.

Mr. HEMPHILL. I do not think it is necessary to offer the amendment I referred to a moment ago, and therefore I will not offer it.

This act may at any time be altered, amended, or repealed, and I do not think the amendment of the gentleman from Minnesota is necessary.

Mr. MACDONALD. I withdraw the amendment.

Mr. HEMPHILL. I offer an amendment: In section 1, after the word "steam," insert "locomotive."

The amendment was adopted.

Mr. HEMPHILL. I move that the committee now recur to section 8 for the purpose of considering the amendment of the gentleman from New Jersey [Mr. MCADOO].

The motion was agreed to.

The Clerk read the amendment, as follows:

On page 5, section 8, after the word "meridian," add the words "no fare shall be asked or demanded from any passenger except he or she shall have sufficient sitting room afforded him or her, and no car shall take on any passenger or passengers except there is sitting room for the same."

Mr. COMPTON. I hope the amendment will not be adopted.

Mr. MCADOO. I think that one of the greatest inconveniences the traveling public are subjected to, especially in horse-cars in cities, is the taking up of passengers when the seating capacity of the car has been exhausted. Take one of these open summer cars. They have a certain seating capacity which is very easily determined, but I venture to say that if any number of ladies or gentlemen were to stand on the street corner and signal one of these cars, the seating capacity of which is fully occupied, the car would be stopped and these people would have to hang on the outside, but still have to pay their fare.

I did not make the amendment as strong as I think it ought to be made. I believe that there should be a penalty imposed for the stopping of cars by the agents of this company to take on passengers when they are unable to give them seats. This amendment is a very mild one. It simply provides that if a passenger is taken on the car when no seat is provided for him the conductor shall not have any right to demand the payment of fare from that passenger. Can there be any objection to that? If a person is in a great hurry and is willing to stand upon the platform or in any other part of the car, he will still be free, even with this amendment, to pay his fare if he chooses, and a man who knows this to be the law and who is in such a hurry that he prefers not to wait for another car, will be perfectly willing to pay his fare without its being demanded. On the other hand, when you say to the company, as this amendment proposes to say, that they shall not demand fare of any passenger unless they provide him a seat, you

will stop this abuse. It very often happens that a car which has every seat filled comes along; it is difficult for people on the sidewalk, especially on the broad avenues of this city, to tell whether the car is full or not, and when they signal the conductor he stops the car and takes them on, although he knows that he has no seats for them. In other words, he takes those passengers under false pretenses. As I have said, you can not always tell from the sidewalk whether a car is full or not. It may be a lady who can not afford to stand up, and when the conductor of a car which is already filled stops that car and takes on such a passenger, or any passenger, he obtains that passenger under a false pretense. Now, if you adopt this amendment the conductors will not take people on board their cars unless they can furnish them with seats.

Mr. BREWER. Does not the lady usually go down to the track in the avenue, where she can see whether the car is full or not?

Mr. McADOO. The habits of the female sex in regard to horse-cars I have not studied very much.

Mr. BREWER. Is not that the gentleman's own practice also?

Mr. McADOO. I very frequently stand on the curb. That is my individual practice.

Mr. BREWER. Suppose you go down to the car track on the avenue, and the day is rainy, and a car comes along with all the seats filled, would not you prefer to get on that car rather than stand in the rain and wait for another?

Mr. McADOO. Yes, sir; and in that case I could pay my fare.

Mr. BREWER. Yes; the gentleman could pay his fare, but would not nine-tenths of the passengers exercise the privilege which this amendment would give them to withhold their fare?

Mr. McADOO. Then why could not a rich corporation like the Pennsylvania avenue line increase the number of its cars and run them with such frequency that no passenger would be obliged to take a crowded car?

Mr. BREWER. Can the gentleman make any complaint now that the cars on Pennsylvania avenue do not run with sufficient frequency?

Mr. McADOO. I know they are very generally overcrowded.

Mr. BREWER. But do they not run frequently enough?

Mr. McADOO. I do not know about that. I say that they are generally overcrowded. I do not want to enter into a criticism of any existing company unless I know all the facts. But I know that the cars are generally overcrowded and that if they ran more frequently they would be less crowded.

Mr. BREWER. Does the gentleman believe that preventing passengers getting on a car in which the seats are all filled would be more satisfactory to the public than the present practice of letting passengers take their chance of getting a seat?

Mr. McADOO. I do, and I will tell you why. The adoption of such a rule would compel the company to run more cars and to run them more frequently. That would be the result of prohibiting the conductors from overcrowding their cars.

Mr. COMPTON. How much smoke a little fire makes! A few years ago we had the great New York Broadway street railroad steal, and gentlemen who are proposing these amendments here must have that in their minds. Here is a bill to authorize the construction of a little road, about 4 miles in length, from the extreme northeastern section of the city out through a sparsely settled country, as a convenience for the few people who happen to reside along its line and at its terminus, an enterprise which under any circumstances will have to struggle to maintain itself at all, and here are propositions to load it down with a lot of amendments which if they were proposed to a line of road on Broadway, New York, or on Pennsylvania avenue in this city might have some show of reason, but which, as applied to this proposed road, are simply absurd. I hope the amendment of the gentleman from New Jersey will not prevail.

The amendment of Mr. McADOO was rejected.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER. Before that is done I wish to ask the chairman of the Committee on the District of Columbia a question. It is provided in this bill that the maximum fare shall not exceed 10 cents for each passenger, and it is announced that the purpose of that is to give Congress control so as to reduce the fare as soon as the earnings of the road will permit. The inquiry I wish to make is, what provision there is in the bill to ascertain the exact earnings of this road.

Mr. COMPTON. They report to Congress every year.

Mr. HEMPHILL. I will state to the gentleman that the bill requires that—

Mr. WARNER. That is entirely satisfactory. I was about preparing an amendment to that effect.

Mr. MACDONALD. I now ask to recur to the section that was passed over (section 8), with a view of submitting the amendment I sent to the desk some time ago.

The amendment was read, as follows:

And said company shall operate the cars on said railroad at and during such hours as the commissioners or Congress may prescribe.

Mr. BREWER. The gentleman from Minnesota, I understood, offered this as an amendment to the amendment of the gentleman from Missouri. I think he meant the gentleman from New Jersey; and as that amendment was voted down of course the motion is not in order. I simply call attention to the matter.

Mr. MACDONALD. I do not offer it as an amendment to any amendment. I offer it as a part of the section under consideration, but understood the proper place would be to follow that amendment.

The CHAIRMAN. The Chair understands this is an amendment to the eighth section.

Mr. MACDONALD. Yes, sir.

The question was taken; and on a division there were—ayes 20, noes 3.

So the amendment was adopted.

Mr. BAKER, of New York. I would like to ask the chairman of the committee if there is anything in this bill that prescribes the form of or the matter to be embraced in the annual report to Congress?

Mr. HEMPHILL. The bill prescribes that the company shall make such reports of expenditures, earnings, etc., annually to Congress. It is the report that is required of all companies of this kind.

Mr. BAKER, of New York. That is satisfactory to me.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

Mr. HEMPHILL. I now call up the bill (H. R. 9581) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company; and I ask unanimous consent to substitute for the House bill the bill of the Senate, No. 2252, of the same title, which has been reported favorably from the committee.

The CHAIRMAN. Without objection, the substitution will be made.

There was no objection.

Mr. HEMPHILL. I move to dispense with the first formal reading of the bill.

The motion was adopted.

The Clerk read section 1 of the bill, as follows:

Be it enacted, etc., That Anthony Hyde, William A. Gordon, Robert B. Tenney, Henry H. Dodge, Morris J. Adler, Edward L. Dent, John A. Baker, John Marbury, and Henry M. Sweeny, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown Barge, Dock, Elevator, and Railway Company, with authority to build and maintain a dock or docks on the Potomac River west of Rock Creek, and to receive therein, and send therefrom, barges, vessels, cargoes, and railway cars, from and to any points on the Potomac River and its tributaries and coastwise; and to construct and maintain single or double track railways in the city of Georgetown or West Washington, D. C., through and along Water street, beginning at a point on the west side of the Aqueduct Bridge, through and along said Water street to the eastern terminus of said Water street at Rock Creek, with the privilege of extending its tracks from the intersection of Water street and Washington or Thirtieth street along Washington or Thirtieth street to the Potomac River, and from the intersection of Virginia avenue and Washington or Thirtieth street along Virginia avenue to Rock Creek, with sidings, turn-outs, turn-tables, and switches necessary for the delivery of cars to warehouses and depots along said streets; and also to construct and maintain warehouses, depots, and elevators in said city of Georgetown or West Washington, with the right to receive and dispatch boats and freight of all kinds, and to run cars on said tracks, sidings, switches, turn-outs, and turn-tables, propelled by steam, horse, or electric power; and to charge and receive for the use of the docks, railway, warehouses, depots, elevators, and barges of said company, such rates as may be fixed by the directors: *Provided*, That when said lines coincide with the duly authorized lines of any duly incorporated street railway of the District of Columbia, said company shall lay separate and independent tracks in the original construction of the said lines whenever, in the judgment of the commissioners of the District of Columbia, it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, when, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the commissioners of the District to be necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said company fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of the Baltimore and Ohio and Baltimore and Potomac Railroad Companies, all to be approved by the commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and 2 feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporations well paved and in good repair at its own expense and subject to the approval of the commissioners aforesaid. And if the corporation shall fail to make the necessary repairs within ten days after notice by the commissioners, the repairs shall be made by the commissioners, and the cost of such repairs be recovered by the commissioners before any court of competent jurisdiction. It shall be lawful for said corporation, its successors, or assigns, to operate its said road by steam, horse, or electric power. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the operation of a steam, horse, or electric motor railroad. The main line of said road shall be completed within two years from the passage of this act; and if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.

The committee recommend the adoption of the following amendments:

In line 87, after the words "Water street," insert "under said bridge;" in line 33, after the word "directors," insert "with the approval of the commissioners of the District,"

The amendments were adopted.

Section 2 of the bill was read.

Section 3 was read, as follows:

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall be president of the company; and they also shall choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors, by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for election of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report, in writing, of their doings, to the stockholders. If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars, engines, or barges of said company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with operatives while in transit, or destroy or injure the tracks, barges, cars, or other property belonging to said company, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. The principal offices of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

The committee recommend the adoption of the following amendment:

After the word "aforesaid," in line 36, insert: "That the commissioners of the District shall make such reasonable regulations as may be deemed proper to prevent the said railroad company from obstructing any of the streets the tracks of said company may cross, and for the violation of said regulations the said company shall be subject to a penalty not exceeding $100, to be recovered in any court of competent jurisdiction."

The amendment was agreed to.

Sections 4 and 5 of the bill were read, as follows:

SEC. 4. That each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to the amount of the par value of the stock held by such stockholder, until the same shall have been fully paid up.

SEC. 5. That the same company shall, on or before the 15th day of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source, and on whatever account, for the preceding year ending December 31, which report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, 4 per cent. of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its docks and barges, cars, and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

The committee recommend the adoption of the following amendment to section 5:

In line 13, after the word "year," strike out "four" and insert "five."

The amendment was adopted.

Mr. MCADOO. I offer a further amendment to come in after section 5 as a new section.

The Clerk read as follows:

Add as section 6:

That the water front at the end of all public streets and highways shall be and remain the property of the District of Columbia, and all obstructions to the water from the same may be at any time removed. Said company shall pay a rental to the District of Columbia as may be fixed by the District commissioners for the use of such lands at the end of such streets and highways as they may occupy and use.

Mr. MCADOO. I hope there will be no objection to that.

Mr. HEMPHILL. Let that be again reported; I did not catch the reading of it.

The amendment was again read.

Mr. HEMPHILL. I have no objection to that if the District of Columbia owns the lands already, but I do not understand that because we have the right to control the streets that thereby we have the right to control the water front or that it is vested in the District. I do not know any law that settles the matter.

Mr. MCADOO. The language of the amendment is that "it shall be and remain the property;" so that if it is not already the property of the District this does not affect it.

Mr. HEMPHILL. But if it does not belong to the District how are we to legislate it into the hands of the District?

Mr. MCADOO. We are passing now very important legislation——

Mr. HEMPHILL. I will state that I have no objection, if this is the property of the District, to inserting a provision that it shall remain the property of the District; but I am not willing to declare that certain pieces of property shall be and remain the property of the District without examining in detail the title to know whether it be such or not. If I understand the object of the gentleman from New Jersey, it can be accomplished by inserting a provision that all property now belonging to the District of the kind he specifies shall still remain its property. I agree with him in that respect.

Mr. MCADOO. I think I can put the amendment in such shape by accepting the suggestion of the gentleman that it will meet his views.

Mr. WARNER. Before leaving section 5, I wish to offer an amendment to it. This, I understand, proposes a new section, 6.

The CHAIRMAN. The gentleman from New Jersey is preparing his amendment, and the gentleman from Missouri can propose his at this time.

Mr. WARNER. I move to strike out the words in line 19, "to a sufficient amount;" so that it will read:

And the franchise and property of said company, both real and personal, may be seized and sold.

It will be seen that this provision would involve the officer in unnecessary liabilities upon his bond, if he seizes or sells more property than is really necessary to satisfy the judgment for delinquent taxes. Why not leave it as in all other cases?

Mr. HEMPHILL. I have no objection to that.

The amendment was adopted.

Mr. MCADOO. I send to the desk my amendment as modified.

The Clerk read as follows:

Add to the end of section 6:

"That the water front at the end of all public streets and highways shall be and remain open to the use of the public. Said company shall pay a rental to the District of Columbia as may be fixed by the District commissioners for the use of such land at the end of such streets or highways as they may occupy and use."

Mr. MCADOO. Probably I had better make some explanation of this amendment. In all the large cities of this country, especially in the largest city of my district, it has been a crying evil that the water-front at the end of the streets and highways has been absorbed by legislation to the use of great corporations, whereby the people are debarred from access to the water at the end of these streets. The public highways of these cities extend by charter or legal right to low-water mark; and the citizens have a right at all times to free access by means of the public streets to the water. The evil now complained of in many places, and which I seek to guard against in the incorporation of this company, is that by special charters or privileges great corporations have, in many of our cities—in my own city, for instance, and as I am informed by a gentleman on my right in a large city of the West—obtained possession of what belongs properly to the people; so that when the citizens go to the water end of a street they find there a wall inclosing the dock or other private property of a steam-ship or railroad company.

I desire that when we are giving these privileges to this dock and barge company, the citizens of this District shall not be debarred from free access by means of the public highways to the navigable waters of the Potomac River. I wish it to appear clearly in this act that the District of Columbia or the people thereof have not parted with any right which will debar them from access to the waters of the river. I further desire that when this barge company is allowed to occupy the end of a street with a dock or a railroad or other structure, such as the bill contemplates, the District of Columbia or the public shall not be prevented from removing the same if it should become a nuisance.

My amendment also provides that the treasury of the District shall receive a rental, to be paid by this company as compensation for the benefits which it is to enjoy under this act.

Mr. HEMPHILL. I appreciate the motive of the gentleman from New Jersey [Mr. MCADOO]; but I think he does not undertake its accomplishment in the right way. This bill does not provide that this company shall take any part of the property belonging to the District of Columbia. The streets of any city, as I understand the law, do not belong to the city; the city has only a certain easement in them, while the title is vested elsewhere. I do not know how the case may be in this city; but that, as I understand, is the law generally all over the country with reference to public highways.

This bill provides distinctly that the rates of charge for the docks, railway, warehouses, depots, and elevators of the company shall be fixed by the directors, with the approval of the commissioners of the District of Columbia. In other words, they can not impose a cent of charge for any work they may do except with the approbation of the District commissioners. This, it seems to me, is a sufficient protection for the people.

More than that, section 6 provides that "this act may at any time be altered, amended or repealed by the Congress of the United States." So that this company does not acquire any rights which may not at any time be withdrawn should their exercise become a nuisance, which the gentleman from New Jersey has intimated may happen.

It seems to me the two provisions of this bill which I have cited guard sufficiently the public rights. The trouble with the amendment of the gentleman from New Jersey is that it declares that certain property shall be and remain the property of the District of Columbia, when as a matter of fact it is very doubtful whether the District has any property rights in the matter at this time. It seems to be unjust to declare that this property shall be the property of the District of Columbia un-

less we know that it is so in fact. Such a provision if adopted would be nugatory. I trust the amendment of the gentleman from New Jersey will not be agreed to.

Mr. MCADOO. In the first place, I think the measure should provide that these facilities belonging to the people shall remain open to the public use. They are not the property of the District of Columbia, but the public right. The city, or District, or any legislative authority may control as to the use, but the right is in the people, and my amendment simply says that the public right to go on the public highway to the water shall remain open to the public, and that no corporation shall bar it with a gate, or with a wall, but that the right shall always remain inviolate. The gentleman says that the bill has the usual provision that Congress may alter, amend, or repeal. My experience in one of the older States, and in an old city of an old State, is that when you give a corporation a right like that, or when they are once firmly established on the public property, you will never be able so to amend their charter as to get them off. The time to prevent abuse is when you accord the charter.

There is not a gentleman on this floor but knows the difficulty attending the amendment of a charter previously given to a corporation. Should a proposition be made to amend the charter, gentlemen would stand on this floor and defend it as a vested right. The proper time to prevent these abuses is when you are making the law.

Mr. HEMPHILL. I think the first part of the amendment is well enough, and I have no objection to it, that the street shall remain open to the public clear down to the water; but to authorize the commissioners to collect rent from these companies when they already have the right to fix the charges, I think is giving additional power that will prove destructive to the whole matter.

Mr. MCADOO. I accept the suggestion of the gentleman from South Carolina.

The CHAIRMAN. The Clerk will read the modified amendment.

The Clerk read as follows:

Add as section 6:

"That the water front at the end of all public streets and highways shall be and remain open to the use of the public."

The amendment was adopted.

Mr. HEMPHILL moved that section 6 be numbered section 7.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

By unanimous consent it was ordered that House bill 9581 be reported to the House with the recommendation that it be laid on the table.

ANACOSTIA AND POTOMAC RAILROAD.

The next bill (consideration of which was asked by Mr. HEMPHILL) was the bill (S. 1051) to amend an act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

Mr. HEMPHILL. I ask unanimous consent that we dispense with the first reading of the bill.

There was no objection; and it was ordered accordingly.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. HATCH took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the House of the following titles with amendments, and requested a conference on said bills severally; and that the Senate had appointed Mr. VEST, Mr. SAWYER, and Mr. MANDERSON as managers of said conference on the part of the Senate:

A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes;

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa; and

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. FRYE, Mr. JONES, of Nevada, and Mr. GRAY.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested.

A bill (S. 3365) for the erection of a public building in the city of Chicago, Ill., to be used as an appraiser's warehouse and other public purposes;

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, Louisiana;

A bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana; and

A bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

The message further announced that the Senate had agreed to the House amendments to the following Senate bills:

A bill (S. 2033) granting a pension to Joseph Wirth;

A bill (S. 1650) for the relief of Maj. Gen. W. W. Averell;

A bill (S. 888) granting a pension to Mary A. Cutts; and

A bill (S. 734) granting a pension to James Hale.

It further announced the Senate had passed without amendments bills of the following titles:

A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River, at Daytona, Volusia County, Florida;

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.;

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build a bridge across the Black Warrior River in Alabama; and

A bill (H. R. 10053) to make May 30 a holiday in the District of Columbia.

The message also announced that the Senate had adopted a concurrent resolution to authorize the printing of matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEWART, of Vermont, for two weeks, on account of important business.

To Mr. CANDLER, indefinitely, on account of sickness in his family.

To Mr. STEWART, of Texas, indefinitely.

ASCENSION CHURCH.

Mr. HEMPHILL. Mr. Speaker, the Senate has just sent over a bill (S. 1099) for the relief of the Ascension Church. We passed a bill here this morning for the same purpose, and I would like to have the House reconsider the vote by which the House bill was passed and put the Senate bill upon its passage.

The SPEAKER *pro tempore*. The Chair thinks a motion to reconsider has been entered and agreed to in that case, so that what the gentleman asks can be done only by unanimous consent.

Mr. HEMPHILL. I ask unanimous consent to reconsider the action of the House upon the House bill in order that we may take up and pass the Senate bill, which is of exactly similar import.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent to reconsider the vote by which the bill indicated by him was passed, and that the Senate bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia, be now put upon its passage. Is there objection?

Mr. MCCREARY. In what regard does the House bill differ from the Senate bill?

Mr. HEMPHILL. Not at all. The bills are identical.

There was no objection to the request of Mr. HEMPHILL, and it was so ordered.

The Senate bill (S. 1099) was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 10926, a substitute for H. R. 3004) was laid on the table.

ANACOSTIA AND POTOMAC RAILROAD, DISTRICT OF COLUMBIA.

The Committee of the Whole resumed its session, Mr. ROGERS in the chair.

The CHAIRMAN. The Clerk will read the Senate bill which he was about to read when the committee rose informally, the bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

That the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, and amended March 24, 1876, be, and the same is hereby, amended so as to authorize said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Seventh street east; along Seventh street to G street south; along G street to Fourth street east; along Third street to E street south; along E street to Canal street; along Canal street to B street south; along B street south to Third street west; along Third street to Missouri avenue; along Missouri avenue to Sixth street west; along Sixth street to B street; north along B street to a point near the Center Market to be named by the commissioners of the District of Columbia: *Provided*, That the said company shall complete the above-mentioned tracks and run cars thereon within one year from the approval of this act; and from the intersection of its tracks on M street south with Second street west; along Second street to its tracks on Canal street: *Provided*, That said company shall complete the last-mentioned tracks and run cars thereon within two years from the approval of this act. The company is also authorized to extend its tracks and run cars thereon from its track at Seventh and G streets southeast herein mentioned, along G street to Seventeenth street east; along Seventeenth street to E street south; along E street to and beyond the entrance to the Congressional Cemetery at a point to be named by the commissioners of the District of Columbia, after the said streets shall have been improved.

SEC. 2. That the said company may be permitted to place or cause to be placed upon the Anacostia bridge an additional track, and the rails of both tracks shall be of such form as will offer the least obstruction to ordinary traffic, and subject to approval by the commissioners of the District of Columbia. The said company shall also construct at least a single track, with necessary switches and turn-outs, along Harrison street, in Anacostia, to the entrance to the grounds of the German Orphan Asylum, and run cars thereon within six months after laying the track mentioned on said bridge.

SEC. 3. That the said company is also authorized to extend its tracks and run cars thereon from its present terminus on Nichols avenue, near Anacostia, by the way of Nichols avenue to the entrance to the grounds of the Government Hospital for the Insane, and along said avenue and the Livingstone road to the District line.

SEC. 4. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason, it shall be deemed necessary by the commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

SEC. 5. That in the construction of tracks herein specified the pattern of rail used shall be approved by the commissioners of the District of Columbia, and in any extensive repairs to the tracks now owned by the company requiring new rails the pattern of rails shall likewise be approved by the commissioners of the District of Columbia: *Provided*, That all rails laid upon the streets of the city of Washington by said company shall be on a level with the surface of the streets and shall not project above the same.

SEC. 6. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time-table or schedule adopted by the company, a copy of which shall be filed with the commissioners of the District of Columbia, and be approved by them.

SEC. 7. That the said Anacostia and Potomac River Railroad Company shall, on or before the 15th day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the preceding year ending December the 31st, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars, tracks, and motive power for the next ensuing year, 2 per cent. for the first ten years after completion, and thereafter 4 per cent. of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia, and the tracks shall not be taxed as real estate: *Provided*, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed 10 per cent. of the actual cost of such road, then the company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction, equipment, and maintenance thereof.

SEC. 8. That Congress may at any time amend, alter, or repeal this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIGHTWOOD RAILROAD COMPANY, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 10480) to incorporate the Brightwood Railroad Company, of the District of Columbia, and I move to substitute for the House bill the Senate bill (S. 2742) for the same purpose.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That M. M. Parker, A. A. Thomas, C. M. Anderson, C. B. Pearson, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Brightwood Railway Company of the District of Columbia, and may make and use a common seal, and by that name may sue and be sued, plead and be impleaded, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices, and sewer connections, necessary to operate the same by horse, cable, or electric power, in the District of Columbia, through and along Brightwood avenue, from Boundary street to the boundory-line of the District of Columbia, with the right to run public carriages thereon propelled by horse, cable, electric, or cable power. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street-railway company in the District of Columbia, both companies shall use the same tracks, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power, or such other motive power as it shall use to propel its own cars with on the routes prescribed in this act, and may repair and construct such proportions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding 5 cents for each passenger for each continuous ride between all points of its line, but shall sell six tickets for 25 cents.

SEC. 2. That the said railway company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, which report shall be verified by affidavit of the president and secretary of said company; and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause to be instituted judicial proceedings to forfeit this charter; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars and motive power, for each year, 4 per cent. of its gross earnings upon its traffic, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties or arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments upon its personal property, used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District, provided its tracks shall not be taxed as real estate.

SEC. 3. That the said railway shall be laid upon such part of the road as may be designated by the commissioners of the District, and must be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable, and the gauge to correspond with that of other city railroads.

SEC. 4. That the said corporation shall, at its own expense, keep its tracks, and for the space of 2 feet beyond the outer rails thereof and also the space between the rails and tracks well graded or paved and in good repair, so as to impede the general travel as little as possible.

SEC. 5. That in the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the tracks of this corporation it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established at its own expense.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections, in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the commissioners of the District of Columbia; it shall also be lawful for said corporations, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the commissioners of the District, an engine-house or houses, boiler-house or houses, and all other buildings necessary for the successful operations of an electric or cable motor railroad.

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, at a rate of speed exceeding 15 miles per hour; and for each violation of this provision said corporation, its successors or assigns, as the case may be, shall be subject to a penalty of $50, to be recovered in any court of competent jurisdiction at the suit of the commissioners of the District of Columbia.

SEC. 8. That the said railway shall be commenced within three months and completed to Brightwood within twelve months from the passage of this act; and the entire line to be completed in two years from the passage of this act.

SEC. 9. That the capital stock of said company shall not exceed, if horse-power is to be used, $60,000. If electric motor-power is to be used, the capital stock

shall not exceed $102,000. If propelled by cable, the capital stock shall not exceed $204,000; that the stock shall be divided into shares of $50 each, transferable in such manner as the by-laws of said company may direct; and said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of said road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment; and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder, and the sale shall be conducted under such general regulations as may be made in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber, in any court of competent jurisdiction.

SEC. 10. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a table or schedule fixed by the company, a copy of which shall be filed with the commissioners of the District of Columbia and approved by them.

SEC. 11. That the company shall buy, lease, or construct such passenger-rooms, ticket-offices, work-shops, depots, lands, and buildings as may be necessary at such points on its line as may be approved by the commissioners of the District.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company may sell the same after five days' notice.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and said subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent., at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two newspapers published daily in the city of Washington, and by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 14. That the government and direction of the affairs of the company shall be vested in the board of nine directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bonds with good and sufficient surety to said company in such sum as the said directors may require for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise the vacancy so occasioned shall be filled by the remaining directors.

SEC. 15. That the directors shall have the power to make such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business not contrary to this charter or to the laws of the United States and the ordinance of the District of Columbia.

SEC. 16. That there shall be an annual meeting of the stockholders to choose directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 17. That said company shall have at all times the free and uninterrupted use of its road-way; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway or depots or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 18. That said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

SEC. 19. That Congress reserves the right to alter, amend, or repeal this act.

Mr. MCADOO (before the reading of the bill was completed). Mr. Chairman, I rise to a question of privilege. I find it impossible to get copies of these bills. I have sent for this one to the document-room, but the messenger has not returned. There are some amendments that I desire to offer to the bill; and I suggest that, for the convenience of members, copies of these bills that are called up for consideration by the committee should be in the House, where members may have ready access to them.

The CHAIRMAN. This bill which has been read has just come from the Senate. The gentleman from South Carolina asked and obtained unanimous consent to substitute the Senate bill for the House bill, and the Clerk is now reading the Senate bill. When the reading is completed the Chair will entertain the question presented by the gentleman from New Jersey.

Mr. HEMPHILL. Mr. Chairman, the Senate bill has been printed, and I will say to the gentleman that it is exactly the same as the bill which the House committee have reported to the House except that the words "or double track" are inserted, and those words I propose to ask the House to strike out.

Mr. TOWNSHEND. The Senate bill, I believe, does not designate the streets through which this railroad is to run. It leaves that entirely to the discretion of the incorporators. Now, Brightwood can be reached either by Seventh street or Fourteenth street or any other street that goes out in that direction.

Mr. HEMPHILL. The bill says "through and along Brightwood avenue from Boundary street to the boundary line of the District of Columbia."

Mr. TOWNSHEND. What street is that?

Mr. ROWELL. Seventh street, outside the Boundary.

The Clerk resumed the reading of the bill.

Mr. MACDONALD (before the completion of the reading). Why is this Senate bill here in the Committee of the Whole?

Mr. HEMPHILL. Simply because we want to pass it.

Mr. MACDONALD. But how did it get in here?

Mr. HEMPHILL. It was passed by the Senate and sent over here.

Mr. MACDONALD. And it was brought in here a few moments ago?

Mr. HEMPHILL. The bill has been printed and acted upon by the committee, and we have substituted it for the House bill. It is identical with the House bill except as to the words I have indicated. The bill has been printed and acted upon by the committee.

Mr. MACDONALD. That may be all very true, but I want it understood that I do not consent to it. I do not think that charters ought to be granted in that way.

Mr. HEMPHILL. There is nothing more objectionable about reading the Senate bill than the House bill, because it is the same as the House bill.

Mr. MACDONALD. It may be or it may not. Is the gentleman willing to say that he has compared it?

Mr. HEMPHILL. I say that the subcommittee who have charge of the matter have compared it, and I make the statement on their authority that the bills are the same except in the particular I have stated.

Mr. ROWELL. I desire to say that I have compared them, word for word, and the Senate bill is exactly the same as the one reported by the House committee, with the exception that the words "double track" are inserted. That is the only difference.

Mr. MACDONALD. Has this comparison been made since the passage of the Senate bill?

Mr. ROWELL. The bills have been compared to-day by Mr. BREWER, of our committee, and myself within the last twenty minutes.

Mr. MACDONALD. How is it with reference to the amendments that the House attached to the other bill?

Mr. HEMPHILL. We reported a substitute and this is the same as our substitute, with the exception of three words. The original bill was reported a great while ago from the committee. We reported a substitute for the original bill, but the same substitute was introduced in the Senate and was passed there before we passed it here.

Mr. MACDONALD. Does this bill contain the reservation of the right to control by legislation?

Mr. HEMPHILL. It contains every reservation. The substitutes were prepared with a good deal of care, and the Senate committee reported the same substitute that we did. As there seems to be some misunderstanding, I will state that the District Committee having in charge the bill introduced here reported to the House a substitute. A bill has been passed by the Senate identical with the House substitute, except that the Senate has added words allowing the company, if it sees fit, to put down a double track along the route, instead of a single track. We have compared the bill as passed by the Senate with the substitute prepared by our committee, and the two measures are identical with the exception of the four words I have indicated, which I propose to ask the House to strike out.

Mr. ANDERSON, of Kansas. Is the capital stock of this company required to be paid up in cash?

Mr. ROWELL. The provision is the same as in similar charters—10 per cent. cash and subsequent payments in installments.

Mr. HOPKINS, of Illinois. Is there any provision in this bill which prohibits the encumbering of the road before the stock subscribed is all paid in?

Mr. HEMPHILL. You mean by issuing mortgages?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. HEMPHILL. I will answer the gentleman in a moment. If he wants to offer an amendment we can recur to the section.

Mr. HOPKINS, of Illinois. One other point. I see in the bill a provision for selling the stock if the subscriber fails to pay the assessment made upon it. Now, where the stock is sold in consequence of an unpaid assessment will the purchaser be required to take the stock with the necessity of paying up the full subscription——

Mr. HEMPHILL. Any one buying stock buys it with all the liabilities as well as all the privileges. He must pay whatever assessments may be afterward made upon it.

Mr. ANDERSON, of Kansas. I desire to know whether this bill

requires the stockholders to pay in cash the amount of their subscriptions.

Mr. HEMPHILL. I can not put my eye on the exact provision. [After a pause.] There is no authority to issue bonds at all, so far as I can see.

Mr. ROWELL. The company is not permitted to do so.

Mr. ANDERSON, of Kansas. What is the amount of stock fixed in the bill?

Mr. HEMPHILL. It varies according to the motive power that may be used.

SEC. 2. That the capital stock of said company shall not exceed, if horse power is to be used, $60,000. If electric-motor power is to be used, the capital stock shall not exceed $102,000. If propelled by cable the capital stock shall not exceed $204,000.

Of course if the company uses cables the cost will be very much greater than if horse power be used.

Mr. ANDERSON, of Kansas. That seems to be proper enough; but I want to know whether the stockholders are required to pay for their stock in cash or whether the company may issue watered stock.

Mr. HEMPHILL. I read the language of the bill:

And said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary.

Mr. ANDERSON, of Kansas. But suppose the board of directors should not deem it "proper and necessary" to require payment in full?

Mr. HOPKINS, of Illinois. In other words, the board might make assessments to the extent of only 30 or 50 per cent. of the capital stock.

Mr. HEMPHILL. According to the best computation we have been able to make as to the cost of constructing the road we do not allow the company to issue any more stock than will be absolutely necessary to build it. We have limited the stock to $60,000 if horse power be used; and according to the computation of the committee it will take every dollar of $60,000 to construct the road if horse power should be used, $102,000 if electric-motor power should be employed, and $204,000 if the cars should be propelled by cable. The company will be required to pay the full amount of the cost of the road, according to the best computation we have been able to make, before the road can be completed.

Mr. ROWELL. These men propose to put their money into this enterprise, not to borrow money.

Mr. ANDERSON, of Kansas. Is it understood the company is forbidden to issue bonds?

Mr. HEMPHILL. There is no authority given to issue bonds. The stockholders must pay the money on their stock. The full amount of $60,000 will be required for the construction of the road if horse power be used. Therefore, the stockholders will have to pay their subscriptions in full.

Mr. ANDERSON, of Kansas. May not the company issue notes?

Mr. HEMPHILL. No, sir; no corporation can do anything of that kind without express authority.

Mr. ANDERSON, of Kansas. There is no corporation in the country that does not do precisely what it pleases.

Mr. HEMPHILL. If people take the notes of a corporation, issued without express authority for the issue, they do so at their own risk.

Mr. ANDERSON, of Kansas. Of course; but it is constantly done. It is the common practice with these companies to receive 10 per cent. cash upon their stock, and issue 90 per cent. of the amount of the capital stock in bonds.

Mr. HEMPHILL. I think my friend would not find anybody willing to take a bond from a corporation that was not authorized under its charter to issue bonds; because the company or any stockholder could go into court and plead the want of power to issue such bonds. Any man who would invest his money in bonds of that sort would not have very good business sense.

Mr. ANDERSON, of Kansas. We are not talking about the wisdom with which men may invest their money; we are discussing this bill; and the question is whether Congress, in passing it, ought not to insert a provision which will prevent this company from issuing watered stock on the one hand or bonds on the other.

Mr. HEMPHILL. It is clear that a corporation can exercise no power which is not given to it by its charter.

Mr. ANDERSON, of Kansas. But they do exercise such powers.

Mr. HEMPHILL. If we insert here a provision that they shall not exercise the power they may do it all the same, according to the gentleman's theory.

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. HEMPHILL. Then what would be the use of the prohibition?

Mr. ANDERSON, of Kansas. It would do no harm.

Mr. HEMPHILL. It would do no good.

Mr. WARNER. Allow me to make a single suggestion. Most of the corporations of this country are created under the general corporation laws of the States, which usually authorize companies to issue bonds in a certain amount. But we have no general corporation law of the United States; therefore all the powers which a corporation acquires under a charter from Congress are those embodied in the act which gives it existence.

Mr. HEMPHILL. There is no question about that. The corporation can not do anything which it is not authorized to do.

Mr. ANDERSON, of Kansas. Then I understand gentlemen who have examined this bill to say that it requires the stock of this company to be paid up in cash, and the company is prohibited, either expressly or by the principles of the common law, from issuing bonds?

Mr. HEMPHILL. Oh, yes; they can not issue bonds unless we authorize them.

Mr. ANDERSON, of Kansas. But they will do it all the same.

Mr. HOPKINS, of Illinois. Will the gentleman permit me a moment; there is one proposition to which I wish to call his attention? While there is no provision authorizing the issuance of bonds, yet I would suggest this point: Might not the courts hold that while if bonds were issued it would be *ultra vires*, still, as between the persons to whom the bonds were issued and the company they would be estopped from asserting that they had no power? I call to mind a case arising in my own State, which seems to be exactly analogous. An agricultural company owned a certain amount of property which they desired to improve, and made a loan of eight or ten thousand dollars, and mortgaged the property to secure the loan.

On the maturity of the notes when the holder of the notes and the mortgage indebtedness sought to recover from the company by foreclosure, the company set up the very ground of defense raised by the chairman of this committee in regard to this railroad company under the present charter, which we are now discussing, to wit: that there was no power authorizing the creation of this mortgage, and that it was what is known in law as *ultra vires*. But the supreme court of the State held that inasmuch as this money had been procured and had been used for the purpose of improving and beautifying the grounds of the company by the consent of its officers and the company itself, the company would be estopped from raising that defense, and permitted the foreclosure to go on——

Mr. ROWELL. Let me interrupt my colleague a moment; are you not a little mistaken as to the foreclosure?

Mr. HOPKINS, of Illinois. No; the mortgage was foreclosed, and a decree entered and the property sold under it.

Now, I have not in my mind exactly the precise principle involved in the case of the foreclosure of the mortgage of the university of Chicago. That was a donation originally from Senator Stephen A. Douglas. There it was claimed that they had no authority to grant a mortgage——

Mr. ROWELL. The point was that if they did such a thing the property would revert to the original owners; and the attempt was to make it revert because of the creation of a mortgage.

Mr. HOPKINS, of Illinois. My colleague will remember that the university, when the insurance company undertook to foreclose, set up the defense that the university had no authority to grant a mortgage by its charter.

That was tried in the Federal courts, and they decided that the university would be estopped from setting up such a defense, as that would be an unconscionable defense. Afterwards the Douglas heirs undertook to claim the property on the ground that the giving of the mortgage was directly in contravention of the grant, and that the fact of undertaking to make the mortgage caused a reversion of the property. I simply suggest this point, not for the purpose of making any opposition to the bill, but to call the attention of gentlemen to it to see if it may not be amended, if it be considered necessary to provide against just such contingencies.

Mr. HEMPHILL. Mr. Chairman, according to my construction of the law a corporation has no powers except those that are given to it by the legislature, either by a specific act or under the general law. It has no power to do anything except the power which the legislative branch of the Government gives it. I do not know of any amendment which would prevent a corporation from doing something that is wrong. If we put a provision in here that it shall not do wrong, and it goes and does it, we are no better off than if we did not put it in. If they do wrong, we are compelled to trust to the courts for a vindication of the law in an effort to make them do right.

Mr. HOPKINS, of Illinois. Permit me one moment further. I made the suggestion in this view: I see nothing in the charter of this company requiring that the capital stock shall be all paid up. I think it is proper under certain contingencies to allow corporations to issue bonds or mortgage its property; but this should not be done until the original subscriptions have been all paid up and the capital stock paid in. If bonds are then issued, we know that they are issued for an honest purpose. But the experience of men who have followed corporations is that where they are not required to pay up their stock in full before exercising the right to issue bonds, mortgages are made and bonds issued, with the proceeds of which they go on and complete the work, build up the road, and the stockholders get their stock substantially for nothing.

Mr. HEMPHILL. I appreciate what the gentleman says, and we do not want that done. Further, in response to the gentleman, I can only make the same answer I made to the gentleman from Kansas [Mr. ANDERSON], that is to say, we fixed the capital stock at the sum we thought the very least amount that the road could properly be built

for. Of course we may have varied a little, either above or below, but the difference can not be very great either way.

Mr. ROWELL. They have to pay enough in to build the line.

Mr. ANDERSON, of Kansas. The provision of the bill, as I understand it, allows the directors to make an assessment, say of 10 per cent., which must be paid in upon whatever the amount of the capital stock may be, but the 90 per cent. is not. Now, has the gentleman any objection to inserting at the proper point, and he can better prepare the amendment than I, a provision requiring that the capital stock shall be all paid in in full before any obligations of indebtedness are issued by the company?

Mr. HEMPHILL. I would not have any objection, except that it would——

Mr. ROWELL. It would rather imply that they have the right.

Mr. HEMPHILL. Yes; such a provision would be tantamount to implying that they have that right.

Mr. ROWELL. I would prefer that there should not be any such implication. I think the general law is unquestionable that where there is no general power to bond a road, it can not be legally bonded; but to inferentially grant the power to bond the road would be a rather doubtful provision of law. I would rather keep it out entirely. According to the plan of the bill as arranged, they must make assessments and continue making them until they get the road in running order and provide its necessary equipments; and the purpose of not requiring all the money to be paid in at the start is that it should not be kept lying idle, but to be called in and used in building the road, until the work of construction was complete. When that is done, that is the limit of their power in making assessments.

Mr. WARNER. I want to suggest an amendment that the corporation should exercise no power not herein granted.

Mr. ANDERSON, of Kansas. That is the law to-day.

Mr. HEMPHILL. I suggest to the gentleman from Kansas this amendment, which will cover the ground: "That the capital stock shall be paid up in full before they shall have power to operate the road."

Mr. ANDERSON, of Kansas. That will be satisfactory.

The amendment was agreed to.

Mr. HEMPHILL. I ask unanimous consent to recur to section 1 for the purpose of offering this amendment:

Strike out the words "or double;" so that it will read: "single-track railway."

There was no objection, and the amendment was agreed to.

Mr. HEMPHILL. The gentleman from New Jersey [Mr. MCADOO] has an amendment which he wishes to offer.

The Clerk read as follows:

At the end of the first section insert:
"*Provided*, If an electric-motor power is used the electric wires or conductors shall be placed under the ground."

Mr. HEARD. I desire to ask the attention of the gentleman from New Jersey to the phraseology of his amendment. I apprehend his purpose is probably to prevent the use of the overhanging wires; and therefore I ask the gentleman to phrase his amendment so as to accomplish that end; and I do so for this reason: At this time, Mr. Chairman, electric motors are being used which are placed on the cars themselves in connection with a storage battery, and there are no overhanging or underlaid cables, and I know the gentleman does not desire to preclude the use of that power.

Mr. MCADOO. I accept the suggestion of the gentleman from Missouri and I modify the amendment.

The Clerk read the amendment as modified, as follows:

Add to the first section the following:
"*Provided*, If an electric wire or cables are used the same shall be placed under ground."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Add to section 9 the following:
"*Provided*, That the full amount of the capital stock subscribed shall be paid in full in cash before said company shall operate said road."

The amendment was agreed to.

Mr. WARNER. I move to add to section 18 the amendment which I send to the Clerk's desk, to which the chairman of the committee [Mr. HEMPHILL] will have no objection.

The Clerk read as follows:

Provided further, That it shall exercise no powers not herein expressly granted.

The amendment was agreed to.

Mr. HEMPHILL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass, and that the House bill corresponding to this bill be laid on the table.

The motion was agreed to.

Mr. HEMPHILL. I move that the committee now rise and report the several bills to the House with the recommendation that they do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. HATCH] having resumed the chair, Mr. ROGERS reported that the Committee of the Whole House had had under consideration sundry bills reported from the Committee on the District of Columbia, and had directed him to report them with various recommendations.

WASHINGTON AND HIGHLAND STREET RAILWAY COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6264) to incorporate the Washington and Highland Street Railway Company of the District of Columbia, reported from the Committee of the Whole with amendments.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, reported from the Committee of the Whole with amendments.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

The bill (H. R. 9581) to incorporate the Georgetown Barge and Dock Company, was, by unanimous consent, laid on the table.

ANACOSTIA AND POTOMAC RIVER RAILWAY COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1051) to amend an act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railway Company of the District of Columbia.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIGHTWOOD RAILWAY COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia reported from the Committee of the Whole with an amendment.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

A bill (H. R. 10185) to incorporate the Brightwood Railway Company of the District of Columbia was laid on the table.

PACIFIC RAILROAD TELEGRAPH LINE.

Mr. DOCKERY. Mr. Speaker, I desire to present a privileged report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

ALEX. M. DOCKERY,
C. L. ANDERSON,
S. R. PETERS,
Managers on the part of the House.
S. M. CULLOM,
O. H. PLATT,
A. P. GORMAN,
Managers on the part of the Senate.

The managers of the conference on the part of the House submitted the following statement:

The undersigned, managers on the part of the House on the disagreeing votes of the two Houses on H. R. No. 1426, respectfully submit the following:

The effect of the Senate amendment is to relieve the railroad companies referred to in the bill from the obligation to construct telegraph lines where they are already constructed, but leaves in full force the obligation to maintain and operate telegraph lines for all the purposes expressed in the bill, and to "exercise by themselves alone all the telegraphic franchises conferred upon them and obligations assumed by them under the acts making the grants."

A. M. DOCKERY,
C. L. ANDERSON,
S. R. PETERS,
Managers on the part of the House.

Mr. DOCKERY. I do not suppose that there will be any disposition to discuss this bill, which passed the House on the 3d of March last by a vote of 197 yeas to 4 nays, and if there is no desire to discuss it I will demand the previous question on the adoption of the conference report.

The previous question was ordered and the report of the committee of conference was adopted.

Mr. DOCKERY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. I move that the House now resolve itself into Committee of the Whole on the Private Calendar, for the purpose of taking up sundry bills reported from the Committee on the District of Columbia.

Mr. WILKINS. I desire to ask the gentleman whether he proposes to take up the trust company bill?

Mr. HEMPHILL. That is a portion of the business that we desire to have considered.

Mr. WILKINS. Then I hope the gentleman's motion will not be agreed to.

The question was taken on the motion of Mr. HEMPHILL, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. WILKINS. I ask for a division.

The House divided; and there were—ayes 53, noes 12.

Mr. WILKINS and Mr. GROSVENOR. No quorum.

Mr. WILKINS. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. WILKINS] makes the point of order that no quorum has voted, and the Chair will appoint tellers. Pending that, the gentleman from Ohio moves that the House do now adjourn.

The question was taken on the motion to adjourn; and there were—ayes 29, noes 55.

So the motion was not agreed to.

Mr. HEMPHILL. I would like the indulgence of the House to make a brief statement. These bills have been examined by the committee carefully, and they are very well guarded, and it seems to me that the House ought at least to give the members of the committee an opportunity to express their views upon the measures and explain them. We shall be glad to submit them to the judgment of the House after we have had a fair chance to explain their provisions.

The gentlemen who ask for these privileges are citizens of this District of the highest character. This is their only place for getting legislation; and I submit that, as the right has been reserved to Congress to legislate for this District, it is as little as we can do to allow to measures which have been reported by the House committee or passed by the Senate a fair consideration. If, when gentlemen have heard the arguments on both sides, they decide against us we shall, of course, cheerfully submit. But if we can convince members that the measures asked are proper, and that these gentlemen are entitled to the privileges they desire, they ought to be granted. The simple question is whether gentlemen will allow us to go into the Committee of the Whole that we may give our reasons for reporting these bills and submit the question of their passage to the best judgment of the House. I ask my friend from Ohio [Mr. WILKINS] to withdraw his point of "no quorum," so that we may have an opportunity for discussion on these measures.

Mr. WILKINS. If the object in going into the Committee of the Whole is only discussion, I will cheerfully assent to the gentleman's request.

Mr. HEMPHILL. Of course we expect to discuss the measures, and also to ask action upon them.

Mr. WILKINS. Well, then, we may as well settle the question right here.

Mr. HEMPHILL. If the gentleman is going to "settle" it without giving these people an opportunity to be heard, it is, of course, in his power to do so; but it seems to be a rather harsh proceeding. [Cries of "Regular order!"]

Mr. HEMPHILL and Mr. WILKINS were appointed as tellers.

The question being again taken on the motion of Mr. HEMPHILL that the House resolve itself into Committee of the Whole House on the Private Calendar, the tellers reported—ayes 67, noes 11.

Mr. GROSVENOR. No quorum.

The SPEAKER *pro tempore*. The point of "no quorum" is insisted upon. The tellers will retain their places. Gentlemen are requested to vote on the one side or the other.

Mr. HOOKER. As it is evident that this question must come up some time or other, I can not see any reason why discussion should not be allowed to proceed. After that, gentlemen can raise any point of order when the Committee of the Whole or the House shall come to act upon the bill.

Mr. WILKINS. This is a very important measure, and it is proper it should be discussed in a full House. [Cries of "Regular order!"]

LEAVE OF ABSENCE.

Pending the count by tellers, leave of absence was, by unanimous consent, granted as follows:

To Mr. WILBER, for two weeks, on account of poor health.

To Mr. SHERMAN, until August 13, on account of business.

ORDER OF BUSINESS.

The tellers continuing their count, reported—ayes 74, noes 12.

Mr. THOMPSON, of Ohio. Mr. Speaker, pending this division, is it in order to move that the House adjourn?

The SPEAKER *pro tempore*. It is.

Mr. THOMPSON, of Ohio. I make that motion.

The question being taken on the motion of Mr. THOMPSON, of Ohio, that the House adjourn, there were—ayes 49, noes 45.

Mr. HEMPHILL. I desire to submit, as a parliamentary inquiry, whether it was in order to move to adjourn while we were voting by tellers.

The SPEAKER *pro tempore*. Business had intervened since the preceding motion to adjourn; and the motion of the gentleman from Ohio [Mr. THOMPSON] was in order.

Mr. HEMPHILL. Mr. Speaker, it is very evident we have not a quorum present. It seems to be equally evident that some of our friends here are determined we shall not have an opportunity to explain these bills to the House. Under these circumstances, hoping that we shall have a quorum on this question hereafter, and that gentlemen will be somewhat mollified by that time, I withdraw the motion to go into Committee of the Whole.

The SPEAKER *pro tempore*. The House has divided on the motion to adjourn.

Mr. TOWNSHEND. I ask unanimous consent—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Unless tellers or the yeas and nays are demanded the Chair will announce the result of the vote on the motion to adjourn.

Mr. HEMPHILL. I call for tellers.

Tellers were not ordered, only 24 voting in favor thereof.

Mr. STEELE. I call for the yeas and nays.

Mr. THOMPSON, of Ohio. Before the question on ordering the yeas and nays is put, I wish to say that as the motion of the gentleman from South Carolina [Mr. HEMPHILL] has been withdrawn—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded, and debate is not in order. The motion to adjourn can not be withdrawn at this time.

Mr. THOMPSON, of Ohio. I was about to ask unanimous consent to do so. [Cries of "Regular order!"]

Mr. STEELE withdrew the call for the yeas and nays.

So the motion to adjourn was agreed to; and accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. C. L. ANDERSON: A bill (H. R. 10938) granting a pension to David Myers—to the Committee on Pensions.

By Mr. ATKINSON: A bill (H. R. 10939) for the relief of Martha J. A. Rumbaugh—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 10940) granting a pension to Ann Holliday—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 10941) for the relief of the Mobile and Girard Railroad Company—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 10942) for the relief of G. Dwight Hamilton—to the Committee on War Claims.

By Mr. CHIPMAN: A bill (H. R. 10943) granting a pension to Betsy Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10944) granting a pension to Victoria May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10945) for the relief of Francis Covert—to the Committee on Military Affairs.

Also, a bill (H. R. 10946) granting a pension to Mrs. Ellen A. McInerney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10947) for the relief of John Sweeney—to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 10948) granting a pension to Eliza A. Clark—to the Committee on Invalid Pensions.

By Mr. GLASS (by request): A bill (H. R. 10949) for the relief of the estate of J. J. Pulliam, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10950) for the relief of William Louin—to the Committee on War Claims.

By Mr. HAYDEN: A bill (H. R. 10951) granting a pension to Mary Von Olnhausen—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: A bill (H. R. 10952) to grant a pension to Franklin R. Walker—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 10953) granting an increase of pension to John Huckler—to the Committee on Invalid Pensions.

By Mr. MAISH: A bill (H. R. 10954) for the relief of Mary Ann Reid—to the Committee on Pensions.

By Mr. McMILLIN: A bill (H. R. 10955) for the relief of Polly Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 10956) for the relief of Elisha Chastian—to the Committee on War Claims.

Also, a bill (H. R. 10957) granting a pension to Hester J. Mitchell—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10958) for the relief of Alanson V. Brooks—to the Committee on Military Affairs.

Also, a bill (H. R. 10959) for the relief of Alanson V. Brooks—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10960) granting a pension to William Short—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 10961) pensioning Charles H. Masten—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 10962) granting a pension to Aaron W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10963) granting a pension to James Hymer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10964) granting a pension to Asa Price—to the Committee on Invalid Pensions.

By Mr. WILBUR: A bill (H. R. 10965) granting a pension to Elizabeth Watson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10966) for the relief of John R. Reynolds—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Resolutions of the United Labor League of America, requesting that 10,000 copies of the memorial of John Pope Hodnett be printed for the use of the workingmen of the District of Columbia—to the Committee on Printing.

By Mr. C. L. ANDERSON: Paper in the claim of David Myers, for relief—to the Committee on Pensions.

By Mr. BIGGS: Petition of William K. Spencer and 25 others, citizens of the Second district of California, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BINGHAM: Petition of citizens of Philadelphia, on behalf of Local Assembly No. 3534, Knights of Labor, for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. C. R. BRECKINRIDGE: Petition of the Woman's Christian Temperance Union of Arkansas, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. BROWER: Petition of O. B. Tenney and others, heirs of Jane B. Tenney, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. CATCHINGS: Petition of John W. Spratly, of Warren County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Francis Covert, for amendment of his military record—to the Committee on Military Affairs.

Also, petition of Betsy Cole, for a pension—to the Committee on Invalid Pensions.

By Mr. HATCH: Petition of W. S. Bridges and 25 others, citizens of Johnson County, Missouri, in favor of pure food—to the Committee on Agriculture.

Also, petition of citizens of Hannibal, of Macon, of Unionville, of La Plata, of St. Louis, and of Palmyra, Mo., for reduction of duty on dentists' supplies—to the Committee on Ways and Means.

By Mr. HEMPHILL (by request): Petition of the Woman's Christian Temperance Union of the District of Columbia, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. HOWARD: Petition of wool dealers of Louisville, Ky., and New Albany, Ind., against the Mills bill—to the Committee on Ways and Means.

By Mr. JACKSON: Petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, in favor of homes for women in Utah—to the Committee on the Territories.

By Mr. LAIDLAW: Petition for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. MCKINLEY: Petition of citizens of Stark County, Ohio, for the relief of Eli Haines—to the Committee on Military Affairs.

Also, petition of woolen manufacturers and others, against the Mills bill—to the Committee on Ways and Means.

By Mr. MCMILLIN: Petition of Wesley Hancock, of heir of William H. Fugua, and of executor of D. C. Hibbitts, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of Alanson V. Brooks, for a pension and correction of military record—to the Committee on Military Affairs.

By Mr. MORROW: Petition of the Woman's Christian Temperance Union of California, for a prohibitary constitutional amendment—to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Local Assembly No. 3516, Knights of Labor, and of Knights of Labor of Philadelphia, in favor of House bill No. 8716—to the Committee on Labor.

By Mr. ROCKWELL: Petition of Mrs. H. E. Norton and others, of Southfield, Mass., for repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. CHARLESSTEWART: Petition of sundry citizens of Grimes and Madison Counties, Texas, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. TAULBEE: Petition of John H. Long, M. D., of John W. McCullah, of Anthony Ihms, of James W. Bridges, of William McAdams, of George W. Griggs and others, and of J. S. Turner, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of the estate of Mrs. J. E. Rodes, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Resolution relative to increased compensation of Duval Robinson—to the Committee on Accounts.

SENATE.

TUESDAY, *July* 24, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Henry Hardy, of Anacostia, D. C., on behalf of the heirs of Capt. Lambert Wickes, late of the United States Navy, praying for the passage of Senate bill No. 865, for their relief; which was referred to the Committee on Revolutionary Claims.

He also presented a petition of citizens of Ohio, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a petition of Susquehanna Council No. 89, Junior Order of United American Mechanics, of Wrightsville, Pa., praying for the passage of Senate bill 553, to regulate and restrict immigration; which was referred to the Committee on Foreign Relations.

He also presented the petition of the Association of Fully Disabled Veterans, of Pittsburgh, Pa., praying for the passage of a bill to increase pensions in certain cases; which was referred to the Committee on Pensions.

He also presented petitions of John C. Steiner and 24 other ex-Union soldiers and sailors, of W. H. Wharton and 14 other ex-Union soldiers and sailors, of William H. Vantassel and 43 other ex-Union soldiers and sailors, of H. W. Drips and 28 other ex-Union soldiers and sailors, of Theodore Hunt and 10 other ex-Union soldiers and sailors, of William Frasier and 23 other ex-Union soldiers and sailors, of Samuel B. Kennedy and 27 other ex-Union soldiers and sailors, of J. H. Lasher and 30 other ex-Union soldiers and sailors, of William McElfresh and 12 other ex-Union soldiers and sailors, of W. H. Smith and 9 other ex-Union soldiers and sailors, of Amos Kuhl and 28 other ex-Union soldiers and sailors, of J. D. McQuaide and 11 other ex-Union soldiers and sailors, of Jacob L. Grove and 17 other ex-Union soldiers and sailors, of John H. Anderson and 6 other ex-Union soldiers and sailors, of Henry Bain and 2 other ex-Union soldiers and sailors, of M. L. Carnahan and 5 other ex-Union soldiers and sailors, of John H. Park and 38 other ex-Union soldiers and sailors, of Vachel Catlin and 31 other ex-Union soldiers and sailors, of Albert S. Borlin and 12 other ex-Union soldiers and sailors, of George H. Murphy and 28 other ex-Union soldiers and sailors, of J. A. Pearce and 18 other ex-Union soldiers and sailors, of C. L. Palmer and 8 other ex-Union soldiers and sailors, of C. P. Craver and 66 other ex-Union soldiers and sailors, of J. H. Murdock and 12 other ex-Union soldiers and sailors, of W. H. Swart and 18 other ex-Union soldiers and sailors, of William Anderson and 14 other ex-Union soldiers and sailors, of D. L. Crawford and 36 other ex-Union soldiers and sailors, of M. R. Haymaker and 15 other ex-Union soldiers and sailors, of Henry Campbell and 18 other ex-Union soldiers and sailors, of H. C. Fishel and 18 other ex-Union soldiers and sailors, of Michael R. Meanor and 37 other ex-Union soldiers and sailors, of Andrew Cook and 35 other ex-Union soldiers and sailors, of Henry Stoble and 25 other ex-Union soldiers and sailors, of Charles Wiley and 6 other ex-Union soldiers and sailors, of C. G. Koechlin and 27 other ex-Union soldiers and sailors, of Samuel McCutchin and 20 other ex-Union soldiers and sailors, of W. D. Patterson and 17 other ex-Union soldiers and sailors, of William J. Woods and 44 other ex-Union soldiers and sailors, of N. N. Fullerton and 19 other ex-Union soldiers and sailors, of Jesse A. Clements and 8 other ex-Union soldiers and sailors, of John R. Henry and 7 other ex-Union soldiers and sailors, of William Behney and 10 other ex-Union soldiers and sailors, of J. W. Wilson and 6 other ex-Union soldiers and sailors, of Joseph P. Love and 15 other ex-Union soldiers and sailors, of John Lauffer and 5 other ex-Union soldiers and sailors, of James A. Miller and 18 other ex-Union soldiers and sailors, of Simon Bitts and 37 other ex-Union soldiers and sailors, of P. C. King and 14 other ex-Union soldiers and sailors, and M. S. Tarr and 14 other ex-Union soldiers and sailors, all of Westmoreland County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1612) to provide for holding terms of United States district and circuit courts in the State of Nebraska, reported it with an amendment.

He also, from the Committee on the Judiciary, to whom were referred

the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 857) to provide for the holding of the district court of the United States at Concordia, Kans.;

A bill (S. 935) to provide for holding terms of the United States district and circuit courts in the State of Nebraska; and

A bill (S. 934) to divide the State of Nebraska into two judicial districts.

Mr. WILSON, of Iowa. I am also directed by the Committee on the Judiciary, to whom were referred sundry petitions having reference to the bills which have just been reported, to report them adversely, and to move that the committee be discharged from their further consideration.

The motion was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1733) establishing the fees and expenses of examining surgeons, reported it with an amendment.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3255) granting a pension to Mary E. Cotrill, widow of Hugh B. Cotrill;

A bill (S. 3200) granting a pension to Scott S. Hawn; and

A bill (S. 3264) granting a pension to Mrs. Ellen Hand.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3263) granting a pension to Charles Avery; and

A bill (S. 3188) granting a pension to Martha Ackerson.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the petition of C. O. Tannehill and others, praying for the establishment of a court in the Neutral Strip on the borders of Texas, to request that the committee be discharged from its further consideration, and that the petition lie on the table. I understand a measure reported by the Committee on Public Lands has already provided for such a court.

The report was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2041) providing for the holding of the United States courts in the city of Newark, N. J., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1312) to providef or a term of court at Quincy, Ill., reported it without amendment.

Mr. VEST, from the Committee on the Judiciary, to whom was referred the petition of certain citizens of Frankfort, Ky., praying that exclusive jurisdiction be given to the Federal courts of that State over the counties nearest to each court respectively, asked to be discharged from its further consideration, and moved that it lie on the table; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 1477) to subdivide the western judicial district of Louisiana, reported it without amendment.

Mr. STOCKBRIDGE, from the Committee on Fisheries, to whom was referred the bill (S. 1621) relating to the catching of fish by subjects of foreign governments in the waters of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3311) granting a pension to Oscar H. Kimball, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2939) granting a pension to Margaret E. Adamson;

A bill (S. 3330) for the relief of William H. Thomas;

A bill (S. 2514) granting a pension to Michael Shong;

A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;

A bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall;

A bill (S. 3316) granting a pension to Jasper N. Warren; and

A bill (S. 3130) granting a pension to Patrick Welch.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3239) granting a pension to Frederick Wunoch, late of Company H, Twentieth Regiment Indiana Volunteers;

A bill (S. 3286) granting a pension to John H. Tunney; and

A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (S. 1116) granting a pension to Henry Frantz, reported adversely thereon, and the bill was postponed indefinitely;

He also, from the same committee, submitted a report, accompanied by a bill (S. 3369) granting an increase of pension to Henry Frantz; which was read twice by its title.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C., reported it without amendment, and submitted a report thereon.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the amendment proposed by the Senator from Wisconsin [Mr. SPOONER] to the bill making appropriations for the sundry civil expenses. It is an amendment to that bill providing for refunding what is called the direct tax paid by the States.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Appropriations.

COURTS AT SALINA, KANS.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 856) to provide for the holding of the district courts of the United States at Salina, Kans., to report it favorably, without amendment.

Mr. PLUMB. The bill which has just been reported is a local bill, and it is of some importance that it should be disposed of early. I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS AT OWENSBOROUGH, KY.

Mr. VEST. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes, to report it favorably, with amendments.

Mr. BLACKBURN. I ask unanimous consent that the bill may be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was reported from the Committee on the Judiciary, with amendments.

The first amendment was, in section 4, line 6, after the word "himself," to strike out "similar to that referred to in the last section" and insert "with surety for the faithful discharge of his duties, and for indemnity in case of breach on which actions may be maintained in said district court;" so as to make the section read:

SEC. 4. That the marshal of said district shall, by himself or deputy, attend upon the terms of the court in said division; and he may appoint a deputy to reside at Owensborough (and shall do so if ordered by the court), who shall discharge all the duties of marshal; and the marshal may require a bond of indemnity to himself, with surety for the faithful discharge of his duties, and for indemnity in case of breach on which actions may be maintained in said district court.

The amendment was agreed to.

The next amendment was, in section 5, line 7, after the word "action," to strike out the words "and so forth" and insert "prosecutions and proceedings;" so as to make the section read:

SEC. 5. That this act shall not affect the jurisdiction, power, and authority of the court as to actions, prosecutions, and proceedings already begun and pending in said district, but the same will proceed as though this act had not been passed, except that the court shall have power, which it may exercise at discretion, to transfer to the court in said division such of said pending actions, prosecutions, and proceedings as might properly be begun therein under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 6, line 6, to change the word "officer" to the word "office;" so as to read:

And the deputy clerk shall provide himself with an office at Owensborough.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLACKBURN. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. HOAR, and Mr. WILSON, of Iowa, were appointed.

COURTS IN NEBRASKA.

Mr. WILSON, of Iowa. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, which was reported by me from the Committee on the Judiciary with an amendment this morning.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That hereafter there shall be held annually in the State of Nebraska a term of the circuit and district courts of the United States for the district of Nebraska at the times and places following: At Omaha in said State on the second Monday in May and second Monday in November; in Lincoln on the second Monday in January; in Hastings on the second Monday in March; and in Norfolk on the second Monday in April, and a grand and petit jury may be summoned to serve at each of said terms of court hereby established.

SEC. 2. That all writs, processes, pleas, recognizances, and bonds made or returnable to the terms of said courts as now provided by law shall be considered as taken and returnable to the terms established by this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WILSON of Iowa, Mr. EVARTS, and Mr. COKE were appointed.

COURTS AT NEWARK, N. J.

Mr. HOAR. I ask the Senate to take up the bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J., which was just reported from the Committee on the Judiciary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS AT QUINCY, ILL.

Mr. HOAR. I ask unanimous consent that the Senate consider at this time the bill (H. R. 1312) to provide a term of court at Quincy, Ill., also reported by me from the Committee on the Judiciary this morning.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN LOUISIANA.

Mr. GIBSON. I ask unanimous consent to call up at this time the bill (H. R. 1477) to subdivide the western judicial district of Louisiana, which, having passed the House of Representatives, was reported favorably this morning by the Senator from Missouri [Mr. VEST] from the Committee on the Judiciary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF TARIFF BILL.

Mr. SHERMAN. I am directed by the Committee on Finance to report a resolution. It will take but a moment to read it, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate, in pamphlet form, 5,000 copies of House bill No. 9051, entitled "An act to reduce taxation and simplify the laws in relation to the collection of the revenue."

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator from Maine desire to interrupt morning business?

Mr. HALE. No; I do not wish to interfere with it. I thought that was through.

REPORT ON LIQUOR TRAFFIC.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the resolution submitted by the Senator from New Hampshire [Mr. BLAIR] on the 21st instant, with the recommendation that the blank be filled with the words "five thousand." I ask for its present consideration.

The resolution was read, as follows:

Resolved, That —— extra copies of Senate Report No. 1727, upon the "joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors," be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to fill the blank by the insertion of the words "five thousand."

Mr. COCKRELL. Is that a unanimous report of the committee?

Mr. MANDERSON. It is a report from all the members of the committee who were present. There were but two of the three present to whom it could be submitted. The cost of 5,000 copies of the report will be a little under $50, I understand. The resolution was presented by the chairman of the Committee on Education and Labor, who called the attention of the Committee on Printing to the importance of the report and the great demand for it. Under those considerations the majority of the committee reported in favor of the resolution.

Mr. COCKRELL. Was the report made by the Committee on Education and Labor?

Mr. MANDERSON. The resolution was presented by the chairman of that committee. I do not know whether he presented it from the committee. He can answer that for himself.

Mr. BLAIR. The resolution was introduced by myself individually. I care very little whether any extra copies are printed, except that there is continual demand for them, and the Woman's Christian Temperance Union, which has taken a great deal of interest in the subject, as the Senator knows, would be likely in the end to make most of these copies available. I do not care to occupy time on the matter.

Mr. COCKRELL. I ask the Senator to let the resolution lie over until to-morrow. I should like to look at it.

Mr. MANDERSON. I have no objection.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow. Shall the amendment be first agreed to?

Mr. COCKRELL. Let the amendment lie over, too.

The PRESIDENT *pro tempore*. The report of the committee on the resolution will lie over until to-morrow.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3370) granting a pension to Angelina Keefer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3371) granting a pension to Rudolph Ralle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3372) granting a pension to Daniel B. Singer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3373) granting a pension to Nicholas Moy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3374) granting an increase of pension to Newton J. Shrake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

COURTS IN DAKOTA.

Mr. WILSON, of Iowa, submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

JAMES F. WILSON,
WM. M. EVARTS,
G. G. VEST,
Conferees on the part of the Senate.

WILLIAM M. SPRINGER,
C. B. KILGORE,
WM. WARNER,
Conferees on the part of the House.

The PRESIDENT *pro tempore*. The House having receded, no further action is needed by the Senate.

TELEGRAPHIC FRANCHISES OF PACIFIC RAILROADS.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

S. M. CULLOM,
O. H. PLATT,
A. P. GORMAN,
Managers on the part of the Senate.

A. M. DOCKERY,
C. L. ANDERSON,
S. R. PETERS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action on the part of the Senate.

VETOED PENSION BILLS.

Mr. HAWLEY. I call up the resolution for printing 5,000 copies of the special report of the Committee on Pensions, which is on the desk.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the resolution reported by the Senator from Nebraska [Mr. MANDERSON] to print 5,000 ad-

ditional copies of Senate Report No. 1667, on pension bills vetoed by the President. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Ordered, That 5,000 extra copies of Senate Report No. 1667, on certain pension bills returned to the Senate by the President without his approval, together with the views of the minority of the committee, be printed for the use of the Senate.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the resolution?

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. Is there not an amendment pending?

The PRESIDENT *pro tempore*. There are two amendments. The first amendment will be stated.

The Chief Clerk read Mr. COCKRELL's amendment, which was to add to the resolution:

Resolved, That there be printed 100,000 copies of the messages of the President of the United States sent to the Congress of the United States vetoing pension bills during the Forty-ninth Congress and the Fiftieth Congress to this date.

The PRESIDENT *pro tempore*. The second amendment will be read for information.

The CHIEF CLERK. The amendment moved by Mr. BLAIR was to add to the amendment of Mr. COCKRELL:

Together with the reports of the Committee on Pensions of the Forty-ninth Congress thereon, and the views of the minority.

Mr. HAWLEY. The original resolution provides simply for printing 5,000 extra copies of the prescribed report of the Committee on Pensions. The Senator from Missouri moved an amendment to print 100,000 copies of all the President's veto messages. I objected to it on general grounds—that it was hardly really germane to the pending resolution, and, besides, the additional point of order under the rule, that as it would require more than $500 to do the work he proposes, it must be done by concurrent resolution.

The PRESIDENT *pro tempore*. The Chair passed upon that point of order.

Mr. HAWLEY. I understood the Chair to pass upon that.

Mr. COCKRELL. I did not understand the Chair the other day to have passed upon the point of order.

The PRESIDENT *pro tempore*. That is the recollection of the Chair.

Mr. COCKRELL. I did not so read it in the RECORD.

The PRESIDENT *pro tempore*. The rules requiring the reference of resolutions to print, where the amount is over a certain sum, to the Committee on Printing would exclude the consideration of the amendment.

Mr. COCKRELL. I did not so understand.

The PRESIDENT *pro tempore*. The Chair will have the RECORD examined.

Mr. COCKRELL. I desire to say in connection with the resolution that when it was reported the other day from the Committee on Printing, I, in a very pleasant and I thought jocular way, suggested to the distinguished Senator in charge of it that as they were going to print so many copies of the report of the Senate Committee on Pensions, which was an attempt to reflect severely upon the President, they might add to it and print a certain veto message of the President which had come in since that report had been made, the veto message in the Dougherty case. I had no idea that I should excite my friends to the high pitch that followed, and I confess that I was very much amused. They seemed to fly into a rage over the proposition to print the veto message of the President in the Dougherty case in connection with this report.

I had no intention to offer at that time the amendment; I simply suggested it; and I thought that my friends would be glad to have the opportunity of spreading another one of those veto messages before the people of this country. The veto messages have been denounced "in season and out of season," and if they are of the character our friends say they are, they ought to publish them and send them broadcast. When I made the suggestion I found out the temper of our friends. My good friend from Massachusetts [Mr. DAWES] immediately sprang up and as it were, challenged me to offer a resolution to print the President's veto messages.

Sir, I thought I understood the distinguished Senator from Massachusetts, one of the able Republican leaders on the floor of the Senate, and I supposed that it was a request that I should offer a resolution to print all these veto messages and get them before the people of the country, so that their printing might not assume a partisan aspect, and I supposed if I were to offer the amendment and get these hundred thousand copies of the President's veto messages spread before the country, then the Republican party would not be charged with any partisan feeling in printing them, as the Senate is Republican.

I offered my amendment supposing, as a matter of course, that the opposite side would only be too glad to get the opportunity of printing 100,000 copies of these veto messages and scattering them broadcast throughout the length and breadth of the land. I thought I would relieve them of the responsibility of the publication, being a partisan one on their side.

To my horror and astonishment, after the kind invitation of the distinguished Senator from Massachusetts that I should offer this amendment, when I offered it the Senators on the other side sprang into a fearful rage over it, and then my distinguished friend from Connecticut [Mr. HAWLEY] was moved almost to tears over the poor Dougherty case, and the vials of his wrath were poured out upon the devoted head of the President for vetoing the pension bill in behalf of this poor widow, who had suffered such a dire calamity in being blown high into the air by an explosion at the arsenal.

I was anxious that all these veto messages should get before the country, and, as I said before, I wished we could have some means of printing from 100,000 to 500,000 copies of each veto message which has been issued by the President, and place them in the hands of every man, woman, and child in this broad land. I am willing to do that, but, I supposed our Republican friends wanted the privilege of doing it, and I offered it to them. But now how is it? The distinguished leader from Ohio [Mr. SHERMAN], who was not chosen to lead his party, appealed to me to withdraw this amendment, and finally the distinguished Senator from Connecticut [Mr. HAWLEY] made a point of order that it was not in order.

Mr. HAWLEY. I suggest that there is nothing in the way of the Senator offering it as an independent resolution.

Mr. COCKRELL. Then it goes to the Committee on Printing, and there it will sleep the sleep that knows no waking.

Mr. HAWLEY. I will guaranty that it will be reported before night.

Mr. COCKRELL. It will be reported adversely then. I want to get the veto messages printed with this expression of the Committee on Pensions, the majority report. I want them to go side by side. They will be two excellent documents and they will read well. The people would like to read the Dougherty veto message just after reading the report of the Committee on Pensions, and I should like to give them the opportunity of doing it.

Mr. President, I can not see why our friends do not want that message printed. I can not see why they do not want all the veto messages printed. We printed all of them up to the close of the first session of the Forty-ninth Congress, and there is great demand for that volume; the people like to read it. But the veto messages of the last session of the Forty-ninth Congress and the veto messages of the present session have not been printed. I would like to have a publication of a compilation of all the veto messages of the present Executive of the United States, and I would like the people to read them all, and I hope our friends will offer the resolution, and if the Presiding Officer declares it out of order and prevents the publication of it in connection with this report, then I shall offer it as a separate resolution and have it referred to the committee; or the resolution itself can be referred to the Committee on Printing.

Mr. DAVIS. Mr. President, the admiration which the Senator from Missouri entertains for the veto message in the Dougherty case compels me to submit some observations to the Senate at this time upon that matter, which may possibly increase the respect in which he holds that extraordinary document.

Mr. COCKRELL. Will the Senator just permit me to say one word in regard to that?

Mr. DAVIS. Certainly.

Mr. COCKRELL. I only referred to that because of what was said. Now, I shall have somewhat to say on that veto message when it is under discussion. I did not undertake to discuss the message and the facts in the case this morning, because I supposed the Committee on Pensions would report it back to the Senate, as it has been referred to that committee. I say now in advance that I shall be exceedingly gratified to have the Committee on Pensions report it back to the Senate and give us a chance to discuss it, and that might save the Senator from Minnesota from entering into a discussion of it now, because I am anxious that that case particularly shall be discussed. I think I can throw some light upon that subject-matter.

Mr. DAVIS. The Senator from Missouri having brought the Dougherty case into this discussion on a motion to print 100,000 copies of the veto messages, it is my purpose to gratify him now to some extent upon that topic.

The Dougherty case came before the last Congress on a petition which was signed, among other persons, by Admiral Porter and by the venerable George Bancroft, attesting their acquaintance with this woman, their knowledge of the peculiar calamities under which she had labored for so many years, which in their judgment made it proper that Congress should intervene in her behalf by a measure of special relief. That petition and those facts were examined by the committee of the Forty-ninth Congress and a favorable report was made. It received no legislative action, and again came before the present Pension Committee of the Senate, received a careful examination and a favorable conclusion upon substantially the following facts:

Mrs. Dougherty, now a woman between fifty and sixty years of age, was during the war employed in the Government arsenal in this city in filling cartridges, an employment of peculiar danger; and while there, without any fault on her part, an explosion took place which killed several, broke her collar-bone, scarred her face, from which she inhaled the flames, was made sick, and for a certain time insane. It was and is one of those cases falling within narrow exceptions, such as teamsters, quartermaster's clerks, and other civil employés in the Government military service; falling, I say, within narrow exceptions

where here and there Congress has from time to time put persons in her position upon the pension-rolls.

Her husband at this time was a soldier in the Army. His name was Daniel Dougherty, He came home from the war, and finding this woman in this pitiable condition, after remaining around Washington for a time sick, apparently so sick that the last ministrations of his religion were thought to have been required for him, although they were not administered, left his family ostensibly to go West in search of his health, and in the course of a few days came a letter or telegram to her announcing his death. About the same time their only son, the stay of this woman if he had lived, being then an employé in the navy-yard in this city, was killed by an accident there. Daniel Dougherty, who thus disappeared from this woman's side, has never reappeared to her personally.

She filed an application for a pension as his widow. The proof of death was that of a comrade who attested to his death in Paducah, Ky.; of an attending physician, who certified to it not of his own personal knowledge, but as exceedingly probable, and the proof in that respect was so cogent that the Pension Office in 1878 passed this woman's claim and put her on the pension-roll as the widow of Daniel Dougherty.

She enjoyed that pension three months. It began to be noised about from some source or other that Daniel Dougherty was not dead, that the report of his death, which had been conveyed to this woman, was a fabrication, and the office very properly undertook to ascertain whether the man yet lived, and it found that he did, whereupon the pension of Mary Ann Dougherty was suspended. Daniel Dougherty afterwards filed his claim for a pension on account of injuries, as he said, received in the service.

The Pension Committee did not proceed as the President of the United States would seem to indicate by his message, upon any theory or any mistake that Mary Ann Dougherty was the widow of Daniel Dougherty. The committee knew that Daniel Dougherty yet lived; they knew that he had been denied a pension, although he had made application, for injuries received in the service, but they placed the equities of Mrs. Dougherty upon the facts which I have stated—facts which commended themselves to the sympathies and judgment of the committee; facts which in scores of instances on behalf of men, and, I think, in some cases on behalf of women, have resulted in legislation by Congress in their favor.

This man Dougherty has never appeared to his family again. This woman for twenty years has lived in this city worse than in a state of widowhood, on account of the action of this man. She lost her son in a quasi military service. She herself received grievous injuries in the same capacity, namely, employment in an arsenal.

The President of the United States has seen fit to read to Congress and through Congress to exhibit to the country a homily upon its alleged carelessness and remissness in the way of duty in respect to this particular case, and also a general homily and reproof of Congress. He states in his message as a statement of fact, he informs the country in his message as follows:

> Her husband, Daniel Dougherty, is now living in Philadelphia, and is a pensioner in his own right for disability alleged to have been incurred while serving in the Thirty-fourth New Jersey Volunteers. Of this fact this beneficiary has been repeatedly informed.

Here we have the President of the United States stating in a paper which should be marked by truth in every word it contains, as a reason for refusing a pension to this woman, that Daniel Dougherty is now living in Philadelphia and is now a pensioner in his own right. "False as a bulletin" used to be a proverb in other countries. The phrase is particularly applicable to this paper, for there is not one word of truth in the allegation of the message which I have just read. The truth is directly the contrary; and my assertion in that respect does not depend on any outside investigation, but it depends on the face of the very record which the President of the United States in theory had before him when he fulminated this extraordinary document.

Daniel Dougherty never enjoyed a pension in his own right or in any other; and further than that, I say that the record shows that the claim of Daniel Dougherty for a pension was disallowed by the Pension Office. Here is the proof——

Mr. COCKRELL. That did not cause him to be considered dead and his widow entitled to a pension because he was disallowed a pension.

Mr. DAVIS. I say the President of the United States, in a message to the Senate, as a reason why he could not approve the claim of Mary Ann Dougherty, stated that Daniel Dougherty is now in the enjoyment of a pension, and I say the President was misled in that respect by the source to which he applies for information to supply the material for his veto messages. Here is the proof:

> DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
> *Washington, D. C., July 17, 1888.*
>
> SIR: In compliance with your request I have the honor to transmit herewith the papers in invalid claim No. 392598, of Daniel Dougherty, formerly of Company C, Thirty-fourth New Jersey Volunteers, which was rejected in December, 1886, because there was no record at the War Department of the injury to his back, and he was unable to prove its incurrence in the service and line of duty.
>
> Very respectfully,
>
> WM. E. McLEAN,
> *Acting Commissioner.*
>
> Hon. CUSHMAN K. DAVIS,
> *Chairman Committee on Pensions, the Senate.*

How does that consist, this official announcement from the Pension Bureau, with the averment of the President of the United States in the message designed to go forth to the country, which the Senator from Missouri is so anxious to have printed to the extent of 100,000 copies—I ask how does that statement consist with his affirmation on the second page of this message that Daniel Dougherty is a pensioner in his own right for disability incurred in the service? And when the President of the United States undertakes to lecture Congress and its committees for carelessness and want of vigilance in examining records, which Heaven knows are painful and laborious enough to examine, I would advise the particular Tite Barnacle in the veto division of the great American Circumlocution Office who furnishes the President with information in cases of this character to be more circumspect in his investigations.

This is not all. Here is the original record of the Pension Office in the Daniel Dougherty case. If oyer is claimed, profert is made, and upon the back of its envelope stands an indorsement which ought to have been the first thing seen by that familiar of the Pension Office who supplies the President of the United States the materials for the vetoes, who advised and instructed the President of the United States that Daniel Dougherty is now a pensioner in his own right.

On the 12th of June, 1888, about three weeks before the President transmitted his veto, this inscription was made on the wrapper in Daniel Dougherty's case, June 12, 1888.

Howard—

That is the name of Dougherty's attorney—

Testimony recently filed warrants no change of action.

Three weeks before the President affirmed that Daniel Dougherty was in the enjoyment of a pension, the Pension Office noted an inscription on the envelope of official action that there was no warrant for Daniel Dougherty's application for a change of the rejection which had been made in 1886.

Other charges are made in this veto message.

The police records of the precinct in which she has lived for years show that she is a woman of very bad character.

I took occasion the other day to express my opinion of the disposition which could dictate any person grabbling among the police records of this city to break down the claim of this woman for a pension, certified to as she was by the people who signed her petition.

Now let us see how much warrant there is in that charge. There is no question that this woman up to the year 1872, driven insane by physical suffering and mental calamity, had been arrested, I think not more than five times, for offenses exceedingly venial in their character, and to which if she ever committed them at all (for there is no record of her conviction), she was impelled by her misfortunes and her mental aberration. But it was not enough for the inquisitors of the Pension Office, who have been the purveyors to the President of the United States of materials for vetoes, to include only the cases in which this woman indisputably figured.

They went back and included women by the name of Dougherty who do not bear her first name, whose ages, vocations, and station in life manifestly show that they are different persons.

On the 12th of April, 1864, "Mary Dougherty, thirty-five years old," was arrested for "intoxication," "married." On October 31, 1864, "Mary Dougherty, married," again arrested. In 1864, December 5, "Mary A. Dougherty, white, age thirty-five, Irish," and then a charge against her which could come from nothing but the brutality of a policeman and the further charge of "selling liquor without a license," a thing in which nobody ever thought that she was engaged in. This particular Mary Dougherty is then thirty years old, the other two are thirty-five years old. September 13, 1866, "Mary A. Dougherty, white, age thirty-six"—she has got back to thirty-six now—"Irish;" now she is a "single woman" instead of being a married woman, and engaged in a vocation which I will not stigmatize any woman by naming. June 7, 1868, "Mary A. Dougherty, age twenty-seven, white, Irish, servant"—this woman that was thirty-five in 1864, has reverted in 1868 to twenty-seven years of age. On the 15th of April, "Mary A. Dougherty, aged forty-one, white, servant, single"—this married woman has become single. In 1874, September 8, "Annie Dougherty," another woman apparently, age thirty-three, a "single" woman; and on February 18, 1879, "Annie Dougherty, age thirty-five, intoxicated."

No man of sense would ever, upon a memorandum of that character, which is a lead-pencil slip in the records of the Pension Office in the Mary Ann Dougherty case, have a right to infer that the various Annie Doughertys and Mary Doughertys were the same as Mary Ann Dougherty when Mary Ann is a married woman, always so known, and the others are single.

I have troubled the Senate with these remarks——

Mr. COCKRELL. Did I understand the Senator to say that Mary Ann Dougherty has always been considered married when she applied for a pension as a widow?

Mr. DAVIS. Mary Ann Dougherty, when she applied for a pension, considered, and the Pension Office did, that her husband was dead, and he had been dead to her over fifteen years.

Mr. COCKRELL. She was a single woman then, was she not?

Mr. DAVIS. She was supposed to be single then.

Mr. COCKRELL. She had reported herself single then, had she not?

Mr. DAVIS. I suppose she would have been put down a widow, very likely.

Mr. COCKRELL. That would depend upon circumstances. She was not then married, or she would not have been a widow.

Mr. DAVIS. These small matters do not touch the merits of this controversy. I am adducing them to show the extraordinary pains to which the emissaries of the Pension Office went to enable the President to frame a veto message out of which political capital can be made; and my endeavor is, as the Senator from Missouri is pressing the publication of that remarkable document, to be heard a little through the country as to the extraordinary misstatements of facts by which the President of the United States has been imposed upon by those little creatures in the Pension Office who act at his dictation in order to vindicate the feeble infallibility of their vocation.

I do not know that I have anything further to say on this subject. There is no question from the character of the people who have signed her petition, the Hon. George Bancroft, in whose family I am informed she lived as a servant. Admiral Porter who knows concerning her—there is no question that for years past this woman has led a reputable life; and the offenses charged, even if they were committed, were always venial in the extreme, probably induced by her misfortunes. Some of the most noble and sainted women in this city have called upon me personally to assure me of this woman's character in this respect. But suppose it is all so, what have these things to do with her equitable claim upon the United States for its charity? She forfeits nothing by any such lapses which she may have committed.

If we at times will pension men, quartermaster's clerks, teamsters, women the widows of wheelwrights who have lost their lives, or become injured, or have been taken prisoners of war while performing civil duties incident to military service, what is the reason that this poor old Irish woman, who herself suffered in body and in mind, who was deprived of her child while serving the Government in a quasi-military capacity, who was left neither maid, wife, nor widow, by the desertion of a heartless husband—what is the reason that the President of the United States shall make this extraordinary raid upon the character of this poor old Irish woman?

That is all I have to say about the Dougherty case, and I have spoken in the hope that my words may possibly commend this veto message to the further and increased idolatry of the Senator from Missouri.

Mr. COCKRELL. It does most emphatically increase my admiration, and I am exceedingly gratified that the Senator has taken the opportunity to make the statement that he has. Now, will the Senator do me the kindness to say what evidence the Committee on Pensions has that there was any explosion at the arsenal in the city of Washington on the 28th day of June, 1864, and that the claimant, Mary Ann Dougherty, was an employé there and injured in that arsenal explosion?

Mr. DAVIS. Nothing would give me greater pleasure:

To all whom it may concern—

This is from the records of the Pension Bureau, and acted on by that institution—

To all whom it may concern:

We, the undersigned, certify that Mary A. Dougherty was employed at this arsenal, and that while at her work on the 2d day of July, 1864, was severely burned by an explosion of powder. At said explosion several were killed.

JOHN MURPHY.
T. WHYTE.
R. B. CLARK.
JOSEPH CAMPBELL,
Acting Sergeant Ordnance Department.
JAMES HARTWELL,
Sergeant of Ordnance.
GEORGE W. McKEE,
Captain and Brevet Major, Commanding.

Mr. COCKRELL. What is the date of that?

Mr. DAVIS. It is not dated. It is from the Pension Office files connected with Mrs. Dougherty's claim; a copy.

Mr. COCKRELL. That is the evidence on which the Pension Committee acted?

Mr. DAVIS. The evidence on which the Commissioner of Pensions acted in deciding on her claim.

Mr. COCKRELL. Do I understand that the Commissioner of Pensions pensioned her upon the ground of the injury that she received in the arsenal?

Mr. DAVIS. I presume that it went very far towards affecting his determination.

Mr. COCKRELL. I have not so understood it; and I would thank the Senator to say whether the pension granted by the Pension Office was to her as the widow of a soldier or was for injuries received in the arsenal explosion?

Mr. DAVIS. Of course, everybody knows she was at that time pensioned on the supposition, honestly entertained by her and everybody else, that she was Daniel Dougherty's widow, and this came in as incidental.

Mr. COCKRELL. That is all right. Then the Pension Office granted her a pension on the ground that she was the widow of a deceased soldier. That theory has been exploded, and the Committee on Pensions recommend the granting of a pension to her because she was injured in this explosion. Is not that the reason?

Mr. DAVIS. I will answer the Senator when he is through.

Mr. COCKRELL. I would like to know the ground on which the Committee on Pensions recommended this pension. If they recommended it upon the ground that she is a widow, the Senator from Minnesota has established the fact that the husband is living. If they granted it upon the ground that she was engaged in a quasi military employment, and in that employment got an injury, that is a different question, and I want to know about it.

Mr. DAVIS. That is the ground on which the committee proceeded.

Mr. COCKRELL. Exactly so. Then we know where we stand. The Senator has criticised the President of the United States for relying upon statements made from the Pension Office in regard to the pension having been granted to Dougherty and also in regard to the charges made through the police office against this widow. I have not had any time to investigate the statements in regard to Dougherty being alive or whether this is the same Dougherty or not. I take it for granted it is.

Mr. DAVIS. I have no doubt of it.

Mr. COCKRELL. I do not dispute that, but I have not investigated and looked into that question at all.

But suppose the President was misled by reports from the Pension Office, reports made by Republican clerks who fill four-fifths of the positions in that office. He may have been misled; I will not deny it; I do not know. But that is not the question. This issue has been narrowed down to the question that the Committee on Pensions granted this woman a pension because she was in quasi military employment and was injured, and all the evidence they have of that fact is a certificate not verified by affidavit and not dated.

Now, I want to say to the Senator from Minnesota that I dare him to make a report back to the Senate recommending the passage of that bill over the President's veto because Mary Ann Dougherty was an employé in the Government service and injured—I just dare him to do it. We will stand on that issue before the country. They have a chance of vindicating the correctness of their judgment. The chairman of the Pension Committee comes before the people of the United States and boldly tells them that the committee have granted a pension to a woman because three or four individuals gave a certificate without date and without affidavit that on a certain day she was working in an arsenal and was injured. Is that the way the Committee on Pensions act? Is that the kind of evidence they pass bills upon? Think of it!

Mr. HAWLEY. May I make one suggestion there?

Mr. COCKRELL. Certainly.

Mr. HAWLEY. One of the signers of that certificate is a well-known officer of the Army of the very highest character, Major McKee, who was in command there at the time.

Mr. COCKRELL. I do not care what his character is. I say Mary Ann Dougherty was not employed there. I say Mary Ann Dougherty was never injured in any explosion there. I say I can show the official record of the fact, and I dare the committee to come in and stand on that alleged fact.

Mr. HAWLEY. The Senator is getting excited.

Mr. COCKRELL. Not a bit. I want to stir up that committee to make that report. I dare them to do it.

Mr. DAVIS. Will the Senator yield to me for a moment?

Mr. COCKRELL. Certainly; I always yield with pleasure.

Mr. DAVIS. I should like to ask the Senator from Missouri whether he pretends to say there is any record in the Pension Bureau contradicting the statement of Major McKee that she was so employed and so injured?

Mr. COCKRELL. I do not know what is in the Pension Bureau, but I say that if a committee of the Senate will report a bill to the Senate upon a simple certificate, not dated and not verified by affidavit, not an official certificate——

Mr. DAVIS. The Senator from Missouri has been a military character, and I would like to ask him whether it is not the rule of military law that the certificate of the commanding officer in charge is always valid without the addition of an affidavit?

Mr. COCKRELL. The certificate of a commanding officer made at the time and in the line of duty. If it had been the duty of this officer to have made any certificate at the time of this explosion that would be competent evidence; but the certificate is made many years after the occurrence. It is not an official certificate; it is not made in the line of duty; it was not made at the time the occurrence took place.

Mr. President, this is a very easy matter to settle. We have got it all drawn out to one concentrated point. Mary Ann Dougherty, say the Committee on Pensions, was an employé in an arsenal of the United States, and receiving pay from the United States Government, and whilst she was in that employment an explosion occurred and she was injured, and she should now be allowed a pension because of that injury. If she were in the employ of the Government, there is a record; her name was upon the list of employés of that arsenal. She was receiving a salary from the United States Government. Nobody works for the Government without a salary. She received pay from the United

States and when she was paid for her services she gave a receipt, and all those matters are of record. Now we do get down to the point; there it is.

I challenge the Senator to produce a roll of the employés of that arsenal showing the name of Mary Ann Dougherty. I challenge the Senator to produce a solitary line to show that Mary Ann Dougherty was ever paid one nickel, one penny for any services rendered by her in 1864. Now we have it. There is the question. I say the Committee on Pensions acted without any evidence, and I assert that Mary Ann Dougherty was not employed in the arsenal; I say that she was not injured in the explosion; and I say that part of the scheme is infamous, false, and fraudulent. It has all been concocted to work upon the sympathies of the distinguished Senators upon the committee, and that is all there is of it.

I have made a square issue. Let the Senator come in with this case and report to pass the bill over the President's veto, on the ground that Mary Ann Dougherty was in the employ of the United States in the arsenal in June or July, 1864, and there was blown up—away up until she could see the stars according to her report; blown up and injured, made insensible, so that she has never recovered from it, and for that reason they propose to pension her and override the President's veto. That is the issue. I dare them to bring it in. I will meet you on that issue squarely and fairly. We shall have some evidence then. The committee can not then hide behind a mere certificate without date and not verified by affidavit.

How cheap these things are! How cheap it is to go around and get a general indorsement. Merely to sign a name does not cost anything. Anybody can sign a name to a mere recommendation. Now we have got this case down to that point. I have made my assertions, I have challenged the committee to bring in their report recommending the passage of this bill over the President's veto, and there I will rest that case.

The President of the United States was perfectly justified in making some of the criticisms made in his message. When we come to discuss the vetoed bills, or this report in favor of passing those bills over the President's veto, we shall see who has committed the most blunders, the President of the United States or the Pension Committee. We will take the reports, we will take the action, and we will see who is the painstaking, careful investigator, the Pension Committee or the President of the United States. I am willing to stand upon that record. I say that the President has been actuated by the highest and noblest motives in vetoing many of these pension bills. I say that he has acted wisely and justly, and I say that many of them should not have been passed.

I find in the report made on this Mary Ann Dougherty bill in the House of Representatives that the petition of the applicant is set out in full. The report begins with these words:

> The facts in the case are substantially set forth in Mrs. Dougherty's petition, which is as follows.

Then follows the petition, and that petition has this at the end:

> The undersigned respectfully represent that they are acquainted with Mary Ann Dougherty, believe the facts stated in the aforesaid petition to be true, and join her therein and ask consideration of same from your honorable body.
>
> DAVID D. PORTER, *Admiral.*
> MRS. GEORGE U. MORRIS.
> S. NICHOLSON,
> *Commodore United States Navy.*
> W. A. LEONARD,
> *Rector of St. John's Parish.*
> E. C. WEAVER,
> *Late Captain United States Vols.*
> GEORGE W. ROUZER,
> *Correspondent Army and Navy Journal.*
> GEO. BANCROFT.

The Senator from Minnesota has referred to the distinguished historian, philanthropist, patriot, and statesman, George Bancroft. I want to know if the George Bancroft whose signature is attached to this petition is the George Bancroft, historian, statesman, patriot, etc. I ask the Senator from Minnesota if the George Bancroft whose name is printed to this petition is the George Bancroft the historian, statesman, etc.

Mr. DAVIS. There is no doubt about it.

Mr. COCKRELL. You believe it is. Well, we shall see about that. I say I doubt it. I wish the Senator from Minnesota when he reports this bill back to the Senate, recommending its passage over the President's veto, to make a point of the fact that George Bancroft, the historian, statesman, patriot, etc., indorsed this, and that his genuine signature is there.

Now, another point. Mrs. Dougherty says:

> I obtained employment in the United States arsenal making cartridges for the United States Army then in the field; that on or about the 28th day of June, 1864, while so employed and in the line of duty, as above stated, an explosion occurred, which killed and injured a number of the employés.
>
> Your petitioner was one of the victims. I was severely burned and internally injured, besides being mentally injured by the fall from the height to which I was thrown through the force of the explosion.

Thrown away up in the air.

> My flesh was burned, as scars will show, and I inhaled the fire. My collar bone was also broken. I was unconscious when found, and became insane from the injuries received.

That is a horrible picture. I say an explosion did occur, but not on that day. It occurred in the arsenal, where there were a large number of employés at that time. Their names were upon the roll; twenty-one were killed and thirty or forty badly injured. The Congress of the United States appropriated $2,000 in money to assist the injured. There was a roll of every one killed and wounded there; all their names were upon the roll. The roll and the list show that $2,000 was gratuitously distributed, and every one that got a dollar of that money signed the roll? Produce it, will you? Show Mary Ann Dougherty's name on it. She was not employed in the arsenal; she was not blown up in the explosion; and the whole thing is a concoction and a delusion and a fraud. Again she says:

> My son (the eldest), a bright boy, was killed by machinery in the United States navy-yard at Washington.

I will thank the committee when they report this bill back to show some evidence of that fact that is brought in here to excite the feelings, the generosity, and magnanimity of that committee, to bring some evidence that Mary Ann Dougherty ever had a son killed by the machinery in the navy-yard. I do not believe a word of it. I do not think you can show a particle of evidence of it and I challenge you to do it.

The Senators may throw their fulminations at the President of the United States for these veto messages. He is doing his duty honestly, conscientiously, faithfully, and patriotically, and their answer only makes me remember the old adage that "Whom the gods would destroy they first make mad." Continue your fulminations to your hearts' content against the President and his position, and your arrows will fall harmless at his feet.

Mr. TELLER. Mr. President——

Mr. HALE. I am sorry to interfere with so interesting a debate, but I must remind the Senate that the appropriation bills ought to be passed as soon as possible, and if this question is likely to lead to much more debate, no matter how interesting or how lurid that debate may be, I must move to take up the naval appropriation bill.

Mr. TELLER. I shall not object to the naval appropriation bill being taken up now.

Mr. HALE. On that suggestion of the Senator that this debate is likely to consume more time, I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. TELLER. I take the floor on the resolution.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of the bill (H. R. 10556), laying aside the pending resolution.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the following bills, and agreed to the same:

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act; and

A bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes;

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and

Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa; and

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company; and

A bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia.

The message also announced that the House had passed the following bills:

A bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia;

A bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia;

A bill (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick;

A bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands;

A bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein;

A bill (S. 2493) to perfect the quarantine service of the United States; and

A bill (S. 3303) amendatory of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June 18, 1888.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7083) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes;

A bill (H. R. 7785) for the relief of attendants on the insane at Hospital for the Insane in the District of Columbia;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia;

A bill (H. R. 9769) to punish public drunkenness in the District of Columbia;

A bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025 in the city of Washington;

A bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company; and

A bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 692) granting an increase of pension to Enoch G. Adams;

A bill (S. 749) granting a pension to Louise Paul;

A bill (S. 842) granting a pension to Julia A. Rhoads;

A bill (S. 896) for the relief of Mrs. Louise Silvers;

A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser;

A bill (S. 1629) granting a pension to Erastus B. Burnham;

A bill (S. 1716) granting a pension to Mary L. Williams;

A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;

A bill (S. 1884) granting a pension to Louise Provost;

A bill (S. 2105) granting an increase of pension to Joseph Verbisky; and

A bill (S. 2652) granting a pension to Gustave E. Peters.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the amendments of the Committee on Appropriations will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Pay, miscellaneous," on page 2, line 31, after "courts," to strike out "martials" and insert "martial;" and in the same line, after the words "prisoners and," to strike out "prison" and insert "prisons;" so as to read:

Expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs, etc.

The amendment was agreed to.

The reading of the bill was continued to line 93.

Mr. HALE. In line 89, I move to strike out the words "for training naval officers," before "at;" so as to make the clause read:

Training station, Coasters' Harbor Island, Rhode Island: For repairs and improvements on buildings at Coasters' Harbor Island; heating, lighting, and furniture for same; books and stationery; freight and other contingent expenses; purchase of feed and maintenance of horses and mail-wagons, and attendance on same, $10,000.

The amendment was agreed to.

Mr. HALE. And at the end of the paragraph I offer the following amendment in the form of a proviso, to come in after "dollars" in line 93.

Provided, That the Secretary of the Navy is hereby authorized to consolidate and place under one command the torpedo station and the Naval War College at Newport, R. I.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "civil establishment, Bureau of Navigation," on page 6, line 114, after the word "clerk," to strike out "(when required), three hundred" and insert "one thousand;" and in line 115, after the word "all," to strike out "nine thousand three hundred" and insert "ten thousand;" so as to make the clause read:

Training-station: One clerk, $1,000; in all, $10,000. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Ordnance," on page 6, after line 133, to insert: "For torpedoes adapted to naval warfare and experiments with torpedoes, $100,000;" and in line 136, after the word "all," to strike out "two" and insert "three;" so as to make the clause read:

For torpedoes adapted to naval warfare and experiments with torpedoes, $100,000; in all, $353,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Civil establishment, Bureau of Ordnance," under the head of "Torpedo Corps," on page 9, after line 185, to insert:

Quarters for surgeon, $3,000.

The amendment was agreed to.

The next amendment was, on page 9, line 189, under the head "Torpedo Corps," before the word "thousand," to strike out "fifty-seven" and insert "sixty-five;" so as to make the clause read:

For correcting the sanitary condition of the cottages used as quarters at the station, $5,000; in all, $65,700.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Equipment and Recruiting," on page 9, line 201, to increase the item for "equipment of vessels" from $600,000 to $650,000.

The amendment was agreed to.

The next amendment was, on page 11, to strike out the parenthetical marks before the word "and," in line 244, and after the word "services," in line 246.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in the appropriations for "Public works.—Navy-yards and stations," in line 275, after the word "dollars," to insert "reconstructing building No. 7, partially destroyed by fire in January, 1888, $60,000;" and in line 278, before the word "thousand," to strike out "eighty-three" and insert "one hundred and forty-three;" so as to make the clause read:

Navy-yard, Brooklyn, N. Y.: Repairs to building on cob-dock now used as recreation hall by enlisted men, $5,000; boiler-shop and wing to machine-shop, $68,340.47; one building for quarters for civil engineer, $10,000; reconstructing building number 7, partially destroyed by fire in January, 1888, $60,000; in all, $143,340.47.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 309 to 314, inclusive, on page 14, as follows:

For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the coast of the Gulf of Mexico for a navy-yard and docks for shipping and for the expenses of sounding and surveying and estimating expenses, $50,000.

Mr. PASCO. I should like to ask the Senator who has charge of this bill to state briefly the reasons for striking out this provision.

Mr. HALE. The Government already has a navy-yard at Pensacola, Fla. The committee was not prepared to agree to appropriate $50,000 to send out a commission to search for a site for another navy-yard in that vicinity, believing that it was better in any work which shall be done hereafter in fitting up or completing a navy-yard in the Gulf, at any rate from the information we have now, we had better utilize the yard that is there. Therefore in that conservative interest the committee struck out this appropriation.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the amendment proposed by the Committee on Appropriations.

Mr. CALL. I am very much gratified to hear the statement of the Senator from Maine. The appropriation by the House of $50,000 for a commission to look over the Gulf States to select a navy-yard in the waters of the Gulf, when already at Pensacola we have a navy-yard, is certainly a very unwise one. It has long been an established fact in the history of this country that there was but one harbor in the Gulf of Mexico, whether within our own dominions or outside of them, that was an appropriate place for a navy-yard for the repair and construction of ships, easy of access and egress, amply protected from storms, with fresh and salt water of any depth that may be desired for any ships now known to naval warfare or that in all probability will ever be known.

From the time of the Spanish occupation of the shores of the Gulf of Mexico to the present day, the ample capacity and the superior advantages of the harbor and bay of Pensacola have been recognized, and this recognition of its superior advantages has continued through the entire naval history of this country. Its geographical position towards the West Indies and the coasts of the Gulf of Mexico is superior to that of any other possible location, besides the natural advantages of a supply of water and an ample anchorage ground greater than is to be found anywhere else upon the southern coasts of the United States or of Central America.

In recent years the connection of the port of Pensacola by rail with the now rapidly being developed iron industries and steel manufactures of Alabama, with the ample supply of coal, point to the harbor of Pensacola as the proper place for the construction of ships of war necessary for the defense of this country or for its commercial relations with South America or the West Indies.

It may be safely asserted that in the present condition of the development of the steel and iron industries of Alabama, the port of Pensacola furnishes the best opportunity for the safe, efficient, and cheap construction of naval vessels to be found anywhere upon the Southern coast or the coast of the Gulf of Mexico belonging to the United States.

It is therefore entirely unnecessary that a commission should be appointed to select a site for a navy-yard in the presence of these established facts relative to the geopraphical position of the country, relative to the well-known character of the harbors upon the coast, and to the great development of the mining industries of Alabama, which are now in both iron and coal within a few hours' reach of the harbor of Pensacola; they present every facility that may be required for the repairing and construction of ships, and for a safe rendezvous for the ships necessary for the defense of the Gulf of Mexico and our Gulf coasts in time of war. With this magnificent Bay of Pensacola and its railroad connections with the interior there can be no question that the expenditure of money to search for another harbor for a naval station is an unwise expenditure.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, on page 14, after line 314, to insert:

Adjustable stern-dock: For one adjustable stern-dock, to be constructed at such place as the Secretary of the Navy may determine, $30,000.

Mr. CALL. I should be glad if the Senator in charge of the bill would consent to change this amendment so as to make this appropriation available for the construction of a dock at Key West, designating that place.

This is recommended, I am sure, by the acting Secretary of the Navy, Commodore Harmony, and Admiral Luce, who, when he was in command of the West India squadron, was obliged to seek for repairs in some extreme southern point, and he found that Key West, as he reported to the Department and as he stated to me, was the only point at which the naval vessels and the commercial vessels of the United States could conveniently go for repairs in case of necessity, and in the present condition of that port there is not now, as there was not then, the proper conveniences and facilities for that purpose, thus necessitating a long and expensive voyage to some northern port.

There is now no advantage or means there by which these ships can be repaired, and they have to come either North or to the West Indies to some of the British ports there for this purpose. The location of Key West, it is apparent, very near the Island of Cuba, far to the south, and exactly in the line of all the vessels going to Europe or coming to New York, or Boston, or Baltimore, or Philadelphia, or anywhere upon the northern coast of the United States, is such as would render it very convenient to them in case of necessity to find these repairs at that place.

This small amount of money, I am informed by the Department, would be efficacious to render this necessary assistance and to save the long voyages which these vessels are now compelled to make.

For that reason I should prefer, if it is agreeable to the committee, inasmuch as these facts are entirely apparent, that Key West should be designated as the place for the expenditure of this money.

The PRESIDING OFFICER. Will the Senate agree to the amendment proposed by the Committee on Appropriations?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, line 325, at the end of the clause appropriating $50,000 "for continuing the erection of the new Naval Observatory and necessary buildings upon the site purchased under the act of Congress approved February 4, 1880," to add the following proviso:

Provided, That the work upon the domes, piers, transit-shutters, and floors of the observing-rooms, and the necessary elevators in the building, and the fittings of the library and of the temperature-room may be done by the Secretary of the Navy without contract, or in such manner as he shall deem most advantageous to the Government, but the total cost of said observatory, including the aforesaid items, shall not exceed the limit of $400,000 fixed by the act making appropriations for the naval service, approved March 3, 1887.

The amendment was agreed to.

The next amendment was, on page 15, line 337, before the word "thousand," to strike out "twelve" and insert "fifty-two;" so as to make the clause read:

Total public works under Navy Department, $1,352,156.47.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the state of Washington, and for other purposes.

Mr. HALE. I ask unanimous consent that the unfinished business be laid aside informally.

The PRESIDING OFFICER. If there be no objection the unfinished business will be laid aside and the naval appropriation bill continued.

Mr. STEWART. That is, by unanimous consent.

Mr. HALE. Certainly.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 15, line 344, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Civil establishment, Bureau of Yards and Docks: Navy-yard, Portsmouth, N. H.: For one clerk to civil engineer, at $1,400; one mail messenger, at $900 per annum; one messenger, at $900 per annum; one foreman laborer, at $4 per diem; one janitor, $660; one pilot, at $3 per diem.

The amendment was agreed to.

The next amendment was, on page 15, line 349, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, Boston, Mass.: For one clerk to civil engineer, at $1,400; one foreman-laborer, at $4 per diem; one messenger to commandant, at $1.75 per diem; one messenger, at $1.75 per diem; one mail-messenger, $900 per annum.

The amendment was agreed to.

The next amendment was, on page 15, line 355, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, Brooklyn, N. Y.: For one clerk to civil engineer, at $1,400; one writer, at $1,017.25; one foreman-laborer, at $4.50 per diem; one mail-messenger, at $600 per annum; one messenger to commandant, at $2.50 per diem; one messenger to captain, at $2.25 per diem; one draughtsman, at $5 per diem; one superintendent of teams or quarterman, at $4 per diem; one messenger to civil engineer, at $2 per diem.

The amendment was agreed to.

The next amendment was, on page 16, line 366, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, League Island, Pennsylvania: One clerk to civil engineer, at $1,400; one messenger, at $1.75 per diem; one foreman-laborer, at $4 per diem.

The amendment was agreed to.

The next amendment was, on page 16, line 371, after the words "one clerk," to insert "to civil engineer;" and in line 373, after the word "at," to strike out "$3.50" and insert "$4;" so as to make the clause read:

Navy-yard, Washington, D. C.: For one clerk to civil engineer, at $1,400; one messenger, at $1.75 per diem; one foreman-laborer, at $4 per diem.

The amendment was agreed to.

The next amendment was, on page 16, line 375, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, Norfolk, Va.: For one clerk to civil engineer, at $1,400; one writer, at $1,017.25; one foreman-laborer, at $4 per diem; three messengers, at $2 per diem each; one pilot, at $2.25 per diem.

The amendment was agreed to.

The next amendment was, on page 16, line 381, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: For one clerk to civil engineer, at $1,200; one mail-messenger, at $600 per annum.

The amendment was agreed to.

The next amendment was, on page 17, line 384, after the words "one clerk," to insert "to civil engineer;" so as to make the clause read:

Navy-yard, Mare Island, California: For one clerk to civil engineer, at $1,400, etc.

The amendment was agreed to.

The next amendment was, on page 17, line 396, after the words "forty-six thousand," to strike out "four hundred and thirty dollars and seventy-three" and insert "five hundred and eighty-seven dollars and twenty-three;" so as to make the clause read:

In all, $46,587.23.

The amendment was agreed to.

The next amendment was, in the appropriations for "Naval Asylum, Philadelphia, Pa.," on page 17, line 403, before the word "hundred," to strike out "hour" and insert "four;" so as to read:

One steward, at $480.

The amendment was agreed to.

The next amendment was, on page 18, line 425, after the words "female employés," to strike out "seven" and insert "seventeen;" and in line 429, after the word "all," to strike out "seventy-two" and insert "eighty-two;" so as to make the clause read:

Transportation of indigent and destitute beneficiaries to the Naval Asylum, $500; erecting brick building for kitchen, laundry, and dormitories for female employés, $17,500; removing range and laundry machinery to same, $400; fitting up bath-rooms for beneficiaries, $800; support of beneficiaries, $46,100; in all, $82,367, which sum shall be paid out of the income from the naval pension fund.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," on page 20, after line 466, to insert:

For continuing the improvement of the naval-hospital park at Portsmouth, Va., $5,000.

The amendment was agreed to.

The next amendment was, on page 20, line 471, before the word "thousand," to strike out "forty-two" and insert "forty-seven;" so as to make the clause read:

For repairing granite sea-wall at naval hospital, Norfolk, Va., $20,000; in all $147,500.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing," after the words "Provisions, Navy, Bureau of Provisions and Clothing," on page 20, line 474, to strike out:

For provisions and commutations of rations for 8,250 men and boys and 1,000 marines, 3,376,250 rations, at 30 cents each, and commutation of rations for 225 naval cadets and 712 officers on sea duty, 242,095 rations, at 30 cents each; in all, $965,000.

And to insert in lieu thereof:

For provisions for the seamen and marines, commuted rations for officers, naval cadets, seamen, and marines, and commuted rations stopped on account of sick in hospital and credited to the hospital fund, $965,000.

The amendment was agreed to.

The next amendment was, on page 23, line 550, before the word "clerk," to insert "receiving;" in the same line, after the words "one thousand," to strike out "two hundred;" and in line 552, after the word "shipping," to strike out "and receiving;" so as to make the clause read:

Navy-yard, Washington, D. C.: In general store-houses: One book-keeper, $1,200; one receiving clerk, $1,000; one bill clerk, $1,000; one shipping clerk, $1,000.

The amendment was agreed to.

The next amendment was, on page 25, line 583, after the words "sixty-six thousand," to strike out "three" and insert "one;" so as to make the clause read:

In pay office: One writer, $1,017.25; in all, $66,125.53. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, on page 25, after line 586, to insert the heading:

Bureau of Construction and Repair.

The amendment was agreed to.

The next amendment was, on page 25, line 592, before the word "other," to strike out "the;" and in line 599, after the word "drawing-room," to strike out "seven hundred and seventy-five" and insert "eight hundred and sixty;" so as to read:

Bureau of Construction and Repair: Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; for steam-steerers, pneumatic steerers, steam-capstans, steam-windlasses, and other steam auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postages, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $860,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," on page 27, line 649, after the word "launches," to strike out "three hundred and seventy" and insert "four hundred;" so as to make the clause read:

Steam-machinery: For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers, preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches, $400,000.

The amendment was agreed to.

The next amendment was, on page 28, line 654, after the words "two hundred and," to strike out "twenty-five" and insert "seventy-five;" so as to make the clause read:

For purchase, handling, and preservation of all materials and stores, purchase, fitting, repair, and preservation of machinery and tools in the navy-yard and stations, and running yard engines, $275,000.

The amendment was agreed to.

The next amendment was, on page 28, line 659, before the word "thousand," to strike out "five" and insert "eighty-five;" so as to read:

For incidental expenses for naval vessels, yards, and the bureau, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $10,000; in all, $685,000.

The amendment was agreed to.

The next amendment was, on page 28, after the word "dollars," at the end of line 674, to insert:

One assistant draughtsman, at $1,100.

So as to make the clause read:

Civil establishment, Bureau of Steam-Engineering: Navy-yard, Portsmouth, N. H.: For clerk to department, at $1,200; one assistant draughtsman, at $1,100; messenger, at $600.

The amendment was agreed to.

The next amendment was, on page 29, line 686, after the word "Florida," to strike out "One" and insert "For writer, one;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: For writer, $1,000.

The amendment was agreed to.

The next amendment was, on page 29, line 691, after the word "all," to strike out "fifteen thousand nine hundred" and insert "seventeen thousand;" so as to make the clause read:

Navy-yard, Mare Island, California: For clerk to department, at $1,400; draughtsman, at $1,500; messenger, at $600; writer, at $1,000; in all, $17,000. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," on page 31, line 745, after the word "per," to change the word "diam" to "diem."

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," on page 34, line 827, after the words "one thousand," to strike out "five hundred and forty dollars and eighty cents" and insert "six hundred dollars;" so as to read:

In the office of the adjutant and inspector: One chief clerk, at $1,540.80; one clerk, at $1,496.52. In the office of the paymaster: One chief clerk, at $1,600; one clerk, at $1,496.52; one clerk, at $1,257.12.

The amendment was agreed to.

The next amendment was, on page 35, line 832, after the words "one thousand," to strike out "five hundred and forty dollars and eighty cents" and insert "six hundred dollars;" so as to read:

In the office of the Quartermaster: One chief clerk, at $1,600; one clerk, at $1,496.52; one clerk, at $1,257.12.

The amendment was agreed to.

The next amendment was, on page 35, line 838, after the words "one thousand," to strike out "two hundred and fifty-seven dollars and twelve cents" and insert "four hundred dollars;" so as to read:

In the office of the assistant quartermaster at Philadelphia, Pa.: One clerk, at $1,400; one messenger, at $1.75 per diem.

The amendment was agreed to.

The next amendment was, on page 35, line 842, after the word "one," to insert "clerk, at one;" and in line 843, after the words "seventeen thousand," to strike out "$435" and insert "$696.28;" so as to read:

In the office of the assistant quartermaster, San Francisco, Cal.: One clerk, at $1,400; in all, $17,696.28.

The amendment was agreed to.

The next amendment was, on page 36, line 854, after the word "all," to insert "for pay of the Marine Corps;" and in line 855, after the word "thousand," to strike out "and twenty-one dollars" and insert "two hundred and eighty-two dollars and twenty-eight cents;" so as to make the clause read:

Commutation of quarters: For commutation of quarters for officers on duty without troops where there are no public quarters, $4,000; in all, for pay of the Marine Corps, $674,282.28.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for contingent expenses, Marine Corps, on page 39, line 932, before the word "classify," to strike out "of" and insert "or;" so as to read:

And for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify.

The amendment was agreed to.

The next amendment was, on page 40, line 953, after the words "nine hundred and seventeen thousand," to strike out "one hundred

and fifty-four dollars and fifty-seven" and insert "four hundred and fifteen dollars and eighty-five;" so as to read:

Total for the Marine Corps, $917,415.85.

The amendment was agreed to.

The next amendment was, under the head of "Increase of the Navy," on page 40, line 966, after the word "dollars," to insert:

Also three gunboats, or cruisers, neither of which shall exceed 1,700 tons in displacement, nor $500,000 in cost, including any premium that may be paid for increased speed and excluding the cost of armament; said vessel to be built either wholly of steel or with steel frames.

And in line 971, after the words "steel frames," to strike out:

And one armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than $3,500,000.

So as to read:

INCREASE OF THE NAVY.

Construction: That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed, by contract, two steel cruisers of about 3,000 tons displacement each, at a cost, exclusive of armament, and excluding any premium that may be paid for increased speed, of not more than eleven hundred thousand dollars each; one steel cruiser of about 5,300 tons displacement, to cost, exclusive of armament, and excluding any premium that may be paid for increased speed, not more than eighteen hundred thousand dollars; also three gunboats, or cruisers, neither of which shall exceed 1,700 tons in displacement nor $500,000 in cost, including any premium that may be paid for increased speed and excluding the cost of armament; said vessels to be built either wholly of steel or with steel frames.

Mr. GRAY. In line 967, before the word "tons," I move to strike out "seventeen hundred" and to insert "two thousand;" so as to read:

Also, three gunboats, or cruisers, neither of which shall exceed 2,000 tons in displacement.

Mr. HALE. If that carries, the Senator, I take it, has in contemplation also increasing the maximum cost from $500,000 to some other sum. That would follow.

I wish to say for myself that I think the suggestion of the Senator from Delaware is a good one. I have given some attention to the subject of the construction of naval war-ships abroad during the last year, and it is a fact that fast vessels of a little less than 2,000 tons are now being constructed by foreign governments, especially by the French Government, that will command a speed of 19 knots an hour. They are some of the most valuable ships in the world.

The attention of the naval authorities abroad is being largely turned now to the construction of very fast cruising ships. The steps taken by us to pay premiums for increased speed have attracted great attention abroad, have stimulated foreign powers in that direction, and they are turning their artention now from the construction of great unwieldy armored ships, which are experimental in their kind, involving an immense expenditure with a doubtful result, to the construction of fast cruisers ranging from 1,500 tons up to as high as 5,000 tons.

That is the theory upon which the Committee on Appropriations has gone in this bill, and the Senator from Delaware is proceeding in his mind in the same direction. He has gone a little further and has, I think, struck a plan that is better than that of the committee. I will not say it is a different plan, but his suggestion to increase the size of these smaller ships is a good one. It is the same plan, but varying in detail.

The committee has gone upon the plan, not of involving us in any more costly experiments with great armored ships, but to do what the powers of the world who are interested in navies are doing now everywhere. We are building two costly armored ships. Nobody can tell what they will cost, and what is worse than that, nobody can tell what they will be worth when they are through. They are not being constructed on a basis of sufficient speed, and it is wholly experimental. But the suggestion of the Senator from Delaware I am for one willing to agree to. I think it is an improvement on the proposition of the committee.

Mr. BECK. Then the appropriation of $500,000 ought to be increased to $600,000 or $700,000.

Mr. HALE. I should say $700,000.

Mr. GRAY. I intend to follow my amendment, if it is agreed to, by a motion to substitute for the word "five" in line 968 the word "seven," so as to read "$700,000."

Mr. HALE. Let it be treated as one amendment.

The PRESIDENT *pro tempore*. The print of the bill leaves the intention of the committee somewhat obscure, the part to be inserted appearing before the part to be stricken out. Is it the intention of the committee to report an amendment to strike out and insert, or to insert the part in italics as entirely independent matter?

Mr. HALE. The clause in italics is intended to be inserted in place of the words stricken out which follow.

The PRESIDENT *pro tempore*. Then the matter in italics should have been placed after the part proposed to be stricken out. It will be treated as one amendment.

Mr. HALE. The clerk of the committee, who deals a good deal with conference reports, had his attention called to the matter and stated that he put it in this way to avoid trouble.

The PRESIDENT *pro tempore*. The additional amendment of the Senator from Delaware to the amendment of the committee will be stated.

The SECRETARY. In line 968, before the word "hundred," it is proposed to strike out "five" and insert "seven;" so as to read:

Also three gunboats, or cruisers, neither of which shall exceed 2,000 tons in displacement nor $700,000 in cost.

The PRESIDENT *pro tempore*. The Chair will treat the propositions of the Senator from Delaware as one amendment, if there be no objection. The question is on agreeing to the amendment of the Senator from Delaware to the amendment of the committee.

Mr. GRAY. Mr. President, in regard to the amendment of the committee I wish to say a single word.

I entirely agree with what has been said by the Senator from Maine, a member of the Naval Committee, in regard to the policy which should govern us in rebuilding or increasing the strength of our Navy. The amendment of the committee, it seems to me, is one which should commend itself to all who are in favor of an intelligent building up of our naval establishment.

These small cruisers will prove themselves, I think, most efficient schools for our officers and seamen, and will serve, with a moderate expenditure of money on the part of the Government, to keep our Navy, officers and seamen, afloat, and thus to maintain for both that school of seamanship which is so absolutely necessary to the efficiency of our Navy.

There is but one place in the world where practical seamanship can be acquired, and that is upon the ocean itself, battling with wind and wave. That school is, as I have said, a necessary one, in which all who belong to our Navy must graduate if we are to have an efficient *personnel* of the Navy.

These small vessels will also take the place of the old wooden vessels which are fast becoming useless by reason of age and need of repairs, and will serve at a comparatively small cost to represent our Navy upon the foreign stations where we must be represented. Their cost will be very small in comparison with what it would require to send one of the great armored cruisers abroad with a full complement of men and officers.

I think the amendment of the committee is exceedingly wise, building these serviceable and inexpensive cruisers instead of spending at once a sum so much larger for experiments which are at best of doubtful utility. These experiments are now being made by the great naval powers of the world, the benefit of which we are receiving, and we can well afford to wait awhile for the results.

In connection with the armored vessels provided for in the bill, I think the provision for these light cruisers will serve to keep our Navy afloat in time of peace and also for a very useful purpose in time of war, as commerce-destroyers if nothing else. This is an exceedingly wise provision and one that should receive the approval of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. GRAY] to the amendment reported by the Committee on Appropriations to insert the matter in italics in place of what the committee propose to strike out. If there be no objection, the amendment of the Senator from Delaware will be agreed to, and the amendment of the committee as amended agreed to, and it will stand as a motion to strike out and insert, not as a motion to insert and strike out.

Mr. MORGAN. Do I understand that the action taken by the Senate is to strike out from line 971 to 974, inclusive?

The PRESIDENT *pro tempore*. Yes, beginning with the word "and," in line 971, and down to and including the word "dollars," in line 974, in the following words:

And one armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than three millions and a half of dollars.

The Committee on Appropriations report to strike out this clause.

Mr. MORGAN. I am entirely willing that the Senate should adopt the provision for building of three additional light cruisers of 2,000 tons, as I believe it is now. I think that would be a very valuable addition to the navy; but I do not agree that we ought to strike out the armored ship. The other House have considered that subject very maturely. We have two armored ships building now, the Maine and the Texas, and we have to lay the foundation, and lay it pretty broadly, of a Navy we may call respectable, a Navy for the defense of our ports, our bays, and our harbors.

We can not defend our ports with the fast steel cruisers. These heavy armored ships would operate as a battery to retire before an enemy and draw him into narrow straits, into difficult ground. They have a very much more salutary operation in the defense of our large cities, I think frequently so at least, than even heavy shore batteries.

I think that when we are laying the foundations of our Navy we ought to have at least as many as three of these great armored ships. I know it is objected that we have not built any yet. Some Senators desire to wait to see whether we can build them or not.

I submit, if we expect to build these three light cruisers and to get 20 knots speed out of them, and if we expect to do it in American shops or American navy-yards, and with the assistance of American workmen, we can quite as easily venture to put upon the stocks the

heavy armored ship which is provided for in the text of the bill as it came from the House.

We need not distrust our skill or our capacity in building these ships. We must learn how to do it at all events. We are learning how to do it. We know how to do it. There is no difficulty on that point, and it is not logical to say that we can build the three cruisers provided for in the early part of the bill, and the three additional cruisers of 2,000 tons each with a speed of 20 knots an hour, and that we can not build a heavy armored ship. We have money in the Treasury which can not be applied to any better purpose than to lay the foundations of a respectable American Navy.

I want a navy, Mr. President, not because I anticipate the coming of war, at least, not immediately, or anything like that, but I want it to give force and effect, moral force and moral effect, to the power of the American people among the nations of the earth. A nation without the capacity to equip itself with arms and with a navy, if it is a maritime power, is lying out of the use of some of the most essential advantages of its sovereignty. The absence of these elements is felt in every department of our Government, and especially is it felt in our foreign diplomacy and in our foreign relations.

Whoever has been upon the Committee on Foreign Relations (and I have had the honor of being there now for some years), must have felt very sensibly at almost every meeting of that committee that there were questions presented which we did not feel it was best to take hold of and to assert ourselves in the manner that is required of a government with the power that this one possesses, merely because in doing so we might expect some resistance, some controversy, and that it might plunge the country into some quick and immediate necessity for arming itself; that we were not provided with the facilities for doing so; that we did not have the workshops necessary to put up large ships and large guns; that we were not in a state of preparation to provide for the defense of our own country. We have felt that continually, and I regard it as a detraction from the moral power and force of the Government of the United States.

We know that within a very short time we shall not have a ship afloat of the old régime. They are all wearing out in the course of nature. They have outlived themselves. The term of their life as the term of life of a ship, as is well known, is expiring; and very soon, if we stand still, we shall have no navy at all. It is time we were making preparation to get a navy; and the more encouragement that is given on the part of Congress to the building of vessels of a proper character the sooner will our people come up and respond to our demands and provide all the necessary means of constructing a navy.

It happened in a committee-room the other day when I was in conversation with some of my friends who are present at this moment, that a subject was suggested. It was in reference to the steel-producing capacity of the State of California. I happened to be on that coast, a member of the Committee on War Ships and Ordnance, and having an opportunity to make some investigations, I did so. I came in contact with steel-producers and manufacturers and with the builders of steel ships, colliers, and other ships that run up and down the coast of the Pacific. They were building them at San Francisco. I went down and examined the works that they had. In the works there was found every modern improvement.

There was a very enlightened man, who was raised at a lathe or in a machine-shop in Baltimore, and who had gone over to the Pacific coast. The gentlemen who were the stockholders in that enterprise had sent him abroad through the world for the purpose of ascertaining the condition of the machinery which was employed in the construction of great ships and great guns in every nation of the earth. Being very active and a very enlightened man he gained all the information that was necessary. He came back, and they sold out their old plant, moved a little farther up the bay, and built an establishment there which utterly astonished me, both for its capacity and for the splendor of its arrangement. He was then about to launch a caisson, which he was building for the dock at Mare Island navy-yard, a very beautiful and splendid structure of California steel.

In conversation with him about his capacity for building on the coast I said to him, "Why do you not attempt to build some of the iron ships on this side of the continent?" "Why," he said, "we have had no opportunity to do it. If you make your provision of law and authorize the Secretary of the Navy to make contracts, we will inform him of our capacity, and doubtless we can get contracts for building ships." So when a naval appropriation bill came up I venturned to offer an amendment to it, which passed and was adopted by both Houses, requiring that the Secretary of the Navy, in his offer of biddings for ships, should offer to have at least one of them built at San Francisco. The result was that the contract was taken, and I believe a second one is now being constructed there. Within a few days past the Charleston has been launched from the ways in the Bay of San Francisco, and that is the first steel or iron ship for the navy that has ever been built on the Pacific coast.

Mr. President, that all resulted from the fact that there was a man of enterprise there and there were gentlemen of capital to back him. They had confidence in him, and he had confidence in his ability to build a ship. We have now started that enterprise on the Pacific coast, and after this time the Pacific coast will yield her quota of vessels to the American Navy just as rapidly as we desire that they shall be produced.

There was but one element in that, and that was the faith in the capacity of the people engaged in steel production and steel manufacture over there to build a great iron or steel ship—a cruiser. That man can take this ship and build it in the Bay of San Francisco. It is to be an armored ship. In order to prove the capacity of his works to do that particular thing, he rolled a billet of steel which was brought here and deposited in the rear of the Capitol. My recollection is that it was about 5 feet long, about 2 or 2½ feet in width, and it was probably 8 or 9 inches thick at the thickest part. It was a beautiful armor-plate, all that could be found requisite for the armor of any ship that we might desire to send to sea. That man can take the same rolling-mill in which he made that plate and produce the armor for a ship that will do credit to American genius and American enterprise.

How long are we going to be in building up the navy? How much time are we going to take? We shall launch the Maine and the Texas, and then we shall have to try them to see whether or not they will float, as some Senators say. That same question was asked about the monitors, whether they were going to float or not. They never failed to float. There is no difficulty about constructing ships to float. It is a matter of close mathematical calculation as to whether the displacement of a ship is sufficient to cause her to float in the sea.

I do not at all agree with that spirit or that feeling which discredits American enterprise and American genius in these matters. I want the Government to go to work and take hold of these subjects. We have the material and the men and the money with which to do the work, and there is no better use to which to apply them. Why we should begrudge the matter of expenditure I can not understand, unless it is based entirely upon a want of faith in American enterprise and American genius, for we certainly have the material and we have the money.

I therefore hope that the Senate will not strike out this provision put in the bill by the House. I am entirely willing to put in the three additional cruisers. I am glad the committee have put them in the bill, but I do not wish the Senate to disagree to the provision the House has made for the building of an armored ship.

Mr. HALE. Mr. President, I shall not take much time of the Senate in replying to the Senator from Alabama, because I have already touched upon the reasons which actuated the committee. I do not want the Senate to feel that the question of our building one more of these great, heavy, unwieldy armored ships raises the point whether we are willing to build up the navy. That question is not involved in the mere proposition whether we shall build this additional armored ship.

We are building up the navy. We are reconstructing it. We have already provided for the construction of twelve new first-class ships. We are completing the iron-clad monitors, and in this bill, as the Senate Committee on Appropriations proposes, we give two first-class steel cruisers of 3,000 tons, a great steel cruiser of 5,300 tons, and three fast cruisers of 2,000 tons. We have authorized the expenditure in the past and in this bill of more than $40,000,000 in building up a new Navy.

So what the Senator says generally about it being the policy of the country to build a new navy is what I agree to, and am as firmly in favor of as he is. It has been my fortune heretofore to report to the Senate every bill that has finally passed and become a law for the construction of new ships, and early and late, as some Senators may think "in and out of season," I have importuned the Senate in that direction.

But in this work of building up the navy, in which I am interested and to which I am glad to give time and labor, I am not in favor of putting any more money at present in the construction of these heavy armored unwieldly ships. We are, as I said a few minutes ago, building two of them now. They will cost $5,000,000 apiece, instead of two millions and a half, as was originally estimated. They are doubtful structures at the best. I do not want to see another of those ships built until we know what we shall get out of the experiment.

But I do want to go on from year to year as we have been doing, adding fast cruisers and large cruisers and steel cruisers that shall be available to us in war, and available as a deterrent to war, to prevent another power making war upon us, and getting for reasonable sums of money a good, strong, swift navy for the United States.

I am in favor of appropriating from year to year for the construction of the two experimental ships that we are now building, the Maine and the Texas; and no Senator here will fail to see his term expire, I do not care how long he is going to serve, before those ships are completed, and no Senator here can tell what they will be worth when they are turned out with all that cost of money.

England, France, Italy, and Russia have all embarked in those experiments, and we have been learning from their experiments and their failures in the past. As I have said, the attention, the ingenuity, and the wit of the nations which are constructing war-ships to-day are not turned in the direction of heavy-armored ships as much as to fast cruisers, building them with wonderful horse-power, ships of 3,000 tons

displacement with 9,000 horse-power, that will run 20 knots an hour, that will take coal enough to run the circuit of the globe, like the Magician, which the English are now constructing; like the Cécile, which the French have constructed, somewhat larger; like the Korniloff, which Russia is now building. They have taken lessons from us in the matter of premiums for speed.

I should like the Senator from Alabama to feel that the committee here in recommending that we do not build another of these great heavy armored ships is not in any way discouraged with the work of building up the navy. We are doing it, as we believe, in the best fashion. I have myself no doubt whatever about it.

As to the armored ships, let us see what we get out of the two ships we are now building. Let the wit of the country, let the steel-producing power, let everything we have be turned in directions where we know that we have sure ground to go upon.

These are the reasons, Mr. President (and I shall not take up longer the time of the Senate because I am desirous of getting the bill through), why the committee has substituted the three new 2,000-ton ships for this great heavy structure that no man can tell about. I hope the Senate will sustain the committee, and that we shall go on with the work of building up the Navy.

Mr. HAWLEY. Mr. President, I certainly would not vote to retain the provision inserted by the House of Representatives if it was to throw out the provision for the three new gun-boats of 2,000 tons, but I am quite willing, and I wish the committee might be willing, to agree with the Senator from Alabama.

I think, with due respect to the Senator from Maine, who has considered this subject very thoroughly without doubt, that he is mistaken in supposing that a heavily armored vessel of 7,500 tons is in any proper sense an experiment. Experiments were made by Great Britain and by other nations in armored ships, and they did not prove to be successful. One of them incontinently rolled over and went to the bottom. But they are not duplicating those experiments, but building vessels like the Rodney and others of her class, for those vessels are very heavily armored in the sense of parts of the vessel in such a manner as to protect the guns. They are in no danger whatever of the mishap that befell the Warrior.

I should not regard a 7,500-ton heavily armored ship, if designed with any reasonable regard to experiments that have been made elsewhere, as in any sense an experimental ship. I will hail all new cruisers with pleasure, for they are exceedingly valuable in a large part of the field of naval warfare. But the heavily armored vessels are indispensable in their way. It takes longer to build them, and I shall be glad after building these cruisers to begin more of the heavily armored vessels. The others against a third of the British navy, against its first-class ships, must run. That is the reason why they are valuable and why their 20 knots an hour are valuable. It is because they can run away from a fleet or a more dangerous vessel. They could not stand five minutes; they could not stand five discharges from first-class ships that are known and classed as first-class ships of the British navy.

They are not armored at all, or very slightly armored. Against mere artillery I do not think they would stand a fight with an English or French ship, that is to say, with any prospect of throwing off its shot. If it is your theory that the world is coming to comparatively thin armored fast cruisers, and is to fight each expecting to be pierced through and through, or make it a deadly duel, I should say it is not worth while to build any heavily armored vessels at all, provided other peoples will do the same; but against the first-class vessels of Europe we have not anything that will stand. These cruisers can only fight vessels of their own class or of smaller size of other classes. They are not for first-class work, and we must have some ultimately for first-class work for the defense of harbors where ships must be stationed that are not expected to run away.

Mr. TELLER. I should like to ask the Senator what would be the value of these cruisers if they are only made to run away?

Mr. HAWLEY. They will be very effective in destroying an enemy's commerce, and they will answer for that service called the police of the seas excellently well.

Mr. TELLER. They would not be as good as the fastest, then.

Mr. HAWLEY. They are not good fighting vessels against the first-class ships of the British navy, as the Senator would see in a very few moments if he took the book before me and read the figures of the heavy vessels of the British navy. They are valuable; I do not wish to spare a single one of them.

Mr. TELLER. I am quite well aware that we are in no condition to compete with Great Britain on the ocean with her ships. I am quite in favor myself of having not only this great ship built, but several more if we could build them now.

Mr. MORGAN. Mr. President, the Senator from Connecticut has an entirely correct view, as I apprehend, of the use that is to be made of what we call a steel cruiser. A steel cruiser, to be of any use at all, must have heavy guns and very rapid movement, because in conflict with any foreign ship the steel sides of these cruisers afford almost as little resistance to a shot as the wooden sides of the vessels we have now in the navy. They are valuable, however, as commerce-destroyers. To us they are very valuable as carrying our flag rapidly in far distant ports of the earth, and keeping in check those minor governments which sometimes have to deal with our citizens and are not very particular about how they do it.

I spoke of the moral effect of having a navy. The opportunity of visiting the different coasts of the earth with our flag and for the protection of our people is something that is valuable to the individual liberties of every man who goes abroad to engage in commerce. But the nations of the earth spoken of by the Senator from Maine, who are now engaged in the building of rapid cruisers, and who are trying to get as much speed as they can get, vessels that will carry as much coal as they can, so that they can make long voyages, and when brought into action can move with great rapidity—those nations which do that have at home a reserve of the heavy iron-clad ships. France has such a reserve; England, Germany, and Italy, all of them have hovering about their own coasts and in easy command of their home government heavy-armored ships, which operate for the protection of the coast just if they were floating batteries.

They are not unwieldy ships. It is true that they very rarely exceed 17 knots of speed, but the speed is not so necessary in respect of those ships as it is in regard to the cruisers that go out as commerce destroyers.

I will take the harbor of New York as a place of defense. If you have very large, powerful guns you can protect them behind a sufficient quantity of earthwork to make them as secure as a gun can be made in an action. All you have there to do is to pile the sand and earth up in front of your guns until you get it so thick that the shots of the enemy can not go through. It is not necessary to build great fortresses in order to mount the very heavy guns and to make them entirely effectual.

The point in the coast defenses in order to get absolute security against an attack from heavy ironclads or ships bearing very heavy and powerful guns, is to have your artillery of sufficient strength to reach the enemy at the distance from which he will deliver his shot against your fortifications. That is the whole question. The balance of it is all done with the spade and the shovel, and it is done very rapidly, as we all know.

But suppose that we had fortifications now in front of Brooklyn or at any other place there for the defense of the approaches to the city of New York, and they were of the description that I speak of, and that we had guns of sufficient power and range to meet any enemy who might come along that coast for the purpose of bombarding the city.

Suppose we were provided with all of these necessary elements of the defense of the city of New York; and by its defense I do not mean merely to prevent its capture, but I mean also to prevent its being burned or destroyed by a fleet which might be besieging that city. Yet, if we have not heavy iron floating batteries or steel floating batteries in the waters through which New York is approached, we miss a very essential element of our defense, for the ships can change their position on the ocean and can run in rapidly by the shore batteries and get to the city or get to a place of security before any shore battery can sink them or even check them.

We tried that in the South, in the Bay of Mobile, when Admiral Farragut sailed by with a wooden fleet. He sailed by Fort Morgan and another fort just opposite, about 3 miles away, not heavily armored, however. There we had water batteries, and we had batteries *en barbette*. They were batteries whose guns were just as powerful as Admiral Farragut's batteries; but what did he do? He put his ships in line, put on all steam, and moved rapidly up the channel into the interior bay. Some of his ships were sunk; others were hurt, but Admiral Farragut got inside of the bay, and when in there he came nearer meeting a disaster from a little gunboat which had been built at Selma and which was an armored vessel than he did from the great fortress by which he sailed.

Unless we have some heavy floating battery with powerful guns to shift position and to defend the flank of these works and to meet the enemy in his attack, any admiral will pass in to the port of New York, I do not care how strong the batteries are, for it is a mere question of time when he is to get out of the range of our guns. He can move with such rapidity that you can not stop him.

I hold that it is an essential part of the defense of any of these great harbors of ours that we shall have heavy iron-clad ships. Great Britain, France, and Germany would not think a moment of putting their money in the building of steel cruisers, swift cruisers, to go out like a toy navy over the earth until they had first made the necessary preparation in building the best kind of armored iron-clad ships or steel-clad ships for the purpose of assisting in the defense of the great harbors of their own coasts.

If we had a ship of this kind at San Francisco, another at Boston, two of them at New York, another at the mouth of the Chesapeake, and another off the mouth of the Mississippi River, we should have the country protected, and the rest of the protection that is necessary could be done merely by making the guns and having them in position, and then with the spade and the pick throwing up defenses, the best that the art of man has ever devised as yet. No defense that engineering skill has ever yet conceived is equal to that of an earth or a sand battery.

With protection of that kind, and heavy guns, and then the armored ships to go upon the flank, you have all that you can do in the way of engineering or military skill for the defense of your harbors. But unless you do that, I do not care how strong you make your batteries or how big you make your guns, you will expose your cities to the rapid raids of foreign navies, which can come in and get behind your breastworks and cause your cities to be destroyed.

It is for this reason that I claim that "the great, unwieldly armored ship" the Senator from Maine speaks about is a ship that is absolutely necessary for our coast defenses. More than that, I do not see why our ships should be unwieldly. Before the war our skipper ships were not unwieldly. During our struggles here with each other, North and South, both sides had ships which were improvised for the occasion that were not unwieldly. Sir, there never was such a development of ship-building genius in the world as occurred during the period of the civil war in the United States. It proved the existence here of as much capacity on the part of our mechanics, our engineers, our shipbuilders of every class as has been developed in any era of history, I care not what era it may be, and more too. The fact is that we laid down there the predicate for all of the ironclads and all the swift-going navies of the world at this day. While we were engaged in our mutual struggles with each other, the light of genius flashed from our sabers and lit up the world with its glow.

I am not afraid to venture $2,500,000 or $5,000,000 to build a ship that may be necessary for the defense of Boston, or New York, or Delaware Bay, or of the Chesapeake, or San Francisco, or the mouth of the Mississippi River. I would feel much more comfortable if we had such an armament as that. I believe, sir, that the nations of the world would have more respect for us than they have now, for, after all, we ourselves are not angels, and we certainly have not angels to deal with; we have men of flesh and blood like ourselves, with the same passions and motives and emotions, and they will take advantage of occasion to do things in reference to our country which shame us oftentimes, because they think we can not afford to go to the expense of a sudden and immediate armament.

Let us broaden our conceptions of advantage to this country, Mr. President, and with a Treasury overflowing let us not fail to bestow money in the building of a navy in such a way as the careful committees of these two bodies may think is best to be done. The House committee have looked this matter through and through.

The Senate need not be astonished if I state, on my own responsibility—I do not state it on anybody else's—that the plans for building that ship are already arranged, and that it is believed a better plan was never devised by human ingenuity. I very much hope the Senate will not consent to take a different view of this question from the House, but will adhere to what the House has done.

Mr. HALE. Mr. President, one word more. The Senator now is confusing the question of the defense of our harbors against the great ironclads of the world with the question whether we shall construct this particular kind of an ironclad. If we are going into that subject, and if we are to have ships that will carry guns that shall protect our harbors from the immense ironclads of other powers of the world, we must build a ship entirely different from the one provided for here. She stands where she is good for nothing, either in cruising or in defending harbors.

The great war ships that are iron clad from 11 to 18 inches in thickness and carry the enormous guns that modern gunnery has invented and placed upon the decks of those ships would treat this ship as but a toy, and she would be of no account against them. She stands in the middle where the experience of the world has shown that she is good for nothing. The Italians, the British, the French, and the Russians, who are spending millions of dollars, or who have in years past until they have been stopped largely, lately turning their plans to building cruisers, have been building ships that are twice as large as this ship, and there would be no doubt of the result of a conflict by this ship against them.

If we are to defend our harbors—and we ought to do so—the Navy Department ought to spend the money that was given years ago, $2,000,000, in the building of plain rams, which present such a surface that they can not be struck and sunk, and with a prow that, running into a ship, will sink her, no matter how heavily she is plated above the water line. That is what we should have for harbor defense. That is what the Navy Department ought to give us. They have $2,000,000 now to be expended in that way. I would rest more securely, to use the metaphor employed by the Senator from Alabama, if those rams were in construction, and if we could have one of them at New York, and others at Boston, Philadelphia, the Southern cities, and on the Pacific coast. But this ship would be a bagatelle compared with the great armored ships of the Old World. She stands, as I say, in the class that is not important either way, and yet she will sink $5,000,000.

The Senator says he is willing to try the experiment. We have tried it. We have two of them now being built. Nobody knows what will come of them.

The Senator says the plans of this ship have already been made, and she will be a fine ship. It may be that she will, but it is two years since we appropriated for the construction of the other ships we are now building, and they have barely the plans of those ships. It takes time.

These ironclads are intended for cruising, not for harbor defense. England employs them; so do Italy, France, Germany, and Russia. I had occasion to see some of the experiments last year, and no man ever saw so mortified and humiliated a people as the English people after their experiments with the ironclads. The naval officers declined to discuss the subject at dinner tables or anywhere else. They went out on a cruise in the channel and the vessels exploded, they ran into each other, they ran aground, they got tangled, torn up, and everybody was afraid of them. The British officers felt as Lord North did about his army, that if the enemy had half as many fears about them as he had the battle was won.

The two ironclads to-day upon which the Secretary of the Navy has been spending his wits and devices and those of experts and officers under him for the last two years, are at this very moment the nightmare of the Navy Department. They are the bug-bear of everybody who approaches them, and that will be the case until they are finished, a time that, as I have said, will be further off than the expiration of the term of any Senator who sits in this Chamber.

Some investigation possibly may have been made into this subject aside from the House committee, which the Senator from Alabama says has given so much time to the subject. It is not to be assumed that the members of the Senate committee have not given some attention to this subject.

I say that in the wise task we have embarked in for the last few years of building up the American Navy, the worst thing we can do for years to come is to spend any more money upon the class of ships that is covered by this provision, reaching no purpose that will be valuable, spending immense sums of money and getting nothing, it may be, out of it, while there is before us a field that other nations are employing, which we have tried, that will give us such a navy as we ought to have.

I would give $5,000,000 a year if a board of experts in the Navy, the best that can be chosen, would take up the subject of harbor defenses, which does not involve the question of ironclads but of rams and torpedoes and the things that defend harbors, and spend the money there. Then give us in addition fine cruisers which can go everywhere as fast as the fastest merchant-ships almost, and you will have such a condition of things that no power in the world will venture to assail us. You will have the cruisers to destroy the commercial marine, that will chase and catch nine out of ten of the merchant-ships that float the sea. You will have a system of harbor defenses that will protect life and limb and property, and we should be impregnable. Every dollar that we spend on the class of vessels that is struck out here by the Committee on Appropriations is money lost, reaching neither purpose.

So, in opposition to what the Senator from Alabama says, I venture to hope that the Senator will let us go on in accordance with the provisions of the bill as reported.

Mr. BUTLER. Mr. President, when the naval appropriation bill was under discussion at the last session of the last Congress I ventured to make an effort to divert part of the appropriation which was incorporated in that bill for the building of just such a ship as is provided for here. I do not remember whether I advocated the building of two, but certainly of one.

I do not quite agree with the Senator from Maine in his statement of the present naval establishments of the great nations of the world. Unless I have been very much misinformed it is this class of vessels upon which they rely in case of a naval conflict on the high seas with other nations.

I did not understand my friend from Alabama to confine his observations to a mere question of harbor defense. He said very properly and very truly that vessels of this character would be very powerful and effective and useful in case of an attack upon any of the large cities on our coast, and I entirely agree with him in that view.

I do not understand, as I have said, from my knowledge and information upon the subject of the naval establishments of the great nations of the earth, that this class of vessels has been found to be useless. We recall the late conflict between the French and the Chinese, in which the French used their armored vessels to such an extent as to absolutely destroy the Chinese, and yet the Chinese, I believe, had some good naval vessels of their own.

I am quite willing, as far as my judgment extends, to permit the amendment made by the Senate committee, for the building of three gunboats or cruisers, to remain in the bill; but I submit that if we are going to build a navy worthy of the name we ought to have some ships upon which we can rely in a naval contest on the high seas.

The fast cruisers for which we have provided are very useful in their way. They can be used for the destruction of the commerce of a belligerent; but I submit to the Senator from Maine, and to the Senate of the United States, and to the Government of the United States, that that, it seems to me, is a very insignificant kind of guerrilla, bushwhacking warfare, which is unworthy of a great nation like this. In my opinion, not one of the ships that we have built, or which is being built, would be, I will not say useful, but effective in a naval fight upon the high seas with any foreign power in the world pretending to have a navy.

Mr. HALE. Let me ask the Senator if he has in his imagination built up a naval conflict at sea between two great fleets of ironclads? If that is what he is thinking of, and if he wants ships to figure in such a conflict, how long would such a ship as this float upon the water when brought into conflict with the great ships which have been built abroad, which are twice her size, the Italian, the Danish, the Russian, the English, and the French ships? She would be good for nothing against them. If we go into that field of constructing immense ironclads to get a fighting fleet we should have to spend $100,000,000, and such a vessel as this does not answer that purpose, either.

Mr. BUTLER. This clause of the bill provided for "one armored cruiser of about 7,500 tons displacement." I do not understand why the Secretary of the Navy has not absolute discretion to make that ship just as strong as he pleases. There is no restriction put upon him as to how much armor he shall put on it.

Mr. HALE. The Senator knows very well, of course, that the armament of a ship and the armor of a ship both depend largely upon the size of the ship.

Mr. BUTLER. Precisely; they must be regulated by the size.

Mr. HALE. A ship of 7,000 tons does not carry either such armament or such armor as a ship of 14,000 tons.

Mr. BUTLER. I understand that.

Mr. HALE. The Senator can not find that anywhere this year any power in the world is constructing such a ship as this. All have rejected them. They are either constructing immense ones, twice as large, or the cruisers to which I have referred. Such a ship is an anomaly in naval architecture.

Mr. BUTLER. I suggest that we double the capacity of this cruiser, if that be the case. But I think the Senator is entirely mistaken in saying that a ship of this description would not be very effective in a naval conflict upon the high seas with one of the navies of the great nations.

Mr. HALE. Not against their great ironclads.

Mr. BUTLER. I take it for granted that they would have some other kind of vessels in a naval fight besides their great armored ships. I am in favor of going ahead and building as strong, as powerful, and as heavily armored ships as are built anywhere in the world. We must make a beginning, and this is the beginning. I believe we have provision now for building perhaps one or two ships of this character.

Mr. HALE. Two.

Mr. BUTLER. One, I believe, is being built in the navy-yard at Norfolk, the Texas, and there is one other in process of construction.

Mr. HALE. The Texas and the Maine.

Mr. BUTLER. The Texas and the Maine are, I believe, to be ships of this kind. In my judgment, to have anything like a respectable navy in addition to the swift cruisers for which we have provided, we ought to have not less than ten or a dozen heavily armored ships, such as this is proposed to be; of course, armored and armed in accordance with the displacement. I take it for granted that nobody supposes we should put armor and arms upon a ship of 7,000 tons displacement that would be intended for 14,000 tons displacement, but we can never cut a respectable figure unless we have some such ships as are provided for in the clause which the Senate committee proposes to strike out.

As the Senator from Alabama has stated, this is a matter which has been thoroughly, exhaustively, and completely investigated by the House committee. I assume, after conference with the Navy Department, the provision has been inserted deliberately, and I can not understand how it is that we expect to have a respectable Navy by simply building what are called fast cruisers to run down the commerce of an enemy.

If we should have the misfortune of becoming involved in a war with a foreign government, the swift cruisers we have provided for, in the language of the Senator from Maine, would be a mere toy before the great armored ships of even the Government of Chili, to say nothing of Italy, France, Germany, Russia, and Great Britain.

If we are going to have a navy at all, if our purpose is to have a fighting navy, it seems to me the sooner we begin to build vessels of this kind the better, even if it requires $100,000,000 to get such a navy as we ought to have. I would supplement the fast cruisers that we have already provided for, and which are provided for in this bill, with at least a dozen of the best fighting ships that the world could produce.

I therefore trust that the Senate committee's amendment will not be agreed to, but that the Navy Department will be invested with the power, as provided in the bill, to proceed to build a ship such as is contemplated in the provision proposed to be stricken out.

Mr. HAWLEY. Do I understand the Senator to say that he would dispense with the three cruisers of 2,000 tons and take the other vessels?

Mr. BUTLER. Not at all.

Mr. HAWLEY. He would have them additional?

Mr. BUTLER. Certainly. I think it very desirable that those three additional cruisers of 2,000 tons displacement should be provided for.

Mr. GIBSON. I should like to ask the Senator from Maine how long it would take to complete this armored cruiser of 7,500 tons displacement if it were ordered now?

Mr. HALE. I have said that the two of this same type which are now being built in the navy-yards will not be built before the expiration of the term of the Senator upon this floor who has the longest time to serve.

Mr. TELLER. Why not?

Mr. HALE. In the first place they are experimental. We have never built such a ship in the past.

Mr. GIBSON. That would be at least six years?

Mr. HALE. That would be at least six years. We have no armor. We must provide for all of that; but that does not trouble me so much as the uncertainty about them when they do come out. Great Britain has built this class of ships by the dozen, and they lie up now in the British yards and are not worth anything except for old iron; and for us to start in on precisely what are rejected by old powers is an amazing folly. If our Government wants to start in and build ships that will compete with the tremendous ironclads of the world, let it do so; but this does not accomplish that end.

Mr. STEWART. I should like to inquire of the Senator from Maine if this class of ironclads have been a success?

Mr. HALE. If the Senator should ask that question of a naval officer abroad, where they have tried them, he would be answered in a very hesitating fashion. They have not been fully tried. They were tried to some extent in the bombardment of Alexandria, and they made no great show. They do not try them now.

Mr. PLUMB. Were not the guns effective?

Mr. HALE. That is another question. The guns are of value, and warfare between one kind of gun and another and between guns and fortifications is going on all the time; but the whole question of the construction of iron-clad ships, these great armored ships, is a question that every nation in the world is handling in a most gingerly fashion.

Mr. STEWART. They are building some of larger size?

Mr. HALE. They are building some of larger size. It takes from four to seven or eight years to build them.

Mr. PLUMB. Was not one of those large ironclads put on the stocks in the last year or two?

Mr. HALE. Yes; one or two have been put on that are twice as large as this.

Mr. PLUMB. In the last year or two?

Mr. HALE. Yes; within the last two years. I went over one in the harbor of Naples, the largest ship in the world. She would not consider this as an antagonist.

Mr. STEWART. What was her size?

Mr. HALE. Between 15,000 and 16,000 tons.

Mr. STEWART. Suppose we amend this provision and make the ship larger?

Mr. HALE. Then there is another reason why we should not go into it. The ironclads that the other powers are building now are ships that they claim to get 19 and 20 knots out of, and out of this kind only 17 knots can be had. That is another reason why we ought not to go on with the construction of such a ship. If we are going to put immense sums of money into this feature of naval ships, let us get the biggest and the fastest and the best, but the two that we are now building are certainly enough to try the experiment on.

Mr. MORGAN. I should like to ask the Senator before he takes his seat why he says the ships we are building are experimental. In what sense are they experimental?

Mr. HALE. Certainly the Senator sees that so far as we are concerned they are experimental. We have never before built anything of the kind here. What they can do, what we can get out of them, is a pure question of experiment. I do not believe that the naval officers have in their own minds any assurance that in the future the Texas and the Maine will be successful ships. It is all experimental.

Mr. HAWLEY. Will the Senator give me the tonnage of those ships? I have forgotten it.

Mr. HALE. They are about the same size of this one, about 7,000 tons.

Mr. MORGAN. If I understand the Senator from Maine he characterizes these ships as experimental ships, or the construction of them as being experimental, merely because we have not built any heretofore. That is all of it.

Mr. HALE. That clearly makes it an experiment.

Mr. MORGAN. There is no trouble about the plan, is there?

Mr. HALE. Two years have elapsed since the appropriations were made, and the Senator can not find the form and semblance of the Texas and Maine to-day.

Mr. MORGAN. We can get as good a plan for a ship, I suppose, as any other people.

Mr. HALE. There is the fact. I say again these two ships are the nightmare of the Navy Department to-day.

Mr. MORGAN. But they might not be the nightmare of the American mechanics. Very likely they would chill the Navy Department without producing any impression at all upon our workmen.

Mr. HALE. I hope the Senator will be with me on the question of constructing the ships by private contract instead of at the navy-yards. I agree with him there. We have enough to do to construct the others.

Mr. MORGAN. I wish to ask the Senator one other question, if he

pleases. He says it will be at least six years before either of these ships, the Maine or the Texas, is completed. I should like to know what it is that retards the building of those ships, if I can find out. What reason exists why they should be six years building them unless the Government merely wants to take six years to do it?

Mr. HALE. Two years have already passed.

Mr. MORGAN. Six more would be eight. I want to know if there is any fact within the Senator's knowledge that would justify the statement that these ships can not be built within six years.

Mr. HALE. We have been trying to armor and arm and fit ready for the salt water the iron-clad turreted monitors. We have been at that work between five and six years, and not one of them has poked her nose in the water yet nor got any armor on.

Mr. MORGAN. Has the failure been on account of the want of material, the want of men, or the want of money?

Mr. HALE. It has been on account of want of material; and then it is a new matter. I would not be arguing this question if we had not already made the experiment and provided for two such ships, but to be crowded now with another when nobody knows about the two not yet built is nonsense. Let us see what we get out of the two.

Mr. MORGAN. I should like to ask the Senator if he does not think we should increase the progress of the building and facilitate the building of those ships if we should build more of them and create a greater market for the armor. If the American producers and manufacturers of iron and steel had a larger market for their products than they have now would they not supply us with all that we need for the armament or armoring of these ships? It would seem to me that they would do so, and that unless we begin we shall never have any American production of iron or steel armor. We have got to begin some time.

I have been listening to this matter now for six or eight years, and at every session of Congress when this subject is mooted it is always said, "Let us wait until we try something that is on hand; let us wait until some experiment has been demonstrated by actual practice to be a beneficial thing;" and so we have waited on from year to year and we have made no beginning.

Mr. HALE. I will not interrupt the Senator if it incommodes him.

Mr. MORGAN. Not at all.

Mr. HALE. So far from not having made a beginning we have provided for great contracts for the developing of armor and of gun-metal, amounting to millions upon millions of dollars; the work is going on just as fast as possible, and it is a subject of pride to those, I think, who have helped to bring it about that this work is going on. But you can not annihilate time; you can not do it all at once. We shall do better, if we are going to build more ironclads in the future, by not embarking now in any more of them until we see what can be done by those we are building. We shall get a better ship in better time if we wait two or three years, or one or two years, and see how those other vessels develop and see how the armament develops. If we wait to see what is done in that direction we shall get better ships and quicker ones than to go on now with any more experiments.

Mr. MORGAN. I am very glad that the Senator from Maine and myself are entirely in accord, both in our feelings and in our judgment, about the development that has already taken place. I feel that sense of pride to which he refers, about which the Secretary of the Navy spoke with a good deal of exultation when he learned that he could get from different American shops or foundries gun-metal, gun material, ship armor, shafting—whatever was necessary for the building of very high class vessels and very high class guns. We are now progressing, it seems, according to his more recent statement, very rapidly and very satisfactorily in the production of the material that is necessary for the building of heavy steel ships and for the arming and armament of them.

I think if we shall go and spend some more money and build some more ships and increase the enterprise of our producers and our manufacturers, they will yield a much larger quantity and perhaps a very much better quality of armor and of the other necessary steel or iron which may be used in the construction of a vessel.

Mr. President, this matter is very far from being experimental. So far as our work is concerned in making appropriations, or so far as the supply of the necessary steel for the work is concerned, or so far as the ability to lay down proper plans for ships and their engines and machinery and armament is concerned, it is very far from being experimental.

I must say that I look to the future in respect of the American production of ships and guns with as much confidence as I do in respect of its production of woolen goods or cotton goods, and with just as much safety and security. I have not any doubt about it; and when we come to consider what there is in the way of experiment, what element of experiment exists in this project for the building of ships and the arming of them—when we get to the facts, there is really no experiment about it; it is a mere want of experience, that is all. We have not as yet built the ships, but we know we can do it. They might as well have told us twenty-five years ago that we could not build a locomotive engine in the United States, or that we could not roll steel bars for railways, or that we could not build Pullman palace cars.

They might as well have told us forty or fifty years ago that we could not invent and put in operation this system of electricity about us, or that the telephone system could not be invented by an American and put into successful operation.

The truth is that this is the home of inventive and mechanical genius. No people in this world, either by their laws, by their social instincts, by their necessities, by the encouragement that they are in, by enterprise and by capital, compares with us to-day in respect of anything that concerns the development of that which is hidden and unknown and desirable in mechanic arts, and in science also. We need have no fear about this matter.

I am very tired of stopping upon the center and looking to the front and rear and saying, "We are afraid to go any further." Let us make an experiment. We of all people in the world ought to make experiments. We of all people in the world ought to lead the genius of mankind in every enterprise, political as well as industrial.

I have not any fears or apprehensions about the wasting of a little of the enormous mass of money in the Treasury of the United States in building up a navy. Here are our officers scattered about the coast organizing one little society and another, hunting places to go to to have something to do to rid themselves of the ennui of existence, merely because we will not supply them with ships upon which they can go out upon the seas.

If we had to-day a really respectable and strong navy upon the ocean, a fighting navy, we should have more power at home and a great deal more power among the nations of the earth. We could have higher moral power. I will recur to that again. We should have it, and without it, Mr. President, we can not have it in that sense that we ought to possess it. We know we are entitled to it, and the world knows it. If they put us upon our mettle, we can very quickly get into good fighting shape, but the danger to us is, and they know it as well as we do, that the cost of a sudden preparation is so great that we allow many questions to have the go-by which ought to be considered with strength and purpose and energy that we do not now consider at all.

I do not think that Germany to-day would be sweeping the Pacific Ocean as with a broom if we had a real good fighting navy; not that Germany is afraid of us, but Germany knows that we are not well enough armed for the purpose of protecting the Pacific Ocean. She understands that we can not afford to do it, can not afford to spend the money to do it, to arm ourselves for the purpose of protecting what are our natural commercial rights, to say nothing of our political rights, in the Pacific Ocean. What is the meaning of that great establishment the Senator from Nevada referred to on Vancouver Island, that magnificent naval establishment just north of San Francisco, lying between Alaska and Washington Territory?

What is the meaning of it? It means, as a matter of course, that we must prepare ourselves in due season to offset the power that is there displayed; otherwise aggressions upon our commerce will be of such a character at least as to become very attractive to the lesser nations, as we call them, of the earth, for those people with whom we desire to trade abroad, and with whom we have really the richest expectations of trade, are the people who most respect power wherever it is displayed; and unless they see some display of power they are not very apt to yield their respect to any nation in the world. They do not count up the reserve. They look at the actual display. They look at what you have got in hand and what you have to show, and no nation that goes about on the earth with its hands tied behind it, or which carries guns in rotten ships, can ever command confidence or gain respect or establish commerce among people of that kind. Build a good fighting navy and you will do more for the commerce of this country than you will do with almost any other matter you can set on foot.

Mr. STEWART. Mr. President, this is not large enough. I think we had better amend the bill and make it larger. It will take but a few words to put in a description of those vessels that are now being built abroad. I move, in line 972, to strike out "seven thousand five hundred" and insert "fifteen thousand," and in line 974 to strike out the words "three millions and a half" and insert "seven millions."

Mr. HALE. It would take almost $9,000,000.

Mr. STEWART. I will say "$9,000,000." I make that motion.

The PRESIDENT *pro tempore*. The amendment of the committee has been agreed to in Committee of the Whole. The amendment of the Senator from Nevada will be in order when the bill is reported to the Senate.

Mr. HOAR. I hope there will be no objection on the ground of mere time. We can have unanimous consent, because it is obviously agreeable to the Senate to deal with the matter while it is being debated, and then it can be voted on in the Senate. I hope the Chair will ask consent.

The PRESIDENT *pro tempore*. By unanimous consent, then, the vote by which the amendment was agreed to will be reconsidered.

Mr. HALE. Let it all stand open.

The PRESIDENT *pro tempore*. And the proposition will stand open. The Chair would also call the attention of the Senate to the embarrassment that will result unless this proposition is considered as two amendments, the motion to strike out and insert not being divisible. The Chair would suggest that if it is desired to test the sense of the Senate on the two propositions independently, they had better be treated

as two separate amendments, and not as a motion to strike out and insert.

Mr. STEWART. I move, then, in line 972, after the word "about," to strike out "seven thousand five hundred" and insert "fifteen thousand;" and after the word "than," at the end of line 973, to strike out "three millions and a half of dollars" and insert "ten million dollars."

Mr. HALE. That is right; we shall get a ship out of that equal to any in the world.

Mr. PLUMB. While the Senator is about it, why not make it better than anybody else's? Why not make it twenty millions?

Mr. HALE. No; that would not be so wise a thing as to provide for two. Fifteen thousand tons is large enough. Nobody can deny that a ship of 15,000 tons heavily armored and armed would be such a ship that no naval power perhaps would dare to come here; and it may be well to build two of them at a cost of $20,000,000. I am by no means certain that I would not. It is a great deal better than spending and wasting money on little things that are good for nothing when you get them.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Nevada [Mr. STEWART] will be stated.

The SECRETARY. In line 972, before the word "tons," it is proposed to strike out "seven thousand five hundred" and insert "fifteen thousand;" and in line 974, before the word "dollars," to strike out "three million and a half of" and insert "ten million."

Mr. BUTLER. Mr. President, I am not quite willing that the observations of the Senator from Maine shall go unanswered in regard to the building of these ships being merely experimental, and his further statement that it will require six years to complete one. He referred to the delay that has been occasioned already in the building of the Texas and the Maine, and he further stated, as I remember, that these two ships were the nightmares of the officers of the Navy.

I beg to differ from the Senator in that respect. My information is that very great things are expected of these two ships that are now being arranged for. The Navy Department has, I think properly, exercised very great caution and circumspection in procuring the very best designs that can be found in the civilized world, and my information from the naval constructors is that these two ships will be the best of their kind in the world when completed. So far from it requiring six years, I think it not at all unlikely that both those ships will be launched inside of eighteen months.

Mr. HALE. The Senator can not believe that himself, I think.

Mr. BUTLER. I do, at least unless I am very much misinformed.

Mr. HALE. Is the Senator ready to make a prediction that they will be launched in twice the time he has stated, or in three times the time he has stated? I would not venture that.

Mr. BUTLER. I am very sorry to differ with so able a naval constructor as my friend from Maine who has so much knowledge on the subject; but, unless I am very much misinformed by those who have charge of those ships, the preparations are almost complete to begin the construction of the Texas certainly; I am not so sure about the Maine.

Mr. HALE. So far as naval constructors go there is not a naval constructor in the service of the United States who has ever had anything to do in his life with constructing an armored ship. He knows nothing about it. He has to go abroad to get his plans.

Mr. BUTLER. That is a misfortune.

Mr. HALE. He has to pay for them and he is groping all the while. The Senator may say that the constructors who have these in charge have great hopes of the Texas and the Maine, and expect to get them out in eighteen months. I am not going to quote anybody in the Navy Department against that. I wish the Senator himself would talk to the Secretary of the Navy about that. Some Senators have.

Mr. BUTLER. I have not talked with the Secretary of the Navy.

Mr. HALE. He has the responsibility. I am not going to quote him here, but I would like to have any committee or any Senator confer with the head of the Department that has the responsibility about building these ships, and one result he will find——

Mr. BUTLER. I have not talked with the Secretary of the Navy, but I have talked with some of the officers connected with the Navy Department; and whilst I have no authority to state that these vessels will be launched within eighteen months, I repeat, if the present plans are carried out—and I see no reason why they should not be—the Texas certainly will be in a condition to be launched inside of eighteen months. But the very argument offered by the Senator himself in opposition to the building of this ship is the strongest one in favor of making a beginning.

The Senator says there is nobody connected with the Navy Department who has ever constructed a ship of this kind, who can construct one; that our officers have to go abroad to get their plans and their designs and everything on the subject. It is a very humiliating position for a government like this to be in, a very humiliating admission to make, and I agree with the Senator from Alabama the sooner we make a beginning in the proper direction the better.

There certainly is no lack of material. It has been demonstrated beyond peradventure that this country can produce as fine steel and in as large quantities as can be produced in the world. I think already this Government has demonstrated that it can build cannon for the armament of these ships as fine as can be made in the world, and it was suggested to me by a friend awhile ago that one of the Krupp guns upon one of the great naval vessels of Great Britain would send a shot through a vessel of this kind. Why can we not get Krupp guns and put them on this ship, or guns as good as Krupp guns? We can do it if we give the proper authorities the necessary amount of money to do it, and I think that it is time, high time, if we are going to build a navy, that we should relieve ourselves of this dependent, humilitating attitude of having to depend upon foreign governments for information. Why, sir, there is as much talent in this country as there is in any country in the world.

Mr. HALE. Let me ask the Senator a question before he leaves that point. Why does he now say, as others have said, arguing as he does, that we ought to begin, we ought not to put off the day of beginning, if we are in this hampered condition? That is just what we have done, to begin. We have tried these two ships; we are trying them now; and is it not folly, when we are simply trying, when we have embarked in that experiment, to crowd now another one, next year another one of the same kind, and next year another, and nobody knows about the two we are building.

Mr. BUTLER. That is a presumption I am not prepared to admit, that nobody knows about the two we are building. It is a violent presumption to suppose that there is not talent enough and sagacity enough in this country among the naval constructors to know what will be the result of a certain performance.

Mr. HALE. Let me tell the Senator what I believe about that. I believe you may take one of these ships, just such as is provided for here, and put it into a navy-yard and build it; it will cost 50 per cent. more than it would by private contract, it will take twice as long to build it, and when it gets through it will not be half as good a ship.

Mr. BUTLER. I understand——

Mr. HALE. The naval constructors can not do it. The Navy does not produce them.

Mr. BUTLER. I understand that there is a provision in this bill which requires that it may be built by private contract. I admit the force of the Senator's statement that it costs more to build a ship in a Government navy-yard than it does by private contract, but we must legislate on these subjects like sensible business men, and if we leave it to the Secretary of the Navy to submit his plans simply to private contractors, there is a possibility of private contractors combining against the Government and compelling the Government to pay any price they please to exact. Hence I think the provision in former bills on this subject for a certain number being built in the Government navy-yards, provided suitable contracts can not be made with private contractors, was a very wise and judicious one, and I think it ought to be in this bill. There is no doubt, in my opinion, about the fact that private contractors can and will perhaps build cheaper and better, but that is no argument against the building of this ship and a half-dozen others of this kind.

Mr. President, when a few years ago an effort was made by Congress to provide for the building of fast cruisers, the very argument which the Senator is using against this ship was used upon the floor of the Senate and of the other House against fast cruisers. It was said again and again that they were experimental, that nobody knew what they could accomplish, and therefore we ought not to spend any money to build them. Now, the Chicago, the Charleston, and the Baltimore have been built, and I understand, perhaps with the exception of the Chicago, have been entirely satisfactory of their class. Now, the effort seems to be to get fast running ships, and if the argument of the Senator from Maine is worth anything, it goes to prove that great wars and great naval conflicts are settled by foot-races on the high seas; the nation that can run the fastest can win the fight. I have never known a war to be determined except by hard blows face to face, and I want to see the American Navy in a condition where it will be prepared to strike back when a great naval power strikes at it with heavy armored vessels, and not simply make it a question of speed on the high seas as to which can outrun the other. That is all there is in that argument.

I admit that these fast cruisers are as essential for a navy as light cavalry is for an army. They are efficient and important for outpost duty, an admirable purpose in naval conflict. But to say that you are going to depend upon cavalry alone in a great war, is assuming a state of things which I think will never exist. And so in regard to our Navy, if we do not have some, say a dozen, heavily armed and heavily armored fighting ships of war, we should be at a disadvantage in a naval conflict with a foreign power, which would bring humiliation and disgrace and untold loss upon the country before we could provide for the emergency.

Now, sir, with regard to the amendment of the Senator from Nevada, I tell him very frankly that if I had the power to provide in this bill or any other for voting $20,000,000 for the construction of two ships as he describes them, I would so vote without the slightest hesitation, but it does not seem to me in accordance with the general scope and scheme and object of this bill to provide for a ship of that kind, and therefore I think his amendment had better not pass. I would try this;

I would supplement the Maine and the Texas by this, and unless all signs fail and all predictions are false, they will be found to be, in my judgment, the best ships of their kind, and will serve a good purpose for the United States Navy.

Mr. REAGAN. Mr. President, I shall favor the retention of the provision of the House bill for building an armored ship, and if the amendment of the Senator from Nevada [Mr. STEWART] shall be rejected, and it seems to me it is safe to do so, I will propose another amendment to strike out of line 972 the word "about" and insert the words "not less than;" so that the provision shall read:

And one armored vessel of not less than 7,500 tons displacement.

That would leave the Navy Department, in view of the facilities they have for building large ships, and in view of the kind of material they can obtain for large ships, to determine whether they would build a ship larger than the minimum so specified.

It is suggested by the Senator from Maine [Mr. HALE] that the ship is not large enough if it is to be an armored ship. About that I am not prepared to speak, but I would say that I would leave the discretion to the Navy Department to make the ship of the amount of displacement named or larger if circumstances rendered the enlargement of it necessary; and the three and a-half million dollars would certainly answer for the beginning of such a ship, and if it was found necessary to build a larger ship that appropriation could be supplemented when it should be found necessary hereafter.

I agree with the Senator from Alabama and the Senator from South Carolina that this country ought to be placed in a better condition of defense than it is. I know it has been argued on the floor of the Senate that no power on earth will go to war with the United States, and the argument in that line, which was repeated by more than one Senator, seemed to go upon the idea that the millennial era had arrived; that men were prepared to adopt in its fullest and largest extent the doctrine of the Savior of mankind; that no evil or wrong should be inflicted upon mankind again.

I submit that that sort of talk is not practical, it is not sensible. We live in a world where struggles are for power and to build up wealth, which this country is building up with increasing millions of people. If we are not prepared for defense, we only invite the well-equipped and well-provided powers of the world to aggression and to plunder. That is the history of the nations of the earth. The more a nation is without the means of defense, the more certain it is to be the sufferer from unlawful and unconscionable aggression.

And, Mr. President, I never, in considering the question of the defense of the territory of the United States and the rights of the United States, fail to remember the position which this country occupies among the nations of the earth. I repeat what I said on a former occasion, that it is now a country of more population than any European government save Russia. Its commerce is now larger than that of any country save Great Britain. It lies here contiguous to the active, energetic powers of Western Europe, who are in the best possible state of preparation for war, growing out of their peculiar condition. It lies on the path of the great populations and the wealth of Asia. Already a large commerce is finding its way either around Cape Horn or across the Isthmus or across the railroads of the United States between Europe and Asia.

One project is already considerably advanced for a transit across the Isthmus of Darien. Another, and perhaps two more, are likely in the near future to be built nearer this way, either by canals or ship-railways, so that when constructed their influence upon the commerce of the world will be greater than the influence of the construction of the Suez Canal. Infinitely more important its influence will be upon the commerce of the world than the construction of the Suez Canal, bringing the commerce between Western Europe and Asia by our very doors.

When we contemplate our long line of Atlantic and Pacific seacoast and the number of cities which would be exposed to aggression and to destruction by a great power, who can doubt the duty which devolves upon us of being prepared to take care of our interests against such contingencies?

We can not ignore the fact that the United States is placed in the condition of a first-class power. We dare not ignore that fact unless we disregard the duties of patriotism and the obligations we owe to the American people.

It is idle to talk to me about the fact being that no nation will make war upon us. Year by year our commercial intercourse is being enlarged with the nations of the earth. As it is enlarged, complications must of necessity arise, and disputes and controversies will have to be settled—let us trust settled by peaceful negotiation; but we can not so far rely upon the improvement of human nature as to suppose that we can secure just settlements by negotiation unless we have the power available to back the judgment of our diplomats. Give us a respectable navy; give us guns such as we ought to have, and such as I trust the vote of the Senate will provide for before it adjourns. Let us start with the appropriation to put this country in a condition of appropriate defense.

Why, sir, suppose to-day that by any conjuncture of circumstances we were forced into conflict with any one of the great naval powers of the earth. In sixty days every seacoast city on our borders could be laid waste. It could be done by Great Britain, or by France, or by Germany, or by Italy, and the destruction of one of these great cities would be at a cost to the country infinitely more than the navy and the fortifications necessary to defend it against such a calamity would cost.

I see my friend from Missouri [Mr. COCKRELL] smiles. He thinks that nobody will dare to go to war with the United States. He relies upon the patriotism and the courage of the American people to keep other nations from coming here and fighting us.

Mr. COCKRELL. The common sense of nations.

Mr. REAGAN. Mr. President, the Senator is old enough and has had a character of experience which has taught him that mobs can not resist organized power, that organized power must be met by organized power with equal means and equal skill, and it will not do to talk about the courage of men and the patriotism of men in a disorganized state and without the means of defense resisting the power of aggression of great organized powers with ample means of prosecuting their purpose.

Mr. COCKRELL. Will the Senator permit me there?

Mr. REAGAN. Certainly.

Mr. COCKRELL. Would not that statement demand of the United States to maintain a standing army and navy equal to all the other great powers?

Mr. REAGAN. I do not think so, and I am not proceeding on that idea at all. Our attitude to the other great nations of the earth renders less certain military conflict. We have a skeleton of an army; we have trained and educated officers who can take command and instruct an army very rapidly. Experience has demonstrated that. Our people have an aptitude for arms and for war when occasion calls for it.

We do not need a navy to guard against attacks constantly, like the powers of Europe have, where they do not know what day a war may be inaugurated which may settle the fate of nations and change the geography of Europe. They stand guard to-day for the want of sense enough to agree to disarmament among themselves. They stand there taxing the people to their utmost and involving those nations in debts they will never pay, in order that each may protect itself against the others.

We are not in that condition. We do not need that character of preparation. But I insist, as a matter of prudence, as a matter of precaution, as a matter of public safety, as a matter of national self-respect, that we shall place ourselves in such a position as that in case of dispute we can assert and enforce those principles of right that ought to prevail in international conferences.

I did not expect, when I rose, to say so much, but I intended simply to say that I hoped the amendment of the Senator from Nevada would be voted down; and if it is I shall then move to strike out the word "about," in line 972, and insert the words "not less than;" so as to make the clause read:

Not less than 7,500 tons displacement.

And with that amendment I would like to see the provision of the House bill retained.

The PRESIDING OFFICER (Mr. MANDERSON in the chair.) The Chair does not understand the Senator from Texas as offering that amendment at this time?

Mr. REAGAN. I do not offer it now, but I propose to offer it if the amendment of the Senator from Nevada is voted down.

Mr. GIBSON. I suggest to the Senator from Nevada that he strike out in line 972 the words "one armored cruiser" and insert "two vessels of war," and that instead of "7,500 tons" he insert "15,000 tons each," and that he strike out the words "not more than three millions and a half of dollars" and insert "not more than $20,000,000."

Mr. STEWART. I will accept the modification if it be in order.

The PRESIDING OFFICER. The Senator from Nevada modifies his amendment.

Mr. STEWART. Will the Secretary report the amendment as modified?

The PRESIDING OFFICER. The amendment as modified at the suggestion of the Senator from Louisiana [Mr. GIBSON] will be read.

The CHIEF CLERK. In line 972 it is proposed to strike out the words "one armored cruiser" and insert in lieu thereof the words "two vessels of war;" in the same line to strike out "seven thousand five hundred" before the word "tons" and insert "fifteen thousand;" after the word "tons" in the same line to insert "each," and in line 974 to strike out "three millions and a half of dollars" and insert "$20,000,000;" so as to read:

And two vessels of war of about 15,000 tons each displacement, to cost, exclusive of armament, not more than $20,000,000.

Mr. STEWART. Mr. President, I believe it is conceded by all, except the Senator from Missouri [Mr. COCKRELL], that we ought to have a navy. It is stated by the gentleman representing the committee that the vessels provided for here, either those in the bill as it came from the House, or those provided for in the committee's amendment, are not in a proper sense war vessels which will be capable of being successfully arrayed against the armored vessels of the different nations of Europe. It does seem to me that if Italy, Spain, and Chili can afford to have

first-class vessels the United States can afford to have two. If they have a large number the United States ought to have as many as two. So I have accepted the modification suggested by the Senator from Louisiana, and I believe this is money well expended.

If we desire peace, we must be in a position to command peace. This is an age of war. All the nations of the earth are preparing for war and expending vast sums of money for that purpose beyond what they ever did in any preceding age, and what may happen it is impossible to foresee. War has always prevailed. Civilization has not checked, but it has increased the number of wars and their destructiveness. The last generation has been the most warlike in all history, and we are here with all our vast interests, with our vast possessions on the Pacific and on the Atlantic, with our cities all exposed, relying upon the generosity of the other nations, not being in a position to command respect from any, it requiring years to build one of these ships.

The representative of the committee says that none of these larger ships can be built in six years, and we have got to remain in the defenseless position we are now for a number of years, and we put off action from session to session. So it will go on, and the evil will be more and more aggravated, until the time comes when we have actual war; and how are we to build ships then? It takes five or six years to prepare for it, and how can we prepare for war with great vessels if we have actual war on our hands while we are making the preparations?

It seems to me the way to deal with this question is to build a few ships and build good ones. The United States ought to be able to build a few first-class ships. If we are not, we must submit to all manner of treaties that are proposed, we must allow European nations to take islands of the Pacific, to dominate South America, and to dominate countries on the north. You must allow foreign nations to do that. To talk about the Monroe doctrine without a gunboat that could go to sea, when all other nations are armed, seems to me all nonsense. They are not afraid of our talk. The talk of the Senator from Missouri does not scare a foreign nation. They will not fight us in that way. They will not fight us with declamation. If they would fight us with declamation, of course we could easily whip them. If they would fight us with boasting, of course we should whip them. But they would fight us with guns, and then where would the Senator from Missouri be?

The Chinese tried that, but it was not successful. They made great gongs to scare away the enemy and made a noise to frighten the enemy from their borders, but American civilization has adopted a different means.

Mr. HOAR. How about the Chinese on the Pacific coast?

Mr. STEWART. They do not fight with gongs there, but they have another mode of fighting which we can not resist very well with arms. They will stay, they will eat, and you have got to kill them to keep them out. They will eat up everything and starve you to death. You can not raise fighting men in the Chinese fashion. If you let the Chinese come here they will come and eat up everything like locusts, but in war their methods have not been a success; but I suppose just about as successful as our boasting that we can whip all the world without guns.

We put this off from session to session, and as the Senator from South Carolina very properly suggested, there must be a beginning. We must commence to build ships or we shall never have ships, and if we wait until the genius of mankind is exhausted before we commence we shall wait a long while, for man is progressive. A hundred years from now they will build very much better ships than they do now, and if you wait until that has culminated, until the best ship is perfected, you will wait many generations. We shall not reach perfection for ages to come. We can not wait for that. We want ships now. There will be many wars and much destruction of life and property by war before you will have the best ships, before any nation builds the best ships that can be built.

We shall continue to improve and it will always be the condition of things. If you wait until that condition of things comes to pass, until the best ships are invented that can be made, you will never have a navy, because they will be always making improvements. If you wish to defend the honor of this country you must go along with other nations and you must improve and build and at all times be in a position to defend our country, to defend its honor, to make treaties on a basis of equality, and not be in a condition to submit to all demands that may be made and be at the mercy of all nations.

There is talk about universal peace by peace societies, and we are told there will be no more war; but that talk all evaporates with the first gun, and it will evaporate again, and the American people will be engaged in war again. There is no doubt about that. The only safe mode is to do as other nations do. We must do so from necessity. One nation alone can not disarm. The United States with as much noise as it can make can not afford to disarm alone, which she is doing and having a different policy from all other nations of the earth.

It is unsafe. Our rights are in danger. Our citizens are unprotected, and we have no power to protect them. It is impossible, I say, for us to be in an isolated condition different from the other nations and expecting to enforce our rights. If we enforce our rights at all, we must enforce them by the same means that other civilized nations do, and if we are prepared to assert our rights, we shall have no war. It is want of preparation that endangers the country.

I expect that we shall have war ultimately with Great Britain, prepared or not prepared, on the northern border, as I remarked yesterday, unless there is wise statesmanship to rise above small considerations and readjust the boundary. We must have the Arctic Ocean for a boundary, or war. That is inevitable; that is destiny. Nobody can prevent it. The irritation of this long boundary between us, the complications that will grow up from time to time will ultimately lead to the firing of a gun, and the firing of a gun between us and Great Britain means the setting back of civilization a hundred years.

It means nearly a destruction of the Anglo-Saxon race, and such a war as that could not stop for years and years, until both nations were practically exhausted; and in view of the terrible consequences of such a war it is to be hoped that the statesmen of the two countries will rise to the importance of the occasion and suggest some plan of removing this constant source of irritation.

There is an unsettled boundary between Alaska and British Columbia involving a vast and important territory. Both nations now have fixed upon that boundary according to their own notions.

There is a question with regard to the open sea there, how it shall be treated, in addition to the fishery question. There are unsettled questions all the way from Halifax to Victoria constantly arising. Your line of custom-houses and fortifications will have to be constructed. Canada, backed by Great Britain, will be much more aggressive than Great Britain would be herself. This cause of estrangement still increases, and it will ultimately result in war, especially if we are entirely unprepared for the event. If we are prepared we shall be in a position to negotiate, and negotiate in safety.

As to the present treaty that we are discussing here, all parties feel that it was negotiated under circumstances entirely unfavorable to the United States. Those who support it and those who oppose it feel that it is unfortunate that we should be driven into the position of making a treaty under such circumstances, and all because we are unwilling to spend money as other nations do to keep themselves in a position to defend their rights and dignity.

There must be a beginning, and I hope these two ships will be built and give the world to understand that we, too, while we are for peace, will be prepared for any emergency or any exigency that may arise between us and any other country; that while we will be generous and keep out of war, we will demand our rights, and that we will protect this continent from foreign aggression.

It is the grandest thing in the world for the United States to stand and proclaim on this hemisphere the Monroe doctrine, that we will protect from European aggression the weak powers of this continent; that this continent shall be dedicated to the institutions of freedom and free men and free government, and no foreign power shall gain a further foothold here. How proud every American citizen is of such a declaration of the Monroe doctrine. How feeble we are now. We can not even protest against its daily violation. We can not protest against France, if she pleases, taking the Isthmus. We were unable to protest against Germany taking the Samoan Islands and removing, as it were, our inhabitants therefrom. We had built up almost a government there, but we had to yield when the first ironclad came.

We could not help it. We were helpless, and the Administration was right in not involving us in war, because we had no means of asserting our well-known rights. We had planted a colony, and we ignominiously surrendered it for want of a few ironclads to let the world know that we could protect it; and so it will go on, and our vaunted Monroe doctrine will be despised by all the people of this hemisphere. How little and mean it is for us to occupy that position!

We invite the republics of South and Central America to meet and consult about common interests. They look to us to maintain the Monroe doctrine. They come to us and find we are in a helpless condition, feebler than they are so far as foreign aggression is concerned, and less able than they are to defend the Monroe doctrine.

If we can not afford to build a few ships, let us renounce the Monroe doctrine; let us admit that we will not defend ourselves or our neighbors; that we will abandon the traditions of the fathers; that we will no longer proclaim that this hemisphere shall be governed by the people who live here without foreign domination. Let us abandon that or prepare in a dignified way to occupy the position which nature, our resources, and our rights have conferred upon us in these things. With a larger extent of fertile soil than in any other land on earth, with greater natural resources, mineral, agricultural, and commercial than any other three nations combined, with sixty millions of people capable, willing, independent, and free, it seems to me that we might with some propriety not only declare the Monroe doctrine, but prepare to vindicate it and have all countries respect it, and let us do something for freedom and for man on this hemisphere.

But if we can not afford to build a ship until all the genius of the world is exhausted—and no better ship can be built if we wait for Italy and for Chili and for Spain to exhaust their genius in building ships before we can build them—if that is to be our position, it is to

be our position for all time, because, as I said before, the time will not come whilst civilization lasts that the genius of man for making improvements will be exhausted.

So I say, let us commence these two ships. Nothing would please the American people better, nothing would be more useful, more acceptable to the people, both North and South. The Senator from Alabama [Mr. MORGAN], the Senator from South Carolina [Mr. BUTLER], and the Senator from Louisiana [Mr. GIBSON] voice the true sentiment of the South, and I know it is the sentiment of the North, and it has been voiced on this floor by several Senators, and each man feels that we ought to do something in this direction, and it seems the least we can do is to commence to build a few ships to show that we intend to defend the flag and the honor of our common country.

Mr. GIBSON. Mr. President, I do not know that I can say anything to re-enforce the observations which have fallen from the Senator from South Carolina [Mr. BUTLER] and the Senator from Nevada [Mr. STEWART]. I think instead of talking about fighting and war that we had better make timely preparation.

We are warned by the information that the Senator from Maine [Mr. HALE] gives us that it will take six long years or more to build one of these cruisers; that we can not extemporize a navy, we can not within that time even place upon the sea one of these pigmy vessels of war in comparison with the great vessels of foreign powers.

We do not need merely swift raiders upon the ocean, but enormous vessels, so as to be enabled not only to protect and defend our own territory and commerce, but, if necessary, to carry the war, when once embarked in it, to the territories and seats of power of the offending nation. No nation like ours can afford to indulge in a mere war of defense. We must have the means to punish and cripple and destroy the armed forces on land and sea of the nation that appeals to arms against us.

We know very well, Mr. President, that we can extemporize an army. We know very well that if we had a war with Great Britain we could within sixty days or ninety days place 500,000 men under arms in Canada to take possession of Canada and hold it against any force that Great Britain possibly could send to the Dominion of Canada. We know very well that we could assemble an army in Mexico or in Cuba in sixty days or ninety days that would overwhelm any force that any nation in Europe could concentrate against us.

But we are powerless if we are attacked on the sea; our mastery ceases at our shores. We have a vast commerce; we have the most extensive coast line of any nation in the world; we have the largest cities of any nation in the world exposed upon that coast line. They are utterly defenseless. Hundreds of millions of dollars' worth of property are concentrated in these great cities upon the Pacific and upon the Atlantic Oceans liable at any time to be devastated and destroyed by even such a nation as Italy or Chili.

Now, the amendment which I proposed, to authorize the Secretary of the Navy to construct two vessels of war that shall cost not more than $10,000,000 each and that shall not exceed 15,000 tons each, appears to be justified by the present state of naval construction, and to be demanded by a proper regard for the national safety and the national honor.

Italy has a vessel of war, as my friend, the Senator from Connecticut [Mr. HAWLEY] tells me, of 13,200 tons.

Mr. HALE. They are building now two or three ships that are 14,000 tons.

Mr. GIBSON. And other ships are being built, as the Senator from Maine says, of 14,000 tons. Why should not the United States have one or two ships of 14,000 tons, or 15,000 tons, or 16,000 tons? We have the greatest continuous empire in the world with the longest coast line, and our countrymen are scattered throughout every nook and corner of the globe in various pursuits. Our intercourse with foreign powers is wholly by the sea and upon the sea. We have no territorial neighbors. Why should not this nation put upon the broad Atlantic and the Pacific vessels of war that shall be at least symbolical of its vast power, of its resources, of its scientific genius for war on the sea?

Sir, I can not understand how any Senator who feels his heart beat responsive to the destiny of our country, doubling in population every twenty-five years, soon to be 100,000,000, should not wish to put great ships upon the sea to guard our continental empire and that will be emblematic of our Union at home and of our power to protect American rights everywhere.

It would require eight or ten years to construct such vessels, and the work of construction would of itself constitute a school for the development of our skill and genius, and afford the stimulus and opportunity for excelling all other nations in the organization of our power on the ocean.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada [Mr. STEWART].

Mr. HALE. Let that be reported from the desk so that we may see just what it is.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 972 it is proposed to strike out the words "one armored cruiser" and insert "two vessels of war;" in the same line, before the word "tons," to strike out "seven thousand five hundred" and insert "fifteen thousand;" after the word "tons," in the same line, to insert the word "each," and in line 974 to strike out the words "three millions and a half of" and insert "twenty million;" so as to read:

And two vessels of war of about 15,000 tons each displacement, to cost exclusive of armament not more than $20,000,000.

Mr. CALL. Mr. President, there is certainly no reason why this country should not have ships which are quite equal in every quality of excellence to those possessed by any other country in the world, but I think there is very great reason why the amendment of the Committee on Appropriations to this bill should stand as it is, and that reason is that in all the speeches that have been made urging the change of the provision as reported from the committee there has not been furnished to the Senate nor to myself as one of it, speaking of my own judgment, any fact ascertained to be a fact upon which a reasonable judgment in favor of the change could be predicated.

It is an open question whether or not ships of this magnitude are the most efficient for the purposes of war. One Senator has an opinion that they are; another Senator to the contrary; but none of these Senators is an expert, none of them are acquainted personally and practically with the principles upon which this question must be determined in the construction of ships, and the Committee on Appropriations of the Senate asserting the fact that the vessels proposed to be built are accepted everywhere as useful for certain purposes, but until it is ascertained in some definite shape, and until the Senator who proposes this change can come here with ascertained facts from authorized sources, to prove that the large ships are a success, it is unwise in the Senate to vote an appropriation of $20,000,000 to be expended for a purpose as to which they have no definite or practical knowledge, and for that reason I think the committee ought to be sustained.

The PRESIDING OFFICER. The question is on the amendment. [Putting the question.] The noes seem to have it.

Mr. STEWART. I call for the yeas and nays.

Mr. HAWLEY. I supposed I was willing to go as far as the farthest in building a navy, and I think I am, but I am not prepared to order two vessels of 15,000 tons each, and yet I should very gladly avail myself of the feeling on this subject in the Senate to increase the appropriations of the Appropriations Committee very decidedly. There is no vessel so large as 15,000 tons in the world. The largest of which there is any record, unless something has been projected very lately, is——

Mr. GIBSON. The Senator from Connecticut will permit me. The language is "not to exceed 15,000 tons."

Mr. HAWLEY. Certainly. I would make a much lower limit. The largest in any published list—I think I have the latest authority—is 13,281 tons. There are two vessels of the Italian navy of 13,851 tons, and now they are building three more of 13,251 tons. Remember that those vessels, the largest built by the British navy running up to 11,940 tons, are built by nations that already have an excellent navy of the smaller sizes, and that while some of the continental nations, Russia to some extent, Germany to some extent, and Italy especially, are building these enormous vessels, others are turning their attention very closely to large fleets, or very considerable fleets in number, of a rapid cruiser style, and partially armored cruiser style.

Now the question is whether in beginning a navy we shall begin with the enormous expenditure upon two vessels just a little ahead of anything in the world, when we have none of the light cavalry, and scarcely any of the smaller fighting ships. When I originated this debate I did not think of its extending so long.

Mr. BLAIR. Will the Senator allow me to ask him one question?

Mr. HAWLEY. Certainly.

Mr. BLAIR. Is it not the fact that these smaller vessels can carry just as formidable an armament, and so, by reason of their swiftness and deftness of motion, become relatively to their cost much more formidable than the tremendous vessels we are talking about, which I understand the nations of Europe are about abandoning?

Mr. HAWLEY. The Senator will not find in the list of foreign navies that any of these cruisers carry guns of the heaviest class. Their frames are not built to sustain the vast shock, the heavy armament, etc. They are not deemed fitted to the large guns.

Mr. BLAIR. Is it not the fact, nevertheless, that many of them can carry a smaller number of the very large guns?

Mr. HAWLEY. They do not think of putting a 16-inch, that is to say, a 110 or 118 ton gun upon them; but only a 12-inch gun.

Mr. BLAIR. How many of these larger guns are placed on these large vessels?

Mr. HAWLEY. Only perhaps two on the very largest, and those ordinarily they expect to put *en barbette*, behind for protection, or in turrets, or in the central citadel, not protecting the whole body of the ship, but the citadel, near the middle of it—central battery ships they are called.

I rose in the first place to protest mildly against the intimation of my friend from Maine that the larger vessels are antiquated and that people are abandoning them. Now the British are not within the last year laying down any more of them, and they are devoting their attention to swift cruisers, and so are some of the others, and the reason

the British authorities give is that they have a pretty good supply of that character of ship now either finished or about being launched, and within the last eighteen months or so, are building the 7,500-ton size, and here is a long list that I have before me of the British vessels.

They have the Achilles. They launched in 1886 the Anson, of 10,000 tons, and launched in 1887, not completed yet, of course, the Aurora, of 5,000 tons. They launched in 1885 the Benbow, of 10,600 tons, which I had the great pleasure of walking through and over, and the Camperdown, of 10,000 tons, launched in 1886; the Collingwood, of 9,500 tons, finished in 1886; the Colossus, of 9,150 tons, finished in 1886; the Edinburgh, of 9,150 tons, finished in 1886; the Howe, of 9,700 tons, finished in 1887, and fourteen ships of that large class, and there are many others of those sizes built before that.

But I think I certainly would not undertake to put up two 15,000-ton ships at a cost of nobody knows what, though a limit of $20,000,000 is proposed, until I had provided for a considerable number of not only such as the committee propose to order, but even of the 7,500-ton type. There are some of the nations abroad that consider the 7,500-ton type a very valuable ship, indeed. It avoids the extremes of great weight and heavy armament.

Mr. HALE. Let me ask the Senator if he finds anywhere a record of a single war power that is now building armored ships of this 7,500-ton kind? What I said was that they are building and finishing the larger ones ranging about 10,000 tons, and Italy up to 14,000 tons, or else they are building fast cruisers. I find no record anywhere of any power that is building iron-clad ships now of this 7,500-ton class, which belongs to neither. It is not good for harbor defense, for battle, or for cruisers. That was my point. We are to build two of them experimentally—what no other power is doing now. The Italian ships that are being built—I have the record here—are very large, 14,000 tons. The Italia is almost as large as that. They have had her for several years, and I went all over her last year. She is 13,851 tons. The British are now building and finishing up (but ordering no new ones of this class) a class of vessels ranging between 10,000 and 11,000 tons. I can not find anywhere any war power that is building this armored class of ships of 7,000 tons.

Mr. HAWLEY. I will show the Senator that a nation that is studying and working very hard upon this is coming so near it that it would not take much of a figure to make such a ship. Among the vessels that Russia considers very valuable—these Russian names are too much for me—their length is about 300 feet, displacement 5,796 tons. Those are armored cruisers, but the Senator speaks of armored vessels. Lord Brassey—and this is "the Naval Annual," published by Lord Brassey—says:

The Admiral Nachimoff is 330 feet long (the Impérieuse is 315 feet), 61 feet broad (the Impérieuse is 62 feet), and has a displacement of 7,782 tons as compared with the 7,600 tons of the English vessel, as designed.

These vessels are built of iron and steel, sheathed with wood, and coppered.

Mr. HALE. I know about that ship. That is not what is called one of these armored ships.

Mr. HAWLEY. That is a very powerful ironclad.

Mr. HALE. I know, but Russia is building to-day of the iron-clad armored ships the Tcherma, 10,181 tons; the Sinope, 10,181 tons, and the Catherine II, 10,181 tons. Several of the European powers are building to-day ships ranging from 5,000 to about 6,000 tons and from that up to 7,000 tons; but they are not armored ships. They are fast ships.

They are building sometimes to the extent of a dozen at a time of fast ships. Russia is building four. They are iron ships, but they are not what we call armored ships. They do not go into that. They are ironclads, and that is another field, as the Senator from Connecticut knows just as well as I do. Nobody knows it better than he. These iron ships that are for speed, that are strong, that are good in battle, good in cruising, are very different from what are called technically and known as the ironclads. All of those that are building to-day are Russian.

Mr. HAWLEY. The Senator is quite correct in that, unless he means to rule out vessels of 8,000 tons. He makes a distinction between ironclads and armored ships, but an iron-clad ship is intended to do the heaviest kind of fighting with protected batteries and heavy turrets.

Mr. HALE. They do not armor them up to from 8 to 11, 14, and 16 inches in plate.

Mr. HAWLEY. The Alexandra and the Anson are examples of that class. They have a belt line each 9 inches in depth, and thickness in the center 12 inches. That is pretty good armor and broad belt.

Mr. HALE. Some ships have twice that.

Mr. HAWLEY. Of course. I know if you are going to build 10,000-ton ships, while they are building that class of vessels perhaps it would be better to say 8,000 tons than 7,000 tons that are iron-clad and good for the heaviest kind of fighting. I do not believe that even the 11,000-ton ship is regarded as antiquated or as a failure to be laid aside at all. It is simply because Great Britain has a good supply of them that she is now turning her attention to another class that is becoming popular among foreign nations, a class of swift fighting ships that will get hurt if they get into a fight; but they expect it, as it is part of their business, as our forefathers did in the war of 1812.

The PRESIDENT *pro tempore*. The Senator from Nevada asks that upon this question the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read. The Secretary will first read the part proposed to be stricken out.

The CHIEF CLERK. It is proposed, in line 971, after the word "frames," to strike out down to and including the word "dollars," in line 974, as follows:

And one armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than three millions and a half of dollars.

The PRESIDENT *pro tempore*. That is a provision in the House bill which the committee propose to strike out. The Senator from Nevada moves to amend the part to be stricken out so as to read as follows.

The Chief Clerk read:

And two vessels of war of about 15,000 tons each displacement, to cost, exclusive of armament, not more than $20,000,000.

Mr. GIBSON. The amendment I suggested was "not more than 15,000 tons displacement and to cost not more than $20,000,000." It might be as much more as the Navy Department desire, 12,000 or 15,000 tons, as one Italian vessel of war is.

The CHIEF CLERK. So as to read:

And two vessels of war not less than 15,000 tons each displacement.

Mr. GIBSON. "Not more than fifteen thousand."

Mr. STEWART. "Not more."

The CHIEF CLERK. So as to read:

And two vessels of war not more than 15,000 tons each displacement, to cost, exclusive of armament, not more than $20,000,000.

Mr. PLUMB. Let the question be stated again.

The PRESIDENT *pro tempore*. The proposed amendment will be again read.

The CHIEF CLERK. So as to read:

And two vessels of war not more than 15,000 tons each displacement, to cost, exclusive of armament, not more than $20,000,000.

Mr. SAULSBURY. I would like to inquire if that amendment makes provision as to the size of the vessels and as to the amount of money that is to be expended?

Mr. GIBSON. It leaves everything to the Navy Department.

Mr. STEWART. If that language is not specific enough we had better have it "not more than $10,000,000 each."

Mr. SAULSBURY. That is a very large sum.

Mr. STEWART. Not more than $10,000,000 each.

The PRESIDENT *pro tempore*. The amendment as proposed to be modified by the Senator from Nevada will be read.

The Chief Clerk read as follows:

And two vessels of war of not more than 15,000 tons each displacement, to cost, exclusive of armament, not more than $10,000,000 each.

Mr. SAULSBURY. It seems to me that the amount proposed by that amendment is too large. I do not see why a 15,000-ton vessel should cost that sum, nor do I see any necessity of expending $10,000,000 upon any one vessel. No two ships should cost as much as the whole United States Navy cost prior to 1832. I shall vote against the amendment. I think we had better pass the clause as it came from the other House. I am in favor of making some progress in the creation of a navy, but I am not in favor of expending the whole surplus in the public Treasury in constructing these two vessels.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]; but knowing, as I do, if he were here that he would vote "nay," I will record my vote "nay."

Mr. MANDERSON (when Mr. PADDOCK'S name was called). My colleague [Mr. PADDOCK] is paired generally with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote on this proposition.

Mr. PUGH (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS]. I have no idea that he would vote for this amendment, if present. I therefore record my vote "nay."

Mr. WILSON, of Iowa (when his name was called). I have a general pair with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote if he were present, but I should vote "nay."

The roll-call was concluded.

Mr. ALDRICH. My colleague [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. MITCHELL. I desire to announce that my colleague [Mr. DOLPH] is detained from the Senate by sickness in his family. He is generally paired with the Senator from Georgia [Mr. BROWN]. I am not advised how either Senator would vote if here; but I am inclined to think that my colleague would vote "yea."

Mr. KENNA. I am generally paired with the Senator from Minnesota [Mr. SABIN], but I voted on this question because I feel at liberty to do so. I announce the pair, though.

The result was announced—yeas 9, nays 41; as follows:

YEAS—9.

Butler,	Gibson,	Mitchell,	Stewart,
Cameron,	Hampton,	Platt,	Teller.
Evarts,			

NAYS—41.

Aldrich,	Cullom,	Hiscock,	Ransom,
Allison,	Davis,	Ingalls,	Reagan,
Bate,	Dawes,	Jones of Arkansas,	Saulsbury,
Beck,	Farwell,	Kenna,	Sawyer,
Berry,	Frye,	Manderson,	Spooner,
Blackburn,	George,	Morgan,	Stockbridge,
Blair,	Gorman,	Palmer,	Turpie,
Call,	Gray,	Pasco,	Walthall.
Chandler,	Hale,	Payne,	
Cockrell,	Harris,	Plumb,	
Coke,	Hawley,	Pugh,	

ABSENT—26.

Blodgett,	Edmunds,	Morrill,	Vance,
Bowen,	Eustis,	Paddock,	Vest,
Brown,	Faulkner,	Quay,	Voorhees,
Chace,	Hearst,	Riddleberger,	Wilson of Iowa,
Colquitt,	Hoar,	Sabin,	Wilson of Md.
Daniel,	Jones of Nevada,	Sherman,	
Dolph,	McPherson,	Stanford,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the committee to strike out the lines which have been read.

Mr. BUTLER. Let us have the yeas and nays on that question.

The yeas and nays were ordered.

Mr. HARRIS. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment proposed by the committee is to strike out the words which will be read.

The CHIEF CLERK. After the word "frames," in line 971, it is proposed to strike out all down to and including the word "dollars," in line 974, as follows:

And one armored cruiser of about 7,500 tons displacement, to cost, exclusive of armament, not more than three millions and a half of dollars.

Mr. HAWLEY. I move to strike out the word "cruiser," and insert "vessel," so as to give a wider discretion to the Secretary of the Navy. He may want a vessel for harbor defense.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The language proposed to be stricken out has been amended so as to read as follows:

The CHIEF CLERK:

And one armored vessel of about 7,500 tons displacement, to cost, exclusive of armament, not more than three millions and a half of dollars.

The PRESIDENT *pro tempore*. The question recurs on the motion to strike out.

Mr. STEWART. I desire to amend that further by saying "not less than 8,000 tons."

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. In line 972 it is proposed to strike out the words "of about 7,500" and to insert "not less than 8,000;" so as to read:

And one armored vessel of not less than 8,000 tons.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the proposed amendment of the committee to strike out.

Mr. HALE. I only wish to say that the whole discussion, as the vote that was just taken, shows how uncertain this whole domain of building armored ships is. One man wants one thing and another wants another. I am not going to repeat the style of arguments we have been treated to. The committee has substituted three good war ships of 2,000 tons each and recommends that, and I hope that the Senate will sustain the committee and let the work go on as it is now, with the two ships we are building of this kind, and not embark in the experiment of another. I hope we shall strike this out.

Mr. MORGAN. This amendment comes from the Committee on Appropriations of the Senate, for whom we all have, of course, the very greatest respect, and they are diligent and attentive and able, but as I understand it the text of the bill that the Committee on Appropriations of the Senate moves to strike out was matured by the Committee on Naval Affairs of the House, and after very careful study. We know the composition of that committee. I know the chairman of it well, a gentleman from my own State, and I think there is not a more conscientious legislator in the American Congress than the chairman of the Naval Committee of the House.

This subject has been studied to the bottom, and there is no uncertainty about it. It comes from a committee charged with the investigation of the very subject, the Committee on Naval Affairs of the House, and I think the Senate can afford to rely upon the judgment of that committee quite as well as it can upon the opinion of any other body in the Senate except the Committee on Appropriations.

Mr. HALE. Let us have a vote.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here I should vote "yea."

Mr. HARRIS (when his name was called). Not knowing how the Senator from Vermont [Mr. MORRILL] would vote on this question, I withhold my vote. If he were here I would vote with the committee.

Mr. PUGH (when his name was called). I am paired.

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] has been called home by the illness of his wife and is paired with the Senator from Kansas [Mr. PLUMB] on general questions, but my colleague would vote as the Senator from Kansas would on this question.

Mr. ALLISON (when the name of Mr. WILSON, of Iowa, was called). My colleague [Mr. WILSON] is temporarily absent from the Chamber, and is paired with the Senator from Maryland [Mr. WILSON]. My colleague would vote "yea" if he were here.

The roll-call was concluded.

Mr. ALDRICH. My colleague [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 37, nays 11; as follows:

YEAS—37.

Aldrich,	Cockrell,	Hampton,	Ransom,
Allison,	Coke,	Hoar,	Saulsbury,
Bate,	Cullom,	Ingalls,	Sawyer,
Beck,	Dawes,	Jones of Arkansas,	Spooner,
Berry,	Farwell,	Kenna,	Stockbridge,
Blackburn,	Frye,	Manderson,	Turpie,
Blair,	George,	Mitchell,	Walthall.
Call,	Gorman,	Palmer,	
Cameron,	Gray,	Payne,	
Chandler,	Hale,	Plumb,	

NAYS—11.

Butler,	Gibson,	Pasco,	Stewart,
Davis,	Hawley,	Platt,	Teller.
Evarts,	Morgan,	Reagan,	

ABSENT—28.

Blodgett,	Edmunds,	McPherson,	Sherman,
Bowen,	Eustis,	Morrill,	Stanford,
Brown,	Faulkner,	Paddock,	Vance,
Chace,	Harris,	Pugh,	Vest,
Colquitt,	Hearst,	Quay,	Voorhees,
Daniel,	Hiscock,	Riddleberger,	Wilson of Iowa,
Dolph,	Jones of Nevada,	Sabin,	Wilson of Md.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 41, line 975, before the word "cruisers," to insert the words "first three," and after the word "cruisers," to strike out "not provided to be armored;" so as to read:

The contracts for the construction of said first three cruisers shall contain provisions to the effect that the contractor guaranties that when completed and tested for speed, under conditions to be prescribed by the Navy Department, the two vessels first hereinbefore provided for shall each exhibit a maximum speed of at least 19 knots per hour; and the vessel of 5,300 tons displacement, a maximum speed of at least 20 knots per hour; and in the case of each vessel, for every quarter knot of speed so exhibited above said guaranty the contractor shall receive a premium over and above the contract price of $50,000; and for every quarter knot that such vessel fails of reaching said guarantied speed there shall be deducted from the contract price the sum of $50,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 41, line 989, after the word "dollars," to insert:

And in the contract for the construction of the three last-mentioned vessels such provisions for increased speed and the premium for the same shall be made as in the discretion of the Secretary of the Navy may be deemed advisable.

The amendment was agreed to.

The next amendment was, in the same clause, on page 42, line 1002, after the words "domestic manufacture," to strike out:

At least one of said vessels shall be built in one of the navy-yards of the United States; and if the Secretary shall be unable to contract at reasonable prices for the building of any of the others of said vessels, then he may build such vessel in such navy-yards as he may designate.

Mr. MORGAN. I desire to amend the text of the bill as it came from the House before the question is put on the motion to strike out. I desire to leave it stand in the following language, commencing in line 1004:

If the Secretary of the Navy shall be unable to contract at reasonable prices for the building of any of the others of said vessels, then he may build such vessel in such navy-yards as he may designate.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In line 1002, after the work "manufacture," it is proposed to strike out down to and including the word "and," in line 1004, as follows:

At least one of said vessels shall be built in one of the navy-yards of the United States; and.

Mr. HALE. That is right.

Mr. CALL. I hope that amendment will not be agreed to. The provision for building one of these vessels in the navy-yards of the United States is, I think, one that may be very valuable to the public service. It places the Secretary of the Navy beyond the reach of contractors. Then, again, this result is attained by leaving the clause as it stands, but it is a concession to the labor of the country. It enables the laborers of the country to have some other competitor for their labor than that afforded by private contractors, and in that respect I think it is a reasonable concession to them.

But I have another and still more forcible reason, in my judgment, for objecting to this provision. It is an important part in every appropriation of the public money that its expenditure should not be confined to any one locality, that so far as practicable the advantages of the expenditure of the large revenues of the Government should be shared equally in all parts of the country. Now, if we wish to create a public sentiment favorable to the construction of a navy, it is eminently wise that these ships should be built in different parts of the country.

In the Gulf of Mexico, upon the Pacific coast, upon the Atlantic coast of the Southern States there are no private establishments which are adequate for construction of these ships; but in the navy-yard at Pensacola and elsewhere it would not be difficult for the Government to construct one of these vessels probably as cheaply as it could be done by private contract elsewhere; and it is, therefore, only reasonable that the opportunity, the possibility at least, of some expenditure of the public money should be given in other localities than those where great accumulated wealth has furnished the means for executing these contracts.

It is eminently wise that Congress should say to the people of the United States that in the expenditure of these large sums of money collected by taxation from them, so far as consistent with the public service, it shall be done in various localities in the country, and not confined to any one particular locality; and, in my judgment, it will be very wise for the Secretary of the Navy to make use of some of the navy-yards, and especially of the navy-yards upon the Gulf of Mexico, in order that this feeling may be produced and this justice done to that portion, as well as all other portions of the country. I hope therefore that this amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. MORGAN. I desire to make a verbal correction.

Mr. HALE. That will come after this is adopted.

The amendment was agreed to.

Mr. MORGAN. In lines 1005 and 1006 I move to strike out "the others of;" and after the word "Secretary," in line 1004, to insert "of the Navy;" so as to read:

If the Secretary of the Navy shall be unable to contract at reasonable prices for the building of any of said vessels, then he may build such vessel in such navy-yards as he may designate.

Mr. HALE. That is right.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs upon the amendment of the committee to strike out the paragraph.

Mr. COCKRELL. I hope it will not be agreed to.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 42, line 1012, after the word "act," to strike out "four million" and insert "three million five hundred thousand;" so as to make the clause read:

Construction and steam machinery: Towards the construction and completion of the new vessels heretofore or herein authorized by Congress, and for the payment of premiums for increased speed or horse-power under contracts now existing or to be made under this act, $3,500,000.

The amendment was agreed to.

The next amendment was, on page 42, line 1016, after the word "all," to strike out "six" and insert "five;" and in the same line, after the word "million," to insert "five hundred thousand;" so as to make the clause read:

Armament: Towards the armor and armament of domestic manufacture of new ships heretofore or herein authorized, $2,000,000; in all, $5,500,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 1017, to insert:

Steel practice vessel: For the construction and armament of one steel practice vessel of 800 tons, to be built by contract in accordance with the terms of the "Act to increase the naval establishment," approved August 3, 1886, $275,000.

Mr. GORMAN. I would like to ask the Senator from Maine, who has charge of the bill, if this paragraph that we are considering is practically the amendment offered by the Senator from New Hampshire [Mr. CHANDLER] for a small vessel for the use of the cadets of the Naval Academy at Annapolis?

Mr. HALE. Yes, sir.

Mr. GORMAN. I ask the Senator whether it is specific enough so that it may be understood that this appropriation is for that purpose.

Mr. HALE. The committee considered that "one steel practice vessel" described it, because it is only used for the cadets at Annapolis. There is no other purpose for which it can be used. If the Senator has any doubt about it he may add: "for the United States Naval Academy at Annapolis."

Mr. GORMAN. I rather think that would be better.

Mr. HALE. Then, after the word "tons," in line 1019, I move to add:

For the use of the Naval Academy at Annapolis.

So that the paragraph will read:

Steel practice vessel: For the construction and armament of one steel practice vessel of 800 tons, for the use of the Naval Academy at Annapolis, to be built by contract in accordance with the terms of the "Act to increase the naval establishment," approved August 3, 1886, $275,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MORGAN. I desire to give notice that I shall ask a separate vote in the Senate on the paragraph in the bill between lines 309 and 314, on page 14.

Mr. HAWLEY. The amendments proposed by the committee having been disposed of, I invite the attention of the Senator having charge of the bill to line 550, providing clerical service at the navy-yard in Washington in the general store-houses, and I move to insert, after the word "dollars," in line 550, on page 23, the words "one clerk, at $1,200."

Mr. HALE. Is that estimated for?

Mr. HAWLEY. In the Book of Estimates I find on page 131, "one book-keeper," which the bill has got; "one stationery clerk," omitted; "one bill clerk, one shipping clerk," provided for. This clerk is omitted as I know from the officer in charge of the navy-yard representing that particular department.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 550, after the word "dollars," insert "one clerk, $1,200."

The amendment was agreed to.

Mr. CALL. I ask to reserve the amendment striking out the navy-yards.

The PRESIDENT *pro tempore*. The amendment reserved by the Senator will be noted.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The amendments, with the exception of the two reserved, will, if there be no objection, be concurred in in the Senate. [Putting the question.] They are concurred in. The question recurs on concurring in the first reserved amendment, which will be stated.

The CHIEF CLERK. On page 14, the Senate, as in Committee of the Whole, agreed to the amendment of the Committee on Appropriations striking out the clause from line 309 to line 314, inclusive, as follows:

For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the coast of the Gulf of Mexico for a navy-yard and docks for shipping and for the expenses of sounding and surveying and estimating expenses, $50,000.

Mr. MORGAN. Mr. President——

Mr. CALL. I will ask the Senator from Maine if he will not yield at this stage of the bill for a motion to adjourn? The discussion of this amendment which is reserved by the Senator from Alabama I think will occupy some little time, and I shall feel constrained myself to offer some suggestions with regard to it.

Mr. HALE. For one, Mr. President, I am entirely willing to stay and try to complete the bill to-night. I hope we can get through.

Mr. BECK. I agree with the Senator from Maine that it ought not to take very long. I only desire to say for myself as one of the subcommittee that I consented to striking it out upon the ground that I thought the Secretary of the Navy had power to make all the examinations, but upon looking at it this proposes to give the Secretary the power to commission three officers—

To report as to the most desirable location on or near the coast of the Gulf of Mexico for a navy-yard and docks for shipping and for the expenses of sounding and surveying and estimating expenses, $50,000.

He has no power now to make any examination of yards or make any surveys or examinations, but I thought he did have that right without this amendment, and I consented to strike it out. If they wish to make an examination of that sort, and a thorough one, I, for one, shall vote to restore the House provision.

Mr. MORGAN. I wish to offer a very few observations on this subject. Ever since I have been in the Senate I have been very desirous that the waters of the Gulf of Mexico should be examined with reference to the capacity of that part of the world for building ships and building guns. It is understood, I believe, amongst ship constructors and amongst those who have charge of ships that fresh water is one of the essential parts of ship-building yards and ship-repairing yards for iron and steel ships. It is an indispensable thing to have fresh water.

Here is the Mississippi River from St. Louis to its mouth, that furnishes very many excellent localities for the building of iron and steel ships. The capacity for receiving such material as may be necessary is something wonderful. The Mississippi is connected from St. Louis down with all the great steel and iron establishments in the interior of the country, and with the coal and whatever is necessary for ship construction. So it may be said of the waters lying west of the mouth of the Mississippi River. So it may be said of the waters of the Alabama River, the vast quantities of coal and iron that we have in the hills of Alabama, and the fine navigation of the Alabama River and the Mobile River. I had supposed that we could find a locality in the South, along the Gulf or the waters tributary to the Gulf, which would be as excellent as any that can be found in the Hudson River or in the Delaware River or in any other part of the United States for building ships. We need such an establishment, but we know nothing about that locality as adapted for the purpose.

I know nothing about the Mobile River from Mount Vernon down to Mobile, except by my personal observation in passing over it a great many times, and I had the same opinion which gentlemen who are familiar with that subject have had for many years, that that would be a good location for the building of ships. But recently I prevailed upon the Coast Survey to make a survey from Mount Vernon to the junction of the Tombigbee and Alabama Rivers, which together constitute the Mobile River, and I find, very much to my astonishment, a vast stretch of deep water from Mount Vernon clear down to Mobile.

It may be that that is not the best locality; Mobile Bay, it may be, may not be the best locality. The Mississippi River may be very much better, but it is fair and due to that section of the world that there should be a commission organized under the Secretary of the Navy to ascertain simply what is the best place in all of that region of waters for the construction of ships.

Mount Vernon is 65 miles below the junction of the Tombigbee and Alabama Rivers, and about 56 miles north of Mobile, in a beautiful location, with high land upon the banks, and a great abundance of fine timber there, upon the national reservation, of every imaginable variety. But it may not be that that locality will be selected. If it is so prominently better than any other locality, of course we ought not to hesitate about it, but ought to select it and put a ship-yard there; but I propose to have it investigated, as I have been trying to do for several years, under the authority of the Secretary of the Navy.

We can not do it now because it is necessary to make some borings and soundings to ascertain the depth of water and the nature of the bank, and the shores, and all that, before anybody can venture to recommend that a ship-yard be located at any one of these places.

I desire to say that this is not a movement in opposition to the Pensacola navy-yard. That may be the best place, but that place ought to go into fair rivalry and competition with the other places on that subject. Not only so, but we want a place that is so far retired in the interior that it is not assailable by the ships of an enemy in time of war—a place of perfect security.

I do not know but that it may be ascertained that Memphis, or at St. Louis, or some other place farther down the Mississippi River, perhaps Baton Rouge, may be a better location than any we can show in Alabama; but whatever it is, the people in the central and southern part of the United States ought to enjoy this facility.

That is all I desire to say about it.

Mr. CALL. If there was any fact which could be collected by this commission for which this $50,000 is to be expended, there might be some reason for it; but the reports of the engineers furnish complete and satisfactory information, all that is possible to be obtained in reference to every possible locality suitable for a navy-yard.

Now, I take it that Congress is not going to be influenced, and ought not to be influenced, in its opinion and determination in regard to this matter by the opinions of any three or any six, or any number of persons outside of Congress, but that their judgment is to be formed upon facts ascertained in a satisfactory manner.

There are no facts for this commission to ascertain. They must rely upon the well-known and established geographical features of the country and the facts in regard to the depth of water and the general topographical character of the land as reported in the official papers upon that subject already fully and completely.

But that is not all. Not only is there entire inutility in this proceeding, but it is a fact that it has been investigated time and time again. I have here the reports, commencing in 1824, when New Orleans was a naval station and when everybody concurred, the Navy, the Engineer Department, and both branches of Congress, in the absolute necessity of removing the naval station from that place, and why? For facts which are obvious. And who will now pretend to say that there is the least reason or the least plausibility in the suggestion that the naval station for the construction of ships can be built in a river, the approach to which depends upon artificial means of communication which may be at any time destroyed in a moment, in an hour?

In 1824 the naval station was established at Pensacola. I have here the instructions from the Navy Department of September 15, 1825, and the report of William Bainbridge, Lewis Warrington, and James Biddle, captains in the United States Navy.

PENSACOLA, *November* 4, 1825.

* * * * * * *

The Bay of Pensacola is extensive and capacious, easy of access from sea, and affording secure anchorage for any number of vessels of the largest class. The depth of water on the bar, as laid down by Major Kearney, of the Topographical Engineers, is 21 feet. From the report to us of Lieutenant Pinkham, of the John Adams, whom we directed to sound, and from all the information we have been enabled to collect, at least this depth of water, we believe, will always be found on the bar, even after a long continuance of northerly winds. The northerly winds sensibly affect the waters on this part of the coast; they, however seldom continue long. The ordinary tides do not rise more than 3 feet, but these tides run with considerable rapidity, thus affording facilities to vessels working in or out of the harbor against an unfavorable wind.

The position which we have selected, as in our judgment combining the greatest advantages for a navy-yard, is in the vicinity of Barancas, and to the northward and eastward of Tartar's Point.

Here we found the necessary depth of water nearest the shore; an important consideration in respect to the expense to be incurred in carrying out the wharves required for naval purposes. Here, too, the works erected for the defense of the navy-yard would give additional security to the harbor, while its vicinity to the Baranca would admit of assistance to it in case of need from the troops stationed there. Here we are, in our opinion, susceptible of complete defense, at a less expense than elsewhere within the bay. The position is wholly protected by Tartar's Point against the swell of the sea which strong southerly winds set over the bar. It is favorably situated for rendering prompt assistance to vessels approaching the harbor. Its healthiness is not surpassed by any other part of the bay, and fresh water is there abundant and of a wholesome quality.

That report was made by three of the most eminent and distinguished officers of the United States Navy at that time. I have here a letter purporting to contain a statement of Admiral Farragut, in which he says that the preservation of the harbor at Pensacola as a naval station was worth in itself a war.

What are the places? Here is Tampa Bay to the far south, with a depth of water at a small expense capable of being made easy of admission for vessels of any size, but requiring some expenditure to make it, the river and harbor bill of this year containing the necessary appropriation. Here is Pensacola with a most magnificent harbor and a depth of water now at low tide of 24 feet, which has cost the Government a small expenditure of about two hundred thousand dollars, and Mobile with only 17 feet, after an expenditure commencing in 1834, I think, as shown by this paper of over a million and a quarter of dollars.

Yet the natural advantages of the harbor of Pensacola are such that even with comparatively no expenditure of money, or only a small amount as compared with upwards of a million and a quarter dollars at Mobile, commencing with a draught of 8 feet of water, they have been able to obtain an average of only 15 instead of 17 feet—17 feet one year and a narrow channel of 125 feet—while we have this magnificent harbor at Pensacola, with all this naval authority and with the experience of more than half a century, with the certificates of all the admirals and men of naval celebrity of Spain and England since the discovery of this continent, who have reported in favor of the great natural advantages of the magnificent harbor of Pensacola.

Mr. President, what are you going to investigate? Mobile, with its 17 feet of water for a few months, and then 15½ feet average, according to the report of the Engineer Department for 1887; New Orleans, 200 miles up a river the access to which is only preserved by the jetties and the constant care and expenditure of money; Galveston, with its shallow water and its difficult access, to be improved by large sums of money; or Pensacola, with its immediate proximity to inexhaustible stores of coal and iron, with the most capacious harbor upon the coast of America, in immediate proximity to Central and South America and the West Indies. What is there to investigate about it?

Mr. President, this is only a proposition to unsettle that which nature has settled and what the history and experience of the country in all the waters have confirmed.

Mr. BUTLER. Will the Senator from Florida yield to me for a motion?

Mr. CALL. I have no objection, sir.

Mr. BUTLER. May I inquire of the Senator from Maine if there is any objection to an adjournment now?

Mr. HALE. It is so late that I do not feel like urging the Senate to remain any longer.

Mr. BUTLER. Then I move to adjourn.

Mr. HOAR. Will the Senator from South Carolina allow me to introduce a resolution for reference?

Mr. BUTLER. Certainly.

RELATIONS WITH CANADA.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of seven Senators be appointed by the Chair whose duty it shall be to report upon the relations of commerce and business existing between the United States and the dependencies of Great Britain in North America, including the effect upon the commerce and carrying trade of the United States of the Canadian system of railways and canals now existing and in contemplation, and the prospect of the displacement of any existing industries of the United States by industries established there; also whether the obligations of existing treaties and of international law are and have been observed by the said dependencies toward the people of the United States, and the number, amount, and character of the existing claims against Great Britain by reason of the violation of such obligations toward the people of the United States in said dependencies.

Said committee shall have power to send for persons and papers, to adminis-

ter oaths, to employ a clerk, messenger and stenographer, and to sit anywhere in the United States during the session and during the recess of Congress.

Any subcommittee by them appointed may exercise the same powers as the full committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. DUNHAM the managers of the conference on the part of the House.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I desire to give notice that immediately after the completion of the naval appropriation bill I shall ask the Senate to take up the Army appropriation bill.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia.

Mr. HARRIS. I move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL were appointed.

GEORGETOWN BARGE, DOCK, AND ELEVATOR COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

Mr. HARRIS. In the absence of the Senator who reported the bill, I move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. RIDDLEBERGER, Mr. FARWELL, and Mr. HARRIS were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7083) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes;

A bill (H. R. 7785) for the relief of attendants on the insane at Hospital for the Insane in the District of Columbia;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia;

A bill (H. R. 9769) to punish public drunkenness in the District of Columbia;

A bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025 in the city of Washington; and

A bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company.

The bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations was read twice by its title, and referred to the Committee on Indian Affairs.

SCRIP LOCATION.

Mr. HAMPTON. I move to reconsider the vote by which the Senate postponed indefinitely the bill (S. 1585) providing for the location of scrip issued under the acts of August 31, 1852, and June 22, 1860, with a view of having the bill recommitted to the Committee on Public Lands. Some additional evidence has been brought in that I should be very glad for the committee to have.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill will be recommitted to the Committee on Public Lands. The Chair hears no objection, and it will be so ordered.

Mr. BUTLER. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 25, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 24, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CIVIL-SERVICE REFORM.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Congress of the United States:

Pursuant to the second section of chapter 27 of the laws of 1883, entitled "An act to regulate and improve the civil service of the United States," I herewith transmit the fourth report of the United States Civil Service Commission, covering the period between the 16th day of January, 1886, and the 1st day of July, 1887.

While this report has especial reference to the operations of the commission during the period above mentioned, it contains, with its accompanying appendices, much valuable information concerning the inception of civil-service reform and its growth and progress, which can not fail to be interesting and instructive to all who desire improvement in administrative methods.

During the time covered by the report 15,852 persons were examined for admission in the classified civil service of the Government in all its branches, of whom 10,746 passed the examination and 5,106 failed. Of those who passed the examination, 2,977 were applicants for admission to the departmental service at Washington, 2,547 were examined for admission to the customs service, and 5,222 for admission to the postal service. During the same period 547 appointments were made from the eligible lists to the departmental service, 611 to the customs service, and 3,254 to the postal service.

Concerning separations from the classified service, the report only informs us of such as have occurred among employés in the public service who had been appointed from eligible lists under civil-service rules. When these rules took effect they did not apply to the persons then in the service, comprising a full complement of employés who obtained their positions independently of the new law. The commission has no record of the separations in this numerous class, and the discrepancy apparent in the report between the number of appointments made in the respective branches of the service from the lists of the commission and the small number of separations mentioned is to a great extent accounted for by vacancies of which no report was made to the commission, occurring among those who held their places without examination and certification, which vacancies were filled by appointment from the eligible lists.

In the departmental service there occurred between the 16th day of January, 1886, and the 30th day of June, 1887, among the employés appointed from the eligible lists under civil-service rules, seventeen removals, thirty-six resignations, and five deaths. This does not include fourteen separations in the grade of special examiners, four by removal, five by resignation, and five by death.

In the classified customs and postal service the number of separations among those who received absolute appointments under civil-service rules are given for the period between the 1st day of January, 1886, and the 30th day of June, 1887. It appears that such separations in the customs service for the time mentioned embraced twenty-one removals, five deaths, and eighteen resignations, and in the postal service two hundred and fifty-six removals, twenty-three deaths, and four hundred and sixty-nine resignations.

More than a year has passed since the expiration of the period covered by the report of the commission. Within the time which has thus elapsed many important changes have taken place in furtherance of a reform in our civil service. The rules and regulations governing the execution of the law upon the subject have been completely remodeled in such manner as to render the enforcement of the statute more effective and greatly increase its usefulness.

Among other things, the scope of the examinations prescribed for those who seek to enter the classified service has been better defined and made more practical, the number of names to be certified from the eligible lists to the appointing officers from which a selection is made has been reduced from four to three, the maximum limitation of the age of persons seeking entrance to the classified service to forty-five years has been changed, and reasonable provision has been made for the transfer of employés from one Department to another in proper cases. A plan has also been devised providing for the examination of applicants for promotion in the service, which, when in full operation, will eliminate all chance of favoritism in the advancement of employés, by making promotion a reward of merit and faithful discharge of duty.

Until within a few weeks there was no uniform classification of employés in the different Executive Departments of the Government. As a result of this condition, in some of the Departments positions could be obtained without civil-service examination because they were not within the classification of such Department, while in other Departments an examination and certification were necessary to obtain positions of the same grade, because such positions were embraced in the classifications applicable to those Departments.

The exception of laborers, watchmen, and messengers from examination and classification gave opportunity, in the absence of any rule guarding against it, for the employment, free from civil-service restrictions, of persons under these designations who were immediately detailed to do clerical work.

All this has been obviated by the application to all the Departments of an extended and uniform classification embracing grades of employés not heretofore included, and by the adoption of a rule prohibiting the detail of laborers, watchmen, or messengers to clerical duty.

The path of civil-service reform has not at all times been pleasant nor easy. The scope and purpose of the reform have been much misapprehended; and this has not only given rise to strong opposition, but has led to its invocation by its friends to compass objects not in the least related to it. Thus partisans of the patronage system have naturally condemned it. Those who do not understand its meaning either mistrust it, or when disappointed because in its present stage it is not applied to every real or imaginary ill, accuse those charged with its enforcement with faithlessness to civil-service reform.

Its importance has frequently been underestimated; and the support of good men has thus been lost by their lack of interest in its success. Besides all these difficulties, those responsible for the administration of the Government in its executive branches have been and still are often annoyed and irritated by the disloyalty to the service and the insolence of employés who remain in place as the beneficiaries, and the relics and reminders of the vicious system of appointment which civil-service reform was intended to displace.

And yet these are but the incidents of an advance movement, which is radical and far-reaching. The people are, notwithstanding, to be congratulated upon the progress which has been made, and upon the firm, practical, and sensible foundation upon which this reform now rests.

With a continuation of the intelligent fidelity which has hitherto characterized the work of the commission, with a continuation and increase of the favor and liberality which have lately been evinced by the Congress in the proper equipment of the commission for its work, with a firm but conservative and

reasonable support of the reform by all its friends, and with the disappearance of opposition which must inevitably follow its better understanding, the execution of the civil-service law can not fail to ultimately answer the hopes in which it had its origin.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 21, 1888.

Mr. KERR. I would like to ask the chairman of the Committee on Civil Service Reform if there is any report from that commission later than 1887?

Mr. CRISP. The chairman of the committee, my colleague, Mr. CLEMENTS, is not present.

CATHOLIC CHURCH OF MACON CITY, MO.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. 10967) making an appropriation to reimburse the Catholic Church of Macon City, Mo., for the use and occupation of their church building by United States troops during the late civil war; which was referred to the Committee on War Claims, and ordered to be printed.

FORT BROOKE MILITARY RESERVATION, FLORIDA.

Mr. DAVIDSON, of Florida, by unanimous consent, introduced a bill (H. R. 10968) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXTERMINATION OF "WHITE SCALE."

Mr. FELTON, by unanimous consent, introduced a joint resolution (H. Res. 204) to appropriate money for the investigation of the white scale (*Icerya purchasi*); which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MEDICAL DEPARTMENT, SIGNAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of a deficiency in the appropriations for the medical department of the Signal Service for the fiscal year 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

WELLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a report from the Commissioner of Navigation relative to the use of the Welland Canal.

The SPEAKER. The Chair thinks this resolution was introduced originally by the gentleman from Maine [Mr. DINGLEY]. The communication will be referred for the present to the Committee on Foreign Affairs.

PER DIEM ALLOWANCE TO WITNESSES, TERRITORIAL COURTS.

The SPEAKER also laid before the House a letter from the Acting Attorney-General, transmitting, with accompanying papers, a letter from the Secretary of the Interior in relation to per diem allowances to witnesses in United States courts in the Territories; which was referred to the Committee on Expenditures in the Department of Justice.

BRIDGE ACROSS THE MISSISSIPPI, BURLINGTON, IOWA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa.

Mr. CRISP. Mr. Speaker, this is one of a number of House bills with Senate amendments where the Senate has asked a conference with the House. In nearly all, perhaps in all but one, of these bills, which I will mention when it is reached, the amendments proposed by the Senate make no material change, and I therefore ask unanimous consent to concur in the amendments of the Senate to this bill and avoid the necessity of a conference.

The SPEAKER. Is there objection?

Mr. BURROWS. What is the bill?

Mr. CRISP. To authorize the construction of a bridge across the Mississippi River at or near Burlington.

Mr. BURROWS. I presume these are merely formal amendments of the Senate?

Mr. CRISP. Yes, sir.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI, PONCA, NEBR.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.

Mr. DORSEY. Mr. Speaker, I ask concurrence in the amendments of the Senate, which are merely formal.

There being no objection, the amendments were concurred in.

BRIDGE ACROSS THE HILLSBOROUGH RIVER, FLORIDA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida.

Mr. CRISP. I make the same request in regard to the amendments of the Senate to this bill.

The Senate amendments were concurred in.

BRIDGES ACROSS THE FLINT AND CHATTAHOOCHEE RIVERS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers.

Mr. CRISP. I ask that the House concur in the Senate amendments to this bill.

Mr. TURNER, of Georgia. I ask that the amendments be read.

The amendments of the Senate were read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia that the House concur in the Senate amendments to this bill?

Mr. TURNER, of Georgia. I have no objection.

The Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI NEAR PLATTSMOUTH.

The SPEAKER also laid before the House the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to non-concur in the Senate amendments to the bill, and that the conference asked for be agreed to.

There was no objection, and it was so ordered.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

The SPEAKER also laid before the House the bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the amendments of the Senate were agreed to.

BRIDGE ACROSS THE OOSTENAULA RIVER.

The SPEAKER also laid before the House the bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.; with the amendment of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendment.

Mr. ANDERSON, of Kansas. I would like to inquire of the gentleman from Georgia whether the amendments to these bills have been examined?

Mr. CRISP. I would state to the gentleman from Kansas that they have been examined in the RECORD, and in every case they are purely formal, except one or two, where some necessary and usual provision has been omitted, and in the bill where we have non-concurred, at the request of the gentleman near me who introduced the bill, a conference was asked.

There being no objection, the Senate amendment was concurred in.

BRIDGE ACROSS THE TENNESSEE RIVER NEAR KNOXVILLE.

The SPEAKER also laid before the House the bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE ST. JOHN'S RIVER, FLORIDA.

The SPEAKER also laid before the House the bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI RIVER AT FOREST CITY, DAK.

The SPEAKER also laid before the House the bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company, with the amendments of the Senate thereto.

Mr. GIFFORD. I ask unanimous consent that the amendments of the Senate be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER.

The SPEAKER also laid before the House the bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS TENNESSEE RIVER, ALABAMA.

The SPEAKER also laid before the House the bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER, MONTANA.

The SPEAKER also laid before the House the bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana, with the amendments of the Senate thereto.

Mr. TOOLE. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS OCMULGEE RIVER, GEORGIA.

The SPEAKER also laid before the House the bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER, DAKOTA.

The SPEAKER also laid before the House the bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota, with the amendments of the Senate thereto.

Mr. GIFFORD. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS OCONEE RIVER.

The SPEAKER also laid before the House the bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia, with the amendment of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There was no objection, and the Senate amendment was concurred in.

BRIDGE ACROSS ALABAMA RIVER.

The SPEAKER also laid before the House the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There was no objection, and the Senate amendments were concurred in.

LIFE-SAVING STATION.

The SPEAKER also laid before the House the bill (S. 1856) to establish a life-saving station on the Atlantic coast between the Indian River Inlet, Delaware, and Ocean City, Md., returned with House amendments disagreed to and a conference requested on the disagreeing votes of the two Houses.

The request for conference was agreed to.

The SPEAKER. This bill is ready for conference, and the Chair will appoint as managers on the part of the House the gentleman from Michigan, Mr. TARSNEY, the gentleman from Missouri, Mr. CLARDY, and the gentleman from Virginia, Mr. THOMAS H. B. BROWNE.

STATE HOMES.

The SPEAKER also laid before the House the bill (S. 2116) to provide aid to the State homes for the support of disabled soldiers and sailors of the United States, with amendments of the House non-concurred in and the request for a conference on the disagreeing votes of the two Houses.

The request was agreed to.

The SPEAKER. This bill also is ready for a conference, and the Chair will appoint as managers on the part of the House the gentleman from Illinois, Mr. TOWNSHEND, the gentleman from Pennsylvania, Mr. MAISH, and the gentleman from Nebraska, Mr. LAIRD.

CONFEREES APPOINTED.

The SPEAKER. On House bill 10347 the Chair will appoint as conferees on the part of the House the gentleman from Georgia, Mr. CRISP, the gentleman from Iowa, Mr. ANDERSON, and the gentleman from Illinois, Mr. DUNHAM.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House for reference the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

The SPEAKER. This bill will be referred to the Committee on Banking and Currency. It has once before been referred to the Committee on War Claims.

Mr. SPRINGER. It should go to the Committee on Claims.

The SPEAKER. The Chair was in doubt as to which committee to refer it.

Mr. LANHAM. I think it should go to the Committee on Banking and Currency.

The SPEAKER. If there be no objection, it will be referred to the Committee on Banking and Currency.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills for reference:

The bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

The bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING IN CHICAGO.

The bill (S. 3365) for the erection of a public building in the city of Chicago to be used as appraiser's warehouse and other public purposes.

Mr. LAWLER. I ask, by unanimous consent, to concur in the Senate amendment.

The SPEAKER. This is a Senate bill that comes up for reference.

Mr. LAWLER. I ask unanimous consent to consider the bill at the present time.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a public building upon the lot of ground owned by the United States of America, on the corner of Harrison and Sherman streets, in the city of Chicago, Ill., said building to be used as an appraiser's warehouse and for other Government purposes. Said building shall be constructed upon plans and specifications to be furnished by the Supervising Architect of the Treasury Department and approved by the Secretary of the Treasury, and the said building shall be protected from danger by fire by having an open space on every side of at least 40 feet, including streets and alleys: *Provided*, That no part of the sum hereby appropriated shall be expended until the State of Illinois shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. LAWLER. Mr. Speaker, this is similar to the House bill that has been passed, except that in the Senate there has been an amendment inserted so as to require a space of 40 feet all around the building. That is the only change, and we are willing to accept that amendment.

Mr. HOLMAN. Is the amount appropriated the same?

Mr. LAWLER. The amount is just the same as in the House bill. There is no change except as to the 40 feet space.

Mr. TOWNSHEND. This bill is substantially the same as the one that passed the House, and appropriates the same amount.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LAWLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL CRIMES.

The SPEAKER also laid before the House a bill (S. 3308) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that that bill be considered at this time.

Mr. WEAVER. How much time will it occupy?

Mr. BLOUNT. Only a few minutes. I desire to make a brief statement on the object of the bill.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to make a brief statement in relation to this bill, subject to the right to object.

There was no objection.

Mr. BLOUNT. Mr. Speaker, the leading object of the bill, which was passed June 18, 1888, was to prevent the abuse of the mails by persons——

Mr. WEAVER. Mr. Speaker, was the question asked by the Chair whether there was objection to the consideration of this bill?

The SPEAKER. The Chair asked whether there was objection to the gentleman from Georgia [Mr. BLOUNT] making a brief statement, subject to the right to object.

Mr. WEAVER. That is all right.

Mr. BLOUNT. The practice had obtained of writing letters to debtors stating that in the event of their not paying, they would have sent to them a letter with an advertisement on the outside of the envelope of the "Bad Debtors' Association for the collection of bad debts." The object of course was to extort payment. The act of June 18, 1888, was designed to suppress that practice, but it confined its inhibition to what appeared on the outside of the envelope. Since that time there has been devised a new plan of evading the law by the use of a transparent envelope such as the one I now hold in my hand. You can see through the envelope and read on the inside the name of the "Bad Debtors' Association," with the statement that in case the debtor does not pay this will be sent to him. The object of this bill is to prohibit this class of communications as well as those containing the advertisement on the outside of the envelope. In passing the law of June 18, 1888, Congress did not anticipate the use of a transparent envelope, but this device has been resorted to, and the object of the pending bill is to so amend the law as to prohibit this also. I now ask unanimous consent that the bill be put upon its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. OATES. I desire to ask the gentleman from Georgia whether this bill enlarges the list of unmailable matter as now regulated by law.

Mr. BLOUNT. It does, to the extent I have stated. My friend will see that this envelope is transparent, and that it contains, on the paper inside, matter which would be prohibited by the law if put on the outside.

Mr. OATES. Is that all that the bill provides?

Mr. BLOUNT. That is all there is of it.

Mr. OATES. That is right.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESEARCHES RELATING TO NORTH AMERICAN INDIANS.

The SPEAKER also laid before the House a concurrent resolution to authorize the printing of matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians; which was referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 842) granting a pension to Julia A. Rhoades;
A bill (S. 896) for the relief of Mrs. Louise Silvers;
A bill (S. 692) granting an increase of pension to Enoch G. Adams;
A bill (S. 749) granting a pension to Louise Paul;
A bill (S. 2652) granting a pension to Gustave E. Peters;
A bill (S. 2105) granting an increase of pension to Joseph Verbisky;
A bill (S. 1884) granting a pension to Louisa Provost;
A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;
A bill (S. 1716) granting a pension to Mary L. Williams;
A bill (S. 1629) granting a pension to Erastus B. Burnham; and
A bill (S. 1110) granting a pension to Mrs. Frederick Hauser.

ELECTRIC LIGHTING OF CAPITOL.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, presented a report; which was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the letter of the Supervising Architect of the Capitol, giving approximate estimates of the cost of lighting the Capitol with electricity, have had the same under consideration, and respectfully submit the following report:

Some of the committee rooms and some other rooms of the House wing of the Capitol have been lighted during this session of Congress from a plant placed in the boiler rooms by the Sawyer-Mann Electric-Light Company. This plant was placed there without any authority of the House, permission having been given by the Architect of the Capitol on the express condition that no expense should accrue to the House. Your committee are of the opinion that while the light has given general satisfaction, the House should not consider any proposal for the purchase of this plant, as it is the opinion of the committee that a contract for the lighting of the House or any part thereof should only be made after a fair chance of competition has been given to all desiring to offer proposals for the same. Your committee is further of the opinion that the approximate estimate of the Architect of the Capitol furnished to the House is not sufficiently accurate to warrant the recommendation of this committee to authorize the advertising for proposals, and therefore recommend that an expert electrician be employed, whose duty it shall be to make plans and specifications for this work, and that upon his report this committee be authorized to advertise for proposals and to submit to the House the result of such advertisements with their recommendation. It is the unanimous opinion of the committee that the lighting of the entire Capitol with electricity is desirable, and that in connection therewith a system of electric bells connecting the various committee rooms with the Clerk's desk should at the same time be established, and therefore recommend the following resolution to the consideration of the House, and ask for its adoption:

Resolved, That the Committee on Public Buildings and Grounds are hereby authorized and directed to employ an electrical engineer to make plans and specifications for the lighting of the House and the committee rooms with electricity and for a system of electric bells, and also to advertise and solicit proposals for this work, and to report as soon as practicable to the House, and that a sum not exceeding $1,000 is hereby appropriated for the payment of said engineer and for the expenses of said advertisement out of the contingent fund of the House.

Mr. LEHLBACH. I ask the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. LEHLBACH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSOCIATE JUSTICE, SUPREME COURT OF DAKOTA.

Mr. SPRINGER. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

WILLIAM M. SPRINGER,
C. B. KILGORE,
WILLIAM WARNER,
Managers on the part of the House.
JAMES F. WILSON,
W. M. EVARTS,
G. G. VEST,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

The managers on the part of the House of Representatives on House bill 10573, submit the following explanation of the effect of agreeing to the conference report:

If the report is agreed to, the effect will be to increase the number of judges in Dakota from six to eight, an increase of one over the number provided in the House bill. It is the opinion of all the judges in Dakota and of the Department of Justice that this increase is absolutely required in that Territory.

WILLIAM M. SPRINGER,
C. B. KILGORE,
WM. WARNER,
Managers on the part of the House.

Mr. SPRINGER. I desire to have read as part of my remarks a letter from the Acting Attorney-General.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, June 26, 1888.*

SIR: Your letter of the 12th instant has been received, with a copy of House bill 8948 and of House Report 1341, respecting additional justices of the supreme courts of Dakota, Washington, Wyoming, Utah, Idaho, and Arizona Territories, and for other purposes.

Upon examination of the report of the committee, submitted on the 27th of March last in connection with the unofficial information which the Department has received from civil officers of those Territories, it is forced to the conclusion that the proposed increase of the number of justices in the Territories mentioned is necessary and wise legislation concerning the interests of litigants, witnesses, and attorneys in the respective Territories.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

Hon. W. M. SPRINGER,
House of Representatives.

Mr. SPRINGER. This bill applies to only one of the Territories mentioned in the letter just read. That letter from the Department of Justice recommends, as will be observed, additional justices of the supreme court for Dakota, Washington, Wyoming, Utah, Idaho, and Arizona. The committee of conference in this case has agreed to that recommendation only so far as it affects Dakota. The House has heretofore passed a bill of this character in regard to Utah; and after this measure is disposed of, I will ask unanimous consent for the consideration of the bill allowing additional justices for Wyoming and Idaho Territories. There will not then be as many as are recommended by the Department, but we hope the number will be sufficient until another session of Congress.

Mr. HOLMAN. How many judges does this bill provide for?

Mr. SPRINGER. Eight in all for Dakota, there being already six. The Committee on Territories recommended two additional judges. The gentleman from Minnesota [Mr. MACDONALD] obtained unanimous consent for the passage of a bill granting one additional judge. The Senate increased the number to two, being the number recommended by the House Committee on Territories. I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WEAVER. I withdraw for the present my demand for the reg-

ular order, on condition that one gentleman on each side be recognized to ask unanimous consent.

Mr. HOLMAN. I think we had better have the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. TOWNSHEND. I ask unanimous consent that the call of committees for reports be dispensed with, and that gentlemen be permitted to file reports with the Clerk, as usual.

Mr. DUNN. I must object to that. There has not been a call of committees for some time.

Mr. HOLMAN. I called for the regular order. I withdraw the demand for the present.

Mr. DUNN. I insist on the regular order.

The SPEAKER, in accordance with the regular order, proceeded to call the committees for reports.

STEAMER SAGINAW, NEW YORK.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 10904) to provide an American register for the steamer Saginaw, of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUTHORIZING SALE OF CERTAIN MINERAL LANDS TO ALIENS.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (S. 1176) to authorize the sale to aliens of certain mineral lands; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. WILLBUR.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES K. ERWIN.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 10862) for the relief of Charles K. Erwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF HENRY S. FRENCH.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (S. 82) for the relief of the legal representatives of Henry S. French; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. H. GIVENS'S HEIRS.

Mr. LAWLER also, from the Committee on War Claims, reported back with amendment the bill (H. R. 9476) for the relief of R. H. Givens's heirs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. CAMPBELL.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 10100) for the relief of Charles F. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MADISON FEMALE INSTITUTE, KENTUCKY.

Mr. LAWLER also, from the Committee on War Claims, reported back with amendment the bill (H. R. 10383) for the relief of the Madison Female Institute, located at Richmond, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. INGHAM.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 7499) for the relief of Sarah E. Ingham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEWBURGH CENTENNIAL CELEBRATION.

Mr. RICHARDSON, from the Committee on Printing, reported back favorably Senate concurrent resolution to print report of the Newburgh (N. Y.) centennial celebration; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES GEOLOGICAL SURVEY REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably Senate concurrent resolution to print eighth and ninth annual reports of Director United States Geological Survey; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUREAU OF ETHNOLOGY REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably Senate concurrent resolution to print eighth and ninth annual reports of the Director of the Bureau of Ethnology; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SURVIVING SOLDIERS OF THE MEXICAN WAR.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back favorably joint resolution (H. Res. 160) to compensate surviving soldiers of the Mexican war, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GENERAL GEORGE ROGERS CLARK.

Mr. STAHLNECKER, from the Committee on the Library, reported back favorably the bill (S. 2967) to provide for the erection of a monument to the memory of General George Rogers Clark; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced concurrence with amendments in the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

It further announced the passage of the bill (H. R. 6602) for the relief of James O'Brien with amendments, in which concurrence was requested.

It further announced the passage of bills of the House of the following titles:

A bill (H. R. 1477) to subdivide the western judicial district of Louisiana;

A bill (H. R. 1648) to provide for the holding of United States courts in the city of Newark, N. J.;

A bill (H. R. 409) for the relief of Thomas W. Lord;

A bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum;

A bill (H. R. 7232) for the relief of C. E. Wilson;

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University; and

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa.

It further announced agreement to the request for conference on the disagreeing votes of the two Houses on the bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes, and had appointed Mr. VEST, Mr. HOAR, and Mr. WILSON, of Iowa, as managers of said conference on its part.

It further announced a request for a conference on the disagreeing votes of the two Houses on the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, and had appointed Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. COKE as managers of said conference on its part.

It further announced the passage of bills of the following titles; in which concurrence was requested, namely:

A bill (S. 308) for the relief of Farin & McLean;

A bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

A bill (S. 878) for the relief of the estate of Thomas Niles, deceased;

A bill (S. 1668) for the relief of A. M. Woodruff;

A bill (S. 2185) to carry out the findings of the Court of Claims in the case of Matthew S. Whitney, administrator of Franklin S. Whitney, deceased, heretofore referred to said court;

A bill (S. 2636) for the relief of Thomas L. Hoffman;

A bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts; and

A bill (S. 3159) for the relief of the Oregon Paving and Contract Company.

DETAILS OF OFFICERS OF THE ARMY AND NAVY.

The SPEAKER. The regular order is the hour for the consideration of bills, and the hour begins at ten minutes past 12 o'clock. The call rests with the Committee on Military Affairs.

Mr. TOWNSHEND. I call up for consideration the bill pending at the expiration of the last consideration hour. It is Senate bill 186, to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.

The SPEAKER. The question is on concurring in the amendment of the gentleman from Alabama [Mr. OATES].

Mr. ADAMS. I do not understand the nature of the bill or the nature of the amendment. I desire to be informed as to both.

The SPEAKER. The Chair will have the bill read.

The Clerk read as follows:

Be it enacted, etc., That section 1225 of the Revised Statutes of the United States,

as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required."

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing; and this act shall take effect and be in force from and after its approval according to law.

Amend the title so as to read: "A bill to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc."

The SPEAKER *pro tempore*. The Clerk will report the pending amendment of the gentleman from Alabama.

The Clerk read as follows:

Strike out in lines 25 and 26 the words "Officers so detailed shall be governed by general rules to be prescribed from time to time by the President."

Mr. OATES. I offer that amendment, and for the reason that these words are wholly unnecessary. To require the President, who is the Commander-in-Chief of the Army, to make rules for the government of officers on these details seems to me to be entirely out of the usual course, and I hope they will be stricken out of the bill. After which I shall desire to offer another amendment.

I wish to say that a similar bill to this was before the Committee on the Judiciary, and was carefully examined and considered by them, and favorably reported with the amendments I shall propose to this bill; and with those amendments I think it is a good bill, and am in favor of it. I think it ought to pass. The other amendment I will submit in a few moments, and will state the reasons at the time of offering it.

The SPEAKER *pro tempore*. The present occupant of the chair is informed that a motion was made by the gentleman from Michigan [Mr. FORD] for the previous question upon the bill and amendments up to its engrossment and third reading.

Mr. HERBERT. I do not understand that the previous question was asked on the bill.

Mr. TOWNSHEND. Not at present. That was withdrawn.

The SPEAKER *pro tempore*. The present occupant of the chair is simply stating what the Chair is informed is the present status of the bill.

Mr. TOWNSHEND. That motion was withdrawn.

Mr. OATES addressed the Chair.

Mr. TOWNSHEND. I believe I have the floor.

Mr. OATES. I desired only to offer the other amendment to which I referred.

The SPEAKER *pro tempore*. The first question, the Chair thinks, will be upon the committee amendments.

Mr. HERBERT. I have an amendment to the committee amendments.

Mr. TOWNSHEND. I am perfectly willing to allow any gentleman who desires to offer an amendment to do so, and let it be considered as pending, and shall then demand the previous question upon the bill and amendments. As the Chair suggests, however, the first question is upon the amendments reported by the committee, and I would like to dispose of them first.

Mr. OATES. I ask the gentleman from Illinois to allow me to have read a further amendment to be also considered as pending.

Mr. TOWNSHEND. I have no objection to that.

Mr. HERBERT. The amendment I shall propose is to the amendments of the committee.

Mr. TOWNSHEND. I ask that the first amendment reported by the committee be read, and let us proceed in order with the bill.

The Clerk read as follows:

In line 9 insert the word "academy" before the word "college."

Mr. TOWNSHEND. Under the present law, and under the bill as it came to us from the Senate, academies are not included. The House committee enlarged the scope of the bill by including also academies as well as colleges.

I am opposed to that amendment. I antagonized it in committee, and am of the opinion it should not be adopted. Since this bill has been reported by the committee I have taken occasion to confer with the Secretary of War and others who understand the question much better than I do, and I am convinced this amendment should not be adopted.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment just read by the Clerk, to insert the word "academy" before the word "college."

Mr. CUTCHEON. Do I understand the chairman of the committee to state that the word "academy" is not now a part of the present law?

Mr. TOWNSHEND. It is not in the present law, but as the bill comes from the Senate it is proposed to be included by the committee. It is an amendment of the Military Committee to insert it.

Mr. CUTCHEON. I hope the word will be inserted. We have in Michigan a military academy at Orchard Lake—one of the best military schools in the country to-day. It is under the auspices of the State, and I know that they have a detail of an officer of the Army at the present time. It is not called a college, but an academy; and if the gentleman's proposition is going to affect us, in that case I should hope the amendment he suggests to strike out this word, if it is already in the bill, would not be adopted. If it is to insert the word "academy," I hope it will be accepted.

Mr. TOWNSHEND. In order to save the military academies, I would suggest to the gentleman that he might insert the word "military" before academy, and then let the word "academy" stand as it comes from the Committee on Military Affairs.

Mr. CUTCHEON. Yes, because this will affect several other schools. Maryland, for instance, has a military academy.

Mr. BREWER. And Pennsylvania.

Mr. CUTCHEON. I move to amend the bill by inserting the word "military" before the word "academy." I ask unanimous consent to amend by inserting the word "military" before "academy" and then let the word "academy" stand in line 9.

Mr. KERR. I object to giving unanimous consent to the amendment. I am opposed to it.

The SPEAKER *pro tempore*. Objection being made, the question is on the amendment to the amendment of the committee proposed by the gentleman from Michigan.

Mr. CUTCHEON. A word, Mr. Speaker——

Mr. KERR. I move as a substitute for the amendment the following, which I send to the desk.

Mr. HEARD. I rise to a point of order.

Mr. TOWNSHEND. I understand I have the floor. Now, I am willing to yield for any amendments that gentlemen desire to offer, but we have less than an hour, and I must insist that amendments, if offered, shall not occupy the time of the House in debate. This bill will be lost if we do not conclude it within an hour.

The SPEAKER *pro tempore*. The gentleman from Missouri rises to a point of order.

Mr. HEARD. If I understand the status of the case, the amendment of the gentleman from Michigan is in order. It is an amendment to an amendment pending, and does not require unanimous consent.

The SPEAKER *pro tempore*. The Chair has never stated that it required unanimous consent.

Mr. HEARD. I understand, therefore, that the gentleman has the right to offer a substitute for it.

The SPEAKER *pro tempore*. The Chair stated that it was an amendment to an amendment, and was proceeding to take the sense of the House upon it.

Mr. TOWNSHEND. To save further discussion I withdraw my amendment, and after the several amendments have been read will demand the previous question upon the bill.

Mr. KERR. Then I ask the reading of the substitute I send to the desk. I will state that it provides that the bill shall not be so construed as to authorize the removal of any instructor already detailed.

Mr. MAISH. That will not do.

Mr. TOWNSHEND. That is not affected by the present bill in any way.

Mr. KERR. I understand it is.

Mr. LAIRD. Under existing law there is allowed so much time——

The SPEAKER *pro tempore*. The Chair will state that the amendment of the gentleman from Iowa, which he suggests as a substitute, is not now in order. It will be in order later on, when the Chair will recognize the gentleman to offer it.

Mr. ROGERS. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. There is so much confusion that it is impossible to know what public business is proceeding.

The SPEAKER *pro tempore*. The House will be in order.

Mr. MAISH. I suggest to the gentleman from Michigan [Mr. CUTCHEON] to incorporate the words "institute and seminary" in his amendment, for I know there are institutions of this kind—there is one in my own State—where military tactics are taught; and therefore I make the suggestion.

Mr. CUTCHEON. I have no objection to the amendment suggested by the gentleman from Pennsylvania.

Mr. BLOUNT (to Mr. MAISH). Have you any information as to how many of these institutions are to be found in the United States?

Mr. MAISH. No, I have not.

Mr. GROSVENOR. The bill provides for sixty; fifty from the Army and ten from the Navy.

Mr. CUTCHEON. Those are all the officers that can be spared.

Mr. MAISH. It is regulated by the population of the States.

The amendment of Mr. MAISH to the amendment of Mr. CUTCHEON was agreed to.

The amendment of Mr. CUTCHEON as amended was adopted.

Mr. GROSVENOR. I ask to amend the same line by inserting the amendment which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will read the next amendment of the committee.

The Clerk read as follows:

In line 12, after the word "Army," insert the words "or Navy."

The amendment was adopted.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Add to the first section the following:

"*Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February 26, 1879, entitled 'An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;' and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes."

Mr. TOWNSHEND. This amendment merely makes the bill clearer, and I now demand the previous question on the adoption of the amendment.

The previous question was ordered; and under the operation thereof the amendment was adopted.

Mr. BAKER, of New York, rose.

The SPEAKER *pro tempore*. The next amendment is that offered by the gentleman from Alabama [Mr. OATES], which the Clerk will report.

The Clerk read as follows:

In lines 25 and 26 strike out the words "officers so detailed shall be governed by general rules prescribed from time to time by the President."

Mr. TOWNSHEND. I do not think that ought to be adopted. I think the power ought to be left with the Secretary of War.

Mr. OATES. The President as commander-in-chief of the Army and Navy has that power already, and striking out these words does not enlarge or diminish his power; nor does it affect the rights of the Secretary of War.

Mr. TOWNSHEND. But it relieves the President of an enormous amount of detail work that can be left to the Secretary of War.

Mr. OATES. The gentleman should understand that my amendment strikes it out. The bill requires him to do it.

Mr. TOWNSHEND. A good deal of detail work is laid on the President.

Mr. OATES. Then you should vote for this amendment, as the amendment will leave it with the Secretary of War.

Mr. TOWNSHEND. I withdraw further opposition to the amendment.

The amendment was adopted.

Mr. OATES. Then, in the first section of the bill, I do not remember the connection, I move to strike out the word "president."

The Clerk read as follows:

In lines 11 and 12, "detail an officer of the Army or Navy to act as president, superintendent, or professor thereof."

Mr. OATES. I move to strike out the word "president," for this reason: While I am in favor of this bill and in favor of detailing these officers to teach military tactics, no president of a college ever teaches military tactics, hence it is out of the line in which these officers are peculiarly skilled, and I think that should be stricken out of the bill.

Mr. TOWNSHEND. I accept that amendment.

The Clerk read the amendment, as follows:

Strike out in line 12 the word "president."

The amendment was adopted.

Mr. TOWNSHEND. I now yield to the gentleman from New York [Mr. BAKER]. He desires to offer an amendment.

Mr. BAKER, of New York. I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "university," in line 9, insert "or any State reformatory or industrial school maintained by any State for the reformation and education of boys, when requested by the board of managers of any such reformatory or State industrial school."

Mr. TOWNSHEND. I do not accept that amendment, and I do not think it ought to be adopted.

Mr. BAKER, of New York. I desire to say a word in explanation of the necessity of the amendment, and then I am sure my friend will accept it. In the city of Rochester, for example, there is located an institution, a State industrial school, which never has less than from five to six hundred young men, who are sent there for education and reformation. They are taught trades, instructed in technology, and have military training and discipline. The board of managers have on several occasions applied to the War Department for a detail of military officers to go there and instruct these young men in military tactics, and the application has been approved by the State officers, but no such detail has ever been made, simply for lack of the authority which this amendment proposes to give.

Mr. OATES. Does not the bill give the authority without your amendment?

Mr. BAKER, of New York. Perhaps it does, but I should like to have the amendment adopted so as to make it certain.

Mr. BLAND. Mr. Speaker, I rise to oppose the amendment and the whole bill.

Mr. TOWNSHEND. I have not yielded to the gentleman from Missouri. If he is speaking in my time I wish to know how much time he desires.

Mr. BLAND. I am speaking to the amendment.

The SPEAKER *pro tempore*. The gentleman from Missouri has the right to be heard.

Mr. TOWNSHEND. I have not relinquished the floor. I simply yielded to allow the gentleman from New York to offer his amendment, but I am willing now to yield to the gentleman from Missouri, if he will state what time he desires.

Mr. BLAND. The gentleman can not control the floor in that way.

The SPEAKER *pro tempore*. The gentleman from Illinois has the right to demand the previous question.

Mr. TOWNSHEND. And I intend to do it.

Mr. BLAND. I want the gentleman either to move the previous question or else give me the floor.

Mr. TOWNSHEND. I have the floor to demand the previous question on the amendment, but if the gentleman from Missouri [Mr. BLAND] will state how much time he wants I will yield to him.

Mr. BLAND. I do not want more than five minutes.

Mr. TOWNSHEND. Time is very precious, but I am willing to yield five minutes to the gentleman from Missouri.

Mr. BLAND. I am opposed, sir, to extending the scope of this bill, and in fact I am opposed to the bill itself. I do not think that in a republic it is the proper policy to extend the military arm into civil institutions or to give any excuse or pretext for increasing the military power of the Government or widening the scope of its employment. It ought to be limited and confined, and this whole bill looks to giving opportunities and excuses for the increase of our military establishment at the expense of the civil establishment. It is out of line with republican institutions, and I hope this House will vote down every amendment that looks to increasing or in any way enlarging the powers of the military establishment.

Mr. TOWNSHEND. Now, Mr. Speaker, I hope we shall have a vote, and I call the previous question upon the amendment.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. In connection with the amendment which I offered, to insert the word "military" before the word "academy," a motion was made to insert the word "institute" or "seminary." I accepted the amendment and supposed it was voted upon as a part of my amendment, but there seems to be some doubt about it, and if there is any doubt I ask unanimous consent that it may be considered as a part of my amendment which was adopted.

The SPEAKER *pro tempore*. The Chair is advised that it was not included in the gentleman's amendment. The gentleman from Michigan [Mr. CUTCHEON] asks that the amendment indicated by him, which he supposed had been inserted before the vote was taken, may be regarded as a part of his amendment which was adopted.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. I now demand the previous question on the amendment offered by the gentleman from New York [Mr. BAKER].

The previous question was ordered.

The question was taken on agreeing to the amendment of Mr. BAKER, of New York, and there were—ayes 39, noes 42.

Mr. BAKER, of New York. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from New York [Mr. BAKER] and the gentleman from Illinois [Mr. TOWNSHEND].

The House proceeded to divide by tellers.

Mr. TOWNSHEND. It seems to me the gentleman from New York has not properly appreciated the courtesy I accorded to him. After moving the previous question I yielded to him for his amendment, thereby imperiling the bill; and I certainly do not think he should now insist upon a quorum.

Mr. BAKER, of New York. If my friend will only consent to the amendment——

Mr. TOWNSHEND. I have no power to do so.

Mr. BAKER, of New York. I can not resist the appeal of my friend from Illinois, and I withdraw the point of "no quorum."

The SPEAKER *pro tempore*. The point of "no quorum" being withdrawn, the noes have it, and the amendment is disagreed to.

Mr. GROSVENOR. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "university," in line 9, insert, "or State institution for the support and education of soldiers' and sailors' orphans, supported by State taxation, and containing and supporting a school equal in educational facilities with an academy or college, with an attendance of not less than five hundred."

The question being taken on agreeing to the amendment of Mr. GROSVENOR, there were—ayes 56, noes 33.

Mr. BLAND. We had better have a quorum.

Mr. BLAND and Mr. GROSVENOR were appointed tellers.

Mr. TOWNSHEND. I hope the gentleman from Ohio [Mr. GROSVENOR] will withdraw the amendment.

Mr. GROSVENOR. I hope the gentleman from Missouri [Mr. BLAND] will withdraw the demand for a quorum.

Mr. TOWNSHEND. I never knew the gentleman from Missouri to withdraw anything after offering it. [Laughter.]

The tellers took their places; and the House proceeded to divide.

Mr. TOWNSHEND (during the count by tellers). How much of the hour is left?

The SPEAKER *pro tempore* (Mr. DOCKERY). Twenty-five minutes.

The House divided; and the tellers reported—ayes 82, noes 26.

The SPEAKER *pro tempore*. The point of "no quorum" being, as the Chair understands, still insisted upon, the tellers will continue the count.

Mr. TOWNSHEND. No quorum being present, I move that there be a call of the House.

Mr. GROSVENOR. I do not desire to prevent the passage of this bill. I believe there is no more meritorious proposition in the bill than the amendment I have offered; but in order that the passage of the bill may not be imperiled, I withdraw the amendment.

Mr. TOWNSHEND. I now demand the previous question on the passage of the bill.

Mr. BLAND. Pending that, I move to lay the bill on the table.

The SPEAKER (having resumed the chair). The question is not on the passage of the bill, but on ordering it to be engrossed and read a third time.

Mr. TOWNSHEND. Then I demand the previous question on that.

The SPEAKER. The gentleman from Illinois demands the previous question on ordering the bill to be engrossed and read a third time. Pending that, the gentleman from Missouri [Mr. BLAND] moves to lay the bill on the table.

The question being taken on the motion of Mr. BLAND, there were—ayes 7, noes 76.

Mr. BLAND. No quorum.

Mr. TOWNSHEND. No quorum being developed, I move that there be a call of the House.

The motion of Mr. TOWNSHEND for a call of the House was not agreed to, there being—ayes 25, noes 62.

The SPEAKER. The gentleman from Missouri has made the point that on the question of laying the bill on the table no quorum voted. The Chair will appoint as tellers the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Missouri [Mr. BLAND].

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is it necessary to have a quorum in order to order a call of the House?

The SPEAKER. It is not. No point has been made on that.

Mr. TOWNSHEND. Is it necessary to have a majority of the votes in order to have a call?

The SPEAKER. Of course it is.

Mr. TOWNSHEND. When the count develops the fact that no quorum is present, is it not the duty of the Chair to have a call of the House?

The SPEAKER. The Chair can not order a call; that is a matter for the House to determine.

Mr. TOWNSHEND. If no quorum is present, how can business proceed?

The SPEAKER. It can not.

Mr. TOWNSHEND. The fact has been developed that no quorum is present; and until a quorum does appear no business can be transacted.

The SPEAKER. The House may not want to transact any business.

Mr. TOWNSHEND. If it be demonstrated by a count that no quorum is present, is it in the power of the House to do any business whatever?

The SPEAKER. When a quorum has failed to appear, no business can proceed, so long as the point of no quorum is made.

Mr. TOWNSHEND. Then the question before the House is whether there shall be a call of the House to enforce the attendance of a quorum.

The SPEAKER. The point of no quorum has been made; and the House, upon a motion for a call, has decided not to order a call.

Mr. TOWNSHEND. Then no business can be transacted.

Mr. CUTCHEON. Is it in order at this stage to ask for the yeas and nays——

The SPEAKER. It is.

Mr. CUTCHEON. Upon ordering the bill to be engrossed for a third reading?

The SPEAKER. The question is upon the motion made by the gentleman from Missouri [Mr. BLAND] to lay the bill on the table. On that question no quorum voted, and thereupon the Chair appointed tellers. It is in order for the gentleman to demand the yeas and nays on that question.

Mr. CUTCHEON. I ask for the yeas and nays on the motion of the gentleman from Missouri.

The yeas and nays were refused, only 6 voting in favor thereof.

Mr. TOWNSHEND. I wish to put a parliamentary question. As the case now stands, no quorum being present, and it being impossible to transact business, there is but one thing to be done, as I understand, and that is to adjourn the House. Am I not correct?

The SPEAKER. A quorum may appear when the vote is taken by tellers.

Mr. TOWNSHEND. The vote has been taken.

The SPEAKER. It has not been taken by tellers, and when the vote is not taken by yeas and nays, and the point of no quorum is made, the business of the House proceeds as usual. But when the vote is taken by the yeas and nays and the fact no quorum is present appears, then no business can be transacted. Such vote has not yet been taken.

The Chair appoints as tellers Mr. MAISH and Mr. BLAND.

The House proceeded to vote by tellers on Mr. BLAND'S motion that the bill and amendments be laid on the table.

Mr. CUTCHEON. Mr. Speaker, if this hour expires can we go on with other business?

The SPEAKER. Unless the vote by yeas and nays discloses upon the Journal of the House the fact no quorum is present the House can continue to transact business unless the fact of no quorum is made on the floor and that stops business, as now. If this matter is dropped and another subject comes up for consideration, business can be proceeded with unless the fact there is no quorum then appears.

The House divided; and the tellers reported—ayes 15, noes 86.

The SPEAKER. No quorum has yet voted, and the hour for the consideration of bills has expired.

Mr. TOWNSHEND. The expiration of the hour does not settle the question of no quorum.

The SPEAKER. It does not, but the bill becomes unfinished business under the express rule of the House. It goes upon the Calendar as unfinished business.

Mr. TOWNSHEND. When no quorum is present how can any business be transacted?

The SPEAKER. The Chair has already decided unless no quorum appears on the call of the yeas and nays the House can proceed to transact business until the point of no quorum is made. Suppose the House proceeds——

Mr. BLAND. I withdraw the point about the absence of a quorum.

The SPEAKER. It is not necessary to withdraw it. It is not necessary to make it each time.

Mr. TOWNSHEND. I make this point, that when the House is engaged in the process of acting upon a bill in the consideration hour, the expiration of the hour does not settle the question of no quorum.

The SPEAKER. The Chair does not know what the rule is to which the gentleman refers, but when the hour devoted to the consideration of bills has expired——

Mr. TOWNSHEND. But this is outside.

The SPEAKER. It is; but the vote is not an outside proceeding; it is on the motion of the gentleman from Missouri to lay the bills and amendments upon the table.

ORDER OF BUSINESS.

Mr. SPRINGER. I move the House go into the Committee of the Whole on the state of the Union for the consideration of the unfinished business of clause 5, Rule XXIV.

The SPEAKER. The motion is not in order in that form. The House can move to resolve itself into Committee of the Whole on the state of the Union.

Mr. SPRINGER. I make that motion. I stated the other fact to give the House information of the object of going into committee.

Mr. TOWNSHEND. I ask by unanimous consent that the hour be extended in order to dispose of the bill providing for the detail of officers of the Army and Navy.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is, a quorum shall appear to dispose of that business.

FORFEITURE OF LANDS GRANTED TO HASTINGS AND DAKOTA RAILWAY COMPANY.

Mr. MACDONALD. I rise for the purpose of calling up for present consideration a privileged bill and report—the bill to forfeit the lands granted to the Hastings and Dakota Railway Company, in the State of Minnesota, and for the relief of settlers upon the same and purchasers thereof.

The SPEAKER. From what committee?

Mr. MACDONALD. From the Committee on the Public Lands.

Mr. SPRINGER. I am willing to yield for that bill.

Mr. MACDONALD. I call up for consideration the bill (H. R. 8368) to forfeit the lands granted to the Hastings and Dakota Railway Company, in the State of Minnesota, and for the relief of settlers upon the same and certain purchasers thereof, reported from the Committee on the Public Lands with amendments, and ask that they be read.

The bill was read, and is as follows:

Whereas by an act of Congress entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, there was granted to the State of Minnesota certain lands for a railroad from Hastings, in said State, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the Legislature of said State might determine, upon the express condition "that if said road was not completed within ten years from the acceptance of this grant, the said lands thereby granted, and not patented, shall revert to the United States; and

Whereas by an act of the Legislature approved March 7, 1867, the State of Minnesota accepted the aforementioned grant of lands, and by the same act transferred the same to "the Hastings, Minnesota River and Red River of the North Railroad Company, subject to the provisions thereafter contained, and of the act of Congress aforesaid;" the name of which said railroad company was thereafter duly changed to that of the "Hastings and Dakota Railway Company;" and

Whereas said Hastings and Dakota Railway Company wholly failed and neglected to build, construct, or complete said railroad through the county of McLeod, and beyond, to the western boundary of the State, for many years after the expiration of the time limited by the act of Congress aforesaid, by reason of which neglect and failure the lands so granted to said railway company reverted to the United States; and

Whereas in consequence of the aforementioned failure of the said Hastings and Dakota Railway Company to construct or complete said railroad within the time so limited and specified in said act of Congress, said granted lands, pertaining to that part of said railroad that was not completed in time, reverted to the United States, and became, and was generally believed to be, subject to settlement and entry under the land laws of the United States, and much of it was, in good faith, settled upon by many settlers, who have ever since remained upon said lands, and have made valuable improvements thereon; and others have, in good faith, purchased portions of the same from said railway company; and

Whereas said Hastings and Dakota Railway Company has (in consequence of its having sold and disposed of its said railroad and everything appertaining thereto, except its right to said lands) been, by the supreme court of said State of Minnesota, adjudged and decreed to have forfeited its charter, and to be dissolved; and the same has ceased to exist, except that for a few months longer it is permitted to close up its affairs and dispose of such property as it may have: Therefore,

Be it enacted, etc., That all the said lands granted to the State of Minnesota by said act of Congress entitled "An act making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, for a railroad in said State from Hastings through the counties of Dakota, Scott, Carver, and McLeod, to a point on the western boundary of the State, and transferred to the said Hastings and Dakota Railway Company, as hereinbefore stated, except so much thereof as are adjacent to and coterminous with so much of said railroad as was constructed and completed within the period fixed by the said act of Congress for the completion of the whole road, and the right of way through the remainder of the route, with all the necessary grounds now used by said railroad for station buildings, shops, depots, switches, side-tracks, turn-tables, and all lands which were, prior to January 1, 1888, included within the platted limits of any village, town, or city be, and the same are hereby, declared to be, and are, forfeited to the United States, and restored to the public domain, because of the failure of the said Hastings and Dakota Railway Company to perform the conditions upon which said grant of lands was made to it: *Provided*, That the title to said lands sold by said company to bona fide purchasers, prior to January 1, 1888, and which were not, at the time of such sale, in the actual possession of some person other than the purchaser, is hereby confirmed to such purchasers from said company, and the persons holding through or under them.

SEC. 2. That all actual bona fide settlers upon any of the lands declared forfeited by this act, who settled upon the same as public land, and with the purpose and intention of acquiring title thereto, under the laws of the United States relating to public lands, are hereby confirmed in their rights as such settlers, and permitted and authorized to acquire title to the same (not exceeding 160 acres in any one case) as a homestead, under and pursuant to the laws relating thereto; and, in making proof of such homestead, he shall be allowed for the time that he has already resided upon and improved the same.

The amendments of the committee were read, as follows:

Insert, before the word "except," in line 12 of section 1, the words "and not patented;" also insert, after the words "possession of," in line 29 of section 1, the words "and claimed by."

[Mr. MACDONALD withholds his remarks for revision. See APPENDIX.]

The amendments of the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask to submit a privileged report.

Mr. SPRINGER. I renew my motion——

The SPEAKER. Pending the motion of the gentleman from Illinois the gentleman from Indiana states that he rises to submit a privileged report. The gentleman will state what it is.

Mr. HOLMAN. A report from the Committee on the Public Lands. I am directed by the committee to report back the following Senate bill with amendments for present consideration.

Mr. SPRINGER. And I raise the question of consideration.

Mr. HOLMAN. I hope the title will be read.

The Clerk read as follows:

A bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Mr. SPRINGER. I desire to ask unanimous consent that five minutes be allowed on each side to explain this question of consideration as between these two bills, the Oklahoma bill, which I have called up, and the bill now reported by the gentleman from Indiana.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ROGERS. I rise to a parliamentary inquiry. I do not understand what two bills are struggling for consideration.

The SPEAKER. That is just what the gentleman desires to state. Is there objection?

Mr. HOOKER. What is the bill under consideration?

The SPEAKER. There is no bill under consideration. The gentleman from Indiana has reported a Senate bill with amendments, the title of which has been read. The gentleman from Illinois moves that the House proceed to consider the Oklahoma bill in Committee of the Whole, and asks permission that five minutes be allowed on each side for a statement as to the merits of the two bills; to which no objection was made.

Mr. SPRINGER. Mr. Speaker, the bill under consideration just reported by the gentleman from Indiana will be explained more at length by him in his time, but it relates to what is known as No Man's Land, or the Public Land Strip west of the Indian Territory and north of the Panhandle of Texas. The proposition is to create a land office there and allow lands to be acquired under the homestead laws of the United States, and also to extend the statutes of the United States over that strip. I believe that is correct.

Mr. ROGERS. Where is the land office to be located?

Mr. SPRINGER. The gentleman from Indiana can answer.

Mr. HOLMAN. In the strip.

Mr. SPRINGER. Within the strip itself; what portion of it, I do not know. The United States jurisdiction which will be extended over the strip is to be exercised by the United States courts in Kansas.

The bill which I desire to call up is the bill to provide for the organization of the territory of Oklahoma. If this bill should pass, it would provide for the organization of that territory; it would provide for land offices within the territory, not only for No Man's Land, but all the Indian Territory west of the five civilized tribes after the territory is organized, and also extend the laws of the United States over the whole region. It would apply the homestead laws to the taking of land in the strip; and would allow them a civil local government. It embraces, therefore, all that the other bill embodies.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. SPRINGER. Well, I have but a moment.

Mr. PAYSON. Suppose the Oklahoma bill should not pass, then what condition does it leave the Public Land Strip in?

Mr. SPRINGER. I am glad the gentleman asked the question. The people in the Public Land Strip are to-day asking for bread. It is as easy for us to give them bread as a stone. The gentleman from Indiana proposes to give them a stone, for he thinks it is easier to give them a stone than it is to give them bread. It is as easy to pass an act organizing the Territory of Oklahoma as to pass a bill providing for the disposition of the lands in the limits of No Man's Land and providing no local government by which there can be security to person and property after they go there. The bill for the organization of the Territory gives to the people their local government and extends over them the laws of the United States and all rights under the homestead laws.

Mr. PAYSON. Allow me one other question. If the bill proposed by the gentleman from Indiana should pass, then does it interfere with the passage of the Oklahoma bill?

Mr. SPRINGER. It does to this extent. You will authorize men to say to the country we allowed them to enter their lands and take possession there, but they have no government. If the Oklahoma bill passes there is no use under the sun for the passage of the other bill. It is the fifth wheel to the wagon; and it is brought here to antagonize the present passage of the bill that will afford real relief.

It will be utterly unnecessary and nugatory if the Oklahoma bill is passed. The Oklahoma bill is in the interest of all the people, because they have no law there which will protect them in their person and property; and this bill only extends to them the jurisdiction of the courts of Kansas. Gentlemen know that the laws of the United States do not furnish any protection under the criminal code which would be enforced in the Territory. It has the national laws, and they have no effect to protect property. I reserve the remainder of my time.

The SPEAKER. The gentleman has two minutes remaining.

Mr. HOLMAN. I hope the House will understand the point exactly.

Mr. PAYSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Owing to the confusion in the House, it is impossible to hear the statements gentlemen are making.

The SPEAKER. Gentlemen will cease talking on the floor, or, if they desire to continue conversation, will retire to the cloak-room.

Mr. HOLMAN. I hope the House will get at the real point at issue between these two bills. You have fifteen thousand people settled on this Public Land Strip without any form of government whatever. There is no opportunity of obtaining entries of land or any other civil rights whatever. The Senate has passed a bill providing for the creation of that strip into a land district, to survey the land and dispose of it; and the amendment proposed by the Committee on Public Lands provides that these lands shall be disposed of only under the homestead law. The Senate bill proposed to annex this strip of land to Kansas for judicial purposes.

Mr. SPRINGER. For what judicial purposes?

Mr. HOLMAN. For Federal judicial purposes. That is the purport of the Senate bill. It is proposed to amend that bill by attaching either to New Mexico or to Kansas that Public Land Strip for purposes of temporary government.

Mr. DUNN. Is that strip of territory within the jurisdiction of any Federal court now?

Mr. HOLMAN. It is not. It has no government whatever; it has no law whatever. It is the only part of our public domain that is not subjected in some form or other to law; and you have a large body of people there who are entitled to some protection. The Senate bill is a practical measure and is intended for temporary purposes only. It declares upon its face that it is only a temporary measure. It is not an interference and will not interfere in the remotest degree with the Oklahoma bill. It provides protection for these people.

Mr. SPRINGER. It will secure no more in that direction than the Oklahoma bill, if passed.

Mr. HOLMAN. Here is a bill that can be passed readily.

Mr. SPRINGER. Here is also a bill that can be passed readily if you will take that out of the way and yourself too.

Mr. HOLMAN. Here is a measure we can pass to which there is no objection whatever, for I see no real objection. No gentleman can have objection to giving these people law, and therefore I think this bill should pass, and let the Oklahoma bill take its course. I will yield the remainder of my time to the gentleman from Illinois [Mr. PAYSON].

The SPEAKER. The gentleman has two minutes remaining.

Mr. PAYSON. Now, if any gentleman on the other side desires to occupy the time reserved I would be willing for him to take the floor now. I simply desire to say, in the two minutes I have, that I think this bill should be considered. I am not in favor of the bill in its present position, and at the proper time I have a substitute which I shall offer that will obviate the criticism made by my colleague [Mr. SPRINGER]; but as to the main proposition, the necessity for something being done on that neutral strip, there is no question. There is a section of country nearly as large as Rhode Island and Delaware, on which a population of from 15,000 to 20,000 is as absolutely without law as though no law were in existence. There is no law whatever there. They have never been invited there; but tempted to go there on account of the land, the climate, the water, the timber, and such inducements as grow out of this condition of things, these people have gone there. We propose, by the bill and the amendment I intend to offer, to give them a temporary local government. There is no antagonism between this bill and the Oklahoma bill, because in the event that this bill should pass, it would not be necessary to pass the Oklahoma bill, and if it should not pass we could take up the Oklahoma bill.

Mr. BAKER, of New York. I do not understand that there will be anything in the way of considering the bill of the gentleman from Indiana if the Oklahoma bill should pass.

Mr. PAYSON. The committee present it for consideration and in a parliamentary way ask to have it considered, and for that reason I favor the bill.

Mr. SPRINGER. I yield the remainder of my time to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. It does seem to me, with all due respect to the chairman of the Committee on Public Lands, that he ought not to thrust this bill in here in advance of the consideration of the Oklahoma bill. We have all stood by him through thick and thin upon his bill for the forfeiture of railroad land grants, and also upon the public lands bill, and I can see no excuse for thrusting in this bill here to antagonize the Oklahoma bill—for that is what it amounts to, and I want the House to understand it. Six hundred thousand laboring men have petitioned for the passage of the Oklahoma bill. The bill of the gentleman from Indiana [Mr. HOLMAN] is a privileged matter which he can call up at any other time. If the Oklahoma bill fails, he will have some excuse for bringing in his bill, but he has none now. Even if his bill should pass it would not give local government to the people of No Man's Land.

Mr. HOLMAN. Oh, yes; it proposes to do that temporarily.

Mr. WEAVER. How? It provides for nothing but judicial process, and the people will have to go 200 miles to Kansas to get an officer to serve a process. It is a mere mockery and denial rather than an extension of justice to these people. I yield the balance of my time to the gentleman from Missouri [Mr. WARNER].

Mr. CANNON. I have just come in, and want to ask a question for information. Do I understand that this is a contest between the Oklahoma bill and a bill reported from the Committee on Public Lands?

Mr. WEAVER. Yes, sir.

Mr. CANNON. And I understand the gentleman from Iowa [Mr. WEAVER] to say that the public lands bill is a privileged matter, while the Oklahoma bill is not?

Mr. WEAVER. Yes, sir.

Mr. CANNON. So that if this Oklahoma bill is not considered now, it probably will not be considered this session?

Mr. WEAVER. That is just the situation.

Mr. WARNER. Mr. Speaker, I can only consider the action of the gentleman from Indiana [Mr. HOLMAN] in bringing this bill before the House at this time as a move in direct opposition to the consideration of the Oklahoma bill. The bill of the gentleman from Indiana is a privileged measure, which he can bring in at any time. This afternoon is open to us, and it is the first afternoon that we have had. We have petitions from over half a million of citizens of this country asking for the consideration of the Oklahoma bill, and the opening up to actual settlers of that territory, containing over 23,000,000 acres of land almost in the center of the continent. The bill is guarded in every way for the protection of the rights of the Indians, and there is only one class of persons who are strenuously objecting to its consideration, the cattle syndicates that are occupying 6,000,000 acres of these lands contrary to law, contrary to the decisions of the Attorney-General and the courts.

The SPEAKER. The question is, Will the House now proceed to consider the bill reported from the Committee on Public Lands by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOPKINS, of Illinois. Mr. Speaker, I wish to understand what will be the effect of a vote in the affirmative?

The SPEAKER. The Chair will state the situation. The gentleman from Illinois [Mr. SPRINGER] moved that the House resolve itself into Committee of the Whole on the state of the Union, and gave notice that his purpose was to call up in that committee the bill known as the Oklahoma bill. Pending that the gentleman from Indiana [Mr. HOLMAN] made a privileged report from the Committee on Public Lands, and the gentleman from Illinois [Mr. SPRINGER] raised the question of consideration against the consideration of that report.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the House shall determine to consider the bill reported by the gentleman from Indiana, and that business shall be disposed of, is there anything to prevent the gentleman from Illinois [Mr. SPRINGER] from then making the same motion that he has made now, that the House go into Committee of the Whole for the purpose of considering his bill?

The SPEAKER. The motion can still be made.

Mr. SPRINGER. And, on the other hand, there will be nothing during the rest of this session to prevent the gentleman from Indiana from bringing up his bill.

The SPEAKER. The question is, Will the House now proceed to the consideration of the bill reported by the gentleman from Indiana [Mr. HOLMAN] from the Committee on Public Lands?

The question was taken, and the Speaker declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 31, noes 55.

So the House refused to consider the bill.

Mr. BARNES. No quorum.

Mr. WEAVER. It is too late to make the point of no quorum.

The SPEAKER. The Chair thinks it is not too late.

Mr. SPRINGER. I hope the gentleman from Georgia will not obstruct the business of the House. The Committee on Territories has had but two hours this session to consider its business, and I think it certainly ought to have the rest of this afternoon at least.

Mr. WEAVER. I ask the gentleman from Georgia to withdraw the point of no quorum.

Mr. SPRINGER. He is a member of the Committee on Territories, and I think it comes with a very poor grace from a member of that committee to obstruct the consideration of business reported from a committee of which he is a member. I therefore appeal to him in the interest of the public——

Mr. BARNES. The gentlemen can not very well make an appeal to me when he comments upon my want of good grace in this matter, and now I will not withdraw the point. [Laughter.]

Mr. SPRINGER. Then I withdraw my remark.

Mr. BARNES. Then I withdraw the point.

Mr. HOLMAN. I think there should be a further count, and for that purpose, merely, I renew the point.

The SPEAKER. The Chair will then appoint tellers and have the vote taken in that way. The Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. SPRINGER].

The tellers took their places.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House resolve itself into Committee of the Whole on the state of the Union.

The tellers proceeded to make the count.

The SPEAKER. There seems to be a misunderstanding as to the state of the question. The Chair understood the gentleman from Indiana to demand——

Mr. HOLMAN. I wanted a further count upon the original proposition.

The SPEAKER. Then the Chair will restate the question.

Mr. HOLMAN. But I am perfectly willing to let the vote go in its present shape.

The SPEAKER. The vote will then be taken on the motion made by the gentleman from Illinois, as already stated by the Chair.

The House divided; and the tellers reported—ayes 93, noes 16.

Mr. HOLMAN. I will not insist on a further count.

Mr. FINLEY. I make the point that no quorum has voted.

Mr. SPRINGER. The gentleman from New York [Mr. BAKER] and the gentleman from Missouri [Mr. WARNER] desire to speak an hour each on this subject. I hope there will be no interruption of business at this time.

Mr. BAKER, of New York. I join in the request of my friend from Illinois [Mr. SPRINGER] that an opportunity be afforded for the discussion of this bill.

Mr. SPRINGER. I hope, if the point is to be made, it will be made after debate and when members have had a chance to understand what the measure is.

The SPEAKER. If the point is insisted upon, the tellers will resume their places.

Mr. FINLEY. As this bill is to be discussed fully before any question is taken upon it, I withdraw the point.

The SPEAKER. The point of no quorum being withdrawn, the ayes have it; and the motion of the gentleman from Illinois [Mr. SPRINGER] that the House resolve itself into Committee of the Whole on the state of the Union is agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

OKLAHOMA.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union. The Clerk will report the first bill in order.

Mr. SPRINGER. Before the debate begins, and in order that there may be no misunderstanding, I will ask——

Mr. HOOKER. Let us hear what the bill before the Committee of the Whole is. We have heard no bill read. I call for the reading of the bill.

Mr. SPRINGER. I ask unanimous consent that the Committee of the Whole may proceed to consider the House bill No. 1277, which is the first bill on the Calendar as unfinished business, under clause 5 of Rule XXIV.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the Committee of the Whole now proceed to the consideration of House bill No. 1277? The Chair hears no objection. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. The gentleman from Mississippi [Mr. HOOKER] desires that the bill be read. I want to state for the information of the Committee of the Whole that the Committee on Territories reported this bill with sundry amendments, and those amendments are printed in the body of the bill; but in order to have the bill before the committee without any striking out or any interlineation another bill was introduced by me, referred to the Committee on the Territories, and reported back without amendment, with the recommendation that it pass. The latter bill embodies the previous amendments and some other amendments, principally those suggested by friends of the bill, who are interested in more effectually protecting the rights of the Indians—that is to say, the representatives of the Indians' Rights Association. I move, therefore, to strike out all after the enacting clause of the pending bill and insert the bill which I have in my hand, the measure last agreed upon by the Committee on Territories.

The CHAIRMAN. The Chair will state that there is now pending an amendment in the nature of a substitute, offered by the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. That has never yet been offered. I submitted it for information, and it has been printed for the use of the House.

The CHAIRMAN. The Chair understands the gentleman from Illinois to ask unanimous consent to substitute the bill which he sends up for the bill the title of which has been read.

Mr. SPRINGER. Well, I will make that request, instead of moving to strike out and insert. Then the gentleman from Georgia can have the opportunity to move his substitute.

Mr. BARNES. It ought to be read now, so as to bring up the whole question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HOOKER. That does not displace the amendment of the gentleman from Georgia?

The CHAIRMAN. It does not. He will still have the right to offer his substitute.

Mr. HOLMAN. I wish to suggest that the amendment of the gentleman from Georgia be regarded as pending as an amendment to the substitute of the gentleman from Illinois.

Mr. SPRINGER. That is agreeable to me.

Mr. ADAMS. What is the pending bill?

The CHAIRMAN. The pending bill is House bill 1277, for which the gentleman from Illinois [Mr. SPRINGER] asks to substitute House bill No. 10614. Is there objection?

Mr. BUCHANAN. How can we tell whether we wish to object unless we understand what the gentleman asks to substitute?

Mr. SPRINGER. The substitute I ask to have considered is the same as the other bill, except that the amendments are incorporated as a part of the bill.

The CHAIRMAN. The Chair hears no objection to the request fo the gentleman from Illinois to substitute House bill 10614 for House bill 1277; and it is so ordered. If there be no objection, the substitute of the gentleman from Georgia [Mr. BARNES] will now be considered as pending, in accordance with the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. SPRINGER. That is right.

Mr. BAKER, of New York. I wish to inquire whether the offering of this substitute will preclude the offering of amendments to the pending bill?

The CHAIRMAN. The question will not come up on agreeing to the substitute until after the bill is perfected.

Mr. SPRINGER. I have here, and will ask the pages to circulate, a map which exhibits thoroughly the region covered by the pending bill.

A MEMBER. Let the bill and substitute be read.

Mr. SPRINGER. Let the discussion go on, and that discussion will have the effect better to enlighten the members as to what is proposed in the pending bill and substitute than by any mere formal reading of them. I ask, therefore, that the formal reading be dispensed with.

Mr. HOOKER. I hope that will not be done. Let the bill and substitute be read and be printed in the RECORD.

Mr. SPRINGER. They will be printed in the RECORD, as a matter of course.

The Clerk proceeded with the reading of the bill.

Mr. PAYSON. If this is the first reading of the bill for information and not the second reading of the bill for amendments, I do not see why we should not let the bill and substitute be printed in the RECORD and save the time for the discussion.

The CHAIRMAN. The gentleman from Georgia objects to dispensing with the reading of the bill and substitute.

Mr. PAYSON (some time afterwards). I understand the gentleman who objects to dispensing with the reading of the bill and substitute understands the bill is now being read for amendment.

Mr. SPRINGER. The bill was read a first and second time before it was referred, and it is now being read for information.

Mr. PAYSON. Then I move to dispense with the formal reading, as it will be read, together with the substitute, when they come up for consideration. There does not seem to be any good object to be subserved by reading them at this time.

Mr. HOOKER. This is a new bill, and there is a substitute moved by the gentleman from Georgia [Mr. BARNES] and they ought to be read to the House for information. I object, therefore, to dispensing with the reading of the bill and substitute.

The bill was read, as follows:

Be it enacted, etc., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the reservation occupied by the Cherokee tribe of Indians east of the ninety-sixth meridian of west longitude, and by the Creek, Seminole, and Chickasaw reservations; and on the south by the Creek, Seminole, and Chickasaw reservations, and by the State of Texas, comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes, is created into a temporary government by the name of the territory of Oklahoma: *Provided*, That nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said territory under the laws and treaties of the United States, Executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States or to which such tribe may be entitled by law, Executive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

SEC. 2. That there shall be a governor, secretary, Legislative Assembly, supreme court, attorney, and marshal for said territory, who shall be appointed and selected under the provisions of Title XXIII, chapter 1 of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: *Provided*, That the Legislative Assembly and Delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election, or to be elected to any office, who has not been a bona fide resident of said territory for sixty days previous to said election: *And provided further*, That the council in said territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said territory of Oklahoma as elsewhere in the United States: *Provided*, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto: *And provided further*, That the supreme court of the Territory shall have jurisdiction and shall embrace all

causes of action, crimes, and offenses arising within the limits of the territory organized by this act; and all laws heretofore passed granting jurisdiction to United States courts within the limits of said Territory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein the same as if this act had not been passed.

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to be a part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only, except as otherwise provided in this act: *Provided*, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for school purposes.

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections in each township, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States for two years, and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of such lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to ascertain whether said Indians are entitled to any further compensation than that heretofore paid for said unoccupied lands. If said commission shall find that further compensation should be paid said Indians, they may, by negotiation with said Indians, fix the amount of such additional compensation, not to exceed the sum of $1.25 per acre, less the cost of sale and the amounts heretofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands as provided herein shall be placed to the credit of said tribes in the Treasury of the United States.

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of the ninety-sixth degree of west longitude, ceded to the United States by the said tribe of Indians by the treaty concluded July 19, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections of said land, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States two years and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe in the Treasury of the United States, after deducting the cost of the sale by the United States and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: *Provided*, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of said lands contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make entry upon any lands or lay any claim thereto in said Territory.

SEC. 7. That the President may, at such times as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma, not to exceed four in number, and may nominate and by and with the advice and consent of the Senate appoint the usual officers to conduct the business of said land offices; and the Commissioner of the General Land Office shall, when directed by the President, cause the various portions of said lands to be properly surveyed and subdivided, where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; and if it shall appear that said claim was not taken in good faith, he shall refuse a patent and declare all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence of three years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws before obtaining title thereto; but payments for lands, where payment is required to be made by this act, shall be made in four equal installments, under such rules and regulations as may be prescribed by the Secretary of the Interior, as follows: The first payment shall be made within six months from the time of entry, the second at the expiration of one year from date of entry, the third at the expiration of two years from date of entry, and the final payment shall be made at the expiration of three years from date of entry: *Provided*, That there shall be reserved public highways four rods wide around every section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation.

SEC. 8. That the procedure in applications, entries, contests, and adjudications under this act shall be in the form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, shall be applicable to all entries made hereunder, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof and payment. Final proof and payment, except in cases of contest, shall be made within three months after the expiration of three years from the date of entry, and in default thereof, or in default of the payment of any installment of the purchase-money when due, the entry shall be liable to cancellation, and the money paid thereon shall be forfeited to the United States. Lands entered under the provisions of this act shall be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligation incurred prior to the issue of patents therefor, nor shall such land be sold, or contracted to be sold, leased, or contracted to be leased, conveyed, mortgaged, or in any manner incumbered prior to final proof or payment and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof, payment, and record shall be absolutely null and void; and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferees, and mortgagees, who shall have no recourse against the United States for any failure of claimant's title before issue of patent: *Provided*, That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall not be modified or changed by anything in this act.

SEC. 9. That whenever any portion of the lands opened to settlement by the provisions of this act shall be occupied for town-site purposes, and the Secretary of the Interior is satisfied that they are occupied in good faith and are necessary for such purposes, the said Secretary is hereby authorized and directed to cause patents to be issued therefor, under such rules and regulations as he may prescribe, to any legally organized company occupying and entitled to the same, upon the payment in cash of $20 per acre for the lands so occupied. The money so received for each town site, except such amount as may be required to be paid to the Indian tribes, as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the people of such town, and shall be expended under his direction for the erection of school buildings and the support of schools therein: *Provided*, That town sites actually occupied on the Public Land Strip at the date of the approval of this act by not less than 100 bona fide inhabitants shall be patented to the legally organized company selected by said inhabitants. said sites to embrace the amount of land provided by law: *Provided further*, That all patents issued for town sites in the territory of Oklahoma shall contain reservations for parks and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations shall be issued to the towns respectively when organized as municipalities.

SEC. 10. That all lands in the territory of Oklahoma not embraced in the provisions of sections 4, 5, and 6 of this act, which are not required by law, treaty stipulations, executive orders, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian reservation, shall be open to settlement under the provisions of this act: *Provided*, That whenever Indian lands are purchased by the United States with the consent of the Indians, and opened to settlement in said territory, the President of the United States may fix the price to be paid therefor by actual settlers, which price shall in no case exceed $1.25 an acre, and the proceeds shall be held for the benefit of the Indians concerned, as provided in sections 5 and 6 of this act.

SEC. 11. That the President of the United States is hereby authorized and directed to appoint a commission, to be composed of five persons, not more than three of whom shall be members of one political party, whose duty it shall be to open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of securing the consent of said Indians, so far as it may be necessary, to the provisions of section 5 and section 6 of this act. The commission is authorized to enter into such agreements with said Indian tribes as it may deem necessary to accomplish the purposes of this act, and shall submit the same to the President for his approval or rejection. The compensation of the members of said commission shall be at the rate of $10 per day; and they shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive a compensation of $6 per day, and such allowances for traveling expenses as he may actually incur.

SEC. 12. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands opened to settlement by this act with a view to their afterward acquiring title to said lands from said occupants; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished, upon indictment, by imprisonment not exceeding twelve months, or by fine not exceeding $1,000, or by both such fine and imprisonment, in the discretion of the court.

SEC. 13. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby made the duty of the President, immediately after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands.

SEC. 14. That the act of Congress approved July 25, 1866, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River, and an act of Congress granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway, and a telegraph from Fort Riley, Kans., to Fort Smith, Ark., approved July 26, 1866, or any other acts of Congress so far as they relate to lands granted in said Indian Territory and the Public Land Strip, except for the right of way and necessary stations as now provided for by law, are hereby repealed; and all or any rights to said lands are hereby forfeited to the United States, and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States, or from any Indian tribe, or from any Territorial government, within the limits of the territory organized by this act.

SEC. 15. That neither the Legislative Assembly of said territory, nor any county, township, town, or city therein, shall have power to create or contract any indebtedness for any work of public improvement, or in aid of any railroad constructed or to be constructed, nor to subscribe for or purchase any shares of stock in any railroad company or corporation.

SEC. 16. That the provisions of this act shall not be applicable to lands lying within the limits of what is known as Greer County until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

Mr. BARNES's proposed substitute was read, as follows:

A bill to provide a commission for the purpose of negotiating with the Indians in the Indian Territory, with a view of opening a part of said Territory to white settlement.

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized and directed to appoint three commissioners, whose duty it shall be to negotiate and make treaties with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians, for the purpose of securing homes and reservations east of the ninety-eighth degree of longitude for the Kiowa, Comanche, Apache, Cheyenne, and Arapaho Indians, and the Wichita and affiliated bands living with them.

SEC. 2. That in order to open up the country for occupancy by citizens of the United States west of the ninety-eighth degree of longitude, now occupied by the Comanches, Kiowas, and Apaches, and the country occupied by the Cheyennes and Arapahoes, and by the Wichita and affiliated bands, said commissioners shall treat with said Indians for an exchange of the lands now occupied by them for permanent homes and reservations east of said ninety-eighth degree of longitude.

SEC. 3. That in treating with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians for the occupancy by American citizens of the country west of the ninety-eighth degree of longitude leased, sold, ceded, or agreed to be ceded by them to the United States for the settlement of Indians and freedmen thereon, it shall be stipulated that the lands so to be occupied by citizens of the United States shall not be paid for at a greater rate than $1.25 per acre, and that any and all sums of money heretofore received by any of said Indians as a payment thereon shall be deducted from the amounts agreed to be paid.

SEC. 4. That negotiations with the tribes and bands of Indians now living west of the ninety-eighth degree of longitude shall proceed upon the basis of securing to them homes and reservations east of said degree of longitude in perpetuity, and compensation for their removal and settlement in a new country, and pay for their improvements.

SEC. 5. That in treating with any and all of said Indians, consideration shall be given to any and all matters unsettled, or about which any controversy exists, between said Indians and the United States, growing out of any treaty or agreement or statute heretofore made by the authority of the United States, to the end that all such matters may be finally determined.

SEC. 6. That said commissioners shall be allowed pay at the rate of $10 per day each, and necessary traveling and other expenses, while actually engaged in the discharge of the duties required herein; and a stenographic secretary, whose pay shall be at the rate of $6 and actual expenses while engaged as such secretary.

SEC. 7. That the President direct the speediest accomplishment of the requirements of this act; and the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to carry the same into effect.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. After the bill shall have been read, will it not be open for general debate and amendment?

Mr. SPRINGER. It will be.

Mr. BLOUNT. I supposed so, but I was asking the Chair.

The CHAIRMAN. The Chair so understands.

The Clerk resumed and concluded the reading of the bill and substitute as above.

Mr. BAKER, of New York. Mr. Chairman, it was remarked by some gentleman shortly before the commencement of the reading of these two bills that this measure was petitioned for by some 600,000 workingmen of this country. I think a remark of that kind is not warranted and should not pass unnoticed, because the measure itself with its provisions and scope has never yet been submitted to or read by any considerable number of workingmen, and I think it safe to assert that it has not been read by one out of ten of the members of this body. To say that the workingmen of this country favor a proposition the effect of which will override and break down any existing treaty stipulations with the Indian tribes is a direct insult to the intelligence of themillions of toilers of the United States. I desire to plant myself squarely with every workingman in favor of every just measure having for its object the opening up, for the benefit of the people of the country, of the public domain, and in favor of throwing around the territory at a proper time and under proper restrictions and conditions Territorial forms of government, and moreover, I am in favor of throwing around the territory when it presents the proper conditions the rights and privileges of statehood, and if the zeal of some of my friends who favor this bill were as great in behalf of the 600,000 citizens of Dakota, the country would not to-day witness the spectacle of a great State vainly seeking her constitutional right of admission to the Union.

Mr. Chairman, it is not my purpose in the brief hour at my disposal to attempt any extended review of the provisions of the bill to organize the Territory of Oklahoma now before us, further than to remark that if this Congress shall determine to adopt a policy such as is proposed by the pending bill, then it is probable that this measure, with a single amendment, as proposed by the minority report, is open to as little objection as any of its predecessors.

I can not resist the conviction that the passage into law of this bill would inaugurate a complete and radical change of the policy of our Government toward the tribes of Indians now occupying the Indian Territory, and would in effect be a gross breach of the honor and good faith pledged by this great Government of ours toward weak and defenseless tribes, who hold and possess their land under most solemn treaty covenants.

I do not question the power of Congress to do just what this bill proposes, but I do deny our right under the Constitution and the laws, and insist that if we proceed about it as is proposed the act will constitute in effect a violation of our sacred covenants with those people; if not a direct violation, the act opens the way to such results. Feeling thus, I am compelled in the discharge of my oath as a member of this House to enter my most earnest protest against it. The Constitution provides that—

Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. NUTTING. Will my colleague permit me to ask a question?

Mr. BAKER, of New York. Certainly; with pleasure.

Mr. NUTTING. Am I to understand that my friend's opposition to this bill rests against the proposed means and methods contemplated by the bill, rather than to the general proposition of opening in some legal and methodical way the lands in the Indian Territory to settlement?

Mr. BAKER, of New York. My friend will understand as I proceed that I am not opposed to opening up for settlement the lands in question whenever and as soon as it may be done with due regard for existing treaty rights. Treat with civilized tribes first, extinguish existing titles, then go ahead. This I contend is all that can be done decently.

Mr. NUTTING. I thank the gentleman for permitting the interruption.

Mr. BAKER, of New York. The lands affected by the bill before us are all embraced within the Indian Territory (except the public land strip known as "No Man's Land"), and the rights and interests of those tribes therein are defined by existing treaties, which have received judicial and executive interpretation the correctness whereof has not, I believe, been questioned by any one. The provisions of the existing treaties are, we may assume, familiar to all who have given the subject any considerable study. Under them, it is claimed, the United States have disposed of the title to those lands to the five civilized tribes, covenanting on the part of the Government of the United States that they should never be included within the territorial limits or jurisdiction of any State or Territory, that they should remain subject to the intercourse laws, which, as has been stated during this debate, have always remained in force in all parts of the Territory. The rights acquired by the United States under the treaties of 1855 and 1866 are purely in the nature of trusts. It has been well stated that it is not within the lawful power of either the legislative or executive department of the Government to annihilate those trusts or to avoid the obligations arising thereunder.

For nearly fifty years this title has received recognition by and express approval of the judicial and executive departments of the Government.

Their existence has been and is recognized as "a domestic Territory—a Territory which originated under our Constitution and laws." (Mackey vs. Coxe, 18 Howard, page 100.)

As late as January 3, 1885, the then Secretary of the Interior, in a letter to the Senate (see Executive Document No. 17, second session Forty-eighth Congress), among other things, said:

The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto. Patent was issued to this nation of Indians, December 31, 1838, for their lands in the Indian Territory, under the provisions of articles 2 and 3 of the treaty of 1835 (7 Statutes, 478), and in accordance with the terms of the act of May 28, 1830 (*Id.*, 412).

"The land is theirs and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land the right of possession and occupancy is especially reserved."

I beg the indulgence of the House in this connection also to read a letter written by the then Acting Commissioner of the Land Office, April 25, 1881, having reference to a scheme then being pushed by the so-called "Freedman's Oklahoma Association," and the difference between the movement then attempted and that contemplated under the present bill I leave gentlemen to observe after due consideration. I read from Executive Document No. 111, Senate, Forty-seventh Congress, first session, which is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 25, 1881.

SIR: I am in receipt, by your reference, of a copy of a circular purporting to be issued by the "Freedman's Oklahoma Association," promising 160 acres of land to every freedman who will go and occupy the public lands at Oklahoma. This circular is signed in the name of J. Milton Turner, who is represented as "president," and by Hannibal C. Carter, who is represented as "general manager" of said pretended association.

It contains a letter from E. C. Boudinot, professing to state the legal character of the lands to which emigration is invited, and affirming that the same are public lands of the United States; that the Indian title thereto has been extinguished, and that the said lands were purchased by the United States for the use of freedmen as well as Indians.

The circular declares that the freedmen of the United States "have an undoubted legal right to enter and settle upon these public lands."

In compliance with your request for a report upon said lands, in view of the representations contained in this circular, I have the honor to state as follows:

1. There are no lands in the Indian Territory open to settlement or entry by freedmen, or by any other persons, under any of the public-land laws of the United States.

2. There has never been a period of time since the acquisition by the United States of the territory ceded by France that any of the lands embraced within the limits of the present Indian Territory have been open to settlement or entry by any persons whomsoever under any of said public-land laws.

3. The lands to which the United States holds the legal title within the Indian Territory are reserved lands by treaty stipulations and acts of Congress, and are not, and never have been, public lands subject to general occupation.

4. The entire Indian Territory, including the lands therein to which the United States holds the paramount title, is "Indian country," as defined by the first section of the act of Congress of June 30, 1854 (fourth Stat., 729), which act prohibits unauthorized settlements in such country, and provides for the employment of the military forces to prevent the introduction of persons and property contrary to law, and for the apprehension of every person who may be in such country in violation of law (Revised Statutes, sections 2111-2157).

The Indian Territory comprises a remaining portion of lands originally granted to, or reserved for, the use of certain Indian tribes, and constitutes a district created by the act of Congress of May 28, 1830 (4 Stat., 411) for the removal thereto of Indians from other localities.

The Territory is specifically described by geographical boundaries in the twenty-fourth section of the intercourse act (4 Stat., 733), by which act it was attached to the western judicial district of Arkansas for judicial purposes. (Revised Statutes, section 533.)

None of the land laws of the United States have ever been extended over said Territory, nor have any other general laws of the United States been so extended, except the criminal laws and the laws regulating intercourse with Indian country.

Prior to 1866 the whole area of the Indian Territory, except a small portion in the northeast corner which belonged to the Senecas, Shawnees, and Quapaws, was embraced in the grants made and patented to the Cherokee, Choctaw, and Creek Indians, under the treaties with said tribes, respectively.

The several treaties under which the title of the United States was conveyed to said tribes are as follows:

CHEROKEE TREATIES.

May 6, 1828, 7 Statutes, page 310.
February 14, 1833, 7 Statutes, page 414.
December 29, 1835, 7 Statutes, page 478.
Patent issued to the Cherokee Nation December 31, 1839.

CHOCTAW TREATIES.

October 18, 1820, 7 Statutes, page 210.
January 20, 1825, 7 Statutes, page 234.
September 21, 1830, 7 Statutes, page 333.
Patent issued to the Choctaw Nation March 23, 1842.

CREEK TREATIES.

January 24, 1826, 7 Statutes, page 286.
March 24, 1833, 7 Statutes, page 366.
February 14, 1833, 7 Statutes, page 417.
Patent issued to the Creek Nation August 11, 1852.

The treaties with the Senecas, Shawnees, and Quapaws were the treaties, respectively, of February 28, 1831, 7 Statutes, 348; July 20, 1831, 7 Statutes, 351; and May 13, 1833, 7 Statutes, 424.

By agreements approved by the United States the Choctaws conveyed a portion of their lands to the Chickasaws, and the Creeks in like manner conveyed a portion of their lands to the Seminoles.

The titles of the several tribes under the foregoing treaties and agreements were subject to the following conditions:

First. That the land should not be conveyed by them except to the United States.

Second. If the Indians abandoned the land, or became extinct, the lands were to revert to the United States.

It was stipulated by the United States that the Indians should be protected in their homes and lands against all interference by any person or persons.

The treaties by which the United States reacquired title to any of the lands in the Indian Territory, or obtained the conditional right to control the disposal of any of said lands, were the treaties with the Seminoles of March 21, 1866; with the Choctaws and Chickasaws of April 28, 1866; with the Creeks of June 14, 1866; and with the Cherokees of July 19, 1866.

By the third article of the treaty with the Seminoles (14 Stat., 756), said Indians ceded to the United States about 2,100,000 acres of land, "in compliance with the desire of the United States to locate other Indians and freedmen thereon."

In compliance with the same desire, the Creeks, by the third article of the treaty with that tribe (14 Stat., 786), ceded about 3,200,000 acres to the United States, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon."

The freedmen referred to were the former slaves of Indian tribes. The treaty stipulations, as uniformly understood and construed, have no application to any other freedmen than the persons freed from Indian bondage. They relate exclusively to friendly Indians and to Indian freedmen of other tribes in the Indian Territory whom it was the desire of the United States to provide with permanent homes on the lands ceded for that purpose.

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

The Choctaw and Chickasaw cession of April 28, 1866 (14 Statutes, 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Statutes, 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States re-engaging by the seventh article of said treaty to remove and keep out from that district all intruders.

Articles 15 and 16 of the treaty with the Cherokees (14 Stat., 803, 804) provide that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country, on unoccupied lands, on certain terms and conditions specified in the treaty.

These provisions made the United States the agent of the Cherokees for the sale and disposal of unoccupied land in the Cherokee country for the benefit of said tribe, but restricted such sale and disposal exclusively to friendly Indians.

In pursuance of the stipulations of the foregoing compacts, and in the exercise of the trusts assumed by the United States under the several treaties, and in accordance with specific provisions of law and the lawful orders of the President, all the lands in the Indian Territory to which the United States has title have been permanently appropriated or definitely reserved for the uses and purposes named.

It is stated in the circular referred to me for examination that there are at the present time a large quanity, to wit, some 14,000,000 acres of public land in this Territory to which the Indian title has been extinguished, and that "these public lands are surveyed and sectionized, awaiting their intended use, namely, settlement and occupation by the freedmen of the United States, giving to each settler the fee-simple to a homestead of 160 acres."

It is essential for the instruction of those who may be uninformed, and necessary to the protection of those who are sought to be imposed upon, that the misleading features and false conclusions of the statements contained in said circular should be explained and exposed.

The main proposition set forth is that there are certain public lands in the Indian Territory, and the argument is that the rights of citizens to enter and settle upon the public lands must be the same in that Territory as elsewhere; and it is further asserted that colored people are especially protected in such rights as to these particular lands by the assumed purposes for which the lands were acquired by the United States.

That there are lands in the Indian Territory that belong to the United States in the sense that the United States hold the naked legal title thereto is true; but it is not true that these are public lands within the meaning of the public-land laws.

The term "public lands" is sometimes used in a general sense to designate lands the legal title to which is in the United States, in contradistinction to lands that are the private property of individual citizens. It is in this sense that the term is used in the surveying laws which require Indian reservations to be surveyed in the same manner as "other public lands." And the Commissioner of the General Land Office, in his annual reports of surveying operations, includes the area of surveyed and unsurveyed lands in the Indian Territory in the tables of surveyable public lands in the same manner as all Indian reservations are included in each of the other States and Territories. But this does not mean that the surveyed or unsurveyed lands embraced in Indian reservations are public lands in the sense of the laws providing for the disposal of public land. Under these laws the term public lands has a particular signification, and is used to describe such of the lands of the United States as are open to the public for general occupation, settlement, or entry.

All lands belonging to the United States are not subject to disposal, hence all lands belonging to the United States are not public lands within the meaning of that term, as invariably used in the public-land laws, and as the statutes are uniformly expounded by the courts.

Lands belonging to the United States, but which have been appropriated to any special use, or reserved for any purpose by act of Congress or Executive proclamation, or withdrawn from disposal by lawful authority, are not public lands in the legal and proper sense of those words as employed to define lands subject to disposal to the public and open to occupation by the public.

Indian reservations, and all other reservations established by competent authority, are protected from entry or settlement by positive provision of law, and both the State and Federal courts, in an unbroken line of decision, have always maintained the inviolability of such reservations.

The pre-emption and homestead laws authorizing entries to be made on lands belonging to the United States to which the Indian title is extinguished expressly provide, among other restrictions, that "lands included in any reservation by any treaty, law, or proclamation by the President, for any purpose," shall not be subject to such right. Hence the extinguishment of the Indian title to certain of the lands in the Indian Territory does not operate to open any of such lands to pre-emption or homestead settlement under those laws.

The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder.

Such trusts are for the benefit of Indian tribes and Indian freedmen. The "freedmen of the United States" are not comprehended within the policy or intention of the treaty provisions, and said lands have accordingly not "been purchased for the use and occupation "of the colored people of any of the States.

Were it otherwise, and if in fact any land in the Indian Territory was intended for the settlement and occupation of colored people of the United States, it would require an appropriate act of Congress to carry such intention into effect. No legal settlement can be made on any lands of the United States except in accordance with some law, and no law exists under which colored people, any more than other citizens, can occupy lands in the Indian Territory, or be permitted to intrude themselves within that Territory.

For many years efforts have been made by designing persons to effect an ingress into the Indian Territory for the purpose of despoiling the Indians of the patrimony secured to them by the most solemn obligations of the United States.

These unlawful and dangerous efforts have heretofore been thwarted by the prompt action of the Executive, under his constitutional duty to enforce the laws.

The present attempt to make use of the colored people of the country in the same direction, by deluding them with fictitious assurances that new and congenial homes can be provided for them within this Territory, deserves especial reprobation, since its only effect must be to involve innocent people in a criminal conspiracy, and to subject them to disappointment, hardship, and suffering.

Very respectfully, your obedient servant,

C. W. HOLCOMB,
Acting Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

This letter is so conclusive that I have given it in full. The scheme to legislate as now substantially proposed is not new. Session after session for a whole decade Congress has been urged to create in and throw around that country a territorial form of government. To do so in a wise and proper method and by means and measures that would not subject our Government to the imputation of inhumanity, injustice, and mismanagement, is a consummation devoutly to be desired. The method now urged seems to have met with poor success in all the past. In November, 1877, Mr. Franklin, a member of the Forty-fifth Congress, introduced "A bill to provide for the organization of the Territory of Oklahoma." I hold in my hand the able and exhaustive report upon that bill, presented by Mr. Neal, to which is subscribed the familiar names of the present Assistant Secretary of the Interior, Mr. Muldrow, and the gentleman from Maine, Mr. REED. I have read it with interest. It is a valuable contribution to the history of proposed legislation affecting the civilized tribes of Indians. I will quote their conclusions only:

1. That the bill under consideration conflicts with existing treaty stipulations.

2. That while the right to decide in the last resort that a treaty is no longer binding is undoubtedly lodged in Congress, the exercise of that right is a judicial act affecting the honor and dignity of the nation, requiring for its justification reasons which commend themselves to the principles of equity and good conscience, particularly where the parties to the compact with the United States are weak and powerless and depend solely on the good faith of the Government.

3. That no such reasons exist for violating the treaty stipulations which reserve the Indian Territory exclusively for Indians, and which secure to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles the right of self-government under the restrictions of the United Stutes Constitution.

4. That even if there were no opposing treaty stipulations—no objections resting on good faith—it would be unwise and impolitic to throw the Indian country open to white settlers without the consent of the Indian owners.

5. That while official recommendations, some of them entitled to the highest respect, are strongly in favor of making Indians citizens of the United States, and transferring their land titles from the national tenure in common to the individual tenure in severality, experience has shown that in the great majority of cases such measures, instead of benefiting, have proved injurious to the Indian.

6. That experience fully demonstrates that the holding their lands in common by the Indian tribes is an effectual safeguard against the worst effects of Indian improvidence. Apart from any considerations of justice or humanity it would be unwise and unstatesmanlike to adopt measures which, by destroying that safeguard, would be calculated to reduce the great mass of them, in opposition to their own earnest protests, to a state of hopeless penury and degradation.

It is strange and unaccountable to me that the present Chief Executive neglected, when the present Administration came into power, to negotiate with the Creeks, Seminoles, and Cherokees, pursuant to the law of March 3, 1885, which provides—

That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, his action hereunder to be reported to Congress.

Especially when we read in his first annual message the valuable suggestions there made in relation to the Indian policy recommended by him.

The President says:

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the Army, to be charged with the duty of a careful inspection, from time to time, of all the Indians upon our reservations, or subject to the care and control of the Government, with a view of discovering their exact condition and needs, and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; that they may ascertain from such inspection what, if any, reservations may be reduced in the area, and in such cases what part, not needed for Indian occupation, may be purchased by the Government from the Indians and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view of their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties; and which, if any, Indians should be invested with the rights of citizenship.

The powers and functions of the commissioners in regard to the subjects should be clearly defined, though they should, in conjunction with the Secretary of the Interior, be given all the authority to deal definitely with the questions presented, deemed safe and consistent.

They should be also charged with the duty of ascertaining the Indians who might properly be furnished with implements of agriculture and of what kind; in what cases the support of the Government should be withdrawn; where the present plan of distributing Indian supplies should be changed; where schools may be established and where discontinued; the conduct, methods, and fitness of agents in charge of reservations; the extent to which such reservations are occupied or intruded upon by unauthorized persons, and generally all matters relating to the welfare and improvement of the Indian.

They should advise with the Secretary of the Interior concerning these matters of detail in management, and should be given power to deal with them fully, if he is not invested with such power.

This plan contemplates the selection of persons for commissioners who are interested in the Indian question, and who have practical ideas on the subject of their treatment.

The expense of the Indian Bureau during the last fiscal year was more than $6,500,000. I believe much of this expenditure might be saved under the plan proposed; that its economical effects would be increased with its continuance; that the safety of our frontier settlers would be subserved under its operation, and that the nation would be saved through its results from the imputation of inhumanity, injustice, and mismanagement."

In accordance with these suggestions a bill was introduced by the honorable gentleman from Indiana [Mr. HOLMAN] early in the Forty-ninth Congress, but being, like some others of the recommendations of the Chief Executive, considered of no immediate importance, Mr. HOLMAN's bill was on the Calendar when the present Congress came into existence, and the same bill is before this House to share, I presume, a like fate, although its enactment is strongly urged by the President in the unwritten portion of his last annual message. [Applause.]

The gentleman from Georgia [Mr. BARNES] in his able speech ha given a clear and convincing argument upon the law and the settled policy hitherto maintained by the Government in its management of the Indian problem.

Mr. Chairman, I am aware that in numbers a majority of the Committee on the Territories favor the pending bill; nevertheless I can safely assert that the minority is in deadly earnest and of respectable proportions. I am bound to admit in all sincerity that a considerable public sentiment exists in some portions of the West and Southwest in favor of this scheme. Some of it—a good deal of that public sentiment is, I doubt not, wise. Much of it, in my opinion, otherwise. The measure is earnestly urged by the gentleman from Missouri [Mr. MANSUR], and will be advocated with equal zeal by his colleague [Mr. WARNER]. They represent, in so doing, I admit, a considerable sentiment which has been communicated to this Congress in a pamphlet account of a convention held at Kansas City, in their State, in February last.

It is insisted as an argument in favor of the scheme that the bill expressly excepts from the operation thereof the lands of the five civilized tribes, and that the consent of the Indians now occupying some portions of the land affected must be obtained before they shall be in any manner affected thereunder, but the record of the Kansas City convention to my mind reveals much more of the real purpose of those most interested in promoting this measure. We are assured, also, that it is not the intention to disturb the rights or interests of the five civilized tribes. Let me read briefly from some of the speeches made at the convention:

Mr. John Furlong, of Purcell, Ind. T., said:

I have traveled 500 miles to this convention. I have come from out the heart of the Indian Territory. I have come from the town of Purcell, on the borders of Oklahoma—on the borders of the promised land. I come here to represent a great multitude of people who are living in the Indian Territory in the capacity of renters, farmers, railroaders, herders, tradesmen, and who are there legally or with as much permission as can be obtained, and their unanimous desire was when I came before this convention to tell you here with one voice and demand that the Springer bill be adopted or passed by the national Congress.

* * * * * * * *

There is one element in the Indian Territory not so kind to us, and I will mention some few. The first is the man married to the Indian. These men say to the Indians, "Now, if you will allow white men to come in amongst you they will rob and cheat you, and it is better you should keep them out." Now their purpose in talking this way I know not, unless they want all the spoils themselves. * * * My people also said that they were in favor of the Springer bill, notwithstanding that the bill requests or demands the consent of the Indians. This is the thing that they do not like in the bill, but they say, "We will give the Indians every chance to come to terms under favorable circumstances. We will hold out to them the palm of peace." If they do not act fair and right and are not willing to do right, they told me to tell this convention that Oklahoma should be theirs under any circumstances.

Mr. C. W. Daniels, of Baxter Springs, arose in the audience and said:

I arise to know whether this convention was called in the interest of the Oklahoma country exclusively. As I read the invitation, it was called in the interest of opening the whole Territory, from one end to the other, not for the support of Missouri, Arkansas, and Kansas, but for the interest of the whole Western people of the whole United States.

Later in the convention the same speaker said:

We want to obliterate the Indians; that is the only solution of this question. Some of the philanthropists down East—there are only a few of those people—are working against this move. They think we are going to infringe on the rights of the Indians; that is not the intention, I believe, of this convention. We want to obliterate the Indian race entirely, and we want to fill that country up with white men, and just as sure as you mix the white men in with them the Indian is gone. As this man [Mr. McNaughten] told you to-day, there is not a full-blood Indian in the Peoria tribe. Why? Because they have been mixed for a number of years with white men. Let a white man marry an Indian squaw (if she has got 160 acres of land)—and there are just lots of them in our country—and they make pretty good citizens. They say there are no good Indians, except dead Indians, but those people, after you mix them a little, make pretty good citizens.

* * * * * * *

The first thing we want down there is prohibition [laughter] (let me talk to you Kansas folks), and then we will go into women's rights. * * * This thing is going all over the United States—it is going like a wave, and the Congressman that will oppose this thing has got to stand from under. We people of the West will say to them, "This is our will." We want this measure, and I defy any Congressman to be elected in this district of Kansas or Missouri that will get up and fight this measure. [Applause.]

* * * * * * *

Of course, from what I said this morning about Oklahoma, I don't want any of you Oklahoma men to feel as though we were going to interfere with your arrangements at all. We not only want to join with you, but we want you to join with us. We want that whole Indian Territory opened.

Mr. J. P. McNaughten, of the Peoria tribe, was introduced. He said:

I am here representing a few people who live in the heart of the Indian Territory; not particularly in the heart of the Territory, but adjoining Kansas and immediately south of Baxter Springs. I represent these people in this way: There are very few, if any, but are opposed in any way whatever to the country remaining in the shape it is. Some of them have come down to Kansas City, and probably there are a great many people in this convention who are well acquainted with them. They are located there. They have 51,000 acres of land south of Baxter Springs, and now they ask for severalty; they are in favor of the Springer bill. All they ask is for the lands to be opened up.

This gentleman from the Oklahoma country, Mr. Furlong, referred to the "squaw men" of that country, and I might be classed among that number. I married a squaw. Mr. Furlong said the "squaw men" of that country were strictly opposed to opening the country. Gentlemen, it is just the reverse where I live. I will say and I can prove it up that the "squaw men" have made the country where I am located to-day, and they are the men who want the country opened up. * * * I, as a "squaw man," ask for my rights and nothing more. I want the protection of the United States. I was born a citizen of the United States, although I live in the Territory; but I have always endeavored to get to the States in time to vote. [Laughter.] I never failed to get there, gentlemen, and I always bring everybody along with me that I can. [Laughter.] I have never had the pleasure of voting more than once at one election—but I did the best I could to get others to come. We want more men in there, men of ability and means; we are not in favor of these little boomers of a day.

Captain Couch was the next speaker. He said:

* * * * * * *

Believing that there is a misunderstanding as to the object of this convention by some who are here, and believing that there is a mistaken idea as to the motives of some persons who are here, perhaps it would be proper for me to make a few remarks.

It appears that there are some here who are of the opinion that it is the intention of the Oklahoma boomers, or of some persons who are located in the southern part of the State of Kansas, to come here and manipulate matters in his convention to their personal interests alone; and I desire now, if it is within my power, to convince the people here that such is not the case. I am not here as the representative of the Oklahoma boomers alone. I was not sent here by the organization known as the Oklahoma colony, but I was sent here as a delegate at large—one of a delegation of five that was elected at a convention held at Arkansas City on the 3d, from a convention representing forty or fifty of the leading towns of southern Kansas, who united in sending delegates here to participate in this matter. Therefore, I say I do not represent alone the views of the Oklahoma boomers, but the people of the entire southern part of the State, and the people of the entire Southwestern States.

Now, I see that our friend a while ago has a mistaken idea as to what is contained in the Oklahoma bill now before Congress—at least I believe he has. The speakers before him had spoken of Oklahoma, of the opening of the Oklahoma country. He seems to think their view is that only that portion known as Oklahoma is to be opened. I want to say this with reference to the position taken by the Oklahoma colony. That colony was organized in 1880. It was organized for the purpose of making settlements on what is known as Oklahoma—a portion of the unoccupied lands situated in the center of the Indian Territory, originally belonging to the Creek and Seminole Indians, but has always been unoccupied by the Indians and has never been set apart for Indian occupancy since the treaties of 1866 between the United States and the Creek and Seminole Indians.

Our organization, or the originators of it, were of the opinion that this land, being the property of the United States, having been bought and paid for by the United States, surveyed in sections and quarter sections, and that the public-land laws applied to all land belonging to the United States, they believed they had the right to settle there under the land laws without any additional legislation. And on that theory we proceeded and attempted at various times to effect a settlement. We did make settlements at many times; but the past and present administrations have held an opinion different from what we did with reference to this question. While there is no difference in opinion as to the ownership of the land, all agreeing that it belongs to the Government, the past as well as the present administration felt that they were not justified in permitting settlement there until there is some additional legislation declaring it a part of the public domain and providing a way for the land entries. Our organization has been defeated in perfecting a settlement there, and for the past two years or more it has been the object of that organization to secure the proper legislation for the opening of that country; and from that time to this I want to say that there has not been an effort on the part of that colony, as a colony, to effect a settlement there—that is, forcible invasion, as you might say—but we directed our efforts in the way of securing legislation.

The bill now pending before Congress is largely due to the efforts of this organization. We have had representatives for the two past sessions of Congress—both sessions of the Forty-ninth Congress—at Washington, who have done everything in their power to secure legislation substantially as the gentleman that spoke awhile ago (Mr. Daniels) was in favor of. The bill that we have prepared, and which was introduced there, for the organization of the territory known as the territory of Oklahoma, included the entire Indian Territory within its boundaries, and the Public Land Strip. We met with a great deal of opposition, sufficient to defeat the passage of the bill during the Forty-ninth

Congress. Experience taught our friends there that it would be wise perhaps to change the boundaries of the Territory, and the bill that was presented by our friends at this session of Congress for the organization of the territory only included about 25,000,000 acres of land. [The speaker referred to a map in his hand.] What has generally been known as Oklahoma is a tract of land situated in the center of the Indian Territory, containing a little less than 2,000,000 acre s as is shown by the red portion in the center of this map.

The bill now pending before Congress for the organization of the territory of Oklahoma comprises all that portion of the Indian Territory lying west of that occupied by the five civilized tribes, beginning at the northeast corner of the Osage reservation, running south to the Chickasaw reservation, thence west to the western boundary point, including all except that occupied by the Creeks, Choctaws, Chickasaws, Seminoles, and Cherokees. That is what the gentleman spoke of here, and all these gentlemen have spoken as being in favor of it. Now, I am in favor, as that gentleman says, of opening the entire Territory. I have favored that all the time. That is what the Oklahoma boomers have been in favor of; but we favor now the Springer bill for the reason that we will meet with less opposition. The five civilized tribes can not well object to the passage of that bill, they not being included within its boundaries. There are a great many of these men who oppose this bill, believing that the right and title to the land occupied by these tribes must not be interfered with, that they should not be included. For that reason the boundaries have been changed so that it includes the land that I have stated.

Now, I think I can say for the people of Southern Kansas and the Oklahoma boomers that we are in favor of the passage of that bill because we think it is the strongest bill that can possibly be presented. If we can secure any legislation we can secure that, and if that is successful it is only a question of time, in my opinion, until the entire Indian Territory will be opened. I hope before this convention adjourns that such action will be taken as will impress upon the minds of the members from this Western and Southwestern country that we are terribly in earnest in reference to this matter; that we want speedy legislation, that which is broad and comprehensive, and we do not want to rob the Indians of any rights. We do not want to be put off with any side-show business like the annexation of the Public Land Strip to the State of Kansas some time in the future. I hope there will be an expression here to-day to the effect that we demand legislation anyhow that covers as much as that outlined in the Springer bill.

Earlier in the convention Chief J. W. Earlie, of the Ottawa tribe of Indians, was introduced, and in his speech he said among other things:

I have always had the desire, and believe you white people who are here are aiming at some view to some undertaking of opening up the Territory and to wipe out and abolish the Indian tribes. I have always been in favor that some action should be taken so the Territory should be governed as you white people are governed and supported by the Government of the United States, by vote, as well as in paying the taxes to the Government. I have always thought it would be the best policy that you white men as a people should extend laws, that the tribal relations should be abolished, as well as the Indian Department. [Applause.] We have suffered more or less, as we Indian tribes are governed by agents, as well as by the Indian Interior Department. * * * You can depend on my voice that I mean for the whole Territory to be opened up, and that the whites should mix up with the Indians and the Indians should mix up with the white men, and I will rejoice over your efforts.

The Ottawa tribe numbers a few hundred only, and occupy a small reservation located in the northeasterly portion of the Territory most remote from the area of the Territory proposed to be embraced under this bill.

Having given these extracts from the pamphlet report of that convention, illustrating as they do the disregard for existing legal rights under the existing treaties, in the minds of those people who were thus represented, it is but fair that I should proceed further and read from the same pamphlet in proof of the fact that they were "sinning against light." We all know that when the opinion of members of Congress is sought as to what the next Congress will do upon any given proposition, you are sure to get the desired information. When Mr. Ross, president, Caldwell, Kans., in April, 1887, addressed to my friend from Missouri, Mr. BURNES, a letter, he would have saved himself some labor, expended in multiplying opinions, if he had first awaited the answer of my honored friend. Here we have it in full:

ST. JOSEPH, MO., *April* 15, 1887.

GENTLEMEN: I have the honor to acknowledge the receipt of your favor of the 12th instant, asking me if "I favor the opening for settlement by American citizens of that part of the Indian Territory now unoccupied by Indian nations and tribes;" also, if, in my opinion, "Congress, at its next session, will take action looking to the opening of these unoccupied lands."

In reply, I beg to say that I am heartily in favor of placing every acre of the public lands in possession of bona fide settlers under the homestead law, and all such land in the Indian Territory or elsewhere should be surveyed at once and opened up to settlement.

With regard to your second question, I would say everything depends upon the *personnel* of the Committee on Territories. That committee in the last Congress was very unfortunately constituted. A similar committee will probably produce similar results.

Very respectfully, your obedient servant,

JAMES N. BURNES.

Messrs. J. W. Ross, President, and J. P. LOVE, Secretary,
Caldwell, Kans.

[Applause.]

Inasmuch as the *personnel* of the committee (meaning, of course, the majority by whom the Oklahoma bill in the last Congress was favorably reported) was such as to merit the criticism then made, and in view of the fact that the present committee was similarly constituted, thus insuring a like favorable report in this Congress, thereby giving preference to a measure to build a Territorial form of government in territory where there are lawfully no white men over that to recognize a State where 400,000 citizens are lawfully living and who for ten years or more have been pleading for their constitutional rights at the hands of Congress, I must admit that the gentleman's criticism holds good to-day. But we have another letter, which the whole House will recognize, gestures and all, and my good friend, the author thereof, merits the thanks of his country for it.

PITTSBURGH, *April* 19, 1887.

DEAR SIR: I know of no reason why Indian Territory not occupied by Indians should not be opened for settlement.

As to what Congress will do at the coming session I know not. Nobody does.

Respectfully,

THOMAS M. BAYNE.

J. W. Ross, Esq.

[Applause.]

Mr. MAISH, of Pennsylvania, wrote:

To your first interrogatory I answer "Yes," if it can be done without infringing upon the rights of the Indian tribes, and without a violation of treaty stipulations.

To your second interrogatory I answer, in my opinion measures will be introduced, but I confess my inability to forecast the action that will be taken.

Respectfully yours,

LEVI MAISH.

The honorable gentleman from Indiana knew what he was saying when he replied as follows:

I think Congress will authorize the President, during the next session, to create a commission, to treat with the Indian tribes in the Indian Territory who are interested in the unoccupied lands in that Territory for the surrender of the same to the United States for the settlement of American citizens. The President earnestly urged Congress during the last term, both in the first as well as second session, to grant him that authority, but he wished the authority of the commission to extend to all the Indian reservations, as well as the Indian Territory. The last Congress was not inclined to grant the President this power. The conflict between this plan of the President (recommended by Secretary Lamar) and the proposition to organize a Territorial government (conditionally) over the Indian Territory, I think, was the cause of the defeat of both measures.

I do not believe that Congress will authorize the settlement of the unoccupied lands in the Indian Territory, until, through negotiations with the tribes interested, the Indian title is relinquished, and I am satisfied that the commission, as suggested by the President and Secretary of the Interior, is the only practicable mode of reaching those lands and opening them for settlement.

Yours, respectfully,

WILLIAM S. HOLMAN.

The honorable gentleman from Illinois admitted that he is not a prophet, and imparted light when he wrote:

I have no fixed idea of the matter. Not being well advised upon the question of opening the Indian lands for settlement, I am liable to change my views upon a full consideration of the question. I am in favor opening up every foot of unoccupied land to actual settlers, if it can be done consistently with our treaties and contracts and in harmony with the rights of all concerned.

I haven't the remotest idea of what the Fiftieth Congress will do in the matter. A Daniel can not foretell that.

Yours, etc.,

GEORGE A. ANDERSON.

[Applause.]

The gentleman from Missouri [Mr. O'NEILL] wrote:

I am in favor of opening up to actual settlers the unoccupied land in the Indian Territory, and favor Congressional action as soon as possible.

Yours truly,

JOHN J. O'NEILL.

And the gentleman from Kansas [Mr. RYAN] gave an unkind cut at our President when he wrote:

Your circular letter received. To the first question, I answer emphatically, yes. My course in Congress for the last three years is one of persistent effort to accomplish that result, and if the President had not refused to execute the law of the 3d of March, 1885, of which I have the honor of being the author, I have no doubt Oklahoma and the Cherokee Outlet would now be lawfully occupied by American citizens as homes for themselves. The bill I introduced to open "No Man's Land" to settlement under the homestead laws, extend the laws of the United States over it, and attach it to Kansas for judicial and land-entry purposes, passed the House on motion of Judge PETERS and the Senate on motion of Senator PLUMB without opposition, and yet the President refused to sign it, thereby closing that door also against the homeless, and leaving persons and property there wholly without the protection of law. To the second question, I answer that, in my judgment, Congress at its next session will take some steps toward opening the unoccupied lands of the Indian Territory to settlement, if not embarrassed by the Administration. The "if," however, is a big one.

Very respectfully,

THOMAS RYAN.

[Applause.]

A distinguished Senator likewise intimated that the President had neglected a duty under the law.

He wrote:

I have the honor to acknowledge receipt of your favor of the 30th ultimo, and in response to the inquiries therein made will say that I have always favored the opening of such Indian lands to settlement as were not needed for actual use by the Indians themselves, provided, always, that the consent of the Indians was first obtained in the proper manner. This is the spirit of the Indian severalty bill which became a law at the recent session of Congress, and for which I voted. It has always been the policy of the Government to open up new areas to the hardy and adventurous pioneer as fast as practicable, a policy with which I have heretofore been in accord and which I still favor. As to what Congress may do in the case you mention, I could not express any opinion, although I have no reason to doubt that it would substantially be in accord with what I have hereinbefore expressed.

Of course, however, to obtain the consent of the Indians some negotiations must be had with them, and I call your attention to the fact that Congress some two years ago authorized the President to negotiate with the Indians for the cession of their right to the very lands to which you refer. I have no doubt that if the President had negotiated with the Indians promptly a law would already have been passed by Congress to open the lands to settlement, and my belief is now that whenever he shall report that he has obtained an agreement from the Indians whereby the title can be acquired by the Government and the lands opened to settlement, Congress will act very promptly.

I write without any special knowledge of the condition of affairs existing in the locality you mention, basing what I have said solely upon that rule which has heretofore been observed by Congress, and in which I have been myself participating and consenting.

Respectfully yours,

JOHN SHERMAN.

Similar views were given by Senator PLUMB, of Kansas; Mr. HENDERSON, of Illinois; Senator INGALLS; by Mr. MORRILL, of Kansas; Senator REAGAN, of Texas; Mr. MCSHANE, of Minnesota; by Mr. FINLEY, of Kentucky, and by others.

From the earnestness with which the desire to possess the Indian

Territory is expressed one would almost conclude that the last acre of the public domain had become settled, and that nowhere else between the two oceans within our jurisdiction is to be found a place for the homesteader, but if any reliance is to be placed on figures the following statement, showing the area of lands surveyed, area disposed of, and area remaining in the several States and Territories to June 30, 1887, as given by the present popular Commissioner of the Land Office, will demonstrate that Uncle Sam is yet solvent in real estate if not land poor:

States and Territories.	Surveyed up to June 30, 1887.	Disposed of to June 30, 1887.	Surveyed and undisposed of to June 30, 1887.	Disposed of excess of surveys (apparent).
	Acres.	*Acres.*	*Acres.*	*Acres.*
Alabama	32,462,115	31,733,743	728,372	
Arkansas	33,410,063	31,517,708	1,892,355	
California	71,988,476	40,545,311	31,443,165	
Colorado	58,184,750	19,734,366	38,450,384	
Florida	30,704,518	31,043,781		339,263
Kansas	51,770,240	40,407,619	11,362,621	
Louisiana	27,067,762	27,450,054		382,298
Michigan	36,128,640	36,170,307		41,867
Minnesota	42,316,088	33,932,140	8,383,948	
Mississippi	30,179,840	28,725,473	1,454,367	
Missouri	41,836,931	42,657,442		820,511
Nebraska	46,989,039	31,331,496	72,657,543	
Nevada	32,793,702	10,193,395	22,600,307	
Oregon	39,867,995	19,652,488	20,215,507	
Wisconsin	34,511,360	32,124,309	2,387,051	
Arizona	13,804,538	6,008,908	7,795,630	
Dakota	47,865,153	50,168,779		2,303,626
Idaho	10,350,554	5,731,997	4,618,557	
Montana	18,540,335	11,700,550	6,839,785	
New Mexico	46,580,485	14,238,542	32,341,943	
Utah	13,078,172	5,522,909	7,555,263	
Washington	21,231,622	14,872,031	6,409,591	
Wyoming	47,023,498	10,671,009	36,422,489	
Total	828,805,876	579,134,357	253,558,878	3,887,359

In relation to this statement the commissioner says:

The area of lands surveyed as given in the foregoing statement is substantially correct, as it is made up from the returns of the surveys reported to this office.

The area given as disposed of includes all entries and selections reported, and is only an approximation, probably satisfactory for the purpose for which it is to be used, but is not sent out as being reliable or accurate for the reason that the areas of a large number of entries which have been relinquished and canceled and the lands re-entered are included in some cases more than once.

This office has never been able to furnish an accurate and reliable statement of the disposals of the public lands for the want of sufficient force to bring the statistics up to date, but continues from year to year to furnish approximations of entries made instead of actual areas disposed of.

The apparent excess of the area disposed of over the area surveyed in Florida, Missouri, Michigan, and Dakota is due to the causes stated, the aggregate of error resulting from which is unknown, and in Louisiana a large area of swamp lands was passed to the State without actual survey in the field, and the areas of such canceled entries and unsurveyed swamp lands are embraced in the aggregate of disposals in these States.

In the other States as well the areas of relinquished and canceled entries are not known and therefore not deducted.

The States of Illinois, Indiana, Iowa, and Ohio are ommitted from the above statement, for the reason that practically all the lands in these States have been disposed of.

Our legislation affects directly or indirectly an Indian population, as determined to June 30, 1880, of about 260,000, dwelling upon 137 different reservations, embracing numerous tribes, distributed among the States and Territories as follows:

States and Territories.	Reservations October, 1882.		Population June 30, 1880.
	No.	Area.	
		Acres.	
Arizona	19	6,514,871	21,361
California	5	427,058	10,669
Colorado	1	1,094,400	2,530
Dakota	13	27,480,785	27,472
Idaho	4	2,748,981	4,470
Indian Territory	25	41,102,280	76,585
Iowa	1	1,258	355
Kansas	4	135,419	969
Michigan	3	66,332	10,141
Minnesota	10	4,755,716	7,680
Montana	5	27,797,800	21,650
Nebraska	6	424,159	4,002
Nevada	4	885,015	6,800
New Mexico	5	7,154,525	23,452
New York	8	87,677	5,139
North Carolina	1	65,211	2,200
Oregon	6	2,075,560	5,355
Utah	2	3,927,480	840
Washington	16	6,330,148	13,900
Wisconsin	7	586,026	7,375
Wyoming	1	2,342,400	2,063
Bands of Indians in Indiana, Florida, and Texas			1,000
Grand total	137	135,998,101	253,938

The proposed legislation affects directly, it is claimed, the entire area of Indian reservations in Indian Territory, which are as follows:

Name.	Area.	Name.	Area.
	Acres.		*Acres.*
Cheyenne and Arapaho	4,297,771	Pawnee	283,629
Cherokee	5,031,351	Peoria	50,301
Chickasaw	4,650,935	Ponca	101,894
Choctaw	6,688,000	Pottawatomie	575,877
Creek	3,040,495	Quapaw	56,685
Iowa	228,418	Sac and Fox	479,667
Kansas	100,137	Seminole	375,000
Kiowa and Comanche	2,968,893	Seneca	51,958
Modoc	4,040	Shawnee	13,048
Nez Percé	90,711	Wichita	743,610
Osage	1,470,059	Wyandott	21,406
Otoe	129,113	Kickapoo	206,466
Ottawa	14,860		

Our unsurveyed domain embraces, including Alaska's 369,529,600 acres, a grand aggregate of 841,780,652 acres, divided among the States and Territories as follows:

States and Territories.	Acres.	States and Territories.	Acres.
Louisiana	1,603,328	Montana	73,476,305
Florida	7,227,002	Indian Territory	13,477,610
California	29,004,164	Public Land Strip, unorganized territory	3,672,640
Minnesota	11,143,752	Alaska	369,529,600
Oregon	21,107,365		
Nevada	38,943,898	Grand total	841,780,652
Nebraska	88,320	Deducting Alaska	369,529,600
Colorado	8,695,250		
Wyoming	15,551,622	We have in acres	472,251,052
New Mexico	30,988,155	Deducting Indian Territory	13,477,610
Utah	40,986,468		
Washington	23,514,538	We still have unsurveyed in the public domain	458,773,442
Dakota	48,731,327		
Arizona	59,101,702		
Idaho	44,877,606		

Adding the surveyed, undisposed of 253,558,878, leaves the total of 712,332,320 acres available outside the territory of Alaska and the Indian Territory, so that only an Oklahoma boomer may be apprehensive of exhausting the resources of the Government in public lands. We may congratulate ourselves also that in the near future we shall add to this grand aggregate many millions of acres through forfeitures of railroad and other public land grants. Hence it must be evident that there is room for the homesteader outside the Indian Territory, and the "Oklahoma boomers" may at least wait until action may be taken under the power conferred by the act of 1885 and until the President has had time and opportunity to execute that part of the laws, or until additional power may be conferred as proposed by the pending bill of the gentleman from Indiana [Mr. HOLMAN].

Mr. Chairman, in all dealings with the American Indians and in all our treatment of them, especially during the past half century, it has been the settled policy of our Government to preserve the autonomy of the several tribes in their governmental affairs and to encourage them in building and maintaining for themselves a better social and domestic existence. They are the wards of the nation. The obligation of a guardian to a ward is the highest and most sacred known to the law. An individual proving recreant to his trust as a guardian is held to the strictest accountability before the law, and receives the condemnation of his fellows.

Can a great and powerful nation be justified before the civilized nations of the world for a wrong differing therefrom only in that in the former case a single individual is affected but has a remedy at law, while in the latter the honor of the nation is concerned and the rights and interests of sixty-five thousand civilized Indians are impaired while they have no remedy at law? Can we say in such a case that "might makes right?" No, Mr. Chairman. We hear it stated that all this talk about the Indian is mere sentiment, but let us remember that "sentiment underlies everything that is great or lovely or enduring on this earth. It is the joy of festivals, the animating soul of patriotism, the bond of families, the beauty of religious, political, and social institutions. It has consecrated Thermopylae, the Parthenon, the Capitol, the laurel crown, the conquerors' triumphal procession, the epics of Homer, the eloquence of Demosthenes, the muse of Virgil, the Mediæval Cathedral, the town-halls of Flanders, the colleges of Oxford and Cambridge, the struggles of the Puritans, the farewell address of Washington.

"There is no poetry without it, nor heroism nor social banqueting."

Sentiment inspired our forefathers. The heroic sacrifices and struggles of that noble army in their march and conflict from Cambridge to Yorktown. The unparalleled heroism of the Army and Navy in the great rebellion. The voluntary service of more than two millions of men, and the sacrifice of more than three hundred thousand lives upon the altar of union and universal liberty, bear testimony to the beauty, strength, and wisdom of sentiment. Every monument from the lofty shaft that commemorates the life and services of Washington, and the stately erections that testify the grandeur of the immortal Lincoln, the valor of

our military and naval leaders on land and water, and the sacrifices and bravery of their followers, down to the humblest tablet marking the resting place of the humblest of the Union's unknown defenders, is the prompting of a noble sentiment.

Why do we to-day extend to the vanquished the right hand of fellowship and admit to an equality upon this floor men who twenty-five years ago were prompted to peril their lives and fortunes for what they conceived to be their patriotic duty, even to the overthrow of the Government of their fathers? It is because the sweet and noble sentiment of charity covers like a mantel the errors of the past, and let us hope inspires us all to a grander and more exalted struggle for the defense of humanity and the perpetuity of our Republic. "Leonidas lives in the heart of the world because he sacrificed himself to patriotism. The martyrs are objects of unfading veneration because they died for Christianity." [Applause.]

Mr. Chairman, this Government can not afford to adopt or pursue a policy affecting the rights or interests of any Indian tribes, especially the five civilized tribes, that will not bear the criticism of the Christian world.

As to these tribes we must remember that they embrace a population of about 65,000 persons, who, it may be asserted without question, are by reason of their advanced civilization—their advancement in agriculture and in the trades—no longer involved in the Indian problem. It is truly said that the very foundation of the proposed measure, so far as it applies to the five civilized tribes, is a misunderstanding of the relations of those tribes to the development and progress of the United States; that it is pervaded and poisoned by the erroneous assumption that these five tribes are, like the wild tribes of the plains, obstacles to the march of American civilization, a menace to the peace and safety of American citizens, and burdens upon the Treasury of the United States, and therefore, like those wild tribes, are involved in the great Indian problem which now, with such urgency, confronts the Government and people of the United States.

Let our Government pursue a policy rather that will speed the day when the Indian races will be eager to become a part and parcel of our civilization in the highest and best sense, when they shall learn to love and adopt the arts and pursuits of peace, and become a portion of our liberty-loving and law-abiding people, as they surely will in the near future if we treat with them in advance of any legislation tending to affect their status as a race. [Applause.] Mr. Chairman, the importance of this proposition is so great from every standpoint that, having said what I have, I am constrained to ask the House to consider in this connection the statement submitted to Congress by the Cherokee delegation as to the rights of the five tribes of the Indian Territory. I do this because it is a comprehensive paper, and as an act of fairness to a defenseless race.

To the Congress of the United States:

The country to which the Cherokees have a right is not held by them under what is commonly called an "Indian title." That sort of title to the lands in Indian Territory which belong to the Creeks, Choctaws, Chickasaws, Seminoles, and Cherokees was extinguished before these tribes or any of them were removed from east of the Mississippi River. The frailty of such a title was acknowledged by the United States, and forever impressed upon these tribes of Indians when it was found to be too weak to prevent the forcible appropriation of their homes east of the Mississippi. Another and better title—one that would make Indians as secure in the possession of their lands as white men in theirs—a title, in short, by patent in fee-simple—was promised to them by the Federal Government, was gladly accepted by the tribes named, and was duly executed in their behalf respectively.

Hence, we are justified in asserting that the patents of these tribes, or companies of Indians, include their right of occupation and use, as the greater includes the less; and that actual personal occupancy of land covered by our patents is not more essential in this than in other cases to the fact of ownership.

The lands west of the Arkansas River known as the "Cherokee Strip" are embraced within the area described in the Cherokee patent.

It is these lands that the bill to create the "Territory of Oklahoma" proposes to take from the Cherokees and open to white settlement.

The right and title of the Cherokee Nation to these lands is the same as to the lands east of the Arkansas River included in their patent—the title to the lands west being unaffected except by an agreement between the United States and the nation that the United States may settle friendly Indians west of 96° under certain stated conditions. (Treaty of 1866, sixteenth article.)

All these lands remaining unsettled, and while they remain so unsettled, are as much Cherokee domain as they were before the treaty was made.

The bill of Mr. SPRINGER, therefore, appears to the Cherokees to be a contemplated breach of good faith, to say the least; and they view it with very natural alarm, as all their dependence for safety is upon the respect the United States Government has for its own pledges.

Not only so, but the Cherokee Nation itself is expected by this bill to join in an act of bad faith towards the still weaker and more dependent tribes who have been settled in that country—Poncas, Pawnees, Ottoes and Missourias, and Osages. The understanding of the parties in interest when they were settled there was that the homes chosen for these tribes, or remnants of tribes, should be and remain in an Indian country, where they would be safe from the pressure of white settlers on every side. The United States, therefore, can not honorably propose, nor the Cherokees honorably consent, without the free and voluntary assent of these tribes, to change the conditions under which they agreed to be located in an Indian country, there to live surrounded by their own race.

The privilege granted to the United States by our nation to settle friendly Indians on certain Cherokee lands left the Cherokee title to all of that domain not so settled precisely where it was before. But in order to avoid any misunderstanding on this point the right of "possession and of jurisdiction" is expressly declared to remain in our nation as to the tracts not sold to and occupied by friendly Indians. (Revision of Indian Treaties, page 93.)

But it may be said that the consent of our nation is provided to be had before the bill can take effect.

We reply that this pretense, in our opinion, adds mockery to injustice.

What sort of "consent" is that which is only a choice between two evils? Which offers to one's option a misfortune only less dire than other misfortunes that he will otherwise have to endure? Which requires choice of two alternatives, both abhorrent to the taker, between which he must accept one that is bad in preference to the other which is worse?

Such is the nature of the "consent" provided by this bill to be got from the Indians. It severs connection between them and a large part of their lands, and condemns the lands to the condition of a valueless wilderness before their eyes, unless the Indians will consent to take a dollar and a quarter an acre with all delays and deductions attached, and see one-half of their family estate pass forever away to strangers.

Worse still. The "consent" provided for is their consent to let the Government have half of their country at the Government's own price, to be paid under conditions fixed by the Government alone, or, should their consent to that arrangement be withheld, to know that the protection of the United States will be withdrawn while the struggle goes on between the Indians and the white boomers, intruders, and depredators; the one to retain the profitless title, and the others to compel its relinquishment.

It would be idle to pretend, should this bill pass, that the General Government will not give all of its moral support to every plan to obtain the acceptance of its provisions by the Cherokees and the other Indians concerned. Would Congress approve the measure by passing it if it did not mean to declare that the Indians ought to consent to it? Can it be expected that the same attacks upon our rights by "boomers," etc., which the Government has heretofore righteously attempted to restrain and defeat, but to which this bill announces that the Government at last succumbs, will not be resumed with renewed vigor, and will thenceforth have the moral support if not the direct approbation of the Government?

ENEMIES CREATED BY LEGISLATION.

By similar thoughtless legislation in 1866, the Cherokee Nation was compelled to battle for life in your Halls against two powerful railway corporations, to whom Congress had granted the best part of the Indian Territory, provided the Cherokee title were first extinguished.

The contest was spread over several years, the railway companies doing their utmost to destroy our harmless nationalities by means of "Territorial bills," in order to realize the benefits of the grant made by Congress contingent on our decease as a nation, and the Cherokees spending a world of anxiety and hundreds of thousands of dollars to put off the evil day.

It was a hard and cruel position that the Cherokees and other tribes of the Territory were placed in, and, although the companies have not been so hostile of late years, those statutes which started the war are yet on your books, bristling with menace to our peace and welfare.

The nation would be placed, by the same kind of legislation, in the same position of antagonism with other powers, should this bill pass.

THE GEORGIA STRUGGLE RENEWED.

In still another view the unfortunate Indians of the Territory will be placed in much the same position that they occupied when their lands were included within the assigned limits of the State of Georgia and other States. This bill connects a large portion of the Indian Territory with what is called "No Man's Land," and the whole embraced in the "Territory of Oklahoma." Thus the Government will be tacitly pledged to extinguish our tribal titles, so far as to carry out the purposes of the act. The old struggle will be substantially renewed, with the doleful prospect of gradual contraction, until the tribes are crushed out of existence—like that of the solitary victim in the slowly closing chamber—further removal west being now out of the question.

The "Five Tribes" of the Indian Territory have greatly prospered in their present homes under the protecting policy of the United States since 1830. Congress is now solicited to announce itself as weary of well-doing, and ready to cripple or crush the prosperity which the observance of good faith has enabled us to realize and exhibit.

JUDGE BREWER'S DECISION.

The decision of Judge Brewer, of the United States court, has been referred to as determining the right of the Cherokee Nation to what is called the "Cherokee Strip," land covered by our patent, and the right to the possession of which, until sold and occupied by friendly Indians, is expressly vested in the Cherokee Nation by the sixteenth article of the treaty of 1866.

The United States district court of Kansas has been given jurisdiction over whatever portion of that country is not occupied by the Cherokees.

The lands sold in trust to the United States and occupied by the Poncas, Pawnees, Ottawas, and Missourias and Osages, being no longer occupied by the Cherokees, falls within the jurisdiction of that court. The act of Congress left to the determination of the courts whether the remainder of the strip was or was not occupied by the Cherokees, in one sense or another, in either or neither, whether as a nation or as individuals, under patent or treaty, or both, personally or through agents; all of these questions—branches of the trunk question of occupancy—being left by the act to the opinion of the court, but merely for the purpose and with the object of defining its jurisdiction as to place.

The Cherokees therefore do not regard Judge Brewer's decision as deciding anything more than that indefinite terms were used by Congress to describe the extent of the court's jurisdiction as to the place—which terms the court was authorized to define for itself with that specific object only, and not with the view of settling the rights of any parties to the country without giving them notice or hearing—which would be monstrous.

The Cherokees take this occasion to express their settled belief and understanding that the grant of a patent to their nation by the United States was designed to and does, so long as the patent is operative and the lands are unconveyed, give the nation a right not subject to be limited in its exercise to the actual personal occupancy of the lands by Cherokee citizens, and not condemned to expire for lack of such personal occupancy.

We do not by ourselves alone occupy one-half of the country patented to us east of 96°. Neither does the owner of any estate of any consequence occupy much of it except through the agency of employés and substitutes.

THE ACT OF CONGRESS OF 1883.

It is also alleged that the Cherokee Nation has bargained away their rights in all of the country west of 96°, and has in part received the consideration agreed upon.

In reply to this, we state the following indisputable facts:

The Cherokee delegation of 1882-'83 were only authorized to negotiate as to the said lands for a better and juster price than had been paid for tracts then occupied by friendly Indians. They were, by the same instructions, expressly forbidden to treat for the transfer to the United States or to friendly Indians of any more lands of the Cherokee domain than those so occupied, except strictly as provided by treaty.

The delegation of 1882-'83 reported to the national council that, in conformity with their instructions, they had obtained from Congress, upon the recommendation of the Department, the sum of $300,000, in addition to what had already been paid for the tracts then occupied by friendly Indians.

This report and information was accepted and acted upon by the Cherokee Legislature bona fide, and every proceeding since, of the said Legislature and of the courts of the United States before which the question has come, is in perfect harmony with the facts as now stated.

THE "INDIAN POLICY" OF THE "FIVE TRIBES."

Each of the five "civilized" tribes of the Indian Territory has a patent in fee

for their lands. If these patents are worth anything whatever they are worth a great deal as evidences of title, if not as assurances of use and possession; but it takes something more than a piece of writing, however formal, explicit, and pertinent to the writer's intentions at the time, to compel due respect and observance of its purport. It is this something that the five tribes lack and which they want.

For timber has been stolen from their patented lands by white men to the value of hundreds of thousands of dollars. Other valuable products of the domain have been separated from it and carried off surreptitiously. Numberless outside cattle have been grazed on the pasture lands of the tribes without leave of the owners. Trespasses and intrusions without limit have vexed and injured them, and all these violations of our titles are still taking place, and the tribes have no more redress than they would have without a fee-simple title, and with only a treaty guaranty of occupancy still respected by the United States.

Such is the state of things for which the tribes wish a remedy. The remedy which they are presumed, by the frame-work of the American Government, to be entitled to as owners of the soil by patent in fee, is an essential concomitant of such a title and is put at the service of every other lawful owner of land in the United States, except an Indian tribe, for the securing of his rights in the property patented.

This remedy is the right to apply to and enter the judicial halls of the Government.

The authority to entertain and examine complaints when coming from these tribes—as organizations—has not been vested in the courts—they have no jurisdiction where the tribe as a government is concerned and the tribal property is to be protected, and our patent as an evidence of title is no more than waste paper in the hands of the nation itself.

Hence, all sorts of depredations and wrongs are done to the Indians which their possession of a patent was undoubtedly intended to prevent, and would prevent, if the design had been completed and the courts empowered to protect Indian nations holding such titles as well as citizens of the United States and foreigners of the white and black races who have similar titles.

In short, any one of the five tribes is made up of a number of Indians duly organized into a company called the Seminole Nation, the Creek Nation, etc., as the case may be, which company has been recognized as a legal personality by the United States by the grant of a patent in fee to such company or nation; and the Indian company, in the Indian view, is as much entitled to the protection of their landed rights by the Government through its judicial tribunals as any company of foreign capitalists are who have acquired land from the United States with like guaranties.

NATURAL AND GOOD RESULTS OF WELL-DEFINED AND PROTECTED RIGHTS.

With the jurisdiction of the United States courts thus extended the intercourse and relations between Indian and white residents of the Territory will be extended also, and made more agreeable and profitable. But in any event the nations want the United States court or courts, to whose jurisdiction their citizens must be subject, located within the Territory, as their respective treaties provide.

In pursuance of the "Indian policy" of the Indians of the Indian Territory, they, therefore, apply to Congress for the imposition of penalties sufficient to restrain the commission of thefts, depredations, and trespasses upon their common property by white men not members of the tribe.

There is no sound reason why one white man should go to prison a year for stealing an Indian pony, worth $25, and another white man go wholly free of legal blame who steals a thousand dollars' worth of property of the tribe. The guaranties of protection are as strong and stronger in the latter case than in the former.

The result of the constant temptation, presented by the law's omission to persons over whom our nations have no jurisdiction to depredate upon the national property, is this: The intercourse between the two races is more or less accompanied by distrust and want of cordiality on both sides. Our relations with each other are legally ill-defined, and therefore, to some extent, strained and disagreeable. The United States Government is responsible for this condition of things—the result of not enabling our nation to defend its own rights of property with the essential weapon presumably placed in the "nation's" own hand for the very purposes of such defense—our patent in fee.

If this great obstacle to free business and social communication between the Cherokees and whites were removed, and our local government were authorized to represent and defend in the judicial department of your Government the common rights of our people, the cry for the opening of our country to settlement, or even white settlement, would have no foundation in appearance, as it has none in law and decency.

The Cherokees hold their lands in common because it is a cardinal principle of their social system that it is equally the duty of government to discourage and prevent the greedy elements of human nature from absorbing gifts of nature intended for all, as it is to foster and encourage all industries that tend to enlarge and multiply those gifts without denying to any person his natural share.

The Cherokee Nation, as a body-politic, consequently holds the lands of the nation, with the power to regulate the use of those lands so as to prevent any monopoly of its benefits. Industry in that direction, the Cherokees think, will defeat the ends of government and finally defeat itself.

But with unrestrained and confident intercourse between the Cherokees and such of the outside world as realize the reciprocal benefits of such intercourse—the rights of all parties concerned being equally well defined and guarded—the same state of things will be found in the Cherokee Nation that is found elsewhere in the civilized world, where one person or number of persons own the land and others assist in cultivating it in one character or another, for a just and lawful consideration, and to their mutual benefit.

Already thousands of persons not members of the nations are profitably employed in developing our resources. Nothing is wanting to develop them fully, while the titles and the status of the Indian tribes remain what they are now, but the protection which the United States has pledged in treaty and patent to be given to the several nations.

THE NECESSITIES OF CIVILIZATION.

The delegation have in this appeal tried to be just to the necessities and just claims of the United States as well as to those of the Indians. So much has been said about the "necessities of civilization," as a plea for taking what is left of the red man's land, that we do not wish to seem to avoid the subject, and run the risk of being charged with want of sympathy with it, simply because the Indians will be the sufferers.

We admit, then, that we do recognize the necessities of civilization, especially of American civilization, the highest civilization the world has ever seen. But the Cherokees contemplate these necessities, even from their lower plane, as not essentially material or pecuniary. Taking patented land or any other property by force may be the act of a high-spirited robber, which he may attempt to excuse on the plea of necessity and an aversion to beg what he is bound to have, but the United States Government never has been and never will be reduced to such extremity, and it is not the Indians who have ever presumed such a thing possible. The American people never will be driven to the plea of "necessity" as an excuse for recalling any act of generosity, or for repudiating any pledge in favor of Indians or any other people. As a fact, the United States is universally regarded as the richest, most prosperous, most self-reliant, most enterprising in good works, and the most promising of all nations on the globe.

This is so because the American Government and people have been pre-eminently just and conscientious in their dealings with mankind at home and abroad.

The "necessities" of civilization—of American civilization—in the view of the Cherokees, are the necessities that bind the people and their government to a constant observance of the principles which have made them what they are. These principles are those of honor, justice, and good faith, especially to the weak; which involve respect for the examples and guaranties of those who have gone before, and a patriotic love for those who are to come after, for whom the present generation is preparing a harvest of examples and obligations in its turn.

According to Indian notions, these are the true "necessities of civilization," because civilization can not otherwise survive and grow.

In view of the facts and truths we have attempted to state, and in pursuance of the "instructions" of our nation, the Cherokee delegation ask Congress to uphold and not destroy or weaken by the passage of this or any other "territorial bill" the rights your fathers have vested our tribe with in all earnestness and good faith.

L. B. BELL (*Chairman*),
GEORGE SANDERS,
STAND W. GREY,
W. P. BOUDINOT,
Cherokee Delegation.

Mr. WARNER. Mr. Chairman, the gentleman from New York [Mr. BAKER] attempts to break the force of over five hundred thousand petitioners asking for the passage of this bill by the assertion that they did not know what they were doing. Let me say to my friend that this multitude of petitioners embrace the farmers, the mechanics, the laboring men of the nation—the men who create her wealth, the bone and sinew of our country. It is a mistake to underestimate their intelligence. They have exercised the constitutional right of petition.

Their petitions may be disregarded, but let it be on some other ground than the ignorance of the signers. They knew what they were doing when they sent their petitions to Congress; and let me assure the gentleman they will know in the morning what we, their servants, have done to-day. Our acts will be discussed in the work-shop and in the field throughout the nation. Hundreds of thousands of the citizens of Kansas, Iowa, Nebraska, Illinois, and Missouri ask speedy and favorable action upon this bill.

Time will not permit me to follow the gentleman further. I propose to give the committee the result of my investigation of the rights of the Indians in the lands embraced in the proposed Territory of Oklahoma and the rights of our fellow-citizens.

Mr. Chairman, it is claimed that we are an "intensely practical" people, but our dealings with the wards of the nation, the Indians, have been characterized more by sentiment than reason, more by impulse than common sense. For one, I shall not claim that the bill under consideration is perfection, or that it is all that the people demand. Notwithstanding the fact that it falls short of what many of the friends of Oklahoma want, yet it has a well-defined purpose—the opening of a vast territory to actual settlers, and provides for the accomplishment of this by justifiable methods. The methods employed are not as expeditious and direct as many of us could wish, yet it will be accepted as an earnest on the part of Congress to open Oklahoma to the hand of industry, to the wheels of commerce, to the tide of trade.

In 1834 "all that part of the United States west of the Mississippi and not within the States of Missouri and Louisiana or the Territory of Arkansas," was declared by the law to be Indian country. (4 Stat., 729.) Therefore the question of restoring to the public domain unoccupied lands in which Indians claim title is no new one in our history. The Indian Defense Association and its allies sound the alarm in this, as in all other legislation which fails to recognize every pretended claim of the Indians. The burden of the cry is that the Indian is being robbed of his patrimony. The contest now presented is one of sentimentality against common sense,

SAVAGERY AGAINST CIVILIZATION,

indolence against industry; idle wandering Indians against tens of thousands of industrious, landless citizens. The issue presented by this bill is whether by fair legislation millions of acres of the best part of the continent, now unoccupied, shall be opened to settlement, to the end that under the tender care of the homesteader they may be made to yield an abundant harvest; or whether they shall remain as now, a waste, the home of wandering

INDIAN BANDS, HALF-BREEDS, AND OUTLAWS.

I speak of the unoccupied lands. The bill under consideration is intended to plant law and industry where lawlessness and idleness now hold undisputed sway; and this, without doing violence to the equitable or legal rights of the Indians.

The criticism of this bill, by the citizen uninfluenced by passion or sentiment, will be that it does not go far enough in the direction of an early opening of these fertile lands. If any have grounds of complaint to its provisions, they are the thousands of husbandmen who stand ready to enter upon and till these lands. They are not speculators, they are not boomers, they are not trespassers; they are law-abiding American citizens, seeking homes for themselves and those whom God has given them. They have waited long and patiently; now they demand legislation that shall remove the barriers between them and these lands, that shall open these lands to actual settlers—men who earn their living by the sweat of their brows—this bill, should it become a law, will be hailed as an evidence that Congress is willing to do something

more substantial for the toiling, homeless people than to simply pass high-sounding resolutions. Do not "break the word of promise to their hopes" while you keep it to their ears. The purpose of this measure is to open to the actual, bona fide settlers, not land sharks, about 23,278,719 acres of the public domain. (This estimate does not include Greer County.)

Comparison will give members an idea of the extent of the proposed Territory. It exceeds in area the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware combined; and it is safe to say contains double the number of acres of all those States adapted to agriculture. It is larger than East or West Virginia; larger than either Indiana, Maine, or South Carolina.

The Territory of Oklahoma embraces, among other tracts, the Public Land Strip, commonly known as No Man's Land. There are in this strip 3,672,640 acres awaiting the toilers of the soil, almost every acre susceptible of cultivation. This Public Land Strip is well named; it is absolutely

NO MAN'S LAND.

Even the Indians, strange as it may seem, have failed to set up any claim to it. This land is not within the limits of any Territory, organized or unorganized. The jurisdiction of no court extends over it. Its inhabitants can acquire no title to the soil, either by residence or purchase. It has thus far been neglected by Congress. Yet this fertile strip contains more acres than the State of Connecticut; its area is two-and-a-half times greater than Delaware, and four times as large as Rhode Island.

BOTANY BAY.

The unoccupied portion of the Indian Territory included in this bill is the ideal refuge of dishonest debtors and outlaws. It is the Botany Bay of the United States. There may be those who will challenge the correctness of this statement; yet, sir, I have spoken the words of truth and soberness. I have understated rather than overstated the facts as to the condition of the district named. I take it for granted there is no one more competent to speak of the true condition of the Indians there than General Nelson A. Miles. His position gave him better opportunities to learn the actual state of society than almost any other man in the Union; certainly better than a junketing committee passing through the country. None will question his intelligence or fairness and impartiality. Above all, he can not be accused of sympathy with the boomer or his methods. General Miles, in his annual report for 1885, says it—

is now a block in the pathway of civilization. It is preserved to perpetuate a mongrel race far removed from the influence of a civilized people, a refuge for the outlaws and indolent of whites, blacks, and Mexicans. The vices introduced by these classes are rapidly destroying the Indians by disease. Without courts of justice or public institutions, without roads, bridges, or highways, it is simply a dark blot in the center of the map of the United States.

BLOCK IN THE PATHWAY OF CIVILIZATION.

Pass this bill, Mr. Speaker, and the "block in the pathway of civilization" will soon be removed by the hand of commerce; and the "dark blot" that now disfigures the map of the United States will be erased by an enlightened, happy, and prosperous people. Seventeen bands of Indians, numbering in all 10,374, occupy, "Indian fashion," 11,685,035 acres, or nearly one-half of the Indian country that is included in the proposed Territory of Oklahoma.

To each man, woman, and child of this mongrel squad of Indians, squaw men, mulattoes, negroes, and half-breeds, now supported by the Government in squalor and idleness, is set apart over 1,000 acres of the choice land of the Union. A large percentage—I think it safe to say a majority—of the occupants of these lands do absolutely nothing. They have not the

ENERGY OF THE CHASE OR THE GENIUS OF THE FISHERMAN.

They are an incumbrance to the soil, a standing impediment to the advancement in the arts and sciences of the five civilized tribes, and a menace to the peaceable citizen on No Man's Land. For their own good and possible reclamation a government over them for the administration of law and the enforcement of order is demanded as an act of humanity to the Indians. The opposition to a Territorial government that shall establish justice, enforce law, and insure order comes not from any of the Indians residing in that part of the Indian country included within the territorial limits of Oklahoma, but it comes from those who claim to represent the five civilized tribes, the Choctaws, the Chickasaws, the Creeks, the Seminoles, and the Cherokees.

Their agents and attorneys, in arguments before the committee, did not object simply to this bill, but they strenuously protested against the passage of any law that should recognize the right of the white man to settle on any of the lands in the Indian Territory included in Oklahoma. These lands they demand shall be occupied by Indians or not at all. In other words,

NO WHITE TRASH NEED APPLY.

There are those whose sentimentality leads them to champion such a position. They are those who view the noble red man as Job's warhorse sniffed the battle—from afar off. They are those who are brought in contact with the Indians at long range.

The civilized tribes—

Says the Creek representative—

would prefer the terrors of the blizzard rather than to attempt to withstand the human cyclone from Kansas, Missouri, and Texas—

Should this bill become a law.

Mr. Hawkins, an educated Choctaw, having the attorney of his tribe at his elbow, in a carefully prepared argument before the Committee on Territories, used this language:

This bill opens the sluice-ways to admit to this Territory the outpourings and offscourings of American jails and prisons, the hords of fugitives from justice, escaped murderers and thieves, banished roughs and desperate outlaws, and subjects to their merciless and disorderly rule a people comparatively law abiding, prosperous, and happy.

This language, when it is not proposed by this bill to interfere with an inch of soil owned and occupied by them.

Again he says:

If the Territorial government of Oklahoma shall be organized, as provided in this bill, the ruin of our tribes and people will be speedy and complete. First will appear the scum of white vagabondage, which is always borne on the surface and at the front of the wave of Western immigation of the American people.

THE AVANTCOUREURS OF CIVILIZATION.

I am not informed in what school this "civilized" Indian learned the character of the Western pioneers, the men who, by their sufferings, their tireless energy, their indomitable courage, have been the *avantcoureurs* of civilization from the Atlantic to the Pacific. I fear that many of the spokesmen of the Indians spend more of their time in the enervating atmosphere of Washington than in the invigorating atmosphere of the great West. Their opinions, I fear, have been formed from their association with the impecunious horde that infest the national capital, whose occupation as Indian lobbiest would be gone should this bill become a law. They claim that the tribal relations which are sacred to them will be doomed should a Territory be organized on the west of the five civilized tribes. Should this bill pass, they say:

The tribal rights of the Indians, to the maintenance of which the national faith of the American Republic has been so often pledged, will rapidly melt away. Even their tribal existence, which has been guarantied to them by so many solemn treaties, will be extinguished.

Should this prophecy be fulfilled the occupation of many Washington City Indians will be gone; the language used must express their fears rather than the judgment of the Indians who reside in the Territory. The substitute which the gentleman from Georgia gave notice that he would offer for the pending bill proposes to take most of the lands included in Oklahoma and pay the Indians no more than is proposed in the bill. Are they sincere in their predictions of evil, and that continually, to the tribal rights of the Indians, should Oklahoma be organized on the west? Certain it is that these tribes for many years have been hemmed in on three sides by States. On the north by Kansas, on the east by Missouri and Arkansas, on the south by Texas. It is their boast that, thus environed—

No other nation on earth spends so much per capita for educational purposes as the five civilized tribes, and that they have virtually solved the problem of Indian civilization—

That to-day—

they are more orderly and law-abiding and peaceable than the average American communities.

Without stopping to question the accuracy of this statement, may we not congratulate them upon their progress, and suggest that they owe this blessing, not to the wild territory on their west, occupied if at all by a mongrel race, but to the great States by which they are bounded and their Christianizing influences? Would not their condition be further improved by the establishment of a Territorial government on their immediate west, where law, order, and intelligence would reign, rather than as now—chaos, turbulence, and ignorance? When they moved from east of the Mississippi to their present homes they sought companionship with organized communities. They settled on the eastern rather than the western border of their reservations, that they might be the nearer the white man. Taking their statement as true, certainly their present condition bespeaks the wisdom of that choice.

Mr. Chairman, I now propose to examine separately, as far as my time will permit, the claim of the civilized tribes to the lands in Oklahoma. (The map which I make a part of my remarks shows clearly the proposed territory of Oklahoma and the lands of the five civilized tribes.) To do this, tedious and uninteresting as it may be, it becomes necessary to examine the leading provisions of the various treaties entered into between the United States and these tribes from 1820 down to the present time.

THE CHOCTAWS AND CHICKASAWS' CLAIMS.

The Choctaws and Chickasaws' claims are one and the same, and we will so consider them. The home of the Choctaws prior to 1820 was in Mississippi. In that year those of them who lived "by hunting and would not work" negotiated for "a country beyond the Mississippi" where they might be collected and settled together. To accomplish this certain lands west of the river were ceded to the Choctaws. (7 Stat., 210.) By treaty of 1825 the boundaries of the ceded lands were corrected. Soon a new difficulty arose. The State of Mississippi extended its laws over the Choctaws remaining in that State. The President of the United States declared his inability to protect them "from the operation of these laws." This gave rise to the treaty of September 27, 1830, between the United States and the Choctaws.

By its terms there was to be conveyed by the Government to the Choctaw Nation—

A tract of country west of the Mississippi River in fee-simple to them and their heirs and their descendants, to inure to them while they shall exist as a nation and live on it. (7 Stat., p. 333.)

Then follows a description of their lands in the Indian country:

Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to beginning. (7 Stat., sec. 2, p. 333.)

By section 5 it is stipulated:

The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have the right to pass laws for the government of the Choctaw Nation of Red People, and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State.

The Choctaws were to be forever secure from and against all laws—

Except such as may, and which have been, enacted by Congress, to the extent that Congress, under the Constitution, are required to exercise a legislation over Indian affairs. (7 Stat., 333.)

Soon after the execution of the treaty of 1830 the Chickasaws were forced across the Mississippi, and they, by the treaty of 1837, became part owners of the Choctaw domain. (11 Stat., 573.)

This brings us to the treaty of June 22, 1855, the ninth article of which is as follows:

The Choctaw Indians do hereby absolutely and forever quit-claim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein, * * * which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interest of the Choctaws and Chickasaws, as from time to time may be prescribed by the President for their government: *Provided, however*, That the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

The tracts leased to the United States by the treaty of 1855 are included in the Territory of Oklahoma.

The Choctaws and Chickasaws deny the right of Congress to establish a Territory which shall include these lands. They say they were conveyed to them in fee-simple. This is true, but it was a qualified fee. They could sell to no one but the United States. Their interest in these lands was to terminate upon the happenings of either of the contingencies, their failure to exist as a nation, or their ceasing to live upon the lands. Having no further use for these lands, in 1855 they granted to the Government a perpetual lease of all their lands between the ninty-eighth and one hundredth degrees west longitude. They then ceased to live upon them. They have never lived upon any part of the leased lands for over thirty years. After the execution of this lease these tribes claimed an equity in these lands, notwithstanding the fact that they had ceased to live upon them and had been paid $800,000 for them. In the lease they had reserved the right to settle upon the lands as theretofore. To extinguish this equity the third article of the treaty of July 10, 1866, provides:

The Choctaws and Chickasaws, in consideration of the sum of $300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district.

That these tribes, as to these lands, have been generously treated none will question. It does seem that in dealings with the General Government nothing pays so well as to be an Indian. Be that as it may, certain it is that neither the Choctaws nor Chickasaws have any interest, legal or equitable, in the lands included in Oklahoma, which are those lying west of the ninety-eighth degree, formerly ceded to these tribes. Their cession of these lands to the United States was without any conditions.

This, Mr. Chairman, brings us to a consideration of the objections of the Creeks and Seminoles to the creation of this new Territory, which is to include the west half of their original domain. In 1826 the Creeks ceded to the United States certain of their lands in the State of Georgia, where they had lived, for the sum of $217,600. That year a portion of the Creek Nation expressed a wish to remove west of the Mississippi. A deputation of five warriors were sent, at the expense of the United States, to "spy out" the land west of the Father of Waters. They being satisfied, a part of the tribe moved to their new home, the Indian country. In 1832 the Creeks ceded to the United States all their lands east of the Mississippi. Those who had remained agreed to join their brethren west of the Arkansas. By article 14 of the treaty of March 24, 1832, it is provided that—

The Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians, nor shall any State or Territory ever have the right to pass laws for the government of such Indians, but they shall be allowed to govern themselves.

Within what limitations?

So far—

Says the treaty—

as may be compatible with the general jurisdiction which Congress may think proper to exercise over them. (7 Stat., 368.)

In 1832 the Seminoles, then residing in the Territory of Florida, relinquished their lands in that Territory, crossed the Mississippi, and became "a constituent part of the Creek Nation."

The Creeks having settled on a part of the lands ceded to the Cherokees "difficulties and dissensions thus arose" between them and the Cherokees as to their boundary lines. To remove these difficulties and to define by metes and bounds the lands ceded to the Creeks, the treaty of February 14, 1833, was entered into. Their territory was defined by apt description. The third article of that treaty stipulates that—

The United States will grant a patent in fee-simple to the Creek Nation of Indians for the land assigned said nation by this treaty, * * * and the right thus granted by the United States shall continue to said tribe of Indians so long as they shall exist as a nation and continue to occupy the country hereby assigned to them. (7 Stat., 419.)

This title depended upon their existence as a nation and a continuous occupancy of the lands assigned to them. The fee was thus limited and qualified. In 1852 a patent was issued to the Creek Nation for the lands ceded them by the treaty of 1833, which lands were occupied by the Creeks and Seminoles. I have stated that the Seminoles—that is, those of them who left Florida—became by an agreement between them, the Creeks and the United States, a "constituent part of the Creek Nation." After a time injurious dissensions and controversies sprang up between these tribes. Therefore it was deemed wise in 1856—

For the simplification and better understanding of the relations between the United States and said Creek and Seminole tribes of Indians that all their subsisting treaty stipulations should, as far as practicable, be embodied in one comprehensive instrument. (Treaty of 1856.)

The principal readjustment consisted in the Creeks setting aside to the Seminoles by metes and bounds a part of the Territory that had been ceded by the Creek Nation, retaining the remainder for themselves. These lands were to be respectively secured to and held by said Indians by the same title and tenure by which they were guarantied and secured to the Creek Nation by the third article of the treaty of February 14, 1833, and by letters patent issued to said Creek Nation on the 11th day of August, 1852. Neither of these tribes after this, it is clear, had any other or different title to its respective lands than the Creek Nation had therein before the division, which was, as I have shown, a qualified fee. For the privilege of settling the injurious dissensions and controversies between these simple red men the Government paid $1,375,000; one million going to the Creeks and three hundred and seventy-five thousand to the Seminoles. They danced; Uncle Sam paid the fiddler.

In 1861 the Creeks entered into a treaty—

With the so-called Confederate States, whereby they ignored their allegiance to the United States,

And by that act rendered themselves liable to forfeit to the people of the United States, says the treaty—

All the benefits and advantages enjoyed by them in lands * * * including their lands and other property held by grant from the United States.

Whereas in view of said liabilities—

Says the preamble to the treaty of July 19, 1866—

the United States require of the Creeks a portion of their lands whereon to settle other Indians.

TO FORFEIT ALL THEIR LANDS.

The Government had the right to forfeit all their lands, but instead of exercising this right it granted them amnesty and purchased from them the west half of their lands, for which it paid $975,168, at the same time setting apart the east half of their vast domain forever as a home for the Creek Nation. They had no further use for the lands sold. They did not occupy them. The part left them was more than they needed for a home. Article IV of the treaty of 1866 reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States * * * the west half of their entire domain, * * * the eastern half of said Creek lands being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation.

The lands here ceded to the United States were estimated to contain 3,250,560 acres, the Indians to be paid therefor the sum of $975,168, that is, 30 cents an acre. The Creeks could be divested of their title in their lands in three ways: the extinction of the nation, ceasing to occupy them, or by sale to the United States. Have they any further interest in the west half of their lands, embraced in Oklahoma? They sold them to the United States at a price agreed upon, they received the purchase money, and have never occupied an acre of those lands since 1866.

But—

Say the attorneys for the Creeks—

The United States expressed a desire to locate "Indians and freedmen" upon these lands. We are willing to sell and did sell at 30 cents an acre for that purpose, but we are unwilling that they shall be thrown open to settlement under the homestead laws, although we are paid as provided in this bill, $1.25 an acre.

Their position is that these lands must be occupied by "Indians or freedmen," or not at all. This bill utterly ignores this claim, but, in keeping with the spirit of liberality that has heretofore characterized our treatment of these wards of the nation, has provided that they be paid for any possible equities the Creeks or Seminoles may have in these lands. With this the

INDIAN ATTORNEYS

are not satisfied. They demand that Congress shall do nothing look-

ing to the establishment of a Territorial government over these lands, and that the President shall be compelled to use the Army to maintain this wall of prejudice and sentimentality against immigration, against commerce, against civilization. The legal title to these lands is in the United States, in trust for the people, who have rights that Congress should not ignore, rights that the Indian should be made to respect.

THE RIGHT WHICH THE CHEROKEES CLAIM.

Mr. Chairman, we now come to the discussion of the right which the Cherokees claim to maintain a Chinese wall around 6,000,000 acres south of and adjoining the State of Kansas, and known as the Cherokee Outlet.

This strip for years has been leased by cattle syndicates, and it is claimed that a few Indian chiefs and headmen have appropriated the lion's share of the lease money to their individual use. As might be expected, they are resisting the passage of this bill, claiming that the Congress of the United States is prohibited by treaty stipulations and solemn guaranties from the formation of any Territory that shall embrace within its limits any part of this outlet. Let us examine the grounds of their claim. To do this it becomes necessary to hurriedly at least view the treaties between the United States and the Cherokees. In 1808 the tribe divided into two bands; one desired to engage in the pursuit of agriculture in the country they then occupied—Georgia; the other desired to continue the hunter life. The scarcity of game where they then lived made them anxious to move across the Mississippi River, where game abounded.

The treaties of 1817 and 1819 (7 Stat., 156 and 195) provided for exchanging with the latter band lands west for a part of the Cherokee lands in the State of Georgia. This band removed to their new home, the Indian Territory. The Georgians were anxious that the other band of Cherokees remaining in their State should join their less civilized brethren west of the Mississippi. This led to the treaties of 1828, 1833, and 1835 (7 Stat., 310, 414, and 478) by which 7,000,000 of acres were ceded to the Cherokees as a permanent home. This tract was designated with particularity by metes and bounds. The treaties provided that:

In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Indians a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend. (7 Stat., 415.)

PERPETUAL OUTLET.

The purpose of this "perpetual outlet" was to enable them to reach the Great West that abounded in all kinds of game.

At this time, 1835, the Cherokees claimed that the lands that had been ceded to them as a home, that is, the 7,000,000 acres, were not sufficient "for the accommodation of the whole nation on their removal west of the Mississippi." Accordingly, the United States sold them 800,000 acres in addition to the 7,000,000 acres theretofore ceded them. For these additional lands the Cherokees paid $500,000. These Cherokee neutral lands, and not the 7,000,000 acres, were to be conveyed to the Cherokees "and their descendants in fee-simple." (7 Stat., 480.) It is nowhere provided that any of the other lands, that is, the 7,000,000 acres, or the outlet, were to be thus conveyed. It is true that it was stipulated in article 3 of the treaty of 1835—

That the lands above ceded—

That is, the 7,000,000 tract—

by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty—

That is, the neutral lands—

shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830.

To determine what title was conveyed by this patent to the 7,000,000 acres and the outlet, it is necessary to examine the statute, the provisions of which were to control the President in executing the patent to the lands. Upon an examination it will be found that the act of 1830, named in the treaty, is one providing for the exchange of lands with Indians residing in any of the States or Territories. The third section of this act authorizes the President to issue patent to any nation or tribe "for lands given to them in exchange," and concludes with these words:

Provided, always, That such lands shall revert to the United States if the Indians become extinct or abandon the same. (4 Stat., 411.)

The lands given the Cherokees for a perpetual home were given them in exchange for lands in Georgia. Therefore, the only title they acquired in these lands, including the outlet, was one limited by the conditions named in the act of May 28, 1830. Not so with the neutral lands. They were not given in exchange for other lands; they were sold by the United States to the Cherokees for so much money. As to them there was no condition-subsequent. The title to the neutral land was in fee-simple.

HOLDEN VS. JOY.

Keeping this distinction in mind, it will be found that the case of Holden *vs.* Joy (17 Wallace, 211) has no application to the 7,000,000 acres or the outlet. In that case the Supreme Court only passed on the title that the Cherokees acquired in the 800,000 acres which they purchased from the United States in 1835, for $500,000, and sold to Mr. Joy in 1867, at and for the sum of $800,000. On December 31, 1838, in pursuance to the treaty of 1835 and the act of May 28, 1830, the United States issued to the Cherokees a patent for 13,574,135 acres of land, by metes and bounds, exclusive of the 800,000 acres contained in the Cherokee neutral lands. In no treaty had the outlet been defined other than by the general words "a perpetual outlet west." There was no statute or treaty from which the number of acres in the outlet could be ascertained. It seems to have been arbitrarily assumed by the authorities that all of the unassigned lands in the Indian Territory, at the time of the execution of the treaty of 1835, were included in the perpetual outlet west. In every treaty the lands ceded to the Cherokees as a home were limited to 7,000,000 acres. These were fixed and determined by well-defined boundaries. Beyond this, an outlet, a passage to the west, only was granted. Why were 6,574,135 acres of land patented to the Cherokees as an outlet? The explanation of this is, I apprehend, that the President, at the time of the execution of the patent (1838), regarded these lands bordering on the then Great American Desert of so little value, either present or prospective, that, had there been three times as much of the Indian Territory remaining unassigned to other tribes, all would have been dumped in the patent as "perpetual outlet west."

No distinction was made in the granting clause between the lands granted to the Cherokees as a permanent home and those granted to them as an outlet. Yet it is true that a marked and well defined distinction is made between the land ceded as a home and that granted as an outlet, in every treaty between the United States and the Cherokees. If, under a state of facts similar to those in this case, a patent had been issued to a corporation for over 6,000,000 acres of land, it would have been canceled on the ground that there was no law authorizing it. The manifest intent of the United States, as expressed in treaty stipulations, was to provide

A PERMANENT HOME FOR THE CHEROKEES.

This was done by setting aside the 7,000,000 acres of land. In addition to this an easement was granted them over the lands of the United States as far west "as the sovereignty of the Government extended." Let me here call the attention of the House to the language of Judge Brewer in United States *vs.* Soule *et al.*, decided in the United States circuit court for the district of Kansas in June of last year. That distinguished jurist says:

Manifestly, Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guarantied, while patent was issued conveying this outlet, it was described and intended obviously as an outlet and not as a home. (U. S. *vs.* Soule *et al.*, 30 Fed. R., page 918.)

The learned judge expressly overrules United States *vs.* Rogers (23 Federal Reports, 658) decided by Judge Parker and relied upon by the minority of the committee and by the gentleman from Georgia [Mr. BARNES] in his argument. Judge Brewer in 1887 placed the same construction upon the interest of the Cherokees in the outlet as John C. Calhoun in 1821 gave while Secretary of War. In a letter dated at the Department of War, October 8, 1821, addressed to certain chiefs of the Cherokee Nation in regard to the removal of certain parties from the outlet, he says:

It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the West, you acquire thereby no rights to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

J. C. CALHOUN.

TEKE-E-TOKE, JOHN JOLLY, BLACK FOX,
W. WEBBER, THOMAS GRAVES,
Chiefs of Arkansas Cherokees.

NO RIGHT TO THE SOIL.

The Cherokees were to acquire "no right to the soil" in the Outlet; it was to be a passage to the West. Nothing more. Of this, if we are to believe the statements contained in Mr. Calhoun's letter, the Cherokees "were apprised" as early as 1821. Certain it is this letter gives the understanding of the United States and Cherokees as to the Outlet. The gentleman from Georgia [Mr. BARNES] in his able argument contended, as I remember, that the construction given by Mr. Calhoun of the interest that the Indians were to have in the Outlet was undoubtedly the correct one as to any promises or guaranties relating thereto down to the time the letter of October 8, 1821, was written by that distinguished statesman. But it is claimed that when the United States commenced negotiations to induce the Cherokees east of the Mississippi to join their brethren west of the Mississippi, another and different contract was entered into as to the title of that tribe in and to the Outlet. Upon this proposition I take issue with the distinguished gentleman from Georgia. To my mind his position is not sustained by the record.

The first treaty in which the 7,000,000 acres are set aside by metes and bounds to the Cherokees as a permanent home is that of May 6, 1828. (7 Stat., 311.) It was in this treaty that the Government expressed—

its anxious desire to secure to the Cherokee Nation of Indians, as well as those

now living within the Territory of Arkansas, as those of their friends and brothers who reside in the States east of the Mississippi and who may wish to join their brothers of the West, a permanent home.

In this instrument we find Mr. Calhoun's letter referred to as follows:

The Cherokees, resting also upon the pledges given them by the President of the United States and the Secretary of War (Mr. Calhoun), of March, 1818, and October 8, 1821, in regard to the outlet west.

What was the pledge of the Secretary of War as to this Outlet? That intruders upon it were to be removed, but that the Indians were to acquire no right to the soil in the Outlet. It is in this treaty that the lands assigned the Cherokees as a permanent home are for the first time bounded. It is in this treaty we find Mr. Calhoun's letter referred to regarding the outlet west and that outlet first defined, as follows:

In addition to the 7,000,000 of acres thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west.

This general description of the Outlet is followed word for word in all the subsequent treaties with the Cherokees. In the terse language of Mr. Calhoun, it gave the Cherokees no right to the soil.

It was not territory for residence—

Says Judge Brewer—

but for passage ground over which the the Cherokees might pass to all the unoccupied domain west.

The gentleman from Georgia [Mr. BARNES] in an able and ingenious argument contends that by the terms of the treaty of August 6, 1846, (9 Stat. 971), the United States placed a different construction upon the interest of the Cherokees in the soil of the Outlet than that given by Mr. Calhoun in his letter of October 8, 1821. The treaty will be searched in vain for a single sentence or word that sustains the gentleman. That treaty was only for the purpose of settling "certain difficulties" that existed between members of the Cherokee Nation. That portion of the Cherokee people known as the "Old Settlers" or "Western Cherokees" claimed the right to exclude the Cherokees who, prior to 1828, resided east of the Mississippi from any interest in the lands west of the Mississippi. This claim was decided against the "Old Settlers," and it was determined by this treaty of 1846 that the home west of the Mississippi "became the common property of the whole Cherokee Nation by the operation of the treaty of 1828." (9 Stat. 873.)

CONSTRUCTION GIVEN BY MR. CALHOUN.

This again recognizes the correctness of the construction given by Mr. Calhoun to the interest of the Cherokees in the Outlet, namely, that they acquired no interest in the soil thereof. Their right was that of passage.

The treaty of 1846 can not be tortured into the support of the position of the gentleman from Georgia, [Mr. BARNES].

Here let us examine the treaty of 1866 regarding this outlet. That treaty contained this provision:

The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees.

That is, on any part of the Cherokee Outlet which is embraced in the Territory of Oklahoma. The treaty further provided that the lands upon which friendly Indian tribes might be settled should be—

Conveyed in fee simple to each of said tribes to be held in common, or by their members in severalty, as the United States might decide. (14 Stat., 804.)

The United States, and not the Cherokees, were to determine how the lands should be conveyed.

The wonderful physical changes that had been wrought in the country west of the Mississippi since 1835, rendered in 1866, the further use of the Outlet "as a passage-ground over which the Cherokees might pass to all the unoccupied West" unnecessary.

THE UNOCCUPIED WEST

of 1835 was in 1866 the home of hundreds of thousands of American citizens, living under State and Territorial governments. In 1835 the Indian Territory barely touched the suburbs of civilization; in 1866 it was environed by churches and school-houses. The conditions that apparently rendered an "outlet" a necessity in 1835 had ceased to exist in 1866.

This changed condition should not be lost sight of in construing the treaty of 1866 and the acts of the Cherokees thereunder. In 1866 the Cherokees, having no use for the outlet as a passage to the West, sold all their interest in it to the United States.

Under the treaties the Cherokees had "no right in the soil," nor could they settle upon any of the lands in the Outlet (16 Attorney-General, 470). The lands guarantied to them as a home were the 7,000,000 acres east of the ninety-sixth degree west longitude; upon these they could settle. In these they had an interest in the soil. Not an acre of that tract is in the least affected by the bill under consideration. In accordance with the provisions of the treaty of 1866 just cited, the United States, consistent with what was then the policy of the Government regarding the unoccupied lands in the Indian Territory, settled several tribes of Indians on the eastern part of the Outlet. The Osages and Kaws settled upon all that part of the Outlet between the ninety-sixth degree west longitude and the Arkansas River, a tract comprising 1,566,304 acres, for which the Cherokees were paid $1,091,412, or 70 cents an acre. Five bands of Indians—the Nez Perces, the Poncas, the Otoes, the Missourias, and the Pawnees—were settled on the west bank of the Arkansas, their territory aggregating 551,732.14 acres.

The lands assigned these five tribes were assessed by the President at 47.49 cents per acre, except the Pawnee lands, being 230,014.04 acres, which were valued at 70 cents. The price was fixed by the President in accordance with the provisions of the treaty of 1866. The Cherokees have been paid the purchase-money, and the bands of Indians named now occupy all these lands. The right to the passage-way, the easement, the

PERPETUAL OUTLET WEST,

guarantied to the Cherokees has thus been abandoned by them. Its entrance, its mouth, has thus been blocked by and with their consent. It is true that the treaty ceding this outlet to the Government further provides that the Cherokee Nation was—

to retain the right of possession of and jurisdiction over all of said country west of the ninety-sixth degree of longitude until sold and occupied.

Until sale and occupancy they were to "retain" the semblance of possession and jurisdiction as before. Their possession of and jurisdiction over this tract, in the language of Judge Brewer, was never more than that of—

an outlet, not territory for residence, but for passage ground over which they might pass to all the unoccupied domain west.

The unoccupied domain west had become the occupied. Therefore, having no further use for this tract "for passage," they ceded to the United States the easement they had in it, thereby putting more money in their pockets. In pursuance of the spirit of the treaty of 1866 and the desire of the Cherokees, upon the recommendation of General Francis Walker, Commissioner of Indian Affairs, the act of May 29, 1872 (17 Stat., 190) was passed, authorizing the—

President and Secretary of the Interior to make appraisement of the Cherokee lands * * * and of the land of the Osage Indians in the Indian Territory, and south of the southern line of Kansas, ceded to the United States by the Cherokee Indians.

In accordance with this act an appraisement was made in 1877. The price of the lands occupied by the Pawnees was fixed at 70 cents an acre, and the remainder of the lands, 6,344,562.01, were valued at 47.49 cents per acre. This appraisement was regarded as fair and just by the Indians and the United States. The Cherokees two or three years after the appraisement complained that the Government in locating Indians upon the Outlet settled them on the eastern and best portion, leaving unoccupied the western and poorest portion, while they were being paid for but little more than the lands actually occupied by other Indians. They claimed, and I think justly, that the lands, having been appraised, their value thus ascertained, they should be paid the entire value fixed thereon; that is, $3,174,047.30, with interest.

This amount with reasonable interest the United States should have paid. The Secretary of the Interior, Hon. S. J. Kirkwood, in 1882, with reference to this claim of the Cherokees, says:

I think in this matter the Cherokees have some cause of complaint that they have not been fairly dealt by. I think also that their demand for the present payment for all the land is not quite reasonable, and that their demand for interest as set forth in their communication to me is extravagant.

Then he proposes a remedy, as follows:

If the United States should pay them the appraised value (47.49 cents per acre) for as much land in the extreme western and least valuable part of the cession as has been occupied in the eastern and more valuable portion thereof, * * * any just ground of complaint would be removed. (H. Ex. Doc. 89, Forty-seventh Congress, first session.)

As I have heretofore shown, there had been taken in the eastern part of the outlet west of the Arkansas River by the five tribes named, 551,732 acres, which at the assessed value (47.49 cents per acre) would amount to $262,017.50. Three years prior to this recommendation the Cherokees had been paid $300,000. The act of June 26, 1880 (21 Stat., 248), expressly provided that the $300,000 was to be paid the Cherokees out of funds due them under appraisement of their lands west of the Arkansas River. It must have been paid on all the lands; for at that time the appraised lands upon which Indians had been settled amounted to $265,404.27. (S. Ex. Doc. 19, Forty-seventh Congress, second session.) In 1881 they were paid nearly $50,000 for the land occupied by the Poncas. This brings us to the payment of $300,000 made in accordance with the recommendation of Secretary Kirkwood, that is, to pay the Cherokees for as much land in the western portion of the outlet as had been occupied in the eastern, and thus in the opinion of the Secretary remove all just grounds of complaint. The Cherokees received this money, and for a time acquiesced in the opinion of the Secretary of the Interior.

This last $300,000 was to be paid the Cherokees "out of the funds due under appraisements for Cherokee lands west of the Arkansas River." (23 Stat., 624.) It will be observed that this, as well as the appropriation of a like amount in 1880, recognizes the justice of the assessment, of which the Cherokees had not complained, and the further fact that that assessment had created a "fund due." The Department of the Interior "holds that the above-named appropriations were made on

ACCOUNT OF ALL THE LANDS

of the Cherokee Nation lying west of the Arkansas River." (S. Ex. Doc. 19, Forty-eighth Congress, second session.) The Indians demonstrated by their demands that in their opinion the United States had purchased their interest in the outlet.

On January 11, 1882, Daniel H. Ross and R. W. Wolfe, Cherokee

delegates, and W. A. Phillips, special agent, addressed a letter to Hon. S. J. Kirkwood, Secretary of the Interior, in which they claimed that the 6,344,562 acres of the Cherokee Outlet were appraised by the Secretary and the President as the law directed in June, 1879, at 47.49 cents per acre, making an aggregate of $3,013,032. They said:

There is due us interest from July 1, 1879, to present date or date of payment at the rate of 5 per cent. Upon that amount—

They add—

there has been paid $350,000, which sum has passed to our credit—

How? On a part or all of the land? The letter says the amount passed to their—the Cherokees'—credit—

as sums paid on our lands thus appraised at an aggregate for the entire tract. It will thus be seen—

They add—

that there has been a full recognition of the amount thus due us by the President, by the Department, and Congress. We have not so far been able to secure full payment.

AGGREGATE AMOUNT THEN DUE AND PAYABLE.

The Cherokees in the letter just cited, by which they claimed there had been a sale of all their interest in the "Outlet" to the United States, and that the amount at which the lands had been appraised constituted an "aggregate" amount then due and payable—in this same letter they further claim that the treaty of 1866 "had in all essential particulars been set aside." This was not controverted by the honorable Secretary of the Interior. Then they saw an advantage in holding that the treaty of 1866 was no longer regarded as binding by either party.

They now claim that it is in full force, and while they received $648,389.46 "out of funds due them under the appraisement in 1877 of the entire Outlet, yet that this money was paid to and received by them upon the express understanding that none but Indians were to occupy any of the lands so appraised and paid for, and that the Government had the power legally to open to its citizens for settlement any portion of such tract." For one, I do not recognize their claim as either just or legal. I do not believe it represents the judgment of the better class of Indians. I am not disposed to encourage a few chiefs, head men, and lobbyists in their attempt to play

DOG IN THE MANGER

regarding these lands. The public domain belongs to the people and should, as a matter of right, be opened to settlement by the people. They shall not be excluded therefrom by my vote or my influence, by reason of a claim such as that set up by the Cherokees in this case, a claim founded upon sentiment and kept alive by prejudice. I believe that Congress unquestionably possesses the power to open these unoccupied lands to settlement by paying the Cherokees an amount of money equal to the assessed value thereof in 1877, with reasonable interest thereon.

Congress, if necessary, should not hesitate to exercise this power. The bill under consideration excludes the citizen from these lands until the assent of the Cherokees is obtained, and proposes to pay them $1.25 an acre, less the expense of sale and the amount they have heretofore received thereon; thus giving them for the 6,022,224 acres of unoccupied lands in the outlet 77.51 cents per acre more than the same lands were appraised at by the President under the treaty of 1866. Should this bill become a law the money to be paid the Cherokees under it, placed at 4 per cent. interest, would yield these Indians an annual income three times as great as that now received by them from the cattle syndicates as lease money.

Prudence as well as wisdom would seem to dictate to the Cherokees to lose no time in accepting a proposition so liberal in its terms. They need look for nothing better. To this the gentleman from Georgia [Mr. BARNES] does not object. In the substitute which he gives notice he will offer he proposes to take the lands in the same manner and at the same prices proposed in this bill. It is the establishment of the territory to which he objects. The very thing that is necessary to protect the Indians during the negotiation for these lands and the thing that is absolutely necessary to protect them and the settlers after negotiations are completed. This substitute means chaos; the bill under consideration, order.

CATTLE SYNDICATE—A GIGANTIC MONOPOLY.

It is a well-known fact that over 6,000,000 acres of the Cherokee Outlet are now, and for years have been, in the possession and control of a cattle syndicate—a gigantic monopoly. It is claimed that among its members are men of sufficient influence to defeat any legislation looking to the opening of these lands to the tillers of the soil. This syndicate, by reason of its occupancy of this immense tract, is enabled annually to put hundreds of thousands of dollars into the pockets of its members. They pay a nominal rental for the exclusive use and occupancy of these lands, over which immense herds of cattle range, exempted from taxation. The cattle upon this strip can not be reached by execution. The dishonest creditors may there have hundreds of thousands of dollars of other people's money invested in stock, yet while upon the Cherokee Outlet he can laugh at all processes issued from civil courts for its collection.

CITY OF REFUGE.

It is the "city of refuge" for those who have an abundance but would avoid the payment of their honest debts. They occupy these lands under leases made in violation of the statutes of the United States, yet are exempted from criminal prosecution. They have no legal right whatsoever to remain upon the land. The President has ample and full authority to compel them and their herds to be removed therefrom at any time. There is no power vested in any officer of the Government to render these pretended leases lawful or valid. They remain there either through the indifference or favoritism of those whose plain duty it is to act in the premises. These points are all decided by Attorney-General Garland in opinion of July 21, 1885. He but enlarges upon the opinion of Attorney-General Devens. (16 Op., 470).

ATTORNEY-GENERAL GARLAND.

The learned gentleman from Georgia [Mr. BARNES] contends that all Attorney-General Garland said about the syndicate leases in the Cherokee Outlet was *obiter dictum*. The ex-Secretary of the Interior, and present Justice of the Supreme Court, in response to whose questions the opinion was given, did not so regard the utterances of the legal advisers of the Administration. In his last annual report he says:

The Attorney-General holds there is no warrant of law—

For the—

existing arrangements for the privilege of grazing cattle thereon—

That is on the Cherokee Strip.

That part of the Attorney-General's opinion relating to the syndicate leases of the Outlet, instead of being *obiter dictum* was a plain exposition of the law upon the state of facts submitted to him by the Department of the Interior. The opinion is denounced as *obiter dictum*, "extra official," not because that opinion and the proclamation of the President issued in accordance with the law therein expressed, brought financial ruin to many small holders of cattle in other parts of the Indian Territory, but the opinion is denounced because he did not go out of his way to shield the cattle syndicate.

The Attorney-General did not go outside the facts in rendering his opinion. He knew what he was doing then, and still adheres to the views of the law as then expressed, notwithstanding the fierce criticism by the gentleman from Georgia [Mr. BARNES]. The opinion applies the plain provisions of the statutes regarding the leasing of Indian lands (sec. — Revised Statutes]. The Attorney-General fully comprehended the question submitted and is not disposed to retreat under the fire opened upon him by the syndicate. I shall here submit a letter from that official, which I am enabled, through the kindness of the chairman of the Committee on Territories, to use. It will explain itself:

MARCH 5, 1888.

DEAR MR. SPRINGER: I notice in yesterday's RECORD, in Mr. BARNES's speech, page 1790, it is stated my opinion on cattle leases was *obiter dictum*, not based on facts, etc.

Now, please make it plain for once and forever, that opinion was in direct response to the questions propounded by Mr. Lamar. I have nothing to do with facts but as they come to me from the Departments asking my opinion, and to respond to their questions.

Further on Mr. BARNES does say, Lamar extended his inquiry, etc. Now do me the favor and justice especially to put this in black and white on the record, that I answered what was put to me by Mr. Lamar. Please don't fail to do this.

Yours, truly,

A. H. GARLAND.

Notwithstanding all this the gentleman from Georgia insists that the failure of the President to cause the removal of the cattle from the Cherokee Outlet, held there under arrangements with the Cherokee Live-Stock Association, that this fact was conclusive evidence that the opinion of Mr. Garland was not regarded as good law. It is true he did cause the

CATTLE TO BE REMOVED SUMMARILY

and at great loss to the owners from other parts of the Indian country. What arguments or influence induced him to permit this rich and influential syndicate to remain in the undisputed possession of the Cherokee Outlet I am unable to say. This I do know, that Secretary Lamar directed that this monopoly—

be informed that any so-called lease or other arrangements into which they or any other parties may enter with the Cherokee Nation for the occupation of the Cherokee Outlet with their cattle for grazing purposes will be subject to cancellation or discontinuance by the Department at any time.

Certain it is, from this language, Mr. Lamar entertained no doubt as to the power vested in him to declare their "so-called leases" null and void. He further recommends in his annual report—

that Congress should set its seal of approval or disapproval upon the occupation of Indian lands by individuals and associations of white men for grazing purposes. (R. Sec. In. 87, page 31.)

He then adds:

The occupation of these lands by white men with their cattle, under so-called leases for grazing purposes, if of any present benefit to the Indians, is not conducive to their future well-being. (Id.)

The hope of the future of the Indian lies in the early breaking up of the tribal relations and the localization of the individuals of the tribes upon separate allotments of land, and thus become individual fee-holders, clothed with the privileges and trusted with the duties of American citizenship.

When once he is located in his homestead—the bulwark of American progress and liberty—

Says the Commissioner of Indian Affairs—

and is brought to realize the dignity as well as the responsibility of his new position and relations, * * * his heart will swell to the Government for the blessings and opportunities thereby conferred upon him.

FROM THE BARBARISM OF THE AGES.

Then, and not till then, will the Indian be "redeemed, regenerated, and disenthralled" from the barbarism of the ages and enter within "the pale of American civilization." Any legislation giving early promise of this result meets the determined opposition of the Cherokee land syndicate, Indian chiefs, and head men. The eloquent gentleman from Georgia [Mr. BARNES] denounces the section of this bill which is in the line of the recommendation of Secretary Lamar, declaring the leases held by the syndicate null and void, directing the President to remove all persons holding under them. This, the gentleman designates as "an attempt to confiscate the land of the Indians."

This, in the face of the fact that it provides for removal of none but intruders from these lands, and, in return pays the Indians a sum yielding an annuity many times greater than the lease money now received by them from the syndicate. If this be confiscation, it is a confiscation that enriches the Indians and removes a gigantic monopoly to make way for the assertion of the rights of the citizen—a monopoly that has had exclusive control since 1883 of over 6,000,000 acres of choice grazing and farming lands, an area greater than the State of Massachusetts, at a nominal rental of 1⅞ cents an acre annually. It is not strange that this syndicate and others that have been formed for operations in the Indian country under legislation now pending to authorize Indians to lease their lands, make a determined fight against this bill. They are not satisfied with the harvest they have been permitted to reap for the last five years. They are now, it is claimed, working up an opposition on the part of certain Indians to the just, humane, and equitable provisions of this bill. They are masquerading as the friends of the Indian; the hands they extend to the Indians are

DISGUISED AS THE HANDS OF ESAU,

but the voice will ever be recognized as the voice of Jacob of the syndicate.

The rights of the Indians are carefully guarded under the provisions of this bill; the pretended claims of the Cherokee Live-Stock Association are repudiated. When these lands shall be opened to settlement no possible advantage is given to one citizen or section over any other citizen or section in securing homesteads. All stand upon an exact equality. It provides—

That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken.

Any person who may enter upon any part of said lands, contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make any entry upon such lands.

The bill excludes land sharks and provides homes for actual settlers. No person is permitted to acquire more than 160 acres, and before he can acquire any title to the land he must—

Maintain a continuous personal residence of three years thereon and improve and cultivate the same for that period in the manner required by the homestead laws.

He is permitted to pay for his homestead in four equal installments of $50 each, the first at the time of entry and the other installments in one, two, and three years thereafter. It brings a home within the reach of the humblest citizen.

IT IS THE LABORING MAN'S BILL.

At the same time it enriches the Indian. This bill does not imitate the policy of the older States of the Union, "who expelled" at the point of the bayonet "or killed off most of their Indians or reduced them to a condition of helpless poverty." (8 Att'y-Gen., 262.)

On the contrary, should this bill become a law the five civilized tribes would have sufficient lands left to give to each man, woman, and child 352 acres, while millions of dollars would be placed to their credit in the National Treasury, making them the richest people on the face of the globe. The substitute proposed by the gentleman from Georgia [Mr. BARNES] gives the President very little, if any, greater powers than he now has under the law of March 3, 1885 (23 Stat., 384), which has been a dead letter upon the statute-books. And it is fair to presume that the substitute, should it be adopted, would be permitted to go into the same state of

INNOCUOUS DESUETUDE.

His substitute certainly would give no offense to the land syndicate.

It is further contended that Congress can not legally pass this bill, because article 5 of the treaty of 1835 provides:

That the United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the limits or jurisdiction of any State or Territory (7 Stat. 481).

It is gravely urged that this is an inhibition on the power of Congress to establish the Territory of Oklahoma, which includes, as it is claimed, a part of the lands referred to in the article just cited. The language of the treaty does not sustain this claim. What lands were ceded to the Cherokees in the "foregoing article?" Turning to article 4 we find that the lands which under article 5—

shall in no future time, without their—

The Cherokees—

consent, be included within the limits * * * of any State or Territory were only the reservations within the Cherokee country which were made in the Osage treaty of 1825 to certain half-breeds.

RESERVATIONS TO HALF-BREEDS.

Turning to article 5 of the treaty of 1825 with the Osage Indians we find that these "reservations to half-breeds contained only forty-two sections of land, not one foot of which is included in this bill. If they stand upon the letter of the treaty they must fail. But conceding for the sake of the argument that the inhibition applied to all the lands ceded to the Cherokees, yet it is competent for Congress to establish Territorial government having within "its limits and jurisdiction" the lands so ceded which are no longer occupied or owned by the Cherokees. This section certainly is no stronger than the stipulations contained in the treaty of 1828, by which the United States guarantied to the Cherokees a "permanent home"—a home which the treaty guarantied in the most "solemn" manner should never in all future time be embarrassed by having extended around it the lines * * * of a Territory or State." (7 Stat., 311.) It is apparent that the same agreement that is now urged against the creating of this Territory could have been used, and it would have been equally as cogent, against the admission into the Union of the States of Kansas, Texas, and Arkansas, the lines of which "extend around" the Indian Territory.

It would have been as justifiable to have kept those great States out of the Union, upon the ground that to admit them would violate "solemn treaty obligations," as there is justice or wisdom now to prevent the organization of Oklahoma. Whether or not this or any other Territory shall be created is a question that addresses itself to the legislative department of the Government. The consequence that may result in all such cases, and the expediency, give rise to questions that must be met by the political and not the judicial department of the Government. This principle is fully sustained by the Supreme Court of the United States in the Cherokee tobacco cases (11 Wall, 621). In 1828 the inhospitable surroundings of the Indian Territory led our fathers to believe that no people would ever have the hardihood to attempt to live there in sufficient numbers for the organization of States. The map attached shows the United States of 1835.

TIME HAS WROUGHT WONDROUS CHANGES.

Time has wrought wondrous changes. These changes have imposed upon us as legislators, as the servants of the people, political duties and responsibilities. For nearly a hundred years we made treaties with the Indians as if they were independent nations and powers; but in 1871 we declared, by legislative enactments, that in all future dealings with them we would no longer play the farce of "acknowledging or recognizing" them as nations or powers. (16 Stat., 566.) This was a new departure, rendered necessary by changed conditions. In 1866 it was the policy of the General Government to locate Indians and freedmen upon that part of the Indian Territory embraced in this bill. No freedmen have at any time been settled upon the lands in question. Nor is it now the policy to locate other Indians in this territory, which is now the center of the great Southwest.

The harmonious development of which and the commerce and industries of the nation require the organization of the territory.

Pretended treaty stipulations are paraded to prevent this.

In answer to this plea, let me cite the language of a distinguished ex-Secretary of the Interior. He says:

Contracts or treaties impossible of execution, unjust and unfair to both whites and Indians, ought to be abrogated or modified by legislative action.

He then adds:

It is not beneficial to the Indians to have millions of acres of valuable land remain unoccupied around them.

The game having disappeared from the Indian country there remains no longer any useful purpose for these Indians keeping millions of acres of land vacant, over which they have not sufficient energy to roam.

THE GREATEST WORD PAINTER OF THE AGE.

Mr. Chairman, the greatest word painter of the age would fail in an attempt to describe the marvelous changes that the hand of industry has wrought in the country west of the Mississippi since the treaties of 1828, 1830, 1833, 1835. Then there were between the Mississippi and the Pacific Ocean but two States and one organized Territory. Now there are twenty-two States and Territories west of the Mississippi, of which only three are as small as all New England. Then the western line of Missouri was the western boundary of settlement and civilization. Now it is the heart of the continent where the East and the West join. Since then we have acquired an empire west of the Mississippi, stretching from that great artery of commerce across the continent to the golden shores of the Pacific, every foot of which has been carved into States and Territories.

Since then the cunning hand of the husbandman with the magic wand of industry has transformed the "Great American Desert" into those grand agricultural States of Nebraska and Kansas. That imaginary

desert has "receded before advancing civilization like the Indian and buffalo which once roamed it."

At the time the Indians removed to the Indian Territory the center of gravity of the nation's population was far east of the Alleghany Mountains. Now it is near the east bank of the Mississippi, soon to reach in the rapid march of empire, under the whip and spur of electricity and steam, the junction of the

WATERS OF THE KANSAS AND THE MISSOURRI

the geographical center of the Republic.

In the center of the great Southwest, unrivaled in her resources, unsurpassed in the enterprise and intelligence of her citizens, stand the unoccupied lands of the Indian Territory, lands adapted by soil and climate to be the garden spot of the continent rather than as now a "block in the highway of commerce and a blot on the map of the United States."

When the first of these treaties was made (1828), there was not a mile of railroad in the United States. Now there are over 150,000 miles of railroad in operation, reaching from ocean to ocean, from the lakes to the gulf, making the East, the West, the North, and the South neighbors. They are the indissoluble ties of commerce that shall forever knit the people of all sections of our country in a common brotherhood. Pass this bill and in the near future one of the brightest gems in the sisterhood of States will be the State of Oklahoma. [Applause.]

Mr. SPRINGER. The gentleman from Arkansas desired to make a statement, and I will yield to him such time as he desires.

Mr. BAKER, of New York. Before that, permit me to state that I have promised to the gentleman from Alabama a portion of the time reserved by myself, if the gentleman wishes to occupy it now.

Mr. COBB. No, not just at present. I will reserve it.

Mr. ROGERS. If the gentleman from Illinois will permit me to occupy the floor in my own right I will yield it back to him in a very few moments. I shall not consume more than four or five minutes.

Mr. Chairman, late in the session of the Forty-ninth Congress, in a debate which took place touching the Cherokee Strip or Outlet, as it is sometimes called, a colloquy ensued between the gentleman from Illinois [Mr. SPRINGER], his colleague, also from Illinois [Mr. PAYSON], and myself. In that colloquy, which I now send to the Clerk's desk and ask to have printed in the RECORD, I was inadvertently led into placing the Attorney-General in an improper position with reference to the opinion delivered by him in response to the letter of the Secretary of the Interior touching the status of the Cherokee Outlet.

I am made to say in that colloquy, which is correctly reported, that "the inquiry," meaning the inquiry of the Secretary of the Interior to the Attorney-General, "did not cover the Cherokee Strip or any part of it." In that I was mistaken. I now desire to place in the RECORD in this connection, first, the colloquy to which I have referred, then the letter of the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, the letter of the Secretary of the Interior, addressed to the Attorney-General, and in response to that the opinion of the Attorney-General; all of which I ask to have printed in the RECORD in connection with the speech which has just been delivered, as a matter of justice to him, as well as to me.

I wish to state also in this connection that this is the first appropriate occasion since the colloquy took place when this matter could be properly presented.

The colloquy referred to by Mr. ROGERS is as follows:

Mr. PAYSON. As the Attorney-General has decided these leases are invalid because of the want of power on the part of the Indians to make them, I ask this question for information: Has any step been taken by the Interior Department on that opinion furnished by the Attorney-General?

Mr. SPRINGER. I believe not.

Mr. PAYSON. Why not?

Mr. SPRINGER. As far as the Cherokee Strip is concerned?

Mr. PAYSON. Has this committee taken steps to inquire why the Interior Department, after calling for the opinion of the Attorney-General, and he has given it as the law officer of the Government, that these Indians had no power to make leases, and therefore they are void—has this committee taken any steps to inquire why this Administration has not acted as to these cattle leases? I would be glad to be advised.

Mr. SPRINGER. I can not give the gentleman the information he requires; I have not asked Mr. Lamar the reason why he has not acted upon the opinion of the Attorney-General. The President did act upon it so far as the Cheyenne and the Arapaho reservation was concerned.

Mr. MORRISON. Why does not the gentleman offer a resolution making the inquiry?

Mr. ROGERS. The inquiry made by the Secretary of the Interior of the Attorney-General did not cover the Cherokee strip or any part of it.

Mr. WEAVER, of Iowa. But the answer did.

Mr. ROGERS. But I am answering your question.

Mr. SPRINGER. My answer to the gentleman from Arkansas is that it did.

Mr. ROGERS. You are mistaken, then; that is all.

Mr. SPRINGER. Then I will read the opinion of the Attorney-General.

Mr. ROGERS. No; read the inquiry addressed to him.

The letter of the Commissioner of Indian Affairs is as follows:

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, July 7, 1885.

SIR: In view of the fact that on many of the Indian reservations there are herds of cattle held there under pretended leases made to various parties by the Indians of the respective reservations I would respectfully recommend that the honorable Attorney-General be asked to state whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes.

Also, whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval of the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid.

The above inquiries are not intended to refer to lands owned by the five civilized tribes in the Indian Territory.

Yours, respectfully,

J. D. C. ATKINS,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July 8, 1885.*

SIR: I have the honor to inclose herewith a copy of a letter from the Commissioner on Indian Affairs, submitting certain questions as to the power and authority of the Executive or the head of this Department regarding the making or the granting of authority to make any contract by Indians with any parties for the lease of Indian lands for grazing purposes.

With a view of limiting the range of consideration of this subject within the bounds necessary for present purposes, I have the honor to specify the following reservations as a portion of those upon which contracts, leases, or agreements are alleged to have been made by the Indians holding, occupying, or residing upon the lands contained therein:

1. The Cherokee lands in the Indian Territory west of 96° of longitude, except such portions thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapahoe reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

The lands of the Cherokees referred to were ceded to those Indians by the United States by the treaties of 1833 and 1835 (7 Stat., 414 and 478). The status of those lands is shown and controlled by the provisions of Article XVI of the treaty of June 19, 1866, with the Cherokees (14 Stat., 804).

The status of the lands occupied by the Cheyenne and Arapaho Indians is shown in the correspondence which is made the basis of the Executive order of August 10, 1869 (see pamphlet of Existing Indian Reservations, page 28, herewith), and by unratified agreement, made in pursuance of the provisions of section 5 of the act of May 29, 1872 (17 Stat. 190).

The lands occupied by the Kiowa, Comanche, and Apache Indians were ceded to those Indians by the treaty of October 21, 1867 (15 Stat., 581 and 589).

With reference to these specified Indian lands or reservations, each and all of them, I have the honor to request that this Department may be favored with your opinion on the questions propounded by the Commissioner of Indian Affairs, namely:

Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes.

Also, whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any of these Indian reservations, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid.

Voluminous correspondence and papers showing the nature and character of the alleged leases made by the Indians above referred to, and other Indian tribes, of portions of the lands within their reservations to citizens of the United States for grazing purposes, with references to laws and decisions bearing on the subject, will be found in Executive Document No. 17, Forty-eighth Congress, second session, copy herewith.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The honorable the ATTORNEY-GENERAL.

The following is the opinion of the Attorney-General in response to the foregoing letter:

DEPARTMENT OF JUSTICE, *Washington, D. C., July 21, 1885.*

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of 96° of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation, in the Indian Territory.
3. The Kiowa and Comanche reservation, in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus in 1873 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims, without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians or any nation or tribe of Indians within the United States shall be valid to any person or persons, or to any State, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the pro-

vision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any claim or title thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded by the force and effect of the statute from either alienating or leasing any part of its reservation or imparting any interest or claim in and to the same without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117 Revised Statutes, for taking his stock there, but it can not validate the lease or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned.

No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chap. 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases." The act just cited is moreover significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

THE SECRETARY OF THE INTERIOR.

Mr. SPRINGER. Before the committee rises I want to make one or two remarks, not in the nature of argument, but in the nature of statements of fact in regard to the position of this bill and what it proposes to do. There seems to be an impression abroad in some minds to the effect that this bill proposes to take certain lands from the Indians without their consent. On the contrary, so far as the pending bill is concerned, it assumes that the Indians own these lands and that they have a right to be paid for the occupancy of them. Under this bill the lands in which they claim an interest can not be occupied until a commission appointed by the President of the United States shall have visited the Indians and made an agreement with them that they shall receive compensation for those lands at a rate not to exceed a dollar and a quarter per acre, less the amount they have already received.

Under this law no man can take, occupy, and live upon this land until this agreement is made and approved by the United States and the proclamation of the President to that effect is issued, and if any person goes upon the land before that time he forfeits the right to take a homestead there.

So far as this land is concerned, it is precisely in the same condition as the lands we have acquired from the Indians from the time of the settlement at Plymouth Rock until this time, and I undertake to say that there never was a proposition to the Indians that had so much of fairness and justice in it as this bill has. If it is robbery to take this land under this bill, our forefathers have been guilty of robbery ever since they landed on Plymouth Rock.

Mr. HOOKER. You concede, then, that this land belongs to these Indians and that it will be necessary that they should consent before it is taken under the operation of this bill?

Mr. SPRINGER. This bill does concede that it is theirs, but I do not. It does not make any difference where the title is.

Mr. HOOKER. Have you a right to create a territory out of land which belongs to the Indians, who have possession?

Mr. SPRINGER. We do not propose to create a territory until we get possession. This bill will operate on No Man's Land only until the Indians give their consent, and when they do give their consent and the President approves it and signs it and issues his proclamation, then, and not until then, will settlers be able to go onto this land.

Mr. HOOKER. You concede it belongs to the Indians not only by treaty stipulation but by patent?

Mr. SPRINGER. I said that the bill concedes it is theirs, and that the bill does not affect any part except No Man's Land without the consent of the Indians.

Mr. STRUBLE (to Mr. SPRINGER). But you do not accept that as a legal proposition?

Mr. SPRINGER. I do not. I agree fully with the legal proposition of the gentleman from Missouri [Mr. WARNER] on that point.

Mr. HOOKER. That it is theirs or it is not?

Mr. SPRINGER. I am not quibbling here about one thing and another.

Mr. HOOKER. I am quibbling about what the law is.

Mr. WEAVER. If the bill pass it will be theirs.

Mr. SPRINGER. I say that for the purposes of this bill I will concede that it is theirs.

Mr. HOOKER. Without this bill it is theirs.

Mr. SPRINGER. Under this bill their claim is recognized.

Mr. HOOKER. Is it theirs?

Mr. SPRINGER. Ask me something about infant baptism, or something else that is equally foreign to the subject.

Mr. HOOKER. I think you might be better informed on that subject than you are on this.

Mr. PETERS. I say they have a legal right to this land.

Mr. HOOKER. Then, from the frankness of your statement, I see that you differ with the gentleman from Illinois.

Mr. SPRINGER. Now, I do not want to be misunderstood, and I say to gentlemen here that so far as this bill is concerned it assumes that the land belongs to the Indians, and we are not going to take it under this bill unless the Indians agree that we shall.

Mr. HOOKER. Is that a false assumption or a true assumption?

Mr. SPRINGER. That is the fact, as is shown by the provisions of the bill. Now, it is discussing an abstraction to discuss the question whether this land is or is not the property of the Indians under treaties that have been heretofore made. We will not take it from them without their consent or without paying them for it.

Mr. HEARD. We give them the benefit of the doubt.

Mr. SPRINGER. We give them the benefit of the doubt. It is supposed in some quarters that the opponents of this bill are here representing the Indians of this country. I deny it. The Indian Rights Association of Philadelphia, composed of charitable and distinguished people, Quakers, ministers of the gospel, and others, has been organized to look after the rights of all the Indians of the United States. That association, composed of distinguished philanthropists who are not in the employ of any Indian tribes and are not the attorneys of any Indian tribes, are looking after the rights of the Indians, and in pursuit of that object they sent a very competent agent, Mr. Painter, to this part of the country to examine the character of these lands and to report how much of them could be taken for white settlement. In the last annual report of the association, the report for 1887, he says:

It would be a cruel outrage to force them to remove; it would be a disastrous step backward to induce them to go. The lands to which they would remove are not so good as those now occupied. They are bitterly opposed to the plan and it ought not to be attempted. Oklahoma ought to be opened up.

That is, Oklahoma proper, in the center of the Territory.

It is not needed by the Indians; it can not be kept empty and ought not to be so kept; but if treaty obligations and moral obligations must be violated, it is better to do so with reference to vacant lands than with reference to established homes. Steps ought to be taken at once to gain the consent of the Seminoles and Creeks to throw this land open to settlement, and it could doubtless be done if a fair price above the 30 cents per acre which we have paid for it for the settlement of Indians upon it was offered for it.

That is what we propose to do. The Indian Rights Association, composed of eminent philanthropists, takes the position of the Oklahoma bill, which is now before us, and the Indians who oppose this bill are those of the five civilized tribes, who have agents and attorneys in this city, organized into what is called the Indian Defense Association. They are the representatives and paid agents of the five civilized tribes and of the cattle syndicates, who are trying to keep this territory for a cattle pasture.

And, Mr. Chairman, that is the issue which is involved in this bill—whether this territory, which is now unoccupied by Indians, and where an Indian has not resided for thirty years, and whether the Cherokee Outlet, where they have never resided, shall be opened up under the provisions of this bill to settlement by white people, or whether they shall be dedicated forever as cattle pastures. That is the whole question, and no one can stand here in face of the report of this Indian Rights Association, which has been organized to protect the true interests of all the Indians of this country, and claim that the rights of the Indians are to be imperiled in the least by the provisions of the Oklahoma bill. That bill was prepared in such form as to throw all practicable safeguards around the Indians, and I appeal to this House and to the country to do justice to the people of the United States who are seeking to make homes in that territory.

Pass this bill and let it go into the territory with the newcomer, so that when he comes in there to make a home he will find a law to protect himself and his family. I also ask in benalf of 15,000 American citizens who are now settled in what is known as No Man's Land, and who have no law, Federal, State, or Territorial, to protect them—in their behalf I ask that this bill be passed, in order that the shield of local and national law may be thrown around them, and that the people therein residing may have the same rights and privileges that are guaranteed by our Constitution to the people of every other part of the country.

Mr. GROSVENOR. I would like to ask the gentleman a question for information.

Mr. SPRINGER. Certainly.

Mr. GROSVENOR. It has been represented to me by persons assuming to represent the settlers on No Man's Land that for some reason or other they are opposed to this bill. Can the gentleman state what is the fact in that regard?

Mr. SPRINGER. The people of No Man's Land are praying earnestly for the passage of the Oklahoma bill, because they have no government; and the proposition of the gentleman from Indiana [Mr. HOLMAN] does not propose to give them any government.

I now move that the committee rise.

Mr. BAKER, of New York. I desire to yield five minutes of the time reserved by me to the gentleman from Colorado [Mr. SYMES].

The CHAIRMAN. The gentleman from New York [Mr. BAKER] has eighteen minutes of his hour remaining.

Mr. SPRINGER. The committee must rise now, as the House must take a recess in two or three minutes.

The motion of Mr. SPRINGER that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole on the State of the Union had had under consideration the bill (H. R. 10614) to provide for the organization of the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.; and

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build a bridge across the Black Warrior River, in Alabama.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEMPHILL, for one week from to-day.

To Mr. STEWART, of Georgia, indefinitely, on account of sickness in his family.

To Mr. BYNUM, for the remainder of the week.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the resolution of the military board of Virginia, favoring the bill pending in Congress to make appropriations for the maintenance of the militia of the States of the Union; and the same was referred to the Committee on the Militia.

The hour of 5 o'clock p. m. having arrived, the House, according to order, took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker *pro tempore*.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 24, 1888.

I hereby designate Hon. A. M. DOCKERY to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the special order under which the House meets to-night.

The Clerk read as follows:

Resolved, That on Tuesday, July 24, the House take a recess from 5 o'clock until 8 o'clock p. m., the session not to extend beyond 10 o'clock p. m., said session to be devoted to the consideration of business reported from the Committee on Public Lands to which there shall be no objection.

Mr. HOLMAN. Mr. Speaker, some of the bills covered by this resolution are in Committee of the Whole on the state of the Union or in Committee of the Whole House on the Private Calendar. I ask unanimous consent that all bills considered to-night may be considered in the House as in Committee of the Whole, in order to save time.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

SCHOOL LANDS IN WASHINGTON TERRITORY.

Mr. HOLMAN. The gentleman from Washington Territory [Mr. VOORHEES] has a bill which has not yet been reported, but which is understood to be covered by the order. He desires to make the report for consideration now; and I presume no member will object.

The SPEAKER *pro tempore*. If there be no objection, the report will be received.

Mr. VOORHEES, by unanimous consent, reported back favorably, from the Committee on the Public Lands, the bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

A MEMBER. Let the bill be read.

The bill was read, as follows:

Whereas sections sixteen and thirty-six of each township of land in Washington Territory was reserved unto that Territory for school purposes; and

Whereas on December 2, 1869, the Legislative Assembly of that Territory, by an act duly passed, authorized the county commissioners of the several counties in that Territory to lease said lands for a term of years not exceeding six years, the money received therefor being placed in the school fund; and

Whereas the lands so leased are greatly enhanced in value by the cultivation thereof, and the lessees thereof have made valuable improvements thereon and incurred large expense in reducing such land to a state of cultivation, and will incur much loss if they are caused to abandon their said improvements and cultivation; and

Whereas the validity of the said leases is questioned: Therefore,

Be it enacted, etc., That the action of the county commissioners of the several counties of Washington Territory under the authority supposed to reside in the act of the Legislative Assembly of said Territory of December 2, 1869, entitled "An act to provide for the leasing of school lands in Washington Territory," when had in conformity to said act, be, and the same hereby is, confirmed, and that said act be, and the same is hereby, validated and confirmed.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. I wish to say a single word. This is something of a new departure in regard to school lands. It has not been heretofore the policy of the Government to give to the Territories any control of the school lands. But it is easy to see that when these lands remain entirely unprofitable year after year there is a serious loss to the Territory. The authority which this bill proposes to confer, to lease such lands for a period not exceeding six years, would seem to be entirely unobjectionable. The Committee on Public Lands think this a proper measure.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANT TO CALIFORNIA OF 5 PER CENT. OF SALES OF PUBLIC LANDS.

The first business on the Calendar under the special order was the bill (H. R. 1235) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. HOLMAN. The gentleman having charge of that measure [Mr. MCKENNA] is not present. It will give rise to considerable discussion, and therefore for the present I ask it be passed over.

Mr. VANDEVER. I hope the gentleman will withdraw his objection and let it be considered.

Mr. HOLMAN. This bill has been discussed for an hour in the House. It will give rise to a great deal of anxiety from fear of making a mistake, and in the absence of the gentleman from California [Mr. MCKENNA], who discussed it before, I must insist it be passed over for the present.

The bill was passed over.

ADDITIONAL LAND DISTRICT, OREGON.

The next business on the Calendar was the bill (H. R. 1762) to establish an additional land district in the State of Oregon.

The SPEAKER *pro tempore*. Is there objection to the consideration of that bill?

Mr. HERMANN. That bill has already passed both Houses.

Mr. HOLMAN. I do not see how it got on the Calendar. It passed several months ago.

The SPEAKER *pro tempore*. There being no objection, the bill will be laid on the table.

There was no objection, and it was ordered accordingly.

PURCHASERS OF SWAMP LANDS.

The next business on the Calendar under the special order was the bill (H. R. 6897) to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes.

Mr. HOLMAN. I move that bill be passed over for the present, as it will involve considerable discussion. I do not see the gentleman from Arkansas [Mr. MCRAE], who has charge of it.

There was no objection, and the bill was passed over.

NEW LAND DISTRICT, MISSISSIPPI.

The next business on the Calendar was the bill (H. R. 7788) to establish a new land district in the State of Mississippi.

Mr. HOLMAN. The gentleman from Mississippi [Mr. STOCKDALE] having charge of this bill is not present, and I hope it will be passed over, although I do not think there is any objection to it.

There was no objection, and the bill was passed over.

SWAMP AND OVERFLOWED LANDS.

The next business on the Calendar was the bill (S. 758) to relieve

purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes.

Mr. HOLMAN. That will give rise to discussion, and let it be passed over for the present.

There was no objection, and it was ordered accordingly.

DONATION CLAIMS.

The next business on the Calendar was the bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law.

Mr. HOLMAN. These are claims arising under what is commonly known as the "donation law." The gentleman from Oregon [Mr. HERMANN] is in charge of the measure.

There was no objection to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That in all cases where widows or single women, in good faith, settled upon the public lands in the Territories of Oregon or Washington, claiming donation rights under the provisions of an act of Congress entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," approved September 27, 1850, or of the acts amendatory thereof or supplementary thereto, or either of them, and filed the notifications and made the final proof of residence and cultivation required by said acts or either of them before the surveyor-general of the Territory or before the register and receiver of the proper local land-office, and received from such surveyor-general or from the register and receiver of the local land-office certificates in due form for such donation claim, and they, or their heirs and assigns, have since occupied and improved such claims, and there are no adverse claims thereto, and in all cases where, upon proof satisfactory to such surveyor-general or register and receiver, as the case may be, donation claims under the provisions of said acts, or either of them, were set off to orphans by the surveyor-general of the Territory or the register and receiver of the proper local land-office, and certificates were issued for such claims, and the claimants, their heirs, or assigns, have since occupied and improved such claims, and there are no adverse claims thereto, the title of such donation claimants, their heirs or assigns, to such claims is hereby confirmed, and patents shall be issued for such claims in conformity with such certificates.

Passed the Senate March 19, 1888.

Attest: ANSON G. McCOOK, *Secretary.*

Mr. SMITH, of Wisconsin. I ask the gentleman from Oregon how many acres there are in one of these donation claims?

Mr. HERMANN. There are from 80 to 640. They are few in number. In some instances whole towns and cities have been built on them. Patents have been issued on that class of claims for thirty or forty years, but recently doubt has arisen as to the construction of the law. This bill has been rendered necessary to remove that doubt. It has been approved at the Department and has passed the Senate.

Mr. SMITH, of Wisconsin. What is the maximum amount of acres in each claim?

Mr. HERMANN. About 160 acres would be the average.

Mr. HOLMAN. I would inquire of the gentleman how it happens some of these claims are for a larger number of acres than others?

Mr. HERMANN. I will state to the gentleman from Indiana, in reply to his question, in many instances it was impossible to get the maximum quantity.

Mr. HOLMAN. What is the maximum?

Mr. HERMANN. I will make a statement covering the facts of the case.

The original donation act was approved September 27, 1850, and was to induce population to that distant region, and granted 640 acres to a married man and his wife and 320 acres to a single man, and was limited to those who had become settlers prior to December 1, 1850. Another section limited the quantity of land to 320 acres to a married man and one-half to a single man emigrating to and settling in Oregon and Washington between December 1, 1850, and December 1, 1853, and this limitation was extended to December 1, 1853.

The report which I had the honor to make for the committee explains the situation fully, as follows:

That said bills propose the confirmation of titles to certain lands in Oregon and Washington Territory settled upon the early settlers under the act of Congress approved September 27, 1850, commonly known as the donation land, and confines confirmation exclusively to those who made residence for four years, submitted final proof to the surveyors-general or registers and receivers, and who had certificates for patent issued by said officers, and where said claimants or their assignees have since occupied and improved said lands and there are no adverse claims.

For nearly thirty-eight years most of these people or their assigns have resided on and claimed these lands. Conveyances have been made, and the original certificates for patent have always been recognized as conclusive between all parties as to the title. Towns and villages have been built upon this class of lands. The Department has until a few years past uniformly issued patents upon this class of claims, but now doubts its authority to do so upon a close construction of the law. The claims remaining unpatented are few in number, and justice and equity, if not the law, demand confirmation.

There being no objection to the consideration of the bill, it was ordered to a third reading; and being read the third time, was passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS, TUSCALOOSA, ALA.

The next business on the Calendar was the bill (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Warrior River, in township 21 and range 10 west.

Mr. HOLMAN. I presume there is no objection to the consideration of that bill.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. PAYSON. I hope the bill will be considered, for a reason in which I am sure the chairman of the committee will bear me out. The object of the measure is to perfect the title to a large portion of the city of Tuskaloosa, Ala. Owing to the destruction of their records, there is difficulty in making title. The Secretary of the Interior and the Commissioner of the Land Office recommend its passage, and while I do not remember with sufficient certainty the facts to be able to state them in detail, yet the chairman of the committee will bear me out in the assertion that when the matter was examined in committee it was found to be a case that, from the official records, it would go without saying ought to be passed. The gentleman from Alabama [Mr. BANKHEAD] came to our committee and urged its passage.

Mr. HOLMAN. I hope there will be no objection.

The bill is as follows:

Be it enacted, etc., That all of the interest or claim of the United States in and to fractional sections 22 and 15, lying south of the Black Warrior River, in township 21, of range 10 west, in the State of Alabama, be, and the same is hereby, relinquished to and vested in the city of Tuskaloosa for the following purposes:

First. The part and parts of said fractional sections constituting the localities known as the "river margin," the "streets of said city," the "pond," and the "common," shall vest in said city absolutely.

Second. The residue of said fractional sections shall be vested in the said city in trust, for the use of each of the occupants of the lots, or parts of lots thereof, who are owners in good faith, according to the title which is now vested in each; the intent of this act being not to give any right to said occupants except what arises from the relinquishment of the right or claim of the United States thereto.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BANKHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I notice that we are passing quite a number of Senate bills, while the House bills for the same purpose are pending. I hope in all these cases the House bills will be laid on the table.

The SPEAKER *pro tempore*. That action ought to be taken in every case, but is impossible for the clerks to determine.

Mr. HOLMAN. I do not think it is a matter of practical importance, however.

The SPEAKER *pro tempore*. It is of this importance, that it relieves the Calendars of bills that ought to be laid on the table.

Mr. HOLMAN. Certainly they ought to be; but I am not able myself to point them out at this time. It can be done hereafter.

METHODIST COLLEGE ASSOCIATION OF SOUTHWESTERN KANSAS.

The next business on the Calendar was the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas.

Mr. PETERS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to sell and convey to "The Methodist College Association of Southwestern Kansas," a corporation duly chartered by the laws of the State of Kansas, at the rate of $1.25 per acre, the following-described real estate being Osage Indian land, situated in Ford County, Kansas, to wit: Lots numbers 3, 5, 6, and 7, of section 3, township 27 south, of range 24 west.

The committee recommend the adoption of the following amendment:

Add to the bill:

And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall, within five years after the passage of this act, begin in good faith the construction of buildings upon said land for the purposes herein set forth.

Mr. PETERS. I would like to ask that the report in this case, which explains the bill very fully, may be printed in the RECORD.

There was no objection.

The report (by Mr. TURNER, of Kansas) is as follows:

The land described embraces about 140 acres, and is that part of the Fort Dodge military reservation upon which the fort buildings are situated. The fort has been abandoned by the Government as a military post, and that part of the reservation not embraced in this bill has been disposed of to actual settlers at $1.25 per acre, in accordance with a ruling of the Secretary of the Interior, under existing law, relating to the Osage Indian trust lands. The land described in the bill has been reserved from sale for the reason that the fort buildings were situated thereon.

The bill provides that this land shall be sold to this association at $1.25 per acre.

Your committee would recommend that after the word "west," in line 11, the following be added:

"And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall, within five years after the passage of this act, begin in good faith the erection of buildings upon said land for the purposes herein set forth."

And, with the adoption of this amendment, recommend that this bill pass.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time, the question being upon the passage of the bill.

Mr. WEAVER. How much land is involved?

Mr. PETERS. It is about 140 acres. This is the land upon which the old buildings of the Fort Dodge military reservation were situated.

The bill was passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND OFFICE, FOLSOM, N. MEX.

The next business on the Calendar was the bill (S. 2040) to establish a land office at Folsom, in the Territory of New Mexico.

Mr. HOLMAN. I ask that this bill be passed over informally for the present.

Mr. WEAVER. Mr. Speaker——

Mr. CONGER. I hope the gentleman will not object to taking it up now.

Mr. HOLMAN. I think I will have to insist upon the objection for the present. Of course I have no objection to the gentleman from Iowa being heard upon it, if he wishes, at this time.

Mr. WEAVER. If the bill is to be passed over informally, of course there is no necessity for occupying time upon it now.

Mr. HOLMAN. I ask that it be passed over.

Mr. STONE, of Missouri. Before that action is taken, I want to state in connection with the bill, so that it may go upon the record, that when this bill was reported to the House it was distinctly understood by the parties interested in it that the passage of the bill would not be asked until the public-land bill which passed the House some weeks ago and is now pending in the Senate should become a law.

The SPEAKER *pro tempore*. The bill will be passed over informally for the present, retaining its place on the Calendar.

CAMP SHERIDAN MILITARY RESERVATION.

Mr. DORSEY. I ask unanimous consent for the present consideration of the bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation.

Mr. McRAE. Is that a request to take up a bill out of its regular order?

The SPEAKER *pro tempore*. It is.

Mr. McRAE. Then I shall be compelled to object. I think we can proceed much more rapidly by following the regular order.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

CERTIFICATION OF LANDS TO THE STATE OF KANSAS.

The next business on the Calendar was the joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The joint resolution was read, as follows:

Whereas by the act of Congress approved July 2, 1862, there were granted to the several States "which may provide colleges for the benefit of agriculture and the mechanic arts" an amount of public land equal to 30,000 acres for each Senator and Representative in Congress to which the States were respectively entitled by the apportionment under the census of 1860; and

Whereas the State of Kansas, having at the time two Senators and one Representative, was entitled to 90,000 acres; but on account of a withdrawal of lands for the benefit of the Leavenworth, Pawnee and Western Railroad northwest of Fort Riley, along the valley of the Republican River, one list of 7,682 acres, which, having been selected by the State as minimum lands, were certified to the State as double minimum; and

Whereas the said road not having been surveyed, located, or constructed on said route, the said public lands which had been previously withdrawn were restored to market at the minimum price: Therefore,

Resolved, etc., That the Secretary of the Interior be, and is hereby, authorized to certify to the said State of Kansas 7,682 acres of land, in lieu of an equal amount heretofore erroneously certified to said State as double minimum lands: *Provided*, That in case there are not a sufficient amount of public lands in said State to satisfy the requirements of this act, then the said Secretary is hereby authorized and directed to issue to said State land scrip, acre for acre, in lieu of said lands; and said scrip shall be locatable on any of the public lands of the United States.

Amend the title so as to read: "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts."

The committee recommend the adoption of the following amendments:

In line 5, before the word "land," insert "public," and after the word "land" insert "in said State;" so that it shall read:

Seven thousand six hundred and eighty-two acres of public land in said State, etc.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. WEAVER. I would like to have an explanation, subject to the right of objection.

Mr. ANDERSON, of Kansas. The statement in connection with the joint resolution is simply this: The Government granted to the agricultural colleges 30,000 acres of land per Senator or Representative to which the States were respectively entitled. The State of Kansas under this act of Congress, approved in 1862, was entitled to receive 90,000 acres of land. The Government also provided that where lands had been granted to a railroad, such lands should be considered as $2.50 an acre instead of $1.25 lands. Under that act the State Agricultural College of Kansas received 90,000 acres, less 7,682 acres, I think was the amount, because of the fact that these lands had been withdrawn for the Kansas Pacific Railroad for the purpose of building the road on the Republican branch from Fort Riley up towards Nebraska.

Subsequently that withdrawal was revoked; that is to say, that road never was built there; but in 1866, two years after the State had selected this land, the road was authorized to be built where it is now, out the Smoky Hill. When this was restored it was not restored as double minimum land, but as single minimum, so that the college was charged with land at $2.50 which was really only $1.25 land, and this applies to the seven thousand odd acres withheld from it by virtue of that act.

Mr. WEAVER. Where will they get this land?

Mr. ANDERSON, of Kansas. In the State.

Mr. HOLMAN. The proviso of this bill escaped my attention, and I ask that it again be read.

The Clerk reported the proviso.

Mr. HOLMAN. That is the objectionable feature.

Mr. ANDERSON, of Kansas. The committee has proposed an amendment striking out the proviso. If the Clerk will read, there is a provision inserted that the location shall be on lands in Kansas.

Mr. HOLMAN. I think the proviso should be stricken out.

Mr. ANDERSON, of Kansas. I think the report shows the proviso is to be stricken out.

Mr. WEAVER. If it does go out it should remain out.

Mr. McRAE. I move to strike it out.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the committee.

The Clerk read as follows:

Strike out all after the word "lands," in line 7; also insert the word "public" before the word "land," in the fifth line; also insert the words "in said State" after the word "land," in line 5.

Mr. HOLMAN. I hope that the friends of this bill will accept it with this amendment.

Mr. WEAVER. We may strike out that proviso here and it may be inserted elsewhere. I want the friends of this measure to say that this shall be satisfactory; because it is more important to preserve public land for actual settlers than for agricultural colleges.

Mr. PETERS. If the resolution goes into conference we will see that the proviso is not restored.

Mr. ANDERSON, of Kansas. I am quite willing that it should be stricken out and remain out.

The SPEAKER *pro tempore*. Is there objection to the consideration of this resolution? The Chair hears none.

The amendments of the committee were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Kansas. I move to amend the title so as to read: "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts."

The motion to amend the title was agreed to.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREVENTION OF ALIENS ACQUIRING TITLE TO PUBLIC LANDS.

The next business on the Calendar was the bill (H. R. 7425) to amend the homestead laws to prevent aliens acquiring title to public lands, and to secure homes for actual settlers who are citizens of the United States.

Mr. McRAE. That seems to be here on an adverse report, and it may as well be passed over.

The SPEAKER *pro tempore*. If there be no objection, the bill will be laid on the table.

Mr. McRAE. I make the motion.

The bill was read, as follows:

Be it enacted, etc., That the quantity of public land subject to entry as homestead shall be hereafter 80 acres instead of 160 acres, as heretofore allowed.

SEC. 2. That none but citizens of the United States shall be entitled to enter public lands as homesteads or in any manner whatever acquire title thereto.

SEC. 3. That this act shall take effect immediately after its passage: *Provided*, That any entry in good faith actually made prior to its passage may be perfected, completed, and title acquired to the lands designated in accordance with laws in force at the time of making such entry.

Mr. WEAVER. I understand that is substantially provided for in the general bill we have passed.

The SPEAKER. If there be no objection, this bill will be laid on the table.

There was no objection, and it was so ordered.

FORT WALLACE MILITARY RESERVATION.

The next business on the Calendar was the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas.

The bill was read, as follows:

Be it enacted, etc., That so much of the northwest quarter of section 19, township 13 south, range 38 west, and of the northeast quarter of section 24, township 13 south, range 39 west, and the east half of the east half of the northwest quarter of section 24, township 13 south, range 39 west, included within the limits

of the Fort Wallace reservation, excluding and excepting therefrom the right of way heretofore granted to the Union Pacific Railway Company and excepting the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace be, and is hereby, set apart for town-site purposes, and may be entered by the corporate authorities of the city of Wallace under and subject to the provisions and restrictions of section 2387 of the Revised Statutes.

SEC. 2. That the Union Pacific Railroad Company is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace, the same being now occupied by said railroad company for depot and other purposes, at such price as may be fixed, without reference to the improvements thereon, by the Secretary of the Interior, not less than $2.50 per acre.

SEC. 3. That the Wallace Water-Works Company, a corporation organized under the laws of the State of Kansas, is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the northwest quarter of the southeast quarter of section 25, township 13 south, range 39 west, at such price as may be fixed thereon by the Secretary of the Interior, not less than $2.50 per acre, and said water-works company is hereby granted the use of a right of way, not exceeding 25 feet in width, for the purpose of maintaining the line of pipes now laid and laying and repairing the same hereafter, and connecting said tract of land with the city of Wallace, the same to be approved by the Secretary of the Interior.

SEC. 4. That the southeast quarter of the southeast quarter of section 20, township 13 south, range 38 west, heretofore set apart by the military authorities of Fort Wallace as a cemetery, is hereby granted to the city of Wallace for cemetery purposes.

SEC. 5. That the northeast quarter of section 29, township 13 south, range 38 west, being that portion of said reservation on which are situated the buildings constituting the Fort Wallace military post, shall be appraised under the direction of the Secretary of the Interior and sold at a public or private sale, as he may deem to the best advantage of the Government, except that it shall not be sold at less than its appraised price.

SEC. 6. That the remainder of said reservation shall be disposed of under the homestead laws, except the privileges granted by section 2301 of said homestead laws: *Provided*, That the Secretary of the Interior may, in his discretion, limit the quantity of land which may be entered upon by one entryman, within 1 mile of the limits of the city of Wallace to a quantity not less than 40 acres, and not exceeding 160 acres.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WEAVER. How much does it involve?

Mr. HOLMAN. Quite a large body.

Mr. TURNER, of Kansas. Twenty-eight sections.

Mr. Speaker, I apprehend that a little explanation of the provisions of this bill may be necessary. The general object is to open up this reservation. It is an old military reservation out on the frontier of Kansas, located in just that section of the State which is being settled up by homesteaders. The reservation is 2 miles wide and 7 miles long, making fourteen sections long. In order to do justice to all parties who are interested there, it is quite necessary that several sections should be considered.

Section 1 of the bill simply provides that the town-site of Wallace shall be granted by the Government for town-site purposes. There is already a town located upon this place. I should say that this town site embraces about 145 acres of land.

Section 2 provides that the Union Pacific Railroad Company shall be allowed to purchase 40 acres of land, at a valuation fixed by the Secretary of the Interior, at not less than $2.50 an acre, being the double-minimum price of all public lands.

Now, the reason for that is simply this: The Union Pacific Railroad when building its roads through the State of Kansas placed their division stations, as most railroads do, at every hundred miles. The third division is at Ellis, 100 miles east of Fort Wallace. In order to get water it was placed at the creek. As it passes from the fort the land rises to a table-land, which made it necessary for them to go 150 feet for water, where they obtain running water. The railroad had the right of way across this military reservation.

The Secretary of War granted the Union Pacific Railroad Company, on account of the water situated there, permission to build their division shops at that point. They did so, and also commenced experimental gardening at that point. They planted trees of different kinds which were kept under the control of their forester, and planted various kinds of vegetation upon patches of this 40 acres for the purpose of experimenting, and with the view of showing the fact that grain could be grown in that country. Now, that 40 acres has become covered by their machine shops, hotel, depot, offices, coal-sheds, etc., so that it would be but fair and just to this company to let them purchase the 40 acres of land at the valuation fixed by the Secretary of the Interior.

Mr. PAYSON. The water-works there are for the benefit of the entire community.

Mr. TURNER, of Kansas. Certainly. They belong to the town, not to the railroad company. It is very difficult in that part of the country, as I have stated, to get water in sufficient quantities to supply the towns; and therefore the Wallace Water-Works Company was formed, and reservoirs were established on the creek, some three-quarters of a mile distant from the town. After this bill was considered the company laid its pipes; it was, in fact, laying them at the time. The company has been formed by citizens of the town of Wallace, for the purpose of furnishing the people of Wallace with water. This bill provides that the Wallace Water-Works Company may purchase 40 acres of land at the appraised valuation.

Mr. PAYSON and others. That is all right. [Cries of "Vote!" "Vote!"]

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF LAND IN HOUSTON, TEX.

The next public-land business on the Calendar was the bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to sell, either at private or public sale, the interest held by the United States in and to block 108, situated in the city of Houston, Tex., on the south side of Buffalo Bayou, and to make a quitclaim deed to the purchaser thereof.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. SMITH, of Wisconsin. Who reported it?

Mr. HOLMAN. I do not remember.

Mr. McRAE. It is a very proper bill; and I hope it will pass.

Mr. HOLMAN. This land, as we understand, is entirely useless to the Government; and on that account this bill has been recommended by the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND FOR PUBLIC PARK, TACOMA, WASH.

The next public-land business on the Calendar was the bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the city of Tacoma, in the county of Pierce, in the Territory of Washington, the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever, the following-described pieces or parcels of land, situate in the county of Pierce and Territory of Washington, and described as follows, namely: Lots 1, 2, 3, 4, 5, and 6, and the east half of the southeast quarter, and the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of section 15, township 21 north, of range 2 east, and lots 1, 2, and 3, and the south half of the southwest quarter of section 14, same township and range, and lots 1, 2, and 3, in section 10 of the same township and range, containing 635 acres, more or less: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. This is a very important measure, and I hope the gentleman from Washington Territory [Mr. VOORHEES] will be permitted to state its effect.

Mr. PAYSON. I hope the gentleman will not consume much time. We are all in favor of the bill.

Mr. VOORHEES. I will not take three minutes.

The land covered by this bill is a military reservation known as Point Defiance. It embraces from 700 to 800 acres. The War Department is entirely in favor of this measure, as is shown by a letter which accompanies the report. The bill provides simply that this land shall be used by the city of Tacoma for the purpose of a public park, reserving to the United States the right at any time and under any circumstances to resume possession of the land for purposes of public defense.

Mr. HOLMAN. I ask that the report upon this bill be printed in the RECORD.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears no objection.

The report (by Mr. VOORHEES) is as follows:

The Committee on the Public Lands, to which was referred the bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purpose of a public park, report the same back with a favorable recommendation. The tract of land to which this legislation refers contains between 600 and 700 acres, and immediately adjoins the city of Tacoma.

The bill in its present shape has been recommended by the Chief of Engineers of the United States Army, which recommendation meets with the concurrence of the Secretary of War, as appears from the following letters:

"OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 3, 1888.

"SIR: I have the honor to return herewith Senate bill 1870, granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park.

"It is recommended that the bill be radically changed, in this, that instead of granting the lands mentioned to the city of Tacoma, the said city may be permitted to use the same for the purposes of a public park, and no other; that no price be received for the same from the city of Tacoma; that all title be securely vested in the United States, and that this permission be given with the full un-

derstanding that the United States intends to occupy the lands or any part of them for military or other purposes whenever its proper officials see fit to order the same, and without any claim for compensation or damage on the part of said city of Tacoma.

"Very respectfully, your obedient servant,

"J. C. DUANE,
"*Brigadier-General, Chief of Engineers.*

"Hon. WILLIAM C. ENDICOTT,
"*Secretary of War.*"

"WAR DEPARTMENT, *Washington City, March* 15, 1888.

"SIR: In reply to your request of the 12th instant for the views of this Department upon House bill No. 7081, Fiftieth Congress, first session, which conveys to the city of Tacoma, for a stipulated sum per acre, certain lands in Pierce County, Washington Territory, belonging to the United States, for the purposes of a public park, I have the honor to inform you that on the 6th instant the Committee on Public Lands of the United States Senate was furnished with a report upon a measure similar to the present bill (S. 1870) by the Chief of Engineers, who recommends that the bill be so amended as not to grant the lands in question to the city of Tacoma, but merely to permit their use as a public park, and that the United States accept no price for the lands, but retain its title in them securely vested; the property to revert to the United States whenever required, without any claim for damages on the part of the city of Tacoma.

"These recommendations of the Chief of Engineers are fully concurred in by this Department.

"Very respectfully, your obedient servant,

"S. V. BENÉT,
"*Brig. Gen., Chief of Ordnance, and Acting Secretary of War.*

"Hon. C. S. VOORHEES,
"*House of Representatives.*"

Your committee recommend the passage of the bill.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAMP SHERIDAN MILITARY RESERVATION.

The next public-land business on the Calendar was the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation.

The bill was read, as follows:

Be it enacted, etc., That all entries or filings under the homestead and pre-emption laws, allowed by the United States district land officers at Valentine, Nebr., of lands within the limits of the former Camp Sheridan military reservation, situated in township 33 north, of ranges 45 and 46 west, in said State, prior to receipt by them of instructions from the Commissioner of the General Land Office, dated July 2, 1886, be, and the same are hereby, confirmed: *Provided*, That the persons making such filings or entries possessed the necessary qualifications and have, since filing or entry (as the case may be), fully complied with the law governing entries of like character upon public lands.

SEC. 2. That in cases of filings under the pre-emption law, made upon lands in said abandoned reservation, the limitation of thirty months, prescribed by section 2267, United States Revised Statutes, shall not be enforced, but proof and payment must be made within six months from passage of this act.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 3, after the word "homestead," insert "and."
In line 4 strike out the words "and timber culture."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF CERTAIN LANDS IN LOUISIANA.

The next public-land business on the Calendar was the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana.

The bill was read, as follows:

Be it enacted, etc., That all lands lying in the rear of 80 arpents from and east of the Mississippi River and south of the Bayou Manchac and Amite River, within the limits of townships 8 and 9 south, of ranges 1, 2, 3, or 4 east, and township 10 south, of ranges 2, 3, and 4 east, in the late southeastern district in the State of Louisiana, which lands have been reserved from sale because claimed to be embraced within certain French or Spanish land grants, but which have been, or may hereafter be, decided by the courts of the United States not to be legally embraced within any such land grants claimed to have been granted by the French or Spanish Governments within the said limits, shall be restored to the public domain and shall be surveyed; and that so soon as said surveys shall have been made, all persons who have in good faith settled upon said lands within the limits of said townships at the time of the passage of this act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and shall be admitted to make their proofs and complete their titles in the same manner as if the said reservation, because of said grants claimed, had not been made; and all lands embraced within said townships not covered by actual settlers shall be subject to entry, under the provisions of the homestead laws only, for the period of three years after said lands shall have been surveyed; and after that time all lands which are too low for settlement, and which may not have been entered for homestead settlement, shall be sold at public sale to the highest bidder for cash, in tracts not larger than 160 acres: *Provided*, That this right of entry shall not extend to any lands within the limits of 80 arpents in depth from the Mississippi River, nor to any confirmed land grants within the limits of said townships: *And provided further*, That all lands disposed of under the provisions of this act shall be subject to all existing servitudes for drainage recognized by the laws of the State of Louisiana.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were read, as follows:

After the word "only," in line 27, strike out the following:

"For the period of three years after said lands shall have been surveyed; and after that time all lands which are too low for settlement, and which may not have been entered for homestead settlement, shall be sold at public sale to the highest bidder for cash, in tracts not larger than 160 acres."

At the end of the bill add the following:

"*And provided further*, That neither the claimants under this bill as homesteaders nor the State of Louisiana shall be entitled to indemnity from the United States by reason of the passage hereof or of any action under it."

The amendments reported by the committee were agreed to.

Mr. GAY. I wish to offer an amendment.

Mr. HOLMAN. If the gentleman from Louisiana [Mr. GAY] will permit me, I desire to insert after the words "under the provisions of the homestead laws only" the words "except section 2301 thereof." That is the commutation clause.

Mr. McRAE. I hope my friend from Indiana will not insist on that amendment. Of course we all favor that provision in the general bill when it shall become a law; but until we can get some general rule established let us not have one law operating in one neighborhood and another in another, thereby creating confusion.

Mr. PAYSON. It seems to me we ought to get this in wherever we can.

Mr. GAY. I suggest to my friend from Indiana that this provision might affect very unjustly the rights of settlers. These lands have been occupied for fifty years by a harmless, innocent people.

Mr. MACDONALD. They are all occupied, are they not?

Mr. GAY. Yes, sir.

Mr. HOLMAN. In view of the statement made by the gentleman from Louisiana, I will not press the amendment.

Mr. GAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"That the provisions of this bill shall be, and are hereby, extended to embrace all settlers upon public lands, and for the disposition of all public lands, embraced in the grant to Daniel Clark, so far as decreed invalid by the Supreme Court of the United States and the unconfirmed Conway claim."

Mr. CUTCHEON. I would like to hear some explanation of this amendment.

Mr. GAY. It has been ascertained that the original settlers on these lands were not all upon the Donaldson and Scott claim, which has recently been declared invalid, but many of them were upon the Daniel Clark grant and the Conway grant, which have also been set aside. The lands are of exactly the same character.

Mr. HOLMAN. And on the same part of the river.

Mr. GAY. This amendment is designed to protect contiguous bona fide settlers who have been there for three generations.

Mr. CUTCHEON. The gentleman's explanation is satisfactory.

The amendment of Mr. GAY was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANCELLATION OF RESERVATIONS ON ACCOUNT OF LIVE-OAK.

The next business under the special order was the bill (S. 196) to cancel certain reservations of lands on account of live-oak in the southwestern land district of the State of Louisiana; which was read, as follows:

Be it enacted, etc., That the reservation set apart by order of the President, October 21, 1845, in the southwestern land-district of the State of Louisiana, known as Pecan Island, within the following townships to wit: No. 15 south, range 1 west; No. 15 south, range 2 west; No. 16 south, range 1 west; No 15 south, range 1 east; No. 16 south, range 1 east, on account of the live-oak supposed to grow thereon, be, and are hereby, canceled and annulled: *Provided*, That all persons who have in good faith settled upon and made improvemens upon Pecan Island, within the limits of the said towships, at the time of the passage of this act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and be admitted to make their proofs and complete their titles in the same manner as if the said reservations for live-oak had not been made.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. WEAVER. There should be a commutation clause inserted in the bill.

Mr. GAY. That is not at all necessary.

Mr. HOLMAN. I think some such provision should be inserted.

Mr. McRAE. The commutation clause is not necessary under the homestead law in the South. It has never been used there. They take the land for homes and keep them.

Mr. PAYSON. It can not work any injury to have it inserted. Settlers in possession who hold land under this bill can not be harmed.

Mr. McRAE. It makes them trouble for which there is no occasion at all.

Mr. PAYSON. It could be inserted in the time we are debating it.

Mr. WEAVER. Why should not all settlers be treated alike?

Mr. HOLMAN. There would be no impropriety in inserting such a provision.

Mr. PAYSON. It can not hurt anybody.

The SPEAKER *pro tempore*. Does anybody offer the amendment?

Mr. PAYSON. Yes; I move to insert, after the word "laws," the words "except section 2321 of the Revised Statutes," which is the commutation clause of the homestead law.

Mr. GAY. I am willing to accept that amendment.

There was no objection, and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASING OF SCHOOL AND UNIVERSITY LANDS, WYOMING TERRITORY.

The next business under the special order was the bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes; which was read, as follows:

Be it enacted, etc., That the county commissioners of each of the counties organized or hereafter organized in the Territory of Wyoming are hereby authorized to lease the lands devoid of timber and known mineral deposits heretofore reserved or that may hereafter be reserved for school purposes in their respective counties, in such manner as may be provided by the laws of the said Territory: *Provided*, That until the Legislature of the said Territory shall provide by law for the leasing of the said lands, the presidents of the several boards of the county commissioners of the said Territory shall constitute a commission that is hereby authorized to make the necessary rules and regulations for the leasing of the said lands: *Provided*, That such rules and regulations shall have no force and effect until they are approved by the Secretary of the Interior. The said commission shall meet at such place and time as may be designated by the governor of the said Territory.

SEC. 2. That all moneys derived from the leasing of the lands as provided by the first section of this act shall become part of the school funds of the county where such lands are situated, and shall be used for the building of schoolhouses and the support of public schools in such county, and for no other purpose.

SEC. 3. That the governor, superintendent of public instruction, and auditor of the Territory of Wyoming are hereby constituted a board, with authority to lease the lands heretofore selected, or that may hereafter be selected, for university purposes, under the provisions of the act of Congress entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes," approved February 18, 1881, in the said Territory of Wyoming, in such manner as may be provided by the laws of the Territory of Wyoming: *Provided*, That until the Legislature of said Territory shall provide by law for the leasing of said university and school lands the said governor, superintendent of public instruction, and auditor are authorized, with the approval of the Secretary of the Interior, to make the necessary rules and regulations to carry out the provisions of this section.

SEC. 4. That all moneys derived from the leasing of the said university lands, as provided by the third section of this act, shall become a part of the university fund of said Territory, and shall be used for the support of the university of Wyoming, and for no other purpose.

SEC. 5. That no lease under the provisions of this act shall be made for a term exceeding five years, and all leases shall expire within six months after the Territory is admitted as a State into the Union: *Provided*, That the Secretary of the Interior may at any time in his discretion annul any lease made under the provisions of this act.

SEC. 6. That where lands in the sixteenth and thirty-sixth sections, in the Territory of Wyoming, are found upon survey to be in the occupancy, and covered by the improvements of an actual pre-emption or homestead settler, or where either of them are fractional in quantity, in whole or in part, or wanting because the townships are fractional, or have been or shall hereafter be reserved for public purposes, or found to be mineral in character, other lands may be selected by an agent appointed by the governor of the Territory in lieu thereof, from the surveyed public lands within the Territory not otherwise legally claimed or appropriated at the time of selection, in accordance with the principles of adjustment prescribed by section 2276 of the Revised Statutes of the United States, and upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16, or 36, in Wyoming, is mineral land, such smallest legal subdivision shall be excepted from the reservation for schools, and indemnity allowed for it in its entirety, and such subdivisions, or the portions of them remaining after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

The amendments of the committee were read, as follows:

Strike out the following proviso in section 1:

"*Provided*, That until the Legislature of the said Territory shall provide by law for the leasing of the said land, the presidents of the several boards of the county commissioners of the said Territory shall constitute a commission that is hereby authorized to make the necessary rules and regulations for the leasing of the said lands: *Provided*, That such rules and regulations shall have no force and effect until they are approved by the Secretary of the Interior. The said commission shall meet at such place and time as may be designated by the governor of the said Territory."

Also, in section 3, line 12, insert after the word "university" the words "and school."

Mr. HOLMAN. I presume there is no objection to the consideration of the bill, but I wish to have the first part of the last clause read again.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. McRAE. If it will provoke debate I will object, but otherwise I will not.

Mr. HOLMAN. It will give rise to no debate.

Mr. McRAE. I have no objection to the bill being considered on the condition that it does not give rise to a protracted debate. I have several bills I wish to have passed.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is before the House for consideration.

Mr. HOLMAN. I wish to have the first part of the last clause of the bill read again.

The last section of the bill was again read.

Mr. HOLMAN. I believe that does not go further than is provided in other cases.

Mr. CAREY. This section has been prepared at the Interior Department. They struck out the section I had drawn and substituted this in its place. It is in conformity with the law with reference to school lands.

Mr. TOOLE. I desire to offer an additional clause. It is that the provisions of this act shall extend to the other Territories of the United States.

The amendments of the committee were agreed to.

Mr. TOOLE. I move to insert in the bill the Territories of Arizona, New Mexico, Montana, Dakota, and Idaho.

Mr. WEAVER. I do not know what are the conditions of the other Territories. That would make this a large lease bill.

Mr. TOOLE. I submit it is only fair the other Territories should be included upon the same conditions.

Mr. WEAVER. I can not agree to it.

Mr. HOLMAN. I suppose the same officers are appointed in all cases.

Mr. TOOLE. Yes, sir.

Mr. HOLMAN. And each of these Territories has its own superintendent of public schools?

Mr. TOOLE. Yes, all of the machinery is supplied just as in Wyoming.

Mr. WEAVER. But these other Territories ought to have brought in their bills, and have them considered by the Public Lands Committee. I object to this sort of legislation in reference to the public lands. They are being disposed of fast enough to syndicates——

Mr. HOLMAN. I hope my friend will not press this amendment.

Mr. TOOLE. Mr. Speaker, I would like to say just this: The Congress of the United States has already set an example to the Territories of the United States by passing a law that prohibits the Legislative Assemblies of the Territories from enacting any special law of any kind or character whatever. Having set that very good example, it seems to me that unless some special reason is shown in a matter of general importance like this, affecting the Territories of the United States exactly alike as this does, there is no reason why a separate bill should be passed in each case, but that the same law should apply alike to each of the Territories.

All the school lands of the United States are exactly in the same condition, and there is no permission on the part of the Territorial authorities to lease or sell them, or exercise any supervision or control over them whatever until they become States of the Union. It seems to me that they stand exactly upon the same ground, and that this provision ought to apply to all alike.

Mr. WEAVER. Still the Territories have not thought it of sufficient importance to ask Congress or the Committee on the Public Lands to consider such a proposition.

Mr. McRAE. They are asking it; they are asking it now.

Mr. TOOLE. They stand exactly upon the same basis as Wyoming.

Mr. McRAE. This provision does not take any land whatever from the Government, but it only helps to increase the school funds in the Territories.

Mr. WEAVER. It allows them to lease the lands.

Mr. McRAE. Yes, but the lands are being occupied now to a large extent, and the Territories derive no revenue from them. Now, if they have the privilege of leasing them it will add to their school funds just that much.

Mr. SMITH, of Arizona. Now, Mr. Speaker, let me say just one word.

Mr. TOOLE. I offer that amendment.

Mr. SMITH, of Arizona. I would like to have some member of the committee suggest any reason why Wyoming or any other Territory should be included in a provision of this character which does not embrace all of the Territories. If any gentleman can suggest a reason I would like to know it.

Mr. WEAVER. They have not seemed to want it heretofore.

Mr. SMITH, of Arizona. The excuse and the only excuse that is offered here, which I must be permitted to say is a very flimsy one, is that bills have not been introduced on behalf of the Territories. But it is time enough now to introduce them. The gentlemen of the committee, the chairman of the committee, or some member of the committee, ought to show a reason why they should not be included as proposed here; because if this is good for Wyoming, it is good for all of the Territories.

It seems to me that there can be no possible objection to it.

Mr. STONE, of Missouri. Would the provisions apply to all alike?

Mr. SMITH, of Arizona. Yes, sir; every one of them has the same officers, the superintendent of public instruction, and have exactly the same machinery. There can be no objection on that ground.

Now our Territorial school lands are being settled upon by people who do not own the lands because they can not get them surveyed. Our public-school lands are being despoiled by people settling upon

them, calling them Government lands. The county commissioners of the various counties should have a right to stop this. They should make laws to stop the settling upon the lands or the committing of depredations upon them. They are powerless now to do so.

Mr. WEAVER. All of the public lands are under the control of the General Government, and it can put a stop to it.

Mr. SMITH, of Arizona. But it does not do it. It has appropriated $300,000 for certain purposes, and appropriated $80,000 to make surveys, an amount so small to each mile to be surveyed that every cent of it has to be turned back into the Treasury.

Mr. WEAVER. I consider it, however, bad policy for the General Government to abandon the control of the public domain and turn it over as here proposed. The only effect of such a provision is to turn over the public lands to the cattle syndicates, building up vast corporations at the public expense, and a system which is hostile to the general policy of our land laws.

Mr. SMITH, of Arizona. I want to say just this and in connection with the very thing the gentleman now speaks of: It becomes quite apparent to everybody in a moment who knows anything of the conditions there that the very thing he speaks of is being done to-day. They are taking possession of the school lands for the very purposes he suggests, and there is no power to stop them.

Mr. WEAVER. That we propose to regulate.

Mr. SMITH, of Arizona. But something ought to be paid to Territories for the use of school lands.

Mr. WEAVER. I want to be understood in this matter. The responsibility is not with me any more than any other member of the committee. The chairman of the committee is here, and other members; but let me suggest just this: we all know that these growing privileges granted in the Territories on the public domain are wholly and essentially hostile to the homestead system, and the more you extend these privileges the stronger becomes the power of these men who get control. I understand that with reference to these school lands, they are lands that can not be sold or leased by the Territories, but can be homesteaded. But after a while, when the Territories come into the Union and the land passes under the control of the State, you have powerful syndicates built up that have control of the State government and control of every acre of the lands; and they will retain the control of them, or at least are liable to do so. I think that is very objectionable legislation.

Mr. SYMES. By the report from the Committee on Territories for the admission of Territories into the Union as States it passes to them and they retain control of the school lands, and they are inhibited from disposing of them. They are made school lands for a permanent fund.

Mr. WEAVER. I understand the legal status of this land. I am not a member of the Committee on Public Lands, and if the members of that committee have no objection to this bill, I will not object to it; but it does not strike me as not being the right manner in which to accomplish the purpose sought.

Mr. McRAE. I want to say but one word. This land is scattered about, a section here and a section there; and if it were in a body there would be a great deal more force in the point made by the gentleman from Iowa. By a person taking "section 6," or "section 16," or any section, you can not make a monopoly of the land in a Territory; and I do not see any reason why these people should not raise funds by renting these lands if they desire to do so.

Mr. WEAVER. There are parties grazing lands surrounding those sections now.

Mr. McRAE. That does not interfere with anybody's rights.

Mr. MACDONALD. If there is to be further debate on this bill, I will rise for the purpose of objecting to the consideration of the bill.

Mr. CAREY. If I may be permitted one word of explanation, I do not think there will be any objection to the bill. I think the gentleman from Iowa [Mr. WEAVER] has entirely misunderstood the situation in reference to this land. In the Territory which I represent the people are expending $25 annually on each scholar of school age. They are establishing a university in that Territory. The Secretary of the Interior in his letter indorses this bill. He believes this legislation is wise; and I do not believe there can possibly be any objection to this bill in reference to Wyoming.

Mr. CUTCHEON. Do you know of any situation in Wyoming that does not apply to the other Territories, and why it might not be wise legislation for them?

Mr. CAREY. I have been working on this bill practically for three years for the Territory of Wyoming, and I will not discuss what may be wise for the other Territories.

Mr. HOLMAN. I ask that the amendment be again reported.

The amendment of Mr. TOOLE was read, as follows:

After the word "Wyoming," insert "Arizona, Dakota, Idaho, Montana, New Mexico, and Utah."

Mr. HOLMAN. I hope my friend will not insist upon that kind of legislation. The names should be inserted in the body of the bill, and before the vote is put I ask that the first section—that portion of it which embraces Wyoming—shall be reported as proposed to be amended, so as to see if the subsequent language will harmonize with the several Territories named. I apprehend that the whole bill will have to be changed.

The Clerk proceeded to report the section.

Mr. HOLMAN (interrupting the reading). That will not do at all. I suggest that the bill will have to be remodeled.

Mr. TOOLE. I withdraw the amendment I have offered.

Mr. HOLMAN. I would suggest to the gentlemen representing the other Territories that this bill be withheld for a while. I think it is bad legislation—at any rate it is not good legislation; but inasmuch as the gentlemen seem to be so anxious for this provision I will not object myself, for I do not see why the same rule should not apply to all Territories, and I shall not object to have this provision extended to the whole of the Territories named, except Washington.

Mr. KERR. I will move to strike out that section. I do not think it should be for any Territory.

The SPEAKER *pro tempore*. That can be accomplished by voting against it.

Mr. KERR. I do not think it ought to apply anywhere.

Mr. MACDONALD. I ask that this bill be laid aside informally.

Mr. McRAE. If the gentleman in charge of this bill does not demand the previous question on its passage, I will.

Mr. CAREY. I demand the previous question on the passage of the bill.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KANSAS LANDS.

The next bill on the Calendar was the bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas.

The bill was read, as follows:

Be it enacted, etc., That all the interest of the United States in and to the south half of the northeast quarter and the north half of the southeast quarter of section 6, township 6 south, of range 18 west, of the sixth principal meridian, in Rooks County, Kansas, is hereby relinquished to Elmore S. Stroup.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. I ask that the report may go into the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. TURNER, of Kansas) is as follows:

Your committee have had under consideration House bill No. 6217, and find the following facts: The south half of the northeast quarter and the north half of the southeast quarter of section 6, township 6, of range 18 west of the sixth principal meridian, in Kansas, was located with Supreme Court scrip K 34, sub. 2, R. and R. 71, by Elmore S. Stroup, and upon which patent issued December 20, 1881.

It further appears that at the time of making said entry the said Elmore S. Stroup was only nineteen years of age, a fact that came to his knowledge after making said proof, when he immediately deeded said land to the United States and placed said deed upon record with the register of deeds in the county in which said land is located. The Government could not accept said conveyance, and as patent has been issued by the Government to the said Elmore S. Stroup for said land, the purpose of this bill is to quiet the title of said land to the said Elmore S. Stroup. The report of the Land Commissioner upon this case is as follows:

"DEPARTMENT OF THE INTERIOR,
"GENERAL LAND OFFICE.
"*Washington, D. C., March* 6, 1888.

"SIR: Replying to your letter of February 24, 1888, you are informed that the records of this office show the S. ½ NE. ¼ and N. ½ SE. ¼, section 6, township 6, range 18 west sixth principal meridian, Kansas, to be located with supreme court scrip K 34, sub. 2, R. and R. 71, by Elmore S. Stroup, upon patent issued December 20, 1881.

"Very respectfully,
"S. M. STOCKSLAGER,
"*Acting Commissioner.*"

The deposition of the register of deeds of the county in which said land is located is as follows:

"STATE OF KANSAS, *Rooks County, ss:*

"H. A. Kinworthy, of lawful age, being first duly sworn, on oath deposes and says: I am register of deeds for Rooks County, Kansas, and have in my custody the records of deeds, mortgages, and so forth, of lands in said county. That page — of book —— of deeds shows a deed from Elmore S. Stroup to the United States, conveying by warranty his title to the S. ½ NE. ¼ and N. ½ SE. ¼, section 6, township 6, range 18, Rooks County, Kansas, to the United States; and that the said deed remains on record uncanceled. Said deed is dated 19th day of May, 1883, acknowledged 19th day of May, 1883, and filed for record 21st day of May, 1883.

"[SEAL.] H. A. KINWORTHY,
"*Register of Deeds.*

"Subscribed and sworn to before me this 20th day of February, 1888.
"[SEAL.] F. A. CHIPMAN,
"*Clerk District Court, Rooks County, Kansas.*"

All of which is respectfully submitted, with the recommendation that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASERS WITHIN RAILROAD GRANTS.

The next bill on the Calendar was the bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits.

The bill was read, as follows:

Be it enacted, etc., That as to all lands lying in the vicinity of Denver, in the State of Colorado, heretofore withdrawn by the executive department of the Government for the use or benefit of the Union Pacific Railway Company, Eastern Division, and the Denver Pacific Railway and Telegraph Company, or their or either of their successors, under the construction heretofore placed by the executive department of the Government upon the act of Congress entitled "An act to authorize the transfer of lands granted to the Union Pacific Railway Company, Eastern Division, between Denver and the point of its connection with the Union Pacific Railroad, to the Denver Pacific Railway and Telegraph Company, and to expedite the completion of railroads to Denver, in the Territory of Colorado," approved March 3, 1869, construing the grant in said act mentioned to be one continuous grant west of Fort Riley, in Kansas, through Denver, Colo., to Cheyenne, Wyo., and which lands have been sold by said companies or either of them, or their or either of their successors, prior to December 9, 1887, to citizens of the United States or to persons who have declared their intention to become such citizens, the holder of the title under such purchase from the railroad company, unless he be a director or other officer of the Union Pacific Railway Company, may, upon making proof of such purpose at the proper land office, and the further proof of the time of his or, if he claimed by inheritance, his ancestor's purchase, that he or his ancestor relied in good faith upon the validity of the title of such railroad companies, and that such purchase was made for a valuable consideration, enter and pay for said lands at the ordinary Government price for like lands, and patents shall issue therefor to the holder of such title and inure to the benefit of the original purchaser and all claiming under him: *Provided*, that nothing herein shall be held to dispossess or determine the rights of parties who may hold adversely to each other under purchase from the railroad company: *And provided further*, that a mortgage or pledge to secure the payment of money shall not be considered a purchase under the provisions of this act.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chairs hears none.

Mr. ANDERSON, of Kansas. I would be glad to hear some explanation of this measure.

Mr. PAYSON. I reported this bill under the unanimous instruction of the committee.

Mr. McRAE. I hope time will not be occupied in discussion.

Mr. PAYSON. My explanation will not occupy more than a minute. The simple effect of this bill is that parties who are in possession of certain lands which they purchased from the Union Pacific Railway Company—some of them as early as 1869—and who have been in continuous possession since, will be allowed to repurchase the same land from the Government by paying the same price for it.

This measure is rendered necessary from this circumstance: In the early days of that railroad grant these lands were held to be railroad lands. The Commissioner of the General Land Office in 1873 so decided; and the then Acting Secretary of the Interior, Mr. Cowan, affirmed that decision on appeal. The lands were then put in the market and sold. In October or November, 1887, Mr. Muldrow, Acting Secretary of the Interior, reviewed the former decision and held that, owing to some technical difficulty (which it would take me too long to explain, and which it is not necessary to explain), these lands were not railroad lands. But in the mean time the parties who will be the beneficiaries under this bill have been in possession—some, as I have stated, since 1869. This bill gives them, if they were purchasers in good faith and not connected in any way with the railroad company, the right to buy from the Government the land they previously bought from the railroad company.

Mr. ANDERSON, of Kansas. Does this apply to excess lands?

Mr. PAYSON. No, sir; it applies to lands within the granted limits; not to excess lands. The lands are only rendered valuable by reason of their proximity to the city of Denver. As I have stated, the bill has been reported unanimously. It does not give away an acre of land.

Mr. HOLMAN. I want to call the attention of the gentleman from Illinois to this point——

Mr. McRAE. I do not want to oppose this bill, but I have a suggestion to make which I hope will be acceptable. There are three little private bills on the Calendar to which there can be no objection. They were reported prior to this bill and should have had priority of consideration; but in the hope that gentlemen would get through with these other measures, I have suffered them to go on. Now, if they will agree to take up these three bills and pass them, they may then take all the time they please in the consideration of this bill. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. The inquiry I desired to make was this: My friend from Illinois [Mr. PAYSON] in the amendment which has been read used the phrase "officer of the Union Pacific Railway Company." Is that description a proper one? This corporation was in the first place known as the Kansas Pacific.

Mr. PAYSON. It is now the Union Pacific Railway Company.

Mr. HOLMAN. Does the gentleman think the phraseology of his amendment sufficient to cover the whole case?

Mr. PAYSON. There is no trouble about that. I am told that as a matter of fact none of these officers are interested in an acre of the land which will be affected by this bill. That provision has simply been inserted out of abundant caution.

Mr. HOLMAN. Of course, I insist that that shall be in.

Mr. PAYSON. That is proper.

Mr. STONE, of Missouri. I ask the Clerk to report again the last amendment. Some of the land to be affected by the bill is very valuable—worth a thousand dollars an acre. I think the provision ought to be well guarded.

The Clerk again read the amendment.

Mr. PAYSON. That is just as strong as it can be.

Mr. HOLMAN. It appears so.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were agreed to.

Mr. PAYSON. There is a verbal amendment which should be made in line 28. The word "claimed" should be "claim." I ask to make that correction.

The SPEAKER *pro tempore*. If there be no objection, the correction will be made. The Chair hears no objection.

Mr. HOLMAN. I ask unanimous consent that the report in this case be published in the RECORD.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

The report (by Mr. PAYSON) is as follows:

By the Union Pacific Railroad acts of Congress of July 1, 1862, July 2, 1864, and July 3, 1866, a continous grant of lands was made to the Union Pacific Railway Company, Eastern Division, from Kansas City, Mo., through Denver, Colo., to Cheyenne, Wyo.; by a further act of Congress of March 3, 1869, the Union Pacific Railway Company, Eastern Division, was authorized to contract with the Denver Pacific Railway and Telegraph Company for the construction of that part of the Union Pacific Railroad between Denver and Cheyenne, and to transfer to the Denver Pacific Railway and Telegraph Company its grant of lands along that portion of its road.

The road from Kansas City to Denver was completed in accordance with the acts of Congress, and accepted by the President October 19, 1872; and the road from Denver to Cheyenne was completed in accordance with the acts of Congress, and accepted by the President May 2, 1872.

In 1873 the question was raised in the Land Department whether the act of March 3, 1869, above referred to, severed the original continuous grant from Kansas City to Cheyenne into two separate grants, one to the Union Pacific Railway Company, Eastern Division, from Kansas City to Denver, and the other to the Denver Pacific Railway and Telegraph Company, from Cheyenne to Denver, thus making two termini at Denver.

This question became important because the Union Pacific, Eastern Division, runs into Denver on a course substantially due east and west, and the Denver Pacific on a course substantially due north and south. So that if there be two grants, each terminating with a line perpendicular to the line of these roads at Denver, there would be a triangle or segment of land, lying southwest of Denver, which belongs to neither of the companies. In the two cases which arose before Land Commissioner Drummond, in 1873, to wit: Denver Pacific *vs.* Longan and Union Pacific *vs.* Hodge, Mr. Drummond decided that the act of March 3, 1869, above cited, did not sever the original continuous grant, and that the lands in the triangle belonged to the several companies. The case of the Denver Pacific *vs.* Longan was appealed to the Secretary of the Interior, and was affirmed by the then Acting Secretary Cowan, in 1874. (See 1 Copp's L. O., 100-101.)

Aside from the decisions last quoted the executive department of the Government has recognized the continuity of said grant both before and after the passage of the act of March 3, 1869, in the following ways:

1. When the Union Pacific Railway Company, Eastern Division, filed its map of general route, in 1860, the Department approved the same and sent to the register and receiver of the land office at Denver a plat showing the limits of the grant which included the triangle in question, and a letter withdrawing the lands in the triangle from private entry.

2. When the Denver Pacific filed its map of definite location, August 21, 1869, the Department approved the same and forwarded to the register and receiver at Denver and at Central City a diagram showing the definite limits of the grant, which diagram includes the northerly half of this triangle; and when the Kansas Pacific first filed its map of definite location, May 26, 1870, the Department approved the same and sent to the register and receiver at Denver a diagram showing the definite limits of the grant, which diagram includes the southerly half of the triangle.

3. From 1874 to December 9, 1887, the Government issued patents to the said companies and their successor to 16,740 acres of land in the triangle, in each of which patents it is recited that the said companies are entitled to the same by reason of their compliance with the acts of Congress above mentioned.

4. From the time the Union Pacific Railway Company, Eastern Division, first filed its map of general route, in 1866, the Government has at all times, both before and after the passage of the act of March 3, 1869, sold the even-numbered sections within the triangle at double minimum price, on the theory that the triangle was part of the grant to the railroad companies.

On December 9, 1887, the question of whether or not this triangle was part of the grant to said railway companies was again raised before the Secretary of the Interior, on the petition of H. R. Clise and others, asking that the Attorney-General be instructed to bring suit to set aside patents to certain of the lands in the triangle, and Acting Secretary of the Interior Muldrow, in his decision of said last mentioned date, held that said act of March 3, 1869, severed said original continuous grant, and that the triangle in question never became the property of said railroad companies, and instructed the Attorney-General to bring suit to set aside all patents issued by the Government to said railroad companies for lands lying within the triangle.

Prior to the rendition of this decision, and while the Government recognized the title of the railroad companies to these lands by the decision of the Secretary of the Interior and the numerous other ways above set out, these railroad companies sold about 38,000 acres of these lands to innocent purchasers, who were induced by the conduct of the Government to believe that the title of the railroad companies was perfect. Some of the purchases were made as early as 1869, and a large number of the purchasers have been in actual possession, cultivating and improving the lands, for ten and fifteen years; and all these lands have to be irrigated to make them productive, which could only be done at great expense. Some of these lands lie in close proximity to the city of Denver, have gone through numerous hands, and are said to have become very valuable, from $250 to $500 per acre.

Of the 38,000 acres so purchased by innocent purchasers, about 17,000 acres have been patented to the companies, and about 21,000 acres are neither patented nor certified.

The bill under consideration (H. R. 9056) is intended to protect these innocent purchasers. It permits them to purchase the lands of the Government at minimum price. It does not grant any lands to the companies, nor does it in any manner confirm or recognize any prior pretended grant to the companies, but, on the contrary, is based upon the theory that the decision of the Secretary of the Interior of December 9, 1887, is correct, and that the lands in the triangle never passed to the railroad companies.

The relief asked in this case comes within the spirit of the act of Congress of March 3, 1887, for the protection of innocent purchasers from railroad companies, but owing to the peculiar circumstances of the case, that act is not applicable.

The committee are of the opinion that the said innocent purchasers are equitably entitled to the relief granted by the bill (H. R. 9056), and therefore recommend its passage, with the following amendments:

On line 21, between the words "successors" and "to," insert the words "prior to December 9, 1887."

On line 24, between the words "company" and "may," insert the words "unless he be a director or other officer of the Union Pacific Railway Company."

On line 25, between the words "land office" and "enter," insert the words "and the further proof of the time of his, or if he claim by inheritance his ancestor's, purchase, that he or his ancestor relied in good faith upon the validity of the title of such railroad companies, and that such purchase was made for a valuable consideration."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HUGH FOSTER.

The next public-land business on the Calendar was the bill (H. R. 9040) to confirm the homestead entry of Hugh Foster.

The bill was read, as follows:

Be it enacted, etc., That homestead entry numbered 1790, made at the United States land office at Marquette, Mich., March 22, 1879, by Hugh Foster, upon the south half the northeast quarter and north half of the southeast quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office to the local officers, dated July 2, 1878, and recommended for confirmation, by special act of Congress, by the Secretary of the Interior, in a decision on the case rendered November 18, 1881, be, and the same is hereby, confirmed as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provisions of the homestead law shall be made in the usual manner.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. I ask unanimous consent that the report in this case be published in the RECORD.

There being no objection, it was ordered accordingly.

The report (by Mr. LAFFOON) is as follows:

The Committee on the Public Lands, to whom was submitted House bill 9040, having had the same under consideration, and after having examined Executive Document No. 88, Forty-seventh Congress, first session, are of opinion that said bill ought to pass.

They therefore recommend the passage of said bill. Said executive document is made a part of this report.

[Senate Ex. Doc. No. 88, Forty-seventh Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior, of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of certain lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the Secretary of the Interior of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 3, 1882.

DEPARTMENT OF THE INTERIOR, *Washington, January 27, 1882.*

SIR: I have the honor to submit herewith, in duplicate, for the consideration of Congress, draught of a bill, with accompanying papers, for the confirmation of homestead entry No. 1790, made at the United States land office at Marquette, Mich., on the 22d March, 1879, by Hugh Foster. This entry was made under instructions inadvertently issued by the Commissioner of the General Land Office, when the land was in a state of reservation under the act of March 3, 1875 (18 Statutes, 516), and before it had been restored to market.

I also submit, in duplicate, draught of a bill for confirmation of homestead entry No. 1828, made May 8, 1879, at the same office, by John Waishkey, jr., under like circumstance.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

The PRESIDENT.

A Bill to confirm the homestead entry of Hugh Foster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead entry No. 1790, made at the United States land office at Marquette, Mich., March 22, 1879, by Hugh Foster, upon the south half of the northeast quarter and north half of the southeast quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office to the local officers, dated July 2, 1878, and recommended for confirmation by special act of Congress by the Secretary of the Interior in a decision on the case rendered November 18, 1881, be, and the same is hereby, confirmed, as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provision of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 13, 1881.

SIR: In compliance with the request contained in your letter of November 18, 1881, deciding on appeal that homestead entry No. 1790, made by Hugh Foster at the Marquette, Mich., land office, March 22, 1879, under instructions to the local officers from this office dated July 2, 1878, was invalid by reason that the land which was reserved under the second section, act of March 3, 1875, had not been restored to the public domain as therein provided for at the date of said entry, I have the honor to inclose herewith for transmission to Congress the draught of a bill confirming said homestead entry, together with accompanying papers, namely:

Copy of Commissioner's letter to local officers authorizing certain entries, July 2, 1878.

Copy of Commissioner's decision holding the homestead entry of Hugh Foster for cancellation, May 3, 1879.

Copy of Secretary's decision, November 18, 1881.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 2, 1878.

GENTLEMEN: I am in receipt of a letter from Guy H. Carleton, esq., dated at Sault Ste. Marie, Mich., the 21st ultimo, requesting me to advise you as to whether or not the south half of northeast quarter and northeast quarter of southeast quarter of section 10, township 47 north, range 2 east, are subject to homestead entry.

In compliance with the request of Mr. Carleton, I have to state that I am in receipt of a letter under date of February 20, 1878, from the Acting Commissioner of Indian Affairs, stating that there is no Indian claim to the above-described land. If upon examination of your records you find no interfering claim to said land, they will be subject to homestead or pre-emption entry by the first legal applicant.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

REGISTER AND RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 3, 1879.

GENTLEMEN: Homestead entry No. 1790, March 22, 1879, in the name of Hugh Foster, for the north half of southeast quarter and south half of northeast quarter, section 10, township 47 north, range 2 east, is this day held for cancellation for the reason that the land embraced therein is not subject to entry.

On the section in question, although not embraced in the reservation, certain Indians had made selections of land, and section 2 of the act approved March 3, 1875, provides as follows:

"That all Indians who have settled upon and made improvements on section 10, in township 47 north, range 2 east, and section 24, in township 47 north, range 3 west, Michigan, shall be permitted to enter not exceeding 80 acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land-office at Marquette, Mich.; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market."

In the office circular of March 18, 1875, promulgating the act above referred to, the local officers were instructed to treat the land embraced in the two sections as reserved from any other disposal than that for which the act provides, and at the expiration of one year from its passage—which was considered ample time for the Indians to avail themselves of the provisions thereof—the register and receiver were directed to report any vacant tracts remaining in said sections 10 and 24 for restoration to market.

No report appears to have been made by the local officers, and the lands have not been restored to market.

You will inform Mr. Foster of the above decision, and allow him sixty days within which to appeal, and in the event of the cancellation of his entry he will be allowed to make a new one, with credit for fee and commissions already paid.

You will make an investigation, first notifying the United States Indian agent for the tribe to which said Indians belong, in order to ascertain whether any Indian claims exist upon said lands, as contemplated by the act, and report result of such investigation to this office, in order that any vacant lands remaining may be restored to market.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR, *Washington, November 18, 1881.*

SIR: I have considered the appeal of Hugh Foster from your decision of May 3, 1879, holding for cancellation his homestead entry of March 22, 1879, upon the north half of the southeast quarter and the south half of the northeast quarter of section 10, township 47 north, range 2 east, Marquette, Mich., because at the date of said entry said lands were reserved from any other disposal than that provided by the second section of the act of March 3, 1875 (18 Stats., 516), which provides that all Indians who have settled upon and made improvements on said section 10, and other sections therein named, shall be permitted to enter not exceeding 80 acres each, upon making due proof therefor, "and when said entries shall have been completed in accordance herewith the remaining lands embraced within the limits of said sections shall be restored to market."

Your circular of March 18, 1875, under this act, required the local officers, at the expiration of one year from its passage, to report any tracts which might then be vacant, tho they might be restored to market. If such report has been made, said lands have not yet been restored.

It appears, however, that on July 2, 1878, your office advised the local office that if no interfering claim to the lands named in said section 2 appeared on their records they would be subject to filing and entry under the pre-emption and homestead laws by the first legal applicant therefor. These instructions, as you state in your letter of May 3, 1879, were not intended to change the rule in respect to the restoration of lands to market, but were inadvertently issued. They were, nevertheless, in force at the date of Foster's entry, who appears to have made the same in virtue thereof. It does not appear to what extent, if any, he has improved the tract; but whether much or little he should not suffer in his rights or property from the inadvertency of your office.

I am neither disposed to waive the general rule respecting the restoration of lands to market, which has been in force for many years, nor to spare suitable action for relief of Mr. Foster. I therefore request you to prepare a bill for sub-

mission to Congress which may secure his rights and validate his entry as of the day of the date thereof.

The papers transmitted with your letter of July 19, 1881, are herewith returned.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 16, 1881.

SIR: I have the honor to inclose herewith, for transmission to Congress, the draught of a bill confirming homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, range 2 east, Michigan, made May 8, 1879, by John Waishkey, jr., for reasons set forth in my letter C, of the 14th instant, to you on said subject.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

A bill to confirm the homestead entry of John Waishkey, jr.

Be it enacted, etc., That homestead entry numbered 1828, made at the United States land office at Marquette, Mich., May 8, 1879, by John Waishkey, jr., upon the south half of the southeast quarter and south half of the southwest quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office, dated July 2, 1878, be, and the same is hereby, confirmed as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provisions of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 14, 1881.

SIR: I have the honor to hereby recommend that the homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, of range 2 east, made by John Waishkey, jr., at the Marquette, Mich., district land office, May 8, 1879, and held for cancellation September 16, 1879, on the same ground that homestead entry No. 1790 was so held, be incorporated in the bill confirming homestead entry No. 1790, the draught of which bill was inclosed in my letter C to you of the 13th instant, for transmission to Congress. The land covered by said entry No. 1828 lies in the same section, township, and range as that covered by homestead entry No. 1790, and I think Mr. Waishkey is entitled to the same relief that is sought in behalf of Mr. Foster by the bill before mentioned.

I inclose herewith a copy of the letter of September 16, 1879, holding entry No. 1828 for cancellation.

Very respectfully, you obedient servant,

N. C. MCFARLAND, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 16, 1879.

GENTLEMEN: Referring to my letter of May 3, 1879, holding for cancellation homestead entry No. 1790, in the name of Hugh Foster, covering the north half of the southeast quarter and south half of the northeast quarter of section 10, township 47 north, range 2 east, for reason therein stated, I am in receipt of your letter of the 13th ultimo, inclosing one from Foster's attorney relative thereto.

You cite as your authority for allowing said entry a letter from this office of July 2, 1878, stating that the tracts above mentioned were subject to homestead entry, etc. The letter referred to was inadvertently written of the tenor that it was, as the tracts were not subject to such entry under the law.

Section 2 of the act of March 3, 1875, quoted in my letter of May 3 last, is specific in its provisions, and the land embraced in section 10, township 47 north, range 2 east, and section 24, township 47 north, range 3 west, is not subject to entry or location, except by Indians, as therein provided for, until the same shall have been restored to market. The subsequent act of May 23, 1876, has reference only to lands formerly within the Indian reservation, and does not apply to the sections mentioned above.

Homestead entry No. 1823, covering the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47, range 2 east, in the name of John Waishkey, jr., is similarly situated in this respect with that of Hugh Foster, and is also this day held for cancellation for reasons stated at length in my letter of May 3, 1879, with regard to the latter.

You will inform the parties to the entries above, allow the usual time for appeal, and report action in the premises to this office.

You will carry out the instructions contained in the last paragraph of my letter of May 3, last, relative to investigating whether any Indian claims exist in said sections, in order that, if so, they may be adjusted, and thereafter the remaining lands restored to market, as contemplated in the act of March 3, 1875.

In case you find that your predecessors have made any report bearing on the matter, communicate the fact to this office, giving the date of such report.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER AND RECEIVER,
Marquette, Mich.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENT TO CERTAIN LAND IN ARKANSAS.

The next public-land business on the Calendar was the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the location made by Samuel J. Johnson for the north half of southwest quarter of section 17, in township 12 north, of range 9 west, in Arkansas, containing 80 acres, on the 4th of March, A. D. 1861, with military bounty land-warrant No. 32256, for 80 acres, under act of March 3, A. D. 1855, in the name of Achilles Ferrill or Terrill, be, and the same is hereby, confirmed, and patent shall issue, notwithstanding the loss of said warrant.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WILLIAMS. I would like to hear a brief explanation.

Mr. WHEELER. By the examination of very voluminous evidence the committee found that the land-warrant in this case was lost, and that the location of the warrant was the result of accident or mistake, for which the owner of the warrant could not be held responsible.

Mr. HOLMAN. It was lost in the Land Office.

Mr. WILLIAMS. I have no objection.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

"*Provided*, That nothing herein contained shall prejudice adverse rights, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM GAFFER AND OTHERS.

The next public-land business on the Calendar was the bill (H. R. 9234) for the relief of William Gaffer and his legal representatives and assigns.

The bill was read, as follows:

Be it enacted, etc., That the entry of Samuel Gaffer, under date of March 24, in the year 1864, at Winnebago City, Minn., for the northwest quarter of section No. 20, township No. 104 north, of range 26 west, of the fifth principal meridian, and the subsequent final proof of the same by his son William Gaffer (as the son of said Samuel Gaffer, deceased), be, and the same hereby is, ratified, confirmed, and declared valid; and the President is hereby authorized and directed to issue, in due form, a patent for said land to the said William Gaffer, which patent shall operate as and be a conveyance of said land to him and his legal representatives or assigns.

There being no objection, the House proceeded to the consideration of the bill.

Mr. MACDONALD. Since this bill was reported by the Committee on Public Lands, an amendment has been agreed upon by my colleague [Mr. LIND] and myself, in consequence of the receipt of certain communications which led us to believe it necessary to adopt this amendment as a precautionary measure against doing injustice to any person. I ask that the amendment be read.

The Clerk read as follows:

Strike out all after the word "to," in line 12, and insert the following:

"The district judge of the sixth judicial district of the State of Minnesota, which patent shall operate as, and be a conveyance of said land to such judge in trust for the use and benefit of the person or persons equitably entitled to said land or any part thereof.

"SEC. 2. That upon the issuance of such patent any person interested in said land may make application to the judge of said court; and said judge shall thereupon issue a citation citing all parties interested to appear before him on the first day of the term at the next ensuing general term of the district court in and for the county in which said land is located, and then and there establish his claim to said land or any part thereof, which citation shall be served in such manner as the judge of the said court shall direct. That on the return-day of said citation, or at such other time as the judge may fix, the several persons cited interested in said land shall adduce and submit the evidence in support of their respective claims thereto; and the judge of said court shall thereupon award to each or any of said claimants such portion of said land as he is in equity and good conscience entitled to; and such award shall be final and conclusive, and shall be carried into effect by such judge by executing conveyances in conformity therewith to the parties adjudged to be entitled to said land or a portion thereof."

Mr. PAYSON. This seems a strange precedent. I do not myself, as a member of the House of Representatives, like that kind of legislation. I never before heard of a measure looking to the issue of a patent from the General Government to the judge of a court for him to handle the title and transmit it to such persons as he might think equitably entitled to it. It is a rather odd piece of legislation. I do not care to object to it; but I do not want to go upon record as favoring that kind of legislation.

Mr. HOLMAN. I wish it to be understood this bill does not come from the Committee on the Public Lands. The gentleman from Minnesota [Mr. MACDONALD] is responsible for it.

Mr. MACDONALD. It is right, and the gentleman from Minnesota is willing to be responsible for it.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVOCATION OF WITHDRAWAL OF LANDS.

Mr. HOLMAN. I wish to present a bill from the committee, which came to us on reference of a communication of the Secretary of the Interior. It is a measure recommended by him.

The Clerk read as follows:

An act to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

Be it enacted, etc., That section 5 of an act entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad

in said State," approved May 12, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865, and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed.

SEC. 2. That the provisions of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,' approved May 15, 1856," be and the same are hereby repealed, so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary, or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory; and all withdrawals of lands within indemnity limits heretofore made for the benefit of any road or roads, under or by virtue of said grants or any of them, and any reservations of lands made under said provisions of the act of June 2, 1864, shall be revoked, and the Secretary of the Interior is authorized and directed to restore said lands to settlement and entry, after affording due opportunity, by such notice as he may consider proper to give to claimants under said grants, or any of them, to show cause why said restoration should not be made.

SEC. 3. That whenever, in the opinion of the Secretary of the Interior, a grant of lands heretofore made by the United States to aid in the construction of any rail or wagon road, canal, or other work of internal improvement, has been adjusted, and he deems it advisable that said adjustment should be finally closed on the books of the Land Office, he shall cause such notice to be given, by advertisement or otherwise, as may seem to him proper, warning parties interested to come forward within three months and show cause why such adjustment should not be at once closed.

If a proper showing be made, he shall, as speedily as may be, determine the matters involved, awarding to said parties whatever they may be entitled to, and thereupon, or if no such showing be made, he shall at once direct the Commissioner of the General Land Office to close finally the adjustment of said grant, and the same shall not thereafter be reopened. And after the closing of any such adjustment, the Secretary shall revoke all withdrawals theretofore made for such grant, and restore to settlement and entry, under the homestead laws, all public lands withdrawn thereunder remaining undisposed of.

Mr. HOLMAN. The changes made by the committee make it more imperative. With the consent of the gentleman from Illinois [Mr. PAYSON] and the gentleman from Minnesota [Mr. MACDONALD], who are members of the subcommittee, I will not press that measure to-night.

Mr. PAYSON. It is a good measure now.

Mr. HOLMAN. Very well; let it be acted on with a motion to reconsider entered and pending.

Several MEMBERS. Let the report of the committee be read.

Mr. HOLMAN. I withdraw the report. It is a privileged matter.

The SPEAKER *pro tempore*. The bill is not before the House.

ORDER OF BUSINESS.

Mr. WHEELER. I ask to call up the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. WILLIAMS. I object.

The SPEAKER *pro tempore*. This is not included in the special order for this evening's session.

Mr. WHEELER. This is reported from the Committee on Public Lands.

Mr. HERMANN. Let me get in and pass a bill (H. R. 1176) providing for the sale of certain mineral lands to aliens.

The SPEAKER *pro tempore*. There is only one minute remaining.

Mr. WHEELER. It is impossible to pass it in that time.

Mr. ANDERSON, of Kansas. Is it necessary to move reconsideration of the votes passing bills to-night?

The SPEAKER *pro tempore*. That has been done in each case.

The hour of 10 o'clock p. m. having arrived, the Speaker *pro tempore* adjourned the House, according to order, until 11 o'clock a. m. to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. E. P. ALLEN: A bill (H. R. 10969) granting a pension to Clara S. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10970) to place the name of George R. Williams on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 10971) authorizing the Secretary of the Treasury to pay David H. Olive—to the Committee on War Claims.

Also, a bill (H. R. 10972) authorizing the Secretary of the Navy to donate four cannon to the Lafayette (Ind.) Soldiers and Sailors' Monument Association—to the Committee on Naval Affairs.

By Mr. CHIPMAN: A bill (H. R. 10973) for the relief of Florence Griffin—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10974) to increase the pension of James Brady—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 10975) granting a pension to John H. Starr—to the Committee on Pensions.

Also, a bill (H. R. 10976) granting a pension to William L. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 10977) granting a pension to John J. Brown—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 10978) for the relief of M. S. Hellman—to the Committee on Claims.

By Mr. McCORMICK: A bill (H. R. 10979) for the relief of Uriah L. Davis—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 10980) for the relief of Willis Cornwell—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 10981) granting an increase of pension to Augusta B. Bradley—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 10982) granting a pension to Joseph H. Heiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10983) increasing the pension of John Akers—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 10984) to place on the roll of Company B, Fifteenth Regiment Kansas Cavalry, the name of William A. Wilson—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of citizens of Trevorton, Pa., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. CHEADLE: Petition of Riley Sanders and 81 others, voters of Monroe County, Indiana, for protection to wool—to the Committee on Ways and Means.

Also, sundry petitions of citizens and soldiers, for restoration of arrears of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Kokomo, Ind., against reduction of tariff on window-glass—to the Committee on Ways and Means.

Also, petition of Jeremiah McCool, for relief—to the Committee on Military Affairs.

By Mr. CHIPMAN: Joint resolution to authorize the Secretary of War to cause a survey and report to be made of the practicability and necessity of a winter bridge across the Detroit River—to the Committee on Commerce.

Also, petition of Margaret Bolio, of Detroit, Mich., for a pension—to the Committee on Invalid Pensions.

By Mr. COMPTON: A resolution authorizing the commissioners of the District of Columbia to have Pennsylvania avenue and Massachusetts avenue east surveyed and platted—to the Committee on the District of Columbia.

By Mr. COWLES: Petition of Adam Staley, of Wilkes County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CUTCHEON: Joint resolution authorizing the Secretary of War to grant leave of absence to Frederick S. Strong, Fourth United States Artillery—to the Committee on Military Affairs.

By Mr. R. H. M. DAVIDSON: Petition of H. L. Knight and 170 others, of King Wylly and 225 others, and of William A. Morrison and 157 others, citizens of Florida, for a bill donating Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes—to the Committee on the Public Lands.

By Mr. GEST: Affidavits in the pension claims of John H. Starr, of William L. Wilson, and of John Brown—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Petition of A. E. House and others, citizens of Delaware County, Iowa, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HOUK: Petition of J. R. Harrison, and of administrator of James Evans, of Jefferson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORSE: Petition of the Woman's Christian Temperance Union of Massachusetts, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition of administrator of Henry Alley, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition of Olive Coppock, of Saline County, and of Jennie Cope, of Garland County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY SMITH: Petition of Augustus H. F. Hien, for payment of war claim—to the Committee on War Claims.

By Mr. J. D. STEWART: Petition of merchants, business men, and prominent citizens of Richmond, Va., for an appropriation in behalf of the National Colored Exposition—to the Committee on Appropriations.

Also, petition of George Coal, of Clayton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition of citizens of Colorado, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, memorial of Luke Phillips and 59 others, of Gunnison, Colo., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of the Woman's Christian Temperance Union of Colorado, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. TAULBEE: Petition and proof to accompany bill for the relief of Joseph McSwain—to the Committee on Claims.

By Mr. VOORHEES: Petition of the Woman's Christian Temperance Union of East and of West Washington Territory, for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WALKER: Petition of L. P. Ruff, of Jackson, Mo., for repeal of duty on dental instruments—to the Committee on Ways and Means.

By Mr. WARNER: Petition of J. E. Crozier, and of O. A. Jones, of Missouri, for reduction of duty on dental instruments, etc.—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of Eleanor W. McKisrack, of Maury County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of John G. Tarkington, of Hickman County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON: Petition of Francis Massich, of William Golding, and of heirs of Adele Lanaux, of Louisiana, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition of Typographical Union No. 42, of Minneapolis, Minn., in favor of international copyright bill—to the Committee on Patents.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. LAIDLAW: Of citizens of Franklinville, N. Y.

By Mr. SYMES: Of citizens of Colorado.

SENATE.

WEDNESDAY, *July* 25, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MANDERSON presented a petition of citizens of Brown County, Nebraska, praying for the passage of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VANCE presented a petition of citizens of Wilson County, North Carolina, praying for an amendment of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PLUMB presented the petition of William Edgerton and 35 other citizens of the Third Congressional district of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KENNA presented a petition of the board of commissioners of Ohio County, West Virginia, asking for an appropriation by Congress for the restoration of bridges and the repair of the national road recently destroyed by storm and flood; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 3902) for the relief of Sophia B. Moore, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles;

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and

A bill (H. R. 2190) granting a pension to Jane Smallridge.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 952) for the relief of A. W. Hager; and

A bill (S. 2055) for the relief of Mrs. Catherine E. Whitall.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan, reported it without amendment.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 3187) making an appropriation of $150,000 to enable A. de Bausset to build an air-ship to convey passengers and freight through the air, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Interstate Commerce; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5155) granting a pension to John S. Bryant; and

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 320) for the relief of John D. Adams, reported it with amendments.

JOHN W. KING.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1008) for the relief of John W. King, of Warren County, in the State of Mississippi, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1008) entitled "A bill for the relief of John W. King," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report the facts bearing upon the merits of the claim, including the loyalty of the claimant, and all facts bearing upon the question of laches and as to whether the bar of the statute of limitations ought in justice to the claimant to be waived.

REUBEN RAGLAND.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1703) for the relief of Reuben Ragland, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1703) entitled "A bill for the relief of Reuben Ragland," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act.

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3375) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced a bill (S. 3376) making an appropriation for the purchase of portraits of former Secretaries of the Navy; which was read twice by its title, and referred to the Committee on the Library.

Mr. CULLOM introduced a bill (S. 3377) granting a pension to Margaret Ann Beebe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 3378) to grant pensions for service in the Army, Navy, and Marine Corps of the United States during the war against rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000; which was read twice by its title, and referred to the Committee on the Library.

Mr. CAMERON introduced a bill (S. 3380) for the relief of William Brice & Co. and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3381) for the erection of a public building at Allentown, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAMPTON introduced a joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. EVARTS. I ask that the following order be made:

Ordered, That William Burnett have leave to withdraw his petition and accompanying papers from the files of the Senate.

These are papers now before the Library Committee, not relating to public affairs of any importance, and I ask that they may be immediately withdrawn.

The PRESIDENT *pro tempore*. The order will be made, subject to the rules.

CANADIAN PACIFIC RAILWAY.

Mr. CULLOM submitted the following resolution; which was read:

Whereas it is publicly announced that the Minneapolis, Sault Ste Marie and

Atlantic Railway Company, a line running from Minneapolis to Sault Ste Marie, has passed under the control and ownership of the Canadian Pacific Railway Company, or to the directors of said Canadian Pacific Railway Company acting for and in its interest; and

Whereas it is also alleged that the control of the Duluth, South Shore and Atlantic Railway, a line running from Duluth to Sault Ste Marie, has also passed into the control of said Canadian Pacific Railway Company, or to the directors of said Canadian Pacific Railway Company acting for and in its interests; and

Whereas said two lines of railway control all the approaches to the bridge over the St. Mary's River on the boundary line between the United States and Canada, the ownership of which bridge is also alleged to be in the said Canadian Pacific Railway Company; and

Whereas said Canadian Pacific Railway Company owns the only line reaching said Sault Ste Marie from the Canadian side; and by virtue of the monopoly of the ownership of the American lines controlling the approaches to said bridge, and of the ownership of the said bridge, said Canadian Pacific Railway Company, it is alleged is enabled in effect to ignore and defeat the operations of the interstate-commerce law in letter and in spirit; and

Whereas said Canadian Pacific Railway Company is not only a foreign corporation, but one built wholly by and operated in the interest of a foreign government; and the money used in the purchase and control of said American lines, it is alleged, is furnished either directly by said government, or obtained by its credit, and is used as above recited: Therefore,

Resolved, That the Committee on Interstate Commerce be, and is hereby, directed to inquire into the matters hereinbefore referred to, and as to whether any legislation is necessary to protect the interests of the people of the United States, and to prevent the diversion of commerce from its natural and legitimate channels, and to prevent the monopolizing of traffic by a foreign corporation; and to report to the Senate by bill, or otherwise.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. GORMAN. I ask that the resolution may lie over until to-morrow morning. I wish to prepare an amendment to be offered to it.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule, and be printed.

PRIVILEGES OF THE FLOOR.

Mr. HOAR. I move the adoption of the following resolution:

Resolved, That the rules of the Senate be so amended as to add to the list of persons entitled to the privilege of the floor ex-Speakers of the House of Representatives of the United States.

I think there will be no objection to the passage of the resolution. It corrects what is manifestly an oversight in the rules.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLATT. Of course I have no objection to extending the privileges of the floor in this manner, but I think that all resolutions which look to the extension of the privileges of the floor ought to go to the Committee on Rules, because if we pass one resolution without such a reference it would be discourteous not to pass another which somebody might offer at some future time.

Mr. HOAR. It does not strike me that that can by any possibility apply to this case. It is to correct a mere oversight. This high officer, the Speaker of the House of Representatives, has always been ranked with the Vice-President of the United States. Usually he is spoken of as the second officer in the Government, and to omit him from those entitled to our floor is a clear oversight. A gentleman who had filled the high office of Speaker of the House of Representatives was at the door of the Senate a few days ago, and I was very much mortified on finding that the rules did not permit me to bring him on the floor.

I hope my honorable friend from Connecticut will in this case—it being so absolutely plain and clear—not insist on a reference. It would involve a special meeting of the Committee on Rules, taking those Senators from their avocations on the floor of the Senate, and taking the Senator from Rhode Island [Mr. ALDRICH], the chairman of that committee, from the Committee on Finance. I think it is a matter of which the Senate can judge.

Mr. PLATT. I will not say that the suggestions of the Senator from Massachusetts have not convinced me; but I think that I am convinced against my will, and am of the same opinion still. However, I will not object to the consideration of the resolution nor ask to have it referred to the Committee on Rules. I think we are in great danger, if such resolutions are not referred to the committee, of some time having the matter enlarged in a way which we shall be sorry for afterwards. I think there is no earthly objection to passing this resolution.

Mr. HARRIS. I quite agree with the Senator from Connecticut [Mr. PLATT]. It is a very unsafe method to amend the rules without consideration. But if the mover of the resolution will allow it to be referred, I think the Committee on Rules can report it back in thirty minutes from the floor.

Mr. HOAR. I have no objection to that course. My sole reason in not referring it was a regard for the convenience of the members of that committee. I supposed it would probably put a mortgage on the time of those gentlemen for some morning to get a meeting.

Mr. HARRIS. The committee is composed of only five members, and I suppose the five can get together and report the resolution back this morning. There can be no objection to the resolution. It would be a very bad precedent to amend the rules without a reference to the Committee on Rules.

Mr. HOAR. Very well, let it take that course.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules.

BRIGHTWOOD AVENUE.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the commissioners of the District of Columbia be, and hereby are, directed to report whether the Seventh street road, now called Brightwood avenue, has not been reduced in width, and if so, by what authority, and what steps, if any, are necessary to restore it to its original width.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TARSNEY, Mr. CLARDY, and Mr. BROWNE, managers at the conference on its part.

The message also announced that the House insisted upon its amendments to the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and had appointed Mr. TOWNSHEND, Mr. MAISH, and Mr. LAIRD, managers at the conference on its part.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 196) to cancel certain reservations of lands on account of live oak in the Southwestern land district of the State of Louisiana;

A bill (S. 1086) to authorize the issuance of patent to certain land in Arkansas; and

A bill (S. 1732) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory;

A bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law;

A bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park;

A bill (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Black Warrior River, in township 21 and range 10 west; and

A bill (S. 3365) for the erection of a public building in the city of Chicago to be used as an appraiser's warehouse and other public purposes.

The message also announced that the House had passed a bill (H. R. 6264) to incorporate the Washington and Highlands Street Railway Company of the District of Columbia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.; and

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build a bridge across the Black Warrior River, in Alabama.

PRIVILEGES OF THE FLOOR.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. HARRIS. Having seen a majority of the Committee on Rules, and being authorized by each of them, I report back the resolution submitted by the Senator from Massachusetts [Mr. HOAR], and I ask the unanimous consent of the Senate that it be now considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the rules of the Senate be so amended as to add to the list of persons entitled to the privileges of the floor ex-Speakers of the House of Representatives of the United States.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The bill having been reported from

the Committee of the Whole to the Senate, the question recurs upon the first reserved amendment, which will be stated.

Mr. RANSOM. I ask the Senator from Maine if he pleases to give way to me for a minute while I call up a bill which I know will give rise to no debate. If it does I shall withdraw it immediately.

Mr. HALE. I am very desirous to get the naval appropriation bill through speedily. If the Senator has a bill which will take no time whatever, I shall not object to its consideration.

Mr. RANSOM. If it takes any time I shall withdraw it.

PUBLIC BUILDING AT STATESVILLE, N. C.

Mr. RANSOM. I ask unanimous consent that the pending business be informally laid aside to enable me to call up the bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

"JOSEPHINE" AND "M. C. UPPER."

Mr. PALMER. I ask the Senator from Maine to kindly yield to me for a moment that I may ask the Senate to take up for consideration Senate bill 2197.

Mr. HALE. Will it involve any debate whatever?

Mr. PALMER. If it does I shall not press it. I ask the Senate to proceed to the consideration of the bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I did not catch the reading of the bill. Is this a case of foreign vessels repaired under the statute?

Mr. PALMER. It is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPRAISERS' WAREHOUSE IN NEW YORK.

Mr. SPOONER. I ask the Senator from Maine, who seems to be in a good humor this morning, to yield to me for the purpose of enabling me to ask the Senate to proceed to the consideration of House bill 1661.

Mr. HALE. Will it involve debate?

Mr. SPOONER. If there is debate I shall withdraw the bill.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 4, after the word "purchase," to insert "or acquire by condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or acquire by condemnation a site, and cause to be erected thereon a substantial and commodious fire-proof building for the use of the United States appraiser, and for other Government uses, at the city of New York, in the State of New York.

The amendment was agreed to.

The next amendment was, in section 1, line 9, after the word "site," to strike out the word "purchased;" so as to read:

The site shall embrace an area sufficient, in the opinion of said Secretary, for the purposes above mentioned.

The amendment was agreed to.

The next amendment was, in section 1, line 15, after the word "site," to strike out the words "when purchased;" so as to read:

And the building to be erected on the said site shall be plain and without porticos, towers, or needless ornamentation, but shall contain the necessary accommodations and appliances for an appraisers' warehouse, sufficient to insure the examination and appraisal of imported merchandise with facility and dispatch, and shall not exceed in cost the sum of $650,000.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "purchase," to insert "or acquire by condemnation;" so as to read:

SEC. 2. That the said Secretary is hereby further authorized and directed, in his discretion (in lieu and stead of the purchase of a site for an appraisers' warehouse only), to purchase, or acquire by condemnation, a site embracing an area sufficient for the purposes mentioned in this section for the erection of a new custom-house building, in addition to said appraiser's warehouse.

The amendment was agreed to.

The next amendment was, in section 2, line 15, before the word "dollars," to strike out "one million five hundred thousand" and insert "three million;" so as to read:

Or the said Secretary of the Treasury may, in his discretion, purchase two sites in the vicinity of each other in said city of New York, suitable for both of said purposes of the 'appraisers' store-house and custom-house; and then and in that event the said single site for custom-house and appraisers' warehouse as aforesaid, or two sites in the vicinity of each other, as the case may be, shall not exceed in cost the sum of $3,000,000, which sum, or so much thereof as may be necessary, is hereby appropriated for the purpose, out of any moneys in the Treasury not otherwise appropriated (in lieu and stead of the sum of $850,000 hereinbefore appropriated).

The amendment was agreed to.

The next amendment was, in section 2, line 22, after the word "purchased," to insert "or acquired;" so as to read:

And is to be available only in case the said single site for both custom-house and appraisers' warehouse, or two sites in the vicinity of each other, shall be purchased or acquired as herein set forth.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "purchase," to insert "or acquisition;" so as to make the section read:

SEC. 4. That in case of the purchase or acquisition of a single site for both custom-house and appraisers' warehouse, or two sites in the vicinity of each other, as provided in section 2 of this act, then the appropriation of $650,000, or so much thereof as may be necessary for the erection of an appraisers' warehouse, shall be available for the purpose, in like manner as provided in section 1 of this act.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If there be no further amendment to the bill as in Committee of the Whole, it will be reported to the Senate.

Mr. BECK. Before that is done I should like very much to hear some explanation of it. Has there been a site selected?

Mr. SPOONER. The bill authorizes the selection by the Secretary of the Treasury of a site.

Mr. BECK. So I understand. Is there any suggestion from any quarter as to where it is likely to be located, or what is to be done with the present custom-house building?

Mr. SPOONER. That is left entirely to the discretion of the Secretary of the Treasury, as he desired it should be.

There is accompanying the bill a letter from him stating that the present accommodations in the city of New York are entirely inadequate. The necessity for the purchase of such a site is too plain for debate.

Mr. BECK. There is no doubt about the appraisers' office being altogether inadequate, and there is no doubt it is in the wrong place, three-quarters of a mile from the custom-house; but I do not think I ever saw such a bill brought here which gave no intimation to Congress where the building was going to be located, and whether the location would suit public convenience, where all is to be left to one man.

The bill proposes to appropriate $3,000,000, it being an increase from a million and a half, as passed by the House, to three millions; but unless we know something about it before the work is commenced that will not be enough, and if we get it done for $10,000,000 we shall be lucky. It may be all right, but I do not believe it is.

Mr. MCPHERSON. If the Senate will bear with me a moment, I will say that the Senator from Kentucky must see how obviously wrong and simple it would be to undertake to locate in the bill at any particular point this great building, because, as a matter of course, the property would cost double what it otherwise would if the matter were not left to the discretion of the Secretary of the Treasury. The Senator from Kentucky I think was present in committee last year, in fact I know he was, and saw the utter impossibility of transacting the business in that great appraisers' office in New York with any degree of economy, or with any degree of comfort or dispatch. I am told that the truckmen who truck goods to the appraisers' office sometimes are compelled to wait four or five hours before they can discharge goods at the appraisers' stores, because of the multitude of business which is transacted there and the want of accommodations.

The custom-house building, which is located away down town, I suppose can be sold to-day for as much money as it would cost to build a new custom-house and appraisers' stores and all the buildings necessary for the proper and well-accommodated business of the customs department in New York. But as to designating any particular place where it shall be located, the Secretary of the Treasury would certainly consult the convenience of the people of that city who had business with the custom-house.

Surely something should be done and should be done at once toward relieving the distress, so to speak, of the business community of New York in their attempt to do business with the custom-house. I hope that the bill will pass in some form.

Mr. BECK. I know that the appraisers' accommodations at present are inadequate, and I know that the present custom-house is perhaps not what it ought to be, but we have had experience before in New York. We built a post-office building there, and we limited the cost as strictly as this bill does, perhaps more so, to $3,000,000. Then they wanted another million and a half, I believe, and we gave them that, and put in still more stringent regulations, requiring the building to be finished for that amount. The Senator from Massachusetts [Mr. DAWES], I remember, was chairman of the committee at the time, and he will recollect better than I do; but I think that at three different times, in violation of all our laws, they exceeded the limit, and it cost us nine or ten millions and perhaps ten and a half million dollars before we got through.

I do not propose that we shall provide that this building shall be located at any particular place, but I think Congress ought to know

something about it. The Secretary of the Treasury should ascertain at what price property can be obtained, and we should see whether it is going to be placed at a proper point or not.

The Secretary of the Treasury is perhaps the hardest worked man in this Administration, and he will have nothing to do with the location under the bill. He will have no time to look at it; perhaps he will not know anything about it, but will send some clerk or somebody who will pick out a place and locate the building there whether it is right or wrong, and while it will be said to be done by the Secretary of the Treasury it will in fact be done by somebody about whom the Secretary of the Treasury may know very little.

If Congress is going to maintain any control over a great matter like this, there ought to be more care given to it than the bill provides for.

I only desired to say that much, and I do not propose to oppose the bill further.

Mr. SPOONER. I feel under obligations to the Senator from Maine to withdraw this matter from consideration if he insists upon my doing so, although it is a matter of great public interest.

Mr. HALE. I can not consent to have the debate continue.

Mr. SPOONER. I think it will take but a few moments longer to dispose of the bill.

Mr. HALE. If it is going to give rise to any further debate, of course I must insist upon going on with the regular order.

Mr. ALLISON. Mr. President, I agree with the Senator from Wisconsin that this is an important matter, and I think it is important that the bill be passed with great care and consideration. We do need new appraiser's stores in New York City. We do need a new custom-house there. The buildings ought to be in the vicinity of each other, and they ought to be convenient to the merchants; and when we enter upon that work we should enter upon it with great care.

Although I have confidence in the Secretary of the Treasury that he will exert proper care in the selection of a site for these two buildings, I think that power should not be given to any one man. I think it is a matter of sufficient importance to elicit the attention of a commission of eminent men or of two or three of our Cabinet officers; and when the work is entered upon it should be entered upon with a view to the convenience of the merchants and those who are transacting business at the custom-house. When that is done, in my judgment, the $3,000,000 limit put in the bill will not prove to be a sufficient limit.

Mr. SPOONER. The bill provides for the purchase of a site for that amount.

Mr. ALLISON. It proposes to appropriate $650,000 for the purchase of a site, if I remember correctly.

Mr. SPOONER. The bill contains alternative propositions.

Mr. ALLISON. It proposes that a building shall be erected upon the site selected, plain in its character, and not to exceed a cost of $650,000.

Mr. SPOONER. Or in lieu of that the Secretary of the Treasury may purchase at a cost not exceeding $3,000,000 a site for both the appraiser's warehouse and the custom-house.

Mr. ALLISON. No appraiser's store can be built suitable for the business of the city of New York for $600,000 or twice that sum, in my judgment, even of a plain, substantial character. Of course it will be fire-proof.

Mr. HALE. I think I must call for the regular order.

Mr. ALLISON. I shall detain the Senate just one moment longer. I examined this matter with great care, as did the Senator from Kentucky [Mr. BECK], a year or two ago. It is a matter of immense importance. I do not know of a place where the business of the country is so inconveniently transacted as in the city of New York.

Mr. SPOONER. I should like to say to the Senator from Iowa that this bill has been very carefully considered by merchants' associations in New York, by the Produce Exchange of New York, by the institutions in New York of a business nature which it would be especially necessary to accommodate, and its provisions meet their entire approval. As the bill came from the House it provided for the erection of stores at a cost not exceeding $600,000 or the purchase of a site for both buildings at a cost not exceeding $1,500,000. We have increased that limit upon the request of the business interests of New York to $3,000,000, which they regard as adequate.

The Secretary of the Treasury was communicated with in regard to the bill. He has given the subject great personal attention. He comes from that State; he is a careful man; he knows pretty well and can inform himself very accurately what the interests of the business of New York require in this respect, and he very much prefers the bill as reported from the committee to the bill as it passed the House; it meets his commendation. I believe one good level-headed man, with all the facilities at hand for information, would do as well as a commission.

Mr. ALLISON. I did not say——

Mr. SPOONER. However, if the bill is to be further debated I do not feel at liberty under my arrangement with the Senator from Maine to insist upon its further consideration.

Mr. BECK. I hope if this bill is to go over—and I trust it will—the Senator from Wisconsin will endeavor to ascertain, as remarked by the Senator from New Jersey, what disposition can be made of the present square in which we have the appraiser's stores, and what are we going to do in regard to the old custom-house?

Mr. SPOONER. We have inquired into that.

Mr. BECK. I believe, with the Senator from New Jersey, that that block is utterly unfit for the appraiser's stores and can be sold for perhaps two or three millions, and perhaps the custom-house and grounds for two or three millions more, and we may as well look this thing squarely in the face and appropriate those pieces of property and the three millions now proposed, because the appraiser's stores and a custom-house suitable for New York can not be built for twice that.

Mr. SPOONER. This is only to purchase a site.

Mr. EVARTS. Mr. President, I should hope that this bill would not be treated here as if it was a new proposition or one that had not been very fully considered in this Congress. It was introduced in the House of Representatives and there passed, when it was thought that it was much better that there should be a larger provision which should cover the cost of the land that should provide for both structures under the idea that it was important that the custom-house and appraiser's stores should be convenient, and that therefore an area should be put at the disposition of this Government that would accomplish those purposes.

Now, there is an alternative proposition in this bill providing a certain price for a plot on which to erect appraiser's stores, and also a provision for the erection of those stores, which is probably quite inadequate, I agree; the alternative proposition being to take into view by the Secretary of the Treasury plots of land contiguous, adjacent, coterminous, or convenient to one another, by which the common structure or the double structure may be economically erected.

I have not heard a single objection to the proposition that this greater accommodation both for the appraiser's establishment and for the custom-house ought to be provided; nor is at all doubtful that for the convenience of the public business and of the merchants, which are entirely coincident as we all know, they should be coterminous and embraced under one structure, if that be found suitable. Where, then, does this alternative suggested to us leave a grievance unredressed until some other inquiry is made? Inquiry in every direction has preceded this bill before its introduction, and on the part of the Department of this Government having charge of it, the Treasury Department, ever since.

So, then, this method of disposing of the matter is simply leaving us without a custom-house, which everybody agrees we should have; without an appraiser's establishment, which every one agrees we should have; without a site for them, that everybody agrees we should have; and upon what suggestion are we to be left in this position? Is it better that Congress should pass upon the competing private interests of land-owners who would wish to sell to the Government? It seems to me not at all suitable either on its general principle or on the habits of this country. Our habit is to concentrate responsibility upon executive officers and to hold them responsible to Congress for any lack of administration.

Mr. President, no one knows better than the Senator from Kentucky, who has had abundant opportunity to satisfy himself and has firmly expressed himself, that we need in New York for the business of the Government, for the convenience of commerce, this provision or a provision that is to accomplish the general purpose. We now hold a custom-house wholly inadequate in Wall street, where every square foot is of the highest value and which can be disposed of by itself probably for enough to cover the purchase of the new structure that we are to make. There is no place in the city of New York where the square foot is worth as much as it is on the site of the present custom-house. If it were abundant, if it were large enough, if it were convenient, if the merchants desired it, the cost of the land should be no impediment to our continuing our possession.

Now, Mr. President, all that we propose here is to provide a sum of $3,000,000 to give, either by purchase or condemning, an adequate plot in the city of New York for these buildings. I should hope, therefore, not only that this bill might be heard and passed upon now, but that if it is contested it should be now presently disposed of. It is not a matter about which to protract debate. The Senator from Iowa has said what he has to say, the Senator from Kentucky has said what he has to say, and they both agree in the principal proposition that we ought to have an adequate appropriation for the purposes aimed at.

I do not know any other way that we are to find out where the proper place is except by leaving it to the officers of the Government that are trusted. I have repelled on my part toward all my constituents any effort to direct the attention of the Senate to the place where this should be. I have said to all of them that I would have no entertainment of those ideas, but they must all be reserved for the responsible head of the Treasury Department if this bill should become a law.

Why put it off a year or why put it off a week? I agree it does not make any difference whether it passes this week or next week. It has passed the House. It has on it amendments which only are changing the area that embraces the object of the whole structure. Now, as to the appraisers' stores—perhaps the Senator from Iowa, or the Senator from Kentucky, may be more accurate about the amount of rent than I can be without refreshing my memory—it is a very large sum—as I understand, certainly over $80,000. I am not sure that it is not over $100,000 a year that we are paying for rent merely for an appraisers' establishment, and a very inadequate establishment, an inconvenient

one, an old sugar-house, not in site nor in its arrangement complete to the satisfaction of the Government. We must look at things as they are.

The present custom-house in Wall street will sell for enough to cover everything, as I suppose. Certainly we make a saving in paying the interest on the cost of the appraisers' stores instead of $80,000 or $100,000 a year rent for inconvenient quarters. The magnitude of the sum involved should not affect in the least the consideration and the determination of the question, because that is determined by the necessities of the case and the high value of real estate.

So all agree about the important object, and we have been obliged to put in the bill a provision for condemnation, with entire uncertainty whether by private contract or not, so great is the value near by and in other places, that we might not be at the mercy of competing private interests.

Mr. SPOONER. I feel under honorable obligation to the Senator from Maine, in view of the condition on which he granted me indulgence, not to press further this bill at this time if he insists upon going on. I give notice that at the earliest opportunity I shall call it up for action.

DISTRICT SALES OF PROPERTY FOR OVERDUE TAXES.

Mr. FAULKNER. Mr. President——

Mr. HALE. So much time has been taken in the unexpected debate that has arisen upon the pending amendment that I can not yield any further now. There is only one single amendment to pass upon in the naval appropriation bill.

The PRESIDENT *pro tempore*. Two amendments were reserved.

Mr. HALE. I feel constrained to insist on going on with the bill.

Mr. FAULKNER. I appeal to the Senator from Maine to permit me to call up House bill 10060. It will not take more than three minutes to pass it, and it is a very important and pressing matter in the District. It has only a few lines. If it takes more than three minutes I will withdraw it at once.

Mr. HALE. Go on.

Mr. FAULKNER. I ask unanimous consent to call up Order of Business 1824, being the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

Mr. ALLISON. I should like to hear the bill read.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill.

Mr. ALLISON. I should like to have the Senator in charge of this bill explain what will be the effect of the sale.

Mr. FAULKNER. I will say to the Senator from Iowa that this bill does not change the present law as to the methods of sale, but there have been two statutes passed in different years, which conflict in reference to the notice of the sales. One statute requires the notice to be given in September and another requires it to be in July, so that there could not be a sale until eleven months after the notice of sale was given; and that was occasioned by an error in the last statute which was passed requiring the notice to be in September instead of July. This is to rectify that and to put the law back where it was formerly.

Mr. HOAR. Is there no advertisement provided for except the advertisement in this pamphlet of real-estate sold for taxes?

Mr. FAULKNER. No, sir; there is no other provision of the statute now. This puts it back where it was formerly.

Mr. HOAR. I wish to inquire of the Senator from West Virginia if it be the law that the real estate of any absent owner, or of a minor or insane person, or aged person, may be sold for taxes with no other notice than that contained in a pamphlet of which 5,000 copies are printed to be delivered to persons on application?

Mr. FAULKNER. That is the only notice I find in the old law.

Mr. HOAR. I think if we are to pass a new law on the subject it ought to contain more protection for the classes I have named, and there ought to be added to the bill some obligation in regard to personal notice, or notice at the usual place of abode if the person be absent.

Mr. FAULKNER. I will withdraw the request for the consideration of the bill at this time, because I feel under obligations to the Sentor from Maine to do so.

The PRESIDENT *pro tempore*. The request for the consideration of the bill is withdrawn.

LAND PATENTS IN ARKANSAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas, which was to add to the bill the following proviso:

Provided, That nothing herein contained shall prejudice adverse rights, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases.

Mr. JONES, of Arkansas. I was requested by my colleague [Mr. BERRY], who reported this bill to the Senate, and who is absent, to move that the Senate non-concur in the amendment of the House of Representatives and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. PADDOCK, and Mr. BERRY were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, I hope we shall proceed with the naval appropriation bill.

The PRESIDENT *pro tempore*. The bill is now before the Senate.

The Senate resumed the consideration of the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, the pending question being on concurring in the amendment made as in Committee of the Whole, striking out the clause from line 309 to line 314, inclusive, as follows:

For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the coast of the Gulf of Mexico for a navy-yard and docks for shipping and for the expenses of sounding and surveying and estimating expenses, $50,000.

Mr. CALL. I do not propose to delay the Senate any longer in the consideration of this amendment further than to state that a commission was appointed by the Secretary of the Navy on the 1st of December, 1883, in pursuance of the act of Congress of August 5, 1882, consisting of Commodore Luce, Chief Engineer Loring, and A. B. Mullett, civilian member. They made the following report, after an examination of all the navy-yards in the country:

The magnificent sheet of water forming Pensacola Bay, its fine and secure roadstead, and the water communication furnished by the Escambia and the Blackwater, the Yellow River and Santa Rosa Sound, with possibilities of future railroad and canal connections uniting it with the Perdido and Mobile Bay, the Alabama River, and the rich coal and iron districts of the neighboring States, all combine to render this site more advantageous in many respects than that of any other yard. The climate is delightfully mild and generally healthy; the character of the soil is such that slips for building, launching, and repairing ships may be constructed without undue expense. Live-oak and yellow pine, which enter so largely into wooden-ship building, are to be found in the surrounding country in abundance, and of excellent quality, and unlimited supplies of iron and coal, indispensable to modern navies, are already within easy reach. There is ample supply of good fresh water, and it has fine fresh-water ponds for the preservation of ship timber.

Pensacola Bay, at the entrance of which the yard is situated, is perfectly defensible. It is easy of access to vessels of moderate draught. Ships drawing 24 feet and over may find good anchorage off the yard, and those drawing 22 feet may approach the principal wharf. Recent soundings show that there have been no material changes in the depth during the past twenty-four years, so that no dredging is necessary. Mean rise and fall of tide, 1 foot.

The Government improvements now in progress contemplate the removal by dredging of what is known as the "inner bar" to a depth of 24 feet at mean low water. This bar is about 1 mile southeast of the ruins of Fort McRae, and extends across the main ship-channel.

During the Mexican war and the late war of the rebellion the military importance of this yard was fully demonstrated.

Pensacola Bay is almost the only suitable place for a naval station on the Gulf, and should a ship-canal be cut across the Florida peninsula its military and commercial value would be greatly enhanced.

Mr. MORGAN. Mr. President, that report comes from very eminent men, but it does not reach the precise point we are trying to arrive at now, and that is as to the best place for the building of iron and steel ships. I understand it to be a settled fact that iron and steel ships ought to be built in fresh water, and they ought to be repaired in fresh water. It is necessary after these vessels have had extensive cruises that they should come back into fresh water to be cleaned of the barnacles and the sea-weed and other matters that adhere to them; and for that reason the navy-yard at Brooklyn and the navy-yard on the Delaware River are regarded as being almost indispensable in respect of the new navy we are trying to build.

I do not doubt that Pensacola is a very admirable place for a naval station. I think it would be fatuitous to abandon it. I have always regretted that the navy-yard at Pensacola was dismantled. As a place of repair for wooden ships it doubtless is a very excellent location. It is true it is hard to defend. Santa Rosa Island is rather a narrow strip of land lying outside of the navy-yard at Pensacola, and I suppose, according to the range of modern artillery, a ship stationed at a convenient distance from Fort Pickens might even fire across Santa Rosa Island into the navy-yard. More than that, if Fort Pickens should fall into the hands of an enemy, your navy-yard at Pensacola would not be worth anything to you. It would be of no avail whatever. The admirals in noticing this place even for a naval station took occasion to remark that a good deal of its future value depends upon a canal to connect it with the waters of the Alabama River, and also a canal to be built across the isthmus of Florida. These considerations have unsettled the opinion of a good many men who have to deal with questions of this kind as to that being a proper location for the building of steel and iron ships.

There is no convenient access to it, except by railway, nor is there to be, I suppose, for many years to come, unless we should build a canal across from the waters of the Alabama River to the Bay of Pensacola. If the commission which is to be sent out under this bill should indorse and ratify all that has been said on the floor by the Senator from Florida about the Pensacola navy-yard as a location, then that question would be forever settled and the whole strength of the South and of the interior of the country would be concentrated upon Pensacola as the proper place for the establishment, which I consider to be an indispensable one for the building of steel and iron ships and also for the building of heavy ordnance on the waters of the Gulf of Mexico.

I wish to remark in this connection that it is something of a task to carry one of these very heavy guns by rail across our country to supply the forts on the Mississippi River, at the Bay of Mobile, at Pensa-

cola, and it may be other places where guns may be needed for defense, and it would be quite a saving, quite a convenience to the Government of the United States, to have these guns constructed in the South.

More than that, it is due to the enterprise of those people that the Government of the United States should give some attention to their great resources for the construction of guns of heavy caliber. I need not refer, I think, to the capacity of Alabama and of Tennessee and of North Georgia for the supply of ores, metals, coal, timber, and whatever else may be necessary in the construction of ships. These places are now very prominent before the attention of the enterprising men of the United States and ought to attract also the attention of the Government. We ought to avail ourselves of these facilities so far as we can.

But the starting-point is an agreement as to location. If a commission goes out and makes a report in favor of Pensacola as the proper place to build these ships and build these guns, I shall be found, "in season and out of season," advocating their construction at that place. If, however, in going about over the country there and making the soundings and tests and borings that are necessary to determine the location, they should find some better place, I should expect an equal support from the Senators from Florida.

It does not follow that because fifty or sixty years ago we established a navy-yard at Pensacola, when we built nothing but wooden ships, it therefore is to continue as a ship-yard, a place for building ships or heavy guns, when the entire structure of the navy has changed from wood to steel and iron. It does not follow, and we are not satisfied with it. But a commission organized under this bill, sent out to investigate this subject, can make a pretty good report in respect of all these modern methods of constructing vessels and heavy guns, and they can possibly find a better location than Pensacola. But I say again that if they do not, I shall take Pensacola, heartily take it, and I expect fully that the Senators from Florida would be entirely willing that we should have the opportunity of having this investigation made, so as to concentrate our influence and our efforts to satisfy everybody as to what is the best thing to be done in regard to this very important new enterprise.

I believe but one war ship was ever built at Pensacola, and that was a very magnificent one—I think only one—and since that time the navy-yard has been dismantled. There is nothing being done there now even in the way of repair of ships, but it has been abandoned, and that, too, after we had built the caissons and floated them around from the New England coast somewhere for the purpose of building a very large dry-dock.

Mr. CALL. It never has been built.

Mr. MORGAN. It never was completed. Why was it not completed? Simply because the Government of the United States did not find need for it; the Government of the United States was doubtful about it, and more than that, since the time the Senator speaks of, the report that was made by the admirals he has read here this morning, Pensacola has had several visitations of yellow fever, the most unfortunate thing we know, but something that none of our cities can escape. That is a very important factor in the question of the location of a ship-yard by the United States Government. We must try to find some place, if we can, that is exempt from that dreadful scourge. If it is suitable in all other particulars, that is an argument against it. I regret to allude to that. At the same time it is a factor in the case, and I think the Senators from Florida ought willingly to agree to have this matter investigated by a proper commission, so that the Congress of the United States may be informed officially, after a careful examination, as to what is best to be done in respect of the locality upon which we shall erect a ship-yard, a place for the construction and repair of ships.

I confess that I desire very much that the waters in the vicinity of Mobile should be found to be the proper location. Why should I not? Why should Mobile not have an equal opportunity with Pensacola in a matter of this kind?

I do not seek to deprive Pensacola of the possession of a naval station. Here is a naval station, a place for storing up coal and all sorts of naval supplies, easy of access to our ships. I should never think of abandoning Pensacola for that purpose, and it is all that it is used for now; it is all that the Government of the United States intends to use it for. I suppose the Government does not think of putting back the machinery that was taken out of the navy-yard at Pensacola for the purpose of the construction or repair of ships, and I wish to say that ships ought to be repaired at the navy-yard in Pensacola.

Our coast on that gulf is not going always to be in the condition that it is now. A time is coming, and it is not very far away, when there will be a canal through the Isthmus of Darien, when the ships of the world will find their way through that isthmus, through the De Lesseps Canal, or the Nicaragua Canal, or the Tehuantepec Canal or railway, and that will be the highway of the ships of the whole world. When that era comes, the fertile lands which border the Gulf of Mexico, furnishing splendid locations for residences, will produce not another Mediterranean, but a Mediterranean magnified and beautified in every respect as a place of delightful residence and of great business enterprise and capacity. Then Mobile and Pensacola will be considered somewhat distant from each other, as Philadelphia and New York and Boston are considered now somewhat distant from each other, as representing the various rich and industrial communities which lie behind them on the seacoast. Our country is not going to stand still. We need not be afraid of the future development of the Southern country, particularly along the Gulf of Mexico. There is no more inviting field on this earth than that for human enterprise. After a little while I think the decadence of the Spanish power in the Island of Cuba and in the other islands belonging to that kingdom will liberalize all the proceedings of commerce and of all the different industries of mankind, and the wealth that will be originated in that region for transportation into other markets and other places will be something that will astonish mankind, and that in addition to the great wealth that must be brought through the Gulf of Mexico from the transit through the Isthmus of Darien.

Now, let us not be narrow in our policy. Let us look to the future; let us unite our efforts in the South for the purpose of building up our country and meeting this development which time is so rapidly unfolding in our behalf.

I trust that Senators will not object further to what the other House has done.

Mr. GIBSON. Mr. President, when this clause first fell under my eye I had determined not to support it, for I supposed that the Secretary of the Navy had the authority already to appoint a commission to investigate the establishment of navy-yards, but I understand that he has not. The question of a proper location for a navy-yard and docks for shipping near the Gulf coast has been very much debated for the last eight or ten years among naval officers, and I am glad to have the opportunity to support a measure which will enable them after thorough investigation to give us the benefit of their judgment.

The country interested in the establishment of a navy-yard on the Gulf of Mexico may be divided into two grand divisions: First, that vast region penetrated by the Mississippi River and covering the entire area from the Alleghany to the Rocky Mountains, containing to-day a population of over twenty-five millions of people, and drained as tributaries of the Mississippi River by over 17,000 miles of navigable streams. Colonel Benton, of Missouri, estimated—and he was good authority for facts—that there were 50,000 miles of boatable streams tributary to the main trunk-line of the Mississippi River. This vast region embraces all the degrees of the temperate zone, and is rich in all the products of agriculture, manufactures, and mining, of underground wealth. The gate-way of this great valley, the largest in the world, is at the city of New Orleans, 110 miles from the mouth of the Mississippi River.

The second grand division of our country interested in the establishment of this navy-yard is that bordering on the Gulf of Mexico from the southeast extremity of Florida to the Mexican line. The proper point for the defense of the Mississippi Valley is near the mouth of the Mississippi River, and the best point for the defense of our own interest within the circle of the Gulf of Mexico would be upon the Island of Cuba, which lies just off the mouth of the Mississippi River, dominating and commanding the approaches to the Gulf by the Strait of Florida on the east and the Strait of Yucatan on the west.

Cuba is the key to the Mexican Gulf and to the mouth of the Mississippi River. Let me say at the outset that I know navy-yards do not of themselves defend anything. In fact, they would rather invite attacks in time of war. But a well-established navy-yard, equipped with all the apparatus and appliances for modern ship-building, would furnish the indispensable means and instruments for carrying on naval war; and a navy-yard should therefore be located where it would be absolutely safe from the enemy and within secure communication by water both to the country that yields the supply and material for war vessels, the skilled labor, and to the ocean. So long as Cuba is not in our possession we may exclude it in considering the important question before us.

We do not own Cuba, and so far as I am informed there is no public sentiment in the country to-day which demands the immediate acquisition of the island of Cuba. It would be foreign to our policy in any manner to wound the *amour propre* or national pride of Spain, with whose Government and people I am sure we have every motive of comity and interest to cultivate friendly relations, but we can not close our eyes to the state of affairs in Cuba and to the fact especially that an enormous debt paralyzes the development of the energies and industries of the people and that the excess of expenditures over the revenues point to a time when Spain herself may find relief by offering the island of her own accord to the Government of the United States for a sum quite within our ability and disposition to pay. The likelihood that France may complete the Panama Canal must prompt us to see to it that American interests in that quarter are not overshadowed by the ambitious designs of France competing with Germany and Great Britain for the trade of Mexico, South America, and the far East.

Mr. President, I repeat, the question, where should this navy-yard be located which shall supply the means of defense of the Mississippi Valley and to maintain our rights and interest in the Mexican Gulf?

The Senator invites our attention to the navy-yard at Pensacola—how it was selected even before the admission of Florida into the Union and was the chosen rendezvous for the Spanish and French fleet long

years ago. All this may be true. I have no doubt the navy-yard there answered all the purposes for which it was established, had in view at the time it was established, and it may still answer certain good purposes. But I submit that it fulfills none of the conditions which should control us in the selection of a *locus* for a navy-yard.

When Pensacola was chosen as a naval station the entrance to the bay had more water than any other inlet or harbor on the Gulf of Mexico, while now it has less than the entrance to the Mississippi River. At that time rifled cannon were unknown, and consequently the site of the navy-yard was exempt from destruction through incendiary shells, while now vessels armed with ordinary cannon can take up a position outside of Santa Rosa Island and absolutely destroy the navy-yard without receiving any material damage, even if the vessels are not armor-plated, if they send boats in to point out their anchorages and come into position after night, and this, too, if the island of Santa Rosa should have heavy batteries placed in the best localities to assist Fort Pickens in the protection of the navy-yard.

At that time iron hulls of vessels were unknown, while now the classes of vessels most necessary for defense in the Gulf would have iron bottoms, which foul and deteriorate rapidly in salt water, and keep unimpaired and clean in fresh water, such as the Mississippi furnishes.

There is no other point within the Bay of Pensacola having a suitable depth and near the land, except the present site, which would serve as a navy-yard, shoal ground lying far out and extending to the shores everywhere; the depth of water on the bar is barely sufficient for frigates now and is decreasing. The entrance to the Mississippi furnishes not only deep water and fresh, now necessary to iron bottoms, but the river furnishes abundant supplies by water transportation for coal, materials of construction, and skilled labor, as well as stores of all kinds, all of which are deficient at Pensacola, or would be supplied in time of war by land-carriage from either long distances or less abundant sources of supply.

These are sufficient reasons for looking elsewhere. The Senator from Alabama [Mr. MORGAN] suggests that Mount Vernon should be considered by the commission, if appointed. I know something about the rivers in Alabama and the approaches of its water ways. Mount Vernon is situated just below the point at which the Tombigbee and the Alabama Rivers form the Mobile River—a noble, deep, broad river that flows into the bay at the city of Mobile. It is about 60 miles above Mobile, in an upland country, rich in woods and in underground resources—iron and coal—and capable of producing the highest quality of steel. The climate is delightful, the situation in every respect is inviting, and it is well adapted for a naval station.

But the drawback is the shallow water in Mobile Bay through which vessels must pass to reach Mount Vernon, and its liability to be destroyed by a force sent into the interior from any point on the coast, being only about two or three days' march distant, and at a point where the concentration of a large force of men and supplies would be difficult from adjacent States. It is not on a system of water ways nor of railways leading to the centers of population; it is detached and isolated. The place where the raw materials may be found is not always the best point to establish workshops or nurseries for war vessels and war supplies. No doubt vessels of the greatest tonnage and of the heaviest armament could be constructed here, and could be buoyed over the shallow bay at Mobile by casting aside the heaviest guns and taking them on again after reaching deep water.

But I submit that this process of stripping a vessel of her armament on going out to sea and on returning for repairs would under all circumstances be embarrassing and under some conditions might cause fatal delays. But I am disposed to give great respect and weight to any suggestions from the Senator from Alabama, and I have no doubt that the commission will give the most careful consideration to his views, and to the views of the distinguished chairman of the Naval Committee of the House of Representatives.

I trust, Mr. President, on account of the magnitude of the interests at stake, that the commission will ascertain whether or not there is not some place on the Mississippi River better fitted in all respects for the establishment of a first-class navy-yard capable of turning out vessels of war equal in tonnage and armament to any now afloat.

This was the opinion of the Navy Department and of Congress thirty-odd years ago, when this identical question was discussed and finally settled in favor of a point just below Algiers, on the opposite side of the Mississippi River from New Orleans, where the Government purchased a tract of land fronting on the river, which it owns this very day, and which was intended to be the site of a navy-yard for the defense of the great valley and the Gulf of Mexico.

At this point, which we will call Algiers, you have every requisite for a navy-yard, and every reason which prevailed thirty years ago for the selection of this spot has been strengthened by subsequent events and experience.

A navy-yard at Algiers would be situated near a great city full of skill, labor, and of schools where the arts and sciences as applied to naval warfare would be taught. Algiers itself is full of intelligent, honest, and skillful artisans and mechanics. A line of large dry-docks is in front of the town, many of whose inhabitants are seafaring and have experience that belongs to that noble class of our countrymen.

You have access to 50,000 miles of boatable streams, to all the mines of iron and coal, to all the resources of material and men, to the interior of any one of the States on the Mississippi River and its tributaries and to the cities like Vicksburg, Memphis, Louisville, St. Louis. You have fresh water. You have the best harbor, one of the very best in the country, 120 feet deep. You have at the mouth of the river a safe channel, with a minimum depth—thanks to the patriotic genius of Captain Eads—of 28 feet, and the jetties are as solid and secure as if built of granite. You would have absolute protection against any attack by a hostile power; for not only does it afford a rendezvous by land, by railways, and by water ways, but the natural advantages for defense, the topography, and local conditions render it as safe from destruction as any point within the bounds of the Union could possibly be.

With the exception of occasional epidemics of yellow fever, which recur at more and more distant intervals—and, I trust, may, with the means of prevention now applied, not appear again—Algiers and its neighborhood is one of the healthiest places in the United States. The death-rate is very low.

These are some of the suggestions I would like to submit to the commission. I trust the commission may be authorized.

Why should it not be appointed? Here are these vast interests, the Mississippi River, the Mississippi Valley, the people inhabiting that valley; here are the great States of Texas, Louisiana, Mississippi, and Florida, all interested; here is the chief city of that Gulf region interested, having a commerce the third among the cities of the Union. I have a paper showing the commerce of the leading cities, the total exports and imports, for the last fiscal year, June 30, 1888:

New York	$781,653,250
Boston	120,335,182
New Orleans	92,873,204
San Francisco	74,337,796
Philadelphia	70,617,982
Baltimore	57,978,312

New Orleans, you will see, is third in rank. If we were to establish a navy-yard and to begin to construct ships there we might develop a commerce with the countries south of us, Mexico and Central Mexico, that would enrich our people, a commerce which exceeds $400,000,000 to-day and of which we have not 10 per cent.

I therefore submit to the Senator from Florida that while Pensacola is a very good place for a navy-yard to a limited extent, that is, to the extent for which it was established and to the extent to which it operates to-day, it is wholly inadequate for the needs of modern naval construction; wholly misplaced so far as an effective defense might be made of it; unsuitable for the kind of ships we are building now, made of iron and steel; out of the way because it can not be communicated with by water from the country rich in the raw material; and for these reasons that Senator ought not to insist that light shall be shut out, that we shall not have an investigation to ascertain if there be not some suitable place either at Mount Vernon, in Alabama, or at Algiers, in Louisiana, or Baton Rouge, or Memphis, or St. Louis, somewhere in this great valley, a place in which the resources of the valley may be made available in the construction of such ships of war and such guns as are absolutely indispensable to the safety and security of the people inhabiting that country.

I wish Senators who are inclined to vote against this commission would listen to what the New York Marine Journal says on this subject:

NEW ORLEANS AS A NAVAL STATION.

Congress having provided for the appointment of a commission of naval officers to visit the Gulf of Mexico and inspect the various ports with a view of selecting, after making careful surveys and soundings, the most suitable port for the establishment of a naval station it is not improbable that the commission may select New Orleans as the port containing the most advantages owing to its location, its being easily defensible by land or sea, and having the important element of fresh water, so important for the preservation of steel or iron vessels.

New Orleans is unquestionably the most advantageous point for the new naval station. It is contiguous to and within easy reach of food supplies, timber for ship-building, and the necessary iron and coal which lie quite at her doors in the inexhaustible fields of North Alabama. For the necessary dry-dock the timber is almost in sight for the construction of the finest known. In short, New Orleans easily fills all the requirements and demands for a first-class naval station.

Mr. REAGAN. Mr. President, the preparations for the building of vessels of iron and steel, as suggested by the Senator from Alabama [Mr. MORGAN], ought to be in fresh water. I believe myself that the navy-yard at Pensacola ought not to have been dismantled, that it ought to have been preserved in proper condition for the repair of the immense amount of shipping of the Gulf of Mexico, but while I believe that, it does not conflict with the view I have as to the propriety of the selection of a suitable place for the construction of iron ships.

And in that connection I desire to supplement what has been said by the Senator from Louisiana [Mr. GIBSON] by saying if it is found that a suitable place can be obtained on the Mississippi, either at Algiers or Natchez or Vicksburg or Memphis or at St. Louis, for the construction of ships, that there would be this advantage connected with it: they could be there constructed where they would be in a convenient position for the defense of the mouth of the Mississippi and of the entire Gulf coast.

Connected with that, a thing which I have not heard suggested, but which it seems to me is worthy of very grave consideration, is that we ought to secure such an enlargement of the canal between Chicago and La Salle and secure such increase in the depth of water of the Illinois River as to be enabled to transfer gunboats from the Mississippi to the lakes and from the lakes to the Mississippi River.

We need not conceal it from ourselves that questions of a more or less troublesome character are continually to arise with Great Britain, and so long as we place it out of our power to assert the rights of the United States we shall be the sufferers from every attempt at negotiation. By the arrangement we now have with Great Britain we are not able to keep gunboats on the lakes. Canada has the control of the Welland Canal, and in case of trouble can transfer through the Welland Canal on to the lakes gunboats that would enable them to command the lakes before we could construct gunboats on the lakes to meet them.

Now, then, it seems to me as a wise precaution—and I call the attention of the Senators from Illinois to this matter—that one of the things which ought to be done is the enlargement and deepening of the canal between Chicago and La Salle, and the completion of the deepening of the Illinois River from La Salle to the Mississippi. By doing that and by giving necessary depth of water from the mouth of the Illinois River southward to the mouth of the Mississippi River we might transfer gunboats from the Lakes down the Mississippi to the Gulf, or by way of the Mississippi and the Illinois River through this canal to the Lakes, and give us a protection which we have not now, and which, in case of war, we would find the greatest necessity for.

Taking that view, while I do not undertake especially to discuss the question where a place should be located for the construction of these ships, it seems to me, considering depth of water, the availability of fresh water, the convenience of the transfer of such gunboats and warships to the Gulf, and what ought to be made the convenience for their transfer to the Lakes, would indicate that it is worth while to examine the question as to whether a place for the construction of such vessels as are contemplated can not be selected on the Mississippi River.

Mr. PUGH. Mr. President, I only desire to add a few words to what was so well stated by my colleague.

The question before the Senate is, where is the best location for a ship-building station on the Gulf of Mexico? Now, the difficulty of making an answer to that question, as shown by this debate, is strongly persuasive to my mind of the necessity of this commission.

I do not suppose that there is a Senator who is sufficiently familiar with this subject to be able to decide this question as a great public question. He might be able to decide it as a local question. For instance, the Senators from Florida could decide that Pensacola was certainly the best location; the Senators from Alabama could decide that certainly the best location was Mount Vernon, in Alabama; the Senator from Louisiana that New Orleans or Algiers was an admirable location. So with the Senator from Texas, that Galveston might have all the advantages necessary for a ship-building station. I repeat that this debate shows to my mind the necessity for the creation of a commission qualified to pass upon this question.

I admit I do not know enough about it to be able to give any information that would enable this Senate to pass upon it. I do not believe any other Senator has that information or qualification to pass upon this question. We must go elsewhere for information. That information must come from men who have had life training, skilled training in matters that will enable them to make a location for this great public use.

Now, so far as Pensacola is concerned, we all know that that is an admirable location for a navy-yard, but the difficulty about Pensacola is that it is too much exposed. I would say that one great advantage that a location of a ship-building station ought to have is its inaccessibility to the armed vessels or boats of other nations. Pensacola is exposed from the Gulf and from Santa Rosa Island and from Fort Pickens to being shelled, and we all know that the Pensacola navy-yard was shelled in the last war.

My knowledge of Mount Vernon enables me to say, as a physical fact that is observable by anybody having the power of observation, that Mount Vernon has all the advantages that are needed in the way of raw material and water and railway transportation to make a station of this sort valuable.

It seems to be in the minds of some Senators that the shallow water in the channel of Mobile Bay is an objection to Mount Vernon being made a ship-building station. I had a conversation with John Roach, the great ship-builder of this country, upon that very subject. I mentioned to him what I thought to be exceptional advantages of location of Mount Vernon for a ship-yard, and I told him that I could see no disadvantages, except the depth of the channel through Mobile Bay. Why, he said, that was no objection whatever, that the depth of the channel at this time was amply sufficient to float any sized vessel that could be built at Mount Vernon, and that it could be carried to deep water and armed; and I have no idea that these naval gentlemen when they investigate that matter will decide that it is any objection whatever to the establishment of a station at Mount Vernon that it has to be approached through a channel only 17 feet deep.

And, by the bye, we have now a plan for deepening that channel to 22 or 23 feet, that has been approved by the Engineer-in-Chief, and for which an appropriation has been made by this Congress. That plan, I have no doubt, will be carried into execution long before the plant could be established for ship-building at Mount Vernon. That is all I desire to say on that subject.

I do not see how any Senator can object to the creation of this commission. I have no doubt its report will be very valuable, and if Pensacola has all the natural advantages and the exceptional character given it by the Senator from Florida, he ought to desire the commission to make public to the world these remarkable advantages that Pensacola has over all other places.

Mr. McPHERSON. Mr. President, I wish to say a very few words on this proposition. I have had some experience upon the Committee on Naval Affairs of this body, and during that experience I have studied considerably the location of the different navy-yards and different naval establishments of the United States, and I can not imagine the intelligence which was behind a policy which has established in this country a naval establishment at Portsmouth, another at New London, one at New York, one at Philadelphia, one at Norfolk. In other words, the policy seems to have been to conserve local interests. The Government of the United States has frittered away its money. It has invested a certain amount of money at Portsmouth, another certain amount at New London, another certain amount at Pensacola, in establishing small naval establishments, insufficient in point of class, without the facilities even to repair ships and do it economically and cheaply. But, as I say, we frittered away thousands and millions of dollars in the attempt to maintain an impossibility.

Mr. BLAIR. Allow me to ask the Senator a question. Suppose that fifty years ago all this investment of money had been made in the navy-yard at Norfolk, what would have been the result?

Mr. McPHERSON. I should think it would have been, perhaps, a good policy to have done it, instead of scattering the money and investing it where it has been invested. Any man who will take the map of this country and will sit down five minutes and attempt in his own mind to forecast the future, will see where, of necessity, the great theater of national contest must be; and he will make up his mind that in the Gulf of Mexico, somewhere along that coast, there is a positive necessity for the establishment of a great navy-yard, not only for the construction but for the repair of naval ships. With two canals in contemplation across the isthmus which divides the Atlantic from the Pacific Ocean, with the naval establishments to-day owned by foreign Governments in the West Indies, with the only ground on earth that is upon this continent in which they have a foothold upon land anywhere, with their vast naval establishments and appliances, does it look reasonable that the naval appliances of the Government of the United States can be made adequate to a contest against the great naval force that may be brought to bear upon us?

What kind of policy should we consider it to be upon the part of this Government to send a disabled ship from the mouth of the Nicaragua or the Panama Canal either to New York or Philadelphia for repairs, two or three thousand miles from its base, whereas by the establishment of a suitable naval station in the Gulf of Mexico it would be immediately at the point where the naval repairs were needed?

Sir, we do want a naval establishment, and a large one, in New York. I think that Norfolk is another good location for a naval station; but certainly there should be one in the Gulf of Mexico. There should be another one and perhaps more on the Pacific side. With thousands and thousands of miles of seacoast which this Government is obliged to defend, and with a nationality to defend, it seems to me the very height of absurdity and nonsense to spend any longer a large amount of money in these little naval establishments, but something should be created commensurate with the needs and the responsibilities of the Government; and to omit, in making up the list of places, an investigation into the possibilities of the Gulf of Mexico, whether it be at Pensacola or at some other point in the Gulf, is to my mind omitting a very important thing. Although we do not expect in the immediate future, perhaps, to get into a war with any foreign power, certainly we must know that in the future, as I have already stated, with the great thoroughfares of commerce across this continent connecting the Atlantic with the Pacific Ocean, in the neighborhood of those canals will be found the war ships of a great many nations.

Hence it is that there should be some facility at the nearest practical point where a naval establishment can be created and also near to the source of supplies from which navies are constructed; and certainly there is no more desirable point than one on the Gulf of Mexico where you have the coal, the iron, the steel, the limestone, and everything that is needed for the purpose of bringing into use the raw material of that country and converting it into armed cruisers.

I hope that something will be done toward investigating the question, and I do hope there will be a settled policy on the part of this Government with respect to its naval establishments, that, while we undertake to create them, they shall be establishments suitable for the wants of the Government and its needs, and that we shall abandon the policy of frittering away money in uselessness and folly.

Mr. BLAIR. Mr. President, I am very glad, in listening to the con-

tinued remarks of the Senator from New Jersey [Mr. MCPHERSON], that I somewhat misapprehended his real meaning by construing too literally the language he used in opening his speech. I understood him to mention specifically several of the naval establishments of the country where he thought money had been wasted, and I understood that he was advocating a policy which would locate in some one portion of the country, and that the most desirable of all for a great naval station, the means for the construction and repair of the future navy of the United States.

To such a policy as that I think every Senator must feel the strongest objection. While the Government should make no provision, as I think, further than in the development of a truly and properly national spirit in the population of the whole country, the development of a militia, which, whenever called upon, can do battle for the preservation of the nation in its internal institutions and for the maintenance of its prestige and power abroad—while it should do everything that it can to develop the individual man, the hero who is to do the fighting of the future, it ought not, as I think, to so spend the money of the country as to create in the different localities within the exterior boundary of the United States the means of making any particular section strong as against any other section of the country or to maintain itself as against the national power in any effort to set up a local sovereignty.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator will suspend. The hour of 2 having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. HALE. I ask for the present that the unfinished business be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business may be informally laid aside in order that the Senate may proceed with the consideration of the naval appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLAIR. But in whatsoever relates to the maintenance of our external boundaries, the assertion of the national power in a way which is truly defensive (for this nation will never be called upon, and it will never willingly indulge itself, I believe, in a policy of national aggression and will never engage in what can in any sense be called an aggressive war unless it be in a case where aggression is truly defense), I am in favor of the expenditure of such sum of money as may be necessary upon all those points of external contact which are liable to attack. Whatsoever money, I say, is necessary to make them entirely invulnerable against attack from abroad and to make them the proper sallying points, the points of preparation of that reserve force which every prudent nation will keep in readiness for the contingenceies of the future, I am willing to vote. And so I am certainly in favor of this commission of inquiry to ascertain not only the proper location for defense but for proper offense of a defensive nature in the Gulf of Mexico and everywhere along the entire line of our boundary, whether it be on the sea line or on a land boundary like that which is between us and Mexico on the south and between us and Canada on the north.

But, sir, it must not be concluded, and I think the Senator from New Jersey is hardly justified in concluding, that money expended in some of the places which he has mentioned, as at New London and certainly at the harbor of Portsmouth, is money wasted, or that it is not money properly and prudently expended, for it should be remembered that on our great Atlantic coast we have at least along the northern portion of that coast only the harbor of Portsmouth which is accessible during the winter, and probably the best harbor on the entire Atlantic coast really for defense against aggression from the navies of Europe. It is deep, it is full, it is ample; and with the river Piscataqua, which empties into it, we have at least ten, twelve, or fifteen miles of internal harbor, not properly a harbor, but a river, which is navigable and where the tide-water ebbs and flows, where the ocean currents are felt, which is practically a continuation of the harbor of Portsmouth; and there is no point on the Atlantic coast where on the whole the Government can so prudently and properly establish a great naval station, considering its nature and considering the cheapness of land and the facilities which can be afforded for the construction of vessels, as in that same harbor of Portsmouth and its appurtenances, to which the Senator has alluded in the way which I have stated.

The country must not expect that these tremendous sums are to be voted to develop naval stations in the South alone or at any one or two localities in this country. It is agreed by the representatives from all sections that there must be more than one naval station on the Pacific for the defense of that great line of coast, some 1,400 or 1,500 miles in extent. The idea that in the extreme Northwest, on Puget's Sound, or in the vicinity of Vancouver Island, where the English are now locating their immense naval station, there can be the only necessary expenditure made for defense upon the Pacific coast will not do. There will have to be an expenditure at the mouth of the Columbia and at San Francisco; and the Bay of San Diego is looming up into immense importance as a defensive position in the future. Just so at Mobile; it may be necessary to expend money there as well as at Pensacola, and also at New Orleans or in that vicinity, and one of the strongest arguments that has influenced my mind for a long time in favor of the Hennepin Canal is the connection to be made thereby between the waters of the Lakes and the Missouri and the Mississippi Rivers and by way of the Mississippi with the great Atlantic Ocean.

There is a direction of development which is in the nature of indicating a proper location for expenditure in a foreign and yet a defensive war, for we must be contemplating the fact—and the more the idea becomes familiar to the American people that the fishery question is but a twopenny affair compared with the real question which is behind and which is at issue—the more familiar the American people become with the thought that the future struggles in this country of a warlike and bloody character are more likely to be in the North than elsewhere on the face of the globe, the better it will be for us.

Canada and the United States may become one nation by union. I would never use the offensive word "annexation" as applied to Canada, but union between the two nations can be accomplished, and therein alone lies, in my belief, the road to peace. I take but very little interest in the discussion of the fishery question. I care very little what becomes of the treaty, if so be that we can reject it, but behind it all is the question of the union of these great peoples north and south of us. Why contemplate the idea for a moment that we are to enter upon the next thousand years with 4,000 miles of exposed boundary on the north, with our neighbors there in hostile alliance with the nations of Europe, capable of maintaining hundreds of millions of hardy and warlike people, and we maintaining that extended line of 4,000 miles by fortifications—by standing armies in a contest of perpetual war?

What else can it be, unless now in these earlier times, when the prejudices which separate and render permanently hostile the nations of Europe are as yet unformed, when both countries are comparatively unoccupied—for we have not one citizen in the United States where we are not able and shall not be able in the future to maintain ten, and Canada is without one per square mile where in the future she will maintain fifty—we consider the real question behind all the discussion of the fishery treaty, the real question which should agitate the minds of the people north of us and of our own people, which is, how shall we invent and pursue a policy of peace, how shall we unite, how shall we pursue this line; and if we are not to do it, then we must contemplate the armament of this entire extent of boundary and its defense in the future by standing armies as great as those which now crush the nations of Europe.

I rose, Mr. President, simply to express my strong approval of this proposition for a commission to locate, not one, as I hope, but to locate many navy-yards and stations at the most favorable points on the Atlantic and Pacific coasts and the coast of the Gulf, and elsewhere if it be necessary, where the American Navy of the future may be constructed and may be maintained.

I do not think that it is worth while to indulge in any special discussion until we get in formation, such as will come from a reliable commission of the kind here proposed, as to the particular localities where these different stations should be placed; but we need, not a single one or several even upon the Atlantic coast, but we need many, and to such a policy as that I stand committed.

Mr. PASCO. Mr. President, the Senator from Alabama [Mr. PUGH] says the question before the Senate at this time is where is the best location for a navy-yard on the Gulf coast. I do not understand this to be the question at all. Time and experience and history have long since settled this question. The best location for a navy-yard has been found to be at Pensacola.

It would seem as though the purpose of this section of the bill which the Senate Committee on Appropriations proposes to amend by striking out, this commission scheme, was not to settle the question of the location of a navy-yard on the Gulf, but to unsettle it. But whatever may have been the purpose, the debate which has sprung up to-day, and which has been participated in by Senators from three or four of the Gulf States, plainly indicates that that will be the result if this plan of organizing a commission is adopted.

My colleague [Mr. CALL] yesterday and this morning set forth very eloquently and very ably the advantages that Pensacola possesses. It is a magnificent harbor; it has great depth of water; it is easy of access; there is a large plant already there; it has a fine back country filled with naval supplies; it is connected by rail with the iron fields and coal mines of Alabama; it has an inexhaustible supply of the very best timber for naval purposes in the forests of West Florida, near by. All of these advantages are there. The harbor is spacious enough to float the navies of the world.

It has been established as a navy-yard for two generations. While it has not been dismantled, as the Senator from Alabama suggests, it certainly has not been kept up, and perhaps one of the main reasons why the plant has not been kept equal to the advancement that has been made in naval science is because of the difference of opinion as to where a navy-yard should be located on the Gulf, and if this scheme for a commission is carried through it may be that this question will still remain unsettled for years to come.

It means delay. This is why I oppose the proposition for the appointment of a commission to select a location for a navy-yard on the Gulf

coast, and not because I fear that other places have greater advantages than Pensacola has. I think the question of location ought to be regarded and considered as settled and fixed and determined.

It has been suggested that there are superior advantages near Mobile, but when we know how large an amount has been expended to deepen the channel of the river there, and how little has been accomplished, it must be manifest that it is not advisable to seek a new location in that direction.

It has been suggested by the Senator from Louisiana [Mr. GIBSON] that Algiers should be selected.

Well, it is only a few years ago since Algiers was washed away by the waters of the Mississippi, and we know that large annual appropriations have been made in order to protect the banks along the river front there by revetment from the overflow of that mighty stream. There have been no sufficient reasons urged here why any change in the location of the navy-yard should be made.

In the report made by Commodore Harmony, Chief of the Bureau of Yards and Docks, in the present year, in speaking of the advantages at Pensacola, he says:

> Pensacola, although defective in some respects, combines more advantages for a naval station than that afforded by a detached, exposed position like Key West or a site upon the uncertain and varying banks of a swift river like the Mississippi.

The Senator from Alabama [Mr. MORGAN] has suggested the objection that Pensacola sometimes has an infliction of the yellow fever. Surely that is not the only point on the Gulf subject to this objection. All the large cities upon the northern shore of the Gulf have been visited by this scourge and Pensacola can be protected from it as readily as any other place that has been mentioned as suitable. If this objection is to be urged it will apply to other localities besides Pensacola.

Now, Mr. President, in view of all the advantages which have been already stated, in view of the fact that Pensacola has been found in the past to be the most desirable station, in view of the fact that the only result of the commission would be to postpone for one or more years the question of building up an efficient navy-yard upon the Gulf coast, I oppose this proposition for a commission.

The Senator from Alabama [Mr. MORGAN] has stated another matter to which it is proper that some reference should be made, and that is that the present navy-yard is in an exposed position on account of its nearness to the waters of the Gulf, but as pointed out by Commodore Harmony in the report already referred to, it would be quite easy to move the navy-yard to another location further up the bay where an abundant depth of water can still be found, entirely beyond the reach of a hostile fleet lying in the Gulf, and at a point where it would be still further protected by the increased breadth of Santa Rosa Island. This I think fully disposes of that objection.

I understand that the action of the committee which has had this bill in charge with reference to this matter is unanimous, and that they have all united in the proposition to amend the bill by striking out the clause to organize this commission, and I hope that the amendment proposed will be adopted, and I shall sustain it by my vote.

Mr. CALL. I wish to say a very few words in conclusion of this matter. If it were not that Pensacola has been ascertained by the experience of the country and the reports of all the naval men who have attained to distinction in the country to be the only place on the Gulf of Mexico suitable for a naval station and for the construction of ships, and the only harbor where, if a ship was built of any size, it could get out to the sea—if these were not incontrovertible facts, so decided by the common consent of both naval and commercial people, I should hesitate to oppose this action; but whatever may be the fate of this motion to strike out this provision of the bill, I wish the facts to be known to the country and to be brought forth here.

These reports all state, in the face of the objections made by the Senator from Texas and the Senator from Alabama, and the topographical features of the country as delineated in the maps, and its geographical description, all testify to the fact that the bay of Pensacola has an abundance of fresh water without connecting it with the Alabama River.

The Yellow River and the Blackwater and streams emptying into Santa Rosa Sound and Pensacola Bay running far up into the country are fresh-water streams. The proposed new site of a navy-yard far removed beyond the reach of any enemy's guns is a place selected because of the abundance of fresh water. It is nearer to the coal and iron fields of Alabama than any other point, and the cost of transportation of supplies will be less. It is nearer in time, it is nearer in distance. One railroad already communicates with that portion of the country, another directly communicating with it is in process of construction, and another road has been organized with capital sufficient to build it, I am informed, connecting Memphis with Pensacola. It is unquestionably designed to be the great seat of commerce and of naval offense and of defense, as it has always been, of the Gulf of Mexico.

This subject, as I have said, has been considered ever since a period antedating the acquisition of the territory from Spain. Pensacola was the rendezvous of the Spanish and the English fleets, the only place of refuge, the only place where they could be accommodated safely, with easy and sure access to the Gulf and with egress from the harbor, and impossible of being blockaded, and that is an essential feature for any place as a naval station and for the construction of ships.

Now, compare these two places. Here is the Mississippi River. Military and naval men have reported the fact and Admiral Farragut, whose testimony is here, saying that the preservation of Pensacola as a navy-yard, as a place for assembling, rendezvousing, and supplying the ships of the United States, and for their construction, was worth a war in itself. What better testimony can you have than that? The same man who penetrated up the Mississippi River with all the defenses of the Confederacy there, with his fleet, and captured it, has given this testimony in favor of Pensacola, and who does not know that a single sloop, a single small vessel sunk in the artificial channel made at an immense cost by Captain Eads, and preserved there by constant care, attention, and expense, would at once prevent the egress of all the ships you might build in the Mississippi River?

Who does not know the impossibility of constructing the necessary docks in the ever changing and uncertain soil of a rapidly-running stream of 150 feet depth, a torrent always breaking over its banks? I am told by officers of the Navy who have examined the subject that the scheme is entirely impracticable, and that ships can not be built under those conditions with any certainty. You might as well undertake to establish a navy-yard for the building of ships under the falls of Niagara.

Mr. GIBSON. Will the Senator from Florida permit me to interrupt him there?

Mr. CALL. Certainly.

Mr. GIBSON. They are building now some of the largest ships in the United States on the docks right at Algiers.

Mr. CALL. They may build one or two ships, but it is an undeniable fact, and all the naval experience and all the reasonable probabilities are against the possibility of making a navy-yard in a stream that overflows and washes nearly everything away every few years, at times beyond the control of men, carrying destruction with it, and constantly threatening the city of New Orleans. You can not have the docks there. I was told this morning by a leading officer of the Navy that that was the settled and the better opinion of naval men who have studied the subject.

But suppose the statement of the Senator to be correct, how will you get your ships out? You pay millions of dollars to make and preserve a channel there.

What is the difficulty of blocking that exit to the sea? It requires great and constant care to keep it from closing itself, without any aid from an enemy. At Pensacola, however, we have a broad, magnificent exit to the ocean, which has always been used, not 50 or 200 miles, not 24 miles through a narrow channel, like Mobile Bay, where on either side a ship will be stranded outside of a 125 or 150 feet channel; you have but two miles and a half to defend for an exit to the sea, with a greater supply of water than anywhere upon the Gulf of Mexico.

Mr. President, as I said, here is the report of Commodore Tatnall, here is the report of Commodore Rodgers, and the reports of other officers upon the subject of the defense of the Gulf of Mexico, the one pointing to the Dry Tortugas as a valuable place for the southern portion, of Florida and the only appropriate place not for a yard of construction but a place of refuge, a fortified position, a Gibraltar, as he terms it, for the protection of the Gulf of Mexico, and the other for the port of Pensacola, where it properly belongs, with its magnificent harbor.

I only wish to say, in regard to this matter about Mobile, that here is the report of the Engineer Department. Here was an improvement commenced by the General Government in 1827, the depth of water then being 5½ feet through Choctaw Pass and 8 feet on Dog River Bar. That is a magnificent place to build a navy! The expense has been from 1827, under the several bills of improvement, to the present date about $1,400,000.

For what? Through a mud bar 24 or 28 miles long, with a channel of 125 feet, designed to be made 200 feet in width, and they have gotten at the highest rate 17 feet of water, and two vessels actually passed in one year through that 17 feet of water, the abrasions upon the shores on either side of this narrow channel having refilled it to the depth of 16 feet, as the engineer says; the ordinary safe depth is 15½ feet. If this money had been expended on Pensacola Bay, what a grand harbor you would have. With all this expenditure the commerce of Mobile, even with the rivers running into it from a rich upper country, has decreased until the report shows it has become an insignificant amount, and Pensacola now has a foreign commerce far greater than Mobile.

That is the result of the improvements from 1827 to the present day, not approaching by 5 or 6 feet, according to the report of the engineers and of the commission two years ago, the water on Pensacola Bar, with a harbor nearer to the coal and iron of Alabama and Georgia than any other place, with a capacity to accommodate the navies of the world, and with 22 to 24 feet of water from the time of the Spanish dominion to the present day, with fewer visitations of yellow fever than Mobile or New Orleans has had—not one-third as many—with every possible inducement to the commerce of the country now seeking connection with it from the Mississippi River at Memphis, from Selma in Ala-

bama, and already connected by the Louisville and Nashville Railroad with the western portions of the country.

There is a magnificent harbor of defense and a proper place for egress of the fleets of the United States for the protection of the commerce of the Gulf of Mexico, and yet we are to have another inquiry to find out whether or not the Mississippi River, with its Eads jetties, its wicker-work protection, and the shallow, muddy flats of Mobile Bay, with its narrow channel of 125 feet for 28 miles, is to be selected as the yard for the construction of ships! Surely this can not be the object of this provision in the appropriation bill as sent from the House.

Mr. GIBSON. Mr. President, there is evidently a misapprehension on the part of the junior Senator from Florida [Mr. PASCO] with reference to the banks of the Mississippi River at Algiers. The village of Algiers has never been washed away. The banks are quite as permanent there as they are in the upper countries on the Mississippi River. In 1856 the Congress of the United States acquired land enough just below Algiers, on the opposite bank of the Mississippi River to the city of New Orleans, for a navy-yard, and it still owns that land.

The Senator from Florida [Mr. CALL] referred to the wicker-work at the mouth of the Mississippi. I will say to the Senator that in the outset Captain Eads did build a line of wicker-work on either side of the Mississippi River, projecting out into the Gulf of Mexico over the bar; but by the deposits brought down from the upper country this wicker-work was filled up and became a solid embankment, and on top of that embankment stone was placed, and in the rear of the arms of these jetties, which penetrate into the Gulf of Mexico, the whole country is filled up, trees are growing on it, and it is as firm and solid as if it were made of granite, as I said before.

I can not understand why it is, if the Senator from Florida feels so confident of the superiority of Pensacola as a site for a navy-yard, that he should oppose the appointment of a commission to investigate and sustain the interesting statements which the Senator has made here this morning.

The navy-yard at Pensacola was established in colonial times, when Florida was a dependency of Spain or of France; but I repeat that at that time we had no rifled cannon; we had no iron ships. They went into the forests and built ships. They built them of wood. They had the material close at hand and they had Santa Rosa Island; they had a beautiful bay in which could be assembled the fleet of the United States; but naval warfare has entirely changed.

We have to-day heavy guns; we have iron-clad vessels. It is a matter of mechanism and of machinery rather than of individual exploit. Science is brought to bear in the construction of ships, and we need a great navy-yard near to the Gulf of Mexico in order not only to build but to equip the ships that are to be constructed. These vessels of war are necessary to defend not only the Mississippi Valley but the Gulf of Mexico itself, and, as the Senator from New Jersey [Mr. MCPHERSON] has very properly said, on the completion of the canal at Panama, or Nicaragua, or Tehuantepec (and I am one who believe that the Panama canal will be completed).

The vast development of the commerce of the world in this quarter and our own growing intercourse with South America, with Cuba, and with Mexico, as well as the security of free institutions, demand that there should be a great navy-yard somewhere upon our Southern coast, either at the outlet of the Mississippi River or somewhere in Florida or somewhere in Alabama or in Texas. I am willing, for one, to leave that to a commission of scientific naval officers, who will not be swayed or biased by any political sentiment, either in favor of Florida, Alabama, or Louisiana, but who will give to us a report based upon facts and upon their own experience, their ability to classify and to analyze and to appreciate the facts that are developed.

Mr. REAGAN. I ask the Secretary to note an amendment I shall propose to this clause. It is to insert after the word "Mexico," in line 312, the words "or on the Mississippi River;" and I desire to call attention to the reason I have for making this suggestion.

The object of the establishment of a navy-yard is to give us a place where we can build vessels, and to give us fresh water in which we can build iron and steel vessels, and to build them where they will be available for the defense of the country. I renew the suggestion because I feel that it is one of importance. We can not hope always to escape trouble with Great Britain.

No one can foresee when that will be precipitated. At the present time, by an arrangement between the United States and Great Britain, we are precluded from having gunboats upon the Lakes, upon which so large a portion of the population and wealth of this country reside. The English Government, the Canadian Government, has built the Welland Canal, which would enable them at any time to throw gunboats enough into the Lakes to command the lakes in a military point of view, and to destroy our cities on the borders of the Lakes.

One of two things ought to be done, either the policy ought to be revised which precludes us from building and owning as many gunboats and vessels of war as we please upon the Lakes, or else we ought to enlarge the canal from Chicago to La Salle on the Illinois River, a canal that is already in existence, and complete the deepening of the water in the Illinois River from La Salle to the Mississippi. By doing that and getting a depth of water that would enable us to transfer gunboats from the Mississippi to the Lakes or from the Lakes to the Mississippi, as we pleased, it would give us a protection against the contingency which is created by the present policy and by the construction of the Welland Canal.

The military department of the Government it seems to me ought to have its attention drawn to this matter, and to this end I should be glad to see the commission authorized to look for a place for a navy-yard on the Mississippi River as well as upon the Gulf of Mexico, for a navy-yard established, as was suggested by the Senator from Louisiana [Mr. GIBSON] at Algiers, at Natchez, at Vicksburg, at Memphis, or at St. Louis, with that deepening of water which is necessary to get to the Gulf from St. Louis, or to get into the Lakes from the Mississippi by the way of the Illinois River and the La Salle Canal, would complete our preparations for defense or for aggression.

It seems to me that in connection with the proposition to establish this navy-yard we ought not to lose sight of the great uses to which it might be put. I regard this as one of the most important.

As suggested by the Senator from Louisiana, the construction of the canal now in progress across the Isthmus or the construction of a ship railroad or canal across by way of Tehuantepec or a canal by way of Nicaragua will increase the commercial activities of that country to an enormous extent, and, as I said yesterday on another subject, will operate more importantly to influence the commerce of the world than the construction of the Suez Canal did.

We would then need a position where ships could be built and repaired as conveniently as practicable to that great line of commerce and to cover the extensive coast region from the Rio Grande around the Gulf and the capes of Florida. So, it seems to me that whatever else may be presented by other places, when this inquiry is made it ought to be made as to the Mississippi as well as to the Gulf of Mexico.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Texas [Mr. REAGAN], to insert, after the word "Mexico," in line 312, the words "or on the Mississippi River."

The amendment was agreed to.

Mr. MCPHERSON. I desire to offer an amendment to come in on page 26.

The PRESIDENT *pro tempore*. The pending amendment has not yet been disposed of. The question is upon concurring in the amendment made as in Committee of the Whole, to strike out the lines from 309 to 314, inclusive as amended. [Putting the question.] The noes appear to have it.

Mr. CALL. Let us have the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Florida asks that upon this question the yeas and nays may be entered on the Journal.

Mr. GORMAN and others (to Mr. CALL). Withdraw the demand.

Mr. CALL. I withdraw the demand.

The PRESIDENT *pro tempore*. The amendment is non-concurred in, and the next reserved amendment will be stated.

Mr. ALLISON. What became of the amendment on the top of page 14, from line 309 to line 314?

Mr. HALE. The yeas and nays were ordered on it.

The PRESIDENT *pro tempore*. The call for the yeas and nays was withdrawn, and the amendment was non-concurred in.

Mr. HALE. I do not think that was understood.

The PRESIDENT *pro tempore*. The Chair will then again submit the question.

Mr. HALE. I supposed the yeas and nays had been ordered.

The PRESIDENT *pro tempore*. Does the Senator from Maine ask for the yeas and nays.

Mr. HALE. I do.

The PRESIDENT *pro tempore*. The Senator from Maine asks that upon concurring in the amendment made as in Committee of the Whole the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. ALLISON. Before the amendment is voted on I should like to ask some Senator friendly to the provision to explain what is meant by "expenses of sounding and surveying and estimating expenses." Is it intended that this commission of three officers shall go along the Gulf of Mexico and make soundings, and, as the amendment moved by the Senator from Texas has been adopted, that they shall traverse the Mississippi River from its mouth to St. Louis, or to St. Paul, and examine that river with the view of establishing a navy-yard?

Mr. MORGAN. This part of the bill originated in the House of Representatives and with the Committee on Naval Affairs of that body. I am informed by the chairman of that committee that the purpose of putting in a provision for soundings, borings, and other methods of examination is to ascertain the nature of the ground upon which a ship-yard would be constructed, and also the opportunity which might be afforded on the margin of a river or an inlet of the sea to build dry-docks.

It may not take $50,000 to do this work. I do not know that it will. I do not know that it will not. I should dislike to exclude any part of the Mississippi River from this examination, any eligible location from St. Louis down. I should dislike also to exclude any part of the Mobile River from Mount Vernon down. I should dislike to exclude any of the inlets from the sea which might be considered as available. I can not name them now, though there are several places along the

seaboard west of the Mississippi River, and several between that and Mobile, where the building of ships might be conducted with great success.

I will say to the Senator from Iowa that very little is known about that coast. Very little money has been expended upon it. What we need most is information. Very recently I obtained from the Coast Survey a survey of the Mobile River from Mount Vernon to Mobile, and, as I stated yesterday, I was greatly astonished to find that it was a good deal better river than the Delaware for getting ships out; that it was deeper water; that there were broader banks, the river was wider, and there was a greater collection of water.

I think that, in order to come to an intelligent conclusion about the right place to build a naval construction yard, these officers ought to have the opportunity to sound, bore, and test not only at the location where the yard may be placed, but also at intervening locations between that point and the seaboard, to see what it would cost to remove any mud bars or obstructions which might exist.

What we want, of course, is an interior place. We want fresh water. We want deep water. We want a broad channel in which to launch ships. We want that sort of a place which does not exist, for instance, at Wilmington, where they could not make contracts for large ships, because they did not have the opportunity to launch them. If we get a place, we want a good place.

Mr. ALLISON. I made the inquiry for the purpose of ascertaining how the $50,000 was to be expended. If the three naval officers who are to act as a commission are to make soundings and surveys of the areas embraced within the provision, it will cost instead of $50,000 a great many more thousand dollars.

Mr. MORGAN. Oh, not the entire bed of the river.

Mr. ALLISON. The Coast Survey has surveyed the entire coast of the Gulf of Mexico, so that a mere reference to their survey will be ample in that instance.

Mr. MORGAN. It might be.

Mr. ALLISON. So far as the Mississippi River is concerned, the depth of water is certainly well known.

Mr. GIBSON. If the Senator will permit me, I will state that the Mississippi River Commission have surveyed the Mississippi River completely.

Mr. ALLISON. Then it is not necessary to survey the Mississippi River or to sound it.

Mr. MORGAN. That is not contemplated.

Mr. ALLISON. So I think if we are to make the appropriation and allow the commission to make the examination, we ought to exclude the idea of making soundings and surveys.

Mr. MORGAN. Yes, of the river in a general sense, of course, but the soundings and surveys, as I understand, apply to the location.

Mr. ALLISON. To the location of the navy-yard?

Mr. MORGAN. Yes.

Mr. ALLISON. But they are not authorized to locate a navy-yard.

Mr. MORGAN. Not by any means, but they want to bring us information of the comparative merits of different localities.

Mr. ALLISON. For example, we have at Pensacola a navy-yard which I think has been established for over fifty years. Certainly it is not necessary to make a resurvey of the immediate vicinity of Pensacola.

Mr. MORGAN. Probably not.

Mr. ALLISON. I take it for granted that when the Pensacola navy-yard was established it was supposed to be the best location on the Gulf of Mexico. I should be glad to see an establishment somewhere on the Mississippi River, but it seems to me that the provision might well be projected in this way: A provision to dispense with the Pensacola navy-yard and establish one somewhere else on the Gulf of Mexico.

Mr. MORGAN. If the Senator from Iowa desires to treat the subject in that way he is welcome to do so, and we shall go into debate about it. If he wants to abolish the navy-yard at Pensacola I suppose he would undertake to do it by a general act of legislation applicable to that and all other navy-yards.

Mr. ALLISON. I will ask the Senator from Alabama if the provision does imply that Pensacola is not a suitable place for a navy-yard?

Mr. MORGAN. Not by any means.

Mr. ALLISON. We have a navy-yard there, one established long ago.

Mr. MORGAN. There is no implication of that sort by any means, and none can be drawn from the clause by any fair process of reasoning.

Mr. ALLISON. I think this sum is entirely beyond any necessity, such as is proposed by the Senator from Alabama or the friends of the measure. Therefore I move, before the word "thousand," in line 314, to strike out "fifty" and insert "ten;" so as to read: "$10,000."

Mr. MORGAN. Mr. President, I have no information that would justify me in resisting the motion of the committee to strike out the provision, because this matter has come before me merely as one of the loose Senators about this establishment who never know anything and who are never permitted to know anything outside of what is done by a Committee on Appropriations. The gentlemen on the Naval Committee of the House of Representatives are supposed to understand something about matters of this kind, but their opinion is not worth anything here. You must get a man from the Committee on Appropriations before he knows anything about naval affairs in this country, or military affairs, or even scientific affairs.

I think that the Senator from Iowa ought to be able to define before the Senate, as chairman of the Committee on Appropriations, why it is that $50,000 is not necessary. In the House of Representatives the Naval Committee took charge of this subject, investigated it upon their responsibility, reported it to the House, and the House voted the provision in the bill. It comes here to me and I have to defend it in the best way I can on the floor after the bill has been reported, without any time for consideration. I find that the committee, without asking anybody on the Gulf of Mexico a word about it, have stricken it out.

Perhaps if the Committee on Appropriations, instead of acting upon their own motion or upon the motion of one of the members of that committee who happens to have a navy-yard in his own State, had sought this information at any earlier day in the progress of the bill, I should have been able to inform the Senator from Iowa of the particular facts as reasons why $50,000 are necessary to conduct the borings and soundings and examinations of the bars, etc., in those unexplored and unexamined rivers, of which we have no surveys, and also of the particular localities there, at which dry-docks and naval construction yards might be built.

I understand that it is quite necessary when you commence the enterprise of building a dry-dock on the margin of a water course of any kind, particularly of a river, particularly of the Southern rivers, that you should conduct a series of borings to ascertain what is the nature of the soil beneath. That is the first thing you would undertake to do, and it would hardly be fair to any locality in the South that you should send a commission out into the field to locate a ship-yard of this kind without some means to conduct the soundings and borings which are necessary to develop, first, the nature of the foundations on which the yard itself would rest, and next, and very important, the character of the soil in connection with the building of dry-docks, for these are very important matters.

I am informed—I do not know anything about it beyond that—that the Secretary of the Navy desires to make these explorations. I infer from the fact that a committee of the House reported this provision, and the House passed it, that there was some reason for having the sum $50,000. Now, we are asked to vote $10,000 to oblige the economical disposition of the Senator from Iowa, who I find does not know anything more about it than I do. He can not state any more reasons why it should be $10,000 than I can state reasons why it should be $50,000. Let us vote $10,000 to accommodate the special spasm of economy that is on the heart of the Senator from Iowa, and let us send it into conference, and they will convince him whether it ought to be $50,000 or whether it ought to be $10,000. I can not do it.

Mr. ALLISON. The Senator makes a gentle fling at the Committee on Appropriations because it has seen proper to strike out this provision, and he very kindly states that there was no one on the committee who was able to give information on the subject.

This is a provision to employ naval officers, and surely, although we have not a very great navy, we have vessels enough to transport them along these shores, and they are not to be paid out of this appropriation, because they receive pay now.

There have been but two suggestions made here as respects the location of this navy-yard. One is that it shall be in the neighborhood of the Senator from Alabama, in Mobile Bay, or on one of the rivers running into it. Another is that it shall be somewhere on the Mississippi River. It may be a spasm of economy in me to make this suggestion, or it may be otherwise. I do not make any great claim to any particularly economical spirit either on this provision or on any other, but I venture the suggestion that unless the men who are to constitute this commission are to take with them a corps for the purpose of exploring the rivers and sounding them and surveying them, they can not spend $50,000 in this examination, and that they will not expend it. Therefore I think it is an entirely unnecessary sum to put in the bill. The burden of proof is not upon the Committee on Appropriations to show that this is a necessary sum, but the burden is upon those who favor the proposition, and the Senator from Alabama very frankly states that he does not know anything about it.

Mr. MORGAN. I stated also that if I had had any notice that the committee intended of its own motion to strike out this provision without letting me or any person down there know anything about it I should have been prepared.

Mr. ALLISON. The Senator from Alabama says that if he had known that the committee on its own motion would make this amendment, of course he would have furnished us with some information. But the Committee on Appropriations does nothing of its own motion.

The Senator has stated that the Secretary of the Navy desires to have this investigation made. Has any letter been read here from the Secretary of the Navy? Does any Senator in his place say that the Secretary of the Navy has committed himself to an expenditure of $50,000 for three Government officers to go in a Government vessel sailing around the coast of the Gulf of Mexico or up the Mississippi River?

When expenditures are presented to the Committee on Appropriations they are presented on estimates. Is there any estimate here for this appropriation? Is there any suggestion in the report of the Secretary of the Navy that we ought to examine the Mississippi River or Mobile Bay with a view to the establishment of a navy-yard?

Yet the Senator says the Committee on Appropriations ought not to have stricken out this provision. The Committee on Appropriations as a rule does not insert in these bills anything that is not found in the annual estimates. Now and then, of course, in the regular and ordinary appropriations for the existing public service it may put in an appropriation for a new vessel or for some additional supplies not mentioned in the estimates.

Mr. MORGAN. I will ask the Senator a question, if he will allow me. You put in the bill a provision for three cruisers of 2,000 tons each. Were they estimated for by the Secretary of the Navy?

Mr. ALLISON. That was a less appropriation for that purpose than was in the bill as it came to us from the House of Representatives. We substituted one for the other. But that is in the regular and ordinary course of the support and sustenance of the Navy. We have been building ships and cruisers for the last five or six years; and while I have not the estimates before me, I venture to make the statement that the Secretary of the Navy has estimated for more money for the purpose of building ships than is in the bill now or was in it as it came from the House. That is the general policy and the well-established policy as respects such things.

My colleague on the committee [Mr. BECK] suggests to me very properly that here is a report made by the House Committee on Naval Affairs giving the reasons for the various appropriations in the bill, and yet there is not in it one single word showing or stating that it is desirable to establish a new navy-yard on the Gulf of Mexico or on the Mississippi River. So when the Senator from Alabama says that the Committee on Appropriations acted of their own volition and motion he states what the facts do not disclose. There is no intimation anywhere except this naked provision that it is a desirable thing to do.

If the Senator from Alabama had been interested in this measure it would have been an easy thing for him even to have furnished the proof to the Committee on Appropriations. There is no letter from the Secretary of the Navy, there is no suggestion of the Secretary of the Navy, there is no recommendation of this provision either in the House report or any suggestion respecting it, except what is found on the face of the bill.

Therefore, when this matter came up in the Committee on Appropriations the committee decided, first, that it was not a wise thing to resound and resurvey the Gulf of Mexico, because we knew that the Coast Survey had made a pretty general survey of that coast; and we knew also that there was absolute knowledge as respects the Mississippi River, certainly as far up as Memphis, because not only has that survey been made by the Mississippi River Commission, but it has been made by the Coast Survey as well. It was made forty years ago by General Humphreys with great accuracy when he was an engineer upon that work.

So I think the Committee on Appropriations were justified in striking out this provision, and when I take the opportunity to inquire of the Senator from Alabama why it is that we are to engage in soundings of the rivers and in surveys of the rivers and the coasts, and why it is that $50,000 is required, he answers me by a criticism of the conduct of the Committee on Appropriations.

Mr. MORGAN. When the Senator from Iowa put that question to me he knew very well that I was not a member of the Naval Committee or of the Committee on Appropriations of this body, and he knew just as much about this provision as I knew, which was that this feature came here from the House of Representatives in the bill. I had a right to suppose that the House of Representatives had some good sound reason for putting it in. I had a right to suppose even that there was an estimate for it. I stood upon that. I did not go before the Committee on Appropriations and file a brief. I am not very often found knocking at the door of that committee or any other money committee of this establishment with a view of trying to get a little help for my people. What few battles I have to fight in the Senate I fight on this floor, openly and above board, and I do not go around that committee with briefs, and touching of elbows, and pulling at buttons, and the like, to get gentlemen to favor plans that I think are valuable. I am willing to come before the people of the United States on the floor of the Senate and under the rules of this body to controvert in respect of the measures that I think affect my constituents or affect the good of the country to which I happen to belong.

So when the Senator complains that I did not file a brief, he can make the same complaint about everything else that comes up. I do not pursue that method. If we must here in the Senate of the United States hunt down the committee with briefs then we are in rather a bad position. I do not like that view of the subject.

Mr. ALLISON. If the Senator will allow me, I will state that he criticised the Committee on Appropriations for taking hasty and inconsiderate action. I showed him that there was nothing before the Committee on Appropriations upon which it could act otherwise than it did act.

Mr. MORGAN. I never knew that until the Senator from Iowa, the chairman of the committee, stated that he did not know anything about it. I found the provision in the text of the bill. I found it struck out by the committee, and that was all I knew about it, and then I found the House of Representatives under fire for having made this appropriation without due consideration or proper estimate. I do know personally that the Secretary of the Navy was considerably interested three or four years past in looking out some location in the South where a navy-yard, a yard for naval construction, could be built. I think that that would commend itself to the sound judgment of any American statesman. That very view of the question would naturally attract the attention of any man who had the good of his country at heart and capacity enough to comprehend what would be best for it.

There ought to be a naval station in the South. I mean by a naval station a ship-yard. It ought to be somewhere there in convenient access to the great producing power of the interior of this country, which is transported to the seaboard upon the waters of the Mississippi River, and, if you please, upon the waters of the Alabama River.

I did not know that this provision was subject to a technical objection. I did not know that the committee had made a technical objection to it. I never thought about anything of that kind. They seem to have struck it out because there was no estimate for it. I am very sorry if there was no estimate. I am not able to answer upon that point. I have had nothing to do with presenting estimates. If the provision is to go out on a point of order, as a matter of course we can not help ourselves, though I understood that the Senator from Iowa by proposing to reduce the sum from $50,000 to $10,000 waived the point of order, and that the matter was before the Senate fairly for its consideration under our rules.

The subject has been debated here. I do not find that any member of that committee except the one whose State is interested has any objection to bringing in the information that the provision calls for from the commission proposed. I have not heard any other Senator on that committee say that the Senators from the Southern States should not have the benefit of this information as a predicate upon which they could hereafter propose something in the nature of an establishment for the building of ships of war, and dry-docks, and places of repair, and, if you please, for even heavy guns.

I know, Mr. President, that during the whole existence of this Government we have been neglectful of opportunities like this, but we are waking up now and taking an advanced line in respect of all industrial pursuits, and especially so in regard to the heavy mineral products, such as are necessary for the muniments of war and for the building of ships, and engines, and the like. We are coming to the front upon that subject. If Congress is not willing to assist us about it, or pay us any attention, we shall come to the front anyhow; it does not make any difference.

It will be but a very few years until we shall have absorbed in the Southern States the production of iron to such an extent that Great Britain will no longer control the markets of the world. We have to-day a capacity for producing very high qualities of iron, and very soon we shall have equal capacity for producing very high qualities of steel, which will override the power of Great Britain in the control and monopoly of this enormous industry. You will find that the wealth which Great Britain in the Cleveland district has so amassed and made herself so splendid with, will begin to crystallize about the establishments in the Southern States, and that, too, without the necessity of a high protective tariff. We shall send our productions out through this country so cheaply that the people can have the advantage of the beneficence of God Almighty in connection with the skill and enterprise of men who are now free to work and who are ready to do it.

Congress may neglect as much as it pleases; technical objections may be interposed here whenever gentlemen choose to interpose them; Senators may neglect us whose duty it is at least to look after us; jealousies may spring up and for a while cripple us in our progress, but still we shall act upon the broad idea of the general progress of the South. Our development is going to correspond with our resources, and when they do we shall be just as magnificent a people as exists in this world.

God has blessed us with resources which are not paralleled anywhere in the world. We are now beginning to wake up to the idea of our ability to handle them, and after a little while we shall not be at all dependent upon Congress. No, sir; Congress is dependent upon us more than we are upon her. Every Senator here knows that. In the event of a fierce war with any great maritime power, it would be an absolute necessity of the situation that we should have the means of producing ships and guns upon the waters of the Mississippi River or some other place accessible to the Gulf of Mexico in the most rapid and excellent manner that is possible.

No man can shut his eyes to the necessities of the situation connected with the conjecture of a war which may occur between us and a great maritime power. I would gladly shut my eyes to such occasions; I would gladly dismiss such prognostics from my thoughts; but they

will come upon us for the very reason that the country which lies around us and contiguous to us, now under the domination of royal authority beyond the Atlantic Ocean, after a little bit will become a prize and a contention between us and the great powers of the earth. We can not avoid it. Our fathers did not have the means of capturing the picket-line which commences at Newfoundland and runs around to Yucatan. When we established this magnificent Republic upon this continent we did not have the means to do it. Nevertheless, it remains a duty for us to perform, or, if not for us, for our posterity to perform.

It is one of the necessities of our situation upon this hemisphere that those picket-lines and outposts shall fall into our possession and not be in the ownership of any other nation on earth. It is a part of the great mission of this constitutional Republic that it should be so.

What I am doing in regard to this matter is not to get a few dollars of your money expended in the South. That is not the idea. We are willing to furnish you with cheaper material for building your ships than you can get anywhere else, and we will build them in the very best waters to be found, better than the waters of the Delaware for floating ships to the sea. We are willing to furnish you with a variety of timber trees there which are not excelled in any part of the earth, either in quantity or quality, or in variety. We are willing to contribute all the resources of nature so abundantly lavished upon us to the Government of the United States in order to assist in building up a Navy, without which we are soon to cease to have even respectability among the nations of the earth. We are willing to do that, and all of that, and we are not here beggars for your favor—not by any means.

When I stand here advocating a measure which comes from the House of Representatives proposing to appropriate the paltry sum of $50,000 for explorations and soundings, I am met with the inquiry, where are you going to send the commission and what are you going to do? Sir, there are channels deep that lead to the sea, estuaries which are valuable to this country in a military as well as a commercial view, of which the people of the Northern and Middle States of the United States know nothing, because you have not favored us with surveys. I repeat that I had myself to go to the Bureau of the Coast Survey to ask as a favor that they would run lines up and down the Mobile River. The charts have been made and the development shows one of the most magnificent currents of deep fresh water to be found on this continent, of which Senators on this floor were just as ignorant as they are to-day of the waters of Iceland or of Lapland; and so in regard to other places.

Mr. HOAR. If the Senator will allow me to ask him a question for information, has not the survey of the Coast Survey been made as thorough in regard to the part of the country in which the Senator lives as any other part of the country?

Mr. MORGAN. Not by any means. It is a mere fringe along the outer coast, along the ocean.

Mr. HOAR. I do not think that is the general understanding.

Mr. MORGAN. I know it is not. I have no doubt the Senator from Massachusetts is right about that. That is not the general understanding. But would the Senator from Massachusetts have believed that we have an arsenal at Mount Vernon, 50 or 55 miles north of Mobile, on the Mobile River, and that no line had ever been run from the city of Mobile or the Bay of Mobile up to that place in that broad, deep expanse of water, and that the Coast Survey charts did not show a mark in regard to it? Yet there are numbers of other points which are equally in an unfortunate and a neglected place. The territory represented here by the Senator from Louisiana is *terra incognita* in regard to some of the most important inlets from the sea. We have a mere fringe of survey around that border. That is all we have, and that is one reason which actuated me at least in urging that there should be some opportunity on the part of this commission to make some little investigations for themselves, for the Government of the United States has done it. All I claim here, Mr. President, is fair play.

Mr. BECK. Mr. President, we are spending a good deal of time over a matter about which I think there is very little difference of opinion. While a good deal can be said about the greatness of this country and the need of improvements everywhere, the Committee on Appropriations (and that is all I care to say) acted in this matter, as we thought, with absolute respect for the members of the other House in striking out the provision.

The bill came to us with an entirely new provision in it, not estimated for by the Navy Department. It came to us with a report from the chairman of the committee having charge of the bill, which made no reference to this provision. We turned to the RECORD of the proceedings of the House of Representatives, and I hold it in my hand from beginning to end, and there was no allusion made to this provision in the debates in the House. Therefore, having no estimate from the Department, there having been no reference made to it in the debates in the House, as the RECORD shows, and no reference made to it in the report the chairman of the House committee furnished in regard to the items in the bill, and it being entirely new, and being advised by a member of the committee that Pensacola is a great navy-yard, as we knew, or a great location for one, in striking it out we did the only wise thing according to our view, believing as I did at the time that the Navy Department had authority to make these surveys.

Striking it out in the Senate does not eliminate it from the bill. We do that all the time when we have no information either from the Navy Department or from the House debates or from the report made by the House committee and it is a new matter altogether. We strike it out because we do not know what to say about it nor what is the true amount to appropriate; and when we meet together in conference if the conferees on the part of the House advise us as to what reasons they had for putting it in, either as to amount or anything else, it is then open for settlement, and the Senate conferees have never resisted a fair explanation made on the other side. That would be the attitude of this provision if it should be stricken out in the Senate.

But since it has been suggested that some sum ought to be inserted, if $10,000, or $20,000, or $25,000, or $50,000 should be put in, I have no idea that the Department will spend any more than is needed. If the suggestion of the Senator from Iowa [Mr. ALLISON] is agreed to and the provision is reinserted with $10,000, and the conferees on the part of the House will show us that $50,000 is required, or if when the conference committee gets together it will send for the Secretary of the Navy, as it can very well do, and ask him what will be needed for this work, the true amount will be inserted. That is all there is of it. In any event it is still open.

I think the Senate will readily see, and the Senator from Alabama will readily see, that at first blush, as it was presented to the committee without an estimate, or a debate, or a suggestion in the report, all we could do in justice to the Senate was to say, for the time-being let the provision go out until further information is obtained. That is all there is of this whole thing.

I will vote for $10,000 or for $50,000, if that is the true amount, because I know there will be no survey made of the Mississippi River or of all the tributaries under this provision. I agree with the Senator from Alabama that surveys are necessary; that investigation ought to be had; that we ought to build a navy-yard on the Gulf, and that we ought to have it in the best place. If Pensacola is not the best place, as there may be difficulties about yellow fever or other climatic conditions, or if other reasons make some other place better, let us have it at the best place. A survey will have to be made to enable us to select a place so as to make an intelligible report as to what ought to be done; and the best survey ought to be had, so as to show sufficient reasons why it is proposed to be located there, and let the Secretary of the Navy have what money is needed to do it, and when we get that information we can act upon it intelligently. That is all there is of it, and that is all that influenced the committee.

Mr. BLAIR. Mr. President, the Senator from Alabama [Mr. MORGAN] has good ground for his declaration of independence of the Government of the United States. He has good ground for saying that it is of little consequence to him or to some of those whom he represents what action Congress may take in the expenditure of the public moneys. He has good ground for saying that the protective tariff is a matter of comparatively little importance to his section of the country.

But, sir, the ground which I understand him to give as the reason of his independence does not seem to me to be the true and the correct ground of that independence which I concede. It is not because throughout the South there are vast and abundant resources as yet undeveloped but developing. It is not by reason of the abundance of nature as compared with other portions of the Union that the Senator is independent of the Government of the United States. By no manner of means is that the case. I desire that the ground of Southern independence shall be fully understood, and that it shall be placed upon its true foundation in this debate, if it is to be discussed at all.

It is this, that by reason of conditions which have previously existed there and which are still continuing, in a process of dissolution and disappearance I admit, and I am glad that it is so—by reason of those conditions still partially existing, the labor of the South is as a whole cheaper than the labor of Europe to-day. That is the reason of the independence of the Senator from Alabama and of the independence of the controlling influences in that section of the country who handle its capital and who look forward, many of them, to the control of the riches which are to be developed by that cheap labor in the future. It is because of a comprehension of that which is to come by reason of the control on the part of the few of the masses of the Southern people in the matter of their earnings in the future that they are independent, and that they insist upon opposition to such measures as the trifling appropriations which have been proposed here in this Congress and in former Congresses in the direction of the education of the people of the whole country.

The secret of the Senator's independence is the ignorance of the masses of those who perform his labor, for ignorance is slavery, and wherever you find an ignorant population, where the masses of those who work are ignorant, there their wages are low. It is because of the ignorance of those who possess the muscle of the South and its producing power that the Senator from Alabama is so independent upon the floor of Congress to-day, and there is no other basis for it.

To me it seems like a shame and an infamous disgrace that we deal

as we do with these vast appropriations, millions for apparently the most trivial subject, appropriating $10,000,000 for a single ironclad yesterday, Southern Senators making that proposition, and Northern Senators supporting it—$10,000,000 for a single ironclad, more than we proposed as the appropriation for a single year for the equalization of the privileges of education all through the country.

There is not a political economist on the face of God's earth who does not know and does not proclaim as a fundamental proposition that the man in war educated is worth twice as much as the same man in war ignorant; that the thinking bayonet is worth at least double the bayonet of the ignorant man.

So as a matter of national defense it would be prudent for us to vote hundreds of millions to develop the souls of our people rather than to expend it upon dumb fortifications, continental floating fortifications, as well as the vast earth and other works which it is proposed to erect all along our coast, and perhaps bordering our defensive lines in the interior.

But, sir, the point to which I wish to call the attention of the Senate is that the South is independent to-day of the tariff by reason of the fact that she holds the great mass of her labor in substantial thraldom, and that there is nothing but education which can liberate them.

I am aware that there is force in the position which a portion of the Southern people take in their opposition to the education of the masses of their population. There is force in it; there is power in it. A great aristocracy is always formidable in war. We found it so in the late war. The South was an aristocracy then, and the war which they waged upon us taught us that such a power is well-nigh invincible under an equality of conditions.

But, sir, that has all passed away, and I am one of those who insist upon it that it is necessary that the revolution should not go backward, that the aristocracy as an aristocracy should cease to exist, and that the power, the sovereignty of the country should be diffused and equalized throughout the entire country. That can be done only by diffusing knowledge, for knowledge is power, and as you give an equality of knowledge, of intelligence among the masses of the people, just to that extent you destroy the one-man power which is the secret of the fact that the Senator from Alabama is able to boast on the floor of the Senate to-day that he cares nothing for this Government so far as his dependence upon it is concerned. He is proud of its power and wealth. He exults in the prospect of future acquisitions.

I concede to the Senator the warm impulses of the patriot in that sense; but, sir, his section is not able to dispense with the same sort of industrial protection which is indispensable to the life of the North on any other condition than that the average of intelligence among the people of the South is necessarily lower than that among the people of the North. He proposes to continue it by denying to the masses of the people the power of individual, personal self-development which will enable them to demand and to receive, dollar for dollar, the same amount which the laboring man gets at the North.

The policy which I advocate is not a policy which is hurtful to the South, or to the building up of the institutions of the South, or to the development of the resources of the South, for as you educate the masses you make them a consuming power. There is no way in which the institutions and civilization of the North can avoid destruction by the competition of cheap Southern labor save by the development and the elevation of the masses of the Southern people, who thereby will be enabled to demand those wages which, being the purchasing power that the laboring population everywhere must depend upon, will enable them to consume the very commodities which their increasing development creates.

Here is the true secret of American defense. It was a greater than any of us who said that "education is the chief defense of nations." I am speaking upon the development of the war power when I say, give a few millions to the masses of the people throughout the South and the North in proportion to the illiteracy and the need wherever it exists, and the Senator from Alabama will never again rise in his place on the floor of the Senate and say he is independent of the Government of the United States.

Mr. CALL. Mr. President, the Senator from Alabama [Mr. MORGAN] in his remarks stated that a member of the Committee on Appropriations of the Senate had a navy-yard in his State, and the implication was that the suggestion to strike out this provision of the House had originated with me. I desire to say that what was very unusual occurred when this amendment was before the committee. I happened to be absent from the committee when this clause of the bill was considered and the action was taken striking it out.

Had I been there, however, I should not have felt myself prevented by the fact that the navy-yard was in the State of Florida from doing what was manifestly right and what ought to have been done under the circumstances—voting to strike out this provision on the ground that the question had been settled by the common consent and judgment of all authorities on the subject for many years in favor of Pensacola Bay.

The only provision of this kind which with any propriety could have been inserted in the bill in relation to navy-yards in the Gulf of Mexico would have been an appropriation which would enable the Secretary of the Navy to remove the present site of the Pensacola navy-yard, as recommended by Commodore Harmony, to a higher point up the bay, where it would be entirely beyond the range of the artillery known to exist to-day.

There is no kind of a pretense why this attack upon the Pensacola navy-yard should be made, for that is what it means. It means a proposition to find another site for a navy-yard, and it is an implication that that navy-yard was not sufficient for the purposes of the Government; that it is not a suitable site. It is a mere assumption, and it is notable that not a single opinion of any military or naval man of any kind has been referred to by the advocates of this commission—not one.

The Senator from Alabama says that the Mississippi River, bearing its great productions to the Gulf and to the ocean, and the Alabama River, perhaps, ought to be considered in respect to the location of a navy-yard and the facilities for the defense of the commerce originating there. I have the reports before me which show how much is the commerce of the Alabama River as compared with Pensacola. How much of the production of Alabama passes through this great natural outlet to the sea? Pensacola sent 480 steam-ships, according to the report, out of her harbor in 1887, and how many ships of all sizes, little and great, went over Mobile Bar? About two hundred.

The ships that go into Pensacola do not go up a narrow, tortuous channel of 28 miles to reach that magnificent range of inland waters along the Alabama River, of which the Senator from Alabama speaks. Here are 480 steam-ships with a tonnage of about 280,000 tons. In the report as to Mobile there are only 200, with about half this tonnage, while Mobile has had $1,400,000 since 1827 to make fifteen and a half feet of water, and there has been an expenditure of $175,000 or $200,000 at Pensacola.

What is the use of discussing the proposition? How are you to make a channel if you have not been able to do it up to this time? Here is the report. Here is the survey for 28 miles through a mud bank, and who, except the Senator from Louisiana, ever heard of the idea of building a navy-yard up the Mississippi River for ships to go out in time of war, where a single ship sunk in the channel would destroy it, at least during the period of the war?

Mr. President, if the question of the removal of the navy-yard and the selection of a new site were brought into the Senate to be considered, and the subject should be fairly considered, it would be found that there is not a solitary objection to be made to Pensacola. There is fresh water there, as much as there is in Mobile Bay. There is any depth of water. There are several channels into the Gulf and from the Gulf into Pensacola Bay. It is the deepest harbor to be found anywhere upon the Gulf. It has the most capacious and safe anchorage. It has a better bill of health than New Orleans or Mobile or any other place on the coast, all of them having been more or less subject to yellow fever at times. If there had been any ground of objection I should have been very willing to have had it discussed, and to have had a commission to select a site; but there has been none pointed out on any reasonable ground. That is all I desire to say.

Mr. HALE. Now let us see if we can not get a vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. ALLISON], which will be stated.

The CHIEF CLERK. In line 314, before the word "thousand," it is proposed to strike out "fifty" and insert "ten;" so as to read, "$10,000."

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is upon concurring in the amendment made as in Committee of the Whole.

Mr. MITCHELL. If the amendment of the committee striking out the clause is to be overruled, and if the clause is to be retained in the bill, I think it should be amended.

Mr. HALE. You desire to amend the part proposed to be stricken out?

Mr. MITCHELL. Yes, I move to amend the part proposed to be stricken out by inserting, after the word "dollars," in line 314:

That the Secretary of the Navy be, and he is hereby, required to appoint a commission composed of three competent naval officers, whose duty it shall be to examine the coast north of the forty-second parallel of north latitude, in the State of Oregon and Territories of Washington and Alaska, and select a suitable site, having due regard to the commercial and naval necessities of that coast, for a navy-yard and docks, and, having selected such site, shall, if upon private lands, estimate its value and ascertain the price for which it can be purchased, and of their proceedings and action make full and detailed report to the Secretary of the Navy; and the Secretary of the Navy shall transmit such report, with his recommendations, to Congress. To defray the expenses of such commission the sum of $1,000 of the above amount, or so much thereof as may be necessary, may be used.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL. I do not wish to take up the time of the Senate in regard to this proposed amendment, but I shall content myself with the simple statement that the amendment has heretofore been reported as a separate bill from the Committee on Naval Affairs, and passed unanimously by the Senate at the present session.

I believe all will agree that if there is any necessity for the establishment of new navy-yards or naval stations in the United States, one at

least of the number should be established on the North Pacific coast. That seemed to be the view of the Committee on Naval Affairs who reported the bill of which this amendment is a copy. That seemed to be the view of the Senate when it passed the bill some two months ago without a dissenting vote. Therefore I now propose to add it as an amendment to the provision inserted by the House.

In this connection it will be observed that the amendment does not increase the appropriation one dollar. The bill as originally passed by the Senate simply appropriated $1,000. I understand that is all that will be necessary, in the opinion of the Department. The amendment as I now propose it provides that "$1,000 of the above amount," that is to say, of the $50,000, shall be used for this purpose.

I will state further that this naval station is recommended by the Chief of the Bureau of Yards and Docks in a very strong recommendation contained in his last annual report. That report was referred to in the annual report of the Secretary of the Navy, and indorsed and approved by the Secretary of the Navy. It is most earnestly urged by the Admiral of the Navy in a lengthy letter which I hold in my hand, addressed to me some time since, which has already been printed not only in the RECORD but as an executive document.

As it has already been clearly indicated by the last vote of the Senate declining to reduce the amount of the appropriation in the bill that the proposition of the House is not to be stricken out by the Senate, it is but proper and just to another great section of the country that the provision should be amended as I propose.

Mr. HALE. If the clause in the bill is to be retained by the Senate, and if the Navy Department is to send out exploring expeditions to hunt up sites for new navy-yards, when we have so many now that we do not know what to do with them, I am, for one, entirely clear that the amendment proposed by the Senator from Oregon should be adopted. If there is any portion of the country where a navy-yard would be useful, would supply a good need, and that good reasons could be urged for its establishment, it is upon the upper part of the Pacific coast, near by the place where Great Britain is to-day and has been for years establishing a great naval and military station.

The object of a navy-yard is not, as it seems to have been accepted by nearly everybody who has joined in this discussion, for defense. A navy-yard protects nothing. It only opens more Government property to destruction by the foe if it comes nigh. A navy-yard does not protect. A navy-yard is a place where shops may be built, stores may be collected for use; but none of the navy-yards are surrounded or connected with an elaborate system of fortifications. All that has been said in that regard does not apply to the establishment of new navy-yards anywhere.

But the temper of the Senate is evidently in favor of the Navy Department going forth on this new quest and finding more places where more money can be spent, where docks can be built, and where a civil force can be placed, increasing the number of what we have now so that they shall be more; and if that is to be done I hope that the amendment offered by the Senator from Oregon will be adopted. I commend his moderation in asking for only $1,000.

Mr. MITCHELL. On reflection I think the sum ought to be increased a little.

Mr. HALE. If the Senator does not make it too much, I shall not qualify my remarks.

Mr. MITCHELL. I will make it $5,000.

Mr. HALE. I was going to say that it is impossible to see how in an exploration conducted by naval officers, who are paid by the Government, upon naval ships which are maintained by the Government, with a complete outfit that is furnished for the survey by the Government, $5,000 or $10,000 or $15,000 could be spent. I hoped that the Senator would be content with his modest and simple request for $1,000. I do not think $5,000 would be very bad, but it is absurd to talk about spending on a survey of this kind $50,000.

Mr. MITCHELL. I knew I was very modest, but that was my innate nature; it was my natural modesty.

Mr. HALE. Everybody knows that.

Mr. MITCHELL. As everybody knows. I suggest, however, that my amendment be changed, making it "$5,000 of the above amount."

Mr. HALE. I do not think that is very bad.

The PRESIDENT *pro tempore*. The amendment will be stated as modified.

The CHIEF CLERK. It is proposed, before the word "thousand," to strike out "one" and insert "five;" so as to read:

To defray the expenses of such commission the sum of $5,000 of the above amount, or so much thereof as may be necessary, may be used.

The amendment was agreed to.

Mr. PLUMB. I move to amend the provision by limiting the amount provided for by the House to $15,000. I do not believe that $50,000 could be usefully spent upon any theory whatever. I think that $15,000 is too much, but at the same time it is very much better to have it at $15,000 than to have it at $50,000. By appropriating an unnecessarily large sum undoubtedly some suggestion of extravagance and of going into unnecessary fields would occur to the commission. At all events, whether the money will be spent or not, I think it is proper that the appropriation should be somewhere within reasonable bounds. I therefore move to reduce the amount to $15,000.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. In line 314, before the word "thousand," it is proposed to strike out "fifty" and insert "fifteen;" so as to read: "$15,000."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole, to strike out the clause which has been amended, on which the yeas and nays have been ordered.

Mr. STEWART. How does the clause stand as amended?

The PRESIDENT *pro tempore*. It will be read as amended.

The Chief Clerk read as follows:

For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the Gulf of Mexico, or on the Mississippi River for a navy-yard and docks for shipping, and for the expenses of sounding and surveying and estimating expenses, $15,000.

That the Secretary of the Navy be, and he is hereby, required to appoint a commission composed of three competent naval officers, whose duty it shall be to examine the coast north of the forty-second parallel of north latitude, in the State of Oregon, and Territories of Washington and Alaska, and select a suitable site, having due regard to the commercial and naval necessities of that coast, for a navy-yard and docks, and, having selected such site, shall, if upon private lands, estimate its value and ascertain the price for which it can be purchased, and of their proceedings and action make full and detailed report to the Secretary of the Navy; and the Secretary of the Navy shall transmit such report, with his recommendations, to Congress.

To defray the expenses of such commission the sum of $5,000 of the above amount, or so much thereof as may be necessary, may be used.

The PRESIDENT *pro tempore*. An affirmative vote strikes out the language which has been read. A negative vote restores it to the bill. The Secretary will call the roll on concurring in the amendment.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. Not knowing how he would vote, I withhold my vote.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is detained from the Senate by sickness in his family. He is paired generally with the Senator from Georgia [Mr. BROWN]. If they were here both would vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. BATE (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL]. If my colleague were present he would vote "nay."

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. Unless something may be said by his colleague [Mr. COCKRELL] to indicate that the pair would not apply probably to this vote, I shall withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll was concluded.

Mr. PLUMB. After consultation with the colleague of the Senator from Missouri [Mr. VEST] I will vote. I vote "nay."

Mr. DAVIS (after having voted in the affirmative). I am paired with the Senator from Indiana [Mr. TURPIE], and I withdraw my vote.

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired generally with the Senator from Louisiana [Mr. EUSTIS]. I do not know how my colleague would vote on this question if he were present.

Mr. GIBSON. My colleague [Mr. EUSTIS] would vote "nay" if he were present.

Mr. CULLOM. The Senator from Rhode Island [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Allison,	Hale,	Jones of Arkansas,	Sherman,
Call,	Hampton,	Palmer,	Stockbridge,
Chandler,	Hawley,	Pasco,	Wilson of Iowa,
Dawes,	Hoar,	Platt,	Wilson of Md.
George,	Ingalls,	Sawyer,	

NAYS—24.

Bate,	Cullom,	Hearst,	Reagan,
Beck,	Farwell,	Manderson,	Spooner,
Blackburn,	Frye,	Mitchell,	Stewart,
Blair,	Gibson,	Morgan,	Teller,
Cockrell,	Gorman,	Payne,	Vance,
Coke,	Gray,	Plumb,	Walthall.

ABSENT—33.

Aldrich,	Daniel,	Jones of Nevada,	Sabin,
Berry,	Davis,	Kenna,	Saulsbury,
Blodgett,	Dolph,	McPherson,	Stanford,
Bowen,	Edmunds,	Morrill,	Turpie,
Brown,	Eustis,	Paddock,	Vest,
Butler,	Evarts,	Pugh,	Voorhees.
Cameron,	Faulkner,	Quay,	
Chace,	Harris,	Ransom,	
Colquitt,	Hiscock,	Riddleberger,	

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. On page 42, in line 1002, after the word "manufacture," the Senate, as in Committee of the Whole, struck out the following words:

At least one of said vessels shall be built in one of the navy-yards of the United States, and.

Mr. HALE. The Senator from Alabama [Mr. MORGAN] yesterday perfected an amendment that I think leaves the provision just as it should be; so that if the Secretary should not be able to contract for these ships he may make arrangements for building them in a navy-yard; but the provision ought not to be mandatory. It seemed to me, when the amendment was offered by the Senator from Alabama, that he had got it just right, and I hope the Senate will not strike out the remainder of the clause, as it was perfected on the motion of the Senator from Alabama.

Mr. COCKRELL. Let the amendment be again reported.

The PRESIDENT *pro tempore*. The amendment made as in Committee of the Whole was to strike out the words that will be read by the Chief Clerk.

The CHIEF CLERK. On page 42, line 1002, after the word "manufacture," the Senate, as in Committee of the Whole, struck out the following words:

At least one of said vessels shall be built in one of the navy-yards of the United States.

Mr. HALE. Yes, that should go out.

The PRESIDENT *pro tempore*. The question recurs on concurring in the Senate with the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. HALE. There are one or two corrections to be made On page 33, line 788, the word "five" should be "twenty-five."

The PRESIDENT *pro tempore*. There are two words "five" in that line. To which one does the Senator refer?

Mr. HALE. The first one.

The PRESIDENT *pro tempore*. The Chief Clerk will report the proposed change.

The CHIEF CLERK. On page 33, in line 788, it is proposed to change the word "five," where it first occurs, to "twenty-five;" so as to make the provision read:

To complete boat-house for steam launches, $25,000 in addition to the $5,000 heretofore appropriated.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask unanimous consent that the special order be temporarily laid aside, and that the bill (S. 3304) to prohibit the coming of Chinese laborers to the United States, be now proceeded with. The Senator from Alabama [Mr. MORGAN] has not concluded his speech on that bill, and he suggested that he might be called away. I think we might have it disposed of this evening.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Nevada, will he allow the Chair to present business on the table for disposition?

Mr. STEWART. Certainly.

LIVE-OAK LANDS IN LOUISIANA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 196) to cancel certain reservations of lands, on account of live-oak, in the Southwestern land district of the State of Louisiana, which was, in line 13, after the word "laws," to insert the words "except section 2301 of the Revised Statutes."

Mr. PLUMB. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SCHOOL AND UNIVERSITY LANDS IN WYOMING.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes, which were, on page 1, to strike out, after the word "Territory," in line 7, all down to and including the word "Territory," in line 18; and on page 2, line 9, after the word "university," to insert the words "and school."

Mr. PLUMB. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 6264) to incorporate the Washington and Highlands Street Railway Company of the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DANIEL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business be informally laid aside.

Mr. SAWYER. I have no objection to that, but I ask that we now take up private pension bills.

Mr. STEWART. I have no objection to the Senate taking up private pension bills, but I hope not at this moment. Let us finish this Chinese bill now.

Mr. FRYE. I desire to ask the Senator from Maryland [Mr. WILSON] whether or not it is his wish to proceed with the discussion of the fisheries treaty this afternoon?

Mr. WILSON, of Maryland. I would prefer to have it postponed until to-morrow, if agreeable to the Senate, as I am not feeling very well to-day.

Mr. FRYE. I desire to give notice that if the Senator from Ohio [Mr. SHERMAN] should not be present to-morrow morning, I shall move to proceed to the consideration of executive business with open doors immediately after the routine morning business.

Mr. ALLISON. I trust that will not be done, as I hope the Senate will take up the Army appropriation bill to-morrow morning.

Mr. SAWYER. I move that we now proceed to the consideration of individual pension bills under Rule VIII, or I will ask unanimous consent if that be preferable.

The PRESIDENT *pro tempore*. Is there objection to the unfinished business being informally laid aside?

Mr. HALE. What is the unfinished business?

The PRESIDENT *pro tempore*. It is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. Is there objection to the unfinished business being informally laid aside? The Chair hears none.

Mr. SAWYER. I move now to proceed to the consideration of unobjected private pension bills.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks that the Senate now proceed to the consideration of private pension bills favorably reported. Is there objection? The Chair hears none. The first pension bill on the Calendar will be stated.

The CHIEF CLERK. Order of Business No. 1710, being the bill (H. R. 2233) granting a pension to Bernard Carlin.

Mr. SPOONER. I ask my colleague to yield to me for a moment.

Mr. SAWYER. If it leads to any debate, I can not give way.

Mr. SPOONER. If it needs a word of explanation, and if I can not induce my colleague to give me a moment in which to make that explanation, I will not press it.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report favorably the bill (S. 3381) for the erection of a public building at Allentown, Pa., and I ask unanimous consent that the bill may be considered at this time. A similar bill passed both Houses, appropriating $100,000, and was vetoed by the President. This bill appropriates $70,000, and I ask that it may be considered at this time.

The PRESIDENT *pro tempore*. The unfinished business having been informally laid aside and the pension bills being taken up by unanimous consent, the Senator from Wisconsin [Mr. SPOONER] asks that the order for unanimous consent may be revoked and that unanimous consent be given for the consideration of the bill just reported, the title of which will be stated from the desk.

The CHIEF CLERK. A bill (S. No. 3381) for the erection of a public building at Allentown, Pa.

The PRESIDENT *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill; which was read at length.

Mr. HALE. Is this a general public-building bill?

Mr. SPOONER. No, it is a general public bill for one place, Allentown.

Mr. HALE. Only one building in it?

Mr. SPOONER. Only one building; one town.

Mr. HALE. And in one State?

Mr. SPOONER. One State, and one country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SAWYER. I now move that we proceed with the consideration of private pension bills.

Mr. JONES, of Arkansas. I suggest to the Senator that there are a number of bills on the Calendar, all of which ought to be considered, and it seems to me that it would be better to proceed with the regular

Calendar, under Rule VIII. There are a number of House bills and other bills of much importance on the Calendar.

Mr. SAWYER. I am not willing to agree to that, because it will only take a short time to get through with the pension bills. To-morrow morning we can take up the Calendar and go through with it.

Mr. STEWART. I think there should be some time reached in which to finish the Chinese bill. The Senator from Wisconsin suggested to me that he would help me on that, and now he suggests taking up the Calendar to-morrow morning. That will not do.

Mr. SHERMAN. I thought unanimous consent had been given for the consideration of private pension bills now.

Mr. JONES, of Arkansas. That was laid aside, and it was so stated by the Chair.

The PRESIDENT *pro tempore*. The first pension bill on the Calendar will be announced.

Mr. JONES, of Arkansas. I understood the Chair to announce that the unanimous consent that was given to the Senator from Wisconsin [Mr. SAWYER] to take up pension bills was set aside on the motion of the other Senator from Wisconsin [Mr. SPOONER] to take up another bill.

The PRESIDENT *pro tempore*. It was.

Mr. JONES, of Arkansas. And that bill was disposed of. I should like to know by what means another order of business can be taken up now? The Chief Clerk, however, was proceeding to read a bill without any consent on the part of the Senate.

Mr. SPOONER. I hope the Senator from Arkansas will not object to proceeding, under the circumstances, with the pension bills.

Mr. JONES, of Arkansas. I do not object, but I do think there ought to be some sort of reply made to the proposition I made, that the Calendar be proceeded with regularly. I suppose there ought to be no objection to that. It seems to me that it ought to be done by consent of everybody. If the Senate does not see fit to go on with the regular call of the Calendar, I shall not object to the consideration of pension cases.

Mr. SPOONER. I agree with the Senator that the regular call of the Calendar should be proceeded with as soon as possible, but unanimous consent having been given to proceed with pension cases I hope the Senator will not object.

Mr. JONES, of Arkansas. That unanimous consent was set aside.

Mr. SPOONER. I hope the Senator will not object to the consideration of pension cases.

Mr. JONES, of Arkansas. I will not object.

Mr. SPOONER. I thought the regular order was only temporarily laid aside.

The PRESIDENT *pro tempore*. Is there objection to the consideration of private pension bills on the Calendar favorably reported? [A pause.] The Chair hears none. The first private pension bill will be stated.

BERNARD CARLIN.

The bill (H. R. 2233) granting a pension to Bernard Carlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bernard Carlin, late of Company A, Fourteenth Regiment Missouri Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF SAMUEL CLARY.

The bill (H. R. 7253) granting a pension to the widow of Samuel Clary was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Clary, the widow of Samuel Clary, late a private in Company I, Twenty-fifth Regiment Ohio Volunteers, war of 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSANNA K. GRIFFIN.

The bill (H. R. 4785) granting a pension to Rosanna K. Griffin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rosanna K. Griffin, widow of James Griffin, late of Company I, One hundred and fifty-fifth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NEVELS.

The bill (H. R. 7162) for the relief of Mary Nevels was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mary Nevels, a blind orphan, whose father, Thomas Nevels, of Company G, Twelfth Regiment of Kentucky Volunteers, was killed in battle in October, 1863, at $18 per month during the term of her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA MANLOVE.

The bill (H. R. 9808) granting an increase of pension to Rebecca Manlove was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Rebecca Manlove, widow of David Manlove, who served in the Navy in the war of 1812, from $12 to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'INTYRE.

The bill (H. R. 7713) granting a pension to James McIntyre was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McIntyre, late a private in Company G, Tenth Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. JOHNSON.

The bill (H. R. 5443) granting a pension to Isaac N. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac N. Johnson, late a private of Company B, Second Regiment of Tennessee Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL F. C. GARRISON.

The bill (H. R. 185) granting a pension to Samuel F. C. Garrison was considered as in Committee of the Whole. It proposes to place the name of Samuel F. C. Garrison, late chaplain Fortieth Regiment Iowa Volunteers, now a resident of El Dorado, Kans., on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE PAUTEL.

The bill (H. R. 7111) granting a pension to Caroline Pantel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Pantel, widow of Frederick Pantel, late of Company D, Thirty-second Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. BOURLAND.

The bill (H. R. 8428) granting a pension to James T. Bourland was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of James T. Bourland, late of Company A, Twenty-sixth Regiment of Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANNA BUTTERFIELD.

The bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Anna Butterfield, dependent mother of James A. B. Butterfield, late a sergeant in the Second Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA BROWN.

The bill (S. 2977) granting a pension to Henrietta Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henrietta Brown, widow of Charles F. Brown, late of Company F, First Connecticut Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JONAS DOERING.

The bill (S. 3141) granting an increase of pension to Jonas Doering was considered as in Committee of the Whole. It proposes to place on the pension-roll at $50 per month the name of Jonas Doering, late private of Company A, Eighth Battalion Turner Rifles, District of Columbia, in lieu of pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATHEW O. REGAN.

The bill (S. 3118) for the relief of Mathew O. Regan was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to Mathew O. Regan, late of Company E, Third United States Artillery, now on pension-roll for loss of his right arm at elbow-joint, the amount allowed for loss of arm at or above elbow where artificial limb can not be worn, according to provisions of act increasing pensions, approved August 4, 1886, instead of the rate he has been receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN WINKEL.

The bill (S. 3186) granting a pension to Christian Winkel, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Winkel, late a private in Company B, Sixth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. BRAY.

The bill (S. 2864) granting a pension to James B. Bray was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James B. Bray, late a private of Company H, Eighty-fifth New York Volunteers, at $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CAROLINE G. SEYFFORTH.

The bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline G. Seyfforth, widow of the late Edmund Seyfforth, a contract surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CHURCH.

The bill (S. 2858) granting a pension to William Church was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Church, late second lieutenant of Company C, Second Regiment West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM THIELDS.

The bill (S. 3035) to grant a pension to William Thields was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Thields, late a private in Company H, Eighth Regiment Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY A. HAYES.

The bill (S. 3144) granting a pension to Nancy A. Hayes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy A. Hayes, widow of Josiah E. Hayes, late lieutenant-colonel of the Twelfth Regiment Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. FOSTER.

The bill (S. 3030) granting a pension to Mary J. Foster was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary J. Foster, widow of Milton S. Foster, late a private of Company A, Fifth Regiment Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL DIXON.

The bill (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Rachel Dixon, dependent mother of James Dixon, deceased, late of Company A, Forty-ninth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN M. POWELL.

The bill (S. 3145) for the relief of the heirs of John M. Powell, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to the heirs of John M. Powell, deceased, late of Company E, Twenty-sixth Regiment of Indiana Volunteers, the amount of pension allowed him under certificate numbered 226727, dated February 6, 1883, the provisions of section 4718 of the Revised Statutes of the United States to the contrary notwithstanding.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER July 5, 1888:

This bill proposes to authorize the Secretary of the Interior to pay to the heirs of John M. Powell, deceased, the accrued pension as allowed under certificate No. 226727, as late private Company E, Twenty-sixth Regiment of Indiana Volunteers.

The soldier died, leaving neither widow nor minor children surviving. The certificate issued prior to the death of soldier, but the same did not reach the soldier during his life-time. The soldier was sick and confined to his house and bed for several years prior to his death. Being without property and means of support, and without the ability to earn one, he was dependent on his friends and relatives for support and maintenance. During the time he was in such helpless and disabled condition, from disability for which he was pensioned and from which the death-cause ensued, he was taken care of, supported, nursed, and provided for by his daughter; also the expenses of his last sickness and burial were paid by his relatives. The heirs who furnished the support are in very poor and needy circumstances.

Your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICHOLAS T. LAWRENCE.

The bill (S. 2490) granting a pension to Nicholas T. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nicholas T. Lawrence, late of the Tenth Battery Light Artillery, Wisconsin Volunteers, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MEYER.

The bill (S. 3013) granting a pension to William Meyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Meyer, late a private in Company B, Forty-ninth Regiment Illinois Volunteers, afterward of Company L, First Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE FLYNN.

The bill (S. 1683) granting a pension to Mrs. Jane Flynn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Flynn, mother of Lawrence Flynn, deceased, late a member of Company A, Third Regiment Rhode Island Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CAROLINE TAYLOR.

The bill (S. 3175) granting a pension to Mrs. Caroline Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Caroline Taylor, of Logansport, Ind., widow of Dr. J. A. Taylor, a volunteer assistant surgeon to the Indiana troops engaged South in the year 1863 in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN V. HENNESSEY.

The bill (S. 2321) granting a pension to John V. Hennessey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John V. Hennessey, late of Company I, First Massachusetts Heavy Artillery, and Company M, Third Massachusetts Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES JEWETT.

The bill (H. R. 9318) granting an increase of pension to Charles Jewett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Jewett, late a private in Company I, Third New Hampshire Volunteer Infantry, at $40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALINDA HARDIN.

The bill (H. R. 9729) granting a pension to Malinda Hardin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Malinda Hardin, mother of J. G. Hardin, late a second lieutenant in Company K, Fifth Regiment of Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. DICKEN.

The bill (H. R. 9467) granting a pension to William M. Dicken was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William M. Dicken, of Clinton County, Kentucky, late a member of Capt. Abijah Guthrie's company of Kentucky Home Guards.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. WHITE.

The bill (H. R. 9344) granting a pension to James C. White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James C. White, late a private of Company I, Twenty-first Regiment Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. RIDDLE.

The bill (H. R. 9183) granting a pension to William P. Riddle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William P. Riddle, late private of Company E, Fifth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH PEVE.

The bill (H. R. 737) granting a pension to Joseph Peve was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Peve, late a private in Company H, Fifty-first Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL BARNES.

The bill (H. R. 149) granting a pension to Rachel Barnes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Barnes, widow of William Barnes, who served in Company I, Second United States Infantry, from February 24, 1836, until February 24, 1841, and to pay her a pension as such widow.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MANUEL GARCIA.

The bill (H. R. 3521) granting a pension to Manuel Garcia, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Manuel Garcia, late of Company I, Eighth New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FLOWERS.

The bill (H. R. 5383) granting a pension to George W. Flowers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Flowers, late a private in Company C, Fifty-second Pennsylvania Militia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA J. CARLTON.

The bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Mrs. Cynthia J. Carlton, widow of Henry Carlton, late captain in the Twenty-second Regiment of Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. CLAUS.

The bill (H. R. 8150) for the relief of John H. Claus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Claus, late a private in Company K, One hundred and eighth Regiment Ohio Infantry Volunteers, and also late a private in the Ordnance Department of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DURFEE.

The bill (S. 3052) granting an increase of pension to George W. Durfee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the words "rate of," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $50 per month, subject to the provisions and limitations of the pension laws, the name of George W. Durfee, late private of Company I, First Regiment New York Volunteer Dragoons; this act to take effect from its passage, and the pension hereby granted to be in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. BOVEE.

The bill (S. 3018) granting an increase of pension to John N. Bovee was considered as in Committee of the Whole. It proposes to increase the pension of John N. Bovee, late of Company E, Eighteenth Regiment New York Volunteer Infantry, from thirty to forty dollars per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BRIDGET HACKETT.

The bill (S. 2050) granting a pension to Mrs. Bridget Hackett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Bridget Hackett, of Decatur, Ill., widow of Michael Hackett, who served as a seaman in the naval service of the United States during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KEYES P. COOL.

The bill (S. 3219) to increase the pension of Keyes P. Cool was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Cool," to strike out "a volunteer soldier" and insert "a private in Capt. G. Spencer's Company of Vermont Militia;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Keyes P. Cool, a private in Capt. G. Spencer's Company of Vermont Militia in the war of 1812, from $8 to $40 per month, in accordance with the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDSON SAXBERRY.

The bill (H. R. 6193) for the relief of Edson Saxberry was considered as in Committee of the Whole. It proposes to place the name of Edson Saxberry, late private Company C, Ninety-ninth Regiment Illinois Volunteers, on the pension-roll, at the rate prescribed by existing provisions of laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HEADY.

The bill (H. R. 9910) increasing the pension of William J. Headly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, before the word "who," to strike out "Headly" and insert "Heady;" so as to make the bill read:

Be it enacted, etc., That the pension of William J. Heady, who was pensioned by act of Congress approved July 6, 1886, be increased to the sum of $50 a month, from and after the passage of this act, owing to increased disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill increasing the pension of William J. Heady."

WILLIAM M. WHALEY.

The bill (H. R. 621) granting an increase of pension to William M. Whaley was considered as Committee of the Whole. It proposes to place the name of William M. Whaley, late of Company C, Sixth Regiment Wisconsin Volunteers, and of Company C, Forty-eighth Regiment Wisconsin Volunteers, on the pension-roll, at $40 per month, in lieu of the pension now received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. ROLF.

The bill (H. R. 7093) granting an increase of pension to John A. Rolf was considered as in Committee of the Whole. It proposes to increase the pension of John A. Rolf to $45 per month, in lieu of the pension now received by him under certificate 63064.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. PIKE.

The bill (S. 3166) granting a pension to William F. Pike was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William F. Pike, late of Company H, Thirteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE L. HAM.

The bill (S. 3197) granting a pension to Abbie L. Ham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Ham," to insert the words "widow of John S. P. Ham;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abbie L. Ham, widow of John S. P. Ham, late captain of Company C, Thirteenth Maine Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY MURPHY.

The bill (S. 3198) granting a pension to Mary Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Murphy, widow of Jeremiah Murphy, late of Company D, One hundred and fifty-fifth New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SHAFFER.

The bill (S. 3150) granting a pension to William Shaffer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Shaffer, late of Company I, Third United States Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. HUTTON.

The bill (S. 3189) granting a pension to William T. Hutton was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William T. Hutton, late of Company H, Fifth Regiment Missouri State Militia Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA J. COLE.

The bill (S. 3230) granting a pension to Martha J. Cole was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 6, after the name "Robert," insert the letter "E," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Cole, mother of Robert E. Horner, late a second lieutenant in the Twenty-seventh Regiment Wisconsin Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. HAWKINS.

The bill (S. 3221) granting a pension to Isaac N. Hawkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers," to insert the words "at the rate of forty-five dollars a month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Hawkins, late a captain in the Seventy-third Regiment Ohio Volunteers, at the rate of $45 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH AMES.

The bill (S. 3137) granting a pension to Ruth Ames was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ruth Ames, widow of George Ames, late of Company D, Sixth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH O'LAUGHLIN.

The bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at $18 per month, the name of Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, deceased, and late a member of Company I, Ninth Regiment Minnesota Volunteer Infantry, and pay the same to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. WILSON.

The bill (S. 3157) granting a pension to Joseph S. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph S. Wilson, late a private of Company F, First Regiment Pennsylvania Reserves, and lieutenant of Company E, One hundred and seventy-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY L. HUFFMAN.

The bill (S. 3158) granting a pension to Nancy L. Huffman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy L. Huffman, widow of Archibald Huffman, deceased, late of Company G, One hundred and thirty-fourth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELNATHAN MEADE.

The bill (H. R. 4069) granting a pension to Elnathan Meade was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elnathan Meade, late of Company C, Forty-fourth Regiment New York Volunteers, at the rate of $45 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. YEAW.

The bill (H. R. 9595) granting a pension to David A. Yeaw was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of David A. Yeaw, late a private in Company D, Eleventh Regiment of Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN F. SCOTT.

The bill (H. R. 8523) granting a pension to Susan F. Scott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan F. Scott, mother of John B. Scott, late of Company G, Eighteenth Connecticut Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COBURN D. OUTTEN.

The bill (H. R. 7624) for the relief of Coburn D. Outten was considered as in Committee of the Whole. It proposes to increase the pension allowed to Coburn D. Outten to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA MATHEWS.

The bill (H. R. 8953) granting a pension to Eliza Mathews was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Mathews, dependent mother of John Mathews, late a private in Company F, Thirty-second Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN BUTLER.

The bill (S. 1766) granting a pension to Stephen Butler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Butler," to insert the words "late a private in Company B, Second Nebraska Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Butler, late a private in Company B, Second Nebraska Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BETSY LOCKWOOD.

The bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Betsy Lockwood, daughter of Joseph Mather, deceased, and a commissioned officer of the war of the Revolution, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. CORSON.

The bill (H. R. 6307) granting a pension to Sarah A. Corson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Corson, widow of the late Joshua Corson, late a corporal in Company B, Twenty-fourth Regiment New Jersey Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA RUSSELL.

The bill (H. R. 24) for the relief of Eliza Russell was considered as in Committee of the Whole. It proposes to place the name of Eliza Russell, widow of Eldridge Russell, of General Harris's command, war of 1836, on the pension-roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PITNER.

The bill (H. R. 490) granting a pension to George W. Pitner was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of George W. Pitner, late of Company E, Seventy-seventh Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MINERVA EAGLE.

The bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle was considered as in Committee of the Whole. It proposes to increase to $30 per month the pension of Mrs. Minerva Eagle, widow of Commodore Henry Eagle, who was an officer of the Navy of the United States from 1818 to 1882.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. TRAVIS.

The bill (H. R. 2531) granting a pension to Frederick W. Travis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick W. Travis, formerly of Company D, First Regiment United States Infantry, in the war with the Florida Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN TAAFFE.

The bill (H. R. 6220) granting a pension to John Taaffe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Taaffe, late a member of Company F, Sixth Kentucky Infantry, at $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. GRIFFEY.

The bill (H. R. 6783) to place the name of John A. Griffey on pension-roll was announced as the next pension bill on the Calendar.

Mr. COCKRELL. Do they not know the name of that soldier? The bill reads:

Dependent father of —— Griffey, late private of Company D, Second North Carolina Regiment, etc.

The PRESIDENT *pro tempore*. The bill is reported as it came from the House of Representatives and there seems to be no amendment. The name of the soldier is given, but the first name of the father is apparently unknown.

Mr. COCKRELL. Unless the soldier's name is given, the bill ought not to pass.

The PRESIDENT *pro tempore*. It is given.

Mr. COCKRELL. I beg pardon, the bill reads:

John A. Griffey, dependent father of —— Griffey, etc.

If we do not know the name of the soldier, I do not know how we can pension his father.

Mr. PLATT. Let the bill be read again.

The Chief Clerk read the bill.

Mr. DAVIS. Let that bill be passed over.

The PRESIDENT *pro tempore*. It will be passed over.

WILLIAM H. PORTER.

The bill (H. R. 8423) for the relief of William H. Porter was considered as in Committee of the Whole. It proposes to place the name of William H. Porter, of Madisonville, Ky., upon the pension-roll for services rendered in the war with Mexico, in the company commanded by Captain Leftwich, in Third Regiment of Tennessee Volunteers, as shown by testimony on file with Porter's application for a land warrant issued by the Commissioner of Pensions on the 18th of January, 1888.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MYRON TEACHOUT.

The bill (H. R. 9894) granting a pension to Myron Teachout was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Myron Teachout, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL MASSEY.

The bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Samuel Massey, of Charleston, Swain County, North Carolina, on the pension-roll, and pay him the pension of a captain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA SMITH.

The bill (H. R. 2140) granting a pension to Eliza Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Smith, widow of Clinton D. Smith, late first lieutenant of Company C, Eighty-fourth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES T. COFFEY.

The bill (H. R. 9878) granting a pension to Moses T. Coffey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Moses T. Coffey, late a private in Company H, One hundred and forty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. HEINY.

The bill (H. R. 9034) granting a pension to Lydia A. Heiny was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Lydia A. Heiny, widow of George Heiny, late a member of Company E, Thirty-ninth Regiment Indiana Volunteers, and Company E, Eighth Indiana Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERIC RONICKE.

The bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Frederic Ronicke, late of Company A, Fifty-eighth Ohio Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHARINE SINNOTT.

The bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Catharine Sinnott, widow of Patrick Sinnott, otherwise known as Edward Clark, late a member of Company F, Fortieth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. LORD.

The bill (H. R. 7202) granting a pension to William C. Lord was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William C. Lord, of Portland, Me., at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. ARNOLD.

The bill (H. R. 8075) granting a pension to Anna M. Arnold, widow of John Arnold, was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Anna M. Arnold, widow of John Arnold, late of Company C, Forty-first New York Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. TAYLOR.

The bill (S. 2836) granting a pension to William E. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "Company B," to strike out "Forty-fifth" and insert "Sixtieth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William E. Taylor, of Missouri, late a member of Company B, Sixtieth Missouri Enrolled Militia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. TILLY.

The bill (H. R. 4270) granting a pension to William C. Tilly was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William C. Tilly, late a private of Company B, Fourth Tennessee Infantry Volunteers, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY KELLEY.

The bill (H. R. 945) granting a pension to Mary Kelley was considered as in Committee of the Whole. It proposes to place the name of Mary Kelley, widow of Daniel Kelley, late private of Company B, of the Eighth Regiment of Pennsylvania Cavalry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARIA HULSE.

The bill (H. R. 9911) granting a pension to Mrs. Maria Hulse was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Maria Hulse, dependent mother of Silas Hulse, who was a soldier in the Mexican war, and subsequently joined the regular Army of the United States, and was killed in the service of his country.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATLENA LYMAN.

The bill (S. 2626) granting a pension to Catlena Lyman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catlena Lyman, widow of William C. Lyman, late surgeon United States Navy, at $50 per month, in lieu of the pension now allowed her.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB LOGAN.

The bill (S. 2803) granting an increase of pension to Jacob Logan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Logan, member of Company H, Fifty-ninth Indiana Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. CROOP.

The bill (H. R. 8256) granting a pension to George W. Croop was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Croop, late a private of Company A, Thirty-ninth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STERNE H. FOWLER.

The bill (S. 2924) to increase the pension of Sterne H. Fowler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, to fill the blank before the word "dollars," by inserting "sixteen;" and in line 6, after the word "laws," to insert "in lieu of the pension now paid him;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Sterne H. Fowler to $16 per month, subject to the provisions and limitations of the pension laws, in lieu of the pension now paid him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. A. SHAPPEE.

The bill (S. 1873) increasing the rate of pension of W. A. Shappee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, after the name "Shappee," to insert the words "of Company A, Eighty-first Pennsylvania Volunteers;" so as to make the bill read:

Be it enacted, etc., That the pension of W. A. Shappee, of Company A, Eighty-first Pennsylvania Volunteers, be rated and allowed as if he had lost a leg at, instead of immediately below, the knee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY MORRISON ELLIOTT.

The bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Morrison Elliott, who was a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EASTER A. JACKSON

The bill (S. 3241) granting a pension to Easter A. Jackson was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Easter A. Jackson, widow of Moses H. Jackson, Company D, First Tennessee Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY STURGESS.

The bill (S. 2913) granting a pension to Mary Sturgess was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Sturgess, a volunteer nurse in the late war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RALPH P. WILBORN.

The bill (H. R. 9733) granting a pension to Ralph P. Wilborn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ralph P. Wilborn, late a private in Company F, Twenty-first Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH RIDDLE.

The bill (H. R. 9732) granting a pension to Sarah Riddle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Riddle, mother of James H. Riddle, late a private of Company J, First Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. RUSHFORD.

The bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha J. Rushford, widow of John Rushford, late of Company F, Sixteenth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA CALHOUN.

The bill (H. R. 486) granting a pension to Lydia Calhoun was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Calhoun, widow of William Calhoun, of Company I, Twelfth Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HUMES.

The bill (H. R. 9731) granting a pension to William A. Humes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William A. Humes, late a private of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHARINE PETERSON.

The bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Catharine Peterson, widow of Anthony Peterson, late first lieutenant Company F, Thirty-seventh Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM JACK.

The bill (H. R. 2776) granting a pension to William Jack was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Jack, late a private in the Seventy-third Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. DELILAH WHIPPS.

The bill (H. R. 3764) for the relief of Mrs. Delilah Whipps was considered as in Committee of the Whole. It proposes to place the name of Mrs. Deliah Whipps, widow of Lloyd Whipps, late a private in Capt. Joseph J. Jones's company, in the war of 1812, on the pension-roll.

The bill was reported to the Senate without amendment ordered to a third reading, read the third time, and passed.

ELIZABETH B. SAILER.

The bill (H. R. 160) granting a pension to Elizabeth B. Sailer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth B. Sailer, of Washington, D. C., widow of Jacob F. Sailer, late a private in Company L, Fifteenth Regiment Heavy Artillery, New York State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. JOHNSON.

The bill (S. 2887) granting a pension to George H. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George H. Johnson, late a seaman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

"MUCK-A-PEC-WAK-KEU-ZAH."

The bill (H. R. 6764) to grant a pension to "Muck-a-pec-wak-keu-zah," or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862, was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $15 per month, the name of "Muck-a-pec-wak-keu-zah," or "John," an Indian of the Dakota or Sioux tribe, now residing near the city of Hastings, Minn., and who rendered valuable services in behalf of the white settlers, and who was instrumental in saving the lives of many white people during the Sioux outbreak and war in Minnesota, in the year 1862, and who then served the United States as a scout.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. W. ROSE.

The bill (H. R. 7160) granting an increase of pension to A. W. Rose was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of A. W. Rose, at $30 per month, in lieu of any pension he may now be receiving under the general law, by virtue of certificate No. 80590.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. FORREN.

The bill (H. R. 8677) granting a pension to Mary E. Forren was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mary E. Forren, widow of Morris Forren, late a private in Company I, Thirty-first Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY FOSTER.

The bill (H. R. 817) granting a pension to Mary Foster was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary Foster, mother of Ezra P. Foster, late a private of Company A, Eighth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE T. WARD.

The bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sallie T. Ward, widow of the late W. T. Ward, at $50 per month during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI LITTLE.

The bill (H. R. 8794) granting a pension to Levi Little was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Levi Little, late of Company E, Fourth Regiment Delaware Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. DAVIS.

The bill (H. R. 10318) granting a pension to Mary C. Davis was considered as in Committee of the Whole. It proposes to place the name of Mrs. Mary C. Davis, formerly widow of William M. Worsham, major of the Twelfth Regiment of Kentucky Volunteer Infantry, United States Army, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. MITCHELL.

The bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John J. Mitchell, late of Company A, One hundred and tenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JUDITH DEIG.

The bill (H. R. 9314) granting a pension to Mrs. Judith Deig was considered as in Committee of the Whole. It proposes to place the name of Mrs. Judith Deig on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA TREFREN.

The bill (H. R. 4098) granting a pension to Eliza Trefren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Trefren, widow of James Trefren, late of Company F, Seventeenth Vermont United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN A. SEAVEY.

The bill (H. R. 7510) granting a pension to Stephen A. Seavey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen A. Seavey, formerly of Company C, Twelfth Regiment Maine Volunteers, at $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. CHASE.

The bill (H. R. 9119) granting a pension to George C. Chase, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George C. Chase, late of Company F, Third Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL K. HARRIS.

The bill (H. R. 9920) granting a pension to Daniel K. Harris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel K. Harris, late a member of Company I, Fifty-eighth Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM R. ELLIS.

The bill (H. R. 881) granting a pension to Hiram R. Ellis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram R. Ellis, formerly first lieutenant and adjutant of the Twenty-eighth Michigan Infantry, and to pay him a pension as of the rank of first lieutenant, in lieu of the pension allowed him under the general pension law of the rank of sergeant of Company I, Fifth Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. WELLS.

The bill (H. R. 965) granting a pension to George E. Wells was considered as in Committee of the Whole. It proposes to place the name of George E. Wells, late a member of the Sixth Ohio Independent Battery, on the pension-roll of the United States, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARSHALL BURTRUM.

The bill (H. R. 9029) for the relief of Marshall Burtrum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marshall Burtrum, of Lewis County, Kentucky, late first sergeant in Company K, Fortieth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. COTRILL.

The bill (S. 3255) granting a pension to Mary E. Cotrill, widow of Hugh B. Cotrill, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary E. Cotrill, widow of Hugh B. Cotrill, Company H, Eighty-eighth Indiana Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCOTT S. HAWN.

The bill (S. 3200) granting a pension to Scott S. Hawn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Scott S. Hawn, late of Company M, Twenty-second Regiment of Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES, of Arkansas. I move that the Senate adjourn.

Mr. SAWYER. We have only nine more pension cases. I hope my friend will withhold his motion until we get through with them.

Mr. JONES, of Arkansas. I withdraw the motion.

MRS. ELLEN HAND.

The bill (S. 3264) granting a pension to Mrs. Ellen Hand was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ellen Hand, widow of Swaim Hand, late a private in Company D, Nineteenth Regiment of Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET E. ADAMSON.

The bill (S. 2939) granting a pension to Margaret E. Adamson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret E. Adamson, dependent mother of Francis A. Adamson and Charles C. Adamson, both deceased, who were privates in Company A of the Sixteenth Regiment Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. THOMAS.

The bill (S. 3330) granting a pension to William H. Thomas was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of William H. Thomas, late a captain of Company H, Third Regiment Wisconsin Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL SHONG.

The bill (S. 2514) granting a pension to Michael Shong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Shong, late of Company I, Fourteenth New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH E. GROFF.

The bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth E. Groff, widow of Charles H. Groff, late a private in Company K, Forty-fourth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ADELAIDE H. WOODALL.

The bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "pension-roll," to strike out "at $50 per month;" and in line 7, after the word "volunteers," strike out "and that said pension be paid from the date of the death of the said Col. French B. Woodall;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Adelaide H. Woodall, widow of French B. Woodall, late colonel of the One hundred and fifty-first Regiment of Illinois Volunteers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JASPER N. WARREN.

The bill (S. 3316) granting a pension to Jasper N. Warren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jasper N. Warren, late of Company G, Forty-first Regiment Second Cavalry Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK WELCH.

The bill (S. 3130) granting a pension to Patrick Welch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Welch, late of the United States Navy, war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY FRANTZ.

The bill (S. 3369) granting a pension to Henry Frantz was considered as in Committee of the Whole. It proposes to increase the pension of Henry Frantz, late private Company D, Forty-sixth Pennsylvania Volunteers, by placing his name on the pension-roll at the rate of $4 per month instead of the rate of $2 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES, of Arkansas. I shall move to-morrow that we take up the Calendar in regular order, and I rise to give notice that I will object to the consideration of any bill on the Calendar that requires unanimous consent unless the Calendar shall be gone on with in regular order. I move that the Senate adjourn.

Mr. SAWYER. Why not go on with the Calendar for half an hour to-night? We can do it just as well as not. Suppose the Senator makes that motion?

Mr. JONES, of Arkansas. I have moved that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 26, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July* 25, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

UNITED STATES COURTS, NEBRASKA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States circuit and district courts in the State of Nebraska.

Mr. DORSEY. Mr. Speaker, I ask unanimous consent that the House non-concur in the amendments of the Senate, and agree to the conference asked by the Senate thereon.

There was no objection, and it was so ordered.

JAMES O'BRIEN.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 6602) for the relief of James O'Brien.

Mr. BUTLER. This is simply a change in the name, and being a mere verbal correction I ask that the Senate amendment be agreed to. The title of the bill is also to be amended to conform to the body of the bill.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE MISSOURI, SIOUX CITY.

The SPEAKER also laid before the House the amendments of the Senate to the amendments of the House to the bill (S. 1701) authorizing the construction of a wagon-bridge across the Missouri River, at or near Sioux City, Iowa.

Mr. STRUBLE. I would like to have the amendments of the Senate read.

The amendments were read at length.

Mr. STRUBLE. I ask unanimous consent to non-concur in the amendments of the Senate to the House amendments, and request a conference thereon.

There was no objection, and it was so ordered.

UNITED STATES COURTS, OWENSBOROUGH, KY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes.

Mr. LAFFOON. I ask unanimous consent that the House concur in the Senate amendments, which are merely formal.

Mr. HOLMAN. Let the amendments be read.

The amendments were read at length.

There being no objection, the Senate amendments were concurred in.

REFERENCE OF A SENATE BILL.

The SPEAKER also laid before the House a Senate bill of the following title; which was read twice and referred as follows, namely:

A bill (S. 308) for the relief of Faran & McLean—to the Committee on Claims.

UNITED STATES COURT, SALINA, KANS.

The SPEAKER also laid before the House the bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent to consider this bill at present. It is word for word a House bill which has been reported by the Judiciary Committee, and will not take up any time, I think.

Mr. CULBERSON. I hope that consent will be given. It is an exact copy of the bill reported from the Judiciary Committee.

Mr. DOCKERY. I unite in the request of the gentleman from Kansas, and hope the consideration of the bill will be allowed.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That there shall be one term of the United States district court for the district of Kansas held in the city of Salina in each year, the term of said court to be held on the second Monday of May from and after the passage of this act. But no cause, action, or proceeding shall be tried or considered in the court herein provided for unless by consent of all the parties thereto or order of the court for cause.

SEC. 2. That the clerk of the district court for the district of Kansas, the marshal and district attorney for said district shall perform the duties pertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint a deputy to reside and keep their offices at Salina, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices, respectively.

Mr. OATES. I am opposed to the bill, but I will not object to its consideration. It amounts to nothing but arbitration to try causes there by consent. It is not in my judgment proper legislation.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 1436, of the same title, was ordered to be laid on the table.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

The SPEAKER. The Chair is pursuing the regular order of business now.

REFERENCE OF SENATE BILLS.

Bills of the Senate of the following titles were read twice, and referred as follows:

The bill (S. 878) for the relief of the estate of Thomas Niles, deceased—to the Committee on War Claims.

The bill (S. 2636) for the relief of Thomas L. Hoffman—to the Committee on Claims.

The bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts—to the Committee on the Public Lands.

The bill (S. 3159) for the relief of the Oregon Paving and Contract Company—to the Committee on Rivers and Harbors.

The bill (S. 2185) to carry out the findings of the Court of Claims in the case of Matthew S. Whitney, administrator of Franklin S. Whitney, deceased, heretofore referred to said court.

Mr. CATCHINGS. I ask unanimous consent that the bill the title of which has just been read will be allowed to lie on the table for the present.

The SPEAKER. Without objection, that order will be made.

There was no objection.

OFFICERS IN MEXICAN WAR.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution calling for information relative to officers who served in the Mexican war whose names have been dropped from the pension-rolls.

The SPEAKER. This communication will be referred to the Committee on Pensions.

Mr. TOWNSHEND. It is in response to a resolution of inquiry addressed to the Military Committee and by it reported to the House.

The SPEAKER. But it relates exclusively to pensions.

Mr. TOWNSHEND. That may be; but it was originally referred to that committee and reported back by them. I think it more particularly applies to military affairs.

The SPEAKER. Without objection, the communication will be referred to the Committee on Military Affairs.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MORROW, for ten days, on account of service on the Special Committee to Investigate Foreign Immigration.

To Mr. GALLINGER, for the day, on account of sickness.

REPRINT OF BILL.

The SPEAKER. The gentleman from New York [Mr. FELIX CAMPBELL] asks that the bill (H. R. 1687), which has been partially considered, be printed with amendments. If there be no objection, it will be so ordered.

There was no objection, and it was so ordered.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair will appoint as managers of the conference on the part of the House on the disagreeing votes of the two Houses on House bill 612, Mr. ROGERS, Mr. HENDERSON of North Carolina, and Mr. FULLER.

WELLAND CANAL.

The SPEAKER. Yesterday morning the Chair laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a report from the Commissioner of Navigation, relative to the use of the Welland Canal, which was referred to the Committee on Foreign Affairs. The gentleman from Maine [Mr. DINGLEY] asks that that reference be changed, and that it now be referred to the Committee on the Merchant Marine and Fisheries.

Mr. DUNN. I was about to ask for the change of reference, and I request that the committee have leave to report at any time. I am informed that it is the information of the Department that legislation will be necessary to correct the disturbance, and it may be necessary to report by a bill. In fact, I am informed that the Department will prepare a bill for that purpose.

The SPEAKER. The gentleman from Arkansas [Mr. DUNN] asks that the committee be authorized to report at any time on this subject. Is there objection?

Mr. TOWNSHEND. I desire to inquire of the gentleman from Maine whether the resolution would affect the railways as well as the canal?

Mr. DINGLEY. It affects the canal only.

The SPEAKER. If there be no objection, the change of reference will be made, with the power to report at any time.

There was no objection, and it was so ordered.

PERSONAL EXPLANATION.

Mr. MCKENNA. The RECORD of last night's proceedings, page 7386, might bear an interpretation that the bill to grant the State of California 5 per cent. of the net proceeds of the cash sales of public lands in that State came up for consideration and was not considered on account of my absence. The fact is, Mr. Speaker, that the evening was set apart entirely for bills reported by the Committee on Public Lands to which there was no objection; and as this bill would inevitably receive objection it was the understanding of the committee that it would not be offered at all. Hence, sir, as the bill could not be considered, my absence is to be explained on account of the understanding that it could not be offered, as no bill was to be offered without unanimous consent for its consideration.

Mr. HOLMAN. The statement of the gentleman from California [Mr. MCKENNA] is entirely correct.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the consideration of private land claims; and the regular order is demanded. Some gentlemen have reports to make, and if there be no objection they will be permitted to hand them to the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

PUBLIC BUILDING, CITY OF DETROIT.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 9447) to restore certain money to the fund for erecting a public building at the city of Detroit; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HEIRS OF ASA O. GALLUP.

Mr. BROWER, from the Committee on War Claims, reported back with amendment the bill (H. R. 7459) for the relief of the heirs of Asa O. Gallup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THIERMAN & FROST.

Mr. MASON, from the Committee on Claims, reported back the bill (H. R. 330) for the relief of Thierman & Frost; which was laid on the table.

Mr. MASON also, from the Committee on Claims, reported, as a substitute for the foregoing, a bill (H. R. 10985) for the relief of Henry Thierman and White Frost, late partners, doing business under the firm-name and style of Thierman & Frost; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SERVICE PENSIONS.

Mr. GALLINGER (by request), by unanimous consent, introduced a bill (H. R. 10986) to grant pensions for service in the Army, Navy, and Marine Corps of the United States during the war against rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRENCH SPOLIATIONS CLAIMS.

Mr. ROGERS, from the Committee on the Judiciary, filed the views of the minority of that committee on the bill (H. R. 1990) to amend the act of the 20th of January, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801;" which were ordered to be printed with the report of the majority.

EMMA BIDDLE.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 4074) granting an increase of pension to Emma Biddle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN C. SLAYTON.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 55) granting a pension to Stephen C. Slayton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZA BOWMAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 5157) granting a pension to Mrs. Eliza Bowman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS G. CLARK.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 420) granting an increase of pension to Lewis G. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. CRONE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 3741) granting a pension to Sarah A. Crone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARLINGTON M. HARRINGTON.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 3152) for the relief of Arlington M. Harrington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY WHITE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 3199) granting a pension to Mary White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. M. BOYLE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10557) granting a pension to Mrs. M. M. Boyle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY ROSE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10007) for the relief of Henry Rose; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA FRANKLIN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 8924) for the relief of Rebecca Franklin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY L. RODERICK.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 7112) for the relief of Mrs. Mary L. Roderick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL PURCELL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 8545) for the relief of Samuel Purcell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. EMILY HORTON.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 5743) for the relief of Mrs. Emily Horton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HORN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 6388) granting a pension to John Horn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANKFORD PUGH.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10558) granting a pension to Lankford Pugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'EVOY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 3111) for the relief of James McEvoy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE G. BODFISH.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 382) granting a pension to Catharine G. Bodfish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD HOGAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9253) granting an increase of pension to Richard Hogan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. GEDDES.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9791) for the relief of Charles W. Geddes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MALINDA LEMON.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 5754) granting a pension to Malinda Lemon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MORGAN.

Mr. BLISS also, from the Committee on Pensions, reported back with amendments the bill (H. R. 7349) for the relief of James Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EZEKIEL RAWLINGS.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 8983) to grant a pension to Ezekiel Rawlings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL HARGAIN.

Mr. BLISS also, from the committee on Pensions, reported back with amendment the bill (H. R. 4575) granting a pension to Michael Hargain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WARD.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 2417) granting a pension to John Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE HARLAN.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 9003) for the relief of George Harlan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY MURPHY.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 6470) for the relief of Nancy Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM THOMPSON.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10559) granting a pension to William Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. DILL.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 2089) for the relief of John S. Dill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. MILLER.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 2739) granting a pension to John A. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICAH FRENCH.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 4737) granting a pension to Micah French; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNIBAL KIMBALL.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10245) granting an increase of pension to Hannibal Kimball; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MITCHELL YOUNGBLOOD.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA F. LEE.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 9704) granting a pension to Martha F. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BUSH.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (S. 2124) granting a pension to John Bush; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WINEMAH RIDDELL.

Mr. FINLEY, from the Committee on Pensions, reported back favorably the bill (S. 2126) to pension Winemah Riddell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD H. VAN DORIN.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (S. 2118) granting a pension to Richard H. Van Dorin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CASPAR BLANKE.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. R. BLAKISTON.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1988) granting a pension to H. R. Blakiston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back with amendment the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River, between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Elma, Wis.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. DUNPHY.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3821) to remove the charge of desertion from the military record of P. Dunphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EXTRA COPIES OF THE TARIFF BILL.

Mr. McCREARY. I yield for a moment to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. I ask, by unanimous consent, to have the resolution which I send to the Clerk's desk read, and that it be considered at this time.

Mr. COWLES. I insist upon the regular order.

Mr. BRECKINRIDGE, of Kentucky. It is not a claim, and I really do not care whether it is offered or not, but I offered it at the request of a great many gentlemen on both sides of the House. It is simply a request to have an unusual number printed of the bill passed by the House on Saturday last.

Mr. COWLES. The bill I propose to call up is a very meritorious bill, and yet the regular order was demanded and it was not considered. I have a letter from the United States district judge in favor of the measure I desired to call up. It is for the relief of some poor men, and the district attorney joins with him. The Secretary of the Treasury has ordered the judgment suspended in the case, and there is merit in the case.

Mr. McCREARY. I yielded to the gentleman from Kentucky [Mr. BRECKINRIDGE] for a moment to ask leave to have a number of copies of the tariff bill reprinted, but if there is to be debate I shall have to claim the floor.

Mr. COWLES. I withdraw my objection to the joint resolution.

The Clerk read the resolution, as follows:

Resolved, That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed for the use of the House.

Mr. BURROWS. I would inquire if the bill as proposed to be printed will indicate the amendments that were offered?

Mr. BRECKINRIDGE, of Kentucky. The proposition is to print, under the supervision of the Ways and Means Committee, the present tariff law as passed in 1883, with the provisions italicized and put in the body the text contained in the bill which passed the House on last Saturday. The work has already been substantially compiled by the clerk, and I would be glad that the gentleman should see it and see whether it is in accordance with his views, and make whatever suggestion may strike him concerning it.

The SPEAKER. If the cost of this printing will exceed $500 it must be done by a concurrent resolution.

Mr. BRECKINRIDGE, of Kentucky. I doubt whether it would; but I ask to have it referred to the Committee on Printing.

The resolution was referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. McCREARY. This is the day set apart for the consideration of bills reported from the Committee on Private Land Claims, and I call up Senate bill 2316.

The Clerk read the title of the bill, as follows:

A bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn.

Mr. McCREARY. I ask, by unanimous consent, that the Committee of the Whole House be discharged from the further consideration of this bill, and that the same be considered in the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was read, as follows:

Whereas Jesse A. Corn, in 1874, filed a pre-emption claim upon a tract of public land in Colorado, which said land in 1875 became worthless for agricultural purposes by reason of an overflow of the Arkansas River, and thereupon he relinquished the same to the United States; and

Whereas said Corn, in 1884, settled and filed upon another tract of public land in Colorado, believing that he had the legal right so to do, and has since resided upon, improved, and cultivated the same in good faith, and now has a claim for entry thereof pending in the Land Department, which the said Department has refused to approve for patent, and to which there is no adverse claimant: Therefore,

Be it enacted, etc., That the said Jesse A. Corn be, and he is hereby, authorized to pre-empt the said land now claimed by him on making the proofs required by the provisions of the pre-emption law.

Mr. McCREARY. Under section 2261 of the Revised Statutes it is provided:

No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section 2259, nor where a party has filed his declaration of intention to claim the benefits of such provisions for one tract of land shall he file at any future time a second declaration for another tract.

As the preamble of the bill shows, this gentleman, after living upon the land for some time, on account of sickness lost his right, and he now simply asks that he be allowed to pre-empt another claim.

Mr. PETERS. I would like to ask the gentleman from Kentucky a question, if he will yield to me.

Mr. McCREARY. Certainly.

Mr. PETERS. Has the committee taken into consideration a bill covering all cases of that kind?

Mr. McCREARY. There is a bill of that kind, but it has not passed the Senate, and we do not know that it will.

Mr. PETERS. There are quite a number of cases that are similar to this, and this seems to have come from the Committee on Private Land Claims and not from the Committee on Public Lands.

Mr. McCREARY. This is the only one of that kind that we have. I ask that the bill be passed to a third reading.

Mr. PAYSON. I am in favor of the passage of the bill; but I rise simply to say that I can not understand how it got before the Committee on Private Land Claims. The Committee on Public Lands has jurisdiction of claims of this kind, and they ought to go to that committee. As a member of the Public Lands Committee, I simply protest against these bills going to the Committee on Private Lands, although I will not object to the passage of the bill.

The SPEAKER. The Chair is of opinion that the bill has gone to that committee through the petition-box.

Mr. McCREARY. I spoke to the chairman of the Committee on Public Lands about the bill and he was willing that the bill should be retained by the Committee on Private Lands.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M. F. VANCE.

Mr. McCREARY. The next bill I will call up is Senate bill 2009, to restore the homestead right of M. F. Vance, of Akron, Colo.

The bill was read, as follows:

Be it enacted, etc., That the homestead right of M. F. Vance, of Akron, Colo., be restored, and that he be entitled to all the privileges accruing under sections 2289 and 2317, chapter 5, Title XXXII of the Revised Statutes of the United States.

Mr. McCREARY. This is simply a bill to restore the homestead right of M. F. Vance, of Akron, Colo., and I ask by unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill and that it be considered in the House.

Mr. PAYSON. How many of these bill have the Committee on Private Land Claims? If it is going to usurp entirely the duties of the Committee on Public Lands, we will give its duties to them.

Mr. McCREARY. This is the only one we have, and I mentioned that to the chairman of the Committee on Public Lands, that it had been referred to the Committee on Private Lands.

Mr. PAYSON. Do they go there through the petition-box?

The SPEAKER. They could get there in no other way.

Mr. PAYSON. If this is the only one I do not object.

Mr. McCREARY. I ask that the report be read.

The report (by Mr. McCREARY) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (S. 2009) to restore the homestead rights of M. F. Vance, of Akron, Colo., having had the same under consideration, report:

The bill was submitted to the Secretary of the Interior for information thereon when the bill was pending in the Senate, and he sent the following letter:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., February* 29, 1888.

"SIR: I am in receipt, by your reference, of a letter from Hon. P. B. PLUMB, dated United States Senate, February 20, 1888, inclosing Senate bill 2009, to restore the homestead right of M. F. Vance, of Akron, Colo., and requesting the views of this Department thereon.

"In reply I have the honor to report that the records of this office show that M. F. Vance made H. E. No. 4031 July 12, 1876, for the E. ½ SW. ¼ and S. ½ NW. ¼ sec. 3, tp. 3, R. 9 west of the 6th P. M., Kansas, and that said entry was canceled by this office upon his voluntary relinquishment, July 6, 1878, and the land entered by another party March 27, 1880.

"Accompanying the said relinquishment was an affidavit by Mr. Vance, stating he proceeded to improve and cultivate the land embraced in said entry, according to the requirements of the homestead law, until about the 27th day of September, 1876, at which time he was disabled from doing manual labor by reason of disease in his right arm and was compelled to go East for medical treatment by a competent surgeon; that he left his claim about February 1, 1877, and had been under the medical treatment of Dr. R. J. Morrh, whose certificate as to his disability accompanies his affidavit. Further, that since September 27, 1876, he had not been, nor is he at date of affidavit (January 23, 1878), able to perform manual labor, and by reason of said disability he relinquished his said entry, without compensation, and asked to be allowed to make a new entry at some future time on any vacant public land, with credit for fee and commissions already paid on former entry.

"The case was not considered to justify the allowance of a second entry under the law, and his application was rejected by office letter of April 20, 1878, addressed to the local officers at Kirwin, Kans., and a second application was rejected December 29, 1887.

"If there is satisfactory evidence presented to Congress of Mr. Vance's good faith in the matter, and that he is now prepared to comply with the legal homestead requirements, I see no objection to the passage of a special law for his relief.

"Attention is called to the fact that the act of May 20, 1862, was repealed by act of June 22, 1874 (Revised Statutes), and it is suggested that the bill should be amended so as to refer to sections 2289 and 2317, chapter 5, Title XXXII, of the Revised Statutes of the United States, in lieu of the act so repealed.

Very respectfully,

"S. M. STOCKSLAGER,
Acting Commissioner.

"Hon. W. F. VILAS,
"*Secretary of the Interior.*"

The committee therefore recommend the passage of the bill.

The SPEAKER. The Chair desires to make a statement in reference to the manner in which these bills went to the Committee on Private Land Claims. They are Senate bills and did not go through the petition-box, but were presented to the Clerk as the Chair discovers, and under an order made by unanimous consent that bills be referred to certain committees, went to the committee in that way.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had disagreed to the amendments of the House to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, asked a conference upon the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. FARWELL, and Mr. HARRIS.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, asked a conference upon the disagreeing votes of the two Housee thereon, and had appointed as conferees on the part of the Senate Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

The message further announced that the Senate had passed without amendment a bill (H. R. 1912) providing for a term of court at Quincy, Ill.

WILLIAM R. M'KEE.

Mr. McCREARY. Mr. Speaker, I now desire to call up the bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky."

The SPEAKER. That bill is in Committee of the Whole House.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be put upon its passage.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office, to carry into effect the grant of one quarter-section each to the orphan children of Col. William R. McKee, made in the second section of said act, be, and he is hereby, authorized and directed to issue to the surviving children and grand children of said McKee, or the owners and holders thereof, other certificates for those they now hold, issued by authority of said act, which new certificates they may enter and locate for themselves upon any lands in satisfaction of said grant of the class described in the act to which this is an amendment.

The report (by Mr. McCREARY) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 10082) for the relief of the children of Col. William R. McKee, have had the same under consideration, and report as follows:

The act proposed to be amended is that approved January 25, 1853, entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky." (10 Stats., page 745).

The second section of said act is as follows:

"That to each of the orphan children of the said McKee there shall be, and hereby is, granted one quarter-section of land to be located upon any vacant land of the United States, and to be located where and in such manner as the President of the United States shall direct."

The Commissioner of the General Land Office states that "certificates were issued for location in satisfaction of the grant herein referred to, one of which was located and patent issued therefor, but other certificates are outstanding."

The present amendment to the original act authorizes the Commissioner of the General Land Office to carry into effect the grant of one quarter-section each to the orphan children of Col. William R. McKee, and he is hereby authorized and directed to issue to the surviving children and grandchildren of said McKee, or the owners and holders thereof, other certificates for those they now hold issued by authority of said act, to be located by them for themselves upon any lands in satisfaction of said grant of the class described in the act to which this is an amendment.

Colonel McKee, who was killed at the head of his regiment at the battle of Buena Vista, in Mexico, left several minor children, one of whom was Hugh McKee. At the time the original certificates were issued it was intended to change his name to that of his illustrious father, William R. McKee, and the certificate was issued to him by that name. The change, however, was never made, and he entered the Navy and was killed June 11, 1871, leading the famous assault on a fort in the Coren. It is said he gave his certificate to his mother, and she gave it to her granddaughter, Alice Jones, who now holds and claims it. To allow the Commissioner to give her certificates in her own name if she proves herself the owner and holder of those now unlocated, and avoid the complications the Land Office experiences growing out of the original mistake of name, is one of the objects of the bill.

Martha McKee, another of the orphan children of William R. McKee, married Stephen E. Jones, and died without locating her certificate, leaving three children, one of whom is a minor, the others of age. They wish to divide the certificates they now hold among themselves and get new ones they can locate, which the committee think can and ought to be allowed.

They have experienced great difficulty in making their locations on account of these facts and the requirements of the President's direction, which is now wholly unnecessary, as they are all about of age and can act for themselves.

The committee believe the original act should be amended as proposed in the bill, which has been submitted to the Commissioner of the General Land Office, and no objection found to its provisions. They therefore recommend the passage of the bill.

Mr. PAYSON. Mr. Speaker, let the bill be read again.

The bill was again read.

Mr. ALLEN, of Michigan. I desire to ask the gentleman from Kentucky [Mr. McCREARY] whether this bill will give these parties any more land than they would otherwise have had.

Mr. McCREARY. It does not give them any more than the original act gave.

Mr. ALLEN, of Michigan. It simply settles the question of heirship.

Mr. McCREARY. Yes. The bill was referred to the Commissioner of the General Land Office, and he approved it.

Mr. PAYSON. Is there any provision for the return and cancellation of the original certificates? I ask that question because these certificates stand ordinarily as land scrip and are treated as assignable, and, as I understand from the reading of the bill, if it should become law and be carried into effect there will be outstanding certificates of allotment for double the amount of land that is intended to go. Clearly, therefore, the old certificates should be surrendered and canceled before new ones issue.

Mr. McCREARY. If the gentleman will examine the bill he will see that there can be but one set of certificates.

Mr. PAYSON. I have read it twice and have not noticed any such provision.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. H. TIBBITTS.

Mr. McCREARY. Mr. Speaker, I now ask that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3830) for the relief of W. H. Tibbitts, and that the bill be considered in the House.

The bill was read, as follows:

Whereas it appears from the records of the General Land Office that W. H. Tibbits did, in good faith, on the 4th day of January, 1872, make homestead entry of the northeast quarter of section 21, township 9 north, range 11 east, in the State of Nebraska, and resided thereon for the full period of time required by existing statutes, and improved and cultivated the same; and

Whereas it further appears that the said tract of land was patented to the Burlington and Missouri River Railroad at a time subsequent to said homestead entry, and sold by said railroad company to other parties: Therefore,

Be it enacted, etc., That the said W. H. Tibbits, or his legal representatives, is hereby authorized to locate 160 acres of any of the public lands, subject to private entry at $1.25 per acre, of the United States; and patent shall issue to him or his assignees as in other cases of a like nature.

Mr. McCREARY. I yield to the gentleman from Nebraska [Mr. DORSEY], who made the report in this case.

Mr. DORSEY. The Senate has passed a bill for this purpose, and I ask unanimous consent that the Senate bill be taken up and acted upon instead of the House bill.

The SPEAKER. The Senate bill has been referred to the Committee on the Public Lands. The gentleman from Nebraska [Mr. DORSEY] asks unanimous consent that the Committee on the Public Lands be discharged from the further consideration of the Senate bill, and that it be considered in place of the House bill.

There was no objection, and it was so ordered.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESLEY MONTGOMERY.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3829) for the relief of Wesley Montgomery, and that the bill be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Wesley Montgomery, of Adams County, State of Nebraska, to enter 160 acres of any of the unappropriated public lands of the United States, not mineral nor in the actual occupation of any settler, in lieu of the northeast quarter of section 23, of township 28 north, of range 14 west, in Iroquois County, Illinois; which land was entered by said Wesley Montgomery on February 20, 1874, under the homestead laws, in accordance with instructions of the Commissioner of the General Land Office to the register and the receiver of the date of August 9, 1873, the title to which land failed because of a prior disposition of the same which did not then appear upon the records of the land office: *Provided, however*, That the said Wesley Montgomery shall not have made any other entry of land of the United States under the homestead laws.

Mr. ADAMS. Mr. Speaker, I remember that when some time ago we had a bill somewhat like this before the House, the gentleman from Indiana [Mr. HOLMAN] moved, or I moved (I have forgotten which), a provision that the land should not be laid out within the limits of any incorporated town or city. I desire to ask my colleague from Illinois [Mr. PAYSON], who is familiar with this subject, whether that provision is not a proper one in all such bills, and whether it is not necessary?

Mr. PAYSON. I think the bill ought to be amended in the manner proposed by my colleague, and I suggest to the gentleman from Ne-

braska [Mr. DORSEY], whose constituent is interested in this bill, that he had better let it be so amended.

Mr. ADAMS. Then, Mr. Speaker, I move to amend the bill by adding the proviso which I send to the desk.

The Clerk read as follows:

Provided, That such land shall not be located between the limits of any incorporated town or city.

Mr. DORSEY. I have no objection to that; but the land could not possibly be located within any incorporated town or city.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURT FOR PRIVATE LAND CLAIMS IN ARIZONA, NEW MEXICO, AND COLORADO.

Mr. MCCREARY. I now ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 7643) to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and in the State of Colorado.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill indicated by him. Is there objection?

Mr. PAYSON, and Mr. SMITH of Arizona. I object.

Mr. MCCREARY. Then I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and in the State of Colorado.

Mr. MCCREARY. I ask that the first reading of the bill be dispensed with (as the bill has already been read in the House) and that it be now read by sections.

The CHAIRMAN. If there be no objection, that order will be made. The Clerk will proceed to read the bill by sections under the five-minute rule.

Mr. PAYSON. I rise to a parliamentary inquiry. I desire at the proper time to offer an amendment in the nature of a substitute for this entire bill. Will that be in order when the reading shall be concluded?

The CHAIRMAN. It will.

The Clerk read as follows:

Be it enacted, etc., That there be established a court, to be called the United States land court, to consist of a chief-justice and two associate justices, to be appointed by the President, by and with the advice and consent of the Senate, and to hold their offices for four years. The chief-justice shall receive a compensation of $5,000 per year, and each of the associate justices shall receive a compensation of $4,500 per year, payable monthly from the Treasury of the United States; and each shall, before entering upon the discharge of his duties, take and subscribe an oath to support the Constitution of the United States and to discharge faithfully the duties of his office. Each of said justices shall be entitled to appoint and remove at will a stenographer, who shall receive a compensation of $1,200 per year, payable monthly from the Treasury of the United States, each of whom shall, before entering upon the discharge of his duties, take and subscribe a like oath. The Secretary of the Interior shall detail from his Department a person to act as clerk of the said court, and shall also, upon the application of the said chief-justice, detail from his Department such additional clerical force as shall from time to time be necessary to transact the business of the said court. The said court shall have power to adopt all necessary rules and regulations for the transaction of its business and to carry out the purposes of this act; to adopt a seal and to alter the same at pleasure; to issue any process provided for by law and necessary to the transaction of the business of said court, and to issue commissions to take depositions as provided in chapter 17 of the Revised Statutes of the United States. Each of said justices shall have power to administer oaths and affirmations. It shall be the duty of any United States marshal or deputy marshal to serve any process of said court placed in his hands for that purpose. That said court shall sit continuously, except as hereinafter provided, in the city of Washington, with a vacation not exceeding one month in any one year, to be taken at such times in the months of July or August as the court shall determine. The Secretary of the Interior shall provide in his Department suitable rooms for the occupation and use of said court. The Secretary of the Interior shall detail a clerk to act as reporter of said court, who shall from time to time cause the decisions of the said court, both in Department and in bank, to be published in the same manner that the decisions of the Department of the Interior relating to public lands have been heretofore published. The said court shall have jurisdiction to examine, hear, and decide all cases of private land claims which shall come before it in the manner hereinafter provided for.

SEC. 2. That the said court shall, upon its organization, be divided into three departments, to be known as departments numbers one, two, and three of the United States land court, to each of which departments one of the said justices shall be assigned by the chief-justice. Such departments may sit simultaneously, and the justice of each department shall have full power to examine, hear, and determine any cause coming before him in said department; and from time to time, as in the judgment of the chief-justice the exigencies of the business of the court may require, the three justices shall sit in banc for the determination of such cases as may, in the manner hereinafter provided, be brought before the court in banc. There shall also be appointed by the President, by and with the advice and consent of the Senate, a competent attorney to represent the United States in said court in all cases where the United States is interested, and particularly in the adjudication of all private land claims. Such attorney shall receive a compensation of $4,000 per year, payable monthly out of the Treasury of the United States, and shall, before entering upon his duties, take and subscribe to an oath to support the Constitution of the United States and perform the duties of his office.

Mr. MCCREARY. I move to amend by striking out at the end of line 5, in section 2, the word "may," as that word is repeated at the beginning of line 6.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That immediately upon the organization of the said court it shall be the duty of the Commissioner of the General Land Office, and he is hereby required, to transmit to the said court the testimony and papers in each and every case of contest where two or more parties claim the right to enter, locate, select, or otherwise acquire title to the same tract of land, in whole or in part, and wherein testimony has been taken by the district land officers or surveyors-general in the manner now provided by law and regulations, and wherein no decision upon the merits has been rendered by the said Commissioner; and the said cases shall be divided among and submitted to the several departments of said court in such manner as the chief-justice shall determine. And thereafter it shall be the duty of the Commissioner of the General Land Office, immediately upon the receipt by him of the testimony in any such case, to transmit the same to the said court, and upon its receipt in the said court it shall be assigned by the chief-justice to one of the said departments for examination, hearing, and decision. And in all such cases in which decisions have been rendered by the Commissioner of the General Land Office, but which decisions have not under existing laws and regulations become final, the party against whom such decision has been rendered may, within sixty days from the date of the approval of this act, file an appeal to the said court in the same manner as appeals have heretofore been taken from decisions of the said Commissioner to the Secretary of the Interior; upon receipt of which appeals, properly taken, the said Commissioner shall certify the case to the said court, where it shall be received and considered in the same manner as if no decision had been therein rendered by the Commissioner. In the event that in any such case no appeal shall be filed from the decision of the Commissioner within sixty days from the approval of this act, such decision shall be considered as final, and shall not thereafter be reopened except upon a showing of newly-discovered evidence. And all cases in which at the date of the approval of this act appeals have been taken from decisions of the said Commissioner to the Secretary of the Interior, but which appeals have not been submitted to the said Secretary, shall, immediately upon the organization of said court, be transmitted to said court in like manner.

SEC. 4. That immediately upon the organization of the said court it shall be the duty of the Secretary of the Interior to transmit to said court the records of all cases then pending before him on appeals from the decisions of the Commissioner of the General Land Office, and all cases pending before him on motions for review of his decisions therein. Such cases shall also be divided among the departments of said court, in the same manner as provided in the foregoing section for cases received by the court from the Commissioner of the General Land Office, except that they shall have precedence in the order of examination and decision.

SEC. 5. That the said justices, in their respective departments, shall proceed with the examination, hearing, and decision of the cases so coming before them, as nearly as practicable in the order of their submission, except that the cases transferred to the court by the Secretary of the Interior, as provided in section 4, shall have precedence. Each of said justices may, however, upon sufficient cause being shown, advance any case pending before him and set same for immediate examination, hearing, and decision. Each justice shall cause to be kept a record of the proceedings in his department and of the decisions rendered by him.

The following amendment of the Committee on Private Land Claims was read:

Strike out sections 3, 4, and 5.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That in every case where it is not made to appear, by evidence satisfactory to the court, that the value of the property involved, with the improvements thereon, exceeds the sum of $2,000, the decision of the justice rendered in department shall be final. In every case where the value of the property involved, with the improvements thereon, is so shown to exceed the sum of $2,000, either party not satisfied with the decision rendered shall have the right of appeal to the court in bank: *Provided*, That notice of the intention to take such appeal be filed in the department where the decision is rendered within sixty days from date of notice of such decision, and the appeal thereafter perfected in accordance with such rules as shall be prescribed by the court in that regard. The court in bank shall proceed with the examination, hearing, and decision of the cases so brought before it by appeal as nearly as practicable in the order of submission, except that upon sufficient cause shown the chief-justice may advance any such case and set same for immediate examination and hearing.

SEC. 7. That in every case where it is not made to appear, by evidence satisfactory to the court, that the value of the property involved, with the improvements thereon, exceeds the sum of $5,000, the decision of the court in bank shall be final. In every case where it shall be so made to appear that the value of the property involved, with the improvements thereon, exceeds the sum of $5,000, either party not satisfied with the decision rendered shall have the right of appeal to the Supreme Court of the United States, in the same manner and upon the same conditions as is provided by law for the taking of appeals from the decision of the district courts of the United States: *Provided, however*, That if such appeal be not taken within six months from the date of such decision, the right of appeal shall be barred, and such decision thereupon become final, and the attorney for the United States shall also have the right to appeal to the Supreme Court of the United States on the same conditions.

SEC. 8. That whenever the decision of the court in any case shall become final, either by failure to appeal or otherwise, as herein provided, the clerk of the court shall certify that fact to the Commissioner of the General Land Office, transmitting to him at the same time the record of said case; and the said Commissioner shall thereupon promptly execute and enforce such decision.

SEC. 9. That the said court shall have jurisdiction over all private land claims in the Territories of Arizona, New Mexico, and the State of Colorado which have not become final by the action of Congress or of the Executive or Judicial Departments. The said court shall by one or more of its members, in the discretion of the chief-justice thereof, be in session at least six months in each and every year at Santa Fé, in the Territory of New Mexico, at Tucson, in the Territory of Arizona, and at Denver, in the State of Colorado, until the business arising under this section is completed. The duration of the terms of said court, at the respective places named, shall be regulated by the chief-justice of said court, who shall give notice of the time and place of holding such courts by publication, for thirty days in both the English and Spanish languages, in a newspaper of general circulation, at the capital of the State or Territory where

such court is to be held, and said chief-justice shall make such orders as may be necessary in order to carry out the provisions of this section. There shall be appointed by the court trying the case such persons as may be necessary, skilled in the Spanish and English languages, to act as interpreters in said court; such persons shall be entitled to a compensation of $6 per day while actually engaged, payable from the Treasury of the United States on the certificate of the court, and shall, before entering upon the discharge of his duties, take and subscribe an oath to support the Constitution of the United States and to faithfully perform the duties of his office.

Mr. SMITH, of Arizona. I move to amend by striking out the word "Arizona" wherever it occurs in the bill.

Mr. McCREARY. That word occurs all through the bill; and I make the point of order that the proper time to vote on the amendment will be after the entire bill has been read.

Mr. SMITH, of Arizona. I want to be heard on the amendment now.

Mr. McCREARY. I withdraw my point, if the gentleman desires to be heard.

Mr. SMITH, of Arizona. Mr. Chairman, I am opposed to the passage of this bill, so far as it affects the Territory of Arizona, and I think it but just that I should state the reasons which actuate me in opposing it. I do not believe the bill is a wise one, except probably where it applies to those small holdings in the Territory of New Mexico where Mexican settlers have held their lands for years and in small quantities. Some bill to afford relief in such cases ought to be passed; there ought to be some speedy mode of settling the title to those holdings. But when I see that under the operation of this bill the settlers of my Territory, scattered miles and miles apart yet not far enough to get off of some of these pretended land grants, are to be called into court, and that in the face of the treaty with Mexico every promise which was made to valid claimants of land under the treaty is to be violated—when I see this staring me in the face—when I remember what was enacted in California under a commission composed of most excellent men, men who had national reputations, yet the machinations of the land thief and the determination of the land grabber were enough to overcome even that tribunal, so that we find great tracts of California land to-day held under titles that were notoriously fraudulent, I feel convinced that the same thing may be repeated in Arizona.

We have only eight or ten claims in Arizona, twelve at the outside; and only two, so far as I know, have any validity, and both of those are extremely small.

Mr. McCREARY. Will the gentleman allow me to interrupt him?

Mr. SMITH, of Arizona. Yes, sir.

Mr. McCREARY. I hold in my hand a letter from the Commissioner of the General Land Office, in which he says that there are fifteen claims from Arizona which have already been submitted to Congress by the Secretary of the Interior.

Mr. SMITH, of Arizona. The gentleman will oblige me by letting me have that document. I want to show the facts about these particular claims. I am glad the gentleman has the document here.

These land claims embrace, according to this showing, fifteen claims, one, the Rancho San Rafael del Valle, 17,000 acres; another, the Rancho San Ignacio del Babacomori, 34,000 acres; another, the Rancho San Ignacio de la Canoa, 17,208 acres; another, the Rancho El Paso de los Algodones, 22,193 acres; another, the Rancho Tumacacori and Calabazas, 52,000 acres.

[Here the hammer fell.]

Mr. PAYSON. I ask unanimous consent that the gentleman from Arizona be permitted to continue his remarks until he concludes. This is a matter of great importance.

Mr. McCREARY. I have no objection to the gentleman occupying five minutes more. He has already made a speech on this subject when this bill was up before, and I made a speech myself, treating this question elaborately. I have no objection to an extension of five or seven minutes.

Mr. SMITH, of Arizona. I would like to occupy twenty or possibly thirty minutes.

Mr. McCREARY. I suggest ten.

The CHAIRMAN. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that the gentleman from Arizona may proceed for ten minutes.

Mr. SMITH, of Arizona. I will close within thirty minutes. I will not occupy more time than that, and it will not do any good to try and shut me off. Gentlemen will not gain any time in that way.

Mr. McCREARY. How much time does the gentleman want?

Mr. SMITH, of Arizona. I will close within thirty minutes at the most.

Mr. McCREARY. I have no objection.

Mr. SENEY. Why not give the gentleman as much time as he desires?

Mr. McCREARY. The gentleman says he will be satisfied with thirty minutes. I ask that he be allowed thirty minutes, deducting the time he has already occupied.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Arizona may occupy thirty minutes, the five minutes he has already occupied being deducted. Is there objection? The Chair hears none.

Mr. SMITH, of Arizona. Now, sir, in connection with these names that I have read, and because some members asked me not to give any more of these Spanish names, I will gratify their wish in that respect, but in connection with these there are other claims to which I must briefly call attention. The objection is made that these are old Spanish claims, and the great majority are held by purely land speculators, and to this point I wish to call your special attention. There is one other claim to which I referred in my former address to the House on this question, a modest little claim amounting to some 4,600,000 acres, that was bought, I am informed, for a few sore-backed pack-mules, [laughter], 4,600,000 acres of the best land in the world, covered by a hard-working, prosperous population, most of whom hold their patents from the Government.

Yet they are to be thrown into the courts at great expense, or have their lands taken from them, and the only question is, whether the lawyer or the land grant shall take the farm. They are to go into court under the patent held from the Government to defend their own title against the land grant which is some sixty or seventy years old; and not only this, but other Mexican claims will be trumped up by the speculators, for they are very easily bought.

Now, the result of this bill will be, as far as the Territory of Arizona is concerned, as I say, to drag these people into the courts to test the questions that the Government itself, under the treaty, is bound at its own expense to settle for itself. But it gives a power to command them to appear before a court to defend the patents of the Government against the land grant in Mexico. It is all wrong. It simply amounts to forfeiture of these lands, or else an expenditure of an amount of money that many of these people can not afford in order to protect themselves.

Now, there is another subject to which I wish to call attention, and I do not want to detain the House, and that is in reference to a claim, being one of the fifteen to which I have referred, called the El Paso de los Agodones grant, for the forfeiture of which I have already introduced a bill at this session of Congress. What are the facts in that case? That grant was bought in 1879 or 1880 by some gentlemen in California, most of whom are now dead. But they went into an organization or corporation known as the "Land and Cattle Company." They had a survey of the grant made, and under operation of law it was withdrawn from public entry. When the surveyor-general made his report to the Secretary of the Interior, as under the law he is bound to do, it was such a notorious case of forgery and fraud that when it came down to the Private Land Committee of the House the agent of this company or corporation got leave of the House to withdraw all of the papers connected with it; and so it stands, with the House having no jurisdiction, the Secretary or the Department having no jurisdiction, and the land left there from that day to this without settlement, the corporation dissolved, and no man claiming it.

The Interior Department is unable to act, because it did all it could in transmitting to Congress the facts in connection with the case, and Congress can not act because we can not get any report; and that old claim now, which has all this before it, is to be brought in to be tried again after all these years of abandonment before this land court in order to settle the title.

And not only that, Mr. Chairman, but another objection is that this will encourage other and wider speculations and trade in Mexican titles, which are procurable for money at any time. It will induce other corporations and crowds to get together and attempt to make up another "valid" land grant, no matter how old they may be; the older the better. If they can run the claim back to the discovery of America by Columbus, it is the very best title they could have, because no living person can possibly contradict it. [Laughter.] They run back now to 1700, quite a number of them, and we did not hear of them until 1883 or 1884. Now, you pass this bill and they will be trumped up all along the line running away beyond that. And hence I suggest that whatever the representatives of the other Territories may think best for their people, I know this bill in its present form is not best for the people of mine.

Mr. DUNN. I would like to ask the gentleman a question. How would you settle the title of the actual settlers? I want to know how they are going to get their titles. Are they to remain in uncertainty and in a disturbed condition for all time, rather than have a final settlement of the title by such a provision?

Mr. SMITH, of Arizona. Most certainly not.

Mr. DUNN. Since Congress has failed to act, and if the court proposed to be established here shall not be permitted to act, how will these settlers get their titles?

Mr. SMITH, of Arizona. That will be done under the provisions of a substitute bill, which will be proposed as an amendment.

Mr. DUNN. There can be no presumption that this court will be more unfriendly to the occupants of the lands than to the claimants under the grant. You must presume that the court will be fair in its determination of these questions.

Mr. SMITH, of Arizona. It is all well enough to talk of a fair court. But you take the very best lawyer in this House and send him out to Arizona and give him authority to consider such questions, and he will find difficulties that you do not dream of. The testimony itself will be given in a language foreign to his own and with which he is not familiar. He knows nothing about the people and nothing of the circumstances surrounding the lands.

The fairer and more honest the court is the more difficult it will be for the people to get justice, because the best and the wisest court will be misled by conditions that are existing, and the more difficult it will be for these people to prove their titles when brought face to face with these Mexican grants.

Mr. BRUMM. The reason you have assigned for opposing this bill as far as it applies to Arizona, would that not apply naturally to all of the Territories of the United States?

Mr. SMITH, of Arizona. That is for those from the other Territories to determine.

Mr. BRUMM. But would not the same provisions apply equally to all the Territories?

Mr. SMITH, of Arizona. I do not believe it exactly would, and for this reason: The Territory of Arizona is covered by fifteen of these claims. In New Mexico there are a great many of these claims. This land has been settled by hundreds and hundreds of men who have had these small holdings for years and years, which were handed down from father to son, and it is impossible to perfect their title, but their title is such as everybody would accept as just. There ought to be some speedy means of settling these small holdings, but there ought not to be any means directed by this Congress to promote the interest of those large land-grant claims, and the men interested in them ought to have no further or better chance to get a grip on the people.

Mr. BRUMM. If there are such cases in the other Territories it ought to apply to them as well as Arizona.

Mr. SMITH, of Arizona. I can not speak for the other Territories.

Mr. THOMAS, of Wisconsin. Will the gentleman from Arizona yield for a question?

Mr. SMITH, of Arizona. Certainly.

Mr. THOMAS, of Wisconsin. Is it not a fact that under the present law if the land has been surveyed by the surveyor-general and settled on, whether the land grant is small or not, these land-grant claimants get possession of it?

Mr. SMITH, of Arizona. That is very true; but fortunately for my people, with an honest surveyor-general, not a single one of them has been surveyed, and we are in possession.

Mr. THOMAS, of Wisconsin. Have they not surveyed Tres Alamos No. 17? That is occupied by land-grant claimants, and is in just the same condition as the fifteen or sixteen other claims.

Mr. SMITH, of Arizona. In Arizona?

Mr. THOMAS, of Wisconsin. Yes.

Mr. SMITH, of Arizona. Will you name one of these in Arizona?

Mr. THOMAS, of Wisconsin. Tres Alamos.

Mr. SMITH, of Arizona. I know something about Tres Alamos. I happen to live near it myself, but the body of it is owned by a member of the Senate. The Tres Alamos claim was placed on the San Pedro River, below the town of Benson. The grant, as far as the original claim was concerned, was before the Private Lands Committee. It went from where the San Pedro River sinks into the sand away towards the setting sun, and it trended its course until it had gone on and almost touched Mexico, as far as the Reavis claim on the north, and it had on it hundreds and hundreds of the most prosperous farmers in Arizona.

The present surveyor-general has made a report on the Tres Alamos claim, that the Private Lands Committee ought to have brought in to this House, where he surveyed the whole of that land. My people are in possession of it and we do not propose that it shall be taken out of their possession and an opportunity given to the land-grant people to create a court to aid in wasting and plundering them. There is a better way than this. Every other claim in the Territory is in the same condition. These are some of my reasons for objecting to this measure as far as Arizona is concerned. I can not speak concerning any other Territory. I am here to represent Arizona and nothing else. I do not know the condition of the people in New Mexico or Colorado, but I know the condition of things in Arizona from talking with the people, and they ought to be protected against the land-grant claims, and the only answer I can give is that these claims must be settled by the Government as the Government promised to do in the treaty with Mexico.

Mr. DUNN. Can not your people prove up these frauds in the court?

Mr. SMITH, of Arizona. Can the poor men who live down on the San Pedro go to Tucson and go over to Mexico and over to Spain and examine the royal archives to find record of their title?

Mr. DUNN. That will apply to New Mexico as well as Arizona.

Mr. SMITH, of Arizona. Can the poor claimant go over to Spain and search the royal archives and find where the theft lies?

Mr. DUNN. How do you find out that these frauds exist?

Mr. SMITH, of Arizona. By searching time and time again, by my people paying money out of their pockets, and by the surveyor of the Territory paying $1,000 out of his own pitiful salary to assist in it, and by his going into Mexico and making examination; and this Congress will not give him money enough to go to look into the subject. Then they tell the poor occupant to go and look into the royal archives of Spain and find out the title.

Mr. DUNN. I will ask if it does not look like a suspicious title that is not willing to be tried.

Mr. SMITH, of Arizona. I do not want to be tried on a dead muniment. I want my people to have these claims settled, and I want Congress to make an appropriation to settle this question. It has not got the machinery, and until it creates it they can not do it. The court can not stop it when it starts. It has got to be investigated before a tribunal that can stop it.

Mr. WILSON, of Minnesota. Does this bill make anything title which would not be title irrespective of this bill, or does it make evidence that which is not to be evidence irrespective of this bill?

Mr. SMITH, of Arizona. I think it does.

Mr. SYMES. I heartily agree with what the gentleman from Arizona has said regarding the fraudulence of numerous large grants, but there are a great many grants that are just and correct so far as not being fraudulent in title is concerned. It has been the practice for squatters to settle on this land and for men to pursue their avocation in farming and agriculture. I heartily agree with all that. Alleged grant titles cover large tracts of this land. I have witnessed the practice, and I have seen for thirty years that the Interior Department have absolutely failed to afford any relief and to confirm their titles or eliminate them and restore lands to the public domain, or confirm the grants where they are legal. Now, the gentleman from Arizona was before our committee when this subject was before it, urging a bill for this purpose. I want him now to explain to this House why it is that he is opposed to this bill, and why it is he will not suggest a better remedy. I am with him in everything he says, except that I want Congress to adopt a remedy to cure the evil he complains of.

Mr. SMITH, of Arizona. The gentleman has made a good speech and a fine peroration, but the misfortune is that it does not exactly comport with the facts in the case. He intended it should, but he missed it nearly as far as this bill misses the proper remedy for my Territory. [Laughter.] There was a question before the Public Lands Committee upon which I was heard, and inasmuch as the gentleman has brought that matter up, I am forced to make an explanation, because I do not wish to appear of record as having held two different views upon a question of so much importance to my people. We went before the Public Lands Committee upon the question of the formation of a commission having certain judicial powers, on the statement before that committee that this bill was to be reported for the purpose of forcing a conference with the Senate to see what views the Senator from Vermont [Mr. EDMUNDS] would entertain about this scheme to which he had always objected.

I had no right to vote on the Public Lands Committee, because I was not a member of it, and if I was I could not have voted; but in the Private Lands Committee, when this bill came up at the very last meeting, I said to the gentleman who happened to be beside me, the honorable gentleman from Texas [Mr. SAYERS], "When that bill comes to the House it shall never pass, so far as Arizona is concerned, with my consent." I was opposed to it then, and I have been opposed to it from that day to this, so far as it applies to Arizona. I do not care for Colorado. The gentleman from that State [Mr. SYMES] undoubtedly knows better than I do what is best for the people there, and let him advocate it. I do not care for New Mexico, except to say that the House would probably act wisely in following the advice of the gentleman who has been so persistent, so honest, and so earnest in pressing this measure in the interest of his people.

Mr. SYMES. Will the gentleman permit another question?

Mr. SMITH, of Arizona. Yes; a question. [Laughter.]

Mr. SYMES. Did you not appear before the subcommittee of the Committee on Territories, of which I was a member, and suggest amendments and discuss the matter and give us the benefit of your practical information, which was valuable to us in fixing up a bill similar to this one providing for a judicial tribunal to settle these claims?

Mr. SMITH, of Arizona. I believe I did have the misfortune to have to go before a subcommittee that had Judge SYMES on it. [Laughter.] I expected then that I would probably never hear the last of it if I should feel called upon to oppose any bill here that he desired to have passed.

Mr. Chairman, I have gone as far into that Public Lands Committee business as I intend to go now, except to say that I did not there advocate, I do not here advocate, and if I can help it I will not let pass, a bill like this, that would compel the people of Arizona to rush into court at the beck of a large corporation to be either blackmailed or robbed or forced to pay out their inheritance for lawyers' fees. [Laughter and applause.]

Mr. MCCREARY. I wish to ask the gentleman a question. Is it not true that you are a member of the Committee on Private Land Claims, and that this bill was not opposed by you in that committee?

Mr. SMITH, of Arizona. It is true that I have the privilege of sitting in the Private Land Claims Committee, and I am sorry that it is made a matter of reproach to me that, recognizing the modesty which I thought would probably befit a poor Delegate who could not vote either in committee or in the House, I so far departed from the general character and conduct of certain members of the committee. Gentlemen appear to be greatly surprised that I did not tear my shirt in committee where I knew it would do no good. [Laughter.] I did there what I have done here. I presented my objections to this bill, and made efforts to have other provisions inserted in it; and I claim that

if there be salvation for my people through this bill it will only be by adopting the amendments which I suggested.

Mr. McCREARY. Another question. Have you received from the Bar Association of Pima County, Arizona, of which Tucson is the county seat, a petition asking you to advocate this bill and declaring that they are in favor of the bill now pending?

Mr. SMITH, of Arizona. Just as I told you, gentlemen! There it is; between the land grants and the lawyers! [Laughter.] There is a little coterie of lawyers in Tucson, able men, good lawyers, and if this bill should pass they would get very rich. [Renewed laughter.] I ought to be amongst them, getting rich too, because if this bill passes I think I would probably have the pleasure of being employed in some of these land-grant cases. The passage of the bill might be a benefit to me, just as it would be to those lawyers. But did the gentleman ever hear of other petitions that have come up from that country? Did you ever hear that from the hot plains; did you ever hear that along the desert track; did you ever hear that from wherever the sweat was rising from the toiling masses in that Territory there came petition after petition, telegram after telegram to me crying out, as was done in days of old, "For God's sake come over and help us against the land thief and the lawyer?" [Laughter and applause.]

Mr. McCREARY. Have those petitions been filed?

Mr. SMITH, of Arizona. If they have not, there is a desk full of them over there which the gentleman would be edified by reading. [Laughter.] I think some of them have been filed, but I know that he will find one of them incorporated in the remarks which I addressed to the House some time ago.

Now, Mr. Chairman, these are my reasons for objecting to this bill, and I ask this House, in the name of my people and so far as they are concerned, to do me and to do them the justice to let us for once say what we prefer in this matter, so far as our titles are concerned, and if, later, some wiser plan can be found, as I am sure there can be, we shall be prepared to take what you give us. I think it is only fair to assume that Colorado and New Mexico know best what they want; but we in Arizona certainly do not want this bill.

The conditions are so absolutely different that Arizona ought not to have been included in the original bill. I admit that of all the bills on this subject which have come before the House, this certainly in my opinion is the wisest and the best considered. I grant that freely; but while the bill may properly apply to the conditions existing in Colorado and New Mexico, the wisdom which may belong to a measure applicable to certain circumstances may become anything else than wisdom when applied to an entirely different state of facts. While this is a good bill for the settlement of land claims in New Mexico and Colorado, it certainly does not apply to the natural physical conditions surrounding my people. I hope, therefore, that the amendment I propose striking Arizona from the bill may be adopted.

Mr. McCREARY. Mr. Chairman, I hope I shall not be limited to five minutes in responding to the gentleman from Arizona.

The CHAIRMAN. The Chair will remark that this bill is being considered by paragraphs, and amendments must properly be offered to each paragraph as read.

Mr. McCREARY. I suggest that the gentleman from Arizona withhold his amendments until we get through with the bill.

The CHAIRMAN. That arrangement can be made by unanimous consent.

Mr. SMITH, of Arizona. With the understanding that I may offer the amendments to these paragraphs after the reading of the bill is concluded, I will withdraw my amendment for the present.

The CHAIRMAN. The arrangement suggested can only be made by unanimous consent.

Mr. ROGERS. I ask unanimous consent.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that after the reading of all the paragraphs under the five-minute rule, the gentleman from Arizona may be permitted to submit an amendment striking out the word "Arizona" wherever it occurs in the bill. Is there objection? The Chair hears none.

Mr. ROGERS. I now ask unanimous consent that the gentleman from Kentucky [Mr. McCREARY] in responding to the gentleman from Arizona [Mr. SMITH] be allowed not exceeding thirty minutes.

Mr. McCREARY. I shall probably not want so much time.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Kentucky may be permitted to occupy the floor for thirty minutes in response to the gentleman from Arizona. The Chair hears no objection.

Mr. McCREARY. I think my friend from Arizona [Mr. SMITH] is mistaken in the view which he takes of this bill in regard to its application to Arizona. He stated that he regarded the bill as one of the wisest and best measures which had been presented to this House in its application to New Mexico and Colorado, but he says he does not regard it as a good bill when applied to the Territory of Arizona. If the bill under consideration is a wise and appropriate measure for New Mexico and Colorado, it certainly is a good measure for Arizona. Now, in order that we may know exactly what we are doing, I wish to state briefly the object of the bill. The object is to provide for a judicial investigation and settlement of private land claims in the Territories of New Mexico and Arizona and in the State of Colorado, arising by virtue of any right, title, or authority derived from the Spanish or Mexican Governments, which the Government of the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, or the treaty known as the Gadsden treaty with Mexico, or under the laws, usages, or customs of Spain or Mexico concerning the disposal of lands.

The bill was carefully considered for more than a month by the Committee on Private Land Claims. The governor of the Territory of New Mexico, the ex-chief-justice of that Territory, a very able lawyer, and a number of prominent citizens from the Territory, were time and again before the committee and approved of the bill. The gentleman on my right, the Delegate from New Mexico [Mr. JOSEPH], was there time and again, and he approved the bill then, as he approves it now. The distinguished Representative from the State of Colorado [Mr. SYMES] approved the bill and made a speech in its favor when it was up the first time. The gentleman from Arizona, a member of the Committee on Private Land Claims, did not object to the bill when it was voted on in committee, and I was surprised to find him objecting to the bill today and desiring to except the Territory of Arizona from the bill.

This is a very important measure. It is important because its object is to settle private land claims amounting to nearly 10,000,000 acres in the Territories of Arizona and New Mexico, and the State of Colorado. I have here, in response to my letter, a report from the Commissioner of the General Land Office, in which that officer states that there are now pending in Congress and awaiting confirmation, reports of surveyors-general upon private land claims as follows: New Mexico, 107 claims, covering 8,704,785 acres; in Arizona, 15 claims, covering 414,833 acres; in Colorado, claims covering 229,814 acres; making a total of 9,349,433 acres.

The number of acres for which no claim has been filed, and the number of acres for which claims have been filed but which are undecided are not included in these figures.

It is estimated that the total number of acres claimed under private land grants, and which are unsettled, in New Mexico, amount to about 10,000,000 acres, and in the Territory of Arizona to about 6,000,000 acres, and in the State of Colorado to about 1,500,000 acres; making about 17,500,000 acres, embracing altogether a territory nearly equal to the combined area of the States of Massachusetts, Connecticut, and New Hampshire.

Where does the demand come from for relief? It comes from the most prominent people in New Mexico and Colorado. It comes from the Representative from Colorado and from the Delegate from New Mexico. It comes from the Democratic convention and the Republican convention which were recently held in the Territory of New Mexico. The Republican convention was held but a short time ago in the Territory of New Mexico, and that Republican convention passed a resolution which I have now upon my table earnestly petitioning and requesting Congress to pass a bill to provide for a judicial investigation and settlement of private land claims. Shortly afterward the Democratic convention met in New Mexico, and that convention passed a resolution earnestly petitioning Congress for relief and for a judicial investigation and settlement of these claims.

Mr. Chairman, not only justice to the people of these Territories and the State of Colorado, but justice to the Government of the United States, which is honorably bound by solemn treaty obligations, demands that these private land claims shall be settled. Why? Congress has been far more generous and attentive to private land claimants on all other lands acquired by purchase or treaty than to the claimants residing in Arizona, New Mexico, and Colorado. In 1803, under Mr. Jefferson's administration, we acquired the Louisiana territory from France, 757,000,000 acres of land, and in less than two years after we acquired that territory we had three sets of commissioners in the field settling private land claims. In 1819 we acquired Florida from Spain under Mr. Monroe's administration, and we sent into the field in less than a year a board of commissioners to settle private land claims in Florida.

In 1848 we acquired from Mexico 334,000,000 acres of land under the treaty of Guadalupe Hidalgo. In 1853 under the Gadsden treaty we again acquired 30,000,000 acres more from Mexico.

What has the Government of the United States done as regards the territory acquired from Mexico? We settled private land claims in California, but instead of settling private land claims in other parts of the territory acquired from Mexico we passed the act of 1854. It is as follows:

And be it further enacted, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as

may be deemed just and proper, with a view to conform bona fide grants and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

I have read the eighth section of the act of 1854 in order that the members of the House might understand the situation in Arizona, New Mexico, and Colorado. There are places in New Mexico and Arizona where men have purchased 160 acres of land and expanded the purchase into thousands of acres. They are now in possession and have been in possession for many years. One of the objects of this bill is to furnish a remedy to drive out land thieves and land pirates who have gone out and, under the act of 1854, which has proved to be a failure, taken possession of and inclosed hundreds of thousands of acres of land which they are illegally holding to-day. They do not want land grants confirmed; indeed, they do not want anything done.

The report of the Commissioner of the General Land Office shows that under the act of 1854, from the end of the year 1860 to the end of the year 1870, there were but seven land grants confirmed by Congress. From 1870 to 1879 there were but three, and from 1879 down to the present time not one solitary land grant has been confirmed. The act of 1854 therefore does not give the relief needed in Arizona, New Mexico, and Colorado.

The people there are at the mercy of land sharks and land pirates. That is the reason that the demand is so pressing for the passage of some kind of a bill that will remedy these evils. That is the reason that a large delegation of gentlemen came from New Mexico to the city of Washington last winter. They earnestly asked for a judicial tribunal to settle private land claims, which, as I have said before, embrace nearly 10,000,000 acres in New Mexico, 6,000,000 acres in Arizona, and 1,500,000 acres in Colorado.

Mr. SMITH, of Arizona. There is in addition to that 4,600,000 acres to be added to the Arizona portion. This has just sprung up lately.

Mr. McCREARY. And I am surprised that my friend from Arizona should express himself as so much opposed to a measure the only object of which is to settle these land claims. It seems to me that any man, where there is a contest about his land, ought to be willing to submit the questions raised to an honest judicial tribunal, appointed by the President and confirmed by the Senate.

Mr. Chairman, I have a letter which was sent to me as chairman of the Committee on Private Land Claims, which I desire to have read from the Clerk's desk, to show the views of distinguished citizens of Arizona.

The Clerk read as follows:

TUCSON, ARIZ., *April* 11, 1888.

GENTLEMEN: I have the honor to transmit, herewith inclosed, a copy of resolutions adopted by the bar of Pima County, Arizona Territory, in favor of the establishment of a court or tribunal for the settlement of Spanish and Mexican land grants in this Territory.

Yours, etc.,

S. M. FRANKLIN,
Secretary pro tempore Bar Association.

The COMMITTEE ON PRIVATE LAND CLAIMS,
House of Representatives, Washington, D. C.

Preamble and resolutions adopted by the Bar Associations of Pima County, Arizona Territory, at their meeting held at Tucson, Saturday, February 25, 1888.

Whereas there are in the Territory of Arizona vast tracts of agricultural lands which are covered by Spanish and Mexican grants; and

Whereas the prosperity of this Territory is dependent upon action by the United States whereby the title to said lands can once and forever be determined and adjudicated: Therefore,

Be it resolved, That the bar of Pima County, Arizona Territory, earnestly recommend to Congress the passage of an act establishing a court or tribunal to determine all claims to such lands and land grants, such court to hold sessions, take testimony, and hear arguments in the Territories where such grants are situated; with the right to appeal from the judgment of such court or tribunal to the Supreme Court of the United States.

Resolved, That a copy of these resolutions be forwarded by our secretary to Hon. MARK A. SMITH, our Delegate to Congress, and to the respective Committees on Territories and Private Land Claims of the United States Senate and House of Representatives.

Passed by unanimous vote.

WM. H. LOVELL, *President.*
S. M. FRANKLIN,
Secretary pro tempore.

Mr. McCREARY. I had that letter read, from the Bar Association of Pima County, Tucson, the county seat of Pima, being the largest city in the Territory, to show what the Bar Association of that city desire, and to show further that an association of able and honorable attorneys indorse this bill. I want to say in this connection that I do not believe the Bar Association of Pima County would deliberately petition the Congress of the United States to do a thing that they believed to be unwise and commend it in order to put fees in their pockets. I put these statements on record in answer to the statements of the Delegate from Arizona [Mr. SMITH] in regard to the lawyers of the Territory which he represents.

Now, sir, some plan for the settlement of these private land claims should unquestionably be devised. Upon that point there seems to be but little difference of opinion. The demand comes from the Delegate from the Territory of New Mexico and the Representative from the State of Colorado, and I referred this bill to the Secretary of the Interior in order to have the views of the Interior Department on that question. I have received a letter from Mr. Vilas, the Secretary of the Interior, approving the bill and saying that the Congress of the United States should promptly pass a bill for the relief of land claimants in the Territories of Arizona and New Mexico, and in the State of Colorado. The letter is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 24, 1888.

SIR: I am in receipt of your letter of the 7th instant, transmitting for my consideration House bill 7643, entitled "A bill to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and the State of Colorado."

I referred said bill to the Commissioner of the General Land Office, whose report thereon is herewith transmitted.

In the copy of the bill submitted for my consideration sections 3, 4, and 5 have been crossed with a pen. As these are the only sections conferring upon said court jurisdiction over all cases of contest in land matters, I presume that it is the intention to so amend the bill as to provide for a court whose jurisdiction shall be confined solely to the judicial investigation and settlement of private land claims in the Territories of Arizona and New Mexico and the State of Colorado.

It is evident that existing laws requiring private land claims to be submitted to Congress for final confirmation thereof have proven inadequate to such a speedy and final settlement of private land claims as the rights of the claimants and the interest and welfare of the public and the Government alike demand.

Some other provision should be made by which these claims may be fully investigated with the view to a speedy and final decision upon the rights of the claimants thereto, whether it be by conferring upon the General Land Office, under the supervision of this Department, jurisdiction to hear and determine such claims in the manner proposed by my predecessor as set forth in the report of the Commissioner, or by the creation of a separate tribunal invested with full and ample jurisdiction to dispose of all questions affecting the rights of claimants under said claims with the right of appeal as provided for in the bill now under consideration.

While I concur in the views of the Commissioner that the Department has a skilled and competent force sufficiently able to make a thorough investigation and properly dispose of said claims, I am satisfied that a separate tribunal, untrammeled with other matters, and whose jurisdiction shall be confined solely to the investigation of such claims, would be more effective in securing a prompt disposal of them; that it would possess equal if not superior facilities and advantages to the General Land Office for such investigation, having the usual advantages possessed by courts in presenting testimony with the aid of counsel for both parties, and the decision of a court rendered after such investigation would be more satisfactory to all parties in interest.

But the end most to be desired is that the proper settlement of these claims shall be speedy and final, so that the claimant may be secure in his title to the land to which he has a rightful claim, and that the land to which no lawful claim can be shown may be restored to the public domain to be disposed of under the general land laws.

The bill as originally proposed provides for a court having jurisdiction over all contested land cases now pending in the General Land Office as well as for the investigation and settlement of private land claims in the Territories and State named therein. But sections 3, 4, and 5 having been stricken from said bill, it may require some minor amendments, by way of omitting therefrom certain phraseology, depending for its significance upon the said sections stricken out.

I see no objections to the general frame of the bill, and I believe that the organization of a court, with the powers and jurisdiction as therein provided, will accomplish the objects and purposes above indicated more effectively than the existing law or the plan proposed by my predecessor.

In view of the great and pressing demands for the speedy settlement of land titles in the State and Territories mentioned, I beg leave most earnestly to urge the crying necessity for prompt and efficient Congressional action in the premises.

Very respectfully,

WM. F. VILAS, *Secretary.*

Hon. JAMES B. McCREARY,
Chairman Committee on Private Land Claims,
House of Representatives.

If, then, this bill has been carefully prepared, if the demand comes from the Territory of New Mexico and from the State of Colorado through their representatives on this floor, and is approved by the Secretary of the Interior, and is desired by the people who are interested, we ought to pass it, unless it can be shown that there is something objectionable or unconstitutional in the measure.

Various plans have been suggested within the last twenty years for the settlement of these land claims. One is to appoint a board of commissioners, and in this connection let me say, Mr. Chairman, that the bill now under consideration is almost exactly like the bill which was passed by the Forty-seventh Congress, except that it provides for a judicial tribunal instead of a board of commissioners. The board of commissioners did not work well in California, and I am not in favor of a board of commissioners to settle private land claims when a judicial tribunal can be obtained.

Another plan was to give jurisdiction to the United States district courts in the two Territories and in the State mentioned; but when the committee examined this plan we found that the courts are already overburdened with business, and if we give them jurisdiction there is no probability that the cases would be reached for trial in many years. We therefore concluded that the best and wisest plan to give speedy relief would be found in a bill providing for a judicial tribunal according to the terms of the bill under consideration.

The bill provides a fair, comprehensive, and speedy plan for the settlement of private land claims. The court which is created only lasts for four years, and it is believed in that time the relief so earnestly demanded will be granted.

Mr. JOSEPH. Mr. Chairman, as a representative on this floor of the Territory of New Mexico, I will state here and now that the people of the Territory of New Mexico are a unit in favor of the passage of the present bill for their relief from the condition of things which has been so well explained by the gentleman from Kentucky.

I readily understand why my friend representing the people of the Territory of Arizona is opposed to this measure. I am reliably in-

formed that these grants, or pretended grants, as he alleges them to be, are occupied by squatters in his Territory, while in the Territory of New Mexico, that I have the honor to represent, all these grants are occupied by bona fide claimants and settlers who have lived upon these grants for many years.

I will now refer to the condition of such grants as were reported by the Secretary of the Interior in his report for 1888, page 32, in which he says:

> After a lapse of nearly thirty years, more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and of the number so reported Congress has finally acted upon only seventy-one.

Now, Mr. Chairman, that number has not since then been increased, for the reason that Congress has in almost every instance refused to take up and consider any of these claims which have been submitted to this House from the Secretary of the Interior under existing law.

This act has now been in operation for thirty-four years; and but 7 per cent. of the claims filed have been disposed of. At the same rate of progress it must be several centuries before all of these claims are acted upon under existing law. It is not surprising, therefore, that the Secretary of the Interior says of this law in his report for 1880, page 32:

> Its operation has been a failure, amounting to a denial of justice both to the claimants and to the United States.

Now, under the act of 1854 by the mere fact of the presentation of a claim the land is reserved from disposition by the Government of the United States. The settlement and development of the country are wholly thus barred. We are constructing railroads through New Mexico, and the constant influx of population into this Territory renders it imperatively necessary that these claims shall be definitely settled with the least possible delay.

Year after year, Mr. Chairman, the Commissioners of the General Land Office and the surveyors-general in New Mexico have called attention to the necessity of some legislation to cure these evils, but Congress has turned a deaf ear to all complaints. Congress has refused to act upon the claims reported to it under the act of 1854 for confirmation, and it is now desired to create a new tribunal to consider and decide them.

Every interest demands the promptest possible settlement. The people in general demand the removal of this clog upon their progress, and the interests of the United States demand that these lands to which no valid adverse title can be asserted should be recognized as a portion of the national domain and furnish homes for the bona fide settlers of our country now seeking homes in the far West.

The settlement of these long-unsettled titles is absolutely demanded by every interest of the Territory of New Mexico. Her development for the last forty years has been retarded by this harassing uncertainty. Thousands of acres of the public lands have been withdrawn from settlement and thousands of acres of private grants rendered unavailable for sale to actual settlers because Congress has neglected to carry out treaty stipulations. Improvements languish because no one knows what will be done with titles to land. New Mexico desires an opportunity for a free development of her great natural resources. Nothing will aid her more than the final settlement of her land titles.

The last House passed without opposition (CONGRESSIONAL RECORD, volume 17, part 5, pages 4370 to 4381) a bill designed to cure these long-existing evils. The bill now before the House is offered as a practicable solution of the question and promises a speedy settlement of the forty years' trouble and delay. The whole Territory of New Mexico awaits its passage with the utmost anxiety.

Mr. SYMES. The people of Southern Colorado, of New Mexico, and, as I always understood from my friend, Mr. SMITH, of Arizona, when he was helping to get a similar bill, are confronted by a condition. Mr. Chairman, that condition is that very large tracts of land in that country are included within the boundaries of Mexican grants. They have what are called "paper titles." The Mexican grants take in not only whole counties, but some of them cover about one-eighth of the Territory of New Mexico, as shown by my friend from that Territory [Mr. JOSEPH], and as large as one-eighth of the Territory of New Mexico, and a large tract in the southern part of the State of Colorado.

Mr. Chairman, those grants conflict with each other in their boundaries, and often are plastered, so to speak, by these paper titles, some of them fraudulent and some of them not fraudulent, from two to ten thick. That is the first class of what may be called the Mexican grant paper titles that have existed since the treaty of Guadalupe Hidalgo in 1848 and the Gadsden treaty in 1853 over large portions of that domain. Now, we have another class of titles that we are seeking here to protect by this bill. The special object of this bill, the special object of the gentlemen who have had experience and who have spent time in maturing this bill, is to protect what may be called the small holders.

All through New Mexico, through a portion of the southern part of Colorado, and, as I had understood from the Delegate from Arizona, in portions of that Territory also, there are what may be called Mexican settlements, little settlements along the small streams, where the people have their farms, the sovereignty of which was transferred from Mexico to this country after the Mexican war. They have their little irrigating ditches, and they have occupied those little farms for generations, many of them living there before the war with Mexico. Now, Mr. Chairman, those are the conditions that confront the occupants of that domain in the Territories and State that I have mentioned. How shall they obtain relief?

In 1854 Congress passed an act which provided that claimants should present their claims to the surveyors-general of the States and Territories. Over a thousand such claims have been so presented; evidence has been taken in them; they have been reported to the Commissioner of the General Land Office and a few of them have found their way to Congress; but during the thirty years that have elapsed, as the distinguished gentleman from Kentucky [Mr. MCCREARY] has shown, only about a score of them have been confirmed, and the balance of those claimants have no title to-day. That is to say, Mr. Chairman, the Government of the United States has not carried out the guaranties of the treaties that I have mentioned by giving to these people muniments of title and a certainty of title to the holdings which they possessed when those treaties were made. Now, what relief do they need? I might add in that connection that under the present system of law there have been confirmed, as the gentleman from Kentucky has shown, a number of grants; but what kind of land grants have been confirmed?

Why, sir, the Maxwell land grant, the Sangre de Christo grant, and about a dozen others that I might name have been confirmed for millons of acres. Those claims were reported to Congress and they passed through one at a time in the course of years, I think it is fair to say for millions of acres more than they were entitled to. What is the consequence under the present system? Here is a large settlement of small holders up and down——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCREARY. I ask unanimous consent that the gentleman from Colorado be permitted to continue for five minutes more.

There was no objection, and it was so ordered.

Mr. SYMES. Mr. Chairman, these small holders, these settlers upon lands that are within the exterior boundaries of these large grants, wake up some morning, so to speak, and find that a patent has been issued for a confirmed Mexican paper title grant, the exterior boundaries of which inclose their whole settlement and everybody living within it. Such patent has been issued and suits have been brought from time to time under the order of the Attorney-General of the United States and conducted to a conclusion by the United States attorneys and have been appealed to the Supreme Court of the United States, and the result has been that the Supreme Court have held those patents could not be attacked.

The question has been treated as *res adjudicata*, and the people living within the boundaries of these land grants will be ousted by suits in ejectment. Now, as I say, where these grants have not been confirmed the paper titles to them are in some instances almost ten deep, and within the exterior boundaries of these immense grants are these small settlements, where people—the Mexicans—were living when the treaties were made. Other people have settled upon what they have taken to be the public domain. Whether it is the public domain or not, the Government is bound to determine in a proper proceeding, to eliminate and regulate the land grants, and to determine what is the public domain, so that these pioneer settlers may know whether they are living upon a Mexican grant title or whether they are living upon a United States title, with the right to have it conveyed by patent hereafter.

That is the state of things. Now, this bill provides in section 15 that any small holder of less than 160 acres who has occupied a holding since those treaties were made may go before a judge of this court when he is sitting there and make proof—not present a paper title, but make proof—that he and his predecessors in interest have occupied his land, not exceeding 160 acres, for forty years, and that upon such proof being made the title shall be confirmed to him, notwithstanding the fact that the exterior boundaries of some great land grant within which his farm is situated extends around it. And, Mr. Chairman, it is in behalf of those small holders, those pioneers, that I ask to-day for this tribunal, in order that their titles may be confirmed and their little farms be made secure. To-day they can not raise a dollar upon those farms; to-day one of those pioneers could not raise $25 upon a good farm of 160 acres. Why? Because these paper titles are filed over them.

They are pending in the Interior Department, as I have said, over 1,000 of them plastered all over the country. It is such cases that this tribunal is to be constituted to adjudicate properly and confirm. Then, sir, these claimants who contend that they have good titles to these large grants by virtue of the Mexican or Spanish archives can go into this tribunal. The court will sit in banc upon those cases. They can be taken to the Supreme Court of the United States. There may, perhaps, be ten different litigants, each claiming that the exterior boundaries of his grant take in a certain scope of country. The question will finally be settled by the only tribunal that the history of civilization, and especially the history of this country, show is competent to settle property rights where the cupidity of man is excited by large amounts involved—the judicial tribunals and, as a last resort, the Supreme Court of the United States.

I could discuss this question, Mr. Chairman, by the hour—I have had practical experience in it; I have conducted grant suits—but it is not necessary to do so at present.

[Here the hammer fell.]

The CHAIRMAN. The Chair desires to state that the amendment of the gentleman from Arizona [Mr. SMITH] was withdrawn, and there is now no amendment pending.

Mr. THOMAS, of Wisconsin. I move a *pro forma* amendment. Mr. Chairman, in my judgment this proposition to exempt Arizona from the operation of this bill ought not to prevail. If this bill ought not to apply to the Territory of Arizona, it ought not to apply to any Territory whatever. In the Territory of Arizona, so far as I have been able to ascertain, the boldest, most reckless, and gigantic schemes of robbery have been attempted in relation to these land grants. In the Forty-ninth Congress the men interested in these grants in the Territory of Arizona had their lobbyists filling the corridors of this Capitol seeking to have the Committee on Private Land Claims recommend the confirmation of these grants and to have Congress adopt that recommendation.

I hold in my hand a favorable report made by the Committee on Private Land Claims of the Forty-ninth Congress in relation to Tres Alamos claim No. 17, occupying a whole county of that Territory. The evidence transmitted by the surveyor-general of that Territory was such that any man not cognizant of the actual facts would have been led to believe the grant was legal and ought to be confirmed. A gentleman, not now a member of this House, but who occupies the position of governor of a great State of this Union, an honest, able, capable man, had charge of the case at that time and presented the facts to the Committee on Private Land Claims in this report, which convinced the committee that the claim was just. And, sir, it was only on account of the late presentation of the report and the impossibility of calling the attention of the House to it that it did not pass Congress, thereby confirming beyond the power of reversal a gigantic robbery of the public lands, to the detriment of a thousand men who occupy farms upon that grant.

Can it be possible, sir, that any measure which will give those settlers a remedy by judicial trial, will confirm their titles, and do away with these fraudulent titles, is to fail here? The grant to which I have referred was never made by Mexico or Spain. It has no foundation. It can not be found anywhere. It is a forgery from beginning to end. That grant is but a sample of nearly all the others. Every land-grant claimant in the Territory of Arizona is opposed to this bill. Every man who is not a land-grant owner, so far as I have been able to learn, is in favor of it.

Mr. PAYSON. Oh, no. Does the gentleman speak by authority of the surveyor-general of that Territory?

Mr. THOMAS, of Wisconsin. No, sir; but I have heard from a great many men who live upon those land grants and who say this bill ought to pass.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. THOMAS, of Wisconsin. Certainly.

Mr. PAYSON. Does not the gentleman know that the surveyor-general of Arizona, John Hise, is opposed to the passage of this bill and in favor of the plan recommended by Mr. Lamar as Secretary of the Interior, in his last two official reports to Congress?

Mr. THOMAS, of Wisconsin. I have not time to discuss that matter——

Mr. PAYSON. I am not asking for discussion, but for the facts.

Mr. THOMAS, of Wisconsin. I do not know the reasons for the position which Mr. Hise has taken. I presume he is an honest man. I have been informed that he has been offered $60,000 to confirm a land grant in the Territory of Arizona, which he has refused. Put a dishonest man in his place, and under the present system, what might happen? The effect of the opposition to this bill, if successful, will be to continue the present system of wrong, of robbery, of outrage, inflicted upon the settlers in that and every other Territory where these land grants exist. Sir, in my opinion, if every land claimant in New Mexico, Colorado, or Arizona were consulted, he would be opposed to everything except an act to confirm his grant.

[Here the hammer fell.]

The CHAIRMAN. The Chair hears no objection, and the formal amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 10. That immediately upon the organization of said court the clerk shall cause to be inserted for a period of thirty days, in five newspapers published in each of the Territories of Arizona and New Mexico and State of Colorado. Such notices shall be published in both the Spanish and English languages, and shall contain the substance of this act, so far as same relates to private land claims.

Amendment of the committee:

"Insert, after 'Colorado,' these words: 'notice of the passage of this act.'"

Mr. MCCREARY. That is the amendment to which I desire to call attention.

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That each and every person, corporation, or association claiming lands in either of said Territories or State, under or by virtue of any right, title, or authority derived from the Spanish or Mexican Governments, which right, title, or authority it is claimed the Government of the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, or the treaty concluded December 30, 1853, commonly known as the Gadsden purchase, with the Government of Mexico, or under the laws, usages, and customs of Spain or Mexico in the disposal of lands, shall, within two years from the date of the approval of this act, present to the said court, or any justice thereof, as hereinbefore provided, a petition setting up the facts upon which such claimant relies in support of his said claim, stating the location, boundaries, and extent of the land claimed, with a map of same, and praying confirmation of the land claimed. At the time of filing such petition, or within ninety days thereafter, such claimant shall present to said court the documentary evidence and the testimony of witnesses upon which he relies in support of such claim. The evidence heretofore taken before the surveyors-general under the acts approved July 22, 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and the act approved July 15, 1870, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," shall be competent evidence in said court of such weight and credibility as the court shall deem it entitled to, having in view the manner and circumstances under which it was originally taken. In case it shall be desired to take additional testimony, either on the part of the claimants or of the Government, same may be taken by depositions upon notice to the claimants or their attorneys and to the United States district attorney for the district in which the deposition is to be taken, or if the deposition is to be taken in Washington, then to the attorney appointed under this act, who shall, in the matter of taking such deposition, represent the United States. On the trial, if the same shall be had in either of said Territories or State as herein provided, oral testimony shall be received under such rules and regulations as shall be made by the court, which shall be taken down by a stenographer as herein provided, and which evidence so taken shall be transcribed in long-hand, which testimony shall be a part of the record.

Mr. PAYSON. I rise for the purpose of offering an amendment to come in at the end of section 11. I send it up to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That the limitation of two years in this section shall not apply to any tract of land of 160 acres or less in possession of any person of Spanish or Mexican descent, and so held in possession or occupancy by such person or his ancestors for twenty years, nor to any land occupied as a pueblo or village site.

Mr. PAYSON. I think that amendment will perhaps be satisfactory to the chairman of the committee without consuming any of the time of the Committee of the Whole in explaining the necessity of this amendment.

Mr. MCCREARY. I will ask the amendment to be again reported.

The amendment was again reported.

Mr. PAYSON. It seems to be satisfactory to everybody.

The amendment was agreed to.

SEC. 12. That any person, corporation, or association claiming an adverse title or right under the United States or otherwise to any part of the land so claimed, or who shall, at the date of the approval of this act, be in actual possession of the land so claimed, or any portion thereof, otherwise than by the lease or permission of the claimant, shall have the right to intervene as a party in interest in the cause or proceeding in said court, at any time before decision has been rendered, and, upon notice to the claimant or his attorney, to submit evidence contesting, in whole or in part, the right of the claimant or the existence or validity of the alleged grant or claim, which evidence shall be considered by the court in making its decision.

There being no amendment proposed, the Clerk read the next section, as follows:

SEC. 13. That after the evidence in any case so presented is completed, the court shall proceed promptly to examine same, with such arguments as may be presented, and thereupon to determine as to the validity, in whole or in part, of the claim. In arriving at such determination the court shall be governed by the provisions of the treaty applicable to such claim, the law of nations, the laws of the government from which the claim is derived, the principles of equity, and the decisions of the Supreme Court of the United States so far as they are applicable. The said court shall not in any case confirm a claim for a greater quantity of land than was originally granted, or for a greater quantity than was authorized to be granted by the laws of the government under which the claim had inception. And in confirming any such claim, in whole or in part, the court shall in its decree specify plainly the location, boundaries, and probable area of the land the claim to which is so confirmed. When, however, the description of the land in any such grant or concession shall require the location to be ascertained by mountain ranges, mountain tops, forests, and like natural objects, whereby or by any description thereof, the quantity of land in any such grant or concession is uncertain, or too vague for location, said court shall declare and adjudge such grant or concession void and of no force, by reason of such indefinite description, except as to the quantity of land in such grant or concession in the actual possession of the grantee, or his assigns, or legal representatives, at the dates of the treaties of cession.

Amendment of the committee: In line 22 substitute the word "and" for "or;" so it will read:

"The quantity of land of any such grant or concession is uncertain and too vague for location, etc."

The amendment was agreed to.

SEC. 14. That whenever the Government, by its attorney, or any person, corporation, or association, shall deny the existence of the right, title, or grant from the Spanish or Mexican Government, under which any petitioner claims lands by petition before said court, or shall allege that the said right, title, claim, or grant was fraudulently obtained, or that there is good reason to believe that the papers or documents under which any such right, title, or grant is claimed are forgeries, then, and in any such case, the petitioner or petitioners shall, upon the order of said court, exhibit to the court, at a time and in such order to be specified, the original papers or documents upon which any such right, title, claim, or grant is alleged to be founded, if the same are in possession of such petitioner or can be obtained by him; if such originals can not be produced by such petitioner, he shall exhibit and file in the office of said court, within such time as the court shall direct, duly authenticated copies of all papers upon which he depends to establish his claim; whereupon if the Government, by its attorney or any proper person, shall certify said court that there is doubt as to the validity of such claim, right, or grant, it shall be the duty of the court to transmit to the Secretary of State of the United States a request that the question in controversy be thoroughly investigated by the representative of the United States Government in Spain or Mexico, or any of the States thereof from which it is claimed any such right, title, or grant is derived; and thereupon the Secretary of State shall authorize and direct such representatives to said foreign government to ascertain and report the exact facts in relation to any such claim, right, title, or

grant as the same shall appear by the records of such foreign government, accompanied by duly authenticated copies of any documents or papers he may find in relation to the same, upon the receipt of which by the Secretary of State he shall transmit the same to said court, and the court shall duly notify the parties or their attorneys thereof, and said report and authenticated copies, if any, shall be received by the court as evidence, and shall receive such weight as the court may think proper.

There being no amendment proposed, the Clerk read the next section, as follows:

SEC. 15. That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for forty years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State, not exceeding 160 acres in extent, and not included within the limits of any grant for the establishment of a city, town, or village, no further evidence of title or ownership shall be necessary or required from such claimant, but he shall thereupon be entitled to confirmation of his title to such piece or parcel of land.

Mr. DUNN. I move to strike out the last word for the purpose of asking a question, and if I find it to be necessary, of offering a substantial amendment. Now this section provides that proof of simple occupation unconnected with the character of title by which the tenant holds occupation shall be evidence of title. To explain my question I desire to say this: Those familiar with that country and those titles know the Pueblo Indians hold their titles under pueblo or village grants. We also know that under the laws of Spain and Mexico that is a title in fee-simple in these Indians. Suppose the tenant and his ancestors shall have occupied as tenants by the permission of the Indian tribe, by the permission of the headman or trustee of this village for forty years, do the gentlemen intend to allow that tenancy to be proved up adversely to the title of the real landlord or owner?

Mr. McCREARY. I do not think that criticism of section 15 is well taken, because the section refers to any claimant, and there is a distinction between a claimant and tenant.

It provides:

SEC. 15. That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for forty years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State, not exceeding 160 acres in extent, and not included within the limits of any grant for the establishment of a city, town, or village, no further evidence of title or ownership shall be necessary or required from such claimant, but he shall thereupon be entitled to confirmation of his title to such piece or parcel of land.

Mr. DUNN. I desire to call the attention of the gentleman from Kentucky to the Hot Springs case. That was a Government reservation. The people went there and built up a town.

Mr. McCREARY. Let me interrupt the gentleman a moment just at this point with reference to his suggestion. If you say "adverse claim," would that not make it perfectly clear?

Mr. DUNN. I want to give the gentleman an illustration by this Hot Springs case. First, there were two or three claimants to the title of this property. The Supreme Court decided finally that the title was in the Government. During the forty, fifty, or sixty years that the property was in the possession of these landlords some persons were admitted as purchasers and others were admitted as tenants by terms, or at will, under them. When the Government took possession of the property and appointed a commission to adjudicate the title, all these tenants became claimants, and set up a claim of title by occupancy to that part of the reservation they occupied, and it has required adjudication, and finally a decision by the Supreme Court of the United States to settle the question as between them and their former landlords. Now, if that decision had been final, and without the possibility of appeal, these tenants at will would have taken the property of their landlords, who were given under the act a preference to the purchase of the property, at the price fixed by the Government.

The section of this bill ought to be now amended to meet such a condition.

But I desire to call the attention of the House also to the experience of the Mission and Pueblo Indians of California. I have traveled over the region of country affected by this bill and have some knowledge of the existing conditions there. When the commission of 1851 was created to adjudicate these titles in California, nobody imagined that the rights of the Indians were to be impleaded there; and the commission was directed to ascertain and report upon the tenure by which the Mission Indians held their titles. That commission never made that report, because they did not leave anything to the Mission Indians to report upon. Their titles were all swept away. The Mission title is a different title from that of the Pueblo Indian. The Mission title was simply a right of occupancy given by the Mexican government and which could be secularized—restored to the public domain at any time by the Government.

A strict and technical ruling under the law applicable to California would bar every Pueblo Indian title in California, if the court holds that the Indians were impleaded in those cases.

Now, strict care should be taken in this bill to protect the right of these Pueblo Indians as well as the Mission Indians, if there be any there; and no bar or pretended bar or statute of limitations by a State or Territory or a Congress should be allowed to operate against them; nor should any trespasser or tenant upon their lands be allowed to set up an adverse title. These Indians are the wards of the Government. They are at the mercy of the Government; and just here I will advert to some other possibilities that may arise in connection with such legislation. I regretted exceedingly to see that the Delegate from Arizona [Mr. SMITH] was prepared to assume that justice could not be administered in these matters in Arizona. It is a sad state of affairs if there is a square yard within the jurisdiction of the United States Government where justice can not be administered to the citizens. It is a sad state of affairs, I repeat, if there be such a condition of things existing anywhere in this country.

I can understand very well, from the knowledge of existing conditions, that there are three classes of people who do not want these titles adjudicated in any way.

[Here the hammer fell.]

Mr. McCREARY. I ask unanimous consent that the gentleman from Arkansas may be permitted to continue for five minutes longer.

There was no objection.

Mr. DUNN. There are three classes of claimants who do not want any adjudication of title whatever. One is the land grabber, who is in possession of his so-called grant, but in possession of a grant two, three, or four times as much in area as his original grant entitled him to take. He does not want the scrutiny of the court or any inquiry into his metes and bounds. Another is the settler, who has gone upon somebody's grant and is occupying it, but has a shrewd suspicion in his own mind that a trial between himself and the claimant to the grant who can set up a title will set him off the land. He does not want any trial. He is an "honest settler." He is a "sacred pioneer." [Laughter.] Another is the bully or desperado, who is a tenant by contract, who has entered upon these Indian Pueblo grants and has occupied them with a Winchester and six-shooter for a long term of years, and he thinks when the Indian title is inquired into and established he will have to "go." He does not want any trial. But others who honestly believe they have valid and legal titles naturally want their titles adjusted and settled.

It is a question that no honest man wants to leave open. No community and no country can prosper—no community can have peace and order, without quieting and securing the titles to their lands and their homes. If titles are to be held by the shotgun, the Winchester, the revolver, and the six-shooter—if such a condition prevails the man who is the chief desperado is the largest landlord. All good and law-abiding citizens want their titles secured and fixed and made certain, and they desire to enjoy them in the peace of the State and of the Government. It is the duty of Congress to give them the opportunity of settling their titles, and to make it through tribunals which will administer justice as nearly as human tribunals can administer justice. I listened therefore to the remarks of the gentleman from Arizona with a feeling of sincere regret. I regretted to see that he did not consider his own profession in his own Territory an honorable one. I would not hold my license to practice law if I did not believe my profession an honorable one. I would scorn to enter any court in the country unless I believed it would administer justice, and Congress ought not to be deterred from providing tribunals to administer justice, to settle titles, and to preserve peace and order in every community by the flippant remarks of anybody.

Mr. WILSON, of Minnesota. Is it not the experience and observation of every lawyer that these unconscionable fees are obtained before tribunals that are not courts, but where they take contingent fees?

Mr. DUNN. Oh, yes; there is rascality in that business, as there is in all other businesses, but it is an exception to the general rule. All the courts of the country will compel lawyers to take just and reasonable fees.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DUNN. I desire to ask the gentleman from Kentucky [Mr. McCREARY] to yield time to offer an amendment.

Mr. PAYSON. I have an amendment which I think will answer the gentleman's purpose.

Mr. DUNN. Then I withdraw the request for unanimous consent.

Mr. PAYSON. Before offering that, I desire to say one word in reference to the observations first submitted by the gentleman from Arkansas, and to offer an amendment prior to the one which I now hold in my hand. I do not think, Mr. Chairman, that the criticisms which the gentleman from Arkansas has made upon this section are well founded. I think the section as it stands will accomplish exactly what the committee intends the section shall accomplish, but I think that some of the provisions are too broad.

In this bill the limitation is fixed at forty years. In my judgment that is entirely too long, for two reasons. First, it is not in consonance with the land legislation of this country. So far as I know twenty years of open adverse possession to a piece of land in every State in this Union is regarded equivalent to title, and I think that the limitation should be made twenty years and thus conform to legislation in similar cases all over the country.

Mr. HOOKER. Will the gentleman allow me to suggest to him that in some of the States ten years' open adverse possession gives title?

Mr. PAYSON. In most of the Western States where there is claim of

color of title seven years of open and adverse possession is considered sufficient to give title; but in this case of the Territories, where the rights of persons are possible to be interfered with, and the question is one simply between them and the Government, I think twenty years of open adverse title is sufficient for all purposes, and I think so for the further reason that in the sections of country such as that there is a difficulty in securing evidence of open adverse possession for forty years, but that in an older section, such as where the gentleman from Mississippi lives, forty years adverse possession would not be proper. Therefore I move to strike out, in line 4, the word "forty" and insert "twenty." It has been suggested by gentlemen that there may be cases where people who claim under these fraudulent grants have gone into possesion of them and claim 160 acres, and in connection with this amendment I offer another. In line 7, after the word "extent," insert "and whose original claim did not exceed 160 acres." These two amendments would perfect this clause.

Mr. McCREARY. With that qualification I have no objection to the amendment offered by the gentleman from Illinois. By the limitation to forty years in these Territories in the State of Colorado there are persons who may have been in possession where they have illegally taken possession for over twenty years, and with the qualification of the gentleman from Illinois I have no objection to that amendment.

Mr. HOVEY. Do you hold that time runs against the States?

Mr. McCREARY. Oh, no; only against persons.

Mr. HOVEY. That amendment is broad enough to cover the limitation of the State against the Government.

Mr. PAYSON. It is not a question of saving to the Government. Here is public land, and the public lands that the Government owns are for the use of the people. There is a situation of affairs in the southwest portion of the Union where men can not get title. The ordinary provisions of the homestead law will not apply, nor will the provisions of the pre-emption law. In this situation it was thought best by the committee to provide that as these little disconnected tracts of land in these Territories where a person has been in open adverse possession should be confined to not more than 160 acres. Under the homestead laws he gets title in five years. That is the reason for this amendment. It does not save land to the Government, but simply is to give them title to land of which they have had adverse possession.

Mr. ANDERSON, of Kansas. I would like to ask the gentleman from Kentucky for information why the limit is placed at 160 acres. Is it to be analogous to the homestead law?

Mr. McCREARY. It will be analogous. It is said by the Delegate from New Mexico that all of these claimants are small and the holders have not more than 160 acres.

The question on the amendment to strike out "forty" and insert "twenty" was taken, and the amendment was agreed to.

The amendment to insert, after the word "extent," in line 7, "and whose original claim did not exceed 160 acres" was agreed to.

The Clerk read as follows:

SEC. 16. That whenever any decision of confirmation rendered by said court in any case shall become final, either by the failure of the United States to appeal therefrom or by its affirmance by the Supreme Court, the clerk of the court shall certify that fact to the Commissioner of the General Land Office, with a copy of the decree of confirmation, which shall plainly state the location, boundaries, and probable area of the tract confirmed; the said Commissioner shall thereupon cause the tract so confirmed to be surveyed at the cost of the United States. When any such survey shall have been made and returned to the surveyor-general of the respective Territory or State, and the plat thereof completed, the surveyor-general shall give notice that same has been done, by publication once a week for four consecutive weeks in two newspapers, one published at the capital of the Territory or State, and the other published near the land so surveyed, such notices to be published in both the Spanish and English languages; and the surveyor-general shall retain such survey and plat in his office for public inspection for the full period of ninety days from the date of the first publication of notice in the newspaper published at the capital of the Territory or State. If at the expiration of such period no objection to such survey has been filed with him, he shall approve same and forward it to the Commissioner of the General Land Office. If within the said period of ninety days objections are made to such survey, either by any party claiming an interest in the confirmation or by any party claiming an interest in the tract embraced in the survey or any part thereof, such objection shall be reduced to writing, stating distinctly the interest of the objector and the grounds of his objection, and signed by him or his attorney, and filed with the surveyor-general, with such affidavits or other proofs as he may produce in support of his objection. At the expiration of the said ninety days the surveyor-general shall forward such survey, with the objections and proofs filed in support of or in opposition to such objections, and his report thereon, to the Commissioner of the General Land Office. Immediately upon receipt of any such survey, with or without objections thereto, the said Commissioner shall transmit same, with all accompanying papers, to the court in banc for its examination of the survey and of any objections and proofs that may have been filed; and the said court in banc shall thereupon determine if the survey is in substantial accordance with the decree of confirmation. If found to be correct, the court shall direct its clerk to indorse upon the face of the plat its approval. If found to be incorrect, the court shall return same for correction in such particulars as it shall direct. When any survey is finally approved by the court, it shall be returned to the Commissioner of the General Land Office, who shall cause a patent to be issued thereon.

Mr. PAYSON. I offer the amendment which I send to the Clerk's desk, to go in at the end of the section.

The Clerk read as follows:

All persons of Spanish or Mexican descent in possession or occupancy of a tract of land of less area than 160 acres, and who by themselves or ancestors have been in such occupancy for twenty years or more, shall have their respective holdings ascertained and certified under the direction of the surveyor-general and patented to them without expense to them, and this shall be done also to all pueblo or village sites and locations; and hereafter all application to enter land in any of said Territories or the State of Colorado under the land laws of the United States shall show and full proof be made to the register that no part of the land sought to be entered is in possession of any person of Spanish or Mexican descent, and as to all such tracts of land the limitation of the act shall not apply.

Mr. PAYSON. I may say that I have submitted this amendment to the Delegate from New Mexico, and it is satisfactory to him as well as to the members of the committee. Therefore, unless some explanation is desired by gentlemen who are not familiar with the subject, I will not consume time by stating the reasons for the amendment, except to say that I agree fully with the idea suggested by the gentleman from Arkansas [Mr. DUNN] as to the necessity of full protection to all the inhabitants of these pueblos and village sites in these Territories. They are a simple, harmless, ignorant people, who believe that their titles are as absolute and perfect as we believe the title of the Government to be in the building in which we stand; and as to them I think that their holdings should be ascertained and patented by the Government without expense, and that there should not be any entry permitted by anybody in any land claimed to be in these neighborhoods without an affirmative showing in the application that the lands are not in possession of any of the people sought to be protected by this amendment. The amendment is broad and covers the whole field.

The amendment was agreed to.

The Clerk read as follows:

SEC. 17. That no allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines, or minerals of the same, unless the grant claimed affected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto, in law or in equity, but all such mines or minerals shall remain the property of the United States, with the right of working the same and authorizing the same to be worked, and every confirmation made and patent issued under this act shall be made and issued subject to the rights of the United States to authorize the lands included in such confirmation and patent to be entered upon by its citizens for the purpose of cession for locating and working gold, silver, and quicksilver mines, or minerals of the same, that may be found therein, and to pass such laws as shall procure such rights and make the same effectual, which shall be stated in any patents issued under this act.

Mr. WICKHAM. I move to amend that section by striking out, in line 4, the word "affected," and inserting in lieu thereof the word "effected."

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. That all lands the claim to which shall be finally rejected by said court, or by the Supreme Court, and all lands to which no claim is presented to the said court within two years from the date of the approval of this act, shall be deemed, held, and considered to be a part of the public domain of the United States.

The Committee on Private Land Claims recommended an amendment, as follows:

After the word "lands," in line 3, insert "claimed in either of said Territories or State under or by virtue of any right, title, or authority derived from Spain or Mexico, or under the laws, usages, and customs thereof."

The amendment was agreed to.

Mr. PAYSON. I think that perhaps a verbal amendment ought to be added to make this section harmonious with those that have been amended preceding it, and I send such an amendment to the desk.

The amendment was read, as follows:

After the word "act," in line 4, insert "except as otherwise herein provided."

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That the filing of a petition for the confirmation of any private land claim in the court, as herein provided, shall have the effect of lis pendens as to all persons subsequently entering upon or acquiring any interest in the lands embraced in such claim or any part thereof, and said court may submit, in accordance with the usages of the court of equity, any question of fact that may arise during investigation of any claim to a jury to be summoned, impaneled, and paid in the same manner as juries in the United States district courts.

Mr. WICKHAM. I move to amend that section by striking out the words "the court," in line 6, and inserting "courts."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That section 8 of the act of Congress, approved July 22, 1854, entitled "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension of said section 8, or supplementary thereto, be, and the same are hereby, repealed.

Mr. SMITH, of Arizona. I would like to add, as an amendment, the words: "Except as to the Territory of Arizona." The court here provided for takes the place of the surveyors-general of the various Territories; and inasmuch as I feel that the present system is a better one for Arizona than the one proposed in this bill, I ask to have that Territory excepted, and I would like to have it done by unanimous consent.

Mr. McCREARY. I suggest to the gentleman from Arizona that he withhold that amendment until a vote is taken upon his other amendment, to strike out Arizona from the operation of the bill.

Mr. SMITH, of Arizona. Then I ask unanimous consent to consider the amendment to section 21 after the vote shall have been taken on the amendment first offered by me.

There was no objection.

The Clerk completed the reading of the bill.

Mr. THOMPSON, of Ohio. I ask unanimous consent to return to sections 6 and 7, to which I desire to offer amendments.

The CHAIRMAN. The gentleman from Ohio [Mr. THOMPSON] asks unanimous consent to return to section 6 for the purpose of proposing an amendment. Is there objection?

Mr. SPRINGER. I shall object for the present; or I will hear a statement of the object in view, reserving the right to object.

Mr. THOMPSON, of Ohio. The object of the amendment is to put no limitation upon the right of appeal. I do not understand why there should be any limitation upon the right of appeal provided for in that section. These claims arise under grants made by the Mexican or the Spanish Government. We are under treaty obligation to respect those rights when established, and I think the fullest opportunity ought to be given to have them investigated in the court of last resort, and that no distinction should be made between them because of the value or the want of value of the property. The property of the small holder is as important to him as that of the large holder is to him.

Mr. SPRINGER. What would be the effect of the change which you propose?

Mr. THOMPSON, of Ohio. The effect would be to give an appeal in all cases from the department judge to the court in bank. The appeal is now limited to cases where the value of the property exceeds $2,000.

The amendment was read, as follows:

In section 6, strike out lines 1, 2, 3, 4, 5, 6, 7, 8, and the words "right of appeal to the court in bank" in line 9, and insert in lieu thereof the words following: "and there shall be a right of appeal in all cases from the department court to the court in bank."

The CHAIRMAN. The gentleman from Ohio [Mr. THOMPSON] asks unanimous consent to return to section 6. Is there objection?

Mr. PAYSON. I desire to inquire whether the section to which this amendment applies is not one of those sections which were struck out?

Mr. McCREARY. No, sir; this refers to section 6.

Mr. PAYSON. Was not section 6 struck out?

Mr. McCREARY. No, sir; sections 3, 4, and 5 were struck out, leaving the bill in such a shape as to apply only to private land claims.

The CHAIRMAN. The Chair thinks the Clerk had better report the amendment, that it may be understood whether there is objection to returning to that portion of the bill.

Mr. THOMPSON, of Ohio. I ask that the lines which I propose to strike out be read.

The Clerk read as follows:

In section 6 strike out "That in every case where it is not made to appear, by evidence satisfactory to the court, that the value of the property involved, with the improvements thereon, exceeds the sum of $2,000, the decision of the justice rendered in department shall be final. In every case where the value of the property involved, with the improvements thereon, is so shown to exceed the sum of $2,000, either party not satisfied with the decision rendered shall have the right of appeal to the court in bank," and insert "There shall be a right of appeal in all cases from the department court to the court in bank."

Mr. THOMPSON, of Ohio. That leaves the remainder of the section stand.

Mr. McCREARY. I see no objection to that amendment. As I understand, it simply allows an appeal to be taken to the court in banc no matter what may be the amount involved.

Mr. THOMPSON, of Ohio. In all cases.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to return to section 6 for the purpose of considering this amendment? The Chair hears none.

The amendment was considered and adopted.

Mr. THOMPSON, of Ohio. I now ask unanimous consent to submit a similar amendment to section 7.

The Clerk read as follows:

In section 7 strike out "That in every case where it is not made to appear, by evidence satisfactory to the court, that the value of the property involved, with the improvements thereon, exceeds the sum of $5,000, the decision of the court in bank shall be final. In every case where it shall be so made to appear that the value of the property involved, with the improvements thereon, exceeds the sum of $5,000," and insert "In all cases determined by the court in bank;" so as to read "SEC. 7. In all cases determined by the court in bank, either party not satisfied with the decision rendered shall have the right of appeal to the Supreme Court of the United States, in the same manner and upon the same conditions as is provided by law for the taking of appeals from the decision of the district courts of the United States."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 7 for the purpose of having this amendment considered.

Mr. SPRINGER. I object.

Mr. THOMPSON, of Ohio. Why does the gentleman object?

Mr. SPRINGER. I think we ought not to permit in every case an appeal to the Supreme Court——

The CHAIRMAN. Debate is not in order. The bill has been read through.

Mr. THOMPSON, of Ohio. It was the understanding with the chairman of the committee [Mr. McCREARY] that I should have the opportunity to submit this amendment to the House.

Mr. SPRINGER. Of course I do not object to carrying out any understanding.

Mr. McCREARY. The gentleman from Ohio is mistaken about this matter. He came to me with the proposition and I told him the section had been passed, but so far as I was personally concerned——

Mr. THOMPSON, of Ohio. The gentleman stated that when the reading of the bill was completed no objection would be made to my presenting this amendment.

Mr. McCREARY. The gentleman will remember that he showed me only one amendment, the one already adopted. I can not agree to appeals being taken to the Supreme Court of the United States without regard to the amount involved. This would allow an appeal though the amount of the claim were only $100.

Mr. THOMPSON, of Ohio. Then I would like to offer an amendment striking out "$5,000" and inserting "$2,000" as the amount necessary to entitle a party to an appeal.

Mr. SPRINGER. If the gentleman desires to offer that amendment I will not object.

Mr. THOMAS, of Wisconsin. I shall have to object to that. Five thousand dollars is not an excessive limit upon the right of appeal to the Supreme Court of the United States. We should not undertake to encumber the docket of that court with small cases. [Cries of "Regular order!"]

Mr. SMITH, of Arizona. I now ask that my amendment, which has already been discussed, be reported.

The Clerk read as follows:

Strike out the word "Arizona" wherever it occurs in the bill.

The question being taken, there were—ayes 22, noes 10.

Mr. THOMAS, of Wisconsin. I rise to a parliamentary inquiry. What is the amendment we are voting on? I did not understand it.

Mr. SPRINGER. It is an amendment exempting Arizona from the operations of the bill.

Mr. FELTON. It is to deny to a certain portion of citizens the justice guarantied to them under the Constitution and which is allowed to others.

The CHAIRMAN. Debate is not in order.

The result of the vote as above stated—ayes 22, noes 10—was announced.

So the amendment of Mr. SMITH, of Arizona, was agreed to.

Mr. SMITH, of Arizona. I now desire to offer the other amendment, which it was agreed I might offer if the one just voted on should be adopted.

The Clerk read as follows:

Add to section 21 the words "except as to the Territory of Arizona."

The amendment of Mr. SMITH, of Arizona, was agreed to.

Mr. PAYSON. I desire to offer an amendment to come in as an additional section.

The Clerk read as follows:

Add the following as section 23:

"In all cases of written evidence of title duly certified copies thereof shall be filed with the clerk when the claim is filed and also recorded within one month thereafter on the real-estate records of each county in which the lands claimed shall lie, and no paper the execution of which is connected with the title shall be used as evidence unless so filed and recorded; and the provisions of section 14 shall apply to all such papers so filed or recorded."

Mr. McCREARY. I ask the Clerk to read that amendment again, as the disorder in the House prevented my hearing it.

The CHAIRMAN. There is a general conversation throughout the Hall, and it is difficult to hear what is going on. Complaint has been made by members on several occasions, and the Chair now requests gentlemen to abstain from conversation or to retire to the coat-room.

Mr. PAYSON. My reason for offering that amendment is this: The difficulty which grows out of the adjustment of claims is the fact, which is conceded by everybody who has had occasion to examine them, that in these great claims papers which are forged and fraudulent are used to a greater or less extent. Without regard to individual instances within my own knowledge, I simply appeal in a general way to members of the committee as to whether the general statement I make is not absolutely true?

Now, sir, when we afford a forum in which these claims may be examined on proper evidence of title more or less ancient, liable to be forged for reasons which are obvious to everybody, we impose no hardship whatever on the claimants to these great areas of land, under paper title, if we say to them, as a part of the investigation of their claims, when they file their claim before this tribunal, they shall also file there the original or a duly certified copy of the paper evidence of title upon which these great claims rest, so that they may be subject to inspection not only by the lawyers engaged for the Government, but also by citizens and individual claimants whose rights may clash and conflict with these great claims, and their attorneys also may have access to them. It is no hardship to them if all of their evidence of title shall be open to the inspection of all persons interested. And the only penalty imposed for the violation of that provision is that the paper evidence of title, unless so presented, and unless so recorded, shall not be used as evidence as against the Government of the United States. That is all there is of it.

The amendment was again read.

Mr. PAYSON. That is all I care to say.

The amendment was agreed to.

Mr. FELTON. Is it in order to move a reconsideration of the vote by which Arizona was excluded from the provisions of this bill?

Mr. SMITH, of Arizona. I object.

The CHAIRMAN. The motion to reconsider is not in order in the Committee of the Whole.

Mr. ANDERSON, of Kansas. Is not a motion to reconsider in order at any time?

The CHAIRMAN. It is not in committee.

Mr. SPRINGER. The gentleman can reach his object by asking a separate vote in the House on the amendment adopted in the committee providing for the exclusion of Arizona from the operation of the bill.

The CHAIRMAN. The Chair can only answer for the present.

Mr. McCREARY. I move the bill with the amendment which has been agreed to be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PAYSON. When this bill was under consideration on the 31st day of March last, if I remember correctly, I had the honor to submit some observations in opposition to its passage, and in support of a plan of adjustment of these claims which I have had in mind for a number of years, or since my connection with this subject. I have prepared in the line of my record a substitute for the pending bill, which, as amended by the committee, is now in a much better condition as to my own views than when I prepared the substitute for it.

Mr. McCREARY. Let the substitute be printed in the RECORD.

Mr. SENEY. No, let the substitute be read.

Mr. PAYSON. Very well, let the substitute be read and be considered as pending.

The Clerk read the substitute, as follows:

A bill to provide for the settlement of private land claims in the State of Colorado, and the Territories of Arizona and New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the Department of the Interior to ascertain and settle all private land claims in the State of Colorado, and the Territories of Arizona and New Mexico in the manner following: A full examination of all such claims shall be made by the surveyor-general of the respective the said State and Territories as is now provided by law, with the added action that in cases of the taking of oral testimony the proceeding shall be open and public.

The surveyor-general shall make report on the case, with all evidence taken to the Commissioner of the General Land Office, upon which, at a time to be fixed and due notice to parties interested, a trial and adjudication of the claim shall be made by the Commissioner, who shall, pending the hearing, have power to order further investigation by the surveyor-general. If deemed necessary to expedite examinations in the Territory of New Mexico, the Secretary of the Interior may appoint an assistant surveyor-general for that Territory, who shall be skilled in the Spanish language, and at a salary at the rate $2,000 per annum, to be paid monthly, and for the period he shall be actually employed, and to pay the same the sum of $2,000, or so much thereof as may be necessary and not otherwise appropriated, is hereby appropriated.

And in all hearings evidence already taken in pending cases may be used, giving the same such credit as it shall be entitled to.

SEC. 2. From the decision of the Commissioner an appeal may be taken to the Secretary of the Interior, and the record and all papers in the case shall be certified to that officer for hearing and determination, and he may order additional investigation to detect fraud or correct error in fact.

From the decision of the Secretary of the Interior an appeal shall be allowed to the Supreme Court of the United States upon appellant, if a claimant or party other than the United States, giving bond in such sum as shall be required by the Secretary, payable to the United States for the use of all interested, and conditioned for the prosecution of the appeal with effect and the payment of all costs in the Supreme Court on the dismissal of the appeal or the affirmance of the finding of the Secretary. The full record of the case shall be transmitted to the Supreme Court and errors assigned thereon as in cases of appeal from a circuit court: *Provided*, That the foregoing proceedings shall be limited to cases and claims involving 11 square leagues or less of land; in all cases involving a greater area than 11 square leagues, the proceedings shall remain as under existing law except as hereinafter provided.

SEC. 3. All persons of Spanish or Mexican descent in possession or occupancy of a tract of land of less area than 160 acres and who by themselves or ancestors have been in such occupancy for twenty years, shall have their holdings ascertained and surveyed under the direction of the surveyor-general, and patented to them without expense to them; as also all pueblo or village sites and locations. All applications to enter land in either of the said Territories or State of Colorado under any of the land laws of the United States shall show, and full proof be also made to the officers of the local land offices, that no part of the lands sought to be entered is in possession of any person of Spanish or Mexican descent.

SEC. 4. All claims under private grants from the Spanish or Mexican Governments, except as to tracts in occupancy of less than 160 acres, and pueblo or village sites or locations, shall be filed within two years from the passage of this act and not after, and in all cases all written evidence of title or duly certified copies thereof shall be filed with said claim and also duly recorded within one month thereafter on the real estate records of each county in which the lands claimed shall lie, and no paper, the execution of which is connected with the title, shall be used in evidence unless so filed and recorded.

There shall be no further withdrawals of land on preliminary survey, but the filing of paper evidences of title as above provided shall be notice.

The Secretary of the Interior shall have power to make all necessary rules and regulations to carry out the provisions hereof.

Mr. PAYSON. I simply wish to say, Mr. Chairman, that the bill just read, proposed as a substitute for the pending measure, is in harmony exactly with the recommendations made by Mr. Secretary Lamar in his last two annual reports to Congress. It contains the idea which I outlined in the observations made to the House on the 31st of March last, when this bill was under consideration, and I do not care to go into the subject further, as an argument now on this bill would be a mere repetition of what I said then. Some of the prominent features in the substitute have already been incorporated in the committee's bill, and so far as that has been done it removes some of the objections that I had to the bill in its original form.

The CHAIRMAN. Does the Chair understand the gentleman as proposing the substitute for action now?

Mr. PAYSON. Yes, I move the adoption of the substitute.

Mr. FELTON. I desire to ask the gentleman if Arizona is included in this substitute?

Mr. SMITH, of Arizona. I am perfectly willing to have the substitute pass with Arizona in it, if that answers the gentleman's question.

Mr. FELTON. My reason for asking is that the present bill, for which this bill is a substitute, at the very last moment of its consideration in the committee was amended, an exception being made to the Territory of Arizona, and excluding it from the provisions of the bill. I am unable to see any good reason why that should have been done.

By reason of the laches of the Government of the United States and the violation for years and tens of years of our solemn treaty stipulations and obligations in regard to these lands, through and by reason of which we obtained them, that portion of the country has been in an almost chaotic condition, its development and prosperity greatly retarded, and its citizens demoralized. No right in real property has been recognized by anybody. As the gentleman from Arkansas has said, the "shotgun law" prevails and might makes right.

I am opposed, sir, to any bill by which a portion of the people of this country shall be denied their constitutional rights to appear before the tribunals of their country in order that they may present their cases for adjudication and obtain even-handed justice. This bill now discriminates against a section and denies the people thereof a hearing in court and consequently justice.

Now, in regard to the Arizona land claims, I know almost of my own knowledge that there are ten or fifteen as valid grants as were ever given, and to be fair I should add that I believe there are also twenty or more involving as rascally pieces of knavery and thievery in connection with land grants as can be found in the history of the country.

Admitting both of these facts to be true, and I know whereof I speak, and in some instances I know that some of the best talent of the United States has been employed and sent to Mexico to look over the old archives and carefully examine in regard to these grants, and purchases have been made under the circumstances and on reports so made; I say, admitting these facts to be true, and they are true, I see no reason, no justice, no question of right, fair dealing, or equity why the citizens of Arizona should not be entitled to their constitutional right of their day in court, as well as the people of any other portion of the country, and hence I am opposed to the passage of this bill in its present form. I see no reason why an honest man in Arizona, desiring to do and receive justice, could object to an adjudication of his rights before a tribunal appointed by the President, and thus removed even from the suspicion of any local knowledge or prejudice, with no incentive to do wrong.

I suspect there are those who do not desire an investigation into what they term their rights.

Mr. SENEY addressed the Chair.

Mr. McCREARY. I ask unanimous consent that the debate be considered as closed in fifteen minutes, ten minutes of which shall be allotted to the gentleman from Ohio.

Mr. SENEY. I object to being limited in that way.

Mr. McCREARY. Well, then, to give the gentleman as much time as he desires.

Mr. SENEY. I understand I have the right to the floor in my own time.

The CHAIRMAN. The gentleman will be entitled to the floor under the rule for five minutes. Does the gentleman desire to be heard on the substitute?

Mr. SENEY. My understanding of the substitute may be stated in a very few words. It proposes that the surveyor-general in the first instance shall take jurisdiction of these land cases, and provides an appeal from his decision to the Secretary of the Interior, and a further appeal from the decision of the Secretary of the Interior to the Supreme Court of the United States. I do not know, Mr. Chairman, whether or not that provision of the substitute would be a constitutional enactment; but it is not my purpose to discuss at this time the constitutional features of the bill or to make an argument as to the constitutionality of that provision.

Mr. PAYSON. Will the gentleman permit an interruption just there? If it be regarded as essential, Mr. Chairman, I can produce in five minutes' time three different decisions of the Supreme Court of the United States affirming the power of Congress to clothe either an individual or commission with power to adjudicate questions of title coming down to us as a conquering nation from a foreign power and giving the force of legal sanction to decisions of such tribunal or commission as much as any court in the land.

Mr. SENEY. I do not question that. I do not question that it is within the power of Congress to make this feature of the substitute constitutional by clothing, if you please, the surveyor-general with judicial powers. That may be done, I know, by an act of Congress, and if done of course it would cure the objection.

But I think that this bill proposes bad legislation. I do not want to say that it proposes vicious legislation, but it is a sort of legislation which, in my judgment, the House ought not to sanction. The purpose of the bill—the original bill—is to create a court which shall be authorized to hear and determine land claims in the two Territories mentioned and in the State of Colorado. It seems to me, sir, that there is no necessity at all for creating a special court to hear and determine this class of cases. I do not think that the reasons which are urged for the creation of such a tribunal are sufficient to authorize the House to pass this bill.

I am unable to see why the Federal courts in the Territories, that is to say, the Territory of Arizona, the Territory of New Mexico, and the State of Colorado, can not be invested by this Congress with jurisdiction to hear and determine these cases; and in all of the discussion that has been had on this floor on this subject I have not heard any reason advanced or any suggestion made as to why the Federal courts in the States and in the Territories named should not hear and determine these claims.

Mr. DUNN. The gentleman from Kentucky [Mr. McCREARY] showed that these courts were overloaded.

Mr. SENEY. I heard that stated, but think there is no force in the statement.

Mr. McCREARY. If it will not interrupt the gentleman, I wish to revert to my remarks on that point, and state that I endeavored to show the fact that the district courts of the Territories named, and of Colorado, were already overburdened with business, and that to refer the claims of this character to them meant practically no trial for a number of years; and in that I am supported by statements made by the several Secretaries of the Interior who have looked into the matter, and I think there is no question of doubt about it.

Mr. SENEY. Well, in answer to the gentleman from Kentucky, I will say that I notice in the reading of the bill that the existence of this court is provided for for a period of four years, and that at the expiration of four years the court is to terminate and cease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCREARY. I move that the gentleman be allowed further time—ten minutes more if he desires it.

There was no objection.

Mr. SENEY. I was observing, Mr. Chairman, that the limitation upon the existence of this court is fixed by the bill at four years. That provision of the bill suggests to my mind that there is probably one year of business to be done, and it is proposed by the bill to extend that one year of business over a period of four.

Mr. McCREARY. If it will not interrupt the gentleman, in response to that statement I will say to him that there are now one hundred and seven cases that have been referred to the Committee on Private Land Claims, and that there has not been a single case passed that has been reported by the Committee on Private Land Claims in the last nine years by Congress.

Mr. SENEY. Well, certainly it will not take the time of three judges four years to dispose of one hundred and seven land cases.

Mr. McCREARY. But, Mr. Chairman, these are only the cases that are now before the Committee on Private Land Claims.

Mr. SPRINGER. There are many thousand others.

Mr. McCREARY. There are thousands of other cases that have not been sent to that committee.

Mr. SENEY. If there be many thousands of these cases it is not at all improbable that a decision in a single case will dispose of, it may be, a hundred other cases.

By the provisions of the bill it is contemplated to keep this court in existence four years, and I infer from that fact, drawing upon my experience and observation, that that means about twelve months of actual labor for these judges to do, and means nothing more. Now, sir, is it politic to create a court as is proposed in this bill for no other purpose than to determine cases which ought not to occupy the time of a court for a period longer than twelve months.

Why, Mr. Chairman, we ought not to multiply these tribunals. We passed a bill a few days ago creating a court for the purpose of settling what are called Indian depredation claims, and that court was, by the action of the House, constituted, if I remember aright, with three judges. We have on the Calendar of this House a bill to create a Federal court called a court of appeals in patent cases. We have also on the Calendar a bill proposing to establish an intermediate court between the circuit courts of the United States and the Supreme Court of the United States. We have, in addition to that, another bill on the Calendar which proposes to enlarge the jurisdiction of the district and circuit courts of the United States, and that bill proposes to increase the number of judges in both of those courts.

Here we are met with a proposition to organize another distinct and independent court for no other purpose than to try such cases as are tried in every court of common law jurisdiction, State or Federal, in this country; to organize a court for no other purpose than to determine land titles in the two Territories named in the bill and in the State of Colorado.

Mr. McCREARY. I want to remind the gentleman that under the act of 1854 these land claims can not be confirmed except by Congress.

Mr. SENEY. Now, Mr. Chairman, I want to hear from some gentleman advocating this bill, why it is that the district court or the Federal court in these two Territories and in the State of Colorado may not be vested with jurisdiction to hear and determine these land cases? Why constitute a special tribunal for that purpose, imposing an expenditure, according to figures which I have made, and which I do not doubt are very nearly accurate, of some $112,000, in the shape of salaries to be paid out to the gentlemen who would be selected to conduct the operations of this tribunal.

The attention of this House has been occupied for many months, discussing the tax burdens of the people, and in an attempt to give them relief; and now when we are through with that job we take up this bill, which proposes to increase the number of Federal office-holders and impose upon the tax-paying people of this country a tax burden which will not be far short of the sum of $200,000.

Mr. Chairman, I am opposed to the bill. I do not think the bill ought to pass, and if we would act wisely and act well, we would simply give to the Federal courts of the two Territories and the State of Colorado full and complete jurisdiction to hear and determine these land claims, and protect the rights of claimants by providing for an appeal from these courts to the Supreme Court of the United States.

I desire to call the attention of the House to the fact that in the last Congress we gave to the Federal court in New Mexico an additional judge, and also to the fact that there is now a bill pending and being pressed before the House to give the Territory of Arizona an additional judge. I have also been informed, I do not know with what truth, that there is still another bill pending to give to the Territory of New Mexico an additional judge.

Mr. SPRINGER. That is a mistake.

Mr. SENEY. Well, there is no mistake about the fact that in the Territory of New Mexico they have four Federal judges, and in the Territory of Arizona they have three Federal judges; and there is no mistake about the further fact that in the State of Colorado they have one Federal judge. Now, I ask this House, I ask the gentlemen who are advocating this bill, what is it that these Federal judges in these Territories and in this new State are doing, if they have no time to hear and determine cases such as are provided for in this bill? Mr. Chairman, it can not be possible that the Federal courts in Colorado or in either of these Territories are so crowded with business that they are unable to hear and determine cases such as are covered by the provisions of this bill. It can not be true, sir, that their dockets are so crowded that they have no time to give attention to litigation as important in its character as this.

Mr. SPRINGER. The gentleman from Ohio [Mr. SENEY] overlooks one important fact in regard to the jurisdiction and duties of the judges in the Territories. He forgets that the business they have to transact is much larger in proportion than that which the Federal judges in the States have to transact. The judges appointed for any of the Territories have jurisdiction of all cases arising under the laws of the Territory, including appeals from justices of the peace, as well as jurisdiction of matters in which the United States is interested. They also constitute the supreme court of the Territory. The only persons who hold courts in the Territory of New Mexico or the other Territories are the judges appointed by the President and confirmed by the Senate.

Take the Territory of Arizona, which is three times as large in area as the State of Ohio; it is a new country where there is very much more litigation in proportion to population than in the settled portions of the country. Mining titles are in dispute, everything is uncertain, and litigation is much greater in proportion to the number of inhabitants than in the States. The judges have to travel long distances, frequently by stage and on horseback, to hold their courts. I have been informed of one case in Dakota where a judge had to travel 8,000 miles in order to hold his courts one time in his judicial district.

Another point is that the courts in New Mexico are, to my own knowledge, overcrowded with business now. It is very difficult to hold court there. It takes twice as long to try a suit in New Mexico as it does in Ohio, from the fact that every case has to be translated either from the Spanish into English or from the English into the Spanish language, as the case may be. Every jury empaneled in New Mexico is composed in part of Spanish-speaking people who can not understand the English language. Interpreters have to be employed, and all the testimony given by witnesses has to be translated. That is a very slow process, and the business of the courts is very great, and I know personally that the judges are overworked.

Mr. FELTON. And the same applies to Arizona.

Mr. SPRINGER. Yes, the same applies to Arizona. Therefore, if you confer this jurisdiction upon those judges the matter might as well be indefinitely postponed.

Mr. FELTON. They have had jurisdiction for a quarter of a century, with no result.

Mr. SPRINGER. As is suggested by my friend from California [Mr. FELTON], they have had jurisdiction for a quarter of a century, and have been unable to dispose of these cases. And if there is one thing more than another which Congress owes to the people in Arizona, New Mexico, and Southern Colorado it is to give them a forum in

which they can have the question of their land titles judicially and finally determined.

We owe it to them to do that. By the treaty of Gaudalupe Hidalgo and the subsequent Gadsden treaty it was stipulated that we should make good the titles as they existed before the cession of the Territory to the United States; but we have let them remain unsettled all these years, and in my judgment the prosperity of the Territory of New Mexico has been retarded more than can be estimated in dollars and cents by reason of the fact that perhaps one-third of the titles are in doubt, so that no substantial improvements can be made, no valuable houses can or will be built by parties who do not know whether their titles are good or not. I speak from personal knowledge, for I have visited New Mexico several times for my health, or rather that of my family. I am sorry to say I have not any other interests there, and I am convinced that it is of the utmost importance that something shall be done to quiet these titles. It is not so important who owns these lands as it is to determine that somebody shall own them, and to give the people security in their land titles.

Mr. SENEY. I take issue with the gentleman from Illinois as to the condition of legal business in those Territories. I will inquire of him what it is that makes business for the Federal courts there? I do not know whether in the Territories they have Territorial courts or not.

Mr. SPRINGER. They have none.

Mr. SENEY. Then I take it that all the business, criminal and civil, in the Territories is transacted in the Federal courts?

Mr. SPRINGER. Yes.

Mr. SMITH, of Arizona. Or by the Federal judges in the Territorial courts.

Mr. SENEY. Now, when we think of the population of one of those Territories and estimate upon the basis of that population the business that is probably being done there, how can it be said that out of that business much litigation can arise for the courts to hear and determine? The business is not there to make the litigation. From the manner in which the gentleman from Illinois [Mr. SPRINGER] talks one would suppose that every citizen of the Territory had a silver mine and that his mine was in litigation in one of those courts; but of course that can not be possible. I have no doubt that there are a few such cases, but it does seem to me that with diligent and faithful judges, giving a proper portion of the year to their duties, there is no reason why all the business that can arise there should not be readily disposed of, and why the courts should not find time to deal with all controversies between citizens of those Territories fairly, fully, and promptly.

The gentleman talks as if there was more legal business in the Territory of New Mexico than there is in the State of Ohio. I undertake to say that more legal business is transacted in the courts of Ohio in a single day than is done in that Territory during the whole twelve months.

Mr. SPRINGER. I said more business per capita, more business according to the number of people.

Mr. SENEY. I did not so understand the gentleman.

Mr. SPRINGER. Of course I never claimed that the aggregate business in a Territory like New Mexico was greater than that in a State like Ohio.

Mr. SENEY. Well, the per capita furnishes no basis or criterion by which legal business is to be estimated, and I think the gentleman upon mature reflection will not insist upon any such criterion. It is not mere population that gives business to the Federal courts, for the greater part of the population may be engaged in agricultural pursuits, and, as we all know, the agriculturists of the country are rarely, if ever, found in the Federal courts, or, for that matter, in the State courts. It is the conflict between business interests—not particularly between the citizens of the Territory, but between citizens of a Territory, and citizens of a State—that makes business for the Federal courts. As to this Territory of New Mexico, I hardly know what its population is.

Mr. SPRINGER. One hundred and fifty thousand or one hundred and sixty thousand.

Mr. SENEY. Shall I be told that four Federal judges who, I understand, hold two terms in four different places in that Territory each year, besides coming together once a year to hold a court in banc; shall I be told, or is this House to be told, that that judicial force is inadequate to meet the demands of the legal business of the people of that Territory?

Why, sir, this, to my mind, is a mere proposition to create a half dozen or more places for some favorites to fill. It is, in my view, but a scheme to fasten upon this Government more salaried officers. We shall be called upon to respond to the provisions of this bill, if it is made a law, to the tune of about $30,000 or $40,000 a year. If there were necessity for it, if the interests of the people in the Territory reasonably and fairly demanded the establishment of this court, I would be the last man on this floor to oppose it. Satisfied as I am that this court is not demanded by the interests of that people, I shall vote against the bill.

Mr. SPRINGER. One word in response to the gentleman from Ohio [Mr. SENEY]. I merely wanted the gentleman to understand that the business of the courts in the Territories is greater per capita than in the States. In the Territories everything is in an unsettled condition; there are more disputes and controversies.

Mr. SENEY. I understand that; and in reply I repeat that that circumstance in itself furnishes no evidence of legal business in the Territory.

Mr. SPRINGER. But against the gentleman's opinion I will present the official communication of the Department of Justice. If the gentleman from Ohio would do as I and many other gentlemen here have done—if he would occasionally visit these Territories and rusticate a little he would find out——

Mr. SENEY. I form my own opinions, and do not allow them to be made by anybody.

Mr. SPRINGER. Opinions are one thing and facts another.

Mr. SENEY. I have here the report of the committee, and upon that I base my opinion.

Mr. SPRINGER. I repeat that opinions are one thing and facts another. The Committee on the Territories reported a bill for the purpose of allowing an additional justice in Arizona, one in Wyoming, one in Idaho, one in Utah, two in Dakota, and one in Washington, and in order to obtain the opinion of the Department of Justice on this subject I sent that bill to the Attorney-General, asking whether the evidence in that Department was such as to justify and require this additional judicial force in those Territories. I have here the answer of the acting Attorney-General. My friend from Ohio will not dispute the facts which are officially furnished to the House on this subject.

Mr. SENEY. I take the liberty of determining facts for myself.

Mr. SPRINGER. Facts are facts, whether the gentleman likes them or not. The gentleman will not say that the Department of Justice would send in here a falsehood.

Mr. SENEY. My acceptance of any statement on this subject would depend upon whether the person making it had any better opportunity to ascertain the facts than you or I have.

Mr. SPRINGER. I will read this communication:

DEPARTMENT OF JUSTICE, *Washington, June 26, 1888.*

SIR: Your letter of the 12th instant has been received, with a copy of House bill 8948 and of House Report 1341, respecting additional justices of the supreme courts of Dakota, Washington, Wyoming, Utah, Idaho, and Arizona Territories, and for other purposes.

Mark you, Arizona has already three judges. This proposition was to give that Territory a fourth judge.

Upon examination of the report of the committee, submitted on the 27th of March last, in connection with the unofficial information which the Department has received from civil officers of those Territories, it is forced to the conclusion that the proposed increase of the number of justices in the Territories mentioned is necessary and wise legislation concerning the interests of litigants, witnesses, and attorneys in the respective Territories.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

That is the statement of the Department.

A MEMBER. What is the date?

Mr. SPRINGER. June 26, 1888.

Just a few weeks ago the Department of Justice reported to the House through the Committee on the Territories that another justice was needed in Arizona; and we gave New Mexico another justice in the last Congress. To my own knowledge, and from information derived through letters received from persons in the Territories, I am satisfied that there is no judiciary in the United States which is so overworked as the judiciary in the Territories, and I appeal to the Delegates from the Territories of New Mexico, Arizona, and Washington, and on the other side of the Chamber to the gentlemen representing the Territories of Dakota, Wyoming, and Idaho, whether it is not true.

Mr. SENEY. And Alaska. [Laughter.]

Mr. SPRINGER. No, not Alaska. There is no Delegate here from Alaska. But I appeal to them to state whether or not the business there demands what the Department says they are entitled to—an additional judge.

Why, the gentleman certainly can not contend that we would ask an increase and an unnecessary increase of the judiciary.

Mr. FELTON. I understood the gentleman from Ohio to state as his opinion that the object of passing this bill was to create another court for the purpose of creating its accompanying expenses, or something tantamount to that. The gentleman was never more mistaken in all his life. If he thinks that those who advocate this measure do it for such a purpose as that he pays a poor tribute to their repesentative capacity as well as to their intelligence. We advocate it because we represent constituencies in the Territories and in the States who are materially interested in the welfare of the Territories, and because, as shown by the Secretary of the Interior and the history of the Territories for the last thirty years, it is impossible for their citizens to obtain a hearing in the courts of their country.

The consequence of the present condition of things has been, as it were, to spread a pall over the industries of the entire country. We desire to have the land title settled, in order that the prosperity natural for the country shall not be further impeded, and for that reason and for no other do we desire the passage of this or some kindred measure.

Mr. SYMES. Mr. Chairman, I will only add a word to what has been already said.

Mr. McCREARY. I ask unanimous consent that the debate be closed. How much time does the gentleman from Colorado desire?

Mr. SYMES. Only a few minutes.

Mr. McCREARY. Then in two minutes after the gentleman closes.

Mr. SENEY. I object.

Mr. SYMES. The statement made by the gentleman from Illinois [Mr. SPRINGER], from my own personal observation and from an investigation of the subject, as being a member of the same committee, is entirely correct. Sir, these gentlemen who live in the East do not understand the large amount of litigation per capita that besets the new Territorial judiciary, many of them going out to a new country where they are not familiar with the subject-matter of litigation or the rules of practice in the courts of the Territories.

Then, again, mining camps spring up. There is a larger amount of litigation per capita in those than most people conceive. The judge is besieged with new questions, he works night and day, and the condition of the dockets amounts to an absolute denial of justice in a new mining country when the business of the court becomes clogged and no facilities are provided for disposing of the rapidly accumulating litigation.

A large amount of mining litigation and insufficient courts result in tying up the mines with injunctions waiting for pending suits in ejectment to be tried to determine the legal title, until the mines have caved in, or the rich litigant wore out the poor one because he could not have his case tried for years. I could go over this subject extending through a period of fifteen years of personal observations and show that the litigation arising in those regions does not bear any relation or comparison to the ordinary litigation in agricultural communities in the older States of the Union. But I will only repeat now what the gentleman from Illinois has said, that if the purpose of this bill is to undertake to have the Territorial courts in New Mexico dispose of at least 700 or 800 Mexican land grants it would amount to practically a denial of justice, and you might as well let the matter alone as to remit them to the Territorial courts.

So far as Colorado is concerned, we have a most excellent court there, and Federal judges. We have a large number of cases that will arise in the southern part of the State, and I should not urge a separate court expressly for Colorado. But I know it is absolutely necessary in New Mexico, and it is a mere temporary tribunal. So that, all things considered, I think the same court had also better dispose of the Colorado land grants, because the court can not be separated under the provisions of the bill.

Mr. SENEY. I understand the gentleman proposes to strike out of the bill the word "Colorado."

Mr. SYMES. No, sir; I made no such proposition. I said you can not well separate the cases and take the few cases that arise in Southern Colorado from it. The court is temporary, and when it gets through with the business it will pass away.

Mr. SENEY. I did understand the gentleman then probably to say to us that in his judgment there is no particular necessity for the bill as far as Colorado is concerned.

Mr. SYMES. On the contrary, I think there is necessity for it so far as Colorado is concerned.

Mr. McCREARY. The question, I presume, is on the substitute of the gentleman from Illinois. I hope we will now have a vote.

The question was taken; and on a division there were—ayes 9, noes 26.

So the substitute was rejected.

Mr. McCREARY. I move that the committee rise and report the bill favorably to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 7643, had instructed him to report the same favorably to the House with amendments.

The SPEAKER. The question is on agreeing to the amendments reported from the committee. Is a separate vote demanded on any amendment?

Mr. FELTON. I demand a separate vote upon the last amendment, excepting Arizona from the provisions of the bill.

The SPEAKER. The Chair understands that there are several amendments relating to Arizona.

Mr. FELTON. I refer to the amendment by which this Territory was stricken from the bill.

Mr. McCREARY. The gentleman refers to the amendment striking out Arizona from the provision of the bill, and by which it is excepted from the operation of the tribunal proposed by the bill.

Mr. FELTON. On that I demand a separate vote.

Mr. FELTON. I desire a separate vote upon all amendments where the word "Arizona" occurs, and that Territory is exempted from the operation of this bill.

The SPEAKER. The vote will first be taken upon all the other amendments.

The other amendments of the Committee of the Whole were agreed to.

The SPEAKER. Does the gentleman from California desire a separate vote upon the amendment striking out the word "Arizona" in each case, or does he desire a vote upon them altogether?

Mr. FELTON. On them altogether.

Mr. ANDERSON, of Kansas. There were two amendments. The first was that wherever the word "Arizona" was in the bill that it be stricken out, and then the amendment exempting "Arizona" from the clause of the last section of the bill.

The SPEAKER. The Chair will take a vote on the several amendments to strike out the word "Arizona" from the bill.

The question was put; and there were—ayes 40, noes 29.

Mr. FELTON. I make the point that a quorum has not voted.

The SPEAKER. On this question the chair will appoint Mr. FELTON and Mr. McCREARY as tellers.

The tellers took their places.

Mr. FELTON. Mr. Speaker, there is evidently not a quorum present and I withdraw the point of no quorum, as I do not desire to deprive the citizens of Colorado and New Mexico of the provisions of the bill, though the House has to the citizens of Arizona.

The amendment striking out the word "Arizona" from the body of the bill was agreed to.

The SPEAKER. The Clerk will report the last amendment to the bill.

The Clerk read as follows:

After the word "repeal" insert "except as to the Territory of Arizona."

The amendment was agreed to.

Mr. McCREARY. I demand the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

The question recurred on the passage of the bill; and it was decided in the affirmative—yeas 70, nays 24.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY. I move to amend the title, so as to read: "A bill to establish United States land courts and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado."

The SPEAKER. If there be no objection, that will be the title of the bill.

There was no objection, and it was so ordered.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCREARY. I ask unanimous consent to print with my remarks the letter of Secretary Vilas to which I referred when I addressed the House.

There was no objection.

ORDER OF BUSINESS.

Mr. SPRINGER. I move to dispense with the morning hour for the consideration of bills.

The SPEAKER. That can not be done except by unanimous consent. The business is, the morning hour for the call of committees.

Mr. SPRINGER. I call for the regular order, then.

The SPEAKER. The order was not dispensed with, but the order was made that gentlemen having reports to make should be allowed to present them. There was no necessity to dispense with the order, as under the order the gentleman from Kentucky had the hour for debate; but if there be no objection, the call of committees for reports will now be dispensed with.

There was no objection, and it was so ordered.

The SPEAKER. The regular order of business is for the consideration of bills.

TERRITORY OF OKLAHOMA

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole on the state of the Union; and I will announce that I make this motion for the purpose of taking up the Oklahoma bill and to complete its consideration.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of bills on the Calendar.

The gentleman from New York [Mr. BAKER] is entitled to the floor.

Mr. BAKER did not rise.

Mr. PAYSON. Mr. Chairman, if no gentleman desires to address the committee, would it be in order to move that the committee rise?

The CHAIRMAN. It would be in order.

Mr. PAYSON. I make that motion.

Mr. SPRINGER. I observe that the gentleman from Colorado [Mr. SYMES] is in his seat. The gentleman from New York [Mr. BAKER] yielded that gentleman a portion of his time, and if the gentleman from Colorado desires to speak now upon the Oklahoma bill he can be recognized in his own right.

Mr. SYMES. I do not care to take the floor in my own right at this time. If I do so I shall simply take the floor and then ask that the committee rise.

Mr. SPRINGER. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 10614) to provide for the organization of the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

M. M. GIBSON.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 8012) for the relief of M. M. Gibson, and that the bill be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General is hereby authorized to adjust and settle the claim of M. M. Gibson, postmaster at Clio, Tex., for the sum of $53.75, on account of loss sustained in the destruction of postage stamps, etc., by fire on the 9th of November, 1884, and to pay to said Gibson said sum, or so much thereof as said Postmaster-General may find to be just and proper.

The committee recommended an amendment in line 7, striking out the words "so forth," and inserting in lieu thereof the words "stamped paper."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CEDAR RAPIDS, IOWA FALLS AND NORTHWESTERN RAILWAY.

Mr. GEAR. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 2862) granting the right of way to the Cedar Rapids, Iowa Falls and Northwestern Railway Company over and across the Pipe Stone reservation in the State of Minnesota.

The SPEAKER *pro tempore*. Is there objection to the request of the the gentleman from Iowa?

Mr. LIND. I object.

PUBLIC BUILDING, WINONA, MINN.

Mr. WILSON, of Minnesota. I ask unanimous consent to take up bill H. R. 2475, to increase the appropriation for the erection of a public building at Winona, Minn.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

A MEMBER. I object.

W. W. WEEDON.

Mr. THOMAS, of Kentucky. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill H. R. 3686, and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to settle with the administrators *de bonis non* of W. W. Weedon, deceased, late of Maysville, Ky., and his sureties on his official bond for services performed in the mail-messenger transfer and station service at Cincinnati, Ohio, route No. 21703, since July 1, 1884, and to allow and pay them for said service the actual cost of performing said mail service to the close of the period for which said Weedon contracted to perform the same: *Provided*, That the Postmaster-General shall be satisfied that the service has been well and faithfully performed: *And provided further*, That he shall not allow or pay more than such service could have been rendered for by the exercise of reasonable skill and diligence.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. SPRINGER. I should like to have an explanation of the bill.

Mr. THOMAS, of Kentucky. Let the report be read.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Claims, to whom was referred House bill 3686, having considered the same, adopt the report made in the Forty-ninth Congress and recommend the passage of the bill.

[House Report No. 3790, Forty-ninth Congress, second session.]

The Committee on Claims, to whom was referred the bill (H. R. 7044) for the relief of the administrator and sureties of W. W. Weedon, deceased, having considered the same, submit the following:

The Post-Office Department, on January 21, 1884, advertised, inviting proposals for mail-messenger, transfer, and mail-station service at Cincinnati and other cities, from July 1, 1884, to June 30, 1887. Proposals to be received until March 1, 1884. Decision to be announced March 8. Contract to be executed by April 8 of said year.

The Cincinnati mail-messenger and transfer service was advertised as Route No. 21703. In a foot-note to the schedule of service required in the printed advertisement by the Post-Office Department was the following: "Bond required with bid, $25,000; check, $1,250; present pay, $6,779." In each of the other eleven schedules for like service in other cities there was nothing said as to the present pay of the route. There were five bids on said Route No. 21703, as follows, namely:

R. G. Woodlief	$18,990
Cincinnati Railroad and Omnibus Company	17,995
Merchants' Drayage Company	17,475
H. C. Slavens	17,700
W. W. Weedon	8,997

Mr. Weedon being the lowest bidder, and the postmaster at Cincinnati having investigated and reported favorably as to the sufficiency of the sureties, his proposal was accepted according to law, and a contract ordered with him from the 1st day of July, 1884, which was duly executed by him and his sureties.

It is now claimed by the administrator and sureties of Weedon, the contractor, that he was induced to make his bid and enter into said contract by reason of the misrepresentation at the foot of the schedule, giving the pay of said route prior to his bid at $5,779, nothing being said as to the present pay of any of the other routes contained in the same advertisement. It is true that the amount stated was the amount of the former bid, but it is also true that the person who took the contract at said sum of $6,779 broke down and was unable to perform the service. The evidence shows that Mr. Weedon, deceased, was not a regular contractor, and was not informed as to the value of such services, and that in making his bid he relied largely upon the information contained in said foot-note and his correspondence with the Post-Office Department.

On February 7, 1884, Mr. Weedon wrote the following letter:

"MAYSVILLE, KY., *February* 7, 1884.

"DEAR SIR: I find from advertisement of January 21, 1884, inviting proposals for mail-messenger, transfer, and mail-station service on route 21703, at Cincinnati, Ohio, the present pay, as advertised, $6,779. Would thank you to inform me if there has been any increase pay, by appropriation or otherwise, since the last letting. If so, how much and from what time?

"Respectfully,

"WILLIAM W. WEEDON.

"SECOND ASSISTANT POSTMASTER-GENERAL,
"*Washington, D. C.*"

To this communication the following response was received, to wit:

"WASHINGTON, *February* 12, 1884.

"Respectfully returned to Mr. W. W. Weedon, Maysville, Mason County, Kentucky. The pay has not been increased.

"The advertisement will inform you that pay for such service will not be increased or decreased during the term of the contract, no matter what increase or decrease of service.

"H. D. LYMAN,
"*Acting Second Assistant Postmaster-General.*"

It will be seen that Mr. Weedon's bid was more than $10,000 less than the highest, and nearly $8,000 less than the lowest bid. It also appears from the evidence before the committee that said service, by the exercise of skill and diligence, can not be well and faithfully performed at an actual cost of less than $14,000 per annum.

On the 4th day of July, 1884, the said contractor, W. W. Weedon, died; that since said time his securities have been performing the service under said contract; that the same has been performed faithfully and well and to the entire satisfaction of the Post-Office Department.

The committee are of the opinion that the contract was entered into under a mistake of fact, and that concealment of material facts by the Government influenced Mr. Weedon to enter into the same. The amount said service requires is taken from the estate of the deceased, and will impoverish the family. The committee think that such an enforcement of the terms of the contract would be inequitable and unjust under all the facts and circumstances of this case. The committee submit herewith letters from the Post-Office Department, Hon. W. H. Wadsworth, affidavits of Robert Anderson, S. A. Whitfield, S. G. Sullivan, John H. Wilson, and C. B. Pearce, to be printed with this report.

The committee return the bill, with the recommendation that the same do pass.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 7, 1886.

SIR: I have the honor to return herewith the bill (H. R. 7044) for the relief of the administrator and sureties of W. W. Weedon, deceased, late contractor for the mail-messenger and transfer service at Cincinnati, Ohio (route 21703), with copies of the papers in this Department relating to the subject, as requested in your letter of the 2d instant.

On the 21st of January, 1884, this Department advertised for proposals for the mail-messenger and transfer service at Cincinnati for the term beginning July 1, 1884, and ending June 30, 1887. The following bids were received therefor:

R. Y. Woodlief	$18,990
Cincinnati Railroad and Omnibus Company	17,995
Merchants' Drayage Company	17,475
H. C. Slavens	17,700
W. W. Weedon	8,997

Mr. Weedon being the lowest bidder, and the postmaster of Cincinnati having investigated and reported favorably as to the sufficiency of the sureties, his proposal was accepted according to law, and a contract ordered with him from the 1st day of July, 1884, which was duly executed by him and his sureties.

On the 7th of July, 1884, the postmaster of Maysville, Ky., reported by telegraph that Mr. Weedon, who resided there, had died on the 4th of July. On the following day the subjoined order was made, being the usual order in similar cases:

"JULY 8, 1884.—W. W. Weedon, contractor, having died July 4, 1884, it is hereby ordered that John H. Wilson and C. B. Pearce, jr., of Maysville, Mason County, Kentucky, his sureties, be held responsible for the continuance of the service from that date, and that they be required to perform the same, if it is not assumed and continued by the administrator, executor, or other person for the benefit of the estate of the deceased contractor."

The postmaster of Cincinnati reported to the Department on the 5th of July the decease of the contractor, and on the 8th he was notified that the sureties would be held to the performance of the service in accordance with the order of that date. On the 11th he reported that the service had been commenced on the 1st of July by C. W. Weedon, agent of the sureties, and that it had been satisfactorily performed since that date.

In September last application was made by the sureties to have the contract annulled and the service readvertised, for reasons set forth in the letter of their attorneys, of which a copy is herewith transmitted, together with the answer of the Department declining the application.

The compensation under this contract is believed to be inadequate, but the Department has no power to increase it.

Very respectfully,

WM. F. VILAS.
Postmaster-General.

Hon. WM. M. SPRINGER,
Chairman Committee on Claims, House of Representatives.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 17, 1887.

SIR: I am well acquainted with the widow and children of W. W. Weedon, deceased, and the extent of the estate left by the deceased.

The estate is small and embarrassed. To enforce the mail contract entered into by him with the Post-Office Department for the mail-transfer service at Cincinnati, Ohio, would utterly impoverish the family.

Very truly, yours,

W. H. WADSWORTH.

To the CHAIRMAN *of the Committee on Claims.*

Robert Anderson states that he is at present general manager of the mail-messenger and transfer service at Cincinnati, Ohio, route No. 21703, and has been so since the 1st day of October, 1884; that said service is being performed as economically as possible, and can not be conducted for any less amount than is now being expended in that way, and that he is economizing in every possible way in order to reduce expenses to the very lowest figures; that before and at the time the contractor Weedon (now dead) and his sureties put in the bid for the contract to perform said service, he was United States mail agent on the Kentucky Central Railroad, running from Maysville, Ky., to Paris, Ky., and Cincinnati, Ohio; that he had a great many conversations with said Weedon at or about the time he made his bid for said contract, and he knows positively from those conversations with said Weedon that he based the amount of his bid on the published statement by the Government in its advertisement as to what was then the contract price for performing said service, and that to his positive knowledge said Weedon made no independent investigation on which to base h's bid.

ROBERT ANDERSON.

Subscribed and sworn to before me and in my presence by said Robert Anderson, personally known to me to be the same person he represents himself to be.

Given under my hand and official seal this 6th day of May, 1886.

[SEAL.] JOHN F. POGUE,
Notary Public within and for Hamilton County, Ohio.

—

The subscribers have personal knowledge of the performance of the work on mail-messenger service route No. 21703, now carried on by Messrs. John H. Wilson and C. B. Pearce, sureties for original contractor, deceased, soon after award of said contract, and state that said service is conducted in an exceptionally prompt, careful, and business-like manner, and to their entire satisfaction.

Having opportunities for comparison, they state that it is the best service ever given by any contractor in this city since the inauguration of the present system of transportation of mails to and from railroad stations.

They further state that they believe said service to be economically conducted in all respects and as cheaply as can be done consistent with the requirements of this office in the matter of a full complement of horses and wagons.

S. A. WHITFIELD,
Postmaster, Cincinnati, Ohio.
S. G. SULLIVAN,
Superintendent of Mails, Cincinnati, Ohio, Post-Office.

Sworn to by the said S. A. Whitfield and S. G. Sullivan, and subscribed by them in my presence this 12th day of March, 1886.

FRED. D. PEER,
Notary Public, Hamilton County, Ohio.

—

John H. Wilson and C. B. Pearce, jr., state that they are the sureties of W. W. Weedon, now deceased, in the contract for performing the mail-messenger and transfer service at Cincinnati, Ohio, route 21703, from July 1, 1884, to June 30, 1887, entered into under advertisement by Postmaster-General of January 21, 1884, and that said John H. Wilson is the administrator of said W. W. Weedon's estate, duly appointed and qualified. They state that said contractor and each of themselves at the time of entering into said contract were residents of Mason County, Kentucky, and had been so for a great number of years prior thereto; that neither said contractor nor either of themselves had, prior to entering into said contract, ever had any experience or knowledge of what was to be done, or what it would cost to perform the mail-messenger and transfer service at Cincinnati, Ohio, or any other point; that said contractor and these affiants in entering into said contract to perform said service at Cincinnati, Ohio, for the sum of $8,997 per year, were influenced solely and alone by the statement at the foot of the schedule of service required at said point, contained in said advertisement, that the then present pay for performing same was $6,779, and before doing so neither said contractor nor either of them made the slightest outside and independent investigation as to what it would cost to perform said service, but relied exclusively on this statement as a basis of determination, thinking that the purpose of the statement was that they should take it into consideration in determining the price per year they should agree to perform the service for, and that if the then present contractor was able to perform said service at the price of $6,779 per year, Weedon could certainly perform it at the price of $8,997 per year.

They state that said Weedon, before he put in his bid, consulted with these affiants as to the amount he should put it in at, and as a result of their consultations and deliberations it was determined that he should put it in for the sum of $8,997 per year; and the sole fact in their said consultations and deliberations which led them to come to this determination and conclusion was this statement at the foot of said schedule; and that in order that they might certainly rely on it as a basis the affiant, E. B. Pearce, jr., under the said Weedon's name and at his instance, wrote the letter marked A, hereto attached and made part hereof, to ascertain whether there had ever been any increase or decrease in the pay, to which they received the response contained in the letter B, hereto attached and made part hereof, and that after the receipt of said response this determination and conclusion was reached.

They state that the copy of said advertisement, accompanying this affidavit and made part hereof, marked C, is the one that said contractor and these affiants had at the time they reached said determination and conclusion, and that upon inspection of same the figures 8,997, the amount of said Weedon's bid, will be found just under the said statement as to their present pay, having been placed there by said Weedon at the time he concluded as to amount of his bid. They state that at said time neither said contractor nor either of these affiants knew anything as to how the former contractor was getting along under his contract; especially they did not know—which they have since learned to have been the case—that said contractor broke down under the contract, and could not perform the service required to be performed by it because of the lack of funds, the amount received from the Government not being near sufficient; that the contract was taken from him and given to others, and that afterwards its performance was intrusted to said contractor's sureties, who completed it; and further, that the service performed was an inferior one.

That since the commencement of said contract until the 1st day of May, 1886, they have sent to Cincinnati, to their general manager there, the sum of $23,952.63 (an itemized statement thereof is hereto attached and made part hereof), to be expended in the performance of said service; that same has been so expended by him, and they have vouchers and receipts in their possession showing the disbursement of all of same to that end. This covers a period of one year and ten months, and makes the performance of the service cost them at the rate of $13,065 per year, or $4,068 per year more than they are receiving. They state that they have conducted the matter as economically as possible consistent with the proper performance of their duties under the contract, and they do not believe that it could be run more so. They state that they have been informed by the Post-Office officials that same has been performed in a creditable manner, and they have every reason to believe such to be the case.

They state that this cost of $4,068 per year over the contract price, as shown above, is in addition to the loss of their time devoted to the affairs, interest on the excess of cost over receipts, which they have been compelled to borrow, and depreciation in value of the equipment necessary to perform the service, for almost the cost price of which said Weedon and said Weedon's estate is indebted to these affiants. They state that the said Weedon's estate left by him does not exceed in value the sum of $8,000, and that therefore the performance of this contract will consume this entirely and cause a loss to these affiants of a large sum outside of what loss there may be to them on account of the equipment and their time. They state that they do not want any compensation for their time, but do want, and think that it is nothing more than just and right, that they and said Weedon's estate should be made whole, and not suffered to lose anything in money or property by reason of this contract. They state that said Weedon's heirs are his brothers and sisters, and they are poor, and the loss to them will be very heavy.

Signed this 3d day of May, 1886.

JOHN H. WILSON.
CHARLES B. PEARCE, JR.

Subscribed and sworn to before me by John H. Wilson and Charles B. Pearce, jr., personally known to me to be the same persons they represent themselves to be.

Given under my hand and seal of office this 3d day of May, 1886.

[SEAL.] A. M. J. COCHRAN, *Notary Public.*

Mr. ANDERSON, of Kansas (before the reading of the report was completed). Can not some gentleman state the substance of this report and save time?

Mr. THOMAS, of Kentucky. The report is not long. The bill makes no appropriation, but simply directs the Postmaster-General to settle and pay the actual cost of the service.

Mr. ANDERSON, of Kansas. How much?

Mr. THOMAS, of Kentucky. Whatever the actual cost may be.

Mr. HOLMAN. I think the report had better be read in full.

The Clerk completed the reading of the report.

Mr. SPRINGER. Mr. Speaker, if this bill is to come before the House without objection I desire to make some remarks upon it. I think it ought to be fully understood before it is acted upon.

The SPEAKER *pro tempore*. The gentleman from Illinois is recognized by the Chair, and he has an hour if he desires. [Laughter.]

Mr. SPRINGER. Is objection made to the consideration of the bill?

The SPEAKER *pro tempore*. The Chair hears no objection unless the gentleman from Illinois intends to object.

Mr. SPRINGER. No.

Several MEMBERS. Regular order.

Mr. SPRINGER. If this bill is before the House——

The SPEAKER *pro tempore*. The bill is before the House without objection.

Mr. SPRINGER. The reading of this report called my attention to the provisions of this bill. The case was before the Committee on Claims in the Forty-ninth Congress, when I was a member of that committee. It seems that the beneficiary of this bill is dead and his securities were obliged to carry out a contract that he had improvidently entered into for carrying the mails from the depots in the city of Cincinnati to the city post-office. Advertisements were made in the usual form for bids for the service. Some of the bids were as high as $17,000, while this contractor bid only $8,000. He afterwards alleged that he was deceived in making his bid by the statement in the advertisement that the service was then being done for $6,000 or thereabouts. It turned out, however, that that statement was true and that the service was being performed for that amount, but the contractor who was doing it at that price was losing money, and this bidder was not advised on that point. He lived in the interior of Kentucky and had come to Cincinnati to get a contract, and he undertook to bid against those living in the city who knew much more about the service than he did. He made his bid, obtained the contract, gave security, and shortly thereafter died. His securities undertook to execute the contract, and they allege that in doing so they lost largely, not being able to perform the service for the amount of the bid. The question involved is simply this, whether Congress will release the securities of a mail contractor under such circumstances?

I yield to the gentleman from Alabama [Mr. COBB] for a question.

Mr. MILLIKEN. I would like the gentleman from Illinois [Mr. SPRINGER] to state which side of this question he is on. We do not understand whether he is for or against this bill.

Mr. OUTHWAITE. I rise to a point of order. There is so much disorder in this part of the Hall that we can not hear anything that is said.

The SPEAKER *pro tempore*. The point of the gentleman from Ohio [Mr. OUTHWAITE] is well taken. Gentlemen will resume their seats and preserve order. The Chair will not recognize any request for unanimous consent if made by a gentleman who is out of his seat.

Several MEMBERS. That is right.

Mr. COBB. I wish to ask the gentleman from Illinois whether the committee to which he refers as having investigated this matter report to this House that this man entered into a contract of this magnitude without obtaining any other information in regard to it than that furnished by a foot-note to an advertisement made by the Department?

Mr. SPRINGER. That is the report of the committee, as I understand. I am not now a member of the Committee on Claims.

Mr. COBB. But this bill was reported in the last Congress.

Mr. SPRINGER. It was; but I can not undertake to recollect particulars in regard to all of the numerous bills which were before that committee. The report has been read in the presence of the House. I do not remember what it says on that point. I am inclined to think it so states.

Mr. COBB. I simply wanted to know what is the merit of this bill.

Mr. KERR. In addition to what has been said by the gentleman from Illinois [Mr. SPRINGER], I will say that the object of this bill is to relieve the widow and children of this man Weedon from a very burdensome contract which, if enforced, would sweep away all their estate and still leave a burden upon the securities.

Mr. SPRINGER. The object is to relieve the sureties and the estate of this contractor from obligations which he entered into with the Government with full knowledge—at least he ought to have had full knowledge—of all the facts. I want to have the matter understood, because, otherwise, this might make a very bad precedent in the future.

Mr. THOMAS, of Kentucky. Mr. Speaker, the Committee on Claims in the Forty-ninth Congress, second session, made a report in favor of this bill. From said report it appears that the Post-Office Department on January 21, 1884, advertised inviting proposals for mail-messenger transfer and mail-station service at Cincinnati and other cities from July 1, 1884, to June 30, 1887. It was advertised as route No. 21703. In a foot-note to the schedule of service required in the printed advertisement by the Post-Office Department was the following: "Bond required with bid, $25,000; check, $1,250; present pay, $6,779." In each of the other eleven schedules for like service in other cities there was nothing said as to the present pay of the route. There were five bids on said route No. 21703, as follows, namely:

R. G. Woodlief	$18,990
Cincinnati Railroad and Omnibus Company	17,995
Merchants' Drayage Company	17,475
H. C. Slavens	17,700
W. W. Weedon	8,997

Mr. Weedon being the lowest bidder, and the postmaster at Cincinnati having investigated and reported favorably as to the sufficiency of the sureties, his proposal was accepted according to law, and a contract ordered with him from the 1st day of July, 1884, which was duly executed by him and his sureties.

It is now claimed by the administrator and sureties of Weedon, the contractor, that he was induced to make his bid and enter into said contract by reason of the misrepresentation at the foot of the schedule, giving the pay of said route prior to his bid at $6,779, nothing being said as to the present pay of any of the other routes contained in the same advertisemnnt. It is true that the amount stated was the amount of the former bid, but it is also true that the person who took the contract at said sum of $6,779 broke down and was unable to perform the service. The evidence shows that Mr. Weedon, deceased, was not a regular contractor, and was not informed as to the value of such services, and that in making his bid he relied largely upon the information contained in said foot-note and his correspondence with the Post-Office Department.

I will read a letter from Mr. Weedon and the answer of Mr. Lyman, the Second Assistant Postmaster-General, and statement of the committee, as follows:

MAYSVILLE, KY., *February* 7, 1884.

DEAR SIR: I find from advertisement of January 21, 1884, inviting proposals for mail-messenger, transfer, and mail-station service on route 21703, at Cincinnati, Ohio, the present pay, as advertised, $6,779. Would thank you to inform me if there has been any increase pay, by appropriation or otherwise, since the last letting. If so, how much and from what time?

Respectfully,

WILLIAM W. WEEDON.

SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

To this communication the following response was received, to wit:

WASHINGTON, *February* 12, 1884.

Respectfully returned to Mr. W. W. Weedon, Maysville, Mason County, Kentucky. The pay has not been increased.

The advertisement will inform you that pay for such service will not be increased or decreased during the term of the contract, no matter what increase or decrease of service.

H. D. LYMAN,
Acting Second Assistant Postmaster-General.

It will be seen that Mr. Weedon's bid was more than $10,000 less than the highest, and nearly $8,000 less than the lowest bid. It also appears from the evidence before the committee that said service, by the exercise of skill and diligence, can not be well and faithfully performed at an actual cost of less than $14,000 per annum.

On the 4th day of July, 1884, the said contractor, W. W. Weedon, died; that since said time his securities have been performing the service under said contract; that the same has been performed faithfully and well and to the entire satisfaction of the Post-Office Department.

The committee are of the opinion that the contract was entered into under a mistake of fact, and that concealment of material facts by the Government influenced Mr. Weedon to enter into the same. The amount said service requires is taken from the estate of the deceased, and will impoverish the family. The committee think that such an enforcement of the terms of the contract would be inequitable and unjust under all the facts and circumstances of this case. The committee submit herewith letters from the Post-Office Department, Hon. W. H. Wadsworth, affidavits of Robert Anderson, S. A. Whitfield, S. G. Sullivan, John H. Wilson, and C. B. Pearce, to be printed with this report.

I will read a letter from Hon. W. H. Wadsworth, of Maysville, Ky., which shows that estate of said Weedon is small and embarrassed, and that to enforce the mail contract entered into by him with the Post-Office Department for the mail-transfer service at Cincinnati, Ohio, would utterly impoverish the family. I will also read statement of Robert Anderson, and also statement of S. A. Whitfield, postmaster, and the statement of John H. Wilson and C. B. Pearce, jr., sureties of W. W. Weedon.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 17, 1887.

SIR: I am well acquainted with the widow and children of W. W. Weedon, deceased, and the extent of the estate left by the deceased.

The estate is small and embarrassed. To enforce the mail contract entered into by him with the Post-Office Department for the mail-transfer service at Cincinnati, Ohio, would utterly impoverish the family.

Very truly, yours,

W. H. WADSWORTH.

To the CHAIRMAN OF THE COMMITTEE ON CLAIMS.

Robert Anderson states that he is at present general manager of the mail messenger and transfer service at Cincinnati, Ohio, route No. 21703, and has been so since the 1st day of October, 1884; that said service is being performed as economically as possible, and can not be conducted for any less amount than is now being expended in that way, and that he is economizing in every possible way in order to reduce expenses to the very lowest figures; that before and at the time the contractor Weedon (now dead) and his sureties put in the bid for the contract to perform said service, he was United States mail agent on the Kentucky Central Railroad, running from Maysville, Ky., to Paris, Ky., and Cincinnati, Ohio; that he had a great many conversations with said Weedon at or about the time he made his bid for said contract, and he knows positively from those conversations with said Weedon that he based the amount of his bid on the published statement by the Government in its advertisement as to what was then the contract price for performing said service, and that to his positive knowledge said Weedon made no independent investigation on which to base his bid.

ROBERT ANDERSON.

Subscribed and sworn to before me and in my presence by said Robert Anderson, personally known to me to be the same person he represents himself to be.

Given under my hand and official seal this 6th day of May, 1886.

[SEAL.] JOHN F. POGUE,
Notary Public within and for Hamilton County, Ohio.

The subscribers have personal knowledge of the performance of the work on mail-messenger service, route No. 21703, now carried on by Messrs. John H. Wilson and C. B. Pearce, sureties for original contractor, deceased soon after award of said contract, and state that said service is conducted in an exceptionally prompt, careful, and business-like manner, and to their entire satisfaction.

Having opportunities for comparison, they state that it is the best service ever given by any contractor in this city since the inauguration of the present system of transportation of mails to and from railroad stations.

They further state that they believe said service to be economically conducted in all respects and as cheaply as can be done consistent with the requirements of this office in the matter of a full complement of horses and wagons.

S. A. WHITFIELD,
Postmaster, Cincinnati, Ohio.
S. G. SULLIVAN,
Superintendent of Mails, Cincinnati, Ohio, Post-Office.

Sworn to by the said S. A. Whitfield and S. G. Sullivan, and subscribed by them in my presence this 12th day of March, 1886.

FRED. D. PEER,
Notary Public, Hamilton County, Ohio.

John H. Wilson and C. B. Pearce, jr., state that they are the sureties of W. W. Weedon, now deceased, in the contract for performing the mail-messenger and transfer service at Cincinnati, Ohio, route 21703, from July 1, 1884, to June 30, 1887, entered into under advertisement by Postmaster-General of January 21, 1884, and that said John H. Wilson is the administrator of said W. W. Weedon's estate, duly appointed and qualified. They state that said contractor and each of themselves at the time of entering into said contract were residents of Mason County, Kentucky, and had been so for a great number of years prior thereto; that neither said contractor nor either of themselves had, prior to entering into said contract, ever had any experience or knowledge of what was to be done, or what it would cost to perform the mail-messenger and transfer service at Cincinnati, Ohio, or any other point; that said contractor and these affiants in entering into said contract to perform said service at Cincinnati, Ohio, for the sum of $8,997 per year, were influenced solely and alone by the statement at the foot of the schedule of service required at said point, contained in said advertisement, that the then present pay for performing same was $6,779, and before doing so neither said contractor nor either of them made the slightest outside and independent investigation as to what it would cost to perform said service, but relied exclusively on this statement as a basis of determination, thinking that the purpose of the statement was that they should take it into consideration in determining the price per year they should agree to perform the service for, and that if the then present contractor was able to perform said service at the price of $6,779 per year, Weedon could certainly perform it at the price of $8,997 per year.

They state that said Weedon, before he put in his bid, consulted with these affiants as to the amount he should put it in at, and as a result of their consultations and deliberations it was determined that he should put it in for the sum of $8,997 per year; and the sole fact in their said consultations and deliberations which led them to come to this determination and conclusion was this statement at the foot of said schedule; and that in order that they might certainly rely on it as a basis the affiant, E. B. Pearce, jr., under the said Weedon's name, and at his instance, wrote the letter marked A, hereto attached and made part hereof, to ascertain whether there had ever been any increase or decrease in the pay, to which they received the response contained in the letter B, hereto attached and made part hereof, and that after the receipt of said response this determination and conclusion was reached.

They state that the copy of said advertisement, accompanying this affidavit and made part hereof, marked C, is the one that said contractor and these affiants had at the time they reached said determination and conclusion, and that upon inspection of same the figures 8,997, the amount of said Weedon's bid, will be found just under the said statement as to their present pay, having been placed there by said Weedon at the time he concluded as to amount of his bid. They state that at said time neither said contractor nor either of these affiants knew anything as to how the former contractor was getting along under his contract; especially they did not know—which they have since learned to have been the case—that said contractor broke down under the contract, and could not perform the service required to be performed by it, because of the lack of funds, the amount received from the Government not being near sufficient; that the contract was taken from him and given to others, and that afterwards its performance was intrusted to said contractor's sureties, who completed it; and further, that the service performed was an inferior one.

That since the commencement of said contract until the 1st day of May, 1886, they have sent to Cincinnati, to their general manager there, the sum of $23,952.63 (an itemized statement thereof is hereto attached and made part hereof), to be expended in the performance of said service; that same has been so expended by him, and they have vouchers and receipts in their possession showing the disbursement of all of same to that end. This covers a period of one year and ten months, and makes the performance of the service cost them at the rate of $13,065 per year, or $4,068 per year more than they are receiving. They state that they have conducted the matter as economically as possible consistent with the proper performance of their duties under the contract, and they do not believe that it could be run more so. They state that they have been informed by the Post-Office officials that same has been performed in a creditable manner, and they have every reason to believe such to be the case.

They state that this cost of $4,068 per year over the contract price, as shown above, is in addition to the loss of their time devoted to the affairs, interest on the excess of cost over receipts, which they have been compelled to borrow, and depreciation in value of the equipment necessary to perform the service, for almost the cost price of which said Weedon and said Weedon's estate is indebted

to these affiants. They state that the said Weedon's estate left by him does not exceed in value the sum of $8,000, and that therefore the performance of this contract will consume this entirely and cause a loss to these affiants of a large sum outside of what loss there may be to them on account of the equipment and their time. They state that they do not want any compensation for their time, but do want, and think that it is nothing more than just and right, that they and said Weedon's estate should be made whole and not suffered to lose anything in money or property by reason of this contract. They state that said Weedon's heirs are his brothers and sisters, and they are poor, and the loss to them will be very heavy.

Signed this 3d day of May, 1886.

JOHN H. WILSON.
CHARLES B. PEARCE, JR.

Subscribed and sworn to before me by John H. Wilson and Charles B. Pearce, jr., personally known to me to be the same persons they represent themselves to be.

Given under my hand and seal of office this 3d day of May, 1886.

[SEAL.] A. M. J. COCHRAN, *Notary Public.*

This bill provides that the Postmaster-General is directed to settle with the administrators of W. W. Weedon, deceased, and his sureties on his official bond, for services performed in the mail messenger transfer and station service at Cincinnati since July 1, 1884, and allow and pay them for said service the actual cost of performing the mail service to the close of the period for which Weedon contracted to perform the same, provided that the Postmaster-General shall be satisfied that the service has been well and faithfully performed, and provided that he shall not allow or pay more than such service could have been rendered by the exercise of reasonable skill and diligence.

The committee report that in their opinion the contract was entered into under a mistake of fact, and that the concealment of material facts by the Government influenced Mr. Weedon to enter into the same. The enforcement of the terms of the contract would be inequitable and unjust under all the facts, and I hope the bill will pass.

Mr. SPRINGER. I yield to the gentleman from Alabama [Mr. COBB] the remainder of my time.

Mr. COBB. I think, Mr. Speaker, that before passing upon questions of this kind we ought to understand what we are doing. It has been almost impossible to understand anything during the last half hour of our proceedings. Yet we are disposing of a claim that involves, I suppose, a considerable amount of money.

Mr. HEARD. About $8,000.

Mr. COBB. About $8,000; and it involves besides a principle which is of more importance than the money itself.

Mr. KERR. The gentleman is mistaken about this involving any money. The bill is simply to relieve these parties from an improvident contract.

Mr. COBB. If the bill does not pass, will not money be collected by the Government? The gentleman says that it involves no money because it proposes to release a contractor with the Government. If the bill should not pass some $8,000 will be collected which by it the Government relinquishes. Is not that true? I so understand. If, therefore, this bill does not involve money, I do not understand how any bill can involve money.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. Do I understand that the gentleman from Kentucky has an hour, and the gentleman from Alabama also has an hour?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. COBB. Do these interruptions come out of my time?

Mr. TOWNSHEND. If each one of these gentlemen has an hour, the hour for adjournment will arrive and we will be unable to pass any bill.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. COBB. Mr. Chairman, there is something more involved than perhaps we are inclined to think, and while members are disposed to be a little humorous about this matter, we ought not to lose sight of the principle involved.

The case is simply this: A man enters into a contract with the Government and dies, and because of his death his personal representative is required to make good this contract; therefore, it is urged, we ought to relieve all parties concerned from any further obligation to the Government in the matter. Now, that is the whole of it.

Mr. Chairman, if this man had lived would a claim of this sort have been presented to Congress in his behalf? If he had lived and failed to carry out his contract, what obligation would there be on our part to relieve him of the consequences of his own misconduct, if there was misconduct, or to make good any loss which he might have incurred by reason of the failure to carry out his contract with the Government.

A MEMBER. To carry out an improvident contract.

Mr. COBB. Very well, an improvident contract, if you please. The object of giving a bond with surety is to secure the faithful performance of a contract entered into with the Government. If we do not propose to hold bondsmen to the terms of their contract, why require any bond to be given at all?

So that, Mr. Chairman, there is no ground whatever for the favorable consideration of this bill, unless we can find in the circumstances under which the contract was made something growing out of the conduct of the Government sufficient to induce us to relieve the contractor.

What are the circumstances now pressed upon the attention of the House in behalf of the pending bill? Nothing whatever, except that in a certain advertisement there was a foot-note which, it is alleged, misled the contractor in bidding for the contract. Can this be true? If it is true, as suggested by a gentleman behind me, it was the advertisement for bids which misled and not the terms of the contract. This is as favorable a view as we can take of the matter.

Mr. KERR. Would this man have undertaken to perform a contract where other men were losing money at the rate of $6,000 a year unless he had been misled by the advertisement?

Mr. COBB. This man was responsible for his belief. He is presumed to have been a man of business. If he was not a man of business he showed bad judgment in entering into the contract at all, and we can not properly be called on to relieve against errors of judgment.

Mr. HAUGEN. I understand the statement in the foot-note to which reference is made was absolutely true.

Mr. COBB. There seems to be no doubt of the fact. Now, the question presented to us as business men, to be considered and acted upon in the votes we shall give on this measure, is this: When a man enters into a contract of this magnitude, and fails to accomplish what he undertook, and what he believed he could accomplish when he entered into the contract, must we, because the contract was with the Government, step in and relieve him from the consequences of his failure? If he had made great profit out of the contract we would not have heard from him any further about the matter.

The question comes back at last to the inquiry whether, if the contractor was misled, the Government is responsible for it. If so, his estate and bondsmen ought to be relieved; but if the Government is not responsible for his having been misled, then they ought not to be relieved. If I understand the case, and I repeat it again, the only claim made in this respect is that in the advertisement there was a certain foot-note which misled him. He read the advertisement and proposed to bid upon it. The presumption is he made all proper inquiries. If he did not the fault was his. He could easily have ascertained that the man who preceded him in the service he was bidding for had failed to make any money out of it, and yet he did not take the precaution to go to this man and learn what amount of money would be required to carry the contract into execution. That is the whole state of the case. If this man stood here *in propria persona* asking for this relief we would not listen to him for one moment. Is it proper to relieve his bondsmen?

Mr. SPRINGER. If the gentleman will allow me a moment I will state the point in that respect. The point in the report to which I have referred is this——

The SPEAKER *pro tempore*. How much time does the gentleman from Alabama yield?

Mr. COBB. I will yield him two minutes. [Laughter.]

Mr. SPRINGER. That is more than I want.

In the advertisement it was stated in the foot-note to which reference has been made:

Present pay, $6,779.

The administrator and the sureties claimed that the contractor was misled by this statement. It was true that that was the amount paid to the contractor at that time. But there was another fact still in existence which was not disclosed in the advertisement, and that was that the contractor who had undertaken the work at that rate was losing money on it.

Mr. COBB. I understand all that.

Mr. KERR. Was not the bill favorably reported before?

Mr. SPRINGER. It was.

Mr. COBB. Now I want to read this——

Mr. KERR. Will the gentleman yield to me for a moment?

Mr. COBB. How much time?

Mr. KERR. About three or five minutes.

Mr. COBB. I will yield five minutes to the gentleman from Iowa.

Mr. KERR. Mr. Speaker, as the gentleman from Illinois says, this bill was favorably reported by the committee of the last House. My recollection is that these parties undertaking to perform the contract were induced to do so by a representation made in the advertisement, to the effect that the former contractor had done the work for something over $6,000. That is true, and the object of that publication was apparently to throw light upon the value of the contract. But in order to be entirely frank and fair the Government ought to have stated that the man who did the work at that rate was losing money, and a very considerable sum, on the contract. That the Government failed to do; and having failed to tell the whole truth about it, it misled this party——

Mr. WILSON, of Minnesota. How was the Government to find out that he was losing money, go and examine him on oath?

Mr. KERR. Well, I suppose so.

Now, the man who undertook the contract died, and I think a different rule should apply in a case of that kind than where you are dealing with the case of a defaulting living contractor, because we ought not strictly, in justice, to hold a dead man to the performance of the contract.

Mr. HOOKER. How could you?

Mr. KERR. You ought to take into consideration the circumstances in each case. It might be difficult in some instances to have a contract performed by another party by new advertisement; but a sense of justice ought to prevail in this House, just as between man and man; and if the holding of a dead man's estate to a contract would wipe out all the means of the widow and children, I do not think the Government of the United States ought to enforce the performance of such an improvident contract, especially when the terms of the advertisement may justly be claimed to be misleading.

It is a case in which I do not think the Government ought to enforce the terms of the contract, but should apply the same rule in a matter of that kind as would apply in conscience, judgment, and sound sense between man and man. No such considerations as that would hold a man to the performance of such a contract.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Alabama has thirty-five minutes left. Does he desire to retain that time?

Mr. COBB. No; I desire to use it now.

I am willing for this contract to be considered as between individuals. There was no obligation on the part of the Government of the United States to inform this contractor whether he would make money or not. The only thing the Government did was to publish to the world what had been paid under the former contract, which statement was the truth. Now, if this man was a prudent man, he would have gone to the prior contractor and found out whether there was any money to be made on the contract at that rate or not. Now, then, here is an advertisement published by the Government to the world inviting competition for this service, in which advertisement it is simply stated that the former contractor was paid so many dollars for performing the work. No one questions the truth of that statement. What obligation was there on the part of the Government to advise anybody whether the former contractor had made or lost money? It was the duty of the man who proposed to enter into the contract to inquire into the fact whether such had been the case; and to obtain that information he should have gone to him to inquire.

It was his duty to look at all of the surrounding circumstances of the case to determine whether or not he could perform this contract for the amount of money the Government proposed to give. The Government did not offer a contract at so many dollars, but invited a bid; and he made his bid.

Mr. FINLEY. Inasmuch as the Government was not bound to tell whether parties were making money or not, they were not bound to make that suggestion either.

Mr. COBB. But it was no suggestion by the Government. It was simply the statement of a fact, not calculated in the slightest degree to mislead.

Mr. FINLEY. They would have left the man to make the examination for himself. But they published that the work was being done at such a price, and having failed to tell the balance, was not that provision misleading?

Mr. COBB. If that misled the man, why did he refuse to take the contract at the amount given to the former contractor; but increased it by several thousand dollars?

Mr. FINLEY. Every man believes when he takes a contract that the former contractor had taken it at a figure which he believed would be profitable.

I can explain that they advertise these lettings, and the man must exercise his judgment upon the advertisement. No man goes and hunts up paper or a small contract or any other contract from the Government with a view to ascertaining whether they may make money or not. If they get the contract on a bid for a larger amount they expect to make a profit. This man expected to make a profit.

Mr. COBB. Yes, but the point made is that this man was possibly misled by the former contract. Why is it that he demands a larger amount than was given to the former contractor? The very fact that he made a bid at a larger sum than the former contractor is evidence he had investigated the surrounding circumstances, the duties to be performed, and the amount of money that it would require to perform them. Now, this is what the Government of the United States does in all cases. It publishes to the world that "I propose to have certain work done; now, what will you do it for?" leaving it to the parties to make an investigation and ascertain what amount of money will be required in order to perform the terms of the contract to be entered into. [Cries of "Vote!"]

Mr. COBB. Now, Mr. Speaker, if the course desired here is to be pursued it puts an end to control of all business such as is generally carried on by the Government in reference to these mail contracts. There is not a defaulting mail contractor in the United States who can not make as strong a case as this. There is no one who has made a contract improvidently but who can come to Congress and ask to be relieved from the consequences of his want of judgment upon as strong grounds as are presented here.

I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

The question was taken on the passage of the bill; and there were—ayes 42, noes 37.

Mr. BLOUNT. I make the point of no quorum. This bill affects the whole mail service of the country

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Kentucky [Mr. THOMAS] and the gentleman from Georgia [Mr. BLOUNT].

The tellers reported that there were yeas 30, nays 38.

The SPEAKER *pro tempore*. The noes have it, and the bill is rejected.

Mr. KERR. I make the point of no quorum.

The SPEAKER *pro tempore*. The point of no quorum was not made until the vote was announced.

Mr. KERR. I made it before.

Several MEMBERS (to Mr. THOMAS). Withdraw the bill.

Mr. BLOUNT. I object to the withdrawal of the bill.

Mr. KERR. I insist upon the point of no quorum.

The tellers resumed their places.

Mr. LANHAM. I ask by unanimous consent, in view of the fact that the gentleman who reported this bill [Mr. TAULBEE] is absent, that the bill be now withdrawn from the consideration of the House. It was reported to the Forty-ninth Congress by Mr. WARNER, of Missouri, and the subcommittee which had it under consideration made a report which I ask by unanimous consent shall be printed in the RECORD.

Mr. BLOUNT. I object to the withdrawal of the bill.

Mr. LANHAM. I ask by unanimous consent that the report of the committee be printed in the RECORD.

Mr. BLOUNT. I object.

Mr. LANHAM. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LANHAM. Was the report on the bill that we have just been considering read?

The SPEAKER *pro tempore*. It was read.

Mr. LANHAM. Then will it not be printed in the RECORD?

The SPEAKER *pro tempore*. It will be. The report of the last Congress will not be printed in the RECORD, because objection was made.

Mr. LANHAM. But I refer to the report of this Congress.

The SPEAKER *pro tempore*. That has been read, and will be printed in the RECORD. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4318) to provide for the erection of a public building at the city of New Berne, N. C.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a suitable site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults extending to each story, for the use and accommodation of the post-office, United States courts, custom-house, internal-revenue offices, and other Government offices, at the city of New Berne, in the State of North Carolina. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor place for said building shall be approved by the Secretary of the Treasury, involving an expenditure exceeding the sum of $100,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of process therein.

The Committee on Public Buildings and Grounds recommended an amendment striking out the words "one hundred" where they occurred in the bill and inserting "seventy-five;" so as to make the appropriation $75,000.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PAYSON. I object.

Mr. SIMMONS. I ask the gentleman to withhold his objection, and allow me to make an explanation.

The SPEAKER *pro tempore*. No objection is heard. The gentleman may proceed, subject to the right to object.

Mr. SIMMONS. New Berne is the third largest city in the State of North Carolina. It is a port of entry. There is a custom-house there which now occupies a rented building. There is a Federal court there which is held in a rented building. The judge of the district resides there and the Government rents an office for him. There is also there a large post-office, serving as the distributing center for twenty-seven counties. The deputy collector of internal revenue also resides in the city. In all, there are six public buildings rented and paid for by the Government. This is the fourth time, I believe, that this bill has been favorably reported to the House, and if there are any meritorious bills of this kind upon the Calendar, this is one of them, and it would have been passed long ago but for certain peculiar circumstances which it is not necessary for me to explain at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from North Carolina that this bill be now considered?

Mr. PAYSON. I object.

Mr. HOVEY was recognized, and sent a bill to the Clerk's desk.

Mr. CRISP. Objection was made on that side of the House to the

consideration of the last bill, and I now rise to present a privileged report.

The SPEAKER *pro tempore*. The report will be read. The Chair will recognize the gentleman from Indiana [Mr. HOVEY] later.

Mr. NUTTING. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. NUTTING. The gentleman from Indiana [Mr. HOVEY] had the floor and had been recognized, and I wish to know whether he can be taken off the floor by a member rising to present a privileged report.

The SPEAKER *pro tempore*. The Chair is inclined to think that the recognition of the gentleman from Indiana was not such as the gentleman from New York intimates. There had been no consideration of the bill, and no request stated, and the gentleman from Georgia [Mr. CRISP] states that the report which he desires to present is a privileged matter.

Mr. NUTTING. But the gentleman from Indiana [Mr. HOVEY] addressed the Chair, and the Chair recognized him, and he sent his bill to the desk. I would like to know if that was not such a recognition as entitled him to the floor?

The SPEAKER *pro tempore*. The Chair believes that the gentleman from Georgia [Mr. CRISP], desiring to present a privileged report, is entitled to the floor before the House has entered upon the consideration of another matter.

Mr. NUTTING. I concede that; but the Chair had already recognized the gentleman from Indiana [Mr. HOVEY].

The SPEAKER *pro tempore*. The Chair had recognized the gentleman from Indiana. That is true.

Mr. NUTTING. Very well. When the Chair had recognized the gentleman from Indiana [Mr. HOVEY], I contend that even a privileged report can not take the gentleman off the floor.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New York [Mr. NUTTING] that the gentleman from Indiana [Mr. HOVEY] was recognized for the purpose of asking unanimous consent, but he had not obtained it; and pending that the gentleman from Georgia [Mr. CRISP] stated that he desired to present a privileged report.

Mr. CRISP. Even if the gentleman were on the floor, I submit that under the rules he would have to give way to a privileged report.

The SPEAKER *pro tempore*. That question need not be raised now. The Chair has decided the matter and the Clerk will proceed.

Mr. NUTTING. I ask the Chair to wait a moment. Let us have a ruling upon this.

Mr. CRISP. I will dispose of the question by objecting to the consideration of the bill of the gentleman from Indiana [Mr. HOVEY].

Mr. NUTTING. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. NUTTING. Am I right in this, that the gentleman from Indiana [Mr. HOVEY] rose to his feet and asked recognition for the purpose of asking the House for unanimous consent to call up a bill for consideration, and that the Chair recognized him for that purpose? [Cries of "Regular order!"] Is that correct, Mr. Speaker?

The SPEAKER *pro tempore*. That is correct.

Mr. NUTTING. Now, has the gentleman from Indiana [Mr. HOVEY] asked the House for unanimous consent to consider the bill?

Mr. DOCKERY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DOCKERY. Under the rule, does not a conference report take anybody off the floor?

Mr. HOVEY. I will yield to the gentleman from Georgia to present his conference report.

The SPEAKER *pro tempore*. The Chair has decided the matter. If the gentleman from New York [Mr. NUTTING] wishes to appeal from the decision of the Chair, he can do so.

Mr. NUTTING. I do not desire to appeal, but I desire to reply to the gentleman from Missouri [Mr. DOCKERY].

The SPEAKER *pro tempore*. There is no matter before the House for discussion.

BRIDGE ACROSS THE MISSOURI RIVER.

The Clerk read the report submitted by Mr. CRISP, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

CHARLES F. CRISP,
A. R. ANDERSON,
Managers on the part of the House.
P. SAWYER,
CHARLES F. MANDERSON,
Managers on the part of the Senate.

The following statement of the House conferees, submitted in accordance with the rule, was read:

The conferees on the part of the House on the disagreeing votes of the two Houses on the Senate amendments to H. R. 10347, in explanation of the report herewith submitted, say that the bill fully protects the interests of the navigation of the river, and all parties at interest are satisfied therewith.

CHARLES F. CRISP.
A. R. ANDERSON, of Iowa.

The report of the committee of conference was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CRISP. I demand the regular order.

Mr. HOVEY. I yield to the gentleman from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. I call up for consideration the bill which has already been read.

The SPEAKER *pro tempore*. The regular order has been demanded, and cuts off all requests for unanimous consent.

Mr. TOWNSHEND. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the unfinished business. The Clerk will report the first bill.

Mr. DOCKERY. Is the regular order demanded?

The SPEAKER *pro tempore*. It is.

Mr. DOCKERY. Then I move that the House now take a recess until 8 o'clock this evening, for the consideration of business under the special order.

Mr. BLOUNT. What is the special order?

The SPEAKER *pro tempore*. The consideration of bills reported from the Committee on War Claims.

Mr. HEARD. Will the business of the evening session be limited absolutely to reports of the Committee on War Claims?

The SPEAKER *pro tempore*. The Chair so understands the order.

BRIDGE ACROSS MISSOURI RIVER AT SIOUX CITY, IOWA.

Pending the motion for a recess,

The SPEAKER *pro tempore* announced the appointment of Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. PHELAN as conferees on the part of the House upon the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

The question being taken on the motion of Mr. DOCKERY for a recess, it was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 25, 1888.

SIR: I hereby designate Hon. A. M. DOCKERY to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will report the special order under which the session of this evening is held.

The Clerk read as follows:

Resolved, That on July 25 the House take a recess at 5 o'clock until 8 o'clock p. m., the session not to extend beyond 10 p. m., the session to be devoted to the consideration of bills reported from the Committee on War Claims to which there is no objection.

ORDER OF BUSINESS.

Mr. STONE, of Kentucky. I ask unanimous consent that the bills called up to-night be considered in the House as in Committee of the Whole.

Mr. COBB. Does that preclude debate on these bills?

The SPEAKER *pro tempore*. It does not.

Mr. HOLMAN. Every bill will be subject to a single objection, at any rate.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Kentucky?

Mr. MCKINNEY. I have no reason for wishing to object except one: when these bills are considered in the House as in Committee of the Whole it compels our good friend the Journal Clerk to stay here until 1 or 2 o'clock in the morning to make up the record, while if the bills be first considered in Committee of the Whole and afterward passed in the House the Journal can be made up in perhaps fifteen minutes.

Mr. HOLMAN. The matter which the gentleman suggests is really worthy of consideration. In Committee of the Whole nothing is journalized, while in the House a full journal must be kept, and it involves a large amount of labor for the Clerk.

Mr. STONE, of Kentucky. It is very hard for me to understand how measures can be considered and passed here without there being a record, and it would appear that if they are considered without going into Committee of the Whole it must necessarily save a great deal of work.

The SPEAKER *pro tempore*. Is there objection?

Mr. BUCHANAN. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from New Jersey calls for the regular order, which the Chair understands to be equivalent to an objection.

Mr. STONE, of Kentucky. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. CLARDY in the chair.

Mr. STONE, of Kentucky. I wish to make a suggestion. In order that we may make proper dispatch of business to-night I ask unanimous consent that each member of the Committee on War Claims, the committee which has reported these bills to the House and done the work upon them, be allowed to call up a bill and have it considered, and that afterward the Calendar be called straight through in order that members here to-night who have bills in which they are specially interested may secure for them consideration. Bills as called up will be subject to objection, of course.

Mr. ADAMS. What is the request of the gentleman—that each member of the Committee on War Claims be allowed to call up a bill, and that then we go on with the Calendar in regular order?

Mr. STONE, of Kentucky. That, in the first place, each member of the Committee on War Claims be allowed to call up a bill, subject, of course, to objection, and that afterward the Calendar be called straight through, so that each member present may have an opportunity to get a bill before the House.

Mr. ADAMS. How would the gentleman think of a modification, to the effect that after the members of the committee present have each called up their bill, then that those of the faithful few here to-night, who are not members of the committee, may have that privilege!

Mr. STONE, of Kentucky. That is exactly what I want to reach, and in making my request that was the object I had in view.

Mr. HOUK. To let the members of the committee each one call up a bill, and then everybody else present call up one?

Mr. STONE, of Kentucky. Yes; that was my object.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky as modified by the request of the gentleman from Illinois, that the members of the Committee on War Claims be each allowed to call up a bill, after which that members present may each have the right to call up a bill?

The Chair hears no objection.

Mr. BOWDEN. Mr. Chairman, let us understand that.

Mr. HOLMAN. I do not think the order was distinctly understood.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to request that each of the members of the Committee on War Claims present should be permitted to designate one bill, after which the Calendar was to be called. The gentleman from Illinois suggested as a modification that each member of this Committee of the Whole be permitted to name a bill after the members of the War Claims Committee had called up their bill. To that arrangement the Chair heard no objection.

Mr. HOLMAN. That was agreed to.

Mr. CATCHINGS. If that arrangement was adopted, who would be first recognized?

The CHAIRMAN. The Chair would endeavor to recognize gentlemen alternately on each side.

Mr. CATCHINGS. I am perfectly willing that each of the members of the Committee on War Claims present should be permitted to call up a bill; but then I should insist that we go to the Calendar and proceed in the regular order.

Mr. HOLMAN. It is too late now to object.

Mr. CATCHINGS. I did not hear any request for unanimous consent. We would have difficulty anyhow as to the order in which recognitions were to be made; and it strikes me as a more reasonable proposition to proceed directly with the Calendar after the committee have had the privilege asked by them. We would make far more progress.

Mr. HOLMAN. We would get through with more bills in the manner suggested, I think.

Mr. STONE, of Kentucky. Let me say, Mr. Chairman——

Mr. CATCHINGS. If the understanding is that after the Committee on War Claims shall each have had the privilege of calling up a bill the Calendar is to be called and each gentleman present is to be permitted to call up a bill as it is reached on the Calendar, and if any bill so reached is not called up, that it retain its place on the Calendar, I shall not object. To that I think there will be no objection, and I hope it will be done.

Mr. STONE, of Kentucky. The objection of the gentleman from Mississippi evidently comes too late; but the trouble he suggests is plain to be seen by everybody. It seems to me that it would necessitate a struggle for recognition. But as the Calendar was called, then every member present would be permitted to call up a bill as it is reached. That would seem to be a proper method of proceeding.

The CHAIRMAN. The Chair will then submit the request of the gentleman from Kentucky as modified by the gentleman from Mississippi.

Mr. HOLMAN. Let us have the regular order. We have already arrived at an agreement.

Mr. CATCHINGS. I am perfectly willing to concede the proposition that the members of the Committee on War Claims shall call up their bills. To that I make no objection. After that, however, I hope the Calendar will be called in its regular order, and that members present, if they desire to do so, may ask the consideration of bills as they are reached.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. DOCKERY. What is it?

Mr. CATCHINGS. Simply that when the members of the Committee on War Claims have finished calling up bills, that the Calendar shall be taken up and called in its order, and if no gentleman desires to ask the consideration of a claim as it is reached, that it be passed over, as a matter of course.

Mr. DOCKERY. That is all right.

Mr. HOLMAN. I think the order first made was a more reasonable one for the transaction of business.

Mr. LANHAM. As there seems to be misunderstanding here, I demand the regular order.

Mr. STONE, of Kentucky. I desire to call up the bill H. R. 10481, which I send to the desk.

Mr. BOWDEN. Is it understood that the request of the chairman of the War Claims Committee was agreed to, that the four members of the committee present shall each have the privilege of calling up one bill?

The CHAIRMAN. The Chair thinks that that was agreed to. It was coupled, however, with another proposition, to which objection has since been made.

Mr. McCREARY. I do not think there was any objection to the request of the gentleman from Kentucky.

Mr. BOWDEN. I do not object to that, but to each member present calling up a claim I do object. It is quite evident now that each member could not have that privilege to-night; and there would be a struggle for recognition, which would result in doing nothing.

Mr. HOLMAN. But that was the agreement.

The CHAIRMAN. The Chair thinks the members of the Committee on War-Claims would be entitled to recognition anyhow. But the Chair will again submit the request, in order that there may be no mistake. The request is that the members of the Committee on War Claims may be permitted each to call up a bill.

Mr. MORGAN. I suggest that the roll be then called, and each member of the House be permitted to call up a bill.

Mr. HOVEY. I object.

Mr. LANHAM. I demand the regular order.

Mr. McCREARY. I understand the chairman of the Committee on War Claims made a proposition. This is his night. The session is assigned to his committee, and I would like to hear that proposition.

Mr. HOLMAN. As agreed to.

Mr. STONE, of Kentucky. Consent was asked heretofore that each member of the Committee on War Claims be permitted to call up one bill, after which, that the Calendar be called through and the members present then have the opportunity to ask the consideration of bills as they are reached.

Mr. LYMAN. And if no member asks the consideration of a bill, that it be passed over informally.

Mr. STONE, of Kentucky. Although I believe the better proposition is to let the roll of members be called and each member present be permitted to call up a bill.

Mr. WASHINGTON, Mr. TRACEY, and Mr. BOWDEN objected.

Mr. LANHAM. Evidently we can not proceed, owing to the misunderstanding that prevails; therefore I demand the regular order.

Mr. STONE, of Kentucky. Do I understand that the Committee on War Claims is to be recognized?

The CHAIRMAN. The gentleman coupled that request with two others, to which objection is made, as the Chair understands.

Mr. BUCHANAN. I ask that each member of the Committee on War Claims be recognized to call up a bill.

Mr. HOVEY and others. Regular order.

The Clerk read the title of the first bill, as follows:

A bill (H. R 28) for the relief of William J. Poitevent.

Mr. BUCHANAN. I ask unanimous consent that members of the War Claims Committee may be permitted to call up one bill each.

Mr. HOLMAN. My understanding of this matter was this: That the gentleman from Kentucky made the request that each member of the Committee on War Claims present might call up one bill. That was supplemented by the proposition of the gentleman from Illinois that after that each gentleman as recognized might call up a bill. That was agreed to, and that is the regular order of the House unless it is revoked.

Mr. BOWDEN. I did not understand that was agreed to. I expressly objected to that; but I have no opposition to the proposition of the gentleman from Kentucky that each member shall be permitted to call up a bill.

Mr. WHEELER. I really think we ought to permit the Committee on War Claims to have some privileges in this business.

The CHAIRMAN. The Chair was of the opinion that the proposition had been assented to, but remembering that the regular order was demanded at the time, the Chair is satisfied——

Mr. HOLMAN. It was demanded later.

The CHAIRMAN. It was demanded, the Chair thinks, about that time; and the regular order being demanded, the Clerk will report the first bill.

Mr. STONE, of Kentucky. I make the point of order that my request had been assented to, that each member should call up a bill.

The CHAIRMAN. That was supplemented by another proposition, and the Chair will submit the proposition that the members——

Mr. HOVEY. I object.

Mr. HOLMAN. I would like to have the proceedings read so as to determine what action was taken, and I rise to a point of order for that purpose. I think that the record will show that there was no objection made at the time.

The CHAIRMAN. The Chair will state that he has consulted the reporter's notes and they show that the request was submitted and not objected to at the time. Immediately afterward the gentleman from Virginia [Mr. BOWDEN] rose and said that he did not understand the proposition.

Mr. HOLMAN. I now suggest that in consequence of this misunderstanding that at least the members of the War Claims Committee present be each permitted to call up one bill, and the reading of the first bill will be the regular order.

The CHAIRMAN. Is there objection to the suggestion of the gentleman from Indiana?

Mr. HOVEY. I know of no right that the members of the committee have over other members of this House. They have monopolized the time, and the gentlemen over there have had many bills considered, and when I have offered anything those on the opposite side have voted it out of the House or beaten it down by some dilatory motion. And I call for the regular order.

Mr. STONE, of Kentucky. I just want to answer the gentleman from Indiana in one word. I have worked harder than any other gentleman of this House for the accomplishment of the character of legislation connected with these war claims. I have never objected to a bill, but have given up to every member on this floor an opportunity to forward his bill, and I have always been disposed to do all in my power to show the greatest courtesy and favor to everybody having a bill to consider, and any gentleman who states to the contrary states what is not true.

Mr. HOVEY. I want to reply to the gentleman from Kentucky I introduced a bill in February and introduced four bills in January——

Mr. ANDERSON, of Illinois. I demand the regular order.

The CHAIRMAN. The regular order is demanded.

The Clerk again reported the title of the bill.

Mr. TOWNSHEND. I wish to say a word to that bill. It has been the invariable custom ever since I have been in Congress, when a session like this is assigned to a committee, for the chairman of a committee to call up a bill, and that he shall then yield to members of the committee alternately—Democrat and Republican—each to call up a bill; and I hope the gentleman will not be deprived of that privilege. I will say to my friend from Indiana that I have witnessed his troubles here in getting his bills considered and I fully sympathize with him. I have been in the same boat with him for six months, and he ought not, in justice to the gentleman from Kentucky, hold him responsible for the fault of others; and I hope he will let the gentleman proceed.

Mr. HOVEY. I have been a silent member of this House, a modest man, and I have pressed nothing forward here. In the month of January I introduced four bills in this House, and neither one of them has been reported. One of the bills went to the committee of the gentleman from Illinois [Mr. TOWNSHEND], and it has never been heard from at all.

Mr. TOWNSHEND. What bill was that?

Mr. HOVEY. A bill to pay the soldiers during the late war the difference on their pay between greenbacks and gold. It was introduced early in the session and has never been reported at all.

Mr. TOWNSHEND. It had no relation to the business of my committee, and the bill has been referred back. [Cries of "Regular order!"]

Mr. HOUK. This debate is all out of order.

Mr. HOVEY. If any member is to speak, I have the floor.

Mr. DOCKERY. I demand the regular order, which takes everybody off the floor.

Mr. CUTCHEON. What is the regular order at this moment? The reading of the bill, is it not?

The CHAIRMAN. It is.

Mr. BROWER. I think the Clerk has read the title of the third bill on the Calendar. There are two other bills preceding it, which were reported from the Court of Claims. The Committee on War Claims had not reported on them.

Mr. CRISP. Mr. Chairman, I rise to a question of order.

Mr. BOWDEN. I ask the Chair to decide the point that I have made.

The CHAIRMAN. The Chair supposes that the gentleman from Georgia [Mr. CRISP] rises to discuss the point of order made by the gentleman from Virginia [Mr. BOWDEN].

Mr. CRISP. No, sir. The point I desire to make is that the Clerk has begun in the wrong place.

Mr. BOWDEN. That is my point.

Mr. CRISP. I beg the gentleman's pardon. The order for this evening session does not confine the House to bills of a private nature. It says "bills reported by the Committee on War Claims."

Mr. TOWNSHEND. What kind of bills?

Mr. CRISP. It does not say. That is my point. It is for the Chair to determine.

Mr. TOWNSHEND. Does not the order say "bills to which there is no objection?"

Mr. LANHAM. Mr. Chairman, I ask that the order under which we are proceeding this evening be read.

Mr. STONE, of Kentucky. I want to suggest to gentlemen that the Committee on War Claims do not consider any bills except war claims, and therefore would not be apt to report any other bills.

Mr. CRISP. While that is true, they have reported some bills of a public nature. The first bill on which my eye falls is a bill to reimburse the several States for interest on moneys expended by them on account of raising troops during the late war.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Virginia [Mr. BOWDEN], which is the same point raised by the gentleman from Georgia [Mr. CRISP]. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 3344) for the relief of Perez Dickinson.

Mr. CRISP. Where does the Clerk begin now?

The CHAIRMAN. The Chair desires the attention of members for a moment. The House resolved itself into Committee of the Whole House on the Private Calendar, and the Clerk informs the Chair that he has now read the title of the first bill.

Mr. McCREARY. What is the bill?

The CLERK. A bill for the relief of Perez Dickinson, the first bill on the Private Calendar, page 35.

The CHAIRMAN. Is there objection to the consideration of that bill?

Mr. THOMAS, of Wisconsin. I object.

The CHAIRMAN. Objection is made. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. 3701) for the relief of John De Bree, executor of Margaret T. Higgins.

Mr. BOWDEN. I ask that that bill be considered.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. STONE, of Kentucky. I object.

Mr. COBB. I ask that the bill and report be read, subject to objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. STONE] has already objected.

Mr. BOWDEN. I do not understand that the gentleman from Alabama [Mr. COBB] objects to the consideration of this bill.

The CHAIRMAN. The gentleman from Alabama [Mr. COBB] does not object, but the gentleman from Kentucky [Mr. STONE] does.

Mr. BOWDEN. I am perfectly willing that the bill and report shall be read, subject to objection.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 26) for the relief of William J. Poitevent.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. BOWDEN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOWDEN. I wish to know whether every bill that is objected to is to be passed over without consideration?

The CHAIRMAN. That is the order for this session.

Mr. BOWDEN. Very well. I understand that the bill for the relief of John De Bree has been objected to.

The CHAIRMAN. The Chair understood the gentleman from Kentucky [Mr. STONE] to object.

Mr. BOWDEN. I know of no more meritorious bill upon the Calendar than that one, and if it is to be the rule here to-night that every bill that is objected to is to be passed over without consideration, and if that bill is objected to, then no more business will be done to-night.

Mr. STONE, of Kentucky. I wish to say, Mr. Chairman, that my reason for objecting to that bill was simply that it was one of those Court of Claims bills over which there has been so much trouble in this House, and I do not think we ought to go into the consideration of those bills to-night. I believe that the work of the Committee on War Claims reported at the present session ought to have consideration this evening, and that we ought to dispose of bills in which there is not so much involved and which will not create so much discussion as bills of this class.

Mr. BOWDEN. In reply to the gentleman from Kentucky [Mr. STONE], I want to say that that bill has been pending here from year to year; it has been adjudicated by the Court of Claims, the Attorney-

General having appeared before the court in defense of the United States; there is no more meritorious claim on the Calendar; and I repeat that if this is to be the rule there will be no more bills considered here to-night.

Mr. STONE, of Kentucky. I withdraw the objection. It was in no captious spirit that I objected.

Mr. LANE. I renew the objection.

The CHAIRMAN The gentleman from Illinois [Mr. LANE] objects, and the Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 26) for the relief of William J. Poitevent.

Mr. BOWDEN. I object.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar reported from the Committee on War Claims was the bill (H. R. 1028) for the relief of Hiram Johnson and others.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. BOWDEN. I object.

ORDER OF BUSINESS.

Mr. TRACEY. I move that the committee rise. As objections are made to the consideration of bills on the Private Calendar, I propose that the committee rise so that we may resolve ourselves into Committee of the Whole on the state of the Union to consider public bills.

The motion of Mr. TRACEY that the committee rise was not agreed to.

Mr. FINLEY. Mr. Chairman, I would like to have the privilege of making a statement.

The CHAIRMAN. Is there objection to permitting the gentleman from Kentucky to make a statement? The Chair hears none.

Mr. FINLEY. I take it for granted that gentlemen on both sides of the House have bills to the passage of which no one will object.

Mr. MCKENNA. I have one right here.

Mr. WASHINGTON. I have one.

Mr. HOUK and others. So have I.

Mr. FINLEY. I think we ought to agree upon taking up some bills which do not involve any great amount of money and in which all members will acquiesce. I have such a bill——

Mr. HOUK. I have one.

Mr. FINLEY. It seems to me we ought not to kill time. Our constituents need some legislation, especially that poorer class whose claims against the Government are very small in amount. I do not know any reason why, as representatives of the people, we can not agree to pass these bills involving small sums of money, and thus confer a greater boon upon the parties interested than if we should pass measures involving five, ten, fifteen, or twenty thousand dollars each.

The CHAIRMAN. Has the gentleman any request to submit?

Mr. FINLEY. I submit the proposition that we consider cases in which no greater sum is involved than $1,000.

Mr. HOUK. I object to that; make it $2,000.

Mr. FINLEY. Very well; I will say $2,000. [Cries of "Regular order!"]

Mr. STONE, of Kentucky. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker *pro tempore*, Mr. CLARDY reported that the Committee of the Whole House, having had under consideration business on the Private Calendar reported from the Committee on War Claims, had come to no resolution thereon.

Mr. STONE, of Kentucky. Mr. Speaker, I want to make a statement of the present situation and what I hope may come out of it. This Committee on War Claims has labored harder than any committee, or at least as hard as any committee ever organized by the Congress of the United States. So far as I am individually concerned, I have had only a few small claims that were of interest to my own district. I have labored hard, as is known to members of the committee and the House, to get the business referred by members to our committee into such shape that it could be acted on by the House. When I asked for the fixing of to-night for the consideration of these bills, I did not do so for my own personal benefit in any way. I asked this session for the benefit of members who had bills pending here which they were anxious to have passed.

I came here and asked consent that those members of the Committee on War Claims who are present, being, perhaps, only half a dozen——

Mr. LAWLER. Four.

Mr. STONE, of Kentucky. Possibly only four—should each have the privilege of calling up a claim and having it considered. That request was denied. Then I was willing that the Calendar should be called in regular order. Now, if the House can arrive at any determination so as to secure the consideration of these bills in the manner in which this House of Representatives ought to proceed with business, I am willing it shall go ahead; otherwise, I am in favor of the House now adjourning without longer wasting time; and I pledge the House that I will not further give my time to the preparation of business that will not be considered.

Mr. CAREY. Will the gentleman allow me a word before he presses his motion?

Mr. STONE, of Kentucky. Yes, sir.

Mr. CAREY. The able Speaker of this House ruled during the last Congress that a Delegate from a Territory can not object. I ask now from this House an act of generosity to the Delegate from Washington Territory [Mr. VOORHEES] and the Delegate from Wyoming [Mr. CAREY]. I ask that each of these Delegates be permitted to call up a bill to which there can be no objection.

Mr. LAWLER. When?

Mr. CAREY. Now.

Mr. LAWLER. Oh, no; I object. We will let you have just as good a chance as ourselves.

Mr. CAREY. But we never get any chance.

The SPEAKER *pro tempore*. The Chair will state the request of the gentleman from Wyoming. The gentleman asks permission for himself and for the Delegate from Washington Territory [Mr. VOORHEES] that each be allowed to call up a bill to which there is no objection. Is there objection to this request?

Mr. BOWDEN. I object.

Mr. GROSVENOR. If no business can be done this evening, we might as well adjourn and go home. The Committee on War Claims asked for a session this evening for the purpose of considering certain bills on the Calendar reported from that committee. It seems, whatever the rules of the House may specifically indicate, that it has been customary ever since I had knowledge of the House when an order like this was made the committee which had obtained the night session for the consideration of its business was authorized—I do not say the chairman arbitrarily, but the committee—to call up such bills as came within the scope of the order of the House under which the House had assembled at the evening session.

Mr. WHEELER. That is the unwritten law.

Mr. GROSVENOR. It seems now under the rule of parliamentary procedure—it seems to me that it is apparent in this contention—I will not characterize it by any other name——

A MEMBER. We can not hear what is going on. We would all like to hear what is being said.

The SPEAKER *pro tempore*. Gentlemen will resume their seats and preserve order.

Mr. GROSVENOR. Unless we arrive at some mode of procedure by common consent, it seems to me we will come out this evening just where we started in. [Laughter.] In the way in which we are now proceeding we get farther and farther from the transaction of any business. I disclaim having any particular interest in any bill. There is not one I would ask to have considered before another. But I want to see the business transacted for which we are assembled, and I now ask, by unanimous consent, that the Committee on War Claims, acting as a committee, may designate the bills upon the Calendar which shall be called up for consideration.

Mr. BOWDEN. I do not like to appear in the rôle of an obstructionist, but I must object.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Ohio, that the Committee on War Claims designate the bills in the order in which they shall be taken up for consideration?

Mr. BOWDEN. If the Chair will permit me for one moment I will make a brief statement. Now, I do not wish to appear in the rôle of an obstructionist, for I am rather a good-natured man and do not wish to assume that rôle. I have for ninety days danced attendance down in that bull-ring for the purpose of securing the passage of one or two little bills in which my constituents were interested. This is the only chance I have to have those bills considered.

I am willing each member of the Committee on War Claims shall designate a bill to be considered, but I do object to the whole time being taken up by the members of that committee to the exclusion of all others. I readily admit that the Committee on War Claims have rendered valuable service, and agree that each one of them shall have the privilege of calling up a bill for consideration; but while I consent to that, I also demand for myself the opportunity to call up from the Calendar for consideration the bills in which my own constituents are interested.

The SPEAKER *pro tempore*. Does the gentleman from Virginia object to the proposition of the gentleman from Ohio?

Mr. BOWDEN. Yes, I do object to his proposition that the Committee on War Claims shall exclusively have the power to call up bills for consideration this evening, for that would exclude me from going to the Calendar for the consideration of the bills in which my constituents are interested, and to which I have already alluded.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOVEY. I demand the regular order of business.

Mr. GROSVENOR. If we can do no business then I shall insist on my motion that the House adjourn so we may go home.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. The special order provides that the session this evening shall be devoted to the consideration of bills reported from the

Committee on War Claims to which there is no objection. It does not provide specifically for the consideration of the bills upon the Private Calendar at all, or upon the Union Calendar. Now, is it not in order to begin with the calendar of the committee, commencing with the first bill and proceeding in regular order?

The SPEAKER *pro tempore*. In reply to the question of the gentleman from Michigan the Chair will state that the answer to his question depends upon the motion made by the chairman of the committee or some other member of the House. If a motion is made and agreed to to go into the Committee of the Whole House on the state of the Union, then, of course, the calendar in that committee will be taken up and the bills considered in order. If the motion is made to go into the Committee of the Whole House on the Private Calendar and it is agreed to, the bills on that Calendar will be taken up in their order.

Mr. GROSVENOR. I have moved that the House adjourn for the purpose of testing the sense of the House, and I ask for a decision on that motion.

Mr. STONE, of Kentucky. I rise for the purpose of asking the gentleman from Indiana——

The SPEAKER *pro tempore*. Is the motion to adjourn withdrawn?

Mr. GROSVENOR. Yes, I will withdraw it to hear what the chairman of the committee has to say.

Mr. STONE, of Kentucky. I wish in the first place, Mr. Speaker, to ask the gentleman from Indiana [Mr. HOVEY] to state just in what order he desires the House shall proceed to the consideration of business this evening.

Mr. HOVEY. I will not dictate what order the business shall be conducted in. The gentleman knows what the parliamentary rules are. We have Calendars made here, and they are made for some purpose. Let us proceed in the regular parliamentary way.

Mr. WHEELER. That is, that the chairman of the committee shall control the business and designate the bills to be called up.

Mr. HOVEY. There is no such rule known to parliamentary law.

Mr. WHEELER. It has been the unwritten law and the custom for over thirty years.

Mr. HOVEY. Regular order.

Mr. GROSVENOR. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 18, noes 46.

So the motion was rejected.

Mr. STONE, of Kentucky. I ask unanimous consent of the House that bills called up from the Private Calendar to-night be considered in the House as in Committee of the Whole, instead of in the committee.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky?

Mr. TRACEY. Mr. Speaker, I do not wish to object to that, but there are public bills——

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. STONE, of Kentucky. Now I ask unanimous consent that each of the members of the Committee on War Claims present be allowed to call up one bill.

Mr. HOVEY. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOVEY. Has not that same motion been repeated and voted down a dozen times?

The SPEAKER *pro tempore*. The gentleman is correct, but other business has intervened.

Is there objection to the request?

Mr. HOVEY. I object.

Mr. HOOKER. I rise to a parliamentary inquiry. Is that motion amendable?

The SPEAKER *pro tempore*. That order could only be made by unanimous consent. Unanimous consent has been asked and refused.

Mr. WHEELER. I now ask unanimous consent that the courtesy always extended by this House to the chairmen of its committees be extended to the chairman of the Committee on War Claims, so that he can control the business this evening.

The SPEAKER *pro tempore*. That request has just been asked in another form and refused.

Mr. STONE, of Kentucky. I rise to a parliamentary inquiry. I wish to ask if it is in order to move that that order be followed in the consideration of these bills to-night?

The SPEAKER *pro tempore*. It is not. It can only be done by unanimous consent.

Mr. STONE, of Kentucky. Then I demand the regular order.

Mr. THOMAS, of Wisconsin. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMAS, of Wisconsin. The resolution under which we are operating to-night reads, "that the session shall be devoted to the consideration of bills reported from the Committee on War Claims to which there is no objection."

The SPEAKER *pro tempore*. That is correct.

Mr. THOMAS, of Wisconsin. My question is, whether these two cases on the Calendar, reported from the Committee on War Claims, come within the scope of that resolution?

The SPEAKER *pro tempore*. They do. The order means this—it has been construed frequently, when similar orders have been made by the House: Of course if the regular order is demanded the Calendar of business must be called in its order, and it is the duty of the Clerk to read the bill by its title, or if necessary to read the bill itself, when the Chair asks the question, "Is there objection to the consideration of the bill?" If objection is made, under the order the bill can not be considered.

Mr. CATCHINGS. It is quite evident that we can not transact any business as long as the gentleman from Virginia [Mr. BOWDEN] maintains the attitude he has assumed. I hope we will be able to make some progress to-night, and I ask therefore that we go back to the bill which he has designated and proceed to its consideration.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Mississippi?

Mr. COBB. I object. [Cries of "Regular order!"]

Mr. BUCHANAN I rise to a question of order. The regular order goes to the beginning of the Calendar, I presume. We are now in the House, nothing being accomplished in Committee of the Whole on the Calendar. We must therefore commence at the head of the Calendar.

The SPEAKER *pro tempore*. That point of order is well taken, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 9872) for the relief of Perez Dickinson.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. CUTCHEON. I raise the question of order that the regular order in the House is the House Calendar, and the first bill is on page 24, we being now in the House.

The SPEAKER *pro tempore*. Unanimous consent was asked and given to consider bills in the House as in Committee of the Whole.

Mr. CUTCHEON. I was not aware of that.

Mr. TRACEY. I wish to protest against that order being made, Mr. Speaker. I objected, and the Chair declined to listen to my objection.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as objecting.

Mr. TRACEY. I objected with a view to making an explanation to the House. I did not want to interfere with the action of the chairman of the committee; but inasmuch as his request covered only the private bills, I thought public bills on the Calendar should also be embodied in the same order.

The SPEAKER *pro tempore*. The Chair understood that unanimous consent was given. The Chair did not understand the gentleman to object to the request at all; but if the gentleman states that he objected the Chair will of course entertain the objection now.

Mr. TRACEY. I objected merely for the purpose of securing the consideration of bills on the Public Calendar as well as those on the Private Calendar. That was all. I would now ask unanimous consent that all bills, public as well as private, be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New York that in the event this order is not set aside the House will have to begin somewhere, and the Chair supposes, of course, that it will begin on the Private Calendar.

Mr. TRACEY. Not according to the understanding. The understanding was that we were to take up the Calendar. The first portion of the Calendar relates to the public bills.

The SPEAKER *pro tempore*. The Chair would state as his recollection and understanding that the Private Calendar was first to be taken up. The gentleman from New York objected to the request of the gentleman from Kentucky, as he now states, and the Chair will entertain that objection.

Mr. TRACEY. I objected for the reason I have stated, in order that the public bills should not be excluded from consideration this evening.

The SPEAKER *pro tempore*. The Chair stated the request of the gentleman from Kentucky, which was to consider in the House as in Committee of the Whole the Private Calendar. The Chair now understands that the gentleman from New York [Mr. TRACEY] objected to it and still objects. The Chair will now entertain the objection of the gentleman, although the Chair did not understand the gentleman from New York did so object at the time.

Mr. TRACEY. I objected for the purpose of bringing up a public bill; but as I think it would be but courtesy, as that would interfere with the chairman of the committee, I withdraw my objection.

Mr. HOUK. I want to make a parliamentary inquiry. As I understand it, the regular order is called for.

The SPEAKER *pro tempore*. It is.

Mr. HOUK. That being true, I wish to know of the Chair if it does not involve commencing with the first bill on the Calendar and proceeding.

PEREZ DICKINSON.

The SPEAKER *pro tempore*. The Clerk, by direction of the Chair,

has just reported the first bill. The Clerk will again report the title of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9872) for the relief of Perez Dickinson.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. KILGORE rose.

Mr. HOLMAN. I think the bill ought to be read.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read for information.

The SPEAKER *pro tempore*. Is there objection to consideration of this bill?

Mr. BURROWS. The report ought to be read.

The SPEAKER *pro tempore*. The report can only be read by unanimous consent, as it is in the nature of debate.

Mr. KILGORE. I object.

The SPEAKER *pro tempore*. The gentleman from Texas objects, and the Clerk will report the title of the next bill.

JOHN DE BREE.

The Clerk read the title, as follows:

A bill (H. R. 1798) for the relief of John De Bree, executor of Margaret T. Higgins.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. I ask unanimous consent that the report be read.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the report may be read, reserving the right of objection. Is there objection.

There was no objection.

The report was read for information.

Mr. TOWNSHEND (during the reading). Unless the committee agree to let this bill be considered, I do not see the necessity for reading the report. I object to the reading of the report.

Several MEMBERS. Too late.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. LANE. I object.

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill.

WILLIAM F. POITEVENT.

The Clerk read the title, as follows:

A bill (H. R. 26) for the relief of William F. Poitevent.

The SPEAKER *pro tempore*. The Clerk will read the bill, and then the Chair will ask for objection.

Mr. STONE, of Kentucky. I would like to suggest, if there is any business to be done at all, that the title be read, and unless some one asks for the consideration of the bill it should be passed over.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the titles of the bills be read, and unless some one asks for the consideration of the bill that it be passed over. Is there objection? The Chair hears none, and it is so ordered.

HIRAM JOHNSON AND OTHERS.

The next bill on the Private Calendar (consideration of which was asked by Mr. ENLOE) was the bill (H. R. 1028) for the relief of Hiram Johnson and others.

Mr. THOMAS, of Wisconsin. I object.

WILLIAM D. WILSON.

The next bill on the Private Calendar (consideration of which was asked by Mr. CATCHINGS) was the bill (H. R. 828) for the relief of William D. Wilson.

Mr. BOWDEN. I object.

JOHN H. WEEKS.

The next bill on the Private Calendar (consideration of which was asked by Mr. BRECKINRIDGE, of Kentucky) was the bill (H. R. 5516) for the relief of John H. Weeks.

Mr. BRECKINRIDGE, of Kentucky. I ask consideration of that bill. I have been watching for it for six months, and I hope the gentleman from Virginia [Mr. BOWDEN] will not object to it.

Mr. BOWDEN. I suggest to the gentleman from Kentucky that he had better see the gentleman from Illinois. I will have to object.

Mr. KERR. I move that the House do now adjourn.

The SPEAKER *pro tempore* put the question and announced that the "noes" seemed to have it.

Several MEMBERS. Division.

The House divided, and there were—ayes 19, noes 49; so the House refused to adjourn.

WIDOW OF LIEUT. JOHN F. STEWART.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The next bill on the Private Calendar (consideration of which was asked by Mr. BROWER) was the bill (H. R. 456) for the relief of the widow of Lieut. John F. Stewart.

Mr. BROWER. I ask that that bill be considered.

Mr. ENLOE. I object.

The SPEAKER *pro tempore*. The Chair thinks an objection was made on the right. [After a pause.] Is there objection to the consideration of this bill?

A MEMBER. I think it should be read, subject to objection, and the report also.

The SPEAKER *pro tempore*. The Clerk will report the bill; but the report can not be read except by unanimous consent, as it is in the nature of debate.

The Clerk reported the title of the bill.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

For the relief of the widow of Lieut. John F. Stewart.

Whereas Lieut. John F. Stewart, late of Company A, Fourth Regiment, United States Infantry, in active line of service, was promoted and appointed, and did serve faithfully as a second lieutenant of said company from July 22, 1865, until June 19, 1866; and

Whereas the company having been so far from headquarters during its entire period of service in the northwestern Territories that he failed to receive his commission as second lieutenant, to which he was equitably entitled, and failed also to receive the pay and emoluments due him for his services as second lieutenant: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the widow of Lieut. John F. Stewart, out of any money in the Treasury not otherwise appropriated, such sum or sums as the accounting officer of the Treasury shall find to be due Lieut. John F. Stewart as pay and emoluments for his services in the United States Army, prior to his death, in the late war; and that his widow is hereby entitled to, and shall receive, the same benefits as if said Stewart had received his commission at the time he was appointed a second lieutenant.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORFOLK COUNTY FERRY COMMITTEE.

The next bill on the Private Calendar (consideration of which was asked by Mr. BOWDEN) was the bill (H. R. 5517) for the relief of the Norfolk County ferry committee.

Mr. BOWDEN. I allowed the bill just passed to be considered without objection, and here is a bill that belongs to my district, and I now ask to call it up.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill.

Mr. CATCHINGS. I object.

Mr. BRECKINRIDGE, of Kentucky. I want to get the attention of the gentleman from Mississippi. It does seem to me that we will have to meet this bill some time, and we may as well do so now. It is on the Calendar, and what I rose for was to suggest that we should go into the Committee of the Whole——

Mr. BOWDEN. The proceeds of that bill, if it become law, go to the free schools of Norfolk County, Virginia. The tolls of that ferry were taken by the United States when the Government had possession of the ferry from Norfolk to Portsmouth, and the Court of Claims has reported in favor of the bill.

Mr. JACKSON. The gentleman should remember that this House is opposed to the United States giving money in support of public schools.

The SPEAKER *pro tempore*. Is there objection?

Mr. ENLOE. I object.

JOHN FARLEY.

The next business on the Private Calendar (consideration of which was asked by Mr. MCCREARY) was the bill (H. R. 341) for the relief of John Farley.

Mr. MCCREARY. John Farley is a very old man and a very clever Irishman, who has waited for twenty years for $118 the Government owes him. He furnished supplies to the Federal soldiers who were hungry and in need of groceries. I hope there will be no objection to the passage of this bill.

Mr. BOWDEN. I object.

Mr. WISE. I, too, object. I want to state that if members are going to object to my bills I am going to object to theirs.

Mr. MCCREARY. I have not objected to your bill.

Mr. WISE. The gentleman from Kentucky has——

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. BOWDEN] has risen in his seat and objected to the consideration of the bill.

The SPEAKER *pro tempore* rapped to order.

Mr. MCCREARY. I want to say, and to put it on record, that for the three years that I have been a member of this House I never objected to a gentleman's bill. [Cries of "Regular order!"]

LUCINDA M'GUIRE.

The next business on the Private Calendar (consideration of which was asked by Mr. PHELAN) was the bill (H. R. 871) for the relief of Lucinda McGuire.

Mr. WISE. I object.

Mr. PHELAN. I ask for consideration of that bill, for if any bill is right that bill is.

The SPEAKER *pro tempore*. The Chair will state that objection has been made by the gentleman from Virginia [Mr. WISE].

Mr. McRAE. Does the gentleman from Virginia [Mr. WISE] object to that bill?

Mr. WISE. I shall object to every bill to-night.

Mr. CATCHINGS. I move that the House do now adjourn.

The House divided; and there were—ayes 20, noes 45.

So the House refused to adjourn.

Mr. CATCHINGS. I demand the yeas and nays.

The question on ordering the yeas and nays being put, the Speaker *pro tempore* announced that only eleven gentleman had voted, evidently not a sufficient number, and the yeas and nays were refused.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill.

MARTHA L. RUSSELL AND OTHERS.

The Clerk read as follows:

A bill (H. R. 565) for the relief of Martha L. Russell and others.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WISE. I object.

ALFRED H. THOMAS, DECEASED.

The next business on the Private Calendar reported from the Committee on War Claims (called up for consideration by Mr. GLASS) was the bill (H. R. 1067) for the relief of Alfred H. Thomas, deceased.

Mr. GLASS. This bill is for the benefit of the family of a dead soldier.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. WISE. I object.

FANNIE B. RANDOLPH AND DORA L. STARK.

The next business on the Private Calendar reported from the Committee on War Claims (called up for consideration by Mr. THOMAS, of Wisconsin) was the resolution referring the claim of Fannie B. Randolph and Lora L. Stark to the Court of Claims.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. ENLOE. I object.

ORDER OF BUSINESS.

Mr. LAWLER. I move that the House do now adjourn.

The question was taken on the motion to adjourn; and there were—ayes 21, noes 42.

Mr. CHEADLE. Let us have the yeas and nays.

The question was taken, and 16 members (more than one-fifth of the last vote) voted in favor thereof.

Several MEMBERS. Count the other side.

The question was again taken, and the Chair announced the vote as—ayes 16, noes 49.

Mr. ROGERS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Can we have tellers on this question of ordering the yeas and nays?

The CHAIRMAN. Tellers can be demanded.

Mr. ROGERS. I demand tellers.

The question was taken and tellers were refused; only 19 members voting in favor thereof.

The SPEAKER *pro tempore*. On the question of ordering the yeas and nays the ayes are 16 and noes are 49. The ayes have it, being more than one-fifth of the last vote, and the yeas and nays are ordered.

Mr. BURROWS. Mr. Speaker, it will take from now until 10 o'clock to call the roll, and I therefore move to reconsider the vote by which the yeas and nays have been ordered.

The motion to reconsider was agreed to—ayes 45, noes 17.

Mr. BURROWS. Now, Mr. Speaker, it is perfectly apparent that nothing will be done this evening, and I move that the House adjourn.

Mr. WISE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WISE. Seventeen members have a right to order the yeas and nays, and they have done it, and upon the motion to reconsider there still appears a sufficient vote in the negative to call the yeas and nays.

The SPEAKER *pro tempore*. On the motion to reconsider the vote by which the yeas and nays were ordered, a motion which requires only a majority vote, the yeas were 55 and the nays were 17.

Mr. WISE. It only makes it necessary for us to call the yeas and nays again. [Laughter.]

Mr. GROSVENOR. I rise to a parliamentary inquiry. What is the pending question?

The SPEAKER *pro tempore*. On the question of reconsidering the vote by which the yeas and nays were ordered the ayes are 45 and the noes are 17; the ayes have it, and the action by which the House ordered the yeas and nays is reconsidered. The question now recurs upon ordering the yeas and nays.

The question was taken, and the yeas and nays were refused, only 10 members voting in favor thereof.

Mr. STONE, of Kentucky. Mr. Speaker, as one member of the Committee on War Claims has been permitted to have a bill passed to-night, I ask unanimous consent that the remaining three or four members of that committee who are present be each allowed to call up one bill for consideration.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE], the chairman of the Committee on War Claims, asks unanimous consent that the three remaining members of that committee who are present be each allowed to call up a bill for consideration. Is there objection?

Mr. HOVEY. There is. [Laughter.]

Mr. STONE, of Kentucky. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 9 o'clock and 25 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. J. A. ANDERSON: A bill (H. R. 10987) to restore the name of Marshall Clark to the pension-roll—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 10988) granting a pension to Thomas S. Richey, a private in the Black Hawk war—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 10989) granting a pension to Patrick O'Keefe—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 10990) for the relief of A. R. Burbank—to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 10991) granting a pension to David M. Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) for the relief of George M. Scifres, administrator of Joseph M. Scifres—to the Committee on War Claims.

Also, a bill (H. R. 10993) for the relief of William L. Bayott—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 10994) for the erection of a monument to Miles Standish—to the Committee on the Library.

By Mr. RYAN: A bill (H. R. 10995) to grant a pension to John W. Sidwell—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 10996) for the relief Luke Stinnitt—to the Committee on Military Affairs.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 1167) for the relief of J. D. Ash—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Cynthia S. Robinson and of Mary K. McNairy, administratrix of B. Y. McNairy, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. C. L. ANDERSON: Petition of sundry citizens of the Fifth district of Mississippi, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BAYNE: Petition of R. P. Hunter, M. D., and other citizens of the Twenty-fifth district of Pennsylvania—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BROWER: Petition of citizens of Caswell County, North Carolina, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. DALZELL: Petition of Smoky City, Americus, Hazel Glen, Iron City, and Bainbridge Councils, Junior Order of United American Mechanics, in favor of Senate bill 553, to regulate and restrict immigration—to the Committee on Foreign Affairs.

By Mr. DORSEY: Petition of citizens of Brown County, Nebraska, for relief from abuses under the interstate-commerce law—to the Committee on Commerce.

By Mr. FRENCH: Petition of Charles H. S. Davis and others, of New Haven County, Connecticut, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. GAY: Petition of citizens of St. Mary and Assumption, La., for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GEST: Petition of A. H. Clarke and 38 others, citizens of the Eleventh district of Illinois, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. D. B. HENDERSON: Petition of Thomas Simons and other citizens of the Third district of Iowa, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOLMAN: Petition of Hiram W. Williamson and 25 others, citizens of Indiana, for a soldiers' home near Indianapolis, Ind.—to the Committee on Military Affairs.

By Mr. HOVEY: Petition of John D. Kidd and 50 other veterans, for the establishment of a soldiers' home in the State of Indiana—to the Committee on Military Affairs.

By Mr. LAGAN: Petition of John W. Youman, for relief—to the Committee on Claims.

By Mr. LATHAM: Petition of Elisha Colbert, for relief—to the Committee on War Claims.

By Mr. LONG: Petition of the Standish Monument Association, of Duxbury, Mass., for aid in erecting a monument to Miles Standish—to the Committee on the Library.

By Mr. PHELAN: Petition of W. E. Hall, of Fayette County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROWLAND (by request): Petition of Martha M. Smith, of Ansonville, North Carolina, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of citizens of Osage County, Kansas, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. SHIVELY: Petition of South Bend (Ind.) Typographical Union No. 128, in favor of the Chace copyright bill—to the Committee on Patents.

By Mr. STONE, of Missouri: Petition of citizens of Rockville, of Butler, of Ride Hill, and of Lamar, Mo., for repeal of duty on dentists' supplies—to the Committee on Ways and Means.

By Mr. TILLMAN (by request): Petition of Susan A. Bowers, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of Patrick Dannaher, of Humphreys County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *July* 26, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN F. COOK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the president of the board of commissioners of the District of Columbia, transmitting, in response to a resolution of the 23d instant, certain information in relation to the balance alleged to be due to John F. Cook as collector of taxes for the District for the fiscal year ended June 30, 1888; which was ordered to lie on the table, and be printed.

PETITION.

The PRESIDENT *pro tempore* presented a petition of citizens of New York County, New York, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3349) establishing additional aids to navigation at the mouth of the Mississippi River, reported it adversely, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment:

A bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens; and

A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio and Salt Rivers.

Mr. DAWES, from the Committee on Indian Affairs, to whom was recommitted the bill (H. R. 8074) to provide for allotments of land in severalty to United Peorias and Miamies in Indian Territory, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota, reported it with amendments.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1508) for the relief of John Williams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 649) for the relief of A. C. Bradford, reported it without amendment.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond, reported it without amendment.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia, reported it with an amendment.

Mr. QUAY, from the Committee on Claims, to whom was referred the bill (H. R. 109) to refund to Dr. F. O. Saint Clair $97.80, duties on a monument to the memory of Francis J. Townshend, late of the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3074) for the relief of Nicholas J. Bigley, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3269) granting a pension to Theresia Fichter;

A bill (S. 3087) granting a pension to Mary A. Pfeiffer;

A bill (S. 3085) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;

A bill (S. 3083) restoring to the pension-roll the name of Florian Lischewsky; and

A bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 3233) for the relief of James H. Hamilton, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5156) for the relief of Andrew R. G. Smith; and

A bill (H. R. 988) for the relief of Joseph R. White.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy, reported it with an amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8873) in relation to bonds of disbursing or other officers and to monthly payments of the Army, reported it with an amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 3055) for the relief of A. F. St. Sure Lindefelt, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2710) for the relief of Mathew H. Fulton, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn., reported it with an amendment, and submitted a report thereon.

Mr. STOCKBRIDGE, from the Committee on Fisheries, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back adversely the joint resolution (S. R. 92) authorizing and directing the Secretary of War to loan tents to the Northwest Soldiers and Sailors' Association of Iowa for reunion purposes. I desire to state, in reporting adversely the joint resolution, that the adverse report is based upon the statement of the War Department that there are no tents which can be issued for such purposes. I make the statement because of the numerous demands of this character.

The PRESIDENT *pro tempore*. If there be no objection, the report will be agreed to, and the joint resolution postponed indefinitely.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts, reported it with an amendment.

BILL INTRODUCED.

Mr. QUAY introduced a bill (S. 3382) for the removal of the charge of desertion from the military record of Henry H. Schrawder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

EASTERN OREGON AND WASHINGTON TERRITORY.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate the reports that have been prepared under the direction of the Chief

Signal Officer of the Army, upon the climate of Oregon, and upon the climatic and other conditions of the agricultural districts of Eastern Oregon and Washington Territory, together with such tables and other matters as relate thereto, with such additions, corrections, and alterations as may be deemed advisable by the Chief Signal Officer.

CONDITION OF THE CIVIL SERVICE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee to Investigate the Operations of the Civil Service be authorized to continue during the recess of Congress the investigations directed by the resolution of this body of March 13, 1888, with all the powers and privileges conferred by said resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.;

A bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas;

A bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation;

A bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas;

A bill (H. R. 8368) to forfeit the lands granted to the Hastings and Dakota Railway Company, in the State of Minnesota, and for the relief of settlers upon the same and certain purchasers thereof;

A bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas;

A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster;

A bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits;

A bill (H. R. 9234) for the relief of William Gaffer and his legal representatives and assigns;

A bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana;

A bill (H. R. 10346) providing for the erection of fire-escapes in the District of Columbia, and for other purposes; and

Joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The message also announced that the House had passed the following bills:

A bill (S. 190) for the relief of W. H. Tibbits;

A bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

A bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.; and

A bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn.

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, and agreed to the same.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes; and

A bill (H. R. 6602) for the relief of James Obrion.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. ROGERS, Mr. HENDERSON of North Carolina, and Mr. FULLER, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 558) for the relief of certain settlers upon school lands of Washington Territory;

A bill (S. 734) granting a pension to James Hale;

A bill (S. 888) granting a pension to Mercy A. Cutts;

A bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia;

A bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia;

A bill (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick;

A bill (S. 1650) for the relief of Maj. Gen. W. W. Averell;

A bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law;

A bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands;

A bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park;

A bill (S. 2033) granting a pension to Joseph Wirth;

A bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein;

A bill (S. 2493) to perfect the quarantine service of the United States;

A bill (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Black Warrior River, in township 21 and range 10 west;

A bill (S. 3303) amendatory of "An act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June 18, 1888;

A bill (S. 3365) for the erection of a public building in the city of Chicago, Ill., to be used as an appraisers' warehouse and other public purposes;

A bill (H. R. 409) for the relief of Thomas W. Lord;

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia;

A bill (H. R. 7232) for the relief of C. L. Wilson;

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida;

A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 9086) to authorize the construction of a bridge across the Coosa River, or bridges across the Oostenaula and Etowah Rivers, at or near Rome, Ga.;

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa; and

A bill (H. R. 10053) making May 30 a holiday in the District of Columbia.

CANADIAN PACIFIC RAILWAY.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Illinois [Mr. CULLOM] yesterday was laid over under objection by the Senator from Maryland [Mr. GORMAN]. It is properly in order, but as the Senator from Illinois is not present, the Chair will allow it to retain its place on the table for consideration to-morrow morning, if there be no objection.

Mr. CULLOM entered the Chamber.

Mr. ALLISON. The Senator from Illinois is now here.

The PRESIDENT *pro tempore*. Does the Senator from Illinois desire action on the resolution offered by him yesterday?

Mr. CULLOM. I prefer that it should lie over. The Senator from Maryland [Mr. GORMAN] expressed a desire to offer an amendment. Let the resolution lie on the table until to-morrow.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will lie on the table, to be laid before the Senate to-morrow.

ORDER OF BUSINESS.

Mr. ALLISON. I move to proceed to the consideration of the Army appropriation bill.

Mr. TELLER. I give notice that to-morrow morning I shall endeavor to call up the bill (S. 1030) for the relief of William McGarrahan immediately after the close of the routine business.

Mr. STEWART. I shall antagonize that with the Chinese bill.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves that the Senate proceed to the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. JONES, of Arkansas. I know, of course, that the consideration of the appropriation bill is important, but I wanted to ask the Senator from Iowa if he would object to proceeding with the consideration of bills on the Calendar not objected to, under Rule VIII, until 2 o'clock.

Mr. ALLISON. I regret to say that I can not do that, for the reason that it is very important that the Army appropriation bill should be passed, if possible, to-day, and at the earliest moment in the day, in

order that it may go back to the House of Representatives and be disposed of before the 30th of the month.

Mr. JONES, of Arkansas. I hope——

Mr. HARRIS. I suggest to my friend from Arkansas, in view of the statement made by the Senator from Iowa, that he raise no question this morning about the Calendar, but that we go on with the consideration of the Army bill now and get through with that. I shall join very cheerfully with the Senator from Arkansas in scrambling for the Calendar morning after morning afterwards.

Mr. STEWART. When the Army bill is closed I want to follow it with the Chinese bill.

Mr. FRYE. I gave notice yesterday that immediately after the morning business to-day I should move to proceed to the consideration of executive business with open doors, of course meaning the fisheries treaty. I am compelled to yield to the Army appropriation bill, but I desire to renew the notice, and I shall antagonize everything else for the consideration of that treaty, regarding it as exceedingly important that it shall be pressed to final action.

Mr. CALL. I hope the Senator from Iowa will not press the motion to proceed to the consideration of the Army bill. The Senator from Maryland [Mr. WILSON] has given notice for a week or two weeks past of his desire to address the Senate in open executive session upon the proposed treaty between Great Britain and the United States. He is here ready with his speech, and has been for several days. I think that courtesy to him requires that he should be allowed to proceed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 886) granting a pension to Sarah F. Jones;

An act (S. 111) granting a pension to Mary J. Davis;

An act (S. 1142) granting a pension to Keziah E. Strong;

An act (S. 1288) granting a pension to John Child;

An act (S. 1495) granting a pension to Mrs. Mary McGee;

An act (S. 2073) granting a pension to Margaret Blades;

An act (S. 2890) granting a pension to Fannie A. Kimball;

An act (S. 2089) for the relief of Mrs. Elizabeth White;

An act (S. 335) granting an increase of pension to C. R. Thomas;

An act (S. 2012) granting an increase of pension to Marcus D. Raymond;

An act (S. 1124) to increase the pension of John W. January;

An act (S. 1009) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army; and

An act (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves that the Senate proceed to the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to add additional sections, which has been read at length. Is the Senate ready for the question?

The amendment was agreed to.

The PRESIDENT *pro tempore*. One amendment, the Chair is informed, was passed over in the consideration of the bill.

Mr. ALLISON. Yes, I desire to have that considered now.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 21, after line 493, the Committee on Appropriations report to insert:

For the manufacture, or purchase, and test of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $600,000: *Provided*, That all purchases of materials under this provision shall be of American manufacture.

The PRESIDENT *pro tempore*. An amendment was offered to the amendment by the Senator from Connecticut [Mr. HAWLEY], which will be read.

The CHIEF CLERK. In line 499, after the word "projectiles," it is moved to insert:

And increased facilities for their manufacture.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment as amended.

Mr. HAWLEY. I call the attention of the chairman of the Committee on Appropriations to another matter. I conferred with the chairman of the committee upon a certain amendment, and I propose it now. In line 507, after the words "six hundred thousand dollars," I move to strike out the remainder of the paragraph and insert:

Not more than $10,000 of which shall be expended for providing increased facilities for the manufacture of projectiles: *Provided*, That all material purchased under this section, excepting samples, shall be of American manufacture.

The committee proposed that all the material shall be of American manufacture, but the Department desire to purchase certain samples abroad representing different styles of shot and different styles of manufacture.

Mr. ALLISON. I do not object to either of those amendments, but they should be put in separately. The last amendment should come in in the first proviso, and then the first amendment suggested by the Senator from Connecticut should read: "*Provided further*, That of the above sum," etc.

Mr. HAWLEY. I will change it. I propose to leave the paragraph as it stands, and at the end of the proviso to insert, after the words "under this provision," the two words "excepting samples."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 509, after the word "provision," insert the words "excepting samples;" so as to make the proviso read:

Provided, That all purchases of materials under this provision, excepting samples, shall be of American manufacture.

The amendment to the amendment was agreed to.

Mr. HAWLEY. In accordance with the suggestion of the Senator from Iowa, I move the proviso, that not more than $10,000 of the aforesaid appropriation be expended for providing increased facilities for the manufacture of projectiles.

The PRESIDENT *pro tempore*. Will the Senator send his amendment in writing to the desk?

Mr. ALLISON. I have an amendment covering the same point which I think will be satisfactory to the Senator from Connecticut.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Iowa to the amendment of the committee will be read.

The CHIEF CLERK. It is proposed to add to the amendment the following additional proviso:

Provided further, That of the above sum $10,000 may be used for increasing facilities for the manufacture of projectiles.

Mr. HAWLEY. It is the same thing.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. All the amendments of the Committee on Appropriations have been acted upon, and the bill is still open to amendment as in Committee of the Whole.

Mr. BERRY. I wish to reserve the amendment adopted this morning, offered by the Senator from Connecticut [Mr. HAWLEY], proposing to appropriate $6,000,000 for ordnance.

The PRESIDENT *pro tempore*. The clerks will note the reservation.

Mr. CALL. After line 446, I move to add:

For repairs to the works on old Fort Barrancas, Pensacola Bay, Florida, $1,000, or so much thereof as shall be necessary.

I will state that I offered this amendment and had it referred to the Committee on Appropriations. It is founded upon a letter from the commanding officer at Fort Pickens, stating the fact that this was an old Spanish battery and fortification which is now used, but it is very desirable that it should be preserved from the encroachment of time as a memento of the past. It is a very old fortification in Pensacola Bay, which is now used in connection with the fort there. I offer the amendment in deference to the wishes of the commanding officer there, who I understand to be a man of merit and reliable in his statements. This old fortification is an interesting relic of the times when the Spanish fleet found refuge with their rich cargoes of silver, bound for old Spain, in this Bay of Pensacola and under the guns of this old Barrancas battery from the bold English buccaneers of the Gulf of Mexico and the Spanish Main. It was a main defense against the sea approach when the fort was surrendered to General Jackson on his first invasion of the Spanish provinces of the Floridas.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was agreed to.

Mr. JONES, of Arkansas. I desire to reserve for a separate vote the amendments of the committee on page 18, relating to the Army and Navy Hospital at Hot Springs.

The PRESIDENT *pro tempore*. The clerks will note the reservation.

Mr. GORMAN. I wish to reserve for a separate vote the amendment offered by the Senator from Connecticut [Mr. HAWLEY] proposing to add additional sections to the bill.

The PRESIDENT *pro tempore*. That has already been reserved. If there be no further amendments to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The amendments, except the two reservations, will be considered as concurred in in gross, if there be no

objection. The amendments are concurred in. The first reserved amendment will be stated.

The CHIEF CLERK. On page 18, after the word "diseases," in line 412, the Senate, as in Committee of the Whole, inserted the words:

And the supply of the Army and Navy Hospital at Hot Springs, Ark.

And in line 416 increased the limit of the appropriations for payment of the civilian employés of the Medical Department from $38,000 to $43,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment which has just been read.

Mr. JONES, of Arkansas. It seems to me that if the committee amendment should be adopted as reported very great injustice will be done to the Army and Navy Hospital at Hot Springs. They have heretofore had for the expenses of that hospital about $10,000 a year. The effect of the two amendments proposed in this paragraph will be to reduce the aggregate appropriations for civil employés for hospitals of this class from $48,000 to $43,000. The appropriation as made by the House of Representatives was to give $38,000 to all the other hospitals, and $10,000, as I understand, to the hospital at Hot Springs.

The Senate Committee on Appropriations propose to strike out $38,000 as applicable to the other hospitals and insert $43,000, making an addition of $5,000 to the House appropriation, which is intended to cover the hospital at Hot Springs in connection with the other hospitals. If the same allowance that has been heretofore given to the other hospitals shall be continued under this bill, then the entire reduction of $5,000 in the aggregate appropriation will fall on the Hot Springs hospital, which will cut down the appropriations heretofore made and annually expended in the administration of that hospital one-half.

I hope that this will not be done, and I hope that the committee will agree to insert $48,000 instead of $43,000 in line 416.

Mr. ALLISON. I think the amendment inserted by the committee will be sufficient to provide for the proper civilian force at the Army and Naval Hospital at Hot Springs. Under the appropriation act last year the general appropriation was $36,000. That sum was increased in the House this year to $38,000, which was intended to include the Army and Navy Hospital at Hot Springs. We increased the sum to $5,000, which would allow $7,000 for that purpose. I suggest to the Senator from Arkansas that he add $3,000 more to the appropriation, instead of the sum proposed by him, and if so I will accept it.

Mr. JONES, of Arkansas. Making it $46,000?

Mr. ALLISON. Making it $46,000.

Mr. JONES, of Arkansas. I will agree to that.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 416, before the word "thousand," it is proposed to strike out "forty-three" and insert "forty-six;" so as to read:

And not over $46,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés of the Medical Department.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The second reserved amendment will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted as new sections to the bill:

SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000.

SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement, at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

SEC. 6. For the purchase of submarine mines, for needful casemates, cable galleries, and appliances to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in the details of torpedo service, $500,000.

SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

SEC. 8. The appropriations provided for in sections 3, 4, 6, and 7 shall be available until expended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BERRY. Mr. President, I was not present a few days ago when the discussion occurred between the Senator from Missouri [Mr. COCKRELL] and the Senator from Connecticut [Mr. HAWLEY]. I do not fully understand what reason is given why this appropriation of $6,000,000, or something more, for heavy ordnance should be attached to this general appropriation bill.

It is admitted that the United States of America is at peace with all the world. It has been asserted again and again by Senators on the other side of the Chamber that there was no probability and no prospect of war with any nation whatever. If that be true, I can not understand why appropriation after appropriation for war material comes here from day to day, and why we are urged to place the provisions on appropriation bills and to pass them otherwise.

Here is $6,000,000 for ordnance to be attached to the Army appropriation bill. Several million dollars have been added to the naval appropriation bill for the purpose of building cruisers. A bill is pending proposing to appropriate $126,000,000 to build fortifications throughout the United States.

If there is any well-grounded apprehension of war with England or any other nation, then it is well that these preparations should be made; but I agree with the Senator from Missouri when he says that in time of profound peace the people of this nation are opposed to standing armies. They are opposed to heavy appropriations for war material or to making elaborate preparations unless there be some reason given to show that there is probability of war somewhere. If that be true, then I have nothing more to say.

The Senators on the other side who have discussed the treaty in regard to the fisheries question have said that notwithstanding the predetermination to reject it, notwithstanding the refusal upon their part to allow it to be amended, which is practically an instruction to the President and Secretary of State that no further negotiation will be allowed, notwithstanding all these facts, there is not a probability of this complication bringing on war with England. If there is none, then I should like to ask why all this preparation is made. If there is a probability let it be known so that Senators can vote intelligently upon the matter.

If danger is to come to this country, if there is to be a war with England or any other nation, I apprehend that the people of the United States in every section of the country will not only be willing to vote all the arms and money that may be necessary, but that the people from every section of the Union will rally to the support of the Government.

Mr. President, I say that in the section of country from which I come the people would be as quick to respond to the call for soldiers as they would in any part of the Union, notwithstanding the fact that it was asserted upon the floor of the Senate by the Senator from Massachusetts [Mr. HOAR] that there is a conspiracy between the Democrats of the South and the manufacturers of England to strike down American wages and American labor. This charge is grossly unjust to the Democrats of the South.

The people of the South have no cause to love England. They do not, however, want any war. I apprehend that there are few men, if any, in the United States who actually participated in the last war who desire to see another war; yet if war be necessary they will be as true to their country and their flag under which they are now living as the people of any part of the nation.

As I said before, the people in the Southern part of this Government have no particular cause to sympathize with England, and the attempt for political purposes to make such an impression is an unjust charge against American citizens. If there was no other cause, her double-dealing during the war, holding out hopes of material aid, which hopes were never realized, the arrogant and dictatorial style always assumed in her conduct with the nations of the earth, her inhumanity to the people of the East, but above all her continued refusal to do justice to the people of Ireland by granting them home rule, her conduct in this respect bearing a striking resemblance to that of the Republican party in the reconstruction of the South, would have destroyed any sympathy that might be supposed to exist in the South for English methods.

While, as I said, we would deprecate war, while we do not want war, yet, Mr. President, if war should come, if it accomplished no other purpose, I believe that it might tend to more closely unite the different sections of this Union. I believe I know what would be the conduct of the Southern people in such a war. I have that confidence in their honor, in their patriotism, in their loyalty to duty, and in their courage to believe that when that war closed the Senator from Massachusetts would regret that he ever said upon this floor that there existed a conspiracy between the Democrats of the South and the people of any other nation.

I repeat, Mr. President, that if there is any well-grounded apprehension of such a war I am ready to vote for this bill; I am ready to vote for the $126,000,000; I am ready to vote all the money that may be demanded for the Navy of the United States. But if there is no danger, as it is asserted there is none, I am opposed to these heavy appropriations in time of peace when there is no probability that they will be needed, and when it is admitted that even the guns that are now proposed to be bought may be utterly useless within a few years.

But, Mr. President, I believe that there is no probability of war, and therefore no necessity for these large appropriations. I think that the object and purpose of these appropriations has a different meaning. I believe that upon the part of some, at least, the object and purpose is to get rid of the surplus now in the Treasury of the United States, almost regardless of what the appropriation may be asked for. I believe the constant effort to force these enormous appropriations, not only

for naval vessels, ordnance, and fortifications, but for less worthy purposes, is to prevent a reduction of taxation. There has been reported from the Committee on Finance an amendment to another appropriation bill now pending, which proposes to dispose of $20,000,000 more of the surplus by refunding to the States the direct taxes. These things taken together, it seems to me, show that the object and purpose is to give an excuse for withholding a reduction of taxes, which the people are demanding throughout the United States.

While I regret to see the Secretary of the Treasury compelled to pay $127 for a $100 bond, yet this is not so objectionable as it is to waste the people's money in reckless, unconstitutional, and useless appropriations. The appropriations for ordnance and for fortifications proposed by these bills I believe to be extravagant and to a large extent useless. The proposed appropriation to refund to the States the direct taxes I believe to be unconstitutional and wholly unjustifiable, and unless I can be assured that there is some reason for it other than what has been stated in the RECORD I can not vote for the amendment.

I will not vote for any of these heavy appropriations not needed for the public service and which are continually pressed for the sole purpose of cutting down this surplus in order that the Republican party may have an excuse for not reducing the public taxes. Let us pass measures to stop this enormous flow of the people's money into the Treasury rather than to be continually seeking for objects upon which we can expend it.

For these reasons I asked to reserve the amendment, and for the same reason I shall ask for the yeas and nays on the adoption of the amendment, because I desire to record my vote against it.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment?

Mr. BERRY. I ask for the yeas and nays on the amendment.

The PRESIDENT *pro tempore*. The Chair understood the Senator to say on the passage of the bill.

Mr. BERRY. I did not so intend if I said so.

Mr. GORMAN. Mr. President, when the amendment which is now under consideration was proposed I stated all that I desired to say upon the policy of making appropriations for the manufacture of large guns confined alone to the Government armories.

I discussed the matter very fully at the time, and so far as I was able to do showed that the interest of the Government was in this, as in the construction of a navy, to give out by private contract the greater portion of this work and to maintain at least one great ordnance foundry, so that the Government might not be imposed upon by contractors. I did not then nor do I now believe that the Army bill is the proper place for the consideration of this question.

But if it is to be considered, if large appropriations are to be made, then I submit that we ought to go into it thoroughly and appropriate a sufficient amount to enable the mechanics and the manufacturers outside of the Government shops to come forward and compete, test all the various inventions that have been made, and give every inventor an opportunity to present completed guns to be tested by the War Department.

I know it can not very well be considered now, but still, sir, if we are to go on with it, I shall propose as an amendment the measure I hold in my hand, which is practically, I may say, the bill that has been considered by members of the Congress, but not by any committee of this body. The amount appropriated by the amendment is large, but it is to be expended in the way I have indicated. The amount that is embraced in the amendment that I propose is $38,000,000, to be expended as follows:

1888–'89	$1,120,000
1889–'90	1,037,500
1890–'91	723,000
1891–'92	978,000
1892–'93	1,183,000
1893–'94	1,195,000
1894–'95	2,025,000
1895–96	3,618,500
1896–'97	4,691,500
1897–'98	4,889,000
1898–'99	5,129,500
1899–1900	5,546,500
1900–'01	4,054,000
1901–'02	2,146,000
Making an aggregate of	38,336,500

I will say that if the Book of Estimates is referred to it will show, I think, that $130,000,000 or $140,000,000 are estimated, so that I believe this comes within the rule. I therefore offer the following amendment to the amendment offered by the Senator from Connecticut——

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

Mr. HAWLEY. May I ask the Senator if that amendment is printed in form?

Mr. GORMAN. The only printed copy is the one I have.

The CHIEF CLERK. The proposed amendment is to insert in lieu of the pending amendment the following new sections:

SEC. 1. That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, namely:

For the protection, preservation, and repair of fortifications and other works of defense, for the construction of sea-walls, and for earth embankments, $217,000.

For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in detail of the service, $100,000.

SEC. 2. For the procurement of powders, projectiles, fuzes, implements, and materials for the service of heavy guns; for the alteration of sea-coast carriages, for the necessary expenses of ordnance officers while temporarily employed at the proving-ground, and absent from their proper stations, at the rate of $2.50 per day; for the compensation of draughtsmen on gun-construction while employed in the Ordnance Bureau; for the manufacture of breech-loading steel field guns; carriages, and equipments for the service of batteries of field artillery; and to procure and test two breech-loading field guns of three and two-tenths inch bore, of aluminum bronze, $300,000, from which the said aluminum bronze field guns shall be made and tested.

SEC. 3. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows; One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000: for testing the same, $25,900; one 10-inch breech-loading, steel-hooped gun, $7,500; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $5,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 10-inch breech-loading mortar, cast-iron, hooped with steel, $10,000; in all $158,000.

SEC. 4. For experiments in guns and projectiles for high explosives, including the purchase of guns, projectiles, and targets for such tests as the Board on Ordnance hereinafter authorized shall direct, $100,000.

SEC. 5. That the President of the United States shall appoint a Board on Ordnance, to consist of the Secretaries of War and Navy, the general commanding or the senior major-general of the Army, as he may determine, one officer of engineers from the Army, and three civilians, said engineer officer and the civilians to be appointed by and with the advice and consent of the Senate, which board shall make, execute, and supervise contracts and authorize payments under this act, as follows: The said engineer officer shall be president, and one of the civilians secretary of the board. The three civilians shall all be engineers of experience and standing, and one of them at least shall be experienced in the quality and working of steel. The contracts made under the following sections of this act, except as herein otherwise directed, shall be awarded to the lowest responsible bidder, after proper advertisement, and under such conditions and specifications as the said board may determine; they shall be signed by the president of the board, or by such officer or officers as the majority of the board shall direct; and the board shall certify that prices under which contracts are awarded are reasonable and just. The board shall determine, except as otherwise directed, the order and time of delivery of the guns, mortars, and appliances, and all other purchases, under such checks and rules as it may determine, and have general supervision of all tests necessary to carry out the following provisions of this act. The board is further authorized to examine inventions and designs of heavy ordnance, carriages, projectiles, torpedoes, and other defensive appliances which may be submitted to it. No person shall be eligible as a member of this board who has any pecuniary interest, either directly or indirectly, in the material, manufacture, or inventions to be employed in the construction or operation of the defenses herein provided for.

That the compensation of the civilian members of the board shall be $7,000 each per annum and all necessary expenses. For the payment of such services, and the contingent and necessary expenses of the board, $40,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 6. For the construction of fifty cast-iron 12-inch rifle service mortars, to weigh about 31,000 pounds each, of which at least one-half shall be breech-loaders, and of the other half such proportion shall be breech-loaders as the said Board on Ordnance shall determine, at a price to be fixed by the said board, and not exceeding $7,500 each if breech-loading, and not exceeding $6,000 each if they are muzzle-loading; and to obtain these mortars the said board shall make a contract with a suitable party or parties therefor. These mortars, except the breech apparatus, shall be of cast-iron of the same brand and similar to that used in the 12-inch mortar and 12-inch gun tested at Sandy Hook, but no more than one of each kind, either muzzle-loading or breech-loading, shall be procured until the mortar or mortars so procured has or have been tested by or under the direction of the said board, by firing from each two hundred rounds of projectiles of an average weight of about, and not less than, 610 pounds, with an average muzzle velocity of 1,000 feet per second; and the trial mortars, either breech or muzzle loading, shall be equal in accuracy of fire to the 12-inch mortars, either breech or muzzle loading, respectively, already tested at Sandy Hook.

That should either of these test mortars fail to reach this degree of endurance and accuracy, it shall not be paid for and no more shall be received; but should they, or either of them, reach the degree of endurance and accuracy specified, the contract shall be completed for the number specified in addition to the two trial mortars; and they shall be delivered at such average rate of delivery as will deliver them all within two years of the date or dates of the final contract therefor; and the said board shall contract for a suitable carriage for each of these mortars so to be delivered, and for not more than twenty projectiles for each. These projectiles shall be of cast-iron and of the standard kind of projectiles for such mortars, of a weight of about 610 pounds each, if solid shot, or such as will be about 610 pounds when loaded if they are shells. Such proportion of these projectiles shall have chilled fronts as the board shall determine, the price not to exceed 10 cents per pound. The model of these mortars may be such as is satisfactory to the board and the contrators; and the contract for the projectiles and the carriage for these mortars shall be made with the party who furnishes the mortars, if the board can make satisfactory contract therefor.

That none of the mortars herein provided for except those for trial shall be received until they have been fired not less than three nor more than five times with the standard test charge, as the proof of these mortars, which proof charges they must endure without injury. Any and all of these service mortars shall be paid for at the time of their delivery.

That the said board shall contract for the purchase of and make test of the trial mortars, and make proof tests of the service mortars if they shall be purchased, and may purchase carriages and projectiles therefor, and provide transportation for the said mortars, carriages, and projectiles, at a total cost of not exceeding $360,000.

SEC. 7. For the procurement of service and experimental seacoast carriages, and testing the same, at a cost not exceeding $150,000.

SEC. 8. For the manufacture of twenty 12-inch cast-iron breech-loading rifle-guns, about 33 calibers length of bore, and weight not less than 180,000 pounds each, all to be delivered at the rate of four per year from the date of the contract therefor, and at a price therefor not exceeding $27,000 each.

The said board may purchase carriages suitable for the foregoing cast-iron rifle-guns, and such projectiles as the said board may order for said guns, including the proving and transportation of the guns, at a total cost not exceeding $480,000.

That each of said cast-iron rifle-guns, before it is accepted, shall be tested with not less than five nor more than ten rounds with the service charge of powder and projectiles, which shall give 1,750 feet velocity per second to an 800-pound projectile; and such other test shall be applied as may be ordered by the said board, or thought necessary to enable it to determine that such guns are equal in all respects to the 12-inch cast-iron rifle made by the South Boston Iron Works and tested at Sandy Hook. They shall be made of similar iron and the same brand of iron as was used in that gun.

For the purpose of further testing the said 12-inch rifle, if the said Board on Ordnance think it desirable so to do, they may have the powder-chamber rebored to the extent necessary to remove the eroded metal as far as to the beginning of the lands in the bore of the gun, and have this rebored part lined with gun bronze or aluminum bronze about three-tenths of an inch thick, at a cost not exceeding $1,000, and may then continue the test of this gun with such charges as the board and the producer of the gun may agree upon, at a cost not exceeding $30,000.

The said board may authorize the lining of the powder-chambers of the above twenty 12-inch rifle-guns with bronze or aluminum bronze, if the said board think best, at an additional expense of not exceeding $1,000 each.

SEC. 9. That the said board may contract for 8-inch multicharge guns of such proportions and on such terms as it may consider for the interest of the Government, and to be tested in such manner and to such extent as the board may direct, at an expense not exceeding $100,000.

SEC. 10. That the standard weight for projectiles for testing 12-inch, 14-inch, 16-inch, and 20-inch rifle guns shall not be less than 800, 1,300, 1,900, and 3,700 pounds, respectively.

SEC. 11. That the standard weight of rifle guns to be tested for endurance, and of service guns to be contracted for as hereinafter provided, shall not be more than 108,000, 176,000, 257,600, and 516,000 pounds each, respectively, for 12-inch, 14-inch, 16-inch, and 20-inch rifles; and the length of any of these said guns, exclusive of the breech apparatus, shall not exceed 35 calibers.

SEC. 12. That the said Board on Ordnance shall contract, after due advertisement, for two 12-inch rifled guns with such party or parties as shall to them seem best, which said guns shall be built up according to the plans now prepared by the War and Navy Departments for 8, 10, and 12 inch rifles, the principal parts being of forged tempered steel. The drawings and specifications for one of said guns shall be furnished by the War Department and for the other by the Navy Department, within two months from the passage of this act, or as soon thereafter as may be, and the construction of said guns shall be superintended by officers of the War and Navy Departments, respectively, who shall report progress from time to time, and upon the completion thereof, to the said board. The weights and lengths of said guns shall not exceed that provided for 12-inch rifles in section 11 of this act, and the cost of said two guns, finished and delivered at the place of manufacture, shall not exceed $200,000.

That the said board shall also procure by purchase, or contract, carriages for use in testing said guns, either or both, unless the respective Departments which furnish specifications therefor shall have carriages suitable for such tests. Said two guns shall each be tested under the directions of said board for accuracy, range, and endurance in competition with, and for comparison with, those to be furnished by private parties as hereinafter provided in section 13. The powder and projectiles for testing each of said guns shall be furnished by the Department which furnishes the specifications respectively therefor, and shall be paid for by the board. The projectiles for said guns shall have the weight of 800 pounds each, and shall be fired with a charge of powder sufficient to give a muzzle velocity thereto of 2,000 feet per second.

The said weights and velocities may either vary by the amount of 1 per cent. of that specified, but the average shall not be less than 800 pounds and 2,000 feet, respectively.

The said guns may either or both be repaired to an extent not exceeding 10 per cent. of their respective costs, provided such repairs are necessary to secure the endurance of two hundred rounds or more from each; at least twenty rounds of the first two hundred fires from each gun shall have been fired in not more than two hours, and at one time. In estimating the cost of repairs the transportation of the guns shall not be included.

That the board may carry out the provisions of this section, at a total cost not exceeding $360,000.

SEC. 13. That whoever shall, within the limitations provided in sections 19 and 20 of this act, produce one or more 12-inch breech-loading single-charge rifle guns, of not more than 35 calibers in length, exclusive of breech apparatus, and not more than 108,000 pounds weight, which guns are to be made principally or wholly of steel, or principally or wholly of cast-iron, each supplied with projectiles, powder, implements, ordnance supplies, and including all incidental expenses of a test of two hundred rounds, to be fired as hereinafter provided for, shall, for each test gun so provided by him or them which withstands the test of two hundred rounds without more repairs than could usually be put upon it for 10 per cent. of the contract price hereinafter provided for similar service guns, and without such injury as would prevent if so repaired some continuation of the firing, beyond the said two hundred rounds, be paid for the same, by direction of the said Board on Ordnance, if such gun or guns be made principally of steel, at a price not exceeding $160,000 each, and if made of cast-iron principally, at a price not exceeding $80,000 each, which sums of money are to be accepted as the full prices of the guns and the cost of the tests, which sum shall be due and paid for each such gun and tests as soon as any such test gun has withstood the prescribed test of two hundred rounds, but not including the cost of the carriage therefor, which, if furnished by the party providing the gun, shall, if it be found suitable for use with such gun, be paid for at a price of not more than $25,000; but should the carriage for testing any such gun be provided by the Government, it shall be paid for by the party whose gun is tested thereon if the gun shall, by bursting, destroy the same before the gun has been fired two hundred rounds. But no such trial or test gun shall be paid for at the prices mentioned unless it endure the test of firing not less than two hundred rounds with a weight of projectile of not less than 800 pounds from the 12-inch rifle, with an average muzzle velocity for two hundred rounds of not less than 2,000 feet per second, and of these two hundred rounds not less than twenty shot of the prescribed weight shall be fired within two hours, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without repairs exceeding 10 per cent. of the cost of the gun ordinarily; but should any such trial gun fail to reach the degree of endurance above specified, and fail also to reach a degree of endurance equal to the endurance of either of the 12-inch Army or Navy guns which are to be made and tested as provided in section 12, then in that case no payment whatever shall be made for such gun and tests, including the supplies therefor, but should it reach, either with or without the above specified amount of repairs, a degree of endurance equal to either of the said Army or Navy guns, then it shall be paid for at a price for such gun and tests equal to the cost of said gun and tests which it so excels, provided it can be paid for within the limitations provided in section 19 of this act.

That of the projectiles furnished for testing these guns at least twenty, and if the board shall so require, forty, shall be suitable for range and accuracy; and if the board shall require, five shall be projectiles suitable for penetration, and the rest of the projectiles for the firing of the said two hundred rounds for endurance may be such as are fit for this purpose alone.

That in testing the trial guns the Government shall furnish free of charge the use of proving grounds for range and accuracy, the necessary butts for durability, the targets for penetration, and bear all expense of handling and transporting the guns, and for this purpose, and for the purpose of firing any such guns, and either or both of the said Army and Navy 12-inch guns after they have any or all of them been fired more than the said two hundred rounds, not exceeding the sum of $500,000 may be expended.

That the plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor, and all cartridges used in these tests, may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and any gun furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such gun has endured the above prescribed test. This firing shall proceed under the joint direction of the producer of the gun and the said board, and after one hundred rounds have been fired twenty rounds shall be fired with the prescribed standard weight and velocity of projectile within two hours of time during consecutive firing. This twenty rounds of continuous firing in two hours from these 12-inch guns may be made at any time after the gun has been fired one hundred rounds, but shall be done before the two hundred rounds are completed, and the firing of this two hundred rounds shall not disable the gun so much as to prevent some continuation of the firing without more repairs than may cost ordinarily 10 per cent. of the price of the gun.

That if any gun or guns made principally of steel or principally of cast-iron shall be provided which withstand the prescribed test of two hundred rounds with the prescribed weight and velocity of the projectile, at least twenty rounds of which were fired consecutively within two hours, all such guns shall, if the producer of the gun desires, be further tested at the expense of the Government, under the joint direction of the party producing such gun or guns and the said board, until it is fully determined which of the steel guns and which of the cast-iron guns are the most durable and serviceable, and that the steel gun so selected and the cast-iron gun so selected as the best of its kind shall be contracted for by the said board with the party or parties producing such steel gun and such cast-iron gun, the contracts to be for fifty of the steel guns and thirty of the cast-iron guns. And the test of the trial gun or guns so selected must be such as to make it reasonably certain that firing from service guns made on any such system twenty rounds in two hours, of the standard weight of projectiles, with a velocity of 2,000 feet per second, would not disable the service gun. In case of two guns of equal endurance, as shown by their tests, that one shall have preference for contract which has shown the best degree of accuracy as determined by the test for accuracy at different ranges, while being tested for accuracy, range, and endurance. The contract for the fifty steel guns to be made at a price not exceeding $75,000 each, with a carriage suitable for each gun, to be delivered therewith, the price of the carriage to be one-third that of the gun, the carriage to be bought of the party who produces the gun, provided he or they will furnish such carriages suitable in all respects for use therewith. The contracts to include some projectiles for each of these guns, to be of such kind and number as the board shall determine, and shall be furnished by the party who furnishes these service guns, on condition that the board can make satisfactory contract therefor.

That for proving these guns, transportation of the guns and carriages and projectiles therefor, and for such projectiles as the board may purchase for use therewith, not exceeding $500,000 may be expended.

That the contract for thirty cast-iron guns, to be made like that which shall in like manner have stood the prescribed tests, shall be for each gun at the price of not over 25 cents per pound, and for the thirty suitable carriages therefor, at a cost not exceeding $540,000 therefor; for lining the powder chamber of these guns with bronze or aluminum bronze, if the board shall deem best, at a cost not exceeding $1,000 each; and said board may expend for projectiles for said cast-iron guns, to be contracted for by the said board under such specifications as they may direct, and for proving said guns and carriages and transportation of the same, not exceeding $300,000.

That the carriages and projectiles for the above cast-iron guns shall be purchased of the party furnishing the said guns if the board can make suitable contract therefor. If more than one of either of each kind has been provided, which withstands the prescribed test, the board shall report with a recommendation what action ought to be taken with regard to the other gun or guns of either or both kinds which have withstood the prescribed test, but have excelled or been excelled in endurance under the continued firing.

SEC. 14. That whoever shall produce one or more 14-inch, 16-inch, or 20-inch single-charge breech-loading rifle guns, of weights and lengths conforming to section 11, within the time fixed in section 20 of this act, which guns are to be made wholly or principally of steel, and each supplied with a carriage, projectiles, powder, implements, ordnance supplies, and including all incidental expenses of a test of two hundred rounds for each test gun so provided, shall, for the best test gun of either of said classes as shown by its endurance so made and so provided which withstands the test of two hundred rounds of projectiles fired with a muzzle velocity of not less than 2,000 feet per second, on an average, and an average weight of projectiles of not less than that prescribed for the standard weight of projectiles for such guns, in section 10 of this act, without more repairs than can be put upon such guns ordinarily for 10 per cent. of their cost, exclusive of transportation, be paid for the same by the direction of the said board on ordnance at a price for such guns, and supplies and tests, not including the carriage, not exceeding double the price hereinafter fixed in this section, as the price for service guns of that caliber, which money shall be due and paid as soon as any such gun has withstood the prescribed test of two hundred rounds, and such further test as shows it to have better endurance than any other gun of its class so provided and tested, and which shall be in full payment for such gun and test, including the powder, projectiles, repairs of gun-carriage and gun, and all other expenses of the test not hereinafter specified, except the cost of the carriage therefor, which if found suitable for use therewith shall be paid for at the price hereinafter fixed for carriages for service guns of such caliber.

That the payment for any such carriage shall be made as soon as the test has shown it suitable for use with such gun or guns as it was made for, and without reference to whether the gun for which it was made endures its test or not.

That no such carriage shall be paid for at any price unless it is found suitable for use with the gun for which it was provided.

That for the next best gun of either class of the said 14, 16, or 20 inch guns, as shown by its test for endurance so made and so provided within the time fixed in section 20 of this act which withstands the test of two hundred rounds of projectiles fired with a muzzle velocity of not less than 2,000 feet per second, on an average and an average weight of projectiles of not less than that prescribed for the standard weight of projectiles for such guns in section 10 of this act, without more repairs than can be put upon such guns ordinarily for 10 per cent. of their cost, exclusive of transportation, be paid for the same by the direction of the said board on ordnance, at a price for such guns, and supplies and tests, not including the carriage, not exceeding 30 per cent. more than the price hereinafter fixed in this section, as the price for service-guns of that caliber, which money shall be due and paid as soon as any such gun has withstood the prescribed test of two hundred rounds, and such further tests as shows it to have better endurance than any other gun but one of its class so provided and tested, and which shall be in full payment for such gun and test, including the powder, projectiles, repairs of gun-carriage and gun, and all other expenses of the test not hereinafter specified, except the cost of the carriage therefor, which if found suitable for use therewith shall be paid for at the price hereinafter fixed for carriages for service-guns of such caliber.

That no such test gun, or supplies therefor, provided or furnished for test

under the provisions of this section, shall be paid for at any price, unless it shall endure the specified test of firing two hundred rounds with an average weight and velocity of projectiles equal to that specified and without more than the specified amount of repairs: *Provided*, That no more than two test guns of either of said classes of 14, 16, or 20 inch guns to be furnished under the provisions of this section shall be paid for at any price.

That all test guns so provided or furnished shall be delivered at the place of manufacture, and the said board on ordnance shall be notified when such gun will be completed, such notification to be given in time to give the board ample time to prepare for the transportation of such gun or guns to the place of testing.

That all expenses for transportation of any such test gun which may be provided under this section shall be borne by the Government and paid for by the direction of the said board, but it is hereby provided that if any such test guns are provided of 16-inch or 20-inch calibers, the producers of such gun or guns shall refund to the Government one-half of the expense of all the shipments of such gun or guns from the place of manufacture to or from the nearest tide-water, on its route to the place of test.

That the Government, under direction of the board, shall furnish, free of charge, the use of a proving ground or grounds suitable for testing any or or all of these guns for range, accuracy, and penetration, and furnish, free of charge, the necessary targets for accuracy and penetration, the butts to be used in firing for durability, and bear all expenses of handling and transporting the guns, except for the transportation to be refunded to it to the extent above provided in the case of 16 and 20 inch guns.

That the plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powders and cases therefor and all cartridges used in these tests may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and any gun furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such gun has endured the above prescribed test of firing two hundred rounds of projectiles with the weights and velocities prescribed in this section.

That the firing of any such gun shall be under the joint direction of the parties furnishing the gun and the said board, but the party or parties furnishing any such gun may at any and all times increase the weights of projectiles or charge of powder above the standard prescribed to the extent he or they think best.

That should any gun or more than one gun of any of the calibers specified in this section be furnished which withstands the firing of the said two hundred rounds with the weights and velocities of projectiles specified, then the firing shall continue to determine the endurance of and which of such guns has the best endurance, such continuance of the firing to be at the expense of the Government, and if either of the said competing guns has, in firing its first two hundred rounds, done less work than the gun or guns it is competing with, by reason of its projectiles having been lighter, or the velocities thereof less than that of the projectiles of the said competing gun or guns, then such gun or guns shall first be fired to the extent necessary to make up double the amount of such deficiency of work performed, before it shall be considered in further competition with that test gun or guns of that caliber which have done the superior amount of work, and this rule shall also be applied to the test 12-inch rifle guns to be provided and tested as provided in section 13 of this act, and in making up this deficiency the gun or guns to be fired therefor shall be fired with such charges of powder and shot, to be proportioned by the producer of the gun, as shall give an amount of work to the projectiles for each discharge equal to the average work of the best or largest amount of work done in twenty fires by the competing gun which it is being equalized with, and this amount of work for each discharge thereafter for endurance shall be required of each competing gun, unless the parties furnishing the competing guns and the board shall all agree to have the amount thereof reduced. Should the owner or producer of any such deficient gun object to being obliged to make up this deficiency of work done by his or their gun during the first two hundred rounds of firing it, then such gun shall be considered as out of the competitive test, and the firing may go on with the other gun or guns as long as the producer of such gun or guns may desire.

That at any time after any of the test guns which may be provided under the provisions of this act has been fired two hundred rounds, and the above specified amount of firing necessary to make up the excess of work performed in the first two hundred rounds of firing by some competing gun of like caliber, such test gun shall appear clearly to be inferior in endurance to some of its competitors, the board may decline to fire it further, but this shall not prevent the producer of such gun from a further test thereof in the presence of the board at the expense of the producer, and such gun shall still be considered in competition with the other gun or guns of like caliber being fired for endurance by the board; and if it shall excel them in endurance such expense for additional firing shall be borne by the Government and paid by the order of said board.

That after any such test guns of 12-inch, 14-inch, 16-inch, or 20-inch caliber has been fired the first two hundred rounds, and such additional amount as is above specified in this section to give it a credit for endurance equal to any of its competitors for work done in its first two hundred rounds of firing, then all continuation of the firing for endurance for each successive fifty rounds shall be conducted on the same plan of equalization, and shall be with charges which shall increase the average work stored in each projectile of such fifty fires, by an amount of not less than 5 per cent. of the average work stored in each of the projectiles of the last fifty rounds previously fired from the best of such competing guns, and this amount of work required of each gun for these fires shall not be reduced except by consent of the board and the unanimous consent of all of the producers of the guns of the calibers then competing, but any one of the competitors may, if he or they desire, increase the charge of either powder or projectiles for their guns. That repairs may be made at the expense of the producer of any of these test guns, to cost not more, if made ordinarily, than 10 per cent. of the cost prescribed to be paid for like guns for service, during the first two hundred rounds of firing this test gun, and such additional firing as may be necessary to equalize for endurance the work of this gun, and bring it up to that of its best competing gun of that caliber as provided in this section; additional repairs may thereafter be put upon any of these test guns to the extent that these repairs, with all previous repairs made after it has been submitted for test, shall not exceed in cost or kind such as could be made ordinarily for 20 per cent. of the price fixed in this act for service guns of their kind and caliber, transportation not being included.

That the time occupied by all repairs made during the first two hundred rounds fired from any test gun shall not exceed four months, except by consent of said board, and all further repairs of said gun which may be made after the firing of the first two hundred rounds shall not exceed four months in all, without the consent of the board, such times for repairs to include the time used in transporting the guns therefor.

That of the projectiles furnished for the first two hundred rounds to be fired from any of these guns, at least twenty, and forty if the board shall require, shall be suitable for range and accuracy, and five of these projectiles for each gun shall, if the board require, be suitable for penetration, and the balance of the two hundred rounds need be suitable for endurance only.

That in testing the trial guns which may be provided under this section, the Government shall furnish, free of charge, the use of proving-grounds, for range and accuracy, the necessary butts for durability, and targets for penetration, and bear all expense for transporting and handling the guns, to the extent provided in this section, and for this purpose, and for the purpose of firing any such guns, after they have been fired the first two hundred rounds, the sum of not exceeding $800,000 may be expended.

That when the test for endurance of guns, which may be made for test under the provisions of this section, have been completed for the guns of any of the specified 14-inch, 16-inch, or 20-inch calibers, a contract shall be made by the said board with that party or parties who shall have made the best 14-inch, 16-inch, or 20-inch guns, respectively, which gun or guns has been fired at least two hundred rounds with the prescribed charges, and as shown, by all the tests thereof for endurance and accuracy, made as herein provided, that it is superior to all other competing guns of its class. The contract for these guns of either class to be for twenty, which shall be equal in all respects to the trial gun tested, on which test the contract is or may be based. And the said board shall also contract for a gun-carriage suitable for use for each such gun contracted for, and for a few projectiles for each of said guns. The carriages shall be furnished by the party or parties who furnish the guns for which they are made, provided such party or parties will furnish carriages suitable for use of their guns; and that party furnishing any such service gun shall furnish the projectiles therefor, provided the said board can make suitable contract with them therefor.

That the prices of said service guns shall be as follows: For 14-inch rifle guns, not to exceed $135,000 each; for 16-inch rifle guns, not to exceed $225,000 each; and for 20-inch rifle guns, not to exceed $510,000 each; and the prices of the carriages for each of these respective guns shall be one-third of the price of the gun for which it is or shall be furnished.

That for proof tests of said 14-inch guns, projectiles, and transportation of said guns, carriages, and projectiles therefor, the said board may expend not exceeding $350,000.

That for proof tests of said 16-inch guns, projectiles, and transportation of said guns, carriages, and projectiles therefor, the said board may expend not exceeding $560,000.

That for proof tests of said 20-inch guns, projectiles, and transportation of said guns, carriages, and projectiles therefor, the said board may expend not exceeding $1,300,000.

That all carriages furnished for service guns of 12-inch, 14-inch, 16-inch, and 20-inch guns, to be provided and furnished as prescribed in sections 13 and 14 of this act, shall have, and there shall be furnished therewith, and as constituting a part thereof, all engines, machinery, pumps, compressors, pipes and piping, valves, reservoirs, accumulators, and track and bed-plates necessary to operate them in the place they are intended to be used; and the said board shall give reasonable notice of the kind of place in which any such service gun is expected to work, so the contractor may be able to furnish a suitable carriage and appliances for the use of such gun in such place; but the contractor shall not be required to furnish with any such gun-carriage appliances complete for more than one kind of mounting, with the necessary apparatus therewith for operating the gun for which it is to be made. That is to say, some guns may be mounted on carriages suitable for use on ships or floating batteries, with the necessary loading and other operating appliances, while others may be mounted on carriages suitable for use in casemates, and others for use behind earth-works and masonry so arranged as to raise the gun at least 12 feet from the position of loading to that required when fired, if the said board shall so require; but the weights for accumulators for use on land need not be made of metal, nor if so made of either metal or masonry need such weights be furnished by the contractor at his expense, nor shall he or they be required to furnish with these gun-carriages any turret work or masonry foundations of any kind whatsoever, or metal work for foundations except the foundation track and bed-plate on which the gun-carriage rests and is traversed. When more than one gun is used in close proximity, the engines, pumps, accumulators, compressors, and such other machinery to be furnished with such gun-carriages need not be complete for each gun, but may be made to operate sets of two or more guns to the extent in number the board may think desirable instead of being complete for each separate gun.

SEC. 15. That it is hereby provided that all guns contracted for as provided in sections 13 and 14 to be delivered for service shall be tested at the place or places where built, by the party furnishing the same, or at such other suitable place or places as he or they may provide, with not less than five nor more than ten rounds from each gun, with that charge equal to the maximum charge endured for two hundred rounds in the trial gun on which the contract for the gun of such caliber was made, the Government to furnish an officer to witness such test at the time the party making the gun shall desire. The gun shall endure such tests without more injury than the ordinary wear and tear of such guns should be, or that the ordinary wear and tear of the trial gun of that kind was in firing a like number of rounds of equal energy. The Government shall not accept guns which are seriously injured by this test, or which are injured more than the ordinary wear and tear of such guns, unless the injured parts are replaced or made good, when the gun may be again tested, and must endure the test before it shall be accepted without more injury than ordinary wear and tear that such number of fires shall produce. The powder, cartridges, and projectiles for these tests shall be paid for by the Government at a reasonable price therefor.

SEC. 16. That should any of the test guns of the kind to be contracted for as above provided in sections 13 and 14 have endured a greater amount of work in firing any two hundred rounds therefrom than that prescribed, namely, two hundred rounds of projectiles of an average weight equal to that provided for such guns in section 10, with a muzzle velocity of 2,000 feet per second, the price of the service guns of that kind to be contracted for as per sections 13 and 14 shall be increased above the price therein provided to the extent of the average work done on the projectiles by any such said test gun on which the contract for service guns may be based exceeded in firing any two hundred rounds that prescribed, namely, two hundred rounds, of a velocity of 2,000 feet per second, and the weight of projectile equal to that fixed as a standard for such guns in section 10, and the price of the carriages for such service guns shall be increased in the same proportion, which increase of price of such guns and carriages shall be paid by the order of the board, by a draft drawn on the Treasury by the said board or its authorized agent.

That all service guns, gun-carriages, projectiles, and cartridges therefor may be delivered to the Government at the place or places of manufacture. But it is hereby provided that the contractor or contractors for all service guns, of either 16-inch or 20-inch caliber, to be made under the provisions of this act, shall refund to the Government one-half the cost of transporting said service guns from the place of manufacture, or from such place as he or they have taken them for proof test, to the nearest tide-water for shipment by the Government to the place of destination.

SEC. 17. That no service gun to be provided, as specified in sections 13 and 14, of any of the specified calibers shall be accepted unless it appears to be as good in all respects as was the trial gun furnished by the party with whom the contract for such service gun was made. And the party making contracts for any of these service guns shall contract and guaranty that all material used therein shall be equal in quality and workmanship to that provided in the trial gun or guns on which the contract for such service gun was based, and that he or they will institute a thorough system of tests by which they may know that all parts of the guns, as far as may be, are of good material and workmanship in all respects; the delivery of all of these service guns to begin two years from the dates of the respective contracts therefor, and continue at such average rate as would complete the delivery in eight years from the date of the respective contracts therefor.

That all service guns and carriages therefor furnished under the provisions

of this act shall be paid for at time of delivery, and when delivered later than the date so fixed shall have the price of the same at which it would otherwise be paid for reduced by such reasonable amount as may be stipulated in the contract therefor for the time during which such delay of delivery takes place. But they may be delivered sooner than the time above fixed for their delivery.

SEC. 18. That it is hereby provided that at any time during the execution of any contract by any party or parties for 12-inch, 14-inch, 16-inch, or 20-inch rifle-guns to be made by them under the provisions of this act, such party or parties may furnish a gun of any such caliber as they may have such contract for, which gun may be made after the plans and specifications provided in the original contract for guns of that caliber, or after new plans and specifications to be provided by them, and such gun may be tested by them at their own expense in the presence of an officer who shall be detailed by said Board on Ordnance; and if such gun shows an endurance of being able to fire two hundred rounds with an average amount of work stored in its projectile when leaving the gun equal to 5 per cent. more than the average of the best two hundred fires selected from the firing of the test gun under which such contract was based, then in that case the Government shall pay for such gun and carriage therefor and the powder and projectiles used in such test, the price of the gun and carriage to be the regular price for such service guns of that caliber and the carriage therefor, as determined by sections 13, 14, 16, and 17 of this bill, and the contractor shall be at liberty to fill any part of the balance of his or their order for guns of that caliber with guns of this new pattern instead of guns made after the original test-gun specifications on which he or they obtained the contract for such guns, and the pay for such substitute guns and carriages therefor shall be modified to the extent the increase of work performed by such last test gun in the best two hundred rounds fired therefrom exceeds that prescribed as provided in section 16 of this act.

But not more than one such change shall be permitted with contracts for any such 14-inch, 16-inch, or 20-inch guns, respectively, nor more than two such changes shall be made in the case of the contract for the 12-inch rifles, and all such subsequent tests in which the new test gun or guns fail to excel the test gun on which the contracts were made, by not giving for the best two hundred rounds fired therefrom more than 5 per cent. more work stored in the projectiles when leaving the gun than was given in the best two hundred rounds of the best test gun of that caliber on which the contract for such guns was based, shall be at the expense of the contractor.

That all castings and forgings entering into the construction of the armaments herein provided for shall be of American manufacture.

That the board herein provided for shall annually report its operations to the Secretary of War, for submisson to Congress, at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 19. That it is hereby provided that should more than five guns be offered for test under the provisions of sections 13 and 20 of this act, which are made principally or wholly of steel which withstand the prescribed test of two hundred fires under the conditions fixed in section 13, or which excel in endurance the said Army or the said Navy gun to be provided as per section 12 of this act, then in that case only the best five of said 12-inch guns provided under the terms of said section shall be paid for, with their carriages, powder, projectiles, and supplies as therein provided, even though they shall have reached the degree of endurance specified, and in selecting the five to be paid for, those shall be selected which have the greatest degree of endurance as shown when tested according to rules and provisions made in sections 13 and 14 of this act.

That should more than one 12-inch cast-iron rifle be offered for test under the provisions of section 13 of this act which endures the prescribed test of firing two hundred rounds under the conditions therein provided or which has a greater degree of endurance than either the said Army or the said Navy gun to be provided under the provisions of section 12 of this act, then, in that case, only the best cast-iron gun so provided, as shown by the degree of its endurance in its tests, shall be paid for, together with its carriages, powder, projectiles, and supplies for the test of two hundred rounds.

That the time of paying for any of these 12-inch guns to be furnished by private parties for the test under the provisions of sections 13, 14, 19, and 20 of this act, is hereby modified to the extent necessary to enable the said board to comply with the provisions of this section.

That it is hereby provided that all guns or gun-carriages and all supplies therefor furnished by any private party or parties, for test under the provisions of this act, may be withdrawn by the party furnishing the same at any time before or subsequent to the completion of the test thereof, whenever it is evident that such gun, gun-carriage, or supplies are not to be paid for under the provisions of this act.

SEC. 20. That it is hereby provided that all 12 and 14 inch rifle guns for competitive trial and tests to be made and tested as provided in this act shall be finished ready for test on or before January 1, 1892; and all 16 and 20 inch test guns on or before January 1, 1893: *Provided*, That if no 12-inch rifle gun made principally or wholly of steel has been completed and offered for test at that time, which shall withstand the prescribed test of two hundred rounds, then the time for accepting such guns for competitive test as herein provided shall be extended to January 1, 1893. And in case that no 14-inch gun has been furnished ready for competitive test under the provisions of this act by January 1, 1892, the time for accepting such guns for test shall be extended to January 1, 1893.

That it is hereby provided that if no 14-inch steel rifle gun has been offered for test on or before January 1, 1893, which withstands the test of firing two hundred rounds, with weights and velocities as prescribed, then the time for receiving such 14-inch test rifle guns shall be extended to January 1, 1894.

That if no such 16-inch rifle guns for competitive trial and test to be made and tested as provided in this act shall be finished or ready for test on or before January 1, 1893, then the time for accepting such gun for competitive test, as herein prescribed, shall be extended to January 1, 1894; and if no such 16-inch rifle has been offered for test before that time which withstands the prescribed test for firing two hundred rounds with weights and velocities of projectiles as prescribed, then the time for receiving for tests 16-inch rifle guns shall be extended to January 1, 1895.

That if no 20-inch rifle gun made under the provisions of this act and conforming thereto shall be offered for test on or before January 1, 1893, then the time for receiving such 20-inch rifle guns for test shall be extended to January 1, 1894, and if no such test gun of 20-inch caliber has been offered for test and tested in accordance with the provisions of this act which shall have withstood the prescribed test of firing two hundred rounds of projectiles with the weights and velocities specified, with an amount of repairs as prescribed, on or before January 1, 1895, then the time of receiving 20-inch rifle guns for test under the provisions of this act shall be extended until that date.

The board on ordnance shall make all reasonable efforts to make all the tests provided for as quickly as possible after any such gun is ready for tests; and all the test experiments of guns shall be open to the inspection and observation of all parties furnishing guns of like calibers for test as provided in this act.

That the Secretary of War and the Secretary of the Navy shall each assist this board by detailing any and all officers and men for its use which it may need at any time and all times, and by furnishing it, without charge, any and all facilities for testing any and all of the guns and gun-carriages to be provided under this act, to the extent that they are able so to do, and in general to aid the board in any way they can in carrying out the provisions of this act.

SEC. 21. That section 2 of an act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, approved July 5, 1884, is hereby repealed.

SEC. 22. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of sections 6 to 20, inclusive, of this act, and for expenditures to be charged against the revenues of the Government for the fiscal years as follows, namely:

During the fiscal year 1889, $283,500.
During the fiscal year 1890, $1,249,500.
During the fiscal year 1891, $1,047,000.
During the fiscal year 1892, $1,202,400.
During the fiscal year 1893, $1,602,000.
During the fiscal year 1894, $2,641,000.
During the fiscal year 1895, $2,249,000.
During the fiscal year 1896, $3,842,500.
During the fiscal year 1897, $4,915,500.
During the fiscal year 1898, $4,889,000.
During the fiscal year 1899, $5,129,500.
During the fiscal year 1900, $5,546,500.
During the fiscal year 1901, $4,054,000.
During the fiscal year 1902, $2,146,000; in all, $40,890,000: *Provided*, That any unexpended balance remaining of the said appropriation for either of the fiscal years named shall continue available and be applied to and considered a part of the appropriation for the next succeeding fiscal year.

SEC. 23. To enable the board to pay any premium that may become due to parties who may furnish service-guns under the provisions of sections 13, 14, 16, and 18 of this act, the sum of $2,820,000, to be available on and after the fiscal year ending June, 1895, and to remain available until used for this purpose if necessary.

The PRESIDENT *pro tempore*. The question is upon the amendment to the amendment proposed by the Senator from Maryland [Mr. GORMAN] which has just been read.

Mr. GORMAN. Mr. President, in offering the amendment, I do so because, and only because, the Senate in committee has adopted the amendment of the Senator from Connecticut. I desire to say that it is a draught that has been prepared with a great deal of care by gentlemen whose duty it was to examine this question. There are some provisions in the amendment that if I had time to thoroughly consider I would probably modify; but I have had no such opportunity, and therefore, imperfect as it may be, it is presented for the purpose of bringing to the attention of the Senate and having the question decided now whether you intend, as the Senate has already voted, to expend $6,000,000 or $7,000,000 to establish a great Government foundry at Watervliet and to raise the question whether you intend in the manufacture of heavy ordnance to rely upon the Government shops alone and exclude the genius and enterprise of all the other people of this country.

I know the Senate is not disposed to listen to an argument on this subject. I have no disposition to go into it again to any extent, but I can not refrain from having read at the desk a letter sent since the amendment was offered and discussed by the Senator from Connecticut [Mr. HAWLEY] (one of many received by me), from a distinguished manufacturer in this country, who has reputation second to none, whose invention has been adopted by every civilized government in the world.

I ask that it be read. I do not give the writer's name for the reason that he has, as I understand, a large interest which must be determined by the Ordnance Department or the War Department; and from the statements made to me, without number almost, by many such letters, I doubt whether it would be just to him to permit his name to be used in this connection. But his statement in my judgment is incontrovertible and assures me that the position I have taken and the object I intend to accomplish by this amendment are absolutely necessary in the interest of the country. I ask that the Secretary may read the letter I send to the desk.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Secretary read as follows:

HON. ARTHUR P. GORMAN,
United States Senate, Washington, D. C.:

SIR: * * * Urgently as these appropriations are needed, I believe you are right in opposing large appropriations for built-up guns. Foreign experience shows that they are unreliable, and experience in this country is yet too meager to justify spending millions on them.

It is easy to explain the strenuous demands of some ordnance officers that only built-up guns should be purchased, by the desire of being consistent. Besides, the mathematical and mechanical problems involved in designing and manufacturing such a complex structure as a built-up gun can but have a sort of fascination for many influential ordnance officers, who are ready to affirm the impossibility of obtaining good guns in any other way and the uselessness of trying.

And so it has come about that in spite of the obvious weakness of a gun with a dozen or more large cracks or joints around it, and in spite of repeated protests from various quarters, the influence of the Departments and the appropriations of Congress have been almost wholly for the built-up guns.

I trust you may be able to secure such legislation as will enable and compel one or both of the Departments concerned to procure and test thoroughly a number of cast guns before any very large appropriations are made for other guns.

Built-up guns were a necessity at the time that system was commenced, because steel could not be produced in large quantities. The process invented by Bessemer and Siemans for making steel was at that time unknown, nor did steel-makers know at that period of the great discoveries that have recently been made in mixing aluminum and other ingredients with molten steel, which allows large castings now to be made of steel as perfeecly as they can be cast of iron or bronze.

Surely if guns can be cast of one piece of steel and without joints, such guns will be stronger, more durable, and a great deal cheaper than built-up guns.

Let Congress give inventors and private manufacturers of the country a fair chance. By having competition between built-up guns (made by ordnance officers) and steel cast guns (made by inventors and private manufacturers of steel), better and more effective guns will be produced. Cast guns can be made in

about one-fourth the time it takes to make built-up guns, and for about half the cost.

The strength of built-up guns is not to be determined by the tensile strength of the different bands and hoops that compose these guns in part. The weakness of such guns is produced by the joints forming, as it were, cracks all around the gun, where the bands and hoops butt together. When large guns are fired the mass of material forming the gun undergoes a severe shock and there are wave motions, produced by the action of the powder gases and by the recoil, which are checked at the joints where the bands and hoops meet, that will sooner or later produce crystallization of the metal at those places, and thus the lifetime of the gun is greatly shortened.

Unfortunately, years ago, the ordnance officers placed themselves on record as being in favor of built-up guns, and they have not now the moral courage to say they were wrong.

All sample guns, made either by the Ordnance Department or by private makers, should be proved and tested by a committee of officers from both the Army and Navy, and who are not connected with the Ordnance Department.

If Congress will make appropriations for large guns, of certain calibers, capable of doing certain kinds of work, etc., and allow all the people in this country to compete in furnishing the same, in all probability private makers would be able to make and furnish guns that would carry off the palm of victory.

If the built-up gun system should be permanently adopted, to the exclusion of all other systems, no improvement will be made in the construction of guns under such monopoly for the next twenty years to come.

Mr. GORMAN. That is the statement of one of the most successful men in the world in the manufacture of guns.

Mr. HAWLEY. How large are his guns?

Mr. GORMAN. He has a most effective weapon.

Mr. HAWLEY. Carrying about half a pound. I know the man. There is the letter.

Mr. GORMAN. I have no doubt the Senator does. The point being, however, no matter how large the gun is, that here is a man who has attracted the attention of the world by his success, and he is only one of many; and he states—and that is the point of his communication—that if this appropriation is so made as to permit inventors to experiment without any cost to the Government, and they come up and produce a gun that will be equal to the most severe test the Government officers can require, then they shall be purchased and paid for.

All I desire to say is that until July, 1893, if this amendment were adopted, the whole expense under the provisions of the amendment would be a little over $5,000,000, whereas the amendment of my friend from Connecticut, if I remember the exact figures, involves $6,300,000 to be expended by the War Department at any time.

Mr. HAWLEY. May I ask if there would be a single gun delivered in that time? It is not certain there would be a single gun delivered in five years. It opens the field for delivery; they may be delivered before that, but I do not remember that it provides for their delivery.

Mr. GORMAN. I would say in answer to my friend from Connecticut that the War Department has produced twenty third-rate guns in twenty years.

Mr. HAWLEY. It has produced three hundred and eighteen in about fifteen years.

Mr. GORMAN. I mean steel built-up guns.

Mr. HAWLEY. We never gave them a dollar to do it with.

Mr. GORMAN. There never have been constructed by the War Department any of the heavier calibers; it is claimed that we have one or two 8 and 10 inch, but there are no guns in the country, notwithstanding about forty millions have been expended since 1866 by the Chief of the Bureau of Ordnance.

Mr. HAWLEY. Mr. President, the War Department has never been authorized to make a modern steel gun. It never has had the money to do it with, and besides that there has not been an establishment in the United States until lately that could make one as large as 8 inches, and there is not a concern in the United States that can make the whole of a 10-inch gun, let alone a 14, 16, or 20 inch gun. You have never authorized the making of large steel guns. You have authorized them for the Navy. You ordered ships until the guns needed for them and the armor made an aggregate so large that the Secretary was able to take precisely the course laid down for the Army in my pending amendment. Only yesterday the Senate concurred with the House in an appropriation of two millions, which will go for armor and gun work precisely such as I propose.

The expenditures proposed by the Senator from Maryland have never been estimated for by any Department; they come from no committee, and they are a whole volume of legislation. I will soon present to the Chair three points of order against the amendment.

I venture to say that the amendment is not approved by more than one man in the world, and that is the man who wrote it, excepting it may be three or four men whose experimental pieces, rusting in some foundry or on the sands of Sandy Hook, it undertakes to revive, and the South Boston Iron Works, whose cast-iron guns it wants to make.

Here are some figures from the Bureau of Ordnance relating to the Senator's projects. I will give one specimen of the economy of the scheme:

The amount appropriated for twenty guns, each of 14, 16, and 20 inch caliber, sums up $17,400,000 for a total of sixty guns. This amounts to about two-thirds of the entire estimate of the Fortifications Board for five hundred and sixty-one guns, inclusive of all calibers from 6 to 16 inches, and seven hundred and twenty-four heavy mortars, making nearly thirteen hundred pieces; from which it would appear that the money has not been judiciously distributed in regard to caliber.

Mr. GORMAN. From what does the Senator read?

Mr. HAWLEY. From a criticism prepared by the Ordnance Department; a reply to certain questions, by Capt. Charles S. Smith, Ordnance Department, United States Army.

The plan in the amendment adopted by the Senate is not my plan at all. It comes from the Military Committee in the first place, but is also the substance of what is approved by the Committee on Coast Defenses; it is the plan of the Armament Board, of the Gun Foundry Board, of the great Fortifications Board, and of the Select Committee of the Senate on Ordnance and War Ships. It comes here urgently recommended by the Senator's own Secretary of War. It is in accordance with the experiments of England, France, Austria, Russia, Italy, Spain, and the whole of the civilized world.

The old shops and the waste-iron yards of the world are covered with just what the Senator's amendment proposes to build. There is a scheme in it that I do not think will be approved by a mechanic in the United States outside of an insane asylum. Such a bill was never spread upon the records yet. It is $41,000,000 to be expended in about fifteen years and in the mean time for the nourishment of every crank whoever filed his application to the Government. That is the proposition before the Senate. I have not had time to characterize it properly.

The Senator says we propose in our bill six or seven million dollars for a foundry at Watervliet. No, sir, it is only a finishing shop. It does not forge the parts of the gun, and the entire cost is $750,000. It will cost that to put up the necessary machinery and buildings. The Senator says he wants to give private inventors a chance, and he objects that the Government proposes to build up great shops under my amendment. Not at all. It is his bill that proposes to expend millions upon millions of dollars by the Government in putting up plants. We propose the most economical scheme that has been devised in the world for the manufacture of big guns.

The nations of Europe have made a series of experiments. They have undertaken to make a whole gun themselves. They have undertaken to have private builders build a whole gun. That works in some cases. They have undertaken a partnership between private parties and the Government. That has been a failure. The best wisdom of all Europe, France at the head of them and Great Britain among them, is that for certain great, rough, heavy parts of the gun it is best to ask a competition among private manufacturers, and they can then for about $800,000 or $1,000,000 put up the necessary plant for doing that; and the Government for $750,000 can put up all the other part of the plant, taking from the manufacturers the rough parts and finishing and assembling the gun.

If, on the other hand, you undertake to get it all from the private manufacturer; it requires of him an expenditure of from $1,600,000 to $1,800,000, and no man will think of devoting that much money without an enormous contract for guns in advance.

This is the economical and wise plan. What the Senate has adopted is in accordance with the wisdom of the world.

The extraordinary things in the Senator's amendment are beyond number. It provides for 20-inch steel guns, to say nothing of certain cast-iron abortions.

Nobody in the world has thought of building a 20-inch steel gun. The Senator has it down, I think, at a cost of $289,000—I am not sure but it is $500,000. I do not believe it can be built for half a million dollars. Nobody wants it; nobody can handle it. It might be fired once at a vessel, but before it could be got ready for a second shot, the ship would be well started in a journey around the world. There is no forge in the world that could make the central tube of it. You would have to double the size of the heaviest forges known. Nobody wants it. Nobody can build it. It is the wild dream of a respectable dreamer whom I know well and who has given me his dreams from year to year, and he has not been able to get a committee of Congress or any two men assembled who would agree to his scheme.

I raise the point of order that the matters therein provided for are not estimated for by any Department, that it is a volume of legislation, and that it comes from no committee.

Mr. GORMAN. I trust the Senator will withdraw his point of order for a moment.

Mr. HAWLEY. I will, certainly.

Mr. GORMAN. Mr. President, the criticisms of the Senator from Connecticut upon the proposition which I have presented, and his statement that they are some of them such that nobody out of a lunatic asylum would attempt to carry out——

Mr. HAWLEY. I will specify when you get through.

Mr. GORMAN. I have no objection to the Senator going on with it now.

Mr. HAWLEY. Not now.

Mr. GORMAN. The criticism of the Senator is not an unusual statement. It occurs and has occurred a great many times in this country that men in high position, of great respectability, of immense research, have denounced inventors as lunatics. There is a marked case in my own State, which is a matter of record, and the man who made the prediction was as intelligent as my friend from Connecticut; he had seen as much of the affairs of the world as that Senator can possibly have seen; he was as careful a man as my friend from Connecticut ever can hope to be.

When Congress appropriated a small sum of money to enable Mr. Morse to establish a telegraph from here to Baltimore, he went to the president of the Baltimore and Ohio Railroad Company for permission to erect his poles along the line of that company's road. The company granted the privilege, and I have it on the authority of the venerable John H. B. Latrobe, who was a party to the transaction, himself a distinguished engineer and lawyer, that the president of the company entered upon the records of the company a solemn protest against granting the permission, on the ground that it was an outrage and a wrong for an intelligent set of men to permit a man to spend his money in an enterprise which no man outside of an insane asylum would consider useful or feasible. Morse's success has made his name a household word for all time, and his critics of that day are forgotten.

Mr. President, twenty-five years ago if any man had predicted with confidence and presented the fact to the Senate that you could construct a built-up steel gun of 10 or 12 inches bore that would throw a shot of 700 pounds' weight, I have no doubt if the Senator from Connecticut had been in his place the ordnance officers would have been around and convinced him that the man ought to be in an insane asylum.

What harm would it do the Government if this proposition were enacted into a law? What possible detriment can it be to the country or to the Treasury if you say to the inventive genius of this country, "Here is an opportunity to make guns from 8 to 20 inches; you make them at your own expense; you furnish the plant; you present the gun complete and submit it to our ordnance officers, and if it stands the test we will give you such an amount of money as will compensate you. If you fail"—well, most of them will probably go to the poorhouse instead of to the insane asylum, as my friend from Connecticut suggests. But I have no doubt of their success. The Senator thinks they are cranks. I have perfect faith in the ability of the American manufacturer and the American mechanic to make guns and other implements of war which are not only equal to but better than any in existence in the world, if they are given a fair opportunity and are not hampered by the ordnance officers. If they succeed their compensation should be liberal; if they fail, as I have stated before, the Government will not suffer.

The Government, if this amendment is adopted, can not lose; worthless guns can not be forced on us, for the acceptance of their work is in the hands of the very men who criticise and oppose this measure; and I do not hesitate to say that there has never been from the foundation of the Government to this hour such a pressure of Army officers upon the legislative body in this country as we have had since this proposition has been pending.

These ordnance officers claim that they have not had a fair opportunity to serve their country by making guns, and yet $20,000,000 have been appropriated from 1866 to now, besides the amount received from the sale of old ordnance stores, amounting, as near as I can get the figures from the Treasury Department, to about $20,000,000.

But they are here and have been here at this Congress, and at every session of Congress for the past four years trying to prevent all legislation which will permit the outside inventor to perfect his invention or have the Government receive it. They are here around the committee-rooms, and they stand at the halls of legislation when these matters are discussed and send in their suggestions, full of technical information as they are, to control legislation so as to make it impossible to have anything done unless the money is expended by them in a Government shop. The Secretary of War should not permit this interference. Any Army officer who attempts to control legislation, except when he is requested by the Senate, the House of Representatives, or by a committee of either body to give his views under the instructions of his superiors, should be ordered to some post distant from these halls. But, sir, here they stand at the very doors of the Senate Chamber to prevent legislation which will throw open the doors to all the skilled men of the country.

When this matter was under consideration before, not content with what they do privately, one of them attempted to answer in the newspapers what was said on this floor. An ordnance officer from my State originally, a Captain Birnie, whom I do not believe I have the pleasure of knowing—but it is a good name—goes into the newspapers to argue the question for the purpose of getting appropriations for the Ordnance Bureau. That gentleman says, among other things:

In the twenty years—

This is a letter printed in the Baltimore Sun, of Baltimore, Md., July 2, 1888, immediately after this debate. Captain Birnie says:

In the twenty years beginning July 1, 1866, and ended July 1, 1886, that department—

That is the Ordnance Department of the War Department—

expended less than one and one-half million of dollars for the procurement of cannon of various calibers.

And yet I have a statement from the Treasury Department which shows that from 1866, for the ordnance service alone, down to 1888 inclusive, there were $2,740,000 made by direct appropriations. In addition to that all the money from the sale of ordnance stores, now $75,000 per annum, added to the other appropriations expended will swell the total amount from 1866 until now to about $10,000,000, and yet they have not, as I understand, more than one hundred guns that are serviceable. Here are the amounts appropriated direct, to which add fifteen to twenty millions received from sale of old property:

Amounts appropriated in general appropriation bills to be expended under the direction of Ordnance Bureau.

ORDNANCE SERVICE.

1868	$300,000.00
1869	200,000.00
1870	200,000.00
1871	150,000.00
1873	200,000.00
1874	200,000.00
1875	125,000.00
1876	125,000.00
1877	100,000.00
1878	100,000.00
1879	100,000.00
1880	110,000.00
1881	110,000.00
1882	110,000.00
1883	125,000.00
1884	115,000.00
1885	100,000.00
1886	100,000.00
1887	90,000.00
1888	80,000.00
Total	2,740,000.00

ORDNANCE, ORDNANCE-STORES AND SUPPLIES.

1873	383,000.00
1874	700,000.00
1875	370,000.00
1876	370,000.00
1877	330,000.00
1878	315,000.00
1879	315,000.00
1880	320,000.00
1881	310,000.00
1882	310,000.00
1883	305,000.00
1884	400,000.00
1885	400,000.00
1886	405,000.00
1887	255,000.00
1888	255,000.00
Total	5,833,000.00

MANUFACTURE OF ARMS AT NATIONAL ARMORIES.

1873	150,000.00
1874	100,000.00
1875	100,000.00
1876	150,000.00
1877	100,000.00
1878	100,000.00
1879	150,000.00
1880	250,000.00
1881	300,000.00
1882	300,000.00
1883	400,000.00
1884	401,000.00
1885	400,000.00
1886	400,000.00
1887	400,000.00
1888	400,000.00
Total	4,101,000.00

PURCHASE OF GUNPOWDER AND LEAD.

Nothing.

TESTS OF HEAVY RIFLED ORDNANCE.

1873	270,000.00
1874	53,000.00
Total	320,000.00

TESTS OF IRON AND STEEL.

1884	25,000.00

EXAMINATION OF HEAVY ORDNANCE AND PROJECTILES.

1882	25,000.00

MACHINE GUNS.

1884	20,000.00
1885	20,000.00
1886	50,000.00
1887	4,246.57
Total	94,246.57

ARMAMENT OF FORTIFICATIONS.

1877	165,000.00
1878	175,000.00
1879	187,500.00
1880	182,500.00
1881	400,000.00
1882	325,000.00
1883	100,000.00
1884	400,000.00
1885	406,000.00
1886	450,000.00
1887	38,219.17
Total	2,823,219.17

ARMING AND EQUIPPING THE MILITIA.

[Permanent appropriation.]

1866, to and including 1887, twenty-two years, at $200,000 per annum	4,400,000.00
1888	400,000.00
Total	4,800,000.00

SUMMARY OF APPROPRIATIONS 1856 TO 1888, BOTH INCLUSIVE.

Ordnance service	$2,740,000.66
Ordnance, ordnance stores, and supplies	5,833,000.00
Manufactures of arms at national armories	4,101,000.00
Purchase of gunpowder and lead	
Tests of heavy rifled ordnance	320,000.00
Tests of iron and steel	25,000.00
Examination of heavy ordnance and projectiles	25,000.00
Machine guns	94,246.57
Armament of fortifications	2,823,219.17
Arming and equipping the militia (permanent appropriation)	4,800,000.00
Grand total	20,761,465.74

Mr. HAWLEY. They have got eighteen hundred.

Mr. GORMAN. Eighteen hundred of the old guns that were made during the war.

Mr. HAWLEY. No; three hundred of them made since the war, and they are serviceable guns, too, but they are weak compared with modern guns.

Mr. GORMAN. But they are of no earthly account, as has been stated on this floor again and again, and if they have three hundred guns they do not report them as such as they would rely upon for defense now.

Captain Birnie continues:

With this amount there were procured 318 serviceable cannon, beginning with 15 and 20 inch Rodman smooth-bores—

This is since the war—

and closing with completed guns of the best modern type of breech-loading steel guns, namely, field guns, seige guns, 8-inch seacoast gun—

There is, as I understand, under the control of the War Department but one perfect built-up 8-inch steel gun.

During the same period—

Says this captain—

the Department has tested a greater number of guns (types) submitted by private inventors than of those designed in its own bureau. Of the private ones I will name the Sutcliff (two calibers, a field gun and a seacoast gun), the Moffatt, the Hitchcock, the Woodbridge, the Mann (twice), the Haskell Multicharge, the Thompson, and the Yates.

I will not detain the Senate to read what these inventors and others who are familiar with the subject have said about these tests. There is not a single inventor that is satisfied. It is a chapter of oppression and wrong. But let that all go. I do say that the money which has been spent by the Ordnance Bureau since 1866, greater in amount than that which has been proposed by my amendment, has produced no satisfactory results. It is time now to give the inventors and the manufacturers outside of the Government service, outside of the Army, an opportunity to compete with them.

I could, but I will not, detain the Senate by reading from the reports of the Chief of Ordnance the statements that he has made and reported through the Secretary of War to Congress, showing how this money in many instances has been expended. It is all a history of incapacity. They are full of theories. There is not, so far as I have been able to see and gather from those who do know, a practical man in the service who is in position to direct the policy of the bureau. I do not hesitate to say that there is not a gun made in the Navy or in the Army shops that can not be produced by private enterprise for one-half the amount which it costs the Government, built and made up by its officers.

I believe that it is absolutely necessary that the Government shall have two great shops, one for the Navy and one for the Army. I am not opposed to that, but I am opposed to permitting them to expend millions more without placing them in competition with the mechanics who have no connection with the Government, with men of enterprise and genius, with Gatling, who made his great gun which gave him a world-wide reputation, and with Hotchkiss and all the rest of them. I say that there is not a manufacturer who furnished the great guns that we had during the war, men who are interested in and who are desirous and anxious for success, who do not believe that we have reached a point in our manufactures when we can make guns to compete with any known in the world if the Government will give them an opportunity.

Now, sir, probably the Senator can have this amendment ruled out of order. Let it go out. As I said when I offered it, I came into the Senate this morning not knowing that the Army bill was under consideration. I have taken that proposition, the main point of which is to enable private competition with Government shops, knowing very well that it is not entirely perfect, but hoping that the Senate would consider the question, and, as is done in a hundred cases, modify it, if there be any imperfections in it, but adhere to the one idea I have suggested of letting our mechanics have an opportunity to compete. They are now in an anxious state of mind in regard to their future; they have been made to believe by the opposition to the Administration that the legislation of the Democratic party would bring disaster to the laboring men of the land. Let it go forth, if you will, Mr. President, that one of the great leaders on the other side of this body, in the consideration of this question and in the appropriation of millions of money, has deliberately, after having secured by a majority vote of the Senate, and he belonging to that majority, the consideration of an amendment which I did not, and do not now, think was germane to the Army appropriation bill. He had the power and he succeeded in the committee with his amendment placing over $6,000,000 in the hands of and to be expended by Army officers, and now, on a point of order, he will have ruled out a proposition which would be of immense value to the Government, and that which he and his party friends are proclaiming they are most anxious to do, that is, to start the furnaces of the country in full blast and thus give work to thousands of honest toilers. He will probably succeed in preventing our manufacturers and mechanics from competing successfully in the manufacture of heavy ordnance.

He may be content to leave this matter in the hands of Army officers, but when he goes to his own State, where some of these guns should be and probably would be made, when he discusses this proposition before the people, I would like to have him explain why he opposed with his great power a proposition such as I have offered, and why he refused to aid me to perfect a proposition which would open in full blast all the great furnaces and give opportunity to every mechanic and every inventor to serve his Government and participate in solving the great problem of protecting our immense coast.

Mr. HAWLEY. Mr. President, I want to correct one or two mistakes and relieve the feelings of the Senator from Maryland about several things. He represents the gun-builders, the great manufacturers of the country, as saying that they can do the best work in the world; they can make the best guns if we will only give them an opportunity. The implication was that they wanted to build the whole gun, forge the parts and finish and build the gun. Now, sir, if he will do the Committee on Ordnance and War Ships the honor to read their report he will find that the ablest steel men in the United States heartily approve of the identical plan of this bill. It is based not upon the testimony of the ordnance officers alone, but on that of all the great steel manufacturers themselves. We went to them, shop after shop, in Philadelphia and elsewhere around Pennsylvania, to Pittsburgh and to Boston and wherever they made guns or forged large masses of steel, to see their shops and ask them about the best way of doing this work; and this is the way they say is best for the Government and best for them. They will forge the rough parts if we will take those parts and assemble them. In such a case they would have to expend on the plant about half as much as if they undertook the whole gun, and they ask that they shall not be paid a dollar except upon steel tested and approved.

Captain Birnie, of the Ordnance Bureau, one of the men best informed in the literature and practical business of ordnance there is in the United States or in the world, did make in the Baltimore Sun the correction of some of the errors of the Senator and others from which the Senator has quoted.

The Senator says the Bureau of Ordnance received about $20,000,000 in twenty years, and produced no gun. If the figure 20 be correct as to what they have had since 1866, it applies to all the current wants of the Government in the care of its guns, in the manufacture of its small-arms at the arsenals, and the distribution of $200,000 worth a year to the militia of the several States, in short, the whole work in general.

But for the building of cannon—and you know how specific the appropriation bills are—they had a million and a half in the whole time, and they went on for some years building the best guns known then, the old cast-iron gun, probably the best then of their kind in the world. It was thought best to cast some of calibers as large as 15 and 20-inches. They procured with that money three hundred and eighteen serviceable cannon. I say "serviceable." I mean they are of some use; they are in good order. I do not say that an old 10-inch columbiad is useless, or the 15-inch smooth-bore. They are serviceable against smaller unarmored ships. The 10-inch carries a 128-pound shot, which would easily penetrate a vessel with a skin of iron only three-eighths of an inch thick, or any wooden vessel. But we have no guns of the modern type, none that will penetrate even the middle-class iron ship of foreign nations.

The Ordnance Bureau quit making these old cast-iron guns, but they did make with that million and a half three hundred and eighteen of them, beginning with 15 and 20 inch Rodman smooth-bores, and closing with a few of the later steel guns. The Senator says we have no gun of the best modern type on hand. No, we have not, except as specimen guns, and about 30 elegant little $3\frac{2}{10}$-inch field pieces, excellent little steel rifles for the light batteries. We have, I think, one 10-inch steel gun. The Bureau of Ordnance has barely made a beginning.

Captain Birnie says that during the same period the Department has tested a greater number of the type guns submitted by private inventors than of those designed in its own bureau. And he names the "Sutcliff, the Moffatt, the Hitchcock, the Woodbridge, the Mann (twice), the Haskell multicharge, the Thompson, and the Yates."

Some of these guns had good ideas, but they are abandoned as hopeless by all except the inventors. The multicharge gun, for example, has been altogether superseded, as any mechanic will see in a moment. The multicharge gun is not needed now, because by means of a slow-burning powder and a longer gun we get the same result, that is, increased velocity and power, from a single cartridge in the ordinary gun.

The Ordnance Department has faithfully expended its money and conducted all the experiments it was required to do. It has no patents, no tricks, and no pet methods. It simply adopts the results at-

tained in all the nations of Europe, and have already spent in experiments four times over the millions proposed in the Senator's amendment. The ground his amendment would cover is trodden smooth and worn, yes, worn into gullies, by the experiments made in the Old World. It is supreme folly to go all over that ground again. Go directly at the best thing known and the best known processes of making it.

The Senator objects to my making the point of order on the amendment, and says I would thus prevent the consideration of useful projects. I withdraw my objection. I will make no point of order against this monstrous scheme. The Senator dare not carry it through Congress. Its only result could be to delay for years the work that the honor of the country demands to-day.

Mr. STEWART. I offer as a substitute for the amendment of the Senator from Maryland [Mr. GORMAN] the fortifications bill, which answers all the purposes, which has been thoroughly prepared and reported by the Committee on Coast Defenses. I offer that as a substitute for the amendment.

The PRESIDENT *pro tempore*. The Chair can not receive it now. An amendment in the second degree is already pending. The question recurs upon the amendment to the amendment proposed by the Senator from Maryland. The Chair states to the Senator from Nevada that an amendment in the second degree is now pending; therefore his amendment can not be received.

Mr. STEWART. What was the first degree amendment?

The PRESIDENT *pro tempore*. The proposition of the Senator from Connecticut is an amendment.

Mr. HOAR. Will the Chair be kind enough to have the amendments pending stated? I do not mean read through, but the substance stated, so that we may see exactly what they are.

The PRESIDENT *pro tempore*. The question that is before the Senate is upon concurring in the Senate with the amendment made as in Committee of the Whole upon the motion of the Senator from Connecticut [Mr. HAWLEY], which was agreed to. In the Senate the Senator from Maryland moves to amend the amendment by substituting the proposition which has been read at the desk.

Mr. STEWART. I appeal to the Senator from Maryland to allow his amendment to be modified by what I propose to send to the desk. Then there will be no question about its having been recommended by a committee, and I think it will answer his purpose.

Mr. HAWLEY. I pray the Senator from Nevada not to ask us to hear the $126,000,000 bill again. It is pending in the Senate as a separate bill. It is laid aside temporarily. It has been discussed two or three times, and to read it alone would take some time, perhaps half an hour; I do not know the exact length of time.

Mr. GORMAN. I can not consent to the request of the Senator from Nevada. I wish to have a vote on my amendment.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Maryland to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs now on concurring in the Senate with the amendment made as in Committee of the Whole, upon which the Senator from Arkansas [Mr. BERRY] has asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is detained from the Senate on account of sickness in his family. If he were here, he would vote "yea." He is paired with the Senator from Georgia [Mr. BROWN].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not see him in the Chamber, and therefore will not vote.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this amendment. If he were here, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I do not know how he would vote. If he were present I should vote for the amendment.

The roll-call was concluded.

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. If he were present, my colleague would vote "yea."

Mr. SPOONER. I desire to announce that the Senator from Minnesota [Mr. DAVIS] is paired with the Senator from Indiana [Mr. TURPIE].

Mr. WALTHALL. My colleague [Mr. GEORGE] is unavoidably absent to-day, and I think is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. HEARST (after having voted in the negative). I withdraw my vote. I am paired with my colleague [Mr. STANFORD] on political questions, and as this seems to take that course I withdraw my vote.

Mr. BLAIR (after having voted in the affirmative). I am paired with the Senator from Mississippi [Mr. GEORGE]. I supposed he was present and had voted, and I voted. As I find he is absent I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from New Hampshire withdraws his vote.

Mr. RANSOM. I am paired with the Senator from Rhode Island [Mr. CHACE.] If he were here, I should vote "nay."

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. FAULKNER] announced a pair with the Senator from Pennsylvania [Mr. QUAY], who subsequently voted.

Mr. QUAY (after having voted in the affirmative). I understand that the Senator from West Virginia [Mr. FAULKNER], announced a pair with me. I was not aware of that, and I therefore withdraw my vote.

The result was announced—yeas 24, nays 16; as follows:

YEAS—24.

Aldrich,	Frye,	Manderson,	Sawyer,
Allison,	Gibson,	Mitchell,	Spooner,
Chandler,	Hampton,	Morgan,	Stewart,
Cullom,	Hawley,	Palmer,	Stockbridge,
Dawes,	Hoar,	Reagan,	Teller,
Evarts,	Ingalls,	Sabin,	Wilson of Iowa.

NAYS—16.

Bate,	Cockrell,	Gray,	Saulsbury,
Berry,	Coke,	Jones of Arkansas,	Vance,
Blackburn,	Daniel,	Kenna,	Walthall,
Call,	Gorman,	Pasco,	Wilson of Md.

ABSENT—36.

Beck,	Davis,	Hearst,	Pugh,
Blair,	Dolph,	Hiscock,	Quay,
Blodgett,	Edmunds,	Jones of Nevada,	Ransom,
Bowen,	Eustis,	McPherson,	Riddleberger,
Brown,	Farwell,	Morrill,	Sherman,
Butler,	Faulkner,	Paddock,	Stanford,
Cameron,	George,	Payne,	Turpie,
Chace,	Hale,	Platt,	Vest,
Colquitt,	Harris,	Plumb,	Voorhees.

So the amendment was concurred in.

Mr. CALL. I offer the following amendment as an additional section:

Five hundred thousand dollars are hereby appropriated for the construction of the necessary plant and machinery at the navy-yard at Pensacola, Fla., or elsewhere in the Southern States, and at such other suitable Government workshops or arsenals as are without such plant; such plants to be located in each of the three sections of the United States, the place to be selected by the Secretaries of War and Navy—one in the Northern States, one in the Southern States, one in the Pacific States—and such plants to be leased under terms to be offered by the Secretary of War to such persons as shall make contracts for the building of such guns.

Mr. ALLISON. I dislike to make a point of order on that amendment, but I feel compelled to do so.

Mr. CALL. I ask the Senator to withdraw the point of order for a moment.

Mr. ALLISON. I will withdraw it for the moment if the Senator desires to be heard.

Mr. CALL. My object in offering the amendment is to enable the people in all parts of the United States to participate in the benefit of this disbursement of a large amount of the public money. I have no objection to voting any reasonable amount of money for the building of guns and providing the necessary artillery of the most improved character for the use of the United States, but in every large disbursement of the public money there is something else besides the direct object of expenditure. There is a great benefit to be derived to the locality where the money is expended, and this is an object frequently in obtaining these large appropriations.

It is not the public benefit in the execution of the work proposed to be paid for, but the private benefit to the locality in the employment of men and the profits derived from the work done by contractors and men of large means. This policy of expending these great sums of money for public objects without great care to prevent its going into the hands of a few persons becomes a great public evil in all governments and is becoming so with this Government.

There is this inseparable attendant of all disbursements of the public money, and the vast revenues of this Government, so expended, create great private interests and great advantages in localities which ought to be regarded in the legislation on the subject.

If you wish to make this expenditure of the money satisfactory to the people of the country, it should be in all respects for the public benefit and not for personal benefit or for the benefit of particular localities. Now, it is perfectly easy, there is no objection that can be urged against it, for the Government to establish the necessary plants in all portions of this country, not very numerously, but one at least in each of the grand subdivisions of the country, where the mechanics, where the inventors, where the enterprise and the business capacity of the people may have opportunity to exhibit itself, and make contracts for the performance of this public work.

Why should this $6,000,000 be disbursed in one workshop under the Government or in one or two places with a few great business men in control of the works where it is expended? Why should it not be distributed in all parts of the country?

Mr. President, I shall at all times endeavor to obtain such legislation as will promote the expenditure of the public money, not in one or two localities, but as broadly and generally as possible.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Iowa to press the point of order?

Mr. ALLISON. I do.

The PRESIDENT *pro tempore*. Is the amendment reported from any committee?

Mr. CALL. It is not.

The PRESIDENT *pro tempore*. Is it estimated for by the head of a Department?

Mr. CALL. It is subject to the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 456) for the relief of the widow of Lieut. John F. Stewart;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 8012) for the relief of M. M. Gibson;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

Joint resolution (H. Res. 205) to provide temporarily for the support of the Army; and

Joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

The message also announced that the House had passed the bill (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL BILL.

Mr. ALLISON. I desire now to give notice that to-morrow morning, after the routine business is concluded, I shall ask the Senate to take up the sundry civil appropriation bill.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business with open doors.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed in open executive session to the consideration of the fisheries treaty.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in executive session with open doors. If there be no objection the reading of the Journal of the last open executive session will be dispensed with. The Secretary will report the treaty by its title.

The SECRETARY. Treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the further consideration of this treaty until the first Wednesday after the first Monday in December next.

Mr. WILSON, of Maryland. Mr. President, for seventy years the extent of the rights of American fishermen, under the treaty of 1818, to ply their vocation in waters claimed to be within British jurisdiction, has been in controversy. For seventy years the claim of the British authorities to place restrictions, more or less rigorous, upon the four privileges of wood, water, shelter, and repairs, under what they have all along asserted to be a reasonable, and in fact a literal, construction of that treaty, has been practically enforced except when, for a valuable consideration moving from us, it has been waived. During this long period much of the British contention on this subject has been conceded by some of our most illustrious statesmen and diplomatists, not only to be colorable, but to be founded upon the plain reading of the treaty. Daniel Webster, in comparison with whom no one of our leading public men has been possessed of a broader, more penetrating, or more honest intellect, and no one of our Secretaries of State has with more ringing words or more burning patriotism proclaimed and enforced the rights of American citizens, openly declared, with reference to the prolific source of all these contentions, that—

By a strict and rigid construction of the treaty of 1818, fishing vessels of the United States are precluded from entering into the bays and harbors of the British provinces—

Of course, meaning the bays and harbors yielded up by us to Great Britain in that treaty—

except for the purposes of shelter, repairing damages, and obtaining wood and water.

And with reference to what is properly a bay, he gave the following definition, than which no other could more fully sustain the British claim:

A bay, as is usually understood, is an arm or recess of the sea, entering from the ocean between capes or headlands, and the term is applied equally to large and small tracts of water thus situated.

And with reference to the general effect of the treaty his conclusion was that—

It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England.

Other and leading American statesmen have again and again conceded that the controversy as to the true construction of this treaty was a most difficult and delicate contention. And what is even more significant, the practical conduct of our Government during this long period has virtually admitted that our rights under this treaty are so ill-defined, uncertain, and liable to dispute that it has been safer and more honest to trust to diplomacy for relief than boldly and confidently to proclaim ourselves to be clearly in the right and then to adopt the policy of retaliation or to appeal to the arbitrament of arms. And it does seem to me very strange that Senators who so boldly and defiantly proclaim that the day for negotiation has passed do not see the dilemma into which they are plunging. If our rights under the treaty of 1818, or under any other conventions, are so clear and well founded that it is unworthy of a great and magnanimous nation to submit them to diplomatic ascertainment and regulation, then manifestly, those rights being the same now, both in their nature and extent, as they long have been, our continued tame submission to what we claim to have been a contemptuous and lawless disregard of those rights, as evidenced by what we term many oppressive and unjustifiable regulations and restrictions imposed by the British-American authorities upon our fishing vessels, and by the seizure and confiscation of those vessels for their breach, in defiance of what we declare to be plain treaty stipulations, has all along been and is now a standing humiliation, disgrace, and stigma upon our national character which nothing but the bloody hand of war can efface.

According to the dictates of true national honor we should have long ago sought redress, and by our lofty attitude now assumed we are doubly bound to seek redress by an appeal to arms, and not through that petty and contemptible species of retaliation which would delight the souls and fill the coffers of a few New England owners of fishing vessels by granting them what they value next to heavenly bliss—a monopoly of the American fish market. Mr. President, such is the limited and selfish use to which leading New England men already seem to wish that the law of the last year, commonly known as the "retaliation act," shall be applied by the President. To quote the language of the president of the American Fishery Union, in April, 1887, just after that act was passed, which language has been recently in substance re-echoed by distinguished New England representatives, all the use of that act they desire is "to prohibit Canadian-caught fish from entry into the ports of the United States."

Doubtless, sir, it would be a New England millennium to be allowed to go, with the full swing of her treaty rights, into Canadian waters and there catch fish *ad libitum*, and then to say to the Canadians, that "the fish caught by New England fishermen in Canadian waters shall entirely exclude Canadian-caught fish from the American markets." And that pleasure would be in no small degree heightened by the reflection that the whole American people would thus be rendered tributary, with respect to one of their most important articles of food, to a few owners of New England fishing smacks, largely manned by Canadian fishermen, working for wages less than Americans have been used or are willing to receive. It is to be hoped that the President will never allow great and delicate powers, intended to vindicate the national honor from what are claimed to be grave outrages upon national rights, to be used solely for such narrow and selfish ends.

Mr. President, the retaliation act of March 3, 1887, imposes no absolute and imperative duty upon the President, nor does it impose any duty the non-performance of which can in any proper sense be considered an act of official non-feasance or malfeasance. That act was passed immediately after a large number of the seizures and fines or confiscations were made or imposed upon American vessels in the waters of the Dominion. In spite of the pressure which a knowledge of these facts brought to bear upon Congress, we did not order the President to declare non-intercourse or to enter upon any species of retaliation. We only directed him, after being satisfied of certain facts, or rather of mixed propositions of law and fact, to exercise his discretion in the premises, and that was precisely the same discretion which it had been, was then, and ever since has been, with full knowledge of all the facts in our own power to exercise.

We only armed the President with the power in his discretion to manage the questions involved in a given way; but he was already possessed of a higher constitutional power to settle these questions by negotiating a treaty. It would seem simply absurd to say that the grant to him of a legislative power and discretion suspended or in any manner modified his constitutional power as an independent branch of the Government to deal with the subject. And still further, it not only seems absurd, but it looks like a species of self-stultification for us to charge it upon the President as an act of culpable remissness that he

has not begun to enact this drama of retaliation when we refused, under circumstances equally as urgent and with just as full means of knowledge, to assume any such responsibility. The gravity of the matter does not consist in conferring the power and discretion, but in its exercise.

Retaliation, with a high-spirited nation like Great Britain, engaged in the enforcement of what she has for many long years claimed and enforced as rights under a treaty of ancient standing, and which she is committed before the world to maintain, or else ignominiously to back down, might well be only a little more circuitous road to war. Especially might this be the case if the aggressive and vindictive spirit which seems to animate the utterances of our New England friends upon this subject could be widely infused into the minds and hearts of our people. Doubtless, for different reasons, Great Britain and the United States are not desirous to enter upon a deadly grapple; but it might be as well, in addition to the unseemliness of such an exhibition, for neither side to indulge in a swashbuckler style of talking and acting, lest we should glide into the horrors of war, when by the exercise of a reasonable discretion it might be avoided with no dishonor to either side.

And now, Mr. President, when a President of the United States wisely, humanely, patriotically seeks to avoid this stormy and dangerous road of retaliation, and, as his predecessors have done, tries to effect a peaceable solution of all these difficulties by proposing a treaty which, if it be not everything that could be desired, might, if Senators would honestly and earnestly discharge their duties as his constitutional advisers, by amendments be made, both to Great Britain and the United States, a happy issue out of all their angry strifes, to meet such a proposed treaty with a torrent of special pleading, with a labored effort to exaggerate every concession to the other side, and to minimize every concession to our side, and by loud and embittered speeches to excite passion, to arouse prejudices, to assail motives, to cover with obloquy the President and his Secretary of State who are doing their best to discharge a patriotic and delicate duty, to repudiate our plain duties as his advisory council, to forsake the universal policy and practice of this Government for one hundred years, and to turn this Chamber into an arena, not for honest and wholesome counsel to the President, but for public and envenomed denunciation of his honest efforts to maintain peaceful relations with a neighboring power by the use of purely constitutional means, and finally, in rude and disrespectful terms, such as one department of this Government should not use in characterizing the acts of another, to denounce the outcome of all the President's toils and labors "as a dishonorable, humiliating, and cowardly surrender," is to present a spectacle such as this country has never before witnessed and such as it is to be hoped we will never see again, which is highly discreditable to our institutions, and which the impartial page of history will be sure to condemn.

And when to all this is added the unfair, ungenerous, and uncandid efforts to stifle all discussion upon this treaty by charging that every Senator who supports it, as well as the President and his advisers who proposed it, are siding with "our friends, the enemy," and are, in fact, traitors to our country and its cause, then the very acme of unreasoning partisanship and of local greed is reached, and the purpose which was entertained in abnegating our real functions as a part of the treaty-making power and in refusing honestly to act as counselors of the President in the discharge of his high functions is plainly manifested. At the risk of one of the most destructive wars of modern times, Senators are seeking to gain a few votes in a Presidential contest.

Mr. President, that man would be a moral coward of the rankest character who would be deterred by such narrow and unworthy flings from arguing this question on its real merits. To any fair and honest mind the true question in this case is not whether the British or American argument on the points at issue is the sounder; but it is simply this, whether the British contention has in it so much that is reasonable as to render the questions at issue honestly debatable ones, and such as honest and reasonable men, earnestly desiring to avoid embittering strife and possible war, can hope by mutual concessions to adjust. Of course, if the history of our treaties with Great Britain about these fisheries can not be truthfully unfolded; if the text of these treaties can not be fairly analyzed and construed; if the principles of law and the dictates of common sense can not be applied reasonably to expound them; if the opinions of our wise men in the past can not be invoked to guide us; if to do any or all of these things, however honestly, is to subject us to a charge of treason, then are we simply called upon to abdicate our functions as reasonable beings, and to follow some Boanerges wherever passion or prejudice may lead us, be it to costly retaliation or to ruinous war. But until the goal of war is reached, surely every just and sensible man must prefer to be guided by the lights of reason and experience. After that goal is passed, then it is time enough to taunt any man with being a traitor who does not act according to the maxim, "Our country, right or wrong."

Mr. President, I do not propose to enter minutely into the history of the negotiations with respect to our fishing treaties. I do not desire to appropriate the time such a course would require, and it would only serve to introduce side issues which would only becloud the real questions before us. What are they? First, that Great Britain construes the treaty of 1818 so as to exclude our fishermen from the right to fish in the great bays which indent the coasts of the Dominion, and that we propose by the treaty now under consideration weakly to surrender to her so large a portion of their area; secondly, that she refuses, under her construction of that treaty and of subsequent conventions with us, to grant to our fishing vessels such reciprocal commercial privileges as we grant to her vessels of like description; and thirdly, that Great Britain and her colonies have imposed upon our fishermen harsh and harassing regulations, unjustified by any provisions in the treaty of 1818, and that the proposed treaty does nothing that is appreciable towards removing these oppressive restrictions.

Now, Mr. President, the treaty of 1783 conceded to the people of the United States almost as full rights of fishery as the subjects of Great Britain enjoyed in all British American waters that were or were claimed to be within her dominion, and these rights were enjoyed by our people up to the war of 1812. In 1815 a peace was concluded, in which nothing was said about rights of fishery. But Great Britain then contended that these American rights of fishing in British American waters were but treaty privileges granted to our people by the treaty of 1873, which the war just ended had abrogated, under an asserted general principle of the law of nations. Our negotiators at Ghent contended that our fishery rights in such waters were as permanently ours as our territorial lines delimited by the treaty of 1783. It by no means concerns the present argument which position was the correct one. The difficulty was compromised by conceding to our people some of the rights we had enjoyed, and by a renunciation on our part of other rights theretofore enjoyed by us. The concessions to us are as follows:

> The inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but, so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

And our renunciation is in the following words:

> And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Mr. President, the controversies which have since arisen have not grown out of the concessions in the treaty to us, but out of our clause of renunciation. What did we mean, and what did Great Britain understand us to mean, and what is the natural import of the words, when we renounced the right "to take, dry, or cure fish on or within 3 miles of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not within the above-mentioned limits," that is, the limits of the waters conceded to us? According to the plain grammatical construction, no one can doubt that the preposition "on" and the prepositional phrase "within 3 miles of" each relate to and qualify the word "bays" in precisely the same manner and to the same extent that they do the word "coasts," and that the language used in the treaty naturally and reasonably interdicts the taking, drying, or curing of fish by American fishermen on or within 3 miles of any bay as well as coast within the reserved British limits, the outside limit of such a bay being a line drawn from cape to cape, as is ever done by nations claiming sovereignty over such waters.

It therefore requires no great American statesman, like Webster, to inform us that such is the literal meaning of the language of the treaty. And that this is not only its literal meaning, but also the actual meaning of the parties thereto, is evidenced by the fact that the American fishermen are not even to be permitted, under the proviso immediately subjoined, to enter such bays for any other purpose than to procure wood, water, shelter, and repairs, and are even then to be under such restrictions as may be necessary to prevent their taking, drying, or curing fish in said bays. Whatever, then, is the true meaning of the word "bays" in this treaty, if human language can be made certain, we can not enter them to fish therein, if included in the limits renounced by us.

We are then brought, sir, fairly to the question, What is the meaning of the word "bays" in the treaty? What did the parties mean when they used this word? The patient and laborious researches of the able Senator from Mississippi, and his lucid statement of their result, do not leave the remotest ground for a doubt upon the meaning of the high contracting parties in the use of this word in the treaty of 1818. For almost two hundred years prior to that date the great fisheries

on or abreast of the coasts of British America were the subject of negotiation between France and England, and between England and the United States. Those fisheries, extending for many leagues out into the ocean, and embracing a great sea like the Gulf of St. Lawrence, in all those treaties were expressly declared and held to be dependent on and appurtenant to these coasts, and to belong to the nation owning them, subject to such concession of right as that proprietary power might make to any other country. And as the major proposition must necessarily include the minor, this claim and concession all around must have been and in fact was that arms of the sea deeply indenting the coasts of Canada and the adjacent colonies and islands, and called bays, as Mr. Webster says, "large and small," must have been and were the subject of exclusive ownership by that nation owning those portions of North America.

Never, down to 1818, was this doctrine in all its latitude denied by England, France, or the United States. During the negotiations preceding the treaty of Ghent the English negotiator, Lord Bathurst, did exclude the open ocean and the seas away from the coasts as properly the subject of national ownership. With this liberalized view, Mr. Adams did not seem to agree. Certainly neither of them gave the slightest intimation of an intent to deny the claim and right of national sovereignty over the bays, great and small, belonging to British America. And upon every principle of rational construction we must hold that they meant bays, great and small, when they used this word in the treaty.

And, sir, it seems to me that the language used in the treaty will inevitably lead us to the same conclusion. The clause of concession to us gives to our fishermen the free right to fish on all bays, great or small, on all the coasts of Newfoundland or Labrador where we are allowed to fish at all. And with the same generality with which the conceded waters are described and granted, are the reserved and renounced waters described as "all the bays, harbors, and creeks not included" in the limits conceded to us, and we are forbidden to fish within 3 miles of any of them.

A glance at the map, sir, will show that the concessions to us nowhere reach the continent of North America till we get high up into the cold and inhospitable regions of Labrador, which were considered unlikely ever to become the seat of a numerous and busy population. Taking the language of the treaty and the character of the coasts reserved by Great Britain, together with the prior understanding as to the ownership of these fisheries, is there not a strong and reasonable ground for argument on her part that this treaty of 1818 was intended to be a partition of fishing rights in these northern seas, whereof the free and perpetual rights of fishery were given to us upon certain coasts and bays of Newfoundland and Labrador and of the Magdalen Islands, with rights of drying and curing fish on their shores; and we, in return, were to surrender all such rights of fishery on or within 3 miles of all the shores, bays, etc., of all the mainland south of Mount Jolly in Labrador and also of certain coasts of Newfoundland?

And in this point of view, which is not only reasonable but strictly in accordance with the whole history of fishery claims in these waters for centuries, it is by no means strange that Great Britain should construe the word "bays" not as sheets of water, such as are now usually claimed to lie within the territorial sovereignty of a nation, but as bodies of water geographically so called when the treaty of 1818 was made, and which the United States, in the partition made, undertook that her fishermen should not use. Certainly it was fully competent for the United States to enter into such a compact even with regard to the Bay of Fundy, which, it is understood, Great Britain has released from any treaty rights she may hold therein, whilst she still strenuously insists upon her exclusive rights over all other bays on the mainland south of Mount Joly and on her reserved coasts in Eastern Newfoundland.

But, sir, if this theory of partition, which is logically based upon the language of the treaty as well as upon the plain history of these fisheries, and which, if the tables were turned, we would vigorously contend for, be left out of view, it must be considered as highly reasonable that Great Britain should place another construction on the language of the treaty of 1818, which is not only sensible in itself but such as any other civilized nation, and no one more certainly than the United States, would contend for under similar circumstances. The continental shores of British North America, north of the Bay of Fundy and south of Mount Joly, in Labrador, is indented by numerous bays, some of them, and especially the Bay of Chaleur, penetrating deep into the bowels of the land, and making themselves, as it were, a part of the country itself.

Great Britain has always claimed these bays as being within the local jurisdiction of her dependencies, and has enforced her claims, though not perhaps with that continuousness and exclusiveness which she would have exercised had not their shores been comparatively unsettled. I do not believe there is a civilized nation on the globe, and least of all our own, situated as is Great Britain, that would not to the bitter end claim the exclusive sovereignty over the most and probably all of these bays, and particularly the noble Bay of Chaleur, as absolutely essential to their national honor, prosperity, and security. More particularly will this be the case when the shores of these bays become more extensively the seats of an industrious people and of the marts of a busy commerce.

Mr. President, in addition to the reasonableness of this construction of the treaty of 1818, it would have been marvelous, indeed, if an enlightened commercial nation like Great Britain had not insisted upon placing in that treaty just such a clause as she has always contended was there, as the whole previous history of these fisheries would have led us to expect to be there, as the plain and natural meaning of the words would indicate to be there, and as nothing but labored and artificial reasoning on our part can most doubtfully expunge from it. It requires no enlarged acquaintance with the principles of international law, nor with the usages of civilized nations, to understand what was Great Britain's object in engrafting such a provision upon that treaty. It was to reassert her exclusive territorial sovereignty, and especially her exclusive rights of fishery, in these land-locked waters, especially upon the coasts of her mainland, where her people were already beginning to settle, and where it might well be expected they would soon build up busy centers of commerce. It was with a view of applying to these bays and harbors the received principles of international law which, under the treaty of 1783, she was forced to ignore with reference to them that, "the maratime territory of every state extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to such state."

I know, sir, it is contended that Great Britain can consider no sheet of water a bay which is more than 6 miles wide at its mouth, upon the principle that no country could, in 1818, claim a sovereignty over any body of water over which she could not exercise a defensive power from her shores, and that such power was measured in 1818 by the extreme range of the old-fashioned cannon, which was only 3 miles, and the double of which was 6 miles. This rule is really not worthy of being called a principle of international law.

Nothing that is so variable as the range of a cannon can ever be properly or reasonably made a basis of property rights. That range is now 5 miles, and no one can tell what it will be ten years hence. As defensive power is its underlying principle, of course the rule must change with the projectile force of the explosive material that may be used. The latest writers on public law declare that the old 6-mile rule is obsolete, and that it is now, or ought to be, extended to 10 miles, and nations are by treaty adopting this new rule. It soon may be 15 miles. In other words, of all possible bases of rights of property it is the most unsatisfactory.

But there is another principle, sir, broader and more philosophical, which even falls far short of the doctrine advanced by Jefferson and others of our older statesmen, and which has been indorsed by Chancellor Kent and other leading publicists, and judicially applied by the highest courts of England and of this country, upon which the construction claimed by Great Britain for this treaty can be based. It is the one just now suggested, that when an arm of the sea, which is not, like the Bay of Fundy, so broad at its mouth as to be considered a part of the open sea, deeply penetrates the territory of any people, so as to become virtually a part of it, and as to render it necessary for the commercial, fiscal, and defensive purposes of that people to exercise exclusive control over its waters, then it becomes that people's right to do so, and no other nation is justified in attempting to gainsay the exercise of any such right.

Upon this principle, sir, were both the United States and England acting, and had long been acting, when they framed the treaty of 1818; and each then became and is now estopped from limiting the claim of the other over any such areas of water as those now in question by any such narrow rule as the 6-mile limit. Upon no other principle can the exclusive jurisdiction of Great Britain over the Bristol Channel be supported, which is 20 miles wide at its mouth, and is 12 miles wide after it has penetrated some 40 miles into the interior of British territory. Upon no other principle can we justify the full and exclusive jurisdiction claimed and exercised by us for centuries over the Chesapeake and Delaware Bays, the former of which is 12 and the latter is 14 miles wide at its mouth, whilst each widens to 20 miles above its capes. These and similar claims were asserted and practically enforced by the two countries when they were framing the treaty of 1818.

But, Mr. President, the majority of the Committee on Foreign Relations, in their report, have made the admission that their 3 miles limit from the shore is not absolute, nor is it applicable to large indenting bays, when they have been the subject of "the prescriptive exercise of dominion." This concession was wrung from them, no doubt, by the fact that our own country was then, and ever had been, widely departing from their narrow rule, in the case of the Chesapeake and other bays and sounds, of the possession of which all the powers on earth could not deprive us. But it did not occur to them that from 1713 down to 1818, first, France, then Great Britain, and then Great Britain and the United States as tenants in common, had claimed and exercised exclusive sovereignty over these very disputed bays as parts of that great fishery ground "on the open seas, and in all gulfs, bays, and along the coasts of Nova Scotia and Labrador," which were, as John Quincy Adams, during the negotiations on this subject in 1816, declared to the English diplomatist, "by the dispensation and laws of nature, in substance, only parts of one fishery," and were, after the

expulsion of the French, "the exclusive possession of the British nation."

If now it be conceded, as Lord Bathurst justly contended in 1818, that the open seas, like the Gulf of St. Lawrence and the banks of Newfoundland, could not be subject to any national sovereignty, but were open to all nations, then, upon every principle of just reasoning, the large bays, which are not really parts of the open ocean, like the Bay of Fundy, but which, like the Bristol Channel in Great Britain and the Chesapeake and Delaware Bays in the United States, deeply penetrate the coasts of British America and in every reasonable point of view become parts of that territory, and in which Great Britain and the United States had jointly up to the war of 1812 exercised exclusive rights of fishery, and which neither party to the treaty of 1818 expressly or impliedly declared to be public waters, must have still remained the subject of what the committee term "the prescriptive exercise of dominion" theretofore extended over them; and in the partition then made Great Britain could and did rightfully concede to us the full and free rights of fishery in all the bays, large and small, within the areas delimited in our favor by that treaty, and the United States could and did renounce the right to fish in all bays, great and small, within the limits reserved by Great Britain. It seems to me there is no escape from this conclusion.

So far, then, sir, from being a proposition so sure that it should not be made the subject of any further negotiation, I hold it to be much more than doubtful whether the high contracting parties, in framing the treaty of 1818, ever intended, when they spoke of bays therein, to limit the word to small bays only 6 miles wide at their mouths. And whilst it may be true, as stated by the Senator from Maine, that the Bay of Chaleurs may again become the seat of such mackerel fisheries as would rejoice the souls of New England fishermen, and may be the theater where Senators may experience the bliss of capturing the king of fish with a fly and rod, I can not see that the richness or delights of these fisheries at all strengthen our treaty claims to their possession. If self-interest is to be made the ground of our action, I do assert most confidently that no power on earth is more interested to maintain the principle contended for by Great Britain as being imbedded in this treaty than the United States, both now and in the future, especially with reference to our great northwestern fisheries, whose importance time will develop into proportions such as will throw our northeastern interests into comparative insignificance.

It would be as well for us to remember that it might be highly inconvenient and prejudicial for us to have any narrow and selfish views, now insisted upon by us as to this side of the continent, hereafter thrust home upon us on the other; and even now on these eastern coasts who would not feel outraged if our Government could and should grant the rights of fishery in the Chesapeake Bay, for instance, to the people of Canada, whereby their fishermen should be induced to swarm down into our waters and give us a taste of the bitter experiences which those people have had for a century to endure? And I have not the least doubt if a bay just like the Bay of Chaleurs deeply penetrated the territory of New England, so as virtually to become a part thereof, with its shores dotted with cities and towns, and with a great local commerce from shore to shore, and Great Britain should claim the right to fish in its waters up to a line within 3 miles of its coasts, or otherwise to interfere with their dominion over it, the old Bay State would be the first, with holy horror and martial fervor, to summon her sister States to the rescue, and doubtless hundreds of thousands of men would spring to the front to rescue her from the voracity of the British lion.

Sir, I fear, with nations as with farmers, it makes a world of difference whose ox is being gored. And I further fear that to contend that there is no substantial basis to the claim of Great Britain to exclusive sovereignty over the bays on the coasts renounced by us is to ask the enlightened sentiment of the world to shut its eyes to facts and arguments. To proclaim that our case is so clear with respect to our right to fish in those bays as to be no fit subject of negotiation is rather to stultify ourselves than to make a candid and sober appeal to the enlightened sentiment of mankind. And if this be treason, I am afraid that as for myself, and I speak for no one else, our New England friends will have to make the most of it.

Mr. President, if there is any subject which has been made the occasion of louder complaint and deeper stress than another in the course of this debate, it is this, that Great Britain has denied to our fishing vessels all those commercial rights which we have granted to her vessels of the same kind. As a protest against her failure to observe the rules of international comity, our complaints may be, and doubtles are to a large extent, just. But we are not now discussing rules of comity or of voluntary reciprocity, but what is the true construction of our treaties and conventions with that power. From 1783 down to 1830, though we had free commercial intercourse with Great Britain herself, we held no such relations with her North American dependencies. The treaty of 1783 conceded to American fishermen extensive rights of fishery in their waters, but conferred no commercial rights.

The treaty of 1818 abridged the extent of our fishing rights, but gave our fishing vessels the right to enter their reserved harbors and bays for wood, water, shelter and repairs, "and for no other purposes whatever." And then the treaty proceeds to ordain that "they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them." Here is no grant of commercial rights, but only certain restricted concessions of rights of hospitality, intended in a very guarded way to be solely auxiliary to the exercise of the rights of fishery in the waters conceded to us.

It will thus be seen, sir, that Great Britain specially reserved to herself and her provincial authorities, within the harbors and bays into which our fishermen were to be permitted to enter for the four enumerated purposes, the power to place such restrictions upon the exercise of those privileges as we would naturally reserve the power to impose upon strangers admitted to such privileges in the waters of the Chesapeake or Delaware Bays, which are admitted to be fully within our territorial jurisdiction. It is easy to see how difficult it is to draw the line where a sovereign power shall stay its hand under the reservation, within its undoubted jurisdiction of the right to place such restrictions as may be necessary to prevent the abuse of privileges granted. We have never been able firmly to say to the British authorities, "Thus far shalt thou go and no farther." And the consequence has been that our fishermen have been subjected for seventy years to many losses and annoyances, and all we have attempted to do has been to complain, and at times to grant important concessions to Great Britain in order to purchase for them temporary relief from these oppressive regulations.

And, Mr. President, is it strange that Great Britain and her dependencies should guard what they conceive to be their rights in the premises in the most jealous manner? It seems necessary, in order to fully understand this question, that we should take a view of it generally overlooked. Under the treaty of 1783, Great Britain made concessions to our fishermen of an extraordinary character. She constituted her own subjects and the citizens of the United States tenants in common of all rights of fishery on her coasts and bays. Such rights of fishery are generally considered, and are held by our laws to be, valuable rights of property. Such extraordinary concessions by one people to another may well be attended with startling consequences. The people to whose territories these fisheries naturally and legally belong outside of treaty stipulations, may, by the superior enterprise, skill, and capital of the favored foreigners, be supplanted in the appropriation of the wealth-producing resources, which nature bestowed upon their localities. In this way bitter rivalry and jealousy may be aroused amongst the people thus outrun in the race.

Such was notably the result in these far northeastern waters. Under the potent influences of fishing bounties on the one hand and of protective duties on the other, New England fleets swarmed into these waters and outstripped the people living on their shores in the prosecution of this lucrative business right in sight of their own homes. These people hailed the war of 1812 as the set time for banishing American fishermen from their fishing grounds. But Monroe, Adams, Rush, and Gallatin, whose able guardianship of our interests at that juncture was, in spite of all latter-day criticism, a guaranty that everything was done that could be done for our interests, retained for us immense areas of British waters which might otherwise have become exclusive British property for the uses of our fishermen, held on to our shore privileges of curing and drying fish, and, even as to the waters renounced by us, procured for our fishermen the right to enter for the purposes of wood, water, shelter, and repairs.

When we remember that the shores of the bays, harbors, and other waters renounced by us were and are generally the seats of the largest settlements and of the most growing commercial populations in those northern regions, and that these are the waters in which vessels entering under the cover of these treaty privileges would be most likely to abuse them in the interests of poaching and smuggling, and when we remember the extreme jealousy of the people in those regions over the use by the American fishermen of the reserved ports and harbors as their bases of supplies in the prosecution of their common business in waters which were and are naturally the exclusive property of these Canadian people, it will not seem so strange that the right of entry by our vessels into these renounced bays and harbors should be confined to what seems the insignificant privileges just named, and that even their enjoyment should be hedged around by the right to enact and by the actual enactment of such strict and embarrassing regulations.

The British and Canadians well knew, too, what is well known to every State in America that has to deal with such subjects, that when fishermen once get the right to enter fishing grounds which are to them forbidden in the prosecution of their business, the very nature of the element on which they roam encourages the poaching propensities which seem to them natural and almost irresistible, and that of all marauders they are the most daring and irrepressible. The tendency of fishermen to engage in smuggling in the older times was well known, and is illustrated by the saying of the elder Adams, that if forced off from the land 3 leagues, rather than 3 miles, the American fisherman "would smuggle eternally." Hence when fishing vessels were permitted to enter such renounced waters, not for commercial purposes, but still with opportunities thereby given to trample upon commercial regulations, and not for fishing purposes, but with the chance and the ever-present temptation to spurn the inhibition to ply their trade in forbidden and on account of their vast extent largely

unprotected waters, it would be strange indeed if the territorial sovereignty did not watch them closely and tie them up by the strictest provisions of a police nature.

Thus, sir, under the treaty of 1818 American fishing vessels held in British-American waters a position that was utterly unique. They could fish on vast stretches of waters within British sovereignty, they could land on long lines of unoccupied British shores to dry and cure fish, and they could enter British bays and harbors for wood, water, shelter, and repairs, and for no other purposes. Thus it will be seen that the rights of our fishermen in those waters solely grew out of and were circumscribed by their character as fishermen, and the restrictions and disabilities under which they labored sprang entirely out of that character and the danger there was of its abuse, and out of the unwillingness of the Canadians to grant the free use of Canadian harbors and ports in order to aid rivals to outstrip them in Canadian waters in a common business.

In the progress of events, Mr. President, a more liberal commercial policy sprang up in the world, and nations began to pass what were called reciprocity laws, the object of which was to remove by one country commercial restrictions in favor of another which would return such act of liberality. In 1830 the United States and Great Britain made such an arrangement, which embraced for the first time the North American dependencies of the latter country. The President's proclamation and the British order in council show the nature and extent of this arrangement. The former, or rather the circular of the Secretary of the Treasury under it, directed—

the entry of British vessels laden with the productions of Great Britain and her colonies.

And the order in council directed that—

the ships of the United States may import from the United States into the British possessions abroad the produce of those States.

It would seem clear to any fair and impartial mind that these orders referred solely to strictly commercial intercourse, and then, too, to American vessels importing into the British possessions "the produce of the States." On its face it has no reference to fishing vessels, which were then and always had been understood to be a distinct and separate class of vessels, and whose cargoes of fish caught in British-American waters certainly were not "the produce of the States."

Mr. President, one of the best proofs of the true construction of an agreement is the contemporaneous and long-continued sense in which its provisions were understood and acted on by those who made it and whose interests it alone affects. After 1830 the proviso of the treaty of 1818 was understood by England and her colonies to be in full force, and that proviso and all statutes passed to carry out its restrictive features were as rigidly enforced as they had been before, up to the treaty of 1854, without a single claim preferred by our Government that the arrangement of 1830 had any such meaning as that now contended for by the majority of the Committee on Foreign Relations. If any construction of that agreement was ever suggested in any negotiation or communication with Great Britain, or in any document put forth by any branch of our Government, up to a very recent date, Senators are invited to produce it. Without any further argument, this continued practical agreement ought to settle the question of construction.

Mr. President, the American claim as to the true construction of the arrangement of 1830 simply amounts to this, that the executive acts done under that arrangement, without any exercise of the treaty-making power, and without the remotest reference to the question of the fisheries, annul the treaty of 1818, and the whole system of British and Canadian laws which had been passed in pursuance to that treaty to regulate the rights of American fishermen in British waters, and wipe out all the grave distinctions, up to that time insisted upon by the British authorities, between fishing and commercial vessels. This British order in council, the majority report asserts, repeals the proviso of the treaty of 1818, without any allusion to it or the rights regulated by it, and reverses a policy which England and her colonies had up to that moment held to be vital to their interests.

Before that time American fishermen could only enter Canadian reserved bays and harbors for wood, water, shelter, and repairs under close surveillance and the strictest police regulations. After that date it is claimed that our fishermen could enter those bays, ports, and harbors for any and al lcommercial purposes, and could freely buy every kind of supplies and outfits. They could make these bays, harbors, and ports full bases of supplies for all these voyages into the Canadian fishing grounds open to them, and could make use of all these privileges to aid them either in smuggling or in poaching upon reserved waters. Thus, without any commercial object at all in view, but under cover of a distinctly commercial arrangement, they can, under this view, use commercial rights, privileges, and exemptions in British American ports, bays, and harbors to further their distinctive fishing rights in British American waters, and to evade local commercial regulations and plain provisions of the treaty of 1818. Who can believe that Great Britain ever intended such results to flow from their order in council? Who does not know that if we had openly claimed such results to be intended by that order it would have never been issued? Is there, then, no force in the British contention, that the construction of that order, which works out such results, is highly unreasonable?

Moreover, sir, is there not much force in the British position that this so-called reciprocity, so far as fishing vessels are concerned, is all on one side. The fishing vessels of the British provinces have no fishing rights whatever in American waters. Although we choose to construe the arrangement of 1830 so as to give their fishing vessels a free right to buy supplies in our ports, yet such supplies will not avail them to enter into competition with American fishermen in American waters, and can scarcely have any other effect than to swell the sales and gains of New England merchants who vend them. But give to our fishermen in British waters the right to buy bait, supplies, and outfits of all kinds in their ports and harbors, with the further right also otherwise claimed of transshipping their cargoes, so that our fishermen can use every facility of land as well as sea which the provinces afford for their fishing expeditions and for the transportation of their fish to their home markets as fully as if those provinces belonged to them, and so that they can thus make two or three fishing voyages where they could before make one, and then superadd in their favor our protective duties on fish; and then the British-American fishermen might as well quit the business, except for home consumption. We can shut them out of our own markets, and by the use of their own territory successfully compete with them in the markets of the world. Who can wonder that the fishermen of British North America refuse such a one-sided reciprocity, and call upon their Government to protect them from it?

If the sides were reversed, what a howl our fishermen would raise. Sir, it is a shrewd game, worthy of New England ingenuity, to construe an arrangement with Great Britain of a general commercial character, so as to cover the fishery question and to obliterate the whole British contention upon one branch of it, to which subjects that power and our own Government up to recent date never considered them to relate, and thus to acquire all we want to promote our fishery interests, both on British land and sea, without giving any equivalent whatever for the advantages gained. If there be anything but rhetoric in the idea of vassalage suggested by the majority report on this subject it would rather seem to be the aim and effect of the construction contended for by the majority report to impose that degrading condition upon the people of the Dominion than to uplift it from our own shoulders.

But, sir, in aid of the American claim to the rightful exercise by our fishing vessels of full commercial privileges in the harbors and bays of the Dominion, even to the transshipment of their cargoes of fish across its territory, it has been and is confidently asserted that we possess this latter right under Article XXIX of the treaty of 1871. And the majority report of the Committee on Foreign Relations goes to the extent of averring that "the proceedings before the Halifax Commission distintly demonstrated that under Article XXIX the right to transship fish was understood by the British to be included, and without any conditions depending upon the force of any other articles in the treaty." How that majority could have ever arrived at this conclusion, it is dfficult to understand, whon one of the distinct statements in the British case presented before that tribunal most explicitly declares—

That freedom to transfer cargoes, to outfit vessels, to buy supplies, to procure bait, and engage sailors, are secondary and incidental privileges which materially enhance the principal concessions to the United States.

So far from considering this right of transshipment a primary right under Article XXIX, they take it for granted that article has nothing whatever to do with the subject, and they present it as a secondary and incidental privilege growing out of the fishery articles of that treaty, which range from the eighteenth to the twenty-fifth inclusive. And every one who has read the treaty knows that under its Article XXII no claim could be presented before the Halifax Commission for any compensation to Great Britain which did not spring out of Article XVIII, which gave us all our enlarged privileges of fishing and curing and drying fish. Thus, the mere presentation of a claim for compensation for transshipment under Article XVIII is a full affirmation on the part of the British that the right to transship does not arise under Article XXIX. The proceedings before that commission, then, instead of "distinctly demonstrating" that the British understood the right to transfer fish to arise out of this Article XXIX, clearly prove the exact contrary.

Still further, Mr. President, Mr. Foster, the American agent and counsel before that commission, no where, so far as I have been able to discover, has given the slightest hint that he claimed the right of transshipment to spring out of Article XXIX of the treaty of 1871. Near the close of his answer to the British case he answers the argument of the British counsel as to the various incidental and reciprocal advantages arising out of the fishery articles of the treaty by denying that such advantages are the subject of compensation at all—

Because the treaty of 1871 confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws or the re-enactment of former oppressive statutes.

And still further, on page 1541 of the proceedings of that commission, he reiterates the same argument, and adds that he plants himself—

upon the plain language of the treaty, in which not one word can be found relating to the right to buy or sell, to traffic or transfer cargoes.

Meaning, of course, cargoes of fish.

And Mr. Dana, another of the American counsel, in his argument before the Halifax commission in 1877, asked the question:

Does the treaty of 1871 give the United States the right to buy bait, ice, provisions, supplies for vessels, and to tranship cargoes within the British Dominion?

He himself answered:

I say the treaty of Washington has not given us these rights.

Thus Mr. Foster and Mr. Dana, our able representatives at Halifax, evidently thought, as did the British counsel, that our privilege of transferring fish across Canada arose out of our enlarged rights to fish and to land at pleasure on Canadian shores in connection with our fishing pursuits, joined to that other important provision which allowed fish to go free into either country if caught in American or Canadian waters.

The treaty of 1854, granting similar enlarged fishing and shore rights, as well as free fish, was followed by just as free transit of fish across Canada and New Brunswick to our markets, although there was not a syllable in it relating to bonded transit of any kind. And we would have had it, too, under the treaty of 1871, even if Article XXIX had never been inserted in it. I think, then, it will be found that the whole proceedings before that commission, instead of demonstrating that Article XXIX was understood to confer upon our fishermen this right of transshipment, ought to make us very cautious how we venture the broad assertion that our position is too clear in this regard to submit our rights to further negotiation.

Mr. President, I have never read nor heard a word from any English or Canadian source, either of a cotemporary or of a recent date, expressive of the slightest suggestion that the arrangements of 1830 or Article XXIX of the treaty of 1871 have the remotest reference to fishing vessels or their rights, and it would be a matter of curious research to ascertain when such an idea was first expressed by any American public man. The difference is so broad and distinct between vessels manned by our fishermen, who enter British waters, not to add a penny to the wealth or welfare of that people, but to compete with Canadian fishermen living on their shores, and commercial vessels which go there for the legitimate purposes of trade, whereby the blessings of commerce are equally diffused between those who sell and those who buy, that no negotiator the interests of whose people were involved in the distinction could or would fail to observe it.

The treaty of 1818 recognized such fishing vessels as international nondescripts, and imposed upon them stern restrictions, which were not meant to be expressive of a barbarous inhospitality, as is so often for effect's sake intimated, but were deemed by Great Britain, and submitted to by us with our eyes wide open, as necessary to restrain a peculiar class of people with peculiar temptations and facilities for becoming predatory in the wild stretches of the ocean and seas over which they roamed. There has never been an hour since when British statesmen have not been prompt to observe and enforce this wide distinction, except those periods when, for valuable considerations, it was suspended. They never could, in any treaty or commercial arrangement with us, have simply surrendered it without giving up one of their principal contentions on the subject of these fisheries, and it is very unreasonable to suppose that they could have ever intended to renounce rights all along tenaciously claimed by them through an order in council or an article of a treaty, in neither of which was the subject so much as referred to.

I have not the slightest doubt but that the British negotiators supposed, in framing this treaty of 1871, that its fishing articles fully expressed all that the contracting parties intended on that subject, and that they never dreamed when such fishing articles should be separately annulled, as the right was reserved to do, and all fishery rights thereby granted to them which could be of any practicable benefit should be withdrawn from them, that then a most important right to our fishermen would be found slumbering in Article XXIX, for which the unconscious grantor could never receive anything more than a nominal equivalent. To extract a valuable fishery right out of an article which does not touch on the subject, but is preceded by other articles specially devoted to it, is very near akin to the proverbially difficult process of extracting blood from a stone.

But, Mr. President, if neither the proclamation of the President nor this Article XXIX imparts to our vessels the general commercial rights claimed for them, then those vessels are utterly dependent upon the proviso of the treaty of 1818 for all privileges to which they are entitled. And the only question is, what does that proviso mean? At that time not a single United States vessel had the right to enter the territorial waters of British North America for a single commercial purpose, except on sufferance. And when the proviso to the treaty of 1818 admitted our fishing vessels to enter for the limited purposes of wood, water, shelter, and repairs, such privileges, being an exception to the rule, were to be strictly construed. But the negotiators would not leave the question open to any rule of construction.

In that cast-iron proviso we subject ourselves to such regulations as the sovereign owner of these bays and harbors shall deem necessary to prevent the abuse of the narrow privileges granted to our fishermen. It may be a rude exercise of treaty rights for Great Britain, in view of the immense progress in the removal of commercial restraints and in the interchange of the comities of international intercourse, to stand upon the letter of her bond, but if she, rejecting our construction of the order in council and Article XXIX of the treaty of 1871 upon reasonable grounds which a proper regard for our national character requires should be submitted either to further negotiation or to arbitration, clings to the plain interpretation and enforcement of her treaty rights, what right have we to subordinate the express terms of a treaty upon which she claims to stand to the simple demands of comity and good neighborhood? More particularly is this question pertinent when Great Britain replies that the abandonment of her rights under the proviso of the treaty of 1818 and the grant of the full commercial privileges demanded by us for our own fishermen without any equivalent would work untold injury to her own people.

Mr. President, the meaning of the proviso to the treaty of 1818 is so absolutely plain that an attempt to illumine it by construction only serves to confound what is perfectly clear. The meager measurement of rights thereby accorded to our fishermen in reserved British waters has taxed the ingenuity of American diplomatists to find means for their enlargement. Hence the effort to impress the British order in council and Article XXIX of the treaty of 1871 into our service. If the facts and averments advanced in this debate in the able speeches of the Senators from Alabama, Delaware, and Mississippi, have not shown the fallacy of this claim on our part, they must have at least disclosed their grave doubtfulness. If they have not, then would we be perfectly safe to trust our whole case to arbitration?

But I have no doubt that a proposition looking to such a solution of the question would be scouted by our New England friends. If they are not willing to adopt this mode of settlement, which is most in accordance with the enlightened spirit of modern times, then it may be safely assumed that doubt, doubt, is written all over our pretensions. Such being the case, as to my mind it absolutely is, is it fair or honest or logical when a treaty is presented which removes many grounds upon which American fishing vessels, to use the phrase of the day, "have been unjustly vexed and harassed in the enjoyment of their rights," to claim as an insuperable objection to that treaty that we are already clearly entitled to all the advantages which it offers to us under our highly doubtful construction of the documents so often referred to?

If there is a reasonable doubt about this construction of ours, as it seems to me every fair mind must concede, then it is a fraud upon the American people to claim that construction to be so absolutely certain as to call for the rejection of this treaty, upon the ground that we already clearly have without the treaty all we could gain under it. And still further, I claim that it is a crime against the American people and their good name to plead that pretended certainty as a ground of rejecting all further negotiation upon this vexed subject of the fisheries, and thereby to launch our people upon the stormy sea of retaliation, which, in view of the fierce invocations to passion and hate in this debate, it is vain to say may not lead to war. Why, sir, the mere fact that our northern neighbors have constructed great canals and railroads, as they have a perfect right and it is a credit to them to do, has been used as a text to arouse national jealousy, and to preach a warlike crusade against Great Britain. If we go on in this course of exasperation, it is easy to see where it must end.

Believing, as I honestly do, that there is not only doubt, but still more than doubt, whether our fishing vessels possess the commercial privileges claimed for them under any prior arrangements with Great Britain, and believing still further that any outside and impartial arbitration would tie us down to the treaty of 1818 for all our rights in the reserved Canadian bays and harbors, I should be derelict to my conception of duty if I did not vote for this treaty; and whilst I would have much preferred, as one of his advisory council, in the presence of Senators, to avow such a conviction to the President alone, yet, being forced by the action of the majority to express my views to "the enemy," it would indeed be but "cowardly" to suppress them.

I am for the treaty, because I believe that if all the privileges and exemptions specified therein are granted to our fishing vessels, then the fertile sources of the embarrassments to our fishermen, of which so much complaint has been made, and which up to this moment are claimed by the British authorities as the simple exercise of their treaty rights, will be to a large extent removed. There is scarcely one of the privileges secured by this treaty the denial of which has not been made the occasion for the seizure and fine, detention or confiscation of our vessels. If we had all along and without dispute possessed them our list of complaints would have been vastly reduced.

Let us now look for a few moments at the concessions in our favor under the proposed treaty. Under the treaty of 1818 our fishing vessels could be subjected to such harbor regulations as the British authorities should deem reasonable and proper to prevent the abuse of their privilege of entry therein. The proposed treaty exempts them from any such regulations as are not common to them and Canadian fishing

vessels. Most assuredly we can ask for nothing more liberal in this regard. And it can not be but that in this way many occasions of annoyance will be removed.

Again, our vessels, under the new arrangements, need no longer report, enter, or clear when putting into such bays and harbors for shelter, repairs, wood, or water, unless they remain more than twenty-four hours. We enforce the same provision in our own harbors toward all foreign vessels. This is certainly no slight relaxation of the treaty of 1818, which held our fishing vessels to be under surveillance from the moment of such entry; and the law and practice of the local authorities have, from the beginning, been to board them promptly, and if the circumstances were such as to warrant a suspicion of an intent to abuse their treaty rights, to warn them off or to arrest them. It is vain to deny that this provision will remove numerous occasions for grievous annoyance.

Again, our vessels are to be exempted from compulsory pilotage, harbor dues, buoy dues, light and other similar dues. This not only frees them from burdens which the local laws impose upon other foreign vessels and removes the source of vexatious disputes leading to possible arrest and fines, but confers exemptions which become important to our vessels, in view of the fact that their business so frequently calls them into Canadian harbors.

Still further, upon the entry of our vessels into Canadian ports or harbors under stress of weather or other casualty, they are given the right to unload, reload, sell, or transship their cargoes of fish subject to customs laws, if made necessary for repairing. While all these provisions free from challenge acts, which might otherwise be considered of doubtful admissibility under the treaty of 1818, the transshipment or sale of cargoes, qualified as they are, certainly are new and valuable rights. And these vessels are to have the additional right of replenishing outfits, provisions, and supplies damaged or lost by disaster, and in case of sickness or death they are to be allowed all needful facilities, even to the shipping of crews. Here, in addition to wood and water, in the case of disaster, are conceded the most valuable and necessary supplies, the effort to obtain which, in contravention of the treaty of 1818, has again and again brought our vessels into trouble.

Moreover, sir, our vessels are to be allowed, free of charge, licenses to purchase for their homeward voyages such provisions and supplies as are ordinarily sold to trading vessels. It is impossible to deny, without shutting one's eyes to the truth, the great importance of this concession to vessels which are out of provisions and on the eve of a long voyage homeward. The advantage goes further, as it enables a vessel to continue her fishing cruise till her provisions are exhausted, with a certainty ahead of obtaining supplies to last her till she reaches home. This also cuts off numerous grounds of complaint.

But, sir, Article XI of the proposed treaty goes still further. It also declares that our vessels, having obtained such licenses, "shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels." Now, if these words just quoted do not mean that our vessels shall have the power to purchase provisions and supplies for the prosecution of their fishing voyages, they either mean nothing or, what is virtually the same thing, they must be made to have identically the same meaning as the words immediately preceding. But the words just quoted do have as distinct and intelligible a meaning as any human words can have. Nor are they identical in meaning with the words in the previous part of the paragraph.

No power of construction can make the words "on all occasions" convey the same ideas as the words "for the homeward voyage." Nor do the words "such provisions and supplies as are ordinarily sold to trading vessels," used in connection with the homeward voyage, have the same meaning with the words "casual or needful provisions and supplies such as are ordinarily sold to trading vessels." The former expression refers solely to the character of the provisions and supplies to be furnished for the homeward voyage. The latter expression refers as well to the quantity as to the character of such provisions and supplies. It is presumed a homeward-bound vessel will not have any reason to buy of such things more than will last her home, though she can do so if she chooses.

But a vessel starting out on a fishing voyage is to be restricted to "casual and needful" provisions and supplies which she could not afford to sell to other vessels who fail to obtain the required licenses by failing to have an official number. Thus, the two clauses into which the second paragraph of Article XI is divided are different in their phrases, these phrases are naturally different in their meaning, and the objects to be accomplished by them are different. Upon every reasonable principle of construction they must have been intended for different purposes. This view is corroborated by the use in the second clause of the word "also." "And such vessels, having obtained licenses, shall also be accorded upon all occasions such facilities, etc.," showing that the last permission to buy provisions is to be something in addition to purchasing for the homeward voyage.

Nor, sir, does the provisional offer in Article XV to grant to our fishermen the right "to purchase provisions, bait, ice, seines, lines, and all other supplies and outfits, in return for free fish and fish products, at all militate against this view. The grant, in the first paragraph of Article XI, of the right "to replenish outfits, provisions, and supplies" is not general, but confined to replacing those lost by disaster. Under the last paragraph of that article the right "to purchase provisions and supplies" is not general in either of its clauses. In the first it is confined to homeward-bound vessels, and even then "to such supplies as are ordinarily sold to fishing vessels." In the second clause, where it is given "on all occasions," it is confined "to casual and needful supplies," being also "such as are ordinarily sold to trading vessels."

But the right to purchase provisions and supplies under Article XV is as general and unrestrained in quantity, kind, and intended use as human language can make it. And so, by no reasonable construction, can Article XV be made to restrain or qualify Article XI. And thus, beyond question, our fishermen would also enjoy under this treaty the important privilege, which they have never before had, of purchasing on all occasions "such casual or needful provisions and supplies as are ordinarily granted to trading vessels." If, therefore, our fishermen are in future denied the most important exemptions and advantages which this treaty would afford them; if they shall be subjected to harassments and vexations, of which, to an immense extent, these privileges and exemptions would relieve them, it will only be because the majority of this body, in their desire to gain a partisan advantage, in a hectoring style demand still larger concessions upon Canadian land and sea, for which they can not show a single line of treaty or convention which gives any other than a most doubtful support to their demands.

Mr. President, Article XII of the proposed treaty has been made use of by Senators and some public journals to frighten our people, especially those of Maryland, Virginia, and Delaware, lest the fishermen of Canada, being granted new rights under this treaty, should, like the ancient Northmen, swarm into the waters of the Chesapeake and Delaware Bays and rob us of our birthright, thereby giving us a taste of what they have had for one hundred years to endure. Under this treaty Canadian fishing vessels are to have, on our Atlantic coast, "all the privileges reserved and secured by this treaty" to our vessels in British-American waters. Now, I aver that there is not a single right of fishery secured to our people by this treaty in those waters, but that we get such rights, one and all, under the treaty of 1818. Under this treaty of 1818 our fishermen claimed the right to fish in all Canadian bays over 6 miles wide at their mouth.

The British claimed that we had no right to fish in any bays, large or small, within the limits renounced by us. The controversy has been as to the extent of the waters renounced by us, the right itself, whether more or less circumscribed, resting upon the treaty of 1818. If the proposed treaty had conceded that our construction of that treaty was correct, and that our claim to fish in the large British bays up to a line within 3 miles of their shores was well founded, neither side could have said that we had a single right which the treaty of 1818 did not give us. And if the tables had been reversed, and this proposed treaty had, as the true construction of the treaty of 1818, shut us out of all the bays, small and great, indenting the British coasts renounced by us, neither side could have claimed that any fishing right had been taken away from us, but only that its extent had been defined. So, when the high contracting powers in any manner delimit "the British waters, bays, creeks, and harbors as to which the United States under the convention of 1818 renounced forever the liberty to take, dry, or cure fish," beyond question that delimitation confers upon us no new right to take fish, but only defines the limits within which such rights, already conceded to exist, shall be exercised. Of this there can be no earthly doubt, and the only wonder is how Senators can bring themselves to hold up the contrary view as a scarecrow to any one.

Besides, Mr. President, it is well known to every American lawyer, and a debate which I have read in the Canadian Parliament shows it is well known there, that under our system of Government the treaty-making power, or, in fact, any other agency short of a constitutional amendment, could not if it would confer the right upon any foreign government or its citizens to exercise fishery rights in our great bays. The Supreme Court has again and again decided that the Chesapeake Bay, for instance, so far as it lies within the limits of either Maryland or Virginia, belongs to that State, subject only to the commercial and admiralty jurisdiction of the United States. The land beneath the waters and all rights of fishery in those waters are the property of the people of those States, respectively, which the United States can neither give nor barter away to the people of any other State or of any foreign country. The fact that such an argument is used with respect to this Article XII is only another evidence of the desperation with which its opponents are fighting this treaty.

It is unnecessary, sir, for me to recapitulate the many valuable commercial privileges conceded by Articles X and XI of the proposed treaty, which Article XII will reciprocally extend to Canadian fishing vessels. And it is to those alone that Article XII does or can refer.

Mr. President, in view of all the facts, considerations, and arguments which have been urged in the course of this debate, it passes my comprehension how this treaty can be denounced by the Senator from Maine [Mr. FRYE] as "a dishonorable, humiliating, and cowardly surrender," or how the majority of the Committee on Foreign Relations

can so emphatically assert that the time for negotiation has passed. The concession of privileges in the proposed treaty is so great that I boldly aver if they had been inserted in the convention of 1818 a very large proportion of the seizures, fines, and confiscations which have since harassed and crippled our fishing interests would never have occurred; and what is more, in all human probability, the treaties of 1854 and 1871 would never have been made, as no sufficient necessity for them would have ever existed.

If to the privileges now offered to us by Articles X and XI of the treaty under discussion there should be added those provisionally granted under Article XV, of the unlimited purchase of supplies, transshipment of fish, and shipping of crews, the most of which are already qualifiedly granted, there is scarcely a conceivable privilege required by our fishing vessels which they would not possess unless they are to have the free run of land and sea on the renounced coasts of British America without any price whatever paid therefor. And to that extent it really seems that our demands have come.

Mr. President, the exigencies of this debate have provoked the attempt to overthrow much that has been considered sacred or settled in the history of our country. Ignatius Donnelly has been considered almost insanely bold in his attempt to go back two hundred and fifty years and shatter our belief in Shakespeare as the author of the immortal works which bear his name. But a greater than Donnelly is here, who wishes us to believe that Daniel Webster is not the author of a paper most damaging to the ultra fishery claims of our New England fishermen, although that paper was published in his lifetime and in the lifetime of hundreds of thousands now living as coming from him when Secretary of State, and although, if he was not the author, he would have assuredly made haste but still took no step to disavow. "*Credat Judæus Apella, non ego.*" And the iconoclasts are abroad here, too, shattering the reputations of men who have been the political idols of millions of their fellow-countrymen. Gallatin and Rush, who have been revered as great luminaries for their learning, sagacity, and statesmanship, were after all but rush-lights, incompetent and nerveless, who either did not understand, or understanding, did not dare maintain, our rights. And Monroe and John Quincy Adams, that pair of noble patriots from noble States, who, if they had not been preceded by two other peerless men from the same States, might have been placed almost upon the topmost pinnacles of fame, have been trodden under foot by Senators who worship at the shrine of the cod and mackerel fisheries; for if Gallatin and Rush, for want of "sagacity and courage," made a "deliberate surrender of our fishery rights," what must be the measure of indignant and scorching reprobation due to Monroe and the younger Adams, who gave weak and pusillanimous instructions to their negotiators to go still further, if needful, in this ignoble surrender of New England fishermen's rights?

And then, sir, what must we say about those who foisted upon us the disgraceful surrender made in the treaty of 1854? If to make a treaty in 1888, surrendering nothing but a right to fish where no right of fishery probably ever existed since 1818, and which if it were an actual existence our Committee on Foreign Affairs have pronounced worthless, and on the other hand acquiring without money and without price many valuable concessions always before denied to us, and for which we could present nothing but the most shadowy claims, such as the arrangement of 1830, which for forty years we ourselves never conceived to have any such meaning, if now to present such a treaty be a "humiliating, disgraceful, and cowardly surrender," what must be the deep condemnation due to the authors of the treaty of 1854, who, to use the language of the Senator from Maine [Mr. FRYE]—

> Because Great Britain sent a fleet into these waters to overawe the United States—
>
> Tamely submitted to—
>
> the treaty of 1854, known as the reciprocity treaty, under which we were permitted to fish in her waters, her fishermen in our waters, and free entry into our markets for their fish—all they wanted—was granted.

Alas for poor Franklin Pierce, whom the Senator concedes to have been "as good a lawyer as ever sat in the Presidential chair, and who came from New England, where they know something about these matters," nothing can save you and your Secretary of State, William L. Marcy, whom millions of our people have considered a great, wise, and patriotic man, from the unspeakable ignominy of having been overawed by the British lion into surrendering that pearl of priceless value, free fish, to Canadian fishermen.

And, Mr. President, if this proposed treaty, which obtains for us many valuable privileges, all along sought for by us, without a single substantial concession therefor, deserves the rude epithets applied to it, what must we say about the treaty of 1871, which was negotiated by the robust statesmen of the Grant régime, whose unequaled diplomacy we are told brought "the haughty power" of Great Britain to terms, but which is still denounced by the Senator from Maine as that "iniquitous treaty."

He tells us that as a coercive step towards forcing the shameful provisions of the treaty of 1871 upon us, Great Britain sent an armed fleet into those northern waters, and again "let loose the dogs of war" upon us, and that in a cowardly and truckling fashion, for the purpose of getting rid of the arrests, fines, and confiscations of our fishing vessels made by the British authorities under the terms of the convention of 1818, those stalwart diplomatists, Grant, Fish, Schenck, Nelson, and Hoar, again made the waters of Canada and much of those of America common fishing-grounds, and again surrendered that *summum bonum* of Canadian fishermen and *bête noir* of New Englanders, free fish; and whilst denying that there was any balance of advantages conceded to us under that treaty, were still unwarily entrapped into an arbitration thereon, whereby we were awarded to pay and did pay $5,500,000 for nothing. In denouncing this treaty of 1871 the vocabulary of the Senator from Maine seems to have been exhausted upon other treaties, not near so bad, and he simply sums up its demerits in the one sweeping word of "iniquitous."

Sir, the juggernaut of our New England cod and mackerel fisheries rolls its deadly wheels over and alike seeks to pulverize the reputations for sagacity, courage, and patriotism of Massachusetts men and Virginians, Democrats and Republicans, friends and foes, ancients and moderns. I suppose it is natural, though not very generous, for our Republican friends more unmercifully to berate their political opponents, Cleveland and Bayard, not for giving, nor for even offering to give, but simply for stating the price which the Canadians are willing to pay for free fish, than they have done their own statesmen for granting not only free fish but millions besides.

Mr. President, our Republican friends are embarked in what they fully know is a desperate enterprise, the attempt to elect a President. They fear, as multitudes of observant men in the country believe, that upon the issue of the present contest hangs the life of their party, whose hold upon the people of the country is so weak that another national defeat may be its final doom. How unlike the majestic career of the Democratic party, which, being the party of the Constitution as against Congressional usurpation, of the people as against favored classes, of home rule as against centralization, of economy as against profligate expenditure, of labor as against monopoly, of revenue for legitimate purposes of government as against surpluses and subsidies, and of the reign of law and justice as against that of a corrupt plutocracy, has deserved to live and has lived a perennial life, whilst all the other old parties have stranded on the shores of time.

No wonder, then, that in a debate, the only issue of which is the true construction of certain treaties and commercial arrangements, instead of performing their constitutional functions of advising the President, the Republican party is enacting the inflammatory rôle of striving to arouse a war spirit among our people, and thereby to gain the votes of restless and uneasy spirits throughout the land, and especially by pursuing the un-American policy of appealing to the Old World passions of some of our foreign-born fellow-citizens. Sir, they forget the time when they used to deride the Democratic party, especially in the North, as composed of wild Irishmen and of ignorant natives. They forget that many of those who are now patting the Irish on the back are the very men who in secresy and in darkness were formerly planning their social, political, and religious ostracism, whilst the Democracy of the country were successfully engaged in one of the most tremendous political struggles which ever convulsed our land in order to prevent their now pretended friends from placing the yoke of inferiority and proscription around their necks.

But few, sir, are so simple as not to see through their game. They think they can storm and rave against Great Britain to such a degree as to convince some of our Irish friends that they are about to twist the lion's tail, and thereby to get some of their votes; whilst all the time, to the business interests of the country, they laugh at the idea of their furious tirades being anything more than gasconade, without a pinch of warlike powder in it; and whilst in real truth, and in true New England style, they are keeping their sharp eyes fixed upon the main chance in the shape of a monopoly of the great American fish market. Thus they hope to delude the Irish voters, and to make them pay for the pleasure of their delusion by doubling the cost of their fish, the price of which, under the kind of retaliation for which our New England friends are scheming, it will be in the power of a few hundred New England fishing-vessel owners to fix at their own limits.

Mr. SAULSBURY. I desire to occupy the floor to-morrow morning on this question. It is so late that I do not wish to proceed to-day.

The PRESIDENT *pro tempore*. The Senator from Delaware will be recognized when the consideration of the treaty is resumed.

Mr. FRYE. I desire to ask the Senator from Delaware whether he can not proceed this afternoon.

Mr. SAULSBURY. I suppose that I shall occupy an hour and a half at least, and it is rather late to go on now.

Mr. FRYE. Notice has been given that the sundry civil appropriation bill will be taken up for consideration to-morrow morning. I suppose that will occupy the entire day. This treaty has been hanging along in the Senate an unreasonable length of time, beyond any question, and it ought to be disposed of, and a vote ought to be had before a great while. I simply desire to give notice that after the sundry civil appropriation bill is disposed of I shall endeavor to have the consideration of the treaty continued until a vote is reached.

Mr. VANCE. I desire to give notice that I wish to make a few remarks upon this subject myself in due time. I do not wish, however, to interfere with the sundry civil appropriation bill, if that is to be

taken up to morrow. If convenient to the Senate, I should like to make some remarks upon the treaty on Saturday.

Mr. EVARTS. I wish merely to ask the Senator from Maine whether he meant to announce that we shall sit speech after speech, no matter what the hours are, until the treaty shall be disposed of.

Mr. FRYE. I mean that I shall ask the Senate to meet as early as 11 o'clock on Saturday morning, on Monday morning, and on Tuesday morning, until a vote is reached on the treaty.

Mr. PLATT. And to continue with it through the day?

Mr. FRYE. To continue with it, of course, so long as any Senator desires to speak. I do not wish to be understood as desiring to prevent in any way a Senator from addressing the Senate at any length he wishes. I simply propose that we shall continue the discussion, because very shortly there will be a tariff bill in here, which will occupy all the time.

Mr. HARRIS. Has any time been fixed for taking a vote on the treaty?

Mr. FRYE. No time has been fixed. It was impossible to ask that any time should be fixed, because it was impossible to find out what Senators desired to address the Senate.

Mr. EVARTS. For one I am not willing to be put under any other restraint in regard to the debate on this subject than the other Senators who have preceded me have been put under. I do not wish to be told at 4 o'clock in the afternoon that I have got to speak four hours in answer or have a vote taken without my speech being heard.

Mr. TELLER. Mr. President, I do not desire to detain the Senate in the discussion of this question, but the Senator from Maryland [Mr. WILSON] made some very remarkable statements which I do not intend shall pass without at least calling the attention of the Senate to them.

In the first place, the Senator says that the 3-mile limit has long since ceased to be the international rule. On that I take issue, and I challenge the Senator now to produce any reputable authorities which are admitted to be international in character on that subject and have received the general approval of the world. But, if that were so, it has nothing to do with this question, because we stipulated for 3 miles, which settles that question.

Secondly, the Senator says that it is a crime on the part of those who oppose the treaty to assert that our fishing vessels have commercial privileges at all. It is not only, he says, unsupported by anything in the treaty, and it is far-fetched, but it is a crime. Does the Senator not know that the Secretary of State time and again, over his own signature, declared that we had those rights? Does he not know that when citizens of New England appealed to him to know what their rights were he informed them that they had commercial rights, and that he intended to see that their rights were respected? Does he not know that the minister to Great Britain, under the direction of the Secretary of State, repeated that over and over again, and that the Secretary of State was careful to say, "I approve of what you have said on this point?"

Is it a crime, Mr. President, for us to claim those rights? When was it made so? When the edict went out from the White House that this treaty was to be supported. It was not a crime eighteen months ago, when the Secretary of State was luring New England fishermen into the Canadian and British trap by telling them that they had the rights which he now stands here as the exponent of that Secretary and declares they never had, and as the Secretary himself in his letter to the Board of Trade at Boston declared we never had.

The Senator from Maryland tells you that this is a question which has always been surrounded with doubt. The Senator has not read the history of this case, or else he has not dealt fairly with the Senate. It never was a subject of doubt for many years. In 1839 the Secretary of State of the United States declared that there never had been a controversy upon the treaty with Great Britain, that its meaning had never been a matter of discussion, and yet the Senator tells us that it has always been a matter of doubt, and of so great doubt that we ought to surrender every doubtful point to the British Government.

I do not propose to leave that upon a mere statement. The Acting Secretary of State, in a letter to the President of the United States, written on the 14th of August, 1839, said:

> It does not appear that the stipulations in the article above quoted have, since the date of the convention, been the subject of conflicting questions of right between the two Governments. The rights of the respective parties are so clearly defined by the letter of the treaty as scarcely to leave room for such questions of an abstract or general character.

February 20, 1841, Mr. Forsyth said in a letter to Mr. Stevenson, our then minister to Great Britain:

> The first article of the convention of 1818 between the United States and Great Britain, which contains the treaty stipulations relating to the subject, is so explicit in its terms that there would seem to be little room for misapprehending them; and indeed it does not appear that any conflicting questions of right between the two Governments have arisen out of differences of opinion between them regarding the intent and meaning of this article.

Afterwards he said:

> Our fishermen believe, and they are obviously right in their opinion, if uniform practice is any evidence of correct construction, that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than 3 miles to land.

Up to that time the British Government had never by word or act suggested that there was any misconstruction on our part. I do not propose it shall be thrown up to us hereafter without a dissent that there has always been a question of dispute on this subject, for there never was until 1843. The contemporaneous construction was the American construction we are giving it, and not the British construction which has been given by the Senator from Maryland, who has gone several degrees beyond what any British or Canadian official has ever gone in his anxiety to defend the pending treaty. I challenge him and I challenge the party who are supporting the treaty to find that any British or Canadian authority has taken a position so high and extreme as he has taken here to-day.

It is quite enough for the other side of the Senate to discuss the Canadian view from the Canadian standpoint, but it is a little too much for them to proceed to make arguments and insist that the Canadian and British Governments made them years before when the record will not support a word of that statement. I repeat, there was no controversy about this matter until 1843, and the British Government has never yet taken the position that is taken now by the advocates of the pending treaty. When Canada proposed to take this position the British Government said to them, "You can not do it."

Mr. SPOONER. They take it now.

Mr. TELLER. They take it now under this treaty; and they have declared by the seizure of the Adams that we had surrendered forever the commercial rights of our fishermen. That is the result of this treaty.

Mr. WILSON, of Maryland. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr WILSON, of Maryland. The Senator from Colorado has said that I have stated the British contentions more strongly than they have stated them themselves. I should like to ask him to particularize a single instance in which I have done any such thing.

Mr. TELLER. I have listened with some care to the speech of the Senator from Maryland. It will probably appear in the RECORD, to-morrow, and I shall leave that question to the Senate. I do not know what the Senator calls the British side of this case.

Mr. WILSON, of Maryland. Will the Senator from Colorado again allow me to interrupt him?

Mr. TELLER. I do not hear all that the Senator says.

Mr. WILSON, of Maryland. He has made a very broad statement, a statement which I deny to be correct, although I do not pretend to intimate that he intends to state anything but what he thinks to be true. He has made a statement. I deny it to be correct. I ask him now to name one single instance in which I have stated the British claim more strongly than they have always stated it themselves.

Mr. TELLER. In a speech of three or four hours' length, I can not be expected to go over it item by item.

Mr. WILSON, of Maryland. The Senator ought not to make the charge unless he is prepared to maintain it.

Mr. TELLER. But the Senator has stated the Canadian side, and the extreme Canadian side, as everybody knows.

Mr. WILSON, of Maryland. I have stated the side which my judgment told me was correct.

Mr. TELLER. Oh, Mr. President, I do not raise any question about that.

Mr. WILSON, of Maryland. I speak what is the truth when I say that when I commenced a few weeks ago the examination of this question my prejudices were all against the treaty, and I doubted whether I could vote for it. The conclusions to which I have come have been the conclusions of my own judgment upon the facts and the law of the case. If I am wrong, I alone am responsible. But there is one thing certain, that no charge, no fling against me as having assumed the side of the enemy, which I believe was the object of having this debate in open Senate, shall ever suppress the honest sentiments of my mind and the dictates of my heart.

Mr. TELLER. I have not suggested that the Senator from Maryland was not actuated by proper motives. I have not suggested that he has not worked himself into a belief that the extreme demand of the Canadian authorities is the true interpretation of the existing treaty. I know the pressure under which he has labored. I know the pressure under which the Democratic minority of this body have labored. When the Secretary of State regarded it as his right and his duty to write letters and have interviews upon this subject to induce popular favor to come to the treaty, and when the President of the United States sent a message here approving the treaty, I know what that means to the men who attempt to support the Administration. I know that they may possibly see clearly their right. I know further, that on that side of the Chamber there are men who said, exactly as was said by Mr. Forsyth, that there had been no contention over the matter, and that none could be had, because it was too plain, who are bound now under Administration influences to speak lightly of it, supporting the treaty.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SAULSBURY. The Senator says that he knows the influences which have operated upon this side of the Chamber because the Administration, the Secretary of State, desired to have the treaty supported, and that the pressure has been great upon this side, and it yields to it. I desire to ask the Senator whether he from personal experience as a member of the Republican party and as a member of a Republican Cabinet speaks in reference to this subject in attributing influences under which he has acted to this side of the Chamber?

Mr. TELLER. I have no recollection in the course of my political life, I have no recollection in the course of my public reading of having seen such an exhibition as I have seen with reference to this treaty, outside of the Senate. I never saw a Secretary of State before make himself the active propagandist of a treaty.

Mr. HOAR. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. HOAR. Does the Senator from Colorado, who was long a member of a Republican Cabinet, know of any instance in which there has been a party vote on the Republican side of the Chamber on any treaty negotiated by a Republican administration?

Mr. TELLER. I never did; and when this question was first presented to the Senate I believed in the Democratic declaration that the treaty would not be supported by the other side when it came up.

Mr. MORGAN. Will the Senator from Colorado indulge me to ask him a question?

Mr. TELLER. Certainly.

Mr. MORGAN. Has not this treaty been carried into Republican caucuses here and voted upon, and has it not been determined that it should be opposed by the whole body of the Republican party, and that no amendment should be allowed to it?

Mr. TELLER. I will answer the Senator from Alabama by saying that no Republican caucus ever passed upon the question whether Republicans would vote for the treaty or not. I repeat what I said here the other day, that there never was a Republican in the Senate who intended to vote for it, and there never would have been a Democrat on the other side of the Chamber who would have voted for it if it had not come from a Democratic Administration, and as it was there was a respectable number who did not intend in the beginning to vote for it, and who so expressed themselves. It is true that when they examined it they may have worked themselves into a belief, as the Senator from Maryland did, that it was a proper treaty; but until they can show us something better than the Canadian argument which had been upset and refuted again and again, they ought not to charge us with doing what they were inclined in the beginning themselves to do.

Mr. MORGAN. Does the Senator consider that he has answered my question in regard to the action of the Republican caucus upon the treaty?

Mr. TELLER. I do.

Mr. MORGAN. The second branch of my question was whether it had not been determined in that caucus that no amendment should be allowed to the treaty?

Mr. TELLER. It was not. It was determined by those who discussed it, I think, that no amendment could be made to the treaty. Does the Senator think there could be an amendment made to the treaty that this Administration would accept? He does not believe it, for he knows that it could not be done. He knows that our opposition is not to the details of the treaty, but it is because it is a surrender of that which we insist is the American case. It is a surrender to a threat that the Senator himself has not been entirely clear from making on this floor, a threat that we should have free fish whether we wanted it or not, because the people would think long before they would go to war, when it was a question of war or free fish, and that we might get beyond a commercial war and get into a real war. Threats of that kind are made, and it is proposed that this treaty must be forced upon the American people for fear of disaster and bloodshed.

Mr. MORGAN. That matter has been stated here three or four times. What I have said on this treaty is in print. The very remarks to which the Senator refers as a threat coming from me or from the Administration were delivered in writing and are in print. There is no intimation of a threat of any kind at all. Nothing but the most prejudiced and unfair construction, not only of language, but sentiment and opinion, could torture anything that I have ever said into a threat. I have admonished the Senate——

Mr. TELLER. Ah!

Mr. MORGAN. That there was a possibility that our action might lead to hostilities; and if there is a man in this Senate so utterly purblind that he can not see that there is such a possibility, I must express my opinion about him. But as to threatening anything or anybody, whom do I threaten? I am an American Senator on this floor with American Senators, consulting with them not as a political party, but as the advisers of the Administration and the Government, as negotiators—for that is the position we occupy now—in respect to what is best to be done in order to avoid difficulty and trouble. And when I choose to express myself in the freedom of my intercourse with my brother Senators upon what I conceive to be the possibilities that may result from our conduct, it is heralded to the world time and again by Senators here that I have made a threat.

Mr. FRYE. Does the Senator recall the speech that was unwritten that he made, which lasted a day?

Mr. MORGAN. That was a written speech that I made which lasted a day. There were some interpolations brought in occasionally by remarks of Senators. The whole speech was printed precisely as I read it.

Mr. FRYE. I call the attention of the Senator to his first speech, the speech in executive session.

Mr. MORGAN. That is what I mean. I read it in executive session.

Mr. FRYE. But is the Senator not aware that he spoke longer without notes than he was engaged in reading his notes?

Mr. MORGAN. Only in answering questions put to me on the floor, and there was not one utterance that I made on the floor in executive session which in the slightest degree conflicts with what was written at the time and has since been printed—not one. I was careful about it.

Mr. TELLER. Mr. President, I have not misstated what the Senator said, and he does not claim that I did. He says it is not a threat; it is an admonition, a warning that he gave. Why, does the Senator suppose that we thought he was going to make war, that he was to make a declaration and "let slip the dogs of war?" Nothing of the kind. He spoke for the administration; he spoke as the representative of the Democratic party upon the Committee on Foreign Relations, which had this matter in charge, and he is not in the habit of speaking loosely and carelessly. The Senator measures his words, and he said with great deliberation what I have repeated—not quoting the exact words, but the sentiment—that the people would consider long between free fish and war, intimating that there would be free fish but not war; that the American people would take free fish.

Now, the Senator may say that that is not a threat. It is in keeping with the whole proceeding of the Administration on this question; it is in keeping with the proceedings of the Democratic side of the Senate, that was almost universally in favor of retaliatory measures. When the bill on that subject was before the Senate the distinguished Senator from Maryland who has not addressed the Senate on this subject [Mr. GORMAN] insisted upon a bill of greater severity, and when the bill went to the Democratic House of Representatives from the Senate the principal lights there discussed it for a day and favored a more severe bill, by which retaliation would be more complete. On what ground were they going to make this retaliation if we were in the wrong, if we were putting a construction on the treaty of 1818 that ought not to be put upon it, that makes every man who so construes it a criminal? What were they proposing retaliation for? What were they proposing? What the Senator said was a commercial war, which was near to a real war. It was because they were then on the American side of this case, because they were taking the side the Government of the United States has always taken; they were pleading as Americans and not as Canadians; and why are they not thus speaking to-day? Have they any new light? Have they discovered anything that they had not met in their researches before?

Mr. President, everybody knows that adhesion to this Administration is necessary to secure its good will. Men desire the patronage. I do not mean to say that they are really and entirely supporting this Administration for patronage, but it has seemed essential to success in the coming campaign that this treaty should be maintained, if possible, and that is why there is a change of base; that is why the Senator talked about war, who when this retaliatory question was before the Senate, or the Frye resolution—I do not remember which—when asked what he would do if Great Britain did not take our construction, said, "I would not back down; I would stand up to the demand that I made." That was spoken like an American and like a patriot.

But why to-day is he here admonishing us to put it mildly, using his term, that we in demanding that which we believe to be right and which he declared to be right, and so right and so plain that he said himself if given the opportunity he could not make it clearer that our rights were not questionable but certain and positive—why is it now that he is on the other side of the question?

Mr. President, I would submit with some little degree of good temper to see Senators on the other side go a great way in their anxiety to support this Administration if they did not throw imputations at us, and if they did not charge us with being criminally wicked in supporting that very idea and that very view of the treaty which they were supporting two years ago. And less than two years ago the Senate, without Democratic dissent, declared, as strongly as it was possible for language to make it, that the American idea and the American construction of the treaty of 1818 was the proper construction, and the other House, with only one dissenting vote, declared the same thing.

Now, Mr. President, we are told because we do not fall in with the admonitions of the Senator from Alabama and we do not become a tail to the Democratic party, that we are unpatriotic and that we are committing crime. The Secretary of State and the minister to Great Britain have put our case stronger than any man has put it on this floor, and that ought to be enough, it seems to me, to keep closed the mouths of Senators who have changed their position within six months on this question.

Mr. HOAR. Mr. President, the Senator from Maryland [Mr. WIL-

SON] has alluded to the history of the treaty of 1818. I will not offend the sensibilities of that Senator, whom I so sincerely respect, by imputing to him a repetition of the British argument; but there is one testimony, the testimony of a statesman to whom he himself referred, which perhaps may not be generally accessible to Senators, and which I think should be put upon the RECORD where it can be read. That is the testimony of Mr. Richard Rush, the eminent negotiator of the treaty of 1818. Mr. Rush, as is well known, was an eminent Democrat of his time. He was the personal friend and great admirer of John C. Calhoun, and among the papers contributed by him in his lifetime to the public press is a most admirable sketch full of admiration and high appreciation and affection for the character of John C. Calhoun, in which he quotes from Mr. Calhoun's colleague, Mr. Butler, of South Carolina, that most exquisite sentence in which he described Mr. Calhoun sitting in his last days in the Senate of the United States in his sickness and weakness like the dying eagle gazing into the empyrean into which he would never soar again.

Mr. Rush was infinitely disturbed and distressed toward the close of his life by the British suggestion that the treaty of 1818 had excluded our fishermen from the short line which he suggested began and ended with the year 1843, that the treaty of 1818 excluded our fishermen from the limit to be measured by drawing a line 3 miles from the mouths of bays more than 6 miles wide, and he wrote a letter which he left to his executors to be published after his death, a letter written originally at the application of Secretary Marcy, in which he declared that that construction never occurred to any of the negotiators of the treaty, that neither he nor Mr. Gallatin would have signed it if such an idea had entered their heads, and that the language on which it is sought to found that argument was his own language, inserted by him in the treaty, without the desire of the British negotiators, in order that our whole right after the treaty as before might continue to be based on the original right belonging to the colonies before 1783, and conferred upon Massachusetts expressly by her charter and retained unimpaired in the partition of 1783.

Mr. Rush left this letter, which originally he addressed to Mr. William L. Marcy, and further declaring, as I ought to state, that after the treaty of 1818 our fishermen had entered into all the bays, windings, and sinuosities of that coast within 3 miles of the land without a British question, and that nobody had ever dreamed either in Great Britain or America (I do not speak now of Canada) of questioning the right of the United States as he then claimed it and as we now claim it. That letter he requested his executors to publish after his death, and it is found in a little, and now rather rare, volume entitled "Rush's Occasional Productions." The whole letter to the executors and the letter which they publish, addressed to Mr. Marcy, occupy twenty-six pages of this volume. I suppose it will be agreeable to Senators to have it printed in the RECORD, where they can all read it in the morning, without my detaining them to have it read now from the desk. If there be no objection I will ask that this may be put in the RECORD without reading it. Of course if any Senator insists that it shall now be read I shall have it read.

The PRESIDENT *pro tempore*. The papers will be incorporated in the RECORD as a part of the Senator's remarks if there is no objection.

Mr. DAWES. Would it not be convenient to have that matter printed in document form also?

Mr. COCKRELL. It would be more convenient that way than in the RECORD.

Mr. HARRIS. Does the Senator mean printed in that form and also in the RECORD?

Mr. DAWES. Yes.

Mr. HARRIS. Let it be first printed in the RECORD, and we can then consider the question of printing it in the other form.

The PRESIDENT *pro tempore*. The Chair hears no objection to the papers being printed in the RECORD.

The letters are as follows:

Correspondence with the Secretary of State, Mr. Marcy (under an official call), setting forth the construction placed upon the article in relation to the Newfoundland fisheries in the convention at London of 1818 by the negotiators of that treaty, with an explanatory letter from the author to his executors:

EXPLANATORY LETTER.

To my executors:

Having requested you in my will to publish a letter I wrote in July, 1853, to the Secretary of State, then Mr. Marcy, in answer to an official application from him for my views on the construction of the fishery article in the convention with Great Britain of 1818, it seems proper I should give the reasons for this request.

I was the surviving negotiator of that convention, all others officially sharing in it, directly or otherwise, namely, President Adams (the younger), Mr. Gallatin, President Monroe, and President Madison, having passed away. Hence the call upon me. It was made while negotiations were going on between the United States and Great Britain to arrange this and other matters of international concern. Great Britain, it may be inferred, expected equivalents if yielding anything to us on this fishery question. It was the most important and pressing of any then pending. How it ever became a question, and when, I have endeavored to show; but once raised by Great Britain she adhered to it to the extent of instructing her ships of war to order our fishing vessels away if found on what she claimed as exclusively her fishing grounds. Lord Elgin, then governor-general of the British provinces north of us, was the British negotiator, and the Secretary of State ours. The negotiations dragged heavily for some time, and out of doors were thought to have been on the brink of a fruitless termination. Finally the "reciprocity treaty," for regulating our trade and fishing concerns with the Canadas and other British provinces north of us, was concluded and signed at Washington on the 5th of June, 1854.

If asked, did not this treaty put the question at rest? I answer that it did, for the time being. But the subject is open to other views. A future day may witness the revival of the question. We thought it at rest under the old Revolutionary treaty of 1783; but it returned upon us after the war of 1812. That war over, we again thought it at rest forever, under the convention of 1818, but again it came back upon us. It would be unwise to consider the reciprocity treaty perpetual, whatever its presumed or real merits. When it does come to an end, this question may be upon our hands once more. The power of England is not on the decline by any evidences yet before us, but on the contrary increases, and her adherence in the future, as in the past, to the policy which tends to foster her commercial interests and maritime strength may naturally be inferred. It would hence seem no more than prudent that both countries, ours especially, should be in possession of all the lights still attainable on the true nature of this fishery question, which altogether is a remarkable one in our diplomatic history.

For more than twenty years the convention of 1818 was in full operation in the sense in which our Government understood the article relating to the fisheries. After this long acquiescence, Great Britain applied a new and different rule to the operation of the article. Whether she had good grounds for this change in its construction is the essential inquiry. High names, in the Senate and elsewhere, have so well defended our construction that it might seem unnecessary for me to bring before the public the views presented in this letter to the Secretary of State, were they not derived from facts intrinsic to the negotiation itself. In directing its publication by my executors, I aim at rendering justice to revered names in our history, and whose humble associate I was in this portion of our public affairs. I aim at showing that this solemn international compact, made under their instructions, and receiving their sanction, did not give up American fishing rights of long existence and great magnitude, but, on the contrary, secured them with the greatest care. In here vindicating their memories against imputed errors or oversights in a matter so grave, and in desiring that the vindication should become known to their country, I trench upon no sense of propriety.

As an official document, upon an international subject, no secrecy belonged to this letter, written on a public call upon me by the Government, other than exemption from premature publicity. Whilst the reciprocity treaty was under discussion it was withheld from print by the eminent functionary to whom it was addressed, for reasons deemed sufficient, no doubt, at the time. A voluntary publication of it by me at that time would have been out of place. But the treaty having been perfected, its execution in good faith by both countries, as long as it lasts, can not be affected by historical facts or any opinions I may have left for posthumous publication.

RICHARD RUSH.

SYDENHAM, *December*, 1854.

LETTER FROM THE SECRETARY OF STATE.

DEPARTMENT OF STATE, *Washington*, *July* 6, 1853.

SIR: You are probably aware that within a few years past a question has arisen between the United States and Great Britain as to the construction to be given to the first article of the convention of 1818, relative to the fisheries on the coast of the British North American provinces. For more than twenty years after the conclusion of that convention there was no serious attempt to exclude our fishermen from the large bays on that coast, but about ten years ago at the instance of the provincial authorities, the Home Government gave a construction to the first article, which closes all bays, whatever be their extent, against our citizens for fishing purposes. It is true they have been permitted to fish in the Bay of Fundy. This permission is conceded to them by the British Government as a matter of favor, but denied as a right. That Government excludes them from all the other large bays.

Our construction of the convention is that American fishermen have a right to resort to any bay and take fish in it, provided they are not within a marine league of the shore. As you negotiated the convention referred to, I should be pleased to be favored with your views on the subject.

I have the honor to be, with great respect, your obedient servant,

W. L. MARCY.

Hon. RICHARD RUSH,
Sydenham, near Philadelphia.

MR. RUSH'S REPLY TO THE SECRETARY OF STATE.

SYDENHAM, NEAR PHILADELPHIA, *July* 18, 1853.

SIR: I had the honor to receive your letter of the 6th of this month, relating to the question which has arisen within a few years past between the United States and Great Britain as to the construction to be given to the first article of the convention of 1818, concerning the fisheries on the coast of the British North American provinces; and I beg leave to express my regret that unavoidable interruptions have prevented an earlier reply.

Your letter gives me to understand that for more than twenty years after the conclusion of this convention there was no serious attempt to exclude our fishermen from the large bays on that coast; but that about ten years ago, at the instance of the provincial authorities, the home government in England gave a construction to the first article which closes all bays, whatever be their extent, against our citizens for fishing purposes; and that, although they have been permitted to fish in the Bay of Fundy as matter of favor, the home government denies their right to fish there, or in any of the other large bays.

On the other hand, you inform me that our construction of the convention is that American fishermen have a right to resort to any bay and take fish in it, provided they are not within a marine league of the shore.

Under these conflicting constructions, you are pleased to invite my views on the subject, as I was one of the negotiators of the convention.

Honored by such a call upon me, I feel that the national rights and interests at stake in the just construction of this convention are of a description so high as necessarily to command my obedience to the call.

At the same time, with the public duty which your letter devolves upon me, I can not be insensible to the peculiarity of its nature, coming, as the call does, more than thirty years after the negotiation was held. I might well be distrustful of my personal recollections, and would hardly dare to draw upon them on an occasion so solemn, after this long interval, unless under the corroboration of documentary and other evidence. Treaties and conventions, as other written instruments, are to be interpreted by their own words in conjunction with the antecedent and collateral facts necessary to the elucidation of their words.

Premising thus much, I may be allowed to say, and here at least I am able to speak with confidence, that the convention of 1818 was entered into with great circumspection on our side. Mr. Monroe was then President and Mr. Adams Secretary of State. Looking to their qualities with reference to this particular question, the former was calm-minded and wise; while the latter, besides all his other high qualities of mind, had little disposition to yield opinions carefully formed on the basis of his country's rights. From Mr. Adams my colleague (Mr. Gallatin) and myself received in due form our instructions, accompanied

by full information, the better to guide us in understanding and applying to them. I need only recall the name of Mr. Gallatin for all to remember how experienced, sagacious, and highly gifted he was. To allude once more to Mr. Adams, it may be safely affirmed that no one of our public men ever understood the fishery question better in all its extent, or examined it more sedulously in detail. It might almost be said that, in instructing us, he went to the work with something of filial reverence, which might have exalted, if possible, his sense of public duty.

He remembered the share which his great Revolutionary sire, the elder Adams, had in concluding the treaty with Great Britain in 1783, and knew that he would have preferred surrendering his commission to surrendering our rights to the fisheries in any of the seas, bays, or gulfs off the colonial coast of British America. The negotiators of the convention had before them, therefore, supposing they could have been negligent themselves, the prospect of rebuke from their Government if, by the use of incautious words, or omission of apt ones, they became the means of depriving American fishermen of the right to resort to any bay off that coast and to take fish at pleasure. There was, in fact, but the single exception you mention: They were not to go within 3 miles of the shore. You will gather from this remark that, as the surviving negotiator of the convention, I coincide in the construction of its first article which our Government puts upon it; and I proceed to state the considerations which impress upon me the soundness of this construction.

Among the documents forwarded to us from Washington, as in part our guide in framing this article, were divers letters and representations obtained from proper sources in New England, particularly in Massachusetts, containing information on the whole subject of the fisheries. It was obtained at the instance of Mr. Adams, under queries which he probably propounded on every branch of the subject. Familiar more or less with it all his life, his attention had been specially drawn, while minister in England, to the state into which it had fallen after the treaty of Ghent, and to the state also in which he found it on his arrival in Washington in 1817, when recalled from London to be the incumbent of your Department. Some steps for its settlement in Washington, which proved unavailing, were taken by Mr. Bagot, who first came over as British minister to the United States after the treaty of Ghent.

The queries propounded, as I suppose, by Mr. Adams, sought very pointedly, amongst other things, information as to the extent of the fishing grounds necessary to us. When I first received your letter I was not sure that I had in my possession any of this documentary information as then furnished to us, but on since looking carefully into places where I had deposited ancient papers, I have discovered a portion of it, the remainder having been probably taken away by Mr. Gallatin. Or it may be that the whole is still to be found among your files. The fragments in my possession have afforded me much satisfaction, as they go to strengthen the views which I have so uniformly entertained of the meaning of the first article before knowing that I had them.

From one of the documents, namely, a letter of some length from Daniel Rose, dated Boothbay, January 22, 1818, I make the following extract:

"A great disadvantage of having a particular limited extent of coast is that our vessels must then go to that only; and this would render the prospect of making the fare expeditiously very uncertain. It is well known that in some years fish are plenty on grounds where in other years few or no fish are to be found. It is the practice of our fishermen to try the different grounds as they proceed eastward, and where they find fish plenty they stop. Thus they sometimes get their cargo on this side of the Straits of Belleisle; at other times they pass through the straits and proceed far north before they find plenty of fish."

In the same letter it is said: "If any privilege is to be given up, that of curing fish is of the least importance, because that inconvenience may be obviated in a great measure by the fishermen making different arrangements."

And again he says:

"The Cape Sable shores are most used and of the most importance for us in the district of Maine, comprehending the Bay of Fundy and the coast as far east as Whitehead at least."

A letter from J. F. Parrott, dated from the House of Representatives of the United States, February 6, 1818, states that the fishermen of New Hampshire "would view with extreme apprehension and concern the adoption of any stipulations having a tendency to deprive them of the privilege which they have heretofore enjoyed of frequenting the coasts of the Bay of Fundy and Nova Scotia and entering the coves for the purpose of procuring bait."

Other documents agree to the importance of our holding this fishing-ground, as may be inferred from the above extract. All likewise concur in the great importance to us of the Gulf of St. Lawrence and Bay of Chaleur. The latter is represented as having been "famous fishing ground" before the Revolution, and still productive. Heavy injury is anticipated should we not secure it. There is a long letter from Israel Trask to Mr. Silsbee, member of Congress, dated Gloucester, January 20, 1818, giving valuable information; and a general concurrence is seen as to the importance of our securing ample fishing-ground, even if we did not get shore privilege, though the latter also was desirable. If my memory does not fail me, there were strong representations from Hon. James Lloyd, then an eminent Senator from Massachusetts, on this head, and especially as to our not losing the Bay of Chaleur, though I did not find them among my papers.

Forewarned by information of this nature, and much more not now in my possession, it ought not to be lightly supposed that the negotiators of the convention would sign away the right of entering the fishing-grounds in any of the large outer bays or gulfs. It would have been a severe blow upon all the fishermen of New England. It would have been to forget the whole spirit and object of our instructions, to disregard the information which in part dictated them, and to yield up or endanger great public interest, naval and national. The Senate of the United States never could have ratified such a convention. We had come out of the war of 1812 under too high a tone of national feeling, most especially as regarded our rising naval capabilities and all the sources for sustaining them.

The idea of fencing us out by a line drawn from "headland to headland" of any of those large outer bays is perfectly new. It has burst upon us as altogether an *ex post facto* affair. No such words are in the convention. I was amazed when I first heard such a rumor. Since receiving your letter I have searched through all my papers, including the memorandums and informal notes which passed from time to time between the negotiators on both sides whilst the negotiation was in progress. I find no trace or shadow of any such words, on any protocol or elsewhere, from the beginning to the end of the whole negotiation. Yet the presence of such words in the convention is assumed in an opinion, as published in the newspapers, which the attorney-general and advocate-general of England have given against our construction of the instrument; and this assumption would seem to be an essential prop of their opinion. It was drawn forth, as is stated, under the requisition of Lord Palmerston, at the instance of the public authorities of Nova Scotia in 1841, who were certainly no parties to this international compact. The period of invoking such an opinion against us was, it will be perceived, somewhat remote. It came twenty-two years after the date of the convention.

It is indispensable to the just construction of this high international compact, to which the attention of both nations is now directed, to recall the state of things existing when it was formed; and although this has been a well-understood branch of the question hitherto, its summary but distinct recapitulation in outline will be appropriate at the present juncture to your call upon me.

By the old treaty of peace of 1783 we separated the two countries, we secured these valuable fishing rights. Britain said we lost them by the war of 1812. We denied it. Her doctrine was that war abrogated all pre-existing treaties. We admitted this to be the general rule, but insisted that there were exceptions to it, and denied altogether its application to the treaty of 1783. That was not a treaty to be judged by common rules. It split an empire in twain. Britain did not grant us independence by that treaty, but acknowledged it. She did not grant us our boundaries. She agreed to them. She did not grant us our fishing rights. She agreed to them. All these we won in arms. We treated with our great adversary for peace, and desired it; but we treated as a coequal sovereign nation. Had not the fishing rights we insisted upon been agreed to the treaty of peace would not have been concluded.

It may be here incidentally mentioned, as both curious and illustrative, that the elder Adams took as a motto for his seal "*Piscemur, venemur, ut olim*," the latter then having reference to the Mississippi as our western boundary. We did not, after the separation, claim the right to cure and dry fish upon her shores. That would have been to trench upon her territory; but we did insist upon our full right to fish in the sea and in all the open bays and gulfs where we had been accustomed to fish before. We considered these rights as fixed and irrevocable—like our boundaries, or our independence.

They were founded in beneficence, as producing human food and subsistence—a reason why they should be the more liberally interpreted and extended. They had also a paramount foundation in equity for us from the historical fact that in past time before the Revolution, when we were all British subjects together, the people of New England had done more by far to discover and use all these very fishing grounds than any other people of the British Empire. Mr. Monroe, while Secretary of State under President Madison, and therefore imparting the views of the latter, while giving instructions to our ministers at Ghent in 1814, in regard to the fisheries, used the following emphatic language in case any attempt should be made by Britain to demand their surrender, namely: "They [with other rights mentioned] must not be brought into question; and if insisted on, your negotiation will cease."

Our whole doctrine was powerfully argued and illustrated by Mr. Adams when minister in London after the treaty of Ghent, in two diplomatic notes, one to Lord Bathurst in September, 1815, the other to Lord Castlereagh in January, 1816. Lord Bathurst replied in an elaborate note to Mr. Adams, of October, 1815. In this note he fully made known that England was not less unequivocal in the opposite doctrine to that which we had taken. The two countries being decidedly at issue, and according to the ground England took, no treaty regulation of the subject being in existence after the war of 1812, her cruisers began to capture our fishing vessels in the waters where we thought our right to go was as good as hers. The danger was imminent. Collisions might take place at any moment. Then it was that further captures were forborne until the two Governments could calmly and deliberately interpose in the hope of some satisfactory adjustment. This summary presents the precise attitude of the two nations when the negotiation of 1818 opened.

After protracted difficulties, anxieties, and hesitations on this momentous topic, momentous because we on our side thought a rupture between the two countries would ultimately follow the failure to arrange it, the negotiation, which commenced in August, 1818, happily terminated in the signature of the convention on the 20th of October of that year.

In signing it, we believed that we retained the right of fishing in the sea, whether called a bay, gulf, or by whatever other term designated, that washed any part of the coast of the British North American provinces, with the simple exception that we did not come within a marine league of the shore. We had this right by the law of nations.

Its confirmation was in the treaty of 1783. We retained it undiminished, unless we gave it up by the first article of the convention of 1818. This we did not do. The article warrants no such construction. Mr. Everett, when minister in London, writing to Lord Aberdeen, August 10, 1843, under instructions from the Secretary of State, remarks that "the right of fishing on any part of the coast of Nova Scotia (consequently in the Bay of Fundy) at a greater distance than 3 miles, is so plain, that it would be difficult to conceive on what ground it could be drawn in question, had not attempts been made by the provincial authorities of Her Majesty's Government to interfere with its exercise;" and Mr. Stevenson, minister in London before Mr. Everett, while writing to Lord Palmerston, March 27, 1841, in reference to our right to fish in the large outer bays, says "the stipulations of the treaty (convention) of 1818 are believed to be too plain and explicit to leave room for doubt or misapprehension."

As to the Bay of Fundy, part of its coast belongs to one of the States of the Union, namely, Maine. Hence Britain can not claim it as her exclusive dominion. Had Mr. Gallatin been told by the British plenipotentiaries that the first article of the convention would close the extensive waters of that bay against our fishermen, I do not believe he would have signed it. I am sure I would not have signed it. The spirit, context, all the concomitants of the article, pointed to a different meaning. I need not cite all its words. You are familiar with them. It will be enough to bring into view the proviso which follows the clause of renunciation. That part runs thus:

"And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants therof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits (those set out for us in the beginning of the article): *Provided, however*, That the American fishermen shall be permitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

These are the decisive words in our favor. They meant no more than that our fishermen, whilst fishing in the waters of the Bay of Fundy, should not go nearer than 3 miles to any of those small inner bays, creeks, or harbors which are known to indent the coast of Nova Scotia and New Brunswick.

To suppose they were bound to keep 3 miles off from a line drawn from headland to headland on the extreme outside limits of that bay, a line which might measure 50 miles or more, according to the manner of drawing or imagining it, would be a most unnatural supposition. I can not think that it entered the minds of the British plenipotentiaries any more than ours. For would it not be useless to tell fishermen, when half wrecked, that they might cross such a line for the purpose of seeking shelter in bays, creeks, and harbors, lying at an immense distance inside of it? Tempest-tossed outside of a great sea-line like that, damaged in sails and rigging, how were they to reach the sheltering havens they desired? To suppose it is a mockery; and similar reasoning applies to all the other large bays and gulfs.

We inserted the clause of renunciation. The British plenipotentiaries did not desire it. Without it room might have been left for the inference that what we got under the convention was a grant from Britain; whereas our ground of argument being that, with the exception of share privilege, our fishing rights remained as under the treaty of 1783, we could receive nothing which had been agreed upon by the first article in the light of a concession or favor from her. We took it only as part of a coequal agreement and in the sense of a compromise.

In conformity with our construction was the practice of Britain herself after the convention was ratified. Our fishermen were waiting for the word not of exclusion, but admission, to those large outer bays. They had been shut out from them, some captured, and all warned away after the treaty of Ghent.

The interval was an anxious one to them. Accordingly, as soon as the convention went into operation, they eagerly hastened to their ancient resorts; reinstated by the provident care of their Government. Hence the significant motto of our Revolutionary patriot and sage, that we would both fish and hunt over the same grounds as heretofore. No complaint was made or whispered by any member of the British Government of that day of which I ever heard.

I remained minister at the court nearly seven years after the signature and ratification of this convention. Opportunities of complaint were therefore never wanting. If intimated to me, it would have been my duty to transmit at once any such intimation to our Government. Nor did I ever hear of complaints through their legation in Washington. It would have been natural to make objection when our misconstruction of the instrument was fresh, if we did misconstrue it. The occasion would have been especially opportune when I was subsequently engaged in extensive negotiations with England in 1823-'24, which brought under consideration the whole relations, commercial and territorial, between the two countries, including our entire intercourse by sea and land with her North American colonies. Still, silence was never broken in the metropolitan atmosphere of London whilst I remained there.

Your letter informs me that for more than twenty years after the convention there was no serious attempt to exclude us from those large bays; and Mr. Everett, writing as Secretary of State only on the 4th of December last, to Mr. Ingersoll, then our minister in London, renders more definite the time you would indicate, by saying that "it was just a quarter of a century after the date of the convention before the first American fisherman was captured for fishing at large in Bay of Fundy." I find it extremely difficult, under any lights at present before me, to explain the extraordinary circumstances which environ this international question consistently with the respect due to the high party on the other side; feelings the most friendly being ever due to her from the magnitude of the interests bound up in the subsistence of harmonious relations between the two countries.

It is impossible for me to doubt that the convention as we now construe it, and have always construed it, was entirely acceptable to the British Government at the time of its adoption. But I remember also that other feelings were afloat at that epoch, beyond the pale of the home Government in England. The fishery article was sharply assailed out of doors. Journals of prominence in London represented it as sacrificing high maritime interests of England, following up like sacrifices which, they said, she had made to France and other powers in the treaties of Vienna. The legislative assembly and council of Nova Scotia, sent forward murmurs, deep and loud, from that quarter. They alleged that the prospects of British colonial industry and advantage in North America were exposed to a shock in the competition which this fishery article opened anew to the Americans.

The commingling tides of complaint from the London press and from the colonies served to swell, for a time, popular clamor in England against us, a feeling not without example in that country, as those know who may have had opportunities of close observation when her Government has kept aloof and been friendly to us. The clamor has had its run and died away. The British statesmen wielding her power—Lord Liverpool was premier, and Lord Castlereagh foreign secretary—had probably not been unaware that there would be to some extent an outside feeling of dissatisfaction under that fishery article. They knew their position, and were prepared for its responsibilities. Paying respect to the convictions prevailing in the United States, that our fishing rights were not lost by the war of 1812, though so contrary to the British opinions, they determined upon the compromise which the convention effected.

It was in this spirit of amity that a formidable source of dissension was removed without implicating the honor of either nation, whilst the ultimate interests of both were thought by the wisest in both to have been best advanced by the compromise.

I render with satisfaction this passing tribute to the Liverpool ministry, and especially to Lord Castlereagh due the more, as it was not the only occasion during my long mission when its amicable counsels in regard to the United States interposed to ward off trouble to the two nations when there was no adequate cause for it on our side, but much outdoor English clamor against us. It may be added as not an irrelevant fact, but pertinent to the matter I have in hand, that it was the same ministry, Tory as it was, with which we negotiated in London the convention of July, 1815. This international compact secured for us, as far as it went, the fairest measure of reciprocity in our commerce, and especially our navigation, with Britain, which up to that period we had ever been able to obtain from any British ministry, Whig or Tory, since the day of our separation.

Another auspicious circumstance may be said to have gone hand in hand with the labors of Mr. Gallatin and myself. It was a ministry the most strongly seated perhaps in influence and power of any that had preceded it for a century, because governing England at the epoch of Napoleon's downfall. Such a ministry had no fears in being just to us on the fishery question. It was not to be shaken by outdoor clamor, and disregarded it.

Nothing but the great importance of the subject and the peculiar dilemma in which this disputed question has come to be placed could justify me in making this letter so long. I must venture to hope that this will be my shield in your eyes.

A brief, a reluctant reflection must close it. It relates to the letter from Mr. Webster, written in July, 1852, when he was Secretary of State. I desire to speak with nothing but reverence of an American statesman whom death has canonized. To his great abilities, exalted patriotism, and inappreciable services all do homage; none more fully than I do. An inadvertence found its way into that letter, which under the public obligation cast upon me by your call I am not at liberty to pass over. It is the passage in which he states that it was "an oversight in the convention of 1818 to make a concession to England, since the United States had usually considered that these vast inlets or recesses of the ocean ought to be open to American fishermen as freely as the sea itself, to within 3 marine miles of the shore."

The letter was written when he was away from his Department. Full of diversified public occupation, and with his mind under corresponding solicitudes he may well have been momentarily at fault; at a season, too, when his health was perhaps feeling the approaches of that fatal malady which was so soon afterwards to deprive his country of his valuable life, and take from the world one of its towering names. This inference is the more strongly forced upon me, as in the same letter he refers to the opinion of the English crown lawyers, without noticing the grave error stamped upon its face, that they assumed the existence of words not in the convention. I should reproach myself for this allusion but for the influence which the great name of Mr. Webster might otherwise lend in directions unfavorable to the just rights of the country he so dearly loved. Happy am I to think that his letter nevertheless closes with a dissent from the construction given by the crown lawyers of England to that solemn convention which it is the aim of this letter to show is chargeable with no such oversight as he supposed.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. W. L. MARCY,
Secretary of State, Washington.

Mr. MORGAN. Mr. President, in discussing a question of the magnitude of this in connection with a great country like Great Britain, it would be altogether agreeable to me that personal and political views should be omitted from the debate. In fact I have seen no occasion for having any matter of that kind dragged in at all, but it seems to me that the Senator from Colorado [Mr. TELLER] is held in reserve to "whoop up" the Republican end of this question whenever a debate occurs on this floor. After a speech is made, particularly in opposition to him, he is here for the purpose of characterizing us as a set of men who are acting contrary to our convictions and our judgment and in obedience to the behests of the President of the United States and of the Secretary of State.

I dare say, Mr. President, that there are as many independent thinkers on this side of the Chamber as there are on that, and that we are able to match the honorable Senator from Colorado in his independence with quite a number of gentlemen on this side who have some respect for themselves, for their position, for the country, and for the great questions that are presented here for our consideration.

The Senator insists all the time that we have no views of this question on this side except political views; that we are entirely insincere in our expressions because we have been whipped in by the Administration; that we have lost our manhood; that we have reversed our positions; that we have taken back what we have said heretofore; and that we are acting here as a lot of galley slaves, not merely to do the bidding of our masters, but to do it under the lash.

That is the idea with which the Senator would impress the people of the United States in regard to the attitude of Democratic Senators on this side of the Chamber.

I do not know what have been the relations of that Senator to his party. I have sometimes seen him exhibit some little evidences of independence of thought and action, but I do not think that he is occupying such an elevated moral tone in this body or elsewhere as that he has a right to question the motives of gentlemen as to what they do under their oaths on this floor in respect of a great question like this.

The Senator has taken occasion to charge me with having reversed my position. If I were bound by statements which he puts upon the record with his loose expressions, that might be so; but when his statements come to be compared with the truth as disclosed by the record it is not so.

I have changed no position, no attitude, on this treaty. When it came to us I investigated it for myself, examined it as thoroughly as I was able to do. I came to my conclusions upon it, as a matter of relief to this country, and as a matter of adjustment of the future relations between this country and Great Britain. I consulted nobody, President or Secretary of State; I had no conferences, no communication. I made up my opinions on my own judgment, and solely on my own judgment, and so I have no doubt has been done by every Senator on this side of the Chamber; for there has been very little conference between Senators on this side in respect to the merits of this treaty. Each Senator takes up this subject and deals with it as he thinks right for the interests of the country, and does what those interests bear him out in doing in this transaction.

It seems to be a settled purpose of that Senator and others to undertake to impress the country with the idea that this treaty is an improper one to be made, and that the issues which are presented before the country now are unimportant—by heaping abuse and epithet upon the treaty and upon the men who are engaged in its advocacy and exposition. It is called a pusillanimous, cowardly surrender. That style of language is very common in this debate—that a treaty made by the Secretary of State of the United States and by two or three able assistants, men of honor and of character in this country, is a pusillanimous, cowardly surrender! It is frequently imputed to us that we are advocating the British side of this question. It has been said here this evening in the remarks of the Senator from Colorado that we are espousing the Canadian side of this question.

Now, let me ask the Senate and the country what motives have we for espousing the British or the Canadian side of this question? Why are we not just as much the friends of this country and of its honor as you are, and as willing to defend them?

Some intimations have been made about other matters of division that have existed between us in times past, and a cloud is sought to be drawn from a period twenty-five years back over this question here now, and an attempt is made to cast discredit on this treaty because it is advocated by men with whom you have disagreed in times past. That is not a fair way of treating a question like this. No administration can conduct diplomacy if the friends of that administration are to be scouted or thrown out of consideration because they dare to advocate a measure or because that measure is supported by gentlemen who have happened to differ with you in opinion about matters heretofore.

If there is merit or demerit in this treaty, there is ability on that side of the Chamber to present it without epithet and without abuse. There is no occasion for the employment of those thrusts at us of an unbecoming, unpleasant, and irritating character—that we are deserting the flag of our country or its interests in order to maintain a settlement between this country and Great Britain which we consider to be, under all the circumstances of this great case, a fair settlement. There is no occasion for that. Senators miscalculate the temper of the American peo-

ple if they believe that they will respond to any such trash and stuff as this. The American people in the consideration of those matters which must become, or are, a part of the supreme law of the United States under our Constitution, are not going to listen to mere political slang-whang and vituperation and censoriousness. They will treat this question on a higher plane. I regret that the first exhibition that the Senate of the United States makes before the American people for a hundred years in the discussion of a great treaty is attended with such remarks as have fallen from the lips of Senators on this floor. I regret it, and I think the country will regret it.

If I were President of the United States I would withdraw this treaty from your consideration until you got your minds cool enough to consider it on its merits; and I believe the honorable and venerable statesman in front of me would do it, with his full knowledge of diplomacy. I would withdraw it from this Senate and would send it in after this political campaign had ended and after there should be a cessation of those methods of political strife which so excite the people of the United States—frequently as we know almost beyond control. I would carry this into an atmosphere where reason might prevail.

If there were no Presidential election pending to-day the discussion of this treaty would be in different terms and in a different spirit. But the object, it seems to me, is simply to make political capital out of it. I have despaired really of getting any cool and deliberate and just consideration of the matters of great interest and importance involved in this treaty, because a man can say nothing about it without being accused of being a partisan of the British Government. He can make no defense of the Administration without being charged with being a Canadian in his sentiments. He can make no explanation of anything that has occurred heretofore in connection with this treaty without being charged with having, under the party whip, changed his relations to the question.

Before this debate shall have proceeded very much farther I propose to bring before the Senate expressions of various Senators upon the resolutions that have been offered here, about which a great deal has been said, and also about what is called the retaliatory law. I will bring the opinions of Senators on both sides of this body, and I think I shall be able to show a degree of conservatism of opinion in statement, a degree of regard for the honor, the interests, the welfare, and the integrity of this country exhibited in the debate of last year and the year before last, which has failed entirely to characterize the debate on this treaty in the Senate now. Then we were speaking in anticipation of the settlement in some form or other, or by some means or other, of grievances and troubles and distresses that had existed in this country for the better part of seventy years.

We were looking to the future and trying to devise the best means of bringing our view of this question into realization, of establishing in behalf of our own country and our own people those interpretations of the treaty of 1818 upon which we had been insisting, and in good faith; and more than that, of bringing a certain degree of pressure to bear upon the British Government to induce them to better terms, not in the treaty merely, but in the general commercial relations between us and the Canadian people than had existed before that time.

Was it not right to do it? Was it not proper to do it? If any American Senator on either of those occasions had arisen and had been compelled, as we are now compelled, not to state the merits of it, but the nature and character of the British contention, it would have been received by the people of the United States with regret and shame that any American Senator should have arisen in his place and should have placed the rights of his countrymen upon ground that would perhaps have encouraged the British contention.

It is quite a different matter to speak upon a treaty that has been negotiated and to speak, in advance of that, upon a policy which was indefinite, as to whether the evils that we labored under should be corrected by treaty or should be corrected by the application and force of a statute.

We had around us two years ago a series of difficulties not new. They were old; they were the mere repetitions of what had occurred many and many a time before. We found ourselves two years ago at the close of two periods of treaty reciprocity with Great Britain under which all these vexatious questions had been put entirely at rest. But immediately upon our being relegated to the influence and force and effect of the treaty of 1818 we found that those difficulties which had arisen in every interval of reciprocal arrangement renewed themselves and in somewhat violent form, but not more violent than before. For instance, before the negotiation of the treaty of 1854, we found it necessary to marshal our fleets in those waters in order to preserve the peace between our fishermen and the Canadian fishermen and in order to prevent the British fleets from dealing with our fishermen in some rude and unjustifiable way.

When the present Administration came in it was not necessary to introduce those fleets (or if it had been, we did not have them; but it was really not necessary to introduce those fleets) for the purpose of presenting armed resistance immediately upon the ground to any aggression that might be made by those people. The Congress of the United States took up the subject and commenced by passing a resolution and afterwards by passing a law, and the Congress of the United States knew from the reports of its own committees—the Senate knew from the reports of its own Committee on Foreign Relations, the House knew from the reports of its own Committee on Foreign Affairs, and every member of both Houses understood perfectly well that the aggressions which had been committed by the British Government upon the American fishermen were of a very severe character, and we believed on both sides of this Capitol that they were not justifiable under the treaty of 1818, or under the laws of nations either. We knew all that. The declaration of the violation of that treaty in specific acts was pointed out by the Committee on Foreign Relations of this Senate, and there the declaration stands to-day.

Now, knowing this and having the legislative power in your hands, and the right to decide what should be the attitude of the Government, the Congress of the United States, instead of coming up to that question as it should have come, and deciding it and providing the men and the means to carry its decision into effect, fell behind the cover of the executive office and invited the President to step out and settle the question, putting in his hands not a new power, for the power was there in 1850, but putting in his hands a larger, a more comprehensive power, by which he might rectify through the means of retaliation the wrongs which everybody said we had sustained. You did not tell him not to negotiate; you did not advise him not to resort to that high constitutional power of his by which peace can and may be made, and by which the orderly conduct of diplomatic affairs was intended to be regulated by the framers of our Government.

You did not advise him to do that or not to do it. You left him in the free and full exercise of all his powers as the Chief Magistrate of this Government. He stepped forward and made a negotiation. In doing that he employed men to assist his Secretary of State—who, by the way, is a very able man, the peer of any man in the United States—he employed in the assistance of this able statesman two very distinguished men, one of whom had had quite an extensive experience in diplomacy. Carefully the ground was all surveyed. An agreement was reached, and it was satisfactory to the President. Then, under his constitutional authority, he brought it to the attention—of whom? Of the second series of negotiators, the men placed by the Constitution of the United States next to the President to advise and to consent to what he may have done in any negotiation; and we are negotiators here now, with the power to modify by amendment, with the power to confirm, with the power to reject.

We have the power to compel the President of the United States to submit to the British Government in reply to this negotiation any frame of treaty agreement that we see proper to suggest. The whole field is open to us. We are not compelled to accept or reject just what he has done, but the whole field of negotiation is open to this Senate; and every Senator here, to the extent of his influence in this body, is to-day, and in the attitude that this question occupies now, simply a negotiator.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly.

Mr. TELLER. Will the Senator allow me to ask him a question? He asserts that we may amend this treaty and compel the President to submit the amendment to the British Government. Do I understand the Senator to say that that is the right of the Senate?

Mr. MORGAN. When I say "compelled" I mean a moral compulsion.

Mr. TELLER. Does not the Senator understand the rule to be that if we amend this treaty, and the Executive agrees with our view of it, then he would submit it, and not otherwise?

Mr. MORGAN. The practice is perhaps an unsettled one about that, but I have never yet heard of a President refusing to submit an amendment that was agreed to by the Senate. I never heard of such a thing as that. We amended the Chinese treaty——

Mr. EVARTS. Will the Senator from Alabama allow me a word?

Mr. MORGAN. Certainly.

Mr. EVARTS. The Executive has full possession of the question of this treaty before the ratification takes place. Nothing that we can do can influence the President in regard to an inchoate treaty.

Mr. MORGAN. I do not speak of compulsion in the sense of forcing him to do the thing.

Mr. EVARTS. There is no power except in so far as his concurrence in our amendments may enter into the question. They fall short of entering into the negotiation until the President puts our amendments in relation to the foreign power.

Mr. MORGAN. The President of the United States is an American citizen, and I think he is quite responsive to that magnificent sense in this country which has for a long time now sustained him in his official course, and which, under the voice of 5,000,000 voters represented in the St. Louis convention, recently gave him a unanimous renomination. I think that the President of the United States would not hesitate to respond very cheerfully to any recommendation that the Senate might see proper to make as his advisers in regard to what should be the treaty relations between the Government of the United States and that

of Great Britain. Nothing in his conduct heretofore has indicated that he is unwilling to accept any amendment that the Senate might put upon the treaty. We amended the Venezuelan treaty. He submitted that amendment. We amended the Chinese treaty, and he submitted that amendment, and got it ratified.

Mr. HARRIS. Has any President ever refused to submit an amendment that the Senate adopted?

Mr. MORGAN. I never heard of such a thing. I am not very old in statecraft or in political lore, but I dare say no precedent can be cited on this floor where the President of the United States has ever declined to present to the consideration of the other treaty power any amendment that the Senate saw proper to make to a treaty.

Now, here we are with the ability in our hands this day to submit to Great Britain amendments to this treaty of such a character as that they will be a full protection of all the rights of every citizen of the United States. If we believe that the President has in any respect fallen short of his duties, or has been wanting in wisdom or wanting in courage, is it not very much better that we should frame something, and send it to him, which expresses our views, unless indeed we have reached the period announced in the majority report in this case where it says that the time for negotiations with Great Britain on this subject has passed?

We are negotiators, and we can not lay our character as such down at our will and pleasure. The resolution for the ratification of this treaty is not before this Senate. We are not debating it. We have not reached that stage of the question where that matter is up for our consideration at all. We are now in the negotiating stage of the treaty; we are now asking the Senate of the United States to consider each article of it separately; and if those Senators choose to say to the American people, "we will not consent to discuss the subject of a treaty," then I think they place us in the category in which there does arise the question whether war might occur, as we refuse to treat on the subject at all.

You declare in your majority report in opposition to the treaty, and as a reason why you ought to destroy it that the time for negotiation with Great Britain is passed. That is the declaration that I want the Senate of the United States to reverse. If this treaty is rejected, as of course we know it will be, I object most seriously that it should go out of this Senate rejected with a majority report standing on record affirming as the leading reason for its rejection that the time for negotiation with Great Britian has passed.

I was exceedingly gratified in the debate as it proceeded to hear the honorable Senator from Maine [Mr. HALE], the honorable Senator from Massachusetts [Mr. DAWES], and other honorable Senators refer to the fact that the negotiation was not broad enough, that it did not include enough, that there were other subjects that had not been brought within the range of the negotiation, subjects that are open and are likely to breed difficulty between the United States and Great Britain; because I had a hope from those declarations that those Senators would not concur in the idea that we intended to place our relations with Great Britain in that singular and dangerous category where we should shut the door of negotiation with Great Britain, and say, "The door is forever closed; we shall not negotiate with you any more."

Mr. TELLER. I should like to ask the Senator from Alabama a question.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly.

Mr. TELLER. I should like to ask the Senator from Alabama if he thinks there is any necessity for a further treaty to construe the treaty of 1818?

Mr. MORGAN. I do.

Mr. TELLER. Then I should like to call the attention of the Senator to what he said on this subject in 1886. He said a great deal on the subject then, as I suggested. He said:

> I do not wish to volunteer any opinions about this subject before a question gets before the Senate and I am compelled to act upon it; but my convictions are very strong; they are fixed; indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all—

I find that in the RECORD, and I have a distinct recollection of having heard it.

Mr. MORGAN. I said then that there was no question before the Senate and I hesitated to express any opinion.

Mr. TELLER. If the Senator will allow me, I will read further what he said.

Mr. MORGAN. I said I was not here for the purpose of advising the Governmant of Great Britain in my place as a Senator; that I thought we could not get along upon our interpretation without a new treaty.

Mr. TELLER. Will the Senator allow me to read further? I did not give the context. I should have read further. Commencing where I left off, the Senator from Alabama said:

> and without any further legislation. If any one were to ask me what provision of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect of the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States so as to put the control of this intricate subject more completely in the hands of our own Government I could not frame the amendment in the statutes. I would not know how to do it. I believe that both the treaty stipulations and the situation under the statutes are about as complete as we are ever able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much indeed to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of, any improvement that we could make under existing conditions of our rights in the fisheries of that Northeastern coast.

Mr. MORGAN. The Senator from Colorado attaches great importance to my opinions, but he does not give me credit for the circumstances under which they were expressed on that occasion. If he had that keen and delicate sense of patriotic honor which a Senator ought to have in considering questions with a foreign government he would not rise in the Senate to-day and speak of our treaty relations with Mexico in such a way as to put his country in difficulty and in trouble.

Mr. TELLER. Will the Senator allow me?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Yes.

Mr. TELLER. I may not have the high sense of patriotic honor of which the Senator speaks, but I have too much, when I have been in accord with the entire body of my associates and change my opinion, to charge that those who have pursued the even tenor of their course were instigated by improper motives.

Mr. MORGAN. At the moment when that subject was under consideration what was the question before the American people? It was as to the best way to arrive at a solution of all the difficulties with Great Britain which were then harassing the country. It might be that in the secret councils of the nation there was an opinion that a resort to negotiation would be the best. It might be that an opinion existed that a resort to legislation would be the best. That was a year before the passage of the act of 1887. That was under the act of 1850. I declared then, as it was my duty to declare, that the American people had provided themselves even at that hour with all the necessary instrumentalities for enforcing their rights against Canada or Great Britain; that they had a treaty of 1818, the interpretation of which they themselves had settled upon; that there was no disposition on our part to yield to the Canadian interpretation, notwithstanding the expressions of great men like Mr. Everett and Mr. Webster and the honorable Senator who sits before me now [Mr. EVARTS] that the treaty was loose in its structure and was difficult of construction.

It was not for me, as an American Senator, on that occasion, in anticipation of the action of my Government, to proclaim to the British Government that I thought there was something to be done in improving the treaty, otherwise American rights were lost. That never seems to have occurred to the Senator from Colorado. He takes me at a place and in an attitude where I am trammeled and have no right to speak.

But if that Senator heard me in years that are past—I do not know whether he ever paid the slightest attention to it—he has always heard me say that I regarded the treaty of 1818, with which the honorable Senator from Massachusetts [Mr. HOAR] is so much in love, as a surrender of the fruits of the Revolutionary war. One of the Senators from Massachusetts [Mr. DAWES] agrees with me, the other [Mr. HOAR] disagrees with me, upon that proposition. I have been willing at all times and have at all times insisted that whenever this subject came under negotiation we should go back to the date of the Revolutionary war and the treaty of peace, and we should predicate our new treaty relations entirely upon that foundation. I would wipe the treaty of 1818 from the book. But no Senator in this body and no member of the House of Representatives has ever had the courage to bring a bill in to abrogate that treaty or to declare that it had been so violated that we were no longer bound by it.

Mr. HOAR. Will the Senator be kind enough to tell me why it is that he thinks the treaty of 1818 ought to be abrogated and feels himself at liberty to say that no other Senator has the courage to bring in a bill to abrogate it? Why is he not the person whose courage should seem to be employed?

Mr. MORGAN. I did not say that no other Senator had the courage.

Mr. HOAR. I understood the Senator to say it.

Mr. MORGAN. I said that no Senator had the courage.

Mr. HOAR. That no Senator——

Mr. MORGAN. Yes, including myself.

Mr. HOAR. And no member of the House of Representatives——

Mr. MORGAN. Including myself.

Mr. HOAR. The Senator said that although he thought, differing from many other Senators, the treaty of 1818 ought to be abrogated, yet that no Senator and no Representative had the courage to bring in a bill to that effect.

What reason has the Senator for thinking that if other Senators agreed with him that it ought to be abrogated they would not have the courage to do what he does not do, bring in a bill?

Mr. MORGAN. I say, and I repeat it, that none of us has had the courage to do so. I include myself in the category. I did not do it because it would result in a disturbance of the relations between this country and Great Britain, and would precipitate a war for which we

are not prepared. We do not want it. We think that we can better it. We think that we can relieve against it.

Nevertheless, there is a surrender of territorial fishing rights in the treaty of 1818 that is not creditable to the history of this country. That is a very narrow, ill-constructed, unhappy treaty. Cast your eyes over the list of treaties made about the fishery questions between modern European nations, and you will see there examples of what a fishery treaty is and ought to be.

You will find there a definition of the rights of everybody concerned in joint fisheries. You will find tribunals erected for the purpose of trying those questions. You will find it declared whether a violation of fishery laws or regulations which would make one of our ships amenable to capture and condemnation is to be tried at the home port of the vessel or whether it is to be tried at the port of the ship that makes the capture. But the treaty of 1818 is absolutely dumb on all these questions.

When we wish to ascertain the court in which a prize is to be condemned after it has been seized, where the question of condemnation is to be tried, we look in vain into the treaty of 1818 to find any intimation on the subject. We have to go to the laws of nations to find out whether our ship is to be tried in a Canadian port, or whether it is to be taken to Great Britain and tried before one of the imperial courts, or whether it is to be brought home and tried here.

All the other treaties on the subject of fisheries now subsisting between the nations of the earth who enjoy the joint right of fishing upon the different coasts of the seas contain the most ample and particular provisions for matters of this kind; and it is from the very absence of a provision of this kind in the treaty of 1818 that more than one-half of our difficulties have come. Mr. Bayard puts into this treaty a provision which recognizes the tribunals which are to try these alleged offenses and the manner of trial.

Mr. HOAR. What tribunal? The local courts?

Mr. MORGAN. Yes; why not, putting limits upon them? Does the Senator want the cases tried in Boston?

Mr. HOAR. The Senator asks me that question?

Mr. MORGAN. Yes.

Mr. HOAR. I will say to him that in my judgment, if it be true that the treaty of 1783 was a partition between these two powers, the claim of one of them to take the vessels of another into its own ports and try the parties for offenses created by its own statutes, putting upon the person seized the burden of proof of innocence, allowing no costs and no damages when the local court shall certify that the seizure was for probable cause, bribing the sailors on board the seizing vessels as witnesses by a gift of three-quarters of the value of the whole prize, and further providing that there shall be no suit at all unless it is brought within three months from the time of the seizure, and unless it is brought after one month of notice at the dwelling-place of the officer who made the seizure, which may be in England, so that at any rate there can be but one month's time in which a suit can be brought, is an atrocity.

Mr. MORGAN. Yes; that is the Senator's opinion about it; he calls it an atrocity.

Mr. HOAR. I ask the Senator from Alabama, is not that his opinion?

Mr. MORGAN. Wait a moment.

Mr. HOAR. Is not that his opinion?

Mr. MORGAN. It is not.

Mr. HOAR. I am glad to get the information.

Mr. MORGAN. It is not, because it has been the practice of nations always that where a wrong is done within the jurisdiction of a country, that country in making a capture has a right to try the man who commits the wrong.

Mr. HOAR. The Senator will pardon me, it is a question whether a wrong was done within the jurisdiction of the country. It is not a question for the local courts.

Mr. MORGAN. Let me ask the honorable Senator how he can excuse himself to the American people, if this is an atrocity, for not bringing forward an amendment to this treaty and suggesting to Great Britain that we would rather try our people over here?

Mr. HOAR. Because I do not think this treaty is the place for such an amendment with its other surrenders of equal grossness.

Mr. MORGAN. We can get a good many of the surrenders out of it. We can take the grossness out of it. There is no trouble about that.

Mr. VANCE. Will the Senator from Alabama allow me to ask the Senator from Massachusetts if the conduct of which he complains has not been perpetrated and acquiesced in since 1819, when the first restrictive statute was passed by the Canadian Government?

Mr. HOAR. No, sir; it is new, within the past three years, substantially.

Mr. VANCE. Have we ever denied the right of Canada to make those restrictions?

Mr. HOAR. We have; always.

Mr. VANCE. Have we ever claimed that we ought to have a say in what those restrictions should be?

Mr. HOAR. The Senator puts the question to me.

Mr. VANCE. I ask for information.

Mr. HOAR. When Canada undertook at the time of the Fortune Bay arrangement to say that her local laws were binding on our fishermen—that was in Fortune Bay, within a headland—the American Secretary of State demanded redress. Thereupon Great Britain answered that the jurisdiction was entitled to fix the law under which those fisheries should be prosecuted. The Secretary of State replied that it was a very strange argument that Great Britain having undertaken to convey to us a fishery right should have the right to modify it by her legislation.

Then the English Government answered, "Well, that might not be true of later legislation, but it was at least true of legislation existing at the time of the treaty;" to which our Secretary of State answered that it was a very strange transaction that Great Britain had undertaken to convey to us a fishery right, subject to a mortgage or an incumbrance which she had not disclosed. Thereupon Great Britain said she did not want to talk any more about that subject. Then the President of the United States under the advice of the Department of State sent a message to Congress proposing to declare the existing treaty with Great Britain abrogated. Thereupon Great Britain hurried to reopen the question, and paid the damages.

Mr. VANCE. That is the point I was coming to. How was the dissent of this Government ever manifested? Was it ever manifested by act of Congress or official proclamation?

Mr. HOAR. I think when the State Department collected the damages that was an emphatic way of manifesting our dissent from the British claim.

Mr. MORGAN. That matter has been thrashed over several times here. The Senator from Massachusetts has gone into that.

Mr. HOAR. If the Senator from Alabama will pardon me, I will state that he paused in his speech to permit the Senator from North Carolina [Mr. VANCE] to put a question to me.

Mr. MORGAN. I am not complaining at all.

Mr. HOAR. I do not wish to invade the Senator's province.

Mr. MORGAN. Not at all. I was about to say that it was not a new topic in this debate. The treaty of 1871 gave us the right to go right up to the shore of Fortune Bay to fish for herring, or mackerel, or for anything we could find there. We had the right, and paid for it pretty heavily, too. No ship was seized of the fleet of twenty-one vessels that went into Fortune Bay. No question ever went into a Canadian court.

Whether the country can see it or not, the lawyers will be very apt to see that the Senator from Massachusetts is trying a case that is not involved in the issues here at all. No seizure was made, and therefore the power and jurisdiction of the local courts were not brought in question. The local courts of Newfoundland were not in the slightest degree brought into question in the Fortune Bay affair.

In Fortune Bay our fishermen went in with twenty-one sail of vessels of a Saturday night, expecting, I suppose, the influx of a school of mackerel or herring. On Sunday they found the bay full of fish, and these delightful Sabbatarians, these beautiful Puritans, these sweet-scented Christians, who absolutely odorized the whole universe with their piety, got out of their ships and threw their nets around the fish in that bay enough to load twenty-one sail on that Sunday morning.

Mr. DAWES. Mr. President——

Mr. MORGAN. No, stop; the picture is too good. Do not interfere with me.

Mr. HOAR. It is a Sunday-school debate. [Laughter.]

Mr. MORGAN. Yes; and those Canadians, under the restrictions of the local laws of Newfoundland, could have been and would have been severely punished if they had ventured out into that bay on Sunday to catch herring, although it does not often happen that herring or mackerel either visit those bays. When they come they come like a harvest of wheat to the planter in the West; and with the grasshoppers eating up the crops they can not raise anything there. They can not raise corn; they can scarcely raise a grain of barley. I presume they can not raise rye or wheat. They can raise a few potatoes, and that, with the fish they catch out of those bays, is their whole subsistence.

There they are bound by their own laws against fishing on Sunday, and here were the pious Yankees in there with their nets. They surrounded an immense shoal of herring, enough to load twenty-one ships. If the Canadians were not at church—I suppose they were a little too mad to go to church—when they saw the Yankees there scooping up their fish, although held back by their local laws, what did they do? Some of the Yankee fishermen ventured ashore. They had not any right to be ashore beyond low-water mark. Our rights did not go any further than that. When they got ashore for the purpose of drying their seines, drawing them up on the banks, a mob arose, and they drove the Yankee men back to their fleet, and they tore up their seines and inflicted upon the Yankees all of that severe cruelty of which we have been speaking.

Mr. HOAR. May I ask the Senator if he is not now at least arguing the British side of the question?

Mr. MORGAN. I expect I am.

Mr. HOAR. Yes, I think you are.

Mr. MORGAN. I expect I am arguing the British side of the question, because those are the facts.

Mr. DAWES. I wish to ask a question.

Mr. MORGAN. If the Senator thinks the facts of the case carry me to the British side of the question, that is all well enough. Those are the simple facts. The Senator does not deny the facts. He can take his choice whether the facts are on the British or American side.

Mr. DAWES. Will the Senator from Alabama allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. Not just now. The Canadians drove the Yankees back into their ships. Most of them went away the next morning. A few of them remained and cruised about there several days, but not being able to catch any more herring or mackerel they put back home and made complaint to the honorable Secretary of State.

The Secretary of State was deeply wounded at this offense. The British Government thought the matter all over, talked it over, argued it with him. He claimed $103,000. They debated the question. I have always felt that the Secretary of State perhaps was a little bit ashamed in pushing that claim upon the Government of Great Britain, although he is applauded very highly for his heroic diplomacy on that occasion, because that did look very badly in us. It did indeed look very badly that we should swoop down upon a bay like that of a Sunday and take advantage of the fact that the Canadians were shut out by their Sunday laws from fishing, and that we should go there and take all their fish. It looked pretty hard. I do not wonder a bit that there was a mob raised. I can not blame those poor creatures there very much for trying to save to themselves the bread of life, for about all the chance they had to live was to get the herring which came into that bay on that Sunday.

The Secretary of State, however, presented the claim, and presented it very ably to the British Government. The British Government said: "We think, notwithstanding the treaty of 1871 admits you to come to the shore, that when you get here you are bound by our Sunday laws." I do not think if a man was a British citizen he would have a right to go to the State of Kansas and cart a barrel of whisky in there and retail it. He would be bound by the local laws perhaps. Nevertheless our Secretary of State argued them down.

Mr. BLACKBURN. He out-talked them. [Laughter.]

Mr. MORGAN. Yes, he out-talked them, and they gave it up; but after all he left a legacy to Mr. Blaine, who settled that claim and another one not in dispute at all, not discussed much about, for $75,000.

Mr. EVARTS. The whole settlement was made, excepting a reservation was made by Lord Granville that he wanted to include in the release the subjects that I had discussed with him. I declined to do that, and that was abandoned by Lord Granville.

Mr. MORGAN. It resulted in a settlement of another difficulty for $75,000 for which our Secretary of State claimed $103,000 and proved it. He proved that we were entitled to $103,000, but he compromised on the damages.

Mr. EVARTS. I put in the affidavits.

Mr. MORGAN. Yes, you put in the affidavits. The British Government in making that settlement said that the Canadians had a right to enforce their Sunday laws in that bay, but they did not have any right to do it by a mob; they ought to have gone into court; they ought to have arrested our people when they came there ashore violating their Sunday laws and carried them before the courts and tried them, just as you do in Boston Harbor now, just as you do here at Washington City, or as you would do at Norfolk or anywhere else, it makes no difference who comes within your jurisdiction. If after a foreign subject is there he violates your municipal law you have a perfect right to punish him for it if you go at it regularly, if you do it according to law. But in this case, instead of its having been done by the lawful authorities of Newfoundland, it was done by a mob. The British representative said, "We can not justify the mob."

We have run upon that same doctrine very recently with the Chinese. Out in Wyoming, I believe it was, there was a massacre of Chinese. We said to those people out there, "We are going to pay the damages. We are not bound to do it, but a mob has risen upon you and we feel as if it is our duty to protect you against the power of the mob." So when the British Government came to pay these damages they put in a caveat, they put in an express reservation that they did not pay because they were bound to do so or because they did not have a right to enforce their municipal laws, but they paid the money because their people had risen upon ours and a mob had taken possession of their seines and torn them up.

That is a plain case. That will have to be explained away before we hear any more laudations of the heroism of this diplomacy about Fortune Bay. Oh, no, Mr. President, that has not anything to do with this case.

Mr. EVARTS. Mr. President, neither by me nor in my name has any heroism been claimed for me.

Mr. MORGAN. The Senator himself has not said anything about it.

Mr. EVARTS. Nobody has claimed it for me.

Mr. MORGAN. I will point it out to the Senator in the RECORD.

Mr. EVARTS. I dealt with that question with Great Britain precisely as every officer of the Government charged with foreign affairs should do. I laid down conditions of public law which I believed in, and I received assent from Lord Salisbury in respect to any right to make regulations after the treaty of 1871, he claiming, however, that those older regulations were still in force and we must submit to them. I rejected that, and stated distinctly if that was the English construction of the treaty of 1871 I would consider it an abrogation of the treaty. He went out of power, and then the next administration closed up the transaction.

Mr. MORGAN. I have no doubt that is a correct statement.

Mr. EVARTS. I shall have abundant opportunity before this discussion is closed to put forward the proper case in behalf of the fishermen, in behalf of this Government, in every part of that transaction, and I will not anticipate it, and the Senator will find there is not one shred of public law or of common logic that can draw the distinction that Lord Salisbury undertook to draw between provincial laws made before and those made after the treaty.

Mr. MORGAN. What has that to do with the treaty of 1818, I should like to know?

Mr. EVARTS. I will show the Senator.

Mr. MORGAN. That was under the treaty of 1871.

Mr. EVARTS. Yes; and I will show the Senator that.

Mr. MORGAN. If that connection shall be made, I shall be very much astonished, or any connection at all between the doctrines laid down in that diplomatic correspondence and the proper construction of the treaty of 1818. The Senator says he gave notice to Lord Salisbury that his position was not tenable, and if insisted upon the treaty of 1871 would be considered as abrogated.

Here your Committee on Foreign Relations reported two years ago, after full and explicit and careful inquiry, that the treaty of 1818 had been on several occasions, specifying them, violated by the Canadian authorities, and that the British Government had acquiesced in the violation. Now, is the Senate prepared to declare that the treaty of 1818 is abrogated?

It seems to me to be rather a serious question. We may still have something under that treaty that we would prefer to a war; we may have a chance to improve it in such a way that a war would be an inconvenient way to settle it in comparison; but here your committee distinctly announce the open and flagrant violation of the treaty of 1818 in many cases, and name the cases, and yet the Senate sits here and conducts a political wrangle and quarrel and denounces treaties as pusillanimous cowardice and the like of that, and nobody gets up for the purpose of offering a resolution to declare that the treaty of 1818 is abrogated. You say that the time for negotiation has passed; but what do you say of what has already taken place?

Mr. President, I have been unwarily drawn into this debate this evening. I did not anticipate it at all and had not the papers before me, and I yield the floor and move that the Senate proceed to the consideration of legislative business.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate do now proceed to the consideration of legislative business.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.;

A bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas;

A bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation;

A bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas;

A bill (H. R. 8368) to forfeit the lands granted to the Hastings and Dakota Railway Company in the State of Minnesota, and for the relief of settlers upon the same and certain purchasers thereof;

A bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas;

A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster;

A bill (H. R. 9056) to protect purchasers of land lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants and afterward held to lie without such limits;

A bill (H. R. 9234) for the relief of William Gaffer and his legal representatives and assigns;

A bill (H. R. 9423) to restore to the public domain and to regulate

the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;" and

Joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The bill (H. R. 10346) providing for the erection of fire-escapes in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 8012) for the relief of M. M. Gibson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 456) for the relief of the widow of Lieut. John F. Stewart was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "A joint resolution to provide temporarily for the expenditures of the Government," was read twice by its title.

Mr. ALLISON. I move that that joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

The joint resolution (H. Res. 205) to provide temporarily for the support of the Army was read twice by its title, and referred to the Committee on Appropriations.

BOUNDARIES BETWEEN BRITISH GUIANA AND VENEZUELA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of 11th April last, a report of the Secretary of State, with accompanying correspondence, relating to the pending dispute between the Government of Venezuela and the Government of Great Britain concerning the boundaries between British Guiana and Venezuela.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, July 26, 1888.

The PRESIDENT *pro tempore*. The exhibits accompanying this message are very voluminous and perhaps had better be referred to the Committee on Printing before the formal order to print is made.

Mr. PLATT. The message should be referred to the Committee on Foreign Relations in the first instance.

Mr. SAULSBURY. I make that motion.

The PRESIDENT *pro tempore*. The Chair did not understand the motion.

Mr. PLATT. I was suggesting whether the message had not better first be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. It will be so referred.

BRIDGET FOLEY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1447, entitled "An act granting a pension to Bridget Foley."

Joseph F. Foley, the husband of the beneficiary named in this bill, enlisted on the 22d day of August, 1862, and was discharged February 13, 1863, for disability which was certified to arise from chronic rheumatism contracted prior to enlistment.

He appears to have been sick with rheumatism a large part of the time he was in the service, and because of that fact never reached a point nearer the front than the city of Washington.

He died May 13, 1873, of consumption.

His widow filed in 1884 a declaration executed by the deceased shortly before his death, in which he alleged that he was first attacked with rheumatism at Capitol Hill, in the District of Columbia, in October, 1862. The soldier never applied for a pension.

It is strenuously disputed that he had this complaint before enlistment. However this may be, it is certain that he died of consumption, and I can find no proof that this disease was contracted in the service, or had any relation thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 26, 1888.*

The PRESIDENT *pro tempore*. The question being, shall this bill pass notwithstanding the objections of the President of the United States, it will be referred with the message, if there be no objection, to the Committee on Pensions.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2644, entitled "An act granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas."

This bill grants a right of way 100 feet in width, with the use of adjoining lands for stations and other purposes, through the eastern part of that portion of the Indian Territory occupied by the Cherokee Indians under a treaty with the United States.

By the terms of the treaty concluded between the Government and the Cherokee Nation in 1866 these Indians expressly granted a right of way through their lands "to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation."

There are excellent reasons why this clause in the treaty should be construed as limiting the railroads which should run through these lands, at least without further permission of the Indians, to only one from north to south and one other from east to west.

It is evident, however, that the Congress has either not so interpreted this provision of the treaty or has determined that it should be disregarded; for there have been six or seven railroads constructed or authorized through these lands by the permission of the Government.

It has become very much the custom to grant these rights of way through Indian lands and reservations merely for the asking. They have been duplicated to such an extent that rival roads are found struggling for the advantage of a prior Congressional grant or for the possession of a contested route through these reservations.

I believe these indiscriminate grants to railroads, permitting them to cross the lands occupied by the Indians, if not in absolute violation of their treaty rights, are dangerous to the success of our Indian management.

While maintaining their tribal condition they should not be easily subjected to the disturbance and the irritation of such encroachments. When they have advanced sufficiently for the allotment of their lands in severalty they should be permitted, as a general rule, to enjoy and cultivate all the land set apart to them, and not discouraged by the forced surrender of a part of it for railroad purposes. In the solution of the problem of their civilization by allotments of land they need the land itself and not compensation for its appropriation by others. They can not be expected to understand this process in any other way than an indication that their tenure is uncertain and the assurance that they shall hold their allotted land for cultivation a delusion.

It is not necessary in the treatment of this subject to insist that in no case should a railroad be permitted to cross Indian reservations. There may be valid public reasons why in some cases this should be allowed. Important lines of through travel should not be always obstructed or defeated by a refusal of such permission. But I think there should be shown in every case a justification in the public interest or in furtherance of general growth and progress, or at least in a plain local necessity or convenience, before such grants are made.

It seems to me also that the consent of the Indians for the passage of railroads through their land should as a general rule be required; that the means of determining the compensation to be made for land taken should be just and definite and easy of application; that the route of the proposed road should be as particularly described as is possible; that a reasonable time should be fixed for the construction of the road, and in default of such construction that the grant should be declared null and void without legislation or judicial action, and that in all cases the rights and interests of the Indian should be carefully considered.

The bill under consideration grants to the railroad company therein named the right to construct its road over substantially the same route described in a law already passed permitting the Kansas City, Fort Scott and Gulf Railway Company to build its road through this reservation. No necessity or good reason is apparent why these two roads should be built upon the same line.

The bill makes no provision for gaining the consent of the Indians occupying these lands. The Cherokee Nation of Indians have their local laws and legislation, and are quite competent to pass upon this question. They have heretofore shown their interest in such subjects, I am informed, by protesting against some of the grants which have been made for the construction of railroads through their lands.

The bill provides for the taking of lands held by individual occupants and the manner of fixing the compensation therefor; but it is declared that when any portion of the land taken by the company shall cease to be used for the purposes for which it is taken the same shall revert to the nation or tribe from which the same shall have been taken. There is no provision that in any case land taken from individual occupants shall revert to them.

In the fifth section of the bill it is provided that the railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands its line may be located, in addition to other compensation, the sum of $50.

It was of course intended to declare that this sum should be paid for every mile of road built through Indian lands; but it is not so expressed. I am by no means certain that the context will aid this omission, which is quite palpable, when that part of the bill is compared with others of the same character. In any event this is a provision which should be free from all doubt.

There is no time limited in the bill within which the proposed road through the reservation shall be completed, and consequently no forfeiture fixed for non-completion. The nearest approach to it is found in a clause providing that the company shall build at least 50 miles of its road in the Indian Territory within three years from the passage of the act or the rights granted shall be forfeited as to that portion not built.

The length of the proposed route through the Cherokee lands appears to be considerably over 100 miles; and it is plain that there is no sufficient guaranty in the bill that the entire road will be built within any particular time. There is no forfeiture and no limitation for the completion of the road if 50 miles is built within three years, and there may be some doubt how far the forfeiture would extend in case of a failure to finish the 50 miles within the time specified.

I believe these grants to railroads should be sparingly made; that when made they should present better reasons for their necessity and usefulness than are apparent in this case, and that they should be guarded and limited by provisions which are not found in the bill herewith returned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 26, 1888.*

The PRESIDENT *pro tempore*. The question is, Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PLATT. I move that the bill, with the message, be referred to the Committee on Indian Affairs.

The motion was agreed to.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 19 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 27, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 26, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.

The message also announced that the Senate had disagreed to the amendment of the House to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. TELLER, Mr. PADDOCK, and Mr. BERRY.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 196) to cancel certain reservations of lands on account of live-oak in the Southwestern land district of the State of Louisiana; and

A bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively; and

A bill (S. 3381) for the erection of a public building at Allentown, Pa.

DISTRICT FIRE-ALARM AND POLICE TELEGRAPH.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the commissioners of the District of Columbia for an appropriation for the reconstruction and repair of the fire-alarm and police-telegraph lines in the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY ESTIMATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiency appropriations for the service of the Treasury Department; also, to pay two judgments against the commissioners of the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF BAILIFFS.

The SPEAKER also laid before the House a letter from the Attorney-General, asking that an appropriation be made in the general deficiency bill for payment of bailiffs for the fiscal year 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

Mr. HERBERT. I ask unanimous consent that the House non-concur in the amendments of the Senate and ask for a conference.

Mr. ADAMS. I object.

The SPEAKER. Objection being made, the bill with the amendments of the Senate will be printed and referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. RUSK, for this day, on account of important business.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. BLAND, indefinitely, on account of a death in his family.

To Mr. GLASS, for one week, on account of indisposition.

To Mr. CLARK, indefinitely, on account of very important business.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 409) for the relief of Thomas W. Lord;

A bill (H. R. 7232) for the relief of C. L. Wilson;

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University; and

A bill (H. R. 7079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

WHARF AT FORTRESS MONROE.

Mr. BOWDEN. I ask unanimous consent to take up for present consideration a Senate bill now on the Calendar—the bill (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe.

The SPEAKER. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause the plans and specifications under which contract has been entered into by the United States for the construction of an iron wharf at Fortress Monroe, Va, to be amended and changed so as to require all bearing piles and floor beams of said wharf to be of iron or steel instead of wood, and to enlarge the dimensions of the said wharf as designed, and make such other modifications in the plans and specifications as may be required to meet the necessities of commerce, for which purpose the sum of $75,000, or so much thereof as may be necessary, to be immediately available, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BRECKINRIDGE, of Arkansas. Let us have an explanation, subject to the right of objection.

Mr. TOWNSHEND. Let the report be read; that will be more satisfactory.

Mr. BOWDEN. I send a copy of the report to the desk, and ask to have it read.

The report (by Mr. THOMAS H. B. BROWNE) was read, as follows:

The Committee on Commerce, to whom was referred House bill 9441, for the enlargement of the wharf at Fortress Monroe, Va., have had same under consideration and beg leave to report it back with a recommendation that it do pass.

For the fiscal year ending June 30, 1887, an appropriation was made in the sundry civil bill for the construction and completion of a new wharf, and improvements to the roadway leading thereto, on the Government reservation at Fortress Monroe, Va., of $100,000, or so much thereof as may be necessary for the purpose. After the building of the road there remained for the construction of the wharf the sum of $80,000.

This sum is inadequate to complete the wharf according to the plans of the Engineer Corps, and as it is deemed desirable that the wharf be of the dimensions proposed, and be built of iron instead of wood, which would have to be used under the present appropriation, your committee recommend that an additional appropriation of $75,000 be made, as it was clearly demonstrated to them that it was to the interest of the Government to have a conveniently large and permanent structure at that point.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman from Virginia if the wharf in question is limited to the uses of the Government? I notice in the bill or in the report a reference is made to "commerce." Is it proposed that we are to build a wharf for commercial purposes, or simply for the military purposes of the Government?

Mr. BOWDEN. The fact is that this wharf is used mostly for Government purposes, but a large number of steam-ship lines that ply the waters there touch at and land and receive freight from this wharf. This bill has been recommended by the Secretary of the Interior, by the Engineer Corps, and it has been unanimously reported by both the Military and Commerce Committees of the House, and for the reason that the appropriation already made will not build a structure that will stand for any length of time in those waters.

Mr. BRECKINRIDGE, of Arkansas. I understand that; but allow me to ask one or two other questions.

Mr. BOWDEN. Certainly.

Mr. BRECKINRIDGE, of Arkansas. Is it entirely constructed upon Government property?

Mr. BOWDEN. It is.

Mr. BRECKINRIDGE, of Arkansas. And it is exactly what the Government considers necessary for its own use?

Mr. BOWDEN. That is the report of the engineers.

Mr. BRECKINRIDGE, of Arkansas. I have no objection.

There being no further objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the bill H. R. 9441, of the same title, will be laid upon the table.

There was no objection, and it was so ordered.

PUBLIC BUILDING, CHARLOTTE, N. C.

Mr. ROWLAND. I ask unanimous consent to take up for present consideration the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

The SPEAKER. The bill will be read, subject to objection.

The Senate bill and the amendment proposed by the House Committee on Public Buildings and Grounds were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOVEY. I demand the regular order.

The SPEAKER. The demand for the regular order cuts off all requests for unanimous consent.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

COMPETENCY OF CERTAIN WITNESSES, UNITE STATES COURTS.

Mr. ROGERS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10182) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts," approved March 16, 1878; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

YELLOWSTONE PARK.

Mr. WHEELER, from the Committee on the Public Lands, reported back with amendments the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SARAH L. LARIMER.

Mr. WILLIAMS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DESERT LANDS.

Mr. COLLINS, by unanimous consent, introduced a bill (H. R. 10997) for the relief of persons who have settled upon or improved public lands belonging to the United States, known as desert lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WAGON-ROAD BETWEEN NORTHERN AND SOUTHERN IDAHO.

Mr. DORSEY, from the Committee on the Territories, reported back favorably the bill (H. R. 9683) to authorize the Territory of Idaho to aid in the construction of a wagon-road between Northern and Southern Idaho; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TEMPORARY APPROPRIATIONS—SUPPORT OF THE ARMY.

Mr. TOWNSHEND. Mr. Speaker, I am not quite sure whether the matter I desire to present to the House is privileged or not, but I wish to make a brief statement. It is a fact that on the 1st day of next month the War Department will be without money. There is no money appropriated to pay the soldiers and the various incidental expenses of the Army. The Army appropriation bill is pending in the Senate and can not be acted upon in time to become a law by the 1st of the coming month. The joint resolution extending the appropriation bills will expire with the end of this month. The War Department notify me that in order to have funds available on the 1st of August it is necessary to have a joint resolution extending the appropriation for the Army adopted now. I send it to the desk and ask to have it read.

The SPEAKER. The joint resolution will be read.

Mr. DINGLEY. How long does it extend the appropriations?

Mr. TOWNSHEND. One month.

The Clerk read as follows:

A joint resolution to provide for the support of the Army.

Be it resolved, etc., That the provisions of the joint resolution to provide temporarily for the expenditures of the Government, approved June 30, 1888, so far as the same shall apply to the appropriations for the support of the Army, be, and they are hereby, continued under the same limitations for the further period of one month from and after July 31, 1888.

Mr. ADAMS. I desire to ask my colleague what is the propriety or necessity of a joint resolution covering the expenses for the support of the Army alone?

Mr. TOWNSHEND. I have just this moment given an explanation. In June last we extended the appropriation for the Army for the month of July.

Mr. ADAMS. And all other branches of the Government.

Mr. TOWNSHEND. The Army appropriation bill is pending in the Senate and can not pass in time to become available for August. The War Department says it is necessary in order to have money provided for the payment of the Army, to extend by a joint resolution the appropriations for another month. I have a letter here bearing upon the question——

Mr. ROGERS. Another matter, if the gentleman will permit me, is this: It occurs to me that the resolution does not embrace the provision of the original resolution extending the time for thirty days, which directed the Department to deduct such sums as may be expended under this resolution from the appropriation bills for the current year. If it does not so provide, I think the resolution should be amended in that respect.

Mr. TOWNSHEND. This resolution was prepared at the War Department, and, as I have said, I have a letter accompanying it, which I shall ask to have read.

Mr. ROGERS. I would like to have the joint resolution again reported.

The joint resolution was again read.

Mr. BUCHANAN. I would like to ask the gentleman from Illinois a question. When did the Army appropriation bill reach the Senate; what day?

Mr. TOWNSHEND. It was several weeks ago, I do not remember the exact date; but three or four weeks ago.

Mr. BUCHANAN. How long after the organization of the House was it before that bill reached the Senate?

Mr. TOWNSHEND. The gentleman should know that as well as any one. The House, I believe, met on the first Monday in December last. The gentleman can figure it out. I think he was present when the House was organized.

The joint resolution (H. Res. 205) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The hour for the consideration of bills begins at twenty minutes before 12 o'clock.

POST-OFFICE BUILDINGS.

Mr. BLOUNT. When the Committee on the Post-Office and Post-Roads was called some weeks or months ago it was my misfortune to be absent, and the House agreed that it might be passed without losing its place on the Calendar. I now desire to claim the privilege of calling up the business of that committee.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] some months ago, when the Committee on the Post-Office and Post-Roads was called, asked unanimous consent to pass it over without losing its place, and the Chair will now call the Committee on the Post Office and Post-Roads.

Mr. BLOUNT. I desire to call up House bill 3319. It is on the Calendar of the state of the Union, and I ask that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will read the bill, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That there shall be in the Post-Office Department one architect and superintendent of construction at a salary of $4,000 a year; one skilled draughtsman at a salary of $2,000 a year, and two skilled draughtsmen at a salary of $1,800 a year each, to be appointed by the Postmaster-General.

SEC. 2. That the Postmaster-General shall cause to be prepared by the architect of the Post-Office Department, with the assistance of the Supervising Architect of the Treasury, who is directed to furnish his counsel and aid thereto, a design for post-office buildings, which, before being adopted, shall be approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; that such design and plans shall be so devised as to enable the construction of post-offices of such variable size as may be required at the Presidential offices, so that additions or extensions to their capacity may be constructed from time to time in the future without injury to the harmony of the design or the usefulness of the constructed portion; that such design and plans shall be of uniform general character and exterior appearance, and, so far as may be most expedient for the service to be performed in them, of interior arrangement; and that all such buildings shall be constructed with a view to being fire-proof.

SEC. 3. That the Postmaster-General is authorized from time to time to construct, in his discretion, post-office buildings in accordance with the general design and plans so to be provided as aforesaid, at any place at which the gross receipts of the post-office for two years or more preceding shall have exceeded the sum of $3,000 in each year, but not in excess of the amounts which may be from time to time appropriated for such purpose by Congress; and for that purpose the Postmaster-General shall cause the proper working drawings for any such buildings as he shall so determine to construct to be prepared in accordance with the general design and plans aforesaid, and shall determine of what materials any particular building shall be built: *Provided*, That the cost of no such building shall exceed to the United States $25,000, and that the cost of no such building at any place where the post-office receipts for each of the two preceding years shall have been no more than $25,000 shall exceed to the United States $20,000, and that the cost of no such building at any place where the receipts for each of the two preceding years shall have been no more than $20,000 shall exceed to the United States $15,000. That all contracts for the construction of such buildings and for materials, fixtures, or apparatus to be used in such construction shall be let to the lowest bidder after such advertisement for proposals, as the Postmaster-General shall direct, shall have been made for not less than three weeks, at least one of which such advertisements shall be printed in a newspaper published at the place where such building is intended to be constructed, if any such there be.

SEC. 4. That prior to the construction of any such building there shall be conveyed to the United States with perfect title, approved by the Attorney-General, a lot or piece of ground of such size as shall afford a clear space not less than 50 feet in extent on each side of and beyond the limits of such proposed building, and so much as in any particular case the Postmaster-General shall deem expedient; and that jurisdiction over such ground shall be first ceded by the State in which it is situated to the United States in accordance with the laws thereof. That for the purpose of procuring such ground the Postmaster-General in his discretion is authorized to accept donations or grants thereof by the municipality in which such post-office is situated or by private owners; and to accept contributions to the purchase of ground or in aid of construction; and the Postmaster-General is also authorized in his discretion, when necessary, to purchase any such lot or piece of ground at a price not to exceed in any one case $5,000; and, when necessary, to cause the same to be condemned under the laws of the State where such ground may be.

SEC. 5. That the Postmaster-General shall annually report to Congress a statement of all post-office buildings constructed, together with all contracts

therefor or relating thereto, and a particular statement of the cost of each during the preceding fiscal year, and also of all contracts for buildings which may be unfinished, with an estimate of the cost of each.

SEC. 6. That there is hereby appropriated out of the postal revenues, to be available during the current year and until exhausted, and to be expended for the purposes of this act, the sum of $2,000,000, to be drawn from the Treasury and expended, and the accounts therefor to be audited in the same manner as other expenditures for the postal service.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and to consider the same in the House. Is there objection?

Mr. ROGERS. I object.

Mr. BLOUNT. I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, and the Clerk will report the bill by its title.

The Clerk reported the title of the bill, as follows:

A bill (H. R. 3319) to provide for post-office buildings.

Mr. BLOUNT. I now ask that by unanimous consent the first reading of the bill be dispensed with, as it has just been read.

There was no objection, and it was agreed to.

Mr. BLOUNT. I yield the floor to my colleague, Mr. ERMENTROUT.

Mr. ERMENTROUT. No more important proposition than that contained in this bill, with perhaps one exception, has been submitted to the House this session. It is the first time during my connection with this House at least that an effort has been made under the recommendation of any Department of this Government to establish a system for erection of public buildings by some general legislation. The bill we have under consideration this morning has been draughted comformable to the suggestions of the Post-Office Department as contained in the Postmaster-General's last annual report.

It results from a conviction that the time has come when the public convenience demands that there should be erected and maintained by the Government, upon some regular system, buildings exclusively for use as post office buildings, supplied with the modern conveniences and facilities necessary to as perfect and thorough an administration of Government post-offices as human wisdom can devise for the security of mailable matter and its certain and speedy transmission and delivery, a system not depending in each particular case upon the approval of the Committee on Public Buildings and Grounds and on the subsequent action of Congress, nor upon special legislation, but upon a fixed, regular system created by a general law, based on sound business principles; not limited in its operations to special localities, but whose methods should embrace the whole country, and afford to the public everywhere equal advantages, equal facilities, and equal benefits in the disposition of matters requiring the agency of the post-office, wherever the volume of business justifies it in the judgment of those in whose hands the people shall from time to time lodge the administration of that Department.

Why should not the citizen, the business man of the thriving town where the revenues of the post-office amount to $3,000 and upwards annually, feel that the money he is transmitting, the correspondence his trade requires him to carry on, the messages he is sending to home and family and friends, or which they, on the other hand expect to receive, enjoy the same sense of security, the same feeling of certainty, the same advantages of speedy transmission and delivery as those who happen to be dwelling in the larger and overgrown places, where the revenues swell into the fifty, sixty, or hundreds of thousands? The blessings of good government should be as equally diffused as possible.

When a man is too poor to buy or build for himself, he must rent. When the business man starts his enterprise, before he is sure of results or before he is sure of a permanent location, he usually rents. But when he is sure of the latter, and has sufficient money to do the former, he discards throwing his money into a rat-hole by paying rent. He lives and does business in his own house, because he knows it is better for him to pay interest rather than rent; because he does not desire to become the victim of the exactions of the landlord; because he knows that by becoming owner he is master and can not be driven away and shifted at his landlord's caprice, and because he knows that locating with ordinary prudence as years roll on, in a growing, thriving, prosperous country like ours, he may reasonably expect the further advantage of increasing value in his property.

Just so with our Government. When the problem of its success was uncertain, when it was pinched by insufficient resources, it was compelled to resort to the makeshift of rent, and was subject to all the inconveniences of a lessee. But now, since its success has become the wonder of the world, and how to deal with its steadily increasing revenues and immense surplus has engaged and is now engaging the best thought of the best intellect of the country, the time is at hand when it should live in its own house and administer its functions there unimpeded and unembarrassed by any master. Thus we have seen that, as soon as expedient, the Government has for years, by authority of Congress, erected public buildings and maintained them for public uses. So that, in the language of the last Postmaster-General's report, the proposition—

That whenever an independent office is fairly required, it should be the property of the Government, upon land ceded to its jurisdiction by the State and subject to its proper regulations for the best administration, has received such repeated legislative recognition in numerous legislative enactments for the erection of public buildings that it may be regarded as a settled principle in general.

The practice has met the approval of the people, for they, through their representatives in Congress have filled your Calendars with bills demanding the erection of such buildings in various localities. The most significant and unanswerable proof of this, however, is to be found in the presentation in this Congress of bills demanding the establishment of some general system or plan for their erection. Special bills have been introduced because communities similarly situated with those which had already obtained appropriations for such purposes felt they were likewise entitled. General bills have been introduced because it having been made manifest that it had become the settled policy of the country to erect public buildings, the conviction came with it that it should proceed upon some well-considered plan, embracing the whole country in its operations, whereby economy would be promoted and equal justice accorded.

Up to this time post-office accommodations in public buildings have been in such as were either also used for custom-houses or United States courts, or both. Neither has the experience of the General Government nor the experience of the Post-Office Department been of such a nature as to commend the continuance of this union. It has been seized upon as an excuse or reason for larger appropriations than were necessary—the larger portions lavished on elaborately ornamental exteriors, involving subsequently large appropriations for additional grounds, extensions, and repairs, rendered necessary by increase of business in departments other than the post-office, and in some instances pressing upon and narrowing the limits for the constantly increasing necessities of the post-office. I will ask the Clerk to read from the Postmaster-General's annual report for 1887, pages 20 and 21, and also report of commissioner of inspection, page 184, where marked, for light on the subject.

The Clerk read as follows:

This proposition has already received such repeated legislative recognition in numerous enactments for the construction of public buildings, that it may be regarded as a settled principle, in general; the reservation being that its particular application shall be made by special acts of Congress. Yet, whatever the theoretical value of that reservation, it can hardly be gainsaid that, in practice, public buildings have been often unnecessarily expensive; and, in many instances, the expenditure has been extravagant and needless, by no means even productive of the best results. They have proven especially unsatisfactory in their accommodations for the postal service.

In the buildings hitherto constructed the wants of the post-office have been generally subordinated, in the original design and in the completed structure, to the architectural show of the exterior and the claims of other kinds of Government occupation, which, though often of much less relative value and usefulness to the public, were given an exaggerated importance to furnish reasons for obtaining the appropriations originally, and so secured a disproportionate share of the subsequent use. Thus, many post-offices in expensive buildings are poorly lighted, badly arranged, and illy adapted to the proper requirements of the service.

In some cases the growing needs of other departments have pressed upon and narrowed the provision originally made for the postal service, whose own necessities have meantime also continually increased, until many Government buildings furnish at this time entirely inadequate and unsuitable quarters for the work of the post-offices; notwithstanding, often, the portion designed for such uses occasioned an expenditure in original construction much beyond what would now provide independently a satisfactory establishment. This fact is occasionally brought prominently to notice by the demands upon Congress for appropriations to alter, sometimes to rebuild, existing structures—alterations difficult to adjust to inexorable present conditions. So it chances that in many such buildings the clerks of the post-offices are found in basements, in lofts, or huddled in some portion of an apartment so darkened by indispensable furniture necessarily crowded in arrangement that the labors of the day must be performed under artificial light—a condition not only unfair and harmful to public servants by no means overpaid, but seriously obnoxious to the proper performance of duties, which, because of the rapidity, accuracy, and infinite details involved require the most favorable provision of light.

As a rule the Government buildings furnish apartments less than satisfactory for post-offices; and many much superior are to be found in buildings rented by the Department and equipped, sometimes built, by owners under the care of its inspectors. Upon this subject I wish to urge a reading of the facts presented by the commission for the examination of post-office organization in their report hereto appended, but which is more particularly mentioned in discussing the next following topic.

"A large majority of the post-offices in the United States are so wretchedly lighted and ventilated, so hampered by scant or ill-shaped area, by the isolation of divisions or sections in different and widely separated rooms upon the same or upon different floors, by rickety and antediluvian furniture, screens, and other equipments, and by badly located and insufficient lobby space, that the expense of operation is frequently more than 25 per cent. higher than it would be were all these facilities up to a maximum standard. Several years ago an inspector of this Department superintended the remodeling of the interior of the post-office at Pittsburgh, Pa., through which a saving was effected in the item of gas alone of $3,000 per annum. The same can be said of several other offices, changes in whose interior construction were made under Department supervision. From time to time it has been the urgent desire of the Supervising Architect of the Treasury that some experienced officer of this Department be detailed to co-operate with this bureau in an effort to improve the interior construction, arrangement, and equipment of post-offices. We believe that an expert, detailed for this service, would save to the Government many times the cost of his salary and expenses.

"We believe it possible, by a system of personal inspection and statistical returns from postmasters, to arrive, with an approximation to definiteness, at the average area or floor space required per 1,000,000 pieces handled per annum, or per 1,000,000 transactions of other kinds, by second, third, fourth, and fifth di-

visions, and at the average area per employé required for the staff division. The divisions upon the floor of each large office should be separated from each other by wire screens. In future the leasing of post-offices should be based upon plans and specifications conforming the floor space and its divisions and lobbies to the requirements above suggested.

"Were it possible to secure Congressional enactment which would enable the Postmaster-General, or the Secretary of the Treasury, to purchase a lot and erect upon it a suitable fire-proof building for every first and second class office in the United States specially adapted to the necessities of the respective localities, a much better as well as more economical service could be secured than in the rented premises now occupied, which in a majority of cases are not such as the Department needs, while the high rents and additional expenses required to keep up the grade of efficiency are a heavy tax on its revenues.

"We respectfully suggest the propriety of adding post-office architecture as a branch of the bureau of organization, if one shall hereafter be established.

Mr. ERMENTROUT. I have now made, in my judgment, a fair statement of the case in general. Is the plan proposed by this bill calculated to meet the requirements of the situation? Is it feasible, and as a business proposition is it prudent to adopt it? Its details, we think, answer these questions in the affirmative.

Its provisions operate only in places where the gross receipts amount to $3,000 annually for two successive years. The extreme limit of cost to the United States for any building shall not in any case exceed $25,000. Subject to these limitations it provides for three classes of buildings, varying in cost, according to the amount of gross receipts, as follows:

1. Where the gross post-office receipts for each of the two preceding years exceed $25,000, the cost of such building to the United States may be a sum not exceeding $25,000.

2. Where such gross receipts for each of two preceding years exceed $20,000, and shall have been no more than $25,000, the cost of such building shall not exceed to the United States $20,000.

3. Where such gross receipts for each of two preceding years shall be $3,000, and not more than $20,000, the cost of such building shall not exceed to the United States $15,000.

The following table shows number, classification, and cost of buildings and saving to the Government:

Class.	Number buildings.	Cost.	Total cost.	Interest at 3 per cent.	Rent.
First	45	$25,000	$1,125,000	$33,750	*$61,229.00
Second	34	20,000	680,000	20,400	*37,655.00
Third	238	15,000	3,570,000	107,100	*124,492.00
Third	244	15,000	3,660,000	109,980	†99,633.20
Third	872	10,000	8,720,000	261,600	†261,600.00
Total	1,433	‡17,000	17,755,000	532,830	584,609.20

*Now paid. †Estimated. ‡Average cost.

The above are outside figures.

The following table shows number of post-office buildings which, under the bill, may be built in each State and Territory:

States and Territories.	Number of buildings.	States and Territories.	Number of buildings.
Alabama	12	Montana	10
Arizona	4	Nebraska	34
Arkansas	9	Nevada	4
California	47	New Hampshire	20
Colorado	22	New Jersey	50
Connecticut	35	New Mexico	6
Dakota	26	New York	149
Delaware	3	North Carolina	15
Florida	11	Ohio	96
Georgia	19	Oregon	9
Idaho	2	Pennsylvania	110
Illinois	107	Rhode Island	8
Indiana	60	South Carolina	8
Iowa	83	Tennessee	13
Kansas	77	Texas	47
Kentucky	21	Utah	3
Louisiana	4	Vermont	18
Maine	19	Virginia	21
Maryland	10	Washington	16
Massachusetts	98	West Virginia	7
Michigan	73	Wisconsin	49
Minnesota	27	Wyoming	4
Mississippi	50		

Mr. STRUBLE. I desire to ask the gentleman a question for information. What is the largest limit of appropriation allowed by this bill?

Mr. ERMENTROUT. I give the outside figures. The largest limit for a building alone is $25,000, the largest limit for a site is $5,000, making together $30,000.

Mr. STRUBLE. Then I take it that the bill does not deal with the question of United States courts at all?

Mr. ERMENTROUT. They are not included.

Mr. STRUBLE. And this bill is not intended to apply to any city in which United States courts are held, unless it is desired to have a separate post-office building and the Government sees proper to supply both.

Mr. ERMENTROUT. That is correct. I wish to say that I have looked into this matter carefully, and in making my calculation and estimates have used outside figures. I find that the number of post-offices covered by this bill, 1,434, taking the outside figures, allowing $5,000 for each of the lots and the outside figures for the buildings, the total would amount to $25,000,000; and an annual appropriation of $2,000,000 a year would provide for all the buildings that come at this time within the purview of this bill in about fifteen years or less.

Mr. CHEADLE. Do you make any provision for cities where the receipts are in excess of $25,000?

Mr. ERMENTROUT. Yes, in this way; where the receipts are in excess of $25,000 they may have the full amount allowed by the bill, namely, $5,000 for a site and $25,000 for a building; but common sense must be employed in all the operations of life and ought to be employed in all the affairs of the Government, and if upon examination the Department find that the outside figures allowed by this bill will not enable them to give sufficient accommodation for the business of the place, then the matter is relegated to Congress.

In this way this measure will save a great deal of the trouble and annoyance experienced by members in obtaining appropriations for public buildings, because they will come here with the aid of the investigation of the Post-Office Department, which will assist Congress in determining the propriety of making appropriations for buildings in places where it is found impossible to erect them under its provisions.

It will be observed that the present bill asks for an appropriation of $2,000,000. The appropriations for building purposes would at all times be under the control of Congress. The committee have caused to be prepared plans for substantial buildings of graceful exterior, suitable for post-office purposes, the estimated cost of which are $6,000, $8,000, $10,000, $15,000, $20,000, $25,000 respectively. They are here for the inspection of members.

These plans combine the great essentials of architecture—stability, utility, beauty.

Stability, because they are fire-proof and built of brick, iron, and stone.

Utility, because they will accommodate the poor man's postal, the impatient man's special, and the rich man's money order.

Beauty, because they appeal to the eye. To this must be added economy, because for $2,000,000 per year you can build one hundred of them.

Patriotic, because when decorated with the stars and stripes, as they often must be, they will cause the American heart to respond to the sentiment of American union and nationality with a throb so great, so all-conquering, as to annihilate foes within and foes without.

I well know that there are still men who look upon the conveniences of life and the beauties of architecture as tending to extravagance, luxury, and effeminacy, and for this reason set their faces against anything that appeals to the esthetic. To such I say, if your reasoning were followed to its logical conclusions, it would lead you back to the cave, the hut, and the tent for dwellings, and the skins of birds and beasts for clothing, and this most glorious of all cities, Washington, could not in its splendid public buildings, and especially in this noblest of all edifices in the world built for legislative purposes, symbolize the might, the majesty, the grandeur of a free people. To such I further say, take to heart the examples set by the highest form of civilization known to history. For when Christianity, after emerging from the catacombs and crypts of Rome, to which pagan persecution had driven it, shed its light upon the world that light fell upon beautiful structures, the flower and fruit of the highest development of heathen civilization. Did Christianity raze them to the ground? No. She sanctified them, planted upon their highest pinnacles the cross—the symbol of its faith—and dedicated them to the living God.

The adoption of the system provided for in this bill will be of great benefit. The Government will be relieved from the trouble and expense of the renting system; the payment of rent will ultimately become obsolete. It will be economy for the Government to buy land for buildings in thriving and growing towns. It will usually increase in value. In case of change of location being necessary land will be no loss to the Government, indeed almost certain of being enhanced in value.

A great benefit to be expected from this measure is the relief it will bring to members of Congress.

Ah, what a boon we bring to you. Yes, to you I speak who have been commissioned by your constituents to get an appropriation for a public building. Do you remember how, after presenting your bill, you began a system of button-holing the members of the committee. Perhaps you have asked the new Speaker to put you on the committee; perhaps you have succeeded in getting on. But whether on or not, you still, after much importunity, succeed in getting out your bill with a favorable recommendation. Then begins the button-holing of your colleagues to support your bill. Then you lay in wait for the Speaker,

implore, beg, beseech, pray for recognition, day after day, and till you secure it your bill hangs over you night after night like a nightmare. You wake in the morning to find it bearing you down like the Old Man of the Sea, and during the day an incubus upon your usefulness. Well, at last you get recognition, ask for unanimous consent, and as you are about to put the cup to your lips and are already reveling in the joy of success, and already the far-off hosannahs of your constituents are ringing in your ears upon your achievement—yes, you see the bonfires lighted and hear the band playing—when some member from Wayback shouts from his seat, "I object." You are flat. Have you ever been there? Then you quiet him. But another member not yet smoothed down objects when you next apply, and another and another. Oh, the wearisome labor of seeing them through their friends and by yourself and quieting them! That is the purgatory you pass through.

However you succeed in passing your bill through the House, you are not done yet. You hurry up your bill through the Senate and then you go to the White House. After long delay, say about the tenth day, while sitting in your seat deeply interested in the tariff discussion which is usually going on, your ears are suddenly greeted with the announcement, "The committee will rise informally." Then, "Mr. Speaker, a message from the President." You eagerly rush to the desk, tear open the envelope, and read "Veto!" The man who discovered he had lost all the sand out of his cart going up the hill is no circumstance to you. I forbear. It is too painful.

But suppose it be approved. You are joyful. It is joy of short duration. Property has become very valuable at home in the proper location. It is discovered that your appropriation is not large enough. Then you go through the same devitalizing process the next session of Congress. But supposing the bill approved and the appropriation sufficient. Immediately when the time comes for selecting a site civil war is declared at home. The north fights the south; the east growls at the west; the center of the town stretches out its tentacles like an octopus to grab the prize. And the Congressman, where is he in all this hurly-burly? Like some unfortunate stranger in a hostile crowd, with his hat crushed over his eyes, buffeted all around, or like a prisoner captive among the Indians, running the gauntlet of uplifted clubs! Every man whose wish is not gratified has a criticism for him.

Are there any present who recognize the truth of the picture in any or all of its various phases? If so, I confidently declare that unless they cherish feelings of the most dreadful animosity against those who are opposed to the bill they will immediately plead with them to give it support.

I have drawn no fancy picture. By civil-service rules and regulations many of the bonds that have manacled Congressmen and impeded their usefulness have been broken. Make a beginning of relieving them in this matter of public buildings, the seeking for which under the present system is an incubus upon them and an injury to public business.

In addition let me quote from the conclusion of the report, most truthful words:

The passage of this bill will largely relieve the pressure brought to bear on Congress for the erection of public buildings. Their erection and size depending upon the business transacted, must be regarded as a just criterion for expenditure. The establishment of some system is far preferable to the almost arbitrary methods which have sometimes characterized the passage of public building bills. This measure will also repress extravagant appropriations. The post-office, like the Government, is here to stay, and for this reason, if for none other, it should be kept in some suitable building owned by the Government and at some permanent place whenever the volume of business justifies it.

An annual appropriation of $2,000,000 would be amply sufficient to purchase sites, erect buildings, pay the additional expense caused by the creation of the department of architecture as provided for in the first section of the bill, and be amply sufficient to maintain the system for all time to come. This expenditure annually would be trifling compared with the ultimate saving in rent to the Government and the advantages thereby gained to the public. We do not believe any annual appropriation of a similar amount could be better or more usefully expended.

POST-OFFICE DEPARTMENT, *Washington, D. C., April 30, 1888.*

SIR: I have the honor to comply with the resolve of the Senate, adopted April 24, 1888, which is as follows:

"That the Postmaster-General be, and he is hereby, directed to transmit to the Senate, at the earliest practicable date, a list of Presidential post-offices in the United States and in the Territories whose annual receipts for the three last preceding years have exceeded $3,000 per annum; and also a statement of the amount of rent paid by the Government for the accommodation of each such post-office."

I herewith transmit a tabulated statement of the Presidential post-offices, showing gross receipts for the fiscal years ended June 30, 1885, June 30, 1886, and June 30, 1887, together with the annual allowances for rent for such offices. I have construed the request of the Senate as calling for every office the gross receipts of which reached $3,000 in any one of the said years, so that the accompanying table shows all Presidential offices whereat gross receipts for the fiscal year ended June 30, 1887, exceeded $3,000 per annum, although it will be observed that in some cases the receipts which accrued at some of the offices in 1885 and 1886 were less than $3,000.

Where offices are located in Government buildings they are noted by the initials "G. B." in the last column of the table, and all offices whereat the gross receipts, as per adjustment of March 31, 1887, were less than $8,000 per annum, are indicated as "third class" in the same column, to which class no allowance for rent can be made under existing law.

I have the honor to be, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

HON. JOHN J. INGALLS,
President pro tempore United States Senate.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION, *April 15, 1888.*

Statement showing the gross receipts which accrued at Presidential post-offices for each of the fiscal years ended June 30, 1885, June 30, 1886, and June 30, 1887. Offices named by States in alphabetical order, with statement of annual allowance for rent where made, or office in Government building, or in third class, where under existing law no allowance for rent is authorized.

[NOTE.—Where initials "G. B." are inserted in the column for "rent" it indicates the office is located in a Government building. No allowance for rent can be made under existing law for third-class offices.]

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
ALABAMA.					
Anniston	3d class	$3,513	$3,503	$5,412	
Birmingham		18,271	15,951	42,978	$1,800.00
Eufaula	3d class	5,347	5,174	5,349	
Florence	do	2,330	2,312	3,002	
Gadsden	do	2,509	2,648	3,295	
Greenville	do	2,902	3,110	3,262	
Huntsville	do	6,101	5,954	6,653	
Marion	do	3,231	3,188	3,093	
Mobile		39,450	38,847	39,758	G. B.
Montgomery		26,428	27,885	31,215	G. B.
Opelika	3d class	3,009	3,564	4,128	
Selma		15,525	14,931	15,235	900.00
Talladega	3d class	3,314	3,303	3,679	
Tuscaloosa	do	4,972	5,057	5,274	
ARIZONA.					
Phœnix	3d class	4,282	4,634	5,461	
Prescott	do	6,221	4,719	5,155	
Tombstone	do	5,949	5,922	4,795	
Tucson	do	9,132	7,744	8,729	400.00
ARKANSAS.					
Eureka Springs	3d class	4,434	4,466	5,207	
Fayetteville	do	3,462	3,789	4,425	
Fort Smith		8,874	9,704	13,164	550.00
Helena	3d class	5,524	5,179	5,186	
Hot Springs		12,962	12,817	13,646	1,020.00
Little Rock		35,446	34,274	36,606	G. B.
Newport	3d class	2,620	2,752	3,014	
Pine Bluff		6,813	7,567	9,062	700.00
Texarkana	3d class	7,334	7,510	6,764	
Van Buren	do	2,755	2,877	3,126	
CALIFORNIA.					
Alameda	3d class	3,320	3,757	4,701	
Auburn	do	3,298	3,241	3,717	
Bakersfield	do	2,250	2,203	3,150	
Berkeley	do	2,909	3,805	4,889	
Chico	do	5,475	5,300	5,410	
Colusa	do	2,992	2,933	3,275	
Eureka	do	5,989	5,519	6,171	
Fresno City	do	7,896	9,105	5,773	
Gilroy	do	2,779	2,870	3,217	
Grass Valley	do	4,642	4,849	4,922	
Healdsburgh	do	3,931	3,842	3,974	
Hollister	do	3,241	3,464	3,609	
Los Angeles		44,446	51,868	74,547	1.00
Marysville		8,783	9,011	8,496	300.00
Merced	3d class	3,752	4,021	4,055	
Modesto	do	5,267	4,376	5,429	
Napa City		7,563	8,287	8,923	250.00
Nevada City	3d class	4,551	4,593	4,875	
Oakland		50,090	49,933	57,691	1,200.00
Oroville	3d class	3,095	3,736	3,820	
Pasadena			3,945	10,137	
Petaluma	3d class	7,002	6,420	6,433	
Pomona	do	2,695	2,963	4,833	
Red Bluff		5,726	5,974	9,611	360.00
Redding	3d class	2,418	2,610	3,152	
Riverside	do	4,981	6,356	*8,301	
Sacramento		41,182	40,708	47,030	2,000.00
St. Helena	3d class	4,201	4,374	4,351	
Salinas	do	3,952	3,617	4,775	
San Bernardino		6,272	6,917	8,968	350.00
San Buenaventura	3d class	2,808	2,829	3,500	
San Diego		7,115	10,916	22,868	300.00
San Francisco		502,303	509,098	547,334	G. B.
San José		25,850	26,263	28,654	1.00
San Luis Obispo	3d class	5,020	5,017	6,024	
San Rafael	do	4,166	3,657	4,608	
Santa Ana	do	2,780	3,105	4,774	
Santa Barbara		8,288	8,289	10,134	300.00
Santa Clara	3d class	3,325	3,486	3,604	
Santa Cruz		7,572	8,077	8,706	240.00
Santa Rosa		7,803	8,220	8,844	300.00
Stockton		19,424	19,313	19,935	1.00
Tulare	3d class	2,962	3,680	4,746	
Vallejo	do	5,786	5,513	5,718	
Visalia	do	4,234	4,606	5,434	
Watsonville	do	3,481	3,498	3,556	
Woodland	do	5,200	5,682	5,723	
Yreka	do	2,593	2,700	3,068	
COLORADO.					
Aspen	3d class	5,452	8,670	7,791	
Boulder	do	6,242	6,180	6,198	

*Receipts, four quarters ended March 31, 1887, amounted to only $6,126.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
COLORADO—cont'd.					
Buena Vista	3d class	$3,147	$3,122	$3,988	
Cañon City	do	4,629	4,600	4,990	
Central City	do	4,636	4,104	4,271	
Colorado Springs		12,577	13,955	17,292	$1.00
Denver		126,775	126,840	145,972	601.00
Durango	3d class	5,050	5,217	6,151	
Fort Collins	do	4,932	5,029	5,779	
Georgetown	do	4,404	4,292	4,322	
Golden	do	3,324	3,244	3,226	
Greeley	do	6,659	7,087	7,433	
Gunnison	do	4,920	3,823	5,777	
Idaho Springs	do	3,303	3,732	3,940	
Leadville		22,543	22,353	20,344	1.00
Longmont	3d class	3,539	3,921	4,171	
Montrose	do		3,291	3,632	
Ouray	do	3,139	3,221	3,630	
Pueblo		11,651	12,519	10,819	1.00
Salida	3d class	4,538	4,739	4,702	
Silverton	do	4,386	4,274	4,043	
Trinidad	do	5,540	5,657	6,145	
CONNECTICUT.					
Ansonia		9,457	10,248	11,982	900.00
Birmingham		9,930	11,202	12,676	1,000.00
Bridgeport		48,468	50,785	54,466	3,087.50
Bristol	3d class	6,165	6,483	7,491	
Danbury		13,877	15,249	16,679	300.00
Danielsonville	3d class	4,208	4,314	4,722	
Greenwich	do	3,524	3,860	4,222	
Hartford		120,412	126,747	136,091	G. B.
Litchfield	3d class	3,553	3,685	3,883	
Meriden		26,160	27,398	30,676	1,292.00
Middletown		18,471	18,635	19,641	G. B.
Milford	3d class	3,130	3,107	3,435	
Moodus	do		2,864	3,260	
Naugatuck	do	4,827	4,749	5,079	
New Britain		19,157	19,838	20,554	1,045.00
New Haven		109,149	112,855	123,198	G. B.
New London		19,427	19,882	21,501	1,500.00
New Milford	3d class	4,017	4,495	6,071	
Northford		7,827	8,268	9,783	
Norwalk		8,775	8,837	8,986	300.00
Norwich		24,958	25,396	26,814	1,800.00
Portland	3d class	3,436	3,480	3,375	
Putnam	do	4,734	5,352	5,842	
Rockville	do	5,932	6,636	7,085	
Southington	do	3,990	4,104	4,247	
South Manchester	do	3,479	3,997	3,594	
South Norwalk		8,457	9,264	9,701	300.00
Stafford Springs	3d class	2,860	3,492	3,564	
Stamford		14,954	16,278	17,513	1,100.00
Stonington	3d class	3,049	3,096	3,130	
Thomaston	do	3,327	3,243	3,899	
Thompsonville	do	2,856	3,160	3,463	
Torrington	do	5,251	5,216	5,139	
Wallingford	2d class	5,302	7,794	7,995	*650.00
Waterbury		28,463	30,222	32,567	1,850.00
West Winsted	3d class	4,176	4,259	4,449	
Willimantic		8,501	8,242	9,165	
Winsted	3d class	4,097	4,537	5,180	
DAKOTA.					
Aberdeen		6,452	7,219	9,719	600.00
Bismarck	3d class	8,558	7,766	7,491	
Canton	do	2,632	2,793	3,292	
Casselton	do	3,220	2,992	3,261	
Deadwood	do	5,227	5,467	6,414	
Devil's Lake	do	3,242	3,852	4,369	
Ellendale	do		3,292	3,249	
Fargo		21,694	21,774	20,179	900.00
Grafton	3d class	3,510	3,483	3,543	
Grand Forks		9,163	9,341	9,759	450.00
Huron		9,532	10,949	12,094	250.00
Ipswich	3d class		3,118	3,058	
Jamestown	do	6,516	6,371	6,108	
Lisbon	do	3,274	3,206	3,365	
Madison	do	2,366	2,890	3,178	
Millbank	do	3,198	3,149	3,365	
Mitchell		6,400	8,575	7,921	†900.00
Pierre	3d class	4,491	3,127	3,650	
Plankinton	do	2,937	3,456	4,223	
Rapid City	do	2,872	5,098	7,769	
Redfield	do	2,863	3,082	3,403	
Sioux Falls		11,791	12,863	15,819	1,000.00
Valley City	3d class	2,871	2,853	3,065	
Wahpeton	do	4,029	4,522	5,017	
Watertown	do	4,825	5,920	7,351	
Yankton		6,996	8,076	8,149	160.00
DELAWARE.					
Dover	3d class	5,883	5,665	6,125	
Milford	do	3,122	2,767	3,058	
Smyrna	do	3,210	3,383	3,320	
Wilmington		45,452	47,049	51,000	G. B.

*Receipts March 31, 1887, $9,237.
†Second class July 1, 1887. Receipts March 31, 1887, $8,018.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
DISTRICT OF COLUMBIA.					
Washington		$296,365	$310,510	$331,955	$6,393.00
FLORIDA.					
De Land	3d class	3,426	3,960	3,549	
Fernandina	do	4,049	3,805	3,566	
Gainesville	do	5,311	5,683	5,858	
Jacksonville		37,356	42,978	47,200	2,000.00
Key West	*3d class	5,047	6,049	8,439	
Ocala	do	4,353	5,374	5,625	
Orlando		6,097	8,980	9,184	240.00
Palatka		7,052	8,683	9,086	350.00
Pensacola		10,278	10,537	11,234	G. B.
St. Augustine		6,544	7,366	8,353	G. B.
Sanford	3d class	5,289	6,865	6,873	
Tallahassee	do	5,200	4,764	4,804	
Tampa	do	4,065	5,646	6,839	
GEORGIA.					
Albany	3d class	4,461	4,634	5,630	
Americus	do	4,708	4,467	4,946	
Athens	do	7,443	7,423	†8,328	
Atlanta		99,737	98,247	112,329	G. B.
Augusta		31,768	34,185	36,295	1,600.00
Bainbridge	3d class	2,477	2,662	3,276	
Barnesville	do	1,989	2,148	3,123	
Brunswick	do	5,397	5,894	7,092	
Columbus		15,670	15,486	16,709	900.00
Dalton	3d class	3,101	3,074	3,249	
Gainesville	do	3,529	3,546	3,842	
Griffin	do	4,011	3,941	4,474	
La Grange	do	2,708	2,780	3,005	
Macon		28,283	29,694	32,245	900.00
Marietta	3d class	3,791	4,543	4,903	
Milledgeville	do	2,811	2,971	3,271	
Newnan	do	2,869	3,074	3,210	
Rome		9,481	9,230	10,329	500.00
Savannah		59,640	63,441	66,508	1,850.00
Thomasville	3d class	5,049	5,588	5,911	
IDAHO.					
Boisé City	3d class	5,483	5,501	5,764	
Hailey	do	3,549	3,206	4,071	
ILLINOIS.					
Alton		9,631	8,910	9,536	500.00
Amboy	3d class	3,691	3,187	3,309	
Anna	do	2,741	2,935	3,143	
Aurora		20,590	19,451	17,899	1,000.00
Batavia	3d class	7,223	7,284	7,443	
Beardstown	do	3,334	3,125	3,258	
Belleville		8,798	8,488	9,311	450.00
Belvidere	3d class	4,579	4,722	5,239	
Bloomington		35,170	36,744	38,351	1,200.00
Bushnell	3d class	4,493	4,116	3,996	
Cairo		14,355	14,408	15,397	G. B.
Canton	3d class	6,529	6,966	7,856	
Carbondale	do	3,164	3,213	3,556	
Carlinville	do	3,889	4,090	4,967	
Carmi	do	3,033	3,379	3,667	
Carrollton	do	4,090	3,790	4,032	
Carthage	do	3,065	3,655	3,164	
Centralia	do	5,952	5,242	5,270	
Champaign		10,710	10,613	11,002	600.00
Charleston	3d class	4,297	4,434	4,784	
Chicago		1,891,377	2,030,783	2,226,825	G. B.
Clinton	3d class	3,697	3,658	3,917	
Danville		14,585	14,084	15,294	600.00
Decatur		25,243	27,101	27,459	800.00
De Kalb	3d class	6,304	5,886	5,562	
Dixon		7,925	8,175	8,670	475.00
Duquoin	3d class	3,239	3,216	3,363	
Dwight	do	6,960	6,101	4,919	
East St. Louis	do	4,581	4,814	5,177	
Edwardsville	do	3,127	2,852	3,698	
Effingham	do	3,054	3,205	3,341	
Elgin		45,609	31,952	53,271	1,500.00
Englewood		10,559	11,193	15,650	500.00
Evanston		12,040	11,669	11,456	850.00
Fairbury	3d class	3,256	3,473	3,618	
Fairfield	do	2,467	2,565	2,695	
Freeport		19,844	19,872	21,088	600.00
Galena	3d class	7,052	7,209	7,472	
Galesburgh		22,526	23,392	24,294	900.00
Galva	3d class	3,727	3,758	4,491	
Geneseo	do	6,076	6,003	5,958	
Grand Crossing	do	2,125	2,614	4,641	
Greenville	do	3,162	3,084	3,305	
Havana	do	3,009	2,970	3,154	
Henry	do	3,269	3,326	3,423	
Hyde Park	do	4,436	4,478	5,155	
Jacksonville		16,300	15,972	17,821	600.00
Jerseyville	3d class	4,810	4,689	4,989	
Joliet		17,965	20,446	19,947	850.00
Kankakee		7,967	8,611	9,988	180.00

*Receipts, adjustment March 31, 1887, amounted to only $6,203.
†Receipts, adjustment to March 31, 1887, amounted to only $7,718.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
ILLINOIS—cont'd.					
Kewanee	3d class	$7,505	$7,275	$6,422	
Lanark	do	2,484	3,340	3,411	
La Salle	do	6,053	6,645	6,976	
Lincoln		8,275	8,090	8,271	
Litchfield	3d class	4,671	5,133	5,207	
Macomb	do	4,350	4,796	5,018	
Marseilles	do	3,211	3,224	3,247	
Marshall	do	3,031	2,844	3,012	
Mattoon		8,243	7,595	8,328	$400.00
Maywood	3d class	2,138	2,148	3,043	
Mendota	do	5,416	5,687	6,166	
Moline		17,880	17,297	17,057	925.00
Monmouth		9,331	9,745	9,425	400.00
Morris	3d class	5,281	5,942	5,337	
Morrison	do	4,054	4,029	4,147	
Mount Carmel	do	2,759	3,101	3,506	
Mount Carroll	do	3,656	3,978	3,846	
Mount Vernon	do	3,546	3,753	3,994	
Naperville	do	3,181	3,112	3,111	
Nashville	do	3,035	3,078	3,526	
National Stock-Yards.		11,040	9,739	10,078	
Normal	3d class	4,448	4,299	4,229	
Oak Park		4,255	7,788	10,091	400.00
Olney	3d class	4,550	4,555	4,945	
Oregon	do	2,820	3,378	3,278	
Ottawa		12,863	13,531	13,489	1.00
Pana	3d class	4,037	4,373	4,718	
Paris	do	7,514	7,126	7,533	
Paxton	do	3,421	3,593	3,597	
Pekin		6,687	6,675	11,085	200.00
Peoria		68,170	70,371	70,521	2,500.00
Peru	3d class	3,948	4,106	3,494	
Petersburgh	do	3,316	3,325	3,338	
Pittsfield	do	3,699	3,443	3,505	
Polo	do	3,550	4,034	3,702	
Pontiac	do	4,922	4,815	5,417	
Princeton	do	7,568	7,499	7,700	
Pullman	do	6,624	6,574	7,411	
Quincy		37,843	40,821	40,978	G. B.
Rochelle	3d class	3,667	3,692	3,853	
Rock Falls	do	3,775	3,637	3,332	
Rockford		37,795	38,596	39,400	1,200.00
Rock Island		15,418	20,594	20,032	1,400.00
Rushville	3d class	2,906	3,089	3,400	
Sandwich	do	4,778	5,286	5,871	
Shelbyville	do	4,216	4,313	4,962	
South Chicago	do	4,219	5,516	7,939	(*)
South Evanston	do	4,462	4,705	4,538	
Springfield		34,003	32,437	35,618	G. B.
Sterling		10,358	10,286	11,536	600.00
Streator		9,032	9,821	10,531	900.00
Sycamore	3d class	5,057	5,100	5,275	
Taylorville	do	3,633	3,513	3,408	
Tuscola	do	3,054	3,000	3,275	
Urbana	do	3,775	3,965	3,902	
Vandalia	do	2,965	2,866	3,155	
Washington	do	2,387	2,413	3,142	
Watseka	do	2,998	2,920	3,257	
Waukegan	do	5,582	5,795	6,292	
Woodstock	do	3,263	3,150	3,224	
Wright's Grove	do	3,719	4,440	3,913	
INDIANA.					
Anderson	3d class	5,414	5,310	5,762	
Attica	do	3,027	3,709	3,722	
Auburn	do	3,059	2,767	3,228	
Aurora	do	4,227	4,894	4,204	
Bloomington	do	4,373	4,885	5,087	
Bluffton	do	3,354	3,454	3,760	
Brazil	do	4,046	4,214	4,911	
Columbia City	do	3,544	3,697	3,902	
Columbus		7,408	8,551	8,859	150.00
Connersville	3d class	6,609	6,517	6,966	
Crawfordsville		8,933	9,066	10,017	450.00
Danville	3d class	3,975	3,450	3,913	
Decatur	do	2,616	2,471	3,085	
Delphi	do	3,120	3,344	3,285	
Elkhart		15,137	14,768	15,731	1.00
Evansville		35,794	36,345	40,074	G. B.
Fort Wayne		33,368	35,210	38,197	1,000.00
Frankfort	3d class	5,300	5,754	6,687	
Franklin	do	3,551	3,608	3,969	
Goshen		9,137	9,480	10,629	12.60
Greencastle	3d class	7,023	7,154	7,353	
Greensburgh	do	4,859	4,780	4,877	
Huntington	do	6,234	6,240	6,570	
Indianapolis		165,069	167,531	182,500	G. B.
Jeffersonville	3d class	5,525	5,462	6,010	
Kendallville	do	3,855	3,994	4,735	
Kokomo	do	6,527	6,536	6,670	
La Fayette		22,210	23,821	25,936	1,100.00
La Porte		9,894	9,862	10,107	700.00
Lawrenceburgh	3d class	3,467	3,336	3,687	
Lebanon	do	3,116	3,080	3,429	
Ligonier	do	3,108	3,044	3,111	
Logansport		12,172	14,714	14,609	1,200.00
Madison		8,283	8,139	8,650	400.00
Marion	3d class	5,676	5,889	6,308	
Michigan City	do	7,017	7,156	7,968	

* Lease October, 1885–'86.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
INDIANA—cont'd.					
Mishawaka	3d class	$3,151	$3,603	$5,382	
Mount Vernon	do	3,340	3,470	4,081	
Muncie		6,621	7,529	8,707	$300.00
New Albany		11,769	11,799	12,363	800.00
New Castle	3d class	4,118	3,868	4,270	
Noblesville	do	3,837	2,981	3,281	
Notre Dame	do	4,328	4,121	4,368	
Peru		8,344	8,097	8,192	500.00
Plymouth	3d class	4,125	4,293	4,513	
Portland	do	3,445	3,648	4,040	
Princeton	do	3,178	3,086	3,282	
Richmond		23,070	25,309	26,326	1,200.00
Rochester	3d class	3,180	3,222	3,390	
Rushville	do	5,462	4,965	5,438	
Seymour	do	4,948	5,174	5,399	
Shelbyville	do	5,644	5,540	6,830	
South Bend		22,555	21,913	26,278	1,200.00
Sullivan	3d class	2,605	2,753	3,130	
Terre Haute		31,990	33,058	36,455	900.00
Union City	3d class	4,431	4,452	4,581	
Valparaiso		9,184	8,844	9,154	350.00
Vincennes		10,345	10,443	10,700	500.00
Wabash	3d class	6,315	7,032	7,354	
Warsaw	do	4,668	4,907	5,313	
Washington	do	4,091	4,108	4,493	
Winchester	do	3,420	3,383	3,585	
IOWA.					
Albia	3d class	3,816	3,789	3,875	
Algona	do	3,786	3,937	4,160	
Ames	do	3,462	3,374	3,419	
Anamosa	do	3,941	3,773	3,646	
Atlantic		7,796	7,985	8,088	200.00
Audubon	3d class	3,091	3,396	3,404	
Bedford	do	3,184	3,180	3,305	
Bloomfield	do	2,865	2,775	3,053	
Boone	do	6,392	6,631	6,854	
Burlington		40,779	40,504	39,822	2,500.00
Carroll City	3d class	4,383	4,707	4,840	
Cedar Falls	do	6,758	6,756	7,246	
Cedar Rapids		37,550	36,229	36,469	1,200.00
Centreville	3d class	4,286	3,919	4,174	
Chariton	do	5,241	5,209	5,319	
Charles City	do	5,812	5,273	5,056	
Cherokee	do	4,286	4,645	5,107	
Clarinda	do	5,743	5,687	5,339	
Clinton		15,190	16,721	17,395	1,000.00
Corning	3d class	4,208	4,193	5,426	
Council Bluffs		34,497	32,614	38,601	1,000.00
Cresco	3d class	3,159	3,440	3,469	
Creston		11,551	9,516	9,543	600.00
Davenport		37,094	37,764	39,961	1,600.00
Decorah	3d class	5,350	7,660	*8,407	
Denison	do	3,953	3,999	4,344	
Des Moines		93,309	105,603	102,532	2,100.00
Dubuque		39,359	40,927	43,674	G. B.
Eldora	3d class	3,311	3,529	3,090	
Emmetsburgh	do	3,399	4,059	4,722	
Fairfield	do	6,355	6,669	6,427	
Fort Dodge		8,935	7,939	8,216	225.00
Fort Madison	3d class	5,422	5,918	6,217	
Glenwood	do	3,519	3,337	3,245	
Grinnell	do	7,402	7,166	7,262	
Hampton	do	3,061	3,214	3,244	
Harlan	do	4,428	3,721	3,799	
Ida Grove	do	3,813	3,544	3,466	
Independence	do	6,795	6,966	6,811	
Indianola	do	3,877	3,910	4,019	
Iowa City		13,511	13,139	13,757	1,200.00
Iowa Falls	3d class	3,693	3,800	3,852	
Jefferson	do	3,241	3,409	3,454	
Keokuk		21,481	21,767	22,837	1,000.00
Knoxville	3d class	3,549	3,630	3,729	
Le Mars		8,758	8,484	8,476	125.00
Lyons	3d class	4,816	4,538	5,148	
McGregor	do	5,477	5,817	5,856	
Manchester	do	5,296	5,496	5,574	
Maquoketa	do	4,864	4,847	4,986	
Marengo	do	3,187	3,244	3,130	
Marion	do	3,932	5,143	5,135	
Marshalltown		18,438	19,592	19,274	800.00
Mason City	3d class	6,453	6,608	6,840	
Missouri Valley	do	3,527	3,870	4,150	
Monticello	do	2,859	3,059	3,105	
Mount Pleasant		7,510	8,620	8,002	260.00
Muscatine		13,796	14,794	14,949	1,000.00
Nevada	3d class	3,059	3,038	3,036	
Newton	do	5,264	5,635	5,411	
Osage	do	4,093	4,522	4,509	
Osceola	do	3,810	3,579	3,538	
Oskaloosa		11,568	11,605	11,571	400.00
Ottumwa		18,983	20,929	22,591	500.00
Perry	3d class	4,124	4,150	4,113	
Red Oak	do	7,731	7,286	7,264	
Sheldon	do	2,976	3,120	3,103	
Shenandoah		4,841	5,013	5,217	
Sigourney	3d class	2,959	3,039	3,163	
Sioux City		28,636	33,296	39,685	2,200.00
Spencer	3d class	3,441	3,389	3,677	
Storm Lake	do	4,124	4,420	4,672	

* Receipts, adjustment March 31, 1887, amounted to only $7,221.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
IOWA—cont'd.					
Stuart	3d class	$3,248	$3,140	$3,376	
Tipton	do	3,041	3,201	3,161	
Toledo	do	3,631	3,809	4,303	
Villisca	do	3,159	3,200	3,412	
Vinton	do	4,849	4,989	5,102	*$1.00
Washington	do	5,041	5,098	5,237	
Waterloo		12,937	13,360	13,375	250.00
Waverly	3d class	4,508	4,391	4,772	
Webster City	do	4,590	4,791	4,691	
West Union	do	3,400	3,229	3,449	
What Cheer	do	3,613	4,187	4,429	
Winterset	do	4,147	4,050	4,407	
KANSAS.					
Abilene		8,437	9,229	10,242	1.00
Anthony	3d class	3,299	4,913	5,654	
Arkansas City	do	6,507	5,949	†8,671	
Atchison		26,417	27,345	31,521	940.00
Belleville	3d class		2,503	3,225	
Beloit	do	5,262	5,839	6,631	
Burlington	do	5,343	5,289	5,312	
Caldwell	do	3,956	3,991	4,294	
Cawker City	do	2,983	3,347	3,960	
Chanute	do	3,804	4,166	4,410	
Cherry Vale	do	5,302	5,051	4,612	
Chetopa	do	3,428	3,337	3,663	
Clay Centre		6,668	7,276	8,064	300.00
Clyde	3d class	2,512	3,337	3,298	
Coffeyville	do	3,610	3,497	3,236	
Columbus	do	5,955	5,315	5,385	
Concordia	do	5,414	5,624	5,966	
Council Grove	do	3,520	3,690	4,350	
Dodge City		6,389	7,751	8,225	
El Dorado	3d class	5,977	6,486	6,775	
Ellsworth	do	3,521	4,216	4,665	
Emporia		19,443	19,253	20,351	500.00
Eureka	3d class	4,599	4,989	5,232	
Fort Scott		16,910	16,488	18,304	1,000.00
Fredonia	3d class	3,087	3,333	3,840	
Garden City				11,193	400.00
Garnett	3d class	4,556	4,787	4,888	
Girard	do	4,668	4,352	4,484	
Great Bend	do	4,109	4,945	6,472	
Harper	do	5,726	5,472	4,813	
Hays City	do	2,390	2,885	3,603	
Hiawatha	do	6,140	6,380	6,604	
Holton	do	3,712	3,860	4,379	
Humboldt	do	3,470	3,313	3,154	
Hutchinson		6,885	8,085	11,539	1.00
Independence	3d class	7,056	6,626	6,529	
Iola	do	3,388	3,063	3,223	
Junction City	do	7,048	6,622	6,093	
Kingman	do	4,927	6,608	‡8,112	
Kinsley	do		4,027	4,113	
Larned	do	5,485	7,307	7,742	
Lawrence		23,030	22,676	24,944	1,200.00
Leavenworth		28,413	29,019	29,436	600.00
Lincoln	3d class			3,701	
Lyons	do	3,251	3,414	4,334	
McPherson	do	6,647	6,531	§8,253	
Manhattan	do	6,708	6,752	7,311	
Marion	do	3,069	3,403	4,284	
Marysville	do	3,563	3,677	4,567	
Medicine Lodge	do	2,921	3,803	4,144	
Minneapolis	do	4,154	4,749	5,543	
Newton		9,508	9,916	10,722	300.00
Oberlin	3d class		2,213	4,912	
Olathe	do	5,282	5,430	5,471	
Osage City	do	4,358	4,429	4,899	
Osborne	do	2,445	2,886	3,592	
Oswego	do	5,047	5,148	5,337	
Ottawa		10,602	10,997	11,944	300.00
Paola	3d class	5,658	5,562	5,521	
Parsons		9,921	9,388	10,292	400.00
Peabody	3d class	3,600	3,804	4,397	
Pittsburgh	do	3,795	3,810	4,076	
Pratt	do			3,078	
Russell	do	2,603	2,981	4,060	
Sabetha	do	2,924	2,863	3,125	
Salina		8,775	9,879	13,532	250.00
Seneca	3d class	3,943	4,045	3,649	
Sterling	do	4,494	4,400	4,944	
Stockton	do			3,015	
Topeka		60,858	60,910	68,489	G. B.
Wa Keeney	3d class	2,010	3,702	4,587	
Wamego	do	3,081	2,899	3,052	
Washington	do	4,165	4,124	4,288	
Wellington		10,743	10,559	10,843	180.00
Wichita		21,214	27,021	41,272	1.00
Winfield		10,337	10,925	12,269	
Wyandotte‖		11,901	15,200	16,878	600.00
KENTUCKY.					
Ashland	3d class	3,447	3,396	4,081	
Bowling Green		6,938	7,945	8,382	500.00

* Lease, act 1885–'86.
† Receipts, adjustment March 31, 1887, amounted to only $6,113.
‡ Receipts adjustment March 31, 1887, amounted to only $5,940.
§ Receipts adjustment March 31, 1887, amounted to only $6,565.
‖ Name changed to Kansas City, Kans.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
KENTUCKY—cont'd.					
Catlettsburgh	3d class	$2,908	$2,809	$3,311	
Covington		21,909	21,251	22,902	G. B.
Cynthiana	3d class	3,629	3,733	4,050	
Danville	do	6,031	5,993	6,181	
Frankfort	do	10,695	13,668	12,232	G. B.
Georgetown	do	4,205	4,424	4,289	
Harrodsburgh	do	3,675	3,730	3,826	
Henderson	do	6,638	6,922	7,855	
Hopkinsville	do	5,737	5,861	6,344	
Lebanon		4,209	4,520	4,694	
Lexington		25,392	25,276	27,691	$1,000.00
Louisville		235,167	226,793	238,203	G. B.
Maysville		7,916	8,027	8,383	350.00
Mount Sterling	3d class	5,298	5,470	5,539	
Newport		9,285	13,097	10,601	1,000.00
Owensborough		8,966	9,572	10,019	500.00
Paducah		11,007	10,115	12,163	G. B.
Paris	3d class	6,359	6,272	6,513	
Richmond	do	4,212	4,438	4,553	
Russellville	do	3,038	3,185	3,518	
Shelbyville	do	4,082	4,255	4,644	
Versailles	do	2,839	2,908	3,021	
Winchester	do	3,428	3,735	3,996	
LOUISIANA.					
Baton Rouge	3d class	6,018	6,571	6,916	
Lake Charles	do	2,923	2,710	4,711	
Monroe	do	3,415	3,413	3,501	
New Iberia	do	3,253	3,384	3,650	
New Orleans		279,135	262,934	277,106	G. B.
Shreveport		9,699	9,807	11,502	G. B.
MAINE.					
Auburn		10,041	10,578	12,176	700.00
Augusta		57,996	53,863	51,486	2,000.00
Bangor		29,177	36,021	43,499	G. B.
Bar Harbor	3d class			4,708	
Bath		9,548	10,307	10,194	G. B.
Belfast	3d class	5,590	5,635	6,056	
Biddeford		9,142	9,224	10,013	750.00
Brunswick	3d class	5,555	5,629	6,159	
Calais	do	4,464	4,589	5,275	
Dexter	do	3,103	3,319	3,363	
Eastport	do	3,441	3,259	3,454	
Ellsworth	do	3,656	3,617	4,081	
Gardiner	do	6,515	6,869	7,664	
Hallowell	do	3,456	3,350	3,651	
Houlton	do	3,969	4,283	4,358	
Lewiston		18,272	17,678	18,218	1,250.00
Norway	3d class	2,749	3,232	3,383	
Portland		87,939	88,390	93,766	G. B.
Richmond	3d class	2,793	2,742	3,438	
Rockland		8,302	8,432	9,220	G. B.
Saco	3d class	4,616	4,743	4,899	
Skowhegan	do	5,092	5,278	5,398	
Waterville		8,029	8,117	8,182	600.00
MARYLAND.					
Annapolis	3d class	7,721	11,398	7,473	*500.00
Baltimore		516,858	501,001	533,792	G. B.
Cambridge	3d class	2,955	3,058	3,733	
Centreville	do	2,631	2,680	3,005	
Cumberland		12,005	11,565	12,278	600.00
Easton	3d class	4,789	5,080	5,005	
Elkton	do	3,460	3,385	3,477	
Frederick		10,152	10,581	11,034	1,000.00
Hagerstown		10,153	10,799	11,652	500.00
Salisbury	3d class	3,231	3,254	3,614	
Westminster	do	3,869	4,003	4,335	
MASSACHUSETTS.					
Adams	3d class	4,962	5,497	6,086	
Amesbury		7,138	7,583	8,599	300.00
Amherst		8,180	9,506	9,466	350.00
Andover	3d class	6,323	6,141	6,572	
Arlington	do	3,447	3,858	4,178	
Athol	do	4,652	5,096	5,509	
Attleborough	do	5,920	6,296	7,516	
Auburndale	do	3,248	3,281	3,654	
Ayer	do	2,902	2,983	3,162	
Beverly		8,137	8,940	10,120	600.00
Boston		1,471,333	1,555,451	1,651,709	G. B.
Bridgewater	3d class	3,329	3,369	3,501	
Brockton		21,638	24,185	25,676	1,400.00
Campello	3d class	3,615	3,928	4,370	
Canton	do	2,917	2,905	3,369	
Chicopee	do	5,414	5,145	6,140	
Chicopee Falls	do	3,364	4,001	3,902	
Clinton		7,690	7,888	9,024	200.00
Concord	3d class	3,610	3,842	4,286	
Cottage City	do	3,717	3,669	3,834	
Danvers	do	3,272	3,390	4,297	
Dedham	do	3,954	3,256	4,343	
Easthampton	do	4,870	5,229	5,493	
East Weymouth	do	2,682	2,784	3,246	
Everett	do	2,580	3,003	3,789	
Fall River		27,633	29,300	33,376	G. B.

* Lease, act 1885–'86.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
MASSACHUSETTS—continued.					
Fitchburg		$20,470	$21,376	$23,978	$1,700.00
Florence	3d class	2,849	4,256	3,067	
Franklin	do	3,678	3,897	5,716	
Gardner	do	4,253	4,424	4,733	
Gloucester		16,107	17,799	18,523	G.B.
Great Barrington	3d class	4,993	5,342	5,733	
Greenfield		14,451	13,276	13,465	560.00
Haverhill		23,497	26,353	27,097	1,200.00
Holyoke		28,363	29,883	32,503	1,000.00
Hudson	3d class	3,265	3,684	4,036	
Hyde Park	do	6,419	7,018	9,649	
Ipswich	do	3,443	3,594	3,925	
Lawrence		26,964	27,019	29,941	1,550.00
Lee	3d class	3,576	4,049	4,280	
Lenox	do		2,992	4,034	
Leominster	do	5,762	6,076	6,932	
Lowell		75,661	72,829	78,049	3,000.00
Lynn		41,288	47,427	50,495	1,800.00
Malden		10,576	10,567	12,099	800.00
Marblehead	3d class	5,430	6,627	6,646	
Marlborough		9,442	9,698	10,761	200.00
Medford	3d class	4,785	4,898	5,687	
Melrose		3,956	5,205	9,962	350.00
Middleborough	3d class	7,432	6,849	7,893	
Milford		7,226	7,327	8,603	400.00
Millbury	3d class	2,780	3,145	3,610	
Milton	do	4,180	4,214	4,084	
Monson	do	2,578	2,749	3,241	
Nantucket	do	5,289	5,403	5,334	
Natick	do	5,877	7,189	4,122	
New Bedford		42,401	39,392	41,578	G.B.
Newburyport		14,454	15,004	16,325	900.00
Newton		8,955	8,882	9,401	300.00
Newton Centre	3d class	3,237	3,568	3,659	
Newtonville	do	4,424	3,428	7,118	
North Adams		15,456	16,043	18,026	1,000.00
Northampton		16,095	15,579	18,161	675.00
North Attleborough	3d class	6,733	6,754	7,406	
North Brookfield	do	3,014	3,481	4,282	
Orange	do	4,803	4,673	4,938	
Palmer	do	4,613	4,298	4,673	
Peabody	do	5,807	5,893	6,179	
Pittsfield		26,212	19,809	21,036	1,000.00
Plymouth		7,551	8,440	9,345	200.00
Provincetown	3d class	3,456	3,526	3,705	
Quincy	do	6,782	7,927	7,010	
Reading	do	2,842	3,009	3,347	
Rockland	do	3,461	3,882	4,106	
Salem		24,818	25,879	28,175	2,100.00
Shelburne Falls	3d class	3,360	3,204	3,701	
Southbridge	do	3,267	3,376	3,798	
South Framingham		6,322	6,840	8,180	
Spencer	3d class	5,192	5,554	6,064	
Springfield		73,770	75,174	85,689	2,500.00
Stockbridge	3d class	2,604	2,803	3,055	
Stoneham	do	4,897	5,468	5,404	
Stoughton	do	2,709	2,745	3,089	
Taunton		21,540	22,147	22,330	1,250.00
Turner's Falls	3d class	3,448	3,754	4,083	
Wakefield	do	6,899	6,459	6,373	
Waltham		14,232	14,564	16,625	1,200.00
Ware	3d class	4,842	4,985	5,813	
Warren	do	3,395	3,097	3,406	
Watertown	do	4,753	4,769	4,831	
Webster	do	4,602	4,885	5,362	
Wellesley	do	3,705	3,800	4,254	
Westborough	do	5,865	5,920	6,427	
Westfield		14,538	16,168	18,145	600.00
West Gardner	3d class	2,745	2,918	3,285	
West Newton	do	4,448	4,599	5,015	
Whitman	do			3,153	
Williamstown	do	3,541	3,540	4,050	
Winchendon	do	4,646	4,774	5,294	
Winchester	do	3,840	3,789	4,991	
Woburn	do	7,274	7,440	7,653	
Worcester		86,087	93,077	101,587	3,000.00
MICHIGAN.					
Adrian		13,606	13,829	14,654	350.00
Albion	3d class	6,270	6,342	7,081	
Allegan	do	4,812	4,986	5,623	
Alpena	do	5,431	5,879	6,916	
Ann Arbor		19,148	19,915	21,380	1,200.00
Battle Creek		23,333	22,867	22,573	1,000.00
Bay City		21,043	22,546	21,057	700.00
Benton Harbor	3d class	4,239	4,646	5,372	
Berrien Springs	do	2,577	3,274	3,996	
Bessemer	do			3,582	
Big Rapids		9,466	9,136	9,416	200.00
Buchanan	3d class	3,192	3,309	3,532	
Cadillac	do	6,026	5,659	5,821	
Calumet	do	4,894	5,092	3,948	
Caro	do	2,978	3,054	3,284	
Charlotte		7,691	8,834	10,863	400.00
Cheboygan	3d class	4,052	4,317	5,373	
Coldwater		9,605	10,077	10,305	700.00
Detroit		300,010	302,063	326,007	G.B.
Dowagiac	3d class	3,790	4,188	4,267	
East Saginaw		29,292	30,899	34,497	1,340.00
Eaton Rapids	3d class	3,365	3,420	3,975	

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
MICHIGAN—cont'd.					
Escanaba	3d class	$4,442	$4,665	$5,939	
Fenton	do	3,503	3,711	3,362	
Flint		13,293	14,249	14,901	$800.00
Grand Haven	3d class	5,412	5,554	5,488	
Grand Rapids		71,479	79,028	86,594	G.B.
Greenville	3d class	5,746	5,838	5,419	
Hancock	do	4,951	4,951	5,649	
Hastings	do	3,974	3,948	4,785	
Hillsdale		7,898	8,030	9,284	375.00
Holland	3d class	3,786	3,776	4,121	
Houghton	do	3,410	3,233	3,430	
Howell	do	3,828	4,054	4,313	
Hudson	do	4,204	4,230	4,371	
Ionia		9,432	9,353	9,836	750.00
Iron Mountain	3d class	2,935	3,436	4,979	
Ishpeming	do	6,612	6,633	*8,194	
Ithaca	do	2,351	2,324	3,136	
Jackson		25,111	27,058	29,633	1,100.00
Kalamazoo		29,573	31,971	37,093	750.00
Lansing	3d class	26,972	22,882	30,880	1,500.00
Lapeer	do	4,487	4,575	4,533	
Lowell	do	3,057	3,162	3,267	
Ludington		5,369	5,709	5,957	
Manistee		9,478	10,802	10,385	700.00
Marquette		9,253	9,457	11,195	450.00
Marshall	3d class	6,935	8,896	8,290	360.00
Mason	do	3,147	3,252	3,571	
Menominee	do	4,438	5,498	†8,015	
Monroe	do	5,382	5,807	5,830	
Mount Clemens	do	3,473	3,561	4,097	
Mount Pleasant		2,916	2,823	3,606	
Muskegon	3d class	18,152	18,034	19,024	500.00
Negaunee	do	3,233	3,475	4,377	
Niles	do	6,176	6,141	6,511	
Ovid	do	2,855	2,946	3,044	
Owasso	do	5,903	6,628	7,360	
Paw Paw	do	3,159	3,160	3,170	
Petoskey		3,990	4,372	5,923	
Pontiac		7,494	8,453	8,547	400.00
Port Huron	3d class	14,033	14,470	15,462	G.B.
Quincy	do	3,487	3,608	3,902	
Reed City		3,000	3,309	3,616	
Saginaw		10,379	10,644	11,436	525.00
St. John's	3d class	4,626	5,033	5,349	
St. Joseph	do	4,340	5,016	5,117	
St. Louis	do	3,732	3,535	3,760	
Sault de Ste. Marie	do	2,175	2,616	3,346	
Stanton	do	3,654	3,255	3,405	
Sturgis	do	3,353	3,373	3,858	
Tecumseh	do	4,328	4,186	4,393	
Three Rivers	do	5,403	5,735	6,639	
Traverse City	do	5,847	6,074	6,073	
West Bay City	do	4,729	4,627	5,660	
Ypsilanti		8,560	9,363	9,854	300.00
MINNESOTA.					
Albert Lea	3d class	5,559	5,636	6,130	
Alexandria	do	2,888	3,048	3,072	
Anoka	do	4,867	4,073	4,825	
Austin	do	4,219	4,299	5,230	
Brainerd	do	8,714	4,840	5,955	
Crookston	do	5,695	5,736	6,516	
Duluth		21,498	25,871	32,710	1,450.00
Faribault		9,017	9,519	9,847	550.00
Fergus Falls	3d class	7,355	7,237	7,146	
Hastings	do	5,108	4,980	4,717	
Lake City	do	4,649	4,899	4,892	
Litchfield	do	3,102	3,325	3,677	
Mankato		11,201	12,459	13,153	1,100.00
Minneapolis		186,006	206,345	263,746	5,000.00
Moorhead	3d class	5,087	3,982	4,105	
New Ulm	do	3,091	3,403	3,640	
Northfield	do	5,746	5,687	5,565	
Owatonna	do	5,124	5,175	5,617	
Red Wing		10,385	10,038	10,295	1,000.00
Rochester		10,873	10,867	10,453	900.00
St. Cloud		7,262	7,165	9,294	500.00
St. Paul		187,958	208,589	247,542	G.B.
St. Peter	3d class	3,896	3,887	4,343	
Stillwater		13,931	15,295	14,651	1,050.00
Wabasha	3d class	3,057	3,190	3,265	
Waseca	do	3,313	3,370	3,325	
Willmar	do	3,002	2,896	3,200	
Winona		19,659	21,172	20,974	1,800.00
MISSISSIPPI.					
Aberdeen	3d class	3,904	3,933	4,097	
Canton	do	3,212	3,225	3,097	
Columbus	do	5,670	6,250	6,397	
Greenville	do	3,910	4,510	4,951	
Holly Springs	do	3,159	3,280	3,358	
Jackson		10,286	10,700	10,135	G.B.
Meridian		9,486	10,693	11,804	480.00
Natchez		8,790	9,200	10,450	420.00
Oxford	3d class	3,451	3,451	3,223	
Vicksburg		17,494	17,099	17,590	1,000.00
West Point	3d class	2,978	3,073	3,516	
Yazoo	do	3,198	3,746	3,831	

* Receipts, adjustment March 31, 1887, amounted to only $6,393.
† Receipts, adjustment March 31, 1887, amounted to only $5,355.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
MISSOURI.					
Boonville	3d class	$5,223	$4,980	$5,138	
Brookfield	do	3,483	3,764	4,149	
Butler	do	5,019	4,924	4,753	
Cameron	do	4,178	4,602	4,098	
Cape Girardeau	do	3,386	3,308	3,671	
Carrollton	do	4,321	4,419	4,665	
Carthage		9,716	9,499	10,569	$200.00
Chillicothe	3d class	6,017	6,189	6,699	
Clinton	do	6,001	6,379	6,198	
Columbia		6,834	7,747	8,029	400.00
Fayette	3d class	2,899	2,794	3,971	
Fulton	do	4,061	4,335	4,356	
Hannibal		15,426	15,032	14,262	400.00
Harrisonville	3d class	3,426	3,320	3,332	
Holden	do	4,455	4,033	4,134	
Independence	do	5,704	6,259	6,871	
Jefferson City		10,741	9,229	12,128	270.00
Joplin	3d class	4,709	4,822	5,037	
Kansas City		224,846	119,060	312,394	G. B.
Kirksville	3d class	4,955	4,976	4,933	
Lamar	do	4,844	4,692	4,651	
Lexington	do	5,267	4,643	5,165	
Liberty	do	2,651	2,459	3,002	
Louisiana	do	6,225	6,176	6,736	
Macon City	do	5,226	5,566	5,409	
Marshall	do	5,105	5,328	5,543	
Maryville	do	6,128	5,871	5,995	
Mexico	do	6,442	6,379	6,616	
Moberly		7,580	8,019	8,317	250.00
Nevada	3d class	6,234	6,555	7,069	
North Springfield	do	5,839	5,398	5,855	
Pierce City	do	3,705	4,026	4,006	
Pleasant Hill	do	3,468	3,503	3,348	
Rich Hill	do	4,240	3,950	4,069	
St. Charles	do	4,347	4,529	5,098	
St. Joseph		68,087	69,393	78,709	900.00
St. Louis		815,241	813,553	861,219	G. B.
Sedalia		18,145	17,283	17,869	400.00
Springfield		14,979	16,128	17,226	1,051.00
Trenton	3d class	3,964	4,100	4,506	
Warrensburgh		5,489	5,126	5,353	
MONTANA.					
Anaconda	3d class		3,808	3,578	
Billings	do	3,130	3,501	4,161	
Bozeman	do		5,163	5,583	
Butte City		19,848	23,394	21,625	1.00
Deer Lodge City	3d class	2,956	3,061	3,116	
Dillon	do	3,030	3,223	3,636	
Helena		19,738	18,796	25,469	1,250.00
Livingston	3d class	3,212	2,866	3,292	
Miles City	do	4,856	5,334	4,957	
Missoula	do	4,386	4,031	4,470	
NEBRASKA.					
Ashland	3d class	3,100	2,952	3,532	
Aurora	do	3,615	3,645	4,026	
Beatrice		10,639	11,470	13,940	700.00
Blair	3d class	3,548	4,344	4,249	
Central City	do	3,549	3,868	4,241	
Columbus	do	5,201	5,613	5,641	
Crete	do	5,201	5,370	5,282	
David City	do	3,020	2,924	3,670	
Fairbury	do	3,375	3,553	4,469	
Falls City	do	4,168	3,964	4,176	
Fremont		10,949	11,588	13,657	480.00
Grand Island		9,040	9,952	11,084	400.00
Hastings		11,328	12,711	15,902	600.00
Hebron	3d class	2,538	2,837	3,225	
Holdredge	do		5,786	4,969	
Kearney		8,139	8,702	9,150	200.00
Lincoln		41,896	44,685	60,149	G. B.
McCook	3d class		4,861	5,559	
Minden	do	2,974	2,877	3,528	
Nebraska City		8,351	8,443	8,842	600.00
Neligh	3d class	2,423	2,653	3,237	
Norfolk	do	3,749	4,304	4,507	
North Platte	do	4,368	4,934	5,187	
Omaha		110,283	126,582	161,251	G. B.
Pawnee City	3d class	3,349	3,417	3,918	
Plattsmouth	do	5,220	5,759	6,255	
Plum Creek	do	3,231	3,638	3,511	
Red Cloud	do	2,634	4,098	4,472	
St. Paul	do	2,346	3,618	4,161	
Schuyler	do	3,777	3,742	4,258	
Seward	do	4,264	4,290	4,413	
Sidney	do	3,138	3,139	3,589	
Tecumseh	do	4,113	3,820	3,597	
Wahoo	do	4,285	4,542	4,942	
Wymore	do	2,828	2,849	3,090	
York	do	5,751	6,322	7,072	
NEVADA.					
Carson City	3d class	5,783	5,750	6,057	
Eureka	do	3,947	3,534	3,409	
Reno	do	5,836	6,280	6,896	
Virginia City	do	6,893	6,632	7,396	

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
NEW HAMPSHIRE.					
Claremont	3d class	$6,021	$6,263	$86,678	
Concord		25,806	26,747	27,425	$1,400.00
Dover		11,640	11,860	12,370	800.00
Exeter	3d class	6,596	5,807	6,842	
Franklin Falls	do	2,989	3,106	3,658	
Great Falls	do	4,418	4,610	4,706	
Hanover	do	3,751	4,112	3,968	
Keene		11,915	12,313	14,033	600.00
Laconia	3d class	5,320	5,987	6,302	
Lake Village	do	2,322	2,703	3,179	
Lancaster	do	3,216	3,804	4,124	
Lebanon	do	4,095	4,421	4,685	
Littleton	do	3,995	4,113	4,264	1,350.00
Manchester		32,032	32,057	35,374	
Milford	3d class	3,618	3,634	3,775	
Nashua		17,288	18,546	20,109	1,000.00
Peterborough	3d class	2,870	3,066	3,389	
Plymouth	do	3,395	3,217	3,365	
Portsmouth		12,881	14,008	14,990	G. B.
Rochester	3d class	4,793	5,368	5,423	
Tilton	do	2,457	2,666	3,374	
NEW JERSEY.					
Asbury Park		10,543	11,218	11,980	600.00
Atlantic City		14,812	16,254	18,461	1,100.00
Bergen Point	3d class	4,029	3,193	3,570	
Bloomfield	do	5,116	3,802	4,293	
Bordentown	do	4,594	5,307	5,467	
Bridgeton		9,232	9,972	9,991	500.00
Burlington	3d class	6,651	6,551	7,182	
Camden		28,054	31,634	34,367	1,200.00
Cape May	3d class	4,502	4,695	4,679	
Dover	do	4,634	4,679	5,094	
East Orange		4,536	9,198	18,889	500.00
Elizabeth		24,149	23,225	26,514	800.00
Englewood	3d class	4,577	4,566	4,636	
Flemington	do	3,465	3,494	3,792	
Freehold	do	5,199	5,110	5,435	
Hackensack	do	4,053	4,055	5,198	
Hackettstown	do	3,415	3,591	3,589	
Hightstown	do	2,750	2,875	3,330	
Hoboken		15,441	16,453	18,414	800.00
Jersey City		75,151	83,001	82,694	G. B.
Lambertville	3d class	4,589	4,676	4,842	
Long Branch	do	4,415	4,707	6,233	
Madison	do	3,197	3,344	3,641	
Millington	do	3,345	3,249	3,080	
Millville	do	4,504	4,784	4,954	
Mont Clair	do	6,647	6,680	7,470	
Morristown		13,549	10,709	15,916	600.00
Mount Holly	3d class	5,261	5,797	6,251	
Newark		129,713	143,262	162,252	G. B.
New Brunswick		17,403	18,873	20,592	1,050.00
Newton	3d class	5,475	5,402	5,688	
Ocean Grove	do	5,415	5,091	5,878	
Orange		12,204	12,472	15,052	600.00
Orange Valley	3d class	3,771	3,940	3,944	
Passaic	do	7,707	7,275	7,568	
Paterson		28,309	31,708	33,891	1,500.00
Perth Amboy	3d class	4,861	4,993	6,455	
Phillipsburgh	do	4,232	4,054	4,480	
Plainfield		20,514	20,563	20,601	1,050.00
Princeton		7,888	7,720	9,352	300.00
Rahway	3d class	8,681	5,041	6,783	
Red Bank	do	6,437	6,091	6,849	
Rutherford	do	3,486	4,539	7,001	
Salem	do	4,929	4,679	5,037	
Somerville	do	5,272	5,331	5,404	
South Orange	do	3,048	3,099	3,407	
Summit	do	2,709	3,225	3,793	
Trenton		53,191	58,659	62,965	G. B.
Vineland	3d class	7,279	7,408	7,431	
Washington		7,308	8,359	12,703	250.00
Weehawken	3d class	6,022	3,900	3,156	
Westfield	do	2,786	2,195	3,031	
Woodbury	do	4,984	7,329	5,789	
NEW MEXICO.					
Albuquerque		9,553	9,191	9,455	500.00
Las Vegas	3d class	8,728	8,263	5,179	
Raton	do	2,925	2,894	3,918	
Santa Fé		6,554	7,039	8,709	
Silver City	3d class	4,445	4,423	4,845	
Socorro	do	4,478	4,347	4,073	
NEW YORK.					
Addison	3d class	3,832	3,786	4,045	
Albany		153,964	157,644	165,063	G. B.
Albion	3d class	6,297	6,274	6,634	
Amsterdam		12,526	13,316	15,097	900.00
Astoria	3d class	2,324	3,230	3,650	
Attica	do	3,607	3,614	3,729	
Auburn		35,952	34,892	23,644	1,500.00
Babylon	3d class	2,931	3,092	3,080	
Baldwinsville	do	3,790	4,054	4,081	
Ballston	do	4,995	5,554	5,599	
Batavia		13,336	13,281	13,712	1,100.00
Bath		7,641	7,955	8,949	500.00

Gross receipts which accrued at Presidential post-offices, etc.—Continued

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
NEW YORK—cont'd.					
Binghamton		$41,353	$45,213	$49,698	$1,000.00
Boonville	3d class	3,246	3,125	3,689	
Brockport		6,753	7,847	9,059	250.00
Brooklyn		377,880	413,559	490,490	14,395.00
Buffalo		328,405	333,430	366,696	G. B.
Cambridge	3d class	3,689	3,601	3,849	
Camden	do	3,178	3,034	3,891	
Canajoharie	do	4,935	5,372	5,012	
Canandaigua		9,965	10,384	10,856	G. B.
Canastota	3d class	3,668	3,889	4,232	
Canton	do	4,119	4,127	4,666	
Carthage	do	3,757	3,557	4,040	
Catskill		8,292	9,003	9,084	300.00
Cazenovia	3d class	4,155	4,205	4,240	
Chatham	do	3,232	3,797	4,047	
City Island	do	2,676	4,179	5,024	
Clifton Springs	do	3,725	3,749	4,041	
Clinton	do	3,920	3,772	3,938	
Clyde	do	3,669	3,796	4,267	
Cobleskill	do	3,692	3,512	3,506	
Cohoes		11,475	11,772	12,450	850.00
Cooperstown	3d class	5,722	5,695	5,699	
Corning		9,959	10,036	10,106	975.00
Cortland		12,978	13,795	15,315	700.00
Coxsackie	3d class	3,106	3,202	3,178	
Cuba	do	3,338	3,375	3,555	
Dansville		6,742	7,016	8,969	350.00
Delhi	3d class	3,807	3,167	3,526	
Deposit	do	3,028	3,164	3,037	
Dunkirk		9,653	11,406	12,067	450.00
Ellenville	3d class	4,514	4,471	4,689	
Elmira		45,026	44,572	48,247	2,000.00
Fairport	3d class	5,259	5,121	4,693	
Fishkill-on-the-Hudson	do	3,255	3,652	4,239	
Flushing	do	6,127	6,249	7,880	
Fort Edward	do	3,780	3,825	3,754	
Fort Plain	do	5,232	4,575	7,196	
Fredonia		8,460	8,112	8,720	225.00
Fulton	3d class	6,443	5,908	7,356	
Geneseo	do	4,369	4,579	4,814	
Geneva		17,388	20,203	22,383	500.00
Glens Falls		10,715	11,166	11,739	800.00
Gloversville		10,053	10,447	12,307	600.00
Goshen	3d class	7,784	6,891	6,513	
Gouverneur	do	5,297	5,302	5,864	
Greenport	do	3,279	3,592	3,643	
Greenwich	do	2,944	2,940	2,126	
Hamilton	do	4,210	4,017	4,450	
Haverstraw	do	2,900	2,957	3,378	
Hempstead	do	2,387	2,617	3,267	
Herkimer	do	3,973	4,295	4,438	
Homer	do	3,609	3,640	4,140	
Hoosick Falls	do	5,710	5,825	7,141	
Hornellsville		12,442	12,321	13,114	1,200.00
Hudson		12,923	13,273	14,309	850.00
Huntington	3d class	3,535	3,003	3,645	
Ilion	do	5,889	5,650	5,086	
Ithaca		21,285	17,236	23,425	1,500.00
Jamaica	3d class	4,100	3,995	3,804	
Jamestown		19,734	19,730	22,014	1,200.00
Johnstown		7,041	7,370	8,508	400.00
Kingston		9,561	10,005	10,796	550.00
Le Roy		6,674	6,835	9,369	200.00
Little Falls		11,069	11,681	12,013	650.00
Lockport		24,488	23,581	20,998	1,000.00
Long Island City	3d class	4,268	4,832	5,294	
Lowville	do	4,538	4,456	4,840	
Lyons	do	5,442	5,334	5,759	
Malone		7,317	7,222	8,183	300.00
Matteawan	3d class	3,063	3,440	3,785	
Mechanicsville	do	2,906	2,798	3,120	
Medina	do	6,418	6,142	6,468	
Middletown		14,138	14,578	16,337	1,000.00
Morristown	3d class	6,385	3,021	3,339	
Mount Morris	do	3,368	3,635	3,875	
Mount Vernon		8,756	10,709	14,019	600.00
Newark	3d class	8,004	7,944	6,234	
New Brighton	do	3,761	4,872	6,279	
Newburgh		24,166	25,519	26,706	1,580.00
New Lebanon	3d class	5,402	8,130	5,159	
New Rochelle	do	5,485	6,229	6,707	
New York		4,340,128	4,416,848	4,753,516	G. B.
Niagara Falls	3d class	7,170	7,057	7,702	
Northport	do	3,148	4,835	7,266	
Norwich		7,698	7,647	8,713	600.00
Nyack	3d class	5,848	6,240	6,814	
Ogdensburgh		11,236	11,846	11,941	G. B.
Olean		11,229	12,393	13,053	1,000.00
Oneida		10,335	10,149	10,840	600.00
Oneonta		7,993	7,005	10,694	600.00
Oswego		26,001	25,572	27,765	G. B.
Owego		10,193	10,580	10,794	700.00
Palmyra	3d class	6,072	5,685	5,539	
Patchogue	do	3,337	3,439	3,977	
Peekskill		8,032	7,887	9,104	
Penn Yan		7,079	7,776	8,899	
Plattsburgh		7,091	9,028	9,540	G. B.
Port Chester	3d class	5,291	5,904	6,589	
Port Jervis		9,878	9,320	9,625	850.00
Port Richmond	3d class	3,923	4,564	5,330	
Potsdam	do	5,871	5,895	6,642	

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
NEW YORK—cont'd.					
Poughkeepsie		$36,167	$37,500	$41,228	$1,350.00
Rhinebeck	3d class	2,749	2,883	3,022	
Richfield Springs	do	4,308	4,494	4,350	
Riverhead	do	3,514	3,592	4,169	
Rochester		199,028	255,159	344,308	5,000.00
Rome		16,957	17,152	19,232	425.00
Rondout		10,083	9,653	10,621	350.00
Rye	3d class	2,298	2,633	3,199	
Sag Harbor	do	3,305	3,359	3,385	
Salamanca	do	4,210	4,683	4,735	
Sandy Hill	do	3,126	3,177	3,798	
Saratoga Springs		23,402	23,019	26,122	1,500.00
Saugerties	3d class	4,380	4,438	4,814	
Schenectady		15,146	15,877	17,505	1,000.00
Seneca Falls		13,557	14,030	15,442	700.00
Silver Creek	3d class	4,660	3,462	4,743	
Sing Sing		9,066	9,746	10,375	400.00
Skaneateles	3d class	3,116	3,312	3,633	
Stapleton	do	4,604	4,822	5,163	
Suspension Bridge	do	4,700	4,665	4,271	
Syracuse		121,927	123,815	125,795	4,500.00
Tarrytown	3d class	5,099	6,224	7,286	
Tonawanda		4,550	6,701	10,629	400.00
Troy		91,072	92,111	97,133	3,000.00
Trumansburgh	3d class	2,831	2,913	3,167	
Utica		60,018	56,678	54,436	G. B.
Walton	3d class	2,812	3,064	3,396	
Wappinger's Falls	do	3,239	3,524	3,737	
Warsaw	do	4,859	5,616	6,352	
Warwick	do	2,744	2,786	3,194	
Waterford	do	3,144	2,624	3,117	
Waterloo	do	5,275	6,740	7,607	
Watertown		22,501	24,075	24,232	1,000.00
Waterville	3d class	4,028	3,899	3,483	
Watkins	do	4,307	4,330	4,265	
Waverly		8,541	8,084	8,684	500.00
Weedsport	3d class	3,008	2,992	3,408	
Wellsville	do	5,737	5,802	5,871	
Westfield	do	3,870	4,358	3,953	
West New Brighton		8,000	8,771	8,501	
West Troy	3d class	5,765	5,519	6,681	
Whitehall	do	4,100	3,799	4,411	
White Plains	do	4,681	4,917	5,183	
Yonkers		20,683	22,677	24,437	1,500.00
NORTH CAROLINA.					
Asheville		7,320	8,156	10,136	180.00
Charlotte		14,455	14,802	14,223	600.00
Durham	3d class	5,545	6,423	7,722	
Fayetteville	do	4,351	4,000	5,450	
Goldsboro	do	6,037	6,073	6,113	
Greensborough	do	6,825	7,290	7,707	
Henderson	do	2,778	3,214	3,179	
New Berne	do	5,637	5,896	6,122	
Raleigh		20,919	18,766	18,923	G. B.
Reidsville	3d class	2,631	3,276	3,540	
Salisbury	do	3,612	4,056	4,321	
Statesville	do	3,701	3,819	3,657	
Tarborough	do	3,247	3,257	3,236	
Wilmington		20,616	20,323	21,196	1,600.00
Wilson	3d class	3,271	3,154	3,246	
Winston	do	6,401	7,298	7,872	
OHIO.					
Ada	3d class	4,249	4,401	4,688	
Akron		31,656	45,923	38,600	1,380.00
Alliance	3d class	7,295	7,406	7,861	
Ashland	do	5,436	5,605	6,078	
Ashtabula	do	6,704	6,868	7,269	
Athens	do	5,209	4,739	5,635	
Barnesville	do	3,644	3,767	3,801	
Bellaire		7,856	7,853	8,721	400.00
Bellefontaine	3d class	6,484	6,580	6,918	
Bellevue	do	3,882	3,904	4,364	
Berea	do	2,905	2,745	3,643	
Bowling Green	do	2,304	2,491	3,098	
Bridgeport	do	2,302	2,424	3,166	
Bryan	do	4,404	4,284	4,900	
Bucyrus	do	7,071	6,968	7,663	
Cadiz	do	3,333	3,289	3,546	
Cambridge	do	5,639	5,352	5,749	
Canton		23,999	26,254	30,321	1,000.00
Cardington	3d class	3,007	3,083	3,187	
Chillicothe		13,263	13,182	13,955	1,000.00
Cincinnati		595,762	623,945	654,262	G. B.
Circleville	3d class	6,921	6,975	7,457	
Cleveland		296,668	309,025	344,052	G. B.
Clyde	3d class	3,650	3,492	3,336	
Columbus		114,177	120,929	132,727	G. B.
Conneaut	3d class	3,877	4,239	4,043	
Coshocton	do	3,403	4,091	4,367	
Cuyahoga Falls	do	2,996	2,983	3,461	
Dayton		66,187	68,729	75,480	2,950.00
Defiance	3d class	6,867	7,393	7,960	
Delaware		12,260	12,605	12,280	500.00
Delphos	3d class	3,630	3,769	3,889	
East Liverpool		8,690	8,495	10,688	725.00
Eaton	3d class	3,199	3,290	3,641	
Elyria		8,093	8,398	9,122	650.00
Findlay		7,138	7,147	11,150	500.00

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
OHIO—continued.					
Fostoria	3d class	$5,658	$6,024	$6,913	
Fremont		7,639	7,940	8,538	$400.00
Galion	3d class	5,955	6,663	6,511	
Gallipolis	do	5,984	6,522	7,062	
Geneva	do	4,117	4,077	4,261	
Greenfield	do	3,042	2,852	3,095	
Greenville	do	5,384	5,654	6,426	
Hamilton		15,265	15,522	17,222	600.00
Hillsborough	3d class	4,685	5,255	5,776	
Hiram	do	3,012	3,369	3,679	
Ironton		7,141	7,658	9,082	380.00
Jackson	3d class	3,921	3,641	4,140	
Kent	do	3,841	3,978	4,341	
Kenton		6,277	7,222	8,197	1.00
Lancaster	3d class	8,039	7,630	7,960	
Lebanon	do	5,813	5,653	6,162	
Lima		11,920	13,205	17,243	1,600.00
Logan	3d class	3,442	3,613	3,862	
London	do	4,017	4,260	4,610	
Mansfield		25,117	23,825	25,444	1,150.00
Marietta		8,758	9,036	11,120	400.00
Marion		6,567	7,766	8,464	400.00
Martin's Ferry	3d class	2,554	2,731	3,238	
Marysville	do	3,807	4,227	4,425	
Massillon		9,560	9,054	10,287	1.00
Medina	3d class	4,203	3,934	4,382	
Miamisburgh	do	2,582	2,813	3,212	
Middletown		12,352	12,410	11,422	400.00
Mount Vernon		9,785	9,404	10,709	500.00
Napoleon	3d class	2,818	3,079	3,213	
National Military Home.	do	3,556	3,656	3,438	
Newark		13,175	13,377	13,865	700.00
New Lisbon	3d class	3,468	3,585	3,641	
New Philadelphia	do	4,724	4,741	4,999	
Norwalk		9,323	9,120	10,506	550.00
Oberlin		9,246	9,006	9,187	350.00
Oxford	3d class	3,274	3,404	3,719	
Painesville		11,475	12,872	13,802	275.00
Piqua		9,393	10,733	11,929	720.00
Pomeroy	3d class	3,547	3,480	3,494	
Portsmouth		11,292	11,640	12,587	300.00
Ravenna	3d class	5,926	6,093	6,111	
Salem		9,548	10,033	11,261	2.00
Sandusky		17,120	17,208	17,440	G. B.
Shelby	3d class	3,000	3,111	3,095	
Sidney		7,404	8,262	8,444	500.00
Springfield		54,107	62,374	65,482	2,200.00
Steubenville		13,185	12,723	14,192	900.00
Tiffin		10,181	10,570	10,516	500.00
Toledo		122,990	114,547	116,934	G. B.
Troy		8,797	8,516	9,967	600.00
Upper Sandusky	3d class	4,421	4,759	5,272	
Urbana		9,391	9,326	9,908	300.00
Van Wert	3d class	6,151	6,414	6,566	
Wapakoneta		3,139	3,355	3,837	
Warren		9,374	9,543	10,118	650.00
Washington C. H	3d class	8,154	7,303	*8,105	
Wauseon	do	3,373	3,270	3,459	
Wellington	do	5,469	5,139	5,220	
Wellsville	do	4,101	4,154	5,012	
West Liberty	do	2,195	2,317	3,305	
Wilmington	do	4,346	4,366	4,906	
Wooster		9,464	10,224	11,397	600.00
Xenia		11,113	10,840	11,315	400.00
Youngstown		17,963	19,414	23,099	1,200.00
Zanesville		22,469	24,819	27,667	800.00
OREGON.					
Albany	3d class	3,419	3,542	4,351	
Astoria	do	6,488	6,177	7,338	
Baker City	do	3,195	3,662	3,864	
Corvallis	do	3,053	3,137	3,682	
East Portland	do	3,542	3,493	3,754	
Eugene City	do	2,984	3,192	3,644	
Pendleton	do	3,393	3,535	4,459	
Portland		66,307	68,888	78,758	G. B.
Salem		9,657	10,348	11,543	1.00
The Dalles	3d class	4,823	5,073	6,207	
PENNSYLVANIA.					
Allegheny		38,424	43,478	53,144	1,300.00
Allentown		21,156	20,931	23,398	1,300.00
Altoona		17,140	17,916	20,416	900.00
Ashland	3d class	3,824	3,972	4,417	
Athens	do	3,235	3,573	3,629	
Beaver Falls		8,938	10,234	10,556	400.00
Bedford	3d class	4,034	4,150	4,286	
Bellefonte	do	7,289	6,983	7,637	
Bethlehem		10,440	11,156	11,763	700.00
Bloomsburgh	3d class	4,360	5,436	6,275	
Braddock	do	3,743	4,209	4,573	
Bradford		22,152	23,319	20,299	800.00
Bristol	3d class	4,640	6,849	5,822	
Brookville	do	4,177	4,065	4,635	
Brownsville	do	2,937	2,764	3,084	
Bryn Mawr	do			3,370	
Butler	do	5,726	6,322	6,759	
Carbondale	do	4,878	5,197	5,939	

*Receipts, adjustment March 31, 1887, amounted to only $7,272.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30— 1885.	1886.	1887.	Annual allowance for rent.
PENNSYLVANIA—continued.					
Carlisle		$11,020	$10,209	$10,729	$200.00
Catasauqua	3d class	2,979	3,180	3,459	
Chambersburgh		10,285	11,354	11,350	350.00
Chester		13,674	13,972	15,499	500.00
Clarion	3d class	2,784	3,116	3,449	
Clearfield	do	4,882	4,817	5,168	
Coatesville	do	4,855	4,950	5,100	
Columbia	do	6,354	7,288	7,263	
Connellsville	do	4,683	4,567	5,130	
Conshohocken	do	2,903	3,206	3,511	
Corry		9,764	9,444	10,415	350.00
Danville		6,290	7,208	8,120	500.00
Doylestown	3d class	4,388	4,283	4,726	
Du Bois	do	4,366	4,464	4,780	
Easton		21,161	20,725	21,779	1,100.00
Erie		37,525	37,994	41,188	1,000.00
Franklin		9,801	10,059	10,934	350.00
Gettysburgh	3d class	4,701	4,784	5,422	
Greensburgh	do	6,259	6,471	7,834	
Greenville	do	5,677	6,008	6,280	
Hanover	do	4,220	4,157	4,625	
Harrisburg		68,306	44,189	72,310	G. B.
Hazleton		8,667	10,736	11,131	975.00
Hollidaysburgh	3d class	4,170	4,214	4,541	
Honesdale	do	5,998	5,861	6,446	
Houtzdale	do	3,140	2,879	3,312	
Huntingdon		9,971	11,571	10,616	250.00
Indiana	3d class	5,785	6,078	6,519	
Irwin	do	2,659	2,990	3,358	
Johnstown		13,044	13,955	15,502	750.00
Kingston	3d class	2,755	2,983	3,154	
Kittanning	do	4,826	4,502	5,212	
Lancaster		33,622	32,975	36,497	2,000.00
Latrobe	3d class	3,436	3,933	4,023	
Lebanon		12,107	13,353	14,930	1,000.00
Lewisburgh	3d class	5,619	5,589	5,714	
Lewistown	do	5,311	5,341	5,972	
Lock Haven		10,177	9,743	10,318	600.00
McKeesport		7,840	8,641	10,806	400.00
Mahanoy City	3d class	5,125	5,132	5,701	
Marietta	do	2,681	2,815	3,026	
Mauch Chunk	do	6,536	6,873	7,446	
Meadville		16,280	15,192	16,817	1,000.00
Mechanicsburgh	3d class	5,539	5,289	5,687	
Media	do	5,429	5,764	5,878	
Mercer	do	4,312	4,238	4,424	
Middletown	do	3,640	3,640	4,091	
Milton	do	5,207	5,428	6,009	
Monongahela City	do	3,811	3,017	3,220	
Montrose	do	4,188	4,213	4,272	
Mount Pleasant	do	3,056	3,125	3,926	
Muncy	do	2,759	2,812	3,200	
Nanticoke	do	2,495	3,259	3,621	
New Brighton	do	4,094	4,120	4,292	
New Castle		10,876	12,156	13,293	700.00
Norristown		11,983	12,127	13,530	1,000.00
Oil City		11,862	12,324	13,645	350.00
Oxford	3d class	3,128	3,098	3,300	
Philadelphia		1,544,920	1,611,147	1,748,795	G. B.
Philipsburgh	3d class	5,435	5,117	5,958	
Phœnixville	do	5,526	5,524	6,224	
Pittsburgh		320,500	330,303	368,376	G. B.
Pittston		10,004	9,916	11,485	500.00
Plymouth	3d class	4,461	4,547	5,088	
Pottstown		7,114	7,836	10,208	800.00
Pottsville		14,331	14,831	15,367	650.00
Reading		39,944	43,147	47,396	1,300.00
Renovo	3d class	3,450	3,336	3,716	
Ridgway	do	3,406	3,884	4,073	
Rochester	do	2,229	3,331	3,326	
Scottdale	do	2,551	2,811	3,315	
Scranton		38,255	39,107	44,257	2,140.00
Sewickley	3d class	3,019	3,354	3,393	
Shamokin	do	7,025	7,014	7,563	
Sharon	do	6,746	6,908	7,492	
Shenandoah	do	5,537	5,997	6,592	
Shippensburgh	do	3,837	3,666	3,795	
South Bethlehem	do	4,159	4,351	4,983	
Steelton	do	3,131	3,669	4,623	
Stroudsburgh	do	3,604	3,767	4,878	
Sunbury	do	5,654	5,619	6,130	
Susquehanna	do	3,872	4,097	4,439	
Tamaqua	do	3,009	3,412	3,322	
Titusville		14,840	15,223	15,957	700.00
Towanda		8,448	8,344	8,178	700.00
Troy	3d class	3,218	3,026	3,222	
Tunkhannock	do	2,986	2,781	3,023	
Tyrone	do	6,609	5,973	6,560	
Union City	do	3,079	3,359	3,278	
Uniontown	do	5,985	5,565	6,334	
Warren		14,634	15,146	18,043	1,000.00
Washington		8,624	9,574	10,843	
Waynesborough	3d class	5,884	4,242	6,109	
Waynesburgh	do	3,115	3,065	3,262	
Wellsborough	do	4,341	4,359	4,727	
West Chester		14,183	14,018	15,450	850.00
West Grove	3d class	6,017	7,419	6,616	
West Newton	do	2,457	2,219	3,089	
Wilkes Barre		25,302	25,752	30,257	1,100.00
Williamsport		28,382	32,715	31,925	860.00
York		23,907	23,751	25,328	800.00

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1886.	1386.	1887.	
RHODE ISLAND.					
Bristol	3d class	$4,386	$4,762	$5,131	
Central Falls	do	5,070	4,234	5,094	
East Greenwich	do	4,239	4,505	4,675	
Newport		27,164	27,267	28,476	G. B.
Olneyville	3d class	5,012	6,211	6,535	
Pawtucket		19,392	22,072	23,530	$1,250.00
Providence		175,205	185,259	199,526	G. B.
Warren	3d class	2,813	2,839	3,100	
Westerly		9,039	10,278	10,672	500.00
Woonsocket		10,947	11,579	12,640	500.00
SOUTH CAROLINA.					
Aiken	3d class	3,438	3,379	3,816	
Anderson C. H	do	2,995	3,189	3,500	
Beaufort	do	3,220	3,459	3,591	
Charleston		65,519	63,800	66,240	G. B.
Columbia		16,040	16,125	16,453	G. B.
Greenville C. H		7,805	8,204	8,369	250.00
Newberry C. H	3d class	4,153	3,884	3,786	
Orangeburgh C. H	do	2,871	2,674	3,029	
Spartanburgh C. H	do	5,351	5,433	5,417	
Sumter C. H	do	3,774	3,770	4,118	
TENNESSEE.					
Bristol	3d class	4,447	4,501	4,631	
Chattanooga		30,859	32,789	45,789	5.00
Clarksville		7,819	8,150	9,081	200.00
Cleveland	3d class	2,377	2,541	3,109	
Columbia	do	6,510	6,569	6,654	
Franklin	do	2,491	2,473	3,009	
Gallatin	do	2,636	2,835	3,129	
Jackson	do	6,511	6,554	7,361	
Knoxville		33,999	34,044	37,114	G. B.
Lebanon	3d class	3,357	2,993	3,315	
Memphis		81,766	90,441	103,067	G. B.
Murfreesborough	3d class	4,155	4,102	4,869	
Nashville		97,145	92,039	99,318	G. B.
Pulaski	3d class	3,258	2,958	2,512	
Shelbyville	do	3,080	2,888	3,551	
Union City	do	3,941	3,831	4,182	
TEXAS.					
Abilene	3d class	5,228	5,813	4,782	
Austin		32,048	30,001	34,585	G. B.
Beaumont	3d class	2,883	3,221	3,450	
Belton	do	5,001	5,192	5,661	
Bonham	do	3,587	3,790	4,264	*1.00
Brenham	do	5,721	5,682	5,770	
Brownsville	do	3,019	3,038	3,123	
Brownwood	do	2,243	3,839	3,485	
Bryan	do	3,879	4,010	4,111	
Clarksville	do	2,442	2,465	3,893	
Cleburne	do	4,811	4,978	5,154	
Colorado	do	5,120	5,241	4,957	1.00
Corpus Christi	do	3,832	3,654	4,305	
Corsicana	do	5,888	6,917	7,875	
Dallas		41,736	46,861	58,982	300.00
Denison		9,802	9,861	14,037	120.00
Denton	3d class	3,871	3,641	4,034	
El Paso		10,081	12,222	13,556	600.00
Ennis	3d class	2,889	3,217	3,416	
Fort Worth		26,515	26,831	27,523	
Gainesville		7,726	7,262	8,698	12.00
Galveston		59,391	56,338	56,129	G. B.
Georgetown	3d class	3,178	3,264	3,660	
Greenville	do	3,577	3,961	4,950	
Hillsborough	do	2,666	3,122	3,725	
Honey Grove	do	2,350	2,599	3,608	
Houston		33,300	33,007	33,553	900.00
Huntsville	3d class	3,450	3,338	3,934	
Jefferson	do	3,773	3,744	3,403	
Lampasas	do	5,038	5,863	5,076	
Laredo	do	5,456	4,940	5,100	
Longview	do	2,628	2,531	3,055	
McKinney	do	3,559	3,714	4,109	
Marshall	do	6,746	6,711	7,736	
Mexia	do	2,733	3,019	3,394	
Palestine	do	10,478	6,914	5,323	
Paris		7,067	7,706	9,270	240.00
San Angelo	3d class	3,203	3,719	3,709	
San Antonio		32,583	32,067	34,415	1,000.00
San Marcos	3d class	2,840	3,112	3,067	
Sherman		10,546	10,487	11,717	360.00
Taylor	3d class	2,831	2,918	3,387	
Temple	do	3,560	3,387	5,266	
Terrell	do	3,860	4,464	4,775	
Tyler	do	5,443	6,015	6,508	
Victoria	do	4,202	3,893	3,825	
Waco		17,295	19,209	22,477	550.00
Waxahachie	3d class	3,432	3,856	4,210	
Weatherford	do	5,571	5,939	5,473	
UTAH.					
Ogden City		11,143	11,832	16,337	720.00
Park City	3d class	3,303	3,643	3,745	
Salt Lake City		33,591	32,952	35,946	1,200.00

* Lease, act 1885–'86.

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
VERMONT.					
Barre	3d class	$3,304	$4,001	$5,112	
Bellows Falls	do	6,757	6,790	7,088	
Bennington	do	4,910	5,384	6,013	
Bradford	do	4,392	3,903	3,598	
Brandon	do	3,385	3,593	3,709	
Brattleborough		15,253	14,378	14,433	$650.00
Burlington		26,515	29,300	32,912	G. B.
Fair Haven	3d class	3,336	3,750	4,049	
Middlebury	do	4,219	4,231	4,343	
Montpelier		11,289	11,221	11,589	850.00
Newport	3d class	2,813	2,967	3,060	
Poultney	do	2,916	3,247	3,279	
Rutland		16,415	20,116	14,384	G. B.
St. Albans		8,536	8,602	9,775	350.00
St. Johnsbury		9,066	8,801	9,312	500.00
Springfield	3d class	3,217	3,291	3,167	
Vergennes	do	3,573	2,729	3,296	
West Randolph	do	3,078	3,261	3,515	
Windsor	do	3,136	3,146	3,199	
Woodstock	do	3,458	3,437	3,409	
VIRGINIA.					
Abingdon	3d class	3,533	3,488	3,559	
Alexandria		12,827	12,560	12,459	G. B.
Charlottesville	3d class	6,854	6,723	6,920	
Danville		12,451	14,022	13,294	G. B.
Farmville	3d class	2,770	3,193	3,122	
Fortress Monroe	do	3,509	3,293	3,384	
Fredericksburgh	do	5,510	5,593	5,972	
Gordonsville	do	2,684	2,168	3,036	
Hampton	do	4,421	4,822	5,271	
Harrisonburgh	do	3,914	3,747	3,900	
Leesburgh	do	2,716	2,848	3,112	
Lexington	do	4,634	4,420	4,623	
Liberty	do	4,111	4,000	4,418	
Lynchburgh		27,003	27,723	28,493	700
Norfolk		43,260	45,913	47,056	G. B.
Petersburgh		17,794	19,678	20,328	G. B.
Portsmouth	3d class	7,384	7,389	7,793	
Richmond		112,410	113,045	116,708	G. B.
Roanoke		8,198	7,601	9,626	400
Salem	3d class	3,543	3,329	3,452	
Stanton		14,428	13,835	14,817	400
Suffolk	3d class	3,287	3,034	3,607	
University of Virginia.	do	3,020	2,883	3,448	
Warrenton	do	2,974	3,482	3,866	
Winchester	do	7,017	7,121	7,643	
Wytheville	do	3,269	3,266	3,539	
WASHINGTON.					
Colfax	3d class	3,585	4,113	4,618	
Dayton	do	2,929	3,238	3,320	
Ellensburgh	do			3,951	
Olympia	do	3,639	3,848	3,879	
Port Townsend	do	2,667	2,947	3,432	
Seattle		14,076	13,349	16,805	600.00
Spokane Falls		5,731	6,519	9,279	420.00
Tacoma		9,111	8,894	10,990	300.00
Walla Walla		9,006	9,367	9,421	500.00
WEST VIRGINIA.					
Charleston		8,455	10,716	12,581	
Charlestown	3d class	3,726	3,745	4,040	
Clarksburgh	do	4,240	4,254	4,613	
Grafton	do	2,989	3,170	3,259	
Huntington	do	4,587	4,695	5,521	
Martinsburgh	do	5,741	6,055	6,286	
Parkersburgh		11,554	11,798	13,457	G. B.
Piedmont	3d class	2,504	2,505	3,090	
Wheeling		41,223	38,450	42,600	G. B.
WISCONSIN.					
Antigo	3d class	2,806	2,981	*3,487	
Appleton		12,959	13,647	13,191	600.00
Ashland		5,555	6,067	9,522	600.00
Baraboo	3d class	5,613	6,921	6,336	
Beaver Dam	do	4,566	4,767	4,533	
Beloit		9,817	9,911	10,420	800.00
Berlin	3d class	4,749	5,017	4,986	
Black River Falls	do	3,268	3,389	4,000	
Chippewa Falls		8,340	8,175	8,972	400.00
Columbus	3d class	2,715	2,929	4,969	
Delavan	do	3,402	3,537	3,997	
Eau Claire		16,602	16,467	17,043	1,500.00
Fond du Lac		15,004	15,464	15,896	1,100.00
Fort Atkinson	3d class	3,970	3,917	4,702	
Green Bay		8,597	9,181	10,642	300.00
Hudson	3d class	4,286	4,072	4,385	
Janesville		16,295	16,965	17,861	1,100.00
Jefferson	3d class	3,302	3,681	3,430	
Kenosha	do	5,792	6,046	6,382	
La Crosse		23,115	26,039	29,769	1,600.00
Lake Geneva	3d class	3,744	3,756	3,969	
Madison		25,263	26,155	30,141	G. B.
Manitowoc	3d class	6,402	6,256	6,851	
Marinette	do	5,702	5,683	6,952	

Gross receipts which accrued at Presidential post-offices, etc.—Continued.

Office and State.	Class.	Fiscal year ended June 30—			Annual allowance for rent.
		1885.	1886.	1887.	
WISCONSIN—cont'd.					
Mauston	3d class	$2,137	$3,155	$3,563	
Menasha	do	2,948	3,124	3,449	
Menomonee	do	4,771	4,781	4,896	
Merrill	do	3,785	4,061	4,772	
Milwaukee		252,224	255,705	274,040	G. B.
Mineral Point	3d class	3,140	3,176	3,054	
Monroe	do	4,417	4,544	4,980	
Neenah	do	5,768	5,927	5,845	
Neillsville	do	3,232	3,335	3,235	
Oconomowoc	do	3,268	3,464	3,669	
Oconto	do	3,659	3,465	3,779	
Oshkosh		20,923	21,378	23,157	$1,200.00
Platteville	3d class	3,224	3,268	3,498	
Portage	do	5,086	5,498	5,718	
Racine		24,225	24,255	26,827	1,160.00
Ripon	3d class	4,851	4,917	4,812	
River Falls	do	3,186	3,088	3,274	
Sheboygan		8,409	9,474	10,419	600.00
Sparta	3d class	5,111	5,180	5,240	
Stevens' Point	do	5,919	6,803	6,730	
Stoughton	do	3,208	3,701	3,800	
Watertown		7,307	7,857	8,192	500.00
Waukesha		8,135	8,067	8,713	400.00
Waupaca	3d class	2,706	2,921	3,124	
Waupun	do	3,654	3,729	3,668	
Wausau	do	7,796	7,607	7,464	
White Water	do	6,614	6,724	7,152	
WYOMING.					
Cheyenne		15,300	16,181	16,805	4.00
Evanston	3d class	3,041	3,530	4,167	
Laramie City		5,827	6,742	7,943	*4.00
Rawlins	3d class	3,166	3,686	4,177	

* Lease, act 1885–'86.

Mr. BLOUNT. I yield ten minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I do not want to occupy one moment of time in any manner which may jeopardize the passage of this bill, because I believe that to the country itself and the post-office interests of the country this is one of the most important measures which has been brought before Congress. The objection is made to this bill that in our large cities the maximum amount allowed for the purchase of a site is not sufficient; that for $5,000 a sufficient amount of ground for the erection of a suitable post-office building can not be obtained in any of our large cities. In reply to this objection, I say, in the first place, that those large cities where the gross receipts are above $25,000 have been already provided with public buildings, or there are special bills now pending for that purpose.

Mr. STRUBLE. But with very poor prospect of passage in many instances.

Mr. PETERS. I concede that such is the case in many instances. Still, the object of this bill is to provide for the construction of public buildings in the country districts, in the villages and smaller cities, where the post-office receipts exceed $3,000 per annum and where it is desirable that the majesty of the Government should be represented by a suitable building, and where it is also important as a matter of business accommodation to the public.

Now, looking at this matter in a business light, the Government now pays an annual rental of $584,609 for post-office accommodations; and the interest at 3 per cent. on the money required to erect post-office buildings in all these 1,433 cities would amount to only $532,000.

Mr. WHITE, of Indiana. To towns of what population do you contemplate the provisions of this bill will apply?

Mr. PETERS. The question is not regulated by the population, but by the gross receipts of the post-office.

Mr. WHITE, of Indiana. But the population of these cities must be a basis on which you work.

Mr. PETERS. No, sir; we do not work upon the basis of population.

Mr. LIND. As a rule a town in the North having a population in excess of 3,000 will have post-office receipts exceeding in gross the requirements of this bill.

Mr. PETERS. I do not yield any further. In reply to the gentleman from Indiana [Mr. WHITE] I will say that in our preparation of bills on this question, and in the consideration of whatever bills have been passed by this House, we have proceeded, not upon the basis of population, but upon the basis of business done at the particular place—Government business of the Post-Office Department, Government business in the United States courts, Government business in the Land Department, etc. The basis of population is not a fair basis on which to proceed, because in many instances the gross receipts at the post-office in a town of small population will exceed the gross receipts of a town having twice the number of population, the population in the latter city being of a rural or resident character and not a business population.

The Government, by making the investment proposed under the provisions of this bill, will save money. I confess I feel an interest in this bill, because it is in line with a bill which I introduced in the Forty-ninth Congress. I believe I can say I have the honor of having introduced in this House the first bill indicating the general policy embraced in the present measure. In doing so I was influenced by the fact that in a large number of rural towns the Government is now renting buildings insufficient for the dispatch of the Government business, and there is nothing there in the shape of a building representing the majesty of the Government.

I know it is said that the question of receipts in the large cities must control, and control largely, this matter. But I beg leave to say that every rural hamlet in the United States contributes to the gross receipts of the postal business in all the large cities.

Take the city of New York, for instance. Of course the gross receipts in the post-office at the city of New York are very large, but every hamlet within the wide borders of the United States contributes its share to those gross receipts. And the same is true with reference to the gross receipts of the post-offices at the city of Philadelphia, at the city of Chicago, and all the other great cities of the United States. The rural hamlets and towns, by the operation of their industrial pursuits and business employments, contribute to swell the receipts of the post-offices in the larger cities of the country.

Now, in all the large cities and towns of the country we have provided large buildings, affording ample accommodation for the transaction of our postal business. Those buildings are commensurate with the business which they are required to transact, and furnish the facilities which are required for the necessary and orderly dispatch of that business. But in the small cities and towns throughout the country there is nothing provided except rented buildings, furnishing entirely inadequate accommodation in most instances. It is not the proper way in which this great Government should transact its postal business, in which the citizens of all classes and all parts of the country are most deeply interested.

It seems to me, therefore, Mr. Speaker, taking any view of the subject you please, this bill is one which ought to pass.

There is another point. It not only provides the needed accommodation for the transaction of the postal business of the country, but the erection of these public buildings will distribute throughout the country, through all the avenues of trade, in the country where these public buildings are to be erected, the money which we appropriate for that purpose, thereby giving employment to unemployed labor and stimulating industry in all parts of the country. There are now a great many unemployed laborers, and by passing this bill we will do something in the distribution of this money among the people to give employment to this unemployed labor, and at the same time we will stimulate the industries of the country in a way to produce only the very best results. [Here the hammer fell.]

Mr. BLOUNT. I ask, by unanimous consent, that the debate on the pending bill be closed, as it will be taken up by clauses for amendment.

Mr. ROGERS. I desire to be heard briefly.

Mr. BLOUNT. Certainly, I will yield to the gentleman. How much time does he desire?

Mr. ROGERS. Not more than fifteen minutes, and I may not even take that time.

Mr. BLOUNT. I will yield to the gentleman for fifteen minutes.

Mr. ROGERS. Mr. Speaker, the gentleman who opened the discussion spoke of this as an important measure. It is an important measure; it is widespead in its importance.

It is well, when we are about to embark on a new sea of this character, to pause for a moment and take our bearings to see what our ancestry and our fathers thought of the exercise of the power conferred upon this department. Judge Story, in his second volume on the Constitution of the United States, paragraph 1536, made use of this language:

> The heads of Departments are, in like manner, generally entitled to the appointment of the clerks in their respective offices. But the great anomaly in the system is the enormous patronage of the Postmaster-General, who is invested with the sole and exclusive authority to appoint and remove all deputy postmasters; and whose power and influence have thus, by slow degrees, accumulated, until it is, perhaps, not too much to say that it rivals, if it does not exceed, in value and extent that of the President himself. How long a power, so vast and so accumulating, shall remain without any check on the part of any other branch of the Government, is a question for statesmen and not for jurists. But it can not be disguised that it will be idle to impose constitutional restraints upon high executive appointments if this power, which pervades every village of the Republic, and exerts an irresistible, though silent, influence in the direct shape of office, or in the no less inviting form of lucrative contracts, be suffered to remain without scrutiny or rebuke. It furnishes no argument against the interposition of a check, which shall require the advice and consent of the Senate to appointments, that the power has not hitherto been abused.
>
> In its own nature, the post-office establishment is susceptible of abuse to such an alarming degree; the whole correspondence of the country is so completely submitted to the fidelity and integrity of the agents who conduct it; and the means of making it subservient to mere State policy are so abundant, that the only surprise is that it has not already awakened the public jealousy and been placed under more effectual control. It may be said, without the slightest disparagement of any officer who has presided over it, that if ever the people are

to be corrupted, or their liberties are to be prostrated, this establishment will furnish the most facile means and be the earliest employed to accomplish such a purpose.

I have read this paragraph, Mr. Speaker, for the purpose of arresting, if possible, the attention of this body. Let us look for a moment at the enormous power which this bill confers on the Post-Office Department, and in calling the attention to these provisions it is not my purpose in the slightest degree to reflect upon or detract from the integrity, ability or good faith of the presiding officer over that Department. Men pass away and administrations pass away, but power once lodged into control of one of these Departments is rarely ever surrendered.

And the very indorsement placed upon the bill to-day is the recommendation of the ex-Postmaster-General. It comes with his indorsement; it comes here begging for additional money, begging for additional power, to be placed absolutely under the control of that Executive Department of the Government.

Mr. SENEY. Is it under the control of the present Postmaster-General, or will it be under the control of his successor?

Mr. ROGERS. I would rather not be interrupted now.

Looking at the first section, the very first movement we find is the creation of a new bureau for which there is no present necessity. Already in the Treasury Department there is a bureau with an organization, with a superintendent, and with subordinate officials under him for this very purpose. There is an established corps already competent and able to do the work, and you will permit me to say that without having given careful and full investigation to the management of that office at any time, I have always believed and yet believe that if there is one of all the bureaus of the Government that requires reorganization it is this one, and I say this without intending any reflection at all upon the present presiding officer in charge, for I have had practically nothing to do with it since he has been at the head of the bureau.

That is the first thing we find in the bill—the organization of another great bureau, for which there is no necessity, with another head and a high salary, with a corps of subordinate salaried officials, with the creation of an immense establishment of persons under it, and officials scattered all over the country, into every State, and into every Congressional district. That, sir, is the first step. Why not let the authority rest where it properly belongs, with the Architect of the Treasury? What is the necessity for such a change as this bill contemplates? But the third section of the bill is still more objectionable, infinitely more so, in fact, than the first section. It provides—

That the Postmaster-General is authorized from time to time to construct, in his discretion, post-office buildings, etc.

Let us pause here for a moment and examine what is proposed by this section. "Shall construct, in his discretion, post-office buildings." Let us assume, sir, that some man not very scrupulous had found his way to the head of the Post-Office Department, and was himself a candidate for the Presidency or for the Vice-Presidency of the Republic. Let us suppose his success in a pending election depended upon one district or two districts or depended upon one State or two States. Yet under that condition of things you have placed by the terms of this bill $2,000,000, if I recollect aright, at least you propose here to say that he shall exercise control over a vast sum of money, and put it in the hands of a man whose election may depend upon the expenditure of that money where it will do the most good. Is that a wise measure of legislation? With the warning of Judge Story before us, of the enormous powers of that great Department already exercised, are we ready and willing to embark now in a scheme which is to place more millions of dollars in the control of one single Department and one single man at the head of the Department; place it in the hands of an officer who himself may be an aspirant to the highest or the second highest office within the gift of the people, with power in his discretion to construct public buildings wherever he pleases, keeping within the provisions of this law?

I say, sir, that the adoption and passage of this bills, anctioned as it is by the Department and indorsed by the Committee on the Post-Office and Post-Roads, involves a danger to the Republic, a danger to the liberties of the people, a danger to fair elections, and to the just administration of the laws, and is pernicious in its effects upon good government in this country.

Mr. Speaker, I had not the remotest idea that this bill was to be considered to-day. I have taken no steps to investigate its full scope, and have had no opportunity to criticise its provisions. We are called upon to act on it this morning in the morning hour without notice or opportunity to investigate or deliberate upon its provisions. I had determined, in the discharge of what I conceived to be a high public duty, to invite the attention of the House of Representatives and of the country to the fact that we are embarking upon an entirely new field, that we are entering a field that involves the expenditure of millions upon millions of public money.

Take my own district, for instance, situated far in the Southwest, and yet, familiar as I am with it, I could not tell you under the provisions of this bill what number of public buildings are to be constructed in a single year under the operation of law. Take some great State of the Union pending an election, and suppose it was a close State, a doubtful State whose vote would decide a national election. Two millions of money are placed in the hands of the Postmaster-General. One hundred towns in that State receive the benefits of the bill and this money is expended absolutely under his discretion. He alone is to determine when, where, and how it shall be expended and what buildings are to be erected. Can it be possible that our Government, with this enormous power in the hands of one Department, already wielding more than three times the power of any other Department of the Government, can place temptation of this character in the hands of any public official, tempting him to abuse a great public trust imposed in him by the people and corrupt a State or district, to overturn the will of the people in the exercise of the lawful power conferred upon him by the Congress of the United States?

Mr. Speaker, for one, cherishing the individual liberty of the citizen, cherishing the purity of the ballot-box, cherishing the great maxim handed down to us from our great forefather, that "eternal vigilance is the price of liberty," cherishing the Constitution derived from our forefathers, I stand here to-day, if I stand alone, in this House to enter my solemn and earnest protest against the enactment of any such law as this. [Applause.]

I would keep the expenditure of the people's money under the specific direction of the people's representatives. I would confide this enormous power to no single individual. I would avoid the abuses and the scandals that are sure to follow. I would observe the teaching of the Divine Master, "Lead us not into temptation."

Mr. BLOUNT. I now ask unanimous consent that the general debate be considered as closed, and that the bill be read by paragraphs for debate and amendment under the five-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Clerk will report the first paragraph of the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be in the Post-Office Department one architect and superintendent of construction at a salary of $4,000 a year; one skilled draughtsman at a salary of $2,000 a year, and two skilled draughtsmen at a salary of $1,800 a year each, to be appointed by the Postmaster-General.

Mr. ROGERS. I move to strike out the whole of the first section of the bill. I do not care to be heard in advocacy of the amendment. It is the section which organizes a new bureau in the Post-Office Department.

Mr. PERKINS. Before the vote is taken I would like to ask the chairman of the Committee on Post-Offices and Post-Roads why this may not be done by the present bureau; why the Architect of the Treasury may not prepare these plans and specifications, but leave the buildings under the control of the Postmaster-General after the specifications are prepared and accepted?

Mr. BLOUNT. In relation to the buildings the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General are made a board to pass and approve them. The result is that the action of the Secretary of the Interior and the Postmaster-General has been merely *pro forma*, but they have been unable to control it, and the last Postmaster-General endeavored to do so, but found his associates unwilling to do more than follow the former practice, and the object is to put the matter in the hands of the officers in charge of this Department, with authority to control the erection of these buildings.

Mr. HENDERSON, of Iowa. I would like to ask the gentleman from Georgia a question, if he will allow me.

Mr. BLOUNT. Certainly.

Mr. HENDERSON, of Iowa. Has the committee carefully examined the question as to the saving there would be, if any, to the Government if this policy were pursued, taking into account the rent of buildings which are hired from other persons to carry on the post-office business?

Mr. BLOUNT. I will ask my colleague [Mr. ERMENTROUT] to answer that question, as he has given that matter special attention.

Mr. ERMENTROUT. I made an estimate of that. I found that at the present rent is not paid for all the post-offices; but the saving between the rent of buildings and interest on the sum which would be invested in their erection as I made the calculation would be about something over $50,000.

Mr. HENDERSON, of Iowa. So that, in the long run, it would be economy to erect these buildings?

Mr. ERMENTROUT. Unquestionably.

Mr. HENDERSON, of Iowa. Are the committee unanimous in favor of this bill?

Mr. DINGLEY. I would like to ask the gentleman from Georgia a question. If the expense for this work should be placed upon the Supervising Architect of the Treasury, would it not be nearly as great as by having it under control of the Post-Office Department?

Mr. BLOUNT. It would be about the same.

Mr. DINGLEY. There would be no increase of expenditure on that account.

Mr. BLOUNT. The officers of the Treasury are not able to keep up with the work they now have.

Mr. BURROWS. I desire to ask my friend from Georgia a question.

Mr. BLOUNT. I ask a vote on this section.

Mr. BURROWS. I see this bill provides for the construction simply of post-office buildings.

Mr. BLOUNT. That is what it provides for.

Mr. BURROWS. Suppose in a place where one of these buildings is to be erected accommodation is required for a court or custom-house which are now provided for in one building. Are you to construct a separate building?

Mr. BLOUNT. By no means. It is in the discretion of the Postmaster-General where these buildings shall be constructed, and he is restricted by certain provisions in the bill and by the appropriation.

Mr. BURROWS. Suppose a case where there is a post-office, and where there is no court or custom house, then how are you to manage?

Mr. BLOUNT. Under this bill nothing can be done but construct post-office buildings. The power, of course, will rest with Congress, as it does to-day, if it wants to make a building sufficient to accommodate a court and for other purposes, to do so.

The amendment of Mr. ROGERS to strike out the section was rejected.

The Clerk read as follows:

SEC. 2. That the Postmaster-General shall cause to be prepared by the Architect of the Post-Office Department, with the assistance of the Supervising Architect of the Treasury, who is directed to furnish his counsel and aid thereto, a design for post-office buildings, which, before being adopted, shall be approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; that such design and plans shall be so devised as to enable the construction of post-offices of such variable size as may be required at the Presidential offices, so that additions or extensions to their capacity may be constructed from time to time in the future without injury to the harmony of the design or the usefulness of the constructed portion; that such design and plans shall be of uniform general character and exterior appearance, and, so far as may be most expedient for the service to be performed in them, of interior arrangement; and that all such buildings shall be constructed with a view to being fire-proof.

An amendment, recommended by the Committee on the Post-Office and Post-Roads, inserting the words "each of" in line 20, was read.

Mr. BURROWS. Mr. Chairman, this is a very important section, and I see that the morning hour for the consideration of the bill has expired; so I hope it will go over to-day.

Mr. FARQUHAR. I desire to offer an amendment, which I send to the desk and ask to have read, so that it may be printed in the RECORD.

The CHAIRMAN. The hour for the consideration of bills having expired, the committee will rise.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCCREARY, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 3319, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River, at a point in the town of New Smyrna, in the county of Volusia and State of Florida;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia;

A bill (H. R. 9086) to authorize the construction of a bridge across the Coosa River, or bridges across the Oostenaula and Etowah Rivers, at or near Rome, Ga.;

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (H. R. 10053) making May 30 a holdiday in the District of Columbia;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama;

A bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory;

A bill (S. 734) granting a pension to James Hall;

A bill (S. 888) granting a pension to Nancy A. Cutts;

A bill (S. 2033) granting a pension to Joseph Wirth;

A bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railway in the District of Columbia;

A bill (S. 1099) for the relief of the Church of the Ascension, in the District of Columbia;

A bill (S. 1650) for the relief of Maj. Gen. W. W. Averell;

A bill (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick;

A bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law;

A bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery land;

A bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park;

A bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein;

A bill (S. 2493) to perfect the quarantine service of the United States;

A bill (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Black Warrior River, in township 21, and range 10 west;

A bill (S. 3303) relating to "An act relating to postal crimes," and amendatory of the statutes therein mentioned, approved June 18, 1888; and

A bill (S. 3365) for the erection of a public building in the city of Chicago, Ill., to be used as an appraisers' warehouse and other public purposes.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent on behalf of the Committee on the Post-Office and Post-Roads that the House proceed with the consideration of the bill to provide for post-office buildings.

Mr. ROGERS. Mr. Speaker, I very much dislike to object, but I want to examine this bill with reference to amendments, and I can not do it at this time.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill to organize the Territory of Oklahoma.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

PROPOSED TERRITORY OF OKLAHOMA.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes.

Mr. HOOKER. Mr. Chairman, the bill introduced by the Committee on Territories for the purpose of organizing and establishing a territory to be known as the Territory of Oklahoma presents, in all probability, the most singular instance of legislation upon the subject of creating Territories within the limits of the United States that has ever been presented to the consideration of the Congress of the United States. The bill itself is vague, uncertain, and indefinite as to the area which it proposes to embrace within the contemplated Territory.

In other words, Mr. Chairman, it is a bald proposition to create a territory out of lands which the Government does not own, and with the fact conceded and established by the report of the committee that there is no population on it. The bill presents a singular aspect. It is unlike any other bill that has ever been presented for the creation of a territory out of the public domain of the United States. It proposes to create a territory vast in extent, stretching over the great area of country which is embraced in the maps which the committee have submitted with the bill, although the Government of the United States does not possess a title to one foot of this land, with the exception of the very small strip known as "The Public Land Strip."

Therefore, sir, the boundaries of the Territory of Oklahoma as proposed by this bill include a vast area of country not owned by the Government of the United States, but belonging to other people. I have said that the bill itself is indefinite—indefinite in this, Mr. Chairman, that it says it will except from the operation of this act creating the proposed Territory all lands that may be occupied and owned by Indians, unless with their consent.

It proposes to embrace a vast region of country not now belonging to the Government of the United States; not territory out of which Congress has a right under its general power to create Territories, but a region which, as I have said, does not belong to the Government of the United States at all. In other words, this is a proposition in violation of the solemn treaties of the Government from 1830, when the Dancing Rabbit Creek treaty was made with the Choctaws in Mississippi, down to 1866; in violation of the solemn provisions of all those treaties with the Indians; the treaty of 1830, of 1833, of 1835, of 1855, of 1866, which last treaty it will be remembered reaffirmed all the grants made in prior treaties to all the Indian tribes named therein. This, I say, is a bold proposition to take those Indian lands and create a Territory out of them in violation, not only of all these treaties, but, as I shall proceed to show when I come to read the patents, in absolute violation of the solemn patents given by the Government of the United States to the various civilized tribes.

Mr. BAKER, of New York. And in violation of the express stipulation that they never would erect Territories around that Indian country.

Mr. HOOKER. And, as my friend from New York suggests, in vio-

lation of the express stipulation contained in the early treaties and reaffirmed in the treaty of 1866 that at no time in the future would the Government of the United States create States or Territories surrounding or adjoining the territory thus granted to the Indians.

Mr. WARNER. Let me ask the gentleman, then, was it a violation of those treaties to create the Territory of Kansas and later the State of Kansas? Were those treaties violated when Kansas was admitted, and when Texas was admitted, and when Colorado was admitted?

Mr. HOOKER. I take it for granted that the gentleman from Missouri [Mr. WARNER], who has already spoken on this subject, does not concede that those States were included, for if you will scan well his speech you will see that its main object was to show that if gentlemen had the power they would take all these grants from the Indians, including the lands held by the Creeks, the Chickasaws, the Choctaws, the Seminoles, and the Cherokees. And, Mr. Chairman, the bill of the Forty-ninth Congress, which was the parent of this one, was a bolder measure than this, because it expressly proposed to embrace all those lands.

Mr. WARNER. I interrupted the gentleman with that question simply because the suggestion of the gentleman from New York [Mr. BAKER] was that under the treaties we were bound never to create any States or Territories around any of the lands conceded to the Indians, yet nevertheless the States I mentioned have been created.

Mr. HOOKER. I think that probably was a violation of the treaties, but that is what the French call *un fait accompli*, and the gentleman is a representative of one of those States and yet he is not satisfied.

Mr. WARNER. If the gentleman will pardon me, I represent a State that was admitted before that time.

Mr. HOOKER. You represent Missouri, but you are speaking for persons who represent those States.

Mr. WARNER. No; they speak for themselves.

Mr. HOOKER. The fact can not be concealed that this attempt to create a Territory in this manner is in gross violation of every one of the treaties to which I have referred and of solemn patents executed by the Government in binding form conveying these titles in fee-simple to the various semi-civilized tribes that I have mentioned.

It can not be denied that the object of this bill is to take from these Indians and constitute into a Territory of the United States the very land which, by the most solemn form of conveyance known to the law, the patent of the Government, has been given to these Indians. In other words, the gentleman who represents this committee as its chairman, and gentlemen who favor this proposition, not satisfied with the vast and illimitable domain of the United States, so well referred to in the table submitted by my friend from New York [Mr. BAKER] in his able speech of the other day; not satisfied with that, you are like the greedy Roman of whom Horace spoke, who, in the days of the decadence of the Roman Empire, not satisfied with his own vast possessions, said, "*Ille angulus placet mihi præter omnia*"—"That little corner of my neighbor's land pleases me better than all my vast estates."

In this spirit gentlemen say, "We want the lands which the Indians occupy; we need it; we intend to have it." Though you have had the Army of the United States at the frontier for years and years excluding from Oklahoma the intruders upon that territory; though while Captain Payne was alive as the leader of the marauders, you had the Army of the Government stationed upon the frontier protecting that territory, under the policy not only of this Administration but of former administrations, the whole power of the Government being invoked for that protection, you now propose absolutely, by the terms of the bill of the committee, to take from these Indians by law that territory the possession of which by them you have arrayed your whole Army to protect. Nothing more and nothing less than this is the proposition. You deal with the Indians with a hand of steel, but you put on gloves of velvet. You talk about protecting and guarantying their rights; yet this bill can not become a law nor this proposed territory have an existence except by an act of Punic faith of which I hope the Government of the United States will never be guilty toward the weak wards whom it has taken under its protection.

Sir, the history of the world has pointed to the subjugation and partition of Poland as a national crime by the great powers that perpetrated it, a crime which will stand as a blot upon the civilization of the age which witnessed that bold robbery and desolation of an entire people. Yet the partition of Poland was a venial offense in comparison with that act of Punic faith which this bill proposes the Government of the United States shall commit in regard to these Indians. The Poles were allowed at least to die with arms in their hands, but here by solemn treaties with these Indians you have given them this land; you have made it theirs. When Jackson consummated the treaties with them he said to them, speaking to them in that beautiful figurative language which the Indian so well understands (for all his expressions are taken from objects of nature): "This land shall be yours as long as the grass grows and the water flows."

Are you going back on this solemn asseveration of your great Presipent, the iron-handed and iron-hearted Jackson? Are you going back on the solemn patents of your own Government? Are you going back on the solemn treaties which you have made with these people? Yes, if you pass this bill, you are. And I say that you are committing a robbery upon these people. While you are professing friendship for them, you are crushing them with a hand of iron as palpably as the four walls of the dungeon invented by despotism closed upon its victim by invisible springs until he was crushed to death.

You have acquired from the Indians the vast empire out of which many of the States of this Union have been formed—aye, indeed, Mr. Chairman, have you not acquired this whole country from the Indian? For there was a time when they owned all this vast territory. They have conceded to you everything. They have retreated before the tide of civilization from the eastern coast, and now they are met by the tide of civilization coming from the Pacific coast. You acquired from them all this vast empire, forming now thirty-eight States, each in its own magnificence supporting the grand entablature of the Union which spans the continent from ocean to ocean.

You got it all from them. You got it by solemn treaty. You created States out of it. They gave it to us upon the most solemn conditions which the Government could make. It is said when we litigate among ourselves, we white people, the man who can trace his title back to the patent of the Government has that basis for his right of possession which is entitled to the greatest respect. Yet you propose now with these solemn treaties staring you in the face, entered into by the Government with these Indians, and under your authority, you propose to take this land from these Indians and create a Territory out of it.

You have driven them across the Mississippi River, they own no lands east of that river. You ceded this land west of the Mississippi to these Indians. You ceded it to them under the most sacred obligations which could bind the conscience of man or nation, and yet now the proposition is made and offered here to make a Territory out of land to which the Government of the United States does not own the title to an acre, with the exception of No Man's Land strip, which is but a very small part of it.

What is this bill stripped of all extraneous matter? It is uncertain in its terms. It is bristling all over with exceptions in its application. It is bristling all over with provisos. It is so drawn as if it needed an apology for the terms in which the measure shapes itself.

I wish to say to the committee, Mr. Chairman, that what I have already stated is not mere sentiment. It is not mere theory, but is the language of cold parchment to which the officers of this Government have affixed their names. It is the land which belongs to these Indians by the title which they hold under the solemn obligations of treaty. It is not sentiment; it is simply justice that they should be protected in their rights.

You talk about, and the gentleman from Missouri [Mr. WARNER] talks about these Indians blocking the highway of civilization. Civilization—sir, what is civilization if it is not founded upon the acknowledgment of equity and justice? I would commend the gentleman from Missouri [Mr. WARNER] and the gentleman from Illinois [Mr. SPRINGER] if they want to apply the principle of civilization, to go back and read some of the first great principles which were engraved by the great law-giver of the world upon tablets of stone.

I would have them remember that the cardinal principle, the basis upon which civilization is built, is this sublime truth, "You shall do unto others as you would have others do unto you." You should deal in equity and justice.

And I would commend to these gentlemen another one of those laws written by the great lawgiver in immutable letters upon tablets of stone, spoken in language composed of but four words, and those monosyllabic, saying, "Thou shalt not steal."

The robber who meets you with arms in his hands you may be able to confront, but the robber who comes stealthily in the form of law and undertakes to take away that which you hold by the title of the most solemn character can not appeal to any principle of civilization for justification, for, sir, all civilization must rest upon the great cardinal principles of the Christian religion, and be founded upon the eternal laws of truth and right which lie back of and behind all legislation.

I appeal, therefore, to the sense of justice of the members of this Committee of the Whole to look at this matter as it is and to decide it upon the principle of right and justice.

It is said this is mere sentiment. Now, I do not know, as I have already stated, any sentiments more beautifully expressed as to the relations subsisting between man and man and between man and his God than those which are embodied in the Ten Commandments. I do not know of any civilization that does not date back to those grand cardinal principles.

Yes, sir, we are here now proposing to take away from these Indians a territory which we have ceded to them under the terms of a solemn treaty; which we have ceded to them for a valuable consideration; which we ceded to these Indians, Mr. Chairman, because they gave up under the stipulations of treaty all the territory which they held east of the Mississippi River, coupled with the condition that they should have title to these lands in the shape of patents from the Government of the United States.

Sir, if my honorable friend from Illinois [Mr. SPRINGER] holds a rood of land in that great State of his, the State of Illinois, and has the patent of the Government of the United States for it, would he not, if I were to go over and assail his title, and take possession, say

to me, "I am in my occupancy and possession of these lands by the solemn patent of the Government of the United States."

The Indians who are affected by the provisions of this bill, and whose lands are to be taken away the same as if they were your own, are the Indians who have received their lands under solemn treaty stipulations with the Government in exchange for other lands, and neither the Government nor any other power has the right to dispossess them.

I beg to call the attention of the committee very briefly to the sixteenth article of the treaty of 1866, which will show at once that in that treaty the Government, referring to and embracing in it the regrants of everything that had been granted to the five semi-civilized tribes from 1830 up to that time, repeated the terms of the former treaties, and made an addition which in my judgment settles the whole question beyond all controversy; and it was referred to in the able, exhaustive, unanswered, and unanswerable speech of my distinguished friend from Georgia [Mr. BARNES], who is one of the signers of the minority report. I am gratified, sir, I may be permitted to state, to know that there were members of the committee on both sides of the House who could not be induced to become parties to this attempt to rob the Indians of the lands held by them under solemn treaties with the Government and by patents.

That sixteenth article of the treaty of 1866 settles this question, in my judgment, beyond all possibility of dispute, and particularly with reference to that portion of the lands embraced in this map and known as the Cherokee Outlet, and also the Oklahoma lands. This bill proceeds upon the idea that with the exception of No Man's Land, a small and insignificant strip of land, none of these lands are devoted to agriculture, and as there are no people occupying these lands these gentlemen want them for the homesteaders.

Sir, I never knew a man who wanted to commit a wrong who was not able to find some excuse to offer for the act, and bring to its support well-founded principles; and we have even heard the Scripture quoted in support of bad purposes.

The prejudice of the homesteader is appealed to, and his right to take possession of the lands as a reason for this unwarranted action. But the homesteader of the United States does not possess now, nor can he, in my judgment, under the decisions of the Supreme Court of the United States, assume the right, under any action of this body, to proceed to these lands and make selections upon them and obtain a patent, when the lands have been, as in this case, patented to the Indians. Millions of acres of our lands are still open for homestead settlement in other portions of the country, but the argument here is made to induce supporters to the bill in the interest of the homesteaders.

I deny it, sir. There is not an honest homesteader in the United States who has the right to go and select and locate upon a tract of 160 acres of land who would want to see the Government of the United States so much dishonored as that he would be willing to go and take possession of lands which had by solemn treaty of the Government been set apart for the Indians in payment of lands taken from them in exchange. But that argument is insisted upon here, and one gentleman from Missouri became quite eloquent in his appeal on behalf of the homesteaders, and also that we should protect the Indians against the cattle syndicates and against these rich corporations.

Allow me to say to the gentleman that on one occasion it was my fortune to go into that Territory on one of my trips, when I happened to be at Muskogee when the Indians were assembled for their annual agricultural fair. And by the bye, as typical of the civilization and advancement which has been made by these people in agriculture, although I have had occasion to attend agricultural fairs of many of the great States of the Union, I have nowhere seen an exhibition of the productions of the earth—grain, cotton, and rice—and the handiwork of women more striking and more beautiful than that I witnessed at Muskogee, where on this occasion the five semi-civilized tribes had met for their annual fair.

I may be permitted to say further, that it is not an illiterate, ignorant, uneducated, unthrifty, and unwise population with whom we are dealing and whom the Government is asked to rob by this bill; but an educated, cultivated, intelligent, thrifty people. I heard there on that occasion at Muskogee an agricultural address delivered by one member of the Cherokee tribes, a half-breed, whom I chance to know quite well, William P. Adair, and I have had the opportunity more than once to listen to the eloquent speeches and oratory at the agricultural fairs in the States of the Union, but I never heard an address on agricultural subjects grander in its theme, more lofty in its object, purer in its logic and rhetoric, and more accurate in its style than that delivered by William P. Adair on that occasion.

Sir, these Indians have in good faith taken the lands occupied and owned by them. They settled upon them and cultivated them. It has been said, "Why, we do not propose to do any wrong to the Indians. We are going to establish a Territory, and after that Territory is 'established' we will ask the 'consent of the Indians.'" Why, Mr. Chairman, this proposition would be an insult to the intelligence of a white man, and it is equally an insult to the intelligent Indians. You are going to organize a Territory out of his lands and then appeal to him to give his assent. You take possession of his property by force and then ask him to admit your right. You appeal to the Cherokees to break the very treaties that you have made with them. That is the proposition: to create a Territory and then to get the consent of the Indians.

Now, I have said that the sixteenth article of this treaty of 1866, in my judgment, settles this question beyond all controversy, and if the committee will bear with me I will read it. It will be remembered that the sixteenth article of the treaty of 1866 dates back and embraces within it features of all the other treaties with these tribes back to the "Dancing Rabbit Creek" treaty of 1830, the treaty of 1833, of 1835, and of 1855, and reaffirms every grant, privilége, and right ceded to these Indians. It is in the following language:

> The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.
>
> Said lands thus disposed of to be paid for to the Cherokee Nation.

Meaning, of course, the lands belonging to the Indians themselves. How could the Cherokees convey if they did not own? How could they dispose of the lands if they did not own them? Who was to petition for it? The Government of the United States? Oh, no. The Cherokees were to petition for it. They were the people who were to be paid for whatever lands other friendly Indians settled upon, and they were to be paid according to the contract made between the Cherokees and the other friendly Indians.

The land thus disposed of was to be paid for to the Cherokees—

> At such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.
>
> The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Now, sir, it is clear from this that the Cherokee Nation were to make the sales to the other friendly Indians, and they were to be paid the purchase money. They were the vendors, and the friendly Indians who were to be settled on said lands were the vendees. They were to pay the consideration money and the Cherokees were to receive it. It was settled by the treaty between the Indians and the Government that this land was theirs, subject to their right to sell to other friendly Indians, and you will observe the language in this section is that the United States "may." It is a permission granted. "The United States may settle friendly Indians." There is no right to take the territory; no right to settle white people; no right to give an acre of this land for any purpose whatever.

Now, it is said by the gentleman from Missouri in his argument that he wants to protect the Indians from the syndicates and corporations pasturing there. What right, sir, has the Government of the United States to say how the Indians shall use these lands? We had one fearful instance of this dictation to the Indians. It was caused by one of these agents, who said to the Indians, "I want this land for agricultural purposes." The Indians were pasturing their ponies there, and he said, "I want to plow up this land and grow corn and pumpkins and other things;" but the Indians said there was plenty of land elsewhere which he could use. It would be just as if I were to say to the gentleman from Missouri, "There is plenty of land to homestead in this country." They said, "This is our land; all this land is ours, and we have a right to use it as we please. You can go over there," pointing to other lands, "and break up and make agricultural fields of it if you please; but this is our land and we prefer to use it for pasturage." The agent, in violation of the express wishes of the Indians, put his men to plowing the lands, and the result was, one of the party was shot at, but not wounded. This produced one of the most fearful wars we have had with the Indians, and resulted in the desolation of that entire family. Sir, there is no power in the Government of the United States or its agents, or the members of this committee, to say to the Indians, "You shall use that land we gave you for agriculture rather than for other purposes."

The Cherokee Nation owns the land known as "the Cherokee Outlet," and no agent of the Government nor the Government itself can say how he shall use it. Are you to judge? Who gave you the right to say what the Indian shall do with what they paid for? You robbed him of an empire and gave him a corner in the Indian Territory, and now you want to rob him of that.

Mr. WARNER. Does the gentleman hold that the Indians had legal authority to lease these lands?

Mr. HOOKER. There is no question about that at all.

Mr. WARNER. Then you and the Attorney-General disagree.

Mr. HOOKER. I have my own views, and I hold that the Indians have just as much right to lease their land as you have got the right to lease your farm in Missouri that the Government gave to the man from whom you derive your title to the patent there; and the Government has just as much power to go into Missouri and dictate to the gentleman what he shall do with his land or to my honorable friend from Illinois as to what he shall do with his as to say to the Indians, "You shall not lease your lands for pasturage purposes."

Mr. WARNER. Two Attorney-Generals have decided that, and

the circuit court of the United States has decided that in the decision of Judge Brewer.

Mr. HOOKER. I will come to that decision after awhile, and if I do not reach it in my time I will publish it in my remarks.

When you make a solemn patent, whether you make it with Indians or with white people, you part with all right and title of possession. There is but one condition embraced in the treaty and stipulated in the patent upon the happening of which the Government of the United States is to reacquire an interest in these lands—only one. No Attorney-General, no member of Congress speaking by the book, can assert that there is a single condition coupled with the conveyance of these lands to the Indians, save and except one only, and that condition is that if the Indian should become extinct or should cease to occupy the lands, then the Government of the United States reacquires an interest in the lands.

But the grant was an absolute grant in fee-simple, especially the grant to the Cherokees, and it has been so held by the courts of the United States. The courts have held, I say, that it was an absolute grant in fee-simple, and the Cherokee title, as was well said by the gentleman from Georgia [Mr. BARNES], is firmer, stronger, more binding than that of any other tribe, though I hold that under the terms of the treaty and under the terms of the patents the other semi-civilized tribes hold their lands by an equally strong tenure. That article of the treaty has forever settled the question as to what was the character of the conveyance made.

I hold one of the patents in my hand, and I shall embody it in my remarks, and I invoke the attention of every member of this committee to its contents. Let us see how it reads. I will not read that portion of it which sets forth the boundaries of the land granted, but I will read certain portions which fix the nature of the grant. This patent begins:

The United States of America, to all whom these presents shall come, greeting: Whereas by certain treaties, etc.

It recites the various treaties with the Indians and the articles of those treaties upon which the grant is predicated, and reciting as one of the considerations of the grant the cession of the lands east of the Mississippi River, and, following these recitals, the Government of the United States agrees to convey, etc., and the grant concludes in this way: "Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted and by these presents do give and grant unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described containing, in the whole, 14,374,135.14 acres"—with remarkable particularity down to the very fraction of an acre do you write in this patent what you are giving to these Indians—"to have and to hold the same, with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever." There is no limit, no restraint.

Mr. WARNER. Will the gentleman permit a question?

Mr. HOOKER. I would rather not be interrupted. I understand the purport of the gentleman's argument, and I think I shall answer it before I get through. It will be seen, therefore, Mr. Chairman, that there could not have been a more unlimited form of grant, a more absolute form of grant, a more unrestricted and unconditional form of grant, than this, which is as old as the forms of conveyance that belong to that great nation from which we borrow alike our language and our laws.

To proceed with the reading of this patent—

To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging.

Was it a right, privilege and, appurtenance thereunto belonging to lease the lands to lease them for ninety-nine years, or, if the owner desired, to lease them absolutely, or to sell them absolutely? Surely it will not be contended that any Attorney-General or any judge has ever so far forgotten the plain and simple provisions of the English language and the plain and simple impulses of common honesty as to say that a grant thus broad and liberal in its terms is coupled with restrictions by which the grantee may sell but can not lease, by which he may occupy for one purpose but can not occupy for another.

To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation, subject, however, to the right of the United States—

I call attention to the limitation—

to permit other tribes of red men to get salt on the salt plains on the Western prairie referred to in the second article of the treaty of the 29th of December, 1835, which salt plains have been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article.

And, mark you, by numerous adjudications, by numerous decisions, and by the terms of the patent itself, what is called the Cherokee Outlet, which is embraced in this bill as a part of the proposed territory was conveyed in the very same patent which conveyed the other lands to the Cherokee tribe of Indians—

Referred to in the second article of the treaty of the 29th of December, 1835, which salt plains have been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject, also, to all the other rights reserved in the United States, etc., to the extent and in the manner in which the said rights are so reserved.

That refers to the reservation of the right to establish necessary military posts, etc.

And subject, also, to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandon the same.

With the exception, therefore, of the right to give to the other tribes settled on that land by consent of the Cherokees permission to use the salt lake which was found to be embraced in the survey, it is an unconditional grant of these lands for any and all purposes for which the Cherokees might see fit to use them—as full an ownership as any citizen of the United States has of his land. The sole reservation was that if this nation of people should become extinct or should for any reason abandon these lands, they should revert to the United States.

The other patents to all of the five semi-civilized tribes to whom these lands were granted by patent were couched in the same words. If you possess the power to take the Cherokee Outlet, why do you not possess the power to take the land of the Cherokee Nation itself? All the black part of that map you do not propose to include in this bill which my friend from Illinois has introduced—only the white part of that map is proposed to be included. The lands now belonging to the Cherokees, Choctaws, Creeks, Seminoles, and Chickasaws is represented in black on the map; yet the instrument which conveyed the land to these tribes, was precisely similar in terms to that which conveyed to the Cherokees what is known as the Outlet.

It was essential that they should possess this outlet; and it is probable that, sharpened as their wits were by experience of the manner in which they had lost lands east of the Mississippi this tribe of Indians, by no means deficient in intelligence, said "We will secure an outlet from this land." At the time when that grant was made to them these Indians maintained themselves mainly by hunting; and it was necessary they should have this outlet. The Government conveyed it by solemn patent precisely as these other lands have been conveyed. The patent to the Choctaws, to the Creeks, and other tribes is in precisely similar form. What right then has the Government of the United States to take one acre of this land and constitute it a Territory?

I wish now to refer to the terms of the treaty and to show by the interpretations which have been placed upon it that the Government of the United States designed to make an absolute conveyance of the title to this property. The United States by the fifth article of the treaty of 1830 covenanted and agreed—

That the lands so ceded to the Cherokee Nation shall at no future time without their consent be included within the territorial limits or jurisdiction of any State or Territory.

That is what was declared by solemn treaty—by solemn patent of the Government. Yet, now, by the report of the majority of the Committee on Territories, and the bill which they have presented, you are asked to violate this plain, essential feature of the contract between the Government and the Cherokees.

Mr. WARNER. The gentleman will permit me to say that that refers to Article V of the treaty of 1825.

Mr. HOOKER. I understand that.

Mr. WARNER. And if the gentleman turns to that he will find it includes only about forty-two sections of land, not one foot of which is included in this bill.

Mr. HOOKER. Yes; and the gentleman ought to know better than to attempt to impress upon this House the idea that there was a single patent issued prior to 1825. They were all issued subsequently.

Mr. WARNER. No one has been trying to mislead the House. I simply called the attention of the gentleman to the date of the treaty to which reference was made.

Mr. HOOKER. I understand what the gentleman refers to. But there were no patents issued until after 1825.

Mr. WARNER. I have not claimed to the contrary.

Mr. HOOKER. I have the date of every patent here. Here are the certificates of the Commissioner of the General Land Office in 1880:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 16, 1880.

I, J. A. Williamson, Commissioner of the General Land Office, do hereby certify that the annexed copy of a patent dated December 31, 1838, in favor of the Cherokee Nation, is a true and literal exemplification from the records of this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.] J. A. WILLIAMSON,
Commissioner of General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
March 16, 1880.

I, J. A. Williamson, Commissioner of the General Land Office, do hereby certify that the annexed, from page 1 to page 24, both inclusive, is a true and literal exemplification, from the records of this office, of the original letter to the Secretary of the Interior, dated October 13, 1877, relative to lands in the Indian Territory claimed by the Atlantic and Pacific Railroad Company.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed at the city of Washington on the day and year above written.

[SEAL.] J. A. WILLIAMSON,
Commissioner of General Land Office.

So that it will be observed that this patent to the Cherokees was after the date to which the gentleman refers.

These lands having been surveyed, a patent was duly granted, bearing date December 31, 1838.

Therefore in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, under the said Cherokee Nation, the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,-135.14 acres: To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

That, I have said, is the only reservation. It is a grant as absolute, as unqualified, as free from misconstruction as any patent of the Government to any man who now holds an acre of land granted from the public domain, whatever may be the color of his skin.

The United States guarantied to each tribe that they should hold their respective tracts by the same title and tenure as are provided for in treaties of 1832 and 1833, and agreeable to letters patent issued to Creek Nation August 11, 1852, and the guaranty was again renewed that no State or Territory should ever pass laws for the government of either of these tribes, and that no portion of either tract should ever be included within any Territory or State, nor shall either or any part of either ever be erected into a Territory, without the full and free consent of the legislative authority of the tribe owning the same.

The guaranty, therefore, that these lands should be theirs, absolutely theirs, unqualifiedly theirs, discloses the intention of the Government, and that intention of the Government is further disclosed by the decisions of the courts supporting the rights and title on the part of these Indian tribes to the lands which they hold.

Now, the whole of the Indian Territory was held by a fee-simple title from the United States, the Cherokees holding their lands by an absolute fee-simple title; the Creeks with the Seminoles and the Choctaws with the Chickasaws their respective districts by a qualified fee.

The question arises, do they hold it there now? Nothing has happened since to change the character of their title, and they hold it now as unqualifiedly as when it was first conferred upon them by the patent of the Government.

Besides, the treaties of 1866 with these different tribes provide for a general amnesty for all past offenses, referring to the recent unpleasantness between the States in which some of them had been engaged, but which had been fully condoned on the part of the Government so far as any interest or rights were affected by it.

It will be seen, therefore, whether you take the treaties themselves, or take the recitals of the patents, the intention of the Government by solemn stipulation was that no Territory should ever be created, that no State should be created within the borders of the lands held by these Indians without the consent of the Indians. Yet here it is proposed to occupy that land, and to create a Territory in violation of the rights of the Indians who settled there. You propose first to create the Territory and then to get the consent of these people.

The sixteenth article of the treaty of 1866 with the Cherokees is as follows:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Jurisdiction over and right of possession in this land remains in the Cherokee Nation, and it so continues until the lands are disposed of in the manner mentioned in this article, and when so disposed of the United States can settle thereon none but friendly Indians.

It appropriated on March 3, 1883 (22 Stats., 624), out of the funds due under appraisement for Cherokee lands west of the Arkansas River, the sum of $300,000. Now, this is what Congress did. And for what was the appropriation made? The answer is found in the proviso annexed to the appropriation: "*Provided*, That the Cherokee Nation shall execute conveyances, satisfactory to the Secretary of the Interior, to the United States in trust only for the benefit of the Pawnees, Poncas, Nez Perces, Otoes, Missourias, and Osages now occupying said tract, as they respectively occupy the same, before the payment of said sum of money."

Those who are seeking to open the lands to white settlement have called attention to the fact that under act of March 3, 1871, 16 Stat., 566, it is no longer the policy of the Government to make treaties with the Indians. But this very act provides that it shall not be so construed as to invalidate or impair any existing treaty. They then asserted that we had on the statute-books a statute prohibiting the settlement of any other Indian tribes on it; but when we examine the act—the act of February 13, 1879, 20 Stat., 313—we find the prohibition applies only to the Apaches and other Indians of New Mexico.

There is nothing, then, either to prevent faithful adherence to the treaties or to the continuation of the policy marked out by statesmen of a preceding generation, of making further settlements of Indians within this Territory. As late as 1870, Mr. Cox, then Secretary of the Interior, in a document indorsed by President Grant, said: "The policy of preserving the Indian Territory as far as possible from intrusion in any form has been hitherto regarded as firmly established in this country. * * * And in order to carry it out with any degree of success it is necessary to adhere to it as firmly as possible."

This bill proposes a departure from this policy. It proposes to take the land from these Indians and to create a Territory out of it. It proposes to do this in violation of the treaties and the patents to the land granted by the Government.

What do you propose to do? You propose to use the power of the Government of the United States to create a Territory, where, under the treaty stipulations, you agreed that no Territory should be created without the consent of these Indians to whom the lands were granted. You propose to organize a Territory there in violation of the rights of these Indians, as the gentleman from Georgia [Mr. BARNES] has stated in his report.

The passage of a bill organizing a Territorial government, under such circumstances, over a weak and defenseless people, with a condition requiring their assent before the bill should become operative, would evince on the part of a powerful Government like that of the United States such a predetermination to create the proposed government as would deprive these people of all freedom of volition in the matter. It would be a miserable perversion of terms to call an assent thus obtained free and voluntary.

But, sir, as has been well said by the gentleman from Georgia, the bill contains more than that. It proposes in plain terms to confiscate the lands of these Indians unless they consent to the organization of this Territory; and that is the substance of the bill in words. The Indians are to be deprived of property solemnly conveyed to them by patents and treaties whether they will or no.

But again, sir, the Commissioner of Indian Affairs, Mr. Price, writes to the Indian agent, Mr. Tufts, on March 31, 1883, informing him of the Secretary's decision, and that on the previous day he had had an interview with Chief Bushyhead, of the Cherokee Council, to consider the subject and report the result to this office.

Chief Bushyhead replies on July 8, 1883, to a communication from the Commissioner of June 28, 1883, and inclosing a copy of an act passed at a special session in May, authorizing him and directing him to execute a lease to the Cherokee Strip Live Stock Association. This lease was executed in July.

No objections appear ever to have been made by any Department of the Government, although the lease was made, as is clearly seen, with its full knowledge.

The Department had written to know what the council had agreed upon.

The Department of the Interior, through Acting Secretary Joslyn, July 30, 1884, thus announces the position of the Department (see page 165, Senate Ex. Doc. No. 17, Forty-eighth Congress, second session): "The Department neither recognizes nor disaffirms leases from the Cherokee national authorities for grazing privileges. Parties occupying under such leases are not included in the Department request for the removal of intruders."

That is, the occupation under such leases was not included under the Department's request for removal. Hence the Department sanctioned the leases. If so, the Department will not interfere with them.

Mr. Chairman, I will ask how much time I have remaining?

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. BARNES. I would ask unanimous consent that the time of the gentleman be extended, the same privilege having been granted to the gentleman from Missouri.

Mr. SPRINGER. How much time remains to the gentleman from New York [Mr. BAKER]?

The CHAIRMAN. Eighteen minutes.

Mr. SPRINGER. I have no objection to his taking that time.

Mr. BARNES. I object to that.

Mr. SPRINGER. How much time does the gentleman want?

Mr. HOOKER. Ten or fifteen minutes only.

Mr. SPRINGER. I ask unanimous consent that the gentleman proceed for that length of time.

There was no objection.

Mr. HOOKER. In addition to what I have cited and the passages to which I have referred in the very able report of the minority of the committee from whom the bill comes, and whose substitute accompanies the report, I turn now for a moment to consider what view the Indians themselves have taken of this matter. They have presented it in the shape of a memorial submitted by the delegates of the Cherokee Nation in language probably more clear and forcible than I could myself present it. They put a very pertinent inquiry in that memorial:

If the right of sale was given to them, to the affiliated tribes, and the price to be agreed upon between the Cherokees and the affiliated tribes was not satisfactory, then if they could not agree the President of the United States should

fix the price as an arbitrator between the two, claiming to have no power or authority save that granted by the terms of the treaty within whose powers he was restricted.

They asked the question, "Who it is to be sold by?" By the Cherokee Nation; and if it is to be sold by the Cherokee Nation, the Cherokee Nation must own it. They say:

Such is the view of Congress itself, as formally expressed in an act passed on March 3, 1883. You are referred to the deeds executed by the Cherokee Nation, under the authority and requirement of that act, to the Poncas, Pawnees, Nez Perces, Ottawas and Missourias, and Osages, now on file in the office of the Secretary of the Interior, leaving about 6,000,000 acres of the original tract unsettled by and unsold to friendly Indians and still in the possession and ownership and under the jurisdiction of the Cherokee Nation.

Will my honorable friend from Illinois or the other gentlemen advocate the position that the Cherokee Nation has not power to sell any portion or every rood of these lands to the affiliated tribes? Under the treaties and under the patents they have the right to do this, and if they have that right what right have you to take it?

Mr. WARNER. To whom have they the right to sell?

Mr. HOOKER. To any friendly nation, coupled with no condition as to how they shall sell. They have the right to sell to any friendly tribes; and they have now six titles recorded in your Indian Office. They were not secretly made, but were openly made with the approbation of your Government. They are recorded titles, and they can convey anything. Do you mean to cheat not only the Cherokees but the poor friendly tribes to whom they sold these rights, in their anxiety to care for that people and every nation and people who had a kindred feeling?

There are some people who manifest a great deal of sympathy for the colored people of the South. They are very anxious for the welfare of the colored race. I admire very much the feeling which prompts it; and in reply to what has been said upon that subject I would say there are no people who have protected them with more energy and zeal than the people in the midst of whom they have been reared from infancy to old age, and among whom they lived when slaves and since they have been free.

Here you have special treaty stipulations with the Indians who have holdings of land from the Cherokees, and I would like you to extend something of the sympathies to these Indians you claim for the colored people of the South when you undertake to dispose of their property. It is not only a proposition to take it from the Cherokees, to whom you granted it by solemn patent, but you propose to rob the semi-civilized tribes to whom they sold it. That is the view that these gentlemen take of this question, and I have given it an answer.

No lawyer can deny the proposition that the Cherokees have the right to the land described in this Territorial bill, known as the Cherokee Strip. They are exercising that right as thousands and millions of white people are exercising rights acquired by agreement with others. The Cherokees have, therefore, under the power acquired by their contracts with the United States, permitted certain persons to lease these lands at a rental of $100,000, and if they can get $200,000 they have the right to make that arrangement.

They have a patent to the land known as the Cherokee Strip, not a technical claim to a portion of the country authorized to be occupied, but they have the fee-simple, not only a right under the treaties of 1830-'35, but actually patented to the Cherokee Nation by President Van Buren on the 31st of December, 1838. The Cherokees claim the right of possession, and say that this is land which was secured to them by these stipulations.

I call the attention of the gentleman from Illinois and the gentleman from Missouri to the language of this grant. There is no such thing as an Indian patent and a white man's patent. It is the patent of the Government; the conveyance of the Government. It is an assertion of the Government's authority, power, control, and ownership, absolutely unrestricted and unconditioned. And yet that is what you propose to violate, and take this land for the purpose of creating a Territory, in violation of every provision under which the Indians occupied it, and create a Territory of it.

Now, Mr. Chairman, if you adopt the bill of my honorable friend from Illinois and the majority of this committee, what do you do? Have you the right, as the gentleman from Missouri in his speech indicated, that he looks not alone to the acquisition of the land now embraced in these territorial limits, but to the acquisition finally of all the land which the five semi-civilized tribes have?

Get your feet as a standing point upon what you call the Oklahoma land, and your greedy eyes will soon reach out to the land occupied by the five semi-civilized tribes. You will never be content until the territorial limits extend to those lands, and until the white people get in there and occupy them. The Government has been engaged in expelling intruders from this very Oklahoma Territory. Why and by what authority did the Government do this? They did it in performance of solemn duty and right to secure these lands to these Indians, and under no circumstances could there be an occupancy of the land except by their assent or by their sale or lease.

So that it will be observed, Mr. Chairman, that the Government of the United States, not only under this Administration, but under former Administrations, has found itself bound to protect this very territory which you now propose to make a white man's territory by a form of legalized robbery. You would not allow the white man to go in and rob them for himself, but absolutely in violation of every right of the Indian and every obligation of the Government you propose in the form of law now to go in and take this land whether the Indians agree or not.

Now, sir, the gentleman talks about the Indian standing in the way of civilization. I would not like to belong to a civilization, however grand and great, which would do wrong and which would be the perpetrator of an outrage upon the weak and defenseless, whom you are accustomed to denominate as the wards of the nation; for no one principle of law is held more sacred in any court of justice, outside of the rights existing between man and man, than the great principle by which a trustee is held to a rigid responsibility on account of his ward.

And yet you propose to rob your wards under the form of law of that which is theirs, and theirs by the most solemn of treaty stipulations. That is what this bill does; nothing more and nothing less.

I say I do not wish to belong to the most enlightened civilization of the nineteenth century if it proposed to do a wrong, and yet a greater wrong is here proposed than that which Great Britain has long administered upon down-trodden Ireland in denying its people home rule.

You have taken these people under your wing. You have conveyed to them these lands not as a gift but because they ceded what was far more valuable to you and what you absolutely needed for the white man's occupancy east of the Mississippi, and now you propose to rob them of that grant in utter violation of your plighted faith, in violation of the forms of law and of every principle of right and justice. Why, Mr. Chairman, a man who should present himself in court and say, "I deny my title," would be told by the court, "Sir, you can not deny your title. The court will not permit you to do it."

It is a great fundamental principle of law that no man shall be heard in a court of justice to deny a title which he has himself granted. He can not even be permitted to question the title of another man if derived from the same source as his own. But gentlemen propose by this law to absolutely violate every compact and every treaty with the Indians, and to take these lands away from them *nolens volens*. It is proposed to do this in violation of the solemn grant of the United States and of their solemn agreement that no Territory should be erected there.

Sir, it has been said at some time by the men who have gone farthest in this matter that the civilization of the age would require that the sentiment should be engraved on the hearts of the American people that the best Indian is a dead Indian. You are faithful guardians of your wards, are you not, when under the pretense of advancement and civilization you would absolutely rob your wards, and if you could not rob them while they were living you would be willing to kill them in order that you might, ghoul-like, rob them when they were dead! I trust that such a principle of civilization will never be asserted in this age.

It is a great thing to be a civilized people, to have men skilled in the arts, in science, in literature, in history. It is well to be a nation great in intellectual power as well as in domain and in material wealth. But, sir, the grandest nation of the Old World when it reached its sublimest degree of dominance over the then known world—when Rome sat the crowned mistress of the world upon her seven hills, boasting that she was first in art, in science, and in literature and law, having violated the great principles of right and justice as to the vast domain which she had acquired, she fell from her high estate, giving rise to the saying of the great Latin poet: *Roma ruat sua mola.*

Let that never be said of this great and glorious country of ours. I hope it never may be; but if our country is to do wrong with impunity, if it is to commit legalized robbery with the strong hand, if it is to violate every principle of human and divine law, then I do not know but what your boasted civilization may be merely the precursor of your downfall, as it has been the precursor of the downfall of every nation that has forgotten the law written by the hand of the Almighty on the immortal tablets, impressed by the hand of that magnificent law-giver of the world, whose form was chiseled from the insensate marble by the master hand of Michael Angelo, and stands to-day, in body as in mind, the most splendid specimen of humanity on the globe.

If you do what this bill proposes, you do it in violation of those great laws both human and divine which every just and upright nation should respect, and respect with more strictness when dealing with a weaker people, especially a people who have confided in you and trusted you and given their fate into your hands. I implore this committee, therefore, to look at this bill as it is, and not to be deceived or to permit its actual purposes to be hidden by any protestations which may be made here that it is in the interest of the Indians. It means absolute confiscation. It means absolute denial of every right which you have granted to them. It means utter disregard of the obligations of your solemn treaties and the solemn patents of your Government. [Applause.]

Mr. SYMES. I yield twenty minutes of my time to the gentleman from Mississippi [Mr. STOCKDALE].

[Mr. STOCKDALE withholds his remarks for revision. See APPENDIX.]

EXTENSION OF ANNUAL APPROPRIATIONS.

Mr. SPRINGER. The Committee on Appropriations desire to have a joint resolution passed extending the appropriations owing to the failure of some of the appropriation bills, and I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 10614, had come to no resolution thereon.

Mr. FORNEY. By direction of the Committee on Appropriations, I ask the immediate consideration of the following joint resolution which I send to the desk.

The Clerk read as follows.

A joint resolution to continue the provisions of a joint resolution approved June 30, 1888, entitled "A joint resolution to provide temporarily for the expenditures of the Government."

Be it resolved, etc., That the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved June 30, 1888, be, and the same are hereby, extended and continued in full force and effect to and including the 31st day of August, 1888.

Mr. FORNEY. I am directed to present this by the Committee on Appropriations. We find that the Navy, the Army, and the sundry civil bills are still in the Senate, and it will be necessary to make this provision in order that the appropriations may be extended.

Mr. BUCHANAN. I shall not object, but I desire to put on record my protest against the unusual, and I believe entirely unnecessary delay of the appropriation bills in the House in the first instance.

Mr. FORNEY. In reply to the gentleman I will say that the sundry civil bill has been before the Senate for over a month.

Mr. BUCHANAN. Yes, and it was before the House for six months.

There being no objection, the joint resolution (H. Res. 206) was read a first and second time, and ordered to be engrossed for a third reading; and being read the third time, was passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPOSED TERRITORY OF OKLAHOMA.

The Committee of the Whole resumed its session.

Mr. SYMES. I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

Mr. PERKINS. Will the gentleman yield to me a portion of his time?

Mr. SYMES. I yield a portion of my time to the gentleman from Kansas.

Mr. PERKINS. Mr. Chairman, in the short time allotted to me I will not be able to enter into a general discussion of this bill, nor will I attempt to review the circumstances that exist in the territory that are affected by the provisions of this bill. Perhaps the conditions existing there have been brought to the attention of the committee by gentlemen who have spoken on this subject; but as is well known to all who have had occasion to give the subject investigation and thought that great area of country furnishes to-day an asylum and resort for desperadoes and lawless characters, who flock there from all sections of the country. This great area of our common country is without law, order, or authority, or the representatives of law and order, and is a menace to the people who have located upon our public lands in the adjacent States and on the Public Land Strip which is provided for by the provisions of the bill; and in the name of these people, as well as in the name of the people of the West who are without homes, and in the name of the people who are looking to this territory as a place in which homes may be secured, we ask for the adoption of this proposed legislation. The gentleman from Mississippi [Mr. HOOKER] denounced it as wrong, as violative of treaty obligations, and as an attempt to take from the Indians that which they possess, without right, and in violation of law; and yet almost the very first provision of the bill is that—

Nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said territory under the laws and treaties of the United States, executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, executive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

That is the provision of the bill, and yet gentlemen stand here upon the floor of this House and denounce it as violative of the obligations of the Government to these people. It is said that we propose to take from them, by the strong arm of the Government, that which they possess; that we propose to strike down our treaty obligations and take from them, by force and without right, that which they lawfully own, and to give it to others, and yet the bill expressly provides that nothing of the kind shall be done. There has been no claim or argument advanced upon the floor of this House of that kind, and it is only idle, vehement declamation against the provisions of the bill to make such statements or accusations. Let the enemies of the proposed legislation tell us what Indians are sought to be wronged by the provisions of this bill; what is to be taken from them in violation of the rights they possess. Let them tell us who are to be despoiled; what tribe of Indians, what band, what individual, and what land is to be taken from them in violation of treaty obligations and without fair compensation?

Mr. WEAVER. They do not mention any individual or specific case.

Mr. PERKINS. Of course they do not, but as my friend from Iowa would suggest, they indulge in glittering generalities and deliver long homilies upon the wrongs of the "poor red men."

The bill, in my judgment, is carefully guarded in its provisions, and recognizes the legal and equitable claims of the Indians. As was suggested by the gentleman from Missouri [Mr. WARNER] in a speech made by him on this subject when the bill was last before the House for consideration, the people of the West really complain of the provisions of this bill. They complain that it does not go far enough—that it does not necessarily remove all barriers to the peaceful and lawful occupation of these lands. These people have waited long, and perhaps not at all times patiently, for this proposed legislation. They have seen these lands idle and not occupied or needed by the Indians. In fact, they have known that more than twenty years ago some of these lands were ceded to the Government of the United States for certain and specific purposes, that large sums of money were paid to the Indians for such lands; that they are not now needed by the Government for the purposes mentioned in the treaties; that they are to-day, and have been for years, largely occupied by cattle companies, under cattle leases, while settlers are excluded and driven from the lands.

Knowing this and believing that without wrong to any one these lands could be opened to white settlement, those people for whom I speak ask, not as speculators, not as "boomers," not as "lawless trespassers," but as honest, industrious settlers, and law-abiding American citizens, that the barriers be removed and that they be permitted to occupy these lands under the public-land laws of the United States and appropriate legislation of Congress. They do not ask that the Indians be wronged or that they be driven from the lands they occupy, but they ask that these vacant and unoccupied acres be given to them under appropriate legislation, and that the Indians be fairly paid for any claim, legal or equitable, they may have to the lands thus opened to white settlement.

As to the Public Land Strip, commonly called "No Man's Land," it is not claimed by any one that the Indians have any claim or title thereto. It is now occupied by settlers, but without courts or constituted authority. Pass this bill and it becomes a part of Oklahoma Territory, and the people will secure law and order for the protection of their persons and the opportunity of securing a title to their homes. This, with Oklahoma, the Cherokee Strip, and other lands embraced within the provisions of the bill, will give the new territory more than 23,000,000 acres, an area larger than New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware combined, and we ask that fair legislation may be enacted that will open up this great domain to honest, industrious, and intelligent settlement.

I have not in the time given to me the opportunity of considering this important subject in detail as I would like, or to answer the criticisms of the enemies of the proposed legislation, but let us, as a practical body, legislating for a practical people, take a practical view of all these questions and do that which will secure justice and right, rather than follow a sentiment which continues conditions hurtful and baneful to all.

The SPEAKER *pro tempore*. The time of the gentleman from Kansas has expired.

MESSAGE FROM THE SENATE.

The committee informally rose to receive a message from the Senate, Mr. CULBERSON in the chair.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 1873) increasing the rate of pension of W. A. Shappee;
A bill (S. 1766) granting a pension to Stephen Butler;
A bill (S. 2050) granting a pension to Mrs. Bridget Hackett;
A bill (S. 2321) granting a pension to John V. Hennessey;
A bill (S. 2490) granting a pension to Nicholas T. Lawrence;
A bill (S. 2514) granting a pension to Michael Shong;
A bill (S. 2626) granting a pension to Catlena Lyman;
A bill (S. 2803) granting an increase of pension to Jacob Logan;
A bill (S. 2836) granting a pension to William E. Taylor;
A bill (S. 2858) granting a pension to William Church;
A bill (S. 2864) granting a pension to James B. Bray;
A bill (S. 2887) granting a pension to George H. Johnson;
A bill (S. 2913) granting a pension to Mary Sturgess;
A bill (S. 2924) to increase the pension of Sterne H. Fowler;

A bill (S. 2939) granting a pension to Margaret E. Adamson;
A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;
A bill (S. 1683) granting a pension to Mrs. Jane Flynn;
A bill (S. 2977) granting a pension to Henrietta Brown;
A bill (S. 3013) granting a pension to William Meyer;
A bill (S. 3018) granting an increase of pension to John N. Bovee;
A bill (S. 3030) granting a pension to Mary J. Foster;
A bill (S. 3035) granting a pension to William Shields;
A bill (S. 3052) granting an increase of pension to George W. Durfee;
A bill (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased;
A bill (S. 3118) for the relief of Mathew O. Regan;
A bill (S. 3130) granting a pension to Patrick Welch;
A bill (S. 3137) granting a pension to Ruth Ames;
A bill (S. 3141) granting an increase of pension to Jonas Doering;
A bill (S. 3144) granting a pension to Nancy A. Hayes;
A bill (S. 3145) for the relief of the heirs of John M. Powell, deceased;
A bill (S. 3150) granting a pension to William Schoffer;
A bill (S. 3157) granting a pension to Joseph S. Wilson;
A bill (S. 3158) granting a pension to Nancy L. Huffman;
A bill (S. 3166) granting a pension to William F. Pike;
A bill (S. 3175) granting a pension to Mrs. Caroline Taylor;
A bill (S. 3186) granting a pension to Christian Winkel;
A bill (S. 3189) granting a pension to William T. Hutton;
A bill (S. 3179) granting a pension to Abbie L. Ham;
A bill (S. 3198) granting a pension to Mary Murphy;
A bill (S. 3200) granting a pension to Scott S. Hawn;
A bill (S. 3219) to increase the pension of Keyes P. Cool;
A bill (S. 3221) granting a pension to Isaac A. Hawkins;
A bill (S. 3230) granting a pension to Martha J. Cole;
A bill (S. 3241) granting a pension to Esther A. Jackson;
A bill (S. 3255) granting a pension to Mary E. Cotrill, widow of Hugh B. Cotrill;
A bill (S. 3264) granting a pension to Mrs. Ellen Hand;
A bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall;
A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;
A bill (S. 3316) granting a pension to Jasper N. Warren;
A bill (S. 3330) for the relief of William H. Thomas; and
A bill (S. 3369) granting an increase of pension to Henry Frantz.

The message further announced that the Senate had passed a bill (H. R. 9910) with an amendment, with which concurrence was requested.

The message further announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 24) for the relief of Eliza Russell;
A bill (H. R. 149) granting a pension to Rachel Barnes;
A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Coulton;
A bill (H. R. 160) granting a pension to Elizabeth B. Sailer;
A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;
A bill (H. R. 486) granting a pension to Lydia Calhoun;
A bill (H. R. 490) granting a pension to George W. Pitner;
A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 737) granting a pension to Joseph Peve;
A bill (H. R. 817) granting a pension to Mary Foster;
A bill (H. R. 8881) granting a pension to Hiram R. Ellis;
A bill (H. R. 945) granting a pension to Mary Kelley;
A bill (H. R. 965) granting a pension to George E. Wells;
A bill (H. R. 2140) granting a pension to Eliza Smith;
A bill (H. R. 2233) granting a pension to Bernard Carlin;
A bill (H. R. 2531) granting a pension to Frederick W. Travis;
A bill (H. R. 2776) granting a pension to William Jack;
A bill (H. R. 3521) granting a pension to Emanuel Garcia;
A bill (H. R. 3764) for the relief of Mrs. Delilah Whipps;
A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;
A bill (H. R. 3923) to place the name of Frederick Ronicke on the pension-roll;
A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;
A bill (H. R. 4098) granting a pension to Eliza Trefren;
A bill (H. R. 4270) granting a pension to William C. Tilly;
A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 5443) granting a pension to Isaac N. Johnson;
A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;
A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 6220) granting a pension to John Taaffe;
A bill (H. R. 6307) granting a pension to Sarah A. Corson;
A bill (H. R. 6764) to grant a pension to Muck-a-pec-wak-keu-zah, or "John," an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in the year 1862;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (H. R. 7111) granting a pension to Caroline Pautel;
A bill (H. R. 7160) granting an increase of pension to A. W. Rose;
A bill (H. R. 7162) for the relief of Mary Nevels;
A bill (H. R. 7202) granting a pension to William C. Lord;
A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;
A bill (H. R. 7510) granting a pension to Stephen A. Seavey;
A bill (H. R. 7624) for the relief of Coburn D. Outten;
A bill (H. R. 7713) granting a pension to James McIntyre;
A bill (H. R. 8075) granting a pension to Ann M. Arnold, widow of John Arnold;
A bill (H. R. 8150) for the relief of John H. Claus;
A bill (H. R. 8256) granting a pension to George W. Croop;
A bill (H. R. 8423) for the relief of William H. Porter;
A bill (H. R. 8428) granting a pension to James T. Bourland;
A bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward;
A bill (H. R. 8677) granting a pension to Mary E. Farren;
A bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield;
A bill (H. R. 8794) granting a pension to Levi Little;
A bill (H. R. 8953) granting a pension to Eliza Mathews;
A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;
A bill (H. R. 9029) for the relief of Marshall Burtrum;
A bill (H. R. 9034) granting a pension to Lydia A. Heiny;
A bill (H. R. 9119) granting a pension to George C. Chase;
A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth;
A bill (H. R. 9183) granting a pension to William P. Riddle;
A bill (H. R. 9314) granting a pension to Mrs. Judith Deig;
A bill (H. R. 9318) granting an increase of pension to Charles Jewett;
A bill (H. R. 9344) granting a pension to James C. White;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;
A bill (H. R. 9595) granting a pension to David A. Yeaw;
A bill (H. R. 9729) granting a pension to Malinda Hardin;
A bill (H. R. 9731) granting a pension to William A. Humes;
A bill (H. R. 9732) granting a pension to Sarah Riddle;
A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;
A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9894) granting a pension to Myron Teachout;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse;
A bill (H. R. 9920) granting a pension to Daniel K. Harris;
A bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood;
A bill (H. R. 10318) granting a pension to Mary C. Davis;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry; and
A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll.

TERRITORY OF OKLAHOMA.

The committee resumed its session, Mr. DOCKERY in the chair.

Mr. SYMES. I yield five minutes of my time to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. In discussing this question I do so from the standpoint of the East. I desire to say that I think the best thought there is in favor of the common-sense treatment of the nomadic race of this country who are the wards of the nation.

This bill undertakes to organize into a territory a large and valuable tract of land which is now the home of outcasts and lawless people, and to give the benefits of law to those people and open up to civilization and the wealth which springs from well-directed industry this large and fertile region. If the bill involved bad faith towards any Indian tribe then I should be against it, because it is the duty of the strong to protect the weak.

I have no sympathy with the idea that when a patent was granted for what is called the Cherokee Outlet under President Van Buren, the United States did not pass away their title to that land. The Government did pass away the title, but they passed it away to a contracting power which had and has authority to re-cede those lands to the United States for a valuable consideration. Such action, I believe, was taken by the Cherokee Nation while Mr. Kirkwood was Secretary of the Interior, and in that way those Indians placed themselves fairly and squarely in the attitude of a high contracting power demanding the specific performance of a contract which they then believed to be beneficial to themselves. Such being the case, and this act going much further in their behalf than they asked, and as they are spoken of as "the five civilized nations," I believe they should be treated as a civilized people and as capable of selling back to this Government the lands to which they had acquired title under the grant made during the administration of President Van Buren.

In addition to this, the bill most carefully guards their rights and does not permit this territory to be taken from them or from any of the other Indian tribes located upon these lands without a proper ces-

sion and consent on the part of the Indians. Now, as sensible people, dealing with this question as a business matter, what is it our duty to do? Shall we forever set apart these lands to be the home of the lawless, without government and without protection for honest toil, or shall we open them up, as we have done with all the other portions of this country that have been opened up, in the interests of civilization and for the real betterment of the Indians themselves if they will but accept the advantages which will be accorded to them by the civilization which we offer? I believe that it is the part of true wisdom, the part of the true humanitarian, to pass laws which shall organize these lands into a territory with a proper form of government and give to it the benefits of law and of civilization—all the benefits which accrue as the reward of civilized industry. [Applause.]

Mr. SYMES. I now yield five minutes to the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. Mr. Chairman, other engagements have prevented me from hearing all the arguments that have been presented against this bill. In the few minutes allowed me I desire to call attention to the provisions of the bill which apply to the Oklahoma strip and the Cherokee Outlet, because I am satisfied that many gentlemen in this House do not understand the true status of those lands. Under treaty the Government of the United States purchased from the Creek and Seminole Indians what is known as Oklahoma. The cession of that land was made to the United States, and it is in the possession of the United States to-day. They purchased it for a specific purpose at a nominal price. That purpose was to settle other friendly Indians and freedmen upon it. The Government long since determined that it would not put any more Indians upon that land, and now the question arises, what shall we do with it?

The Indians have parted with possession, so they can not control it, and unless we carry out the contract specifically we can not control it, and it is lying there idle to-day. The Cherokee Outlet contains about 6,000,000 acres, purchased for the same purpose, to be paid for as we utilize it for that specific purpose. Now, I defy any gentleman who is opposing this bill to find a single provision in it which proposes to take one foot or one inch of the Indian lands, either those that they hold an encumbered title to or those standing in the condition I have described, without their consent. If I understand this bill, it simply presents this proposition: That if the Indians will consent to it, the Government will take a perfect title to Oklahoma and the Cherokee Outlet at $1.25 per acre, but if the Indians do not consent, the transaction can not be perfected. The 6,000,000 acres contained in the Cherokee Outlet would bring at that price $7,500,000. Four per cent. interest on that would make $300,000 annually for those Indians. If they find that to be a better business transaction for them than to take the chance of leasing those lands for whatever they can get, why should they not agree to it?

That is the true status of these lands. When the attention of the Indians has been called to the liberal provisions of this bill, if they see proper to accept them, the measure will be perfected, and certainly no harm will be done to them. The other provisions of the bill, applying to the five civilized tribes, will not take effect over them without their consent.

Mr. SPRINGER. The bill does not apply to them at all.

Mr. PEEL. I am informed by the chairman of the committee that the bill does not apply to them.

Mr. SPRINGER. The bill of the last Congress did, but this does not.

Mr. PEEL. Now, I know it is a very easy matter for gentlemen who live east of the Mississippi River, who know the Indian only from history, to imagine that every move towards civilization in the Indian country means robbery. Those who live in the West and come into daily contact with the Indians know from constant experience that it is as impossible for their present status to remain as to stop the moon in its orbit. It can not be done. The question therefore presents itself to every practical mind, what is it best to do?

This must be treated as a plain, practical question. You propose in this bill to present to the Indians fair and liberal terms. If these terms be accepted the condition of the Indians will be benefited. The individual protection of the law will be placed over them, and the shotgun government which now reigns in that country will be brought to an end. Why, sir, it is a fact well known to every man living near the Indian country, and the newspapers bring us all intelligence of it, that under the execution of the law, as we undertake to execute it in that country, murders and other grave crimes are constantly committed. For offenses committed by them, Indians are hanged by the Federal court at Fort Smith by the dozen; and unless a dozen be hanged at once the matter hardly attracts attention. I would like gentlemen east of the Mississippi to take home to themselves the question whether such a state of things as that is desirable in a civilized land—whether such a condition of society and an execution of the law, attended with such fatal results, is a state of affairs which should be perpetuated?

[Here the hammer fell.]

Mr. COBB. I would like to be heard on this question.

Mr. SPRINGER. The gentleman from New York [Mr. BAKER] had eighteen minutes of his time remaining. I suppose there will be no objection to the gentleman from Alabama [Mr. COBB] occupying that time now.

The CHAIRMAN. If there be no objection, the Chair will recognize the gentleman from Alabama [Mr. COBB] to occupy the eighteen minutes belonging to the gentleman from New York.

Mr. COBB. Mr. Chairman, while I am decidedly opposed to this bill, I did not expect to enter into any argument upon it, and I do not propose now to go into any extensive discussion of the questions which have been thus far debated. It seems to me that in the eloquent, pathetic, poetical, and touching address of the gentleman from Mississippi [Mr. STOCKDALE], backed as it has been by the argument of my friend from Arkansas [Mr. PEEL], we have the "true inwardness" of this whole measure; and it will be observed that however gentlemen may start out in the argument of this bill with the declared purpose of presenting the legal features of it, they soon branch off into a discussion of the enormities which are being committed in this territory, and wind up by saying that because of these things this bill ought to pass. The effect of the whole argument, when reduced to its last analysis, is simply this—that the Indian has no right which the white man is bound to respect.

Perhaps there are none of us who would not readily agree that something out to be done for the relief of the Western country, if indeed it be true that the outrages detailed here are being constantly committed there. But surely the wisdom of the American Congress can provide a measure which will accomplish all the purposes desired, which will secure the peace and protection which these people demand, in some other way than by the deliberate violation of solemn treaties. The effort is made here to show us that no treaty is violated, that the rights of these Indians are to be protected; but the merest scrutiny of the bill discloses the fact, whether it appears upon the face of its provisions or not, that the ultimate result intended to be accomplished, and which will be effected if the bill passes, is to seize possession of this country, whether the Indians desire to part with it or not, and in utter disregard of any protest on their part, in utter disregard of the violation of any of their existing rights.

Some obscurity is thrown over the legal aspects of this question by gentlemen who are advocating the passage of this bill. The gentleman from Kansas [Mr. PERKINS], who sits before me, spoke as though the Cherokee Nation had ceded to the Government of the United States the lands embraced in this territory of the Cherokee Strip. Why, Mr. Chairman, if you will look into the treaty stipulations between this people and the Government, entered into as late as 1866, you will find it to be true that not one acre of the Cherokee Strip was ever ceded by hese Chero kee people to the United States.

The treaty does not cede an acre. It is only an agreement entered into between the Government and these people, that upon the happening of a certain contingency certain portions of land will be ceded. It is an agreement to cede and not a cession itself.

Let me read a portion of that treaty.

Mr. SPRINGER. That is conceded; that is not disputed.

Mr. COBB. The gentleman from Illinois [Mr. SPRINGER] says that is not disputed, and yet the argument on the part of other gentlemen who are not as well informed in reference to the law as the chairman of the committee has proceeded upon the idea that this land was ceded by the Cherokees to the United States. The treaty only provides that on the happening of a certain event, that is to say, when the Government of the United States desires to locate certain friendly Indians on this territory, then the Cherokees shall cede to the United States such lands as may be necessary for that purpose.

The sixteenth article of the treaty of 1866 with the Cherokees is as follows:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which—

And I will interpolate only "after which"—

their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Mr. WARNER. Will the gentleman yield to me for a moment?

Mr. COBB. Certainly.

Mr. WARNER. The gentleman from Alabama is not unfamiliar with the law of 1872 under which commissioners were sent to this Territory in order to appraise the land. He is not unfamiliar with the demand made for the payment of the land or with the fact that these Indians were paid $600,000 as an entirety upon the presumption——

Mr. COBB. Is there any law directing this to be done?

Mr. SYMES. There is.

Mr. COBB. What law?

Mr. SYMES. The act of 1872.

Mr. COBB. I should like to know the provision of law to which reference is made.

Mr. SYMES. Pardon me. It would take a long time to go over

the whole matter, but if the gentleman from Alabama will go with me to the Library I will take pleasure in pointing out to him when and where these lands were ceded by the Indians to the Government of the United States.

Mr. COBB. How does it happen that the distinguished chairman of the committee on my left [Mr. SPRINGER] directly admits my statements to be true, that these lands were never ceded on the part of these Indians to the United States?

Mr. WARNER. The gentleman will pardon me. Let us get our statements correct. I said the law was passed in 1872 providing for the appraisement of this land subject to the approval of the President. This land was appraised at 49 and 47, and then a portion was raised by the President to 70 cents an acre, so that the Indians were paid $300,000 in round numbers. Thereafter they complained the Government had located friendly Indians upon the western or least valuable portion of the land, and the Secretary of the Interior paid $300,000 for land on which no Indians had ever been located. The Indians then asked the Interior Department to pay them $3,000,000 for the entire land, according to the appraisement which had been made.

Mr. COBB. Under what authority was the appraisement made?

Mr. SYMES. If the gentleman will pardon me, I wish to make a suggestion as to the statement which he attributes to the chairman of the committee. Will he yield for that purpose?

Mr. COBB. Certainly.

Mr. SYMES. As I understand the matter the chairman of the committee has not taken the position this land was never agreed to be ceded by the Cherokee Indians to the Government. If A contract to sell to B a tract of land and the agreement remains unexecuted with but a few things to be done before the title passes from the grantor to the grantee——

Mr. COBB (interrupting). You mean that was the case under the treaty.

Mr. SYMES. That is the case under the treaty and under the acts of Congress, and under the positions taken by the Indians themselves by their agents and attorneys, and as was argued by them when they asked for pay for the lands in accordance with the wishes of the Indians.

Mr. COBB. Now, I will accept the gentleman's statement, and meet him face to face, and discuss it as a legal proposition. He says that under the treaty of 1866 there was a conveyance made to the Government of the United States by these Indians.

Mr. SYMES. No, I did not say there had been a conveyance made. I said that there was an agreement to cede the lands, and that the act of Congress was afterwards passed to carry out the treaty agreement for the cession. That is the position. They went on and made an agreement as to price, the President appraised the lands according to the act of Congress and the agreement with the Indians, and the Indians accepted that appraisement and then came here asking for their pay. And they contended before the committees of the Senate that the Government had bought the lands; that it owned them and was in possession, and if there had been a court of justice——

Mr. COBB. Now, I have but a few minutes.

Mr. CUTCHEON. It was a mere executory contract.

Mr. COBB. I must decline to yield further; I understand the point.

Mr. SYMES. I have taken a little advantage of the time of the gentleman, and as I have some of my own time remaining I desire to yield to him two minutes to compensate for what I have occupied.

Mr. COBB. I may not need it.

Let us see now what is the argument. Here was the solemn treaty of 1866 between the Government of the United States and the Cherokee Nation of Indians. If there is any statute, law, or treaty, or contract of any kind doing away with or annulling the provisions of this treaty, the gentleman does not furnish it. Now, I stand upon the treaty stipulations, and I appeal to every lawyer in this House to say if my statement is not correct, that this treaty provides nothing in the world except an agreement to convey upon the happening of certain contingencies.

Mr. SYMES. That was my position. But I will say that the contingency has happened.

Mr. COBB. Then you need not have taken up so much of my time. The conditions upon which this conveyance was to take place have never happened, and inasmuch as the conditions have never happened there has been no recession of the lands from the Cherokee Nation to the Government of the United States.

The sixteenth article of this treaty provides:

> The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide.
>
> Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.
>
> The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Now, this is in full force to-day; and what does it mean? Not that this whole country was to be ceded by the Cherokees to the Government. There is no contemplation of such a thing, unless it should be needed by the Government to settle thereon the friendly tribes. But acre by acre, piece by piece, section after section, as might be needed to be occupied by the friendly tribes, the cession was to take place from the Indians to the Government of the United States, and all the remaining lands after these several acts of cession by the Cherokees were to remain in their possession and within their jurisdiction. Does this bill carry out that idea? You now place on this law, plainly written as it is, a very different construction. Gentlemen talk of the Indians having no right over the lands. They talk about the cattle syndicates coming in and renting the lands. Here is the law, to which I call your attention, giving them the right, and it is in force to-day and has been since the treaty of 1886, and even before, because this treaty is but the reaffirmation of all of the treaties of a similar character which preceded it.

Now, Mr. Chairman, is there no right invaded here when you propose to organize a Territory over this very land that is held, that is owned and possessed by these Indians, under your own treaty?

Mr. SYMES. Will the gentleman allow a question?

Mr. COBB. Yes, sir.

Mr. SYMES. Does the gentleman not know that the bill under discussion expressly provides that this Territorial government shall not be extended over this land until after the commission provided for shall treat with the Indians in the usual way?

Mr. COBB. In the usual way; yes. [Laughter.]

Mr. SYMES. Shall treat with the Indians to carry it into effect in the usual way.

Mr. COBB. I say in the "usual way."

Mr. SYMES. Well, does the gentleman deny that? Is there anything in the bill providing for the extension of this territorial provision over this land until the commission provided for has treated with the Indians?

Mr. COBB. The gentleman from Mississippi [Mr. STOCKDALE] in his eloquent remarks has told us what "the usual way" is.

Mr. STRUBLE. The American way, of course.

Mr. COBB. Yes; the American way, "the usual way," the way of Daniel Boone and others mentioned by the gentleman from Mississippi. We all heard the gentleman's speech. We have not had a more eloquent display here this Congress. He told us all about the beautiful front of the Capitol, and what was there represented; he told us about the white man having his rifle in one hand and his ax in the other, driving the Indian before him, and he told us also about the God-given right of the "pale-face" to go with his rifle and his ax wherever he chose, and that no Indian must stand in his way. That is what the gentleman from Mississippi [Mr. STOCKDALE] told us, and that, my friend, is "the usual way." [Laughter.]

There is another part of this Territory that I want to refer to specifically, and that is Oklahoma proper. Let us look at that a little, and see about the title to it. That part of this Territory comes from the Creeks, and comes, I admit, under stipulations somewhat different from those that were made with the Cherokees, giving, perhaps, a little stronger title. I agree to that; but what are the facts in regard to the acquisition of that land? In the stipulations which were made between the Creeks and the Government of the United States the Creeks said to this Government: "We will cede to you this land at the nominal price of 30 cents per acre." Now, Mr. Chairman, we have had some descriptions of that country here, and they have been rather glowing. These Western gentlemen, I know, believe that a man who lives on the east side of the Mississippi has not much sense anyhow [laughter], and when it comes to the Indian question they feel certain that his views are all "sentiment" and "gush" and "nonsense."

Mr. PETERS. No. But we know that you unloaded your Indians onto us.

Mr. COBB. Unloaded them on the gentleman from Kansas! Who was there first, he or the Indians? [Laughter.]

Mr. PETERS. Who was in your country first, you or the Indians? [Laughter.]

Mr. COBB. Did we unload the Indians on the gentleman, or did he unload himself on the Indians? [Laughter.] Sir, the fathers of the gentleman from Kansas, and all of our fathers, in days gone by wanted the lands which these red men had east of the Mississippi, and they said to them, "we want these lands; we will make a contract with you for them; but if you will not make a contract with us for the lands, we will take them under a contract made in the usual way." [Laughter.] That is about what they said, and what they did.

Mr. WEAVER. Which do you indorse, your ancestors or the Indians. [Laughter.]

Mr. COBB. I am talking about the rights of the Indians now, and I believe that "the usual way" of dealing with them ought to stop.

Mr. WARNER. That is the objection to this bill, that we do not go at this business in "the usual way."

Mr. COBB. I hope this will not all come out of my time.

Mr. PETERS. It is "the usual way" for it to come out of the gentleman's time. [Laughter.]

The CHAIRMAN. It can not come out of the gentleman's time, because his time has expired. [Renewed laughter.]

Mr. COBB. I should like to have about fifteen minutes more.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Alabama [Mr. COBB] be allowed fifteen minutes' additional time.

There was no objection, and it was so ordered.

Mr. COBB. I did not expect, when I rose, to make a speech on this subject, but "the usual way" was put at me so forcibly that I have felt called upon to say a few words in reply.

Mr. SYMES. I can well believe that the gentleman did not expect to argue this case, because if he had expected that he would have known the facts of the matter.

Mr. COBB. I am much obliged to the gentleman. I have got the treaty here, and I stand pretty squarely upon that.

Mr. SYMES. That is what we have been carrying out for twenty-five years.

Mr. COBB. That is what I want you to continue to do. I stand by the treaty. You do not. Now, Mr. Chairman, we all remember that when we were at school the maps showed a vast extent of country in the West which was described as the "Great American Desert," and we thought it was a vast arid region covered with sand-hills, something akin to the Great Sahara of Africa. That is what our people generally thought that western country was, and they thought that if they got the Indians off there they would be rid of them; so they "unloaded" the Indians, not upon the people of Kansas, as the gentleman [Mr. PETERS] says, but, as our fathers thought, upon the sandy plains of the great Western desert. I do not suppose that the Government of the United States intended to do quite as well by those Indians as they actually did.

Not anticipating the early settlement of our extreme Western country, Oregon and Washington and California: not foreseeing that civilization would go there, and would come back across the continent to meet the civilization of the East, and thus inclose these Indian tribes between the two—not foreseeing these great results, they put into their treaties the provision that the Indians should have those lands as far west as the jurisdiction of the United States should extend, and that provision was put into every treaty made with the Indians up to the last.

But, Mr. Chairman, I have been diverted a little from the line of my argument. I was talking about lands that were ceded from the Creeks to the Government of the United States. What are the circumstances in regard to that cession? I said just now that we had been entertained here to-day with a beautiful description of the fertility of this land, of its great value as an agricultural country, and the great indications of future growth which it contained. Now, the Government of the United States paid 30 cents an acre for that land, and why was it that the Indians sold it at that nominal price?

These Indians are not fools; they are not savages; they are civilized Indians; they have a government of their own, with judicial, executive, and legislative departments. They are a self-governing people; they are civilized and know the value of a dollar.

Now, they ceded this land for a purpose; and my contention is that the Government of the United States, by the terms of this contract, pledged itself that this land should be used for this purpose and this alone. Are we to keep our pledged faith or not? For the whole argument comes to that at last. If you take the argument of my friend from Mississippi [Mr. STOCKDALE], if you take the argument of my friend from Arkansas [Mr. PEEL], if you take the glowing periods of my eloquent friend from Kansas [Mr. PETERS], who tells us about this unloading business; if you take the assertions of my friend from Colorado [Mr. SYMES], who tells us about making treaties "in the usual way;" if you take the assertions of these gentlemen in regard to this matter and follow them to their legitimate conclusion, the argument in regard to the plighted faith of the Government is ended; such a little thing as the plighted faith of the Government is not to stand in the way of the advancing civilization of the white man! That is the argument, and the whole of it.

Now, in spite of the pledged faith of the Government in reference to this land thus taken from these Creeks, not purchased for its value, ceded by these Creeks in order that their friends and relatives should have a home, the purpose now is to divert this grant from the original purpose and to make use of it for the utter extinguishment of the people who made the cession.

Mr. Chairman, I have not time to go into this question minutely. There are many things I might say, but gentlemen are impatient. The point I wish to impress upon this committee is that this bill can not become a law without violating the faith of the Government pledged to these Indians. Admitting everything that has been said as to the lawlessness prevailing in the region under consideration, admitting everything that is urged as to the necessity of a strong hand being used there for the purpose of protecting peaceful citizens, I say such considerations do not warrant the doing of an act of injustice, do not justify this great Government in violating its pledged faith; for there is a way in which protection can be secured without any objectionable measure of this kind. Therefore for one I protest against the passage of this bill.

[Here the hammer fell.]

Mr. SYMES. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, in a former Congress I had occasion to submit, somewhat at length, my views touching this question. I can not now do more in five minutes than say that after a somewhat careful examination of this bill I shall very cheerfully vote for it, not only on account of the white man, but on account of the Indian as well.

I agree with the gentleman that our policy toward the Indian has been in the centuries past short-sighted and sometimes cruel. We are still in some instances continuing that policy; but the country is desirous of pursuing and is tending towards a better policy. I believe that it is the height of cruelty to keep the Indians together in the tribal relation. It is a barbarous relation. I believe that as we have to make contracts for ourselves and at the same time practically for the Indians, that statesmanship, that humanity dictates we should take the Indians and put them under a government of law.

Heretofore it has been the policy of the Government to place the Indians on reservations and prohibit the white man from going upon or settling on the reservation under severe penalty. The result has been that the great body of white men obey the law and the Indian is thereby cut off from the association and example of good white men, while the bad white man breaks the law, enters the reservation, and debauches the Indian.

More than this; it is our duty to extinguish the Indian title to the lands occupied by them, selling the lands to settlers or purchasing them for what they are worth, put the proceeds into the Treasury and use the interest thereon for the benefit of the Indians, at the same time assigning to each head of a family, under proper guards as to alienation, lands in severalty, and let the white people in to settle with them—a hundred white families, if you please, more or less, to one Indian family.

The white man takes his civilization with him, builds churches and school-houses and develops the country, and the Indian with such surroundings, protected by and amenable to law, will work out his own salvation. His trust fund will assist him at the beginning, at least will enable him to bear the burdens of government pending his development.

We have for years been educating Indian children at Carlisle and other schools off the reservations. They make splendid progress, and when among white people work, and would make good citizens if they could remain with the white people, but the moment they return to their respective tribes and fail of employment by the Government they drop back into barbarism.

I am for this bill, because it tends in the right direction. It places law and government over "No Man's Land," and places the machinery in motion that will place government and law over the greater portion of the Indian Territory, and to the benefit of both Indian and white man.

But gentlemen say that we violate treaties. If that is a violation of treaty, then we have violated treaties from the very first day we settled on this continent. If we have violated treaties they have been violated from necessity, and we are subject to criticism, not for settling the country, but for permitting, yes, forcing the Indian to continue the tribal relation. We now have an opportunity to settle the Indian question by pursuing a policy that will destroy the tribal relation.

Take the Great Sioux reservation. We violated the treaty in the same way. The title of the Indians to the lands in the Indian Territory is no higher than the title of the Siouxs to their reservation. Their rights are no more sacred. That magnificent extent of territory west of the Missouri River is a barrier in the way of civilization. We passed an act in the House and in the Senate authorizing a treaty with the Indians for the extinguishment of their title to the larger part of the Sioux reservation. It is for the benefit of the Indians as well as for the benefit of the white men that this should be done, and it will be done. It will tend to bring these Indians into closer contact with the better elements of our people instead of allowing them to remain under the evil influence of bad white men with whom they come now chiefly into contact.

Mr. HOOKER. What about the patents which these Indians hold from the Government of the United States for these lands?

Mr. CANNON. The gentleman from Mississippi lays great stress upon the fact that the Government of the United States, in pursuance of treaty, has made a patent for these lands to the Indians. Now, when the gentleman talks about a piece of paper which he calls a patent, let me tell him that it is of no greater force or validity than the solemn act of legislation on the part of the Congress. [Applause.] Certainly there can be no higher title to land than the solemn grant of the Congress of the United States. [Applause.]

Mr. RYAN. It is the highest possible title.

Mr. CANNON. I wish to say further, that I wish every member of this Congress could go out and look at these lands and see the condition of the Indians. I would like to have them informed of the facts just as they are.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON. Just permit me a sentence more. If this bill is enacted into law we enter upon a policy that will protect and benefit the

Indians, and at the same time benefit the white settler who desires a home. It will in the near future drive off from the Cherokee Outlet the cattle syndicates now there in defiance of law, and those permitted to remain in exclusive possession, while the individual who only wants a modest home is kept off at the point of Federal bayonets. It will remove the evil influence of these cattle syndicates that corrupt the Indian councils in procuring unlawful leases of Indian lands [applause], and are strong enough to stay the hand of the Executive in the enforcement of the law in their removal, strong enough to exercise great influence in opposition to any legislation that looks towards the settlement of any lands in the Indian Territory. [Applause.]

Mr. SPRINGER. I desire, if possible, to come to some agreement with the committee in regard to the general debate upon the bill.

Mr. PAYSON. Why not close it now? [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I am ready to vote, and hope we will be able to come to a vote at once on the different sections of the bill.

The CHAIRMAN. What proposition does the gentleman make?

Mr. SPRINGER. I have no proposition to make except to vote upon the amendments now pending.

Mr. PAYSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. Would it now be in order to proceed to the consideration of the bill by sections?

The CHAIRMAN. It will be in order when the general debate is closed.

Mr. PAYSON. Then I make that request.

Mr. FINLEY. I object.

Mr. SPRINGER. I move that the committee now rise with a view to limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 10614, had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed on the 24th instant bills of the following titles:

An act (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.; and

An act (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889.

The message also announced that the President on the 25th instant had approved and signed a bill and joint resolution of the following titles:

An act (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.; and

Joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers, to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Oklahoma bill; and pending that motion that all general debate be closed in one minute. I further ask unanimous consent that any gentlemen who desire to do so may be permitted to print remarks in the RECORD upon the bill.

Mr. FINLEY, Mr. HOOKER, and others objected.

Mr. HOOKER. I have no objection to gentlemen printing remarks if they desire to.

Mr. SPRINGER. Then I ask unanimous consent that gentlemen be permitted to print on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. FINLEY. I have no objection to that.

There was no objection.

Mr. SPRINGER. I now move that all general debate upon the bill in Committee of the Whole be closed in one minute; and on that motion I demand the previous question.

The previous question was ordered, under the operation of which the motion of Mr. SPRINGER was agreed to.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the Oklahoma bill.

The motion was agreed to.

PROPOSED TERRITORY OF OKLAHOMA.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. By order of the House, all general debate on this bill is limited to one minute.

Mr. SPRINGER. I simply desire to occupy that time in stating that this bill will now be read by sections under the five-minute rule. The gentleman from Georgia [Mr. BARNES] has moved a substitute for the whole bill. If there be no objection, I would like to have a vote on the substitute now, as I understand the gentleman from Indiana desires if that be rejected, to offer another substitute for the bill.

Mr. PAYSON. I object to that.

The CHAIRMAN. The Clerk will report the first section of the bill.

The Clerk read as follows:

Be it enacted, etc., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the reservation occupied by the Cherokee tribe of Indians east of the ninety-sixth meridian of west longitude, and by the Creek, Seminole, and Chickasaw reservations; and on the south by the Creek, Seminole, and Chickasaw reservations, and by the State of Texas, comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes, is created into a temporary government by the name of the Territory of Oklahoma: *Provided*, That nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, executive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

Mr. BAKER, of New York. I move to amend the first section by inserting at the end of it what I send to the desk.

The Clerk read as follows:

Provided, That nothing contained in this act relating to the boundaries of said Territory of Oklahoma shall be construed to affect the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by agreement between the United States and such Indians, or to include any part of the territory of the Indian Territory, without the consent of all the tribes established by treaty or law within the same; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until all of said tribes shall signify their assent to the President of the United States that it be included within said Territory, or to affect the authority of Congress to make any regulations respecting such Indians, their lands, property, or other rights, by agreement, law, or otherwise; but all such authority is directly reserved to Congress. The consent hereinbefore mentioned, when given by a tribe having an organized civil government, shall be given by the proper constituted authorities thereof, and where given by a tribe without such organized civil government shall be by the assent of not less than two-thirds of its male members over twenty-one years of age.

Mr. BAKER, of New York. This amendment is intended to make explicit that provision of the bill which it is claimed already exists in the act affecting these lands—that is, in regard to the consent to be obtained of the Indians before this act shall extend over the territory not now intended to be affected by the bill.

It is for the purpose of requiring not only the consent of one tribe, but all of the tribes before the bill shall affect the lands outside of the present bounds of the territory now occupied by the five semi-civilized tribes or any one of them. It also provides for the manner in which that consent shall be obtained.

It seems to me that it is a proper provision to incorporate, for the reason that every one of the five tribes has a right and interest in and over the lands proposed ultimately to be affected by this bill. Hence it would be unjust to proceed under the bill, or to assert any authority for the extension of the Territorial jurisdiction or limits until the consent of all the tribes will be first obtained in the manner explicitly stated.

The CHAIRMAN. The Chair understands that this amendment is to come in after line 37.

Mr. BAKER, of New York. It is an amendment to be added to the first section.

The CHAIRMAN. That is the last line of the first section.

Mr. STRUBLE. I desire to oppose this amendment. It is evident that if my friend from New York had not heretofore signalized his opposition to this bill the reading of this amendment would indicate that opposition quite fairly. Now, unless I mistake the scope of the amendment it not only provides for the consent of the so-called civilized tribes, but it goes so far as to declare that the consent of every tribe located within this territory shall be required before anything can be done under this bill. I think it is going too far. So far as the civilized Indians are concerned, I have no objection to it, but when the proposition goes to the extent this does, requiring the assent of two-thirds of all the Indians there, I insist that the result is too far reaching, and hope it will be voted down.

Mr. SPRINGER. I hope it will be voted down, for it will enable the Kiowas, of whom there are about eighty-nine, to prevent anything being done towards the purchase of the land.

Mr. HOOKER. It is very evident that there must be some method

provided by which the consent of these Indians shall be obtained, and I do not see why the suggestion of the gentleman from New York [Mr. BAKER] should not apply to any of the various tribes who are associated on this land. But the gravamen of the amendment of the gentleman from New York is this: That it shall require assent by a two-thirds vote of the five semi-civilized tribes of Indians before this territorial government shall exist. They have the right, according to what the gentleman from Illinois says in his bill, to determine whether or not they will allow this territorial government to be created, and they certainly have that right under the authorities and under the patents.

You can not create a territorial government first under this bill and then turn round and get the assent of the Indians. It ought to be had as a condition precedent. That is required by every principle of equity and justice. The proposition of the gentleman from New York is that that assent shall be obtained, not in any doubtful, vague, or uncertain way, but by a two-thirds vote of all the people interested in this matter. If you were going to establish a government or any particular branch of the government you would not establish it against the wishes of the people there. Here you are taking the land, and you are establishing a territorial government without the consent of the people who own it, who bought it, and who have the right to own it; and it ought to be required that their assent should be obtained in some manner known to law.

Now, the proposition would be to appoint a commission to go out and get the assent of these Indians. We all know how that has worked in other matters where the question was as to whether they should be compelled to hold their land in severalty or whether they should hold it in common. In numerous instances where consent was required that consent was obtained in a very doubtful form. I say here and now that I do not think there is an intelligent Indian in the Choctaw, Cherokee, Creek, or Chickasaw Nation who would be willing to see their lands divided into severalty, and as an evidence of it the Interior Department and the Indian Bureau of the Interior Department never before attempted to apply that to any of the five civilized tribes, because it is known they have sense enough to reject it. You may impose it upon the barbarous tribes but would not attempt to propose it in your bill to these five semi-civilized tribes, because they understand their interests and are willing and prepared to guard them. Now, the proposition of the gentleman from New York is simply to give to these tribes the right to determine the question as to whether they should have a territory or not; just what you would propose to give to any other country in which you proposed to establish a territory. You would not impose it upon them except by legal means; you would not create a territorial government without the assent of the people and establish it against their wishes. I therefore think the amendment of the gentleman from New York should be adopted.

Mr. SPRINGER. I rise to oppose the amendment, but I only want to say that this clause in the bill was prepared under the precedent and with the conditions contained in all bills heretofore passed by Congress organizing Territories in which there were Indian reservations, and to that were added some clauses submitted to myself by a representative of the Indian Rights Association. This clause as it stands meets the approval of that association, who carefully considered and suggested it. The words "under executive order and right of occupancy" were put in because the Wichitas are occupying a portion of this country by occupancy to which they have no title. Yet these people were so provided for that they are not to be disturbed in their occupancy without their sanction. This is a fair proposition; but if you adopt the proposition of my friend from New York [Mr. BAKER] there can never be any consent given. I now ask for a vote.

The SPEAKER *pro tempore*. The Chair will assume that the formal amendment is withdrawn, and the question is on the amendment of the gentleman from New York [Mr. BAKER].

The question was put, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BAKER, of New York. I call for a division.

The House divided; and there were—ayes 34, noes 70. So the amendment was rejected.

Mr. CHIPMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of the first section the following: "*Provided*, That the President of the United States is directed, when he deems expedient, to negotiate with all uncivilized tribes in said Territory for the dissolution of their tribal relations, the holding of lands by them in severalty, and their ultimate citizenship."

Mr. SPRINGER. I suggest to the gentleman that he withhold that amendment until we reach the section which provides for a commission to treat with the Indians.

Mr. CHIPMAN. At the suggestion of the gentleman in charge of the bill, I will withhold the amendment for the present.

The Clerk read as follows:

SEC. 2. That there shall be a governor, secretary, legislative assembly, supreme court, attorney, and marshal for said Territory, who shall be appointed and selected under the provisions of Title XXIII, chapter 1, of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: *Provided*, That the legislative assembly and delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election, or to be elected to any office, who has not been a bona fide resident of said Territory for sixty days previous to said election: *And provided further*, That the council in said Territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

Mr. CUTCHEON. I move to amend the bill by striking out the second section. I make this motion for the purpose of saying that I am in full sympathy with the object of the committee, which is to open up the country of Oklahoma for settlement by white people; but it seems to me that in this bill they have gone at it wrong end foremost; they have got the wagon before the horse. They have organized, or propose to organize, a government where there is no constituency to be governed. There is not to-day a white man within the entire bounds of the proposed Territory of Oklahoma who is there by authority of any law. I know it will be said by the chairman of the Committee on Territories that that is not true of the Public Land Strip, that there are from fifteen to twenty thousand people on the Public Land Strip who have gone in there, and, to use a common expression, squatted upon that strip, and that they need local government. I do not know but it is true that they need local government; but I know there is not a man there to-day who is there by authority of any law of the United States.

There is no land law in that country. The settlers can not take up legally an acre of land. There is not any valid local government over any single quarter-section of the Public Land Strip. There is not a white man legally upon any part of the territory over which it is proposed to erect a Territorial government, except the officials of the United States. Now it is proposed to organize a government, with a governor, a secretary, a Legislative Assembly, a supreme court, an attorney, a marshal, a Territorial Legislature with a senate and a house, when there is not a man there to be governed. Now, it seems to me that the proper mode of procedure is a very simple one. In the Forty-eighth Congress we authorized the President of the United States to appoint a commission to go out and treat with these Indian tribes, to liquidate their claims, to adjust and extinguish them. When that has been done, and when we have some right to let white men go in there, it will be time enough to provide for a Territorial government.

I have not much fault to find with the provisions of this bill, if we had a right to enact any such bill at this time. They seem to be reasonable and equitable, but the trouble is that there is no constituency over which to erect this Territorial government, and beyond that, we have not acquired the territory. You can not acquire your territory until you have treated with the Indians, and that is not to be done all at once. You may treat with one tribe and extinguish their title and take that within your territory, and then treat with another and extinguish their title and take that into your territory, and this Territorial government is not to be extended over any tribe or any part of any tribe until they have consented to the provisions of this bill. Your territory, therefore, is one thing to-day and another thing to-morrow, one thing this week and another thing next week, one thing this year and a different thing next year.

It is a territory at large, a territory in the clouds, a territory without fixed boundaries, a territory without a people, a territory with nothing but a government and government officers appointed by the President of the United States. Now, we do not want any such territory as that. Let us get at this business right hand foremost. Let us first extinguish the rights of the Indians so that we may allow white people to go in there, and then let us give them a government as quickly as we can; but let us not have a governor and a marshal and a Legislature until there is somebody there with proper authority of law to be governed.

I do not care to insist upon my amendment, but it seems to me that it is a just and proper one, because we do not want a government and government officers until they have a constituency.

Mr. PERKINS. Do you argue that the settlers who are upon what is known as the Public Land Strip are there in violation of law?

Mr. CUTCHEON. They are there without any law.

Mr. PERKINS. But they are not there in violation of law.

Mr. CUTCHEON. They are there without authority of law. They have just as much right to settle down in the West Capitol park.

Mr. RYAN. Ever since the public domain has been open to settlement settlements have gone on in advance.

Mr. CUTCHEON. But they have not gone on until the land laws have extended over the territory so as to give them the means of acquiring lands.

The question being taken on the amendment of Mr. CUTCHEON to strike out section 2, there were—ayes 34, noes 64.

Mr. HOOKER. No quorum.

Mr. SPRINGER. I hope the gentleman will not make that point.

Mr. HOOKER. I intend to make it at every stage of your bill.

Tellers were ordered; and Mr. HOOKER and Mr. SPRINGER were appointed.

The CHAIRMAN. The question is on the proposition of the gentleman from Michigan [Mr. CUTCHEON] to strike out section 2.

Mr. CUTCHEON. To strike out the provision for a government where there is not anybody to be governed.

The Committee of the Whole proceeded again to divide.

Mr. CUTCHEON (during the count). Mr. Chairman, I offered this

amendment with no purpose to obstruct the bill. I hope the gentleman from Mississippi will not press the point of "no quorum."

Mr. HOOKER. I decline to withdraw the point.

Mr. SPRINGER. Does the gentleman from Michigan withdraw his amendment?

Mr. CUTCHEON. With the leave of the Committee of the Whole I will do so.

The CHAIRMAN. The gentleman from Michigan asks permission to withdraw his amendment.

Mr. HOOKER. I raise the question that he can not do it now.

The CHAIRMAN. Does the gentleman object to the withdrawal of the amendment?

Mr. HOOKER. I do.

The committee having divided, the tellers reported—ayes 41, noes 123.

So the amendment of Mr. CUTCHEON was rejected.

Mr. HOOKER. I send to the desk an amendment which I desire to offer.

The Clerk read as follows:

Add to section 2 the following:

"*Provided further*, That there shall be no appointment of officers or organization of said territory until the assent of the Indians of the five civilized tribes of Choctaws, Chickasaws, Creeks, Cherokees, and Seminoles, and the assent of all other Indians settled and residing on said lands."

Mr. HOOKER. Mr. Chairman, in order to test the sincerity of the chairman of the committee and other gentlemen who advocate this bill I have offered this proviso to the second section. There are already two provisos. As I had occasion to remark a few moments ago, the bill bristles with exceptions and provisos, which seek to strengthen the native weakness that the framers of the bill seem to have been conscious existed in the very subject-matter of the bill itself.

Gentlemen who have advocated this bill have declared that this is to be a Territorial government established over a people who are to give their own consent to it; they have conceded that by the treaties, as well as by the patents issued by the United States, any Territorial government which may be established by Congress over any portion of the land thus ceded to the five semi-civilized tribes, and occupied by their consent and agreement by other tribes affiliated with them, must be established with the consent of these tribes.

Now, if gentlemen are sincere in these declarations and really mean to require the assent of the Indians before undertaking to establish a Territorial government over what has been properly described by the gentleman from Michigan [Mr. CUTCHEON] as a territory without a boundary and without a people (the very land upon which the territory is assumed to be established not belonging to the United States)—if gentlemen are in earnest and mean to be frank with the Indians, mean to deal with them with open hands, mean to say to them, "You have the right to object to the establishment of a Territorial government over any portion of this territory"—this amendment under such circumstances can not be justly objected to. It simply recognizes the right of these Indians to declare their voice in this matter before you clothe the President of the United States with power to appoint a governor, a secretary, a legislative assembly, a supreme court, United States attorneys, and marshals for the territory. You should not undertake to establish the whole paraphernalia of a government over a territory with these indefinite boundaries and then obtain the assent of the Indians afterward.

Now, inasmuch as the Government of the United States covenanted in that most solemn form with these Indians there should be no territorial government established there except by their consent, is it not fair that consent should be obtained as a condition-precedent before any territorial government should be established?

Why should you have a governor over a Territory covering land that does not belong to you and where the boundaries are not well defined, so that it would require the service of a corps of engineers to lay out the boundaries of the proposed territory before anything else could be done? Why is it necessary that the Government of the United States in violation of the treaty and without the consent of these Indians should set up a territorial government with all the paraphernalia of territorial officers? Why should these Indians have such an expense imposed upon them? Why should we do this thing in opposition to the consent and against the interest of the very people who are most interested in this question?

There is no reason for it at all, unless the policy is to prevail hereafter, that the Indian Territory is to be settled up by white people, and the Indians who now occupy it are to be deprived of their rights. I hope the House will consent to the adoption of the amendment I have offered, as it is merely equitable and just in its provisions.

Mr. SPRINGER. The five civilized tribes are not in this bill at all, and their consent therefore is not necessary.

Mr. HOOKER. They own the land.

Mr. SPRINGER. No, the Cherokees do not own the land.

Mr. HOOKER. They have an equitable interest in it. [Cries of "Vote!"]

The CHAIRMAN. The question recurs on Mr. HOOKER's amendment.

The committee divided; and there were—ayes 19, noes 83.

Mr. HOOKER. No quorum.

Mr. SPRINGER. I hope the gentleman will not obstruct the business. I hope he will allow us to have a vote on these amendments.

Mr. HOOKER. This is an important amendment.

Mr. SPRINGER. It is an important amendment, but the House is against it.

The CHAIRMAN appointed as tellers Mr. HOOKER and Mr. SPRINGER.

The committee again divided; and the tellers reported—ayes 20, noes 134.

So the amendment was disagreed to.

Section 2 was read, as follows:

SEC. 2. That there shall be a governor, secretary, legislative assembly, supreme court, attorney, and marshal for said Territory, who shall be appointed and selected under the provisions of Title XXIII, chapter 1, of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: *Provided*, That the legislative assembly and delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election, or to be elected to any office, who has not been a bona fide resident of said Territory for sixty days previous to said election: *And provided further*, That the council in said Territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

Mr. CAREY. I move the following amendment.

The Clerk read as follows:

Amend section 2, line 8, by inserting after the words "United States" in said line the following words, "*Provided*, That all such officers appointed and selected for any Territory which has been organized for a period of five years or more shall hereafter be appointed and selected from the bona fide residents of the Territory wherein they are to serve."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, a message was received from the Senate by Mr. MCCOOK, its Secretary, announcing the passage of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, with amendments in which concurrence was requested.

FORTIFICATION BILL.

Mr. SAYERS. I ask by unanimous consent to submit a report from the Committee on Appropriations.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). If there be no objection, the report will be received.

Mr. SAYERS, from the Committee on Appropriations, reported a bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RYAN. I reserve all points of order.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I ask by unanimous consent to non-concur in the amendments of the Senate to the Army appropriation bill.

Mr. SAYERS. Is it necessary to raise at this time any question in regard to any amendment proposed by the Senate to the Army appropriation bill in order to obtain consideration upon points of order?

The SPEAKER *pro tempore*. The Chair has decided that it is not necessary to reserve points when the bill and amendments are referred to the Committee of the Whole.

Mr. SAYERS. That is under the new rule.

The SPEAKER *pro tempore*. Yes, under the new rule.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent to non-concur in the amendments of the Senate to the Army appropriation bill, and agree to the conference asked by the Senate thereon.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. SAYERS. I object. Let it go to the Committee on Military Affairs.

Mr. TOWNSHEND. Does the gentleman move to concur?

Mr. SAYERS. No; I want the committee to consider and act upon the amendments.

Mr. TOWNSHEND. Then I ask that the bill be allowed to remain on the table.

There was no objection.

PROPOSED TERRITORY OF OKLAHOMA.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will read the pending amendment on which the point of order is made.

The amendment of Mr. CAREY was again read.

Mr. SPRINGER. The point of order is that it is not germane.

Mr. SYMES. It relates to other Territories not covered by this bill.

Mr. CAREY. This is an amendment to a provision where it is proposed to insert a section of the Revised Statutes. I believe that the amendment is germane to this bill. The committee that reported the bill saw fit to re-enact certain sections of the Revised Statutes. This

amendment relates simply to the sections of the Revised Statutes referred to, and I believe is germane. If, however, the Chair holds that it is not, I then desire to offer a special amendment applicable to the Territory of Oklahoma after it has been organized for a period of five years.

The CHAIRMAN. The Chair must hold that the point of order is well taken.

Mr. CAREY. Then I offer a further amendment.

The Clerk read as follows:

Amend section 2, line 8, by inserting after the words "United States:"

"*Provided*, That all such officers appointed and selected for said Territory, after the said Territory has been organized for a period of five years, shall be appointed and selected from the bona fide residents therein."

Mr. SPRINGER. I have no objection to that.

The amendment was adopted.

Sections 3 and 4 of the bill were read, as follows:

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said Territory of Oklahoma as elsewhere in the United States: *Provided*, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto: *And provided further*, That the supreme court of the Territory shall have jurisdiction and shall embrace all causes of action, crimes, and offenses arising within the limits of the Territory organized by this act; and all laws heretofore passed granting jurisdiction to United States courts within the limits of said Territory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein the same as if this act had not been passed.

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to be a part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only, except as otherwise provided in this act: *Provided*, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for school purposes.

Mr. PAYSON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the word "only," in line 5 of section 4, the words "but the provisions of section No. 2301 of the Revised Statutes shall not apply to any entry of any of said land."

Mr. SPRINGER. If I can, I will accept that. That, I believe, is the commutation clause.

Mr. RYAN. I hope the gentleman will explain the amendment.

Mr. PAYSON. Section 2301, to which the amendment refers, is what is known commonly as the commutation clause of the general homestead law; and in order that I may be fully understood in reference to the amendment I send to the desk to have read an advertisement, which is marked, from a newspaper.

Mr. RYAN. What does the amendment refer to specially?

Mr. PAYSON. That the commutation feature shall not apply to any lands under the operation of this section.

Mr. RYAN. That is all right.

Mr. PAYSON. I ask the Clerk to read what I have sent to the desk.

The Clerk read as follows:

Cheap homes. McAllister & Scranage, locators of land in Neutral Strip, Indian Territory. Can give you the best situation and figures on land. See Capt. A. J. McAllister, on board Steamer Louise. Finest climate, best farms, purest water in the country. Titles clear and terms easy. McAllister & Scranage, Portsmouth, Ohio.

Mr. SPRINGER. There can be no commutation under the provisions of section 8.

Mr. PAYSON. In connection with what has been read I ought to say, as an apology to the House for giving the parties who have inserted this advertisement the benefit of the notoriety it will have by an insertion in the CONGRESSIONAL RECORD, that it will not perhaps be so conspicuous a pleasure to them when they read what I wish to say in reference to it.

This being but a sample of hundreds of other advertisements of like character published in the Mississippi Valley and West, I wish to state that every man who publishes advertisements of that kind, or is connected in any way with them, is a thief and a robber—every one of them.

It is an attempt on their part to secure from the honest people of the country under false pretenses their money to secure titles to public lands in the Neutral Strip and in that Territory if the bill becomes a law; and I desire particularly to call the attention of the members of this committee to the advertisement so that they may be careful to see that every provision in the bill shall be thoroughly guarded, in order that not an acre of these lands shall go to anybody except to the actual settlers, and in no other way. [Applause.]

Mr. SPRINGER. That is right.

Mr. STRUBLE. That is what the bill does further on.

Mr. PAYSON. I think not.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois.

Mr. SPRINGER. I have no objection to that. [Cries of "Vote!"]

Mr. PAYSON. I ask a vote.

The amendment was adopted.

Section 5 was read, as follows:

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections in each township, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States for two years, and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of such lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to ascertain whether said Indians are entitled to any further compensation than that heretofore paid for said unoccupied lands. If said commission shall find that further compensation should be paid said Indians, they may, by negotiation with said Indians, fix the amount of such additional compensation, not to exceed the sum of $1.25 per acre, less the cost of sale and the amounts heretofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands as provided herein shall be placed to the credit of said tribes in the Treasury of the United States.

Mr. PAYSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In lines 12 and 13 strike out the words "at the price of one dollar and twenty-five cents per acre" and insert "under the homestead laws, only except that section 2301 of the Revised Statutes shall not apply."

Mr. SPRINGER. Do I understand that there is to be nothing paid for the land, and that the Government will have to appropriate the money?

Mr. PAYSON. Precisely.

I desire in this amendment to present this question to the committee. I do not understand that any explanation has yet been given why the Committee on Territories report a bill proposing to give settlers land which shall be acquired as public land, under the right as homesteaders and settlers, and require them to pay therefor $1.25 an acre. In my judgment it is a matter of the utmost indifference how public land may be acquired. It is enough that the Government own agricultural land, and the proposition I present to the committee is that all public lands which the United States have shall be offered as a donation to actual settlers in good faith who will go and reside upon the land for five years. I suppose the argument will be advanced by the chairman of the committee that these lands being incumbered by some kind of Indian title which is undetermined by the lawyers, and a title which it may cost something to extinguish, the homesteader shall be required to reimburse the Government for the outlay in securing this public land. That has never been the principle which applied to the disposition of public lands since the homestead law has been in existence.

When that vast territory in the Southwest was acquired under the treaty of Mexico we did not institute an inquiry as to how much it cost the Government of the United States in blood or treasure. It was enough that it was public land and that it was susceptible of cultivation; and no matter what it may have cost the Government when it became its property, it has been the settled policy of the Government of the United States to offer land as a donation to the actual settler who would brave the privations of frontier life and go out and make a home upon it; and so it ought to be in this case. Here are twenty-odd million acres of land upon all of which there is some claim by these Indians. We propose to acquire this land; but we should acquire it as homes for the industrious people of this country who will go out and occupy it, and in my judgment the economic question whether it cost the Government 5 cents or $1.25 an acre ought not to be considered.

Gentlemen must remember that whenever 160 acres of land is taken by a poor man who goes out there to make a home for himself and family, it causes him to pay into a Treasury that is now overburdened $200 of his hard earnings. This Government can afford to be generous to the agricultural settler who goes to the frontier and contributes to the wealth of the nation by building up a home for himself and those who come after him, and to do this independent of contingencies of what the Government shall secure to itself in the way of agricultural lands by legislation that the lands shall only be disposed of by the Government to those who are its beneficiaries. These are always the poor men who go upon the public lands and improve them. That the Government shall be recompensed to the extent of the outlay which it has brought upon itself in securing these lands should not be the policy in settling that land. This land ought to be subject to the homestead law only.

Mr. SPRINGER. I desire to oppose this amendment offered by my colleague. The land under the provisions of this bill does not belong to the Government of the United States. The Government proposes by this bill to purchase it from the Indians, with their consent, and sell it to settlers under the homestead law for precisely the sum that it cost the Government.

Mr. STRUBLE. Or may cost the United States.

Mr. SPRINGER. Yes; or may cost the United States, not exceeding $1.25.

Mr. PAYSON. When the Government undertakes to acquire these lands from the Indians it acquires them precisely in the same way in which it acquires other lands upon which there is some claim by a foreign power, or where the Indian title is extinguished, as it has been

in dozens and dozens of cases heretofore, by treaty stipulations or by actual purchase.

Mr. SPRINGER. Do not take up all my time.

Mr. PAYSON. I am not taking up the gentleman's time, except to ask him what difference there is in principle between this and, for instance, the Gadsden purchase from Mexico?

Mr. SPRINGER. I will tell the gentleman. When the Gadsden purchase was made it was a vast unoccupied desert region, as most of it is now, and it was acquired in pursuance of a treaty with a foreign government at the close of a war as a means of indemnifying us, but the lands to which this bill relates are surrounded by settlements on every side except the west, and even on that side there are large settlements.

The land has been made very valuable from the fact that it has been kept so long from settlement, and now the Government proposes to purchase it from the Indians at a price not exceeding $1.25 per acre, and to allow settlers to go upon it under the homestead law for precisely the same price we are obliged to pay for it. That provision is just to the United States and just to the settlers; and I speak for the persons who propose to go into that Territory and settle it when I say that they do not ask this Government to buy it for them and give it to them, but that they are begging and imploring us to offer them an opportunity of purchasing it under the provisions of this bill.

Mr. RYAN. I want to say to my friend that it has been the policy of the Government, where the Indian title has been extinguished by treaty, to open up the lands to settlement by requiring the settler to pay the Government for the benefit of the Indians the amount that was agreed by the negotiation to be paid.

Mr. SPRINGER. That has been the general policy.

Mr. RYAN. And in my State, which was perhaps more than one-half covered by Indian reservations, that was the policy. Take, for instance, the Osage Indian reservation. I do not care to interrupt the gentleman from Illinois at too great length, but I wish to say that the Osage Indian reservation was a very large one, 50 miles wide and over 300 miles in length, and the settlers upon that land were required to pay a dollar and a quarter an acre to the Indians or to the Government for the Indians.

Mr. SYMES. Not to the Indians.

Mr. RYAN. That does not matter. The principle is the same. The title of the Indians was extinguished in that way.

Mr. WEAVER. That was the rule that was followed in Iowa under the treaty with the Sac and Fox Indians.

Mr. RYAN. I think that has been the rule as to nearly every Indian reservation in the West.

Mr. SPRINGER. I will say to my colleague [Mr. PAYSON] that it would cost $10,000,000 to buy these lands under the provision of this bill.

Mr. PAYSON. Suppose it does.

Mr. HOLMAN. Mr. Chairman, the question presented by the motion of the gentleman from Illinois [Mr. PAYSON] is not free from embarrassment, and yet I do not think that the committee ought to hesitate as to the line of policy that ought to be adopted. This session we have passed two acts involving the same question and touching the same principle that arises here. One of those acts was in regard to lands which we proposed to obtain from the Sioux Indians in the Territory of Dakota. By that act we propose to acquire from the Sioux by proper cessions from them 11,000,000 acres of their land, and we propose to apply the homestead principle to that land, but to require the settler to pay, in installments, 50 cents per acre.

Mr. RYAN. That is the price we pay the Indians.

Mr. HOLMAN. Yes; that is just the amount to be paid to the Indians. Later, when we negotiated with the Blackfeet and other Indians in Montana, on the Upper Missouri, we acquired 17,000,000 acres, which they held partly under treaty and partly under an Executive order, and we provided that those lands should be disposed of under the homestead law.

Mr. NELSON. And if the gentleman will permit me to make a statement, in addition to the Sioux bill to which he refers and by which we acquire 11,000,000 acres of land, we have passed a bill relating to reservations among the Chippewa Indians in Minnesota, which land is to be disposed of to settlers at a dollar an acre.

Mr. HOLMAN. That is true, but that is an exceptional case. That is a case where the lands are surrounded by settlements and are of value greatly above the average of homestead lands. The question presented here is simply whether in the present condition of our country, and in view of the rapid growth of our population, and the importance of securing land for the landless, the public Treasury shall bear the burden of paying the Indians for those lands and devote them to homes for our landless people, or whether the people who settle upon the lands shall be required to pay $200 apiece for their homes? That is the question, and it is a question of political economy that may well arrest the attention of this committee. I think it is a great question. Any measure that will enlarge the number of our freeholders is, I think, of high moment.

Mr. O'NEILL, of Pennsylvania. I would like to interrupt the gentleman from Indiana for one minute only. I have presented to this House and this committee resolutions and memorials of the Indian Rights Association of the State of Pennsylvania; and my only desire is that any bill which may be passed on this subject may not interfere in any way with the distribution of the Indian lands in severalty to the Indians.

Mr. STRUBLE. This bill will not do that.

Mr. HOLMAN. This measure has nothing to do with that.

Mr. O'NEILL, of Pennsylvania. That is the only question which has troubled me in connection with this bill; and if there is no interference with that policy, I am for the bill.

Mr. HOLMAN. Mr. Chairman, my friend from Pennsylvania interrupts me with a matter which is entirely foreign to the question I was discussing.

As I was saying, the question is whether the Government should, as has been our policy for years, extinguish the Indian title and permit the settlement of the land under the homestead laws, or the burden of purchasing these lands should fall on the landless people who are to occupy them. In the present state of the land laws, would it be wise policy for the Government to pay for the lands and then divide them up among persons who may settle upon them under the existing provisions? Should persons be permitted to enter these lands under the homestead law with the commutation clause in force? I think not.

I am inclined to think in the present condition of our country it is better to extinguish the Indian title by payment from the national Treasury and secure the lands to actual and bona fide settlers—landless citizens—for homes. I believe this would be a measure of wealth to the nation and a measure of national security. It would be exactly in harmony with the principle of the homestead law. But in such case every security which law can provide should be resorted to to protect the land from the speculator. Nothing would justify the policy suggested except the far-reaching importance of securing independent freeholds for our people.

In the first draught of the homestead law it was provided that the settler should pay 25 cents an acre, which was supposed to be about the cost of the land to the Government; but that principle was properly rejected. The tendency of the public mind has been all the time toward the conviction that this public wealth, this most valuable of our property, our public lands, should be so employed as to secure the greatest strength and stability to our Government by increasing the number of its freeholders. [Here the hammer fell.] I hope the amendment will be adopted.

Mr. SPRINGER. I move that the committee rise. Before that question is put, I wish to say that I hope the friends of this bill will be here to-morrow. We are going to press it until it is passed.

Mr. HOOKER. I hope the enemies of the bill will be here too.

Mr. SPRINGER. I hope they will, and that they will not break a quorum.

The motion of Mr. SPRINGER, that the committee rise, was agreed to.

The committee accordingly rose: and Mr. ROGERS having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10614) to provide for the organization of the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. O'NEILL, of Pennsylvania, by unanimous consent, obtained indefinite leave of absence.

WITHDRAWAL OF PAPERS.

Mr. THOMAS, of Kentucky, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of James B. Evans filed during the Forty-eighth Congress.

An then (the hour of 5 o'clock having arrived) the House, according to order, took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. DOCKERY, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 26, 1888.

SIR: Hon. A. M. DOCKERY is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House assembles to-night.

The Clerk read as follows:

Resolved, That on July 26 the House take a recess at 5 o'clock until 8 o'clock p. m., said session not to extend beyond 10 o'clock p. m., to be devoted exclusively to the consideration of bills reported from the Committee on the Judiciary to which there may be no objection.

JURISDICTION OF UNITED STATES COURTS.

Mr. CULBERSON. I call up for consideration the bill (S. 753) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the

removal of causes from the State courts, and for other purposes," approved March 3, 1875.

The Clerk proceeded to read the bill.

Mr. LANHAM. I understand that this is quite a lengthy bill, and is merely to correct certain errors in the enrollment of a bill heretofore passd. I therefore ask unanimous consent that the reading of the bill be dispensed with, and that the gentleman from Texas [Mr. CULBERSON], my colleague, be permitted to make an explanation of the bill.

Mr. CULBERSON. It will be remembered, Mr. Speaker, that in the last session, and in the last days of the session, of the last Congress, a bill was passed to regulate the jurisdiction of the United States courts, and to regulate the removal of causes from the State courts to the Federal courts. The bill was passed in the last hours of the night before adjournment, and numerous errors crept into its enrollment, consisting mainly of the want of proper punctuation, and in one place the change of the word "or" for "if," and in other places mingling and commingling the sentences together. The Senate passed this bill now under consideration to correct these errors of enrollment. There is no change in the law whatever, and is simply to correct the errors in the enrollment of that bill.

The SPEAKER *pro tempore*. Is there objection to dispensing with the reading of the bill?

There was no objection.

The bill was ordered to a third reading; and being read the third time by its title, was passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURIES UNITED STATES COURTS.

Mr. CULBERSON. I now call up the bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen, and yield to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved June 30, 1879, chapter 52, section 2, be, and the same is hereby, amended, so that whenever any circuit and district court of the United States shall be held at the same time and place they shall be authorized and required, if the business of the courts will permit, to use interchangeably the juries in either court drawn according to the provisions of said act.

Mr. EZRA B. TAYLOR. The object of this bill is so apparent, merely for convenience and economy in regard to the juries of the United States courts, that there is no need of delay or argument in support of it.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORDING COMMISSIONS, DEPARTMENT OF JUSTICE.

Mr. CULBERSON. I now call up the bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice, and yield to the gentleman from Ohio [Mr. SENEY].

The bill was read, as follows:

Be it enacted, etc., That hereafter the commissions of all judicial officers, including marshals and attorneys of the United States, appointed by the President, by and with the advice and consent of the Senate, and all other commissions heretofore prepared at the Department of State upon the requisition of the Attorney-General, shall be made out and recorded in the Department of Justice, and shall be under the seal of said Department and countersigned by the Attorney-General, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Mr. BUCHANAN. What change does this bill make?

Mr. SENEY. I think there is a report accompanying this bill, which will perhaps explain what the gentleman asks.

Mr. BUCHANAN. Let the report be read.

The Clerk read as follows:

The Committee on the Judiciary, having considered the bill S. 143, recommend its passage.

Mr. SENEY. I was under the impression that there was another report. I believe under existing law that the commissions of all officers under the control of the Department of Justice, as well as the commissions of all other officers of the Government are lodged with the State Department, and are there preserved. The purpose of this bill is to take from the State Department the custody of all commissions belonging to the Department of Justice, so that the Department may keep the records itself, instead of being kept in the Department of State.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BONDS OF UNITED STATES OFFICIALS.

Mr. CULBERSON. I now call up the bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds, and yield to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, etc., That hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of Department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, D. C., addressed to said sureties respectively, and directed to the respective post-offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.

SEC. 2. That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARRIAGE BETWEEN WHITE MEN AND INDIAN WOMEN.

Mr. CULBERSON. I now call up the bill (S. 928) in relation to marriages between white men and Indian women, and yield to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, etc., That no white man, not otherwise a member of any tribe of Indians, who has married, or may hereafter marry, an Indian woman, member of any Indian tribe in the United States or any of its Territories, except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

SEC. 2. That every Indian woman, member of any such tribe of Indians, who has been or may hereafter be married to any citizen of the United States is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration Senate bill 928, report the same back favorably with the following amendments:

Strike out, in line 2 of section 1, the words "has married, or;" and strike out, in line 2 of section 2, the words "has been or."

The committee think the bill, with these amendments, will operate prospectively only, and is a wise measure, and asks its passage.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were adopted.

Mr. BUCHANAN. I would like to inquire of the gentleman from Arkansas what is the overwhelming necessity for the passage of this bill, what constitutional power we have to pass it, and what great benefits to the country are to result therefrom?

Mr. ROGERS. This bill found its birth, I think, with the late Secretary of the Interior. It was recommended in the report of the Secretary of the Interior to the last Congress. The subject was taken up by Mr. DAWES, who was a member of the committee sent by the Senate to visit the various Indian tribes in the West with a view to protecting the interests of all these tribes. Upon his return, amongst other things, he presented us this bill.

It proceeds upon the theory that the worst element to be found among the Indian tribes is that class of white men who are willing to sacrifice everything like civilization for the purpose of getting beyond the law and gaining head-rights among the Indian tribes beyond the jurisdiction of the courts.

Mr. Lamar stated—and I thought I had the report of the Secretary of the Interior in my desk, but I am unable to find it—that the Department of the Interior found more trouble in preserving peace, order, and quiet among the Indian tribes because of the presence of this disturbing element than from any other cause that could be mentioned in connection with the subject.

I do not remember the exact purport of his observations upon that subject, but I think I have given them substantially.

The object and purport of this bill, therefore, is that if these parties

intermarry, if a man wants to abandon civilization and going into that country and marrying a squaw to get a head-right, he shall not get it; but if he marries he makes the squaw a citizen of the United States also. We are making citizens of the United States instead of making Indians of our citizens. I do not know any other reason that I could give beyond that.

Mr. BUCHANAN. If this squaw marries a white person, does she become a citizen of the United States?

Mr. ROGERS. He remains a citizen and she becomes a citizen of the United States.

Mr. BUCHANAN. Does the gentleman think that addition to our citizenship would be very desirable?

Mr. ROGERS. I think it is not highly desirable. In seven cases of ten where this class of people go into the Indian Territory, instead of elevating the Indians they do them harm. They come out of there in a year with feathers in their hats, with revolvers buckled round them, and a pair of Texas spurs, whooping and yelling whenever they can get drink. If a white and an Indian both want to marry, let them come back into a State and we will civilize both together.

Mr. PARKER. I wish to inquire of the gentleman having charge of this bill whether it is not a necessary result that the children of the marriage will be citizens of the United States?

Mr. ROGERS. That is my understanding.

Mr. PARKER. Therefore, if in the State where women have the right to vote, the squaw becomes a voter. Is that so?

Mr. ROGERS. I should think so. That would be a very rare case; but I think it would be the case under this bill.

Mr. PARKER. And also that these degenerate men, which my friend from Arkansas has described so graphically, will be citizens of the United States, while the Indian who has been so romantically described with wonderful physical capacity, would be civilized, but have only the rights of a barbarian, while the degenerate white and his degenerate progeny will become citizens of the United States.

Mr. EZRA B. TAYLOR. Is not the object of this bill to prevent the marriage or miscegenation of these degenerate whites with the Indian squaws?

Mr. PARKER. That was one of the things I was going to ask.

Mr. WEAVER. The effect of the bill is to encourage Indians to marry white men and become citizens of the United States.

Mr. PARKER. I have been many times instructed with the advice and suggestions of the gentleman from Arkansas. Having a broad experience on the Indian border, I have received more information relative to this class of cases and legislation from him than from any other man. But it seems to me that this is at least subject to the query whether this bill does not go pretty far; and I would like the gentleman from Arkansas to state the result he expects to follow its enactment.

Mr. ROGERS. I have said about all I cared to say on this subject. I think the tendency and effect will be to keep white men out of the Indian Territory. They are deterring the Government in its effort to civilize these people. That is my judgment as to the best result of it. I think the tendency will likewise be to prevent to a very large extent the intermarriage of these Indian women, because these men are not going to marry Indian women except for the purpose of obtaining a head-right. Many of them are fugitives from justice. Others are those who do not wish to pay their debts, and take their property there for the purpose of evading process of court. There are others who desire to marry these squaws in good faith; but let them come back to the confines of civilization, so that their offspring, if they have any, shall be raised up in Christian civilization, a higher civilization than there is among the tribes of Indians. These are the main benefits to be derived. It is not a bad measure. I think it involves a great deal of genuine philosophy in the treatment of the Indian tribes. I think it will be highly beneficial to keep that class of men out of the Indian Territory. The policy of the Government has been to keep them out, as they are intruders.

This is simply in the line of our treaties to keep these people out of that country, and, in my judgment, they ought to be kept out. There is a class of persons who go there that are highly valuable. That is the class of industrious farmers who take their families into the Territory and become tenants of these people. By them they are taught agriculture, stock-raising, and all the ways of civilized society, and they are a very great benefit; but the rough class, the fugitives from justice and criminals, have no business in the Indian country. Instead of having civilizing influence they have a discivilizing influence. For these reasons I think the bill is fraught with a great deal of philosophic wisdom.

Mr. BUCHANAN. The gentleman has answered one part of my inquiry very fully. I should like him now to state what constitutional power we have to do this.

Mr. ROGERS. That grows out of the constitutional power which gives Congress the right to make needful rules and regulations touching the Indian tribes, and by virtue of our treaties we have always endeavored to keep people from going in there for the purpose of living in the Territory and keep these people isolated from the outside world. It is true the law favors marriage. This simply says that they can marry; but if she does she must become a citizen, and that she must no longer remain in that country or a member of an Indian tribe. The marriage of a Choctaw Indian to a white makes the man a Choctaw, and he is decitizenized and becomes a citizen of that country; but even in doing that he is still subject and amenable to the laws of the United States, under this bill, so that he can not escape process of courts so far as the criminal law is concerned by going into the Indian country, and if we shall extend the civil jurisdiction to that country, we shall still have him where a process of law will reach him without violating treaties with the Indians themselves. I ought to thank the gentleman from New York for the graceful compliment he paid me. But I did not claim to have any particular knowledge of the subject.

Mr. ADAMS. I shall be glad to renew in my own person that compliment to the gentleman from Arkansas [Mr. ROGERS], for I admit that he is far more familiar with the subject of Indians and their relations with white people than I can possibly be; but as I am a member of the committee that reported this bill, and am opposed to it, and shall vote against it, I wish briefly to state my reasons.

The CHAIRMAN. The gentleman from Arkansas is entitled to the floor.

Mr. ROGERS. I yield to the gentleman from Illinois such time as he desires to occupy.

Mr. ADAMS. The ground on which this bill is urged is the ground last stated by the gentleman from Arkansas [Mr. ROGERS], that for reasons of public policy it is desirable to discourage marriages between white men and Indian women. I do not believe that is sound public policy. In the first place, if we are to discourage such marriages for the moral welfare of the Indian woman, the answer is that the United States has nothing to do with that question; and if we are to discourage such marriages for the purpose of expediting the civilization of the Indian tribes, then I say that the white man who goes into the Indian nation and marries an Indian woman, however degraded he may be, is likely to be more an instrument of civilization than a full-blooded Indian.

Mr. PETERS. Will the gentleman from Arkansas [Mr. ROGERS] yield to me for a few minutes?

Mr. ROGERS. Certainly.

Mr. PETERS. One of the motives that induce a man to marry an Indian woman is that he may obtain certain rights under the tribe into which he marries, a head-right, for instance. That, I say, is one of the motives. Another motive—and this is the one which actuates the baser sort to intermarry with Indians—another motive is that he may become a part of the tribe, subject to the tribal law, and may thereby put himself outside of the civilized law, which he leaves when he marries into the tribe.

In other words, the man who goes into one of these tribes and marries an Indian woman in nearly all cases becomes, as has been stated here, one of the worst and most degraded characters, even if he has not been such prior to the marriage; causes turmoil and disturbance in the tribe, and then, by reason of his superior education, or by reason of the fact that he is a white man, exercises his influence over the tribe to escape the punishment that ought to be visited upon him by the tribal law, knowing at the same time that he is not amenable to the laws of the United States. Now, one of the great objects of this bill is to continue that man's responsibility for any violation of United States law that he may commit, and to hold him to the same accountability under the law that he would have been held to prior to the marriage.

Mr. ADAMS. Are not the children of such a marriage likely to be a little nearer to civilization—which we hope to be the ultimate outcome— than the children of a full-blood Indian marriage?

Mr. PETERS. That depends entirely upon the influences by which they are surrounded. I do not believe that the children of such a marriage, by reason of the white blood that is in them, are in any manner superior to a full-blood Indian, so far as any tendency to civilization is concerned. It depends entirely on the associations and the influences that surround them whether they will be any better or nearer to civilization than full-blood Indian children.

If they are left to grow up with the tribe and to be influenced by its customs, they are often in a certain sense greater enemies to civilization than full-blood Indians. That has been my observation in all these cases. Some of the worst characters in the Indian Territory to-day are the descendants of white men, who went in there and married Indian women. Some of the worst characters, the vilest outlaws, men who violate every law known to humanity as well as to Christianity, are the children of white men who went among the Indians and intermarried with them. I would rather trust my life or my property to-day in the hands of a full-blood Indian than trust it in the hands of a half-breed who has been raised in the midst of the barbarous influences that surround many of those tribes.

[Mr. WHEELER withholds his remarks for revision. See APPENDIX.]

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL FARMS IN BEAUFORT COUNTY, SOUTH CAROLINA.

Mr. CULBERSON. I call up the bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina.

The bill was read, as follows:

Be it enacted, etc., That the time prescribed for the redemption of school farms in Beaufort County, South Carolina, by the act entitled "An act to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States," approved March 3, 1887, be, and the same is hereby, extended to one year from the passage of this act.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CRIMINAL JURISDICTION ON THE GREAT LAKES.

Mr. CULBERSON. I call up the bill (H. R. 10041) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters.

The bill was read, as follows:

Be it enacted, etc., That the criminal jurisdiction of the circuit and district courts shall extend to all crimes and offenses now punishable by law committed upon the Great Lakes or any bay, river, strait, or other navigable waters connecting or connected with said Lakes, on board of any vessel belonging in whole or in part to the United States or any citizen thereof with like force and effect as if the same were committed upon the high seas: *Provided*, That this act shall not apply to rivers wholly within the United States.

SEC. 2. The trial of all such crimes and offenses not committed within any State shall be in the district where the offender is found or into which he is first brought.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

Mr. CULBERSON. I yield to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, this proposed legislation was suggested by an atrocious assault committed last October on an American steamer on the Canadian side of the Detroit River. It was discovered that there was no Federal statute to punish the offender. Legislation to meet the case was proposed by Judge Brown, of the eastern district of Michigan, and approved by the Attorney-General. Bills were introduced by the gentleman from Michigan [Mr. CHIPMAN] and by the gentleman from Arkansas [Mr. ROGERS]. This bill is a substitute for one of theirs. The matter is one of urgent importance along the Canadian border. As the law now stands there is no adequate protection to life and property on American vessels navigating the Great Lakes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ADAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. EDWIN PILCHER.

Mr. CULBERSON. I call up the bill (H. R. 10240) for the relief of J. Edwin Pilcher. This bill is in Committee of the Whole House on the Private Calendar. I ask unanimous consent that the Committee of the Whole House be discharged from its further consideration and that it be now considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of this bill, and that it be considered in the House. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to J. Edwin Pilcher, of Louisville, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $905, it being the amount of one bond of $100 and $905 in paper money of the Republic of Texas. This claim being a proper one against the Texas indemnity fund, the balance of which fund having been heretofore covered in the Treasury of the United States, payment is hereby directed to be made out of the general funds of the Government.

The amendment reported by the Committee on the Judiciary was read, as follows:

Strike out the following words at the close of the bill:

"This claim being a proper one against the Texas indemnity fund, the balance of which fund having been heretofore covered in the Treasury of the United States, payment is hereby directed to be made out of the general funds of the Government."

The amendment was agreed to.

Mr. BUCHANAN. Does this bill provide for the surrender of these securities upon the payment of this claim? I fail to notice any such provision in the bill.

Mr. CULBERSON. There is no provision in the bill for such surrender; but I suppose that, of course, the Secretary of the Treasury when he pays off the claim will require the delivery of the securities.

Mr. BUCHANAN. Not necessarily, under the terms of this bill.

Mr. CULBERSON. I suppose, Mr. Speaker, it is proper for me to state that in the early days of this session a bill was passed by the House and Senate and sent to the President, to pay Mr. Pilcher this amount of money out of what is known as the indemnity fund of Texas. Upon investigation the President ascertained that the indemnity fund had been covered into the Treasury. In his veto of that bill he suggested that some provision had better be made for payment of this claim either upon a deficiency bill or by a bill carrying a general appropriation. The Committee on the Judiciary adopted the latter suggestion, and this bill is the result of it.

I want to state there are now in the Treasury Department of the United States $60,000, the balance of this fund called the indemnity fund of Texas; originally it was $7,750,000. Texas deposited this money in the Treasury of the United States in order to indemnify the United States against the creditors of the Republic of Texas, who claimed the Government of the United States had made itself liable for the payment of these claims against the Republic of Texas in consequence of the annexation of that republic to the United States. All those debts have been paid, all that I know of or that anybody else knows of, except perhaps this one.

Mr. BUCHANAN. I have no objection to the bill if it be properly guarded. I suggest the following amendment.

The Clerk read as follows:

Provided, That the said Pilcher shall first surrender said securities to the Secretary of the Treasury.

Mr. CULBERSON. I have no objection in the world to that amendment.

Mr. BUCHANAN. I move the amendment.

Mr. BUCHANAN'S amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUFUS LOWE AND C. M. LOFTIN.

Mr. CULBERSON. I call up for consideration the bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin.

The bill was read, as follows:

Be it enacted, etc., That Rufus Lowe and C. M. Loftin, sureties on the distillery warehouse bond of J. C. Hobbs, distiller, and against whom there is now pending a suit in the district court of the western district of North Carolina, at Charlotte, N. C., in behalf of the United States, against said sureties, be, and they are hereby, released from all liability as said sureties on account of the breach of said bond, as alleged in said suit now pending.

Mr. CULBERSON. This bill is on the same Calendar—the Private Calendar—and I ask unanimous consent that the Committee of the Whole House be discharged from its further consideration and it be considered at this time in the House.

There was no objection, and it was ordered accordingly.

Mr. CULBERSON. I yield five minutes to the gentleman from North Carolina [Mr. COWLES].

Mr. COWLES. Mr. Speaker, I deem it to be altogether unnecessary to make any lengthy statement in support of this bill. It was unanimously reported by the Judiciary Committee of the Forty-ninth Congress, and has the unanimous report of the Committee on the Judiciary at this session. This of itself should be sufficient to establish the justice of the claim in this House. The facts are somewhat prolix, but I will make a brief statement.

These gentlemen were sureties on a distiller's warehouse bond. The distiller suspended operations and the warehouse passed into the hands of a general storekeeper, the distiller having absconded. These sureties ascertaining it was not safe went to the collector and informed him of that fact, and asked that the whisky should be removed to a safe place of storage. They offered to remove it to the warehouse of a distillery in operation near by, but were refused permission to do this. The warehouse was entered and about two barrels of whisky was taken out.

No one believes in that section of the country that these sureties were liable for any laches, and the fact is, they did all in their power to save the Government and themselves harmless. The district attorney of the United States who investigated the facts recommended the suit should be dismissed. The judge of the Federal court, from whom I received a letter this morning and who rendered the judgment, said in justice these parties ought not to be held liable. And I hope the bill will pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COWLES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL W. PERKINS.

Mr. CULBERSON. I call up for consideration the bill (H. R. 8846) for the relief of Daniel W. Perkins, and move, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from its further consideration, and it be now taken up for consideration in the House.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Daniel W. Perkins, of East Saginaw, Mich., the sum of $915, being in full for his services rendered as substitute district attorney of the eastern district of Michigan from October 1, 1871, to June 30, 1875.

The report (by Mr. EZRA B. TAYLOR) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 8846) for the relief Daniel W. Perkins, submit the following report:

This bill was favorably reported by the Committee on the Judiciary in Forty-seventh Congress, and as that report embodies the facts in the case, it is adopted as the report of this committee, and is as follows:

"This bill is for the relief of Daniel W. Perkins, of East Saginaw, Mich., who was appointed a substitute attorney under section 14 of the act of Congress of August 16, 1856, and acted as district attorney in cases before United States commissioners in Saginaw County, in said State. His claim is for services rendered from October 1, 1871, to April, 1875. The claim of Mr. Perkins seems to your committee to be entirely just and reasonable. When Mr. Perkins presented his bill for said services he was told that the appropriations for the various years he had served the United States were exhausted, and it could not be paid without an act of Congress authorizing the payment. The act referred to fully authorized the appointment and employment of substitute attorneys, who are to receive the same fees as the district attorney. This law continued in force up to 1874, when the Revised Statutes were adopted, at which time this provision seems to have been dropped; but the omission was not discovered by the authorities in the Department until July, 1875, and notice was not given until August following.

"The claimant, it seems by the printed report of the Committee on the Judiciary of the Forty-fourth Congress—which was a favorable report,—furnished said Judiciary Committee a list of the cases he tried as such substitute attorney, and a full copy of his account, but the same is not now to be found; which account, as appears from said report of the Judiciary Committee, was duly certified to by the commissioners before whom the cases were pending when the services were performed; also the certificate of the First Comptroller of the Treasury, showing that the charges correspond with the cases reported, and that neither the claimant nor any one else has ever been paid for the services rendered.

"The district attorney also appends his certificate to the same, as appears by said report, showing that he appointed Mr. Perkins as such substitute, and that he rendered said services for several years.

"The claim of the memorialist amounts to the sum of $1,090, and appended to it, as appears by said report of said Judiciary Committee, are the following certificates:

"UNITED STATES OF AMERICA,
"*Washington, D. C.:*

"I, James R. Cook, late United States commissioner for the eastern district of Michigan, do hereby certify that the dates stated in the foregoing cases as examinations had before me are correct and true, showing the time occupied in such examinations; that Daniel W. Perkins was the attorney, and the only attorney, who appeared for the United States Government and conducted such examinations.

"JAMES R. COOK,
"*Late United States Commissioner, Eastern District of Michigan.*

"TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
"*July* 10, 1876.

"The records and files of this Department show that examinations were had in the cases specified in the foregoing statement of D. W. Perkins, substitute United States attorney, in said cases have been made by said attorney or his substitute, D. W. Perkins.

R. W. TAYLER, *Comptroller.*

"UNITED STATES DISTRICT ATTORNEY'S OFFICE,
"*For the Eastern District of Michigan:*

"I, A. B. Maynard, United States district attorney for the eastern district of Michigan, do hereby certify that D. W. Perkins, of East Saginaw, Mich., has been my deputy at that place for a number of years; that none of the services of the said Perkins were ever audited with my services in any cases in which said Perkins appeared; that I have never been allowed or paid for any services which said Perkins has performed as such deputy district attorney; that all the pay which said Perkins has received for his services as such deputy district attorney has been allowed and audited by the First Auditor of the Treasury; and that the said Perkins should receive pay for such services as he has performed which do not appear to have been audited by said First Auditor; that the certificate of United States commissioner, before whom said Perkins performed said services, will show what these services were; that I have been personally acquainted with Mr. D. W. Perkins for many years, and know him to be reliable and truthful and trustworthy, and that he would not present any account for services which was not correct and true; that I personally know that he has not been paid for a number of years, but I can not give the exact date; that the fact of his not being paid grew out of the fact of Mr. Perkins not presenting his account till after the estimates for the years had been exhausted or closed.

"Dated June 24, 1876.

"A. B. MAYNARD,
"*United States District Attorney for the Eastern District of Michigan.*

"TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 5, 1876.

"SIR: Your letter of the 3d instant to the First Auditor relative to a claim of Daniel W. Perkins has been referred to this office. By section 14, act of August 16, 1856, district attorneys were authorized to employ substitutes, who were to receive the same fee as the district attorneys for the same services. Mr. Perkins was so employed and so paid. His last account settled at this Department embraced services to the 30th day of September, 1871. In the revision of the statutes of the United States the authority to employ substitutes was dropped.

"It appears from the district attorney's statement that Mr. Perkins continued to act until April, 1875. I therefore presume that his claim is for compensation as substitute attorney from October 1, 1871, to April, 1875, which can not be paid at the Treasury for want of authority. His account has probably been rendered to the Department of Justice, where it would properly go if it could be allowed.

"R. W. TAYLER, *Comptroller.*

"Hon. N. B. BRADLEY,
"*House of Representatives.*

"Your committee, from this examination and from the above facts as found by the Judiciary Committee of the Forty-fourth Congress, and from the evidence attached to their report, come to the conclusion that there can be no doubt about the justice of the claim of the said Daniel W. Perkins, and that it should be paid; and therefore, without waiting for the filing of a new statement of his account, so lost, we report back the bill so referred to said committee and recommend that it pass."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

P. H. WINSTON.

Mr. CULBERSON. I now call up the bill (H. R. 4239) for the relief of P. H. Winston, and ask also in this case to discharge the Committee of the Whole House on the Private Calendar from its further consideration, and consider it in the House.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That there be paid to Patrick H. Winston, of Lewiston, Nez Percé County, Idaho Territory, out of any money in the Treasury not otherwise appropriated, the sum of $750, in full compensation for his legal services in defense of Tom Hill, a captain of the Indian police of the Nez Percé agency, tried and acquitted in the first district court of Idaho Territory in the year 1886.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. MEARS.

Mr. CULBERSON. I now call up the bill (H. R. 3235) to restore to John W. Mears a fine improperly imposed upon him.

Mr. CASWELL. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of this bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is, directed to pay to John W. Mears the sum of $200, being amount of a fine improperly imposed upon and collected from him, and which was turned into the Treasury of the United States.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KERR. I would like to have the report read in that case subject to the right of objection.

The report (by Mr. CASWELL) was read, as follows:

This bill passed the Senate in the Forty-ninth Congress. It was also considered by the Committee on Claims of the House in that Congress and received a favorable report. That report sets forth the facts substantially as we find them, and we adopt and make it a part of our report and recommend that the bill do pass.

The claimant was master of the schooner Brinton M. Tilton, of Onancock, Va. On his return from James River to Chincoteague Bay, Virginia, on the evening of March 22, 1884, he ran his schooner into Wachapreague Inlet, to land some of the men who had gone to Norfolk with him. He anchored at least a mile above the anchorage for vessels, where the channel is not more than a hundred yards wide. He went ashore in the afternoon, expecting to return to the schooner by sunset, and omitted to tell the crew, who were new men, to place the lights in position. Claimant was detained on shore, and the crew, thinking the anchorage was not on a navigable stream, failed to place the lights upon the schooner, as required by Revised Statutes, section 4233. The schooner was without a light for a few hours in the early part of the night, and before the return of claimant on board.

Whilst in this condition a small revenue-cutter (drawing 2 feet 6 inches of water), which had been detained in the bay above by the tide, passed by, and the schooner was reported for not having lights, and the fine of $200 provided by section 4234, Revised Statutes, was imposed upon claimant, and he was compelled to pay the same, and it was covered into the Treasury before he obtained judicial action in the premises.

George Toy, the collector at that point, in a letter of October 27, 1884, to the Secretary of the Treasury, says, "I am satisfied it was not the intention of Mr. Mears to violate the law in the premises;" and he recommends that the fine be remitted.

Your committee are of opinion that the fine should have been remitted, and they therefore recommend that the bill (H. R. 5477) which they have had under consideration do pass.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNULMENT OF CERTAIN LAND TITLES, TEXAS.

Mr. CULBERSON. I now call up the bill (H. R. 1887) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes.

I ask that this bill, which is on the Calendar of the Committee of the Whole House on the state of the Union, be considered in the House as in Committee of the Whole.

There was no objection.

The bill was read, as follows:

Whereas on the 11th day of December, 1873, the United States obtained judgment in the circuit court of the United States sitting at Tyler, Tex., in the western district of Texas, for $50,000, against William T. Scott, William Umbdenstock, and others, sureties on the official bond of Davis B. Bonfoy, late col-

lector of internal revenue for the fourth district of Texas, cause 1037, and it appearing from the facts that on the trial of the cause against the said sureties they were deprived of their defense by having, through mistake, presented their accounts and facts in favor of Davis B. Bonfoy, their principal, then deceased, to the wrong accounting officer at Washington, D. C., for his action thereon, and said accounts were returned by said officer to the United States attorney representing the Government in the cause without any action thereon, which fact was not known to defendants until they had announced themselves ready for trial; and

Whereas facts subsequently discovered show that at the date of said judgment Davis B. Bonfoy, as collector aforesaid, was not really indebted to the United States, which facts could not have been known at the time to the proper accounting officers of the Treasury Department, for the reason that the moneys belonging to the United States in the hands of Bonfoy at the time of his death were taken charge of by the military authorities of the United States then commanding at Marshall, Tex. (the State being under military rule), and returned to and accounted for by said military authorities to the War instead of the Treasury Department; and

Whereas since said money so returned to the War Department has been taken up by the accounting officers of the Treasury Department in a readjustment of the accounts of the said Davis B. Bonfoy, as collector, and it appearing from said last adjustment, including the newly-discovered funds in the War Department, that at the time said judgment was obtained against said sureties Bonfoy really owed the Government nothing, but in fact had a balance due him from the Government: Therefore,

Be it enacted, etc., That the United States hereby relinquishes to the heirs or legal representatives of William T. Scott, late of Scottsville, Harrison County, Texas, all the right, title, and interest, real or pretended, of the United States in and to fifty-two sections of land, of 640 acres each, aggregating 33,280 acres, lying and being situated in the counties of Tom Green, Mitchell, Concho, and Atascosa, in the State of Texas, which said lands were bought in for the United States by Stillwell H. Russell, then United States marshal for the western district of Texas, at a public sale made by him, the said Stillwell H. Russell, United States marshal, on the first Thursday in October, 1878, under and by virtue of an *alias pluries* execution dated June 10, 1878, issuing out of the circuit court of the United States on a judgment obtained by the United States in the circuit court of the United States sitting at Tyler, Tex., in the western judicial district of Texas, on the 11th day of December, 1873, against William T. Scott and others, as sureties on the bond of Davis B. Bonfoy, collector aforesaid, cause 1037, and levied on said lands on the 5th day of September, 1878, and by him, as such marshal, following the statute in such case made and provided, deeded to the United States in a deed bearing date December 9, 1878, and recorded in Tom Green County (the county of Mitchell being then a part of Tom Green County), in book C of deeds of said county, folios 128 to 138, inclusive; and that all the right, title, and interest of the United States, real or pretended, to said lands, be, and the same are hereby, as fully and thoroughly divested out of the United States as if no such judgment had ever been obtained; and the Solicitor of the United States Treasury is hereby authorized and directed to reconvey to the said heirs or legal representatives of the said William T. Scott all the right, title, and interest of the United States to said lands, as fully described in the aforesaid deed.

SEC. 2. That the Treasurer of the United States be, and he is hereby, directed to refund to William T. Scott and William Umbdenstock, of Harrison County, Texas, sureties aforesaid, or to their heirs or legal representatives, the sum of $5,500, by them paid into the Treasury of the United States on the 17th day of September, 1881, in compromise of said judgment; and said sum is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, and made immediately available for said purpose.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOVEY. I object to the consideration of that bill.

Mr. KERR. I would like to ask a question.

Mr. EZRA B. TAYLOR. I think if these gentlemen understood the nature of this bill there would be no objection to its consideration.

Mr. KERR. I am not objecting, but only wish to ask a question.

Mr. HOVEY. I am objecting.

Mr. EZRA B. TAYLOR. This bill is to correct, as far as can be corrected, a case in which there was more injustice, more crime, and more accident against the parties whose relief is sought than in any other bill that has ever been presented to this House.

Mr. KERR. Is there authentic evidence before the committee that the bill recites the facts?

Mr. EZRA B. TAYLOR. There is, and more than that. The bill recites the facts, but does not recite all of the facts of the case. It is the most wonderful case that has ever come to my knowledge since I have been a member of this House.

Mr. PARKER. I hope the gentleman from Indiana will withhold his objection until an explanation can be made.

Mr. HOVEY. I have read the report in this case and understand it.

Mr. PARKER. Of course if the gentleman feels justified in his objection without reading the report, it is in his power to prevent the consideration of the bill.

Mr. HOVEY. This was a judgment of $50,000 against the sureties in this case; the land was sold under the judgment, and they not only seek to get back the land, but also to have the sureties paid $5,000 in addition.

Mr. EZRA B. TAYLOR. After that judgment was obtained, it was found that this man who was supposed to be a defaulter, and who had been arrested and put in jail and died there, and his wife killed by the guard who was supposed to be protecting the money of the Government in her house, had deposited to the credit of the United States more money, and more was taken from him by force than the amount of the judgment. That is why the claim of $5,000 is to be paid back.

Mr. LANHAM. Is it not fully sustained by the evidence?

Mr. EZRA B. TAYLOR. It is, unquestionably.

Mr. HOVEY. I object to the consideration of the bill.

The SPEAKER *pro tempore*. Objection being made, the bill will be withdrawn, under the order.

CORPORATIONS AS SURETIES.

Mr. CULBERSON. I call up the bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments.

Mr. BUCHANAN. I would like to have the bill read, subject to the right of objection.

Mr. CULBERSON. This bill is on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That whenever by the laws of the United States any person or corporation is required or permitted to make, execute, and give bond, stipulation, or undertaking, with or without sureties, conditioned for the faithful performance of any trust, office, or duty, or for the doing or not doing of anything in said bond, stipulation, or undertaking specified, any company incorporated and organized under the laws of any State of the United States and authorized to guaranty the fidelity of persons holding positions of public or private trust, and to execute or guaranty bonds and undertakings, may, upon production of evidence of solvency and credit satisfactory to any judge of any Federal court, or clerk thereof, district attorney, United States commissioner, head of a Department, collector of customs or revenue, or any other officer who is now or may hereafter be authorized by law or regulations to approve of the sufficiency of any such bond, stipulation, or undertaking, or of the sureties thereon, be accepted as sole and sufficient surety upon the bond, stipulation, or undertaking of any person or corporation required by the laws of the United States to make, execute, and give a stipulation, bond, or undertaking.

The committee recommend the adoption of the following amendment:

Add to the bill the following proviso:

"*Provided*, That the proofs taken of the solvency of the surety approved shall be attached to the bond and filed in the office where it is required to be kept."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BUCHANAN. I shall not object to its consideration, but it seems to be a bill of doubtful utility, and I think some explanation why the United States shall make this departure should be given. I do not believe in killing bills by single objections, but certainly some reason for this innovation should be given.

Mr. CASWELL. If the report was read it would satisfy the gentleman.

Mr. CULBERSON. The report is quite lengthy.

Mr. CASWELL. I would like, then, to have the gentleman from Texas make a brief explanation of it. It is a bill full of merit.

Mr. CULBERSON. This bill was reported to the House by the gentleman from Alabama [Mr. OATES], who is now necessarily absent. The bill, as I understand, was introduced into the House by the gentleman from New York [Mr. BAKER], and also one by Mr. MORSE, of Massachusetts.

I will yield the floor for five minutes to the gentleman from New York [Mr. BAKER] to explain the bill.

Mr. BAKER, of New York. The subject covered by the bill can be explained in a very few words. Under existing laws persons required to give bonds for the faithful performance of official duties give individual sureties. Under our State laws we have corporations organized according to law whose sole purpose is to guaranty the bonds of public officials. These corporations do this business now under the courts of the State. They are subject to frequent examination and careful investigation. They are supervised in the State of New York by the insurance department. The capital is required to be invested, and altogether they comprise far better security than can be had under any individual suretyship.

Mr. BUCHANAN. Will the gentleman from New York yield for a question? These corporations are creatures of State laws, and there is no Federal supervision extended over them. In what way can they be of use on official bonds?

Mr. BAKER, of New York. There is no difficulty about that at all. I desire to say that the whole subject has been treated in a report of the Postmaster-General, the Secretary of War, and the Paymaster-General of the Army, and they have urgently recommended that they be permitted to accept the surety of these corporations upon bonds in lieu of individual bonds.

Mr. BUCHANAN. You refer to corporations organized expressly for the purpose of offering suretyships for so much percentage.

Mr. BAKER, of New York. They are doing business in the different States.

Mr. BUCHANAN. Does not the gentleman know that many of these companies have accepted liabilities ten times in excess of their assets?

Mr. BAKER, of New York. The bill itself provides that the solvency of the companies taking the surety shall be attached to the bond and recorded in the office where it is required to be kept, and under State laws they are subject to frequent investigation, and a rigid examination may be required to be made at any time.

Mr. BUCHANAN. This might mean that the company is solvent itself and could provide for its debts, but does the solvency apply where an excess exists over their contingent liabilities?

Mr. BAKER, of New York. In regard to that, the experience of all those corporations that have existed for many years in Europe has been that men as a rule are honest, and that the companies are watching and looking after persons for whom they may be surety, and for the protection of the principal in every case. The committee, in order to investigate this subject, heard the recommendation of the Departmental officials, and in closing a long report say they "unanimously approve this bill with an amendment, and recommend its passage as a

valuable addition to existing legislation, and as tending to strengthen the Government's security in all forms of bonds and undertakings, as well as to largely decrease the expense in every Department, now inseparable from the investigations touching the solvency of individual sureties."

There would be no trouble with the corporation in guarantying the bond of an official. They have a fixed liability, with a responsible company always ready to respond; and it has come to be taken as a maxim that the safest and best means to relieve a surety upon a bond, or an official bond, or upon an undertaking of any character in a court or in a surrogate's court is a bond provided by these guaranty companies.

Mr. CASWELL. Is it not true that these companies have the right to keep watch upon the principals, and to see that they perform their duties and are not liable to become defaulters?

Mr. BAKER, of New York. They do look after those for whom they are surety.

Mr. KERR. Is there not this objection, that it gives aggregated capital power over their dependents?

Mr. BAKER, of New York. On the contrary, I happen to know that through the supervision of these companies in the State of New York in a number of cases defaulting officials and trustees have been apprehended; and their system is such that they keep a constant watch over persons for whom they are surety. In many cases they protect the principal by the watchfulness they exercise as surety.

Mr. CASWELL. Will the gentleman read the list of the States that have adopted this system?

Mr. BUCHANAN. But my objection is beyond that, and it is this——

The SPEAKER *pro tempore*. The time of the gentleman from New York [Mr. BAKER] has expired.

Mr. CULBERSON. Mr. Speaker, I desire to make a statement. I am satisfied that this bill can not pass the House to-night——

Mr. CASWELL. Why not?

Mr. BAKER, of New York. If the gentleman from Texas [Mr. CULBERSON] will permit me, I would like to read the names of the States that have adopted this rule. The committee say:

We find that already the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Alabama, Georgia, California, Oregon, and some others have passed such laws, and from the reports of judges and referees in certain cases we find that the suretyship of corporations organized for that purpose has proved itself of inestimable value to litigants, officials, and the bar generally.

Mr. BUCHANAN. Does the gentleman know of any institution of this kind in any of the States over which the Federal laws have any sort of supervision?

Mr. BAKER, of New York. There is no difficulty in enforcing a bond executed by a guaranty company in any State where such a corporation exists. By the law of New York, where we have such corporations, they are subject to prosecution, and in no case has there been any trouble in enforcing their liability.

Mr. CASWELL. They assume the same general status as life-insurance companies.

Mr. BUCHANAN. I am not speaking of that; I am speaking of power of supervision, power to make examination into their solvency and responsibility.

Mr. BAKER, of New York. There never has been any trouble at all in that respect.

Mr. BUCHANAN. We shall be obliged to depend upon the State officers for that in every case.

Mr. BAKER, of New York. There has never been any trouble about that. And then it will be observed that this bill is not obligatory; it is only permissive.

Mr. PARKER. I should like to be heard for one minute on this bill.

Mr. CULBERSON. I yield to the gentleman for one minute.

Mr. PARKER. I am in favor of this bill for two reasons: one is a reason that has been already suggested, namely, that these companies assuming this responsibility always have vigilant and skilled agents to watch the principals to see that they are not following courses likely to result in default. The other reason I will state in answer to the suggestion of the gentleman from Iowa [Mr. KERR], who thinks that these companies, as parties defendant, may have an interest to defend powerfully persons who are charged with defalcation. I wish to say that the effect is just the other way, because when such a case comes before a jury they have not the sympathy that they would have for the man, for the wife of the man, for the children of the man who is defending. They treat the defendant as a corporation and make it pay the damages, just as they would make a railroad company or any other corporation pay.

The amendment reported by the Committee on the Judiciary was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TO ANNUL CERTAIN LAND TITLES, TEXAS.

Mr. HOVEY. Mr. Speaker, at the earnest solicitation of my colleagues from Ohio and Illinois I withdraw my objection to the consideration of House bill 1887, to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes.

The SPEAKER *pro tempore*. Is there further objection to the consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KILGORE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, FLORIDA.

Mr. CULBERSON. I call up the bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879.

The SPEAKER *pro tempore*. This bill is reported from the Committee on the Judiciary with an amendment, which the Clerk will read.

The Clerk read as follows:

Add as section 2 of the bill the following:

"SEC. 2. That all process and recognizances issued from the clerk's office of said circuit or district court shall be taken and considered as returnable to the term or terms hereby established in lieu of the term existing at the time such process was issued."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIDSON, of Florida, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STERLING H. TUCKER AND OTHERS.

Mr. CULBERSON. I call up the bill (H. R. 8674) for the relief of Sterling H. Tucker and others, and yield to the gentleman from Arkansas [Mr. ROGERS].

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the Private Calendar. In the absence of objection the Committee of the Whole House will be discharged from its further consideration, and it will come before the House, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That Sterling H. Tucker, William P. Grace, Elhanon J. Searle, Josiah H. Demby, Samuel Bard, and William G. Pennington, or their estates, be, and they and each of them are hereby, released from any and all liability as the sureties upon the official bond of James W. Demby, formerly pension agent, the said release to take effect upon the payment of the legal costs heretofore accrued in the prosecution of said claim by the United States: *Provided*, That all the rights and remedies of the Government on said bond as against said James W. Demby shall in no manner be affected hereby, but remain in full force and effect in law.

The SPEAKER *pro tempore* Is there objection to the consideration of this bill?

Mr. KERR. I would like to hear a statement of the circumstances of the case.

Mr. ROGERS. The report is not very long; but I believe I can state the substance of it more quickly than it can be read. Mr. James W. Demby, the principal in the bond in this case, was appointed a pension agent at Little Rock, Ark., in 1868, and went out of office June 20, 1870, a defaulter to the Government in the sum of about $14,000; that was the amount of judgment rendered against him. The Government remained quiet, brought no suit, gave the sureties no notice, took no steps of any description to collect this money, until April 30, 1886, sixteen years after Mr. Demby went out of office. When he went out of office every surety on his bond was solvent and entirely capable of paying the debt.

Sterling H. Tucker, for instance, was the most prominent banker in the State, his paper being considered as good as bank notes. He is now a man of seventy years of age, and absolutely insolvent, working in the post-office at Little Rock as a clerk on a small salary. Samuel Bard, another of the sureties, is dead, having died insolvent. Mr. Searle I have lost sight of entirely. He was a supreme judge under reconstruction; some years ago I learned he was in St. Louis in extreme poverty; in recent years I have never heard of him. Josiah H. Demby, the brother of the principal in the bond, is residing in the city of Pine Bluff. The only property he had, a single lot, was sold the other day for $100, to satisfy, so far as it went, this judgment.

William P. Grace, the only one now remaining of the sureties who has a cent of property subject to execution, is a man seventy years of age, living in Pine Bluff; he has a small home, and I suppose ekes out an humble livelihood.

When this matter was brought to my attention I applied to the Solicitor of the Treasury to ascertain the facts, and his reply is embraced in this report. My fullest information, however, I obtained by ad-

dressing a letter to the United States district attorney at Little Rock, who gives me the facts substantially as I have stated them. He closes his report by saying:

The defalcation took place some fifteen or eighteen years ago, and if the matter had been pressed then many of the sureties were entirely solvent who are now worth nothing. Tucker at that time was a banker here, and could have paid the whole amount without embarrassment; but now he has nothing, is working on a small salary in the post-office at this place, and the other sureties were then, I understand, in a good financial condition. So, under the circumstances, I think the relief should be granted.

I have given the substantial points of this case. It is one which illustrates in the strongest manner the wisdom of the bill which we passed to-night requiring the Government to proceed promptly against parties who are charged with being defaulters, and providing that if suit be not instituted within five years after the person retires from office the sureties shall be discharged.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALIEN OWNERSHIP OF LAND IN TERRITORIES.

Mr. CULBERSON. I call up House bill No. 6832, and yield to the gentleman from Wisconsin [Mr. CASWELL]. I will state that this is the last bill which we propose to bring before the House this evening.

The bill was read, as follows:

A bill (H. R. 6822) to amend chapter 340 of the laws of 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc."

Be it enacted, etc., That section 3 of chapter 340, of the laws of 1887, approved March 3, 1887, be amended so as to read as follows:

"SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes, shall acquire, hold, or own more than 5,000 acres of land in any of the Territories of the United States; and no railroad, canal, or turnpike corporation, shall hereafter acquire, hold, or own lands in any territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted it by act of Congress. But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation: *Provided*, That this section shall not apply to lands acquired, in good faith, by mercantile or manufacturing corporations, organized under the laws of the United States, or the constitutions or laws of any State or Territory in the United States or the District of Columbia, upon foreclosure, execution, or judicial proceedings, or taken in payment of pre-existing bona fide indebtedness due to such corporations in the ordinary course of business."

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill.

Mr. FULLER. I object.

Mr. CULBERSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DINGLEY: A bill (H. R. 10999) granting a pension to William H. Coffin—to the Committee on Invalid Pensions.

By Mr. DUBOIS: A bill (H. R. 11000) to authorize the leasing of the school and university lands in the Territory of Idaho, and for other purposes—to the Committee on the Public Lands.

By Mr. MCKENNA: A bill (H. R. 11001) granting a pension to George W. Johnson—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 11002) to remove the charge of desertion from the military record of Eli Haines—to the Committee on Military Affairs.

Also, a bill (H. R. 11003) granting a pension to Edward Balmat—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 11004) granting a pension to Sarah A. Tryon—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 11005) granting a pension to Ester Gaven—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition to have the claim of Peter F. Archer, deceased, referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of heirs of H. J. Dickson, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the Commercial Exchange of Philadelphia, requesting prompt passage of Senate bill 2851—to the Committee on Commerce.

By Mr. BUNNELL: Petition for the relief of Mary Van Buskirk, widow of John B. Van Buskirk—to the Committee on Pensions.

By Mr. COWLES: Resolution asking that a day be set apart for consideration of bill relating to compensation of district attorneys, marshals, etc.—to the Committee on Rules.

By Mr. CUTCHEON: Petition of citizens of Manistee County, Michigan, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GOFF: Petition of Mrs. Lavinia A. Patton and Miss Belle Hartley, for pensions—to the Committee on Invalid Pensions.

Also, petition of the board of commissioners of Ohio County, West Virginia, for an appropriation for the repair of the national road recently damaged by the great flood in West Virginia—to the Committee on Appropriations.

By Mr. JACKSON: Petition of Council No. 48, Junior Order United American Mechanics, of Beaver Falls, Pa., for the passage of Senate bill 553, regulating immigration—to the Committee on Foreign Affairs.

By Mr. MCCREARY: Petition of James H. Orr, for a pension—to the Committee on Invalid Pensions.

By Mr. MOFFITT: Petition of Knights of Labor of Ellenburgh, N. Y., in favor of H. R. 8716—to the Committee on Labor.

By Mr. NICHOLS: Petition of citizens of Caswell County, North Carolina, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. CHARLES O'NEILL: Petition of citizens of Philadelphia, Pa., in favor of House bill No. 8716—to the Committee on Labor.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. GIFFORD: Of Joseph Elson and 28 others, soldiers of the late war, of Spink County, Dakota.

SENATE.

FRIDAY, *July* 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 13th instant, reports of the Solicitor of the Treasury and the Commissioner of Internal Revenue, and of Mr. H. B. Littlepage, lately employed as an agent of the Treasury Department, in regard to property of the United States, or to which the United States have a valid claim, which is held in adverse possession against the United States; which, on motion of Mr. CALL, was, with the accompanying papers, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two petitions of citizens of Coos County, New Hampshire, praying for certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of citizens of Connecticut, praying for the passage of such legislation as will more effectually protect agriculture; which was referred to the Committee on Finance.

He also presented a petition of citizens of Meriden, Conn., praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented petitions of Southwark Council, No. 144, Philadelphia, Pa., and of Sewickley Council, No. 170, Sewickley, Pa., Junior Order of United American Mechanics, praying for the passage of Senate bill 553, to regulate and restrict immigration; which were referred to the Committee on Foreign Relations.

He also presented petitions of ex-Union soldiers and sailors, citizens of Union City, Pa., and vicinity, of John C. Steiner and 24 other ex-Union soldiers and sailors, of W. H. Wharton and 14 other ex-Union soldiers and sailors, of William H. Vantassel and 43 other ex-Union soldiers and sailors, of H. W. Drips and 28 other ex-Union soldiers and sailors, of Theodore Hunt and 10 other ex-Union soldiers and sailors, of William Frasier and 23 other ex-Union soldiers and sailors, of Samuel B. Kennedy and 27 other ex-Union soldiers and sailors, of J. H. Lasher and 30 other ex-Union soldiers and sailors, of William McElfresh and 12 other ex-Union soldiers and sailors, of W. H. Smith and 9 other ex-Union soldiers and sailors, of Amos Kuhl and 28 other ex-Union soldiers and sailors, of J. D. McQuaide and 11 other ex-Union soldiers and sailors, of Jacob L. Grove and 17 other ex-Union soldiers and sailors, of John H. Anderson and 6 other ex-Union soldiers and sailors, of Henry Bain and 2 other ex-Union soldiers and sailors, of M. L. Carnahan and 5 other ex-Union soldiers and sailors, of John H. Park and 38 other ex-Union soldiers and sailors, of Vachel Catlin and 31 other ex-Union soldiers and sailors, of Albert S. Borlin and 12 other ex-Union soldiers and sailors, of George H. Murphy and 28 other ex-Union soldiers and

sailors, of J. A. Pearce and 18 other ex-Union soldiers and sailors, of C. L. Palmer and 8 other ex-Union soldiers and sailors, of C. P. Craver and 66 other ex-Union soldiers and sailors, of J. H. Murdock and 12 other ex-Union soldiers and sailors, of W. H. Swart and 18 other ex-Union soldiers and sailors, of William Anderson and 14 other ex-Union soldiers and sailors, of D. L. Crawford and 36 other ex-Union soldiers and sailors, of M. R. Haymaker and 15 other ex-Union soldiers and sailors, of Henry Campbell and 18 other ex-Union soldiers and sailors, of H. C. Fishel and 18 other ex-Union soldiers and sailors, of Michael R. Meanor and 37 other ex-Union soldiers and sailors, of Andrew Cook and 35 other ex-Union soldiers and sailors, of Henry Stoble and 25 other ex-Union soldiers and sailors, of Charles Wiley and 6 other ex-Union soldiers and sailors, of C. G. Koechlin and 27 other ex-Union soldiers and sailors, of Samuel McCutchin and 20 other ex-Union soldiers and sailors, of W. D. Patterson and 17 other ex-Union soldiers and sailors, of William J. Woods and 44 other ex-Union soldiers and sailors, of N. N. Fullerton and 19 other ex-Union soldiers and sailors, of Jesse A. Clements and 8 other ex-Union soldiers and sailors, of John R. Henry and 7 other ex-Union soldiers and sailors, of William Behney and 10 other ex-Union soldiers and sailors, of J. W. Wilson and 6 other ex-Union soldiers and sailors, of Joseph P. Love and 15 other ex-Union soldiers and sailors, of John Lauffer and 5 other ex-Union soldiers and sailors, of James Miller and 18 other ex-Union soldiers and sailors, of Simon Bitts and 37 other ex-Union soldiers and sailors, of P. C. King and 14 other ex-Union soldiers and sailors, and M. S. Tarr and 14 other ex-Union soldiers and sailors, all of Westmoreland County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented the petition of W. W. Smith and 89 others, citizens of Manistee, Mich., praying for an amendment of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES presented a petition of citizens of Farmland, Ind., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of Andrew Weiand, late private of Company A, Eleventh Regiment Indiana Infantry, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. SPOONER presented the petition of S. A. H. McKim, executor of the estate of James Gill, praying that the Secretary of the Treasury be authorized and instructed to cancel a draft heretofore issued in the name of Joseph N. Gill for $159.77, and issue a new draft in its stead for a like sum, the discrepancy in the name having been occasioned by a clerical error; which was referred to the Committee on Claims.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company, direct me to report the same back without amendment, and as it is an exceedingly short bill I will ask the unanimous consent of the Senate that it be now considered.

Mr. SHERMAN. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Capitol, North O Street and South Washington Railway Company is hereby authorized to extend its tracks and run its cars thereon through and along the following-named streets: Beginning at Fourteenth and B streets southwest, east along B street southwest to Twelfth street southwest, to an intersection with its present line on said Twelfth street.

SEC. 2. That section 3 of the act entitled "An act to amend the charter of the Capitol, North O Street and South Washington Railway Company," approved March 3, 1881, be, and the same is hereby, repealed.

SEC. 3. That unless said extension is completed and the cars run thereon within six months from the passage and approval of this act, the authority herein granted shall be void.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. What is the section repealed?

Mr. HARRIS. This extension simply connects the detached link described in the bill.

Mr. SHERMAN. But what is the section repealed?

Mr. HARRIS. The section repealed is the section which fixes a two-cent fare extra on that detached link. It simply makes that link a part of the general system.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICE-COURT JURY.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia to report with an amendment the bill (S. 3132) to provide for four police magistrates in the District of Columbia, to define their powers and jurisdiction, to provide for trial by jury in the police court of the said District, and for other purposes; and as the bill is simply for the purpose of providing a jury for the police court under the decision of the Supreme Court rendered in May last, I am instructed to ask unanimous consent that the bill be considered at this time.

The bill, I will state, has been drawn by the judges of the District and approved by the District attorney, and carefully considered by the committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the District of Columbia was to strike out all after the enacting clause and insert:

SECTION 1. That in all causes of which the police court of the District of Columbia has original jurisdiction and in which, under the law, a person accused of an offense is entitled to a trial by jury, the said jury shall consist of twelve persons selected in conformity with the provisions and requirements of the twenty-fourth chapter of the Revised Statutes relating to the District of Columbia, except in so far as the said provisions and requirements are modified, altered, or amended by the provisions of this act: *Provided*, That the person charged may waive his right to a trial by jury, which waiver shall be entered on the records of the court, and submit the trial of the cause to the judge of said police court, whose judgment therein shall have the same effect as if the cause had been tried by a jury.

SEC. 2. That the names of those persons who may be selected to be drawn for jury service in the said police court, as herein provided, shall be put and kept in a box for that purpose, distinct and separate from that used for the names of persons selected to be drawn for jury service in the supreme court of the District of Columbia. Such names shall be put in said box at such times as the public convenience and the necessities of the case may require; and should said names be exhausted by drawing from said box at a time when said supreme court in general term is not in session, and the officers or persons to make lists of jurors are from any cause not in existence or capable of acting, the commissioners of the District of Columbia shall act as such officers or persons for the time being, with respect to jurors for said police court; and at least twenty-six names shall be drawn at any given time for service on the jury at the said police court.

SEC. 3. That all jurors summoned to serve on a jury in the said police court shall serve for a term of one month, and shall receive as compensation for each day's attendance the sum of $2, and for each half-day's attendance the sum of $1. Any vacancies in the jury so called for service in the police court shall be filled by talesmen to be supplied as now provided by law in the case of vacancies in a jury for service in the supreme court of said District of Columbia. No person shall be eligible for service on a jury in said police court for more than one term in any period of twelve months; but service on said jury shall not render any person so serving exempt, ineligible, or disqualified for service in the said supreme court, except during the time of actual service on such jury in said police court.

SEC. 4. That the power to examine and commit, or hold to bail, in any offense cognizable in the supreme court of the said District, shall remain in the judge of the said police court, as is now provided by law.

SEC. 5. That all laws or parts of laws inconsistent with the foregoing are hereby repealed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. PLATT. I wish the Senator who reported the bill would make some explanation of the provisions of the amendment.

Mr. FAULKNER. The bill simply provides for a jury in the police court of the District of Columbia.

Mr. PLATT. In what kind of cases?

Mr. FAULKNER. Under the existing law there is no provision for a jury in the police court of the District, and under the decision of the Supreme Court, made on the 14th of May, the court held that no case could be tried in the police court except those inferior misdemeanors for breaches of ordinances of the city, and similar offenses, as in other cases the Constitution guarantied to the accused a trial by jury.

When that decision was rendered, of course it limited very greatly the jurisdiction of the police court by reason of the fact that it had no jury to try cases coming within the decision of the Supreme Court.

The judge of that court, one of the judges of the supreme court of the District, and the district attorney prepared a bill and had it presented in Congress and referred to the Committee on the District of Columbia. The bill has been carefully examined, and all its provisions have been excluded in reference to the appointment of magistrates, which was provided for in that bill extending the criminal system, and only the provisions in reference to the jury retained.

The provisions as to the drawing of a jury are the same as those which govern in regard to the drawing of juries for the supreme court; they are to be drawn under the provision of the law which governs the drawing of juries for that court.

I will state to the Senator from Connecticut that this bill is regarded as exceedingly important in the interest of public justice, for the reason that the criminal court has now adjourned and will not have any jury before October, and unless this bill is passed any one charged with an offense governed by the decision of the Supreme Court will have to remain in jail until the first of October without trial, if it is impossible for him to give bail. For that reason the officers of the District are very anxious that it should be passed as promptly as possible.

Mr. PLATT. In what sort of criminal cases does the police court have original jurisdiction?

Mr. FAULKNER. It has original jurisdiction by statute of petit larceny, of assault and battery, and of such inferior misdemeanors, and is the committing court for all felonies for the criminal court.

Mr. PLATT. It does not include felonies?

Mr. FAULKNER. No.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for trial by jury in the police court of the District of Columbia, and for other purposes."

REPORTS OF COMMITTEES.

Mr. FARWELL. I am directed by the Committee on the District of Columbia to report favorably, and to ask the consideration at this time of the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that the bill may be now considered. It will be read at length for information.

Mr. FRYE. I shall be obliged to object to its present consideration.

Mr. FARWELL. It will take but a moment. It will provoke no discussion.

Mr. FRYE. I am obliged to object.

The PRESIDENT *pro tempore*. The Senator from Maine objects, and the bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2590) granting a pension to George L. Sanders, reported it without amendment, and submitted a report thereon.

Mr. SAWYER (for Mr. DAVIS), from the Committee on Pensions, to whom was referred the bill (S. 3325) granting an increase of pension to Julia M. Edie, reported it without amendment, and submitted a report thereon.

Mr. PAYNE. I am directed by a majority of the Committee on Foreign Relations, to whom was referred the bill (S. 948) for the relief of James and William Crooks, of Canada, to report it without amendment.

In the course of the morning I shall file a written report and the views of the minority.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3054) to abolish the police court and office of justice of the peace in and for the District of Columbia, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom were referred amendments intended to be proposed to the sundry civil appropriation bill for a public building for post-office and other Government purposes, at Roanoke, Va., and for extension of the public building at Lynchburgh, Va., reported them favorably, and moved their reference to the Committee on Appropriations; which was agreed to.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7762) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment:

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog signal at Sandy Hook, New York Harbor;

A bill (H. R. 1228) for establishing a light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California;

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 10181) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.;

A bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay;

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain;

A bill (H. R. 1541) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey;

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California; and

A bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia;

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9396) for the relief of General William F. Smith, reported it with amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 3383) granting a pension to Mary A. Potts, widow of Dr. Alfred Potts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3384) to purchase a painting of Abraham Lincoln; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. FAULKNER introduced a bill (S. 3385) to regulate the practice of pharmacy in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER (by request) introduced a bill (S. 3386) providing that the fund held for the redemption of United States notes shall be composed of gold and silver, half in gold coin and gold bullion and half in silver bullion equal in value to the gold half; which was read twice by its title, and referred to the Committee on Finance.

Mr. SPOONER introduced a bill (S. 3387) granting a pension to Charles S. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3388) granting a pension to Morgan Welsh; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. DANIEL and Mr. GORMAN submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1887–'88 there be printed 6,000 copies for the use of the Senate, 1,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

CANADIAN PACIFIC RAILWAY.

Mr. CULLOM. The resolution introduced by me two or three days ago in reference to the Canadian Pacific Railway was to be laid before the Senate this morning. The Senator from Maryland [Mr. GORMAN] wishes to have it lie over. The amendment which he has prepared to offer to the resolution he left by mistake at his rooms.

Mr. GORMAN. I ask that the resolution may lie over until Monday.

The PRESIDENT *pro tempore*. It will lie over until Monday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;

A bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds; and

A bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes, approved March 3, 1875."

The message further announced that the House had passed the bill (S. 928) in relation to marriage between white men and Indian women, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 1312) to provide for a term of court at Quincy, Ill.;

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota;

A bill (H. R. 6602) for the relief of James O'Brien;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railroad Company;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers; and

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes.

THE FISHERIES TREATY.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business with open doors.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed in open executive session to the consideration of the fisheries treaty.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. Is there objection to the Senator from Kentucky proceeding? The Chair hears none.

Mr. BECK. I beg pardon. I rose to object to the motion, if I can, and to say that the sundry civil appropriation bill has been pending for several days, and I understood the Senator from Iowa [Mr. ALLISON] intended to call it up this morning. It is a bill of very great importance. There is a great deal of matter in it, and it will take, perhaps, two or three days to dispose of it. Nearly thirty days have gone now since the beginning of the fiscal year, and perhaps it will be necessary to extend the appropriations made by the last sundry civil appropriation act if the bill is not proceeded with at once. I do not think anything else can be as urgent as that bill, and I hope the Senate will proceed to its consideration.

Mr. FRYE. I made the motion because the Senator from Delaware [Mr. SAULSBURY] is very anxious to occupy the floor this morning. His family is sick, and he is liable to be called away at any moment.

Mr. BECK. Oh, if that is the object, it is all right.

Mr. FRYE. I had arranged it practically with the chairman of the Committee on Appropriations.

Mr. BECK. That settles it.

Mr. ALLISON. I will say that I feel the same urgency respecting the sundry civil appropriation bill that the Senator from Kentucky does, but the Senator from Delaware appealed to me saying that he would be perhaps obliged to go away.

Mr. BECK. I did not know that.

Mr. ALLISON. I will say to the Senator from Kentucky and to the Senate that immediately after the conclusion of the remarks of the Senator from Delaware I shall ask the Senate to consider the sundry civil appropriation bill.

Mr. BECK. That is all right.

Mr. SHERMAN. I feel bound to give notice that after the sundry civil appropriation bill is out of the way I shall insist on getting the treaty disposed of as soon as possible, and request Senators who desire to speak on the treaty to be ready to do so early next week. The reasons are manifest, and I shall feel it my duty to press the consideration of the treaty; and in my absence the Senator from Maine [Mr. FRYE] will also press it. I hope that Senators will make their arrangements so as to close the debate at least by Wednesday next.

Mr. FRYE. I beg pardon of the Senator from Ohio for making the motion to proceed to the consideration of the treaty this morning. I did not see him present when I made it.

Mr. SHERMAN. That is all right.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. If there be no objection the reading of the Journal of the last open executive session will be dispensed with. The Executive Clerk will report the treaty by title.

The EXECUTIVE CLERK. A treaty, Executive M, between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888.

Mr. SAULSBURY. Mr. President, before proceeding to discuss the treaty under consideration I may be allowed to refer to a matter which has nothing to do with the merits of the treaty, but which it is necessary shall be placed right before the country.

It is known by the published proceedings of the secret executive session relating to the treaty that the Democratic members of the Senate voted against a motion made by the Senator from Massachusetts to consider the treaty in open executive session, and that the Republican side of this Chamber voted for that motion. This fact has been made the basis for the assertion by the Republican press that the Democratic Senators so voted because they believed the treaty indefensible and desired to prevent a public exposure of its real character. Indeed, it has been intimated upon this floor that our opposition to a public discussion of the treaty proceeded from that cause. These statements may have prejudiced some persons against the treaty who know nothing of its merits, and will justify a brief statement of the facts relating to the consideration of the treaty in open executive session. Soon after this treaty was sent to the Senate the Senator from Virginia [Mr. RIDDLEBERGER] offered a resolution providing for the consideration of the treaty with open doors, which was referred to the Committee on Foreign Relations. That committee at the proper time took the resolution into consideration and reported it back adversely. When it came up in this body the Senator from Massachusetts [Mr. HOAR] made an able speech in opposition to an open discussion of the treaty and depicted in a most solemn manner the danger of discussing treaties with foreign powers in open executive session. He was followed by the Senator from Vermont in an equally able and elaborate argument on the same side, deprecating the injury which would be inflicted on the country by discussing in public treaties negotiated with foreign countries. Mr. HAWLEY, of Connecticut, ably presented the same view of the matter, and upon a yea-and-nay vote only three Senators voted for open discussion. In less than forty-eight hours thereafter (I believe on the very next day) a Republican caucus was held, and it was determined by the caucus that the treaty should be considered with open doors. Then the humiliating sight was presented of every Republican Senator, with one exception (Mr. HALE, of Maine), coming into the Senate and voting for an open executive session, reversing their own action upon the Riddleberger resolution. No more humiliating sight was ever witnessed in the American Senate; Senators who had declared that the interest of the country in its foreign relations would be sacrificed by repealing or suspending the rule of the body which had existed from the foundation of the Government, requiring the consideration of treaties in secret session, at the mandate of a party caucus for a partisan purpose, deliberately bartering their expressed convictions and surrendering their opinions upon a matter of public duty in order to obtain a supposed party advantage. It is supposed that there is a class of voters in this country who are opposed to any treaty or other friendly relations with Great Britain, and the public discussion of the proposed treaty was decreed by a party caucus in order that appeals might be made to their prejudices which would influence their votes in the coming Presidential election. This side of the Chamber deprecates most sincerely the prostitution of the high function of the Senate as a part of the treaty-making power of the Government to partisan purposes, and regrets the evil consequences which may result to the country in the conduct of its foreign relations from the example which has been set in the consideration of this treaty by the Republican members of this body.

But, Mr. President, we have not opposed an open executive session from any apprehension that the treaty was indefensible, or that its public discussion would injure the Administration or the Democratic party. On the contrary, we believe a full understanding of the treaty will commend it to the favorable judgment of the country as a wise and just settlement of a controversy which has threatened at times the harmony and peace of both countries.

If no supposed partisan interests had entered into the consideration of this treaty it would doubtless have encountered hostile criticism and opposition. Almost every important treaty entered into with Great Britain has been opposed by no inconsiderable number of the American people, and too often without such consideration as was necessary to the formation of correct opinions upon the merits or value of the treaties themselves.

While the United States has at all times had greater reasons to maintain friendly relations with England than any other European country, there has seemed to be on the part of many less desire for amity and friendship with that Government than any other foreign power, and less inclination to adjust amicably any matter in dispute between the two Governments.

The treaty of 1793 is, perhaps, the only treaty of much importance which this country has ever made with England that has not encountered severe criticism and opposition.

The struggle for independence and the sacrifices and hardships which it entailed had prepared the people of that day to accept a treaty which acknowledged their independence and established relations of amity and friendship with the government and people from which they had separated. I can recall no other treaty of any great importance negotiated between this country and England that has not met with opposition from some portion of the American people, and for some reason there has seemed to be less desire to maintain kindly relations with that country than other European powers.

The treaty of 1794, negotiated by Mr. Jay, at the time Chief-Justice of the United States, was denounced in every part of the country as a surrender of American rights and a betrayal of American interests, and after its approval by the Senate petitions and remonstrances were sent to the President imploring him not to exchange the ratification of the treaty. Meetings were held in numerous towns and cities and addresses made by able and patriotic men in opposition to the treaty, and its details discussed in the press of that day in no temperate language. The negotiator, Mr. Jay, was denounced and traduced in unmeasured terms, and President Washington censured for his appointment and ac-

cused of assuming power not conferred upon him in negotiating a treaty without having previously submitted the instructions given to Mr. Jay to the Senate for its approval.

The treaty of 1814, which left unsettled some of the very questions for which the war of 1812 was supposed to have been declared, was also denounced for its failure to adjust some of the questions in dispute between the two countries; questions which were considered to some extent, but upon which no conclusion was reached, among others the question of our fishing rights as well as the questions of the right of search and the impressment of seamen.

The treaties of 1818, 1854, and 1871, relating to the fisheries, have been productive of severe animadversion, especially by those engaged in fishing in the neighborhood of the Dominion and by persons representing their interests. Judging from previous efforts at negotiation upon the subject of our fishing rights it is safe to say that no treaty can or will be found on that subject that will not be opposed and denounced by the New England fishermen and those representing their wishes.

The treaty which settled our northwestern border, at one time a very threatening question, gave dissatisfaction to many at the time, and has since frequently been referred to as a surrender of territory that properly belonged to this country. The English people as firmly believed that the settlement then made deprived them of the San Juan Islands and other territorial rights belonging to them. So that it seems to be impossible to adjust any disputed question to the entire satisfaction of everybody concerned. To have insisted upon all that we claimed and to have rejected all overtures of compromise and refused to concede anything to the other party must have eventuated in a war as damaging to us as to Great Britain. The statesmen of that day in both countries had the good sense to prevent by mutual concessions a calamity so dire as well as so unnecessary.

I will refer to one other treaty with England which has been very severely and very unjustly criticised by many persons in this country. I refer to the Clayton-Bulwer treaty, negotiated during the administration of President Taylor. That treaty, after full discussion in the Senate, was ratified; but a misunderstanding having arisen in reference to some of its provisions, it has remained in a measure obsolete and inoperative. Owing to the different constructions put upon it by the two countries, the full benefit which it was intended to secure has not been realized; but it has not been without decided advantage to this country, especially in removing the assumed protectorate of England over what was known as the Mosquito Coast, whereby it has been made possible to construct a canal from the Atlantic to the Pacific by the Nicaragua route, a matter deemed of great importance at the present time. I want to add, in justice to the American negotiator of that treaty, that in a memorable discussion on the subject in the Senate he demonstrated the correctness of his construction of its provisions and vindicated its value and importance to this country.

I have referred to these treaties for the purpose of showing the impossibility of negotiating any treaty with the English Government, however wise its provision or however advantageous to this country, which will give entire satisfaction to the American people. There has always been, and probably always will be, hostility on the part of some persons to the friendly adjustment of any question in dispute between the two countries, and who would rather see the threatening visage of war than the bow of peace on the national horizon.

The President and Secretary of State knew full well before entering into the negotiation upon the subject of this treaty the impossibility of any arrangement that would be acceptable to the New England fishing interest, however just or beneficial to them it might be, but they had a duty to perform to the country whose friendly relations with our neighbors on the north and with England were liable to be interrupted by longer continuance of a condition of affairs such as had existed since the termination of the fishery clause of the treaty of 1871.

The contention about American fishing rights had existed for nearly seventy years and had on more than one occasion excited apprehensions of a serious character, which were only allayed by temporary expedients to be renewed upon the termination of the arrangements adopted.

These temporary arrangements were terminated by our own Government upon proper notice, because they were unsatisfactory to our fishermen and deemed prejudicial to their interest. No preceding administration had attempted or been able to secure a permanent settlement of the questions in dispute, and President Cleveland's administration inherited from those preceding it a controversy which ought to have been disposed of by Congress and the executive government many years ago.

In fact, the settlement of the dispute had been rendered more difficult by the delay in its settlement and by the temporary arrangements of 1854 and 1871.

By the reciprocity treaty of 1854 the Canadian fishermen had been permitted to send their fish into our markets free of duty, and very naturally desired a continuation of that privilege and deemed its discontinuance by the termination of the treaty a wrong and injustice to themselves. On the other hand, our fishermen under the operations of that treaty were unrestricted in their privileges and fishery rights in Canadian waters and free from all interference in provincial ports and harbors under Canadian and British statutes relating thereto. The advantages enjoyed both by the Canadian and American fishermen under that treaty became to be regarded by both as natural rights of which they could not be properly dispossessed. The treaty of 1871, securing the right of inshore fishing to our fishermen and an exemption from the enforcement of Canadian regulations in provincial ports and harbors, has likewise impressed them with the belief that this deprivation of the privileges which they enjoyed under that treaty is unjust and cruel. The operation therefore of both the treaties of 1854 and 1871 has been to instil into the minds of both the Canadian and American fishermen ideas of respective rights not secured to them under the provisions of the treaty of 1818, the basis of all rights which either can claim. These views on the one side and the other have rendered the adjustment of the contention more difficult from year to year. This difficulty will continue and increase the longer a settlement is postponed.

I have referred to this matter to remind the Senate of some of the embarrassments which had to be encountered by the American negotiators of this treaty—embarrassments which had been intensified by the failure of preceding administrations to settle as they ought to have done the questions in dispute in reference to the rights of our fishermen under the treaty of 1818.

In order to understand properly the grounds of the contention between the two Governments it is necessary to look behind the treaty of 1818 to the fishing rights we enjoyed prior to that treaty. It is well known that England at the time these States were her colonies claimed and exercised exclusive jurisdiction over the waters adjacent to Canada and the other British provinces to the north. She had driven the French fishermen from the neighborhood, and practically controlled the fisheries in those waters many leagues from her provinces, and even from some of the banks, far out in the open sea. The right of all nations to navigate and fish in the open sea was not as well understood and respected at that time as at the present, and the pretensions of England were for a time acquiesced in by other powers.

As subjects of Great Britain our fishermen enjoyed the same liberty of fishing in all the waters claimed to be under the control of England as other subjects of that country, and continued to fish in those waters and along the shores of Canada and the other northern provinces without restriction or hinderance from any quarter until the Revolution which eventuated in the independence of this country. By the treaty of 1783 our former right of fishing in British waters was acknowledged and continued, and hence until the war of 1812 American fishermen could take and cure fish on the coasts and in the bays and creeks of the British possessions at pleasure, and as freely and unrestricted as the inhabitants of the provinces themselves.

It might be difficult to determine upon what principle this liberal concession was made, but it is most likely that it was because the future value of those rights was not at the time foreseen.

We could not have claimed the privileges conceded as a right belonging to us under international law or national comity, and would not, I apprehend, have conceded such privileges to British subjects on our own shores and in waters lying wholly within our territorial limits. However, under that treaty we possessed and enjoyed the most ample fishing rights for more than a quarter of a century until they were interrupted by the war of 1812. England contended that that war abrogated, as it had suspended, the treaty of 1783, so far as fishing rights were concerned, and refused longer to acknowledge our rights in that regard. The treaty of 1814 left the matter unsettled, which led to the convention of 1818. The first article of the treaty agreed upon in October of that year reads as follows:

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

It will be perceived that whatever rights of fishery we had hitherto enjoyed under the treaty of 1783 were renounced forever by the United States in the treaty of 1818, except such as were specifically reserved therein and confirmed to this country by the treaty of 1818. We therefore have now no other basis for any claim of right to fish in British or Canadian waters than the treaty of 1818, and the abroga-

tion of that treaty by this Government would exclude us from all fishing grounds within the territorial jurisdiction of the British provinces absolutely. I have heard it said in this debate that the abrogation of the treaty of 1818 would remit us back to the treaty of 1783, and restore to us the rights we enjoyed under that treaty. I shall express no opinion upon the effect in that regard of the repeal of the treaty of 1818 by the British Government. That would be the deprivation of rights secured to us by the surrender of other rights we possessed or claimed under a former treaty, and might, perhaps, be justly held to restore the rights surrendered. But, sir, we could not claim that the voluntary relinquishment of our present privileges would restore such as we had formerly renounced. In the one case the contract would be broken by England, in the other by the United States, and the party in default might not justly take advantage of its own wrong.

The language of the first article in the treaty of 1818 has been understood by the two governments very differently, and has led to a contention which at times has threatened to disturb the peace of the two countries, and which it has been heretofore impossible to adjust. It would be unfair to assume that the contention on the one side or the other found no support or justification in the language employed in the treaty of 1818, and however firm the conviction on the part of any one that the American construction of the treaty is right, it will not be denied that the British view of the matter has been maintained with no little ability, and a persistence that evinces the sincerity of that Government in the position it has maintained so earnestly upon the subject.

It may be proper to state very briefly the character of the dispute between the two governments in order the better to understand the provisions of the treaty under consideration. This may be unnecessary so far as Senators and others who have examined the correspondence between the two governments on the subject are concerned, but many persons in the country who will read the debates upon this treaty have not had that opportunity, and are, perhaps, uninformed of the nature of the contention which the treaty is designed to settle.

On the part of this Government it has been contended that American fishermen have the right under the treaty of 1818 to take fish, not only in the open sea 3 miles from the coast, but in the bays and other waters within the territorial jurisdiction of the British provinces outside of a 3-mile limit from land. It is further contended on the part of this Government that the English and provincial statutes or commercial regulations relating to fishing vessels, under which seizures and other interference with our fishing vessels have taken place, is in contravention of the true intent and meaning of that treaty.

On the part of the British Government and her dependencies it is contended that we have no right under the treaty of 1818 to fish in any bays or other waters within their territorial jurisdiction, nor nearer than 3 miles to such bays and waters, and that the statutes and commercial regulations of which we complain are authorized by that treaty and necessary for the protection of their own fishing interests, and that the seizures and other interference with our fishing vessels have been for the violations of their statutes enacted for the protection of their own rights.

It is not my purpose to state the grounds or arguments by which this contention has been supported, on the one side or the other. That can be found in the published correspondence between the two governments, and will be found interesting and instructive to such as may examine that correspondence. It is, however, not necessary to a proper consideration of the pending treaty to recount the arguments urged in behalf of the views of the respective governments upon the matter so long in dispute, and which this treaty if ratified would forever settle.

It is not necessary to consume much time in observations upon the merits of the proposed treaty. The advantages which it secures to American fishermen are plainly set forth in the views of the minority of the Committee on Foreign Relations, and have been ably presented in debate by others who have preceded me, and need no further elaboration. Every one at all familiar with the complaints of our fishermen at the restrictions and limitations imposed upon them will, upon an examination of the treaty, find that it removes many of the causes of complaint and secures to them rights and privileges heretofore denied them and to which they were not entitled under the treaty of 1818; privileges which it has been heretofore contended were invaluable and the denial of which it was insisted disregarded that comity which should obtain among civilized nations and could only be refused by a violation of the dictates of humanity. These advantages have been secured by the proposed treaty to our fishermen without the surrender of any valuable privileges which they have heretofore enjoyed, and by this treaty they are placed in a position where they may pursue their calling free from annoyance or apprehension of molestation from any quarter.

It defines clearly and distinctly the enlarged rights and privileges they may enjoy in the ports and harbors of the British provinces so that no misapprehension on that point can hereafter exist. The merit of this treaty is not to be judged by the recognized principles of international law or national comity or the claim of humanity, but by a comparison of the rights and privileges which it secures with those to which we are entitled under the treaty of 1818. If our fishing rights depended upon international law or national comity we should be excluded absolutely from fishing in the bays and other waters lying within the territorial jurisdiction of the provinces, and also from the rights we now have of taking and curing fish and drying nets, etc., on the coasts of Labrador and parts of Newfoundland. We might perhaps be entitled under international law to greater commercial rights for our fishermen in the ports of the provinces than we now have under the treaty of 1818; but no one will contend that we could fish in the bays, creeks, and other waters belonging to England and her dependencies. Whatever rights we now have must be found in the treaty of 1818 and compared with the privileges and rights therein secured; the proposed treaty is much more liberal and advantageous.

The objections to the proposed treaty found in the report of the majority of the committee are based largely upon supposed undefined rights to which we are entitled independent of the provisions of the treaty into which we entered in 1818. It may have been unfortunate that we entered into that treaty, but having made it, we must abide by it or seek release from its restrictions by treaty modification of its provisions. We can not justly claim any right for our fishermen which it does not secure, and if we are not satisfied with its restrictions and inhibitions our remedy is to annul the treaty or obtain a modification of its provisions. It is folly to talk about rights outside of it or independent of it as is done in the report of the committee. Whatever rights we once had under the treaty of 1783 were given up and voluntarily renounced for the rights and privileges conceded to us in the treaty of 1818. We can not now claim enlarged rights under national or international comity or the recognized laws of humanity. We have entered into the bond and must abide by it, however narrow and restrictive its terms, or obtain some abatement of its conditions by treaty stipulations.

If there was any certainty or even a reasonable hope that a more favorable arrangement with England and Canada could be made, it might justify a rejection of the proposed treaty; but no such expectation can be entertained.

The concessions to our fishing vessels in the ports and harbors of the provinces contained in the proposed treaty is a relaxation in their favor of the regulations applying to the fishing vessels of all other nations. We sometimes hear it said that the Canadian and English statutes relating to fishing vessels are harsh and unfriendly regulations, enacted to hinder and perplex our fishermen; and there is no doubt that their enforcement has sometimes been not only harsh, but offensive and cruel; but the statutes themselves apply with equal force to fishing vessels of all other nations as well as to those of the United States. Whatever relaxations of those statutes have been obtained in this treaty for the fishing vessels of New England are exceptions in their favor. Many of the then statutes, both of Canada and the other provinces, as well as those of England, had been in existence for a long time, and although complaints had sometimes been made of the manner of their execution and the injury inflicted upon our fishing vessels under color of those laws, no relaxation of their rigid enforcement had been obtained by any previous administration; and now that modification of their provisions has been secured in the proposed treaty which will prevent further injury to our fishing interests, they are declared to be trivial and of no value by the majority of the Committee on Foreign Relations and other Senators who oppose the treaty, while they magnify the value of the bays and waters marked by delimitation, and in which we relinquish any claim of right to fish hereafter.

If the complaints of our fishermen for the last two years were not groundless, which no one suspects, then the concessions made in this treaty are invaluable, and will prove, if the treaty is ratified, of singular advantage to our fishing interests. Great, however, as may be the value of the proposed treaty to those engaged in fishing, it measures but a very small part of its importance when we consider it in a broader view as a settlement of a long-standing controversy which on several occasions has threatened the interruption of our friendly relations with England and her dependencies, and which, unless arranged, is liable to put in jeopardy the material interests and peace of both countries. We can not disguise the fact that the harmonious relations of the two countries, both anxious to maintain with each other the most cordial and friendly intercourse, is liable to be seriously disturbed by the injudicious action of those of their citizens engaged in the same occupation with mistaken ideas of their respective rights and interests.

He who is willing to continue a condition of affairs which, by the remotest possibility, may endanger the peace of the country, or even suspend commercial intercourse for a time with England or her American possessions, when such a calamity can be honorably prevented without the sacrifice of any valuable interest, is, to say the least, callous to the true interest of his country, not to say indifferent to the highest demands of patriotic duty.

This treaty, while securing to us valuable rights and privileges heretofore denied, and which no previous administration had been able to secure, gives up no undisputed right heretofore claimed or any privilege which can justly be regarded as of the slightest value. The objections to this treaty are captious and too insignificant to be interposed to prevent a settlement of a long-standing controversy which will be con-

tinued and aggravated by the rejection of the treaty, and the pretense that it secures no valuable rights to our fishermen is so absurd that it is surprising that Senators will venture to make such assertions.

No one who has heard the complaints of our fishermen in the past, or read the protests of the present Secretary of State in his vigorous correspondence with the British minister against the wrongs inflicted upon them, and then impartially examines the provisions of the treaty which guaranties them exemption from such wrongs in the future, can fail to see the great value of this treaty to that class of our citizens as well as the security which it affords to the future peaceful relations of the two countries. The value of this treaty to us is well understood in England and Canada, and I present a brief summary of the concessions made to this Government in the treaty announced in debate upon it in the Dominion Parliament by Mr. Ellis, a member of that body from New Brunswick, who declared himself in favor of the treaty because the concessions were right and proper to be made.

THE FISHERIES TREATY.

[From the Portland Advertiser.]

In the course of the debate in the Canadian House of Commons on the fisheries treaty, Mr. Ellis, of New Brunswick, enumerated the following list of concessions made by the Canadian Government in accepting the treaty:

First. We have by that very act of making this treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarging the restrictions of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

Second. We have almost wholly abandoned the contention that fishing vessels are a class by themselves, and therefore not entitled to any commercial privileges.

Third. We entirely and forever abandon the 3-mile headland theory.

Fourth. We forever admit the right of United States fishermen to navigate the Straits of Canso.

Fifth. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

Sixth. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

Seventh. We free them from harbor, pilotage, and other dues, which are sometimes inhospitably and often capriciously imposed upon them, even in cases where they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

Eighth. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a mature of course.

Ninth. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

Tenth. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.

Eleventh. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.

Twelfth. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessel is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases $3 a ton is the highest fine which can be imposed.

Thirteenth. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

Fourteenth. And lest the punishment of an infraction of the new treaty, or that of 1818, should seem to be unjust, and to prevent the danger of giving offense to the United States, the Government of Canada can reverse the judgment of the court.

Continuing, Mr. Ellis explained that he did not object to these concessions. He was glad the Government had learned a wholesome lesson. The petty annoyances practiced upon the fishermen of the United States were impolitic, and might perhaps defeat the treaty in the United States Senate. The spirit of the treaty should have been shown before, and he, for one, was in favor of a repeal of all the restrictions of the treaty of 1818.

By reference to the treaty it will be found that the advantages secured thereby to this country are not overestimated by Mr. Ellis, but that his statement of the concessions made to this Government is warranted by a fair and just examination of the provisions of the treaty. I shall not enter into a review of the various articles of the treaty, but content myself with the general statement that it secures to our fishermen valuable privileges heretofore denied them and exemption from the annoyances and interference of which they have heretofore complained without the deprivation of a single right enjoyed or claimed of any practical value whatever.

I will now notice some of the objections raised to this treaty, and will first refer to one suggested in the report of the majority of the Committee on Foreign Affairs. That report more than intimates that the President had no right to negotiate this treaty without first having obtained the advice and consent of the Senate as to the agents to be employed and the instructions under which they were to act. This is the second time the assertion has been directly or impliedly made by committees of this body within the last three years that the Senate of the United States has a supervisory power over the performance of executive duties by the President. It is an attempt to revive an obsolete idea exploded nearly a hundred years ago, and to assume for the Senate powers not conferred upon it or upon both Houses of Congress combined. We discussed this question, so far as it relates to the removal of executive officers, in the last Congress, and I shall not say anything upon that subject now; but the report of the majority of the committee advances a step further than was then claimed, and impliedly, at least, denies to the President the right to select agents to negotiate a treaty without first obtaining the advice and consent of the Senate as to the persons selected and the instructions under which they shall act.

This idea of senatorial supervision over the negotiation of treaties by the President had some advocates in the early history of the country, but had long since been abandoned, and has not been thought of for nearly a hundred years, until brought forward as one of the objections to this treaty. Mr. Pinckney, of South Carolina, in a speech at Charleston in July, 1795, advanced the same idea as one of the objections to the treaty of 1794. President Washington had nominated Chief-Justice Jay as envoy extraordinary, etc., to England, who negotiated that treaty without the Senate's having been informed of the instructions given him, which Mr. Pinckney thought ought to have been done. He advanced the same views which are suggested in the committee's report in favor of the right of the Senate to superintend the negotiation of treaties. This view was not sustained by the judgment of the country at that time or by the Senate itself, and its fallacy was demonstrated by a logical and lucid argument of Mr. Hamilton, in reply to the speech of Mr. Pinckney (Second volume American Remembrancer, pages 106–8.)

The speech then lays down this doctrine in positive terms, "that the Constitution gives no power to the President to commence a negotiation without previously submitting his intentions and instructions to the Senate, requiring their advice, and receiving their assent;" and the words of the Constitution, "to make treaties, by and with the advice and consent of the Senate," are the text for this strange commentary.

The extent of the position is "that the President has no power to enter into any negotiation whatever without previously consulting the Senate and receiving their opinion, advice, or assent, as well with respect to the necessity of such a negotiation as to the propriety of his instructions," a position inconsistent with the very principles of our Constitution, as well as of every other among civilized nations; repugnant to the practice which has prevailed since the first operation of the present Government and to the practice which now prevails in France, where democratic principles are carried to the utmost extent; a position which would reduce the President from being the supreme executive of the Union to the mere organ and instrument of the Senate.

By the Constitution "the executive power is vested in the President of the United States." Were there no limitation to this power, in relation to treaties, there would result to the Executive, as such, the power of making treaties. But the Constitution, in specifying the powers of the President, has wisely limited this power, and has declared, after mentioning the various duties of the President, some of which he may perform without the intervention of any other branch of the Government, that "he shall have power, by and with the advice and consent of the Senate, to make treaties."

This limitation of the executive power can not be further extended than the clear import of the terms; it can apply only to the making of treaties and not to the negotiations which precede them. The President may, therefore, of his own mere motion, commence or enter on any negotiation and give what instructions he may think proper to his agents, but the negotiations when completed can not constitute or make a treaty which shall be obligatory on the nation without the advice and consent of the Senate.

The doctrine laid down in the speech is, that no negotiation can be commenced, no instruction can be given without the previous consultation and approbation of the Senate. He then goes on to test the soundness of that view, and concludes:

We find, then, by the Constitution that the executive power is vested in the President, and I have advanced that every power of an executive nature is incident to the President where it results from the nature of the General Government, and is not limited and restricted by some special provision. The association of the Senate with the President in relation to this point is limited merely to the making treaties, which are then the supreme law of the land, and does not extend to the entering on or commencing negotiations which are not the law of the land, but mere instruments of writing, mere obligations in embryo which have no effect or validity, and do not become treaties until approved by the Senate. The difference between commencing a negotiation and making or concluding a treaty is too obvious to be questioned. The limitation, then, being confined to the making or concluding the treaty, all the other preparatory powers result to the Executive as such by virtue of the Constitution.

So that this idea which has been revived in the report of the Senate Committee on Foreign Relations that the Executive must first consult the Senate and lay before them not only the names of the agents whom he employs in the negotiations, but the instructions under which they act, has been examined heretofore and has not been thought of, as I before remarked, for nearly a hundred years until this committee in its wisdom brought it forward as an objection to this treaty. It must have been the supposed weakness of the objection to the proposed treaty on its merits that induced the majority of the committee in their report to inject into it a suggestion of usurpation on the part of the President in presuming to exercise executive power in the negotiation of a treaty without the permission of the Senate.

There is much more danger of usurpation of power on the part of the Senate, as is fully proved by the deliberate attempt of this body a short time ago to divest the President of the power of removing objectionable Federal officers, than there is that the President, who is liable to impeachment by Congress, will attempt to assume authority in violation of constitutional provision.

The complaint of the majority of the committee that the President had appointed commissioners to assist the Secretary of State in negotiating this treaty without consultation with the Senate, and that the negotiation had been concluded without the advice and consent of the Senate, will justly be regarded, not as a bold assertion of the power of this body over the exercise of executive functions by the President, but as a covert claim that the President has no right to enter upon the negotiation of a treaty upon any subject or with any government without humbly asking the permission of the Senate of the United States.

The Senate may volunteer its advice to the President in reference to the negotiation of treaties if it so desires, and he may or may not act upon such advice; or he may, if he desires, ask the advice of the Senate. But he is under no obligation to do so, and from the temper manifested by the majority of this body towards the present Executive he would degrade his high office to ask its advice upon any matter purely executive unless required to do so by the Constitution he has sworn to support. I should be glad to see at all times the observance of that courtesy, cordiality, and confidence which ought to exist between the executive department and the Senate, and as a member of this body would defend and maintain every just right which it can claim; but I hope the time will never come when the exercise of executive functions by the Chief Magistrate of this country shall depend upon the will and pleasure of a majority of this body.

The country will estimate at its true value the intimations of the committee "touching the usurpation of unconstitutional power" by the President in the negotiations of this treaty, and will be more likely to attribute the suggestion to partisan motive than a desire to protect the country from Executive usurpation.

It is said that the treaty concedes the headland claim of the British Government and surrenders the right to fish within certain bays and waters marked by delimitations in the treaty. It is well known that England and Canada have always contended that by the terms of the treaty of 1818 we had no right to fish nearer than 3 miles of any of the bays and creeks within their territorial jurisdiction, and that whatever privileges we have enjoyed therein, except under the treaties of 1854 and 1871, was of comity and not of right. That such a claim on their part found some support in the terms of that treaty can not be denied. But without expressing any opinion upon the justice of this claim, and conceding for the sake of the argument that it was not well founded, it is sufficient to say that the concession, if any has been made, settles a long standing contention and eliminates from the controversy between the two Governments one of the questions in dispute, and which at times has threatened the peace of the two countries.

If the privilege alleged to have been surrendered had been one of some value and given up upon no other consideration than a desire to establish perfect cordiality and prevent discord in the future, it would find sufficient justification and excuse. But when we remember that the treaty yields no admitted right, but merely settles by compromise a contention of long standing, which has given trouble in the past and which, if it had ultimately been decided in our favor, of which there could be no reasonable expectation, would have proved of no value to our fishermen, whatever may be its value to the Canadian people, this provision of the treaty should commend it to the favor of the Senate.

But the objectors to this provision of the treaty say that the headland claim had virtually been abandoned by the British Government, and that if our negotiators had insisted with determination England would have renounced her pretensions in that regard. Nothing could be further from the truth. England has never abandoned her position on that point, and I venture nothing in saying that she never will abandon it and never can abandon it further than she has done in the proposed treaty and hold her provinces in allegiance to herself.

Around these bays, lying wholly within the territorial limits and jurisdiction of the provinces, are the homes and settlements of Canadian fishermen and others, who regard these waters as belonging exclusively to their governments and all intrusion therein by foreigners as an invasion of their just rights. Who will say that their exclusive claim to the use of these waters is not justified by the example of other nations, if not by the language of the treaty of 1818.

Would our Government permit the fishermen of Canada or of any foreign power to enter the bays and other waters lying wholly within our limits and jurisdiction and fish therein under a claim of right or under national comity? Could foreign fishermen enter the Delaware Bay or the Chesapeake Bay, each as large as any of the bays marked by delimitations in the treaty, and pursue their avocation with impunity? Certainly not. No American Senator and no American citizen would be willing to see such a right conceded by their Government. Nor can our fishermen claim a right to enter and fish in the waters of the Dominion unless that right is secured by the treaty of 1818. When did England abandon her headland claim, as has been asserted by the objectors to this treaty? Whether it was well founded or not, it has been steadily maintained in every discussion upon the subject whatever relaxations of it may at times have taken place.

I now propose to refer to a speech of Mr. Foster before the Halifax Commission in which he recognized the existence of that controversy about the headland question. On page 1589, volume 2, Documents and Proceedings of the Halifax Commission, Mr. Foster said:

When I commenced the investigation of this question I supposed that it was probable that an important question of international law would turn out to be involved in it, relative, of course, to the so-called headland question, which has been the subject of so much discussion between the two governments for a long series of years; but the evidence that has been introduced renders this question not of the slightest importance, and inasmuch as it is a question which you are not empowered, except incidentally, to decide, a question eminently proper to be passed upon between the governments directly, I presume you will rejoice with me in finding that it is not practically before us, and that we need not trouble ourselves concerning it.

If it had appeared in this case that there was fishing carried on to any appreciable extent within the large bays, more than 6 miles wide at the headlands, and at a distance of more than 3 miles from the contour of the shores of those bays, the United States would have contended that their citizens, in common with all the rest of mankind, were entitled to fish in such great bodies of water as long as they kept themselves more than 3 miles from the shore. In short, they would have contended, as it has been contended, in the brief filed in this case, that where the bays are more than 6 miles in width from headland to headland, they are to be treated in this respect, for fishing purposes, as parts of the open sea; but the evidence, as I said before, has eliminated all that matter from the inquiry.

So that Mr. Foster in the discussion before that commission recognized it as an existing question between the two Governments at that time, which was in 1876, I believe—that the headland question was an existing question which had long been pending between the two Governments, and which he said was eminently proper to be and should be adjusted by the Governments and not by the Halifax Commission.

Mr. Thompson, who represented the British case, when he came to make his argument referred to the language used by Mr. Foster; and I will read from his remarks in order to show that on the part of the British Government the claim of the headland theory still existed on their part:

There was one matter which, if I may use the expression of my learned friend, the agent of the United States, at one time appeared likely to loom up with very great importance. I refer to the headland question. I feel that I can congratulate this commission that, for the purpose of their decision upon the subject submitted to them, that question does not assume any importance whatever in this inquiry. But I wish to guard myself distinctly from assenting to the view presented by Mr. Foster when alluding to that subject. He rather appeared to assume that for practical purposes this headland question had been abandoned by Her Majesty's Government, and that the mode of conducting this inquiry on the part of the counsel for Her Majesty's Government showed such an abandonment. I beg to set my learned friends on the other side right upon that matter. There has been no abandonment whatever. It only comes to this: that in this particular inquiry the evidence has so shaped itself on either side that your excellency and your honors are not called upon to pronounce any opinion on the subject. There can be no doubt that under the terms of the treaty your excellency and honors are not empowered to pronounce any authoritative decision or effect any final settlement of that much-vexed question.

Incidentally, no doubt, it might have fallen within your province to determine whether the contention of the British or of the American Government in reference to that question were the correct one; because had it been shown that large catches had been made by the American fishermen within the bodies of great bays, such as Miramichi and Chaleurs, it would have become at once necessary to come to a decision as to whether we were entitled to be credited with those catches. But in fact no such evidence has been given. And that course was taken somewhat with the view of sparing you the trouble of investigating that question, when the treaty did not empower you to effect a final decision of it. The learned counsel associated with me on behalf of Her Majesty's Government and myself shaped our evidence as much as possible with reference to the inshore fisheries. We concluded that if the American Government, who had put this matter prominently forward in their brief, intended to challenge a decision from this commission, they ought to have given evidence of large catches made by their vessels in those bays. They have not done so.

The evidence on our side has shown that to a very great extent the value of the fisheries is inshore; that undoubtedly very large catches could be made in the bodies of those bays, and that the fish frequent the body of the bays as well as the portion within 3 miles from the contour of the coast all around those bays; but we tendered evidence chiefly with relation to the fisheries within 3 miles of the shore, by no means intending to have it understood—in fact, we expressly disclaimed the intention of having it understood—that there were not in the bodies of those bays valuable fisheries. I can only say, however, that before this commission there is no evidence of that, and you may dismiss it, therefore, from your minds. When this headland question shall hereafter arise, if it should unfortunately arise, then I beg to say that the position laid down when the convention of 1818 was made has since been in no way departed from. My learned friends on the other side point to the Bay of Fundy. They say there is a bay which Great Britain contended came within the convention of 1818, and yet she was obliged, in consequence of the decision given by Mr. Bates in the case of the Washington in 1854, to recede from that position in reference to that bay. I beg to say that Great Britain did not recede.

It was stated on the other side that it was *res adjudicata*. I say it is not. It is wholly improbable that the Bay of Fundy will ever again become a matter of contest between the two nations; but the fact in regard to that case is that Great Britain gave the United States the right to do in that bay that which answered their purpose quite as well as if she had abandoned her claim. She relaxed any claim that she had by the convention of 1818, and that relaxation has never been departed from, and in all human probability never will be departed from for all time to come. But it is relaxation, and nothing else.

Mr. GRAY. That assertion was made by the British counsel in 1877.

Mr. SAULSBURY. Yes, sir; that assertion was made, as has been remarked by my colleague, by the British counsel representing the British Government before the Halifax Commission, in which he most distinctly affirmed the headland claim of the British Government; and yet it has been said in debate here that that claim has been abandoned or virtually abandoned, and our negotiators have been charged with not pressing our opposition to it with sufficient energy and vigor so as to obtain an acknowledgment of its abandonment in the treaty.

But, sir, the British Government has never abandoned it, and I repeat again that she never can abandon it further than she has in this treaty and hold her northern provinces in allegiance to herself. It is a vital question to the people of the northern provinces, and they will assert it and they will demand of Great Britain as her dependencies that she shall interpose to protect them, and this concession made in this treaty on that question, Mr. Ellis acknowledges in the debate to which I have referred, has been made as a practical abandonment of the headland theory in this treaty, which was never done before.

Mr. Trescot has been very officious in his strictures and censures upon this treaty, perhaps a little intensified because he was not employed as one of the negotiators of the treaty. He, too, in that discussion before the Halifax Commission recognized this treaty, and made some statements which I do not agree with entirely; nevertheless he

acknowledged this headland theory to be an existing question between the two governments. On page 1639 of the same volume he said:

Then, with regard to the character of the convention of 1818. I wish to put on record here my profound conviction that, by every rule of diplomatic interpretation and by every established precedent, the convention of 1818 was abrogated by the treaty of 1854, and that when that treaty was ended, in 1866, the United States and Great Britain were relegated to the treaty of 1783 as the regulator of their rights. That proposition I will maintain whenever the proper time arrives. But certainly I am not at liberty to take that ground here at all, and for this reason: that by the action of the two governments and by the formal incorporation, so to speak, of the treaty of 1818 in the treaty of 1871, that treaty is made the practical rule of decision in this case; consequently, we have nothing to do with that, except to say this: that the treaty of 1818 depends for its validity and its existence upon the headland question; that the two stand or fall together; because the convention of 1818 was a relinquishment of certain rights upon certain conditions, and if those conditions are not understood in the same sense by the parties to the contract, the contract ends or is to be submitted to arbitration. If, then, the treaty of 1871 should end, with nothing else to supply its place, it would be absolutely necessary either that the headland question should be settled or the convention of 1818 should be considered as annulled.

After giving his views upon that subject, that on the termination of the treaty of 1871 we were remitted back to the treaty of 1783, I deny that Mr. Trescot is a very reliable censor of this treaty.

We had as well deal frankly with this matter. The headland contention had never been abandoned by Great Britain, but had been steadily insisted upon whenever it was deemed necessary to assert it. I do not say that the claim of England in that matter is right. I am only saying that she had steadily insisted upon it, and that the assertion that she had withdrawn from that contention is contradicted by the repeated declarations of her public men and diplomatic agents authorized to speak for her on the subject. For nearly seventy years she has denied our right to enter the bays and other waters over which her territorial jurisdiction extends (except by her permission, as under the treaties of 1854 and 1871), for the purpose of fishing or preparing to fish therein. This treaty settles that controversy, and if ratified will prevent any possibility of disagreement between the two countries hereafter on that subject. Is it not a matter of great importance to settle a dispute of long standing which at times has threatened to disturb the amicable relations between this country and England, and which remaining unsettled might put in peril not only the commercial interests but the peace of both countries?

But it is said that in agreeing to the delimitations of bays fixed in the treaty and those to be determined by a joint commission our negotiators surrendered our right to fish in large bodies of water where we were clearly entitled to enter for that purpose. That is hardly a fair statement of the case. Our claim of right to fish in the bays marked by delimitations was a disputed claim as persistently denied by England and the provinces as asserted by our own Government. The treaty surrenders no admitted American rights, but simply agrees to an equitable and honorable compromise of a disputed question which seventy years of controversy had failed to settle. But admitting for the sake of the argument that the delimitations provided for in the treaty yield up a clear right of fishery in the waters so marked, may we not assert that the treaty secures much more valuable rights to our fishermen than the privilege of fishing in the bays from which they are to be excluded by it?

The tenth and eleventh articles of the treaty—to say nothing of other valuable rights secured to our fishing vessels—confer immunities and privileges heretofore deemed indispensable to our fishing fleet and the denial of which has been a subject of bitter complaint for many years. These provisions of the treaty guaranty our fishermen from the annoyances and troubles to which they have heretofore been subjected and will prove, if the treaty is ratified, of inestimable value in the future prosecution of their business. The delimitations agreed upon in the treaty exclude us from no bays in which our right to fish was undisputed, and surrender no claim of right which has any practical value whatever. The statement, therefore, that the treaty surrenders any valuable right is fanciful and fallacious, and is contradicted not only by the sworn testimony of numerous persons engaged in the fishing business, but by the written report signed by members of the Senate who now urge this objection to the treaty.

The objection made to the treaty founded on the allegation that it gives up any right of fishing anywhere does not discriminate between a disputed claim of right and a recognized and undisputed right. We claimed the right under the treaty of 1818 to fish in the bays and creeks of the provinces outside of 3 miles from the shores. England has never admitted this claim, but denied it absolutely and persistently, so that the treaty surrenders no admitted right, but simply agrees to a settlement of a disputed claim which for seventy years has been strenuously resisted and denied by England and her dependencies. We have had able men at the head of the State Department who have discussed the headland question with English statesmen without obtaining from that Government the faintest intimation that our construction of the treaty of 1818 would ever be admitted. Did any of the distinguished men who for fifty years preceded the present Secretary of State—Mr. Webster, Mr. Seward, Mr. Fish, Mr. Blaine, Mr. Evarts, Mr. Frelinghuysen—some of whom discussed this question with British ministers and heads of their foreign offices, and all of whom had the question open before them, obtain the slightest recognition of the justice of our claim to fish in the bays over which the jurisdiction of the provinces extended? The assertion, therefore, that the treaty surrenders a right to fish in British bays is not only a misconception but a misrepresentation of the facts in the case, and does great injustice not only to our negotiators of the treaty but to former Secretaries of State who have failed to have such right acknowledged.

In saying, Mr. President, that this treaty surrenders no admitted right of fishery in British waters, but only compromises a disputed point, I do not wish to be understood as denying that our contention was just. I will not go even so far in that direction as Mr. Webster when he said:

It would appear that by a strict and rigid construction of this article—

In the treaty of 1818—

fishing vessels of the United States are precluded from entering into the bays, etc.

And that—

It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England.

I go no further in saying that this treaty abandons no admitted right, but only agrees to settle a disputed claim, than Mr. Evarts went when, as Secretary of State, he characterized the contention as an—

irreconcilable disputation as to the true intent covered by the somewhat careless and certainly incomplete text of the convention of 1818.

I will not go so far as Mr. Edward Everett when, in his correspondence with Lord Aberdeen, May 25, 1844, after stating what our rights had been under the treaty of 1783 and then quoting the language of the treaty of 1818, he went on to remark:

The existing doubt as to the construction of the provision arises from the fact that a broad arm of the sea runs up to the northeast, between the provinces of New Brunswick and Nova Scotia. This arm of the sea, being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbors" forbidden to American fishermen.

He denied that the Bay of Fundy was such a body of water as was included in those terms; and he went on to say:

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States, along the coasts and upon the shores of the settled portions of the country; and, for that purpose, to remove their vessels to a distance not exceeding 3 miles from the same. In estimating this distance, the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast; and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line.

I do not go so far as Mr. Edward Everett went in 1844, and yet I suppose the Senator from Colorado will think that I am, as he has characterized the action of others, taking the British or Canadian side of this case. I do not care where the truth may lead, I shall follow that light to the very shades and abode of darkness rather than be untrue to my own convictions. But in this argument I am not attempting to defend the British construction. I am saying that I do not go as far as Mr. Edward Everett went in that line. I do not go as far as Mr. Daniel Webster went. I go no farther than the Senator from New York [Mr. EVARTS] went when he was Secretary of State.

With these declarations of Mr. Webster and Mr. EVARTS on the official records of the country, am I not justified in saying that the allegation that the treaty surrenders a valuable right of fishery in British waters is unjust and untrue? It surrenders no admitted right, but simply settles by comprohise a long disputed claim of a right to take fish in certain bays lying wholly within the territorial limit and jurisdiction of England and her North American possessions—a privilege, if undisputed, of no practical value to us, as must be admitted by every member of the Senate who has read the testimony of the fishermen themselves taken before a committee of this body, as well as that presented by this Government before the Halifax Commission. The denunciation of this treaty on the allegation of a surrender of American rights when no admitted right has been given up and no claim of right of any possible value has been abandoned, can find no justification or excuse in the mind of any man who wishes to form an honest judgment of the treaty.

Let us now look at the testimony bearing on the value of fishing rights to American citizens in the waters from which they are to be excluded by this treaty. That question has been fully examined, and the evidence obtained under oath is in the possession of the Senate, so that no mistake can be made upon that question.

On this point I shall cite, first, some of the evidence submitted by Mr. Dwight Foster, charged with the management of the American case before the Halifax Commission, in 1877. The testimony and statements of the Gloucester fishermen were presented before that commission to prove what was the actual value of the fishing rights in the waters of the Gulf of St. Lawrence and those appurtenant thereto. I can not read all the testimony which was taken in that case; it is very voluminous, but I will read some of the testimony to show the general character of all the testimony given by the fishermen and the men engaged in the fishing business in Gloucester, showing that the fishing rights in those waters are of no value whatever to the American fishermen at the present time.

Mr. Michael Walen, a fisherman, states:

Most of our vessels are codfishing on the ocean banks and some of them are off our own shores mackereling. We send no vessels into the Bay of St. Lawrence this year. Our experience is that the mackerel fishery there is a failure. Last year we sent one vessel 150 tons with 20 men, and she brought home as her season's work 70 barrels of mackerel. As that fishery has been the last five years, to pursue it would be ruinous. Our vessels enter British waters only for supplies and bait, for which we pay cash.

Benjamin Maddocks & Co. say:

We employed a part of our fleet in the Bay St. Lawrence fisheries during the years 1871-'72-'73, and found it to be a losing business, and since 1873 we have employed our vessels in the Grand Banks and Georges and American shore fisheries, with the exception of one trip to the Bay St. Lawrence in 1874, which did not pay one-half the expenses of the voyage, and we consider the Bay St. Lawrence fisheries entirely worthless to us, and have so considered them for the past four or five years.

Mr. George Dennis and Mr. George Tucker say:

Our vessels are mostly confined to ocean banks for fish. We do not take any fish in British waters. The Bay St. Lawrence fisheries have proved a failure in our experience. Vessels sent there for the past five years have not paid their expenses, and to continue the business in that direction would prove ruinous.

Mr. Samuel Haskel states:

Have sent no vessels into the Bay of St. Lawrence the last two years, the bay fishing does not pay the expenses. The last years I had vessels there, in 1873-'4, they did not pay for their outfits. The mackerel are poor, worth one-third less than shore mackerel, it is a bad place to use a seine, a long time is required for a trip, and to pursue the bay fishery, and that alone, would fail any firm in Gloucester. It is entirely and practically useless to us as a fishery.

Not less than fifty different witnesses whom the Government of the United States produced before the Halifax Commission have testified in the same strain in reference to the value of those fishing rights.

I might here refer to the statement of the Committee on Foreign Relations of the Senate, after taking the testimony two years ago in Gloucester, Provincetown, and Portland, Me., they came back to the Senate and by a written report, drawn by the chairman of the Judiciary Committee, declared emphatically that those waters were not good fishing grounds. Perhaps I might as well read some portion of that report:

From the investigations made by the committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, etc.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.

* * * * * * *

In view of all these facts, well known to the great body of the citizens of the United States engaged in fisheries and embracing every variety of interest connected therewith, from the wholesale dealer, vessel-owner, and outfitter, to that portion of the crew who receive the smallest share of the venture, it must be considered as conclusively established that there would be no material value whatever in the grant by the British Government to American fishermen of absolutely free fishing; and in this conclusion it will be seen, by a reference to the testimony, that all these interests fully concur.

I might cite the testimony of witnesses who were examined by a subcommittee of the Committee on Foreign Relations two years ago, and show from that testimony that, without almost a single exception, the general opinion was that the bay fishing, which is now esteemed by the opposers of this treaty as being valuable, is of no practical advantage whatever.

With this proof that the waters from which this treaty excludes American fishermen is entirely valueless for fishing purposes—waters into which England has contended we had no right to enter by our own agreement in 1818—how can Senators declare that this treaty surrenders any right or privilege of the least practical value to us, how can they justify a rejection of the treaty which secures valuable commercial privileges to our fishermen and guaranties the future peace of the country upon a pretense so fallacious, not to say so criminally indifferent to the interest of the country?

But, Mr. President, this treaty is not to be passed upon in this Senate upon its value to the country or the fishermen of New England. It is to be made an issue in the Presidential election. It is hoped that prejudices may be aroused against England and the Canadians in the minds of a class of voters that can be made to tell against President Cleveland and the party of which he is the candidate. It was feared that the settlement of a long-standing controversy which Republican administrations had failed to adjust might commend the President and his administration still more strongly to the favor and confidence of the country, and partisan interests are supposed to require the rejection of any treaty which he might conclude with Great Britain on the subject. Long before this treaty was negotiated, and even before the negotiators had entered upon the consideration of the questions involved, the President was assailed for consenting to attempt an honorable settlement by diplomacy. The public press was made the vehicle of assault, not only on the foreign plenipotentiaries, but also on the Secretary of State, in order to poison the public mind and prevent a fair consideration of the conclusions reached.

The President could have made no settlement of the question which would have met the approval of a majority of the other side of this Chamber. A few of the more conservative Republican Senators might have been willing, if party exigencies would have permitted it, to agree to a settlement of the dispute, but the more active and daring party leaders, who saw in the success of the Republican party a greater boon than in the commercial prosperity and peace of the country, would have agreed to no settlement that would have deprived them of the opportunity of appealing to the prejudices entertained by a class of voters against England. It is votes they want, not a settlement of the controversy, however honorable or beneficial. Had a Republican administration negotiated this treaty every Republican Senator would have approved of it; and because it has been sent here by a Democratic President, they have determined in party caucus to vote against its ratification.

The consideration of the treaty in open session was a mandate of a party caucus in order that their appeal to the prejudices of voters against England might have its full force and produce the effect desired. To accomplish a partisan purpose the rules of this body requiring the consideration of treaties to be with closed doors, which have been in force from the beginning of the Government, have been suspended by caucus arrangement, not because the interest of the Government would be promoted thereby, but because it was supposed that party interests could be enhanced by a public tirade against a Democratic Administration for negotiating the treaty.

To what base uses we may return, Horatio.

The Senate of the United States made by the Constitution a part of the treaty-making power of the Government, under the mandate of a party caucus abdicates the high functions assigned it by the Constitution, and debases and degrades its executive powers into a political machine to further supposed party interests. Bear with me, my Republican friends, while I tell you in plain language that your action in reference to this treaty whether judged from the motives which prompt it, the circumstances surrounding it, or the consequences likely to result from it, is wholly indefensible, and merits, and should receive, the condemnation of your countrymen.

For party purposes alone this treaty is to be rejected and the country remitted back to the long-standing contention which has been the source of so much disquietude and apprehension in the past, and may prove a more serious impediment to the friendly relations which it is our interest to preserve with England and our neighbors on the north.

When you reject this treaty which proposes an honorable and friendly adjustment of the questions of which it treats, what do you propose? Can you hope to secure any better settlement by negotiation? You do not want any negotiation, and the report of the Committee on Foreign Relations which you will adopt in the passage of the resolution before the Senate virtually so declares, and impliedly at least censures the President for attempting a settlement of the dispute by negotiation. It is not likely that the President will proceed further by diplomacy, or that he could obtain better terms in any future effort in that direction.

What then will you do? There is but one other mode of peaceable settlement, and that is by arbitration. We have had some experience in the settlement of fishery questions in that mode, and I apprehend no member on the other side of this Chamber would vote for a resolution authorizing the President to submit the matter in controversy to arbitration. In such a settlement the respective rights of the two governments would have to be determined by the construction placed by the arbitrators on the treaty of 1818. Neither the laws of nations nor the laws of humanity could be invoked in our behalf, but the plain language and intent of that unfortunate treaty would govern the decision to be made.

One of the questions submitted under that treaty would be the headland question. Does any one suppose that that question would be determined more favorably to us by arbitration than it is by this treaty? For one I have no hesitation in saying that no rational expectation could be entertained of such a result. Neither in my judgment would more liberal commercial privileges be accorded to our fishing vessels by arbitrators than are secured to them in the treaty before the Senate, without securing to Canada a full equivalent therefor in some form.

If England should make the proposition to submit the questions agreed upon in this treaty to arbitration, and the respective rights of the two Governments to be determined by the true intent and meaning of the treaty of 1818, I doubt whether there is a single member of the Senate on the other side of this Chamber that would be willing to accept the offer. Then, when this treaty is rejected, as it will be, for partisan considerations alone, what will be the result? The contention will remain unsettled, England and the provinces will maintain the position they have occupied in reference to our fishermen, and the same complaints will be heard against the enforcement of these statutes relating to foreign fishing vessels.

The remedy proposed by the other side of this Chamber is retaliation. The President has been authorized, in his discretion, to resort to that measure, and perhaps a power of that character could not have been conferred upon any one less likely to abuse it. Still it is a dangerous power to rest in the discretion of any man. Nothing less than the investiture of the President with the power to adopt measures that may suspend commercial intercourse not only with Canada and the provinces but with England herself. Retaliation in any form is an unfriendly act, and when adopted may lead to consequences not anticipated. It

is well calculated to provoke resentment in those against whom it is directed, and they will be at liberty to oppose it with such measures as they may deem necessary. Is it likely that any act of retaliation on our part would not be met by some measure equally prejudicial and offensive to us? Where would these hostile and unfriendly measures stop? Would they not be likely to lead to serious interruption of our commercial relations not only with Canada but also with England, which would sooner or later be involved in any commercial war with her North American possessions?

Suppose the President in the exercise of his discretion should issue a proclamation prohibiting the introduction of Canadian fish into this country, as is desired by the New England fishermen and Senators representing their interests, what would be the result? The first effect would be to diminish largely the supply of fish food to the people of the country. This would be a serious matter to a large class of persons who from limited means are compelled to buy fish instead of meats. There are hundreds and thousands of poor people in the land who are compelled to live on the cheapest food they can buy, and to limit the supply of fish in our markets would be a serious calamity to them. The second effect of such a measure would be to put up the price of fish and increase largely the profits of the fish trusts and speculators at the expense of those who use fish as a necessity or a luxury. This is the result that is desired by many of those who want this treaty rejected and retaliation adopted. The fact is, that underlying this whole controversy is the effort of the fish syndicates and trusts of New England to obtain the prohibition of Canadian fish into this country, so that they may have a monopoly of the market and increase their profits on their business. If these should prove to be the only effects of retaliatory measures they would be too serious to justify retaliation if redress can be had in any other manner.

But suppose retaliation should result in the suspension of commercial relations generally with Canada, a result not improbable if the first step is taken, would we not be greatly the loser by such interruption of commercial relations? Our exports to Canada are largely in excess of our imports from that country, and we need markets for our products of every kind. But are we sure that a resort to retaliatory measures would stop with the prohibition of the importation of Canadian fish or the suspension of commercial relations with that country? Might it not disturb our commercial relations with England and affect seriously our markets for agricultural products in that quarter? England can not fail to become involved in any quarrel with Canada, and however much she might and doubtless would regret any disturbance of her present relations with this country she is so related to her North American provinces that their quarrels must become her own. I will not pursue this thought further, but leave it for the reflection of those so anxious to see the President resort to retaliation instead of negotiation for the settlement of this dispute.

But the President would not be justified in resorting to retaliation, notwithstanding you have conferred upon him in his discretion authority to do so. The President has sent here a message with the treaty laid before the Senate, in which he declares that in his belief—

> It supplies a satisfactory, practical, and final adjustment upon a basis honorable and just to both parties of the difficult and vexed questions to which it relates.

With that conviction resting on his mind, how can he consistently resort to measures of an unfriendly character when England is willing to settle the difficulties and offers to do so in a manner which he says is honorable and just to both parties?

Sir, I do not hesitate to say that in my opinion it would be an abuse of the discretion reposed in the President if he were now to adopt any measure of retaliation with the offer of England open for acceptance to settle the questions embraced in the treaty in a manner honorable and just to this country.

What would be the judgment of the nations of the earth if the President, acting upon his own discretion, not under the compulsion of legislative requirement, should assume a hostile position toward England and her North American possessions with that declaration of his message upon the records of the country and known to the world? Congress can, if it desires, enact a law that it will be the duty of the President to execute; but the law which was passed at the last session simply invested the President with discretionary authority to resort to retaliatory measures, but the exercise of the authority conferred rests in his own discretion; and while he believes that England is ready to accede to all our just demands, he can not properly seek to enforce our rights by unfriendly and hostile acts of his own motion. Let Congress, if it desires to try belligerent measures, assume the responsibility and enact a law the responsibility for the execution of which will rest upon Congress and not in the discretion of the President. Senators, if you want a suspension of commercial relations with Canada and England or war of any other kind, say so, but do not hide behind executive discretion and try to evade the responsibility for the consequences that may ensue.

And now, Mr. President, let me say that in my opinion whenever a resort is had to retaliation, either by the President, acting upon his own discretion under the authority already given him, or under the unconditional requirement of law hereafter to be enacted, we will enter upon a commercial warfare as disastrous to us as we can make it to the Dominion Government or England herself. Any people having a proper regard to their honor and the respect of the world, will not submit to unfriendly acts of retaliation for alleged injuries which they deny without meeting retaliatory measures with acts equally as unfriendly and hostile. We have as great interests at stake as Canada or England, and any interruption of friendly commercial relations would tell as seriously upon this country as upon them. Let us not flatter ourselves that the whip is altogether in our own hands. They can do as well without our markets as we can do without theirs, and shall we rashly put in jeopardy our agricultural and other interests by a resort to a policy which may lead to consequences so disastrous? Our commerce with the Dominion, already considerable, is steadily increasing.

We export annually to the British possessions in North America products to the value of from $40,000,000 to $50,000,000, and import therefrom goods to the value of from $30,000,000 to $40,000,000. This trade with Canada is greater than with any South American state, and larger than with most European countries. Our trade with England is greater than with all Europe; beside, she furnishes the principal market for our surplus products, especially agricultural products. We furnish 60 per cent. of her breadstuffs; and but for the demand which she makes for our flour, wheat, corn, and meats, we should have no market for our surplus grain and other products, and farming lands would not be worth half their present value. We can not afford at the dictation of a few persons engaged in fishing in northern waters to put in jeopardy the great commercial and agricultural interests of the American people, even if the peace of the country should not be disturbed.

The other side of this Chamber justify their opposition to this treaty upon the pretense that it would prove injurious to the fishermen of New England. Such an assumption is unwarranted by the provisions of the treaty, which if ratified would prove of great value to them. It furnishes, however, another illustration of the readiness of the Republican party to sacrifice the public good in order to advance the interests of individuals and classes of men. Through every period of that party's history private interests have been fostered at the expense of the great body of the people of the country. It gave away a large portion of valuable public lands to corporations and associations of capitalists, and thereby prevented thousands of honest men from procuring from the Government cheap homes for themselves and their families. Its financial policy and legislation, when in the absolute control of the Government, was in the interest of monopolies and capitalists, and oppressive to the poorer classes of the community—enriching the few at the expense of the many.

It has maintained a system of excessive and burdensome taxation, imposed to meet the exigencies of the civil war, for more than twenty years after its termination, and which is yielding a large surplus beyond the necessities of the Government, solely for the purpose of protecting the manufacturing interests of the country and enabling them to extort hundreds of millions of dollars in excess of fair profits from the people of the country who are compelled to buy and consume their products. And now, when the Treasury is overflowing with a constantly increasing surplus of money needed in the business of the country, and which must eventually, unless arrested, result in financial embarrassment and disaster to individuals and general depression and paralysis to the business world, they are resisting a modification of the tariff taxation which is producing that result from a desire and purpose to render the great mass of the people tributary to the few. The opposition to this treaty on the other side of the Chamber, on the unwarranted allegation that it is detrimental to local and individual interests, furnishes further proof that the Republican party is ready and willing to sacrifice the public welfare, and even the peace of the country, in order to promote the interests of a very small portion of the people of Maine and Massachusetts engaged in a laudable but private enterprise.

I appreciate as highly as gentlemen on the other side of this Chamber the character and services of the American fishermen, and would be as far from inflicting injury upon them. The men who put their money in the business are perhaps not better paid on their investments than those engaged in other occupations. Many of them, perhaps all, are worthy citizens, but they are not generally the men who brave the dangers of the deep and go out in vessels and dories to take the fish from the water. Many of the latter, who are relied upon to recruit our Navy in time of war by Senators who urge the rejection of this treaty, are not American citizens, but natives of the provinces, and who, in case of war between this country and England, would in all probability enlist in her navy and not in ours. I listened the other day to the eulogy of the Senator from Massachusetts [Mr. HOAR] upon the prowess and bravery of the American fishermen in the wars of the past, and have no disposition to deny the value of their services, both in peace and war, but I apprehend that the past history of this country will reveal the fact that the glory of the American Navy has not been wholly due to New England fishermen; nor do I believe that the future greatness or safety of the Republic will depend entirely upon the valor or statesmanship of that section of the country. If Massachusetts would remit or greatly abate her taxation upon the vessel property of her fishermen, and her Senators would unite in an effort to

modify the tariff upon the materials that enter into the construction of their fishing vessels, the owners of such vessels would realize greater profits from their investments, and be able to pay higher wages to the men who man them.

It has been intimated in debate that this side of the Chamber and the Democratic party support this treaty and are willing to surrender American rights through timidity and fear of strife with England. I shall not deny, Mr. President, that the Democracy of the country believe that its prosperity and the happiness of the American people will best be promoted by maintaining an honorable peace with all the nations of the earth, and would regret the necessity which would compel a resort to acts of hostility to maintain its honor or defend its rights. But I deny most emphatically that any Senator on this side of the Chamber or any member of the Democratic party, either in public or private life, is willing to surrender the rights or is indifferent to the honor of his country from any cause whatever, or that this treaty makes any such surrender or abandons any just right.

The insinuation that it is supported by any one from fear of England or any other power is unjust and untrue, and can neither impeach the patriotism of those who favor the treaty nor prove the bravery or courage of the men who oppose it. If the time should ever come when the rights of this country could only be maintained by the arbitrament of the sword, the men of all parties and all sections of this country would vie with each other in eagerness for the fray. I pitty, sir, the ignorance and despise the dishonesty that can attribute to any portion of the American people a willingness to surrender the just rights of their Government through fear of any power on earth. Such an argument is unworthy of the Senate, and proves the want of valid objection to the treaty itself.

Mr. President, I sincerely regret that a great public question affecting our foreign relations should have been made the subject of political discussion. It ought to be considered solely with reference to the honor and welfare of the country and not with reference to party interests. But the other side of this Chamber has deliberately and premeditatedly and by caucus arrangement made this treaty the occasion for partisan assault upon the Administration and the Democratic party. They have denounced the President for attempting to settle by diplomacy an irritating question in dispute between this country and England, and assailed with vulgar abuse the Secretary of State for the part he was compelled by his position to take in the negotiation. No more unjustifiable assault was ever made upon a high public official than has been made upon Mr. Bayard by his political enemies in this Chamber and in the Republican press of the country. He has been denounced as willing to surrender the honor and interests of his country or too weak and pusillanimous to maintain them.

Sir, if a sense of justice to a high official who has given the best years of his life to the public service was insufficient to restrain the unmerited vituperation which party malignity had heaped upon him in this debate, a decent respect for the truth should have done so.

No man that has ever filled the office of Secretary of State has more earnestly labored to promote the interests and maintain the honor of his country in its relations with foreign countries, and but few that have occupied the position have manifested equal fidelity and ability in the discharge of the duties which it imposes. It may be that his success in securing an honorable adjustment in the pending treaty of a long-standing controversy which his Republican predecessors in office were unable to secure may, in part at least, inspire the assaults upon his character and the treaty which he has negotiated.

The PRESIDING OFFICER (Mr. BERRY in the chair.) If there be no objection, the Senate will proceed to the consideration of legislative business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The motion was agreed to.

Mr. ALLISON. I yield for routine business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments;

A bill (H. R. 4239) for the relief of P. H. Winston;

A bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 7643) to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado;

A bill (H. R. 8674) for the relief of Sterling H. Tucker and others;

A bill (H. R. 8846) for the relief of Daniel W. Perkins;

A bill (H. R. 10041) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters;

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and

A bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present resolutions adopted by the conference of woolen manufacturers, wool-growers, and wool-dealers, held at Washington, D. C., January 14, 1888, favoring the protection by tariff of the production and manufacture of wool. I move that the resolutions be printed in document form and referred to the Committee on Finance.

The motion was agreed to.

Mr. SABIN presented a petition of citizens of Goodhue County, Minnesota, praying for the passage of certain amendments of the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL presented a petition of salmon-packers and other citizens of Portland, Oregon, praying for the repayment in full of duties paid on imported tin when made into cans and exported containing American products; which was referred to the Committee on Finance.

Mr. PLUMB presented the petition of Norman Wiard, of Washington, D. C., praying for the adoption of the armament projected by him and proposed for the coast-defense forts of the United States by the American Standard Ordnance Company of New York; which was referred to the Committee on Coast Defenses, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000, reported it without amendment.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 5494) for the relief of John T. Robeson, asked that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions, reported it without amendment, and submitted a report thereon.

REPOSITORY FOR HISTORICAL MANUSCRIPTS.

Mr. EVARTS. I present, from the Committee on the Library, a report relating to the expediency of establishing a repository for the custody of historical papers and documents presented to or acquired by the Government. I have offered, by direction of that committee, an amendment to the sundry civil appropriation bill, and this report which is presented by the committee has the advantage of Mr. Spofford's very accurate and careful statement, and I ask that it may be printed in the RECORD, and also printed in document form.

The PRESIDING OFFICER. The Senator from New York asks that the report to which he refers be printed in the RECORD and be printed in document form. If there is no objection that order will be made.

The report is as follows:

Report as to the expediency of a repository or department of historical manuscripts in the Congressional Library.

The collection and preservation of historical records should be an object of national concern. In every country there are many scattered collections of manuscripts valuable to historical inquirers, but comparatively inaccessible because they are either in private hands or in the archives of societies local in character and not widely known. In some European nations public attention has long since been drawn to the importance of enlarging the national collections of state papers and government archives by the addition of manuscripts in private hands.

Thus, in the archives of the French Government, and in the National Library at Paris, are preserved a great mass of personal memoirs, journals, records, military and civil, and private letters of inestimable value as materials for history. In Great Britain, so powerful has been the interest in this subject during the present generation, that a royal commission on historical manuscripts, created in 1869, has made extensive though not exhaustive researches among the numerous private repositories of papers in that country, until there have been published as the results of their labor twelve folio volumes of reports, filled with detailed descriptions of the manuscript treasures existing throughout Great Britain. At the same time, the British parliament has for many years past expended large sums for the special purchase of manuscripts, besides the regular annual grant of $50,000 (£10,000) for printed books, and $12,000 (£2,400) for manuscripts devoted to the increase of that great national collection, the library of the British Museum. This is exclusive of large sums devoted to the publication of historical manuscripts, calendars of state papers, etc.

In the United States, while much zeal and energy have long been manifested by private individuals and historical societies in the collection of manuscripts and autographs, little has yet been done by the General Government in this direction. The purchase by Congress, through successive appropriations, of the papers of Washington, Madison, Jefferson, Monroe, Franklin, and Rochambeau represents all the notable acquisitions of manuscripts by our Government, although these are of inestimable value. The historical library of Peter Force, of Washington, however, purchased by Congress in 1867, brought with it a large assemblage of historical and military papers, journals, orderly books, letters, etc., of the period of the Revolution and later, which are chronologically arranged, and present much material of great interest to historical inquirers. That this extensive collection of books, manuscripts, maps, and newspapers was saved through a wise and timely purchase by the Government from being dispersed in the possession of numerous scattered collectors is matter of congratulation with all who appreciate the importance of enriching our national stores of material for historical research.

It becomes constantly more apparent that a wise and careful expenditure in the same direction is an aim worthy of the National Government. There is abundant evidence that much valuable material in American history has perished beyond recall into the hands of private owners, through the ravages of fire, of damp, of insects, and other destructive agencies, while much more has been lost or mutilated through the ignorance or want of appreciation of the possessors. There is of late years, with the growth of the historical spirit in our country, an active competition for autographs and manuscripts on the part of individuals, societies, and public libraries. And Great Britain has become an interested gatherer of American books, maps, and manuscripts, so that there is risk of valuable original material being taken out of the country through the neglect of our own Government to secure it a place in the national archives by timely action.

Already photographs and manuscripts of the Revolutionary period are sought for by British collectors. There are in the United States many private collections of manuscripts, like those of Mr. George Bancroft, unique in historical value, which should be made the permanent possession of the Government. Where are the papers, public and private, left by the Presidents of the United States since the time of Monroe? The manuscripts and letters of a multitude of other public officers, of the national or State governments, are scattered among their posterity for the most part or in the possession of private owners. Many of these collections represent invaluable material for political and personal history, which are in constant danger of perishing or of depletion. When once scattered these manuscript records of the past are rarely or never reunited.

In view of the erection now in progress of a commodious and fire-proof national library building, the Joint Committee on the Library deem it a proper time to recommend that a systematic effort should be made to collect and to preserve all manuscript papers which may be offered to the Government, and to make provision for the purchase of manuscripts deemed of special value. Upon the opening of the new Library, a special curator or custodian, of the requisite qualifications, should be selected to have charge of the department of manuscripts, and they should be made available to public use, under suitable regulations for their protection.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 3389) to erect a public building at Yonkers, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That Esther G. Nally have leave to withdraw the papers in her case from the files of the Senate.

WHEAT-GROWING DISTRICTS OF OREGON AND WASHINGTON.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate a recent report upon the wheat-growing districts of Oregon and Washington Territory, prepared by Second Lieut. Frank Green, Signal Corps, under the direction of the Chief Signal Officer of the Army.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments;

A bill (H. R. 4239) for the relief of P. H. Winston;

A bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8674) for the relief of Sterling H. Tucker and others;

A bill (H. R. 8846) for the relief of Daniel W. Perkins;

A bill (H. R. 10041) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters;

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and

A bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin.

The bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado was read twice by its title, and referred to the Committee on Private Land Claims.

INDIAN MARRIAGES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 928) in relation to marriage between white men and Indian women.

The first amendment of the House of Representatives was, in section 1, line 4, after the word "who," to strike out the words "has married or;" so as to make the section read:

That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry an Indian woman, member of any Indian tribe in the United States or any of its Territories, except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

The next amendment of the House of Representatives was, in section 2, line 2, after the word "who," to strike out the words "has been, or;" so as to make the section read:

SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Mr. DAWES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9910) increasing the pension of William J. Headly.

The message also announced that the House had passed the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. WHEELER, and Mr. PAYSON managers at the conference on its part.

PEREZ DICKINSON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

Mr. FAULKNER. I move that the Senate non-concur in the amendments of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. FAULKNER, Mr. HOAR, and Mr. SPOONER were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the amendments of the Committee on Appropriations may be considered as the bill is read.

The PRESIDING OFFICER (Mr. BERRY in the chair). If there be no objection, that course will be pursued. The Secretary will read the bill.

The reading of the bill was proceeded with. The first amendment reported from the Committee on Appropriations was, under the head of "under the Treasury Department," in the appropriations for "public buildings," on page 2, after line 12, to insert:

For court-house and post-office at Bay City, Mich.: For purchase of site and commencement of building, $100,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert;

For post-office at Bridgeport, Conn.: For purchase of site and completion of building, $150,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, before the word "complete," to insert "and breakwater;" and after "complete," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For marine hospital at Chicago, Ill.: For approaches and breakwater complete, $15,000.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "thousand," to strike out "twenty" and insert "twenty-eight;" so as to make the clause read:

For repairs of post-office and custom-house building, Chicago, Ill., $28 000.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

For court-house and post-office, Des Moines, Iowa: To defray the expenses of paving alley adjoining court-house and post-office at Des Moines, Iowa, $514.42.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "limit," to strike out "one hundred and forty" and insert "two hundred;" and in line 15, after the word "dollars," to insert:

Provided, That said building may be located not less than 16 feet from any other building.

So as to make the clause read:

For court-house and post-office at Denver, Colo.: For continuation of building under present limit, $200,000: *Provided*, That said building may be located not less than 16 feet from any other building.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after the words "site

and," to strike out "commencement" and insert "completion;" and in line 19, before the word "thousand," to strike out "fifty," and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Greenville, S. C.: For purchase of site and completion of building, $100,000.

The amendment was agreed to.

The next amendment was, on page 5, line 1, after the words "site and," to strike out "commencement" and insert "completion;" and after the word "building," at the end of the line, to strike out "thirty-seven thousand five hundred" and insert "seventy-five thousand;" so as to make the clause read:

For court-house and post-office at Helena, Ark.: For purchase of site and completion of building, $75,000.

The amendment was agreed to.

The next amendment was, on page 5, line 4, after the words "site and," to strike out "commencement" and insert "completion," and in the same line, after the word "building," to strike out "thirty" and insert "sixty;" so as to make the clause read:

For post-office at Hoboken, N. J.: For purchase of site and completion of building, $60,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert:

For post-office and custom-house at Jacksonville, Fla.: For completion of building under present limit, $80,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to insert:

For post-office at Lincoln, Nebr.: For paving, curbing, grading, and setting stone steps about the post-office site and public grounds, and repairing the fountain and walks on said grounds at Lincoln, Nebr., $10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the words "alterations, and," to strike out "so forth" and insert "other necessary work;" so as to make the clause read:

For the United States Mint at Philadelphia, Pa.: For an additional story to, and enlarging the building, including vault, alterations, and other necessary work, $220,000.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the words "site and," to strike out "commencement" and insert "completion;" and in the same line, after the word "building," to strike out "thirty" and insert "sixty;" so as to make the clause read:

For post-office at Portsmouth, Ohio: For purchase of site and completion of building, $60,000.

The amendment was agreed to.

The next amendment was, after line 25, at the bottom of page 6, to insert:

For custom-house at Portland, Oregon: For the purpose of reimbursing the city of Portland, Oregon, for money advanced out of its general fund in payment of street improvements assessed to the United States on the custom-house block in that city, between March 1, 1859, and January 1, 1888, $1,271.82.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

For marine hospital at Portland, Me.: For furnishing water supply, $2,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

For custom-house at St. Louis, Mo.: To defray the expense of paving streets in front of the custom-house at St. Louis, Mo., $4,056.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "for," to strike out "continuation" and insert "completion;" and in line 2, before the word "thousand," to strike out "seventy-five" and insert "one hundred and fifty;" so as to make the clause read:

For court-house and post-office at Savannah, Ga.: For completion of building under present limit, $150,000.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the words "site and," to strike out "commencement" and insert "completion;" and in line 19, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Springfield, Mo.: For purchase of site and completion of building, $100,000.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after the words "site and," to strike out "commencement" and insert "completion;" and in line 25, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Texarkana, Ark.: For purchase of site and completion of building, $100,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

For court-house and post-office, Utica, N. Y.: To defray the expense of paving the streets in front of the court-house and post-office at Utica, N. Y., $3,435.60.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "building," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Vicksburg, Miss.: For purchase of site and commencement of building, $100,000.

Mr. ALLISON. I move to strike out the word "commencement" in that clause and insert "completion."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 9, after line 14, to insert:

For custom-house at Wheeling, W. Va.: For necessary repairs of building, $27,500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 21, on page 9, to the end of line 2, on page 10, as follows:

That the Secretary of the Treasury may authorize contracts to be made for the whole or any portion of any of the foregoing public buildings and the post-office and custom-house at Jacksonville, Fla., and the court-house and post-office at Chattanooga, Tenn., within the limit of cost fixed by law as to each of said public buildings.

Mr. BECK. I was about to ask the chairman to make a statement here, but I can do it myself in a minute. That clause was stricken out because in all cases where public buildings are to be erected for $100,000 or less, instead of putting in a part of the appropriation, we inserted the whole amount needed for completion, believing that the most economical way to erect a building of that magnitude is to give the money all at once. Then all the contracts can be made and the whole work done. Therefore we have so amended the bill; and while this increases the apparent amount appropriated by the bill, in my opinion it will conduce to an economy of at least 10 or perhaps 15 per cent. in the buildings to be erected.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, after the words "Winder Building," at the end of line 4, to insert "including employment of plumbers, carpenters, and painters, and materials for their use;" in line 6, after the word "use," to strike out "one thousand" and insert "eight thousand two hundred and sixty-five;" in line 7, after the word "dollars," to insert "for repairing, filling, and painting the east front of the Treasury building, $10,000;" in line 10, after the word "rooms," to strike out "two thousand four" and insert "one thousand five;" in line 11, after the word "dollars," to strike out "repairs to roadway west of building, $300;" and in line 16, after the word "all," to strike out "eight thousand five hundred and seventy" and insert "twenty-four thousand six hundred and thirty-five;" so as to make the clause read:

For Treasury building at Washington, D. C.: For repairs to Treasury building and Winder Building, including employment of plumbers, carpenters, and painters, and materials for their use, $8,265; for repairing, filling, and painting the east front of the Treasury building, $10,000; resetting and repairing loose tile flooring, $800; for flooring rooms, $1,500; lead caulking for joints in the approaches on the north, south, and west, $350; reslating southwest pavilion roof, $1,920; painting remainder of roof, $1,800; in all, $24,635.

The amendment was agreed to.

The next amendment was, in the appropriations for "Light-houses, beacons, and fog-signals," on page 11, after line 7, to insert:

Crooked River light-station, Florida: For the erection of a light-house on the highland (mainland) to the westward of Crooked River, in Franklin County, Florida, $40,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

St. Joseph's Point light-station, Florida: For establishing a light-house at or near St. Joseph's Point, Florida, $25,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

Crabtree Ledge light-station, Maine: For additional amount for completion of a light-house on Crabtree's Ledge (so-called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Maine, $13,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

Lubec Narrows light-station, Maine: For additional amount for completion of a light-house at or near Lubec Narrows, Maine, $12,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

Deer Island light-house and fog-signal, Massachusetts: For additional amount for completion of a light-house and fog-signal at or near Deer Island, Boston Harbor, Massachusetts, $6,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Stonington Harbor, Connecticut: For the establishment of a light and fog-signal on the breakwater at the entrance to Stonington Harbor, Connecticut, $8,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Statue of Liberty, Bedloe's Island, New York: For completing the pedestal and the approaches to the Statue of Liberty, Bedloe's Island, New York Harbor, $50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 15, to insert:

Cob Point Bar light-station, Maryland: For establishing a light-house at or near Cob Point Bar, Wicomico River, Maryland, $15,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

Holland's Island Bar light-station, Maryland: For establishing a light-house

at Holland's Island Bar, near the entrance to Kedge's Straits, Chesapeake Bay, Maryland, $35,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Bush's Bluff Shoal light-station, Virginia: For establishing a first-class light-ship with steam fog-signal in duplicate, on or near Bush's Bluff Shoal, entrance to Elizabeth River, Virginia, $40,000; and in addition thereto the unexpended balance of the appropriation of $20,000 heretofore made for establishing a light-house at that point is hereby made available and may be used for the establishment of a light-ship herein provided for.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

Tangier Sound light-station, Virginia: For the establishment of a light-house and fog-signal to mark the lower entrance to Tangier Sound, Chesapeake Bay, $25,000.

The amendment was agreed to.

Mr. ALLISON. After line 8, on page 13, I move to insert:

Great Wicomico River light-station, Virginia: For the establishment of a light-house at the mouth of the Great Wicomico River, Chesapeake Bay, Virginia, $25,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, line 9, after the word "for," to strike out "beginning the construction of" and insert "establishing;" and in line 11, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Newport News light, Virginia: For establishing a light-house at Newport News Middle Ground, Virginia, $50,000.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "thousand," to strike out "ten" and insert "thirty;" so as to read:

Oil-houses for light-stations: For establishing isolated houses at light-stations for the storage of mineral oil, $30,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Cedar River Point light-station, Michigan: For the establishment of a light-house at or near Cedar River Point, at the mouth of Cedar River, Green Bay, Michigan, $25,000.

The amendment was agreed to.

The reading of the bill was continued to line 9 on page 14.

The PRESIDENT *pro tempore*. Should not the spelling of the word "sight," in line 7, be changed?

Mr. ALLISON. I think so. It should be "site."

The PRESIDENT *pro tempore*. The change will be made, if there be no objection. The Chair is informed that the first word in line 8 should also be changed from "Absecon" to "Absecom." That can be verified hereafter, however.

Mr. BECK. It is spelled that way in the report.

Mr. ALLISON. I find that "Absecon" is the spelling in the Book of Estimates. So I suppose it is correct.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, after line 12, to insert:

Point Loma light-station, California: For establishing the light station at Point Loma, California, in a situation lower down the cliff, $30,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 15, to insert:

Ballast Point light-station, California: For establishing a light or lights and a fog-signal on or near Ballast Point, entrance to San Diego Bay, California, $25,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to insert:

Umpqua River light-station, Oregon: For the purchase of a site and the construction of a first-order coast light-house on the headlands, near the mouth of the Umpqua River, Oregon, $80,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

Wharf at Astoria, Oregon: For the purchase of a site and the construction of a suitable wharf at Astoria, Oregon, for the use of the Light-House Establishment and of vessels belonging to the United States, $15,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

Pier-lights: For the construction of pier-lights at Duluth, Lake Superior, Minn.; Kewaunee, Lake Michigan, Wis.; Charlotte harbor, Lake Ontario, New York; and Port Washington, Lake Michigan, Wis., $25,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to insert:

Steam-tender for eleventh light-house district: For the construction of a new steam-tender for the eleventh light-house district, $85,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 10, to insert:

Supply-steamer for the Atlantic and Gulf coasts: For an additional amount for the construction of a steamer for the transportation of oil and other supplies to the light-houses on the Atlantic and Gulf coasts, $32,500.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and read as follows:

LIFE-SAVING SERVICE.

For salaries of superintendents for the life-saving stations, as follows:

Mr. REAGAN. I see that provision is made here for salaries for nine superintendents for the life-saving stations at $1,500 apiece, and for five superintendents for life-saving and life-boat stations at $1,800 apiece, the aggregate amount being $20,800. I desire to inquire what reason there existed for appointing these superintendents? I see also that provision is made in lines 3 to 6, on page 17, "for salaries of 231 keepers of life-saving and life-boat stations and of houses of refuge, $154,760," making 249 additional employés of the Government. I desire to ask what was the evidence before the committee of the necessity of these employés?

Mr. ALLISON. These appropriations are for the entire Life-Saving Service on our seacoast and on the lakes, and the appropriations are made in pursuance of statutes passed by Congress on the subject. These appropriations are for exactly the salaries fixed by law for these officers and employés.

Mr. REAGAN. I see, beginning at line 7, on page 17, "for pay of crews of surfmen," etc., and then the life-saving crews, life-saving stations, and life-boat stations must be provided for elsewhere. I am not raising any question as to making a necessary appropriation for the crews of surfmen at life-saving stations and at life-boat stations, but I do not see what necessity there is for a superintendent and a keeper at every life-saving station. There is the crew with its apparatus for the duties it has to perform; and what can be the necessity for a superintendent of that crew? Why is not the leading man superintendent enough, and why can not the men take care of their own station? Why is there to be a keeper and a superintendent?

Mr. ALLISON. Of course these questions are very pertinent. The Committee on Appropriations felt bound to make these appropriations as they have been provided for by law from time to time, and I have no doubt that all the appropriations are necessary.

Mr. SHERMAN. I can explain the matter to the Senator from Texas. Not only is this one of the most interesting, but it is one of the most useful branches of the service of the Government. The superintendents provided for here are superintendents of large sections of country, and they are very valuable officers, skilled and experienced in that line of business. A superintendent may have under him twenty, thirty, forty, or fifty life-saving stations. The keepers are at the stations. Only one man is kept at a station, and the crew generally are around near by. They could not afford to devote their whole time to this business for the compensation allowed, but they are employed upon an alarm being given, signals by light, etc. A keeper has charge of each station. A superintendent has charge of a large district. The bill itself shows that there is one superintendent for the coast of Maine and New Hampshire. That coast I suppose covers at least a thousand miles.

Mr. FRYE. Three thousand miles.

Mr. SHERMAN. How many life-saving stations are there on that coast?

Mr. REAGAN. There are nine of them.

Mr. SHERMAN. There are more than that.

Mr. REAGAN. There are nine superintendents.

Mr. SHERMAN. There are nine superintendents, but how many stations are there on the coast of Maine? Are there fifty?

Mr. FRYE. I do not know how many; there are a good many. It takes the superintendent all of his time.

Mr. SHERMAN. The superintendent goes from place to place and keeps up the drill and discipline. The salary is $1,500. It occupies the entire time and attention of the superintendent. The keeper has charge of the property of the life-saving station. He stays always in his place. He lives there, generally a kind of a hermit life on a lonely shore, while the men around, mostly fishermen, are within call. When he gives the alarm they rush to the station and then they save life and property. The statistics of this service are among the most interesting in the operations of the Government. The enormous saving of life and property is measured by millions.

Mr. REAGAN. I know that the Life-Saving Service is a very interesting and important feature, and it ought to be encouraged; but we have undoubtedly gone into a great deal of extravagance in connection with it. Take the case of New Jersey, and I believe it is pretty much the same all the way up the New England coast. It seems that there is a life-saving station wherever there is an available piece of ground. There must be thirty or forty on the coast of New Jersey.

Mr. SHERMAN. Every 5 or 6 miles there ought to be one along that coast. At night there are patrolmen who go along the whole coast. A patrolmen goes along the beach for 5 or 6 miles. That region has to be traversed every night by patrolmen. If the Senator would just go and visit one of those places and see the character of service done, especially if he should happen to be there during a storm, he would be satisfied as to the value of the service and the amount of labor performed.

I visited several of these places officially at one time, and I found the amount of labor performed for very small pay to be enormous. The pay has been considerably increased since the time I had any control over the matter; but at that time it was insignificant for a very severe and arduous service. Many a weary night in the midst of a storm these patrolmen traverse the whole coast. They do it on foot, carrying a lantern, if it is a dark night, or by moonlight, exposing themselves to rain and storm.

Mr. REAGAN. I suppose the Committee on Appropriations, as there

is a law in existence for these officers, felt it to be their duty to make the necessary appropriations for their support, and perhaps it was necessary, yet I was afraid that this was the creation, as we are doing in nearly all the departments of the service, of additional and unnecessary officers, and that on account of the very peril which it is the object of the life-saving service to relieve against there has grown up a sentimental extravagance that is unreasonable. I know this to be the case from having investigated the subject from year to year, and it ought in some way or other to be arrested. Whatever is necessary, whatever is proper should be done; but for us from a mere sentiment of humanity, without the necessity of a practical exertion of power, to be involving the Government in the expenditures we have done on this subject is going too far.

Mr. ALLISON. This is almost the exact appropriation of last year. There is certainly no increase over the service of last year.

Mr. SHERMAN. It is fixed by law.

Mr. ALLISON. Every one of these superintendents is provided for by law.

Mr. BECK. If the Senator will turn to the Revised Statutes, sections 4243, 4244, 4245, 4246, and so on, he will find provision made for all of them.

Mr. REAGAN. For the stations?

Mr. BECK. For superintendents and keepers and crews of surf-boats.

I can only add that from time to time we have had to investigate this matter, and if there is any branch of the public service that is carried on economically and carried on energetically, earning its money and every dollar of it, it is the Life-Saving Service. I went along the coast of North Carolina two or three years ago, going from Hatteras up and down nearly a hundred miles, and I have struggled from that time until now to have the surfmen and the life-boat and station keepers and superintendents provided for the way they ought to be, by having at each alternate station, 6 miles apart, a pair of strong mules kept for the purpose of carrying the surf-boats from point to point instead of making the men drag them the way they do now. But somehow we are so economical that we have not yet got up to that point. All along the stations on the New Jersey coast, and the North Carolina coast, and the New England coast, there ought at each alternate station to be kept at least one pair of mules to help those men drag the heavy surf-boats for miles. They would save dozens, perhaps hundreds of lives by that additional facility.

Instead of being extravagant in this service we have absolutely not gone to the point that common humanity requires us to go, for fear that somebody would say that we were giving too much.

Mr. SHERMAN. I wish to say in connection with this service that it has been so wisely and economically and carefully managed that one man, Mr. Kimball, now probably fifty or sixty years of age, has always had charge of it from the beginning to this hour; and through every administration, in all the mutations of party life and the changes which have been made, he has been kept as a model officer. I do not believe that any administration would be courageous enough to remove him for any cause. Besides, there is no party politics in it in the slightest degree, nor could there be any, because the men employed are all laboring men, receiving the smallest kind of compensation from the Government for the service rendered.

I always like to bear testimony to the value and character of this service, because it was organized during my service in Congress. Mr. COX, of New York, was one of the first to introduce the subject. It was begun by private charity on the coast of New Jersey, and afterwards taken up by Mr. COX, a member of Congress. He organized the system to some extent and has taken a great deal of interest in it. He takes great pride in it. I have also always from the beginning of the service to this time been very proud of the gradual growth and purity and excellence of the life-saving system.

Mr. REAGAN. I should not like to have it understood that I did not appreciate the importance of the Life-Saving Service. I should not like to have it understood that I was not willing to appropriate all the money necessary to give efficiency to that service. But I do desire to repeat my protest against the expenditure of money on mere sentimental ideas. Of course Senators have their opinions and their convictions and they express them. I have mine and I express mine, and I express them, not at random, but because it has been my duty to investigate this subject from year to year.

You may take the charts that have places upon them where these life-saving stations are, and it seems as if there is hardly room for any more, and that they are placed without reference to utility. It is so convenient for us to billet our friends upon the public wherever there is a chance to create an office that it seems to me some protest should be made against it.

The Senator from Ohio suggested that there was no politics in the Life-Saving Service. I recognize that, and I think any one who studies the action of Congress will recognize that there is hardly any politics in extravagance of appropriations. There seems to be no party but what tries to go ahead of all others in the extravagance of its appropriations.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was continued to line 5, on page 18.

Mr. ALLISON. I call the attention of the Senator from Texas to the fact that the appropriations this year are $20,000 less than they were last year for the Life-Saving Service.

Mr. REAGAN. On the question of economy I desire to call attention to lines 12, 13, and 14, on page 16:

For one superintendent for the life-saving and life-boat stations on the coast of the Gulf of Mexico, $1,500.

That is a line of coast of about 1,500 miles, I believe, of dangerous coast. If superintendents are necessary, no one superintendent can discharge the duties on that length of coast and on that dangerous coast from the Rio Grande around by the mouth of the Mississippi to the capes of Florida.

Mr. ALLISON. Have another superintendent, then.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for the "revenue-cutter service," on page 18, line 21, to increase the amount of the total appropriation "for expenses of revenue-cutter service" from $915,000 to $950,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to insert:

Construction of revenue steamer for southern coast: For additional amount for construction of one revenue steamer for duty on the southern coast of the United States, $55,000.

Mr. ALLISON. I move to amend the amendment by striking out "$55,000" and inserting in lieu thereof "$36,500." Sixty thousand dollars was appropriated for this vessel last year, but the Department can not build a suitable vessel for less than the $60,000 and the amount which I propose to add.

Mr. REAGAN. The estimate for that vessel is ninety-odd thousand dollars.

Mr. ALLISON. Ninety-six thousand five hundred dollars, $60,000 of which was appropriated last year. This is for the southern coast.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. In lines 24 and 25 of page 18, after "United States," it is proposed to strike out "fifty-five thousand" and insert "thirty-six thousand five hundred;" so as to make the clause read:

Construction of revenue steamer for southern coast: For additional amount for construction of one revenue steamer for duty on the southern coast of the United States, $36,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "engraving and printing," on page 19, line 17, after the words "wages of," to strike out "not more than two hundred and twelve;" in line 20, after the words "wages of," to strike out "not more than two hundred;" in line 22, after the words "wages of," to strike out "not more than thirty-eight;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each, when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each, when employed, and for royalty for use of steam plate-printing machines, $398,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 20, line 2, at the end of the clause appropriating $398,000 for "wages of plate-printers," etc., to strike out the following proviso:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

Mr. BLAIR. Mr. President, the amendment of the Committee on Appropriations raises the question which is involved in the controversy between the hand-press and the steam-press printing of the Government notes. Earlier in the session I introduced a resolution, which set forth at considerable length the views of those who are interested in hand-work and against the machine-work employed in this business, which was referred to the Committee on Finance, and upon that resolution, which was of considerable length and went into the subject with much particularity, there has as yet been no report from the Committee on Finance. I am not aware that there has been any investigation; certainly there has not been a full investigation. On reflection I know there has been either a partial investigation or representations have been made from the Superintendent of the Bureau of Engraving and Printing to that committee; but in reply to his suggestions there has been no opportunity of hearing, as I am informed by the parties interested.

It is charged, and with certainly a great degree of proof in support of the charge, that the currency of the country is exceedingly depreciated since the employment of the steam-presses in the performance of the work, as compared with what it was in the earlier days when the work was done by hand-roller presses and by the hand engravers, so that the forging or counterfeiting of the paper money of the country

is now comparatively very easy, and it is carried on, in consequence of this deterioration of the character of the work, to a much greater extent than formerly. New counterfeits are being put forth with greater and still greater rapidity. I have been informed (of course, not having the knowledge myself, but only as it is given to me, I think reliably, and I have observed it, too, in the public press) that since the reference of that resolution to the Committee on Finance several very dangerous counterfeits have appeared, and since the superintendent of the bureau justified the nature of the work which he is doing with his steam-presses to the committee there have been several, and notably a one-dollar counterfeit, which is very difficult to detect, or rather a counterfeit which it is very easy to make by reason of the general imperfection of the work, and not easy to detect. It is not necessary to do very nice work in the way of forgery or counterfeiting to have it pass as the work of the Bureau of Engraving and Printing.

This subject has been investigated by the House of Representatives, and a report, as I am informed, of the proper committee of the House, of which General WHEELER is the chairman, has been made, in which he maintains these charges as to the imperfect and exceedingly dangerous nature of the work which is done at the Bureau of Engraving and Printing, and attributes its faulty character to the employment of the steam-machine, that is, a patent machine, which is made use of there.

Mr. VOORHEES. With the permission of the Senator from New Hampshire, who kindly yields for that purpose, I offer an amendment, and ask that it be printed and lie on the table.

The PRESIDENT *pro tempore*. It will be printed and lie on the table.

Mr. VOORHEES. Let it be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

That the superintendent of the Life-Saving Service be, and he is hereby, authorized to employ horses and mules for the transportation of life-saving surfboats at such points as he may determine them to be necessary; and for the purpose of enabling him to do so the sum of $20,000 is hereby appropriated.

Mr. VOORHEES. It is noted there that it is to be inserted after line 5, on page 18. It can be printed and offered to-morrow.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and ordered to be printed.

Mr. BLAIR. As I was saying, I understand that the investigation by the House committee has resulted in a unanimous report against the further use of this sort of machinery in the printing of the Government currency; and the bill before us comes from the House with provisions which seem to indicate that there may be something in this assertion. The proviso at the end of this paragraph is:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

That is the language as it comes to us from the House, and earlier in the paragraph our committee have struck out the words, in line 17, "not more than two hundred and twelve;" also in the twentieth line the words "not more than two hundred," and in the twenty-second and twenty-third lines the words "not more than thirty-eight;" all which provisions, before the amendments suggested by our own committee and as the bill came from the House, were limitations upon the power of the superintendent to employ any larger number of "plate printers" or "printers' assistants" or "printers' assistants at steam-presses." The amendments reported by the committee, and which have been adopted already by the Senate, strike out those limitations, so that at present the paragraph gives the superintendent unlimited authority to employ those who would be engaged in hand-work or work on the hand-roller presses, a sort of employment which did good work for the Government formerly. Our committee have perfected this paragraph in the direction in which I think it ought to be perfected so as to leave the bureau, if it is to continue to be a bureau and to do the work of the Government, with unlimited power, except as limited by the amount of the appropriation, to have the work done in the old way. So there can be no obstruction interposed by the paragraph as the committee make it as to the efficiency of the bureau and the amount of work that it can perform.

Now comes this proviso, which the House puts upon the paragragh:

That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

I desire to have that proviso retained, so that while it is still an unsettled question of fact, if it be an unsettled question of fact, whether the steam-press is deteriorating the work and robbing the country by the allowance of counterfeit notes and opening a way, nobody knows to what amount of difficulty in the transaction of our business and what loss to the country there may be in this direction, no more steam-presses shall be added to this bureau.

I say that until it be determined by our own committee or the action of the Senate or some positive action of the other House, whether this process of deterioration is going on, there should be no increase of the number of machines thus employed. That is the proviso. If the proviso is retained, the amendments which the committee have made in the previous part of the paragraph having been adopted, there will be no increase of the steam manufacture by the Government until we know what we are about.

I am myself, without being an expert by any means, pretty thoroughly satisfied that the assertions of those who are interested in the hand-labor machines are not wholly of a selfish character. I believe they had performed better work, that the work in the earlier days was greatly superior to that which is now being palmed off upon the Government and the country, and there is no substantial, if there be on the whole any, saving of expense in the employment of these machines. That is the allegation of these people, and it is supported to a considerable extent by what I believe to be disinterested evidence.

I will in this connection send to the desk and have read an editorial, which I cut from the Weekly Mail and Express, of New York City. It is an editorial, and it came to me in the usual and regular course of my reception of the paper, and so far as I know is an entirely truthful and not an interested editorial on the subject. I will ask the Secretary to read it.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

[Weekly Mail and Express, July 25, 1888.]

ABOLISH THE BUREAU OF ENGRAVING AND PRINTING.

Before the session closes Congress ought to do something effectual for stopping the now altogether too flourishing business of counterfeiting national-bank notes. The first and most effectual step toward the achievement of this most desirable object would be the abolition of the now wretchedly-managed Bureau of Engraving and Printing, which has become a scandal to the Government. When the engraving of the national-bank notes was given to private parties, such as the American Bank Note Company, the work was so excellent that successful counterfeits were out of the question. The finest artistic talent in the country was employed, and in their general appearance and perfection of details the national-bank notes were beyond the reach of successful imitation by any skill that counterfeiters can engage.

In those times the national-bank notes were accepted without special scrutiny. It did not require expert skill or careful examination to tell the difference between the genuine and the counterfeit notes. The genuine were as perfect works of art as were ever produced in their line. The counterfeits were comparatively few and were readily detected.

Why not return at once to the system that worked so admirably and that gave to the people a currency so perfect in its execution?

Mr. BLAIR. That is not the accusation of the Knights of Labor; that is not the accusation of any labor organization. It does not come from those who raise the question that exists between hand-labor and machinery, but it is from as reputable a public journal as circulates in this country in its editorial columns. I suppose that the representations of the Knights of Labor may be received with some suspicion on the part of some people, from the alleged fact that the hand labor is more expensive and more profitable to those employed, and, of course, more expensive to the Government; but this is controverted. It is intimated that there is that sort of arrangement between those who may be in the employment of the Government and those who are in control of these patented presses which in some way results in as great an expenditure in the actual printing of the notes under this system as under that of the hand-roller press.

I ask the Secretary to read a letter which is addressed by the Knights of Labor through their attorney to Hon. JOSEPH WHEELER, chairman of the committee in the House of Representatives.

The Chief Clerk read as follows:

Letter to the chairman of the Committee on Expenditures in the Treasury Department of the House of Representatives, relative to comparative cost and excellence of steam and hand press plate printing.

WASHINGTON, D. C., *May* 26, 1888.

SIR: In response to your request I beg leave to submit the following summary of reasons why plate-printing done on steam presses is inferior to the production of the hand press:

Steam-press work is inferior to hand-press work:

1. The steam press wipes out the fine lines entirely, and injures the fuller lines proportionately, and this destroys the whole effect of the engraving.

2. It hardens the paper on side opposite to that on which it prints, and such hardening prevents even and effective dampening of paper to receive the subsequent hand-press impression.

3. The steam-press impression is more available for counterfeiting by photographic methods than the hand-press impression, for the light and shadows in it are lost sight of.

4. The wastage by imperfect sheets printed by the steam-press is vastly greater than by the hand-press, and this is a great, absolute loss, and, in addition, is an evidence of the low degree of excellence in even the steam-press work accepted.

5. The introduction of the steam press has led to the adoption of a lower standard for the work accepted. Mr. Sullivan (present assistant chief) directed acceptance of work done by steam-press that a child on the street would not object to; and the former superintendent of the bureau, Mr. Burrill, reported to Secretary Folger the existence of a lower standard of excellence as to steam-press work as compared with hand-press work.

6. The steam-press prints comparatively damp or dry sheets with the same degree of speed, and in this respect can not exercise the discrimination constantly observed by the hand-press printer.

7. It has not yet been demonstrated that steam-press work is cheaper than hand-press work. Mr. Graves's recent letter to Congress ignores the following sources of expense in connection with steam-press work:

a. The royalty paid for privilege of using a press—$500 for each press.

b. The amount paid to master machinist in charge of steam press (Mr. Harley) and amount paid for rebuilding a new press were neither included under head of repairs.

c. The greater wastage in steam press over hand press on account of imperfect sheets thrown out.

To this might be added a fourth most important point:

d. Mr. Graves, in estimating comparative performance of two presses, has placed it at 4½ to 1. This ignores the fact that all the slow and difficult work is

done by the hand press and relatively swift work by the steam press, instead of estimating the performance of the two in doing the same class of work. This error in estimation is believed sufficient to reduce the proportion from 4½ to a possible 3 to 1 and reduce saving to nothing.

8. Mr. Graves's last report to Congress and letter in Book of Estimates show that he estimates the capacity of the two kinds of presses as 5 to 1, and upon this basis anticipates a saving of (about) $149,000 per year from use of three steam presses. His last letter diminishes this estimated capacity to 4½ and decreases anticipated saving by about $30,000. The other ignored points would about extinguish the remainder of the $149,000.

9. An element of fraud has entered into former measurements of comparative performances of the two kinds of presses. Mr. Little was specially instructed by Mr. Milligan, a former press-room superintendent under the present assistant chief of the bureau, to so execute steam work as to secure results more favorable to it than are secured in the course of ordinary work.

If Mr. Graves is called before your committee, I should be glad to be notified to be present.

I have the honor to be, very respectfully, yours,

J. H. RALSTON,
Attorney for the Executive Board, Knights of Labor.

1326 F street, northwest.

Hon. JOSEPH WHEELER,
Chairman Committee on Expenditures in the Treasury Department, House of Representatives.

Mr. BLAIR. The committee of the Knights of Labor interested in this matter have called upon me several times in regard to it, and said that they had had no opportunity of being heard before our Committee on Finance since the lengthy statement, which is a document of considerable length—I have it here at hand somewhere—made by Mr. Graves, and they controvert the great part of what he states in the miscellaneous document containing his statement, which is forty-seven pages in length. They said they desired to be heard, but for some reason, either from lack of insistence or failure to understand the ways of getting around this Capitol, they had not been heard, and there has been no action by the committee. They have given me this paper, which they say they will be glad to substantiate by evidence, and I introduce it because it becomes pertinent by this amendment, because as the bill comes from the House it is designed to keep us from getting any deeper in this matter until we find out where we are, but which, if stricken out, will leave the superintendent in his animus at liberty to purchase and employ steam-presses to any extent he sees fit. They say:

HOW THE GOVERNMENT GET THE PRESSES.

First. The cost for privilege of construction is $500.

Second. The cost of patterns for the different presses is $400 for each size, and it is stipulated in agreement said patterns must be returned to owners when press is constructed.

Third. Twelve hundred and fifty dollars is paid for the construction of each press by the Government.

Fourth. A royalty of $1 is paid on every 1,000 impressions printed on these presses while in use.

Fifth. An employé of the bureau made all the improvement that is on said presses, and claimed he was forced to surrender his drawings and plans to the patentees.

They have dwelt upon this with great explicitness, that the real use of these presses, so far as the Government is concerned, has been accomplished by an employé of the Government, and thus these outside patentees are enabled, by means of the money of the Government itself paid to its own employé who has operated these presses, to obtain an advantage over the Government to the extent of the revenue they get from these presses, and we are invited to permit this process to go on indefinitely and without investigation.

Sixth. Mr. Graves, in his testimony before Banking and Currency Committee, stated, "Among other things I have increased Mr. Harley's pay recently, simply on account of his services." (Page 84, stenographer's report.)

Seventh. The work done on these presses is inferior, and a lower standard has been adopted in the examination of steam-press work. (See Little's testimony, Banking and Currency Committee, and page 17, Miscellaneous Document 131, Senate.)

Mr. Graves has failed to show any saving in steam-presses. In computing his alleged saving he ignored the following important items: First, cost of privilege of construction, $500; second, repairs of presses; third, spoilage of work; fourth, cost of patterns; fifth, Harley's salary.

We can show that the labor alone on one press getting reconstructed amounted to near $1,000.

The late Colonel Irish says—

I invite the attention of the Senate to this, for it is the judgment of Colonel Irish as to the relative merit of these two kinds of work. This is quoted from page 18 of Miscellaneous Document No. 131—

"The bureau is fully equipped with hand-roller presses and need not make further outlay in many years. It is obvious" he continued, "therefore, that to justify any of such presses" (steam-presses), "there must be a substantial saving to the Government in the cost of operating the power-presses as compared with the hand-presses. This would not be the case if very large sums should be paid for privileges and royalties to justify their use. The sums to be paid should be adjusted so as to make the cost of the work, including royalties and privileges, at least 50 per cent. cheaper than hand-presses."

We would also call your attention to the fact that no showing has been made in estimates or figures showing any greater saving than 18 per cent., and in this showing several items have not been considered that would even reduce this saving if such it be. (Ex. Doc. 1, part 4, Forty-ninth Congress, page 692.) Bids of Treasury Department, American Bank Note Company, and Franklyn Bank Note Company for printing of postage-stamps will show and carry out this statement above as to saving in cost between hand and steam.

The above report also contains the following language, on page 690, speaking of the cost of printing: "The two previous contracts expressly stipulated that the printing should be done on hand-roller presses, the use of steam-presses under the contract immediately preceding the same, which was silent as to the mode of printing, having resulted in extremely unsatisfactory work."

I have also matter which they stated that they would desire to submit. They present the case pointedly and briefly, and yet it seems long, because there are many points stated that they desired to submit to the Committee on Finance. I ask that this little pamphlet, which is one of eight pages, be printed in the RECORD without troubling the Senate to listen to my reading it.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD unless objection be made.

The paper is as follows:

Letter to the chairman of the Committee on Expenditures in the Treasury Department of the House of Representatives, in answer to a communication from Mr. E. O. Graves, Chief of the Bureau of Engraving and Printing, relative to comparative cost and excellence of steam and hand press plate-printing.

Hon. JOSEPH WHEELER,
Chairman of the Committee on Expenditures in the Treasury Department, House of Representatives:

SIR: I beg leave to submit the following reply to report sent by Mr. E. O. Graves to the Senate Committee on Finance on May 9, 1888, which report has recently, I understand, been laid before your committee.

Mr. Graves's report as to the expediency of discontinuing steam-press work for plate-printing is designed to cover the two questions as to relative excellence of work and economy as compared with hand printing. Upon the question of excellence of work permit me to call your attention to the following features of Mr. Graves's communication. About page 13 Mr. Graves says:

"As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing."

He then attempts to qualify this statement by applying it only to the black faces of notes, bonds, and drafts, and intimating that the same rule does not hold good in what he is pleased to regard as a lower grade of work, such as backs, etc. That this supposed qualification is in itself baseless he shows on the following page, when, in referring to the matter, he says:

"If all of this work [greenbacks] could be done by hand by the most skillful and conscientious workmen, in the most careful manner, and under the most favorable conditions, there is no doubt that the printing by that process would best carry out the intention of the engraver," etc.

I submit that if Mr. Graves does not now have in his employment "the most skillful and conscientious workmen," who will do their work "in the most careful manner," or if he does not supply them with "the most favorable conditions," he owes a prompt and satisfactory explanation to Congress, and should not be allowed, without being held to the fullest accountability, to plead such wants in such a controversy as this. Should a private firm obtain a reputation for the finest work, and afterward, upon producing inferior work, strive to explain its deficiencies by suggesting "the actual conditions under which work must be done in a large establishment" (page 14), a reduction of business would soon attest the insufficiency of the excuse.

But the report under consideration shows that, however much Mr. Graves's conclusions may be affected by his love for the steam press, in his own heart he recognizes the correctness of the position taken by the Knights of Labor. About page 4, after referring to the present degradation of the work performed in his bureau upon the national-bank notes, contrasting the former beautiful plate-printing of the Landing of Columbus, in black, surrounded by a green border of handsome and intricate design, with the present common brown print, with surface printing of a number in the center, he says of the latter:

"It does not furnish the best security against counterfeiting, and is greatly inferior to the backs of the series of 1875, which it replaced. It would, in my opinion, be wise policy to restore the two plate printings of the old design."

We are content to accept Mr. Graves's statement upon this point, and to apply the same reasoning to the faces of the silver certificates, etc., which now receive a single plate printing, together with a surface printing of the seal. We believe it is true of these notes, as well as of the backs of the national-bank notes, that the present method of production "does not furnish the best security against counterfeiting." Mr. Graves shrinks from the conclusion of page 2 (?) of this report (possibly on account of supposed added expense), yet logically he must come to it.

On page 2 of the report Mr. Graves very truly says that "the chief purpose of the elaborate printing upon the public securities is to prevent counterfeiting," and on page 3, referring to the former backs of the national-bank notes, he says, "the two printings (plate printings) and the quality of the work furnish excellent protection against counterfeiting." He also explains why it is that plate printing is superior to surface printing. Yet in spite of these opinions, so frankly expressed, the fact is, that instead of the three plate printings which make the face of the earlier United States currency a thing of beauty and a defiance to the arts of the counterfeiter, we now have a single plate printing with one surface printing, while the national-bank note backs have fallen from two beautiful plate printings of intricate designs to one plate printing and one surface printing, and the backs of the silver certificates now receive a single green plate printing, executed not in such manner that the "quality of the work furnishes excellent protection against counterfeiting," but after such fashion that the champion of the steam presses confesses on page 11, they "lack something of the fullness of color of the very best hand printing."

I need scarcely remind your committee that, as I have heretofore explained, the want of "fullness of color" indicates that the finest lines have been utterly wiped out and extinguished, and the remaining ones have not received their full effect, and the whole has been rendered therefore more easy of reproduction, as having less decidedly the protective characteristics of plate-printing.

Before leaving the subject of comparative excellence of work, it may be worth while to refer to Mr. Graves's remarks on page 12 as to the 50-cigar stamps. He admits that they "do not come up to quite the same standard of excellence as the other securities printed by this press." The same fact has also been admitted, as we are prepared to show, by Mr. Morgan, chief of the press room. But Mr. Graves is not deterred from the use of the steam-press on these stamps for this reason, as he immediately finds that "from the way in which they are issued and used (they) are not exposed to the same risk of being counterfeited as notes or bonds."

Here is another plain intimation that superiority of workmanship is a protection, coupled with a more than doubtful statement of fact as to liability to counterfeiting. The records of the Secret Service show that numbers of counterfeit plates of revenue stamps are yearly taken and destroyed.

HOMER LEE PRESS.

In speaking of this press (page 4), the idea is conveyed that no plate-printer is needed for it. This is erroneous. A plate-printer is employed at $5 per day.

Mr. Graves confesses the inferiority of the work done by this press, for he says "the impressions produced * * * have not the fullness and richness of color of the best hand-work." I have already commented upon the meaning of an expression similar to this. Again, Mr. Graves inferentially admits that the production of this press is not tested by the same rigid rule as is applied to hand-work, for he says (page 5):

"It is not at all material that the printing should conform to the arbitrary standard of hand-printing, so long as the essential element of security is not sacrificed."

Here is a distinct recognition of a different standard for the work of this press from that used for hand-work, and I have already alluded to the existence of such different standard as to the Homer Lee press, as shown by the report of ex-Chief Burrill.

To quote Mr. Burrill's exact words:

"That this substitution [machine for hand polishing, etc.] has not accomplished successful results is demonstrated by the fact that the quality of work done upon it [the Lee press] in this bureau has not reached a standard sufficiently high to be measured by that which governs all other work."

And he continues with much more to like effect.

THE MILLIGAN PRESS.

I need scarcely refer to the half-hearted commendations of this press quoted by Mr. Graves. I am not surprised to learn, knowing the conditions surrounding the test, that a Treasury committee reported that "certain classes of work might be satisfactorily printed on the press with more economy and more rapidity than by hand press," or that another committee found that several classes of printing "might be done on that press in a satisfactory manner and with considerable saving to the Government," or that non-practical chiefs, such as Mr. Irish and Mr. Graves, should be imposed upon in this matter. We have but to bear in mind the fact that in the competitions between the two presses special instructions have been quietly issued to the printers employed on the steam press to use methods not employed in the ordinary course of steam printing and calculated to produce exceptionally favorable results for that press.

Mr. Burrill is quoted as reporting to the Department that "the Milligan press is * * * a hand-printing press, so far as the application of intelligence to the polishing process is concerned, and its condition of work is and the standard of the passage of it and its examination are the same as for the hand presses."

While I do not wish to question the sincerity of Mr. Burrill in his belief as to the standard for examination of the work of this press, we are prepared to show again, as we have shown before, that the then and now assistant chief of the bureau directed acceptance of work done by steam press that a child on the street would not object to.

COMPARATIVE ECONOMY.

It is a difficult thing to learn from the reports of the bureau anything at all satisfactory concerning the relative cost of steam and hand printing. Mr. Graves says on page 13 of this report that "there is an average net saving to the Government of more than $4 for each dollar of royalty paid." Let us see about this. Mr. Graves is much more modest than formerly. In making up the figures upon which he based a recent answer to a House resolution (see Ex. Doc. 210, Fiftieth Congress, first session) he estimated the cost per thousand impressions on the steam press at $6.28; on the hand press, $15.51; leaving a net gain by the use of the steam press of $9.23, instead of $4, for each dollar of royalty paid. Mr. Graves's figures somewhere lack the prime element of accuracy.

But there is reason to believe that his statement this time is, as before, wide of the mark. In Executive Document No. 224, Forty-seventh Congress, first session, we find that a committee, giving the matter more careful attention than Mr. Graves ever seems to have bestowed upon it, reported that the cost of printing 1,000 impressions by hand, in green ink, was $11.26; 1,000 impressions by steam-press, $8.61, exclusive of royalty. This would give a saving of $2.65 for each dollar of royalty paid, or, including royalty, make steam-press work, with all its imperfections, only 15— per cent. cheaper than hand work.

I have heretofore alluded to the many errors involved in Mr. Graves's estimate submitted to Congress. Let me now add that they vitiate every figure contained in the report we are now considering.

Examining the figures he has presented *seriatim*, we find that he estimates that printing tints and seals, now done by surface printing for $25,500, would cost by plate printing nearly ten times as much, or $248,700. Let us charitably suppose that in presenting such a statement as this Mr. Graves was simply outrageously imposed upon. Besides a manifest exaggeration in his figures, Mr. Graves in compiling them has ignored the fact that after the passage of the bill before your committee a very large proportion of the work now done upon the surface-printing presses of the bureau would still remain to be executed in the same manner.

To replace the Homer Lee press by hand-presses he estimates would call for the employment of five additional plate printers and five assistants, and would increase the annual expense by $5,124. Inasmuch as Mr. Graves's highest estimate has been that one press did the work of five printers, and as one printer with an assistant is already employed to take charge of this press, under no circumstances could more than four additional men and four assistants be called for. But Mr. Graves's estimate of additional cost is also further erroneous for the same reasons that his estimates of comparative expense of the two presses is erroneous.

Mr. Graves further states that to replace the steam-presses in the bureau would require the employment of at least seventy-three additional printers and thirty-eight additional printers' assistants, and add $95,465 to the annual cost of maintaining the bureau.

Inasmuch as there are nineteen steam presses, with their pressmen, now at work in the bureau, he estimates these nineteen presses as performing as much work as nineteen and seventy-three men would do; in other words, that they are equivalent to ninety-two men, and therefore work in about the proportion of 5 to 1. In his recent report to Congress (Executive Document No. 210, Fiftieth Congress, first session) he estimated the production of one press as equal to four and three-sevenths men on hand-presses, and, as I have before shown your committee, to arrive at even this result he ignored most important elements. We see, therefore, that no reliance can be placed upon his estimate just referred to.

Certain minor points of the communication we are considering need but a passing glance. At the beginning of Mr. Graves's administration two hundred and twenty-five plate-printers found employment in the bureau. Now it contains but one hundred and eighty-seven. If we are told that this reduction is in consequence of the Congressional enactment restricting the number to one hundred and eighty-seven, we have to say that this restriction was made at Mr. Graves's request. Our special reason for referring to the reduced number is to answer, as far as the fact goes, the allegation that the bureau is not large enough to contain the printers necessary to do the work by hand. The Government already owns sufficient ground about the present bureau on which to place without inconvenience another building of the same size were the necessity for it to exist. But there should be no question of economy when the safety of the Government issues is the matter under consideration. Upon this point we can not do better than quote from the report of the Committee on Banking and Currency (H. R. No. 150, second session Forty-third Congress):

"All these circumstances have satisfied the committee that methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be much more expensive than others having less guaranties of protection."

And again (page 20) with regard to internal-revenue stamps:

"While the individual citizen may have comparatively little interest in the stamps, the public revenues are heavily involved. These suffer, and the honest tax-payers are defrauded if counterfeit stamps are altered or there is an unauthorized and dishonest issue of genuine stamps. To prevent counterfeiting the highest attainable artistic and mechanical skill in the execution, together with the use of distinctive paper, is believed to be the most effectual means."

The views of the committee which signed the oregoing opinions were adopted by Congress, and the legislation at that time recommended by them was enated into law.

It may be that, as contended by Mr. Graves, a smaller per cent. of silver certificates (printed on both steam and hand presses) have returned for redemption within a given time than was formerly the case with the United States legal-tenders. The explanation is twofold. First, the silver certificates were issued at a time when there was a great dearth of notes of the lower denominations. They met an immediate and pressing want for change, and were therefore not readily presented for redemption. Second, the silver certificates are printed upon paper of a much tougher fiber than that used for the legal-tenders, and they may therefore be expected to continue in circulation a longer time.

Neither of these reasons at all affects the question of hand and steam printing. Our contention is simply that the printing of the back by steam calenders the face and renders it less suitable to receive the subsequent face impression, and that thereby the face impression is deteriorated. Upon this point I again refer to my former communication to you.

The condition of the postage-stamps printed on a steam-press may be satisfactory to the Post-Office Department. It can hardly be to any one who cares for excellence in governmental work. We are prepared to exhibit to your committee sheets of stamps purchased without selection and displaying the most striking variations in color and shading in the different parts of the sheet, in one stamp the fine lines being wiped completely out and in its near neighbor the lines having been left so full of ink as to produce a "mashed" impression.

SHALL THE CHIEF AND ASSISTANT CHIEF BE ENGRAVERS AND PRINTERS?

I do not intend to reply to the allegations of alleged economy presented by Mr. Graves under this head. Inasmuch as they are not placed in comparison with results obtained by any man practically acquainted with the business, they are absolutely not pertinent to the question under discussion, and may be dismissed without further remark.

No chief of the bureau has ever given so conspicuous an illustration of the need of a practical man in his place as has Mr. Graves, nor has he ever exposed the need as completely as in the document we are now examining.

On page 16 he says:

"While there is no exact way of determining the exact degree of pressure applied to the paper by the impression-roller on either the hand or the steam presses, there is no reason to believe that it is greater on one press than on the other."

Any tyro in mechanics knows that the presses on either hand or steam press can be measured with the same precision that a barrel of flour can be weighed. No practical man would make the stupendous blunder of doubting this. In reply to this assertion of Mr. Graves, we offer, at any time opportunity is given us, to make complete tests of the relative and absolute pressure in the two presses.

If the non-practical chief of the bureau denies the ability to measure pressure, he may well be pardoned the further error of employing steam presses upon work for which only hand presses are sufficient.

(We take this occasion to again say that the superior pressure of the hand press can be testified to by scores of employés of the bureau, and that the unequal stretching of the paper as a result of it can be shown most convincingly by both steam and hand press printers, as well as by persons employed in examining the sheets after they have been printed upon, Mr. Graves's assertion to the contrary notwithstanding.)

Non-practical men have already cost the Government as chiefs of the bureau many thousands of dollars. The Government lost hundreds of thousands in experimenting with a hydraulic printing press, experiments directed by a non-practical chief. Hundreds of thousands more were wasted by another non-practical chief in an effort to size paper after printing. At the present time a third non-practical chief is spending about $20,000 per annum as royalty for steam presses doing defective and inferior work.

It is interesting to quote Mr. Graves's opinion of a mechanic:

"A plate printer is a mechanic, apprenticed to the trade at an early age, without any requirement of education or special intelligence, and spending all his working hours in a narrow mechanical routine. He has little taste or opportunity for the requirement of general knowledge. It is impossible to conceive what qualification to manage a great and intricate bureau, in which perplexing questions of the administration, of legal construction, and of departmental practice are continually arising, and the chief officers of which must have frequent official intercourse with the high officers of the Government, would be furnished by men skilled in performing the purely mechanical operations of plate printing. Such a craftsman might, indeed, free himself from the trammels of his trade, and turn to other pursuits which would qualify him for other things, but just to the extent he should do so he would fall short of the 'practical' working required."

After reading this, one unconsciously calls to mind the fact that one Benjamin Franklin, brought up in a "narrow, mechanical routine," afterward became a successful manager of printing offices, and even held "intercourse with the high officials of the Government," and from time to time hobnobbed with kings. William Orton, a printer, also freed "himself from the trammels of his trade," and became president of the Western Union Telegraph Company. The Harper Brothers were also practical printers, and became business managers of possibly the model office of this country. Horace Greeley, a printer, distinguished himself as a practical newspaper manager, was received upon terms of equality by "high officials," and even ventured to become a candidate for the Presidency. A former carpenter was but recently regarded as a prominent candidate for the position of Chief-Justice of the United States, and has been known to entertain on equal terms men holding higher positions than that of Chief of the Bureau. Members of your honorable committee in their own persons attest the stupendous falsehood of the assumptions in which Mr. Graves indulged when he penned the paragraph above quoted.

But I need not multiply instances. There are to-day many members of learned professions who "pull" plate printing presses under the direction of this man, who considers them not suitable to have intercourse with high officials. We need not fear that among such men as these we can not find many capable of filling with honor to themselves and advantage to the Government the position of Chief of the Bureau.

Very respectfully, yours,

J. H. RALSTON,
Attorney for the Executive Board, Knights of Labor.

Now, Mr. President, so far as this amendment raises the question which of these two kinds of work be the better, I simply say that there is nothing to show that the steam-press work is superior. The question is raised whether it be not inferior. So far as I know, the balance of evidence is in that direction. There is no evidence to show that there is any substantial saving in the matter of cost; and in the controversy concerning so important a matter as the integrity of the currency of the United States, when the other House have found against this steam-press work, and have indicated their opinion in that direction, I think I am justified in asking that the committee recede from its amendment, and let the matter go until it can be still further investigated, and not increase the use of the steam-presses.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

Mr. HAWLEY. I am obliged to differ with the committee on this matter. I do not believe that the best work can yet be possibly done by machinery—the best work in plate printing. There are some things that can not be done by machinery. We see very respectable chromos, it is true, but nobody supposes that a first-class work of art, a painting, can be made by a machine. It requires the mind and the individual finger, hand, soul, and eye of the artist to do it.

It is true of this work that it can not be conducted in chromo style, and one evidence of that is that the bureau does not print the face of bills by machinery, it prints the back, as that is supposed to be of less importance. Upon it there is usually only one tint, the green, and a little darker or a little lighter shade here and there is not of so much consequence. They have not yet had the audacity and disregard of art to attempt to print by machinery such exquisite engravings as we still continue to have in the Treasury Department. We have issued the handsomest paper money in the world. There is nothing finer in the way of vignettes and portraits to be found, in my judgment, in art anywhere than can be found in our Federal money, and nobody has yet ventured to print by machine the admirably engraved faces of Martha Washington, and Hancock, and Hendricks, and Garfield that I hold in my hand. That is done by the delicate touch of the hand, which alone can perform the task perfectly, as I will explain in a few moments.

These finely cut plates of steel are inked over by a hand-roller, and then they are rubbed over with soft cloth or other material to take off the surplus ink. Where the cut of the plate is deeper, the ink is of course abundant, and much must be left there for a dark impression. Where the engraving is light and delicate less ink is required, but care must be taken not to wipe off too much. The final wiping is done by ball of the hand, and with practice the true plate-printer becomes exquisitely correct with eye and hand. No machine is a substitute for the eye, the hand, the skill and training of the plate-printer. He leaves just the right quantity of ink in the fine trenches of the plate and none at all where none is needed. His hand goes with an indescribable delicacy over the beautiful vignette. Then the plate is put under the hand-press, where the hand of the trained artisan follows it, and there comes out an impression wonderful in clearness, fineness, and precision.

Now a certain kind of beautiful work can be done by machinery. Take the back of one of these bills, and look at these extraordinary convolutions of fine lines found there. That is done by a machine, and the hand could not do that with such fearful accuracy. The geometric lathe does it.

But who would undertake to engrave with a machine the face of Madame Washington on the bill I hold in my hand? No two lines are exactly alike in strength or direction. Only the live hand can give those inimitable touches. But that plate must be printed by hand as well as engraved by hand to do it justice.

I think I am stating the simple truth, as every artisan of this field will tell you that you can not maintain the excellence of the work of the Government by this steam plate-printing. Even in so printing the back we find that the dampening and the stretching are irregular and the register is not perfect. You can often find that the printing of the two sides does not exactly coincide, and when the bills are cut you will find the width of margins varying, and in some cases even some of the impression cut off.

I would stand by the House provision and not enlarge the number of these steam-presses, because they do not do as good work, and in these peculiarly delicate things they never will, in my judgment. It is not safe to say that anything will not be done in this mechanical and inventive age, but the machine is not master here yet.

For an illustration see the type-setting business. Every publisher of books or newspapers has been these many, many years saying to inventors who claimed to have a perfect type-setting machine, "Prove it; come along with your type-setter; we are waiting for it." Every day a man comes along and says, "I have got it; I can do it—Eureka!" "Do it," says the publisher; and yet they have not fully done it yet. The publisher says, "Show that you can do it, and then you are rich, abundantly rich." They do part of it; but they can not do it all. All the so-called "reading matter" in the London Times for some years has been set up by machines, but in the variegated work of the advertisements the hand of the compositor is still necessary. In short, there is still room for individual character and skill; the machine is not everything.

This is not an ordinary case of objecting to a labor-saving machine because it might dispense with workmen. By no means. There is no mechanic, certainly no intelligent American mechanic, who does not know that he is every day in danger of competition with an invention in some kinds of work. It is almost inevitable.

While in this instance the plate-printers may have some prejudice against a machine because it reduces the number of employed artisans, I think that most decidedly they have the judgment of true artists on their side.

Mr. ALLISON. Mr. President, the Committee on Appropriations found, upon examining this paragraph respecting appropriations for the Bureau of Engraving and Printing, two inconsistent provisions. One was that there should be a limited number of plate-printers required in the first place, and then that a certain number of these machines should be used—sixteen of them—the number now employed in the bureau. Of course the House, by the provision they inserted, indirectly, although not directly, provided that sixteen of these machines should be used. If these machines are what the Senator from Connecticut and the Senator from New Hampshire say they are, they ought to be taken out immediately. The committee had a delegation of the plate-printers before them and listened to their statements. They did say with great emphasis that the printing done by these steam-presses was not such printing as should be executed upon notes that are intended to circulate, and they wanted this proviso retained, I believe.

Mr. BLAIR. Yes.

Mr. ALLISON. On the other hand the Superintendent of this Bureau of Engraving and Printing wanted to buy more of the machines, and therefore he wanted us to cut down the number of plate-printers named in this paragraph.

The Committee on Appropriations not being practical printers, not being skilled in engraving, and not having the time to go into a careful and elaborate consideration of so important a matter as the question of the currency and how it should be printed and executed, believed that the wisest thing to do was to put this responsibility where it properly belonged, namely, with the Secretary of the Treasury. He is the responsible officer, having charge of the entire printing of the currency, and is it to be supposed for a moment that a Secretary of the Treasury, responsible for a thousand millions of paper money—because all our paper money is printed under his direction—will, when his attention is called to this question, allow for a single instant inferior work to be done there? Therefore we felt that it was an injustice for us by legislation to undertake to limit and prescribe and control a responsible Cabinet officer in the execution of a great trust which the law confides to him.

Hence we said, we will leave this matter so that the Secretary of the Treasury, if he chooses, can put into the street these sixteen presses which it is alleged do not do proper work, and employ, as the Senator from Connecticut says he should employ, just so many hand plate-printers as will be necessary for the execution of this work, if it should be executed. So the committee, after looking the field all over, feeling its incompetency to decide so important a question as this is in the way we were compelled to decide it, and in the way the Senate will be compelled to decide it if it decides it one way or the other, because it is not in the nature of things that each Senator can have the information that the Senator from Connecticut and the Senator from New Hampshire have on this subject—so the committee said, "We will strike this all out and leave the Secretary of the Treasury to execute the trust which the law confides to him in a respectable way for the benefit of those who use this money and pass it from hand to hand." That was the motive. So the Senator from Connecticut does not differ from the committee. The committee simply say that in a legislative way we can not run every bureau and every machine in this Government.

I had the support of the Senator from New Hampshire in the first amendment to this paragraph, because he says that the number of plate-printers should not be confined as the House confined it. Finding these two inconsistent provisions, one compelling the Bureau of Engraving and Printing to use these machines and the other simply saying that they shall buy no more of them, we struck out the proviso without expressing an opinion upon this question. If what is here said be true, the Secretary of the Treasury is the proper officer to turn these presses into the street and employ such instrumentalities as will secure good work in the Bureau of Engraving and Printing.

I think the Senator from Connecticut will admit that the Committee on Appropriations did wisely in not limiting the number of plate-printers. Now, if we shall not limit their number, why is it that we shall here in a legislative way direct the Secretary of the Treasury to use the presses he has and not buy any more? That is all there is about it.

But I think justice to the Chief of the Bureau of Engraving and Printing requires that I should send to the Secretary's desk his letter upon this subject and have it read.

The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF ENGRAVING AND PRINTING,
July 9, 1888.

SIR: In reply to the inquiry made of me when I was last before your committee, I have the honor to state that six additional steam-power plate-printing presses of the Milligan pattern could be used to advantage in this bureau in the printing of the public securities. The introduction of this additional number of presses would cause an annual saving of upwards of $23,000, and enable the bureau to accomplish its work in a smaller space and with a less number of operatives than if the additional work were to be done by hand. The last twelve presses of this pattern introduced into this bureau have proved entirely successful. "All of the backs of the new silver certificates of the denominations of $1, $2, $5, and $10 have for many months been printed upon these presses in a manner which, in the opinion of the experts of this bureau and of other experts in bank-note printing, is fully equal to the best hand work."

For evidence of the quality of the work it is only necessary to refer to the certificates themselves. In clearness, sharpness, and uniformity of impression, and all the qualities which tend to prevent successful counterfeiting, they are up to

the highest standard. The pressure applied to the paper by the steam-presses is no greater than that applied by the hand-press, and does not stretch or injure the paper in the least, as careful measurement and testing have repeatedly shown. The record of issues and redemptions shows that the durability of this issue of certificates is greater than that of any previous issue of notes. Although these machines are known as "steam-presses" they retain all the advantages of the hand-printing process. Only the purely mechanical work, which requires power without special intelligence or skill, is done by machinery. The ink, plates, and materials are the same as those used on the presses operated by hand, while the final polishing of the plate, which is the part of the work where intelligence and skill are brought into play, is done by hand precisely as on the hand presses. "The application of steam-power to plate-printing presses is in the line of the mechanical development which has long been taking place in every other branch of industry, and especially in typographic and lithographic printing.

"One or more steam-power plate-printing presses are in use in every large plate-printing establishment in the country, and if this bureau is to hold its own in competition with them it must resort to the labor-saving devices which they employ." It is hardly necessary that I should endeavor to refute the ancient fallacy which lies at the bottom of the opposition to these presses, that any device which lessens the amount of labor required to produce a given result is an injury to the laboring man. If no further steam-presses are introduced it will be necessary to increase the force of plate-printers from one hundred and eighty-seven to two hundred and twelve. This increase will be necessary in order to enable the bureau to grant to the plate-printers the leaves of absence allowed by law and to do the work within the regular hours. If the six presses are introduced the work can be done with one hundred and ninety plate-printers, an increase of three over the present number. The introduction of the presses would, therefore, not work to the disadvantage of the printers now employed, but would simply obviate the necessity of employing additional printers.

For fuller information concerning the work of the steam-presses, I have the honor to refer to a letter addressed by me to the Secretary of the Treasury May 9, 1888, printed in Senate Miscellaneous Document No. 131, Fiftieth Congress, first session.

Respectfully, yours,

E. O. GRAVES,
Chief of Bureau.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. HAWLEY. Mr. President, the letter is interesting and it gives me pleasure to comment on some of its observations. Mr. Graves says if we are going to compete with engravers outside in cheapness we have got to use the labor-saving devices that they use. Now, outside companies do a great deal of cheap work, commercial work, railroad bonds and things of that kind, that will answer perfectly well if done by machinery, but some of the largest customers in New York City put into their contracts with the American Bank-Note Company the condition that the company shall not use machines, but that the work shall be done in the good old way, the only true and artistic way, by hand.

You can not compete, of course, in the mere matter of cheapness, but in much ordinary commercial work the character of the work, whether it be a shade above or a shade below, is of minor consequence. The rough printing machine will answer, for the plates do not bear the exquisite lines and the fine artistic shading that we have always expected to find in our paper money.

Mr. ALLISON. They print all our revenue stamps in the bureau.

Mr. HAWLEY. They print all our revenue stamps. A little stamp is one thing. That might be done by machinery possibly. It is just slapped upon some article of merchandise and then immediately ruined.

Mr. Graves says that all the purely mechanical work in the operation is done by the machine, and there is an opportunity for the artistic hand to come in. I will tell you just how much of that is done.

The ink is run on by machinery, the plate is wiped automatically, and while the machine is still operating the swift hand of the skillful printer gets a hasty dab at the plate. If he gives just the requisite touch it is a happy accident. They can not avoid trying to get the hand finish. The plate-printer may long to get in just one more touch to perfect his plate, but it is gone. Some money is saved and some inartistic work is done.

If you are going to make mere cheapness the requisite, why use engraved plates at all? Why not print the notes with a common printing press from electrotype plates? But we have found that the best protection against counterfeiting is in the best engraving and plate-printing done in the world. Only the best work gives that protection, and though it appears to be the more costly, it is cheapest in the end.

Mr. ALLISON. The statement so well made by the Senator from Connecticut was made more elaborately by the plate-printers before the committee, and I must say they convinced me of the general truth of the statement that it was impossible to make as perfect work for engraving by machinery as by hand; but that does not answer the question. The responsibility is with the Secretary of the Treasury, and it is not for us to run that Department by legislation, I submit to the Senator.

Mr. HAWLEY. I think it is sometimes necessary to legislate in regard to it.

Mr. BLAIR. Upon just that point I desire to say a word. This bureau, of course, was created by legislation, and every year there has been more or less of legislation relative to its efficiency and to the manner in which its duties have been performed. I do not recollect a Congress in which this subject—not this particular point, but what they are doing at the Bureau of Engraving and Printing, the way in which they do it—has not been the subject of discussion in one or both branches of Congress, and we have always had jurisdiction of it, notwithstanding the existence of the Secretary of the Treasury. I presume he has never undertaken to regulate his action save only as in accordance with the laws which have been made here on this subject, and it has so come to pass that under provisions of law they have introduced these machines.

I can not recall the special reference to past appropriation bills, but I see the chairman is here, and I see a gentleman near him whose good memory undoubtedly will correct me if I am wrong in stating that this very subject-matter has been heretofore discussed in Congress and perhaps before the Committee on Appropriations.

Mr. ALLISON. Discussed in this way, that last year for the first time we limited the number of plate-printers.

Mr. BLAIR. Very well. That was, in other words, a provision that more mechanics might be employed.

Mr. ALLISON. That the machines there should continue to be employed. That was the restriction last year.

Mr. BLAIR. It is a matter of no consequence to me what they did formerly. If the committee admit that Congress on their recommendation did take supervision of this machine business, whether they enlarged it, whether they lessened it, or what they did to it, they did not admit by their action heretofore, and their precedents are against this claim, that they will now come forward and throw the whole responsibility upon the Secretary of the Treasury. He is a busy man, as well as are members of Congress, and it may be that he will be unable to make, or at all events it would seem from the opinion of the chairman of the committee that he has been unable to make those necessary investigations, which have shown him that these machines are doing inferior work to the hand work, for, I take it, it will be granted by everybody that it is the quality of the work, almost utterly regardless of the expense, which we ought to legislate to secure, for there may be a single impression of a counterfeit that will cost the Government or the people of the country vastly more than the entire expense of running the bureau, even when it was all operated by hand machines and by hand work.

It is the quality of the work which we are to secure, and the question here is one as to the quality of the work, and the chairman of the committee concedes, from the best information he can get, that the quality of work which the machines do is inferior. It seems to me that ought to cover the whole case. We ought not to take this matter, which we have taken jurisdiction of in former Congresses, and turn it over to the Secretary of the Treasury. If he has had the jurisdiction, as undoubtedly he has of these things, he has failed in his duty, and it seems that Congress has failed in its duty also, for it is coming to be conceded that there is inferior work; and shall we permit it to go on and continue this failure? What assurance have we that the Secretary of the Treasury will do anything about this matter? It is no new subject. It has been bruited in the newspapers of Washington and in controversies between labor organizations and those owning these patents, and it has become a matter of personal abuse to those who feel it to be their duty to agitate the question on the floor of Congress. I have had the honor to find myself the object of a scurrilous attack in some of the papers simply because I offered that petition which went to the Committee on Finance early in the proceedings of this Congress, and which has never been acted upon at all.

I do not know anything about this subject; I am no expert; but they brought specimens of the work of these machines of comparatively a recent date, which the dullest eye could not fail to see were of vastly inferior workmanship even than the very earliest issues of the Government under the hand-press process.

Mr. President, since there is no issue in this, nothing in fact except the question whether during the investigation which is now going on in the Senate, and which has been carefully made by actual inspection, the whole committee spending a day, as I am told, in the Bureau of Engraving and Printing, the committee of the House, and looking into this whole matter by actual inspection and examining the machines themselves and carefully examining the machine work and the hand work—I say, after such an investigation as this, the only question is whether we shall increase the number of the machines. The House has undertaken to limit them, and it seems to me that we had better just let the House have their own way and limit the number of machines and not increase the evil.

Mr. BECK. I do not know that I have much to add to what the chairman of the committee has said, but the subcommittee of the Committee on Appropriations, of which I was a member, investigated this subject with all the care we could, and the conclusion we arrived at was that, if there was any faith to be placed in the statements of public officers, we had better not go into a controversy as far-reaching and as broad as this, for it may be on an unlimited scale on this particular item.

The chairman of the committee has made a report, Senate report 1814, and the statements made by all the gentlemen who opposed the machine work will be found on pages 51, 52, 53, 54, 55, and 56 of the report.

Hearing so much in regard to it and so many conflicting views, we called upon Mr. Graves, who is the Superintendent of the Bureau of Engraving and Printing, an old employé of this Government, who has been trusted for a long time and through several administrations, a

man upon whom the Secretary of the Treasury has a right to rely and upon whom the committee thought it had a right to rely, and he brought before us the work of the machines and the work done by hand, and he assured us that the opinion of the experts in his department agreed with his own, that the machine work was equal to the hand work, and so far as I, as a member of the committee, was able to distinguish, I could not tell, though I do not pretend to be an expert, which was the better of the two. But Mr. Graves tells us that—

All of the backs of the new silver certificates of the denominations of $1, $2, $5, and $10 have, for many months, been printed upon these presses in a manner which, in the opinion of the experts of this bureau and of other experts in bank-note printing, is fully equal to the best hand work.

He showed the work to the committee, and the head of the bureau backed by his experts averred that to be the fact. As one I can not see any difference between the two kinds of work, no matter what the Senator from Connecticut or other gentlemen who are greater experts than I am may be able to see. I thought he was the man that we ought to trust in regard to it, and therefore the committee struck out the limitation as to the number of men he might employ and the number of presses he might use, and gave him the money that was needed to do his work and all the work. Sometimes, at some seasons of the year, he needs a great many more than he does at other times. There is not uniformity, of course, in his needs from day to day.

I was very much impressed on hearing the statement made by the men who preferred the hand work and by the statement which Mr. Graves makes here. He says:

The application of steam-power to plate-printing presses is in the line of the mechanical development which has long been taking place in every other branch of industry, and especially in typographic and lithographic printing. One or more steam-power plate-printing presses are in use in every large plate-printing establishment in the country, and if this bureau is to hold its own in competition with them it must resort to the labor-saving devices which they employ.

When I heard the editorial read from the newspaper sent up by the Senator from New Hampshire [Mr. BLAIR] my mind ran back to the time when we had a controversy as to whether the Bureau of Engraving and Printing should be established at all, or whether the bank-note companies of New York should do such work for us, and they were bidding for it, and claimed that they could do it cheaper, and proof was gone into that other printing-press companies had received our work, and they had done it so cheaply that they had broken down the Government itself in doing its own work, and then they doubled and trebled and quadrupled their demands upon us until, after full discussion, we determined that it was better that the Government should control the printing of its own notes and its own securities and have its own work done by itself, and not be at the mercy of the bank-note companies in New York or Philadelphia or anywhere else, and the Bureau of Engraving and Printing has done the work ever since.

I have no doubt of the fact that the press of New York and the bank-note companies of New York would be glad to break us down again and get control of all our printing, and the editorial which has been read—no doubt an opinion honestly entertained—states that that is the better way. If, however, we are to continue to do this work for ourselves, we must do it in such a way as to show to the country that we are not wasting the money of the people, and therefore we must use the appliances that private establishments employ.

Mr. Graves, I believe, has no political object in this matter. I think he is a Republican. I know he is a good officer and has been kept in for a long time under former administrations as well as this, and I assume therefore that he is not giving us information with any political bias, though I am not sure about his politics. He says:

It is hardly necessary that I should endeavor to refute the ancient fallacy which lies at the bottom of the opposition to these presses, that any device which lessens the amount of labor required to produce a given result is an injury to the laboring man.

When the gentlemen representing the plate-printers were before the committee, the suggestion being made that the use of these presses would prevent the employment of as many men as were before employed, while getting twice the result with the same amount of money, I asked the question whether on the same principle we should not have to stop all the presses in the Government Printing Office, all the folding-machines that do the work so quickly and so well. We might as well destroy the reaper and the mower and the hay-rake, and go back to the sickle and the flail to get out our agricultural products, as to say we will ignore machinery simply because it is machinery. That will not be contended for by anybody, and I do not know that it is contended for here. When the chief of the bureau tells us that he is getting the work done, in his opinion and in the opinion of his experts, as well as it can be done by the hand-press, and is getting it for half the money, and when we are seeking to establish that we can do it as economically as the bank-note companies of New York, Philadelphia, or anywhere else, the committee thought it was wise to give him an opportunity to carry it on.

The chairman of the committee very well remarked that surely no Secretary of the Treasury with ordinary intelligence would allow notes that would be easily counterfeited to go out from under his jurisdiction of printing and taking care of affairs merely to save a little money. If this discussion shall have the effect of calling sharp attention to the subject and the steam-presses have to go out, let them go. We have not provided for any; we have not limited the bureau as to men; and if the investigation of the Secretary of the Treasury and the investigation of Mr. Graves and the investigation of the experts shall show that counterfeiting is promoted by the use of these presses, we have given them all the money they asked; we have given them the right to employ all the men they need; we have given them authority to take out the presses; and surely if counterfeiting is made easy by the use of any presses, twelve or sixteen presses can do as much damage as any other number, for they can print enough of that bad money which is provided for in the bill by the House to make the whole system vicious.

If it is found to be vicious, we have done what we ought to have done, we have given Mr. Graves power to employ as many men as will do all the work, and take all the presses out. We do not propose to say, "You shall run ten, or twelve, or fifteen, or sixteen of these presses, doing inferior work, but you shall not increase the number." There certainly is no propriety in such a provision. If there is a vice which makes it expedient that the machines shall not be used, they may be stopped altogether. If there is not, and the work is done as well, and done for half the money, why should we be putting restrictions upon the Secretary of the Treasury or upon the superintendent of the Bureau?

That was the idea we had about it, and that is all, so far as I know, that the committee took into consideration. We did not propose to settle this question, and while it is pending we thought we should neither limit the number of men nor the number of presses. That was done in the bill of the House both as to men and presses; but we left the question entirely open to be settled as future investigation might determine that it ought to be settled. When there was a doubt about which was right, I thought, and the committee thought, that the superintendent of the Bureau, upon whom the responsibility rests, with as strong a letter as this which has been read from the desk and a part of which I have read again, was the proper person to decide what was best to be done; and that was the consideration which controlled the action of the committee in coming to a determination.

Mr. HAWLEY. Mr. President, I have no harsh or unfriendly criticism to make upon Mr. Graves. I think he is a capable and faithful man. Neither is this criticism addressed to the work in the interest of the outside bank-note companies, for I am a firm advocate of keeping that work in the hands of the Government and keeping it out of ruinous cheap competition. It is the duty of the Government to make sure of its being excellent. That is the reason why I supported the bureau as against the outside opposition some time ago.

The Senator says that the work of the machine is fully equal to hand work. Why is it, then, that they do not use these machines for the face of the money where the fine work is to be done? They do not put the finest engraving through the machine press, I am told.

Mr. BECK. I beg pardon; I meant to say what Mr. Graves said, that for portions of the work they did the machines were equal to hand work, but as the Senator from Connecticut very well remarked, there is a fine part of the work which always has been done, and so far as Mr. Graves advises us he expects it always will be done by hand, it being work of the general character which the Senator from Connecticut so well described as being necessary to be done by hand. The machines do not do all the work; they never have done it, and I suppose never will. That is the way I understand it; but I am not a practical printer nor engraver and I know very little about it. I do not know the minutiæ, except that I am very sure Mr. Graves said that certain parts of the printing was done by hand, but that the portion he now has done by the presses is as well done as the work by hand.

Mr. HAWLEY. I understand the Senator. The truth is that to those who advocate this press it does not make so much difference whether it is good work or not; it will be good enough, they think, for that part of the bills. There I differ with them, and I think a careful examination of thirty or forty bills by the Senator himself, although he says he is not an expert, will satisfy him that the machine presses do not exhibit the best work. Mr. Graves says one or more of these presses is used by every outside company. Why only one or two? Because only second-class work can be intrusted to them. I say the whole of our work ought to be the best that can be done. The Senator overestimates the saving, in my judgment. That has been stated sufficiently in the memorial of the plate-printers themselves.

Again—and it is all I shall say—it is not a question of saving $25,000 or $50,000. It is a question of excellence, and indeed I think that a trial before a competent tribunal will demonstrate that we are right in stopping the increase of those presses. While I think nobody desires now to go to so radical a measure as throwing them away, yet my own private judgment is that they ought not to touch our paper money at all.

Mr. BLAIR. I have in my hand a card, a formal card, such as we use in the courtesies of life, which was passed to me by my colleague, and I am informed that even this kind of printing is done only by the hand-press. The engraving is first done by the hand. We have not acquired such skill in the use of machinery as yet that even the ordinary civil associations of life are allowed to be carried on without the skill of the hand-press. The machine has not progressed so far as to

interfere with even our social customs as yet, and the really nice work is almost universally done by hand. The printing of bonds, the printing of currency, all the work that has to be done with nicety at least, is still done by the hand.

It was shown to my satisfaction in my interviews with those gentlemen that these new specimens of currency for circulation which the gentlemen of the Committee on Appropriations say look just exactly as well as the hand work are that kind of work which when done by machinery very soon fades and is eliminated from the surface of the bill. It does not endure, even with its apparent quality, for any great length of time, so that what might have been to the eye of any Senator equally good work with the hand work in six months from this time or in one month from this time may show a greater deterioration as compared with hand work.

That being so, very soon this currency comes to be practically useless and very easily imitated by counterfeiters, for we know that their art does not extend simply to the preparation of the new note which goes out crisp and apparently fresh to the people, but they imitate the old and soiled note that has been in use for a considerable length of time. Thus when the currency printed by this machinery has been in use a short period, so as to come to have the dilapidated appearance which results from long use, the counterfeiter with his fresh currency, but subjected to a manipulation to give it the appearance of having been long in circulation, obtains advantages which he could not possibly obtain if the work had retained not only the fine but the durable marks of the hand engraver.

But, it being conceded by everybody that high quality is the real and important thing to obtain, it is not a question between the introduction of machinery as against hand labor, because the machinery must perform a great deal more in the same time and at a great deal less expense. That is not the controversy at all, and Senators ought not to try, as Mr. Graves, the writer of this letter, the head of the bureau, does, to change the real issue, for we might well incur very great expense in order that our currency should be free from the art of the counterfeiter. Everybody can see that quality is the only real thing to be obtained in the printing of our currency, and thus it is that another question is raised between the performance of our work by the Government and outside corporations and companies.

I am not in favor of the abolition of the bureau by any means. The men who object to the use of machines still want the work to be done by the Government, but they desire it to be done by the hand; and thus all are interested. As they are performing the labor itself, and get compensation for it, they are interested, and the money men of the country are interested more than any others that the circulation itself should be as perfect or as nearly perfect as possible.

The Senator from Kentucky says that the committee have not meddled with the matter in this bill; that they have left it entirely to the discretion of the Secretary of the Treasury, or that they have undertaken to do so. But they have said nothing of the kind. They have made the appropriation. They have made general provisions as to the expenditure of the money; they have imposed some conditions; but they have done more than that. By striking out this proviso which came to us from the House, and which is a limitation upon the number of machines, they have done what in law is called the office of the negative pregnant. By striking it out they have affirmed full liberty to employ or use just as many machines as the superintendent may see fit. That is what they have done. They have removed the limitation where one already existed; and so the Senator must admit that the committee place us in the attitude of authorizing the unlimited use of the machines against which complaint is made.

But I do not wish to take up the time of the Senate. I have said all that I desire to say, and so far as I am concerned, I submit the question to the Senate.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the Committee on Appropriations to strike out the lines which have been read at the desk.

Mr. BLAIR. The vote to strike out is to sustain the committee?

The PRESIDENT *pro tempore*. The vote "ay" is to agree with the committee, who reported the amendment to strike out.

Mr. BLAIR. So those against striking out will vote "no"?

Mr. CHANDLER. Let the amendment be stated.

The PRESIDENT *pro tempore*. The amendment of the committee will be again read.

The SECRETARY. On page 20, line 2, the committee report to strike out the following proviso:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

The PRESIDENT *pro tempore*. The vote in the affirmative strikes out what has just been read. The vote in the negative retains it. The question is on agreeing to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. BECK. Let us have a division on that.

Mr. HOAR. Let it go until the bill reaches the Senate.

Mr. CULLOM. There is no quorum here.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky ask for a division?

Mr. BECK. I do not ask for the yeas and nays. Let the Senate divide.

Mr. ALLISON. I hope that my friend from Kentucky will withdraw the demand for a division.

The Senate proceeded to divide, and the ayes were 17——

Mr. HARRIS. Do not the "noes" give it up?

Mr. CAMERON. I move that the Senate adjourn.

Mr. ALLISON. I should be glad to adjust the matter between our friends, so that we can go on with the bill.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. ALLISON. I hope that motion will not prevail.

Mr. CAMERON. There is not a quorum here.

The PRESIDENT *pro tempore*. Seventeen Senators have voted in the affirmative.

Mr. BECK. Before there is any announcement, for fear of the lack of a quorum, I will withdraw my call and let it go either way.

Mr. BLAIR. The Senator can do that.

Mr. BECK. There has been no announcement. I withdraw the call, and will let it be decided.

The PRESIDENT *pro tempore*. The Chair will again call for a vote by sound.

Mr. BLAIR. I am willing to accept the suggestion of the Senator from Kentucky that the vote be declared in the negative.

The PRESIDENT *pro tempore*. The Chair will again put the question. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 7, after the words "one hundred and," to strike out "eighty-nine thousand" and insert "ninety-six thousand five hundred;" so as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $196,500, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in the appropriations for "light-house establishment," on page 21, line 8, after the words "three hundred," to insert "and twenty-five;" so as to read:

Repairs of light-houses: For repairing, rebuilding, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, $325,000.

The amendment was agreed to.

The next amendment was, on page 21, line 19, after the words "fog-signal keepers," to strike out "five hundred and eighty-five" and insert "six hundred;" so as to make the clause read:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of not exceeding one thousand one hundred light-house and fog-signal keepers, $600,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Inspecting lights: For mileage or traveling expenses of members of the Light-House Board, including rewards paid for information as to collisions, and for the apprehension of those who damage light-house property, $4,000.

The amendment was agreed to.

The next amendment was, on page 23, line 2, to increase the amount of the appropriation for "lighting of rivers" from $235,000 to $250,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," in the appropriations for "pay of office force," on page 33, after line 6, to insert:

For additional draughtsmen, at not exceeding $900 per annum each, $4,500.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

For additional computers, at not exceeding $900 per annum each, $2,700.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

For additional engravers, at not exceeding $900 per annum each, $2,700.

The amendment was agreed to.

The next amendment was, on page 38, line 3, to increase the total amount of the appropriation for "pay of office force" of Coast and Geodetic Survey from $124,605 to $134,505.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects under the Treasury Department," on page 40, line 10, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expendi-

tures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, on page 40, line 25, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. ALLISON. That amendment may be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 41, after line 22, to insert:

Old copper cents at the mint at Philadelphia: To cover the difference between the nominal value of a stock of old copper cents and their value as metallic copper, in order to enable the mint at Philadelphia to properly dispose of a stock of such coins unfit for recoinage or for the purpose of alloy, $1,500, or so much thereof as may be necessary to reimburse the Treasury for the loss on such coin.

The amendment was agreed to.

The next amendment was, on page 42, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the words "new buildings," to strike out "exclusive of personal service except for work done by contract;" so as to read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, for all public buildings under the control of the Treasury Department, including marine hospitals, and furniture, carpets, chandeliers, and gas-fixtures for new buildings, $200,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The next amendment was, on page 44, line 9, at the end of the clause making appropriations for "furniture and repairs of furniture for public buildings under control of Treasury Department," to add the following proviso:

Provided, That of the above sum not more than $10,000 may be expended for the personal services of laborers, mechanics, and draughtsmen.

Mr. ALLISON. I would explain the reason for that amendment striking out and inserting. At line 4 the committee recommend striking out the words "exclusive of personal service except for work done by contract." It is impossible for all the little work about these public buildings to be done by advertisement and contract. Therefore we struck out those words and inserted the proviso, so that for any work of importance the officers would be required to advertise.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 44, line 18, before the words "marine hospitals," to insert "including;" and after the word "hospitals," in line 19, to strike out "included;" so as to read:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury for electric-light wiring, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, including marine hospitals, under the control of the Treasury Department, inclusive of new buildings, $625,000.

The amendment was agreed to.

The next amendment was, on page 45, after the word "Department," at the end of line 19, to strike out "three thousand five hundred" and insert "four thousand;" so as to make the clause read:

Plans for public buildings: For books, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, $4,000.

The amendment was agreed to.

The next amendment was, on page 46, line 13, before the word "thousand," to strike out "twenty" and insert "thirty;" so as to make the clause read:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs-revenue laws, $30,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

Anchorage of vessels in port of New York: To enable the Secretary of the Treasury to carry into effect the provisions of "An act relating to the anchorage of vessels in the port of New York," approved March 16, 1888, $35,000.

The amendment was agreed to.

Mr. ALLISON. I move to insert, after line 7, on page 46:

Investigating pay and bounty claims of Indian soldiers: For continuing the investigation of certain claims of Indian soldiers and their heirs for arrears of pay and bounty, $2,000.

The amendment was agreed to.

Mr. ALLISON. On page 46, after line 23, I move to insert:

ENFORCEMENT OF THE ALIEN CONTRACT-LABOR LAWS.

For the purpose of carrying into effect the provisions of the alien contract-labor law approved February 26, 1885, as amended by the act approved February 23, 1887, and to defray the expenses which the Secretary of the Treasury is authorized to incur by the provisions of said last-named act, $50,000, or so much thereof as may be necessary, to be paid out of the "immigrant fund" provided for in the act approved August 2, 1882, entitled "An act to regulate immigration."

The amendment was agreed to.

Mr. ALLISON. Immediately after that I move to insert:

Expenses of collecting revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year 1889, $450,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to make a correction in line 22, on page 46, by striking out the word "March" and inserting the word "May;" so as to make the line read:

Approved May 16, 1888.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Chief Clerk will state the proposed amendment.

The CHIEF CLERK. On page 46, in line 22, it is proposed to amend by striking out the word "March" and inserting the word "May;" so as to read:

To enable the Secretary of the Treasury to carry into effect the provisions of "An act relating to the anchorage of vessels in the port of New York," approved May 16, 1888, $35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, at the end of the clause appropriating $130,000 for "propagation of food fishes," to add the following proviso:

Provided, That the building known as the Armory Building, Washington, D. C., is hereby transferred to the charge of the United States Commissioner of Fish and Fisheries for use as a hatching and distributing station and for offices.

The amendment was agreed to.

The next amendment was, on page 47, line 24, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

Rent of office United States Fish Commission: For rent of rooms in the city of Washington, $3,000.

Mr. ALLISON. It will be observed that by the preceding proviso we transfer the Armory Building to the control of the Fish Commission. I have been told since this amendment was framed that in addition to the room there provided for hatching purposes there is also room enough for most of the offices of the commission. So I move to insert in the pending clause $2,500, instead of $3,000, so that the conference committee may have full control of those two paragraphs, and it may be posssible that we can dispense with the entire appropriation on lines 24 and 25 of page 47.

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. On page 47, line 24, in lieu of the committee amendment providing "for rent of rooms in the city of Washington, $3,000," it is proposed to insert "for rent of rooms in the city of Washington, $2,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 5, to insert:

Establishment of stations: For the construction of buildings, ponds, and appliances for a station for fish-culture at Neosho, Mo., $8,000.

For maintenance of same, $5,000.

The amendment was agreed to.

The next amendment was, on page 48, line 11, after the word "vessels," to insert "and steam-launches;" so as to make the clause read:

Maintenance of vessels: For the maintenance of the vessels and steam-launches of the United States Fish Commission, and for boats, apparatus, machinery, and other facilities required for use with the same, including salaries or compensation of all necessary civilian employes, $43,900.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the words "South Atlantic," to strike out "and;" in line 23, after the word "Gulf," to insert "and Pacific;" in line 25, after the word "inquiry," to insert "including salaries or compensation and field expenses of scientific assistants, fishery experts, and other necessary employés, $20,000;" and in line 2, page 49, to strike out the word "for;" so as to make the clause read:

Inquiry respecting food fishes: For continuing the inquiry into the causes of the decrease of food fishes in the lakes, rivers, and coast waters of the United States, and for the study of the waters of the interior in the interests of fish-culture; for the study of the methods and relations of the fisheries, with a view to their improvement; for the exploration of the fishing grounds of the South Atlantic, Gulf, and Pacific coasts, with a view to the development of the commercial fisheries; and for the preparation of reports relating to the inquiry, including salaries or compensation and field expenses of scientific assistants, fishery experts, and other necessary employés, $20,000.

The amendment was agreed to.

The next amendment was, on page 49, line 3, before the words "the collection," to insert "Statistical inquiry: For;" in line 9, after the word "compensation," to strike out "and field expenses of scientific

assistants, fishery experts, and other," and insert "of all;" and in line 10, after the word "employés," to strike out "fifteen" and insert "ten;" so as to make the clause read:

Statistical inquiry: For the collection and compilation of the statistics of the fisheries of all portions of the United States, including persons employed, capital invested, and the quantity and value of the products, and for such general and miscellaneous expenditures as the Commissioner may find necessary in the prosecution of this work, including salaries or compensation of all necessary employés, $10,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 19, to insert:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887.

Mr. BERRY. I would like to inquire of the Senator from Iowa how it is that, although Professor Baird was to receive no salary, this full sum is now due for the entire time of his service? My recollection of the law is that the Fish Commission should be appointed from employés of the Government and was to receive no additional salary. This appropriation of $50,000 is for the entire time that Professor Baird was in office, from 1871 to the date of his death. I would like to inquire how this comes.

Mr. ALLISON. If the Senator from Arkansas will take the report of the committee (Report No. 1814) and will turn to page 100 of that report, and read carefully the statement made there respecting the services of Professor Baird in this regard, and his relations to the Government as Secretary of the Smithsonian Institution, I think he will be convinced that this is a just and proper appropriation for the eminent services of Professor Baird during the long period of his service as Chief of the Fish Commission. And in order to give Senators an opportunity to make an examination of this testimony and statement, I will ask that this amendment may be passed over until the bill is gone through with, or at least until Senators may have an opportunity of examining the report.

The PRESIDING OFFICER. That will be agreed to if there be no objection.

Mr. ALLISON. Some Senators suggest that the statement of the Senator from Vermont [Mr. EDMUNDS] on this subject be printed in the RECORD. It is not a long statement.

The PRESIDING OFFICER. The Chair would suggest that that might be put in the RECORD to-morrow when the amendment is taken up.

Mr. ALLISON. I ask that it may be put into the RECORD to appear to-morrow morning.

The PRESIDING OFFICER. It will be so ordered unless objection is made.

The statement is as follows:

Hon. GEORGE F. EDMUNDS appeared:

Mr. BECK. To what part of the bill do you wish to call the attention of the committee?

Mr. EDMUNDS. I propose that you shall insert an amendment to pay Mrs. Professor Baird $50,000 for the fifteen years and a half of unrequited service that Professor Baird did for the United States; and this is my statement as a witness, which I have condensed as much as possible to save your time:

By the act of 9th February, 1871 (volume 16, page 594), Revised Statutes, section 4395, page 851, it was provided that—

"There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employés of the Government, a Commissioner of Fish and Fisheries, who shall be a person of proved scientific and practical acquaintance with the fish of the coast, and who shall serve without additional salary."

Section 4396.

"The Commissioner of Fish and Fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place, and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises, and shall report upon the same to Congress."

From this it will be seen that the scope of the duties of the Commissioner was limited to a purely scientific inquiry into an existing state of things, and it is apparent from the language of the statute that it was to be a temporary affair.

Under this act Professor Baird (who was then assistant secretary of the Smithsonian Institution, at a salary of —— dollars) was appointed Commissioner to make these investigations, and he immediately entered upon the vigorous prosecution of his duties, and after his report Congress, in 1872, made provision for continuing the inquiry. And by the act of 10th June, 1872 (volume 17, page 350), it extended the duties of the Commissioner to the entirely new work of the introduction of shad into the waters of the Pacific States, Gulf States, and the Mississippi Valley, and of salmon, whitefish, and other useful food fishes into the waters of the United States to which they were best adapted.

This enactment changed the character of the duties of the Commissioner from that of mere scientific investigation into an extensive and most important administrative work, involving time, labor, and responsibility many times greater than the inquiry to be made under the act first above mentioned into the causes of the decrease of food fishes. From 1872 down to the time of Professor Baird's death, in 1887, his work was continually increasing under the provisions of the acts of Congress passed from year to year, enlarging the area of his labors in respect of the hatching of fish and their establishment in all the waters of the United States, as well as the shipment of eggs and young fish to other countries having similar establishments, etc.

And in addition to all this Professor Baird was required to take the responsibility of and provide for the exhibition of the fishery products, etc., of the United States at the Berlin International Exhibition, at the British International Exhibition, at the Philadelphia Centennial Exhibition, and at the New Orleans Exhibition, and he was also required to devote a great amount of time and labor in the preparation of statistics and furnishing facts for use on behalf of the United States before the Halifax Commission. And yet it was not until the year 1883 that provision was made for his having any responsible and official assistant. In all this work, scientific and administrative, he made himself familiar with every detail and gave many hours of nearly every day in each year to the personal management and supervision of it, to the great advancement not only of science and scientific knowledge, but to the successful development of the scheme of restocking the waters of the United States with fish, as provided for in the acts of Congress; and his management of the fishery exhibits of the United States at the various exhibitions referred to conferred the greatest honor upon his country.

During all this period of more than fifteen years I was a near neighbor and intimate friend, and saw him and his work almost constantly from week to week, and so I can state from personal knowledge that in my deliberate opinion his work as Commissioner of Fish and Fisheries occupied not less than six hours on an average of every day of the whole period. During a large part of this time he had his office at his house, occupying rooms set apart and devoted exclusively to these purposes, and he had the almost constant assistance of his daughter in the examination of the very voluminous correspondence, the writing and revision of letters, and in all such incidental ways as that most competent young lady was able to help her father; and a few years ago he enlarged his house at an expense of many thousand dollars from the controlling motive of having more space for carrying on his Fish Commission work:

From early morning until nearly noon he devoted himself to it at his house constantly. He would then go to the Smithsonian Institution and spend several hours there in intense personal application and labor to his duties as assistant secretary and after the death of Professor Henry as secretary; and having fully performed all his duties there would return to his house and devote most of his evenings, and often far into the night again, to the work of the Fish Commission. I speak of all these details during these long years from intimate personal knowledge of his course of life. He could almost never be persuaded to take a holiday, when year after year his family and his intimate friends who knew that he was overworking himself would remonstrate and beg him to leave some share of these great responsibilities and exacting labors in other hands. The result with him was what many of his friends feared would happen—he literally worked himself to death in most valuable and meritorious and honorable service to the United States, the largest part of which was never contemplated nor provided for when his office of scientific investigation was created without a salary.

In such a case it appears to me that both the dignity and the justice of the United States require that a suitable recognition of this unrequited labor should be made to his widow, who has been for many years a great invalid, and who, with their daughter, is left in decidedly slender circumstances.

Here is a memorandum which I think was mostly made by Professor Baird himself about his work in the last year of his life, when he knew, and his family did not know, that he was going to die, which I will read. I am certain, privately, that Professor Baird left this memorandum, except perhaps the last word or two of it, among his papers for his wife. I will add that I dictated the the paper, my own statement as a witness, without knowledge or recollection of the fact that such a memorandum as this existed. Then I came up again and asked Mr. Cleaves to let me see the papers, and I found this, which I had entirely forgotten.

"MEMORANDUM AS TO THE RELATIONSHIPS OF S. F. BAIRD TO THE UNITED STATES FISH COMMISSION.

"The commission was established in 1871, with myself as Commissioner, solely for the purpose of investigating the alleged decrease of the food fishes of the seacoast and lakes of the United States, and its causes and remedies. The service was only expected to occupy the summer months of one or at most two years, requiring comparatively little trouble and responsibility; and an appropriation of $5,000 was made for the purpose the first year. The law expressly stipulated that no additional compensation was to be paid to the Commissioner for his work.

"In 1872 the subject of fish-culture was added to the work to be done by the commission; and an appropriation of $15,000 was made for continuing the inquiry into the food fishes and meeting the cost of the new division.

"Year by year the appropriations were increased, the scope of the work enlarged, and the labors of the Commissioner amplified in proportion; until, including the appropriations for the fiscal year 1886, the sum amounted (in all) to over $2,000,000.

"The average amount of time required of the Commissioner exclusively for the duties of the commission is not less than six hours a day, mostly in the early morning, and in the evening after the office work of the Smithsonian is completed.

"The commission is organized on a business basis, corresponding to that of other bureaus of the Government, although more completely than most of them.

"The correspondence of the commission is enormous; the letters received, and requiring the attention more or less direct of the Commissioner, amounting to at least 15,000 per annum, and as many more circulars and blanks. The letters written by the dictation of the Commissioner, or by his direction, and reviewed by him before signing, represent half that number.

"The death of Professor Henry, in 1878, and the succession of the present Commissioner to the office of secretary of the Smithsonian Institution, so greatly increased his work as to make it necessary to give up all outside work which has enabled him to add to his private revenue.

"For a number of years all the office accommodations and conveniences required by the commission were furnished gratuitously by the Commissioner in his private residence. From 1871 to 1875 one of the best rooms of his house on New York avenue was given up for the needs of the Commission, including office accommodation of the clerks. The increasing magnitude of the work made other additional space necessary, and the Commissioner built a large house on Massachusetts avenue, mainly for this purpose, arranging it entirely in the interest of the commission. These accommodations included two basement rooms with iron safe, closet, and other necessities. This for a time answered all the purposes of the commission, but with the increasing growth it became inadequate, and an appropriation was obtained from Congress for renting a house next door to the Commissioner's residence, and connected with it by an iron door, allowing free access between the two buildings.

"A few years later the accommodations again became insufficient, and the Commissioner extended his private residence for the purpose of obtaining an additional room. No rent was ever asked or received by the Commissioner for any of the quarters furnished by him. At present all the expenses of lighting, heating, etc., in the rooms of No. 1445 Massachusetts avenue are borne by the Commissioner. The rent paid by the Commissioner for his house on New York avenue was $55 per month, and the house was quite sufficient for his own needs. The cost of the building on Massachusetts avenue has been not less than $20,000, plus the taxes and insurance and extra expense of maintaining so large an establishment, representing the increased cost to him of hardly less than $1,500 for continuing for fifteen years to act as the unpaid servant of the Government in connection with Fish Commission work.

"The alternation of the headquarters of the Fish Commission office for three or four months in the summer from Washington to some point on the seacoast from which investigations could be prosecuted made it necessary for the Commissioner to take his family with him, involving much additional expense in passenger fares, board, etc. The necessity of spending the summer in small fishing villages along the coast has also involved more or less inconvenience and almost privation.

"The construction of the Commissioner's residence on Massachusetts avenue was made in part at the expense of Mrs. Baird's share of her father's property, and in part of the moneys earned by his own editorial work. If his money had not been invested in this manner it would have been invested otherwise so as to have produced a corresponding income, the house on New York avenue being amply sufficient for his needs. It may be safely said, therefore, that apart from any question of compensation for services rendered, the many questions connected with the accommodations for the commission and the loss of interest on the investment, the Commissioner has been a loser to the amount of from $1,800 to $2,000 a year, this independent of the expenses of furnishing gas and coal, unreturned cost of the summer work, etc.

"Since the completion of the buildings at Wood's Holl for the accommodation of the work of the commission the Commissioner has paid all expenses of board of visitors to the commission; this sum in 1885 (including the board of his own family and that of visitors to the station) amounting to over $300. It may here be distinctly and emphatically stated that all the subsistence of visitors to the Commission has been paid from the commissioner's private funds.

"In conclusion, attention may be called to the fact that the Commissioner receives his entire pay from the Smithsonian Institution, which is not a Government establishment, and that consequently the Government does not make one cent of compensation to him either for his work as United States Fish Commissioner or as director of the National Museum. There is and has been nothing to prevent his receiving pay as Commissioner even under the law of prohibition of double salaries.

"It may also be stated that on several occasions when it was proposed to pay him a salary he declined to entertain the proposition, on the ground that it might impair his usefulness as Commissioner by the impression that he derived benefit from appropriations made for its maintenance.

"The fact may be well emphasized that the clause providing for non-compensation of the Commissioner was inserted at the request of the Commissioner, but that the increase in the duties and responsibilities was made by Congress at the suggestion of an outside association and not at that of the Commissioner.

"ADDITIONAL MEMORANDA IN REGARD TO THE RELATIONSHIPS OF S. F. BAIRD TO THE UNITED STATES FISH COMMISSION.

"The act establishing the United States Fish Commission provided that the Commissioner should serve without additional salary. From the time of the appointment of the present Commissioner to the secretaryship of the Smithsonian Institution he has received no salary whatever from the Government; and therefore any compensation for the service would technically not be additional to anything already received. In view of this fact Mr. EDMUNDS proposed to ask for a specific appropriation to pay a salary, but the Commissioner discountenanced the movement, on the ground that it would take away from that disinterestedness and freedom of action in requesting appropriations which were desirable under the circumstances.

"Some years ago the Commissioner, feeling the burden of furnishing quarters to the commission, asked for an appropriation to pay for the renting of rooms or a building outside; but Mr. HOLMAN, who was then chairman of the Appropriations Committee, declined to entertain the proposition, as he was opposed to anything 'that looked like fastening an additional bureau upon the Government.'

"It will of course be understood that the expense of keeping up a house large enough to furnish a number of rooms for the service of the Fish Commission, in addition to the needs of his own family, will be much greater than that of an ordinary private residence. The house contains twenty rooms, of which three are in constant use by the commission. The expense of lighting and heating a house of this magnitude amounts to about $600 per annum."

Mr. HALE. Why did we not take this matter in hand years ago and give Professor Baird a salary?

Mr. EDMUNDS. I proposed it to Professor Baird (and that is what his daughter or somebody must have referred to in making the end of that memorandum after he died), and Professor Baird said, "No; Congress will do whatever they think is proper for me in the end, and I do not want to have anybody say, as this thing is expanding all the time, that I am nagging around Congress to get something for myself; I am willing to trust the future for all that sort of thing when my work is done." That was the reply he made to me. I talked with Mr. RANDALL about it once, and Mr. RANDALL said it ought to be done, but the professor was so reluctant to bring himself in that under the circumstances we never did anything. I introduced a bill, and I want to turn that bill into an amendment.

The CHAIRMAN. You want to have whatever we do put on this bill?

Mr. EDMUNDS. Yes; that is exactly what I want, and it is perfectly suitable and proper if it is right to do it all, because it is not a private claim, but is a miscellaneous donation that under the circumstances it is proper for Congress to make, if you think so.

Mr. HALE. How much is the amount?

Mr. EDMUNDS. Fifty thousand dollars, which is just about $1,500 a year, including the rent of all the rooms; and, according to the rates you are paying for other rents, if they had been hired by the United States you would have paid more than that for the rent of rooms for doing this business. I will just change the bill to an amendment, so as to read:

"To enable the Secretary of the Treasury to pay to Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, the sum of $50,000, full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887."

That is the amendment I desire to have made.

Mr. BECK. You have Professor Langley's letter?

Mr. EDMUNDS. I have a copy of it here.

The CHAIRMAN. We had better put that in the record.

Mr. BECK. I think so. It is a very full statement.

Mr. EDMUNDS. It is an exact copy.

The letter is as follows:

"SMITHSONIAN INSTITUTION, *Washington, D. C., February 4*, 1888.

"MY DEAR SIR: I have before me your letter asking for information in regard to the public services of the late Professor Spencer F. Baird. It would have given me much pleasure to prepare a fuller statement than that which I now send you, but I have here done what the time allowed.

"Professor Baird was appointed assistant secretary of the Smithsonian Institution July 5, 1850, and on October 3, at the age of twenty-seven, he entered upon his life-work in connection with that foundation for 'the increase and diffusion of knowledge among men.' In May, 1878, after the death of Professor Henry, he was, by the unanimous vote of the regents of the institution, elected secretary of the Smithsonian Institution, a position which he held until his death, August 19, 1887.

"He was for thirty-seven years continuously in the scientific service of the Government. In connection with his duties as an officer of the Smithsonian Institution, his principal work was the development and care of the National Museum of the United States, which, under his wise administration, has always been an important element in the scientific and educational progress of this country, its scale of operations becoming each year greater and more highly appreciated both in this country and abroad. He was also especially instrumental in organizing the system of international exchanges of publications, which was always under his direct charge, and which has been one of the most important agencies in the development of the public libraries of the United States, particularly in the departments of pure and applied science. He was, furthermore, during his entire official career, directly or indirectly concerned in the organization and administration of the scientific work of the numerous expeditions and surveys sent out under Government auspices, from the time of the Wilkes exploring expedition until his death. The reports upon the natural history of the Pacific Railroad survey, Mexican boundary survey, and many of the other surveys of the West were prepared under his direction, and the two volumes of the report of the Pacific Railroad survey devoted to mammals and birds were written by him, and are still standard works of reference. In addition to these reports he was the author of several hundred important papers upon the natural history and natural resources of the United States. In 1876 he was a member of the board on behalf of the United States Executive Departments at the International Exhibition of 1876, and the collections prepared under his direction were acknowledged to be among the most instructive and impressive exhibited on that occasion.

"I have thus briefly alluded to these labors to show that his position as an officer of the Smithsonian Institution was not a sinecure, but that he devoted to it, to the Museum, and to other allied Government interests the full time and labors of an exceptionally active and conscientious official. In spite of this, and in addition to it, his most important work, from an administrative and economic stand-point, and certainly the most self-sacrificing work of his life, was begun at the time of the organization of the United States Commission of Fish and Fisheries in 1871, when Professor Baird was appointed Commissioner, an office which he held in addition to all the preceding, and to the duties of which he gave himself uninterruptedly during the remainder of his life. I mean to say that he served continuously in both capacities, doing, not figuratively, but literally, more than the work of two active men, in order to do this working ordinarily and constantly over twelve or fourteen hours a day, on Sundays as well as week days.

"During the sixteen years in which he was constantly at his post he never deputed his responsibilities to another, except during the five months preceding his death. There can be no doubt that his death was hastened many years, not by his independent regular labors as an officer of the Smithsonian, but by the labor, anxieties, and responsibilities of his peculiar position as Fish Commissioner, which became more burdensome each year with the expansion of his work.* After this, it is saying little to add that out of his slender private means he gave the equivalent of at least $1,500 per annum, for sixteen years, to the Commission, in the form of uncharged house and office rent.

"As Commissioner of Fisheries he rendered a twofold service. The scientific work, which was considered by him to be of the utmost value as a foundation for the practical work which was to follow, has been exceedingly extensive and important, and the achievements of the United States Government in this direction are recognized throughout the world as evidence of its enlightened and liberal attitude toward scientific research. Fifteen years ago less was known in this country of the natural history of our waters than perhaps in any other civilized country of the world. In 1887, however, it was generally conceded by foreign naturalists that the United States was further advanced than any other country in this department of science. The scientific work of the commission has always been conducted with reference to definite and practical results, and the economic side of the work of the Fish Commission is comparatively in a still more advanced condition.

"It seems scarcely necessary to dwell upon the results in fish culture attained by the commission under Professor Baird's direction. You are thoroughly familiar with the manner in which certain fisheries, such as the shad fishery of the Atlantic coast, the salmon fishery of the Pacific coast, and the white fishery of the Great Lakes, have been saved from destruction; how the Asiatic carp has been planted in the 20,000 or more ponds and lakes in almost every township in the United States; how the shad-fishery has been established in unfamiliar waters, such as the Ohio River and Pacific Ocean; and in addition to this, how many other steps of great magnitude have been made in the art of fish-culture.

"I dare not attempt to estimate the practical value of the work of the commission to the country, but can not doubt that it amounts to very many millions of dollars. I presume you are familiar with Mr. Goode's 'Review of what has been accomplished by the Fish Commission in fish culture and in the investigation of American fisheries;' but I venture to send herewith a copy of this pamphlet, and to direct your special attention to pages 26 to 34, in which are quoted numerous commendations of the Fish Commission from the principal authorities of Great Britain, Norway, Holland, Germany, Belgium, France, and other European nations. Professor Huxley, in an address at the London Fisheries Exhibition, said that he did not think 'that any nation at the present time had comprehended the question of dealing with fish in so thorough, excellent, and scientific a spirit as that of the United States;' while M. Raveret-Wattel, the principal French authority on this subject, states that 'to this day pisciculture has nowhere produced results which can be compared with those obtained in the United States.' No one can question that the peculiar excellence of the work of our Government has been directly or indirectly due to the presence of Professor Baird at the head of the commission. He had no rivals, and during his administration no word of criticism was ever uttered by competent persons.

"All this, it may well be remembered, was accomplished while filling effectively the distinct duties of an officer of the Smithsonian Institution, for which alone he was paid. And it may be added that during the first half of his term of service as Commissioner, and while he was assistant secretary of the Smithsonian, his entire salary was less than that received by several of his assistants during the last few years.

"In reference to the possible precedent of the action of Congress in the case of the late Professor Henry, I would state that a communication from the Secretary of the Treasury was received by the House of Representatives June 4, 1878, and by the Senate June 5, 1878, recommending an appropriation of $5 0 for each year during which the late Professor Henry was employed as a member of the Light-House Board for the benefit of his family. On June 20, 1878, an act was passed 'to pay to the legal representatives of the late Joseph Henry, for services rendered by him as member and president of the Light-House Board, $11,000.' (Second session Forty-fifth Congress, page 214.)

"In the absence of time for a fuller statement, let me ask your attention to the few words in which the benefits to his country of Professor Baird's labors were described by a recent most competent biographer:

"'The Fish Commission was an agency of research; but it was more. He made it an agency by which science is applied to the relief of the wants of mankind; by which a cheap, nutritious, healthful, and luxurious food is to be given to the millions of men. He affirmed that for the production of food an acre of water was more than equal to 10 acres of land, thus giving to the gloomy doctrine of Malthus its ultimate refutation, and clearing away the veil of despair from the horizon of the poor; for when the sea shall serve man with all the food that can be gathered from its broad expanse, the land will not contain the millions whom it is thus possible to supply.

"Professor Baird's services as Fish Commissioner were entirely unremunerated. When he knew he was dying, looking to the position of his family and the slender provision that the sacrifice of all opportunities for private gain had left, he only told them that he could not but think that Congress, in view of

*It is, at the same time, but proper to say that this expansion was deprecated rather than recommended by him, and was the result of the interest exhibited by the public at large in the advancement of the work of fish culture.

these sixteen years of unrequited service to his country, might be trusted to see that justice was done.

"I am, sir, yours, very respectfully,

"S. P. LANGLEY.

"The Hon. JAMES B. BECK, *U. S. Senate.*"

Mr. CAMERON. I move that the Senate adjourn. It is after 5 o'clock.

Mr. ALLISON. I hope the Senator will let us go on a little further.

Mr. CAMERON. We have done a good deal already on this bill.

Mr. ALLISON. I hope the Senator will withdraw his motion.

Mr. CAMERON. I will not withdraw it.

Mr. ALLISON. Then I hope the motion will not be agreed to.

The PRESIDING OFFICER put the question and declared that the yeas appeared to prevail.

Mr. ALLISON. Let us have the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SPOONER. I wish to announce that the Senator from Minnesota [Mr. DAVIS] is absent, and will remain away from the Senate for about a fortnight. I desire that the ground of his absence may appear in the RECORD, and therefore I will state for him that the illness of his mother has necessitated his return to his home. He is paired with the Senator from Indiana [Mr. TURPIE]. In order that it may be unnecessary hereafter to announce his pair, I make the announcement now.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] has been called home by the illness of his wife, and may not return for some days. He is paired on all political questions with the Senator from Kansas [Mr. PLUMB].

Mr. HAWLEY. My colleague [Mr. PLATT] has been called home to Connecticut. He is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. BROWN (after having voted in the affirmative). I am paired on all party questions with the Senator from Oregon [Mr. DOLPH]. If this is a party question, I withdraw my vote.

Mr. ALLISON. It is not a party question.

Mr. BROWN. Then I will let my vote stand.

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL] upon political questions.

Mr. FRYE. This is not a political question.

Mr. HARRIS. Then I vote "yea."

Mr. ALDRICH. My colleague [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 10, nays 28; as follows:

YEAS—10.

Bate,	Cockrell,	Gray,	Voorhees.
Brown,	Coke,	Harris,	
Cameron,	George,	Reagan,	

NAYS—28.

Aldrich,	Chandler,	Hoar,	Ransom,
Allison,	Cullom,	Ingalls,	Sabin,
Beck,	Daniel,	Manderson,	Saulsbury,
Berry,	Farwell,	Mitchell,	Spooner,
Blackburn,	Frye,	Morgan,	Stewart,
Blair,	Hampton,	Palmer,	Stockbridge,
Call,	Hawley,	Pasco,	Walthall.

ABSENT—38.

Blodgett,	Evarts,	McPherson,	Sherman,
Bowen,	Faulkner,	Morrill,	Stanford,
Butler,	Gibson,	Paddock,	Teller,
Chace,	Gorman,	Payne,	Turpie,
Colquitt,	Hale,	Platt,	Vance,
Davis,	Hearst,	Plumb,	Vest,
Dawes,	Hiscock,	Pugh,	Wilson of Iowa,
Dolph,	Jones of Arkansas,	Quay,	Wilson of Md.
Edmunds,	Jones of Nevada,	Riddleberger,	
Eustis,	Kenna,	Sawyer,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. ALLISON. Let us have a call of the Senate.

The roll was called and the following Senators answered to their names:

Aldrich,	Cameron,	Hampton,	Ransom,
Allison,	Chandler,	Harris,	Reagan,
Bate,	Cockrell,	Hawley,	Sabin,
Beck,	Coke,	Hoar,	Saulsbury,
Berry,	Cullom,	Ingalls,	Spooner,
Blackburn,	Daniel,	Manderson,	Stewart,
Blair,	Farwell,	Mitchell,	Stockbridge,
Bowen,	Frye,	Morgan,	Voorhees.
Brown,	George,	Palmer,	Walthall.
Call,	Gray,	Pasco,	

The PRESIDING OFFICER. There is a quorum present, thirty-nine Senators having answered to their names. The roll will be again called.

Mr. HARRIS. On what question is the roll to be called now?

The PRESIDING OFFICER. On the question of adjournment.

Mr. ALLISON. We do not want a quorum to decide a motion to adjourn.

The PRESIDING OFFICER. There being a quorum present now, the question recurs on the motion to adjourn.

Mr. HOAR. It does not require a quorum on a motion to adjourn. The fact that a call of the Senate disclosed the presence of a quorum would render it unnecessary to call the roll again.

The PRESIDING OFFICER. It was at first the impression of the Chair that the vote would have to be taken again. On reflection the Chair thinks the motion to adjourn has been decided in the negative.

Mr. ALLISON. If Senators will allow me now to go on until we finish the reading of the matter relating to the Library, I will then make a motion to adjourn. Meantime I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after line 12, to insert:

UNDER THE DEPARTMENT OF STATE.

International boundary survey, United States and Mexico: To enable the President to execute and complete the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $100,000, or so much thereof as may be necessary for the said survey and relocation of the monuments, to be performed by officers of the Army under the direction of the Secretary of War: *Provided*, That all records, maps, field-notes, and computations in connection with said survey shall be deposited in the Department of State as an international record; and the money hereby appropriated, or so much thereof as may be needed, and also the money appropriated for the same purpose by the sundry civil act approved March 3, 1885, shall be disbursed and paid by the Secretary of State, on the requisitions of the Secretary of War, from time to time as it may be required.

The amendment was agreed to.

The reading of the bill was continued to page 52, line 19.

Mr. HOAR. Let me ask my friend from Iowa to allow me to move at this point an amendment which I am sure will meet with the approval of every member of the Senate:

To enable the Architect of the Capitol to protect the paintings in the rotunda by suitable railing or netting, $500, or so much thereof as may be necessary.

Mr. Clark, the architect, thinks that will be enough.

The PRESIDING OFFICER. Will the Senator please send his amendment to the desk?

Mr. HOAR. It has been taken down by the reporter.

Mr. ALLISON. The Senator says that that amendment was referred to the Committee on Appropriations. I do not know about that.

Mr. HOAR. I sent that amendment to your committee.

Mr. ALLISON. If the Senator will leave it over till to-morrow morning I shall be certain to get it in before we get through. In that way we shall have the exact phraseology.

Mr. HOAR. Very well. Those paintings, I will say, are regarded, some of them, especially Trumbull's great painting of the Declaration of Independence, as the most valuable works of art in this country. Certainly the painting of the Declaration of Independence is valuable, not only as a masterpiece of American art, but also on account of the very great pains which were taken by Colonel Trumbull, the artist, to get authentic and accurate portraits. There are portraits of several eminent persons in the painting, which are found nowhere else, and it is exposed now to the touch of every passer-by, and liable to be injured by the careless handling of a cane or umbrella.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Under the Department of the Interior," on page 52, after line 22, to insert:

For the purchase by the Secretary of the Interior of that part of lot 11, in square 683, situated in the city of Washington, in the District of Columbia, as laid out and recorded in the original plat of the city and District aforesaid, lying directly north of the Senate stables, and containing 6,087 square feet, $6,087, upon proof of a perfect title and the execution to the United States of a deed good and sufficient in law and in form approved by the Attorney-General; said ground to be used in connection with the Senate stables.

The amendment was agreed to.

The next amendment was, on page 53, line 9, after the words "Building for the Library of Congress," to strike out:

That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated to be expended under the direction of the above-named committee, to pay for the said designs and general specifications. That said committee shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress be, and the same is hereby, transferred to the care and custody of the Interior Department, the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

And insert in lieu thereof:

For continuing the construction of the building for the Library of Congress, including the compensation of all persons employed in connection therewith, as follows: Architect, assistant architects, engineer and superintendent of construction, and skilled draughtsmen, civil engineers, and such other services as the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order, together with such mechanics and laborers as may be necessary to carry into effect the appropriation herein made for con-

struction of said Library building, and to be paid from such appropriation, for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed "Plan No. 1," on file in the office of the Librarian of Congress, $1,000,000. This appropriation and all appropriations hereafter made and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. This appropriation shall be disbursed by the Secretary of the Interior as provided by act authorizing construction of said building, approved April 15, 1886. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and the commission provided for by act entitled "An act authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, is hereby abolished, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library, except such as is contemplated in the sketch or "Plan No. 1," herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded. All sketches, plans, and computations heretofore made or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States.

Mr. BECK. Can we not get in at this point an amendment the committee has agreed on?

Mr. ALLISON. The clerk of the committee has just taken it away.

Mr. HARRIS. Do you refer to the amendment reported here?

Mr. ALLISON. No; it is an immaterial amendment, I will say to the Senator from Tennessee. It is an amendment authorizing the Secretary of the Interior to make any settlement or adjustment with contractors who may have contracted for matters in connection with the buildings.

Mr. HARRIS. To settle matters of the past?

Mr. ALLISON. Yes. Now, Mr. President, I move, according to promise, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 29 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 28, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 27, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING, EASTPORT, ME.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect in relation to the site of the proposed public building at Eastport, Me.; which was referred to the Committee on Public Buildings and Grounds.

WILLIAM J. HEADY.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 9910) increasing the pension of William J. Heady.

The SPEAKER. This is simply a correction in the orthography of the name of the beneficiary of the bill, and if there be no objection the amendment will be concurred in.

There was no objection, and it was so ordered.

ARMY APPROPRIATION BILL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. TOWNSHEND. I ask unanimous consent that the House nonconcur in the amendments of the Senate, and that a conference be asked between the two Houses thereon.

Mr. SAYERS. I object.

The SPEAKER. The bill will be referred to the Committee on Military Affairs; and if there be no objection the Senate amendments will be ordered to be printed.

Mr. ROGERS. I hope that will be done.

Mr. TOWNSHEND. I do not think it is necessary, because they have already appeared in the RECORD, and they are so few in number that it is not necessary to go to the expense of having them printed.

Mr. SAYERS. Do I understand the gentleman to say that the amendments are printed in the RECORD?

Mr. TOWNSHEND. They have been printed in the proceedings of the Senate, all of them.

Mr. SAYERS. I ask that they be printed in the proceedings of the House.

Mr. TOWNSHEND. I object to the printing. It is an entirely unnecessary expenditure of the public money.

Mr. ROGERS. Does this require unanimous consent?

The SPEAKER. It does, or a resolution of the House.

Mr. ROGERS. A resolution, or a motion?

The SPEAKER. A motion; but that of course would require unanimous consent. A resolution can be submitted, however, and properly referred.

The Chair will state that bills introduced in the House and reported from the committees of the House are printed, as a matter of course, under the rules. But bills of the Senate and Senate amendments to House bills are not printed unless specially ordered by the House.

Mr. ROGERS. If I may be heard for a moment, I would like to state that we have not of course been able to keep the run of the Senate amendments. Certain amendments have been embodied in this bill involving apparently large expenditures of the public money. I do not think that when the House comes to consider bills of that character, we should undertake the task of legislation, involving such large sums of the public money, without having the printed amendments before us for inspection.

Mr. TOWNSHEND. In reply to what has been stated I will say simply this: that on the first day of next month there will be no funds on hand to pay the Army. It is necessary that this bill should be disposed of as soon as possible in order that means may be furnished to pay the Army.

Mr. ROGERS. We passed a joint resolution for that purpose yesterday.

Mr. TOWNSHEND. The resolution that was passed has not yet been acted upon in the Senate. The Senate has passed the Army bill and sent it to the House with a few amendments, which we can dispose of in a very short time. There is no need for the passage of the resolution if we act promptly upon this bill, and the only request I make of the House is, and I am satisfied the House ought to be willing to grant it, that all these amendments shall be non-concurred in and let an examination of what is proposed by the Senate take place in the conference committee. There they can be disposed of item by item. There is no necessity whatever for having this bill printed with the amendments of the Senate simply to consider the few amendments which have been appended to it.

The SPEAKER. Objection is made to non-concurring, and objection is made to printing the amendments. The bill will be referred to the Committee on Military Affairs.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company of the District of Columbia, with House amendments disagreed to by the Senate, and a conference asked with the House on the disagreeing votes thereon.

The SPEAKER. This bill has reached a condition where it is privileged; and, if there be no objection, the House will agree to the conference asked, and the Chair will appoint the conferees during the day.

Mr. BREWER. I hope that will be done.

There was no objection.

ISSUANCE OF PATENTS, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 1082) to authorize the issuance of patents to certain lands in Arkansas, with House amendments disagreed to by the Senate, and a conference asked thereon.

The SPEAKER. This bill is in the same condition as the preceding bill; and if there be no objection the House will insist upon its amendments and agree to the conference asked thereon.

Mr. ROGERS. I hope there will be no objection to that course.

The SPEAKER announced as the conferees on the said bill, Mr. HOLMAN, Mr. WHEELER, and Mr. PAYSON.

BRIGHTWOOD RAILWAY COMPANY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, with House amendments disagreed to by the Senate.

Mr. BREWER. I ask that the House insist upon its amendments, and agree to the conference asked by the Senate.

The SPEAKER. That is a privileged motion.

The motion was adopted.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills; which were read twice, and referred as follows:

The bill (S. 1873) increasing the rate of pension of W. A. Shappee—to the Committee on Invalid Pensions.

The bill (S. 1766) granting a pension to Stephen Butler—to the Committee on Invalid Pensions.

The bill (S. 2050) granting a pension to Mrs. Bridget Hackett—to the Committee on Invalid Pensions.

The bill (S. 2321) granting a pension to John V. Hennessey—to the Committee on Invalid Pensions.

The bill (S. 2490) granting a pension to Nicholas T. Lawrence—to the Committee on Invalid Pensions.

The bill (S. 2514) granting a pension to Michael Shong—to the Committee on Invalid Pensions.

The bill (S. 2626) granting a pension to Catlena Lyman—to the Committee on Invalid Pensions.

The bill (S. 2803) granting an increase of pension to Jacob Logan—to the Committee on Invalid Pensions.

The bill (S. 2836) granting a pension to William E. Taylor—to the Committee on Invalid Pensions.

The bill (S. 2858) granting a pension to William Church—to the Committee on Invalid Pensions.

The bill (S. 2864) granting a pension to James B. Bray—to the Committee on Invalid Pensions.

The bill (S. 2887) granting a pension to George H. Johnson—to the Committee on Invalid Pensions.

The bill (S. 2913) granting a pension to Mary Sturgess—to the Committee on Invalid Pensions.

The bill (S. 2924) to increase the pension of Sterne H. Fowler—to the Committee on Invalid Pensions.

The bill (S. 2939) granting a pension to Margaret E. Adamson—to the Committee on Invalid Pensions.

The bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott—to the Committee on Invalid Pensions.

The bill (S. 1683) granting a pension to Mrs. Jane Flynn—to the Committee on Invalid Pensions.

The bill (S. 2977) granting a pension to Henrietta Brown—to the Committee on Invalid Pensions.

The bill (S. 3013) granting a pension to William Meyer—to the Committee on Invalid Pensions.

The bill (S. 3018) granting an increase of pension to John N. Bovee—to the Committee on Invalid Pensions.

The bill (S. 3030) granting a pension to Mary J. Foster—to the Committee on Invalid Pensions.

The bill (S. 3035) granting a pension to William Shields—to the Committee on Invalid Pensions.

The bill (S. 3052) granting an increase of pension to George W. Durfee—to the Committee on Invalid Pensions.

The bill (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased—to the Committee on Invalid Pensions.

The bill (S. 3118) for the relief of Matthew O. Reagan—to the Committee on Invalid Pensions.

The bill (S. 3130) granting a pension to Patrick Welch—to the Committee on Invalid Pensions.

The bill (S. 3137) granting a pension to Ruth Ames—to the Committee on Invalid Pensions.

The bill (S. 3141) granting an increase of pension to Jonas Doering—to the Committee on Invalid Pensions.

The bill (S. 3144) granting a pension to Nancy A. Hayes—to the Committee on Invalid Pensions.

The bill (S. 3145) for the relief of the heirs of John M. Powell, deceased—to the Committee on Invalid Pensions.

The bill (S. 3150) granting a pension to William Schoffer—to the Committee on Invalid Pensions.

The bill (S. 3157) granting a pension to Joseph S. Wilson—to the Committee on Invalid Pensions.

The bill (S. 3158) granting a pension to Nancy L. Huffman—to the Committee on Invalid Pensions.

The bill (S. 3166) granting a pension to William F. Pike—to the Committee on Invalid Pensions.

The bill (S. 3175) granting a pension to Mrs. Caroline Taylor—to the Committee on Invalid Pensions.

The bill (S. 3186) granting a pension to Christian Winkel—to the Committee on Invalid Pensions.

The bill (S. 3189) granting a pension to William T. Hutton—to the Committee on Invalid Pensions.

The bill (S. 3197) granting a pension to Abbie L. Ham—to the Committee on Invalid Pensions.

The bill (S. 3198) granting a pension to Mary Murphy—to the Committee on Invalid Pensions.

The bill (S. 3200) granting a pension to Scott S. Hawn—to the Committee on Invalid Pensions.

The bill (S. 3219) to increase the pension of Keyes P. Cool—to the Committee on Invalid Pensions.

The bill (S. 3221) granting a pension to Isaac A. Hawkins—to the Committee on Invalid Pensions.

The bill (S. 3230) granting a pension to Martha J. Cole—to the Committee on Invalid Pensions.

The bill (S. 3241) granting a pension to Esther A. Jackson—to the Committee on Invalid Pensions.

The bill (S. 3255) granting a pension to Mary E. Cotrill, widow of Hugh E. Cotrill—to the Committee on Invalid Pensions.

The bill (S. 3264) granting a pension to Mrs. Ellen Hand—to the Committee on Invalid Pensions.

The bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall—to the Committee on Invalid Pensions.

The bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff—to the Committee on Invalid Pensions.

The bill (S. 3316) granting a pension to Jasper N. Warren—to the Committee on Invalid Pensions.

The bill (S. 3330) for the relief of William H. Thomas—to the Committee on Invalid Pensions.

The bill (S. 3369) granting an increase of pension to Henry Frantz—to the Committee on Invalid Pensions.

The bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively—to the Committee on Merchant Marine and Fisheries.

MATTIE S. WHITNEY.

The SPEAKER also laid before the House the bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court; which was read twice.

Mr. HOOKER. I ask unanimous consent to take up and pass the bill now. It has been reported from the Court of Claims, and has also passed the Senate.

Mr. HOLMAN. Let the bill be read.

The bill was read for information.

Mr. HOLMAN. I hope the report will be read.

The SPEAKER. This is a Senate bill, and there is no report with it, as it has just reached the House.

Mr. HOOKER. I do not think there is a report from the House committee on this subject, but it is a bill that has long been under consideration by the Court of Claims, and it has been decided favorably by that court and decided upon by the Senate committee and the Senate.

Mr. HOLMAN. There is a report from the Committee on War Claims of the House on that bill.

The report was read for information.

Mr. BURROWS was recognized.

Mr. HOOKER. I hope the gentleman from Michigan will not object to the consideration of this bill. It is a matter which has long been under consideration, and has now been cut down from $84,000.

Mr. BURROWS. I had simply addressed the Chair. I desire to say to the gentleman from Mississippi that I do not object to the consideration of this matter, but I wish to advise the gentleman from Illinois [Mr. SPRINGER] that it will take a considerable time to dispose of it.

Mr. SPRINGER. Then we shall have a quorum upon it.

Mr. BURROWS. It is a very important case, and I do not think the House should pass upon it until it shall have full time for discussion.

Mr. SPRINGER. I shall object.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. RUSK, until Monday next, on account of important business.

To Mr. GALLINGER, for ten days, on account of important business.

LEAVE TO PRINT.

Mr. DINGLEY. I ask for leave to print in the RECORD some remarks on the bill (H. R. 9051) which passed the House on Saturday.

The SPEAKER. The Chair will state to the gentleman from Maine that general consent has been given to print remarks on that bill, and the Chair is of opinion that that leave extends to the end of the session.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled bills, reported that the committee had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 1312) to provide for a term of court at Quincy, Ill.;

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes;

A bill (H. R. 6602) for the relief of James Obrien;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railroad Company;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia;

A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River;

A bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes; and

A bill (H. R. 10538) to authorize the construction of a bridge across the Flint and Chattahoochee Rivers.

ORDER OF BUSINESS.

Mr. MATSON. I ask that by unanimous consent the order for the Friday evening session for the consideration of pension bills on the Private Calendar be so modified that general pension bills may also be considered.

The SPEAKER. The gentleman from Indiana asks that by unanimous consent the order for the Friday evening session be so modified that general pension bills may be considered at the same time. Is there objection?

Mr. FINLEY. I object.

Mr. PARKER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, N. Y.

Mr. STRUBLE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. There is so much confusion on the floor of the House that members can not understand what business is being transacted.

The SPEAKER. The Chair is endeavoring to get order in the House. The Clerk will report the title of the bill, after which the Chair will ask for objection.

The Clerk read the title, as follows:

A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York; with an amendment.

The SPEAKER. Is there objection?

Mr. HOVEY. I object.

Mr. CHIPMAN. I demand the regular order.

The SPEAKER. The special order this morning is the consideration——

Mr. McCREARY. I send up a resolution to the Clerk's desk, and desire to have it read and considered at the present time.

The SPEAKER. The gentleman from Michigan [Mr. CHIPMAN] has demanded the regular order.

Mr. CHIPMAN. I withdraw the demand for the regular order for the purpose of permitting this resolution to be considered.

The resolution was read, as follows:

Resolved, That Tuesday, July 31, immediately after the reading of the Journal, be set apart for the consideration of business reported from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the consideration of the resolution just read.

Mr. BURROWS. I have no objection to the consideration of the resolution if the gentleman from Kentucky will modify it so as to designate two days for the consideration of reports from the Committee on Invalid Pensions.

Several MEMBERS. Regular order.

Mr. WILKINS. I move to refer the resolution to the Committee on Rules.

The SPEAKER. Is there objection to the reference of the resolution to the Committee on Rules? The Chair hears none, and it is so ordered.

Several MEMBERS. Regular order.

Mr. TOWNSHEND. What is the regular order?

Mr. BURROWS. Do I understand the gentleman from Kentucky refuses to modify his resolution in the manner I suggested?

The SPEAKER. The gentleman from Kentucky made no response, and two or three gentlemen demand the regular order.

Mr. FINLEY. I withdraw my objection to the consideration of the resolution offered by the gentleman from Indiana [Mr. MATSON].

Mr. TOWNSHEND. Let us have the regular order.

The SPEAKER. The special order for this morning is the consideration of the bill (H. R. 9387) for the relief of Emanuel H. Custer, upon which the previous question has been ordered and an agreement made that there shall be fifteen minutes' debate on each side.

Mr. TOWNSHEND. Does that take precedence of the morning hour?

EMANUEL H. CUSTER.

The SPEAKER. It is the special order of the House, and comes immediately after the reading of the Journal. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emanuel H. Custer, dependent father of Thomas W. Custer, who was a captain in Company C, Seventh United States Cavalry, subject to the provisions and limitations of pension laws, and pay to him a pension of $50 a month in lieu of the pension he is now receiving.

The SPEAKER. Under the order thirty minutes are allowed for debate; fifteen minutes in support of the bill and fifteen minutes in opposition to it.

Mr. LANHAM. Mr. Speaker, is it in order to raise the question of consideration upon that bill?

The SPEAKER. It is. It is always in the power of the House to determine whether it will or will not consider a proposition.

Mr. LANHAM. I desire to raise the question of consideration, in order that I may move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. SPRINGER. I rise to a question of order. It is not in order to move to go into Committee of the Whole until after the hour for the call of committees for reports.

The SPEAKER. That is correct.

Mr. SPRINGER. Then the question of consideration could not be raised——

The SPEAKER. The gentleman can raise the question of consideration for any reason. The Chair never states the reason for which a gentleman raises the question. The reason is no part of the motion. The question is, Will the House now proceed to consider this bill?

The question was taken; and the Speaker declared that the ayes seemed to have it.

A division was called for.

Mr. LANHAM. Mr. Speaker, I understand that there is only one of these bills to be presented. I thought this one was to be succeeded by several others, but as there is only one I will not raise the question of consideration against it.

The SPEAKER. The bill is before the House.

Mr. CHIPMAN. Mr. Speaker, the bill which is now before the House for consideration is a bill to increase the pension of Emanuel H. Custer. I do not care to say anything more at present, but will reserve my time; and I now ask for a vote, unless some gentleman desires to be heard in opposition to the bill.

Mr. HOLMAN. I hope the bill and report will be read.

The SPEAKER. The bill has been read. The Clerk will read the report.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9387) for the relief of Emanuel H. Custer, submit the following report:

Emanuel H. Custer is the father of General George Custer, and of Thomas Custer, late of the Seventh United States Cavalry, both of whom, as well as three sons-in-law of Mr. Custer, were killed in the battle of Big Horn.

He is a man of more than eighty years of age and in very reduced circumstances. The committee do not feel that it is necessary to recount the great services of the Custer family during the war of the rebellion in the armies of the Union. Braver and better soldiers never served.

Mr. Custer is now stripped of all support. Those who would have cared for his old age have given their lives for their country.

Your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I move to dispense with the morning hohr for the call of committees.

Mr. SPRINGER. I think the committees had better be called.

The SPEAKER. The motion of the gentleman from Texas [Mr. LANHAM] is in order, but it requires a vote of two-thirds.

The question was taken, and the motion was not agreed to—two-thirds not having voted in favor thereof.

The SPEAKER. The committees will now be called for reports on private bills and resolutions.

REVOCATION OF WITHDRAWAL OF LANDS.

Mr. HOLMAN, from the Committee on the Public Lands, reported back the bill H. R. 11006 which, on motion of Mr. HOLMAN, was ordered to be printed and recommitted to the Committee on the Public Lands.

ARVAH HOPKINS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3463) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. S. SAUNDERS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5767) for the relief of Harry S. Saunders; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MILLER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2379) for the relief of James Miller, of Bourbon County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHOLIC CHURCH, MACON CITY, MO.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported the bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BAUGHMAN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 9872) for the relief of John Baughman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF THOMAS NILES, DECEASED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 878) for the relief of the estate of Thomas Niles, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTIE S. WHITNEY.

Mr. SPRINGER. Mr. Speaker, in the excitement of the moment I objected a while ago to the consideration of a bill (S. 2185) called up by the gentleman from Mississippi [Mr. HOOKER]. I desire to withdraw my objection.

Mr. HOOKER. I now call up the bill.

The SPEAKER. The bill can not be called up at this time. The regular order has been demanded and insisted upon by several gentlemen; but, if there be no objection, the Chair will withhold the bill and lay it before the House at another time.

Mr. SPRINGER. To-morrow morning.

Mr. HOOKER. Yes; to-morrow morning.

Mr. REED. Mr. Speaker, I do not understand that that gives unanimous consent.

The SPEAKER. Simply unanimous consent to the withholding of the bill. The Chair will recognize the gentleman to object if he desires. The request was that the Chair should withhold the bill for the present.

Mr. REED. Then if it is to be brought up at any other time, unanimous consent will have to be obtained?

The SPEAKER. Of course. The bill will be presented again just as if it had never been presented to the House.

MILITARY APPROPRIATION BILL.

Mr. TOWNSHEND. The Committee on Military Affairs have directed me to report back the Army appropriation bill with the Senate amendments.

Mr. SAYERS. I desire to be informed by the Chair whether it is proper at this time to reserve points of order upon those amendments.

The SPEAKER. It is; and the bill must go to the Committee of the Whole on the state of the Union, except by unanimous consent.

Mr. SAYERS. I reserve all points of order.

Mr. ROGERS. I want the bill to go to the Calendar.

The SPEAKER. The bill, except by unanimous consent, must go to the Committee of the Whole on the state of the Union, and will be on the Calendar of that committee.

Mr. TOWNSHEND. Will the gentleman from Arkansas [Mr. ROGERS] wait until the title of the bill is read?

Mr. ROGERS. "The gentleman from Arkansas" will govern himself as he pleases.

Mr. TOWNSHEND. I object to the gentleman making any motion at this time, before the title of the bill has been read.

The SPEAKER. The gentleman has made no motion; no motion is required. The rules govern the disposition of the bill.

Mr. TOWNSHEND. I thought the gentleman moved to send the bill to the Calendar.

The SPEAKER. The rules of the House send the bill to the Committee of the Whole on the state of the Union. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. This bill, with the amendments of the Senate, will be referred to the Committee of the Whole on the state of the Union, and, under the rules, will be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order until the House has dispensed with private business. This day is set apart for the consideration of private bills unless that order be dispensed with by a vote of the House.

Mr. TOWNSHEND. I move, then, to dispense with the consideration of private business for to-day.

The SPEAKER (having put the question on the motion of Mr. TOWNSHEND). The noes appear to have it.

Mr. TOWNSHEND. I call for a division.

Mr. SPRINGER. If this motion should be voted down, Mr. Speaker, will it be in order at a subsequent part of the day to make a similar motion?

The SPEAKER. The Chair does not understand the gentleman. The House will come to order.

Mr. SPRINGER. As I understand, this motion is made for the purpose of enabling the Committee on Military Affairs to have the Army appropriation bill considered in Committee of the Whole. If this motion should be voted down, would it be in order to renew the motion with a view to the consideration of other business?

The SPEAKER. The Chair supposes it would be in order during the remainder of the time the House is in session to-day, to move to dispense with private business.

The question being again taken on the motion of Mr. TOWNSHEND to dispense with the consideration of private business for to-day, there were—ayes 33, noes 69.

Mr. TOWNSHEND. I call for the yeas and nays, and will state that my object in making this motion is to have the Army appropriation bill considered in Committee of the Whole.

The yeas and nays were not ordered, only 15 voting in favor thereof; so the motion of Mr. TOWNSHEND was disagreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Texas [Mr. LANHAM] that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

Mr. SPINOLA. In the event of the motion of the gentleman from Illinois [Mr. TOWNSHEND] prevailing, would the Army appropriation bill——

The SPEAKER. The motion has not prevailed; the House has voted it down.

Mr. SPINOLA. I only wanted to know whether the Army appropriation bill would be taken up in case the motion of the gentleman from Illinois prevailed.

The SPEAKER. The motion of the gentleman from Illinois was simply to dispense with the consideration of private business for to-day. Whether the Army bill would be taken up or not is another matter.

Mr. TOWNSHEND. As the House seems desirous to go on with private business, I presume it is useless to press further at this time the consideration of the Army appropriation bill.

Mr. SPRINGER. If the House should now refuse to go into Committee of the Whole House on the Private Calendar, would it be in order to move to go into Committee of the Whole on the state of the Union for the purpose of considering the Oklahoma bill?

The SPEAKER. It would not; the motion as the gentleman states it would not be in order at any time.

Mr. SPRINGER. Would not the motion to go into Committee of the Whole generally, with the view of taking up the Oklahoma bill, be in order?

The SPEAKER. It would; but a motion to go into Committee of the Whole for the consideration of appropriation bills would have precedence.

The motion of Mr. LANHAM was agreed to—ayes 78, noes 30.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Private Calendar.

Mr. LANHAM. If I can have attention, I would like to make a brief statement. I wish to ask unanimous consent that we may now proceed with the consideration of bills on the Private Calendar which have been reported from the Committee on Claims, and to the consideration of which there may be no objection.

Mr. NELSON. I object, if the request is limited to bills reported by the Committee on Claims.

Mr. LANHAM. If the order I have suggested could be adopted it would accommodate a vast number of members. As is well known, a number of reports from the Committee on War Claims are at the head of the Calendar. Those claims have provoked, and doubtless will continue to provoke, a great deal of discussion; so that if we proceed regularly with the Calendar no practical result may be accomplished so far as legislation is concerned.

Mr. NELSON. Will the gentleman modify his motion so as to consider all bills unobjected to except bills reported from the Committee on War Claims?

Mr. LANHAM. I simply asked consent of the Committee of the Whole that we take up in regular order bills reported from the Committee on Claims to the consideration of which there may be no objection. I believe if this order can be agreed to we shall be able to pass a great many unobjectionable bills.

Mr. NELSON. I object, unless the gentleman will modify his motion so as to include all bills on the Private Calendar except those reported from the Committee on War Claims.

The CHAIRMAN. The gentleman from Minnesota [Mr. NELSON], as the Chair understands, asks consent to modify the request of the gentleman from Texas, so that the Committee of the Whole may proceed with the consideration in regular order of all bills on the Private

Calendar to which there is no objection, except bills reported by the Committee on War Claims.

Several members objected.

Mr. HEARD. I object to that modification for this reason——[Cries of "Regular order!"] I object to any discrimination against or in favor of the business of any particular committee. I think bills reported from the various committees of the House should be considered in their order, regardless of the committee from which they may come.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] is entitled to the floor, and he will proceed.

Mr. NELSON. I wish to say something in which, perhaps, the gentleman from Texas will be interested.

Mr. LANHAM. What is it?

Mr. NELSON. Now, in consideration of my desire to continue to be a good-natured man, I will withdraw my objection to the request of the gentleman from Texas.

Mr. HEARD. I object to the exception of any claim upon any calendar, for one objection will carry over any claim, so that our time need not be wasted.

Several MEMBERS. Regular order.

SAMUEL NOBLE.

The CHAIRMAN. The regular order is demanded, and the committee will proceed to the consideration of the unfinished business, which is the bill (H. R. 53) for the relief of Samuel Noble. At the time the committee rose a motion was pending that the bill be laid aside with the recommendation that the enacting clause be stricken out. On that motion the point of no quorum was made.

Mr. FORNEY. I ask, by unanimous consent, that the further consideration of that bill be postponed and allowed to retain its place upon the Calendar, in view of the fact that my colleague [Mr. OATES] is not present in the city, but absent in attendance on the Immigration Committee in the city of New York.

Mr. KELLEY. To what period does the gentleman propose to postpone the further consideration of the bill?

Mr. FORNEY. Until my colleague returns from New York.

There was no objection, and it was ordered accordingly.

PEREZ DICKINSON.

The CHAIRMAN. The committee now resumes the consideration of the bill (H. R. 9872) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson.

Mr. HOUK. That bill has been discussed already. I move to substitute the Senate bill for the House bill.

The CHAIRMAN. That has been done already.

Mr. LANHAM. That bill has already been partially considered in the Committee of the Whole House, and there being no objection, I move that the Senate bill 94 be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair is informed that there was an amendment moved by the gentleman from Indiana [Mr. HOLMAN] to the Senate bill. If there be no objection House bill 9872 (Forty-ninth Congress, first session) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, and House bill 6346 (Fiftieth Congress, first session) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson, will be reported to the House with the recommendation that they be laid on the table.

The was no objection, and it was ordered accordingly.

The CHAIRMAN. The title of the Senate bill will be read.

The Clerk read as follows:

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

The CHAIRMAN. The Chair is informed there is an amendment pending, moved by the gentleman from Indiana [Mr. HOLMAN], which will be read by the Clerk.

The Clerk read as follows:

Add to the end of the bill: "*Provided, however*, That before said money shall be paid it shall be proven to the satisfaction of the Secretary of the Treasury that proceeds of said cotton to the amount above named were covered into the Treasury or accounted for by the proper officer; but the sum paid to said Perez Dickinson shall not exceed the sum so paid into the Treasury or accounted for."

Mr. HOUK. Was not that amendment voted down?

The CHAIRMAN. The Chair is desirous of understanding the status of this bill. There seems to be some question as to whether this amendment was adopted or rejected.

Mr. HOUK. The Senate bill was taken up in lieu of the House bills.

The CHAIRMAN. The Senate bill is now considered as pending before the committee, the House bills having been laid aside to be reported to the House with the recommendation that they do lie upon the table.

Mr. HOUK. The amendment was voted down, as I understand.

The CHAIRMAN. No; the Chair is advised by the Clerk that the amendment is pending.

Mr. HOUK. I want to say one word. If this claim is not to be paid, then the United States ought to give notice that it does not intend to pay anybody. Of course, the adoption of the pending amendment is simply to avoid the payment of the claim, and I ask gentlemen to vote it down.

Mr. WARNER. Why?

Mr. HOUK. Because this claim ought to be paid. It is a just claim. It has been favorably reported from the Court of Claims. If this House is not going to pay claims of a just character, it ought to say so, and we ought to understand the matter from the beginning. If we do not pay such just claims, then I am in favor of going into the wholesale repudiation and stop the payment of bonds and everything else, for one is founded in justice and fair dealing just as much as the other is.

Mr. ANDERSON, of Kansas. I am not able to recall the features of this case, and I hope the gentleman will state just exactly what they are.

Mr. HOUK. When General Longstreet besieged Knoxville, General Burnside received a certain number of bales of cotton for use in the defense of that city. They were promised to be returned, but they never were returned to the owner. General Burnside testified to that fact, and all the line of officials have testified in the same way. The Court of Claims found the facts as alleged.

Mr. ANDERSON, of Kansas. What is the amount of the claim?

Mr. HOUK. Ninety-six thousand dollars, a big sum; but he is entitled to it. He is a brave man, who accepted a decree of banishment from his home when threatened with an order to send him through the lines. In response to the Confederate judge he said he had come to East Tennessee when a young man; he had made his money there; had buried his wife and only child there; but he would abandon all, even the graves of his kindred, rather than take an oath in opposition to his country, rather than take an oath to support the Southern Confederacy; and if the Republicans upon this floor are going to repudiate the just debts of the Government to such men it is about time we should know it.

Mr. WARNER. As I recollect, this cotton was taken for the purpose of constructing breastworks.

Mr. HOUK. Yes, sir; the gentleman is correct; for the purpose of constructing breastworks at Fort Saunders and other places in the defense of the city. The cotton, which saved the city and the Army of the United States, was never returned to the owner.

Mr. WARNER. As I remember, a part of it was also used for our sick and wounded soldiers in the hospitals.

Mr. HOUK. Yes, sir; part of it was used in the deaf and dumb asylum building, which was then used as a hospital, in making beds for the wounded, the sick, and dying soldiers of the Union.

Mr. ANDERSON, of Kansas. I understand the Court of Claims have examined this case.

Mr. HOUK. They have; and they found the facts, the amount, the loyalty, and everything in favor of the claimant.

Mr. KELLEY. Who is the "Mr. Burnside" of whom you speak?

Mr. HOUK. I refer to General A. E. Burnside.

Mr. KELLEY. Then why do not you speak of "General" Burnside, so we may understand who you mean?

Mr. HOUK. I supposed that everybody knew that General Burnside was in command of Knoxville when Longstreet laid siege to that city.

Mr. KELLEY. Yes; but I did not know but that you meant some claimant to the cotton.

Mr. HOUK. No; I refer to General Burnside.

Mr. Chairman, I hope the committee will vote down the amendment.

Mr. HOLMAN. I ask that this amendment be again reported.

The amendment was again read.

Mr. HOLMAN. I wish to inquire what is the amount named in the bill? I have forgotten the exact sum.

The CHAIRMAN. The Clerk will report the amount.

The Clerk read as follows:

The Senate bill proposes $96,192. The amendment proposed is to strike out that sum and insert $66,883.50.

Mr. HOLMAN. It seems to me, Mr. Chairman, upon the facts cited in the report, and which came to light during the progress of the discussion on the bill, that it would be entirely proper to pay this claimant the sum of money which was actually turned into the Government Treasury by reason of the taking possession on the part of the Government of the property in question. That, I think, is all right and ought to be paid. Whatever sum was realized from the sale of the cotton belonging to the party should be paid. His loyalty is established, I think, beyond question.

Mr. WARNER. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. WARNER. When this case was up some time ago I took part in the discussion of it and have some recollection of the facts. I would like to ask the gentleman, however, if it is not true that the amendment he suggests, if adopted, would have the effect of paying this claimant nothing whatever? I wish to ask a further question: If this cotton, or a part of it at least, was not taken down to the railway adjoining the depot and there some children playing around set fire to the cotton and destroyed it?

Mr. HOLMAN. That applied to but a portion of it. I think you will find that it was finally traced into the Treasury.

Up to this time it has not been our policy to pay for property destroyed as an incident to military operations during the war. Indeed, in the general bill referring claims of this character to the Court of Claims for a finding and report we have carefully provided that incidents of war, spoliations by the Army or Navy, and property destroyed in the necessary progress of the war shall not be subject even to examination. Jurisdiction is not conferred upon the court to inquire into the facts in such cases. It seems to me that the destruction of property incident to war can not be well provided for; and that if we go to the extent of providing payment to this claimant for the amount of his property actually turned into the Treasury we are doing all that justice requires.

Mr. JOHNSTON, of Indiana. I move to strike out the last word.

I know something about the history of this case from the fact that I was at Knoxville myself at the time mentioned, and I have examined this claim with a good deal of care as a member of the Committee on War Claims. My understanding of the facts are that this cotton was taken to build fortifications at the city of Knoxville, Tenn., and as the gentleman from Tennessee [Mr. HOUK] well says, its use for that purpose doubtless saved the city from capture. After the Government was through with the cotton the owners demanded possession of it and that it should be turned back again. Had the Government done that it would have ended the liability of the Government. But as a matter of fact the officers in charge at that point refused to return the property to the claimant, but sought to convert it to the use of the Government. Afterwards it was destroyed by fire.

Mr. HOUK. A part of it was destroyed by fire and a portion of it was used in the hospitals at Knoxville.

Mr. JOHNSTON, of Indiana. Yes; part of it was destroyed by fire and part used as the gentleman from Tennessee suggests. When the Government refused to turn the property back after they got through using it for the purpose to which it was originally applied, and for which it was taken, it became liable under every principle of equity and justice for the value of the cotton so taken; and particularly so when the amount found due, as in this case, is to be paid to a confessedly loyal citizen, to a man who suffered banishment for his loyalty to the Government rather than take the oath of allegiance to the Confederacy.

Now, I understand the amendment of the gentleman from Indiana proposes to cut out and to exclude from payment all of the cotton the proceeds of which do not appear to have been turned into the Treasury. It would exclude the payment of every dollar of the Government's liability, unless it is found that the money was actually turned into the Treasury. I claim, sir, that the man who owned that cotton is in no manner responsible for the action of the officers, whether they turned the money into the Treasury or used it in any other way. I claim that after having taken possession of his property, if they failed to do their duty and failed to account to the Treasury for the property that he lost, that under all of the principles of equity and justice the Government should come to his relief and pay for his losses.

Mr. BUTLER. Mr. Chairman, as the gentleman from Indiana has said, I can also say that I was myself present at the siege of Knoxville, and I know all about this case, and, as my colleague [Mr. HOUK] has so well said, if this claim is not paid no claim ever ought to be paid.

Now, Mr. Chairman, what are the facts? This cotton was taken from a citizen who was as loyal as Abe Lincoln, who suffered banishment, as my colleague has said, rather than take the oath to the Confederacy. When the siege was raised and Longstreet retreated he went and asked that the cotton be returned to him. It had served the purpose for which it was taken. They said, "Oh, no, we will take it and ship it to Louisville, and when the proceeds reach the Treasury Department you can have them."

What became of that cotton? Here is the report of the War Claims Committee of the Senate upon it:

> The cotton was taken by General Burnside November 25, 1863, but the order of General Schofield to gather it up from the fortifications was not issued until February 26, 1864. Nearly four months elapsed from the first taking before this order was fully executed. The waste in the meanwhile was found to be large. Of the 313 bales originally taken from all the citizens, only 218 bales were saved. What became of the 95 bales of deficiency does not definitely appear. Some had been taken by the soldiers to fill their bunks; some used to calk pontoons; some lost by pillages and much worn out and used up in the works.
>
> Of the 218 bales recovered, 40 were used by the medical department, 158 stored by the quartermaster near the railroad depot, awaiting shipment, were accidentally set on fire by boys playing in its vicinity, and all, with the exception of about 20 bales, consumed. Twenty bales were shipped to the chief quartermaster at Louisville. What became of the other 20 bales does not appear.

Now, that is what became of that cotton. Here was a loyal citizen whose property was taken to save the Government, and when he asked that it be returned they refused. It is said that the proceeds of perhaps 20 bales have reached the Treasury Department, and if this amendment is adopted and they could prove that 20 bales had reaced there, that is all this citizen will get for his cotton. Is it right, is it just, is it honest? I can not see upon what ground any gentleman on this floor would think it just, right, or even honest to take this property and use it without paying for it under these circumstances. Here is General Burnside's statement, here is his receipt for the cotton taken. I can say that there never has been a claim before the Congress of the United States that had merit superior to this claim. There is no doubt, there is no controversy, there is no uncertainty. Every allegation—his loyalty, his property, everything—is proven beyond a single question, and why this claim should be turned away without being paid I can not see.

Mr. HOUK. And only the amount the cotton would sell for at that time.

Mr. BUTLER. Here is the report by the commissioner appointed by the commander-in-chief to ascertain fully the amount, and every other fact, and they are all set forth here in this report, so that there can be no controversy or any doubt at all on the part of this House. Mr. Dickinson was a loyal man, and suffered banishment more than twenty years ago for his loyalty, and yet the Government refuses to pay him for his property. I certainly believe that this bill ought to be passed and that this claimant should be paid for that property taken.

Mr. LYMAN. Mr. Speaker, I rise to make a parliamentary inquiry. I desire to understand fully what this amendment is. Do I understand that it reduces the amount to $60,000?

The SPEAKER *pro tempore*. That has been adopted.

Mr. LYMAN. Then the bill ought to pass as it is.

The SPEAKER *pro tempore*. If there be no objection, the formal amendment will be withdrawn.

Mr. CUTCHEON. I will renew it. I do not know anything about Mr. Dickinson, the claimant in the case, but I do happen to know something about this cotton. At the time this cotton was used in the defense of Knoxville I happened to command a Michigan regiment in the works. I remember very well that this cotton was brought up to the works, and we crowned the parapets of all the principal works around the city, and especially Fort Saunders, which was the key to the position, with these cotton bales. I know the work we did with that cotton, and I know it very materially contributed to the saving of East Tennessee to the Union and to the shortening of the war. General Burnside, with the Ninth and Twenty-third Army Corps, had marched into East Tennessee through Cumberland Gap, and he had seated himself upon that vital connection between Tennessee and Virginia, the railroad connecting those two States. We had divided the Confederacy. We had cut off the head at Richmond from the body in the Southwest, and it was absolutely necessary that the East Tennessee railroad should be recovered, as it was the only railroad they had except that east of the mountains. General Longstreet was detached from the main army at Chattanooga and with fourteen or fifteen thousand men sent to try and get us off the railroad. We fell back into Knoxville and threw up hasty works. Somebody's cotton bales were brought from somewhere, and with them we crowned the parapets of all the principal works; and when the assault came, on the 29th of November, 1863, our little band, comparatively speaking, behind these cotton bales, drove back Longstreet's veterans that had swept away Sickles at Gettysburgh in the July before. And I want to say to the gentlemen of this House that if these were Mr. Dickinson's bales, that Mr. Dickinson's cotton bales had a great deal to do with the salvation of Knoxville and the whole of East Tennessee. They did good service there. A good many of them were knocked to pieces with shot and shell there in that assault on the morning of the 29th of November, a good many of them, to my personal knowledge, were left blood-stained there that morning, and if those were the cotton bales of this claimant, as I am assured by the gentleman from Tennessee, Colonel HOUK, they were——

Mr. HOUK. They have been thoroughly identified.

Mr. CUTCHEON. If those were the cotton bales of this claimant, then the United States of America could well afford to pay a million dollars for them and not pay more than they were worth to the Government of this Union on that occasion. [Applause.] I hope this bill will be passed.

Mr. LANHAM. I trust we shall now have a vote upon this bill.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be regarded as withdrawn, and the question will be taken on the motion of the gentleman from Indiana [Mr. HOLMAN].

The question was taken; and the Chairman declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

The committee divided; and there were—ayes 8, noes 80.

So the amendment was rejected.

Mr. HOLMAN. Inasmuch as the opinion of the House seems to be so strongly in favor of this measure, I will not make the point of no quorum, but otherwise I would do so.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. LANHAM. I rise to a parliamentary inquiry. When this bill was last under consideration I offered an amendment reducing the amount.

The CHAIRMAN. That amendment has been adopted.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOUK. Mr. Chairman, we have had a great deal of trouble with this Perez Dickinson claim, and I now move that the committee rise and report the bill to the House, in order that we may pass it and be done with it. [Laughter.]

Mr. LANHAM. I hope the gentleman will not insist on that motion. We will endeavor to have the committee rise in ample time for the passage of these bills.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. HOUK] insist on his motion?

Mr. HOUK. Not if there is objection; but I think that would be a proper and legitimate way to dispose of this case at this time.

Mr. LANHAM. I will make no objection to the gentleman's motion.

Mr. HOUK. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9872) for the relief of Perez Dickinson, and had directed him to report it back with the recommendation that it be laid on the table; also that the committee had substituted for the House bill a bill (S. 94) for the relief of Perez Dickinson, and had directed him to report it to the House with the recommendation that it do pass with an amendment.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading.

The SPEAKER. The question is on the passage of this bill.

Mr. HOLMAN. On that I call for a division.

The House divided; and there were—ayes 71, noes 7.

Mr. MCSHANE. No quorum.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint the gentleman from Tennessee [Mr. HOUK] and the gentleman from Nebraska [Mr. MCSHANE] to act as tellers.

Mr. MCSHANE. I withdraw the point of no quorum.

The bill was read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 9872) was laid on the table.

ORDER OF BUSINESS.

Mr. LANHAM. I now move that the House resolve itself into Committee of the Whole House for the further consideration of bills upon the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, and Mr. DOCKERY resumed the chair.

The CHAIRMAN. The House is now in Committee of the Whole upon the Private Calendar. The Clerk will report the first bill.

The bill was read, as follows:

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John De Bree, executor of Margaret T. Higgins, the sum of $3,236.66, the same being in full for and final discharge of the claim examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of Congress approved March 3, 1883, commonly called the Bowman act.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I suggest that the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, beg leave to report as follows:

The bill provides for the payment of $3,236.66 for the use of a certain warehouse and wharf, belonging to Mrs. Higgins, in the city of Norfolk, Va. This claim was transmitted to the Court of Claims by the Committee on War Claims of the Forty-eighth Congress under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The said claim was returned by the Court of Claims to the Committee on War Claims of the Forty-ninth Congress with findings of fact by the court, which show among other things that the claimant was loyal, that her warehouse and wharf after the occupation of the city of Norfolk by the Federal forces in 1862 were seized by Capt. Edwin Ludlow, assistant quartermaster United States Army, as a military necessity, were occupied for two years, eight months, and eleven days, and that $1,200 a year would be a fair compensation for the premises. In accordance with the findings of fact by the Court of Claims the Committee on War Claims of the Forty-ninth Congress reported House bill No. 10798, providing for the payment of the amount found to be due, to wit, $3,236.66.

Your committee therefore report back the bill which has been referred to them and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, the bill (H. R. 1798, Forty-ninth Congress) will be reported to the House with the recommendation that it lie on the table.

There was no objection.

WILLIAM J. POITEVENT.

The next business on the Private Calendar was the bill (H. R. 26) for the relief of William J. Poitevent.

The bill was read.

Mr. LANHAM. Unless the consideration of this bill is called for by some gentleman, I ask that it be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. In the absence of objection that order will be made. The Chair hears no objection.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 1028) for the relief of Hiram Johnson and others.

Mr. LANHAM. I make the same request in regard to this bill that I made in regard to the one last read.

Mr. ENLOE. I ask for the consideration of this bill.

The bill was read. As amended by the Committee on War Claims, it is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, $659.86.
To Stephen M. Johnson, $659.86.
To D. J. Franklin, $130.48.
To Josiah Franklin, $156.60.
To Nat Buckley, $261.20.
To John Tull, $313.49.
To Elias Bray, $391.92.
To Dr. G. Johnson, $156.60.
To Harrison Trice, $261.20.
To Jeremiah Crook, sr., $522.41.
To Willis Arnold, $5,213.89.
To Arch McCorkle, $391.92.
To G. L. Ross, $1,306.91.
To S. L. Ross, $1,306.91.
To John M. Hart, $522.41.
To William A. Brummer, $801.69.
To John D. Smith, $261.20.
To A. B. Crook, $261.20.
To Daniel McCollum, $261.20.
To Jeff Jones, $130.48.
To Thomas McGill, $156.61.
To James Ledbetter, $156.61.
To William Ozier, $522.41.
To Elijah Bond, $261.20.
To John L. Cawthon, $522.41.
To William Hall, $522.41.
To Carroll Beaver, $522.41.
To John West, $659.86.
To James Clifford, $261.20.
To O. F. Hendrix, $784.04.
To Frank Cawthon, $313.49.
To James Cawthon, $130.49.
To S. E. Grider, $130.49.
To Silas Grider, $130.49.
To John Robinson, $240.34.
To Hugh McKnight, $200.25.
To John G. Smith, $79.96.
To Caleb McKnight, $200.25.
To James Thomas, $200.25.
To William P. Walker, $120.06.
To A. S. Rogers, $341.55.
To Tison G. Maness, $561.02.
To William H. Bond, $120.06.
To F. M. Ballard, $240.04.
To Stephen Messengill, $120.06.
To William Swink, $440.80.
To Keton M. Jones, $361.15. In all, $22,271.26.

The amendments reported by the Committee on War Claims changing the amounts in various cases, so as to pay to the claimants the amounts as given in the foregoing bill, were read:

Mr. ENLOE. If the reading of the report is desired by any one, I would be glad to have it read now.

Mr. ROWELL. I desire to make some remarks on this bill. The report can be read afterward, unless the gentleman from Tennessee [Mr. ENLOE] wants to proceed with his remarks now.

Mr. ENLOE. I will wait until the gentleman from Illinois [Mr. ROWELL] has spoken.

Mr. THOMAS, of Wisconsin. I would like a chance to say a few words on this subject.

Mr. ENLOE. How much time do gentlemen on the other side desire to occupy?

Mr. ROWELL. I shall not want much time.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. ROWELL] for one hour.

Mr. ROWELL. Mr. Chairman, this bill marks a new departure in the way of paying war claims. Colonel Haynie, when commanding at Henderson, West Tennessee, adopted as a method of preventing injury to the property of the United States and of citizens, the making of assessments, when injury was done, upon the rebel citizens thereabout, and collecting those assessments to the full amount of the injury. This was a policy adopted by different commanders in West Tennessee. Some required citizens in neighborhoods where guerrillas were in the habit of doing damage, to give bonds of indemnity against any such damage; others adopted the policy of assessment upon the active rebel sympathizers in the vicinity. Damage to the extent of some $25,000 was done in the neighborhood of Henderson; and Colonel Haynie assessed and collected that sum of money, appointing a commission to find out the total amount of damage, the ability of persons to pay, and the character of the people upon whom assessments were made.

That sum of money was collected. Some $5,000 of it was for damage to United States property, and about $20,000 for damage to indi-

vidual property. The money was covered into the Treasury of the United States. Every cent of it was assessed according to the laws of war, according to the rights of the people of the United States, and against men actively in sympathy with or aiding the cause of the enemy.

Subsequently—and here is a strange remissness on the part of the Committee on War Claims—subsequently, by act of Congress, between $9,000 and $10,000 of this money was paid out of the Treasury to certain parties whose property had been destroyed, leaving, besides the $5,000 going to the United States, $10,000 or $12,000 of that money remaining in the Treasury. That fact has not been stated in this report. The Committee on War Claims, in bringing in their report, have neglected to inform this House that by the deliberate act of Congress nearly $10,000 of this money has already been paid to parties for whose benefit it was assessed, and is now not in the Treasury. But the committee has reported a bill not simply to pay the balance of the money remaining in the Treasury, but to pay to these men who were engaged in hostilities against the United States, or who were in sympathy with those who were so engaged, not alone the money remaining, but all the money that was collected, except the $5,000 collected for the benefit of the United States.

In the Forty-eighth Congress the Committee on War Claims, by a unanimous vote, reported in favor of repaying the remaining money to the parties for whose benefit it was assessed, and by an equally unanimous vote reported against a bill of this character except that it was then only proposed to pay the balance of money remaining in the Treasury.

Now, what is this bill? It is a bill to reverse the action of the authorities of the United States in command. It is a bill to pay back to rebel sympathizers something taken by lawful authority from them in pursuance of the business which they had in hand to overthrow the rebellion.

Now, if this money is to be paid back there is no single item of damage arising out of the war and incurred for the purpose of putting down the rebellion that ought not also to be paid back. Not a single item. Wherever a marching army levied contributions, wherever a marching army camped, wherever a marching army seized upon property contraband of war there ought to be payment made to the owners thereof in principle if this money ought to be paid back.

As a member of the committee in the Forty-eighth Congress, over which Judge Geddes presided, I joined in the report in favor of paying this money to the parties injured and for whom it was assessed. I had some personal experience myself in this section of country in adopting a different plan for the purpose of saving the railroad bridges from destruction by guerrilla bands, whereby prominent people in the neighborhood were put under bond. But in this case the damages were assessed and collected. The only mistake made by the military authorities was in not paying it to the parties injured and for whose benefit the money was collected. It was covered into the Treasury of the United States and there was no way of getting it out except by legislation of Congress.

Here is a proposition, Mr. Chairman, to reverse the action of former Congresses. Here is a proposition to pay money collected in furtherance of the purpose of the Union Army in order to compensate Union men for injuries done to them. Here is a proposition to pay back this money so collected and assessed, because of injury done by these guerrilla bands, and collected and assessed in pursuance of war authority.

I want this House and country to know, before they vote this money out of the Treasury of the United States, that they are voting in fact to pay every war claim which may be presented to the House. The collection of this money stands on higher authority than the seizure of supplies. It was done deliberately; it was done after the appointment of a commission; it was done in pursuance of authority recognized by all nationalities engaged in war; it was done as a war measure; it was done by the Union forces for the purpose of putting down the rebellion; it was done to protect from depredation this section of country where there was no rebel army, and where nobody entered except in pursuance of a raid or by the boys coming home from the South in the guise of citizens getting together, and while getting ready to go back to the army rushing into a town and committing depredations. It was made necessary to assess these damages for the purpose of guarding property from attack in this section of country, so that the troops might go to the front. It was an effective remedy. It ended that sort of raiding. It relieved the soldiers from that duty and enabled them to be put upon active duty at the front.

Now, in the Fiftieth Congress we are asked to overturn that action. We are asked to declare that the action of the Army in pursuance of its legitimate purpose is to be reversed, and these people are to be compensated for the moneys they were compelled to pay as a penalty for the injury they inflicted upon the property of Union people. For one I protest. If this policy is to be adopted then I say we ought to pay everybody. Let down the gates, unlock the Treasury, pay for every bale of cotton, pay for every ear of corn, aye, let us go further and pay for every liberated slave, for the rent of every church and school-house occupied by a passing army; pay for every claim and all the claims which may be set up by those who were in the armies in rebellion against the country, because there is no difference between one and the other.

I do not care to pursue the matter further, and will yield the floor to the gentleman from Wisconsin [Mr. THOMAS].

Mr. THOMAS, of Wisconsin. Mr. Chairman, the facts as I understand them, and as they are set out in this report, are not disputed. At the time mentioned in the report, during the earlier period of the war, there was a raid made upon the town of Henderson by some young men, as I understand it, belonging to families who sympathized with the rebellion——

Mr. PAYSON. Will the gentleman mention in what State this was?

Mr. THOMAS, of Wisconsin. In East Tennessee.

Mr. WASHINGTON. West Tennessee.

Mr. THOMAS, of Wisconsin. Yes, West Tennessee. The property of the Government, consisting of cotton and military stores to the extent of between five and six thousand dollars, was destroyed in this raid, as well as the property of certain loyal citizens selected by the raiders, which amounted, together with the amount of what the Government lost, to $26,751.36.

General Haynie, in command of the troops of that neighborhood, appointed a commission and authorized the commission to assess upon the disloyal inhabitants of that neighborhood, who were supposed to be implicated in this raid, an amount equal to the value of their property to cover the amount thus destroyed, which assessment was made and was confirmed by General Sullivan, in command of that department. The money so assessed was collected and paid over into the hands of General Sullivan, and afterwards it was paid by him into the Treasury of the United States.

Now, sir, this report of the committee admits the authority of General Haynie and of General Sullivan to make the assessment. They admit that it was made in accordance with the laws of war, and that it was a valid legal charge upon the property of the enemies of the country in that neighborhood; and the excuse now presented is that General Grant, then in command of the armies of the United States in the West, directed that this money should go back to the men from whom it was taken. There is a dispute in connection with that allegation of fact. I admit, if it was so, that this money ought to be paid back, in accordance with the report of the committee. But, sir, we have here the report of the Committee on War Claims of the Forty-eighth Congress, to which I desire to direct your attention. That committee had all the papers before them, and the chairman of the committee, the majority of the committee being Democrats, has put upon the record what they then found, and I take it that it is entitled to some consideration. Mr. Geddes, the chairman of the committee, says:

If the facts stated were actually established by the papers on file and the testimony before the present committee—

That is, that General Grant had made this order—

it would most likely concur with the reasoning and conclusions of its predecessor. But this committee do not find these facts established by the testimony presented for their consideration. On the contrary, there is nothing in the present record to authorize the assumption that "the levying and collecting these assessments was supposed to be under and in execution of an order of General Grant."

On the contrary, it was under an order of General Haynie, sanctioned by General Sullivan. The papers filed did not show that General Grant ever issued an order having special and direct reference to these several proceedings in that he desired this money should be turned over to the parties from whom it was taken. The testimony shows that the proceeding originated with General Haynie.

It is true the superior officers of Haynie and Sullivan could have revoked or countermanded their orders; but this was not done, as assumed in the reports heretofore made on this claim.

And so it is assumed in the report now before us. And now the chairman of the committee making this report proceeds to show this fact, which is not contained in the report of the committee now before us. Probably, Mr. Chairman, it is not so contained because they did not have the papers; but they ought to have taken for granted something that was put into the report of the prior committee of the Forty-eighth Congress and called the attention of the House to it. They could have referred to it in some way and given us an opportunity of gathering the facts in the case. This report proceeds:

It will be remembered that on the 23d of January, 1863, he (General Grant) directed this money to be accounted to the Provost-Marshal-General, and we find a letter on file in the case of Willis N. Arnold, now before this committee—

That is another case—

and whose bill is being considered in conjunction with the present bill for the relief of Hiram Johnson and others. This letter bears date "Washington, D. C., June 26, 1866," and was written by General Adam Badeau, then on General Grant's staff. It was at a period much nearer the time these military proceedings were had, and must be taken as a correct interpretation of the whole proceeding on the part of General Grant and his subordinates. It is in reply to Willis N. Arnold, who had called on him for aid in his case, which is now before Congress. The full text of that letter is as follows:

"In reply to your communication of June 11, addressed to Lieutenant-General Grant, and requesting that you, as a loyal citizen, might be remunerated for losses sustained by you at the burning of Henderson, Tenn., General Grant directs me to inform you that an assessment was made by General Sullivan, by his orders, upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since General Sullivan has been mustered out of the service he has informed General Grant that a certain amount of such assessment remains in his hands.

"General Grant advised General Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected."

Now, in 1866, General Grant, through his aide, certifies that this money was in the Treasury for the benefit of the loyal men for whom it was assessed, and this was directly at variance with the assertion that an order was made by him that it should be paid back to the rebels against whom it was assessed. No such order can be produced. It is the mere hearsay of a gentleman by the name of William S. Hillyer, who writes a letter in 1872 stating his impression from memory, in which he exonerates himself, and it is cited in this report that this fact had a great deal to do with the character of the report.

Now, sir, of this money thus seized and put into the Treasury a portion of it has already been devoted by Congress to the payment of those loyal men for whom it was assessed. On March 3, 1875, $9,606.36 were allowed to be paid to Mr. Aldridge, one of the men whose property was taken, and it leaves $12,665 in the Treasury out of which to pay, as this bill provides when amended, $22,271.65.

Now, sir, there is another significant fact in relation to this last appropriation. General Grant was President of the United States at the time this last bill passed appropriating nearly $10,000 out of this fund to these loyal claimants from whom it had been taken. General Grant signed and approved the bill. I submit to any gentleman whether if General Grant had given an order that this money should be paid back to those from whom it was assessed, he would have approved a bill from Congress appropriating part of the fund to the particular purpose for which it was assessed. There is no claim that these men were loyal; there is no claim in this report that they were not implicated in this raid; there is no claim in this report that the assessment was not just and equal upon them. We claim that it was no more than should have been assessed under the circumstances. The report of the committee admits that it was made in accordance with the laws of war, and there is no claim that it was illegal.

The only claim is that now the war is over and this money is in the Treasury, which is not entirely true, and it ought to be paid back. As the gentleman from Illinois stated—and its influence upon my mind determined me absolutely on this case—if you now can go back and pay claims of this kind there is no excuse for not paying any claim that may be brought in for damages in consequence of the war for millions and hundreds and thousands of millions of dollars, I was going to say, for property destroyed, taken, and used during the war. This is only another way of taking the property, which was done in order to prevent a greater destruction of property and to prevent the use of the Army in guarding property when they were needed for fighting in the field.

Why, sir, it seems to me astonishing that a committee of this House can recommend the payment of a claim of this kind and refuse to recommend the payment for the taking of cotton and the destruction of buildings, the trampling down of fields and the destruction of fences, or any other destruction caused by war. This, and every other committee of this House, has always refused to pay any such claims.

With these remarks, Mr. Chairman, I leave the question with the House, confident that it understands our side of the case.

Mr. ENLOE. Mr. Chairman, I regret that it is necessary for me to enter into a discussion of this case, but in view of the statements made by the gentleman from Wisconsin and the gentleman from Illinois it is due to the people I represent, who are interested in this measure, that I should make a brief statement as to the matter it embraces and the ground upon which this claim rests. I will say in the first place that this bill has been reported favorably by five different committees in Congress. It was reported three times favorably in the House, and it has been favorably reported twice in the Senate, and the present report which was made by the Committee on War Claims was made by General Bragg, of Wisconsin, when he was chairman of the Committee on War Claims of this House; and every gentleman acquainted with his high character as a legislator knows that he was a man who looked very carefully into these claims and did so more thoroughly, not only as a matter of exact justice to the Government but to the claimants, than any man who ever presided over the Committee on War Claims.

These various reports were made unanimously by the different committees that have considered this bill, and this bill has passed both the Senate and the House, but never both at the same session of Congress. In the Forty-sixth Congress there was only one vote against it in the House. It passed the Senate less the amount of the claim of Arledge and Patterson.

Mr. KERR. Did it pass with the $22,000 provision?

Mr. ENLOE. As I before stated, it passed the House in the Forty-sixth Congress in its present form, with but one dissenting voice, upon the report which was made originally by General Bragg, of Wisconsin, who was at that time chairman of the Committee on War Claims; and that report was unanimously adopted by the Senate committee, and it is the same report made by the Committee on War Claims on the present bill. The claim originated from a raid made by a detachment of Confederate troops under Col. N. N. Cox, a regular officer in the Confederate army, on the Federal post at Henderson, Tenn., on the 25th day of November, 1862. This battalion of Confederate troops from Middle Tennessee crossed the Tennessee River, 60 miles away, the evening of the 24th of November, and rode all night, reaching Henderson and making the attack early the morning of the 25th.

They surprised and captured the post, destroyed the depot, the camp equippage of the troops, the water tank of the railway company, and a quantity of cotton, the property of private citizens, which had been seized by the Federal troops and used for making breastworks. The amount of the damage to the Government was assessed at $5,080.

This raid was a surprise to the people of Henderson and vicinity, and to the parties named in this bill, as great as it was to the troops who were captured. These claimants had no more knowledge that such a raid was contemplated than did the commanding officer at Henderson.

I think the proof on file in the case will fully justify me in this statement. The immediate commanding officer, Col. I. N. Haynie, appointed a board to assess the value of the property destroyed, and under the direction of his superior commanding officer, General J. C. Sullivan, he levied an assessment upon the citizens named in this bill amounting to $27,351.36. There has been much controversy over the object of this assessment, but the sworn testimony of General Sullivan sets at rest all legitimate question about that.

Colonel Haynie seems to have had the idea that the money was collected to reimburse the Government for losses sustained, and to pay the citizens who claimed to be the owners of the cotton destroyed; but General Sullivan swears that the money was collected and held as indemnity against future injuries by similar raids, and it was levied upon leading citizens who it was supposed might have influence in helping to maintain peace and order in that section; and that the money ought to be returned to those who paid it.

Now, the gentleman from Illinois [Mr. ROWELL] was in that section during the period this occurred, and states that he placed the citizens under bond, and if anything of that kind occurred he collected the penalty. That was one method of doing it, and this assessment was another. The difference between his method and that of General Sullivan was that he held the money indemnity, while the gentleman from Illinois [Mr. ROWELL] held indemnity bonds.

The reason why this money was not returned to these claimants as contemplated by General Sullivan was that General Sullivan was transferred from that command, and by order of General Grant the money was paid over to Colonel Hillyer, the provost marshal-general at Jackson, Tenn., and finally found its way into the United States Treasury. When the private citizens who tried to establish a claim on this fund for cotton destroyed, on the line of argument pursued by the gentleman from Wisconsin and the gentleman from Illinois, General Meigs, the Quartermaster-General, made a statement that "the money collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to the payment of private losses and damages."

Here we have the statement of this distinguished officer, made with a full knowledge of all the facts, in direct corroboration of the statement of General Sullivan, clearly showing that this money does not belong to anybody except the unoffending and peaceable citizens who paid it to the Government officers. In a letter to the Secretary of War, dated Quartermaster-General's Office, Washington, D. C., December 2, 1871, General Meigs, after reciting the circumstances attending the collection of this money, uses the following language, to which I invite the especial attention of every fair-minded member of this House. He says:

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Colonel Hillyer states that the money thus collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, namely, $30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this department, military collections, levies, rents of abandoned or captured buildings, etc., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to the credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect money as fines; and while he might have paid the proceeds to those who had been injured by the enemy, it appears that General Grant refused to do this, and I know of no law by which any officer of the United States can now take this money from the Treasury and apply it to the payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

Is it not remarkable that at this day we find gentlemen here in this House resisting the payment of this money to the people to whom it honestly belongs on the flimsy pretext that it belongs to the men who claimed to be the owners of the cotton seized by the Federal troops and used for breastworks, which was destroyed in battle, and making this assertion in the face of General Meigs's declaration that they have no claim in law?

Mr. ROWELL. Were they not claiming it out of the Treasury without any act of Congress?

Mr. ENLOE. Yes; and the Quartermaster-General decided that

they had no claim in law, no legal right to make any such claim on this fund.

Mr. ROWELL. Yes; he decided that, having been covered into the Treasury, the only way it could be taken out was by an act of Congress.

Mr. ENLOE. He did not say anything about that; but he said that it could not be applied to the payment of damages to private property because it was not collected for that purpose, and that General Grant so stated. More than that, we have the statement of the commanding officer himself, General Sullivan, that his purpose was not to take this money and turn it into the Treasury, but to hold it as indemnity, just as the gentleman from Illinois [Mr. ROWELL] took bonds and held them as indemnity.

He did not collect those bonds, and General Sullivan intended, not that this money should be turned into the Treasury, but that it should be returned to the parties who paid it. Another point. He states that the damages sustained amounted to $27,000. The amount assessed was $27,000, and something over, but that damage was in a large measure the destruction of the property of individuals, which was destroyed in the course of the conflict between the two contending forces. The Government loss was only $5,080, as found by the board of assessors appointed at the time to ascertain the amount of the damages.

Mr. CATCHINGS. Does the order indicate the purpose for which the money was taken?

Mr. ENLOE. The terms of the order, as stated by the commanding officer, were that it was taken for the purpose of reimbursing the Government and reimbursing these citizens; but the superior officer, General Sullivan, and his superior officer, General Grant, decided that it was not collected for that purpose, and turned it into the Treasury, refusing to pay it to these parties.

More than that. I want to state that there is testimony, abundant testimony, to show that these gentlemen who are making these claims did not have any vestige of right to make a claim upon the Government or upon this fund for property destroyed, and that they never had at any time in their lives such an amount of money as they claim to have had invested in cotton at that time.

I have here the statement of Col. Fielding Hurst, the commander of a regiment of Federal troops that was raised in that country. He knew these people; he lived among them and practiced law among them; and he says that they were not in any wise concerned in this raid, and were not in any way responsible for the destruction of this property, and that there was no reason why this assessment should be levied upon them, except the mere fact that they lived in the vicinity where the damage was done. The gentleman from Wisconsin [Mr. THOMAS] sought to leave the impression that these men were concerned in that raid, or that their sons were concerned in it, that they organized or were instrumental in organizing the force that captured this property and destroyed it; but I say there is not a particle of evidence to sustain that statement.

I deny the allegation *in toto*, and challenge the proof; and I say that the proof shows that these were peaceable, law-abiding citizens under the jurisdiction of this Government, because the jurisdiction of the Federal Government was at that time full, ample, and complete in that portion of Tennessee, and these people were as much entitled to protection in their property rights as if they had lived north of the Ohio River.

Mr. HENDERSON, of Iowa. I have not been able to get a copy of the report, and I do not know that I understand the position of this claim. As I understand, under orders of the commanding officers at the point indicated parties who had been connected with raids or who were identified with treason at that point were fined. Was that the situation?

Mr. ENLOE. No, sir; the fact is this——

Mr. HENDERSON, of Iowa. Who were fined, and what for?

Mr. ENLOE. These citizens who lived in the vicinity of Henderson were fined for the reason that they lived in that vicinity.

Mr. ROWELL. Is that true, or is it not rather true that they were fined because they were active sympathizers with the Confederacy?

Mr. ENLOE. Of course almost every man in that country was in a certain sense a sympathizer with the Confederacy when the mass of the people there were engaged on that side of the conflict. But they were not active participants in the struggle in any way, and were not responsible for this raid which was made at Henderson.

Mr. HENDERSON, of Iowa. The assessments, then, were for the purpose of making the citizens join together to prevent raids?

Mr. ENLOE. For the purpose of making them use whatever influence they might have upon the regularly constituted authorities of the Confederacy to prevent further raids.

Mr. HENDERSON, of Iowa. And the parties who were fined or assessed for this purpose are now applicants for the restoration of the money?

Mr. ENLOE. They are applicants for the restoration of the money after reimbursing the Government for every dollar of loss which it sustained.

Mr. HENDERSON, of Iowa. What amount is embraced in the bill?

Mr. ENLOE. Twenty-two thousand two hundred and seventy-one dollars and seventy-six cents.

Mr. THOMAS, of Wisconsin. The gentleman will permit me to say—he will not dispute the statement, I suppose—that a little less than $10,000 has already been appropriated by Congress out of this money to a portion of these people for whose benefit it was assessed.

Mr. ENLOE. Now, in regard to that I want to make a statement. Aldridge and Patterson, two parties who claimed that they had sustained losses by the raid, that their cotton was destroyed, wanted the Government to stand in the attitude of insurer of their cotton against destruction by the Army. They came here to Congress making a claim upon this fund; and Congress did pass an act appropriating out of the Treasury (the act, I believe, does not recite that the appropriation is made out of this specific fund) about $7,000.

Mr. THOMAS, of Wisconsin. Nine thousand six hundred dollars.

Mr. ENLOE. No, sir; $7,795.08 was the amount actually paid to Aldridge and Patterson.

Mr. ROWELL. What amount does the bill cover?

Mr. ENLOE. Nine thousand six hundred and six dollars.

Mr. ROWELL. How came the deduction to be made? Was it not on account of some claim that the Government had against them?

Mr. ENLOE. I do not know.

Mr. ROWELL. Is not that true?

Mr. ENLOE. I do not know that it is.

Mr. ROWELL. The appropriation was $9,600, the exact amount of the assessment by Colonel Haynie's commission. Is not that true?

Mr. ENLOE. I am not aware that that is exactly correct. The exact amount appropriated was $9,606. But I will say this: If Congress decided that a portion of this fund belonged to those parties, it so decided in violation of the construction of that order placed upon it by General Grant and General Sullivan, and in violation of the rights of the parties to whom the remainder of this fund honestly belongs after paying the Government the loss it sustained by the raid.

Mr. HENDERSON, of Iowa. Are there contending interests in regard to this money?

Mr. ENLOE. There is one gentleman who has been making a claim here; I do not know whether he has presented his claim during this Congress or not, but he heretofore presented a claim. I suppose he has abandoned it because he was discredited by the testimony of Col. Fielding Hurst, who commanded the Federal troops raised in that country, and who said that he never was the owner of as much as 10 bales of cotton at any one time during the war.

Mr. ROWELL. When did he say that? Where is the evidence?

Mr. ENLOE. I will furnish the gentleman the evidence. I will, if it is desired, read the statement that Colonel Hurst made in regard to this matter.

Mr. CATCHINGS. Is there any report or order designating the persons whose property was destroyed and for whose benefit the assessment was claimed to be made?

Mr. ENLOE. Yes, sir; the list of names is set out in the proof on file in the case, and the amount paid by each one. This bill simply proposes to pay back to them, pro rata, the amount collected from them.

Mr. HENDERSON, of Iowa. Is the original order, under which the assessment was made, very lengthy? If not, I would be glad to have my friend read it so that we may know the basis of this matter.

Mr. ROWELL. The commission found the name of each person who suffered damage, and the exact amount of the damage.

Mr. ENLOE. Here is a list of the names; and here is a copy of the receipts. I will publish with my remarks, if gentlemen desire it, a statement showing how this order read, and the number of parties embraced in it. But that is all set forth in the evidence, and it would unnecessarily encumber the record. I have not time to go into that further at this time.

Mr. CATCHINGS. Was this inquiry into the amount of the damage, and who sustained it, made prior to the order of assessment?

Mr. ENLOE. This board that made the investigation as to the losses sustained acted under Colonel Haynie's order. As I have stated, Colonel Haynie had the board make an assessment of the amount of damages sustained, and to report by whom sustained.

Mr. CATCHINGS. Then this assessment was made to cover the amount embraced in the prior report?

Mr. ENLOE. It was made to cover the full amount of the value of all property destroyed, though as General Meigs has said, the assessment was in excess of the amount contemplated by General Grant or his order.

Mr. ROWELL. That is not all. The full amount was not in the first instance collected, and a second assessment was made.

Mr. ENLOE. And General Grant and General Sullivan, who were the commanding officers, decided that the order did not contemplate the payment of private parties for property destroyed.

Mr. ROWELL. When did they so decide?

Mr. ENLOE. Upon the application of Aldridge and Patterson for a part of this fund General Grant so decided, and General Meigs stated that the money could not be paid to them.

Mr. ROWELL. Simply because it had been turned into the Treasury of the United States.

Mr. ENLOE. This was not stated as the reason. More than that, it seems to me that if the commanding officer did not understand his own order, it is a very late day for gentlemen to come here to put a new interpretation upon it.

Mr. THOMAS, of Wisconsin. Can you find in the War Department or elsewhere any order signed by General Grant to that effect?

Mr. ENLOE. No, sir; but I find that Colonel Hillyer and General Sullivan and General Meigs make the statement, that this was the construction that General Grant placed upon his order.

Mr. THOMAS, of Wisconsin. One other question, and I will not trouble the gentleman further. Is it not a fact that General Badeau stated in 1866 that General Grant did not construe the order, but said the money should go to the payment of these men for whose benefit it had been assessed?

Mr. ENLOE. That was a mere voluntary statement of General Badeau as to a matter upon which General Grant had previously spoken himself, and those associated with General Grant at the time of the occurrence discredit the authority of General Badeau to speak for General Grant. They placed upon the order at the time the construction I have stated.

Mr. THOMAS, of Wisconsin. No, sir——

Mr. ENLOE. I decline to be interrupted further.

I want to say that those citizens, the claimants in this bill, were not engaged in any way in promoting the rebellion at the time this transaction occurred. A great many of them were not even connected by relationship with the army in any way. They simply happened to reside in that portion of the country, and to have some property; and on account of their residence in that vicinity the assessment was levied. I suppose if the matter had occurred in any other neighborhood the citizens of that neighborhood would have been treated in exactly the same way. These people have been faithful, law-abiding, loyal citizens from the time that the army went into that country. They have renewed their allegiance to the Government, and were at that time, and have been from that time, loyal to the Government. They have been looking forward to the payment of this claim. They believe it is right and just.

There is no man in my section of country, Democrat, Republican, white man or black man, who does not believe that the Government has done a great wrong to these people in withholding this money. If my district had been represented in this Congress by a Republican instead of a Democrat, my competitor in the canvass, occupying on this question exactly the same ground that I do, he would have been here advocating this measure, because it is recognized as a simple act of justice.

I do not think it right at this late day for gentlemen to undertake to prevent the payment of a just claim by appealing to war prejudice. I do not think it right in any citizen, I do not care whether he be a Democrat or a Republican, to come before Congress or to go before the country and undertake to obstruct the passage of a just claim by appealing to the prejudices of the war.

In behalf of those people, I want to say that most of them are broken up, so far as worldly circumstances are concerned. Some of them are almost in absolute poverty; and this small sum of money which the Government wrongfully withholds from them, if it were paid over to them, would be of great help to them in their necessities. I hope, Mr. Chairman, the bill will be passed. [Cries of "Vote!"]

Mr. WILSON, of Minnesota. I should like my friend from Tennessee to answer me this question: Wherein this in principle differs from the order of the President of the United States emancipating the slaves, or from any other act in aid of putting down the rebellion?

Mr. ENLOE. I wish to state to the gentleman from Minnesota that that is an entirely different matter.

Mr. WILSON, of Minnesota. In principle wherein does it differ?

Mr. ENLOE. In principle it differs in this respect. This assessment was not levied for the purpose of punishing these citizens. It was not levied for the purpose of putting money into the Treasury of the United States. It was levied for a specific purpose. What was that purpose? It was not levied entirely for the purpose of paying losses sustained by the Government, but mainly for the purpose of holding it as an indemnity in order to prevent, as he states, Confederate troops in the future from making raids into that country.

As I stated awhile ago to the gentleman from Illinois, General Sullivan took this money and kept it for the purpose which I have stated, intending all the time that it should be returned to these citizens. It is now proposed in accordance with that intention on the part of General Sullivan to return this money to the parties to whom it belongs.

Mr. LANHAM obtained the floor.

Mr. ROWELL. I desire to make a statement.

Mr. LANHAM. How long does the gentleman desire?

Mr. ROWELL. I will not occupy longer than five or ten minutes.

Mr. LANHAM. My desire is to get through with the discussion of this bill so we may get to some other business upon the Calendar.

Mr. ROWELL. I will not occupy the floor but for ten or fifteen minutes at the furthest.

The CHAIRMAN. The gentleman will proceed.

Mr. ROWELL. It would seem, Mr. Chairman, from the argument which has been made to-day that we are not to be permitted to resist the application for the payment of the damages and ravages of war without being accused of a desire to stir up the animosities which had their birth in that rebellion. Of course if we pass this bill then we might as well pass a general bill at once in the interest of harmony and good will and peace, and shaking hands across the bloody chasm, in order to indemnify the whole South for the past.

Now, I do not oppose this bill as a partisan. I oppose it with intimate, personal knowledge of the relations between the Army and the citizens of West Tennessee at the time this assessment was made. This assessment, we are told by the gentleman from Tennessee [Mr. ENLOE], was made according to the testimony of General Sullivan, taken years after the war had closed, as to his secret intention, given when the war was all over, that the money was to be returned to the parties from whom it was taken. Now, this order was issued by Colonel Haynie, commander of the post, in pursuance of a liberty given in general army orders. It was definite and specific. It was for the purpose of indemnifying the United States and individual sufferers. It was an effective order, just the same as when bonds were required to be given by neighboring prominent residents, which I carried out in Jackson, was an effective method of preventing raids and damages being done the property of private citizens.

This order was issued for that purpose. This method was taken. Either or both methods proved effective in accomplishing the purpose. This order ended the raids within 60 miles. It prevented a continuance of like damages occurring in West Tennessee on the part of men in citizens' clothes, giving out they had abandoned the cause, and who, when they got together and were ready to go back to the army, rushed into the towns and destroyed the property of the citizens.

I do not know this particular damage at Henderson was of that kind, but we know that within 50 miles these raids were being made and property was being destroyed. It was at a time when the Union Army had absolute control of West Tennessee. There was no organized rebel army near it. The railroads were being operated and business was being carried on when this damage was done.

Colonel Haynie assessed the damage. What for? To reimburse the United States and to reimburse the individuals who were injured in their property. He called a military commission, and that commission sat to ascertain the ownership of the property which had been destroyed and the value of that property and the value of the United States property which had been destroyed. The sons of these rebel sympathizers were in the army. The assessment was made. When it was collected some of the parties got out of the way and went South, so that the money assessed on them could not be collected. A reassessment was then made and the money was collected and turned over to the proper officers of the United States Army, who placed it in the Treasury of the United States. Everybody knows when it got into the Treasury of the United States it could not be gotten out except by an appropriation, and that is all there is of the matter.

Mr. WASHINGTON. Will the gentleman allow me a question?

Mr. ROWELL. Certainly.

Mr. WASHINGTON. I merely want the gentleman to throw light upon this point, and I ask him for information. You say this money was turned into the Treasury by these officers who collected it?

Mr. ROWELL. Yes, sir.

Mr. WASHINGTON. Now, if they had a right to assess and collect this money upon innocent parties for the purpose of reimbursing those whose property, in the amounts stated, they alleged had been destroyed, then had they not an equal right to reimburse with the money so assessed and collected the persons for whose benefit it was collected, instead of placing it in the Treasury?

Mr. ROWELL. No, I think not. Ordinarily quartermasters in the Army receiving funds in this way and who are obliged to account for them would be very likely to turn them over in the first instance to the Treasury of the United States in order to get credits, because they had no authority to disburse money except in pursuance of law; and there would be no return of what he did with the money, or any vouchers for it, unless it passed through the regular channels. Colonel Haynie went out of command; General Sullivan went out of command; and the regulations of war required that this money should be paid out in accordance with the appropriations fixed by law.

Mr. WASHINGTON. Permit me to interrupt again, simply for the purpose of getting information from the gentleman. These parties who lost their property made application to Colonel Haynie for relief, and he levied an assessment upon innocent persons to make good the damage——

Mr. ROWELL. There is a difference of opinion on that point. I say "guilty" parties.

Mr. WASHINGTON. Well, assume that they were guilty parties, then. It was not charged that they were the parties who destroyed the property. But assume that they were guilty parties in the sense that the gentleman means. That levy was made on the property of men who were accounted as rebel sympathizers by Colonel Haynie for the purpose of reimbursing loyal parties whose property was alleged to have been destroyed. Now, I ask this question: If he had the right to levy an assessment on all disloyal persons living in that neighborhood for the purpose of reimbursing those who had lost their property, or to compensate for property that had been destroyed, how would he have violated any law if he had carried out the purpose of his order of

assessment to its legitimate conclusion and reimbursed the parties who alleged that their property had been destroyed to the amount of the assessment?

Mr. ROWELL. If the money had come into Colonel Haynie's hands I am ready to venture any prediction that it would have been so paid.

Mr. WASHINGTON. Well, take his officers acting under his orders. It went into their hands.

Mr. ROWELL. But he was the commanding officer and not the disbursing officer, and the money did not come into his hands.

There is no particle of evidence in the world that General Grant did not understand that the money was to go to the parties for whose benefit it was to be assessed.

Mr. CATCHINGS. Why has not the money been paid to these people?

Mr. ROWELL. It got into the Treasury, and subsequently a bill came into the House for the benefit of one of the parties for whose benefit the assessment was made, and the sum of $9,600 was claimed by him. The bill promptly passed, and was signed by General Grant, and the money paid over, less some small amount that I believe the Government had as a counter claim against him.

Mr. WILSON, of Minnesota. In other words, this money was paid in pursuance of the purpose for which it was originally taken?

Mr. ROWELL. Yes, it went to one of those persons for damages to his property.

Subsequently these parties came to the Forty-fifth Congress or the Forty-sixth Congress and a report was made in favor of paying them them back. In the Forty-eighth Congress there was a report in favor of paying $12,000, the remainder on hand, to these parties, and against paying the persons for whom the present bill was framed. But here comes in a report now that carefully avoids saying a word about the fact that $9,600 of the original assessment had been already paid out of the Treasury to one of the parties for whose benefit it was levied.

I was a member of the Committee on War Claims of the Forty-eighth Congress and thoroughly investigated the matter, the committee of that Congress reporting unanimously against the present bill and in favor of paying the $12,000 to the parties for whose benefit it was levied.

Now, it is a simple question of inference that General Sullivan was afterwards induced to say that in his secret thought he had a different intention from what the written order meant in making that assessment. It was an effective order——

Mr. ENLOE. Will the gentleman permit an interruption?

Mr. ROWELL. Certainly.

Mr. ENLOE. I want to interrupt the gentleman for a moment to make a statement in regard to the character of the claimants to whom he refers, and the character of the citizens upon whose property the assessments were levied. I want to introduce in this connection, as a witness, Col. Fielding Hurst, who raised a Federal regiment in Tennessee and served in the Army. He says:

> I have been familiarly acquainted with the claimants for more than forty years, and I know them to be honorable, just, and good men, who were at home in the peaceful pursuits of life when the assessments and collections were made. I know of no gentleman whose character for goodness is better than that of the claimants.

Further he says:

> I think they are as justly entitled to that money as I am to reap the reward of my daily labor.

I especially call the attention of the committee and of the gentleman from Illinois to the statement of Colonel Hurst with reference to Willis N. Arnold, who made some claim before the Forty-eighth Congress. He says:

> Again, as to Willis N. Arnold, who interposed some objection to the relief sought by the claimants, and setting up some sort of claim to the money as having been collected for his benefit. I must say that Mr. Arnold was a very poor man at the commencement of the war in 1861. He certainly had no money to pay for cotton or to enter into any other speculation upon. He was esteemed a villain and an outlaw before the war, and he was in our county jail for prosecuting false claims against the Government before the war. I think he begged and paid out some two years before the war commenced, and was living on a poor and very small farm in Henderson County, adjoining this. As to his loyalty, it was manifest as being what I call a "camp follower" and a thief, who ran the blockade and dealt in cotton and Confederate money in a small way.

That is the character of the man who comes and makes a claim in his own behalf, trying to defeat the just payment of citizens that Colonel Hurst, the Federal commander in that country, speaks of in such high terms, and surely if any one had prejudice against them he would have, but he says they were at home engaged in peaceful pursuits and they are entitled to this money.

Mr. ROWELL. I do not know of any reason in the world why a liar is not entitled to make his claim, or that an honest man is entitled to deny it to him. I do not know who Arnold was, but I do know Colonel Hurst. A man in Mississippi was reported to be not only a rebel, but that he never owned a dollar in the world, and yet the man owned a large plantation, was a pensioner of the Government, and a loyal man, and Colonel Hurst wrote and said all sorts of hard things about him, but subsequently wrote that he had the names mixed, and had got the wrong man.

Mr. ENLOE. I am not here to defend the character of Colonel Hurst, but his character stands before the people of that country a great deal better than Mr. Arnold's, whose testimony is impeached.

Mr. ROWELL. I have made no attack upon Colonel Hurst. I admire the courage of the man and his loyalty in maintaining his convictions in the midst of rebels. I was only saying that he was a man of haste, a man who sometimes said things hastily, and he was used to say very saucy things against a man when he thought he had occasion.

Mr. ENLOE. If you had known Colonel Hurst as well as those living in that country you would not doubt his loyalty or his veracity. Colonel Hurst's word, as far as that is concerned, should be taken as against Arnold. I say that Colonel Hurst made a mistake in the instance mentioned.

Mr. ROWELL. I repeat again that I have not attacked Colonel Hurst. I admire him more than those gentlemen who are now seeking to get this money from the Government. He did fight bravely for the Union, and he was not afraid to maintain his sentiments in the midst of rebels. I only said that he was liable to make mistakes.

You say this man is loyal, having a just claim against the Government. Does it operate against him because he is a liar? You say that these men are not rebel sympathizers, so found by the military officers in command there. And this man Arnold had cotton and other property destroyed, so far as has been found by the military commission.

Mr. ENLOE. Upon his own testimony.

Mr. ROWELL. They found the fact; I do not know upon whose testimony.

Mr. ENLOE. I want to say to the gentleman, as far as that is concerned, that Colonel Hurst did not make this as a hasty statement, but made it under oath. That is his sworn testimony.

Mr. ROWELL. Of course it is.

Mr. ENLOE. He did not make it hastily.

Mr. ROWELL. Did it make any difference because these men are good men? Why, the rebel army was full of good men. What I say is that these men were giving aid and comfort and sympathy to the enemies of the United States. Does that make any difference in the character of this claim? I say that you have undertaken to change the issue upon character, when the issue has been upon the principles of law.

Mr. ENLOE. I say that the gentleman is not as good a witness to men's character in that country as the officer commanding the Federal forces there at that time.

Mr. ROWELL. But he did not command a regiment around Henderson. Colonel Hainey, of Illinois, whom I loved in his life-time, was in command there. No better or braver soldier ever marched to a field of battle from my State than Colonel Haynie. These facts were found by the commission, and the question is not whether good men should be paid, but whether we shall repay money collected in pursuance of an order legally issued in pursuance of the policy used in the suppression of the rebellion, and in pursuance of the war power conceded by all nations. This money was collected to reimburse parties for damage done in order that that sort of damage might cease. It was a most effective remedy, and it is a question whether or not at this late day the Congress of the United States is going to restore that money so collected. The men who were under bonds in West Tennessee were made liable if future raids were made, and their money would have been collected, not in a court, but by military authority in pursuance of military right, and that money, had it been collected, would have been liable to be paid back just the same as this is.

The Union Army pursued another policy. They determined to live off the country in certain of their movements for the purpose of more quickly and more certainly suppressing the rebellion, and we are now to pay the enemies of the country for the provisions seized, the horses, mules, and cotton seized in pursuance of that policy, when the people from whom they were taken were giving aid and comfort to the enemy! I declare my belief that there never has been a claim before Congress so far reaching in its effects as a precedent as this one, and I shall oppose it.

Mr. THOMAS, of Wisconsin. I want to occupy only a few minutes; not to make an argument, but to read one or two things that may be found in the laws of the United States and in the records of Congress. An act of Congress approved March 3, 1875, provides as follows:

> That the Secretary of the Treasury be, and is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to John Aldridge, of McNairy County, Tennessee, such sums, not exceeding $9,600, as the Secretary may deem reasonable, from money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tenn., to make repayment for the destruction of cotton, the property of said Aldridge; the sum paid to be charged to the account of captured and abandoned property.

That shows that $9,600 of this money has been already appropriated to the purpose for which it was assessed.

Now, Mr. Chairman, a Democratic committee of the Forty-eighth Congress examined all the facts in this case, and made a report, from which I will read. A letter was written by one Arnold to General Grant, and it was answered by General Grant through General Badeau, then a member of his staff.

But let me say right here that there is not extant an order of General Grant, or of any aid of his, or of any competent authority, stating that this money was to be repaid to the persons from whom it was assessed. General Grant, through General Badeau, wrote to Arnold in 1866 as follows:

> In reply to your communication of June 11, addressed to Lieutenant-General Grant, and requesting that you as a loyal citizen might be remunerated for

losses sustained by you at the burning of Henderson, Tenn., General Grant directs me to inform you that an assessment was made by General Sullivan by his orders upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since General Sullivan has been mustered out of the service he has informed General Grant that a certain amount of such assessment remains in his hands.

General Grant advised General Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected.

The committee therefore find that the record clearly establishes the fact that loyal citizens were molested, that their property was destroyed, that its value was adjudged by a proper military commission, that assessments were made on disloyal persons to reimburse their loss, that the money was collected, that it was turned into the Treasury to be devoted to the uses for which it was collected, and that the said money is now in the Treasury, less the amount payable to Aldridge, and that there is no legal or equitable right in the claimants mentioned in the bill [this bill] to any part of said fund; but that, having been assessed and collected for a special purpose, it should be devoted to that use or held in the Treasury as an indemnity to the United States.

Now, sir, it is inconceivable to me that a unanimous report of a Democratic committee denying that General Grant ever made any such order as is alleged here can be a mistake, and if it is not a mistake these men certainly have no claim.

Mr. LANHAM. In the interest of other business on the Calendar, I ask unanimous consent that debate be now closed on this bill.

Mr. WILSON, of Minnesota. I want to occupy a few minutes.

Mr. LANHAM. Then, I ask unanimous consent that all debate on this bill be limited to five minutes.

Mr. WILSON, of Minnesota. I can not agree to that, but I do not think I shall occupy over ten minutes.

Mr. LANHAM. Say ten minutes, then.

Mr. BURROWS. Let the gentleman from Minnesota have fifteen minutes.

Mr. WILSON, of Minnesota. I do not think I shall take over ten minutes, and I may not occupy more than five minutes.

Mr. ENLOE. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee has thirty-five minutes.

Mr. ENLOE. Then I yield to the gentleman from Minnesota [Mr. WILSON] ten minutes of my time.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] asks unanimous consent that all debate on this bill be limited to ten minutes.

Mr. ENLOE. I want to reserve the balance of my time. I am willing to agree to a limitation, but I do not want to give all the time to the other side. They have had an hour and I have had only twenty-five minutes. I want to reserve fifteen minutes of my time, and let the gentleman from Minnesota [Mr. WILSON] take fifteen minutes.

Mr. WILSON, of Minnesota. Mr. Chairman, if I felt there was a legal basis for this claim, and that it would not establish a precedent that would be dangerous, I might vote for it. But I think its allowance would be a precedent both dangerous and far-reaching. I therefore deem it my duty to oppose it, and I wish to state in the briefest manner the grounds of my opposition.

As I understand it, there is one principle of law which has been settled beyond all question, to wit: That it is within the competency of a military commander, by way of reprisal for something that has been done, for the purpose of preventing predatory incursions in the future, or for any like reason, to make an order such as was made in this case, levying contributions on the people of a hostile community. This is well settled and affirmed by all writers on the laws of war.

That this was the nature of that order is proved by the language of the order itself. It is in language so clear that its meaning is unmistakable.

It is said by my friend from Tennessee [Mr. ENLOE] that General Grant declared that he did not give to that order this meaning. But on the other hand it is affirmed, and seems to be proven by the testimony of a man close to General Grant, General Badeau, that General Grant did not mean to say any such thing as it is affirmed he said; but on the contrary, that he meant just exactly what this order says. Therefore the evidence is *in equilibrio* at least, and we must take the order as it stands, giving full force to its language.

The question is, therefore, when an order such as this is made and the money is collected on what principle shall the Government be required to pay it back? I asked my friend from Tennessee to tell me wherein this principle is different from the order or proclamation issued by President Lincoln emancipating the slaves? Was each not issued for the purpose of weakening the enemy and of putting down the rebellion? To that question the gentleman undertook to make an answer, which, however, to my mind, is not satisfactory. Each was, I think, a legitimate exercise of the war power.

I think they stand, Mr. Chairman, upon the same legal proposition, namely, that the commanding general has the right to make such order and to do such acts as will weaken or destroy his adversary or strengthen himself. This is the law of war. In times of war the laws made for our guidance or government in times of peace are silent. In war the protection of the people—the defense of the Government against its enemies—is the supreme law.

If we admit liability in a case like this, we shall make a precedent, Mr. Chairman, that will rise to torment us in the future. Such a precedent is not to be tolerated and can not be justified either upon grounds of public policy or upon any legal principle.

These are the grounds of my opposition to this bill, and for these reasons I wish to say that I shall vote against not only this bill, but all bills of a like nature; as I stated a few days ago on the discussion of a bill to pay for cotton used by the Union Army for breastworks at Nashville. I stated in that case that there was no legal liability on the part of the Government, and that I thought due regard to public policy dictated that we should not by our action in Congress create or acknowledge any such liability.

Mr. WASHINGTON. Is there not a great difference between the return of an assessment of money like this and the destruction of private property for war purposes?

Mr. WILSON, of Minnesota. They both stand on precisely the same principle—an exercise of the war power. If there is any difference it is a difference in circumstances and not in principle.

We must look at the principle that underlies these cases and not at minute and unimportant differences that do not affect the principle. The same rule and reason that would tolerate the using of cotton as a defense or breastwork would tolerate its destruction if necessary, and would sanction that which was done in this case. They stand upon the same reason that sanctions the destruction of property to prevent the spread of a conflagration, the public safety, as I have said, being in all such cases the supreme law.

In this case the facts are that in 1862 a party of rebels made a raid upon a small force of Union troops stationed at Henderson, Tenn. The raiding party captured the Union troops, with their arms and camp equipages, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water-tanks of the railroad company. Thereupon Colonel Haynie, the commandant of the Union forces at the post of Bethel, Tenn., appointed a board of officers to investigate the losses and appraise the damages, with a view to assessment by way of reprisal upon the rebel sympathizers about Henderson. The board so appointed assessed the value of the property destroyed at $26,751.36.

Upon this report Colonel Haynie ordered the assessment of the amount to be levied upon the rebel sympathizers in and above Henderson; and the sum was collected of them. All this, as I have above said, the military commandant had a right to do according to the laws of war, either by way of punishing the enemy for what they had done or of strengthening himself by deterring them from such depredations in the future.

Mr. ENLOE. I now yield ten minutes to my colleague from Tennessee [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I am the last man in the world who wants a claim to be paid to anybody who was disloyal; and if I thought the property of the people of my State had been taken under authority of any law, and rightfully taken, I would be the last man to vote to reimburse them or turn the fund back to them after it had been taken.

I do not think that the rebels of my State were any worse than the rebels of any other State. I know they were bad enough, and God knows they were; but because some fool rebel down in Middle Tennessee, with a handful of sympathizers, thought he could conquer the great Union Army and establish the Southern Confederacy by making this raid on the town of Henderson and burning up the property of some loyal men down there, some cotton and military supplies, is no just reason why the peaceable people of that locality who were rebel sympathizers, and with whom I differed as widely as with any people in the world, should have an assessment made upon their property to the extent of $26,000 for the purpose of reimbursing men claiming to be loyal and Union people for property that was destroyed.

Now, by virtue of what authority was that assessment upon their property made? The commanding general had no right to assess the rebels of the country for so much money to pay for property that some raider had destroyed of a Union man. Congress had passed no statute to confiscate the property of rebels in any one of the States or in our State. It was an act of confiscation that was unauthorized either by the Commander-in-Chief of the Army or under any law. It was a tort, a wrong that can not be justified by an appeal to any law in this country; and if that money is in the Treasury, as it is, beyond all question, but ought to have been paid out, as my colleague suggested in his question to the gentleman from Illinois, to the parties who claimed it, or their representatives, their receipts would have been as good vouchers in the hands of the quartermaster as the receipts from the Treasury Department after he had turned it in there.

But, I repeat, it went into the Treasury without any authority of law. It is there to-day, and who has a better claim or right to it than the people who paid it under this unlawful and forced assessment, unauthorized either by the military commander or by any act of Congress?

Mr. THOMAS, of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. BUTLER. Most assuredly.

Mr. THOMAS, of Wisconsin. Does the gentleman say it was an unlawful and unauthorized assessment?

Mr. BUTLER. I do.

Mr. THOMAS, of Wisconsin. You differ from the committee who make the report in that respect.

Mr. BUTLER. That may be, but I think not.

Mr. THOMAS, of Wisconsin. If the gentleman will permit me, I will read an extract from the report:

The right of the military commandant in time of war to order and enforce assessments——

Mr. BUTLER. I do not care if a dozen committees said it. I can not yield to the gentleman, for I do not propose to occupy but a short time. No military commander has any right, in the absence of the law, to make an assessment upon the citizens of the country for anything outside of the mere question of supplies to sustain and support the Army, or for transportation to transport the Army, but not for the purpose of reimbursing citizens for damages done to their property. That is a legal question with which the military commandant has nothing to do. It is a question for the civil authorities. Why, General Grant did not recognize this authority claimed by Colonel Haynie, according to the report of the committee. He ignored it; and because he was the military commander in command at the place where these stores and supplies were destroyed would that give him authority to sit in judgment upon the people and say: "Now, I will take the statement of these men who said their property was destroyed. I will ask them how much was destroyed; what was the value of their peoperty. I will be governed entirely by what they say. That is sufficient evidence for me."

Why, one of these people, a man named Willis Arnold, says it is $6,000 or $9,000. Colonel Hurst, whom I knew as well as I knew any man in the world, served with him in the Legislature, served with him in the Army side by side, says he was absolutely unworthy of belief. That is the character of argument and the character of testimony on which a demand is based to refuse payment of these moneys illegally extorted from the people there.

If it was right to make an assessment upon the people of West Tennessee it would have been right to make an assessment upon the people all through the country. Where is the law that authorized such a proceeding? Why, there were thousands of cases in all parts of the Southern States where the commanders would have hesitated a long time before taking the statements of Tom, Dick, or Harry as to their losses and assess it upon the people of the country for the purpose of reimbursing such losses. Some of them were unable to meet the assessments in the case at Henderson, and those who were able were forced to make up the difference. Another commander came along and forced them to make it up. Where would it stop if you admit such authority?

Mr. Chairman, I do not know of any better way to reduce the "surplus" than to pay it back honestly to the people to whom it belongs. It seems to me it is better to do that than to take it away from the people by crippling the industries of the country and making beggars of them all.

Mr. WILSON, of Minnesota. Do you think it better to do that—to lower taxation? Better pay it than lower the taxes?

Mr. BUTLER. Better pay it than lower the taxes, and lower the wages, and destroy the industries of this country. You had better take this money out of the Treasury and give it to the rebels. I had rather see that they had it than to see that such claims as this should not be paid.

Mr. HOVEY. I think we had better give it to loyal men.

Mr. BUTLER. Pay every loyal claim, pay every one of them, for all the damage they sustained. I will go as far as the farthest, and no man on this floor is more ultra than I am in protecting the Government from unjust claims, but do not go and collect money without authority of law. According to this testimony these parties were at home attending to their own business. They might have sympathies for the rebellion, though it was a mistaken judgment. Will you go through the country and take the money of men in this way and keep it in the Treasury when it should be returned?

Mr. ENLOE. I want to call the attention of this House to a report made in both branches of Congress by the Committee on War Claims. It covers the whole question. The gentleman from Minnesota seems to have some legal difficulty in the matter. In the Forty-sixth Congress, in a report on this claim in the Senate, the law is stated as follows:

This committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected, $23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, $4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburgh without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortuous act. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them ($22,271.26) in excess of the requirements of General Grant is valid, and that the Government ought in right to refund the same, and report herewith a bill redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them respectively, and recommend its passage.

And now, sir, there is a provision in the Constitution which, it seems to me, ought to have protected and did protect these citizens at that time under the jurisdiction of the Federal Government. These men had no doubt taken the oath to support the Federal Government, and if they were keeping that oath it entitled them to protection in their property under that provision of the Constitution which says no person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Now, as to the purpose of taking this property, I want to read the sworn testimony of General Sullivan in the case. He was the commanding officer and the man who had this assessment made. Here is his testimony in full:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Jeremiah C. Sullivan, being duly sworn, deposes and says as follows, to wit:

I am the General J. C. Sullivan who was in command of the Department of West Tennessee when Special Order No. 15, December 12, 1862, was issued. I believed that by issuing that order guerrilla raids upon my depots and outposts would be checked. During the command of my predecessor great annoyance had been caused by such raids. Upon investigation I found that such raids were made by young men who, leaving the rebel army on furlough, would visit their homes within my lines. After they had recruited their health and horses, gathering at some selected point, they would make a dash on some outpost or depot, and securing the spoil and destroying the property, gallop off to the army. An attack of this kind was made shortly after I took command. I did not have force enough to establish a guard in each town or at each cross-road.

I reasoned that the best way to check these raids was as far as possible to make the parents or prominent people near where these raids took place responsible for the good behavior of these young men when they came home. I did not believe that I could secure my object by imprisoning the parties referred to, knowing that the separation from their families and friends would embitter feelings I was anxious to allay, but I knew the love of money was all-powerful in the human breast, and that if I exacted such a penalty I would have ever present with them a powerful monitor to warn them against such future attacks. On or about the 25th day of November, 1862, a raid was made upon the post of Henderson, Tenn., resulting in the destruction of a large amount of property then at said post. Upon the report of the attack at headquarters I issued Order No. 15, a copy of which I have no doubt is on file among the papers of the claimants, who ask to be reimbursed the money paid by them under that order.

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them. A large number of the persons thus assessed consented to pay, and did in fact pay the amounts assessed upon them.

After so great a lapse of time, and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amount paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at St. Louis and placed on deposit under such circumstances, to the best of my recollection, as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and was placed on General Grant's staff.

Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believed could control and discourage future raids; such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton buyers against war risks.

What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued order No. 15 to prevent further raids by compelling the co-operation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion, the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

Cotton purchasers were not looked upon with favor in General Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

JEREMIAH C. SULLIVAN.

Subscribed and sworn to before me this 3d day of March, 1881.
[SEAL.] JOHN E. HARVILL, *Notary Public.*

Now, it seems to me that he states the question so that no fair-minded man can vote against this bill, and I ask that it be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was agreed to.

The CHAIRMAN. The question now is on laying the bill aside as amended, to be reported to the House with a recommendation that it do pass.

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. ENLOE. Division.

The House divided; and there were—ayes 35, noes 45.

Mr. ENLOE. I demand tellers.

The question was put on ordering tellers; but not a sufficient number voting in favor thereof, tellers were refused.

Mr. ENLOE. No quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Tennessee [Mr. ENLOE] and the gentleman from Illinois [Mr. ROWELL].

Mr. LANHAM. I do not think there is a quorum in the House, and I would prefer that the bill be withdrawn and let the business proceed.

Mr. ENLOE. As it is evident that there is not a quorum present in the House, I am perfectly willing that it should be passed over and retain its place on the Calendar.

The CHAIRMAN. If there be no objection, the bill will be passed over and retain its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM E. WOODBRIDGE.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk reported the title of the next bill, as follows:

A bill (H. R. 27) vesting the Court of Claims of the United States with jurisdiction to determine the rights of William E. Woodbridge to certain letters patent for a metallic sabot, and to render judgment in his favor for the use of the same by the Government during the war of 1861.

Mr. LANHAM. I ask unanimous consent that it be passed over and retain its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM D. WILSON.

The next business on the Private Calendar (consideration of which was asked by Mr. CATCHINGS) was the bill (H. R. 838) for the relief of William D. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Wilson, of Vicksburg, Miss., the sum of $1,200, the same to be in full compensation for rent and occupation of a brick building in Vicksburg, Miss., under express contract with the said William D. Wilson by the United States Army, during a part of the years 1864 and 1865.

Mr. CATCHINGS. I desire to offer the amendment to the bill which I send up to the Clerk's desk.

The Clerk read as follows:

Amend the title by inserting, after the word "of," the words "heirs of;" and in line 5, after the word "to," insert the words "heirs of."

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

LUKE REILLY.

The bill (H. R. 847) for the relief of Luke Reilly was passed over informally, retaining its place on the Calendar.

LUCIUS J. SEALS.

The bill (H. R. 5515) for the relief of Lucius J. Seals was passed over informally, retaining its place on the Calendar.

J. H. WEEKS.

The next business on the Private Calendar (called up for consideration by Mr. BRECKINRIDGE, of Kentucky) was the bill (H. R. 5516) for the relief of J. H. Weeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Weeks, of Fayette County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $2,880, being the value of quartermaster's stores taken from said John H. Weeks by the United States forces during the late war and appropriated to their use, as found by the Court of Claims.

Mr. BURROWS. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the findings of the Court of Claims in the case of John H. Weeks, report as follows:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case referred it to the Court of Claims for a finding of facts under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned to the Committee on War Claims by the Court of Claims with the following finding of facts:

"[Court of Claims. (Congressional case No. 103.) John H. Weeks *vs.* The United States, findings of fact. Filed January 17, 1887.]

"The claim in the above-entitled suit, having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 11th day of January, 1887, the court upon the proofs and evidence, after hearing Charles F. Benjamin, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

"I. The claimant, John H. Weeks and his partner Robert A. Long, during the period of the war were loyal to the Government of the United States.

"II. During the war the said parties were partners in the livery and feed-stable business in the town of Georgetown, Scott County, Kentucky. In the years 1862, 1863, and 1864, the provost-marshal of Scott County had a large number of horses and mules fed at the stable of said parties, said horses belonging to the Government of the United States, and were in the custody and control of said marshal for the purpose of being fed and prepared for active service after being rendered unfit for use by excessive labor. During said time the said parties kept and fed horses of Company B, Eighteenth Kentucky Infantry, mounted; also Captain Parker's company of the Twelfth Kentucky Cavalry; also Captain Chorn's company of the same regiment. The said parties were assured by said provost-marshal that the Government would pay them for feeding the horses of said commands and the horses kept by said marshal. They never received any pay for the same, so far as the proof indicates.

"The said parties dissolved partnership after the war, and the said Long assigned to the said Weeks all his interest in the claim against the United States, and does not now, as against said Weeks, own any interest in this claim. Commencing in July, 1862, and ending in the early part of 1864, the said parties kept at their stables at said place horses and mules, furnishing stabling and feed for the same; the feed furnished and care of the same were reasonably worth the sum of $2,880 (twenty-eight hundred and eighty dollars).

"By the Court.

"A true transcript of record. Test:

"This 3d day of February, A. D. 1887.

"[SEAL.] "JOHN RANDOLPH,

"*Assistant Clerk, Court of Claims.*"

Your committee, therefore, recommend the payment of the amount found due Mr. Weeks by said Court of Claims, and report herewith a bill for his relief and recommend its passage.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. ALLEN, of Michigan. I would like to know how much the committee know about the proofs in this case, either as to the loyalty of the claimant or as to the justice of the claim itself. Nobody has said a word about it. If the claim ought to be paid, we will pay it, but let us not pass the bill in this way without any explanation.

Mr. BRECKINRIDGE, of Kentucky. What has just been read is the finding of the judges of the Court of Claims.

Mr. ALLEN, of Michigan. I will ask the gentleman from Kentucky [Mr. BRECKINRIDGE] whether he knows these parties personally.

Mr. BRECKINRIDGE, of Kentucky. I do, very well. I have known them thirty years.

Mr. ALLEN, of Michigan. And the statement that they were loyal during the war is true?

Mr. BRECKINRIDGE, of Kentucky. As to one of them. I think he was part of the time a member of the home guard. As to the other, he was an elderly man, and both of them were always known as Union men, members of the Union party.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REV. WILLIAM GREGSTON.

The next business on the Private Calendar (called up for consideration by Mr. STONE, of Kentucky) was the bill (H. R. 10481) for the relief of Rev. William Gregston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be and he is hereby, authorized and directed to pay Rev. William Gregston, of Caldwell County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $150, being for a horse taken from him by the Army of the United States during the late war.

Mr. BREWER. Let us have the report read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7571) for the relief of Rev. William Gregston, report as follows:

The claim is for a horse taken from the claimant by the Army of the United States during the late war.

The proof filed in support of the claim shows that United States troops took from the claimant in 1864 one sorrel horse, of the value of $150, and that he has not been paid for it. The claimant was a loyal citizen.

Your committee report herewith a substitute for the bill and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NORFOLK COUNTY FERRY COMPANY, VIRGINIA.

The next business on the Private Calendar (called up for consideration by Mr. BOWDEN) was the bill (H. R. 5517) for the relief of the Norfolk County Ferry Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Norfolk County ferry committee, of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of $42,300, that being the amount collected by the Quartermaster's Department of the United States Army as tolls and ferriages for the transportation of civilians, their animals, and freights, for three years and eleven months, excepting eight days, beyond the current expenses and repairs of said ferry as found by the Court of Claims.

A MEMBER. Let the report be read.

Mr. BOWDEN. The report is quite long, and if the House will accept a statement I can in two minutes explain the facts in this case.

Mr. WHEELER. I think that will be much better than reading the report.

Mr. BOWDEN. The facts are that during the war the military authorities took possession of the ferry line plying between the cities of Norfolk and Portsmouth. It was operated under military control, civilians being employed in running it. The Government transported all its troops, munitions of war, etc., free, but, after paying all expenses, there was a net profit during the time the Government had the occupancy of the ferry of some $40,000 and odd, which was turned over to the United States Treasury.

Mr. WILSON, of Minnesota. What do you mean by "net profit?"

Mr. BOWDEN. After paying all the running expenses there was that profit left.

Mr. CHEADLE. From whom was this money received?

Mr. BOWDEN. From civilians, for the transportation of their persons and property. The Government got all its ferriage free of charge.

This bill does not take a dollar of United States money out of the Treasury. It merely returns the profit obtained by the Government, after paying the expenses of running the ferry. Another feature of the case is that this ferry belongs to the corporation of the city of Portsmouth and the county of Norfolk, and these funds will go to the support of the free schools of Norfolk County.

Mr. WILSON, of Minnesota. Do I understand that the Government ran this ferry, and collected toll?

Mr. BOWDEN. Yes, sir.

Mr. WILSON, of Minnesota. Collected toll of whom?

Mr. BOWDEN. Of civilians and everybody, except the Government, who used the ferry. The Government did all its business free, but it derived this amount of profit in the aggregate from other business.

Mr. ANDERSON, of Kansas. Has the case ever been to the Court of Claims?

Mr. BOWDEN. Yes; it has been to the Court of Claims and the court have determined the amount.

Mr. BURROWS. I do not know but that this claim is all right; probably it is; but I have had placed in my hands a communication in regard to it from the Quartermaster-General that I think had better be read. It gives a history of the matter, and I do not know but it establishes the claim, as I have not examined it fully, but I ask that it be read.

The Clerk proceeded to read the communication, as follows:

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., December 29, 1865.

GENERAL: I have the honor to state that the ferry between Norfolk and Portsmouth, Va., known as the Norfolk County Ferry has been run by the United States since the occupation of those cities by our forces in May, 1862, its use being necessary for Government purposes during that time, and the property being abandoned by reason of the inability of the corporation to keep it in operation. It was first run under the direction of Capt. T. A. P. Champlin, commissary subsistence and acting assistant quartermaster, next under Capt. Edwin Ludlow, assistant quartermaster, then by Capt. H. E. Goodwin, assistant quartermaster, to the 1st of February, 1864, up to which time I am informed the employés were paid from the proceeds of the ferry. Captain Goodwin was relieved on the 1st of February, 1864, by Capt. Nelson Plato, assistant quartermaster, who took up the employés on his report of persons, etc., and credited the amount received on his account current.

Major Plato was relieved from duty at Norfolk in October, 1864, by Capt. A. P. Blunt, assistant quartermaster, and I am unable to procure any record of the expenses incurred or the amount received from the ferry during Major Plato's period of service there.

The amount of cash received from the time Captain Blunt took charge (October 1, 1864) up to the 15th of November, 1865, was $28,207.66; the amount of Government ferriage during that period is estimated at about $30,000; making a gross receipt of $58,207.66.

The expenses of running the ferry for the same period, including wages of employés, cost of repairs, and supplies, is $73,544.35, leaving a deficiency of $15,336.69.

The ferry was ordered turned over to the corporation in the spring of 1865 by General Graham, then commanding at Norfolk, but they expressed their inability to take charge of it, and it is still held by the Government, in consequence of this inability on the part of the corporation.

The corporation has now applied to have the ferry turned over and to leave all differences to be hereafter adjusted, which means, as I am unofficially informed, that it is the intention of the corporation to bring a claim against the Government for the use of the ferry property while in possession of the Government.

The expenses and earnings of the ferry property for the week commencing on the 8th and ending on the 14th instant are as follows:

Receipts from private sources	$714.65
Estimated value of Government service	216.35
Total	931.00
Cost of running the ferry for the week	574.00
	357.00

The boats are, with one exception, old and are continually getting out of repair, which will still keep the ferry in debt to the Government, and would respectfully recommend that it be turned over to the corporation, under a stipulation providing against the possibility of a claim being brought against the Government for its use or to the Treasury Department for final disposition.

Your instructions are respectfully requested at an early date.

I have the honor to be, general, very respectfully your obedient servant,

WM. L. JAMES,
Colonel and Chief Quartermaster, Department of Virginia.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Maj. Gen. M. C. MEIGS,
Quartermaster-General U. S. A., Washington, D. C.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 1, 1866.

SIR: I have the honor to transmit herewith letters of Col. W. L. James, chief quartermaster, Department of Virginia, and Capt. R. G. Staples, assistant quartermaster, relative to the Norfolk County ferry, between Norfolk and Portsmouth, Va.

This ferry has been run at Government expense since May, 1862, the corporation being unable to operate it.

The corporation now requests to have the ferry returned to them. Colonel James reports the boats belonging to it as old and continually getting out of repair, which keeps the ferry indebted to the Government.

In view of these facts, I respectfully recommend that authority be given this department to return the ferry to the company, providing the corporation and county make an agreement to bring no claim against the United States relating to the seizure of this ferry.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

[Special Orders No. 26.—Extract.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., January 31, 1866.

* * * * * * *

2. The ferry between Norfolk and Portsmouth, now in possession of the military authorities, is hereby ordered to be turned over to its owners, the county of Norfolk and the city of Portsmouth, provided, however, that all persons in the military service of the United States shall be allowed to cross upon the same free of charge.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Colonel JAMES.

[Special Orders No. 31—Extract.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., February 6, 1866.

* * * * * * *

2. Paragraph 2, of Special Orders No. 26, C. S., from these headquarters, ordering that the ferry between Norfolk and Portsmouth be turned over to the owners of the same, is so far modified as to direct that all animals, vehicles, and material belonging to the military service of the United States be permitted to cross the same free of charge.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 10, 1866.

COLONEL: In answer to your communication of December 29, 1865, relative to the Norfolk County Ferry, you are respectfully directed to act as follows:

Upon the corporation as county signing an agreement that they will bring no claim whatever against the United States relating to the seizure of this ferry, you are directed to return the same to its rightful owners or officers.

Very respectfully, your obedient servant,

GEO. D. WISE,
Brevet Brigadier-General and Quartermaster.

By order Quartermaster-General.

Col. WILLIAM L. JAMES,
Chief Quartermaster, Richmond, Va.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT VIRGINIA,
Richmond, Va., February 12, 1866.

Respectfully referred to Bvt. Col. A. P. Blunt, assistant quartermaster, with the information that I have consulted with the major-general commanding, on this subject, and he directs that such an agreement as is within extended shall be embodied in the papers turning over the ferry property in addition to the provisions of the special order issued from department headquarters relating thereto.

WM. L. JAMES,
Colonel and Chief Quartermaster.

The within is a true copy of the letter, etc.

WM. L. JAMES,
Chief Quartermaster.

[By telegraph from Fort Monroe, 1866.]

UNITED STATES MILITARY TELEGRAPH, *February 16, 1866.*

To Colonel JAMES:

The Norfolk County Ferry was turned over to the representatives, February 13.

I have shown Mr. Larett your communication received last evening.

He will call the committee together and will report their action as soon as possible.

A. P. BLUNT,
Brevet Colonel and Assistant Quartermaster.

A true copy.

W. L. JAMES,
Colonel and Chief Quartermaster.

[By telegraph from Fort Monroe, 1866.]

UNITED STATES MILITARY TELEGRAPH, *February 17, 1866.*

To Colonel JAMES, *Chief Quartermaster:*

The Norfolk County Ferry committee refused to accept the proposition of Quartermaster-General. What shall be done?

A. P. BLUNT,
Brevet Colonel and Assistant Quartermaster.

A true copy.

W. L. JAMES,
Colonel and Chief Quartermaster.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., February 17, 1866.

GENERAL: I have the honor to state that on the 13th instant the Norfolk County ferry was turned over to its corporation, in accordance with the order of the major-general commanding.

On the same day a letter was received by me from the Quartermaster-General, in reply to my letter of the 29th of November last, directing the ferry to be turned over to its owners on their agreeing to bring no claim against the Government for its use by the military authorities.

I consulted the major-general commanding on the subject, who directed me to telegraph Colonel Blunt at Fort Monroe to insert the agreement in the papers turning over the ferry, but the telegraph was not in working order that day and I transmitted the instructions by mail.

Colonel Blunt did not receive them in time, and the ferry company refuse to comply with his request to sign such an agreement.

I would therefore respectfully request that an order be issued placing the ferry again under the control of the military authorities unless the company shall agree to the arrangements ordered by the Quartermaster-General.

I have the honor to be, general, very respectfully, your obedient servant,

WM. L. JAMES,
Colonel and Chief Quartermaster.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Bvt. Brig. Gen. E. W. SMITH,
Assistant Adjutant General, Department Virginia.

[Special Orders No. 39—Extract.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., February 17, 1866.

* * * * * * *

3. The proprietors of the ferry between Norfolk and Portsmouth having re-

fused to accept the conditions prescribed by the Quartermaster-General upon which the ferry was to be turned over to them, per Special Orders No. 26, paragraph 2, current series, from these headquarters, directing said ferry to be turned over to the proprietors of the same is hereby revoked, and the Quartermaster's Department will resume possession and control of the same.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

A true copy.

WM. L. JAMES,
Colonel and Chief Quartermaster.

Colonel JAMES,
Chief Quartermaster.

WASHINGTON, D. C., 27 *March*, 1866.

SIR: In May, 1862, at the occupation of Norfolk and Portsmouth, Va., by the military of the United States, the ferry—Norfolk County Ferry—was taken charge of by the military, and has been held since that day by them.

The Norfolk County Ferry is a franchise or grant to the county of Norfolk. The county has had it for a number of years. The annual income, about ten or twelve thousand dollars, has been set apart for the support of our free or common school. This has been the direction of said fund. The military have received all profits from the day of its possession.

The county is now organized. It has requested a surrender of the ferry. The military hitherto propose that before said ferry shall be turned over to the proper civil authorities the said authorities shall enter into bond conditioned that the county will not hereafter set up any demand against the Government of the United States for the past use of said ferry by the military.

The county court, to whom the management of said ferry is by law committed, have refused to receive back the ferry upon such terms and conditions.

I refer the subject to your judgment, and have the honor to be, Mr. Secretary, your very obedient servant,

LEOPOLD C. P. COWPER,
Lieutenant-Governor of Virginia.

Hon. E. M. STANTON,
Secretary of War.

(Indorsements:) Virginia. Washington, D. C., March 27, 1836, Leopold C. P. Cowper, lieutenant-governor. Refers for decision of the Secretary of War case of the Norfolk County ferry, held by the military forces of the United States since the occupation of Norfolk, in May, 1862.

Respectfully returned to the Secretary of War, with report.

W. A. NICHOLS,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *April* 18, 1866.

Respectfully referred to Maj. Gen. A. H. Terry, commanding Department of Virginia, for report.

E. D. TOWNSEND,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *March* 31, 1866.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., April 3, 1866.

Respectfully referred to Col. William L. James, chief quartermaster, for report.

By command of Major-General Terry.

ED. W. SMITH,
Assistant Adjutant-General.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF VIRGINIA,
Richmond, Va., April 5, 1866.

Respectfully returned to Bvt. Brig. Gen. E. W. Smith, assistant adjutant-general Department of Virginia, and attention invited to inclosed copies of orders and correspondence on the subject.

The ferry was again taken possession of by the Quartermaster's Department, in compliance with Special Orders, No. 39, Current Series, from Department headquarters, and is still run by that department, in consequence of the refusal of the corporation to comply with the stipulations contained in the letter from the Quartermaster-General's Office of the 10th of February last.

WM. L. JAMES,
Colonel and Chief Quartermaster.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., April 9, 1866.

Respectfully returned to the Adjutant-General of the Army, and attention invited to the indorsement of Col. William L. James, chief quartermaster of this department and inclosed copies of correspondence.

JNO. W. TURNER,
Brevet Major-General Commanding.

Referred to the Quartermaster-General for report.

By order of the Secretary of War.

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

WAR DEPARTMENT, *April* 20, 1866.

HEADQUARTERS MILITARY DIVISION OF THE ATLANTIC,
Philadelphia, April 13, 1866.

Respectfully returned to the Adjutant-General of the Army.

The papers containing the decision of the honorable the Secretary of War in this case were received at these headquarters, and referred to the commanding officer, Department of Virginia, on the same day.

GEO. G. MEADE,
Major-General Commanding.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 28, 1866.

SIR: I have the honor to return herewith the papers in the case of the Norfolk Ferry Company which have been referred to this office for report.

I would respectfully invite attention to the report made by the Quartermaster-General March 31, 1866 (copy of which is inclosed), in which I recommend as the best solution of the present difficulty that the boats and docks and other appurtenances or property belonging to the ferry company, whether repaired or not by the United States for the use of the ferry, be turned over to the owners without insisting upon their signing a release of the right to make claims.

Should the ferry company present further claims against the United States, the Department has the right to reject them if considered unjust.

I therefore again recommend that the boats, docks, and other property belonging to this company be returned to the owners.

I am, very respectfully, your obedient servant,

CHARLES THOMAS,
Acting Quartermaster-General U. S. Army, Brevet Major-General.

HON. E. M. STANTON,
Secretary of War.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 31, 1866.

SIR: I have the honor to return the papers in the case of the Norfolk Ferry Company.

It seems that the company declined to conform to the conditions upon which the restoration of the ferry was ordered, namely, that the company should make no claim for the use of their property.

There appears to have been some conflict of orders coming through different channels, which it is not necessary here to recite. I recommend, as the best solution of the present difficulty, that the boats and docks and other appurtenances or property belonging to the ferry company, whether repaired or not by the United States for the use of the ferry, be turned over to the owners without insisting upon their signing a release of the right to make claims.

The United States can refuse to allow any unjust claim presented, and if the company insists upon its right and privilege to present the claims, it is not to the interest of the United States to hold the ferry any longer for the purpose of compelling or inducing them to execute any such release. The collection of information as to previous action has taken some time, and the papers, in the multiplicity of business, have, I regret to say, laid on my table for some days without being brought to my notice. This has caused the delay in making the prompt report which was due.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General.

Hon. E. M. STANTON,
Secretary of War.

WASHINGTON, *March* 20, 1872.

To introduce A. B. Magruder, esq., of Baltimore, to the Quartermaster-General.

W. M. DUNN.

MARCH 20, 1872.

The United States Quartermaster's Department is hereby requested to deliver to James G. Holladay, or to his order, any and all papers filed by us relating to claim of Norfolk County Ferry committee on behalf of the county of Norfolk and city of Portsmouth, growing out of the seizure, use, and occupation of the Norfolk County Ferry by the United States Government, which papers were filed in the War Department, or some department or bureau thereof.

HUGHES, DENVER & PECK,
Attorneys for Claimant.

MARCH 20, 1872.

The War Department will deliver the papers called for in the above order to A. B. Magruder, esq.

JAMES G. HOLLADAY.

QUARTERMASTER-GENERAL'S OFFICE, *February* 17, 1888.

True copies.

JAMES GILLISS,
Major and Quartermaster.

Mr. BURROWS (interrupting the reading). This document is very lengthy. I ask unanimous consent that it be printed in the RECORD, and the case passed over for the present, so that members may examine it. I have not examined the matter carefully myself. By this arrangement this claim will not delay other business.

Mr. BOWDEN. I think I shall have to object to that proposition.

Mr. BURROWS. It may take nearly an hour to read this document. Let it be printed in full in the RECORD and the case go over.

Mr. BOWDEN. This seems to me so plain a case that I hope it will not be passed over.

Mr. BURROWS. I have made the suggestion so as not to interfere with other business.

Mr. BOWDEN. The facts of this case have been determined by the Court of Claims.

Mr. BURROWS. I ask that this case be passed over and that the report from the War Department be published in the RECORD, so that members may examine it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that this bill be passed over informally, retaining its place on the Calendar, and that the report of the War Department be printed in the RECORD. Is there objection?

Mr. BOWDEN. I feel constrained to object. I do not believe there is a more meritorious claim on this Calendar. This bill, as I have said, does not take from the Treasury any money properly belonging to the United States; and the amount which may be paid under the bill is to go to the support of free schools.

Mr. CHEADLE. Let this report be read.

The CHAIRMAN. The gentleman from Virginia [Mr. BOWDEN] objects to the request; the reading of the report from the War Department will continue.

Mr. BREWER. So far as this report has been read, it shows an entirely different state of facts from what some of us understood upon the statement of the gentleman from Virginia.

The Clerk resumed the reading of the document.

Mr. BOWDEN (before the reading was concluded). I withdraw my objection to the proposition of the gentleman from Michigan [Mr. BURROWS].

The CHAIRMAN. Is there further objection to the request of the gentleman from Michigan?

Mr. CHEADLE. I object. I want to hear the remainder of this report read.

Mr. GROSVENOR. I hope I may be allowed a word. If the gentleman from Indiana [Mr. CHEADLE] desires to oppose this bill at this time, the reading of this document is right enough; but if he proposes to oppose it at some later time, why not have this report printed and the bill go over, so that we may now proceed with other business?

Mr. BURROWS. That was the object of my suggestion, that we might go on with other business.

Mr. CHEADLE. I withdraw the objection.

The CHAIRMAN. Is there further objection to the request of the gentleman from Michigan that this report from the War Department be printed in the RECORD, and that the bill be laid aside informally, retaining its place on the Calendar? The Chair hears no objection.

Mr. BOWDEN. I ask unanimous consent that the report of the committee be also printed in the RECORD.

The CHAIRMAN. If there be no objection, the report of the committee will be printed in the RECORD in connection with the report from the War Department. The Chair hears no objection, and it is so ordered.

The report is as follows:

The Committee on War Claims, to whom were referred the findings of the Court of Claims in the case of the Norfolk County Ferry Committee, report as follows:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in said case, transmitted it to the Court of Claims for a finding of facts in accordance with the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned to the Committee on War Claims with the following findings of facts:

[Court of Claims. December term, 1887. Congressional case No. 61. The Norfolk County Ferry Committee *vs.* The United States. Findings of fact and opinion filed December 19, 1887.]

The claim in the above-entitled case having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 21st day of March, 1884, and the Attorney-General, by his assistant, Louis Cochrane, esq., having appeared for the defendants, and the suit having been brought to a hearing on the 14th day of December, 1887, the court, upon the evidence and after hearing Messrs. Goode and Neely for claimant, and the said assistant for the United States, finds the facts as follows:

I.

Prior to the 1st day of March, 1858, the town of Portsmouth constituted a part of the county of Norfolk, in the State of Virginia, which county was legally seized and possessed of a ferry and ferry property, consisting of three steam ferry-boats, a wharf, and buildings, in the town of Portsmouth.

II.

The said ferry was run between the city of Norfolk, town of Portsmouth, and Washington Point, and was a source of revenue to the said county of Norfolk, the proceeds being dedicated to the payment of its public debt, to the support of its free schools, and the maintenance of its public roads and bridges.

III.

On the 1st day of March, 1858, the said town of Portsmouth was, by an act of the General Assembly of Virginia, chartered as a city, with separate jurisdiction from the said county of Norfolk, and by an act of the 21st of March, 1858, supplemental to the former act, provision was made for the disposition of the common property of the county of Norfolk and city of Portsmouth, whereby it was provided that the ferries then plying between the said city of Norfolk and the city of Portsmouth and Washington Point, known as the Norfolk County Ferry, should continue to run as then provided by law, and should be the joint and equal property of said county of Norfolk and city of Portsmouth, and should be regulated by a committee of six, three of whom should be appointed by the court of said county and three by the council of said city.

IV.

Soon after the organization of the said city of Portsmouth, in 1858, under said charter, a committee, called the Norfolk County Ferry Committee, composed of six persons, appointed jointly by the court of said county and the council of said city, as provided by law, was formed, by which said ferry was continued to be run until the 14th day of May, 1862.

V.

On the 14th day of May, 1862, the said ferry property, consisting of three steam ferry-boats, wharves, buildings, and other property incident and appurtenant to said ferry, was seized by the Quartermaster's Department of the United States for the transportation of troops, supplies, and munitions of war.

VI.

Said ferry property, being so seized, was held continuously by said Qartermaster's Department, for the use of the Government of the United States, from the said 14th day of May, 1862, until the 21st day of April, 1866, with the exception of eight days, during which it had been surrendered to its owners.

VII.

On the said 21st day of April said property was surrendered definitely and unconditionally to the said ferry committee.

VIII.

During the whole of said period, to wit, from the 14th day of May, 1862, to the 21st day of April, 1866, except the said eight days, the said Quartermaster's Department, in addition to the use of said ferry for the benefit of the Government in transporting its troops, supplies, and munitions of war, used the same for transportion of civilians, their animals and freights, and charged and collected tolls and ferriages for the same.

The amount received by the Quartermaster's Department for the three years and eleven months, except as aforesaid, commencing and ending as aforesaid, beyond the current expenses and repairs on said ferry, is the sum of $42,300.

Weldon, J., delivered the opinion of the court.

The claim embraced in the petition in this proceeding was referred to this court by the Committee of War Claims of the House of Representatives, under the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government." The petitioner, on the 14th day of May, 1862, was the owner and possessor of a ferry between the city of Portsmouth and the city of Norfolk, in the State of Virginia, and while it was so possessed, to wit, on said day, the Quartermaster's Department of the United States took possession of said ferry and its incident property; retained possession of the same for nearly four years, during which time it was used to transport troops, supplies, and munitions of war for the Government, and the transportation of property and passengers not belonging to or connected with the Army. During the said time the officers of the Army had complete control of said ferry, and charged and collected fare from persons not connected with the Government. The claim now made by the petitioner is to recover from the United States the amount collected from the general public for the transportation of property and persons not connected as aforesaid.

It is insisted by the counsel for the Government that this court has no jurisdiction to report the facts to Congress because of the exclusion contained in the second clause of the third section of said act, which is as follows:

"Nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States."

It is contended, that for the money collected from private persons, an action could have been maintained in this court, under its general jurisdiction, for money had and received, and that the limitation of six years applies to such cause of action.

If it be true, that the claimant had a remedy in the general jurisdiction of this court, then we are prevented from entertaining jurisdiction in this proceeding, and the petition should be dismissed.

The counsel for the petitioner argues that the act upon the part of the officers of the United States constituted in law an appropriation of property upon the part of the Government within the meaning of the first section of the act of July 4, 1864 (13 Statutes at Large, 381), and that by the express provisions of that law the Court of Claims was forbidden to entertain jurisdiction of a claim originating in an appropriation of property taken by the Army and Navy.

The term "appropriation" ordinarily means a taking for the use of the persons taking the property, to be used by such person to the exclusion of all persons, and especially the owner; but it is sought in this case to distinguish between the absolute property and the proceeds of such property arising from the tolls paid to the Government by persons using the ferry during the occupation of the Government.

The statute of July, 1864, provides against the bringing of a suit in the Court of Claims founded upon any demand "growing out of the destruction or appropriation" of property by the Army and the Navy during the war. The collection of tolls was incident to the use and appropriation of the Government and can not be distinguished from the property itself.

The term "appropriation" is of the broadest import. It includes all taking and use of property by the Army and Navy in the course of the war not authorized by contract with the Government.

The use may be permanent or temporary, and it may result in the destruction or mere injury to the property.

If the right to the property or to its use is not obtained by valid contract with the Government the taking or use of it is an appropriation within the meaning of the act of Congress. (Filor's case, 9 Wall., U. S. R., 45.)

Upon the question of the petitioner's right to sue under the general jurisdiction of this court, it has been held:

Where a quartermaster in Memphis, during the war of the rebellion, orders a clerk to procure a building for the Pay Department, and the clerk, without authority, promises the owner a reasonable rent, who thereupon consents to the possession being taken by the Government, the promise does not bind the defendant, and the act does not constitute a renting; but it is deemed to be military occupancy and appropriation.

"The Court of Claims has not jurisdiction of a case for the occupation of a building in Memphis by military authority during the rebellion, there being no valid lease. Such an occupancy is an appropriation of property within the meaning of the act of July 4, 1864." (13 Stat. L., 381; 3 C. Cls. R., 1.)

The first section of the act of 1864 simply denies the jurisdiction of this court, without affecting otherwise the right of the petitioner. The jurisdiction thus denied was as to the general jurisdiction of the court to entertain claims and pass upon the legal rights of parties by a judicial finding in the form of a judgment.

The act under which the petition is filed is an enlargement of the jurisdiction in the finding of facts, to assist Congress in the determination of claims against the Government.

The act of July 4, 1864, does not bar the right of the claimant, under the act of March 3, 1883, to have a finding of facts upon which to predicate an application to Congress for such redress as may seem equitable under all the circumstances to award the petitioner.

In accordance with these views we have made a finding of facts from the evidence in the case.

By the court.

A true copy. Test, this 29th day of December, 1887.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee therefore recommend the payment of the amount due the Norfolk County Ferry Committee by the said Court of Claims, and report herewith the accompanying bill, and recommend its passage.

[In the Court of Claims.—No. 61.—Congressional case.]

THE NORFOLK COUNTY FERRY COMMITTEE VS. THE UNITED STATES.

Petition.—Filed June 5, 1884.—J. R.

To the honorable Judges of the Court of Claims:

The petition of the Norfolk County Ferry Committee respectfully shows to your honors:

1. That prior to the 1st day of March, 1858, the town of Portsmouth constituted a part of the county of Norfolk, in the State of Virginia, which county was legally seized and possessed of a ferry and ferry property, consisting of three steam ferry-boats, a valuable wharf and buildings in the city of Norfolk, and a valuable wharf and buildings in the town of Portsmouth.

2. That the said ferry was run between the city of Norfolk, town of Portsmouth and Washington Point, and was a source of great revenue to the said county of Norfolk, whereby it was enabled to keep its roads and bridges in repair, meet its public debt, and sustain its free schools established for the benefit of the children.

3. That on the 1st day of March, 1858, the said town of Portsmouth was, by an act of the General Assembly of Virginia, chartered as a city, with separate jurisdiction from the said county of Norfolk, and by an act of the 21st of March, 1858, supplemental to the former act, provision was made for the disposition of the common property of the county of Norfolk and city of Portsmouth, whereby it was provided that the ferries which now ply between the said city of Norfolk and the city of Portsmouth and Washington Point, known as the Norfolk County Ferry, shall continue to be run as now provided by law, and shall be the joint and equal property of said county of Norfolk and city of Portsmouth, and shall be regulated by a committee of six, three of whom shall be appointed by the court of said county and three by the council of said city.

4. That soon after the organization of the said city of Portsmouth in 1858, under said charter, a ferry committee, called the Norfolk County Ferry Committee, composed of six persons appointed jointly by the court of said county and the council of said city as provided by law, was formed, and by which the said ferry was continued to be run until the 14th day of May, 1862, when it was seized by the Quartermaster's Department of the United States for the transportation of troops, supplies, and munitions of war, and, together with the three steam ferry-boats, wharves, buildings, and property aforesaid, was held and occupied continuously by the said Quartermaster's Department for the use of the United States from the said 14th day of May, 1862, to the 21st day of April, 1866 (with the exception of eight days), when it was restored to the said ferry committee.

5. That during the whole of the said period the said Quartermaster's Department continued to charge and collect tolls and ferriages on all civilians, their animals, vehicles, and freights, and has never accounted with the said committee, county, or city for any part of the moneys so received.

6. That before the month of October, 1857, since which time the receipts of the said ferry can not accurately be ascertained, the receipts from the same were annually for several years about $25,000, and that during the use and occupa

tion thereof by the said Quartermaster's Department, owing to the greatly increased travel resulting from Norfolk City being occupied as military headquarters, the great influx of population, and other causes, the receipts from all sources, exclusive of officers, soldiers, and Government transportation, were greatly increased.

7. That they have no means of knowing what the actual revenues of said ferry amounted to during the greater part of the time it was run by the said Quartermaster's Department, but have ascertained from Theophilus H. Rogers, who was either superintendent of said ferry or toll-gatherer thereof under appointment of the said Quartermaster's Department during the whole time of said use and occupation, that he kept an accurate account of the receipts of said ferry from the 1st of April, 1864, to the 1st of January, 1865, and that the same at 2½ cents a passenger amounted to the sum of $19,383.82 for the said nine months.

8. That from that time to the 10th day of July, 1865, when the charges were the same, he did not keep an account of the receipts of said ferry in consequence of a different mode of settlement having been adopted by the said Quartermaster's Department, but he is confident that the daily receipts for the intervening period rather exceeded than fell short of those between the 1st day of April, 1864, and the 1st day of January, 1865; that on the 10th of July, 1865, the toll on passengers was increased from 2½ to 5 cents, and from that time to the surrender of the ferry on the 21st of April, 1866, the daily receipts of said ferry reached, as the vouchers of the Quartermaster's Department will show, the sum of $110, which would give as the annual receipts the sum of $40,150.

9. That from the sworn statement of Joseph H. Porter, who was appointed superintendent of the ferry upon its surrender on the 21st of April, 1866, it appears that the daily receipts of said ferry from the day of its restoration have been on an average the sum of $135.64, which would give the sum of $49,508 as the annual receipts of said ferry. All of which goes to show that the receipts during the period of its occupation by the Quartermaster's Department must have been at least as much as the ordinary receipts were before the said seizure and occupation, to wit, the sum of $25,000 per annum, and would amount during said use and occupation, to wit, from the 14th of May, 1862, to the 21st of April, 1866 (except eight days), being three years and eleven months, to the aggregate sum of $97,916.

10. That the enjoyment by the Government of the use and occupation of said ferry for the transportation of troops, supplies, and munitions of war for the period aforesaid was worth to the Government at least the expense of running said ferry, and that the county of Norfolk and city of Portsmouth are justly entitled to receive from the United States all the moneys arising from tolls upon passengers, vehicles, animals, and freights collected by said Quartermaster's Department from civilians and others than those in the employment of the Government of the United States as moneys had and received by the Government for the use and benefit of the said county of Norfolk and and city of Portsmouth.

11. That they are also entitled to receive damages for the impaired condition of said ferry and ferry property, owing to the dilapidated state they were permitted to fall into during the said use and occupation by the said Quartermaster's Department, which damages are estimated at $10,000.

12. That an overwhelming majority of the people of said county and city were loyal to the Government and opposed to secession and disunion; that shortly after the Federal occupation, at the first State election occurring thereafter, the said county and city were reorganized as a part of the loyal State of Virginia, and have ever since been represented in the restored government of Virginia; that besides sending representatives to the Alexandria convention which abolished slavery in Virginia by constitutional amendment, and gave the assent of Virginia to the creation of West Virginia as a new State, the county of Norfolk furnished the president of that body; that the said county and city were, by the President's proclamation under acts of Congress, excepted from emancipation and other provisions applying to disloyal States and parts of States, and that from and after the 8th day of May, 1862, the said county of Norfolk and city of Portsmouth ceased to be in law and were not in fact the seat of war.

13. Your petitioners further show that this case has been referred to this honorable court for a determination of the facts therein by the Committee on War Claims of the House of Representatives under the act of Congress approved March 3, 1883, and your petitioners pray that this honorable court will so examine this case and such report make as the facts herein may warrant, and for all other proper relief in the premises.

14. Your petitioners further show that they have been duly appointed a ferry committee by the county of Norfolk and the city of Portsmouth: that they are residents respectively of said county and city, and that James G. Holladay, of the city of Portsmouth, has been appointed their attorney for the prosecution of this claim.

J. W. NICHOLAS.
THOMAS J. NOTTINGHAM.
JAMES T. DUKE.
C. S. SHERWOOD.
JOS. F. WEAVER.
E. C. BROOKS.

STATE OF VIRGINIA,
County of Norfolk, to wit:

This day personally appeared before me, Alvah H. Martin, clerk of the county court of Norfolk County and ex-officio clerk of the board of supervisors of said county, Joseph T. Duke, Thomas J. Nottingham, James W. Nichols, E. C. Brooks, C. S. Sherwood, and Joseph Weaver, the joint committee for the management of the Norfolk County ferries on the part of the city of Portsmouth and the county of Norfolk, who severally made oath in due form of law that the allegations and statements contained in the petition hereto annexed are true and correct to the best of their knowledge, information, and belief; and I do further certify that the said Joseph T. Duke, Thomas J. Nottingham, and James W. Nichols are the members of said joint committee for the management of the Norfolk County ferries on the part of Norfolk County, they having been duly elected or appointed as such by the board of supervisors of said county, as will appear by a certified extract from the proceedings of said board hereto annexed, and have duly qualified as members of said committee.

Given under my hand and the seal of said court and of said board of supervisors this 29th day of May, 1884.

[SEAL.] ALVAH H. MARTIN,
Clerk of the County Court of Norfolk County and ex officio Clerk of the Board of Supervisors of said county.

STATE OF VIRGINIA, *County of Norfolk, to wit:*

I, Edward Spalding, judge of the county court of said county, State aforesaid, do certify that Alvah H. Martin, who hath given the preceding certificate, is clerk of said court and *ex officio* clerk of the board of supervisors of said county, and that his said attestation is in due form.

Given under my hand this 20th day of May, A. D. 1884.

[SEAL.] EDWARD SPALDING,
Judge of the County Court of Norfolk County.

STATE OF VIRGINIA, *County of Norfolk, to wit:*

I, Alvah H. Martin, clerk of the county court of the said county of Norfolk and State of Virginia, do hereby certify that Hon. Edward Spalding, whose genuine signature appears to the certificate above, is the only judge of the said county court, and that all his official acts as such are entitled to full faith and credit.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office, this 29th day of May, A. D. 1884.

[SEAL.] ALVAH H. MARTIN, *Clerk.*

STATE OF VIRGINIA, *County of Norfolk, to wit:*

I, Alvah H. Martin, clerk of the board of supervisors of said county, do certify that Messrs. Joseph T. Duke, James W. Nicholas, and Thomas J. Nottingham have been duly elected by said board as members on the part of Norfolk County of the joint committee for the management of the Norfolk County and Portsmouth Ferries, and that they are now serving as such members.

Given under my hand this 29th day of May, 1884.

ALVAH H. MARTIN, *Clerk.*

At a regular meeting of the council of the city of Portsmouth, Va., held March 4, 1884, the following gentlemen were elected to represent the city of Portsmouth on the joint committee for the management of the Norfolk County Ferries: Messrs. C. S. Sherwood, Joseph F. Weaver, and E. C. Brooks.

[SEAL.] E. THOMPSON, JR., *C. C.*

A copy.

JOHN H. JONES AND THOMAS D. HARRIS.

The next business on the Private Calendar was the bill (H. R. 37) for the relief of John H. Jones and Thomas D. Harris.

Mr. LANHAM. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

There being no objection, it was so ordered.

WILLIAM E. WOODBRIDGE.

Mr. STOCKDALE. House bill No. 27, a bill which proposes simply to refer a case to the Court of Claims and which makes no appropriation, was passed over awhile ago informally. I ask unanimous consent that we now return to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. STOCKDALE]? The Chair hears none. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 27) vesting the Court of Claims of the United States with jurisdiction to determine the rights of William E. Woodbridge to certain letters patent for a metallic sabot, and to render judgment in his favor for the use of the same by the Government during the war of 1861.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it pass.

Mr. HOLMAN. What is the proposition?

Mr. STOCKDALE. This bill simply proposes to refer a case to the Court of Claims.

Mr. HOLMAN. Under the Bowman act?

Mr. STOCKDALE. The only difficulty is that the case is barred by the statute of limitations; that is all.

Mr. GROSVENOR. If this bill removes the bar of the statute of limitations, that is an important matter; and the bill ought to be considered before we pass it.

Mr. HOLMAN. I understood the bill was simply to refer a case, under the Bowman act, for a report of the facts to Congress.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of William E. Woodbridge, for compensation for the use of his invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government be, and the same is hereby, referred to the Court of Claims of the United States, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, according to its usual rules of procedure—

First. Whether the said Woodbridge was the first and original inventor of the said invention, and entitled to a patent therefor.

Second. To what extent the said invention has been used by the United States Government, and what amount of compensation, if any, the said Woodbridge ought to receive in equity and justice from the United States Government for the past use of said invention. And in considering and determining the compensation to be made, if any, the said court shall, if it find that the said Woodbridge was the first and original inventor of said invention, and entitled to a patent at the time of its order to issue, namely, March 25, 1852, proceed and be guided in all respects as though the aforesaid letters patent had been actually issued for the term of seventeen years from the date of the aforesaid order to issue; the court to render judgment, irrespective of lapse of time, in favor of the claimant, with the same effect as judgments generally of said court.

Mr. HOLMAN. I think the report in this case had better be read.

The CHAIRMAN. The report is eight closely printed pages.

Mr. MCCREARY. I move that it be printed in the RECORD.

Mr. HOLMAN. That would not be of any utility in determining at this moment the merits of this bill. As will be observed, it removes the bar of the statute of limitations, and also provides a method of procedure on the part of the court in rendering judgment; and that judgment, of course, is to be final. It is not a case where reference is made to the Court of Claims for the mere purpose of having facts ascertained and reported to Congress. This bill proposes to confer upon the court jurisdiction to hear and determine the case, waiving the statute of limitations, and it also directs a basis on which the investigation shall proceed. So that it seems to me it is important we should hear the report.

Mr. STOCKDALE. I shall not insist on detaining the committee with this bill if the report is to be read. I desire to make a brief statement, and then if my friend from Indiana [Mr. HOLMAN] insists upon his objection I will withdraw my proposition. The only point in this case, as appears in the report, is whether this invention was the property of this claimant—a gentleman, I believe, from Massachusetts, though I have only met him casually—and if the invention was this gentleman's property, whether the Government used it, and if the Government did use it, to what extent? That is all there is in this long report.

Mr. HOLMAN. I have no objection to a bill covering those points, but this bill goes beyond that.

Mr. STOCKDALE. There was a patent allowed to this claimant in

the Patent Office in 1852, and it was deposited in the secret archives of the Government subject to his order.

Mr. ANDERSON, of Kansas. What year was the patent issued?

Mr. STOCKDALE. It was allowed in 1852, and placed in the secret archives of the Patent Office, to be issued upon his call. He never called for it until 1861. In the mean time the Government had issued a circular containing printed rules, one of which was that patents should not lie in the secret archives for a longer period than six months. Dr. Woodbridge claims that he had no notice of this circular, and that when he called for his patent the Patent Office refused to give it to him, the Commissioner giving as a reason, and the only reason, the existence of these rules. He now asks that the statute of limitations be removed, so that he can have standing in the Court of Claims to try his cause.

Mr. ANDERSON, of Kansas. Six months' bar?

Mr. STOCKDALE. Yes; he asks that the six months' bar of the statute of limitation be removed, so that he may go into the Court of Claims and have that court ascertain whether he has the right to the patent or not, as to whether he was or was not the inventor; and if so, that that court shall so render judgment.

Mr. ANDERSON, of Kansas. What is the amount of the claim?

Mr. STOCKDALE. No estimate has been made as to the amount of money involved in the claim. It is alleged that the Government used this man's invention, but to what extent has not yet been determined; that is for the court, and this bill is to take the claimant into court for that purpose.

This patent was for a sabot to a projectile, and there was no use for it to any great extent until war was about to be inaugurated. The patent was issued, but allowed left in the secret archives of the Government, as I have already stated, subject to be issued at any moment on the order of Mr. Woodbridge. He had done all that he was required to do. The Government had done all it could do, and had ordered the patent to issue whenever called for. When the war was inaugurated and there was a demand for such things, it is claimed that the Government did use this patent.

Mr. WILSON, of Minnesota. This is a claim against the Government—for what?

Mr. STOCKDALE. In the first place the claim is to secure the patent for this invention which was allowed to this claimant but has been withheld from him; and in the second place it covers the use by the Government of this gentleman's invention during the war. If the Government did use his invention it should pay him for it.

Mr. BLOUNT. Has this claim been brought before any previous Congress?

Mr. STOCKDALE. I believe the claimant tried to get Congress to appropriate money for the purpose of making an experiment of this projectile, but Congress declined to do so. The patent has been withheld from the claimant, and since then nothing has been done, or I have no information in reference to anything being done.

Mr. ALLEN, of Michigan. Were any of these projectiles used in the Southern army?

Mr. STOCKDALE. So far as we were concerned they came to us from the wrong end of the cannon. [Laughter.]

Mr. ANDERSON, of Kansas. What is the estimate of the amount of this claim?

Mr. STOCKDALE. I am not able to give any estimate. That is one of the matters that we propose to refer to the Court of Claims. If the Government used this patent, in the first place that is to be ascertained, and, if so, to what extent it was used, and the compensation is to be made upon that basis.

Mr. ANDERSON, of Kansas. Does the claim exceed $5?

Mr. STOCKDALE. Oh, yes; multiplied many times.

Mr. ANDERSON, of Kansas. Does it amount to $5,000,000?

Mr. STOCKDALE. No, nothing like that much, but I can not speak definitely. It can not be a very large sum, and the bill is intended only to render justice to this man.

Mr. WILSON, of Minnesota. What is the patent for?

Mr. STOCKDALE. It is for a sabot to a projectile.

Mr. ANDERSON, of Kansas. What is the object of it?

Mr. STOCKDALE. The object of it is to give greater effect to the explosive force of the powder. The sabot is made with grooves that fit the rifles of the gun, with an aperture in the center, and rests on the charge of powder or cartridge. When the projectile is driven into the gun, the rear end, being conical, inserts itself into the aperture of the sabot, and when the cartridge explodes it drives the sabot against the projectile, and the sabot, turning with the twist of the rifle-grooves, fills the grooves so that the explosive gases can not escape through them, thus utilizing all the force without losing anything by forcing the projectile to fill the grooves, causing friction, and at the same time the sabot gives a rotary motion to the projectile. These drawings show its action.

Mr. BREWER. Is there anything in the report giving information from the Patent Office in respect to this matter?

Mr. STOCKDALE. There is no information from the Patent Office except this: That the patent was issued in 1852, and that it was deposited in the secret archives of the Government, and that Dr. Woodbridge was notified it was there and subject to his order and would be kept there until he called for it. When he did call for it in consequence of the circular to which I have referred, it was withheld from him.

Whether any of these projectiles were used during the war is one of the facts to be determined by the Court of Claims. Dr. Woodbridge alleges they were used.

Mr. ANDERSON, of Kansas. If they were used would not the presumption be this claimant would have brought suit to recover damages from the Government?

Mr. STOCKDALE. No, not necessarily. But these facts are all to be determined by the Court of Claims, and certainly there can be no objection on the part of gentlemen to a bill for that purpose.

Mr. ALLEN, of Michigan. I wish to offer an amendment to this bill.

The Clerk read as follows:

Said court shall also ascertain further whether said projectile was used by the Confederate army with the consent of the inventor, and whether he received any compensation therefor.

Mr. STOCKDALE. I have no objection to that. He is from Massachusetts, I believe; and I do not suppose he was down there giving it to the Confederates.

Mr. ALLEN, of Michigan. You can not always tell about these Massachusetts men.

Mr. HOLMAN. In a case like this, standing so long, it seems to me that Congress should be possessed of all the facts before legislating further. I therefore submit what I send to the desk as a substitute for the pending bill.

The CHAIRMAN. If there be no objection, the amendment proposed by the gentleman from Michigan will be considered as adopted.

There was no objection.

Mr. HOLMAN. I now ask for the reading of the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause, and insert:

"That the claim of William E. Woodbridge for compensation for the use of his invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government, be, and the same is hereby, referred to the Court of Claims of the United States, which court shall inquire into the facts of said claim under existing law and report to Congress all the facts found without reference to the statute of limitation."

The CHAIRMAN. The question is on agreeing to the substitute which has just been read.

Mr. BLOUNT. I wish to ask a question, as I have not had an opportunity to read the report, and it has not been read from the desk. Was not a patent refused in this case by the Commissioner of Patents?

Mr. STOCKDALE. No, sir; it was ordered to be issued and papers were all made out, and we have in the proof that Dr. Woodbridge was notified at his home in Massachusetts, I think it was, of the fact that the patent had been allowed and that at his request it would be held in the secret archives of the office subject to his directions as to the time of issuance.

Mr. BLOUNT. What is the "decision" referred to here in the report?

Mr. STOCKDALE. To what decision do you refer?

Mr. BLOUNT. I quote from the report:

I must object to any disturbance of the decision of Commissioner Eubank, as announced in his letter of April 15, 1852, such action being contrary to the rule of the office, which declares that a decision deliberately made and approved by one Commissioner shall not be disturbed by his successor.

Mr. STOCKDALE. That decision refers to the fact that after the issuance of the patent and the placing of it in the secret archives of the Patent Office the circular of 1854 was issued with reference to allowing patents to remain there in the secret archives for a period not longer than six months. Dr. Woodbridge, not being notified of that fact, claimed that he was entitled to have the patent issued.

Mr. BLOUNT. Did the Commissioner of Patents decide otherwise?

Mr. STOCKDALE. Yes, sir; he decided otherwise by reason of the issuance of that circular. Not that the patent was not good, but because of this circular. He held that the circular having been issued, and the patent not taken out within the time fixed by the circular, it operated as a bar.

Mr. HOLMAN. I think we ought to waive that.

Mr. STOCKDALE. And the Commissioner of Patents would not set aside a decision of a former Commissioner. You will notice, however, that the decision is not upon the merits of the case at all, but had regard solely to the question of practice in the office as to the length of time these patents could remain in the secret archives. The decision does not claim to be on the merits, but that he regarded it as *res adjudicata*, if I may use the term; that the present Commissioner could not go back and reverse a decision of a former one.

The CHAIRMAN. The question is on agreeing to the substitute proposed by the gentleman from Indiana.

Mr. STOCKDALE. I wish to be heard on the substitute. That just destroys the whole effect of this bill. The substitute provides simply to go there and ascertain facts regardless of the statute of limitations.

Mr. HOLMAN. That is waived.

Mr. STOCKDALE. I say regardless of the statute. There is nothing in the world in the substitute to show what facts we want to as-

certain. "Ascertain all the facts." All what facts? It just simply wipes out the bill and puts into its place nothing. A certain formulated state of facts should be ascertained if it goes to the Court of Claims, we think. The court ought to decide something. It might decide that it had been issued and put in the secret archives of the Patent Office, and that this decision was made about which the gentleman from Georgia inquired. There is no basis of fact upon which the Court of Claims could find anything. We know now all the facts that would be divulged by such an inquiry.

Mr. BLOUNT. Are not most of the facts of record anyway?

Mr. STOCKDALE. Everything is of record except the single fact, how much, if any, the Government used the patent, or if it used it at all. Now, I say if that be true, as stated in this record evidence, that the Government of the United States was simply a bailee, and had no more right to use the property of Dr. Woodbridge than I had, but did use it; then if it did use the patents of this man in its efforts to suppress the Confederate war, as a gentleman over the way said awhile ago, the Government ought to pay for the brains of the men that it used to furnish material by which they could accomplish their great purpose.

I hope the substitute will be rejected.

Mr. WILSON, of Minnesota. Is it shown that he forfeited the patent?

Mr. STOCKDALE. That is for the court to decide.

Mr. HOLMAN. I wish to say a word in answer to my friend from Mississippi. The substitute proposes to accomplish everything that I think could be fairly asked in a case like this. In other words, it waives the statute of limitations and permits the Court of Claims to make inquiry in the question presented and report to Congress upon the facts.

My friend from Mississippi says the substitute accomplishes nothing. Let us see. The claimant urges that he was entitled to his patent; that it was issued but not delivered, and that his discovery was used by the Government. He alleges that it was valuable, and that he is entitled to a given sum for the use of the patent by the United States during the late war.

These are all matters to be inquired into and reported upon to the House, waiving, as I have said, all rights under the statute of limitations. I think in a case like this, where the mere fact of the issuance of the patent is involved in a technical question of office practice, that that point might well be waived, and also that any bar of the statute of limitations ought to be removed. I am perfectly willing to do that, and think it ought to be removed, but I am not willing to go beyond it. Let us learn the facts before we attempt to legislate upon the subject.

Mr. STOCKDALE. Let me ask of the gentleman from Indiana, if we ascertain the facts before we go to the Court of Claims, what use is there to go to the Court of Claims? The gentleman wants to furnish a judgment for the Court of Claims.

Mr. HOLMAN. We will furnish our own judgment when the facts are ascertained. The gentleman wishes to give to the Court of Claims final jurisdiction of claims of this kind, and I do not think it ought to be done after this long lapse of time. I request that the substitute be again reported.

The substitute was again reported.

The question was taken on the adoption of the substitute; and the Chairman announced that the ayes seemed to have it.

Mr. STOCKDALE. Let us have a division.

The House divided; and pending the announcement of the result of the count,

Mr. STOCKDALE said: I ask by unanimous consent to pass the bill over and that it shall retain its place on the Calendar.

Mr. HOLMAN. I think the substitute ought to be adopted.

Mr. BREWER. If the bill be withdrawn with the expectation of calling it up again the report should be printed.

The CHAIRMAN. Is there objection to the bill being withdrawn and retaining its place on the Calendar? The Chair hears none, and it is so ordered. The Clerk will report the next bill.

JOHN FARLEY.

The next business on the Private Calendar (the consideration of which was asked by Mr. MCCREARY) was the bill (H. R. 341) for the relief of John Farley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John Farley, of Madison County, Kentucky, the sum of $118.28, which shall be in full of the amount due him for commissary supplies furnished the Army of the United States in 1862.

Mr. MCCREARY. I ask for the consideration of that bill.

Mr. BREWER. Let the report be read.

Mr. MCCREARY. I will make a statement of the facts.

Mr. BREWER. I withdraw my request that the report be read, and will be satisfied with the statement of the facts by the gentleman from Kentucky.

Mr. MCCREARY. Mr. Chairman, John Farley is a citizen of Richmond, Ky. He was a grocery merchant in 1862, and is a grocery merchant now. This claim is for $118.28 for commissary stores furnished the Sixty-sixth Indiana and Ninety-fifth Ohio Regiments Volunteers in 1862. These supplies consisted of sugar, flour, coffee, and other things. His claim was presented to the Commissary-General, but at that time he did not know where the commissary of the Sixty-sixth Indiana Regiment resided. Subsequently, however, he ascertained where Captain Hay resided, and there is now filed in the papers of the case the affidavit of Captain Hay showing that these articles were obtained for the use of the two regiments referred to; that they were needed and that they were used by the soldiers of those two regiments.

The loyalty of John Farley is proven by Captain Hay and by a number of very good citizens, and I hope the bill will pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA M'GUIRE.

The next business on the Private Calendar (consideration of which was asked by Mr. PHELAN) was the bill, (H. R. 5871) for the relief of Lucinda McGuire.

Mr. PHELAN. I ask consideration of this bill, and that Senate bill 102 be substituted and the bill H. R. 5871 be laid on the table.

There was no objection, and the Senate bill was substituted for the House bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Lucinda McGuire, of Memphis, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $10,260, in full compensation for the use of her premises Nos. 195 and 197 Main street, in the city of Memphis, Tenn., from March 24, 1863, until June 1, 1865.

The report (by Mr. FAULKNER) was read, as follows:

The Committee on Claims, to whom were referred the bills (S. 77 and S. 102) for the relief of Lucinda McGuire, having considered the same, submit the following report:

This claim has so frequently been brought to the attention of both the Senate and House of Representatives, and the reports to Congress, made by the Committee on War Claims to the House, so conflicting, that it seems proper the facts on which the claim rests and the objection to its allowance should be stated, that the questions involved may be fairly and judicially passed upon.

Lucinda McGuire was the only child of William Lawrence, who died intestate in 1854. Subsequent to his death the county court of Shelby County, Tennessee, appointed a commissioner with power to invest $12,000 in real estate for the use and benefit of his heir. Under this authority two business tenements, situate in the city of Memphis, were purchased. Fire having destroyed the improvements on these lots, there were afterwards erected on the same property two buildings which were known as the Webster Block. The claim of the petitioner for rent has reference to the property above described. It is as follows:

The United States to Lucinda McGuire, Dr.

For rent of two rooms in premises 195 and 197 Main street, Memphis, Tenn., from January 25, 1863, to March 24, 1863, at $25 per month.....	$98.34
For rent of entire premises from March 24, 1863, to May 31, 1865, at $1,000 per annum each.....	17,466.66
For direct damage and injury done said property during and by reason of said occupation.....	5,000.00
	22,565.00
Less amount paid on account by R. E. Clary, deputy quartermaster-general, United States Army.....	1,526.78
	21,038.22

The evidence is full and satisfactory that the two small rooms on the second floor (mentioned in the first item of the account) were occupied between the dates charged by the "patrol and provost guard" of the Army. The possession taken of these rooms by the Government, and the use for which they were appropriated, negatives any implied promise upon the part of the Government that rent would be paid for their occupancy. It was simply one of the incidents of the war, and presents no legal or equitable ground as the basis of an appeal to the justice of the Government. Your committee would therefore recommend that so much of said claim be disallowed.

The evidence to sustain the third item of the account, to wit, $5,000, "for damages and injury done said property," is unsatisfactory and insufficient to support the claim, without suggesting other objections to its allowance, which appear in evidence. It is, therefore, further recommended that this item be also disallowed.

The fact that the two properties above described belonging to the petitioner were used and occupied by the Government for the purposes of a hospital between the dates charged in the account, is fully and satisfactorily shown by the record, and the only questions for the consideration under the facts proven are—

1. Should the Government pay to the owner of the property a fair and reasonable rent for its use and occupation as a hospital? and if so,

2. What, under the evidence, would be a proper allowance?

The facts developed by the testimony bearing on this question are:

On the 24th of March, 1863, H. D. Connell, who was then occupying said property, received the following note from the "rental agent" of the Government:

"SIR: You will deliver to the bearer the keys to the houses in the Webster Block, now in your possession.

"RENTAL OFFICE, *March* 24, 1863.

"G. W. VAUGHN, *Rental Agent.*

"H. D. CONNELL."

The records of the bureau of the Quartermaster-General for September 14, 1863, show that A. R. Eddy, "assistant quartermaster and rental officer," returned this property as in the occupation of the Government, and that it was being used as a hospital.

On the 31st of October, 1864, L. S. Leonard, at that time "rental agent," in reply to an inquiry of Col. R. E. Clary, deputy quartermaster-general, said:

"I have the honor to report that Miss Lawrence has never filed any application in this office in regard to her title to this property."

From this letter the inference is reasonable and fair that some one was urging that the interests of this lady should be protected, and this inference is strengthened by the facts shown by the testimony, that within a few days after this date, at the November term of the county court of Shelby County, J. G. Lonsdale was appointed her guardian.

When the Government took possession of this property the owner was only fourteen years of age, and, so far as the evidence discloses, there was no one authorized to represent her with whom a valid and binding contract for its rental could have been made.

After the appointment of Mr. Lonsdale as her guardian, eighteen months after

possession had been taken by the Government, we find from the records of the Quartermaster-General's Bureau that the interests of this minor were protected by him, and that from the 18th of February, 1865, until the 31st day of May, 1865, he was paid the sum of $450 per month for the rent of said buildings.

On June 1, 1865, R. E. Clary addressed the following letter to the guardian of the claimant:

"DEPUTY QUARTERMASTER-GENERAL'S OFFICE,
"*Memphis, Tenn., June 1, 1865.*

"SIR: The two buildings in the Webster Block, heretofore rented from you for military purposes, being no longer required, the rent for which will cease on the 31st May, 1865.

"Respectfully, your obedient servant,

"R. E. CLARY,
"*Deputy Quartermaster-General.*

"J. G. LONSDALE, Esq., *Memphis, Tenn.*"

This claim was presented to the Third Auditor for audit, and on March 6, 1874, was rejected, upon the grounds that no contract, either expressed or implied, had been proven.

On the 22d of April Comptroller W. W. Upton, in a clear and judicial opinion, in reviewing the case, held—

"It is clear that because of the nonage of the claimant she could not have been disqualified on account of disloyalty, and, in fact, there is no evidence tending against her in that regard, and if the occupancy had been by agreement of parties, or if for any other reason the case was one which the accounting officers are empowered to settle, I see no reason why, in justice and equity, the claimant should not receive the reasonable rental value of the premises during the unpaid portion of the time the premises were occupied. But because it was not proven that the premises were occupied in pursuance of a contract, I am satisfied I have no official authority to determine what amount should be paid."

The Comptroller in his opinion recognizes the fact that the evidence discloses that there was no one who could legally have entered into a contract on behalf of the claimant for the rental of the said premises, and suggests this as the probable explanation why such a contract was not made at the time possession was taken by the Government.

The Department could grant to the petitioner no relief unless the claim had clearly been brought by the evidence within the provision of the statutes conferring upon the Comptroller jurisdiction of the subject, which, in this case, could only have been done by the introduction of satisfactory proof that at the time possession was taken by the Government a contract had been entered into for the rental of the property between the parties. This proof could not have been furnished as the owner was not *sui juris*, and no guardian had been appointed to protect her interest. Relief can, therefore, be given to her only through the action of Congress, and in the opinion of the committee she is entitled to a fair and reasonable rent for the use of her property.

2. What, under the evidence, would be a just compensation to the petitioner for the use and occupancy of the said property? Not $8,000 a year, as claimed in the account filed, although the property rented for that sum prior to and subsequent to the war.

In the opinion of the committee, the amount fixed by the agreement of the parties, after the appointment of a guardian for the claimant, to wit, $450 per month for the two buildings, or $5,400 per year, seems to be the true measure of compensation, as evidenced by the payment by the Government and the receipt from the guardian. Under this view the account with the Government should be stated as follows:

The United States to Lucinda McGuire, Dr.

To rent of both properties from the 24th of March, 1863, to May 31, 1865 (two years, two months, and six days), at $450 per month	$11,790.00
Less amount paid on account of rent by the agent of the Government	1,526.78
Balance due claimant	10,263.22

Your committee report Senate bill 102 favorably, and recommend its passage; and further recommend that Senate bill 77 be indefinitely postponed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection, and it was so ordered.

MARTHA L. RUSSELL AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. 565) for the relief of Martha L. Russell, Mary A. Howse, and Lula H. Howse.

Mr. STONE, of Kentucky. The gentleman who is interested in this bill, but who is not present at this time, wants it considered. The title should be corrected, as Martha L. Russell is dead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Martha L. Russell, Mary Alice Howse, and Lula H. Howse, heirs at law of John C. Howse, deceased, late of Rutherford County, Tennessee, $10,975, being the amount allowed by the Quartermaster-General for quartermaster's stores taken and used by the Army.

SEC. 2. That the said payment of $10,975 shall be a full and complete settlement of all claims against the United States, of every kind and character, arising out of the appropriation and use by the Army of supplies or stores from said claimants.

Mr. BREWER. I demand the reading of the report.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 565) for the relief of the heirs of John C. Howse, deceased, submit the following report:

This case was considered by the Committee on War Claims of the Forty-ninth Congress, whose report is as follows:

[House report No. 2516, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4292) for the relief of the heirs of John C. Howse, deceased, submit the following report:

The claim presented embraces items for quartermaster's stores stated at $20,197; for commissary supplies, $3,645; total, $23,842.

The claims were presented, under the act of July 4, 1864, to the Quartermaster-General, United States Army, and to the Commissary-General of Subsistence, United States Army. That portion of the claim embracing subsistence supplies was considered by the Commissary-General of Subsistence July 23, 1868, and rejected because, as was decided by the Commissary-General, "it was a case requiring special or further legislation for its settlement."

That part of the claim embracing quartermaster's stores was considered by the Quartermaster-General, April 16, 1867, and the following decision was rendered:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 16, 1867.

SIR: I have the honor to return, with report, a claim in favor of Martha L. Russell, Rutherford County, Tennessee, for value of 15 horses, $1,875; 10 mules, $1,300; 4,000 bushels of corn, $4,000; 38 stacks of fodder, $570, and 3,500 cords of wood, $10,500, referred to this office by the War Department February 19, 1867 ($18,245). It is stated by the claimant in her application that these stores were taken and used by the United States forces of the Twenty-first Army Corps, under General Crittenden, which was encamped on her premises near Murfreesborough, Tenn., during the battle of Stone River, on or about December 30, 1862.

The evidence of former officers of the corps, including the affidavit of L. Russell, assistant surgeon Second Kentucky Volunteer Infantry (now the husband of claimant); George W. Griffith, brevet major Second Kentucky Cavalry; Capt. E. A. Otis, assistant adjutant-general, and Capt. I. R. Paul, commissary of subsistence, together with the testimony of other credible witnesses, is presented in support of the claim. The officers referred to respectively state that they were present and witnessed the occupation of the plantation by the forces under General Crittenden; that the hospitals and corps headquarters were established there; that the Army was then in need of supplies, and that everything necessary found on the premises was taken and applied to the use of the command.

It is stated in evidence, in explanation of the reason why receipts were not issued, that the proper officers were not accessible to claimant, who was then a widow, and that the sudden movement of the troops precluded the possibility of their being obtained.

Affidavits of citizens of the vicinity, certified to be credible, are also presented in proof of the loyalty of claimant and the justice of her claim.

The case was referred by this office, February 21, 1867, to Bvt. Brig. Gen. Thomas Swords, assistant quartermaster-general, for special investigation and report as to the merits of the charges for the quartermaster stores mentioned.

Capt. E. B. Kirk, assistant quartermaster-general United States Army, as is shown by indorsement of General Swords, was detailed to proceed to Murfreesborough and make a special and thorough investigation of all the facts in the case. His report has been forwarded, and is as follows:

"OFFICE ASSISTANT QUARTERMASTER,
"*Nashville, Tenn., March 31, 1867.*

"Respectfully returned to Brigadier-General Swords, assistant quartermaster-general.

"Upon a full personal investigation of the inclosed claim of Mrs. Russell, I have the honor to report that the commands specified within did actually occupy her plantation as stated, and from all the evidence I have been able to obtain it is my opinion that all the property for which this claim is made was taken by the United States Army.

"I find that about 1,060 cords of wood mentioned within were fence-rails, being some 80,000 in number; twenty-six log cabins torn down and burned would average five cords per building; the balance of the wood was in the tree, and was not worth over $1 per cord. Corn was not worth over 75 cents per bushel at that time. The prices charged for the horses, mules, and fodder are considered reasonable and just.

"I would respectfully recommend that this claim be allowed on the basis of this indorsement.

"E. B. KIRK,
"*Assistant Quartermaster, U. S. A.*"

I respectfully recommend the following allowance for such of the items as are properly chargeable to this department:

For 15 horses	$1,725
For 10 mules	1,250
For 4,000 bushels corn	3,000
For 38 stacks fodder	570
For 2,310 cords of wood in the tree	2,310
For 1,060 cords of wood, rails (shown by the affidavits to have been used to keep the wounded from freezing)	2,120
Amounting to	10,975

The remainder of the charges for wood contained in the cabin is recommended for disapproval, the destruction of these buildings being regarded as depredations on the part of the troops.

I have the honor to remain, sir, your obedient servant,

D. H. RUCKER,
Acting Quartermaster-General, Bvt. Maj. Gen., U. S. A.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

The act of July 4, 1864, required that the findings of the Quartermaster-General should be reported to the Third Auditor of the Treasury, but by some unaccountable error the decision in this case was reported to Edwin M. Stanton, then Secretary of War. The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

The claimants in the case are the heirs of John C. Howse, deceased, who died in 1855. They are his widow and three children, girls, the oldest of whom was, at the time this property was taken, eleven years of age.

Your committee have therefore examined carefully into the loyalty of the widow.

If the claim had been reported to the Third Auditor of the Treasury, as the act of July 4, 1864, directed, it would undoubtedly have been paid, as allowed by the Quartermaster-General, at $10,975, in 1867, but the error of the Quartermaster-General caused the delay. Inasmuch as the claim was carefully examined by the Quartermaster's agent and allowed by the Quartermaster-General in 1867, and as the evidence fully justifies the decision then made, your committee have carefully examined the question of loyalty, which was the ground upon which the Quartermaster-General rejected the case in 1880.

Three of the claimants were minors (girls). Their loyalty will not be questioned. The widow was remarried in 1865, during the month of January, to Leonidas Russell, who was an officer in the Union Army.

Upon the question of loyalty the papers disclose the following official orders:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1863.

Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

MEDICAL DIRECTOR'S OFFICE, DEPARTMENT OF THE CUMBERLAND,
Headquarters, March 4, 1863.

SIR: The general commanding directs that rations are to be issued to Mrs. Howse and servants. She is to pay for them if practicable; if not, the rations are nevertheless to be issued.

By order of the medical director, Department of the Cumberland.

JAMES F. WEIDS, *A. S., U. S. A.*,
Assistant Medical Director, Department of the Cumberland.

It seems remarkable to your committee that in view of the foregoing orders issued about the time her property was taken, and in face of a large number of affidavits of Army officers, any question could be raised as to the loyalty of Mrs. Howse (now Mrs. Russell). Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of her second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee; and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported under date of July 2, 1880:

"Against her loyalty are certain charges, made against the conduct of her second husband since the war, by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

* * * * * * *

"But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal."

Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

The claims presented are for $23,842. The claimants now propose to accept $10,975, the amount allowed by the Quartermaster-General in 1867, as a full settlement of all claims and demands against the United States, because, owing to the long lapse of time since the claim originated, as well as the unsettled condition of the country at that time, it will now be extremely difficult, if not impossible, to secure competent testimony to establish the claim in the Court of Claims; and claimants contend that the report of Captain Kirk was made after a personal examination by him very shortly after the property was taken, that the action of the Quartermaster-General in 1867 was in accordance with law, and the sum allowed should be paid.

We are clearly of opinion that payment should be made for the property taken, and think, under all the circumstances, that the amount allowed by the Quartermaster-General should be, as is proposed by claimants, accepted by all parties as final; and we therefore recommend that the bill do pass.

Your committee, after due consideration, fully concur with the conclusions reached in the foregoing report. The property charged for consists of stores and supplies taken and used by the United States Army at a time when such necessary articles could not be furnished by the Government, and compensation should be made therefor. The settlement of the claim by the Quartermaster-General in 1867 should be held as conclusive, and we therefore recommend that the bill do pass.

Mr. CHEADLE. I move to strike out the name of Mary L. Russell, in line 5, section 1. Mary L. Russell was the widow, but she is now dead.

The amendment was agreed to.

Mr. THOMAS, of Wisconsin. I have no doubt it is perfectly just and reasonable, providing the circumstances are such that this kind of claims should be paid. I dissented from the majority of the committee, but made no minority report. At the time the property was taken war was flagrant at and near Stone River, and the question is whether we ought to allow claims of this kind under the circumstances or not. The claimant in this case was loyal, and I submit to the House whether it is not the duty of every citizen who happens to be in the neighborhood of a battle to contribute of their means for the support of the Army. That is a question which causes me to have a great deal of doubt about such claims. If this bill is passed it will be an announcement that this is the standard for such claims.

Mr. CHEADLE. I desire to call the attention of the committee to the fact that the evidence before the Quartermaster's Department finds the loss of these parties to exceed $23,000.

Mr. THOMAS, of Wisconsin. Permit me to say that I am of the opinion that the claim is perfectly just as to the amount.

Mr. CHEADLE. The Quartermaster's report favored the demand of $10,795, and the heirs are willing to accept as payment in full of their claim $10,975 instead of the $23,000; and there is no question as to the loyalty of the claimant.

Mr. ALLEN, of Michigan. Why has this claim not gone to the Court of Claims?

Mr. CHEADLE. It was allowed in 1867 by the Quartermaster's Department. It has been reported to Congress and has passed one House three times, and the other two or three times, and has failed simply by reason that it could not be reached for consideration in both Houses in the same Congress.

Mr. ALLEN, of Michigan. Has it ever been in the Court of Claims?

Mr. CHEADLE. I do not think it has.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I will remind my colleague [Mr. CHEADLE] that these 4th of July claims amount in the aggregate to something like $64,000,000. There are a great many of them in our own State as well as along the border. The law of the 4th of July, 1864, applied only to the loyal States and to Tennessee and West Virginia, and the claims filed under the law with the Quartermaster-General amounted to over $64,000,000. Those claims have been in progress of settlement for over twenty years, and have been paid at the rate of about $300 a year, the accounting officers of the Treasury reporting to us at the commencement of each Congress the amount of claims allowed during the preceding year. A very large number of these claims were rejected on the ground that the Quartermaster-General could not certify to the loyalty of the claimants, and a much larger number of them were very materially reduced. We have now reached a point where these claims are substantially disposed of. A few hundred thousand dollars more and perhaps two years more of work with a very reduced force will close them up and bring to an end the business under the 4th of July law.

These claimants, all of them, have had their day in court. I am the more familiar with this question because a large number of these claims arose in my own Congressional district. Wherever the Morgan raiders went through Indiana Hobson's pursuit resulted in a large number of claims, because he impressed into the service mules, horses, wagons, and everything that was necessary for the supply of a moving army. These "4th of July claims," I say, have been substantially adjusted. The facilities for investigating them were better than could be afforded by a court of justice, for the reason that the Quartermaster-General sent out men who in each case made an examination upon the ground—men, I presume, of proper capacity for such duties, who were paid very handsome salaries, with an additional allowance for expenses. Up to within a short period it has been thought that the claims decided by the Quartermaster-General ought to be allowed to rest, that they had had their day in court; and after this case has been decided by an unusually competent Quartermaster-General—because the man who held that position in 1880 was a man of acknowledged ability and experience—and when he has found himself unable to certify to the loyalty of the claimant, does my colleague think it is safe to reopen this case, to begin reopening these claims and reversing the decisions of the tribunal to which they were authorized by law to appeal?

If some of these claimants here and there are to come in and have their claims considered in Congress and have the decisions of the Quartermaster-General reversed, we might just as well take up the whole body of these rejected Fourth of July claims, which exceed in amount $30,000,000.

Mr. CHEADLE. But the amount claimed in this bill is the amount which was allowed by the Quartermaster-General. The difficulty in this case was that in 1880 a question was raised as to the loyalty of the second husband.

Mr. HOLMAN. Certainly. I am not raising any question here upon the ground that this claim is not properly made up, or upon the ground that it arose at the seat of war. The point I am making is, simply, that after the facts were ascertained and the Quartermaster-General had decided the case in the first instance, before final action was taken by the accounting officers of the Treasury, it came to the knowledge of the then Quartermaster-General that there was doubt about the loyalty of the claimant, and he had the question inquired into and it was decided adversely. Now, I ask my colleague again: Can we afford to take up these cases one by one and reverse the Quartermaster-General's decisions? If so, there are claims amounting to hundreds of thousands of dollars in our own State which have not been examined, and those have a right to demand a hearing here as well as the great body of claims, amounting to over $30,000,000, which have been heard and rejected since 1864.

Mr. CHEADLE. My colleague is aware that subsequent to the finding of the Quartermaster-General the Department became thoroughly satisfied upon the question of loyalty.

Mr. HOLMAN. If that was the case, why was not this claim paid in the ordinary way?

Mr. CHEADLE. I can not tell you that, but if you read the report you will see that I am right.

Mr. HOLMAN. The gentleman must labor under a misapprehension on that point, because at the commencement of each Congress the Quartermaster-General certifies to us the claims that have been allowed during the preceding year, and they are embodied in a single bill called the 4th of July bill. Therefore there must be some mistake, because under the law, if the gentleman's statement were correct, this claim would have come here with the other claims, would have gone into the 4th of July bill, and would have passed as a matter of course. The last finding I have seen in these papers is that of 1880 upon the re-examination of the case when the question of loyalty was raised. But I merely rose to call the attention of my colleague to the danger of reopening up these claims.

Mr. CHEADLE. The question raised was as to the loyalty of the second husband of the claimant. Upon investigation it was ascertained that, instead of being disloyal, he was for four years an assistant surgeon in the Union Army. The first husband died four years before the war commenced. As the record shows, it has been proved to the satisfaction of the commanding officers that this widow was a loyal woman, and the question of loyalty can not be raised as to the minor heirs.

Mr. HOLMAN. If there is any report made by the Quartermaster-General since 1880, when he said he could not certify as to the loyalty of the claimant, I should be glad to hear it.

Mr. CHEADLE. I ask the Clerk to read the latter part of the finding of the committee on that subject.

The Clerk read as follows:

Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of her second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee, and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported under date of July 2, 1880:

"Against her loyalty are certain charges made against the conduct of her second husband since the war by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

* * * * * * *

"But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal."

Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

Mr. CHEADLE. The special agent appointed to make investigation reports that she is loyal.

Mr. HOLMAN. But the Quartermaster-General does not; that is the trouble.

Mr. CHEADLE. I ask the Clerk to read another paragraph which I have indicated in the report.

The Clerk read as follows:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1862.

Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

C. M. STINSON.

Mr. GEAR. I ask unanimous consent for the consideration of the bill (H. R. 3595) for the relief of C. M. Stinson.

The bill was read, as follows:

Be it enacted, etc., That the sum of $100 be, and is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated, for the payment to C. M. Stinson, late a sergeant of Company A, One hundred and seventeenth Regiment of Ohio Volunteer Infantry, in full compensation for expenses for board, livery hire, railway fare, and other necessary expenses incurred by him while in command of a party on detail service for the arrest of deserters, as shown by the records of the War Department.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

Mr. LANHAM. I now move that the committee rise.

Mr. STONE, of Kentucky. I would like to ask unanimous consent to have one more bill considered before the committee rises.

Mr. LANHAM. I withdraw my motion.

J. H. BUGG AND OTHERS.

Mr. STONE, of Kentucky. I ask unanimous consent for the present consideration of the bill (H. R. 10401) for the relief of J. H. Bugg and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay J. H. Bugg, late captain Company B, Seventeenth Kentucky Cavalry, the pay and emoluments of a captain of cavalry from October 23, 1864, to April 25, 1865, and to J. T. Guess the pay and emoluments of a first lieutenant of cavalry from October 23, 1864, to April 25, 1865, and to Nathan Fralick the pay and emoluments of a second lieutenant of cavalry from October 23, 1864, to April 25, 1865, out of any money in the Treasury not otherwise appropriated.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill; which was laid aside to be reported to the House with the recommendation that it do pass.

PILOT AND CREW OF STEAMER PLANTER.

Mr. CANNON. I desire consent to call up the bill (H. R. 3580) for the relief of the pilot and crew of the steamer Planter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to appoint a board of competent officers of the Navy whose duty it shall be to make a reappraisement of the steam transport-boat Planter, taken during the late rebellion by Robert Smalls from the harbor of Charleston, S. C., and of all the arms, ordnance, ordnance stores, munitions, tackle, and other property on board of said transport-boat at the time of her delivery to the Federal authorities by the said Robert Smalls; and when the full value of said transport-boat, the arms, munitions, tackle, and other property shall be ascertained, estimating said values by the worth of the property at the time of capture as aforesaid, shall cause an apportionment of such value so ascertained to be made between Robert Smalls and his associates on said transport-boat at the time of her capture and delivery to the Federal authorities, in the manner hereinafter provided for by this act, deducting only the amount or amounts paid to the said Smalls and his said associates under the act of Congress approved May 30, 1862.

SEC. 2. That the apportionment referred to in the first section of this act shall be made as follows: One-third full amount of the value of the said transport-boat Planter, the arms, ordnance, ordnance stores, tackle, and other property, at the time of her capture and delivery to the Federal authorities, shall be awarded to the said Robert Smalls, and the balance shall be equally divided between his said associates or their heirs at law.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay to Robert Smalls and his associates, or their heirs at law as aforesaid, out of any money in the Treasury not otherwise appropriated, the sum which may be by the said board of officers hereby authorized apportioned to each of them under the provisions of this act.

Mr. DIBBLE (during the reading of the bill). Mr. Chairman——

Mr. CANNON. Let the bill be read through.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for the present consideration of this bill. Is there objection?

Mr. DIBBLE. I object.

Mr. LANHAM. I move that the committee rise.

Mr. CANNON. I hope there will be no objection to the bill which has just been read. I think it can be considered in a moment.

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] has objected.

Mr. CANNON. I appeal to the gentleman to allow the Committee of the Whole to consider the case. It is a unanimous report.

Mr. DIBBLE. There are circumstances connected with this case which lead me to object, because I do not believe it is a just claim against the Government.

Mr. CANNON. Then if that can be shown upon discussion let us defeat it. I believe that this bill is a long-delayed act of justice to a patriotic and brave man, although he is clothed in a black skin.

The question being taken on the motion of Mr. LANHAM, that the committee rise, it was not agreed to; there being—ayes 33, noes 47.

ORDER OF BUSINESS.

Mr. WHEELER. Mr. Chairman——

Mr. CANNON. I call for the regular order.

A MEMBER (to Mr. CANNON). Do not do that.

Mr. CANNON. Yes, I will do it. We will reach in two or three minutes the bill that I desire to have considered.

JAMES S. CLARKE & CO.

The next business on the Private Calendar was the bill (H. R. 3500) for the relief of James S. Clarke & Co.

Mr. STONE, of Kentucky. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. In the absence of objection that order will be made.

ALFRED H. THOMAS.

The next business on the Private Calendar was the bill (H. R. 1067) for the relief of Alfred H. Thomas, deceased.

Mr. LANHAM. I ask that this bill be passed over informally, retaining its place on the Calendar.

Mr. DIBBLE. I object.

Mr. LANHAM. I again move that the committee rise. The committee has been continuously in session now for four hours.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] moves that the committee rise.

Mr. CANNON. I hope not.

The motion of Mr. LANHAM was not agreed to.

The CHAIRMAN. The Clerk will report the pending bill.

Mr. NELSON. I ask unanimous consent——

Mr. CANNON and others. Regular order!

Mr. NELSON. I do not think any objection will be made to my proposition.

Mr. CANNON. I shall have to call for the regular order.

The CHAIRMAN. The Clerk will read the pending bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend the records in the War Department of the United States to show the name of Alfred H. Thomas duly enlisted and mustered into Company D, Seventh Regiment Tennessee Cavalry Volunteers, on the 1st day of February, 1864, for three years' service; taken prisoner at Union City, Tenn., on the 24th day of March, 1864; and died a prisoner of war, while in the service of the United States, at Savannah, Ga., on the 1st day of December, 1864.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with a favorable recommendation.

Mr. DIBBLE. I call for the reading of the report.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1067) for the relief of Alfred H. Thomas, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 190 of the Committee on Military Affairs of the Forty-seventh Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 190, Forty-seventh Congress, first session.]

The Committee on Military Affairs, to whom was referred a bill to amend the war record of Alfred H. Thomas, deceased, submit the following report:

It appears that the said Alfred H. Thomas enlisted on or about the 1st day of February, 1864, in Company D, Seventh Regiment Tennessee Cavalry Volunteers; that the exigencies of the service called this company into active duty in the field before muster; that on the 24th day of March, 1864, the said Thomas, while in the line of duty, was captured with his entire company; that he was held a prisoner of war from that time to the time of his death early in December, 1864, at Savannah, Ga. The above facts are conclusively established by the affidavits of two officers and several enlisted men of his regiment, and make a strong case for the relief asked, and the passage of the bill is therefore recommended.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. DIBBLE obtained the floor.

Mr. LANHAM. Mr. Chairman, it is manifest we are going to do nothing more in Committee of the Whole this afternoon. We have already passed a number of bills, and I do think the best thing we can do is to rise. I do not believe we can reach the bill which the gentleman from Illinois [Mr. CANNON] desires to reach.

Mr. CANNON. Let me make a suggestion which I think will be satisfactory. Let the report be printed in the RECORD. I understand it is exhausted. Then let the bill go over till the next private-bill day.

Mr. DIBBLE. I have no objection to that, but there is plenty of evidence in addition to that report, and I think it would be as well to print that evidence with the report of the committee. Let them both be printed at the same time; and that agreement can be made when the bill is called up. I ask the gentleman from Illinois to have that evidence printed.

Mr. CANNON. I only ask to have printed what is of record, and that is the report of the committee.

Mr. LANHAM. I will state in the hearing of the gentleman from Illinois that it will be absolutely impossible to reach the bill this afternoon. It is three below the one we have been considering. There are a number of bills to be reported to the House for passage, and they ought to be taken up and passed. So far as printing the report is concerned I have no objection to it. Let it go into the RECORD.

Mr. CANNON. If that can be done, I do not object to the committee rising.

The CHAIRMAN. Is there objection to the printing of the report of the committee in the RECORD?

There was no objection, and it was so ordered.

The report (by Mr. BROWER) from the Committee on War Claims is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3580) for the relief of the pilot and crew of the steamer Planter, report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 3595, of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 3595, Forty-ninth Congress, second session.]

The facts on which this claim is based were investigated by the Committee on Naval Affairs of the Forty-seventh Congress, and were as follows, as embodied in the report of that committee (No. 1887, second session of Forty-seventh Congress):

"This claim is rested upon the very valuable services rendered by Robert Smalls to the country during the late war. The record of these has been very carefully investigated, and portions of it are appended, as exhibits to this report. They show a degree of courage, well directed by intelligence and patriotism, of which the nation may well be proud, but which for twenty years has been wholly unrecognized by it. The following is a succinct statement and outline of them:

"On May 13, 1862, the Confederate steam-boat Planter, the special dispatch-boat of General Ripley, the Confederate post commander at Charleston, S. C., was taken by Robert Smalls under the following circumstances from the wharf at which she was lying, carried safely out of Charleston Harbor, and delivered to one of the vessels of the Federal fleet then blockading that port.

"On the day previous, May 12, the Planter, which had for two weeks been engaged in removing guns from Cole's Island to James Island, returned to Charleston. That night all the officers went ashore and slept in the city, leaving on board a crew of eight men, all colored. Among them was Robert Smalls, who was virtually the pilot of the boat, although he was only called a wheelman, because at that time no colored man could have, in fact, been made a pilot.

"For some time previous he had been watching for an opportunity to carry into execution a plan he had conceived to take the Planter to the Federal fleet. This he saw was about as good a chance as he would ever have to do so, and therefore he determined not to lose it. Consulting with the balance of the crew, Smalls found that they were willing to co-operate with him, although two of them afterwards concluded to remain behind. The design was hazardous in the extreme. The boat would have to pass beneath the guns of the forts in the harbor. Failure and detection would have been certain death. Fearful was the venture, but it was made. The daring resolution had been formed, and under command of Robert Smalls wood was taken aboard, steam was put on, and with her valuable cargo of guns and ammunition, intended for Fort Ripley, a new fortification just constructed in the harbor, about 2 o'clock in the morning the Planter silently moved off from her dock, steamed up to North Atlantic Wharf, where Smalls's wife and two children, together with four other women and one other child, and also three men, were waiting to embark.

"All these were taken on board, and then, at 3.25 a. m., May 13, the Planter started on her perilous adventure, carrying nine men, five women, and three children. Passing Fort Johnson, the Planter's steam-whistle blew the usual salute and she proceeded down the bay. Approaching Fort Sumter, Smalls stood in the pilot-house leaning out of the window, with his arms folded across his breast, after the manner of Captain Relay, the commander of the boat, and his head covered with the huge straw hat which Captain Relay commonly wore on such occasions.

"The signal required to be given by all steamers passing out was blown as coolly as if General Ripley was on board, going out on a tour of inspection. Sumter answered by signal, 'All right,' and the Planter headed toward Morris Island, then occupied by Hatch's Light Artillery, and passed beyond the range of Sumter's guns before anybody suspected anything was wrong. When at last the Planter was obviously going toward the Federal fleet off the bar, Sumter signaled toward Morris Island to stop her. But it was too late. As the Planter approached the Federal fleet a white flag was displayed, but this was not at first discovered, and the Federal steamers, supposing the Confederate rams were coming to attack them, stood out to deep water.

"But the ship Onward, Captain Nichols, which was not a steamer, remained, opened her ports and was about to fire into the Planter, when she noticed the flag of truce. As soon as the vessels came within hailing distance of each other the Planter's errand was explained. Captain Nichols then boarded her, and Smalls delivered the Planter to him. From the Planter Smalls was transferred to the Augusta, the flag-ship off the bar, under the command of Captain Parrott, by whom the Planter, with Smalls and her crew, was sent to Port Royal, to Rear-Admiral Du Pont, then in command of the Southern squadron.

"Captain Parrott's official letter to Flag-Officer Du Pont and Admiral Du Pont's letter to the Secretary of the Navy are appended hereto.

"Captain Smalls was soon afterwards ordered to Edisto, to join the gunboat Crusader, Captain Rhind. He then proceeded in the Crusader, piloting her and followed by the Planter, to Simmons's Bluff, on Wadmalaw Sound, where a sharp battle was fought between these boats and a Confederate light battery and some infantry. The Confederates were driven out of their works, and the troops on the Planter landed and captured all the tents and provisions of the enemy. This occurred some time in June, 1862.

"Captain Smalls continued to act as pilot on board the Planter and the Crusader and as blockading pilot between Charleston and Beaufort. He made repeated trips up and along the rivers near the coast, pointing out and removing the torpedoes which he himself had assisted in sinking and putting in position. During these trips he was present in several fights at Adams's Run, on the Dawho River, where the Planter was hotly and severely fired upon; also at Rockville, John's Island, and other places. Afterwards he was ordered back to Port Royal, whence he piloted the fleet up Broad River to Pocotaligo, where a very severe battle ensued. Captain Smalls was the pilot on the monitor Keokuk, Captain Ryan, in the memorable attack on Fort Sumter, on the afternoon of the 7th of April, 1863. In this attack the Keokuk was struck ninety-six times, nineteen shots passing through her. She retired from the engagement only to sink on the next morning near Light-House Inlet. Captain Smalls left her just before she went down, and was taken with the remainder of the crew on board of the Ironsides. The next day the fleet returned to Hilton Head.

"When General Gillmore took command Smalls became pilot in the quartermaster's department in the expedition on Morris Island. He was then stationed as pilot of the Stono, where he remained until the United States troops took possession of the south end of Morris Island, when he was put in charge of Light-House Inlet as pilot. Upon one occasion, in December, 1863, while the Planter, then under Captain Nickerson, was sailing through Folly Island Creek, the Confederate batteries at Secessionville opened a very hot fire upon her. Captain Nickerson became demoralized and left the pilot-house and secured himself in the coal bunker.

Smalls was on the deck, and finding that the captain had deserted his post entered the pilot-house, took command of the boat, and carried her safely out of reach of the guns. For this conduct he was promoted by order of General Gillmore, commanding the Department of the South, to the rank of captain, and was ordered to act as captain of the Planter, which was used as a supply-boat along the coast until the end of the war. In September, 1865, he carried his boat to Baltimore, where she was put out of commission and sold.

Besides the daring enterprise of Captain Smalls in bringing out the Planter, his gallant conduct in rescuing her a second time, for which he was made captain of her, and his invaluable services to the Army and Navy as a pilot in waters where he perfectly knew not only every bank and bar, but also where every torpedo was situated, there are still other elements to be considered in estimating the value of Captain Smalls's services to the country. The Planter, on the 13th of May, 1862, was a most useful and important vessel to the enemy. The loss of her was a severe blow to the enemy's service in carrying supplies and troops to different points of the harbor and river fortifications. At the very time of the seizure she had on board the armament for Fort Ripley. The Planter was taken by the Government at a valuation of $9,000, one-half of which was paid to the captain and crew, the captain receiving one-third of one-half, or $1,500.

Upon what principle the Government claimed one-half of this capture can not be divined, nor yet how this disposition could have been made of her without any judicial proceeding. That $9,000 was an absurdly low valuation for the Planter is abundantly shown by facts stated in the affidavits of Charles H. Campbell and E. M. Baldwin, which are appended. In addition thereto their sworn average valuation of the Planter was $67,500. The report of Montgomery Sicard, commander and inspector of ordnance, to Commodore Patterson, navy-yard commandant, shows that the cargo of the Planter, as raw material, was worth $3,043.05; that at the ante-bellum prices it was worth $7,163.35, and at war prices $10,290.60. For this cargo the Government has never paid one dollar. It is a severe comment on the justice as well as the boasted generosity of the Government that, whilst it had received $60,000 to $70,000 worth of property at the hands of Captain Smalls, it has paid him the trifling amount of $1,500, and for twenty years his gallant daring and distinguished and valuable services which he has rendered to the country have been wholly unrecognized.

Report of Flag-Officer Du Pont.

FLAG-SHIP WABASH,
Port Royal Harbor, South Carolina, May 14, 1862.

SIR: I inclose a copy of a report from Commander E. G. Parrott, brought here last night by the late rebel steam-tug Planter, in charge of an officer and crew from the Augusta. She was the armed dispatch and transportation steamer attached to the engineer department at Charleston, under Brigadier-General Ripley, whose barge, a short time since, was brought out to the blockading fleet by several contrabands.

The bringing out of this steamer, under all the circumstances, would have done credit to any one. At 4 o'clock in the morning, in the absence of the captain, who was on shore, she left her wharf close to the government office and headquarters, with Palmetto and Confederate flags flying, passed the successive forts, saluting as usual by blowing her steam-whistle. After getting beyond the range of the last gun she quickly hauled down the rebel flag and hoisted a white one.

The Onward was the inside ship of the blockading fleet in the main channel, and was preparing to fire when her commander made out the white flag. The armament of the steamer is a 32-pounder, or pivot, and a fine 24-pounder howitzer. She has, besides, on her deck four other guns, one 7-inch rifled, which were to have been taken the morning of the escape to the new fort on the middle ground. One of the four belonged to Fort Sumter and had been struck, in the rebel attack on the fort, on the muzzle. Robert, the intelligent slave and pilot of the boat who performed this bold feat so skillfully, informed me of this fact, presuming that it would be a matter of interest to us to have possession of this gun. This man, Robert Smalls, is superior to any who have come to our lines, intelligent as many of them have been. His information has been most interesting and portions of it of the utmost importance.

The steamer is quite an acquisition to the squadron by her good machinery and very light draught. The officer in charge brought her through St. Helena Sound and by the inland passage down Beaufort River, arriving here at 10 o'clock last night.

On board the steamer when she left Charleston were eight men, five women, and three children.

I shall continue to employ Robert as a pilot on board the Planter for the inland waters, with which he appears to be very familiar. I do not know whether, in the views of the Government, the vessel will be considered a prize; but, if so, I respectfully submit to the Department the claims of this man Robert and his associates.

Very respectfully, your obedient servant,

S. F. DU PONT,
Flag Officer, Commanding, etc.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

UNITED STATES STEAM-SHIP AUGUSTA,
Off Charleston, May 13, 1862.

SIR: I have the honor to inform you that the rebel armed steamer Planter was brought out to us this morning from Charleston by eight contrabands, and delivered up to the squadron. Five colored women and three children are also on board. She carried one 32-pounder and one 24-pounder howitzer, and has also on board four large guns, which she was engaged in transporting.

I send her to Port Royal at once, in order to take advantage of the present good weather. I send Charleston papers of the 12th, and the very intelligent contraband who was in charge will give you the information which he has brought off.

I have the honor to request that you will send back, as soon as convenient, the officer and crew sent on board.

I am, respectfully, etc., your obedient servant,

E. G. PARROTT,
Commander, and Senior Officer present.

Flag-Officer S. F. DU PONT,
Commanding South Atlantic Blockading Squadron.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 3, 1883.

SIR: Your communication of the 26th ultimo, in relation to your services on the steamer Planter during the rebellion, and requesting copies of any letters from General Gillmore and other officers on the subject, has been received.

The records of this office show that the name of Robert Smalls is reported by Lieut. Col. J. J. Elwell, Hilton Head, S. C., as a pilot, at $50 per month, from March 1, 1863, to September 30, 1863; and from October 1, 1863, to November 29, 1863, at $75 per month.

He was then transferred to Capt. J. L. Kelly, assistant quartermaster, November 20, 1863, by whom he was reported as pilot from November 21 to November 30, 1863. He is reported by that officer in same capacity from December 1, 1863, until February 29, 1864, at $150 per month.

The name of Robert Smalls is then reported by Captain Kelly as captain of the steamer Planter, at $150 per month, from March 1, 1864, until May 15, 1864, when transferred to the quartermaster in Philadelphia.

He is reported by Capts. C. D. Schmidt, G. R. Orme, W. W. Van Ness, and John R. Jennings, assistant quartermasters at Philadelphia, as captain of the Planter, at $150 per month from June 20, 1864, to December 16, 1864, when transferred to Capt. J. L. Kelly, assistant quartermaster, Hilton Head, S. C., by whom he is reported to January 31, 1865.

From February 1, 1865, he is reported as a "contractor, victualing and manning the steamer Planter."

I respectfully inclose herewith a copy of a letter, dated September 10, 1862, from Capt. J. J. Elwell, chief quartermaster, Department of the South, in relation to the capture of the steamer Planter, which is the only one found on file in this office on the subject.

Very respectfully, your obedient servant,

ALEX. J. PERRY,
Deputy Quartermaster-General, U. S. A.,
Acting Quartermaster-General.

Hon. ROBERT SMALLS,
Member of Congress, Washington, D. C.

OFFICE OF THE CHIEF QUARTERMASTER,
Hilton Head, S. C., September 10, 1862.

GENERAL: I have this day taken a transfer of the small steamer Planter, of the Navy. This is the Confederate steamer which Robert Smalls, a contraband, brought out of Charleston on the 13th of May last. The Navy Department, through Rear-Admiral Du Pont, transfers her, and I receipt for her just as she was received from Charleston. Her machinery is not in very good order, and will require some repairs, etc.; but this I can have done here. She will be of much service to us, as we have comparatively no vessels of light draught. I shall have her employed at Fort Pulaski, where I am obliged to keep a steamer.

Please find inclosed a copy of the letter of Rear-Admiral Du Pont to General Brannan in regard to the matter.

I am, general, very respectfully, your most obedient servant,

J. J. ELWELL,
Captain and Assistant Quartermaster.

J. G. CHANDLER,
Deputy Quartermaster-General, U. S. A.

Personally appeared before me Charles H. Campbell, of the city, county, and State of New York, who, being by me duly sworn according to law, deposes and says as follows:

That during the year 1862, and from that time up to and including the year 1866, he was doing service in the Department of the South, headquarters at Hilton Head, S. C.; that he knows Hon. Robert Smalls, of Beaufort, S. C.; that he was present when the steamer Planter, of the city of Charleston, came into Hilton Head on or about the 13th of May, 1862; that he went on board the Planter and made a personal examination of her condition, and found she was built of live-oak and red cedar, and a first-class coastwise steamer, well furnished and complete in every respect; that he was, and is, well acquainted with the value of steamers, and has been engaged in the business of steam-boating, both as captain and owner, for the last fifteen years; that the steamer Planter was fully worth, at the time she came into Hilton Head, the sum of $80,000 in cash for the boat alone; that the United States Government was paying at that time for steamers of her class $400 per day under a charter-party agreement with the chief quartermaster at that place, the Government finding both wood and coal; that he chartered to the United States Government at or about that time the steamer George Washington for $350 per day, which was only about half the size of the Planter and not more than half her value; that he executed seven charters for steamers with the Government, and also had a valuation set on them in case of loss; and the above statement is made in accordance with the prices paid by the Government at Hilton Head and elsewhere during the time the Planter was in the service; that at the close of the war, and while the Planter was laying up in Charleston and in a very bad condition from the nature of her past services, I was commissioned by her former owner, Captain Ferguson, to purchase the Planter from the Government for the sum of $25,000, which sum I did offer, and the same was refused on the part of the Government of the United States; that the steamer Planter was an extra strong-built boat; her frame was live-oak and red cedar, and built as strong as possible; she was built expressly for the coastwise trade, and she is running out of the city of Charleston to-day and is considered by steam-boat men one of the strongest and best built steamboats in the South.

CHAS. H. CAMPBELL.

Subscribed and sworn to before me the 23d day of March, 1876.

[OFFICIAL SEAL.] JAS. A. TAIT, *Notary Public.*

Personally appeared before me, a notary public, E. M. Baldwin, of the city of Washington, D. C., who was by me duly sworn according to law, deposes and says:

That during the year A. D. 1862 and afterwards was doing service for the Navy Department at Hilton Head, S. C., in the South Atlantic blockading squadron; that he was captain of the steam-tug Mercury, and was one of the first persons that boarded the Planter at Hilton Head on the 13th day of May, A. D. 1862.

That he has been for years, and is now, engaged in the steam-boat business as an officer and owner, and is familiar with the prices paid for charters by the quartermaster at Hilton Head, and the value of steam-boats generally at that time and since; that he examined the Planter when she came into said harbor at Hilton Head, and found her a first-class steam-boat, built of live-oak and red cedar, and her outfit and findings complete in every particular; that she could have been readily sold at the time she arrived at Hilton Head for $75,000 in cash for the steam-boat alone, or could have been chartered to the Government for $400 per day, which at that rate would have paid the purchase money at the price aforesaid in less than one year, and would have left a large surplus to the purchaser; that she was considered by both the officers of the Army and Navy, on account of her light draught and great strength, by far the best steamer for that coast service in the Department of the South.

E. M. BALDWIN.

Sworn to before me and subscribed by him in my presence this 25th day of March, A. D. 1886.

[OFFICIAL SEAL.] JAS. A. TAIT, *Notary Public.*

Exhibit of the estimated values of certain ordnance and ordnance stores on board the rebel steamer Planter, which came out of Charleston, S. C., to the United States blockading fleet on the 15th day of May, 1862.

Articles of ordnance and ordnance stores on board the Planter.	Estimated under the supposition that the guns and projectiles of value to the United States only as old material, the powder being considered as useful for saluting.		Estimated supposing that all the articles are valued at prices paid before the war, except the Brooks rifle and its projectiles, which are given at war prices.		Estimated supposing that all the articles are valued by the United States at war prices.	
1 long 32-pounder of 7,200 pounds	At ¾ cent per pound	$54.00	At 5.6 cents per pound	$403.20	At 10 cents per pound	$720.00
1 short 32-pounder of 3,300 pounds	At ¾ cent per pound	24.75	At 5.6 cents per pound	220.40	At 9 cents per pound	297.00
1 short 24-pounder of 1,476 pounds	At ¾ cent per pound	11.07	At 5.6 cents per pound	82.66	At 9 cents per pound	132.84
2 8-inch columbiads of 9,240 pounds	At ¾ cent per pound	138.60	At 5.6 cents per pound	1,027.44	At 11 cents per pound	2,032.80
1 7-inch rifle of 10,500 pounds	At ¾ cent per pound	78.75	At 12 cents per pound	1,260.00	At 12 cents per pound	1,260.00
200 32-pounder shot	At 1½ cents per pound	113.00	At 66 cents each	132.00	At $1 each	200.00
150 8-inch 32-pounder shot	At 1½ cents per pound	170.62	At 83 cents each	124.50	At $1.25 each	187.50
200 32-pounder shell, loaded and fused	At 1½ cents per pound	78.75	At $1.80 each	360.00	At $2.50 each	502.00
100 24-pounder shell, loaded and fused	At 1½ cents per pound	29.26	At $1.40 each	140.00	At $2 each	200.00
200 7-inch rifle shell, loaded and fused	At 1½ cents per pound	315.00	At 63 each	1,260.00	At $6 each	1,200.00
150 8-inch rifle shell, loaded and fused	At 1½ cents per pound	131.00	At $2.33 each	349.50	At $3.39 each	508.00
400 32-pounder charges, 8 pounds each, 3,200 pounds.	At 22 cents per pound	704.00	At 18 cents per pound	576.00	At 29 cents per pound	928.00
100 24-pounder charges, 2 pounds each, 200 pounds.	At 22 cents per pound	44.00	At 18 cents per pound	36.00	At 30 cents per pound	60.00
200 7-inch rifle charges, 10 pounds each, 2,000 pounds.	At 22 cents per pound	440.00	At 18 cents per pound	360.00	At 30 cents per pound	600.00
300 8-inch columbiad charges, 10 pounds each, 3,000 pounds.	At 22 cents per pound	660.00	At 18 cents per pound	540.00	At 30 cents per pound	900.00
1 32-pounder carriage, army pattern	At 22 cents per pound	40.80	At 18 cents per pound	330.00		750.00
1 24-pounder carriage, army pattern	At 22 cents per pound	10.00		20.00		50.00
Total		3,043.05		7,163.35		10,286.00

The committee now recommend that the bill be amended by substituting therefor the following, and that, as so amended, the bill do pass:

"*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to appoint a board of competent officers of the Navy whose duty it shall be to make a reappraisement of the steam transport-boat Planter, taken during the late rebellion by Robert Smalls from the harbor of Charleston, S. C., and of all the arms, ordnance, ordnance stores, munition, tackle, and other property on board of said transport-boat at the time of her delivery to the Federal authorities by the said Robert Smalls; and when the full value of said transport-boat, the arms, munitions, tackle, and other property shall be ascertained, estimating said values by the worth of the property at the time of capture as aforesaid, shall cause an apportionment of such value so ascertained to be made between Robert Smalls and his associates on said transport-boat at the time of her capture and delivery to the Federal authorities, in the manner hereinafter

provided for by this act, deducting only the amount or amounts paid to the said Smalls and his said associates under the act of Congress approved May 30, 1862.

SEC. 2. That the apportionment referred to in the first section of this act shall be made as follows: One-third of the full amount of the value of the said transport-boat Planter, the arms, ordnance, ordnance stores, tackle, and other property, at the time of her capture and delivery to the Federal authorities, shall be awarded to the said Robert Smalls, and the balance shall be equally divided between his said associates or their heirs at law.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay to Robert Smalls and his associates, or their heirs at law as aforesaid, out of any money in the Treasury not otherwise appropriated, the sum which may be by the said board of officers hereby authorized apportioned to each of them under the provision of this act.

Mr. ENLOE. The report in the case of Hiram Johnson and others, which is exhausted, ought also to be printed in the RECORD, and I make that request.

There was no objection, and it was so ordered.

The report (by Mr. PENINGTON), from the Committee on War Claims, is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1028) for the relief of Hiram Johnson and others, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report of the Committee on War Claims, No. 1345, second session, Forty-sixth Congress, and are in substance as follows:

[House Report No. 1345, Forty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1862, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water-tank belonging to the railway corporation.

Thereupon, on the 2d day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment, by way of reprisal, upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States	$1,900.00
Arms and camp equipage belonging to the United States	3,180.00
Total belonging to the United States	5,080.00
Cotton belonging to private persons	18,171.36
Railway property	3,500.00
Grand total	26,751.36

Upon this report being made, Colonel Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brigadier-General Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Colonel Haynie proceeded in the execution of the order, and collected of the said assessment the sum $23,325.16, leaving a deficit of $3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for $4,326.20, to make up such deficit; and of this amount there was collected $4,026.20, making the total amount collected to repair losses and damages sustained by said raid $27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of General Grant, then commanding the troops in that department. But it appears from the papers filed that General Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines like the one at Henderson only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the Provost-Marshal-General.

And it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by General M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by General Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, namely:

For cotton burned belonging to the United States	$1,900
Arms and camp equipage belonging to the United States	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of $22,271.26 taken from the petitioners under a misconstruction of the order of the commanding general as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected $23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, $4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer, who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them ($22,271.26) in excess of the requirements of General Grant is valid, and that the Government ought in right to refund the same; and report herewith a bill redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them respectively, and recommend its passage.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with amendments to make the bill conform to the report.

Mr. LANHAM moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report back sundry bills with various recommendations.

ORDER OF BUSINESS.

Mr. LANHAM. I desire to submit a request in behalf of gentlemen of the House. I have not the slightest interest in it on my own account. I have not a single bill on the Calendar, but there are other gentlemen who have. I ask that Monday next there be an evening session, the House to take a recess from 5 o'clock p. m. to 8 o'clock p. m., the evening session to be devoted to the consideration of bills reported from the Committee on Claims to which no objection shall be made.

Mr. STONE, of Kentucky. The Committee on Claims has had an evening session, at which some bills were passed. Something was accomplished; but at the evening session for the Committee on War Claims but little was done. Therefore with the request let there be coupled reports also from the Committee on War Claims.

The SPEAKER *pro tempore*. It has been frequently decided that you can not unite such motions, but the Chair will put the request to the House.

Mr. ROGERS. Let the session be limited to 10 o'clock.

Mr. LANHAM. Say 11.

Mr. TOWNSHEND. Let it be included also that at that session it shall be in order to call up bills from the Committee on Military Affairs for the construction of roads to national cemeteries and for the right of way through military reservations.

Mr. MORGAN. Limit the bills to $5,000.

The SPEAKER *pro tempore*. The request of the gentleman from Texas can not be amended. Is there objection to the request for an evening session on behalf of the Committee on Claims on Monday next?

Mr. BURROWS. I have conferred with gentlemen on this side of the House, and there will be no objection if the gentleman will modify his motion so as to include reports from the Committee on Invalid Pensions.

Mr. LANHAM. I can not yield to that.

Mr. BURROWS. Then I must object.

The SPEAKER *pro tempore*. Is there objection?

Mr. BURROWS. Yes; I object.

JOHN DE BREE, EXECUTOR.

The bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, reported from the Committee of the Whole without amendment, was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 10798 of the same title was ordered to be laid on the table.

WILLIAM D. WILSON.

The bill (H. R. 828) for the relief of William D. Wilson, reported from the Committee of the Whole with amendments, was considered, the amendments adopted, and the bill as amended ordered to be en-

grossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform.

MARTHA L. RUSSELL AND OTHERS.

The bill (H. R. 565) for the relief of Martha L. Russell, Mary A. House, and Lulu H. House, reported from the Committee of the Whole with amendments, was considered, the amendments adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHEADLE. I move to amend the title by striking out the name "Martha L. Russell."

The amendment was adopted.

BILLS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 5516) for the relief of John H. Weeks;

A bill (H. R. 10481) for the relief of Rev. William Gregston; and

A bill (H. R. 341) for the relief of John Farley.

LUCINDA M'GUIRE.

The bill (S. 102) for the relief of Lucinda McGuire, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to a third reading, read the third time, and passed.

The bill H. R. 5871, for the relief of Lucinda McGuire, was ordered to be laid on the table.

C. M. STINSON.

The bill (H. R. 3595) for the relief of C. M. Stinson, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; there being on a division—ayes 69, noes 0.

J. H. BUGG AND OTHERS.

The bill (H. R. 10401) for the relief of J. H. Bugg and others, reported from the Committee of the Whole with favorable recommendation, was considered, ordered to be engfossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of conferees as follows, namely:

On the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, Mr. COMPTON, Mr. HEARD, and Mr. ROWELL; and

On the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, Mr. HEARD, Mr. COMPTON, and Mr. BREWER.

ORDER OF BUSINESS.

Mr. CRAIN. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which I send to the desk.

Mr. O'NEILL, of Pennsylvania. I desire to submit a privileged report.

Mr. BOWDEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOWDEN. At the present session, on the 14th of this month, the bill for the relief of James Caler was laid aside with a favorable report, and upon the report of the committee being made to the House a demand was made for the reading of the engrossed bill. I find that bill has been brought forward on the Calendar under the head of "bills reported from the Private Calendar undisposed of." It is the only bill on the Calendar without any special order, and I ask if it is not now entitled to precedence?

The SPEAKER *pro tempore*. On what ground?

Mr. BOWDEN. On the ground that it is unfinished business on the Private Calendar on a favorable report from the committee.

The SPEAKER *pro tempore*. Does the gentleman make that point?

Mr. BOWDEN. I will withdraw the inquiry for the present and will call up the bill at another time.

PREPARATION OF INDEX, CALENDARS, HOUSE OF REPRESENTATIVES.

Mr. FLOOD. I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of $600, in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftieth Congress.

The Committee on Accounts, to whom was referred the resolution providing for the payment out of the contingent fund of the House to Samuel D. Craig the sum of $600 for extra services in the preparation of the Calendars, having considered the same, report that, in the judgment of your committee, the amount asked is very reasonable. The extra work on the Calendars is 40 per cent. at least in excess of any previous session, and there has been added an index (prepared by Mr. Craig) which has been of great benefit to the members as well as the public at large. The compilation of this index alone is well worth the sum asked, and the committee would recommend the passage of the resolution if the same were a legal charge upon the contingent fund; but as it is not, your committee therefore report the following substitute and recommend its adoption:

Resolved, That there be paid to Samuel D. Craig the sum of $600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10866) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute proposed by the Committee on Accounts.

The substitute was adopted.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to amendments of the House of Representatives to Senate bills of the following titles:

A bill (S. 196) to cancel certain reservations of lands on account of live-oak in the Southwestern land district of the State of Louisiana;

A bill (S. 928) in relation to marriage between white men and Indian women; and

A bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 10758) "to amend the charter of the Capitol, North O Street and South Washington Railway Company."

The message further announced that the Senate had passed a bill (S. 3132) "to provide for trial by jury in the police court of the District of Columbia, and for other purposes;" in which concurrence of the House was requested.

BRAZOS RIVER.

Mr. CRAIN. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill which I send to the Clerk's desk, and that the same be considered in the House.

The bill was read, as follows:

A bill (H. R. 10165) for improving the mouth of the Brazos River, Texas.

Be it enacted, etc., That the Brazos River Channel and Dock Company, a corporation organized under and by virtue of the laws of the State of Texas, be, and are hereby, authorized, on the conditions hereinafter mentioned, to construct, own, and operate such permanent and sufficient jetties and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a navigable channel at the mouth of the Brazos River, Texas, between said river and the Gulf of Mexico, and so far into the mainland and between the banks of the said Brazos River as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, for the purposes of furnishing the vessels and boats adapted to the purposes facilitie for navigation in and along the entire length of said channel, charging and collecting such toll therefor as may be prescribed by the regulations that may be made by the Secretary of the Treasury of the United States in conformity with the laws of the United States; and for that purpose they may construct, in the river, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as they may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation in said river or between said river and the Gulf of Mexico; and, to protect their said works, they may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of said Brazos River; and said Brazos River Channel and Dock Company shall hold the United States harmless from any damages that may accrue to any person or persons by overflow or otherwise caused by the construction of said walls, jetties, dikes, levees, and other works constructed by said company: *Provided further*, That unless the construction of the proposed work shall be substantially commenced in one year from date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said improvement shall be null and void; and unless the said Brazos River Channel and Dock Company shall secure a navigable depth of 12 feet of water from a point in the river so far as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, above its mouth and extending from said point to a depth of 12 feet in the Gulf of Mexico, outside of the present bar, within three years after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to said improvement. And Congress may revoke the provisions herein granted in relation to said improvement, unless the said Brazos River Channel and Dock Company shall, after securing 12 feet of water, secure an additional depth of not less than 2 feet during each succeeding year thereafter, until 18 feet shall have been secured; and in case said Brazos River Channel and Dock Company shall fail to comply with the foregoing conditions as to depth of water and time, for any period of twelve months in excess of the time fixed, as aforesaid, then the privileges herein granted in relation to said improvements shall absolutely become null and void without action by Congress.

SEC. 2. That the works of improvement in the said Brazos River, from the mouth of said river to the point described in section 1 of this act, shall consist of the construction of dikes, wing-dams, levees, embankments, and dredging or other means which may be considered by said Brazos River Channel and Dock Company necessary for obtaining a depth of 18 feet of water between the mouth of said river and said point described in section 1 of this act; and that the said Brazos River Channel and Dock Company may, if they shall decide it best for the interests of navigation, change the course of said river at the sharp bend in said river between the mouth of said river and the said point described in section 1 of this act, but in making such change the channel shall be made of sufficient depth and width to receive the volume of said river without disturbance of its regimen.

SEC. 3. That if at any time during the construction of said jetties and auxiliary works, or after said jetties and auxiliary works shall have been completed, and said channel of 18 feet in depth has been obtained, the United States shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas as well as by the authority

of this act, and on such payment being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease.

SEC. 4. That any person maliciously or intentionally injuring said works or interfering with the construction thereof shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed, and if found guilty he shall be liable to a fine not exceeding $1,000 or to imprisonment not more than two years, or both fine and imprisonment as aforesaid for each offense.

Mr. GROSVENOR. I would like to ask the gentleman from Texas from what committee that bill emanates?

Mr. CRAIN. It comes from the Committee on Rivers and Harbors. It is the same as that which passed the Senate.

Mr. McCULLOGH. I wish to offer an amendment.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. ANDERSON, of Kansas. I would like to hear a statement in regard to the bill.

Mr. CRAIN. The bill gives power for the improvement of the mouth of the Brazos River. The Government has abandoned work on that river, and has refused to carry on works there. The Committee on Rivers and Harbors have not reported any appropriation, and the people of that country have organized a company for the purpose of doing the work themselves. They simply ask permission of Congress to do so, and they ask for no appropriation whatever.

Mr. ANDERSON, of Kansas. How wide is the river?

Mr. CRAIN. It varies in width.

Mr. GROSVENOR. There is one provision in this bill which is objectionable. It makes it a penal offense under the laws of the United States to interfere with the property of a State corporation.

Mr. CRAIN. I am willing to have that stricken out.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill? The Chair hears none.

Mr. CRAIN. I move to strike out that section which makes it a penal offense to interfere with the property of a State corporation.

The Clerk read the section, as follows:

SEC. 4. That any person maliciously or intentionally injuring said works or interfering with the construction thereof shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed, and if found guilty he shall be liable to a fine not exceeding $1,000 or to imprisonment not more than two years, or both fine and imprisonment as aforesaid for each offense.

The amendment was agreed to.

Mr. McCULLOGH. I move to amend the third section by making it read "before or after it reaches the depth of 18 feet." The reason why I make this amendment is that as the section reads, as I understand it, the Government can not take the improvements until a depth of 18 feet has been obtained. You may be able to get a depth of 17 feet and not a depth of 18 feet, and that would preclude the Government taking the improvement.

Mr. CRAIN. I am perfectly willing it should go in that way, and I move that the amendment of the gentleman from Pennsylvania be adopted.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

Mr. McCULLOGH. I will withdraw my amendment.

Mr. ANDERSON, of Kansas. I move to insert an additional section, that Congress may at any time alter, amend, or repeal this act.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARINE HOSPITAL AT EVANSVILLE, IND.

Mr. HOVEY. I ask, by unanimous consent, the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building for a marine hospital at the city of Evansville, Ind. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000; nor shall any site be purchased until estimates for the erection of the building which will furnish sufficient accommodations for such hospital, and which shall not exceed in cost the balance of the sum herein limited, after the site shall have been purchased and paid for and approved by the Secretary of the Treasury: *Provided*, That no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except of the criminal laws of said State and the service of civil process therein.

The CHAIRMAN. Is there objection to the consideration of the bill just read? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOVEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. JOHN B. READ.

Mr. BANKHEAD. I ask unanimous consent to have considered at this time the bill (H. R. 10633) for the relief of Dr. John B. Read.

The bill was read, as follows:

Be it enacted, etc., That the sum of $17,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay Dr. John B. Read, his compensation as royalty on all rifle projectiles with iron sabots furnished by R. P. Parrott to the United States during the war of 1861 to 1865; said sum of $17,000 to be received by said John B. Read as royalty upon all such projectiles so furnished to the United States, and in full satisfaction of his claim.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Let the report be read.

The report (by Mr. SIMMONS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 10491) for the relief of John B. Read, submit the following report:

In the year 1856, when rifled ordnance of large caliber did not exist in the United States or in any country, Dr. John B. Read secured a patent, dated October 28, 1856, for an elongated rifle projectile, with a wrought-iron cup or sabot at the base, for expansion into rifle grooves, so as to secure rotation. Early in the same year he had experimented, at Fortress Monroe, with a two-grooved 24-pounder rifle gun, with such favorable results as to secure a contract with the Secretary of War that, on condition of his assigning the free use forever of such projectiles to the United States, he should receive such compensation, in case of adoption, as a board of Army officers, to be appointed for the purpose, might decide to be just. A joint resolution was passed the present session of Congress, authorizing the Secretary of War to appoint such a board; which, after careful investigation of the case, made its report to the Secretary of War, and was by him transmitted to Congress on the 4th instant.

These projectiles were extensively used at the outset of the war, and were furnished the United States by R. P. Parrott from West Point Foundry, with iron sabots, according to Dr. Read's patent.

The board of officers decided that Dr. Read "has a just claim for a reasonable royalty upon those projectiles furnished to the United States by R. P. Parrott, which were covered by his (Read's) patent of October 28, 1856; and that the sum of $17,000 is the proper amount to be paid by the United States to Dr. Read, in full satisfaction of his claim."

Your committee therefore recommend that the substitute for the original bill herewith submitted do pass.

Mr. GROSVENOR. If I recollect rightly that bill was up this afternoon, and the gentleman from Indiana, who I believe is not present now, made some objection to it and offered a substitute.

Mr. BANKHEAD. It is the substitute that has just been read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I wish to inquire whether or not this gentleman, Dr. Read, was not in the employ of the Government at the time he made this invention?

Mr. BANKHEAD. I think not.

Mr. FORNEY. No.

Mr. HOLMAN. Who makes the report?

Mr. BANKHEAD. It is made by a board of Army officers appointed by the Secretary of War.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WICKHAM. I object.

Mr. CUTCHEON. How much money does the substitute carry?

Mr. HOUK. Seventeen thousand dollars.

Mr. WASHINGTON. The Secretary of War recommends the payment of the claim.

Mr. BURROWS. When did the claim arise?

Mr. BANKHEAD. In 1856.

BUSINESS FROM COMMITTEE ON WAR CLAIMS.

Mr. STONE, of Kentucky. I ask unanimous consent that next Wednesday be set apart for the consideration of bills reported from the Committee on War Claims.

Mr. WEAVER. Not to interfere with appropriation bills or the Oklahoma bill.

Mr. BURROWS. What is the request?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE] asks unanimous consent that next Wednesday be set apart for the consideration of bills reported from the Committee on War Claims.

Mr. BURROWS. There are several committees that want to have an opportunity for a hearing, and if the Committee on Rules will report a resolution covering them they can all be accommodated; but it is not fair to single out one committee and give it an advantage in this way.

Mr. STONE, of Kentucky. The reason I make this request is that the night we had assigned to us was frittered away.

Mr. BURROWS. Yes; but the Committee on Rules can report at any moment.

The SPEAKER *pro tempore*. The hour of 5 o'clock p. m. having arrived, the House takes a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. The House was called to order by Mr. ANDERSON, of Illinois, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 27, 1888.

SIR: Hon. GEORGE A. ANDERSON is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MATSON. I ask unanimous consent that the call of the Calendar may begin where we left off last Friday night, with the reservation as to bills which may have been passed over that if any gentleman present desires to call up any such bill he be allowed to do so first, and that in calling the Calendar bills the consideration of which is not asked by any gentleman present shall be passed over.

There was no objection, and it was so ordered.

JOHN BUSH.

Mr. LIND. I ask unanimous consent to take up a Senate bill (S. 2124) granting a pension to John Bush. The claimant is ninety years old, and is not likely to live more than six months longer. The bill was not reported until this week, and unless I can have it considered at this time I doubt whether the allowance of the pension will be of any service.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota, in view of the statement he has made?

Mr. MATSON. I have a case myself in which the claimant is blind and in the poor-house, and I would like very well to have that bill called up out of its order.

Mr. SPRINGER. Those are both meritorious cases, and I suggest that they both be considered.

Mr. LIND. I have not asked anything of this kind before.

Mr. STRUBLE. The bill of the gentleman from Minnesota [Mr. LIND] is a Senate bill, so that if he can have unanimous consent the legislation can be completed to-night.

Mr. CARUTH. I have the most meritorious case on the Calendar. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. LIND]?

Mr. MATSON. I shall not object, though I do not think we ought to depart from the order.

Mr. LIND. It is a very short case.

Mr. SPRINGER. I also have a very meritorious bill. [Laughter.]

Mr. LAFFOON. So have I.

Mr. CHIPMAN. I have one, too. [Laughter.]

Mr. LIND. I understand that the Clerk has not the bill at hand, so I suggest that another case be taken up until my bill can be procured.

Mr. MATSON. Regular order.

The CHAIRMAN. The regular order is called for. The Clerk will report the first bill.

JAMES W. BOWMAN.

The Clerk read as follows:

A bill (S. 2449) granting a pension to James W. Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James W. Bowman, late a corporal in Company C, Seventh Regiment Tennessee Volunteers.

Mr. MATSON. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2449) granting a pension to James W. Bowman, having examined the papers, concur in the Senate report, hereto attached, adopt the report as their own, and recommend the passage of the bill.

SENATE REPORT.

The petitioner was a corporal in Company C, Seventh Tennessee Volunteer Infantry, in the war of the rebellion. He enlisted September 5, 1862, and was discharged August 7, 1865, after a service of about three years. The claim for pension is founded upon injury incurred by a gunshot wound from the enemy near Decatur, Tenn., July 26, 1864. The facts in the case are very clearly proven to have been as follows: At the time referred to he was in the company, marching up the Tennessee River, under command of Lieutenant Renfrew.

The command halted for the night near the home of the soldier's father, who was a loyal man. The soldier asked leave to visit his father, to return next morning, and the officer in command granted the leave. He accordingly, under his leave, went to see his father, and while hiding in the woods near his father's house was shot down by the Confederate scouts or guerrillas. He was treated for the wound, and so far recovered that he returned to camp for duty some weeks afterward, but he never wholly recovered from the effects of the wound, part of the shot remaining yet in his back where he was struck.

The examining board rate him at one-half disabled for the performance of manual labor. The objection made to the claim is that the wound was not received while the soldier was in service in the line of duty. The soldier had not deserted; did not quit his command without leave; was returning to it when shot. If he had left the company without permission, or, having obtained permission, had gone elsewhere than to visit his father, or had overstaid his leave and had been injured, under any of these circumstances we should be inclined to reject the claim; but the permission to visit his father we do not think was unreasonable, nor that the soldier was to blame either for asking therefor or for using it when granted. When he left the camp temporarily with leave of absence, in good faith for that purpose, we do not think he was in any sense a deserter or out of the line of his duty.

The committee think the claim well founded, and recommend the passage of the bill herewith reported, granting a pension to the petitioner, to take effect from the passage of the act.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

NATHANIEL FRANCIS.

Mr. SHIVELY. Mr. Chairman, the bill (H. R. 9795) granting a pension to Nathaniel Francis has been passed over on the Calendar and I wish to call it up at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be placed on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Francis, late a private in Company D, Forty-eighth Indiana Volunteer Infantry.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9795) to restore Nathaniel Francis to the pension-rolls, have considered the same and now report:

The claimant was granted a pension March 3, 1875, from December 19, 1874, at $18 per month for disease of the eyes, and was dropped, on special investigation, January 15, 1880, on the ground that the disease of eyes existed prior to enlistment.

The remaining history of this case is about as follows: Nathaniel Francis was enrolled as a private in Company D, Forty-eighth Indiana Regiment, January 27, 1862, and was mustered out with detachment February 1, 1865, having served the full three years of his enlistment. In a letter to claimant's attorney, July 16, 1880, Acting Commissioner Clark says, on special examination:

"The witnesses in general state that he was a man of intemperate habits before he enlisted, and that as a consequence he had diseased eyes. * * * That the case can not be receded from until it has been satisfactorily established that Francis was a temperate and sober man, and had no disease of the eyes prior to his enlistment."

The committee are of the opinion that the only question to be considered is as to whether said disease of the eyes existed prior to and at the time of enlistment, and, if it did not, was it incurred in the Army and in line of duty. The evidence produced on the examination established the fact that he was free from said disability at enlistment, and that it was incurred in line of duty as stated, for the reason that he was granted a pension at $18 per month on the evidence submitted, which was very full and complete. The evidence taken in special examination for restoration is somewhat conflicting, but it seems to the committee that the preponderance is largely in favor of the claimant.

General M. B. Hascall, of Goshen, Ind., who knew claimant several years before enlistment, says he never noticed anything the matter with his eyes particularly.

John P. Truax says he has known him from his childhood and never noticed his eyes to appear sore or inflamed before enlistment.

Phillip Gordon says he has known claimant from his boyhood, worked with him and for him prior to his enlistment, and noticed nothing the matter with his eyes at and prior to his enlistment.

As to prior soundness, the following resident neighbors of the claimant testify that they knew him at the time and prior to his enlistment, and that his eyes were not diseased at that time: Lewis Lemert, W. W. Jarrell, Daniel Keobert, William Trobridge, Peter I. Grube, George W. Boyd, S. S. Miller, Johnson Brownlee, Lemuel Rhodes, Solomon Pearman, Levi Truax, Washington Tuttle, George W. Pitman, Liberty Cross, S. S. Mann, D. D. Dunn, Jacob Kelver, W. Thomas, W. E. Trobridge, W. C. Irrks, A. L. Alleman, L. Thompson, A. C. Thompson, G. Kipfer, S. Thomas, W. C. Edwards, H. Hervy, W. W. Welch, E. S. Lewis, Aaron Butts, L. Nussbaum, Samuel Lowe, Capt. Matt Boyd, W. Wilson, B. Brush, A. Abshire, L. Beagles, A. J. Johnson, G. W. Miller, R. J. Evans, J. Whitley, and several others, all truthful and reputable citizens of Marshall County, Indiana. In addition to this evidence of prior soundness, ninety-nine citizens, including professional and business men, who have known the claimant for many years, petition that he be reinstated on the pension-roll.

In addition to the foregoing a special examination was made in October, 1879, by Special Examiner Paul E. Williams. His examination seems to have been made with a view of establishing the allegation that the claimant was affected with sore eyes prior to enlistment, and not for the purpose of ascertaining the facts. He procured the evidence of several witnesses who were evidently prejudiced against the claimant, and he then adds:

"I submit the affidavits of several reliable persons, showing prior existence of the pensioner's disability, and that it was due to excess in life. I talked with and heard of others who knew the same facts, but I did not consider it necessary or advisable to further accumulate the proof."

The evidence he procured was almost entirely *ex parte*, and there is little doubt that his entire investigation was made with reference to establishing his theory of the case. The claimant was not present at this examination.

After a thorough examination of the voluminous evidence in this case the committee are of the opinion that there can be no reasonable doubt as to claimant's soundness prior to enlistment. The proof of his neighbors to that effect is overwhelming. We believe a great injustice has been done to the faithful soldier, who is now almost totally blind, and entirely unable to earn a living by manual labor.

We recommend that the title of the bill be amended to read as follows: "A bill to restore Nathaniel Francis to the pension-rolls." Also, in line 4, strike out the word "placed" and insert "reinstated;" and when so amended we recommend the passage of the bill.

The amendments recommended by the committee were agreed to.

There being no objection the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN BUSH.

The CHAIRMAN. The bill which the gentleman from Minnesota [Mr. LIND] obtained leave to have considered is now at the desk and will be read.

The Clerk read as follows:

A bill (S. 2124) granting a pension to John Bush.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Bush, late a soldier in Company D, First United States Infantry, and pay him at the rate of $12 per month.

Mr. MATSON. How does this bill come up?

Mr. LIND. This is the bill for the consideration of which I obtained unanimous consent, but the bill was not here at the moment.

Mr. MATSON. The regular order was demanded. I understood the gentleman to say that his case was that of an old woman.

Mr. LIND. No, I said an old man—ninety years of age—which is the fact, as will appear by the report.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2124) granting a pension to John Bush, have considered the same, and report as follows:

This bill falls within the provisions of the general bill for pensioning the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session.

The committee recommend that this bill do pass, and they adopt the statement of facts in the report of the Senate committee as part of this report, as follows:

[Senate Report No. 555, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2124) granting a pension to John Bush, have examined the same, and report:

This claimant enlisted at Baton Rouge, La., on the 16th day of June, 1825, in the First Regiment United States Infantry. He served ten years in Company D of said regiment, commanded by Col. Zachary Taylor, and was discharged at Fort Snelling in June, 1835. He served with his regiment at Fort Crawford, Wis., during the Black Hawk war. He is now ninety years old, is in very feeble health from the infirmities of age, and himself and wife are and have been for years entirely dependent upon charity for their support. Mr. Bush has been a worthy citizen of Minnesota for over fifty years.

In view of the long service rendered by this old soldier, his extreme age and helpless and dependent condition, your committee report back the bill with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA F. LEE.

Mr. LANHAM. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. MATSON. I would like to know any reason for giving preference to this bill.

Mr. PERKINS. Unless this is to be the order of the evening, I think I must object. I have been here six Friday nights in succession trying to get recognition or to have my bill reached.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]? The Chair hears none.

The Clerk read as follows:

A bill (H. R. 9704) granting a pension to Martha F. Lee.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Martha F. Lee, widow of William F. Lee, late a private in Capt. Isaac S. Vincent's company of Georgia Volunteers, and to pay her a pension from and after the passage of this act, and also pay to her the pension that accrued to the deceased soldier during the period his name was stricken from the roll of pensioners.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and also pay her the pension that accrued to the deceased soldier during the period that his name was stricken from the roll of pensioners."

The report (by Mr. BLISS) was read, as follows:

William F Lee, the claimant's late husband, served in Captain Vincent's company, Georgia Volunteers, for Cherokee removal, from May 14 to June 26, 1838. He was pensioned December 7, 1859, for rheumatism, was dropped under the act of February 4, 1862, for disloyalty, and restored from March 9, 1878, under the act of Congress approved that date.

His death, May 13, 1885, was due to the disease for which he was pensioned. His widow's pension claim, however, was rejected by the Pension Bureau on the ground that there existed no general law under which pension could be granted to the widow of a soldier whose death was due to causes originating during a period of peace prior to March 4, 1861.

The Cherokee removal under which this soldier served is not recognized as a war by the Pension Bureau.

In several similar cases the honorable Commissioner of Pensions has recommended relief by special act.

Moreover, this case falls within the scope of the bill to pension the survivors of the various Indian wars, reported by this committee and now on the Calendar of the House for consideration and action.

Your committee recommend that the bill do pass, amended, however, by striking out all after the word "act," in line 9, and all of lines 10 and 11.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN A. BURTRAM.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 1762) granting a pension to Benjamin A. Burtram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin A. Burtram.

The report (by Mr. MATSON) was read, as follows:

The committee, after a careful examination of the papers in this case, find that the facts set forth in the Senate report contain the essential features of the case, and we therefore adopt the same and recommend the passage of the bill.

"The claimant was a private in Company A, Ninth Regiment Kentucky Volunteer Infantry, and served as such from November 26, 1861, to July 26, 1862. His claim is founded upon hernia and sciatic disease of left hip and side, incurred during his military service.

"The testimony shows that he was, and had been, prior to his enlistment and service in the Army, a sound, strong, healthy man, capable of doing all the ordinary labor in his vocation, that of farmer. The medical and non-medical testimony of distinguished witnesses on file abundantly shows that he is now laboring under the two diseases above named, and that the hernia, which is large and painful when reduced, disables him from the performance of manual labor almost totally. That is his present condition.

"It is objected to the claim that although his record shows hospital treatment, it is not stated therein that he was treated for the diseases specified above, nor is it shown for what he was treated. We think, however, that the evidence of his comrades on file is sufficient to supply the deficiency of the record in this respect.

"Two of his comrades, Marsh and Bertram, testify positively that they were present when the hernia and rupture occurred, and particularly describe the place, time, and occasion of its occurrence as being in camp at Columbia, Ky., while the soldier was engaged in lifting and unloading for removal arms in boxes under orders of those in command. They describe with the same particularity the attack of sciatic pains in side and hip.

"His near neighbors swear that when he returned from the Army after his discharge he was suffering from rupture; that they saw it and knew of it from working with him.

"We are of the opinion that the claim is well founded, and recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE M'QUADE.

The next business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2448) granting a pension to Catharine McQuade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine McQuade, widow of Thomas McQuade, late a private in Company F, Sixty-ninth New York Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Senate Committee on Pensions have made the following report, which contains all the essential points in the case, and believing the case to be meritorious we adopt the same and recommend the passage of the bill:

"The applicant is the widow of Thomas McQuade, who was a private in Company F in Sixty-ninth Regiment of New York Volunteer Infantry, in the war of the rebellion. The husband died at New York City on November 6, 1887, and was at the time of his death a pensioner. The pension had been granted to him on account of disability incurred by amputation of the left leg, made necessary by an injury received in the service while in the line of his duty. His death, according to the testimony of Dr. ——— ———, a reputable practitioner of medicine, was occasioned by Bright's disease of the kidneys, from which he had suffered for about five months, and by erysipelas of the right leg. The erysipelas of the right leg is shown to have been induced by the stress and weight of the body being thrown wholly upon the one leg, the stump of the other, by reason of abrasion, being too sensitive to bear any of the weight of the soldier's body. The soldier was a very heavy man, and in his business stood up a great deal of the time.

"We are not curious, perhaps not competent, to inquire what part was due to Bright's disease, what to erysipelas, in the mortal attack which caused the soldier's death. We think it is most probable that erysipelas was the exciting acute cause of his death.

"We are convinced that the soldier's death was caused, at least indirectly, by the injury first received in the service, and therefore report a bill to grant the petitioner a pension from the time of the passage thereof."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WHITE.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2520) granting a pension to James White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James White, late a fifer in Company K, Second Regiment Iowa Volunteers, at the rate of $4 a month.

The report (by Mr. MATSON) was read, as follows:

Having carefully examined the papers in the case the committee recommend favorable action on the part of the House, and adopt the Senate report, as follows:

"That the petitioner enlisted in May, 1861, as a fifer in Company K, in the Second Regiment Iowa Volunteer Infantry, in which he served until August, 1862, when, being honorably discharged, he afterwards enlisted as bugler in the Seventh Regiment Iowa Cavalry, serving from March, 1863, until May, 1866, whence, being honorably discharged, he again, on the 7th day of December, 1866, enlisted for five years in the regular Army of the United States, and served until April 20, 1869, in Company H, Fifth Regiment United States Cavalry, at which last date he was honorably discharged, upon surgeon's certificate of disability.

"That at the time of his last discharge he was suffering from rheumatism and disease of the eyes. He was placed upon the pension list and was paid a pension for disability incurred by reason of his military service under certificate No. 128756, from 1867 to 1874, at which last date he was dropped from the roll upon the ground of no present disability at that time, as reported by an examining surgeon. Whatever may have been the fact then we think it very clear that the disability exists now, and, judging from the age and general physical condition of the claimant as shown by the evidence, will continue to be permanent.

"Dr. P. G. Rockwell, examining surgeon, under date of April 12, 1883, testifies that the claimant was suffering from enlargement of joints, general debility, and muscular weakness occasioned by rheumatism. Under date of June 4, 1887, E. C. Goodrich, another examining surgeon, certifies that he is suffering from disease of the eyes rated at one-quarter, and rheumatism rated at one-quarter, making one-half disability. Dr. Amory Coffin, under date of February, 1883, swears that he is suffering from same diseases above and rates his disability at one-half.

"His neighbors, James Anderson, T. A. Givens, W. H. Harbers, and Henry Hahn, testify to an acquaintance with him for twelve years; that he suffers from rheumatism and disease of the eyes so as to be partially disabled from the performance of manual labor. Their evidence covers a period extending from February, 1883, to July, 1887.

"We are of the opinion that the applicant ought to be restored to the roll, and that at the rate of $4 per month, and do report and recommend the passage of a bill herewith returned for that purpose."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY CURTIN.

The next pension business on the Private Calendar (called up by Mr. MATSON) was the bill (S. 2653) granting a pension to Mary Curtin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Curtin, widow of Timothy Curtin, late of Company I, Forty-eighth Massachusetts Volunteers.

The report (by Mr. MATSON) was read, as follows:

The committee, after considering this case, recommend the passage of the bill, and adopt the Senate report, as follows:

"That the claimant is the widow of Timothy Curtin, who was a sergeant in Company I, Forty-eighth Regiment Massachusetts Volunteer Infantry. He enlisted at a time not shown; was discharged September 3, 1863. The soldier was a pensioner at the time of his death by reason of gunshot wound in right arm, received at battle of Port Hudson, at the rate of $16 per month. He died at Boston, Mass., September 17, 1880. His death is recorded as of pneumonia.

"The physician in attendance at last illness says that his disease was consumption; that he would have died in a few weeks from this latter disease; that the attack from pneumonia only hastened death. The claimant and her neighbors testify that the soldier upon his return home, immediately after his discharge, was greatly broken in health; that he had an incessant hacking cough and was thoroughly disabled for work; that this wound remained, almost constantly, an open sore; that when suppuration ceased the cough became worse, and that the waste from the wound weakened the system so as to prevent a cure of the cough; that this was his condition continuously until he died.

"Medical testimony supports this view, and although the claim was rejected by the Pension Office, yet we think it is shown sufficiently that the wound and its consequent results were the causes of the husband's death. We therefore report herewith a bill for the relief of the petitioner and recommend its passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET LONGSHAW.

Mr. WHEELER. I desire to call up a bill which has been passed over; it is on page 53 of the Calendar—the bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Margaret Longshaw, dependent mother of the late Asst. Surg. William Longshaw, United States Navy, upon the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, have had the same under consideration, and find that the beneficiary of the bill is the mother of the deceased Asst. Surg. William Longshaw, United States Navy, who achieved during the late war a most enviable name and reputation; that he received the thanks of his commanding officers and of the Navy Department; that, in the language of Admiral Porter, "after adding to his record of gallant and meritorious conduct he was killed, close up under the glacis, in the assault of Fort Fisher, January 15, 1865."

That this officer left neither widow nor child; that during his service he contributed largely of his pay to the aid and maintenance of his mother and father, and to the education of a younger brother.

That beyond a small and utterly inadequate income contributed by her husband during his lifetime and a small and utterly insufficent income left her at his death, the mother of the deceased officer has no one legally bound to support her.

That the mother is now advanced in years, very feeble and infirm, and requires the constant attention of another.

That she filed her claim as a dependent mother before the Pension Bureau prior to June 30, 1880, and from the history of the case, record and parol evidence, we believe the claim to be meritorious and that its passage would be a simple act of justice.

Your committee therefore report back the bill (H. R. 9557) with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET GALLAGHER.

Mr. MOFFITT. I ask now to call up the bill (S. 5) granting a pension to Mrs. Margaret Gallagher; on page 57 of the Calendar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret Gallagher, widow of Edward Gallagher, late private Company K, Forty-second Regiment New York Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"Concerning this claim the Commissioner of Pensions writes to the chairman of this committee as follows:

"'The soldier was pensioned for gunshot wound, causing amputation of right arm above the elbow. The record of death and the affidavit of attending physician show that he died twenty years afterwards of paralysis. The widow's claim was rejected, March 23, 1883, for the reason that the disease of which the soldier died (paralysis) did not result from any injury received or disease contracted in the service. The medical referee of this Bureau says: 'A gunshot wound followed by amputation can not be accepted as the cause of death occurring twenty years after.'"

"The petitioner states that she is a cripple by reason of rheumatism in the legs and that she is very destitute. It appears from the Pension Office records that she married the soldier, Edward Gallagher, November 13, 1862. Gallagher died August 6, 1881.

"Dr. Robert A. Joyce deposes, September 23, 1881, that he attended him in February, 1881. He was then suffering from extreme weakness from hemiplegia; next examined him on August 5, and found him suffering from paraplegia, which caused his death on the following day; believes the remote cause of said paralysis to be the shock from a wound received at the battle of Ball's Bluff, which wound necessitated the amputation of his arm immediately below the shoulder-joint.

"Hugh J. Curran deposes, April 25, 1884, that Gallagher was a strong, healthy man when he enlisted; that deponent was called in to see him after his return in 1861, and found him suffering acutely; summoned Dr. Leonard K. Sheldon, who has since died, who pronounced his illness a bad case of fever and ague and diarrhea; knows that he was subject to these spells up to the time of his death, having on several occasions helped him home when attacked by them on the street; his gait was very unsteady, that of a man much enfeebled by sickness.

"Drs. W. E. Richards and C. P. Grove jointly depose, April 22, 1884, that they treated Gallagher professionally from March 2, 1881, to June 22, 1881, seeing him once each day; that the remote causes of his death were a fall of about 80 feet, caused by a volley that shot off his right arm above the elbow, at the same time precipitating him from the top of the bluff (battle of Ball's Bluff) into the Potomac River; total neglect to dress his wound for twenty-four hours, and almost total prostration resulting from loss of blood. All these conspired to create an inflammatory process in the posterior column of the spinal cord, which finally assumed the form of sclerosis. There was numbness in the feet, left leg, and trunk up to the waist line; insensibility to puncture made with a pointed instrument. This condition extended through the left arm and third and fourth fingers. Other indications of paralysis are stated with considerable detail, and there is no doubt that the immediate cause of his death was paralysis.

"Your committee has been furnished with an additional affidavit of Dr. Grove, dated February 10, 1888, who attended the deceased in his last sickness, which tends to show that the fatal disease was induced by the wound and the fall which the claimant received at Ball's Bluff; that it had affected him for years before his death, and was progressive in its character.

"The passage of the bill is recommended."

Your committee are of opinion that the case is meritorious, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE BUSEY.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. CARUTH) was the bill (H. R. 333) granting a pension to Catharine Busey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catharine Busey, subject to the provisions and limitations of the pension laws.

Amend the title so as to read: "A bill granting a pension to Catharine Bussey."

The report (by Mr. HUNTER) was read, as follows:

Frederick Bussey enlisted in the Army of the United States as a private in Company K, Fifth Kentucky Infantry, on the 9th of September, A. D. 1861, and was mustered out at Louisville, Ky., December 9, 1864.

While in the service it is claimed that Bussey suffered a sun-stroke, and there is a good deal of proof going to establish this fact. He, however, subsequently served, and when finally discharged returned home to his family. Before the war his health had been good, his mind sound, and his family history good. He had never been known to exhibit the slightest sign of insanity. Shortly, however, after his discharge he showed evidences of mental trouble. He would wander away from home, and when found be unable to account for his movements.

On two occasions, while suffering from this trouble, he was found wandering aimlessly about and was arrested and taken to the station-house for safe keeping. These attacks became more frequent. He was unable to support his family; worked very irregularly. One day, without a word to his fellow workmen or to his wife or children, he left the shop in which he had been working a short time, and after being gone a week or more, without his family or friends knowing anything of his whereabouts, he was found dead on a railroad track near Franklin, Ind. He had been run over and killed by a passing train.

Mrs. Bussey's application for a pension was rejected on the ground that her husband's death was not occasioned by disease contracted in the service. It is plain that the sun-stroke would, as it does in many cases, have a tendency to produce insanity. Doubtless the insanity of Frederick Bussey lead to his death. Should not the doubt be resolved in favor of the widow, who was deprived of assistance in caring for and raising her children on account of the disease and death of her husband? As the death may be fairly attributed to the insanity produced by a sun-stroke received in the service during the war, your committee think that this widow, who is poor and needy, should be pensioned.

Your committee propose to amend the bill by correcting the name "Busey" in the title and where it appears in the bill to Bussey, and by adding, after the name in line five, the words "widow of Frederick Bussey, late a private in Company K, Fifth Kentucky Infantry," and recommend, when so amended, that the bill do pass.

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH A. SOUTH.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. FINLEY) was the bill (H. R. 6848) for the relief of Elizabeth A. South.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Elizabeth A. South, the widow of John B. Wells, late private in Company B, Twenty-first Kentucky Volunteers in the late civil war, and be paid a pension as though she had not again married.

The report (by Mr. HUNTER) was read, as follows:

John B. Wells, the first husband of Elizabeth A. South, was enrolled on the 1st day of November, 1861, in Company B, Twenty-first Regiment of Kentucky Volunteers. He was killed in action near Murfreesborough, Tenn., January 2, 1863. Elizabeth A. South, then Elizabeth A. Wells, made application for pension, and was placed upon the rolls as the widow of said John B. Wells. Afterwards she was united in marriage to Samuel South, with whom she lived several years. At the date of said marriage her pension ceased. At the time of her

marriage with South, as appears from several affidavits on file, she was in "easy circumstances."

South turned out to be a "worthless, dissipated drunkard," and squandered all her property except the little home in which she now lives. Finding she could live with him no longer, a separation took place and she applied for and was granted a divorce. She has no children under sixteen years old by her first husband, John B. Wells. She appears to be in destitute circumstances, and she now asks to be reinstated on the pension-roll as the widow of John B. Wells. Having given the matter careful consideration, the committee are of the opinion that the relief asked for ought to be granted.

We therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL PIERCY.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. FINLEY) was the bill (H. R. 3710) granting a pension to Samuel Piercy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to all the provisions and limitations of the pension laws, the name of Samuel Piercy, who served in Company E, Ninth Kentucky Volunteer Infantry, in the late civil war.

The report (by Mr. HUNTER) was read, as follows:

From the proof on file in the Pension Office and affidavits before the committee Samuel Piercy was enlisted as a private in Company E, Ninth Kentucky Volunteer Infantry, on the 4th day of October, 1861, at Camp Jo Underwood, in Barren County, Kentucky; that on the 24th October, 1861, while on duty, he was captured by a Tennessee regiment of Confederate cavalry and carried to Bowling Green, Ky., where he contracted measles; that upon his recovery he was removed to Nashville, Tenn.; that in consequence of his not having fully recovered from measles and from exposure, he had a relapse; he was taken from Nashville to Salisbury, N. C., and from there to New Berne, N. C., and from thence to Washington, N. C., where he was paroled and sent to New York, and from thence home in June, 1862, and that he did not afterward join his regiment and was never discharged from the service.

He filed his claim for a pension September, 1883, and the same was rejected September, 1887, "upon the ground of neglect and apparent inability of claimant to furnish his correct service or certificate of discharge." The claimant shows by his own statement the hardships he endured while a prisoner, and the fact that when he came home after exchange he was unable to again rejoin his regiment on account of his ill health. This is sustained by the testimony of Daniel J. Street and Samuel C. Sloot, both of whom belonged to the company and regiment, and acted as second lieutenants in said company and regiment, and who are certified to be men of reputation for truth and veracity, and speak from personal knowledge of the facts. Claimant is not reported as a deserter.

He seems to be an illiterate, ignorant man, and has depended upon himself to prepare his case, which, in the opinion of the committee, has been to his prejudice, and by reason of which his claim for pension was rejected; for it is evident from the proof before your committee that he contracted disease in the service and in line of duty, and which has continued to the present, and by which he is disabled from performing manual labor, his only means of support, as is shown by the examining surgeon's report on file to be at least three-fourths, on account of disease of lungs caused by a relapse from measles, cold, and exposure while a prisoner of war.

They believe this to be a meritorious case, and recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ALBERT O. ROBB.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. THOMAS, of Kentucky) was the bill (H. R. 9399) granting a pension to Albert O. Robb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert O. Robb, formerly a private in Company K, Twenty-third Regiment of Kentucky Volunteers.

The report (by Mr. HUNTER) was read, as follows:

Albert O. Robb, enlisted September 11, 1861, as a private in Company K, Twenty-third Kentucky, and was discharged upon surgeon's certificate of disability by reason of contraction of tendons of both feet. Date of discharge, January 7, 1863. He applied for a pension, No. 418181; his claim was rejected November 17, 1886, on the ground that the alleged disability of feet existed prior to the soldier's enlistment.

The said Robb claims that in Tennessee, after a forced march from Lebanon to Murfreesborough; thence to sight of Nashville, Tenn., thence back to near Lebanon, and on to Murfreesborough, covering about two days in the spring of 1862, he first noticed a severe pain in feet and ankles and a swelling of the joints of the feet; was in the hospital at Murfreesborough suffering with inflammatory rheumatism in the feet; remained there two or three weeks and was treated by the surgeons of the regiment; got better and marched with the regiment to Louisville, when General Buell was after Bragg; camped between the canal and river, when he got worse again, and when Buell followed Bragg to Perryville he was not able to march and was sent by Captain Mavity to Park Barracks, at Louisville, and quartered in a tent and treated by the surgeon, Dr. Goldsmith, who is dead; remained there till discharged June 7, 1863.

Mr. F. M. Kelly says that—

"He knew Robb from 1855 to 1860, and met after the war. He worked with him before 1860, and up to that year from 1855 off and on, and he then seemed to be sound. After he returned from the Army he complained of rheumatism."

Hon. L. J. Proctor, a leading lawyer of Kentucky, says that—

"He has known Robb since he was a boy; that said Robb worked for him in the years 1858, 1859, and 1860, and that said Robb was during that time a stout, able-bodied, healthy man, and had always been stout and healthy from the time affiant first knew him up to the spring of 1861, the last time affiant saw him before he enlisted in the Army. After he enlisted the affiant did not see him except once until after the close of the war, when he again came to live with affiant and did live with affiant from 1865 to 1870, at Mammoth Cave.

"When he returned to the cave in 1865 or 1866 he was very lame and complained very much of rheumatism in feet, legs, and hips, and his feet and toes at that time and during the time he lived with me between 1865 and 1870 had the appearance of being badly diseased. The toes and leaders of his feet were badly contracted. During the time he (Robb) was in Park Barracks, at Louisville, this affiant visited said barracks and saw the applicant there and he was then very lame, apparently in bad health, and suffering from cold and rheumatism. He knows that said applicant was a sound, healthy man up to the spring of 1861, and that he has been a cripple and diseased since the first time this affiant saw him after his return from the Army, and that he is now a cripple, unsound, and unable to perform manual labor for support."

Sutton Parker, private, Company K, Twenty-third Kentucky, says in an affidavit:

"First knew claimant at enlistment, at which time he seemed to be in good health; was able to do duty at first; marched through Kentucky without making complaint; but in winter of 1862, while in Tennessee, he gave out in his feet; his feet swelled up; had bumps on them so that he could not march and was discharged."

The United States examining board at Bowling Green, Ky., made an official examination of claimant on the 27th day of January, 1866, and stated as follows:

"Both feet are tender and ligaments drawn so as to throw most of the weight of body upon the outer side of feet when walking or standing; great toes are contracted and articulations enlarged; heart sounds normal; lungs, liver, spleen, etc., normal; no other evidence of rheumatism present."

From all the proof in the application for pension the committee is of opinion that this is a meritorious case, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES S. BAKER.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. LAIDLAW) was the bill (H. R. 9792) to increase the pension of Charles S. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Charles S. Baker, late a private of Company B, Seventy-second Regiment New York State Volunteers, to $72 per month in lieu of the pension now received by him.

The report (by Mr. SAWYER) was read, as follows:

The beneficiary above named was a private in Company B, Seventy-second Regiment New York Volunteers, mustered into the service June 20, 1861, and was discharged September 6, 1862, for disability. He was pensioned at rate of $4 per month from the date of his discharge to May 24, 1878, and since then his pension has been increased from time to time as his disability increased, till his pension was raised to $30 per month from June 23, 1886, for piles, disease of the lungs, and resulting disease of the heart.

The claimant was examined by a board of physicians at the Pension Department at Washington on the 18th day of May, 1887, and the board gave him a rating of $30 per month, and they certify in their opinion as follows:

"From present indications and condition of this claimant, it is our opinion that he will not live a year, unless great changes for the better should appear, which we doubt."

The man is totally blind, but not on account of any injury received in the service; he is very poor, and has no means of living except his pension; his disability consists of piles; disease of the lungs, and resulting disease of the heart; he has not improved since he was examined as aforesaid, but has grown worse; his pulse is from 110 to 140. He is subject to fainting fits, arising from the imperfect action of the heart, and upon such occasions he has to have the assistance of an attendant to rub him and otherwise stimulate the circulation; and while it can not be said that he needs the constant attention of another person, still it can hardly be safe for him to be much alone. And although his blindness is not the result of his military service, still the committee can not forget that fact in considering the condition of this poor, unfortunate, suffering soldier.

The evidence shows that he can live but a short time at the best, and that his afflictions and sufferings will increase as the weeks go by. The committee believe that this is a case justifying Congress in granting special relief, and therefore recommend that the bill do pass, with an amendment striking out the words "seventy-two," in the sixth line, and inserting in lieu thereof the words "forty-five."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RUSSEL L. DOANE.

The next business on the Private Calendar (the consideration of which was asked by Mr. WHITING, of Michigan) was the bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Russel L. Doane, of Peck, Sanilac County, Michigan.

The report (by Mr. CHIPMAN) is as follows:

Russel L. Doane is the father of Dempster Doane, second lieutenant in Company D, Thirty-fifth Regiment of New York Volunteers, who died on the 22d day of September, 1881, at Peck, in Sanilac County, Michigan, and who, up to the time of his death, supported the claimant, who is now over eighty years of age, incapable of manual labor, and destitute of the means of support.

While there is no doubt that Congress will provide by general legislation for cases of this kind, the advanced age of the claimant demands that he be relieved now, if he is to be relieved at all during his lifetime.

Your committee recommend that the bill do pass, with the following amendment, namely: Add after the word "Michigan," in the last line, the words "dependent father of the late Dempster Doane, late of Company D, Thirty-fifth Regiment New York Volunteers."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN J. SNEDAKER.

The next business on the Calendar (the consideration of which was asked by Mr. CHIPMAN) was the bill (S. 2313) granting a pension to Ellen J. Snedaker.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Ellen J. Snedaker, the dependent mother of James W. Snedaker, late second lieutenant of Company D, One hundred and eleventh Regiment New York State Volunteers, and of Albert I. Snedaker, late a private in the same company and regiment.

The report (by Mr. CHIPMAN) is as follows:

Ellen J. Snedaker was the mother of two sons, both of whom died in the service of the country, the elder on the battle-field, the younger as a prisoner of war at Andersonville. She and her husband are very old, and in destitute circumstances, but when their sons entered the service were prosperous and in no sense dependent on them for support. Misfortune has overtaken them with age, and the husband is afflicted with mental weakness, which renders him unfit to perform even the labor which his advanced age might be capable of. He, after the war, recovered and bore to his home the bodies of his boys.

Mrs. Snedaker makes claim because of the mental condition of her husband. The Commissioner of Pensions properly decided against her because she could not show dependence on her sons, or either of them, at the time of death.

The committee think that there ought to be a presumption that the boys would care for their parents.

They recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM WALLACE YOUNG.

The next business on the Calendar, the (consideration of which was asked by Mr. CHIPMAN) was the bill (S. 1575) granting an increase of pension to William Wallace Young.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase, subject to the provisions and limitations of the pension laws, the pension of William Wallace Young, late a private in Company B, One hundred and twenty-first New York Volunteers, to the rate of $30 per month.

The report (by Mr. CHIPMAN) is as follows:

The following is the report of the Senate committee on this bill:

"The petitioner was a private in Company B, One hundred and twenty-first New York Volunteers. He was pensioned at $4 and increased to $6 a month for disabilities resulting from confinement in rebel prisons. He alleges that while in Florence prison, South Carolina, in February, 1865, he contracted diarrhea, disease of liver and kidneys, and lung disease and scurvy while a prisoner of war, by exposure and starvation, resulting in general debility.

"His capture and imprisonment are shown by the war records, and in the same report his disability is thus described by the surgeon: 'Debility, induced by improper and insufficient food while a prisoner in the hands of the rebels.'

"From the testimony of his neighbors, who are ascertained to be credible, it is proven that he was sound when he enlisted, entirely free from any of the diseases incurred while in service.

"Sergt. Nathaniel Post testifies that while in Florence prison, about the 24th of February, 1865, he contracted diarrhea, liver, kidney, and lung disease, and scurvy, which was caused by exposure and starvation, and resulted in general debility; that these facts are known to affiant, who saw claimant in the engagement at the Wilderness, Virginia, when he was in good health and capable of extraordinary endurance; that after his release from prison, on his way home on furlough, affiant again saw him, when he was emaciated, broken down, and so weak that he feared he would not live to get home.

"Drs. Brown and Wilcox testify to having treated him for the disabilities claimed, and to his low condition. Recent medical examinations show that he is not able to perform manual labor; that his condition is not only helpless, but pitiable.

"There is a mass of convincing testimony in substantiation of his claim for increase, a careful examination of which convinces the committee that his pension is too low. The bill is reported favorably, with a recommendation that it do pass."

The claimant seems to need an attendant, and the amount proposed by the bill is barely sufficient to give him proper attention.

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ERNST HEIN.

The next business on the Calendar (the consideration of which was asked by Mr. CHIPMAN) was the bill (S. 2413) granting an increase of pension to Ernst Hein.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ernst Hein, late a private in Company H, Eighteenth Massachusetts Volunteers, at such a rate and increase over and in addition to the pension now received by him as he may be entitled by reason of gunshot wound in the index finger of the left hand.

The report (by Mr. CHIPMAN) was read as follows:

The committee adopt the Senate report hereto appended and recommend that the bill do pass.

Claimant enlisted in Company H, Eighteenth Massachusetts Volunteer Infantry, August 20, 1861, and was discharged September 7, 1863, on account of atrophy of left arm, contracted since enlistment; re-enlisted in Company C, Thirteenth Veteran Reserve Corps, June 18, 1864, and was discharged November 13, 1865. By act of Congress approved June 1, 1880, he is now drawing a pension of $10 per month on account of paralysis of left arm and disease of stomach.

Claim for pension on account of wound of index finger of left hand was rejected June 17, 1885, on the ground that there is no record of the alleged wound on file at the War Department, and claimant is unable to furnish satisfactory evidence showing the incurrence of the same in the service and in the line of his military duty.

The testimony in the claim is as follows: In his declaration filed June 2, 1876, claimant states that his left hand was crippled in the service May 2, 1863. In affidavit filed March 18, 1884, claimant states that he was wounded in left index finger at the battle of seven days' fight before Richmond, Va., June or July, 1862. In affidavit filed October 17, 1884, claimant states that he was absent from his company on provost duty at the time he received the wound, and none of the commissioned officers of his regiment were present at the time, and that consequently he can furnish the testimony of no officer, with the exception of Surgeon W. Holbrook, who dressed his wound; nor can he furnish the testimony of any of the comrades of his regiment, for the reason that none of them were present with him.

W. Holbrook, surgeon, Eighteenth Massachusetts Volunteer Infantry, in affidavit filed July 27, 1883, testifies that he dressed the wounds of the forefinger of the left hand of claimant at the first battle before Richmond, Va., June or July, 1862, and that claimant had been taken out of his regiment and placed on provost guard; that claimant was not sent to any hospital, but was excused from duty for about three weeks.

In affidavit filed November 28, 1884, George W. Smith, a sergeant of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that claimant was detailed on provost-guard duty, and sent to the rear of the Army to keep up stragglers, and that he was not wounded in his index finger when he left the regiment, but that after the lapse of a few days, when he returned to the regiment, he was wounded in the upper knuckle of his left index finger, and affiant was informed that the said claimant received his wound in the battle before Richmond, Va.

In affidavit filed November 26, 1884, Charles H. Drew, captain of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that in June, 1862, claimant was a sound man and a faithful soldier; but subsequently it is said that claimant was wounded in the left index finger; that he has no personal knowledge that such was the case, but believes the statement of claimant.

In affidavit filed June 2, 1876, Dr. William Russell, of Oneida County, New York, testifies that he finds upon examination that there has been a fracture of the metacarpal bone of the forefinger of the left hand, involving the joint; that there is now a false joint with considerable deformity; that he has been acquainted with claimant since 1866, and has personal knowledge of his disabilities.

The board of United States examining surgeons, at Utica, N. Y., rate claimant one-fourth for wound of index finger of left hand.

Favorable action is warranted by the facts in the case, and your committee, therefore, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. JONES.

The next business on the Calendar (the consideration of which was asked by Mr. PERKINS) was the bill (H. R. 775) granting an increase of pension to John D. Jones.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John D. Jones, late a private in Company G, Seventh Kansas Cavalry, and pay him a pension of $10 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 775) granting an increase of pension to John D. Jones, submit the following report:

The claimant in this case is suffering from lung difficulty, is totally deaf in the right ear, and is nearly blind. His eye-sight is so impaired that it is impossible for him to work, or to do anything to earn a support for himself and those dependent upon him. He was a member of Company G, of the Seventh Kansas Infantry Volunteers, and for his disabilities contracted in the military service is drawing a pension of $10 per month. This pension is on account of lung difficulty and total deafness of the right ear, he receiving nothing in consequence of the loss of his eye-sight. He has drawn pension since January 12, 1883, but has only been allowed his present rate since November 15, 1887.

The claimant is a poor man and has a dependent mother to care for, the widow of an old soldier, as well as his own family, and in consequence of his infirmities is the subject of private and public charity. In 1882 he was employed as a day laborer in a coal-mine and was engaged with other workmen in blasting the cap-rock. The fuse was fired and the rock exploded, and the burnt powder and broken pieces of stone were thrown into the face and eyes of the claimant so as to seriously burn and injure him and to destroy almost totally his power of sight. At present it is said he can distinguish between daylight and night, and can wander about his home without a guide, but he can not see to do any work. The workmen who were engaged with him in blasting rock escaped without injury, but the claimant did not hear the burning of the fuse and had no notice of the explosion, and thus received his serious injury. Workmen employed with him make their affidavits, in which they state that had it not been for the defective hearing of the claimant he could have heard the burning of the fuse, and would have had notice of the pending explosion and could have protected himself.

The claimant swears that he did not hear the fuse when burning, and while it is thus shown that the explosion was the direct and immediate cause of the injuries which resulted in the destruction of claimant's eyes, yet we believe it is logical and consistent to believe that had it not been for his defective hearing, which resulted from his army service, he could and would have protected himself from this serious misfortune. The officers of the county where the claimant resides and many of the leading citizens, knowing the circumstances, ask in justice that his pension shall be increased. In view of the evidence and all the circumstances your committee believe that the claimant should be granted a pension for that disability, and hence recommend that the bill be amended so as to strike out the word "forty," in the sixth line of the bill, and insert the word "thirty," and after the word "month," in the seventh line, add "in lieu of the pension he is now receiving," and with these amendments they recommend the passage of the bill.

During the reading of the report,

Mr. STRUBLE said: I ask unanimous consent to dispense with the further reading of the report. Enough has been read to establish this case beyond question.

Mr. LANE. Let the remainder of the report be read.

The Clerk resumed and concluded the reading of the report, as above.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. NANCY E. SPENCER.

The next business on the Calendar (the consideration of which was asked by Mr. PERKINS) was the bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy E. Spencer, widow of Charles L. Spencer, late of Company H, Forty-seventh Regiment Iowa Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer, submit the following report:

The claimant in this case is the widow of Charles L. Spencer, late a private in Company H, Forty-seventh Regiment Iowa Infantry Volunteers.

The soldier enlisted May 9, 1864, and was discharged September 28, 1864, and died on the 14th day of April, 1886. On the 1st day of March, 1886, the soldier made his application for a pension, alleging as his disability diarrhea and enlargement of the liver and spleen. The claim was prosecuted to a successful termination, and on the 29th of September, 1887, he was pensioned for diarrhea and disease of liver and spleen. This, however, was not until after the soldier was dead, and the pension ceased at his death, April 14, 1885.

The claimant presented her claim for widow's pension on the 25th of October 1886, which was rejected on the ground that the disease of which the soldier died was not due to disease contracted in the service. In this we think the Pension Office was in error. Dr. W. W. Woodmir, who was the attending physician, testifies that Mr. Spencer died of pneumonia and chronic diarrhea, and Dr. John T. Davis says, in an affidavit filed, that he saw Mr. Spencer during his last illness and was called in as a consulting physician, and found him much emaciated from chronic diarrhea and suffering at the time from pneumonia, from which he died.

Why this evidence is not accepted as satisfactory by the Pension Office your committee does not understand. These physicians are reputable gentlemen, and Dr. Woodring is a member of the board of United States examining surgeons at Independence, Kans., appointed by this Administration, and stands well as a physician and gentleman.

There is also much other evidence filed, all tending to prove that Mr. Spencer's death was caused by his army ailment as well perhaps as by pneumonia. One W. H. H. Price, who is vouched for to your committee as a most honorable and reliable man, says, in an affidavit, that—

"He was intimately acquainted with Charles L. Spencer during his lifetime, from about November, 1884, to the time of his death, and for something near two years of said period saw said Charles L. Spencer almost every day, and that from the beginning of said acquaintance he complained of chronic diarrhea, liver, and spleen troubles, resulting from exposure while in the Army as a soldier in the military service of the United States, and for which above-named disability said soldier was pensioned. Affiant knows that the said soldier was very much reduced in strength and flesh during the entire period of affiant's acquaintance with him by reason of chronic diarrhea and liver trouble, as alleged by him, and his system finally became so impregnated with disease as to produce a cancerous affection, which was finally reduced and almost entirely eradicated some time prior to his death.

"Affiant visited deceased just prior to his death, and from the general appearance of the patient and the odor in the room just preceding his death he has every reason to believe that chronic diarrhea was the real cause of his death. Affiant derives his knowledge, first, from the fact of his intimate acquaintance with deceased; second, from experience by reason of having been an acting hospital steward in the Army and a thorough acquaintance with diseases to which this man's seemed so closely allied; third, from taking an interest in the case and watching the progress of the disease for a long period; and he believes that soldier died from chronic diarrhea, combined with liver trouble, contracted in the military service of the United States."

Samuel N. West, another responsible witness, makes an affidavit much like Mr. Price's, and in it he makes the following statement:

"The condition of the body (after death) was such that it was almost impossible to prepare the body properly, from the fact that his chronic diarrhea had made such rapid decay of the body that the odor was almost unbearable, even after using all the deodorizers possible to obtain."

Mr. Spencer left his family poor, and the claimant, with those children under sixteen years of age, is without means of support; and it is the judgment of your committee that the bill for the relief of this poor widow should pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN E. CHASE.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. FUNSTON) was the bill (S. 2571) granting a pension to Edwin E. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edwin E. Chase, late of Company B, Third Regiment Massachusetts Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2571) granting a pension to Edwin E. Chase, submit the following report:

The report of the Senate Committee on Pensions is hereby adopted, and the passage of the bill recommended.

[Senate Report No. 1096, Fiftieth Congress, first session.]

The claimant under the bill enlisted in Company B, Third Massachusetts Cavalry, in August, 1862; was thrown from horse while carrying a dispatch as orderly on the march from Barré's Landing, Louisiana, in May, 1863, causing an injury which resulted in rupture of the right side; was taken to hospital at Brashear City, La., May 29, 1863, and transferred to Barracks General Hospital, New Orleans, June 12, 1863; was furloughed from there February 9, 1864, and "sent North to save life," as certified by surgeon, who also certifies that the "soldier has done no duty for a year;" that "disease is still persistent—is unfit for Invalid Corps." Upon which claimant was discharged.

An application for pension was filed November 15, 1880, but being unable to furnish the evidence required by the Pension Bureau, the claim was rejected September 13, 1883. This inability to procure testimony was due partly to death of officers and partly to the fact that his injury occurred while separated from his regiment on detached duty, and that he was taken directly to hospital, not joining his regiment for duty thereafter while he remained in service. There is, however, evidence of his soundness before enlistment; of his presence in active duty until the date of injury; of his confinement in hospital and on furlough until discharge, and of his affliction with hernia after discharge and its continuance to the present.

Included in this testimony is the certification of his disability by fifteen citizens of claimant's home, and the following letter addressed to the Commissioner of Pensions by Dr. Albert H. Blanchard, late surgeon of the claimant's regiment, a voluntary tribute of justice to an unfortunate soldier:

SHERBORN, MIDDLESEX COUNTY, MASSACHUSETTS,
October 16, 1883.

SIR: Having been informed that the claim (No. —) of Edwin E. Chase, Company B, Third Massachusetts Cavalry, has been rejected for want of sufficient evidence, I would respectfully represent that Mr. Chase is one of those unfortunate persons who, deserving a pension, are unable, from the circumstances in which they are placed, to prove their claim. The fact that the records of the War Department fail to show the nature of his disability is by no means conclusive proof that he was not disabled.

I know from personal observation and inspection of said Chase, in August, 1863, that he was reduced to the lowest ebb of life by malarial or intermittent fever while at barracks hospital, New Orleans, and it would be very natural that only that disease should be recorded, especially as his right inguinal hernia was then only imperfectly developed and he did not himself fully know the nature of it, having only a serious weakness in that region, to which he did not call the attention of the surgeon. I know that the fever was incurred in the line of his duty in the United States service, and I firmly believe that the hernia was also incurred by the violence he sustained when thrown from his horse while on the march from Barré's Landing, Louisiana, in May, 1863. Col. T. E. Chickering and others who could have proved his claim are dead. He was separated from his comrades by being left in hospital in an insensible condition (from the fall from horse) while the regiment marched on; and these are some of the reasons why he can not furnish the required evidence.

Some members of the regiment belonging to his own and other companies well remember his prostrated condition and how narrowly he escaped from death, and they are men of good repute and have so testified to me. That his hernia was also a result of the accident and the extreme debility accompanying the fever, I am fully satisfied, and I would respectfully urge a reconsideration of his case as that of a needy and deserving man.

I write this only from an interest in his welfare, and from no pecuniary consideration whatever.

Very respectfully, your obedient servant,
ALBERT H. BLANCHARD, M. D.,
Late Surgeon Third Massachusetts Cavalry.

THE COMMISSIONER OF PENSIONS.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE ANDERSON.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. ANDERSON, of Kansas) was the bill (S. 2366) granting a pension to Mrs. Emeline Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Emeline Anderson, widow of Jeff Anderson, late private in Company K, First Regiment Minnesota Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2366) granting a pension to Mrs. Emeline Anderson, submit the following report:

The facts in this case are fully and clearly set forth in the accompanying report of the Senate Committee on Pensions, which is adopted, and the passage of the bill recommended.

[Senate Report No. 1015, Fiftieth Congress, first session.]

The husband of claimant under the bill was late a private in Company K, First Regiment Minnesota Cavalry, which was organized for and employed in the campaign against the Sioux Indians in 1862-'63, and while in such service contracted asthma and heart disease, under circumstances which are detailed in the affidavit of John Emerson, a comrade, as follows:

"I was well acquainted with said Jeff. Anderson previous to enlistment, and enlisted at the same time, about November 1, 1862, and occupied the same quarters with him at St. Peter and Kasota, Minn., until the following spring, and was with him on Samuel Sibley's Indian expedition in the summer of 1863, and was discharged with him at Fort Snelling, Minn., November 28, 1863, and afterwards been living in the same settlement until he died, September 27, 1879. I further testify, from personal knowledge, that said Anderson contracted a severe cold in the fall after enlistment at St. Peter, Minn., on account of being obliged to do duty, exposed to the severe cold weather, without sufficient blankets and clothing.

"That said Anderson and myself enlisted with the expectation to receive Government clothing when we arrived at St. Peter, but got only one blanket for each man, and received no clothing till towards spring, and we were obliged to live in a very cold building, and perform duty in very cold weather, without sufficient clothes to wear or sleep under to keep off the cold. That said Anderson was taken with a very severe cold, which resulted in asthma, and afterwards his heart became affected, and I remember he was doctored for these diseases while we were in the Army. I knew said Anderson well after discharge, and know the asthma troubled him more and more every year, so that the last ten or twelve years he lived he was unable to perform any labor of any kind whatsoever, and he was never free from heart trouble after discharge until he died, to my personal knowledge. I was not present when he died, but learned he died very suddenly. I further testify that Anderson was a very temperate man during all the time I knew him."

Dr. Rhodes, assistant surgeon of soldier's regiment, who, after death of surgeon in July, 1863, had charge of all the sick, testifies:

"I remember claimant was a Scandinavian and was troubled with asthma and heart disturbance, the latter apparently functional at that time. He often reported at sick call for treatment, and my memory of his case was distinct, as there was unusual congestive action about his lungs and heart in what appeared to be a recent case. After treating him for some weeks without much improvement in his general symptoms, we were separated by order and I saw him no more."

"Dr. Foster, a practicing physician of thirty years, knew soldier before enlistment, and knew him as a stout, hearty man. He treated him immediately after his discharge in 1863 and in the following year for asthma, which resulted in heart disease, and with which he was badly afflicted, and this, in deponent's opinion, was the direct cause of his death.

"Knute Johnson lived near soldier before enlistment and after discharge; knew him to be a strong, healthy man before, and that he suffered with asthma after discharge in 1863 to death in 1879; knows that he was treated for asthma by Drs. Winch and Story, both dead. Understood him to have died of heart trouble brought on by asthma.

"No more specific or official testimony was furnished by claimant, either of sickness in service or immediate cause of death, because the Adjutant-General's Office reports 'regimental hospital records not on file' covering service, and the sparsely settled district of Minnesota in which soldier died rendered the attendance of a physician during last illness and a coroner's inquest after death impracticable. But, lacking evidence of the highest grade, the available testimony is direct, plain, and conclusive, and justifies the committee in a favorable report.

"The bill is recommended for passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELVIRA M. DORMAN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. RUSSELL, of Connecticut) was the bill (S. 2830) granting an increase of pension to Elvira M. Dorman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elvira M. Dorman, minor child of James Dorman, late of Company A, First Kansas Cavalry, and pay her at the rate of $14 per month, in lieu of that which she is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2830) granting an increase of pension to Elvira M. Dorman, submit the following report:

The report of the Senate committee sets forth the facts in this case. The special act under which claimant is now receiving a pension fixed the rate at $10 per month, the rate to which she would have been entitled under the general law. Since the approval of said act a general law has been enacted granting widows a pension of $12 per month instead of $8. Had not the special act referred to fixed the amount at $10 per month the Pension Office could now allow the claimant the amount asked for in this bill.

Your committee recommend the passage of the bill.

[Senate report No. 1178, Fiftieth Congress, first session.]

James Dorman, the father of Elvira M. Dorman, enlisted in Company A, First Kansas Volunteer Cavalry, May 30, 1861, and was mustered out of the service June 16, 1864. He contracted hernia in the service, and died February 12, 1879, of what was supposed to be valvular disease of the heart.

A pension of $10 per month was granted to Elvira M. Dorman, the only minor child of the late soldier, by a special act of Congress, taking effect May 9, 1886. The petitioner asks that the pension be increased to $14 per month, on the ground that the soldier's widow is debarred of pension by reason of her second marriage, and that under existing laws the minor child is entitled to the full pension of $12 per month, which the widow would have received, and $2 per month, in addition thereto, for the said minor child.

It seems but just that the minor child of the soldier should be pensioned at the same rate as the minor children of other soldiers of similar rank.

Your committee therefore report a bill, and recommend the passage of the same.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA M. SCANDLIN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. ANDERSON, of Kansas) was the bill (S. 2779) granting a pension to Eliza M. Scandlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Scandlin, widow of William G. Scandlin, late a chaplain in the Fifteenth Regiment, Massachusetts Volunteer Militia, at the rate of $12 a month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2779) granting a pension to Eliza M. Scandlin, submit the following report:

The facts in this case are fully set forth in the report of the Committee on Pensions of the Senate, which is adopted, and the passage of the bill recommended.

[Senate Report No. 1130, Fiftieth Congress, first session.]

This claimant is the widow of Rev. William G. Scandlin, who, after resigning the pastorate of his church, enlisted as chaplain of the Fifteenth Regiment Massachusetts Volunteers. He served faithfully in that capacity for the period of one year, and during that time, by his activity on the battle-fields, earned the title of the "fighting chaplain of the old Fifteenth," which title clung to him throughout his service and afterwards. At the end of the period mentioned he was discharged on account of sickness, but after a few weeks' rest he volunteered his services to the United States Sanitary Commission, which offer was at once accepted, and he was immediately assigned to work at the front.

While in the discharge of such duty he was captured on the 5th of July, 1863, after the battle of Gettysburgh, while caring for the wounded, and was for three months held a prisoner of war, being confined at Libby Prison and Castle Thunder. During this imprisonment, on account of the hardships he was subjected to, and as the result of his ill-health, occasioned by his former service, he contracted diseases from which he suffered all his after life, and which were the primary cause of his death, which occurred at Grafton, Mass., March 17, 1871.

His widow, Eliza M. Scandlin, now asks relief on the above grounds. She is in necessitous circumstances, and, as shown by the following certificate of her physician, has been suffering from paralysis for eleven years past.

Your committee deem this widow an exceptionally worthy object of special legislation, and recommend the passage of the bill reported herewith.

The undersigned, Thomas T. Griggs, having been a practicing physician in Grafton, Mass., more than thirty-six years, hereby certifies that he has been acquainted with Mrs. Scandlin, widow of the late Rev. William G. Scandlin, who was a chaplain in the late war; that he was her physician at the time she was seized with paralysis, in January, 1876, and has been cognizant of her condition up to the present time; that she has continued in a helpless condition, being unable to converse or take care of herself, requiring an attendant for more than eleven years, and that there is no probability that any improvement will ever occur in her case.

THOMAS T. GRIGGS, M. D.

GRAFTON, MASS., *February* 15, 1887.

GRAFTON, *July* 26, 1887.

WORCESTER, ss:

Then personally appeared the above-named Thomas T. Griggs and made oath that the above statement, by him subscribed, is true.

ALDEN A. HOWE,
Justice of the Peace.

W. I. SCANDLIN:

DEAR SIR: I am pleased to inform you that I recognize the disease and death of your father, Rev. W. G. Scandlin, to have been occasioned primarily by his exposure while in the line of his duty, and the malarial influences to which he was unavoidably exposed, and that he was a frequent patient of mine during the time existing from the period of his discharge from the service to the period of his death. I shall do all in power to aid in the prosecution of a claim to secure pension for your mother.

Yours, truly,

J. N. BATES, M. D.

WORCESTER, *March* 9, 1880.

A sketch of the history, plan of organization, and operations of the United States Sanitary Commission, by Lewis H. Steiner, M. D., late chief inspector United States Sanitary Commission, Army of Potomac.

[Pamphlet, 8°, pages 14; page 12.]

[Read before the Maryland Historical Society, February 1, 1866.]

PHILADELPHIA, 1886.

It is pleasant to know that the medical officers of the insurgents at different times declared their grateful feelings for the supplies of the sanitary commission. One communication from them, addressed to the commander-in-chief of the insurgents, may properly be presented here. It was occasioned by the capture by the insurgents of several of the officers of the commission, who were traveling, in July, 1863, under orders from the writer, with supplies for the hospitals on Maryland Heights and for the wounded in the battle which took place between the forces of Lee and Meade.

These officers were seized, their stores destroyed by their captors, and they themselves forced to undergo the horrors of imprisonment in the notorious Libby Prison. Ten medical officers voluntarily prepared the following paper, asking for the instant release of these gentlemen:

"The undersigned, surgeons of the Confederate army, in charge of the several hospitals now within the Union lines at and about Gettysburgh, beg leave to testify to our general-in-chief in favor of the United States Sanitary Commission as a most praiseworthy and charitable institution.

"Through its kind provisions our hospitals are supplied with many comforts which are of inestimable value to our suffering and wounded men.

"While the promptness with which their agents follow on the heels of battle enables them to dispense an immense amount of relief to the unfortunate sick and wounded soldiers on either side, it also necessarily exposes them to any reverse of fortune which may oblige them to ask protection from the successful party.

"Thus, during the late battle at Gettysburgh, four of the agents of the sanitary commission, with their supply wagons, are said to have fallen into our hands, and, as we learn, are detained as prisoners.

"The names of the men are as follows, namely, Dr. Alexander McDonald, Rev. William G. Scandlin, Leonard Brink, Alfred Brengle, and negro boy Moses.

"We respectfully submit that as the above-named men were taken without arms and while in the employ of their charitable offices as almoners of the sanitary commission to the wounded soldiers of either party, they be released from restraint and permitted to return to their work of benevolence and good-will to all.

"Respectfully submitted by yours, etc."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALLEN BLETHEN.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. MORRILL) was the bill (S. 2700) granting increase of pension to Allen Blethen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Allen Blethen, late of Company H, One hundred and twenty-fourth Ohio Volunteers, and pay him at the rate of $24 per month, in lieu of that which he is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2700) granting an increase of pension to Allen Blethen, submit the following report:

The report of the Committee on Pensions of the Senate is herewith adopted and the passage of the bill recommended.

[Senate Report No. 1171, Fiftieth Congress, first session.]

Allen Blethen, late of Company H, One hundred and twenty-fourth Ohio Volunteers, during a four years' service contracted chronic diarrhea and epileptic form of spasms, which have resulted in nervous prostration and general debility, until the partial disability from which he has suffered since the war has, within the past few years, become total, and he is now physically and mentally incompetent for self-support. The claimant is now in receipt of a pension of $4 a month on account of chronic diarrhea, but the greater disability from which he suffers is not recognized.

The committee are satisfied, from a careful examination of all the statements and testimony in the pension records and other evidence outside thereof, that the dread disease which has at last fastened itself upon the claimant is due to a partial sunstroke, or fit of epilepsy, occurring in battle, from which he for the time recovered, but which, in complication with other disorders, has made him a confirmed epileptic. He is the eldest of four brothers, of whom the three who were of proper age entered the service—one to die in hospital, another to suffer from severe wounds, and the eldest degenerating by degrees into epilepsy, to become a charge upon the generous bounty of the fourth, who, fortunately for the claimant, lacked the years and strength to venture into war.

Believing the claimant's disabilities to be fairly chargeable to his army service, the committee report favorably upon the bill and recommend it for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WILLIAMS. I ask that the order be changed, and that each member present be permitted to call up a bill.

Several MEMBERS. Regular order.

Mr. STRUBLE. I hope that will be done.

The CHAIRMAN. The regular order is demanded.

Mr. WILLIAMS. My reason for making that proposition was that there are many members who come here and sit night after night and yet do not get their bills considered, and others remain at home depending upon the committee to call up their cases. That works injustice to other gentlemen and to some members of the committee who stay here regularly and attend to the business while others are absent.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that the regular order is demanded.

Mr. WILLIAMS. We can have the other way just as well and pass enough pension bills. I can say that I am disinterested in the matter, as I have not a bill on the Calendar.

H. H. RUSSELL.

The next pension bill on the Private Calendar (consideration of which was asked by Mr. FUNSTON) was the bill (S. 2909) granting a pension to H. H. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. H. Russell, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2909) granting a pension to H. H. Russell, submit the following report:

The report of the Senate Committee on Pensions sets forth fully the facts in this case and is hereby adopted, with the recommendation that the bill pass.

[Senate Report No. 986, Fiftieth Congress, first session.]

Hiram H. Russell enlisted in Company E, Seventy-fifth Regiment Ohio Volunteers, November 20, 1861, was promoted to sergeant of his company, and was discharged from the service of the United States August 28, 1862. He subsequently served as assistant surgeon of the One hundred and thirty-eighth Ohio Volunteers from June 11, 1864, to September 1, 1864, and from April 7, 1865, to June 12, 1865, he served as assistant surgeon of the One hundred and first Ohio Volunteers. It appears from the papers in the case that the claimant has made two applications for pension; in the first, filed March 30, 1872, he alleges that he was discharged on the ground that he had the chronic diarrhea, and that he was wounded by a gunshot wound about June 10, 1862. In his second declaration, filed May 14, 1877, he claims pension "for disease of bladder, from exposure in West Virginia, in March, 1862."

The Commissioner of Pensions, June 30, 1884, rejected the claim, after a thorough special examination, on the ground "that the disease of bladder for which pension is claimed existed prior to enlistment."

The certificate of disability on which the soldier was discharged is as follows:

"I certify hat I have carefully examined the said Hiram H. Russell, of Captain James D. Foster's company, and find him incapable of performing the duties of a soldier because of chronic inflammation of the bladder of two years' standing. I further declare my belief that said soldier will not again be able to resume his duties.

"S. LOVING, *Surgeon.*"

"Discharged this 28th day of August, 1862, at Columbus, Ohio.

"A. B. DOD,

"*Captain Fifteenth U. S. Infantry, Commanding the Post.*"

In support of his claim the claimant has produced the following testimony:

Dr. Charles L. Wilson, assistant surgeon, testifies to prior soundness. Claimant was a student in his office prior to enlistment, and affiant was his father's family physician.

Capt. J. D. Foster swears that claimant, in the spring of 1862, contracted disease of bladder, so as to disable him from duty for some time.

Dr. McFarland testifies to treating claimant since 1867 for disease of bladder.

The claimant (who by the way is a regular practicing physician) swears to treating himself until 1867.

Cyrus Russell testifies to claimant's returning home from the Army sick.

William G. Russell swears that in June, 1862, claimant was sent home on furlough to enable him to recover from cystitis, contracted by him while in the service; that he was treated by Dr. Day while at home, but failed to recover and was finally discharged.

Surg. Charles L. Wilson swears that in West Virginia in 1862, early part, claimant, after severe exposure and marching, suffered from deranged digestive organs, and also had chronic inflammation of the bladder.

The examining surgeon at Centralia, Ill., rates him at one-fourth total, and the examining surgeon at Kansas City, Mo., under date of May 11, 1881, makes same rating. The Pension Office concluded to have the case specially examined, and Mr. A. Downing, special examiner, concludes his report as follows:

"From a careful consideration of the evidence on file, I am of the opinion that the claim is a meritorious one, the evidence of prior soundness being apparently good, if not conclusive."

John A. Carr, special examiner, expresses the opinion—

"That the testimony taken is favorable to the claimant, but is not sufficient to overcome the adverse record. In the present incomplete condition of the claim, and the absence of any positive testimony to show that claimant was free from alleged disease of bladder at the time he enlisted, it is fair to presume the record is correct, and recommends further examination."

J. F. Vinal, special examiner, recommends further examination.

A. F. Roush, special examiner, is of the opinon that the claim is without merit, but advises, in all justice to the claimant, further examination.

Thomas F. Winthrop, special examiner, says the claim, in his opinion, is "without merit, the testimony fairly showing that claimant's disability is not due to the service, as alleged," and recommends further examination.

H. C. Laforce, special examiner, thinks the claim meritorious, and recommends further examination.

E. F. Johnson, special examiner, concludes his report by saying:

"I believe the claimant was sound prior to enlistment; that the disability specified was contracted in service and line of duty, and when the evidence is completed the claim should be admitted."

Your committee incline to the belief that the claimant was a sound man at date of enlistment, and that he contracted the disability in the service and line of duty as alleged, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN B. RARICK.

The next pension business on the Private Calendar (called up for consideration by Mr. PERKINS) was the bill (S. 2578) granting a pension to Nathan D. Rarick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathan B. Rarick, late a private of Company F, Thirty-ninth Regiment Illinois Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2578) granting a pension to Nathan B. Rarick, submit the following report:

The report of the Committee on Pensions of the Senate is hereby submitted, setting forth the facts in this case, and the passage of the bill is recommended.

SENATE REPORT.

Nathan B. Rarick, the claimant under this bill, enlisted August 21, 1861, and was discharged August 5, 1863. He was a private in Company F, Thirty-ninth Regiment Illinois Volunteers. On January 20, 1864, he made application for pension, alleging in his declaration that, "at Folly Island, South Carolina, April 15, 1863, he contracted a fever, which resulted in spinal irritation." The claim was rejected April 5, 1882, on the ground "that the alleged disability is not traceable to his military service and his declared inability to furnish better proof." The claimant subsequently filed an affidavit (March 8, 1882), in which he states that "his disability was not developed so as to be recognized in service."

The War Department reports "no record" of the alleged disability.

It appears from an examination of the papers that the claimant was discharged from the service, on a surgeon's certificate of disability, "because of general debility, overage, and periodical attacks of diarrhea."

The testimony showing prior soundness is as follows:

R. L. Whitney "worked with him before service; was then and had been throughout acquaintance with him strong and robust."

T. R. Heald swears he was "specially free from spinal irritation."

Orrin L. Mann swears "claimant was able-bodied and in good health."

Capt. Amasa Kennicorta swears "that in the service claimant was always able for duty between August, 1861, and August, 1862," which is corroborated also by Lieutenant Mann, who swears "he was discharged for disability."

After his discharge, R. L. Whitney swears that he came home feeble and disqualified for manual labor. When first met after discharge claimant was under medical treatment. The physician (now dead) told affiant that claimant's death was caused by overexertion and exposure.

T. R. Heald swears to an intimate acquaintance with claimant from discharge to October 31, 1881, and has "personal knowledge that he was suffering with some spinal affection at date of return from service and has been ever since."

The claimant swears that all the physicians who treated him for his disability are dead except Dr. Goucher, who is now mentally incapacitated as well as physically, and therefore unable to testify; that his disability was only developed as spinal disease after discharge, and that his neighbors know nothing of his case only as he has told them.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. STOKES.

Mr. HOUK. I want this House to hear me for half a minute.

Several MEMBERS. Regular order.

Mr. HOUK. I want to call up a bill for the benefit of an old ex-member of this body, a man who was here for ten years. He was a colonel in the Federal Army, and he is now lying at the point of death in poverty and distress. I mean Col. William B. Stokes, of Tennessee. I ask unanimous consent that this bill be taken up and passed at this time. It will not be reached on the Calendar, and as the old man is in poor circumstances and on the verge of the grave, I hope no objection will be made.

HENRY CROTSLEY.

Mr. LANE. I call up House bill 8617, granting a pension to Henry Crotsley, which has been heretofore passed over.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Henry Crotsley, late private of Company H, Fifteenth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8617) grnting a pension to Henry Crotsley, have had the same under consideration, and beg leave to submit the following report:

Henry Crotsley served as private of Company H, Fifteenth Regiment New Jersey Volunteers, from August 7, 1862, to June 22, 1865. He alleges that he contracted rheumatism in the service, but his claim has been rejected because the evidence is not deemed sufficient by the Pension Office to connect the disability with the service.

By medical and other evidence it is clearly shown that claimant was free from rheumatism at the date of his enlistment. At the time of the incurrence of the disability, during General Burnside's famous "mud march," the soldier was on detached duty as brigade teamster, and continued on this duty nearly his entire term of service. For this reason it is difficult for him to obtain the evidence required by the Pension Office. He states that he was treated at intervals by Surgeons Sharp and Bolbey, but they being dead he can not procure evidence of such treatment.

It is also shown by competent testimony that claimant suffered from rheumatism at discharge. Medical examinations show disease of heart, which the examining surgeons say is due to rheumatic diathesis.

The writer of this report is personally acquainted with the beneficiary named in the bill, as well as the witnesses in his behalf, and from his knowledge of the parties and of the disabled condition of claimant, he has every reason to believe that the same is due to the exposure incident to nearly three years' active field service.

The committee therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW MUCKLIN.

The next business on the Private Calendar (called up for consideration by Mr. PIDCOCK) was the bill (H. R. 5232) granting a pension to Andrew Mucklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Andrew Mucklin, late of Battery C, Fifth Regiment United States Artillery.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5232) granting a pension to Andrew Mucklin, have had the same under consideration, and beg leave to submit the following report:

Mucklin served as a private in Company C, Fifth United States Artillery, from January 22, 1862, to January 22, 1865. He alleges that in action at Bull Run, August 30, 1862, he was wounded in right leg and abdomen. The claim has been rejected because the evidence is not deemed sufficient to show incurrence of wound of leg in service, and medical examination fails to show any disability from wound of abdomen.

The record of the War Department shows that soldier was under treatment for gunshot wound shortly after the aforesaid battle, and remained under treatment for three months. He was subsequently treated for disability, and still later for rheumatism. The record, however, does not locate the wound for which treated.

The claim has been specially examined, and while it is true that the few available comrades are not positive as to the nature of the wound received, they seem to recollect of an injury of that character in the service, but differ as to the location of the same.

Joseph Hunsburger, shown by the special examiner to be a credible witness, testifies that while in Washington in the winter of 1863, looking after his son, he found claimant at a Georgetown hospital, who was then walking lame and showed affiant the wound of leg.

Robert J. Reimen likewise testifies to having seen the soldier in Mount Pleasant Hospital about December, 1862, and that he was then suffering from a wound.

It is further shown that for three years or more after discharge claimant was treated for the wound by Dr. Klinefelter, now deceased, and that he was compelled to walk with a cane.

Medical examinations show gunshot wound of right leg, middle third, entrance just outside of tibia, course backward, and lodged near posterior of tibia; small splinter of tibia removed, tenderness and slight atrophy of muscles.

Upon a careful examination of all the evidence, your committee are of opinion that evidence furnished, taken in connection with the record of the War Department and the finding of the examination by the surgeons of the Pension Bureau, shows beyond any reasonable doubt that claimant was wounded in the leg as alleged, and that he has been and is now disabled therefrom, notwithstanding the negative character of some of the testimony taken by the special examiner, and therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LEARY.

The next business on the Private Calendar (called up for consideration by Mr. MORRILL) was the bill (S. 1076) granting a pension to the widow of John Leary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of the widow of John Leary, late a first sergeant in Battery F, Third Artillery, United States Army, in the war of the rebellion, and pay her at the rate of $20 per month from and after the passage of this act.

The report (by Mr. HUNTER) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1076) granting a pension to the widow of John Leary, deceased, have had the same under consideration and adopt as its own the Senate favorable report hereto attached:

"That the claimant, Hanna Leo, widow of John Leary before her second marriage, was, at the time of the death of her first husband, the wife of John Leary, deceased, late a private or sergeant, rated as "in general service of the United States Army."

"The said John Leary enlisted on the 26th day of July, 1854, and was discharged July 26, 1859, by expiry of term of service. He re-enlisted August 26, 1859, and was assigned to Battery F, Third Artillery; served in the war of the rebellion; was slightly wounded at battle of Malvern Hill, July 1, 1862; was discharged for disability March 25, 1863, at Baltimore, Md. He again enlisted in the general service in the Adjutant-General's Office in Washington, April 7, 1863, whence he was discharged April 1, 1864. He was in the service in all about ten years.

"The soldier died on December 8, 1872. He left surviving him the claimant, as widow, and four children. All of these except one are now over pensionable age. Their claim for pension was rejected. The widow afterward married a man by the name of Leo, who has since died, leaving her for the second time a widow. Neither husband was a man of any means. She now claims a pension for the service and death of her first husband. Leary the soldier, died in Washington, December 8, 1872, of pneumonia, as it is certified.

"We find that during his military service he was treated for rheumatism, for incised wound, for diarrhea, for ambustio, for chronic articular rheumatism. Medical and other testimony shows that at the time of his discharge and afterward he was suffering from lung troubles, appeared consumptive, was treated for the same, and we think it most probable that he died from the effects and results of disease incurred while in the service.

"The widow is now over forty years old, very poor, dependent upon her daily labor for support.

"We recommend the passage of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY A. JORDAN.

The next pension business on the Private Calendar (called up for consideration by Mr. MORRILL) was the bill (H. R. 9463) granting a pension to Lucy A. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lucy A. Jordan, widow of James W. Jordan, late of Company C, Fourth New Hampshire Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9463) granting a pension to Lucy A. Jordan, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill was married to James W. Jordan, late private of Company C, Fifth Regiment New Hampshire Volunteers, February 18, 1866. Jordan died of phthisis pulmonalis June 30, 1887, being at that date a pensioner for said disease at the rate of $16 per month.

It appears that after his death it came to the knowledge of the widow that the soldier was previously married, in April, 1863; that he lived with his former wife for about three months, when she deserted him and again married. As the claimant can not prove that the soldier obtained a divorce from the first wife before her marriage with him she has no legal status before the Pension Bureau.

She innocently entered into marriage relation with the soldier, lived with him, performing her wifely duties and believing herself to be his legal wife for over twenty-one years, becoming in the mean time the mother of four children by him, the youngest yet under eleven years of age; and inasmuch as she is not entitled to pension under the general law, and Congress has in similar cases granted relief to this unfortunate class of claimants, your committee are of opinion that like relief should be extended to this claimant, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the word "fourth," in line 6, and insert therein instead the word "fifth."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN B. BROWN.

The next pension business on the Private Calendar (called up for consideration by Mr. DINGLEY) was the bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Mrs. Helen B. Brown, widow of George H. Brown, deceased, late a private of Company B, First Maine Cavalry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown, having considered the same, report as follows:

Claimant is the widow of George H. Brown, late a private in Company B, First Maine Cavalry Volunteers. Soldier enlisted December 29, 1863, and was discharged for disability May 26, 1865. During his army service he suffered from an alleged injury to the back from a fall from his horse, causing kidney and heart trouble, and was also severally wounded at the battle of Spottsylvania, for which he was pensioned. The papers on file show that soldier was never strong after discharge from the Army, and that he died January 10, 1887. The widow filed a claim for pension, which was finally submitted for special examination at Augusta, Me.

The testimony taken by the special examiner was all favorable to the claimant, except that of the surgeons of the general hospital of Portland, Me. It appears that in July, 1886, soldier received a severe injury, for which he was treated at said hospital in November of that year. The surgeons who attended him at the hospital give it as their opinion that soldier died from heart failure, due to said injury. That soldier did receive this injury is undoubted, but that it was the real cause of his death is a matter of extreme doubt. In illustration of this may be cited the fact that the special examiner calls attention to the circumstance that soldier, prior to this injury, was so ill with diseases contracted in the Army that his life was despaired of, and that he was a constant sufferer from said diseases. After a thorough and conscientious investigation of the case, the examiner made a full report, and after calling attention to the fact that the hospital surgeons simply looked upon the case as one of injury without apparently considering the diseases and complications existing prior thereto, closes in these words:

"In equity, if not in law, I think the widow has a just claim. * * * Soldier was a man of exemplary habits, which may in part account for him surprising the local physicians by rallying almost from death's door before he received the accident which was the final complication in his disabilities. * * * I believe the claim is meritorious. I respectfully recommend further examination of Dr. Galen J. Tribon, of Washington, Me., now temporarily in New York City."

The examination of Dr. Tribon was attended to, and in due time the examiner further reported as follows:

"Dr. Tribon's testimony simply corroborates that of Dr. A. A. Jackson and others as to soldier being a sufferer from hemorrhoids and disease of the kidney and heart prior to the time that he received an injury (July 20, 1886), and therefore does not affect the status of the case, and my opinion remains unaltered, namely, that in equity the claim of the widow should be admitted."

Notwithstanding the opinion of the medical examiner, the claim was rejected on technical medical grounds; but your committee, agreeing with the special examiner, that the equities are in favor of the claimant, who is an invalid widow of a good soldier, report the bill back favorably and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK FRAWLEY.

Mr. CARUTH. On page 68 of the Calendar there is a bill that has been passed over which I desire to call up. It is the bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the names of the widow and minor children of Patrick Frawley, late a private in Company C, Tenth Regiment Ohio Volunteers, subject to the limitations and restrictions of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley, have had the same under consideration, and adopt the Senate favorable report as their own, and which report is as follows:

"That the claimants are the widow and children of Patrick Frawley, deceased, late a private in Company C, Tenth Regiment Ohio Volunteer Infantry, in the war of 1861.

"The soldier enlisted September 23, 1863, and served until February 11, 1864, when he was discharged upon account of disability incurred by a wound by gunshot in left arm, received at the battle of Perryville. He died at his home, in Cincinnati, March 26, 1883, of pulmonary consumption. The Pension Bureau rejected the claim of the widow for the reason that his disease and death were not traceable to his military service.

"The soldier was a pensioner at the time of his death, at the rate of $10 per month, upon account of his said wound. His personal acquaintances testify that up to and at the time of his enlistment he was a stout, hardy, robust man; that at the time of his return from the service he was suffering from his wound, and soon after from a hacking cough, which was induced by waste of the sys-

tem from the wound, which never healed—remained a running sore until his death; that he could not work at his trade, that of a glass-blower, being weak, and unable to do anything but very light work.

"The medical testimony is to the same effect, and his condition grew worse until he died. The physician in his last illness testifies that his wound was still discharging pus; that the cough and consumption of his latter life were due to the incurable condition of the wound, the virus of which had permeated the whole system.

"The widow is in very necessitous circumstances, without means or expectation of any; and, believing that the wound was certainly the cause of the subsequent disease and death of the soldier, your committee recommend the passage of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA HAWKINS.

Mr. CARUTH. I desire to call up also the next bill on the Calendar, heretofore passed over, the bill (S. 2655) granting a pension to Lydia Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Lydia Hawkins, widow of Richard Hawkins, late private in Company D, Fifty-seventh Regiment of Ohio Volunteers.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2655) granting a pension to Lydia Hawkins, have had the same under consideration, and adopt the Senate favorable report as follows:

"The claimant is the widow of Richard Hawkins, deceased, late a corporal in Company D, Fifty-seventh Regiment of Ohio Volunteer Infantry, in the war of 1861.

"The soldier enlisted December 1, 1861, and served until July 29, 1863, when he was discharged as not fit for service, and unable for duty even upon the Invalid Corps. He died at his home in Cincinnati, August 20, 1866.

"The claim was rejected by the Pension Bureau upon the ground that his mortal illness was not due to his military service. The testimony of his neighbors is that he was a sound, healthy man before and at the time of his enlistment.

"The testimony of Lieutenant Banks and others, his comrades, shows that in April, 1862, he was attacked with what afterwards proved to be chronic diarrhea; that he was sent to the hospital for treatment thereof; that although he returned to duty, he never recovered; that he at last grew worse, and being always unwell, was discharged for disability.

"His neighbors testify that upon his return he was in bad health, taking medicine all the time, unable to work, thin and emaciated; was suffering from something like flux or disease of the bowels. Dr. Green, the physician in his last illness, swears that from 1865—July of that year—he treated him once every four or six weeks, until he died, for chronic diarrhea; that he died of Asiatic cholera, superinduced by the diarrhea, from which he had suffered a 'long time previous to his death.'

"Your committee think the disease incurred in the service was the cause of the soldier's death, and therefore recommend the passage of the bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CATHARINE REED.

The next pension business on the Private Calendar (called up for consideration by Mr. WICKHAM) was the bill (H. R. 7717) granting a pension to Mrs. Catharine Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine Reed, widow of Eben P. S. Reed, late of Company D, One hundred and second Regiment of Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 7717, beg leave to submit the following report:

Mrs. Catharine Reed is the widow of Eben P. S. Reed, late a private in Company D, of the One hundred and second Regiment Ohio Volunteer Infantry. He was pensioned on or about August 18, 1879, at one-half ($4) per month for left inguinal hernia, and at one-quarter ($2) per month for lung disease from December 17, 1862, to March 23, 1878, and thereafter at one-half ($4), or aggregating $8 total.

On the 23d of November, 1880, the soldier received an injury from a piece of board thrown from a circular saw running in a factory where he was employed, causing a flesh wound some 4 inches in length in the right groin, of which he died on the afternoon of the 25th of the same month.

The widow applied for a pension on the 7th day of February following, alleging that her husband died from the vitiated and weakened condition of his physical system, the result of his army exposure and lung disease. Her claim was rejected November 15, 1881, on the ground that the immediate death cause—the injury caused by a board thrown from a buzz saw—did not originate in the service, nor was it a *sequela* of his pensionable disabilities. On appeal the case was referred to a medical examiner, who made the following recommendation:

"The evidence in this case shows that soldier while working in a saw-mill received a wound in the right groin. Erysipelas appeared in the wound, and two days later the soldier died. While the chance of recovery might have been better had claimant been in perfect health when injury was received, the wound must be considered at least an important factor in death cause, and it is not thought that the office would be warranted in accepting death as the result of disabilities for which pensioned."

To which the medical referee added the following opinion:

"Death cause due to the injury and results thereof; not to pensioned disabilities."

Dr. George Mitchell, in an affidavit dated February 3, 1881, says:

"I was assistant surgeon of the One hundred and second Regiment Ohio Volunteer Infantry and knew Eben P. S. Reed, a private of Company D, of said regiment, who was ruptured while in line of duty, and afterward was taken sick with pneumonia and a low form of fever, and that he was discharged the service on account of disability. I was mustered out of service with the regiment in July, 1865, and since then have been his medical adviser the major part of the time; and I declare further that to the best of my knowledge and belief he has never fully and perfectly recovered from the effects of the sickness he had in the Army, and that his system has been vitiated and weakened by the same to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system.

"I also declare that on the 23d of November, 1880, the said Eben P. S. Reed was struck in the right groin by a small board that was thrown from a buzz-saw, making a flesh wound of some 4 inches, and soon after was dressed by Dr. A. V. Patterson, who, so far as the wound was concerned, expected a speedy recovery, not considering the wound one of a serious nature. I saw him on the 24th about twenty-four hours after the reception of the wound, and erysipelas had then developed. I visited him again on the 25th with Dr. Patterson, and despite all exertions we could make he sank rapidly and died that afternoon. The vitiated and weakened condition of his physical system, the result of army exposure and disease, in my judgment, invited the erysipelatous inflammation which he was unable to endure."

Dr. A. V. Patterson, in an affidavit filed on the 4th day of February, 1881, says:

"On the afternoon of November 23, 1880, I was requested to visit the said Eben P. S. Reed, in consequence of an injury he had sustained from a board thrown from a circular saw running in the works of the Mansfield Lumber and Building Company, at which he was employed. I found a cut through the integument of about 3 inches in length, in the right groin. No considerable contusing beneath was apparent; no shock. Seemed cheerful, though suffering some pain. I approximated the lips of the wound with a few interrupted sutures, and sent him home. His family physician, Dr. George Mitchell, saw him on the next day.

"I saw him again on the 25th. An erysipelatous condition had rapidly developed. He died in a few hours after, on the afternoon of the 25th of November, 1880. I examined his lungs at this last visit, and found them fast filling up. I have no doubt the disabilities incurred during his service in the United States Volunteer Army, and for which he was pensioned, rendered him an easy victim to the injury which was the immediate cause of his death."

It will be observed that while the medical examiner says that "it is not thought that the office would be warranted in accepting death as a result of disabilities for which pensioned," he substantially admits that "the chance for recovery might have been better had soldier been in perfect health when injury was received." It will be noticed, also, that he only claims that the wound contributed to the death, and not that it was the sole cause of the death. This appears in the use by him of the following language:

"The wound must be considered at least an important factor in death cause."

He seems to proceed upon the theory that if the disability for which the soldier was pensioned only contributed to the death, and was not the sole cause of it, the pension ought not to be granted. This may be a safe rule for the Pension Office to adopt, but it does not seem to us to be the one that Congress should act upon. It seems to your committee that if the disability incurred in the service contributed materially to the death, it should be considered as the cause of the death, so far at least as the granting of pensions is concerned. A very apt illustration of this principle is found in the common law rule that a person contributing directly by his negligence to an injury to another is liable severally to that other, notwithstanding the contribution to the injury by some other person or some other course.

Not only does the medical examiner substantially admit that the pensioned disability contributed or might have contributed to the fatal result; but it will be observed that the two doctors who knew the soldier and his physical condition before he received the wound, and who were in attendance upon him, substantially, all the time from his receiving the wound to his death, concur in the opinion that the soldier's system has been "vitiated and weakened" by the sickness he had in the Army "to such an extent that he was unable to withstand the effect of a severe injury or disease, as another person would who had a healthy system," and that "the vitiated and weakened condition of his physical system, the result of army exposure and disease, invited the erysipelatous inflammation which he was unable to endure."

There is no claim by the examiner nor by the referee that the pensioned disability could not have resulted pathologically in such "vitiated and weakened condition."

In the light of the evidence in this case, your committee are clearly of the opinion that a pension should be granted to this widow, who is very poor and needy, and they do therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WASHINGTON. I move that the committee rise and report to the House the bills acted on this evening.

The motion was agreed to; there being—ayes 17, noes 8.

The committee accordingly rose; and Mr. ANDERSON, of Illinois, having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy;

A bill (H. R. 6848) for the relief of Elizabeth A. South;

A bill (H. R. 3710) granting a pension to Samuel Piercy;

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

A bill (H. R. 8617) granting a pension to Henry Crotsley;

A bill (H. R. 5232) granting a pension to Andrew Mucklin;

A bill (H. R. 9697) granting a pension to Mrs. Ellen B. Brown; and

A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9704) granting a pension to Martha F. Lee;

A bill (H. R. 9792) to increase the pension of Charles S. Baker;

A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Salinac County, Michigan;

A bill (H. R. 775) granting an increase of pension to John D. Jones;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 9795) granting a pension to Nathaniel Francis (title amended so as to read: "A bill to restore Nathaniel Francis to the pension-roll;") and

A bill (H. R. 333) granting a pension to Catharine Busey (title amended by striking out "Busey" and inserting "Bussey.")

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 2449) granting a pension to James W. Bowman;

A bill (S. 2124) granting a pension to John Bush;

A bill (S. 1762) granting a pension to Benjamin A. Burtram;

A bill (S. 2448) granting a pension to Catharine McQuade;

A bill (S. 2520) granting a pension to James White;

A bill (S. 2653) granting a pension to Mary Curtin;

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;

A bill (S. 2313) granting a pension to Ellen J. Snedaker;

A bill (S. 1575) granting an increase of pension to William Wallace Young;

A bill (S. 2413) granting an increase of pension to Ernst Hein;

A bill (S. 2571) granting a pension to Edwin E. Chase;

A bill (S. 2366) granting a pension to Mrs. Emeline Anderson;

A bill (S. 2830) granting an increase of pension to Elvira M. Dorman;

A bill (S. 2779) granting a pension to Eliza M. Scandlin;

A bill (S. 2700) granting an increase of pension to Allen Glethen;

A bill (S. 2609) granting a pension to H. H. Russell;

A bill (S. 2578) granting a pension to Nathan B. Rarick;

A bill (S. 1076) granting a pension to the widow of John Leary, deceased;

A bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley; and

A bill (S. 2655) granting a pension to Lydia Hawkins.

Mr. MATSON moved to reconsider the several votes by which the bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House do now adjourn.

The question was put to the House.

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. MATSON. I ask for a division.

The House divided; and there were—ayes 5, noes 24.

So the House refused to adjourn.

Mr. LAWLER. I desire to make a proposition.

Mr. MATSON. I demand the regular order.

Mr. CHEADLE. I rise to ask, by unanimous consent, that members present who have not had bills considered to-night shall have the privilege, by unanimous consent, each one of calling up a bill for consideration.

Mr. MATSON. I demand the regular order.

The SPEAKER *pro tempore*. The demand for the regular order cuts off all requests for unanimous consent.

Mr. MATSON. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. WASHINGTON. I move, by unanimous consent, that the House discharge the Committee of the Whole from the further consideration of the bill——

Mr. MATSON. I demand the regular order of business, which cuts off all requests for unanimous consent. I insist upon my motion that the House resolve itself into committee for further consideration of the special order.

Mr. LAWLER. I demand a division on that motion.

The House divided; and there were—ayes 22, noes 4.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. DOCKERY in the chair.

The Clerk proceeded to call the Calendar.

Mr. WASHINGTON. A number of gentlemen have come here night after night to assist others in getting through pension bills, but so far have had themselves no recognition whatever. In behalf of these gentlemen I ask they be allowed the courtesy of recognition by unanimous consent.

Mr. MATSON. I demand the regular order of business.

ALMERON J. PATCHIN.

The next business on the Private Calendar (the consideration of which was requested by Mr. PERKINS) was the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Almeron J. Patchin, late of Company E, Twentieth Regiment Ohio Infantry Volunteers, and to pay him a pension of $50 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin, submit the following report:

This soldier is now receiving a pension of $30 per month for gunshot wound in right arm, received July 27, 1864, in front of Atlanta. The wound was a severe one, and necessitated the resection of 3½ inches of the humerus, rendering the arm and hand useless.

Dr. N. S. Newlan, in describing the wound in a recent affidavit, says:

"There is and has been no bone found in the humerus where the ball passed through. The upper end of the lower fragment of humerus is rough and cutting, at times coming through to the surface, causing chills and epilepsy and a loss of mind partially, and rendering an attendant constantly necessary to prevent injury to himself in the fits."

The act of August, 1886, while it increases the pension for loss of arm at shoulder-joint, made no provision for equivalent disability, and the Pension Office can therefore afford no relief unless it can be shown that the epilepsy is the result of the wound, and that the regular aid and attendance of another is required. It is evident that the results of the wound are equal if not worse than a healthy amputation at the shoulder would be.

Your committee therefore recommend the passage of the bill with an amendment striking out "fifty," in line 7, and inserting "forty-five."

Mr. WASHINGTON. I object to the passage of that bill. This man can apply under the general law at the Pension Office.

Mr. PERKINS. No, the gentleman is mistaken; he can not.

Mr. MORRILL. It is a peculiar case and one which often arises, as members of the committee well know, where the injury is worse than amputation at the elbow-joint. The wound necessitated the resection of 3½ inches of the humerus, rendering the arm and hand useless. He does not come under the general law. The old law made provision for equivalent disability, but the act of August, 1886, unfortunately does not. He therefore can not apply to the Pension Office, but is compelled to come to Congress.

Mr. WASHINGTON. I withdraw my objection.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. LAWLER moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ANDERSON, of Illinois, having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had under consideration the Private Calendar under the special order, and particularly the bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin, and had directed him to report the same back to the House with an amendment, and with the recommendation that the bill as amended be passed.

The bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin was taken up, the amendment of the Committee of the Whole agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The hour of 10.30 o'clock p. m. having arrived, in accordance with the previous order, the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rules private bills of the following titles were introduced and referred as indicated below:

By Mr. CHIPMAN: A joint resolution (H. Res. 207) authorizing the Secretary of War to cause a report to be made of the practicability and necessity of a winter bridge across the Detroit River—to the Committee on Commerce.

By Mr. J. A. ANDERSON: A bill (H. R. 11008) granting a pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11009) granting a pension to James Calnon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11010) to restore to the pension-roll the name of Almon R. Blodgett—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 11011) for the relief of Samuel S. Haynes—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 11012) granting a pension to William A. Dennis—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 11013) for the relief of Sarah E. Bodle, widow of Charles W. Bodle, deceased—to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 11014) granting a pension to Jesse Lovell—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 11015) granting a pension to Mathew Edmondson—to the Committee on Pensions.

Also, a bill (H. R. 11016) granting a pension to Louisa Neal—to the Committee on Invalid Pensions.

By Mr. MCCULLOGH: A bill (H. R. 11017) granting a pension to John Adams.

By Mr. NELSON: A bill (H. R. 11018) for the relief of L. H. Berg—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 11019) granting a pension to Bridget Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11020) granting a pension to Amos Baccus—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 11021) to increase the pension of Charles Hahneman—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 11022) granting a pension to Benjamin F. Bevier—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11023) authorizing the Secretary of War to place the name of John H. Young on the roll of Company C, Eighteenth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. YODER: A bill (H. R. 11024) to place the name of Mary B. Mider, widow of Michael Mider, on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of business men of Washington, D. C., for printing 10,000 copies of the argument of John Pope Hodnett—to the Committee on Printing.

By Mr. J. M. ALLEN: Petition of P. N. Shields, of Matilda Reid, and of Mrs. M. L. Kennon and Joby Bonsall, heirs of John H. Joby, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BRYCE: Petition of John Reeson for relief—to the Committee on Claims.

By Mr. BURNES: Memorial of Messrs. Austin, Darby, and others, of St. Joseph, Mo., regarding duties upon certain imported commodities—to the Committee on Ways and Means.

By Mr. CARUTH: Papers to accompany bill No. 10688, to pension John K. Ferguson—to the Committee on Pensions.

By Mr. DE LANO: Petition of James W. Glover, of Oxford, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. W. D. Leiper and 40 others, citizens of Hot Springs County, Arkansas, and of Thomas B. Green and others, citizens of Ouachita, Ark., for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. ROCKWELL: Petition of Charles Hahneman, Company C, Forty-first New York Volunteers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of executor of Martha W. Dunbar, of Adams County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. M. ALLEN: Of citizens of Dry Run, Miss.

SENATE.

SATURDAY, *July* 28, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I have had placed in my hand for presentation to the Senate by the secretary of the Pennsylvania Auxiliary of the American Peace Society, a memorial praying for such legislation as will lead to the establishment of a system of arbitration, especially between this country and Great Britain, for the settlement of all disputes without a resort to war.

We have heard so much of late about the propriety of practicing the old maxim, "in peace prepare for war," that this seems a fitting statement of a different practice, in peace prepare for its perpetuation.

The case is so well stated and the signers are of such a character that I desire to have the memorial with the names printed in the RECORD. It is signed by a committee of five appointed by the governor of Pennsylvania, a committee representing the Pennsylvania Auxiliary of the American Peace Society, by three ex-governors of the State of Pennsylvania, and numerous other citizens prominent in the business affairs of the country.

I ask that the memorial may be printed in the RECORD and referred o the Committee on Foreign Relations.

Mr. HOAR. May I inquire what the purport of the memorial is?

Mr. WILSON, of Iowa. It is in favor of establishing a system of arbitration between the United States and Great Britain for the settlement of disputes.

The PRESIDENT *pro tempore*. Does the Senator desire to have the names also printed in the RECORD?

Mr. WILSON, of Iowa. The names also.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

The memorial was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

The undersigned citizens of Pennsylvania have been appointed, five of them by the governor of the State and five by the Pennsylvania Branch of the American Peace Society, for the purpose of endeavoring to further the adoption by the United States Government of the proposition emanating from over one-third of the members of the British House of Commons, for the permanent abandonment of war as a means of settling differences between the two countries.

We need not recount the arguments which have already been addressed to you from different quarters in favor of this measure; nor the evidences, derived from scores of successful experiments, and covering half a century, that war can be prevented by arbitration, whenever a nation is just in its intentions.

In more than half of these cases the United States has been one of the parties and has set a noble example to the rest of the world, which is more and more appreciated and followed as the years pass by. It is eminently fitting that this industrial, commercial, and professedly Christian country should be the pioneer in this movement, so becoming the nineteenth century and so consonant with the teachings of the Prince of Peace; and in our opinion it is more appropriate that she should take the initiative in the present forward step in favor of a permanent treaty of arbitration than that any other nation should.

It has been urged by way of objection that there is no necessity for this between the United States and the United Kingdom. But two disastrous wars have occurred between those nations since the middle of the last century, and there have been at least two narrow escapes from war between them within the last quarter of a century. It is also significant that these were both averted by arbitration.

The fact, however, that there is less likelihood of war between them than between other nations affords the very reason why the present attempt can be made with reasonable hope of success.

It would be most ungracious, and would present the appearance of unfriendliness on the part of this country, if a proposition so commendable on general grounds, advocated by so considerable a portion of the British Parliament, a number of whom crossed the ocean as a deputation for the express purpose of presenting it, should be treated with the discourtesy, either of silence or rejection, by a nation between whom and their own exist the strongest ties of kinship and commerce.

We can not conceive that any sane man would prefer war, with all its train of losses, woes, and death, and its unspeakable demoralizations, to a pacific solution of any difficulty that may arise, which would allow the happiness of a great people to remain uninterrupted, the course of commerce to flow on in its accustomed channels, and wealth and population to increase, unchecked by wanton waste and destruction.

For these reasons, fortified by the experience of the past and enforced by our hopes of the future prosperity of this country, we cordially support the proposition of the British deputation and entreat Congress to pass a joint resolution instructing our Government to negotiate with the Government of Great Britain a treaty providing for the settling by arbitration of all differences whatever between the two countries which fail to reach a satisfactory solution through the ordinary channels of diplomacy, to the end that all disastrous effusion of blood by war between these kindred nations shall hereafter forever be avoided.

Joshua L. Bailey, Robt. E. Pattison, Jno. Wanamaker, Chas. H. Banes, David Scull, committee appointed by the governor of Pennsylvania; Philip C. Garrett, George Dana Boardman, Richard Wood, T. P. Stevenson, W. F. Sadler, per order committee appointed by the Pennsylvania Auxiliary of the American Peace Society. I am in sympathy with the movement above referred to: James A. Beaver. We cordially unite in the foregoing petition: Jas. Pollock, J. F. Hartranft, Henry M. Hoyt, ex-governors of Pennsylvania; Edwin H. Fitler, mayor of Philadelphia; Daniel M. Fox, W. S. Stokley, Samuel G. King, ex-mayors of Philadelphia; John Cadwalader, collector of the port; Louis Wagner, director public works; Robert P. Dechert, city controller; Henry Clay, receiver of taxes; Frank F. Bell, city treasurer; George S. Graham, district attorney; C. H. Krumbahar, high sheriff; B. B. Comegys, president Philadelphia National Bank, 4205 Walnut street, Philadelphia; Geo. H. Stuart, president Merchants' National Bank; George Philler, president First National Bank; L. D. Brown, president Seventh National Bank; Lindley Smyth, president Pennsylvania Annuity and Insurance Company; T. L. Erringer, president Philadelphia Trust and Safe Deposit Company; Sam R. Singley, president Provident Life and Trust Company; S. A. Caldwell, president Fidelity Trust and Safe Deposit Company; Thomas Cochran, president Guarantee Trust Company; Wm. Brockie, president Investment Company of Philadelphia; G. M. Troutman, president Central National Bank; Arthur M. Burton, Elliston P. Morris, Thomas L. Gillespie, Geo. S. Harris, Jay Cooke, J. Simpson (Africa) president Union Trust Company; Eugene Delano, of Brown Bros. & Co.; B. K. Jamison, banker; Wm. Henry Larned (Larned, Haas & Handy); E. C. Knight; Edward H. Coates (Edward H. Coates & Co.); Francis B. Reeves, (Reeves, Parvin & Co.); William W. Justice (Justice, Bateman & Co.); James Whitall (Whitall, Tatum & Co.); William Waterall (William Waterall & Co.); J. C. Strawbridge (Strawbridge & Clothier); Geo. D. McCreary, vice president Market Street Bank; Joel J. Baily (Joel J. Baily & Co).

PHILADELPHIA, *June* 30, 1888.

Mr. FARWELL presented the petition of Joseph D. Tate, of Eureka Springs, Ark., praying that his pension may be increased to $100 per month; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 1216) for the investigation of the mining-débris question in the State of California, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Education and Labor, to whom was referred the bill (H. R. 8665) to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés, reported it without amendment.

GROUNDS OF WALLACH SCHOOL LOT.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be requested to communicate to the Senate whether they contemplate diverting part of the grounds of the Wallach School lot to other than school purposes; and, if so, by what authority, for what purposes, and the reasons therefor.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business the Senate resumes the consideration of the Calendar under Rule VIII. The Chief Clerk will report the first order of business on the Calendar.

The CHIEF CLERK. Order of Business 1518, a bill (S. 1770) granting pensions to soldiers and sailors confined in Confederate prisons.

Mr. ALLISON. I move to proceed to the consideration of the sundry civil appropriation bill—House bill 10540.

Mr. WILSON, of Iowa. I ask my colleague to yield to me a moment to secure the consideration of a private bill. I think it will take but a moment to dispose of it.

Mr. ALLISON. I will do so.

GEORGE M. OCHILTREE.

Mr. WILSON, of Iowa. I ask the Senate to proceed to the consideration of the bill (H. R. 4659) for the relief of George M. Ochiltree.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to George M. Ochiltree, late provost-marshal in the counties of Scotland, Clarke, Knox, and Lewis, in the State of Missouri, the sum of $1,066.45, in full compensation and satisfaction for his services as such provost-marshal from January 1, 1862, to November 1, 1862.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that a conference be requested with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

CAROLINE T. COCKLE.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves that the Senate proceed to the consideration of House bill 10540.

Mr. CULLOM. I ask the Senator from Iowa, before that motion is put, to yield to me to have House bill 736 passed. It will not be debated. It is a bill which was reported from the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. ALLISON. I yield if it takes but little time, but I reserve the right to object if the bill leads to debate.

Mr. CULLOM. If it leads to debate I will withdraw it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 736) for the relief of Caroline T. Cockle. It proposes to pay $199.80 to Caroline T. Cockle, executrix of Washington Cockle, late postmaster at Peoria, Ill., for money expended for lighting the Peoria post-office during the fiscal year 1884.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CEMETERY AT CENTRAL CITY, COLO.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 10540.

Mr. TELLER. I ask the Senator from Iowa if he will yield, that I may call up a little bill which will take no time.

Mr. ALLISON. I have promised to yield to the Senator from Colorado [Mr. TELLER] and the Senator from South Carolina [Mr. HAMPTON], and when that is done I shall ask the Senate to proceed with the consideration of the sundry civil appropriation bill.

Mr. TELLER. I ask that the Senate bill 3305, Order of Business 1838, may be taken up. It is a local bill and will create no debate.

Mr. PALMER. I wish to ask the favor of the Senator from Iowa to include me in that category. I have a local bill.

The PRESIDENT *pro tempore*. Does the Senator from Iowa include the Senator from Michigan in the category?

Mr. ALLISON. I will do so.

Mr. STEWART. I ask the Senator from Iowa to include me. If the bill I wish to call up takes a minute and a half I shall withdraw it.

The PRESIDENT *pro tempore*. Does the Senator from Iowa include the Senator from Nevada in the category?

Mr. ALLISON. I should like to be as accommodating as possible, especially as there is a thin Senate. I will yield to the Senator from Nevada and those Senators who have bills that will take no time, reserving to myself the right to object always.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. TELLER] asks that the Senate proceed to the consideration of Senate bill 3305.

Mr. HOAR. I desire to give notice that after the bills of the gentlemen who have been named and of the Senator from Wisconsin [Mr. SPOONER], who rose at the same time, are disposed of, I shall object. I did not vote to come here at 11 o'clock for categories.

Mr. ALLISON. I thank the Senator for giving notice that he will object. I wanted to do that myself.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3305) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows, of Central City, Colo.

The bill was reported from the Committee on Public Lands with an amendment, in section 2, line 5, after the word "*Provided*" to strike out the words:

That nothing contained in this grant shall be so construed as to prevent future applications for the extension of lode claims within the confines of the cemetery and claiming the mineral found there; all mining operations within the bounds of the land here set apart to the Independent Order of Odd Fellows for cemetery purposes to be conducted beneath the surface and so as in no way to disturb the graves of the dead buried there or to mar the surface of the ground.

And in lieu thereof to insert:

That nothing herein shall be construed to interfere with, impose, or destroy any property rights now owned or held within the boundaries of the premises herein described; and if said land shall cease to be used for cemetery purposes, it shall revert to the Government of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RENT OF CITADEL ACADEMY, SOUTH CAROLINA.

Mr. HAMPTON. Mr. President——

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Iowa to yield next to the Senator from South Carolina?

Mr. ALLISON. I do.

Mr. HAMPTON. I wish to call up the joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy. I will state that the title should be changed, for the Committee on Military Affairs amended the joint resolution so as to provide that the Secretary of War shall not adjust but investigate and report the amount due, etc. The joint resolution as amended is unanimously reported by the Military Committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy.

The joint resolution was reported from the Committee on Military Affairs with an amendment, in line 4, after the words "directed to," to strike out "adjust" and insert "investigate and report;" so as to make the joint resolution read:

That the Secretary of War be, and he is hereby, authorized and directed to investigate and report the amount due to the State of South Carolina for rent of the Citadel at Charleston, S. C., from August 29, 1867, to February 2, 1882, including the sum equitably due to the State of South Carolina for the loss by fire of the west wing of the said building while in the occupation of the United States, and the appropriation by the United States of the bricks of the said wing to other Government uses; and that he report such adjustment, when made, to Congress.

The amendment was agreed to.

Mr. ALLISON. The Senator from South Carolina was kind enough to send me a copy of the joint resolution. I think in line 13 the words "such adjustment, when made" should be stricken out and the words "the result of such investigation" inserted; so as to read:

And that he report the result of such investigation to Congress.

Mr. HAMPTON. I accept that amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 13, after the word "report," it is proposed to strike out "such adjustment, when made" and insert "the result of such investigation;" so as to read:

And that he report the result of such investigation to Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy."

PUBLIC BUILDING AT MUSKEGON, MICH.

Mr. PALMER. I ask the Senate to proceed to the consideration of the bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF ASHER R. EDDY.

Mr. STEWART. I ask the Senate to proceed to the consideration of the bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release the estate of the late Asher R. Eddy, late lieutenant-colonel and deputy quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties of the late Asher R. Eddy on his official bond to the United States bearing date September 5, 1872, from any liability that may have accrued in the office of lieutenant-colonel and deputy quartermaster-general United States Army during his term of service.

Mr. SAULSBURY. I should like to hear some explanation of the reasons why these parties should be released. I recognize the fact that there are certain circumstances which would justify the release of sureties from the obligations upon which they have entered, but without some explanation of it I certainly do not know how to vote on a proposition of that kind.

Mr. STEWART. There was a court of inquiry which exonerated Colonel Eddy. The Quartermaster-General has recommended the passage of the bill in a letter to both Houses. The Committee on Military Affairs unanimously reported the Senate bill. This is a House bill, and it was a unanimous report in the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. STEWART. I move to indefinitely postpone the bill (S. 2680) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond.

The motion was agreed to.

BALTIMORE AND POTOMAC RAILROAD.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 10540.

Mr. FARWELL. I ask unanimous consent to have the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square 1025, in the city of Washington, considered at this time.

Mr. HOAR. You are not in the category.

Mr. FARWELL. I am trying to get in the category.

Mr. ALLISON. I am afraid that bill will take too much time.

Mr. FARWELL. It will take but a minute. Nobody objects to it. It simply allows the Baltimore and Potomac Railroad Company to make a side track beyond the navy-yard. Everybody is in favor of it.

Mr. HOAR. Is it in a park?

Mr. FARWELL. No; it is down near the navy-yard.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAWES. I object.

Mr. SAULSBURY. I do not like this idea of occupying the public squares by the railroad companies that come into this city. I know nothing about this bill, but I know that it is a very objectionable thing to do. We have public squares here occupied by railroads, as the great Mall is occupied by the Pennsylvania Railroad. I do not know anything about the merits of this particular case.

Mr. FARWELL. The bill is unanimously reported.

Mr. DAWES. I objected. I do not know that the Chair heard me.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator.

Mr. DAWES. I objected.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects to the present consideration of the bill.

COLORED INDUSTRIAL EXPOSITION.

Mr. PALMER. Will the Senator from Iowa yield to me while I give a notice that will take about ten seconds? I give notice that on Tuesday morning next, immediately after the close of the morning business, I shall call up the bill (S. 1156) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 341) for the relief of John Farley;

A bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse;

A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

A bill (H. R. 828) for the relief of the heirs of William D. Wilson;

A bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.;

A bill (H. R. 1887) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes;

A bill (H. R. 3235) to restore to John W. Means a fine improperly imposed on him;

A bill (H. R. 3595) for the relief of C. M. Stinson;

A bill (H. R. 3710) granting a pension to Samuel Piercy;

A bill (H. R. 5232) granting a pension to Andrew Mucklin;

A bill (H. R. 5516) for the relief of John H. Weeks;

A bill (H. R. 6848) for the relief of Elizabeth A. South;

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

A bill (H. R. 8617) granting a pension to Henry Crotsley;

A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin;

A bill (H. R. 9387) for the relief of Emanuel H. Custer;

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy;

A bill (H. R. 10165) for improving the mouth of the Brazos River, Texas;

A bill (H. R. 10401) for the relief of J. H. Bugg and others; and

A bill (H. R. 10481) for the relief of Rev. William Gregston.

The message also announced that the House had passed the following bills:

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;

A bill (S. 102) for the relief of Lucinda McGuire;

A bill (S. 1076) granting a pension to the widow of John Leary, deceased;

A bill (S. 1575) granting an increase of pension to William Wallace Young;

A bill (S. 1762) granting a pension to Benjamin A. Burtram;

A bill (S. 2124) granting a pension to John Bush;

A bill (S. 2313) granting a pension to Ellen J. Snedaker;

A bill (S. 2366) granting a pension to Mrs. Emeline Anderson;

A bill (S. 2413) granting an increase of pension to Ernst Hein;

A bill (S. 2448) granting a pension to Catharine McQuade;

A bill (S. 2449) granting a pension to James W. Bowman;

A bill (S. 2520) granting a pension to James White;

A bill (S. 2571) granting a pension to Edwin E. Chase;

A bill (S. 2578) granting a pension to Nathan B. Rarick;

A bill (S. 2609) granting a pension to H. H. Russell;

A bill (S. 2653) granting a pension to Mary Curtin;

A bill (S. 2655) granting a pension to Lydia Hawkins;

A bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley;

A bill (S. 2700) granting increase of pension to Allen Blethen;

A bill (S. 2779) granting a pension to Eliza M. Scandlin; and

A bill (S. 2830) granting increase of pension to Elvira M. Dorman.

The message further announced that the House insisted upon its amendments to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEARD, Mr. COMPTON, and Mr. BREWER managers at the conference on its part.

The message also announced that the House insisted upon its amendments to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator and Railway Company, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COMPTON, Mr. HEARD, and Mr. ROWELL managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum;

A bill (H. R. 1477) to subdivide the western judicial district of Louisiana;

A bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J.;

A bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.;

A bill (H. R. 7111) granting a pension to Caroline Pautel;

A bill (H. R. 7160) granting an increase of pension to A. W. Rose;

A bill (H. R. 7162) for the relief of Mary Nevels;

A bill (H. R. 7202) granting a pension to William C. Lord;

A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;

A bill (H. R. 7510) granting a pension to Stephen A. Seavey;

A bill (H. R. 7624) for the relief of Coburn D. Outten;

A bill (H. R. 7713) granting a pension to James McIntyre;

A bill (H. R. 8159) for the relief of John H. Claus;

A bill (H. R. 8256) granting a pension to George W. Croop;
A bill (H. R. 8423) for the relief of William H. Porter;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9894) granting a pension to Myron Teachout;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse;
A bill (H. R. 10573) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes;
A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia; and
A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no objection, the consideration of House bill 10540 will be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, the pending question being on the amendment reported from the Committee on Appropriations, on page 53, line 9, after the words "Building for the Library of Congress," to strike out:

That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated to be expended under the direction of the above-named committee, to pay for the said designs and general specifications. That said committee shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended, and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress be, and the same is hereby, transferred to the care and custody of the Interior Department, the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

And in lieu thereof insert:

For continuing the construction of the building for the Library of Congress, including the compensation of all persons employed in connection therewith, as follows: Architect, assistant architects, engineer and superintendent of construction, and skilled draughtsmen, civil engineers, and such other services as the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order, together with such mechanics and laborers as may be necessary to carry into effect the appropriation herein made for construction of said Library building, and to be paid from such appropriation, for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed "Plan No. 1," on file in the office of the Librarian of Congress, $1,000,000. This appropriation and all appropriations hereafter made and all sums available from appropriations heretofore made for this purpose shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. This appropriation shall be disbursed by the Secretary of the Interior as provided by act authorizing construction of said building, approved April 15, 1886. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and the commission provided for by act entitled "An act authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, is hereby abolished, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library, except such as is contemplated in the sketch or "Plan No. 1," herein referred to, and all contracts for work or materials outside of the space covered by said plans are hereby rescinded. All sketches, plans, and computations heretofore made or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States.

Mr. ALLISON. On page 55, in line 22 of the proposed amendment, after the word "rescinded," I move to insert:

And all loss or damage occasioned thereby or arising under said contracts may be adjusted and paid by the Secretary of the Interior out of the sums heretofore or hereby appropriated.

Mr. BERRY. I ask the Senator from Iowa to return to the amendment passed over yesterday evening in regard to the appropriation for Mrs. Baird. I wish to submit a few remarks upon the subject, and I should prefer to do so this morning, if the Senate will return to that amendment, which was passed over by unanimous consent.

Mr. ALLISON. I promised one or two Senators not to have that amendment considered until later in the day. Of course if the Senator from Arkansas desires to submit remarks upon the subject he can do so at any stage of the bill.

Mr. BERRY. If it does not suit the Senator now, will he return to it later? Does the Senator propose not to return to it to-day?

Mr. ALLISON. I say that I promised some other Senators who desire to be present and could not be present this morning that I should not go back to the amendment respecting Professor Baird until later in the day; but if the Senator desires to submit remarks on that subject, he can do so at any stage or at any time.

Mr. BERRY. It will suit me at any time to-day. If it be returned to during the day, that will be convenient to me, but it would not be convenient to pass it over to a subsequent day.

Mr. PLUMB. The amendment now proposed by the Senator from Iowa to the amendment of the Committee on Appropriations, as I understand it, seems to clothe the Secretary of the Interior with rather an unusual power, allowing him to do what I think no other head of a Department has ever been authorized to do, and that is to adjust and allow claims for damages on account of alleged violations of contracts. It seems to me that there is no reason why this particular work should be made an exception to the general rule, and in a matter of that kind the claimant should come to Congress, or, as is suggested, he should go to the Court of Claims.

Mr. ALLISON. I will say respecting this amendment that so far as I know, and I think I know about it, there is but one contract that can be affected by this provision. That is the contract for the foundation, which is interpreted to be rather a hard contract for the contractor. The object of this amendment was to enable the Secretary of the Interior to make immediate settlement with him. If any Senator objects to it, I shall withdraw the amendment.

Mr. PLUMB. I shall not further object to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa to the amendment of the committee.

Mr. TELLER. Let the amendment be read.

The PRESIDENT *pro tempore*. It will be again read.

The CHIEF CLERK. On page 52, line 22, in the proposed amendment of the Committee on Appropriations, after the word "rescinded," insert:

And all loss or damage occasioned thereby or arising under said contracts may be adjusted and paid by the Secretary of the Interior out of the sums heretofore or hereby appropriated:

So as to read:

And hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library, except such as is contemplated in the sketch or "Plan No. 1," herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded; and all loss or damage occasioned thereby or arising under said contracts may be adjusted and paid by the Secretary of the Interior out of the sums heretofore or hereby appropriated.

Mr. DAWES. The only objection there can be to that is that both parties, if they resort to that method, will be precluded from departing from the result, whatever it may be. Both sides put themselves in the power of the Secretary of the Interior. I do not apprehend there will be any trouble about it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Committee on Appropriations as amended.

Mr. PLUMB. I should like to ask a question of the Senator in charge of the bill. I see that the amendment of the committee proposes to contract to a very large extent the proposed area of the building, leaving the construction at present provided for much less in size than was originally contemplated. I should like to ask him to make a statement generally of what the building will be when completed, according to the scheme of the committee; what its capacity will be; how soon it will be completed; how much money it will take, and so on, and I may have a further question to ask when I have heard what he has to say on those points.

Mr. ALLISON. The Committee on Appropriations, as the Senator from Kansas very well knows, had great difficulty with this question. The plan contemplated by the amendments suggested is a plan which will construct what is known as the west front of the building, and will also construct a building for the use of the library in the center of the area now belonging to the United States, known as the Library square.

I have here a sketch drawing of the ground plan of the building, as it is proposed to be constructed by this amendment. The original plan of construction contemplated the completion of the entire building, which would of course cover the entire square. I can not give the Senator from Kansas a reasonable estimate of what the cost of the entire building would be, nor have I discovered any person who has knowledge upon that subject. If the building is constructed in accordance with the plan presented by the architect, and covering the entire foundation proposed, I think it is safe to say that the construction of the building would cost $10,000,000.

The testimony taken by the committee on this subject discloses the fact that the portion of the building which the amendment proposes to construct will be ample for the purposes of the library for fifteen or twenty years. That is the estimate of Mr. Spofford and of those who are familiar with the matter. So the committee thought it wise to restrict the appropriations heretofore made and the appropriations involved in the bill to the construction of this portion of the contemplated building.

Of course any statement as to the cost of this particular portion of the building would be only an estimate. The west front of the building will be three stories with a sub-basement. There will be a sub-basement, a basement story, and two stories above the basement. The basement story is 14 feet in height. The next story, which is the story upon which the library will be placed, is 22 feet high. The third story is 36 feet in height. The library itself will be in the center of that

area or space, and is to be seven stories in height—that is to say, there will be seven stories to be filled with books.

Mr. SAULSBURY. I should like to ask the Senator to what use the remainder of that structure will be put that is not to be used for the purposes of the Library.

Mr. ALLISON. The Senator refers to the particular structure I am describing?

Mr. SAULSBURY. Yes; that particular structure.

Mr. ALLISON. The sub-basement, I suppose, will be used for coal, perhaps for heating and ventilating machinery, etc. The basement story will be largely used for what is called a working room, where the books will be unfolded and arranged to be placed in the Library. This west front [indicating] is to be used for the offices of the Librarian. The great center portion of that front will be used for a stairway or entrance to the Library itself. It is proposed, I believe, to use the third story of this wing [indicating] for the purpose of exhibiting such pictures, photographs, illustrations, maps, charts, etc., as are in the possession or will become the property of the Government. I think that is the use contemplated to be made of the building as it is proposed to be constructed.

My own impression is that the building which we propose to build will when constructed cost between four and five million dollars. Of course it can be built for two and a half million dollars, or perhaps $3,000,000, depending upon the material used; but if proper material is used I think it will cost $4,000,000 before it is finally completed.

Mr. PLUMB. The matter of space for pictures, and so on, of which the Senator has spoken is something which attracted my attention and to which I wish to call the attention of the Senate specially. As an introduction I will ask to have read an account of the historical portrait group, written by the painter, on which I shall predicate some remarks in regard to the size of the building and its adaptability to the purposes for which it was designed.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

THE PROMOTERS OF THE NEW LIBRARY BUILDING.

An historical portrait group, by A. G. Heaton, the painter of the picture, "The Recall of Columbus," in the Senate wing of the United States Capitol.

The magnificent buildings in which the libraries of European nations are treasured have often suggested to the American traveler that our own people should possess an edifice worthy of their dignity and progressive civilization. Therefore when the bill "authorizing the construction of a building for the accommodation of the Congressional Library" was finally passed, it seemed as if those men who were leaders in the noble work should be held in grateful remembrance. This thought inspired the life-sized group which, through courteous sittings of all the gentlemen represented and long application to its many difficulties, the artist has now completed.

The first design comprised only the several Library Committees of Congress during the session of 1885 and 1886, when the bill was passed, together with the Librarian and Architect. It was, however, deemed only just to so augment the composition as to include the presiding officers of the Senate and the House, the building commission, and a few members yet in Congress (and at hand for sittings) whose zeal in former years had paved the way for the great result achieved.

In the group, therefore, its participants are arranged with especial regard to their official and past activity in the work commemorated, and, as far as convenient, according to committee appointment.

The courtly Vermont Senator, the Hon. J. S. MORRILL, the first prominent advocate of the needs of the National Library, sits in the immediate foreground, to the left of the picture. Addressing him from the center of the group is seen Senator DANIEL W. VOORHEES, of Indiana, who was, in 1881, appointed to the chairmanship of the newly formed Joint Select Committee on Additional Accommodations for the Library, and who became thenceforth such an earnest and eloquent champion of its high demands as to be sustained by both political parties in his position. Near Senators MORRILL and VOORHEES are seated the two remaining members of the select committee, Senator RANDALL L. GIBSON, of Louisiana, and Senator M. C. BUTLER, of South Carolina, gentlemen whose culture has prompted earnest work for the Library's growing requirements.

Not less active in this cause during many years was Senator G. F. HOAR, of Massachusetts, who, during the session when the bill was passed, was a member of the Senate standing "Joint Committee on the Library," of which Senator William Sewell, of New Jersey, was chairman. The latter stands beyond Senator MORRILL, and the former is at the side of Senator VOORHEES, who was also on the standing committee.

In the center of the picture are seen Senator JOHN SHERMAN, of Ohio, and Hon. J. G. CARLISLE, of Kentucky, the Presiding Officers of Congress when the bill was passed. The distinguished Senator has also the honor of long and active identification with the cause which reached a triumphant vote before him. Addressing him, is represented another prominent friend of the Library in the Senate, the Hon. Thomas F. Bayard, of Delaware, now Secretary of State. Back of Senator BUTLER will be noticed Judge George W. Geddes, of Ohio, who served the Library faithfully on many House committees prior to the passage of the bill. With this exception, the members of the House are on the right side of the picture, to which we now turn.

Hon. O. R. Singleton, of Mississippi, as chairman of the standing "Joint Library Committee" of the House during the session of 1885–'86, especially represents this body and, at the passage of the bill, made a forcible and eloquent argument in its favor. He is depicted looking at plans of the new Library building which the talented architect, Mr. J. L. Smithmeyer, places upon the table. These plans passed the ordeal of two or three competitions open to the architects of the world, and their triumph was assured by a critical study of leading European libraries and patient years spent in developing and perfecting them. Leaning upon Mr. Singleton's shoulder and associated with him upon the Library Committee of 1885–'86 is another genial veteran of the House, Hon. CHARLES O'NEILL.

The third member of the committee is not represented, as he demanded a central position, which could not have been accorded to a new and young member of the House in justice to the national reputation of others who sat without exaction, and who have the best thanks of the artist for valuable time given and their polite consideration both of the difficulties of such a group and the honoring and equitable intention which prompted it.

Near Mr. Singleton are seen two chairmen of former committees, Hon. S. S. Cox, of New York, the distinguished debater, author, and diplomatist, and Hon. W. W. Rice, of Massachusetts, who was during many sessions very active in promoting the interests of the Library.

We now reach the building commission. Secretary L. Q. C. Lamar, of Mississippi, who presides over its deliberations with the attention of a cultured mind, sits at the head of the table, at which the vigilant Supervising Architect of the Capitol, Mr. Edward Clark, is also placed. On the nearer side in the foreground is the third member of the commission, the Librarian of Congress, Mr. A. R. Spofford, who for many years has plead for an edifice worthy of the tens of thousands of ever-accumulating volumes, which are better stored in his memory than in their present location.

This completes the group represented. Certain other gentlemen might worthily have been added had their presence in the last Congress made sittings possible, but the assembly speedily grew to the limits of artistic disposition, and further crowding would have been impracticable.

The picture is one of the most ambitious portrait groups in the history of American art, if, indeed, there exists another in which are assembled so many life-sized and life-studied portraits of prominent men. The likenesses are, of course, generally best in proportion to the number of sittings granted, but have all been voluntarily pronounced good, and many excellent, by Senator SHERMAN and Speaker CARLISLE, whose long public life and experience in the chair qualify them to speak with the highest judgment, while every head has at times been selected as "among the best" by different visitors to the artist's studio.

Thus, eighteen men of wide celebrity have been perpetuated in this commemorative and historic work, and, perchance, years hence, when many interests of present importance are forgotten, their intelligent appreciation of the highest good of national education which the Library represents will be esteemed the greatest of the many honorable achievements of their public life.

The picture is on view daily at the studio of Mr. Heaton, No. 1618 Seventeenth street northwest, from 9.30 to 12 a. m., and on Monday and Friday from 2 to 6 in the afternoon.

The large red herdics passing by the Capitol and running along Pennsylvania avenue turn at Sixteenth and Q streets, within a square of the studio and dwelling of the artist on Seventeenth above Q, west side.

Mr. PLUMB. Mr. President, I do not know that that last part should have been read, because it may excite such a rush of the population of this city to the artist's studio by reason of the specific attractions given there as to the street-car lines and so on to be made use of for that purpose. But Mr. President, the purpose that I had in view was to call attention to the fact that after all the elaborate preparation that had been made, after all the distinguished persons named had given sittings to the artist to enable him to properly prepare their counterfeit presentments, there was not still canvass enough to get them all in, and it is intimated in the circular that one of the prominent gentlemen who had communicated with this artist could not be inserted. It is true that is veiled under a rather thin statement that he wanted a more prominent position than he was entitled to, which somewhat reminds me of the story of the youngster who was looking at a picture of Daniel in the lion's den. His mother called his attention to the great danger that the people were in who were in that den, and the young man noticing the lions and that one of them was somewhat distant from the perspective scene had all his sympathy aroused for the small lion, and he said if he did not hurry up the lion would not get anything to eat. And so my sympathy in regard to this matter is all aroused in favor of this ambitious member of the House of Representatives who has been omitted, and who, unless something is specially done in his behalf, is not likely to get into this picture. And after the artist has covered his canvass and has not got all these subjects on its surface, here comes the Committee on Appropriations and ruthlessly cuts down the appropriation and diminishes the size of the building so that with the structure as proposed the picture can not get in.

Now, what I want is to have the building made large enough to take in the picture, and then I want the picture made large enough to take in all these distinguished people on its surface.

I could not forego the opportunity to bring this matter to the attention of the Senate, in order that the historic, and geographical, and personal propriety of the situation might be observed in the various steps of this tremendous undertaking of providing a Library with its inevitable concomitant of a picture of somebody for the American people. I hope that now or at some future time the plan of so enlarging the Library building, not only to take in the picture as it now is, but as it ought to be, evidently, from the statements or demands made by the artist himself, will be seriously taken into account.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Committee on Appropriations to strike out and insert.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clauses making appropriations for "fire-proof building for the Pension Office," on page 56, line 7, before the word "thousand," to strike out "six" and insert "four;" so as to make the clause read:

For one elevator in the Pension Building, $4,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 8, to insert:

For the purchase and putting in position of two boiler-iron water-tanks, with necessary pipe connections from pumps, $3,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 11, to insert:

For the improvement of the sewerage of building, $500.

The amendment was agreed to.

The next amendment was, on page 56, line 21, after the word "occupied," to insert "and in such space there shall be set apart and arranged to the satisfaction of the Architect of the Capitol a compart-

ment, or compartments, for the accommodation of the post-offices of the Senate and House of Representatives;" and on page 57, line 2, after the word "thousand," to insert "five hundred;" so as to make the clause read:

That the Postmaster-General be, and is hereby, granted authority to remove the Washington City post-office to the center of the court of the Pension Building in said city, and use such portion of said court as is hereafter specified for the principal post-office of said city, until further action by Congress: *Provided*, That only a space of 290 feet in length by 90 feet in width of said court shall be so occupied, and in such space there shall be set apart and arranged to the satisfaction of the Architect of the Capitol a compartment, or compartments, for the accommodation of the post-offices of the Senate and House of Representatives; and to defray the expense of such removal and for fitting up and furnishing the said post-office there is hereby appropriated $5,500, or so much thereof as may be necessary: *Provided further*, That so much of the act approved March 3, 1887, as requires the removal of the General Land Office to said Pension Building be, and the same is hereby, repealed.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The first word in line 6, page 59, of the bill is improperly spelled "mountaneous;" it should be "mountainous." The necessary change will be made by the Secretary if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "United States Geological Survey," in the clauses making appropriations "for general expenses of the Geological Survey," on page 63, line 9, after the word "therewith," to strike out "eight" and insert "ten;" so as to make the clause read:

For the preparation of the report on the mineral resources of the United States, including the pay of temporary employés, and all necessary expenses connected therewith, $10,000.

The amendment was agreed to.

The next amendment was, on page 63, line 14, after the words "four hundred," to insert "and two;" so as to read:

For the purchase of necessary books for the Library, and the payment for the transmission of public documents through the Smithsonian exchange, $5,000; in all, $402,000.

The amendment was agreed to.

The next amendment was, on page 63, line 16, after the word "pumps," to insert the word "and;" and in line 17, after the word "piping," to strike out "and so forth;" so as to make the clause read:

Protection and improvement of Hot Springs, Ark.: For providing a system of reservoirs, pumps, and piping, and for other purposes necessary to the collection and economical distribution of the hot water, $31,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Governmental Hospital for the Insane," on page 64, after line 16, to insert:

For an infirmary building for the sick, $30,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, page 65.

Mr. ALLISON. I move to strike out "two" and insert "four" on line 12, page 65; so as to make the clause read:

To enable the Secretary of the Interior to provide for the education of feeble-minded children belonging to the District of Columbia, as provided for in the act approved June 16, 1880, $4,500.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "Howard University," on page 65, after line 19, to insert:

For tools, materials, and wages of instructors for industrial department, $1,500.

The amendment was agreed to.

The next amendment was, on page 66, line 2, before the word "education," to insert "industrial;" and in line 4, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Education in Alaska:

For the industrial education of the children of school age in the Territory of Alaska, without reference to race, $50,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Freedmen's Hospital and Asylum," on page 66, line 17, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the clause read:

For fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $11,500.

The amendment was agreed to.

The next amendment was, on page 66, line 22, before the word "thousand," to strike out "fifty" and insert "fifty-one;" so as to make the clause read:

In all, $51,875.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to insert:

Indian affairs:

To reimburse the Board of Home Missions of the Presbyterian Church for buildings and other improvements made by said board on land at Albuquerque, New Mexico, donated to the Government for Indian school purposes, $6,803.13, this sum being the appraised value of said improvements as agreed upon by a representative of said board and a special agent of the Indian Bureau.

The amendment was agreed to.

The next amendment was, on page 67, after line 17, to insert:

Western Miami Indians: For the payment per capita to the Western Miami Indians from the funds to their credit in the Treasury of the United States $25,000; and for the payment out of the funds aforesaid to Thomas F. Richardson for services and expenses as delegate representing said Indians in Washington, $1,000; in all, $26,000.

Mr. PLUMB. In line 22, page 67, I move to correct the name by striking out "Richardson" and inserting "Richardville."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 68, to insert:

Kaskaskia, Wea, Peoria, and Piankeshaw Indians: For the payment per capita to the Kaskaskia, Wea, Peoria, and Piankeshaw Indians from the funds to their credit in the Treasury of the United States, $30,000; and for the payment out of the funds aforesaid to John Wadsworth for services and expenses as delegate representing said Indians in Washington, $1,000; in all, $31,000.

Mr. PLUMB. I move to amend that amendment by striking out, in lines 3 and 4, the words "from the funds to their credit in the Treasury of the United States," and also, in line 5, the words "out of the funds aforesaid;" so as to read:

For the payment per capita to the Kaskaskia, Wea, Peoria, and Piankeshaw Indians, $30,000; and for the payment to John Wadsworth for services and expenses as delegate representing said Indians in Washington, $1,000; in all, $31,000.

And I move, also, to make the sums "forty thousand" and "forty-one thousand," instead of "thirty" and "thirty-one thousand," respectively, and to add at the close of the paragraph:

To be charged to said Indians on the books of the Treasury.

The necessity for that grows out of the fact that the money is not there. The Government invested the funds of these Indians many years ago in bonds of certain Southern States which have since defaulted and have remained in default. The Government, of course, recognizing its obligation to pay the Indians whatever resulted from the failure of the trustee to do its duty, has continued to pay interest on the bonds, thus, of course, recognizing the title of the Indians to receive the face value of the bonds from the Treasury. It can not, however, be appropriated as money actually on hand to their credit in the Treasury.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to amend the amendment so as to read:

For the payment per capita to the Kaskaskia, Wea, Peoria, and Piankeshaw Indians, $40,000; and for the payment to John Wadsworth for services and expenses as delegate representing said Indians in Washington, $1,000; in all, $41,000, to be charged to said Indians on the books of the Treasury.

Mr. REAGAN. Is it intended to change this amendment so as to charge this amount to the Treasury and not charge it to the fund to the credit of the Indians?

Mr. PLUMB. No, "to be charged to said Indians on the books of the Treasury." There is no money there actually belonging to them. The bonds are there which the Government purchased for them, and which the Government has recognized for the last twenty-five years its liability to respond for to the Indians, and has been paying the interest on them at all times. Now it is designed to settle up as speedily as possible the affairs of the Government and these Indians by paying to them per capita what is practically theirs, although it is not money to their credit in the Treasury.

Mr. REAGAN. And when we make this appropriation still these bonds stand to the credit of the Indians, and the bonds are not reduced by the payment.

Mr. PLUMB. They are credited on the books of the Treasury with so many securities on hand, but they are not money. Therefore the money has actually to be paid out of the Treasury of the United States, but will be charged against the credit of the Indians.

Mr. REAGAN. Why not let the amendment state "to be charged against said fund?"

Mr. PLUMB. Very well. Make it read "charged to said Indians on the books of the Treasury," or if the Senator will suggest any other amendment that will accomplish it, I will accept it.

Mr. REAGAN. Surely we do not need to make a gift of this amount independently of what the Government owes. The amendment ought to show that the amount is to be charged against what stands to their credit.

Mr. ALLISON. If the Senator from Texas will allow me, I think I can suggest a solution of this question. Let us make the amendment read:

The bonds representing the amount paid shall become the property of the United States.

Mr. REAGAN. That is right.

Mr. ALLISON. Then we shall have these bonds.

Mr. PLUMB. Put in something to make sure that the title is in the United States.

Mr. ALLISON. That would be included in the language:

That the bonds representing the amount paid shall become the property of the United States.

The PRESIDENT *pro tempore*. Is it proposed to be in addition to

the amendment pending or in lieu of this provision? The whole clause will be read from the beginning.

The Chief Clerk read as follows:

Kaskaskia, Wea, Peoria, and Piankeshaw Indians: For the payment per capita to the Kaskaskia, Wea, Peoria, and Piankeshaw Indians, $40,000; and for the payment to John Wadsworth for services and expenses as delegate representing said Indians in Washington, $1,000; in all, $41,000, to be charged to said Indians on the books of the Treasury, and the bonds representing the amount paid shall become the property of the United States.

Mr. ALLISON. That will do.

The PRESIDENT *pro tempore*. The question will be put on the amendment as last read.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 68, after line 8, to insert:

Census of the State of Florida:

To pay to the State of Florida the expenses of taking the census of said State in pursuance of the "Act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, $9,326.21.

The amendment was agreed to.

The next amendment was, under the head of "Under the Smithsonian Institution," on page 68, line 20, to strike out "fifteen" and insert "twenty;" so as to make the clause read:

International exchanges: For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employés, $20,000.

The amendment was agreed to.

Mr. REAGAN. Will the chairman of the committee state the items which make up this $20,000?

Mr. ALLISON. I can not state them in detail. There are of course a great number of items. The Smithsonian Institution has charge of the entire exchange of our public documents for the public documents of other countries. Of course this includes all services in connection with the exchanges.

Mr. REAGAN. What I was trying to get at was what part of this appropriation would be for salaries and what part would be for the exchange of public documents and books.

Mr. ALLISON. I have a memorandum here which discloses the way this money is to be spent.

INTERNATIONAL EXCHANGES.

Present system established by act of Congress approved March 2, 1867, and subsequent legislation. Fifty copies of all Government publications put at disposal of Committee on Library for international exchange.

Uniform system agreed upon at international geographical conference, Paris, 1875, and modified by conferences for this particular purpose at Brussels in 1880, 1883, and 1886. Treaty now before Senate is result of these conferences. There is now no completed treaty obligation. England, Germany, and France have declined to ratify the treaty, and were not represented at the last conference.

The Smithsonian is not concerned with the system otherwise than as the agent of the Government, but has paid a material part of the cost annually from its private fund.

As the office is now organized, the annual expenditure is at the following rates:

Pay-rolls, $965 per month	$11,580.00
Foreign agents	1,500.00
Boxes, freight, etc. (estimated)	3,000.00
	16,080.00

This means "slow" freight, and for the most part gratuitous on the ocean. The average time for transmission of a parcel to Western Europe is now thirty-six days. By ordinary fast freight it could be reduced to sixteen days. Extraordinary delays occur frequently because of the fact that the freight is carried gratuitously. Boxes shipped from Rome, for example, in December last were held in Naples three months by the steam-ship line because its steamer space was all filled by paying freight. The same thing has occurred frequently on this side of the ocean.

As at present organized the Smithsonian sends out about one-third of the United States Government publications, and receives from foreign governments less than one-tenth of their official publications. Very much is thus lost which is of great interest and value to our Government offices.

Many of the Executive Departments which wish to use the exchange system are obliged to adopt other measures, at considerably increased cost. Some of them have special appropriations to defray part of the cost of special transmissions by the Smithsonian.

The sum estimated for, $27,050, is the result of careful calculation, based upon a comparison of the details of the business for several years back. It is the secretary's opinion that it will far more than repay itself by an increased efficiency in the service, and by the number of valuable works which it will bring to Congress and the Executive Departments of the Government.

(Instance Hydrographic Office, Nautical Almanac, Naval Observatory, and Signal Office; also Bureaus of Education and of Statistics.)

The committee under this statement and a letter from the secretary of the Smithsonian Institution increased the amount in the bill $5,000 and did not allow them the $27,000 they asked for.

Mr. REAGAN. I think a criticism of the terms of this item is proper. The language is:

International exchanges: For expenses of the system of international exchanges between the United States and foreign countries, under direction of the Smithsonian Institution, including salaries or compensation of all necessary employés, $20,000.

It seems to me, if it is necessary that the Government should make appropriations at all for this purpose, that what they are made for should be specified, and not brought in in a lump in this way. For instance, if there is a secretary provided for at $6,000 it ought to be so stated. If there is an assistant secretary at $5,000 the clause ought to say so.

Mr. ALLISON. I will say to the Senator from Texas that I believe there is no person employed in this work who receives a salary greater than $960. The entire exchange system involves the transfer to the Library of Congress of all the books obtained from abroad.

Mr. REAGAN. I dislike to be causing delay and perhaps annoyance to the chairman of the Committee on Appropriations, but when he says no person receives more than $960 let me ask if that statement is meant to embrace the secretary of the association?

Mr. ALLISON. The secretary of the Smithsonian Institution?

Mr. REAGAN. Yes, sir.

Mr. ALLISON. Oh, no; the secretary is not paid out of this appropriation. Some years ago Congress directed that the exchanges of books with foreign countries should be under the direction of the secretary of the Smithsonian Institution. Now, it is but fair that the Government of the United States should be at the expense, whatever it may be. Of course those exchanges require more or less clerical service, correspondence, etc., and also require that a careful statement shall be made there and an account kept of all the books that are transmitted or are transferred to the Library of Congress, and it is for this service that this appropriation is made.

The PRESIDENT *pro tempore*. The amendment has been agreed to. The reading of the bill will proceed.

Mr. ALLISON. I offer the following amendment, to come in after line 14 on page 68:

Civil Service Commission: For expenses of examinations held elsewhere than at Washington, including rent of rooms and furniture and reasonable fees to janitors, $250, and of this sum $129 shall be available to pay expenses incurred in the fiscal years 1887 and 1888.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on line 1, page 69, to strike out:

Under the Secretary of the Smithsonian Institution as Director of the National Museum.

The amendment was agreed to.

The next amendment was, on page 69, line 3, before the word "heating," to insert "National Museum;" so as to read:

National Museum, heating and lighting: For expense of heating, lighting, and electrical and telephonic service for the National Museum, $12,000.

The amendment was agreed to.

The next amendment was, on page 69, line 10, after the word "employés," to strike out "and for the care and custody of the so-called Armory building;" and in line 12, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

Preservation of collections of the National Museum: For the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government and from other sources, including salaries or compensation of all necessary employés, $125,000.

The amendment was agreed to.

TEMPORARY APPROPRIATIONS.

Mr. ALLISON. I should like at this time to interrupt the consideration of the bill in order that I may report from the Committee on Appropriations a joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "Joint resolution to provide temporarily for the expenditures of the Government." I report it without amendment and I ask unanimous consent that it be considered now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It extends and continues in force the provisions of the joint resolution "to provide temporarily for the expenditures of the Government," approved June 30, 1888, to and including the 31st day of August, 1888.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Under the War Department," in the appropriations "for the Rock Island arsenal," on page 71, after line 3, to insert:

For new hospital building, to be built of brick, $34,744.

The amendment was agreed to.

The next amendment was, on page 72, after line 14, to insert:

For repairs of dikes and embankments of the water-power pool, and for dredging and scouring out mud in said pool, $25,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 17, to insert:

Kennebec arsenal, Maine: For repairs to walks, grounds, sewers, drains, and for new and necessary sewers and drains, $2,000.

For introducing city water and for necessary charges and repairs in plumbing work, $2,000.

The amendment was agreed to.

The next amendment was, on page 73, line 10, before the word "powder depot," to strike out "Peccatina" and insert "Piccatiny;" so as to read:

Piccatiny powder depot, Dover, N. J.: For completing magazine No. 5, $20,000.

Mr. ALLISON. I wish to modify that amendment by what I send to the desk. I think the paragraph as it stands had better be struck out and what I send up inserted.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be stated.

The SECRETARY. After the word "New Jersey," in line 11, on page 73, it is proposed to strike out:

For completing magazine No. 5, $20,000.

And insert:

For completing magazines Nos. 4 and 5, and repairing magazine No. 1, $40,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 73, after line 15, to insert:

New York arsenal, Governor's Island, New York: For erection of one frame building for use as officers' quarters, $7,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 18, to insert:

Watertown arsenal, Watertown, Mass.: For providing a system of sewerage and for necessary expenses of improving the sanitary condition of said arsenal, $11,900.

The amendment was agreed to.

The next amendment was, on page 78, after the word "law," at the end of line 24, to insert "insertion of memorial tablets presented for that purpose in the interior walls of the monument;" and after the word "monument," at the end of line 2, on page 79, to strike out "twenty-six thousand" and insert "twenty-seven thousand five hundred;" so as to make the clause read:

Washington Monument: For the completion of the Washington Monument, namely: For earth-filling and grading around the monument, in accordance with existing law; insertion of memorial tablets presented for that purpose in the interior walls of the monument; office expenses, and every purpose connected with the completion of the monument, $27,500, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 79, after line 5, to insert.

For the care and the maintenance of the Washington Monument and the operation of the elevator and machinery connected therewith, namely: For one custodian, at $100 per month; one steam engineer, at $80 per month; one assistant steam engineer, at $60 per month; one fireman, at $50 per month; one assistant fireman, at $45 per month; one conductor of car, at $75 per month; one attendant on floor, at $45 per month; one attendant on top, at $45 per month; three night and day watchmen, at $60 each per month; 350 tons of coal, at $5 per ton; oil, waste, packing, and repairs to engine and boiler, $500; contingencies, $90; in all, $10,500, to be expended under the direction of the Secretary of War, who is hereby and hereafter charged with the custody, care, and protection of the monument.

And the joint commission created by the act of August 2, 1876, for the completion of the Washington Monument, having completed the work intrusted to it, is, at its own request, dissolved, and the unexpended balances of appropriations for this work, as well as the amount herein appropriated, shall be expended under the direction of the Secretary of War; and the Washington National Monument Society is hereby continued with the same powers as provided in the act of August 2, 1876, creating the joint commission aforesaid; and the Secretary of War is hereby directed to set apart a room for the deposit of the archives of the Washington National Monument Society (as also for the records of the joint commission, dissolved) and for the continuous use of said society in the building now being erected by the said society with funds collected by it for its use and for the public comfort.

Mr. ALLISON. In lines 16 and 17 of the amendment I move to strike out "350 tons of," before the word "coal;" and after "coal" to strike out "at $5 per ton," and then insert "$1,750;" so as to read:

Coal, $1,750.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

Mr. REAGAN. It seems to me for a beginning this is pretty steep and I want to call the attention of the Senate to it. This is—

For the care and maintenance of the Washington Monument and the operation of the elevator and machinery connected therewith.

That is, after making the necessary appropriations for all the work around the monument—

For one custodian, at $100 per month; one steam engineer, at $80 per month; one assistant steam engineer, at $60 per month; one fireman, at $50 per month; one assistant fireman, at $45 per month; one conductor of car, at $75 per month; one attendant on floor, at $45 per month; one attendant on top, at $45 per month; three night and day watchmen, at $60 each per month—

And then seventeen hundred and odd dollars for coal.

It seems to me that this is a department created for the purpose of running the elevator in the monument. What use can there be for a custodian when there is an engineer there who can do all the business that is necessary? Why not make him the custodian? Then there is an assistant engineer. If the engineer gets $80 a month to go there and attend as an engineer he can do the duty, and he does not need an assistant. Then "one fireman" is provided for. That may be necessary, but what is the use of "one assistant fireman?" Then "one conductor of car." Possibly that may be necessary; but what then is the use of "one attendant on floor at $45 per month," and "one attendant on top at $45 per month?" And what is the use of "three night and day watchmen?" It seems to me that this is a species of reckless extravagance and forgetfulness, that a very large portion of the American people are to-day discontented, murmuring, and grumbling at the reckless extravagance of the Congress of the United States. I shall therefore move to strike out "one assistant steam engineer, at $60 per month." Let the Secretary note my amendment.

The PRESIDENT *pro tempore*. The Senator from Texas moves an amendment to strike out, in lines 10 and 11:

One assistant steam engineer at $60 per month.

Mr. REAGAN. Then I move to strike out, in lines 11 and 12, "one assistant fireman, at $45 per month;" in lines 13, 14, and 15, "one attendant on floor, at $45 per month; one attendant on top, at $45 per month; three night and day watchmen, at $60 each per month." If this amendment shall be adopted it will leave the custodian there, and I do not know what use there is for him, because the engineer can be custodian just as well as to have a separate officer act as custodian. It will leave one engineer; it will leave a fireman, and that is sufficient; and it will leave the conductor. It seems to me that would do for a beginning, and I trust the amendment I offer will be adopted.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will submit these various propositions as one amendment.

Mr. BECK. It is better to have them all go together, and the best thing to do would be for the Senator from Texas to stop the work altogether, to just move to strike out the whole paragraph and not allow anybody to go to the top of the monument at all. That is the meaning of his amendments.

We have a whole square of ground there on which we have spent a large amount of money for the purpose of improving it. We have planted it in trees and flower beds, and made it look something like decent, I suppose, and unless there is some custodian to take charge of that it will be at the mercy of everybody. We have a number of little squares around Washington not one-fourth or one-tenth the size of the monument grounds, and they have custodians, and I suppose they are needed in the parks and reservations about here. Some care must be taken of the property we have. I believe the Senator is willing to allow us to have a custodian over the grounds.

Now, we have by law eight hours established as a day's work. Men in the Government service work eight hours a day, but the people of the United States who come here and propose to go to the top of the monument do not confine themselves to the eight hours. They come at any hour. They may be coming perhaps during sixteen hours of the day. I do not know how it is with other people, but I know those who come from my part of the country are after me day after day, and sometimes dozens of them in a day, to get permits to go to the top of the monument. If you are going to have the elevator run at all, you want an engineer and you want an assistant engineer, and you want a conductor and an assistant conductor, for one set of men can not be there at all hours of the day, when the people of the United States see fit to come.

They come in excursions, sometimes early in the morning and some at late hours in the evening. They only have twenty-four hours here, perhaps, and have no time to wait. They ought to be accommodated by being allowed to go to the top of the monument whenever they come, or else they ought not to be permitted to go to the monument at all; and if we have not somebody as an assistant at the top—of course it would not happen to Texas people, for they are accustomed to great elevations—but if people are allowed to go to the top of that monument without somebody in charge of it, it seems to me things might happen which would be serious.

We have provided in the amendment for a man who is to stay on the floor. People come on these excursions sometimes to the number of five or six hundred and sometimes to the number of thousands. Our galleries were full of them yesterday, and they are coming here at all times and all hours. Our committee made this provision, and there is not an unnecessary man provided for in it, so far as I know, in order to conduct this thing properly.

It is, then, a question whether we are to have an elevator there or not and to have the monument and the grounds properly attended to, so as to prevent injury to the property. Memorial stones sent by States and societies have been cut and chipped off and mutilated and carried away by people as mementoes until almost half of them are gone, and there will not be a single stone left unless we make proper provision for the care of the monument.

I believe this provision ought to be retained just as it is or that it should be entirely stricken out. If it is the sense of the Senate that there shall be no care taken of the grounds and no elevator there and no arrangements whereby people can be cared for when they go to the top of the monument, and no regulation about it, you had better strike it out altogether. That is all I care to say about it.

Mr. REAGAN. I did not move to strike out the provision for the custodian, but suggested that the engineer might perform the duties of custodian. I had reference especially to the monument. Perhaps the suggestion which the Senator makes about a custodian to look after the grounds may be proper. So I will withdraw what I said as to that.

Mr. BECK. A watchman will be needed in those grounds to take care of them.

Mr. REAGAN. I will modify the amendment so as to leave one watchman instead of three.

The Senator says that we shall need an assistant engineer and an assistant conductor because people come at all times of the day. What guaranty, I ask, can they have that at all times of the day they can go in the elevator if we pass this appropriation in the form in which it is placed? Here are the Botanical Gardens, a place certainly of more general interest to everybody than the monument, and no person can enter there before 9 o'clock in the morning nor after about 3 o'clock in the afternoon. During the very portions of the day, the cool of the afternoon, when citizens, members of Congress, and others desire to visit those grounds, they are closed against them. May we not expect this to be carried on in the same way? When these gentlemen get their appointments and their salaries fixed by law, they will perhaps attend to their own comfort and convenience like other officials about this city, and neglect the interest and wishes of the public.

What is the necessity for a man on the floor and a man at the top of the monument when we have an engineer? The monument will be closed up at hours when the public will not be there, and nobody can go in unless the officials are there. When the engineer is placed at his position there what is the use of a man upon the floor beside him? He can tell the people to come into the car; he opens it; he receives them; he takes them up. And what is the use of a man at the top? Can he not let them walk onto the platform up there as well as have another man to stand there and invite them to do so?

Mr. BECK. The Senator evidently has not been on the ground. The engine-house is 200 yards from the monument, built there, and an engine is in it now, and how is the engineer to look after and attend to the crowd from that engine-house?

Mr. REAGAN. I am talking about the conductor. When the conductor is there, it is not necessary to have another man to invite persons into the car. The conductor can open the door and let them in, and when he has got as many as he wants, or when the persons are ready to go up he can carry them up, and when they get up it is not necessary to have another man stand there and invite them to get out of the car. They have gone there to get out, and they get out of their own accord, and when they wish to go down they can simply say that to the conductor by signal or by word.

Mr. President, it seems to me that we have reached a point in the multiplicatiou of officers that is beyond endurance. There is no Department of the Government, there is no branch of the service in which we do not continually multiply offices and increase salaries. Shall we never have an end of it? Shall we never stop making useless sinecures for the purpose of loading the tax-payers with more and more burden of debt, poverty, and mortgages?

I modify the amendment, so as to let the whole be voted upon, by striking out "one assistant steam engineer, at $60 per month; one assistant fireman, at $45 per month; one attendant on floor, at $45 per month; one attendant on top, at $45 per month;" and in line 15, by striking out the word "three," before the words "night and day watchmen," and insert "one."

Mr. ALLISON. I sympathize with the Senator from Texas in his statement of the recent tendency to increase offices and the compensation of officials, and I am glad to hear him give his party a little monition in that direction which I think will be healthful and wise.

This particular appropriation I think scarcely comes under the category suggested by the Senator from Texas. Here is the Washington Monument with machinery already provided for with a view to the running of an elevator. It is a question whether or not the Government should maintain such an elevator at the monument. If it does maintain an elevator, it is for the purpose of enabling people to go up and take a general view of the situation, whatever it may be. If they go up, they will come down sooner or later.

There can be no question, if we encourage people to make this dangerous ascent, that we should provide every facility for them. Now, the Senator from Texas seems to think that there is no use for an additional fireman or an assistant fireman. Suppose something should occur to the fireman who happens to be at the engine for the moment, and no assistant there; or suppose the engineer should be suddenly disabled by the blowing up of a boiler, or what not, should there not be a sufficient number of employés there at all times to make it perfectly safe for the people whom we induce to go up and down?

Mr. REAGAN. If the Senator will allow me, does he suppose that the assistant will remain there all the time if he is appointed?

Mr. ALLISON. I am not discussing that point just at this moment. Probably he would be absent occasionally. But here is a careful estimate by the Army engineer, Colonel Wilson, having charge of the public buildings and grounds, and recommended by the commission who has had charge of the construction of this monument, one of the members of the commission being Grover Cleveland, President of the United States. This estimate is submitted to us by the proper officer as a necessary provision for the purpose of running this elevator, and although the Senator from Texas has great knowledge of this class of subjects, I would not venture myself to undertake to interfere with this estimate, and I think the Senate ought not to do so. Either we should strike out this paragraph entirely or we should make ample provision for the conduct of the elevator.

Mr. BECK. My recollection is that Colonel Wilson came before us and stated in detail each item of the estimate, and said he could not run the monument without the amount asked for. Is not that the case, I inquire of the chairman?

Mr. ALLISON. He stated that the estimate made here was necessary for the conduct of that work, and gave every item in detail.

Mr. BECK. Did he not come before us in person and state that?

Mr. ALLISON. I am not clear that he was before the committee; he was certainly before the subcommittee.

Mr. BECK. I think so. I meant the subcommittee. We should either strike out the entire provision or make the appropriation as it was estimated for.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas, to strike out certain provisions which have been stated.

The amendment to the amendment was rejected.

Mr. REAGAN. I now move to strike out all from line 6 to line 22, inclusive, which takes out the entire appropriation.

The PRESIDENT *pro tempore*. That can be reached by a negative vote on the proposition, the proposition being to amend the bill by inserting these words. A negative vote will omit them from the bill. The question is now upon agreeing to the amendment inserting the clause.

Mr. REAGAN. Well, then, on the question of agreeing to the amendment, I desire to say that the Government and the people of the United States have appropriately through patriotic and most worthy motives built that monument to commemorate the memory of our first and greatest man. That is all right. That I approve. Now, we propose to add to it and to commence with an expenditure of $10,500 a year, not to build a monument in honor of Washington, but to provide a means of pleasure for visitors to the city of Washington. Is it the business of Congress to appropriate by tens of thousands of dollars to minister to the pleasure of people who pass through here? On what authority, on what principle can such an appropriation as this be made?

The monument has been built; it is completed. We have done what we could in that way to honor the father of the country. Now we propose to hang on to this an appropriation of $10,500 a year for the pleasure of visitors to the city of Washington. If gentlemen will not accept a reasonable amount (and I doubt whether any amount ought to be appropriated), I trust the Senate will not agree to the amendment proposed by the committee, which is to appropriate $10,500 as a pleasure fund for visitors to Washington.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

Mr. CHANDLER. I ask the Senator from Iowa to yield to me that I may offer two amendments intended to be proposed to this bill for reference to the Committee on Public Buildings and Grounds without being printed.

The PRESIDENT *pro tempore*. The amendments will be received and referred to the Committee on Public Buildings and Grounds without printing.

Mr. BLAIR. I ask leave to submit an amendment to be referred to the Committee on Appropriations, reported by direction of the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New Hampshire will be received and referred to the Committee on Appropriations.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Building for Army Medical Museum and Library," on page 80, after line 17, to insert:

For cases, shelving, and appliances for new anatomical and biological laboratories, $850.

The amendment was agreed to.

The next amendment was, on page 80, after line 19, to insert:

For additional cases for the museum hall, $775.

The amendment was agreed to.

The next amendment was, on page 80, after line 21, to insert:

For laying asphalt pavement in the yard between the center building and the wings of the north side, $1,850.

The amendment was agreed to.

The next amendment was, on page 80, after line 24, to insert:

Old Museum building and annex: For additional amount for the completion of needed repairs and improvements on the old museum building and annex on Tenth street, between E and F, now occupied by the record and pension division of the Surgeon-General's Office, as follows: To complete plumbing, including the purchase of a supply tank, pump, and gas-engine, $2,250.

The amendment was agreed to.

The next amendment was, under the head of "Military posts," on page 81, line 16, after the words "two hundred," to strike out "and fifty;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, $200,000.

The amendment was agreed to.

The next amendment was, on page 81, line 19, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

Cavalry and artillery school, Fort Riley, Kans.: For continuing the work of buildings for the cavalry and artillery school, $200,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 19, to insert:

Military post at Denver, Colo.: For continuing the work of constructing necessary buildings, $100,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 22, to insert:

Military post at Fort Robinson, Nebr.: For completing the work of constructing necessary buildings, $50,000.

The amendment was agreed to.

The next amendment was, after line 25, at the bottom of page 81, to insert:

Military post at Fort Niobrara, Nebr.: For completing the work of constructing necessary buildings, $50,000.

The amendment was agreed to.

The next amendment was, on page 82, after line 3, to insert:

Fort Meade military reservation, Dakota: For the purchase of certain land adjoining the military reservation of Fort Meade, Dak., known as the McMillan addition, for the purpose of obtaining a water supply for the post, $5,000: *Provided*, That a good and sufficient title to the property can be vested in the United States.

The amendment was agreed to.

The next amendment was, on page 82, after line 9, to insert:

Fort Thornburgh military reservation, Utah: For payment for private property taken by the Government in extension of the military reservation at Fort Thornburgh, Utah, under the order of the commander of the post of April 5, 1882, and the President's order of May 13, 1882, being the amount awarded by a board of officers June 10, 1882, as per their report approved by the War Department, $3,437.

The amendment was agreed to.

The next amendment was, on page 83, line 9, before the word "thousand," to strike out "twenty" and insert "thirty;" so as to make the clause read:

Protection and improvement of the Yellowstone National Park: For the construction and improvement of suitable roads and bridges within the park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, $30,000.

The amendment was agreed to.

Mr. ALLISON. On page 83, line 12, after the word "employés," I move to insert the words "after September 1, 1888, at annual salaries stated."

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. On page 83, line 12, after the word "employés," it is proposed to insert:

After September 1, 1888, at annual salaries stated.

So as to make the clause read:

For the following civilian employés after September 1, 1888, at annual salaries stated, in the office Chief Signal Officer, namely.

Mr. ALLISON. Then a comma.

The PRESIDENT *pro tempore*. This amendment will be agreed to, if there be no objection.

The reading of the bill was continued to line 15, on page 84.

Mr. ALLISON. In line 14, on page 84, I move to reduce the total of the appropriation for civilian employés in the office of the Chief Signal Officer from $114,500 to $95,416.67.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Signal Service," in the clause making appropriations for "Civilian employés in the office Chief Signal Officer," in line 19, on page 84, after the word "office," to insert "employment;" so as to make the proviso read:

Provided, That any person performing duty in any capacity, as officer, clerk, or otherwise, in the office of the Chief Signal Officer at the date of the passage of this act, who has heretofore been paid as an enlisted man in the Signal Corps, and whose office, employment, or place is specifically provided for herein, under the direction of the Secretary of War, may be continued in such office, clerkship, or employment without a new appointment thereto.

Mr. ALLISON. After the word "thereto," in line 22, at the end of the proviso, I move to insert "after September 1, 1888."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Observation and Report of Storms," on page 86, line 2, before the word "thousand," to strike out "forty" and insert "forty-five;" so as to make the clause read:

For rent, hire of civilian employés, furniture, light, stationery, ice, stoves and fixtures, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation outside of Washington, D. C., $45,000.

The amendment was agreed to.

The next amendment was, on page 86, line 21, after the words "twenty-three thousand," to insert "seven hundred;" and in line 22, after the word "dollars," to insert:

And of this amount not exceeding $700 may be used for the rental of such cable and land wires as may, in the opinion of the Chief Signal Officer, be necessary to secure connection between the Point Reyes military telegraph line and the signal office in San Francisco, Cal.

So as to make the clause read:

For maintenance and repair of military and seacoast telegraph line, including rent of offices, salaries of civilian operators and repairmen, lights, stoves and fixtures, supplies, and general repairs, $23,700; and of this amount not exceeding $700 may be used for the rental of such cable and land wires as may, in the opinion of the Chief Signal Officer, be necessary to secure connection between the Point Reyes military telegraph line and the signal office in San Francisco, Cal.

The amendment was agreed to.

The reading of the bill was continued to line 12, on page 87.

Mr. ALLISON. In line 12, on page 87, after the word "discharge," I move to insert "to men now in the service;" and in the same line to strike out "$125,000" and insert "$141,516.82;" so as to read:

For pay of one brigadier-general and fourteen second lieutenants, mounted, $26,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, $4,775; for pay of not exceeding one hundred and twenty-five sergeants, twenty corporals, and one hundred and seventy-five privates, including payment due on discharge to men now in the service, $141,516.82.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 87.

Mr. ALLISON. After the word "dollars," in line 17, on page 87, I move to strike out the proviso in the following words:

Provided, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be commuted over the shortest usually traveled routes, and, in addition thereto, upon the officer's certificate that it was not practicable to obtain transportation from the Quartermaster's Department, the cost of transportation actually paid by the officer over said route or routes, exclusive of sleeping or parlor car fare and transfers.

And to insert as an additional proviso in lieu thereof:

Provided further, That this amount shall be disbursed under the same limitations prescribed for payment of mileage to officers in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1889.

The amendment was agreed to.

Mr. ALLISON. After the words "And provided further," at the top of page 88, I move to strike out all down to and including the word "railroad" in line 6, in the following words:

That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such last-named railroad.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Clerks suggest that the words "*And provided further*" should also be stricken out.

Mr. ALLISON. They should go out.

The PRESIDING OFFICER. The amendment will be so modified, and the question is on agreeing to the same as modified.

The amendment was agreed to.

The reading of the bill was continued to line 10, on page 88.

Mr. ALLISON. In line 9, I move to strike out "$163,527" and to insert "$180,043.82;" so as to read:

For commutation of quarters to commissioned officers at places where there are no public quarters, $4,752; in all, $180,043.82.

I will say that all these amendments are made in view of the fact that there has been a postponement of the passage of this bill and necessarily a postponement of the time when these military officers and privates will be transferred into civilians, so that these changes in the amounts must be made for that reason.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 89.

Mr. ALLISON. In line 2, on page 89, after the word "exceeding," I move to insert a comma, and after the comma the words "after September 1, 1888," and a comma; and in line 8 I move to strike out "$98,550" and insert "$105,562.80;" so as to make the paragraph read:

For commutation of rations of not exceeding, after September 1, 1888, three hundred and twenty Signal Service enlisted men of the Signal Corps, and for sales of subsistence stores to officers and enlisted men of said corps, as authorized by section 1144 of the Revised Statutes, and paragraph 2199 of the Army Regulations, 1881, $105,562.80.

The amendment was agreed to.

Mr. CULLOM. With the permission of the Senator from Iowa I submit an amendment intended to be proposed to the pending bill, and move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CULLOM. The amendment need not be printed.

The reading of the bill was continued to line 23, on page 89.

Mr. ALLISON. In line 20, on page 89, after the word "exceeding" I move to insert a comma and the words "after September 1, 1888," and another comma, and in line 22 to strike out "$32,500" and insert "$34,540;" so as to read:

Commutation of fuel: For commutation of fuel for not exceeding, after September 1, 1888, three hundred and twenty enlisted men of the Signal Corps on duty at the office of the Chief Signal Officer and at signal stations throughout the United States, $34,540.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 92.

Mr. ALLISON. After the word "exceeding" in line 5, on page 92,

I move to insert a comma and "after September 1, 1888," another comma, and in line 8 to strike out "$51,960" and insert "$56,484;" so as to read:

For commutation of quarters to not exceeding, after September 1, 1888, three hundred and twenty enlisted men of the Signal Corps on duty at office of the Chief Signal Officer, and at signal stations throughout the United States, $56,484.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 92, line 23, before the word "head-stone," to strike out "finishing" and insert "furnishing;" so as to make the clause read:

Head-stones for graves of soldiers: For continuing the work of furnishing head-stones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places under the acts of March 3, 1873, and February 3, 1879, $85,000.

The amendment was agreed to.

The next amendment was, on page 93, line 5, before the words "of roadways," to strike out "Maintenance" and insert "Repairs;" in line 6, after the word "For," to strike out "maintaining" and insert "repairing;" and in line 8, after the word "Congress," to strike out "ten thousand" and insert "twelve thousand five hundred;" so as to make the clause read:

Repairs of roadways to national cemeteries: For repairing the roadways to national cemeteries which have been constructed by special authority of Congress, $12,500.

The amendment was agreed to.

The next amendment was, on page 93, after line 21, to insert:

Soldiers' monument at Mound City, Kans.: To enable the Secretary of War to collect the bodies of Union soldiers buried in towns adjacent to Mound City, Kans., and to reinter the same in the cemetery near Mound City, and to erect therein a suitable monument, $2,500.

Mr. PLUMB. I move to amend the amendment by inserting the word "military" before the word "cemetery," in line 1, on page 95; so as to read:

In the military cemetery near Mound City.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 9, on page 94.

Mr. ALLISON. After the word "cemetery," in line 5, on page 94, I move to insert "or in cemeteries in the District of Columbia;" in line 6, to strike out "$800" and insert "$1,000;" and in line 8, to strike out "$40" and insert "$50;" so as to make the clause read:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery or in cemeteries in the District of Columbia indigent ex-Union soldiers who die in the District of Columbia, $1,000. Said sum to be disbursed by the Secretary of War, at a cost not exceeding $50 for such burial expenses in each case, exclusive of cost of grave.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 15, after the name "Garfield," to insert "memorial;" in line 16, after the words "treatment to," to strike out "transient;" and in line 17, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $15,000.

The amendment was agreed to.

The next amendment was, on page 96, line 7, to add to the clause appropriating $36,000 "for continuing the publication of the Official Records of the War of Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and Confederate," the following proviso:

Provided, That hereafter, before publication of any volume of said records, the manuscript copy shall be submitted to the Secretary of War, and revised by him, or by a committee to be selected by him for that purpose, and shall not be published until he shall certify that it only contains the contemporaneous official records of the war of the rebellion, as provided for by the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," approved July 31, 1886.

The amendment was agreed to.

The next amendment was, on page 96, after line 17, to insert:

Wagon-road in Colorado: To enable the Secretary of War to construct a wagon-road from the boundary of Pike's Peak military reservation to the signal station on Pike's Peak, in the State of Colorado, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for the "United States military prison at Fort Leavenworth," on page 97, after line 11, to insert:

For an electric plant, three hundred lights, $3,500.

The amendment was agreed to.

The next amendment was, on page 99, after line 11, to insert:

For construction of an ice-house for storage of ice required for preservation of food, $2,500.

The amendment was agreed to.

The next amendment was, on page 99, line 19, before the word "thousand" to strike out "eighty-nine" and insert "ninety-five;" so as to make the clause read:

For repair of officers' and non-commissioned officers' quarters, the hospital, the chapel, the offices, and all prison buildings and shops, including civilian labor thereon, which can not be done by prisoners, $5,000; in all, $95,300.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," on page 107, after the word "maintenance," in line 12, to strike out "of 600 members, at $150 per annum each;" so as to make the clause read:

At the Pacific Branch: For maintenance $90,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 14, to insert:

For additional buildings required at the Pacific Branch, $100,000; in all, $190,000.

The amendment was agreed to.

The next amendment was, on page 107 after line 17, to insert:

For additional barracks at the Northwestern, Southern, and Western Branches, $101,000.

The amendment was agreed to.

The next amendment was, on page 107, line 22, after the word "all," to strike out "one million nine hundred and eighty-seven" and insert "two million one hundred and eighty-eight;" so as to make the clause read:

For out-door relief and incidental expenses, $28,650; in all, $2,188,944.66.

The amendment was agreed to.

The next amendment was, in the same clause, on page 108, line 3, after the words "made for," to insert "the maintenance;" so as to read:

And hereafter the provisions of section 3690 and 3691 of the Revised Statutes of the United States shall apply to all appropriations made for the maintenance of the National Home for Disabled Volunteer Soldiers.

The amendment was agreed to.

The reading of the bill was continued to line 23, on page 108.

Mr. ALLISON. After line 23, on page 108, I move to insert:

Utah penitentiary: For additional wing to prison, one hundred and twenty cells, with hospital, female prison, and chapel attached, for stockade entrance, to consist of offices, warden's residence, guard-quarters, dining-rooms, and armory, for wall with sentry boxes to inclose about two acres of land, and for purchase of water-right and 20 acres of land, the cost of said water-right and land not to exceed $5,000, $100,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "The Department of Justice," on page 109, line 19, after the word "penitentiary," to insert:

And for the pay of official stenographers employed under direction of the courts in cases in which the United States is a party, at a rate of not exceeding $6 per day for reporting, and not exceeding 10 cents for each one hundred words transcribed at the request of the court.

So as to make the clause read:

Expenses of Territorial courts in Utah Territory: For defraying the contingent expenses of the courts, including fees of the United States district attorney and his assistants, the fees and per diems of the United States commissioners and clerks of the court, and the fees, per diems, and traveling expenses of the United States marshals for the Territory of Utah, with the expenses of summoning jurors, subpœnaing witnesses, of arresting, guarding, and transporting prisoners, of hiring and feeding guards, and of supplying and caring for the penitentiary, and for the pay of official stenographers employed under the direction of the courts in cases in which the United States is a party, at a rate of not exceeding $6 per day for reporting, and not exceeding 10 cents for each one hundred words transcribed at the request of the court, to be paid under the direction and approval of the Attorney-General, upon accounts duly verified and certified, $35,000.

The amendment was agreed to.

The next amendment was, on page 110, line 6, after "United States," to strike out "and the District of Columbia;" in line 8, after the word "Claims," to strike out "including defense in the French spoliation claims;" and in line 10, before the word "thousand," to strike out "fifteen" and insert "twelve;" so as to make the clause read:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, $12,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 10, to insert:

Defense in French spoliation claims: To enable the Attorney-General to make proper defense for the United States in the matter of French spoliation claims, to be expended in his discretion, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 111, after the word "Alaska," at the end of line 22, to insert "of jurors and witnesses;" so as to make the clause read:

Expenses of the United States courts: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States; of the supreme court of the District of Columbia; of the district court of Alaska; of jurors and witnesses; of suits and preparation for suits in which the United States is interested; of the prosecution of offenses committed against the United States; of the safe-keeping of prisoners; and in the enforcement of the laws of the United States and of the enforcement of the provisions of Title XXVI of the Revised Statutes, or any acts amendatory thereof or supplementary thereto; specifically the expenses stated under the following appropriations, namely.

The amendment was agreed to.

The next amendment was, on page 112, after the words "Revised Statutes," in line 13, to strike out the following additional proviso:

Provided, further, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies within sixty days next after the same are presented for allowance;

So as to make the clause read:

For payment of the fees and expenses of United States marshals and deputies, $675,000: *Provided*, That not exceeding $300,000 of this appropriation may be advanced to marshals to be accounted for in the usual way, the residue to remain in the Treasury to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

The amendment was agreed to.

The next amendment was, on page 112, line 20, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

For payment of United States district attorneys, the same being for payment of the regular fees provided by law for official services, $240,000.

Mr. ALLISON. Upon further examination the committee recommend, in line 20, on page 112, to insert "$230,000" instead of "$240,000." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 112, line 25, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

For payment of district attorneys, the same being for payment of such special compensation as may be fixed by the Attorney-General for services not covered by salary or fees, $5,000.

Mr. ALLISON. I move to amend the amendment by making the sum $15,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 113, line 3, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General at a fixed annual compensation, $110,000.

The amendment was agreed to.

The next amendment was, on page 113, line 7, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For payment of assistants to United States district attorneys who are employed by the Attorney-General to aid district attorneys in special cases, $15,000.

Mr. ALLISON. I move to amend the amendment so as to make the sum $40,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 16, after the words "has been," to strike out "commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and;" and in line 22, after the words "arrest by," to strike out "a circuit or district judge or;" so as to make the clause read:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, $100,000. And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been approved either before or after such arrest by the attorney of the United States in the district where the offense is alleged to have been committed or the prosecution is by indictment.

The amendment was agreed to.

Mr. ALLISON. In connection with the changes proposed in the paragraphs on pages 112 and 113 I ask that there may be inserted in the RECORD a letter from the Acting Attorney-General. It is not necessary to read it.

The PRESIDING OFFICER. The letter will be inserted in the RECORD, unless there be objection.

The letter is as follows:

DEPARTMENT OF JUSTICE, *Washington, July 25, 1888.*

SIR: I respectfully submit for consideration the following amendments to the sundry civil bill, H. R. 10540, now before the Senate:

I suggest that the clauses embraced in the bill on page 112, from lines 18 to 25 inclusive, be stricken out, and the following be substituted instead:

"For payment of United States district attorneys, including payments to district attorneys for services not covered by salaries or fees, employed by the Department of Justice under section 3, page 109, volume 16, Statutes at Large, $245,000."

This substitution neither increases nor diminishes the amount fixed by the report of the Committee on Appropriations of the Senate, but enables the Department to use the fund appropriated both for the regular fees of United States attorneys in cases in which the United States is a party of record and the fees which accrue in cases in which the United States is not a formal party. The number of cases in the latter class is quite numerous. Belonging to this class are suits brought against officers of the United States for official action, or for public property in their possession, or for infringements of patents by them while in the discharge of their duties, and on other similar grounds. During the fiscal year of 1888, including cases arising under the Chinese restriction act, the number of cases closely approximates 3,500. As the bill now stands there would be but $5,000 serviceable for all of this class of cases, which would be entirely inadequate. The number of cases falling under the regular fee bill, and those which do not, are both variable quantities. Both alike demand attention. Hence the rigid apportionment as fixed by the bill must result in a balance in the amount fixed for one class, and a deficiency as to the other. The whole appropriation is adequate for the whole service, but how much will be necessary for each part of the divided whole can not with reasonable certainty be determined in advance.

On page 113 of the bill as reported in the Senate, included in lines 5, 6, and 7, is:

"For payment of assistants to United States district attorneys who are employed by the Attorney-General to aid district attorneys in special cases, $15,000."

The amount of $15,000, as stated in this clause, is inadequate, and I respectfully suggest that the amount be increased to $40,000. This increased amount is rendered necessary by the extraordinary increase of service that is thrown upon the Department of a character giving rise to new and difficult questions and litigation involving large amounts and values. The sources of increase of these suits are various, among them an increased interest in the public land and trespasses alleged to have been commited upon them. During the calendar year of 1887, upon reports received from the Department of the Interior, five hundred and ninety-four criminal prosecutions have been instituted and three hundred and thirty-six civil suits brought for the value of timber cut. The civil suits involve $2,409,164.25. Some of these suits are brought against wealthy and influential corporations, and are determinedly contested. Another source of the increase of service is found in various recent acts of Congress. As an illustration, the following acts, passed in 1887, are referred to:

The act of February 4, 1887 (24 U. S. Stats., 385), to regulate commerce, *vide* sixteenth section.

The act of the 23d of February, 1887 (24 U. S. Stats., 409), prohibiting the importation of opium.

The act of the 2d of March, 1887 (24 U. S. Stats., 464), extending the jurisdiction of the United States district courts over crimes against the Indian police.

The act of the 3d of March, 1887 (24 U. S. Stats., 505), giving jurisdiction to circuit courts of the United States over suits against the Government.

The act of the 3d of March, 1887 (24 U. S. Stats., 635), the "anti-polygamy act," with provision for forfeiting the property of the Church of Jesus Christ of Latter-Day Saints and the Perpetual Emigrating Fund Company.

The act of the 3d of March, 1887 (24 U. S. Stats., 556), for the adjustment of land grants made by Congress; for the forfeiture of unearned lands, and for the cancellation of patents unlawfully granted to railroads.

In addition to these acts others of earlier date, within the past three years, add greatly to the work of the Department. Many new questions, involving large amounts and important principles, are required to be disposed of. That the interests of the Government may be fully cared for, it is necessary in many cases to employ special counsel, well qualified to assist the United States attorney. A very considerable amount of the litigation under some of the acts arises in the Territories. In these, from two to six courts may be, and often are, sitting at the same time at widely distant points. A single United States attorney or an attorney with but one assistant, must care for the business in all these several courts. Government business may arise in one or two or all of the districts at the same time. Special assistants, in case the services of the United States attorney are called for in more than one or two districts at the same time, are appointed for one term of the court, or for one case, as the emergency may demand. These must be paid for out of the special fund asked to be increased.

These suggestions, perhaps, are sufficient to illustrate the necessity for the amount called for. The illustration is by no means exhaustive.

On page 114, lines 14, 15, and 16, I suggest the propriety of striking out the words "not exceeding three bailiffs and one crier in each court, except in the southern district of New York;" so that the enactment may read:

"For pay of bailiffs and criers; of expenses, etc."

The law now fixes a maximum of five bailiffs. Since the bill has been under consideration in the House of Representatives this clause has attracted the attention of some courts and court officers, and, so far as heard from, is earnestly disapproved. While in some of the courts three bailiffs may be sufficient, in many of them such a limitation will greatly delay business; the expenses of the Government will be increased, and the efficient discharge of the public business diminished.

I submit the above suggestions with the sincere hope that they may meet the approval of Congress, and such relief be afforded as shall be deemed proper.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations, United States Senate.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 114, line 8, after the word "dollars," to strike out the following proviso:

Provided, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of jailors for the support of United States prisoners within sixty days after the same are presented for allowance.

So as to make the clause read:

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, and including support of prisoners becoming insane during imprisonment and continuing insane after expiration of sentence, who have no friends to whom they can be sent, $300,000.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 114.

Mr. ALLISON. After the word "criers," in line 14, on page 114, I move to strike out "not exceeding three bailiffs and one crier in each court, except in the southern district of New York;" so as to read:

For pay of bailiffs and criers; of expenses of district judges directed to hold court outside of their districts; of meals for jurors in United States cases when ordered by court; of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $135,000.

The amendment was agreed to.

Mr. ALLISON. In connection with that amendment I desire to have inserted in the RECORD a letter from the acting Attorney-General.

The PRESIDING OFFICER. The letter will be inserted in the RECORD, if there be no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE, *Washington, July 18, 1888.*

SIR: Herewith I inclose copies of letters of the 13th instant to United States Senator W. HAMPTON from Judge Simonton, of the district court of South Caro-

lina, and United States Attorney Youmans, of the same district, in relation to the number of bailiffs which is needed for the proper administration of the courts. These letters are among many from different sources to the same purport, that the proposed limitation of bailiffs to three in number, as provided for in the sundry civil bill for the fiscal year 1889 by the House of Representatives, is inadequate to the service of the courts. I therefore would respectfully insist that section 715 of the Revised Statutes, which provides for five bailiffs, shall be the authority for the employment of these officers for the coming fiscal year. I would make no exception of any district. Five should be authorized, if the judges decide that five are needed, they being better qualified to know the necessities of such employment than other persons.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

UNITED STATES COURTS FOR SOUTH CAROLINA,
Charleston, S. C., July 13, 1888.

MY DEAR GENERAL: The sundry civil bill as it passed the House limits the number of bailiffs attending the courts of the United States everywhere but in the southern district of New York to three. Heretofore the number has been five. We can not get along with three only in our courts in this State. Our criminal business is very large, much larger than in other districts with perhaps three exceptions. When our courts meet we have out frequently the grand jury and two petit juries at the same time. If we have only three bailiffs in cases like this we would have no bailiff waiting on the court or to send for prisoners. The court-room is always full of witnesses and defendants attending court, and the presence of a bailiff is indispensable to preserve order. Will you try and get in an amendment restoring the law as it stands in section 715 of Revised Statutes, or in all events leaving it to the Attorney-General on proper application to allow additional bailiffs for terms of court when juries are attending.

Yours, very truly,

CHARLES H. SIMONTON,
United States Judge.

Hon. WADE HAMPTON,
United States Senate, Washington, D. C.

COLUMBIA, S. C., *July* 13, 1888.

MY DEAR SIR: By this mail there goes to you a letter from Judge Simonton in regard to the number of bailiffs necessary in the courts of the United States for the district of South Carolina. I indorse every word of it, and would in addition say that the incomparable dispatch with which Judge Simonton gets through with the work before the courts makes the necessity of five bailiffs in his district courts most apparent. If you could add South Carolina after New York, putting it in the districts excepted, it would accomplish every purpose. I would not write this letter if I did not honestly think, after some experience, that it is in the interest, not only of a proper administration of justice, but also in the interests of economy for the Government.

Very truly, yours,

LEROY F. YOUMANS,
United States Attorney.

Hon. WADE HAMPTON,
United States Senate, Washington, D. C.

The next amendment of the Committee on Appropriations was, on page 115, under the head of "Under legislative," after line 15, to insert:

Senate:

To enable the Secretary of the Senate to pay the persons who performed the work of arranging and preparing the copy for, and indexing the Executive Journals of, the Senate from February 28, 1829, to March 4, 1869, under Senate resolution of June 28, 1886, $10,000, which sum may be expended as additional pay or compensation to any officer or employé of the United States.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 116.

Mr. ALLISON. I move to insert after line 7, on page 116:

Robert Lowry, $2,000.

So as to read:

House of Representatives:

For allowance to the following contestants and contestees in full of expenses incurred by them in contested-election cases:

J. B. Morgan, $701.
G. H. Thobe, $2,000.
J. B. White, $2,000.
Robert Lowry, $2,000.

There was an omission in making up the House statements. The item was sent to us by the House Committee on Elections.

The amendment was agreed to.

Mr. ALLISON. After line 21, on page 116, I move to insert:

Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives. And payments made upon vouchers approved by the respective committees shall be deemed, held, and taken, and are hereby declared, to be conclusive upon all the Departments and officers of the Government.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 116, after line 21, to insert:

Miscellaneous objects under legislative:

Works of art: For the purchase of works of art, and the necessary cleaning and repairing thereof, under the direction of the Joint Committee on the Library, $10,000.

The amendment was agreed to.

The next amendment was, on page 117, after line 2, to insert:

Index to Congressional documents: To pay for the work done in preparing and completing the Document index of the Forty-seventh, Forty-eighth, and Forty-ninth Congresses by Alonzo W. Church, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Public Printing and Binding," on page 117, line 19, after the word "million," to strike out "and forty-seven" and insert "two hundred and one;" and in line 21, after the word "binding," to strike out "shall" and insert "may;" so as to make the clause read:

For the public printing, for the pub ic binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,201,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely.

Mr. ALLISON. I may want to change that later on, and I ask that it and the following amendment be passed over for the present.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 117, line 24, after the word "debates," to strike out "eight hundred and two" and insert "nine hundred and fifty-two;" so as to read:

For printing and binding for Congress, including the proceedings and debates, $952,000.

The PRESIDENT *pro tempore*. Does the Senator from Iowa desire to have this amendment passed over?

Mr. ALLISON. I ask that it be passed over also.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was continued to line 10, on page 119.

Mr. ALLISON. In line 5, on page 119, I move to strike out "$350,000" and insert "$340,000;" so as to read:

For the Interior Department, including the Civil Service Commission, $340,000, including not exceeding $10,000 for rebinding tract-books for the General Land Office.

The amendment was agreed to.

Mr. ALLISON. After the words "General Land Office," in line 7, on page 119, I move to strike out the words:

And not exceeding $10,000 for printing labels and blanks for the use of the National Museum and for the "bulletins" and annual volumes of the "Proceedings" of the Museum.

And to insert as a separate paragraph:

For the National Museum: For printing labels and blanks, and for the "bulletins" and annual volumes of the "Proceedings" of the Museum, $10,000.

The amendment was agreed to.

Mr. ALLISON. In line 11, on page 119, after the word "Survey," I move to insert "there shall be;" so as to read:

For the United States Geological Survey there shall be as follows:

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 119.

Mr. ALLISON. In line 23, on page 119, I move to strike out "$18,000" and insert "$30,000;" so as to read:

For the Agricultural Department, $30,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for printing and binding for the Executive Departments, on page 119, after line 24, to insert:

For the Department of Labor, $4,000.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 120.

Mr. MANDERSON. I call the attention of the chairman of the Committee on Appropriations to the fact that since this bill was draughted and the provision just read inserted by the House both Houses of Congress have passed a law granting thirty days' leave of absence with pay to the employés of the Government Printing Office instead of fifteen days. I submit to him that a change should be made striking out the word "fifteen" in the sixteenth line, on page 120, and inserting "thirty."

Mr. HOAR. Has that bill been approved and become a law?

Mr. MANDERSON. It is in the hands of the President now and will become a law probably within a few days.

Mr. HOAR. The President is not in the city.

Mr. MANDERSON. I do not know where the approving power is just at this moment, but the bill has passed both Houses of Congress and is now in the hands of the President.

Mr. ALLISON. In line 16, before the word "days," I move to strike out "fifteen" and insert "thirty;" in line 17, I move to strike out "$95,000" and insert "$190,000;" and in line 21, to strike out "$110,000" and insert "$205,000;" so as to make the clause read:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employés of the Government Printing Office, $190,000, or so much thereof as may be necessary; to pay pro rata leaves of absence to employés who resign or are discharged (decision of the First Comptroller), $15,000; in all, $205,000.

That covers, I believe, the suggestion of the Senator from Nebraska.

The amendment was agreed to.

Mr. ALLISON. I now ask the Senate to return to page 117. I de-

sire to have the amendment in line 19, on page 117, agreed to, increasing the appropriation from $2,047,000 to $2,201,000. What has become of the amendment, in line 21, striking out "shall" and inserting "may?" Was that passed over?

The PRESIDENT *pro tempore*. That amendment was also passed over.

Mr. ALLISON. I wish to have the amendments on page 117 agreed to as reported from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 19, after the word "million," the committee report to strike out "and forty-seven" and insert "two-hundred and one;" and in line 21, after the word "binding," to strike out "shall" and insert "may;" so as to read:

For the public printing, for the public binding and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation, of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,201,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely:

The amendment was agree to.

Mr. ALLISON. I desire, also, to have the next amendment of the Committee on Appropriations, in line 24, on page 117, which was passed over, agreed to.

The amendment was in line 24, on page 117, after the word "debates," to strike out "eight hundred and two" and insert "nine hundred and fifty-two;" so as to read:

For printing and binding for Congress, including the proceedings and debates, $952,000.

The amendment was agreed to.

The reading of the bill was resumed at line 21, on page 120. The next amendment of the Committee on Appropriations was, to insert as a new section:

SEC. 2. That in order to provide additional accommodations for the Post-Office Department and other Departments of the Government, including accommodations for the city post-office, the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square number 406 of the city of Washington, bounded by F street on the north, E street on the south, Eighth street on the east, and Ninth street on the west; and for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated; and when said property shall be acquired said board may direct that Eighth street between E and F street northwest shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may, by petition in writing, apply to the supreme court of the District of Columbia, in general term, setting forth a description of the property they have been unable to purchase, and which they desire to obtain for the public purposes aforesaid, with the names of the owners or claimants of the title thereto, and of any incumbrances thereon, so far as the same may be known to them, and praying that the court will cause the same to be condemned and appropriated to the public use.

Thereupon the court shall cause public notice to be given of such application by a publication three weeks successively in two daily newspapers published in the city of Washington, stating the substance of said application and notifying all persons having any interest or claim in or to the property so mentioned to appear before said court on a day named and become parties to the proceeding, which publication, so made as aforesaid, shall be deemed due notice to all persons having any interest in or claim to such property. And thereupon said court shall appoint five disinterested residents of the District of Columbia to be appraisers of the value of such property and pieces of property respectively. The said appraisers shall be sworn to a just and impartial performance of their duty; and said appraisers having been so appointed shall give notice to all persons interested in or having claims to any of such property of a time and place of hearing, by publication in two daily newspapers published in the city of Washington for six successive days, and thereupon the said appraisers shall proceed to view the said respective parcels of property and hear the representatives of the United States and the said persons in interest and claimants, and shall thereupon estimate and appraise the true and just value of such pieces of property, respectively, and report their findings thereon to the court. Upon the filing of such report, the said court may hear the representatives of the United States and any parties in interest or claimants and proceed to confirm, modify, or set aside such report and appoint new appraisers as shall appear to said court to be just, and make such further orders in the premises as shall effectuate the purposes of this appropriation. And when any such report shall have been finally confirmed by said court, the United States shall, upon the payment of the sums awarded by said court as the proper and just price thereof, to the parties found by said court to be entitled thereto, be deemed, seized, and possessed of said property for the purposes herein mentioned. If it shall appear to said court that any person having an interest in or any claim to any such parcel of such property can not be found or is unknown, or is an insane person or an idiot, or is a married woman or an infant, or is under any disability, the said court may appoint guardians and trustees for such persons and make all such orders in the premises as shall be just for the protection of all rights, and may order that the sum of money to be paid in respect of any such parcel of property shall be paid into the Treasury of the United States to the credit of such person so interested in or having a claim upon such property, in trust for the person legally entitled thereto. Any such sum of money so deposited in pursuance of the last preceding paragraph may be paid out of the Treasury at any time upon the order of said court to any person deemed by the court entitled thereto upon the proper application to said court for such purpose. And in respect of any such sums of money so deposited the said court shall have all the powers of a court of equity in the administration of trust funds.

Mr. MANDERSON. I am sorry that the chairman of the Committee on Appropriations is not present at this moment.

The pending amendment is one of three amendments proposed by the committee to the bill of the same general character, providing for the condemnation of land for the purposes of a post-office building in the District of Columbia, for an extension to the Public Printing Office, and for land for a public park or zoological garden. The same legal machinery seems to be necessary for these three purposes. If the parties charged with the obtaining of this land are unable to purchase the land, then rather complicated legal proceedings must follow. There must be an appeal to the supreme court of the District of Columbia, the proper proceedings by way of petition, and the appointment of commissioners to appraise the value. There must be a careful guarding of the interests of minor heirs and non-resident land owners.

This will necessarily require the attention of some skilled and trained lawyer. I know of no provision in the general law by which the officers of the Government charged with the performance of this duty can call upon any of the legal officers of the Government to act on behalf of the committees of Congress, and yet there is no provision in this bill that would permit the employment of counsel outside of the legal officials of the Government. I think even as to the district attorney of the District of Columbia there would need to be some authorization in the law that would permit these boards to obtain his services for the purpose of examination.

Mr. DAWES. I suppose it would be no part of the duties of the district attorney of the District of Columbia to attend to this business, for his duty is confined to the prosecution of crimes.

Mr. MANDERSON. I understand that he is really the prosecuting attorney of the District.

Mr. DAWES. This proceeding is an exact transcript of that which was adopted when proceedings for condemnation of the land for the Library building were enacted, and also the same proceedings on several other occasions in this District when lands have been taken for public purposes, for instance the land taken for public ground on Pennsylvania avenue, near the Capitol. At that time this method of condemnation underwent a very close scrutiny by the ablest lawyers in the Senate, and there was a good deal of discussion whether the mode then adopted was not only sufficient but within the power of the Government without a jury trial to take the land. When the land was taken for the Library building the Interior Department relied for legal assistance upon the Assistant Attorney-General, whose duty it is to attend to the legal business of the Interior Department. Following that example, I suppose that the Assistant Attorney-General, whose duties pertain to the administration of the Post-Office Department, would take care of the matter immediately before the Senate.

Mr. MANDERSON. That may be as to the acquiring of the land for the uses of the local post-office, but take the case of the acquiring of land for the use of the Public Printing Office. The Public Printer, known formerly as the Congressional Printer, is not attached to or a part of any of the Executive Departments of the Government. He is under the control of Congress. There is no legal officer, no solicitor, who is subject to his call or demand or of the committees of Congress connected with the subject.

Mr. HOAR. Allow me to make a suggestion.

Mr. MANDERSON. Certainly.

Mr. HOAR. Suppose at the end of these three amendments we add these words:

That the Attorney-General shall designate such of his assistants as he shall see fit to attend to each of these matters.

Mr. ALLISON. For what purpose?

Mr. MANDERSON. To take proceedings in condemnation.

Mr. HOAR. In representing the United States.

Mr. ALLISON. In the courts?

Mr. MANDERSON. Yes, sir.

Mr. ALLISON. If that is not the law now it certainly should be. I have no doubt it is now the law.

Mr. HOAR. I dare say it is; but it will not do any harm to add it.

Mr. BECK. We submitted all these provisions to the chairman of the Committee on the Judiciary [Mr. EDMUNDS] and the Senator from Missouri [Mr. VEST], who took charge of the matter on behalf of the Committee on Public Buildings and Grounds, and after a great deal of consultation between them and careful examination they reported that this clause contained every requisite provision. I supposed the Attorney-General or some judicial officer was required to do this; but in order to be very sure the committee thought it better to have the chairman of the Judiciary Committee and the gentleman in charge of such matters in the Committee on Public Buildings and Grounds examine it carefully.

Mr. HARRIS. I should like to hear what is going on over on the other side of the Chamber.

Mr. MANDERSON. As to the condemnation or acquiring of the land for post-office purposes, the officer of the Attorney-General's Office who does legal duty for the Post-Office Department might act in that capacity; but in acquiring land for the Government Printing Office I should be at a loss to know what officer should attend to it.

Mr. DAWES. For the sake of uniformity it would be well to adopt such an amendment as my colleague suggests, so that the Attorney-General should have the supervising care of the whole matter.

Mr. MANDERSON. That would be well. It would relieve us from embarrassment.

Mr. ALLISON. What is the amendment proposed?

Mr. DAWES. My colleague is preparing an amendment.

Mr. HOAR. This is written very hastily, but I think it will perhaps be satisfactory.

It shall be the duty of the Attorney-General of the United States to designate such of his assistants—

Different assistants for different cases—

as may be necessary, who, under his direction, shall represent the United States at any hearing required in this section, and give such advice or assistance as may be necessary to the several commissions herein provided for.

Mr. ALLISON. That will certainly cover the case.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be stated.

The SECRETARY. It is proposed to add:

It shall be the duty of the Attorney-General of the United States to designate such of his assistants as may be necessary, who, under his direction, shall represent the United States at any hearing required in this section, and give such advice or assistance as may be necessary to the several commissions herein provided for.

Mr. MANDERSON. I suggest to the Senator from Massachusetts to substitute "in any proceeding" instead of the words "at any hearing."

Mr. HOAR. That will do just as well. I will accept that.

The PRESIDENT *pro tempore*. The proposed modification as accepted will be reported.

The SECRETARY. It is proposed to amend the amendment offered, to come in at the end of section 2, by striking out the word "hearing" and inserting "proceeding;" so as to read "at any proceeding," etc.

Mr. HOAR. "In any proceeding."

Mr. VOORHEES. Is it in order to offer an amendment to that amendment?

The PRESIDENT *pro tempore*. Unless the Senator from Iowa for the committee accepts the amendment proposed by the Senator from Massachusetts, another amendment can not be received at this time.

Mr. HOAR. Let the Senator's amendment be read for information.

Mr. VOORHEES. I will state to the Senator from Massachusetts what I desire to attach. It comes very properly at the end of his amendment, and I think he will accept it. It is the provision of the bill passed providing for the purchase of the Library grounds, and reads as follows:

And provided further, That no money hereby appropriated shall be expended for the purchase of said land or any part thereof, or for the erection thereon of said Library building—

Those words, of course, could be left out—

until the legal opinion of the Attorney-General shall be had in favor of the validity of the title to said land.

Mr. HOAR. That does not touch my amendment at all, which is simply providing for the appearance of an assistant attorney-general. Let my amendment be acted on, and the Senator's amendment will then be in order.

Mr. VOORHEES. Very well.

Mr. ALLISON. I will say to the Senator from Indiana that that is the law now as applied to the matter. That is a general statute.

Mr. VOORHEES. I believe that is true.

Mr. ALLISON. And it would apply to this provision.

Mr. VOORHEES. I withdraw my suggestion. I read it for a double purpose. I desired to show the very great care exercised when we condemned the ground for the Library, and very great care was taken. I will inquire, as much for my own benefit as for the benefit of the Senator from Tennessee [Mr. HARRIS], who inquired as to it from his seat, "What is the ground that is proposed to be taken? Is it the ground west of the present Post-Office Department building?"

Mr. ALLISON. That is the ground. It is the square between Eighth and Ninth and E and F streets.

Mr. HARRIS. It is for the Post-Office Department and the city post-office?

Mr. ALLISON. It is for everything that the Government may need in that direction. We certainly need a building for the purposes of the Post-Office Department and for the city post-office, and also for many of the bureaus of the Interior Department.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts desires to have his amendment come in at the end and have it apply to all these provisions. If there be no objection, section 2 will be agreed to. The Secretary will proceed with the reading of the bill.

Mr. HOAR. Let it come in after the sections are read.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to insert as section 3:

SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the chairman of the Senate Committee on Printing, the chairman of the House Committee on Printing, the Architect of the Capitol Extension, and the Public Printer, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley running from G street to Jackson alley, said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired said board may direct that the 14-foot alley running from G street to Jackson alley shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may take proceedings for the condemnation thereof in the manner provided for in section 2 of this act.

Mr. HOAR. I would like to ask the chairman of the Committee on Appropriations whether the members of this board are civil officers? They have the power of condemning land and the duty of acquiring land. If they are civil officers it is not competent by law to make Senators and Representatives members of the board; and I confess (though I do not desire to interfere with this matter so far as it has been thoroughly considered) that I do not myself very much like the habit, if it has ever become a habit, to have Senators associated with other public officers in duties which are in their nature executive. I do not think it is quite in conformity with the relations the legislative department ought to maintain toward the rest of the Government.

Mr. ALLISON. I quite agree with the Senator from Massachusetts, and therefore I think the best way probably is that the chairman of of the Senate Committee on Printing and the chairman of the House Committee on Printing should act together. I therefore suggest to strike out all the rest and leave the two chairmen of the Committees on Printing to examine the plan submitted. Unless the Senator from Nebraska has some objection I will make that modification.

Mr. MANDERSON. I certainly have no objection, although as the chairman of the Senate Committee on Printing I would be very glad to be excused from the performance of this duty and let the executive officers attend to it. I am not so particular, Mr. President, as to how the result may be accomplished as that it may be accomplished. The necessity for the enlargement of the Public Printing Office is one that is very great. The present building is crowded beyond its capacity, and it is notorious that it is unsafe for the purposes for which it was constructed. Great care must be exercised in placing within it new and improved machinery and in the storage of the property of the Government that there should not be great loss of life because of the insecurity of the building.

The Committee on Printing have frequently urged, and the Public Printer has heretofore urged, the necessity for more space and that the present building should be finally replaced by a structure that should be more solid and should be substantially fire-proof. As it is we feel a constant sense of fear that there may be some terrible disaster or tragedy resulting from the present condition of the building.

So far as the board is concerned, I care not how it may be constituted. I can see the force of the objection made by the Senator from Massachusetts [Mr. HOAR]; yet I would like very much if, in addition to the chairman of the Senate Committee on Printing and the chairman of the House Committee on Printing, there could be some third officer so as to make a board of three.

Mr. HOAR. The question then remains whether this is an executive office. Here is a duty imposed upon these gentlemen in their official capacity as members of the Senate by statute, and their judgment is to be an essential preliminary fact to the divesting of property from individuals and vesting it in the Government; and it does seem to me, with great deference, that it is a question whether we have the right to do so. We have authorized the chairmen of committees of this body to select architects or artists for some public work; for instance, the chairman of the Committee on the Library, two or three times. I should think that it would be better policy to leave out the two committees, or the chairmen of those committees altogether, under the Constitution.

Mr. EVARTS. Mr. President, the clause of the Constitution is very determinate, as it seems to me, and has its operation upon the members of the two Houses:

And no person holding any office under the United States shall be a member of either House during his continuance in office.

So, *e converso*, no Senator or Representative can take an office without vacating his place in the Senate or House. Now, it would be hardly worth while for this Senator and this Member of the House of Representatives to lose his place in Congress under the Constitution by undertaking to do this work which would be an office; nor is it worth while, as it seems to me, to be at all disposed to draw a line between a function and an office, to say that it is not an office, but is a function, when the description really attributes to it what belongs to executive functions.

I understand this board is really vested with the business in law of proceeding to condemn property.

Mr. HARRIS. I do not hear the Senator from New York distinctly. Does he hold that the imposition of this duty upon the chairman of the Committee on Printing is the creation of an office?

Mr. EVARTS. The point I suggest, if the Senator will appreciate it, is that this is in the nature of an official act. It is a board made up of persons having official authority to proceed to condemn property. It is not the mere act of advice of a Senator in regard to a casual opera-

tion, such as approving a picture or a piece of art that is presented. That can hardly be called an office or an executive act in the least.

Mr. HARRIS. It is something outside of legislative duties, as I understand the Senator.

Mr. EVARTS. No, not necessarily outside of the legislative duty, because it is a part of the action of Congress under the statutes. In the case that I have supposed it is a part of the action of Congress in proceeding to do what it as a Congress is entitled to do, and in that way in the Committee on the Library or in any other proper depository the discretion is authorized, on its approval, to execute a law which has been passed or is to be passed. The difficulty here seems to be that it rather leaves to an argumentative discrimination as to whether this is an office, when really it is a function that is of a serious and definite and responsible character in an executive function. I do not like to see questions raised as to whether members of Congress are or are not engaged in an executive function as distinguished from holding an office which the Constitution has prohibited.

Mr. MANDERSON. Mr. President, I think, in the face of these suggestions, which I confess strike me most forcibly, and in view of the further fact that the chairman of the Senate Committee on Printing would be very glad not to perform this duty, it would be well for the Committee on Appropriations to consider the wisdom of an amendment making this board to consist of the Secretary of the Treasury, the Architect of the Capitol Extension, and the Public Printer. I say "the Secretary of the Treasury" for the reason that that high official seems to come in more direct contact with the Public Printer than any other of the officers of the Cabinet, and I think perhaps there is not so much for him to do in the way of duties of that character as the Secretary of the Interior.

Mr. ALLISON. I think it would be better to provide that the Secretary of the Treasury, the Secretary of the Interior, and the Public Printer should constitute the board. Then we shall have two responsible Cabinet officers.

Mr. MANDERSON. I see no possible objection to that, unless my colleagues of the Printing Committee do.

Mr. HARRIS. You wish to retain the Architect of the Capitol, I suppose?

Mr. ALLISON. I would take the Cabinet officers. I have no objection at all to the Architect of the Capitol, but I think three enough. If, however, the Senator prefers, I will say "the Architect of the Capitol Extension" instead of "the Public Printer."

Mr. BECK. That is better.

Mr. HARRIS. Very well, retain him.

Mr. ALLISON. Then I move to strike out, in line 14, all after the word "office," down to and including the words "Public Printer," in line 17, and to insert in lieu thereof:

The Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension.

Mr. HOAR. May I ask the Senator from Iowa what the correct description of this officer is? I see it is the "Architect of the Capitol Extension." He is commonly called the "Architect of the Capitol."

Mr. ALLISON. "Architect of the Capitol Extension" is his designation.

Mr. MANDERSON. I see no possible objection to that amendment.

Mr. ALLISON. Then I move that as an amendment to the amendment of the committee.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 3, page 124, lines 14, 15, and 16, it is proposed to strike out "chairman of the Senate Committee on Printing, the chairman of the House Committee on Printing;" and in line 17, to strike out the words "and the Public Printer;" and change the clause so as to read:

That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HAWLEY. I wish to say just one word about that matter before it passes from the Senate. My colleague upon the Committee on Printing [Mr. MANDERSON] referred to the fact that property of great value was exposed to fire. We had an estimate made three years ago that there is about $1,000,000 of destructible personal property there exposed in a building not well constructed, a building rather unusually exposed to fire. I wish to put in the RECORD here that about that time, three years ago, Congress put in a bill—I think in the sundry civil bill—a provision giving $7,000, or about that, that the Public Printer should put into that building automatic fire-apparatus, for there are several patents in general use by manufacturers in the country and there are several which are approved by manufacturers and mutual insurance companies, where pipes run through a building with sprinklers every 30 feet, held by an alloy fusible at one hundred and thirty or one hundred and forty degrees, which alloy, upon being heated by the fire, breaking out, lets the sprinkler loose, and extinguishes the fire. I think there have been probably two hundred fires in New England factories, and I do not think the damage from the whole of them will amount to more than $20,000 or $30,000 in the aggregate. The Public Printer has used his discretion to put these pipes up only partially. I felt the whole time as if he had virtually disobeyed the action of Congress. I am not sure whether the language of absolute direction was used or not; I can not say positively; but it was the intention of the Committee on Printing that he should consider it a direction.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert as section 4:

SEC. 4. For the establishment of a zoological park in the District of Columbia, $200,000, to be expended under and in accordance with the provisions following, that is to say:

That in order to establish a zoological park in the District of Columbia, for the advancement of science and the instruction and recreation of the people, a commission shall be constituted, composed of three persons, namely, the Secretary of the Interior, the president of the board of commissioners of the District of Columbia, and the Secretary of the Smithsonian Institution, which shall be known and designated as the commission for the establishment of a zoological park.

That the said commission is hereby authorized and directed to make an inspection of the country along Rock Creek, beginning at the point on that creek where the Woodley road crosses said creek, and extending upward along its course to where said creek is crossed by the Klingle road, and to select from that district of country such a tract of land, of not less than 100 acres, which shall include a section of the creek, as said commission shall deem to be suitable and appropriate for a zoological park.

That the said commission shall cause to be made a careful map of said zoological park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, and the said map shall be filed and recorded in the public records of the District of Columbia; and from and after that date the several tracts and parcels of land embraced in such zoological park shall be held as condemned for public uses, subject to the payment of just compensation, to be determined by the said commission and approved by the President of the United States, provided that such compensation be accepted by the owner or owners of the several parcels of land.

That if the said commission shall be unable to purchase any portion of the land so selected and condemned within thirty days after such condemnation, by agreement with the respective owners, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land, and said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, and his, her, or their residences, as far as the same can be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land and to ascertain and assess the value of the land so selected and condemned by appointing three commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the values of such land are thus ascertained, said values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said lands.

That when the said commission shall have obtained the land for a zoological park, as herein provided, it shall have power to lay out the same as a park and to erect such building or buildings thereon as may be necessary for the scientific purposes to which the park is dedicated and proper for the custody, care, and exhibition of a collection of animals.

That when the said commission shall have established a zoological park in the District of Columbia under the provisions of this section, by acquiring the necessary lands and by laying out the same as a park, and by the erection of the necessary buildings thereon, it shall be the duty of said commission to turn over the said zoological park, with all its buildings and appurtenances, to the custody and care of the Regents of the Smithsonian Institution; and when such transfer of the custody and care of the zoological park shall be made, the duties of said commission shall cease and its existence terminate.

That when said commission shall tender to the Regents of the Smithsonian Institution the care and custody of the zoological park provided for in this section, the Regents of the Smithsonian Institution are hereby authorized to assume the care and custody of the same; and the said Regents of the Smithsonian Institution are hereby authorized to make such rules and regulations for the management of the park, and of the property, appurtenances, and collections of the park, as they may deem necessary and wise to secure the use of the same for the advancement of science and the instruction and recreation of the people.

That the said commission is hereby authorized to call upon the Superintendent of the Coast and Geodetic Survey, or the Director of the Geological Survey, to make such surveys as may be necessary to carry into effect the provisions of this section; and the said officers are hereby authorized and required to make such surveys under the direction of said commission.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment that was passed over will now be read.

The Chief Clerk read the amendment reported by the Committee on Appropriations, on page 49, after line 19, to insert:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887.

Mr. BERRY. When the amendment now under consideration was reached yesterday I asked the Senator from Iowa [Mr. ALLISON] to state why the salary of Professor Baird had not been previously paid. He referred me to the report of the committee, and especially to a statement made by the Senator from Vermont [Mr. EDMUNDS]. I have carefully examined that statement, and find the facts to be about as follows: In February, 1871, there was an act of Congress passed providing that the President, by and with the advice and consent of the Senate, should appoint from the civil officers or employés of the Government a Commissioner of Fish and Fisheries, and it was especially and particularly provided in the act that he should receive no additional salary. It is stated in the report that Professor Baird at that time was assistant secretary of the Smithsonian Institution. He was appointed as such commissioner.

It is stated in this report that he was not an officer or employé of the

Government at the time of this appointment, and, therefore, that the question of a double salary, which is prohibited by the statute, could not apply. If he was not an officer or an employé of the Government, then he was appointed contrary to the provisions of the act of Congress, because the act specially provided that the commissioner should be a civil officer or employé of the Government. It is stated in the report also that subsequently to that time additional duties were imposed upon the Commissioner of Fish and Fisheries, and it is stated and I admit that Professor Baird performed the duties successfully and well for the period of about fifteen and a half years.

At no time during his life did he ever apply for any salary for acting as Fish Commissioner. It is further stated in the report that he occupied and used two rooms in his private dwelling as an office for the purpose of discharging the duties pertaining to this commission; and it is also stated that a reasonable rental for those rooms, or rather, if they were paid for as the Government usually pays for renting property in this city, they would have been worth probably $1,500 a year.

The Senator from Vermont [Mr. EDMUNDS] says that this is not a private claim. I submit, Mr. President, that if Professor Baird had a claim against the Government for rent paid for the Government, then it should be presented as a claim, and it ought to go to the Committee on Claims, and there be reported to the Senate and take the usual course of any other claim.

Mr. HARRIS. I wish to ask the Senator from Arkansas if his investigation has enabled him to inform the Senate what salary Professor Baird received as Secretary of the Smithsonian Institution; and if he is not able to answer, then I should be glad to have the chairman of the Committee on Appropriations or some other Senator give that information.

Mr. BERRY. I am able to answer that. He received a salary of $6,000 per annum as Secretary of the Smithsonian Institution; that was the sum he received in that capacity from the time of his appointment in 1878 until his death in 1887.

As I was stating, if this is a claim against the Government, either for salary or for house rent, then it ought to take the usual course of claims and ought not to be placed on this sundry civil bill. The Senator from Vermont, however, in his statement says that it is not a claim; he says that it is "a miscellaneous donation;" and because it is a miscellaneous donation, Mr. President, I am opposed to it. If the Government is indebted to Professor Baird, then the Government ought to pay whatever it owes him; but if this is a donation, miscellaneous or otherwise, as stated by the Senator from Vermont, then I submit that we have no right to make it.

The money in the Treasury of the United States comes from taxes collected from the people. The money is collected for public purposes, not for private purposes. It is collected by authority of the Constitution, which authorizes it to be collected to pay public debts, to provide for the common defense and the general welfare, and if it is to be treated as a fund which belongs simply to members of Congress to donate to whomsoever they may think worthy and deserving, then it simply becomes a question as to what persons can bring the most influence to bear on these two Houses in order to receive that donation.

If the Senator from Vermont is correct when he says this is a donation, then Congress has no right to donate the money. If it is a private claim or debt, then it has no business upon this appropriation bill.

I submit, furthermore, that when the law expressly provided that no salary should be paid, when for fifteen years Professor Baird made no claim for salary, it can be nothing else than an absolute donation or gift to Professor Baird's widow. If he was not willing to perform those duties without salary, if it was intended that eventually the Government should be called upon to pay a salary, then it ought to have been stated in the act of Congress under which he was appointed, and we ought not to have been misled by saying that no salary should be paid and now come in with a claim of $50,000 as salary.

If it is true that he was not an officer of the Government, if he was not an employé of the Government, then he was appointed in direct contradiction to and in the face of the statute which provided for this appointment. If he was such officer, then he was receiving a salary of $6,000 a year, and I care not whether it was paid by the Government or paid by the Smithsonian Institution. There is a general statute which says that no officer employed by the Government shall be paid a double salary; and in either case this can not be paid.

I have no doubt Professor Baird performed the duties attending the position which he held with great fidelity; I have no doubt his widow is a worthy lady; but I insist if he has no claim, if we do not owe him this money, Congress has no right to make an appropriation to give her this money.

Another thing: If this is a donation or gift, why shall it be put upon the sundry civil bill, a general appropriation bill? It may be held, and the President of the United States may conclude, that Congress has no right to donate the public money; he may take that view of it, that his oath of office and the Constitution of the United States require him not to sign a bill which is a mere gift, as the Senator from Vermont says this is. If that be true, then you propose to put upon a general appropriation bill and force him either to approve that which his conscience does not approve, or to veto one of the general appropriation bills of this session of Congress. That, it seems to me, ought to be a sufficient objection to putting it upon this appropriation bill. If there is a just and valid claim either for rent or for salary let it go to the Committee on Claims and let it take its chances with every other claim that comes before this body, and not seek upon this general appropriation bill to give $50,000 of the money which we have no right to give, which does not belong to us, which the Constitution does not authorize us to give. If we do not owe the money then it is simply a gift and can be nothing more and nothing less.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment proposed by the Committee on Appropriations. Is the Senate ready for the question?

Mr. REAGAN. Mr. President, I knew Professor Baird very well during his lifetime and respected him very greatly, and I take it that no one knew him but did respect him and respects his memory; and in what I shall say I shall bear in mind the great value of his services and his worth as a citizen and as a man.

This amendment proposes to give his widow $50,000 in consideration of services rendered by Professor Baird to the Government. The question is raised whether he was an officer of the Government of the United States in his capacity as Secretary of the Smithsonian Institution. By the act of Congress of 1846 for the organization of the Smithsonian Institution, it is provided that a Secretary shall be appointed. It does not specify what his compensation shall be, and I understand that his compensation has been paid out of the fund arising from the interest on the donation given by Mr. Smithson. So, while he was not compensated out of the public Treasury, he was appointed under an act of Congress. I do not know whether that would preclude his right to receive an additional salary or not, and it is not material, in the view I take of the question, whether it would or not.

In Europe, under Great Britain, Germany, and other governments, we find large appropriations made for individuals out of the public treasury. The amounts paid annually out of the public treasury of Great Britain to the royal family go up into millions, because it is the policy of that country to maintain royalty and to maintain an aristocracy. In this country it has not until lately been any part of our policy. We are gradually drifting into the policy of creating an aristocracy supported out of the Treasury, who render no service and who are paid at the expense of other people. I do not wish to see this go further than it has already gone if it can be arrested. I do not think there is any hope of arresting it, for the tendency for a good many years past has been not only to build up a central republic, but to build up with it by class legislation an aristocracy. Any person watching the operations of the Government can not fail to see that this is the drift of the Government, to centralism and to an aristocracy, besides general privileged classes.

Professor Baird was not a very great sufferer. From 1878 to 1887, a period of nine years and three months, he was receiving a salary of $6,000 a year, aggregating $55,500, that he received during that period as Secretary of the Smithsonian Institution. Previous to 1878 he received a salary of $2,500 a year as assistant secretary.

If it is thought that his services as Fish Commissioner merit additional compensation to that which he received for the services which he rendered as Secretary of the Smithsonian Institution, I would not object to a reasonable appropriation, if it can be lawfully made; but when it comes to adding $3,333 extra compensation annually for fifteen successive years, making $50,000 more to his compensation, it seems to me that it is going too far. That is what it would be; $3,333 a year for fifteen years in order to get $50,000 after his having received $55,500 during that same period. Unless the committee sees proper to modify and to reduce this amount to a reasonable compensation I shall vote against its adoption; and while I do not wish to raise a question of order upon this amendment unless they do so, I shall raise a question of order under Rule XVI, which provides:

> And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

This amendment does not come under the authority of either of those provisions. I take it that being reported by the Committee on Appropriations is not a compliance with the meaning and purpose of that part of the rule which says:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

This evidently shows that the rule means that some other committee shall recommend it to the Committee on Appropriations; but if that view were not sustainable, then under the fourth clause I think the amendment would clearly not be allowable, which clause provides that:

> 4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

This is purely a private claim in the nature of a relief bill, and, as suggested by the Senator from Arkansas [Mr. BERRY], a donation by the Government. It has not been estimated for by any Department that I am aware of. It does not arise under any law or under any treaty, and is not therefore receivable.

I said that I did not propose to ask the President of the Senate to rule upon the point of order unless the committee refuse to make a reduction so as to make a reasonable allowance to the widow of Professor Baird for the services he rendered as Fish Commissioner. If they will put the sum at $10,000, or even at $15,000, I will not oppose it if there is authority for the passage of such a bill, as to which question I hardly feel prepared to determine now, because I do not know whether his being appointed under an act of Congress and compensated out of the Smithsonian fund would constitute him an officer of the Government receiving salary so as to preclude the payment of another salary. As I have doubt on that subject, and as I know that Professor Baird rendered most valuable services to the Government while he was receiving a large salary for other services, still I will not object to voting $10,000 or $15,000 to his widow.

Mr. CULLOM. I am inclined to think myself that the sum specified in the committee's amendment is too large. I appreciate the services of Professor Baird to this country and to the world very greatly, but it seems to me that the sum of $50,000 is too much money, and I should be inclined to propose an amendment to the amendment of the Committee on Appropriations reducing the amount to $25,000.

Mr. HARRIS. Mr. President, I suppose there is no Senator on this floor who did not appreciate very highly the ability, the patriotism, and the public services of Professor Baird. It does not matter, however, to me how the question may be decided as to whether he was or was not technically an officer of the Government. It is certainly true that he accepted a public service. He accepted it on terms satisfactory to himself. He rendered the service in a way eminently satisfactory to the country, and he received the salary for which he agreed to render it.

After his death, to appeal to the sympathies of the two Houses of Congress to donate to his widow or to his estate the sum of $50,000, or $25,000 as suggested by the Senator from Illinois, or any other sum, is a precedent to which I do not intend to commit myself. It is wrong in principle. It is a precedent that will return to haunt us for every day and every year that we may continue here. I shall vote against the amendment in any form it may be presented.

Mr. CALL. Mr. President, I take it that it will not be disputed that every act of legislation to be justified must be based upon some public policy, or it must be in the line of some wise and reasonable public policy. Suppose we examine the proposition of the Senator from Tennessee, and the Senator from Texas, and the Senator from Arkansas in the light of this truth. What is the proposition, and what is the public policy which they avow upon this floor as the foundation of their action here?

It is to discourage all devotion to the public service, superior merit, and disinterestedness. A man may serve the country faithfully, he may be a great public benefactor, as Professor Baird was; he may give his services to the Government and the people as a benefactor, and those services are not to be measured by the gratitude of the people and the value to the world and to his country, but by the idea that he did not drive a hard bargain with the Government; that he was disinterested in his devotion to the public service; that, like Shylock the Jew, he must make a contract and take the pound literally, and take it as his pay.

Mr. President, governments are not based upon the idea of contracting for services. They act with the power of the law and of command, and they compensate according to the service rendered. There is no other correct principle upon which to found our action.

The public policy of every government must be to encourage eminent virtue, eminent ability. And how encourage it? By refusing to reward it? By saying that this man's wife shall be left in comparative destitution after he devoted his life and gave the service of his house to the Government, giving to the Government the offices in which these duties were performed for fifteen years, which is in itself, I am told, very nearly worth, at the price the Government is paying rent in this city, the amount proposed to be given to this man, who devoted himself to what? To enlarging the field of subsistence, the food supply of mankind. He gave his nights and his days, and it is said lost his life at a comparatively early age from the severity and continuousness of his labor.

Because he refused to receive compensation and gave this service voluntarily we are told that the public policy and safe precedent forbid that we should be generous and liberal to those whom he has left behind; that is, that we shall say to everybody: Our public policy is to discourage and to censure and to punish the man who exhibits superior capacity, superior morality, devotion, and disinterestedness in the country's service.

Mr. President, there never was and there never will be a government, and there ought not to be a government, that is based upon such principles and such a policy.

Mr. CULLOM. I move, in line 22, to strike out the word "fifty," before "thousand," and to insert "twenty-five," if the amendment is in order.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois to the amendment of the Committee on Appropriations will be stated.

Mr. CULLOM. I ask the chairman of the committee whether he will not accept the amendment I propose?

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 49, line 22, in the amendment of the Committee on Appropriations, it is proposed to strike out "fifty" and insert "twenty-five;" so as to read "$25,000."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois to the amendment of the Committee on Appropriations.

Mr. ALLISON. If it is the general sense of the Senate that the sum of $50,000 is too large, I shall yield, of course, to that judgment. I shall be glad if the sense of the Senate will be that some sum is equitably and fairly due to the widow of Professor Baird. He certainly performed very eminent service, and I do not think that he was, in the sense stated by the Senator from Tennessee and others, an employé of the Government. He received his compensation from and his services were rendered for an institution founded by a person not a citizen of our own country.

His salary was paid from the Smithsonian fund and was not appropriated from the Treasury. He devoted the years of his life from 1871 largely to this service, and, as has been stated by the Senator from Florida, he not only did that, but contributed what others would have charged a considerable sum for annually, namely, the place where the work of the Fish Commission was done. I think Professor Baird's services deserve some recognition at the hands of Congress.

Mr. HARRIS. Will the Senator from Iowa allow me to ask him if he holds that the Government owes to the estate of Professor Baird a debt?

Mr. ALLISON. If the Government could be sued as a citizen could be sued in the courts, it is probable that Professor Baird's representatives could not recover from the Government for the service, because he never made any charge for the service or pretended to do so.

Mr. HARRIS. Will the Senator allow me to ask him if he does not recognize the amendment as proposing to take out of the Treasury and donate in the form of a gift in recognition of distinguished services the amount of money proposed to be appropriated?

Mr. ALLISON. Practically that is just what it does.

Mr. HARRIS. That is what I know.

Mr. ALLISON. It proposes to give a sum of money for distinguished services rendered to our Government and to our people and to mankind without compensation. Somebody has said that he is a public benefactor who makes two blades of grass grow where one grew before. Professor Baird made thousands of fish grow where only one grew before, and he rendered in that scientific work of his a service, not only to our own country, but to every country on the globe, which deserves the recognition of some government, and I think it is a small recognition to give him the sum proposed by the report of the Senate Committee on Appropriations.

Mr. HARRIS. If the Senator will allow me to ask him one other question, I will promise to ask no more. I am charmed with the frankness of the answers of the Senator. My question is this, and it is a pretty broad one: Does the Senator from Iowa hold that we have the constitutional power to levy and collect taxes and donate the money so collected to any object that we may think meritorious?

Mr. ALLISON. The constitutional question I prefer not to argue just now. I could cite numerous precedents where we have done a great many things in that direction.

Mr. HARRIS. I have no respect for those. I want the opinion of the Senator from Iowa as to the constitutional question.

Mr. STEWART I should like in this connection to ask the Senator from Tennessee a question.

Mr. HARRIS. I am very ready to answer any question the Senator from Nevada desires to ask me.

Mr. STEWART. Does not the Senator think that the Government of the United States is under the same moral obligation to pay for beneficial services rendered that an individual would be where the services were rendered without a contract, or where for some technical reason no recovery could be had?

Mr. HARRIS. I commenced my inquiry by asking if the Government owed a debt, and that certainly meant whether by express or implied contract. The answer was that it did not. The second answer was that this was a donation. The Senator can deal with that question as he pleases. If the Government owes a debt, no matter whether by express or implied contract, no Senator would go further in the direction of paying it than I would; but I am not here to make donations.

Mr. STEWART. If the Senator means by a debt only such matter as can be collected in a court, then we had better abolish the Committee on Claims and all other committees which are here daily considering equitable claims, claims which appeal to the conscience of the Government where services have been rendered and the party has not been compensated. I understand that Congress has regarded itself from

time immemorial as a kind of court of chancery to consider claims against the Government which could not be recognized, which the Government does not regard as legal obligations, and Congress will not delegate to any tribunal the power to enforce them, but it has been in the habit during all the time it has been constituted to consider claims of an equitable character. It seems to me that when a man voluntarily, without compensation, renders services of the great value that this man did, to say that he should not be compensated, that it did not raise an equitable obligation which Congress should consider, is to repudiate all considerations of equitable claims in Congress.

It seems to me that the services in this case were meritorious according to any idea I can conceive of, and that they were vastly more valuable than $50,000. They were rendered through years of diligent service by an eminent man who was not in the habit of driving hard bargains, but who was devoted to his country, and who developed a great industry. The Government and the people have had the advantage of his services. It appears to me that the Government would be very unmindful of its duties and obligations to its citizens if it would not reward such services as these.

Mr. BLAIR. I should like to ask the Senator from Tennessee a question. I ask him where he finds the constitutional power for the Government to pay the expenses of burying a dead Senator who dies at home in vacation?

Mr. HARRIS. I do not know that I can find that at all; I find a thousand things done that I regret to see. The records bristle with unconstitutional usurpations of power. I regret that it is so.

Mr. BLAIR. Does the Senator think that an assumption of unconstitutional power?

Mr. HARRIS. I am not prepared to say that I do or that I do not, because I have not looked narrowly to that question; but does the Senator from New Hampshire hold this to be a debt to Professor Baird?

Mr. BLAIR. I do not know the circumstances of the case.

Mr. HARRIS. I suppose not.

Mr. BLAIR. I have been present only a few moments during the discussion; but from what I know of Professor Baird and his work I think we should give $25,000 if there is any want on the part of his family, and I would give it in the same way that I think it is essential that the Government of the United States shall be empowered to do a decent and fair thing, exactly as much so as an individual citizen.

Mr. SPOONER. I ask leave to submit an amendment which I intend to offer to the pending bill, the amendment providing for the erection of a public building at Canton, Ohio. I move that it be referred, without printing, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. SPOONER. I submit an amendment to the pending bill for the erection of a public building at Atchison, Kans., which I move be referred, without printing, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. SPOONER. I submit also an amendment to the pending bill for the erection of a public building at Staunton, Va., which I move be referred, without printing, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. HOAR. Mr. President, the case is exactly this: A citizen of a foreign country made a munificent donation to the people of the United States for the advancement of science, and a distinguished man whose life had been devoted to natural science was appointed to administer that fund, and was paid for it. He gave one man's full work, in the prime of life, when he was at his best in body and intellect. He received from that fund a moderate salary, a salary probably not a tenth part of what he could have commanded by giving his scientific attainments to the service of manufacturing or railroad or other business interests. He was one of the great men of his day. Being paid for his services to science not by a salary but by simply having rendered them, that account was made up. But in addition to one man's work he did voluntarily and without compensation in the service of this people the full work of two men more. He originated, organized, administered the great National Museum, and he rendered in that a service which as business men pay business agents would not have been half compensated by any salary like that which he was receiving as Secretary of the Smithsonian Institution.

In addition to that he originated and executed experiments and scientific work, the result of which by the common consent of all men conversant with the subject is to be that it will be much easier not only to supply the present generation of Americans with healthful, abundant, and cheap food, but he has shown us how to support and feed the hundreds of millions who are to come to this continent from all parts of the world and who are to be born here for generations upon generations to come. That was a gratuity. That was the greatest benefaction, with very few exceptions if with any exception, which God has given it to any human being in our day to render to his kind.

I wish I could have the attention of the Senate for a moment. I think I have something to say which is worth while for my honorable friends to hear, if they will do me the great favor to listen. I say that this man in devising and executing successfully these experiments has not only furnished our generation with a cheap and abundant food, but has made it possible hereafter, in all probability, unless the judgment of scientific men is mistaken, to feed amply and cheaply the hundreds upon hundreds of millions who are to people this continent in no remote future.

In rendering that benefit to us and to future time this man sacrificed his life. After a full day's work in his other office he devoted, without vacation, without rest, without pause, spring, summer, autumn, and winter, the year through, every hour, every minute, every second which he could snatch from his sleep. In rendering that service the strong, vigorous brain and body broke down. Professor Baird gave his life in rendering this service to mankind in the very prime and glory of his great intellect and his great physical frame just as certainly as any soldier ever gave his life on the field of battle.

Mr. President, I do not believe that the American people have such a constitution of government that there is nobody authorized so far to express the gratitude of the American people for that illustrious service as to make a decent provision for the widow that shall not come from private charity. If the American Congress can not do this thing the result is it can not be done on this continent. If the authority is not vested in these Chambers it is not vested anywhere.

This was not a service to the State of Tennessee or to the State of Massachusetts; it was a service to the United States of America; and we have the same constitutional right to see that when this man gave his life for us in this way without asking terms, without demanding compensation, without thinking of pay, that at least there shall be some little pittance which shall save his wife and his daughter from the almshouse.

I want to know if on the narrowest construction of the terms it is not for the general welfare to have it understood and to have a policy adopted that when men do these things they shall be compensated. When these things are done in other governments the man is raised to the peerage, vast tracts of land and vast funds are provided from the public treasury, and the family goes down for a thousand years, it goes down until it is extinct, honored and respected and raised above the rest of its fellow-citizens for the single service. Can we not do for the widow of Professor Baird a thousandth part as much as England has been doing for ten centuries for the race of some Norman robber who came over the sea with William the Conqueror?

It is for the general welfare that when men are sacrificing themselves in such services to this country they should at least know that the country has a power and a disposition which will not let their widows and their children go to the poorhouse.

We have done it a hundred times. A man in the Treasury a few years ago, after doing his duty as a clerk at a salary of $1,200 or $1,500 a year, devised some salary tables, which he worked on at night, and saved to the people who had to pay the vast number of salaries which are paid the labor of calculating in each one the fraction of a quarter, the fraction of a month, and the income tax, and all the deductions. We sent to the Court of Claims by the authority of this body last year that case, and the Senate passed for that little paltry year's service a bill within three or four weeks giving to that man $1,200 or $1,500, I do not remember exactly how much; the chairman of the Committee on Claims knows what compensation was given for that service.

Is it possible that we have a Constitution which has banished from this whole American continent, from the Atlantic to the Pacific, and from Canada to the Gulf, the power to be exercised anywhere of showing our gratitude to a national benefactor? Is the one supreme luxury which is given to the human soul, the luxury of gratitude, denied by our Constitution to this great American people? The Senator from Tennessee may believe it; I do not.

Would not the Senator from Tennessee vote for a monument to the memory of Professor Baird? Has he not voted for a hundred monuments to great soldiers and sailors of the war of the Revolution and of the later war?

Mr. HARRIS. He allowed the Senator from Massachusetts to vote for them.

Mr. HOAR. Who would like to see the monument to Professor Baird with the inscription of this splendid and magnificent service, paid for by the Congress of the United States, and then have it written on its reverse: "N. B. His wife and children died in the poor-house because the Senator from Tennessee did not think it constitutional to give them $25,000?"

Mr. EVARTS. Mr. President, I can not allow this item to pass without some notice from me. I certainly can not think that the Senator from Tennessee supposes that there is not lodged in the two Houses of Congress the power of disposing of money in the Treasury as the two Houses shall regard useful to the public interest. No court, if there were courts with strict authority to keep us within our duties, could say that an effort by a nation to recognize and compensate services of a citizen was *ultra vires* for the nation that had power to apply money to the public welfare. If the public welfare can be consulted in advance for what it will gain for public welfare, it can examine for itself

after the service has been performed, seeing whether it was not for the public welfare, and whether it is not for the public welfare that such services should be rewarded.

It is therefore a figure of speech to say that to a nation a debt is not a debt because it is one of gratitude, of duty, and of encouragement in the future as well as reward in the past, and that a debt of a nation is to be measured on a book-account debt and on proof in a *piepoudre* court.

Mr. President, I want to look at the situation relieved from everything but the most distinct and direct examination of the attitude of the family of Professor Baird to this nation upon what none dispute about as the facts of the situation. Professor Baird, it seems, notwithstanding great occupations and valuable and brilliant services to science and the world, was so in love with this industry that if he did not invent it he raised it from the condition of an amusement to that of the feeding of a nation. He would not let it go because he would serve his family, his name, his patriotism, and the welfare of this country. He knew, we knew, we now know, that if these years of service had been relinquished by Professor Baird there was nobody who would carry on with the same volume and the same rapidity the development of this affair as he did. When he has died, in the strength of his manhood, entitled to calculate upon as long a life and as enduring a health as any man who ever undertook the trust and services of life, when it is over and ends at the zenith, it is discovered that besides these double services the compensation received has every dollar of it been consumed in the support of himself and his wife and his daughter. In looking back at the record of the service, it is discovered that it had passed *sub silentio*, without the observation of this people or of Congress, that all this had been done by him without stipulating for payment or exacting compensation; and now it is said that when looking at the past we see that though these services might be done by the strong man in his life and his confidence in its endurance, in the actual situation of his death it has all been done at the expense of his wife and his daughter.

The nation looking at that can not say, "We might have accepted it from you, we might have endured it without being too careful of our own duties toward you;" but when we find at the end all that we are asked to do is to do afterward what would have been just to have done at the time, how are we to discharge that obligation and upon what direct proposition or consideration on both sides? Read the simple clause of the amendment of the committee in the bill:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, from February 25, 1871, to the time of his death, in August, 1887.

Supposing I will not say a munificent but a just employer, finding that his salaries had been punctually paid in the lifetime of his employé, had found in the calculation of opportunities of future provision for those dependent on him that he had been cut off, and it had been the habit to give extraordinary value to this employer's administration in his affairs, could he not without seeming to defraud any rightful claims upon him say, "I will now reckon up what is proper to be paid, not as a gift, not as a gratuity, not as a bounty, but in my own calculation of what I will have measured as a just satisfaction of these long enumerated and uncompensated services?"

It is thus, then, Mr. President, that we are absolutely free from any pretension that we have not the power under the Constitution of estimating services to the public welfare and fixing their compensation.

I must think, then, there is nothing left for us but to say, "As this was not done in advance and has passed long without recognition as needing compensation, it should be done now." It is too late, they say, for us, because there is no such relation of stipulation and obligation as to permit us to measure and compensate as we now see to be just.

Mr. CULLOM. Mr. President, I do not believe there is any Senator on this floor who appreciates more highly the very distinguished work of Professor Baird than I do. It so happened, by the favor of the Presiding Officer of the Senate, that I was thrown with him in connection with the administration of the affairs of the Smithsonian Institute, and thereby came to know more of his life and services than perhaps I should have been able to learn otherwise. I am ready to admit that when we come to attempt to make an estimate of what Professor Baird's services to the world and to this country especially have been we can not do so in dollars and cents.

When I offered the amendment a few minutes ago to reduce the appropriation from $50,000 to $25,000 I did it feeling that we should probably fail to do anything toward recognizing that great service, and for Mrs. Baird and the daughter, unless a smaller amount should be agreed upon than that which was proposed to be inserted in the bill by the Committee on Appropriations. Hence it was that I offered the amendment. I am ready to say now that so far as I am personally concerned I shall have no hesitation in voting for $50,000.

I believe that we have the power, in the first place, to do whatever in the judgment of the Congress of the United States is right to be done in the way of voting money to the widow and family of the late Professor Baird. I have no compunctions or doubts in my mind upon that question. But I am desirous that some appropriation shall be retained in the bill for the family of Professor Baird. It was with the feeling that there was doubt whether the provision as it was reported by the committee could be retained that I moved the amendment I did. I am willing now, if it is permitted by the Senate, to withdraw the amendment which I offered, and allow a vote to be taken upon the original amount before any amendment is offered, unless some other Senator shall see proper to offer one.

Mr. REAGAN. I wish the Senator would not withdraw the amendment, for I do not want to make the point of order and I can not consent to an appropriation of $50,000.

Mr. CULLOM. The Senator from Texas indicated that he desired to make a point of order. I am not prepared to say whether the President of the Senate would sustain the point of order. It was on account of the suggestion made by the Senator from Texas as well as the suggestion indicated by him that he would not make the point of order if a smaller amount was proposed that I came to the conclusion that it was best, all things considered, to move as I did to amend the amendment reported by the committee. As it is probable that some other Senator will renew it if I should withdraw it, it may be as well that I should let it stand and let the Senate vote on it. I do not therefore withdraw my amendment.

Mr. DAWES. Mr. President, there is one view of the case which I feel ought not to be lost sight of by the Senate when they come to vote upon this question.

The connection of Professor Baird with this matter dates earlier than the statute of 1871. Before there was any such office or any duties imposed upon any one with reference to this matter Professor Baird volunteered his services and came, as the Senator from Kentucky knows, to the Committee on Appropriations of the House and stated to them what his ideas were and what he thought was a possibility. He stated that if the Committee on Appropriations of the House would give him $5,000 he would devote his time without cost to the Government in experimenting to such an extent as to demonstrate the possibility of accomplishing something of value to the people of this country in the line of producing food fish, and $5,000 two years before the date of the law, when there was no law regulating it, was appropriated for that purpose.

When Professor Baird had demonstrated freely to his own satisfaction and everybody else's what he could do, he drew the statute, and that it might not appear that he was seeking a place of gain or profit to himself, but that it was solely in the interest of the poor people of this country, he said, "I do not ask anything for this work; I am willing to devote all the time I have left from my duties at the Smithsonian Institution to the work." Then the law was adopted.

He created an institution; he created the law governing it; and under it from $5,000 a year we have imposed upon the officer created by that law the disbursement of more than $100,000 a year. From one single station for hatching fish close by him here at the Smithsonian Institution he has been required by appropriations from time to time and by the duties of an office voluntarily taken upon him to establish stations all over the country, first, in the Lakes, then on the Pacific coast, down on the shores of Massachusetts and Maine, and down on the Southern waters. Everywhere where it was possible to make the experiment useful and demonstrate its possibility, the services of Professor Baird were required in the discharge of duties that he never could possibly have contemplated when he tendered his services.

Mr. HARRIS. Will the Senator from Massachusetts allow me? I believe the Senator from Massachusetts has been in one or the other of the Houses of Congress for the last eighteen or twenty years. If the Senator from Massachusetts regarded this service as meriting a higher degree of compensation than was being allowed and paid to that very distinguished and able official or person, whichever he may have been, why did not the Senator see that he was paid to the extent that his services merited?

Mr. DAWES. That is not an inquiry, it seems to me, becoming the Senator from Tennessee to make of me. I am showing what Professor Baird voluntarily took upon himself, and what we in addition, and beyond any possibility of a conception on his part, put upon him, and that without murmur or complaint or reference to the fact that the statute required it should be done for nothing, he willingly took the new burdens we imposed upon him until the end, seventeen years after it had grown up into an institution that no man could be procured to discharge the duties of for any such sum as we found it necessary after he died to affix to an office created to do just what he had been doing voluntarily, without requirement from anybody, for nothing. When he died the President found it impossible to procure any man under the description here from among the civil officers of the Government to discharge these duties. He tried the experiment of a distinguished officer of the Treasury Department, and he declined. He tried others, and they would not undertake the work. It was found necessary to seek an employé of the Smithsonian Institution to discharge these duties until an act could be passed Congress creating an office with a salary of $5,000 a year to do that which Professor Baird had done for nothing.

Now, because of the suggestion that it is quite within our province and our duty to compensate for the services of this office, is raised this queer constitutional question. As has been so forcibly said by my

colleague and the Senator from New York, we have been doing it daily. It occurs to me that we at one time took out of the Treasury a large sum and paid it to Professor Morton for the value, not only to the United States, but to mankind, of a discovery which he had made. Every day in a smaller way it is done. I believe in the legislative, executive, and judicial appropriation bill just passed there was a small appropriation which involved all this. A clerk in the Interior Department, a valuable clerk there, was sent by the Interior Department upon responsible duties in the far West, and there was no law by which he could draw anything but his meager salary in the Interior Department.

Without a word from anybody there was put into the legislative appropriation bill what the committee thought was a proper and a fair additional compensation to him for the increased duties and burdens imposed upon him. He had to disburse about $15,000. Professor Baird had to disburse and become personally responsible for $100,000 year after year for many years. Yet we can not find it in our power or in our disposition, one or the other, to recognize the value of services imposed upon a willing and enthusiastic servant of the people by the Congress of the United States, and we are unwilling to make fair and decent compensation to his representatives!

Mr. SPOONER. I offer two amendments to the pending bill and move that they be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. GORMAN. Mr. President, I should very much prefer that no case of this kind should come up for consideration, and except for the extraordinary circumstances surrounding it I would not be in favor of making an appropriation of this character. But unfortunately, and I think it is unfortunate, the parsimony of Congress in providing proper compensation for the valuable officers of this Government is almost a crime. There has not been a session I think since I have had the honor of a seat upon this floor when some case has not been presented where such injustice has been done the individual that provision was made for extra compensation for some officer of the Government.

There is no case that has ever been brought to my attention where the equities were so strong as in this case. As has been well said by other Senators, the services of Professor Baird excelled those of any other man in this generation. Not only did he perform the extra duties, as stated by the Senators from Massachusetts and New York, but I have the very best reason for believing that his own private property, the use of his own dwelling, was freely given to the Government in order that the great work he had in hand might go on.

In this very bill, and in every appropriation bill, I think, since I have been a member of the Senate, you have made provision for your officers who have performed not half the duty, to my best belief, and I say this with a full knowledge of the careful consideration which the chairman of the Committee on Appropriations gives to every item of this character. If there is any criticism on him and the members of the committee it is that they are too close, too parsimonious. In the very bill under consideration we have appropriated several thousand dollars for officers of our own body, men who have performed extraordinary duties and who are entitled to compensation. We required two or three of the most efficient clerks that we have in this body to give their time out of office hours to make an index and compile the records of the executive sessions from 1829 to the end of the Fortieth Congress, and it would have been cruel not to have compensated them for that work. Others who have compiled indices and papers for the Senate have been paid for it. Their compensation has not been so great in the aggregate as the amount proposed to be given in this case, but it has been equally as great, and indeed greater, when you compare the service that was rendered.

Therefore, Mr. President, in the committee and here I take great pleasure in saying that in my best judgment this is a proper appropriation to be made, and I shall vote for it with great pleasure.

Mr. BECK. Mr. President, I agreed to this appropriation in the committee very cheerfully. I did so, perhaps, because I was as familiar with the great work performed by Professor Baird from the beginning as most men. When Congress first began to investigate the questions as to the cause of the decrease of food-fishes in this country it was an experiment; a small appropriation was made, as the Senator from Massachusetts [Mr. DAWES] very well said, to see what could be done.

Professor Baird was an employé of the Smithsonian Institution, drawing from it the only salary he received, it being a scientific institution, established by Mr. Smithson for the purpose of diffusing knowledge among men. We knew that Professor Baird was the best man to do the work, and he was willing to help us develop it and see what could be done in that direction, and he did it cheerfully.

Two years afterwards Congress passed a law largely extending his duties, labors, and responsibilities. The experiment was progressing satisfactorily; nobody could do the work but Professor Baird. Congress was anxiously looking to see the development, often without making the proper appropriations to carry it on. In fact, it grew up as many things have done, as the Signal Service grew up, and as very many of the great institutions here have grown into great importance from small beginnings, from experiments to established facts, so the Fish Commission kept on progressing until it became one of the great institutions of the country.

While many leading men in both Houses were doubting whether it would be a success, Professor Baird was entirely confident that it would be, and he went on developing by his experiments that it would be, proving it by results year by year, until it became assured.

In the mean time I know, as the Senator from Massachusetts knows, for I visited his house time and again when we were working together in the House of Representatives, that Professor Baird was living in a plain house on New York Avenue, plenty big enough for him and his family, for it was a small one and an unpretentious one, but he carried the clerks of the Fish Commission, our employés for whom we were bound to provide, to his own house, furnished them with work rooms for nothing, and when the work increased so that it could not be done there, using, as his statement and that of Senator EDMUNDS shows, in large part the money which belonged to his wife, inherited from her father, he built a house on Massachusetts Avenue, and used the basement and other rooms of that building for our employés to do our work, not only charging no rent, but furnishing fuel, lights, and everything needed to carry it on. Afterwards, at an expense of thousands of dollars, which he had no sort of need to expend on his own account or for the comfort of his family, he added to his house for the purpose of better and more effectually carrying on the work of the Fish Commission. In short, he actually spent for the Government, if only moderate rent and actual costs, without interest, is allowed, more than half the amount now proposed to be restored to his family in this bill.

I need not tell Senators what Professor Baird did. They know it. The country knows it. I remember his coming to the Appropriations Committee-room one day after he had proved how most of the different varieties of fish could be hatched and where they could be most advantageously distributed, with a new discovery of which he was very proud—one of the best of our food fishes they had never before been able to produce by artificial means. It was the Chesapeake or North Carolina rock bass. Many experiments had been failures because of not knowing exactly how to rock its cradle. He had finally had it worked out and brought in a glass case, which he carried with great care, to the Committee on Appropriations a lot of young rock which he was developing. The development of that fish alone artificially was worth millions to this country. So it was with other varieties—with the white fish of the lakes and the salmon, the trout and the carp, which are now circulated all over the country. All that work was developed under him. He carried on experiments along the New England coast for years to increase the supply of cod-fish. When he had established the commission on that coast and men went to visit the works and he sought to induce gentlemen to visit them and take interest in the work he entertained them all at his own expense when they went there. The Government never paid a dollar of the expenses of anybody who went to the works under his charge in order to get information.

Mr. President, I repeat that he spent in the rent of his house at a fair rental, in furnishing rooms to our clerks, in fuel, in lights, in entertaining men to educate them in the great public work he was doing and taking them to the different establishments of the Fish Commission, all of which he paid himself, more than the $50,000 which it is now proposed shall be given to his widow and daughter.

Mr. DAWES. I wish the Senator from Kentucky would tell the Senate what Professor Baird said on the very clause in the bill that his services should be without compensation.

Mr. BECK. The Senator from Massachusetts knows about that as well as I do.

Mr. DAWES. I presume the Senator remembers that when the bill was drawn, after the two years' experiments, and there were persons in the House of Representatives opposing it and saying that it was a job, he said that in order to have it clear before the world that he would promote no job, we might put into the bill that he should not have any compensation.

Mr. BECK. Certainly; I remember that well.

Mr. DAWES. He was prompted to do that in order to have the world understand that he was promoting no job.

Mr. BECK. I meant to say in addition, that when Congress did not have faith enough in the work of the commission even to furnish room for our own clerks to work in, he took them to his own house and provided means for them.

Mr. CULLOM. Will the Senator from Kentucky yield to me? In the light of the information which has been given and the disposition I see manifested on the part of the Senate to support the original amendment reported by the Committee on Appropriations, I desire to withdraw the amendment I offered.

Mr. BECK. I am very glad of it. The sum ought to be $50,000.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois to the amendment of the Committee on Appropriations is withdrawn.

Mr. REAGAN. I offer a substitute for the amendment of the Committee on Appropriations, which I ask to have read.

The PRESIDENT *pro tempore*. The Senator from Kentucky is entitled to the floor. Does he yield to the Senator from Texas?

Mr. BECK. Certainly; I have no object or purpose except to tell what I know and give my reasons for voting as I propose to do.

The PRESIDENT *pro tempore*. The amendment proposed by the

Senator from Texas to the amendment of the Committee on Appropriations will be read.

The Chief Clerk read as follows:

For rent of house of the late Spencer F. Baird for the United States Fish Commission, and for his services as United States Fish Commissioner from 1871 to 1886, $25,000.

Mr. BECK. Mr. President, another thing I might add as an instance. The Senator from Massachusetts [Mr. DAWES] very well knows that until Professor Baird took charge of the Fish Commission work and amplified it, and spent every hour that any man could very well spend at labor, up to that time he was writing, as he had the right to do, for scientific magazines and works all over the world, and was realizing large sums of money to eke out the salary that was paid him by the Smithsonian Institution.

When he took up this work and found that its success depended on his exertions he devoted all his time to it, and all that source of income was cut off from him and his family, and he was unable to earn a dollar because of the immense labor he was performing in the Fish Commission, added to his Smithsonian work, and I doubt if he ever afterwards earned anything for himself, which he was well able to do by the use of his pen or by his scientific researches that would have brought him in large sums of money from that source.

Mr. HARRIS. What was his salary?

Mr. BECK. Six thousand dollars. He has never drawn a dollar from the United States—not a penny—in all these years, and he could have made $6,000 more a year with his ability by the use of his pen otherwise than in the employment of the Smithsonian Institution and not lost an hour nor a minute from the work of the Smithsonian but for the work he was doing for us.

Mr. GEORGE. Can the Senator state about the condition of his family at present?

Mr. BECK. I am not accurately informed as to the circumstances of his family, but I understand from the Senator from Vermont [Mr. EDMUNDS] that they have an income of about $1,200 or $1,500 a year. I think that is the statement of Senator EDMUNDS, but I do not know about it personally.

Mr. HARRIS. If I understand the Senator from Kentucky, the Senator from Maryland, the Senator from Massachusetts, and the Senator from New York, they all claim and make statements that amount to the establishment of a debt against the Government for rent and the services of Professor Baird. Now, if the Government owes to the estate of Professor Baird one dollar or fifty thousand dollars or one hundred thousand dollars, it ought to be paid. No one appreciates the distinguished services of that very distinguished and eminent man more than I; but the thing that I protested against and now protest against is levying and collecting taxes and donating the money to the estate of Professor Baird or any other human being; and I simply desired to know if I understood the Senator from Kentucky and other Senators correctly. Whatever we owe we ought to pay, and nobody is more ready to pay than I am, but I am not here to make donations.

Mr. BECK. Mr. President, I do not believe that the estate of Professor Baird has any claim that it could go into court and collect by law, but I believe that we morally and equitably owe every dollar of this money to Professor Baird and his family just as much as any debt that we owe for labor honestly done and for accommodations for our employés in our service fairly furnished. I consider it as just an obligation as was ever paid out of the Treasury.

I do not care about stating what we have done in many other regards, what we have given to generals and their widows and their families, for I do not desire to make any contrasts of that sort; but I repeat that, while I do not believe the estate could collect it in the Court of Claims, it is an honest debt, and I shall vote for it cheerfully, and I believe my people will cheerfully consent to be taxed to pay it, because I insist that we owe this debt morally and equitably, if not legally, as much so as any debt ever due by the Government. The very fact that we are not forced to pay it adds, I think, to the reputation of the United States for doing justice when the facts are laid before Congress.

I remember the pride we all took in the great expositions that were held abroad, when Professor Baird arranged all our exhibits to be sent, making a contrast between the progress made by our people and the people of other nations. Even the fishermen of Sweden and Norway, who were thought to be ahead of all the world, were astonished at the development we had made in that direction. Professor Langley wrote me a letter, which I filed with the committee, in which he said:

I dare not attempt to estimate the practical value of the work of the commission to the country, but can not doubt that it amounts to very many millions of dollars. I presume you are familiar with Mr. Goode's "Review of what has been accomplished by the Fish Commission in fish culture and in the investigation of American fisheries;" but I venture to send herewith a copy of this pamphlet, and to direct your special attention to pages 26 to 34, in which are quoted numerous commendations of the Fish Commission from the principal authorities of Great Britain, Norway, Holland, Germany, Belgium, France, and other European nations. Professor Huxley, in an address at the London Fisheries Exhibition, said that he did not think "that any nation at the present time had comprehended the question of dealing with fish in so thorough, excellent, and scientific a spirit as that of the United States.

Until Professor Baird took hold of it we had done nothing worth mentioning in that direction; we did not even know our own resources; we had taken no steps to develop them; and yet in a few years the energetic, intelligent action of this single man, one of the few scientific men I ever saw who could do all he talked about, who knew how to show others how to do it, who knew how to pull off his coat and do it himself, until he impressed the world with his great efficiency and the greatness of this people in a great enterprise that all the world was struggling to carry on.

Professor Langley goes on to say:

While M. Raveret-Wattel, the principal French authority on this subject, states that "to this day pisciculture has nowhere produced results which can be compared with those obtained in the United States." No one can question that the peculiar excellence of the work of our Government has been directly or indirectly due to the presence of Professor Baird at the head of the commission. He had no rivals, and during his administration no word of criticism was ever uttered by competent persons.

All this, it may well be remembered, was accomplished while filling effectively the distinct duties of an officer of the Smithsonian Institution, for which alone he was paid. And it may be added that during the first half of his term of service as commissioner, and while he was assistant secretary of the Smithsonian, his entire salary was less than that received by several of his assistants during the last few years.

In this same letter he shows how Professor Henry was employed as a member of the Light-House Board, and how Congress recognized the value of the work done by him. In relation to that he says:

In reference to the possible precedent of the action of Congress in the case of the late Professor Henry, I would state that a communication from the Secretary of the Treasury was received by the House of Representatives June 4, 1878, and by the Senate June 5, 1878, recommending an appropriation of $500 for each year during which the late Professor Henry was employed as a member of the Light-House Board, for the benefit of his family. On June 20, 1878, an act was passed "to pay to the legal representatives of the late Joseph Henry, for services rendered by him as member and president of the Light-House Board, $11,000." (Second session Forty-fifth Congress, page 214.)

These payments were made and purposely made in recognition of the eminent services of that distinguished gentleman. Congress was under no legal obligation, if you please, to Professor Henry, but for the benefit he had done the country, which was well known, Congress paid for his services as a debt, not a legal but a moral and equitable one, and $11,000 was therefore given, or paid—call it what you like—to Professor Henry, together with $500 a year while he was a member of the Light-House Board. I have not time to state even half of what I know in regard to the great services rendered to the people of the United States by Professor Baird, though it would perhaps be proper to do so. From my knowledge of him and his work I could tell of hundreds of things of immense benefit to the country which he did that no amount of money can repay.

He made a practical survey of the bottom of the ocean from the coast of New England to the bank of the Gulf Stream. He took great interest in establishing many of the scientific things, such as the electric sounding bell, or whatever it is called. Whatever he did he threw open for the benefit of the world. I never heard of his securing a patent for anything; and I have no more doubt than that I am standing on this floor that but for his determination to make this great work a success, but for the overwork he did, he would have been a living man to-day. I believe he killed himself by overwork and overzeal in the service of the United States, and left his wife and daughter dependent, measurably at least, instead of being supported by him in affluence as they would have been, for his own wants were few and his tastes simple, but for the fact that he was the victim of overwork in the public interest. That adds very largely, in my mind, to our obligation, and that is one of the reasons why I propose to vote for the full amount asked for in this amendment.

Mr. BERRY. Mr. President——

Mr. SPOONER. Will the Senator from Arkansas yield to me to report some amendments from the Committee on Public Buildings and Grounds intended to be proposed to the pending bill?

Mr. BERRY. I yield for that purpose.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds, to whom were referred the following amendments, intended to be proposed to the sundry civil appropriation bill, to report them favorably:

An amendment for the construction of a public building at Dover, N. H.;

An amendment for the construction of a public building at Nashua, N. H.;

An amendment for the construction of a public building at Canton, Ohio;

An amendment for the erection of a public building at Sterling, Ill.;

An amendment for the erection of a public building at Atchison, Kans.;

An amendment for the erection of a public building at Pueblo, Colo.; and

An amendment for the erection of a public building at Emporia, Kans.

I move that they be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BERRY. I wish to submit a few remarks in response to those made by the Senator from Kentucky [Mr. BECK]. The Senator has

raised the point that this is not a donation, but that it is a private claim against the Government of the United States. The Senator from Kentucky is a member of the Committee on Appropriations. That committee have made a report, and they have adopted as their report the statement made by the Senator from Vermont [Mr. EDMUNDS] as to the character of this claim, and I wish to read to the Senate the opinion of the Senator from Vermont, which the committee of which the Senator from Kentucky is a member have adopted and made to the Senate.

In response to the question by the chairman of the committee, "You want to have whatever we do put on this bill," Mr. EDMUNDS said:

Yes; that is exactly what I want, and it is perfectly suitable and proper, if it is right to do it at all, because it is not a private claim, but is a miscellaneous donation that under the circumstances it is proper for Congress to make, if you think so.

Now, Mr. President, if this is a claim for house rent, and if it is a claim for salary which can be enforced against the Government of the United States, the Senator from Kentucky well knows that it has no place upon this general appropriation bill. The rule read by the Senator from Texas [Mr. REAGAN] absolutely prohibits the attaching of any private claim to a general appropriation bill. No claim that this was a legal obligation upon the part of the Government, or that it was a debt, was ever made until it came here to-day, and now, when the committee find that it can not be sustained as a donation, they shift the premises and say that it is a private claim for services rendered and house rent furnished. If we owe to Professor Baird anything for house rent, then I agree with the Senator from Tennessee [Mr. HARRIS] that we should pay it, and I will cheerfully vote for it; but, Mr. President, when it comes to say that the Congress of the United States, as was said by the Senator from Florida [Mr. CALL], can take from the Treasury of the United States $50,000, or any other sum of money, and donate it to any person whom a majority of members may think most worthy, then I say that is a proposition to which I can not and will not yield my consent.

This is money collected from the people by taxation; it is collected for public purposes, and, however pleasant it may be to donate money to individuals, I conceive that we have no right to donate other people's money, however sympathetic and generous we may feel. If, however, it is a claim, let it come in the regular way; let it be proved how much the house rent was, and I shall be ready to vote for it, as I will vote for the payment of any other debt that the Government owes.

But the Senator from Kentucky appeals to our sympathies by saying that this lady's income is only $1,200 or $1,500 a year, and, therefore, the Government of the United States should add to it, although it was expressly provided in the law under which Professor Baird served that he should not receive any additional compensation to the $6,000 he received as secretary of the Smithsonian Institution. There are widows all over this land of ours whose income is not more than $125 a year, widows of men, too, who rendered service to the Government and offered all they had and gave their lives to the country, who are receiving certainly not more than $250 a year.

If we are going into the private donation business, if we are going to take the people's money and give it to whomsoever we please, if that be true, it simply comes down to a question as to what persons can secure the good will of the greatest number of Senators and members of Congress, in order to take not only the money now in the Treasury of the United States, but all that can be placed there under any system of taxation that can be devised.

The Senator from Vermont has said that it was a donation, not a private claim; and if it be not a donation it has no place upon this bill. I for one will not vote for the $50,000, nor will I vote for the $25,000 in the amendment offered by the Senator from Texas. If we have a right to donate one dollar, then the right is unlimited, and we will soon find that the demands will be such that our generosity will only be limited by the capacity of the people to pay taxes.

Mr. REAGAN. Mr. President, I desire to say a few words in reference to the amendment which I have presented; but before I do that I wish to state that in the remarks I made at the opening of this discussion I referred to the question as to whether we could pay this money to Professor Baird's widow on account of his having been an officer of the Government and having received compensation for another service.

I have thought more of that. While he was appointed secretary of the Smithsonian Institution under authority of an act of Congress, he received his compensation from the fund donated by Mr. Smithson for that Institution, and I take it that it would be held to be in the nature of any other corporation that might be created under an act of Congress and the employés of which were paid by the corporation and not by the Government, and would not on that account give rise to the question as to whether he could be compensated for his services as Fish Commissioner in view of the fact that he had received this compensation as secretary of the Smithsonian Institution. So I dismiss that branch of the subject.

As stated by the Senator from Arkansas [Mr. BERRY], the Senator from Vermont [Mr. EDMUNDS] before the Committee on Appropriations suggested that this was in the nature of a miscellaneous donation, and that idea seems to have been assented to, perhaps without a very full consideration of the subject, by the chairman of the Committee on Appropriations. If it is a donation simply, I do not see how we have a right to appropriate money as a donation. The Senator from Arkansas will see clearly the distinction between the amendment which I have presented and the clause reported by the committee. Let the Secretary read the amendment which I have presented.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Secretary will report the amendment.

The CHIEF CLERK. In lieu of the proposed amendment it is now proposed to insert:

For the rent of the house of the late Spencer F. Baird for the use of the United States Fish Commission, and for his services as United States Fish Commissioner from 1871 to 1886, $25,000.

Mr. REAGAN. That places the compensation on the ground that it had been earned. It has been stated by all those who are familiar with the transactions of Professor Baird that he furnished rooms in his house and enlarged his house for the purpose of furnishing rooms for the use of the Fish Commission, for which he was never compensated by the Government, and he also rendered very important services as Fish Commissioner for which he was not compensated.

I have no objection, as I stated in the outset, to a proper and reasonable compensation for the services and the use of the property of Professor Baird. I do object to the $50,000 which it is proposed to give; and when I do that I call attention to the fact which I presented before, that during the last nine years and three months of his service as Fish Commissioner he received $55,500 as his compensation as secretary of the Smithsonian Institution.

Now, then, receiving this large amount, though it did not come from the Government, he was acting under the authority of an act of Congress, and at least it shows that he was not under the necessity of being entirely compensated and it shows how he could consent to perform the important services he performed for the Government without compensation.

We manage here whenever a claim of somebody is presented to work up a great deal of sympathy and to value that sympathy by the amount we can appropriate out of the Federal Treasury. Has it occurred to Senators that $50,000 would give $100 apiece to five hundred poor families and make them feel happy? Is there no sympathy for those five hundred poor families that work from the rising to the setting of the sun, toiling to make a living? Have we forgotten here the millions of dollars we are collecting as taxes for the purpose of furnishing the funds we appropriate for the use of the Government and for the use of private persons, to a large extent?

I know, sir, and I am sorry to know it, that he who speaks as I now speak is, if not regarded as a crank, regarded as a very impracticable man in the Senate of the United States; but I can not help it. My way of looking at it is that I do not represent those who seek to plunder the Treasury of the United States, but I represent those who pay the taxes which support the Government and which ought to be employed in the legitimate support of the Government and the fulfilling of the obligations of the Government; and I desire to balance my sympathies between the claimants and the people who toil for the money that they obtain, and I expressed the other day the hope——

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. GEORGE. What proportion of the people of Texas do not have $1,200 per annum income from property, leaving out their own individual exertions?

Mr. REAGAN. I do not suppose there is one in a hundred who has an income of $1,200. I doubt if there is one in a thousand.

Mr. GEORGE. Independent of their own individual exertions?

Mr. REAGAN. Independently of their own exertions, Mr. President, the question which the Senator from Mississippi asks causes me to look back to the people whom I in part represent upon this floor, and the condition of the people of other States represented upon this floor where there are thousands and tens of thousands of toilers that can not make enough by hard labor under the existing condition of things to support their families in decency, and to call attention to the fact that the farmers of this country, once an independent and a happy class, are year by year becoming impoverished, year by year encumbering their little farms by mortgages, year by year unable to meet their liabilities, and it will not be long, under the existing condition of things, till their homes will be swept from under them, and they will become beggars or tramps.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. REAGAN. I will.

Mr. BLAIR. Does the Senator in this description of the farmers mean to be understood as stating that it is the condition of the farming population of Texas?

Mr. REAGAN. I mean to say that that is the condition of the farming population throughout the United States.

Mr. BLAIR. Of course, then, in Texas.

Mr. REAGAN. I mean to say that by class legislation and by the transfer of the wealth of this country by law from the many to the few farming has become a degraded occupation, and that the young

men of this country will no longer pursue the occupation of farming if they can get into the humblest employment in towns that does not involve agricultural labor. That is what I mean to say; and if the Senator will go among the people in the farming States he can every day of his life verify the truth of what I am saying. It is that class, and it is a class once happy, once loving and respecting their Government, but who are now discontented and murmuring and making organizations such as grangers' alliances, union labor parties, Knights of Labor, making up organizations to protect themselves against the aggressions of the money power and those who are pressing class legislation. That is the kind of people to whom I am referring.

The policy of Congress ought not to be to add to the discontent of the people, but it ought to be to pursue a course which shall make them feel that they have the protection of the Government in common with all others, and that no others are being given advantages by law of which they are deprived. They ought to be allowed to learn that this Government is not to be run in the interest of millionaires, in the interest of aggregated capital, either individual or corporate, in the interest of those who are piling up their hundreds of millions while discontent pervades the whole working masses of this country, while want and wretchedness are spreading their dark wings over the toiling people of this country. We may hide it from ourselves, but we can not hide it from them. We may think men are ignorant and that they do not know what we are doing, but if we think so we are mistaken. They know what Congress is doing; they know the acts of extravagance we are guilty of; they know whether we act so as to promote the general welfare or whether we act so as to promote the interests of particular individuals at the expense of the great mass of the people.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. REAGAN. Certainly.

Mr. GEORGE. The modern way of promoting the general welfare, I believe, is to take the money from the people at large and give it to a few.

Mr. REAGAN. That is the effect of the policy which has prevailed for a great many years past.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. BLAIR. When a little while ago it was proposed to take $79,000,000 and spread it among the poor people of this country and the children of this country was that an effort to take the money of the many and give it to a few?

Mr. REAGAN. "Still harping on my daughter."

Mr. BLAIR. And will the Senator bear in mind his own speeches about the enormous wealth and growing prosperity of the people of Texas which he made upon the education bill?

Mr. REAGAN. Mr. President, I made no statements about the enormous wealth of the people of Texas. The idea of making the people mendicants is the thing that I am resisting. The idea that the whole American people shall be made beggars from the Federal Treasury, debased and deprived of their manhood and patriotism, is a thing that I am resisting. That educational bill simply made States come hat in hand to a school commissioner to make reports and to ask privileges. It took away from the States and from the people the feeling of manhood and of independence by which they propose to educate their own children. But I do not propose to go into the educational bill.

Mr. BLAIR. I was going to suggest to the Senator that I would turn him over to the Senator from Mississippi [Mr. GEORGE] so far as that part of it is concerned.

Mr. REAGAN. We will settle that in our own way. I think perhaps the Senator from New Hampshire will learn something before that bill comes up again.

Mr. BLAIR. I hope the people of Texas will, and there may be somebody here to advocate it.

Mr. REAGAN. Mr. President, in submitting the amendment which I presented I had two objects; one was to reduce the amount of this appropriation, and the other to place it upon a basis upon which we can justify our action; that is, as compensation for rent and services. If that is not done—of course I can not speak or think for other Senators—I do not see where the authority is to come from to make a "miscellaneous donation;" that is what it was called before the committee, and what I understand it is called by the committee here in the Senate—a "miscellaneous donation."

I agree with the Senator from Tennessee [Mr. HARRIS] that we have no power to make miscellaneous donations of $50,000 nor of 50 cents. We have the right, I think, to compensate for services where we believe those services have been rendered and have been valuable. I agree with Senators that Professor Baird in his life time and his family since his death could not be paid in dollars and cents for the services he rendered his country.

While I believe that, I do not wish to excite popular indignation by giving an unreasonable amount in view of the fact that in the last nine years and three months of his service he was the recipient of $55,500. This $50,000 which we propose in our sympathy to give to this particular lady, as worthy of it as any other lady no doubt, would make happy five hundred families of poor people if it could be given to them in hundred dollar sums; and I have thought always, if this Government is to be converted simply into a charitable, eleemosynary institution, that we ought to exercise good judgment and Christain charity in selecting the objects of our charity, and we ought to begin with the poor and unfortunate.

Mr. President, I hope that my amendment will be adopted in lieu of the original proposition of the Committee on Appropriations. But I can not say I will then support it.

Mr. STEWART. I am constrained to say a word. I deprecate as much as the Senator from Texas any laws that have a tendency to take the money from the masses and give it to the few, and I have expressed myself pretty distinctly on that subject on various occasions during the present session; but I think that his speech was particularly ill-timed as applied to the present case.

There is no man who has lived in this country who has done as much as Professor Baird for the poor, for the laboring men. I have traveled over a large portion of the United States, and at almost every railroad station now you will find a kind of fish that is not common to that section, that has been cultivated by reason of developing this industry by Professor Baird. Away up in Oregon, on Puget Sound, in San Francisco we have as fine shad as you have anywhere, and all over the country the poor people, who avail themselves of this food as much as any other, have had it brought home to their doors. There has been more food placed within the reach of the poor by this man's exertion than by those of any other man. He has distributed wealth and food among the masses, and, by the statement the Senator from Kentucky and other Senators who are familiar with what he did, we are only giving to his family a reasonable compensation, a small compensation, for this great service he rendered, and there is no poor man who has had fish brought home to him who will complain of the compensation that is given to Professor Baird for this great good.

So I do not think the speech of the Senator from Texas applies to this case. He may get sundry cases to which it does apply, but it does not apply here. This is the case of a man who has fed the poor during his lifetime, and has provided means for feeding them during the ages, bringing a kind of food that is cheap to their doors. There is hardly a stream of any importance in America that is not now stocked with fish, and you find it on the tables of the poor and the rich everywhere. He has provided a great industry, more important than any other man has done in the United States, and by his sacrifice according to the testimony here. I repeat, he gave up his own house to it, gave up everything and left his family poor.

I think the poor will sympathize with them, and will be willing to reward any man who will do a tenth part of this. The masses of the people I say would vote ten times this amount to any man who will confer a tenth of this benefit on them. And I am glad that the people do watch what is being done here. I want them to watch this act. I want the people to know that Congress has been just in this respect, and has appreciated the great blessing that has been conferred upon them by the efforts and the genius of this man.

Mr. CALL. I do not propose to detain the Senate, but I am not content to give my vote on this amendment without one or two statements.

The Senator from Arkansas [Mr. BERRY] said that the Senator from Florida had stated that we had the power to make a donation of any amount that we pleased. I did make that remark to the Senator from Tennessee [Mr. HARRIS]. I did not, however, say that we could rightfully exercise the power to make a gift without some object—some sound public policy to sustain it.

I apprehend there is not a Senator on this floor who does not acknowledge that Congress has the power. Whether it is rightfully exercised or not is another question. But who is to prevent? If the two Houses of Congress make the appropriation the money must be paid. Is not that power, I ask the Senator from Arkansas, whether it is rightfully exercised or not, if the Constitution of the United States has not referred it to the sovereign judgment of Senators who represent the States and the people's Representatives, not for one Congress but for every recurring Congress, to decide when and how and for what purpose the money in the Treasury shall be appropriated? To Congress alone, with the President, is committed the power and duty of deciding whether or not an appropriation of money is within the limitations of the Constitution.

Now, I say that this Government can make no appropriation of money which is not a gift or grant. It does not operate by contract. Who ever heard of the Government saying you shall or shall not do this unless you agree to it? Why, look at your Constitution here. Congress shall have power to do this, Congress shall have power to do the other, not by consent. What is power? Power is mandatory. It commands, and when Congress says, "Be it enacted that so much money shall be paid as the salary of an office," it does not say it shall be paid if the incumbent agrees it shall be done.

It does not say that certain public functions or duties shall be performed if some particular person shall contract or agree to perform them, and that the Government then agrees to pay him so much; but it declares that the duties or function shall be performed, and that a certain sum of money shall be paid. It punishes the failure to obey this command, and requires in all cases obedience, and not consent.

It says if you accept of this office we command that you perform

these duties attached to it; we command that a certain designated officer shall pay this money. There is no place for contracts in the operations of government, and it is so recognized everywhere. It is sovereign power, not consent, not agreement, but the exercise of attributes.

Now, the Senator from Tennessee says if we owe a debt we must pay it. The Government owes no debts in the sense in which he uses the word; that is, arising from contract, from agreement. Bonds are simple declarations that the Government of the United States will pay so and so; and the fact that all appropriations of money must be made by or subject to the consent of each succeeding Congress every two years forbids the idea or obligation of a contract and makes the continuance a re-enactment of an appropriation dependent on the public faith and the sound policy of maintaining it.

Mr. HARRIS. Is it not a contract?

Mr. CALL. No; not a contract in the sense that it arises from consent and agreement. A debt is an obligation. It may be by contract, it may be by virtue of some other consideration *ex debito justitiæ*, as the obligation of justice, the result of law; but it is not a mere matter of agreement between two persons, and does not derive its obligation from an agreement between the Government and a person, but from the higher idea that the public faith is by law pledged or commended to be used for some public purpose.

The Government owes what? The Government owes protection and the proper exercise of the powers conferred upon it. It owes the creation of a sound policy in the exercise of those attributes of power which, by the Constitution, are vested in it. The Government is the people, all the people, not a part, requiring with power, not consent, policies, public policies, affecting the whole people and generations of people, to be declared and carried into effect, and each specific act required to be done or forbidden to be done must be in the line of and a part of some public policy.

Now, the Senator from Texas [Mr. REAGAN] undertakes to represent the people, and he does not allow any other Senator who does not agree with him to do so. He asks why not give this money, $100 apiece, to so many people? Why does not the Senator from Texas give his salary, so much money, $100 apiece, to the people to do this charity? He will say because the Government commands it to be paid to him, and for what? For services rendered. Suppose Professor Baird has rendered greater service than he or I, or any other Senator; suppose he has rendered to these poor people in this whole country, to each one of the poor people for generations, services a thousand times greater than the Senator or I, or all other Senators or Members of Congress, and he rises here to say, "I will take the $5,000, I will not give it to the people, but I will not compensate the man who rendered the far greater service."

I am the friend of the poor, I represent them; I represent the oppressed, the farmer; but I will keep my $5,000; I will vote this to myself, but I will not vote anything to the man who has fed all these starving millions. This is no debt of the people, because he did not make a contract with the people to do it. He has done a service which I have not done, but I have a right to the money, service or no service, because it is a contract.

Mr. HARRIS. I am tempted to ask the Senator from Florida, if he will allow me—and yet I know how he will answer before I ask the question, for he utterly repudiates the idea of contract between the Government and employés, in which I totally disagree with him—but I want to ask him this question: Does he hold that he as a Senator, that a majority of the Senate and a majority of the House of Representatives can levy, collect, and appropriate the money to any charitable object that they may think charitable and deserving as a donation?

Mr. CALL. I will ask the Senator to answer me this question——

Mr. HARRIS. I would rather you would answer my question and then I will answer any question you please to propound to me.

Mr. CALL. But if the Senator will answer my question he will refute his own statement and answer his own question himself. I ask him if it is true or untrue that an act passed by a majority of this body and by a majority of the other House of Congress and signed by the President appropriating money to any object whatever is the law of this land or is it not, and are or are not all persons and powers required to obey it?

Mr. HARRIS. Whether the act be within the limits of constitutional delegated power or not, I suppose it would get the money out of the Treasury, and I suppose if a thief were to break into the Treasury and get the money out he would have the money all the same. But I ask the Senator from Florida a question that involves his construction of the constitutional powers of Congress and not what may have been done or what possibly may be done in the future.

Mr. CALL. The rightful exercise of power and power itself are different things. Every use of money by Government is a grant, and the Senator's statement is no answer to the argument. The use of public money may or may not be a charity.

Mr. HARRIS. The Senator dodges the question I asked.

Mr. CALL. The Senator from Tennessee dodges the conclusion, but I do not. When the Senator from Tennessee says that an act of Congress passed by a majority of each of the two Houses and approved by the President is the same as a thief breaking into the Treasury and taking the money out, then there is no argument about it.

In the one case the people's representatives, appointed by the Constitution to decide what is a proper use of the public money, decide and perform the constitutional duty assigned to them, and not to the Senator from Tennessee, and he says this if it does not agree with his opinion is being a thief.

Mr. GEORGE. Mr. President, right here I want to put on record an extract from an old-fashioned and now almost forgotten paper. It is the eighth section of the first article of the Constitution of the United States:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Mr. CALL. The Senator from Tennessee and all others who maintain his argument do not allow the words "Congress of the United States" to have any meaning.

Now, Mr. President, this is a matter of argument, and it has been argued a hundred times; but every time Congress exercises this power, if it does not suit a Senator's fancy, like the Senator from Tennessee or the Senator from Texas, this same question is raised. I remember some years ago the Senator from Tennessee thought that charity and the general welfare required an ice-ship to be built to freeze out the yellow fever that had been decimating and destroying Memphis, and if I recollect aright, there was some amount, over a hundred thousand dollars, I think, for this charity donated, granted, appropriated out of the Treasury of the United States.

As to the money that Congress appropriates in the forms of the Constitution, the argument is that the Constitution is an assemblage of powers, not of ideas but of powers; that is an instance; and the Senator's vote can not dodge, but answers his question. It is true there are declaratory phrases in the Constitution which say the powers ought to be exercised so and so, but the power is distinct from the direction; the power is given to the two Houses, to the people through their representatives.

Mr. President, that is what I said, and I say the fathers who made the Constitution, when they gave to the people the power to send representatives here every two years and the people as States to send them to this body every six years, knew what they were doing, knew that responsibility to them was the sole preservation of the Government.

But, Mr. President, whence come these ideas of the Senator from Texas? They have no foundation in reason; they are not in behalf of the people.

They are oppressive of the people. They are destructive of these starving millions, for whom the inventions of science and the devices of philanthropists discovered food products; and wise public policies, instead of starving, give life and energy and comfort. The Senator's ideas, however well intended, are in this instance the support of monopoly and oppression to the great mass of the people. Put the iron hand of power on the friends of the poor, like Professor Baird, refuse them all compensation, and say the rich alone shall labor for the people, and what will become of us? The policies of the Senator from Texas would destroy the inventions and the virtue of the age, would destroy philanthropy, would punish devotion to the toiling millions, instead of encouraging those who in the providence of the Almighty are permitted to be great benefactors. It is a wise public policy that gives life to these things, and not the pitiful sum of a hundred dollars here and there.

Mr. President, that is my reply. The people want knowledge and comfort. They want philanthropists. They want the benefaction of wise public policies which reach to every poor man's cabin and clothe his naked children and feed the starving millions. And among these benefactors Professor Baird was first and foremost in furnishing food to the millions that are to come here.

Let us in the people's name and with the people's money reward him who gave his money, his labor, his life, with true devotion to the people—of this and future generations—and let us not in the interest of monopoly and tyranny refuse to reward devotion to the people—on the ground of injury to the people to reward a man for his devotion to them.

Mr. ALLISON. Mr. President, I think we have now reached a point where we understand this matter, and I am willing to go as far as I can in aid of my friend from Texas so as to put this upon the right ground. Therefore I will move, in line 1, page 50, after the word "Fisheries," to insert "including rent of rooms for the use of said commission." Although I think I could make a long speech on this amendment, I will not occupy time. If we can have a vote upon it and then upon the main amendment I shall gratify Senators by moving an adjournment.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The amendment will be stated for the information of the Senate. The Chair is of the impression that it is not now in order, there being now an amendment to an amendment pending.

The SECRETARY. After the word "Fisheries," in line 1, page 50, it is proposed to insert:

> Including rent of rooms for the use of said commission.

Mr. BLAIR. How will the whole clause read?

Mr. ALLISON. The Senator from Texas moved to strike out the paragraph and insert another paragraph. I think I can amend it first.

The PRESIDING OFFICER. By unanimous consent the amendment will be considered as perfecting the text. It will be again stated.

The SECRETARY. It is proposed to amend so as to make the clause read:

To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, including rent of rooms for the use of said commission, from February 25, 1871, to the time of his death, in August, 1887.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Texas now insist on his amendment?

Mr. REAGAN. Yes, sir.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out the amendment of the committee from line 20, on page 49, down to and including line 3, on page 50, and in lieu thereof to insert:

For the rent of the house of the late Spencer F. Baird for the United States Fish Commission, and for his services as United States Fish Commissioner from 1871 to 1880, $25,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. BERRY. I ask for the yeas and nays on the adoption of the amendment proposed by the committee.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when the name of Mr. CHACE was called). The Senator from Rhode Island [Mr. CHACE] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. REAGAN (when the name of Mr. COKE was called). My colleague [Mr. COKE] is paired on political questions with the Senator from Colorado [Mr. TELLER], and instructs me to say that he would vote against this amendment if he were present.

Mr. HARRIS. He requested me to state that he was called away necessarily to one of the Departments, and therefore would not be here and would vote, if present, as his colleague has stated.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is detained from the Senate by illness in his family. He is paired with the Senator from Georgia [Mr. BROWN]. I do not know how either would vote on this question.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this proposition, and I therefore withhold my vote, but if he were present I should vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN], but I do not regard this as a political question, and I therefore vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. CALL (when the name of Mr. PASCO was called). My colleague [Mr. PASCO] is paired with the Senator from Illinois [Mr. FARWELL].

Mr. PAYNE (when his name was called). If this were a party question I should consider myself paired with my colleague [Mr. SHERMAN], but as it is not, I will vote. If my colleague were here he would vote as I do. I vote "yea."

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but on the suggestion of his colleague [Mr. COCKRELL] on this matter I will vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

Mr. TELLER (when his name was called). I am paired with the senior Senator from Texas [Mr. COKE], who if present would vote "nay," and I would vote "yea."

Mr. WILSON, of Iowa, (when his name was called). I have a general pair with the Senator from Maryland [Mr. WILSON], but before leaving the Chamber this afternoon he informed me that on this bill I might vote on all questions. I therefore vote "yea."

The roll-call was concluded.

Mr. HAWLEY. My colleague [Mr. PLATT] is paired with the Senator from New Jersey [Mr. MCPHERSON]. My colleague would vote "yea," if present.

The PRESIDING OFFICER (Mr. MANDERSON). The occupant of the chair being informed that the Senator from Kentucky [Mr. BLACKBURN] if present would vote "yea," will vote "yea" upon this question.

Mr. MORGAN (after having voted in the negative). A pair has been arranged between the Senator from Maryland [Mr. GORMAN] and myself. I therefore withdraw my vote.

Mr. HOAR. I think the Senator will not feel obliged to withdraw his vote. There is a very large majority for the amendment, but no quorum as yet. The vote of the Senator will make no difference in the result.

Mr. MORGAN. I will recall my withdrawal and allow my vote to stand.

Mr. HARRIS. Notwithstanding my pair, if I record my vote it will not change the result, and I will therefore take the liberty of voting "nay."

Mr. TELLER. I understand my vote will not change the result except to make a quorum, and, after consulting some Senators who are opposed to this measure, I will vote "yea."

The result was announced—yeas 29, nays 11; as follows:

YEAS—29.

Aldrich,	Dawes,	Kenna,	Spooner,
Allison,	Evarts,	Manderson,	Stewart,
Beck,	Frye,	Mitchell,	Stockbridge,
Blair,	Hampton,	Palmer,	Teller,
Bowen,	Hawley,	Payne,	Wilson of Iowa.
Call,	Hearst,	Ransom,	
Cullom,	Hiscock,	Riddleberger,	
Daniel,	Hoar,	Sawyer,	

NAYS—11.

Bate,	Cockrell,	Jones of Arkansas,	Reagan,
Berry,	George,	Morgan,	Walthall.
Chandler,	Harris,	Plumb,	

ABSENT—36.

Blackburn,	Dolph,	Ingalls,	Sabin,
Blodgett,	Edmunds,	Jones of Nevada,	Saulsbury,
Brown,	Eustis,	McPherson,	Sherman,
Butler,	Farwell,	Morrill,	Stanford,
Cameron,	Faulkner,	Paddock,	Turpie,
Chace,	Gibson,	Pasco,	Vance,
Coke,	Gorman,	Platt,	Vest,
Colquitt,	Gray,	Pugh,	Voorhees,
Davis,	Hale,	Quay,	Wilson of Md.

So the amendment was agreed to.

Mr. PLUMB. I offer an amendment to be inserted on page 52, line 19.

The PRESIDING OFFICER. Does this come from the Committee on Appropriations?

Mr. PLUMB. It does not. The committee amendments have been disposed of.

Mr. ALLISON. I will say that the Senator from Kansas expects to be absent on Monday from the Chamber, and I thought he should be allowed the opportunity of offering this amendment in advance of one or two committee amendments that I desire to offer on Monday morning.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. On page 52, after line 19, it is proposed to add:

For the erection of four reservoirs in the corridors of the Capitol building for the purpose of supplying drinking water to the public, $1,500.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 333) granting a pension to Catharine Bussey;

A bill (H. R. 775) granting an increase of pension to John D. Jones;

A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan;

A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 9704) granting a pension to Martha F. Lee;

A bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown;

A bill (H. R. 9792) to increase the pension of Charles S. Baker;

A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll;

A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York;

A bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats on hand in his office;

Joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hitchborn on European dock-yards;

Joint resolution (H. Res. 58) providing for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic Ocean;

Joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale; and

Joint resolution (H. Res. 142) authorizing the printing of committee reports.

The message also announced that the House had passed the following joint resolutions:

Joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands;

Joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887; and

Joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on commerce and navigation for the year ending June 30, 1887, entitled "An-

nual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected."

The message further announced that the House had passed the following concurrent resolutions of the Senate:

A resolution to print the eighth and ninth annual reports of the Director of the Bureau of Ethnology;

A resolution to print the matter furnished by the Bureau of Ethnology relating to the North American Indians;

A resolution to authorize the printing of the report of the Newburgh (N. Y.) Centennial celebration;

A resolution to authorize the printing of additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey;

A resolution to authorize the printing of the report of the National Academy of Sciences for the year 1887; and

A resolution to print extra copies of the special report of the Bureau of Statistics upon wool and the manufactures of wool.

The message also announced that the House had passed a concurrent resolution for the printing of 39,000 copies, in cloth binding, of the third annual report of the Commissioner of Labor; in which the concurrence of the Senate was requested.

The message further announced that the House had passed the following bill and joint resolution with amendments; in which it requested the concurrence of the Senate:

A bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; and

Joint resolution (S. R. 27) providing for the printing of a supplement to Wharton's Digest of International Law.

REPORTS OF COMMITTEES.

Mr. PAYNE, from the Committee on Foreign Relations, submitted a report to accompany the bill (S. 948) for the relief of James and William Crooks, of Canada, heretofore reported by him.

Mr. MORGAN submitted the views of a minority of the Committee on Foreign Relations on the bill (S. 948) for the relief of James and William Crooks, of Canada, heretofore reported.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa., reported it without amendment.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans., reported it with amendments and submitted a report thereon.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (S. 589) to amend section 685 of the Revised Statutes relating to the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1107) to regulate the subdivision of land within the District of Columbia reported adversely thereon, with a recommendation that the bill be postponed indefinitely.

Mr. HARRIS. I ask the Senator, is that the bill that provides for the preservation of the present system of streets and avenues or the extension of streets and avenues?

Mr. SPOONER. There were several bills before the committee on that subject. This is one, I believe.

Mr. HARRIS. If that be the bill I should prefer its going on the Calendar.

Mr. SPOONER. Let it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2912) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER. I am instructed by the same committee, to whom was referred the bill (S. 3089) making May 30 a holiday in the District of Columbia, to report it adversely, with a recommendation that it be indefinitely postponed. I desire to say as to this bill that a similar bill has already passed, a House bill, and therefore this is unnecessary.

The bill was postponed indefinitely.

Mr. SPOONER. I am also instructed by the same committee, to whom was referred the bill (S. 3004) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races and contests of any kind in the District of Columbia, to report it adversely with the recommendation that it be indefinitely postponed. That is a Senate bill and the recommendation and report is because of the passage by the Senate of the House bill covering the same subject.

The bill was postponed indefinitely.

JACKSON (MISS.) MUNICIPAL ELECTIONS.

Mr. WILSON, of Iowa. I ask permission to make a report consisting of testimony taken by the Judiciary Committee in the matter of the investigation into the election in Jackson, Miss. I have just received it from the Public Printer and could not present it at an earlier day. I present it now to be printed.

The PRESIDENT *pro tempore*. It will be printed in connection with the report of the committee.

RECOMMITTAL OF A BILL.

Mr. CULLOM. I move that the vote by which the bill (S. 1921) granting a pension to Robert Davis, reported by the Committee on Pensions adversely, was indefinitely postponed be reconsidered and that it be recommitted to the committee.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill recommitted to the Committee on Pensions.

SUPPLEMENT TO WHARTON'S DIGEST.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 27) providing for the printing of a supplement to Wharton's Digest of International Law, which were, in line 9, to strike out "one" and insert "two;" and in line 10, to strike out "two" and to insert "four."

Mr. MANDERSON. I move that the Senate concur.

Mr. HOAR. What are those amendments?

Mr. MANDERSON. Simply increasing the number, which was a thousand for the Senate and two thousand for the House.

Mr. ALLISON. Does this involve any compensation to Mr. Wharton?

Mr. MANDERSON. None.

Mr. ALLISON. If he is to receive extra compensation, being an officer of the Government, he would come within the rule of the Senator from Tennessee [Mr. HARRIS].

Mr. MANDERSON. He has received no compensation for this.

The motion to concur was agreed to.

PUBLIC BUILDING AT CHARLOTTE, N. C.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; which was read.

Mr. RANSOM. My colleague [Mr. VANCE] is necessarily absent, and at his special request and instruction, and, of course, with the concurrence of my own judgment, I ask the Senate to non-concur in the amendment of the House of Representatives, and ask for a conference.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate disagree to the amendment made by the House of Representatives and ask for a conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. RANSOM, and Mr. PASCO were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 333) granting a pension to Catharine Bussey;

A bill (H. R. 775) granting a pension to John D. Jones;

A bill (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

A bill (H. R. 2507) granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan;

A bill (H. R. 3710) granting a pension to Samuel Piercy;

A bill (H. R. 5232) granting a pension to Andrew Mucklin;

A bill (H. R. 6848) for the relief of Elizabeth A. South;

A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed;

A bill (H. R. 8617) granting a pension to Henry Crotsley;

A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin;

A bill (H. R. 9387) for the relief of Emanuel H. Custer;

A bill (H. R. 9399) granting a pension to Albert O. Robb;

A bill (H. R. 9463) granting a pension to Lucy A. Jordan;

A bill (H. R. 9704) granting a pension to Martha F. Lee;

A bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy;

A bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown;

A bill (H. R. 9792) to increase the pension of Charles S. Baker; and

A bill (H. R. 9795) to restore Nathaniel Francis to the pension-roll.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 341) for the relief of John Farley;
A bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse;
A bill (H. R. 828) for the relief of William D. Wilson;
A bill (H. R. 5516) for the relief of John H. Weeks;
A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins; and
A bill (H. R. 10481) for the relief of Rev. William Gregston.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:
A bill (H. R. 3595) for the relief of C. M. Stinson; and
A bill (H. R. 10401) for the relief of J. H. Bugg and others.

The following bill and joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:
A bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats on hand in his office;
Joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn on European dock-yards;
Joint resolution (H. Res. 58) providing for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic Ocean;
Joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale; and
Joint resolution (H. Res. 142) authorizing the printing of committee reports.

The following bills were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:
A bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.; and
A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:
A bill (H. R. 1887) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; and
A bill (H. R. 3235) to restore to John Mears a fine improperly imposed on him.

COMMISSIONER OF LABOR'S REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 39,000 copies, in cloth binding, of the third annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

BILL INTRODUCED.

Mr. CALL introduced a bill (S. 3391) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida; which was read twice by its title, and referred to the Committee on Railroads.

ISSUE OF LAND PATENT IN ARKANSAS.

Mr. BERRY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said House amendment insert the following:

Provided, That nothing herein contained shall prejudice adverse rights occurring prior to the 4th of March, 1861, the date of the location of said warrant, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases.

And the House agree to the same.

H. M. TELLER,
JAMES H. BERRY,
Managers on the part of the Senate.
WM. S. HOLMAN,
JOS. WHEELER,
L. E. PAYSON,
Managers on the part of the House.

The report was concurred in.

PRINTING OF AMENDMENTS.

Mr. ALLISON. I desire to make a suggestion in connection with the amendments offered to-day to the sundry civil bill. I notice that a great many Senators who offered amendments proposed that they be not printed. As we are soon to adjourn until Monday I think there will be time to print all those amendments and have them accessible to Senators on Monday morning; and, therefore, I hope all the amendments will be printed.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Unless there be objection, the order by which the amendments were not printed will be rescinded and all the amendments will be ordered to be printed.

Mr. MITCHELL. I offer an amendment to the sundry civil bill and move that it be referred to the Committee on Public Buildings and Grounds and printed.

The motion was agreed to.

Mr. RANSOM. I desire to offer an amendment to the sundry civil bill and move its reference to the Committee on Appropriations and that it be printed.

The motion was agreed to.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, July 30, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 28, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING, ALLENTOWN, PA.

The SPEAKER laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa.; which was read twice.

Mr. SOWDEN. Mr. Speaker, I ask unanimous consent that that bill be presently considered in the House.

Mr. RICHARDSON. If the Speaker has concluded the formal business of the morning, I desire to call up the regular order, fixing two hours after the reading of the Journal to-day for the consideration of measures reported from the Committee on Printing.

The SPEAKER. The Chair will withhold the bill to which the gentleman from Pennsylvania refers for the present, if there be no objection.

There was no objection.

TRIAL BY JURY, POLICE COURT, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes; which was read twice, and referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCORMICK, until Tuesday next, on account of important business.

To Mr. KELLEY, for two weeks, beginning on Monday next.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from Florida [Mr. DAVIDSON] asks, in reference to the bill (H. R. 10968) for the donation of Fort Brooke military reservation, at Tampa, Fla., for free schools and other purposes, that the Committee on Military Affairs be discharged from its further consideration and that the bill be referred to the Committee on the Public Lands. If there be no objection, that order will be made.

There was no objection, and it was so ordered.

RECOMMITTAL OF A BILL.

On motion of Mr. PEEL, by unanimous consent, the bill (H. R. 6707) to grant to the Rio Grande Pacific Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes, was taken from the Calendar of the Committee of the Whole House and recommitted to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum;
A bill (H. R. 1477) to subdivide the western judicial district of Louisiana;
A bill (H. R. 1648) providing for the holding of United States courts in the city of Newark, N. J.;
A bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.;
A bill (H. R. 7111) granting a pension to Mrs. Caroline Pautel;
A bill (H. R. 7160) granting an increase of pension to A. W. Rose;
A bill (H. R. 7162) for the relief of Mary Nevels;
A bill (H. R. 7202) granting a pension to William C. Lord;
A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;
A bill (H. R. 7510) granting a pension to Stephen A. Seavey;
A bill (H. R. 7624) for the relief of Coburn D. Outten;
A bill (H. R. 7713) granting a pension to James McIntyre;
A bill (H. R. 8150) for the relief of John H. Claus;

A bill (H. R. 8256) granting a pension to George W. Croop;
A bill (H. R. 8423) for the relief of William H. Porter;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9894) granting a pension to Myron Teachout;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse;
A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;
A bill (H. R. 10573) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes; and
A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll.

FILING OF REPORTS.

Mr. CHIPMAN. I ask unanimous consent that gentlemen having reports from committees to make may be permitted to hand them in at the Clerk's desk for proper reference.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

The following reports were filed by being handed in at the Clerk's desk:

SALE OF LITERARY MATTER ON TRAINS, ETC.

Mr. PHELAN, from the Committee on Commerce, reported back with amendment the bill (H. R. 10829) to prevent discrimination in the selling of literary matter, newspapers, journals, periodicals, and magazines on railway trains, in railway stations, on steam-ships, and on steam-ship docks; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REGULATION OF COMMERCE.

Mr. CLARDY, from the Committee on Commerce, reported back with amendments the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

G. DWIGHT HAMILTON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 10942) for the relief of G. Dwight Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES PACE.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3832) for the relief of James Pace; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH L. NOTT.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3167) granting a pension to Elizabeth L. Nott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN T. HOOPER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10639) granting a pension to John T. Hooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELEANOR B. GOODFELLOW.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET MALLOY.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7320) for the relief of Margaret Malloy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SOPHIA VOGELSANG.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VICTORIA MAY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10944) granting a pension to Victoria May; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN KUNZIE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9385) for the relief of Christian Kunzie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. H. HELPER.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2724) for the relief of H. H. Helper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. CLARK.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9994) granting a pension to John W. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. TETER.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4190) granting a pension to George W. Teter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS DE FREITAS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2061) granting an increase of pension to Francis De Freitas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. M. BENJAMIN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5937) for the relief of A. M. Benjamin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA N. AIKEN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10856) for a pension for Eliza N. Aiken; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES T. HAYNES.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 2966) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by James T. Haynes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN HISTORICAL ASSOCIATION.

Mr. DAVIDSON, of Alabama, from the Committee on the Library, reported back favorably the bill (H. R. 10323) to incorporate the American Historical Association; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO MOTHER OF WASHINGTON.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back favorably the bill (S. 1211) for the completion of the monument to Mary the mother of Washington, at Fredericksburgh, Va.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO MAJ. GEN. HENRY KNOX.

Mr. O'NEILL, of Pennsylvania, also, from the Committee on the Library, reported back favorably the bill (S. 449) for the erection of a monument to the memory of Maj. Gen. Henry Knox, at Thomaston, Me.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN WALLACE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9759) granting a pension to John Wallace; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL J. WRIGHT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10647) granting a pension to Samuel J. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VESSELS JOSEPHINE AND M. C. UPPER.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction repaired in the port of Cleveland, Ohio, and named Josephine and M. C. Upper; which was

referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAVID SAMPLE.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7117) for the relief of David Sample; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA BLACK.

Mr. BROWER, from the Committee on War Claims, reported back with amendment the bill (H. R. 5330) for the relief of Maria Black; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN L. IRWIN.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10418) granting a pension to Ann L. Irwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DAUPER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10342) granting a pension to John Dauper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL ROAD, WEST VIRGINIA.

Mr. GOFF, by unanimous consent, introduced a bill (H. R. 11025) making appropriations for repairing the National Road in West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TOLLS ON CANADIAN VESSELS.

Mr. DINGLEY, by unanimous consent, introduced a bill (H. R. 11026) providing for tolls on Canadian vessels passing through the St. Mary's and St. Clair Flats Canals in case of discrimination on Canadian canals against vessels or ports of the United States; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

INTRODUCTION OF BILLS.

The SPEAKER. If there be no objection, all gentlemen having bills to introduce will be permitted to send them to the Clerk's desk for proper reference under the rule.

There was no objection.

LARD AND COMPOUND LARD.

Mr. CONGER. I ask unanimous consent to file a report——

The SPEAKER. Consent has just been given to all gentlemen having reports to file them with the Clerk.

Mr. CONGER. I know; but I wish to ask unanimous consent in this case that the views of the minority may also be presented hereafter and filed with the report of the committee.

The SPEAKER. Without objection, that will be done, and the gentleman will send the report to the desk.

Mr. CONGER, from the Committee on Agriculture, reported as a substitute for the bill (H. R. 6138) to regulate the manufacture and sale of counterfeit or compounded lard a bill (H. R. 11027) defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The minority of the committee were authorized to file their views to accompany the report on said bill.

ORDER OF BUSINESS.

The SPEAKER. By order of the House, immediately after the reading of the Journal to-day, two hours are set apart for the consideration of measures reported from the Committee on Printing.

Mr. RICHARDSON. I call up the first report on the Union Calendar, No. 206, for present consideration.

The SPEAKER. These reports are all in Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of these reports, and consider them in the House.

Mr. BREWER. Let each report be taken separately.

ANNUAL REPORT OF COMMISSIONER OF LABOR.

Mr. RICHARDSON. I call up the first report on the Calendar, report No. 206, providing for printing the third annual report of the Commissioner of Labor.

The SPEAKER. Has the gentleman from New Jersey any objection to discharging the Calendar and considering this in the House as in committee?

Mr. BREWER. I have not.

The SPEAKER. That order will be made, without further objection; and the Clerk will read the report.

The report (by Mr. RICHARDSON) was read, as follows:

The committee have considered House resolution 77, being joint resolution for printing the annual report of the Commissioner of Labor (the third annual report). The committee direct me to report a substitute for the original resolution, by which the resolution will be changed from a joint to a concurrent one.

The concurrent resolution is herewith submitted, with the recommendation that it do pass, and that the joint resolution lie on the table. The blank in the resolution will be filled by inserting $25,000. The estimated cost of printing and binding in cloth this report will be about as follows:

First 1,000 copies	$5,650
Each additional 1,000	510

Thus it will be seen it will require for the printing of the 39,000 copies about $25,000.

The second annual report of the Commissioner contained about 612 pages, while it is estimated that the third annual report will contain about 900 pages, hence the increase in cost of printing same.

Resolved by the House of Representatives (the Senate concurring), That there be printed 39,000 copies in cloth binding of the third annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on agreeing to the substitute.

Mr. BUCHANAN. I would like to ask the gentleman from Tennessee, in charge of this measure, how this number compares with the editions previously ordered.

Mr. RICHARDSON. It is the same, I am informed.

Mr. BUCHANAN. I was hoping that the committee would report an additional number. This is a valuable report, and it is called for very frequently.

Mr. RICHARDSON. It is a very large edition and quite a costly work. I think the number will be sufficient.

Mr. BUCHANAN. This is a large country also.

Mr. CANNON. I am gratified to see that this bill carries an appropriation for that work, because there has been trouble about the appropriations for the public printing. The Public Printer a year or two ago stated that he could run the office for $2,000,000, a saving of five or six hundred thousand dollars. It has been done; and there has been more or less friction between the Appropriations Committee and the Public Printer. He has been anxious to preserve consistency on the one hand, the Committee on Appropriations to hold him up to his proclamations on the other. I am, therefore, glad to know that the measure carries an appropriation with it, as it shows that the Public Printer finds it necessary to have such an appropriation and it preserves the consistency of the Appropriations Committee.

Mr. RICHARDSON. I do not think it necessary to reply to the gentleman from Illinois, and demand the previous question.

The previous question was ordered, and under the operation thereof the substitute was adopted and the resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF SMITHSONIAN INSTITUTION.

The next business on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the concurrent resolution to authorize the publication of the Smithsonian report for the years 1886 and 1887.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Smithsonian Institution and National Museum for the year ending June 30, 1886-'87, in two octavo volumes for each year, 16,000 copies of each, of which 3,000 copies shall be for the use of the Senate; 6,000 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

Mr. RICHARDSON. That is the usual form and for the usual number.

The resolution was agreed to.

The resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUROPEAN DOCK-YARDS.

The next business on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn, on European dock-yards.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this resolution, and that it be now considered in the House. Is there objection? [After a pause.] The Chair hears none.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed, in quarto form, all to be one-half bound in leather, at the Government Printing Office, 4,000 additional copies of

the report of Naval Constructor Philip Hichborn, United States Navy, on European dock-yards, details, fittings, and equipments of foreign vessels, torpedo-boats, ship-yard appliances, tools, etc., of which additional number 2,000 copies shall be for the use of the House, 1,000 copies for the use of the Senate, 1,000 copies to be delivered to and distributed by the Secretary of the Navy for general information.

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINLEY'S STORM-TRACK CHARTS.

The next buisness on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the joint resolution (H. Res. 58) for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic Ocean.

The resolution was read, as follows:

Resolved, etc., That 4,500 copies, with the necessary charts, be printed of the paper entitled "Storm-Track Charts of the North Atlantic Ocean," by Lieut. John P. Finley, Signal Corps, United States Army, assistant; 1,300 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,200 copies to be distributed by the Signal Service to co-operating observers of the merchant marine and to scientific institutions in this country and Europe.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the resolution just read, and to consider it in the House. If there be no objection, it will be so ordered. The Chair hears none.

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEX OF SOUTHERN CLAIMS.

The next business on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the concurrent resolution to print 4,000 copies of the index to Southern claims.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That there be printed 4,000 copies of the index to Southern claims and claims referred to the Court of Claims under the Bowman act, recently framed under direction of the Clerk of the House.

Mr. RICHARDSON. I ask that that be laid aside informally.

It was so ordered.

MAP OF THE UNITED STATES.

The next business on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the joint resolution (S. R. 17) to print additional copies of the United States map, of the edition of 1886, prepared by the Commissioner of the General Land Office.

The SPEAKER. The gentleman from Tennessee asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the resolution, and that it be now considered in the House.

There was no objection, and it was so ordered.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be printed 7,500 copies of the United States map prepared by the General Land Office, of the edition of 1886, at a rate not exceeding $1.35 each; 2,000 copies of which shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 500 copies for the use of the Commissioner of the General Land Office; and that 1,000 copies be printed and mounted to be sold, under the direction of the Secretary of the Interior, at $1.50 each; and the sum of $10,125, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated, the proceeds of all sales to be turned into the Treasury.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DECISION OF DEPARTMENT OF INTERIOR.

The next business on the Calendar (consideration of which was asked by Mr. RICHARDSON) was the House resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale.

The SPEAKER. The gentleman from Tennessee asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the resolution, and that it now be considered in the House.

Mr. CANNON. Will the gentleman allow a question?

Mr. RICHARDSON. Certainly.

Mr. CANNON. Will the gentleman so amend his resolution as to provide that the Secretary of the Interior be instructed to deliver at least one copy to each Member and Senator of the present Congress?

Mr. RICHARDSON. I see no objection to it. I can not accept for the committee; but I do not object to the amendment.

Mr. CANNON. It appears to me that the amendment ought to be made.

Mr. RICHARDSON. I have no objection to it as far as I am concerned. The resolution is to authorize the printing of the decisions of the Secretary of the Interior upon the subjects of pension and land cases for sale. The Government would not be put to any expense in the matter, as the work is to be sold, and it would be a very great accommodation to parties interested in the land question and pension matters to have these decisions properly compiled and put in a shape that they may have access to them.

Mr. ROGERS. I will ask whether or not the resolution that we have here contemplates not only printing the current volumes, but future volumes as well?

Mr. RICHARDSON. This resolution only contemplates reprinting those already in existence; but does not contemplate the printing of future volumes.

Mr. ROGERS. I think if we had permanent legislation it would save trouble hereafter.

Mr. ANDERSON, of Kansas. Do I understand the proceeds of the sales will reimburse the Government for the expense?

Mr. WEAVER. It would probably do so if we did not deliver one to each Member and Senator.

Mr. RICHARDSON. If 325 be added for the members of the House and 76 for the Senate it would make some difference, unless the Secretary of the Interior, as I think he will be authorized in doing, would charge private persons something more for these volumes, in which case the Government would be fully indemnified.

Mr. CANNON. I will offer the amendment I have suggested.

The Clerk read the amendment, as follows:

Add to the resolution:

"That one copy of such decisions shall be delivered, without cost, to each member of the present Congress, and such additional number of copies shall be published."

Mr. RICHARDSON. I demand the previous question on the adoption of the resolution.

The amendment was agreed to, and the resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair is assuming in each case that there is no objection to discharging the Committee of the Whole from the consideration of these reports, and will continue to do so unless objection is made.

REPORT ON THE PANAMA CANAL.

Mr. RICHARDSON. I now call up the concurrent resolution providing for the printing of the report of Lieutenant Rogers on the Panama Canal.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth at the Government Printing Office, and including illustrations and maps, 3,000 copies of the report of Lieut. Charles C. Rogers, United States Navy, on the Panama Canal; of which number 1,000 copies shall be for the use of the House, 500 copies for the use of the Senate, and 1,500 copies to be distributed by the Secretary of the Navy.

The concurrent resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF ACADEMY OF SCIENCES.

Mr. RICHARDSON. I call up the Senate concurrent resolution to provide for the printing of the report of the Academy of Sciences.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for the year 1887, with its appendices, be printed in the usual octavo form, but that the accompanying memoirs be printed in the usual quarto form; and that 1,000 copies of the report and memoirs be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the Academy of Sciences; and, to complete the quota of volumes hitherto annually assigned to the academy, 1,500 copies of the memoirs of 1886.

The concurrent resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF COMMITTEE REPORTS.

Mr. RICHARDSON. I call up House joint resolution (H. Res. 142) authorizing the printing of committee reports.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the reports of committees, the evidence and papers submitted therewith, or any part thereof, printed by order of Congress, may be

reprinted at the Public Printing Office, at the instance of Senators, Representatives, and Delegates in Congress, upon payment in advance to the Public Printer of the cost thereof with 10 per cent. added, the same as if originally printed in the CONGRESSIONAL RECORD.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF STATISTICS ON WOOL.

Mr. RICHARDSON. I call up the Senate joint resolution (S. R. 9) to authorize the printing of the report of the Chief of the Bureau of Statistics of the Treasury Department on wool.

The joint resolution was read, as follows:

Resolved, etc., That there be printed 17,000 copies of the recent special report of the Chief of the Bureau of Statistics, Treasury Department, upon wool and the manufactures of wool, as follows: Ten thousand copies for the use of the members of the House of Representatives, 5,000 for the use of the members of the Senate, and 2,000 for the use of the Bureau of Statistics, Treasury Department.

Mr. RICHARDSON. Earlier in this session a resolution was passed by the House providing for the printing of 14,000 copies of this report. The Senate resolution provides for 17,000. The additional cost incurred by this increase of the number is only about $40, and the committee recommend that the House agree to the Senate resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON INSECTS AFFECTING THE ORANGE.

Mr. RICHARDSON. I call up the House concurrent resolution to authorize the printing of a second edition of the special report of the Department of Agriculture on insects affecting the orange.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That a second edition of the special report of the Department of Agriculture on insects affecting the orange be printed, and that 20,000 additional copies be printed, of which 10,000 shall be for the use of members of the House in whose districts the orange is grown, 5,000 for the use of Senators in whose States the orange is grown, and 5,000 for the use of the Department of Agriculture.

The concurrent resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. RICHARDSON. I call up the joint resolution of the Senate to provide for the printing of a supplement to Wharton's Digest of International Law.

The joint resolution (S. R. 27) was read, as follows:

Resolved, etc., That there be printed, under the editorial charge of Francis Wharton, the usual number of copies of a supplement to the Digest of International Law, printed under joint resolution of July 28, 1886, and under the same conditions and limitations as are imposed in said resolution, such supplement containing the diplomatic correspondence of the American Revolution, with historical and legal notes; and that there be printed, in addition to said usual number, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of State.

Mr. SPINOLA. I move to amend so as to provide that 5,000 copies shall be printed for the use of the House. That will be a very valuable work, and as I had occasion lately to express some opinions in regard to matters connected with the Revolutionary war, I make this motion.

Mr. RICHARDSON. I want to call the attention of the gentleman to a difficulty connected with his amendment. The uniform rule is to print half as many copies for the use of the Senate as are printed for the use of the House, so that if we increase the number for the use of the House that will necessitate a corresponding increase in the number printed for the use of the Senate. Otherwise the Senate will probably not agree to the proposition.

Mr. SPINOLA. I will modify my amendment so as to meet that point.

The amendment as modified was read, as follows:

In line 11 strike out "one" and insert "two;" and in the same line strike out "two" and insert "four;" so as to provide for "four thousand for the use of the House and two thousand for the use of the Senate."

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPILATION OF CONGRESSIONAL REPORTS.

Mr. RICHARDSON. I call up the joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Joint Committee on Public Printing be, and are hereby, authorized to provide a duplicate of the compilation of the reports of the committees of the Senate and House of Representatives from 1815 to 1887, provided for in public resolution No. 24, first session Forty-ninth Congress, approved July 29, 1886, and further provided for in concurrent resolution of March 3, 1887.

And the sum of $4,000, or so much thereof as may be found necessary, is hereby appropriated for the preparation of said work. And the further sum of $1,477 is hereby appropriated to cover a deficiency in the cost of the original compilation, made necessary by concurrent resolution of March 3, 1887, which sum may be paid by the Secretary of the Treasury upon the order of the chairman of the Joint Committee on Printing, as additional pay or compensation, to any officer or employé of the United States.

The Public Printer is hereby authorized and directed to bind said duplicate of the compilation of the reports without delay.

The joint resolution was ordered to a third reading, was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON WHITE SCALE AND OTHER INSECTS.

Mr. RICHARDSON. I call up the House concurrent resolution to print special report on white scale and other insects:

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 6, 1888.

Mr. FELTON submitted the following resolution; which was referred to the Committee on Agriculture:

"*Resolved by the House of Representatives (the Senate concurring)*, That a special report on the white scale and other scale-insects affecting the orange and other fruit trees in California be printed, and that 50,000 additional copies be printed, of which 25,000 copies shall be for the use of members of the House in whose districts the orange is grown, 12,500 for the use of Senators in whose States the orange is grown, and 12,500 for the use of the Department of Agriculture."

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARCTIC CRUISE OF THE STEAMER CORWIN, 1884 AND 1885.

Mr. RICHARDSON. I call up the concurrent resolutions of the House to print copies of the reports of Captain Healy upon the cruise of the revenue-steamer Corwin.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 26, 1888.

Mr. REED submitted the following; which was referred to the Committee on Printing:

"*Resolved by the House of Representatives (the Senate concurring)*, That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue-steamer Corwin, in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department."

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 26, 1888.

Mr. REED submitted the following; which was referred to the Committee on Printing:

"*Resolved by the House of Representatives (the Senate concurring)*, That there be printed, at the Government Printing Office, 5,000 copies of the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1885, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department."

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON IMPORTED MERCHANDISE, ETC.

Mr. RICHARDSON. I call up the joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected."

The joint resolution was read, as follows:

Resolved, etc., That there be printed 20,000 copies of the report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with rates of duty and amounts of duty collected, for the fiscal year 1887; 13,000 for the use of the members of the House of Rep-

resentatives; 6,000 for the use of members of the Senate, and 1,000 for the use of the Bureau of Statistics of the Treasury Department. The sum of $1,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The joint resolution was ordered to a third reading; was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEWBURGH, N. Y., CENTENNIAL CELEBRATION.

Mr. RICHARDSON. I call up the concurrent resolution of the Senate authorizing the printing of the report of the Newburgh, N. Y., centennial celebration.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Joint Select Committee of Congress on the Newburgh, N. Y., monument and centennial celebration of 1883, submitted on the 26th of June, 1886, be printed, and that 4,500 copies be printed and bound in cloth, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 1,500 for the use of the Joint Select Committee.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF GEOLOGICAL SURVEY.

Mr. RICHARDSON. I call up the concurrent resolution of the Senate to authorize the printing of additional copies of the eighth and ninth annual reports of the Director of the United States Geological Survey.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring herein), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies of the eighth and ninth annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF BUREAU OF ETHNOLOGY.

Mr. RICHARDSON. I call up the concurrent resolution of the Senate to provide for the printing of the eighth and ninth annual reports of the Director of the Bureau of Ethnology.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 15,500 copies each of the eighth and ninth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series, of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESEARCHES RELATING TO NORTH AMERICAN INDIANS.

Mr. RICHARDSON. In this connection, I desire to call up a Senate concurrent resolution which I hold in my hand, to authorize the printing of matter furnished by the Bureau of Ethnology, relating to researches and discoveries connected with the study of the North American Indians. This resolution is not on the Calendar, but it is in direct line with the publication authorized by the resolution last acted on.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 6,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians; the same to be issued in parts and the whole to form an annual volume of bulletins; 1,000 of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for distribution by the Bureau of Ethnology.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RICHARDSON. I ask unanimous consent that joint resolution (H. Res. 50) relating to this subject be laid on the table.

There being no objection, it was ordered accordingly.

SALE OF TOWNSHIP MAPS.

Mr. RICHARDSON. I now call up from the House Calendar the bill (H. R. 4945) authorizing the Commissioner of Public Lands to furnish citizens maps at cost; and also the bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office, which has been reported by the committee in the nature of a substitute therefor.

The SPEAKER. The original bill (H. R. 4945) will be laid upon the table if there be no objection.

There was no objection, and it was ordered accordingly.

The SPEAKER. The Clerk will now read the bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office, which has been reported by the committee in the nature of a substitute for the bill laid upon the table.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act, the Secretary of the Interior, through the Commissioner of the Public Lands, be, and he is hereby, authorized to sell the photolithographic township plats or maps of the States and Territories now remaining on hand in that Department to citizens of the United States at the following prices: Authenticated copies, at 50 cents per copy; unauthenticated copies, at 25 cents per copy. The proceeds of said sale shall be covered into the Treasury of the United States by the Secretary of the Interior.

Mr. ANDERSON, of Kansas. Let me inquire of the gentleman from Tennessee [Mr. RICHARDSON] whether the price named in this bill for these maps and plats is not too high?

Mr. RICHARDSON. A letter from the Commissioner of the General Land Office shows there are 610,000 of these maps or plats remaining in that office. The law directs them to be sold at $3 a copy. The Commissioner recommended that the authenticated copies be sold at $1.50, and the unauthenticated copies at 50 cents, stating, however, that they cost about 25 cents each. The mode of authentication is simply to affix a stamp to the map or plat. It is without cost except the time it takes to affix the same. The committee thought it would be well to recommend that the maps or plats be sold at a low price, and in the bill it is provided they shall be sold at a low price. It will save the Government all that it has paid out in the publication of these maps or plats.

Mr. ANDERSON, of Kansas. I understand the gentleman to say that these maps or plats are on hand now.

Mr. RICHARDSON. That is true.

Mr. ANDERSON, of Kansas. And that they cost about 25 cents apiece.

Mr. RICHARDSON. That is right.

Mr. ANDERSON, of Kansas. And that the process of authentication is simply to affix a stamp to them.

Mr. RICHARDSON. Yes.

Mr. ANDERSON, of Kansas. Then why not sell them to the people at cost? Why attempt to make money out of them?

Mr. RICHARDSON. They are only sold at 25 cents without authentication. Some man has to be employed to affix the stamp to those which are authenticated.

Mr. ANDERSON, of Kansas. He is employed now.

Mr. RICHARDSON. If he were not engaged in affixing the stamp on these maps or plats he would be engaged in the discharge of some other duty. The committee thought this additional price would cover the whole expense.

Mr. ANDERSON, of Kansas. What is the objection to selling them all at 25 cents apiece?

Mr. RICHARDSON. Twenty-five cents additional covers the cost to the Government. If a man wants an authenticated copy let him pay the additional price.

Mr. ANDERSON, of Kansas. To be sure it is not much.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPARATIVE STATEMENT OF TARIFF.

Mr. RICHARDSON. I am directed by the Committee on Printing to report back the following resolution, with a substitute therefor.

The Clerk read as follows:

JULY 25, 1888.

Mr. BRECKINRIDGE, of Kentucky, submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved*, That 100,000 copies of a comparative statement embodying the present tariff law (act of March 3, 1883) with proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed for the use of the House."

Attest:

JOHN B. CLARK, *Clerk*.

The committee find that to print 100,000 additional copies will cost $2,638.75, and therefore have recommended that the House resolution lie on the table, and report as a substitute therefor a concurrent resolution.

The original resolution was laid on the table.

The SPEAKER. The concurrent resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of a brief statement embodying the present tariff law (act of March 3, 1883), with proposed amendments of H. R. 9051 (Mills bill), to be prepared by the Committee on Ways and Means, be printed for the use of the House.

Mr. CANNON. I would be glad if the gentleman in charge of the resolution would offer or accept as an amendment so it will provide for

a statement of the Mills bill as it was originally reported to the Committee of Ways and Means for consideration, or as originally reported to the House and as amended in Committee of the Whole as compared with the present law. I would be glad as a matter of convenience if such an amendment could be adopted.

Mr. RICHARDSON. I wish to say in reply to the gentleman from Illinois that the resolution contemplates that this statement shall be prepared under the Committee of Ways and Means, and that committee will have the power to insert all the facts covered by the proposed substitute.

Mr. CANNON. I desire for the convenience of the members of the House that the resolution may also include a comparative statement of the Mills bill as it was originally reported, and as it was amended by the Committee of the Whole.

Mr. RICHARDSON. The committee can prepare this in such form as they may deem proper. They can do what the gentleman suggests under the resolution.

Mr. PAYSON. But will they do it?

Mr. RICHARDSON. The resolution gives the Committee on Ways and Means the power to affix to the publication authorized such data as they may deem necessary. I think it gives them ample power, and I move the previous question upon the adoption of the report.

Mr. CANNON. I hope the gentleman will allow me a moment. I want to suggest an amendment.

Mr. MILLIKEN. They have the power, but will they exercise it?

Mr. ANDERSON, of Kansas. The gentleman from Illinois was preparing an amendment, and I hope the previous question will not be demanded until he completes it.

Mr. RICHARDSON. I will not insist upon the previous question for the moment, but we have given the committee all the power that is necessary.

Mr. MILLIKEN. They have the power to do a good many things that they have not done.

Mr. BRECKINRIDGE, of Arkansas. I would suggest to the gentleman from Illinois and other gentlemen on that side of the House the propriety of not seeking to make a mere matter of detail of that kind mandatory upon the committee. It may not be desired in the opinion of the Republican members of the committee. I think it can be safely said that if such a compilation is not too cumbersome to serve the practical purposes the members of the committee have in view, there will be no opposition so far as the Democratic members are concerned. And I think our colleagues on the other side of the House on that committee are doubtless entirely satisfied that they and ourselves would have no particle of difficulty in coming to an agreement that would be entirely satisfactory, I apprehend, to all, and would accomplish what is desired by gentlemen.

Mr. PAYSON. But what is the objection to having inserted in this resolution a direction to the committee to prepare this compilation in the form suggested, and save any question?

Mr. BRECKINRIDGE, of Arkansas. Because if it should prove to be a complicated way of dealing with the question, or make the publication proposed too cumbersome and bulky to be of any practical service, I apprehend that it would be much better to permit the members of the Committee on Ways and Means from both sides of the House to determine the advisability of it—not make it directory, but give them the discretion.

Mr. PAYSON. But we have already a publication from the committee showing the amendments in the Committee of the Whole and the action taken upon them in the House, and this publication would be practically a duplication of that document. There is no complication, I apprehend, in preparing it, in view of what has already been done in that direction.

Mr. BRECKINRIDGE, of Arkansas. But the proposition submitted to the House gives the committee very general power in the premises in regard to the preparation of the paper. That power embraces that proposition if the committee deem it desirable. The only question now is whether or not it would serve the purposes of both sides of the House. For my part I am not able to tell, without a much more careful examination of the subject, whether or not it would make too cumbersome and bulky a document to be of practical utility.

But one thing is certain, that if the Republican members of the committee desire it, the Democratic members of the committee would cheerfully concur in preparing the paper in that shape. What I claim is, however, that the committee should have discretion to consider the matter and have a chance to talk it over amongst ourselves.

Mr. SPRINGER. I think that ought to be satisfactory.

Mr. DOCKERY. That is right.

Mr. CANNON. With one statement, I will not pursue the subject further. I think this document should have inserted in it the additional words, "the bill as originally considered by the Committee on Ways and Means and with the proposed amendments in the House," to be prepared by the committee and printed for the use of the House. It would involve, of course, a little additional figuring; but I think I am content now with the statement of the gentleman from Arkansas that if the Republican members of the Committee on Ways and Means require it, the request shall be granted.

Mr. REED. I think they would be inclined to grant it, inasmuch as they have not been able to grant us anything else before. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. We certainly have been able and willing to grant everything that was right and proper in the consideration of the bill.

Mr. RICHARDSON. I call for the question.

The report was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. If the committee have no further business——

Mr. RICHARDSON. That is all.

Mr. SPRINGER. I demand the regular order.

Mr. PARKER. I ask to be recognized for a moment.

The SPEAKER. The regular order has been demanded.

Mr. PARKER. I hope the chairman of the committee, if he has concluded his business, will allow me a moment.

The SPEAKER. But the regular order is demanded by the gentleman from Illinois or the gentleman from Georgia in front of the Chair.

Mr. BLOUNT. I did not demand it.

Mr. SPRINGER. I did.

Mr. PARKER. On yesterday and the day before, bills were presented by myself and by Mr. ROWLAND, of North Carolina, which were objected to by the gentleman from Indiana [Mr. HOVEY]. I am authorized to withdraw the objection——

The SPEAKER. But the gentleman from Illinois demands the regular order. Of course the Chair has no discretion but to proceed with the regular order when the demand is made by any member.

Mr. PARKER. I trust the gentleman from Illinois will withdraw the demand for a minute. The bill to which I refer has been read.

Mr. SPRINGER. If we allow recognition on one side it will be necessary also on the other. There are several appropriations to be considered, I understand, and the Committee on the Post-Office and Post-Roads have an hour this morning for their bill. After the hour has been exhausted I will consider the question of the withdrawal of the demand.

The SPEAKER. The gentleman from Illinois declines to withdraw the demand.

The first business is the call of committees for reports.

Mr. BLOUNT. I understood that members had the right to file reports.

The SPEAKER. They have; but the hour for the call of committees has not been dispensed with.

Mr. BLOUNT. Then I ask unanimous consent to dispense with the morning hour for the call of committees.

There was no objection, and it was so ordered.

The SPEAKER. The hour for the consideration of bills begins at 12.23.

POST-OFFICE BUILDINGS.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill for post-office buildings, and before that is submitted I desire to make a request that by unanimous consent, if the hour shall be consumed before the bill is disposed of, consideration may be permitted to go on notwithstanding. I think we will get through within an hour.

Mr. SPRINGER. I can not allow that. If you can state what limit you would go to I might not object.

Mr. BLOUNT. I think we will save time by not limiting the time.

Mr. SPRINGER. I withdraw my objection.

Mr. ROGERS. I shall object for the present, and will consider whether I shall make the objection at the end of the hour.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 3319) to provide post-office buildings.

The CHAIRMAN. The pending question is on the amendment proposed by the committee.

The Clerk read as follows:

In line 2, section 3, after the words "receipts for," insert the words "each of."

The amendment was adopted.

Mr. ROGERS. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all of section 3, down to and including the word "Congress," in line 8, and insert the following:

"That the Postmaster-General, the Secretary of the Interior, and the Secretary of the Treasury shall constitute a board whose duty it shall be to determine at what places and at what cost post-office buildings shall be constructed under the provisions of this act; and no building shall be constructed at any place

without the consent of two members of said board, which consent and the cost of the proposed building shall be reduced to writing by the board, signed and filed in the office of the architect and superintendent of construction, and become a permanent record of his office, but no plan shall be selected by said board at which the gross receipts of the post-office for five years preceding shall have been less than the sum of $3,000 in every said year. When the place has been thus designated for a public building, then, and not before, the Postmaster-General is hereby authorized and directed to construct a post-office building in accordance with the general design and plans so to be prepared as aforesaid, but no contract shall be made or building begun the cost of the completion of which is in excess of the appropriation previously made by Congress."

Mr. ROGERS. I should be uncandid if I did not say this morning as I did yesterday, that I am unalterably opposed to the passage of this bill. I have, however, in this amendment sought in the utmost good faith to avoid as far as may be the most obnoxious feature of the bill. I will state in the beginning that if General Washington were living, I would not consent to confer the power upon him of expending this amount of money under his sole discretion. I have, therefore, instead of leaving that power with the Postmaster-General, substituted for it a board composed of the Secretary of the Interior, the Postmaster-General, and the Secretary of the Treasury, and it shall be their duty to determine where and at what cost such buildings shall be constructed; and in addition to that these facts must be reduced to writing and filed with the Architect of the Treasury as a permanent record.

This, therefore, is a division of the responsibility which would now fall upon the Postmaster-General. It will avoid giving to one single individual the control of the expenditure of two, three, five, or ten millions of dollars and the location of these buildings in one section, in one State, or in one district. It vests the responsibility upon three members of the Cabinet of the United States. It tends to avoid that scandal and that abuse which must fall upon any Administration which has to execute this law under a single officer of the Government.

I submit, therefore, that this provision is an improvement upon the bill itself, and avoids the evil consequences and the abuses to which I have referred.

Mr. Chairman, let us look for a moment at its operation. In the first place, if this bill should pass and become a law, it does not relieve the Congress of the United States from the passage of bills of this character at all. This bill does not contemplate the construction of that class of buildings which provides accommodation for post-offices and courts and custom-houses and buildings of that character. So that when this bill has been crystallized into law the very objectionable means which are now used to secure the passage of similar bills will come right back to us, and we shall have to deal with the subject as before. In the second place, it is obnoxious in its operation upon the House. Imagine, if you please, members of Congress throughout the country with six, eight, or ten, and in one State with as many as one hundred and forty places at which buildings could be constructed under this law, coming before the Committee on Post-Offices and Post-Roads and insisting upon the construction of these buildings. What an enormous and powerful influence is brought to bear on that committee; and, moreover, when it comes into the House, like the river and harbor bill, every change proposed will be met with opposition, and this Congress will find itself unable to change the cost of a single one of these buildings throughout the whole country or to correct any errors the committee may have committed.

But, Mr. Chairman, that is not the most objectionable feature. This measure would place the expenditure of three, five, or ten millions of dollars under the control of a single officer of the Government. When this condition of things shall be presented, imagine, if you can, the situation of the Postmaster-General, besieged, as he will inevitably be, by three hundred and twenty-five Representatives of the people, begging and imploring for these buildings. What attitude will these Representatives occupy? Their manhood and independence emasculated; besieged on the one side by the demands of their constituents, and on the other brought face to face with the Postmaster-General, who holds the power confided to them by the people, and which they had surrendered, ay, voluntarily granted to him, they do indeed occupy a humiliating position. We shall be brought down with our mouths in the very dust, at the feet of the executive department of the Government, held in terrorism by it in order to get that to which we may be justly entitled.

Mr. BUCHANAN. I have no objection to this instance, but it can not be repeated very often, because our time is limited.

Mr. ROGERS. Mr. Chairman, there is no trouble about my getting all the time I require, and I do not propose to be obstructive. I am discussing this matter from a purely business, and, I hope, a patriotic standpoint, and I am not going to consume any time unnecessarily.

Now, what will be the result when this distribution comes to be made by the Postmaster-General? That member of Congress who is most sycophantic and most obsequious, that Representative who will most assist in carrying out his wishes, that Representative who has not the courage to stand up and criticise the Department if it shall have done wrong, that man who most readily does the bidding of the Department, who comes to its terms and aids in the accomplishment of its purposes, that man will most likely get his building, while the man who refuses to betray his trust and exercises the rights of an American Representative upon this floor will be given the cold shoulder and turned away from the doors of the Department. That is the attitude in which we place ourselves by this bill.

In other words, we betray the trust which the people have confided to us and put it into the hands of the executive branch of the Government. The people sent us here as their representatives; they put the power in our hands to locate these buildings, to say where they shall be constructed and at what cost they shall be constructed, to regulate and control the whole matter; but this bill proposes that we shall surrender that power, that we shall betray that trust, by conferring the power upon the executive branch of the Government, and shall in that way neutralize and destroy the legislative courage and independence which are absolutely necessary to the proper discharge of our public duties in the Congress of the United States.

Mr. Chairman, there is another matter in connection with this bill to which I want to invite attention—that is, the manner in which such a law would operate. Let every man who feels an interest in representing his own district consider for a moment the effect of this measure. Hastily I have contrasted the practical operation of the bill in different States and different sections of the country. The figures are not absolutely correct, but approximately so. I find that the thirteen Southern States—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, including West Virginia—would be entitled to one hundred and eighty-six buildings under the operation of this bill. I find that the States of New York and Massachusetts alone would be entitled to two hundred and thirty-four buildings, an excess of forty-eight over and above the number to which the whole thirteen States I have named would be entitled. I find that California, Colorado, Nebraska, Nevada, Oregon, and the Territories of Idaho, Montana, New Mexico, Utah, and Wyoming would get one hundred and twenty-three buildings under the operation of this bill, while the two States of Ohio and Pennsylvania would get two hundred and seven, an excess of eighty-four over the Pacific Slope and the other States and Territories I have just named. I find that the little State of New Jersey, which you could almost cover with a saddle-blanket, would get fifty-three buildings under the operation of this law.

Mr. BUCHANAN. That is because she has the people and the business to require them.

Mr. ROGERS. Mr. Chairman, I am not in the habit of interrupting gentlemen without their consent, and I trust that I may be allowed to occupy my five minutes without interruption. New Jersey, I say, would get fifty-three buildings under the operation of this bill, while the great State of Texas, an empire within itself, would get only thirty-six, and the State of Georgia only about ten.

Now, let us look for a moment at the cost of these buildings in different sections of the country. Under the operation of this bill Arkansas would get four buildings at $20,000 each, making $80,000; New York would get one hundred buildings at $25,000 each, making $2,500,000; Georgia would get ten buildings at $20,000 each, making $200,000; Texas would get thirty-six buildings at $25,000 each, making $900,000, and New Jersey would get fifty-three buildings at $25,000 each, making $1,325,000; Kentucky would get twenty-two buildings at $25,000, making $550,000, while Pennsylvania would get one hundred and twelve buildings at $25,000 each, making $2,800,000.

Mr. Chairman, I might have pursued this examination and this contrast at greater length, to show the unjust and inequitable operation of this proposed law; but even if it were fair and just in its operation, of inevitable necessity its tendency must be toward abuses, toward the corruption of the executive department, toward the corruption of Congress, toward partiality in the distribution of public benefits between different States and sections of the country. Its operation must be to destroy the independence of members of Congress and to render the legislative branch of the Government subservient to the executive branch. For all these reasons, sir, I protest that we should not enter upon any such legislation as this.

Mr. BLOUNT. Let us have a vote on the amendment.

Mr. CUTCHEON. I want to say a few words in regard to this bill, but I shall not occupy much time. It seems to me that the bill attempts either too little or too much. The first thing that strikes one about it is that although it is a bill which relates exclusively to public buildings, it emanates from the Post-Office Committee. It happened that on the same day on which this bill was introduced I also introduced a bill of a similar character relating to a system of public buildings, which went to the Committee on Public Buildings and Grounds, and has not yet been reported.

As long ago, Mr. Chairman, as in the Forty-eighth Congress I advocated the adoption of a general system for the construction of public buildings upon some common and defined basis.

The present system, or want of system, is exceedingly unsatisfactory. There is now no limit of population or business upon arrival at which a town or city may claim this great public convenience. The result is a very unequal and inequitable distribution of governmental favor in the form of public buildings. Large and important cities having a population of 50,000 or more are left without such public conveniences

and evidences of governmental enterprise, while towns of a few thousand inhabitants are decorated with massive piles as monuments to the zeal or popularity of some Senator or Congressman.

This inequality ought not longer to continue. The construction of a public building ought not to depend upon a member "catching the Speaker's eye," and getting unanimous consent of the House, but it should depend upon some certain and well-known and recognized standard of public want and governmental convenience. I know of no better basis than population.

When a town has reached a population of 5,000 people it is reasonably certain that at least a post-office will always be needed at that point for the transaction of the business of the United States.

I know of no law of economy or of common sense which should induce individuals and corporations to transact their business in their own buildings that is not equally applicable to the Government. In nine cases out of ten the buildings rented by the Government are ill adapted to the use designed, are uneconomical and unbecoming for the occupancy of a great Government. We have no excuse for continuing this unreasonable and extravagant and unbecoming system. I am therefore in favor of the main feature of the bill; that is, of providing buildings upon a uniform and easily ascertained basis; of having them business structures instead of monumental piles; of having them erected with express reference to their use, and not with reference to the ambitious desire of some local statesman.

But it seems to me that while we are providing for the erection of public buildings we ought to provide not for post-offices alone, but for buildings for all the different Executive Departments of the Government. There are three departments for the transaction of whose business public buildings are principally required, chiefly the Post-Office Department; secondly, the Treasury Department in its business of collecting customs and internal revenue; and next the Interior Department in connection with its land, Indian, pension, and other business. A bill which contemplates the erection of public buildings throughout the United States ought to provide for the erection of all needed public buildings; and instead of confiding this vast interest to the hands of a single Cabinet officer, it should be intrusted to a board of at least three. And in the bill which I had the honor to introduce, and which I will ask to print as part of my remarks, I have provided for such a board.

It is a fact known, I presume, to most of the members of the House, that at the present time, under the existing law, the three officers named in my bill as members of this proposed board—the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General—constitute a board whose duty it is to approve the plans and specifications for every public building which is proposed, by the action of Congress, to be erected. If I could have my way, I would make the heads of these three Executive Departments a board of public buildings, who should provide plans and specifications and determine the cost for every public building to be erected in cities of less than 100,000 inhabitants. I would provide by act of Congress a limitation upon the cost—a maximum and minimum—within which the board should have power to act. I would have the cost of these public buildings based, not simply upon the postal receipts in each community, but upon the population. It is to be presumed that the postal receipts bear an approximate relation to the population as well as the business of the community.

In my bill I have provided as to all cities having a population of not less than 5,000 and not exceeding 100,000 (and in all cities whose population exceeded 100,000 I would leave Congress fix the limit) that the board of public buildings should fix the cost between the maximum and the minimum, the cost, in dollars, not to be less than double the minimum of population, nor more than double the maximum of population; for instance, in cities having between 5,000 and 10,000 inhabitants the cost shall not be less than $10,000 nor more than $20,000; in cities having between 10,000 and 20,000 population the cost shall not be less than $20,000, nor more than $40,000; and so on. With this elastic provision, I would leave it to this board of public buildings, composed of these three heads of the great Departments, to decide when, where, and how all these public buildings should be erected, and their cost.

Without detaining the committee further, I submit as part of my remarks the bill introduced by myself, to which I have alluded:

A bill (H. R. 3384) to create the board of public buildings and to provide for the erection of public buildings in cities of less than 100,000 inhabitants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General shall constitute a board of public buildings, with the powers and duties hereinafter defined.

SEC. 2. That whenever any town or city in any State shall have attained a population of not less than 5,000 and not more than 100,000, according to the then last census of the United States, and shall apply through its municipal government to the board of public buildings for the erection of a public building in such town or city, for the use of the United States post-office and other United States officials located in such town or city, and shall tender to the United States a suitable site for such building, free of cost to the United States, it shall thereupon be the duty of the board of public buildings, without unnecessary delay, to proceed to procure plans and specifications for, and to cause to be erected on such site, a suitable and commodious public building for the use of such United States post-office and such other Government officials in said town or city: *Provided*, That such town or city have not already a public building for such purposes owned by the United States.

SEC. 3. That the entire cost of such building, including approaches, shall be, in the discretion of said board of public buildings, within the following limits, to wit:

In towns or cities having a population of 5,000 and not more than 10,000, the cost shall be not less than ten thousand dollars, nor more than twenty thousand. In towns or cities having a population of 10,000 and not more than 20,000, the cost shall be not less than twenty thousand and not more than forty thousand dollars. In cities having a population of 20,000 and not more than 40,000, said cost shall be not less than forty thousand, nor more than one hundred thousand dollars. In cities having a population of 40,000 and less than 100,000, said cost shall be not less than eighty thousand and not more than two hundred thousand dollars.

SEC. 4. That all work upon such buildings shall be prosecuted under the general direction of the said board of public buildings, and under the supervision, as to plans, specifications, and details, of the Supervising Architect of the Treasury Department, to be approved by said board.

SEC. 5. That all sites for public buildings under this act shall be of such size as to leave the building, when erected, unexposed to fire from adjacent buildings by an open space of not less than 40 feet, including streets and alleys, and no money shall be expended upon such site by the board of public buildings until a valid title to said site shall have been vested in the United States; nor until the State within which said site shall be situated shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall remain the owner thereof, for all purposes except the administration of the criminal laws of the State, and the service of the civil process therein.

SEC. 6. That such public buildings shall be constructed in a plain, substantial, and durable manner, and of such material as the board of public buildings may direct, with express reference to the use to be made thereof; and no plan shall be accepted or adopted that can not be fully completed within the limits prescribed in section 3 of this act.

SEC. 7. That the board of public buildings shall report to Congress, at the beginning of each session thereof, a list of all towns and cities that have applied for public buildings under this act, classified by population and States; those that have fully complied with the requirements of this act and of the said board in regard to site; the limit of cost for such building fixed by the board; the amount of money expended upon each during the year under this act; and an estimate of the amount required for the next fiscal year for the carrying out of the purposes of this act, which estimates shall be incorporated in the Book of Estimates submitted to Congress.

The question being taken on the amendment of Mr. ROGERS, it was rejected, there being—ayes 28, noes 61.

Mr. CANNON. I move to amend by striking out in line 18, section 3, the words "twenty-five" and inserting "ten."

Mr. Chairman, I wish to occupy a few moments in stating the objections which I have to this section of the bill without amendment, as well as the next section. I shall offer amendments step by step, and I would like to discuss them now together for a short time. The bill in its present form provides that where the gross receipts of the Post-Office Department at any place do not exceed $25,000, the cost of the building shall be not more than $20,000; and where they do not exceed $20,000, the cost shall not exceed $15,000. Yet, in any case where the receipts are over $3,000, the cost of the building may be $15,000.

Then there is another provision in a subsequent part of the bill which restricts the cost of the site to $5,000. Now, let us see the effect of these provisions of the bill. In a free-delivery city where the gross receipts are $10,000—and in every city of that kind there is very great propriety, I apprehend, in the main, in having a building owned by the Government—in every free-delivery city where the gross receipts are $10,000 or $15,000 or $20,000, all that can be expended for a building is $15,000, in addition to $5,000 for the site. Take another city where the gross receipts are $3,000, and where there is no free delivery. You can there spend exactly the same amount—$15,000 for the building and $5,000 for the site. What, then, would be the result under a bill of this kind? I will illustrate by a reference to my own district, and gentlemen can in their own minds make the application to their districts. My own town of Danville has a population of 15,000, is a free-delivery city, and receipts $17,000 gross revenue. All that you could spend there for a public building would be $15,000 for the building and $5,000 for the site. Now, you can not purchase in my town 150 feet front in the business portion of the town—and there is where a public building must be erected in order to accommodate the people—for less than $40,000. You must have 150 feet front, 50 feet for the building, and then it is required that there shall be 50 feet space all around the building. So that under this bill Danville is cut out.

Now go to my next town, Champaign, a very flourishing city, and the same thing is found exactly. You can not buy a site of 150 feet front for less than $15,000 to $25,000. Go to Mattoon, and the same state prevails. Go to Charleston; you can not buy a site for $5,000, where the building ought to be located. Go to Paris, and you can not buy it for that amount of money. So that if the bill passes you will find the inconsiderable towns with three thousand revenue or little over may purchase the ground for $5,000, and get the building for $15,000, and you are subjected to the just criticism that where the public business requires the buildings most you can not get them under the provisions of your bill. Now, my amendment which is offered, and I propose to follow it with others, provides that in all cities with $10,000 gross revenue, the building shall not exceed $25,000.

In cities under $10,000 gross revenue it shall not exceed $15,000, and between these limits, $15,000 and less, or $25,000 and less, according to the discretion of the Postmaster-General, as the law provides. If this amendment was adopted, mine, and the other in the same line, it would make the bill better, in my opinion, in every respect.

Later on, in the next section, I shall offer another amendment raising the limit for the purchase of the site.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask a few minutes longer.

Mr. BLOUNT. I must object.

Mr. CANNON. I think we will proceed more rapidly with the bill if I am allowed five minutes additional time.

Mr. BLOUNT. If the time is to be taken up in this way it will defeat the bill. If gentlemen want to defeat the bill they can do it openly. I insist on the regular order.

Mr. CANNON. I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

Mr. CANNON. I now renew it.

Mr. KERR. I raise the question of order upon that.

Mr. MILLIKEN. Can it be done?

Mr. CANNON. It has been done. But if the point of order is made I would like to be heard upon that. If gentlemen want to "fritter away the time," that is a very good plan. Gentlemen seem to assume that in trying to perfect the bill I am seeking to defeat it, while if you will properly amend it I will support it.

The CHAIRMAN. The Chair will read an extract from the rule:

Neither an amendment, nor an amendment to an amendment, shall be withdrawn by the mover thereof, unless by unanimous consent.

Mr. BLOUNT. Then I object.

Mr. CANNON. But I have just had consent.

The CHAIRMAN. The Chair will submit the request to the House. Is there objection to withdrawing the amendment?

Mr. BLOUNT. I object.

Mr. CANNON. Then I move to strike out the last word.

Now, I have stated my objections to this section, and I shall insist upon those objections and seek to have the bill properly amended.

I wish to be heard for a few moments in this connection in regard to the next section; and I will read the section and call attention to the point. It provides—

That for the purpose of procuring such ground the Postmaster-General in his discretion is authorized to accept donations or grants thereof by the municipality in which such post-office is situated or by private owners; and to accept contributions to the purchase of ground or in aid of construction; and that in selecting places in which to construct such buildings preference shall be given to such places as may provide such necessary ground to the satisfaction of the Postmaster-General; and the Postmaster-General is also authorized, in his discretion, when necessary, to purchase any such lot or piece of ground at a price not to exceed in any one case $5,000; and, when necessary, to cause the same to be condemned under the laws of the State where such ground may be.

What does it do? It limits the cost of a site to $5,000. It cuts off every city in the United States, I say, that needs these buildings most. But in addition to that, it authorizes this magnificent Federal Government of ours, through its Cabinet officer, to go into every considerable and inconsiderable city in the United States and open up competition between real-estate owners and local jealousies and rival interests of every part of their little city or town to set them to bidding for and individuals to making donations to this great Government to secure a site for a public building. Real-estate speculators are to make donations of sites in this part or that part or the other part without reference to the convenience of the populace. I want to say that I think that provision in the bill is but little short of a misdemeanor, if it is to be enacted into law.

For one I am not willing now or hereafter to go into the "Cheap John" auction business on the part of this Government. We need the buildings or we do not need them. If we need them for the ordinary transaction of the business of the country, go and purchase a site in the proper location. The United States is not a pauper or a Cheap John manipulator of real estate, that it must go into the market in every town and seek individual or corporate donations in whole or in part to purchase the ground on which to erect the buildings it needs.

Mr. MACDONALD. It has always done it, though.

Mr. CANNON. If it has always done it, then I am in favor of stopping that action, right here and now, and when we reach that section I shall move to strike it out, and then move to increase the cost of the site or the limit in the discretion of the Postmaster-General to $40,000; so that we can have buildings where they ought to be, as well as perhaps occasionally where they could wait a few years before getting them. Gentlemen may say this increases the discretion of the Postmaster-General. Does it? Then it may be wrong to give him any discretion at all. If you give him a discretion at all, you should give him such a discretion that you can work out the legitimate good results of your act; and if you do not, then I am against that act.

Now, having said this much in presenting my objections to these two sections, so far as I am concerned, I am ready for a vote.

Mr. EZRA B. TAYLOR. Mr. Chairman, I believe this bill is impracticable in its nature altogether, and for that reason I favor every amendment making it more likely to fail and oppose any which may seek to improve it, because it is not, in my judgment, improvable. It is utterly impossible to erect public buildings in a satisfactory way under the provisions of the bill or by any amendment that changes it from receipts, as a basis, to population. You limit the cost to the present condition of things in the location, and largely in a very few years the community has outgrown the whole present system, and the buildings are useless or worse. Now, in my town, which was quite a village when Chicago was not known, we have this condition of things. It still is only a village, and never will be much more.

Now, sir, to take the receipts of that village, of over $10,000, and erect a building necessary for the post-office at that place, under the idea of this bill, would be wise and prudent. It has not a great growth in its future, but to apply it to a town liable to double in ten years and quadruple in twenty-five years is utterly absurd; and, Mr. Chairman, there is no way of erecting these public buildings but to apply the wisdom that is in the House to any specific case as it comes, looking forward to any increase in the population and business of that town. You can not make it fit any city like ready-made clothing. You can not pass this bill as it is now and do anything but an act of great unwisdom.

The CHAIRMAN. Does the gentleman from Illinois withdraw the *pro forma* amendment?

Mr. CANNON. I withdraw the *pro forma* amendment. I ask to have my substantial amendment read.

The amendment was again reported.

The question was put, and the Chair announced that the noes seemed to have it.

Mr. CANNON. Division.

The House divided; and there were—yeas 27, noes 54.

Mr. CANNON. I make the point that no quorum has voted.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Illinois [Mr. CANNON] and the gentleman from Georgia [Mr. BLOUNT].

Mr. CANNON. As far as I am concerned, I will withdraw the point of no quorum at this point, and will offer the amendment I send up to the Clerk's desk.

The CHAIRMAN. On this question the yeas are 38, noes 67.

So the amendment was rejected.

Mr. CANNON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out the word "twenty-five," in line 18, section 3, the word "twenty," in line 19, and the words commencing with "and," in line 19, and ending with "dollars," in line 22, and inserting the word "ten" before "thousand," in line 18, and the word "fifteen" before "thousand," in line 19.

Mr. CANNON. I will state the effect of this amendment, and I hope gentlemen will give me their attention while I do so. This amendment authorizes the construction of buildings in all cities where the gross revenues are $10,000 for the two years past, at not exceeding $25,000 cost, and to cities between $3,000 and $10,000 of gross receipts at not exceeding $15,000 cost, both under the discretion of the Postmaster-General within these limits.

The proposition amounts to this: that it increases the cost in all cities yielding a gross revenue between ten and thirty-five thousand dollars from fifteen to twenty-five thousand dollars. Now, then, I want to say that in all cities substantially where you have $10,000 of gross receipts you have got free delivery, and they are growing, important cities, where you want plenty room, and if you are to have a building there at all the Postmaster-General ought to have the discretion to make it at a cost of $25,000. He has no discretion over $15,000 as you propose; but I propose to raise that discretion from fifteen to twenty thousand dollars. I think it is a wise amendment, and I think it ought to be passed. I think gentlemen can now know what the amendment is that they are invited to vote upon, and I ask my friend from Georgia in the interest of this bill to accept this amendment. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I do not desire to take any time at all more than is necessary. I think the bill is an economic one. I have refrained from debating it and shall continue to refrain. The gentleman has already informed me that unless he can get that amendment adopted he would not consent to an extension of the time, or that the bill should pass. I hope that the bill as reported by the committee will substantially be adopted. [Cries of "Vote!" "Vote!"]

The question was put, and the Chair announced that the noes seemed to have it.

Mr. CANNON. Division.

The committee divided; and there were—ayes 51, noes 56.

Mr. CANNON. Mr. Chairman, I make the point that there is no quorum and we must have tellers. [To Mr. BLOUNT:] I hope you will accept my amendment.

Mr. BLOUNT. Of course the gentleman hopes we will accept it, and he announces if we do not the bill shall not pass.

The Chair appointed Mr. CANNON and Mr. BLOUNT as tellers.

The tellers took their places and proceeded with the count.

Pending the count,

Mr. BLOUNT. I think the hour has expired.

The CHAIRMAN. Does the gentleman from Illinois withdraw the point of no quorum?

Mr. CANNON. I desire on this proposition, on the merits, and as a friend of the bill, to have at least a quorum vote.

The CHAIRMAN. Does the gentleman from Illinois withdraw his demand for a quorum?

Mr. CANNON. Why, Mr. Chairman, I can not. [Laughter.]

The CHAIRMAN. The hour for the consideration of bills has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration a bill (H. R. 3319) to provide for post-office buildings and had come to no resolution thereon.

PUBLIC BUILDING, WATERTOWN, N. Y.

Mr. PARKER. I now ask unanimous consent to call up the bill providing for a public building at Watertown, N. Y. The gentleman who objected, having withdrawn his objection and the bill having been read this morning, I now ask that it be passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BRECKINRIDGE, of Kentucky. Let the report be read, subject to the right to object.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York, having had the same under consideration, respectfully report:

Watertown is a large manufacturing center, and the leading city in Northern New York. It has a population of about 15,000, and is the post-office center for some 25,000 people. There are employed in the post-office fourteen persons, including clerks of post-office and money-order department, letter-carriers and special-delivery messenger. The gross receipts of the office for the fiscal year ending June 30, 1887, amounted to $24,232.15, with a net revenue of $11,304.37.

The committee are of opinion that a site can be purchased and a building erected that will meet the present and reasonable prospective needs of the public service at Watertown for the sum of $75,000.

The committee therefore recommend that the bill be amended by inserting, in line 4, after the word "purchase," the words "acquire by condemnation or otherwise provide;" also in lines 11 and 12 strike out the words "one hundred and twenty" and insert the words "seventy-five;" and in line 21 strike out the word "fifty" and insert the word "forty;" and in line 1, section 2, strike out the words "one hundred and twenty" and insert the words "seventy-five;" and when so amended that the bill do pass.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. PARKER] that the bill be now considered?

Mr. WISE. Is there any United States court held in that city?

Mr. PARKER. The statute provides that the district court may be held there upon the direction of the judges.

Mr. WISE. But is there a court held there now?

Mr. PARKER. There is not; but the statute provides that courts may be held there upon the direction of the judges.

Mr. BRECKINRIDGE, of Kentucky. Is it understood that the gentleman in charge of the bill accepts the amendments of the committee?

Mr. PARKER. It is.

Mr. BRECKINRIDGE, of Kentucky. And that the bill as it is proposed to be passed will not appropriate more than $75,000?

Mr. PARKER. That amendment is accepted.

The amendments recommended by the Committee on Public Buildings and Grounds were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PARKER moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, CHARLOTTE, N. C.

Mr. ROWLAND. I ask unanimous consent to call up the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.

The bill was read, as follows:

That the sum of $175,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of purchasing or acquiring by condemnation proceedings or otherwise, a site, and of erecting thereon a United States court-house and post-office in the city of Charlotte, N. C., to be expended under the direction of the Supervising Architect of the Treasury Department. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $175,000; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding said sum of $175,000 for said building; and the site shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys. And that no money appropriated for this purpose shall be available until a valid title to the site to said building shall be vested in the United States, nor until the State of North Carolina shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. The Secretary of the Treasury, if in his judgment the public interest will be better subserved, may direct the location of said building on the ground belonging to the United States situated in said city any part of which is now occupied by the United States mint.

SEC. 2. That this act shall take effect from and after its passage.

Mr. ROWLAND. The House committee has reported a substitute for the Senate bill, cutting down the appropriation from $175,000 to $85,000. I ask that the House substitute for the Senate bill be read.

The substitute recommended by the committee was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on a lot in the city of Charlotte, N. C., known as the Mint Lot and belonging to the Government, a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States circuit and district courts, post-office, revenue office, and for other Government uses at Charlotte, N. C. The building on said site, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $85,000; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $85,000 for said building; and the site of said building shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be found to be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. STRUBLE. Are there any United States courts held at that place?

Mr. ROWLAND. Yes, sir; circuit and district courts.

Mr. BURROWS. The amount is reduced by the House bill, I understand, to $85,000.

Mr. ROWLAND. Yes; $85,000.

Mr. BURROWS. What is the population of the city?

Mr. ROWLAND. About 15,000.

Mr. HEARD. As I understand it, the Senate bill appropriated $175,000, and the House committee recommended cutting it down to $85,000.

Mr. ROWLAND. Yes, sir.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that this bill be considered at this time?

Mr. TOWNSHEND. Mr. Speaker, I have not objected to any bill——

Mr. ANDERSON, of Kansas. Then do not do it now.

Mr. TOWNSHEND. I do not propose to object now; but I do believe that this is not the way in which we should allow unanimous consents. If the resolution which I introduced, and which has been referred to the Committee on Rules, were reported back here and agreed to, every member of this House would stand upon an equal footing and every one would have a chance to have his bills passed. I think that in order to relieve the Speaker and gentlemen who act temporarily as Speaker, and in justice to the members of this House, we should adopt a resolution similar to the one I introduced, which would permit every member of the House to ask unanimous consent to have a bill passed, and provide that no man should have the privilege of asking unanimous consent twice until every other member of the House present should have had an opportunity.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the question is on agreeing to the substitute.

The substitute was agreed to.

The Senate bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROWLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. TOWNSHEND. I desire to raise the question of consideration upon the proposition of the gentleman from Missouri [Mr. BURNES].

The SPEAKER. No question of consideration can be raised against that motion. The House can refuse to agree to it.

Mr. TOWNSHEND. Mr. Speaker, I know that my friend from Missouri is a fair man and is desirous to expedite the public business. Now, in the interest of the public business, I ask that we may have some understanding as to the purpose with which the House is to go into Committee of the Whole. There is in Committee of the Whole the Army appropriation bill with the amendments of the Senate; there is also in Committee of the Whole the general deficiency bill. Now, it is of great importance that the Army appropriation bill should become a law before the 1st of next month. I have a letter from the Secretary of War stating that this is of the utmost importance in order that a very large number of accounts may at that time be paid out of the moneys appropriated.

We passed the other day a resolution extending for an additional month the appropriations for the War Department. That resolution is in the Senate unacted on; and the reason given there for non-action is that the Senate has passed the Army bill with amendments, and that we should take up those amendments and act upon them. The Senate is right in that position. Nothing is required to be done on the Army appropriation bill by the House except to dispose of the Senate amendments; and I hope the House will allow this very important bill to be taken up and the amendments disposed of. The Committee on Military Affairs has authorized me to ask non-concurrence in all the amendments; and it would take, perhaps, but five minutes to dispose of those amendments. Therefore I trust we may have without delay an opportunity to take up the Army bill, dispose of the Senate amendments, and return the bill to the Senate.

I will add that there is no emergency in regard to the passage of the general deficiency bill. It may without inconvenience be passed in a week or two as well as to-day. But there is going to be great inconvenience and embarrassment in connection with the Army by delay in

passing the Army appropriation bill, inasmuch as it provides th money necessary to settle the accounts of the Army on the 1st of August.

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. TOWNSHEND] that the motion made by the gentleman from Missouri [Mr. BURNES] is precisely the same motion which the gentleman himself would have to make to accomplish his object; that is that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The question as to the preference of one of those bills over the other would present itself when the first of the bills was reached in Committee of the Whole. If a proposition should then be made and objected to that the bill be passed over, the Committee of the Whole would rise and the House would be called on to decide the question.

Mr. TOWNSHEND. Then I will renew my request at the proper point in Committee of the Whole.

The question being taken on the motion of Mr. BURNES that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will read the title of the first bill in order.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. TOWNSHEND. I object to the consideration of this bill, and I ask my friend from Missouri to allow us to dispose of the Senate amendments to the Army appropriation bill.

Mr. CHAIRMAN. The rule requires that if the gentleman objects to the consideration of the bill, he should ask that it be passed over.

Mr. TOWNSHEND. I make that motion, in order that we may reach the Army appropriation bill.

The CHAIRMAN. Is there objection to passing over the bill the title of which has been read?

Mr. SAYERS. I object.

The CHAIRMAN. Objection being made, the committee, under the rules, must rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having reached in the course of its business the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, the proposition was made and objected to that the bill be passed over; whereupon the committee rose in order that the objection might be reported to the House for its decision.

The SPEAKER. The question is, Will the House direct the Committee of the Whole on the state of the Union to pass over this bill?

Mr. SAYERS. Mr. Speaker——

The SPEAKER. This is a question concerning the order of business, and is not debatable.

The question being taken, there were—ayes 60, noes 51.

Mr. BURNES. No quorum having voted, I call for tellers.

Tellers were ordered; and Mr. BURNES and Mr. TOWNSHEND were appointed.

The House again divided; and the tellers reported—ayes 66, noes 85.

Mr. TOWNSHEND (before the result was announced). Mr. Speaker, my judgment is that it is the duty of the American Congress to dispose of the Army appropriation bill before the 1st day of August. This other bill could stand over for a month without detriment to the Government. But I am not here as an obstructionist to legislation; and as a majority of the House has concluded it to be best to let the War Department and the Army be embarrassed I shall not make any further resistance.

Mr. SAYERS. I wish to say a word in reply to the remarks just made by the gentleman from Illinois [Mr. TOWNSHEND]. The Army bill was passed in this House on the 16th of June; it remained in the Senate until the 26th of July, when it came back with amendments which do not come within the rules of this House as proper to be placed on this bill. All that the advocates of the postponement of the present consideration of the Army bill ask is that the House shall be thoroughly informed as to the nature of these amendments before acting upon them. A resolution has already passed the House and is now pending in the Senate extending the appropriations of the last year for thirty days longer. [Cries of "Regular order!"]

Mr. TOWNSHEND. In reply to the gentleman from Texas [Mr. SAYERS]——

The SPEAKER. The regular order is demanded.

Mr. TOWNSHEND. But, Mr. Speaker, fair play demands——

The SPEAKER. The gentleman from Texas [Mr. SAYERS] made his statement in reply to that of the gentleman from Illinois.

Mr. TOWNSHEND. But the gentleman has developed a new matter——

The SPEAKER. The Chair of course would be glad to recognize the gentleman from Illinois if the regular order were not demanded.

Mr. TOWNSHEND. I am asking to say only one word.

The SPEAKER. But the Chair has no discretion when the regular order is demanded.

Mr. TOWNSHEND. Who demands the regular order?

Mr. PAYSON. I desire to make an inquiry. Does the record show that for any disaster which may occur to the War Department or the Army my colleague [Mr. TOWNSHEND] will be free from responsibility? If it does, then I think the regular order may proceed.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. If any disaster happens to the Army by reason of the failure of this bill the gentleman from Illinois [Mr. PAYSON] may regard himself as one of those who will be responsible.

The SPEAKER. The noes have it, and the House refuses to lay the bill aside.

The committee resumed its session, Mr. SPRINGER in the chair.

GENERAL DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. By a vote of the House the general deficiency bill has been ordered to be taken up for consideration, and the Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will proceed to read the bill the first time for information.

Mr. LONG. I suggest to the gentleman in charge of the bill that the first reading of the bill be dispensed with.

Mr. BURNES. I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. BURNES. Mr. Chairman, I desire at this time, for the satisfaction of members of the committee, to make a statement with regard to the future management of the bill. It has been agreed, after consultation with a number of gentlemen on both sides, we shall proceed to-day with that portion of the bill preceding the final section, and if we reach that section to-day then we shall rise and allow that matter to go over until Monday, or in case it is not reached to-day, that as soon as the preceding sections of the bill have been disposed of we shall then proceed to the consideration of the last section relating to the French spoliation claims.

It is also agreed, Mr. Chairman, that the general waiver of debate at this time shall not cover that final section, but that a certain time shall be allowed, agreeable to the two sides of the House, for debate on those spoliation claims. I appeal to gentlemen on the other side, and especially to the gentleman from Massachusetts [Mr. LONG], my colleague on the committee, as it is likely the thermometer may run up to 160° in the shade, the time for debate shall be as limited as possible. Four and a half hours have been suggested, but I ask my friend whether it can not be limited to three hours.

Mr. LONG. After consultation with the friends of these spoliation claims it has been determined that three hours will not be a sufficient time. Four and a half hours on each side is about as little time as they can get along with.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message was received from the Senate by Mr. MCCOOK, its Secretary, announcing the passage of bills and joint resolution of the following titles; in which concurrence was requested:

A bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan;

A bill (S. 3305) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; and

Joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy.

It further announced the passage of the bill (H. R. 4659) for the relief of George M. Ochiltree with an amendment, together with a request for a conference with the House on the said bill and amendment, and that the Senate had appointed as its managers of said conference Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL.

It further announced disagreement to the amendment of the House to the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, and asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAULKNER, Mr. HOAR, and Mr. SPOONER as the managers of said conference on its part.

It further announced the passage of bills and joint resolution of the following titles:

A bill (H. R. 9298) releasing the estate of Asher R. Eddy, late lieu-

tenant-colonel and Quartermaster-General, United States Army, deceased, and George W. Gibbs, and R. L. Ogden, sureties on his official bond;

A bill (H. R. 736) for the relief of Caroline T. Cockle; and

Joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "Joint resolution to provide temporarily for the expenditures of the Government."

GENERAL DEFICIENCY BILL.

The Committee of the Whole resumed its session.

Mr. DIBBLE. Mr. Chairman, having introduced at the beginning of this session the resolution under which the French spoliation claims have been incorporated in this bill, under instructions of the House, and having been requested by my friend from Missouri [Mr. BURNES], who has charge of the bill, to make some inquiry as to the amount of time that would be desired by those wishing to speak in favor of these claims, I do not think that four hours from my information will give reasonable time for the debate. I had stated to my friend that four and a half hours was the least time in my judgment that would be required, and since that time I have heard of one or two others who wish to speak upon the bill in addition to those with whom I had already spoken.

I really think that five hours, so far as those in favor of the bill may be concerned, is quite a reasonable limit, but as I suggested four and a half hours in the first instance I would like my friend from Missouri to concede at least that much time.

Mr. LONG. How much time do gentlemen think will be required in opposition to the claims?

Mr. BURNES. As a matter of course the opponents of the claims will demand the same time that is fixed for your side, but are entirely willing to be governed by the time you may fix. If four hours and a half is insisted upon of course I will yield my views in regard to the matter.

Mr. LONG. I think, under the circumstances, as so many have expressed a desire to be heard, one gentleman having just spoken to me, that that is the very least time possible.

Mr. BURNES. Then the understanding will be, when we reach that provision of the bill in regard to the French spoliation claims, that there will be a general debate not exceeding four hours and a half on each side.

The CHAIRMAN. Is there objection to the agreement suggested by the gentleman from Missouri?

Mr. CANNON. Mr. Chairman, I have no objection to the agreement as to the debate upon those claims.

Mr. LONG. When they are reached.

Mr. CANNON. When they are reached. I think it a very proper agreement. I do not desire to consume much time myself in the general debate at the commencement, but I should like to be permitted to take the floor in my own right, and will probably not consume exceeding a half hour, if that much, in the general debate and *aliunde* of the spoliation claims.

Mr. LONG. Let us fix this other question first.

Mr. TOWNSHEND. Mr. Chairman, if four and a half hours is to be allowed for general debate upon one section of this bill, we will consume two days of debate upon the one section.

The CHAIRMAN. The request is that all general debate be confined to the last section of the bill.

Mr. TOWNSHEND. I understand that; but there are eighty-six pages here of this bill, and I do not remember the number of sections, but they are quite numerous. If two days' general debate is to be devoted to the consideration of one section, it is likely that the bill will occupy not less than ten days.

Mr. LONG. Oh, no.

Mr. RYAN. Three days at the outside.

Mr. TOWNSHEND. I shall protest against any such improvident waste of the time of the House at this stage of the session. I insist that the House shall proceed in its regular way and order, and if we find it necessary hereafter to limit debate on any section of the bill we can do it. I object.

The CHAIRMAN. The Chair will first submit the request of the gentleman from Missouri to the House, so that there may be no misunderstanding about it. The gentleman from Missouri requests that all general debate on this bill be confined to the spoliation claims embodied in the fourth section of the bill when it is reached, and that the general debate on the fourth section be limited to a period not exceeding four and a half hours on each side. Is there objection?

Mr. CANNON. With one modification, I have no objection.

Mr. LONG. We will concede that.

Mr. CANNON. Yes, but the unanimous consent here asked includes all the general debate, and will exclude any such arrangement as I wish.

Mr. BURNES. We will have a different understanding as to that. Let the present point be settled first.

Mr. CANNON. Well, let this be included in your request.

Mr. TOWNSHEND. Does my colleague insist on general debate now?

Mr. CANNON. I want to be recognized in my own right, but without reference to the spoliation claims.

Mr. TOWNSHEND. Then there will be further time taken up in the general debate.

Mr. CANNON. I want to be recognized for one hour, but, as I have said, may not occupy all of that time.

The CHAIRMAN. Is there objection?

Mr. HOOKER. I have no desire to interfere with any arrangement made by the gentleman who reports the bill with gentlemen on the other side in reference to the time to be devoted to the discussion of the French spoliation claims; but I think, with the gentleman from Illinois, that if this bill is to be presented to the House for consideration now there ought to be general debate upon the other provisions to such an extent as members may feel necessary, and also to enable the members of the committee to explain the objects of the bill.

The SPEAKER. The Chair will submit the modification suggested by the gentleman from Illinois.

Mr. CANNON. I shall only desire to be recognized for the hour.

The CHAIRMAN. The first request is that the gentleman from Illinois be permitted to address the committee for a period of one hour on this bill, and thereafter that general debate shall not take place until the fourth section of the bill is reached, whereupon not exceeding four and a half hours on each side on that question shall be allowed. Is there objection?

Mr. BUCHANAN. Mr. Chairman, I will not object provided that when the provision relating to the appropriations for deficiencies in the Department of Justice is reached I can control twenty minutes.

Mr. LONG. Perhaps the gentleman from Illinois will yield that time out of his hour.

Mr. MACDONALD. I think too much time is asked, and I will object.

Mr. BUCHANAN. The gentleman from Illinois says that he will yield to me whatever time I may desire, and I withdraw my objection.

The CHAIRMAN. Is there further objection?

Mr. ROGERS. I would like the gentleman from Missouri, in case I should desire it, to permit me to be heard briefly on that portion of the bill relating to the Department of Justice.

The CHAIRMAN. The Chair will state, when that is reached, as there is a disposition on the part of the committee to allow reasonable time, the Chair will assist to whatever extent it can to enable the gentleman to be heard on that part of the bill.

Mr. MACDONALD. I understand the proposition of the Chair to be to give the gentleman from Illinois one hour, and then four and a half hours on each side on the spoliation claims when that provision is reached?

The CHAIRMAN. That is the request.

Mr. MACDONALD. Then I object.

Mr. BURNES. As a matter of course we can proceed with the general debate without unanimous consent, and it was in the interest of economy of time that I sought to have this agreement perfected now. The gentleman will understand that we can proceed with the general debate without limit, so that it will take more time, and this was an economy of time. If the gentleman insists upon his objection we will proceed without limit.

Mr. MACDONALD. Is it an economy of time to give gentlemen one hour on one point, and then give an additional four and a half hours? I am perfectly willing to concede to the gentleman from Illinois to have the time he wishes, but I object to it being coupled with the other proposition.

Mr. BURNES. It is not coupled with the other proposition.

Mr. MACDONALD. The Chair so stated.

The CHAIRMAN. The Chair will state the proposition. The proposition is that the gentleman from Illinois on the left be now permitted to occupy one hour in general debate on the general provisions of this bill, after which the committee will proceed to consider the bill under the five-minute rule, until section 4, relating to the French spoliation claims, is reached, whereupon general debate will be resumed, and under the understanding four and a half hours of general debate on that section will be allowed on each side. Is there objection? The Chair hears none.

Mr. TOWNSHEND. The Chair has not waited for a response.

Mr. MACDONALD. I do not object.

Mr. TOWNSHEND. I do. These French spoliation claims have been discussed now for nearly one hundred years; they were discussed last January for hours and hours, and it does seem to me a waste of time to give nine hours to the discussion of a proposition which has been discussed so many hours already, and I object to that waste of time.

Mr. BURNES. We will proceed then to the consideration of the bill under general debate, and as I have nothing to offer in the way of general debate in regard to a bill that simply means dollars and cents in pursuance of law, I will yield thirty minutes to my friend from Washington Territory, who will doubtless edify the House.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt the gentleman, do I understand that an agreement about general debate is made and general debate on the French spoliation claims will take

place in the general debate instead of waiting until that section shall have been read?

Mr. BURNES. As soon as the House shall have settled down to debate I have no doubt we will be able to make a satisfactory arrangement for the order debate shall take.

Mr. VOORHEES. Mr. Chairman, I avail myself of the kindly courtesy of the gentleman from Missouri to present to this House some vital considerations which imperatively demand the immediate admission of the Territory of Washington into the Union as the State of Washington. I regret that the tardiness of this House in proceeding to the consideration of a measure so important as this should force me to present upon an appropriation bill the facts which the importance of the subject require that I shall present.

Mr. Chairman, amongst the many topics of legislation which demand the attention of Congress there are none which so comprehensively embody all the elements of a broad and enlightened statesmanship as that which contemplates the investiture of American citizens with the blessings of constitutional government. Animated by such a belief I rise upon this occasion, on behalf of more than two hundred thousand disfranchised citizens of this Republic, to impress, so far as I may, upon the members of this body the gross injustice of further delay in clothing this people with that right which the fathers wrested from King George upon the bloody fields of the Revolution; the right to be freed from the odious and monstrous imposition of taxation without representation; the right to live under a constitution, enjoying all the privileges and immunities consequent upon such a condition.

For many years the superb commonwealth which has honored me with a seat upon this floor has been demanding that place in this Union to which her varied and unrivaled resources and the citizenship of her inhabitants entitle her, and for many years her demands have fallen on dull ears. The inanimate attitude of Congress in connection with this mighty question has presented a painful analogy to that of the fathers of Massachusetts Bay, who in early times solemnly determined that populations were never destined to become very dense west of Newton, a suburb of Boston, and that of the founders of Lynn, who having diligently pushed their explorations a distance of 10 or 15 miles, gravely doubted whether the country to the westward would ever be good for anything. A remnant of the dense ignorance of that day and generation, of the marvelous and incalculable possibilities of the trans-Mississippi, has seemingly animated the minds of legislators heretofore in inducing a policy of non-action in extending the kindly and gracious hand of constitutional government to these mighty communities.

The wise and unerring statesmanship which animated Thomas Jefferson when he, in 1803, laid the foundation for the vast empires which are now to be found in the trans-Mississippi, did not contemplate the erection of dependencies or outlying provinces, and yet for years, with every prerequisite for admission into the Union amply met, a condition of disfranchisement continues to exist.

By the act of March 3, 1853, that portion of the territory which was bequeathed to the American people by the enduring wisdom of Thomas Jefferson lying between the parallels 45° 32′ and 49° north latitude and the meridians of 117° and 124° 8′ longitude west from Greenwich, was clothed with a power of territorial government under the immortal name of Washington.

The Cascade range of mountains, a continuation of the Sierra Nevada, traverses the Territory from north to south, dividing it into two distinct geographical divisions.

In every essential prerequisite to statehood the Territory of Washington stands the peer of the proudest State in the American Union. While as yet her wonderful resources are in a comparatively meager state of development she only awaits that condition of stability and certainty which attends upon a State government to astonish the world with the variety and richness of her products and the enterprise and patriotism of her citizens.

Mr. SYMES. Will the gentleman from Washington Territory yield to a question?

Mr. VOORHEES. Certainly.

Mr. SYMES. Does the gentleman not know that the five members of the Territorial Committee belonging to the Republican party have actively urged upon the committee and the House the admission of Washington Territory both in the Forty-ninth and in this Congress?

Mr. VOORHEES. I will state to the gentleman from Colorado that I am discussing this question, presenting, as it does, the question of enfranchisement for American citizens, as an American citizen, and not solely as a Democrat. I am in favor of the admission of every Territory into the Union, regardless of its political predilections, whether Democratic or Republican.

The question of American citizenship is too large, too exalted, and too great to be circumscribed by political considerations in my judgment. The Democratic members of the Territorial Committee have reported in favor of the admission of the Territories of Washington, Montana, New Mexico, and Dakota into the Union as States, and I do not know where the objection is to the consideration of the measure, whether upon the one side or the other.

Mr. SYMES. There is no objection to considering it; but I ask the gentleman if he does not know from his experience before that committee, when urging the admission of the Territory of Washington that he is now elaborating on by his oratory, that the Republican members of the committee urged the report and urged the admission and have urged that the committee should call the bill up in the House, both in the Forty-ninth and Fiftieth Congresses?

Mr. VOORHEES. I will say, so far as the Territory of Washington is concerned, that every Democratic member, as well as the five Republican members, urged the admission of the Territory. I decline to yield any further.

Mr. SYMES. Does not the gentleman know that the Democratic members tied it up with other Territories in an omnibus bill?

Mr. VOORHEES. Mr. Chairman, I do not want to be taken in this way from the line in which I have seen fit to present this question, and the gentleman can make any political capital out of it in his own time if he chooses, if there is any such capital to be made. I have but thirty minutes, and consequently have no time in which to indulge in a colloquy with my friend from Colorado.

When the uncertainties of a Territorial government shall have given place to a government distinctively by the people, outside capital, which only seeks an investment in favored quarters, will be a giant in the development of our unequaled resources, and that degree of enterprise and patriotism will exist which has its growth in the loyal pride of American citizenship.

Amidst the many natural advantages upon which the pre-eminence of the Territory is based, its maritime character takes a commanding place. Nature has touched the western portion of the Territory with a generous hand and has lavishly endowed it with all the requirements demanded by great maritime interests. Admiral Charles Wilkes thus emphasizes the maritime characteristics of Puget Sound:

Nothing can surpass the beauty of these waters and their safety. Not a shoal exists within the Straits of Juan de Fuca, Admiralty Bay, or Hood's Canal that can in any way interrupt their navigation by a 74-gun ship. I venture nothing in saying that there is no country in the world that possesses waters equal to these; they cover an area of about 2,000 square miles; the shores of all its inlets and bays are remarkably bold, so much so that a ship's side would strike the shore before her keel would touch the ground.

The country by which these waters are surrounded is remarkably salubrious and affords every advantage for the accommodation of a vast commercial and military marine, with convenience for docks, and a great many sites for towns and cities, at all times well supplied with water, and capable of being well provided with everything by the surrounding country, which is well adapted for agriculture.

The Straits of Juan de Fuca are 95 miles in length, and have an average width of 11 miles. At the entrance (8 miles in width) no danger exists, and it may be safely navigated throughout.

No part of the world affords finer inlands, sounds, or a greater number of harbors than are found within the Straits of Juan de Fuca, capable of receiving the largest class of vessels and without a danger in them that is not visible. From the rise and fall of the tide (18 feet) every facility is afforded for the erection of works for a great maritime nation.

The country also affords as many sites for water-power as any other.

The gigantic lumber, coal, agricultural, and other interests are of such proportions that in 1887 the number of American steam-vessels engaged in the foreign trade, which was 674 entering and clearing in the Puget Sound customs district, exceeded that of any other district in the United States, New York standing second with 488 vessels; and the tonnage of such vessels, representing 532,748 tons, was only exceeded by New York, where the tonnage was 764,551. During that year in the aggregate number of American and foreign steam-vessels engaged in the foreign trade, at 1,312, this district stood second only to New York, and in the aggregate tonnage of such vessels the district was seventh in importance. In the aggregate number of entrances and clearances of American and foreign vessels, steam and sail, the district was fifth in the United States, with 881 vessels, and in the aggregate tonnage of such vessels it was seventh. In the fiscal year of 1886 the collections of this district were $79,000, while such collections for the fiscal year of 1887 will not fall far short of $300,000.

It is estimated that the export trade of Puget Sound in coal, lumber, wheat, and other products amounts to $10,000,000 annually. Even under territorial conditions her fishing, lumbering, mining, and manufacturing industries present a phenomenal degree of development. Her trade with China and Japan and the islands of the Pacific gives abundant promise of an overwhelming contribution in the near future to her maritime greatness. Already this trade is being largely developed by the ocean lines of steam-ships already in operation, and by the line of tea ships which during a considerable period has been successfully operated.

Puget Sound has been aptly termed the "Mediterranean of the Pacific," and even in the infancy of the development of that region it is a giant rival of its Italian namesake. Washington Territory has 1,984 miles of coast line, which includes that portion of the Territory washed by the Pacific Ocean, extending from the Straits of Fuca on the north to the Columbia River on the south.

Aside from the rapidly increasing commercial importance of our maritime position, the American people are confronted by very grave and weighty political considerations involved therein. Washington is the only Territory in the United States to-day with an ocean frontage, and questions of the gravest national concern must induce the conviction that it is perilous to longer delay the establishment there of a settled and certain condition of government. Senator MORGAN, in his most

admirable, able, and statesmanlike speech upon the admission of Washington Territory, in the first session of the Forty-ninth Congress, thus forcibly presented this thought:

Considered in a political view, there could be nothing more important to the welfare of the people of the whole Union than to have a State established at that angle of our Northwestern possessions, one side of which is washed by the Pacific Ocean and the other by the Straits of Fuca. I may describe it as a political buttress standing out there partly in the sea, opposed directly to the power and enterprise of the greatest rival that we have in the world—people of our own kith and kindred, whose power and enterprise we certainly ought to learn to estimate if we have not done it yet—the British people.

Victoria, the capital of the province of British Columbia, is but 30 miles distant from Port Townsend, the port of entry of the Puget Sound customs district, and at this point the British Government has established one of its foremost naval stations, and has expended more than a million dollars in public works. Our location with reference to this enterprising and aggressive foreign power should be sufficient, of itself, to successfully invoke the favorable consideration, by the American Congress, of our appeal for constitutional government.

Ship-building promises to become, in the near future, one of Washington's greatest industries. A French expert, referring to the timber of this region for ship-building purposes, says:

The principal quality of their woods is a flexibility and tenacity of fiber rarely met with in trees so aged. They may be bent and twisted several times in contrary directions without breaking. The masts and spars are wood rare and exceptional for dimensions and superior qualities, strength, lightness, absence of knots, and other grave vices.

From July 1, 1886, to September 30, 1887, there were built in the district of Puget Sound twelve steam vessels with a gross tonnage of 1,002.43 and seventeen sailing vessels with a gross tonnage of 4,464.31.

The lumber supply of Western Washington is practically inexhaustible. It embraces yellow and red fir, white and red cedar, spruce, larch, white pine, white fir, hemlock, yellow pine, tamarack, alder and maple, ash and oak, cherry and laurel, and cottonwood. The heaviest export is in the yellow and red fir, commonly designated as "Oregon pine."

In exceptional cases these trees reach 12 feet in diameter and 300 feet in height, but the saw logs, ordinarily used in the manufacture of commercial lumber, range from 24 to 60 inches in diameter. By the best statistics obtainable it appears that during a year of two hundred and sixty working days the saw-mills of Washington Territory have a capacity for the manufacture of 645,440,000 superficial feet of lumber. In all the operations which lead up to this result, from the logging camp to the lumber yard, it is estimated that the employment of at least two men for every 1,000 feet of lumber is necessary. Upon this basis this industry alone gives employment to 4,964 men. As conveying some idea of the character of the foreign trade in lumber from this Territory, the following statistics are valuable:

Destination, number, and amount of foreign lumber cargoes for the year 1886.

Destination.	No.	Feet.	Destination.	No.	Feet.
Sydney	32	25,082,332	Hong-Kong	2	1,210,000
Melbourne	27	19,053,426	Antofogasta	2	1,127,000
Hawaiian Islands	26	14,244,111	Iquique	2	1,206,716
Valparaiso	24	14,990,372	Rio de Janeiro	1	868,365
Mexico	9	4,720,232	Mollendo	1	473,109
Buenos Ayres	6	4,818,111	London	1	551,493
Brisbane	5	2,404,562	Broken Bay	1	814,000
Shanghai	5	2,794,460	Montevideo	1	837,817
Callao	4	2,402,666	Adelaide	1	607,305
Fiji	4	1,204,494	Coquimbo	1	423,862
Townsville	3	2,192,558			
New Caledonia	3	1,075,250	Total		103,102,241

During that year the shipments coastwise amounted to 200,000,000 feet, and to American Atlantic ports 3,076,432 feet, representing a total of shipments during the year of 306,178,673 feet.

From the very great importance of the coal industry of Washington Territory it has frequently been called the "Pennsylvania of the Pacific Northwest." The mines are confined to the central and western portions of the Territory. The great bulk of the coal found in the Territory is bituminous. During the year ending June 30, 1877, there were shipped from the Territory 525,705.15 tons. So far as ascertainable, it appears that the total output of coal in the Territory to June 30, 1887, was as follows:

	Tons.
Newcastle	1,308,178
Franklin	46,272
Black Diamond	148,418
Renton	35,015
Talbot	10,000
Cedar River	64,816
Carbonado	402,207
South Prairie	139,792.5
Wilkeson	10,372.5
Bucoda	4,550
Roslyn	40,987.3
Bellingham Bay (estimated)	250,000
Clallam Bay	500
Total	2,461,108.3

The approximate acreage of coal lands in Washington Territory by counties is as follows:

	Acres.
King	70,000
Pierce	40,000
Kittitass	50,000
Lewis	5,000
Thurston	5,000
Whatcom	10,000
Total	180,000

In addition to the coal product of the Territory, gold, silver, copper, cinnabar, lead, marble, limestone, and sandstone abound.

While Western Washington is principally noted for its superb natural advantages, its inexhaustible lumber supply, its coal and other mineral wealth, Eastern Washington is especially adapted to agricultural pursuits, although very valuable deposits of the precious metals have recently been discovered there. While the agricultural possibilities of Western Washington are by no means insignificant, they are by no means equal to those of the eastern portion of the Territory. In the year 1879, according to the United States census returns, Washington Territory led every State in the Union in the yield per acre of wheat, oats, barley, buckwheat, hops, and potatoes, and was only excelled in the production of rye by Oregon, Minnesota, Iowa, Illinois, and California. Corn is nowhere a staple in the Territory.

Eastern Washington is known to be one of the great wheat-producing regions of the world. In the county of Whitman, in which I reside, it is not unusual for the average yield of wheat per acre to range from thirty to forty bushels. It is very difficult to obtain authentic statistics upon this subject, but it is a well-known fact that every year shows a heavy increase in the cultivated acreage in the Territory. The county assessor of Walla Walla County reported last year an increase of 56,000 acres of cultivated land as against the year preceding, and authenticated statistics would no doubt show a corresponding increase in other counties in the Territory.

Stock raising is carried on to a considerable extent in various portions of the Territory.

It appears from the report of the superintendent of public instructions that there were in the Territory last year 863 school-houses, with 990 school districts, of which 835 districts were maintaining schools, in which there were employed 1,231 school-teachers, with an enrollment of 29,902 pupils, the average daily attendance being 21,604. In addition there is at Seattle a Territorial university, with an attendance of 150 students and a faculty of 5 professors, and a large number of academies and colleges throughout the Territory. There is a school for the deaf and dumb located at Vancouver, and a new insane asylum has recently been built at Steilacoom in Western Washington, at a cost of $100,000, and the last Legislature provided for the erection of an asylum for the insane at Medical Lake, in Eastern Washington. A new penitentiary has recently been erected at Walla Walla, at a cost of $60,000.

In October of last year there were in the Territory eighteen national banks with a capitalization of $1,430,000, and five banks incorporated under the Territorial laws with a capitalization of $355,000, making the total capitalization of the banks in the Territory $1,785,000. There are, in addition, a large number of private banking institutions in the Territory.

The fish industry in the Territory furnishes a very decided element of wealth. The principal fish found in the waters of the Territory are the salmon, halibut, true cod, green or cultus cod, sturgeon, etc. Oysters, clams, etc., are very abundant. It is claimed that on the Columbia River alone the operations of the salmon industry requires the employment of six thousand men and the investment of a capital of $2,000,000. Since the beginning of the salmon canning industry in 1866 the value of salmon canned has amounted to nearly $46,000,000, as will be seen from the following statistics:

Year.	Pack.	Value.	Year.	Pack.	Value.
1866	4,000	$64,000	1879	480,000	$2,640,000
1867	18,000	288,000	1880	530,000	2,650,000
1868	28,000	392,000	1881	550,000	2,475,000
1869	100,000	1,350,000	1882	541,200	2,600,000
1870	150,000	1,800,000	1883	629,400	3,147,000
1871	200,000	2,100,000	1884	620,000	2,945,000
1872	250,000	2,325,000	1885	553,800	2,500,000
1873	250,000	2,250,000	1886	448,500	2,135,000
1874	350,000	2,625,000	1887	356,000	2,124,000
1875	375,000	2,250,000			
1876	450,000	2,475,000	Total in 22 years		45,862,000
1877	460,000	2,490,000			
1878	460,000	2,300,000			

There are nearly two hundred and fifty churches in the Territory. The climate of the Territory is one of the healthiest in the world. The mean temperature in Eastern Washington is about 73° in summer and 34° in winter, while in Western Washington it is about 63° in summer and 39° in winter, there being a difference of about 10° in the mean temperature of the two sections.

The entire death rate in the Territory is less than that of any State in the Union, the District of Columbia, England and Wales, Denmark, Sweden, Austria, Hungary, German Empire, Prussia, the Netherlands, France, Spain, or Italy.

The assessed value of all property returned by the several counties in 1887 for purposes of taxation were $61,562,739, and the total tax levy was $1,239,938.41. It must be noted in this connection that no part of the vast landed estate of the Northern Pacific Railroad Company in the Territory is included within this valuation.

This arises from the fact that this company succeeded in having placed upon the statutes of the Territory a most shameless and nefarious law providing for the payment into the Territorial treasury of 2 per cent. of its gross earnings in lieu of taxes upon all its property interests of whatsoever character or description. In the face of this law it was impossible to list this property for taxation on the same basis as the property of the individual. It is not unlikely that this valuation would have been increased from 50 to 100 per cent. had not the statute-books of the Territory been disgraced by this iniquitous exemption. This piratical law has recently been repealed, and our property valuation will be correspondingly increased. The total value of taxable property assessed in 1885, under the same conditions as existed with reference to exemptions in 1887, was $50,484,437. It appears, therefore, that during the two years between 1885 and 1887 there was a net increase in the value of taxable property of $11,078,302.

These statistics overwhelmingly demonstrate that Washington Territory is behind no State in the Union in the fertility of her soil, the grandeur of her natural advantages, the salubrity and healthfulness of her climate, the richness and varied character of her products, and the stability of her citizenship.

By the most conservative estimate the population is very much more than sufficient to warrant the favorable consideration of the Territory's demand for statehood.

In 1880, by the Government census, there was a population in the Territory of 75,116. This population had accumulated in the absence of any transcontinental railway facilities. Since that time we have been connected with the East by the Northern Pacific and the Union Pacific; with San Francisco by the Oregon and California, and the Pacific terminus of the Canadian Pacific is but a very short distance to the north of the Territory. While it is difficult to estimate with any degree of mathematical certainty the effect of these increased transportation facilities upon the immigration of the Territory, it is not difficult to conclude that it has been very great.

In 1880 the total vote in the Territory was 15,823. With the population at 75,116 the figures indicate a ratio of population to vote of 4.7. In 1882 the total vote was 19,498, showing an increase in the voting population in the two years of 23.67 per cent. At the ratio of 4.7 this would indicate a population of 91,640 in 1882, an increase in two years of 22.55 per cent. In 1884 the total vote cast in the Territory was 41,842. During the period between 1882 and 1884 the right of suffrage had been extended to women by the Territorial laws. In that election there were polled by women 8,368 votes, and in order to preserve the ratio of population to vote, under the rule established in 1880, when woman suffrage did not prevail, it becomes necessary to deduct from the above the female vote. This done the total male vote, on the 4th day of November, 1884, was 33,474. With the ratio still at 4.7, this vote represented a population of 157,328, indicating an increase in two years of 71.68 per cent. In 1886 the total vote in the Territory was 47,230. Deducting from this the female vote, placing it at the figures of 1884, and the total male voting population was 38,862. At the ratio of 4.7, the population in November, 1886, was 182,650. Since that time the increase in population has been greater than ever before, and it requires no effort of the imagination to conclude that the population of Washington Territory, at this time, very largely exceeds 200,000. By a Territorial census, in the spring of 1887, which is recognized everywhere as exceptionally incomplete and inaccurate, it appears that there was a population in the Territory, at that time, of 142,391, This census was taken by the county assessors throughout the Territory, under a law which provided no penalties whatever for non-compliance with its provisions.

The conditions as to population under which each of the last twenty-five States were admitted into the Union will amply appear from the table which follows. This table very clearly establishes the fact that Washington is far better equipped as regards her population than were the great majority of the States which have preceded her at the date of their admission.

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.			Population when admitted.			Population by following census.	Rate per cent. of increase during decade of admission.
			Free.	Slave.	Total.	Free.	Slave.	Total.		
Vermont	1791	33,000	85,425	.....	85,425	85,425	.....	85,425	154,446	80
Kentucky	1792	33,000	61,247	12,430	73,677	61,247	12,430	73,677	220,955	200
Tennessee	1796	33,000	32,274	3,417	35,691	*60,000	*7,000	*67,000	105,602	195
Ohio	1802	33,000	45,365	.....	45,365	45,365	.....	45,365	230,760	408
Louisiana	1812	35,000	41,896	34,660	76,556	41,896	34,660	76,556	152,923	100
Indiana	1816	35,000	24,520	.....	24,520	63,897	.....	63,897	147,178	500
Mississippi	1817	35,000	23,264	17,088	40,352	45,441	30,061	75,512	75,448	403
Alabama	1819	35,000							127,901	
Illinois	1818	35,000	12,282	.....	12,282	34,620	.....	34,620	55,162	350
Maine	1820	35,000	228,705	.....	228,705	298,269	.....	298,269	399,445	33
Missouri	1821	40,000	66,335	10,222	66,557	56,335	10,222	66,557	140,455	111
Arkansas	1836	47,700	58,812	4,576	30,388	*33,000	*9,240	52,240	97,574	221
Michigan	1837	47,700	31,639	.....	31,639	*65,000	.....	*65,000	212,267	570
Florida	1845	70,680	28,760	25,717	54,477	*34,000	*30,000	*64,000	87,445	60
Texas	1845	70,680	.....	.....	.....	*105,000	38,000	*143,000	212,592	.....
Iowa	1846	70,680	43,112	.....	43,112	78,819	.....	78,819	192,214	345
Wisconsin	1848	70,680	30,945	.....	30,945	*180,000	.....	*180,000	305,391	886
California	1850	93,423	92,597	.....	92,597	92,597	.....	92,597	379,994	310
Minnesota	1858	93,423	6,077	.....	6,077	*120,000	.....	*120,000	172,023	2,730
Oregon	1859	93,423	13,294	.....	13,294	*50,000	.....	*50,000	52,465	294
Kansas	1861	127,381	107,206	.....	107,206	107,206	.....	107,206	364,399	240
West Virginia	1863	127,381	.....	.....	.....	.....	.....	*350,000	442,914	.....
Nevada	1864	127,381	6,857	.....	6,857	*40,000	.....	*40,000	42,491	520
Nebraska	1867	127,381	28,841	.....	28,841	*100,000	.....	*100,000	122,993	322
Colorado	1876	131,425	39,864	.....	39,864	*100,000	.....	*100,000	194,640	388

* Estimated.

Maine was the offspring of Massachusetts, and West Virginia was wrested from the Old Dominion. New York held the colonial custody of Vermont, Virginia of Kentucky, and they were admitted into the Union with the consent of the mother States. Texas possessed an independent organization before her annexation to the United States. The other twenty were carved from the Territories of the United States by Congress. Of these only four, according to the census preceding their admission into the Union, possessed population reaching the representative unit of that census, namely, Tennessee, Ohio, Missouri, and Louisiana.

As early as 1878 the people of Washington Territory, imbued with an earnest desire for American citizenship, adopted a constitution by a most pronounced and overwhelming majority. From that time to the present they have been earnestly protesting against longer disfranchisement, and urgently appealing to Congress for those rights of citizenship which the Constitution guaranties to all save to those disfranchised for offenses against the laws. They have been diligently representing to Congress that every consideration of public policy, of popular right, of population, of the intelligence, loyalty, and patriotism of the people, and of justice and equality demands the erection of this superb Territory into a free and independent Commonwealth. They have been insisting that within this great question is involved the perpetuation of popular government in this country.

Now, Mr. Chairman, as to the efforts made in the early part of my speech by gentlemen on the other side to make it appear that the Democratic party on this floor is responsible for the delay in the consideration of this very important question, I have not the time to go into details; but I stand here ready to say, and to assume the responsibility of saying, that if the Democratic party in the past has been, or if it is now or shall be hereafter, responsible for depriving the people

whom I represent of the privileges of living under a constitutional form of government, I will just as quickly denounce the Democratic party for that attitude as I would denounce the Republican party for such an indefensible position.

Confronted by the majestic presence of American citizenship mere political considerations grow mean and small. I address myself to this great question to-day, not as a Democrat, but as an American citizen. I care not what the future political complexion of the Territory may be, the citizenship of its inhabitants can not become less sacred, be the administration Democratic or Republican. American citizenship presents too exalted a question to be circumscribed by political considerations, and I shall always protest against the utilization of such a question for the perpetuation of party supremacy or for the achievement of mere party advantage. It is a question of statesmanship and not of politics.

With an earnestness and a zeal born of the wrongs to which the people I represent have been subjected by the laggard disposition of Congress in connection with this great question I raise my voice, here and now, demanding the recognition to which these people, as American citizens, are entitled. With every condition which has heretofore been exacted as precedent to the admission of new States more than complied with, the genius of our institutions, the good faith of the Government, and the inalienable rights of the people of Washington imperatively demand that there shall be no further delay in clothing that mighty and resourceful empire with full powers of sovereiguty. [Applause.]

[During the delivery of the above remarks the hammer fell.]

Mr. CHEADLE. I ask that the time of the gentleman be extended so that he may complete his remarks.

There was no objection, and Mr. VOORHEES resumed and concluded his remarks, as above.

Mr. CANNON. I yield ten minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Chairman, I most heartily agree with the position taken by the gentleman from Washington Territory [Mr. VOORHEES] in urging the admission of that Territory into the Union. I fully agree with him in his criticism of a Territorial government as being unfit for a free people after they have reached that stage of progress which entitles them to be admitted under the precedents for the admission of States into the American Union. I say, sir, from practical experience that a Territorial government is a condition of Territorial vassalage. I say that a Territorial government is worse government for a people after they have reached a point of progress which entitles them to admission than the government of a colony of the British Empire. Therefore it is, sir, that ever since I became a member of the Committee on Territories in the Forty-ninth Congress I have urged that a separate bill should be reported for the admission of Washington Territory.

I have urged also that a separate bill should be reported for the admission of Montana Territory, a Territory I lived in for some years, and which has, equally with Washington Territory, all the elements of manhood and of citizenship, all the elements of material wealth, material growth, and material and political progress, which will make her an honored sister in the American Union. And, sir, as I have already said, every one of the five Republicans on that committee during the Forty-ninth Congress urged that such bills should be reported, and that measures should be taken to bring them before the House for passage. We could not secure the reporting of those bills which were urged by the Delegates from those Territories for their admission into the Union until too late to pass them; but towards the latter part of the Forty-ninth Congress, after months of delay, there was a bill reported here for the admission of Dakota as a whole. It was known that was a question that should be dealt with separately.

It was known that the people of Dakota were divided upon that question and would not consent to come into the Union as one State, that they demanded action on the Senate bill admitting Southern Dakota as a State and organizing Northern Dakota as a Territory. The Fiftieth Congress came around and we found ourselves upon the same committee, and what course was pursued? A bill was introduced for the admission of Washington Territory; a bill was introduced for the admission of Montana Territory; the Delegates of those Territories urged that those bills should be reported and passed.

Every one of the five Republicans upon the committee urged that they should be reported, and that the committee should insist upon having days assigned for their consideration. What was the result? We were overruled in that committee, and the result was that after months of controversy a bill was reported which may be called an "omnibus" bill for the admission of Montana and for the admission of Dakota, and for the admission of Washington Territory, and for the admission of New Mexico—a bill which it was known, in view of the complicated questions that would arise over the admission of Dakota as a whole probably could not be passed at this session. New Mexico was incorporated in that bill, although it was known to the committee and to this House that neither her Delegate who sits yonder [Mr. JOSEPH], nor her governor, Mr. Ross, who was here urging measures in the interest of that Territory, had ever asked for her admission. No bill for the admission of New Mexico was introduced. Her people did not ask for admission or her Delegate ask for admission or her governor ask for admission. But a paragraph was incorporated in this omnibus bill providing for the admission of New Mexico also.

I say to my friend from Washington Territory [Mr. VOORHEES], if you have a little influence on the Democratic side of this House, if you will influence about eight or ten of your Democratic friends to help you out of this condition of Territorial vassalage which you now describe to us, you can get up a bill here to-morrow for the admission of Washington Territory, a bill for the admission of Montana Territory, a bill for the admission of Southern Dakota, and for the organization of Northern Dakota into such a Territory as will become a State at the next session of Congress. [Applause on the Republican side.] Washington Territory can be admitted within forty-eight hours if you can influence the leading Democratic members of this House. Not a Republican on this side, not a Republican on the committee will do anything but urge, as they have all done for the last three years, the admission of that great and prosperous Territory into the Union.

There is not a Republican on that committee, not a Republican in this House, who will not aid in admitting that great Territory of Montana into this Union, with all her varied material resources and with a people as well fitted for home government as ever existed upon the face of the earth. They will aid in the admission of Washington Territory and the admission of South and North Dakota, and of any Territory fitted for admission, when the people ask for it.

But, sir, it is the policy of the Democratic party in the Forty-ninth and Fiftieth Congresses that has wrongfully kept these great Territories out of the Union. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. CANNON. I yield thirty minutes, or as much time as he may desire, to my colleague [Mr. PAYSON].

Mr. PAYSON. Mr. Chairman, the Democratic party at its late national convention at St. Louis, in what it was pleased to call its platform of principles which it professes this year, speaking of itself, used the following language:

It—

The Democratic party—

has reversed the improvident and unwise policy of the Republican party touching the public domain and has reclaimed from corporations and syndicates, alien and domestic, and restored to the people nearly 100,000,000 of acres of valuable land to be sacredly held as homesteads for our citizens.

During the past few years it has been the usual custom, so much so that it has become habitual, for many of the Democratic State conventions to adopt the same idea, and in substance to resolve that the Republican party should be denounced for all past profligate prodigality in granting public lands in aid of railway enterprises, and the Democratic party credited with and complimented for the change in the policy of the Government as to such aid and for the restoration to the public domain of over 50,000,000 acres of the public lands so improvidently granted in pursuance of such vicious policy alleged to be Republican.

And the same idea is being, from time to time, expressed by Democrats, in public life, in political campaigns, and elsewhere, so generally, that by reason of its vehement and apparently honest utterance, very many of our people believe that the policy of making grants of public lands to, or for the benefit of, railway companies was a Republican policy, and that whatever of blame or discredit, if any, attaches to such policy, in the light of subsequent experience, the Republican party should be charged with it; and further, that whatever credit attaches to the efforts which have resulted in restoring the large area of lands which have been reclaimed by the forfeiture acts which have passed Congress in recent years, the Democratic party and its membership is entitled to the sole credit for such action.

Mr. Chairman, these charges and claim for credit which I have just referred to are utterly deceptive, and must be made without even the most casual examination of the record, and in utter disregard of well-known facts of recent history. My committee assignment has caused me to become somewhat familiar with this matter, and I venture, because of the importance of the subject and the prevalence of so much ignorance as to it, where knowledge might well be presumed, to submit some observations upon the situation.

Mr. Chairman, the policy—and I emphasize the word, and desire it to be understood in its fullest sense—the policy, the method of legislative provision for dealing with the question of giving the public lands in aid of building railroads, and which became a settled method of administration for years after, was initiated in 1850 by the passage of the bill making a grant in aid of the Illinois Central Railroad of 2,595,053 acres of the public lands.

There had been prior to this time some small grants made to Ohio, Indiana and Illinois (and small aid to a canal in the then Territory of Wisconsin) for wagon-roads and canals, as will appear by this table, which I will insert, and which includes every grant of public lands made by Congress in aid of railroads, canals, wagon-roads, etc.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, and to aid in river improvement prior and subsequent to March 4, 1861.

[Compiled from the official records of the General Land Office.]

FIRST.—TO AID IN THE CONSTRUCTION OF RAILROADS.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.	Area certified or patented up to June 30, 1888.
Grants to States prior to March 4, 1861.				*Acres.*	*Acres.*
Illinois Central	Illinois	6 and 15	Sept. 20, 1850	2,595,053.00	2,595,053.00
Mobile and Ohio River	Mississippi	do	do	1,004,640.00	737,130.29
Do	Alabama	do	do	230,400.00	419,528.44
Hannibal and St. Joseph	Missouri	do	June 10, 1852	781,944.00	603,186.34
Pacific (Southwest branch)	do	do	do	1,161,235.07	1,164,164.51
Cairo and Fulton	do / Arkansas	do	Feb. 9, 1853	1,178,411.05	1,178,411.05
Little Rock and Fort Smith	do	do	do	550,584.09	550,534.09
Memphis and Little Rock	do	do	do	438,646.00	127,238.00
Burlington and Missouri River	Iowa	do	May 15, 1856	948,643.66	388,934.08
Mississippi and Missouri [Chicago, Rock Island and Pacific]	do	do	do	1,261,181.00	607,461.68
Iowa Central Air Line [Cedar Rapids and Missouri River]	do	do	do	1,298,739.00	1,032,363.28
Dubuque and Pacific	do	do	do	1,226,163.00	1,155,956.54
Florida, Atlantic and Gulf [Pensacola and Florida]	Florida	do	May 17, 1856	1,568,729.07	1,304,963.70
Florida, now Atlantic, Gulf and West India Transit	do	do	do	290,183.28	290,183.28
Alabama and Florida	do	do	do	165,688.00	165,688.00
Do	Alabama	do	do	419,520.00	394,522.99
Tennessee and Coosa	do	do	June 3, 1856	132,480.00	67,784.96
Coosa and Chattooga	do	do	do	144,000.00	.....
Wills Valley and Northeast and Southwestern [now Alabama and Chattanooga]	do	do	do	897,920.00	649,676.98
Mobile and Girard	do	do	do	840,880.00	504,145.86
Tennessee and Alabama Central [South and North Alabama]	do	do	do	576,000.00	438,905.99
Alabama and Tennessee Rivers [Selma, Rome and Dalton]	do	do	do	481,920.00	457,215.37
Bay de Noquet and Marquette [now Marquette, Houghton and Ontonagon]	Michigan	do	do	128,000.00	128,000.00
Marquette and Ontonagon	do	do	do	331,509.15	262,446.78
Ontonagon State Line [Brulé River]	do	do	do	217,916.95	.....
Marquette and State Line, afterwards known as the Chicago, St. Paul and Fond du Lac [Chicago and Northwestern].	do	do	do	360,000.00	240,000.00
Amboy, Lansing and Traverse Bay	do	do	do	1,052,469.19	743,009.36
Grand Rapids and Indiana	do	do	do	852,960.12	852,960.12
Detroit and Milwaukee	do	do	do	355,420.19	30,998.75
Port Huron and Milwaukee	do	do	do	312,384.00	6,468.68
Flint and Pere Marquette	do	do	do	586,828.72	512,337.03
La Crosse and Milwaukee, afterwards Madison and Portage	Wisconsin	.....	.....	3,550.00	1,115.38
La Crosse and Milwaukee, afterwards Farm Mortgage Land Company	do	.....	.....	230,546.88	228,661.43
La Crosse and Milwaukee, afterwards West Wisconsin	do	6 and 15	June 3, 1856	297,654.32	296,654.32
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line	Wisconsin	.....	.....	495,047.24	495,047.24
Bayfield Branch	do	6 and 15	.....	319,962.89	319,962.89
Chicago, St. Paul and Fond du Lac [Chicago and Northwestern]	do	do	June 3, 1856	565,575.76	545,575.76
Vicksburg, Shreveport and Texas (now Vicksburg, Shreveport and Pacific)	Louisiana	do	do	610,880.00	353,212.68
New Orleans, Opelousas and Great Western	do	do	do	967,840.00	51,452.03
Southern [Vicksburg and Meridian]	Mississippi	do	Aug. 11, 1856	404,800.00	198,028.41
Gulf and Ship Island	do	do	do	652,800.00	.....
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	do	Mar. 3, 1857	749,183.37	750,627.68
Minnesota and Pacific [St. Paul, Minneapolis and Manitoba]	do	do	do	885,000.00	388,223.09
Southern Minnesota and Minnesota Valley [St. Paul and Sioux City]	do	do	do	606,000.00	688,133.11
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	386,041.80	107,823.97
Winona and St. Peter	do	do	do	846,000.00	1,006,072.39
Southern Minnesota	do	do	do	59,619.45	59,619.45
Total to States prior to March 4, 1861, to aid 47 railroads				30,470,920.25	23,105,467.98
Grants to States made subsequent to March 4, 1861.					
Leavenworth, Lawrence and Galveston	Kansas	10 and 20	Mar. 3, 1863	800,000.00	69,104.95
Atchison, Topeka and Santa Fé	do	do	do	3,000,000.00	2,934,522.86
Union Pacific, Southern Branch, afterwards the Missouri, Kansas and Texas	do	do	do	1,520,000.00	712,895.18
St. Joseph and Denver City	do	do	July 23, 1866	1,700,000.00	462,573.24
Portage, Winnebago and Lake Superior, Wisconsin Central	Wisconsin	do	May 5, 1864	1,800,000.00	785,190.68
La Crosse and Milwaukee, afterwards West Wisconsin, now Chicago, St. Paul, Minneapolis and Omaha.	.....	.....	do	624,843.21	478,321.03
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line	.....	.....	May 5, 1864	291,799.26	287,644.64
Bayfield Branch	.....	.....	do	144,399.51	142,692.24
Lake Superior and Mississippi, now St. Paul and Duluth	Minnesota	10 and 20	do	920,000.00	828,581.00
Sioux City and St. Paul	Iowa	do	May 12, 1864	524,800.00	381,852.88
McGregor Western	do	do	do	1,536,000.00	324,014.07
Grand Rapids and Indiana	Michigan	do	June 7, 1864	852,960.00	852,960.12
Southern Minnesota and Minnesota Valley	Minnesota	do	May 12, 1864	404,000.00	458,755.41
Bay de Noquet and Marquette [Marquette, Houghton and Ontonagon]	Michigan	do	Mar. 3, 1865	.....	.....
Marquette and Ontonagon [Marquette, Houghton and Ontonagon]	do	do	do	221,006.10	164,964.52
Peninsula [Chicago and Northwestern]. (See Marquette and State line)	do	6, 15, and 20	July 5, 1862 / Mar. 3, 1865	240,000.00	207,130.24
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	20	do	500,000.00	258,815.39
Do	do	do	do	499,455.58	500,418.45
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	257,361.20	71,882.66
Winona and St. Peter's	do	do	do	564,000.00	670,714.92
Southern Minnesota	do	do	July 4, 1866	735,000.00	454,562.38
Hastings, Minnesota and Red River of the North, now Hastings and Dakota	do	do	do	550,000.00	312,770.77
Total to aid 23 railroads				17,775,624.86	11,360,367.57
Grants directly to corporations made subsequent to March 4, 1861.					
Union Pacific	.....	20	July 1, 1862 / July 2, 1864	12,000,000.00	2,616,258.08
Leavenworth, Pawnee and Western:					
Denver Pacific	.....	do	July 1, 1862	1,000,400.00	164,721.51
Kansas Pacific	.....	do	do	6,000,000.00	963,714.02
Central Pacific and Western	.....	do	July 1, 1862 / July 2, 1864	9,000,000.00	1,040,210.59 / 447,768.03
Hannibal and St. Joseph [Union Pacific, Central Branch]	.....	20	do	781,944.83	218,250.08
Sioux City and Pacific	.....	10	do	60,000.00	41,398.23
Burlington and Missouri River	.....	No limits	do	2,441,600.00	2,373,290.77

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, etc.—Continued.

FIRST.—TO AID IN THE CONSTRUCTION OF RAILROADS—continued.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.	Area certified or patented up to June 30, 1888.
Grants directly to corporations made subsequent to March 4, 1861—Continued.				*Acres.*	*Acres.*
Northern Pacific		10, 30, 40, and 50	July 2, 1864	47,000,000.00	1,037,359.21
California and Oregon [Central Pacific]		20 and 30	July 23, 1866	3,500,000.00	1,362,433.61
Oregon Central [Oregon and California]		do	July 25, 1866	3,500,000.00	322,062.40
Atlantic and Pacific		20, 30, 40, and 50	July 27, 1866	42,000,000.00	959,206.87
Southern Pacific		20, 30, and 50	do	9,520,000.00	1,040,430.03
Oregon Central [Oregon and California] forfeited		20 and 25	May 4, 1870	1,200,000.00	
Southern Pacific, branch line		20 and 30	Mar. 3, 1871	3,520,000.00	187,719.65
New Orleans, Baton Rouge and Vicksburg		do	do	3,800,000.00	679,287.64
Texas Pacific		20, 30, 40, and 50	do	18,000,000.00	
Stockton and Copperopolis		10 and 20	Mar. 2, 1867	320,000.00	
Total				163,643,944.83	13,454,111.02

SECOND.—LAND GRANTS MADE BY CONGRESS IN AID OF THE CONSTRUCTION OF MILITARY WAGON-ROADS.

Route of road.	State.	Mile limits.	Date of granting act.	Estimated area of entire route.	Area certified or patented up to June 30, 1888.
Grants for wagon-roads prior to March 4, 1861.				*Acres.*	*Acres.*
From the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut reserve.	Ohio		Feb. 28, 1823	49,177.45	49,177.45
From Columbus to Sandusky	do		Mar. 2, 1827	31,596.09	31,596.09
From Lake Michigan, via Indianapolis, to some convenient point on the Ohio River	Indiana	One section per mile.	do	170,580.24	170,580.24
Total grants prior to 1861				251,353.78	251,353.78
Grants for wagon-roads subsequent to March 4, 1861.					
From Fort Wilkins, Copper Harbor, Mich., to Green Bay, Wis	Michigan	3 and 15	Mar. 3, 1863	321,013.36	221,013.36
Do	Wisconsin	do	do	302,930.96	302,930.96
From Saginaw to the Straits of Mackinaw	Michigan		June 20, 1864		
From Grand Rapids to the Straits of Mackinaw	do				
From Wausau to Lake Superior	Wisconsin		June 25, 1864		
From Eugene City, Oregon, to the eastern boundary of State [Oregon Central military road].	Oregon		July 2, 1864 Dec. 26, 1866	720,000.00	402,240.67
From Corvallis to Yaquina Bay	do	3	July 4, 1866	76,885.98	76,885.98
From Albany, Oregon, to eastern boundary of said State [Willamette Valley and Cascade Mountain].	do		July 5, 1866	548,749.53	548,749.53
From Dalles City to Fort Boisé	do	3 and 10	Feb. 25, 1867	556,800.00	126,910.23
From Coos Bay to Roseburgh	do	3 and 6	May 3, 1869	104,000.01	104,000.01
Total grants subsequent to 1861				2,530,379.84	1,782,730.74
Grand aggregate				2,781,733.62	2,034,084.52

THIRD.—LAND GRANTS MADE BY CONGRESS TO STATES IN AID OF THE CONSTRUCTION OF CANALS.

Date of grant.	Object of grant.	Grantee.	Number of acres certified under grant.
	Grants prior to March 4, 1861.		
Mar. 2, 1827	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie.	State of Indiana	234,246.73
May 99, 1830	do	do	29,552.50
Feb. 27, 1841	Same as above, but relating to that part of canal between Tippecanoe Creek and Terre Haute	do	259,368.48
Aug. 29, 1842	In aid of that part of canal covered by act of 1827	do	24,219.83
Mar. 3, 1845	To aid in extending and completing the Wabash and Erie Canal from Terre Haute to the Ohio River at Evansville.	do	796,630.19
May 9, 1848	For entire length of canal as above described	do	113,348.23
Mar. 2, 1827	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie (so far as the same is in the State of Ohio).	do	292,223.51
June 30, 1834	do	State of Ohio	
Aug. 31, 1852	do	do	
Mar. 2, 1827	To aid in opening a canal to unite the waters of the Illinois River with those of Lake Michigan	State of Illinois	285,669.11
Aug. 29, 1842	do	do	5,750.26
Aug. 3, 1854	do	do	32,898.31
May 24, 1828	To aid in extending the Miami Canal from Dayton to the Maumee River at the mouth of the Auglaize River.	State of Ohio	438,301.52
April 2, 1830	do		
Aug. 31, 1852	do		
Mar. 2, 1855	do		
May 24, 1828	SEC. 5. To aid in the construction of canals in the State of Ohio	State of Ohio	499,997.12
June 18, 1838	To aid in opening a canal to unite the waters of Lake Michigan at Milwaukee with those of Rock River, between the point of intersection with said river of the line dividing townships 7 and 8 and the Lake Koshkonong.	Territory of Wisconsin	138,995.99
Aug. 26, 1852	To aid in construction of a ship-canal around the falls of the St. Mary's River	State of Michigan	749,983.06
	Total grants prior to 1861		3,991,189.74

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, etc.—Continued.

THIRD.—LAND GRANTS MADE BY CONGRESS TO STATES IN AID OF THE CONSTRUCTION OF CANALS—continued.

Date of grant.	Object of grant.	Grantee.	Number of acres certified under grant.
	Grants subsequent to March 4, 1861.		
Mar. 3, 1865	To aid in construction of breakwater and harbor and ship-canal through any public lands upon the neck of land known as "The Portage."	State of Michigan	399,992.40
July 3, 1866	....do	....do	
Apr. 10, 1866	To aid in construction of breakwater and harbor and ship-canal to connect the waters of Green Bay with those of Lake Michigan.	State of Wisconsin	199,630.98
July 3, 1866	To aid the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle.	State of Michigan	100,011.67
	Total grants subsequent to 1861		699,635.05
	Grand total		4,600,824.79

FOURTH.—LAND GRANTS MADE BY CONGRESS TO STATES IN AID OF RIVER IMPROVEMENT.

	Grants prior to March 4, 1861.		
May 23, 1828	To aid in the improvement of the Tennessee River, State of Alabama, etc	State of Alabama	400,016.19
Aug. 8, 1846	To aid in improving the Fox and Wisconsin Rivers, in Wisconsin, and constructing canal to unite said rivers, etc.	Territory of Wisconsin	683,802.43
Aug. 3, 1854	....do		
Mar. 3, 1855	....do		
Aug. 8, 1845	The improvement of the Des Moines River, below Raccoon Fork	State of Iowa	322,392.18
	Total grants prior to 1861		1,406,210.80
	Grants subsequent to March 4, 1861.		
July 12, 1862	Extended grant above Raccoon Fork, for improvement of the river, and the construction of a railroad along the river bank.	State of Iowa	569,382.28
	Total grants subsequent to 1861		569,382.28
	Grand total		1,975,593.08

Recapitulation of land grants made by Congress to States and corporations for railroads and wagon-road purposes prior and subsequent to March 4, 1861.

Grants.	Acreage granted.	Acreage certified or patented.
Prior to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	30,470,920.25	23,105,467.98
Grants for wagon-road purposes	251,353.78	251,353.78
Grants for canal purposes	3,901,189.74	3,901,189.74
Grants for river-improvement purposes	1,406,210.80	1,406,210.80
Total	36,029,674.57	28,664,222.30
Subsequent to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	17,775,624.86	11,360,367.57
Grants for wagon-road purposes	2,530,379.84	1,782,730.74
Grants for canal purposes	699,635.05	699,635.05
Grants for river-improvement purposes	1,975,593.08	1,975,593.08
Total	22,980,232.83	15,818,326.44
DIRECTLY TO CORPORATIONS.		
Grants for railroad purposes	163,643,944.83	13,454,111.02
Total of all grants made subsequent to March 4, 1861	186,624,177.66	29,272,437.46

Mr. Chairman, the Illinois Central grant was the first made to aid a railroad company and to present to Congress the question of the policy of aiding railroad enterprises by donations of the public lands.

This was in 1850, in a Democratic Congress, and all constitutional questions were debated by the great men then in public life; on it Senator Douglas laid the foundation of his great fame. The bill passed the Senate, the following Democrats voting yea: Messrs. Atchison, Badger, Bell, Benton, Borland, Bright, Cass, Corwin, Davis of Mississippi, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Foote of Mississippi, Houston, Jones, King, Mangum, Morton, Sebastian, Seward, Shields, and Smith—26.

Nays—Messrs. Bradbury, Butler, Chase, Clark, Dawson, Dayton, Hunter, Miller, Norris, Phelps, Pratt, Turney, Wales, and Yulee—14.

In the House of Representatives the bill passed by 101 to 75, and the policy became settled by the approval of the bill by the President.

The next act of this character was that of June 10, 1852, to the State of Missouri, in aid of the Hannibal and St. Jo road and the Southwest Pacific, aggregating nearly 2,000,000 acres, followed by the grant to Arkansas of February 9, 1853, in aid of the Cairo and Fulton Railroad, and involving more than a million acres.

Then came the grants made in 1856 and 1857 to Iowa, Florida, Alabama, Michigan, Wisconsin, Louisiana, Mississippi, and Minnesota.

A recurrence to the Globe at the dates of the passage of any of these acts will disclose fully and conclusively two things: first, that this question of policy was definitely settled, and by a Democratic Congress, that it was the proper and politic thing to do for Congress to aid in the construction of railroads by grants, donations of the public lands; and, second, that no party questions were considered by those in Congress as involved; but the measures, all of them, had the support of gentlemen of all parties, and their votes were controlled only by the questions of expediency and fairness in each particular case.

The great Alabama grant passed the Senate without a division; and the great grant to Florida passed the Senate the same way, under the charge of Senator Yulee, who voted against Douglas's Illinois Central bill in 1850.

In the House, on the debate on this bill, Mr. Bennett, of New York, having the bill in charge, said:

This bill, with others like it, comes from the Committee on Public Lands, favorably and, with one single exception, unanimously reported.
Congress has adopted the principle of giving lands to the new States for rail

road purposes, and on what principle can lands be given to Illinois, Missouri, and Arkansas, and other States, and be refused to Florida, etc.?

The bill passed the House by an overwhelming majority.

As will be seen by the table, there were grants made in aid of forty-seven railroads by Congress before the Republican party came into power in 1861.

It has been repeatedly stated, iterated and reiterated, in this House and in the country, that whatever practice obtained while the Democracy was in power, of making grants to States direct, an entirely new policy was adopted by the Republicans. The gentleman from Missouri [Mr. STONE], in a late prepared and elaborate speech, said on that question:

When the Republican party ascended into power and took control of public affairs in 1861 an entirely new policy concerning the disposition of our public lands was inaugurated.

The same statement has been repeatedly made by gentlemen on the other side of the House.

It is untrue in fact. By consulting the table I have referred to you will see that the policy of making grants to States was continued, with the exception of the trans-continental routes, which I shall presently notice, and which were regarded as exceptional and required a different policy, as I shall show later.

I take but a single moment, sir, to notice the point made so vehemently on the other side, that in the earlier days the grants were made to the States and not to the corporations direct.

It is the merest, simplest of pretenses to assume that that makes the least difference in principle. The State took these grants always simply as a trustee, and were bound to convey as the railroad progressed; indeed, often did convey the land to the company before the road was built. In effect always it was a grant of land by Congress to aid in the construction of a railroad from points always named, and intended as a donation for that purpose. So there is no difference between the one practice and the other except the form in which the grant was made, and I hope we have heard the last of this claim.

Recurring, then, to the policy and practice of Congress, the table will show that subsequent to March 4, 1861, when the Republicans came into power, grants were made to States, as before, to aid twenty-three railroads, and the records show that in every case the bills respectively were supported and voted for by leading Democrats and opposed by leading Republicans, they dividing not on political but economical lines.

I come now, Mr. Chairman, to the grants to corporations direct, about which so much has been said in criticism recently.

First. Every one of these grants is to one or part of one of the great trans-continental lines of railroad.

I have said these were exceptional cases and required a different policy.

In 1862 there was a public demand, a belief in the urgent necessity of the construction of some line of railroad to the Pacific Ocean, and from the necessity of the case, because several States and Territories must be crossed, because the line must be continuous and under harmonious management, because no corporations existed to carry out the needed work if it was to be done, Congress was compelled to take the course of creating the corporation and give to it the aid direct without State or Territorial control or interference. The plan was to be a national one, and the national authorities alone looked after the disposition of national bounty and the performance of imposed conditions, and very properly so, as all will admit, if the work was to be done as a national enterprise at all. It was a necessity.

Repeating, then, that all these direct grants were severally to one or part of one of the trans-continental lines of road, I call attention to my table. The first road in it is the Union Pacific. The Denver Pacific and the Kansas Pacific are both parts of that system and provided for in the original act of 1862. The Central Pacific and Western completes that line to San Francisco and was provided for in the original act. The Hannibal and St. Joseph (Union Branch, Central Pacific) was provided for by section 13 of the Union Pacific act of 1862; and the Sioux City and Pacific was provided for by section 14 of the Union Pacific act of 1862 and section 17 of the amendatory act of the Union Pacific Railroad of 1864.

The Burlington and Missouri River Railroad in the table was provided for in section 18 of the amendatory Union Pacific act of 1864.

The California and Oregon and Oregon and California make the line from Portland, south to connect, the Northern Pacific and the Central Pacific, Portland to San Francisco.

The Atlantic and Pacific is the route along the thirty-fifth parallel, to the Pacific Ocean, and the Southern Pacific, first noticed, was a line to connect the Atlantic and Pacific from the Needles on the Colorado River with San Francisco.

The next, the Oregon Central, was to connect Portland, the western terminus of the Northern Pacific, with Astoria, at the mouth of the Columbia River, on the Pacific Ocean.

The Southern Pacific, the New Orleans, Baton Rouge and Vicksburg, and the Texas Pacific, constitute the southern or thirty-second parallel route from New Orleans to the Pacific Ocean, at San Diego, with a branch from Yuma to San Francisco.

The Stockton and Copperopolis is a short branch of and part of the Central Pacific system.

These constitute the corporations directly aided, and, if any blame attaches, which I do not discuss now, the charge that the Republican party is to be distinctively blamed for aid to them is as false in fact as foolish in utterance.

Take first, Mr. Chairman, the Union Pacific case; and understand me. I am not arguing the merits or demerits of the schemes. I am giving, and as I believe for the first time, a connected, unpartisan, dispassionate statement of fact, and proving that partisan politics have never been regarded as a factor in these matters, and therefore the pretensions of Democratic partisans either to credit to themselves or discredit to us are utterly without foundation; absolutely so. Take, I repeat, the Union Pacific grant. It is a matter of the clearest, best-remembered history of the early period of the civil war, that the greatest anxiety was felt as to the position of our Pacific coast possessions toward the Union. There was a strong secession feeling in California, and it was felt, and firmly believed in the North, that outside of the usual arguments in favor of railroad connection with the Pacific, these States, especially California, could only safely be kept in the Union by the building of a transcontinental line of railroad.

I need not go over the details of this history; we all know it as well as we know current history of the year. The grant of 1862 was made liberal in lands and in privileges, as was thought, to enlist capital in its building. There was no question of politics in it beyond the question of probability of its effect on the preservation of the Union, as I have said.

The bill passed the Senate on June 20, 1862, by a vote of 35 to 5, such Democrats as Cowan, Davis, Kennedy, Lane of Indiana, Latham, McDougal, Nesmith, Rice, Stark, Willey, and Wilson of Missouri, voting ay, and only 5 against, namely, Howe, King, and Wilkinson, Republicans, and Pierce and Wright, Democrats.

Mr. Chairman, does that vote show party politics or that the question was partisan? It is the weakest of foolishness.

In the House the bill was similarly treated. Of the Democrats who voted for the bill were Messrs. Allen, Biddle, Brown, Clements, Corning, Delaplaine, Edgerton, Haight, Hall, Leary, Menzies, Noell, Perry, Price, Rollins of Missouri, Steele, Ward, and Webster; while of Republicans against it were Babbitt, Baker, Blair, Brown, Buffinton, Chamberlin, Cobb, F. A. Conkling, Diven, Dunn, Harregon, Kellogg, Lovejoy of Illinois, McKnight, Justin S. Morrill, Morris, Pike, A. G. Porter of Indiana, Shanks, Sheffield, Thomas, Wardsworth, Walton, A. S. White, Woodruff.

Does this look like a party vote or the question a party measure? No, sir; the list is the answer. But the enterprise, liberally as it was thought to be endowed, did not progress, and to be very brief Congress again acted; and by the amendatory act of 1864 vastly more liberal terms were offered to secure the road; the right-of-way privilege was enlarged; the grant of land was doubled; the company was given all coal and iron in its lands theretofore reserved; all timber theretofore reserved was given to the company; time of commencing was extended; more liberal terms as to building conceded; a partial issue of bonds on uncompleted road was now permitted.

And mark this: it was also provided that the first-mortgage bonds of the company should have a lien prior to that of the Government, which before was paramount, and other advantages not before conceded. Now, Mr. Chairman, this bill, so extraordinarily liberal, the most so of any ever proposed in this nation, was vigorously supported by leading Democrats, not from party, but patriotic impulses, and among them Messrs. Baldwin, Brooks of New York, Coffroth, English of Connecticut, Kalbfleisch of New York, Julian, Knox of Missouri, Morrison of Illinois, Meyers, Odell of New York, Ross of Indiana, J. B. Steele, W. G. Steele, and Sweat.

I need not do more than to refresh the recollection of gentlemen by calling attention to the vigorous language of Mr. Morrison, of Illinois, in the Forty-ninth Congress, addressed to the gentleman from Indiana [Mr. HOLMAN] especially, in which Mr. Morrison defended and justified his act and vote, and those of his Democratic associates who supported the Union Pacific bill of 1864.

Mr. MORRISON. The Union Pacific Railroad, or system of railroads, owes the United States most of a hundred millons of dollars, counting in the sixty-four millions of bonds guarantied, which to all appearances we shall be compelled to pay.

In the discussion much has been said of the bad bargain and alleged bad faith of the legislation of 1864 on this subject. Well, sir, viewed from this standpoint, it was a bad or hard bargain. If my colleague [Mr. SPRINGER] and the gentleman from Iowa [Mr. WEAVER] had been here then and as wise as they are now, twenty-two years later, they probably would not have been parties to its ratification. [Laughter.] They talk as if they believe we had given away a first-mortgage lien upon a railroad. Why, sir, in 1862 a grant had been made to certain parties; yes, to any parties or anybody who would build a railroad to California and tie it fast onto the Union. Nobody under that legislation put a spade in the ground or built any road. Two years afterward, and after we had tried in vain to obtain the building of the road under the first grant, it became apparent to all that the capital of the country would not take the risk of the enterprise. It substantially declared the capital of the country will not stand second; if you, the representatives of the people, want the railroad built the Government must take the second place and the first risk.

I remember, as the gentleman from Indiana [Mr. HOLMAN] does, some of the occurrences of the occasion. The gentlemen charged with legislation then (the

majority) were on the other side of the Hall. They were especially charged with or took to themselves the control of legislation affecting the conduct of the war. They said from the other side, this grant has been made and offered to the capital of the country and is yet unaccepted. Nobody will under this offer build a road to the Pacific Ocean.

I think if any one will take the trouble to inspect the House Journal it will be found that many members were in doubt as to their votes and more declined to vote than voted for the law now criticised. The gentleman from Indiana [Mr. HOLMAN]—no; I vote ay. I was just out of the Army, a Union man, and he professed to be [laughter], and I believe was. Then, as now, in California there was a bright, intelligent people, largely Southern men, with big brains and big hearts, whose sympathies and aspirations were with the South, and they desired to cast their fortunes with the South also. Men of the North wanted to tie them onto the North. Half way between us and California were a people alien to us in religion, and in everything unfriendly. The question was presented, or believed to be presented, here, will we tie the people of California on with iron bands and bring them near to us, or take the risk, by refusing to do so, of allowing them to unite with the South, as many of their leading men desired to do?

I agreed with those who wanted to bring them near to us by enabling us to get near to them, and, as I remember, after some effort to get it amended, voted for it, and, as I always do, assume whatever responsibility belongs to me. [Applause.] At that time it appeared to me to be the right thing to do, and none of the wise critics of to-day know that it was not the right thing to do. Nearly all, I think all, my anti-war colleagues voted against the bill or did not vote at all. And at that time, while I believed I was tying on California (for the Pacific road bill was then a war measure), many of those who now regard that legislation as a betrayal of people's interests were beating about the bush and very uncertain on every public question of that time. With lights before us to-day it is a very easy thing to talk of grants to great corporations. The grant was an invitation to the capital of the country, an invitation to invest in what was believed to be a most hazardous enterprise, probably never to be undertaken by anybody, but of great national interest. The gentleman from Indiana or my colleague or the gentleman from Iowa was at liberty to invest in it.

I think if the gentleman from Iowa [Mr. WEAVER] had been here he might have voted as I did, perhaps not. The best men in the country voted against it, and some did not vote at all. The two distinguished gentlemen from Pennsylvania [Messrs. KELLEY and RANDALL] were members at the time, but did not vote.

Mr. HENDERSON, of Iowa. Mr. Julian and Mr. English voted for it.

Mr. MORRISON. Several of my colleagues from Illinois did not vote, but I did.

Mr. OUTHWAITE. May I ask the gentleman a question?

Mr. MORRISON. Yes, sir.

Mr. OUTHWAITE. My question is, whether it is not the fact that for years preceding that date the Government had been paying $7,200,000 for transportation from the Missouri River to the Pacific Ocean, and whether that has not been reduced more than one-half by the building of this road?

Mr. MORRISON. The gentleman is most likely correct, but I do not know the facts. In fact, I did not then count things by dollars [laughter] so much as in later years.

Mr. HOLMAN. If the time has not expired I wish to ask my friend a question.

The SPEAKER *pro tempore*. The gentleman from Illinois has one minute left.

Mr. HOLMAN. At the time the acts passed in 1864, had there not been a careful survey made of the route over which the road was to run from the Pacific Ocean to the Mississippi River? Had not the character of the country become to be better known, and was it not understood that the undertaking would not be so extraordinary or perilous as in former years it had been supposed to be? And did not these facts which I have here mentioned come to light soon after the passage of the act?

Mr. MORRISON. Possibly, but that did not afford us any light when the act was passed and when nothing was known here of any survey. The question was presented: "Gentlemen will you build this railroad to the Pacific? Will you take the risk, or will you leave it unbuilt?" That was all the light we had.

Mr. HOLMAN. The corporation had been formed?

Mr. MORRISON. Yes; corporators were in the act of 1862, and there was, I think, an organization, a paper organization; no road; and I have heard and believe that whatever survey was made was not by the corporation or men who afterward built the road.

More than that, sir, Mr. Buchanan, while a candidate for the Presidency in 1856, indorsed the plan of Government aid to Pacific railroads, and after his election more than once officially indorsed the giving such aid in grants of public land, and the Democratic platforms of 1860 both favored aid to transcontinental routes.

This, sir, clearly disposes of this silly talk of distinctive party responsibility as to that project, which question, alone, I am now discussing.

I come next to the Northern Pacific Railroad.

I pass over the earlier attempts to secure aid to the plan, and its support by Republicans and Democrats miscellaneously, and take up at once the bill which passed, making the grant; it passed May 31, 1864, in the House, by a vote of 74 to 20, supported and voted for by the following Democrats: Allen of Illinois, Baldwin of Missouri, Boyd, Coffroth, Eden of Illinois, Eldridge of Wisconsin, Heall, King, Knapp, Lazier, McAllister, Nelson, Noble, Odell, Pruyn, J. B. Steele, W. G. Steele, Sweat, VOORHEES of Indiana, and Ward.

Of Republicans who voted against the bill were Messrs. Alley of Massachusetts, Baxter, Eckley, Elliott, R. E. Fenton, Hulburt, Ingersoll, Littlejohn, Morrill, Orth, Pike, Pomeroy, Schenck, Scofield, Spalding of Ohio, Tracey, E. B. Washburne, Wardsworth, and Wilson, of Iowa.

Does this look like party voting?

In the Senate the bill passed without a division and with no opposition; some amendments proposing lateral lines were opposed, but the main proposition had not a vote against it, and was supported by gentlemen of sainted memory in the Democratic party, such as the late Vice-President, Mr. Hendricks, whose party fealty was never doubted, to my knowledge. [Laughter.]

I read a few sentences from what he said from the Globe of June 27, 1864, page 3291:

Mr. HENDRICKS. The bill before [the Senate proposes to encourage the construction of a very important railroad to connect the waters of Lake Superior with the waters of the Pacific Ocean. Everybody can see at a glance that it is a work of national importance. It proposes to grant lands in a northern latitude where, without the construction of a work like that, the lands are comparatively without value to the Government. No person acquainted with the condition of that section of the country supposes that there can be very extensive settlements until the Government shall encourage those settlements by the construction of some work like this.

I do not think that a work of such national importance ought to be embarrassed in its passage through this body and through the House of Representatives by amendments proposing works that are comparatively local. I have favored a grant of lands to the State of Minnesota where I thought it was right. I was in favor of a grant of lands to aid the road from St. Paul up to Lake Superior. Let that road be made; that forms a connection between the capital of the State of Minnesota and that great body of water, and also, if this road is constructed, with this road; and that is a sufficient connection, I think, for the interests of the State of Minnesota.

The Committee on Public Lands has not been prepared, so far as I understand the views of that committee, to recommend as separate propositions the amendment proposed by the Senator from Minnesota. We did recommend a grant of ten sections per mile on each side of the road from St. Paul to Lake Superior for reasons peculiar to that work; a similar extension of the grants was made to some of the roads in Wisconsin, because of peculiar reasons; but the Senate has not yet agreed that all the grants of a local sort shall be extended as is proposed by the Senator from Minnesota. I am not prepared to say that as a separate proposition I could give the amendment of the Senator from Minnesota my support. There are some reasons that govern my judgment both ways. His proposition ought to be considered separately. One of the roads that he proposes now to increase the grant to has no connection with the Pacific Railroad and never can have except by other roads.

Mr. RAMSEY. What road does the Senator refer to?

Mr. HENDRICKS. The Winona and St. Peter road.

Mr. RAMSEY. It is intended to carry it West.

Mr. HENDRICKS. The Winona road runs from Winona westward to St. Peter or to Mankato, on the Minnesota River, and thus westward with a view of reaching the western boundary of the State of Minnesota—a road that does not and can not touch the Pacific Railroad at all. The other road perhaps may touch the Pacific Railroad at some point away to the northwest, but there is not much probability of a road ever being constructed so far north as that which shall intersect with the proposed road from Lake Superior to Puget Sound. But, sir, without reference to the merits of the local railroads in the State of Minnesota, I suggest to the Senate that it is not proper to burden a great national enterprise with amendments such as are proposed by the Senator from Minnesota.

And again, in speaking of the extending of the privileges to the Union Pacific road, Mr. Hendricks said, and his remarks will be found on page 3256 of the Globe:

I desire to vote for any proposition that will secure a more favorable route for this great work.

And I have yet to find a railroad grant acted on by Congress while Mr. Hendricks was in it that he opposed on principle. I do not believe there was one.

The Atlantic and Pacific grant passed the same way. There was not a vote against it in the Senate; it passed without a division; in the House many leading Democrats supported it and some leading Republicans opposed it; all acting on the ground of policy instead of party or politics.

Last, I come to the Texas Pacific system. After full debate, it passed the Senate without a division—not a Democrat voting against it. In the House the vote was taken first February 21, 1871, amending the Senate bill, and it going to a conference committee, the bill as reported passed March 3, 1871, by a vote of 125 to 64, receiving the following Democratic support and vote: Messrs. Archer, Axtell, Beck of Kentucky, Bethune, Booker, Buck, Connor, Corker, Dockery, Dox, Duke, Hambleton, Hamill, Hamilton, Heflin, Johnson, Jones, Manning, McKenzie, John Morrisey, Mungen, Meyers, W. W. Caine, Schumaker, Shober, J. S. Smith, Strader, Swann, Trimble of Kentucky, Wallace, Wilson, and Young—33.

Do gentlemen still insist or will any say that this was a party vote or indicated a partisan measure?

Mr. Chairman, the conclusion of this matter of the making of these original grants may be summed up in a single sentence: On a review of the record, no man can honestly say that any party capital can be made out of it, and therefore it should not be attempted. [Applause.]

I come now, sir, to the matter of the action of Congress in declaring forfeitures of unearned lands—forfeitures incurred because of the failure of the aided roads to complete them as provided.

I shall speak fully of what had been done, in detail, because the Democratic party in its late national convention, as well as in very many of the State conventions in recent years, has arrogated to itself and its membership the credit of initiating, maturing, and passing the bills by which these lands were reclaimed.

It is very seldom, sir, that I make reference to matters here from a partisan standpoint.

I have found ample work since I have been in public life to occupy my time in the performance of public duty for the public good entirely disconnected from partisan politics; work engaged in because it was for the general welfare and the interest of the whole people. Nothing of a distinctive party character except the tariff has engaged the attention of Congress since I have been here, and my committee assignments and its work have so occupied my time that I have taken no active part in tariff matters; and so engaged I find it impossible to appreciate the eagerness with which some gentlemen rush almost invariably into political debate upon nearly everything presented here.

Lack of knowledge of fact seems to be no obstacle but rather an incentive to lengthy discussion, and what is wanting in knowledge appears to be supplied by vehemence in denunciation of the Republican party and its alleged methods. [Laughter and applause on the Republican side.]

Sir, on the question of these forfeitures there has never been a suggestion of fact tending to give them a partisan aspect.

The policy of making these grants came to an end when the great overland routes were secured. Experience showed that there was no further necessity for the continuance of it, and it ended. The aid was liberal in all cases, extravagant in many; but voted, I have never doubted, in sincerity and good faith by those who were actors.

But with the changed condition as to settlement, value of land, investment of private capital in railroad enterprises where needed, the Congress ceased giving aid and addressed itself to enforcing its contracts with the railroads and insisting upon the forfeitures named in cases of non-performance.

I speak upon this branch of the subject with some hesitancy and embarrassment, because of the necessity of referring to myself and my own action; but I hope that I may be fully understood that what I say is not because of any vanity as to the part I have taken on the subject. But I do confess to a feeling of satisfaction with the performance of my public duty in this behalf.

I have been connected with the matter of these forfeitures from the beginning, and speak with confidence as to details.

This table shows what and all that has been done by Congress to date, and is the work referred to in the Democratic conventions as land reclaimed by forfeiture acts.

Congressional action on land-grant forfeiture bills.

Name of railroad.	Congress.	Acres.
Oregon Central	Forty-eighth	810,880
Texas Pacific	do	18,500,000
Iron Mountain of Missouri	do	300,000
Atlantic and Pacific	Forty-ninth	23,871,360
Tuscaloosa and Mobile		
Mobile and New Orleans		
Elyton and Beard's Bluff		
Memphis and Charleston		*7,000,000
Savannah and Albany		
New Orleans and State Line		
Iron Mountain of Arkansas		
Total		50,482,240

*Estimated.

To this should be added the New Orleans Pacific case in the Forty-ninth Congress, a bill making a partial forfeiture of unearned lands and a confirmation of title to all earned lands, which confirmation was made on the recommendation of the Secretary of the Interior, Mr. Lamar. This passed July 24, 1886, and was called up for passage by Mr. Cobb, chairman of the committee. These cover all forfeitures which have passed Congress and become laws since the agitation began in the Forty-seventh Congress.

The first forfeiture bill reported was in the Forty-seventh Congress, the Ontonagon and Brulé River Railroad, in Michigan, to quiet the title of settlers, reported by Mr. EZRA B. TAYLOR, of Ohio. This was followed by the general bill covering the Southern roads named in the table above and about 7,000,000 acres of land reported by Mr. REED, of Maine, for passage. Next came the Northern Pacific case, in which for the first time was presented the question of power to forfeit lands lying opposite road constructed and accepted by the President, but constructed "out of time."

The majority of the committee held against the power; the minority held the other way, and I prepared its report.

Next came the Texas and Pacific forfeiture, which was favorably reported by Mr. REED, of Maine, August 3, 1882 (Report No. 1803).

These were all that were reported on in the Forty-seventh Congress. Nothing was done in the way of action by the House, as under the rules then in force they could not be reached for consideration.

In the Forty-eighth Congress three of the bills passed. The Oregon Central bill I introduced, reported from the committee, and it passed the House in my charge. It was amended in the Senate and the Senate amendment was concurred in, Mr. Cobb, of Indiana, presenting the conference report, and on the passage of the bill not a vote was cast against it; every Republican voted for it.

Mr. DUNN. Did the Democrats vote against it?

Mr. PAYSON. No, sir; Democrats as well as Republicans voted for it. I will say to the gentleman from Arkansas [Mr. DUNN] that I am endeavoring to prove from the record that the Republican party and its membership have had something to do with securing results for which so much credit is claimed for the Democracy by gentlemen on the other side; and I do not intimate, as will appear in what I have yet to say (for I shall assert it in express terms), that gentlemen on the other side are entitled to any less credit; the gentleman himself to no mean share, for I am glad to indorse him and his work in this line. I hope I may be understood.

The Texas Pacific bill I introduced, reported from the committee, the only speech on the bill I made, and it passed the House, the yeas and nays being called by a unanimous vote with one exception, Mr. Barr, of Pennsylvania, and his vote, as I know, was so cast as a joke, he laughingly remarking that so important a bill ought to have a little opposition. [Laughter.]

Next was the Iron Mountain of Missouri. I introduced the bill. A Senate bill identical with it I reported, and it passed the House under my charge and there was not a vote against it, and every Republican voted for it.

Next in the table is the great Atlantic and Pacific forfeiture, involving nearly 24,000,000 acres.

In the Forty-eighth Congress, December 10, 1883, I introduced a bill to forfeit this grant; the bill was No. 187; it was referred to the Committee on the Judiciary, and subsequently to the Committee on the Public Lands, of which committee I was made a member; no action was taken on the bill till March 6, 1884, when, on my motion, the bill was made a special order for March 7, 1884.

On that day the bill was called up and I offered a substitute for it, moved the adoption of the substitute and that Mr. Cobb, the chairman, report the same to the House for passage; this was carried.

The substitute bill was reported to the House; it was No. 7162; passed the House without a division; was amended in the Senate; a conference committee was appointed; and the bill died in conference.

In the Forty-ninth Congress I introduced the same bill, which passed, the first that was introduced on the subject, and it was referred to the Committee on the Public Lands; later Mr. Cobb introduced the same bill and it was similarly referred.

In the committee Mr. Cobb was directed to report the bill which passed the House in the Forty-eighth Congress, and this was done. Under Mr. Cobb's charge the bill, based on No. 187 of the Forty-eighth Congress, passed and became a law.

The last bill in the table is the one covering the several roads in the South. I introduced the bill, No. 392, December 21, 1885. It was perfected in the committee. Mr. Cobb reported it on my motion, and it passed under his charge without any opposition except a proposal as to the Gulf and Ship Island road, not necessary to be noticed. These, sir, cover all the forfeitures named in the table, and are the ones over which the Democratic party is pluming itself, and taking to itself and its membership all the credit for this Congressional action, and in this connection I again call attention to the fact that with the single exception of a jocular vote not a Republican vote was cast against any one of them, and that except as to some details of amendment, such as the Gulf and Ship Island exception, the votes were always unanimous. [Prolonged applause on the Republican side.]

This statement, I hope, will set at rest this exaggerated, unjust assertion of credit for action by the Democratic party.

But I wish to state, and be fully understood as desiring that full credit shall be given to the members of the Public Lands Committee in all these years for the work they did in connection with myself in working up the legislation, and especially to the former chairman, Mr. Cobb, than whom, in this work, I have never known a more earnest, industrious, patriotic Representative.

The gentleman from Indiana [Mr. HOLMAN] has been earnest in the work, and he and others have had general bills pending for years on the subject, and many other gentlemen, among them the gentleman from Arkansas [Mr. DUNN]. All are entitled to credit. But my precise point here is that there are Republicans who ought to be noticed as to what has been done.

I should be glad to be noticed, and have others on this side credited.

I suppose by reason of my being younger and having given all these matters great attention in the Forty-seventh Congress, and being willing to do a larger share of the work, and the rest being willing I should, the greater burden came to me; and I only state it as I would any other fact, not boasting of any performance of duty beyond or over my committee associates, but that justice may be done us all.

Because, Mr. Chairman, this I say: that what I did in all these matters was done not as a Republican, but as a Representative, for the good of the whole people and with never a thought as to party; and so it was, I fully believe, with all my committee associates. It has been done in an effort to fully perform duty, to earn and deserve that which I prize most of all in public life, and which I believe I have, the confidence, respect, and esteem of that constituency which has so long honored me, a tribute from them meriting my best services, and which I can not hope to fully deserve. [Great applause.]

Mr. PETERS (when the hammer fell during the delivery of the foregoing remarks) said: I ask that the time of the gentleman from Illinois be extended.

Mr. PAYSON. I shall not require more than five or ten minutes.

The CHAIRMAN. Is there unanimous consent that the gentleman from Illinois be permitted to conclude his remarks? The Chair hears no objection.

Mr. PAYSON resumed and concluded his speech as already given.

Mr. ROGERS. It was my understanding that the gentleman from Illinois [Mr. CANNON] would occupy the floor at this time; but I am ready to go on if he is not.

Mr. CANNON. I had an hour, but as my colleague [Mr. PAYSON] had something to say to the House I yielded my time to him.

Mr. ROGERS. I was temporarily absent from the Hall a few moments and did not observe that the gentleman from Illinois [Mr. PAYSON] obtained the floor from his colleague [Mr. CANNON].

I wish to invite the attention of the House to a few observations re-

lating to the subject-matter of the bill. I have no disposition to follow the remarks which have been made by other gentlemen, because they relate to subjects on which I had not expected to speak at this time.

Mr. Chairman, during my temporary absence from the House for about a week during the last month the sundry civil bill was passed. During the consideration of that bill in Committee of the Whole quite a discussion took place in relation to the employment of special attorneys by the Department of Justice, and the appropriation asked for by the Department was not indorsed by the Committee on Appropriations or granted by the Committee of the Whole. A few days ago my friend from Alabama [Mr. OATES], who had given some attention to that subject, placed in my hands (as he was called away to New York by an appointment upon a committee of investigation) a statement of what the Department of Justice desires with reference to an appropriation for the employment of special counsel, and to that subject I wish briefly at this time to invite attention.

It appears from consultation with some members of the committee that the purposes for which the appropriation was asked by the Department of Justice were not sufficiently explained, and I have reason to believe that by placing the facts before the Committee of the Whole at this time an amendment may be accepted which will meet the requirements of the Department of Justice for the proper discharge of the duties imposed upon it by Congress.

It is right I should say that I have not investigated at all in regard to the explanations made by the Department in its estimates or before the Appropriations Committee. I assume that the committee has not understood the absolute necessity for these appropriations, and I do not concern myself at all with the question whether the matters have been properly explained or not.

My object at present is to lay before the Congress and before the country, if I can, the absolute necessity of an adequate appropriation to enable the Department of Justice to employ counsel so that it may carry out the duties imposed upon it by law.

I hold in my hand a statement prepared by the Department of Justice, I suppose, under the direction of the Acting Attorney-General, Mr. Jenks, which presents to the country and presents to Congress the enormous accumulation of work which has fallen on that Department, and I will say from a general knowledge of the affairs of that Department that it will become, if not so now, at an early day absolutely necessary to reorganize that Department. It is the only one in the whole Government which has not grown in the number of its appointments as the country has grown and developed.

Allow me for a moment to rehearse the increased duties placed upon it during the last year, 1887.

First came the act of February 4, 1887, page 385, to regulate commerce. Section 16 requires the district attorney, under the direction of the Attorney-General, to prosecute in cases of violation of act or refusal to obey the orders of the interstate commission. This is entirely a new field of litigation imposed upon the Department of Justice.

Then came the act of February 23, 1887, page 409, prohibiting the importation of opium. This also opens a considerable field of litigation for the officers of the Department.

The act of March 2, 1887, page 464, gives the United States district courts jurisdiction over crimes against the Indian police. I regard that as one of the most important measures which has passed Congress during my service in Congress in relation to the preservation of the peace and order of the Indian Territory and among the Indian tribes.

The act of March 3, 1887, page 505, gives district and circuit courts of the United States concurrent jurisdiction with the Court of Claims over suits against the Government.

Suits heretofore ordinarily prosecuted before the Court of Claims against the Government are now brought in the several district courts of the United States, and this is an additional burden on the district attorneys throughout the country. Of course cases occur occasionally in all the States, and must continue to occur so long as the law is in force, of great importance. And in cases of that character, and particularly in some courts already overcrowded and overworked with public business, and with counsel on the opposite side among the most distinguished lawyers throughout the country, it will become necessary for the proper prosecution of these cases that the district attorney shall have the assistance of able counsel.

Then comes the act of March 3, 1887, page 635 (anti-polygamy act), making certain provisions in relation to the Perpetual Emigrating Fund Company, and the Church of Jesus Christ of Latter Day Saints, and making it the duty of the Attorney-General "to cause such proceedings to be taken in the supreme court of Utah Territory as shall be proper to execute its provisions," which include the annulment of the charters and forfeiture of a large amount of property.

Any one who will take for a moment a cursory glance of the state of things in Utah will see that no ordinary district attorney will be able to carry on the direct duties of his office and conduct also this litigation involving millions and millions of dollars without the assistance of the best counsel in the country. Hence the necessity that there should be an appropriation adequate to the employment of counsel of that character.

Then the act of March 3, 1887, page 488 (railroad commission) authorizes an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes.

United States courts to punish contumacy or refusal to obey a subpœna issued to any person.

Here is another field of litigation, of the widest expanse, highly important to the Government of the United States, involving perhaps hundreds of millions of money, which the Department of Justice is required to carry on without increased compensation for the increased duties imposed upon it.

Then comes the act of March 3, 1887 (page 556), to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes.

The note to this statement says:

Memorandum: A great deal of very important law business growing out of this act has already been imposed upon the Department of Justice.

I ought to stop just here, Mr. Chairman, to say that this duty is imposed by law first upon the Interior Department, which examines into the question and determines whether or not any steps should be taken by the Department of Justice, and its recommendations are placed in the hands of the Attorney-General. He is either, on receipt of them, to disregard the action of the Interior Department absolutely, and refuse to bring the suits, or to take their judgment, if it meets with his view, and institute proceedings in each case and carry them on in the courts to a proper termination. The questions that have originated under this act of Congress have involved thousands of acres of the public domain, and any one will know who is at all familiar with the proceedings of the courts that the district attorney, who must keep up with the current business of the court, can not go into the details of cases of that character which involve an immense amount of work, and properly prepare them and try without the assistance of able counsel.

Then there is the act of July 10, 1886, page 143, to provide for the taxation of railroad-grant lands, and for other purposes; and the person who has prepared this paper cites me, under the title "suits to vacate land titles," to the report of the Attorney-General, embodied in Senate Executive Document No. 169, Fiftieth Congress, first session, where information in regard to this class of suits may be found. These cases perhaps, in addition to what I have already cited, constitute the most extensive and numerous class of litigation, as well as doubtless the most important that have been devolved upon the Department of Justice for the last few years.

Again, we have the timber trespass suits.

In the calendar year of 1887 alone five hundred and ninety-four criminal prosecutions were instituted at the request of the Department of the Interior, and three hundred and thirty-six civil suits for the value of the timber were brought, involving $2,409,162.25. Here, then, are a thousand suits, in round numbers, under this single solitary act, which have been devolved upon the Department by reason of depredations upon our timber lands, and have been brought mainly under the direction of the Interior Department.

The compiler of this paper says further:

In addition to these there are pending civil suits against the Northern Pacific Railroad Company, the Montana Improvement Company, and others, in the Territories of Washington, Idaho, and Montana, for $2,000,000, value of timber unlawfully cut and removed from the public domain. Also, against the Sierra Lumber Company, in Northern California, for an equal amount, and numerous other suits in the different landed States and Territories, aggregating, with those referred to above, in the neighborhood of seven or eight millions of dollars.

In all these cases the Government is opposed by numerous and able counsel, whose fees and retainers amount to hundreds of thousands of dollars.

Now, I need not say that in all these cases it is absolutely essential, in order to preserve the interests of the Government, that the district attorneys should have the assistance of competent persons, and adequate assistance, and that it should be of that character commensurate with the importance of the business. The interests of the Government are at stake, and it would be poor economy in cases involving such important issues to deny the aid of able counsel.

It is said in addition that—

In the Territories there are from four to six district courts. The United States district attorney has frequently important cases in all of them, and business sometimes requires attention at two opposite, widely-separated courts at the same time.

Within the last week we passed through this House without a dissenting voice a bill to provide payment for special counsel employed by the Attorney-General for defending an Indian policemen who was charged with the commission of murder, one of the most peculiar and extraordinary cases that has ever come to my knowledge; a man who did not speak English at all, who had become imbued with the idea that the district attorney was his enemy, and refused to communicate with him, or talk with him, or counsel with him, or have anything whatever to do with him, who refused to take food for fear he would be poisoned; and in addition to that, at the very time when the district attorney's services were most important and most desired to defend this man, the duties of the district attorney called him to a court at a far distant point from where the man was to be tried. Under these circumstances the Attorney-General employed counsel, as under the law he